

ZONING BOARD OF ADJUSTMENT MEETING

June 16, 2010 - 7:00 PM

Library, Elementary School

347 Rte. 125, Barrington, NH 03825

Members present: Vice-chairman Ray Desmarais

Ellen Conklin

Douglas Hatch Jr.

George Bailey

Gerald Gajewski (Alt)

Vice-chairman Ray Desmarais opened the meeting at 7:00 PM. The Clerk called the roll of members present. The first hearing was opened.

Continued Case

Case # ZB 10/679 - Maurice & Jennifer Yergeau

27 Jacobs Well Road

Epping, NH

Map 115, Lot 40 – 7 Pepper Lane, Barrington

Appeal from an Administrative Decision from Code Enforcement

Officer for using their lot on Pepper Lane as a campground –

Article 3, Permitted Uses, Section 3.1.6

Vice-chairman Desmarais asked if the information from Attorney Jae Whitelaw had been received. Clerk Hatch said due to lack of communication the information was not received. He asked the applicants if they wanted to continue their hearing to July 21 so the information could be received and reviewed. The applicants stated that they would be willing to have the hearing continued to July. Bailey made a motion to continue hearing # ZB 10/679, Maurice and Jennifer Yergeau to July 21, 2010, seconded by Conklin, all in favor.

New Case

Case # ZB 10/682 – James & Miranda Snow

264 Berry River Road

Barrington, NH 03825

Map 213, Lot 22

Request for an area variance – Article 4 –Dimensional

Requirements, Sect. 4.2 - Minimum Lot Size, Table 2

The applicant wants to build a garage that would not meet the front setback of 40 feet. There is a wetland on the site that the applicant was trying to keep a setback from.

Ken Berry, Berry Surveying and Engineering represented the Case with the applicant James Snow. He said that Snow was merging the 3 lots to 1 which would make

it contain 6.93 acres, 150 feet +- rear line, 99.93 feet of frontage, and 2000 feet deep. Berry said this would make this residential lot one of the largest in the area. He said the front setback for the 28 feet by 28 feet garage would be 17.6 feet which would match the existing house. Berry said this footprint would create a 24 foot setback to the wetlands which would give it as much of a buffer as possible.

Berry said the building would be in keeping with the neighborhood. He said the Snow's were asking for a variance to Article 4.2, Table 2 which had formerly been an area variance. He said the State Law had changed to a variance.

Berry went through the 5 points that have to be proven. 1. The proposed use would not diminish the surrounding properties because: Most of the surrounding structures do not meet the front setbacks due to the size of the lots. The proposed garage would match the existing house. 2. Granting the variance would not be contrary to the public interest because: Other lots on Berry River Road do not meet the zoning requirements both existing prior to the Ordinance and ones that have received variances. 3. Denial of the variance would result in unnecessary hardship because: a. There was a wetland system on the lot and so not to impact it a 24 foot buffer was set which would set the structure 17.6 from the right-of-way. b. The same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because: To move the garage beyond the wetland would require a wetlands permit and a longer driveway with potential wetland impacts. c. The variance would not injure the public or private rights of others since: Various variances have been granted to allow others to build with similar circumstances. The front setback would be 17.6 feet of the right-of-way. 4. Granting the variance would do substantial justice because: It would allow Snow to build a 28' by 28' garage on his lot. 5. The use is not contrary to the spirit of the Ordinance because: The spirit of the Ordinance is to leave a front setback which would be 17.6 feet which would prevent encroaching in the wetland. It meets or exceeds other setbacks on the road.

Bailey asked why the garage could not be located closer to the house. Gajewski said he thought that the garage would be closer to the wetland if it was closer to the house. Berry said that they could move the garage out beyond the wetland but it would require a wetland crossing and cause a greater impact to the wetland. He pointed out that the driveway would be longer. Snow said it would set the building closer to the wetlands.

Berry said the garage would more than meet all other setbacks. He said the use would be residential. Berry said they would stake out the garage so it would be built within the footprint shown on the plan.

Hatch Jr. said that he had drilled the well for the former owners in the front so the wetlands would not be encroached upon. Berry pointed out that the septic system was located near the house. He said they had not located it. It predates plans and installations through the State. Hatch Jr. said the well was in the front and the septic system out back. Hatch Jr. said that there was ledge and a slope in the back.

Desmarais asked if there were any comments from abutters or others concerning the proposal. No one spoke. The informational portion of the hearing was closed.

Decision

Desmarais said in his opinion the location shown was the best place for the garage as explained by Berry. Hatch Jr. said the reason for the front of the lot being used was to prevent wetland impacts. He said Berry represented that the septic system was near the

house so that area could not be used. Bailey said the driveway and septic system location was not shown. Conklin said many times a driveway was not shown on a plan. She said it was represented that the septic system was installed pre state approval requirements. Gajewski said to locate it closer to the house would put it closer to the wetlands.

Desmarais said he thought that the location shown on the plan was the best spot and gave a good buffer to the wetland. He asked if the members were ready to vote. Conklin made a motion to approve the variance, seconded by Hatch Jr., all in favor.

Bailey made a motion to approve the minutes of May 19, seconded by Conklin, all in favor. The meeting adjourned at 7:30 PM. The next meeting will be held on July 21, 2010.