

NOTTINGHAM ZONING BOARD OF ADJUSTMENT

October 18, 2011

PUBLIC SESSION

Approved & Amended

PRESENT:

Mike Russo, Chair
Peter Landry, Vice Chair
Terry Bonser
Romeo Danaïs
Bonnie Winona

ABSENT:

Kevin Bassett, Alternate
Jim Crowell, Alternate

OTHERS PRESENT:

Ms. Lisa Sears, Land Use Clerk
Curt Naleid
Stephen Derboghosian
Jeannette Daskey

Chair Russo called the meeting to order at 7:02pm. With agreement from the Board members, Chair Russo moved the review of the minutes until after tonight's case. Chair Russo explained tonight's procedure and called the case.

Case 11-07-V Application from Curt Naleid for a Variance to Article II Section C.2 & Article B.2, *to build a single car garage within 11' from side setback and within 8' from seasonal wetlands when 20' is the standard.* The lot in question is located at 19 North River Lake Road, identified as Tax Map 1 Lot 32a, and is owned by Stephen DerBoghosian & Catherine Feria.

Mr. Landry disclosed that he has worked with Mr. Naleid on other projects but not this one. He believes there is no conflict. No other members of the Board disagreed.

Mr. Naleid representing the owners explained that his interpretation of the current Zoning Ordinance and how he had applied for a Variance and not a Special Exception. The Board agreed. He also noted that they have approval from the State (NH DES Shoreline Protection permit) on this project. Mr. Naled went on to explain that the lot is unique because there is a private road going through it and because of the location of the leach field and location wetlands. He added that it is a small wooded, lakeside lot with no structures currently on it and that the home is located on the adjacent lot, closest to the lake. He noted the owner would like a one car garage for storage with a gravel drive in front of it.

Various questions from Board members where on the exact details of the location of the wetlands; and if the "ditch" marked on the plan were in fact wetlands. It was noted that Mr. Colby and he had decided to be conservative and call it wetlands and ask for the variance while before the Board rather than have to possibly have to return to the Board again if the Board believed it was wetlands and they hadn't applied for it. There was speculation that the ditch was man made drainage ditch. It was also noted there were not any obvious wetland vegetation in the ditch area.

During the discussion, the Board reviewed the application, the answers to the criteria and whether the standard was 75' from wetlands or 20'. It was noted that the right section (75') was applied for but what the applicant wrote on the application (20') was incorrect.

Mr. Russo explained, having visited the lot that the make up of the whole area was a large bog like area towards the back, with a wooded area. Mr. Landry raised concerns about the roof run off with the close proximity of the wetlands; including possible erosion in the ditch area. He also asked about grading. Mr. Naleid noted it was mostly flat and they would like to have minimum impact. Mr. DerBoghossian also noted there will be no lawn. It was noted that the garage was approximately 125' from the lake.

At different points, during the case, both Mr. Landry and Mr. Bonser discussed possibly changing the location to further back, with a longer driveway. Mr. DerBoghossian and Mr. Naleid both explained that how tight the area was and the grade change due to the leach field and how they didn't want to remove more trees and make a longer driveway with greater impact. They believe that there it would be better to have less impact and allow the Variance to the ditch area than more of an impact to the definite wetlands and removal of more trees. Mr. DerBoghossian added that he wanted the garage to fit in to the surrounding and existing home, later adding the siding and finishes will match the existing home. He noted that he could have had a 2 car garage with the home on the lake side lot but it was too overpowering for the home/lot.

Mr. Russo asked if any abutters had questions. Ms. Daskey, the abutter behind the lot reviewed the plans and noted that she didn't believe it would affect her property and had no objection to the variance. Ms. Winona asked about the abutter that this would most impact. Mr. DerBoghossian told the Board that the abutter had told him that they had no problem with the project.

Point of Order: Mrs. Sears briefly left the meeting, during the discussion, to get a copy of the Zoning Ordinance.

The Board reviewed the criteria on the application; including another discussion on possibly moving the location of the garage further back and if the ditch was wetlands. Mr. Landry noted that he had not been to the site for a visit

Mr. Russo noted having seen the lot, that he prefer to have the corner of the garage close to the ditch than move it to the rear and have a much greater impact to the large wetland/bog area, and the large amount of trees removed that would be required to place it back.

Discussion was on procedures for making conditions and motions. The Board decided to make individual motions for conditions before the actual motion to approve or deny.

MOTION by Ms. Winona to have the conditions that driveway remains gravel and not paved.

SECOND by Mr. Russo

VOTE 4- Aye. 1- Opposed – 0-Abstained MOTION PASSED

MOTION by Mr. Landry to have the conditions that gutters and downspouts directed away from the wetlands as much as possible, to avoid erosion.

SECOND by Mr. Russo

VOTE 4- Aye. 1- Opposed – 0-Abstained MOTION PASSED

Chair Russo called for any more motions on conditions. There was none.

MOTION by Ms. Winona to approve the Variance for Case #11-07-V for Tax Map 1 Lot 32a, and is owned by Stephen DerBoghossian & Catherine Fera with the conditions already approved in previous motions and that construction begins within one year.

SECOND by Mr. Russo

VOTE 3- Aye. 2- Opposed – 0-Abstained MOTION PASSED

Chair Russo noted the 30 Day appeal process. The Board members filled out the Finding of Fact worksheets.

Review of Minutes

August 23, 2011

Line 119 change *slaso* to *also*

MOTION by Mr. Danais to approve the minutes of August 23, 2011 as amended.

SECOND by Mr. Russo

VOTE 5- Aye. 0- Opposed – 0-Abstained MOTION PASSED

Review of Current Applications

The Board reviewed the current applications noting that they don't use the impervious surface. Mrs. Sears noted she had already changed it on a few applications to show the Board and get their approval. The Board discussed and gave Mrs. Sears permission to continue to remove it from the rest of the applications.

MOTION by Mr. Danais to adjourn the meeting at 8:17pm

SECOND by Mr. Russo

VOTE 5- Aye. 0- Opposed – 0-Abstained MOTION PASSED

Respectfully Submitted,

Lisa L. Sears

Land Use Clerk

139 *These minutes are subject to approval at a regularly scheduled Zoning Board of*
140 *Adjustment meeting at which time the above minutes are corrected or accepted.*