



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 20 Tuckaway Shores Rd
70 48
 Tax Map Lot Sub-Lot

Applicant's information:

Name(s): Marjorie Proia	
Address: 301 Concord Rd Billeria MA 01821	Phone #: 978-807-0015 E-mail: marge@ajproiapaving.com

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

Name(s): M and T Proia Realty Trust, Marjorie Proia and Timothy Proia	
Address: Same as above	Phone #: E-mail:

Representative's information (if applicable):

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

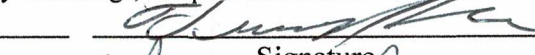
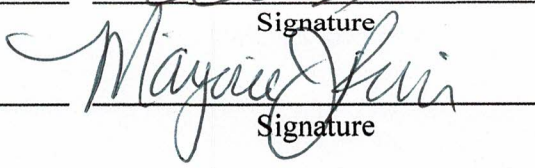
Property information:

Lot Dimensions: Front 95ft Waterfront Rear 49.6 ft Side 225 ft Side 233.5 ft
 Lot Area: Acres .43 Square Feet _____
 Present Use of Property Single Family Home
 Proposed Use of Property Single Family Home

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)	<u>Timothy Proia</u>		<u>7/31/2019</u>
	Printed name	Signature	Date
	<u>Marjorie Proia</u>		<u>7/31/2019</u>
	Printed name	Signature	Date
	_____	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 II Section C2 of the zoning ordinance to permit:
Approval of replacement/upgraded septic system design/plan with 9ft setback where 20ft is required by current zoning.

Property is under agreement for sale and the buyer is requiring a town and state approved septic design. Current system is not in failure therefore, by law, Nottingham must approve plan for NHDES to consider for approval

Previous Zoning Board action on this property: _____

Special exception for boat garage in 1988 _____

SUPPORTING INFORMATION

1. The variance would not be contrary to the public interest because:
Said design/plan, if implemented by new owner, will improve waste water condition being released into current leaching field. Lot size and position does not allow proposed "closed tank system" to be installed at required distance from the property line.

2. The spirit of the ordinance is observed:
We are preparing easement to be filled and registered with the Rochester Cnty Dept of Deeds for waiver of distance requirements per paragraph III of Easement document

3. Substantial justice is done:
Having an approved design/plan will allow for a quick resolution should current system fail

4. The values of the surrounding properties are not diminished:
Improving on run-off water condition in a tightly laidout residential neighborhood will preserved property values

- 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 variance could impact State approval of the design/plan and would force the owner to wait until system failure to take action on a repair. Having an approved design/plan will allow for a more timely implementation should it be required.

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

The proposed system is an improvement on what is currently in place

- 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 _____

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

Property Owner(s) _____
Signature Date Signature Date
[Handwritten signatures and dates: 7/31/2019]

Property Owner(s) _____
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
Marjorie Proia	301 Concord Rd Billerica MA 01821
2. Owner Name	Address
M and T Proia Realty Trust, Marjorie Proia and Timothy Proia	301 Concord Rd Billerica MA 01821
3. Professional(s) Name	Address

MAP/ LOT/ SUB-LOT	ABUTTER(S) NAME	MAILING ADDRESS
4. map 70 lot 46	David Whitney	18 Tuckaway Shores Rd, Nottingham
5. map 70 lot 49	Schmitt, Celeste/Brad/Brian/Bethann	27 Jampsa Trail, Nottingham
6. map70 lot 55	Thomas and Linda Higgins	197 Bridges Ln, N Andover MA 01845
7. map 70 lot57 24 Brustle Rd	Donna Reidy and Eric Danis	PO Box 64 Nottingham
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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)	<u><i>[Signature]</i></u>	<u>7/31/2019</u>	<u><i>[Signature]</i></u>	<u>7/31/2019</u>
	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



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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	_____	_____
ABUTTER NOTIFICATION _____ X \$10.00/PER ABUTTER	_____	_____
PUBLIC NOTICE FEE \$75.00	_____	_____
TOTAL	\$215.00 _____	7/31/2019 _____