

MEETING MINUTES
ZONING BOARD OF ADJUSTMENT MEETING

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

Barrington, NH
July 16, 2014
7:00PM

ZONING BOARD MEMBERS MET WITH LEGAL COUNSEL AT 6:00PM

Members Present

Karyn Forbes, Chair
George Bailey
Raymond Desmarais
Dawn Hatch

Members Absent

Gerard Gajewski
George Schmalz- Alt
Meri Schmalz – Alt

Karyn Forbes discussed procedural issues. She explained that an applicant needed three affirmative votes to prevail.

Attorney Wirth representing the Calef's expressed his applicant would like to have a full five member board.

A motion was made by G. Bailey and seconded by R. Desmarais to continue case # 238-4-TC-14-ZBA to August 20, 2014. The motion carried unanimously

MINUTES REVIEW AND APPROVAL

Deferred to the end of the meeting

1. Approval of June 10, 2014 Regular Meeting Minutes
2. Approval of June 18, 2014 Regular Meeting Minutes

A motion was made by G. Bailey and seconded by D. Hatch to approve the June 10, 2014 and June 18, 2014 meeting minutes. The motion carried unanimously.

ACT ION ITEMS

3. **115-48&50-GR-14-ZBA (Kevin D. Roy & Carrie Vaich)** Request by applicant for a variance from 4.1.1 Minimum Standards, request that Lot 50 be allowed to be reduced from 57,462 s.f. to 33,741 s.f. to allow lot 48 to increase from 14,745 s.f. to 38,467 s.f. located at 39 & 42 Knowles Drive (Map 115, Lots 48 & 50) in the General

Residential (GR) Zoning District. By: Kenneth A. Berry, LLS, PE; Berry Surveying & Engineering; 335 Second Crown Pt. Road; Barrington, NH 03825

Kenneth Berry represented the applicant who was not there. He described the existing conditions. The applicant had appeared before the Board in June. The Board had felt that the road frontage lot was part of a prior 40,000 sq. ft. zoning and should conform as with those requirements for size. The 40'X60' garage was sized to hold an RV, racing equipment, and boats. The added size would add value to the waterfront lot. Any work on the water front lot would require a shoreland permit. On the 38, 900 s.f. lot along Young Road a possible home and garage were shown. They hoped that the Board agreed they had pushed lot 50 to the degree the Board wanted.

K. Forbes asked what size lot 50 originally had been proposed to be.

Kenneth Berry responded 33,741 sq. ft.

D. Hatch expressed the applicant had done a lot to address the boards concerns.

M. Gasses asked if the size of the garage would be a concern. Tom Abbott, Zoning Administrator wished to have an opinion from the Board.

K. Forbes stated that as long as it was residential use it was fine. The consensus of the Board agreed.

A motion was made by R. Desmarais and seconded by G. Bailey to approve the variance. The motion carried unanimously

- 4. 238-4-TC-14Appeal of Decision of The Town of Barrington, New Hampshire Planning Board** Pursuant to New Hampshire R.S.A. 676:5 (III)/George A. Calef and Arvilla T. Calef, Trustees of The George A. Calef Living Revocable Trust of 2008 u/t/a dated May 21, 2008 and Arvilla T. Calef and George A. Calef, Trustees of the Arvilla T. Calef Living Revocable Trust of 2008 u/t/a dated May 21, 2008 v. Town of Barrington, New Hampshire. **Appeal of Planning Board Decision Case # SR12/240 (Owner: The Three Socios, LLC Map 238, Lot 4)) Conditional Approval on April 15, 2014 based on alleged violation of the Zoning Ordinance.**

The applicant wished to have five members of the Board hear the appeal. The application was continued to August 20, 2014 due to only three members qualified to hear the application.

- 5. [256-37-GR-14-ZBA \(Charles & Janice Pierson\)](#)** Request by applicant for a variance from Article 4 Dimensional Requirements, 4.1.1 Minimum Standards, for a shed 16' x24' that is in the side setback 22.9' right and 29.9' left setback where 30' is required located on a 1.84 acre at 158 Mica Point Road (Map 256, Lot 37) in the General Residential (GR) Zoning District.

Charles Pierson read from the project narrative. "Construct storage shed for lawn and garden tools and property maintenance equipment (lawn mower, snow blower, generator, lawn and garden tool storage). No garage exists on property. Site of shed was chosen for ease of access to driveway primarily for snow removal. This new shed replacement for older shed that was situated on the same site. Old shed was 15+ years of age and was showing signs of wear and tear. The new shed has vinyl siding that would be more weather resistant than paint and matches the house's exterior grey siding and white trim. There are no electrical, water or sewer hookups to shed."

he request was for a variance of 7.10' from right corner setback, and .10' from left corner setback to provided allowance for the 30' setback requirement. The area in back of shed was heavily wooded. Back view of shed from nearest property owner is filtered/screened by thickness of tree branches. Next door neighbors (Bernard and Lorie Keenan of Lot 36, on same tax map) are aware of shed' existence as well as the property line and were completely fine with the shed's location.

R. Desmarais asked if the prior shed encroached in the setback.

Mr. Pierson expressed the prior shed was much smaller.

K. Forbes asked if there was a slope limitation.

G. Bailey asked if they could slide it southwest.

Mr. Pierson explained it would be an abrupt slope to take out the tractor.

G. Bailey asked for them to move it over 7'.

R. Desmarais expressed to Mr. Pierson had not expressed any hardship.

K. Forbes expressed they had to show that there was no reasonable alternative, or a plan that was more conforming. K. Forbes tried to talk the applicant through the process given they have a good size lot. She went on to explain the applicant could bring pictures.

A motion was made by G. Bailey and seconded by R. Desmarais to continue to August 20, 2014. The motion carried unanimously.

- 6. 118-10-GR-14-ZBA (Keith P. & Lynn M. Gannon)** Request by applicant for a variance from 4.1.1 Minimum Standards, request to allow to reconstruct an existing home in place, enlarge a deck laterally, and construct wheel chair access to the deck located on Rocky Point Road (Map 118, Lot 10) in the General Residential (GR) Zoning District. By: Randy R. Orvis, LLS, C.W.S., Geometres Blue Hills, LLC; PO Box 277; Farmington, NH 03835

Bernard Cote and Randy Orvis of Geometres Blue Hills explained the request. The applicant sought to reconstruct an existing home in place, enlarge a deck laterally, and construct a wheel chair access to the deck. The expanded deck would be no closer to the water than the existing deck. Randy Orvis added that where the ramp was proposed there was already a substantial concrete ramp, which would be removed. The Gannon Family had been working with Geometres Blue Hills on a Shore Land Impact Plan for NHDES. The plan resulted in a 30% reduction in impervious surfaces, resulting in significantly less storm water runoff from the property. While there would be some tree removal in the front yard, there would be no cutting of trees or vegetation within the fifty foot waterfront buffer, or along property lines as a result of the proposed construction, leaving the natural vegetative buffer which existed between abutting properties intact.

The Board reviewed pictures provided.

G. Bailey asked if a wheel chair bound individual could go in through the front door.

Bernard Cote expressed they could.

Keith Gannon the home owner explained that it would be difficult. The steps and door opening would not be considered handicap accessible.

Norman Tremblay of 29 Norms Way spoke in favor of the request.

Wendy Tremblay 29 Norms Way also spoke in favor.

Public testimony was closed

R. Desmarais expressed it was a reasonable request.

A motion was made by R. Desmarais and seconded by G. Bailey to approve the motion. The motion carried unanimously

7. [112-37.1-GR-ZBA \(Nippo Pond LLC\)](#) Request by applicant for a variance from Article 11.2 (1) 75' setback from the pond proposing to build a single family house located on a 2.26 acre lot on Harlan Drive (Map 112, Lot 37.1) in the General Residential (GR) Zoning District. By: Randy R. Orvis, LLS, C.W.S., Geometres Blue Hills, LLC; PO Box 277; Farmington, NH 03835

Bernard Cote and Randy Orvis represented the applicant. Because of the position of the right of way, there were not adequate building envelopes. The position would allow for a septic system and parking of cars.

M. Gasses provided the 2007 subdivision plan to the Board.

D. Hatch asked if they could slide the structure to the east.

Randy Orvis explained the abutting property owner had requested an easement for a septic installation.

D. Hatch explained that she was familiar with the site and that there site was restricted by steep slopes.

K. Forbes asked if there was anyone to speak in favor.
No one spoke in favor.

K. Forbes asked if there was anyone opposed.
No one spoke in opposition.

D. Hatch felt they had done as well as they could with the topographical restrictions of the site.

A motion by R. Desmaris seconded by G. Bailey the motion carried un/a
A motion was made by R. Desmarais and seconded by G. Bailey to approve the variance request. The motion carried unanimously

A motion was made by R. Desmarais and seconded by G. Bailey to adjourn at 8:40 p.m. The motion carried unanimously

Respectfully submitted,

Marcia J. Gasses
Town Planner & Land Use Administrator