



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 Stevens Hill Road & Deerfield Road
52 Tax Map .10 Lot Zone: Res/Ag
 Sub-Lot

Applicant's information:

Name(s): <u>Owl Ridge Builders LLC</u>	
Address: <u>104 Raymond Road</u>	Phone #: <u>(207) 337-4320</u>
<u>Nottingham, NH 03290</u>	E-mail: <u>owlridgebuilders@gmail.com</u>

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

Name(s): <u>SAME</u>	
Address:	Phone #:
	E-mail:

Representative's information (if applicable):

Name(s): <u>Christopher Berry, Berry Surveying & Engineering</u>	
Address: <u>335 Second Crown Point Road</u>	Phone #: <u>(603) 332-2863</u>
<u>Barrington, NH 03825</u>	E-mail: <u>crberry@metrocast.net</u>

Property information:

Lot Dimensions: Front 691.10' Rear N/A Side 536.75' Side 499.56'
 Lot Area: Acres 3.93 Square Feet 171,202

Present Use of Property VACANT

Proposed Use of Property 2 SINGLE FAMILY HOMES

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)

Printed name	Signature	Date
<u>JOE FERNALD</u>	<u>Joe Fernald</u>	<u>12-28-20</u>
Printed name	Signature	Date
Printed name	Signature	Date

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

See attached narrative.

ii) The proposed use is a reasonable one.

See attached narrative.

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.

See attached narrative.

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 Christopher Berry or any member of Berry Surveying & Eng.

to act on my behalf.

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

Property Owner(s) Jan. Tuck 12-28-20
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



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.

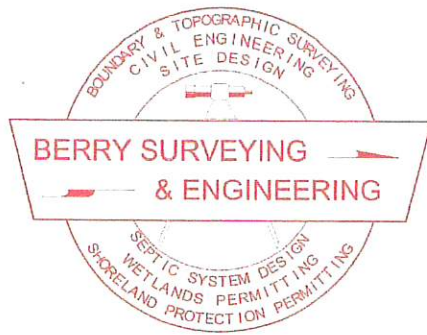
I/We hereby waive and release any claim or right I/we may now or hereafter possess against any of the above individuals as a result of any examinations, surveys, tests and/or inspections conducted on my/our property in connection with this application. This authorization expires in one year from date of signature

Property Owner(s) Jim Fahn 12-28-10 _____
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



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road
Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

December 28, 2020

Town of Nottingham
Planning Office
Attn: JoAnna Arendarczyk, Planning Secretary
139 Stage Road
P.O. Box 114
Nottingham, NH 03290

RE: Owl Ridge Builders LLC
Stevens Hill Road and Deerfield Road
Tax Map 52, Lot 10
Variance Request for Minimum Lot Area

Chairperson, Members of the Nottingham Zoning Board,

On behalf of Owl Ridge Builders LLC, Berry Surveying & Engineering (BS&E) is submitting an application for a variance in support of the proposed subdivision off Stevens Hill Road and Deerfield Road. The request is for one lot to be less than 2 acres in size as prescribed in Article II, C. 2. a.

Background and General Narrative:

Owl Ridge Builders purchased a parcel of land on the corner of Deerfield Road and Stevens Hill Road in October of 2020. The seller prepared a deed and transferred it to the applicant based on a surveyed subdivision plan which stated the land area was "4 acres more or less according to said plan". The plan was drawn by and stamped by a registered surveyor, and was reviewed and signed by the Nottingham Planning Board on September 30, 1971.

Upon purchasing the property the applicant requested that BS&E conduct a boundary survey, topographic survey and wetlands analysis which would meet the regulations of the Nottingham Planning Board for a proposed subdivision. Upon final survey and boundary determination, BS&E found the total land area to be 3.93 acres and not the 4 acres described in the deed. The land mass transferred to the applicant is 3,218 square feet short of meeting the 4 acres described in the deed, which would allow the applicants to subdivide the property as originally intended.

The Proposal:

As noted above the applicant intended to subdivide the parcel upon entering into an agreement to purchase the land. The proposed subdivision will create two lots, 10 & 10-1. 10-1 is proposed to be conforming to the zoning ordinance. It is proposed to contain over 2 acres of total land area of all upland soil, provides the 30,000 square feet of building envelope, meeting the definition found in both the zoning ordinance and the subdivision regulations, and provides over 200' of required road frontage on Stevens Hill Road. Due to the way the subdivision lays out, given the existing curb cut, and the existing topographic features, this lot is larger than the required 2 acres by 1,202 square feet.

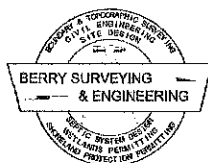
The proposed Lot 10 provides for 82,700 square feet of land, which is less than the required 2 acres by 4,420 square feet. This equates to the difference between the surveyed amount and the deed description and the additional land mass that is proposed to remain with Lot 10-1. It was determined that this lot was to be the non-compliant of the two due to its shape and size. Though it is proposed to be less than 2 acres, its shape and corner lot status lends to the feeling of a fully complying lot, with the buildable envelope being more grandiose than the proposed Lot 10-1. The only proposed non conformity is the reduction of 4,420 square feet. The proposed lot has ample road frontage and provides the 30,000 square feet of building envelope which meets the definition found in both the zoning ordinance and subdivision regulations.

Specific Variance Request & Criteria for Approval:

As noted on page 1, the variance request is to Article II, C. 2., which would allow the creation of one lot with less land area than the required 2 acres by 4,420 square feet.

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

In the instance of total land area the public interest is in ensuring the zones within the town are congruent and meet the intent of the Master Plan. Nottingham being a rural town, has an interest in ensuring areas are not overdeveloped or overcrowded and that future land and homeowners have enough land to enjoy in a rural format. The public interest can be found in the ability for the land to support effluent disposal and well placement without environmental impact. In this specific case the proposed reduction of 4,420 square feet for the proposed Lot 10 will not sacrifice the public interest in terms of congruency with the Master Plan whereas the proposed lot is of good size and character so as not to diminish the potential for enjoyed rural use or cause a perception of overcrowding. In this case, due to the topographic nature of the parcel, and the topographic relief along the roads, the two houses will be set back from immediate view. With respect to environmental impact, the proposed lot is in excess of what is required for a minimum lot size for New Hampshire Department of Environmental Services (NHDES), and will be required to be reviewed by NHDES, prior to final approval by the Planning Board. Test holes



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on site were conducted with good soils found throughout and no ledge observed on the entire site. As noted above, there are no wetlands or buffers which further prohibit the buildable nature of the lot.

2. *The spirit of the ordinance is observed:*

The spirit and intent of the ordinance is to create high value, high functioning lots through the use of minimum lot size and frontage requirements. Rural communities have larger frontage requirements with larger land mass requirements while more urban areas have less of both. In this case, the spirit of the ordinance is observed and not diminished by a proposed lot area reduction of 4,420 square feet. When considering the total land mass, this reduction is not perceptible to the average user. The spirit is further observed by the fact that the buildable, and thus usable, area of the lot meets and exceeds the buildable area requirement by 3,825 square feet.

3. *Substantial justice is done:*

Substantial justice is a matter of the benefit to the applicant outweighing any detriment the variance may cause to the ordinance. In this case the applicant is proposing a subdivision with a conforming lot and a lot that falls short by only 4,420 square feet in an area of town that has no affected abutters. There is no proposed detriment to any abutting land owner or to the ordinance with the proposed reduction. The proposed building area is ample and not closer to any abutting land owner than otherwise would have been recognized without the reduction in land mass.

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

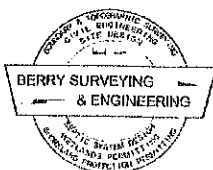
The values in the area of this proposed subdivision will not be diminished with a reduction of 4,420 square feet in the total lot area. The value of one parcel of land is not determined by abutting land totals with respect to conformity with the zoning ordinance.

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;*

In this instance the special condition of this parcel is its predetermined land mass of 4 acres, which was used to transfer a real piece of land with a warranty title, which is now found to have been less accurate than the current means and methods employed for land surveying. The lack of land



mass now determined by modern and accurate survey, poses an unnecessary hardship to the applicant in that the land purchased is not suitable for its intended use. There is no fair and substantial relationship between the public purposes of creating a lot that is 2 acres in size in this instance whereas the proposed lot is capable of adhering to the intent of the ordinance while lacking 4,420 square feet of land area. There is an abundance of building envelope which speaks directly to the usability and compliance with the ordinance and master plan as a whole.

ii. *The proposed use is a reasonable one.*

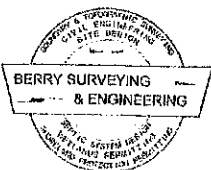
The proposed use is a reasonable one due to the total land area that is proposed with the lot. The proposal creates a conforming lot in all other aspects of the zoning ordinance, meets the requirements of the NHDES, and provides for a nice regularly shaped building lot. The reduction of 4,420 will not be perceptible by others in the area based on the land mass and building envelope allotted for the parcel.

- 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 reasonable use of it.*

The special condition of this parcel is that it was transferred to the owner after being historically surveyed in a manner that is less accurate than is now required for modern subdivision and was found to be only slightly less than the required 4 acres. This creates an unnecessary hardship to the applicant whereas the property cannot be enjoyed to its fullest use in strict conformance with the ordinance.

Respectfully Submitted,
BERRY SURVEYING & ENGINEERING

Christopher R. Berry
Principal, President



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December 28, 2020

Abutters List

Owner of Record

Tax Map 52, Lot 10

Owl Ridge Builders LLC
104 Raymond Rd
Nottingham, NH 03290
Book 6184, Page 1470

Abutters

Tax Map 52, Lot 11

Damico Acquisitions LLC
57 Pleasant St
Epping, NH 03042
Book 6204, Page 239

Tax Map 52, Lot 9

David J & Florence E Crowe
PO Box 455
Nottingham, NH 03290
Book 4194, Page 1974

Tax Map 52, Lot 6A-3

Christopher B & Amanda B Doiron
12 Dorrington Ave
Sanford, ME 04073
Book 5943, Page 1959

20-124 Owl Ridge Builders, LLC
Stevens Hill Rd, Nottingham, NH

Page 2 of 2

Tax Map 52, Lot 6A-2

Daniel Littlefield
6 Stevens Hill Rd
Nottingham, NH 03290
Book 5803, Page 1722

Tax Map 52, Lot 4-2

James S Fernald Revoc Trust
Linda R Fernald
PO Box 450
Nottingham, NH 03290
Book 5468, Page 469

Tax Map 52, Lot 4-1

Helen E Fernald, Trustee
Helen E Fernald 1992 Trust
PO Box 1805
Wolfeboro, NH 03894
Book 5690, Page 2269

Professionals

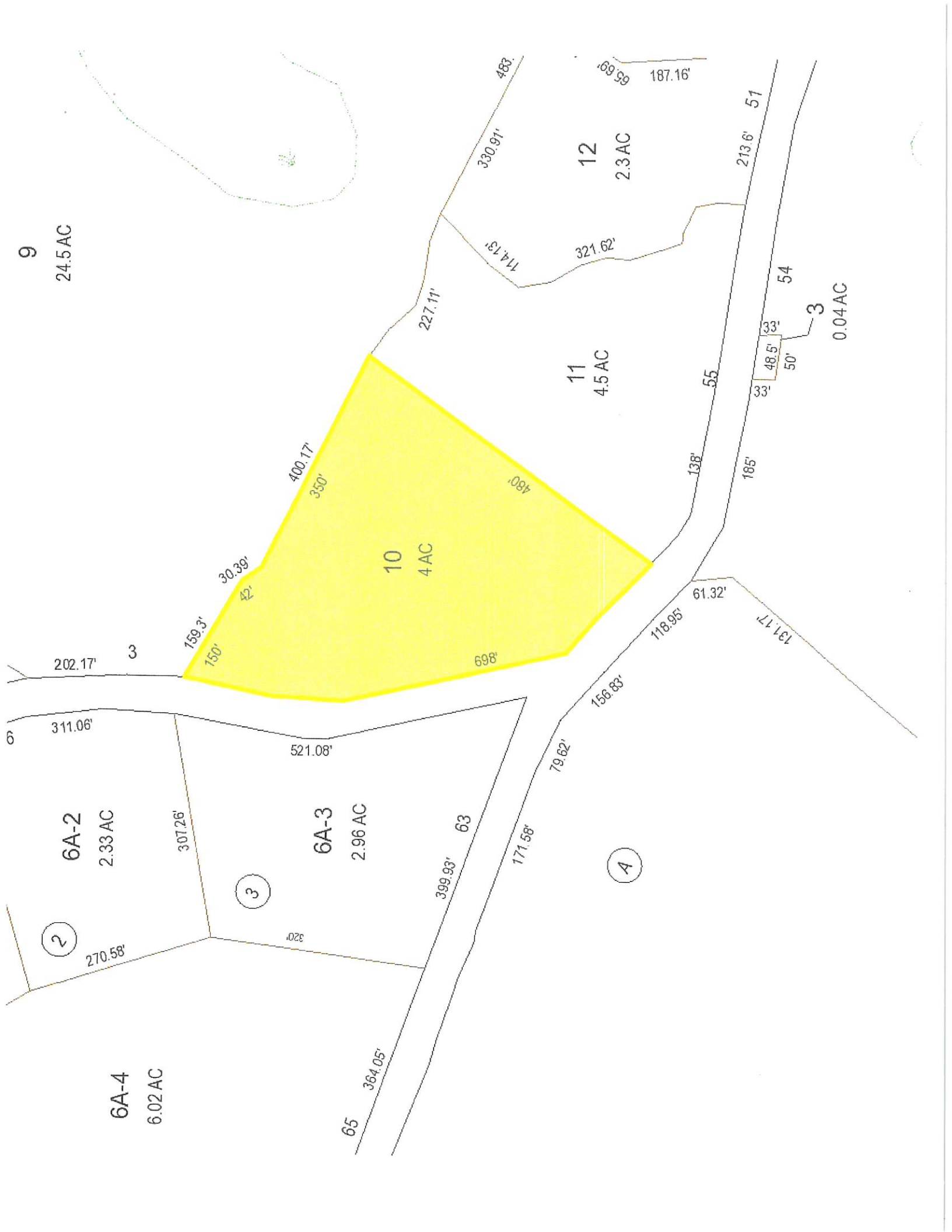
Deidra Benjamin, CWS
100 Leavitt Rd
Pittsfield, NH 03263

Kenneth A. Berry PE LLS
Christopher R. Berry, Project Manager
Berry Surveying & Engineering
335 Second Crown Point Road
Barrington, NH 03825



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9
24.5 AC

12
2.3 AC

11
4.5 AC

10
4 AC

3
0.04 AC

6A-2
2.33 AC

6A-3
2.96 AC

6A-4
6.02 AC

2

3

4

3

6

63

65

51

54

3

202.17'

150'

159.3'

30.39'

42'

400.17'

350'

698'

480'

227.11'

114.13'

330.91'

483'

69.99'

187.16'

321.62'

213.6'

138'

55

185'

33'

48.5'

50'

61.32'

118.95'


156.83'

79.62'

171.58'

131.17'





Return to:
Owl Ridge Builders LLC
104 Raymond Road
Nottingham, NH 03290

LCHIP	ROA523487	25.00
TRANSFER TAX	RO101169	1,650.00
RECORDING		14.00
SURCHARGE		2.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Joyce Asante, Single, of 8582 Mapleleaf Court, Powell, OH 43065, for consideration paid grant(s) to Owl Ridge Builders LLC, a New Hampshire Limited Liability Company, with a mailing address of 104 Raymond Road, Nottingham, NH 03290, with WARRANTY COVENANTS:

A certain parcel of land situated in Nottingham, County of Rockingham and State of New Hampshire, on the Easterly side of Nottingham No. 6 Road, so-called, and on the Easterly side of Stevens Hill Road, so-called, as shown on a plan entitled, "Plan of Land Hewlett P. Wing, Nottingham, N.H.," by T.W. Chesley, dated August 1971, and recorded in the Rockingham County Registry of Deeds as Plan #B-2586, bounded and described as follows:

Beginning at a point on the Easterly side of Nottingham No. 6 Road, at the Southerly corner of the described premises and at land of Roland F. Guinzburg, and thence running Northwesterly along the Easterly side of Nottingham No. 6 Road 200 feet, more or less, to a point at the intersection with Stevens Hill Road; thence turning and running Northerly along the Easterly side of Stevens Hill Road 498 feet, more or less, to a point; thence turning and running Southeasterly 150 feet, more or less, and continuing Southeasterly 42 feet, more or less, and continuing Southeasterly 350 feet, more or less, to a point at land of said Guinzburg; thence turning and running Southwesterly along land of Guinzburg 480 feet, more or less, to the point of beginning. Containing 4 acres, more or less, according to said plan.

Subject to:

1. Easement granted to New Hampshire Electric Co-Operative, Inc. described in Right of Easement Deed dated November 14, 1969, and recorded in the Rockingham County Registry of Deeds at Book 2005, Page 44, as the same may be applicable.
2. Easement granted to New Hampshire Electric Co-Operative, Inc. described in Right of Easement Deed dated September 8, 1972, and recorded in the Rockingham County Registry of Deeds at Book 2196, Page 594, as the same may be applicable.

Meaning and intending to describe and convey the same premises conveyed to Joyce Asante by the Estate of Roland F. Guinzburg, see Rockingham County Probate Case #318-2019-ET-00608. Meaning and intending to describe and convey the same premises conveyed to Roland F.

Guinzburg by virtue of a deed dated September 26, 1995 and recorded in the Rockingham County Registry of Deeds at Book 3120 Page 2767.

The property is not the residence of the grantor or the grantor's spouse and is not subject to homestead rights.

Executed this 20 day of October 2020.

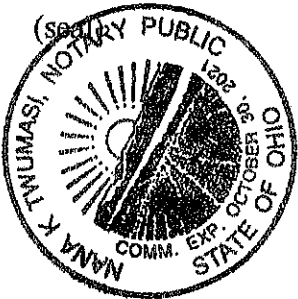
Joyce Asante
Joyce Asante

State of Ohio
County of FRANKLIN

Then personally appeared before me on this 20 day of October 2020, the said Joyce Asante and acknowledged the foregoing to be his/her/their voluntary act and deed.

Nancy K Twyman
Notary Public
Nancy K Twyman
Notary-Name Printed

My commission expires: 0CE 30 2021



OWNER INFORMATION		SALES HISTORY		PICTURE
OWL RIDGE BUILDERS LLC				
104 RAYMOND ROAD				
NOTTINGHAM, NH 03290				

LISTING HISTORY		NOTES	
09/06/18	JQVL	7/2013 STEVENS HILL ROAD=DIRT. HAS LOG ROAD INTO LOT; SOME	
04/05/18	INSP	CLEARED AREA OVERGROWN. DEERFIELD ROAD FRONTAGE DROPS TO	
07/08/13	JBVL	ROAD. VACANT MOSTLY WOODED; COMMON OWNER W/ ADJACENT LOT;	
01/24/13	INSP	9/18; APPRS NC TO LOT; DEERFIELD RD=PAVED; 10/19 PROBATE NOTICE	
06/30/05	BHHN		
06/28/05	LMHC		
07/07/98	AAL		
04/15/87	KW		

EXTRA FEATURES VALUATION			
Feature Type	Units	Length x Width	Rate

PARCEL TOTAL TAXABLE VALUE			
Year	Building	Features	Land
2018	\$ 0	\$ 0	\$ 95,400
			Parcel Total: \$ 95,400
2019	\$ 0	\$ 0	\$ 95,400
			Parcel Total: \$ 95,400
2020	\$ 0	\$ 0	\$ 84,200
			Parcel Total: \$ 84,200

LAND VALUATION														
Zone:	R-AG RES/AGR DIST	Minimum Acreage:	2.00	Minimum Frontage:	200									
Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes
1F RES	2.000 ac	135,000	F	110	55	100	90	90 -- ROLLING	100	66,200	0	N	66,200	CORNER LOT
1F RES	2.000 ac	x 2,500	X	100				95 -- MILD	100	4,800	0	N	4,800	
1F RES	200.000 ft	x 60	F	110					100	13,200	0	N	13,200	
	4.000 ac									84,200			84,200	

Site: UND/WDS Driveway: UNDEVELOPED Road: PAVED
 LAST REVALUATION: 2020



MUNICIPAL SOFTWARE BY AVITAR

