



**ZONING BOARD OF ADJUSTMENT  
BARRINGTON EARLY CHILD LEARNING CENTER  
77 RAMSDELL LANE  
BARRINGTON, NH**

**WEDNESDAY APRIL 18, 2012  
7:00PM**

**MEETING MINUTES**

**PRESENT:**

Karyn Forbes, Chair  
George Bailey  
Raymond Desmarais

**ABSENT:**

Gerard Gajewski  
Ellen Conklin

**GUESTS:**

Jason Pohopek; Pohopek Land Surveyors & Septic System Design,  
LLC; 42 Flagg Road; Rochester, NH 03839  
John Mello; Barrington  
Dale Fallon; Barrington  
J. Murray; Barrington

**STAFF:**

Gregory M. Jones; Transcriptionist

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

**CALL TO ORDER**

Chair Karyn Forbes called the April 18, 2012 Barrington Zoning Board of Adjustment meeting to order at 7:07pm.

**ROLL CALL**

A formal roll call was conducted confirming members present as stated above

## MINUTES REVIEW AND APPROVAL

### 1. Approval of March 21, 2012 Meeting Minutes.

**G. Bailey motioned to approve the Regular Meeting Minutes of March 21, 2012 as amended. R. Desmarais seconded the motion which passed with a vote of three (3), to zero (0) in favor.**

## ACTION ITEMS

2. **ZB 12/697 (Route 4 Oaks)** Request by applicant for Variance from Zoning Ordinance Article 3 – Permitted Uses, Subsection 3.3.5 Regional Commercial District, paragraph 1, to allow residential structure on lot (Map 270/Lot 66.3) within 500 feet of the centerline of Route 125, and a Special Exception from Zoning Ordinance Article 4 – Dimensional Requirements, Section 4.1 General Provisions, paragraph 2-Lot Frontage, to allow three residential lots (Map 270/Lots 66, 66.1, and 66.2) to share a common access point on a 16.13 acre site located in the Regional Commercial (RC) District at Route 4, Old Concord Turnpike (Tax Map 70/Lo 66). Applicant: Jason Pohopek, Pohopek Land Surveyors & Septic System Design, LLC. 42 Flagg Road; Rochester, NH 03839.

Chair K. Forbes informed the applicant the only three (3) of the five (5) Zoning Board of Adjustment members are present and that his Variance and Special Exception requests will require an affirmative vote of all three. J. Pohopek requested to proceed.

J. Pohopek approached the Board to discuss his request for Variance to Zoning Ordinance Article 3.3.5 (1), to allow the construction of a residential structure on Lot 66.3 (the lot was approved by the Planning Board as mixed use). Pohopek directed the Board to the Justification section of his Variance application received by the Land Use Office on March 28, 2012 and re-stated the following:

- The developable area on the lot is severely limited due to on-site wetlands resulting in limited commercial exposure
- Granting of the Variance would protect surrounding neighborhood from civil and public safety concerns that would result from commercial development
- Granting the Variance will not diminish surrounding property values and protect the character of the neighborhood

Pohopek submitted pictures and locations of surrounding structures for the Boards review of the surrounding neighborhood.

Chair K. Forbes opened up the meeting for public comment in opposition of the Variance request. There were no comments in opposition.

Chair K. Forbes opened up the meeting for public comment in favor of the Variance request.

J. Mello, an abutter to Lot 66.3, approached the Board in favor of the Variance request for the following reasons;

- Concerned that safety will be compromised with the addition of a commercial use of lot 66.3
- Concerned that site distance is inadequate and that the surrounding neighborhood will be impacted negatively

D, Fallon, an abutter to Lot 66.3, approached the Board in favor of the Variance for the following reasons:

- Concerned that safety will be compromised with the addition of a commercial use of lot 66.3
- Concerned that site distance is inadequate and that the surrounding neighborhood will be impacted negatively
- The access point may be directly across the street from his residence resulting in light pollution from the commercial use
- Concerned that the project will result in the widening of Route 4

J. Murray, an abutter to Lot 66.3, approached the Board in favor of the Variance for the following reasons:

- Concerned that the potential commercial use would impact the proximate Tamposi Conservation Area
- Concerned that the character of the neighborhood may be impacted with the commercial use of Lot 66.3

R. Desmarais opined that granting the Variance would not do substantial justice and would not be in the spirit of the Zoning Ordinance as this lot is meant to be used as commercial or mixed use. G. Bailey agreed.

K. Forbes opined that, while she is sympathetic to surrounding residences, the applicant has not shown any hardship of the land which would limit his ability to use Lot 66.3 as mixed use or commercial.

**R. Desmarais made a motion to deny the applicant's request for Variance to Zoning Ordinance Article 3.3.5 (1), to allow the construction of a residential structure on Lot 66.3. G. Bailey seconded the motion which passed unanimously with a vote of three (3), to zero (0) in favor.**

J. Pohopek approached the Board to discuss his request for Special Exception to Zoning Ordinance Article 4.1(2), to allow three residential lots (Map 270/Lots 66, 66.1, and 66.2) within the subdivision to utilize one (1) shared driveway. Pohopek informed the Board that NHDOT has reviewed the project and allows up to three (3) curb cuts on this site. The intent is to limit the number of access points on Route 4 as a result of this project to avoid safety concerns.

Pohopek directed the Board to the Justification section of his Variance application received by the Land Use Office on March 28, 2012 and re-stated the following:

- No detriment to surrounding property values will result from the granting of this Special Exception
- No hazards will be caused to the public or adjacent properties
- The Planning Board and NHDOT are in agreement that this is the preferred alternative to the permitted three (3) access point scenario
- The Special Exception would reduce the chances of potential traffic safety hazards
- No excessive demand on municipal services will result from the granting of this Special Exception
- The proposed use will not result in loss of functional wetland value of groundwater quality as combining the driveways will reduce sheet flow

Pohopek informed the Board that NHDOT has reviewed the project and allows up to three (3) curb cuts on this site. The project will be utilizing only two access points to limit traffic on Route 4

After some discussion the Board agreed that limiting this project's number of access points on Route 4 would protect the safety, health and welfare of the Town of Barrington and its citizens.

Chair K. Forbes opened up the meeting for public comment in opposition of the Variance request. There were no comments in opposition. There was no public comment.

**R. Desmarais made a motion to approve the applicant's request for Special Exception to Zoning Ordinance Article 4.1(2) to allow three residential lots (Map 270/Lots 66, 66.1, and 66.2) within the subdivision to utilize one (1) shared driveway. G. Bailey seconded the motion which passed unanimously with a vote of three (3), to zero (0) in favor.**

#### **ADJOURNMENT**

**G. Bailey made a motion to adjourn the April 18, 2012 meeting of the Barrington Zoning Board of Adjustment at 8:00 P.M. R. Desmarais seconded the motion which passed unanimously with a vote of three (3), to zero (0) in favor.**

Respectfully Submitted,

Gregory M. Jones