



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 8-31-22 Case No. 234-25.1-V-22 Var
 Owner TSB Construction, LLC Mailing Address 44 Merryfield Lane, East Hampstead, NH 03826
 Phone 603-765-9176 Email coishdavid@yahoo.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
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- | | | |
|-------------------------------------|--------------------------|---|
| <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) |
| <input type="checkbox"/> | <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 |
| <input checked="" type="checkbox"/> | <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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- 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
- 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
- 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 Irvine
Staff Signature

8/31/2022
Date

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

PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 234-25.1-V-22-Van

Project Name _____

Location Address Franklin Pierce Highway / NH Route 9

Map and Lot 234-25-1

Zoning District (Include Overlay District if Applicable) Village District

Property Details:

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

Use: Vacant

Number of Buildings: none Height: _____

Setbacks: Front 40' Back 30' Side 30' Side _____

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:

4.1.1.1 Minimum Standards Table 2 Dimensional Standards

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

See attached

Barrington Zoning Ordinance Requirements:

200' of frontage for a subdivision.

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

See attached

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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.

See attached

2. Granting the variance would be consistent with the spirit of the Ordinance.

See attached

3. Granting the variance will not result in diminution of surrounding property values.

See attached

4. Granting of the variance would do substantial justice.

See attached

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

See attached

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.

N/A

2. No hazard will be caused to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.

N/A

3. No creation of a traffic safety hazard or substantial traffic congestion will result in the vicinity of the proposed development.

N/A

4. No excessive demand on municipal services and facilities, including, but not limited to waste disposal, police and fire protection, and schools.

N/A

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.

N/A

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

Date

Signature of Owner

Date

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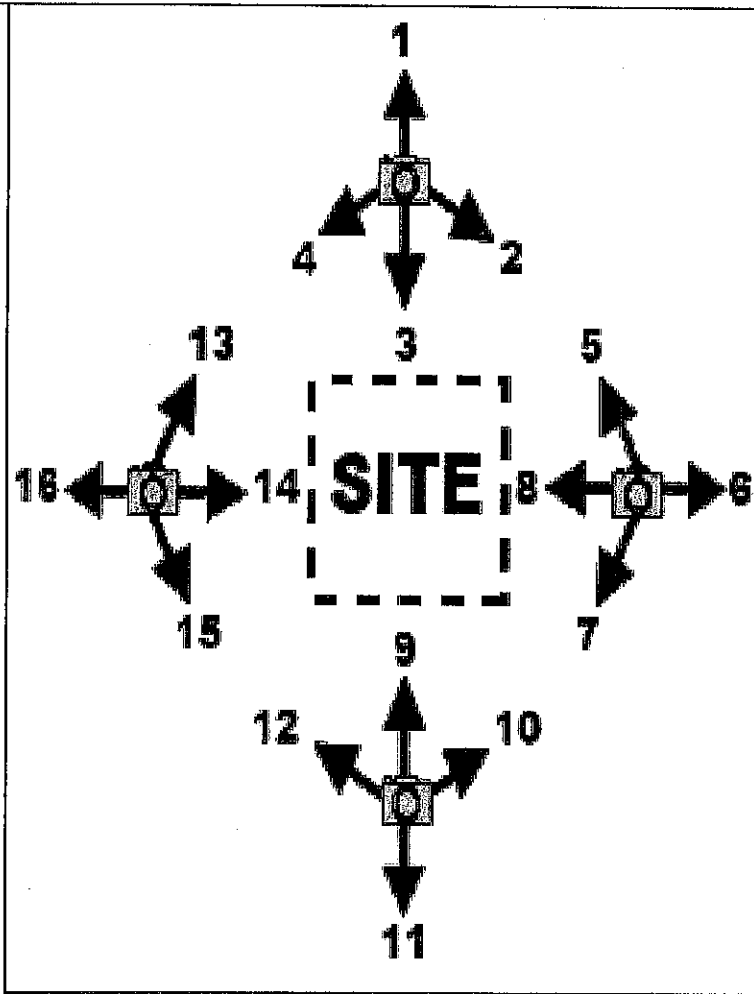
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SITE / CONTEXT PHOTOS

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.



ARTICLE 4.....DIMENSIONAL REQUIREMENTS

4.1..... General Provisions

4.1.1.....Minimum Standards

No building or structure shall be erected, enlarged, altered or moved, nor shall any existing lot size be changed, or new lot created, except in accordance with the standards prescribed in Table 2, Table of Dimensional Standards or as otherwise specified herein.

Table 2.....Table of Dimensional Standards (a)

Zoning District	Min. Lot Size (sq.ft.) (b)	Min. Lot Frontage (ft.) (b)	Min. Yard Setbacks (ft.)(i)			Max. Bldg. Height		Max. Lot Coverage (f)
			Front	Side	Rear	Feet	Stories	
General Residential	80,000(c)	200	40	30	30	35	2.5	40%
Neighborhood Residential	80,000(c)	200	40	30	30	35	2.5	40%
Village District (Residential)	80,000(c)	200	40	30	30	35	2.5	40%
Village District (Non-Residential)	30,000(g)	75	20	15	15	40(j)	3	60%
Town Center	20,000(h)	40	20(k)	15	15	40(j)	3	80%
Regional Commercial	40,000(d)	200	75(e)(l)	30	30	40(j)	3	50%

Footnotes:

- (a) All development is subject to the additional and supplemental dimensional standards prescribed in Article 4 of this Ordinance.
- (b) Refer to Article 4.2 for calculating the minimum lot size per dwelling unit within each district.
- (c) Minimum lot sizes and frontage may be reduced as part of a Conservation Subdivision in accordance with Article 6 of this Ordinance.
- (d) Minimum lot sizes for residential dwelling units in the RC district shall be in accordance with Section 4.2 of this Ordinance. (e) A greenbelt shall be maintained along the frontage of parcels on Route 125 in accordance with Subsection 4.2.3, Paragraph 4), of this Ordinance.
- (f) Maximum lot coverage means the area of the lot covered by an impervious surface. Calculation of maximum lot coverage in a Planned Unit Development (PUD) shall be in accordance with Subsection 16.3.3. All development is subject to the provisions of Article 12, Groundwater Protection, with regard to the creation of impermeable surfaces.
- (g) The minimum lot size for single-family dwelling units must comply with the provisions of Subsection 4.2.1 of this Ordinance, which are the same requirements for constructing a single-family dwelling in the GR and NR districts, as well as all other applicable provisions. Refer to section 4.2.2 for further specifications regarding minimum lot size and building size requirements in the VD district.
- (h) Refer to Section 4.2.4 for additional provisions regarding minimum lot size and building size in the TC district.
- (i) "Setbacks apply to ground mounted Solar Collection Systems. Increases in the Minimum Yard Setbacks may be required as part of the Site Plan Review or building permit process in order to comply with Life Safety Code requirements. Additional buffers may also be required between residential and nonresidential uses in the VD, RC, and TC districts as specified in Article 4, as well as other sections of this Ordinance.
- (j) No structure may contain occupied residential building space above 35 ft. unless said structure contains a sprinkler system.
- (k) The setback for all new structures shall be fifty (50) feet from the edge of the right-of-way along Route 125 and Route 9. No new structures (except signs) may be placed within this setback area.
- (l) Properties in the Regional Commercial District which do not front on State Highways (i.e., Routes 4 and 125), the minimum front setback is forty (40) feet.



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road
Barrington, NH 03825
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Fax: (603) 335-4623
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crberry@metrocast.net

August 31, 2022

Town of Barrington
Zoning Board of Adjustments
Attention: Vanessa Price, Town Planner
333 Calef Highway
PO Box 660
Barrington, NH 03825

Re: Variance Request
TSB Construction LLC
Variance Request to 4.1.1 Minimum Standards (Table 2 Dimensional Standards)
Tax Map 234, Lot 25-1
Green Hill Road
Barrington, NH

Madam Chair and Members of the Barrington Zoning Board of Adjustments,

On behalf of the owner and applicant TSB Construction LLC, Berry Surveying & Engineering (BS&E) is applying for a variance to chapter 4.1.1 Minimum Standards, Table 2 Dimensional Standards in the Village District to allow a building lot to contain frontage of less than 200', while contained in a back lot subdivision.

Background and General Narrative:

The site is located on Tax Map 234, Lot 25-1 which has frontage on NH Route 9 or commonly known as Franklin Pierce Highway. The property is located in the Village District. The site underwent a major subdivision application in the past where the frontage on Meetinghouse Road was developed into standard house lots, with this remaining piece having access and frontage on Route 9. The frontage is 202 feet in the existing condition.

In the past the owner has contemplated a larger scale project on this side of the property. The Village District allows for single family development, duplex development and single family attached style development. The owner has looked at townhouses to be developed into the hill side in the past and went so far as to have a Design Review Hearing with the Planning Board on the matter. The site is 9.44 acres in size and could be developed into 9 townhouse style units with a private roadway into the site and would be supported by well and septic systems.

In response to the concerns voiced by the abutters at the Design Review Hearing the owner is looking to simply subdivide the parcel using the backlot ordinance to create three new lots. The subdivision would create 2 new lots with 25' necks down to Route 9 as the ordinance allows, and the remaining lot would contain 150 feet (+/-) of frontage. All three lots would take access from a single shared driveway which would be located within the neck portion of the back lots, as the ordinance encourages and requires of back lots. A special exception is requested in conjunction with this application for the lot shown as Lot 25-1 to take access from a driveway not over the provided frontage.

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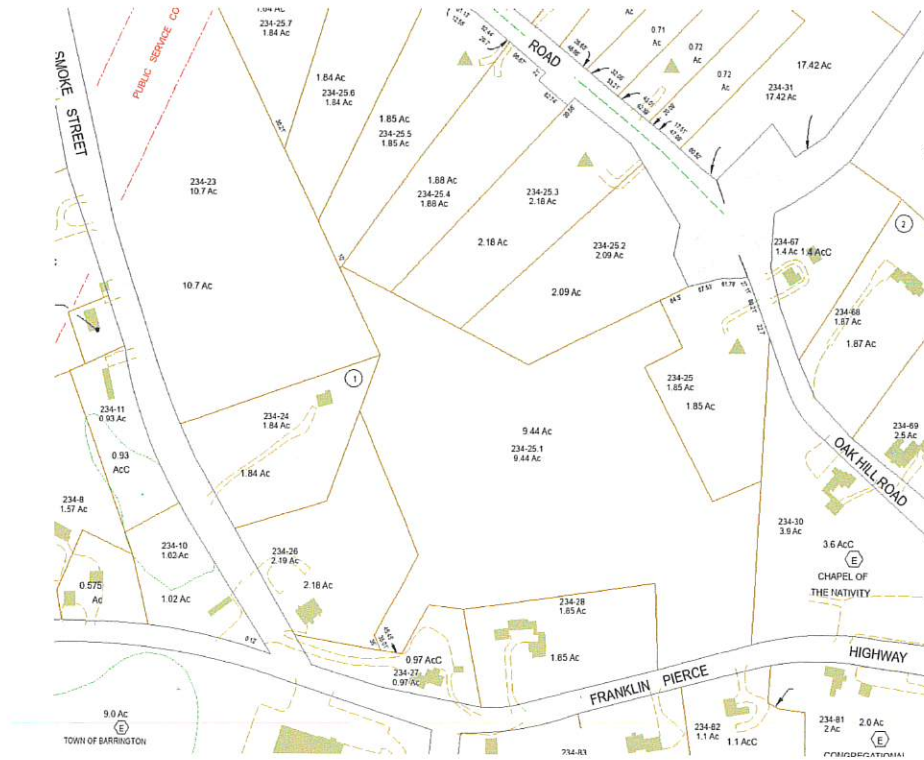
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Specific Variance Request & Criteria for Approval:

- 1.) *"Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law."*
 - a. The special condition of this parcel is that it lacks a total of 250 linear feet of frontage along Franklin Pierce Highway, but otherwise meets the criteria for a back lot subdivision. The parcel is large as compared to others in the immediate area and contains the least amount of frontage of all immediately abutting parcels as well as others in the area. The denial of the variance creates an unnecessary hardship to the applicant whereas if it were not for the granting of the variance the applicant could develop the site in a manner congruent with all abutting lots while keeping the abutting concerns for larger development in mind. The proposal is a reasonable use under the zoning ordinance whereas the site could be developed in a more intense manner with the same road configuration and building placement. To reduce the impact on the land, which is steep, reduce stormwater concerns, traffic concerns, and building massing concerns for the most abutting structure and land owner, the applicant has chosen to build out three lots with two single family homes and one proposed duplex. This reduced use requires a subdivision, with one lot having less than the required 200 feet of frontage, which is a reasonable request when considering the alternative style development would not require any more or less frontage than that which is proposed for this subdivision.





- 2.) "Granting the variance would be consistent with the spirit of the Ordinance"
 - a. The spirit of the ordinance is to allow for reasonable development which has spacing that is controlled through the use of frontage requirements. Frontage is a land use control that creates uniformity and also limits driveway curb cuts to a reasonable number within the rural character of the community. In this case, the subdivision, but for the variance, achieves this spirit, whereas it proposes a reduction in density which is spread out on the site, while keeping one driveway and curb cut.

- 3.) "Granting the variance will not result in diminution of surrounding property values"
 - a. The proposed project contemplates a use that is otherwise permitted in the underlying zone and is in keeping with all surrounding uses. The applicant is proposing this keeping in mind the concerns of the abutting land owners during prior Design Review Hearings with the Planning Board, and would submit that this style development does nothing to diminish property values and is superior to a development of larger density that is otherwise permitted.

- 4.) "Granting the variance would do substantial justice."
 - a. The variance would do substantial justice in that it allows for an orderly, low intensity development to take place on a larger parcel of land that has been provided input by the Planning Board and surrounding property owners. The litmus test is usually touted as the gain to the applicant outweighs the loss the community and ordinance, however in this case the gain to the applicant is inline with the abutting concerns and thus substantial justice is achieved.



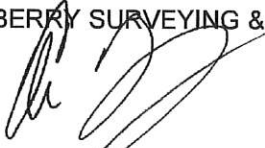
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5.) *"Granting the variance would not be contrary to the public interest."*

- a. The public interest, as stated section 1.8 of the ordinance is to provide for development that is in harmony with the current vision and objectives of the master plan. The request for variance is an innovative land use request that allows for the applicant to develop the site within the confines of the larger vision but also through the lens of the abutting land owners. Though larger density is allowed in the underlying zone and currently needed on a larger scale, the applicant is providing a smaller scale project in keeping with other objectives and allowances in the underlying zone while considering the needs of the immediate abutting land owners. Public interest is met in this particular case.

Thank you for your time and attention to this matter. We hope you look favorably upon this request.

BERRY SURVEYING & ENGINEERING



Christopher R. Berry
Principal, President



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