

BERRY SURVEYING

& ENGINEERING

335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 {332-2863}

SCALE: 1 IN. EQUALS 20 FT.

DATE: JULY 29, 2015

FILE NO.: DB 2015 - 058

COLOR RENDERING
FOR KENDALL AUTO AND TRUCK SALES
LAND OF DAYNA CUMMINGS
16 CALEF HIGHWAY
BARRINGTON, NH
TAX MAP 220, LOT 43

REVISION	DATE	DESCRIPTION

### **Land Use Department**

# Town of Barrington; 137 Ramsdell Lane; Barrington, NH 03825

planner.cbrawders@barrington.nh.gov Phone: 603.664.5798

#### PART III - PROJECT DESCRIPTION/VARIANCE DETAILS

Case No				
Project NameKendall Auto & Truck Sales land of Dayna Cummings Site Plan Review				
Location Address16 Calef Highway, Barrington, NH 03825				
<b>Map and Lot</b> Tax Map 220, Lot 43				
Zoning District (Include Overlay District if Applicable)Regional Commercial/Highway				
Property Details: Single Family Residential Multifamily Residential Manufactured Housing Commercial Mixed Use Agricultural Other				
Use: _Commercial/Home Business				
Number of Buildings: _1 Height:				
Setbacks: Front75'Back30'Side30'Side30'				
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:  _Request a variance to a the definition of "Retail Uses" to allow an Automotive Repair and Used Car Sales within the Regional Commercial Zone & Request a Variance to Section 4.2.3 (5) to allow the buffer to be reduced from 50 feet to 10 feet along NH Route 125				
Project Narrative: (Please type and attach a separate sheet of paper)				
See Attached				



# 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	7-29-2015	Case No.

#### 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.

\$ 75.00 Legal Notice



Rec'd

- 1. Zoning Board of Adjustment Application Checklist (this form)
- \$ 7.00 per US Post
- 2. ZBA General Information (Article(s) and Section(s) of Ordinance) Office

Certified

3. Appeal and Decision

Letter

- 4. Fees \$150.00 Application
- 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)
- 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

b.	24" X 36" – 2 Copies 11' X 17" – 6 Copy
C.	8 1/2 " X 11" – 1 Copy
2. El	evations: 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. Fl	oor Plans
a.	24" X 36" – 2 Copies
b.	11' X 17" – 6 Copy
C.	8 1/2 " X 11" – 1 Copy

Staff Signature	Date
6	6. Your Appointment Date and Time for Submitting the Complete Application is:
Ę	5. OTHER:
2	4. All drawings and any revised drawings must be submitted in PDF format

Barrington Zoning Ordinance Requirements:	
See Attached	
Request: (You may type and attach a separate sheet of paper)	
See Attached	
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.	
Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.  See Attached	
Granting the variance would be consistent with the spirit of the Ordinance.  See Attached	
3. Granting the variance will not result in diminution of surrounding property values.  See Attached	
4. Granting of the variance would do substantial justice See Attached	
5. Granting of the variance would not be contrary to the public interest.	
See Attached	

Jain Mamo	
Signature of Applicant	Date
Cheny M James	
Signature of Owner	Date

# 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.

- Photos are to be taken looking toward the site and adjacent to the site.
  - Photos should show adjacent improvements and existing on-site conditions.

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V Claroff Man	V 6 pin 80 kmg	
Owner Signature	Applicant Signature	
17	1-42-101	
Staff Signature	Date	

July 21, 2015

Town of Barrington Planning Board Chairperson & Members:

I am the owner of Tax Map 220, Lot 43. This letter is to grant Berry Surveying & Engineering and their employees the authorization to represent myself and any application hearings for a Site Plan Review on my lot located on Rt 125, in Barrington, NH. at any Town Department Meetings.

1/200

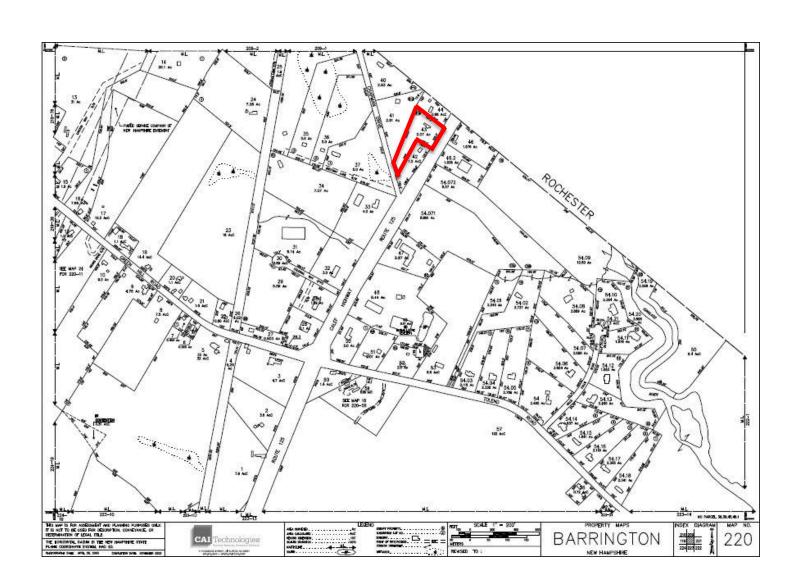
Dayna Cummings



335 Second Crown Point Road Barrington, NH 03825 Phone: (603) 332-2863

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Tax Map 220





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July 29, 2015

Town of Barrington Zoning Board of Adjustments 333 Calef Highway PO Box 660 Barrington, NH 03825

Re: Kendall Auto & Truck Sales

Dayna Cummings 16 Calef Highway Barrington, NH

Madam Chair and Members of the Barrington Zoning Board of Adjustments,

On Behalf of Dayna Cummings and Kendall Auto & Truck Sales, Berry Surveying & Engineering (BS&E) is applying for two variances located at 16 Calef Highway. The property is commonly known as Tax Map 220, Lot 43. A variance to the Definitions of "Retail Sales" is sought to specifically allow the proposed use of Used Car Sales and Automotive Repair. A variance to Section 4.2.3 (5) is also sought to allow the removal of the 50' buffer required to the right of way of NH Route 125.

#### **Background and General Narrative:**

Ms. Cummings owns and operates Kendall Auto & Truck Sales in Brentwood, NH. She has purchased the property located at 16 Calef Highway to relocate her business to the Town of Barrington. The parcel is located in the Regional Commercial Zone. The current business in Brentwood contains a small auto body shop and used car sales. At any given time the used cars on the lot amount to twenty cars or fewer, and the repair shop only repairs one car at a time. This is the same business model she intends to have at 16 Calef Highway. The site contains an existing barn which can be readily used for auto repair work, and contains an existing two bedroom structure which is to be used as a small sales office for the used cars.

The site is serviced by an effluent disposal field and on site well. An analysis will be conducted as part of the site review to determine the suitability of the existing effluent disposal field, and may include a redesign to be used in the event of failure. The existing site contains a mixture of compact gravel and pavement areas. In this proposal, through a phased approach, the paved areas will be properly defined with parking areas for twenty used cars, patron parking, employee parking and accessible parking, utilizing lane and space delineation.

The site has direct access to NH route 125 via an existing driveway / curb cut. This curb cut will be analyzed during the planning / site review process to determine suitability for this low intensity commercial use. A traffic study of the existing facility in Brentwood found that there were fewer than twenty trips to and from the site during the working hours of the business. As can be seen on the Existing Conditions Plan Sheet 2 of 4, proper topographic information has been provided for the development of a highway access plan for NHDOT. Preliminary findings, pursuant to a speed study done July 27, 2015, are that there is adequate sight distance at the existing location. The entrance for this project will be widened to

properly accommodate an entering vehicle and an existing vehicle, with the exiting traffic queue being designed for two or more vehicles.

The existing tree lines on the property were located in an effort to review existing vegetation management, and allow for the review of buffer placement and enhancement. As can be seen in the provided photographs, aerial photographs, and Existing Conditions Plans, there is very little vegetation at the front of the site between the edge of pavement and the right of way line, and is isolated to the driveway location. The applicant is looking to open up visibility to the commercial site, and as discussed below, we have provided the information and the property mitigation plan for the boards review.

#### The Proposal:

It is our opinion that uses such as these need to be highly specific in the request for development. Understandably, the community has an interest in the presentation of commercial property along the major entering gateways and corridors. Therefore, through this application we will define the precise uses of the project site. The applicant is requesting:

- To open an Automotive Repair Shop which is to service no more than one car at a time and have no more than two cars in waiting, along the Southerly edge of the existing barn / shop.
- To open an In Home Business for Used Car Sales with a maximum of twenty cars on this parcel for this specific purpose.
- The hours of operation are to be 8 A.M to 5 P.M. Monday through Friday, 10 A.M. to 2 P.M. Saturday with no business being conducted on Sunday.
- To display cars for sale within 10 feet of the boundary Line. A split rail fence or boulder barrier be
  installed along the boundary line to specifically prohibit cars from migrating into the Right of Way.
  The ten foot setback will allow for temporary snow storage during winter months, and allow for
  replacement of some vegetation along the front of the property.
- To remove the existing vegetation along the front of the property, including the pine trees in the
  immediate area of car sales, and replace it with landscaping. The landscaping is to be as similarly
  presented to the Zoning Board of Adjustment and finally approved by the Planning Board. It is to
  contain some ornamental street trees, and low growth bushes to create a street scape which is
  presentable along the entrance corridor.
- To re-develop the site through the site plan review process established in the Town of Barrington.

#### Specific Variance Request & Criteria for Approval:

As noted on page 1, the first request is a Variance to the Definition of "Retail Uses" currently located on page 85 of the Zoning ordinance, which states:

"A business or activity having as its primary function the supply of merchandise or wares to the end consumer, or establishments engaged in the rental of goods at retail, or in providing a service(s) to individuals and households. This category excludes animal sales or service: building and garden materials, supplies, sales or rental; and motor vehicle and related equipment sales, leasing, rental, or repair."

It is important to note that "Service for Autos and Trucks" is specifically allowed in the Table of Uses Table 1. Given the most restrictive applies, and the definition is more restrictive, the request is sought. This speaks to the "Spirit and Intent" of the original ordinance discussed below.



#### **BERRY SURVEYING & ENGINEERING**

- 1.) "Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law."
  - a. There are special conditions associated with this parcel of land. This is an existing lot of record, clearly located within the Regional Commercial Zone, and only contains 2.07 acres of land, which is largely comprised of an oddly shaped "L" containing wetlands. This is important given the fact that many larger scale commercial uses require much more land area for development / re-development on a more regularly shaped lot. The site already contains a barn / shop which is conducive to the proposed use. It contains a small residential structure, also found towards the middle of the site, well suited for the inhome sale of used cars. Located within this zone, and within the immediate area, are three parcels of land which sell used cars and have automotive repair contained within their buildings. A special condition of this property is that there is an existing hill, atop which the applicant proposes to display cars and landscape. This will create a natural barrier, along with the proposed modifications, to keep the vehicular sales position fixed to an appropriate location. The special conditions of this topographic break between NH Route 125 and the usable land area shields much of the activity proposed on the site. Lastly, the special condition of the existing structures and their positions on the lot limit the use to a low intensity use as is being proposed. Very few other low intensity businesses would be able to utilize this property in the commercial capacity intended for this zone, and thus literal enforcement would preclude this business owner from bringing her business to the Town of Barrington, to a parcel which she now owns, which contains the ready infrastructure required, for competing with the surrounding similar use businesses.
- 2.) "Granting the variance would be consistent with the spirit of the Ordinance"
  - a. It is clear through the added language to the definition, that the original ordinance specifically allowed this use. This is witnessed on the table of uses and the existence of other like businesses within the immediate area. The spirit and intent of the revised ordinance is to prohibit the appearance of the major corridor from becoming one uninterrupted automotive sales display area. These two uses are commonly complementary to each other, however as described above this project preserves the intent of the ordinance because:
    - The topography on and off the site break up the appearance of the project. The
      cars, though on display, will be tucked off the edge of pavement atop the hill,
      between two vegetated areas, and will contain a landscaped buffer along the
      front.
    - ii. The applicant is willing to place a physical barrier preventing vehicles from getting any closer to the street, and is willing to leave the natural trees along the edge of the property and along the North edge of the driveway, creating an appealing streetscape of vegetated over story with some new fresh ornamental trees.
    - iii. The repair shop is situated off the roadway at such a distance that will not be readily visible from the road. The size and mass of the existing shop will be broken up by the ornamental trees planted along the boundary line of the site.



- 3.) "Granting the variance will not result in diminution of surrounding property values"
  - a. The surrounding properties are all located within the same Regional Commercial Zone. The proposed use has a very low intensity proposed, and in our opinion is a good fit for commercial use between two residential properties. No structures are being enhanced in size, and very little buffering is being removed which will affect the neighboring properties.
- 4.) "Granting the variance would do substantial justice."
  - a. The substantial justice would be to allow this land owner the proper use of the existing infrastructure in which she has invested and to allow her to bring her existing thriving business to the Town of Barrington, to a zone which is well suited for this use, as witnessed by surrounding users.
- 5.) "Granting the variance would not be contrary to the public interest."
  - a. The public interest is to invite long standing businesses to locate and re-locate in appropriate areas of the Town. This zone and project site are specifically suited for this low intensity use. With respect to the immediate abutting public, the applicant's activity has a very low intensity. As stated above, 20 trips per day is assumed, which equates to 10 cars or patrons to both portions of the business. The average single family home of this size generates approximately 10 trips per day, or 5 cars coming to and leaving the site. Noise levels on site are contained within the shop structure and will not to be a nuisance to the surrounding general public.

A variance to Section 4.2.3 (5) is requested to allow the proposed pavement for the used car lot to be within ten feet of the Right of Way Line, where a fifty foot buffer is required.

- 1.) "Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law."
  - a. A special condition is the existing lot of record shaped as it is, with the fifty foot buffer rendering much of the lot useless. Though the ordinance allows for existing lots of record prior to a certain date, such as this one, to adhere to the "extent possible" to the ordinance, this is difficult to quantify and measure. For this reason, we would submit that the ordinance itself creates the hardship upon the lot, whereas it fails to define what is "reasonable" or "extent possible" for lots of record such as this one and is subjective to each applicant. As noted on page one, the odd shape, topographic features, existing infrastructure, and usable land area remaining after setbacks and buffers are applied, are all special conditions of this lot. The hardship to this specific applicant is that in the Commercial Zone, business activity is required for any user to survive, and buffering a business and the uses associated with that business will stifle any business owner. Not allowing the use to be displayed as presented, with the buffering proposed, would put the owner at a disadvantage over the other similar users within the immediate area.
- 2.) "Granting the variance would be consistent with the spirit of the Ordinance"
  - a. The spirit and intent of the ordinance is to create an attractive gateway and corridor setting throughout the town. Through the use of plantings, and hardscapes, combined with keeping the vehicles out of the right of way, the spirit of the ordinance is preserved.



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- 3.) "Granting the variance will not result in diminution of surrounding property values"
  - a. The surrounding properties are all located within the same Regional Commercial Zone. The proposed use has a very low intensity proposed, and buffering replacement is proposed to break up the street view of the display area. Very little is changing with respect to the immediate abutters and the buffers they currently enjoy and therefore the use existing on those properties remains equitable.
- 4.) "Granting the variance would do substantial justice."
  - a. Granting the variance would allow the applicant to move her business to the Town of Barrington and allow her to display the business and product for sale in an appropriate and tasteful manner, while preserving the feel of the existing corridor in relation to abutting land owners.
- 5.) "Granting the variance would not be contrary to the public interest."
  - a. The public interest is in not having an open view of every lot and building up and down every corridor and gateway into the Town of Barrington. This project proposes to leave some of the perimeter buffering and re-establish the ornamental buffering along the front of the lot. The sales area of the project is set much farther off the edge of the pavement than those on surrounding parcels, due to right of way location in reference to the existing edge of pavement.

Thank you for your time and attention to this matter. We hope you look favorably upon these two requests.

BERRY SURVEYING & ENGINEERING

Christopher R. Berry Principal, President





335 Second Crown Point Road Barrington, NH 03825 Phone: (603) 332-2863 Fax: (603) 335-4623

www.BerrySurveying.Com

July 21, 2015

**Abutters List** 

#### **Owners of Record**

Tax Map 220, Lot 43

Dayna Cummings 417 Rt 125 Brentwood, NH 03853

#### **Abutters**

Tax Map 220, Lot 37

Thomas & Marquita Maciolek 22 Brittany Lane Barrington, NH 03825

Tax Map 220, Lot 41

Carl J. Cicchetto 32 Chapman Dr. Barrington, NH 03825

Tax Map 220, Lot 42

Stefanie & David Bernier 18 Calef Highway. Barrington, NH 03825

Tax Map 220, Lot 44

Daniel J. & Jean L. Barbin 53 Leeanna Dr. Barrington, NH 03825 Tax Map 220, Lot 46

Rebecca Ann Mooers 11 Calef Highway Barrington, NH 03825

Tax Map 220, Lot 46-2

Royalty Volvo Holdings LLC 15 Calef Highway Barrington, NH 03825

#### **Professionals**

Christopher R. Berry Berry Surveying & Engineering 335 Second Crown Point Road Barrington, NH 03825

Marc E. Jacobs, CWS PO Box 417 Greenland, NH 03840

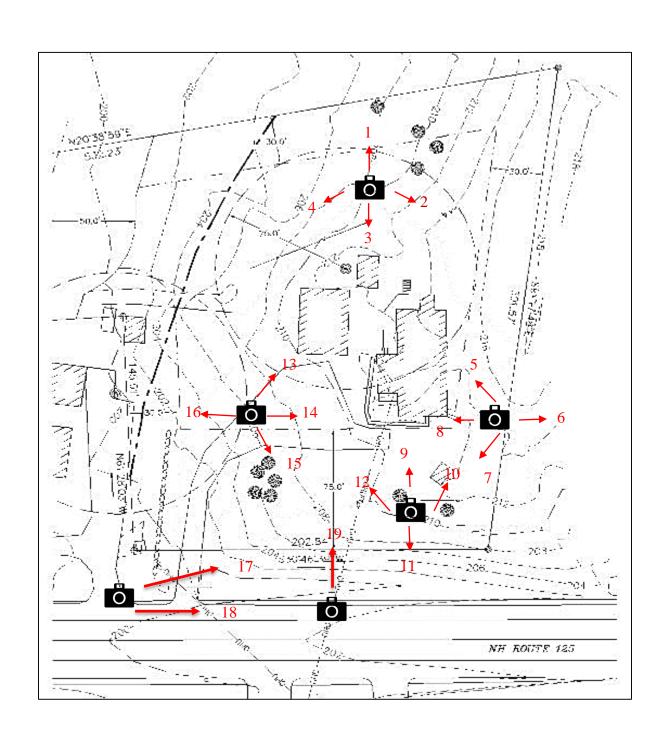


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# Rear of site









# Right of site











#### **BERRY SURVEYING & ENGINEERING**

# Front of site











#### **BERRY SURVEYING & ENGINEERING**

# Left of site











#### **BERRY SURVEYING & ENGINEERING**

# Road frontage photos of site









#### **BERRY SURVEYING & ENGINEERING**

