

**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:**

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: 941931286# OR link [bit.ly/BarrZB210616](https://bit.ly/BarrZB210616)

(Approved July 21, 2021)

June 16, 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

Raymond Desmarais, Vice Chair

Dave Whitten

Member Absent

George Bailey

**ACTION ITEM REQUEST TO APPEAL THE DECISION**

1. Roberta J. Pigott of 90 Long Shores Drive is appealing under RSA 674:33 Ia issuance of a building permit decision on May 19, 2021 to request and motion Zoning Board of Adjustment to rehear and revoke their decision of the case below: **(See Roberta J. Pigott memo for reasons)**

**101-56-GR-21-ZBAVar (Owner: Matthew Castonguay)** Request by applicant for a variance from Article 4 Dimensional Requirements: Table 2 to allow a front setback of 21.2' where 40' is required and a side setback of 28.8' where 30' required on Long Shores Drive (Map 101, Lot 56) in the General Residential (GR) Zoning District. BY: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

R. Desmarais explained that the request was for a rehearing by Roberta J. Pigott. R. Desmarais explained that he had not seen anything new which was not presented at the last meeting. He did not believe the Board had done anything out of order.

D. Whitten agreed.

*A motion was made by C. Huckins and seconded by D. Whitten to not rehear the case.*

Roll Call

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

The motion carried unanimously not to rehear the case 3-0

### **ACTION ITEM**

2. **122-22-GR/SLWM-21-Var (Owners: Steven Lambert & Margo Clark)** Request by applicant for a variance from Article 4-Dimensional Standards Table 2 to allow 17.6' and 23.4' to the overhang where 40' is required from the front and side setback of 18.3' and 20.1' from the right and 21.8' and 23.8' from the left to the overhang where 30' is required at 40 Stadig Road (Map 122, Lot 22) in the General Residential (GR) Zoning District. BY: Christopher Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

The chair let the applicant know that a unanimous decision would be necessary where only three members were present. The applicant asked if it was discovered that more information was needed during the meeting that they be allowed to continue the application. The board agreed.

C. Berry represented the applicant. The project was located at the entrance to Statig Road. The location was much higher than Swains Lake. The existing structure would be lifted, and a foundation placed under the structure. The road would not change nor any attributes of the house. The deck and stairs would remain. The applicants were looking to move to Barrington full time and a disposal system was designed.

The plans included a garage. They were unable to provide for a garage hitched to the house based upon the topography. They wanted to construct a concrete column in the steep slope area and then build a garage above that. The applicant was proposing to pour a bridge pan and have a full foundation. There would be no increase in the square footage of the house. There would be some storage in the basement of the house.

The applicant was requesting variances for front and side setbacks. The proposed garage was 24'x24'. They wanted to make sure there was enough space between the applicant's car, septic, and garage. The house would be serviced by the Swains Lake Water District.

There were steep slopes on the site, and they tried to position taking into consideration the slopes. They were proposing the area be revegetated upon completion so they could meet the requirements under the shoreland permit. Drip edges would be installed around the proposed house to offset impervious surface. A drywell and drip edges would be proposed around the garage. the lot was special as it was narrow and created prior to zoning. The applicant was trying to stay as far away from the water as possible.

D. Whitten asked if there would be living space under the garage.

C. Berry expressed there would be storage space under the garage. There was the possibility of a small office in the garage.

C. Berry read from the standard Table 2, setback of 40' within the general residential zone.

1. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.  
The lot is special in that it was created well before the zoning ordinance. Due to this there is little space to place a new septic system and create useable space of the lot. The topographic break on site creates a hardship to the applicant in that sliding the structure towards the lake only generates a situation where the proposed structure would tower above the existing home with a much shorter breath. Between the septic requirements and the

topography of the lot, denial of the variance would pose an unnecessary hardship to the applicant whereas there is no other option to create rational useable space for a continued single family residential use.

2. Granting the variance would be consistent with the spirit of the Ordines.

The spirit of the ordinance is created to uniformity of rural nature within the town. Given the nature of the roadway and the fact that other garages have been built along the road in the same format, likely for the same reasons above, it is only opinion that the spirit of the ordinance will be met. Every effort has been made to keep the structure far enough from the road ensure there are no maintenance issues in the future, and it is practical use of the land when considering turning radii, parking arrangement, and backing into Stadig Road.

3. Granting the variance will not result in diminution of surrounding property values.  
The proposed use is allowed in the underlying zone and is congruent with other uses in the immediate neighborhood. The proposed garage is not obtrusive on either of the abutting boundary lines and will not be overpowering from the roadway. It is our opinion that given the modest use, congruency with the neighborhood, coupled with it being a permissible use in the underling zone, that this garage will not detract from existing values.
4. Granting the variance would do substantial justice.  
Granting the variance would do substantial justice because it will allow the applicants a reasonable developed the lot with a use that is allowed in the zone. The gain to the applicants far outweighs any potential detriment to the ordinance given the congruency of the proposal with the surrounding neighborhood.
5. Granting the variance would not be contrary to the public interest.  
Granting the variance would not be contrary to the public interest because it will allow for residential use within a residential zone that is congruent with abutting development on the same roadway. Given the special circumstances of parcel, granting the variance will not erode the public interest withing the zoning ordinance.

Article 4-Dimensional Standards Table 2, side setback of 30' within the residential zone.

1. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicants as defined under applicable law.  
The lot has a special which make compliance with the ordinance not practical. This lot is a non-conforming lot of record created prior to the ordinance that happens to be substandard in width and oddly shaped. Due to this special condition, the sideline setbacks cannot be met, and literal enforcement of the Ordinance will result in unnecessary hardship for the applicants. Requiring the garage to be non-constructable, would severely limit the functionality of the site and lot for full-time single-family use. Due to the topography of the site, the best position was chosen for the use. Denial of the variance would pose an unnecessary hardship to the applicants whereas there is no other reasonable expansion that could be undertaken that meets the ordinance.
2. Granting the variance would be consistent with the spirit of the Ordinance.  
The spirit of the ordinance is to create a uniformity of rural nature within the town. Given this lot is pre-existing, non-conforming and contains topographic constraints, it is our assessment that the spirit of the ordinance is observed with the proposal's general adherence with the neighborhood in general.
3. Granting the variance will not result in diminution of surrounding property values.  
Granting the variance will not result in diminution of value of surrounding values. New construction increases surrounding property values, and the proposed project will provide for a more functional use congruent with single family living.

4. Granting the variance would do substantial justice. Granting the variance would do substantial justice because it will allow the applicants to reasonably develop an appropriately sized structure that is not any closer to the setbacks than other structures on this site or abutting structures are to their lot lines. The gain to the applicants far outweighs any potential harm to the ordinance, whereas this neighborhood contains non-conforming lots and structures throughout.
5. Granting the variance would not be contrary to the public interest.  
Granting the variance would not be contrary to the public interest because it will allow for a residentially constructed building, an allowed use within a residential zone, that is congruent with abutting development on the roadway to be reasonably built. Given the special circumstances of the parcel, granting this variance will not erode the public interest within the zoning ordinance.

R. Desmarais asked if there was anyone to speak in favor.

No one spoke.

R. Desmarais asked if there was anyone to speak against.

No one spoke.

R. Desmarais closed public comment.

R. Desmarais expressed that if they slid it forward it would just make the area narrower.

*A motion was made by D. Whitten and seconded by C. Huckins.*

#### Roll Call Vote

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

The motion carried 3-0

The Board expressed the applicant had done a nice job.

#### **MINUTES REVIEW AND APPROVAL**

3. Approval of May 19, 2021, meeting minutes.

*A motion was made by D. Whitten and seconded by C. Huckins to approve the May 19, 2021, meeting minutes.*

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

The motion carried 3-0

*A motion was made by C. Huckins and seconded by D. Whitten to adjourn at 7:30 pm.*

#### Roll Call

C. Huckins	aye
D. Whitten	aye

R. Desmarais                    aye  
*The motion carried 3-0*

Respectfully submitted,

Marcia J Gasses  
Town Planner