Barrington Zoning Board of Adjustment

Zoning Ordinance Variance and Special Exception

Application Checklist

Please schedule a meeting with staff before submitting your application.

This checklist has been prepared to assist you in submitting a complete application to the Town of Barrington. At the Pre-Application meeting, staff will check off the items on this list that are required with your submission.

This document constitutes a public disclosure under RSA Chapter 91 – A, Access to Governmental Records and Meetings.

Date 1-27-16 Case No. 124-36-GR-16-ZBA Variance

Owner Thomas & Diane Lombardo Mailing Address 1826 Braddock Drive

Phone 443-955-2339 Email Crofton, MD 21114

PART I – GENERAL REQUIREMENTS

All Graphics shall be to Scale and Dimensioned

Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.

Req'd	Rec'd	
☐	☐	1. Zoning Board of Adjustment Application Checklist *(this form)*
☐	☐	2. ZBA General Information (Article(s) and Section(s) of Ordinance)
☐	☐	3. Appeal and Decision
☐	☐	4. Fees - $150.00 Application ☐ $ 75.00 Legal Notice ☐ $ 7.00 per US Post Office Certified Letter ☐
☐	☐	5. Completed Project Application Form ☒ Variance ☐ Special Exception ☐ Appeal
☐	☐	6. Notarized Letter of Authorization (from property owner(s) if property owner did not sign the application form)
☐	☐	7. Project Narrative

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☐ ☐ 8. HOA Approval *(if applicable)*

☐ ☐ 9. Context or Locus Map (Show Surrounding Zoning Districts)

☐ ☐ 10. Existing Conditions Site Plan or Recorded Subdivision Plan to include well and septic location (may be found at Strafford County Registry of Deeds).

☐ ☐ 11. Existing Conditions Photo Exhibit *(See instruction page for submitting photos)*
Up to four photos may be shown per 8 ½" X 11" page size
a. Show all existing structures on site

☐ ☐ 12. List of Certified Abutters (Include Applicant and all licensed professionals, i.e., engineer, architect, land surveyor, or soil scientist, whose seals are affixed to the plan, as well as any holder of a conservation or agricultural easement)

☐ ☐ 13. Mailing Labels (4 sets)

PART II – REQUIRED PLANS AND RELATED DATA

All Graphics and Plans Shall be to Scale and Dimensioned

☐ ☐ 1. Site Plan - ***Drawn and Stamped by Registered Land Surveyor***
a. 24" X 36" – 2 Copies
b. 11' X 17" – 6 Copy
c. 8 1/2 " X 11" – 1 Copy

☐ ☐ 2. Elevations: Show all sides of building and indicate building heights
a. 24" X 36" – 2 Copies
b. 11' X 17" – 6 Copy
c. 8 1/2 " X 11" – 1 Copy

☐ ☐ 3. Floor Plans
a. 24" X 36" – 2 Copies
b. 11' X 17" – 6 Copy
c. 8 1/2 " X 11" – 1 Copy

☐ ☐ 4. All drawings and any revised drawings must be submitted in PDF format

☐ ☐ 5. OTHER: _____

☐ ☐ 6. Your Appointment Date and Time for Submitting the Complete Application is:

_____

Barbara Irwine 2/1/16
Staff Signature Date

Land Use Department
Town of Barrington; 137 Ramsdell Lane; Barrington, NH 03825
barrplan@metrocast.net **Phone: 603.664.5798**

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PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 124-36-GR-16-ZBA Variance

Project Name Thomas A. & Diane Lombardo

Location Address 291 Hemlock Lane

Map and Lot TM 124, Lot 36

Zoning District (Include Overlay District if Applicable) General District

Property Details:

☒ Single Family Residential ☐ Multifamily Residential ☐ Manufactured Housing
☐ Commercial ☐ Mixed Use ☐ Agricultural ☐ Other

Use: Residential

Number of Buildings: 1 Height: unknown

Setbacks: Front 40' Back 30' Side 30' Side 30'

Description of Request

Cite the Section of the Zoning Ordinance you are requesting a Variance or Special Exception for.
If this is an Appeal from an Administrative Enforcement Order, Planning Board Decision, or Zoning Board of Adjustment Decision, please attach pertinent documentation:

Project Narrative: *(Please type and attach a separate sheet of paper)*

Barrington Zoning Ordinance Requirements:

Request: *(You may type and attach a separate sheet of paper)*

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PART IV – If this is a JUSTIFICATION FOR VARIANCE

The Zoning Board of Adjustment may not authorize a zoning ordinance variation unless ALL of the following criteria are met. Please provide evidence that the requested Variance complies by addressing the issues below.

☐ 1. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.

_____

_____

☐ 2. Granting the variance would be consistent with the spirit of the Ordinance.

_____

_____

☐ 3. Granting the variance will not result in diminution of surrounding property values.

_____

_____

☐ 4. Granting of the variance would do substantial justice.

_____

_____

☐ 5. Granting of the variance would not be contrary to the public interest.

_____

_____

PART V – If this is a JUSTIFICATION FOR SPECIAL EXCEPTION

Please provide evidence that the requested Special Exception complies by addressing the issues below.

☐ 1. No detriment to property values in the vicinity of the proposed development will result on account of: the location or scale of buildings, structures, parking areas, or other access ways; the emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or unsightly outdoor storage of equipment, vehicles, or other materials.

_____

_____

☐ 2. No hazard will be caused to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.

_____

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☐ 3. No creation of a traffic safety hazard or substantial traffic congestion will result in the vicinity of the proposed development.

_____

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☐ 4. No excessive demand on municipal services and facilities, including, but not limited to waste disposal, police and fire protection, and schools.

_____

_____

☐ 5. The proposed use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site that would result in the loss of significant habitat or flood control protection.

_____

_____

In addition to the guiding principles specified above, the ZBA may condition the granting of a special exception upon more stringent standards if the Board determines that such conditions are necessary to protect the health and welfare of the town and its residents. Such conditions may include the following and should be addressed in the Narrative:

☐ 1. Front, side, or rear yards in excess of the minimum requirements of this Ordinance.

☐ 2. Screening of the premises from the street or adjacent property by walls, fences, or other devices.

☐ 3. Limitations on the size of buildings and other structures more stringent than minimum or maximum requirements of this Ordinance.

☐ 4. Limitations on the number of occupants and methods and times of operation.

☐ 5. Regulation of the design and location of access drives, sidewalks, and other traffic features.

☐ 6. Location and amount of parking and loading spaces in excess of existing standards.

☐ 7. Regulation of the number, size, and lighting of signs in excess of existing standards.

_____

Signature of Applicant Date

_____

Signature of Owner Date

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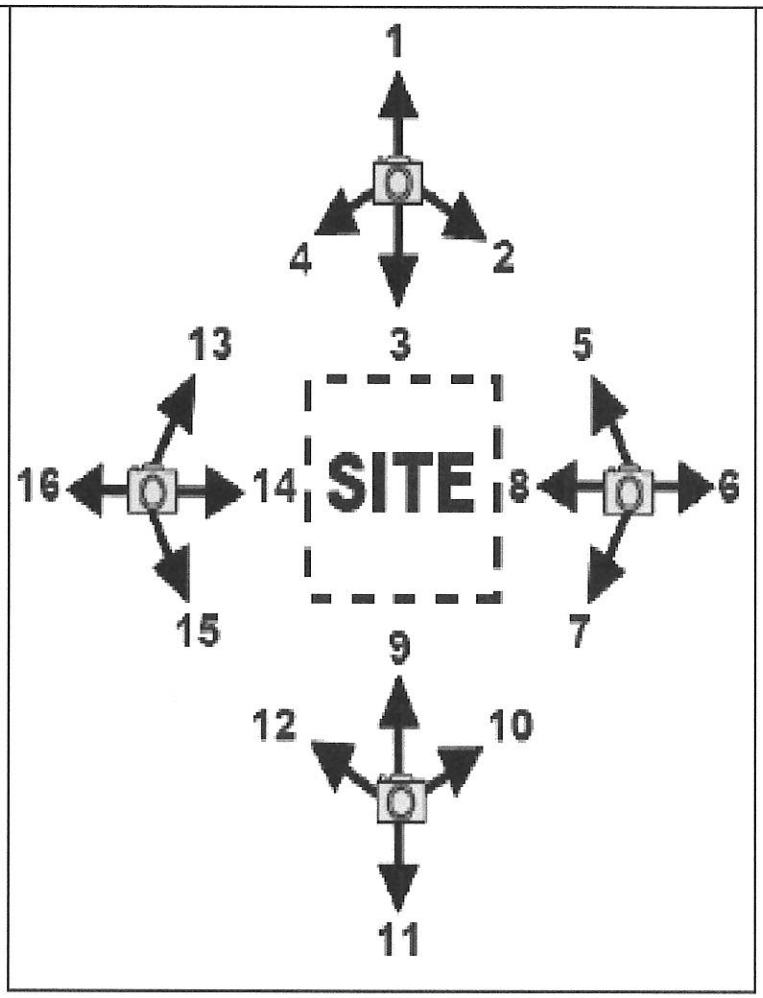
SITE / CONTEXT PHOTOS

Using Guidelines Below

Provide color photographs showing the site and surrounding buildings/properties in order to provide staff, boards and commissions with a visual impression of the current site conditions.

1. Photos are to be taken looking toward the site and adjacent to the site.
2. Photos should show adjacent improvements and existing on-site conditions.
3. Number the photographs according to view.



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crberry@metrocast.net

January 27, 2016

Town of Barrington
Zoning Board of Adjustments
333 Calef Highway
PO Box 660
Barrington, NH 03825

Re: Thomas A. & Diane L. Lombardo
291 Hemlock Lane
Barrington, NH
Tax Map 124, Lot 36

Madam Chair and Members of the Barrington Zoning Board of Adjustments,

On Behalf of Thomas & Diane Lombardo, Berry Surveying & Engineering (BS&E) is applying for two variances located at 291 Hemlock Lane in Barrington, NH. The property is commonly known as Tax Map 124, Lot 36 and has water frontage on Mendums Pond. A variance to the Front and Sideline Setbacks is sought for the construction of two small decks and the re-construction of existing retaining walls, and a variance to re-construct a portion of the structure and two retaining walls within the seventy five foot shoreline buffer.

Background and General Narrative:

Tom and Diane purchased the property in the current condition. There is an existing structure with a front porch, rear basement level deck, rear basement level covered deck and rear basement level screen porch. There are two gravel parking areas supported by small retaining walls, which are in need of repair due to lack of proper construction and lack of attention to structural detail. On the south side of the structure there are three tiers of retaining walls which are in structural dis-repair again due to lack of proper construction. To the north of the structure there are three retaining walls, tiered, which are in dis-repair. Also to the north side of the structure are multiple stairways / gangways and platforms which need to be re-built. Lastly there are two retaining walls located towards the lake, which are in dis-repair.

The Proposal:

The proposal is to demo all of the existing items found at the rear of the structure. The screen porch, covered deck, deck, and all other posted over hangs are to be removed, and reconstructed within the same foot print. Due to structural inadequacies found in the existing building, a strip footing and frost wall is to be installed to support the loads of the re-built items. None of these existing items are to be re-built any closer to the water's edge. There is an existing impervious patio which is to be re-built and enlarged using a porous paver technology. There are two retaining walls which tier down to the natural grade which are to be re-built using proper structural practices. This includes, in one instance, a portion of the lower retaining wall to be re-built closer to the water's edge by 1.6 feet. (Structural reasons provided below.)

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On the North side of the structure the existing retaining walls are to be re-built in place using proper structural practices, along with a series of stairs and platforms / gangways. An existing walk way down to the water's edge is to be re-developed using porous paver technology. There is a proposed 6' x 12' deck on the North side of the existing structure which will connect to a re-built platform at the edge of the driveway.

On the South side of the structure there are existing retaining walls which are to re-built approximately in place, with the enhancement of a stairway from the top of the lot to the base of the structure through the newly build walls. There is a proposed 6' x12' deck on the South side of the existing structure which will connect to the secondary parking area.

Specific Variance Request & Criteria for Approval:

The first request is for the disturbance of land associated with wall and structure re-construction and the addition of two small deck areas within the seventy five foot shore land buffer. The proposal includes the re-construction of a retaining wall closer to the water's edge by 1.61 feet, and the installation of two small decks to the north and south sides of the structure, and therefore does not meet the exception found is Article 11.3, and therefore requires a variance under Article 11.2 (1)

1.) *"Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law."*

- The special conditions of the re-construction of the retaining walls and existing features towards the lake are that they exist today, and very little enhancement of these items is proposed. The lower wall is currently 26.87 feet from the shoreline at the closest point, and the proposed reconstructed wall is to be 25.26 feet from the shoreline at the closest point. This is a previously built on lot of record which contains all of the items to be re-constructed. The hardship is within the ability of a retaining wall to be built properly. Walls of this height should not be built closer together than their total height due to the potential of the "failure zone" of the wall. Therefore the walls are re-designed to meet structural stability, be built properly, and only get 1.61 fee closer to the lake. Given the structural defects in the building itself and the position of the wall, you cannot construct the new wall any closer to where a strip footing is required.
- The special condition of the property that exists as it relates to the reconstructed walls and proposed integrated stair case, on the southern site of the property, is that the modifications are within an existing foot print of disturbance, and given the topographic difference from the parking area to the usable portion of the property, a constructed means of access is required.
- The special condition of this property that pertains to the two small proposed decks, is that there is only one means of access to this level with no lake side area at this level. The preference would be a larger deck at the second level built towards the lake, however another special condition of this property is that there are two other options to place these small decks, which have been chosen to be used. The hardship is that there are only two small areas to place these decks without building closer to the shoreline.

2.) *"Granting the variance would be consistent with the spirit of the Ordinance"*

- The spirit of the ordinance is to protect the waters of the Town of Barrington and the recourses around them. In this case, the re-development of this site has no impact on the shoreline. Impervious surface is being reduced and the

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installation of porous materials will serve to reduce phosphates, nitrates and general sediment loads into Mendums pond.

3.) *"Granting the variance will not result in diminution of surrounding property values"*

- To the surrounding property owners there will be no change in appearance, other than general enhancement.

4.) *"Granting the variance would do substantial justice."*

- The substantial justice here is that it would allow the owners to re-construct the existing failing infrastructure, with the two minor deck enhancements.

5.) *"Granting the variance would not be contrary to the public interest."*

- The public interest is to allow re-development and enhancement of properties while increasing quality of Barrington's waters. With porous enhancements, underlayment of re-built decks and stairs, decreased erosion around failing retaining walls, and stabilization of land between the walls, this interest is preserved.

A variance to Table 2 currently located on page 19 of the Zoning Ordinance, to allow the construction of two small decks and the re-construction of walls and stair enhancements as well as the reconstruction of existing buildings, and stairways within the front and sideline setbacks.

6.) *"Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law."*

- The special conditions of the re-construction of the retaining walls and existing features within the sideline setback is that it exists today, and in many cases is in structural failure.
- The special condition of the property that exists as it relates to the re-constructed walls and proposed integrated stair case, on the southern site of the property, as well as the re-construction on the northern side of the property, is that the modifications are within an existing foot print of disturbance, and given the topographic difference from the parking areaa to the usable portion of the property, a constructed means of access is required.
- The special condition of this property that pertains to the two small proposed decks, is that they are not proposed any closer to the boundary line than other constructed items exist on the property currently. On the southern side of the property there are walls that are much closer to the boundary line. On the northern side of the property there are platforms and stairways which are within 6 feet of the boundary line.

7.) *"Granting the variance would be consistent with the spirit of the Ordinance"*

- The spirit of the ordinance is to not overcrowd areas with development. In this case, the re-construction is taking place within an existing foot print. The two proposed decks are within the existing tillage area and do not further encroach on the neighboring boundary lines. The proposed gangway towards the existing parking area is in line with of flush with the front porch, and is actually proposed further back than the existing structure.

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8.) *"Granting the variance will not result in diminution of surrounding property values"*

- These new construction items in conjunction with the re-construction items only serve to enhance the property and surrounding properties.

9.) *"Granting the variance would do substantial justice."*

- The substantial justice here is that it would allow the owners to re-construct the existing failing infrastructure, with the two minor deck enhancements.

10.) *"Granting the variance would not be contrary to the public interest."*

- The public interest is to allow re-development and enhancement of properties while not over burdening or over building the lot which is sought for relief. In this instance the owners have chosen two sideline decks, which sit within existing utilized and disturbed areas. The lot is not over burdened by this re-development or the two enhancements.

Thank you for your time and attention to this matter. We hope you look favorably upon these two requests.

BERRY SURVEYING & ENGINEERING

Christopher R. Berry
Principal, President

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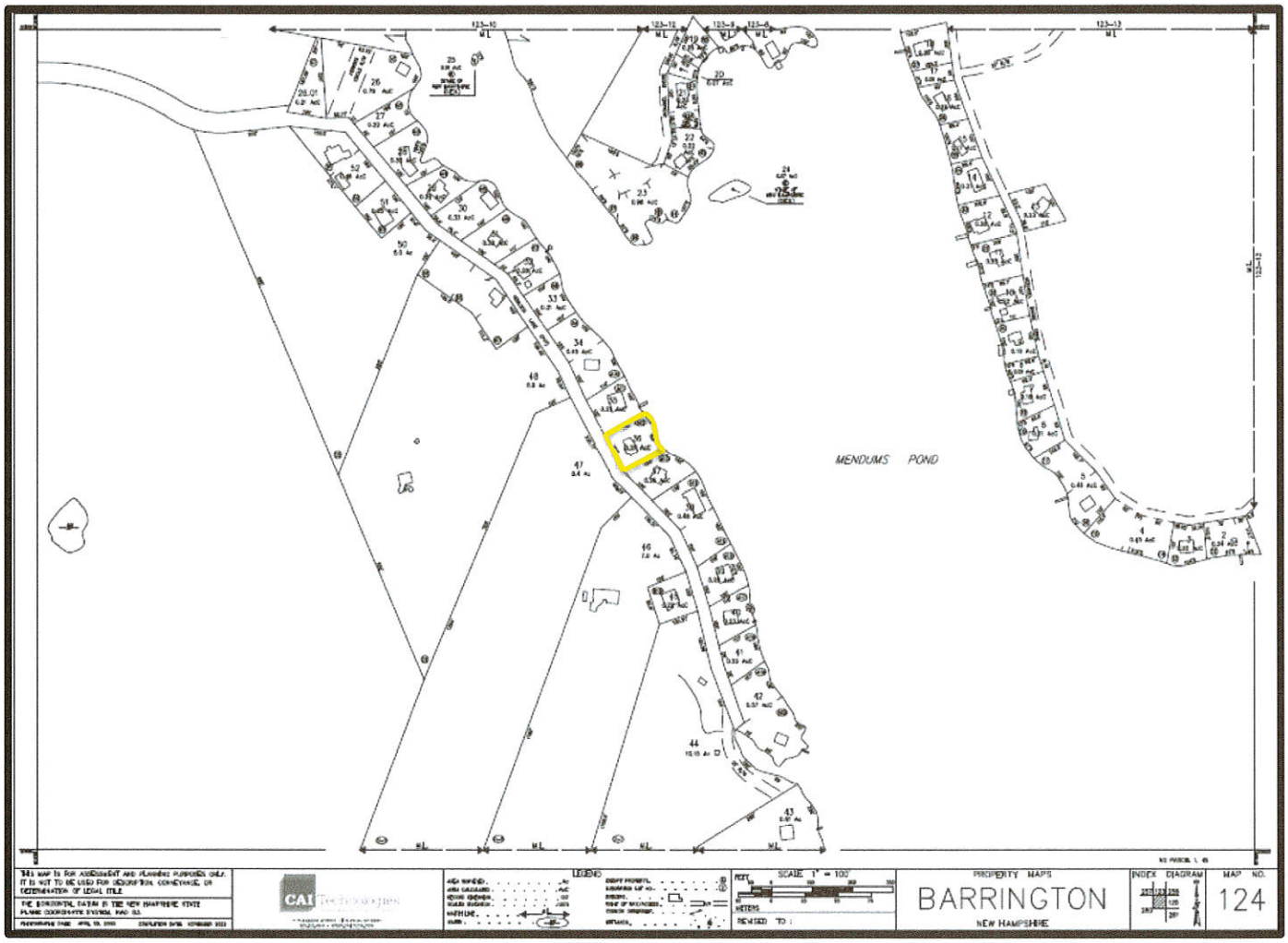
Tax Map 124



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Aerial Photo, 291 Hemlock Ln. Barrington

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Site Photos

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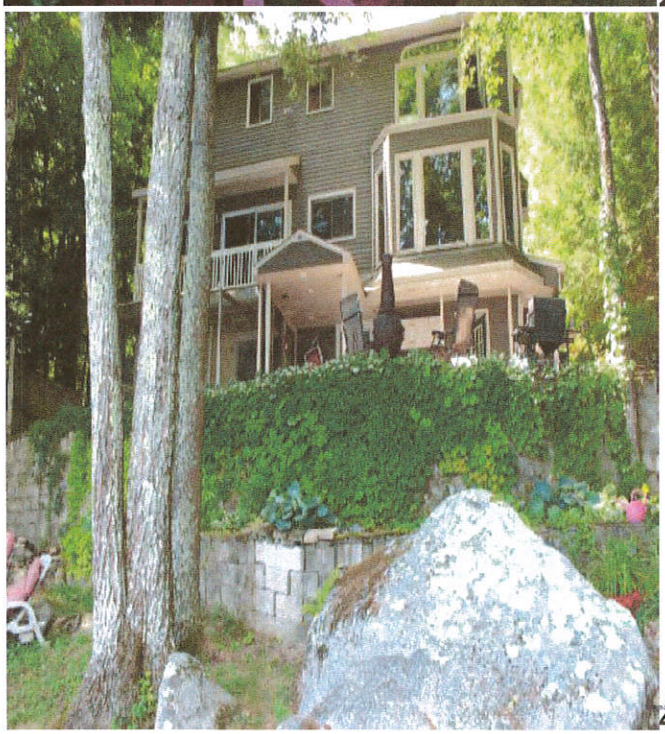

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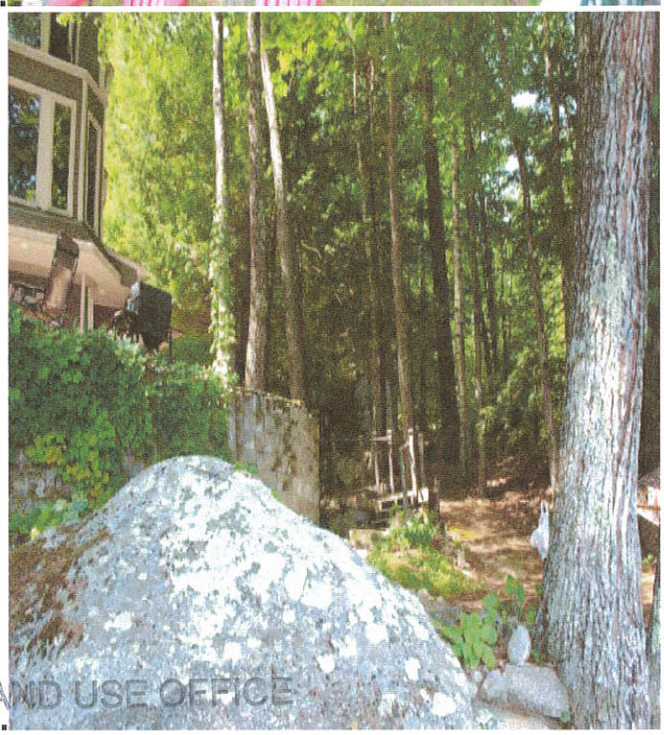

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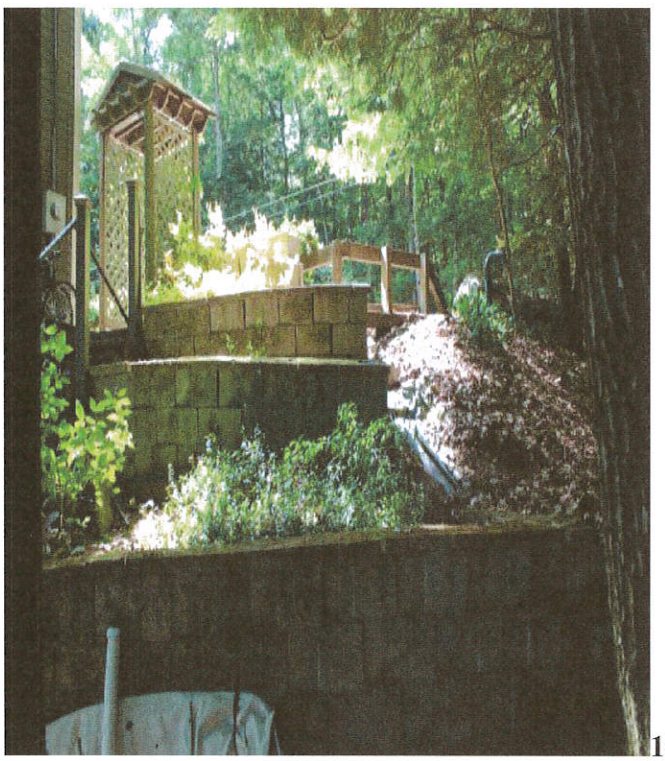
15. 

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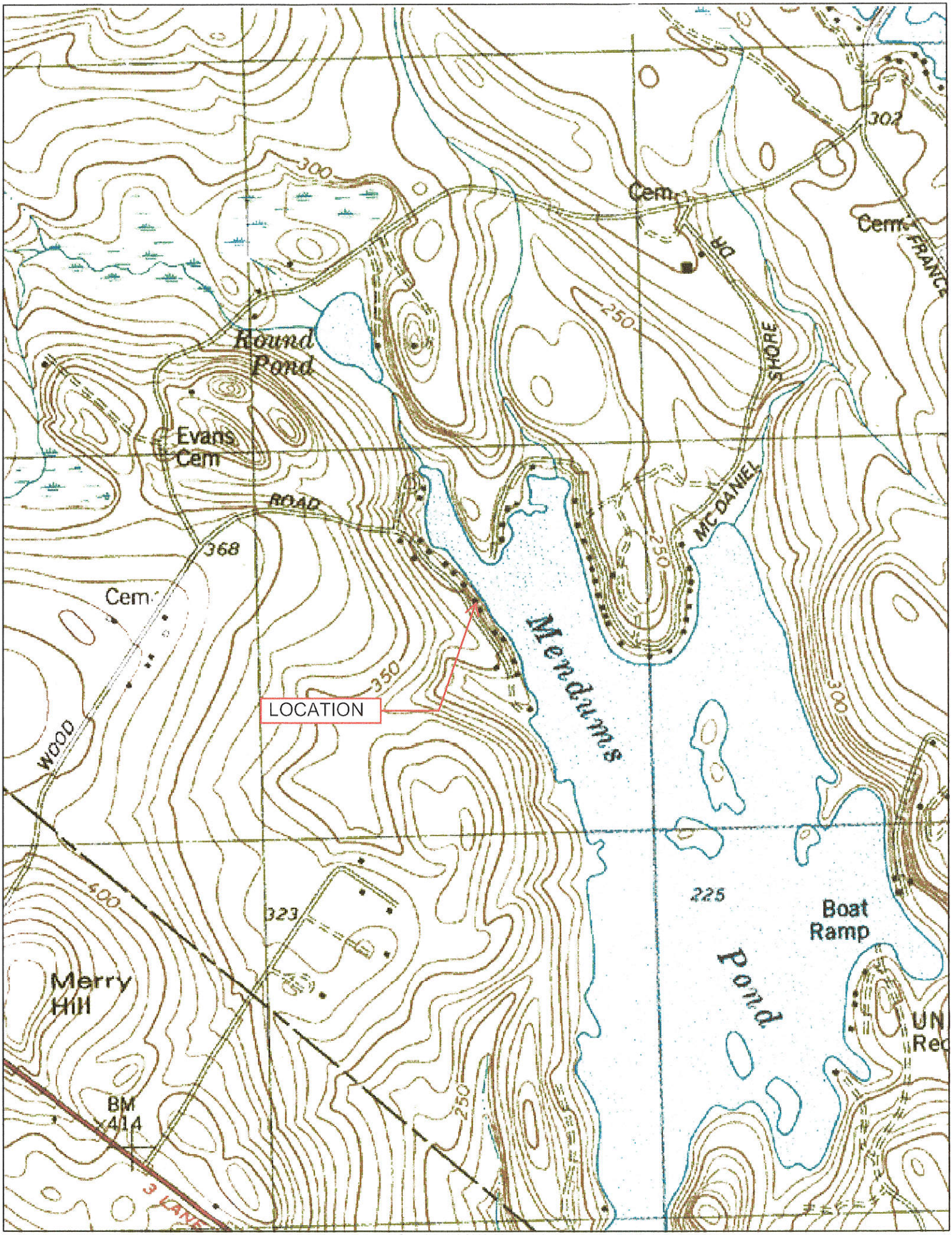

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