

ZONING BOARD OF ADJUSTMENT APPLICATION



Office Use Only	Case #: <u>116-22-GR-24 VAR</u>	Date Received: <u>2/27/2024</u>
	Amount <u>\$ 500.00</u>	Time Received: _____
	Paid: <u>Receipt # 25975</u>	

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Aubrey & Marie Mead Phone # \_\_\_\_\_

Address of Applicant: 37 Orchard Street, Cos Cob, CT 06807

E-Mail Address: \_\_\_\_\_

PROPERTY OWNER (if different from applicant): \_\_\_\_\_

Address: \_\_\_\_\_ Phone # 203-912-7318

E-Mail Address: ameadjr54@gmail.com

PROPERTY/PARCEL INFORMATION

Address: 414 Young Road

Brief Directions: Located on the northerly side of Young Road across from Big Rock Lane

Zoning District: GR Assessor's Map # 116 Lot(s) # 22

TYPE OF APPEAL: (Please check one)

- Variance from Section SEE BELOW of the Zoning Ordinance
- Special Exception per Section \_\_\_\_\_ of the Zoning Ordinance
- Appeal of Administrative Decision regarding Section \_\_\_\_\_ of the Zoning Ordinance
- Equitable Waiver per Section \_\_\_\_\_ of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY (NARRATIVE): (If needed, please submit on additional paper attached to the application.)

Construction of a garage of the parcel, including removal of 1 dilapidated shed/barn and 1 dilapidated cottage. This garage will not meet the side setback as required by the ordinance.

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**APPLICATION CHECKLIST** (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant) x  
*Note:* In order for the application to be accepted by Land Use Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.
  
- B. **Seven (7) Copies of Completed Zoning Board of Adjustment Application** x  
*Note:* Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 9 copies (include only as part of original signed application (Part A above)).
  
- C. **Context or Locus Map** (Show Surrounding Zoning Districts) x
  
- D. **Tax Map** (Copy can be attained by the Assessing Office) x
  
- E. **Existing Conditions** Site Plan or Recorded Subdivision Plan to include well and septic location (may be found at Strafford County Registry of Deeds). x
  
- F. **Seven (7) Copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. x  
*Site Plan - Drawn and Stamped by Registered Land Surveyor*
  - a. 24" X 36" – 2 Copies
  - b. 11' X 17" – 6 Copies
  - c. 8 1/2 " X 11" – 1 Copy
  - d. PDF copy emailed to Town Planner @ [planning@barrington.nh.gov](mailto:planning@barrington.nh.gov)
  
- G. **Seven (7) copies of colored photos:** Existing Conditions Photo Exhibit x  
Up to four photos may be shown per 8 1/2" X 11" page size.
  - a. Photos are to be taken looking toward the site and adjacent to the site.
  - b. Photos should show adjacent improvements and existing on-site conditions.
  - c. Number the photographs according to view.
  
- H. **List of abutters** 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.) Including addresses and map and lot number of parcels that adjoin or is directly across the street or stream from the land under consideration by the local land use board of the subject property. x
  
- I. **Mailing Labels** in triplicate with abutters names and addresses for notices. x

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Revised 10/03/2023

J. **TOTAL FEE** paid by cash or check made payable to "Town of Barrington"

1.	Application fee of:		
	\$150.00 VARIANCE	\$	<u>\$150.00</u>
	\$150.00 SPECIAL EXCEPTION	\$	<u>          </u>
	\$150.00 APPEAL FROM ADMINISTRATIVE DECISION	\$	<u>          </u>
	\$150.00 EQUITABLE WAIVER	\$	<u>          </u>
2.	Certified letters fee: # of abutters <u>8</u> X \$10.00 =	\$	<u>\$80.00</u>
3.	Applicant & Owner mailing fee: <u>2</u> X \$10.00 =	\$	<u>\$20.00</u>
4.	Foster's newspaper public notice	\$	<u>250.00</u>

**TOTAL FEE** \$ \$500.00

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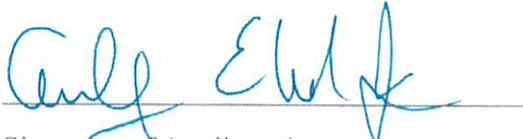
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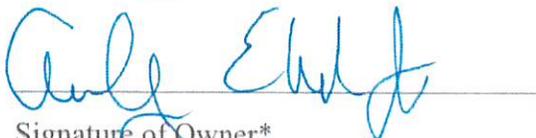
**SIGNATURE PAGE**

***THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS***

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

  
\_\_\_\_\_  
Signature of Applicant\*

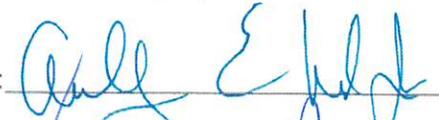
\*Both Signatures Required

  
\_\_\_\_\_  
Signature of Owner\*

\*\*Please note: if the applicant is representing the owner, a notarized authorization letter must be submitted at the time of the application. \*\*

**AUTHORIZATION TO ENTER SUBJECT PROPERTY**

I, and my successors, hereby authorize members of the Barrington Zoning Board, Land Use Department and other pertinent Town Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post- approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner:  \_\_\_\_\_ Date: 2/24/2021

Signature of Land Use Staff:  \_\_\_\_\_ Date: 2/27/24

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VARIANCE REQUIREMENTS

*THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY*

**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.**

**A. Variance Requested**

A variance is requested from Section(s) \_\_\_\_\_ of the Zoning Ordinance to permit:

Section 4.1.1 Table 2 (SEE NARRATIVE)  
\_\_\_\_\_  
\_\_\_\_\_

**B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))**

Please demonstrate compliance with the following:

**1. Granting the variance will not be contrary to the public interest.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Granting of the variance would do substantial justice.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.**

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

(i) The following special conditions of the property distinguish it from other properties in the area:

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**and**

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

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**and**

(iii) The proposed use is a reasonable one because:

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**OR**

5B. If the criteria in subparagraph 5A above are not established, explain how, owing to special conditions of the property that distinguish it from other properties in the area, 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:

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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

### Letter of Authorization

To: Ms. Vanessa Price, Town Planner  
Town of Barrington, 4 Signature Drive, P.O. Box 660  
Barrington, NH 03825

Subject: Aubrey (Pat) Mead  
414 Young Road, Tax Map 116, Lot 22, Barrington, NH

To Whom it May Concern,

Please note that we, Aubrey (Pat) Mead grant permission to Berry Surveying & Engineering to apply for any and all local, state, and federal permits as may be needed to develop Tax Map 116, Lot 22 Barrington, NH. This extends to any Project Manager Level employee or above. Though not an exhaustive list, it is anticipated that local variances, state and federal permits may be needed and authorization is given for signature on application forms.

Aubrey (Pat) Mead  
37 Orchard Street  
Cos Cob, CT 06807

STATE OF NEW HAMPSHIRE  
COUNTY OF STRAFFORD

On this the 23 day of February before me, the undersigned office, personally appeared, Aubrey (Pat) Mead known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

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Notary Public / Justice of the Peace

My Commission Expires: 4/17/24



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crberry@metrocast.net

February 23, 2024

Town of Barrington Zoning Board

4 Signature Drive

Barrington, NH 03825

Re: Variance Request (Tax Map 116, Lot 22)

Aubrey & Marie Mead

414 Young Road

Barrington N.H.

Dear Chairwoman and members of the Zoning Board,

On behalf of Aubrey & Marie Mead, Berry Surveying & Engineering (BS&E) submits for Zoning Board review of a Variance to allow construction of a detached garage which will not meet the side setback requirements.

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

The Meads own the parcel known as Tax Map 116, Lot 22 which has frontage on Young Road. The property also has frontage on Swains Lake. The parcel has been surveyed by Berry Surveying & Engineering in the fall of 2023 and a wetlands analysis was conducted by John P. Hayes III, CWS also in the fall of 2023. There is a wetland system associated with the lake as well as other interior wetland areas which are shown on the attached plans. The site slopes generally southerly/southwesterly down to Swains Lake. This lot is currently developed, with a garage, a screen house, a dilapidated shed/barn and a dilapidated cottage.

### **Proposal:**

The proposal includes removing two dilapidated buildings as referenced above and constructing a new detached garage in the area between where those buildings are located. This new garage will not encroach further into the setback area than either of the two buildings to be removed. The barn to be removed is 9.21' from the existing boundary line at its closest point and the cottage to be removed is 12.29' from the existing boundary line at its closest point. The garage is proposed to be located 13.09' from the boundary line to the structures overhang.

The structure is placed in a way that can be accessed from the existing Young Road Entrance and is oriented so as not to impede the existing roadway that is used to access abutting lands under common ownership. If the structure were moved towards

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Young Road, it would be placed within the 75' setback to Swains Lake and would impede the existing driveway.

Under prior ownership the parcel contained many more cabins and much higher intensity of use in relation to the abutting lot lines and within close proximity to Swains Lake.

### **Five Variance Criteria**

- 1.) Granting the variance will not be contrary to the public interest.

**Granting this variance will not be contrary to the public interest. The public interest is in providing structures which are set back from the property lines in an effort to maintain safety and privacy and uniformity. Given the removal of the two abutting non-conforming structures and the replacement with a more conforming structure the application is in keeping with the public's interest. The installation of this garage structure does not alter the character of the neighborhood in a marked way and in fact is conforming in nature on the subject parcel.**

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

**Granting the variance would be consistent with the spirit of the Ordinance. The spirit of the ordinance is to ensure that structures are set back from property lines to ensure adequate space is given around them to abutting boundary lines. In this case the structure is further from the abutting lot line than the two structures proposed to be moved and is therefore in conformance with this spirit. Full compliance would require drastic alterations to the site.**

- 3.) Granting the variance would do substantial justice.

**Granting the variance would do substantial justice. In this case, substantial justice would be allowing for the new garage to be built in relatively the same position as the two structures to be removed. Total impervious surface in the area is reduced and the visual impact of the new structure is improved over the existing structures. The benefit to**



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**the applicant by allowing the structure to be built within the same general setback as the existing structures far outweighs any detriment to the ordinance or the general neighborhood.**

- 4.) Granting the variance will not result in diminution of surrounding property values.

**Granting the variance will not result in the diminution of surrounding property values. The proposal includes a residential accessory structure that is common in its locality and permitted in the zone. The proximity to the abutting boundary line is not changing from the existing condition and therefore has no bearing on the abutting property values.**

5a.) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

- i) The following special conditions of the property distinguish it from other properties in the area:

**The special conditions of this property are the multiple structures that are already non-conforming in relation to the existing driveway infrastructure and water front setback / buffer requirements. If those existing features didn't exist than the site has the potential for orientations. In this case however those features are difficult to move and control and therefore denial would pose an unnecessary hardship to the applicant.**

And

- ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

**The intention of the Ordinance is to ensure reasonable adherence to the setback requirements. In an instance where the lot is already non-conforming in the manner in which it is proposed to be used, there is no substantial relationship between the requirement and the application of the ordinance on this particular parcel of land.**



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February 23, 2024

And

iii) The proposed use is a reasonable one because:

**The proposed use is a reasonable one because it allows for construction of a modern structure and the demolition of two antiquated structures that exist within the same sideline setback.**

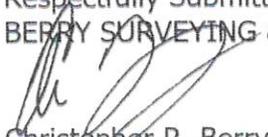
OR

5b) If the criteria in subparagraph 5A above are not established, explain how, owing to special conditions of the property that distinguish it from other properties in the area, 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.

**Strict conformity to the Ordinance would require that the existing drive infrastructure be altered in a way that may not be conducive the existing septic system and side slope grading. If the structure were pulled forward, it would be within 75' of the lake which is the more important resource than the sideline setback.**

We hope that the board looks favorably upon the request, and BS&E looks forward to working with the board on this application.

Respectfully Submitted,  
BERRY SURVEYING & ENGINEERING

  
Christopher R. Berry  
Principal, President

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## BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road  
Barrington, NH 03825  
Phone: (603) 332-2863  
Fax: (603) 335-4623  
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February 26, 2024

### Abutters List

#### Owner of Record

#### Tax Map 116, Lot 22

Aubrey E Mead Jr  
37 Orchard St  
Cos Cob, CT 06807  
*Book 2764, Page 951*

#### Abutters

#### Tax Map 16, Lot 6

Aubrey E Mead Jr & Marie  
37 Orchard St  
Cos Cob, CT 06807  
*Book 2764, Page 955*

#### Tax Map 115, Lot 51

David R Culbert  
396 Young Rd  
Barrington, NH 03825

#### Tax Map 113, Lot 30

Marie Mead  
37 Orchard St Rear  
Cos Cob, CT 06807

#### Tax Map 116, Lot 21

Ming Young Lee Tst  
Min Yong Lee Tstee  
6 Douglas Park Apt 2  
Boston, MA 02118  
*Book 4607, Page 491*

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23-096 Mead, Aubrey  
414 Young Rd, Barrington, NH

Page 2 of 2

**Tax Map 115, Lot 50**

Brian S Cuscia  
42 Knowles Dr  
Barrington, NH 03825  
*Book 4968, Page 972*

**Tax Map 116, Lot 2**

John & Emily Kravic  
409 Young Rd  
Barrington, NH 03825  
*Book 5056, Page 102*

**Tax Map 116, Lot 1**

Bruce & Holly Decker  
405 Young Rd  
Barrington, NH 03825

**Professionals**

John P Hayes, III, CSS  
7 Limestone Way  
N Hampton, NH 03862

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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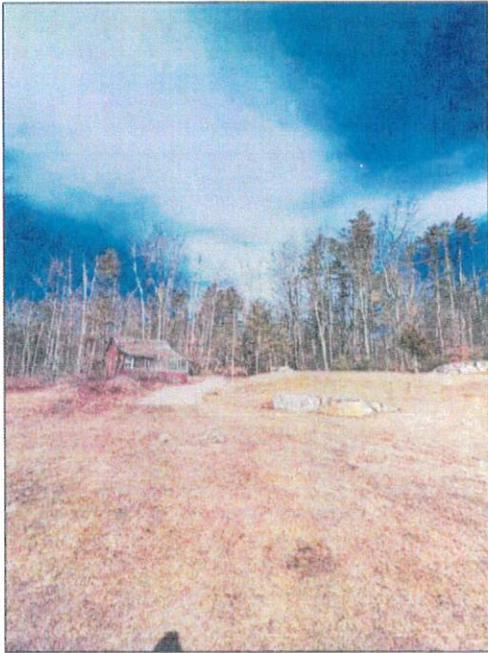
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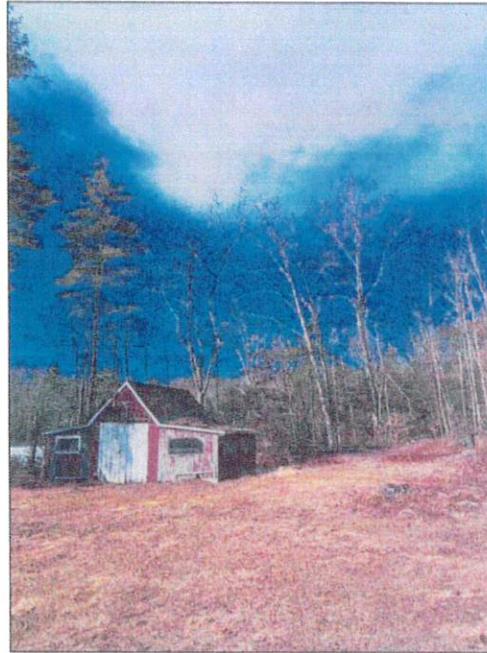
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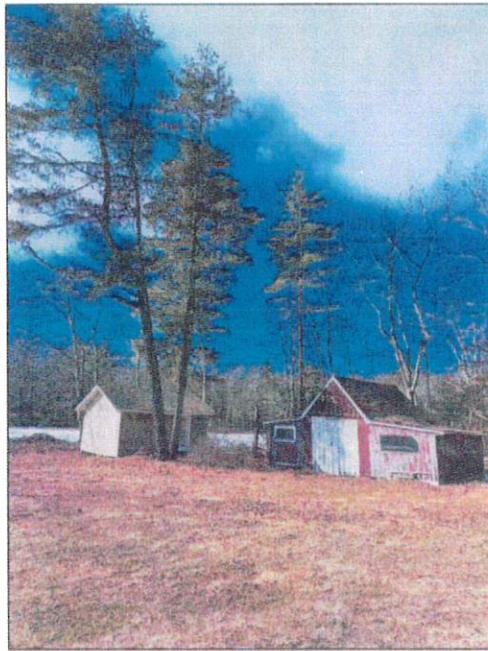
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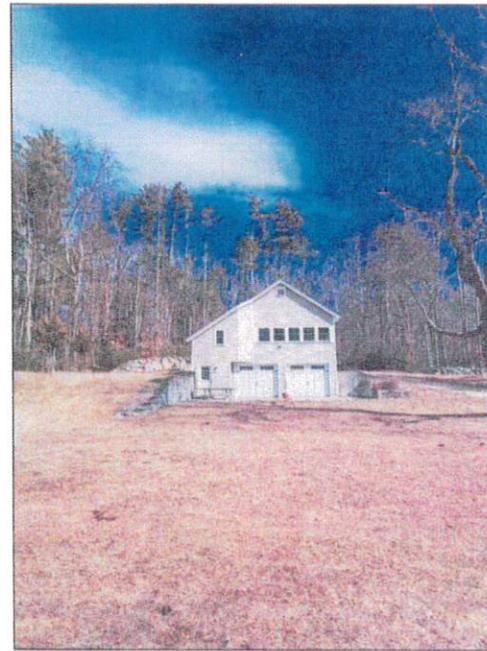
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PROJECT PHOTOS  
AUBREY MEAD  
414 YOUNG ROAD  
BARRINGTON, N.H.

RECEIVED TAX MAP 116, LOT 22

FEB 27 2024

**BERRY SURVEYING & ENGINEERING**

335 SECOND CROWN POINT RD.  
BARRINGTON, N.H. 332-2863

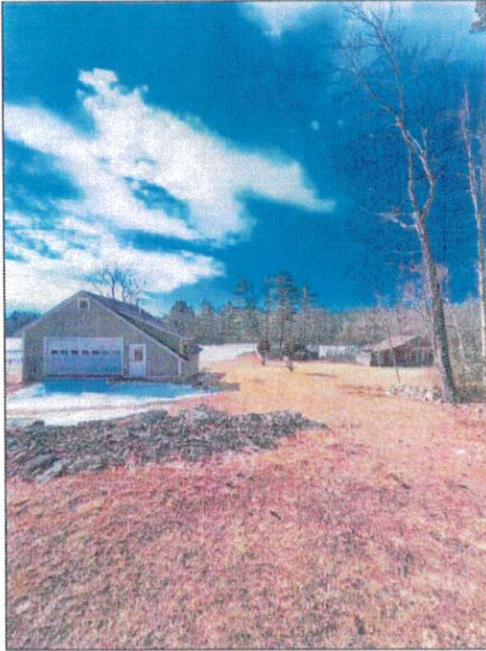
SCALE : NONE

DATE : FEBRUARY 26, 2024

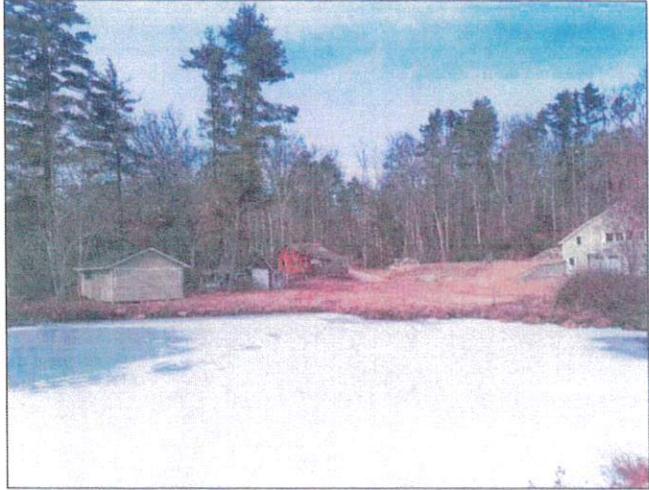
FILE NO. : DB 2023-096

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#5



#6



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PROJECT PHOTOS  
 AUBREY MEAD  
 414 YOUNG ROAD  
 BARRINGTON, N.H.  
 TAX MAP 116, LOT 22

**BERRY SURVEYING**   
**& ENGINEERING**  
 335 SECOND CROWN POINT RD.  
 BARRINGTON, N.H. 332-2863

SCALE : NONE

DATE : FEBRUARY 26, 2024

FILE NO. : DB 2023-096



# Aubrey Mead

Town of Barrington, NH

1 inch = 138 Feet



www.cai-tech.com

February 27, 2024



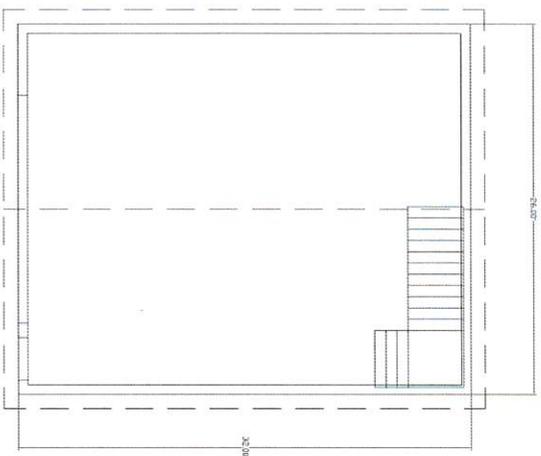
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98 Ac

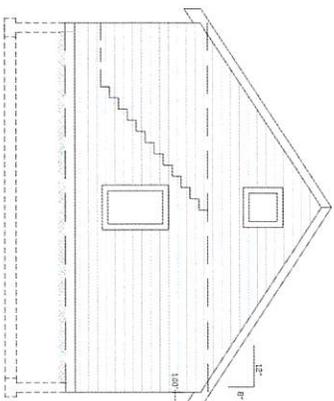
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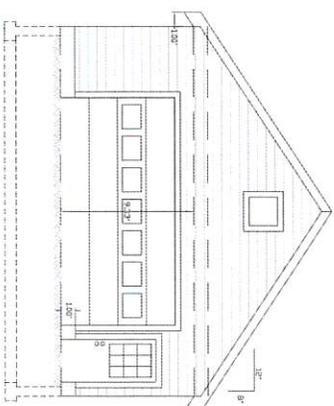
The property data available on this site is updated periodically. The Town of Barrington makes no warranties with regard to its accuracy or completeness and assumes no liability associated with the use of this data.



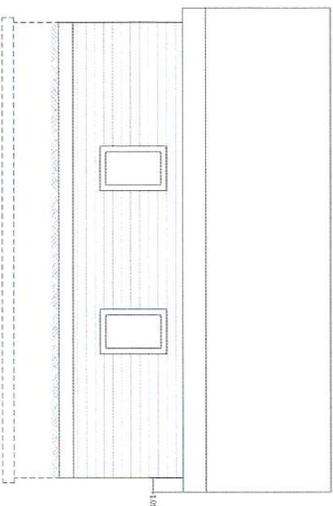
PLAN VIEW



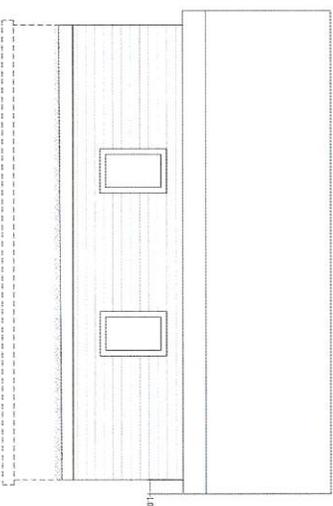
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

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PLAN DEPICTING NEW GARAGE  
 414 YOUNG ROAD  
 BARRINGTON, NEW HAMPSHIRE  
 PREPARED FOR  
 AUBREY MEAD, JR.

SCALE: 1/4"=1'

DECEMBER 8, 2023

# 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	
<b>General Residential</b>	80,000(c)	200	40	30	30	35	2.5	40%
<b>Neighborhood Residential</b>	80,000(c)	200	40	30	30	35	2.5	40%
<b>Village District (Residential)</b>	80,000(c)	200	40	30	30	35	2.5	40%
<b>Village District (Non-Residential)</b>	30,000(g)	75	20	15	15	40(j)	3	60%
<b>Town Center</b>	20,000(h)	40	20(k)	15	15	40(j)	3	80%
<b>Regional Commercial</b>	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.