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**Meeting Minutes**  
**Zoning Board of Adjustment (ZBA)**  
**(Approved October 18, 2023)**  
**September 20, 2023, at 7:00 P.M.**

**1. CALL TO ORDER**

The meeting was called to order by Tracy Hardekopf at 7:01 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

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

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

**4. ACTION ITEMS:**

- A. [250-39-NR-23-SpecExcept \(Loren Valliere & Zachary Tucker\)](#) Request by applicant for a Special Exception from Article 4, Section 4.1.2 Lot Frontage to allow the access to the proposed Lot 39-1 from 190 Beauty Hill Road will be within the proposed 30' wide common driveway easement in the Neighborhood Residential Zoning District. BY: Joel Runnals, Norway Plains Associates, Inc; PO Box 249; Rochester, NH 03866-0249.

T. Hardekopf read the application description.

Joel Runnals from Norway Plains Associates, Inc represented Loren Valliere & Zachary Tucker. Joel explained that they are trying to subdivide their property of 12-acres and are proposing to create a new residential lot of 2-acres, and the remaining land would be 10-acre. They are proposing a backlot subdivision. The proposed new lot is a long skinny lot and doesn't have a lot of frontages versus the amount of acreage. Joel explained that they are using the backlot regulations to create Lot 39-1. When they started the project, one of the requirements was to do wetland mapping. When they had the wetland mapped there was a pocket of wetlands in the front where the neck of the backlot was going to be.

T. Hardekopf asked Joel to trace first the two lots and then where the driveway was going so the neck can't go over the wetlands. T. Hardekopf asked Joel to show where the driveway to the back lot would go all the way through to where the house would go.

Joel showed the Board where the driveway was going to for the backlot.

T. Hardekopf asked what the thickness of the neck was.

Joel explained that it was over 50 feet. Joel explained that instead of trying to get a wetland crossing for the access to the backlot, they are requesting a Special Exception to allow to have access other than on the frontage of the of the proposed lot. Joel explained to use a proposed driveway easement that would share the existing driveway so that the existing house already has a driveway. Joel explained that the access was going to be at the beginning of that driveway on Beauty Hill Road. Joel explained that he proposed to cut across this was the edge of the easement and staying out of the wetland buffer as well. Joel explained that this way it would not impact the wetlands that was why they were asking for a Special Exception to allow them access not at the frontage.

T. Hardekopf asked Joel to cover the five criteria for a Special Exception.

T. Hardekopf read the application description. She stated to the applicant, Joel Runnals, that the zoning board of adjustment has four seated members of this ZBA. There are three that would be voted for or against the variance. Are you willing to accept four Members, or would you like to continue to a later date?

Joel expressed that he would like to proceed with the application.

Joel read the following five criteria below:

**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.

The proposed common driveway easement will be on the owner's property and will not affect any abutting properties. The common driveway will use the existing driveway on Beauty Hill Road and not require additional construction within the Town's R-O-W.

The placement of the easement will be outside the wetland buffer so as not to disturb said wetlands.

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

Only the normal driveway construction material will be used for the proposed driveway.

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

The existing driveway entrance on Lot 39 will be used and will not require additional construction within the Town's R-O-W.

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

The existing driveway entrance on Lot 39 will be used and will not require additional construction within the Town's R-O-W.

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 placement of the easement will be outside the wetland buffer so as not to disturb said wetlands.

T. Hardekopf asked staff why it's a Special Exception and not a variance?

John Huckins explained that it was because of the use it's not a Variance.

Joel explained that in the Town of Barrington regulations about frontage and access, it says right in there that it could have access at a different point with a Special Exception.

T. Hardekopf opened public comment.

T. Hardekopf closed public comment.

T. Hardekopf asked where the fence was that was currently in place along the driveway area for parking trailers.

Joel explained that there was a privacy fence, and they would need to go back to the Planning Board to get advice for Site Review requirement.

T. Hardekopf explained that there was currently a fence there and it's required to be there.

Joel explained that he talked to John Huckins Code Enforcement Officer and what needs to be done. Joel explained that they need to connect concentrated onto the lot and the 2-acre lot that would all need to be visually buffered as well. Joel explained that this would be the next step after the Zoning Board would be to go to the Planning Board for Site Review. Joel explained that if the Zoning Board approves this the driveway would also be the driveway for the business.

T. Hardekopf asked if the Zoning Board was to approve this it's her understanding that the shared driveway would also be the driveway to a business.

Joel said yes.

T. Hardekopf asked if this was where semi-trucks back in to drop off items.

C. Huckins explained that this was all existing at the site.

Joel explained that they previously went for Site Review in 2016.

C. Huckins expressed that she didn't see anything about a fence.

John Huckins explained that the original Site Review required a fence because of the home business that was approved a few years ago.

Joel explained that they had to put some trees to buffer site.

John Huckins explained that it could be a visual buffer was what it said so it didn't necessarily have to be a fence.

Joel explained that they had an option but there going to move all the part of the site back to the Planning Board. Joel showed on the plan that the fence was still there.

P. Thibodeau asked if the fence was still there.

Joel stated that he believed so.

John Huckins explained that at the Planning Board they are going to focus on the 2-lot subdivision not the full site.

T. Hardekopf explained that one side was another skinny 8-acre lot and there are three 10, 11 almost 12 acre skinny long lots along there.

C. Huckins explained that she liked the idea of the reduced curb cuts.

Joel explained Beauty Hill Road needs and they don't have to apply for wetland permit to distribute those wetlands.

John Huckins explained that if this got denied and they went to NHDES they would almost have to give them that crossing.

*A motion was made by C. Huckins and seconded by P. Thibodeau to grant the Special Exception based on the hardship with the wetlands, they are allowed a backlot, and using the existing driveway. The motion passed unanimously.*

**Roll Call:**

**A. Simocko-Yay**

**C. Huckins-Yay**

**P. Thibodeau-Yay**

**T. Hardekopf-Yay**

- B.**     [250-39-NR-23-Variance \(Loren Valliere & Zachary Tucker\)](#) Request by applicant for a variance from Article 4, Section 4.1.1. Table 2 to allow a front setback of 19' where 40' required at 190 Beauty Hill Road (Map 250, Lot 39) in the Neighborhood Residential Zoning District. BY: Joel Runnals, Norway Plains Associates, Inc; PO Box 249; Rochester, NH 03866-0249.

T. Hardekopf read the application description.

Joel Runnals from Norway Plains Associates, Inc represented Loren Valliere & Zachary Tucker who are not present. Joel explained that they are before the Board for a variance from the Article 4 Dimensional Requirements, Section 4.1.1 Minimum Standards Table 2 to allow a front setback of 19' where 40' was required to the opposed driveway easement. Joel explained that he and the Code Enforcement Officer spoke about this. Joel explained that the Code Enforcement Officer he believed that the proposed driveway easement requires a 40' front setback. Joel explained that this easement where they want to put it because there trying to get it off using the wetland buffer. Joel explained that the existing house it ends up being 19' from the edge of the easement to the existing house.

T. Hardekopf asked Joel to illustrate that on the plan?

Joel showed on the plan.

T. Hardekopf asked if there was no way for building one and asked if it was 19' for a new building that was placed on the property recently.

Joel stated that was correct. Joel explained that there was a house there and they replaced it in the same footprint.

T. Hardekopf asked if this was asking for 19' where 40' for the frontage was required.

Joel explained that was not the frontage, that the frontage was Beauty Hill Road not along the easement.

C. Huckins got it, P. Thibodeau didn't get it and T. Hardekopf didn't get it.

John Huckins explained that it you read the regulations it says for frontage it says:

**"It says the length of a lot line abutting a Class 5 highway or other road which are building mean lock fully be built."**

John explained that would make it Beauty Hill Road, which was Joel's point is. John explained that this all came about because of having to deal with class 5 and private roads when he worked with the Town Attorney about frontage. John explained that it was considered a road and what's not considered a road. John explained to the Board it you go to the definition. John read the definition as follows:

**Lot Line, Front: the property line dividing a lot from a street right-of way from which vehicular access is provided to the lot.**

John explained that Route 125 (Calef Highway) was a public right of way, so the Town doesn't own it and the State doesn't own it. John explained that it's an easement it's a right of way it's a right to pass, it's a public one because it's a public way.

John explained that this was a private way so that makes that a right of way a private right away which

means it's a private road if you go by the whole definition section that's all in the RSA.

P. Thibodeau asked John if he was talking about Beauty Hill Road.

John explained to the Board that he was talking about the driveway in was on the new lot. John explained that they are calling it an easement but it's still the right of way to get to the other lot. Because it's a right of way to get to the lot it's a private road by the way the Town definition works. John explained that was why it is a frontage that would need to be 40' away. John explained that it was called the edge of the travel way and then when you go to setbacks, he explained that he was just trying to conform to what the Town regulations are. John explained then if you go to setbacks, he read the following:

**“Where a yard abuts a street, the setback is the area lying between the abutting street rights-of-way line and the furthest projection of any building or structure.”**

John explained that is what makes it a private road, so it's no different than Baxter they must come in when they do something there.

P. Thibodeau suggested if they tried to get a waiver for the 50' setback going to the Planning Board and move that driveway over not to give it the whole 40'.

John explained that he was saying to go in the buffer to get the 40'.

T. Hardekopf explained that they must go with what the request was noticed to the abutters.

Joel expressed that they would stay with the 19'.

P. Thibodeau explained that it would be better if they went in the buffer, and he could get his 40'.

Joel explained with the 19' versus the 40' than ask for a waiver for the 40' setback.

Joel read the following justification:

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.  
Several conditions exist that restrain any alternative location of the proposed common driveway easement. Wetlands were delineated and located at the southwestern section of the subject parcel, Lot 39. We have designed the common driveway easement so that it is outside of the 50' wetland buffer.  
The dwelling, 190 Beauty Hill Road is existing. The location of the wetlands and the dwelling limits any other location of the proposed easement.  
Lot 39 has an existing driveway and parking lot. The existing site developments on Lot 39 also restricts any other locations or would create similar setback issues.
2. Granting the variance would be consistent with the spirit of the Ordinance.  
We believe that back in 1972, when the Town first adopted zoning ordinances, that the front setback of 40' was from the frontage of said lot. The frontage of the lot being defined as "the length of a lot line abutting a Class V highway or other road upon which buildings may be built lawfully." This proposal maintains the 40' building setback from the frontage along Beauty Hill Road.
4. Granting of the variance would do substantial justice.  
This proposed is for a two-lot subdivision of our property, which contains 12.08 acres. Being able to create two lots out of the twelve acres is a very modest request and seems to be a very reasonable proposal. Without this variance in would not be possible.
5. Granting of the variance would not be contrary to the public interest.  
Granting this variance would not affect any abutting landowners. The lots that will be affected are also the ones that will benefit as well. The setback relief is to our own house, and we see not detrimental effects.

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

\_\_\_\_\_  
Date

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V. Price stated #3 was missing.



T. Hardekopf questioned that there was currently a business that the Planning Board gave approval for them to operate along with the house on the property. T. Hardekopf asked Joel to explain the hardship of not being able to subdivide.

Joel explained that they should be able to subdivide the 12 acres of the land seems reasonable that they should be able to subdivide the land into at least two lots.

T. Hardekopf opened public comment.

T. Hardekopf closed public comment.

A. Simocko asked about the third of the five criteria asked what happened.

Joel explained as part of the subdivision getting a variance to the frontage setback was only going to affect the existing house. It's not going to be setback to any abutting lots or anything so it's just effects the owners of the property.

T. Hardekopf asked Town Planner V. Price if they were allowed to proceed without that in the packet.

V. Price answered that the case can be heard if the board is in agreement the applicant can justify #3 of the criteria.

The Board supported going ahead with the application.

T. Hardekopf asked Joel to state how #3 meets the criteria.

Joel explained that the only parcels affected by the variance of the 19' from the 40' are the owners of the property. These only effects the owners that are proposing the subdivision with no loss to the abutting properties.

*A motion was made by A. Simocko and seconded by C. Huckins reason for granting the variance the applicant has demonstrated that special condition hardship to the applicant was defined under applicable law because they're entitled to reasonable use of the property and without experience. Granting the variance the order contrary to the public interest because their property was the only one effected by this variance. Granting the variance will not result in the conditions of property values and the only buildings and brighter way affected. Granting the variance would do justice because it allows them to have. Nothing about the approval shall supersede the conditions of the approval that were or may be imposed by the Planning Board. The motion passed unanimously.*

**Roll Call:**

**A. Simocko-Yay**

**C. Huckins-Yay**

**P. Thibodeau-Yay**

**T. Hardekopf-Yay**

- C. [226-50-4-NR-23-Var \(Owners: Daryl & Michelle Kelly\)](#) Request by applicant for a Variance from Article 3, Section 3.1.6 Site Plan Review Regulations and Article 19 Commercial Keeping of Farm Animals at 17 Coachman Drive (Map 226, Lot 50-4) in the Neighborhood Residential Zoning District.

T. Hardekopf read the application description.



T. Hardekopf read the application description. She stated to the applicant, Michelle Kelly, that the zoning board of adjustment has four seated members of this ZBA. There are three that would be voted for or against the variance. Are you willing to accept four Members, or would you like to continue to a later date?

Michelle Kelly from 17 Coachman Drive asked to be continued until October 18, 2023.

*A motion was made by A. Simocko and seconded by C. Huckins per the applicants request to continue the application to October 18, 2023, to have a full Zoning Board of 5 members. The motion passed unanimously.*

**Roll Call:**

**A. Simocko-Yay**

**C. Huckins-Yay**

**P. Thibodeau-Yay**

**T. Hardekopf-Yay**

## **5. REVIEW AND APPROVAL OF MINUTES**

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

*A motion was made by A. Simocko and seconded by T. Hardekopf to approve the minutes of the July 19, 2023, meeting minutes as written. The motion passed unanimously.*

**Roll Call:**

**A. Simocko-Yay**

**C. Huckins-Yay**

**P. Thibodeau-Yay**

**T. Hardekopf-Yay**

## **6. STAFF UPDATES -TOWN PLANNER**

### **A. TRAINING OPPORTUNITIES**

NHMA training Land Use Law Conference ZBA Saturday, October 21, 2023 - 9:00am to 3:00pm. Please refer to the link here for additional information and registration details:

<https://www.nhmunicipal.org/event/registration-open-land-use-law-conference-zba>

V. Price informed the Board that P. Thibodeau and A. Simocko would be attending. They can submit the registration to her along with mileage for reimbursement.

### **B. Housing Master Plan Chapter**

Barrington is updating the Housing Chapter of the Master Plan. Your feedback is important and will be integrated into the update.

1. Housing Survey: <https://tinyurl.com/barmpp23>

2. Barrington Housing Forum Community Meeting

Where: Early Childhood Learning Center located at 77 Ramsdell Lane

When: September 30, 2023

Time: 8:30 am – 12:00 pm

V. Price updated and reminded the Board of the Housing Master Plan Chapter on September 30, 2023.

## **7. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD**

## **8. ADJOURN**

*A motion was made by T. Hardekopf and seconded by C. Huckins to adjourn the September 20, 2023, meeting at 7:40 p.m. The motion passed unanimously.*

### **Roll Call:**

**A. Simocko-Yay**

**C. Huckins-Yay**

**P. Thibodeau-Yay**

**T. Hardekopf-Yay**

A. Adjourn the Zoning Board of Adjustment (ZBA) Meeting. Next ZBA meeting date is October 18, 2023, at 7:00 P.M.

**\*\* 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](https://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](mailto: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](mailto:planning@barrington.nh.gov).