

MEETING MINUTES  
ZONING BOARD OF ADJUSTMENT MEETING

**Barrington Annex Building**  
**(next to Elementary School)**  
**(NEW LOCATION) 572 Calef Highway**

Barrington, NH  
June 18, 2014  
7:00PM

Members Present

Karyn Forbes, Chair  
Raymond Desmarais  
Gerard Gajewski  
Dawn Hatch  
Meri Schmalz-Alt  
George Schmalz-Alt

Members Absent

George Bailey

Meri Schmalz to sit for George Bailey

**MINUTES REVIEW AND APPROVAL**

1. Approval of April 16, 2014 Regular Meeting Minutes.

*A motion was made by R. Desmarais and seconded by G. Gajewski to approve the April 16, 2014 meeting minutes. The motion carried unanimously*

**ACT ION ITEMS**

2. **115-48&50-GR-14-ZBA (Kevin D. Roy & Carrie Vaich)** Request by applicant for a variance from 4.1.1 Minimum Standards, request that Lot 50 be allowed to be reduced from 57,462 s.f. to 33,741 s.f. to allow lot 48 to increase from 14,745 s.f. to 38,467 s.f. located at 39 & 42 Knowles Drive (Map 115, Lots 48 & 50) in the General Residential (GR) Zoning District. By: Kenneth A. Berry, LLS, JP; Berry Surveying & Engineering; 335 Second Crown Pt. Road; Barrington, NH 03825

Kenneth Berry of Berry Surveying and engineering represented the applicant. The existing home sits on Tax Map 115 Lot 48 a .33-acre lot. The applicants owned adjacent lot Tax Map 115, Lot 5. The lot line would make the two lots more equal in size. The soil types would allow the lot, which would be more nonconforming to comply with DES regulations. The proposed Lot Line Revision would result in the existing structure on Lot 48, and proposed addition, to become conforming regarding the set-back lines. The parking spaces for the existing residence were primarily on Lot 50 at the present time. The Lot Line Revision would relocated the parking spaces and garage onto the same lot as the residence. The remaining land on Lot 50 would have access over the existing driveway and there would be ample room for a home septic system compliant with existing regulations. Lot 48 had access over Knowles Drive and as a result of the proposal the right of way would have 10 more feet of width reserved for the private road. As part of the Lot Line

Revision, Kevin and Carrie also would be upgrading Knowles Drive to a certain extent. Lot 50 would no longer require easement rights on abutting land but would utilize Knowles Drive at the curb-cut off Young Road.

D. Hatch asked if the lot along Knowles Road was part of the Knowles subdivision, which had allowed 40,000 square foot lots.

K. Berry stated it was.

K. Berry pointed out the parking is currently located in the right of way. The cottage lot would become self-sufficient. Knowles drive would become the driveway access for the cottage.

K. Forbes asked why they placed the proposed line where it was.

K. Berry explained that it worked with the improvements the applicant planned.

K. Berry read the conditions as stated in the application:

#### Variance Criteria

**Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.** There is less than a third of one acre of land with the residence on Lot 48. As a stand-alone parcel the land area makes reasonable utilization of the land very restrictive. As stated above, the parking is substantially on other land and the garage and shed intended to support the residence are completely on other land. There are no other alternative to obtain more land except Lot 50 which likewise owned by Kevin and Carrie. The buildability of Lot 50 is not diminished by the Lot Line Revision yet Lot 48 would be greatly benefitted and it would be a hardship to the owners to not allow this action.

#### **Granting the variance would be consistent with the spirit of the Ordinance.**

The spirit of the Ordinance is to allow building lots that are safe to the public in their operation as a building lot. As stated earlier, NHDES standards require 33,000 square feet of land area for a buildable lot. As both of the lots exist today, it would be within the spirit of the ordinance to balance the land area making both closer to the minimum standard and both in excess of other jurisdictions.

**Granting the variance will not result in diminution of surrounding property values.** As the buildable status of the parcels will not change, there will be no effect to surrounding properties. The primary structure setbacks of Lot 48 will go from non-conforming to conforming, additional width will be added to the private driveway Knowles Drive, and suitable area is retained for contemporary construction on Lot 50.

**Granting the variance would do substantial justice.** Kevin and Carrie own both of the parcels involved in this application and are looking to balance the areas of parcels created years ago in two separate actions. Bot parcels are technically buildable lots and will continue to be so. Allowing the transfer of land allows for better utilization of the land, better conformance with NHDES standards, and therefore would do substantial justice.

**Granting the variance would not be contrary to the public interest.** The perimeter lot lines will not be altered and additional width will be granted to the private driveway, Knowles Drive. The proposal would only be a benefit to Lot 48 and Lot 50 will not have the contemporary building capabilities diminished. There will be nothing done that would be contrary to the public interest.

K. Forbes closed the public session. No one was in favor or opposed.

J. Gajewski explained they were making the waterfront lot more conforming.

D. Hatch wanted to see if the road front lot could be made closer to 40,000 sq. ft.

K. Forbes reopened to the public and asked K. Berry how far he would have to move the line to acquire the necessary size.

K. Berry explained that the right of way was used by others and the location the applicant was proposing met their needs.

K. Forbes questioned the access to the lot on Young Road.

K. Forbes brought discussion back to the Board.

D. Hatch restated she would like to have more land left with the Young Road lot.

K. Berry expressed that he would like the opportunity to slightly reconfigure the two lots.

R. Desmarais made a motion M. Schmaltz voted to continue to July 16, 2014.

*A motion was made by R. Desmarais and seconded by M. Schmaltz to continue the application to the July 16, 2014. The motion carried unanimously.*

- 3. [233-55-NR/HCO-14-ZBA \(Barbara Irvine\)](#)** Request by applicant for a variance from Article 3.1.1 Permitted Structures to allow a 1995 Liberty manufactured home to be moved in the driveway while a new house is being built. A temporary location not meeting required setbacks and to allow the issuance of a building permit for a second dwelling until such time as a certificate of occupancy is issued on a .92 acre lot located at 1022 Franklin Pierce Highway (Map 233, Lot 55) in the Neighborhood Residential (NR) and Highway Commercial Dist. Overlay (HCO) Zoning Districts.

D. Hatch recused herself.

M. Schmaltz to sit for George Bailey

Barbara Irvine explained they were asking for permission to place their 1995 Liberty manufactured home in the driveway and live in it while their new stick built home was constructed. They were also asking relief from all setbacks for the temporary placement of the manufactured home. Somersworth H. S would be taking the home for Habitat for Humanity when the new home was completed. The Ordinance only allows for one principal structure on a lot and the Code Enforcement officer could not issue a building permit for the new home without the variance.

K. Forbes asked for anyone in favor.

D. Hatch expressed it would be the right thing to do.

K. Forbes stated on or before 12/31/20014 the manufactured home would need to be removed.

*A motion was made by R. Desmarais and seconded by M. Schmaltz to approve the variance, contingent upon the house being removed on or before December 31, 2014. The motion carried unanimously.*

**ADJOURNMENT**

*A motion was made by R. Gajewski and seconded by R. Desmarais to adjourn at 8:10 p.m. The motion carried unanimously.*

Respectfully submitted,

Marcia J. Gasses  
Town Planner & Land Use Administrator