ORIGINAL

# 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 April 23, 2015 Case No. 112-35-GR-15-ZBA

**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 - $150.00 Application ☑<br>$ 75.00 Legal Notice ☑<br>$ 7.00 per US Post Office Certified Letter ☑ |
| ☑ | ☑ | 5. Completed Project Application Form<br>☑ 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 Arnie 4/23/2015
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.** 112-35-GR-15-ZBA

**Project Name** Nippo Pond LLC

**Location Address** Harlan Drive, Barrington, NH - On Nippo Pond

**Map and Lot** Map 112, Lot 35

**Zoning District (Include Overlay District if Applicable)** General Residential

**Property Details:**

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

Use: Residence

Number of Buildings: 1 Height: Not Available

Setbacks: Front 40' Back 75' from Nippo Pond 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 Variance from 11.2(1) 75' setback from pond over 2 acres and 4.1.1 for 40' front setback

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

See attached narrative

**Barrington Zoning Ordinance Requirements:**

See attached narrative

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

see attached narrative

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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.

The building envelope for this lot as set forth in the ordinance is not large enough for a single family home. As an existing lot of record, the owner should be allowed to make reasonable use of the lot via construction of a minimum sized single family home.

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

Constructing a minimum size single family home is consistant with the spirit of the ordinance. This is the least impacting way to make reasonable use of the lot.

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

The proposed house is consistant with surrounding houses and will meet the side setbacks and will not affect surrounding property values.

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

Granting the variance is the only way the owner can make reasonable use of the lot. There are no structures on this lot and a 2 bedroom, minimum size house would be the least impacting structure possible.

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

The proposed house would not adversely affect abutting property owners, the neighborhood or the public at large.

## 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.

2-13-15

Signature of Applicant Date

2/16/15

Signature of Owner Date

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# ARTICLE 4 ..... DIMENSIONAL REQUIREMENTS

## 4.1 .....General Provisions

### 4.1.1.....Minimum Standards

No building or structure shall be erected, enlarged, altered or moved, nor shall any existing lot size be changed or new lot created, except in accordance with the standards prescribed in Table 2, Table of Dimensional Standards or as otherwise specified herein.

**Table 2 ....Table of Dimensional Standards (a)**

| Zoning District | Min. Lot Size (sq.ft.) (b) | Min. Lot Frontage (ft.) (b) | Min. Yard Setbacks (ft.)(i) | | | Max. Bldg. Height | | Max. Lot Coverage (f) |
|---|---|---|---|---|---|---|---|---|
| | | | Front | Side | Rear | Feet | Stories | |
| **General Residential** | 80,000(c) | 200 | 40 | 30 | 30 | 35 | 2.5 | 40% |
| **Neighborhood Residential** | 80,000(c) | 200 | 40 | 30 | 30 | 35 | 2.5 | 40% |
| **Village District (Residential)** | 80,000(c) | 200 | 40 | 30 | 30 | 35 | 2.5 | 40% |
| **Village District (Non-Residential)** | 30,000(g) | 75 | 20 | 15 | 15 | 40(j) | 3 | 60% |
| **Town Center** | 20,000(h) | 40 | 20(k) | 15 | 15 | 40(j) | 3 | 80% |
| **Regional Commercial** | 40,000(d) | 200 | 75(e) | 30 | 30 | 40(j) | 3 | 50% |

**Footnotes:**
(a) All development is subject to the additional and supplemental dimensional standards prescribed in Article 4 of this Ordinance.
(b) Refer to Article 4.2 for calculating the minimum lot size per dwelling unit within each district.
(c) Minimum lot sizes and frontage may be reduced as part of a Conservation Subdivision in accordance with Article 6 of this Ordinance.
(d) Minimum lot sizes for residential dwelling units in the RC district shall be in accordance with Section 4.2 of this Ordinance.
(e) A greenbelt shall be maintained along the frontage of parcels on Route 125 in accordance with Subsection 4.2.3, Paragraph 4), of this Ordinance.
(f) Maximum lot coverage means the area of the lot covered by an impervious surface. Calculation of maximum lot coverage in a Planned Unit Development (PUD) shall be in accordance with Subsection 16.3.3. All development is subject to the provisions of Article 12, Groundwater Protection, with regard to the creation of impermeable surfaces.
(g) The minimum lot size for single-family dwelling units must comply with the provisions of Subsection 4.2.1 of this Ordinance, which are the same requirements for constructing a single-family dwelling in the GR and NR districts, as well as all other applicable provisions. Refer to section 4.2.2 for further specifications regarding minimum lot size and building size requirements in the VD district.
(h) Refer to Section 4.2.4 for additional provisions regarding minimum lot size and building size in the TC district.
(i) Increases in the Minimum Yard Setbacks may be required as part of the Site Plan Review or building permit process in order to comply with Life Safety Code requirements. Additional buffers may also be required between residential and nonresidential uses in the VD, RC, and TC districts as specified in Article 4, as well as other sections of this Ordinance.
(j) No structure may contain occupied residential building space above 35 ft. unless said structure contains a sprinkler system.
(k) The setback for all new structures shall be fifty (50) feet from the edge of the right-of-way along Route 125 and Route 9. No new structures (except signs) may be placed within this setback area.

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# ARTICLE 11 ..... SHORELAND PROTECTION DISTRICT OVERLAY (SDO)

## 11.1 ...Purpose and Intent

The purpose of the Shoreland Protection District is to preserve the overall quality of surface waters, and their adjacent environs, in the Town of Barrington in order to protect the public health and maintain the ecological integrity associated with these resources. More specifically, the intent of the regulations established in this Article are:

11.1(1).....Maintain the quality of surface waters to insure protection of groundwater and drinking water supplies; and

11.1(2).....Conserve and protect the aquatic and terrestrial habitat associated with the town's rivers, lakes and ponds; and

11.1(3).....Preserve and enhance the aesthetic values associated with shoreline areas in order to maintain the town's rural character; and

11.1(4).....Encourage those uses that can be appropriately located adjacent to the town's surface water resources.

## 11.2 ...District Defined

11.2(1).....No structure of any type including, by way of example and not by way of limitation, all buildings, garages, sheds, parking lots and driveways, may be constructed within seventy-five (75) feet of the shoreline of any year-round stream, or any lake or pond over two (2) acres.

11.2(2).....For the Isinglass River this overlay zone shall consist of all properties located within one hundred (100) feet of the mean high water mark of the river, wherein no structure of any type including by way of example and not by way of limitation, all buildings, garages, sheds, parking lots, and driveways, may be constructed.

## 11.3 ...Exemptions from Regulations

11.3(1).....Lots of record that existed prior to July 28, 1988 (which was the effective date of the original version of this provision) are exempt from these shoreland setback provisions to the extent that it can be demonstrated that conformance is impossible; however, any structure on such lots must conform as fully as possible.

11.3(2).....Exemptions to the setback provisions of Section 11.2 of this Article shall be made for the installation of docks, floats and other structures that are customarily associated with the recreational use of water.

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Nippo Pond LLC
304 Maplewood Ave.
Portsmouth, NH 03801

# LETTER OF AUTHORIZATION

February 9, 2015

To Whom It May Concern:

I the undersigned, hereby authorize Randy Orvis and/or Bernard Cote of Geometres Blue Hills LLC to act on my behalf in all manners relating to local and state permitting, including the signing of all documents related to these matters for the property located at Harlan Drive (Tax Map 112, Lot 35), Barrington, NH. Any and all acts carried out by Randy Orvis or Bernard Cote of Geometres Blue Hills LLC on my behalf shall have the same affect as acts of my own.

This authorization is valid until further written notice from Scott Zielfelder of Nippo Pond LLC.

Sincerely,

Scott Zielfelder
Member
Nippo Pond LLC
304 Maplewood Ave.
Portsmouth, NH 03801

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**Géomètres Blue Hills, LLC**

603-859-2367
603-749-4000
FAX 603-749-4260

PO BOX 277
FARMINGTON, N.H. 03835

*BARRINGTON, NH CASE #*

## PETITION FOR ZONING ORDINANCE VARIANCE
*(SEE ALSO ATTACHED NARRATIVE)*

| | |
|---|---|
| **NAME OF PROJECT:** | Nippo Pond LLC |
| **DESCRIPTION OF PROJECT:** | Proposed construction of single family house |
| **SITE LOCATION:** | Harlan Drive ( Map 112, Lot 35 ) – Waterfront Lot (Nippo Pond) |
| **ZONING DISTRICT(S):** | General Residential – Shoreland Protection District Overlay |
| **NAME OF LOT OWNER(S):** | Nippo Pond LLC |
| **OWNER'S ADDRESS(1):** | 304 Maplewood Ave. |
| **OWNER'S ADDRESS(2):** | Portsmouth, NH 03801 |
| **NAME OF DEVELOPER:** | Scott Zielfelder |
| **NAME OF LAND SURVEYOR:** | Randy R. Orvis LLS#652 of Geometres Blue Hills LLC |

Nippo Pond LLC is seeking a Town of Barrington Zoning Ordinance Variance for the above mentioned proposed project. This formal petition is being submitted as per Article **15.2.3** of the Town of Barrington Zoning Regulations. The variance being requested is from the following regulations:

**FROM "ARTICLE 4 ..... DIMENSIONAL REQUIREMENTS"**

**ARTICLE 4.1 ... General Provisions (Minimum Standards)**

**4.1(1) .....No building or structure shall be erected, enlarged, altered or moved, nor shall any existing lot size be changed or new lot created, except in accordance with the standards prescribed in Table 2, Table of Dimensional Standards or as otherwise specified herein.**

***The table defines the front building setback in the General Residential Zone as 40'.***

**FROM "ARTICLE 11 ..... SHORELAND PROTECTION DISTRICT OVERLAY (SDO)"**

**ARTICLE 11.2 ... District Defined**

**11.2(1) .....No structure of any type including, by way of example and not by way of limitation, all buildings, garages, sheds, parking lots and driveways, may be constructed within seventy-five (75) feet of the shoreline of any year-round stream, or any lake or pond over two (2) acres.**

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Thank you for considering our petition,

Randy R. Orvis L.L.S. (#652) — 2-13-15 Date

Géomètres Blue Hills, LLC

603-859-2367
603-749-4000
FAX 603-749-4260

PO BOX 277
FARMINGTON, N.H. 03835

# Project Narrative

Nippo Pond LLC
Tax Map 112, Lot 35, Harlan Drive,
Barrington, NH 03825

Nippo Pond LLC is proposing to build a 2 bedroom single family house with appropriate services and utilities. Due to this lot being located on Nippo Pond, the building envelope is not large enough to accommodate any structure. Nippo Pond LLC is seeking a variance from the front building setback and the setback from Nippo Pond in order to be allowed to build this proposed single family house in the location depicted on the submitted plan. As shown on the submitted plan, there is no other place a house could be built without encroaching into more building setbacks. The proposed location of the house is the least impacting position and would also conform to N.H.D.E.S. standards.

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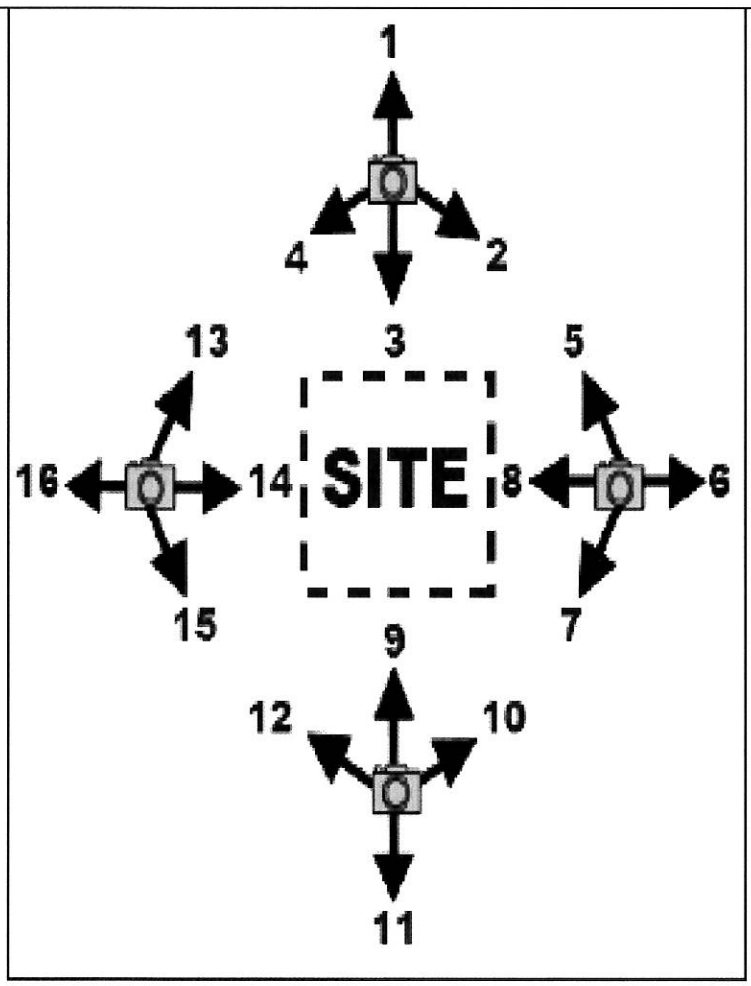
## SITE / CONTEXT PHOTOS

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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# Existing Conditions Photo Exhibit

Photo 1

Photo 2

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Photo 3

Photo 4

# Existing Conditions Photo Exhibit

Photo 5

Photo 6

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Photo 7

Photo 8

## Existing Conditions Photo Exhibit

Photo 9

Photo 10

LAND USE OFF
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CEIVED

Photo 11

Photo 12

Existing Conditions Photo Exhibit

Photo 13

Photo 14

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Photo 15

Photo 16

Géomètres Blue Hills, LLC

603-859-2367
603-749-4000
FAX 603-749-4260

PO BOX 277
FARMINGTON, N.H. 03835

# ABUTTERS TO TAX MAP 112, LOT 35
## Harland Drive,
## Barrington, NH

**MAP 112, LOT 37.1**
NIPPO POND, LLC
304 MAPLEWOOD AVENUE
PORTSMOUTH, NH 03801

**MAP 112, LOT 27**
NIPPO POND, LLC
304 MAPLEWOOD AVENUE
PORTSMOUTH, NH 03801

*ALSO NOTIFIED:*

**LAND SURVEYOR**
RANDY R. ORVIS
C/O GEOMETRES BLUE HILLS, LLC
PO BOX 277
FARMINGTON, NH 03835

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