

MARCH 28, 2022

Town of Nottingham
Planning and Zoning Department
Attn: Kevin Lemieux
139 Stage Road, P.O. Box 114
Nottingham, NH 03290
RE: ZBA Application-160 Old Turnpike Road

Dear Kevin,

BSC Group, Inc. (BSC) is pleased to submit this application to the ZBA for the subject property. Shea Concrete (A.K.A. Concrete Products of Londonderry) is proposing to construct a 22,250 square foot manufacturing facility at the subject property.

All dimensional setbacks will be met; however, the proposed facility will require a building height of 40-feet, where a 34-foot maximum height is presently allowed. This request for a variance in maximum building height is proposed in support of crane, hoist and rail necessities for the new facility.

Respectfully,



David Beati, P.E. | Survey Project Manager

BSC Group

300 Brickstone Square | Andover | MA 01810

direct | 617-896-4332

main | 617-896-4300

cell | 978-604-5576

email | dbeati@bscgroup.com



TOWN OF NOTTINGHAM

139 Stage Road, P.O. Box 114, Nottingham, NH 03290

www.nottingham-nh.gov

Planning & Zoning plan.zone@nottingham-nh.gov

Tel (603) 734-4881 Fax (603) 679-1013

APPLICATION FOR A VARIANCE

FOR OFFICE USE ONLY

Case No. _____
Date Filed _____
Meeting Date _____
Fee Amount _____
Date Paid _____
Outcome _____

To: Zoning Board of Adjustment
Town of Nottingham

Name of Applicant BSC Group

Mailing Address 300 Brickstone Square Andover, Ma 01810

Home Phone _____ Work Phone 617-896-4332

Cell 978-604-5576

Name of Owner(s) Concrete Products of Londonderry

(if same as applicant, write "same")

Owner's Address 87 Haverhill Road Amesbury, Ma 01913

(if same as applicant, write "same")

PROPERTY INFORMATION

Location of property 160 Old Turnpike Road Tax Map 3 Lot 2

Lot Dimensions: Front 401.46 Rear 1,026.97 Side 1,953.50 Side 1,467.06

Lot Area: Acres 25.10 Square Feet 1,092,189

Present Use of Property Precast Concrete Manufacturing

Proposed Use of Property Precast Concrete Manufacturing

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 E(2)(g) of the zoning ordinance to permit: Building a manufacturing facility that exceeds the 34 foot maximum zoning ordinance building height

SUPPORTING INFORMATION

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

Building would be of sufficient distance from street and abutters

2. If the Variance were granted, the spirit of the ordinance would be observed because:

The building is industrial in nature in an industrial zone. The 34' height is somewhat restrictive for their current crane and rail operation.

3. Granting the variance would do substantial justice because:

Their interior crane and rail technology requires overall production building height of 40-feet.

4. If the variance is granted, the values of the surrounding properties would not be diminished because:

Structure would be of sufficient distance from abutters and well screened.

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because:

The current operation consists of older technology for their precast concrete manufacturing operation.

The proposed facility will require additional headroom and thus ceiling height.

All other zoning requirements will be met with this proposal.

-AND-

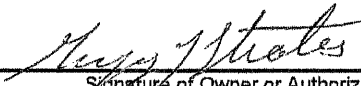
ii. The proposed use is a reasonable one because:

The operation is industrial in nature and is located in an industrial zone.

B. Explain how, 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.

The proposed facility will require increased headroom/ceiling height in order to remain current with the modernization of ceiling hoists, crane and rail operation.

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 variance is sought and that all information provided by me is true under penalty of law.



Signature of Owner or Authorized Agent

03/28/2022

Date

Please Print Name Gregory Stratis

Town of Nottingham
P.O. Box 114
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Nottingham NH 03290



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Building would be of sufficient distance from street and abutters

OWNER'S AUTHORIZATION FOR REPRESENTATION

The building is industrial in nature in an industrial zone. The 34' height is relatively restrictive for typical I, the undersigned owner of the property at 160 Old Turnpike Road, hereby verify that I have authorized BSC Group 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:

- | | |
|--|---|
| <input type="checkbox"/> Subdivision/Lot Line Adjustment | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Backlot Subdivision | <input type="checkbox"/> Design Review |
| <input checked="" type="checkbox"/> Other <u>Zoning</u> | |

FOR: Building height requirement waiver

Structure would be of sufficient distance from abutters and well screened.

NAME OF OWNER (Typed or printed) Concrete Products of Londonderry

Address of Owner 87 Haverhill Road Amesbury, Ma 01913

Signature of Owner *Murray Stotes* Date 03/28/2022

NAME OF OWNER (Typed or printed) _____

Address of Owner _____

Signature of Owner _____ Date _____

NAME OF OWNER (Typed or printed) _____

Address of Owner _____

Signature of Owner _____ Date _____

NAME OF OWNER (Typed or printed) _____

Address of Owner _____

Signature of Owner _____ Date _____

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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) Steph Stutes 03/28/2022
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

The Nottingham Zoning Board strongly recommends that, before making any appeal, you become familiar with the zoning ordinance, and also with the New Hampshire Statutes TITLE LXIV, RSA Chapters 672- 677, covering planning and zoning.

New Hampshire Law

New Hampshire law no longer distinguishes between a "use" or "area" variance. New Hampshire law requires the existence of unnecessary hardship for the granting of any variance, whether that is for a use not allowed in a particular zone or a deviation from a dimensional requirement.

APPLICATION PROCEDURE FOR ZONING BOARD OF ADJUSTMENT HEARING

Clarification of the Zoning Ordinance and assistance in completing the application process can be obtained from the Secretary of the Zoning Board. Legal assistance should be obtained from the Applicant's personal attorney.

Correctness of information submitted is the responsibility of the Applicant.

The following must be filed with the application:

- ✓ Application fee, public notice fee, and abutter notification fee.
- ✓ An abutters list and three (3) sets of abutter mailing labels. Abutter mailing labels must include the names and legal addresses of applicant, property owner, all property owners abutting the subject parcel, including those directly across the street or stream, and anyone whose professional seal appears on the plan. Tax Map No. and Lot No. must also appear on the list for the abutting properties. **Important:** Applicant shall certify that the abutters are as indicated in the Town of Nottingham's Selectmen's Office not more than 5 days prior to day of filing the application with the Zoning Board. (SEE FORM A).
- ✓ Six (6) sets of 11"X17" plans drawn to scale which show lot location, lot size, setbacks, locations and dimensions of all structures and open spaces on the lot in question and on the adjacent lots, and ownership of adjoining lots of land. Plans do not have to be professionally drawn.
- ✓ A written description of work proposed and any dimensions pertinent to construction.
- ✓ A signed Authorization To Enter Upon Said Property form. (SEE FORM B)
- ✓ If the applicant is not the owner, a notarized Owner's Authorization for Representation form must be submitted. (SEE FORM C).

No application shall be accepted for processing until **all** of the required information is received.

HEARING NOTIFICATION & PROCESS

Your hearing will be held within 30 days after submission of a complete application. You will be notified by certified mail as to time, place, and date of the public hearing. At the time of the hearing, you must present your case to the Board or must authorize a representative to appear for you. (FORM C).

RULES OF PROCEDURE FOR CONDUCT OF MEETINGS

Each applicant is entitled to a hearing by a five-member Board. If, for any reason, five members are not available, the applicant(s) may elect to postpone the hearing and decision until the next meeting of the Board at which five members are present. For the benefit of those in attendance at public hearings, the Chairman will briefly explain the procedure before the hearings begin and introduce the members of the Board. The public hearing will begin with the applicant(s) and/or his/her representative presenting the petition. Then those wishing to speak in favor of the petition may do so, followed by those wishing to speak in opposition to the petition. After this, the applicant(s) and those in favor may speak in rebuttal, followed by the rebuttal of those in opposition. The debate may be closed when the Chairman deems it appropriate. All comments must be addressed to the Chair. Anyone rising to address the Chair should identify him/herself, giving his/her name and address. No one will be allowed to speak twice until all who wish to speak have been heard. Reasons will be given for all decisions of the Board and references made to the appropriate sections of the Zoning Ordinance. In the event the Board wishes to postpone making a decision, the applicant(s) will be so advised. All decisions will be announced by the Chair at the time they are made, and formal written notification will be mailed to the applicant(s) within 5 business days after the decision is rendered. In the event no one is available to present a petition to the Board at the public hearing, the petition will be automatically dismissed on the grounds that no public hearing has been held. A petition may be withdrawn by the applicant(s) by notifying the Clerk of the Board of this intention. All public hearings and Board deliberations are transcribed.

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ABUTTER(S) LIST

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

1. APPLICANT INFORMATION:

Printed Name: BSC Group Contact Telephone: 617-896-4332
Address: 300 Brickstone Square Andover, Ma 01810

2. OWNER INFORMATION:

Printed Name: Concrete Products of Londonderry
Address: 87 Haverhill Road Amesbury, Ma 01913

3. PROFESSIONAL(S) INFORMATION:

Printed Name: David Beati P.E.
Address: 300 Brickstone Square Andover, Ma 01810

Abutter(s) Information				
4.	Map:	Lot:	Name:	Address:
5.	Map:	Lot:	Name:	Address:
6.	Map:	Lot:	Name:	Address:
7.	Map:	Lot:	Name:	Address:
8.	Map:	Lot:	Name:	Address:
9.	Map:	Lot:	Name:	Address:
10.	Map:	Lot:	Name:	Address:
11.	Map:	Lot:	Name:	Address:
12.	Map:	Lot:	Name:	Address:
13.	Map:	Lot:	Name:	Address:

I, David Beati P.E., the undersigned, certify that to the best of my knowledge, the above is an accurate and complete abutter(s) list and that the information was obtained from the Nottingham Assessing Office no more than five (5) days prior to the date of this application..

David Beati
Applicant's Signature

March 28, 2022
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	<u>100.00</u>	<u> </u>
ABUTTER NOTIFICATION <u>12</u> X \$10.00/PER ABUTTER	<u>120.00</u>	<u> </u>
PUBLIC NOTICE FEE \$75.00	<u>75.00</u>	<u> </u>
TOTAL	<u>295.00</u>	<u> </u>

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Code Administration

Office (603) 679-9597 x2
Fax (603) 679-1013
E-mail: dsvylvia@nottingham-nh.gov
www.nottingham-nh.gov

Building Permit Application Denial

Date: 4/12/22
Owner: Concrete products of Londonderry, LLC (Shea)
Address: 160 Old Turnpike road
Map/Lot 3/2.2

Applicant has filed for a permit to add a 22,250 sq. ft. building.

Denials:

Article II(C)(6): Building Height- maximum height shall be 34 feet measured from grade.

- Proposed building will be 40 feet high.

Note:

- Applicant has not submitted all the necessary paperwork for complete project view, however they wanted to go forth now with this ZBA request for this one variance. Applicant understands that there may be more denials once a complete package is submitted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dale Sylvia", is written over the typed name below.

Dale Sylvia
Code Enforcement