



Town of Nottingham

P.O. Box 114, 139 Stage Road, Nottingham NH 03290 Office 603-679-9597 ext. 1, Fax 603-679-1013
Web: <http://www.nottingham-nh.gov> Email: 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 on **Tuesday March 16, 2021 at 7:00pm** to consider the case below.

In anticipation of the extension of Executive Order 2020-17, the Nottingham Zoning Board will be holding a virtual hearing. Access to the meeting is given through Zoom. All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in the meeting as follows:

Join Zoom Meeting

<https://nottingham-nh.zoom.us/j/94480446932>

Telephone Only Access 1-301-715-8592

Meeting ID: 944 8044 6932

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order.

IF YOU ARE HAVING ANY TECHNICAL DIFFICULTY DURING THIS MEETING PLEASE CALL JOANNA AT 603-679-9597

Public Hearings

Case 21-003-VA

Application from Fred Belanger, on behalf of owner James Witham, represented by Scott Frankiewicz, requesting a Variance from Article II Section C.2.b of the Nottingham Zoning Ordinance to permit a new residence on a non-conforming lot with 95' of road frontage where 200' is required. The property is located at 23 Swan Drive in Nottingham, NH and is identified as Tax Map 24 Lot 34.

Questions? Contact the Land Use Clerk, JoAnna Arendarczyk

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

Mail: PO Box 114, Nottingham, NH 03290

Materials pertaining to the Public Hearing(s) can be found at:

<http://www.nottingham-nh.gov/zoning-board-adjustment>

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



Code Administration

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

Building Permit Application Denial

Date: 2/18/2021
Owner: James Witham
Applicant: Fred Belanger
Address: 23 Swan Drive
Map/Lot 24/34

Applicant has filed to build a new home on a non-conforming lot with 95' road frontage.

Denial:

Article II(C)(2)(b): Each lot shall have a minimum contiguous frontage of two hundred (200') feet, including a curb cut for approved access, except to the extent with regard to frontage of back lots approved in accordance with Article IV, Section T.

Note:

- Applicant needs a Shoreland permit.
- Applicant will need an approved septic design.
- Map 24 Lot 34 has an approved Plat # which exempts the non-conforming lot.
- Proposal meets all setbacks

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 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 # 23 Swift drive
24 34
Tax Map Lot Sub-Lot

Applicant's information:

Name(s): Fred Belanger
Address: # 397 Wadleigh Falls Rd Phone #: _____
P.O. Box 441 Newmarket NH 03857 E-mail: _____

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

Name(s): James B. W. Cole R. Witham
Address: 11 Raymond Road Phone #: _____
Nottingham NH 03290 E-mail: _____

Representative's information (if applicable):

Name(s): Scott Frankiewicz
Address: 683C First Rte. Turnpike Phone #: 603-942-9220
Northwood NH. 03261 E-mail: _____

Property information:

Lot Dimensions: Front 95' Rear 90.42' Side 196.67' Side 195.56'
Lot Area: Acres .45 Square Feet 22,000 Sq. Ft.
Present Use of Property open lot
Proposed Use of Property Residence

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) Fred Belanger Fred Belanger 2/17/21
Printed name Signature Date
Fred Belanger (Ref. to letter of authorization) 2/17/21
Printed name Signature Date
Printed name Signature Date

**ADDENDUM
TO THE PURCHASE AND SALES AGREEMENT
New Hampshire Association of REALTORS® Standard Form**



Addendum to the Purchase and Sales Agreement dated 01/26/2021 between
James B. Witham & Nicole Witham

_____ (“SELLER”), and

Fred Belanger and Andre Papalian

_____ (“BUYER”), for

the property located at 23 Swan Drive

hereby agree to the following: Statement of Authorization

I James Witham authorize Fred Belanger in my stead to represent my lot at 23 Swan Drive, Nottingham, NH for a variance or special exception, whichever is required, so he can pull a building permit on that lot.
The next opportunity to go before the zoning board of adjustment will be March 16, 2021.

All other aspects of the aforementioned Purchase and Sales Agreement shall remain in full force and effect.

EACH PARTY IS TO RECEIVE A FULLY EXECUTED DUPLICATE ORIGINAL OF THIS AGREEMENT.

Andre Papalian
dotloop verified
02/02/21 11:13 AM EST
09CW-FWNB-R3TD-ZQXU

BUYER DATE / TIME

Fred Belanger 2/5/21 10:30 AM

BUYER DATE / TIME

James B. Witham
dotloop verified
02/04/21 2:03 PM EST
HDUC-N1EN-QZBS-9YX0

SELLER DATE / TIME

Nicole Witham
dotloop verified
02/04/21 11:16 AM EST
HQ7P-LHJ-DOSP-91CH

SELLER DATE / TIME

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 II Section C.2.b of the zoning ordinance to permit:
Construction of New Home w/ 95' of frontage where
200' is required

Previous Zoning Board action on this property: N/A.

SUPPORTING INFORMATION

1. The variance would not be contrary to the public interest because:

The lot was created as a building lot & there have
been lots in this subdivision approved for that are
less conforming for residential use

2. The spirit of the ordinance is observed:

The lot will be used for residence, as other lots in this
subdivision.

3. Substantial justice is done:

The lot is being used for residential purposes as it was
intended

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

The value of the surrounding properties will not be diminished as
the applicant is proposing a new home

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

This parcel was created in 1933 with 95 ft. frontage since that time frontage requirements are 200' without the requested variance the lot would be a nonconforming lot.

ii) The proposed use is a reasonable one.

All the homes in this subdivision are residences, & this lot will be used to build new home

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.

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 Scott Frankiewicz

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

Property Owner(s) Fred Belanger 2/21/21 Fred Belanger 2/21/21
Signature Date Signature Date
Ref. to statement of authorization

Property Owner(s) _____ Signature _____ Date _____ Signature _____ Date _____

Property Owner(s) _____ Signature _____ Date _____ Signature _____ Date _____

Property Owner(s) _____ Signature _____ Date _____ Signature _____ Date _____

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 <i>Fred Belanger</i> <i>H397 Wadleigh Falls Rd</i> <i>P.O. Box 44 Newmarket NH 038</i>	Address <i>P.O. Box 44</i> <i>Newmarket NH 03857</i>
② Owner Name <i>James B. + Nicole R. W. Ham</i>	Address <i>11 Raymond Rd</i> <i>Nottingham NH</i> <i>03290</i>
③ Professional(s) Name <i>Scott Frankiewicz</i>	Address <i>683 E. First NH TpK</i> <i>Northwood NH</i> <i>03261</i>

MAP/ LOT/ SUB-LOT	ABUTTER(S) NAME	MAILING ADDRESS
④ 24/32	<i>Puffen, Rebecca L.</i>	<i>27 Swan drive</i> <i>Nottingham NH, 03290</i>
5.		
⑥⑤ 24/35	<i>Mello, Laurie</i> <i>Mello, Arthur Jr.</i>	<i>21 Swan drive</i> <i>Nottingham NH, 03290</i>
7.		
⑧⑥ 24/51	<i>Smerdon Cynthia</i>	<i>20 Swan drive</i> <i>Nottingham NH, 03290</i>
9.		
⑩⑦ 24/53	<i>Pickering Jr. Kenneth E.</i> <i>Pickering, Dorothea H.</i>	<i>26 Swan drive</i> <i>Nottingham NH, 03290</i>
11.		
12.		
13.		
14.		
15.		
16.	<i>- See attached also -</i>	
17.		
18.		
19.		
20.		



Abutters List Report

Nottingham, NH
February 17, 2021

Subject Property:

Parcel Number: 024-0034-000
CAMA Number: 024-0034-000
Property Address: 23 SWAN DRIVE

Mailing Address: WITHAM, JAMES B. WITHAM, NICOLE R.
11 RAYMOND ROAD
NOTTINGHAM, NH 03290

Abutters:

Parcel Number: 024-0032-000
CAMA Number: 024-0032-000
Property Address: 27 SWAN DRIVE

Mailing Address: PUFFEN, REBECCA L
27 SWAN DRIVE
NOTTINGHAM, NH 03290

Parcel Number: 024-0035-000
CAMA Number: 024-0035-000
Property Address: 21 SWAN DRIVE

Mailing Address: MELLO, LAURIE MELLO, ARTHUR JR.
21 SWAN DRIVE
NOTTINGHAM, NH 03290

Parcel Number: 024-0051-000
CAMA Number: 024-0051-000
Property Address: 20 SWAN DRIVE

Mailing Address: SMERDON, CYNTHIA
20 SWAN DRIVE
NOTTINGHAM, NH 03290

Parcel Number: 024-0053-000
CAMA Number: 024-0053-000
Property Address: 26 SWAN DRIVE

Mailing Address: PICKERING JR, KENNETH E
PICKERING, DOROTHEA H
26 SWAN DRIVE
NOTTINGHAM, NH 03290



www.cal-tech.com

2/17/2021

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

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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 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.

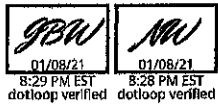
I/We hereby waive and release any claim or right I/we may now or hereafter possess against any of the above individuals as a result of any examinations, surveys, tests and/or inspections conducted on my/our property in connection with this application. This authorization expires in one year from date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

Property Owner(s) Frederick Belanger 2/21/21 Frederick Belanger 2/21/21
Signature Date Signature Date
(Ref to Statement of Authorization)

Property Owner(s) _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date



Return to:
Nicole R. Witham
James B. Witham
11 Raymond Road
Nottingham, NH 03290

LCHIP	ROA528464	25.00
TRANSFER TAX	RO101881	900.00
RECORDING		14.00
SURCHARGE		2.00

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that Kathleen R. Ponce, Single, of 3840 34th Avenue South Apt. 101, Saint Petersburg, FL 33711 and Sheryl D. Ponce-Ramos, fka Sheryl D. Ponce, Married, of 11 Ramos Court, Nantucket, MA 02554, for consideration paid grant(s) to Nicole R. Witham and James B. Witham, wife and husband, of 11 Raymond Road, Nottingham, NH 03290, as joint tenants with rights of survivorship, with QUITCLAIM COVENANTS:

A certain tract of land, with any buildings or improvements thereon, situated in Nottingham, County of Rockingham and State of New Hampshire and shown as Lot 17W on plan entitled "Plan of Development in Nottingham, New Hampshire, on Mill Pond Road, Nottingham Lake Shores" (the "Plan"), said Plan revised May, 1965, and recorded in the Rockingham Country Registry of Deeds Plan 498, Drawer 3, Section H, said lot being more particularly bounded and described as follows:

Beginning at an iron post sunk in the ground on the easterly side of West Shore Drive, thence running northerly along West Shore Drive a distance of ninety five (95) feet to an iron post sunk in the ground; thence turning and running easterly a distance of one hundred ninety seven (197) feet to an iron post sunk in the ground at the high water mark on Nottingham Lake; thence turning and running southerly along the lake front a distance of one hundred (100) feet to an iron post sunk in the ground at the high water mark of Nottingham Lake; thence turning and running westerly a distance of one hundred ninety two (192) feet to the point of beginning.

Meaning and intending to describe and convey the same premises conveyed to Sheryl D. Ponce by deed dated December 15, 2000 and recorded in the Rockingham County Registry of Deeds in Book 3527, Page 2494. Also see deed recorded at Book 6161, Page 1041, Rockingham County Registry of Deeds.

The property is not the homestead for the Grantors.

Executed this 16th day of November 2020.

[Signature]
 Kathleen R. Ponce

[Signature]
 Sheryl D. Ponce-Ramos

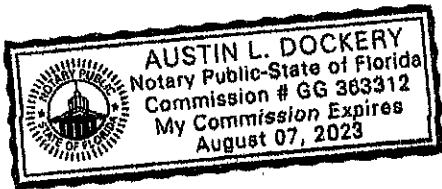
State of Florida
County of Pinellas

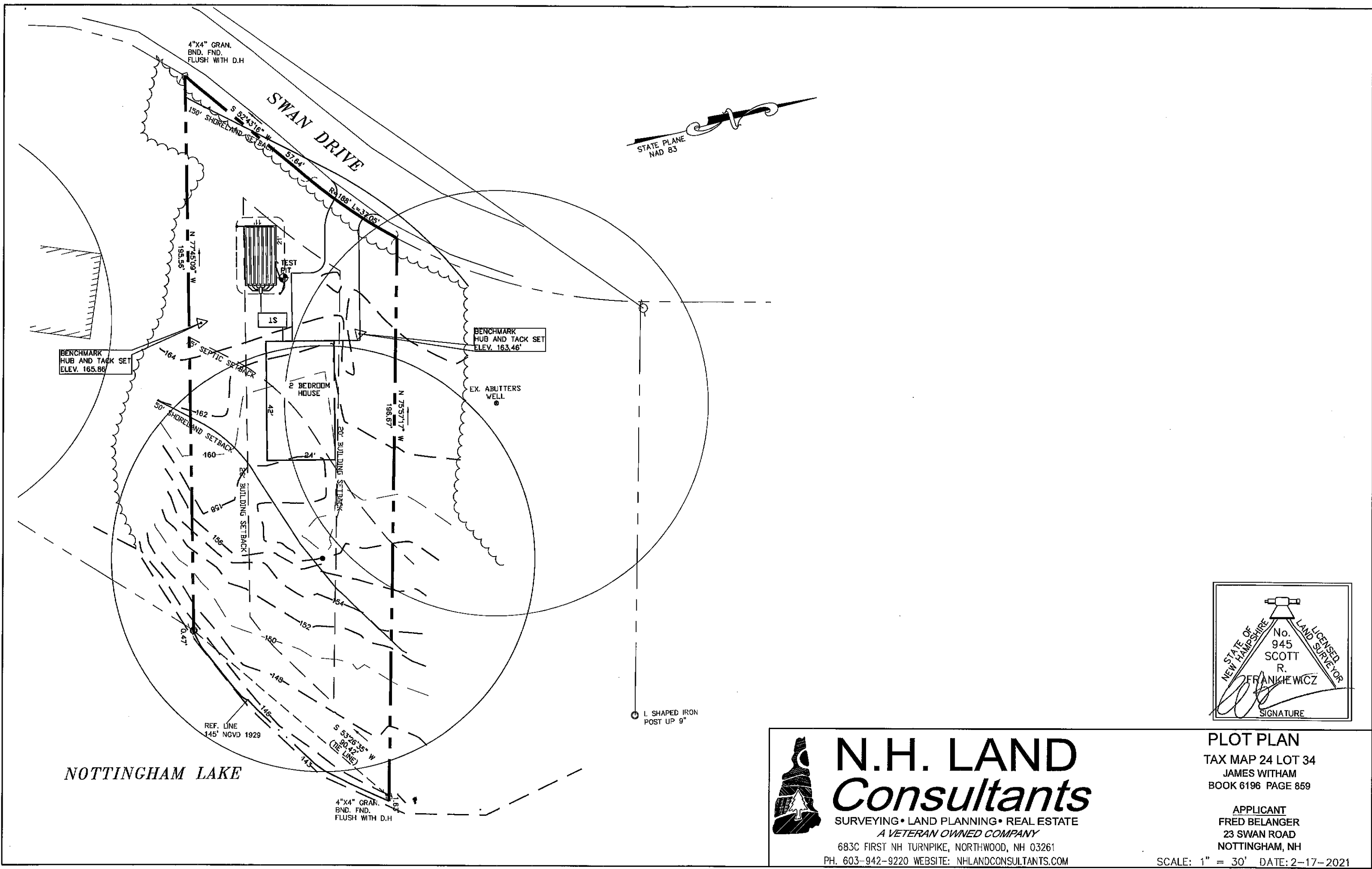
On 16th day of November, 2020, before me, the undersigned notary public, personally appeared Kathleen R. Ponce and Sheryl D. Ponce-Ramos, the above-named and proved to me through satisfactory evidence of identification being Drivers License, to be the person whose name is signed on this document, and acknowledged to me that they signed it voluntarily for its stated purpose and that the foregoing instrument is their free act and deed.

[Signature]
 Notary Public
Austin L. Dockery
 Notary-Name Printed

My commission expires: 8/07/2023

(seal)





STATE PLANE
NAD 83

BENCHMARK
HUB AND TACK SET
ELEV. 165.86

BENCHMARK
HUB AND TACK SET
ELEV. 163.46

L SHAPED IRON
POST UP 9"

NEW STATE OF HAMPSHIRE
LAND LICENSED SURVEYOR
No. 945
SCOTT R.
FRANKIE WCZ
SIGNATURE

NOTTINGHAM LAKE



N.H. LAND
Consultants

SURVEYING • LAND PLANNING • REAL ESTATE
A VETERAN OWNED COMPANY
683C FIRST NH TURNPIKE, NORTHWOOD, NH 03261
PH. 603-942-9220 WEBSITE: NHLANDCONSULTANTS.COM

PLOT PLAN
TAX MAP 24 LOT 34
JAMES WITHAM
BOOK 6196 PAGE 859

APPLICANT
FRED BELANGER
23 SWAN ROAD
NOTTINGHAM, NH

SCALE: 1" = 30' DATE: 2-17-2021