



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 October 15, 2019** in Conference Room 1, at the Town Municipal Office to hear the following application:

Case 19-011-VA

Application from Thomas and Patricia Mattie for a Variance request from Article III(B)(2) of the Nottingham Zoning Ordinance. To permit an Accessory Dwelling Unit in an existing home within 50 feet of poorly drained soil. The property is located at 8 Michela Way in Nottingham, NH and is identified as Tax Map 49 Lots 19 Sublot 18.

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: October 3, 2019
Owner: Thomas and Patricia Mattie
Address: 8 Michela Way
Map/Lot 49/19-18

Applicant has filed for a permit for an ADU on existing home. Lot has 1.38 acres.

Denial:

Article III(B)(2): Pollution Control - No privy, cesspool, septic tank, sewage disposal area or area for the stockpiling of animal manures or other waste materials shall be constructed or maintained less than seventy-five (75') horizontal feet from the edge of a public waterbody, floodplain, wetland, intermittent streams or seasonably wet soil. No other structure shall be built or maintained less than fifty (50') horizontal feet from any poorly drained hydric B soils and less than seventy-five (75') horizontal feet from any very poorly drained hydric A soils.

Proposed structure is within 50 feet of poorly drained hydric B soil. Unknown at this time by how much. Survey required and to follow.

Note:

1. Proposed addition is 39' feet from front property line, however meets set-backs due to Open Space Development (35' setback)
2. Addition permit will be required to enclose front porch to meet the ADU interior door requirement. No denials associated with this second permit.

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 8 Michela Way, Nottingham, NH
 Tax Map 42 Lot 19 Sub-Lot 18

Applicant's information:

Name(s): Thomas Mattie and Patricia Mattie
 Address: 8 Michela Way Phone #: 603-312-2955 (Patricia)
Nottingham, NH 03290 E-mail: patriciasoldmyhome@gmail.com

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

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

Representative's information (if applicable):

Name(s): Gary Anderson- BUILDER
 Address: _____ Phone #: 603-231-5216
 E-mail: _____

Property information:

Lot Dimensions: Front 236.28 Rear 70.38 Side 127.92 + 253.69 Side 325.13
 Lot Area: Acres 1.38 Square Feet 60112.8

Present Use of Property residentialProposed Use of Property residential with ADU**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) Patricia Mattie Patricia Mattie 9-29-19
 Printed name Signature Date
THOMAS MATTIE [Signature] 9/25/15
 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 3 Section B.2 of the zoning ordinance to permit:

an A.D.U. within the 50 foot set back to a ~~poorly~~ poorly drained area of property - exact measurements to be provided prior to meeting date.
Previous Zoning Board action on this property: NONE.

SUPPORTING INFORMATION

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

the ADU will blend with the current house and look like part of the house, keeping with the character of the neighborhood. the ADU will not threaten the health, safety or general welfare of the public.

2. The spirit of the ordinance is observed:

the ADU will still respect a reasonable ~~dist~~ distance from the poorly drained area and still respecting septic system distances.

3. Substantial justice is done:

to allow this minor encroachment to the poorly drained area enables the A.D.U. to be built without impacting the septic system area and the existing structure of the dwelling.

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

To the contrary, the ADU will add value to the individual property thereby possibly even adding value to surrounding properties.

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 poorly drained area is the unnecessary hardship because if that area did not exist I would have been approved for the building permit.

ii) The proposed use is a reasonable one.

I am only requesting a small amount of encroachment and still leaving the poorly drained area untouched and unaltered.

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.

☒ 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 _____

Gary Anderson

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

Property Owner(s) _____

Patricia Mathis 9-29-19

Signature

Date

Signature

Date

Property Owner(s) _____

[Signature] 9-29-19

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
Patricia Mathie	8 Michels Way, Nottingham NH
Thomas Mathie	11
2. Owner Name	Address
3. Professional(s) Name	Address

MAP/ LOT/ SUB-LOT	ABUTTER(S) NAME	MAILING ADDRESS
4. 4 See printed ABUTTERS LIST		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
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13.		
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18.		
19.		
20.		



Abutters List Report

Nottingham, NH
September 30, 2019

Subject Property:

Parcel Number: 042-0019-018
CAMA Number: 042-0019-018
Property Address: 8 MICHELA WAY

Mailing Address: MATTIE, JR THOMAS L MATTIE,
PATRICIA A
8 MICHELA WAY
NOTTINGHAM, NH 03290

Abutters:

Parcel Number: 042-0017-PEN
CAMA Number: 042-0017-PEN
Property Address: MICHELA WAY

Mailing Address: MICHELA WAY
OPEN SPACE
NOTTINGHAM, NH 03290

Parcel Number: 042-0019-008
CAMA Number: 042-0019-008
Property Address: 7 MICHELA WAY

Mailing Address: MCINTURF, KENNETH MCINTURF,
JACLYN
7 MICHELA WAY
NOTTINGHAM, NH 03290

Parcel Number: 042-0019-009
CAMA Number: 042-0019-009
Property Address: 9 MICHELA WAY

Mailing Address: ROBBINS, KEITH A
9 MICHELA WAY
NOTTINGHAM, NH 03290

Parcel Number: 042-0019-010
CAMA Number: 042-0019-010
Property Address: 11 MICHELA WAY

Mailing Address: FRASER, TARA K FRASER, TARA K
TRUSTEE REV TRU
11 MICHELA WAY
NOTTINGHAM, NH 03290

Parcel Number: 042-0019-019
CAMA Number: 042-0019-019
Property Address: 6 MICHELA WAY

Mailing Address: ROBINSON, MICHAEL E CANFIELD,
STEPHANIE A
6 MICHELA WAY
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.



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

Property Owner(s) *John J. W. Galt* *9/29/15* _____
Signature Date Signature Date

Property Owner(s) *Polina Mathej* *9-29-19* _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date