Barrington Zoning Board of Adjustment

Zoning Ordinance Variance and Special Exemption

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 11/25/2015 Case No. 220-57-RC-15-Variance

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
☐	☐	8. HOA Approval *(if applicable)*

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☐ ☐ 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
Staff Signature Date

Land Use Department
Town of Barrington; 137 Ramsdell Lane; Barrington, NH 03825
planner.cbrawders@barrington.nh.gov **Phone: 603.664.5798**

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PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 220-57-RC-15-Variance

Project Name Variance

Location Address Tolend Road

Map and Lot Map 220, Lot 57

Zoning District (Include Overlay District if Applicable) Regional Commercial

Property Details:

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

Use: Residential subdivision

Number of Buildings: 17 Height: 35'

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 Exemption for.
If this is an Appeal from an Administrative Enforcement Order, Planning Board Decision, or Zoning Board of Adjustment Decision, please attach pertinent documentation:

Requesting a variance from § 6.2.6

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

Barrington Zoning Ordinance Requirements:
The Barrington Zoning Ordinance requires a conservation cluster subdivision to have a perimeter buffer setback around the entire tract of at least 100' which may not contain any house lots or structures.

Request: *(You may type and attach a separate sheet of paper)*
The Zoning Board has already approved variances from Table 1 - Table of Uses - and § 6.2.5(5) - interior streets requirement - of the Zoning Bylaw for this proposed development to permit a conservation cluster subdivision on the subject property. The applicant now requests a variance from § 6.2.6 of the Zoning Ordinance. Specifically, applicant requests a variance from the requirement that the conservation cluster subdivision have a 100' perimeter buffer around the entire tract to permit the house lots to have their frontage on an existing road, which lots would otherwise impermissibly be in the perimeter buffer.

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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.

X 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 topography of the site is such that it is better to preserve as much open space as possible and to conserve wetlands. Removing the buffer allows for a larger contiguous open space to the rear of the house lots which also provides a larger buffer between residential and commercial uses.

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

The proposed subdivision preserves open space and safeguards natural resources, it protects property values in the area, it preserves the character of the community, and it is a reasonable and judicious use of the land. Granting the variance would be in the public interest as it preserves natural resources.

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

Granting the variance will not result in the diminution of surrounding property value as the development is otherwise in keeping with the neighboring General Residential dimensional requirements, and will protect a large parcel of open space.

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

Granting the variance is consistent with the area's present use, is appropriate for the area, does not harm the abutters, protects natural resources on the subject property, and is necessary to effectuate the intent behind the request for other variances, already approved by the Zoning Board.

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

Granting the variance would not be contrary to the public interest because it preserves a larger area of space in a conservation state and is necessary for the implementation of other variances granted by the Zoning Board.

PART V – If this is a JUSTIFICATION FOR SPECIAL EXCEPTION

Please provide evidence that the requested Special Exemption 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.

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.

Joseph Fogarty 11/24/2015

Signature of Applicant Date

Signature of Owner Date

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Project Narrative

The Applicant requests a variance from § 6.2.6 of the Zoning Ordinance to permit the 100 foot perimeter buffer area to be located on the house lots and to allow driveway construction and access to the house lots through the 100 foot buffer. There would still be a 100 perimeter buffer, but it would be located on the house lots. This board has previously granted permission for the house lots to have driveway access Tolend Road.

As the Board is aware from the prior zoning application, the Applicant wishes to obtain Planning Board approval for a conservation cluster subdivision on the subject property. The layout that the applicant has discussed previously with the Zoning Board has all of the lots obtaining their access from Tolend Road. Neither the Applicant nor the Planning Board realized that the conservation cluster subdivision regulations, specifically § 6.2.6 of the Zoning Ordinance, require a conservation cluster subdivision to have a perimeter buffer setback around the entire tract of at least 100' which may not contain house lots or structures. The applicant believes that when drafted, it was the intent that a conservation cluster subdivision would always contain new interior roads which would provide access to all of the lots and therefore, a 100' buffer around the perimeter of the subdivision could be met, with the obvious exception of roadways connecting to a public way.

The Applicant believes that a conservation cluster subdivision which has all of its access from Tolend Road, an existing way, would be more in keeping with the overall intent of both the Zoning Ordinance and the Cluster Regulation by preserving as much open space as possible and lessening wetland impact. It would also allow for a larger contiguous open space to the rear of the house lots, would greatly decrease impervious roadways, and would also greatly reduce the ultimate cost of maintaining roadways. In order to meet the requirements of § 6.2.6 of the Zoning Ordinance, none of the proposed lots could have access from Tolend Road, as the buffer which would run parallel to and abutting Tolend Road could not contain any part of the "lots," thereby depriving the lots of their required frontage under the Zoning Ordinance.

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100' Abutters List Report

Barrington, NH
November 10, 2015

Subject Property:

Parcel Number:	220-0057	Mailing Address:	MYHRE RINA, HELFGOTT PAUL C
CAMA Number:	220-0057		LEDOUX CAROL H (1/3 EA)
Property Address:	TOLEND RD		4364 ADMIRABALE DR
			RANCHO PALOS VERDES, CA 90275

Abutters:

Parcel Number:	220-0058	Mailing Address:	PIERCE PATRICIA
CAMA Number:	018-0002		11 CORTLAND WAY
Property Address:	11 CORTLAND WAY		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	ARABIA CONSTANCE POST
CAMA Number:	018-0003		12 ADRIEN CIR APT# 108
Property Address:	15 CORTLAND WAY		ROCHESTER, NH 03867
Parcel Number:	220-0058	Mailing Address:	MORGAN MARLENE M
CAMA Number:	018-0004		21 CORTLAND WAY
Property Address:	21 CORTLAND WAY		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	WILKINS GENE & MADLYN
CAMA Number:	018-0005		27 CORTLAND WAY
Property Address:	27 CORTLAND WAY		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	WELLS THOMAS R JR
CAMA Number:	018-0006		33 CORTLAND WAY
Property Address:	33 CORTLAND WAY		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	BRAGG PAULINE
CAMA Number:	018-0007		39 CORTLAND WAY
Property Address:	39 CORTLAND WAY		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	SHANNON SHARON COOLEY PAUL
CAMA Number:	018-0008		45 CORTLAND WAY
Property Address:	45 CORTLAND WAY		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	DOYLE BARBARA
CAMA Number:	018-0009		50 CORTLAND WAY
Property Address:	50 CORTLAND WAY		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	MCGOVERN CYNTHIA A
CAMA Number:	018-0010		44 CORTLAND WAY
Property Address:	44 CORTLAND WAY		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	DOUGLASS HAVEN E
CAMA Number:	018-0011		38 CORTLAND WAY
Property Address:	38 CORTLAND WAY		BARRINGTON, NH 03825

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Barrington, NH
November 10, 2015

Parcel Number:	220-0058	Mailing Address:	SMITH DAVID & ANNA MARIE
CAMA Number:	018-0012		34 CORTLAND WAY
Property Address:	34 CORTLAND WAY		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	PIKE DEBRA
CAMA Number:	018-0013		28 CORTLAND WAY
Property Address:	28 CORTLAND WAY		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	BROOKS ROBERT JR & JOANNE
CAMA Number:	018-0014		22 CORTLAND WAY
Property Address:	22 CORTLAND WAY		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	PURINGTON JOHN
CAMA Number:	018-0015		16 CORTLAND WAY
Property Address:	16 CORTLAND WAY		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	WALKER BLANCHE
CAMA Number:	018-0016		12 CORTLAND WAY
Property Address:	12 CORTLAND WAY		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	JELLISON PATRICIA
CAMA Number:	018-0017		26 BALDWIN DR
Property Address:	26 BALDWIN DR		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	ADH LEASING & SALES
CAMA Number:	018-0018		66 CATE RD
Property Address:	24 BALDWIN DR		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	ADH
CAMA Number:	018-0019		66 CATE RD
Property Address:	22 BALDWIN DR		BARRINGTON, NH 03825
Parcel Number:	220-0001	Mailing Address:	EMMERLING THOMAS TRS FAM REV TR
CAMA Number:	220-0001		146 CALEF HWY
Property Address:	146 CALEF HWY		BARRINGTON, NH 03825
Parcel Number:	220-0002	Mailing Address:	DUTTON PETER N
CAMA Number:	220-0002		PO BOX 69
Property Address:	136 CALEF HWY		BARRINGTON, NH 03825
Parcel Number:	220-0003	Mailing Address:	LANDRY DARYL
CAMA Number:	220-0003		23 GREENHILL RD
Property Address:	23 GREENHILL RD		BARRINGTON, NH 03825
Parcel Number:	220-0052	Mailing Address:	SOUKUP MICHAEL J & JULIET A
CAMA Number:	220-0052		21 TOLEND RD
Property Address:	21 TOLEND RD		BARRINGTON, NH 03825

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Barrington, NH
November 10, 2015

Parcel Number:	220-0053	Mailing Address:	FULTON TARA L MARSHALL JOHN D
CAMA Number:	220-0053		45 TOLEND RD
Property Address:	45 TOLEND RD		BARRINGTON, NH 03825
Parcel Number:	220-0054	Mailing Address:	FITZSIMMONS BADEN & DENISE
CAMA Number:	220-0054		71 TOLEND RD
Property Address:	71 TOLEND RD		BARRINGTON, NH 03825
Parcel Number:	220-0054-0001	Mailing Address:	MILL FALLS RE LLC
CAMA Number:	220-0054-0001		240 LONGHILL RD
Property Address:	TOLEND RD		DOVER, NH 03820
Parcel Number:	220-0054-0002	Mailing Address:	ESTES MICHAEL & JULIEANNE
CAMA Number:	220-0054-0002		49 TOLEND RD
Property Address:	49 TOLEND RD		BARRINGTON, NH 03825
Parcel Number:	220-0054-0003	Mailing Address:	MENDOZA ARTEMIO J REV TR 50%
CAMA Number:	220-0054-0003		MENDOZA SONITA E REV TR 50%
Property Address:	55 TOLEND RD		55 TOLEND RD
			BARRINGTON, NH 03825
Parcel Number:	220-0054-0004	Mailing Address:	HENDERSON DAVID & DENISE
CAMA Number:	220-0054-0004		59 TOLEND RD
Property Address:	59 TOLEND RD		BARRINGTON, NH 03825
Parcel Number:	220-0054-0005	Mailing Address:	BUSTAMANTE CHRISTOPHER GARCIA
CAMA Number:	220-0054-0005		MARGRET
Property Address:	69 TOLEND RD		69 TOLEND RD
			BARRINGTON, NH 03825
Parcel Number:	220-0054-0014	Mailing Address:	MORGAN VALERIE J
CAMA Number:	220-0054-0014		4 MILLS FALLS RD
Property Address:	4 MILLS FALLS RD		BARRINGTON, NH 03825
Parcel Number:	220-0054-0015	Mailing Address:	BIANCHI TORY T
CAMA Number:	220-0054-0015		8 PACIFIC DR
Property Address:	93 TOLEND RD		DOVER, NH 03820
Parcel Number:	220-0054-0016	Mailing Address:	RUSSELL ROBERT & ALLISON
CAMA Number:	220-0054-0016		99 TOLEND RD
Property Address:	99 TOLEND RD		BARRINGTON, NH 03825
Parcel Number:	220-0054-0017	Mailing Address:	HELLER RANDAL & PAMELA TRS FAM
CAMA Number:	220-0054-0017		REV TR
Property Address:	113 TOLEND RD		113 TOLEND RD
			BARRINGTON, NH 03825
Parcel Number:	220-0054-0018	Mailing Address:	BACZEWSKI MATTHEW M NATASHA H
CAMA Number:	220-0054-0018		115 TOLEND RD
Property Address:	115 TOLEND RD		BARRINGTON, NH 03825

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Barrington, NH
November 10, 2015

Parcel Number:	220-0056	Mailing Address:	OLSEN BJORN & MARGARET
CAMA Number:	220-0056		110 TOLEND RD
Property Address:	110 TOLEND RD		BARRINGTON, NH 03825
Parcel Number:	220-0058	Mailing Address:	GREENHILL MHP LLC
CAMA Number:	220-0058		66 CATE RD
Property Address:	28 BALDWIN DR		BARRINGTON, NH 03825
Parcel Number:	220-0060	Mailing Address:	BRULOTTE WAYNE & JENNIFER
CAMA Number:	220-0060		66 CATE RD
Property Address:	8 TOLEND RD		BARRINGTON, NH 03825
Parcel Number:	223-0013	Mailing Address:	LRT PROPERTY MGMT LLC
CAMA Number:	223-0013		PO BOX 703
Property Address:	174 CALEF HWY		BARRINGTON, NH 03825
Parcel Number:	223-0017	Mailing Address:	STALEY RONALD & L KATHRYN
CAMA Number:	223-0017		144 TOLEND RD
Property Address:	144 TOLEND RD		BARRINGTON, NH 03825
Parcel Number:	223-0018	Mailing Address:	D'EON PHILIP & KENDRA
CAMA Number:	223-0018		138 TOLEND RD
Property Address:	138 TOLEND RD		BARRINGTON, NH 03825
Parcel Number:	223-0020	Mailing Address:	HODGDON BARRY
CAMA Number:	223-0020		126 TOLEND RD
Property Address:	126 TOLEND RD		BARRINGTON, NH 03825
Parcel Number:	223-0021	Mailing Address:	WHEELER DELMORE
CAMA Number:	223-0021		120 TOLEND RD
Property Address:	120 TOLEND RD		BARRINGTON, NH 03825
Parcel Number:	223-0022	Mailing Address:	BARRINGTON TOWN OF
CAMA Number:	223-0022		PO BOX 660 333 CALEF HWY
Property Address:	SCRUTON POND RD		BARRINGTON, NH 03825
Parcel Number:	223-0023	Mailing Address:	CONNICK JAMES E & STEVEN E
CAMA Number:	223-0023		CONNICK KIMBERLY D
Property Address:	136 ORCHARD HILL RD		324 DAN QUARRY RD
			LYNN, MA 01904
Parcel Number:	223-0026	Mailing Address:	MYHRE RINA, HELFGOTT PAUL C
CAMA Number:	223-0026		LEDOUX CAROL H (1/3 EA)
Property Address:	CALEF HWY		4364 ADMIRABLE DR
			RANCHO PALOS VERDES, CA 90275

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PROFESSIONAL NOTIFICATION LIST
(BEALS # NH-859)

DEVELOPER:
JOSEPH FALZONE
7B EMERY LANE
STRATHAM, NH 03885

ENGINEERS:
BEALS ASSOCIATES PLLC
70 PORTSMOUTH AVENUE
STRATHAM, NH 03885

SURVEYORS:
DOUCET SURVEY INC
102 KENT PLAVE
NEWMARKET , NH 03857

WETLAND/SOIL SCIENTIST:
GOVE ENVIRONMENTAL SERVICES INC.
8 CONTINENTAL DRIVE,
BLDG 2 UNIT H
EXETER, NH 03833
1-603-778-0644

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