



Town of Barrington  
 PO Box 660/333 Calef Hwy  
 Barrington, NH 03825  
[www.barrington.nh.gov](http://www.barrington.nh.gov)  
 (603) 664-5183

# APPLICATION FOR CLASS VI/PRIVATE ROAD BUILDING PERMIT

## OWNER INFORMATION

Please include a separate e-mail address for each owner to avoid processing delays.

Name: <b>BYARD W MASHER</b>	Address: <b>507 McDONALD STORE DRIVE</b>
Phone: <b>603-507-7272</b>	E-Mail: <b>BYARDMASHER@GMAIL.COM</b>
Name:	Address:
Phone:	E-Mail:

## PROPERTY DETAILS

Address/Road: <b>507 McDONALD STORE DRIVE</b>	Map/Lot/Sublot: <b>124/10</b>
Ownership Deed: Book: <b>1817</b> Page: <b>491</b>	Road Classification: <input type="checkbox"/> Class VI Rd <u>or</u> <input checked="" type="checkbox"/> Private Rd

## PROJECT NARRATIVE

Describe the details of the building project

**SEE ATTACHED**

Copy of Building Permit Application Attached

## PERMIT CATEGORY

Review the Class VI/Private Road Building Policy at [www.barrington.nh.gov/ClassVI/PrivateRoadBuildingPolicy](http://www.barrington.nh.gov/ClassVI/PrivateRoadBuildingPolicy) to apply the correct requirements to your project. Use the checkboxes to indicate completed/attached information.

<input type="checkbox"/> Category 1	<input type="checkbox"/> Category 2	<input checked="" type="checkbox"/> Category 3
<input type="checkbox"/> Class VI & Private Road Building Policy Application <ul style="list-style-type: none"> <li>▪ Municipal Disclaimer of Maintenance and Liability               <ul style="list-style-type: none"> <li>• Generated by Town staff upon receipt of completed application</li> <li>• Recording required by applicant after approval and prior to issuance of permit</li> </ul> </li> </ul>	Category 1 requirements and: <ul style="list-style-type: none"> <li>▪ Planning Board Review and Comment</li> <li>▪ Select Board Decision – Consent Agenda</li> </ul>	Category 1 requirements and: <ul style="list-style-type: none"> <li><input type="checkbox"/> Detailed Property Map</li> <li><input type="checkbox"/> Road Improvements               <ul style="list-style-type: none"> <li><input type="checkbox"/> Option 1 <u>or</u> <input type="checkbox"/> Option 2</li> </ul> </li> <li><input type="checkbox"/> Road Maintenance Agreement               <ul style="list-style-type: none"> <li>▪ Permit and Bond for Improvements (if applicable per Select Board decision)</li> <li>▪ Department Head Recommendations</li> <li>▪ Planning Board Review and Comment</li> <li>▪ Select Board Public Hearing and Decision</li> <li>▪ Application Fee (if approved, plus building permit fee)</li> </ul> </li> </ul>

Waiver Requested (see policy requirements, include waiver narrative on a separate sheet)

Applicant Signature:

*[Handwritten Signature]*

Date:

**3/23/22**



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## FOR ADMINISTRATIVE USE ONLY

Received Date: 3/24/22	Staff Initials:
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APPLICATION REVIEW			
<input type="checkbox"/>	Correct Category	<input type="checkbox"/>	Map Meets Requirements
<input type="checkbox"/>	Road Improvement Details	<input type="checkbox"/>	Missing Information – Applicant Notified

ANTICIPATED TIMELINE	
<b>DATE</b>	<i>If not applicable, please use N/A</i>
3/28/22	Application Reviewed and Sent to Department Heads <i>(as soon as possible upon receipt)</i>
4/6/22	Department Head Recommendations Due <i>(minimum 1 week following email to Department Heads)</i>
4/19/22	Planning Board Review <i>(Department Head recommendations, if applicable, must be provided to Planning Department no less than 1 week prior to next meeting. Schedule for next meeting following 1 full week.)</i>
5/9/22	Select Board Public Hearing or Consent Agenda <i>(minimum 1 week following Planning Board memo receipt)</i>

COMPLETION DATES	
<b>DATE</b>	<i>If not applicable, please use N/A</i>
3/28/22	Abutter's List Created <i>(upon receipt)</i>
	Police Recommendations Received
	Fire Recommendations Received
	Road Agent Recommendations Received
	Planning Board Recommendations Received
	Public Hearing Notice for Select Board Meeting Sent to Abutters <i>(minimum 1 week prior to meeting)</i>
	Permit Signed by Select Board Chair
	Recorded Waiver <b>Book:</b> _____ <b>Page:</b> _____
	Recorded Road Maintenance Agreement <b>Book:</b> _____ <b>Page:</b> _____
	Permit Issued
	Department Head Sign-Off on Road Improvements
	Building Inspector Verification Conditions of Approval are Met
	Certificate of Occupancy Issued

ATTACHMENTS
<i>Provide a copy of the following to the applicant for their review</i>
<ul style="list-style-type: none"> <li>Sample Agreement and Release Regarding Building Permit for Property Abutting a Private/Class VI Road</li> </ul>

## **To: The Town of Barrington Select Board and Planning Board**

I am respectfully requesting a waiver of two of the Category 3 Requirements contained in the Town's Class VI and Private Road Building Policy.

**Project Narrative:** This project consists of the removal of an existing structure and replacement with a new single family residence. The rebuilding project will use the existing foundation, building footprint, well, and septic system. The use of the structure will not change (single family residence) but the volume will increase, as a second story will be added. Thus, this project is subject to the requirements set forth in Category 3.

The applicant applied for and was granted a demolition permit from the Town of Barrington last year, on 9/8/21 (Permit# 2021-0361).

Please note that demolition (with the expressed plan to rebuild) was authorized prior to town's establishment of the present Class VI and Private Road Building Policy.

The building was demolished (9/25/21) and the foundation prepared for the new structure. Building was originally scheduled to begin in late November of 2021. Unfortunately, Shelter Institute (contractor for the building structure) was unable to build last year due to Covid-19 and material supply related issues and building was postponed until this year, 2022.

**The applicant requests that the town wavier two Requirements for this Category 3 project as follows.**

### **4. Road Improvements (Category 3)**

As the Select Board has suggested, the applicant has been an active member in good standing of the informal McDaniel Shore Road Association since he purchased this property in 1995. Annual dues are typically \$200-\$250 per year. The Association budget pays for annual road grading by Bell and Flynn Inc. as well as repairs to culverts, and other repairs as needed.

Additionally, it should be pointed out, that McDaniel Shore Drive is a private road not owned by the Association. Residents access their property via a right-of-way agreement with the road owners.

The applicant plans to continue as a year-round resident at this property. Since 1995, he has participated in annual road maintenance work crews (twice per

year, spring and fall) and responds on occasions when timely repairs are required (e.g. downed trees, clogged drainage culverts).

The mission of this Informal Road Association is to maintain McDaniel Shore Drive in a safe manner allowing access to all homeowners, emergency response vehicles and light commercial traffic. In concert with the McDaniel Shore Road Association a winter road maintenance fee (typically \$250) pays for snow plowing and road sanding to keep the road passible and safe during the winter.

**I would ask that the Board waive Requirement 4. Road Improvement Options 1 and 2, for the following reasons:**

An informal entity, The McDaniel Shore Road Association, has been maintaining this road for at least 26 years. Historically, the annual Road Association budget has been sufficient to maintain the road in a safe and passable condition for all these years. For over 26 years, the applicant has supported Road Association financially and with his labors and pledges to continue these efforts in the future. The building project outlined here, will in no way affect the road quality or limit access to anyone. The road will not be disturbed or modified in any way, nor will any driveways be constructed.

The requirement to make road improvements equivalent to 10% of construction costs would impose an unanticipated expense of, in this case \$23,500, on one individual, which would be extremely burdensome and is, I believe unfair.

**I also ask that the Board waive Requirement 5.**

**Road Maintenance Agreement (Category 3).**

There is already an existing informal Road Maintenance Association made up of residents, which currently functions effectively to maintain McDaniel Shore Drive. The Road Association meets annually to discuss and solicit input from all residents and formulate any remedial actions needed to maintain the road for the following year. The Association is funded by monies contributed by all McDaniel Shore residents. I am not aware of any instances when road repairs were not performed or delayed due to a lack of sufficient funds. The current system seems to be working, why put the majority of the financial burden on one or a few individuals?

## Waiver Criteria

- a. The waiver will not be contrary to the public interest.  
Granting a waiver for these two requirements will not adversely alter the road surface, the character of the area or public health, safety or welfare in any way. The proposed building project will not involve the road surface in any manner.
- b. The spirit of the policy is observed.  
Granting a waiver will in no way adversely impact the activities of the volunteer Road Association and the Association will continue to actively work to maintain all aspects of the road.
- c. Substantial justice is done.  
This project was initiated prior to the adoption of the new Class VI/Private Road Policy. The imposition of an additional 10% (\$23,500) cost would be extremely burdensome, especially given the cost increases that have been caused by the Covid-19 pandemic.
- d. The values of surrounding properties are not diminished.  
This project will not involve the road in any manner and the established community Road Association will continue to collect fees and maintain the road as it has for many years.
- e. Literal enforcement of these provisions of the policy would result in unnecessary hardship.  
As mentioned above, this project began prior to the adoption of the current Policy. The imposition of a unexpected 10% surcharge at this point in the project would be extremely burdensome. The homeowner has been, and will continue to be actively involved in road maintenance. This is my home, and I remain committed to doing whatever I can to maintain the quality of life that myself and my neighbors enjoy here in Barrington on Mendums Pond.

**Thank you very much for your consideration of my request.**

**Byard W. Mosher  
507 McDaniel Shore Drive,  
Barrington NH  
Mailing address: PO Box 704,  
Barrington, NH 03825**

**(603)507-7272, byardmosher@gmail.com**