

MEETING MINUTES
ZONING BOARD OF ADJUSTMENT MEETING

Barrington Annex Building
(next to Elementary School)
(NEW LOCATION) 572 Calef Highway

Barrington, NH
July 17, 2013
7:00PM

ROLL CALL

Members Present

Karyn Forbes, Chair
George Bailey
Raymond Desmarais

Members Absent

Gerard Gajewski
David Vincent

Alternate Members Present

Meri Schmalz
George Schmalz

Alternate Members Absent

Dawn Hatch Ex-officio

K. Forbes called the meeting to order at 7:14 pm

MINUTES REVIEW AND APPROVAL

1. Approval of June 19, 2013 Regular Meeting Minutes.

G. Bailey made changes to line 38 on attempted, and on line 40 drop the 'd' on located.

R. Desmarais motioned to approve with amended changes. G. Bailey seconded the motion. The motion carried unanimously.

ACTION ITEMS

2. [115-48-GR-13-ZBA \(Kevin Roy & Carrie Vaich\)](#) Request by Owner/Applicant for a variance from Article 4, Sections 4.1, 4.2 & 4.2.1 nonconforming to setback, 5.1.1 Development on Nonconforming Lots and Article 11.2 District Defined, to construct a 20' x 20' addition and raise the existing home 7' by installing a 8" poured concrete

foundation, the structure located approximately 66' away from the lake where a 75' setback is required on a .34 acre lot located in the General Residential (GR) Zoning District at 39 Knowles Drive (Map 115, Lot 48).

Kevin Roy presented the current survey they had before the board. They chose the location that was there because it was the least impact in terms of encroaching setbacks.

K. Forbes asked about the location of the house in regards to what changes have been made.

Kevin Roy said it was sitting approximately 45 feet from the front of the lot. He explained why the lot was located where it was.

K Forbes asked if there was an estimate to build the other addition.

Kevin Roy said the kitchen addition would be around \$50,000.

K. Forbes asked for clarification that it would cost \$93,000 to push it back.

Kevin Roy said there was a major size oak tree that would have to be cut and it would slide back to the back corner.

R. Desmarais said that there was a leech field present.

Kevin Roy said that the leech field was preventing them from putting the addition on the other side of the house.

K. Forbes opened and closed the testimonial portion

R. Desmarais talked about hardship and discussed moving it back. There was no attempt to do that. It would cost them \$50,000 more to move it back.

G. Schmalz said he did not see a difference other than that the measurements were on there.

K. Forbes asked about the granting of the variance or the standard. She then read the standard for granting a variance.

R. Desmarais suggested moving this to next month and trying to move everything back

K. Forbes said that the goal of the board was to keep it as far away from the water as possible

R. Desmarais made a motion to continue to next month. The motion carried unanimously.

3. [126-20-GR-13-ZBA \(Todd Calitri\)](#) Request by applicant for a variance from Article 11, Section 11.2 (2) for the 100' Islinglass River Overlay Zone, to construct a 722 s.f. ground floor and a 1027 s.f. second level addition on a 13.7 acre lot located in the General Residential (GR) Zoning District at 267 Parker Mountain Road (Map 216, Lot 20) By: Jason Pohopek; Pohopek Land Surveyors & Septic Design, LLC; 42 Flagg Road; Rochester, NH 03839.

Jason Pohopek said he was a surveyor for this project and an abutter for this project. They were there today to request a variance for 11.2. He showed the plan to the board where the entire house is within the 100 foot setback. He is proposing an additional 1,348 square foot addition in a non conforming structure. They are working with the DES for a shore land permit and they are proposing to put an area into a pervious surface which would help for filtering the water into the watershed.

Jim Shulty said that they are reducing impervious surface and he also explained that no matter where you put the addition there will be an encroachment of some kind which explains the hardship in the land. There is no detriment to the public that comes from granting the variance and explained the erosion control and the views from the river.

K. Forbes asked for clarification on the pictures being showed.

Jim Shulty said that there are plans to collect run off on the roof and rain gardens. He explained that when the property was bought it was a mess and the property has been cleaned and was significantly improved from when he first bought it.

G. Bailey arrived at 7:41 because he was not notified that the meeting had been moved

K. Forbes read the ordinance to the public.

K. Forbes asked about the foundation under the house.

Jason Pohopek explained that it was just a crawl space underneath.

Jim Shulty explained the changes in the well.

R. Desmarais asked about the other structure on the plan.

Todd Calitri explained that it was just a garage for storage and was never finished.

K. Forbes asked about the 1,348 square foot if it applied to both floors.

Jason Pohopek said that this was correct.

R. Desmarais asked for clarification on reference line setback and the 100 foot prime wetland setback.

Jason Pohopek explained to the board that the ordinance says that the overlay district was on the high water line. There were poorly drained soils associated with the mean high water table and he tried to depict this.

K. Forbes asked if anyone was here to speak in favor or opposition. None were heard.

K. Forbes closed testimonial portion.

R. Desmarais said that he would like to see the portion of the building farther to the back. He said that the Isinglass buffer is of higher priority

K. Forbes said that they could put the portion of the house farther to the back.

R. Desmarais said there was no hardship so they would like to see the bulk of the portion to the back.

R. Desmarais motioned to continue. G. Bailey seconded. The motion carried unanimously.

4. [214-9-GR-13-ZBA \(Denise Woods-Thomson\)](#) Request by applicant for a variance from Article 4, Table 2 to construct a 12 x 26 addition located 32.5 and 37.5 from the front setbacks where 40' is required on a 1.3 acre lot located in the General Residential (GR) Zoning District at 45 Sloper Road (Map 214, Lot 9) By: Edward R. Ouimette, Jr., General Contractor; 308 Strafford Road; Strafford, NH 03884

Ken Berry introduced himself and where the plan is placed. He explained that there was a 40 foot front setback from sloper road. He said his firm did a boundary survey back in 1985. He explained that the existing primary structure was built back in 1942 according to the tax records. The existing house is located entirely in the front setback that did not exist at the time. She is proposing to construct an addition that is 12 feet wide and 26 feet long on the back of the home that will consist of one bed room one bath room and some non living storage space. Special accommodations are also being added for mobility. The back corner of the home is 32.5 feet from the front property line and 50 feet from pavement. The opposite corner is located 37.5 feet from the property line and 56 feet from the edge of pavement. The new addition

will not be visible. Granting the variance would do substantial justice because she is in need of more living space due to mobility issues. This will have no adverse impact.

G. Schmalz acknowledged the good presentation.

K. Forbes asked for anybody to speak in favor or in opposition to the application.

G. Bailey motioned to approve. R. Desmarais seconded. The motion carried unanimously.

5. [114-30-GR-13-ZBA \(Jenny & Mark Wilson\)](#) Request by applicant for a variance from Article 4, Sections 4.1, 4.1.1 & 4.2.1 nonconforming to setback, Article 5 Section 5.1.1 Development on Nonconforming Lots, to construct a 14 x 16 storage building located 6' +/- from the side where 30' is required and 22' +/- from the front setback where 40' is required on a 1.1 acre lot located in the General Residential (GR) Zoning District at 34 Edgewater Drive (Map 114, Lot 30)

Mark Wilson is looking to construct a storage facility, he explained his property and how it is unique from other properties. His driveway is in the shape of the Y, he explained that the front side of the house is the only front yard between the driveways. The variance is required wherever it would go. The structure itself will be largely invisible from everywhere except the front of his house.

G. Bailey asked for Mark Wilson to indicate where his well was.

G. Bailey asked the distance from the house to the edge of the property line.

Mark Wilson said that it was approximately 25 feet and ends up in the drainage.

G. Bailey said that the lack of distances on the plan was making it hard for him to see

K. Forbes asked about the driveway and if it was shared.

Mark Wilson explained that the driveway was shared. He then said the well is now in the front yard He clarified that other shed he was talking about fits only bicycles and a lawn mower.

R. Desmarais said that the other part of the driveway does not need to exist.

Mark Wilson said that he had the thought of putting the shed on his driveway.

K. Forbes said that they should move it farther from the pin .

K. Forbes explained to Mark Wilson said that the on the plan this needs to show why he can not comply more.

K. Forbes said that they have adopted strict rules as to why things have. She said that there are more things that have to be on the plan to make them feel comfortable. They want to have one plan on the file that tells them why he can't put it in other places on the property to make it more conforming.

Mark Wilson said that moving the shed next to his house would impact the neighbor who is already living there

K. Forbes said its about whether they have reasonable use of the property. The question becomes do they have reasonable use of the property. Need to show why the variance was granted and why the variance was given.

G. Bailey presented an idea to place his garage closer to the property line.

Mark Wilson is looking for minimal impact for his neighbors and the water.

K. Forbes asked if anyone from the public was there to speak in favor or in opposition to the public.

K Forbes closed the testimonial section.

R. Desmarais motioned to continue. G. Bailey seconded the motion. The motion carried unanimously.

ADJOURNMENT

G. Bailey suggested the board submit a letter about a member who served. He also brought up a code enforcement issue that the ZBA should address.

R. Desmarais made a motion to adjourn. G. Bailey seconded. The motion carried unanimously.

Karyn Forbes, Chair

David Vincent

Gerard Gajewski

George Bailey

Raymond Desmarais

Dawn Hatch Ex-officio

Meri Schmalz

George Schmalz