

APPLICATION FOR A VARIANCE

Do not write in this space. Case No. Date Filed (signed - ZBA)

To: Zoning Board of Adjustment,

Town of Gilmanton

Name of Applicant Samatha J. Clements

Address 38 Range Road, Belmont, NH 03220

Phone # Email:

Owner George S. Foresyth II (if same as applicant, write "same")

Location of Property 78 White Oak Road 417-12 (property address) (map & lot number)

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

Application for a Variance

A variance is requested from article IV section Table 2 of the zoning ordinance to permit a conventional 2-lot subdivision in the rural zoning district resulting in one lot with 155.66 feet of frontage where 200 feet is required. The remainder lot in the proposed subdivision will meet all zoning requirements.

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because:

Please see attached narrative

2. If the variance were granted, the spirit of the ordinance would be observed because:

Please see attached narrative

3. Granting the variance would do substantial **justice** because:

****Please see attached narrative****

4. If the variance were granted, the **values** of the surrounding properties would not be diminished because:

****Please see attached narrative****

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in **unnecessary hardship** because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

****Please see attached narrative****

- and -

ii. The proposed use is a reasonable one because:

****Please see attached narrative****

b. Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

****Please see attached narrative****

Please provide the following information regarding the subject property:

1. Is the land, building or structure in question located on a Class V road? Yes
2. What is the frontage of the lot? 355.66 feet
3. What is the height of the structure? 2 Stories
4. Does the proposed construction involve the addition of any bedrooms to an existing home? No
5. Is a septic system design approval from the NH Department of Environmental services necessary for the proposed construction? Yes
If so, what is the State approval number? Pending
6. If property is vacant, please provide a description of the location, a neighboring house address, and/or the utility pole number on the subject property:
N/A

If the previous questions are not answered completely, the applicant may be notified that this appeal could be rejected for lack of information.

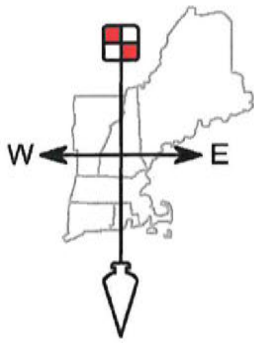
I understand that I must appear in person or be represented by my agent at the public hearing. The agent who represents me at this hearing must be familiar with the case and I agree to be bound by his or her testimony.

By signing this application, you as owner or applicant representing the owner, hereby give permission for any member of the Zoning Board of Adjustment or Conservation Commission, to enter onto the property in order to make a decision based on attributes of the property.

Applicant Daniel E. Baronski Date 1/25/24
AGENT (Signature)

Applicant _____ Date _____
(Signature)

If your variance is granted, the building permit will be issued no sooner than 30 days following the decision in order for the appeal process to expire.



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206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
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VARIANCE CRITERIA

(VARIANCE FROM ARTICLE IV TABLE 2)

Tax Map Parcel 417-12

78 White Oak Road, Gilmanton Iron Works, NH

January 12, 2024

Prepared For:

Samantha J. Clements

A Variance is requested under Article IV, Table 2 of the Gilmanton Zoning Ordinance to permit a two-lot subdivision of Tax Map Parcel 417-12. The subject property consists of 11.297 acres of land with 355.66 feet of frontage along White Oak Road. The property is relatively flat, sloping towards the south. There are two small pockets of wetlands in the southern portion of the property. An existing house, driveway, and associated improvements are located in the northwest corner of the lot, leaving most of the land undeveloped. A two-lot subdivision is proposed to develop a single-family residence on the vacant portion of the lot. Table 2 of Article IV of the Zoning Ordinance specifies the zoning district lot requirements. More specifically, Table 2 requires that conventional frontage lots in the Rural District have a minimum lot size of 2 acres and a minimum of 200 feet of frontage on a Class V or better road.

The proposed subdivision of the property will ultimately result in 2 lots. An existing dwelling is to remain on a 7.254-acre lot, with 200.00 feet of frontage, meeting all current zoning requirements. The proposed new lot will consist of 4.043 acres with 155.66 feet of frontage, which requires relief from Article IV, Table 2 frontage requirements.

The numbered items below correlate to the questions asked in the Town Application for a Variance.

1. Granting the variance would not be contrary to the public interest because:

Granting this variance would allow for the productive use of the existing property. The zoning for the property is the Rural District, which has a minimum lot size requirement of 2 acres and 200 feet of frontage. The proposal for the property is a 2-lot subdivision, creating a conforming lot of 7.254 acres with 200.00 feet of frontage, and a 4.043-acre lot with 155.66 feet of frontage. This proposal is consistent with the surroundings as several of the lots along White Oak Road possess less than 200 feet of frontage. Granting this variance will therefore not alter the essential character of the neighborhood or threaten the health safety or general welfare of the public. It is our belief that this proposal will have no negative impacts to the public. For all these reasons we believe that this proposal of developing an 11 plus acre parcel into 2 lots would not be contrary to the public interest.

2. If the variance were granted, the spirit of the ordinance would be observed because:
We believe this proposed subdivision is reasonable and meets the spirit of the ordinance especially when you consider the size of the parcel (11+ acres), the size of the lots that are proposed and the placement of the proposed building sites in relation to the surrounding lots. Table 2 of Article IV of the Gilmanton Zoning Ordinance requires that lots have a minimum of 200 feet of frontage and a minimum of 2 acres of area. We believe that the intent of this ordinance is to provide adequate separation and buffering between land owners and uses. For example, with a 2-acre lot you would need to have 200 feet of frontage so that you have a reasonable geometry to provide for a building envelope and buffering to the abutting properties. When you have an irregularly shaped parcel like the subject lot, we believe the frontage becomes less critical, especially when you can provide for larger lots with significant separation from the proposed building site to adjacent lots. The remainder lot in this subdivision is northwest of the reduced frontage lot, and is already developed with an existing driveway, as is the abutting lot to the southeast of the reduced frontage lot. The reduced frontage lot would have a driveway positioned between these two existing driveways, which are currently separated by more than 250 ft. The proposed reduced frontage lot has a more than adequate buffer from abutting properties. We believe when you evaluate the project from this standpoint the proposal is certainly consistent with its surrounds and in our opinion meets the spirit of the ordinance. We therefore believe that granting the variance would observe the spirit of the ordinance.

3. Granting the variance would do substantial justice because:
Granting this variance would allow for the productive use of the land on an 11+ acre parcel, and would have no impact on the general public as the proposal is small and consistent with its surroundings. The variance requested is for a reduction in frontage from 200 feet to 155.66 feet, a reduction of 44.34 feet. Several of the lots along White Oak Road possess less than 200 feet of frontage. Granting this variance will therefore not alter the essential character of the neighborhood or threaten the health safety or general welfare of the public. Based on the above, it is our belief that this proposal will have no negative impacts to the public. We believe that developing an 11 plus acre parcel into 2 lots while preserving large acreage would not be contrary to the public interest. For this and all the reasons noted above we believe granting this variance would do substantial justice and allow for the productive use of a large tract of land. The current proposal is certainly a reasonable use of the property.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:
This proposal consists of subdividing an 11 plus acre parcel into 2 residential lots. The use is consistent with the zoning and the surroundings and will have no negative impacts on the surrounding properties. Since this proposal is consistent with neighboring properties and for the reasons stated above we do not believe that this proposal would have any negative

impact on the surrounding properties. We believe that this proposal may increase the surrounding property values as it will allow for new construction on larger lots.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- i. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

The subject property is unique given its geometry and size. Granting this variance would allow for the productive use of the existing property. The zoning for the property is Rural, which has a minimum lot size requirement of 2 acres of area with 200 feet of frontage. It is our believe that the development of this 11+ acre property into 2 residential lots is reasonable and fair when you contemplate the purpose of the ordinance provision and the specific application of that provision to the property. This proposal seeks a variance to permit a 4.043 acre lot with 155.66 feet of frontage which is 44.34 feet short of the required 200 feet. The purpose of this section of the ordinance is to provide adequate spacing and buffering between homes and to prevent overcrowding. The development of the subject parcel will provide adequate space and buffering between homes and therefore we believe there is no fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property.

We believe this property does possess special conditions as it is very unique in its geometry and size. As stated above, the property has 355.66 feet of frontage and over 11 acres of land. Although this proposal requires a variance for frontage we believe that this style development is consistent with its surroundings and would be supported by the general public. It is our belief that this proposed subdivision meets the spirit and intent of the ordinance especially when you consider the size of the parcel (11+ acres), the size of the lots that are proposed (4+ acres) and the placement of the proposed building site in relation to the surrounding lots. It is our belief that the intent of the ordinance is to provide adequate separation and buffering between land owners and uses. When you have an irregularly shaped parcel like the subject lot then we believe the frontage becomes less critical especially when you can provide for large lots with significant separation from the building sites to adjacent lots. When you evaluate the proposal from this standpoint we believe the proposal certainly is consistent with its surroundings and in our opinion meets the spirit of the ordinance. We therefore believe that no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property and that a denial of this variance request would result in unnecessary hardship for the reasons stated above.

ii. The proposed use is a reasonable one because:

As stated above we believe that this proposal meets the spirit and intent of the ordinance as it will provide for safe access, large lots and adequate buffering. This proposal will also be consistent with its surroundings and will result in no negative impact to the public. When you evaluate the development potential for this parcel it is our opinion that the proposed 2 lot subdivision is reasonable as it will create larger lots with plenty of buffering from adjacent properties. For this and all the reasons previously stated we believe that the proposed use and development are reasonable.

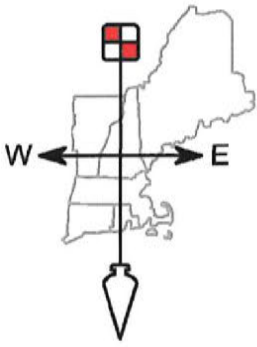
B. If the criteria in subparagraph (A) are not established, explain how an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property because:

The subject parcel consists of 11+ acres with 355.66 feet of frontage and is currently a single-family residential lot. We believe that the geometry and size of the property are special conditions that distinguish it from other properties in the area. The frontage of the property limits its reasonable use and therefore a variance is necessary to enable the proposed 2 lot subdivision which we certainly believe is a practical use when you consider the size of the lots and the separation and buffering that will exist between all proposed lots. This subdivision will be consistent with the surroundings.

This information was prepared by:
Fieldstone Land Consultants, PLLC



Daniel Barowski, SIT



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206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
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January 25, 2024
FLC#3522.00 / DEB

List of Abutters
Tax Map 417 Lot Number 12
Gilmanton, New Hampshire

Map 417 Lot 12
George S. Foresyth II
c/o George S. Foresyth I
72 Maple Street
Center Barnstead, NH 03225

Map 417 Lot 6
Brad M. Beauregard
PO Box 111
Gilmanton IW, NH 03837

Map 417 Lot 8
Cassandra R. & Dylan K. Raymond
95 White Oak Road
Gilmanton IW, NH 03837

Map 417 Lot 9
Kevin J. O'Brien
102 White Oak Road
Gilmanton IW, NH 03837

Map 417 Lot 10
Mackenzie R. Tetreault
92 White Oak Road
Gilmanton IW, NH 03837

Map 417 Lot 11
Donald L. & Lawrence C. Jones
2182 Ocean Boulevard
Rye, NH 03870

Map 417 Lot 13
Ralph L. Goodwin Jr.
PO Box 25
Gilmanton IW, NH 03837

Barnstead, NH
Map 13 Lot 1
Frederick J. Grenier
550 White Oak Road
Center Barnstead, NH 03225

Barnstead, NH
Map 13 Lot 3
Richard O. & Hulda H. Bickford 2017 Trust
Richard O. & Hulda H. Bickford, Trustees
411 White Oak Road
Center Barnstead, NH 03225

Applicant:
Samantha J. Clements
38 Range Road
Belmont, NH 03220

Engineer:
Fieldstone Land Consultants, PLLC
206 Elm Street
Milford, NH 03055



Photo 1
At Frontage of Parcel
Looking North



Photo 2
At Frontage of Parcel
Looking South

Tax Map Parcel 417-12
78 White Oak Road
Gilmanton, New Hampshire



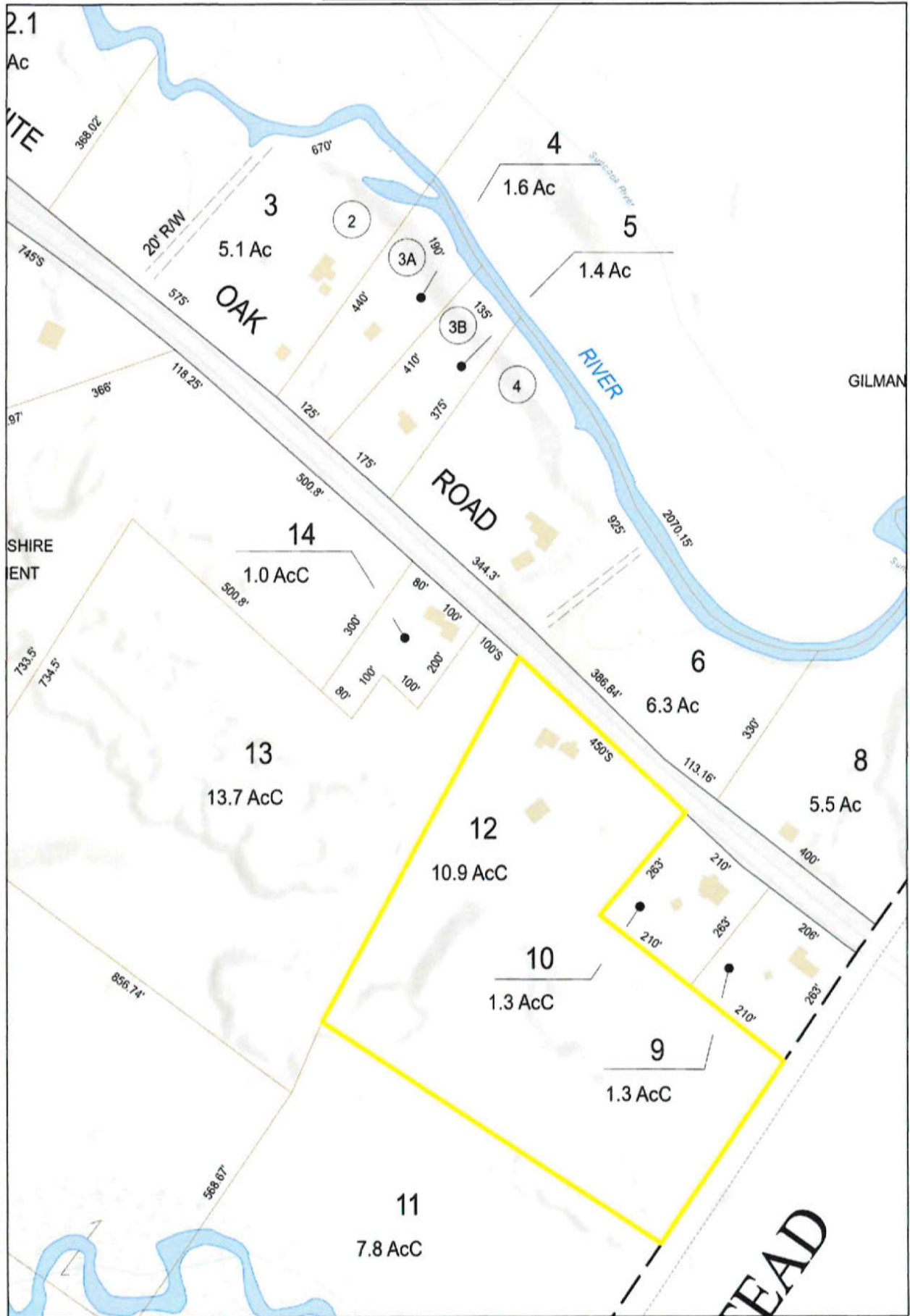
Town of Gilmanon, NH



January 25, 2024

1 inch = 175 Feet

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