



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 March 27 2019 Case No. 126-61-GR-19-ZBASpExc
Owner Dylan Bisson / KATHRYN McCABE Mailing Address 2111 Franklin Pierce Hwy
Phone _____ Email _____ Barrington NH

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	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Zoning Board of Adjustment <u>Application Checklist</u> (this form)
<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	4. Fees - \$150.00 Application <input type="checkbox"/> \$ 75.00 Legal Notice <input type="checkbox"/> \$ 7.00 per US Post Office Certified Letter <input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	5. Completed Project Application Form <input type="checkbox"/> Variance <input checked="" 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 checked="" type="checkbox"/>	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 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:

April 17, 2019

Barbara Arvine

Staff Signature

3/27/2019

Date

Land Use Department
Town of Barrington; 137 Ramsdell Lane; Barrington, NH 03825
barrplan@metrocast.net Phone: 603.664.5798

PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 126-61-GR-19-ZBA SpExc

Project Name Special Exception

Location Address 2111 Franklin Pierce Hwy

Map and Lot 126/61

Zoning District (Include Overlay District if Applicable) General Residential / Highway Commercial

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)

SEE ATTACHED

Barrington Zoning Ordinance Requirements:

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

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.

SEE ATTACHED

- 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.

SEE ATTACHED

- 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.

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

Date

Signature of Owner

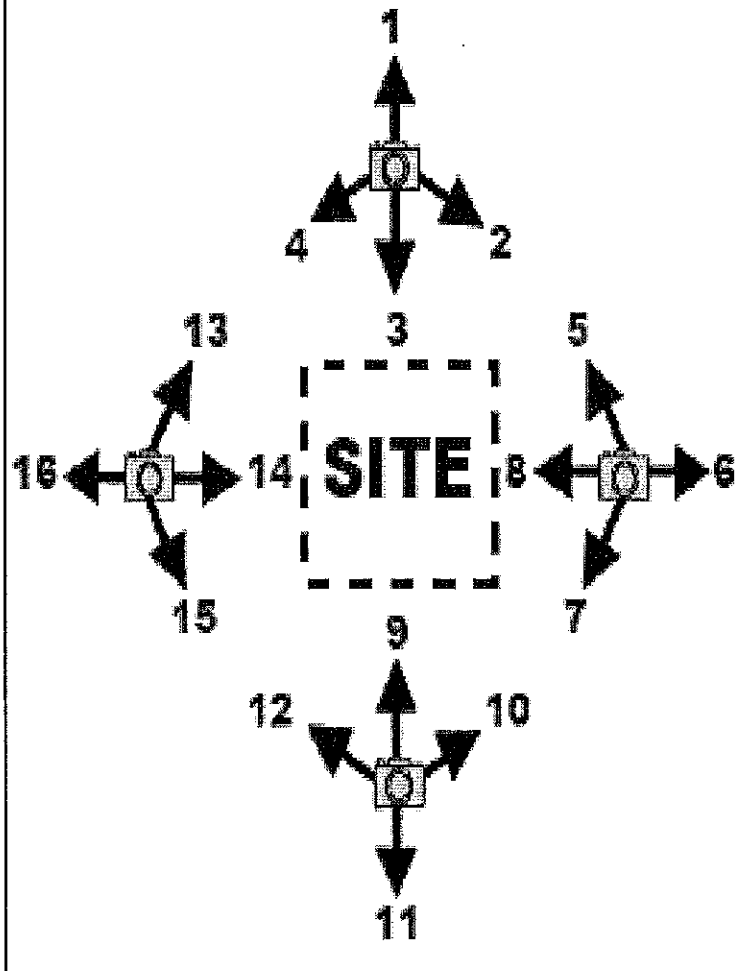
Date

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.

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.



Applicant: Dylan Bisson
Property Address: #2111 Franklin Pierce Highway, Barrington, NH
Tax Map & Lot: Tax Map 126 Lot 61
Zoning District: General Residential
Overlay District: Highway Commercial District Overlay (HCO)
Property Details: Single Family Residential

Description of Request: The Applicant formally requests that the Town of Barrington Zoning Board of Adjustment consider the approval of a **Special Exception and a Variance** to the Town Zoning Ordinance that would allow for the 3 driveway access points to be combined to one, as requested by the New Hampshire Department of Transportation (NHDOT) who cites vehicular safety to be the major consideration of this planning effort. Approval of the variance is request would allow for an existing structure to remain within the building setback.

**Relevant Portion of the
Town of Barrington Zoning Ordinance
ARTICLE 4 DIMENSIONAL REQUIREMENTS
4.1 General Provisions**

4.1.1 Minimum Standards

No building or structure shall be erected, enlarged, altered or moved, nor shall any existing lot size be changed or new lot created, except in accordance with the standards prescribed in Table-2, Table of Dimensional Standards or as otherwise specified herein.

Table 2Table of Dimensional Standards (a)

Specifically: Min. Side Yard Setback = 30 feet

4.1.2 Lot Frontage

The side of a parcel used to satisfy the frontage requirement specified in the Table of Dimensional Standards, or other alternative standards, must be the side of the parcel used to provide vehicular access to the property. The Zoning Board of Adjustment may permit, by granting of a Special Exception, that a different side of the property be used for access because site constraints make using the otherwise required frontage inconsistent with protecting the safety, health and welfare of the public.

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Project Narrative:

It is the intent of the applicant to exercise the right to develop his property in a manner that is compliant with Local and State requirements. Through the land planning process it became apparent that compliance NHDOT requirements created a noncompliance with the Town Zoning Ordinance. More specifically, the state has reviewed the existing and proposed access points of the plan submitted with this application and has requested that the current driveway access point, servicing the existing house, be combined with the new access point, northwest approximately 300' as shown on plan, citing reasoning of vehicular and pedestrian safety. Please see letter from NHDOT and Subdivision Plan submitted with this application. Also included in this application is the request for a variance to the side yard dimensional setback requirement. The applicant was informed that he had purchased a property that had a noncompliant lean-to portion of a garage when it was just recently identified. This condition was discovered during recent survey and mapping of the proposed subdivision and is something that the current owner inherited from actions of the previous owner and not something he was aware of until last week and therefore the applicant respectfully request this variance to allow the noncompliant structure to remain in place.

JUSTIFICATION FOR VARIANCE

1. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under the applicable law.

The special condition that exists specific to this situation would be the unique circumstances surrounding the creation of, and the subsequent history of this lean-to portion of the garage. The structure was built by the prior owner and sold to the current owner, Dylan Bisson, with no disclosure of any noncompliance. Dylan reviewed the record documents related to the permitting of the garage prior to purchasing the property, which included a lot line adjustment to allow for buildable area specifically for this garage. Following this review of documents, Dylan had no reason to believe any form of noncompliance existed and proceeded with purchase the property based on a value that included this portion of the structure.

2. Granting the variance would be consistent with the spirit of the Ordinance.

In this circumstance the relative spirit of the ordinance is such that it intended to protect the rural nature of the zone by controlling the density by creating required spacing between abutting dwellings and structures. It is the belief of the applicant that this structure that has been in existence for a number of years has no effect on the density preservation in this area as there have been no complaints from the abutter that is most affected by this noncompliance.

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3. Granting the variance will not result in diminution of surrounding property values.

The portion of noncompliance for which this variance approval is sought is the lean-to portion of the existing portion of the garage. This portion of the structure has been in existence for a number of years now and there have been no reports of detrimental effects that it causes.

I have never seen an appraisal of a home with a depreciated value due to abutters' encroachment to the building setback

4. Granting the variance would do substantial justice.

The substantial justice is the recognition that this entire land planning project results in a safer alternative for all motorist and pedestrians alike that will be the result of this project and will allow of an existing structure to remain within the building setback.

5. Granting of the variance would not be contrary to the public interest.

Approval of this variance request is not contrary to the public interest rather the result of the project as a whole creates a safer situation and therefore the case could be made that approval of this variance is in favor of the public interest.

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B. M. L. P. Chopade

Signature of Applicant

3/26/19

date

DL

SIGNATURE OF OWNER

3/26/19

DATE

JUSTIFICATION FOR SPECIAL EXCEPTION

- 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.** This detrimental effect of property values of homes in this immediate area that will be the result of the granting of this special exception. With no negative effect to cite, the only effect that would result from approval of this request would be an improvement to the safety of the public.
- 2. No hazard will be caused to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.** Being the proposed use is residential and the concept is compliant with all other requirements of both the Town and State, there is no detrimental hazard caused to the public as the result of this approval. There are no foreseeable concerns for fire, explosions, or toxic material resulting from this consideration either.
- 3. No creation of a traffic safety hazard or substantial traffic congestion will result in the vicinity of the proposed development.** The approval of this application will result in the exact opposite of causing a hazard, as cited by NHDOT, what would be allow as the result of this approval would result in an improvement of site distance along this section of highway.
- 4. No excessive demand on municipal services and facilities, including, but not limited to waste disposal, police and fire protection, and schools.** There are no foreseeable excessive demands on the town as a result of this approval.
- 5. The proposed use will not result in the degradation of the existing surface and groundwater quality standard, nor will it have adverse effects on the natural function of wetland on the site that would result in the loss of significant habitat or flood control protection.** The condition of the existing ground water will not be effected by this proposal. The wetlands on the site have been delineated, located and mapped on the supplied plan and consideration are taken to protect them in this land planning process by establishing a 50' wetland buffer that will forever be a part of the chain of title of these three lot, which is recognition and memorialization of the protection of this wetland habitat forever.

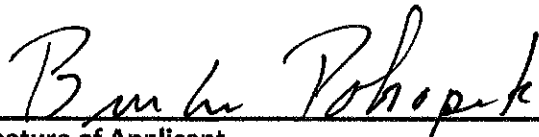
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3/26/19

date



Signature of Applicant



Signature of Owner

3/26/19

date



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

February 25, 2019

Dylan Bisson
RCB Construction
2111 Franklin Pierce Highway
Barrington, NH 03825

Good afternoon Dylan:

Please see the attachments that will help to explain the NHDOT "Policy for The Permitting of Driveways and other Accesses to the State Highway System"


8. Driveway Limitations.

(a) No more than 1 driveway shall be permitted to a single parcel of land or lot of record, on a single highway unless there is all season safe sight distance of 122 meters, or 400 feet in both directions along the highway. If the all-season safe sight distance cannot be obtained, and the driveway is not an unreasonable hazard to the traveling public, the single driveway shall be located at the safest point as determined by the district engineer.

In order to construct a new access to tax map 126, lot 61, the 2 existing driveways that do not have the required all season safe sight distance, will have to be removed.

If I can be of further assistance, please contact me.

Sincerely


Roger L. Appleton
Assistant District Engineer
NHDOT District 6
PO BOX 740
Durham NH 03824

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LIST OF ABUTTERS

List of all the names and addresses of the owner(s) of record of the property and abutters, including persons whose property is separated from the concerned property by a street(s), public land(s) or stream(s). It is the responsibility of the applicant to determine the completeness and accuracy of the list of abutters.

Date Prepared: February 23, 2019
Preparer: Bruce L. Pohopek

Tax Map / Lot **Owner of Record &
Mailing Address**

LOCUS PARCEL

Map 126 Lot 16 Dyland A. Bisson &
Kathryn L. McCabe
#2111 Franklin Pierce Highway
Barrington, NH 03825

ABUTTING PROPERTY OWNERS

Map 126 Lot 60 Nathan C. Conley
#2 Corbett Road
Barrington, NH 03825

Map 126 Lot 58 Robert & Ruth Zsigray
#10 Corbett Road
Barrington, NH 03825

Map 245 Lot 21 Scott R. & Carole A. Frankiewicz
#26 Corbett Road
Barrington, NH 03825

Map 244 Lot 15.1 Benjamin Brennan
#294 Main Street, PO Box 179
Sandown, NH 03873

Map 243 Lot 13 Philip & Karen Boodey
#55 Old Settlers Road
Barrington, NH 03825

Map 245 Lot 24 Richard & Robin Bernier
#25 Calvery Ct
Barrington, NH 03825

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Map 245 Lot 23

William J. Grace
#19 Calvery Ct
Barrington, NH 03825

Map 126 Lot 62

Theodore K. Karakostas
#2105 Franklin Pierce Highwa
Barrington, NH 03825

Map 126 Lot 15

Dean A. Grondin &
Lisa L. Enman
#2120 Franklin Pierce Highwa
Barrington, NH 03825

PROFESSIONALS

Bruce L. Pohopek, NHLLS
#42 Flagg Road
Rochester, NH 03867

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SPECIAL EXCEPTION FOR DRIVEWAY BISSON



EXISTING DRIVE →

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NEW DRIVE ACCESS →

ZBA BISSON LEAN-TO



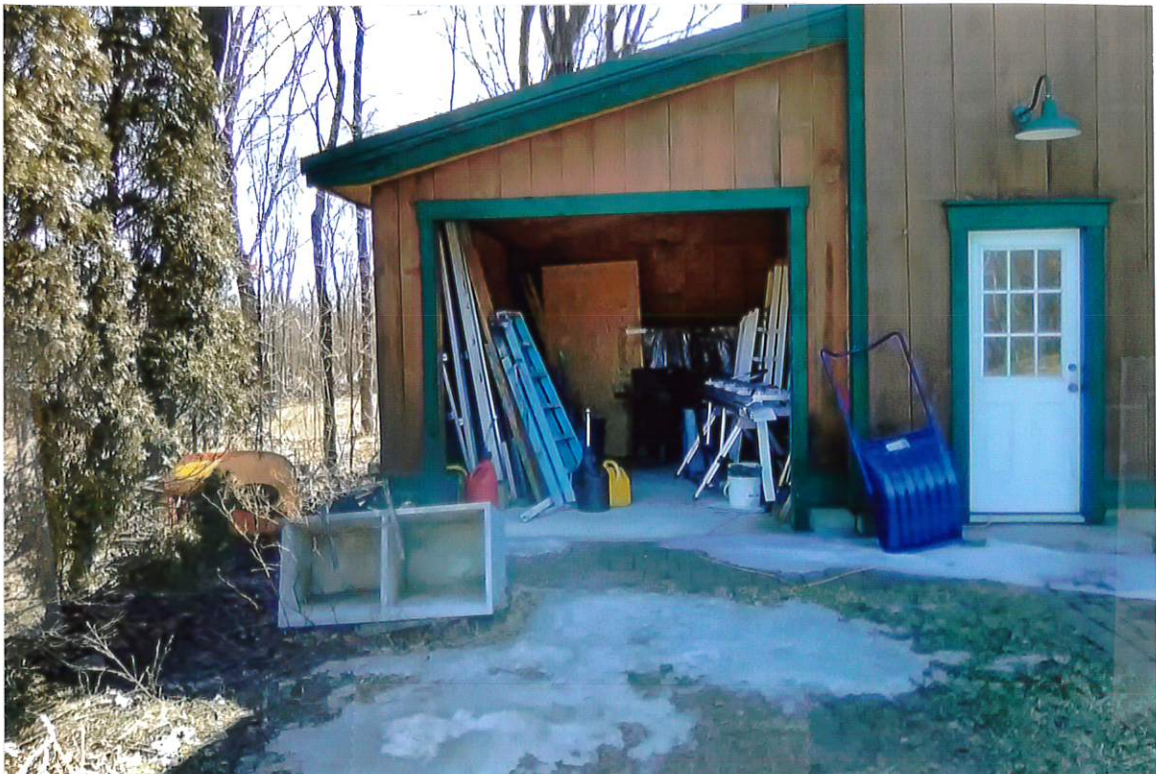
LEAN-TO



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MAR 27 2018

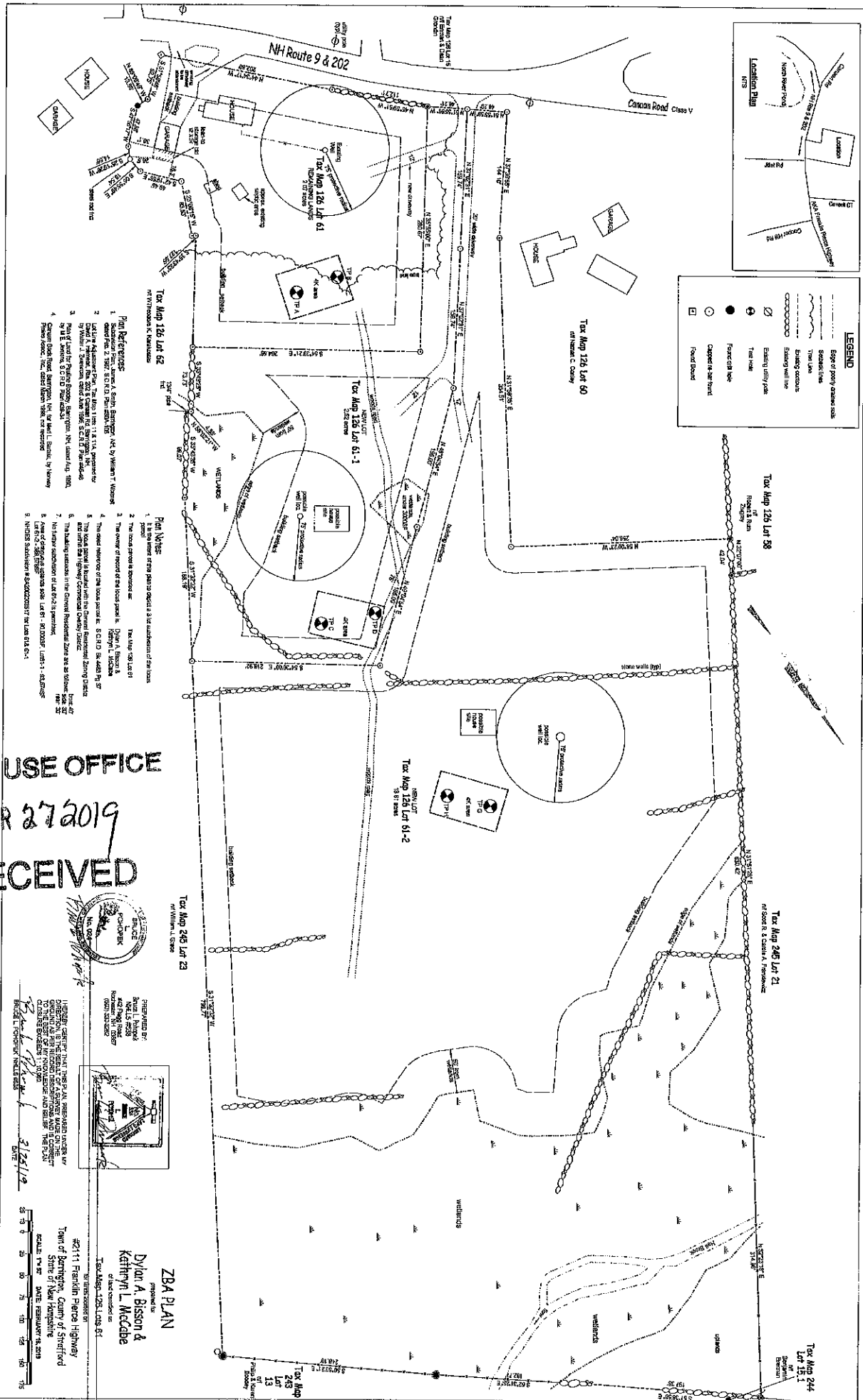
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GARAGE

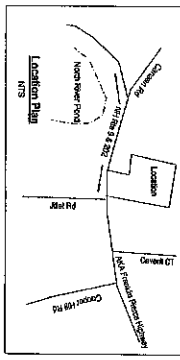
LEAN-TO





LEGEND

- Edge of poorly drained soils
- Setback lines
- Tree Line
- Building setbacks
- Setback wall line
- Existing utility poles
- Tree Hole
- Franchise line
- Compost in the front
- Found Shovel



- Point References:**
1. Subdivision Plan, Yarns & Sons, Barrington, NH, by William T. Woodard
 2. Subdivision Plan, Yarns & Sons, Barrington, NH, by William T. Woodard
 3. Subdivision Plan, Yarns & Sons, Barrington, NH, by William T. Woodard
 4. Subdivision Plan, Yarns & Sons, Barrington, NH, by William T. Woodard
 5. Subdivision Plan, Yarns & Sons, Barrington, NH, by William T. Woodard
- Point Notes:**
1. It is the intent of the person effecting a use extension of the town
 2. The town shall be responsible for
 3. The owner of record of the town parcel, Dyer, A. Thomas
 4. The town shall be responsible for the town parcel, Dyer, A. Thomas
 5. The town shall be responsible for the town parcel, Dyer, A. Thomas

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ZBA PLAN

prepared by
 Dylar A. Bisson &
 Kathryn L. McCabe

of the town of
 Barrington, New Hampshire

for the extension of
 Tax Map 126, Lots 60-62

RECEIVED BY:
 SHARON L. HARRIS
 ZBA CLERK
 BARRINGTON, NH 03027
 603-251-2000

DATE: 3/12/19

SCALE: 1" = 100'

Town of Barrington, County of Strafford
 State of New Hampshire
 DATE: 3/12/19