



1
2 **BARRINGTON PLANNING BOARD MEETING**

3 **NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER**

4 **77 RAMSDELL LANE**

5 **Barrington, NH 03825**

6
7 **Tuesday January 5, 2016**

8 **6:30 p.m.**

9
10 **DRAFT MINUTES**

11
12 **NOTE: THESE ARE SUMMARY ACTION MINUTES ONLY. A COMPLETE COPY OF THE MEETING**
13 **AUDIO IS AVAILABLE AT THE LAND USE DEPARTMENT.**

14
15 Members Present

16 Jason Pohopek Vice-Chair

17 Joshua Bouchard

18 Fred Nichols

19 Fred Bussiere – ex- officio

20
21 Member Absent

22 Anthony Gaudiello-Chair

23
24 Alternate Members Present

25 Daniel Ayer

26 Richard Spinale

27
28 Town Planner: Marcia Gasses

29
30 This meeting convened following the Public Hearing on Zoning Amendments.

31
32 **MINUTES REVIEW AND APPROVAL**

- 33
34 1. Approval of the December 15, 2015 Meeting Minutes.

35 Without objection review of the minutes was moved to the end of the meeting.

36
37 **NON-ACTION ITEMS**

- 38
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40 2. Christopher H. Mende, PLS from Civil Consultants wants to discuss Heather Stanley's existing
41 Conditions survey and see what her options are.

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D. Ayer recused himself.

Dan Ayer provided a packet of information to the Board.

Chris Mende of Civil Consultants was there looking for guidance. The home was currently residential with a small paving business also existing. A contractor's yard had not been permitted through the Town. Mr. Mende showed an existing conditions map.

J. Pohopek explained the applicant would require a 9.6 permit and site plan review. The site review would require the 9.6 permit to be granted first.

ACTION ITEMS

D. Ayer returned to the board.

[220-57-RG-15-Sub 12/1 \(Owners: Rina Myhre, Paul C. Helfgott & Carol H. Ledous/Developer: Joseph Falzone\)](#) Request by applicant for a proposal for a subdivision for 17 Residential lots on Tolend Road and 3 Commercial lots on Calef Highway in the Regional Commercial (RC) Zoning District. By: Christian Smith & Scott Cole; Beals Associates PLLC; 70 Portsmouth, Ave, 3rd Floor Suite 2; Stratham, NH 03885.* The applicant appeared before the Zoning Board on October 21, 2015 receiving a Variance to allow for a Conservation Subdivision in the Regional Commercial Zoning District (Table of Uses)

- The applicant appeared before the Board for Design Review on October 6, 2015
- The applicant appeared before the Zoning Board on December 16, 2015 receiving a variance to allow the 100' perimeter buffer along Tolend Road to be included in the area of the individual lots. (6.2.6)
- A revised plan set was received on December 15, 2015 based upon comments from the staff and the Conservation Commission.
- The Road Agent has provided a memo after review of the plans.
- The Fire Chief has provided a memo after review of the plans.

Scott Cole represented the applicant, explaining they had been before the ZBA to allow the design being presented. The Conservation Commission supported the design.

J. Bouchard questioned how they could approve a lot without knowing whether it had a viable driveway.

Scott Cole represented a small change in the rear lot line of proposed lot 18.

A motion was made by D. Ayer and seconded by F. Bussiere to accept the application as complete. The motion carried unanimously

J. Pohopek expressed the driveway needed to be viable. They needed to know where the driveway access was going to be. The applicant had expressed they had two curb cuts for the three commercial lots, which would mean a shared access.

91 D. Ayer asked whether the sale agreement with the abutter included access.
92
93 The abutter expressed he was primarily interested in protecting his property.
94
95 J. Pohopek asked if there was a cistern.
96
97 Scott Cole expressed there was an existing cistern which would be utilized.
98
99 J. Pohopek asked if Chief Walker had commented.
100
101 M. Gasses expressed Chief Walker had commented in a prior memo to the Board and that the draft
102 notice of decision included language address the two lots closest to Dover which may require being
103 sprinkled. Any home more than 1000' from the cistern would have to be sprinkled.
104
105 J. Pohopek asked if the Board had any concerns.
106
107 J. Bouchard expressed just the driveway.
108
109 F. Bussiere expressed he did not have a problem with the lot line change, which could be part of a
110 condition of approval.
111
112 J. Pohopek opened public comment.
113
114 Casey O'Brien asked why they were questioning the abutter on his intentions.
115
116 J. Pohopek expressed he was interested in his intension when looking at the driveway access. It was
117 an awareness conversation.
118
119 Justin Purpora expressed if someone was to buy it they would have to come to the Board anyway and
120 that the conversation was null and void.
121
122 Stephen Jeffery asked if there were back lots.
123
124 M. Gasses explained there were no back lots the lots all had 75' of frontage, which was the minimum
125 in a Conservation Subdivision.
126
127 Alan Kelley expressed the revised plan set was received on December 15th, he asked whether that
128 plan set had been noticed. M. Gasses expressed the Board had voted to continue consideration of the
129 application on December 1st to the January 5th meeting.
130
131 Chris Vachon expressed he did not like the concept of jamming house lots in and was not in favor of
132 the design. He expressed the tax dollar gained would be gobbled up by adding children to the schools.
133
134 Gill McCarthy expressed that Barrington would not grow if no one was allowed to move into the
135 town and Barrington.
136
137 Casey O'Brien asked about the Conservation Commission taking the land.
138
139 J. Pohopek expressed that the current proposal was for the homeowners association to own the land
140 and the Conservation Commission to hold an easement on the open space.
141

142 M. Gasses explained that the Conservation Commission would have to go back to the Selectmen in
143 order to accept the Conservation Easement on the open space. The first option had been to own the
144 open space fee simple, but the Selectmen had voted down that option.

145
146 Justin Purpora spoke in favor of the proposed design as opposed to a conventional subdivision and
147 liked the amount of land preserved.

148
149 Paul Connelly asked if public access would be allowed.

150
151 M. Gasses expressed the draft easement language provided by Mr. Falzone include the provision for
152 public access. The language had been sent on to the Conservation Commission for their review.

153
154 J. Pohopek expressed there was access off Tolend Road and Route 125. There was the ability to get to
155 the land without crossing over individual lots.

156
157 Andy Knapp asked whether the taxes on the open space became a responsibility of the homeowners
158 association to pay, such as in a condominium.

159
160 M. Gasses explained it was her understanding from speaking with the accessor that no value is given
161 to the open space. The value of a lot was a reflection of what someone was willing to pay to own a lot
162 located near open space.

163
164 Andy Knapp expressed the land would have value. F. Bussiere expressed the value was intrinsic to
165 ownership of a lot abutting it. There was not a value given on his tax card for the open space
166 associated with the subdivision he lived in.

167
168 Justin Purpora asked if there was a way to assure the homeowners association would not dissolve.

169
170 J. Pohopek expressed no.

171
172 M. Gasses expressed that if the Conservation Commission held an easement it would mean if there
173 was an issue they would have to notify each individual in the development as opposed to the
174 association. She did not believe Deer Ridge had a conservation easement on their open space.

175
176 J. Pohopek closed public comment.

177
178 J. Pohopek asked how the Board felt about the small adjustment to one of the proposed lot lines and if
179 it could be a condition of approval.

180
181 J. Bouchard expressed it was a minor revision.

182
183 D. Ayer expressed he did not have a concern with the minor revision, but questioned what they
184 wanted to do with the two curb cuts for the commercial lots.

185
186 J. Bouchard expressed that he would want to see they worked.

187
188 J. Pohopek expressed that NHDOT would have to review the location.

189
190 Scott Cole expressed his experience was that NHDOT would not give a permit on a site that was not
191 fully designed because it was solely dependent upon the use on the site.

192

193 F. Bussiere asked if there was a shared curb cut but only one use proposed at the time how would
194 NHDOT handle the permit.

195
196 Scott Cole expressed the permit would have to be amended at the time of the seconded use.

197
198 Mark Johnson the attorney expressed that if an NHDOT driveway permit was not able to be obtained
199 the lot would be merged with proposed Lot 19.

200
201 J. Pohopek expressed that their profession has said they have the ability to have two curb cuts and if it
202 did not work they would merge the lots.

203
204 M. Gasses expressed the risk was theirs and not the Towns.

205
206 M. Gasses expressed the condition would be added as a subsequent condition.

207
208 J. Pohopek mentioned that in the future the Board should look at the fact that an existing cisterns are
209 utilized with the financial burden being born by the initial developer.

210
211 M. Gasses read from the draft Notice of Decision.

212
213

DRAFT NOTICE OF DECISION

214

<i>[Office use only</i>	<i>Date certified:</i>	<i>As built received:</i>	<i>Surety returned</i>
<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
Proposal Identification: 220-57-RC-Sub (Owner: Chestnut Woods, LLC) Developer, Joseph Falzone) Request by applicant for a proposal for a subdivision for 17 Residential lots on Tolend Road and 3 Commercial lots on Calef Highway in the Regional Commercial (RC) Zoning District. BY Cristian Smith & Scott Cole; Beals Associates PLLC; 70 Portsmouth, Ave, 3 rd Floor Suite 2; Stratham, NH 03885			

215

Applicant: Joseph Falzone 7B Emery Lane Stratham, NH 03885 Owner: Chestnut Woods LLC 7B Emery Lane Stratham. NH 03885	Dated: X/x/2016
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216

217 **Dear applicant:**

218

219 This is to inform you that the Barrington Planning Board at its XXXXX, 2016 meeting
220 **CONDITIONALLY APPROVED** your application referenced above.

221
222 All of the precedent conditions below must be met by the applicant, at the expense of the
223 applicant, prior to the plans being certified by the Planning Board. Certification of the plans
224 is required prior to commencement of any site work or recording of any plans. Once these
225 precedent conditions are met and the plans are certified the approval is considered final.

226
227 Please Note* If all of the precedent conditions are not met within 6 calendar months to the
228 day, by XXXXXX, 2016, the Boards approval will be considered to have lapsed, unless a
229 mutually agreeable extension has been granted by the Board. *Reference 8.2.3 of the Town*
230 *of Barrington Subdivision Regulations*
231

232 **Conditions Precedent**

- 233 1) a) Add the owners signature to the final plan
234 b) Add the wetland scientist stamp & signature to the final plan
- 235 2) Revise the following plan notes
236 a)
237
- 238 3) Add the following plan revisions to the plans
239 a) Show 300' driveway sight distance on sheet 6 of 7
240
- 241 4) Add the following plan notes:
242 a) List Variances Granted
243
- 244 5) Town Counsel shall approve open space deed language.
245
- 246 6) Town Counsel shall approve proposed driveway easement language.
247
- 248 7)# Proper and complete survey monumentation shall be installed on the properties as a
249 condition to final approval of the application. Granite bounds shall be set at the
250 intersection of existing or proposed lot sidelines with existing proposed streets. Iron pins
251 (pipe or rod) are to be placed at all property line corners and angles, and all points of
252 curvature and points of tangency. Monuments for the lot being developed shall be placed
253 not more than 300 feet apart in any straight line. The applicant's surveyor shall certify in
254 writing that the bounds and pins have been installed according to the submitted plan.
255 (*Reference 8.8 of the Town of Barrington Subdivision Regulations*)
- 256 8) Any outstanding fees shall be paid to the Town
- 257 9) Final Drawings (a) five sets of black line (b) plus one set of 11"X17" final approved plans
258 (c) one electronic version by pdf or CD must be on file with the Town. Each individual
259 sheet in every set of drawings must be stamped and signed by the land surveyor,
260 engineer, or architect responsible for the plans. Note. If there are significant changes to
261 be made to the plans, as specified above, one full size check print must be sent to the
262 Land Use Office for review prior to producing these final drawings.

263

264 **General and Subsequent Conditions**

- 265 1) If applicant is unable to obtain NHDOT Driveway Permit lot 18 will be merged with lot 19.
266
- 267 2) Those lots where homes will not be located within 1000' of a cistern are required to be
268 sprinkled.
- 269 3) All fertilizer shall be no-phosphate, slow release nitrogen and shall not increase any
270 fertilizer loading on the prime wetland.
271
- 272 4) Lots, 15, 16 and 17 contain wetland buffers, which must be noted in the deeds for these
273 lots with a reference to Article 9.5 of the Zoning Ordinance.
274
- 275 5) Driveway "dry swales" and roof run-off to drip edge are required as part of individual lot
276 development. Please refer to plan set sheet 7 of 7 for construction detail.
277
- 278 6)# In accordance with RSA 674:39 active and substantial development shall mean the
279 expenditure of at twenty-five percent (25%) of the infrastructure costs required for a
280 development, as indicated by a subdivision approved by the Planning Board, within (24)
281 months of said approval, where approved plans have been properly recorded at the
282 Registry of Deeds. Infrastructure shall mean in this instance, the construction of roads,
283 storm drains, water and sewer facilities, or parking lots. Compliance with this definition
284 shall also necessitate that a bond or other security to cover costs of said infrastructure
285 requirements has been posted with the Town prior to the beginning of construction, if
286 required as a condition of approval.
- 287 7) Current Use subject property or a portion of it is presently in Current Use. The applicant
288 must provide the Town of Barrington Assessing Department current use map and/or other
289 items needed to assure requirements of RSA-79A and the New Hampshire Department
290 of Revenue Administrations Rules are satisfied.
291

292 (Note: in both sections above, the numbered condition marked with a # and all conditions
293 below the # are standard conditions on all or most applications of this type).
294

295 *A motion was made by D. Ayer and seconded by J. Bouchard to approve the application with*
296 *conditions as read by the planner. The motion carried unanimously*
297

- 298 3. **263-6-RC-15-RC (Generator Connection-Wayne Noyes)** Request by applicant for a proposal to
299 install a 140' x 24' metal shed roof on back of the building and waivers from Article 3.3(13) Wetland
300 Delineation, Article 3.3 (3) Existing Topography and Article 3.3 (1) Boundaries existing lot boundary
301 located at 1057 Calef Highway on a 10.64 acre lot (Map 263, Lot 6) in the Regional Commercial
302 (RC) Zoning District. By: Wayne Noyes; PO Box 711; Barrington, NH 03825*
303
- 304 • The application was received on December 2, 2015
 - 305 • Waivers are requested from: SR 3.3(13) Wetland Delineation, SR 3.3(3) Existing Topography
306 and Article 3.3(1) Boundaries, existing total boundary
 - 307 • The Fire Chief has reviewed the plan and as of 12/31/2015 given a verbal approval of the turning
308 radius and will be provided a memo
309

310 Chris Berry represented the applicant. He explained the prior approval and that a 140' X 24' shed
311 roof was being proposed over the existing impervious surface. The Fire Chief had reviewed and
312 approved of a turning radius design.

313
314 J. Pohopek asked how far the existing structure was from the wetlands.
315 Chris Berry expressed at the time of subdivision a 35' setback was required. All the improvements
316 were within the building envelope.

317
318 3.3(13) Wetland Delineation

319 *A motion was made by D. Ayer and seconded by R. Spinale to grant the waiver because it would be*
320 *an undo burden on the applicant and granting the waiver would not be in conflict with the spirit and*
321 *intent of the ordinance. The motion carried unanimously*

322
323 3.3(3) Existing Topography

324 *A motion was made by D. Ayer and seconded by R. Spinale to grant the waiver because it would be*
325 *an undo burden on the applicant and granting the waiver would not be in conflict with the spirit and*
326 *intent of the ordinance. The motion carried unanimously*

327
328 3.3(1) Existing Lot Boundary

329 *A motion was made by D. Ayer and seconded by F. Bussiere to grant the waiver because it would be*
330 *an undo burden and would not be in conflict with the spirit and intent of the ordinance. The motion*
331 *carried unanimously*

332
333 *A motion was made by D. Ayer and seconded J. Bouchard to accept the application as complete. The*
334 *motion carried unanimously*

335
336 J. Pohopek opened and closed public comment.

337
338 No one spoke.

339
340 M. Gasses read from the draft Notice of Decision

DRAFT

NOTICE OF DECISION

341

<i>[Office use only</i>	<i>Date certified:</i>	<i>As built received:</i>	<i>Surety returned</i>
<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
Proposal Identification: 263-6-RC-15-SR (Generator Connection-Wayne Noyes) Request by applicant for a proposal to install a 140' XX24' metal shed roof on back of the building and waivers from Article 3.3(13) Wetland Delineation, Article 3.3(3) Existing Topography and Article 3.3.(1) Boundaries-existing lot boundary located at 1057 Calef Highway on a 10.64			

acre lot (Map 263, Lot 6) in the Regional Commercial (RC) Zoning District. By Wayne Noyes; PO Box 711; Barrington, NH 03825

342	Owner: Wayne Noyes PO Box 471 Barrington, NH 03825	Dated: xxxxxx, 2016
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343
344 **Dear applicant:**

345
346 This is to inform you that the Barrington Planning Board at its XXXXX, 2016 meeting
347 **CONDITIONALLY APPROVED** your application referenced above.

348
349 List Waivers Granted

- 350 3.3(13) Wetland delineation
- 351 3.3(3) Existing Topography
- 352 3.3(1) Boundaries-existing lot boundary

353
354 All of the precedent conditions below must be met by the applicant, at the expense of the
355 applicant, prior to the plans being certified by the Planning Board. Certification of the plans
356 is required prior to commencement of any site work or recording of any plans. Once these
357 precedent conditions are met and the plans are certified the approval is considered final.

358
359 Please Note* If all of the precedent conditions are not met within 6 calendar months to the
360 day, by XXXXX, 2016, the Boards approval will be considered to have lapsed, unless a
361 mutually agreeable extension has been granted by the Board.
362

363 **Conditions Precedent**

- 364 1) Add the following plan notes
 - 365 a) Reference Site approval of 9/17/2007
 - 366 b) Add NHDES Subsurface Bureau Permit #
 - 367 c) Truck traffic is limited to one way around the building and shall be marked
 - 368 accordingly
- 369
- 370 2) Revise the following plan notes
 - 371 a)
- 372
- 373 3) Make the following plan revisions
 - 374 a) Add the location of the additional sign approved in 2013 to the plan
- 375
- 376 4) Add the owners signature to the final plan
- 377
- 378 5)
- 379
- 380 #6) Any outstanding fees shall be paid to the Town
- 381
- 382 7) Prior to obtaining Board signature, the Applicant shall submit three(3) complete paper
- 383 print plan sets and supporting documents as required in Article 3 with a letter explaining

384 how the Applicant addressed the conditions of approval. This shall include final and
385 complete reports for all items submitted during review for the Town of Barrington's file.
386 The Chairman shall endorse three copies of the approved plan(s) meeting the conditions
387 of approval upon receipt of an executed bond for all improvements, excluding buildings.
388 The Town shall retain a signed and approved reproducible 11"X17", and PDF format
389 with supporting documents for Town records.
390

391 **General and Subsequent Conditions**

392
393 #1) Where no active and substantial work, required under this approval has commenced
394 upon the site within two years from the date the plan is signed, this approval shall expire.
395 An extension, not to exceed one year, may be granted, by majority vote of the Board so
396 long as it is applied for at least thirty days prior to the expiration date. The Board may
397 grant only one such extension for any proposed site plan. All other plans must be
398 submitted to the Board for review to ensure compliance with these and other Town
399 ordinances. Active and substantial work is defined in this section as being the
400 expenditure of at least 25% of the infrastructure improvements required under this
401 approval. Infrastructure shall mean in this instance, the construction of roads, storm
402 drains, and improvements indicated on the site plan. RSA 674:39
403

404 (Note: in both sections above, the numbered condition marked with a # and all conditions
405 below the # are standard conditions on all or most applications of this type
406

- 407 4. [251-75-RC-15-Signs \(Bank of NH, Boulos Property Mgmt-TD Bank\)](#) Request by applicant for a
408 proposal to install two internally illuminated wall sign and replace existing directional with new and a
409 waiver from Article 5.2.5 (2), no sign shall be Internally Illuminated signs located at 688 Calef
410 Highway on a 5.2 acre lot (Map 251, Lot 75) in the Regional Commercial (RC) Zoning District. By:
411 Atlas Sign Industries; 1077 West Blue Heron Blvd; West Palm Beach, FL 33404*
412

- 413 • The application was received on December 9, 2015
- 414 • The applicant was requesting a waiver from 5.2.5(2) no sign shall be internally illuminated
415

416 Joseph Foden represented Atlas signs and TD Bank. Mr. Foden expressed the need to have the
417 internally lit signs in order to have their business seen. The directional signs were not lit. TD Bank
418 had been informed that people cannot find the location. The lit signs on the building would provide a
419 little more security. The directional signs were nonilluminated.
420

421 J. Pohopek asked what they were replacing.
422

423 Mr. Foden expressed that they were adding two signs to the building and the sign at the road would
424 stay. They were also requesting a waiver for the height of the signs.
425

426 *A motion was made by F. Bussiere and seconded by J. Bouchard to accept the application as
427 complete. The motion carried unanimously*
428

429 J. Pohopek expressed the Board needed to address the waivers for 5.2.5(2), no sign shall be Internally
430 Illuminated and item #5 in Table 8, which states no wall signs or portions thereof shall be located
431 above the ground floor or more than 14' above the official street grade, whichever is less.

432
433 J. Pohopek asked the applicant to explain how there would be no ill effects to abutters.
434
435 Mr. Foden expressed the area was all commercial and would not be shining light off site. The lights
436 would be LED.
437
438 F. Bussiere asked if they had hours of operation on the light.
439
440 J. Pohopek asked if they were proposing having the lights lit all night long.
441
442 Mr. Foden said no. They would be likely on during operating hours until 11:00 p.m.
443
444 J. Pohopek expressed there was a light for the ATM and these provided no addition light.
445
446 Mr. Foden expressed the lights were not needed for the drive through.
447
448 J. Pohopek asked the Board for suggestions on the hours the sign was lit.
449
450 R. Spinale expressed the hours the business was open where they were asking for a waiver for the
451 internally lit signs.
452
453 D. Ayer and J. Bouchard expressed 9:00 p.m.
454
455 F. Bussiere expressed 11:00 p.m.
456
457 J. Pohopek opened public comment.
458
459 Justin Purpora expressed they had not limited Turbocam in any way.
460
461 Chris Vachon expressed he was seeing a lot of waivers granted and that the rules need to be adhered
462 to or changed by a vote of the people.
463
464 Stephen Jeffery read the requirements for granting of a waiver.
465
466 Casey O'Brien expressed there were multiple internally lit lights along Route 125.
467
468 Steve Graves expressed that if the board was granting waivers they needed to change the rule.
469
470 Andy expressed that the applicant should be required to provide lumens.
471
472 F. Nichols expressed the signs were facing route 125 and not a residential area.
473
474 J. Pohopek closed public comment.
475
476 *A motion was made by F. Nichols and seconded by F. Bussiere to approve the waiver because not*
477 *granting the waiver would be an unnecessary hardship and was consistent with other waivers*
478 *granted. The motion carried 5-1*

479
480 J. Pohopek expressed a waiver was needed from item #5 in Table 8 of the sign regulations, which

481
482 F. Nichols expressed the sign was located for the design of the building.

483
484 J. Pohopek opened and closed public comment. No one spoke.

485
486 *A motion was made by F. Nichols and seconded by F. Bussiere to grant the waiver because it would*
487 *be an unnecessary hardship and it was consistent with other waivers granted. The motion carried 5-1*
488

489 J. Pohopek opened public comment on approval of the signs.

490
491 Chris Vachon asked the size.

492
493 D. Ayer expressed approximately 4' X 4'

494
495 J. Pohopek closed public comment.

496
497 J. Pohopek asked if there were conditions.

498
499 F. Bussiere stated there were none.

500
501 *A motion was made by F. Nichols and seconded by F. Bussiere to approve the application. The*
502 *motion carried 5-1*
503

504 5. [238-49A-TC-16-SIGN \(BARRINGTON DEPOT-Owners: Kim & Craig Jackson\) 238-49A-TC-](#)
505 [16-SIGN \(Barrington Depot-Owners: Kim & Craig Jackson\)](#) Request by applicant to replace and
506 relocate the 16'-8" X 8"-5" sign with a internally illuminated sign and a waiver from Article 5.2.5 (2)
507 Internally Illuminated Sign at 528 Calef Highway (Map 238, Lot 49A) in the Town Center Zoning
508 District. By: Tonya Swart; Aroma Joes Coffee SBA Caffeinated Cousins; 63 Broadway; Dover, NHG
509 03820.*

510
511 • The application was received on December 15, 2015

512
513 Tonya Swart expressed they were looking for an internally lit sign to help the existing businesses at
514 that location. The sign was being rebuilt and relocated and would be more conforming with the
515 setbacks. She expressed it was a hardship for the business and after many online surveys people had
516 expressed they did not know Aroma Joe's existed. They were going to pay for the entire sign in order
517 to help the businesses. The sign was deteriorating and needed to be replaced and they wanted to keep
518 the Barrington Depot Logo. The sign would be the same just newer. Irving was located right across
519 from them.

520
521 *A motion was made by F. Bussiere and seconded by J. Bouchard to accept the application as*
522 *complete. The motion carried unanimously*
523

524 J. Pohopek asked about and reviewed the location of the sign on the site plan.

525
526 Tanya Swart expressed that they were actually moving the sign to be more conforming and during the
527 summer you often could not see the sign because of the trees.

528
529 M. Gasses referred Board member to the staff recommendations. She had reviewed the moving of the
530 sign with John Huckins and read from 5.2.8(1) “Any legally nonconforming) grandfathered) sign
531 associated with an existing legal use may be continued and maintained. But no such nonconforming
532 sign shall be enlarged, replaced, redesigned, or otherwise altered in any way except to bring it into
533 conformance with the provisions of the Article unless such alteration is permitted by the board upon
534 finding, after public hearing, that: The proposed alteration would significantly reduce the degree of
535 nonconformance of the sign, or permitting such alteration would be in the public interest.

536
537 J. Pohopek expressed that the moving of the sign would not make the site less safe. The current sign
538 was located on the edge of the right of way. He did not believe it would cause a visibility issue for
539 Knight’s.

540
541 Tanya Swart expressed they had shown the location to Knight’s and they had agreed on the location.

542
543 D. Ayer expressed the sign was larger than 32 sq. ft.

544
545 M. Gasses directed him to 5.2.8(1) The sign was proposed to be rebuilt the same size and moved to a
546 new location.

547
548 J. Pohopek asked if they had existing sign dimensions.

549
550 F. Bussiere asked if they were certifying the size was what currently existed.

551
552 Tanya Swart expressed the sign company had gone out and verified the measurements.

553
554 J. Bouchard asked if the sign was currently lit from the ground.

555
556 Tanya Swart expressed it had an up light.

557
558 J. Pohopek asked if all four sections were lit.

559
560 Tanya Swart expressed that they wanted at least the three businesses and would like the Barrington
561 Depot if the Board agreed. She expressed that the Barrington Depot was kind of historic to the Town.

562
563 F. Nichols expressed he did not even know there was an Aroma Joe’s there.

564
565 Tanya Swart expressed as Marketing Director she had heard that comment often, which was why they
566 were before the Board.

567
568 J. Pohopek expressed his concern was that they did not have confirmation from anyone but the
569 applicant that the proposed sign was the same size.

570
571 F. Bussiere expressed they could give conditional approval based upon the Code Enforcement Officer
572 verifying the size of the existing sign.

573
574 J. Bouchard asked if he wanted a sign that large illuminated.

575
576 F. Bussiere expressed his sign was twice the size.

577
578 R. Spinale asked would she have to come back if it was not the same size.

579
580 M. Gasses suggest they make it a requirement that the proposed sign must be the same size as the
581 existing.
582
583 J. Pohopek opened for public comment on the waiver for internally illuminated.
584
585 Celia Bannenberg asked how much square footage of the sign would be lit. She expressed it was a lot
586 of light for her liking.
587
588 Casey O'Brien expressed the Irving sign alone was as large not to mention the canopy, which has
589 been lit for the last year. He was in favor of the waiver.
590
591 Justin Purpora spoke in favor of the waiver and asked the whole sign be lit.
592
593 J. Pohopek closed public comment.
594
595 F. Nichols expressed he had been voting in favor of the waivers for internally lit signs, but they were
596 both wall signs and setback from the road. This was a free standing sign.
597
598 F. Bussiere expressed the others were new signs and this was a replacement.
599
600 R. Spinale expressed that the sign was being replaced with an internally lit sign.
601
602 Tanya Swart expressed that they were actually moving the sign back further and Irving had two
603 internally lit signs.
604
605 J. Pohopek asked the hours for operation.
606
607 Tanya requested 5 am to 9 pm.
608
609 M. Gasses expressed that TD Bank was Regional Commercial and this was Town Center Zoning
610 District.
611
612 *A motion was made by F. Bussiere and seconded by D. Ayer to approve the waiver for an internally*
613 *lit sign because it was a hardship that would put the business at a disadvantage to other businesses*
614 *with internally lit signs in town. The motion carried 5-1*
615
616 J. Pohopek opened and closed public comment.
617
618 M. Gasses asked if they wanted to address hours of operation.
619
620 F. Bussiere and D. Ayer stated "no".
621
622 *A motion was made by F. Bussiere and seconded by D. Ayer to approve the application. The motion*
623 *carried unanimously.*
624
625 6. [210-57-GR-15-EXT-12/15 \(Trinity Conservation, LLC-Daniel J. Hussey\)](#) Request by applicant for a
626 one year extension of their Site Plan approval on the following case (Expiration Date January 6,
627 2016): 210-57-GR-12-SR Daniel Hussey (Trinity Conservation-Gravel Excavation Operation)
628 Request by applicant to propose a Gravel Excavation Operation with access through Map 210, Lot 44

629 on a 100 acre site located on Green Hill Road (Map 210, Lot 57) in the General Residential (GR)
630 Zoning District. By: Jeff Kevan; TF Moran, Inc.*

631 This application was continued from December 17, 2015, with an update of the abutter list and
632 renotification occurring.

633
634 *A motion was made by D. Ayer and seconded by F. Bussiere to accept the application as complete.*

635 *The motion carried unanimously*

636

637 FX Bruton represented the applicant. He expressed the project had taken 8 months to approve. There
638 was \$366,000 of off-site improvements to the Town infrastructure that had been required as part of
639 the approval. The improvements would not occur if the project did not go forward. The review that
640 evening was limited to the request for extension. The Board was reviewing their efforts in regard to
641 the approval they had. It was not for the Board or the abutters to approve or disapprove of the
642 approval they had. That had already been done over many months both with the Board and at the
643 State. There had been engineers hired by the Town as well as the applicant. Part of the requirement
644 was the applicant was to acquire an operator, a letter from a realtor was provided acknowledging their
645 efforts. He expressed the restrictions agreed to by the applicant were significant and limiting, which
646 affected their ability to market the site. The applicant had a potential buyer who wished to remove
647 the gravel at a faster rate to make way for an eventual subdivision. They were looking for the
648 extension so that they could move forward with the project and rap up negotiations. It would allow
649 what was likely the most restrictive gravel pit approval in the state to move forward. Only five acres
650 would be exposed at one time and the gravel operation would be a highly regulated operation. He
651 expressed an extension was customary in this situation and it would allow an approved project to
652 move forward.

653

654 J. Pohopek asked FX to address condition #1 under general and subsequent conditions.

655

656 FX Bruton expressed that in the past a one year extension was not required. By default if not
657 specified the requirement falls under the State RSA 674:39. Barrington had defined what was active
658 and substantial. He expressed that as long as the applicant had complied with the condition the
659 change in the ordinance which had occurred did not apply. If the extension was granted the change in
660 the ordinance would not apply. The applicant had agreed to conditions which others would not have
661 agreed to. They had worked with the Board through the approval process to address concerns. The
662 prior issues with a previous applicant were not applicable to the application.

663

664 F. Bussiere asked how much of the work would need to be done in the next year if the extension was
665 granted.

666

667 FX Bruton expressed 25%.

668

669 R. Spinale expressed that if the 25% requirement was not completed in two years how did they know
670 the applicant would complete it in the next year.

671

672 FX expressed they were in the final process of negotiating with someone who would do that. The
673 restrictions had limited them as they had done their due diligence. He expressed what they had done
674 over the last two years was reasonable given the restrictions and they were now ready to move
675 forward.

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R. Spinale asked if was reasonable to ask the applicant to comply with current zoning.

FX Bruton expressed it was not and that was asking the applicant to go through the process of another eight months.

R. Spinale expressed they had already done it once and it should be much quicker the second time.

J. Pohopek opened public comment.

Eve Faulkner Green Hill Road read from the Notice of Decision under General and Subsequent Conditions and expressed that 25% of the infrastructure had not been completed and the approval should expire. The 25% was not talking about trying to find a buyer for the property. The zoning had changed.

Celia Bannenberg Green Hill Road expressed nothing had been done. It was very clear that expiration had occurred.

Thomas Sanderson asked how many sand and gravel operations were located in Town, expressing concern for the safety of residents and the Isinglass River.

J. Pohopek expressed a couple.

Denise Lozier of Rochester expressed her concern with the Isinglass, her quality of life and the value of her home.

Julie Lapham McDevitt expressed she was new to the area and felt the burden had been placed upon the residents as opposed to Trinity Conservation. The inability of the applicant to sell their property should not be an excuse to grant an extension. She asked what would happen if the one year extension was denied.

J. Pohopek expressed that the current zoning would apply to the application for one year. The applicant would have one year to complete the 25% or the approval would expire.

Julie Lapham McDevitt questioned the bridge.

J. Bouchard expressed that if there was a concern with the condition of the bridge the State would put a weight restriction on it.

F. Bussiere expressed the Town was currently spending money evaluating the bridge for replacement the bridge, the bridge was safe but narrow. There was nothing structurally wrong with the bridge.

Julie Lapham McDevitt asked what impact a drought could have on their wells.

J. Pohopek expressed it would be no different than if a subdivision was to go in. He did not believe it would have an effect.

723 Brian Lenzi expressed he was a licensed engineer and had completed an AoT permit for a gravel pit
724 which had been 97 pages in length that goes before the Army Core of Engineers and the EPA and
725 NHDES. He saw some justification for the extension. Severino had been selling material at a very
726 low rate from their Rochester site on Route 11. He also expressed that target shooting was a lot louder
727 than blasting.

728
729 Andrew Knapp expressed the NOD stated the approval would expire if active and substantial work
730 had not commenced. He did not believe there was a lot to discuss and that the Board needed to follow
731 the Notice of Decision.

732
733 Chris Vachon expressed that the Board should not be scolded for the restrictions. The applicant was
734 the one who had not performed on the contract. The citizens should not be held hostage. The Board
735 was not showing the citizens any kind of confidence that they would protect them.

736
737 M. Gasses expressed the Board had heard bits and pieces of Condition #1 and she believed the Board
738 should focus on the entirety of Subsequent Condition #1 and how the two sentences go together.
739 “Where no active and substantial work, required under this approval, has commenced upon the site
740 within two years from the date the plan is signed, this approval shall expire. The two year period will
741 be automatically extended to the extent the selectmen’s permission for the applicant to construct the
742 improvements to Green Hill Road is granted more than 45 days after such permission is applied for.
743 An extension, not to exceed on year, may be granted, by majority vote of the Board so long as it is
744 applied for at least 30 days prior to the expiration date. The Board may grant only one extension for
745 any proposed site plan. All other plans must be submitted to the Board for review to insure
746 compliance with these and other Town ordinances. Active and substantial work is defined in this
747 section as being the expenditure of at least 25% of the infrastructure improvements required under
748 this approval. Infrastructure shall mean in this instance, the construction of roads, storm drains, and
749 improvements indicated on the site plan. She believed that the action or inaction of the selectmen
750 was directly tied to granting of the extension and that the two sentences were tied together. The
751 selectmen had not been asked to do anything.

752
753 Elizabeth Dorin Iber expressed the zoning had changed and the applicant had not completed the
754 necessary requirements and the zoning had changed; make them apply for it again.

755
756 Jim Connelly expressed he had provided the Board with a packet. The information out there on the
757 dangers of gravel excavation was profound. The vibration of blasting would be felt and the particles
758 in the air could not be fully mitigated.

759
760 Casey O’Brien expressed that there were very few pits left in Town and the Green Hill Road area was
761 no different than any other residential area in Town, whether it was Mallego road or any of the other
762 areas in Town pits were located. He expressed it was everyone against one person. They would have
763 to upgrade Green Hill Road and he had been trying to sell it and had now found a buyer and the
764 Board should give him that little extra time.

765
766 Stephen Jeffery expressed the pit owners had not made a financial investment in the site. They had
767 not met the 25% and it would be wrong if the Board granted the extension.

768
769 Steve Graves asked if an extension had been granted in the past for similar applications.

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M. Gasses expressed not since she had been there, had an extension been granted on a project which involved a change in the zoning ordinance.

J. Pohopek expressed he would give the applicant a chance to respond. He did want to know if the applicant had gone to the selectmen with a request to start the improvements to the road.

FX Bruton expressed the approval was depended upon them finding an operator. There was an understanding that an operator was needed and the operator was needed to go to the selectmen. FX expressed that the one year extension was separate and distinct from the automatic extension when the applicant went to the selectmen. The one year extension was related to their ability to complete the 25% of the improvements. No they had not gone to the selectmen.

F. Bussiere asked FX if he was saying that if they were to grant the extension they the applicant could then go to the selectmen in ten months and they would then get another one year extension.

FX Bruton stated yes, they would then get an extension to do those improvements.

M. Gasses expressed she respectfully disagreed and believed that, and that the sentences were directly tied together.

FX Bruton expressed it was understood through negotiations that it would take time to get an operator and get them onboard, get to the selectmen and do the improvements. The applicant would have an additional year after they went to the selectmen to complete the improvements.

R. Spinale expressed it stated an “extension not to exceed one year”.

FX Bruton expressed separate extension mentioned was an additional extension. The line was there for the reason they were here.

R. Spinale expressed they were two separate sentences but they were tied together in one paragraph. They were talking about the same theme, which was the extension, singular one year. The forty five days told them when they needed to go in to trigger that one year and it tells you not to expect more than one year.

FX Bruton expressed it did not say that and it would not need to be in there unless it was tied to going to the selectmen.

F. Nichols asked if they were close enough to getting an operator that they could get a letter of interest.

FX Bruton expressed they could because he expressed getting this extension was important to him moving forward.

F. Nichols asked if would come tonight knowing how important it was.

FX Bruton expressed the hour was late and that was a new standard.

817

818 Barbara Zvodak expressed that a lawyer was parsing words and expressing it was conditional upon
819 them getting an operator. A letter of intent had no part there. They were not playing horse shoes, it
820 was written the way it was written and they should not be backpedaling.

821

822 Alan Kelley expressed that the Board had to leave emotion out of there considerations. There had not
823 been one indication of expenditure for infrastructure.

824

825 Jerry Emmerson asked if the consideration was to extend the current approval or to go to through the
826 whole process again.

827

828 J. Pohopek expressed if the extension was granted the current approval would continue, a denial
829 would require the applicant to reapply under the new zoning.

830

831 Jerry Emmerson expressed either they could extend it or they could go through the process for
832 another two years.

833

834 FX expressed that to the extent they go to the selectmen that was an automatic extension and what
835 they were talking about was an extension by the Board and that there was a difference.

836

837 M. Gasses expressed her comments were not made without consultation with legal. She was asking
838 the Board to look at the sentences as if they were conjoined.

839

840 F. Bussiere asked if he was stating the extension after going to the selectmen was automatic.

841

842 FX Bruton stated yes.

843

844 R. Spinale read from the NOD regarding the extension.

845

846 J. Pohopek closed public comment.

847

848 J. Pohopek expressed they had to really look hard at the general and subsequent conditions, had they
849 performed or had they not performed and are they entitled to the extension. In regard to the
850 developers agreement they kept talking about tying in a developer if there was an agreement they
851 brought in an operator that was an onus they brought upon themselves and the Board need to look at
852 the Subsequent Condition #1 and move forward on making a decision.

853

854 R. Spinale expressed the Board needed to not forget the zoning change, which played a part in the
855 request for the extension.

856

857 J. Pohopek expressed an extension would allow the applicant to continue under the same zoning and a
858 denial would require the applicant reapply under the new zoning.

859

860 R. Spinale argued that an extension would require them to comply with the new zoning.

861

862 J. Pohopek expressed that if R. Spinale believed the applicant needed to comply with the new zoning
863 his vote should be to deny the extension.

864
865 D. Ayer expressed he could not make a decision that night.

866
867 J. Pohopek expressed he would be tasked with making a decision.

868
869 *A motion by F. Bussiere and seconded by F. Nichols to deny the extension because the applicant had*
870 *not made any effort to make the improvements to the infrastructure. The motion carried 5-0-1*

871
872 Roll Call

873 J. Pohopek aye
874 R. Spinale aye
875 J. Bouchard aye
876 D. Ayer present not voting
877 F. Bussiere aye
878 F. Nichols aye

879
880 COMMUNICATIONS RECEIVED

881
882 REPORTS FROM OTHER COMMITTEES

883
884 UNFINISHED BUSINESS

885
886 OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

- 887
888 7. Consideration and discussion of possible Zoning Ordinance Amendments.
889
890 8. Schedule a date for the Second Zoning Amendments Public hearing if needed.

891
892 *A motion was made by F. Bussiere and seconded by R. Spinale to hold the second public hearing on*
893 *January 19, 2016 at 6:30 p.m. The motion carried unanimously*

- 894
895 9. Certification of Bodge/Olivier Lot line adjustment
896 *Without objection the Board agreed the Chair could sign the plans.*

897
898 Certification of Drubner/Lee Lot line adjustment
899 *Without objection J. Bouchard could sign the plans.*

900
901 SETTING OF DATE, TIME AND PLACE OF NEXT MEETING AND ADJOURNMENT

902
903 January 19, 2016 at 6:30 p.m. at the Early Childhood Learning Center

904
905 Without objection the meeting was adjourned at 12:20 a.m.

906
907 Respectfully submitted,

908
909 Marcia J. Gasses
910 Town Planner & Land Use Administrator

911