## PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

**Case No.** 238-5-TC/SDA0-15-Appeal

**Project Name** George Calef's Fine Food's

**Location Address** 495 Calef Highway

**Map and Lot** Map 238 Lot 5

**Zoning District (Include Overlay District if Applicable)** Town Center, Stratified Drift Aquifer Overlay

**Property Details:**

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

Use: Retail Store

Number of Buildings: 1 Height: <16'

Setbacks: Front 38' Back 36' Side 30' Side 47'

**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:

Definition of structure and appeal of Planning Board decision

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

(see attached)

**Barrington Zoning Ordinance Requirements:**

The rear yard setback is 15', the well is located 8.8' from the rear lot line.

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

The request is clarify that a well is not a structure and allow the applicant to back to the planning board for the amended site plan approval.

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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.

All necessary state approvals have been received and the well is dug and ready to be used. The well location takes into account the placement with relation to the abutters lot lines. NH RSA 485-A:30-b, as amended, has been complied with. The proposed well is intended to service the subject premises in light of the fact that the current well servicing the subject premises is scheduled to be abandoned as part of the development of the abutter's parcel.

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

A well is not a structure as provided in the definitions of "structure" and "development" in the Zoning Ordinance. A well is consistent with the exceptions to a structure as defined in Article 18 of the Zoning Ordinance.

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

The well placement has been approved by NHDES and meets all necessary state regulations. This will not result in the diminution of surround property values.

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

Substantial justice will be provide by granting the variance.The proposed well is intended to service the subject premises in light of the fact that the current well servicing the subject premises is scheduled to be abandoned as part of the development of the abutter's parcel.

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

This variance is not contrary to the public interest, since the provisions of NH RSA 485-A:30-b, as amended, have been complied with.

## 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.

_____

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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.

Steven M. Olsen 10/9/15

Signature of Applicant Date

George A. Calef Brian A. Calef 10/9/15

Signature of Owner Date

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# NORWAY PLAINS ASSOCIATES, INC.

**SURVEYORS - ENGINEERS - TRANSPORTATION PLANNERS**

31 Mooney St.
P.O. Box 268
Alton, NH 03809
Telephone & Fax (603) 875-3948
NH (800) 479-3948

2 Continental Blvd. (03867)
P. O. Box 249
Rochester, NH 03866-0249
Telephone (603) 335-3948
Fax (603) 332- 0098


## Photo Exhibit

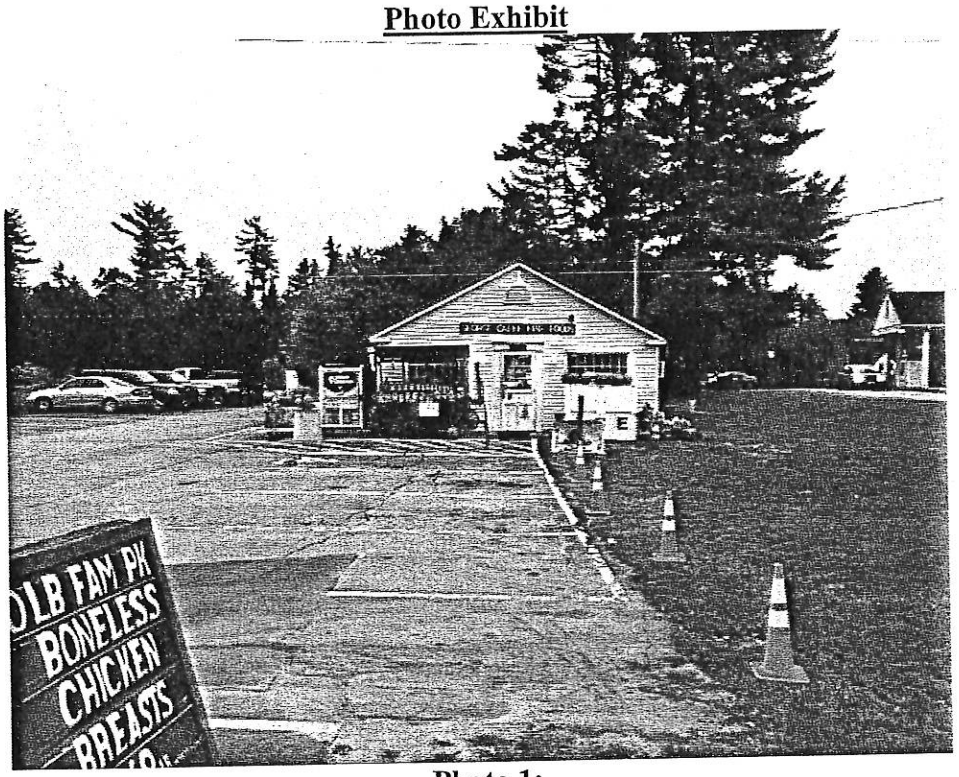


**Photo 1:**
Looking from Route 125 at the front of the store.

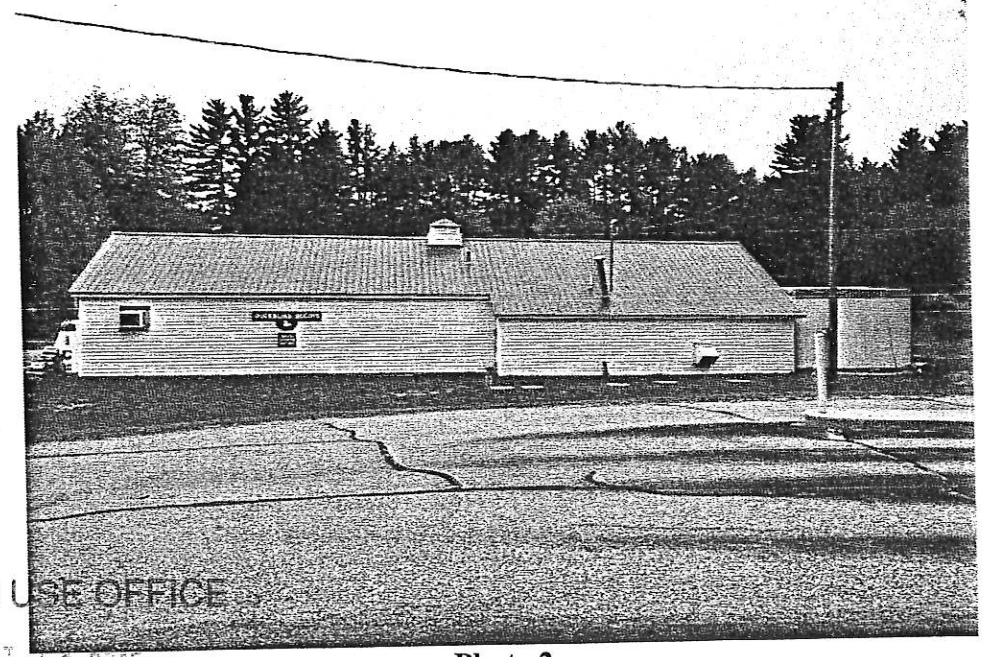

**Photo 2:**
Side view of the store.


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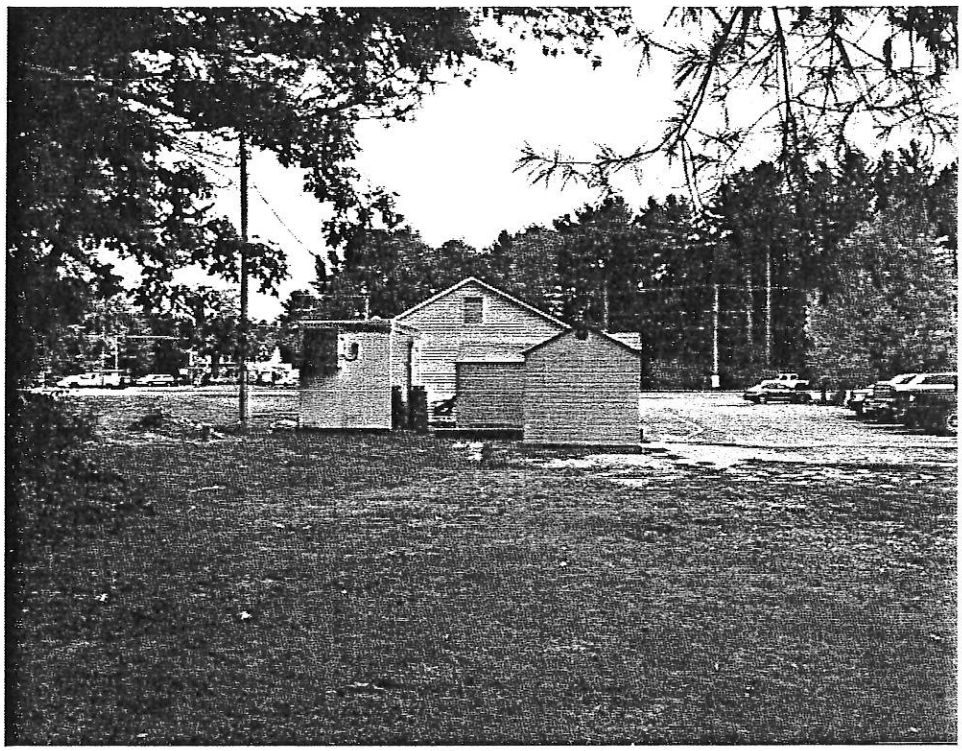

**Photo 3:**
Rear view of the store.

**Photo 4:**
Side view of the store.

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**Photo 5:**
Side view of the store.

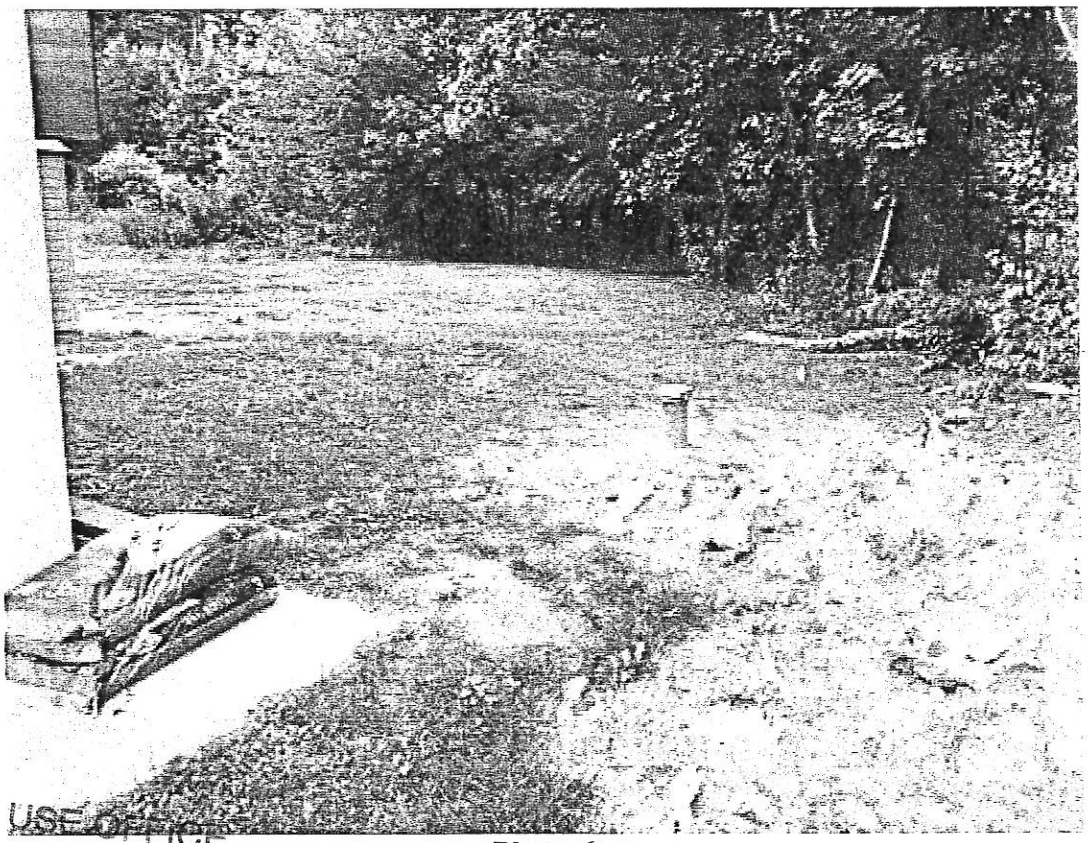

**Photo 6:**
View of the well.

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October 7, 2015

Norway Plains Project: 14158

Re: Project Narrative, George Calef Fine Food's
George & Arvilla Calef, Trustees
495 Calef Highway

On October 6, 2015, George Calef Fine Food's was before the Planning Board for an amended site plan review for the new drilled well on the lot. The Planning Board approved all requested waivers under the amended site review application process, but denied the acceptance of the application. The Planning Board requested that George Calef Fine Food's go before the Zoning Board of Adjustment to request a variance from a structure in the rear yard setback. The Planning Board sees that the well is a structure and feels that it needs relief from the Zoning Board regulations.

The well is currently dug and capped, but before the well was drilled the owner, George Calef, asked the Building Inspector if a permit was required. The answer provided by the building inspector was that a permit is not required and the well was drilled in its present location.

The proposed well complies with NH RSA 485-A:30-b, as amended, and has been approved by NH DES by Well Location Approval dated August 17, 2015. The proposed well is intended to service the subject premises in light of the fact that the current well servicing the subject premises is scheduled to be abandoned as part of the development of the abutter's parcel.

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