

MEETING MINUTES
ZONING BOARD OF ADJUSTMENT PUBLIC MEETING
NEW LOCATION--BARRINGTON MIDDLE SCHOOL

Cafeteria

51 HALEY DRIVE (Off Franklin Pierce Hwy)

Barrington, NH

November 18, 2015

7:00PM

Members Present

Karyn Forbes, Chair

George Bailey

Meri Schmalz

Raymond Desmarais

Dawn Hatch

Alternate Member Absent

Gerry Gajewski

MINUTES REVIEW AND APPROVAL

1. Approval of October 21, 2015 Regular Meeting Minutes.

A motion was made by G. Bailey and seconded by M. Schmalz to approve the minutes of October 21, 2015

ACTION ITEMS

A motion was made by G. Bailey and seconded by R. Desmaris to Table item #1 and hear items 3, 4 and 5. The motion carried unanimously

D. Hatch recused herself from Items 3, 4, and 5.

2. **106-4-GR-15-Variances ZBA (Owner: Deborah James)** Request by applicant for the following variances from Article 4 Dimensional Requirements Table 2 1)proposing 1.2' from front where 40' is required and 19.6 from north side where 30' is required, Section 11.2 (1) Shoreland Protection the garage to be built 69.7' from the shoreline where 75' is required 2) to allow the existing cottage to be rebuilt with a second story 3) to allow a proposed deck 4) to allow a landing 5) steps to be built inside the 75' buffer 6) to allow a cantilevered second story deck to be built inside the 75' buffer 7) to allow an existing slate patio to be removed and replace with a pervious concrete paver patio. This lot is located at 100 Small Road on a .30 acre site (Map 106, Lot 4) in the General Residential (GR) Zoning District. By: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

Chris Berry with Daniel Alone of Berry Surveying and Engineering represented the applicant. Chris Berry described the existing conditions on the site. One of two garage structures had been removed in the last month due to safety concerns. The applicant would like the board to consider the structure in place for purposes of their variance request. Removing the existing structure and rebuilding in place would cause the least disturbance. The two garages would be combined into one structure. The structure being built would be further from Ayers Lake. They were proposing a deck off the side. A small cantilevered deck off the front was

being requested, which was over the existing impervious surface. They were proposing replacing the impervious surface with porous pavers. The deck was 14' X 35' the home was 25'X35'

K. Forbes opened public comment.

Dan Ayer expressed he was an alternate on the Conservation Commission and the gambrel style roof proposed would shed water to the sides and away from the lake.

Ron St. Jean if the Ayers Lake Association and Small Road Maintenance Association expressed concern with keeping material out of the lake during construction and wanted assurance cleanup of any construction mess would occur. The road was unpaved and it would be hard to maintain the level of the road if the applicant was to pave their driveway.

G. Bailey asked who would be responsible for fixing the driveway at the road.

Ron St. Jean expressed it would be the homeowner.

M. Schmalz asked if there would be a plan for keeping items out of the lake.

Chris Berry expressed they would develop a plan for the homeowners consistent with the law.

Chris Berry expressed the homeowners would not object to an unpaved driveway.

G. Bailey expressed the deck was too big.

R. Desmaris the Board felt the deck was too big.

G. Bailey expressed the garage was not necessary and was too large.

Chris Berry expressed garages had been approved in the past by the board.

K. Forbes expressed that the applicant had heard the concerns of the Board and offered the opportunity to continue the application.

A motion was made by R. Desmaris and seconded by G. Bailey to continue the application to December 16, 2015. The motion carried unanimously

A motion was made by G. Bailey and seconded by R. Desmaris to adjourn. The motion

CASES REQUESTED FOR REHEARING

3. Request on behalf of The Three Socios, LLC, for a rehearing of the October 21, 2015 decision by the Zoning Board of Zoning Adjustment on the following case:
238-5-TC/SDAO-15-Appeal (Owners: George & Arvilla-Calef-George Calef Fine Food's) Request by applicant to appeal the Planning Board interpretation of the definition of structure (Article 18 Definitions). Located at 495 Calef Highway on a .398 acre parcel (Map 238, Lot 5) in the Town Center (TC) & Stratified Drift Aquifer Overlay (SDAO) Zoning Districts. By: Steve Oles, Norway Plains Associates, Inc., PO Box 249, Rochester, NH 03866-0249.

A motion was made by R. Desmaris and seconded by G. Bailey to deny the request for rehearing. The motion carried 3-1.

4. Request on behalf of the Barrington Planning Board, for a rehearing of the October 21, 2015 decision by the Zoning Board of Adjustment on the following case:

238-5-TC/SDAO-15-Appeal (Owners: George & Arvilla-Calef-George Calef Fine Food's)

Request by applicant to appeal the Planning Board interpretation of the definition of structure (Article 18 Definitions). Located at 495 Calef Highway on a .398 acre parcel (Map 238, Lot 5) in the Town Center (TC) & Stratified Drift Aquifer Overlay (SDAO) Zoning Districts. By: Steve Oles, Norway Plains Associates, Inc., PO Box 249, Rochester, NH 03866-0249.

K. Forbes expressed the Board had received the following items:

- Letter from Jae Whitelaw
- Response by Attorney Wirth
- Response by Attorney Whitelaw

A motion was made by R. Desmaris and seconded by M. Schmalz to deny the request for rehearing for lack of standing. The motion carried 4-0

5. Request on behalf of George A. and Arvilla T. Calef, Trustees of the George A. Calef Living Revocable Trust of 2008, for a rehearing of the October 13, 2015 decision by the Zoning Board of Adjustment on the following case:

238-16.21-TC-15 ZBA Appeal 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, appeal the August 18, 2015 Decision of the Town of Barrington Planning Board to grant site plan approval to Barrington Village Place.

Reference case below:

238-16.21-V-15-SR (Barrington Village Place) Request by applicant for Site Review to construct a well to service a non-community water system with a well easement and waiver from Section 3.2.10 (7) requiring parking lot requirements for the proposed project. This is located on a 29.91 acre lot (Map 238, Lot 16.21) in the Village District. By: Barry Gier, PE; Jones & Beach Engineers, Inc.; PO Box 219; Stratham, NH 03885

K. Forbes expressed the Board had received the following:

- Appeal by Gregory Wirth
- Response by Attorney Arnold

A motion was made by G. Bailey and seconded M. Schmaltz to deny the request for rehearing. The motion carried unanimously

Respectfully submitted,

Marcia J. Gasses
Town Planner and Land Use Administrator