

Zoning Board of Adjustment

Town of Allenstown

16 School Street
Allenstown, NH 03275
Tel: (603)-485-4276
Fax: (603) 485-8669

APPLICATION FOR VARIANCE OF USE OR AREA

I hereby apply for a hearing requesting a VARIANCE to the terms of Article VI Section 602. N. 3. c of the Town of Allenstown Zoning Ordinance

Case #: _____

Applicant 4NH Homes LLC Telephone: 785-4616

Address: 34 Rundlett Hill Road Bedford, NH 03110

Email: Mike@gallorealtygroup.com

Owner: Michael C. Nickerson Telephone: _____

Address: 50 Caldwell Road Byfield, Ma 01922

Email: _____

Property Address or Location: Pine Acres Road and Route 28

Tax Map 102 Lot # 8 Zone: R2 With agricultural conservation overlay

Property Description (Length of Frontage, Side and Rear Lines, Etc.):

Lot 25/1 contains approximately 32.7 acres, has 706.73' of frontage on Pine Acres Road and 1222.85' of frontage on Route 28. The lot is irregularly shaped and also abuts the Suncook River.


Proposed Use or Existing Use Affected: _____
Proposed is a cluster residential development.

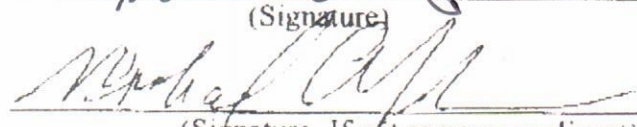
Why Does Your Proposed Use Require An Appeal To The Zoning Board Of Adjustment?

Article VI section 602. N. 3. C states that:

The development shall be served by an adequate water system and by either the Town sewerage system or community system approved by the State Water Supply and Pollution Control Board, Proposed is construction of individual sewer systems for each lot.

All information must be filled out completely and required documentation submitted with application in order to be accepted.

Applicant:  Date: 8/2/16
(Signature)

Owner:  Date: 7/19/16
(Signature- If not same as applicant)

FOR DEPARTMENT USE ONLY

Case No _____

Date filed: _____ Received By: _____ Fees: _____

2. That the granting of the variance will not be contrary to the public interest because: _____
Allowing individual subsurface disposal systems is consistent with the vast majority
of developed residential lots in Allenstown. The septic systems will be the responsibility of the
land owner, which is in no way a public matter.

3. That the literal enforcement of the zoning ordinance will create an unnecessary hardship
because:

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 because::

a. 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 for the
following reasons: _____

It would appear that the intent of the ordinance it to ensure that the proposed subdivision have
Adequate means of sewage disposal. The subject property is large enough to accommodate a
cluster subdivision but is a too far from existing town sewer to make connecting to it feasible.
Installing a community leach field would create a burden for the homeowners as well as a greater
concentration of nitrates in one area as opposed to individual septic systems.

b. And, the proposed use is a reasonable one for the following reasons: _____
Individual septic systems provide an adequate means for sewage disposal.

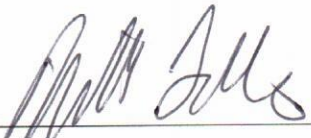
If the criteria in subparagraph (A) above are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. The definition of "unnecessary hardship" set forth in subparagraph (3) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

4. That through the granting of relief by a variance substantial justice will be done because:

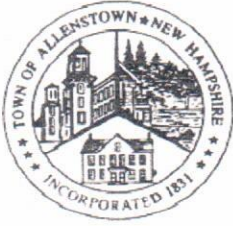
It is the intent of the ordinance to allow cluster subdivisions in this zone in an effort to protect farm land. Granting this variance will do just that. Allow a cluster subdivision and protect a portion of the lot through the dedication of open space.

5. The use, for which the variance is requested, t the spirit of the ordinance will be observed because:

The spirit of the ordinance is to allow for cluster development, protect farmland and require adequate means of sewage disposal. Our proposal accomplishes all of this.

Signature: 

Date: 8/2/14



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Before you undertake completing this application we strongly encourage you to read the entire application first. Upon reading the entire application go back and answer the questions 1 through 5 with as much specific factual detail as required. The obligation of demonstrating facts sufficient to support your appeal is your responsibility.

The undersigned hereby requests a variance to the terms of Article VI Section 701. a. and asks that said terms be waived to permit:

A cluster residential subdivision in the R2 zone with a density as allowed per the R2 zoning ordinance

You are required by law to demonstrate:

1. That there will not be a diminution of value of the surrounding properties as a result of the granting of this variance because: _____

The Proposed use of the property is a cluster residential subdivision. The residential use is consistent with other lots in the area and complies with the intent of the R2 zoning district.

2. That the granting of the variance will not be contrary to the public interest because: _____
The vast majority of developed residential lots in Allenstown are used for residential purposes.
The Proposal allows for the protection of Farmland which is consistent with the intent of the
Agricultural overlay

3. That the literal enforcement of the zoning ordinance will create an unnecessary hardship because:

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 because::

a. 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 for the following reasons: _____

It would appear that the intent of the ordinance is to allow cluster residential subdivisions, for the purpose of protecting Farmland and other land that has a high environmental value. This proposal will protect such land.

b. And, the proposed use is a reasonable one for the following reasons: _____

The subject lot is of significant size and could support the number of houses we will be Proposing. The land is composed partially of Wetland, Flood Plain and River Frontage. This Land will be protected and the development of the lot will be on the opposite side of the lot along the road which is adjacent to other currently developed properties.

If the criteria in subparagraph (A) above 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 definition of "unnecessary hardship" set forth in subparagraph (3) shall apply whether the

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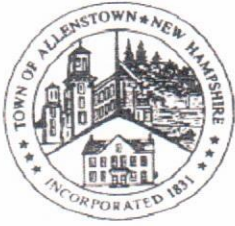
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Signature: 

Date: 8/22/10



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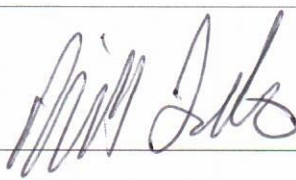
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Signature: 

Date: 8/2/16

July 18, 2016

Re. Tax Map 102 Lot 8
N.H. Route 28 and Pine Acres Road
Allenstown, NH 03275

To whom it may concern,

I Michael Nickerson authorize Higginson Land Services (Dan Higginson) and or 4NH Homes (Michael Gallo) to represent me in correspondence with the Town of Allenstown as well as any and all Board Meetings related to the above referenced parcel of land.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Nickerson", with a long horizontal flourish extending to the right.

Michael Nickerson

B1276P566

KNOW ALL MEN BY THESE PRESENTS THAT I, MICHAEL C. NICKERSON, single, of 6 Greenwood Street, Wakefield, in the County of Middlesex and Commonwealth of Massachusetts, for consideration paid, grant to THE SUNCOOK BANK, a corporation duly established by law, with principal place of business in Pembroke, in the County of Merrimack and State of New Hampshire, with mortgage covenants, to secure the payment of FORTY-TWO THOUSAND DOLLARS (\$42,000.00) with 9½ per cent interest payable monthly, and also perform all the agreements and conditions as provided in note of even date, the following adjoining tracts of land in Allenstown, in the County of Merrimack and State of New Hampshire, located between Route 28 and the Suncook River and bounded and described as follows:-

Tract One: Beginning at a stake at the West corner of the intersection of Route 28 and Pine Acres Road; thence Southwesterly, along the Northwest side of Route 28, fifteen hundred (1,500 feet, more or less, to a stake at land of William A. Dobe; thence Northwest, along said land of William Dobe, to a stake at other land of Julia A. Juranty, as shown on plan of "The Cove" Allenstown, New Hampshire, June 1959, by Walter F. O'Neill, C. E.; thence Northerly, along said other land of Juranty as shown on plan of "The Cove", four hundred twenty-seven and twelve hundredths (427.12) feet, to a stake as shown on Plan of Summer Avenue Off Route 28, Allenstown, New Hampshire, January, 1968, by Walter F. O'Neill, C. E., recorded as Plan #2215 in the Merrimack County Registry of Deeds; thence Northeasterly, along the Southeast lines of Lots 47, 64, 63, 62, 61, 60, 59, 58, 57 and 56, as shown on said plan of Summer Avenue Off Route 28, one thousand one hundred fifty-six and six hundredths (1,156.6) feet, more or less, to a stake in the Southwest side of Pine Acres Road; thence Southeasterly along the Southwest side of Pine Acres Road, seven hundred seventy (770) feet, more or less, to the point of beginning.

Tract Two: Beginning at a stake on the East side of the Suncook River at land of Plourde, now or formerly, and as shown on plan of "The Cove" Allenstown, New Hampshire, June 1959, by Walter F. O'Neill, C. E., to be recorded; thence Northerly along the East bank of the Suncook River six hundred (600) feet, more or less, to a stake as shown on said plan; thence Easterly two hundred thirteen (213) feet, more or less, to stake as shown on said plan; thence at an interior angle of 163° 18' one hundred thirty-six and eight hundredths (136.8) feet to a stake as shown on said Plan; thence at an interior angle of 116° 37' ninety-eight and two hundredths (98.2) feet to a stake as shown on said plan; thence at an interior angle of 176° 3' one hundred eleven and one hundredths (111.1) feet to a stake as shown on said plan; thence at an interior angle of 186° 21' two hundred thirty-nine and one hundredths (239.1) feet to a stake as shown on said plan; thence at an interior angle of 186° 15' one hundred twenty-seven and three hundredths (127.3) feet to a stake as shown on said plan; thence at an interior angle of 173° 30' one hundred sixty-nine and six hundredths (169.6) feet to a stake as shown on said plan; thence at an interior angle of 191° 25' one hundred seventy-one and one hundredths (171.1) feet to a stake as shown on said plan; thence at an interior angle of 165° 13' one hundred sixty-five and one hundredths (165.1) feet to a stake as shown on said plan; thence at an interior angle of 155° 45' eighty-four and six hundredths (84.6) feet to a stake as shown on said plan; thence at an interior angle of 181° 28' seventy-five and eight hundredths (75.8) feet to a stake as shown on said

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plan; thence at an interior angle of 149° 57' two hundred forty-eight and nine hundredths (248.9) feet to a stake as shown on said plan; thence at an interior angle of 158° 39' ninety-two and four hundredths (92.4) feet to a stake as shown on said plan; thence at an interior angle of 145° 5' seventy-seven and seven hundredths (77.7) feet to a stake as shown on said plan; thence at an interior angle of 170° 37' one hundred eighteen and four hundredths (118.4) feet to a stake as shown on said plan; thence at an interior angle of 153° 5' one hundred two and nine hundredths (102.9) feet to a stake as shown on said plan; thence at an interior angle of 192° 26' one hundred and three hundredths (100.3) feet to a stake as shown on said plan; thence at an interior angle of 181° 25' one hundred and two hundredths (100.2) feet to a stake as shown on said plan; thence at an interior angle of 184° 27' one hundred (100) feet to a stake as shown on said plan; thence at an interior angle of 177° 54' eighty-eight and three hundredths (88.3) feet to a stake as shown on said plan; thence at an interior angle of 178° 41' one hundred twenty (120) feet, more or less, to the point of beginning.

Subject however to certain restrictions with respect to the construction of sewers on a certain triangular section of land on the above tract and directly West of Lot 46 as shown on Plan of Summer Avenue Off Route 28, Allenstown, New Hampshire, for Peter Juranty, January, 1962, by Walter F. O'Neill, C. E., and recorded in Merrimack County Registry of Deeds as Plan #2215. See records of New Hampshire Water Supply and Pollution Control Commission.

Tract Three: A right of way over an existing dirt road from the Suncook River to the Southwest end of Albin Avenue, said right of way to extend twenty (20) feet on either side of said dirt road.

Meaning and intending to describe and convey those premises conveyed to me this day by deed of Ridgewood Terrace, Inc. to be recorded in Merrimack County Records.

This mortgage is upon the statutory conditions, for any breach of which the mortgagee shall have the statutory power of sale.

Witness my hand and seal this 12th day of July, 1976.

Ernest C. Caulmont
WITNESS
Michael C. Nickerson
MICHAEL C. NICKERSON

STATE OF NEW HAMPSHIRE MERRIMACK COUNTY

On this the 12th day of July, 1976, before me, the undersigned officer, personally appeared MICHAEL C. NICKERSON known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Ernest C. Caulmont
Justice of the Peace - Notary Public

MERRIMACK COUNTY RECORDS
Recorded July 14, 9-00AM 1976

B1276P567

Kathleen M. Guay
REGISTER