

Applicant: Szafran

Case # 17-007-SUB



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
www.nottingham-nh.gov

RECEIVED
8/8/17 JMA
PLANNING / ZONING OFFICE
TOWN OF NOTTINGHAM

Planning Board Project Application

Case#: <u>17-007-SUB</u>	Project Name: <u>Szafran SUB</u>	Date: <u>8/8/17</u>
--------------------------	----------------------------------	---------------------

Formal Application(s):

Subdivision Type: Conventional Open Space LLA

Site Plan Review: Conventional Change of Use

Concurrent Subdivision/ Site Plan Review

Amendment to Approval of: Subdivision Site Plan Other

Total Acreage:	<u>135.5</u>	Current Use Acreage:		# of Proposed Lots:	<u>3</u>
Project Address: <u>Raymond Road</u>					
Current Zoning Districts: <u>R-AG-Pawtuckaway</u>					
Overlay Districts:	Map(s): <u>68</u>		Lot (s): <u>10</u>		
Request: <u>Being proposed is a subdivision off of Route 156 and Shore Dr. Tax Map 68, Lot 10 is 135.5 Acres (per tax records).</u>					

The Property owner shall designate an agent for the project. This person (the applicant) shall attend pre-application conferences and public hearings, will receive the agenda, recommendations, and case reports, and will communicate all case information to other parties as required.

All contacts for this project will be made through the Applicant listed below.

- Form A "Abutters List" has been filed with this application no earlier than 5 days within submittal of this application with 3 labels per address on address labels (same size as Avery 5160/8160)
- Form B "Authorization to Enter upon Subject Property" has been filed with this application
- Form C "Authorization to Represent" has been filed with this application
- 6 sets of full size plans
- 10 sets of 11"x17" plans
- Waiver Form(s)
- Completed Checklist

Applicant: _____

Case # _____

Case#:	Project Name:	Date:
--------	---------------	-------

Owner 1: Caroline J Szafran Trustee		
Company: Caroline J Szafran Rev Trust		
Phone:	Fax:	E-mail:
Address: 47 Cherrywood Dr., Dover, NH 03820		

Owner 1 Signature _____

Date _____

Owner 2:		
Company:		
Phone:	Fax:	E-mail:
Address:		

Owner 2 Signature _____

Date _____

Owner 3:		
Company:		
Phone:	Fax:	E-mail:
Address:		

Owner 3 Signature _____

Date _____

Owner 4:		
Company:		
Phone:	Fax:	E-mail:
Address:		

Owner 4 Signature _____

Date _____

Applicant (Contact): Stacy Long & Shawn Cahill		
Company:		
Phone:	Fax:	E-mail:
Address: 47 Cherrywood Dr., Dover, NH 03820		

Developer:		
Company:		
Phone:	Fax:	E-mail:
Address:		

Engineer: Kenneth A Berry, PE, LLS		
Company: Berry Surveying & Engineering		
Phone: 603-332-2863	Fax: 603-335-4623	E-mail: K.Berry@BerrySurveying.com
Address: 335 Second Crown Point Rd., Barrington, NH 03825		

Applicant: _____

Case # _____

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
www.nottingham-nh.gov

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)

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

Applicant: _____

Case # _____

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
www.nottingham-nh.gov

OWNER'S AUTHORIZATION FOR REPRESENTATION

*BREYTON & BEAUBE
AND*

Property location: Raymond Road and Shore Dr.

I, the undersigned owner of the property listed above, hereby verify that I have authorized Berry Surveying & Engineering 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:

- Subdivision/Lot Line Adjustment
- Backlot Subdivision
- Other _____
- Site Plan Review
- Design Review

FOR:

Name of Owner Caroline J Szafran Rev. Trust, Caroline J Szafran, Trustee

Address of Owner 47 Cherrywood Dr., Dover, NH 03820

Signature of Owner *Caroline J Szafran* 8-7-17
Date

Name of Owner _____

Address of Owner _____

Signature of Owner _____
Date

Name of Owner _____

Address of Owner _____

Signature of Owner _____
Date

Name of Owner _____

Address of Owner _____

Signature of Owner _____
Date

Applicant: _____

Case # _____

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
www.nottingham-nh.gov

**Subdivision Plan
Waiver Request Form**

Under Subdivision Plan Regulations 5.3- Request for Waivers, 8.1 – Waivers for Specific Plan Submission Requirements and 11.1- General Waiver Provisions

If there is more than one waiver requested, each waiver request is to be individually listed and described, as each waiver is considered individually by the Town of Nottingham Planning Board. A petition for waiver shall be submitted in writing by the applicant with the application for review. The request shall fully state the grounds for which the waiver is requested and all facts supporting this request with reference to the applicable Nottingham Subdivision Regulations article, section and paragraph. **Each waiver granted shall be listed on the approved subdivision plan which is to be recorded at the Rockingham County Registry of Deeds.**

Name of Subdivision Plan: _____

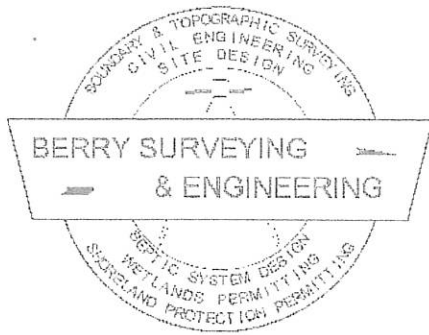
Tax Map	68	Lot	10	Sub- Lot	
Site Location: Raymond Road and Shore Dr.					
Zoning District(s):					
Owner(s): Caroline J Szafran Rev. Trust, Caroline J Szafran, Trustee					
Address of Owner(s): 47 Cherrywood Dr. Dover, NH 03820					
Name of Applicant (if different from owner): Stacy Long					
Phone Number:			Email:		
Land Surveyor: Kenneth A Berry, LLS# 805					

I, _____ Seek the following waiver to the Town of Nottingham Subdivision Regulations, Article _____ Section _____, for the above case submittal:

See Attached Sheets

Signature of Owner/Applicant _____

Date _____



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road
Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

Town of Nottingham Planning Board
139 Stage Road
Nottingham, NH 03290

August 7, 2017

RE: Proposed Lot Line Revision Tax Map 68, Lot 10
Shore Drive
Waiver Request

Dear Chairman and Members of the Nottingham Planning Board,

The Caroline J Szafran Revocable Living Trust (the Trust) owns Tax Map 68, Lot 10 which consists of approximately 135.5 acres of land located on Raymond Road(Route 156). This land is comprised of many different land forms, to include wetlands, wooded areas, and a system of private roads. The lake lot subdivisions of the 1950's and 1960's were done in such a way that indicates that the actual ownership of the roadway land resided with Lot 10. However, all of the owners of the lake lots were granted the rights to use and enjoy complete access to the road system. Currently the Town of Nottingham maintains the roadway as an "emergency lane". There is no residence or building located on Lot 10 at this time.

We have provided a multi-page plan set for your review. The first page is an overview sheet with the tax map overlaid so the entirety of the parcel can be seen. Sheet 2 is a list of abutters. Given the nature of the surrounding lots, we were unable to place the abutters around the lot as is sometimes typical, so we provided them in a list format. Sheet 3 is a recordable subdivision sheet showing metes and bounds. We have performed a complete boundary survey of the area of the subdivision as shown on this plan. This plan shows total acreages as well as a utility easement and proposed monumentation. Sheet 4 shows our topographic and wetland survey. We did not perform a topographic survey of the entire parcel (see waiver req.), but we have shown potential building areas, testhole locations, 4,000 SF leaching areas, proposed wells, and proposed driveways. This does not mean that this is exactly where homes will be built, but it serves to show that the lots are developable. A portion of these lots does fall within the 250' NHDES CSPA zone and therefore all disturbance within that zone will need to be approved by NHDES prior to construction activity.

Our proposal is to subdivide two lots from the parcel – each of which will be 12 acres in size. The average size of the surrounding lots on the private road system is about 0.25 acres. Currently, based on the town assessing records, there are about 53

homes located on this road system. These two lots, should they be developed, would cause an increase of about 3.5% in volume of development on the road which, in our opinion, is a very small amount of increase. On May 2, 2017, the Trust was granted a variance from the Town of Nottingham ZBA to allow a subdivision on a private road since no road frontage on a Class V road exists.

The conditions of approval for the ZBA approval were that a deed restriction be placed on the deeds for the two new lots regarding no future subdivision of them and also a deed restriction for the remaining land for the area between the two new lots stating that it would be precluded from future residential development. It is our intention to submit language to the land use department for these restrictions prior to final approval of this subdivision by the Planning Board.

Thank you for your time and attention to this matter.

BERRY SURVEYING & ENGINEERING



Daniel O'Lone
Project Manager



BERRY SURVEYING & ENGINEERING
335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road
Barrington, NH 03825
Phone: (603) 332-2863
Fax: (603) 335-4623
www.BerrySurveying.Com

August 7, 2017

Town of Nottingham Planning Board
139 Stage Road
Nottingham, NH 03290

RE: Proposed Lot Line Revision Tax Map 68, Lot 10
Shore Drive
Waiver Request

Dear Chairperson and Members of the Nottingham Planning Board:

Berry Surveying & Engineering, on behalf of the Caroline J. Szafran Revocable Trust requests the following waivers to the Subdivision Regulations of the Town of Nottingham:

1. Identification of Waiver Request:

Boundary of entire property to be "subdivided". (*checklist Section #2, Item #18*)

2. Explanation:

Tax map 68, Lot 10 is roughly 135.5 acres of land. Doing a full boundary survey of the parcel would be very costly to the applicants and would not result in a dataset that would provide any additional useful information for this application.

3. Granting the waiver will properly carry out the purpose and intent of the regulations.

The purpose of the regulation is to ensure an approval is not granted where a remaining lot is not in conformance with the zoning ordinance and/or other applicable ordinances and regulations. The remaining land that has not been surveyed will be around 112 acres. Much of this is accessible via a private road system. There is approximately 150' of existing road frontage on Raymond Road (Route 156) which will remain unchanged.

4. Strict conformity to the regulations would pose an unnecessary hardship to the applicant.

The cost of surveying the entire parcel would be prohibitive to its development.

1. Identification of Waiver Request:

Area of Contiguous Uplands. *(checklist Section #2, Item #24b)*

Limits of Wetlands. *(checklist Section #2, Item #25a)*

All Required Setbacks. *(checklist Section #2, Item #27)*

Two foot contour interval topography shown over all subject parcels. *(checklist Section #2, Item #31)*

Total Uplands. *(checklist Section #3, Item #4a)*

Contiguous Uplands. *(checklist Section #3, Item #4b)*

Existing Ledge Outcroppings & Other Significant Natural Features. *(checklist Section #3, Item #13)*

2. Explanation:

Tax map 68, Lot 10 is roughly 135.5 acres of land. These four waivers are all closely related and will have the same arguments and reasoning to support granting of the waivers. We have performed an intensive topographic survey and wetlands delineation on both of the parcels to be subdivided which is enough to prove a building area on each lot. This area is also enough to prove the buildable area requirements.

3. Granting the waiver will properly carry out the purpose and intent of the regulations.

The purpose of the regulation is to ensure an approval is not granted where lots do not meet the zoning requirements. In this case, we have done an intense topography and wetland delineation in areas large enough to prove that we are meeting the requirements of the ordinances as can be seen on Sheet 4 of the plan set. We have shown building setbacks in the area of the intensive surveys. Showing setbacks in areas that have not been investigated for wetlands and topography would be misleading to builders and potential future owners as it would indicate that building could take place in an area that may be excluded from building by the zoning ordinance. This request also includes a request that the board waive the requirement for wetland delineation, topographical surveying, and testholes on the remaining land.



Given that there is no plans for any building on this lot at this time, performing this work on this large of an area would likely result in data that would not be utilized and therefore would be a unwarranted expense for the client at this time. On the 112 remaining acres, there are many places that a residence could be built that would meet all of the requirements of the Zoning Ordinance.

4. Strict conformity to the regulations would pose an unnecessary hardship to the applicant.

The cost of doing a full topographical and wetland survey on the entire parcel would be extreme and would be prohibitive to its development.

1. Identification of Waiver Request:

Drainage, Erosion and Sediment Control Plans. (*checklist Section #3, Item #14*)

2. Explanation:

This waiver is being requested as the exact placement of houses, driveways, septic systems, and other typical residential construction items is not known at this time. We have placed driveways, houses, and 4k areas on the plans in areas that could be developed. It will be the decision of the lot owners where the items will be placed as a final result. These lots fall under the NHDES CSPA as far as 250' from Pawtuckaway Lake, so proposed disturbance within that zone will fall under the state jurisdiction and will be reviewed and permitted by NHDES prior to any construction activity.

3. Granting the waiver will properly carry out the purpose and intent of the regulations.

The purpose of the ordinance seems intended for subdivisions where a roadway is proposed and design plans are included in the plan set. This subdivision plan set does not propose any construction activity. All construction will need permitting by both NHDES (for Shoreland permit and septic permit) and the Town (typical building type permits). We feel that this two-layered permitting process will serve to ensure that the drainage, erosion, and sediment control aspect of the project is adequately addressed.



4. Strict conformity to the regulations would pose an unnecessary hardship to the applicant.

Requiring this plan during this phase of the project would force the applicants to choose a building location at this time and they are not yet ready to take that step. This could be costly as many times, during the actual development and design of the house and lot grading plans, their ideas and wishes change and plans drawn now could prove irrelevant.

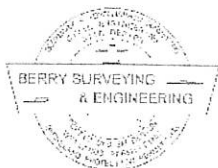
Thank you for your time and attention to this matter and we hope you look favorably upon the requests.

Respectfully,

BERRY SURVEYING & ENGINEERING



Daniel J. O'Lone
Project Manager



BERRY SURVEYING & ENGINEERING
335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com

Town of Nottingham
P.O. Box 114
Nottingham NH
03290
Planning & Zoning



Office 603-679-9597
Fax 603-679-1013

**ZONING BOARD OF ADJUSTMENT
TOWN OF NOTTINGHAM, NH
NOTTINGHAM, NH 03290
NOTICE OF DECISION**

You are hereby notified that at the **May 2, 2017** meeting of the Nottingham Zoning Board of Adjustment the Board **Approved by a vote of 3 aye and 2 nay, with 2 Conditions**, the following application:

Case 17-001-VA

Application from Caroline J. Szafran Revocable Trust requesting a Variance from Article II Section C(1)(a) of the Zoning Ordinance to permit a two (2) lot subdivision on a private road. The property is located at Raymond Road in Nottingham, NH and is identified as Tax Map68 Lot10.

Condition:

1. A Deed restriction be placed on the section of land between the two proposed new lots as agreed to by the applicants
2. A Deed restriction be placed on the proposed two new lots stating the two lots will not be further subdivided as agreed to by the applicants.

Any appeals to this decision must be made within 30 days of the date of the decision.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "JoAnna Arendarczyk".

JoAnna Arendarczyk
Land Use Clerk, Town of Nottingham