

# Meeting Minutes

## ZONING BOARD OF ADJUSTMENT PUBLIC MEETING

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

Barrington, NH

May 20, 2015

7:00PM

### Members Present

Karyn Forbes, Chair

George Bailey

Meri Schmalz-Alt

Raymond Desmarais

Dawn Hatch

### MINUTES REVIEW AND APPROVAL

1. Approval of March 18, 2015 Regular Meeting Minutes.

### ACT ION ITEMS

2. [216-36-GR/HCO/SDOA-15-ZBA \(Owner: Ellen McCauley\)](#) Request by applicant to request a variance from Article 11.2 (2) District Defined to allow an addition to be located 71.9' from the Isinglass Rover where a 100' setback is required. An existing deck/well area will be removed and first floor living space added to the existing rear of the house. The existing home is on a 2.07 acre lot at 208 Parker Mountain Road (Map 216, Lot 36) in the General Residential (GR) Highway Commercial overlay (HCO) and SDOA Zoning Districts.

Patrick Collins with Donahue, Tucker and Ciandella introduced Mr. Whitcher, the owner who described how the improvements they were making grew; 250 square feet of impact was being removed and approximately 150' was being replaced.

M. Schmalz asked where the well would be.

Mr. Whitcher expressed the abandoned dug well would be filled in.

Patrick Collins expressed that the addition would not be detrimental to the neighborhood. The structure would be made more conforming. Property values would possibly be improved. The property was almost entirely within the 100' setback and the overall small impact was with keeping with the spirit of the ordinance.

K. Forbes opened and closed public comment. No one spoke.

The Board discussed:

Special conditions existed.

The improvements would be making the structure more conforming.

The proposal was not changing the character of the neighborhood.

*A motion was made by R. Desmarais and seconded by D. Hatch to approve the variance. The motion carried unanimously*

3. [112-35-GR-15-ZBA \(Nippo Pond LLC\)](#) Request by applicant to request a variance from Article 11.2 (1) 75' setback from pond over 2 acres and Article 4.1.1 Minimum front setback to build a 2 bedroom single family house adjacent to Nippo Pond on a .41 acre lot on Harlan Drive (Map 112, Lot 35) in the General Residential Zoning District. BY: Geometrics Blue Hills, LLC; Po Box 277; Farmington, NH 03835.

Bernard Cote represented the applicant. The lot had been existing for over forty years and was enlarged in 2007. The site has no building envelope which met setbacks. They were requesting a variance from the 75' setback from the lake and 40' setback from the right of way. The applicant was attempting to meet the state setbacks.

G. Bailey pointed out that the 75' setback line was not shown.

R. Desmarais asked if there were issues related to the closeness to the wetland.

Bernard Cote explained the proposed construction was not within the wetland buffer.

Linda Brushette expressed that the addition of land in 2007 did not add any buildable area but contained an access easement.

Jake Corcoran expressed that the stream expressed that the stream had continuous run-off.

Linda Brushette expressed they had been monitoring the phosphorus loading into the stream. She was concerned with erosion.

K. Forbes expressed that the board was quasi-judicial and had to apply the ordinance.

R. Desmarais asked that the Conservation Commission comment on the application.

K. Forbes closed public comment.

*A motion was made by R. Desmarais and seconded by G. Bailey to continue the application to allow the Conservation Commission time to review the inlet, effect of building in the proposed location and the size of the house. The motion carried unanimously*

4. [109-5-GR-15-ZBA \(John and Karin Schempf\)](#) Request by applicant to request a variance from Article 4 Dimensional Requirements Table 2 to build a 28 x 34 three bedroom home where the setbacks will be 15.9' from one side and 14.4' from the other side where 30' is required and 43.5 from Ayers Lake where 75' is required on a .15 acre site on Small Road (Map 109, Lot 5) in the General Residential Zoning District. By: Jason Pohopek, NHLLS; 269 Parker Mountain Road; Barrington, NH 03825.

J. Pohopek represented the applicant for a renewed variance request. Prior boards had granted two different approvals for this lot. Variances were granted in 2004 and 2006. In 2004 the roof line overhangs and access steps were not included; they returned in 2006 to rectify the 2004 approval. The site is .15 acres and was constrained by size. There currently was not a house, at one point there was a camp which burnt. The leach field would be located on an adjacent lot. The lot is an existing lot of record and would have very little affect beyond the property lines and is consistent with the neighborhood. It creates no safety or health issues. Denial would create unnecessary hardship to the owner. They believed the variance would be consistent with the intent of the ordinance, sliding the house as far away as possible from the lake.

G. Bailey asked how wide the proposed deck was.

J. Pohopek stated 8'.

D. Hatch asked how old the septic was.

J. Pohopek explained he septic which would be used was sized for six bedrooms and was located on and would be share with an adjacent lot, on which the mobile home shown had been removed.

K. Forbes asked for those opposed.

Ron St. Jean of 68 Small Road. Expressed that all the water on the road drains through this lot. Pictures were supplied for the record. He expressed that the lot should not be allowed to be a buildable lot. He was concerned with negative impact to the waterbody.

Diane St. Jean expressed that there was no evidence there had been a foundation and no building has been on it since 1992.

Janet Senic expressed that her lot was also small and that and awful lot of water flows into the lake across the lot.

Diane St. Jean expressed no permit had been filed with NHDES for Shoreland.

J. Pohopek expressed that the lot was also a victim of the development around it, where the adjacent lots were built up. The lot was preexisting nonconforming and expressed it did have a right of development. He expressed that the pictures provided by the applicant were taken at a strategic time. A Wetland scientist had certified that there were no wetlands on site in the past. J. Pohopek expressed there was a culvert under the road and a swale to one side of the lot.

R. Desmarais expressed that he would like to have comment from the Conservation Commission.

*A motion was made by R. Desmaris and seconded by M. Schmalz to continue the application and allow comment from the conservation commission. The motion carried unanimously*

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**5. 19 Heron Way (Scott & Shanin Sansouice)** In December 2013 received a variance which will expire at the end of the year they would like an extension until spring of 2017.

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R. Desmaris recused himself.

*A motion was made by M. Schmalz and seconded by D. Hatch to grant a two year extension. The motion carried 3-1 with G. Bailey opposed.*

K. Forbes expressed the she would like M. Schmalz to become a regular member of the Board.

*A motion was made by R. Desmarais and seconded by G. Bailey to adjourn at 8:45 p.m.*

Respectfully submitted,

Marcia J. Gasses  
Town Planner and Land Use Administrator