

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: 7/7/2020
Owner: Eric Decoteau
Address: 248 Old Turnpike Road
Map/Lot 16/36A

Applicant seeks a variance to develop a vacant lot in the commercial zone with a two car garage and office.

Article II(E)(2)(a)(1) Setbacks: Commercial – does not meet 100' from southern boundary

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: 248 Old Turnpike Road (Rte 4)
16 Tax Map 36A Lot Sub-Lot

Applicant's information:

Name(s): Eric Decoteau , Deke Fuel
Address: 248 Old Turnpike Road (Rte 4) Nottingham, NH 03290
Phone #: 603-552-9925
E-mail: edd@dekesfuel.com

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

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

Representative's information (if applicable):

Name(s): Scott R Frankiewicz (New Hampshire Land Consultants)
Address: 683C First NH Turnpike Northwood, NH 03261
Phone #: 603-833-5913
E-mail: scott@nhlandconsultants.com

Property information:

Lot Dimensions: Front 310' Rear 395' Side 241' Side 257'
Lot Area: Acres 2.15 Square Feet 96,654
Present Use of Property Vacant land
Proposed Use of Property Oil delivery garage and office

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) Eric Decoteau Printed name Eric D. Decoteau Signature 6/16/2020 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 Section E, 2, a, 1 of the zoning ordinance to permit:
A structure within 100' of the rear property line while maintaining 100' from all other property lines.

Previous Zoning Board action on this property: No known action

SUPPORTING INFORMATION

1. The variance would not be contrary to the public interest because:
As the existing lot is within the Commercial/Industrial Zone and the use proposed is an allowed use within the Commercial/Industrial Zone.

2. The spirit of the ordinance is observed:
By allowing a Commercial use within the Commercial/Industrial Zone while maintaining 100' from the residential uses to the East of the property. The property to the South, which is the property we are requesting a variance to the setback to is a mixed use property to include a automotive garage, JAM Automotive.

3. Substantial justice is done:
By allowing the owner to develop the property as a commercial use as allowed within the Commercial/Industrial Zone. The Commercial/Industrial Zone is all land within 1,000' from the Right of Way of Route 4 and properties that also fronts on Route 4, which this property does.

4. The values of the surrounding properties are not diminished:
The proposed use will not diminish the surrounding properties as it is a commercial use within the commercial/

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Industrial Zone and there are a number commercial uses in the area to include a garage, multi-family houses, restaurant and the residential use to the East a 100' setback is being maintained. The property to the South, which fronts on Rte. 152 is noted at JAM Automotive and multi-family on the tax card.

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

if the 100' setback was maintained from the rear property line the subject property would be unbuildable as the parcel is 230'+/- deep leaving 30'+/- as buildable area if the 100' setback was adhered to from the rear and front property line.

ii) The proposed use is a reasonable one.

The property is surrounded by commercial and multi-unit uses and is an allowed use within the Commercial/Industrial Zone. The proposed use is a low traffic use and adhere to all other regulations and ordinances.

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 R Franklewicz of New Hampshire Land Consultants, PLLC

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

Property Owner(s) *Eric D. Devotto* 6/16/2020 _____
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

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	Address
Eric Decoteau, Deke Fuel	1 Old Dover Road, Suite 12 Rochester, NH 03867
2. Owner Name	Address
Same as Applicant	
3. Professional(s) Name	Address
New Hampshire Land Consultants, PLLC Scott R Frankiewicz	683C First NH Turnpike Northwood, NH 03261

MAP/ LOT/ SUB-LOT	ABUTTER(S) NAME	MAILING ADDRESS
4. 16/32	John Travis	P.O. Box 12, Nottingham, NH 03291
5. 16/36	George Fredette, JR.	407 Stage Rd, West Nottingham, NH 03290
6. 16/35	N.H.D.OT.	1 Hazen Dr., Concord, NH 03302
7. 16/9	Shane G. Dube	249 Old Tpke.
8. 16/11	Herbert & Colleen Elliot	247 Old Tpke Rd., Nottingham, NH 03290
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20.		



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) Eric P. Devotta 6/16/2020 _____
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

16-36-A

Cathy Ann Tracy

Return to:
Eric D. Decoteau
49 Old Milton Rd
Rochester NH 03868

LCHIP	ROA441521	25.00
TRANSFER TAX	RO086620	567.00
RECORDING		10.00
SURCHARGE		2.00

\$37,800

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That I, Richard C. Bengtson, of 26 Blakes Hill Road, Northwood, NH 03261, for consideration paid grant to Eric D. Decoteau, of 49 Old Milton Road, Rochester, NH 03868, with WARRANTY COVENANTS:

A certain tract or parcel of land, situated in Nottingham, County of Rockingham, State of New Hampshire and being shown as Lot A on a Plan of Land entitled "Richard C. Bengtson Lot in Nottingham, NH," Scale 1"=100' dated April, 1979, drawn by Donald R. Poppema, R.L.S. and recorded as Plan D-9682 in the Rockingham County Registry of Deeds.

Reference may be made to said plan for a more particular description.

Meaning and intending to describe and convey a portion of the premises conveyed to Richard C. Bengtson by virtue of a deed of Carl R. Bengtson and Helen M. Bengtson dated April 05, 1965 and recorded in the Rockingham County Registry of Deeds at Book 1760, Page 49 and deed of James S. Tilton dated October 07, 1966 and recorded in the Rockingham County Registry of Deeds at Book 1839, Page 226.

The herein conveyed premises are not homestead.

Executed this MARCH 20, 2019.

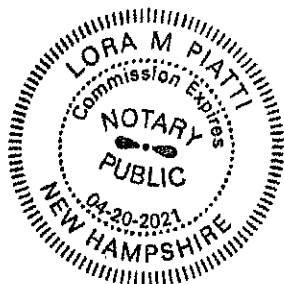
[Signature]
Richard C. Bengtson

State of new Hampshire
County of Rockingham

MARCH 20, 2019

Then personally appeared before me the said Richard C. Bengtson and acknowledged the foregoing to be his voluntary act and deed.

[Signature]
Notary Public/Justice of the Peace
Commission expiration: 4/20/21



OWNER INFORMATION SALES HISTORY PICTURE

Date	Book	Page	Type	Price Grantor
03/21/2019	5987	0848	U V 25	37,800 BENGTSON, RICHARD C

49 OLD MILTON ROAD

ROCHESTER, NH 03868

LISTING HISTORY NOTES

08/03/17 JBVL VACANT; STEEP TOPO FROM ROAD DOWN TO RIVER; 6/15 FOR SALE AP =
 01/31/17 INSP MARKED FOR INSPECTION \$69,900
 10/25/96 JR

EXTRA FEATURES VALUATION MUNICIPAL SOFTWARE BY AVIAR

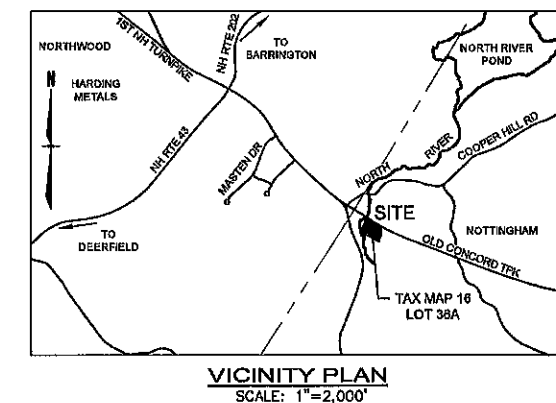
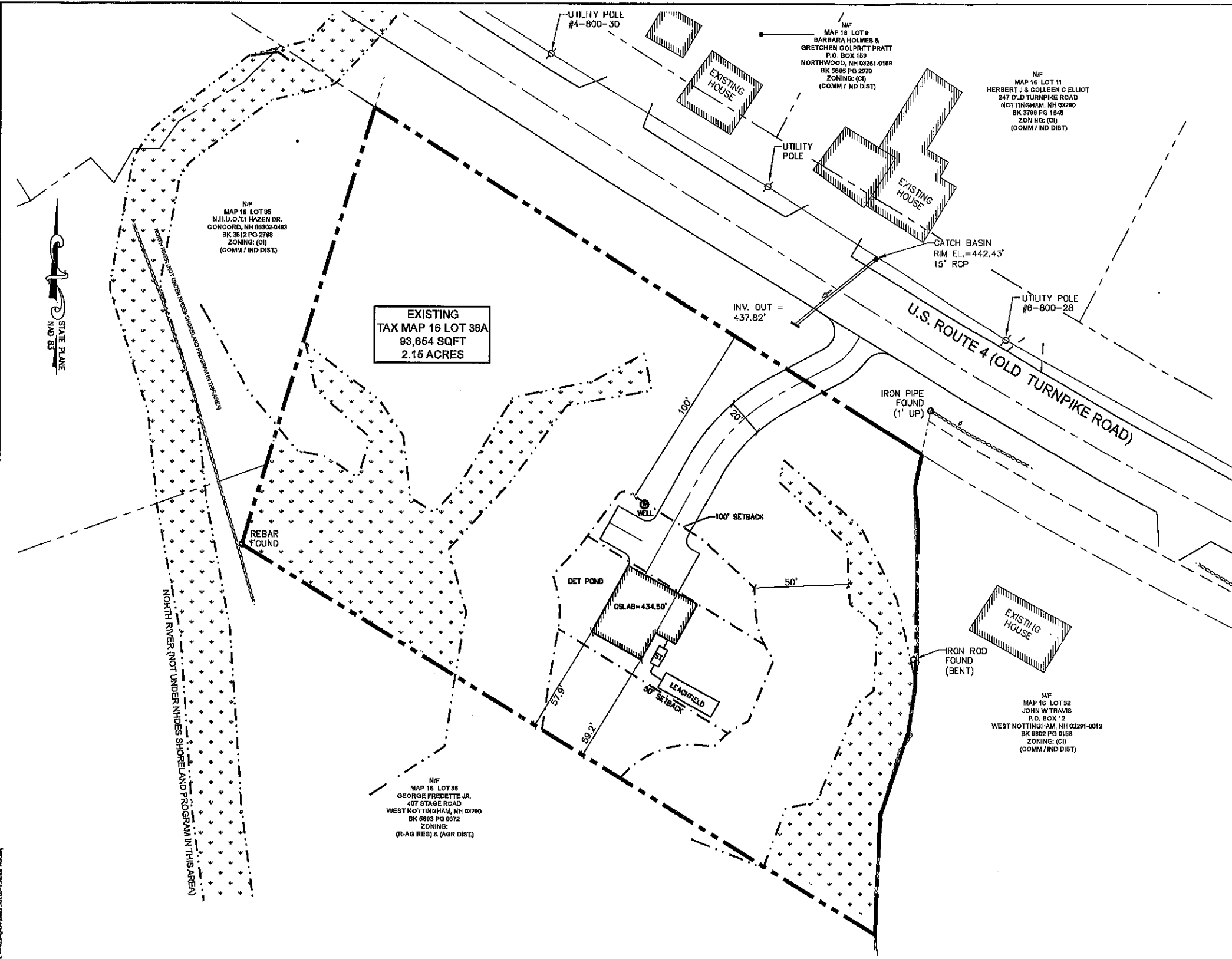
Feature Type Units Length x Width Size Adj Rate Cond Market Value Notes

TOWN OF NOTTINGHAM
 NEW HAMPSHIRE
 PARCEL TOTAL TAXABLE VALUE

Year	Building	Features	Land
2018	\$ 0		\$ 61,400
		Parcel Total:	\$ 61,400
2019	\$ 0		\$ 61,400
		Parcel Total:	\$ 61,400
2020	\$ 0		\$ 61,400
		Parcel Total:	\$ 61,400

LAND VALUATION LAST REVALUATION 2015

Zone: C/I COMM/IND DIST	Minimum Acreage: 2.00	Minimum Frontage: 200	Site: UNDEVELOPED	Driveaway: PAVED							
Land Type	Units	Base Rate	NC Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI R	Tax Value Notes
IF RES	2,000 ac	88,000 E	100	86	100	90	90--ROLLING	100	61,300	0 N	61,300
IF RES	0.150 ac	x 2,000 X	100			75--STEEP		50	100	0 N	100 WET
	2.150 ac								61,400		61,400



- NOTES:**
1. THE PURPOSE OF THIS PLAN IS TO REQUEST A VARIANCE FOR BUILDING SETBACK.
 2. THE PROPERTY IS DESIGNATED AS TAX MAP 16, LOT 36A.
 3. THE AREA OF THE EXISTING LOT 36A IS 2.15 ACRES (93,654 SQFT.)
 4. THE CURRENT OWNER FOR TAX MAP 16 LOT 36A: ERIC DECOTEAU, 1 OLD DOVER RD, SUITE 12, ROCHESTER NH 03290. BK 5987, PAGE 84B.
 5. THE ZONING DESIGNATION FOR THE PROPERTY IS COMMERCIAL/INDUSTRIAL (ROUTE) 4 DISTRICT.
 6. DIMENSIONAL REQUIREMENTS PROVIDED FOR ZONE COMMERCIAL/INDUSTRIAL DISTRICT:
 MIN. ROAD FRONTAGE =CONTIGUOUS FRONTAGE 200'
 MIN. LOT SIZE =87,120 SF (2 ACRES)
 MIN. ROAD SETBACK =100' (INDUSTRIAL 150')
 MIN. SIDE/REAR SETBACK =50'
 WETLAND/WATERBODY SETBACK =50'
 MAXIMUM STRUCTURE HEIGHT =34'
 SEPTIC SETBACK =50'/75' HYDRIC SOILS
 OVERLAY DISTRICTS: (AQUIFER PROTECTION, WETLAND CONSERVATION, FLOOD HAZZARD & WIRELESS COMMUNICATION OVERLAY DISTRICT)
 7. THE EXISTING USE OF TM 16 LOT 36A IS VACANT LAND.
 8. THE PROPOSED USE OF TM 16 LOT 36A WILL BE COMMERCIAL USE.
 9. SEWER TO BE PROVIDED BY ON-SITE SEPTIC SYSTEMS.
 10. WATER TO BE PROVIDED BY ON-SITE WELLS.
 11. RIGHT OF WAY WIDTH DETERMINED BY SURVEY, FIELD INVESTIGATION, RECORDED DEEDS AND PLANS OF REFERENCE.
 12. ADJUTING PROPERTY INFORMATION PROVIDED BY A COMBINATION OF ON-LINE TAX MAP DATA AND DATA PROVIDED BY gronitview.unh.edu.

REQUESTED WAIVER:

ZONING - COMMERCIAL - INDUSTRIAL DISTRICT

ARTICLE II, SECTION E.2(b) REQUIREMENTS:

b) SETBACKS - COMMERCIAL 100' FROM ALL BOUNDARIES.

LEGEND

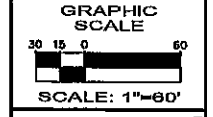
EXISTING STONEWALL	-----	WETLANDS
ABUTTERS PROPERTY LINES	-----	DRILL HOLE FOUND	○
SUBJECT PROPERTY LINES	-----	REBAR W/ CAP FOUND	○
PROPOSED PROPERTY LINES	-----	STONE BOUND FOUND	○
PROPERTY TIE LINE	-----	5/8" REBAR TO BE SET	○
EDGE OF PAVEMENT	-----	4"x4"x36" GRANITE BOUND TO BE SET	○
EXISTING TIE LINE	-----	PROPOSED WELL	○
EXISTING CONTOUR (MNR)	-572- - - - -		
EXISTING CONTOUR (MJR)	-570- - - - -		
EXISTING BLDG SETBACK	-----		

I CERTIFY THAT THIS PLAT IS BASED UPON THE PLAN REFERENCES AND A FIELD SURVEY CONDUCTED ON THE GROUND IN SPRING OF 2020, MEETING THE MINIMUM REQUIREMENTS FOR ACCURACY, 1:10,000 AND COMPLETENESS PER THE STATE OF NEW HAMPSHIRE AND THE TOWN OF NOTTINGHAM, NH.

SCOTT R. FRANKIEWCZ, LLS
DATE: _____

REVISIONS

NO.	DATE	DESCRIPTION	BY



N.H. LAND Consultants
SURVEYING-LAND PLANNING-REAL ESTATE
A Veteran Owned Company

PROPOSED VARIANCE PLAN
TAX MAP 16 LOT 36A
ERIC DECOTEAU
248 OLD TURNPIKE ROAD (ROUTE 4)
NOTTINGHAM, NH 03290
OWNED BY
ERIC DECOTEAU
1 OLD DOVER ROAD, SUITE 12, ROCHESTER, NH 03290
BOOK 5987 PAGE 84B

ROCKINGHAM CO.
JOB NO: 107.00
DATE: JUNE 8, 2020

PVP
SHT. 1 of 1