



## 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 11/25/2015

Case No. 220-57-RC-15-Variance

### 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
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- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Zoning Board of Adjustment Application Checklist ( <i>this form</i> )  |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. ZBA General Information (Article(s) and Section(s) of Ordinance)   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Appeal and Decision  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Fees - \$150.00 Application <input type="checkbox"/><br>\$ 75.00 Legal Notice <input type="checkbox"/><br>\$ 7.00 per US Post Office Certified Letter <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Completed Project Application Form<br><input checked="" type="checkbox"/> Variance <input type="checkbox"/> Special Exception <input type="checkbox"/> Appeal                  |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Notarized Letter of Authorization (from property owner(s) if property owner did not sign the application form)   |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Project Narrative  |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. HOA Approval ( <i>if applicable</i> )  |

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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 1/2" 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 Irvine  
 Staff Signature

\_\_\_\_\_  
 Date

**Land Use Department**  
**Town of Barrington; 137 Ramsdell Lane; Barrington, NH 03825**  
[planner.cbrowders@barrington.nh.gov](mailto:planner.cbrowders@barrington.nh.gov) Phone: 603.664.5798

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**PART III – PROJECT DESCRIPTION/VARIANCE DETAILS**

Case No. 220-S7-RC-15-Variance

Project Name Variance

Location Address Tolend Road

Map and Lot Map 220, Lot 57

Zoning District (Include Overlay District if Applicable) Regional Commercial

**Property Details:**

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

Use: Residential subdivision

Number of Buildings: 17

Height: 35'

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:

Requesting a variance from § 6.2.6

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

Please see attached.

**Barrington Zoning Ordinance Requirements:**

The Barrington Zoning Ordinance requires a conservation cluster subdivision to have a perimeter buffer

setback around the entire tract of at least 100' which may not contain any house lots or structures.

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

The Zoning Board has already approved variances from Table 1 - Table of Uses - and § 6.2.5(5) - interior streets requirement - of the Zoning Bylaw for this proposed development to permit a conservation cluster subdivision on the subject property. The applicant now requests a variance from § 6.2.6 of the Zoning Ordinance. Specifically, applicant requests a variance from the requirement that the conservation cluster subdivision have a 100' perimeter buffer around the entire tract to permit the house lots to have their frontage on an existing road, which lots would otherwise impermissibly be in the perimeter buffer.

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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 topography of the site is such that it is better to preserve as much open space as possible and to conserve wetlands. Removing the buffer allows for a larger contiguous open space to the rear of the house lots which also provides a larger buffer between residential and commercial uses.
- ☒ 2. Granting the variance would be consistent with the spirit of the Ordinance.  
The proposed subdivision preserves open space and safeguards natural resources, it protects property values in the area, it preserves the character of the community, and it is a reasonable and judicious use of the land. Granting the variance would be in the public interest as it preserves natural resources.
- ☒ 3. Granting the variance will not result in diminution of surrounding property values.  
Granting the variance will not result in the diminution of surrounding property value as the development is otherwise in keeping with the neighboring General Residential dimensional requirements, and will protect a large parcel of open space.
- ☒ 4. Granting of the variance would do substantial justice.  
Granting the variance is consistent with the area's present use, is appropriate for the area, does not harm the abutters, protects natural resources on the subject property, and is necessary to effectuate the intent behind the request for other variances, already approved by the Zoning Board.
- ☒ 5. Granting of the variance would not be contrary to the public interest.  
Granting the variance would not be contrary to the public interest because it preserves a larger area of space in a conservation state and is necessary for the implementation of other variances granted by the Zoning Board.

#### 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.


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☐ 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.

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**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

11/24/2015  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

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### Project Narrative

The Applicant requests a variance from § 6.2.6 of the Zoning Ordinance to permit the 100 foot perimeter buffer area to be located on the house lots and to allow driveway construction and access to the house lots through the 100 foot buffer. There would still be a 100 perimeter buffer, but it would be located on the house lots. This board has previously granted permission for the house lots to have driveway access Tolend Road.

As the Board is aware from the prior zoning application, the Applicant wishes to obtain Planning Board approval for a conservation cluster subdivision on the subject property. The layout that the applicant has discussed previously with the Zoning Board has all of the lots obtaining their access from Tolend Road. Neither the Applicant nor the Planning Board realized that the conservation cluster subdivision regulations, specifically § 6.2.6 of the Zoning Ordinance, require a conservation cluster subdivision to have a perimeter buffer setback around the entire tract of at least 100' which may not contain house lots or structures. The applicant believes that when drafted, it was the intent that a conservation cluster subdivision would always contain new interior roads which would provide access to all of the lots and therefore, a 100' buffer around the perimeter of the subdivision could be met, with the obvious exception of roadways connecting to a public way.

The Applicant believes that a conservation cluster subdivision which has all of its access from Tolend Road, an existing way, would be more in keeping with the overall intent of both the Zoning Ordinance and the Cluster Regulation by preserving as much open space as possible and lessening wetland impact. It would also allow for a larger contiguous open space to the rear of the house lots, would greatly decrease impervious roadways, and would also greatly reduce the ultimate cost of maintaining roadways. In order to meet the requirements of § 6.2.6 of the Zoning Ordinance, none of the proposed lots could have access from Tolend Road, as the buffer which would run parallel to and abutting Tolend Road could not contain any part of the "lots," thereby depriving the lots of their required frontage under the Zoning Ordinance.

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# 100' Abutters List Report

Barrington, NH  
November 10, 2015

## Subject Property:

Parcel Number: 220-0057  
CAMA Number: 220-0057  
Property Address: TOLEND RD

Mailing Address: MYHRE RINA, HELFGOTT PAUL C  
LEDOUX CAROL H (1/3 EA)  
4364 ADMIRABALE DR  
RANCHO PALOS VERDES, CA 90275

## Abutters:

Parcel Number: 220-0058  
CAMA Number: 018-0002  
Property Address: 11 CORTLAND WAY

Mailing Address: PIERCE PATRICIA  
11 CORTLAND WAY  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0003  
Property Address: 15 CORTLAND WAY

Mailing Address: ARABIA CONSTANCE POST  
12 ADRIEN CIR APT# 108  
ROCHESTER, NH 03867

Parcel Number: 220-0058  
CAMA Number: 018-0004  
Property Address: 21 CORTLAND WAY

Mailing Address: MORGAN MARLENE M  
21 CORTLAND WAY  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0005  
Property Address: 27 CORTLAND WAY

Mailing Address: WILKINS GENE & MADLYN  
27 CORTLAND WAY  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0006  
Property Address: 33 CORTLAND WAY

Mailing Address: WELLS THOMAS R JR  
33 CORTLAND WAY  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0007  
Property Address: 39 CORTLAND WAY

Mailing Address: BRAGG PAULINE  
39 CORTLAND WAY  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0008  
Property Address: 45 CORTLAND WAY

Mailing Address: SHANNON SHARON COOLEY PAUL  
45 CORTLAND WAY  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0009  
Property Address: 50 CORTLAND WAY

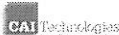
Mailing Address: DOYLE BARBARA  
50 CORTLAND WAY  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0010  
Property Address: 44 CORTLAND WAY

Mailing Address: MCGOVERN CYNTHIA A  
44 CORTLAND WAY  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0011  
Property Address: 38 CORTLAND WAY

Mailing Address: DOUGLASS HAVEN E  
38 CORTLAND WAY  
BARRINGTON, NH 03825



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Parcel Number: 220-0058  
CAMA Number: 018-0012  
Property Address: 34 CORTLAND WAY

Mailing Address: SMITH DAVID & ANNA MARIE  
34 CORTLAND WAY  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0013  
Property Address: 28 CORTLAND WAY

Mailing Address: PIKE DEBRA  
28 CORTLAND WAY  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0014  
Property Address: 22 CORTLAND WAY

Mailing Address: BROOKS ROBERT JR & JOANNE  
22 CORTLAND WAY  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0015  
Property Address: 16 CORTLAND WAY

Mailing Address: PURINGTON JOHN  
16 CORTLAND WAY  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0016  
Property Address: 12 CORTLAND WAY

Mailing Address: WALKER BLANCHE  
12 CORTLAND WAY  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0017  
Property Address: 26 BALDWIN DR

Mailing Address: JELLISON PATRICIA  
26 BALDWIN DR  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0018  
Property Address: 24 BALDWIN DR

Mailing Address: ADH LEASING & SALES  
66 CATE RD  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 018-0019  
Property Address: 22 BALDWIN DR

Mailing Address: ADH  
66 CATE RD  
BARRINGTON, NH 03825

Parcel Number: 220-0001  
CAMA Number: 220-0001  
Property Address: 146 CALEF HWY

Mailing Address: EMMERLING THOMAS TRS FAM REV TR  
146 CALEF HWY  
BARRINGTON, NH 03825

Parcel Number: 220-0002  
CAMA Number: 220-0002  
Property Address: 136 CALEF HWY

Mailing Address: DUTTON PETER N  
PO BOX 69  
BARRINGTON, NH 03825

Parcel Number: 220-0003  
CAMA Number: 220-0003  
Property Address: 23 GREENHILL RD

Mailing Address: LANDRY DARYL  
23 GREENHILL RD  
BARRINGTON, NH 03825

Parcel Number: 220-0052  
CAMA Number: 220-0052  
Property Address: 21 TOLEND RD

Mailing Address: SOUKUP MICHAEL J & JULIET A  
21 TOLEND RD  
BARRINGTON, NH 03825

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Parcel Number: 220-0053  
CAMA Number: 220-0053  
Property Address: 45 TOLEND RD

Mailing Address: FULTON TARA L MARSHALL JOHN D  
45 TOLEND RD  
BARRINGTON, NH 03825

Parcel Number: 220-0054  
CAMA Number: 220-0054  
Property Address: 71 TOLEND RD

Mailing Address: FITZSIMMONS BADEN & DENISE  
71 TOLEND RD  
BARRINGTON, NH 03825

Parcel Number: 220-0054-0001  
CAMA Number: 220-0054-0001  
Property Address: TOLEND RD

Mailing Address: MILL FALLS RE LLC  
240 LONGHILL RD  
DOVER, NH 03820

Parcel Number: 220-0054-0002  
CAMA Number: 220-0054-0002  
Property Address: 49 TOLEND RD

Mailing Address: ESTES MICHAEL & JULIEANNE  
49 TOLEND RD  
BARRINGTON, NH 03825

Parcel Number: 220-0054-0003  
CAMA Number: 220-0054-0003  
Property Address: 55 TOLEND RD

Mailing Address: MENDOZA ARTEMIO J REV TR 50%  
MENDOZA SONITA E REV TR 50%  
55 TOLEND RD  
BARRINGTON, NH 03825

Parcel Number: 220-0054-0004  
CAMA Number: 220-0054-0004  
Property Address: 59 TOLEND RD

Mailing Address: HENDERSON DAVID & DENISE  
59 TOLEND RD  
BARRINGTON, NH 03825

Parcel Number: 220-0054-0005  
CAMA Number: 220-0054-0005  
Property Address: 69 TOLEND RD

Mailing Address: BUSTAMANTE CHRISTOPHER GARCIA  
MARGRET  
69 TOLEND RD  
BARRINGTON, NH 03825

Parcel Number: 220-0054-0014  
CAMA Number: 220-0054-0014  
Property Address: 4 MILLS FALLS RD

Mailing Address: MORGAN VALERIE J  
4 MILLS FALLS RD  
BARRINGTON, NH 03825

Parcel Number: 220-0054-0015  
CAMA Number: 220-0054-0015  
Property Address: 93 TOLEND RD

Mailing Address: BIANCHI TORY T  
8 PACIFIC DR  
DOVER, NH 03820

Parcel Number: 220-0054-0016  
CAMA Number: 220-0054-0016  
Property Address: 99 TOLEND RD

Mailing Address: RUSSELL ROBERT & ALLISON  
99 TOLEND RD  
BARRINGTON, NH 03825

Parcel Number: 220-0054-0017  
CAMA Number: 220-0054-0017  
Property Address: 113 TOLEND RD

Mailing Address: HELLER RANDAL & PAMELA TRS FAM  
REV TR  
113 TOLEND RD  
BARRINGTON, NH 03825

Parcel Number: 220-0054-0018  
CAMA Number: 220-0054-0018  
Property Address: 115 TOLEND RD

Mailing Address: BACZEWSKI MATTHEW M NATASHA H  
115 TOLEND RD  
BARRINGTON, NH 03825



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November 10, 2015

Parcel Number: 220-0056  
CAMA Number: 220-0056  
Property Address: 110 TOLEND RD

Mailing Address: OLSEN BJORN & MARGARET  
110 TOLEND RD  
BARRINGTON, NH 03825

Parcel Number: 220-0058  
CAMA Number: 220-0058  
Property Address: 28 BALDWIN DR

Mailing Address: GREENHILL MHP LLC  
66 CATE RD  
BARRINGTON, NH 03825

Parcel Number: 220-0060  
CAMA Number: 220-0060  
Property Address: 8 TOLEND RD

Mailing Address: BRULOTTE WAYNE & JENNIFER  
66 CATE RD  
BARRINGTON, NH 03825

Parcel Number: 223-0013  
CAMA Number: 223-0013  
Property Address: 174 CALEF HWY

Mailing Address: LRT PROPERTY MGMT LLC  
PO BOX 703  
BARRINGTON, NH 03825

Parcel Number: 223-0017  
CAMA Number: 223-0017  
Property Address: 144 TOLEND RD

Mailing Address: STALEY RONALD & L KATHRYN  
144 TOLEND RD  
BARRINGTON, NH 03825

Parcel Number: 223-0018  
CAMA Number: 223-0018  
Property Address: 138 TOLEND RD

Mailing Address: D'EON PHILIP & KENDRA  
138 TOLEND RD  
BARRINGTON, NH 03825

Parcel Number: 223-0020  
CAMA Number: 223-0020  
Property Address: 126 TOLEND RD

Mailing Address: HODGDON BARRY  
126 TOLEND RD  
BARRINGTON, NH 03825

Parcel Number: 223-0021  
CAMA Number: 223-0021  
Property Address: 120 TOLEND RD

Mailing Address: WHEELER DELMORE  
120 TOLEND RD  
BARRINGTON, NH 03825

Parcel Number: 223-0022  
CAMA Number: 223-0022  
Property Address: SCRUTON POND RD

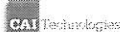
Mailing Address: BARRINGTON TOWN OF  
PO BOX 660 333 CALEF HWY  
BARRINGTON, NH 03825

Parcel Number: 223-0023  
CAMA Number: 223-0023  
Property Address: 136 ORCHARD HILL RD

Mailing Address: CONNICK JAMES E & STEVEN E  
CONNICK KIMBERLY D  
324 DAN QUARRY RD  
LYNN, MA 01904

Parcel Number: 223-0026  
CAMA Number: 223-0026  
Property Address: CALEF HWY

Mailing Address: MYHRE RINA, HELFGOTT PAUL C  
LEDOUX CAROL H (1/3 EA)  
4364 ADMIRABLE DR  
RANCHO PALOS VERDES, CA 90275



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PROFESSIONAL NOTIFICATION LIST  
(BEALS # NH-859)

DEVELOPER:  
JOSEPH FALZONE  
7B EMERY LANE  
STRATHAM, NH 03885

ENGINEERS:  
BEALS ASSOCIATES PLLC  
70 PORTSMOUTH AVENUE  
STRATHAM, NH 03885

SURVEYORS:  
DOUCET SURVEY INC  
102 KENT PLAVE  
NEWMARKET , NH 03857

WETLAND/SOIL SCIENTIST:  
GOVE ENVIRONMENTAL SERVICES INC.  
8 CONTINENTAL DRIVE,  
BLDG 2 UNIT H  
EXETER, NH 03833  
1-603-778-0644

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