

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



Office 603-679-9597 X1
Fax 603-679-1013
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, June 19, 2018** in Conference Room 1, at the Town Municipal Office to hear the following application:

Case 18-006-VA

Application from Stephen & Laurie Nickerson, requesting a Variance from Article II Section 2 of the Nottingham Zoning Ordinance, to permit construction of a new dwelling, well and septic with a 10.2 foot side setback for building; 14 foot front setback and 13.2 foot side setback for septic where 50 feet is required. In addition they also request a variance from Article II C:1A of the Nottingham Zoning Ordinance to permit a new dwelling with 70 feet of frontage on a private road where 200 feet of frontage on a class V road or better is required. The property is located at 41 Shore Drive in Nottingham, NH and is identified as Tax Map 68 Lot 46.

Questions? Contact the Land Use Clerk, JoAnna Arendarczyk
Ph.: (603) 679-9597 ext. 1 E-mail: plan.zone@nottingham-NH.gov
Mail: Town of Nottingham Planning and Zoning Office
PO Box 114, Nottingham, NH 03290

Materials pertaining to the Hearing can be found at:
<http://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: rbookholz@nottingham-nh.gov
www.nottingham-nh.gov

Stephen & Laurie Nickerson
611 Ocean Blvd.
Hampton NH 03842

5/3/2018

RE: 41 Shore Dr.
Nottingham NH 03290
Map 68 Lot 46

Dear Stephen & Laurie

After review of your building permit I must deny it for the following reasons

Building

You are proposing 10.2 foot side setback where 9.37 feet exist and 20 Feet is required
Septic
Front setback 14 feet proposed 50 feet required
Side setback 13.2 feet proposed 50 Feet required

Article II Section 2

Article 2 Section 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 systems, a minimum distance of fifty (50') **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. Setbacks for accessory buildings shall be fifty (50') feet minimum distance from the lot frontage property line **(20') feet for grandfathered non-conforming lots of less than two (2) acres** ETC.

Article II C: 1 A "Each lot shall have a contiguous frontage of two hundred (200') feet, including a curb cut for approved access, except to the extent with regard to frontage of back lot approved in accordance With **ARTICLE IV, Section T.**

FRONTAGE (THE LENGTH OF THE LOT BORDERING ON A CLASS V ROAD OR BETTER)

Town of Nottingham Policy on Building Permits on Private Roads Adopted on July 10, 2003 allowing the building inspector to issue building permits to applicants on private roads in the following circumstances.

Section I:

- **General Maintenance or repair of an existing building**

- **Replacement of materials with a similar material.**
- **Accessory improvements such as decks or porches that meet all other zoning regulations**
- **Improvement or Replacement of an existing habitable building, where the use, habitable volume and footprint remain the same.**
- **Accessory buildings: barns, sheds, garages and other non-habitable buildings**

The Following Building permit applications will be directed to the ZBA for action, prior to any issuance of a building permit by the building inspector.

Section II:

- **Erection of any new building.**
- **Changes in the use of the property (from single family into a multi-family)**
- **Additions that add to the volume of an existing building.**
- **Any other sections not covered in section I.**

You can apply to the Nottingham Zoning Board of Adjustment for variances to the above articles.

You will also need a NH DES Shore land permit before any Permit will be issued.

You will also have to add an Agreement and Release Regarding Building permit For Class VI Highway completed to your deed upon approval from the ZBA

This Project is subject to impact Fees

If you have any questions Please feel free to contact this office

Thanks

Russ Bookholz

Town of Nottingham Code Administrator



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.	<u>18-000-VA</u>
Date Filed	<u>5/14/18</u>
Meeting Date	<u>6/19/18</u>
Fee Amount	<u>\$255-</u>
Date Paid	_____
Outcome	_____

Name of Applicant Stephen & Laurie Nickerson

Mailing Address 611 Ocean Blvd, Unit 7, Hampton, NH 03842

Home Phone 603-294-6765 Work Phone _____ Cell 603-294-6765

Name of Owner(s) same
(if same as applicant, write "same")

Owner's Address same
(if same as applicant, write "same")

PROPERTY INFORMATION

Location of property 41 Shore Dr., Nottingham Tax Map 68 Lot 46

Lot Dimensions: Front 70.00' Rear 79' +/- Right Side 128.00' Left Side 119.26'

Lot Area: Acres .21 Square Feet 9,000 +/-

Present Use of Property Residential, single family, 2 bedroom, 1 bath, seasonal

Proposed Use of Property Residential, single family, 28' x 32 modular & 8' x 28' deck
2 bedroom, 1 1/2 bath, year round

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 11 Section 2 of the zoning ordinance to permit: Where 9.37 feet exist and 20 feet is required we are proposing a 10.2 foot side setback for building; 14 foot front setback and 13.2 foot side setback for septic, where 50 feet is required.

Article 11 C: 1A frontage on private road is 70 feet and where 200 feet is required

New Dwelling!

SUPPORTING INFORMATION

1. Granting the variance would not be contrary to the public interest because: Septic system upgrades will reduce the risk of wastewater contamination to lake water and therefore public health. Proposed improvements will be equal or greater value of the surrounding properties, improving attractiveness without doing harm to the public or private rights of others.
2. If the Variance were granted, the spirit of the ordinance would be observed because: it meets the spirit and intent of the zoning ordinance. The proposal has been designed to have the least impact on this property. The proposed plan would allow for more conforming side and water setbacks.
3. Granting the variance would do substantial justice because: denying the relief would create substantial hardship to the applicant without any corresponding benefit to the public. It is completely in character with other dwellings in the neighborhood.
4. If the variance is granted, the values of the surrounding properties would not be diminished because: proposed improvements will be of equal or greater value of the surrounding properties.
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: the health risk posed to occupants of the property with continued use of lake drawn water as tap water. Young children and guests of the applicant could unknowingly brush their teeth or drink tap water containing bacteria.
 - ii. The proposed use is a reasonable one because: a new septic system will effectively treat and contain onsite household wastewater. A new well will provide fresh, safe drinking water. It will be more attractive and will enhance, not diminish the value of surrounding properties.

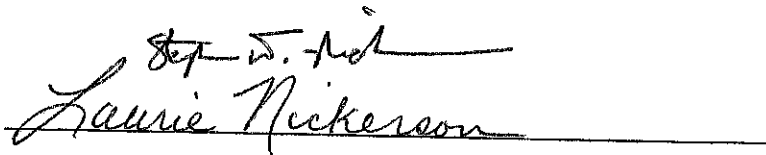
Application for a Variance

Applicant: Stephen & Laurie Nickerson – 41 Shore Dr.

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.

Proposed use of the project is grandfathered (pre-existing, non-conforming) from having to comply with the strict enforcement of the current zoning ordinance.

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 Stephen and Laurie Nickerson

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ABUTTER(S) LIST

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

1. APPLICANT INFORMATION:

Printed Name: Stephen & Laurie Nickerson Contact Telephone: 603-294-6765
Address: 611 Ocean Blvd, Unit 7, Hampton, NH 03842

2. OWNER INFORMATION:

Printed Name: Stephen & Laurie Nickerson
Address: 611 Ocean Blvd, Unit 7, Hampton, NH 03842

3. PROFESSIONAL(S) INFORMATION:

Printed Name: Raymond Bisson, LLS PLS; Stonewall Surveying
Address: PO Box 458, Barrington, NH 03825

Abutter(s) Information				
Map:	Lot:	Name:	Address:	
4.	068 0010	Szafran, Carolyn, Trust Carolyn Szafran, Trustee	47 Cherrywood Dr. Dover, NH 03820	
5.	068 0011	David M Bailey	38 Shore Dr. Nottingham, NH 03290	
6.	068 0044	Greg & Kim Larkin	45 Shore Dr. Nottingham NH 03290	
7.	068 0047	B. Patnaude Rev. Tr. Barbara Patnaude, Trustee	5 Sunset Ave. Derry, N.H. 03038	
8.	068 0049	Leib Living Trust Douglas N Leib, Trustee	PO Box 399 Candia, NH 03034	
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, Stephen Nickerson
Laurie Nickerson, 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..

Laurie Nickerson
Applicant's Signature

5/10/18
Date

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OWNER'S AUTHORIZATION FOR REPRESENTATION

I, the undersigned owner of the property at 41 Shore Dr., Nottingham, hereby verify that I have authorized Raymond Bisson, LLS PLS 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 type="checkbox"/> Backlot Subdivision | <input type="checkbox"/> Design Review |
| <input type="checkbox"/> Other _____ | |

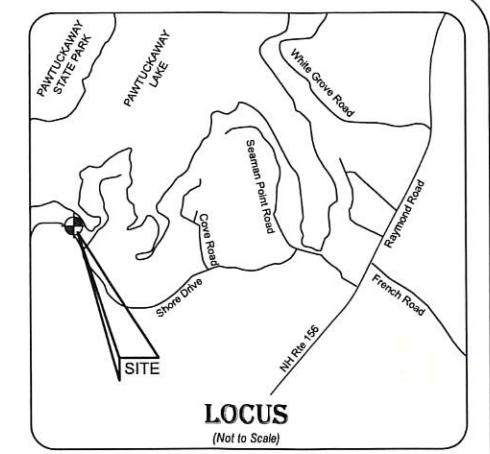
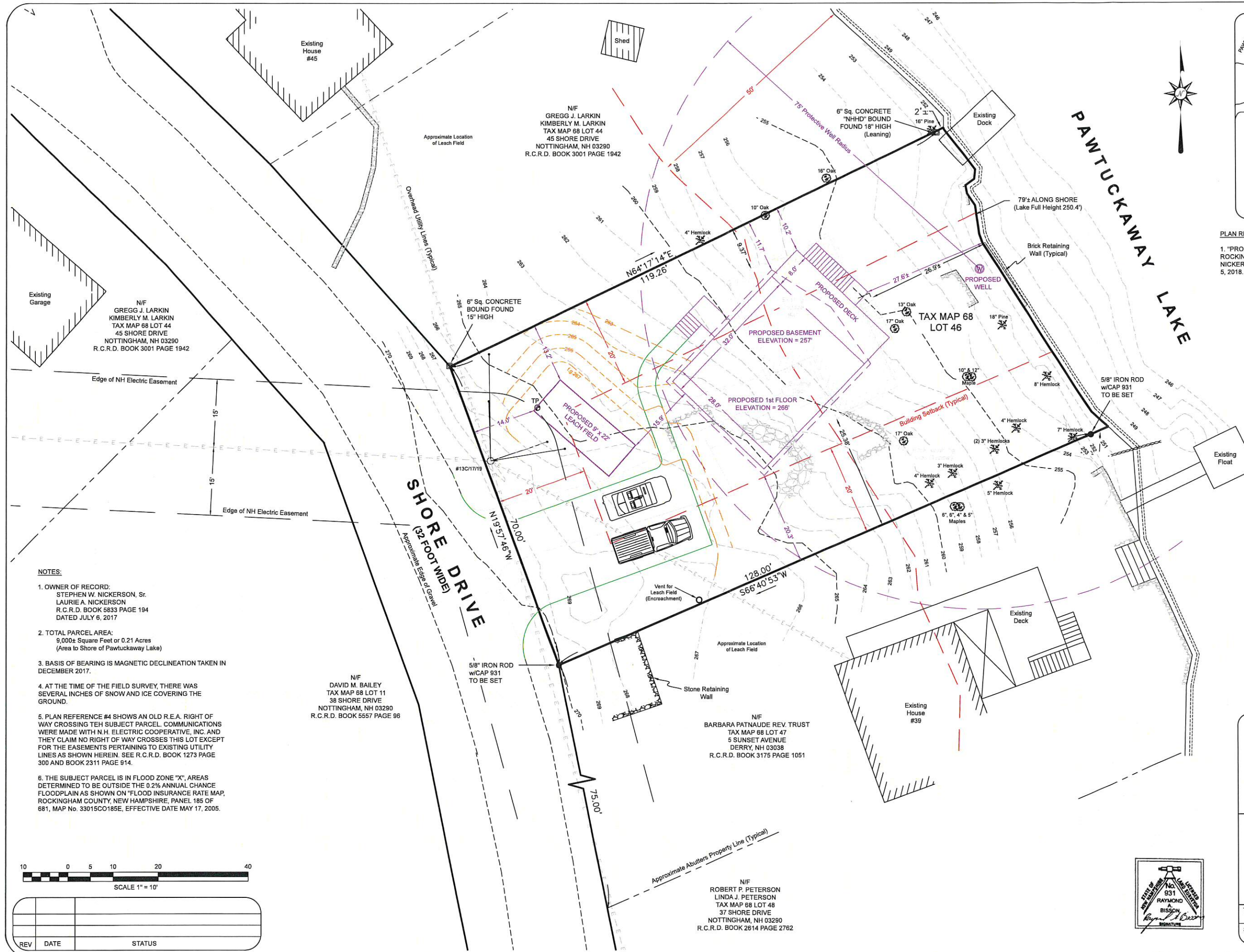
FOR: Proposed Site Plan Review and Approval

NAME OF OWNER (Typed or printed) Stephen & Laurie Nickerson
Address of Owner 611 Ocean Blvd. Unit 7, Hampton, NH 03842
Signature of Owner *Laurie Nickerson* Date 5/10/18

NAME OF OWNER (Typed or printed) _____
Address of Owner _____
Signature of Owner _____ Date _____

NAME OF OWNER (Typed or printed) _____
Address of Owner _____
Signature of Owner _____ Date _____

NAME OF OWNER (Typed or printed) _____
Address of Owner _____
Signature of Owner _____ Date _____



PLAN REFERENCES:
 1. "PROPERTY SURVEY LOCATED AT 41 SHORE DRIVE, NOTTINGHAM, ROCKINGHAM COUNTY, NEW HAMPSHIRE FOR STEPHEN & LAURIE NICKERSON" PREPARED BY STONEWALL SURVEYING DATED FEBRUARY 5, 2018.

ZONE INFORMATION:
 ZONE: RESIDENTIAL-AGRICULTURAL
 ZONE REQUIREMENTS (Current):
 MINIMUM LOT SIZE: 2 Acres
 MINIMUM FRONTAGE: 200 Feet
 MINIMUM WATER SETBACK: 50 feet
 MINIMUM FRONT SETBACK: 20 Feet
 MINIMUM SIDE SETBACK: 20 Feet
 MAXIMUM BUILDING HEIGHT: 34 Feet
 *Lot created in 1958.

- NOTES:**
- OWNER OF RECORD:
STEPHEN W. NICKERSON, Sr.
LAURIE A. NICKERSON
R.C.R.D. BOOK 5833 PAGE 194
DATED JULY 6, 2017
 - TOTAL PARCEL AREA:
9,000± Square Feet or 0.21 Acres
(Area to Shore of Pawtuckaway Lake)
 - BASIS OF BEARING IS MAGNETIC DECLINATION TAKEN IN DECEMBER 2017.
 - AT THE TIME OF THE FIELD SURVEY, THERE WAS SEVERAL INCHES OF SNOW AND ICE COVERING THE GROUND.
 - PLAN REFERENCE #4 SHOWS AN OLD R.E.A. RIGHT OF WAY CROSSING THE SUBJECT PARCEL. COMMUNICATIONS WERE MADE WITH N.H. ELECTRIC COOPERATIVE, INC. AND THEY CLAIM NO RIGHT OF WAY CROSSES THIS LOT EXCEPT FOR THE EASEMENTS PERTAINING TO EXISTING UTILITY LINES AS SHOWN HEREIN. SEE R.C.R.D. BOOK 1273 PAGE 300 AND BOOK 2311 PAGE 914.
 - THE SUBJECT PARCEL IS IN FLOOD ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON "FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 185 OF 681, MAP No. 33015CO185E, EFFECTIVE DATE MAY 17, 2005.

N/F
 DAVID M. BAILEY
 TAX MAP 88 LOT 11
 38 SHORE DRIVE
 NOTTINGHAM, NH 03290
 R.C.R.D. BOOK 5557 PAGE 96

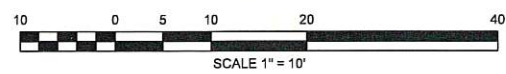
N/F
 BARBARA PATNAUDE REV. TRUST
 TAX MAP 88 LOT 47
 5 SUNSET AVENUE
 DERRY, NH 03038
 R.C.R.D. BOOK 3175 PAGE 1051

N/F
 ROBERT P. PETERSON
 LINDA J. PETERSON
 TAX MAP 88 LOT 48
 37 SHORE DRIVE
 NOTTINGHAM, NH 03290
 R.C.R.D. BOOK 2614 PAGE 2762

PROPOSED SITE PLAN
 Located at:
 41 Shore Drive, Nottingham,
 Rockingham County, New Hampshire
 For:
Stephen & Laurie Nickerson
 611 Ocean Boulevard, Unit #7
 Hampton, NH 03842

Stonewall SURVEYING
 Licensed in New Hampshire & Maine
 PO Box 458, Barrington, NH 03825
 t: (603) 664-3900 www.StonewallSurveying.com

TAX MAP & LOT NO: 68 / 46	DRAWING NO: 17098 Site Plan
SCALE: 1" = 10'	SHEET: 1 of 1
PROJECT NO: 17098	DATE: PRELIMINARY



REV	DATE	STATUS

