

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: 4/25/19  
Owner: Dennis Fowler  
Address: 121 Highland  
Map/Lot 67/25

Applicant has filed for a permit for a single family home on a private road, non-conforming lot.

**Article II(C)(1)(a):** 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.

- Lot has zero feet frontage where 200 feet is required on a Class V road.

Note:

1. Lot has plat # D-38520, which makes it exempt from 674:41, but not the Town Ordinance.
2. Lot has a deeded right away (attached).
3. Project has approved Shoreland permit

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dale Sylvia", is written over a light blue horizontal line.

Dale Sylvia  
Code Enforcement





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

**THE ZONING BOARD WILL NOT ACCEPT  
 INCOMPLETE OR LATE APPLICATIONS**

PLEASE READ BEFORE FILLING OUT YOUR APPLICATION

**Check the following boxes when complete to ensure application completeness:**

- The **“Applicant’s Name”** on the application must be **the property owner(s) of record**
  - include a copy of the Deed and Tax card
- The applicant’s **mailing address** should be listed underneath the applicant’s name(s).
- All owners must also sign** the application on the last page.
- “Representative”** need only be filled out if someone else will be making the presentation for the applicant. This information must also be included on the last page of the application.
- Under **“Location of Property”** you need not fill out the tax map, parcel & zone if you do not know it. Simply list the address of the property involved.
- For **“previous Zoning Board action on this property”** see the Land Use Clerk.
- If you are seeking a **VARIANCE, you are required to complete the five points of law on your application. Failure to do so will result in a delay or a denial. Be as thorough as possible! Your case rests on these points!** If you have any questions, feel free to contact the Land Use Clerk. These points begin on page 4 and continue on through to page 5.
  - You or your representative may be required to **VERBALLY** present all five points of law during the Public Hearing.
- Please make copies for yourself so that you will have the same information the Board has when you present to them. All relevant information, plans, drawings, etc. must be submitted with your application** so that they may be on file in the Land Use Office as public information. *Remember, the more prepared you are, the less time you will need to spend before the Board.*
  - Please bring six (6) copies of any additional materials that were not submitted with your application (i.e. drawings, photographs, more detailed explanations or reasoning) to the meeting.
- Six (6) sets of 11”x17” plans drawn to scale** which show lot location, lot size, setbacks, locations and dimensions of all structures (see the Nottingham Zoning Ordinance definition), powerlines (overhead & underground), well & septic radius of abutters if known and open spaces on the lot in question and on the adjacent lots and ownership of adjoining lots of land (*professionally drawn NOT required*).
- For certified mailings of Public Hearing Notices **Please print and provide three (3) sets of MAILING LABELS (6.66cm x 2.54cm) for each abutter, owner(s) and representative (if applicable).** *If an owner/abutter is repeated on your list with the exact same name and mailing address, they will only be counted once.*
  - Notices for the public hearing with the Zoning Board of Adjustment will be published in a local newspaper, posted in at least two (2) public places and will be sent via certified mail to the **property**



**owner(s), abutters and any other parties** the Board may deem to have an interest (including any representative) at least five (5) days before the date of the hearing.

- Please read the paragraph on page 7 of the application regarding **abutters**. The Land Use office can assist you in determining your abutters, but **YOU ARE RESPONSIBLE FOR OBTAINING THE CORRECT OWNER AND MAILING INFORMATION FOR THIS LIST FROM THE ASSESSOR'S OFFICE.** When verifying the correct owner and mailing information, you are required to use the assessing information only.
  - Please note that the abutters have the right to attend the meeting to speak for or against your case and ask any questions they may have. However, abutters do not vote on your case. Only the Board may vote.
- The Land Use Clerk will calculate the Fee total upon application submittal. Fee Schedule page: 9

***For your information:***

- Applications are due Before 2:30pm on the scheduled deadline date to be on the following month's agenda but **you are strongly encouraged to apply earlier in case any additional issues need to be addressed.**
  - **Applications will not be accepted after 2:30 on the deadline date.**
  - **Incomplete applications will not be accepted at any time.**
- The Zoning Board of Adjustment meetings take place on the third Tuesday of the month in Conference Room 1 at the Nottingham Municipal Offices, 139 Stage Road, unless otherwise posted.
- Meetings begin at 7:00P.M. Your actual hearing time is dependent on the number of cases being heard that night and the other business of the Board.
- Decisions of the Zoning Board can be based **only** on the testimony presented at the public hearing. **It is the applicant's responsibility to provide the evidence in support of the criteria for the application.**
- The Board reserves the right to continue cases to either the following month or another agreed upon date, time and location, should the meeting run to a late hour.
- Meetings are recorded on tape. Please approach the Board for your presentation and speak clearly into the microphone so that your case may be recorded accurately.
- Your case will be decided during deliberations, which typically occurs immediately following your presentation. You are welcome to stay to hear your decision. You will also receive notification in the mail of the Board's decision. If you would rather stop by and obtain your copy, please make arrangements with the Land Use Clerk.
- **Seeking a SPECIAL EXCEPTION TO OPERATE A HOME OCCUPATION (HOME BUSINESS)?**
  - Please note that the State may have separate requirements for business licensing. Such requirements would be independent of this Special Exception and **it is the applicant's responsibility to ensure that any and all State requirements are fulfilled.**
- In order to prepare yourself for your presentation, please familiarize yourself with the following:

**MEETING PROCEDURES**

1. The Chair reads the case into the record
2. The applicant makes their presentation.
3. The Board addresses the applicant with questions and/or comments.
4. Those in favor of the request are asked to speak at the microphone.
5. Those opposed or have questions regarding the request are asked to speak at the microphone.
6. The applicant may rebut any comments or questions.
7. The opposition may then also rebut.
8. The Board addresses the applicant with any additional comments or questions.
9. The case is taken under advisement immediately and voted on unless the Board chooses to do so at a later time- but within 30 days.



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**Zoning Board of Adjustment Application for Appeal- VARIANCE**

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

**LOCATION OF PROPERTY:** Street Address 121 Highland Ave Nottingham, NH  
67 025  
Tax Map Lot Sub-Lot

**Applicant's information:**

Name(s): Erika Fowler + Dennis J. Fowler Jr  
Address: 23 Cooper Hill Road Phone #: (603) 234-7995  
Nottingham, NH E-mail: Lakedogs3@yahoo.com

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

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

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

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

**Property information:**

Lot Dimensions: Front 112' Rear 362' Side 375' Side 180'  
Lot Area: Acres .95 Square Feet 36624  
Present Use of Property Wooded Lot  
Proposed Use of Property New Home

**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)** Dennis J. Fowler JR Dennis J. Fowler JR 4/30/19  
Printed name Signature Date  
Erika Fowler Erika Fowler 4/30/19  
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 2 Section C1A of the zoning ordinance to permit:

Previous Zoning Board action on this property: Unknown "per Land Use Clerk"

### SUPPORTING INFORMATION

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

Will not effect anything as there is a right away that passes through property.

2. The spirit of the ordinance is observed:

A Single family dwelling is an allowed use in the residential/agricultural district

3. Substantial justice is done:

All set backs are being met per town and state ordinance.

Property is on an approved PLAT by the planning board in 1972.

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

Values are definitely not going to diminish! The property



~~There are property with additional values surrounding~~  
~~There are~~ will be a single family residence  
 on an approved plan of land

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

The beginning of the driveway from the ROW gives the lot more than 500' of access from Highland Ave.

ii) The proposed use is a reasonable one.

The property is a single family dwelling and allowed in a residential/agricultural district.

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.

By the current town ordinance standards don't permit the land to be a usable lot ~~from~~ as they were when the land was subdivided. The lot has an approved Plat and the property was approved as a buildable lot in 1972, Nottingham did not adopt zoning until 1980 therefore the property is approved to build by the town of Nottingham.

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** Chris Albert  
Jones and Beach

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

Property Owner(s) Dennis Frank Jr 4/30/19 Chris Paul 4/30/19  
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



### 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
Dennis J Fowler JR	23 Cooper Hill Rd Nottingham, NH
Erika Fowler	23 Cooper Hill Rd Nottingham, NH
2. Owner Name	Address
Dennis J Fowler JR	23 Cooper Hill Rd
Erika Fowler	23 Cooper Hill Rd
3. Professional(s) Name	Address
Chris Albert (Jones and Beach)	Stratbam, NH

MAP/ LOT/ SUB-LOT	ABUTTER(S) NAME	MAILING ADDRESS
4.	See the Attached List for Abutters and Professional Representative	
5.		
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## 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)	<u><i>Dennis G. ...</i></u>	<u>4/30/19</u>	<u><i>[Signature]</i></u>	<u>4/30/19</u>
	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



# Abutters List Report

Nottingham, NH  
April 25, 2019

## Subject Property:

Parcel Number: 067-0025-000  
CAMA Number: 067-0025-000  
Property Address: 121 HIGHLAND AVENUE

Mailing Address: *Fowlers*  
~~HILL, ERIC K HILL, DEBORAH LEE~~  
42 EVERGREEN CIRCLE  
W. NEWTON, MA 02465

1

## Abutters:

Parcel Number: 063-0047-000  
CAMA Number: 063-0047-000  
Property Address: 147 RAYMOND ROAD

Mailing Address: REHILL, PHYLLIS I TRUSTEE REHILL  
REVOCABLE TRUST  
147 RAYMOND ROAD  
NOTTINGHAM, NH 03290

2

Parcel Number: 067-0024-000  
CAMA Number: 067-0024-000  
Property Address: 123 HIGHLAND AVENUE

Mailing Address: HAMILTON, CHAD M. HAMILTON,  
DEBORA A.  
18 CARR HILL ROAD  
WINDHAM, NH 03087

3

Parcel Number: 067-0046-000  
CAMA Number: 067-0046-000  
Property Address: 119 HIGHLAND AVENUE

Mailing Address: ANNINO, ROBERT MARKIEWICZ,  
MICHELLE  
119 HIGHLAND AVE  
NOTTINGHAM, NH 03290

4

*Chris Albert (Jones and Beach)*  
~~Smith~~

5.



www.cai-tech.com

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Return to: M  
Erika Fowler and Dennis J. Fowler, Jr.  
23 Cooper Hill Road  
Nottingham, NH 03290

*Carly Ann Tracy*

LCHIP	ROA422813	25.00
TRANSFER TAX	RO082533	3,300.00
RECORDING		14.00
SURCHARGE		2.00

67/25

\$220,000.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Eric K. Hill and Deborah Lee Hill**, A Married Couple, of 42 Evergreen Circle, West Newton, MA 02465, for consideration paid grants to **Erika Fowler and Dennis J. Fowler, Jr.**, A Married Couple, of 23 Cooper Hill Road, Nottingham, NH 03290 and Dennis J. Fowler, Jr., with WARRANTY COVENANTS:

The land in Nottingham, Rockingham County, State of New Hampshire, being shown as Lot 1 on "Plan of Land of T.L. Roache Nottingham, New Hampshire, Survey by T.W. Chesley Northwood, N.H., dated 1964, copied July 1971 and October 1971, Plan No. 2526A", recorded in the Rockingham County Registry of Deeds in Book 2126, Page 324, and to which plan reference may be made for a more particular description.

Said Lot 1 containing 31,110+/- square feet. more or less, according to said plan,

Subject to the reservation of the right to pass and repass on foot or with vehicles, over the land hereby conveyed, from the shore of said lake to the highway heretofore described, leading from Raymond to Nottingham Square, as referenced in the deeds recorded in the Rockingham County Registry of Deeds at Book 2126, Page 323; and Book 5483, Page 1917.

Also reserving an easement to pass and repass on foot or vehicle, upon a roadway more particularly described in a plan approved Feb. 17, 1972, by the Planning Board, Town of Nottingham.

Subject to right to pass and re-pass reserved to Addie C. Blake in deed at Book 937, Page 376.

Subject to slope and embankment and easements granted to State of New Hampshire in deed at Book 1072, Page 289.


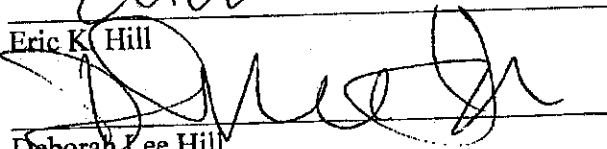
Subject to easement/right of way granted in deed to New Hampshire Electric Cooperative, Inc., and New England Telephone and Telegraph at Book 1552, Page 465.

Subject to matters and effects of matters as shown, noted or referenced on Plan at Book 2126, Page 324.

Meaning and intending to describe and convey the same premises conveyed to Eric K. Hill and Deborah Lee Hill by virtue of a Deed from Madeline D. Roache a/k/a Madeline M. Roache, dated September 26, 2013, and recorded in the Rockingham County Registry of Deeds in Book 5483, Page 1917.

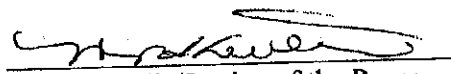
We, the grantors hereby release all rights of homestead in the above described premises.

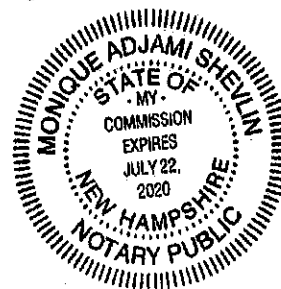
Executed this 5th day of September, 2018.

  
Eric K Hill  
  
Deborah Lee Hill

State of New Hampshire  
County of Rockingham

Then personally appeared before me on this 5th day of September, 2018, the said Eric K. Hill and Deborah Lee Hill and acknowledged the foregoing to be their voluntary act and deed.

  
Notary Public/Justice of the Peace  
Commission expiration:



2126 324

Book 2126 Page 0324

# PLAN OF LAND OF T. L. ROACHE NOTTINGHAM, N.H.

## LOCUS

APPROVED BY THE PLANNING BOARD  
OF THE TOWN OF NOTTINGHAM, N.H.  
DATE: Feb. 17, 1972

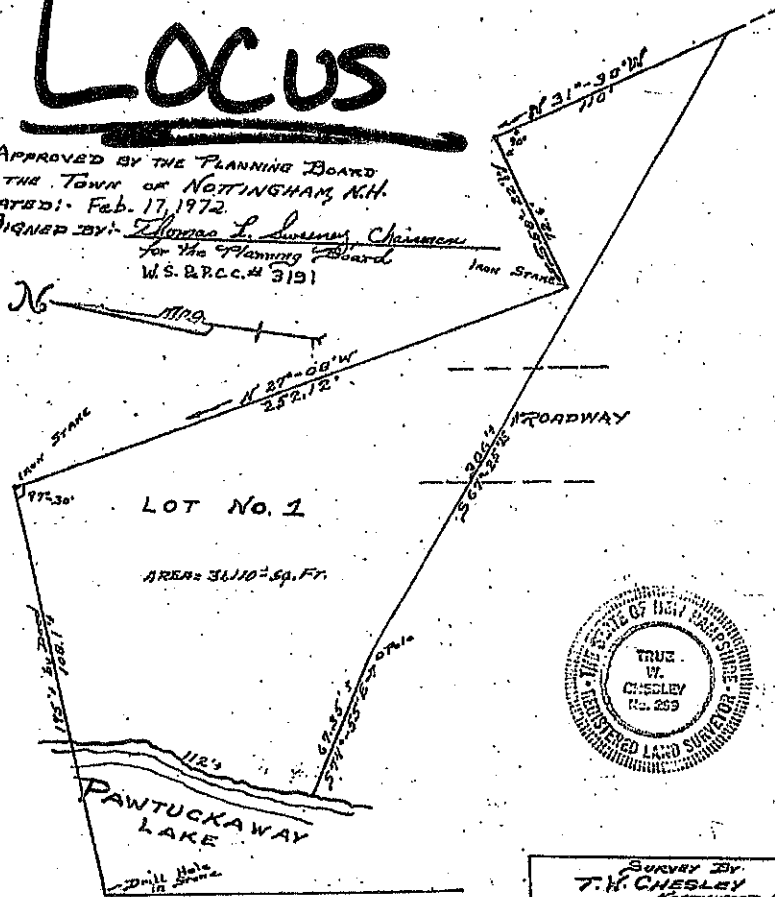
SIGNED BY: Thomas L. Lanning Chairman  
for the Planning Board  
W.S. & P.C.C. # 3191

03910

MAR 14 10 15 AM '72

RECD ROCKWELL & COUNTY  
RECORDS DEPT

*Roache*



SURVEY BY:  
**T. W. CHESLEY**  
NOTTINGHAM, N.H.  
DATE: 1-1968 - Copied July 1971  
CORRECTED - Oct. 1971  
SCALE: 1 INCH = 50 FEET  
PLAN No. 2526A

