



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

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment
Town of Nottingham

| FOR OFFICE USE ONLY | |
|---------------------|-----------------|
| Case No. | <u>24-004</u> |
| Date Filed | <u>3/8/24</u> |
| Meeting Date | <u>4/16/24</u> |
| Fee Amount | <u>\$452.00</u> |
| Date Paid | <u>3/8/24</u> |
| Outcome | _____ |

Name of Applicant Matthew Brady

Mailing Address 1 Robinhood Drive in Nottingham, NH 03290

Phone 603-583-8395 E-Mail _____

Name of Owner(s) Dennis F. Brady
(if same as applicant, write "same")

Owner's Address 28 Case Road in Nottingham, NH
(if same as applicant, write "same")

PROPERTY INFORMATION

Location of property 28 Case Road & Robinhood Drive Tax Map 9 Lot 2

Lot Dimensions: Front 638'+/- Rear 1493'+/- Side 625'+/- Side 954'+/-

Lot Area: Acres 17.1 Square Feet 744,875 Sq Ft+/-

Present Use of Property Residential-Agricultural - Single Family

Proposed Use of Property same as above

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 C.2(b) of the zoning ordinance to permit:

Less than 200 feet contiguous frontage. Existing frontage is 159.18' per deed, but not yet surveyed.

SUPPORTING INFORMATION

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

See attached

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

See attached

3. Granting the variance would do substantial justice because:

See attached

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

See attached

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:

See attached

-AND-

ii. The proposed use is a reasonable one because:

See attached

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.

See attached

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.

Dennis F. Brady
Signature of Owner or Authorized Agent

8 MAR 2024
Date

Please Print Name Dennis F. Brady

SUPPORTING INFORMATION

Dennis F Brady – 28 Case Road

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

Zoning regulations typically include a minimum lot frontage requirement for the purpose of allowing for ingress/egress from the lot onto a Class V or better roadway, controlling density, preventing overcrowding and generally creating a rectangular shaped lot. The rural character of the neighborhood is not altered or is the general health, safety and welfare of the public threatened. In this case, allowing less than the required two-hundred feet does not have any adverse effect on the public interest.

2) If the variance were granted, the spirit of the ordinance would be observed because:

For the same reasons mentioned above, the purpose of the frontage requirement is to allow for ingress/egress from the lot onto a Class V or better roadway, controlling density, preventing overcrowding and generally creating a rectangular shaped lot. Article IV, Section T of the Nottingham Zoning Ordinance, allows for '*Back Lot Subdivision for Single Family Homes*', under certain conditions, but specifically, "*lots having less than the minimum contiguous frontage of two hundred (200') feet required*". Although this property does not qualify for a traditional back lot subdivision, if the variance were granted the outcome of the proposed new lot created would be simpler in size, shape and keeping with the rural character of the Town. Therefore, in this case, the spirit of the ordinance would be observed.

3) Granting the variance would do substantial justice because: Given the special conditions of the property, the applicants proposal is the least environmentally impacting and a less detrimental approach to the public interest for subdividing this property under the Nottingham Zoning Ordinance.

4) If the variance is granted, the values of the surrounding properties would not be diminished because: This property and surrounding area is currently zoned for Residential/Agricultural use, allowing for single family homes, which is how the applicant intends on using the proposed new lot, if the variance is granted and pending Planning Board approval. The Town has minimum building codes to assure any new home is built to acceptable standards. Additional Zoning requirements are already in place to protect neighboring properties, ie. junkyards, ect.

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 entire property is 17.1 acres, with 638' +/- contiguous frontage along Case Road and 158' +/- frontage along Robin Hood Drive. Currently on the property, there is an existing single-family dwelling with customary improvements. In this case, the special feature of this property is the wetland system located along the frontage of Case Road, extending toward the rear of the property. This wetland system is further identified, and zoned as a "*Wetland Conservation Area*" overlay district. These environmentally sensitive areas have been recognized by the Town for their importances and significant enough for additional protection through zoning.

If the *'frontage variance'* request were to be denied and the strict enforcement of the minimum 200ft frontage, including curb-cut is imposed, then the applicant would be forced to create the new lot with the required frontage along Case Road. This lot configuration would require the new driveway be constructed thru the wetland system just to meet zoning, which does not seem to serve the purpose in a fair and substantial way.

-AND-

ii. **The proposed use is a reasonable one because:** The wetland system location and the configuration of this oversized property, specifically the location of the two frontage boundaries or access points, concludes that there is really only one reasonable layout for a "new lot". This proposed lot layout has no impact or driveway construction thru the wetland system, also making the variance request reasonable.

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. This property is special due to the two separate frontage locations, and because of that, this parcel is unique from all other properties in the surrounding area. As mentioned, in order to conform with the 200 feet minimum frontage requirement a new driveway would have to be constructed through an environmentally sensitive wetland system from Case Road to the rear of the property. This would seem an unnecessary burden and certainly unreasonable given the clear alternative if the *'frontage variance'* was granted.

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



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Fax 603-679-1013
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OWNER'S AUTHORIZATION FOR REPRESENTATION

I, the undersigned owner of the property at 28 Case Road,
hereby verify that I have authorized Peter D. Landry, LLS 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>ZBA hearing</u> | |

FOR: Presentation and discussion for a variance relief application.

NAME OF OWNER (Typed or printed) Dennis F. Brady

Address of Owner 28 Case Road in Nottingham, NH

Signature of Owner Dennis F. Brady Date 8 MAR 2024

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

Land owned by Dennis F. Brady of 28 Case Road

Property Owner(s) Dennis F. Brady 8 MAR 2024 _____
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

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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: Matthew Brady Contact Telephone: 603-583-8395
Address: 1 Robinhood Drive in Nottingham, NH

2. OWNER INFORMATION:


Printed Name: Dennis F. Brady
Address: 28 Case Road in Nottingham, NH

3. PROFESSIONAL(S) INFORMATION:

Printed Name: Peter D. Landry, LLS of Landry Surveying, LLC
Address: 248 Mill Pond Road in Nottingham, NH

| Abutter(s) Information | | | | |
|------------------------|------|------|-----------------------------------------------------------------------------------|----------|
| 4. | Map: | Lot: | Name: <p style="text-align: center; font-weight: bold;">see attached sheet</p> | 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, Matthew Brady, 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..


Applicant's Signature

Mar 8, 2024
Date



60 feet Abutters List Report

Nottingham, NH
March 05, 2024

Subject Property:

Parcel Number: 009-0002-000
CAMA Number: 009-0002-000
Property Address: 28 CASE ROAD

Mailing Address: BRADY, DENNIS FRANCIS
28 CASE ROAD
NOTTINGHAM, NH 03290

Abutters:

Parcel Number: 009-0001-000
CAMA Number: 009-0001-000
Property Address: OAK RIDGE ROAD

Mailing Address: SUGARBUSH, INC C/O ORCHARD
MNGMT, INC
500 MARKET ST - SUITE 1A
PORTSMOUTH, NH 03801

Parcel Number: 009-0005-000
CAMA Number: 009-0005-000
Property Address: 30 CASE ROAD

Mailing Address: D'EON, PHILIP D'EON, JANET
P.O. BOX 165
NOTTINGHAM, NH 03290

Parcel Number: 009-0007-019
CAMA Number: 009-0007-019
Property Address: 8 OAK RIDGE ROAD

Mailing Address: POZDZIAK, JAMES R
8 OAK RIDGE ROAD
NOTTINGHAM, NH 03290

Parcel Number: 009-0007-020
CAMA Number: 009-0007-020
Property Address: 6 OAK RIDGE ROAD

Mailing Address: WUERKER, PAUL WUERKER, JUDITH A.
P.O. BOX 295
NOTTINGHAM, NH 03290

Parcel Number: 009-0007-021
CAMA Number: 009-0007-021
Property Address: 4 OAK RIDGE ROAD

Mailing Address: RUBIN, ALAN L CHEW, MARILYN L
4 OAK RIDGE ROAD
NOTTINGHAM, NH 03290

Parcel Number: 009-0012-001
CAMA Number: 009-0012-001
Property Address: 23 CASE ROAD

Mailing Address: AVERY, MITCHELL J AVERY, LEA A
23 CASE ROAD
NOTTINGHAM, NH 03290

Parcel Number: 009-0012-002
CAMA Number: 009-0012-002
Property Address: CASE ROAD

Mailing Address: WADDINGTON, JOHN F. & MARGARET
YATES, THOMAS
42 KIWANEE ROAD
WARWICK, RI 02888

Parcel Number: 024-0101-000
CAMA Number: 024-0101-000
Property Address: 32 ROBIN HOOD DRIVE

Mailing Address: MARCHETTO, MARY T MARCHETTO,
DONNE S
32 ROBIN HOOD DRIVE
NOTTINGHAM, NH 03290

Parcel Number: 024-0102-000
CAMA Number: 024-0102-000
Property Address: 34 ROBIN HOOD DRIVE

Mailing Address: HALEY, LAUREN E
88 CENTRAL STREET
NORTH READING, MA 01864

Parcel Number: 024-0103-000
CAMA Number: 024-0103-000
Property Address: ROBIN HOOD DRIVE

Mailing Address: BONSER, TERRY L
24 SMOKE STREET
NOTTINGHAM, NH 03290



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60 feet Abutters List Report

Nottingham, NH
March 05, 2024

Parcel Number: 024-0105-000
CAMA Number: 024-0105-000
Property Address: 31 ROBIN HOOD DRIVE

Mailing Address: MUNDO, PAUL M MUNDO, TAMRA J
31 ROBIN HOOD DRIVE
NOTTINGHAM, NH 03290

Parcel Number: 024-0108-000
CAMA Number: 024-0108-000
Property Address: 25 ROBIN HOOD DRIVE

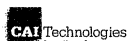
Mailing Address: TOROSIAN, EDWIN A BISSON, KIM L
25 ROBIN HOOD DRIVE
NOTTINGHAM, NH 03290

Parcel Number: 024-0128-000
CAMA Number: 024-0128-000
Property Address: 22 CASE ROAD

Mailing Address: CARLSON, ELLEN A BARROWS,
CATHERINE L
22 CASE ROAD
NOTTINGHAM, NH 03290

Parcel Number: 024-0133-000
CAMA Number: 024-0133-000
Property Address: 21 CASE ROAD

Mailing Address: DEJESUS JR., MIGUEL ANGEL
DEJESUS, LESLIE LEANN
21 CASE ROAD
NOTTINGHAM, NH 03290



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3/5/2024

Page 2 of 2

Dennis F. Brady
28 Case Road
Nottingham, NH 03290

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Nottingham, NH 03290

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Nottingham, NH 03290

Sugarbush, Inc.
c/o Orchard Management, Inc
500 Market Street – Suite 1A
Portsmouth, NH 03801

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Portsmouth, NH 03801

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Portsmouth, NH 03801

Philip & Janet D'eon
PO Box 165
Nottingham, NH 03290

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PO Box 165
Nottingham, NH 03290

Philip & Janet D'eon
PO Box 165
Nottingham, NH 03290

James R. Pozdiak
8 Oak Ridge Road
Nottingham, NH 03290

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Nottingham, NH 03290

James R. Pozdiak
8 Oak Ridge Road
Nottingham, NH 03290

Paul & Judith A. Wuerker
PO Box 295
Nottingham, NH 03290

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Nottingham, NH 03290

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Nottingham, NH 03290

Landry Surveying, LLC
248 Mill Pond Road
Nottingham, NH 03290

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Nottingham, NH 03290

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Nottingham, NH 03290

Alan L. Rubin & Marilyn L. Chew
4 Oak Ridge Road
Nottingham, NH 03290

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4 Oak Ridge Road
Nottingham, NH 03290

Alan L. Rubin & Marilyn L. Chew
4 Oak Ridge Road
Nottingham, NH 03290

Mitchell J. & Lea A. Avery
23 Case Road
Nottingham, NH 03290

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23 Case Road
Nottingham, NH 03290

Mitchell J. & Lea A. Avery
23 Case Road
Nottingham, NH 03290

John F. Waddington &
Margeret Yates Thomas
42 Kiwanee Road
Warwick, RI 02888

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Margeret Yates Thomas
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Warwick, RI 02888

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Margeret Yates Thomas
42 Kiwanee Road
Warwick, RI 02888

Mary T. & Donne S. Marchetto
32 Robin Hood Drive
Nottingham, NH 03290

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Nottingham, NH 03290

Mary T. & Donne S. Marchetto
32 Robin Hood Drive
Nottingham, NH 03290

Lauren E. Haley
88 Central Street
North Reading, Ma. 01864

Lauren E. Haley
88 Central Street
North Reading, Ma. 01864

Lauren E. Haley
88 Central Street
North Reading, Ma. 01864

Terry L. Bonser
24R Smoke Street CWV
Nottingham, NH 03290

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Nottingham, NH 03290

Terry L. Bonser
24R Smoke Street CWV
Nottingham, NH 03290

Paul M. & Tamra J. Mundo
31 Robin Hood Drive
Nottingham, NH 03290

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31 Robin Hood Drive
Nottingham, NH 03290

Paul M. & Tamra J. Mundo
31 Robin Hood Drive
Nottingham, NH 03290

Edwin A. Torosian &
Kim L. Bisson
25 Robin Hood Drive
Nottingham, NH 03290

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25 Robin Hood Drive
Nottingham, NH 03290

Edwin A. Torosian &
Kim L. Bisson
25 Robin Hood Drive
Nottingham, NH 03290

Ellen A. Carlson &
Catherine L. Barrows
22 Case Road
Nottingham, NH 03290

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22 Case Road
Nottingham, NH 03290

Ellen A. Carlson &
Catherine L. Barrows
22 Case Road
Nottingham, NH 03290

Miguel Angel DeJesus, Jr.
& Leslie Leann DeJesus
21 Case Road
Nottingham, NH 03290

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& Leslie Leann DeJesus
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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</u> | <u>3/8/24</u> |
| ABUTTER NOTIFICATION <u>15</u> X \$10.00/PER ABUTTER | <u>\$150</u> | <u>3/8/24</u> |
| PUBLIC NOTICE FEE \$200.00 | <u>\$200</u> | <u>3/8/24</u> |
| TOTAL | <u>\$450</u> | <u>cash</u> |