

NOTTINGHAM ZONING BOARD OF ADJUSTMENT

August 23, 2011

PUBLIC SESSION

Approved & Amended

PRESENT:

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

ABSENT:

Kevin Bassett, Alternate
Jim Crowell, Alternate

OTHERS PRESENT:

Ms. Lisa Sears, Land Use Clerk
Charles Bellerose

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 11-06-SE Application from Elissa & Charles Bellerose for a Special Exception to Article II Section C.2, *to build a shed/barn within 3' from side setback and within 20' from the rear setback when 20' is the standard.* The lot in question is located at 54 Raymond Road, identified as Tax Map 54 Lot 6, and is owned by Elissa & Charles Bellerose

Mr. Danais disclosed that he has a partnership with Mr. Bellerose raising chickens and pork which is not conducted on this property but on Mr. Danais (General Butler Farm). Mr. Danais added that he would not benefit in any way, including financially, if the Board granted/not grant Mr. Bellerose's request. The Board discussed and noted that the barn/shed is not for this business.

MOTION by Mr. Russo that should not recuse himself from this case because he will not benefit from its outcome.

SECOND by Mr. Landry

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

The Board reviewed the case, noting all the abutters were notified. Mr. Bellerose reviewed his sketch noting that he has .36 acres, the location of the existing structures and septic system. Mr. Bellerose explained that this was the only location to put the shed along the stone wall aligned with the existing Barn apartment, chicken coop and swings set. It was noted that the house was built in 1756.

Chair Russo asked about the direct adjacent abutter. Mr. Bellerose stated that Mr. Joyce has told him that he has no problem with it. No abutters were present.

Mr. Landry asked Mrs. Sears to read the Article of the Zoning Ordinance that the applicant is applying for. They discussed the wording; noting that it is not completely clear. They discussed what the Barn/Shed would be used for.

Mr. Landry noted that historical nature of this property on the Town Square. Mr. Bellerose explained his plan for the structure; post & beam, board & bat, clapboard. Chair Russo confirmed that the shed was going to be in keeping with the historical nature of the area. Mr. Bellerose agreed.

Mr. Landry discussed various scenarios; like the neighbor putting a shed behind this one on his side. Mr. Bonser noted that the neighbor's lot is not a non conforming and would be required to have a 50' setback or go before this Board for a small setback.

The Board reviewed the photos and briefly discussed the location of any wetlands, and the neighbors leach field. They also briefly discussed an existing right of way through the back, left corner for his neighbor to have access to the rest of his land. It was noted that he could not place the shed/barn there either.

MOTION by Mr. Danais to grant the Special Exception from Article II Section C.2 for Case #11-06-SE for Charles & Elissa Bellerose for TM 54 Lot 6, 54 Raymond Road.

SECOND by Ms. Winona

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

Chair Russo explained the 30 appeal process and the two years to act on this Special Exception per town regulations. The Board completed their Finding of Facts sheets for the record.

Review of Minutes

May 10, 2011

MOTION by Mr. Danais to approve the minutes of May 10, 2011 as written.

SECOND by Mr. Russo

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

May 18, 2011

Line 33 *addition to additional*

Line 50 *discussion to discussing*

Line 121 *of to than*

Line 127 *there to their*

Line 134 *owning to owing*

Line 146 the correct vote is *3-Aye. 2-Opposed-0-Abstained*

Line 167 *Associates to Association*

Line 179 *residence to residents*

Line 180 *believe to believed*

MOTION by Ms. Winona to approve the minutes of May 18, 2011 as amended

SECOND by Mr. Danais

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

July 12, 2011

Line 17 change *applicant* to *applicant's builder*

Line 83 add of *May 10, 2011 & May 18, 2011* after *minutes*

MOTION by Ms. Winona to approve the minutes of July 12, 2011 as amended

SECOND by Mr. Danais

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

New/Old Business/Other Business

Mrs. Sears noted that there were no invoices that needed approval.

Mr. Landry asked the Board's opinion on the impervious surface section of the application and the form that has the "authorization to enter" on it; it should say *Zoning Board* not *Planning Board*. Chair Russo noted that Mrs. Sears can put the review of the applications/paper work on the next agenda, if time allows.

Chair Russo reviewed the correspondence.

Chair Russo called attention to a possible case on Garland Road noting a structure (addition) was built at 17' from side and front setback and it also did not have a change of use application. Chair Russo noted he would be sending a letter to the Board of Selectmen for action by the Code Administrator. It was noted that it sounds like an honest mistake was made and an equitable waiver will probably need to be done.

MOTION by Mr. Danais to adjourn the meeting at 8:02pm.

SECOND by Ms. Winona

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

Respectfully Submitted,

Lisa L. Sears

Land Use Clerk

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