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 September 14, 2015 Case No. _____

Owner George A. and Arvilla T. Calef (see attached) Mailing Address 35 Mallego Road, Barrington, NH 03825

Phone 603-664-2813 Email _____

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~~ 3 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:

_____

_____
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. _____

Project Name _____

Location Address _____

Map and Lot _____

Zoning District (Include Overlay District if Applicable) _____

Property Details:

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

Use: _____

Number of Buildings: _____ Height: _____

Setbacks: Front_____ Back_____ Side_____ Side_____

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.

☐ 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 Atty for Owner/App. 9/14/15 Date

Signature of Owner Date

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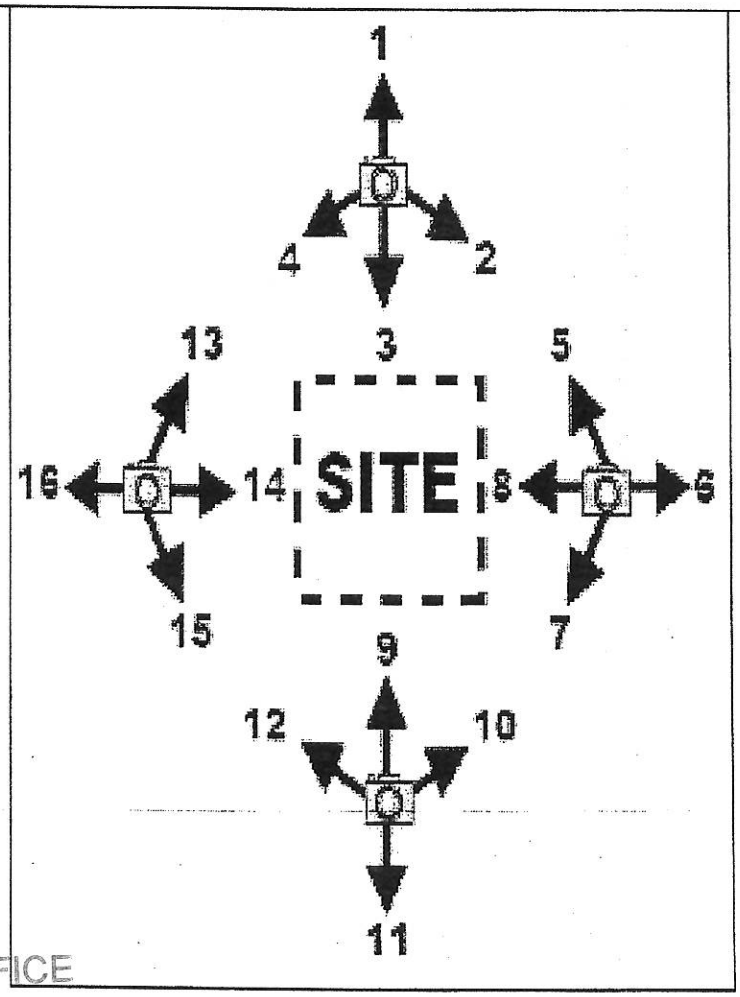
SITE / CONTEXT PHOTOS

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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Barrington Zoning Board of Adjustment
Zoning Ordinance Variance and Special Exception Application Checklist

Owner: George A. Calef and Arvilla T. Calef, Trustees of The George A. Calef Living Revocable Trust of 2008 u/t/a dated May 21, 2008, and Arvilla T. Calef and George A. Calef, Trustees of The Arvilla T. Calef Living Revocable Trust of 2008 u/t/a dated May 21, 2008

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LIST OF ABUTTERS

1. Map 238, Lot 10
Jason A. and Ellen Barrows
545 Franklin Pierce Highway
Barrington, NH 03825-3723

2. Map 28, Lot 11
Alberta Calef St Cyr
Alberta M. Calef St. Cyr Liv Tr
535 Franklin Pierce Highway
Barrington, NH 03825

3. Map 238, Lot 12
Corey Sherrill
531 Franklin Pierce Highway
Barrington, NH 03825

4. Map 238, Lot 13
Jesse E. Sherrill
45 Quaker Lane
Barrington, NH 03825

5. Map 238, Lot 16
Barrington Village Place LLC
7B Emery Lane
Stratham, NH 03885

6. Map 235, Lot 100
Barrington Village Place LLC
7B Emery Lane
Stratham, NH 03885

7. Map 235, Lot 87
Barrington Village Place LLC
7B Emery Lane
Stratham, NH 03885

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8. Map 235, Lot 88
Barrington Village Place LLC
7B Emery Lane
Stratham, NH 03885

9. Map 235, Lot 89
Barrington Village Place LLC
7B Emery Lane
Stratham, NH 03885

10. Map 235, Lot 90
Barrington Village Place LLC
7B Emery Lane
Stratham, NH 03885

11. Map 235, Lot 91
Barrington Village Place LLC
7B Emery Lane
Stratham, NH 03885

12. Map 235, Lot 92
Barrington Village Place LLC
7B Emery Lane
Stratham, NH 03885

13. Map 235, Lot 93
Barrington Village Place LLC
7B Emery Lane
Stratham, NH 03885

14. Map 235, Lot 94
Barrington Village Place LLC
7B Emery Lane
Stratham, NH 03885

15. Map 235, Lot 55
Wedgewood Estates

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16. Map 235, Lot 71
Benjamin and Namie Hayes
27 Century Pines Drive
Barrington, NH 03825-3733

17. Map 235, Lot 72
Adam and Joyce Perkins
35 Century Pines Drive
Barrington, NH 03825-3733

18. Map 235, Lot 81
Barrington East Road

19. Map 235, Lot 81
William C. Galloway
33 Eastern Avenue, Unit 1
Barrington, NH 03825-3504

20. Map 235, Lot 81
Anne H. Melvin
33 Eastern Avenue, Unit 2
Barrington, NH 03825

21. Map 235, Lot 81
Paul H. Ouellette
33 Eastern Avenue, Unit 3
Barrington, NH 03825

22. Map 235, Lot 81
James M. and Karen C. Oday
33 Eastern Avenue, Unit 4
Barrington, NH 03825

23. Map 235, Lot 81
Julie and Michael Anderson
2 Cassily Lane
Dover, NH 03820

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24. Map 235, Lot 81
Gregg G. Herold
33 Eastern Avenue, Unit 1
Barrington, NH 03825

25. Map 235, Lot 81
Nina Locwin
33 Eastern Avenue, Unit 2
Barrington, NH 03825

26. Map 235, Lot 81
Cynthia Nelson
35 Eastern Avenue, Unit 3
Barrington, NH 03825-3504

27. Map 235, Lot 81
Jennifer J. Corbin
2B North Main Street, Apt. 226
Newmarket, NH 03857

28. Map 238, Lot 7
George Tsoukalas
P.O. Box 684
Barrington, NH 03825

29. Map 238, Lot 8
Terri and William Melville
173 Estes Road
Rochester, NH 03867-4248

30. Map 238, Lot 9
Joseph A. Samson
Ralph W. Holmes
555 Franklin Pierce Highway
Barrington, NH 03825-3723

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31. Map 238, Lot 36
Waldron Haley
14 Shakespeare Road
Nashua, NH 03062-2431

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TOWN OF BARRINGTON
ZONING BOARD OF ADJUSTMENT

George A. Calef and Arvilla T. Calef, Trustees of
The George A. Calef Living Revocable Trust
of 2008 u/t/a dated May 21, 2008,
and Arvilla T. Calef and George A. Calef, Trustees of
The Arvilla T. Calef Living Revocable Trust of 2008
u/t/a dated May 21, 2008

v.

Town of Barrington, New Hampshire

APPEAL OF DECISION OF THE TOWN OF BARRINGTON, NEW HAMPSHIRE PLANNING BOARD PURSUANT TO NEW HAMPSHIRE R.S.A. 676:5(III)

NOW COME the Petitioners, George A. Calef and Arvilla T. Calef, Trustees of The George A. Calef Living Revocable Trust of 2008 u/t/a dated May 21, 2008, and Arvilla T. Calef and George A. Calef, Trustees of The Arvilla T. Calef Living Revocable Trust of 2008 u/t/a dated May 21, 2008, each with an address at 35 Mallego Road, Barrington, New Hampshire 03825 (hereinafter individually and collectively referred to as "Calef"), and appeal the August 18, 2015 Decision of the Town of Barrington, New Hampshire Planning Board, with a principal place of business at 333 Calef Highway, Barrington, New Hampshire 03825, stating as follows:

1. Calef is the owner of certain premises situate on the easterly side of Route 125, Barrington, New Hampshire (hereinafter the "Calef Premises"). Calef obtained title to the Calef Premises by Quitclaim Deed of George A. Calef and Arvilla T. Calef dated May 21, 2008 and recorded May 22, 2008 in the Strafford County (New Hampshire) Registry of Deeds at Book 3646, Page 0381.

2. George A. Calef and Arvilla T. Calef obtained title to the Calef Premises by Warranty Deed of Waldron B. Haley and Grace M. Haley dated May 31, 1983 and recorded June 28, 1983 in the Strafford County (New Hampshire) Registry of Deeds at Book 1103, Page 318.

3. The Calef Premises are described as follows:

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Barrington, New Hampshire:

A certain tract of land with the buildings thereon, situate in Barrington, County of Strafford and State of New Hampshire, bounded and described as follows:

Beginning at a bound on the easterly side of Route 125 and at the northeasterly corner of the premises herein described; thence turning and running south fifty-one degrees seventeen minutes east (S 51° 17' E), one hundred fifty and sixty-seven hundredths (150.67) feet by land now or formerly of Warren Boyle to a stake in the ground at land now or formerly of the Strafford Savings Bank; thence turning and running south twenty-eight degrees forty-one minutes west (S 28° 41' W), one hundred two and sixty-four hundredths (102.64) feet by land of said Bank to an iron pipe; thence turning and running north fifty-eight degrees thirty-five minutes west (N 58° 35' W), one hundred fifty and no hundredths (150.00) feet by land of said Bank to an iron pipe at said Route 125; thence turning and running northeasterly along Route 125 on the following courses, namely:

N 28° 41' E	25.00 feet
N 28° 41' E	75.00 feet
N 28° 41' E	10.00 feet
N 34° 35' E	14.30 feet

to the point of beginning, containing 17,190 square feet.

Meaning and intending to describe Lot No. 4 as depicted on a plan entitled "Revised boundary survey, Waldron B. Haley, Barrington, N.H." dated January, 1976 by Frederick E. Drew Associates and recorded in Strafford County Records as Plan 17A-27.

4. Abutting the Calef Premises is a certain tract or parcel of land, comprising approximately one and eighty four hundredths (1.84) acres, owned by The Three Socios, LLC (hereinafter "Three Socios"), a New Hampshire Limited Liability Company with an address at 321D Lafayette Road, Hampton, New Hampshire 03842 (hereinafter the "Three Socios Premises"). Three Socios obtained title to the Three Socios Premises by Fiduciary Deed of Milton L. Boyle, Jr., Executor of the Estate of Nancy Arlene Boyle, dated July 6, 2011 recorded July 7, 2011 in the Strafford County (New Hampshire) Registry of Deeds at Book 3937, Page 0532.

5. The Three Socios Premises is described as follows:

Barrington, New Hampshire:

A certain tract or parcel of land, with the buildings thereon, situate on the easterly side of Route 125 in Barrington, County of Strafford and State of New Hampshire, bounded and described as follows:

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Starting at a metal marker at the southeast corner of the within described lot and running about two hundred and sixty-five feet in a northwesterly direction by land now or formerly of Josephine O. Haley to another metal marker at a point on the highway running from Epping to Rochester and known as Route #125; thence in a northeasterly direction about two hundred and eighty feet along said highway to a third metal marker; thence in a southeasterly direction about three hundred and sixty feet by land now or formerly of Sumner A. Haley to a fourth metal marker; and thence in a southwesterly direction about two hundred and eighty feet also by land of Sumner A. Haley to the point begun at, containing about two acres, more or less.

6. Adjacent to the Calef Premises and the Three Socios Premises is a certain tract or parcel of land, comprising a total of approximately one hundred thirty five and five hundred sixty three thousandths (135.563) acres (hereinafter the "BVP Premises"), owned by Barrington Village Place, LLC (hereinafter referred to as "BVP"), a New Hampshire limited liability company with an address at 7B Emery Lane, Stratham, New Hampshire 03885. BVP obtained title to the BVP Premises by Warranty Deed of Frederick Drew III and Cheryl Goscinski-Drew dated April 12, 2013 and recorded April 15, 2013 in the Strafford County (New Hampshire) Registry of Deeds at Book 4117, Page 0896 and by Warranty Deed of Alberta M. Calef-St. Cyr, Trustee of the Alberta M. Calef-St. Cyr Living Revocable Trust of 2003, under Agreement of Trust dated June 13, 2003, George A. Calef, Trustee of the A. Harlan Calef Revocable Trust, under Agreement of Trust dated January 12, 1998, and George A. Calef and Arvilla T. Calef, Trustees of the George A. Calef Living Revocable Trust of 2008 under Trust Agreement dated May 21, 2008, dated April 9, 2013 and recorded April 15, 2013 in the Strafford County (New Hampshire) Registry of Deeds at Book 4117, Page 0905.

7. The Calef Premises and the Three Socios Premises are situate in the Town Center and Stratified Drift Aquifer Overlay Districts.

8. The BVP Premises is situate in the Village District.

9. The most recent use of the Three Socios Premises is residential.

10. The use of the Calef Premises is and has for many years been a convenience store/meat shop under the name "Calef Fine Foods" in a two thousand (2,000) square foot building.

11. The current use of the BVP Premises is as a conservation subdivision.

12. The Calef Premises are currently serviced by a well (the "Existing Well") situate on premises now or formerly owned by George Tsoukalas and identified as Barrington Tax Map 238, Lot 7 (hereinafter the "Tsoukalas Premises").

13. The Calef Premises have been serviced by the Existing Well on the Tsoukalas Premises since approximately 1966.

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14. The Calef Premises, during the period of ownership of the Calef Premises by George A. Calef and Arvilla T. Calef, each individually or as Trustee of The George A. Calef Living Revocable Trust of 2008 u/t/a dated May 21, 2008 and The Arvilla T. Calef Living Revocable Trust of 2008 u/t/a dated May 21, 2008, have been serviced by the Existing Well on the Tsoukalas Premises.

15. The drawing of water from the Existing Well located on the Tsoukalas Premises for the benefit of the Calef Premises is documented in an Easement dated August 2, 2007.

16. On or about April 15, 2015, Three Socios and BVP filed a Project Application "to construct a proposed well with associated waterline piping and access to serve a non-community water supply" (the "Proposed Well") on the BVP Premises (the "Application") with the Town of Barrington Planning Board (hereinafter the "Planning Board").

17. On or about August 18, 2015, the Planning Board conditionally approved the Application (the "Planning Board Decision").

18. New Hampshire R.S.A. 676:5(III) states as follows:

> "If, in the exercise of subdivision or site plan review, the planning board makes any decision or determination which is based upon the terms of the zoning ordinance, or upon any construction, interpretation, or application of the zoning ordinance, which would be appealable to the board of adjustment if it had been made by the administrative officer, then such decision may be appealed to the board of adjustment under this section; provided, however, that if the zoning ordinance contains an innovative land use control adopted pursuant to RSA 674:21 which delegates administration, including the granting of conditional or special use permits, to the planning board, then the planning board's decision made pursuant to that delegation cannot be appealed to the board of adjustment, but may be appealed to the superior court as provided by RSA 677:15."

19. The Planning Board Decision, based upon the terms of the Barrington Zoning Ordinance or upon the construction, interpretation or application of the Barrington Zoning Ordinance, is not in conformance with the Barrington Zoning Ordinance.

20. The plans submitted with respect to the associated development of the Three Socios Premises, including the Overall Vicinity Plan revised April 8, 2014, show the Existing Well servicing the Calef Parcel, designated as PWS 0158200, as "EX. WELL TO BE ABANDONED PWS 0158200".

21. Upon information and belief, the Three Socios Premises, along with those premises situate at Barrington Tax Map 235, Lot 83 (the Journey Baptist Church

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Premises), Barrington Tax Map 238, Lot 7 (the Tsoukalas Premises) and the Calef Premises are to be serviced by a new "POTENTIAL COMMUNITY WATER SUPPLY WELL LOCATION" situate on the BVP Premises (the "Proposed Well") as provided for in the April 15, 2014 Planning Board Decision granting conditional approval to Three Socios of the July 17, 2013 Project Application filed with the Planning Board by Three Socios.

22. Calef has been repeatedly requested to authorize the abandonment of the Existing Well currently servicing the Calef Premises situate on the Tsoukalas Premises.

23. To date, Calef has refused to authorize such abandonment.

24. Calef has been requested to enter into a Water Supply Agreement relative to the "Potential Community Water Supply Well Location" (the "Proposed Well") situate on the BVP Premises.

25. Calef has refused to enter into such Water Supply Agreement as the proposed terms and conditions thereof have, to date, been unacceptable.

26. Article 19 of the Barrington Zoning Ordinance allows for Conservation Subdivisions in the Village District "(p)rovided that such use complies with Article 6 of this Ordinance entitled 'Conservation Subdivision Regulations.'"

27. Article 6.3.1 of the Barrington Zoning Ordinance addresses Permitted Uses in Conservation Subdivisions.

28. Article 6.3.1(1) of the Barrington Zoning Ordinance, titled "Primary Uses", states as follows:

"Primary permitted uses include single-family detached dwelling units and single-family attached dwelling units. Structures containing attached dwellings may not contain more than six (6) units per structure. Home businesses, as defined in this Ordinance, are specifically prohibited from Conservation Subdivisions."

29. Article 6.3.1(2) of the Barrington Zoning Ordinance, titled "Accessory Uses", states as follows:

"Accessory permitted uses include garages, recreation facilities such as playgrounds, parks and trails, parking lots for residential or recreational uses, and other accessory uses commonly associated with residential dwellings."

30. Article 18 of the Barrington Zoning Ordinance defines "Accessory Use" as "(a) structure or use that is subordinate in purpose of the principal use; contributes to the comfort, convenience, or necessity of the principal use; and, is located on the same lot as the principal use."

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31. A non-community water supply to service off site commercial uses (the "Proposed Well") is not a permitted use, either primary or accessory, as provided for in Article 6 of the Barrington Zoning Ordinance.

32. Upon information and belief, while Three Socios and/or BVP have obtained a variance with respect to Articles 6.2.2 (pertaining to design standards in common open space) and 6.2.6 (pertaining to the perimeter buffer setback) of the Zoning Ordinance, no variance from the provisions of Article 6.3.1 of the Barrington Zoning Ordinance has been obtained by Three Socios and/or BVP.

33. Based on the foregoing, the Planning Board Decision fails to comply with the provisions of the Barrington Zoning Ordinance, specifically including, but not limited to, Articles 6, 18 and 19 of the Barrington Zoning Ordinance.

34. New Hampshire R.S.A. 674:21-a, titled "Development Restrictions Enforceable", states as follows:

> "Any open space designation or other development restriction which is part of a cluster development, planned unit development, village plan alternative subdivision, or other proposal approved under innovative land use controls, or which is lawfully imposed by a local land use board as a condition of subdivision, site plan, variance, or other type of approval, and which has been filed in the records of the local land use board in accordance with its established procedure, shall be deemed to create a conservation restriction as defined in RSA 477:45, I, which shall run with the land, and shall be enforceable by the municipality, or by the owner of any property which would be specially damaged by the violation of such restriction, regardless of whether any deed or other instrument conveying such restriction has been executed or recorded. For purposes of this section, an applicant's statement of intent to restrict development, submitted with or contained in an application which is subsequently approved, shall be deemed a condition of the approval."

35. New Hampshire R.S.A. 477:45(I) states as follows:

> "A conservation restriction shall mean a right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to, or uses of, a land or water area, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the area or in any order of taking, which right, limitation, or obligation is appropriate to retaining or maintaining such land or water area, including improvements thereon, predominantly in its natural, scenic, or open condition, or in agricultural, farming, open space or forest use, or in any other use or condition consistent with the protection of environmental quality."

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36. The Planning Board Decision allows Three Socios and BVP "to construct a proposed well with associated waterline piping and access to serve a non-community water supply" on the BVP Premises. Specifically, the Proposed Well is a non-community water supply to service off site commercial uses and is to be located on a four (4) acre portion of the land comprising the open space of the conservation subdivision situate on the BVP Premises.

37. The Planning Board Decision is contrary to the provisions of New Hampshire R.S.A. 674:21-a and New Hampshire R.S.A. 477:45(I).

38. Calef will be specially damaged by the violation of New Hampshire R.S.A. 674:21-a and New Hampshire R.S.A. 477:45(I) as the purpose of the Proposed Well is to replace the Existing Well and requires Calef to abandon the Existing Well currently servicing the Calef Premises situate on the Tsoukalas Premises.

39. For each of the foregoing reasons, the Planning Board Decision, based upon the terms of the Barrington Zoning Ordinance or upon the construction, interpretation or application of the Barrington Zoning Ordinance, is in error and is not in conformance with the Barrington Zoning Ordinance.

WHEREFORE, your Petitioners, George A. Calef and Arvilla T. Calef, Trustees of The George A. Calef Living Revocable Trust of 2008 u/t/a dated May 21, 2008, and Arvilla T. Calef and George A. Calef, Trustees of The Arvilla T. Calef Living Revocable Trust of 2008 u/t/a dated May 21, 2008, respectfully pray that the Zoning Board of Adjustment:

A. Review the August 18, 2015 Decision of the Barrington Planning Board de novo;

B. After review, reverse the August 18, 2015 Decision of the Barrington Planning Board based upon the terms of the Barrington Zoning Ordinance or upon the construction, interpretation or application of the Barrington Zoning Ordinance; and

C. Order such other and further relief as may be just and equitable.

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Respectfully submitted,

The George A. Calef Living
Revocable Trust of 2008 u/t/a dated
May 21, 2008

Dated: September 11, 2015

By: George A. Calef - TRUSTEE
George A. Calef, Trustee

Dated: September 11, 2015

By: Arvilla T. Calef Trustee
Arvilla T. Calef, Trustee

The Arvilla T. Calef Living
Revocable Trust of 2008 u/t/a dated
May 21, 2008

Dated: September 11, 2015

By: George A. Calef - TRUSTEE
George A. Calef, Trustee

Dated: September 11, 2015

By: Arvilla T. Calef Trustee
Arvilla T. Calef, Trustee

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

Subscribed and sworn to, before me, this 11th day of September, 2015 by George A. Calef and Arvilla T. Calef, as Trustees of The George A. Calef Living Revocable Trust of 1008 u/t/a dated May 21, 2008 and The Arvilla T. Calef Living Revocable Trust of 2008 u/t/a dated May 21, 2008.

LAURA L. DUBAY
MY COMMISSION EXPIRES JAN. 28, 2020
NOTARY PUBLIC
NEW HAMPSHIRE

Laura DuBay
Justice of the Peace/Notary Public

Laura DuBay
Printed Name
My Commission Expires: 1/28/2020

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Petitioners' counsel:

The Law Offices of Gregory D. Wirth, P.L.L.C.

Dated: September 14, 2015

By: _____

Gregory D. Wirth, Esq.
(NHBA #2769)
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