

BERRY SURVEYING & ENGINEERING

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June 1, 2018

Barrington Zoning Board of Adjustment
Attention: Marcia Gasses
PO Box 660
333 Calef Highway
Barrington, NH 03825

RE: Variance Request
Article 6, Section 2.6 Perimeter Buffers
Tax Map 234, Lots 31, 31-4 & 25.

Ms. Gasses, Ms. Chairman, Members of the Barrington Zoning Board of Adjustment,

On behalf of the Mike and Lisa McMahon & Ms. Donetta Haley Berry Surveying & Engineering (BS&E) is submitting for your review a variance request to Article 6, Section 2.6 Perimeter Buffers. This request will allow for the development of the parcels using the Conservation Subdivision Ordinance off an existing Class VI Road locally known as Meetinghouse Road.

Donetta Haley owns Tax Map 234, Lots 31 & 31-4, which has a combined area of approximately 28 acres and is located in the General Residential District (GR). The combined parcel has frontage on Oak Hill Road and Meetinghouse Road. Tax Map 234, Lot 31 was recently subdivided to create three new frontage lots along Oak Hill Road. The site contains favorable slopes, moderately well drained soils, with the wetlands being located along the rear of the property along the north and west. The westerly boundary line is lined with an overhead transmission easement.

Mike and Lisa McMahon own Tax Map Lot 25, where they have built their personal house at the approximate corner of Oak Hill Road and Meetinghouse Road. The site contains approximately 23.5 acres of land, and is located in the Village District (VD). The parcel has frontage on Oak Hill Road, Meetinghouse Road, and NH Route 9 (Franklin Pierce Highway). The center of the parcel contains steeper slopes, moderate to well drained soils, and very little wetland areas. This parcel is located to the south side of Meetinghouse Road across the roadway from the land owned by Donetta Haley.

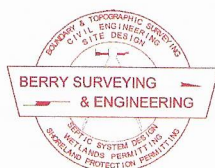
BS&E has reviewed the development potential of the two parcels owned by Ms. Haley as well as the land owned by the McMahons. As can be seen by the enclosed yield plan, the Haley land could yield thirteen single family homes. This would involve a loop road starting on Oak Hill Road, coming out and down Meetinghouse Road with one additional internal cul-de-sac road. All of the Haley land would be consumed by individual house lots. The land owned by the McMahons could be developed in such a way to have lots fronting along Meetinghouse Road which would yield seven single family house lots. A small internal cul-de-sac could be developed to provide access to two single family house lots and one duplex lot, for a total of four

additional units. Construction of Meetinghouse Road through to Smoke Street would likely be required. The total combined project yield is twenty four units.

BS&E has also conducted preliminary engineering work, and has submitted for a Design Review to the Planning Board for a condominium development on the land owned by the McMahons. In the VD district this use is permitted as a matter of right and allows one unit for every 10,000 Square Feet. The concept design contemplated coming from NH Route 9 into the property and running along the contour behind the abutting property owned by Mr. Kent. At the first public hearing it as expressed by abutters and members of the board that though this was a permitted use, pushing the density potential of the property more central or closer to Meetinghouse Road was preferred. In reviewing the total potential of this property BS&E has developed concepts for a forty unit condominium project which would include developing off from both NH Route 9 and Meetinghouse Road.

Based on the input from the Planning Board Design Review hearing, BS&E, in conjunction with the two land owners, has developed a plan which combines the parcels owned by Ms. Haley and the McMahons into one cohesive project and utilizes Article 6 Conservation Subdivision of the Barrington Zoning Ordinance which achieves the following:

- Creates a smaller scale single family neighborhood which borders on the zone line between the higher density VD district and the more rural GR district.
- Creates the same single family density as would otherwise be permitted under conventional subdivision design with only 1500 linear feet of new public roadway.
- Creates the major access for the subdivision in the same location as the existing Meetinghouse Road and reduces the need for a second access point onto Oak Hill Road.
- Creates one safe access point onto the low volume road (Oak Hill) which provides the proper sight distance in both directions. This reduces curb cuts onto NH Route 9 and reduces the need to create a through access to Oak Street on Meetinghouse Road.
- Reduces the future fire infrastructure maintenance requirements of the Town of Barrington. Development along NH Route 9 would require a 30,000 gallon fire cistern as would any further development of the Haley land. The proposed project would require only one cistern to be installed and maintained.
- Allows for a large amount of open space to be maintained along Oak Hill Road and the abutters to the north of the land owned by Ms. Haley.
- Allows for the preservation of many of the internal trails, currently used by abutting land owners.
- Allows for a large amount of open space to be maintained at the center of the McMahon parcel, and keep the view shed of the property from NH Route 9 intact.
- Allows for the reduction of construction on steeper more sensitive slopes. The subdivision proposes to cluster the homes along the contour adjacent to Meetinghouse Road and is not proposing to alter the slopes along NH Route 9 or the center of the property.
- Overall reduction in publically owned infrastructure, urban sprawl, soil disturbance and de-vegetation.



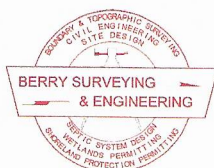
For this ordinance to be utilized in this fashion and the benefits of the Conservation Subdivision to be realized, there is a variance required.

1. Section 2.6 Perimeter Buffer. This section requires a 100' buffer to the perimeter of the property.

In this instance Meetinghouse Road is being utilized as the "interior" subdivision road for the project and therefore setting the houses back from Meetinghouse Road in this instance is not practical. Additionally, there is a section of the Haley property near the intersection of Meetinghouse Road and Oak Hill Road which "jogs" around a town owned parcel which acts as a buffer to this project and therefore an additional buffer to Oak Hill Road was not maintained at that point. Lastly, there is likely going to be drainage mitigation required along the front of the McMahon parcel at the intersection of Meetinghouse Road and Oak Hill Road. There is the existing house which exists within this buffer. Though houses are not proposed at this point there is technically a lack of the required buffer shown on the plan.

To the merits of the five statutory criteria for the Zoning Board to grant a variance we offer the following:

1. *"Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law."*
 - In this case the special condition of the property is the existing Class VI Road which exists between two abutting land owners who are looking to develop their property in the most efficient manner possible.
 - Both parcels are special in that they are located in very close proximity to a zone line. The VD zone allows for some dense housing to be developed while the GR zone allows for a more moderate density. This is special in the context of the properties in that a higher density is centered on Meetinghouse Road, which is the zoning divide, while keeping the rural nature of the Oak Hill area intact.
 - Another special condition of the Haley property are the wetlands located along the north and westerly boundaries which encourage the development to be central to the existing infrastructure of Meetinghouse Road. The existing "jog" in the boundary line around the town owned parcel is also special in the context of remaining buffering.
 - Another special condition of the McMahon parcel is the steep slopes towards the center of the site, and the view scape from NH Route 9, again encouraging the development to be centered on Meetinghouse Road. The existing house location on this parcel is meaningful and special when placed in the context of the surrounding neighborhood and remaining buffering.
 - The literal enforcement of this ordinance would deny the applicants the right to utilize this entire ordinance because one section is not technically met, yet the intent of the ordinance is. This is a hardship to the applicant whereas the use of existing infrastructure creates two opposing boundary lines which technically require the buffer to a road the general public does not utilize currently. There is no effectual loss of an actual buffer due to the "jog" in the Haley land, the existing condition of the house placement on the McMahon land, and Meetinghouse



Road essentially being internal to the project. For all these reasons, the granting of this variance would not undermine the ordinance in any way, with the public interest intact, and therefore the denial is a direct hardship to the applicants.

2. *"Granting the variance would be consistent with the spirit of the Ordinance."*
 - The use of this ordinance on these parcels of land were very closely reviewed, and for all the reasons stated within the Purpose of Article 6, was chosen to be used for the development of the properties. The spirit of the section which relief is sought is to provide similar development rights to the land owners while maintaining the rural nature of the Town of Barrington and affording protection to the abutting land owners through the use of natural buffers. We submit to the board that due to the fact that relief sought is largely to Meetinghouse Road which is internal to the project and not used by the general public, that the spirit of the ordinance is met.
3. *"Granting the variance will not result in diminution of surrounding property values."*
 - The project is proposing a single family home development in an area that is developed in the exact same manner. Larger open spaces are to remain intact due to this development and there will be larger preservation of recreation space currently being used by abutting land owners. There will be no diminution of property values do to the reduction of the buffer along Meetinghouse Road and Oak Hill Road in the areas keyed out on the development plan.
4. *"Granting of the variance would do substantial justice."*
 - Granting the variance would allow for the development of the parcels in the most reasonable and environmentally responsible manner, while keeping ample buffers in appropriate areas. Substantial justice is granted by allowing the reduction in the buffers to allow for well-organized development to take place.
5. *"Granting of the variance would not be contrary to the public interest."*
 - The public interest, with respect to this section of the Article 6, is in keeping buffers along abutting boundary lines and roadway corridors to reduce the visual impact of housing on the rural nature of Town of Barrington. In this instance there is no loss to the visual integrity along Oak Hill Road given the separation between the road, the affected boundary line, and where the first residential unit is to be placed. Meetinghouse Road is a Class VI Road which is not traveled, and is now internal to the project, therefore there is no diminution to the public interest. This proposal will have no effect on this public interest, when in fact, if denied a conventional subdivision would have a much larger and more impactful affect.



We submit to the board that in this case there are many special conditions of both properties independently and combined which generate a hardship to the applicant if not allowed to use the Conservation Subdivision. These special conditions are all directly related to the one section of the ordinance which relief is sought. It is our assessment that the spirit and intent of the ordinance is maintained as is the public interest with no detriment to local property values.

Please let us know if you have further questions.


BERRY SURVEYING & ENGINEERING

Christopher R. Berry – Project Manager
Principal, President



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