



MEETING MINUTES
BARRINGTON PLANNING BOARD MEETING
Barrington Annex (next to the Elementary School)
572 Calef Highway
Barrington, NH 03825
Tuesday October 21, 2014
6:30 p.m.

Members Present

Anthony Gaudiello-Chair
Jason Pohopek Vice-Chair
Joshua Bouchard *arrived at 6:40 pm*
George Calef
Bob Williams
Dennis Malloy, Ex-officio

Member Absent

Jackie Kessler

Alternate Member Present

Daniel Ayer

Town Planner: Marcia Gasses

D. Ayer was to sit for J. Kessler

MINUTES REVIEW AND APPROVAL

1. Approval of the October 7, 2014 Meeting Minutes.

Without objection the minutes were approved as presented.

ACTION ITEMS

2. **234-1.5-V-14-SR-3.4 & 9.6 (Applicant: Turbocam, Owner Town of Barrington)** Request by applicant to present a Site Review for the purpose of constructing a building footprint with 26,640 s.f. of industrial space and 6,240 s.f. of office space, 3.4 Conditional Use Permit for a light industrial use within the Village District and a 9.6 Special Permit for a 478 s.f. of grading within

the 50' wetland buffer on a 3 acre lot located on Redemption Road (Map 234, Lot 1.5) in the Village (V) Zoning District. By: Michael Sievert, P.E.; MJS Engineering, PC; PO Box 359;Newmarket, NH 03857

Staff comments presented to the Board was:

- The applicant appeared before the Planning Board September 23, 2014 for Design Review
- The application was received by the Land Use Office on September 17, 2014
- Revised plans were received on October 7, 2014
- The public hearing notice was sent to abutters on September 30, 2014
- The public hearing notice appeared in Fosters Daily Democrat on October 2, 2014

Staff recommends the Board allow the applicant's representative to give an overview of the application, followed by a detailed explanation of the Conditional Use Permit to allow the light manufacturing use. The Board should take action on the Conditional Use Permit first. If the Board approves the Conditional Use Permit the Board should then hear the 9.6 permit application for the wetland buffer impact. If the 9.6 permit is approved staff recommends the site plan application be accepted as complete and the Board then opens the public hearing on the site plan application. The Board should then continue the application to allow time for Dubois & King to complete their review of the application.

Mike Sievert with MJS Engineering, P.C. explained the lot was Map 234 Lot 1.5 and contained approximately 3 acres, which was currently wooded. The site design being presented avoided any wetland disturbance. The application includes a conditional use permit for the light manufacturing use in the Village District and a 9.6 Special Permit for a 478 s.f wetland buffer impact.

Mr. Sievert explained the cuts which would need to be made in the ledge on site. The manufacturing floor was planned to be located in the upper area and the office was located below. The utilities were to be located on the front corner of the building. The well and septic would be located onsite. Drainage was to consist of a mostly closed system. Mr. Sievert explained the drainage system and the new technology which would be incorporated into the design.

Mr. Sievert expressed that the ledge on site was exposed and ranged from a foot to 8 feet below grade. The rest of the lot was deep gravel. There was also a shallow perched wetland and they were very confident that with a distance of 70 feet they would not be draining the wetland.

D. Ayer expressed there was not ponding in the wetland.

A. Gaudiello asked they move to the consideration of the 3.4 Conditional Use Permit.

Mr. Sievert read through the Addendum for the Conditional Use permit.

1. The use of Light Manufacturing facilities requires a Conditional Use permit within the Village District.
2. The site has been properly designed and meets the zoning and site plan review regulations for the Town of Barrington.
3. The lot is within a previously approved commercial subdivision. The lot has proper access via a public roadway and this site plan has been designed to provide safe access and provide the intended use within the proposed building.

4. The building matches the architecture of the adjacent building and will not de-value the abutting properties.
5. The proposed light industrial building is compatible with the existing light industrial building and use within the previously approved commercial subdivision.
6. The access to the subdivision was previously approved with a proper access road into the subdivision. A NHDOT entrance permit was issued and the entrance has been constructed to meet the approved plan to provide safe egress to the site. This proposed site plan has been designed to provide proper access from Redemption Drive for all intended vehicular use.
7. The subdivision was approved by the Town to allow commercial uses. This site plan has been designed to collect, store and treat all stormwater runoff to minimize any offsite impacts.
8. Public utilities are available at the site for the intended uses. The subdivision is accessed from a State highway with adequate capacity for intended use.
9. A landscape plan has been provided as part of the proposed development plan and is included as part of the site plan application.

Mr. Sievert went on to explain the application would go to NHDES for an Alteration of Terrain Permit. The Heritage Bureau had been contacted and a letter had been provided by Ms. Tuttle that they had been given the all clear.

A. Gaudiello asked about health and safety issues.

Mike Sievert explained that the process being conducted in the building was a coating operation. The manufacturing floor was placed on a sunken slab, any spill would be fully contained, all the machines are sealed, with individual secondary containment and the HVAC system would be a sealed system. There would be no fumes outside the building.

D. Ayer expressed there were no abutters who had homes located near the site.

A. Gaudiello opened for public comment.

Paul Purpora of Kelly Lane expressed that Turbocam was not a bad neighbors but all the promises made with the original approval had not been kept. He asked if there was an active bond in place.

M. Gasses stated there was an active bond in place.

Paul Purpora expressed concern with maintenance of the green area on the prior approved site, dead vegetation needed to be replaced. The conifers had died. He expressed concern that the residents had taken the brunt of the impact from Turbocam's development, which included a reduction in property value. Mr. Purpora had expressed the end of his road was down three inches from all the utility vehicles, but he had not reached out to Turbocam. Mr. Purpora expressed that if the chemicals were toxic enough to be contained how would they safe guard against incidental spills, such as contaminants on workers hands. Mr. Purpora wanted an explanation of the collection and containment of the chemicals used. He expressed concern that chemicals which got into the septic from workers washing their hands could affect the ground water in his surface fed well.

A. Gaudiello explained that the Board would be considering three items in regard to the Conditional Use Permit. The first was whether the use was allowed under the Zoning Ordinance, which it was. The second was whether it fits fairly comfortably in this area and lastly was it safe, in to regard health and rather free of smoke and odor. He suggested Mr. Purpora reach out to Turbocam with his concerns from the prior approval.

Mr. Purpora expressed that he had hoped Marion or Eliot from Turbocam had been there. He felt a little like he was sandbagging them a little where they were not at the meeting. He expressed he still had concern with the use of the chemicals and how they were used and transported, as well as their cleanup.

Jeff Brann asked what the design criterion was regarding the basin in regard to the amount of material which would be located in the area.

Mike Sievert expressed the floor system would be designed to hold 5 to 6 times the amount of material, there was a standard similar to an above ground storage tank. Mr. Sievert explained it would be a small quantity which would be used on the site.

Rick Spinale asked how the material was delivered.

Mike Sievert explained the material was transported by container which would be stored within the building and containment area. He did not know exactly.

Rick Spinale asked if there would be floor drains.

Mike Sievert stated there would not be floor drains. A floor drain would not be permitted in this type of application.

A. Gaudiello closed public comment.

D. Malloy asked if the coating was a liquid or a powder.

Mike Sievert was not sure if the coating was liquid or powder. He expressed he would have to find out and obtain more information.

A motion was made by D. Ayer and seconded by G. Calef to approve the Conditional Use Permit.

A. Gaudiello asked M. Gasses if the Board could condition the approval of the Conditional Use Permit.

M. Gasses expressed that she had not heard conditions raised by the Board at that time.

A. Gaudiello cautioned Mr. Sievert that as part of the overall proposal he would need to have more answers to the questions being raised regarding handling of materials.

G. Calef asked that when the applicant returned he provide answers to the questions regarding handling of the chemicals and who provided the oversight. One of the requirements was that the containment be capable of holding the total quantity of chemical located on site. He explained the NHDOT handled the transportation regulations for hazardous substances.

Mike Sievert stated he would get MSDS sheets and information.

A. Gaudiello expressed there was a motion by D. Ayer and seconded by G. Calef

Roll Call

A. Gaudiello aye
J. Pohopek aye
J. Bouchard aye
G. Calef aye
B. Williams aye
D. Malloy aye
D. Ayer aye

The motion carried unanimously 7-0

A. Gaudiello expressed the Board would then consider the 9.6 Special Permit.

A. Gaudiello asked for M. Sievert to address the concern to not drain the wetland.

Mike Sievert expressed there was no standing water in the area, and there was no water to be drained. The disturbance was also too far away and the area was underlined with ledge.

J. Pohopek asked if there was a mound at the top of the slope prior to excavation where the 16' cut was located and what kind of vegetation was proposed for the finished side of the cut.

Mike Sievert expressed there was already a natural berm and they were leaving the natural woodland. There will be jute matting on the slope where the cut would be located to hold the growth.

J. Pohopek asked if the slope was 3 to 1.

Mike Sievert stated the slope would be 3 to 1 except where they cut into the ledge.

J. Bouchard asked if the slopes could be increased in order to avoid impact to the buffer.

Mike Sievert expressed they could go with 2 to 1 slope but there would be a greater chance of erosion. He expressed if the impact was to a wetland and not a buffer they would have looked at a greater slope.

A. Gaudiello opened public comment.

Paul Purpora raised concern they might drain the wetland when blasting occurs. Mr. Purpora felt it would be better to steepen the corner and eliminate the cut.

Jeff Brann asked where the blasting would occur.

Mike Sievert showed where there would be a 10 foot cut and the corner was around 8 foot. He did not believe there would be any blasting within the 50' buffer. They would try to hammer instead of blast.

John Huckins asked if it was hard ledge or shale ledge.

Mike Sievert expressed he believed it was hard, although he did not have the full geo-tech report back yet. The back cut would be steeper.

Mr. Purpora suggested building a retaining wall instead.

A. Gaudiello closed public comment.

D. Ayer expressed it would be cleaner by allowing the 9.6 permit.

A motion was made by D. Malloy and seconded by D. Ayer to approve the 9.6 Special Permit.

Roll Call

<u>A. Gaudiello</u>	aye
<u>J. Pohopek</u>	aye
<u>J. Bouchard</u>	nay
<u>G. Calef</u>	aye
<u>B. Williams</u>	aye
<u>D. Malloy</u>	aye

The motion carried 6-1

A motion was made by J. Pohopek and seconded by J. Bouchard to accept the application as complete.

Roll Call

<u>A. Gaudiello</u>	aye
<u>J. Pohopek</u>	aye
<u>J. Bouchard</u>	aye
<u>G. Calef</u>	aye
<u>J. Kessler</u>	aye
<u>B. Williams</u>	aye
<u>D. Malloy</u>	aye

The motion carried unanimously

A motion was made by G. Calef and seconded by J. Pohopek to continue the application to November 4, 2014. The motion carried unanimously

COMMUNICATIONS RECEIVED

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

3. Charles and Nancy Nichols and Richard and Kathleen Seymour would like to seek council concerning a Notice of Violation they received on 8/14/2014 and possible amendment to Article 9 of the Town of Barrington Zoning Ordinance.

Charles Fred Nichols of France Road explained he would ask the Board to consider lessening the restriction for building in the buffer. Mr. Nichols explained how when he was thinking about putting up a small shed he had looked around and picked a location and asked the town if a permit was required, the response had been that a shed that was less than 200 sq. ft. did not require a permit. He explained that he had not realized he could not build the shed in the buffer. He built the shed with his son and a complaint from a neighbor was then filed. Mr. Nichols asked the Board if they would consider writing a regulation which was less restrictive.

Mr. Seymour expressed that they had placed two shelter logs on their lot. He had asked a wetlands scientist who said that if they put up a structure that did not impede the flow of water that they should be okay. They had not believed they were doing anything wrong.

John Huckins expressed the way the ordinance was written there was an entire list of things that could not be done. Adding language to 9.4(5) could be done that would meet the intent.

G. Calef expressed that the buffers have been a real thorn on the part of the Board. Last meeting the Board had a group that wanted to increase the restriction.

A. Gaudiello expressed that there are structures that were like the Seymour's described that sounded like they would be okay. The issue would be developing language.

John Huckins talked about the relationship between public good to personal taking. He explained that when the personal taking out weighed the public good there was cause for relief.

Mr. Nichols read from Article 9.1. expressing that if they erected a small shed that did not do any of the items mentioned they should be allowed to have a shed.

John Huckins explained if you put the definition of a shed on piers in 9.4 it should accomplish what was intended.

Mr. Brann expressed there was nothing in the construction that would negatively impact the buffer or the wetland. He talked about the Shoreland Water Quality Protection Act.

John Huckins discussed when the ordinance had a setback, they found during construction fill extensions went into the wetland. That was why the ordinance changed to buffers. People then were able to show how they could mitigate any impacts on a case by case basis.

A. Gaudiello expressed that the problem was that they have a technical violation that has been brought to the attention of the Code Enforcement Department. He asked the Board if they had a thought on how they wanted to address this issue.

The Board had a general discussion about the cost of an application and the possibility of waiving a fee.

J. Pohopek expressed that the buffer did serve a purpose. He was familiar with the site but the board needed to throw caution to the wind in waiving fees.

A. Gaudiello expressed the meeting was a path for coming into compliance. That Marcia, John and a member of the Board could work on language to amend the ordinance that would address the issue. The language would then need to be approved by the voters.

SETTING OF DATE, TIME AND PLACE OF NEXT MEETING AND ADJOURNMENT

November 4, 2014 at 6:30 p.m. at the Elementary School Annex

Without objection the meeting was adjourned at 9:10 p.m.

Respectfully submitted

Marcia J. Gasses
Town Planner & Land Use Administrator