

Approved on January 24, 2011 - GMJ



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

**TUESDAY JANUARY 17, 2011
6:30 p.m.**

MEETING MINUTES

Items #1 & 2 to be heard in regular order
Items #7, 9 & 11 to be addressed ahead of all other Items

PRESENT: John Huckins, Chair
Alan Kelley, Vice-Chair
Michael Clark, Ex-officio
Anthony Gaudiello
George Calef
Stephen Jeffery-Alternate

ABSENT: Steven Oles, Alternate
Jacqueline Kessler, Alternate
Dave Vincent – Resigned
E. Lemos - Resigned

STAFF Constance Brawders, Town Planner
Gregory Jones, Transcriptionist

GUESTS: Jason Pohopek; Pohopek Land Surveying & Septic System Design, LLC;
42 Flagg Road, Rochester, NH 03839.
Ammy Rice, Barrington
Joshua Jones; Barrington
Barry Gier; 85 Portsmouth Avenue; Stratham, NH 03885
Steve Bond; 355 Corporate Drive; Portsmouth, NH 03801

NOTE: THESE ARE SUMMARY ACTION MINUTES ONLY. A COMPLETE COPY OF THE MEETING AUDIO IS AVAILABLE THROUGH THE LAND USE DEPARTMENT.

ROLL CALL

Chair John Huckins called the January 3, 2011 meeting of the Barrington Planning Board to order at 6:30pm.

Chair J. Huckins delegated alternate member S. Jeffery for D. Vincent.

MINUTES REVIEW AND APPROVAL

1. Approval of January 3, 2012 Meeting Minutes.

A. Gaudiello motioned to table the Planning Board Meeting Minutes of January 3 , 2012 to the next meeting of the Board. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

CASES FOR CONTINUANCE

2. **SR11/399 (Glass Lane Biznis Store)** Request by applicant to construct a three-tenant office building on a 2.9 acre site located at 6 Glass Lane (Map 270, Lot 34) in the Regional Commercial (RC) and Stratified Drift Aquifer Overlay (SDA) Zoning Districts. Applicant: Mathew Jensen; 94 Blake Road; Epping, NH 03042

Request by applicant to continue to March 6, 2012

Vice-Chair A. Kelley motioned to receive the applicant's request for continuance to the March 6, 2012 meeting of the Board which be voted on at the Board's February 7, 2012 meeting. G. Calef seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

ACTION ITEMS

A. Gaudiello motioned to suspend regular order and address Items #7 & 9 ahead of all remaining Items. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

3. **SR12/401A (Liberty International Trucking of Barrington)** Request by applicant to install permanent building mounted and free standing signage at Liberty International Trucking of Barrington located at 134 Pierce Road (Map 263, Lot 18) in the Regional Commercial (RC) and Stratified Drift Aquifer (SDA) Overlay Zoning Districts. Applicant: Mark Nichols, 1400 South Willow Street; Manchester, NH 03103.

Planner Brawders directed the Board to the project application to install a permanent building-mounted sign and an internally illuminated free standing sign at 134 Pierce Road, the site of Liberty International Trucking of Barrington.

The question of whether or not the project will require a request for waiver of Site Review Regulation section 5.5.2, Methods of Illumination was posed. The Board agreed that the project will not require a waiver for the requested internal illumination.

The Board agreed that the application appeared complete.

4. **SR12/406 (Midpoint Properties, LLC)** Request by applicant for a Conditional Use Permit and to construct a warehouse and office addition on a 4.77 acre site located at 219 Old Concord Turnpike (Map 270, Lot 49) in the Regional Commercial (RC) Zoning District. Applicant: Michael J. Sievert P.E., MJS Engineering, P.C.; 5 Railroad Street, Newmarket, NH 03857.

Planner Brawdars directed the Board the project's site plan application and Conditional Use Permit application for the construction of a 9,205 square foot warehouse and a 1,200 square foot office addition to the existing 7,200 square foot light manufacturing metal frame building which houses PBS Plastics at 219 Old Concord Turnpike. The redevelopment will increase on-site impervious surface, require drainage alterations, demolition and construction activities within close proximity wetlands.

Chair J. Huckins informed the Board that the receipt of subdivision approval date will allow the determination of applicable wetland buffer/setback requirements which may apply to this property.

The possibility exists that the project will not require a waiver for proposed impacts to the 50' wetland buffer as a 35' building envelope setback may apply. The Board agreed that a statement of intent for drainage improvements and associated drainage plan would be needed for review.

The Board agreed to allow the Chair to empower the Planner to retrieve a cost of service estimate for a comprehensive third-party review by the Town's consulting engineer to be presented to the applicant.

5. **SR12/407 (Bingham Solar Electric System)** Request by applicant for a Conditional Use Permit to install a single 8' steel pole on a 33.97 +/- acre site located at 289 Scruton Pond Road (Map 219 Lot 26) in the General Residential (GR) and Stratified Drift Aquifer (SDA) Overlay Zoning Districts. Applicant: Jack & Pam Bingham, Bingham Solar Electric System; 289 Scruton Pond Road; Barrington, NH 03825.

Ex-officio M. Clark recused from discussion.

Planner Brawdars directed the Board to the applicant's submitted Conditional Use Permit submitted to install an 8' steel pole at 289 Scruton Pond Road within on-site Prime Wetlands for the purpose of fitting photo-voltaic panels to collect solar power.

The Board agreed that the applicant should submit a brief site survey plan detailing the exact location of the proposed pole and area of proposed wetland impact.

6. **SR12/405A (Associated Buyers Inc./Steppingstone Farm)** Request by applicant for a waiver to Install above ground three phase power to an existing business on a 4.36 acre site located at 50 Commerce Way (Map 250, Lot 79) in the Regional Commercial (RC) Zoning District. Applicant: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

Planner Brawdars directed the Board to the project application and site plan request for waiver of above ground three-phase power requirement for an existing business at 50 Commerce Way. The Board saw no issues with the application or request for waiver.

7. **12/619 (The Oaks on 4)** Request by applicant to present a proposal for a four lot Subdivision, Three of the lots will be residential and the fourth lot will be mixed use on a 16 acre site located At 172 Old Concord Turnpike (Map 270, Lot 66) in the Regional Commercial (RC) Zoning

District. Applicant: Jason B. Pohopek, Pohopek Land Surveying & Septic System Design, LLC; 42 Flagg Road, Rochester, NH 03839.

Planner Brawders directed the Board to Item #7, a project application for a four lot subdivision at 172 Old Concord Turnpike submitted by Mr. Jason Pohopek. The application calls for three residential lots and one mixed use lot subdivision of the 16 acre subject property. The site will have access from N.H. Route 4. A full application with completed checklist, project narrative, plans, test pit logs and deed information were submitted for the Boards review along with a brief narrative outlining the following questions:

- Can a driveway be installed within 50' of a wetland that has an area less than 3,000 square feet?
- For a residential back lot, can land that is not part of the bottleneck but is located within 500' of the centerline of Route 4 be counted as qualifying area for the minimum lot size?
- Does the Planning Board see any issues or additional requirements with an 800' long common driveway?
- Could the Planning Board make comment to the common driveway that would service three residential lots?
- Could the Planning Board make comment to the scenario if a fourth driveway were added to the common driveway that would service the mixed use lot, and any additional requirements that may pertain to this configuration?
- Is there any specific information required for the mixed use lot for the purpose of approving the subdivision?
- Would the mixed use lot need to come before site review if a future business were proposed prior to being issued a building permit?
- The proposed road frontage lot that would use the common driveway would not have its driveway location within the frontage of the lot and would require a waiver from this regulation. Is there a waiver that has been granted to other applications in the past and does the Planning Board view this as a reasonable waiver request?
- What would be the driveway construction requirements? Width, depth and material?

After a careful review of the submitted materials, the Board offered the following comments:

- The submitted application checklist appears complete.
- Zoning Ordinance Section 9.5.1(g) states that "An isolated wetland or surface water of 3,000 square feet or less that does not meet the definition of a swamp, marsh, bog or vernal pool shall not be construed as wetlands with regard to designating buffer areas under the provisions of this Ordinance". An official stamp of a New Hampshire certified wetland scientist or New Hampshire certified soil scientist indicating that the on-site wetlands do not meet the applicable definitions of Zoning Ordinance or the definitions set forth in the 1987 Corps of Engineers Wetlands Delineation Manual would be sufficient to alleviate wetland buffer concerns.
- Land that is not part of the bottleneck but is located within 500' of the centerline of Route 4 can be counted as qualifying area for the minimum lot size.
- Approvals for driveway access from the New Hampshire Department of Transportation will be required before approval of subdivision.
- The plan must comply with Section 15.3.5, Access to State Highways, of the Barrington Subdivision Regulations.
- The applicant should refer to Subdivision Regulations Section 15.2.1, Road Design Standards.

- Comments from Department Heads with regard to driveway construction requirements for fire, public safety and life safety services will be required
- The applicant should refer to Section 15.3.1 for guidance on driveway's
- The proposed mix use lot would require site review if a future business were proposed prior to be issued a building permit.
- A Variance from the Zoning Board of Adjustment will be required for two of the proposed lots in order to comply with road frontage requirements per Article 4.1(2) of the Zoning Ordinance.

8. **(John & Beth McMaster)** Request by applicant for a waiver to install above ground power to an approved subdivision located on Merry Hill Road (Map 257, Lot 3) in the General Residential (GR) Zoning District. Applicant: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

Planner Brawdars directed the Board to the project application and site plan request for waiver of above ground power to an existing site at a site on Merry Hill Road. The Board saw no issues with the application or request for waiver.

9. **SR12/410 (The Three Socios, LLC)** Request by applicant to construct a 5,000 s.f. convenience store/gas station on a 1.84 acre site located at 491 Calef Highway (Map 238, Lot 4) in the Town Center (TC) and Stratified Drift Aquifer (SDA) Overlay Zoning Districts. Applicant: The Three Socios, LLC; 321 Lafayette Road; Unit D; Hampton, NH 03842.

G. Calef recused from discussion.

Planner Brawdars directed the members to the Project application and checklist and plan-set submitted for review for a proposed 5,000 s.f. convenience store and gas station at 491 Calef Highway. The Plan calls for two access ways, drainage alterations, driveway, parking lot and gas tank installation as well as associated utilities. A waiver request to the requirements of Site Review Regulations Section 4.8.3, Driveways – Separation of Access Points, has also been submitted with the application.

The Board agreed to allow the Chair to empower the Planner to retrieve a cost of service for a comprehensive review of the application by third party review in preparation for future public hearing.

Ex-Officio M. Clark motioned to move directly to Item # 11 under Preliminary Conceptual Review. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

G. Calef returned to discussion.

The Board resumed regular order with Item #3 above.

10. Proposed Text Amendments for 2012 Warrant Articles and Notice regarding involuntarily Merged Lots – See separate handout

Planner Brawdars directed the Board to the DRAFT 8 Legal Notice of Public Hearing dated January 17, 2012 (Submitted below as Attachment #1 and available at the Land Use Office) for review and consideration.

A. Gaudiello motioned to acknowledge the votes from previous meetings to WITHDRAW Item #1, and accept Items #2, 3, 4, 5, 7, 8 & 10 of the DRAFT 8 Legal Notice of Public Hearing dated January 17, 2012 to February Warrant Article as presented. The Items currently before the Board are #6, 9, 13, 14, 15, 16, 17 & 18 of the DRAFT 8 Legal Notice of Public Hearing dated January 17, 2012. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

Vice-Chair A. Kelley motioned to proceed with moving Item #6 of the DRAFT 8 Legal Notice of Public Hearing dated January 17, 2012 to February Warrant Article as presented. Ex-Officio M. Clark seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

Vice-Chair A. Kelley motioned to proceed with moving Item #9 of the DRAFT 8 Legal Notice of Public Hearing dated January 17, 2012 to February Warrant Article as amended. Ex-Officio M. Clark seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

A. Gaudiello motioned to proceed with moving Item #13 of the DRAFT 8 Legal Notice of Public Hearing dated January 17, 2012 to February Warrant Article as submitted. Ex-officio M. Clark seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

A. Gaudiello motioned to proceed with moving Item #14 of the DRAFT 8 Legal Notice of Public Hearing dated January 17, 2012 to February Warrant Article as amended. G. Calef seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

Vice-Chair A. Kelley motioned to proceed with moving Item #15 of the DRAFT 8 Legal Notice of Public Hearing dated January 17, 2012 to February Warrant Article as submitted. A. Gaudiello seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

A. Gaudiello motioned to proceed with moving Item #16 of the DRAFT 8 Legal Notice of Public Hearing dated January 17, 2012 to February Warrant Article as submitted. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

Vice-Chair A. Kelley motioned to proceed with moving Item #17 of the DRAFT 8 Legal Notice of Public Hearing dated January 17, 2012 to February Warrant Article as submitted. G. Calef seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

Vice-Chair A. Kelley motioned to proceed with moving Item #18 of the DRAFT 8 Legal Notice of Public Hearing dated January 17, 2012 to February Warrant Article as submitted

NON-ACTION ITEMS

There were no non-action Items to address at this time.

Preliminary Conceptual Review

11. **SR12/408 (Yankee Equipment)** Request by applicant for a Preliminary Conceptual Review for a waiver for underground utility installation and locate upright poles to provide service for fiber optic upgrades to an existing business on a 3 acre site located at 15 Glass Lane (Map 270, Lot 27) in the Regional Commercial (RC) and Stratified Drift Aquifer (SDA) Overlay Districts. Applicant: Steve Bond, Director of Operations, BayRing Communications; 359 Corporate Drive, Portsmouth, NH 03801.

Planner Brawdars directed the Board to the project application and checklist for the Preliminary Conceptual Review of a request for waiver of underground utility requirements as the site and subdivision to which it belongs currently utilizes above ground utilities. The plan calls for the installation of two new utility poles for use in running fiber-optic cable upgrades to an existing facility.

E. Officio M. Clark motioned that the application does not require further review by the Board as the existing site utilizes above ground utilities and no impact will occur as a result of the pole installation. G. Calef seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor

A. REPORT FROM PLANNER

12. Board Member Appointments for 2012-2013

Planner Brawdars informed the Board member appointment recommendations will need to be made at the March 6, 2012 meeting. Brawdars stated that alternate member S. Oles has expressed interest in filling one of the vacancies. The Board agreed to utilize alternate members through the months of February and beginning of March, 2012.

Planner Brawdars directed the members to the January 17, 2012 reminder relative to Senate Bill 291, an act relative to the use of currently allowed impact fees by municipalities for review.

Planner Brawdars directed members to her December 21, 2011 memo relative to Road Acceptance of Coachmen Drive and Dominic Drive for review.

Planner Brawdars directed the members to the January 5, 2012 memo from Town Administrator regarding review of proposals for a roadway connecting the Village Place and Deer Ridge developments for review.

B. COMMUNICATIONS RECIEVED

There were no additional communications for review at this time.

B. REPORTS FROM OTHER COMMITTEES

Vice-Chair A. Kelley presented a priority list generated by the Committee on Rules of Procedure (CROP) for inclusion in the public record dated January 17, 2012. The priorities are as follows:

- Finished the SD & SR amending
- Process for Legal Inquiries
- Amend agenda

- Amend minutes recording process
- Achieve consistency with regard to the utilization of third-party review
- Review rules of procedure

A. Gaudiello motioned to receive the January 17, 2012 CROP priority list. S. Jeffery seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

UNFINISHED BUSINESS

There was no unfinished business before the Board for review at this time.

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

There was no other business properly before the Board at this time.

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

The next meeting of the Board will be held on Tuesday, January 24, 2012 at 6:30 p.m. in the Early Childhood Learning Center.

Vice-Chair A. Kelley motioned to adjourn the January 3, 2012 meeting of the Barrington Planning Board at 9:53 p.m. A. Gaudiello seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

Respectfully submitted,

Gregory M. Jones
Transcriptionist