

MEETING MINUTES
ZONING BOARD OF ADJUSTMENT PUBLIC MEETING
**NEW LOCATION—EARLY CHILDHOOD LEARNING
CENTER
77 RAMSDELL LANE**

Barrington, NH
August 16, 2017
7:00PM

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

Members Present

Karyn Forbes, Chair
Meri Schmalz
Cheryl Huckins
Raymond Desmarais
Dawn Hatch

Alternate Members Present

George Schmalz
George Bailey

ACTION ITEMS

1. **206-11-GR-17-ZBA Variance (Owners: Bruce & Ann Atwood)** Request by applicant for a variance from Article 4, Section 4.1.1 Minimum Standards Table 2 for the west side setback is proposed to be 16.2' to the proposed deck, and 24' to a proposed overhang on the east side, where the requirement is 30' on a .85 acre lot located on Isaac Turn in the (Map 206, Lot 11) General Residential (GR) Zoning District. By: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

Christopher Berry represented the applicant. The Board had approved an adjacent lot owned by the Santer's a year ago and the applicant had purchased a second lot from the Santer's. They had worked closely with the Atwood's to scale back the design to be more favorable to the Board. There was an access easement in place with the Santer's so that there would be only one curb cut on Isaac's Turn. The lot features were similar to the adjacent Santer lot, both containing steep slopes.

C. Berry read through the five criteria.

1.) *"Special conditions exist that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law"*

The special condition of the property is the general width of the property which was created prior to the conventional zoning. The site is equally rectangular throughout and steep from top to bottom. There is no place on the lot which would allow the Atwood's to reasonably build that could conform. The literal hardship would be the denial of the variance request forcing the applicant to build a structure which is not in kind with others around Ayers Lake.

2.) *"Granting the variance would be consistent with the spirit of the Ordinance"*

The spirit of the ordinance is to create space between neighbors and allow for each lot to be reasonably built out. This lot was developed at a time when the current zoning wasn't considered. The house is centered to the lot and is reasonably balanced between the two abutting lots, one of which were the former owners of this lot.

3.) *"Granting the variance will not result in diminution of surrounding property values"*

The property values would not be diminished by the construction of a single family home, on an existing lot of record, in a neighborhood which is well suited and in common with this kind of construction."

4.) *"Granting the variance would do substantial justice"*

The substantial justice is in allowing the proper construction of a retirement home, on an existing lot of record, while minimally affecting any of the immediate abutters. The proposed structure overhang is proposed to be 24.0' at the closest point to the abutting Lot #10, with the open deck being 16.2' from the former owner's boundary line.

5.) *"Granting the variance would not be contrary to the public interest."*

The public interest is in permitting construction on lots of record in a reasonable manner, without disrupting abutting parties. The proposal centers the structure on the lot, keeping a reasonable open distance between the two abutting lots.

K. Forbes asked the square footage of the proposed home.

Bruce Atwood replied approximately 2094 sq. ft. of finished space.

C. Huckins questioned the 16' side setback.

C. Berry expressed the setback request was really for the stairs. The side overhang was at 21'.

K. Forbes asked if anyone was present to speak in favor.

No one spoke.

K. Forbes asked if anyone was present to speak against.

No one spoke.

R. Desmarais expressed there was plenty of buildable space.

C. Huckins expressed there were steep slopes.

D. Hatch expressed it was comparable to other homes on the lake.

K. Forbes expressed it was similar in size to other homes on the water.

A motion was made by R. Desmarais and seconded by C. Huckins to approve the application. The motion carried unanimously.

A motion was made by D. Hatch and seconded by R. Desmarais to accept the minutes of July 19, 2017 as written. The motion carried unanimously.

A motion was made by C. Huckins and seconded by R. Desmarais to adjourn at 7:15.

Respectfully submitted,

Marcia J. Gasses
Town Planner & Land Use Administrator