

MINUTES

FOR

ZONING BOARD OF ADJUSTMENT

As Chair of the Zoning Board of Adjustment, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are: We are utilizing the Microsoft Team for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Microsoft Team, and the public has access to contemporaneously listen and, if necessary, participate in the meeting through dialing the following phone #1-603-664-0240 and Conference ID: 332788257#

OR Call 603-664-0330 or email: jhuckins@barrington.nh.gov

OR

bit.ly/BarrZB200520

Wednesday, June 17, 2020
7:00 p.m.

Please note that all votes that were taken during this meeting were done by Roll Call vote.

K. Forbes read the notice from the Governor.

Roll Call

Karyn Forbes, Chair

Meri Schmalz

Cheryl Huckins

Raymond Desmarais, Vice Chair

Member Absent

Dawn Hatch

Alternate Member Present

George Bailey

G. Bailey sat for D. Hatch

M. Gasses, Town Planner

J. Huckins, Zoning Administrator

ACTION ITEMS CONTINUED FROM May 20, 2020

1. 239-105-V-20-Var (Owners: Kelsey & Leonard Fowler) Request by applicant for a variance from Article 4.1.1 (Table 2) minimum standards to allow a front setback of 36.9' where 40' is required to build a farmers porch with steps on a 1.30-acre lot (Map 239, Lot 105) 72 Mallego Road in the Village (V) Zoning District.

This application had been continued from May 20, 2020.

The applicant was not immediately present. The Board moved onto the next case.

The applicant was heard as the second application of the evening.

The applicant Leonard Fowler explained they wanted to put a 6-foot farmers porch on the house. They needed approximately 2.5 feet to make it 6' wide.

J. Huckins explained the plan was not stamped last month.

A motion was made by G. Baily and seconded by C. Huckins to approve the application

C. Huckins	Aye
G. Baily	Aye
M. Schmaltz	Aye
R. Desmarais	Aye
K. Forbes	Aye

The motion passed.

ACTON ITEMS

2. [250-101-NR-20-ZBA \(Owner: James Saccoccia\)](#) Request by applicant for a variance from Article 6.2.4 (Table 3) Dimensional Minimum Standards to allow a right-side setback of 8' and 12' where 20' is required in a Conservation Subdivision (Map 250, Lot 101) at 21 James Henry Drive in the Neighborhood Residential (NR) Zoning District.

James Saccoccia represented himself. The request was for a variance to add an accessory dwelling unit to an existing home. The home was built under the conservation subdivision requirements. The applicant was seeking to allow side setbacks of 8' and 12' where 20' is required and where 25' front setbacks are required.

James Saccoccia read from the criteria for the granting of a variance.

1. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.

Septic is in the way and we are attaching it to the house.

2. Granting the variance would be consistent with the spirit of the Ordinance.
It fits in the neighbor. It is designed so it was not impactful to the neighborhood.

3. Granting the variance will not result in diminution of surrounding property values.
It will not decrease the values of surrounding properties. If anything, it will increase values.

4. Granting of the variance would do sub justice.
As my parents age, have more surgeries their quality of life will be best.

5. Granting of the variance would not be contrary to the public interest.
This would not impact the public or the neighbors.

G. Baily expressed he was familiar with James Saccoccia from serving with him on the Select Board. He did not have an obligation to him, and he would continue to serve on the Board.

K. Forbes explained to Mr. Saccoccia that he had the burden of proof. He had to that there are conditions of the land than those in the area. Speaking for herself she did not see why the addition could not go on the other side of the house or in a different location, eight feet was really close.

James Saccoccia explained that the lot tapered and the space near the abutters mostly accommodated driveway.

K. Forbes expressed that it sounded like it can go in another location that is more conforming to the Zoning Ordinance.

R. Desmarais agreed and felt 8' was too close.

K. Forbes expressed that they do not usually grant variances for 8' unless there is a real reason, it could go to the rear or the side.

James Saccoccia expressed it would be unfeasible to rip up the pavement and move the utilities. With the ADU he would be able to run over and assist his parents. If he put it on the side, it would be two story and more difficult for his parents.

K. Forbes asked if he'd met with John Huckins.

J. Huckins express we had met and talked about the electrical service being located on left side and coming off the deck which made it difficult, along with the location of the septic.

K. Forbes asked the cost of moving the electrical.

James Saccoccia explained what was involved in relocation of the electrical.

K. Forbes suggested making it narrower and extending into the back lawn.

M. Schmaltz suggested a breezeway.

J. Saccoccia expressed he had planned to connect the foundations.

K. Forbes expressed that they don't give 8' setbacks unless they are postage stamp lots.

G. Bailey suggested reconfiguring the design to allow for a larger setback.

C. Huckins suggested a 20 X 40 addition to allow for a larger setback.

A motion was made by G. Baily and seconded by R. Desmarais to continue the application to July 15, 2020.

<i>C. Huckins</i>	<i>Aye</i>
<i>G. Baily</i>	<i>Aye</i>
<i>M. Schmaltz</i>	<i>Aye</i>
<i>R. Desmarais</i>	<i>Aye</i>
<i>K. Forbes</i>	<i>Aye</i>

The motion passed

3. 125-5-GR-20-ZBA (Owner: R. Daniel & Nancy K. Bergeron) Request by applicant for a variance from Article 4 Dimensional Requirements, 4.1.1 Minimum Standards to allow a front setback of 28' to convert a porch into a bedroom current setback is 31.4 where 40' is required (Map 125, Lot 5) at 389 McDaniel Shore Drive in the General Residential (GR) Zoning District.

K. Forbes asked the applicant to explain what they were looking for.

Mr. Bergeron explained they were trying to convert part of the large porch to a bedroom so they could go to one floor living. The conversion would require the addition of a new deck. They would be requiring a variance of 26.6 feet after receiving the most recent survey.

K. Forbes asked Mr. Bergeron to go through the criteria.

The variance was to allow for access to the house. The variance would not affect the salability of the building. The neighbors have not complained, and one neighbor sent a letter of support.

K. Forbes asked if there was comment from the Board. There was none.

K. Forbes expressed that it was a substandard lot. It was reasonable use of the land and in the public interest. Looking at the pictures showed it would not cause diminution of value or be conflict with public interest.

K. Forbes if there was anyone to speak in favor. No one spoke.

K. Forbes asked if anyone was there to speak against. No one spoke.

A motion was made by C. Huckins and seconded by G. Baily to approve the application.

C. Huckins	aye
G. Baily	aye
R. Desmarais	aye
M. Schmaltz	aye
K. Forbes	aye

The motion carried.

MINUTES REVIEW AND APPROVAL

4. *A motion was made by G. Baily and seconded by C. Huckins to approve the minutes of June 17, 2020.*

G. Baily	aye
M. Schmaltz	aye
R. Desmarais	aye
C. Huckins	aye
K. Forbes	aye

The motion carried.

ADJOURNMENT

A motion was made by M. Schmaltz and seconded C. Huckins to adjourn at 7:30 pm.

G. Baily	aye
M. Schmaltz	aye

R. Desmarais aye
C. Huckins aye
K. Forbes aye

The motion carried.

DRAFT