

TO: Code Enforcement Department  
Town of Nottingham, New Hampshire  
P.O. Box 114  
Nottingham NH 03290

DATE: May 25, 2021

### COMPLAINT

Name: Dirk Grotenhuis, 3 Poor Farm Road

Phone number: 603-339-3774

Nature of Complaint: 7 Berry Road, Frank Garrison – Multifamily: Zoning Violations

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The property at 7 Berry Road, Tax Map 41 Lot 11 is the subject of this complaint. The property is a non-conforming multi-family dwelling on a six (6) acre parcel. The property use has become over occupied than what is permitted, creating a nuisance and negatively impacting abutting property and the rural character of the surroundings.

On August 9, 2005 the Nottingham Zoning Board of Adjustment approved a variance to Article 6G Section 3B of the Nottingham Zoning Ordinance to allow a multi-family dwelling in the residential zone. Because of the 6 acre lot size, the ZBA allowed a maximum of four (4) units. Currently there appears to be eight (8) to ten (10) individual units being rented.

The over population is having a significant impact for a number of reasons, some of which are listed below:

1. Environmental impacts from the overuse of the septic system. The septic system cannot properly treat and dispose of waste from that many people and be in compliance with NH DES regulations. The potable water well for the abutting property at 3 Poor Farm Road is approximately 25 feet from the property line and near one of the leach fields. A licensed septic designer needs to inspect and map the existing septic systems for compliance and provide certification to the Nottingham Building Inspector.
2. Environmental impacts from the overuse of the solid waste removal. The property currently has a single commercial dumpster which cannot handle the number of people living there. It overflows and spills out days prior to it being emptied. Trash and debris is consistently being blown onto abutting property, into the stream, and dragged around by wild animals. The dumpster is located at the front of the property along the road right-of-way. (see attached pictures). Berry Road is a designated scenic roadway in Nottingham in which commercial dumpsters should not be visible, let alone be allowed to overflow and litter the roadside.



**Figure 1 Overflowing Dumpster**



**Figure 2 Trash and Litter after pick up**

3. Environmental and visual impacts from un-permitted street tree removal. The owner removed a large sugar maple tree along the road without approval from the Planning Board (see attached picture). Berry Road is a designated scenic road where street trees and stone walls are protected.



**Figure 3 Unpermitted Scenic Road Tree Removal**

4. Due to the overpopulation, the number of renters vehicles has increased and overflows the site. On average day there is between 14 and 16 vehicles parked. If this were actually 4 units it would be expected to be no more that 2 vehicles per unit. The vehicles have been parking on what was once grassed lawn, in the front yard, on the street, and in buffer areas which was previously vegetated. This is a significant impacts to the rural character of the surrounding. The owner recently expanded the parking area into previously vegetated areas by placing truckloads of gravel. This was done adjacent to an active stream with no regard to setbacks, buffers, or erosion control. A direct impact is that snow is being plowed onto abutters property during the winter.



**Figure 4 Unpermitted Overflowing Parking**

5. As a part of the parking lot expansion, a storage shed was relocated without permit or approval within the 100' buffer zone to abutting property. The property has approximately 200' of total frontage, therefore the entire area falls under the 100' buffer regulation.



**Figure 5 Unpermitted Shed Relocation (center of photo)**

6. The property has a covered bridge over a stream that was used up to a year ago as a driveway to one of the units which is separate from the main structure. The bridge is no longer used now that the new parking lot connects the separate unit to another driveway. The bridge is now being used for storage and in violation of the setback requirement.




**Figure 6 Covered Bridge used as storage within setback**

In review of the Planning and Zoning Departments files, a letter dated 3/28/2018 was sent from the Nottingham Code Administrator to the current owner, Frank Garrison, citing a number of code violations. There is no confirmation in the file that these were ever resolved and should be followed up by the Code Enforcement Department.

In the ZBA 2005 ruling, one of the conditions was that the applicant APPLY for a 4 unit multifamily permit. This should be confirmed as the approval was conditioned that it be permitted no later than December 31, 2005 otherwise the approval is null and void.

After conversations with the current owner about my concerns and his promises to address them without any action over the past year, I am requesting that the Code Enforcement Department conduct an interview with the owner and all tenants to determine the actual number of leases or sub-leases to verify that it is being operated per the approval allowing 4-unit multi-family dwellings on the property. And that if approval was ever granted. Also it is imperative that all the issues be addressed. I do have great concerns for my family's health and safety by the use of the property.

Please feel free to contact me if you would like to discuss this. Please also contact me with resolutions or corrective actions that will be taken. Thank you.

Signature:   
Dirk Grotenhuis  
Date: May 21, 2021

