



Meeting Minutes
Zoning Board of Adjustment (ZBA)
May 17, 2023, at 7:00 P.M.
(Approved June 21, 2023)

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members Present: Tracy Hardekopf, Paul Thibodeau, Cheryl Huckins, Alexandra Simocko

Members Absent: Andre Laprade

Staff Present: Town Planner: Vanessa Price, Zoning Administrator: John Huckins

4. ACTION ITEMS

- A. [106-4-GR/SPO-23-Var \(Owners: Derek & Melissa Ceppetelli\)](#) Request by applicant for a Variance from Article 4, Section 4.1.1 Minimum Standards Table 2 to allow front setbacks of 3' and 16.5' where 40' was required and a side setback of 23.6' where 30' was required on a .30-acre lot (Map 106, Lot 4) at 100 Small Road in the General Residential/shoreland Protection Overlay Zoning District. BY: Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

T. Hardekopf addressed the applicant there are four of the five ZBA members present at the meeting. She stated to the applicant, they have the right to decide whether he would like to continue to present with four members. Additionally, she added he would still be required to have three people in agreement with the case in order for it to be accepted, approved.

Daniel O'Lone from Berry Surveying is the applicant representing the owners of 100 Small Road.

Mr. O'Lone stated he wanted to move forward with the application.

T. Hardekopf asked if the applicant has authorization to represent the owners.

V. Price answered yes.

T. Hardekopf asked V. Price to give a brief history on the property.

V. Price stated that a variance was granted on December 28, 2015 from a previous owner. She stated that the case before the board today is in a similar location.

Mr. O'Lone described the lot conditions to the board. The owners on 100 Small Rd., Map 106 Lot 4, is located in the general residential zone with a shoreline protection overlay. It's on Ayer's Lake. He went to

describe on the plan set submitted, the existing conditions is a modest sized house, a two-bedroom single family dwelling. He showed the location of the septic and well on the lot.

Mr. O'Lone described the history of the property site. In 2015, as mentioned, the ZBA approved several variances for the construction of a 20 by 24-foot garage and also conversion of the cottage that was here, which was the exact same footprint but in much less repair. As part of that proposal, they did do the house part of it. He described the removal of the cottage and put the house back in the exact same place, but they did not build the garage at the time. At the time of or in 2015, at the time of that approval, there were two smaller single car garages on the side that were in extreme disrepair, those were removed as a part of the whole construction project in 2015 or probably 2016 when it was done, but they were not replaced.

Mr. O'Lone stated the approval has lapsed. The owners want to construct a 22 by 22 garage in the same general location and it's little bit different shape from the 2015 garage. It's within a foot or so of the same location. He stated they are required to get a shoreline permit. However, it hasn't been filed yet, because they wanted to wait for the ZBA results of this meeting before the permit is pulled.

Mr. O'Lone addressed the board if there were any additional questions about the application or move into the five criteria for a variance.

P. Thibodeau asked Mr. O'Lone what the ROW of Small Road was.

Mr. O'Lone answered it varies. The road isn't parallel. He stated from what he recalled, there's an old plan that created small Rd. in the 1920s ish, it was created and the sidelines of small Rd. go all up and down that road and ends at a dead end.

Mr. O'Lone continues to explain the parameters of the project. The request is to construct this garage in the front and side setback. As a part of this project, a large section of the existing gravel driveway will be removed because the garage is being placed almost entirely on top of that gravel driveway. There's a very small section of the garage that overhangs and grassed area right now, but most of it is on ground. These improvements will reduce the amount of impervious surface on the parcel from 23.66% to 21.38%, which will be a benefit to Ayers Lake. With those improvements, both in the removal of the gravel surface, which has the tendency to erode and possibly pollute the lake, as well as overall reduction in impervious surface, which is going to lessen the runoff from the lot. DES will look at specifically, but he wanted to mention it because it is a benefit to the lot in general.

Mr. O'Lone addressed the board that he is asking for two variances, front and side setback. He has the same arguments for both variances. He asked if the board had a preference do to them both at the same time or separately.

P. Thibodeau asked Mr. O'Lone, if they are are the same arguments?

Mr. O'Lone answered yes.

Mr. O'Lone continued with the request for the same arguments for both variances. It's a 40 foot front set back, and they are proposing the garage location for the variances. He discussed that all these measurements are measured from the overhang, not the foundation. There will be a 1 foot overhang on the building. The garage proposal is to be 3 feet from the front boundary line where 40 feet is required, and the side 30 feet is required and we're proposing it to be 23.6 feet from the side property.

Mr. O'Lone read the justification for a variance into the record for all the variance requests.

- 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.
- 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.

T. Hardekopf opened public comment.

V. Price asked for the record, to have Mr. O'Lone say what you're doing for the 2nd variance, besides the setbacks.

T. Hardekopf read the application notice into the record.

T. Hardekopf stated no one is online for public comment, and there is no one in person for public comment.

T. Hardekopf closed public comment.

T. Hardekopf asked the board if there were any questions on the application.

P. Thibodeau asked about the proposed use above the garage.

Mr. O'Lone answered P. Thibodeau the proposed use is a storage room. The House is a very modest size and they need some more room to store some things.

P. Thibodeau asked it's not going to be finished.

Mr. O'Lone answered it depends on what you mean on finished. But there's no intention to have any plumbing or anything like that. It's going to be sheetrock, so clean storage. But their intention is to not use it for living space.

P. Thibodeau has a second question for the planner or code enforcement. Where the garage is proposed to be situated, the garage doors facing the road is 3 foot set back, but it's 25 feet to the gravel drive. His concern that cars are going to be parked in the right of way on a Private Road, and is there something we should consider?

J. Huckins answered they will be parking their cars in the garage because their existing space would be gone by the garage. Neighbors might be parking on the right of way.

P. Thibodeau stated that would be reasonable.

J. Huckins answered point I was going to make, was during the summer going down Small Road, there's always something impact on the road because of what the road is. He went on he agreed with the applicant, that Mr. O'Lone pointed out, there's a lot of places in the right-of-way that it doesn't affect the travel away and doesn't travel away and not dead center in the road.

P. Thibodeau expressed his concern that if they grant the application, they wouldn't be contributing to parking on the right of way.

J. Huckins agreed. The Town doesn't have the enforcement for parking on the right-of-way.

T. Hardekopf asked if the road is a Class VI or Private Road.

J. Huckins answered Private Road.

T. Hardekopf asked Mr. O'Lone about a property across the street, 0.10-acre lot. She asked if the garage will block water view to that .10-acre lot.

Mr. O'Lone stated it might. However, there is no building on that lot.

T. Hardekopf stated that there's a turnaround there into that .10 lot. The lot is beyond the postage stamp as it's very small. She mentioned there is a trailer parked on the side of the road, a small construction trailer. They have carved out a turn around on that side and encompasses almost the whole side.

T. Hardekopf asked if there were any other questions, comments or concerns in reference to the application. She also asked if anyone like to make a motion in reference to the application.

A motion was made by C. Huckins and seconded by A. Simocko to grant the variances application, as it reasonable.

T. Hardekopf stated the application is in the spirit of the ordinance observed. It is substantial justice to the ordinance as it exists. It does not diminish surrounding property values, the literal enforcement would result in unnecessary hardship to the applicant, it is within the spirit of the ordinance, it would not diminish surrounding property values, it would do substantial justice and that it is not contrary to public interest.

Vote: 4/0

Roll Call:

A. Simocko-Yay

C. Huckins-Yay

P. Thibodeau-Nay

T. Hardekopf-Yay

5. REVIEW AND APPROVAL OF MINUTES

A. Review and approve minutes of the April 19, 2023, meeting.

A motion was made by P. Thibodeau and seconded by T. Hardekopf to approve the minutes of the April 19, 2023, meeting, as amended to line 101,185, 206 and A. Simocko noted twice in the vote. The motion passed unanimously.

Vote: 4/0

Roll Call:

A. Simocko-Yay

C. Huckins-Yay

P. Thibodeau-Yay

T. Hardekopf-Yay

6. STAFF UPDATES -TOWN PLANNER

V.Price read the announcements addressing the board members and audience.

A. TRAINING OPPORTUNITIES

1. [May 18, 2023 – Making Zoning Work for Housing in Your Community](#)

2. [June 1, 2023 – Local Officials Workshop](#)

i. On June 1st the New Hampshire Municipal Association is hosting its annual Local Officials Workshop. A copy of the 2022 PowerPoint is attached below.

a. See attached, [2022 Local Officials Workshop PPT](#)

B. ADDITIONAL MEMBERS LAND USE BOARDS

1. The ZBA: Currently Looking for ZBA full member and alternate positions

The Zoning Board of Adjustment (ZBA) is a community-based all volunteer board that is a quasi-judicial board. The ZBA considers the differences between properties which do not conform to the Zoning Ordinance since no ordinance can be equitably applied to every parcel of land. State

law and local regulations set out the proper procedures for preparing, submitting, reviewing and approving any applications required.

The Zoning Board of Adjustment (ZBA) meets on the third Wednesday of each month starting at 7:00PM at 4 Signature Dr., Barrington, NH in the Meeting room.

2. Planning Board: Currently Looking for Planning Board member alternate positions

The Planning Board is a community-based all volunteer board that is the decision-making process in which communities' goals and objectives for deciding future uses of land are established through regulations and planning principles. These duties include the preparation and amendment of a Master Plan, review of subdivision and site plans, additions/amendments to the Capital Improvement Program and prepares and recommends for Town Meeting proposed zoning changes.

The Planning Board meets on the first and third Tuesdays of each month starting at 6:30PM at 4 Signature Dr., Barrington, NH in the Meeting room.

Take interest in your community and apply to volunteer today!
https://www.barrington.nh.gov/sites/g/files/vyhlf2766f/uploads/applicationforappointment_1.pdf

C. MASTER PLAN UPDATES

Final Input on the Revisions/updates to the Master Plan Land Use and Transportation Chapters! The Planning board meeting on Tuesday June 6, 2023, will open the public comment period for the Revisions/updates to the Master Plan Land Use and Transportation Chapters, and at The Planning board meeting, Tuesday June 20, 2023, will be for the final hearing and adoption of both chapters.

D. MASTER PLAN CHAPTER COMMITTEE UPDATE– HOUSING

- 1.** The Planning Board has created a sub-committee with the charge of updating the Housing chapter of the Town's Master Plan. The following is an invitation for residents to be a part of that committee.
 - i. Volunteer to help guide the development of the latest chapter of the town's master plan. The Barrington Planning Board and Land Use department are looking for Barrington residents interested in serving on the steering committee that will prepare the update to the Housing Chapter of the Town's Master Plan.
 - ii. The chapter will review current conditions and future needs of the Town's Housing and Demographics. The Planning Board will create a steering committee that will oversee the work and ensure ample opportunity for public participation. The steering committee is anticipated to have seven members, including one member from the Planning Board and Select Board, and will work closely with the Land Use department and the Strafford Regional Planning Commission throughout the chapter's development.
 - iii. The goal is to have a steering committee diverse in interests and areas of expertise. The process is scheduled to begin in May/June of 2023 and take about 12 months ending with the updated adoption of the Housing Chapter in 2024 by the Planning Board. The master plan is designed to help the community meet change responsibly and guide its growth in an orderly manner. It specifies, as clearly and practically as possible, the best and most appropriate

future development to aid the planning board in designing ordinances and to guide the board in the performance of its other duties.

- iv. Anyone interested in serving on the steering committee is asked to respond by Monday May 22, 2023, to the Land Use Department, and filling out a volunteer application form.
<https://www.barrington.nh.gov/sites/g/files/vyhlif2766/f/uploads/applicationforappointment1.pdf>

7. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

T. Hardekopf asked the board if other business should come before the board.

(No other business.)

8. ADJOURN

A. Adjourn the Zoning Board of Adjustment (ZBA) Meeting. Next ZBA meeting date is June 21, 2023, at 7:00 P.M.

A motion was made by A. Simocko and seconded by C. Huckins to adjourn the meeting at 7:24 PM. The motion passed unanimously.

Vote: 4/0

Roll Call:

A. Simocko-Yay
C. Huckins-Yay
P. Thibodeau-Yay
T. Hardekopf-Yay

**** Please note that all votes that are taken during this meeting shall be done by Roll Call vote. ****

Visitor Orientation to the Zoning Board of Adjustment Meeting

Welcome to this evening's Zoning Board of Adjustment meeting.
Copies of agendas and a sign-in sheet are available for visitors.

Meeting Access

In-Person

Town Hall (New ¼ mile from Old Town Hall)
Main Meeting Room
4 Signature Drive Barrington, NH 03825

Remote Meeting Participation

Video: barrington.nh.gov/zbmeeting
Call in via computer [+1 603-664-0240, 514518321#](tel:+16036640240)

Meeting Materials

Additional details regarding each agenda item and all supporting documentation can be found online at <https://www.barrington.nh.gov/zoning-board-adjustment>. Please contact the Land Use department with any questions via phone at (603) 664-5798 or email at planning@barrington.nh.gov. Files on the applications and items, above, including the full text of any proposed ordinances, regulations, or other initiatives are available for inspection in the Land Use Department Office, Monday through Thursday from 8:00 a.m. to 3:00 p.m.

Special Accommodations

The Town of Barrington requires 48 hours' notice if the meeting must be modified for your participation or if special communication aides are needed. Please submit requests to the Land Use Department office via phone at (603) 664-5798 or email at planning@barrington.nh.gov.

