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 November 20, 2018 in Conference Room 1, at the Town Municipal Office to hear the following application:

#### Case 18-013-SE

Application from SBA Towers for a Special Exception from Article 2 Section E of the zoning ordinance to permit the construction of a 199' self-supporting tower for wireless telecommunications where the maximum height shall be 34' measured from grade. The property is located at 175 Old Turnpike Road in Nottingham, NH 03290, Tax Map 3 Lot 6 Sublot 1.

Questions? Contact the Land Use Clerk, JoAnna Arendarczyk Ph.: (603) 679-9597 E-mail: <a href="mailto:plan.zone@nottingham-NH.gov">plan.zone@nottingham-NH.gov</a> 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





Office (603) 679-9597 x2 Fax (603) 679-1013

E-mail: dsylvia@nottingham-nh.gov

www.nottingham-nh.gov

#### **Building Permit Application Denial**

Date:

10/22/18

Owner:

Brett and Stephanie Gillespie

Applicant: Address:

SBA Towers 1x, LLC 175 Old Turnpike road

Map/Lot

3/6.1

Article II(C)(4)

**Building Heights** 

Applicant has filed for a permit to replace tower located on 165 Old Turnpike road. New tower is 195' tall, self-supporting used for wireless equipment. Maximum building height shall be 34 feet measured from grade.

Respectfully submitted,

Dale Sylvia

Code Enforcement

CC: Town Administrator, Planning department, Terra Search real estate group, file.



# 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 SPECIAL EXCEPTION

To: Zoning Board of Adjustment Town of Nottingham  Name of Applicant SBA Towers	Case No. 12-013-5E  Date Filed 10/29/2018  Meeting Date 11/20/19  Fee Amount 145  Date Paid 10/22/16  Outcome
Mailing Address C/o Terra Search 157 Riversido Drive	, Norwell, 144 0206)
Home Phone Work Phone	Cell 617-877-2450
Name of Owner Svett & Stephane 6 Nespie	
· (n same as approant, write same)	
PROPERTY INFORMATION	
Location of property 175 Old Turn pike Road Tax M  Lot Dimensions: Front 207 Rear 412' Side	ap <u>003</u> Lot <u>000 6</u>
Lot Dimensions: Front 207 Rear 412 Side	505 Side 697
Lot Area: Acres 5.10 Acres Square Feet	
Present Use of Property Residential housing	
Proposed Use of Property Residential housing with tower	
NOTE: This application is not acceptable unless all statements below Additional information may be supplied on a separate sheet in not adequate.	w have been completed. f the space provided is
SPECIAL EXCEPTION REQUEST	
A special exception is requested from Article Z Section E opermit:	
the construction of a 199' Self suppo	rt tower for
construction of a 199' Self supportant, and any other	eliof the board
dermi mer com	

SOPPORTING 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; See a Hacked nourroutive
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
See a Habled Varrative
Criteria 3 – whether the granting of such special exception would adversely impact the neighboring

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

parcels or rural character of the Town.

Owner's Name (Typed or Printed) Brett + Stephanie 6, 11espie

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



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# **OWNER'S AUTHORIZATION FOR REPRESENTATION**

I, the undersigned owner of the property at	75 Old Tumpite Road to to proval(s) from the Planning Board in the Town of
Subdivision/Lot Line Adjustment	☐ Site Plan Review
Decklot Subdivision  Other Special Exception	☐ Design Review
FOR: Canadrana at a	190' Solf Support
FOR: <u>Construction</u> of a tower for wheless tele	co municipars
NAME OF OWNER (Typed or printed) Bre.1	7 Gillespie
Address of Owner 178 Old Turnpit	Ke Rd Nottingham WH 03290
Signature of Owner	Date 10/3/18
NAME OF OWNER (Typed or printed) Step	hanje Gillespie
Address of Owner 15,000 Tugs	esper Date 10/3/18
Signature of Owner Stephanie Hill	Date 10/3/18
NAME OF OWNER (Typed or printed)	
Address of Owner	
Signature of Owner	
NAME OF OWNER (Typed or printed)	
Address of Owner	
Signature of Owner	Date

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

1. APPLICANT INFORMATION:

more than five (5) days prior to the date of this application...

## ABUTTER(S) LIST

Office 603-679-9597 X1 Fax 603-679-1013 plan.zone@nottingham-nh.gov www.nottingham-nh.gov

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

lress: _	175	01d T	Stephanic Gillepre Urnphe Road, No Hing	Law, 10 H 03290
ROFE	SSIONAL(	s) informa	TION:	
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			Abutter(s) Inform	ation
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12.	Мар:	Lot:	Name:	Address:
13.	Map;	Lot;	Name:	Address:



#### **Subject Property:**

Parcel Number:

003-0006-001

CAMA Number:

003-0006-001

Property Address: 175 OLD TURNPIKE ROAD

Mailing Address: GILLESPIE, BRETT GILLESPIE,

STEPHANIE

175 OLD TURNPIKE ROAD NOTTINGHAM, NH 03290

Abutters:

Parcel Number:

002-0007-000

CAMA Number:

002-0007-000

Property Address: 181 OLD TURNPIKE ROAD

Parcel Number:

002-008A-001

**CAMA Number:** 

002-008A-001

Property Address:

182 OLD TURNPIKE ROAD

Parcel Number:

003-0004-001

CAMA Number:

003-0004-001

Property Address:

174 OLD TURNPIKE ROAD

Parcel Number:

003-0005-000 003-0005-000

CAMA Number: Property Address:

OLD TURNPIKE ROAD

Parcel Number:

003-0006-000

CAMA Number:

003-0006-000

Property Address:

165 OLD TURNPIKE ROAD

Parcel Number:

003-0006-000

CAMA Number:

003-0006-00T

Property Address: 165 OLD TURNPIKE ROAD

Mailing Address:

H-D WAY REALTY TRUST MARY A

PIERCE-TRUSTEE

181 OLD TURNPIKE ROAD NOTTINGHAM, NH 03290

Mailing Address:

BEAL, HAROLD L BEAL, BONNIE M

182 OLD TURNPIKE ROAD

NOTTINGHAM, NH 03290

Mailing Address:

RATHE, NORMAN A RATHE, ANNE R

174 OLD TURNPIKE ROAD NOTTINGHAM, NH 03290

Mailing Address: WILKINS, EARL WILKINS, JEANETTE

> 39 GARLAND ROAD NOTTINGHAM, NH 03290

Mailing Address:

NOTTINGHAM TOWN OF NOTTINGHAM

TOWN OF

PO BOX 114 139 STAGE ROAD NOTTINGHAM, NH 03290

Mailing Address: SBA PROPERTIES LLC ATTN: TAX DEPT.-NH02259

> 8051 CONGRESS AVENUE BOCA RATON, FL 33487

RE:

Wireless Telecommunications Special Exception Request

Applicant:

SBA Towers ("SBA" or "Applicant")

Facility Location:

175 Turnpike Street

Facility Upgrade:

Relocate Wireless Telecommunications Facility from 165

Turnpike Street to 175 Turnpike Street (the "Facility").

Relief Requested:

Special Exception per Section 2.E.1.J (industrial use) and

Section 2.E.2.I (height over 34') of the Town of Nottingham Zoning Ordinance (hereinafter the "Ordinance") and any other relief the board deems

necessary for the installation of a wireless

telecommunications facility.

Dear Honorable Members of the Nottingham Zoning Board of Adjustment:

On behalf of SBA, we are pleased to submit this memorandum to the Town of Nottingham Zoning Board of Adjustment (the "Board") in support of SBA's Special Permit application (the "Application") for the operation and maintenance of this Facility. The following provides background information regarding proposal.

#### BACKGROUND

SBA proposes to relocate its tower from 165 Turnpike Street to 175 Turnpike Street. The old tower will be decommissioned and removed. The Facility is shown in detail on the plans (the "Plans") attached hereto and submitted with this Application. The tower at 165 Turnpike Street currently has Verizon Wireless, AT&T, T Mobile and Sprint as tenants. It is expected that all tenants will move to the new location at 175 Turnpike Street

Pursuant to Section 2.E.1.J (industrial use) and Section 2.E.2.I (height over 34'), a Special Exception is required for this use. The Application complies with the terms of above section of the Ordinance.

SBA operates a nationwide tower network that is utilized by all major and minor wireless carriers. These wireless carriers offer enhanced features such as caller ID, voice mail, e-mail, and superior call clarity. These carriers are in the process of building out a national network as required by their licenses issued by the Federal Communications Commission (the "FCC"). By filling a significant coverage gap and upgrading technology, this Facility will aid in reaching their goal of providing adequate and reliable wireless communications services in and around Nottingham and to all of New Hampshire. The carriers are designing networks to provide high speed voice and data

services commonly referred to as "long term evolution" or "5G" service ("LTE"). LTE operates on frequencies under license from the FCC.

A reliable communications system depends on a grid of antennae arranged in a geographical pattern, similar to a honeycomb. Each "site" is created by an antenna and serves as a link between the customer and the telephone system, while that caller is within proximity to the site. Each site can handle a finite number of telephone calls. As the number of customers increase, more sites must be added to handle the increased volume. If this is not accomplished, calls are dropped or customers' calls are blocked and they will get a busy signal. A new antenna installation must be constructed each time a new site is created. Were the other site to be removed and a new site not constructed, a "hole" would be created in the network of all 4 major carriers, resulting in degraded service to the Town of Nottingham

SBA submits and will demonstrate through the Application materials and the written and oral evidence at the public hearing(s) in connection with the Application that the proposed Facility meet with all applicable requirements of the Ordinance, to the extent possible. The Facility will not adversely impact adjacent properties and neighborhoods as SBA's Facility will not change the height of the tower. The Facility will not be a threat to public health, safety and welfare. In fact, Applicant submits that the proposed upgrades to the Facility will aid in public safety by providing and improving wireless communications services to the residents, businesses, commuters, and emergency personnel utilizing wireless communications in the immediate vicinity.

Consistent with the Ordinance, the existing wireless installation already functions as a wireless communications services facility within a local, regional, and national communications system. This system operates under license from the FCC and the major wireless carriers that utilize the existing tower are mandated and authorized to provide adequate service to the general public. This Site was selected after a careful screening process and was found useful to SBA. This Site is also in close proximity to the existing facility which will be removed. These upgrades will not generate noise, odor, fumes, glare, smoke, or dust or require additional lighting or signage. The Facility will have no negative impact on property values in the area. No increased traffic or hindrance to pedestrian movements will result from the Facility. On average, only one round trip visit per month is required to service and maintain the Facility. This is a unmanned Facility and will have minimal negative effect on the adjoining lots. The Facility does not require police or fire protection because the installation has its own monitoring equipment that can detect malfunction and/or tampering.

#### APPROVAL REQUESTED

SBA respectfully requests that the Board grant, to the extent necessary, a Special Exception for the, construction, operation and maintenance of the Facility as provided in the Plans submitted with the Application, all rights reserved. As will be further demonstrated by the Applicant by evidence submitted to the Board at the public hearing(s) in connection herewith, such approval is appropriate as the Facility satisfies all

pertinent provisions and standards contained in the Ordinance for the granting of the special permit, to the extent required, all rights reserved, as enumerated below.

The Facility will not have any adverse effect on property values in the area. The Facility will not be dangerous to the public health or safety as it is designed to comply with all applicable FCC requirements relating to radio frequency emissions and will comply with all applicable requirements of the Massachusetts building code. Indeed, the maximum radio frequency output per channel for this facility will be well below the maximum radio frequency exposure levels established by the FCC. The Facility is a passive use, and will not cause any nuisance such as noise, vibration, smoke, odor or dust. Further, the Facility will improve communication coverage to residents. commercial establishments and travelers through the area and improves call connections in this area of the Town of Nottingham. These Facility will greatly improve emergency communications for police and fire personnel by reducing the number and frequency of dropped and incomplete calls due to weak signals and adding an additional layer of communication to traditional land lines. In fact, published reports have highlighted the fact that during and after adverse major weather events, including ice storms, wireless telecommunications has been the only form of reliable communication. Lastly, the upgrades of the Facility at each Site will assist the Town of Nottingham in complying with its obligations under the federal Telecommunications Act of 1996 (the "1996 Act").

Applicant respectfully requests that the Board grant all necessary approvals to install and operate the Facility. For the foregoing reasons, as well as to satisfy the mandate of the Federal Government to facilitate competition in the telecommunications industry as set forth in the 1996 Act, Applicant respectfully requests that the Board grant the foregoing approval. We respectfully submit that the standards for approval as set forth in the Ordinance as well as New Hampshire law relating to zoning must be interpreted and applied such that the decision issued by the Board is in conformance with the 1996 Act. Accordingly, a denial of the foregoing petition would effectively prohibit SBA from providing adequate service to the Town of Nottingham, would unreasonably discriminate among providers of substantially equivalent services and thus would be contrary to the purpose and intent of the 1996 Act.

#### PROJECT SUMMARY

SITE NAME:

NOTTINGHAM

SITE ADDRESS:

RELO OLD TURNPIKE RD NOTTINGHAM, NH 03290

JURISDICTION:

TOWN OF NOTTINGHAM, ROCKINGHAM COUNTY

COUNTY: ZONING:

COMMERCIAL/INDUSTRIAL

PROPERTY OWNER:

N/F BRETT GILLESPIE AND STEPHANIE GILLEPIE

PHONE:

(603) 608-1086

APPLICANT:

SBA TOWERS IX, LLC 8051 CONGRESS AVENUE BOCA RATON, FL 33487-1307

JESSICA ROSS

(561) 322-7792

SITE COORDINATES:

2C/1A

LATITUDE: LONGITUDE:

(NAD83) (NAD83) (NAVD88) N. 43° 10' 54.8" W. -71° 06' 33.4"

OCCUPANCY:

UNMANNED RAW LAND

CONSTRUCTION TYPE:

#### ENGINEER'S LICENSE

I CERTIFY THAT THESE DRAWINGS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CONTROL AND TO THE BEST OF MY KNOWLEDGE AND BELIEF COMPLY WITH THE REQUIREMENTS OF THE APPLICABLE ZONING AND SUBDIVISION—LAND DEVELOPMENT ORDINANCE. LICENSED ENGINEER - STATE OF NEW HAMPSHIRE

#### CONSULTING TEAM

**FNGINFFRING FIRM:** 

THE CROSSROADS GROUP, LLC 16590 POTTSVILLE PIKE, SUITE A CONTACT: JEREMIAH D. HOAGLAND PHONE: (484)-660-3055 FAX: (484) 660-3742

SURVEYING FIRM:

CERTA TOWER SERVICE, LLC 421 GRAHAM ROAD, SUITE 1 CUYAHOGA FALLS, OHIO 44221-1344

PHONE: (330)-295-3673 FAX: (330) 701-5850

TELEPHONE COMPANY: TELEPHONE COMPANY: TBD ADDRESS CITY, STATE, ZIP CONTACT: TBD PHONE: TBD FAX: TBD

POWER COMPANY: ELECTRIC COMPANY: TBD CITY, STATE, ZIP CONTACT: TBD

PHONE: (###) ###-#### FAX: (###) ###-####



SITE NAME NOTTINGHAM **RELO** SITE I.D.

NH22346-S

E911 ADDRESS

175 OLD TURNPIKE RD NOTTINGHAM, NH 03290

PROJECT TYPE

195' SELF SUPORT TOWER (199' W/LIGHTING ROD)

PLAN ORIGINATION DATE

09-24-18

# USGS QUAD MAP 1"=2,000

#### DRIVING DIRECTIONS

FROM LOCAL CITY OR NEAREST MAJOR HIGHWAY INTERSECTION:

DIRECTIONS: SITE IS RIGHT OFF OF ROUTE 4 (OLD TURNPIKE ROAD). COMING FROM THE NORTHWEST ON THAT ROAD, WHICH WOULD BE TOWARD NORTHWOOD, THE SITE WILL BE ON YOUR LEFT. COMING FROM THE SOUTHEAST, IT WOULD BE ON YOUR RIGHT. THE SITE IS FAR FROM ANY OTHER MAJOR ROAD OR AN INTERSTATE.



1 (800) 242-1776

www.paonecall.org CONTRACTOR TO CALL PENNSYLVANIA ONE-CALL SYSTEMS AT LEAST (3) WORKING DAYS PRIOR TO CONSTRUCTION

	Sheet Index
Sheet Number	Sheet Title
T-1	TITLE SHEET
T-4	TCG - LEGEND
Z-1	OVERALL ZONING PLAN
Z-2	ENLARGED ZONING PLAN
Z-3	ZONING TOWER ELEVATION PLAN

PLAN SCALE NOTE

RELATIVE TO THE SAME. FOR 24"X36" DOCUMENT SIZE, SCALES SHOULD

BE ONE HALF (3) OF 'AS-SHOWN' SCALE (IE: 11X17 1"=50"; 24X36 1"=25")

ACTUAL DOCUMENT SIZE IS 11X17. ALL SCALES SHOWN HEREON ARE



SBA TOWERS V. LLC. 8051 CONGRESS AVENUE BOCA RATON, FL 33487-1307



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SCALE:	AS SHOWN
DRAWN BY:	JH
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NOTTINGHAM RELO

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NH22346-S

175 OLD TURNPIKE RD NOTTINGHAM, NH 03290 FILEN

TITLE-LEGEND.DWG

SHEET TITLE:

TITLE SHEET

RAWING NO.

REVISION

### EXISTING LEGEND TRACT BOUNDARY EXISTING PARCEL LINE TO BE ABOLISHED EXISTING RIGHT-OF-WAY EXISTING EASEMENT ADJOINING PROPERTY LINE EXISTING ZONING/TOWNSHIP BOUNDARY EXISTING WATER LINE/SERVICE EXISTING STORM SEWER LINE/INLET EXISTING GAS LINE EXISTING ELECTRIC LINE (UNDERGROUND) EXISTING ELECTRIC LINE (OVERHEAD) EXISTING SANITARY SEWER LINE/MANHOLE EXISTING SANITARY LATERAL EXISTING CURB EXISTING EDGE OF ROAD (PAVED) EXISTING SHOULDER (ROAD) EXISTING EDGE OF ROAD (UNPAVED) EXISTING DRIVEWAY EXISTING ROAD CENTERLINE EXISTING FENCE EXISTING CONTOUR EXISTING INDEX CONTOUR SOILS DELINEATION LINE STREAM CHANNEL FEMA DELINEATED FLOODPLAIN EXISTING GUIDERAIL EXISTING WOODLINE EXISTING BRUSHLINE EXISTING BUILDINGS EXISTING WETLANDS EXIST-DECIDUOUS EXIST-EVERGREEN EXIST-HEADWALL Ø LIGHT POST SIGN STREET SIGN 0 UTILITY-POLE WELL 0 BOUND

# PROPOSED LEGEND

PROPOSED BUILDING ---- PROPOSED BUILDING - SETBACK LINE PROPOSED LOT - PARCEL LINE PROPOSED EASEMENT - LINE PROPOSED RIGHT-OF-WAY PROPOSED ROAD CENTERLINE PROPOSED ROAD EDGE (PAVED/NO CURB) PROPOSED STORM SEWER - PIPING PROPOSED FENCE LINE PROPOSED CURBLINE — — — — — — — — CLEAR SIGHT TRIANGLE PROPOSED PHASE LINE PROPOSED CONCRETE PROPOSED RIP-RAP PROPOSED CONCRETE MONUMENT  $\phi$ PROPOSED LIGHT POST PROPOSED TRAFFIC SIGN Ø PROPOSED UTILITY POLE PROPOSED HEADWALL/ENDWALL 0 PROPOSED INLET 0 PROPOSED STORM MANHOLE (A10) PROPOSED STORM SEWER LABEL PROPOSED CONTOUR PROPOSED CONTOUR INDEX +185.4 PROPOSED SPOT ELEVATION PROPOSED ALTERED TREE LINE ~~~~~~~~~~ PROPOSED HIGH WATER ELEVATION PROPOSED SPILLWAY PROPOSED SPILLWAY - HATCH +185.4 PROPOSED BERM - TEXT PROPOSED BERM - SHADE PROPOSED BERM - OUTLINE



SBA TOWERS V, LLC 8051 CONGRESS AVENUE BOCA RATON, FL 33487-1307 TEL: (800) 487-7483



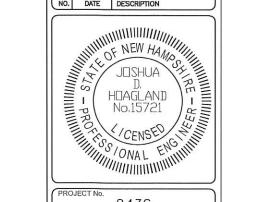
THE CROSSROADS GROUP, LLC www.thecrossroadsgrouplic.com

16590 Pottsville Pike, Ste. A

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2436

PROJECT NO

NOTTINGHAM RELO

SITE NUMBER

NH22346-S

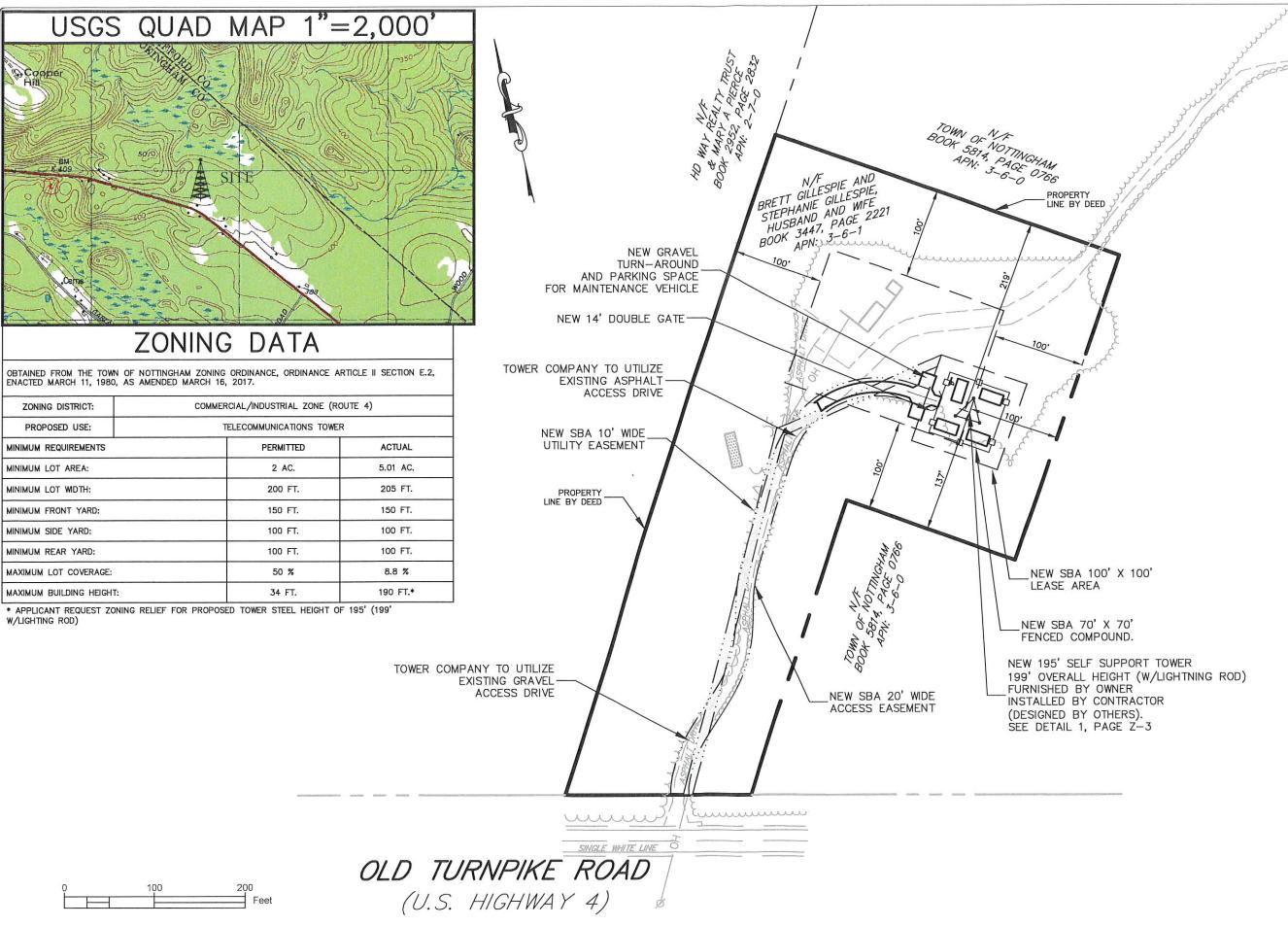
175 OLD TURNPIKE RD NOTTINGHAM, NH 03290

FILE NAME TITLE-LEGEND.DWG

TCG - LEGEND

REVISION:

DRAWING NO.





SBA TOWERS V, LLC 8051 CONGRESS AVENUE BOCA RATON, FL 33487-1307 TEL: (800) 487-7483



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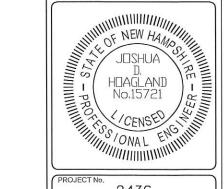
16590 Pottsville Pike, Ste Hamburg, PA 19526 Ph: 484-660-3055

Paxinos, PA 1786 Ph: 570-672-2317 Fax: 484-660-3742

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PROJECT No.

2436

NOTTINGHAM RELO

SITE NUMBER:

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175 OLD TURNPIKE RD NOTTINGHAM, NH 03290

FILE NAME:

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OVERALL ZONING PLAN

DRAWING NO. REVISION:

