

#19-012



### TOWN OF NOTTINGHAM

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

## Zoning Board of Adjustment Application for Appeal- VARIANCE

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

**LOCATION OF PROPERTY:** 40 White's Grove  
Nottingham, NH

63	63	
Tax Map	Lot	Sub-Lot

**Applicant's information:**

Name(s): Deborah and Andrew Harmon	
Address: 8 Long Hill Rd Raymond, NH 03077	Phone #: 603-490-1869 E-mail: adharmon@comcast.net

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

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

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

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

**Property information:**

Lot Dimensions: Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_

Lot Area: Acres \_\_\_\_\_ Square Feet \_\_\_\_\_

Present Use of Property 2 BR + loft camp (24.5' x 26.5' footprint) w/ 10.5' deck

Proposed Use of Property Single loft camp (same 24.5' x 26.5' footprint) w/ 10.5' deck

**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)** Andrew J. Harmon  
Printed name

[Signature]  
Signature

10/22/19  
Date

Deborah M. Harmon  
Printed name

[Signature]  
Signature

10/22/19  
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(s) II(C)(1)(a) - road frontage, and II(2)(C)(2) - setbacks of the zoning ordinance to permit:

Replacement of 2 BR + Loft Camp, which has become unfit for habitation due to damage and deterioration, with new construction on the same footprint (with a loft, but without the 2 bedrooms).

The referenced conditions include a leaking/failed roof, tree damage that ripped the electric service off requiring re-wiring of the building, and wood rot throughout the building.

\_\_\_\_\_

Previous Zoning Board action on this property: \_\_\_\_\_

\_\_\_\_\_

**SUPPORTING INFORMATION**

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

The replacement building will be on the same footprint.

2. The spirit of the ordinance is observed:

There are no resulting burdens on surrounding properties because the replacement construction will be on the same footprint.

3. Substantial justice is done:

By adhering to the same footprint, we can make the camp habitable again and yet cause no impact on others.

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

The values of surrounding properties would not be diminished and likely would be increased.

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

Denial of an approval, which is essential to making the camp habitable again, would serve no purpose of the ordinance, which is to regulate consistent with the character of neighborhoods regulated, and where existing setbacks will not be altered by this proposal and no new development is in issue, where there would be no impact to surrounding properties, and where the existing setbacks are consistent with the similar setbacks of other properties in the neighborhood.

- 
- (ii) The proposed use is a reasonable one.

The proposal continues the prior reasonable use.

- 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 hardship resulting would be an unnecessary one because the camp has become uninhabitable and due to the size of the pre-existing, approved lot, strict conformance would not allow its use or even the use of surrounding properties.

I understand that I **MUST** appear in person at the public hearing

**OR**


If I cannot appear in person,

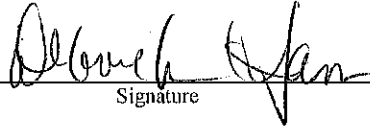
I will designate the representative or agent, in writing below, to act on my behalf:

**I hereby designate** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

Property Owner(s)  10/22/19 \_\_\_\_\_  
Signature Date Signature Date

Property Owner(s)  10+22-19 \_\_\_\_\_  
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
<i>Andrew and Deborah Harmon</i>	<i>8 Long Hill Rd, Raymond, NH 03077</i>
2. Owner Name	Address
<i>same</i>	
3. Professional(s) Name	Address

MAP/ LOT/ SUB-LOT	ABUTTER(S) NAME	MAILING ADDRESS
4. <i>63/64</i>	<i>Jason and Lena Arigoni</i>	<i>42 White's Grove Rd **</i>
5. <i>63/62</i>	<i>Andrew Stephens</i>	<i>38 White's Grove Rd</i>
6.		
7.		
8.		<i>** 130 Kingston St. Unit 1002</i>
9.		<i>Boston, MA 02111</i>
10.		
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19.		
20.		



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

### 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) \_\_\_\_\_  
Signature: [Signature] Date: 10/22/19 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner(s) \_\_\_\_\_  
Signature: [Signature] Date: 10-22-19 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner(s) \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner(s) \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Return to:  
Mesmer & Deleault, PLLC  
41 Brook Street  
Manchester, NH 03104

### WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that We, William T. Harmon and Kimberly Harmon, wife and husband of 106 North Pepperell Road, Hollis, New Hampshire 03049 and Andrew J. Harmon and Deborah A. Harmon, aka Deborah M. Harmon, husband and wife of 8 Longhill Road, Raymond, New Hampshire 03077 GRANT TO Andrew J. Harmon as Trustee of the Andrew J. Harmon 2013 Revocable Trust and Deborah M. Harmon as Trustee of the Deborah M. Harmon 2013 Revocable Trust, husband and wife both of 8 Longhill Road, Raymond, County of Rockingham, New Hampshire, as tenants in common, with WARRANTY COVENANTS the following:

A certain parcel of land located in Nottingham, County of Rockingham, State of New Hampshire, being more particularly described as follows:

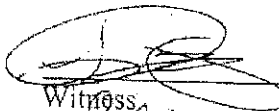
Beginning at the northeasterly corner of said premises at an iron stake on the shore of Pawtuckaway Lake at the northwesterly corner of land of Frank J. and Irma F. Loprete and running south-southeasterly along said Loprete land approximately 109 feet to an iron stake at a right-of-way; thence running west-southwesterly along said right-of-way 20 feet to an iron stake; thence running northwesterly along land of Perun Menswar and Heiburg 20 feet to an iron stake; thence running west-southwesterly 12 feet to an iron stake; thence running northwesterly approximately 91 feet to an iron stake on the shore of the Lake; thence running east-northeasterly along the shore of the Lake approximately 76 feet to the point of beginning.

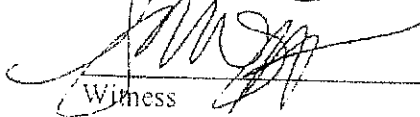
Together with a right-of-way to and from said premises from Route 156 over land now or formerly of Webster W. and Lottie E. White for all necessary and proper purposes, using the right-of-way presently in existence.

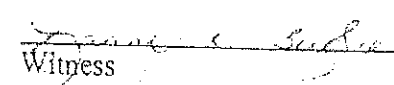
Together with the right to draw water for drinking purposes from a well now or formerly owned by the said Webster E. and Lottie E. White, but not hereby conveying any rights to pipe water from said well.


No commercial use shall be made of said premises, and no buildings shall be constructed thereon unless attached to main dwelling.


Meaning and intending to describe and convey all of the same premises conveyed to William T. Harmon and Kimberly Harmon, Andrew J. Harmon and Deborah A. Harmon, aka Deborah M. Harmon by Warranty Deed dated August 15, 2008 by deed of Lynne Perun and John Perun, Karen Menswar, Theodore Menswar and Edward T. Heiberg and recorded in Book 4944, Page 2253, Rockingham County Registry of Deeds.

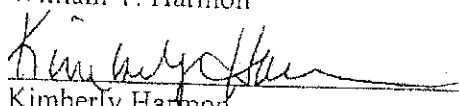
  
\_\_\_\_\_  
Witness

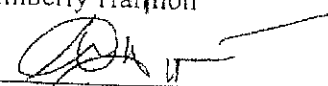
  
\_\_\_\_\_  
Witness

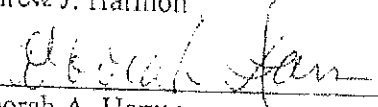
  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
William T. Harmon

  
\_\_\_\_\_  
Kimberly Harmon

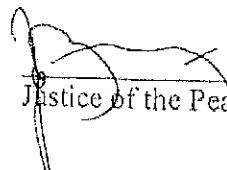
  
\_\_\_\_\_  
Andrew J. Harmon

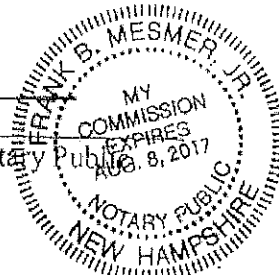
  
\_\_\_\_\_  
Deborah A. Harmon,  
aka Deborah M. Harmon

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

On this 14th day of November, 2013, before me, the undersigned officer, personally appeared Andrew J. Harmon and Deborah M. Harmon, who executed the foregoing instrument for the purpose contained therein.

BEFORE ME:

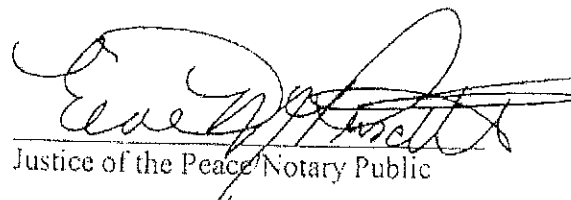
  
\_\_\_\_\_  
Justice of the Peace/Notary Public



STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

On this 29 day of Nov., 2013, before me, the undersigned officer, personally appeared William T. Harmon and Kimberly Harmon, who executed the foregoing instrument for the purpose contained therein.

BEFORE ME:

  
\_\_\_\_\_  
Justice of the Peace/Notary Public

Elaine M Prescott  
Notary Public, State of New Hampshire  
My Commission Expires Dec. 5, 2017



**OWNER INFORMATION**

**HARMON, ANDREW J**  
 HARMON, DEBORAH M  
 8 LONGHILL ROAD  
 TRUSTEES OF 2013 REVOCABLE TRU  
 RAYMOND, NH 03077  
 (ET AL.)

**SALES HISTORY**

Date	Book	Page	Type	Price Grantor
12/27/2013	5504	1354	U138	117,500 HARMON, ANDREW &
08/21/2008	4944	2253	Q1	235,000 MENSWAR, PERLUN & HEIBER
03/23/2004	4254	1438	U139	HEIBERG, KATHLEEN M.
07/20/1984	2503	1539	U138	HEIBERG, EDWARD J. & E

**NOTES**

GRAY; SEASONAL; "LAKE VIEW"; 56' W/E/EST); 8/08-DEED EACH COUPLE 1/2 INT AS TENANTS IN COMMON; 7/09-ADI SKETCH, SIDING, HEAT, 10 UPDATE: ADJD ROOF, WALLS, DEK & ADDED ATU. NO BEACH. MIN SEPTIC; 2010 RYW:NC; 8/14 NOH. AVG SIDING=VERTICAL PINE. SOME CLAPBOARD AT GABLE END. DNPV TEMP DOCK. NAT WF W/SANDY/GRAVEL BOTTOM. MOVED STO TO XFOBS; 6/19; NOH; EXT COND=AVG NDS PAINT, SOME SIDING ROT;

**EXTRA FEATURES VALUATION**

Feature Type	Units	Length x Width	Size Adj	Rate	Cond	Market Value	Notes
SHED:WOOD	192	8 x 24	143	7.00	50	961	UNDER EPF=COND 1,000

**PICTURE**



MUNICIPAL SOFTWARE BY AVIAR

**TOWN OF NOTTINGHAM**  
 NEW HAMPSHIRE  
 PARCEL TOTAL TAXABLE VALUE

Year	Building	Features	Land
2017	\$ 38,900	\$ 1,000	\$ 219,700
		Parcel Total: \$ 259,600	
2018	\$ 38,900	\$ 1,000	\$ 219,700
		Parcel Total: \$ 259,600	
2019	\$ 38,900	\$ 1,000	\$ 219,700
		Parcel Total: \$ 259,600	

**LAND VALUATION**

Zone: R-AG PAWTUCKAWAY Minimum Acreage: 2.00 Minimum Frontage: 200 Site: NATURAL Driveway: GRAVEL Road: GRAVEL

Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes
IF RES WTRFRNT	0.130 ac	57,000	D	90	90	95	95	90--ROLLING	100	37,500	0	N	37,500	
IF RES WTRFRNT	1.000 wf	x 220,000	X	100				90--ROLLING	92	182,200	0	N	182,200	56/AVG/AVG/GDN W
	<b>0.130 ac</b>									<b>219,700</b>			<b>219,700</b>	

**EAST REVALUATION: 2015**

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](mailto:dsylvia@nottingham-nh.gov)  
[www.nottingham-nh.gov](http://www.nottingham-nh.gov)

### Building Permit Application Denial

Date: 10/22/19  
Owner: Andrew Harmon  
Address: 40 Whites Grove  
Map/Lot 63/63

Applicant seeks a variance to replace a seasonal camp in the same footprint

#### Article II(C)(1)(a) Road Frontage

Article II(C)(1)(a): Each lot shall have a minimum contiguous frontage of two hundred (200') feet including curb cut. The length of the lot has zero feet on a class V road.

#### Article II(C)(2) Setbacks

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. Existing setbacks are approx. 15 feet.

#### Note:

- It is an undersized lot, but does have an approved PLAT, reducing setbacks to 20 feet.
- Proposed replacement is in exact same existing footprint with no expansion.
- Existing structure was hit by a tree and building is in a condition that repair is not practical.

Respectfully submitted,

Dale Sylvia  
Code Enforcement