



BERRY SURVEYING & ENGINEERING

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April 19, 2022

Town of Barrington Zoning Board of Adjustment
Attention: Chairman George Bailey
333 Calef Highway
PO Box 660
Barrington, NH 03825

Re: Richard Townsend
Case #121-30-GR-22Var
Rosemary Lane
Boundary Survey

Mr. Chairman and Members of the Barrington Zoning Board of Adjustment,

On behalf of our client, Richard Townsend, Berry Surveying & Engineering (BS&E) is writing in response to the former public hearing relating to the variance request on the corner of Rosemary Lane, and also in response to a plan submission by an abutting land owner Ms. Luzi Pantano.

As is evident by the applicant's submission to the Zoning Board of Adjustment, BS&E has conducted a boundary survey on the parcel in question. This survey was conducted in 2021 and was the culmination of current ground work as well as prior work conducted by BS&E in the same neighborhood in the past. After preparing a plan of the bounds of the corner parcel, as well as a worksheet of the entire neighborhood, we met with our client to review how the determination was made. It was our understanding that there was an abutting survey which we were in conflict with, and felt that it was important for our client to understand the boundary principals that were used in preparing the determination.

Shortly after we received a call from the abutter Luzi Pantano, who requested a meeting. We met twice with Luzi and her son at the office of BS&E where we went through the process of determining the bounds of the corner lot her parcel and many others in the neighborhood. She had previously commissioned a survey by Mr. Vincent in 2006 which was presented to BS&E at that time. At that time, after consideration, BS&E did not agree with the methodology used in determining Ms. Pantano's boundaries. The current work conducted on behalf of Mr. Townsend considered again the abutting survey by Mr. Vincent, however the opinion remained, and BS&E continues to disagree with the methodology used in developing Ms. Panato's survey.

We offer the above only to provide context to the situation between the parties. There is a clear disagreement between the parties on the boundary line, however that is not an issue for the

Zoning Board to adjudicate. Boundary disputes are a civil matter between the parties which can be settled in a number of different ways, but are not settled by local land use boards.

To the matter of moving forward with a zoning case, we would offer that the board has been presented with a plan prepared for the applicant for the purposes of establishing boundary lines and setback requirements to the same. It is incumbent on an applicant to hire a professional in this field to conduct the level of work to the professional standard of care required for the Zoning Board to review when considering the five statutory criteria. We submit that the applicant has done this at the boards request and that the issue of the boundary dispute not be considered by the Zoning Board whereas any judgement related to the same may adversely interfere with the applicants' rights upon real property. In the event the two owners can either agree on a line in the future or the line is modified in the future by separate approach, the applicant may need variance clarification at that time. At this time however, the applicant has presented a case to the Zoning Board using the information provided to him by his professional, and that information should be used to consider the merits of the case.

Respectfully Submitted,


BERRY SURVEYING & ENGINEERING

Christopher R. Berry
Principal, President



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