



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

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 September 17, 2019** in Conference Room 1, at the Town Municipal Office to hear the following application:

Case 19-008-VA-VA

Application from Thomas Duffy requesting two Variances from the Nottingham Zoning Ordinance. One Variance request from Article II Section C.1(a) to permit construction of a property with less than 200ft. of frontage on a class V road or better (there is 204.3ft of frontage on a private road). The second Variance request is from Article II Section C.2 to permit construction of a septic system 10ft. from the setback on a non-conforming lot where 20ft. is required (meets state requirement of 10ft). The property is located on Cove Road in Nottingham, NH and is identified as Tax Map 68 Lot 65.

Questions? Contact the Land Use Clerk, JoAnna Arendarczyk

Ph.: (603) 679-9597 ext. 1 **E-mail:** 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

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: 8/5/19
Owner: Thomas Duffy
Address: Cove Road
Map/Lot 68/65

Applicant has filed for a new 2 bedroom home on a .2 acre lot.

Denials:

Article II(C) (1) (a): Each lot shall have a minimum contiguous frontage of two (200) feet, including curb cut for approved access. This lot has 0' on a public road (note there is 204.3' frontage along Cove Rd. however that is a private road and does not meet the definition of frontage)

Article II(C) (2): There shall be between the property line, water's edge ("reference line" as described in RSA 483-B: 4 XVII), and any dwelling, and septic system(s), a minimum distance of fifty (50') feet, twenty (20') feet for grandfathered non-conforming lots of less than two (2) acres, as of the date of passage (03/08/94), in all directions. Meets State requirement of 10' but not the town setback of 20'.

Note:

- It is an undersized lot, but does have an approved PLAT prior to our zoning ordinance, therefore is not denial.

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 18 Cove Rd
68 65 -
Tax Map Lot Sub-Lot

Applicant's information:

Name(s): <u>THOMAS DUFFY</u>	
Address: <u>28 TUCKAWAY SHORE RD</u>	Phone #: <u>603 303 3039</u>
	E-mail: <u>TOM.DUFFY@VERANI.COM</u>

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

Name(s): <u>SAME</u>	
Address:	Phone #:
	E-mail:

Representative's information (if applicable):

Name(s): <u>SAME</u>	
Address:	Phone #:
	E-mail:

Property information:

Lot Dimensions: Front 128 Rear 99 Side 96 Side 76
Lot Area: Acres 0.20 Square Feet _____
Present Use of Property Residential LOT
Proposed Use of Property SAME

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) THOMAS DUFFY *Thomas Duffy* _____
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) (1) (a) Section _____ of the zoning ordinance to permit:

Construction of a property with less than 200' Road Frontage

Previous Zoning Board action on this property: NONE

SUPPORTING INFORMATION

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

LOT IS A NONCONFORMING LOT OF RECORD APPROVED BY TOWN IN THE EARLY 1960'S. PROPERTY HAS 128' OF FRONTAGE ON COVE RD, AND CONTINUES ON CORNER TO ANOTHER 76 FT ON COVE RD.

2. The spirit of the ordinance is observed:

SINGLE FAMILY HOME IS ALLOWED IN THE ZONE ON A LOT OF RECORD.

3. Substantial justice is done:

ALL OTHER HOMES ON STREET AND SUBDIVISION ARE NOW NONCONFORMING IN ROAD FRONTAGE. SIMILAR TO OTHERS. THIS IS FAIR TO ALL.

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

HOME VALUES NOT DIMINISHED OR BURDENED. SIMILAR FRONTAGES

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

Property is Appraised lot of records prior to 1972. Zoning ordinance was not in effect at that time.

Imposing updated standards makes lot unbuildable and is a hardship.

- ii) The proposed use is a reasonable one.

The proposed Building of a 2 Bedroom home is a minimal use and similar to others on the road.

- 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.

Property is not different from others in the area; some have even less road frontage with homes already constructed.

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 _____ of the zoning ordinance to permit:

Construction of Septic System on a non conforming lot
 Town Requirement is 20' from property line ^{for} set back
 State Requirement is 10' from property line ^{for} set back. Plan asks for 10' setback
 Previous Zoning Board action on this property: NONE
 Building dept has DENIED Building Application pending VARIANCE Because Plan shows 10 ft. set back.

SUPPORTING INFORMATION

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

All neighboring and abutting lots in this town approved subdivision are non conforming. Many lots have setback issues. Please note that setback variance is from the ROAD AND NOT ANOTHER ABUTTER.

2. The spirit of the ordinance is observed:

Setback Variance Request is for distance from the ROAD. Actual Distances to Abutting property lines are 1) 23 feet from lot 68-66, and 2) 46 feet from lot 68-81 thus meeting setbacks from property lines

3. Substantial justice is done:

If granted The approved non conforming lot can now build a home similar to those in neighborhood. Not homes have been Burdened.

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

Values are NOT Diminished, New Construction enhances look of neighborhood

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

Property was approved as a lot of record prior to 1972 zoning ordinance. Imposing a higher standard from a 1994 zoning ordinance is a hardship and prevents construction.

- ii) The proposed use is a reasonable one.

Homes need state approved septic systems, especially within 250' of water body.
(Shoreline protection)

- 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.

Other properties are similarly non-conforming; some with non-state approved septic built prior to 1994.

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
Chris Duffy *Aug 23, 2019*

Property Owner(s) _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date



Abutters List Report

Nottingham, NH
May 30, 2019

Subject Property:

Parcel Number: 068-0065-000
CAMA Number: 068-0065-000
Property Address: COVE ROAD

Mailing Address: DUFFY, THOMAS
28 TUCKAWAY SHORES RD
NOTTINGHAM, NH 03290

Abutters:

Parcel Number: 068-0010-000
CAMA Number: 068-0010-000
Property Address: RAYMOND ROAD

Mailing Address: SZAFRAN, CAROLINE J REV TRUST
SZAFRAN, CAROLINE J, TRUSTEE,
47 CHERRYWOOD DRIVE
DOVER, NH 03820

Parcel Number: 068-0064-000
CAMA Number: 068-0064-000
Property Address: 16 COVE ROAD

Mailing Address: NOETH, III, WILLIAM H. + NOETH
TRUSTEES ANNE D. NOETH REVOCA
60 QUARRY RD
ACTON, MA 01720

Parcel Number: 068-0066-000
CAMA Number: 068-0066-000
Property Address: 20 COVE ROAD

Mailing Address: LEWIS, WALTER-REV TRUST-TRUSTE
LEWIS, KATHERINE REV TRUST
P.O. BOX 422
NOTTINGHAM, NH 03290

Parcel Number: 068-0081-000
CAMA Number: 068-0081-000
Property Address: 17 COVE ROAD

Mailing Address: LAPOINTE, PRISCILLA C
17 COVE ROAD
NOTTINGHAM, NH 03290



www.cai-tech.com

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.

5/30/2019

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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
THOMAS DUFFY	28 TUCKAWAY Shore Rd Nottingham
2. Owner Name	Address
THOMAS DUFFY	28 TUCKAWAY Shore Rd Nottingham
3. Professional(s) Name	Address

MAP/ LOT/ SUB-LOT	ABUTTER(S) NAME	MAILING ADDRESS
4. 068-0010-000	SZAFRAN, Caroline J	47 Cherrywood Drive
5.	Rev. TOUST	Dover, NH 03820
6. 068-0064-000	Noeth, III, William & Anne	60 QUARRY Rd
7.		Acton MA 01720
8. 068-0066-000	Lewis, Walter + Katherine	PO Box 422
9.		Nottingham, NH 03290
10. 068-0081-000	LaPointe, Priscilla	17 Cove Rd
11.		Nottingham, NH 03290
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		



TOWN OF NOTTINGHAM

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

Permit Number: 2019000183 Date: 05/30/2019
Map: 000068 Lot: 000065 Sub Lot: 000000

Permit issued to: DUFFY, THOMAS
at: COVE ROAD

Permission to: GET STATE APPROVAL FOR 2 BEDROOM APPROVAL. ✓

Owner Address: 28 TUCKAWAY SHORES RD NOTTINGHAM, NH 03290 Phone:

Permit Fee: \$75.00 Estimated Cost: \$0

NOTE: THIS DESIGN MEETS STATE REQUIREMENTS, HOWEVER DOES NOT MEET NOTTINGHAM ZONING. IT IS BEING CONDITIONALLY APPROVED FOR THE PURPOSES OF STATE APPROVAL, HOWEVER A WAIVER FROM THE ZBA MUST BE APPROVED PRIOR TO INSTALLTION.

BED BOTTOM INSPECTION WILL BE CONDUCTED BY THE TOWN OF NOTTINGHAM

Signed: _____

CODE ADMINISTRATOR

Telephone: _____

603-679-9597 EXT 2

NOTE: THIS PERMIT EXPIRES MAY 30, 2020.



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

**NOTICE OF ACCEPTANCE OF PERMIT APPLICATION
LAND RESOURCES MANAGEMENT
SHORELAND PROGRAM**

July 25, 2019

NOTTINGHAM MUNICIPAL CLERK/CON COM
PO BOX 114
NOTTINGHAM NH 03290

Re: Shoreland Permit Application (RSA 483-B); NHDES File Number: 2019-02306
Subject Property: 18 Cove Rd, Nottingham, Tax Map #68, Lot #65

Dear Sir or Madam:

Pursuant to RSA 541-A:39, please be advised that the New Hampshire Department of Environmental Services (NHDES) accepted an application on **July 25, 2019** for the permit program and subject property referenced above.

The application requests a permit for impacts to jurisdictional shoreland at the subject property. A detailed technical review of the application package will be completed within the applicable timeframe: 30 days of receipt of an application for a permit or 30 days of receipt of an application for a permit that will require a waiver of the minimum standards of RSA 483-B:9.

Pursuant to RSA 483-B:5-b, IV-a and Env-Wq 1406.13(a), the applicant is required to have notified the municipality by certified mail and provided a completed and signed copy of the permit application. If you have not received the required information, please contact the applicant or their agent at the following address:

S & H LAND SERVICES LLC
PETER STODDARD
1600 CANDIA RD STE 5
MANCHESTER NH 03104

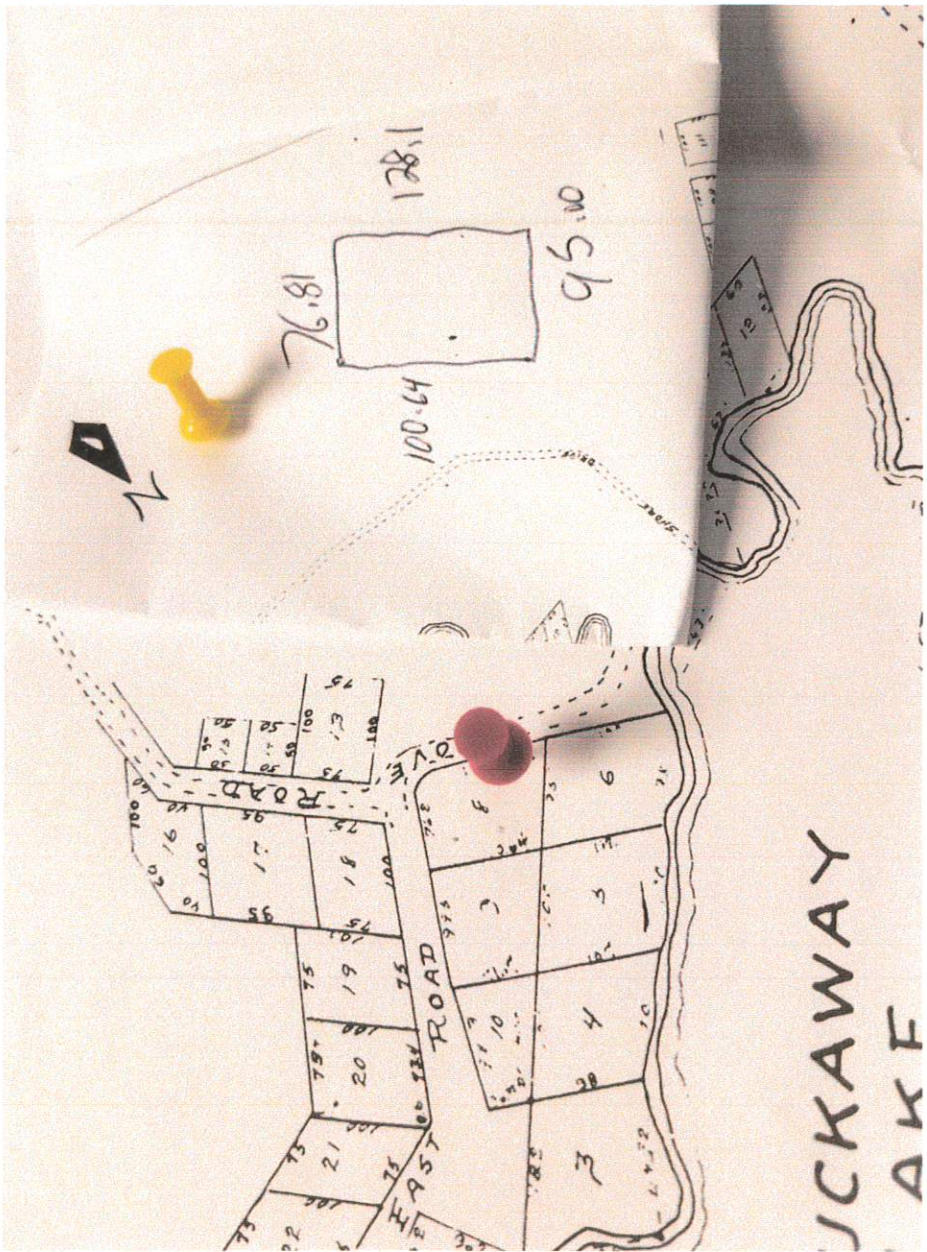
Please provide a copy of this notice to all interested departments, boards and commissions. Also note that under current state law and regulations, NHDES is not authorized to consider local zoning and regulatory issues pertaining to a project; these must be addressed at the local level.

If you have any questions, please contact the NHDES Shoreland Program at (603) 271-2147.

Sincerely,

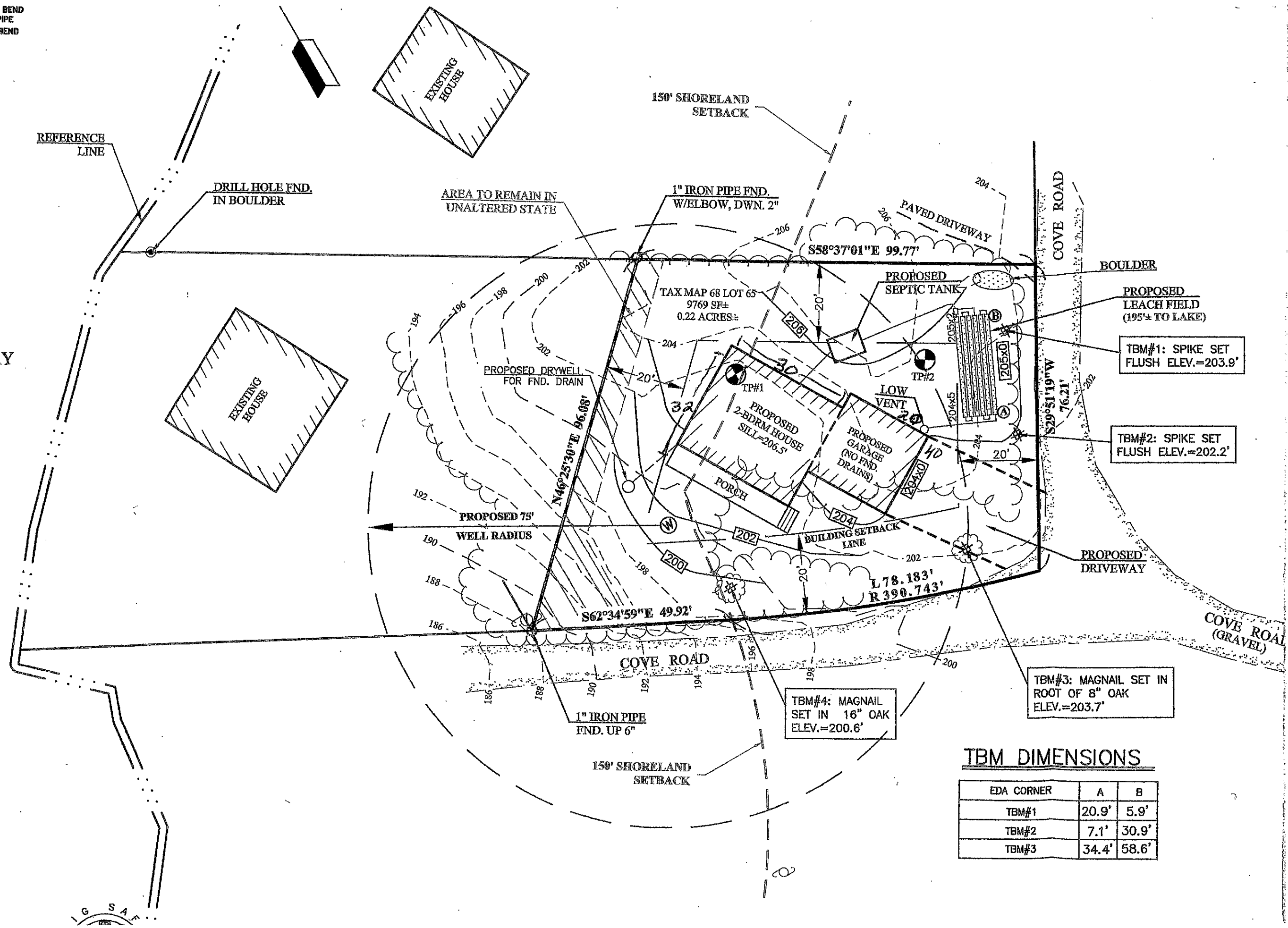
Shoreland Program
Land Resources Management

cc: Thomas Duffy ✓
Peter Stoddard, S&H Land Services, LLC



EGREE S&D BEND
 OLID S&D PIPE
 GREE S&D BEND
 IAPTOR

AWAY
 E



PROPOSED
 LEACH FIELD
 (195'± TO LAKE)

TBM#1: SPIKE SET
 FLUSH ELEV.=203.9'

TBM#2: SPIKE SET
 FLUSH ELEV.=202.2'

TBM#3: MAGNAIL SET IN
 ROOT OF 8" OAK
 ELEV.=203.7'

TBM#4: MAGNAIL
 SET IN 16" OAK
 ELEV.=200.6'

TBM DIMENSIONS

EDA CORNER	A	B
TBM#1	20.9'	5.9'
TBM#2	7.1'	30.9'
TBM#3	34.4'	58.6'