

January 12, 2022

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

RE: 99 Toland, Rob Russell and 2A Tactical.

Dear Sirs:

We are residents and owners of 20 Mills Falls Rd., Barrington, NH 03825. We abut the NE corner of 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). We believe the decision made by ZBA is incorrect for the following reasons:

1. 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 business'. The limits that 7.4 places on 7.3 are quite exacting, 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. It is clear that intent of the author of these two Articles was that the business conducted in 7.3 would be smaller than the business conducted in 7.4. For the ZBA to be led by Mr. Russell's attorney, to totally focus on 7.3 is like being led down the proverbial 'rabbit hole' where only nonsense exists. We ask that the ZBA look at the combined intent of both 7.3 and 7.4 for the purposes of making their decision in this case.
 - 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? This is not logical.
 - Mr. Russell admits that 2A Tactical has 8 to 10 employees.
 - Article 7.3 was poorly written and is silent as to employees. This silence speaks volumes as it is clear that the author could not conceive of a 'home occupation' having any employees. Therefore they did not address the issue in Article 7.3.
 - It is unreasonable to conclude that because Article 7.3 was poorly written, a business that employs 9 to 10 people meets the requirements for a Home Occupation permit.
 - Is there no limit to the number of employees that ZBA would now allow for a Home Occupation permit?
 - We believe that the decision made by the ZBA is setting a precedent which will do damage to the Town of Barrington because all existing Home Occupation permit holders could now employ up to 10 or more employees. ZBA should not set this precedent.
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 and for that reason it was easy for Mr. Russell's attorney to merely contend that there are no commercial vehicles on the property and therefore the criterion 7.3(5) was met.

- The fact is that on any given day that 2A Tactical is open for business there are from a minimum of 4 to 15 or more automobiles stored/parked on the property during those business hours. These vehicles are related to 'said home occupation.'
 - These are autos are owned Mr. Russell and by the employees or customers of 2A Tactical.
 - It is not reasonable to conclude that since these vehicles are privately owned, they cannot be considered, or even recognized by the ZBA in their decision making. They are there because of the commercial retail activity occurring at 2a Tactical.
 - Article 7.3(5) was poorly written and is silent as to personal vehicles. This silence again speaks volumes as it is clear that the author could not conceive of a 'home occupation' using 15 automobiles.
 - How anyone could argue that having 15 or more vehicles parked on this property, all related to the 'Home Occupation' business, is permissible under 7.3(5). We believe the decision here defies the intent (not the word) of article 7.3 (5). What is the ZBA's or the town staff's position on this matter?
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 a full blown, very active retail business.
- We believe that transacting 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.
 - How the ZBA can ignore the intent of these two Articles is difficult to understand. Just because the Articles are poorly written, the overall intent is clear. What is the ZBA's or the town staff's position on this matter?
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 / and much more!

- The 'much more!' is the substantial retail trade sales of guns, bullets and hundreds of other accessories. When Mr. Russel came to the neighbors in 2017 to get permission to open his business he said that it would be just him and a part time person doing gunsmithing. The business has grown to include multiple 'occupations' which violates Article 7.3(2). We ask that either the ZBA or the town staff explain their position on this matter.
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 in order 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). We ask that either the ZBA or the town staff explain their position on this matter.
 6. Our last request is that you explain to us how the calculations for Article 7.3 (3) were calculated. We are not experts in this formulation and we ask that the town staff, or the 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 but we are still confused. Does the town staff agree with this calculation?
 7. The abutter that was most affected by 2A Tactical business operations was Tory & Ryanne Bianchi whose residence was located at 93 Toland, immediately adjacent to 99 Toland. The woman who at the end of the Oct. 20, 2021 meeting tried to express her objections was Ryanne Bianchi. She was ignored because she did not understand that only 7.3 Article was being considered. The ZBA should have allowed her to speak and to ignore her plea was simply quite wrong.
 - The Bianchis decided there was only one way to deal with 2A Tacticals ever growing retail activities; they sold their property on Dec. 31, 2021 and moved their young family to Dover. The ZBA's decision on Oct. 20, 2021 clearly had a very negative impact on this family and Barrington lost a very fine young family.

Despite of the objections stated above, which are obvious and very clear, we consider Rob Russell a friend, and we do not want to harm him or his business.

- In fact, we believe that he is making a good faith effort to move his business to a location in Barrington that would allow him to expand and thrive even more. We applaud that effort.
- The fact that Rob may have acted too slowly when he was given a 6-month window of time to move his business by May 16, 2021 should be set aside by all parties.
- It is my understanding that the Town of Barrington sued Mr. Russell soon after the May 16 deadline. This lawsuit does not benefit the citizens of Barrington and should be withdrawn.

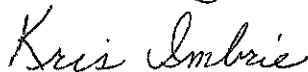
- We know for a fact that Mr. Russell was trying to plan a move during that time, but with the growth of business and other pressing needs, he failed to meet the time limit. For this he should not be punished, and the citizens of Barrington should not be punished by the decision the ZBA made on Oct. 20, 2021.

Is there a way out of this mess? We hope so and here are our suggestions assuming the ZBA reverses its decision.

- That the ZBA continue to work with Mr. Russell to give him time to move his retail business to another temporary location.
- That the ZBA allow 2A Tactical to continue to use 99 Toland for the parts of his business that would put it in compliance with Article 7.3.
- That no fines would be assessed against Mr. Russell and 2A Tactical.
- That the Town of Barrington dismiss its law suit against Mr. Russell and 2A Tactical. We will send a separate letter to the Town Administrator with this request.

For these suggestions to work both Mr. Russell and the ZBA need to compromise. We hope everyone acts in a reasonable and rational manner going forward. Let us all be good neighbors and act for the benefit of all citizens of The Town of Barrington.

Sincerely,



Gary & Kris Imbrie
20 Mills Falls Road
Barrington NH 03825