

Project Application

Land Use Department

P.O. Box 660; 333 Calef Hwy, Barrington, NH 03825 ♦ Phone: 603-664-5798 ♦ Fax: 603-664-0188

239-1.1-TC-21-2Sub

Case Number: _____ Project Name: Route 9 Henderson Date: 3/15/2021

Staff Signature required PRIOR to submittal

PRELIMINARY APPLICATION: Preliminary Conceptual Review ___ Design Review ___ Development of Regional Impact ___

FORMAL APPLICATION:

Subdivision Type: Major Minor Conventional Conservation ___
 Site Plan Review: Major ___ Minor ___
 Conditional Use Permit ___ Sign Permit ___ Boundary Line Adjustment ___ Special Permit ___
 Change of Use ___ Extension for Site Plan or Subdivision Completion ___
 Amendment to Subdivision/Site Plan Approval ___ Other ___

Project Name: Rt 9 HENDERSON Area (Acres or S.F) 28.33 ac
 Project Address: OFF FRANKLIN DISC. HWY
 Current Zoning District(s): TOWN CENTER Map(s) 39 Lot(s) 1.1
 Request: Subdivision into two (2) lots

The property owner shall designate an agent for the project. This person (the applicant) shall attend pre-application conferences and public hearings, will receive the agenda, recommendations, and case reports, and will communicate all case information to other parties as required.

All contacts for this project will be made through the Applicant listed below.

Owner: DAVID & GLENDA HENDERSON
 Company: _____
 Phone: _____ Fax: _____ E-mail: Dan&GHEH@yahoo.com
 Address: 1873 WINGED FOOT Lane DENVENNE 28037

Applicant (Contact): DAVUSY & Co LTD DAVUS BARUSY
 Company: DAVUSY & Co LTD
 Phone: 603-491-2854 Fax: _____ E-mail: DAVUS@DAVUSYCO.COM
 Address: PO BOX 935 DUDHAM NH 03824

Developer: _____
 Company: _____
 Phone: _____ Fax: _____ E-mail: _____
 Address: _____

Architect: _____
 Company: _____
 Phone: _____ Fax: _____ E-mail: _____
 Address: _____

Engineer: SUNOBYR - ATLANTIC SUNOBYR C. LLC ADAM FOGG
 Company: _____
 Phone: 659 8439 Fax: _____ E-mail: AtlanticSunoby@comcast.net
 Address: 25 NUTS RD DOWEN NH 03829

Owner Signature
Barbara Duine
Staff Signature

DML
Applicant Signature
3/15/21
Date

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TOWN OF BARRINGTON - LAND USE DEPARTMENT

PROJECT NARRATIVE

PROJECT NAME _____ CASE FILE NUMBER _____

PROJECT LOCATION Franklin Pierce Highway

DATE OF APPLICATION 3/15/21

Property Details:

Single-Family Residential Multi-Family Residential Commercial Industrial

Current Zoning: Town Center Lot Area Size 28.23 ac

Setbacks: Front _____ Side _____ Rear _____

Parking Spaces Required: N/A Parking Spaces Provided: N/A

Please describe your project and its purpose and intent. You may attach a typed description.

see attached

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Definition of the project

This is a simple subdivision of a fairly large 28.99 acre parcel into two parcels, creating one additional lot parcel. Both lots will be greater than 10 acres, and will have a long access drive to get to the buildable sites. The larger lot is approximately 18 acres and the smaller is approximately 12 acres.

This drive is shared between the two parcels until it splits in the larger interior section of the parcel. The drive will be built to accommodate the fire chief's request to have the drive be constructed at 20 feet wide for the travel portion. This allows for passage of two vehicles. The drive as located is a ROW over the front lot, which was granted under a previous ZBA approval (ZB 06/605), due to the amount of wetlands located on the frontage of the lot. The ZBA recently approved the Residential use for two lots on this lot. (see enclosed approval (239-1-TC-21-ZBA Var)

The design/location of the subdivision lot lines is utilizing the topography to guide the subdivision lot lines, keeping the land on two levels, with the smaller lot on the lower level, and the larger on the upper level. Note the topographical part of the plan provided.

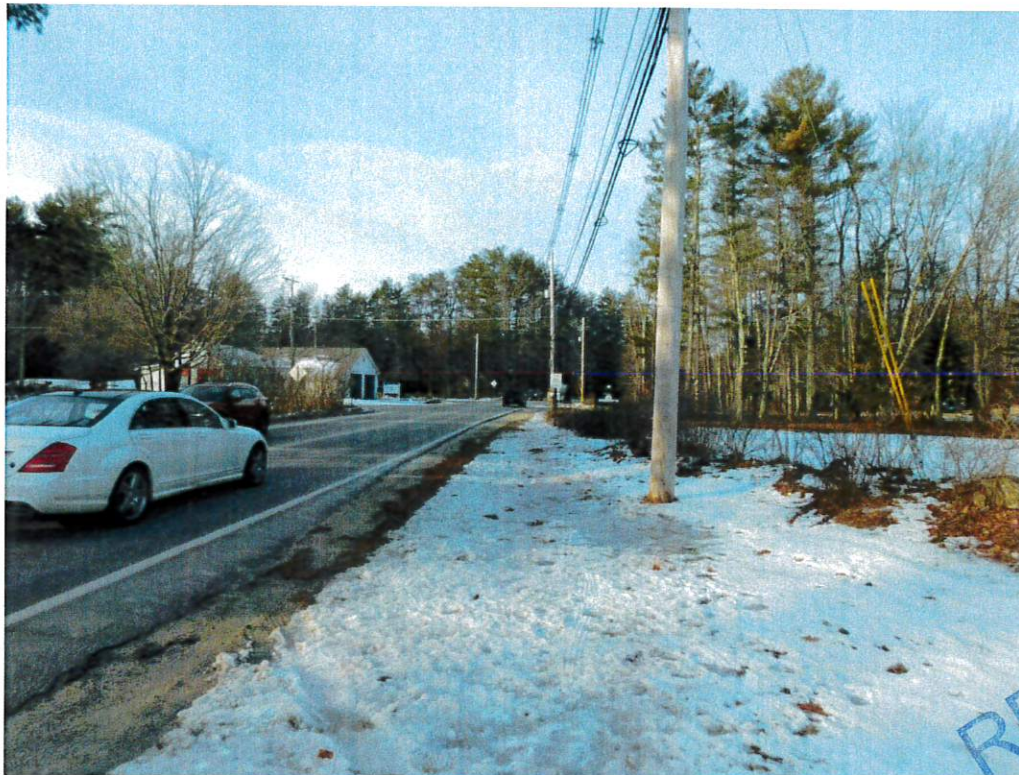
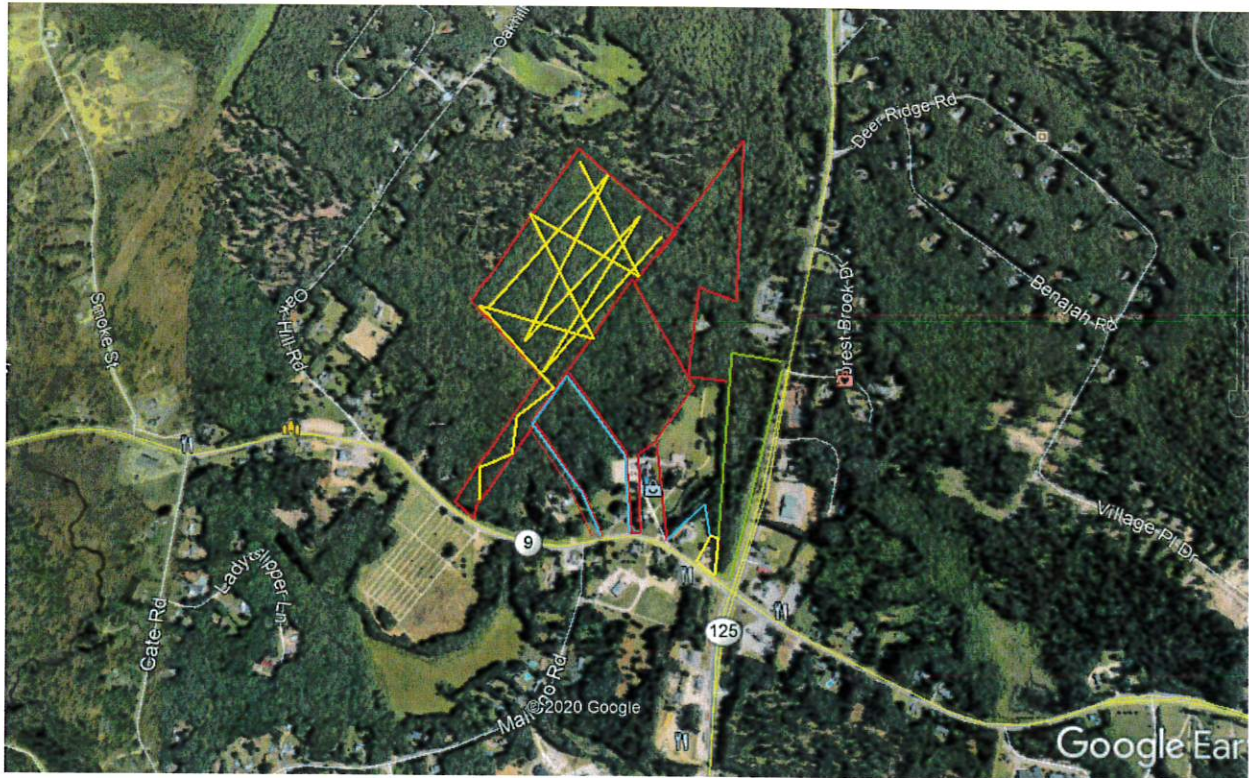
The subject property will have a shared driveway agreement between the Parties (which will be recorded), which determines the maintenance and upkeep on the Drive.

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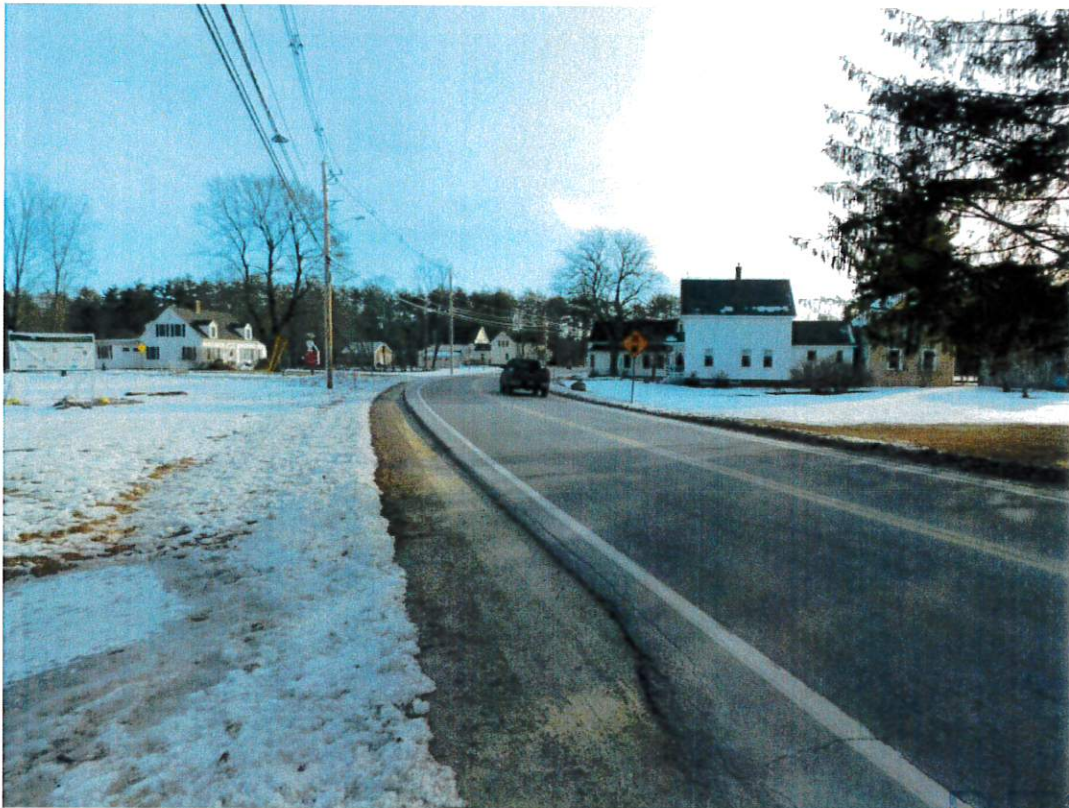
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Google Earth view



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Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0195

mgasses@barrington.nh.gov

Barrington Zoning Board of Adjustment Notice of Decision

Case Number: 239-1-TC-21-ZBAVar

Location: Off Franklin Pierce Highway

Date: February 22, 2021

Re: 239-1.1-TC-21-ZBAVar (Owners: David & Glenda Henderson) Request by applicant for a Variance from the following Zoning Articles, Article 2.2.5 Town Center (TC), Article 16-Planned Unit Development (PUD), Article 19 Table of Uses, foot note 13 where PUD is required and Article 4.1.3 Backlot Regulations in the Town Center located off Franklin Pierce Highway. (Map 239, Lot 1.1) in the Town Center (TC). BY: David Garvey, Garvey & Company Ltd; PO Box 935; Durham, NH 03824.

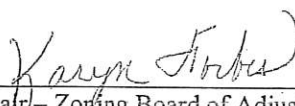
You are hereby notified that the request of Case#239-1.1-TC-21-ZBA, for a Variance from the terms of the Barrington Zoning Ordinance has been GRANTED for a residential use in the Town Center with the creation of ONE additional lot (the request for two additional lots was denied) for the following reasons:

After a consideration of the petitioners application, and after consideration of all evidence presented to the Board at the public hearing, held on Wednesday, February 17, 2021, it is the decision of the Board that the unique facts in the specific case# 239-1.1-TC-21-ZBAVar authorize a Variance from the terms of the Ordinance. It is the decision of the Board that owing to the special conditions of the case, that a literal enforcement of the Ordinance will result in unnecessary hardship and so by GRANTING a Variance in this specific case, the spirit of the ordinance is observed and substantial justice will be done. The variance was granted on the information received January 6, 2021 and stamped, January 6, 2021. For additional information, please reference the Zoning Board of Adjustment meeting minutes of February 17, 2021.

Case Number: 239-1.1-TC-21-ZBA

Date: February 17, 2021

Map: 239 Lot: 1.1


Chair - Zoning Board of Adjustment

333 Calef Highway (Route 125)
Barrington, NH 03825

A motion for rehearing may be made in the form of a letter to the Board. The motion must be made within 30 days; this 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35. *Reference RSA 677:2*

Variations shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance. RSA 674:33 Ia.

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BARRINGTON ZONING BOARD OF ADJUSTMENT
NOTICE OF DECISION

Applicant: David & Glenda Henderson
Case # ZB 06/605
Map 239, Lot(s) 1
Date: June 22, 2006

You are hereby notified that the request of David & Glenda Henderson, 174 Rte. 9 Barrington, NH for a Special Exception – Article 4, Section 4.1-2 - Dimensional Requirements – has been GRANTED. The applicant was asking to locate a driveway on an 40 foot easement on lot 1 where the existing house is located. This driveway would service lot 1-1 for one house only. The curb cut is already in use for the abutting Hayes lot. The request for a special exception has been granted for the following reasons:

After a consideration of the Petitioner's application and after consideration of all evidence presented to the Board at the public hearing held on said application in the Meeting Room, at the Town Offices at 7:00 P.M. on Wednesday, June 21, 2006 it is the finding of the Board that the proposed use of the Petitioner:

1. Will be an asset to the Town of Barrington as it creates one less curb cut.
2. Will not be injurious to adjacent property.
3. Will not cause a substantial diminution of area property values.
4. Will not constitute a nuisance or a danger to the health, safety, and general welfare of the community.
5. Will not be inconsistent with the Master Plan.
6. Will create safe access and exit from the premises.

The special exception was granted with the condition that the driveway would be located where it was shown on the plan presented and approved on June 21, 2006. If there is any wetland impact a permit and erosion control measures might be needed before any construction begins.

Signed,

Karen Forbes (D)

Chairman
Zoning Board of Adjustment
41 Province Lane
Barrington, NH 03825

A motion for rehearing may be made in the form of a letter to the Board. The motion must be made within 30 days after the decision is filed and first becomes available for public inspection in the Board's office.

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COMMON DRIVEWAY MAINTENANCE AGREEMENT

This agreement is made by and between Grantor Garvey & Company LTD.
(hereinafter "Garvey"), with a principal place of Business of PO
Box 935 Durham NH 03824 and Grantee XXXXXXXXXX (herinafter "
XXXXXXXXXX") having a mailing address of 0382X Strafford County, New Hampshire.

Explanatory Statement

Garvey is the owner of abutting residential lots which share a common driveway, located partially on each lot and extending over the front lot to access the back lot as shown on plan entitled "Subdivision prepared for Garvey & Company Ltd. for properties located on Franklin Pierce Highway, Barrington, New Hampshire" dated _____ drawn by Atlantic Survey Associates Inc and recorded in the Strafford County Registry of Deeds as Plan XX_XXX (the "Plan"). Garvey owns both lots as shown on the Plan, but by deed of even date is conveying lot xx to XXXXXXXX. The parties intend to equitably share (50/50) in the Construction, Repair and Maintenance costs relating to the Driveway and, by this agreement wish to confirm that shared obligation with respect to the portion of the Driveway commonly used to access both lots. A base monthly maintenance fee of \$50 shall be contributed to a Joint Account for driveway maintenance established for that purpose.

Now, Therefore, intending to legally bind themselves, their successors and assigns, specifically as successor owners to the lots shown on Plan xx-xx, the parties agree as follows:

1. The parties agree, for themselves and their successors in title, to jointly maintain and keep in good repair the Driveway, including without limitation, grading, paving, repairing, lawn mowing, snow plowing and associated winter and other maintenance. The parties shall mutually agree on any third party contracted to perform said maintenance and repair(s).
2. Garvey, for itself and any future owners of lot one and lot two, agrees that the owners of each lot shall equally share in the cost of the Driveway maintenance of that portion of the Driveway running from Franklin Pierce Highway, running across lot one to the point where it enters into lot two, and to exclusively assume the cost of maintenance relating to that portion of the driveway that continues past lot one onto the original lot.
3. The xxxxx for themselves and any future owners of lot one and two, agree that the owners of lot one and two shall share equally in the cost of the

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driveway maintenance of that portion of the Driveway running from Franklin
Pierce Highway across lot one and to the point where it enters onto lot two.
This instrument is executed by its owner Garvey & Company LTD, David M
Garvey President, duly authorized.

IN WITNESS WHEREOF, the parties have signed this agreement on
_____ 2021 .

Witness

David M Garvey President

Witness

XXXXXXXXXXXX

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Abutter List

Lemos, Marla & Mark 234-057-000
Trustee, Marla Lemos Rev Trust
1164 Ocean Blvd
Rye NH 03870

Edward Lemos 1995 Trust 234-057-002
Broadview Farm
138 Oak Hill Road
Barrington NH 03825

Slott, Donald R 234-0062-0000
88 Oak Hill Road
Barrington NH 03825

Mixon, Howard & Phyllis 234-0063-0000
82 Oak Hill Road
Barrington NH 03825

Kay,Edward 234-079-0000
21 Littlworth Road
Dover NH 03820

Harvey Candace K 239-0001-0000
PO Box 452
Barrington NH 03825

1962 Real Estate LLC 239-0002-0000
132 Brock St
Rochester NH

Dove Development Group LLC 235-0001-000
242 Central Ave
Dover NH 03820

Town Of Barrington NH 239-00116 & 00115
333 Calef Highway
Barrington NH 03825-3937

Leone Joshua – Zelig, Mary 239-00114-000
654 Franklin Pierce Highway
Barrington NH 03825

David & Glenda Henderson 239-0001-0001
1273 Winged Foot Lane
Denver NC 28037

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Garvey & Company Ltd
PO Box 935
Durham NH 03824

Marc Jacobs
Soil Scientist Cert
P.O. Box 417
Greenland, NH 03840-0417

Adam Fogg LLS
Atlantic Survey
25 Nute Road
Dover NH 03820

David Vincent LLS
POBox 1622
Dover NH 03821-1622

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APPLICATION AGREEMENT

I hereby apply for Subdivision Plan Review and acknowledge I will comply with all of the ordinances of the Town Of Barrington, New Hampshire State Laws, as well as any stipulations of the Planning Board, in development and construction of this project. I understand that if any of the subdivision Plan or Application specifications are incomplete, the Application will be considered rejected.

In consideration for approval and the privileges accruing thereto, the subdivider thereby agrees:

- E. To carry out the improvements agreed upon and as shown and intended by said plat, including any work made necessary by unforeseen conditions which become apparent during construction of the subdivision.
- E. To post all streets "Private" until accepted by the Town and to provide and install street signs as approved by the Selectmen of the Town for all street intersections.
- E. To give the Town on demand, proper deeds for land or rights-of-way reserved on the plat for streets, drainage, or other purposes as agreed upon.
- E. To save the Town harmless from any obligation it may incur or repairs it may make, because of my failure to carry out any of the foregoing provisions.

E. Mr/Mrs D Goway of Barrington & Co Ltd to whom all communications to the subdivider may be addressed with any proceedings arising out of the agreement herein

DocuSigned by:

Signature of Owner: David & Glenda Henderson, Trustee

Signature of Developer: [Signature]

Technical Review Signatures: _____

Town Engineer/Planner Approval Signature: _____ The owners, by the filing of this application as indicated above, hereby give permission for any member of the Barrington Planning Board, the Town Engineer, The Conservation Commission and such agents or employees of the Town or other persons as the Planning Board may authorize, to enter upon the property which is the subject of this application at all reasonable times for the purpose of such examinations, surveys, test and inspections as may be appropriate.

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Application Checklist

Barrington Subdivision Regulations

(Refusal to sign this permission form does not invalidate an application, but the Planning Board may not be able to make an informed decision regarding unseen lands with potential areas of concerns).

DocuSigned by:

Signature of Owner:

David & Glenda Henderson, Trustee

Note: The developer/individual in charge must have control over all project work and be available to the Road Agent and Code Enforcement Officer during the construction phase of the project. The Road Agent and Code Enforcement Officer must be notified within two (2) working days of any change by the individual in charge of the project.

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ADMINISTRATIVE AND REVIEW FEES

(date of adoption)

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LEGEND

- SET 5/8" IRON ROD W/30 CAP STAMPED "ATLANTIC ULS 087"
- FOUND IRON PIPE OR ROD AS NOTED
- DRILL HOLE FOUND
- ◊ FOUND STONE BOUND
- ∇ UTILITY POLE
- n/n/ ROW OR FORMERLY
- R-C-R-D RICHMOND COUNTY RESIDRY OF DEEDS
- STONE WALL
- BARBED WIRE FENCE
- 1' CONTOUR LINE
- 10' CONTOUR LINE
- BUILDING SETBACK LINE

TOWN OF BARRINGTON
PLANNING BOARD APPROVAL

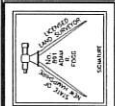
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NO.	DATE	DESCRIPTION	BY	CHKD.	APP'D.



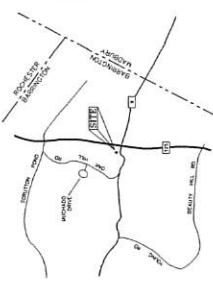
ATLANTIC SURVEY CO., LLC
25 Nute Road, Dover, New Hampshire 03820
603-659-8939

PREPARED BY: SUPERVISOR
DESIGNED BY: PLANNERS
PROJECT NO.: SEPTIC RESIDUES
SHEET 2 of 2



DATE: March, 2021
FIELDWORK BY: AF
DESIGNED BY: AF
CAD FILE: 20199
PROJECT NO.: 20199
SHEET 2 of 2

SUBDIVISION OF LAND
PREPARED FOR
David M. Garvey
LOCATED AT
N.H. Route 9, Barrington, N.H.



LOCATION PLAN

n/n/
Maria L. Lemus Revocable Trust of 2014
Mark J. & Maria L. Lemus Trustees
Rte. 9, NH 03820
Map 234 Lot 57
SCRD 4718/012

n/n/
Edward J. Lemus Trust of 1935
Barrington, NH 03825
Tax Map 234 Lot 57
SCRD 1852/247

n/n/
Donald R. Slott
890 Old Hill Road
Barrington, NH 03825
Tax Map 234 Lot 52
SCRD 4584/111

n/n/
21 Littleworth Road
Dover, NH 03820
Tax Map 234 Lot 79
SCRD 1932/726

LINE TABLE

LINE NO.	DESCRIPTION	DATE
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100	1852/247	01/15/2004

n/n/
Dana D. Garvey & Group LLC
234 Central Ave
Dover, NH 03820
Tel: 603-481-8200
SCRD 4816/204

PLANNING BOARD APPROVAL
DATE: _____
DATE: _____

Adm. R. Form LLS No. B01
Date