

DRAFT MINUTES
FOR
ZONING BOARD OF ADJUSTMENT
IN PERSON LOCATION-
Early Childhood Learning Center
77 Ramsdell Lane
Barrington, NH 03825

OR

You are invited to appear by audio phone or computer see below:

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(Approved September 15, 2021)

July 21, 2021

7:00 p.m.

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

Roll Call

Members Present

Cheryl Huckins Acted as Chair

Raymond Desmarais, Vice Chair – Remote attendance due to out-of-Town family commitment.

Dave Whitten

Paul Thibodeau-Welcome New Member

George Bailey Absent

ACTION ITEM

1. **119-18-GR-21-ZBAVar (Owners: Robert & Linda York)** Request by applicant for a variance from Article 4-Dimensional Standards Table 2, 4.1.1 Minimum Standards to allow 7.3' and 17.3' where 30' is required from the side setback at 94 Edgewater Drive, (Map 119, Lot 18) in the General Residential (GR) Zoning District. BY: Scott R. Frankiewicz, PLLC; New Hampshire Land Consultants, PLLC, 683C First NH Turnpike, Northwood, NH 03261.

C. Huckins announced the first case.

R. York represented as the owner. The intention was to build an attached garage. They owned the property for a year and knew they had wanted a garage for a while. The challenge according to the applicant was where to locate the garage. The property sloped back from the road and had a narrow setback. They could only locate it behind the house and meet the setbacks. There was a giant ledge on located on the street side. The location of the leach field. The only place they could locate it would be between the house and the lake.

R. York wanted to locate in the area near the existing shed shown on the plan. The applicant was proposing a single car garage with a small workshop. The garage was single story.

The applicant read from the 5 criteria.

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1. *Special Conditions exist such that literal enforcement of the Ordinance will result in an unnecessary hardship to the applicant as determined under applicable law.*

Every effort was made to find a location as the property honor the existing setback rules, but the special challenges of a narrow steep-sloped property, the existing of a large, tall granite ledge on the north (street) side of the house, and constructs improved by the existing septic system including and waterfront access, all preclude a conforming structure. A literal endowment the Ordinance and denial of the variance would pose an unnecessary hardship to the owners and occupants as there is no other option to create a usable garage space arrangement at a year-round family residence.

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

The spirit of the Ordinance is to ensure that any new permanent structures will add functional value when constructed to local aesthetics principals and avoiding unnecessary obstacles that would adversely affect neighborhoods properties. The proposed garage will constructed in size with the neighborhood. The proposed garage will be largely hidden from street view since it is located well below the street grade on the house and is shielded from neighbors on each side by existing wooded areas along the east and west boundaries. The location is functionally well-suited to the existing lot confederation, location at the terminus of the existing driveway on a level found to the house, along the convenient vehicular and pedestrian access while avoiding obstruction the waterfront access and views. Thus, the proposal is wholly consistent with the spirit of the Ordinance.

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

As can be seen in the accompaniment property survey and site plan photography, the east and west side and boundary of the property are trees-lined which creates a natural visual screen. Thus the proposed structure would not interference with the neighbor's lakefront views or adversely affect the use and enjoyment of any surrounding properties. Due to the sloping nature of the property it will not be viable from the street, and this can be confirmed by the accompanying photographs. The proposed garage replaces an existing large shed at the end of an existing driveway, and hence is an aesthetic improvement that would not create any new or unusual noise or traffic flows. The proposed garage conforms to aesthetic norms on the neighborhood and would be situated 150 feet from the lake, so the construction and use of it will have no adverse environmental impact. Thus the proposed garage and location will have no effect on surrounding property values.

4. *Granting the variable would do substantial justice.*

The proposed garage will be a significant functional improvement as well as improvement the eventual resale values of the property. By contrasts the garage at any conforming position outside the setback buffer create an obstruction to vehicular access and waterfront enjoyment that would significantly devalue this lakefront property, and hence a literal enforcement of the Ordinance would create an unnecessary hardship for the applicant. The processed garage location is no closer that the property boundary that existing structures on the property (Chain link fence, propane tank, backup generator, and shed, and even the house itself), and also no closer to the boundary than similar existing structure on neighboring properties, so denial of the variance would be inconsistent with other established precedents in the neighborhoods.

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

There is nothing in the proposal that would be contrary to the public interest. Many if not most of the surrounding properties have detached garages of similar or larger save than the proposed structures, and the construction with the expectants of NH property owners. Although the proposed location ties it a setback zone, the special conditions that exist on the property justify the location, and there will be no impact on neighboring properties or

street views.

C. Huckins asked if they had the shoreland setback for shoreland approval.

R. York expressed they were working with S. Frankiewicz on it.

D. Whitten question what prevented him from locating on the left side.

R. York expressed they would need a variance with a way variance. They would also hit the septic in locations. He expressed the need to be able to plow the road. He did not want to block views from the lake by the house. D. York expressed it was also a steep driveway. The elevation contours were shown.

D. Whitten expressed he would have a lot less problem giving a variance on the left side of the house. The 7.3 setback was too little, along with the 150 setback and the installation of a garage which could work its way down into the lake.

R. York expressed that if the shoreland was a problem they could take off the shed.

R. York expressed that if he came down a driveway, he would not be able to turn. Also, it would sit between the house and the lake.

P. Thibodeau expressed he had visited the site. He questioned why not move the garage to the end of where the placement was. You would still be in the setback but not as much and it would block the view some from the sliding glass door.

R. York expressed that the most he could move it was 3 feet due to the deck. He explained they had some future plans shown they would likely not be able to do.

P. Thibodeau expressed that proposal was in the setback as well and would need a variance. He pointed out that the existing deck was not shown. He had the option of moving the garage to the left.

R. York expressed they could be conforming if they moved the deck to the center, but they did not want to be looking at their deck and garage. It would severely affect their enjoy of the lake. They would build it this that the point.

R. Desmarais that he kind of agreed with everyone. He believed there was plenty of place for the structure to be placed that would conform. Blocking the lake was not a hardship. The Board needed hardship in order to approve it. There was no hardship as proposed.

R. York expressed that they located the garage where the board was proposing it would devalue the property.

R. Desmarais expressed that a garage was not absolutely necessary.

R. Desmarais reminded C. Huckins to ask if there was anyone to speak for or against. And his recommendation would be for them to continue so they could come back with something better.

C. Huckins asked if there was anyone to speak for the application.

J. Anderson expressed he was an abutter, and he was in favor after discussing with Mr. York and he agreeing to move over the location to 10 feet. He was concerned with the brook and the heavy excavation that may be required.

C. Huckins asked if anyone was there to speak against. No one spoke.

R. Desmarais suggested the applicant may want to request the case be continued so that the applicant could come back with something better.

D. Whitten expressed that abutter was okay with 10 feet.

R. York expressed they would be alright with that. He asked if they came back with a drawing it would be likely to be approved. So, if they got rid of the workshop.

R. Desmarais expressed it was up to the applicant to come up with a better plan.

R. York expressed it did not make sense to come back because he was not going to put a garage in form of his deck.

A motion was made by R. Desmarais and by D. Whittam to deny the application.

R. Desmarais no

D. Whitten no

P. Thibodeau no

C. Huckins no

The application was denied. 4-0

MINUTES REVIEW AND APPROVAL

2. Approval of June 16, 2021, meeting minutes.

A motion was made by R. Desmarais and seconded by C. Huckins to approve the minutes.
The motion carried 3-0 with one abstention.

ADJOURNMENT

Motion was made by R. Desmarais and seconded by D. Whitten to adjourn at 7:30 p.m.

Respectfully submitted,

Marcia J Gasses

Town Planner