

**MEETING MINUTES
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: 472503235#

OR

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

OR

bit.ly/BarrZB201118

**Wednesday, November 18, 2020
7:00 p.m.**

R. Desmarais read the Governors Order

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

Members Present

Cheryl Huckins

Raymond Desmarais, Vice Chair

George Bailey

Dave Whitten

Member Absent

Karyn Forbes, Chair

ACTION ITEMS

1. **239-87-V-20-EquitWaiver (Owners: John and Jenny Stuart)** Request by applicant under RSA 674:33-a considerations governing granting of a dimensional equitable waiver under Article 4, Dimensional requirements minimum side yard setbacks where the setback 28' from the side where 30' is required at 53 Cate Road (Map 239, Lot 87) in the Village Zoning District. (V).

R. Desmarais asked the applicant to explain the application.

Jenny Stuart explained that they had purchased the home in 2013 with the addition already built by the previous owners (at least 2 owners ago). The addition had been in place for over 10 years.

During the process of selling their home it was discovered that the addition was 2 feet into the side setback of 30 feet on the left side of the property facing lot 86.

The Stuarts were not able to sell their home with this violation and were seeking an Equitable Waiver from Dimensional Requirements 674:33-a

R. Desmarais explained the applicant's response to the standard. 1) The violation had existed for more than 10 years 2) The side setback was 30' from the property line and the home was only 2 feet into that set back. This would not interfere with lot 87 or the neighboring lots (86, 88, 73 and 83) quiet enjoyment of their property, as they had done since the addition was built. The abutter to lot 86 has signed a letter to agree with the waiver.

The dimensional violation did not constitute a public nuisance or diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any property and 3) To correct the violation would include completely removing the already built addition. The cost to correct the violation would far outweigh any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

The request involved a dimensional requirement, not a use restriction.

R. Desmarais asked if there was anyone to speak in favor. No one spoke.

R. Desmarais asked if there was anyone to speak against the proposal. No one spoke.

R. Desmarais closed public comment

G. Bailey expressed he saw no reason not to grant the Equitable Waiver

A motion was made by G. Bailey and seconded by C. Huckins to approve the Equitable Waiver.

Roll Call

C. Huckins	aye
R. Desmarais	aye
D. Whitten	aye
G. Bailey	aye

The motion carried 4-0

MINUTES REVIEW AND APPROVAL

2. Approval of October 21, 2020 meeting minutes.

A motion was made by G. Bailey and seconded by C. Huckins to approve the minutes as written.

Roll Call

G. Bailey	aye
C. Huckins	aye
D. Whitten	aye
R. Desmarais	aye

The motion carried 4-0

ADJOURNMENT

A motion was made by G. Bailey and seconded by C. Huckins to adjourn at 7:07 pm

Roll Call

G. Bailey	aye
C. Huckins	aye
D. Whitten	aye
R. Desmarais	aye

The motion carried 4-0