



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 12-28-22 Rev. 1-9-23 Case No. 118-67-GR-23-VAV
Owner George J. & Ellen M. Rose
Mailing Address 288 Cedar St. Ashland, MA 01721
Phone 1-781-258-0159 Email Georgerose@yahoo.com

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' | Rec' | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Zoning Board of Adjustment Application Checklist (<i>this form</i>) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. ZBA General Information (Article(s) and Section(s) of Ordinance) |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Appeal and Decision |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Fees - \$150.00 Application <input checked="" type="checkbox"/>
\$ 250.00 Legal Notice <input checked="" type="checkbox"/>
\$ 8.00 per US Post Office Certified Letter <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Completed Project Application Form
<input checked="" type="checkbox"/> Variance <input type="checkbox"/> Special Exception <input type="checkbox"/> Appeal |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Notarized Letter of Authorization (from property owner(s) if property owner did not sign the application form) |
| <input checked="" 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: _____

Barbara Irvine
Staff Signature

1/9/2023
Date

Land Use Department
Town of Barrington; 4 Signature Drive; Barrington, NH 03825
vprice@barrington.nh.gov Phone: 603.664.5798

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PART III – PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 18-67-GR-23-Var

Project Name Goerge and Ellen Rose

Location Address 437 Mica Point Road

Map and Lot Map 118, Lot 67

Zoning District (Include Overlay District if Applicable) GR & Shoreland

Property Details:

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

Use: _____

Number of Buildings: 1 Height: 35'

Setbacks: Front 40' Back 30' Side 30' Side 30'

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 4 Dimentional Standards, Table 2 Side Setback of 30'

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

See Narrative

Barrington Zoning Ordinance Requirements:

30' Side

Request: (You may type and attach a separate sheet of paper)

See 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.

See Narrative

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

See Narrative

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

See Narrative

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

See Narrative

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

See Narrative

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.

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



Signature of Applicant

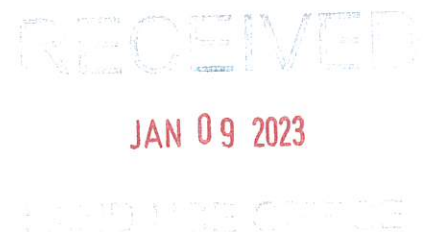
See Letter

Rev. 1-9-23

Date

Signature of Owner

Date



SITE / CONTEXT PHOTOS

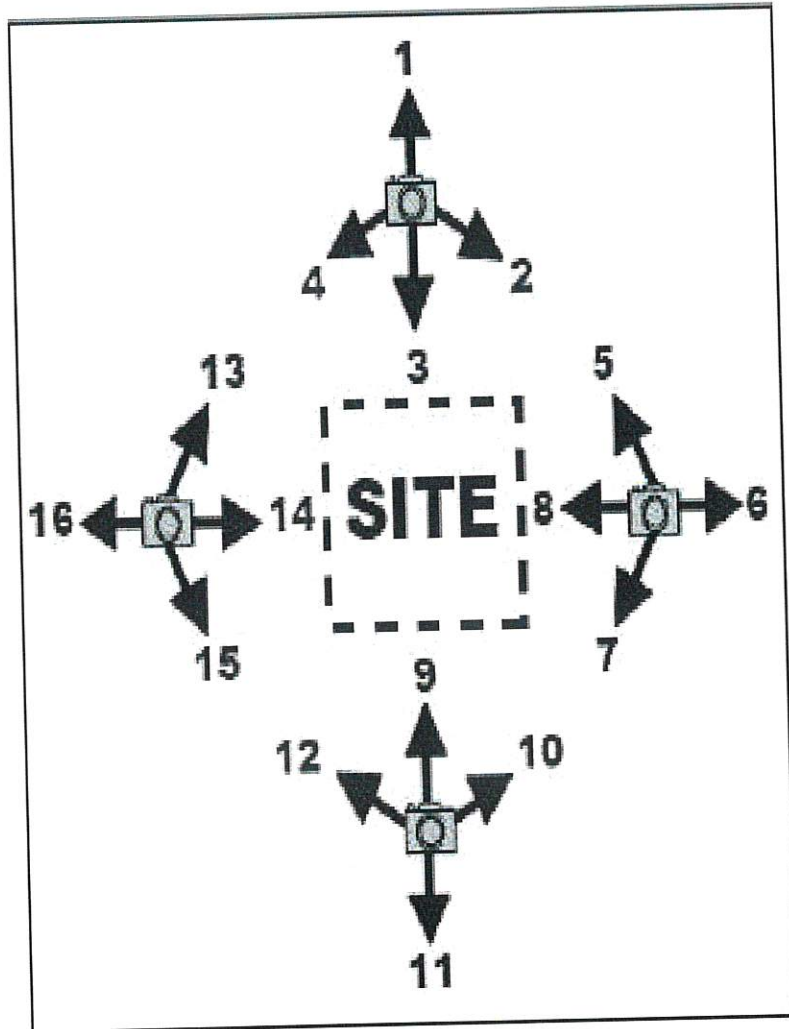
Using Guidelines Below

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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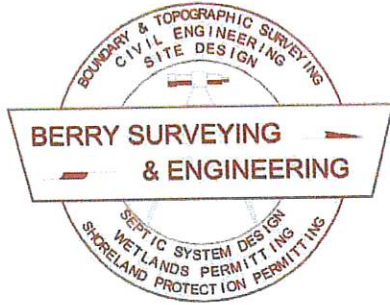
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ENVIRONMENTAL



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road
Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

December 28, 2022

Re: Letter of Authorization
437 Mica Point Road
George and Ellen Rose
Barrington, NH

To whom it may concern:

We the owners, George and Ellen Rose, Tax Map 118, Lot 67 authorize any principal member or project manager, of Berry Surveying & Engineering to represent the us as the agent to a project located in Barrington, NH for the purposes of filing a zoning variance on our behalf, potential planning board permitting and state permitting. This further includes any and all, Local, State and Federal Approval needed to final approval of the project.

George and Ellen Rose

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TOWN OF BARRINGTON - LAND USE DEPARTMENT

PROJECT NARRATIVE

PROJECT NAME George and Ellen Rose CASE FILE NUMBER 118-67-GR-23-Var

PROJECT LOCATION 437 Mica Point Road

DATE OF APPLICATION 12-28-22 REV.: 1-9-23

Property Details:

Single-Family X Residential Multi-Family Residential Commercial Industrial

Current Zoning: GR Lot Area Size 14,289 Sq Ft, 0.33 Ac

Setbacks: Front 40.0' Side 30.0' Rear 75' Lake

Parking Spaces Required: NA Parking Spaces Provided: NA

Please describe your project and its purpose and intent. You may attach a typed description.

The applicant is requesting variances to the side setback to permit a minor expansion to the existing structure. This expansion will allow for a better internal configuration, use and flow to the home.

The existing home and lot are existing non-conforming with the lot being created in 1955 and the home being constructed in 1960.

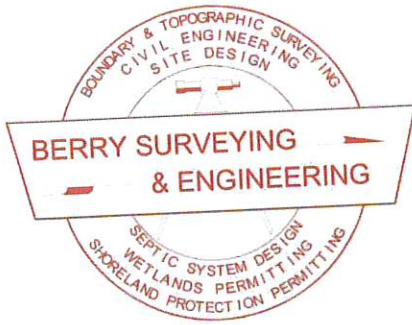
Stormwater Enhancements will be provided through the shoreland permitting process and a new septic system will be designed for the new home. Currently there are no stormwater practices and the septic system is of unknown age, size and shape.

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Revision Date 8/31/2011

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BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road
Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

December 28, 2022

Rev.: 1-9-23

Barrington Zoning Board of Adjustments
Attention: Vanessa Price Town Planner
4 Signature Drive
Barrington, NH 03825

Re: Variance Application
George & Ellen Rose
Tax Map 118, Lot 67
Update & Additions to Existing Structure
437 Mica Point Road

Chairperson and Members of the Barrington Zoning Board,

On behalf of George and Ellen Rose, Berry Surveying and Engineering is submitting variance requests to allow the existing structure located on Tax Map 118, Lot 67, commonly known as 437 Mica Point Road to be updated and modestly expanded upon. The expansions and updates will require variances to the 40' front setback, 30' side setback and 75' setback to Swains Lake.

Background and Narrative:

The Rose family has owned the structure and parcel located at 437 Mica Point Road since July 13, 1984 which is situated on Swains Lake. The tax records indicate that the existing structure is 4 bedrooms, year-round use and was built in 1960. The lot was created by subdivision conducted in 1955 which included all of the lots on the private section of the Mica Point subdivision. The existing house, to the overhang, sits approximately 29.5' from the northern boundary, 15.65' from the southern boundary line, 34.56' to the front boundary line and 30' to the reference line of Swains Lake. The existing foot print of the house, not including the overhangs is 1,024 Sq.Ft., The lot contains 79.89' of frontage on Mica Point Road and 260' of frontage on Swains Lake. The existing well is situated towards the lake with the existing septic tank and effluent disposal field in the front yard between the structure, the street and two driveway areas.

George and Ellen currently live in Ashland, MA and are planning to move and live in the house full time. Renovations have started on the interior of the structure as well as cosmetic upgrades to the outside of the structure. The proposed renovations to the exterior include adding a front porch and stoop towards Mica Point Road, at the lower elevation of the structure. As can be seen in the photographs provided, the house is currently accessed by a set of stairs and platform to the elevated first floor. The basement elevation is highly under utilized in the existing condition. The proposed condition, with the lower-level front stoop will allow the house to operate similarly to a split-level home, with living space in the basement and upper first floor. This allows the existing vertical structure of the home to remain the same and not increase its

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massing from either the view from the lake or Mica Point Road. The proposed stoop will likely require a stair or two and a 12" overhang, but is not proposed to be enclosed. The closest step to the front boundary is proposed to be 35' from the front boundary along Mica Point with the existing closest point being 34.56'. A variance is not required for this use and proximity to the front setback.

To allow for some additional storage, and allow for the best placement of internal stair cases and landings in the home, a 10' wide, by 17.5' long addition is proposed on the northern side of the lot and structure. This represents a 17% increase in the footprint size; however, the space is not multi-level due to the roof lines. The proposed addition is within an existing area that is altered so no vegetation or larger tree growth is required to be removed. This is proposed to set flush with the front of the structure and step in away from the Lake. Based on the angle of the house as it sits to the water line, we determined with the applicant that a step back in the proposed addition best fit with the existing house and proximity to the lake. The proposed addition is 18.5' from the overhang to the closest point on the boundary line and therefore requires a variance to the 30' sideline setback requirement.

Article 4 Dimensional Standards Table 2, side setback of 30' within the general residential zone.

1. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicants as defined under applicable law.
The lot has a special condition which make compliance with the ordinance not practical. This lot is a non-conforming lot of record created prior to the ordinance that happens to be substandard in width and pie shaped. Additionally, the parcel contains an existing modest size home which sits to the southern side of the parcel. Due to these special conditions, the sideline setbacks cannot be met and the literal enforcement of the Ordinance will result in unnecessary hardship on the applicants whereas there is no feasible alternative for the smallest of improvements on this parcel. The northern side was chosen given its proximity to the northern boundary. By not permitting the reasonably sized addition, the internal enhancements cannot reasonably be made and this creates an unnecessary hardship to the applicant.
2. Granting the variance would be consistent with the spirit of the Ordinance.
The spirit of the ordinance is to create a uniformity of rural nature within the town. Given this lot is pre-existing, non-conforming and contains topographic constraints, it is our assessment that the spirit of the ordinance is observed with the proposal's general adherence with the neighborhood in general. Each abutting lot owner has structures that are within the sideline setbacks.
3. Granting the variance will not result in diminution of surrounding property values.
Granting the variance will not result in diminution of surrounding property values. New construction increases surrounding property values and the proposed project will provide for a more functional use congruent with single family living.



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www.BerrySurveying.Com

4. Granting the variance would do substantial justice.
Granting the variance would do substantial justice because it will allow the applicants to reasonably develop an appropriately sized structure that isn't any closer to the side setbacks than other structures on this site or other abutting structures are to their lot lines. The gain to the applicants far outweighs any potential harm to the ordinance, whereas this neighborhood contains non-conforming lots and structures throughout. No tree removal or buffering is proposed for the project and the site will substantially be the same in the final condition.

5. Granting of the variance would not be contrary to the public interest.
Granting the variance would not be contrary to the public interest because it will allow for a residentially constructed building, an allowed use within a residential zone, that is congruent with abutting development on the same roadway to be reasonably built. Given the special circumstances of the parcel, granting this variance will not erode the public interest within the zoning ordinance.

Please let us know if you have further questions.

BERRY SURVEYING & ENGINEERING

Christopher R. Berry – Project Manager
Principal, President



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335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
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Return to:
George J. Rose and Ellen M. Rose
288 Cedar Street
Ashland, MA 01721

E-Doc # 220013804
Book 5063 Page 744

09/12/2022 02:01:29 PM
Page 1 of 3

Catherine A. Berube
Register of Deeds, Strafford County
LCHIP STA201618 25.00
TRANS TAX ST859196 8,175.00

TAX STAMPS: \$8,175.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That George R. Rose and Suzanne M. Rose, a married couple, of 437 Mica Point Road, Barrington, NH, for consideration paid grant(s) to George J. Rose and Ellen M. Rose, a married couple, as Joint Tenants with Rights of Survivorship, now of 437 Mica Point Road, Barrington, NH, with WARRANTY COVENANTS:

A certain tract or parcel of land, with the buildings thereon, situated in Barrington, in the County of Strafford and State of New Hampshire, bounded and described as follows, viz:

Beginning at a marker on the Northerly side of a private road which leads Northerly and Easterly from the France Road, so-called, past the premises herein conveyed; thence running N. 46° 38' East by Lot No. 16 on the plan herein below referred to, a distance of Eighty-nine and five tenths (89.5) feet, more or less, to Swain's Pond; thence running Southeasterly by said Swain's Pond a distance of Ninety-six and two tenths (96.2) feet, more or less, to a marker at Lot I on said plan; thence running South 59° 25' West by said Lot I, a distance of One Hundred Twenty-one and six tenths (121.6) feet, more or less, to the Northerly side of said private road; thence running North 33° 41' West by said private road, a distance of Sixty-nine and two tenths (69.2) feet, more or less, to the point of beginning.

Being known as Lot No. 17 on a plan of camp lots, Myron F. Peabody, Swain's Pond Barrington, New Hampshire, Scale 1" = 50' feet May, 1955, prepared by Grant L. Davis, Professional Engineer and recorded in the Strafford County Registry of Deeds in Pocket 4, Folder 1, Plan #18.

Also conveying herein a right of way to the grantees, their heirs, and assigns in common with others, over the aforesaid private road leading Northerly and Easterly from the France Road, so-called, past the premises herein conveyed.

Subject to the following restrictions and covenants which are to run with the land:

(1) There shall be only one residence built on the aforesaid lot, together with a garage for no more than two cars, and a boathouse.

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REGISTRY OF DEEDS
CLERK'S OFFICE

LOCUS: 437 MICA POINT RD, BARRINGTON NH 03825

- (2) Any residence built on said lot shall contain a minimum of 450 square feet on the first floor of said residence.
- (3) No trailers, tents or any structure of a temporary nature shall be used on the aforesaid lot at anytime as a residence.
- (4) Such residence as may be built on the aforesaid lot shall be equipped with a septic tank and bathroom at the time of its original construction and use.
- (5) No building shall be built within eight feet of any side lot line nor within twenty-five feet of the boundary line on the road.
- (6) The grantees, their heirs and assigns, by the acceptance of this deed, agree to pay the sum of Five Dollars a year to such road improvement association as may be formed for the maintenance and care of the aforesaid private road.

Also, conveying the following additional parcels of land:

A tract or parcel of land beginning at a marker on the Westerly side of a private road leading from the France Road so-called at land now or formerly of Colety and running southwesterly by said Colety land, one hundred and thirty-one (131) feet more or less to a marker, thence turning and running southeasterly by land now or formerly of Diamond one hundred and ninety-eight (198) feet more or less to a marker, thence turning and running Northeasterly one hundred and forty (140) feet more or less by land now or formerly of Longo to a marker at said private road, thence turning and running Northwesterly by said private road two hundred and thirty-six (236) feet more or less to the point of beginning.

Also, another tract or parcel of land situated in said Barrington, bounded and described as follows; viz: beginning at a marker on the Easterly side of said private road and land now or formerly of Longo, thence, running Northeasterly one hundred and twenty and nine tenths (120.9) more or less to Swain's Pond at a marker, thence turning and running Northeasterly by said Pond to a marker at land now or formerly of Waleripzak, thence turning and running Northwesterly by said land forty-six and nine tenths (46.9) feet more or less to a marker, thence turning and running Southwesterly by said land one hundred and twenty-one (121) feet more or less to a marker at said private road, thence turning and running Southeasterly to the point of the beginning.

Also, another tract or parcel of land situated in said Barrington and described as follows; viz: beginning at a marker on the Easterly side of said private road and land now or formerly of Cote and running Northeasterly two hundred and three (203) feet more or less by said land to a marker at Swain's Pond, thence turning by said Pond to a marker at land now or formerly of Coulson, running Southwesterly by less said to said land one hundred and twenty-one (121) feet more or less to said private road, thence turning and running Southeasterly ten (10) feet to the point of beginning.

Also conveying herein a right-of-way to the grantees, their heirs and assigns, in common with others, over the aforesaid private road leading Northerly and Easterly from the France Road, so-called.

Also, conveying a certain tract or parcel of land, situated in Barrington, County of Strafford and State of New Hampshire, bounded and described as follows: a small island bounded by Swain's Pond and about One Hundred (100) feet from a point on the Main land, so-called Mica Point,

RE: 2022-1362

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and also being One Hundred (100) feet from Lot I on a Plan by Grant L. Davis dated May, 1955 and recorded in the Strafford County Registry of Deeds in Pocket 4, Folder 1, Plan #18.

The above referenced conveyance is subject to a pole and wire easement from Myron F. Peabody and Olive P. Peabody to Public Service Company of New Hampshire and New England Telephone and Telegraph Company, dated May 24, 1956 and recorded in the Strafford County Registry of Deeds in Book 661 at Page 306.

Being the same property as conveyed to George R. Rose and Suzanne M. Rose by virtue of two deeds recorded with the Strafford County Registry of Deeds at book 1138, page 294 and book 1778, page 83.

We, the grantors hereby release all rights of homestead in the above described premises.

Executed this 12 day of September, 2022.

[Signature]
George R. Rose

[Signature]
Suzanne M. Rose

State of MASS
County of Plymouth

Then personally appeared before me on this 12 day of September, 2022 the said George R. Rose and Suzanne M. Rose and proved to me through satisfactory evidence of identification, which were 2 witnesses, to be the persons whose names are signed on the preceding or attached document, and acknowledged the foregoing to be their voluntary act and deed.

[Signature]
Notary Public/Justice of the Peace
Commission expiration:

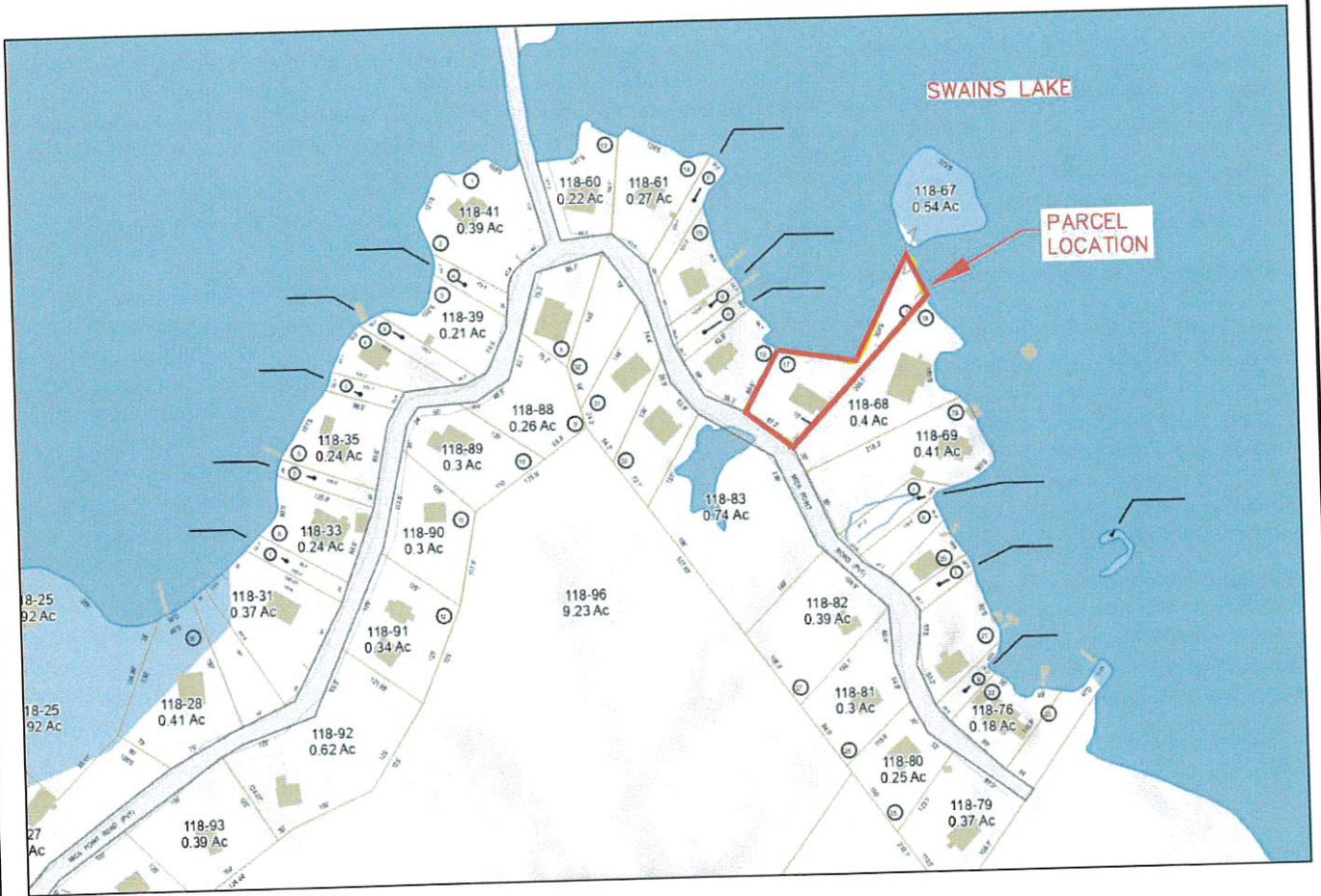
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LAURIE ANN SULLIVAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
August 14, 2026



GIS CUT
TAX MAP 118, LOT 67



TAX MAP
GEORGE & ELLEN ROSE
437 MICA POINT ROAD
BARRINGTON, N.H.
TAX MAP 118, LOT 67

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BERRY SURVEYING & ENGINEERING

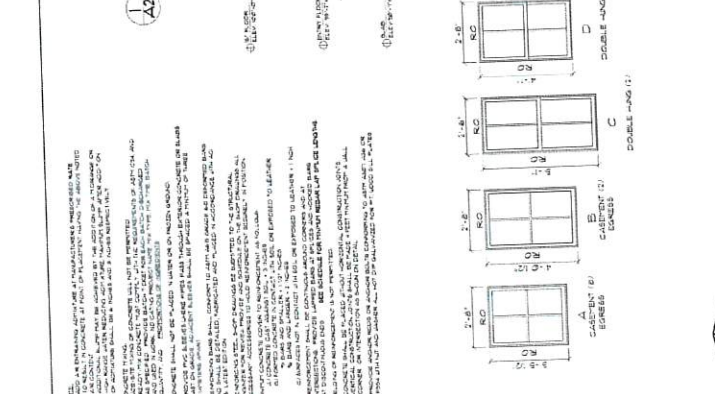
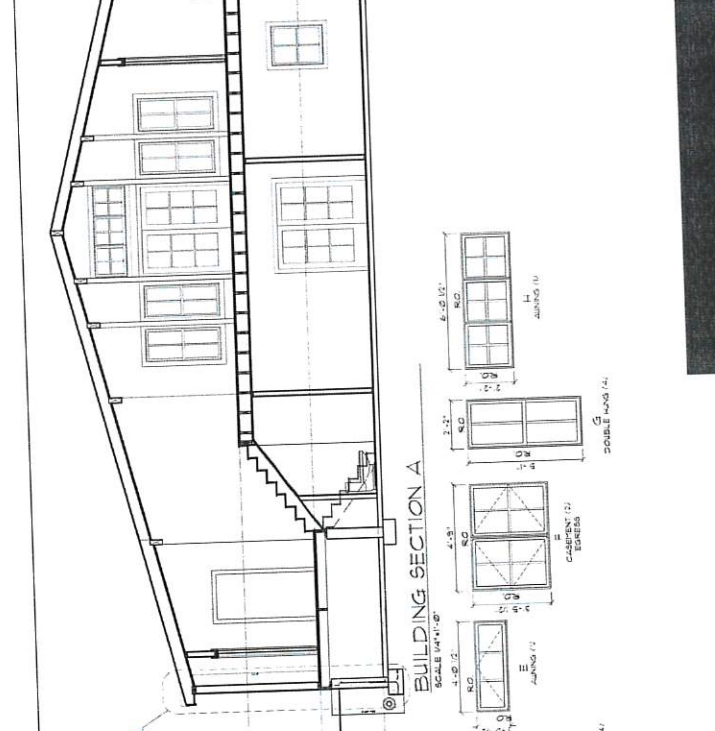
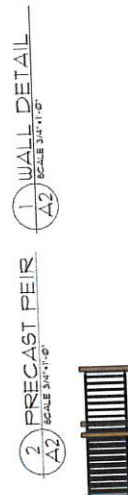
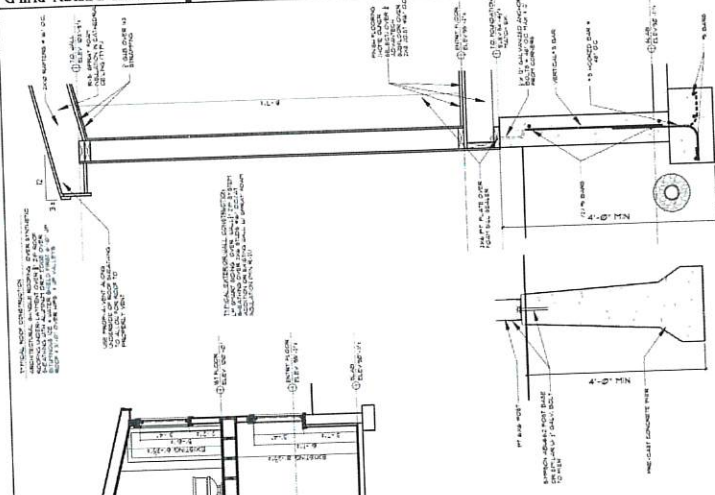
335 SECOND CROWN POINT RD.
BARRINGTON, N.H. 332-2863

SCALE : NONE

DATE : DECEMBER 28, 2022

FILE NO. : DB 2022-110

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REBAR LAB SPEC
 BAR SIZE: 1000 (3)
 BAR: 1000 (3)
 BAR: 1000 (3)

FOUNDATION NOTES:
 1. ALL FOUNDATION WORK SHALL BE PERFORMED ACCORDING TO THE STATE OF NH CONSTRUCTION CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 2. ALL FOUNDATION WORK SHALL BE PERFORMED BY A LICENSED CONTRACTOR.
 3. ALL FOUNDATION WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL FOUNDATION CODE (IFC).
 4. ALL FOUNDATION WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NH CONSTRUCTION CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 5. ALL FOUNDATION WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NH CONSTRUCTION CODES AND ALL APPLICABLE LOCAL ORDINANCES.
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