

MEETING MINUTES
ZONING BOARD OF ADJUSTMENT PUBLIC MEETING
**NEW LOCATION—EARLY CHILDHOOD LEARNING
CENTER
77 RAMSDELL LANE**

Barrington, NH
December 16, 2015
7:00PM

Members Present

Karyn Forbes, Chair
George Bailey
Raymond Desmaris
Dawn Hatch

Members Absent

Meri Schmalz

MINUTES REVIEW AND APPROVAL

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

A motion was made by G. Bailey and seconded by D. Hatch to approve the November 18, 2015 meeting minutes. The motion carried unanimously

A motion was made by G. Bailey and seconded by R. Desmaris to approve the 2016 meeting schedule. The motion carried unanimously

K. Forbes expressed to the applicants they would need to have 3 positive votes, even though there were only four members present.

ACTION ITEMS

2. **106-4-GR-15-Variances ZBA (Owner: Deborah James)** Request by applicant for the following variances from Article 4 Dimensional Requirements Table 2 1)proposing 1.2' from front where 40' is required and 19.6 from north side where 30' is required, Section 11.2 (1) Shoreland Protection the garage to be built 69.7' from the shoreline where 75' is required 2) to allow the existing cottage to be rebuilt with a second story 3) to allow a proposed deck 4) to allow a landing 5) steps to be built inside the 75' buffer 6) to allow a cantilevered second story deck to be built inside the 75" buffer 7) to allow an existing slate patio to be removed and replace with a pervious concrete paver patio. This lot is located at 100 Small Road on a .30 acre site (Map 106, Lot 4) in the General Residential (GR) Zoning District. By: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

Daniel O'Lone explained the changes they had made, which included removing the garage from the 75' setback. The deck was reduced in size to 12'X25" where it was 14'X30. They had added more planting. The existing garages had been labeled. The steps for the deck had also been repositioned to decrease disturbance to the lake.

Mr. O'Lone went on to explain the garage had been resized to 24' X 20'. They had rotated it by a few degrees in order to completely remove the garage from the 75' buffer. They no longer needed a variance

from the 75' buffer area for the garage disturbance, but still needed the front and side setback variances. The smallest front yard setback would be 2.9' where the previous design had a distance of 1.2''

The dimensions of the existing garage buildings had been added per the request by the Board.

G. Bailey asked what they would do if they could not use the foundation.

The applicant expressed they had been told the foundation was in good shape.

K. Forbes read the letter dated November 12, 2015 from the Conservation Commission, which supported the application provided the deck was reduced in size from 40' to 30' and that further planting be made lakeside from it.

R. Desmaris expressed the applicant had done what the Conservation Commission had asked. Mr. Desmaris also wanted the roof runoff pitched away from the lake and incorporated into the plan.

K. Forbes opened and closed public testimony portion of the meeting. No one spoke.

R. Desmaris expressed he liked what they had done with the plan. He would rather give relief from the front setback than from the lake.

D. Hatch expressed they had done a good job making their changes

G. Bailey expressed concern with the work along the shore. . He believed with the retaining wall and walkway there would be a lot of disturbance. A lot of what they proposed was a replacement and not a repair based on what they had submitted to the Board.

K. Forbes expressed; they also had a lot of plantings they were putting in.

A motion was made by R. Desmaris and seconded by D. Hatch to approve the plan with the stipulation the roof drainage was incorporated into the plan.

Daniel O'Lone expressed the current home was a hip roof and the proposed would have a gable end toward the lake. All water would run to the sides of the house and they would capture and treat somehow, which would be incorporated into the Shoreland permit.

G. Bailey expressed their motion needed to include the plan with the revised setbacks.

K Forbes expressed it would be the recent plan as submitted.

A motion was made by R. Desmaris and seconded by D. Hatch to approve the plan as presented. The motion carried 3-1

3. 220-57-RC-15-Variance 12/16 (owners: Myhre Rina, Helfgott Paul C Ledoux Carol H (1/3)-Tolend Road)

Applicant requests a variance from Article 6.2.6 Perimeter Buffer to permit the 100 foot perimeter buffer area to be contain on the house lots within the 100 foot buffer located on Tolend Road on a 102 acre lot (Map 220, Lot 57) in the Residential Commercial (RC) Zoning District. By: Beals Associates PLLC: 70 Portsmouth Avenue, 3rd Floor, Unit 2; Stratham, NH 03885.

Mark Johnson represented the applicant. He explained the two prior variances which had been approved. Variances had been granted from Table 1-Table of Uses – and 6.2.5(5) interior street requirements. The applicant had now requested a variance from the requirement that a conservation subdivision have a 100' perimeter buffer around the entire tract to permit house lots to have their frontage on an existing road, which lots would otherwise impermissible be in the perimeter buffer. There would still be a perimeter buffer but it would be included on the house lots.

Attorney Johnson explained the design would be consistent with the intent of the ordinance and allow for much more land to be in open space. The design allowed for a greater amount of contiguous open space and there would be less impervious surface as a result.

R. Desmaris asked if a deed restriction would be placed in order to restrict the homeowners to a driveway in the 100' buffer.

K. Forbes asked how long the lots were.

Scott Cole expressed that the well radius represented 150' the closer lots were 300' and the longer lots were between 400' and 500'.

D. Hatch expressed that being driveways there would be less expense to the Town.

K. Forbes opened public testimony.

D. Ayer expressed the Conservation Commission was in support of the proposal.

K. Forbes closed public testimony.

K. Forbes asked to discuss hardship.

K. Forbes Special conditions exist such that literal enforcement of the Ordinance would result in unnecessary hardship to the applicant as defined under applicable law.

R. Desmaris expressed the only way to get around it would be to construct a new road.

K. Forbes Granting the variance would be consistent with the spirit of the ordinance.

R. Desmaris expressed it would allow the preservation of the large wetland.

K. Forbes Granting the proposal would not result in diminution of surrounding property values.

The Board concurred.

K. Forbes Granting the variance would do substantial justice.

The Board concurred.

K. Forbes Granting the variance would not be contrary to the public interest.

The Board concurred.

A motion was made by G. Bailey and seconded by R. Desmaris to approve the variance. The motion carried unanimously.

G. Bailey thanked the applicant for the amount of open space which would be preserved.

Without objection the Board adjourned.

Respectfully submitted,

Marcia J. Gasses
Town Planner and Land Use Administrator