



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 12/20/2022 Case No. 239-35-V-23-Var
 Owner Paul Guptil
 Mailing Address PO Box 587, Barrington, NH 03825
 Phone 603-234-8914 Email gravelle12@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'	Rec'
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- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Zoning Board of Adjustment Application Checklist (<i>this form</i>) |
| <input 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 type="checkbox"/> | <input type="checkbox"/> | 4. Fees - \$150.00 Application <input type="checkbox"/>
\$ 250.00 Legal Notice <input type="checkbox"/>
\$ 8.00 per US Post Office Certified Letter <input type="checkbox"/> 29 x 8 = 232 |
| <input 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 type="checkbox"/> | <input type="checkbox"/> | 6. Notarized Letter of Authorization (from property owner(s) if property owner did not sign the application form) |
| <input 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 Arvine
Staff Signature

12/20/2022
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. 239-35-V-23-Var

Project Name Bending Brook Residential Development

Location Address Mallego Road

Map and Lot 239-35

Zoning District (Include Overlay District if Applicable) Village District

Property Details:

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

Use: Old Gravel pit

Number of Buildings: none Height: _____

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:

6.2.6 Perimeter buffer

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

Barrington Zoning Ordinance Requirements:

All conservation subdivisions must have a perimeter setback of 100 feet around the entire tract that may not contain any structures or individual lots.

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

To allow 2 conventional lots to be developed separate from the proposed conservation subdivision on Mallego road meeting all conventional requirements.

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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.
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- 3. Granting the variance will not result in diminution of surrounding property values.
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- 4. Granting of the variance would do substantial justice.
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- 5. Granting of the variance would not be contrary to the public interest.
-
-

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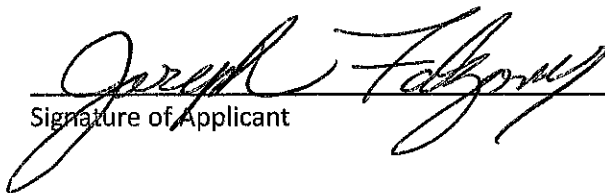
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4. No excessive demand on municipal services and facilities, including, but not limited to waste disposal, police and fire protection, and schools.

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

12/18/22
Date

Signature of Owner

Date

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PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Project Narrative: Applicant has applied to the Town of Barrington Planning Board to create upon the subject parcel a Conservation Subdivision in accordance with and as provided for in Section 6, et. seq., of the Town of Barrington Zoning Ordinance (the “Ordinance”). As proposed, the subdivision will result in the creation of 17 individual lots. The design of the proposed subdivision road complies with the 1000-foot maximum road length allowed by [Art. 12 Table 1 Road Design Standards]. As a result, as proposed (i) 15 of said lots will be located contiguously along the subdivision road to be created, and enveloped by common open space, and (ii) the remaining two lots will be contiguous conventional lots fronted directly on Mallego Road, and backed by said common open space.

Barrington Zoning Requirements: Section 6.2.6 of the Zoning Ordinance provides that “All Conservation Subdivisions must have a perimeter buffer setback of one hundred (100) feet around the entire tract that may not contain any structures or individual house lots. The buffer should provide a visual screen from exterior roads by either retaining existing woodlands or by planting additional landscaping that is considered sufficient to provide such screening.”

Request: Applicant requests that the Board approve a variance excepting the portion of the parcel shown as the two proposed conventional lots from the perimeter buffer requirements provided in Section 6.2.6. If approved, the variance would allow the Applicant to adhere to the purposes of the Ordinance by developing the majority of the parcel as a typical Conservation Subdivision, with protected common open space, and the two proposed lots fronting Mallego Road as conventional lots, meeting all conventional zoning requirements, consistent with the existing residential neighborhood.

PART IV – If this is a JUSTIFICATION FOR VARIANCE

1. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.

Approval of the variance will allow for the development of a Conservation Subdivision with a large, desirable open space component. It is a reasonable, and beneficial, use of the property. The Board is empowered to grant a variance to allow for a reasonable use of the property that, owing to special conditions thereof, cannot reasonably be used in strict conformance with Section 6.2.6. See section 15.2.3.3 of the Ordinance.

Per the Ordinance, A Conservation Subdivision has to a maximum yield of 18 lots. The requirements for a 100-foot perimeter buffer, and open space percentage, further limit the land area available for economically viable development. In this instance, in order to meet the perimeter buffer setback, the length of the proposed subdivision road at its maximum allowed length under [the Ordinance], results in a lower number of conforming lots (15) than the available normal yield (18).

The particular locus of this parcel, however, is such that the portion of the parcel that directly abuts Mallego Road, is comprised of adequate area to provide for two, conforming, conventional lots for single family residences that will be in harmony with the existing developed residential lots along the Road.

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In essence, this parcel is uniquely situated to be developed as contemplated by of Section 6 of the Ordinance. The two separate lots will align with the existing line of houses already developed on Mallego Road. Behind the line of residences will be open space available for public recreational use, and clustered within the open space will be the 15 individual lots along the subdivision road.

Literal enforcement of the Ordinance to require the perimeter buffer in the portion of the parcel directly abutting Mallego Road will result in unnecessary hardship to the applicant because he would not be able to develop a viable project. As detailed above, owing to special conditions of the property, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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

The spirit of the Ordinance, and the Conservation Subdivision regulation, in particular, is to “encourage future land development activities to set aside more open space for the purposes of maintaining the town’s character, protecting key natural resource features, preserving wildlife habitat, and creating recreation opportunities for residents.” See Ordinance, Article 6, Section 6.1. The Conservation Subdivision regulations achieve these goals by “promoting greater flexibility in the design of residential subdivisions than would otherwise be possible following conventional subdivision practice.” Id.

Granting the variance would be consistent with the spirit of the Ordinance because it would be an exercise of flexibility in the subdivision design that would result in a development with a desirable open space component. With the variance exempting the two conventional lots from the perimeter buffer, the project will remain viable, and will be developed in a manner that promotes protected open space that maintains the character of the Town, preserves wildlife habitat, and create recreational opportunities for the public.

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

Granting the variance will not result in diminution of surrounding property values. Granting the variance will allow the Conservation Subdivision to be developed. The two conventional lots would allow for two new homes, in kind with the existing homes along Mallego Road, increasing the property value. In addition, the protection of the open space around the subdivision will provide certainty as to the preservation of the rural character and existing wildlife habitats, and provide recreational opportunities, all leading to an increase in the surrounding property values.

4. Granting of the variance would do substantial justice.

Granting of the variance would do substantial justice because it will enable the best possible use of the property by allowing open space development in lieu of conventional development without protected open space. The open space component will do substantial justice to the environment, by preserving the rural character of the Town and existing wildlife habitats, and to the public who will have recreational opportunities. As proposed, the project will also aid the Town with current drainage issues.

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

Granting of the variance would not be contrary to the public interest. Quite the opposite, granting the variance would be beneficial to the public interest, as it would allow for open space development in lieu of traditional development. This will serve the public interest by adding available housing- two houses on the conventional lots consistent with the existing neighborhood and the remaining 15 within the open space subdivision – while preserving open space as contemplated and encouraged by the Ordinance.

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Letter of Authorization

I, Paul Guptill, owner of Tax Map 239 lots 34 and 35, Barrington, NH, do hereby authorize the following parties to act as agents on my behalf for the above-described property in order to apply for any necessary state and local applications or permits relative to the development of said lot.

Joseph Falzone and his agents to include:

The Gove Group Real Estate, LLC, 70 Portsmouth Ave Stratham, NH 03885

Beals Associates, 70 Portsmouth Ave Stratham, NH 03885

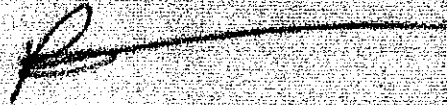
Doucet Survey Kent Place Newmarket, NH

GZA Environmental Bedford, NH

and others that may be necessary as agents to act on my behalf in matters to be discussed with the Town of Barrington, State Departments and other Land Use Boards concerning the property previously mentioned.

I hereby appoint the above referenced parties as my agent to act on my behalf in the review process, to include any required signatures.

Paul Guptill



Date:

7-1-22

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**ABUTTERS LIST
FOR
NH- 1443 JOE FALZONE/ PAUL GUPTILL- BARRINGTON NH
DATE December 19, 2022**

SUBJECT PARCEL

TAX MAP/LOT

239-0035

OWNER OF RECORD

PAUL GUPTILL
PO BOX 587
BARRINGTON, NH 03825

ABUTTERS

TAX MAP/LOT

239-0017

OWNER OF RECORD

CALF WOODS SUBDIVISION
COMMON LAND

239-0018

PERRA ANTHONY & TRICIA
40 RED FOX LN
BARRINGTON, NH 03825

239-0019

CAVANAUGH ARTHUR III & MEGHAN
30 RED FOX LN
BARRINGTON, NH 03825

239-0020

ROGERS TERRY A TRS REV TR
24 RED FOX LN
BARRINGTON, NH 03825

239-0021

ANGSUWAN-CASTLES SIRIMA &
CASTLES JOHN R
14 RED FOX LN
BARRINGTON, NH 03825

239-0022

AUGER STEVEN & JENNIFFER TRYSTE
OF AUGER FAMILY REV TRUST
8 RED FOX LN
BARRINGTON, NH 03825

239-0023

ATKINSON NICHOLE & DROLET DENISE
27 ROGERS RUN
BARRINGTON, NH 03825

239-0024

CASE EARL & ELAINE
37 ROGERS RUN
BARRINGTON, NH 03825

239-0025

KADARIYA RAM KUMAR & SUJATA
41 ROGERS RUN
BARRINGTON, NH 03825

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**ABUTTERS LIST
FOR
NH- 1443 JOE FALZONE/ PAUL GUPTILL-- BARRINGTON NH
DATE December 19, 2022**

239-0026	LAMARRE JOHN & ELIZABETH 51 ROGERS RUN BARRINGTON, NH 03825
239-0033	REITAN MICHAEL & JOAN 181 MALLEGO RD. BARRINGTON, NH 03825
239-0034	PAUL GUPTILL PO BOX 587 BARRINGTON, NH 03825
239-0036	BROWN ROBERT A & ARLINE 209 MALLEGO RD. BARRINGTON, NH 03825
239-0037	MILLETTE DONALD F & RACHEL M TRS FAM TRUST 221 MALLEGO RD BARRINGTON, NH 03825
239-0038	ROSS MICHAEL & MELANIE 227 MALLEGO RD. BARRINGTON, NH 03825
239-0039	WILLIAMS SAMUEL & WHITCOMB IDA 235 MALLEGO RD BARRINGTON, NH 03825
239-0040	MULDER MILLEM & LAUREN 241 MALLEGO RD BARRINGTON, NH 03825
239-0046	BRADLEY COURTNEY ANNE & BENJAM 210 MALLEGO RD BARRINGTON, NH 03825
239-0047	SCARPONI STEPHEN & ROXANNE SCARPONI FAMILY 2020 REV TRUST 5 STONE FARM RD BARRINGTON, NH 03825
250-0092	LAMPRON JAMES & BRANDY 292 MALLEGO RD BARRINGTON, NH 03825

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CLERK OF COURTS

**ABUTTERS LIST
FOR
NH- 1443 JOE FALZONE/ PAUL GUPTILL- BARRINGTON NH
DATE December 19, 2022**

250-0093	MORLEY LINNEA ANNE 286 MALLEGO RD BARRINGTON, NH 03825
250-0094	GITTINGS JOSEPH R & ERIC A 127 DEPOT RD EAST KINGSTON, NH 03827
250-0125	ROGER JAKE T & SARAH N 247 MALLEGO RD BARRINGTON, NH 03825
250-0126	ROGER JAKE T & SARAH N 247 MALLEGO RD BARRINGTON, NH 03825
250-0127	HARMON MICHAEL & WENDY 257 MALLEGO RD BARRINGTON, NH 03825
250-0128	KEYES NATHAN & NATALIE 265 MALLEGO RD BARRINGTON, NH 03825
250-0129	HALSTEAD CHARLES & JENNIE 293 MALLEGO RD BARRINGTON, NH 03825

PROFESSIONALS

ENGINEERING FIRM	BEALS ASSOCIATES, PLLC. 70 PORTSMOUTH AVE. 3 RD FLOOR STRATHAM, NH 03885
SOIL SCIENTIST	GZA Geo Environmental 5 COMMERCE PARK N #201, BEDFORD, NH 03110
SURVEYOR	DOUCET SURVEY, INC. 102 KENT PLACE NEWMARKET, NH 03857
DEVELOPER	JOE FALZONE 7B EMERY LANE STRATHAM, NH 03885

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