



# 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 April 5, 2023 Case No. 106-4-GR/SPO-23-Van  
 Owner Derek & Melissa Ceppetelli  
 Mailing Address 100 Small Road, Barrington, NH 03825  
 Phone 603-817-0395 Email mbdcepp@metrocast.net

### 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 checked="" type="checkbox"/><br>\$ 250.00 Legal Notice <input checked="" type="checkbox"/><br>\$ 8.00 per US Post Office Certified Letter <input checked="" type="checkbox"/> | <i>Received Check # 5479</i><br><br><i>6 Abutters = \$48.00</i><br><i>Total \$ 448.00</i>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Completed Project Application Form<br><input checked="" type="checkbox"/> Variance <input type="checkbox"/> Special Exception <input type="checkbox"/> Appeal  |   |
| <input type="checkbox"/>            | <input type="checkbox"/> | 6. Notarized Letter of Authorization (from property owner(s) if property owner did not sign the application form)   | <div style="border: 2px solid blue; padding: 5px; display: inline-block;">RECEIVED</div><br><div style="color: red; font-weight: bold;">APR 25 2023</div> |
| <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 Drueke*  
Staff Signature

\_\_\_\_\_ Date

**Land Use Department**  
**Town of Barrington; 4 Signature Drive; Barrington, NH 03825**  
vprice@barrington.nh.gov Phone: 603.664.5798

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PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 106-4-GR / SPO-23-Var

Project Name Derek & Melissa Ceppetelli Variance request

Location Address 100 Small Road, Barrington, NH 03825

Map and Lot Tax Map 106, Lot 4

Zoning District (Include Overlay District if Applicable) Gen. Res., Shoreland Protection Overlay

Property Details:

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

Use: Single family

Number of Buildings: 1 Height: 25'+/-

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

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:

Variance to Table 2 (Table of dimensional standards), page 14.

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

See attached narrative.

Barrington Zoning Ordinance Requirements:

40' front, 30' side and rear setbacks.

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

See attached narrative.

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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 justification letter.

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2. Granting the variance would be consistent with the spirit of the Ordinance.  
See attached justification letter.

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3. Granting the variance will not result in diminution of surrounding property values.  
See attached justification letter.

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4. Granting of the variance would do substantial justice.  
See attached justification letter.

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5. Granting of the variance would not be contrary to the public interest.  
See attached justification letter.

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**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.

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

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

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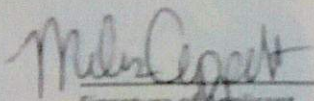
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4. No excessive demand on municipal services and facilities, including, but not limited to waste disposal, police and fire protection, and schools.

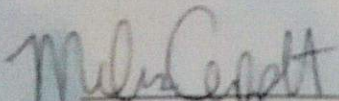
5. The proposed use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site that would result in the loss of significant habitat or flood control protection.

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

4/5/23  
Date

  
Signature of Owner

4/5/23  
Date

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## SITE / CONTEXT PHOTOS

Using Guidelines Below

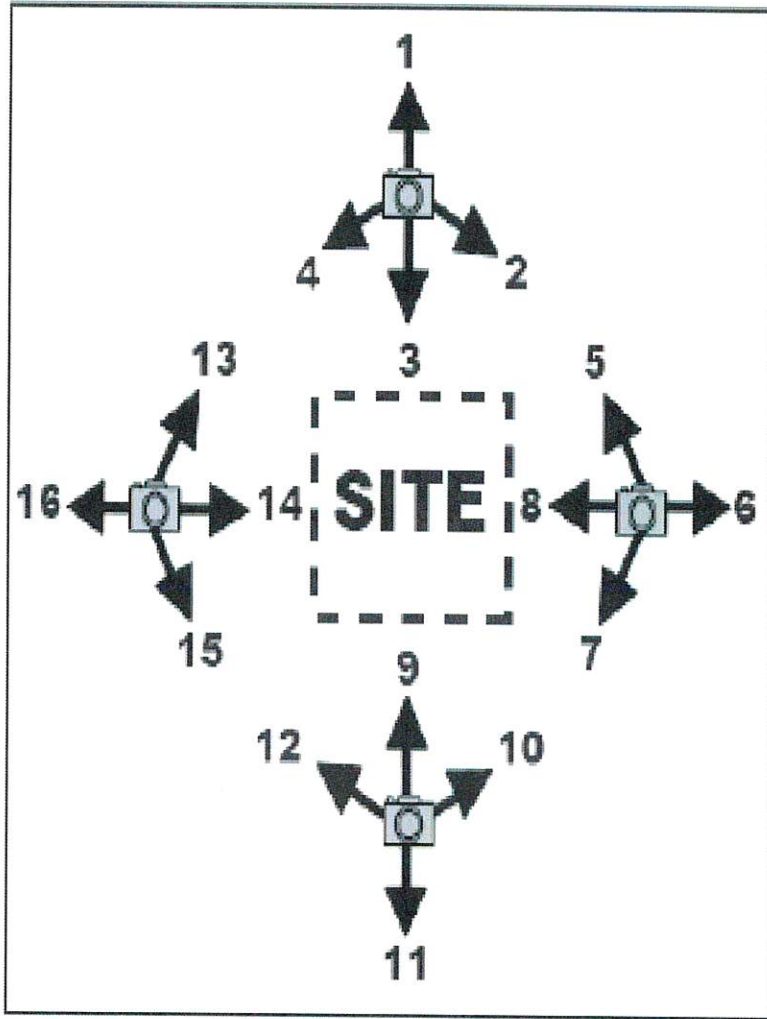
Provide color photographs showing the site and surrounding buildings/properties in order to provide staff, boards and commissions with a visual impression of the current site conditions.

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.

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## BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

crberry@metrocast.net

April 20, 2023

Town of Barrington  
Zoning Board of Adjustments  
333 Calef Highway  
PO Box 660  
Barrington, NH 03825

Re: Derek & Melissa Ceppetelli  
100 Small Road  
Barrington, NH

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

On Behalf of Derek & Melissa Ceppetelli, Berry Surveying & Engineering (BS&E) is applying for a front setback and a side setback variance located at 100 Small Road. The property is commonly known as Tax Map 106, Lot 4. A variance to the Table 2, Table of Dimensional Standards is sought to allow the construction of a garage on the property.

### **Background and General Narrative:**

The Ceppetellis own Tax Map 106, Lot 4 – located at 100 Small Road. The parcel is located in the General Residential Zone under the Shoreland Protection District Overlay due to the frontage on Ayers Lake. The site contains an existing house and a shed. The existing house is a single family, 2-bedroom dwelling.

The site is serviced by an effluent disposal field and on site well. The existing site contains a mixture of compact gravel, typical yard areas, and wooded areas. In 2015, this board approved variances for construction of a 20'x24' garage and conversion of the cottage to a two-story house. At that time there were also two smaller garages on the site which were removed as a part of that proposal. The approved garage was never constructed and the approval has lapsed. The Ceppetellis wish to construct a 22'x22' two-story garage in the same general location as the previously approved garage, which would be almost completely contained on area which is now compacted gravel driveway.

This project will also be required to obtain a NHDES Shoreland Permit. It is the intention of the owners to file this permit application after your board has taken action on the request.

### **The Proposal:**

It is our opinion that requests such as these need to be carefully considered in order to properly protect the natural resources of the Town of Barrington as well as the interests of the abutters and the public utilizing the Lake. Understandably, the community has an interest in the proper and responsible development of lots along the lake frontage. Therefore, through this application we will define the precise development of the project site. The applicant is requesting:

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- To construct a two-story garage within the front and side setback. As a part of this project, a large section of the existing gravel driveway will be removed (that which would be behind the proposed garage) and the garage will be built almost exclusively on the existing gravel driveway. These improvements will reduce the amount of impervious surface on the parcel from 23.66% to 21.38%. There will be benefit seen to Ayers Lake with these improvements, both in the removal of the gravel surface which has the potential to erode and pollute the lake as well as the overall reduction in the amount of impervious surface which will lessen the amount of runoff from the lot.

**Specific Variance Request & Criteria for Approval:**

**Variance #1**

As noted on page 1, the request is a Variance to the Table 2 currently located on page 19 of the Zoning ordinance - to allow the construction of the garage -, which states:

*"Minimum Yard Setbacks – Front: 40'*

It is important to remember the location of the former existing garages on the property (shown on the plan) while reviewing these criteria. We are proposing the garage be 3.0' from the front property line where 40' is required. These distances are measured from the proposed roof overhangs.

- 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. There are special conditions associated with this parcel of land. This is an existing lot of record, clearly located within the General Residential Zone, and only contains 0.31 acres of land. It is also important to note that this lot was created in the early 1930's. The property contained two garage style buildings (as of 2015, removed as a part of the previous project), neither of which were in adequate repair to safely house a vehicle. These two garage units did not meet the current front setback line, and a portion of one of the units was actually located within the Small Road right of way. Determining a location for the proposed garage that would meet current zoning on this lot would be impossible, as the setbacks from the lake and the setbacks listed in Table 2 overlap and leave no building envelope on the property. We have placed the proposed garage in a manner that is more nearly conforming when compared to the existing garage units. Literal enforcement of the Ordinance would result in unnecessary hardship because there is no place to locate a garage on the parcel that would not require relief from zoning.
- 2.) *"Granting the variance would be consistent with the spirit of the Ordinance"*
  - a. The intent of the ordinance is to protect abutting land owners and the users of the roadways in the Town of Barrington from undue "crowding" of lots. We are proposing a garage which more nearly conforms to the Ordinance as well as keeps the garage as far from the lake as possible.
- 3.) *"Granting the variance will not result in diminution of surrounding property values"*
  - a. The removal of the garages which were in poor repair and the construction of a new, modern garage which meets current building codes will not have a negative effect on surrounding property values. It is in the best interest of the owners of land located on Small Road for old buildings such as these to be replaced in a responsible manner.



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- 4.) *"Granting the variance would do substantial justice."*
- a. The substantial justice would be to allow this land owner to continue to enjoy the two car garage capacity that the lot previously had, only in a safer and more useable manner. The gain to the applicant far outweighs any detriment to others given the existing building locations and parking that takes place on site.
- 5.) *"Granting the variance would not be contrary to the public interest."*
- a. The public interest is to see buildings in poor repair removed and replaced in a responsible manner. The previous removal of the garage from the Small Road right-of-way also protects the rights of the parties with interest in Small Road. Additionally, given the fact that the travelled way is not centered within the Small Road right-of-way, this garage will be 25.9' from the gravel road surface and not provide any negative issues for passing motorists or pedestrian traffic.

### Variance #2

As noted on page 1, the request is a Variance to the Table 2 currently located on page 19 of the Zoning ordinance - to allow the construction of the garage -, which states:

*"Minimum Yard Setbacks – Side & Rear: 30'*

It is important to remember the location of the former existing garages on the property (shown on the plan) while reviewing these criteria. We are proposing the garage be 23.6' from the side property line where 30' is required. These distances are measured from the proposed roof overhangs.

- 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. There are special conditions associated with this parcel of land. This is an existing lot of record, clearly located within the General Residential Zone, and only contains 0.31 acres of land. It is also important to note that this lot was created in the early 1930's. The property contained two garage style buildings (as of 2015, removed as a part of the previous project), neither of which were in adequate repair to safely house a vehicle. These two garage units did not meet the current side setback line and the closest point of the garages to the side boundary line was 10.2'. Determining a location for the proposed garage that would meet current zoning on this lot would be impossible, as the setbacks from the lake and the setbacks listed in Table 2 overlap and leave no building envelope on the property. We have placed the proposed garage in a manner that is more nearly conforming when compared to the existing garage units. Literal enforcement of the Ordinance would result in unnecessary hardship because there is no place to locate a garage on the parcel that would not require relief from zoning.
- 2.) *"Granting the variance would be consistent with the spirit of the Ordinance"*
- a. The intent of the ordinance is to protect abutting land owners and the users of the roadways in the Town of Barrington from undue "crowding" of lots. We are proposing a garage which more nearly conforms to the Ordinance as well as keeps the garage as far from the lake as possible.

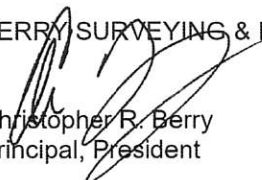


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- 3.) *"Granting the variance will not result in diminution of surrounding property values"*
- a. The removal of the garages which were in poor repair and the construction of a new, modern garage which meets current building codes will not have a negative effect on surrounding property values. It is in the best interest of the owners of land located on Small Road for old buildings such as these to be replaced in a responsible manner.
- 4.) *"Granting the variance would do substantial justice."*
- a. The substantial justice would be to allow this land owner to continue to enjoy the two car garage capacity that the lot previously had, only in a safer and more useable manner. The gain to applicant far outweighs any detriment to others given the existing building locations and parking that takes place on site.
- 5.) *"Granting the variance would not be contrary to the public interest."*
- a. The public interest is to see buildings in poor repair removed and replaced in a responsible manner. The previous removal of the garage from the Small Road right-of-way also protects the rights of the parties with interest in Small Road. Additionally, moving the proposed building closer to the center of the lot allows for a more nearly conforming location of the garage which is not contrary to the public interest.

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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Barrington, NH 03825

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**April 25, 2023**

### **Abutters List**

#### **Owners of Record**

##### **Tax Map 106, Lot 4**

Derek M & Melissa J Ceppetelli  
100 Small Rd  
Barrington, NH 03825  
*Book 4564, Page 900*

##### **Tax Map 106, Lot 3**

##### **Tax Map 106, Lot 1**

Marc & Cathie Lacasse  
Patrick & Julie Lacasse  
97 Rochester Hill Rd  
Rochester, NH 03867  
*Book 4571, Page 344*

##### **Tax Map 106, Lot 5**

Sandra J & Jorge M D'Ascensao  
D'Ascensao Family Rev Tst  
94 Small Rd  
Barrington, NH 03825  
*Book 4949, Page 734*

##### **Tax Map 109, Lot 4**

Raynold M & Cathy K Richardson  
Richardson Family Rev Tst  
77 Small Rd  
Barrington, NH 03825  
*Book 5083, Page 495*

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22-104 Ceppetelli, Derek M & Melissa J  
100 Small Rd, Barrington, NH

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**Professionals**

Town of Barrington  
ATTN: Town Clerk  
4 Signature Dr  
Barrington, NH 03825

Kenneth A. Berry PE LLS  
Christopher R. Berry, Project Manager  
Berry Surveying & Engineering  
335 Second Crown Point Road  
Barrington, NH 03825

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