



## **Town of Nottingham**

P.O. Box 114, 139 Stage Road, Nottingham, NH 03290

•Office 603-679-9597 x1 •Fax 603-679-1013 •E-Mail [plan.zone@nottingham-nh.gov](mailto:plan.zone@nottingham-nh.gov)

# **ZONING BOARD OF ADJUSTMENT PUBLIC HEARING NOTICE**

Notice is hereby given that the Nottingham Zoning Board of Adjustment will hold a public hearing at **7:00 PM on Tuesday December 17, 2019** in Conference Room 1, at the Town Municipal Office to hear the following application:

### **Case 19-014-VAx3**

Application from Lucas Adams for a Variance request from Article II (C) (2) items D, E, & J. To permit an existing ADU to remain in use as is- detached, 860sqft and neither the primary structure or the ADU are occupied by the owner. The property is located at 228 Stage Road in Nottingham, NH and is identified as Tax Map 29 Lot 5.

**Questions?** Contact the Land Use Clerk, JoAnna Arendarczyk

**Ph.:** (603) 679-9597 ext. 1 **E-mail:** [plan.zone@nottingham-NH.gov](mailto:plan.zone@nottingham-NH.gov)

**Mail written comments to the Nottingham Planning Board:** PO Box 114, Nottingham, NH 03290

**For materials pertaining to the hearing go to:** <https://www.nottingham-nh.gov/zoning-board-adjustment>

**THE PUBLIC IS WELCOME TO ATTEND**

Town of Nottingham  
P.O. Box 114  
Nottingham NH 03290



Office (603) 679-9597 x2  
Fax (603) 679-1013  
E-mail: [dsylvia@nottingham-nh.gov](mailto:dsylvia@nottingham-nh.gov)  
[www.nottingham-nh.gov](http://www.nottingham-nh.gov)

Code Administration

## Building Permit Application Denial

Date: 11/13/19  
Owner: Bernard Adams Estate  
Address: 228 Stage road  
Map/Lot 29/5

Applicant has filed for a variance for an existing ADU. Lot has 3.37 acres. Bernard Adams filed for a permit in 2011 for a garage but built an ADU. Mr. Adams passed away in 2019 and his son, Lucas, is the executor of the estate. He is trying to sell the property but is having difficulty because the ADU was never approved. He claims that his father complied with what he was told to do at the time. There is documentation that supports part of this claim.

### Denials:

1. **Article II(C)(2)(section 2)(d)** An ADU is permitted on any residential property in which the owner of record of the property personally resides.
  - Current owner does not reside on property, however this could be rectified if he sells the property.
  
2. **Article II(C)(2)(section 2)(e)** The gross living area of an ADU shall not exceed 750 square feet.
  - ADU has 860 sq. feet.
  
3. **Article II(C)(2)(section 2)(j)** ADU's shall have an interior door provided between the principal dwelling unit and the ADU.
  - The building is not connected.

### Note:

1. Lot has an approved PLAT.
2. A septic design was approved for a one bedroom at this structure at time of construction.
3. Mr. Adams claims that they were told to attach the two structure to make it legal. There is an awkward display of lattice works that serves no purpose other than "connecting" the new garage to the existing primary home.

4. Nottingham has been taxing this property as an apartment rental since construction.
5. The garage was built with a foundation that does not allow for any garage doors. It is clear that it was never built as a garage on the main floor.

Respectfully submitted,

Dale Sylvia  
Code Enforcement



### TOWN OF NOTTINGHAM

139 Stage Road, P.O. Box 114, Nottingham, NH 03290 - email: [plan.zone@nottingham-nh.gov](mailto:plan.zone@nottingham-nh.gov) Tel (603) 679-9597 Fax (603) 679-1013

## Zoning Board of Adjustment Application for Appeal- VARIANCE

**\*PLEASE READ THE APPLICATION RULES AND GUIDELINES BEFORE COMPLETING THE APPLICATION\***

**LOCATION OF PROPERTY:** Street Address 228 Stage Road

029 5

[Back Map](#) [Home](#) [Sub Map](#)

#### Applicant's information:

Name(s):	Lucas Adams		
Address:	13 Northrup Dr, Brentwood NH	Phone #:	(603) 583-5233
		E-mail:	LucasAdams2000@gmail.com

#### Owner(s) information (if same as applicant write same):

Name(s):	Same		
Address:		Phone #:	
		E-mail:	

#### Representative's information (if applicable):

Name(s):	N/A		
Address:		Phone #:	
		E-mail:	

#### Property information:

Lot **Dimensions:** Front 455.18' Rear 241.08' & 257.33' Side 233.3' Side 358.24'

Lot Area: Acres 3.38 acres Square Feet \_\_\_\_\_

Present Use of Property Home with in-law apartment

Proposed Use of Property Home with in-law apartment

#### **Please provide a copy of the recent deed and tax card for this property.**

The signer shall be the owner; or the signer shall provide a letter signed by all the property owners giving the signer permission to represent the owner in presentation of this application.

I certify that the information provided is to the best of my knowledge, complete and correct.

**OWNER(S)** Lucas Adams

Printed name	Signature	Date
Printed name	Signature	Date
Printed name	Signature	Date

**NOTE:** This application is not acceptable unless all statements following have been completed. Additional information may be supplied on a separate sheet if needed.

**VARIANCE REQUEST**

A variance is requested from Article 11(C)(2) Section 2(d, e & j) of the zoning ordinance to permit:  
Approval of existing ADU

\_\_\_\_\_

\_\_\_\_\_

Previous Zoning Board action on this property: None

\_\_\_\_\_

\_\_\_\_\_

**SUPPORTING INFORMATION**

1. The variance would not be contrary to the public interest because:  
This is an ADU that was built in 2011 and was connected to the main house as instructed by the building inspector at that time. After my father passed away when I went to sell the house I learned that the permit for the ADU does not match what was built in 2011. This is not a new building and has not caused harm to the public in the years it has existed.

\_\_\_\_\_

\_\_\_\_\_

2. The spirit of the ordinance is observed:  
The plans for the porches were altered at the time of the construction to connect them as instructed by the building inspector in 2011. This does already have it's own approved septic. ADU's are allowed in Nottingham.

\_\_\_\_\_

\_\_\_\_\_

3. Substantial justice is done:  
Approval of the variance will allow me to fulfill my fathers final wishes as outlined in his will. Rejection of the variance would result in the need to remove the ADU prior to selling the property which would result in a significant cost and delay, or deal with the numerous violations if a subdivision route were explored.

\_\_\_\_\_

\_\_\_\_\_

4. The values of the surrounding properties are not diminished:

\_\_\_\_\_

This has existed for several years already with no negative impact on the surrounding properties.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

A. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) 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

(1) I inherited the property and do not reside on it. My father resided on the property when the ADU was built.

(2) The size and method of connecting it to the primary residence were approved by the building inspector at the time it was built.

ii) The proposed use is a reasonable one.

ADU's are allowed by the town of Nottingham, and it has been in use for several years.

B. If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Rejection of the variance would result in a need to either (a) remove the existing ADU at a substantial cost, or (b) subdivide the property at both a substantial cost and need variances approved for the numerous violations based on set back and frontage violations at the least.

I understand that I **MUST** appear in person at the public hearing

**OR**

If I cannot appear in person,

I will designate the representative or agent, in writing below, to act on my behalf:

**I hereby designate** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**to represent me as a representative/agent in the pursuance of this appeal.**

Property Owner(s) \_\_\_\_\_  
Signature Date Signature Date

Property Owner(s) \_\_\_\_\_  
Signature Date Signature Date

Property Owner(s) \_\_\_\_\_  
Signature Date Signature Date

Property Owner(s) \_\_\_\_\_  
Signature Date Signature Date

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
NH CIRCUIT COURT**

10th Circuit - Probate Division - Brentwood  
PO Box 789  
Kingston NH 03848-0789

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

**CERTIFICATE OF APPOINTMENT  
(Letter of Appointment)**

Case Name: **Estate of Bernard M Adams, III**

Case Number: **318-2019-ET-00368**

On April 22, 2019, the following person(s) was/were appointed to administer the estate of Bernard M Adams, III. The named executor(s) accepted this responsibility.

Executor(s)

Lucas B Adams

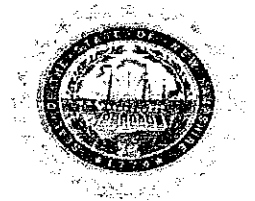
13 Northrup Dr  
Brentwood NH 03833

Home: (617)320-3925

This document, when signed under seal, certifies that this appointment did occur as stated and remains in effect as dated below.

April 22, 2019

/s/ LoriAnne Hensel  
Clerk of Court  
State of New Hampshire  
Rockingham County



This electronic certification stamp meets the statutory requirement for certified or attested documents pursuant to New Hampshire Electronic Filing Pilot Rule 16.



KNOW ALL MEN BY THESE PRESENTS, That We, CARL M. BRISTOL and BARBARA L. BRISTOL of Route 152, Town of Nottingham, County of Rockingham, and State of New Hampshire,

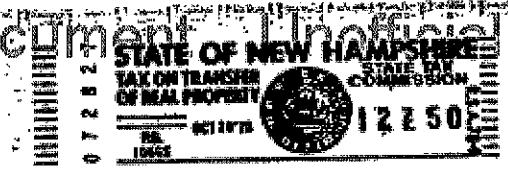
for consideration paid, grant to BERNARD M. ADAMS III and VALERIE J. ADAMS, husband and wife, both of 4836 44th Street, Woodside, County of Queens, and State of New York,

with warranty covenants

as joint tenants with rights of survivorship, and not as tenants in common, and the heirs and assigns of the survivor of them forever, a certain tract or parcel of land with the buildings thereon, situate on the Westerly side of Route 152, in the Town of Nottingham, County of Rockingham and State of New Hampshire, and more particularly bounded and described as follows:

Beginning on the Westerly side line of the said Route 152, at the land now or formerly of the heirs of Thomas E. Fernald; thence running Westerly by the land of said Fernald heirs along an intermittent stonewall to the land now or formerly of Frank Fernald; thence turning and running in a Southeasterly direction towards said Route 152 to a large pine tree at the sideline of said road; thence turning and running Northerly along the westerly sideline of said Route 152 to the point of beginning. Containing four (4) acres, more or less.

Meaning and intending to convey the property conveyed to the grantors by deed of Willard R. Morrison and Ethelind C. Morrison dated June, 1966 and recorded in the Rockingham County Registry of Deeds, Book 1825, Page 295. The description set forth in this deed is meant to correct any description errors set forth in said Morrison deed (Book 1825, Page 295) and is meant to deed all our title and interest in the property located on the westerly side of Route 152 in the Town of Nottingham, County of Rockingham and State of New Hampshire which we now own.



We, Carl M. Bristol and Barbara L. Bristol, both single and unmarried, ~~with husband and wife~~ grantors, release to said grantees, all rights of ~~our~~ homestead and other interests therein.

Witness, OUR hands and seal this

18<sup>th</sup> day of October, 70

Carl M. Bristol - Carl M. Bristol

CARL M. BRISTOL

REPUBLIC RECORDS COUNTY REGISTRY DEEDS 29845

Official Document Unofficial Document

Official Document Unofficial Document

Official Document Unofficial Document

Official Document Unofficial Document

Official Document Unofficial Document

Unofficial Document Unofficial [
QUITCLAIM DEED

KNOW EVERYONE BY THESE PRESENTS, that I, Valerie J. Gofkowski, an
unmarried person of 2747 East Main Street, Town of Whitney Point, County of
State of New York, FOR CONSIDERATION PAID, and pursuant to a Decree of Divorce, See
Rockingham County Superior Court Docket #96-M-961, Bernard M. Adams, III vs. Valerie J.
Adams, grant to Bernard M. Adams, an unmarried person, of 228 Stage Road, Town of
Nottingham, County of Rockingham, State of New Hampshire, with QUITCLAIM
COVENANTS:

Unofficial Document Unofficial Document

A certain tract or parcel of land with the buildings thereon situated on the Westerly side of
Route 152 in the Town of Nottingham, County of Rockingham and State of New Hampshire and
more particularly bounded and described as follows:

Beginning on the Westerly side line of the said Route 152, at the land now or formerly of the
heirs of Thomas E. Fernald; thence running Westerly by the land of said Fernald heirs along an
intermittent stonewall to the land now or formerly of Frank Fernald; thence turning and running
in a Southeasterly direction towards said Route 152 to a large pine tree at the sideline of said
road; thence turning and running Northerly along the westerly sideline of said Route 152 to the
point of beginning. Containing four (4) acres, more or less.

Unofficial Document Unofficial [

Meaning and intending to convey the same premises conveyed to Bernard M. Adams, III
and Valerie J. Adams by deed from Carl M. Bristol and Barbara L. Bristol, dated October 18, 1978,
and recorded at the Rockingham County Superior Court at Book 2324, Page 0637.

DATED: 12/29/99

Kay Cabey
Witness

Valerie J. Gofkowski
Valerie J. Gofkowski

2000 JAN 13 AM 10:12

00002250

ROOM 5145 COLONY
REGISTRY OF DEEDS

Unofficial Document Unofficial Document

Then personally appeared the above-named Valerie J. Gofkowski, and made oath that the
foregoing is true to the best of her knowledge and belief

Roberta L. Bush
Justice of the Peace/Notary Public

ROBERTA L. BUSH
Notary Public, State of New York
My Commission Expires 12/31/03

Unofficial Document Unofficial [

OWNER INFORMATION		SALES HISTORY				PICTURE	
Date	Book	Page	Type	Price	Grantor		
12/01/1999	3449	1709	U138		ADAMS		

EXISTING HISTORY	NOTES
08/07/18 JOVM MARKED FOR INSPECTION	GREY; OIL/CONNECT HEAT BACK UP; 4/08-JLA W/ MAP 29 LOT 8, PLAN#D-34710, ADDS .6289 AC & SUBDIV PLAN #D-35167; 4/12-PU 2ND HSE; 2/14 INFO AT DOOR. DNYI OWNER BUSY; 8/18; NCS PER HO;
04/05/18 INSP	
02/23/17 JBPR	
01/18/16 DMPPR	
02/12/14 JBPR	
04/03/12 DMPPM VERIFY INFO	
05/02/08 CGRM	
04/25/08 HSSL	

EXTRA FEATURES & ALLOCATION		MUNICIPAL SOFTWARE BY AVIAR	
Feature Type	Units	Length x Width	Size Adj
COOPS-POULTRY	480	12 x 40	93
SHED-WOOD	720	12 x 60	82
SHED-WOOD	176	11 x 16	151
FIREPLACE 1-STAND	1		100
			<b>5,200</b>

Year	Building	Features	Land
2017	\$ 265,600		\$ 86,200
2018	\$ 265,600		\$ 86,200
2019	\$ 123,500		\$ 86,200(c)
		Parcel Total: \$ 357,000	
		Parcel Total: \$ 357,000	

(Card Total: \$ 214,900)

LAND VALUATION		LAND VALUATION	
Zone	Minimum Acreage	Minimum Frontage	200
R-AG RES/AGR DIST	2.00		
Land Type	Units	Base Rate	NC Adj Site Road DWay Topography
2F RES	2,000 ac	88,000 E	100 100 100 95 100 -- LEVEL
2F RES	1,376 ac	x 2,000 X	100 100 95 -- MILD
			Cond Ad Valorem SPI R Tax Value Notes
			100 83,600 0 N 83,600
			100 2,600 0 N 2,600
			<b>86,200</b>

Site: AVERAGE Driveway: DIRT Road: PAVED

**OWNER INFORMATION** **SALES HISTORY** **PICTURE**

**ADAMS, BERNARD M**  
 C/O LUCAS ADAMS  
 13 NORTHRUP DR  
 BRENTWOOD, NH 03833

Date	Book	Page	Type	Price	Grantor

**EXTRA FEATURES VALUATION**

Feature Type	Units	Length	Width	Size	Adj	Rate	Cond	Market Value	Notes

**NOTES**

4/08-LIA W/ MAP 29 LOT 8, PLAN#D-34710, ADDS .6289 AC & SUBDIV PLAN #D-35167; UFF NEEDS FLRNG, TRIM, & FIX=2%UC, VIEWED UFF & BMG ONLY, RENTING OUT FFF; 2/14 DNVL HO STATES UC=FIN FLRS+TRIM. 1/16 PER TENANT AT DOOR, DNVL; HE STATED NC; 2/17 NOH, EST INT=100%

**LAND VALUATION**

Zone: Minimum Acreage: Minimum Frontage: Site:  
 Land Type 2F RES Neighborhood: Cond Ad Valorem SPI R Tax Value Notes Road:

0 ac

**MUNICIPAL SOFTWARE BY AVIAR**

**TOWN OF NOTTINGHAM**

**NEW HAMPSHIRE**

**PARCEL TOTAL TAXABLE VALUE**

Year	Building	Features	Land
2019	\$ 142,100	\$ 0	\$ 0 (c)
Parcel Total: \$ 357,000			

(Card Total: \$ 142,100)

**EAST REVALUATION-2015**

## LIST OF ABUTTERS

The following is a list of all abutting property owners concerned in this appeal. An abutter is any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. The Land Use Office can assist you in determining your abutters, but **YOU ARE RESPONSIBLE FOR OBTAINING THE CORRECT OWNER AND MAILING INFORMATION.** When verifying the correct owner and mailing information, you are required to use the assessing information. **You are ultimately responsible for your own list of abutters.** This information is necessary to properly notify all interested parties with certified notices. **FAILURE TO PROVIDE COMPLETE INFORMATION ON ABUTTERS WILL RESULT IN THE APPLICATION BEING RETURNED AND MAY DELAY THE SCHEDULING OF YOUR HEARING.**

**\*\*PRINT THREE ADDRESS LABELS PER ABUTTER INCLUDING THE APPLICANT, OWNER & PROFESSIONAL(S) \*\***

1. Applicant(s) Name <div style="text-align: center; font-size: small;">Lucas Adams</div>	Address <div style="text-align: center; font-size: small;">13 Northrup Dr Brentwood NH 03833</div>
2. Owner Name	Address
3. Professional(s) Name	Address

MAP/ LOT/ SUB-LOT	ABUTTER(S) NAME	MAILING ADDRESS
4. 29/8-1	James S. and Linda R. Fernald	240 Stage Road
5. 29/5-1	Gilbert A. Stevens	221 Mill Pond Road
6. 29/15	Gordan R. Brodman III	223 Stage Road
7. <del>                    </del>	<del>                                    </del>	<del>                                    </del>
8. 29/8	Deb Stevens	16 Stevens Hill Road
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		



# Abutters List Report

Nottingham, NH  
December 02, 2019

## Subject Property:

Parcel Number: 029-0005-000  
CAMA Number: 029-0005-000  
Property Address: 228 STAGE ROAD

Mailing Address: ADAMS, BERNARD M  
228 STAGE ROAD  
NOTTINGHAM, NH 03290

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## Abutters:

Parcel Number: 029-0005-001  
CAMA Number: 029-0005-001  
Property Address: STAGE ROAD

Mailing Address: STEVENS, GILBERT A STEVENS,  
ROBERTA A  
221 MILL POND ROAD  
NOTTINGHAM, NH 03290

Parcel Number: 029-0008-000  
CAMA Number: 029-0008-000  
Property Address: STAGE ROAD

Mailing Address: STEVENS/FERNALD/FERNALD D/R/J  
C/O DEB STEVENS  
16 STEVENS HILL ROAD  
NOTTINGHAM, NH 03290

Parcel Number: 029-0008-001  
CAMA Number: 029-0008-001  
Property Address: STAGE ROAD

Mailing Address: FERNALD, JAMES S FERNALD, LINDA R  
P.O. BOX 450  
NOTTINGHAM, NH 03290

Parcel Number: 029-0008-000  
CAMA Number: 029-0008-01A  
Property Address: 240 STAGE ROAD

Mailing Address: FERNALD LUMBER INC  
PO BOX 450  
NOTTINGHAM, NH 03290

Parcel Number: 029-0015-000  
CAMA Number: 029-0015-000  
Property Address: 223 STAGE ROAD

Mailing Address: BOARDMAN III, GORDON R  
223 STAGE ROAD  
NOTTINGHAM, NH 03290



[www.cai-tech.com](http://www.cai-tech.com)

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TOWN OF NOTTINGHAM  
**ZONING BOARD OF ADJUSTMENT**

139 Stage Road, P.O. Box 114, Nottingham, NH 03290 - email: [plan.zone@nottingham-nh.gov](mailto:plan.zone@nottingham-nh.gov) Tel (603) 679-9597 Fax (603) 679-1013

### AUTHORIZATION TO ENTER UPON SUBJECT PROPERTY

The property owner(s), by the filing of this application, hereby give permission for the members of the Nottingham Planning Board and such agents or employees of the Town as the Nottingham Planning Board may authorize, to enter upon the property which is the subject of this application at any reasonable time for the purpose of such examinations, surveys, tests and/or inspections as may be appropriate to enable this application to be processed.

I/We hereby waive and release any claim or right I/we may now or hereafter possess against any of the above individuals as a result of any examinations, surveys, tests and/or inspections conducted on my/our property in connection with this application. This authorization expires in one year from date of signature

Property Owner(s) *[Signature]* 11/19/19 \_\_\_\_\_  
Signature Date Signature Date

Property Owner(s) \_\_\_\_\_  
Signature Date Signature Date

Property Owner(s) \_\_\_\_\_  
Signature Date Signature Date

Property Owner(s) \_\_\_\_\_  
Signature Date Signature Date