

NOTTINGHAM
ZONING BOARD OF ADJUSTMENTS
April 22, 2014

1 *Accepted: 6-17-2014*

2
3 **Members Present:** Michael Russo, Chair; Bonnie Winona-MacKinnon, Vice- Chair;
4 Terry Bonser; Kevin Bassett, Alternate

5 **Members Absent:** Robert Davidson, Secretary; Romeo Danaïs

6 **Others Present:** JoAnna Arendarczyk, Land Use Clerk; Mr. Landry, Contractor;
7 Steve Rheame, Applicant

8
9 Mr. Chairman called the meeting to order at: 7:00pm

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11 Mr. Chairman stated that the applicant is entitled to postpone the hearing until a full
12 quorum can be present.

13 Mr. Landry stated they will continue the hearing without the full quorum.

14
15 No abutters were present for this hearing.

16
17 **Public Hearing Case**

18 Mr. Chairman read the following Public Hearing Notice:

19
20 **Case 14-004-VA** Application from Steve Rheame for a request for variance from
21 Article II Section C.1 of the Zoning Ordinance to permit an existing lot, less than one(1)
22 acre to be decreased in total area, where two (2) acres is required. Tax Map 67 Lots 23.
23 125 Highland Avenue, Nottingham, NH.

24 *The referenced Zoning Ordinance:*

25 **Article II Zoning Districts and District Regulations**

26 *C. Residential - Agricultural District*

27 *This zoning district shall encompass most of the Town of Nottingham as shown on the*
28 *Zoning Map, as amended. It shall be a zone of low density residential and agricultural*
29 *uses consistent with the Vision of the Master Plan to retain Nottingham's rural*
30 *landscape.*

31 *1. No lot shall be less than two (2) acres in area;*

32
33 Mr. Landry introduced the applicant to the Zoning Board members.

34 He then informed the Board members of the applicant's plans leading to the request for a
35 variance and stated that it is understood that once the Variance is approved they will need
36 to go to the Planning Board for approval of a Lot Line Adjustment.

37 The required supporting information were read by Mr. Landry and are included in the
38 case file.

39 Mr. Chairman stated that he didn't take a site walk before the hearing. He asked a few
40 questions to gain understanding of the location and the road access.

41 Mr. Landry answered his questions satisfactorily giving him a clear picture of the lots
42 involved in the case.

43 Mr. Bonser asked what size septic's are on the homes.

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44 Mr. Landry stated that on Lot 22 there is a 2 bedroom and for Lot 23 they applied for
45 State subdivision approval for 4 bedroom but he designed the septic for 3 bedroom.
46 There is very good soil there as well.
47 Mr. Bassett asked if the road is maintained for emergency access.
48 Mr. Landry replied that the Town of Nottingham plows the road up through Lot 24
49 (seasonal lot) for a turn around.
50 Mr. Bassett suggested that a note be given to the Planning Board regarding the viability of
51 the current Building Permit.
52 Ms. Winona MacKinnon stated that she had a hard time with hardship issue. She
53 requested that Mr. Landry expound on the response and distinguish this lot from other
54 lots.
55 Mr. Bassett suggests responding to the question; if you own Lot 22 why would you give
56 land to Lot 23?
57 Mr. Landry stated that Mr. Rheume owns both lots which makes him stand out. The
58 goal is to balance out the lots. The smaller lot will be enlarged. He plans to put on a
59 garage in the future so while he owns both lots he is requesting a Variance for Lot size to
60 adjust the Lot line to meet the requirement for setbacks and build the garage within the 20
61 foot required setback versus requesting a Variance for a setback issue.
62 Ms. Winona MacKinnon stated that the state statute requires there be something
63 distinguishable and the lot size doesn't appear distinguishable. All the lots surrounding
64 the lots in question are nearly the same size.
65 Mr. Landry stated that the model lot size in town is 2 acres. By adjusting the Lot Line we
66 get each lot closer to that lot size.
67 Mr. Bonser said that Mr. Rheume would be in for a variance for the garage if we don't
68 grant the variance for the Lot Line Adjustment so either way it's a hardship.
69 Mr. Bassett suggested including the garage in this Variance Application to make the
70 intent clearer.
71 Mr. Landry stated that the plan includes "for future improvements" For Lot 22. He stated
72 that according to the Building Inspector the Lot Line Adjustment would not be granted
73 without the Variance from the Zoning Board first. The only way to put the Garage on the
74 lot right now is to go less than 20ft setback which is against the Zoning Ordinance.
75 Ms. Winona MacKinnon stated that her issue is that all the lots being the same or nearly
76 the same size would have just as much of a difficult time fitting a garage within the
77 setbacks as Mr. Rheume.
78 Mr. Rheume then stated that all the other lots have garages.
79 Mr. Landry then stated that if that weren't the case though, those owners hardship would
80 be that they cannot move their Lot lines but Mr. Rheume can. With the Lot line moved
81 Mr. Rheume will be within the setback requirements when building his garage.
82 The discussion then went into a concern of impervious material.
83 Mr. Rheume pointed out that there was already asphalt from a driveway, where the
84 proposed garage would go.
85 Mr. Landry stated that there is 20%- 30% of impervious material including the proposed
86 garage for both lots.
87 Mr. Bassett asked if the Board would like the impervious coverage calculation added to
88 the plan.

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Mr. Landry agreed to that being a condition for the approval. He also added that low impact development protection elements are being installed to help lessen the impact on the impervious material.

The concern of the Hardship issue was clarified further when the referenced line, in the Supporting Information, was pointed out to the Board members.

Motion: Mr. Bonser made a motion to grant the Variance for Steve Rheaume Case 14-004-VA Application for a request for variance from Article II Section C.1 of the Zoning Ordinance to permit an existing lot, less than one (1) acre to be decreased in total area, where two (2) acres is required. Tax Map 67 Lots 23. 125 Highland Avenue, to move the lot line over 30 feet on Lot 22 removing 30 feet from Lot 23.

Second: Made by Mr. Bassett

Vote: 4-0-0 motion passed

Mr. Chairman advised the applicant that the abutters have 30 days to appeal the decision

Public Hearing Closed at 7:45pm

The Board Members filled out the Findings of Facts sheets which are included in the file. Mr. Basset noted that the impervious coverage calculation were not a condition included in the motion.

Mr. Russo decided to send a note to Mr. Stockus, Mr. Colby and Mrs. Arendarczyk to include in the Planning Board Case.

Mr. Bassett left the meeting at 7:54pm

Minutes

April 8, 2014

Motion: Mr. Chairman made a motion to accept the minutes as presented.

Second: Made by Ms. Winona MacKinnon

Vote: 3-0-0 motion passed

Adjournment:

Motion: Bonser

Second: Made by Ms. Winona MacKinnon

Vote: 3-0-0 motion passed

Adjourn at 7:57pm

Respectfully Submitted,

JoAnna Arendarczyk

Land Use Clerk