

ZONING BOARD OF ADJUSTMENT MEETING

Barrington Annex Building

(next to Elementary School)

(NEW LOCATION) 572 Calef Highway

Barrington, NH

September 17, 2014

7:00PM

Members Present

Karyn Forbes, Chair

George Bailey A

Meri Schmalz-Alt

George Schmalz-Alt

Raymond Desmarais

Gerard Gajewski

Dawn Hatch

Member Absent

George Bailey

G. Schmalz to sit for G. Bailey

MINUTES REVIEW AND APPROVAL

1. Approval of August 20, 2014 Regular Meeting Minutes.

A motion was made by R. Desmaris and seconded by D. Hatch to approve the August 20, 2014 meeting minutes. The motion carried unanimously

2. Approval of August 27, 2014 Regular Meeting Minutes.

A motion was made by R. Desmaris and seconded by D. Hatch to approve the August 20, 2014 meeting minutes. The motion carried unanimously

ACT ION ITEMS

3. **220-18-GR-14-SR (Stephen & Lorraine Flynn-owners)** Request by applicant for Appeal of the Planning Board Decision Case # 220-18-GR-14-SR (Owner: Stephan & Lorraine Flynn Map 220, Lot 18) Approved on July 8, 2014 for a 3.4 Conditional Use Permit and Site Plan Approval. Applicant: Deborah Rogers; 68 Greenhill Road; Barrington, NH 03825

K. Forbes explained they had a copy of the site plan, a memo from the Fire Chief, and a memo from the Conservation Commission. For clarification it was a continuation of the case above.

K. Forbes read the memo from the Fire Chief which stated, "In my opinion based on known information about the proposed powder coating operation to be located at 84 Green Hill Road, as long as the project meets all applicable

building and fire codes and is constructed as such, I do not feel that this operation will place any additional burden on the Town of Barrington Fire & Rescue Department. I also do not believe this operation will put any additional life safety concerns in the neighborhood”.

K. Forbes asked if any of the items provided addressed the concerns of the Conservation Commission.

G. Gajewski expressed he had done research and found that none of what was proposed violated the zoning ordinance, which was fumes, dust or noise. Most of the equipment has air filtration systems installed; the one Mr. Flynn showed them did. He had spoken with Sherwin Williams and a couple of the companies his business works with and their environmental person. He expressed that there was more danger involved with a can of spray paint that you bought at the hardware store. There was a Code Enforcement Officer who would address any issues.

R. Desmaris expressed there was still the disposal of materials.

G. Gajewski expressed that he had not found anything in the Zoning Ordinance, which had the Board addressing disposal. The Code Enforcement Officer would make sure the equipment is properly installed.

K. Forbes asked if the appellant wanted to add anything.

Mrs. Rogers expressed that she did not have copies of what Mr. Flynn had submitted.

M. Gasses expressed the material had been available in the Land Use Office.

Mrs. Rogers expressed at the Conservation Commission meeting they had talked about the disposal hazard materials, and the fumes, they have an organic farm. Also, it was a residential area and this was an industrial use which contradicted the zoning. She described her 14 acre farm and the sugar maples and blueberry bushes that surrounded Mr. Flynn’s property. They believed having such a business next door would violate their water and air quality as well as their quality of life. She expressed the material provided which they have is very vague. She had a friend who worked for Turbocam who had expressed to her that the CNC machines leak coolant on a regular basis and if safety measures were not set up ahead of time it was a recipe for disaster. She asked how Mr. Flynn had gotten through without submitting a site plan or showing where the machines would go.

M. Gasses explained Mr. Flynn had used an existing site plan for the site where he was not proposing any changes. The location of the machines inside the building was not an issue the Planning Board addressed as part of a site plan approval. Ms. Gasses explained that the location and installation of the machines and any secondary containment which was required was addressed through the permitting process with Code Enforcement.

Mrs. Rogers asked how an industrial business could even be allowed in a residential area.

M. Gasses explained that the use was allowed by Condition Use Permit. In the General Residential Zoning District any number of commercial and industrial use are allowed by Conditional Use Permit.

K. Forbes explained they were there to determine if they met the definition of Home Business, they were not there to determine if the applicant had met the site plan review regulations. She expressed the concern they were looking at was under 7.4(10) “The building or premises containing said home business shall not be rendered objectionable or detrimental to the residential character of the neighborhood because of exterior appearance, traffic, emission of odor, smoke, dust, noise, on-site storage of hazardous materials as determined by the Barrington Fire Department.

K. Forbes expressed there were no proposed changes to the exterior, there were only three employees, emission of odor, smoke, dust, noise, on-site storage of hazardous materials as determined by the Barrington Fire Department.

K. Forbes asked if there was anyone to speak in favor of the appeal.

Craig Rogers spoke in favor of the appeal. Prior they had represented the process as dry. In regard to the CNC machine he did not believe they had the updated MSDS sheets. There was no mention of cleaning, everything gets washed. There has been no mention of degreasing. Items needed to be cleaned properly when powder coating, sandblasting did not fully take out the degreasing.

K. Forbes asked what had been submitted that the Rogers had not received.

M. Gasses explained that whatever the Board received in their packet was the latest information received. The applicant would have had to ask for the information.

K. Forbes allowed the Rogers to review the material submitted by Mr. Flynn, which included the MSDS sheet for the coolant.

The Board went on to the next case prior to returning to this application.

Craig Rogers expressed the MSDS sheets were vague one of the products stated it could not be mixed with nitrates. All of the products needed to be washed out with water and the worst concern was spillage.

Debra Rogers expressed all the chemicals are explosion hazards. There were no fire hydrants in the neighborhood and the building did not have sprinklers.

K. Forbes asked if the MSDS sheets had been given to Chief Walker.

M. Gasses stated the sheets had been given to Chief Walker as well as Code Enforcement.

K. Forbes asked for comments from the Code Enforcement Officer.

Tom Abbott expressed he had done a lot of review he has gone to NFPA 33 which regulates powder coating. He would be required to sprayer the spry area; they would require an engineer's design on any piece of machinery which was not listed, the layout of the building including egress. Secondary containment would be required if not self-contained. They would require it be designed to the extent necessary.

R. Desmaris expressed there would be three operations: the milling, powder coating and sand blasting.

Tom Abbott expressed that the CNC machine they would be dealing with the secondary containment requirements. A lot of the sandblasting units are self-contained. The powder coating as some very specific requirements they were going to want to see.

K. Forbes asked if Mr. Flynn wanted to add any additional information.

Mr. Flynn expressed he had turn everything in that had been requested.

Pam Failing expressed as a member of the Conservation Commission they were not against or for a project. They make comments based on natural resource protection. They just hope that the processes in place that we look at what products

come on site and what byproducts were being produced. She expressed industrial processes could be done in a safe manner, where it is self-contained and fumes and run off are contained, so it could be done. It appears that Code Enforcement is already aware of some of the concerns. It was important to verify containment and the MSDS sheets.

K. Forbes expressed that she was going back to what they had asked for at the previous meeting.

K. Forbes expressed the Fire Chief submitted a letter expressing that this operation would not place any additional burden on the Town of Barrington Fire & Rescue Department providing the project meets all applicable building & fire codes and was constructed as such. He also did not believe the operation would put any additional life safety hazards or concerns in the neighborhood.

K. Forbes asked if the Fire Chief had considered the items the Board had asked.

M. Gasses expressed that she had specifically asked the Chief if he had considered the items raised by the Board and the Chief had explained he had reviewed all the information and his position had not changed.

K. Forbes expressed they had asked for MSDS sheets. G. Gajewski had confirmed that what was provided was representative and the MSDS would not change much. They had asked for the site plan and the Board had seen that. The applicant had been asked to show how they would control odor smoke and dust. G. Gajewski expressed he was satisfied. Mr. Flynn had represented the filters would be part of the machine. G. Gajewski confirmed in the machines he showed it was.

R. Desmaris expressed that the materials being brought in would be unknowns.

M. Schmalz asked what the inspection schedule would be like.

Tom Abbott explained there would be the initial inspections and any further inspections would occur if they received a complaint.

K. Forbes closed the public portion.

K. Forbes went back to the Rogers original concerns. #1 They believed the proposed business was too industrial in nature and did not belong in such a residential area. The proposed hours alone were excessive. #2 Too little is known as to the abilities of the owners' of stated business concerning pollution/toxic waste control and Fire Protection methods. #3 This was a protected water overlay area, and this business could contaminate surrounding property.

K. Forbes expressed they had the definition of Home Business, which was defined by the ordinance. It tells you what the criteria for a home business is in the Town of Barrington and what they had looked at was whether the building or premises containing said home business shall not be rendered objectionable or detrimental to the residential character of the neighborhood because of exterior appearance, traffic, emission of odor, smoke, dust, noise, on-site storage of hazardous materials as determined by the Barrington Fire Department.

R. Desmaris believed it was too industrial for the neighborhood. There were three employees and a lot would be going on.

K. Forbes expressed no more than two nonresidents may be employed. They had two residents and the criteria were in the definition. No greater than 2500 square of total floor space.

G. Gajewski expressed that he had looked at it and could not find what area of the ordinance they violated.

R. Desmaris believed the operation would be noisy there would be a lot going on.

D. Hatch expressed it was all going to be done within the building.

G. Gajewski believed it was not going to be very noisy. The machines themselves are not noisy and he saw no way that an appeal could be granted.

D. Hatch agreed with J. Gajewski that she saw nothing that justifies an appeal. If odor were to become an issue there were filters which could be installed as described by Ultra Clean Air in their letter. It was a small scale business, doing small parts not large parts.

A motion was made by G. Gajewski and seconded by M. Schmalz to deny the appeal. The motion carried 4-1

4. [103-38-GR-14-ZBA \(Corrine Farinelli\)](#) Request by applicant for a variance from Article 4, Section 4.1.1, Table 2 to allow both side setbacks of 14.7 where 30' is required to remove trailer and temp room to construct a proposed 21 x 50 building on a .29 acre lot on Long Shores Drive (Map 103, Lot 38) in the General Residential (GR) Zoning District. By: George J. Gauthier (Trustor); PO Box 228; Raymond, NH 03077

George Gauthier represented that he was requesting relief from side setbacks. Mr. Gauthier expressed he was trying to show a site plan by enlarging the certified plot plan and adding the well and septic. He asked the Board to disregard that sheet due to the surveyor wanting their name removed from the altered plan. He had not meant to offend anyone. He explained the septic would be located near the road where the soils were great; he had his license to install septic systems. It was an existing lot of record and had been granted a variance in the 1987, which had since expired. They wished to construct a Gambrel style home. Because the lot is only 50' wide he was proposing to make the home only 20 feet wide with a six foot overhang. He had built a couple of houses on Long Shore in the past and he had plowed during the winter and helped people out, he liked the area. Mr. Gauthier expressed this was going to be his dream house and because the lot was narrow he believed the 20' wide home was proportional. He had seen a slow but positive change in the area and planned to live there.

R. Desmaris asked if the trailer would be removed.

Mr. Gauthier stated yes.

K. Forbes asked if the driveway for the property was on the adjacent lot.

Mr. Gauthier explained they have had a common driveway since 1985.

K. Forbes asked if the trailer was still there.

Mr. Gauthier expressed he agreed to have the trailer removed by April 30th.

G. Gajewski expressed that the front and rear setbacks were in compliance, he only needed relief from side setbacks.

G. Gajewski asked if there was a well and septic there now.

Mr. Gauthier explained the well and septic were proposed. The proposed septic is further from the lake than the prior proposed location.

D. Hatch asked if he was going to eliminate his driveway from where it was currently located.

Mr. Gauthier explained he planned to eliminate the current access but he had not yet met with Peter Cook.

K. Forbes asked if there was anyone in favor.

No one spoke.

K. Forbes asked if there was anyone opposed.

No one spoke.

K. Forbes closed the public testimony portion of the meeting.

K. Forbes expressed the applicant had done a good job with the lot; it was a small lot.

A motion was made by R. Desmaris and seconded by D. Hatch to approve the variance request. The motion carried unanimously.

ADJOURNMENT

A motion was made by D. Hatch and seconded by R. Desmaris to adjourn at 8:40 p.m. The motion carried unanimously

Respectfully submitted,

Marcia J. Gasses
Town Planner & Land Use Administrator