



## TOWN OF NOTTINGHAM

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

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

Planning & Zoning  
Tel (603) 679-9597 Fax (603) 679-1013

### APPLICATION FOR A SPECIAL EXCEPTION

To: Zoning Board of Adjustment  
Town of Nottingham

#### FOR OFFICE USE ONLY

Case No. 20-08-5E  
Date Filed 6/25/2020  
Meeting Date 7/21/2020  
Fee Amount 235.00  
Date Paid 6/25/2020  
Outcome \_\_\_\_\_

Name of Applicant Robin & Thomas Marshall  
Mailing Address 189 Old Turnpike Road, Nottingham, NH 03290  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Name of Owner Same  
(if same as applicant, write "same")

amehlig728@gmail.com  
Cell 603-988-5444

Acting Agent: Stonewall Surveying, 338 Hall Road, Barrington, NH 03825  
603-664-3900, stonewallsurveying@gmail.com

#### PROPERTY INFORMATION

Location of property 189 Old Turnpike Road Tax Map 2 Lot 4  
Lot Dimensions: Front 360'± Rear 120'± Side 1158'± Side 1008'±  
Lot Area: Acres 6.34± Square Feet 276,170±  
Present Use of Property Residential  
Proposed Use of Property Residential

**NOTE:** This application is not acceptable unless all statements below have been completed. Additional information may be supplied on a separate sheet if the space provided is not adequate.

#### SPECIAL EXCEPTION REQUEST

A special exception is requested from Article II Section E.1 of the zoning ordinance to permit:

The Commercial/Industrial Zone (Route 4) does not allow for a residential use. My client currently resides on the property and wants to divide off a parcel for their daughter. We are requesting a special exception to allow for a new residential lot to be created behind the existing residence.

**SUPPORTING INFORMATION**

Explain how the proposal meets the special exception criteria as specified in the above noted Article/Section of the Nottingham Building Code & Zoning Ordinances: (List all criteria from ordinance).

*Criteria 1 – whether the goal set forth in NH RSA 674:17 I will be infringed by granting such special exception;*

**NH RSA 674:17 I encourages the preservation of agricultural lands. In this area are multiple residential uses along with an abutting parcel of 135± acres of conservation land. Allowing a residential back lot will still keep with the existing rural character of this section of Route 4. Many residential lots have small vegetable and flower gardens which falls more line with agricultural use than an office building.**

*Criteria 2 – whether the terrain or configuration of the lot make it more appropriate than not for such a special exception to be granted; and*

**The existing lot is 300'± wide and 1100'± long. The existing residence is about 200' into the lot. In order to divide this parcel, the building window would be out back approximately 500+ feet. Requiring a business to be placed behind the existing residence doesn't seem practical or appropriate, but this still allows for the front parcel to be converted to a commercial use. The existing parcel meets all criteria for a Back Lot under Article IV, Section T.**

*Criteria 3 – whether the granting of such special exception would adversely impact the neighboring parcels or rural character of the Town.*

**This section of Route 4 has many, including newly built, residential homes. The abutter to the left is a residence on 135± acres of conservation land. The abutter to the right is a residence and a trucking business. The two immediate abutters on the other side of Route 4 are also residential lots. Allowing for the residential use will not adversely impact the surrounding properties since they would be the same residential use and this will not diminish the abutting values.**

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 special exception is sought and that all information provided by me is true under penalty of law.



Signature of Owner(s) or Authorized Agent



Date

Owner's Name (Typed or Printed) **Acting Agent: Raymond Bisson, LLS**

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.

#### **CONDITIONS FOR A SPECIAL EXCEPTION APPLICATION PER NH RSA 674:33 IV**

Certain sections of the zoning ordinances provide for permitted special exceptions to the standard requirements of the zoning ordinance if specified conditions are met. The necessary conditions for each special exception are given in the ordinance.

#### **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 or change in use 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 signed and 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 144 hours 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.

Town of Nottingham  
P.O. Box 114  
139 Stage Road  
Nottingham NH 03290



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Fax 603-679-1013  
[plan.zone@nottingham-nh.gov](mailto:plan.zone@nottingham-nh.gov)  
[www.nottingham-nh.gov](http://www.nottingham-nh.gov)

## OWNER'S AUTHORIZATION FOR REPRESENTATION

I, the undersigned owner of the property at Robin & Thomas Marshall,  
hereby verify that I have authorized Raymond Bisson from Stonewall Surveying 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:

- |  |   |
|--|---|
| <input type="checkbox"/> Subdivision/Lot Line Adjustment     | <input type="checkbox"/> Site Plan Review |
| <input checked="" type="checkbox"/> Backlot Subdivision      | <input type="checkbox"/> Design Review    |
| <input checked="" type="checkbox"/> Other <u>ZBA Meeting</u> |   |

FOR: Special Exception Request at 189 Old Turnpike Road.

NAME OF OWNER (Typed or printed) Robin Marshall

Address of Owner 189 Old Turnpike Road, Nottingham, NH 03290

Signature of Owner *Robin Marshall* Date 06/25/20

NAME OF OWNER (Typed or printed) Thomas Marshall

Address of Owner 189 Old Turnpike Road, Nottingham, NH 03290

Signature of Owner *Thomas Marshall* Date 6/25/20

NAME OF OWNER (Typed or printed) ~~Robin Marshall, ym~~

Address of Owner ~~189 Old Turnpike Rd, Nottingham, NH 03290~~

Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_

NAME OF OWNER (Typed or printed) \_\_\_\_\_

Address of Owner \_\_\_\_\_

Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_



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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) Robin Marshall 06/25/20  
Signature Date Signature Date

Property Owner(s) [Signature] 6/25/20  
Signature Date Signature Date

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

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

Town of Nottingham  
P.O. Box 114  
139 Stage Road  
Nottingham NH 03290

## ABUTTER(S) LIST

Office 603-679-9597 X1  
Fax 603-679-1013  
[plan.zone@nottingham-nh.gov](mailto:plan.zone@nottingham-nh.gov)  
[www.nottingham-nh.gov](http://www.nottingham-nh.gov)

**\*\*PLEASE PRINT THREE (3) ADDRESS LABELS PER ABUTTER- INCLUDING THE APPLICANT, OWNER AND PROFESSIONAL(S)\*\***

**1. APPLICANT INFORMATION:**

Printed Name: Robin & Thomas Marshall Contact Telephone: 603-988-5444  
Address: 189 Old Turnpike Road, Nottingham, NH 03290

**2. OWNER INFORMATION:**

Printed Name: Same as Applicant  
Address: \_\_\_\_\_

**3. PROFESSIONAL(S) INFORMATION:**

Printed Name: Stonewall Surveying c/o Raymond Bisson, LLS 603-664-3900  
Address: 338 Hall Road, Barrington, NH 03825

Abutter(s) Information				
4.	Map: <b>2</b>	Lot: <b>1</b>	Name: Comte Family Farm, LLC	Address: 13 Nielson Rd, Nottingham, NH 03290
5.	Map: <b>2</b>	Lot: <b>5</b>	Name: Herbert L. Rollins, III Danielle Rollins	Address: 187 Old Turnpike Road, Nottingham, NH 03290
6.	Map: <b>2</b>	Lot: <b>8</b>	Name: Hope Tuttle Johnnie U. Meeks	Address: 190 Old Turnpike Road, Nottingham, NH 03290
7.	Map: <b>2</b>	Lot: <b>9</b>	Name: Michael W. Wright Amber N. Wright	Address: 192 Old Turnpike Road, Nottingham, NH 03290
8.	Map:	Lot:	Name:	Address:
9.	Map:	Lot:	Name:	Address:
10.	Map:	Lot:	Name:	Address:
11.	Map:	Lot:	Name:	Address:
12.	Map:	Lot:	Name:	Address:
13.	Map:	Lot:	Name:	Address:

I, Raymond Bisson, LLS, the undersigned, certify that to the best of my knowledge, the above is an accurate and complete abutter(s) list and that the information was obtained from the Nottingham Assessing Office no more than five (5) days prior to the date of this application..

  
\_\_\_\_\_  
Applicant's Signature

June 24, 2020  
\_\_\_\_\_  
Date

Town of Nottingham  
P.O. Box 114  
139 Stage Road  
Nottingham NH 03290



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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 <u>6</u> X \$10.00/PER ABUTTER	<u>\$60.00</u>	_____
PUBLIC NOTICE FEE \$75.00	<u>\$75.00</u>	_____
TOTAL	<u>\$235.00</u>	_____



OWNER INFORMATION		SALES HISTORY	
MARSHALL, THOMAS S MARSHALL, ROBIN J 189 OLD TURNPIKE ROAD  NOTTINGHAM, NH 03290		Date	Price Grantor
		06/28/1990	108,000
		2842	2499
		Q1	

LISTING HISTORY		NOTES	
08/04/16	JBYE	BLUE; SHRD DRVWY; EXT SHOWS MUCH ROTTING, HOME NEEDS PAINT;	
05/16/16	INSP	6/06-EXT=FAIR, POOL; 10 RVW: CORR POOL SIZE - N/C IN VALUE;	
07/06/15	ERHR	8/11-NOH; 7/15 EXT SUPERIOR TO INT; RMVD OPF & POOL BEFORE 4/1/15.	
08/31/11	DMVM	8/2016 NO INFO, HO DID NOT GIVE PERMISSION TO MEASURE=EST, ROOF APPEARS NEW.	
10/28/10	PBUR	2010 UPDATE RVW	
06/13/06	DMVM		
08/29/96	EST		

EXTRA FEATURES VALUATION		MUNICIPAL SOFTWARE BY AVITAR	
Feature Type	Units	Length x Width	Rate
SHED-WOOD	128	8 x 16	7.00
			10
			166
			200

Year	Building	Features	Land
2018	\$ 96,500	\$ 200	\$ 87,200
Parcel Total: \$ 183,900			
2019	\$ 96,500	\$ 200	\$ 87,200
Parcel Total: \$ 183,900			
2020	\$ 96,500	\$ 200	\$ 87,200
Parcel Total: \$ 183,900			

LAND VALUATION														
Zone: C/I COMM/IND DIST	Minimum Acreage: 2.00	Minimum Frontage: 200	Site: AVERAGE	Driveway: DIRT	Road: PAVED									
Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes
1F RES	2,000 ac	88,000	E	100	100	100	95	100 -- LEVEL	95	79,400	0	N	79,400	SHRD DRVWY
1F RES	4,340 ac	x 2,000	X	100				90 -- ROLLING	100	7,800	0	N	7,800	
	<b>6,340 ac</b>									<b>87,200</b>			<b>87,200</b>	

BUILDING DEPARTMENT COPY





BUILDING DETAILS	
Model:	1.00 STORY CAPE
Roof:	GABLE OR HIP/ASPHALT
Ext:	CLAP BOARD
Int:	WALL BOARD/DRYWALL
Floor:	HARD TILE/HARDWOOD
Heat:	OIL/FA DUCTED
Bedrooms:	3
Baths:	1.0
Fixtures:	3
Extra Kitchens:	
Fireplaces:	
Generators:	
A/C:	No
Quality:	A0 AVG
Com. Wall:	
Size Adj:	1.1105
Base Rate:	RSA 80.00
Bldg. Rate:	1.0328
Sq. Foot Cost:	\$ 82.62

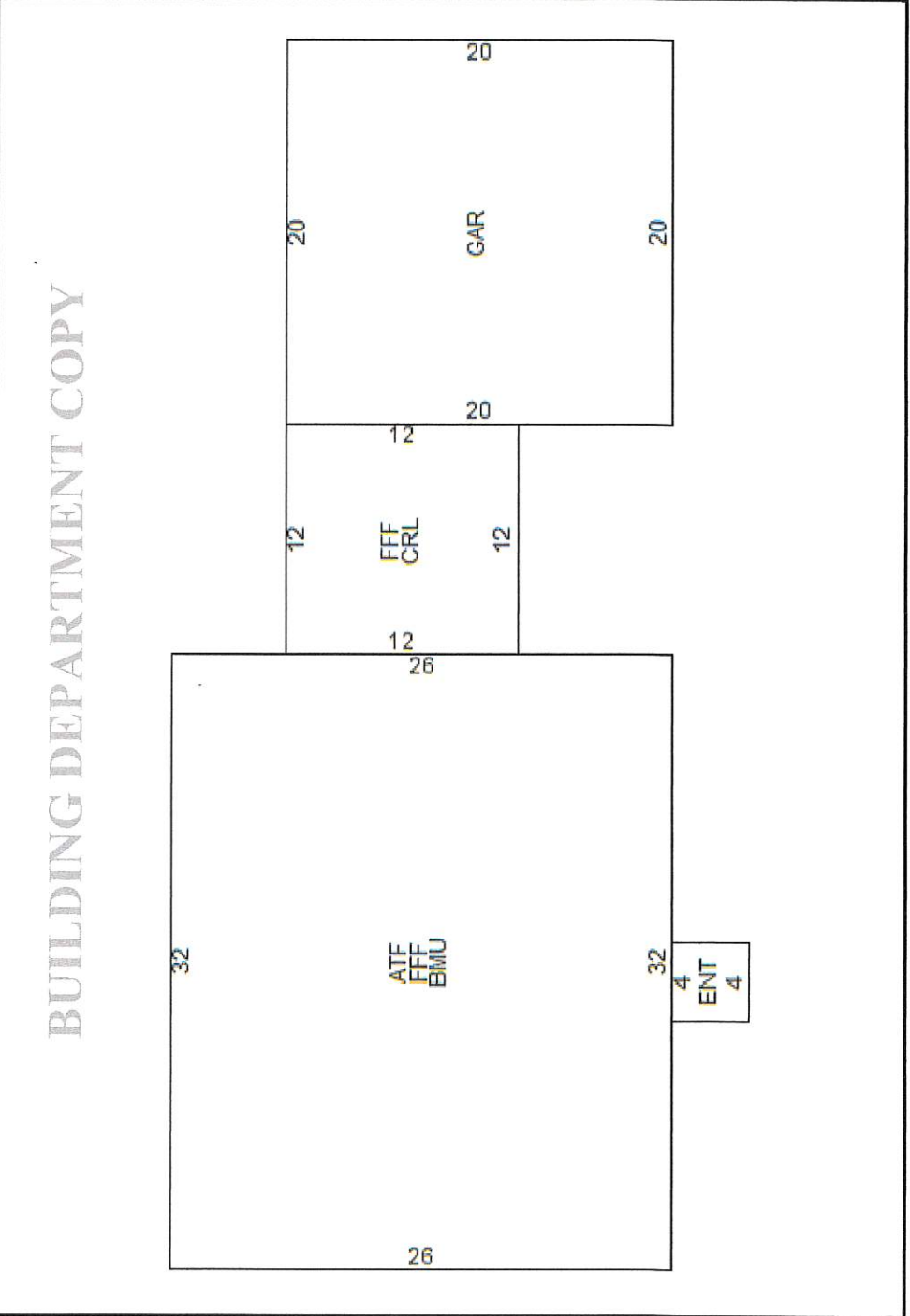
TAXABLE DISTRICTS	
District	Percentage

OWNER	
MARSHALL, THOMAS S	
MARSHALL, ROBIN J	
189 OLD TURNPIKE ROAD	
NOTTINGHAM, NH 03290	



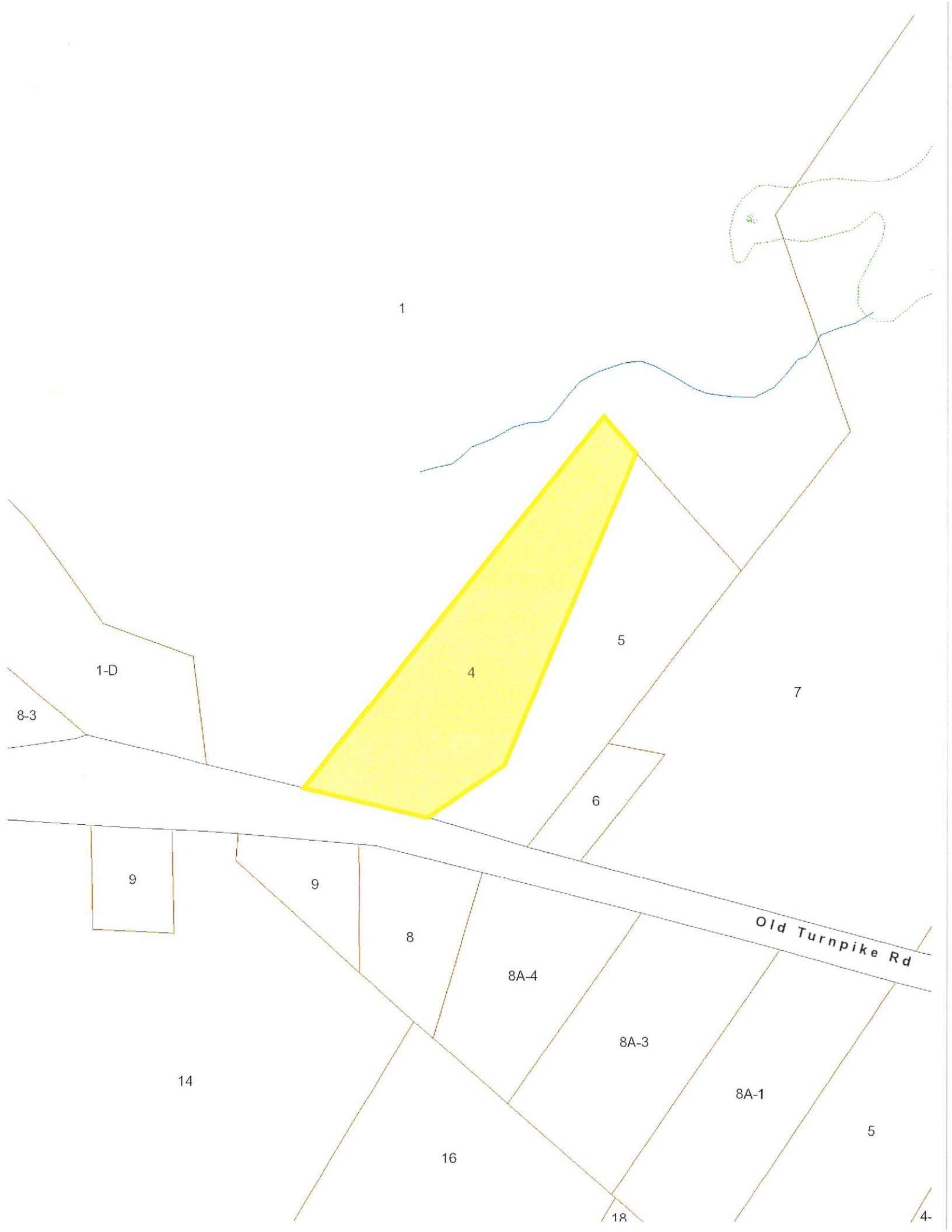
PERMITS	
Date	Project Type
	Notes

BUILDING SUB AREA DETAILS			
ID	Description	Area	Adj. Effect.
ATF	ATTIC FINISHED	832	0.25
FFF	FST FLR FIN	976	1.00
BMU	BSMNT	832	0.15
CRL	CRAWL SPACE	144	0.05
GAR	GARAGE	400	0.45
ENT	ENTRY WAY	16	0.10
GLA:	1,184	3,200	1,498



BUILDING DEPARTMENT COPY

2015 BASE YEAR BUILDING VALUATION	
Market Cost New:	\$ 123,765
Year Built:	1963
Condition For Age:	FAIR
Physical:	
Functional:	
Economic:	
Temporary:	
Total Depreciation:	22 %
Building Value:	\$ 96,500



82942 P2499

We, Richard A. Jaillet and Christine S. Jaillet

of Nottingham Rockingham County, State of

New Hampshire, for consideration paid, grant to Thomas S. Marshall and Robin J. Marshall husband and wife, as Joint Tenants with the Rights of Survivorship

of 189 Old Turnpike Road, Nottingham, New Hampshire County, State of

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

, with WARRANTY COVENANTS,

(Description and Incumbrances, if any)

Property Address: 189 Old Turnpike Road, Nottingham, N.H.

A certain tract or parcel of land with the buildings thereon situated in Nottingham, County of Rockingham, State of New Hampshire on the northerly side of U.S. Highway, Route 4, so called, leading to Durham from Nottingham, shown as Map 2, Parcel 4, on Plan entitled "Boundary Line Change from James H. Page, Jr., Alan and Barbara Eaton, U.S. Route 4, Nottingham, New Hampshire" dated November 11, 1985 by Kenneth E. Moore and B.G. Staples of Dover, New Hampshire recorded as Plan #D14349 at the Rockingham County Registry of Deeds bounded and described as follows:

Beginning at an iron pin on the south corner of land herein conveyed on the northerly side of said Route 4; thence running north 66° 22' 10" east along land of James H. Page, Jr. for a distance of 205.80 feet more or less, to a point at the center of an existing well housing, thence turning and running North 39° 51' 35" East along land of James H. Page, Jr. and land of Alan T. Eaton a distance of 802.20 feet, more or less, to a point situate at the corner of the Lot herein conveyed which point is also situated 130.00 feet northwesterly from the old boundary line of land of James H. Page, Jr.; thence turning and running along land of Paul and Margaret Auger, North 23° 50' West, a distance of 120.00 feet more or less, to an iron pin blazed in a 6" hemlock tree; thence turning and running along the northerly boundary of land herein conveyed and land of Paul and Margaret Auger South 56° 49' West a distance of 1158.12 feet, more or less to a point at the westerly corner of land herein conveyed running through a spike in a 42" maple tree, thence turning and running along the westerly boundary of the Lot herein conveyed and running along said Route 4, South 61° 21' East, a distance of 310.04 feet more or less to the point of beginning.

Also the right to pass and repass by foot and vehicle over a certain right of way leading from said Route 4 and situate partially on the easterly bound of the described premises and partially on the westerly bound of land formerly of Kenneth D. DeWitz and Virginia Ann DeWitz, now belonging to James H. Page, Jr.

Also the right to enter onto land of said James H. Page, Jr., to maintain and repair a well and pump situate partially on the described premises and partially on the land of said Page.

STATE OF NEW HAMPSHIRE  
TAX ON TRANSFER  
OF REAL PROPERTY  
STATE TAX  
COMMISSION  
JUN 28 '90  
135.00

STATE OF NEW HAMPSHIRE  
TAX ON TRANSFER  
OF REAL PROPERTY  
STATE TAX  
COMMISSION  
JUN 28 '90  
999.00



This property is conveyed subject to the right of the owners of land now or formerly of said DeWitz and Page to pass and repass by foot or vehicle over the above described right of way and to enter onto the described premises to maintain and repair said well and pump. This property is also conveyed subject to a covenant to share in the cost of operating, maintaining and repairing said right of way and said well and pump.

Also meaning and intending to convey all rights, title and interest arising out of a boundary line easement dated November 27, 1985 entered into between James H. Page, Jr. of Nottingham, New Hampshire and Alan T. Eaton of Nottingham, New Hampshire.

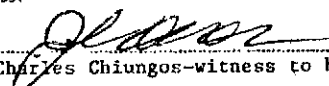
Being the same premises conveyed to us by deed of Alan T. Eaton and Barbara Wright Eaton dated December 12, 1985 recorded with said Registry, Book 2578, Page 1274.

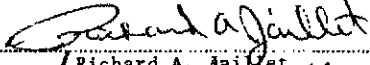
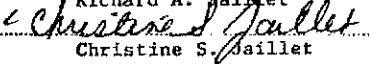
We, Richard A. Jaillet and Christine S. Jaillet ~~husbands~~ <sup>wife</sup> of said Grantor,

release to said Grantee all rights of ~~deed~~ <sup>courtesy</sup> and homestead and other interest therein.

WITNESS our hands and seals this 28th day of June, 1990

Witness:

  
John Charles Chiungos-witness to both

  
Richard A. Jaillet  
  
Christine S. Jaillet

State of New Hampshire

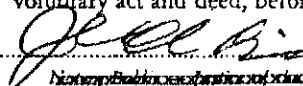
Rockingham

ss.

June 28,

19 90

Then personally appeared the above named Richard A. Jaillet and Christine S. Jaillet and acknowledged the foregoing instrument to be their voluntary act and deed, before me

  
John Charles Chiungos- Commissioner  
of Deeds



June 24, 2020

Town of Nottingham  
Zoning Board of Adjustment  
PO Box 114  
Nottingham, NH 03290

**PROJECT: Robin & Thomas Marshall**

Location: **189 Old Turnpike Road, Nottingham, Rockingham County, New Hampshire**

Tax Map & Lot Number: **Map 2 Lot 4**

Job No: **20058**

Dear Board Members,

My clients Robin and Thomas Marshall purchased a 6.34 acre parcel of land on Route 4 in 1990 and have been living there in the residence ever since. They want to divide off a residential lot behind their house for their daughter Jessica and her family to build a home.

In 2019, the zoning regulations were changed removing residential as a permitted use in the Commercial/Industrial Zone. This has dramatically impacted my clients plans for the land. Therefore, we are coming before you to obtain a special exception to allow the proposed new lot to be permitted for a residential use.

This lot is surrounded by properties with residences including a 135± acre conservation parcel on 2 sides. The proposed house would be behind the existing house, which makes the residential use more reasonable. This also keeps the use of the land consistent with abutting parcels.

The zoning ordinance guidelines allow for frontage reduction in this Zone based upon meeting the requirements in Article IV, Section T. This property meets all the criteria if a residential use is permitted. Therefore, we do not foresee any additional variances being required.

Once we are granted the approval for the special exception, a complete boundary survey with wetlands, topography, soils, etc will be performed to bring a Back-Lot Subdivision in front of the Planning Board.

Thank you for your time.  
Sincerely:

A handwritten signature in cursive script that reads "Raymond A. Bisson".

Raymond A. Bisson, LLS PLS  
Stonewall Surveying