



TOWN OF NOTTINGHAM

ZONING BOARD OF ADJUSTMENT

139 Stage Road, P.O. Box 114, Nottingham, NH 03290 - email: plan.zone@nottingham-nh.gov Tel (603) 679-9597 Fax (603) 679-1013

**THE ZONING BOARD WILL NOT ACCEPT
INCOMPLETE OR LATE APPLICATIONS**

PLEASE READ BEFORE FILLING OUT YOUR APPLICATION

Check the following boxes when complete to ensure application completeness:

- The **“Applicant’s Name”** on the application must be **the property owner(s) of record**
 - o include a copy of the Deed and Tax card
- The applicant’s **mailing address** should be listed underneath the applicant’s name(s).
- All owners must also sign** the application on the last page.
- “Representative”** need only be filled out if someone else will be making the presentation for the applicant. This information must also be included on the last page of the application.
- Under **“Location of Property”** you need not fill out the tax map, parcel & zone if you do not know it. Simply list the address of the property involved.
- For **“previous Zoning Board action on this property”** see the Land Use Clerk.
- If you are seeking a **VARIANCE, you are required to complete the five points of law on your application. Failure to do so will result in a delay or a denial. Be as thorough as possible! Your case rests on these points!** If you have any questions, feel free to contact the Land Use Clerk. These points begin on page 4 and continue on through to page 5.
 - o You or your representative may be required to **VERBALLY** present all five points of law during the Public Hearing.
- Please make copies for yourself so that you will have the same information the Board has when you present to them. All relevant information, plans, drawings, etc. must be submitted with your application** so that they may be on file in the Land Use Office as public information. *Remember, the more prepared you are, the less time you will need to spend before the Board.*
 - o Please bring six (6) copies of any additional materials that were not submitted with your application (i.e. drawings, photographs, more detailed explanations or reasoning) to the meeting.
- Six (6) sets of 11”x17” plans drawn to scale** which show lot location, lot size, setbacks, locations and dimensions of all structures (see the Nottingham Zoning Ordinance definition), powerlines (overhead & underground), well & septic radius of abutters if known and open spaces on the lot in question and on the adjacent lots and ownership of adjoining lots of land (*professionally drawn NOT required*).
- For certified mailings of Public Hearing Notices **Please print and provide three (3) sets of MAILING LABELS (6.66cm x 2.54cm) for each abutter, owner(s) and representative (if applicable).** *If an owner/abutter is repeated on your list with the exact same name and mailing address, they will only be counted once.*
 - o Notices for the public hearing with the Zoning Board of Adjustment will be published in a local newspaper, posted in at least two (2) public places and will be sent via certified mail to the **property**

owner(s), abutters and any other parties the Board may deem to have an interest (including any representative) at least five (5) days before the date of the hearing.

- Please read the paragraph on page 7 of the application regarding **abutters**. The Land Use office can assist you in determining your abutters, but **YOU ARE RESPONSIBLE FOR OBTAINING THE CORRECT OWNER AND MAILING INFORMATION FOR THIS LIST FROM THE ASSESSOR'S OFFICE.** When verifying the correct owner and mailing information, you are required to use the assessing information only.
- Please note that the abutters have the right to attend the meeting to speak for or against your case and ask any questions they may have. However, abutters do not vote on your case. Only the Board may vote.

□ The Land Use Clerk will calculate the Fee total upon application submittal. Fee Schedule page: 9

For your information:

- Applications are due Before 2:30pm on the scheduled deadline date to be on the following month's agenda but **you are strongly encouraged to apply earlier in case any additional issues need to be addressed.**
 - **Applications will not be accepted after 2:30 on the deadline date.**
 - **Incomplete applications will not be accepted at any time.**
- The Zoning Board of Adjustment meetings take place on the third Tuesday of the month in Conference Room 1 at the Nottingham Municipal Offices, 139 Stage Road, unless otherwise posted.
- Meetings begin at 7:00P.M. Your actual hearing time is dependent on the number of cases being heard that night and the other business of the Board.
- Decisions of the Zoning Board can be based **only** on the testimony presented at the public hearing. **It is the applicant's responsibility to provide the evidence in support of the criteria for the application.**
- The Board reserves the right to continue cases to either the following month or another agreed upon date, time and location, should the meeting run to a late hour.
- Meetings are recorded on tape. Please approach the Board for your presentation and speak clearly into the microphone so that your case may be recorded accurately.
- Your case will be decided during deliberations, which typically occurs immediately following your presentation. You are welcome to stay to hear your decision. You will also receive notification in the mail of the Board's decision. If you would rather stop by and obtain your copy, please make arrangements with the Land Use Clerk.
- **Seeking a SPECIAL EXCEPTION TO OPERATE A HOME OCCUPATION (HOME BUSINESS)?**
 - Please note that the State may have separate requirements for business licensing. Such requirements would be independent of this Special Exception and **it is the applicant's responsibility to ensure that any and all State requirements are fulfilled.**
- In order to prepare yourself for your presentation, please familiarize yourself with the following:

MEETING PROCEDURES

1. The Chair reads the case into the record
2. The applicant makes their presentation.
3. The Board addresses the applicant with questions and/or comments.
4. Those in favor of the request are asked to speak at the microphone.
5. Those opposed or have questions regarding the request are asked to speak at the microphone.
6. The applicant may rebut any comments or questions.
7. The opposition may then also rebut.
8. The Board addresses the applicant with any additional comments or questions.
9. The case is taken under advisement immediately and voted on unless the Board chooses to do so at a later time- but within 30 days.



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Zoning Board of Adjustment Application for Appeal- VARIANCE

PLEASE READ THE APPLICATION RULES AND GUIDELINES BEFORE COMPLETING THE APPLICATION

LOCATION OF PROPERTY: Street Address 8 Cahill Lane

<u>68</u>	<u>49</u>	<u>1</u>
Tax Map	Lot	Sub-Lot

Applicant's information:

Name(s): <u>Matt Bergeron</u>	
Address: <u>8 Cahill Lane</u>	Phone #: <u>802-238-5585</u>
E-mail: <u>bergeron9@comcast.net</u>	

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

Name(s): <u>Same</u>	
Address:	Phone #:
E-mail:	

Representative's information (if applicable):

Name(s): <u>Curt Naleid</u>	
Address: <u>30 N River Lake Rd</u> <u>Northwood, NH 03261</u>	Phone #: <u>603-833-1575</u>
E-mail: <u>curt@chestnutandcape.com</u>	

Property information:

Lot Dimensions: Front _____ Rear _____ Side _____ Side _____

Lot Area: Acres 2.01 Square Feet 87,630

Present Use of Property Single Family Residential

Proposed Use of Property Single Family Residential

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) MATTHEW BERGERON *Matthew Bergeron* 8/25/21

Printed name

Signature

Date

Printed name

Signature

Date

Printed name

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 2 Section (C)(3)(a) of the zoning ordinance to permit:
CONSTRUCTION WITH LESS THAN A FIFTY FOOT SETBACK.

Previous Zoning Board action on this property: _____

SUPPORTING INFORMATION

1. The variance would not be contrary to the public interest because:
The issue was created when the town voted Article 19 with little definition as to what was the road being adopted. The right of way in this location had already been moved, but not shown on a map at the town.

2. The spirit of the ordinance is observed:
We are asking for relief from something shown on paper.

3. Substantial justice is done:
The owner would like to move forward with the project while the legal process that will take some time is working through system. All affected parties are in agreement moving that process forward.

4. The values of the surrounding properties are not diminished:

5

The property is at the end of Cahill lane providing access to the applicants and his fathers property. Both are in favor of approval.

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

As mentioned previous this is an issue created by the Warrent Article vote and is only one seen on paper.

ii) The proposed use is a reasonable one.

The lot in question is over 2 acres, which is much larger than most properties surrounding Pawtuckaway lake. It is reasonable build an addition as proposed on such a large and private lot.

- 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 _____

CURT NALEID

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

Property Owner(s)  8/25/21 _____
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

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
2. Owner Name	Address
3. Professional(s) Name	Address

MAP/ LOT/ SUB-LOT	ABUTTER(S) NAME	MAILING ADDRESS
4. 68-49		
5. 68-49.2		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		



100 foot Abutters List Report

Nottingham, NH

August 19, 2021

Subject Property:

Parcel Number: 068-0049-001
CAMA Number: 068-0049-001
Property Address: 8 CAHILL LANE

Mailing Address: BERGERON, MATTHEW
PO BOX 160
NOTTINGHAM, NH 03290

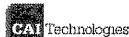
Abutters:

Parcel Number: 068-0049-000
CAMA Number: 068-0049-000
Property Address: 9 CAHILL LANE

Mailing Address: BERGERON, PAUL U. TRUSTEE P.
BERGERON REALTY TRU
8046 SIGNATURE CLUB CIRCLE UNIT
202
NAPLES, FL 34113

Parcel Number: 068-0049-002
CAMA Number: 068-0049-002
Property Address: CAHILL LANE

Mailing Address: BERGERON, MATTHEW
PO BOX 160
NOTTINGHAM, NH 03290



www.cai-tech.com

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8/19/2021

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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)		5/25/21	_____	_____
	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