

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 June 15, 2021 at 7:00pm** to consider the case below.

Due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's 2020 Emergency Order #12, issued pursuant to Executive Order 2020-04, and as extended by Executive Order 2021-08, The Nottingham Zoning Board of Adjustment is authorized to meet electronically. 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 21-009-VA

Application from Mitch & Carol Hale, represented by Barry Gier, Jones & Beach Engineers, Inc. requesting a Variance from Article 3 Section C (3) of the Nottingham Zoning Ordinance to permit to permit construction of a septic system within 20' of property line. Proposed septic system to be located 6' from north property line. The property is located at 59 Shore Drive in Nottingham, NH and is identified as Tax Map 68 Lots 37.

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





Office (603) 679-9597 x2 Fax (603) 679-1013

E-mail: dsylvia@nottingham-nh.gov

www.nottingham-nh.gov

Building Permit Application Denial

Date:

5/10/21

Owner:

Mitchell and Carol Hale

Address:

57 Shore

Map/Lot

68/37

Applicant has filed for a new 3 bedroom septic to support a proposed three bedroom replacement home.

Denials:

Article II(C)(3): Setbacks between property lines or water's edge and primary use buildings, septic systems or accessary buildings shall be 20'.

The proposed design is 6' from property line..

Respectfully submitted,

Dale Sylvia

Code Enforcement



85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885 603.772.4746 - JonesandBeach.com

May 14, 2021

Nottingham Zoning Board Attn: Bonnie Winona MacKinnon, Chairwoman 139 Stage Road Nottingham, NH 03290

RE: Variance Application 59 Shore Drive, Nottingham, NH Tax Map 68, Lot 37 JBE Project No. 19089

Dear Ms. MacKinnon,

Jones & Beach Engineers, Inc., on behalf of our client, Mitch & Carol Hale, respectfully submit a Variance Application for the parcel referenced above. The intent of this project is to construct a septic system within 20' of property line. Proposed septic system to be located 6' from the north property line.

The following documents are provided in support of this application:

- 1. Variance Application.
- 2. Letter of Authorization.
- 3. Current Deed.
- 4. Abutters List and 3 Copies of Mailing Labels.
- 5. Tax Map.
- 6. Fee Check in the Amount of \$235.00.
- 7. Six (6) 11"x17" Plans.

Thank you very much for your consideration. If you have any questions, or need further assistance, please contact our office.

Very truly yours,

JONES & BEACH ENGINEERS, INC.

Barry W. Gier, PE

Vice President

cc: Mitch & Carol Hale (application and plans via email)



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

	Street Address 5	9 Shore Dri	ve	
	68		37	
	Tax Map		Lot	Sub-Lot
Applicant's information:				
Name(s): Mitch & Carol Hale		D1 //		
Address: 34 Lisa Beth Circle,	Dover, NH 03820		603-767-0466	
		E-mail:	mchale330@yahoo.com	
Owner(s) information (if same a	s applicant write sam	ıe):		
Name(s): Same as Owner				
Address:		Phone #:		
		E-mail:		
Representative's information (it	f applicable):			
Name(s): Barry Gier, Jones &	Beach Engineers, In	c.		
Address: PO Box 219, Stratham	, NH 03885	Phone #:	603-772-4746	·
		E-mail:	bgier@jonesandbeach.c	om
Lot Dimensions: Front 60.11	Rear <u>100</u>	<u>' +/-</u>	Side <u>180.1'</u>	Side 180.61
Lot Dimensions: Front 60.11 Lot Area: Acres 0.28			Side _ 180.1'	
	S			
Lot Area: Acres 0.28	Samily Home			
Lot Area: Acres <u>0.28</u> Present Use of Property <u>Single-1</u> Proposed Use of Property <u>Single</u> Please provide a copy of the rec	Family Home Family Home ent deed and tax car	quare Feet _	12,370 roperty.	
Lot Area: Acres <u>0.28</u> Present Use of Property <u>Single-1</u> Proposed Use of Property <u>Single-1</u> Please provide a copy of the rec The signer shall be the owner; or the	Family Home Family Home ent deed and tax car the signer shall provide	quare Feet _ d for this p de a letter sig	12,370 roperty. gned by all the property	
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Present Use of Property Single-Proposed Use of Property Single-Property Single	Family Home ent deed and tax car the signer shall provid owner in presentation to the best of my knowled	quare Feet	roperty. gned by all the property lication. and correct.	owners giving

<u>NOTE</u>: 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 3 Section C (3) of the zoning ordinance to permit: Construction of a septic system within 20' of property line. Proposed septic system to be located 6' from north property line.
Previous Zoning Board action on this property:
SUPPORTING INFORMATION
1. The variance would not be contrary to the public interest because:
Granting of the variance would allow construction of a new septic system constructed further
distance from the lake and constructed to current standards.
2. The spirit of the ordinance is observed: Granting of variance will not negatively impact abutting property owner by adversely impacting view or by negatively imposing on the abutting property.
3. Substantial justice is done: Proposed lot has significant restrictions due to the existing lot size, shape and proximity
to the lake. Granting the requested variance will allow applicant to construct an updated septic
system further from the lake without demolishing existing structures.
4. The values of the surrounding properties are not diminished: The proposed intrusion into the setback is all underground with vents placed along

existing building to obscure their visual impact. Therefore, no adverse impact to property
values is anticipated.
 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
Zoning Article II, Section C (3) requires structure setbacks to the property line to
mitigate impact of structures on abutting properties. The proposed septic system is located
underground thereby limiting impact to the abutting property.
ii) The proposed use is a reasonable one.
The proposed use is an underground septic system located closr to the lot line than is allowed.
Due to the previous stated information we believe the use to be reasonable.
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.
The location of the proposed septic system is predicated on lot limitations and special condition
specific to this lot. The lot limitations include location of lake, shape & size of lot, location
of existing well, and location of existing structures. Septic is designed in location that meets
the restrictions to the greatest extent.

6		9		
☐ I understand that ?	I <u>MUST</u> appear in person		g	
		<u>OR</u>		
If I cannot appear □	in person,			
	the representative or ager Barry Gier, Jones &		to act on my behalf:	
to	represent me as a repre	sentative/agent in t	he pursuance of this appe	al.
Property Oyynan(a)	Low W. Jain You	Mittel Duck	Chale	
rioperty Owner(s)	Signature Total	Date Date	S/W/TI Signature	Date
Property Owner(s)	Signature	Date	Signature	Date
Property Owner(s)	Signature	Date	Signature	Date
	Signiture	Butt	Signature	Date
Property Owner(s)				
110 porty () 1101() 1	Signature	Date	Signature	Date



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)	My W. Lain For Mrt. Signature	24 Huce 5/19/2	Signature	Date
Property Owner(s) _	Signature	Date	Signature	Date
Property Owner(s) _	Signature	Date	Signature	Date
Property Owner(s) _	Signature	Date	Signature	Date

Letter of Authorization

I, Mitch Hale, 34 Lisa Beth Circle, Dover, NH 03820, owner of property located in Nottingham, NH, known as Tax Map 68, Lot 37, do hereby authorize Jones & Beach Engineers, Inc., PO Box 219, Stratham, NH, to act on my behalf concerning the previously-mentioned property. The parcel is located on 59 Shore Drive in Nottingham, NH.

I hereby appoint Jones & Beach Engineers, Inc., as my agent to act on my behalf in the review process, to include any required signatures.

Witness

Mitch Hale

BK 5281 PG 2487

DOVEN NH 03820





WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That, I, James A. Stewart, Trustee of the James A. Stewart Revocable Trust udt September 4, 1998 and First Amendment dated January 12, 2006, with a mailing address of 5 Nutmeg Lane, Andover, Massachusetts 01810, for consideration paid, grant to Mitchell E. Hale and Carol A. Hale, husband and wife, with a mailing address of 59 Shore Drive, Nottingham, New Hampshire 03290, with WARRANTY COVENANTS, as joint tenants with rights of survivorship, the following described property:

A certain tract of land together with the buildings and improvements thereon, situate in the Nottingham, County of Rockingham, State of New Hampshire, being more particularly described in Exhibit A attached hereto and made a part hereof.

The undersigned Trustee, as Trustee of the James A. Stewart Revocable Trust udt September 4, 1998 and First Amendment dated January 12, 2006, and pursuant thereto. have full and absolute power in said Trust Agreement to execute, sign and deliver any deed for any real estate or other property held in said Trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or are properly exercising said power or to see to the application of any trust asset paid to the Trustee for the sale thereof.

Meaning and intending to describe and convey the same premises conveyed to the within grantor by Joan B. Lukens, Trustee of the Joan B. Lukens Revocable Trust 0f 2006 dated October 12, 2006 and recorded in the Rockingham County Registry of Deeds, Book 4720, Page 0091.

This is not homestead property of James A. Stewart.

Executed this 19th day of January, 2012

ames A. Stewart, Trustee

The James A Stewart Revocable Trust

udt September 4, 1998

STATE OF NEW HAMPSHIRE COUNTY OF ROCKINGHAM

January <u>/9</u>, 2012

Personally appeared the above, James A. Stewart, Trustee of the James A. Stewart Revocable Trust udt September 4, 1998 and First Amendment dated January 12, 2006, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

Before Me,

ONIA K ON

Notary Public/Justice of the Peace

My Commission expires:

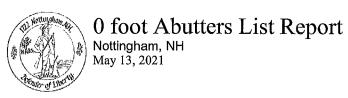
EXHIBIT A

A certain tract of land together with the buildings and any improvements thereon, situate in Nottingham, County of Rockingham, and State of New Hampshire, and known as Lot No. 12 in Cahill Realty, Lake Pawtuckaway, Nottingham, New Hampshire, a revised Plan of which is filed for record in the Rockingham County Registry of Deeds, under date of August 5, 1958, more particularly bounded and described as follows:

Beginning at an iron pipe on the Easterly corner thereof at Shore Drive of Lot No. 11, thence running in a Westerly direction by said Shore Drive sixty (60) feet to an iron pipe at the corner of Lot No. 13; thence turning and running at a right angle and running in a Northeasterly direction one hundred eighty-three (183) feet by said Lot No. 13 to a wood hub at high water mark on the shore of Lake Pawtuckaway; thence turning and running in an Easterly direction along the shore of Lake Pawtuckaway one hundred (100) feet to a wood hub at the corner of Lot No. 11; thence turning at a right angle and running Southwesterly by said Lot No. 11 one hundred eighty-two (182) feet to Shore Drive and the point begun at .

Together with a right to pass and repass overland reserved on said Plan for a right of way to the beaches on Lake Pawtuckaway and a right of way over the driveways and usual traveled paths as shown on said Plan.

Said Premises are conveyed subject to the restrictions applicable for Cahill Realty filed in the Rockingham County Registry of Deeds at Book 1466, Page 96.



Subject Property:

Parcel Number: CAMA Number:

068-0037-000

068-0037-000

Property Address: 59 SHORE DRIVE

Mailing Address: HALE, MITCHELL E HALE, CAROL A

34 LISA BETH CIRCLE

DOVER, NH 03820

Abutters:

Parcel Number: CAMA Number: 068-0010-000

068-0010-000

Property Address: RAYMOND ROAD

Parcel Number: CAMA Number:

068-0014-000 068-0014-000

Property Address: SHORE DRIVE

Parcel Number: **CAMA Number:**

068-0036-000 068-0036-000

Property Address: 61 SHORE DRIVE

Parcel Number: 068-0038-000

CAMA Number: 068-0038-000 Property Address: 57 SHORE DRIVE Mailing Address: SZAFRAN, CAROLINE J REV TRUST

SZAFRAN, CAROLINE J, TRUSTEE,

47 CHERRYWOOD DRIVE

DOVER, NH 03820

Mailing Address: DECKER, KAREN A TRUSTEE OF K A

DECKER REV TR 57 SHORE DRIVE

NOTTINGHAM, NH 03290

Mailing Address: DEMMONS, LINDA J

61 SHORE DRIVE

NOTTINGHAM, NH 03290

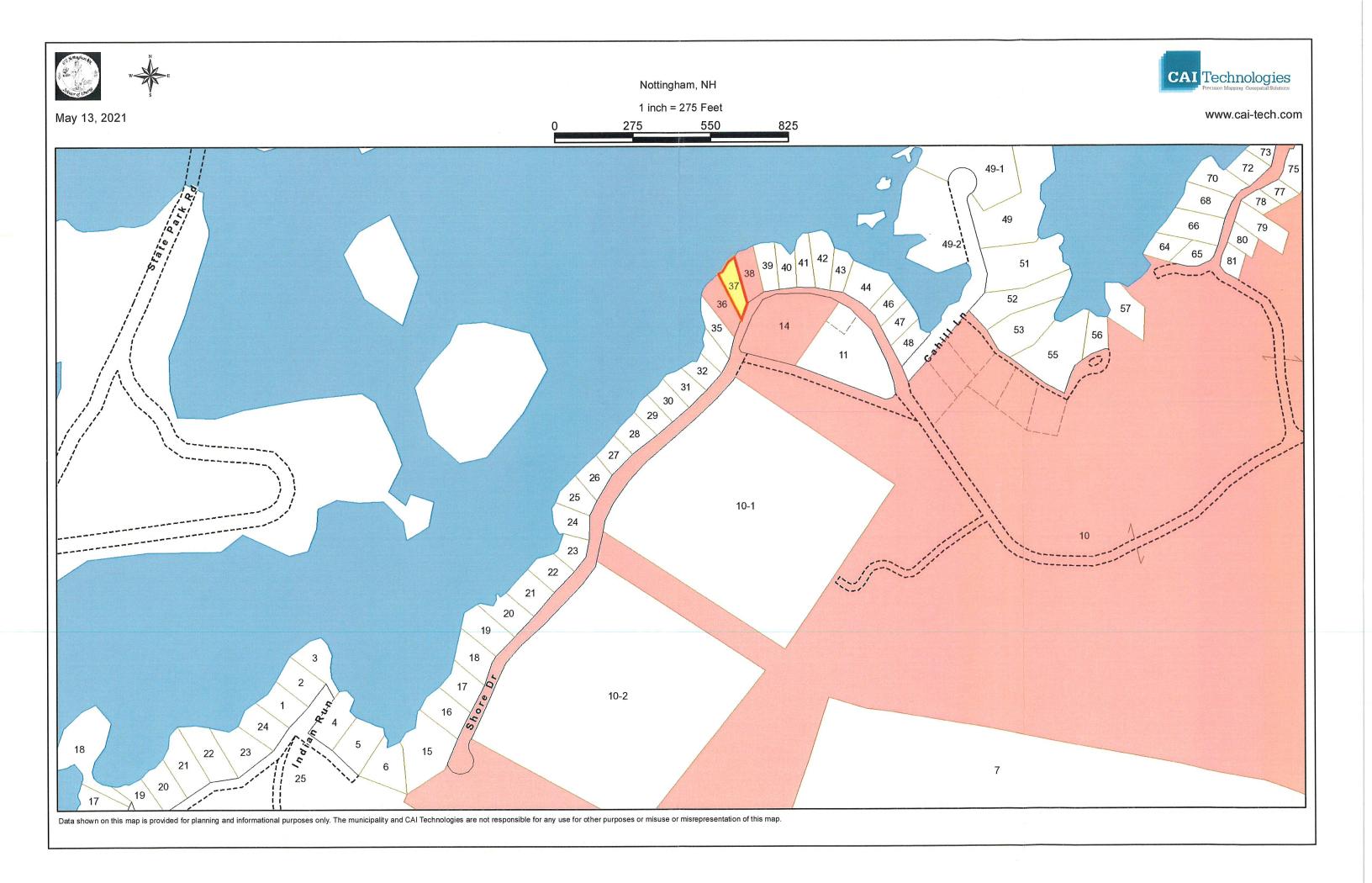
Mailing Address: DECKER, KAREN A TRUSTEE OF K A

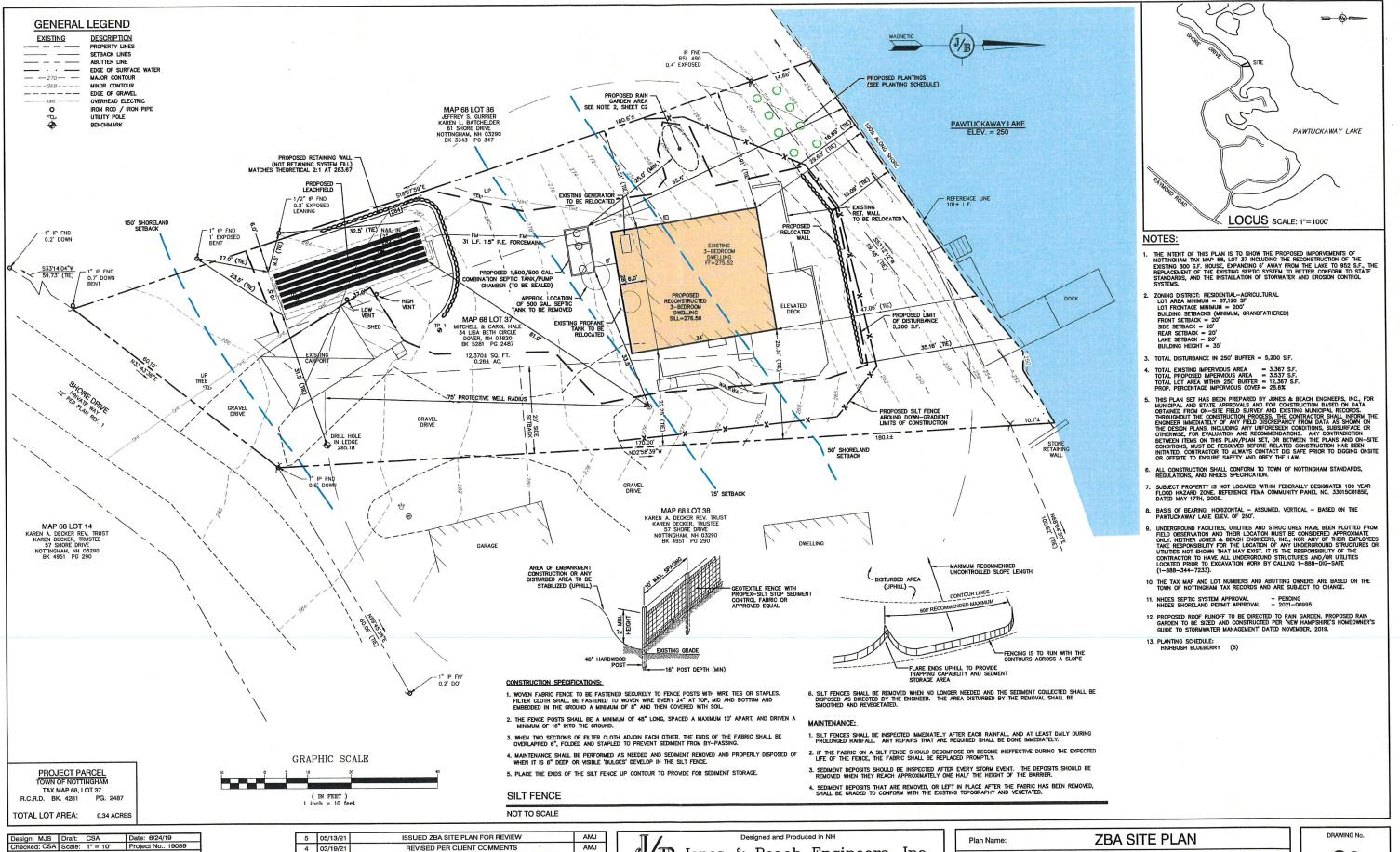
DECKER REV TR 57 SHORE DRIVE

NOTTINGHAM, NH 03290

JONES & BEACH ENGINEERS, INC., ATTN. BARRY GIER, P.E., PO BOX 219, STRATHAM, NH 03885







Checked: CSA | Scale: 1* = 10' | Project No.: 19089 |
Drawing Name: 19089-PLAN.dwg
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

05/13/21	ISSUED ZBA SITE PLAN FOR REVIEW	AMJ
03/19/21	REVISED PER CLIENT COMMENTS	AMJ
03/17/21	ISSUED PLAN SET FOR REVIEW	AMJ
8/29/19	REVISED PER REVIEW COMMENTS	MJS
7/3/19	ADDED DIMENSIONS	MJS
DATE	REVISION	BY
	03/19/21 03/17/21 8/29/19 7/3/19	03/19/21 REVISED PER CLIENT COMMENTS 03/17/21 ISSUED PLAN SET FOR REVIEW 8/29/19 REVISED PER REVIEW COMMENTS 7/3/19 ADDED DIMENSIONS

Designed and Produced in NH

Jones & Beach Engineers, Inc.

85 Portsmouth Ave. Civil Engineering Services FAX: 603-772-4746
PO Box 219
Strathem, NH 03885

E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	ZBA SITE PLAN
Project:	TAX MAP 68 LOT 37 59 SHORE DRIVE, NOTTINGHAM, NEW HAMPSHIRE
Owner of Rec	ord: MITCHELL & CAROL HALE 34 LISA BETH CIRCLE, DOVER, NH 03820

C3
SHEET 1 OF 1
JIBE PROJECT NO. 19089