

MEETING MINUTES
ZONING BOARD OF ADJUSTMENT PUBLIC MEETING
**NEW LOCATION—EARLY CHILDHOOD LEARNING
CENTER
77 RAMSDELL LANE**

Barrington, NH

May 17, 2017

7:00PM

Members Present

Karyn Forbes, Chair

Meri Schmalz

Raymond Desmarais

Dawn Hatch

Cheryl Huckins

Alternate Members

George Schmalz

Alternate Member Absent

George Bailey

MINUTES REVIEW AND APPROVAL

1. Approval of April 19, 2017 Regular Meeting Minutes.

A motion was made by M. Schmalz and seconded by C. Huckins to approve the minutes of April 19, 2017. The motion carried 3-1 with R. Desmarais abstaining.

ACTION ITEMS continued from April 19, 2017

2. **251-64-GR/SDAO-17-ZBA (Owners: Steven F. & Pamela M. Lenzi Revocable Trust)** Request by applicant for a variance from Article 10 Wireless Communications 10.4 (3) and 10.4 (5) Dimensional Requirements to construct a 150' tall wireless communications facility that will be surrounded by a fence that will be located 60' from wetlands located on Bumford Road (Map 251, Lot 64) in the General Residential (GR), LLC; 290 Congress Street, 7th Floor; Boston, Ma 02210.

The request for the setback from the wetlands was withdrawn by the applicant.

ACTION ITEMS

3. **122-18-GR-17-ZBA Variance (Owners: Bruce & Pam Trefethen)** Request by applicant for a variance from Article 4.1.1 Minimum Standards and Table 2 and Article 5.1.1 (3) Nonconforming Lots to build a house with a front setback of 22.5 feet where 40' is allowed and side setbacks of 10.7 feet from the right where 30' is allowed, left side 12.8 feet where 30' is allowed and 10.2 feet from for landing and stairs where 30' is allowed on a .18 acre lot at 59 Stadig Road (Map 122, Lot 18) in the General Residential (GR) Zoning District. By: Ray Bisson, Stonewall Surveying; PO Box 458; Barrington, NH 03825.

Bruce Trefethen described their project. They were proposing a modest 2 bedroom home. They wanted a 12' deck for safety for their grandchildren. The deck would be 12' above grade. The Trefethen's fourth adult daughter would reside with them. They have spoken with the Road Agent, Zoning Administrator, Town Planner and Conservation Commission. They have received their state shoreland permit. The seasonal camps on the road were only slightly smaller than what they were proposing. The proposed deck was smaller than what the average existing home in the neighborhood had. Most of the current trees in the 50' zone would be retained. Mr. Trefethen introduced the professionals he had worked with.

Ray Bisson explained the lot was part of an original 16 lot subdivision. The lot was made up of two merged lots that were merged in 2016. The property sloped from the right of way to the water. The current lot had 26.7% coverage proposed. Mr. Bisson showed the relation of the location and size of the proposed house with those in the neighborhood. The house was proposed to be 30'X33' to the gutters. He showed the location of the leach field. The property lines would be marked prior to any disturbance of the soil. There would be three 500 gallon dry wells installed preventing water from draining to the lake.

Mr. Bisson explained that since it was a lot of record they did not need a variance from the shoreland but they did need relief from the side and the front.

Variations requested:

- Relief from front setback from 40 feet to 22.5 feet
- Relief from side setbacks – Proposed house (distances to rain gutters) from 30 feet to 10.7 feet on the right and 12.8 feet minimum on the left
- Proposed Landing and Stairs on the left from 30 feet to 10.2 feet minimum

Mr. Bisson explained the immediate abutter had a setback of 8.3' from their side property line.

M. Schmaltz asked if there was any tree buffer.

Mr. Bisson expressed there were some and some additional planting planned.

K. Forbes asked for those in favor.

No one spoke.

K. Forbes asked for those opposed.

Zach Downing expressed they were the direct abutter. He thought it was incredible that they could build a house on such a small lot. He provided pictures of the existing homes on the street. He felt the home would encroach on their homes privacy. The building would block their solar sun. He did not believe the driveway would accommodate visitors. The dry grass system turned into a mud system on an adjacent lot.

John Ladd who lived at 74 Stadig Road expressed their home was a small one story home and sat 10' lower than the driveway. They understand downsizing. They were concerned the lot was too small to support the home. The home would tower above their home. They would be looking into their windows. The peak of the roof will be 36.5' from the ground. The home will block their sun from noon on. The parking situation was very important due to the narrow road. The road must be kept clear at all times.

Mr. Downing expressed their home was 25'X28'.

Rick Patrie who was located on lot #9 expressed his concern was the stacking of homes. The homeowners shared plowing and maintenance of the road.

Mr. Trefethen explained that the first floor of the house had a garage bay in it. They would have parking five spaces total. The picture provided by Ladd was misleading. The deck would however overlook their house. There have been times when Ladd had parked cars on their lot. When the improvements were made to the Ladd's house improvements had been placed on his property. He was not planning to encroach at all on the Ladd's side. It never got bright on the side of the house where there were trees. In looking at the photo he showed the location of the property line. They were trying to get as far from the water as possible. The majority of the Downing's house was within the 50' setback to the water. Mr. Trefethen believed their proposed home was in fitting with the homes in the neighborhood.

R. Desmarais asked if there had ever been a home on the property.

Mr. Trefethen expressed not to his knowledge.

R. Desmarais asked how long the deck by the water had been there.

Mr. Trefethen expressed it was installed two owners ago.

D. Hatch asked if the proposed garage was within the home.

Mr. Trefethen stated yes, the garage was 11'X23'. He expressed the home would not be the largest home on the road and Board had given other variances.

Ray Bisson explained the mat system would go all the way across the front of the lot. The system was not the same as the one on Hall Road. They should easily be able to park four to five cars. The height of the building was below code based upon the grade. The home next door was the same distance from the road.

D. Hatch asked why the garage was on the first floor.

Ray Bisson explained the first floor was basically at grade.

Fenton Groen explained his son was the house designer. The lower level was built completely below grade. The driveway utilized concrete squares. The lot could hold six cars plus the one in the garage. It was a two bedroom home. The home is 2X4 construction with spray foam. The whole thing was designed to minimize impact. The lower level would have functional living space.

Mr. Ladd explained the picture they questioned was taken from where the wall would be. There were three bathrooms in the house. There was a lot of room in the house.

Cheryl Downing asked if they had the Conservation Commission's letter.

K. Forbes stated they did.

K. Forbes closed public testimony.

K. Forbes read the Conservation Commission letter.

R. Desmarais agreed with the Conservation Commission that the home was too big for the lot and believed they also needed a waterfront variance.

D. Hatch expressed that it was a lot of house for the lot. She was looking at the decks, everything.

K. Forbes expressed the deck creates living space and always made them have smaller decks to put them farther from the water.

M. Schmalz expressed the other home had been granted a variance.

K. Forbes expressed they did not have control over the height. They had control on the side lot line and 10' was really small.

C. Huckins expressed the home on the other side was close. She believed this home was reasonable by today's standards and consistent with the neighborhood.

K. Forbes asked for them to talk about what they would approve.

R. Desmarais asked if they removed the garage what they would have. They could downsize the home.

R. Desmarais expressed he believed they needed a waterfront variance.

R. Desmarais the garage the waterfront setback, the size, the side setback.

Mr. Trefethen asked what they would approve.

K. Forbes stated she was thinking 12' on either side.

C. Huckins expressed the change would be small.

A motion was made by R. Desmarais and seconded by Meri Schmalz to continue the hearing to the June 21, 2017 meeting. The motion carried unanimously

- 4. 219-26-GR-17-ZBA Variance (Owners: John & Pamela Bingham)** Request by applicant for a variance from Section 7.4 (6) to allow a home business to be conducted in an accessory building containing 4,220 sq. ft. where 2,500 is allowed at 289 Scruton Pond Road on a 33.97 acre lot (Map 219, Lot 26) in the General Residential (GR) Zoning District. By: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

Christopher Berry explained they have an existing building on a lot and they were asking for a home business. The difference with a home business and a home occupation the business was in a separate structure. The property is located off Scruton Pond Road. He pointed out the structures on site. The Home business ordinance restricts the size of the structure to 2500 square feet. The existing structure has 4,220 sq. feet. The potential owner would live and work on site. There would be two to three cars on site. There were no large deliveries and they did not occur daily. No mechanical work would take place on site.

C. Huckins asked if the building was two stories.

C. Berry stated yes, but he wanted him to be able to use both floors. They wanted to go from 2500 to 4220 square feet.

C. Huckins asked if the existing solar business was permitted.

C. Berry explained they were trying to avoid the discussion on the existing business and ask for permission for the proposed business. Only one business would be allowed in the building. The proposed business would be quite benign on the neighborhood and would not have employees. He understood the ratio from permitted to requested is large. The first floor was 3245 sq. ft. including the garage.

K. Forbes asked for those in favor.

Holly Grossman explained they had no problem.

Tony Irons explained he was completely in favor.

No one spoke in opposition.

Sherry Legere asked the hours of operation.

C. Berry stated they were on the plans.

Sherry Legere asked what would happen to the left over material.

Mike Curley explained there was very little waste. Much of the seats etc. come stripped and there was nothing hazardous. The cars were vintage and a lot of natural materials. He did not use modern fabrics.

K. Forbes closed the public testimony.

C. Berry pointed to the 5 criteria. He read through the criteria as stated in the application.

A motion was made by M. Schmalz and seconded by R. Desmarais to approve the request for the 4220 sq. ft. variance. The motion carried unanimously

ADJOURNMENT

A motion was made by R. Desmarais and seconded by M. Schmalz to adjourn at 8:45 p.m. the motion carried unanimously

Respectfully submitted,

Marcia J. Gasses
Town Planner & Land Use Administrator