LAND USE OFFICE

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470 North Pembroke Road
Pembroke, New Hampshire, 03275-3606
February 14, 2013

Ms. Marcia Gasses
Planner and Land Use Administrator
P. O. Box 660 – 333 Calef Highway
Barrington, New Hampshire, 03825

Re : File #111-16-GR-13-ZBA, application for a variance: 252 Flower Drive

Dear Ms. Gasses and members of the Zoning Board of Adjustment:

We are the owners of Lot 111-17 on Flower Drive, and are abutters of Lot 111-16, whose owners seek a variance to build a new cottage on a nonconforming lot.

We state that this variance should not be granted because no special conditions exist that cause the use of the current cottage on Lot 111-16 to represent unnecessary hardship to the property owner.

History: The current cottage on Lot 111-16 was originally built on a shore lot measuring 66 feet by 75 feet; see Lot #7 on "Plan of Nathaniel M. Flagg Cottage Lots, Barrington, N. H., 1927 & 1931," Strafford County Deeds, Plan No. 1154, Book No. 133-134, pages 95-100. This lot was acquired by Elmer H. Maxham, Sr. and Edna M. Maxham, grandparents of current or recent owner Sandra Maxham Carpenito, in 1949 (Strafford County Deeds, Book 570, page 412).

This camp lot was abutted on the west and south by land owned by Jessie Crockett (mother) and Sally Crockett (daughter), relatives of the Maxhams. Access to the Maxham camp lot was across Crockett land, either by sufferance or by legal right-of-way. Jessie Crockett and/or Sally Crockett owned the entirety of the present Barrington Lots 111-16 and 111-17, except for the 66-by-75-foot lot on which the current Maxham cottage stands, until 1995.

In 1995, Miss Sally Crocket decided to sell her Nippo Pond property. Realizing that the Maxhams' cottage would be landlocked by land of new owners, Miss Crockett subdivided her lakeshore lot into the current Lots 111-16 and 111-17. Miss Crockett conveyed newly created Lot 111-16 to her cousins and niece, Elmer H. Maxham, Jr., Geraldine T. Maxham, and their daughter, Sandra Maxham Carpenito (Strafford County Deeds, Book 1809, page 765). She sold newly created Lot 111-17 and the Crockett camp to us, James and Donna-Belle Garvin (Strafford County Deeds, Book 1813, page 676).

The boundaries of nonconforming Lot 111-16 were defined in 1995 to provide the Maxhams with deeded ownership of land connecting their cottage with Flower Drive rather than leaving them dependent on a right-of-way over land of a new, non-family owner. The new lot lines also provided the right to use half of a preexisting double privy, long shared by the Maxham and Crockett cottages. Lot 111-16 was created to provide deeded access to the existing cottage and the privy, not to serve as a building lot for a new cottage.

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Because the creation of Lot 111-16 was the result of consideration by Sally Crockett for access to a preexisting shore cottage by family members, and not the creation of a building lot, we assert that there are no special conditions where literal enforcement of Article 15.2.3 will result in unnecessary hardship to the applicant. The existing cottage is grandfathered, whereas construction of a new cottage in a different location on the lot created in 1995 would constitute a significant departure from the intent of Article 15.2.3.

Sincerely,

James L. Garvin

James L. Garvin

Donna-Belle Garvin

Donna-Belle Garvin