

Esther and Alun Williams | 603 617 6882

February 14, 2022

Town of Barrington  
Zoning Board of Adjustment (ZBA)  
Land Use Department  
Barrington Town Hall  
PO Box 660  
333 Calef Highway  
Barrington, NH 03825

Dear Sirs:

Reference - 99 Toland Rd, Barrington – Mr Rob Russell owner of 2A Tactical

I am writing to you with reference to the above property and business operations being run out of 99 Toland Road.

We are residents and owners of 4 Mills Falls Rd., Barrington, NH 03825. We live a few doors up from 99 Toland.

From the minutes of the Oct. 20 meeting of the ZBA it is our understanding that by a 4 to 1 vote it was decided that Mr. Russell and 2A Tactical were compliant with Article 7.3 (Home Occupation). I would like to highlight the following, which I feel determines that the decision made may not have been correct:

It is reasonable to assume that Article 7.3 (Home Occupation) was written in conjunction with Article 7.4 (Home Business.) The clear intent was that Article 7.4 (Home Business) would be a “small business” and that Article 7.3 (Home Occupation) would be a “smaller businesses”. The limits that 7.4 places on 7.3 are very specific, for example: Article 7.4(9) limits the number commercial vehicles stored on the property to 2., Article 7.3(5) limits the number of commercial vehicles stored on the property to 1. Therefore, my interpretation is that these two Articles determine that the business operations conducted in 7.3 would be smaller than the business conducted in 7.4. We would request that the ZBA kindly review their decision based on the combined intent of both 7.3 and 7.4 for the purposes of making their decision in this case.

Also, Article 7.4(5) states that no more than two (2) non-residents of the property may be employed within a home business. How could it be that Article 7.4 (5) limits employees to a maximum of 2, but that Article 7.3 allows an unlimited number of employees? It would appear to me that the Articles are in conflict of each other. However, Mr. Russell has already advised that 2A Tactical has 8 to 10 employees, which is over and above the guidelines set.

- Article 7.3 makes no reference to the number of employees; however, the states 'home occupation', therefore surely having any employees would supersede the home occupation permit?

I would strongly request that the ZBA review their decisions made, this is setting a very worrying precedent for the Town of Barrington, not least, as it would suggest all existing Home Occupation permit holders could now employ up to 10 or more employees.

2. Article 7.3(5) states that there shall be no more than one (1) commercial vehicle related to said home occupation stored on the premises. The word 'stored' is not limited as to time and therefore could mean 8 hours, 8 days or parked for 2 hours. The words 'commercial vehicle' are precise. However, it has been noted previously that the risks and concerns from residents as to the number of vehicles on the property and on the verge of the property

The language in Article 7.3(5) is ill conceived as surely 'home occupation' would not allow for more than 4 and up to 15 automobiles.

3. Article 7.3 and 7.4 were both clearly written to describe a 'small business.' Neither of the two Articles refer to retail trade, whereby customers come and go to buy merchandise. However, 2A Tactical does transact retail business and many customers come and go daily. How can the ZBA not recognize that 2A Tactical is an active retail business.

Transactional retail trade at 99 Toland is a clear violation of the intent of both Articles. Again, the fact that both 7.3 and 7.4 are silent as to retail business is a testament as to the author's inability to even conceive that a retail trade business would be conducted under the guise of a 'home occupied' business.

The fact is that a retail business of this size should not be in a residential neighborhood.

4. Article 7.3(2) states that not more than one home occupation can be carried on in the dwelling. It appears to us that 2A Tactical does in fact operate more than one occupation, though they are all under the business name 2A Tactical. The following is directly from their website:

New England's Premier Gunsmith and AR / Pistol Custom Shop! Comprehensive Gunsmithing / Full Cerakoting Services / Customization / Restoration / Repairs / Silencers / Servicing / Optics / Deep Cleaning / Lubrication / the list of services is very extensive.

Mr. Russel approached the neighbors in 2017 looking to obtain support for his business to open in a residential area. He advised all the neighbors that this would be a small operation doing gunsmithing.

I am delighted that Mr Russel's' business has been so successful and that his operations have grown, however, the operation of the business now violates Article 7.3(2).

5. Mr. Russell is asking the ZBA to grant a variance from Article 7.3 (Home Occupation). Per our reading of Title LXIV Planning and Zoning, section 674:33, we believe that for a variance to be granted the applicant must establish that an 'unnecessary hardship' exists which prevents him from complying with the ordinance. We believe that an unnecessary hardship does not exist because there is nothing at 99 Toland distinguishes it from any of the other properties in the neighborhood. There are no 'special conditions of

the property that distinguish it from other properties in the area.' (Section 674:33 B (2).

6. I would be grateful if ZBA explain how a house with the effective living space of 4441 sq. feet (per the property tax records) can support a business of over 2000 sq. ft. We read Mr. Russell's attorney's comments about this, I would appreciate some clarification on this matter?

As noted earlier in my communication, our request is that the ZBA continue to work with Mr. Russell to give him time to move his retail business to another temporary location. We are thrilled that Mr Russell's entrepreneurship has resulted in such a successful business over a relatively short space of time.

Our concern is the interpretation of the Articles, which will set a very damaging precedent for all residents of The Town of Barrington.

We sincerely hope and trust that the ZBA will now review their earlier decisions to ensure that "home occupancy" and "small businesses" are supported as we feel are clearly set out in the abovementioned Articles.

Your faithfully

Esther & Alun Williams  
4 Mills Falls Road  
Barrington  
NH 03825