Town of Dunbarton, New Hampshire  
Zoning Board of Adjustment  
1011 School Street, Dunbarton, NH 03046  
Phone: (603) 774-3541 Ext. 106  Fax (603) 774-5541  
E-mail: building@dunbartonnh.org

DUNBARTON ZONING BOARD OF ADJUSTMENT  
APPLICATION FOR HEARING

#2020-26A-005

Name of Applicant:  
Michael J Baier and Dana S Baier

Mailing Address:  
229 Twist Hill Road, Dunbarton, NH 03046

Telephone (days):  
603-545-5233 / 603-568-1172

Name of Property Owner:  
Thomas D. Dewey (Estate) and Robert Dewey (Executor)

Mailing Address:  
233 Twist Hill Road, Dunbarton, NH 03046  
222R Silver Street, North Granby, CT 06060

Telephone (days):  
413-537-0150

Tax Map:  
B7  Block 01  Lot 08

Location of Property:  
233 Twist Hill Road, Dunbarton, NH

Zoning of property in question (see zoning map in current Zoning Ordinance):

Circle one:  
LDR  MDR  VD  MFD

Section of the Dunbarton Zoning Ordinance under which your application was denied, or you believe your proposal relates to:

Page:  
12-17  Section:  Article 4  Paragraph:  I & II

** A copy of your denied Building/Use Application must be attached**

This application is for:  
_____ Variance  
_____ Appeal of Administrative Decision  
_____ Equitable Waiver  
_____ Rehearing (if granted)  
____ X Special Exception

The undersigned hereby requests a Variance, Administrative Appeal, Equitable Waiver and/or Special Exception in order to permit the following:

In addition to the uses permitted by the Dunbarton Zoning Ordinance, the applicants request a Special Exception to allow business use of 233 Twist Hill Road. The applicants reside in the adjacent lot at 229 Twist Hill Road, and have agreed to purchase 233. Business use would be similar in nature to a home office or occupation, but cannot strictly meet the conditions of Article 4, Section II A.5.a., e.g. residing in the building. Use would include professional services and technology-related business, as Dana is a licensed real estate agent and Mike is an electrical engineer.

NOTE: This application is not acceptable unless all required statements have been completed. Additional information may be supplied on a separate sheet if the space provided is inadequate.
SPECIAL EXCEPTION
(Article 15)

In order to secure a special exception, the Zoning Board of Adjustment must determine that your request is in harmony with the general purpose and intent of this Ordinance and meets all the following criteria. Please provide a written response along with any other supporting documentation for each of the following criteria. Should the space provided be inadequate, please attach additional pages to this application.

1) No detriment to property values in the vicinity of the proposed development will result on account of: the location or scale of buildings, structures, parking areas or other accessways; the emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or the unsightly outdoor storage of equipment, vehicles or other materials.
   **No changes should be required to the structure beyond improvements consistent with its residential nature (e.g. air conditioning).** There is a two car garage and parking in the driveway for a few other vehicles. Technology-related activities may involve some use of soldering irons, but not at a level that would result in undesirable emissions. Outdoor storage of business-related items is not expected. Vehicles in the parking area are not readily visible from the street due to the geography and shape of the driveway. At some time in the future, the applicants may choose to transfer ownership of the property to a business entity in which they have an interest, it is not expected this will affect property values.

2) No hazard will be caused to the public or adjacent property on account of potential fire, explosion or release of toxic materials.
   **No hazard to the public or adjacent property is expected.**

3) No creation of a traffic safety hazard or substantial traffic congestion in the vicinity of the proposed development.
   **Twist Hill Road typically has a steady flow of traffic during the day and night. Use of the property is not expected to change this flow significantly.** Short term plans include use of the structure by the applicants, by another real estate agent from Dana's brokerage, and as meeting space for real estate customers and service providers. Future use may include a reasonable number of associates, independent contractors, and/or employees. Personal or business related deliveries may also be made directly to the property (e.g. UPS, FedEx, Amazon).

4) No excessive demand on municipal services and facilities, including, but not limited to waste disposal, police and fire protection and schools.
   **No excessive demand is expected on these services and facilities from business use. Long term residential tenants may have children and wish to use the school system. Short term or “vacation rental” tenants should not place excessive demand on municipal services or facilities. The applicants’ long term goal is to use the property primarily for their own business purposes, rather than leasing it to tenants.**

5) The proposed use will not result in the degradation of existing surface and groundwater water quality standards, nor will it have adverse effects on the natural functions of wetlands on the site which would result in the loss of significant habitat or flood control protection.
   **No degradation of these items is expected.**

6) In addition to the standards specified above, special exceptions may be subject to appropriate conditions including the following: (RSA 674:33-IV):
1) Front, side, or rear yards in excess of the minimum requirements of this Ordinance; There are no plans to change the site and it meets the Ordinance requirements. The available Plot Plan (Attachment A) appears to have been produced prior to site work and construction. It does not show the driveway in detail, but the existing driveway does not route to the structure and garage as it appears to on the Plot Plan. See Attachment C, Google Maps Aerial View.

2) Screening of the premises from the street or adjacent property by walls, fences, or other devices; Street visibility of the structure and parking area is already limited. See Attachment D, Bing Maps “Street View” photo.

3) Limitations on the size of buildings and other structures more stringent than the minimum or maximum requirements of the Dunbarton Zoning Ordinance; There are no plans to change the site and it meets the Ordinance requirements.

4) Limitations on the number of occupants and methods and times of operation; The applicants do not intend to impose limits on the times of operation, as real estate agency often requires “round the clock” customer service. Vehicles are not likely to enter or exit the property between the hours of 11:00 PM and 7:00 AM as the applicants can walk to and from the property. The applicants have not reviewed relevant occupancy regulations but intend to comply with them. It is assumed in this application that a 4-bedroom residential structure can accommodate at least 8 continuous occupants and any necessary short term visitors.

5) Regulation of the design and location of access drives, sidewalks and other traffic features; The site already has a driveway with parking spaces and is not expected to need other access features.

6) Location and amount of parking and loading spaces in excess of existing standards; No need for additional parking or loading area is expected in the short term. If the need arises for additional parking in the long term it will be addressed in accordance with the appropriate Ordinances.

7) Regulation of the number, size, and lighting of signs in excess of existing standards. The applicants request the option to install signs for up to two distinct business uses at the road and/or near/on the structure. This will assist visitors in locating the property and the correct entry. Street signs will be non-electric and comply with the size and lighting requirements for home occupations. Signs on the structure will be sized and/or located to limit visibility from the street.
Return to:
Thomas D. Dewey
233 Twist Hill Road, Lot No. 8
Dunbarton, NH 03046

WARRANTY DEED

DiPietro Homes, LLC, a New Hampshire Limited Liability Company, of 8 Easy Street, Windham, NH, for consideration paid to Thomas D. Dewey, unmarried, of 25 Powers Street, #85, Milford, NH, with warranty covenants;

A certain tract of land, with the buildings thereon, situate in Dunbarton, County of Merrimack, State of New Hampshire, being shown as Lot 8 Map B7 Block 1 on "Corrective Boundary Plan of Lots 7 & 8, Map B7 Block 1, Twist Hill Road, Dunbarton NH Merrimack County", dated April 17, 2003 and recorded in the Merrimack County Registry of Deeds as Plan #16370, to which plan reference may be made for a more particular description.

Subject to any and all matters as shown on Plan No. 16370.

Meaning and intending to describe and convey the same premises conveyed by deed of Marie Ange Audet to DiPietro Homes, LLC dated April 22, 2003, and recorded in the Merrimack County Registry of Deeds at Book 2494, Page 1265.

Executed this May 28, 2004.

DiPietro Homes, LLC

By: 
Rocco DiPietro, Managing Member
Duly Authorized

STATE OF NEW HAMPSHIRE
Hillsborough, SS

The foregoing was acknowledged before me this May 28, 2004 by Rocco DiPietro, Managing Member of DiPietro Homes, LLC, duly authorized on behalf of DiPietro Homes, LLC.

MERRIMACK COUNTY RECORDS

Notary Public/Justice of the Peace
My commission expires:

THOMAS M. WALSH, Justice of the Peace
My Commission Expires July 5, 2008