

**70 Portsmouth Avenue
Stratham, N.H. 03885
Phn: 603 – 583-4860
Fax: 603 - 583-4863**

TRANSMITTAL

Town of Nottingham
Zoning Department
139 Stage Road
Nottingham, NH 03290

Date: Feb. 22, 2021
Project: NH-1155
Location: Gile Road
Via: Hand Deliver

We are sending you the following items:

Items:

Attached: ZBA Application

We are sending you the following items:

- 1 – Completed ZBA Variance Application**
- 6 – Sets of Reduced 11x17 Plans**
- 1 – List of Abutters w/3 labels for each**
- 1 – Check payable to Town of Nottingham for \$325.00**

Please feel free to call me if you have any comments, or if anything further is required.

Transmitted by: Scott D. Cole



TOWN OF NOTTINGHAM

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

www.nottingham-nh.gov

Planning & Zoning

Tel (603) 679-9597 Fax (603) 679-1013

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment
Town of Nottingham

FOR OFFICE USE ONLY

Case No. _____
Date Filed _____
Meeting Date _____
Fee Amount _____
Date Paid _____
Outcome _____

Name of Applicant Joseph Falzone

Mailing Address 7B Emery Lane, Stratham, NH 03885

Home Phone _____ Work Phone 772-9400 Cell _____

Name of Owner(s) Diane Monti

(if same as applicant, write "same")

Owner's Address 200 S. Banana River Road BLVD #2407, Cocoa Beach, FL. 32932

(if same as applicant, write "same")

PROPERTY INFORMATION

Location of property Gile Road Tax Map 40 Lot 1

Lot Dimensions: Front 1880 Rear 3487 Side 904 Side 120

Lot Area: Acres 61.5 Square Feet 2,678,940

Present Use of Property Open Land

Proposed Use of Property 7 Lot Subdivision

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 C.1.b of the zoning ordinance to permit:

to allow common driveways to not be located on the common boundary line.

SUPPORTING INFORMATION

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

We are crossing a wetland at its most narrow point per NHDES

2. If the Variance were granted, the spirit of the ordinance would be observed because:

It protects the more sensitive areas

3. Granting the variance would do substantial justice because:

We are responding to a state agency for minimal impact and putting the drives along the common boundary line as required would cause greater disturbance.

4. If the variance is granted, the values of the surrounding properties would not be diminished because:

The same number of lots could be approved on such a large piece of land or more in a different configuration.

5. Unnecessary Hardship

- a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- 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 because:

It is a recommendation from the State to allow the driveways in their current designed location.

-AND-

- ii. The proposed use is a reasonable one because:

It provided the least amount of impact to wetlands.

B. Explain how, 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.

This parcel consists of a very large buildable area which sits behind a wetland feature making it different from other parcels and we are working with NHDES to develop the land in the best practice possible.

I hereby certify that I am the owner in fee or the authorized agent of the owner in fee of the property upon which this variance is sought and that all information provided by me is true under penalty of law.


Signature of Owner or Authorized Agent


Date

Please Print Name JOSEPH FALZONE



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

OWNER'S AUTHORIZATION FOR REPRESENTATION

Property location: Gile road

I, the undersigned owner(s) of the property listed above, hereby verify that I have authorized:
Beals Associates PLLC to represent me/us and apply for the required
 approval(s) from the Planning Board in the Town of Nottingham, New Hampshire for the following:

- Subdivision/Lot Line Adjustment Site Plan Review Backlot Subdivision
 Design Review Other ZBA

FOR: VARIANCE

Name of Owner	<u>JOSEPH FALZONE</u>	
Address of Owner	<u>7-B Emory Lane</u>	
Signature of Owner	<u>Joseph Falzone</u>	Date

Name of Owner		
Address of Owner		
Signature of Owner		Date

Name of Owner		
Address of Owner		
Signature of Owner		Date

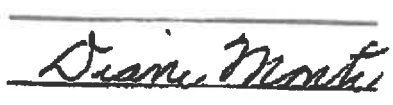
Name of Owner		
Address of Owner		
Signature of Owner		Date

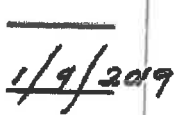
LETTER OF AUTHORIZATION

I, Diane Monti, owner of 61.5 acres of land located on Gile Road Nottingham NH shown on Nottingham town map #40 as lot 1 do hereby authorize Beal's Associates, PLLC, 70 Portsmouth Avenue, Stratham, NH, and Joseph Falzone of Stratham, NH to act on my behalf in all matters to be discussed at the Planning Board hearings and any other Land Use Board approval hearings or State/Federal Permitting Agencies concerning the property previously mentioned.

I hereby appoint Beal's Associates, PLLC and Joseph Falzone to act on my behalf in the permitting process.


witness





Witness

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

11/23/2020

Property Owner(s) _____ 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 _____



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ZONING BOARD OF ADJUSTMENTS
FEE SCHEDULE

Fee's collected at time of application:

	TOTAL CHARGE	DATE PAID
APPLICATION FEE \$100.00	<u>\$100.00</u>	_____
ABUTTER NOTIFICATION 15 ___ X \$10.00/PER ABUTTER	<u>\$150.00</u>	_____
PUBLIC NOTICE FEE \$75.00	<u>\$75.00</u>	_____
TOTAL	<u>\$325.00</u>	_____

The Nottingham Zoning Board strongly recommends that, before making any appeal, you become familiar with the zoning ordinance, and also with the New Hampshire Statutes TITLE LXIV, RSA Chapters 672- 677, covering planning and zoning.

New Hampshire Law

New Hampshire law no longer distinguishes between a "use" or "area" variance. New Hampshire law requires the existence of unnecessary hardship for the granting of any variance, whether that is for a use not allowed in a particular zone or a deviation from a dimensional requirement.

APPLICATION PROCEDURE FOR ZONING BOARD OF ADJUSTMENT HEARING

Clarification of the Zoning Ordinance and assistance in completing the application process can be obtained from the Secretary of the Zoning Board. Legal assistance should be obtained from the Applicant's personal attorney.

Correctness of information submitted is the responsibility of the Applicant.

The following must be filed with the application:

- ✓ Application fee, public notice fee, and abutter notification fee.
- ✓ An abutters list and three (3) sets of abutter mailing labels. Abutter mailing labels must include the names and legal addresses of applicant, property owner, all property owners abutting the subject parcel, including those directly across the street or stream, and anyone whose professional seal appears on the plan. Tax Map No. and Lot No. must also appear on the list for the abutting properties. **Important:** Applicant shall certify that the abutters are as indicated in the Town of Nottingham's Selectmen's Office not more than 5 days prior to day of filing the application with the Zoning Board. (SEE FORM A).
- ✓ Six (6) sets of 11"X17" plans drawn to scale which show lot location, lot size, setbacks, locations and dimensions of all structures and open spaces on the lot in question and on the adjacent lots, and ownership of adjoining lots of land. Plans do not have to be professionally drawn.
- ✓ A written description of work proposed and any dimensions pertinent to construction.
- ✓ A signed Authorization To Enter Upon Said Property form. (SEE FORM B)
- ✓ If the applicant is not the owner, a notarized Owner's Authorization for Representation form must be submitted. (SEE FORM C).

No application shall be accepted for processing until **all** of the required information is received.

HEARING NOTIFICATION & PROCESS

Your hearing will be held within 30 days after submission of a complete application. You will be notified by certified mail as to time, place, and date of the public hearing. At the time of the hearing, you must present your case to the Board or must authorize a representative to appear for you. (FORM C).

RULES OF PROCEDURE FOR CONDUCT OF MEETINGS

Each applicant is entitled to a hearing by a five-member Board. If, for any reason, five members are not available, the applicant(s) may elect to postpone the hearing and decision until the next meeting of the Board at which five members are present. For the benefit of those in attendance at public hearings, the Chairman will briefly explain the procedure before the hearings begin and introduce the members of the Board. The public hearing will begin with the applicant(s) and/or his/her representative presenting the petition. Then those wishing to speak in favor of the petition may do so, followed by those wishing to speak in opposition to the petition. After this, the applicant(s) and those in favor may speak in rebuttal, followed by the rebuttal of those in opposition. The debate may be closed when the Chairman deems it appropriate. All comments must be addressed to the Chair. Anyone rising to address the Chair should identify him/herself, giving his/her name and address. No one will be allowed to speak twice until all who wish to speak have been heard. Reasons will be given for all decisions of the Board and references made to the appropriate sections of the Zoning Ordinance. In the event the Board wishes to postpone making a decision, the applicant(s) will be so advised. All decisions will be announced by the Chair at the time they are made, and formal written notification will be mailed to the applicant(s) within 5 business days after the decision is rendered. In the event no one is available to present a petition to the Board at the public hearing, the petition will be automatically dismissed on the grounds that no public hearing has been held. A petition may be withdrawn by the applicant(s) by notifying the Clerk of the Board of this intention. All public hearings and Board deliberations are transcribed.

**ABUTTERS LIST
FOR
NH- 1155 JOE FALZONE/DIANE MONTI- NOTTINGHAM, NH
DATE January 13, 2021**

SUBJECT PARCEL

TAX MAP/LOT

040-0001-000
GILE RD.

OWNER OF RECORD

DIANE MONTI
200 S BANANA RIVER BLVD #2407
COCOA BEACH, FL 32931

ABUTTERS

TAX MAP/LOT

025-0018-000
OFF GILE RD.

OWNER OF RECORD

EDWARD & SUZANNE DAVIS
126 GILE RD.
NOTTINGHAM, NH 03290

025-0018-00A
126 GILE RD.

EDWARD & SUZANNE DAVIS
126 GILE RD.
NOTTINGHAM, NH 03290

039-0011-000
125 GILE RD.

RICHARD & CARRIE PASCOE
125 GILE RD REVOCABLE TRUST
125 GILE RD.
NOTTINGHAM, NH 03290

040-0002-001
154 GILE RD.

JOHN NASSER
NASSER REVOCABLE TRUST
154 GILE RD.
NOTTINGHAM, NH 03290

040-0002-002
152 GILE RD.

JOHN BUTLER
152 GILE RD.
NOTTINGHAM, NH 03290

040-0002-003
150 GILE RD.

RICHARD & DANIEL BACON
BACON IRREVOCABLE TRUST
167 GILE RD.
NOTTINGHAM, NH 03290

040-0002-01B
156 GILE RD.

SANDRA POTTER
POTTER REVOCABLE TRUST
156 GILE RD.
NOTTINGHAM, NH 03290

040-0002-01C
162 GILE RD.

ADAM & COLLEEN ROSENTHAL
162 GILE RD.
NOTTINGHAM, NH 03290

040-0004-000
167 GILE RD.

RICHARD & ANN BACON
167 GILE RD.
NOTTINGHAM, NH 03290

**ABUTTERS LIST
FOR
NH- 1155 JOE FALZONE/DIANE MONTI- NOTTINGHAM, NH
DATE January 13, 2021**

040-0005-000
174 GILE RD.

CONRAD & KATHY MANDSAGER
174 GILE RD.
NOTTINGHAM, NH 03290

040-0012-000
GILE RD.

ROBERT DIBERTO
334 ROUTE 108
MADBURY, NH 03820

040-0014-000
GILE RD.

MARK PITKIN & LAURIE TROSTLE-PITKIN
9 SQUIRE RD.
FREMONT, NH 03044

PROFESSIONALS

ENGINEERING FIRM

BEALS ASSOCIATES, PLLC.
70 PORTSMOUTH AVE. 3RD FLOOR
STRATHAM, NH 03885

SOIL SCIENTIST

GOVE ENVIRONMENTAL
8 CONTINENTAL DR. BLDG. 2 UNIT H
EXETER, NH 03833

SURVEYOR

DOUCET SURVEY, INC.
102 KENT PLACE
NEWMARKET, NH 03857

DEVELOPER

JOE FALZONE
7B EMERY LANE
STRATHAM, NH 03885

DIANE MONTI
200 S BANANA RIVER BLVD #2407
COCOA BEACH, FL 32931

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