

Minutes
Barrington Planning Board Meeting
Library, Elementary School
347 Rte. 125, Barrington, NH
September 2, 2010 - 7:00 PM
Public Hearings with applicants

Members present: Chairman John Huckins
Selectwoman Jacqueline Kessler
Edward Lemos
Alan Kelley
Steve Oles
Dawn Hatch (Alt)

Town Planner: Constance Brawders

Chairman Huckins called the meeting to order at 7:00 PM. He introduced the members and Planner Connie Brawders. Huckins said Jim Connick had asked to have his Site Review, File # 10/379 continued to October 7. Lemos made a motion to continue File # 10/379 to October 7, seconded by Kelley, all in favor. The hearings were opened.

File # SR 10/383 - Applicant: Aroma Joe's Coffee – Marty McKenna and Mike Sillon - 63 Broadway, Dover, NH
Landowners: Craig & Kim Jackson –371 Rte.125, Barrington, NH
Location: 371 Rte. 371 Rte. 125 - Map 238, Lot 49.1 -
Town Center & Stratified Drift Aquifer

The applicant proposes to renovate a 16' by 28' area of the South end of the existing Kim's Kut n' Kurl, located on Route 125 along with other renovations to support a drive thru coffee business. There would be 2 windows, 1 for orders and 1 for pickups.

Surveyor Bernard Cote of Geometres Blue Hills, Lic represented the plan with the land owners, Fred Knight and Craig Jackson and applicants, Marty McKenna and Mike Sillon. He went over the plan and what changes had been made since the July 8 hearing.

The list of items from the review session was discussed. Cote pointed out the handicapped parking spaces for the business. Huckins said it should be broken out on the plan how many parking spaces were required for each business in the building and put on the plan. He said Route 125 should be labeled on the plan. A note on the plan stating there were no wetlands on the site was needed. The owner's signature block was needed and signed on the final plan.

The road used from the Post Office to Route 125 was discussed. It was not a road just a cut-off to get from the Post Office to Route 125 without going through the lights. The only way to get out to Route 125 from this road was through Knight's parking lot and driveway. There is no deeded right-of-way. All agreed that it could be a hazard and should be blocked off.

Craig Jackson said some days it was a hazard. He said it was originally opened for the truck show. He said it was no problem to block off the access; it could be opened

for special events. Paul Aucella asked if it was legal to close it. He said we should get the opinion of the Police and Fire Chief. There should be a note on the plan stating that the access would be gated. Kessler said she would like to hear from the Chiefs.

Cote said a new septic system had been designed. He said the existing one was more than adequate to handle the addition of the new business. He said the existing plan was a leach field of 20 feet by 39 feet, approved in 1987. A change in use required a new design in a system which was 25 feet by 40 feet. Cote said it was not approved to date. A copy of the existing plan was presented. The test pit data was used from the original system. The new design would be installed in the same place and meet all new criteria.

Cote said that the engineering would be done before the next meeting. He said the study was in progress. The traffic study was being done by Engineer, Donald Rhoades. Cote said there would be a scoping meeting with the Department of Transportation on the access either north bound only or 2 way.

The sign graphics of what the sign would look like should be placed on the plan. Cote said it would remain in the same location. A plan of the sign showing colors, lighting, height, and size needed to be presented.

Huckins said the parking spaces needed to be marked well showing traffic flow. Cote said the drive through would be well marked and located on the inside lane. The driveway needed to be well marked. Applicant McKenna said there was a 12 car cue – in line, only more than 12 would not affect the parking. He said the parking aisle width was 24 feet; one side was 18 feet from drive from the drive through. McKenna said the normal cue would be 8 to 10, 12 would be unique.

Notes 10 and 11 go with Note 6 and 9 goes with parking. Cote said the new parking area was not paved for now. It would be paved in the future. The drainage was shown for the entire lot. A new plan had not been done. Planner Brawders asked if the parking lot would have a top coat, both new areas and existing. Cote said the plan showed in red what would be paved new.

Huckins asked if there were any abutters present or anyone that wanted to speak on the plan. No one spoke. Lemos made a motion to continue the hearing to October 7, seconded by Kelley, all in favor.

File # 10/609 – Paul & M. Abigail Aucella – 8 Range Road, Barrington, NH 03825

Location: Province & Range Roads / Map 228/Lot 16

General Residential District

(Map 8/ Lot 34-1A – Town of Strafford)

Subdivide existing 17.59 acre parcel into 12.49 acres with existing dwelling and 5.10 acres.

Aucella represented his plan and said there would be 2 lots created off Province Road and Range Road, Class 6. The new lot would be 5 ½ acres taken from the 17 acre lot. The lot would become 12 acres. Aucella said he had used the road for the last 12 years and he would continue to use it for access to the 2 lots. He said there was a 50 foot strip shown on the plan for frontage to Province Road.

Huckins said Aucella would need to go before the Zoning Board as he would not use the lot frontage as access, (Article 4 – Dimensional Requirements, Section 4.1 3)

Aucella asked if because it was a lot line revision this requirement could be exempt. Huckins said regardless, a ZBA hearing would be needed as the frontage would not be

used as access.

Huckins said there should be a note on the plan stating that it was a backlot subdivision. The driveway for the new lot should be shown on the plan. Aucella said the driveway was in Strafford. Hatch said signatures would be needed from both Towns. Aucella said his wife was representing the plan in Strafford tonight. Aucella said test pits had been done. Hatch read the waivers requested that pertained to requirements on the remaining land, Section II 13-28-31, Section III 12-13, and Section V – 31.

Huckins asked if anyone wanted to speak on the plan. No one spoke and no abutters were present. Kelley made a motion to continue the hearing to November 11 as a hearing with the Zoning Board could not be held before October 20. Oles seconded the motion, all in favor.

File # 10/610 - Fisheye Properties LLC / Wayne Stocker & Paul Thibodeau

Location: Young Road / Map 240/Lot 15
Neighborhood Residential District

Create a 14 single family lot subdivision on 46.22 acres – open space - 7.64 acres /16.5 % of total area.

Surveyor David Vincent represented the plan with applicants, Will Stocker and Paul Thibodeau. Vincent presented the 14 lot subdivision fronting Young Road. The parcel contained 46 acres and Prime Wetland 21 was on the site. The plan was a conventional subdivision with 2 backlots and all driveways off Young Road.

Vincent said testpits had been dug on the lots with more to be done. He said he was meeting with the Fire Chief concerning cisterns. Vincent said there could be either 2 10,000 gallon ones or a 30,000 gallon one. He said the applicants were leaning toward the 30,000 gallon one.

Vincent said he had met with Road Agent Peter Cook for the driveway locations shown on the plan except for the one to the existing house. He said the wetlands were being flagged. All agreed that safety was the top priority with the design of the lots and driveway locations. Kessler said there was a bad curve in this location which should be addressed. She asked if the house would be torn down.

Vincent said the road was shown on the plan as exists. He said everyone should remember that the plan was 100 scale. The sight distance was discussed. He said the hill could be cut to create greater sight distance. Members suggested that the front lots locate their driveways off the neck for the backlots. Vincent said he did not think that lot 11 would need to come off the backlot frontage. The road profile done by Norway Plains was viewed. Kessler said the Fire and Police Chiefs should put their comments in writing.

Vincent said the Town had talked about demolishing the house. He said the applicants would take care of the foundation after. He said there were granite blocks in the foundation that they wanted to keep. Vincent said the applicants would work with the Selectmen concerning improving the corner. Lemos said the 14 lots would create an impact and the applicants should pay their portional share.

Vincent said that the applicants would improve the curve if the Town took down the house and removed it from the site. He said the applicants would take care of the rocks and soil. He said the cistern might be located in the area of the house.

Hatch asked about the non-conforming structure on the site. She said this might require a Zoning Board variance if it was left as where it sat as the parcel was being changed. Vincent said he did not think that a variance would be needed as other non-conforming structures had been left where they existed.

Hatch asked how much of the open space was upland soil, how much was accessible to the lot owners without crossing others property. It appeared that the majority of the open space consisted of the Prime Wetland. Vincent said this was a preliminary plan and changes could be made in the hearing process.

Brawders asked if the applicants had considered designing a conservation subdivision to preserve the wildlife corridor and take advantage of the site. She said it was a beautiful site and this type of development would give many residents the right to enjoy it. People would have access to the Prime Wetland.

Vincent said for legal and liability reasons the owners wanted the open space to remain private. Vincent said a conservation subdivision would not be feasible due to the depth of the parcel. Brawders said the design presented could be drawn better. Vincent said the wetlands could reshape the lots. Brawders said people could not walk on Young Road as it was not safe due to width and curves. The subdivision could have trails that people could use. Vincent said roads within the subdivision could create greater impacts.

Vincent said 2% of the site was impermeable surfaces. Huckins said if a conservation subdivision was proposed this could be a yield plan of 14 with a density bonus of 10% for a cluster. Vincent said the proposed plan met all of the requirements. Kessler said upland soils needed to be included in the open space. Vincent said the plan would be designed to make everything work.

Brawders said storm water leaving the site needed to be addressed. The 100-foot buffer to Prime Wetlands was shown on the plan. Huckins said there were no wetland impacts. Oles said culverts would allow the same flow.

Brawders said engineering was needed and would need to be reviewed by Berger Group. Vincent said the runoff to the road would be collected in driveway culverts and swales. He asked what would be engineered. Brawders said grading and drainage changes. She said culverts would be installed that could cause water to cross under the road to the parcel across the road.

Vincent asked if from now on would every subdivision have to be engineered whether it was one lot or more. Huckins asked what we would be engineering. Vincent asked the same question. Kelley said we need to know that we were protecting the Town. Vincent said that there was no engineering and no stamp of an engineer on the plan. Oles said the driveways would be paved with culverts or swales. Brawders said the land would be disturbed with houses and driveways. She said this would affect the storm water runoff.

Again Brawders said the plan should be reviewed by engineers. She said without it liability or complaints could become a problem later on as the land across the road could be affected. The plan should be engineered and reviewed by the Berger Group. Brawders said the Town's drainage system could be affected. Kessler said the applicants could decide what they wanted to do but she felt that the plan should be reviewed.

Vincent said the plan was for 14 lots which did not include houses, septic systems, driveways or other areas of disturbance. He said he would encourage the members to sitewalk the parcel. Kessler said this was a good idea but it would not change

her mind. Brawders said Vincent should announce that he was a Board member. Vincent said he was a member of the Planning Board and had been away from the meetings for 9 months to further his schooling.

Huckins said Vincent should establish what would be done on the site. Vincent said the Road Agent had looked at the site. Cooks comments should be in writing. Kessler said in the past we had law suits so we need to defend and protect the Town.

Kessler said maybe 1 or 2 lots might not need engineering but 14 was a different story. Vincent said he would contact an engineer and get feedback from him. Kessler said there could be questions that needed to be answered. Huckins said we could ask Berger for his opinion so we would have something in hand. Kelley said this would be due diligence on the part of the Board.

Brawders read Section 10.2 and 3 of the Subdivision Regulations concerning a storm water plan. She said a smaller subdivision could ask for a waiver. Vincent asked what a storm water management plan would show. Huckins said Vincent could run the proposal by an engineer. Brawders said he should hire an engineer to view the site and plan. Vincent said no homes or driveways would be shown on the parcel. Brawders said the building footprint should be taken under consideration for their impact. Kelley said with an engineers report any restrictions would be found.

Vincent said development of a lot would address the drainage analysis, existing structures, what was found pre and post development, and show where the drainage would go. Oles said a drainage analysis was usually done when a new road was proposed, this was an existing one.

Kessler asked if the development would affect the Prime Wetland or roadway. Oles said we could ask Berger Group. Again Vincent said the 100 foot buffer to a Prime Wetland was shown.

Brawders said engineers had different areas of specialization, environmental, PE, etc. She said in the best interest of Vincent's clients the development has to be defended regarding the design, affects, and impacts. Vincent asked if we had a specific list of what the Board wanted the engineer to review. Kelley said he would need a plan of a formal submittal.

Brawders said the lots would be created as building lots so we must take the design to the next level. Vincent said the Town had no authority to require placement of a home. Kessler said she wanted to know any effect the development might have on Young Road. Brawders said the existing conditions as well as the impact to the Town road would be reviewed.

Brawders said it was up to the client how to best design the plan so it had little or no effect on existing roads. Huckins said we could ask Berger Group for their input. He asked if abutters wanted to speak. Curtis Quimby said he had talked with some of the abutters and they had 3 areas of concern. He said road safety was a big concern as Young Road had blind spots and curves. He said to date there had been few accidents as there were no developments in the area.

Quimby said the flow of water off the site was also a concern. He said there were brooks within the lots and there was water up against his property. Quimby said there was more water now that the trees had been cut. He said Penny Lane was a natural wildlife site. Quimby said there was bare exposed ledge on some of the proposed lots. The site was a natural habitat.

Quimby said the abutters were concerned that Young Road was narrow and anyone walking on it took their life at risk. He said with 14 lots there would be a minimum increase of 28 additional cars per day.

Brian Lenzi said he was taken back by the discussion on engineering of the site. He said an Alteration of Terrain permit would be needed for the total project and the disturbance would be over the minimum of 100,000 square feet. He said the average disturbance per lot was 7000 square feet. Lenzi said anyone could call the Department of Environmental Services for what was required for an Alteration of Terrain permit.

Abigail Gingrich and Matthew Trnovsky lived near the site and were concerned to see the parcel developed. Marika Wilde read a letter from Bob Eckert into the record addressing the environmental and conservation value of the site. She read that the water eventually ran to Richardson Pond which was a conservation easement site. The letter stated that the site had many of the same qualities as Stonehouse Pond which was a natural wildlife corridor and habitat to many species of animals.

Vincent said before any water went to Richardson Pond it crossed the land of Norma Bearden who had also owned the parcel being subdivided. Wilde said as the Town owned Richardson Pond they were very concerned about anything flowing into it. She said they wanted to protect the property as it was open space for the residents.

John Wallace, Conservation Commission asked if the developers had considered a conservation easement on the site. Vincent said they were considering deed restriction with each land owner having an equal share. Wallace said a conservation subdivision would better protect the site and the open space could be expanded. He said the Commission was concerned about the long term interest of the Town. He said ¾ of the property was mentioned in the Fish and Game Wildlife Action Plan.

Karolina Bodner said she had lived at the house on the site for 35 years. She said the parcel was incredible. Bodner was a teacher in Somersworth and many of her students had walked the site which was a favorite of many of them. She said the Boy Scouts and many groups had walked the land and all agreed that it was an amazing site. Bodner said the site had always been open to the public as it was in current use.

Bodner said the safety of the entrance to the house needed to be taken into consideration as it was dangerous. As there were no additional comments Huckins asked if the applicants wanted to continue the hearing. Hatch asked if the Board would take a sitewalk. Lemos made a motion to continue the hearing to a sitewalk on September 16 at 6:00 PM and a hearing on October 7, seconded by Kessler, all in favor. Huckins said as the sitewalk was part of the hearing process all abutters were welcome to attend.

File # SR 10/384 – Richard and Catherine Gibb

71 Old Mill Road, Lee NH
Location: 74 Route 125, Barrington, NH
Tax Map 263, Lot 7
Regional Commercial Highway District
Stratified Drift Aquifer Overlay

Change a residence to a child care business for no more than 24 children with a maximum of 3 employees

Surveyor, Jason Pohopek represented the Site Review with the applicants Richard and Catherine Gibb. Pohopek said Catherine Gibb wanted to open a child care business

for 24 children. He said the parcel contained 6 ½ acres. Pohopek said the building would not be a residence. It would be occupied by the day care only. There would be 5 employees. The location was in the Regional Commercial District and Stratified Drift Aquifer Overlay. It was a permitted use. Prime Wetland 2 was on the rear of the lot.

Pohopek said they had identified 2 smaller size leach fields that were probably installed in the 1970s. A new design was in the process for a use of 300 gallons per day. Pohopek pointed out the children's play areas.

Pohopek said he had consulted with an engineer's traffic report. The entrance would be from Route 125 which would be further away from Lee Oak Road with 400 +- feet of sight distance. He presented pictures of the site and driveways. Pohopek said there were 2 gravel driveways off Lee Oak Road; one would be closed and the second would be kept for Gibbs use, supplies, and deliveries and a back parking lot. The front lot had spaces for 24 vehicles which was more than enough for the parents and employees.

Pohopek said they were asking for waivers from topography of the entire site. He said it would be an undue burden on the applicants. Pohopek said the site exists and there would be no change in grading. He said he had talked with James Driver of the DOT concerning the driveway and would be submitting a driveway application at the next meeting. Pohopek pointed out the area where the gravel driveway would be closed and grassed.

Pohopek said the elevations of the existing building and the floor plans would be presented. Catherine Gibb said the entire building would be remodeled and upgraded. The building footprint would remain the same.

Catherine Gibb said the definition of Group Daycare and Home Daycare was different. She said the children were separated by ages and it was a learning center. The childcare facility would be called That's My Day Care. Gibb said she had operated a daycare in Lee for 22 years.

The sign location was shown on the plan. The present sign would remain, lit from the ground up. Cut sheets will be presented. A picture of the sign showing the size height, width, colors, and lighting needed to be presented. At present the applicants have not decided what the sign size would be.

C. Gibb said she would like to open in January. Pohopek said engineer Tobin Farwell was working on the traffic report. The peak times for drop offs and pickups would be 44 vehicles. Pohopek said he had used the information from Generator Connections traffic study. He said the amount of traffic would not warrant a turning lane. He said one safety concern would be eliminated when the gravel driveway was closed. There would be a pattern of one way in and one way out.

Pohopek said the truck deliveries was figured in the study. Brawders said per week there would be approximately 96 vehicles for the children and 10 for employees for a total of 106 if there was no car pooling.

C. Gibb said parents would bring their children to the building and sign them in. Huckins said the traffic study needed to go to the Berger Group for review. Brawders said whatever comes in should be reviewed by Berger for any concerns on the site.

Brawders spoke on the cemetery across Lee Oak Road. She said the New Hampshire Division of Historical Resources should be contacted to see if it has historical value. Brawders said the cemetery should be cleaned up for safety reasons. It could

make the day care more marketable. Richard Gibb said there was 400 feet from his entrance to the cemetery.

Kessler said she would like to know the accident occurrences and causes at the intersection of Route 125 and Lee Oak Road. The DOT driveway permit and the new septic system design were needed. The 2 requested waivers needed to be voted on which would be done at the next meeting.

There were no abutters present. Lemos made a motion to continue the hearing to October 7, seconded by Oles, all in favor.

**Conference with Jack Farrell – Change in utility conditions –
Condominiums on Route 202 & 9**

Farrell said the owner of the lot abutting the one he had for sale had overhead utility line installed and when the person that was interested in his lot found out that underground utilities would be up to \$10,000.00 for public service to install the conduit and lines along with the trench and sand he back away from the purchase of the lot.

Farrell said he was asking for a waiver from the requirement of underground utilities for this lot. He said there would be 3 poles for the 2 lots. The length of the driveway was 348 feet. Huckins said the Board had allowed overhead service on the front lots of Farrell as the poles existed along Routes 202 and 9.

Lemos said the financial hardship was not a consideration that the Board could consider as it was not a reason to grant a waiver. Farrell said it appeared that the Board did not think that the waiver should be granted. Huckins said people bought the lots with the understanding that the conditions of approval would be met. Farrell said he did not think that a waiver would be granted so he would cancel his request for a hearing. Farrell's deposit will be returned as the Town had not spent any of the money as no hearing was scheduled.

The hearing was closed.

Business meeting

Conference on private road acceptance by the Town

Brawders said on September 9, 2010 four private roads would be represented by their developers for acceptance by the Town as town roads. She said Peter Cook, the Engineer from Berger Group and she viewed the roads. Each developer was sent a punch list of items that had to be done before they could go before the Selectmen. The 4 subdivisions were Cabernet – Tim Mason – Autumn Lane, Hearthside – James Powers – Hearthside Drive, Lakeview Estates – Tony Franciosa – Liberty Lane, and Oak Hill North – David Story – Oak Hill Road North.

Private Road Policy hearing/recommendations

A private road policy hearing will be held for David Cullen who wants to build on a private road, Flower Drive.

Michael Davis update on reclamation of site on Smoke Street and Route 9

Hatch said Michael Davis had asked to meet with the Board to give them a brief update of his progress on the reclamation of his lot on the corner of Smoke Street and Route 9.

Driveways in subdivisions paved in 16 feet with road

Hatch said she was going to push for the entrances of driveways to be built and paved in 16 feet with the road paving as intended by the Subdivision Regulations. She said if anyone rode around the subdivision they would see that some of the driveways were not sloped away from the road to keep any flow of water off the road. Some of the driveways are still not paved as developers said they could not be done after the middle of November. Some of the driveways are not paved even though the developer is asking for road acceptance. This was a condition of approval on subdivisions. She said until the driveways are constructed as required and paved in 16 feet that portion of the bond should not be released.

Oles said he could agree with this but what if a person wanted his driveway in a different location. Hatch said he would have to apply for a driveway relocation permit with the Road Agent.

Acceptance of minutes

Kelley made a motion approve the minutes up to date, seconded by Oles, all in favor. Huckins said the minutes were discussed several times but not voted on.

The meeting adjourned at 10:05, motion by Oles, seconded by Kessler, all in favor.

Dawn Hatch, Clerk