

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

Barrington, NH  
May 18, 2016  
7:00PM

Members Present

Karyn Forbes, Chair  
George Bailey  
Meri Schmalz  
Raymond Desmaris  
Dawn Hatch  
Cheryl Huckins        Alternate  
George Schmalz        Alternate

MINUTES REVIEW AND APPROVAL

1. Approval of April 20, 2016 Regular Meeting Minutes.

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

ACTION ITEMS

2. [239-2/235-1,2,3-TC-16-Variance \(Owners: John & Linda Svenson, Garth & Elizabeth Svenson & 1962 Real Estate, LLC\)](#) Request by applicants for variances under Article 16 Planned Unit Development (PUD), Article 16.3.2, Minimum Lot Size/Lot Area, Article 16.3.2(2) Residential Uses proposing to permit the net density for a single family dwelling to be based upon 16,250 sq. ft. rather than 40,000 sq. ft. per dwelling. 16.5.2 Commercial Component Requirements, where the applicant is proposing 26.5% when 50% of the total development tract is required to be commercial on Christmas Lane and Franklin Pierce Highway (Map 239, Lot 2 and Map 235, Lots 1, 2,3) in the Town Center (TC) Zoning District. By: Kenneth A. Berry, PE LLS; Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825

FX Bruton represented the applicants, explaining they were asking for two variances.

The Christmas Dove Property was located in the Town Center. The location restricted the property from doing a conventional subdivision. If they were granted relief the applicant would need to go to the Planning Board for subdivision approval. The Town Center allowed commercial subdivision as a matter of right. The preferred plan was a planned unit development. A PUD consisted of a residential, commercial, and civil component. The PUD Ordinance required 10 acres to be viable and they had 37.5.

The applicant was trying to come up with a plan that was viable and consistent with the zoning ordinance. He expressed that Ken Berry would describe the residential, commercial components and civic spaces. It was difficult to develop a plan that was viable with 10 houses mixed in on 37

acres, which was what the calculations allowed under the current zoning. The project proposed market rate single family homes with attention to detail. The project was not proposed to be workforce housing. It would integrate with the commercial components adjacent to Route 9. He expressed it would be very difficult to bring commercial development to the back of the development.

Kenneth Berry, Berry Surveying & Engineering explained the four parcels of land with John & Linda Svenson owning two parcels, 1962 Real-Estate and Garth & Elizabeth Svenson each owning one. A Special Exception had been granted to allow access from a side other than it's frontage as part of the process in subdividing the property. NHDOT had identified an access point for the parcels. A design review had been done by the Planning Board but not a formal application for the initial commercial portion. Mr. Berry described the lot line revision. The lot line revision would create a second parcel of land that would be available for 1962 Realty. A separate parcel for the Christmas Dove would be created with cross easements for cross parking. It created a separate parcel for John and Linda Svenson with frontage of Franklin Pierce Highway and a remaining parcel with land out to the back. Mr. Berry expressed that if the variances were given that night Garth Svenson & Elizabeth would grant 2.1 acres to holdings of John & Linda Svenson.

The road was proposed to be more than 1000' with a loop road and future connection. Future contact back onto Route 125 was provided for. The commercial component was proposed to all be adjacent to Route 9. The home owned by John and Linda Svenson would have a deed restriction placed upon it that would only allow for commercial development. The minimum lot size could be as small as 10,000 square feet by zoning but they were proposing approximately 15,000 sq. ft. Portions of the railroad grade would be made available for public use. Access availability would be provided in the case agreements could be worked out for access to Route 125.

D. Hatch asked if the lots in orange would remain two lots.

Mr. Berry stated yes.

D. Hatch asked if the Christmas Dove would have deeded rights to use the parking lot.

Mr. Berry stated yes.

G. Bailey asked the size of the lot to be created for Holy Rosary.

Mr. Berry explained the commercial lot containing the Christmas Dove parking lot would be just shy of 4 acres. Lot 2, which had frontage on Route 9 would be 1.73 acres.

M. Schmalz asked how the access would work to the lot containing the parking lot.

FX Bruton expressed access to the lot containing the parking lot would have to be worked out with the Planning Board. The parking would need to be reconfigured so that there would be sufficient parking for the existing uses.

G. Bailey asked if the connector road would take away from the open space.

Mr. Berry expressed the land would be convertible so that if the opportunity arose to connect to Route 125 there would be covenants that would allow the connection to take place. He believed that it would be smart long term planning.

M. Schmalz asked the location of the playground.

K. Berry expressed the location was conceptual. The concept was to have a playground that could be accessed from the railroad bed.

G. Bailey asked the date the applicant had received the Special Exception.

M. Gasses stated the date was March 18, 2015.

Mr. Berry expressed that there had been a five year clock placed upon that Special Exception.

K. Forbes expressed they had not been to the Planning Board for any kind of meetings.

FX Bruton expressed that was correct.

R. Desmaris expressed that he believed that what was being proposed was premature considering the applicant had not been to the Planning Board and that the layout could change considerably.

FX Bruton expressed that it was a bit of a "chicken and egg" scenario; where what they were asking for was relief from how the net density was calculated for residential.

R. Desmaris expressed that things could change considerably at the Planning Board and they would be back at ZBA.

FX Bruton expressed that they would need to have a density number in order to work with the Planning Board on the layout.

R. Desmaris expressed that they usually grant variances on hard plans.

K. Forbes expressed they were asking to go from 50% commercial down to 26.5% without Planning Board input.

FX Bruton expressed that if they could grant the variances and they would represent that what they present was substantially similar to the plan presented. They would then have the kind of information that would be meaningful depending upon the Planning Board issues that arise.

R. Desmaris expressed he would be hesitant until the Planning Board had a chance to comment. He believed it was premature.

FX Bruton expressed they could go to the Planning Board on a conceptual basis.

K. Forbes expressed they were not trying to stop them from completing their presentation.

R. Desmaris expressed that in general he was in support of what they were proposing, but that it was premature at that point.

FX Bruton expressed that this was a difficult situation. That this was a concept that the Town had in its Zoning Ordinance, there were a lot of things in the concept and it was difficult to wrap your heads around it. They wanted to work with the Town to come up with an end result that worked. He expressed maybe they could think of this as a conceptual and if they had a good idea of where the ZBA was at they could go to the Planning Board with that. It would help them to put something together that works for the Town and was viable. If they received approval tonight they would have information that would allow them to go forward in a tangible way. The process was very important to the family and the Credit Union and they appreciated the Board's consideration going forward.

G. Bailey expressed the Planning Board would need to agree to the placement of the open space and civic space. He expressed they were asking the Board to approve something that was not set in stone.

FX Bruton expressed they were not asking that of the Board. What they were asking for was a metric so they could move forward because if they could not have more than 10 houses it would not be viable. They could not put an Aroma Joe's down there.

K. Forbes expressed what they did not have, was the expertise to determine if it was reasonable to go from 10 to 25 houses and 50% to 26.5% commercial.

FX Bruton expressed that he believed it was within their expertise and they had done it in the past but he was not objecting to going to the Planning Board.

R. Desmaris expressed that typically the Planning Board sees these plans before they did.

FX Bruton expressed that this application was very unique in relationship to all the things going on with it. He did not find it unusual to come to the ZBA first in regard to those two issues, but they wanted it to be right and it was very important to the family and the Credit Union and they would proceed in the way that it makes sense for everyone.

D. Hatch expressed she like it, but if they had granted it that night they would be tying the hands of the Planning Board.

R. Desmaris expressed he was hearing a positive response but that they needed to hear from the Planning Board.

FX Bruton explained the calculation for residential housing in the PUD. They were asking the net density denominator of 40,000 sq. ft. be 16,250 sq. ft. Although the denominator was required to be 40,000 square feet, the minimum residential lot allowed by the PUD concept was 10,000 sq. ft. in size. If 16,250 sq. ft. was used for the density calculation, 25 lots would be allowed instead of 10.

FX Bruton explained the requirement in the PUD was for 10% open space or civic use space and they were proposing 42%, which was 4 times more than was required, hopefully that balanced out their request. They could only come up with 26.5% of the land for commercial. Given the totality of the plan they believed it was reasonable, given both the shape and location of the project. They were caught in the Town Center Zoning but not located on Route 125. They were trying to create the neighborhood type of development, with the neighbors utilizing the same access as the commercial. There was access to trails and the potential for a park. They were trying to create a plan that was consistent with the purpose of the PUD.

D. Hatch asked about the frontage and access on Route 9 and expressed the parking lot for the Christmas Dove would have access from the new road.

Mr. Berry explained the fingers that went down and touched the Route 9, which had been part of the Special Exception which had been granted last year. The Svenson's would be restricted to access from the new road consistent with the desires of NHDOT and the Special Exception.

K. Forbes asked if there was anyone to speak in favor.

Kim Boyer expressed he was in favor because he believed it was more residential in nature in this location and was a good mix of residential and commercial.

K. Forbes asked anyone to speak in opposition.

Chris Vachon expressed that there was a professional lawyer and surveyor making the presentation. They were not close to the guidelines for the commercial or the residential. He believed that there could be environmental impacts. He wanted to see something for the Svenson's, but believed the concentration of the lots was ridiculous. They couldn't keep having developers coming in who expected to have what they wanted.

K. Forbes asked where he lived in proximity to the site.

Chris Vachon expressed he did not live close to the site; he lived on Boulder Drive near Nippo.

Stephanie Dimke spoke neutrally expressing that the 50% requirement was difficult do to the shape of the land. She expressed that there were homes that had been developed on less than

two acres and the two acre lots were not conducive to a Town Center. The homes would invite walkers to businesses downtown. The middle school and elementary school were located within walking distance.

K. Forbes closed public comment.

FX Bruton expressed that two acres lots were not required throughout the Town in the Zoning Ordinance.

*A motion was made by R. Desmaris and seconded by D. Hatch to continue the application to the July 20, 2016 meeting. The motion carried unanimously.*

**ADJOURNMENT**

*A motion was made by G. Bailey and seconded by R. Desmaris to adjourn. The motion carried unanimously.*

Respectfully submitted,

Marcia J. Gasses  
Town Planner and Land Use Administrator