

Approved April 27, 2011/CMB



BARRINGTON ZONING BOARD OF ADJUSTMENT
BARRINGTON ELEMENTARY SCHOOL LIBRARY
570 CALEF HIGHWAY
BARRINGTON, NH

WEDNESDAY, JANUARY 19TH, 2011

MINUTES

PRESENT:

Karyn Forbes, Chair
Gerard Gajewski
George Bailey
Raymond Desmarais

ABSENT:

Ellen Conklin

STAFF:

Connie Brawders, Town Planner
AuBriana Morency, Temporary Staff

GUESTS:

Brad Jones; Jones & Beach Engineers; Stratham, NH
Dr. Paul & Mrs. Donna Silver
Larry Duvall; Fathers & Sons Builders, Inc., Lebanon, ME

CALL TO ORDER

The meeting of the Zoning Board of Adjustment (ZBA) was called to order at 7:02 P.M. by Raymond Desmarais.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

Member Raymond Desmarais opened the meeting as Chair.

Chair Karyn Forbes arrived at 7:11P.M. and assumed the Chair.

MINUTES REVIEW AND APPROVAL

1. As members of the Board did not receive the minutes in advance for review for the December 15th, 2011 meeting, review is continued to the next meeting.

STAFF COMMUNICATIONS

2. The ZBA Annual Report has been submitted. There were no issues regarding the report which was approved by the Chair for submission.
3. The draft of Zoning Board 2011 meeting dates was reviewed. No issues were raised and dates were approved.

ZBA Member George Bailey motioned to accept the meeting dates as presented. Member Gerard Gajewski seconded the motion; the motion carried unanimously, three (3) to zero (0).

ACTION ITEMS

4. **Case #10/691 Request by applicants Dr. Paul and Mrs. Donna Silver for a variance for relief from Article 4 – Dimensional Requirements, Section 4.1, 4.2 and 4.2.1 to construct a new 1382 sq ft single-family residence with new septic design on a 6676.5 sq ft site located in the General Residential District (GR) at 274 Hall Road (Map 122 Lot 26).**

Note: ZBA Chair Karyn Forbes arrived and assumed the chair as stated above.

Chair Forbes called applicants' agent, Brad Jones of Jones & Beach Engineers, Inc., 85 Portsmouth Avenue; P.O. Box 484; Stratham, NH 03885, to the table for discussion of the case. Applicants Dr. Paul & Mrs. Donna Silver request a variance to construct a new 1382 sq ft year round home on the site of an existing 538 sq ft summer cottage. The size of the lot is 6676.5 sq ft. The structure is set back approximately 35 feet from the shoreline. The applicants have met with the shared owners of the right-of-way, who have no objections to the plan. The driveway will have pavers to help water to percolate into the ground. Impervious surface area on the lot will be reduced from 40% to 21.7%, and rain barrels will collect water from the roof. The new residence would be the same distance away from the waterfront as the current dwelling.

Applicant stated that the porch has been changed to 8ft, instead of 6ft as shown on the plans, but the dimensions of the house on the plans will not change since the extra 2ft is to be taken off the end of the residence. Current plans do not reflect the

change in porch dimension. The ZBA will require updated plans showing this change.

Abutter to the northeast of the site, Richard Maier, spoke in opposition to the application. Mr. Maier's presented his concern with the capacity of the septic system servicing the proposed residence, number of proposed bedrooms, proximity of leach field to neighboring wells and Swains Lake, and obstruction of the Maier's view corridor by the new construction.

The applicant and agent explained that the 4400 sq ft lot dated from 1961, sharing a town right-of-way giving access to Swains Lake. The lot and right-of-way were combined creating a 6676.5 sq ft lot. The applicant is constricted by the site to a two bedroom structure. The proposed dorm/office space has a closet for storage; however, there is no door for privacy, limiting the potential for a third bedroom. The applicant proposed to remove the closet from the architectural plan set, as he elaborated that the open space is to be used for their visiting grandchildren. The applicant clarified the purpose of the home is for the Silvers' retirement years.

The applicant presented for the Board's consideration a copy of the State of New Hampshire Department of Environmental Services signed Shoreland Impact Permit 2010-03123, which was approved on 12/10/2010 and expires 12/10/2015, with noted project specific conditions.

The Board closed the hearing to the public to deliberate and consider the vote.

The criteria for granting a Town of Barrington zoning variance under Article and Section 15.2.2 were read. The ZMA shall, when considering a request for a variance, make finding of fact that consider the following factors. 1) Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law. 2) Granting the variance would be consistent with the spirit of the Ordinance. 3) Granting the variance will not result in diminution of surrounding property values. 4) Granting of the variance would do substantial justice. 5) Granting of the variance would not be contrary to the public interest. The Board determined that granting of the variance is appropriate under the terms of the Ordinance, since the lot does comply with the above conditions

ZBA Member George Bailey made the motion to grant approval for variance, with the condition that the applicant resubmit plans that show the expansion of the deck and shortening of the residence. The motion was seconded by ZBA member Desmarais, and carried unanimously with a vote of four (4) to zero (0).

ADJOURNMENT

ZBA Member George Bailey made the motion to adjourn, which was seconded by ZBA Member Raymond Desmarais, and the motion was carried with an

unanimous vote of four (4) to zero (0). The Board adjourned at 7:54 P.M.

Respectfully Submitted,
AuBriana R. Morency, Temporary Staff