

Zoning Board of Adjustment Meeting
July 21, 2010 - 7:00 PM
Library, Elementary School
347 Rte. 125, Barrington, NH 03825

Members present: Chair Karyn Forbes
Ray Desmarais
Ellen Conklin
George Bailey
Gerald Gajewski (Alt)

Chair Forbes called the meeting to order at 7:00 PM. The Clerk called the roll of members present. The first case was opened.

Case # ZB 10/679 - Maurice & Jennifer Yergeau

27 Jacobs Well Road, Epping, NH
Map 115, Lot 40 – 7 Pepper Lane, Barrington
Appeal from an Administrative Decision from Code
Enforcement Officer for using their lot on Pepper
Lane as a campground
Article 3, Permitted Uses, Section .3.1.6

Applicants, Maurice and Jennifer Yergeau were present along with Attorney Steve Clark representing Mr. and Mrs. Allen Zobay. Chair Forbes said the Board had received a communication from the Town's Attorney concerning the filing of the appeal from an administrative decision from the Code Enforcement Officer. She said according to the Attorney the filing of the Administrative Decision appeal had not been done in a timely manner. Forbes said the BY-Laws stated an appeal needed to be filed within 30 days from the time the violation was issued. Yergeau had received a Notice of Zoning Violation/Cease and Desist Order letter on December 29, 2009 and the application was filed on March 30, 2010.

Bailey made a motion to deny the appeal because it was not filed in a timely manner. The motion was seconded by Desmarais, all in favor. Jennifer Yergeau said they would go see the Code Enforcement Officer on Thursday to see what the next step would be.

Request for reconsideration or rehearing for:

Case ZB 10/678 – Tonia Mays

22 Castle Rock Road, Barrington, NH
Map 224, Lot 67

Chair Forbes said that Tonia Mays had filed a request for a re-hearing of her Case that had been denied on May 19, 2010. She filed an appeal on June 17, 2010. Desmarais said he did not see any new information included with what was presented. Forbes said we should reconsider all of the information received and give Mays the opportunity to present supplement information. She said we should review the minutes of the hearings so we can justify any decision. She said we needed to make the record clear for the evidence used to make a decision.

Bailey said each member should receive the minutes from each hearing to review. Desmarais made a motion to grant the re-hearing and allow supplemental information to be presented for the re-hearing, seconded by Conklin, all in favor. A re-hearing will be scheduled for August 18.

Case # ZB 10/683 – John and Maureen Genakos

170 Beauty Hill Road, Barrington, NH 03825

Map 249, Lot 4

Request for an area variance

Article 4 –Dimensional Requirements,

Section 4.2 - Minimum Lot Size, Table 2

The applicant wants to replace wooden deck and stairs that would not meet the front setback of 40 feet.

Builder Jim Sunderland represented the Genakos' as they were in Alaska. He had given the Board a note giving him authorization to represent their Case. He said he was asking for a variance for front and side setbacks for replacement of stairs and a landing.

Bailey asked about the L shaped section on the house. Sunderland said that an entrance to the basement and a garage under the house were located there. He said from the construction he would estimate the house was built around 1973.

Bailey asked about the stairs which would come off the house 3 ½ feet; could they be turned to create less impact. Sunderland said yes, but it would make them closer to the oil filling spout and removal of the plantings would be needed.

Forbes asked if there were any abutters present. There were none. As there were no additional questions or comments the informational portion of the hearing was closed.

Decision

Desmarais said he felt that the replacement of the stairs was reasonable and located where they would be needed. All agreed. Forbes said the stairs and landing were reasonable as they were a minimal size. The new structures would increase the safety of the entrance as the pictures show that the existing ones were deteriorating. The house was existing and the stairs and landing had to service the entrance so a variance was needed.

The new construction would not cause any diminution to values to the surrounding properties. The use of the lot would remain the same with the replacement of the stairs and landing. The use of the lot was the same as all other lots in the neighborhood and in the spirit of the Ordinance.

Bailey made a motion to grant the variance for the front and side setbacks, seconded by Conklin, all in favor. Forbes announced that the variance had been granted. The hearing was closed.

Bailey made a motion to approve the minutes of June 16, 2010, seconded by Desmarais, all in favor. Desmarais made a motion to adjourn, seconded by Bailey, all in favor. The next meeting will be scheduled for August 18. A re-hearing for Tonia Mays will be held on August 18.

Dawn Hatch, Clerk