

Zoning Board of Adjustment Application Checklist

Town of Newbury Zoning Ordinance can be found at www.newburynh.org

Deadline for Application Submission: The 3rd Monday of each month at 12-noon.

Completed Applications are heard on the 2nd Monday of the following month.

The Checklist below is intended to help the Applicant produce a "complete" Application. The Zoning Board of Adjustment (ZBA) has compiled this Checklist to help you expedite your Application and prepare you for your Hearing. All the items below must be included in your Application *unless* the Land Use Coordinator determines an item is not applicable to your Application. Check off each item on the list of required materials below upon completion. If any item is missing, the Application is considered "incomplete" and the ZBA will not be able to proceed with a Hearing. Check each box when you have completed the request.

The items required are listed below:

- ☒ **Checklist-** showing that all documents have been submitted **(10 copies)**
- ~~WA~~ ☐ ~~Denied Building Permit AND Denial Letter from the Code Enforcement Officer (10 copies) LUC Memo~~
- ☒ **Application (10 copies)**
- ☒ **Abutter List (10 copies)**
- ☒ **Application Fee.** Please make check payable to the Town of Newbury.
- ~~WA~~ ☐ If using an agent, written authorization for agent. Please include the name and address of agent, name and address of the property owner, and signature of property owner. **(10 copies)**
- ☒ **A Map to the property with written directions from the Newbury Town Office at 937 Route 103, to the property under review. (10 copies)**

****Please provide 1 (one) full-size copy and 10 copies measuring 11" x 17" of the following:**

****Site Plan** (to scale). The Site Plan should show the following:

- ☒ Buildings (existing and proposed-with roofline overhangs shown)
- ☒ Property lines and setbacks
- ☒ Septic system(s)
- ~~WA~~ ☐ Water well(s)
- ☒ Driveways, steps, retaining walls, patios
- ☒ Directional arrow indicating "north" (N)
- ☒ Landscape Plan

****Architectural Drawings** (to scale) The Drawing should show the following:

- ☒ Floor plan
- ☒ Elevations, with building height dimensions to grade

☐ ****Stormwater Management Plan** – see Article 21 of Town of Newbury Zoning Ordinance

****Erosion Control Plan** (to scale) The Plan should show the following:

- ~~WA~~ ☐ Temporary erosion control plan – see Article 7.10 of Town of Newbury Zoning Ordinance
- ☐ Permanent erosion control plan – see Article 7.10 of Town of Newbury Zoning Ordinance

☐ **Photos:** One (1) Set of photos would be helpful for your presentation, however photos are not required.

MEMO

To: Newbury Zoning Board
From: Tiffany Favreau, Land Use Coordinator
Subject: ZBA Case 20-12
Date: November 16, 2020

Variance from Article 5.9.1 for placement of a 12'X16' shed in 30' right of way setback

Application for a Variance

ZONING BOARD OF ADJUSTMENT
NEWBURY, NEW HAMPSHIRE

RECEIVED

OCT 29 2020

BY: T. Tarran

It is recommended that Applicant consult with Land Use Coordinator before completing this Application.

Property Owner: JOHN GALLUZZO

Mailing Address: 20 VICTORIA DR LONDONDERRY, NH 03053

Telephone: 603 548 6582

LOCATION OF PROPERTY: 133 GERALD DR NEWBURY, NH 03255

MAP# 39 LOT# 726, 204

PROPERTY OWNER'S AGENT: _____

ADDRESS: _____ PHONE: _____

EMAIL: _____ CELL: _____

(FOR MUNICIPAL USE ONLY)

Fee ☒ Abutter List ☒

APPLICATION FOR A VARIANCE

A variance is requested from article 5 section 5.9.1 of the zoning ordinance to permit

NOTE: This application is not acceptable unless all required statements below have been answered.
This information may be supplied on a separate sheet and attached to this application.

Applicant must satisfy all five criteria to obtain a variance.

The Board may, on an appeal, grant a variance from the provisions of this Ordinance, if ALL the facts specified below are found by the Board. A request for a variance, which cannot satisfy the dimensional requirements of the ordinance, shall be considered unreasonable in terms of the ordinance.

16.8.1 The variance will not be contrary to the public interest because: PLACING THE SHED ON AN
- EXISTING IMPERVIOUS SURFACE MEANS NO DISRUPTION TO OTHER
AREAS AND WILL NOT CREATE ADDITIONAL IMPERVIOUS SURFACE.

- IF FURTHER SET BACK IS REQUIRED IN ADDITION TO ABOVE AN
EXISTING STONEWALL THAT ONCE BORDERED THE OLD CHALKPOND ROAD
WOULD BE IMPACTED.
- THERE ARE OTHER SHEDS ON OTHER PROPERTIES WITH SIMILAR SETBACK ISSUES

16.8.2 Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship,

a. There are special conditions in the property that distinguish it from other properties in the area because:

- IF THE EXISTING IMPERVIOUS WOULD NEED TO BE EXTENDED MUCH
FILL WOULD NEED TO BE ADDED AS THERE IS A SIGNIFICANT DROP
OFF THAT WOULD NEED TO BE FILLED IN.
- EXISTING STONEWALL WOULD BE IMPACTED
- SEVERAL LARGE TREES WOULD NEED TO BE CUT

b. The property is different in a meaningful way from other properties in the area because:

133 GERALD DRIVE IS BORDERED BY 2 DIFFERENT
RIGHTS OF WAY EACH REQUIRING A 30 FT SET BACK

c. The property is burdened more severely by the zoning restrictions because:

- Property bordered by 2 different rights of way which require 30 ft set back
- Because of the additional set back requirement, a steep drop off in property would require filling + tree removal

d. Because of the special conditions of the property, the proposed use of the property is reasonable because:

- Does NOT introduce additional impervious surface area
- Saves removal of existing mature trees
- Preserves existing stone wall

16.8.3 The variance is consistent with the spirit of the ordinance since:

- It is using existing impervious surface
- Does not create any new impervious surfaces / maintains existing sq/ft of impervious surface

16.8.4 Substantial justice is done because:

NEW SHED ALLOWS FOR STORAGE OF KAYAKS, CANOES, BIKES, LAWN FURNITURE USUALLY SPREAD IN GRASS IN YARD. CREATES A MORE PLEASANT PROPERTY TO NEIGHBORHOOD

16.8.5 The value of surrounding properties will not be diminished because:

THE SHED WILL MATCH IN COLOR STYLE THE EXISTING HOME. IT WILL LOOK AESTHETICALLY PLEASING AND NOT OUT OF PLACE WITH ITS SURROUNDINGS.

FUNCTIONALLY AND AS NOTED ABOVE, IT CREATES A NEATER / CLEANER YARD.

I have attached all the supporting documentation required and hereby certify that all of the information contained herein is true and accurate to the best of my knowledge.

Applicant

John Gally

Date

10/26/20

By signing this application, you are granting to the Zoning Board of Adjustment, its members and representatives, permission to walk on and inspect your land.

Revised 1/1/2010 as per RSA 674:33, I (b)



Abutters List Report

Tri Town, NH
October 22, 2020

Subject Property:

Parcel Number: NewB-0039-0724-0369
CAMA Number: NewB-0039-0724-0369-0000
Property Address: 133 GERALD DRIVE

Mailing Address: GALLUZZO, JOHN & KIM
20 VICTORIA DRIVE
LONDONDERRY, NH 03053

Abutters:

Parcel Number: NewB-0039-0625-0376
CAMA Number: NewB-0039-0625-0376-0000
Property Address: 372 CHALK POND RD

Mailing Address: RUSSELL IRREVOCABLE TRUST C/O
STEVEN & SUZANNE RUSSELL
372 CHALK POND RD
NEWBURY, NH 03255

Parcel Number: NewB-0039-0702-0340
CAMA Number: NewB-0039-0702-0340-0000
Property Address: 384 CHALK POND RD

Mailing Address: ADIE REV. TRUST, JEFFREY S.
PO BOX 822
GRANTHAM, NH 03753

Parcel Number: NewB-0039-0726-0204
CAMA Number: NewB-0039-0726-0204-0000
Property Address: CHALK POND RD

Mailing Address: AUDUBON SOCIETY OF NEW
HAMPSHIRE
84 SILK FARM RD
CONCORD, NH 03301

Parcel Number: NewB-0039-0729-0383
CAMA Number: NewB-0039-0729-0383-0000
Property Address: 134 GERALD DRIVE

Mailing Address: FILEP, CHARLES W. & SANDRA H.
1026 OLDFIELD ROAD
FAIRFIELD, CT 06824

Parcel Number: NewB-029A-0735-0352
CAMA Number: NewB-029A-0735-0352-0000
Property Address: GERALD DRIVE

Mailing Address: SUNAPEE HILLS ASSOCIATION INC
PO BOX 8
NEWBURY, NH 03255



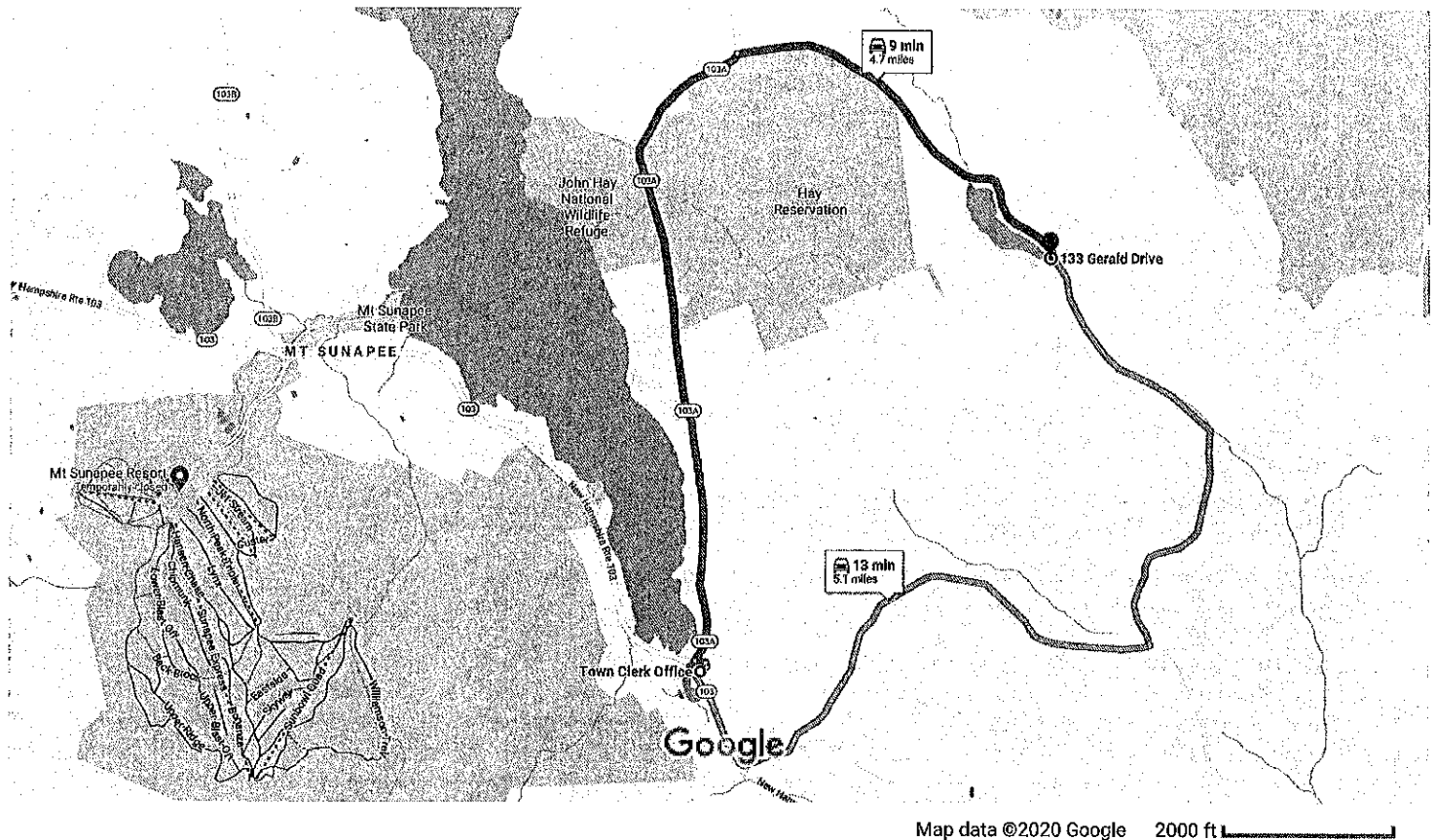
www.cai-tech.com

10/22/2020

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Page 1 of 1

Google Maps Town Clerk Office to 133 Gerald Drive, Newbury, NH Drive 4.7 miles, 9 min



Town Clerk Office

937 New Hampshire Rte 103, Newbury, NH 03255

- ↑ 1. Head north toward Fishersfield Rd
131 ft
 - ↩ 2. Turn left toward Fishersfield Rd
102 ft
 - ↩ 3. Turn left onto Fishersfield Rd
246 ft
 - ↗ 4. Turn right onto NH-103A N
2.9 mi
 - ↗ 5. Turn right onto Chalk Pond Rd
1.8 mi
 - ↗ 6. Turn right onto Gerald Dr
144 ft
- 📍 Destination will be on the left

133 Gerald Dr

Newbury, NH 03255

More filters

1 Clerk/Tax

Memont Rd
PM (603) 763-2449
Website
Directions

Memorial Hall
Main St
Directions

Clerk
Office - 93 Main St
(603) 927-2401
Website
Directions

te mentions hall town

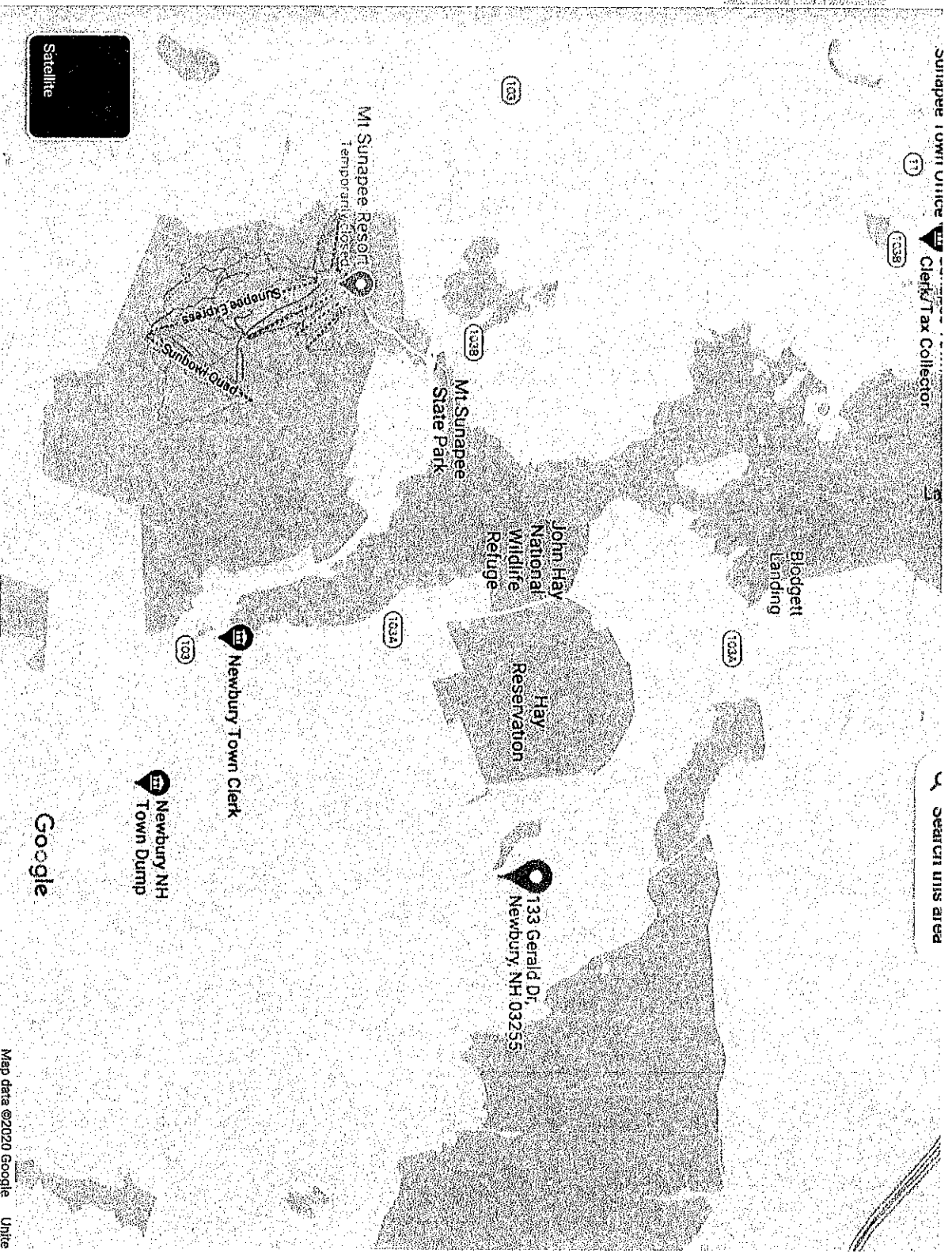
1 Clerk
Office - E Main St
2:00 PM
Website
Directions

te mentions town hall

1 Clerk

1 - 20

s when map moves



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Add/Remove

⌕

Search

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Zoom

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Address

⌕

Layers

⌕

Abutters

9-0000

KIM

Parcel #: NewB-0039-0724-0369

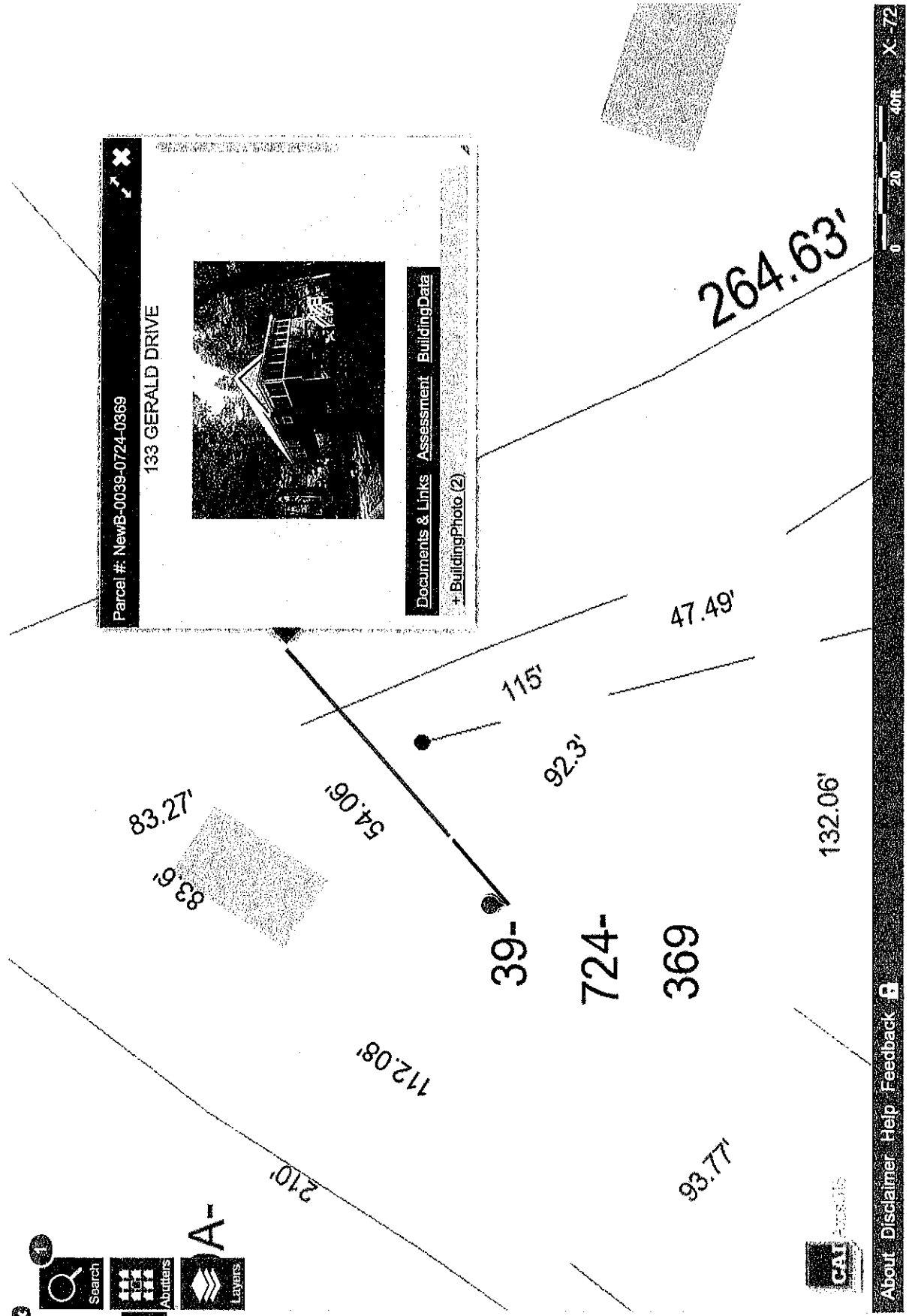
133 GERALD DRIVE

Documents & Links

Assessment

BuildingData

+ BuildingPhoto (2)

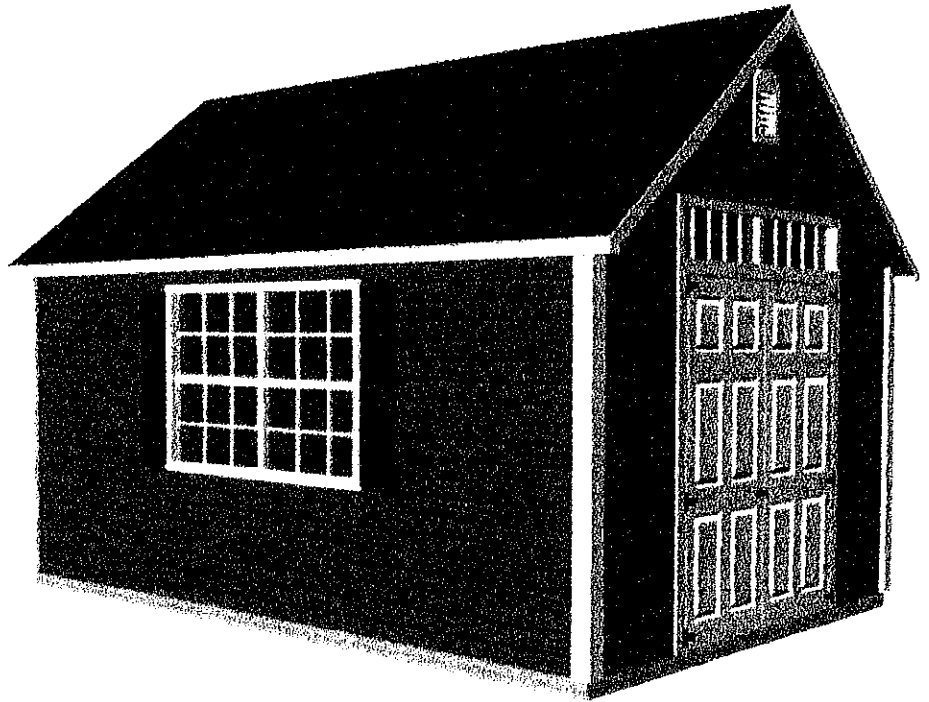


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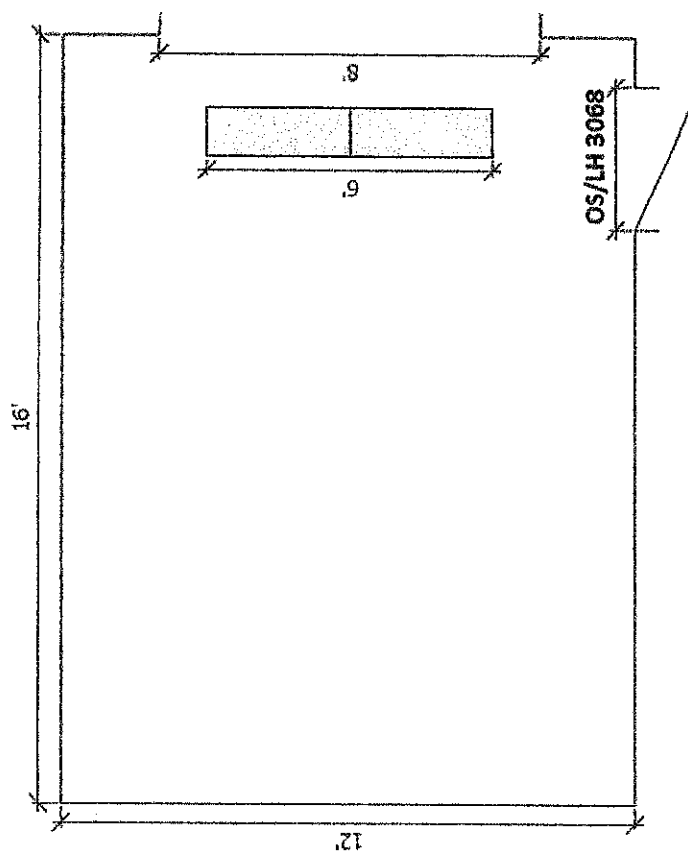
SHUTTERS: Black



HGT = 12'-8"



Rich in tradition and functional
REEDS FERRY® SHED GALLERY



RE: Shoreland Permit - questions**Rosemary Aures** <rosemary.e.aures@des.nh.gov>

2:13 PM

To JOHN GALLUZZO

Reply Forward Delete

2 attachments ▸ View Download

Mr. Galluzzo,

Per our phone conversation this afternoon regarding your shed project, please see the following:
Per RSA 483-B for Shoreland Permitting in NH, within the protected shoreland of 250 horizontal feet from the water reference line, new construction or construction that modifies the footprint of existing impervious surfaces, using mechanized equipment to either excavate, remove or form a cavity within the ground and filling any areas with rocks, soil, gravel or sand requires a shoreland impact permit.

A shoreland permit is not required for the maintenance, repair or modification of an existing driveway, including repaving (or placement of fresh gravel), provided that there is no increase in impervious area. Putting the shed within the previous impervious driveway surface footprint then would also not need Shoreland Permitting.

Many low impact activities that propose no greater than 1,500 square feet of total impact area, of which no more than 900 square feet is new impervious area, may qualify for a shoreland permit by notification.

Impacts that will occur within surface waters or their banks, including replenishing beach sand, or within wetlands, tidal areas or the 100 feet tidal buffer zone and sand dunes are jurisdictional under RSA 482-A and require a wetlands impact permit.

Also, you will find the Vegetation Management fact sheet helpful, too.

Let me know if you have more questions.

Rosemary Aures

Rosemary Aures, Shoreland Specialist
Shoreland Program, Land Resources Management
Water Division, NH Department of Environmental Services
PO Box 95
29 Hazen Drive
Concord, NH 03302-0095
Phone: (603) 271-4058
Email: Rosemary.Aures@des.nh.gov
<http://des.nh.gov/organization/divisions/water/wetlands/index.htm>

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