

NOTTINGHAM ZONING BOARD OF ADJUSTMENT

June 19, 2018

1 *Approved: September 18, 2018*

2 **Members Present:** Mike Russo, Chair; Bonnie Winona-MacKinnon, Vice- Chair; Teresa
3 Bascom; Terry Bonser; Peter White; Kevin Bassett, Alternate

4 **Members Absent:** Kathy Bowse, Alternate

5 **Others Present:** JoAnna Arendarczyk, Land Use Clerk; Scott LaPointe, Atty. for
6 Connors; June Proko, Abutter; Terry Connor, Applicant; Laurie Nickerson, Applicant;
7 Raymond Bisson, Nickerson Surveyor; Peter Landry, Connors Surveyor; Peggy
8 Weisman, Abutter; Peter Loeser, Applicant; Debora McLaughlin, Abutter; Nan Vigars,
9 Abutter

10 **Call to order:** 7:04pm

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12 **Public Hearing Opened:** 7:04pm

13 **Recess Until:** 7:15pm- to review last minute document submittal

14 **Meeting Reconvened:** 7:15pm

15 **Case 18-004-VA** Application from Terrance and Kelly Connor requesting a Variance
16 from Article II C.1(a) to permit a new dwelling with 0' of frontage on a Class V road or
17 better, where 200' is required. The property is located on Hanlon Hill Road/ Mooers
18 Road in Nottingham, NH and is identified as Tax Map 72 Lot 16 Sub lot A.
19 Attorney Scott LaPointe, represented the applicant. The late submittal of documents was
20 provided to prove the lot as an established lot of record. It included a formal survey of
21 boundary lines. The attorney spoke to the criteria outlined in the application. Mr.
22 Landry, Surveyor, also spoke to the projects history and the septic approval process for
23 this case.

24 **Board/ abutters comments:**

- 25 • The Board questioned why the Variance was required after work on the property
26 had started.
 - 27 ○ Granted approval by state and town for construction of septic
 - 28 ■ The new Building Inspector (Russ Bookholz):
 - 29 • Failed the Bed Bottom inspection
 - 30 • Stop-order given on all construction
 - 31 • Informed of required Variance for construction of new dwellings on
32 private roads
- 33 • No comments from other abutters present or otherwise

34 **Motion Made By:** Mr. Russo to accept case 18-004-VA on two conditions:

- 35 1. Sign Agreement and Release Regarding Building Permit on a Private Road to be
36 filed with Rockingham Registry of Deeds
- 37 2. Install gutters and dry well catchments to slow water runoff

38 **Seconded By:** Mrs. Bascom

39 **Vote:** 4-1-0 **Motion Passed**

40 **Public Hearing Closed:** 7:48pm

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42 **Public Hearing Opened:** 7:50 pm

43 **Case 18-005-VA** Application from Peter Loeser and Joy V. Riddell, requesting a
44 Variance from Article II Section C.1(a) of the Nottingham Zoning Ordinance, to permit
45 an addition, large equipment storage shed and ADU/garage on a private road. The

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property is located at 53 White's Grove Road in Nottingham, NH and is identified as Tax Map 63 Lot 81.

Mr. White recused himself - Mr. Bassett seated

Point of order stated by Mr. Chairman that an appeal window has been opened for the Whites. The Tax Maps did not depict the White's as an abutter therefore they did not receive a Public Hearing Notice. Based on this error with the Tax Maps the applicant agreed to continue the Public Hearing to July 17, 2018. To allow the White's family to be notified of Public Hearing.

Motion Made By: Mr. Russo to continue Case 18-005-VA on July 17, 2018 at 7pm in conference room #1.

Seconded By: Mrs. Bascom

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

Public Hearing Closed: 8:03pm

Mr. White reseated

Public Hearing Opened: 8:03pm

Case 18-006-VA Application from Stephen & Laurie Nickerson, requesting a Variance from Article II Section 2 of the Nottingham Zoning Ordinance, to permit construction of a new dwelling, well and septic with a 10.2 foot side setback for building; 14 foot front setback and 13.2 foot side setback for septic where 50 feet is required. In addition they also request a variance from Article II C.1A of the Nottingham Zoning Ordinance to permit a new dwelling with 70 feet of frontage on a private road where 200 feet of frontage on a class V road or better is required. The property is located at 41 Shore Drive in Nottingham, NH and is identified as Tax Map 68 Lot 46.

- Raymond Bisson of Stonewall Surveying represented the applicant and spoke of background on dwelling and addressed the variance criteria
- Plan were presented that depict gutters and drywells to be installed

Board discussion:

- Reviewed the comments from the Board of Selectman after their review of the case (attached)
- Deed restrictions were mentioned and the Board agreed that they are private restrictions, only abutters and Cahill (deceased) can enforce them
 - No abutters present

Motion Made By: Mrs. Bascom to accept the Variance request for Case 18-006-VA from Article II Section 2 with one condition:

1. Owner must sign Agreement and Release Regarding Building Permit on a Private Road to be filed with Rockingham Registry of Deeds

Seconded By: Mr. Bonser

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

Public Hearing Closed: 8:20pm

Mr. Bassett stepped away from the ZBA table to present his case as the next applicant.

Public Hearing Opened: 8:23pm

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Case 18-007-VA Application from Kevin Bassett, requesting a Variance from Article II Section 2 of the Nottingham Zoning Ordinance, to permit a 12'x24' carport with a 12-foot front setback where 20 feet is required. The property is located at 101 Shore Drive in Nottingham, NH and is identified as Tax Map 68 Lot 15.

- Mr. Bassett represented himself
 - Presented pictures to depict the need for his request
 - Read the application criteria for his request

Board discussion:

- Questioned the effect of the turnaround area from a previous case that could interfere with the proposed location of the carport
 - Construction hasn't started therefore the effect is unknown

No other discussion and no abutters present

Motion Made By: Ms. MacKinnon to approve Case 18-007-VA as requested.

Seconded By: Mr. White

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

Public Hearing Closed: 8:34pm

Finding of facts sheets filled out for: Cases- #18-006-VA & #18-007-VA

Public meeting:

Review draft policy for building permit applications on private and class VI roads

- Suggestion to ultimately make the Zoning Board of Adjustments the appeal process after review by the Board of Selectman

Minutes:

May 15, 2018

Motion Made By: Mrs. Bascom to approve as amended

Seconded By: Mr. Russo

Vote: 4-0-1 **Motion Passed**

Adjournment:

Motion Made By: Mrs. Bascom

Seconded By: Mr. Russo

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

Adjourn at: 9:14pm