



**BARRINGTON PLANNING BOARD
BARRINGTON ELEMENTARY SCHOOL LIBRARY
570 CALEF HIGHWAY
BARRINGTON, NH**

THURSDAY MAY 5, 2011

MINUTES

*Review of minutes to follow Item #8

PRESENT:

John Huckins, Chair
Alan Kelley, Vice-chair
Michael Clark, Ex-officio
George Calef
Anthony Gaudiello
Edward Lemos, DVM
David Vincent
Stephen Jeffery- Alternate

ABSENT:

Jacqueline Kessler- Alternate
Steve Oles- Alternate

STAFF:

Constance Brawders, Town Planner

GUESTS:

E. McMaster; 157 Merry Hill Road; Barrington
John McMaster; 157 Merry Hill Road; Barrington
Thomas Maciolek; 22 Brittany Lane; Barrington
Paul Miller; 9 Brittany Lane; Barrington
George Fredette, Jr; 280 Sagamore Road; Rye, NH
George Fredette; Garland Road; Strafford, NH
Darin Hatch; Parsley Lane; Barrington
Sara Pollock; 367 Packers Falls Road; Durham, NH
Todd Calitri; 125 Longmarsh Road; Barrington
Jason Pohopek; 629 Route 126; Barrington
Katy Weller; 277 Parker Mountain Road; Barrington

CALL TO ORDER

Chairman John Huckins called the meeting of the Barrington Planning Board to order at 7:00 p.m.

ROLL CALL

Members were introduced by the Chair confirming members and guests present as stated above.

MINUTES REVIEW AND APPROVAL

*Review of minutes to follow Item #8.

1. Approval of April 28, 2011 Regular Meeting Minutes.

Planning Board member D. Vincent moved to table the review and approval of the April 28, 2011 meeting minutes to the end of the meeting. Planning Board member E. Lemos seconded the motion, which carried unanimously with a vote of seven (7) - zero (0).

Minor typos were noted and corrected.

Planning Board member Vice-chair Kelley moved to approve recommended minor revisions to the minutes of April 28, 2011. Ex-officio member M. Clark seconded the motion for discussion, which carried with a vote of four (4) – zero (0), with three (3) abstain.

As there was no further discussion, the minutes were accepted as approved with minor revisions.

Vice-chair Kelley moved to approve the minutes of the meeting of April 28, 2011. Planning Board Member E. Lemos seconded the motion, which carried with a vote of four (4) – zero (0), with three (3) abstain.

Comments were exchanged between the Board and the Town Planner regarding adding “Other Business” to the agenda. The Board requested that the Planner add “Other Business” so that other issues may be discussed at any given evening’s meeting, as long as the business is properly presented for consideration by the Board.

Vice-chair Kelley moved to add a topic for the Agenda, “Other Business”, if the other business properly comes before the Board. Planning Board member T. Gaudiello seconded the motion, which carried with a vote of four (4) – zero (0), with three (3) abstain

STAFF COMMUNICATIONS

2. Planner Brawdgers passed out a notice from Fire Chief Walker regarding Fire Suppression Systems and Senate Bill 91.

ACTION ITEMS

3. **10/528A (Gerrior Lane Trust)** Request by applicant to amend a Site Plan to relocate and construct Detention Pond #2; amend Grading Plan; and review of surety for Phrase 2 of the development located at Gerrior Drive from Route 4 to St. Matthews Drive (Map 268/Lots 1.6 & 1.7) in the General Residential (GR) Zoning District. Applicant: Peter Daigle, Esq. 1550 Falmouth Road, Suite 10; Centerville, Ma 02632.

There has been discussion between the Town's Attorney, Jae Whitelaw, (Mitchell Municipal Group, P.A., 25 Beacon Street East; Laconia, NH 03246), and the Barrington Conservation Commission regarding a stewardship donation to the Commission for the conservation land in the Gerrior Trust subdivision. The BCC did not obtain an agreement in writing for a stewardship donation; therefore, there can be no enforcement of a donation. The Land Use department must look to implement a form with applications that come before the Planning Board to track conservation land donations.

This case was continued to the July 7, 2011 Public Hearing at the April 7, 2011 Public Hearing.

4. **SR11/389 (Mix Maker)** Request by applicant for approval for a change of use from Warehouse Operations to Light Manufacturing Facilities on a 3.01 acre site located at 246 Calef Highway (Map 223/Lot 7) in the Regional Commercial (RC) & Stratified Drift Aquifer Overlay Zoning Districts. Applicant: Lynch Specialty Foods, Inc., Robert S. Lynch; 66 3 Baer Road; Rollinsford, NH 03869.

The application for Item # 4 is invalid as the owner did not sign the application form, nor was a letter of authorization submitted, for consideration by the Planning Board for case review.

5. **LL11/234 & 11/613 (Lot Line Adjustment and Subdivision for Todd Calitri & Jason Pohopek)** Request by applicants to adjust the line between Lot 20 (28 acre site) & Lot 20.1 (2.4 acre site), adding 0.99 acres to Lot 20.1 increasing its area to 3.39 acres and to subdivide a 2.59 acre back lot from Lot 20 creating one new lot and leaving 14.2 acres remaining with Lot 20, located at 267 & 269 Parker Mountain Road (Map 216/Lot 20 & 20.1) in the General Residential (GR), Highway Commercial Overlay (HCO) & Stratified Drift Overlay (SDA) Zoning Districts. Applicant: Pohopek Land Surveyors & Septic System Design, LLC, Jason Pohopek; 42 Flagg Road; Rochester, NH 03867.

Applicants' agent/owner Jason Pohopek approached the Planning Board to present the application and plans. Discussion emanated in follow up to findings and suggestions for plan revisions as recommended in the April 28, 2011 plan review session. Four waiver requests were presented for the Board's deliberation. A copy of the easement agreement was provided for review by the Town's attorney.

The Chair opened the floor to public comment. Abutter Katy Weller of 277 Parker Mountain Road asked if the driveway easement would impact her parcel. The Chair assured Ms. Weller that the application had no bearing on the use of her land.

As there were no additional questions from the public and no questions for discussion by the Board, the Board considered the waiver requests under the Town of Barrington Subdivision Regulations as presented individually as follow for consideration and vote:

1. Article 8.3, Item #6, two foot topography of the entire lot (Specific Plan Information-Existing Site Conditions).

Mr. Pohopek referenced the first written waiver request provided to the Planning Board. Pohopek stated by showing the complete topography of the entire site on the plan, this would cause an undue burden on the applicant, as topography encompassing 80,000 s.f. on each of the three affected lots has been shown, and thus considered by the applicant sufficient for the Board in making an informed decision on the application. Board member D. Vincent remarked that existing structures have been shown on the remaining lot on the plan.

Vice-chair A. Kelley moved to accept the waiver request under Article 8.3, Item #6. Planning Board member E. Lemos seconded the motion which carried unanimously seven (7) – zero (0).

2. Article 8.3, Item #9, wetland delineation of entire lot (Specific Plan Information-Existing Site Conditions).

Mr. Pohopek referenced the second written waiver request provided for consideration by the Board. The applicant offered the waiver as necessary for the purpose of not creating an undue burden to the applicant by supplying the Board with information that is not pertinent in the decision making process of this application. In 2003, a wetland delineation was performed for the purpose of the creation of the original subdivision, and area impacted by this current application was reconfirmed in 2011 by Pohopek Land Surveyors and Septic Designers. The waiver request is specifically for the additional, unbuildable land along the Isinglass and Mohawk Rivers to the north of the areas shown on the plan view of the submitted plan.

Planning Board member E. Lemos moved to accept the waiver request under Article 8.3, Item #9. Planning Board member D. Vincent seconded the motion which carried unanimously seven (7) – zero (0).

3. Article 8.3, Item #5, Boundary survey of the entire parcel (Specific Plan Information-Existing Site Conditions).

Mr. Pohopek referenced the third written waiver request provided for consideration by the Board. The applicant again stated the waiver as necessary for the purpose of not creating an undue burden to the applicant by supplying the Board with information that is not pertinent in the decision making process of this application. The additional land that has not been surveyed and subsequently not reflected on the submitted plan drawing consists of low lying land along the Isinglass and Mohawk Rivers, rendering the area unbuildable, in the opinion of the applicant.

Member D. Vincent asked if a survey had ever been performed of the entire parcel. The applicant responded that no survey had been done previously. Vice-chair A. Kelley asked for clarification in the process for the survey in the application for a newly created subdivision. A brief explanation was offered by Mr. Pohopek, Chair Huckins, and member D. Vincent, resulting in satisfaction among the Board members. As there were no further comments, the Board moved to consider their vote.

Planning Board member D. Vincent moved to accept the waiver request under Article 8.3, Item #5. Planning Board member G. Calef seconded the motion which carried unanimously seven (7) – zero (0).

4. Article 14.2.4-Back lots Permitted, Item #6, number of back lot subdivisions permitted.

Mr. Pohopek referenced the fourth written waiver request provided for consideration by the Board, which was submitted because of a discrepancy between the Town of Barrington Subdivision Regulations and Zoning Ordinance, regarding the subdivision of back lots, to allow the applicant fair and reasonable development of his property.

Planning Board member D. Vincent cited Article 11-Action of Applications 11.1, General Waiver Provision for the Board. In consideration of the four stipulations set forth under Article 11.1 in satisfaction of the waiver request set forth by the applicant, the Board moved to state their vote.

Planning Board member D. Vincent moved to accept the waiver request under Article 8.3, Item #5. Planning Board member T. Gaudiello seconded the motion which carried unanimously seven (7) – zero (0).

The Planner requested that the Board please remind the applicant to note the waivers on the plan. The Chair reiterated that all waivers that have been approved should always be listed on submitted plans as a standard of practice.

Chairman Huckins asked for a motion to accept the application as being complete for case LL11/234 & 11/613 - Lot Line Adjustment and Subdivision for Todd Calitri & Jason Pohopek.

Planning Board member E. Lemos moved to accept the application for Lot Line Adjustment and Subdivision for Todd Calitri & Jason Pohopek for approval. Planning Board member D. Vincent seconded the motion which carried unanimously seven (7) – zero (0).

The Planning Board considered the application for approval noting the following outstanding conditions: 1. Waivers shall be noted on Plans; 2. The Driveway Easement is to be reviewed by the Town's attorney, Jae Whitelaw, of the Mitchell Municipal Group, P.A.; 3. The applicant is responsible for third party review reimbursement under RSA 676:4-b; 4. Plan Note #3 - Plan Dimensional Requirements is to read "Minimum frontage for back lots: 50 feet /each; 5. A copy of State Subdivision Approval is to be provided for the Land Use case file folder; 6. Plan Note #18 is to show the permit number for State Subdivision Approval (RSA 485-A:29, I, Water Pollution and Waste Disposal/Submission and Approval of Plans and Specifications); and 7. The applicant is to provide the monumentation certification for the Land Use case file folder.

Planning Board member E. Lemos moved to approve the application with conditional approval subject to fulfillment of the list of outstanding issues for LL11/234 & 11/613 - Lot Line Adjustment and Subdivision for Todd Calitri & Jason Pohopek. Planning Board member G. Calef seconded the motion which carried unanimously seven (7) – zero (0).

Before moving on to the next agenda item, a question was taken from guest D. Hatch regarding availability of minutes. The Planner answered that draft minutes would be ready for public inspection five business days following the meeting.

- 6. SR11/391 (Minor Site Plan and Change of Use – Alice Cook) Request by applicant for approval for a change of use from Retail Uses to Service for Autos and Trucks and Sale of Automobiles, Parts and Supplies on a 3.99 acre site located at 3 Brittany Lane (Map 220/Lot 33) in the Regional Commercial (RC) and Stratified Drift Aquifer Overlay (SDA) Zoning Districts. Applicant: Berry Surveying & Engineering, Daniel O'Lone; 335 Second Crown**

Point Road; Barrington, NH 03825.

Christopher Berry, Principal of Berry Surveying & Engineering, addressed the Planning Board regarding the request for minor site plan revision and change of use. The proposal is to convert an existing building to an automotive and truck repair facility that would also offer six (6) to twelve (12) cars for sale per year, with no more than two vehicles for sale at any given time . Four indoor service bays will be located within the building. Waste oil, antifreeze, and tires will also be stored inside the existing building; licensed hazardous waste haulers will pick these items up as necessary.

The Town of Barrington Building Inspector, Ted Buczek, had communicated via email with Berry Surveying regarding the designated spaces for the sale of vehicles (spaces numbered 19 & 20). The Building Inspector has requested that the applicant specify the allocated parking locations for the remaining businesses on the site plan (spaces numbered 21-25 and 3-7). Berry informed the Planning Board that a Note will be added under Parking Calculations with the revised plan listing specifications. Mr. Berry additionally stated that the lot will be striped and that the dumpster will be located near parking space #8, as shown on the plan.

Discussion moved to the sign regulations. The new sign would replace an existing sign, to recognize the new business name (BGR Automotive Repair and Performance Center). Additional descriptive information for signage would be forthcoming with the revised plan.

The site is located in the Stratified Drift Aquifer Overlay Zoning District. The Chairman reminded the applicant he must reference BMP's (Best Management Practices) on the revised plan for compliance, as well as MSDS (Material Safety Data Sheets) information.

Further discussion ensued between the Board and agent regarding the parking requirements, spaces allocated for vehicle sales, days and hours of operation, and lighting. The Board opined that six spaces should be designated for auto sales and it was decided that parking sites 16-20 should be represented on the plan as dedicated for auto sales. Hours and days of operation are to be stated on the plan as being Monday through Saturday from 7:00 a.m. to 5:00 p.m. for the Service for Autos and Trucks and Sale of Automobiles, Parts and Supplies change of use business. Members of the Board have asked the agent to show on the plan the location of the current lighting illuminating the area.

The Planner asked if the Board had the opportunity last week to go through the technical review checklist she had prepared for their meeting and included in their packets on April 28. The few minor points to be addressed: 1. the applicant should revise the approval block, deleting "For Town Approval" and inserting "For Planning Board Approval"; 2. additionally, Colonial Way should be shown on the locus map; and 3. the Owner's Signature Block should be signed with the final plan presentation. Planning Board member D. Vincent reminded the applicant to include the Wetlands stamp on the plan. Ms. Brawders gave a copy of her checklist to the agent for his records and review.

Chairman Huckins opened the public comment period. Abutter Thomas Maciolek (12 Brittany Lane) asked about noise and waste disposal ordinances and the impact of this business on his property value. Mr. Berry addressed the noise decibel level, which is governed by ordinance (7.1.2) and waste disposal will be handled by licensed waste haulers. Berry declined to comment on property value.

The Planner introduced Article 12- Groundwater Protection District Overlay (GPO) for

discussion and reminded the Board of Zoning Ordinance Article 12.5 – Maintenance Requirements. According to the stipulations of the article, “a narrative description of maintenance requirements for structures required to comply with the necessary Performance Standards, shall be recorded as to run with the land on which such structures are located at the Registry of Deeds for Strafford County. The description so prepared shall comply with the requirements of RSA 478:4A, as amended”. Therefore, the applicant will provide a maintenance plan for the secondary container for hazardous materials to comply with the Zoning Ordinance and Town Wide Performance Standards (12.4.1) and Performance Standards within Stratified Drift Aquifer Area Boundaries (12.4.2) which is to be recorded at the Registry of Deeds. Furthermore, the Planning Board stipulated compliance to the maintenance plan would be conducted by the operator of the facility, as self-compliance, every three months.

Mr. Maciolek was satisfied with the maintenance plan but once again asked the Board to consider the noise level. The Board referred to Zoning Article 7.1.2 and noted the decibel level was not to exceed 75 DBA and was subject to code enforcement.

Further discussion among Board members sensed it might be of benefit to add a note to all plans for historical reference stating that any change to a site plan approval would require a new application for consideration before the Planning Board. By adding this notation, Board members concurred it might help to mitigate confusion on the part of a future property owner as to what might rest as his obligation for compliance.

Public comment was closed and the Board considered the application for acceptance.

Planning Board member A. Kelley moved to approve the application for acceptance as being complete. Planning Board member G. Calef seconded the motion which carried unanimously seven (7) – zero (0).

The Planning Board considered the application for approval noting the following outstanding conditions:

1. Note on the revised plan the six parking spaces reserved for the sale of vehicles; 2. Note on the plan the hours and days of operation as Monday through Saturday from 7:00 a.m. to 5:00 p.m. for the Service for Autos and Trucks and Sale of Automobiles, Parts and Supplies; 3. Show the existing lighting on plan; 4. Note on the plan the recording of maintenance agreement and performance standards; 5. Add the following Note to the plan: “There shall be no expansion or change of uses, as stated above, without approval by the Planning Board”; 6. Add Constitutional Way to the locus map; 7. Add the Wetlands stamp to the plan; 8. Verify with Fire Chief Rick Walker proper documentation and location for Material Safety Data Sheets then add a Note stating that MSDS are on file with the Town of Barrington Fire Department with copies available on site at the business, or as otherwise directed by Chief Walker.

The few minor points to be addressed on the revised plan: 1. the applicant should revise the approval block, deleting “For Town Approval” and inserting “For Planning Board Approval”; 2. the Owner’s Signature Block should be signed with the final plan presentation; and 3. The Building Inspector’s comments should be shown on the revised plan regarding allocated parking spaces.

Planning Board member D. Vincent moved to approve the application with conditional approval subject to fulfillment of the list of outstanding issues for SR11/391 (Minor Site

Plan and Change of Use – Alice Cook. Planning Board member E. Lemos seconded the motion which carried unanimously seven (7) – zero (0).

7. **SR11/368A (J & J's Family Restaurant-Deck)** Request by applicant to add an 18 foot by 18 foot detachable deck with 36 inch railing for outside seasonal seating and the replacement of current sign on a 2.87 acre site located at 55 Calef Hwy (Map 220/Lot 47) in the Regional Commercial (RC) and Stratified Drift Aquifer Overlay (SDA) Zoning Districts. Applicant: Bob Knowlton; 55 Calef Hwy; Barrington, NH 03825.

Joel Runnels of Norway Plains Associates, Inc., (2 Continental Blvd., Rochester, NH 03866) represented the application for consideration before the Planning Board. Mr. Runnels stated that the applicant is not making a request to exceed maximum occupancy; rather during warmer weather, he is shifting tables from interior dining to patio dining. Therefore, there is no additional load on the septic system and no application must be made to New Hampshire Department of Transportation to amend the curb cut permit. The current septic and driveway permit are listed on the site plan.

The Board reviewed the plan for submittal and made the following recommendations to the applicant's designated agent: 1. Add to Note #3 - Stratified Drift Aquifer Overlay Zoning District; 2. Address Fire Chief Walker's concerns for public safety and show a protective barrier to the deck area on the plan; 3. Note hours of operation on the plan; and 4. the Owner's signature must be reflected on the plan.

The Board considered the application for acceptance.

Planning Board member D. Vincent moved to approve the application for acceptance as being complete. Planning Board member T. Gaudiello seconded the motion which carried unanimously seven (7) – zero (0).

As there was no public comment, the Board considered the application for conditional approval noting the following outstanding conditions as stated above.

Planning Board member E. Lemos moved to approve the application with conditional approval subject to addressing the Fire Chief's approval for public safety for SR11/368A - J & J's Family Restaurant-Deck. Planning Board member G. Calef seconded the motion which carried unanimously seven (7) – zero (0).

NON ACTION ITEMS

Preliminary Conceptual Review

8. **11/612 (Harbor Street Limited Partnership- Village Place)** Request by applicant for a Preliminary Conceptual Review to present a proposal for a conservation subdivision on a 133.7 acre site located off Franklin Pierce Highway (a/k/a Route 9 (Map 238/Lots 9.1 & 14 (Lot 14 continues onto Map 235). Applicant; Harbor Street Limited Partnership, Joseph Falzone; 123 Water Street; Unit 4SE; Exeter, NH 03833.

This application has been continued to the June 2, 2011 Public Hearing for the presentation of a preliminary design assessment for Design Review.

9. **11/613 (Conceptual Subdivision for John & Elizabeth McMaster)** Request by applicant to present a Preliminary Conceptual Review plan for a three lot subdivision on a 62 +/- acre site located at 157 Merry Hill Road (a/k/a Wood Road) (Map 257, 256 & 123/Lot 3) in the General Residential (GR) Zoning District. Applicant: Berry Surveying & Engineering, Daniel O'Lone; 335 Second Crown Point Road, Barrington, NH 03825.

Christopher Berry, Principal of Berry Surveying & Engineering, and Mr. John McMaster presented the drawing to the Planning Board to introduce thoughts for a future subdivision of John and Elizabeth McMaster's land as the McMaster's prepare for retirement.

The Planning Board offered the agent and the owner general guidance regarding a survey of the entire parcel, understanding existing and proposed conditions on the site, and Subdivision Regulations under article section 14.2.2- Lot Shape.

The discussion concluded and the Board next considered approval of April 28, 2011 regular meeting minutes under Item #1.

ADJOURNMENT

With no further business, Planning Board member D. Vincent made the motion to adjourn at 9:26 p.m. Member Gaudiello seconded the motion. The motion carried unanimously, seven (7) in favor to zero (0) against.

Respectfully submitted,
Constance M. Brawders
Town Planner