



CHRIS STERNDALE
TOWN ADMINISTRATOR
TOWN OF NOTTINGHAM, NH

To: Zoning Board of Adjustment
Date: 13 Sep 2021
Re: 21-010-VA Bergeron

Board Members:

I am writing to provide some background on the variance case before you from Matt Bergeron on Cahill Lane. This is an unusual case, brought about by unusual events and timing, that have created a situation for Mr. Bergeron requiring a variance.

With the adoption of warrant article #19 in 2021, Town Meeting accepted Cahill Lane as a Class V town road. This has created a host of legal questions, surprises, and practical obstacles for some residents and the town government. The Planning Board and Select Board have both been actively working to understand and adapt to these changes. Generally, the public has acquired easements that formerly belonged to a limited number of property owners; and those easements are located where roads are shown on approved plans.

The road vote took place in the midst of Mr. Bergeron's work on his property, and instantly changed the legal framework within which he has to operate. I expect his application and presentation to you will explain the particulars. In short, he is seeking setback relief from a street that is there on paper but not in reality. He had previously moved the actual road (then private), away from his home and from its original location shown on plans. Prior to the adoption of Article #19, this permit request would have been approved without concern for setbacks on the then-private road.

Mr. Bergeron's actions regarding the road have been with the full knowledge and consent of the town since 2019-2020. Town staff believe he has acted legally and in good faith throughout, trying to find solutions that work for his location and for the town, all while satisfying State DES regulations as well. We tried, but failed, to find a way to legally avoid a variance request. He, abutters, and staff have all agreed on a proposed solution that would make a variance moot, but this solution would require the approval of the Select Board and Town Meeting in 2022.

Please let me know if we can provide any additional information.

Sincerely,

Chris Sterndale