



# 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 4/1/2021 Case No. 250-761-RC-21-Var

Owner Jeremy Hiltz TR.

Mailing Address PO Box 1142 Ashland, NH 03217

Phone 603-767-2470 Email Timothy.Hartford@AscentiumCapital.com

Applicant: Timothy + Krystin Hartford

### 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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- 1. Zoning Board of Adjustment Application Checklist (*this form*)
- 2. ZBA General Information (Article(s) and Section(s) of Ordinance)
- 3. Appeal and Decision
- 4. Fees - \$150.00 Application   
\$ 75.00 Legal Notice   
\$ 7.00 per US Post Office Certified Letter
- 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

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- NA* 8. HOA Approval (if applicable)
- NA* 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).
- NA* 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 Arvine*  
Staff Signature

*4/1/2021*  
Date

**Land Use Department**  
**Town of Barrington; 333 Calef Highway; Barrington, NH 03825**  
**[barrplan@metrocast.net](mailto:barrplan@metrocast.net) Phone: 603.664.5798**

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PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 250-76.1-RC-21-Var

Project Name Timothy B Krystin Hartford

Location Address 6 Keefe RD

Map and Lot <sup>old</sup> Map 14 Lot 56B New # 250 Lot # 76.1

Zoning District (Include Overlay District if Applicable) Regional Commercial (RC)

Property Details:

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

Use: Single Family Home

Number of Buildings: 1 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:

Article 4 - Dimensional Requirements  
Section 4.1.1 Minimum Standards  
Article 3 Permitted Uses Section 3.3.5(3)(a)  
Project Narrative: (Please type and attach a separate sheet of paper)

See attached

Barrington Zoning Ordinance Requirements:

No residential structures are permitted within 500' of the centerline of Route 125.

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

Request for 300' setback from Route 125 which was setback when subdivision was approved in 2003.

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## Barbara Irvine

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**From:** Timothy Hartford <TimothyHartford@AscentiumCapital.com>  
**Sent:** Monday, April 05, 2021 1:58 PM  
**To:** Barbara Irvine  
**Subject:** RE: Answers to the Variance Application

[EXTERNAL]

To whom it may concern,

I Timothy Hartford give permission to Scott Frankiewicz to represent me during the town meeting that will be held on the 21<sup>st</sup> of April, 2021. As of April 10<sup>th</sup> 2021, I will be the legal owner of the property that is located at 0 Keefe Rd Barrington NH 03825. If you have any question, please feel free to reach me at any time.

Thanks,

**Timothy Hartford**  
Vice President - Sales  
Ascentium Capital LLC  
W: 281.902.1461 F: 281.921.3461 M: 603.380.3651



[www.AscentiumCapital.com](http://www.AscentiumCapital.com)

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**From:** Barbara Irvine <birvine@barrington.nh.gov>  
**Sent:** Monday, April 5, 2021 1:42 PM  
**To:** Timothy Hartford <TimothyHartford@AscentiumCapital.com>  
**Subject:** [EXTERNAL] RE: Answers to the Variance Application

Note: This email may be from a government entity or official.  
Have you bought the property if not the homeowner.  
Barbara

**From:** Timothy Hartford <TimothyHartford@AscentiumCapital.com>  
**Sent:** Monday, April 05, 2021 1:34 PM  
**To:** Barbara Irvine <birvine@barrington.nh.gov>  
**Subject:** RE: Answers to the Variance Application

[EXTERNAL]

You need a letter from me????

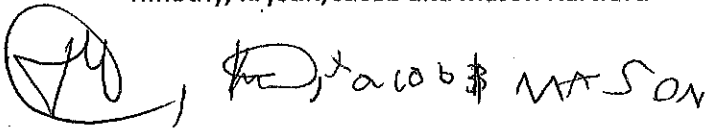
Dear Chairperson,

We are coming before you to request a variance regarding the setback on Keefe Rd, Lot 56B. We are asking for the Town of Barrington to accept the original Subdivision Site Plan dated September 16, 2003, that states this is a Residential Lot.

Our family is requesting this variance for numerous practical and personal reasons: Our family purchased this property with the understanding that it was a usable and buildable residential property. We have already invested \$30,000 into this project by way of surveyors, lawyers, architectural plans and a deposit to our builder. Our family has resided in Barrington for 7 years, we are established in the community, our children go to school here and our extended family lives here. We sold our previous home with the expectation that we would be able to build on this lot by September and are currently residing with family.

Thank you for your timely consideration in this matter,

Timothy, Krystin, Jacob and Mason Hartford

Handwritten signatures of Timothy, Krystin, Jacob, and Mason Hartford. The signatures are written in black ink and are somewhat stylized. The name 'MASON' is written in all caps.

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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.

*See attached*

- 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.

- 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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## Variance from Article 3 Permitted Uses Section 3.3.5(3)(a)

### 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.

Under the current Zoning Ordinance this parcel is only allowed to be developed as a commercial use within 500' of Rte. 125. This ordinance was revised in March of 2005 to 500'. A setback of 300' to the centerline of the roadway corridor (Rte. 125) was in place when this parcel was created from a subdivision approved in 2003. The special conditions of this parcel are it has no frontage on, or visibility from, the roadway corridor (Rte. 125), it only has frontage along Keefe Road, which is accessed by Beauty Hill Road. In addition, it doesn't have sufficient buildable area, outside the 500' setback to the centerline of the roadway corridor (Rte. 125) to build a residential use structure 500' away from the centerline of the roadway corridor (Rte. 125) due to wetlands and associated setbacks on the parcel.

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

Granting the variance would allow the lot to be developed as it was allowed in 2003 when the setback to the centerline of roadway corridor was 300'. At that time the lot could be developed as a residential use, which is consistent with many of the surrounding properties. The description of the Regional Commercial Zone states residential development is permitted in the district, but are considered less appropriate for the land immediately adjacent to the roadway corridor (Rte. 125). This parcel is not immediately adjacent to the roadway corridor (Rte. 125) and doesn't have frontage/access to the roadway corridor (Rte. 125). Therefore, making a commercial use less appropriate for this parcel than a residential use.

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

Granting the variance will not result in diminution of the surrounding properties. If allowed to be developed, as a residential use, the end value would be consistent, and similar, to the surrounding residential properties, therefore not resulting in diminution of the surrounding property values.

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

Granting the variance would allow the parcel to be developed as a residential use as it was allowed when the lot was created in 2003 and will be similar to the surrounding properties. The lot is not viable as a commercial use as it is not immediately adjacent, or visible, to the roadway corridor (Rte. 125) or has frontage on the roadway corridor (Rte. 125). In addition, many of the abutting, and surrounding, properties are residential uses.

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

The public interest would not be impacted by building a residential use structure on this lot. It is not viable as a commercial use as it is not immediately adjacent, or visible, to the roadway corridor (Rte. 125) or have direct frontage on roadway corridor (Rte. 125) although it is within 500' of the centerline of the roadway corridor (Rte. 125). Any development, commercial or residential, is not clearly visible or accessible from the roadway corridor (Rte. 125) which would be vital to any commercial venture that could be placed on this parcel.

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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.

X \_\_\_\_\_  
Signature of Applicant Date

X \_\_\_\_\_  
Signature of Owner Date

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## SITE / CONTEXT PHOTOS

Using Guidelines Below

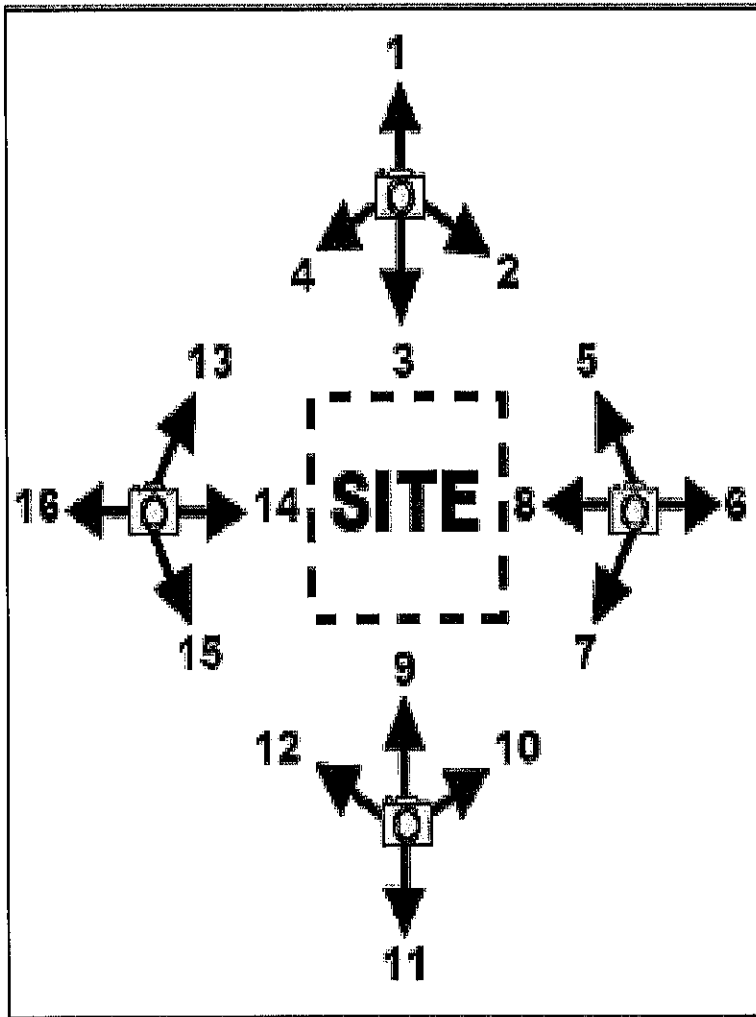
Provide color photographs showing the site and surrounding buildings/properties in order to provide staff, boards and commissions with a visual impression of the current site conditions.

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.

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**ABUTTER LIST**  
Town of Barrington, NH  
Please Print or Type

56  
150  
75  
281, —

Applicant: 33 Village Place Barrington Phone 603 760-7672470

Project Address: 250-76.1-6 Keefe Road

List the names and addresses of all parties below. For abutting lot owners, list each owner whose lot adjoins or is directly across the street or a body of water from the subject property. This form may not be completed more than five (5) days prior to the application deadline.

**LEGAL OWNER OF SUBJECT LOT**

Map	Lot	Zone	Owner Name	Mailing Address
250	76	1	Hiltz Jeremy Tr	PO Box 1142, Ashland, NH 03217

**ABUTTING LOT OWNERS**

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
250	75	Edward Jr + Michelle Kohlase	9 Mary Ver Drive, Brentwood, NH 03833
250	74	36 Beauty Hill Rd LLC	36 Beauty Hill Rd, Barrington
* 250	76	Venture 56 LLC	PO Box 240, Plymouth, NH 03264-0240
250	78	Karta S Owens	PO Box 534, Barrington
* 250	77	Venture	
250	72	Jason Schon	50 Beauty Hill Rd, Barrington

**PROFESSIONALS AND EASEMENT HOLDERS.** Engineers, Surveyors, Soil Scientists, and Architects whose seal appears or will appear on the plans (other than any agent submitting this application); holders of conservation, preservation, or agricultural easements; and upstream dam owners/NHDES.

Name of Professional or Easement Holder	Mailing Address
David Vincent Land Surveying Services	PO Box 1622 Dover, NH 03821

I, the undersigned, acknowledge that it is the responsibility of the applicant or his/her agent to fill out this form. I understand that any error or omission could affect the validity of any approval. The names and address listed on this form were obtained from the Town of Barrington Assessing Office

on this date: \_\_\_\_\_, This is page 1 of 1 pages.

Applicant or Agent: \_\_\_\_\_

Planning Staff Verification: Barbara Irvine Date: 4/1/2021

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David W. Vincent, LLS  
LAND SURVEYING SERVICES  
5 Powers Drive  
Barrington, NH 03825-3350  
Tel/Fax (603) 664-5786

September 17, 2003

Town of Barrington Planning Board  
41 Province Lane  
Barrington, NH 03825

**Re: Anthy E. Mouzourakis Subdivision  
Map 14 - Lot 56  
NH Route 125, Commerce Way & Lee Road**

Dear Chairperson,

The following is a brief narrative of the subdivision proposed by Anthy E. Mouzourakis, of the property located on NH Route 125, Commerce Way & Lee Road shown as Lot 56 on Assessor's Map 14.

**Location / Property Description**

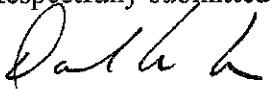
The property is located on the westerly side of NH Route 125; bounded on the north by Commerce Way, on the west by the Barrington Commerce Center Subdivision and Lee Road, on the east by NH Route 125, and on the south by land of Swain and land of Keefe. The property is located in the Highway District.

Lots 56 is owned by Anthy E. Mouzourakis as a portion of a parcel as described in Strafford County Registry of Deeds (SCRD), Book 2234, Page 546. The total parcel area comprises of 6.2 acres, with 205' of frontage on Commerce Way, 242' of frontage on Route 125 and 325' of frontage on Lee Road. The parcel is currently undeveloped.

**Purpose / Intent**

The purpose of this subdivision is to create a single-family residential lot on the Lee Road portion of the lot. Lot 56B will comprise of 4.2 acres with the entire 325' of frontage on Lee Road. The existing woods road shall serve as the driveway access off of Lee Road. The remaining land, Lot 56, shall stay a commercial lot and will comprise of 1.9 acres and retain all the frontage on Route 125 and Commerce Way. Access to Lot 56 shall be off of Commerce Way.

Respectfully submitted,

  
David W. Vincent, LLS

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**TO:** The Planning Board

**FROM:** Peter Cook

**RE:** Lee Road Subdivision  
Map 14 Lot 0056  
Anthy Mousourakis

**DATE:** November 5, 2003

With regard to my previous memo of November 3<sup>rd</sup> and the intersection of Lee Road and Beauty Hill Road, Mrs. Mousourakis agreed to a paved apron of 24' wide and 24' in from Beauty Hill Road. This will prevent erosion and make it safer for travelling in and out of Lee Road.

*Done*

PCC:swm

cc: file

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intent to sell ammunition as this time. Kittredge said if any was sold in the future they would come back before the Board.

Huckins said if any employees were hired there would need to be a bathroom, as long as it was just husband and wife one would not be needed. There were no abutters present. There were no waivers requested. Huckins made a motion to accept the application as complete, seconded by Lemos, all in favor. Lemos made a motion to grant final approval to the Kittredge plan, seconded by O'Ceallaigh, all in favor.

**File # SR 03/257 – Peter Rhoades – Hubbington Furniture  
Rte. 125 & Pierce Rd. – Map 14, Lot 1-B  
Sign replacement**

Peter Rhoades represented the sign design. It represented an arched metal pole with the sign hung under it. Inzer asked if the arch was part of the sign? Rhoades said the arch was the supporting structure of the sign. He said the reason for the arch was to make the sign fit more into the hill. He wanted to keep the sign low into the hill. The lighting would be from the top of the arch.

Both Huckins and O'Ceallaigh felt the arch worked well with the land. Rhoades said the arch would be bolted into the rock and cemented. He said there would be shrubs around the arch. It would be high enough to keep out of the snow. The lights would be 300-watt bulbs. They would be adjusted for a close angle to prevent a glare showing out on to Route 125.

There were no abutters present. O'Ceallaigh made a motion to grant approval for the sign replacement, seconded by Lemos, all in favor.

**File # 03/513 – Anthy Mouzourakis  
Rte. 125 – Pierce Rd. – Rte. 125 – Map 14, Lot 56 – 2 lots**

Anthy Mouzourakis represented the 2-lot subdivision. She said one lot would be residential and enter from Pierce Road, which was class 6. The second lot would be a commercial lot with access from Commerce Way. Mouzourakis said the entrance from Lee Road would be close to Beauty Hill Road. She said she had been told that Lee Road at one time had a Y entrance but now it did not and the abutters feel that they own the Y section. Cook will check with the records on the road.

Inzer asked if the 200-foot radius would be removed from the lot. Mouzourakis said the building envelope and the septic system area were out of this circle. The upland soils need to be shown with the 35,000 square feet of contiguous along with the total of 60,000 square feet. Inzer said the well radius needed to within the lot. Inzer said the building footprint on the commercial lot needed to be shown also.

A well easement if needed should be shown, any prime wetland needed to be noted, and a colored plan was needed. O'Ceallaigh said the Selectmen were going to be holding hearings on a class 6 and private road ordinance in the near future. He said Mouzourakis should check with the Town Hall for the status of this.

Inzer asked if any abutters wanted to speak on the plan. Peter Keefe said his mother lived at his house on Beauty Hill Road at the entrance of Lee Road. He presented a notarized letter and photos of his site. Keefe said when houses were built on Beauty Hill Road it should have been clear where the entrance to Lee Road was. He said he

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remembered the Y entrance, which was safer than what was now there. Keefe said the Y was perpendicular to Beauty Hill Road and provided good sight distance.

Keefe said his leachfield was close to Lee Road and he wondered what would happen if the road was opened and used. He said he wanted to protect himself and his lot. Abutter Art Cavanaugh said he had bought the deeded rights to the corner of Lee Road. Inzer said Surveyor David Vincent should show details along Beauty Hill Road. He said the entrance should be established.

As there were no further comments Inzer asked for a motion. Lemos made a motion to continue the hearing to November 6, seconded by O'Ceallaigh, all in favor.

#### **Conference – Paul Purpora – David Mott – Parcel on Kelley Lane off Route 9**

Mott said Purpora wanted to subdivide his land into 2 lots. The land was subdivided in 1971 and he wanted to create a 3 acre lot with the remaining land left with his home. Mott said it would fit the backlot provision. Mott said there were 2 other lots that used Kelly Lane for access.

O'Ceallaigh said part of the land was wet. Mott said subdivision would require all wetlands mapped. He said at this time there were 4 lots off the road, 2 owned by Purpora. Mott said it was a wide graveled road, which could remain private to the gravel stage. Inzer said the Board did not approve class 5 roads without pavement.

O'Ceallaigh said the applicant should review the private road policy and come back for a review. Mott said he had attended the meeting to get input from the members. He said he would talk with Purpora to decide what he wanted to do.

#### **Conditions of approval conference with John Crebs – Sandy Brook**

Crebs said they had received the driveway permit from the state, sites specific and the wetlands permit had been received. They were waiting for the non-sites specific and state subdivision approvals. Crebs said there were 30 conditions on the wetland permit. A permit from DES for a storm water permit for parcels over 1 acre was had been received. He said the requirements had changed in March to needing a permit for an acre from any needed for lots over 10 acres.

Crebs presented a letter stating what Chinburg Builders would do for Cynthia Hoisington and the Bennetts on Boulder Drive, which included a well, driveway work, and landscaping/screening. Hoisington said she was concerned about the cut on Route 126 and riprap to be installed. She said it was very close to her septic system and she had been told there should be 10 feet from the tank to any construction.

The bonding was complete and waiting for Carol Reilly's signature and the developer agreement was satisfactory. Hoisington asked when Chinburg Builders would take over the snow plowing. Crebs said they would start plowing from day one. Inzer said Crebs should work through Hatch for getting all conditions of approval completed. The hearing was continued to October 9, motion Lemos – Huckins, all in favor.

The meeting adjourned at 10:15 PM, Lemos/O'Ceallaigh, all in favor. The Board will meet with the Conservation Commission and TF Moran on October 9. TTF Moran will discuss the Clark – Goodwill property and what the Town wants to do with it.

Dawn Hatch, Clerk

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Barrington Planning Board Meeting  
November 6, 2003 - 7:00 PM  
Cafeteria, Middle School  
Public Hearings

Members present: Chairman Whitney Inzer  
Selectman Cathal O'Ceallaigh  
Edward Lemos  
Todd Brisard  
John Huckins  
Pat Bedford

Chairman Inzer called the meeting to order at 7:00 PM. He introduced the members. There were no requests for continuance from any applicants. The meeting was taped for future reference.

**File # 03/513 - Anthy Mouzourakis**  
**2 lots - Commerce Way & Lee Road (Class 6)**  
**Map 14, Lot 56**  
**Continued from October 2, 2003**

Land owner Anthy Mouzourakis represented her plan. She pointed out the changes made since the October meeting. Mouzourakis said one of the lots would be residential with access from Lee Road and the other would be commercial with access from Commerce Way. She said the well radii, building envelopes, and septic system locations were shown on both lots.

Mouzourakis said the upland soils were shown as well as the lot loading. She said Lee Road was a class 6 road. Mouzourakis said she had met with the Peter Cook, Road Agent who saw no problem with the access. She presented a memo from Cook supporting the driveway location off Lee Road. It stated that the area would be 24 feet by 24 feet with some trees removed and the entrance moved toward the left of the lot.

A waiver had been requested for soil mapping. The wetland had been delineated and flagged. Huckins asked if the 200 foot well radius would be eliminated. Mouzourakis said not until all the lots in Commerce Way were sold and wells installed. She said after that she could go to the lot owners to ask them to sign off on this condition on the subdivision.

Inzer asked if the members had any further comments. There were none. He asked if there were any abutters present that wanted to speak on the plan. No one spoke. Huckins made a motion to grant the waiver, seconded by Brisard, all in favor. Huckins made a motion to accept the application, seconded by Lemos, all in favor. Inzer asked about the class 6 road issue. Hatch said Selectman O'Ceallaigh said they were pulling the policy back for further study. She said he said a committee would be established to put a new proposal together. Hatch said there was a \$561.00 off-site fee for Beauty Hill Road. Huckins made a motion to grant final approval, seconded by Lemos, all in favor. Mouzourakis will check with Surveyor David Vincent as to whether the state approval had been received. The mylar will be signed when this is known and the monumentation was set.

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[View the 2019 New Hampshire Revised Statutes](#) | [View Previous Versions of the New Hampshire Revised Statutes](#)

# 2015 New Hampshire Revised Statutes

## Title LXIV - PLANNING AND ZONING

### Chapter 674 - LOCAL LAND USE

### PLANNING AND REGULATORY

### POWERS

## Section 674:39 - Five-Year Exemption.

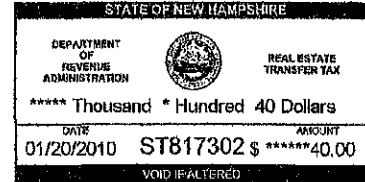
**Universal Citation:** NH Rev Stat § 674:39 (2015)

#### **674:39 Five-Year Exemption. –**

I. Every subdivision plat approved by the planning board and properly recorded in the registry of deeds and every site plan approved by the planning board and properly recorded in the registry of deeds, if recording of site plans is required by the planning board or by local regulation, shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 5 years after the date of approval; provided that:

(a) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within 24 months after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized

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QUITCLAIM DEED

I, JEREMY J. HILTZ, married, with a mailing address of P.O. Box 1142, Ashland, New Hampshire 03217, for consideration paid, hereby grant to JEREMY J. HILTZ, TRUSTEE OF THE JEREMY J. HILTZ REVOCABLE TRUST, u/t/a dated January 8, 2010, with a mailing address of P.O. Box 1142, Ashland, New Hampshire 03217, with QUITCLAIM COVENANTS:

A certain tract or parcel of land, with any improvements thereon, located on the easterly side of Lee Road in the Town of Barrington, County of Strafford, State of New Hampshire, being depicted as Lot 56-B on a plan entitled "Subdivision Site Plan Prepared for Anthy E. Mouzourakis of Map 14/Lot 56 Located at NH Route 125, Commerce Way & Lee Road, County of Strafford, Barrington, NH", dated September 16, 2003, and prepared by David W. Vincent, LLS, and being recorded at the Strafford County Registry of Deeds as Plan #73-87, and being more particularly bounded and described as follows:

Beginning at an iron rod set in a stonewall along the easterly sideline of Lee Road;

Thence running South 82° 03' 27" East a distance of 381.77 feet, more or less, to an iron rod;

Thence turning and running South 19° 37' 09" East a distance of 336.65 feet, more or less, to an iron rod;

Thence turning and running South 42° 59' 49" West a distance of 90.36 feet, more or less, to a point;

Thence running South 45° 40' 27" West a distance of 132.08 feet, more or less, to a point;

Thence running South 68° 37' 21" West a distance of 92.52 feet, more or less, to a point;

Thence turning and running North 21° 22' 39" West a distance of 33.00 feet, more or less, to a point;

Thence turning and running North 61° 49' 46" West a distance of 43.67 feet, more or less, to a point;

Thence running North 47° 05' 23" West a distance of 106.93 feet, more or less, to a point;

Thence turning and running North 36° 16' 22" East a distance of 81.55 feet, more or less, to an iron rod;

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Thence turning and running North 60° 47' 12" West a distance of 30.00 feet, more or less, to an iron pipe;

Thence running North 76° 16' 09" West a distance of 136.86 feet, more or less, to a point at the easterly sideline of Lee Road and a stonewall;

Thence turning and running along said stonewall and along the sideline of Lee Road North 02° 01' 52" West a distance of 26.00 feet, more or less, to a point;

Thence running North 00° 12' 23" West a distance of 11.98 feet, more or less, to a drill hole;

Thence running along the stonewall and along the sideline of Lee Road North 00° 28' 09" East a distance of 79.36 feet, more or less, to a point;

Thence continuing along the stonewall on the sideline of Lee Road North 02° 26' 48" West a distance of 207.77 feet, more or less, to an iron rod and the point of beginning.

Said parcel contains 4.22 acres, more or less.

TOGETHER WITH an easement for access off of Commerce Way over and across Lot 56, currently owned by Anthy Mouzourakis, to benefit said Lot 56B. This easement area is identified as "30' wide service and pipeline easement" as shown on the above referenced plan, and extending from the westerly end of the depicted easement directly to the boundary on Lot 56B. This easement authorizes the owner of Lot 56B to construct a roadway within the 30' wide easement area shown on the plan for use persons, vehicles, machinery, equipment and utilities. The owner of Lot 56B shall be responsible for all costs, expenses and liability related to the construction, use, maintenance and repair of said roadway.

SUBJECT TO any conditions, restrictions, covenants as shown on the above referenced plan as well as any public utilities of record at the Strafford County Registry of Deeds as they pertain to the subject premises.

SUBJECT TO AND TOGETHER WITH the benefit of terms, conditions and obligations as stated in the Declaration of Covenants and Cross Easement Rights for Barrington Commerce Center Subdivision, dated April 13, 1989, and recorded at Book 1502, Page 329 at the Strafford County Registry of Deeds. Reference is hereby made to the Release of Restrictive Covenants by the Barrington Commerce Property Owners Association, dated June 25, 2008, and recorded in Book 3657, Page 249 at the Strafford County Registry of Deeds.

SUBJECT TO a proposed 125' diameter water supply easement for the benefit of Lot 56A as shown on the above referenced plan and as conveyed in the Warranty Deed of Anthy E. Mouzourakis to Country Place, LLC, dated march 24, 2006, and recorded at the Strafford County Registry of Deeds in Book 3348, Page 192.

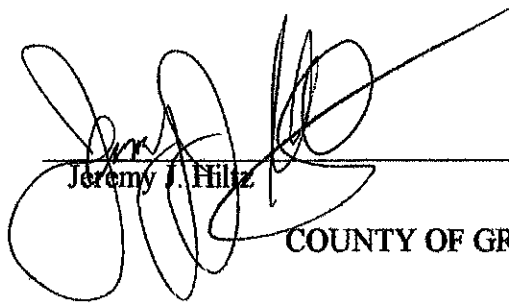
Access to the subject premises shall be over a Class VI roadway currently known as Lee Road (a/k/a Keefe Road), which has access off the town road known as Beauty Hill Road in the Town of Barrington, New Hampshire as shown on said Plan No. 73-87.

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MEANING AND INTENDING to describe and convey the same premises as conveyed in the Warranty Deed of Anthy E. Mouzourakis to Jeremy J. Hiltz, dated April 2, 2009, and being recorded at the Strafford County Registry of Deeds in Book 3725, Page 935.

NOT HOMESTEAD PROPERTY OF THE GRANTOR NOR HIS SPOUSE.

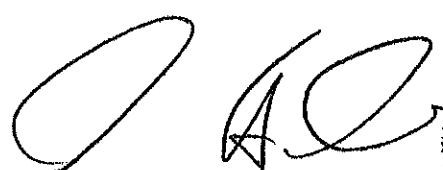
Dated this 8<sup>th</sup> day of JANUARY, 2010.

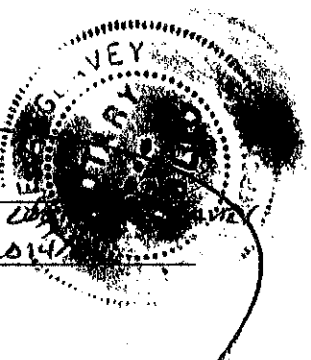
  
\_\_\_\_\_  
Jeremy J. Hiltz

STATE OF NEW HAMPSHIRE

COUNTY OF GRAFTON

Before me, personally appeared the above-stated Jeremy J. Hiltz who hereby acknowledged that he executed the foregoing instrument as his free act and deed this 8<sup>th</sup> day of JANUARY, 2010.

  
\_\_\_\_\_  
Notary Public/Justice of the Peace  
My Comm. Expires: 6-3-2014



cc: anthydeed

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