

Approved on October 17, 2012-MJG



**ZONING BOARD OF ADJUSTMENT
BARRINGTON EARLY CHILD LEARNING CENTER
77 RAMSDELL LANE
BARRINGTON, NH**

**WEDNESDAY AUGUST 15, 2012
7:00PM**

MEETING MINUTES

PRESENT:

Karyn Forbes, Chair
George Bailey
Raymond Desmarais
Ellen Conklin

ABSENT:

Gerard Gajewski

GUESTS:

Brad Jones; Jones & Beach Engineers, Inc., P.O. Box 219; Stratham,
NH 03885
Chris Cameron; Barrington
Dr. Paul Silver; Barrington
Donna Silver; Barrington
Dick Maier; Barrington

STAFF:

Marcia Gasses; Planner & Land Use Administrator

NOTE: THESE ARE SUMMARY ACTION MINUTES ONLY. A COMPLETE COPY OF THE MEETING AUDIO IS AVAILABLE THROUGH THE LAND USE DEPARTMENT.

CALL TO ORDER

Chair Karyn Forbes called the August 15, 2012 Barrington Zoning Board of Adjustment meeting to order at 7:07pm.

ROLL CALL

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

MINUTES REVIEW AND APPROVAL

1. Approval of May 16, 2012 Meeting Minutes.

R. Desmarais made a motion to approve the Regular Meeting Minutes of May 16, 2012 as submitted. G. Bailey seconded the motion which passed with a vote of four (4), to zero (0) in favor.

ACTION ITEMS

2. **ZB12/122/226 (Swain Lake New Home Construction)** Request by applicant for a variance to build a 1,348 SF single story home with a 528 SF uncovered deck for requirements under Article 4, Sections 4.1, 4.2 and 4.2.1 House not conforming to setbacks on a .16 acre lot located in the General Residential (GR) Zoning District at 274 Hall Road (Map 122, Lot 26). Applicant: Brad Jones, Jones & Beach Engineers, Inc.; Po Box 219; Stratham, NH 03885.

Chair K. Forbes informed the applicant's project representative, Brad Jones (Jones & Beach Engineers, Inc.; Po Box 219; Stratham, NH 03885), that due to the lack of a full Board for this hearing, three (3) affirmative votes out of four (4) must be attained for this project to receive the requested Variance to Zoning Ordinance Article 4, Section 4.1, 4.2, and 4.2.1. Forbes stated that the opportunity for a continuance is available. B. Jones informed the Board that his client recognizes the situation, but intends to proceed with the process.

Brad Jones approached the Board on behalf of the applicant for a Variance to the Zoning Ordinance Article and subsections as listed above, in order to construct a new one-story home (with attached deck) within the town's setbacks on a property located at 274 Hall Road. Jones stated that the proposed structure will be placed in a similar location as the previous structure, will be more centered on the lot, and the deck will be twenty eight (28) feet from the water line (foundation thirty eight (38) feet from waterline). Jones reminded the Board that in January of 2011 his client was granted relief from these requirements in the form of a Variance, however due to prohibitive aspects of the previous project, the home and septic system have been re-designed. Jones stated that the new septic system design has been approved by NHDES, and the existing State Shoreland Water Quality Protection Act permit has been amended as required.

Jones informed the Board that no construction has taken place on the property. Only demolition has occurred in relation to this project; the old home that existed on the lot has been removed. Jones stated that the lake intake pipe, which serviced the old structure, has been removed and a new connection to a community water line will be established. Jones stated that the foundation for the new structure will be farther from the shoreline than the demolished structure, and the proposed driveway will remain as proposed within the previous design. Grass pavers will be utilized throughout the site in order to promote infiltration and adhere to impervious surface thresholds.

In support of his clients request for a Variance, Jones opined that town's current setback requirements (Article 4) render this particular lot un-buildable and the proposed structure will be located similarly to a previous structure. Dr. Paul Silver informed the Board that the previous design required a significant

amount of engineering to complete and is interested in confining the proposed living space by building a one (1) story home as opposed to the last two (2) story design.

After some discussion, the Board agreed that the plans and application materials should include all structure dimensions (including proposed deck and staircase), all setback measurements, and Town of Barrington Shoreland Permit information. The Board agreed that the previous file for this property is vital to its ability to render an informed decision for this Variance request.

Chair K. Forbes opened up the meeting to public comment.

Chris Cameron, an abutter, approached the Board to inquire as to the proposed location for the septic system in relation to his property. Brad Jones informed the Board that the proposed septic leach field location has not changed from the previously approved design; only the proposed pump system has changed (utilizing a gravity system). Cameron inquired as to how the proposed structure size has changed from the previous design. Jones informed the Board that the proposed structure has been reduced by two (2) feet in length (previous design 56x24' - new design 54x24').

Dick Meyer, an abutter, approached the Board to express concern with incorrect information on the proposed plan set. Specifically, the plans do not show the correct location of the existing leachfield and well on his property (Meyer's). Jones informed the Board that the exact location of an abutter's leachfield is not a requirement and does not affect the applicant's ability to receive approval. Meyer opined that the dimensions depicted on the plans are not accurate and is inconsistent with the abutters notice. Jones assured the Board that the drawings are accurate.

Chair K. Forbes stated that these concerns are addressed by the Code Enforcement/Building Inspector during the Building Permit Process. Forbes advised Meyer to address these concerns at town hall as the Zoning Board of Adjustment only has jurisdiction to rule on matters pertaining to the Zoning Ordinance.

Chair K. Forbes closed the meeting to public comment.

R. Desmarais stated that the file for the original project is needed in order to fully assess this project. The Board agreed. Desmarais opined that the dimensions of all proposed structures must be shown on the plans and suggested that a continuance to September 12, 2012 be granted. A conditional approval was for this Variance request was not favorable among the members.

R. Desmarais made a motion to continue the application to a special meeting to be held on September 12, 2012. G. Bailey seconded the motion which passed unanimously with a vote of four (4), to zero (0) in favor.

ADJOURNMENT

R. Desmarais made a motion to adjourn the August 15, 2012 meeting of the Barrington Zoning Board of Adjustment at 7:48 P.M. G. Bailey seconded the motion which passed unanimously with a vote of three (3), to zero (0) in favor.

Respectfully Submitted,

Gregory M. Jones