



Barrington Zoning Board of Adjustment Zoning Ordinance Variance and Special Exception Application Checklist

Please schedule a meeting with staff before submitting your application.

This checklist has been prepared to assist you in submitting a complete application to the Town of Barrington. At the Pre-Application meeting, staff will check off the items on this list that are required with your submission.

This document constitutes a public disclosure under RSA Chapter 91 – A, Access to Governmental Records and Meetings.

Date 3/3/2020 Case No. 238-16.4-V-20-ZBA
Owner Tray + Stephen Jackman Mailing Address 23 Village Place Drive
Phone 603-817-6587 Email SKJackman77@Comcast.net

PART I – GENERAL REQUIREMENTS

All Graphics shall be to Scale and Dimensioned

Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.

Req'd	Rec'd
-------	-------

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Zoning Board of Adjustment Application Checklist (<i>this form</i>) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. ZBA General Information (Article(s) and Section(s) of Ordinance) |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Appeal and Decision |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Fees - \$150.00 Application <input checked="" type="checkbox"/> <i>\$287</i>
\$ 75.00 Legal Notice <input checked="" type="checkbox"/>
\$ 7.00 per US Post Office Certified Letter <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Completed Project Application Form
<input type="checkbox"/> Variance <input type="checkbox"/> Special Exception <input type="checkbox"/> Appeal |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Notarized Letter of Authorization (from property owner(s) if property owner did not sign the application form) |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Project Narrative |

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- 8. HOA Approval (*if applicable*)
- 9. Context or Locus Map (Show Surrounding Zoning Districts)
- 10. Existing Conditions Site Plan or Recorded Subdivision Plan to include well and septic location (may be found at Strafford County Registry of Deeds).
- 11. Existing Conditions Photo Exhibit (*See instruction page for submitting photos*)
Up to four photos may be shown per 8 1/2" X 11" page size
 - a. Show all existing structures on site
- 12. List of Certified Abutters (Include Applicant and all licensed professionals, i.e., engineer, architect, land surveyor, or soil scientist, whose seals are affixed to the plan, as well as any holder of a conservation or agricultural easement)
- 13. Mailing Labels (4 sets)

PART II – REQUIRED PLANS AND RELATED DATA
All Graphics and Plans Shall be to Scale and Dimensioned

- 1. Site Plan - **Drawn and Stamped by Registered Land Surveyor**
 - a. 24" X 36" – 2 Copies
 - b. 11' X 17" – 6 Copy
 - c. 8 1/2 " X 11" – 1 Copy
- 2. Elevations: Show all sides of building and indicate building heights
 - a. 24" X 36" – 2 Copies
 - b. 11' X 17" – 6 Copy
 - c. 8 1/2 " X 11" – 1 Copy
- 3. Floor Plans
 - a. 24" X 36" – 2 Copies
 - b. 11' X 17" – 6 Copy
 - c. 8 1/2 " X 11" – 1 Copy
- 4. All drawings and any revised drawings must be submitted in PDF format
- 5. OTHER: _____
- 6. Your Appointment Date and Time for Submitting the Complete Application is:

March 18, 2020

Barbara Dwyne
Staff Signature

3/4/2020
Date

Land Use Department
Town of Barrington; 137 Ramsdell Lane; Barrington, NH 03825
barrplan@metrocast.net Phone: 603.664.5798

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Replace current dry stack rock wall constructed by REL Builders during the construction with a precast concrete block retaining wall placed along the left property line. A leveling pad will be placed with the front of the pad lying on the applicant's side directly next to the property line. The finished front face of the new wall will be 12" back from the front of the leveling pad.

- The dimensions of the proposed wall are 60'L X 7'H X 2'W.
Note that only 45' of the wall will be 7' in height. As the remaining 15' reaches the hillside it will step up into the hillside making it shorter, but still level at the top.
- An engineered stamped design has been secured from Eric Merluzzi and provided with the application.
- The site work and construction of the proposed wall will be performed by Kanon Catano of Kanon Construction LLC.
- The area of the new retaining wall will be backfilled with clean soil bringing the grade to match that of the current driveway and side of the garage.
- The contractor will not need to cross into the neighboring property at any time during this project.

Notes:

- We've provided a Proposed wall drawing with the setbacks noted. We've listed them below for quick reference. We took a copy of the original certified plot plan and noted the proposed wall. We've also provided in the packet a copy of the original stamped plot plan and the invoice showing when it was done. The proposed drawing shows the setbacks to the proposed wall, but we've listed them below for convenience.
 - Rear Setback- From back property line to edge of proposed wall – 97.5'
 - Setback from Well to edge of property – 64'
 - Right side setback – From right side property line proposed wall – 109.6'
 - Front setback – From end of proposed wall to front property line – 165'
 - Left Side Setback- Leveling pad will be placed underground adjacent to the property line on our property. The first row of exposed blocks will be 1' from the property line.
- We also provided in the packet a copy of lot from the sub-division site plan which includes the house setbacks, well, septic and leach field placement.
- Also provided are the stamped engineering plans for the proposed rock wall.

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PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 238-16.4-V-20-2BA

Project Name Replace rock wall w/ 7ft retaining wall

Location Address 23 Village Place Drive

Map and Lot 000238/000016.4

Zoning District (Include Overlay District if Applicable) Village District

Property Details:

- Single Family Residential
- Multifamily Residential
- Manufactured Housing
- Commercial
- Mixed Use
- Agricultural
- Other

Use: Residential - Primary

Number of Buildings: 1 Height: _____

Setbacks: Front 221 Back 103.5 Side 25.5 (L) Side 22.1 (R)

Description of Request

Cite the Section of the Zoning Ordinance you are requesting a Variance or Special Exception for. If this is an Appeal from an Administrative Enforcement Order, Planning Board Decision, or Zoning Board of Adjustment Decision, please attach pertinent documentation:

Article 6.2.4 Table 3 Dimensional Standards - Side Setback of 20ft

Project Narrative: (Please type and attach a separate sheet of paper)

Separate sheet

Barrington Zoning Ordinance Requirements:

Article 6.2.4 - Table 3 provides the minimum standards

for lot dimensions, building setbacks, and other dimensional requirements for subdivisions containing detached single-family dwellings on individual lots.

Request: (You may type and attach a separate sheet of paper) Requesting relief from 20ft side setback noted in article 6.2.4, table 3,

for the 7ft replacement retaining wall called out in the project narrative.

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PART IV – If this is a JUSTIFICATION FOR VARIANCE

The Zoning Board of Adjustment may not authorize a zoning ordinance variation unless ALL of the following criteria are met. Please provide evidence that the requested Variance complies by addressing the issues below.

- 1. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.

Separate sheet

- 2. Granting the variance would be consistent with the spirit of the Ordinance.

Separate sheet

- 3. Granting the variance will not result in diminution of surrounding property values.

Separate sheet

- 4. Granting of the variance would do substantial justice.

Separate sheet

- 5. Granting of the variance would not be contrary to the public interest.

Separate sheet

PART V – If this is a JUSTIFICATION FOR SPECIAL EXCEPTION

Please provide evidence that the requested Special Exception complies by addressing the issues below.

- 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 access ways; the emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or unsightly outdoor storage of equipment, vehicles, or other materials.

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

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Jackman- 2020 Variance Application- Justification Information

Requesting relief from article 6.2.4 table 3 for the side yard setback of 20 ft for the 7ft replacement retaining wall called out in the project narrative.

Justification of Variance

1. Special Conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law:

If the variance is not granted, we will continue to not have proper access to our back yard. Currently access to the back yard is extremely limited on the left-hand side due to the following conditions:

- Weak soil support causing dangerous conditions for even small landscaping equipment. In 2019 a contractor hired for light yard work on the backyard experienced his bobcat slipping towards the walls edge. He then had a portion of the asphalt sidewalk give way due to lack of soil support.
- Continued erosion is reducing the surface space between the garage and the property line as the home is on a slope.

The lack of access to our backyard causes us to not be able to maintain and landscape our yard as we like. It also causes additional costs when we try to do any yard projects as contractors charge more when they have to do the work manually and can't get equipment into the backyard.

The right side of the house cannot be used to access the back yard with equipment as the septic tank is positioned on that side between the house and the property line (Exhibit photo D).

The proposed retaining wall is considered a structure under article 18 (g) (See Exhibit G-) due to the 7 foot height. If we were only replacing the current wall with a 4ft wall it would not be considered a structure and setbacks would not have to be met per article 18.

A 4ft retaining wall will not have sufficient height to support the soil as that's what we are experiencing with the dry stack wall height. We did evaluate the construction of a 2 tier retaining wall each at only 4 feet in height, however this approach would not provide the width needed for access to the backyard. Also, the contractor did not recommend this approach due to the amount of soil the wall will be holding back. The upward slope of our property does not allow for us to take advantage of the 4ft wall and therefore a 7 ft retaining wall is the only means we have to protect our property, our garage and the safety of others. (See Exhibit photo F).

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The additional 3FT of height is a necessity to support the soil leading to the asphalt driveway/walkway and the soil supporting the garage foundation. With the current wall height, soil erosion is occurring. Exhibit photo A shows the left side yard soil pre-close in October 2017. Exhibit photos B1 through B7 show the left side lot as of May 2019 and Exhibit photos C1 through C5 show the current state of the soil as of March 2020. The photos from 2019 and 2020 show the soil erosion and the current wall. These photos show holes in the current wall (Exhibit photos B1, B2 & B3), exposed asphalt edge (Exhibit Photo B4) which was not visible in 2017 and is leading to breaking of the asphalt edges and runoff ruts in the soil (Exhibit Photo B4).

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

Granting of the variance allows for safe use of the property, access to the backyard, reduces risks from rocks shifting or falling due to soil erosion. It also allows for the proper retention of soil to ensure sufficient support of the garage foundation.

3. Granting the variance will not result in diminution of surrounding property values.

The proposed wall provides improved safety for applicant property and direct abutter's property as the current rocks are dry stack and not supporting the soil properly. The proposed wall provides a better aesthetic than the current rock wall and affords the applicant the ability to construct a fence. A fence would provide privacy that can't be accomplished today due to the position of the lot. You can see from Exhibit photo C1 that our property looks directly into our neighbors back yard. Putting a fence at the base of the wall would not provide any privacy as we could see right over it. These reasons would be positive results for surrounding property values.

4. Granting of the variance would do substantial justice.

Allows for reasonable use of property where typical yard equipment can access the backyard. Stops current erosion which poses personal safety risks and foundation support risks. These items would allow us to use our backyard to it's full capacity as we can't currently as there is work that needs to be done that can't be done because equipment does not have an access point to our backyard.

5. Granting of the variance would not be contrary to the public.

Public interest would not be impacted by granting the variance as the design of the wall improves safety, land usage and aesthetics.

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3. No creation of a traffic safety hazard or substantial traffic congestion will result in the vicinity of the proposed development.

4. No excessive demand on municipal services and facilities, including, but not limited to waste disposal, police and fire protection, and schools.

5. The proposed use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site that would result in the loss of significant habitat or flood control protection.

In addition to the guiding principles specified above, the ZBA may condition the granting of a special exception upon more stringent standards if the Board determines that such conditions are necessary to protect the health and welfare of the town and its residents. Such conditions may include the following and should be addressed in the Narrative:

- 1. Front, side, or rear yards in excess of the minimum requirements of this Ordinance.
- 2. Screening of the premises from the street or adjacent property by walls, fences, or other devices.
- 3. Limitations on the size of buildings and other structures more stringent than minimum or maximum requirements of this Ordinance.
- 4. Limitations on the number of occupants and methods and times of operation.
- 5. Regulation of the design and location of access drives, sidewalks, and other traffic features.
- 6. Location and amount of parking and loading spaces in excess of existing standards.
- 7. Regulation of the number, size, and lighting of signs in excess of existing standards.

Tracy Gackman
Signature of Applicant

3/3/2020

Date

Tracy Gackman
Signature of Owner

3/3/2020

Date

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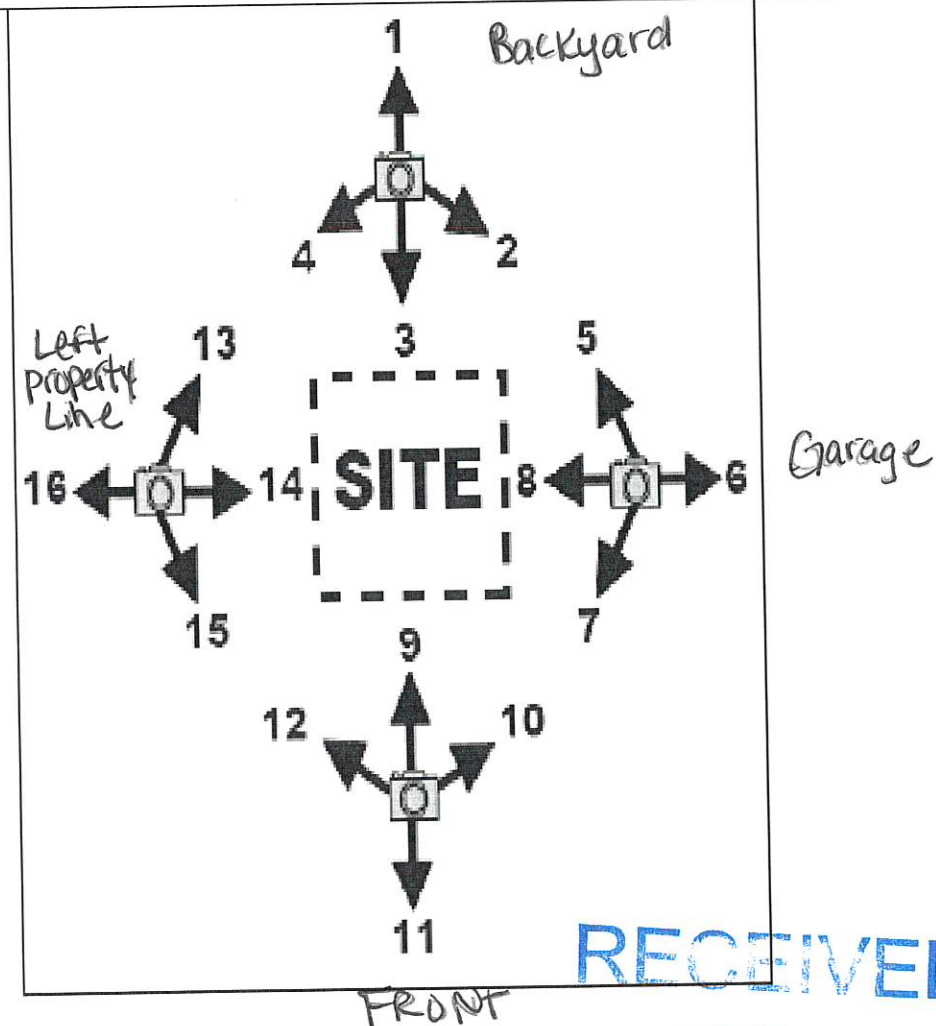
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SITE / CONTEXT PHOTOS

Using Guidelines Below

Provide color photographs showing the site and surrounding buildings/properties in order to provide staff, boards and commissions with a visual impression of the current site conditions.

1. Photos are to be taken looking toward the site and adjacent to the site.
2. Photos should show adjacent improvements and existing on-site conditions.
3. Number the photographs according to view.



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List of Abutters – Jackman 2020 Variance Application

Tracy and Stephen Jackman
23 Village Place Drive
Barrington, NH 03825

LAU AMY & JASON
11 VILLAGE PLACE DR
BARRINGTON, NH 03825

VASILE THOMAS III & KATHLEEN K
33 VILLAGE DRIVE
BARRINGTON, NH 03825

VILLAGE PLACE HOA
C/O GORMAN STEVEN
76 VILLAGE PLACE RD
BARRINGTON, NH 03825

MCKENNA TODD M
28 VILLAGE PLACE DR
BARRINGTON, NH 03825

PIPER MATTHEW AND ARIANNA C
26 VILLAGE PLACE DR
BARRINGTON, NH 03825

PARIS DAVID B & ANNE M
22 VILLAGE PLACE DR
BARRINGTON, NH 03825

VISOSKY JEFFERY M & LAURIE J
18 VILLAGE PLACE DR
BARRINGTON, NH 03825

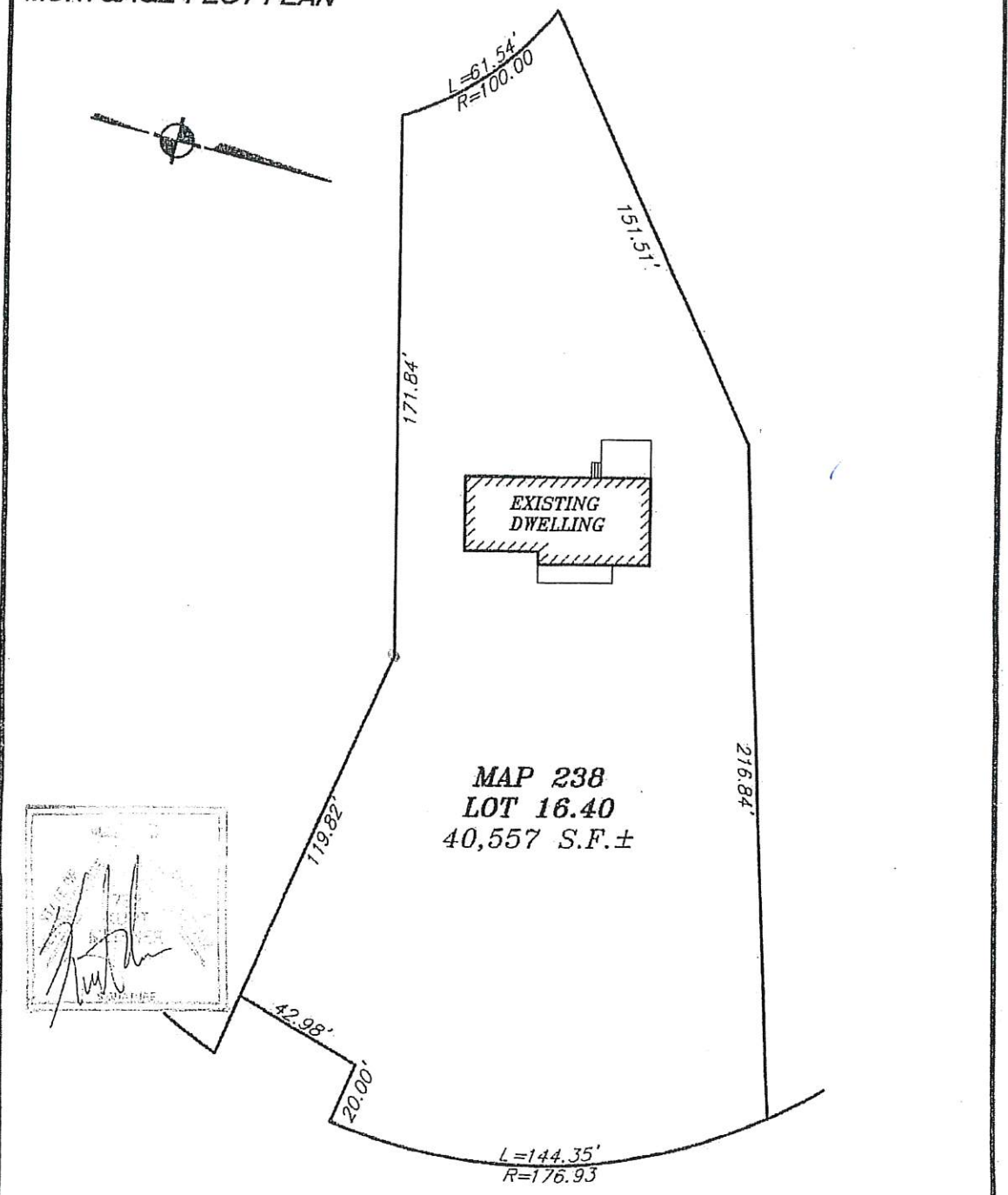
ERIC MERLUZZI
184 ROWENTOWN RD
WENTWORTH, NH 03282

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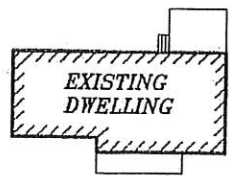
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MORTGAGE PLOT PLAN



**MAP 238
LOT 16.40
40,557 S.F. ±**




VILLAGE PLACE DRIVE

THIS DRAWING IS NOT A SURVEY, FOR MORTGAGE PURPOSES ONLY

STREET: 23 VILLAGE PLACE DR. TOWN & STATE: BARRINGTON, NH DATE: 10/17/2017		
OWNER: REL BUILDERS, LLC	BUYER: TRACY M. & STEPHEN K. JACKMAN	
DEED REFERENCE: 4117/896	PLAN REFERENCE: 106/16-18	
DESIGNATED FLOOD ZONE: X	FIRM MAP COMMUNITY PANEL: 33017C0305E	DATED: 9/30/2015

I HEREBY CERTIFY TO: NORTHPOINT MORTGAGE, INC.
 THAT THE ABOVE MORTGAGE INSPECTION PLAN WAS PREPARED FOR USE IN CONNECTION WITH A NEW MORTGAGE AND IS NOT INTENDED OR REPRESENTED TO BE A PROPERTY LINE OR LAND SURVEY. IT CANNOT BE USED FOR ESTABLISHED FENCE, HEDGE, WALLS OR BUILDING LINES. NO RESPONSIBILITY IS EXTENDED HEREIN TO THE LANDOWNER OR OCCUPANT THE LOCATION OF THE ORIGINAL BUILDING(S) AS SHOWN HEREIN WAS IN COMPLIANCE WITH THE LOCAL APPLICABLE ZONING BYLAWS IN EFFECT WHEN CONSTRUCTED, WITH RESPECT TO HORIZONTAL DIMENSIONAL REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION.

 <p>MEISNER LAND SURVEY 202 WAH STREET, SUITE C1, SALEM, NH 03079 (603) 893-3301</p>	ATTORNEY:	SIGNATURE ESCROW & TITLE SERVICES, LLC
	MORTGAGEE:	NORTHPOINT MORTGAGE, INC.
	JOB NUMBER:	7363.1053

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Meisner Land Survey

INVOICE

202 Main St.
Salem, NH 03079
Phone: 603-893-3301
Fax: 603-893-1977

DATE: October 17, 2017
INVOICE #: 1053
JOB #: 7363

Bill To:
Signature Title Services
501 Islington St
Suite 3B
Portsmouth NH 03801

OWNER: REL Builders
BUYER: Jackman

DESCRIPTION	AMOUNT
Mortgage Plot Plan 23 Village Place Dr. Barrington, NH Residential	150.00
Rush	50.00
TOTAL	\$ 200.00

Make all checks payable to Kurt Meisner, DBA Meisner Land Survey
Please return (one) copy with payment, thank you!

THANK YOU FOR YOUR BUSINESS

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photo pre-close 10/2017

view #3
Exhibit A



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MAY 04 2020

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view #8
Exhibit B1
May 2019

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Spring 2019

View #8
Exhibit B2
MAY 2019



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View # 8

Exhibit B3

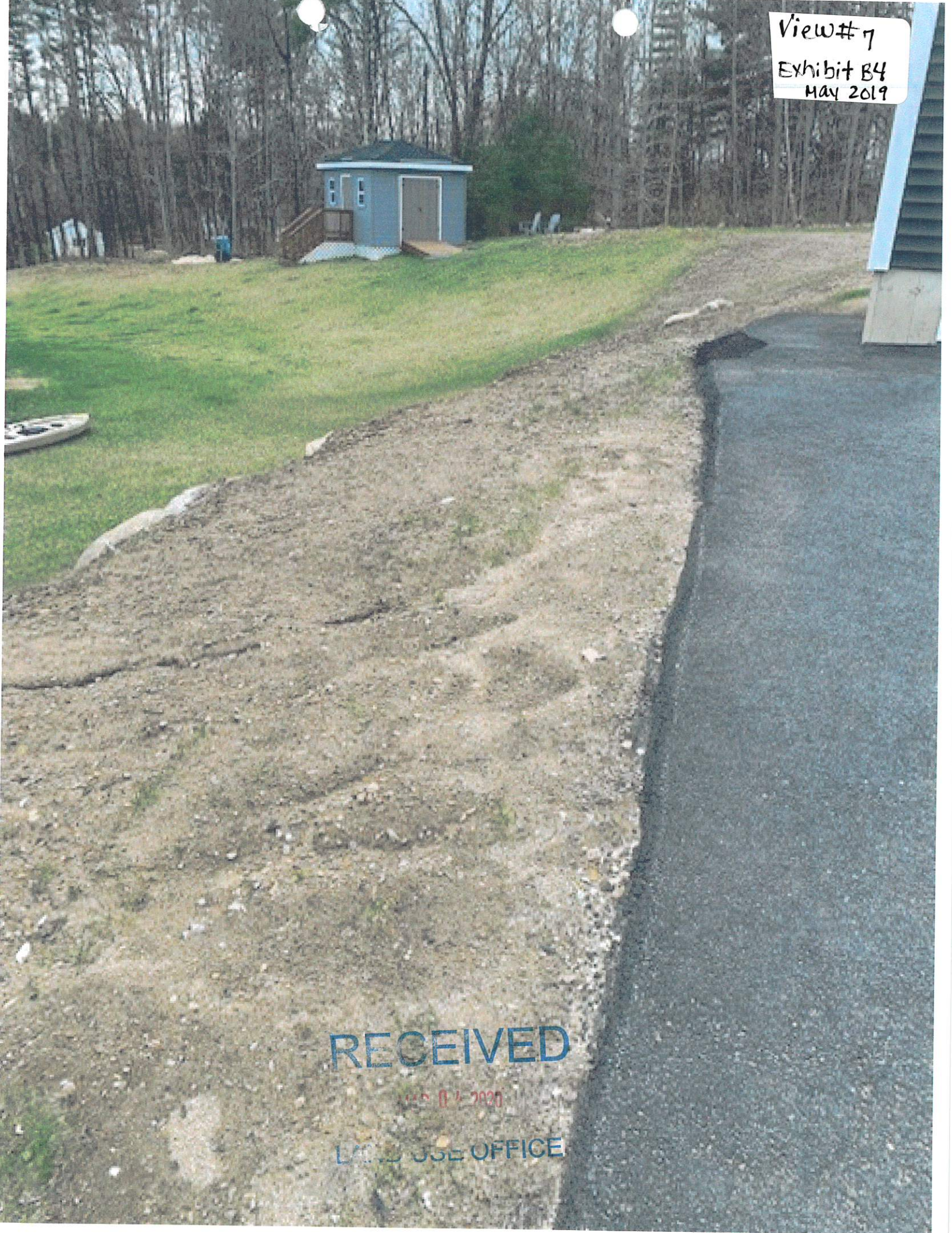
May 2019

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MAY 20 2019

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View# 7
Exhibit B4
May 2019



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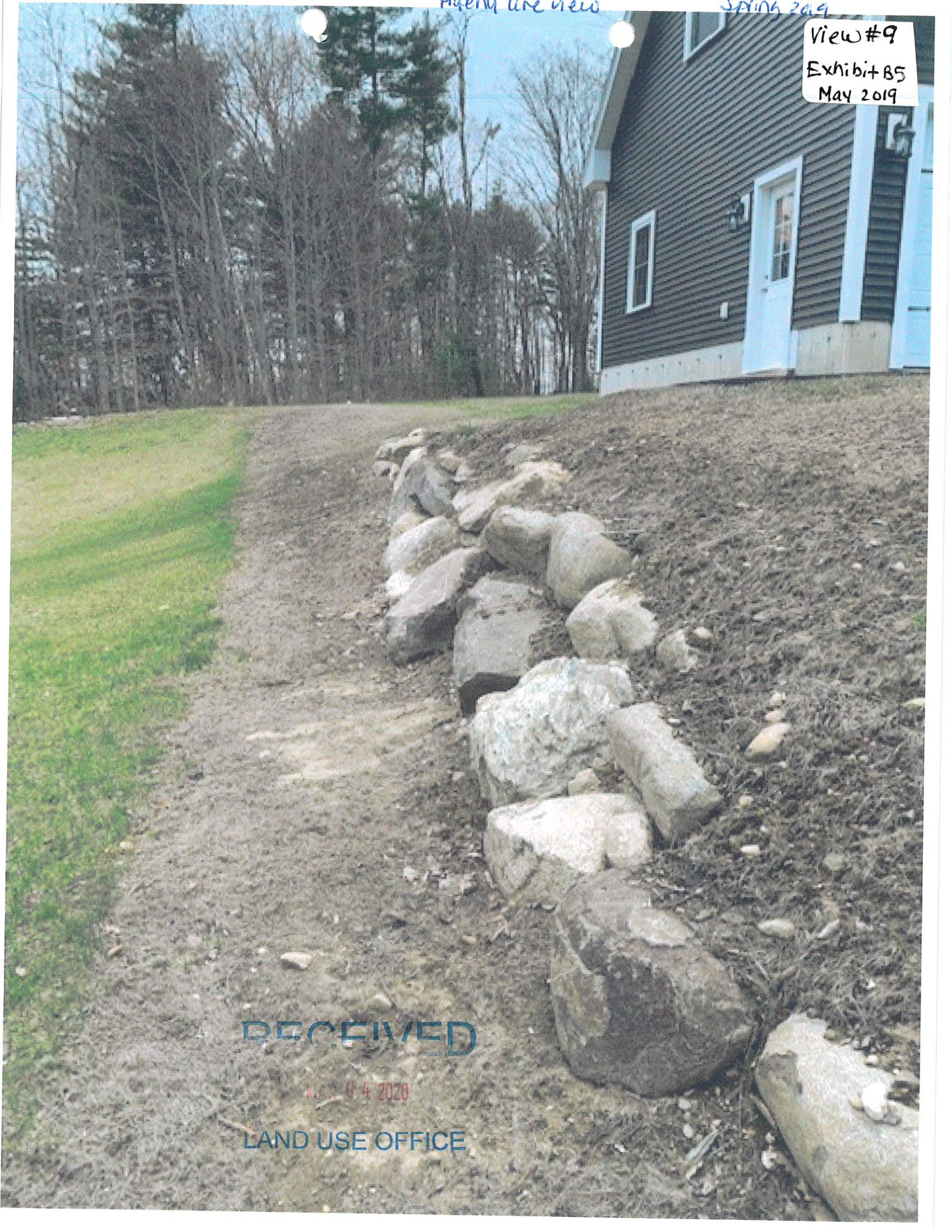
MAY 11 2019

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Agency use view

Spring 2019

View #9
Exhibit B5
May 2019



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MAY 14 2020

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View # 9
Exhibit 86
MAY 2019

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MAY 04 2020

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View #3
Exhibit B7
MAY 2019



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MAY 21 2019

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view #8
Exhibit C1
March 2020



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View #8
Exhibit c2
March 2020

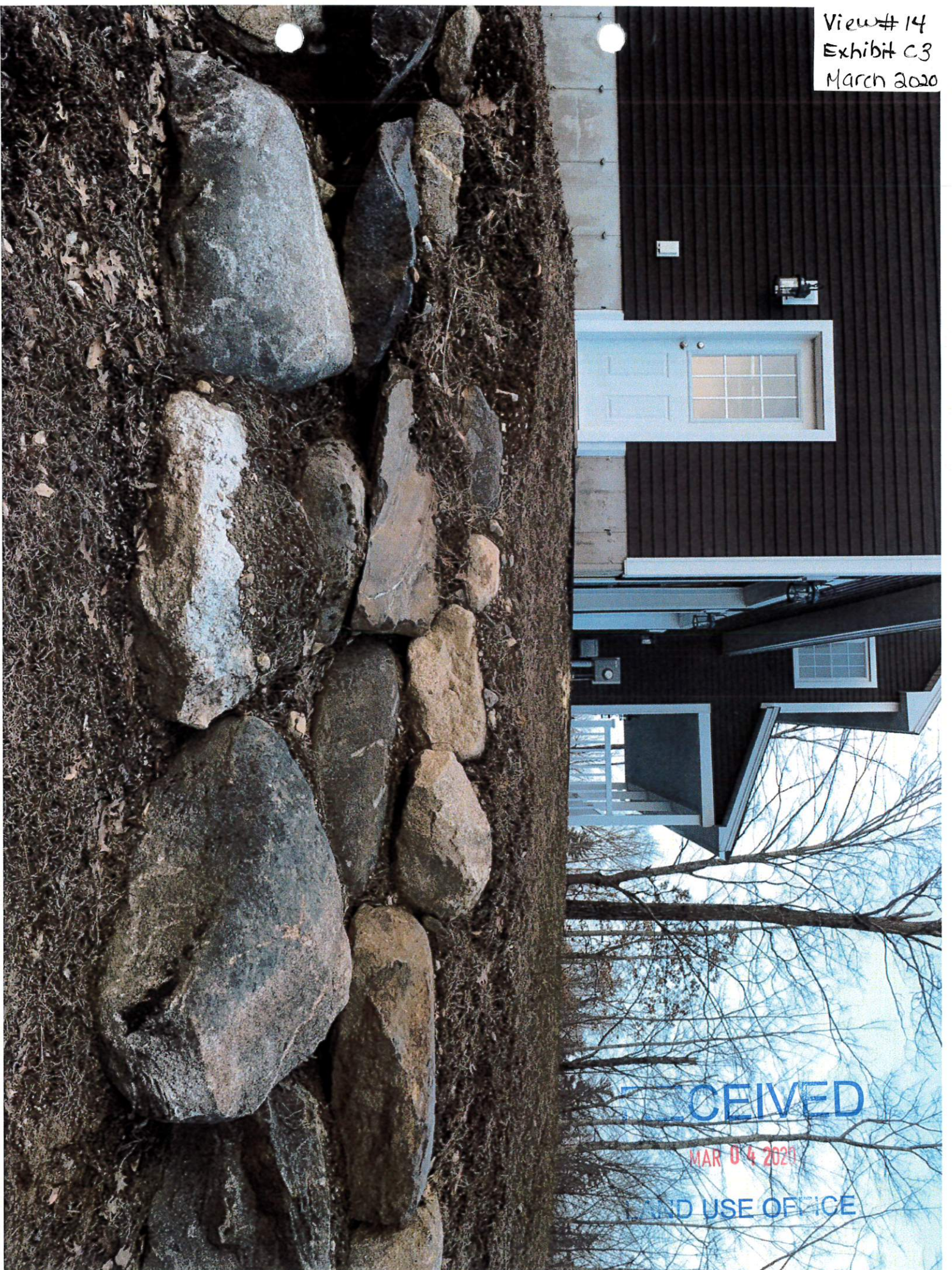


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View# 14
Exhibit C3
March 2020



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View #13
Exhibit C4
March 2020



View #15
Exhibit C5
March 2020

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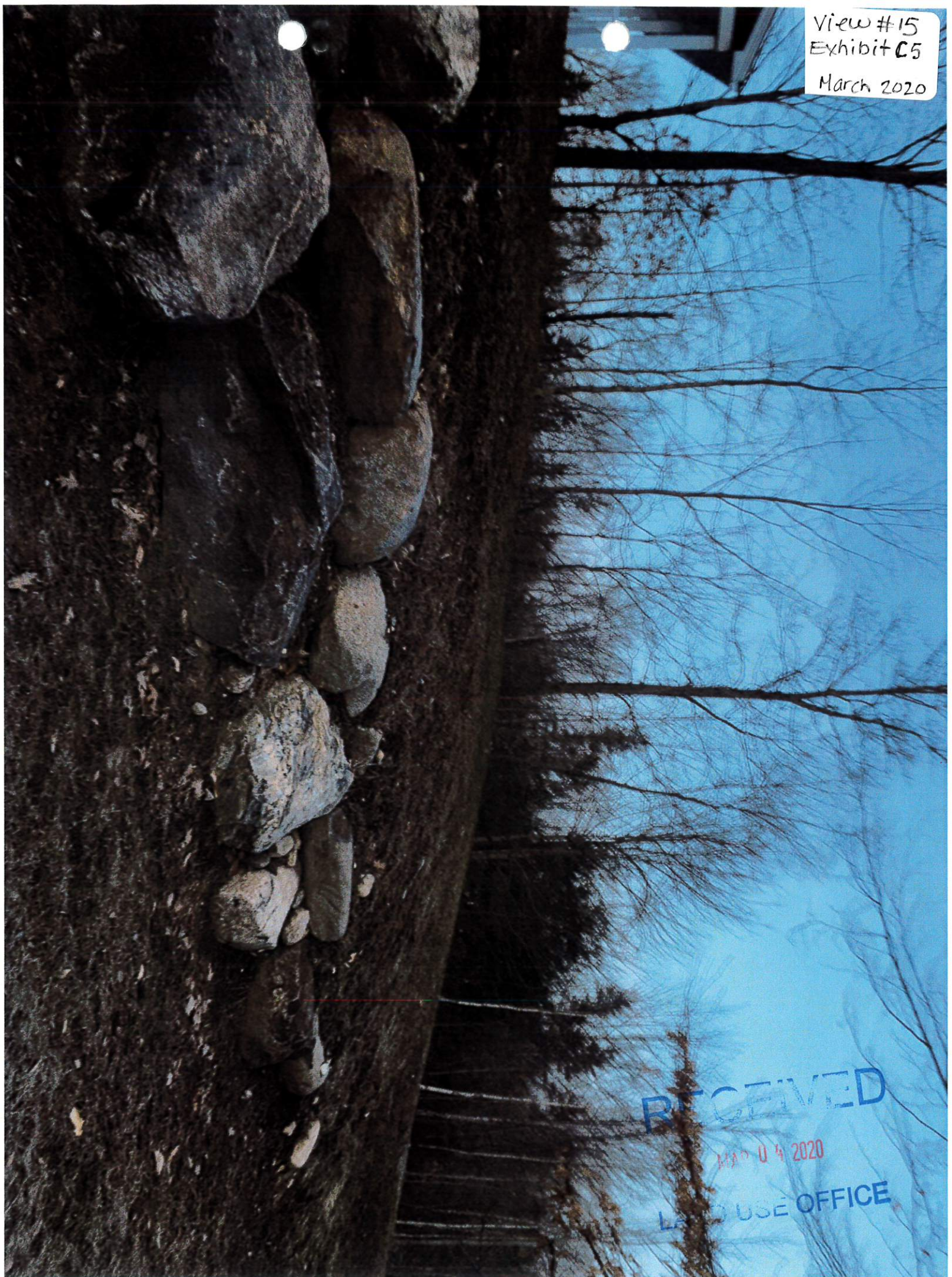


Exhibit D
March 2020



Septic →



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Exhibit E
Block
Example



Sample photo - Not actual site

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height differential

Exhibit F
Height differential
View #9

7 FT

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Stream Areas of flowing water occurring for sufficient time to develop and maintain defined channels but may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.

Street A road, thoroughfare or way that affords the means of access to adjacent lots and is devoted to vehicular travel, and measured from property line to property line. It includes any street, avenue, road, lane, viaduct, boulevard, alley, highway or other way, whether public or private.

Structure (for purposes of Floodplain Management Regulations) For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Structure (3/8/2010) Anything constructed, installed, placed or erected, whether above or below grade. Unless otherwise stated in this Ordinance, the following structures are exempt from the building permit requirements set forth in Section 15.4.1 and shall not be construed as structures for purposes of setback requirements, but shall be so construed for all other purposes. Sheds may require an Administrative Zoning Permit, see Article 9.4.5.

- (a) Signs,
- (b) Stonewalls,
- (c) Septic systems,
- (d) Driveways, sidewalks, parking lots,
- (e) Home propane and heating oil tanks,
- (f) One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, providing the floor area does not exceed 200 square feet,
- (g) Retaining walls that are not over four feet in height measured from the top of the footing to the top of the wall, unless supporting a surcharge, the differential in grade shall be no more than four feet,
- (h) Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons and the ratio of height to diameter or width does not exceed 2 to 1,
- (i) Prefabricated swimming pools that are less than 24 inches deep,
- (j) Swings and other playground equipment,
- (k) Window awnings supported by an exterior wall that does not project more than 54 inches from the exterior wall,
- (l) Heating or cooling equipment,
- (m) Fences,
- (n) Cisterns,
- (o) Wells, provided they meet NHDES requirements, including ancillary equipment,
- (p) Drainage facilities,
- (q) Such structures as are authoritatively deemed required for the Safety of the community and its citizens and
- (r) Utility service lines.

Structure, Accessory A detached structure, the use of which is customarily incidental and subordinate to that of the principal use, principal building or principal structure, and which is located on the same lot as that occupied by the principal use, principal building or principal structure.

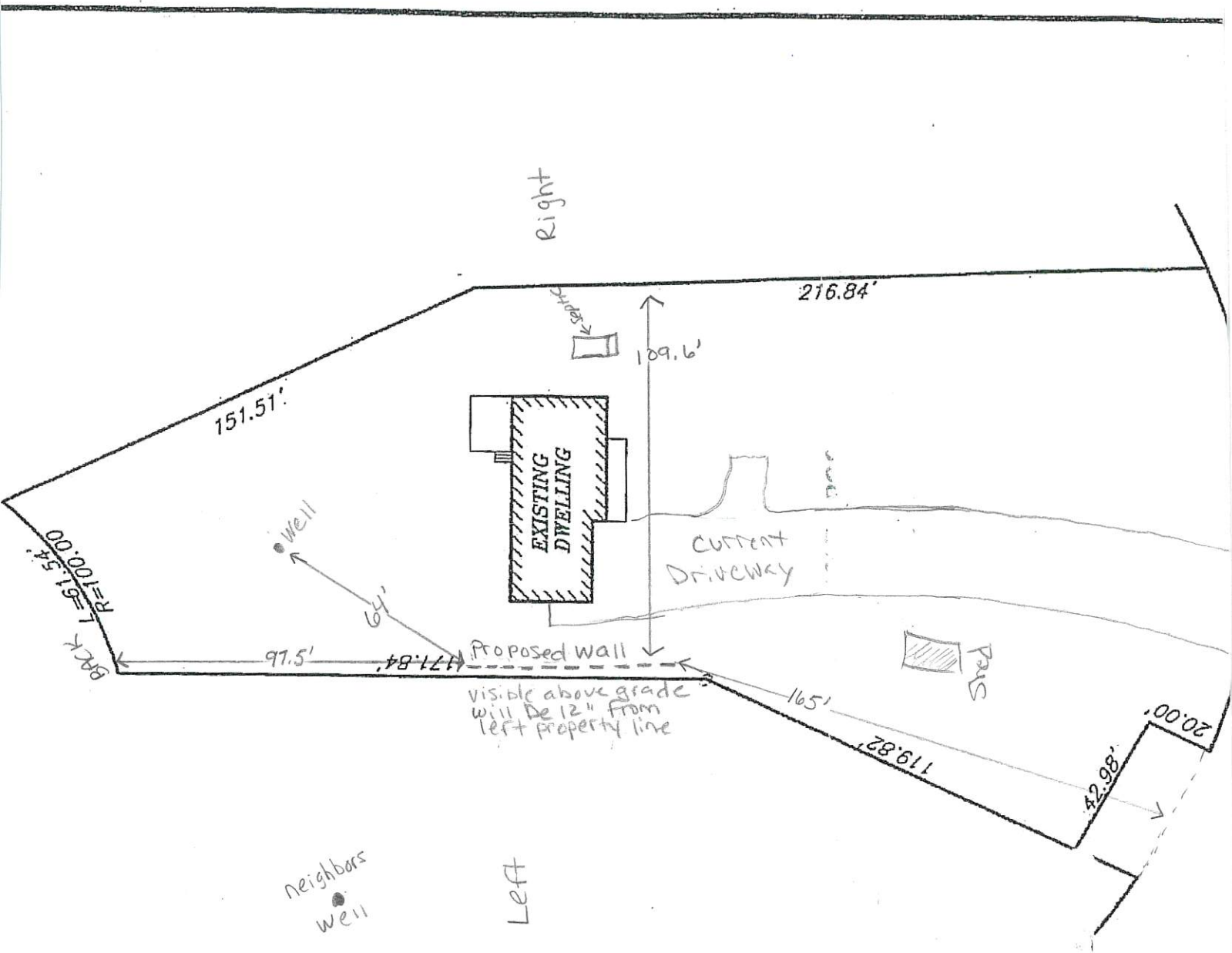
Subdivision A "subdivision" means any activity defined in RSA 672:14.

Substantial Completion of Development For determining whether an approved subdivision or site plan is vested under the terms of RSA 674:39 the following conditions must be met. At least fifty percent (50%) of the total cost of all public and private improvements approved by the town

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Proposed wall - sketch & drawing w/ setbacks - Jackman



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