

MEETING 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 February 16, 2022)

December 15, 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-Remotely
George Bailey
Dave Whitten
Paul Thibodeau

Board to vote for Chair and Vice Chair- This will be continued to the next meeting so that all members would be present.

REQUEST FOR AN EXTENSION

1. Request for a 2-year extension on the following application:

223-24&26-RC-18-ZBA Variance (Owners: Rina Myhre, Carol H. LeDoux and Paul C. Helfgott)

Applicant requests a variance from Article 19 Table 1 to allow a conservation subdivision in the Regional Commercial Zoning District on Route 125 (aka Calef Highway) on a 212 +/- acre lot (Map 223, Lots 24 & 26).

C. Huckins gave a brief description of the application.

John Huckins explained to the Board that since the variance the property has been transferred to Joe Falzone. John explained to the Board that they have approval on everything except they are waiting for the State approvals.

G. Bailey asked the Chair if the only change was the name of the owner.

C. Huckins stated that was correct and it's for an extension because they are waiting for State approval.

D. Whitten asked how long a variance was good for.

John Huckins explained that they are only good for 2-years because of the way the State law went. Jhon explained that they kind of vested the variance when he got approval.

G. Bailey explained that I was taken longer to get the State permits and noticed the new owner that was why he questioned the name. G. Bailey asked that for the record that he was also a member of the Select Board.

John explained to the Board that there has not been any change in Zoning.

D. Whitten asked about the State permits.

Joe explained that the NHDOT they have been waiting for 18 months and explained that he can not get AoT until he gets NHDOT. Once he gets AoT he can get State Subdivision.

C. Huckins opened public comment.

C. Huckins closed public comment.

A motion was made by G. Bailey and seconded by D. Whitten to gran the 2-year extension for Map 223, Lots 24 and 26.

Roll Call:

D. Whitten-Aye

P. Thibodeau-Aye

C. Huckins-Aye

G. Bailey-Aye

R. Desmarias-Aye (Remotely)

ACTION ITEMS

2. Tory Bianchi from 93 Tolend Road is asking the Zoning Board of Adjustment for A rehearing on the issue of the home occupancy for the following case under RSA 677:2 Motion for rehearing the following case: **(See Tory Bianchi memo for reasons)**
[220-54.16-GR-21-ZBAVar \(Owners: Robert & Allison Russell\)](#) Request by applicant for a variance from Article 7.3 Home Occupation to continue running a Home Occupation that is non-compliance in the General Residential Zoning District. BY: Brendan A. O'Donnell, Esq., DTC Lawyers; 164 NH Rte 125, Unit 2, Merrimack, NH 03253.

C. Huckins gave a brief description of the application.

D. Whitten expressed that he wasn't sure what the rehearing was about.

John Huckins explained to the Board that they are asking the Board to reconsider the decision.

D. Whitten asked the Board if the rehearing was whether the Board's determination of the Home Occupation was done right or wrong.

G. Bailey read the RSA 677:2 to the Board and explained that the letter received he felt that they had good reason for a rehearing.

R. Desmarias asked G. Bailey what the reason for the rehearing was. G. Bailey explained that they were not heard.

C. Huckins expressed that the woman didn't have a chance to speak and there were three letters that were not discussed. C. Huckins explained that the Board didn't listen to the attorney that was sitting there that didn't even speak.

P. Thibodeau explained that she wanted to speak on the variance not the home occupation. P. Thibodeau explained that the home occupation was opened to the public and she did not comment.

John Huckins explained the letter they sent explained why the case should be reheard. J. Huckins explained that they thought that they would get a chance to speak. The people that spoke did not talk about the case for a home occupation and they were not cut off. J. Huckins explained that they need to determine if it was fair and reasonable not to have them speak was it open and they didn't understand.

P. Thibodeau explained that he listened to the tape and the home occupation was Section 7.3 through 7.3(7). P. Thibodeau explained that the Town Attorney talks about the number of employees. P. Thibodeau explained that number of employees goes to 7.4 under home business its not address at all in home occupation.

John Huckins explained that this was not about a home occupation or not its about the process that the Board went through was there a flaw in the process where this should be reheard was the discussion was suppose to be about.

C. Huckins expressed that she agrees with Mrs. Bianchi she felt that they were totally ditched.

G. Bailey explained that in her complaint in the second paragraph states that they were not give the opportunity to share opinions or speak regarding issues. G. Bailey explained that they were told that only home occupancy comments and the fact that Gary Imbrie direct abutter was told that his comments were not pertinent to the current decision and his comments would be heard afterwards. G. Bailey explained that did not take place so that was what they were talking about.

D. Whitten explained that his comments were all based on the variance.

R. Desmarias expressed to the Board that he felt that he was very clear on how he was handling the meeting. R. Desmarias explained that this could be kicked back if the Board doesn't rehear the case and stated that he didn't was to rehear but it could come back from the court if the Board doesn't rehear the case.

D. Whitten explained that the Board needs to be clearer on what they are rehearing and that was strictly the home occupation at this time.

John Huckins explained that it would be the whole application.

A motion was made by G. Bailey and seconded by R. Desmarias to rehear case 220-54.16-GR-21-ZBAVar on January 19, 2021, under RSA 677:2 and so all parties will have a reasonable chance to speak.

Roll Call:

D. Whitten-Nay

P. Thibodeau-Aye

C. Huckins-Aye

G. Bailey-Aye
R. Desmarias-Aye (Remotely)

3. [216-1-GR/HCO-21-ZBASpecExcept \(Owners: Marion Herman & Lorena Bassett\)](#) Request by applicant for a Special Exception from Article 4.1.2 Lot Frontage, permits lot access from the side other than street frontage (Map 216, Lot 1) on Parker Mountain Road on a 10.7-acre site in the General Residential (GR) and the Highway Commercial Overlay (HCO) Zoning Districts. BY: Scott Frankiewicz, NH Land Consultants; 683C First NH Turnpike; Northwood, NH 03261.

C. Huckins gave a brief description of the application.

Stephen Hyde attorney for the applicant along with Shane Carter was now the owner of the property. Stephen explained that the applicant was asking for side access to lots rather than access over their frontage. Stephen explained that the reason for the steep slopes and sight distances in that area where the road was heavily traveled road. Stephen explained that the Special Exception would permit them to end and exit the roadway in a single area to reduce accidents in the area. Stephen explained the following:

No detriment to property value as they indicated the location of a single driveway would minimize the potential for motor vehicle accidents in the area.

Would improve property values

No hazard would be caused to the public or adjacent property on account of potential fire explosion releasing toxic materials

Multiple car accidents in the area

No excessive demand on municipal services and facilities

The proposed use would not result in degradation of surface groundwater across the street on the other side of the property

Driveway would be the furthest from the water

Photos are included of the area

The driveways on at least two of the contemplated lots would be fairly steep that why they decided a single lower grade driveway to the street

C. Huckins asked if the driveway was going to come off Parker Mountain Road on the side

John Huckins explained two lots aren't happening.

D. Whitten asked about the numbers on the map what are they.

Stephen explained that was for the photos in the application.

P. Thibodeau asked about photos one shows a telephone pole which was not on the survey and was directly across from the driveway entrance. And asked if underground power.

Shane stated that it would be underground power on all three lots.

P. Thibodeau asked if it was all vegetation trees on the slope.

Shane stated yes.

P. Thibodeau asked if was staying that way.

Shane stated yes.

G. Bailey asked if they were going to have a homeowner's association to ensure that the driveway was plowed all the way through.
Shane stated yes.

G. Bailey asked if there was going to be something in the deed that requires them to join the homeowner's association.

John Huckins explained that it would need to be on the deeds and plans for Planning Board approval.

D. Whitten asked about the driveway length of driveway number 2. Concerned about it causing some potential for cars parking along there in a party there.

Shane explained that there was plenty of room.

D. Whitten expressed if they push that one a little further back lot three and lot one would not be a concern.

C. Huckins opened public comment.

C. Huckins closed public comment.

Ken Newberry from 27 Boulder Drive explained to the Board that he agrees with what they want to do even though The wood space was nice. it's unfortunate. Ken explained that he was part of the fairway heights homeowner's association and that there was a small swamp that goes all the way to Route 126 and his house along with the neighbors that cut to the road and abuts their property. Ken explained that there was about 10-15 yards between his property and their and there was a conservation easement that goes that way and towards the golf course. Ken explained that he supports it and was sure that the Conservation and Planning Board would make sure that the waterway would be protected. Ken asked if there was conservation land to the back of the lots.

John Huckins explained that it was not required for a 3-lot subdivision because there was a conservation subdivision there's a buffer required around it. John explained that the additional larger open space that was part of the Boulder Drive subdivision that's a whole different process.

C. Huckins explained that if Ken looked at Article 5 under the justification, they do state that granting this special exception result and focusing driveway runoff on a sinkhole area furthest from the nearest water body.

John Huckins explained that the Road Agent would weigh on this with his recommendations.

Stephen Hyde explained if they had all three driveways they would run in the street.

C. Huckins closed public comment.

A motion was made by R. Desmarias and seconded by G. Bailey to grant the Special Exception for Map 216 Lot 1.

Roll Call:

D. Whitten-Aye

P. Thibodeau-Aye

C. Huckins-Aye

G. Bailey-Aye

R. Desmarias-Aye (Remotely)

MINUTES REVIEW AND APPROVAL

2. Approval of November 17, 2021, meeting minutes.

A motion was made by G. Bailey and seconded by R. Desmarias to approve the minutes of November 17, 2021.

ADJOURNMENT

The next meeting will be held on January 19, 2022, at 7:00 p.m. at the ECLC 77 Ramsdell Lane.

The meeting adjourned at 7:41 p.m.

Roll Call:

D. Whitten-Aye

P. Thibodeau-Aye

C. Huckins-Aye

G. Bailey-Aye

R. Desmarias-Aye (Remotely)