



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 9/20/21

Case No. 263-28-RC-21-ZBAVar

Owner Jon Chinburg Mailing Address 3 Penstock Way Newmarket, NH 03857

Phone 603-868-5995 Email jchinburg@chinburg.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'd	Rec'd
-------	-------

- | | | |
|-------------------------------------|--------------------------|---|
| <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) |
| N/A | <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 |
| N/A | <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 |

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- 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
- N/A 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
- N/A 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 Orvine _____ 9/28/2021 _____
 Staff Signature Date

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

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PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 263-28-RC-21-2BA Van

Project Name J. Chinburg Driveway Permit

Location Address Rt. 125/Pierce Rd. Barrington, NH

Map and Lot 263/28

Zoning District (Include Overlay District if Applicable) Regional Commercial

Property Details:

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

Use: Vacant

Number of Buildings: 0 Height: _____

Setbacks: Front 75 Back 75 Side 30 Side 30

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:

Town of Barrington, NH Ordinance Article 4, Table 2 "Table of Dimensional Standards"

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

The subject parcel is a 1.8+/- acre parcel in the Regional Commercial zone. The subject parcel has frontage on both Rt. 125 and on Pierce Rd. A survey and wetland study has been completed on the parcel and the survey plan is attached hereto. Due to the width of the parcel, the parcel having double frontage, and the frontage setback requirement in this zone the parcel is left with only a 3' buildable strip if relief is not granted.

Barrington Zoning Ordinance Requirements:

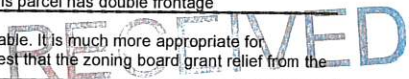
Town of Barrington, NH Zoning ordinance Article 4, Table 2 "Table of Dimensional Standards" for the front setback in the Regional Commercial district specifically in reference to Footnote (e) which states: "A greenbelt shall be maintained along the frontage of parcels on Rt. 125 in accordance with Subsection 4.2.3, Paragraph 4), of this Ordinance."

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

A variance is requested from the Town of Barrington Zoning Ordinance as stated above to allow a reduction to the 75' frontage setback to 30' along Pierce Rd. It is the interpretation of the Town of Barrington that the 75' front setback would apply to both the frontage on Rt. 125 and the frontage on Pierce Rd. for the subject parcel, leaving only a 3' buildable area. The ordinance is intended to provide a 75' setback from Rt. 125 but since this parcel has double frontage (one side on Rt. 125, and one side on Pierce Rd.) the frontage setback applies to the entire parcel making it unbuildable. It is much more appropriate for the 75' front setback to apply to Rt. 125 and the rear setback of 30' to apply to the "frontage" on Pierce Rd. We request that the zoning board grant relief from the 75' frontage setback on Pierce Rd. to 30' which is consistent with the rear setback in this zone.

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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.

The special conditions of the subject parcel that result in unnecessary hardship is that the parcel is only 153'+/- wide with roads bordering both the front and back side of the parcel. The zoning requires a 75' setback from frontage in this zone which is interpreted to apply to both the frontage on Pierce Rd. and on Rt. 125. Literal enforcement of the frontage setback on both the front and back and the front of the parcel leave only a 3' strip of buildable area which would not be sufficient to permit construction of a commercial or mixed-use building in accordance with the zoning ordinance. The unnecessary hardship exists because a frontage requirement is being applied to two sides of the parcel as opposed to one given the double frontage on two roads of the subject lot.

- 2. Granting the variance would be consistent with the spirit of the Ordinance.
The spirit of the ordinance is to provide a 75' setback from parcels along Rt. 125 to allow a greenbelt buffer. Greenbelt buffer is defined in the ordinance as the following: Greenbelt Buffer Required A greenbelt buffer of fifty (50) feet from the edge of the right-of-way shall be maintained along the frontage of parcels on Rt. 125 and Rt. 9, in which no development, storage, parking, or paving shall be permitted (except as necessary to provide access or signage). The greenbelt may be left in its natural state if sufficiently vegetated or planted to provide a visually appealing green buffer along the higher trafficked areas or Rt. 125 and Rt. 9 in Barrington, not to require a 75' setback on other roads. Since this parcel is unique with both fronting on Rt. 125, but also having frontage on Pierce Rd. the standard is applied doubly. Allowing the frontage on Pierce Rd. to have a 30' setback while still maintaining the 75' setback along Rt. 125 accomplishes the goal of the ordinance.
- 3. Granting the variance will not result in diminution of surrounding property values.

Granting the variance will not result in the diminution of surrounding property values as it would allow the parcel to be developed in accordance with the allowed uses in the zoning ordinance for the regional commercial zone. Development in this area will help to attract new people to the existing and future businesses in this area.

- 4. Granting of the variance would do substantial justice.
Granting the variance would do substantial justice because it would allow development of the parcel in accordance with the allowed uses in the regional commercial area. Literal enforcement of the ordinance would require a 75' setback on two roads rendering the parcel unbuildable which would no do substantial justice to the intent of the ordinance, the surrounding properties, or other parcels in the regional commercial zone with double frontage. Substantial justice will be served is the parcel maintains the greenbelt buffer along Rt. 125 but is granted relief to allow development on the parcel with a 30' setback on Pierce Rd.

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

Granting the variance would not be contrary to the publics best interest as the allowed uses in the regional commercial zone are primarily commercial or mixed-use developments which create tax revenue with low impact to the Town of Barrington. Allowing a landowner to utilize their land in accordance with the spirit of the ordinance is in the publics best interest. One of the 2021 goals of the Barrington Select Board is to "Support the Planning Department to encourage and attract economic development and commercial growth in the commercial zoning districts." Granting the variance would further be in line with the goal of the Select Board to encourage and attract economic development in commercial zoning districts.

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.

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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.

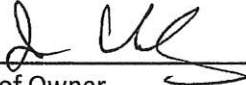
5. The proposed use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site that would result in the loss of significant habitat or flood control protection.

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 9/21/2021
Date



Signature of Owner 9/21/2021
Date

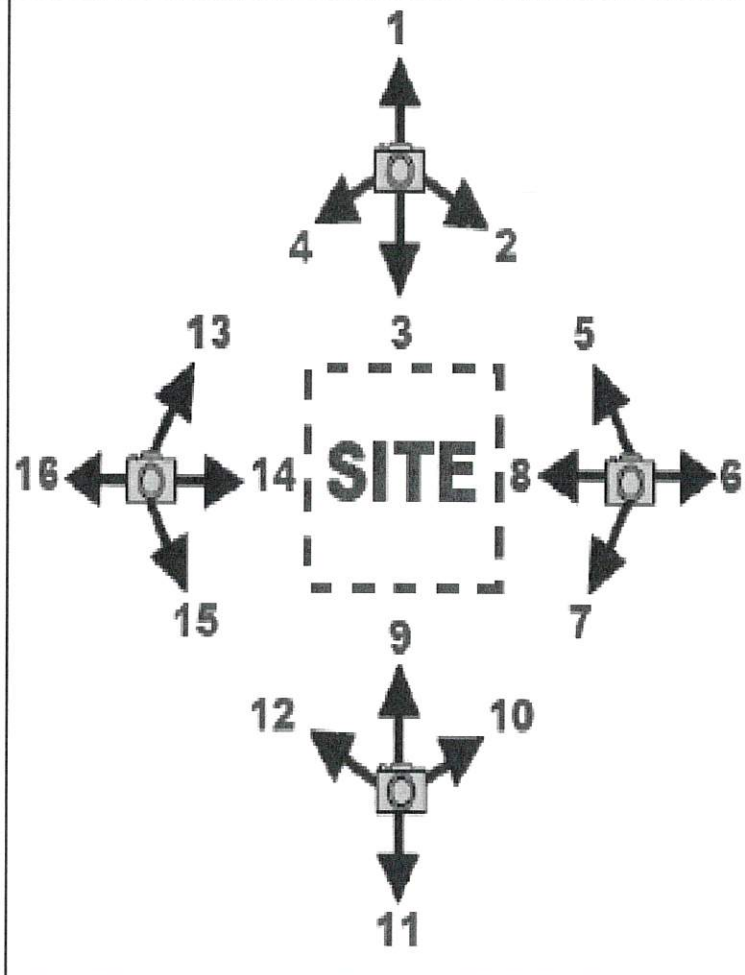
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SITE / CONTEXT PHOTOS

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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BA BEALS

ASSOCIATES, PLLC

Land Planning • Civil Engineering
Landscape Architecture • Septic Design & Evaluation
Stratham, NH

Project #1372
Route 125 & Pierce Road, Barrington, NH

September 28, 2021

Photo Exhibit (numbering from page 6 of Zoning application):



#8 From Pierce Road



#7 From Pierce Road

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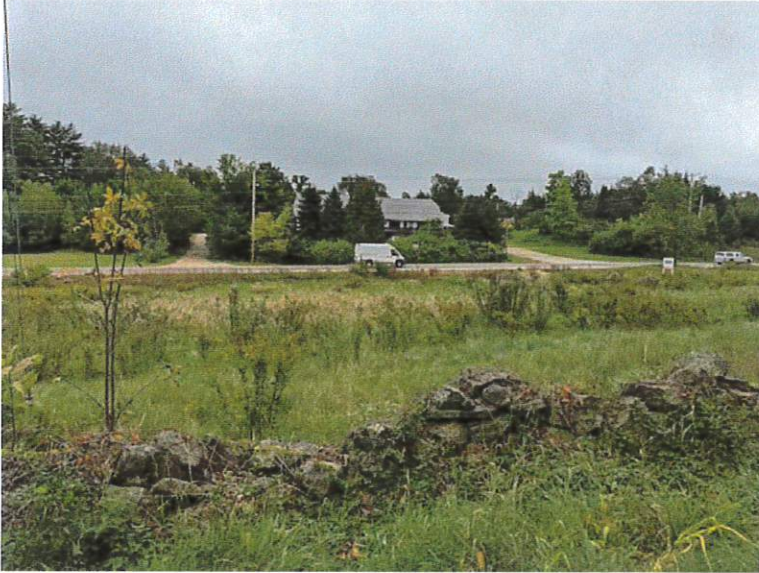
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Stratham, NH



#3 Middle of Parcel from Pierce Road



#14 From Pierce Road

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Stratham, NH



#14 From Route 125



#8 From Route 125

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Landscape Architecture • Septic Design & Evaluation
Stratham, NH



#9. Center of Parcel from Route 125

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**ABUTTERS LIST
FOR
NH- 1372 BARRINGTON-CHINBURG PIERCE RD/RT.125
DATE SEPTEMBER 23, 2021**

SUBJECT PARCEL

TAX MAP/LOT

263-0028

OWNER OF RECORD

DONALD J & ANITA W. FRENCH
REVOCABLE TRUST
9 ELTON AVE.
STRATHAM, NH 03885

ABUTTERS

TAX MAP/LOT

263-0002

OWNER OF RECORD

CHINBURG JON
JON L CHINBURG REV TRUST
126 MILL RD
DURHAM, NH 03824

263-0003

LAVALLIERE FRANK & DIANE
231 OLD CONCORD TPK
BARRINGTON, NH 03825

263-0004

FOCUS HOLDINGS LLC
475 CENTRAL AVE SUITE 400 ST.
PETERSBURG, FL 33701

263-0021

BARRINGTON PROPERTIES LLC
26 TWIN ISLAND DR
BIDDEFORD, ME 04005

263-0022

RICHARDSON MARK D & ELIZA
70 PIERCE RD
BARRINGTON, NH 03825

263-0023

CHINBURG JON
JON L CHINBURG REV TRUST
126 MILL RD
DURHAM, NH 03824

263-0024

CHINBURG STEVEN D & JOANN
52 PIERCE RD
BARRINGTON, NH 03825

263-0025

GUPTTEL ROBIN K
44 PIERCE RD
BARRINGTON, NH 03825

263-0027

FISHER GEORGE TRS RE TR
59 WATER ST
STRAEFORD, NH 03884

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**ABUTTERS LIST
FOR
NH- 1372 BARRINGTON-CHINBURG PIERCE RD/RT.125
DATE SEPTEMBER 23, 2021**

263-0029

BARRINGTON PROPERTIES LLC
26 TWIN ISLAND DR
BIDDEFORD, ME 04005

PROFESSIONALS

ENGINEERING FIRM

BEALS ASSOCIATES, PLLC
70 PORTSMOUTH AVE. 3RD FLOOR
STRATHAM, NH 03885

SURVEYOR

ATLANTIC SURVEY
ATTN: ADAM FOGG
25 NUTE RD.
DOVER, NH 03820

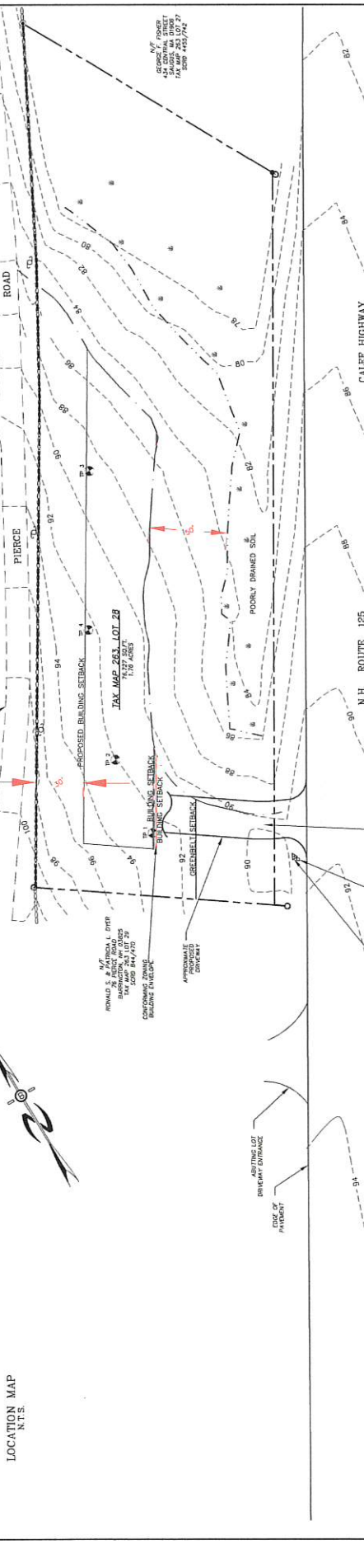
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PREPARED FOR:
JON CHINBURG
 126 MILL ROAD
 DURHAM, NH
 BOOK 4799, PAGE 539

BEALS ASSOCIATES PLLC
 70 PORTSMOUTH AVE, STRATHAM, NH, 03885
 PHONE: 603-583-4068, FAX: 603-583-4069

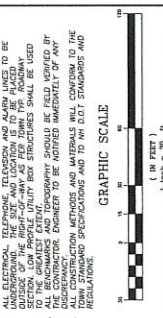
ZONING REQUIREMENTS

ZONE:	REGIONAL COMMERCIAL	COMMERCIAL
MIN. LOT AREA =	10,000 SF	6,000 SF
MIN. FRONT SETBACK =	200'	40'
MAX. HEIGHT =	35'	40'
BUILDING SETBACKS:		
SIDE & REAR	40'	30'
FRONT (POORLY DRAINED SOILS)	30'	30'
FRONT (POORLY DRAINED SOILS)	100'	100'
LEACH FIELD SETBACKS:		
POORLY DRAINED SOILS	50'	50'
VERY POORLY DRAINED SOILS	100'	100'



NOTES:

1. ALL ELECTRICAL, TELEPHONE, TELEVISION, AND CABLE LINES TO BE LOCATED OUTSIDE OF THE PROPOSED 40' SETBACK FROM THE ROADWAY TO THE GREATEST EXTENT.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
3. ALL CONSTRUCTION METHODS AND MATERIALS WILL CONFORM TO THE LATEST STANDARD SPECIFICATIONS AND TO THE CITY STANDARDS AND REGULATIONS.



REVISED:	DATE:

VARIANCE PLAN

PLAN FOR: **JON CHINBURG**
PIERCE ROAD & CALEF HIGHWAY (RT 125)
BARRINGTON, NH

DATE: SEPTEMBER 2021 SCALE: 1" = 30'
 PROJ. NO: NH1372 SHEET NO. 1 OF 1

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Victoria F. Sheehan
Commissioner

**THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION**

District 6 Office, PO Box 740, Durham, NH 03824



William Cass, P.E.
Assistant Commissioner

DRIVEWAY PERMIT

To: Jon Chinburg
126 Mill Road
Durham, NH 03824

City/Town: Barrington
Route/Road: NH 125 (S0000125)
Patrol Section: 603
Tax Map: 263
Lot: 28
Development: Commercial

Permit #: 06-027-593
District: 06
Permit Date 9/24/2021

Permission is hereby granted to construct (alter) a driveway, entrance, exit or approach adjoining NH 125 (S0000125), pursuant to the location and specifications as described below. Failure to adhere to the standards and engineering drawings previously approved shall render this instrument null and void. Failure to start or complete construction of said facility within one calendar year of the date of this permit shall require application for permit extension or renewal in accordance with the Driveway Access Rules. Facilities constructed in violation of the permit specifications or the rules, shall be corrected immediately upon notification by a Department representative. Any cost by the State to correct deficiencies shall be fully borne by the landowner. The landowner shall defend, indemnify and hold harmless the Department and its duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of this permit.

06-027-593

Drive 1

Location: Approximately 0.31 miles north of Pierce Road Southerly End on the west side of NH 125 (S0000125).

GPS: 43.177923 N 71.001055 W.

Specifications: This permit authorizes a paved access to be used as a Commercial / Single Family Residential drive. Any change in use, increase in use or reconstruction of the driveway requires reapplication.

- The right-of-way line is located 41.25 feet from and parallel to the center line of the highway.
- The entrance shall be graded so that the surface of the drive drops 12 inches at a point 20 feet from NH 125 (S0000125) edge of pavement to create a drainage swale.

The driveway shall not exceed 30 feet in width. The entrance of the drive may be flared; typically the flare radius is one half the driveway width.

Other Conditions:

No structures, including buildings, permanent or portable signs, lights, displays, fences, walls, etc. shall be permitted on, over or under the Highway Right of Way.

No parking, catering or servicing shall be conducted within the Highway Right of Way.

The applicant shall comply with all applicable ordinances and regulations of the municipality or other State Agencies.

The Department has relied on the title and subdivision information provided by the landowner. The Department has not performed additional title research and makes no warranty or representation concerning landowner's legal right to access. In the event of a dispute about the landowner's legal right to the access provided herein, the landowner will defend and indemnify the Department.

All excavated topsoil, or in the absence of topsoil the top 6 inches of soil, within the limits of state ROW shall be properly re-used within the limits of the state ROW. All temporary stockpiles of the re-use material shall be located within the state ROW, or as otherwise approved by the District Engineer.

The Contractor shall be solely responsible for the handling, transport and disposal of any surplus material generated by their project and shall comply with all federal, state and local laws, ordinances and rules in doing so.

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

District 1, 641 Main St, Lancaster, NH 03584
District 2, 8 Eastman Hill Road, Enfield, NH 03748
District 3, 2 Sawmill Rd, Gilford, NH 03249

District 4, 19 Base Hill Road, Swanzey, NH 03446
District 5, 16 East Point Drive, Bedford, NH 03110
District 6, PO Box 740, Durham, NH 03824

APPLICATION FOR DRIVEWAY PERMIT

#8053

Pursuant to the provisions of Revised Statutes Annotated, Chapter 236, Section 13 (printed on reverse of application) and amendments thereto, and Declaratory Ruling 2000-01, permission is requested to: (select one): Construct (Indicate quantity of) 1 driveway entrance(s) to my property on the (select): West side of NH Route 125 (Calef Highway) or Street/Road: In the Town of Barrington at a location which will meet the requirements for safety specified in said statutes.

The driveway entrance(s) requested is (are) for access to: Business

Residence, Industry, Business, Subdivision, Other

Describe nature and size of industry, business or subdivision: Undetermined ANTIQUE AUTO, + PAINT, APART-MENT
A.Fe 185 Feet (select): North (South) East / West of Utility Pole Number: 327 / 21A-1
1500 Feet North of Road or Junction: Pierce Road

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Town Tax Map # 263 and Lot # 28

AUG 11 2021

As the landowner (or designated applicant) I agree to the following:

DISTRICT SIX

- 1. To construct driveway entrance(s) only for the bonafide purpose of securing access to private property such that the highway right-of-way is used for no purpose other than travel.
2. To construct driveway entrance(s) at permitted location(s).
3. To construct driveway entrance(s) in accordance with statutes, rules, standard drawings, and permit specifications as issued by the New Hampshire Department of Transportation.
4. To defend, indemnify and hold harmless the New Hampshire Department of Transportation and its duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of this permit.
5. To furnish and install drainage structures that are necessary to maintain existing highway drainage and adequately handle increased runoff resulting from the land development and obtain all easements thereto.
6. I am the owner or a duly authorized agent of the owner of the parcel upon which the driveway will be constructed. I have provided accurate and complete title and subdivision information concerning the parcel to the Department. I understand that the Department is relying on this information in considering this application and that the Department does not perform independent title research or make judgments about title or access disputes.
• For new driveway(s), include copy of current deed and, if not the same, previous deed dated prior to July 1, 1971 of the parcel. If this parcel is part of a larger tract subdivided after July 1, 1971, then provide complete subdivision plans and deed history dating back to at least July 1, 1971.
• Attach sketch or plan showing existing and proposed driveway(s) and the adjacent highway indicating distance to town road, town line, or other readily identifiable feature or landmark and also to the nearest utility pole (including pole numbers)

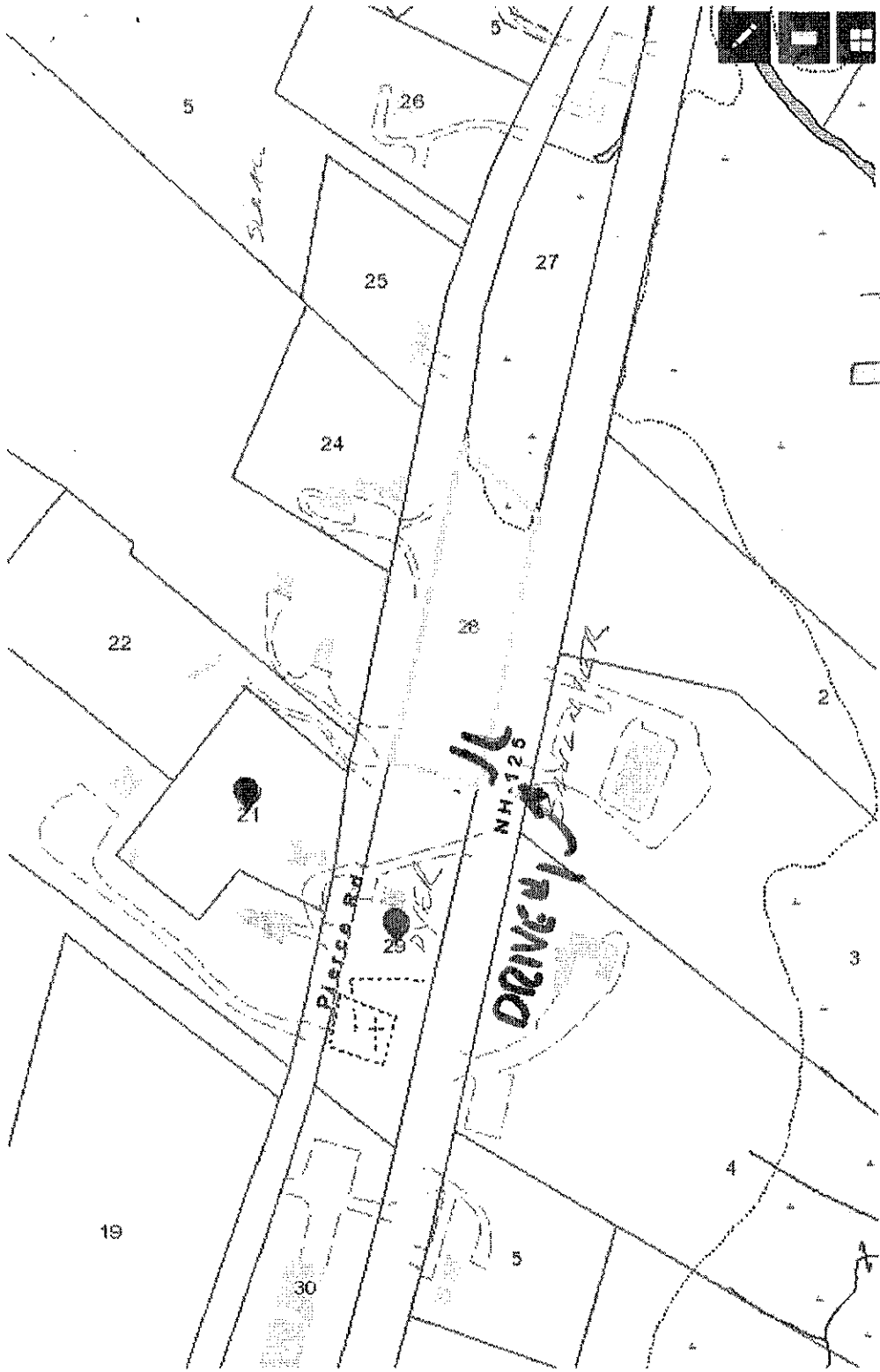
Signature of Landowner (Applicant) Jon Chinburg
Printed Name of Landowner
Date: 8/4/2021

126 Mill Road, Durham, NH 03824
Mailing Address
Town/City, State, Zip Code
Telephone Number(s)

Contact /Agent, if not Landowner: Beals Associates, Stratham, NH (603) 583-4860

FOR OFFICE USE ONLY:
GPS N = _____ GPS W = _____
Section: _____ Width: _____ Speed: _____
Right of Way: _____ Drainage: _____ SLD: _____
Conditions: _____
Permit Number Assigned: _____

3/8



P/O BARRINGTON
TAX MAP 263

□ = JULY 1, 1971
LOT OF FELOZD
AND
CURRENT LOT

- NOTES:
- 1) GRADES OF MAJOR ENTRANCES BEYOND THE PLATFORM SHOULD NOT EXCEED 8%.
 - 2) GRADES OF OTHER DRIVES BEYOND THE PLATFORM SHOULD NOT EXCEED 15%.
 - 3) THE ALGEBRAIC DIFFERENCE BETWEEN TWO ADJACENT GRADES SHOULD NOT EXCEED 10%.
 - 4) DITCHES ARE RECOMMENDED FOR UNCURBED DRIVEWAYS IN CUT SLOPES.
 - 5) USE SLOPE END SECTIONS ON CULVERT PIPES.
 - 6) ALL DRIVEWAYS SHALL HAVE A SECTION CONTIGUOUS TO THE HIGHWAY WHICH APPROXIMATES LEVEL GROUND.

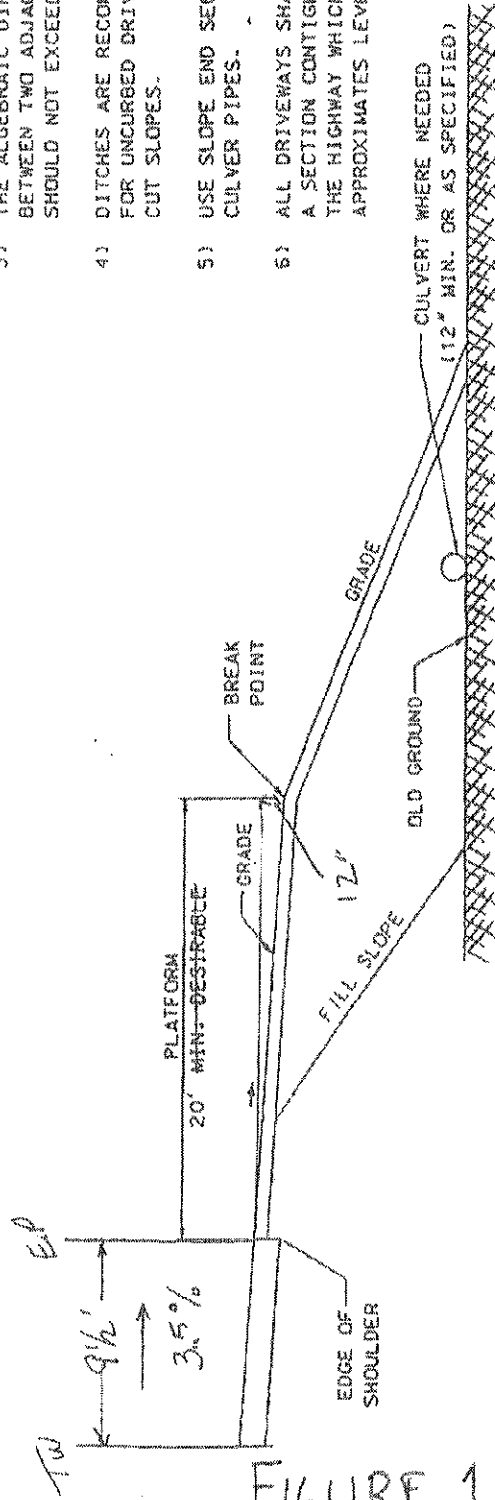


FIGURE 1

DATE
11/27/2006

TYPICAL RURAL DRIVE IN FILL SECTION

OK
11/27/06