

NOTTINGHAM ZONING BOARD OF ADJUSTMENT

October 16, 2018

Approved: April 16, 2019

Members Present: Bonnie Winona-MacKinnon, Vice- Chair; Mike Russo, Chair; Teresa Bascom; Terry Bonser; Peter White;

Members Absent: Kevin Bassett, Alternate

Others Present: JoAnna Arendarczyk, Land Use Clerk; Jesse Killingsworth (Liberty Baptist Church), Applicant; Andrew Turco, 28 Revolutionary Lane; James Flanagan, 18 Revolutionary Lane; Thomas Butkiewicz, 2 Washington Lane; Jessica Belle, 2 Washington Lane; Tim Brochu, ADRA Architecture LLC

Call to order: 7:00pm

Public Hearing

Case 18-011-VA

Application from Jesse Killingsworth, requesting a Variance from Article II Section C(2) of the Nottingham Zoning Ordinance, to permit the replacement of existing stairs on a means of egress with a portion of the new stairs within the 20' setback. It is 14.6 feet from the road, encroaching 5.6 feet on the setbacks. The property is located at 62 Freeman Hall Road in Nottingham, NH and is identified as Tax Map 14 Lot 8.

Mr. Killingsworth represented himself. He stated that he removed the stairs from the back door and added on 2' on either side. The increase in size makes getting the groceries in and out much easier. The steps have 6" risers thus decreasing the encroachment on the road and reducing the amount the trucks stick into the road when backed up to the door.

Vote:

	Criteria Summary	Board vote - was the Criteria met?
1	Would not be contrary to the public interest	5-0-0
2	The spirit of the ordinance would be observed	5-0-0
3	Would do substantial justice	5-0-0
4	The values of the surrounding properties would not be diminished	5-0-0
5	Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because	5-0-0
A	No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property AND	5-0-0
B	The proposed use is a reasonable one	5-0-0

Total Vote: 5-0-0 Motion Passed

Public Hearing Closed: 7:09pm

Case 18-012-SE

Application from Thomas Butkiewicz, requesting a Special Exception from Article II Section C(2) of the Nottingham Zoning Ordinance, to permit an attached garage, with expanded living space on the second floor (not an ADU) 21 feet from the property line where 50 feet is required. The property is located at 2 Washington Lane in Nottingham, NH and is identified as Tax Map 13 Lot 5 Sublot 7.

Tim Brochu of ADRA Architecture LLC, represented the applicant, Thomas Butkiewicz

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34 who also introduced himself. Mr. Brochu explained the reason for request (file). He also
35 added that they are requesting up to 20' from the property line contrary to the Public
36 Hearing notice. They believe the measurement will be 21' however they verbally request
37 up to 20' to allow for error should there be a need. Mr. Brochu guided the Board through
38 the images in their packets describing them in further detail. He explained that the slopes
39 on the property as well as the conservation easement abutting the property, restricts any
40 possibility of putting the garage in any other location. The depicted expanded living
41 space is an expansion of the master bath for a tub as well the relocation of the washer and
42 dryer to the upper level. Mr. Brochu then reviewed each of the criteria for the Special
43 Exception (SE) (file).

44 Ms. MacKinnon asked why a SE was being sought rather than a Variance (VA) the
45 applicant informed the Board that the Zoning Ordinance (ZO) states that a SE may be
46 granted based on specific criteria being met(See ZO Art. II. C.2). The Land Use Clerk
47 had directed the applicant to seek a VA however the applicant presented the language in
48 the ZO, she agreed she was in error.

49 Mr. Brochu stated that any water run-off will be collected in catch basins to water
50 gardens. He also added that most of the area for the garage is currently paved therefore
51 there will not be much of an increase to the impervious surface.

52 **Public Comment:**

53 Andrew Turko- resident in neighborhood though not a direct abutter - and Jim Flanagan,
54 direct abutter came forward to speak. Mr. Turko believes that the entire neighborhood
55 would be affected by such a structure. When he learned of the case and spoke with other
56 neighbors, he was asked to request the case be tabled for a later meeting date so they
57 could attend and give their input as well. Mr. Turko explained that many of the
58 neighbors were not notified. The Board explained what constitutes as an abutter. The
59 Land Use Clerk confirmed that all abutter's notices were sent out as required (file).

60 Ms. MacKinnon stated that if the Board agreed to postpone the decision on the hearing
61 for 30 days that it was unlikely that any or all of the other neighbors would attend.

62 Mr. Turko was asked if he was concerned that this garage would hurt his property value.
63 His response was that he didn't know if it would or not. He then stated that the request
64 seems excessive. And that there is a reason that the 50' setback was put in the ordinance
65 and that it should be adhered to.

66 It was noted that the residence cannot be seen from the road unless you look straight
67 down the driveway. Also noted was the fact that the only reason this application was
68 before the Board was because the applicant chose to have the garage attached. If he
69 requested a detached garage he the setbacks would be 20' and he would be within those
70 setbacks.

71 The sketch was reviewed by the neighbors who agree that the garage appears nice and in
72 keeping with the current dwelling.

73 Mr. Brochu came back to the microphone. He explained that the appearance from the
74 front is that of a two car garage, which is done to keep the appearance common with
75 surrounding homes. The request to table the decision for a month would reduce the slim
76 chance that Mr. Butkiewicz has to get the garage built before winter so they request that
77 be taken into consideration. Mr. Butkiewicz is confident that his property value would
78 increase in addition to the improvements he is making to the dwelling due to the
79 condition the previous owners left it in (he bought it as a foreclosure).

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80 Board vote per criteria:

	Criteria Summary	Board vote - was the Criteria met?
1.	Whether the goal set forth in NH RSA 674:17 I. will be infringed by granting such special exception; lot	5-0-0
2.	Whether the terrain or configuration of the lot make it more appropriate than not for such a special exception to be granted; AND	5-0-0
3.	Whether the granting of such special exception would adversely impact the neighboring parcels or rural character of the Town.	5-0-0

81 **Discussion:** The applicant commented that Mr. Spearin (4 Washington Lane) the closest
82 neighbor, is supportive but not present.

83 **Total Vote:** 5-0-0

84 The applicant was informed that there is a 30 day appeal window.

85 **Public Hearing Closed:** 7:52pm

86 The abutters asked how to appeal and were advised to contact the Land Use Clerk during
87 her office hours.

88

89 **Public Meeting**

90 Review 2019 calendar-- Approved

91

92 **Minutes-**

93 July 17, 2018

94 **Motion Made By:** Mrs. Bascom to approve the July 17, 2018 minutes as amended.

95 **Seconded By:** Mr. Russo

96 **Vote:** 5-0-0 **Motion Passed**

97 **NEXT MEETING**

98 No hearings at this time. The Board wants the November 20, 2018 meeting canceled if
99 there aren't any cases.

100 **ADJOURNMENT**

101 **Motion Made By:** Ms. MacKinnon

102 **Seconded By:** Mr. White

103 **Vote:** 5-0-0 **Motion Passed**

104 **Adjourn at:** 8:04 pm

105 For the Nottingham Zoning Board of Adjustment

106 JoAnna Arendarczyk; Land Use Clerk