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 9/29/2014 Case No. 121-18-GR-14-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 ☐ $ 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 Irwin 9/29/2014
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. 121-18-GR-14-ZBA

Project Name Hugh & Michele Hawkins

Location Address 49 Acorn Point, Barrington, NH

Map and Lot Tax Map 121 Lot 18

Zoning District (Include Overlay District if Applicable) General Residence, Shoreland Protection District Overlay & Swain's Lake Water Management Zone Overlay

Propertv Details:

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

Use: Residence

Number of Buildings: House / Garage

Height: N/A - No change to existing house. Existing Deck height is approximately 8.2'

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:

Article 11.2(1); Reference made to Exemption Articles 11.3(1) & 11.3(2)

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

See Attached.

Barrington Zoning Ordinance Requirements:

No structure to be constructed within 75' from shoreline.

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

See Attached.

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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.

Currently, the owner has a set of stairs exiting the existing deck towards the woods opposite the driveway. The terrain and lighting present a hazard to the owner and guests. To correct this issue, extensive ground work disturbance would need to be undertaken and lighting installed.

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

The existing house was installed in 1969 which falls under the exemption 11.3(1). Section 11.3(2) pertains to "recreational use of water". Due to existing property constraints, the new landing and stairs were installed to allow access to the deck to and from the water for recreational use and viewing of the Lake.

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

The new landing and stairs will not effect the property values of the abutting properties since it fits the characteristic of the neighborhood. Also, the new landing and stairs exceeds the distance from the shoreline than the abutting properties (see plan).

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

Granting the variance would allow the owners to enjoy their property more fluently, not impose upon neighboring properties and be safer for the owners and guests. The soil disturbance is of minimal impact due to only two sonotubes being required vs the extensive ground work necessary for access to existing stairs.

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

The new landing and stairs will have no negative impact to the public or neighboring properties. Also, there will be no negative impact to the environment or to Swain's Lake.

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.

The new landing and stairs will have no negative impact to the public or neighboring properties. This is a small scale project which blends in nicely to the surrounding properties and uses.

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

The new landing and stairs will create no additional hazard to surrounding properties. The new landing and stairs exceed the town of Barrington side setback requirements.

☐ 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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The new landing and stairs are on private property well away from any public way. As for pedestrian accesss, the new landing and stairs provide a safer alternative to accessing the existing deck then the existing stairs.

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

This exception is for a new landing and stairs for access to an existing deck. There will be no additional demand on municipal services or facilities.

☐ 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.

The soil under the new landing and stairs will not be disturbed; therefore, there will be no negative impact to the environment or to Swain's Lake.

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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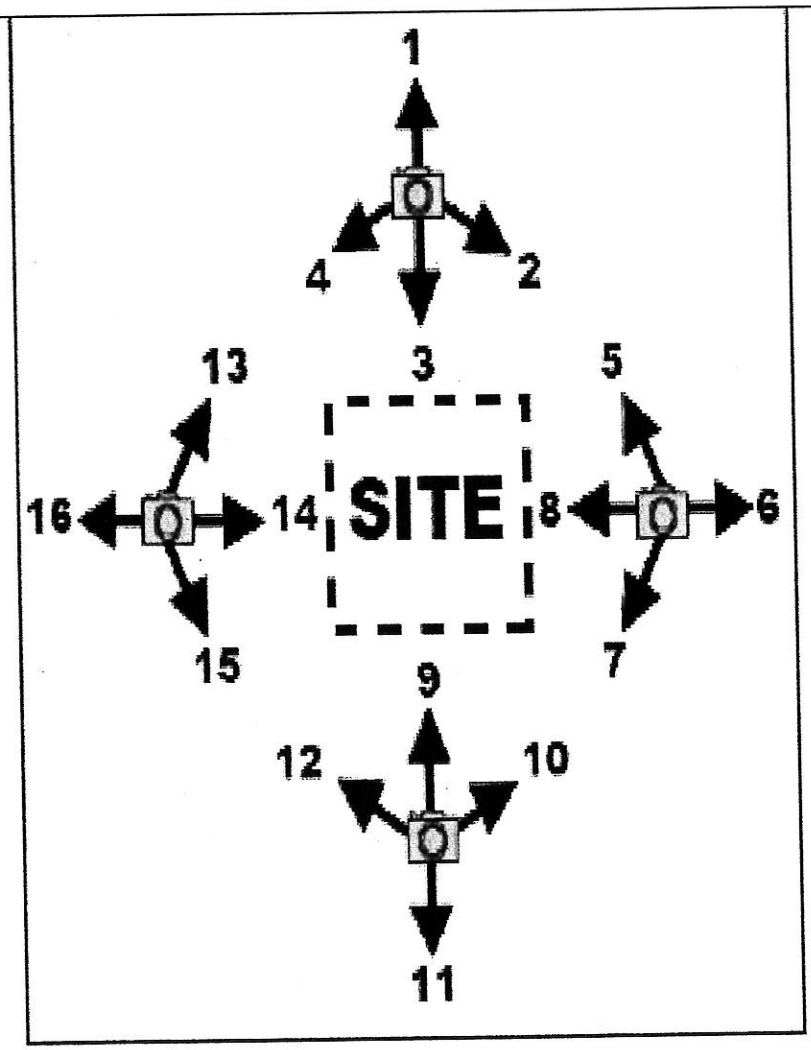
SITE / CONTEXT PHOTOS

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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Project Narrative
Hugh & Michele Hawkins
Tax Map 121 Lot 18
49 Acorn Point, Barrington, NH 03825

RE: Request for Variance from Article 11.2(1) – Shoreland Protection District Overlay, District Defined

To the Barrington Zoning Board,

Mr. & Mrs. Hawkins request a variance from Article 11.2(1) to allow the new landing and stairs from their existing deck to remain. The Hawkins submitted the Shoreland Permit by Notification to NH DES. They received approval back on July 25th, 2014. They proceeded to have the landing and stairs installed not realizing that they needed Town of Barrington approval. When they contacted the Town, they found that they were in violation and needed to apply for a variance for distance from the shoreline. The Hawkins contacted Stonewall Surveying to aid in the variance process.

When I contacted Hugh & Michele about their issue, they explained that there were existing stairs coming off the existing deck away from their driveway heading towards the woods. They also explained that their neighbors come over and want to visit, but have difficulties navigating over a retaining wall and sloping ground with roots to access the existing stairs. I asked them why they installed the landing and stairs off the front of the deck instead of from the side facing the driveway. They did not want to obstruct the flow from the driveway to the basement doors. Also they did not want the stairs protruding into the driveway for fear of them being hit by a car, plow or having snow plowed onto them.

The two sonatubes equal about only two square feet of soil disturbance as compared with the approximately 100 feet of soil disturbance to re-work the soil and add stairs to reach the existing deck stairs. The new landing and stairs are still farther from the shoreline than the existing abutting properties and does not affect any sites, views or impediments. Aesthetically, the new stairs fits the surrounding area and still allows the owners to use the existing driveway for parking or as a turn-a-round without affecting snow removal. This location also allows for the continued access to the basement doors from the driveway.

My clients realize that they made an error with assuming the State NH DES approval was acceptable for them to install the landing and stairs. No matter where the new stairs were installed off the existing deck they would still need a variance from the shoreline distance. It is this Firm's opinion that the newly installed landing and stairs meet the exceptions in Article 11.3(1) and 11.3(2) and was the least impact to the soil and vegetation than reworking the soil for better access to the existing stairs.

It should also be noted that the Hawkins are asking for an exception of the "Private Road, Notice of Limits of Municipal Responsibility and Liability" permit process due to the fact that the residence already exists and the new landing and stairs has no impact or alteration to the existing private way.

Sincerely,

Raymond A. Bisson
Stonewall Surveying

STATE OF NEW HAMPSHIRE
LICENSED LAND SURVEYOR
No. 931
RAYMOND A. BISSON
SIGNATURE

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Abutters List for Tax Map 121 Lot 18
49 Acorn Point
Barrington, NH 03825

Tax Map 121 Lot 15 & 16
Burke Realty Trust
c/o Raymond & Mary Burke
333 Bedford Street
Concord, MA 01742

Tax Map 121 Lot 19
Ann Marie Hedberg
Laura Beth Hedberg
Kristina May Hedberg
465 Timbertop Road
New Ipswich, NH 03071

Tax Map 121 Lot 23
Joseph Lavigne
60 Acorn Point
Barrington, NH 03825

Tax Map 121 Lot 24
Susan Marie Tatten
50 Acorn Point
Barrington, NH 03825

Tax Map 121 Lot 25
Joseph L. Morin
14 Acorn Point
Barrington, NH 03825

Tax Map 122 Lot 34
Janet Murphy
74 Freeman Hall Road
Nottingham, NH 03290

Tax Map 122 Lot 35
The Arey Family Irrevocable Trust
61 Acorn Point
Barrington, NH 03825

Land Surveyor
Raymond Bisson
Stonewall Surveying
PO Box 458
Barrington, NH 03825

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PHOTO 1

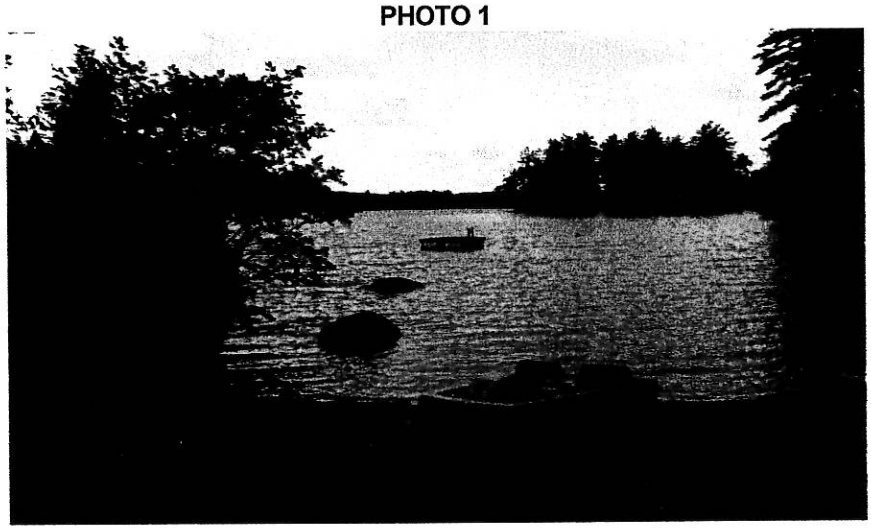

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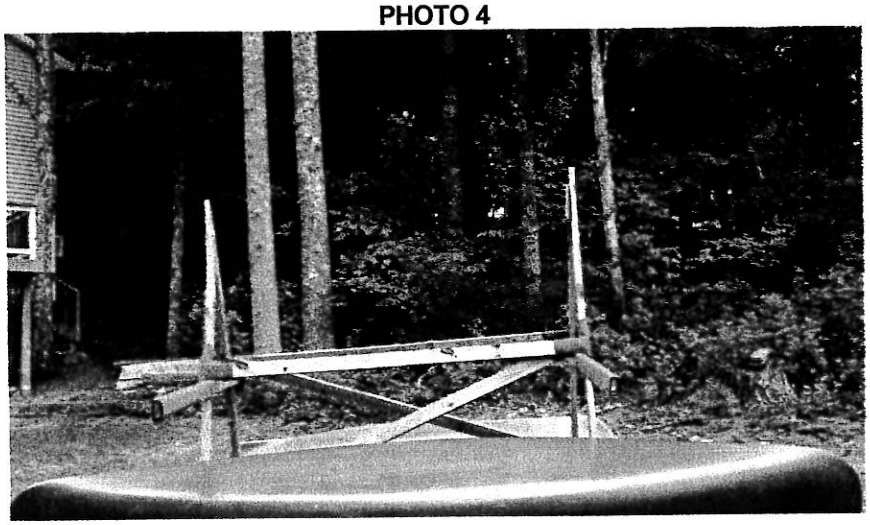
PHOTO 4



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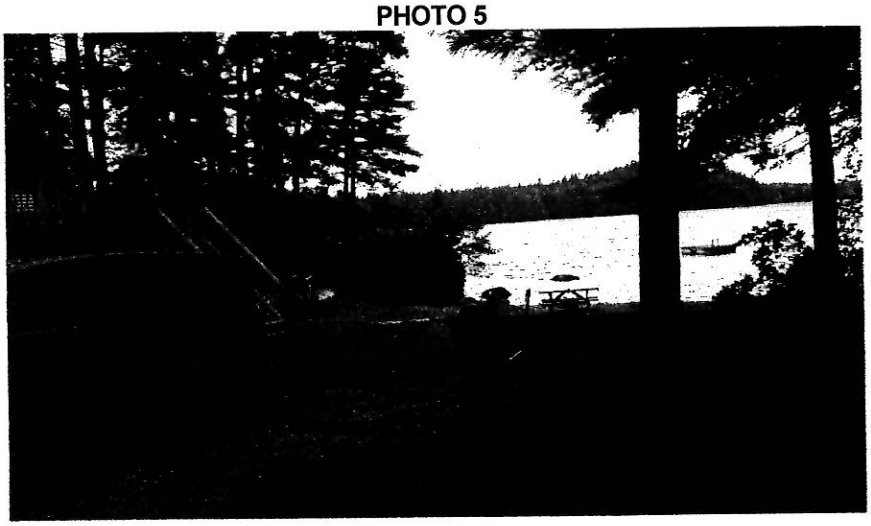

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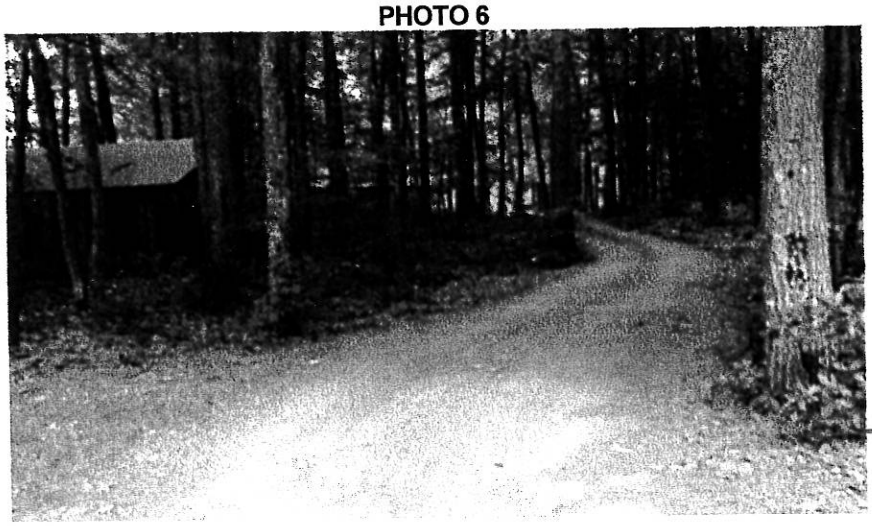

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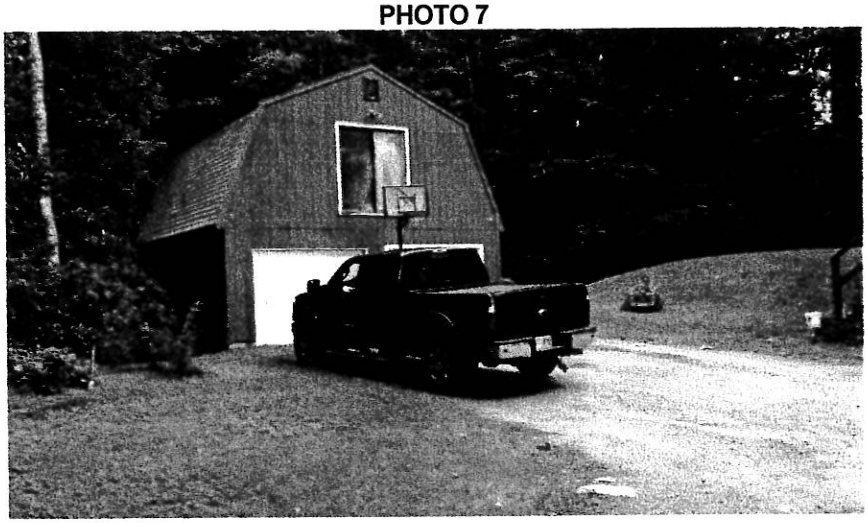

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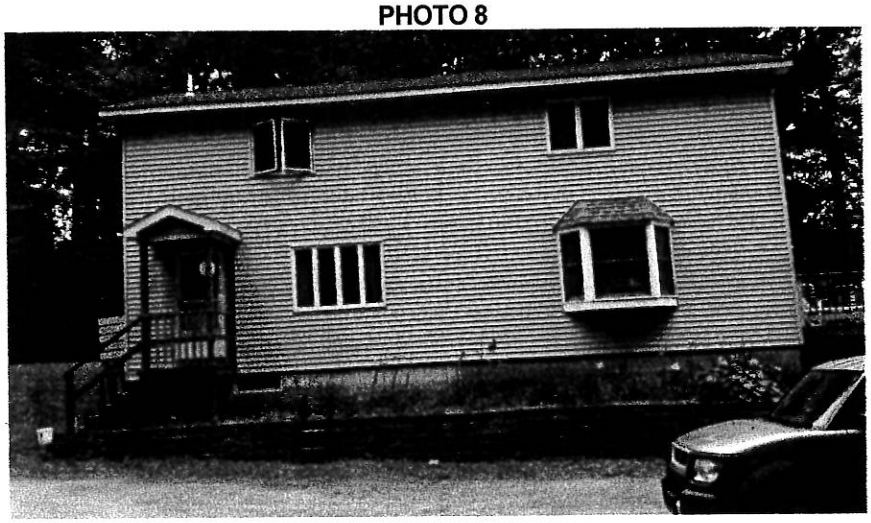

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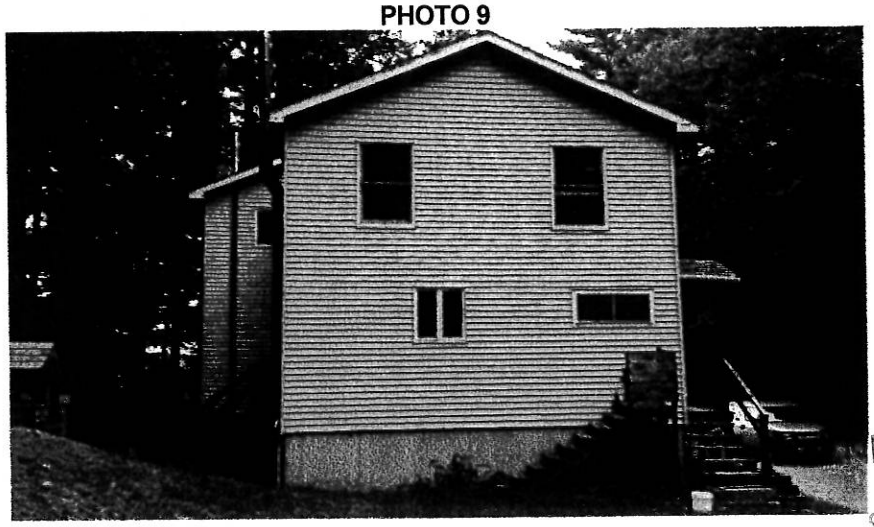

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PHOTO 10

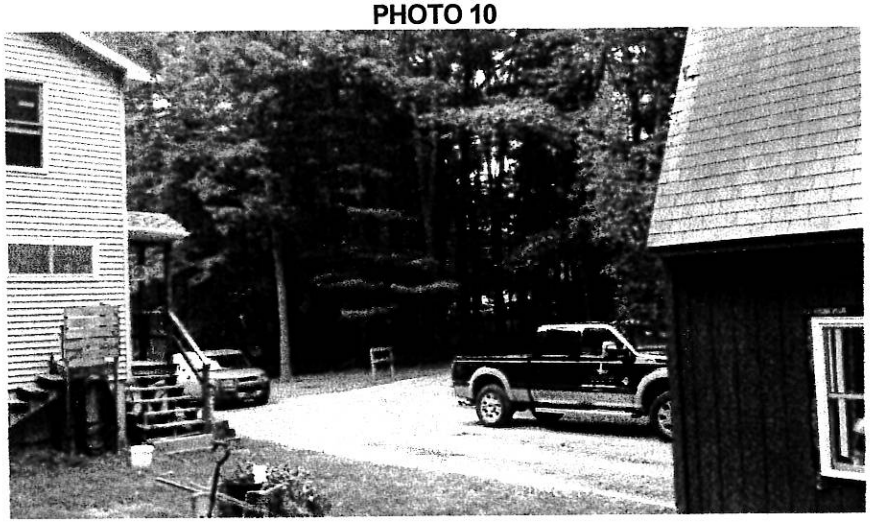
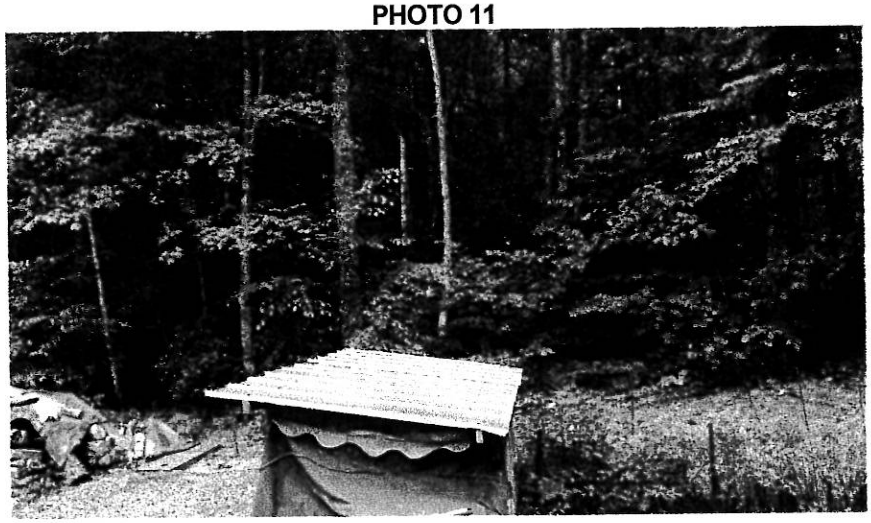


PHOTO 11



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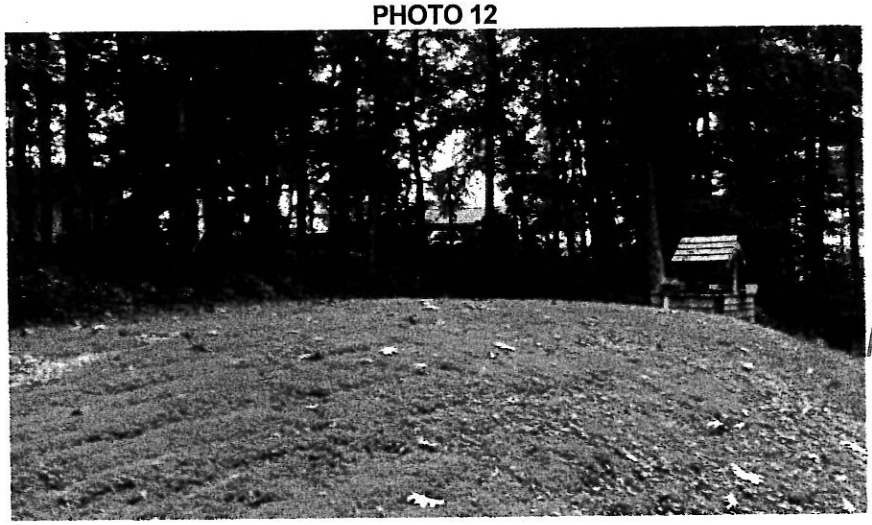

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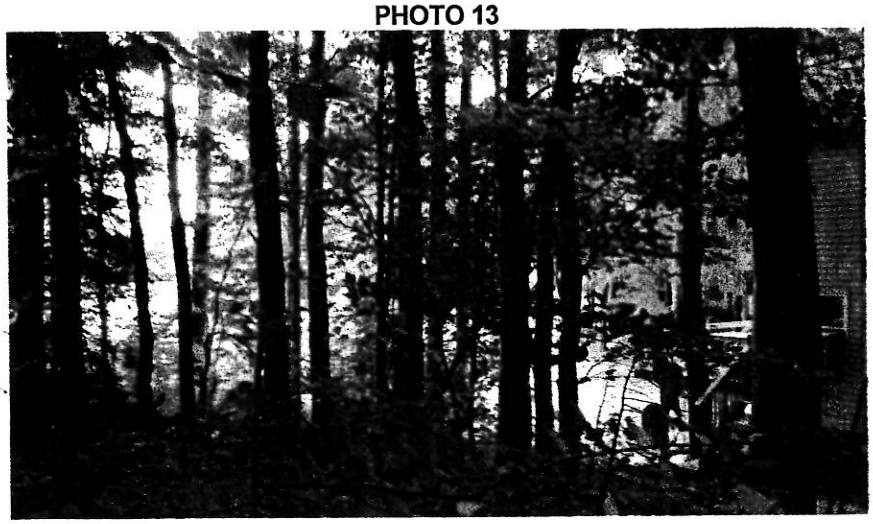

PHOTO 14

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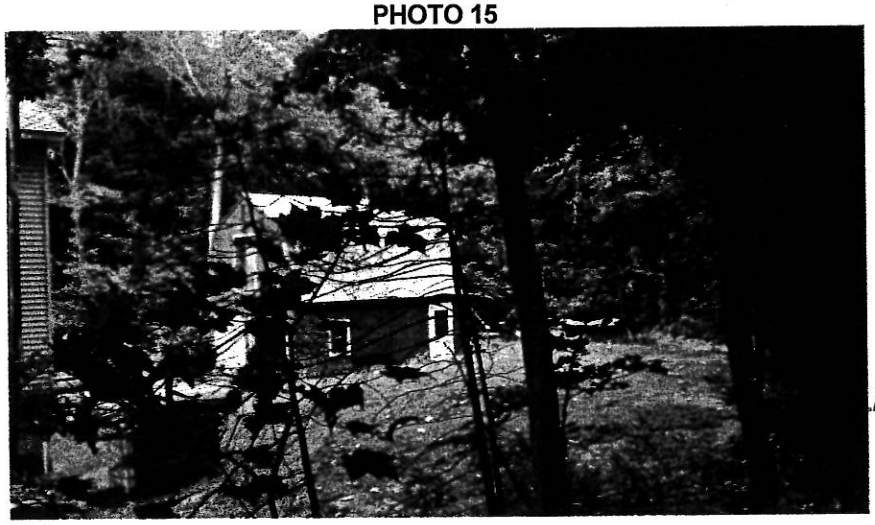

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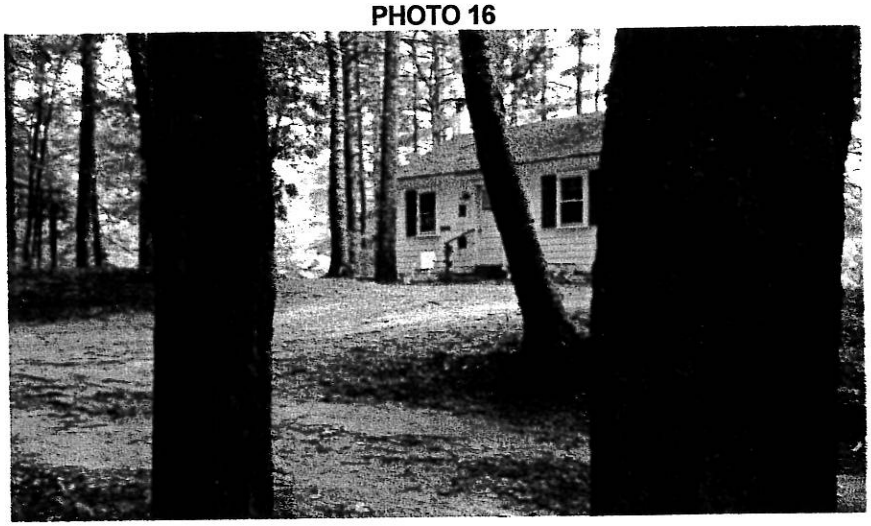

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(2) The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds; or

(d) Is a private road, provided that:

(1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and

(2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought; or

(e) Is an existing street constructed prior to the effective date of this subparagraph and is shown on a subdivision plat that was approved by the local governing body or zoning board of adjustment before the municipality authorized the planning board to approve or disapprove subdivision plats in accordance with RSA 674:35, if one or more buildings have been erected on other lots on the same street.

II. Whenever the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and when the circumstances of the case do not require the building, structure or part thereof to be related to existing or proposed streets, the applicant for such permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the zoning board of adjustment in any municipality which has adopted zoning regulations in accordance with RSA 674, or, in municipalities in which no board of adjustment exists, to the local legislative body, or to a board of appeals, whichever is appropriate, in accordance with RSA 674:14 and 674:15, including the requirement for a public hearing. In a municipality which does not require building permits, direct application may be made to the zoning board of adjustment, or the local legislative body, or the board of appeals for permission to erect the building. In passing on such appeal or application, the board of adjustment, local legislative body, or board of appeals may make any reasonable exception and shall have the power to authorize or issue a permit, subject to such conditions as it may impose, if the issuance of the permit or erection of the building would not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based, and if erection of the building or issuance of the permit will not cause hardship to future purchasers or undue financial impact on the municipality. Any such decision made in this connection by a board of adjustment, local legislative body, or by a board of appeals pursuant to this section and RSA 674:14 and 674:15 shall be in writing, together with the reasons for the decision, and shall be subject to review in the manner described in RSA 677.

674.41 #

II-a. Municipalities may except any lot, including island lots for islands served exclusively by boats, from the requirements of paragraphs I and II by an affirmative vote of the local legislative body pursuant to RSA 675, first submitted to the planning board for its approval and:

(a) If approved by the board, approved by a majority of those present and voting at a regular or special meeting of the local legislative body; or

(b) If disapproved by the planning board, approved by not less than ⅔ of those present and voting at a regular or special meeting of the local legislative body.

III. This section shall supersede any less stringent local ordinance, code or regulation, and no existing lot or tract of land shall be exempted from the provisions of this section except in accordance with the procedures expressly set forth in this section. For purposes of paragraph I, "the street giving access to the lot" means a street or way abutting the lot and upon which the lot has frontage. It does not include a street from which the sole access to the lot is via a private easement or right-of-way, unless such easement or right-of-way also meets the criteria set forth in subparagraphs I(a), (b), (c), (d), or (e).

IV. In addition to the requirements for the erection of buildings in paragraph I and notwithstanding the exceptions provided in paragraph II, the planning board for a county in which there are located unincorporated towns or unorganized places shall require every

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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

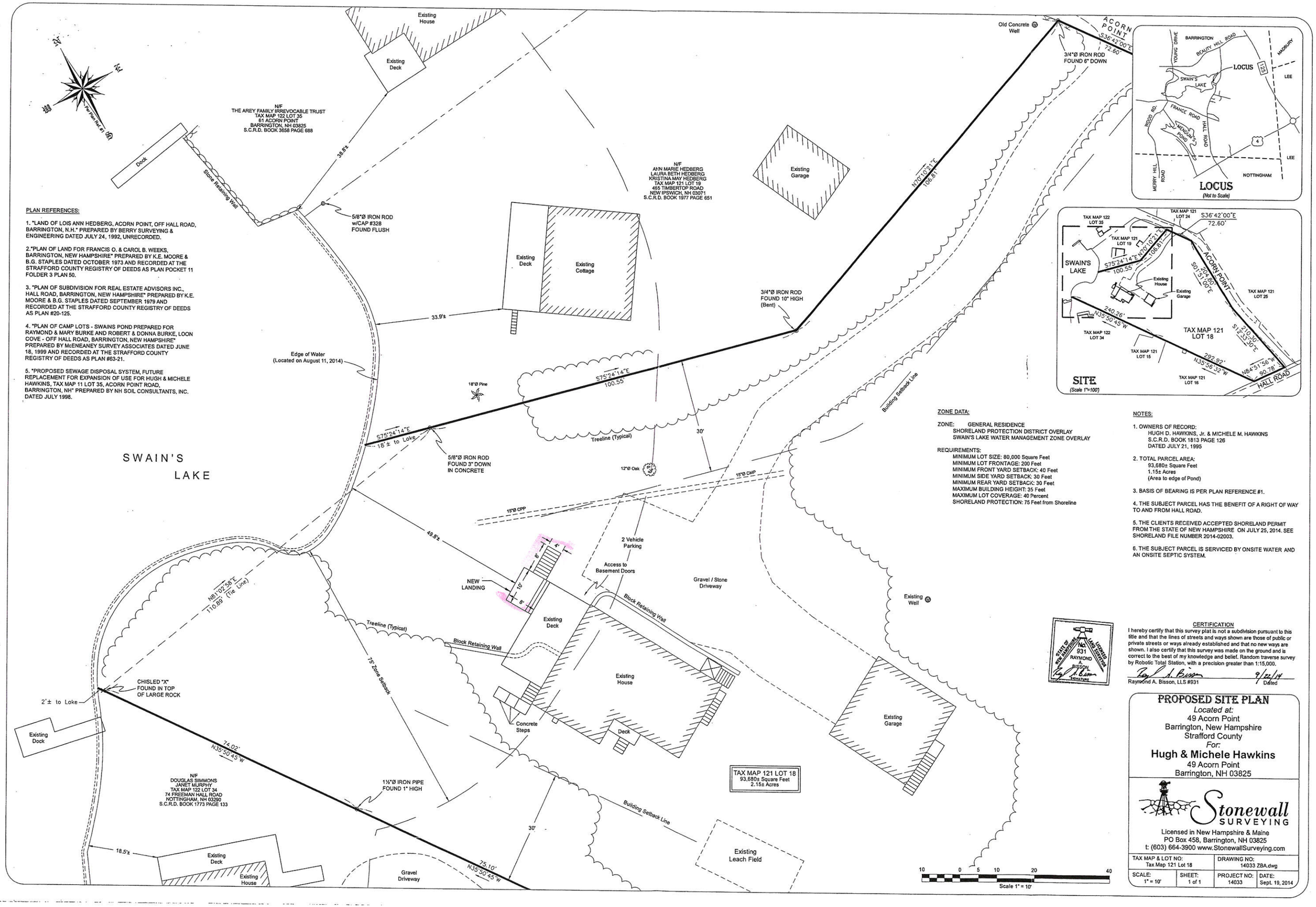
11.2(1).....No structure of any type including, by way of example and not by way of limitation, all buildings, garages, sheds, parking lots and driveways, may be constructed within seventy-five (75) feet of the shoreline of any year-round stream, or any lake or pond over two (2) acres.

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.



PLAN REFERENCES:

1. "LAND OF LOIS ANN HEDBERG, ACORN POINT, OFF HALL ROAD, BARRINGTON, N.H." PREPARED BY BERRY SURVEYING & ENGINEERING DATED JULY 24, 1992, UNRECORDED.

2."PLAN OF LAND FOR FRANCIS O. & CAROL B. WEEKS, BARRINGTON, NEW HAMPSHIRE" PREPARED BY K.E. MOORE & B.G. STAPLES DATED OCTOBER 1973 AND RECORDED AT THE STRAFFORD COUNTY REGISTRY OF DEEDS AS PLAN POCKET 11 FOLDER 3 PLAN 50.

3. "PLAN OF SUBDIVISION FOR REAL ESTATE ADVISORS INC., HALL ROAD, BARRINGTON, NEW HAMPSHIRE" PREPARED BY K.E. MOORE & B.G. STAPLES DATED SEPTEMBER 1979 AND RECORDED AT THE STRAFFORD COUNTY REGISTRY OF DEEDS AS PLAN #20-125.

4. "PLAN OF CAMP LOTS - SWAINS POND PREPARED FOR RAYMOND & MARY BURKE AND ROBERT & DONNA BURKE, LOON COVE - OFF HALL ROAD, BARRINGTON, NEW HAMPSHIRE" PREPARED BY McENEANEY SURVEY ASSOCIATES DATED JUNE 18, 1999 AND RECORDED AT THE STRAFFORD COUNTY REGISTRY OF DEEDS AS PLAN #63-21.

5. "PROPOSED SEWAGE DISPOSAL SYSTEM, FUTURE REPLACEMENT FOR EXPANSION OF USE FOR HUGH & MICHELE HAWKINS, TAX MAP 11 LOT 35, ACORN POINT ROAD, BARRINGTON, NH" PREPARED BY NH SOIL CONSULTANTS, INC. DATED JULY 1998.

ZONE DATA:

ZONE: GENERAL RESIDENCE
SHORELAND PROTECTION DISTRICT OVERLAY
SWAIN'S LAKE WATER MANAGEMENT ZONE OVERLAY

REQUIREMENTS:
MINIMUM LOT SIZE: 80,000 Square Feet
MINIMUM LOT FRONTAGE: 200 Feet
MINIMUM FRONT YARD SETBACK: 40 Feet
MINIMUM SIDE YARD SETBACK: 30 Feet
MINIMUM REAR YARD SETBACK: 30 Feet
MAXIMUM BUILDING HEIGHT: 35 Feet
MAXIMUM LOT COVERAGE: 40 Percent
SHORELAND PROTECTION: 75 Feet from Shoreline

NOTES:

1. OWNERS OF RECORD:
HUGH D. HAWKINS, Jr. & MICHELE M. HAWKINS
S.C.R.D. BOOK 1813 PAGE 126
DATED JULY 21, 1995

2. TOTAL PARCEL AREA:
93,680± Square Feet
1.15± Acres
(Area to edge of Pond)

3. BASIS OF BEARING IS PER PLAN REFERENCE #1.

4. THE SUBJECT PARCEL HAS THE BENEFIT OF A RIGHT OF WAY TO AND FROM HALL ROAD.

5. THE CLIENTS RECEIVED ACCEPTED SHORELAND PERMIT FROM THE STATE OF NEW HAMPSHIRE ON JULY 25, 2014. SEE SHORELAND FILE NUMBER 2014-02003.

6. THE SUBJECT PARCEL IS SERVICED BY ONSITE WATER AND AN ONSITE SEPTIC SYSTEM.

CERTIFICATION

I hereby certify that this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown. I also certify that this survey was made on the ground and is correct to the best of my knowledge and belief. Random traverse survey by Robotic Total Station, with a precision greater than 1:15,000.

Raymond A. Bisson, LLS #931 — Dated 9/22/14

PROPOSED SITE PLAN

Located at:
49 Acorn Point
Barrington, New Hampshire
Strafford County
For:
Hugh & Michele Hawkins
49 Acorn Point
Barrington, NH 03825

Stonewall SURVEYING
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TAX MAP & LOT NO: Tax Map 121 Lot 18		DRAWING NO: 14033 ZBA.dwg	
SCALE: 1" = 10'	SHEET: 1 of 1	PROJECT NO: 14033	DATE: Sept. 19, 2014