



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 August 20, 2021 Case No. 118-21-GR/SPO-21-ZBA/Daw
Owner David R. & Joyce Torrey
Mailing Address 68 Rocky Point Road, Barrington, NH 03825
Phone 603-493-8378 Email JetDrt@aol.com

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'	Rec'
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- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Zoning Board of Adjustment Application Checklist (<i>this form</i>) |
| <input checked="" 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Completed Project Application Form
<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 checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Project Narrative |

- n/a 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
(7) 8 1/2 x 11
 - ~~a. 24" X 36" – 2 Copies~~
 - ~~b. 11' X 17" – 6 Copy~~
 - c. 8 1/2 " X 11" – 1 Copy
- 3. Floor Plans
(7) 8 1/2 x 11
 - ~~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 Arvine

Staff Signature

Date

Land Use Department
Town of Barrington; 333 Calef Highway; Barrington, NH 03825
mgasses@barrington.nh.gov Phone: 603.664.5798

PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. _____

Project Name David R. & Joyce Torrey

Location Address 68/ Rocky Point Road, Barrington

Map and Lot Tax Map 118 Lot 21

Zoning District (Include Overlay District if Applicable) General Residential
Shoreland Protection Overlay

Property Details:

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

Use: Full time residence

Number of Buildings: <u>1 to be Replaced</u>		Height:		Existing 16'+/-		Proposed 34.6'±	
Setbacks: Front <u>22.7'</u>	Back <u>29.6'</u>	Shore <u>29.1'±</u>	Shore <u>24.4'±</u>	Side <u>8.1'</u> , Deck <u>3.2'</u>	Side <u>7.3'</u> , Deck <u>18.6'</u>	Side <u>7.8'</u> , Deck <u>10.8'</u>	Side <u>7.8'</u> , Deck <u>11.0'</u>

Existing House in black / Proposed Addition in Red

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:

Article 4.1.1 - Minimum Standards for Front and Side Setbacks

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

See attached.

Barrington Zoning Ordinance Requirements:

The current regulations require 40' setback on the front and a 30' setback on the sides.

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

The existing structure was built in 1950 as a camp and the lot was created well before the zoning regulations were in place. We are requesting relief from the current regulations so that the existing structure can be replaced with a new modern structure that will be centered on the lot. A new septic system will be installed as it is unclear if there is an existing leach field. The existing well will be replaced at this time.

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 existing lot is 51.7' wide where the proposed building will be placed and 92.4'± long. The regulations require a lot to be 60' wide just in setbacks. Therefore it is not possible to meet the current regulations and the literal enforcement creates an unnecessary hardship on the owner.

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

There have been many improved homes or new homes placed on non-conforming lots in the Town and in the immediate area. The house on Lot 22 was replaced in 2013 and the house on lot 20 was built in 1998, both are two story homes. Granting the variance would be consistent with the spirit of the Ordinance as it allows for improvements consistent with the surrounding area along with the improvement of the septic system for better protection of Swains Lake.

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

The proposed addition would not impact abutting property values in a negative way as the improved home will increase abutting property values. The proposed home will compare better to size of the abutting homes.

- 4. Granting of the variance would do substantial justice.

This home cannot be improved without a variance. Many homes in this area are close to the property line. The existing layout of the existing house does not lend itself to be added onto or a second story to be built and would still require relief from the Board. Granting the variance would do substantial justice by allowing the owner to update the home and still enjoy the area that they have been living in for more than 20 years.

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

The proposed addition will not have an impact on the public, neighbors or landscape. The proposal decreases lot coverage and the improvements along the shore will be more appealing from the water and have a positive impact along the shoreline, therefore granting the variance is not contrary to 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.

- 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.

Raymond A. Bisson

8/23/2021

Signature of Applicant

Date

Signature of Owner

Date



August 23, 2021

Town of Barrington
Zoning Board of Adjustment
PO Box 660
Barrington, NH 03825

RE: David R. & Joyce Torrey

Location: **68 Rocky Point Road, Barrington, Strafford County, New Hampshire**
Tax Map & Lot Number: **Map 118 Lot 21**

Job No: **21003**

Dear Members of the Zoning Board,

The existing house is an older one level camp with wood decking, wood walkways & stairs. There is also a shed on the water side of the house. There are cobble stone walkways and lots of crushed stone. There is only adequate parking for one car. The property was created in 1961 and the house was built in 1950 (per tax card). The lot is 51.7' wide and 92.4'± long in the vicinity of the structure. The property slopes from the road at elevation of 291' to the shore at 277.9'.

The proposed plan is to replace the one story house with a two story 24' deep by 34' wide house that would be centered on the lot and parallel with the property lines. The well and septic would be updated, and the driveway would be adjusted to allow for two cars and in a fashion that is more user friendly for turning around. Dry wells will be installed under the deck to capture rain water from the roof.

Per the zoning ordinance Article 11, section 11.3, existing lots of record created prior to July 28, 1988 are exempt from the shoreland setback provisions to the extent it can be demonstrated that conformance is impossible. Based upon the State septic guidelines, the septic needs to be minimum of 10' from lot lines and 15' from a foundation with drains.

Variance Requested:

Variances requested from dimensional requirements:

Relief from front setback for Rocky Point Road from 40 feet to 29.6 feet.

Relief from left setback from 30 feet to 7.8 feet. The existing setback is 7.8 feet to house and 3.2' from the wood walkway.

Relief from right setback from 30 feet to 7.8 feet. The existing setback is 7.3 feet to house.

The proposed improvements fall in line with improved properties in the surrounding area and around Swain's Lake. The immediate abutter's deck is 26.6'± and house is 37.5'± from the Shore, while the proposed deck is 24.4'± and house is 36.4'± from the shore. It is our opinion that this project will not have negative impact on surrounding properties and improves the coverage from 52.0% to 43.8%.

Thank you for your time reviewing this matter.

Sincerely,

Raymond A. Bisson, LLS
Stonewall Surveying

Letter of Authorization

August 23, 2021

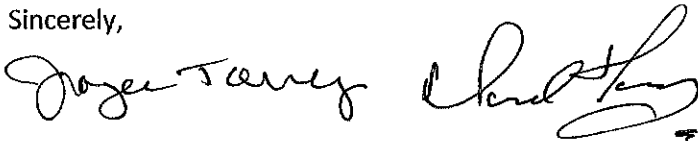
Town of Barrington
Zoning Board
PO Box 660
Barrington, NH 03825

To Barrington Zoning Board:

We the undersigned, hereby authorize Raymond Bisson from Stonewall Surveying and his appointees to act on our behalf in all manners relating to local and state permitting, including the signing of all documents related to these matters for the property located at 68 Rocky Point Road, Barrington, NH, Tax Map 118 Lot 21. Any and all acts carried out by Raymond Bisson and appointees on our behalf shall have the same effect as acts of our own.

This authorization is valid until further written notice from myself, David R. & Joyce Torrey.

Sincerely,

Handwritten signatures of Joyce Torrey and David R. Torrey. The signature of Joyce Torrey is on the left, and the signature of David R. Torrey is on the right.

David R. Torrey
Joyce Torrey
68 Rocky Point Road
Barrington, NH 03825

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.

Zoning District	Min. Lot Size (sq.ft.) (b)	Min. Lot Frontage (ft.) (b)	Min. Yard Setbacks (ft.)(i)			Max. Bldg. Height		Max. Lot Coverage (f)
			Front	Side	Rear	Feet	Stories	
General Residential	80,000(c)	200	40	30	30	35	2.5	40%
Neighborhood Residential	80,000(c)	200	40	30	30	35	2.5	40%
Village District (Residential)	80,000(c)	200	40	30	30	35	2.5	40%
Village District (Non-Residential)	30,000(g)	75	20	15	15	40(j)	3	60%
Town Center	20,000(h)	40	20(k)	15	15	40(j)	3	80%
Regional Commercial	40,000(d)	200	75(e)	30	30	40(j)	3	50%

Footnotes:

(a) All development is subject to the additional and supplemental dimensional standards prescribed in Article 4 of this Ordinance.

(b) Refer to Article 4.2 for calculating the minimum lot size per dwelling unit within each district.

(c) Minimum lot sizes and frontage may be reduced as part of a Conservation Subdivision in accordance with Article 6 of this Ordinance.

(d) Minimum lot sizes for residential dwelling units in the RC district shall be in accordance with Section 4.2 of this Ordinance.

(e) A greenbelt shall be maintained along the frontage of parcels on Route 125 in accordance with Subsection 4.2.3, Paragraph 4), of this Ordinance.

(f) Maximum lot coverage means the area of the lot covered by an impervious surface. Calculation of maximum lot coverage in a Planned Unit Development (PUD) shall be in accordance with Subsection 16.3.3. All development is subject to the provisions of Article 12, Groundwater Protection, with regard to the creation of impermeable surfaces.

(g) The minimum lot size for single-family dwelling units must comply with the provisions of Subsection 4.2.1 of this Ordinance, which are the same requirements for constructing a single-family dwelling in the GR and NR districts, as well as all other applicable provisions. Refer to section 4.2.2 for further specifications regarding minimum lot size and building size requirements in the VD district.

(h) Refer to Section 4.2.4 for additional provisions regarding minimum lot size and building size in the TC district.

(i) "Setbacks apply to ground mounted Solar Collection Systems. Increases in the Minimum Yard Setbacks may be required as part of the Site Plan Review or building permit process in order to comply with Life Safety Code requirements. Additional buffers may also be required between residential and nonresidential uses in the VD, RC, and TC districts as specified in Article 4, as well as other sections of this Ordinance.

(j) No structure may contain occupied residential building space above 35 ft. unless said structure contains a sprinkler system.

(k) The setback for all new structures shall be fifty (50) feet from the edge of the right-of-way along Route 125 and Route 9. No new structures (except signs) may be placed within this setback area.

**DAVID R & JOYCE TORREY
68 ROCKY POINT ROAD
BARRINGTON, NH 03825**

**PAULA MCCOY, CHARLES MCCOY
& JESSICA MCCOY
62 ROCKY POINT ROAD
BARRINGTON, NH 03825**

**BAILEY ENVIRONMENTAL
SERVICES
PO BOX 301
MELVIN VILLAGE, NH 03850**

**STONEWALL SURVEYING
PO BOX 458
BARRINGTON, NH 03825**

**KIM & JOSEPH COLLINS
75 ROCKY POINT ROAD
BARRINGTON, NH 03825**

**FRANK A. KUNECK
PO BOX 1141
ROCHESTER, NH 03866**

Warranty Deed

We, Donald Johnson and Vanessa Johnson, husband and wife, of 90 Raynor Street, Lowell, Massachusetts 01851

for consideration paid, grant to

David R. Torrey and Joyce Torrey, husband and wife, of 7 Brook Road, Litchfield, New Hampshire 03052

with WARRANTY COVENANTS as joint tenants with rights of survivorship

A certain tract or parcel of land with the buildings thereon, situate on the southwesterly shore of Swain's Lake in Barrington, Strafford County, New Hampshire, bounded and described as follows:

Beginning at an iron pipe on the southwesterly shore of Swain's Lake at the northwesterly corner of land now or formerly of Ralph Brown and at a point South eighty-seven degrees, five minutes West (S 87° 05' W) one hundred twenty-six and three tenths (126.3) feet from an iron pipe at the northeasterly corner of said Brown's land; thence running North thirty-nine degrees, fifty-seven minutes West (N 39° 57' W) by the shore of said Lake fifty-four (54) feet to an iron stake at land now or formerly of Harry Goodstein; thence southerly by said Goodstein's land one hundred (100) feet to an iron stake; thence South forty-two degrees, fifty minutes West (S 42° 50' W) six and two-tenths (6.2) feet by said Goodstein's land to a right of way; thence South forty-seven degrees, fifty minutes East (S 47° 50' E) fifty-one and five-tenths (51.5) feet by said right of way to an iron pipe at land now or formerly of said Brown; thence North thirty-eight degrees, twenty-one minutes East (N 38° 21' E) by said Brown's land one hundred and four-tenths (100.4) feet to an iron pipe being the point of beginning.

TOGETHER WITH all land between the first mentioned boundary and the high water mark of said Lake, and a right of way in common with others to the public highway.

Subject to easements, restrictions and rights of record.

Meaning and intending to describe and convey the same premises conveyed to the within grantor by deed recorded with said Registry at Book 0962, Page 0199.

We, Donald Johnson and Vanessa Johnson, husband and wife, hereby release all rights of homestead and other interests in subject property.

Witness my hand this 21st day of April, 2000 .

Donald Johnson

Donald Johnson

Vanessa Johnson

Vanessa Johnson

State of New Hampshire
County of Rockingham,

On the 21st day of April, 2000 before me personally appeared Donald Johnson and Vanessa Johnson personally known to me or satisfactorily proven to be the parties executing the foregoing instrument, and they acknowledged said instrument, by them executed, to be their free act and deed.

Marie D. Lesniak

Notary Public:

My commission expires:

MARIE D. LESNIAK
New Hampshire Notary Public
Expiration Date: April 2, 2002

2000 APR 24 AM 10:39
REGISTER OF DEEDS
STRAFFORD COUNTY

005990

BK2191PG0058

STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE ADMINISTRATION
REAL ESTATE TRANSFER TAX
XXXX THOUSAND XX7 HUNDRED AND X50 DOLLARS
04-24-00 426691 \$750.00
VOID IF ALTERED



Barrington, NH

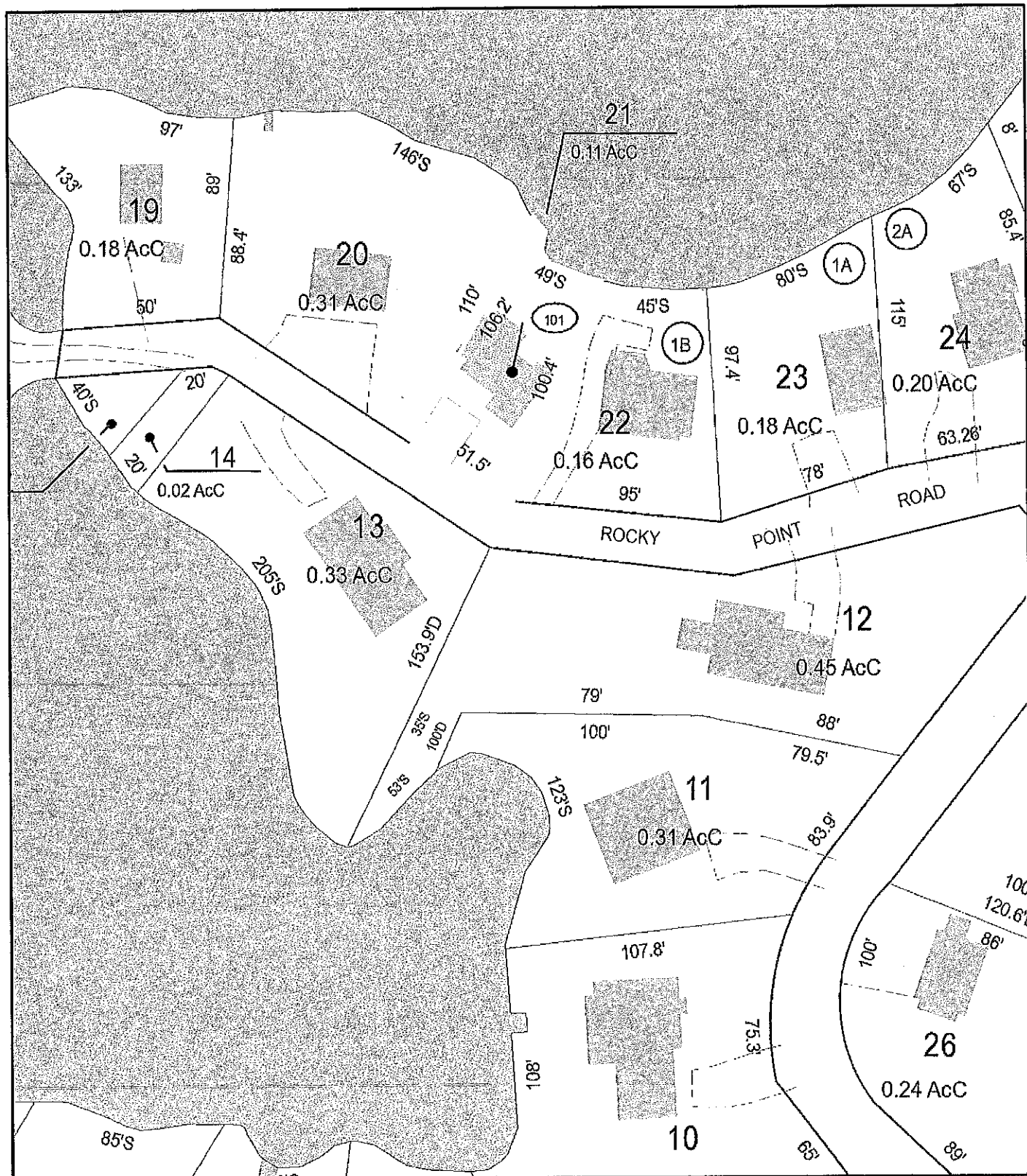
1 inch = 60 Feet



CAI Technologies
Precision Mapping. Geospatial Solutions.

August 23, 2021

www.cai-tech.com



The property data available on this site is updated periodically. The Town of Barrington makes no warranties with regard to its accuracy or completeness and assumes no liability associated with the use of this data.