

ZONING BOARD OF ADJUSTMENT APPLICATION



Office Use Only	Case #: <u>269-2-RC-24 Special except</u>	Date Received: <u>2/14/2024</u>
	Amount Paid: <u>\$510</u>	Time Received: _____

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Robert Diberto Phone # 603-781-4321

Address of Applicant: 334 Durham Road, Madbury, NH 03823

E-Mail Address: stonegreyhouse@gmail.com

PROPERTY OWNER (if different from applicant): _____

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: Route 4

Brief Directions: 200'+- east of the Barrington/Nottingham town line on the south side of Route 4

Zoning District: RC Assessor's Map # 269 Lot(s) # 2

TYPE OF APPEAL: (Please check one)

- Variance from Section _____ of the Zoning Ordinance
- Special Exception per Section 4.1.2 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.)

Three lot subdivision, with the two back lots obtaining their driveway access from a roadway and easement located in Nottingham. These will be residential use lots.

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FEB 27 2024

LAND USE OFFICE



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

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

Subject: Robert L. Diberto
NH Route 4, Tax Map 269, Lot 2, Barrington, NH

To Whom it May Concern,

Please note that I, Robert L. Diberto 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 269, Lot 2 Barrington, NH. This extends to any Project Manager Level employee or above. Though not an exhaustive list, it is anticipated that local variances, special exceptions, 9.6 applications, conditional use applications, state and federal permits may be needed and authorization is given for signature on application forms.

Robert Diberto
334 Durham Road
Madbury, NH 03823

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

On this the 23 day of February before me, the undersigned office, personally appeared, Robert L. Diberto 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.

- Notary Public / Justice of the Peace

My Commission Expires: 5-18-22

Kenneth A Berry
JUSTICE OF THE PEACE
State of New Hampshire
My Commission Expires 5/18/2027

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

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

1.	Application fee of:		
	\$150.00 VARIANCE		\$ _____
	\$150.00 SPECIAL EXCEPTION		\$ <u>150.00</u>
	\$150.00 APPEAL FROM ADMINISTRATIVE DECISION		\$ _____
	\$150.00 EQUITABLE WAIVER		\$ _____
2.	Certified letters fee: # of abutters <u>9</u> X \$10.00 =		\$ <u>90.00</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>

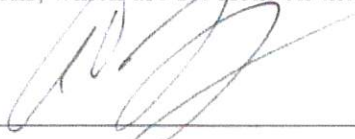
TOTAL FEE \$ 510.00

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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

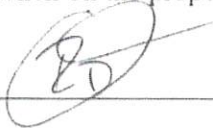


Signature of Owner*

**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: 2-14-24

Signature of Land Use Staff: Barbara Irvine _____ Date: 2/14/2024

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SPECIAL EXCEPTION REQUIREMENTS

THIS SECTION TO BE COMPLETED BY SPECIAL EXCEPTION APPLICANTS ONLY

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.

There will be no impact on values in the area whereas the proposed number of access points is consistent with what would be proposed as part of a conventional subdivision design. The placement of the driveways is proposed to be from Lipizzan Drive in Nottingham over an easement. There is no change or creation of odors, smoke, gas, dust, noise, glare, heat, vibration or other pollutants, by allowing owners to share a curb cut or an access driveway to the proposed development zones. This will allow access over an upland and disturbance to the wetland will not be required.

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

There will be no increase in potential fire, explosion or release of toxic materials due to the sharing of access points or driveways.

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

The application and design reduces the impacts of traffic and congestion on the project site and surrounding Route 4.

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

The project will not have an excessive demand on municipal services or 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.

The proposed use will not result in degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site. The proposal includes avoidance of all wetland disturbance by use of the alternate driveway location.

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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.

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ABUTTER LIST

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

Pursuant to RSA 676:7 as amended, the State Law of New Hampshire, the Town of Barrington is required to notify the applicant and every abutter of the public hearing by certified mail. The cost of required publication or posting of notice, and the cost of mailing said notices, shall be paid by the applicant.

Refer to RSA 672:3 as amended, for the definition of an Abutter.

PLEASE NOTE: Abutter ownership information for lots located in Barrington, shall be obtained through the Town's Assessment Office.

Tax Map	Lot No.	Owner(s) of Record	Mailing Address

Signature of Property Owner: _____ Date: _____

Signature of Land Use Staff: Barbara Arvine Date: 2/14/2024

See attached
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Town of Barrington Zoning Board of Adjustment
Application Authorization

I/We Robert Diberto
(Property Owner*)

hereby authorize Berry Surveying & Engineering

(Applicant Name and Address)

to appear before the Zoning Board of Adjustment on my/our behalf with a

Special Exception Application
(type of application)


for driveways not located on the legal frontage of the lot.

(Project name and description)

Property location/address: Route 4

Tax map and lot number: 269-2

Zoning District: RC



Property Owner* Signature

2-14-24

Date

Notary Public Signature

Date

*All listed owners of a property must sign an application authorization form.

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Revised 7/11/2023

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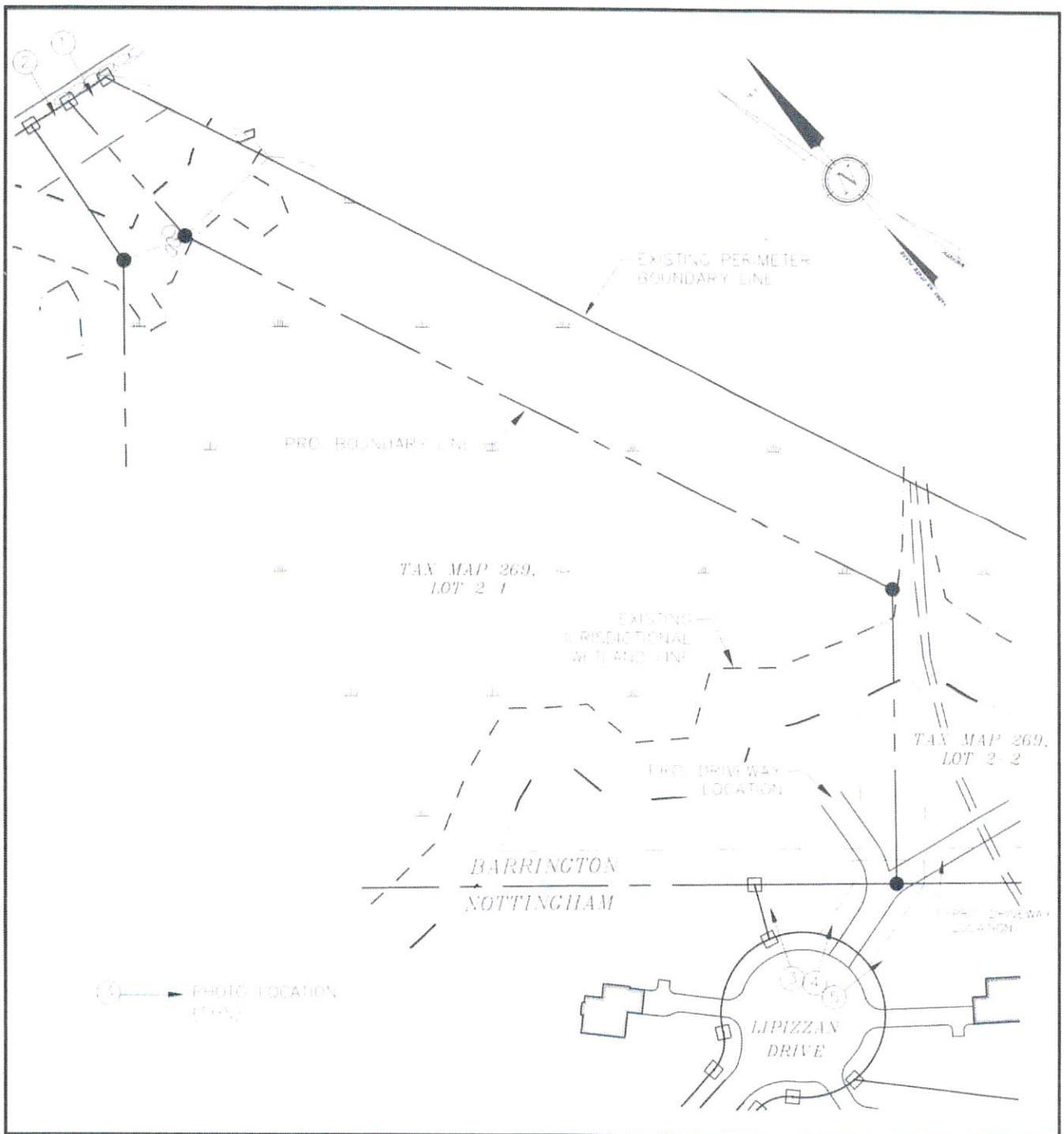


PHOTO LOCATION PLAN
 LAND OF
 ROBERT L. DIBERTO
 OLD CONCORD TURNPIKE/ROUTE 4
 BARRINGTON, N.H.
 TAX MAP 269, LOT 2

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

SCALE : 1 IN. EQUALS 120 FT.

DATE : FEBRUARY 15, 2024

FILE NO. : DB 2023-133

LAND USE OFFICE



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road
Barrington, NH 03825
Phone: (603) 332-2863
Fax: (603) 335-4623
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Town of Barrington Zoning Board
4 Signature Drive
Barrington, NH 03825
Re: Minor Back Lot Subdivision (Special Exception)
Robert L. Diberto
U.S. Route 4/Old Turnpike Road
Barrington N.H.

February 12, 2024

Dear Chairwoman and members of the Zoning Board,

On behalf of Robert Diberto, Berry Surveying & Engineering (BS&E) submits for Zoning Board review of a Special Exception to allow driveway access over land which is not the legal frontage as part of a subdivision of Tax Map 269, Lot 2.

Background and General Narrative:

Robert Diberto owns the parcel known as Tax Map 269, Lot 2 which has frontage on Route 4. The rear of this property is the Nottingham Town Line. The parcel has been surveyed by Berry Surveying & Engineering in October of 2018 and a wetlands analysis was conducted by John P. Hayes III, CWS in spring of 2021. There is a large wetland system bi-secting the lot. The site slopes from Route 4 to the rear of the lot. This lot is mostly wooded with a tree line around an existing trail off Route 4 North-West of Warren Road. This lot is currently vacant land. We have supplied a 4-sheet plan set along with this proposal.

Proposal:

Overall the applicant is proposing to subdivide the existing land into three lots using the back lot ordinance. Two lots will utilize the back lot ordinance and be for residential use and the remaining land will meet the standards of the Reginal Commercial zone and be used for commercial use. This subdivision application is in process with the Planning Board. As a part of the process, we are requesting the Special Exception from this board for the two back lots to take their driveway access from Lipizzan Drive through the rear of the lots and through Nottingham. This driveway access will allow for development of productive upland areas without the need for wetlands impacts.

BERRY SURVEYING & ENGINEERING


Christopher Berry
Project Manager

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335 Second Crown Point Road

Barrington, NH 03825

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Route 4, Barrington
Tax Map 269, Lot 2



1



2

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3



4



5



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February 12, 2024

Abutters List

Owner of Record

Tax Map 269, Lot 2

Robert L DiBerto
334 Durham Rd
Madbury, NH 03823
Book 4490, Page 869

Barrington Abutters

Tax Map 269, Lot 3

Wilhelm Woods Realty LLC
281 Main St
Durham, NH 03824
Book 3923, Page 487

Tax Map 269, Lot 1-3

Camp McCampo 2023 Rev Tst
Maddie L & Amy M Campo
319 Old Concord Tpk
Barrington, NH 03825
Book 5132, Page 385

Tax Map 269, Lot 8

James & Carina Haley
366 Old Concord Tpk
Barrington, NH 03825

Tax Map 269, Lot 11-1

Heather Cooper
336 Old Concord Tpk
Barrington, NH 03825
Book 3303, Page 683

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23-133 DiBerto, Robert
Route 4, Barrington, NH

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Tax Map 269, Lot 11-2

Daniel E Ayer
PO Box 1679
Dover, NH 03821
Book 3180, Page 481

Nottingham Abutters

Tax Map 6, Lot 14

James & Carina Haley
366 Old Concord Tpk
Barrington, NH 03825

Tax Map 7, Lot 1-A

Wilhem Woods Realty LLC
Geoffrey N Clark DVM
165 Industrial Park Dr Unit 1
Dover, NH 03820
Book 5213, Page 722

Tax Map 7, Lots 1N-4, 1N-5, 1N-6, 1N-7

Robert L DiBerto
334 Durham Rd
Madbury, NH 03823

Tax Map 7, 2N-2

Greta K & Devin J McNeil
4 Sutton St
Nottingham, NH 03290
Book 6409, Page 2344

Municipalities

Town of Nottingham
ATTN: Town Clerk
139 Stage Rd
Nottingham, NH 03290

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23-133 DiBerto, Robert
Route 4, Barrington, NH

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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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4.1.2.....Lot Frontage

The side of a parcel used to satisfy the frontage requirement specified in the Table of Dimensional Standards, or other alternative standards, must be the side of the parcel used to provide vehicular access to the property. The Zoning Board of Adjustment may permit, by grant of a Special Exception, that a different side of the property be used for access because site constraints make using the otherwise required frontage inconsistent with protecting the safety, health and welfare of the public.

4.1.3.....Back Lots

For residential subdivisions, up to two (2) back lots may be allowed, notwithstanding the frontage requirements specified in the Table of dimensional Standards.

- 4.1.3(1).....The parcel must have at least fifty (50) feet of frontage on an existing Class V or better road.
- 4.1.3(2).....If there are two (2) back lots, the ownership of the neck and frontage shall be owned equally by both back lots.
- 4.1.3(3).....The area of the neck cannot be used in any way to calculate the minimum lot size.
- 4.1.3(4).....Back lots are not allowed off of cul-de- sacs.
- 4.1.3(5).....Driveways must be centered in this neck as much as possible and the neck kept clear and maintained for safety.
- 4.1.3(6).....A permanent road agreement will be executed, shown on the plan and recorded in the deed of each lot.

4.2Minimum Lot Size

The minimum dimensional standards for lots prescribed in Table 2, the Table of Dimensional Standards, shall be determined in accordance with the provisions of this Section. These dimensional standards may be reduced for either a Conservation Subdivision, approved by the Planning Board pursuant to Article 6 or a Planned Unit Development (PUD) approved by the Planning Board pursuant to Article 16.

4.2.1.....Standards for the GR and NR District

- 4.2.1(1).....In the GR and NR districts the minimum lot size for Dwelling, Single-Family is 80,000 sq.ft. which must include at least 60,000 sq. ft. free of Hydric A soils, open water, bogs, marshes, rivers, streams, or exposed ledge. Additionally, the 60,000 sq. ft. must contain at least 35,000 sq. ft. of contiguous upland soils.
- 4.2.1(2).....For each additional one (1) bedroom dwelling unit under a common roof, which does not qualify as an Accessory Dwelling Unit under this Ordinance, the minimum standards cited in Paragraph 1) above shall be increased in the following proportions. Minimum lot size shall be increased by 40,000 sq. ft., the area free of Hydric A soils, open water, bogs, marshes, rivers, streams, or exposed ledge shall be increased by 30,000 sq. ft. and the area of upland soils shall be increased by 15,000 sq. ft. Any dwelling unit created under this provision may contain a total of no more than two additional habitable rooms (such as a kitchen and living room), in addition to a bedroom. No additional habitable rooms may be created in said dwelling units at any time in the future.