



**BARRINGTON ZONING BOARD OF ADJUSTMENT
BARRINGTON ELEMENTARY SCHOOL LIBRARY
570 CALEF HIGHWAY
BARRINGTON, NH
Wednesday April 27, 2011**

MINUTES

- PRESENT:** Karyn Forbes, Chair
Raymond Desmarais, Vice-chair
Ellen Conklin
Gerard Gajewski
- ABSENT:** George Bailey
- STAFF:** Constance Brawders, Town Planner
- GUESTS:** Roy Mitchell; My Father's Carpentry, LLC

CALL TO ORDER

The meeting of the Zoning Board of Adjustment (ZBA) was called to order at 7:00 P.M. by Chair Forbes.

ROLL CALL

A formal roll call was conducted confirming members present, with member George Bailey absent, as stated above.

MINUTES REVIEW AND APPROVAL

1. The Board reviewed and approved the January 19, 2011 Minutes.

ZBA Vice-chair R. Desmarais moved to approve the January 19, 2011 Minutes. ZBA Member G. Gajewski seconded the motion. ZBA member E. Conklin abstaining. The motion passed, with a vote of three (3) in favor, to zero (0) against, with one (1) abstain.

STAFF COMMUNICATIONS

2. No communications from staff.

ACTION ITEMS

3. **11/692 (Donald Gelestino-10 Stuart Drive, LLC,)** Request by owner for variance for relief from Zoning Ordinance Article 4 -Dimensional Requirements, Section 4.2.1 and Table 2- Table of Dimensional Standards to construct a deck on the lake side of the house on a .92 acre site located in the General Residential Zoning District (GR) at 10 Stuart Drive (Map 116, Lot 12). Applicant, Roy Mitchell; My Father's Carpentry, LLC; 7 Highlander Drive; North Hampton, NH 03862

Chair Forbes called applicant's agent, Roy Mitchell; My Father's Carpentry, LLC; 7 Highlander Drive; North Hampton, NH 03862, to the table for discussion of the case.

Mr. Mitchell stated, current owner, Donald Gelestino, who is from out of state, purchased the 10 Stuart Drive lakefront home on Swains Lake unaware of the required 75-foot Shoreline Protection District Overlay (SDO) setbacks under Article 11 of the Zoning Ordinance. The owner now requests a variance to the lake setback requirement in order to complete the construction of the addition of an eight (8) foot by thirty-six (36) foot deck, to include the steps in the overall dimensions, on the lake side of the existing three story house to allow not only for enjoyment of the view of the lake, but additionally, for safe and proper ingress and egress through the sliding glass door from the home.

Chair Forbes instructed the applicant's agent to address the justification for the variance. The Chair noted that the ZBA shall, when considering a request for a variance, make finding of fact that consider the following factors: 1) Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law. 2) Granting the variance would be consistent with the spirit of the Ordinance. 3) Granting the variance will not result in diminution of surrounding property values. 4) Granting of the variance would do substantial justice. 5) Granting of the variance would not be contrary to the public interest. The applicant had not addressed the five stipulations in writing.

The Planner reviewed the application with the ZBA and the Narrative presented by the applicant's agent. Discussion ensued regarding a previous application in 2008 for Variance that was presented to the ZBA with no additional follow up made by the previous applicant to recommendations made by the ZBA regarding the construction of a deck. The ZBA after further deliberation elected to immediately visit the site.

After duly posting the site visit on the Barrington School Library door, the meeting of the ZBA, Planner and applicant was continued at 10 Stuart Drive.

The ZBA actively considered the current spring seasonal high water mark of Swain's Lake and its distance from the house and proposed deck. The accuracy to the survey was satisfied and distance between the water and deck was observed to be at least thirty (30) feet.

Chair Forbes asked if there was anyone in attendance in favor of the applicant's proposal or any opposed and finding no comment, moved to motion for a vote for consideration.

ZBA Member Vice-chair R. Desmarais made the motion to grant approval for variance for construction of the proposed deck. The motion was seconded by ZBA member E. Conklin, and carried unanimously with a vote of four (4) to zero (0).

ADJOURNMENT

ZBA Vice-chair R. Desmarais made the motion to adjourn, which was seconded by ZBA Member E. Conklin and the motion was carried with an unanimous vote of four (4) to zero (0). The Board adjourned at 7:50 p.m.

Respectfully Submitted,
Constance M. Brawders, Town Planner