



Meeting Minutes

BARRINGTON PLANNING BOARD MEETING
Early Childhood Learning Center
77 Ramsdell Lane, Barrington, NH
Tuesday December 4, 2012
6:30 p.m.

ROLL CALL

Members Present

John Huckins, Chair
Alan Kelley, Vice Chair
George Calef
Anthony Gaudiello
Dawn Hatch Ex-officio
Jackie Kessler

Member Absent

Steven Oles

Alternate Member Present

Stephen Jeffery

Stephen Jeffery to vote for Steven Oles

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

MINUTES REVIEW AND APPROVAL

A motion was made by A. Kelley and seconded by J. Kessler to move review of the prior meeting minutes to the end of the agenda. The motion carried

1. Approval of November 13, 2012 Meeting Minutes

Approval of November 20, 2012 Meeting Minutes

A. Gaudiello arrived at 6:32 p.m.

ACTION ITEMS

2. **SR12/410 (Gas Station and Convenience Store)** Request by applicant to construct a 5,000 sf convenience store and 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 Overlay (SDA) Zoning Districts.
Applicant: The Three Socios, LLC; 321 D Lafayette Road, Hampton, NH 03842

Calef recused himself from this application

A motion was made by A. Kelley and seconded by D. Hatch to continue the application to January 8, 2013. The motion carried.

3. **210-57-GR-12-SR Daniel Hussey (Trinity Conservation-Gravel Excavation Operation)**
Request by applicant to propose a Gravel Excavation Operation with access through Map 210, Lot 44 on a 100 acre site located on Green Hill Road (Map 210, Lot 57) in the General Residential (GR) Zoning District. By: Jeff Kevan; TF Moran, Inc.

D. Hatch recused herself from this application

G. Calef came back to the board

FX Bruton representing the applicant introduced himself along with Dan Hussey, owner, and Jeff Kevan and Jason Hill of TFMoran

FX Bruton described the project and explained the applicant was before the board for site review for an excavation permit application. He referenced 115: E of the State RSA's. The owner had owned the property for ten years. The applicant was only asking for acceptance of the application and having discussion at the next meeting. Project was designated as a project of Regional Impact. He explained acceptance of the application as complete was a starting block.

FX Bruton explained the 95 acre site is located 2300' feet from Jessica Drive and 200' from any residence in Stillwater Circle. RSA 155: E also required the project only be 25' from the Isinglass River but the applicant is proposing staying 250' back from the river. Discussed that reclamation is required. Understands that there will be issues that have been raised through discussions with staff.

The application utilized a survey plan which had been approved before and was recorded at the Strafford County Registry of Deeds. The applicant was asking for a waiver from surveying the entire parcel. They wanted to get the process started in regards to review by the engineers, SRPC and the Planning Board.

Jason Hill presented the applicants request for a waiver. The overall tract of land was bordered on the west by a tract owned by Trinity Conservation LLC and on the east by the Isinglass River. They were asking for a waiver to not have to resurvey the east and west sides. Mr. Hill explained they would define

the Rochester City Line property and field mark the Rochester abutting parcels. They would provide a stamped survey on the northern boundary as a condition of approval.

J. Huckins asked if they were going to delineate the southern boundary.

G. Calef asked if they were surveying all abutting properties that they did not own.

Jeff Jevan – stated they would survey all property lines that were not owned by Trinity Conservation.

Leo Brodeur of Stillwater Circle asked why there had been no discussion on the buffer this evening.

J. Huckins clarified they were dealing with the waiver at that time.

Russ Brackett asked for clarification on how they determine the distance.

Bill Potter of Jessica Drive had information the applicant was selling 200 acres

J. Huckins clarified they were not asking for approval for 200 acres.

Denise Lozier of Rochester asked to have her property boundary surveyed.

Jason Hill explained they have not surveyed yet.

Jeff Kevan explained they were waiting to see what they needed to survey. They would survey the Town line and their property line.

Chris Bowmen asked to clarify what the flags are that were out back from his property.

J. Kevan explained the current flags were control markers for topographic data. They were not property line markers.

Jeff Smith 205 Green Hill Road wanted to clarify that it is a protected river.

Peggy Fitzgerald asked if the survey had been done before the river was a protected river.

Ann Melvin representing the Isinglass River advisory board expressed her concern and wanting the advisory board to be notified as soon as possible.

Marcia Gasses explained the local advisory board had already been supplied with initial plans and had reviewed and the plans and submitted their initial comments.

J. Kessler asked for clarification on the two lots and abutters.

Matt Pappas would want to know for sure where the boundaries are. He expressed that if the applicant was requesting a waiver not to do it, there would have to be a reason.

J. Huckins clarified that they are asking because they have a recorded survey.

J. Huckins explained the process.

C. Andrews of Echo Brook asking for clarification.

Jeff Kevan explained the website was for advertisement for sale the application is for the 95 acre.

M. Silvey if looking to engage residents need better visuals.

D. Rhodes felt both parcels should be surveyed.

E. Healey abutter on the other side of river felt it should be surveyed. There have been so many changes with the flooding which has occurred. Blanding turtle has been put on the endangered species list.

Linda Brackett on Green Hill Road asked how anybody knows if they go over the line when excavating.

FX Bruton explained the area of the excavation would be flagged. He wanted the abutters to understand they would be part of this process as we move forward. The applicant was asking not to survey a property line where there is an extra hundred acres that would be a buffer. They want to go forward to get to the point where the engineers can start review.

A. Kelley commented on the description of the waiver. He had a problem with the description.

A. Gaudiello asked FX Bruton to revise the waiver language.

Craig Rogers from Green Hill Road asked if they were surveying their own property.

A. Gaudiello explained that the board could not make unreasonable demands and they could not ask the board to go outside their limits.

Cilia Banneberg explained she had to resurvey when they had built a garage.

J. Huckins closed public input on the waiver.

J. Kessler expressed that the four lots should be surveyed.

J. Kevan explained the lots are 300' from the corner of the road.

A. Gaudiello asked J. Huckins to explain the difference in a survey for a site and a survey for a building.

J. Huckins explained that the surveying for a structure is different and the applicant is showing how they are surveying for the site. Where the abutter talked about surveying to see that a building met the proper setbacks from the property line, in this case the applicant owns the abutting parcel and is not putting up a structure.

A. Kelly read the waiver request *"We request a waiver to not survey the property line between the two Trinity Conservation Parcels (210-44 and 210-57) and not survey the river/property line. In addition, we do not plan to survey 210-44 (lot not being excavation)"*

J. Kessler asked about the entrance at Green Hill Road.

A. Gaudiello expressed that the location was fixed as is.

J. Huckins explained they had turned down the application as complete at the prior meeting because they had not surveyed the whole site.

A motion was made by A. Kelley and seconded by G. Calef to accept the waiver as rewritten.

A motion was to accept the waiver as rewritten

John Huckins, Chair	No	Alan Kelley, Vice-Chair	yes
Stephen Jeffery	No		
Anthony Gaudiello	No		
George Calef	No		
Jackie Kessler	No		

The motion failed 1-5

J. Huckins explained the board wanted to see the four lots on Green Hill surveyed.

FX Bruton asked that what the applicant needed to be accepted as complete.

J. Huckins expressed the four lots needed to be surveyed.

J. Huckins discussed with the applicant required lines for a modification to the request for a waiver.

J. Huckins discussed the process with the audience. John explained the board’s judicial role. He explained the need to adhere to regulations. Property values and other issues would be discussed after the application was accepted.

A. Kelly read the entire request. The old request and then the new request.

“We request a waiver to not survey the property line between the two Trinity Conservation Parcels (210-44 and 210-57) and not survey the river/property line. In addition, we do not plan to survey 210-44 (lot not being excavated)

New Request

“We will survey the northerly property line and the Rochester town line for Lot 210-57, and southerly property line along lots 210-56, 210-58, 210-59 and 219-70”

A. Gaudiello asked the applicant to clarify the request. Cannot request a “not”.

The applicant worked on the revised request.

J. Huckins.

A. Kelley read the 3rd revision. “We are requesting a waiver of section 3.3 of the Site Plan Regulations. We will provide boundary survey along the northerly property line and Town line along lot 210-57, and southerly property line along lots 210-56, 210-58, and 210-59 and 219-70.

A motion was made by A. Kelley and seconded by J. Kessler to approve the waiver as written.

Roll Call Vote:

John Huckins, Chair	yes	Alan Kelley, Vice-Chair	yes
Anthony Gaudiello	yes	Stephen Jeffery	yes
George Calef	yes		
Jackie Kessler	yes		

The motion carried 6-0

A motion was made by A. Gaudiello and seconded by G. Calef to accept the application as complete.

Roll Call Vote:

John Huckins, Chair	yes	Alan Kelley, Vice-Chair	yes
Anthony Gaudiello	yes	Stephen Jeffery	yes
George Calef	yes		
Jackie Kessler	yes		

The motion carried 6-0

Jeff Smith Green Hill Road asked about the injunction and felt concerns were still the same.

Debra Rogers asked how are they going to deal with the bridge. Would any tax payer money be involved in the fixing of the bridge.

Russ Brackett provided pictures of water draining into the Isinglass River. Also, brought up dust and spoke about diminution of property values. Concern with how deep the excavation was going.

Bill Potter showed pictures from his home from the first time. He asked if there was any type of bonding which would take place.

J. Huckins explained they would have to come before the board. He also spoke about property values.

Bill Potter wished to plead for his neighbors who would be affected.

Linda Brackett read a petition.

Bob Kelley local realtor asked to talk about diminishing values. Read from a prepared statement. Where market was good it will not have as great an impact.

Jim Connelly expressed that the applicant had said prior there would be a truck every 60 minutes. The math is every 8 minutes. He asked what was fair within the community and who bears the hardship.

Celia Banneberg 3.1.2 prohibited uses read. Did not want to repeat what others already expressed. They have concerns. Spoke of cracks from prior blasting. Maybe all the abutting properties need to be photographed prior to any blasting by an independent company.

Chris Bowman explained they were a new homeowner and watched their value plummet and now concerned with the quality of life. They are all in a very fragile position. Asked about the process of getting a value.

J. Huckins explained they needed to get an appraisal from an appraiser.

Debbie Dumont – air quality concerns. They are all on natural gas. She could not imagine allowing blasting with so many gas connections. Read an article mentioning the Blanding's turtle and described the many species living along the Isinglass River.

Norm Martin explained they had bought for the quiet and would not like to have to sell his home and asked the Planning Board to take the concerns into consideration.

Rod Gadway of Stillwater Circle did not have a problem with the applicant but does not want the proposal to affect their home values and would like the board to consider that.

Lisa Sturbin would ask that the board take a drive down Green Hill Road. Does not see how truck traffic is going to make the area safer. There are horses on the road. People care about their property. Barrington Police do patrol to keep people from speeding.

Elizabeth Doren Healey very concerned about the 250' setback. The aquifer is on both sides of the river and we do not know how deep they are going to dig. Would like to see the Town purchase the land and put into conservation. Did not mind when a new neighborhood was considered before.

Denise Lozier concern with traffic to Hansonville and Flagg roads

Anthony Giletti explained they have been shooting for years in the area and asked if there had been testing for lead.

E. Landry concerned with water withdrawal for wash plants. He was worried about sludge ponds and felt it should be considered as part of protection of the river.

Scott Sneirson talked about a traffic study and the need to have one done. His concern was with safety and would have rather have seen a development.

Jeff Smith talked about web site and advertising for a batch plant. Will there be oversight.

J. Huckins described the town engineers and staff will oversee.

J. Kessler wanted the picture to resemble the actual TOPOGRAPHY.

A motion was made by A. Kelley and seconded by G. Calef to continue the application to the January 8, 2013 meeting. The motion carried

- 4. 120-67-GR-12-SP (Pat & Roger Gingrich)** Request by applicant for a Section 9.6 Special Permit from the Zoning Ordinance to allow a proposed garage and driveway to encroach into 50' wetland buffer on a 1.85 acre site located at 10 Peabody Way (Map 120, Lot 67) in the General Residential (GR) Zoning District. By: Eric R. Buck, Pollock Land Planning, LLC.

Eric Buck represented the applicant and described the existing lot of 1.85 acres. Used a colored plan to show setbacks. An existing dense area existed between the 75' setback from the lake. Describe the wetland on applicants lot feeds into wetland on abutting property. The buffer impact was 1700 square feet with the actual delineation of the wetland. The applicant was not moving closer to the lake because they felt it was more important to protect the lake.

J. Huckins asked if there was more impact than there is currently when they add the garage. Asked where the wooded buffer starts on the plans.

Eric Buck explained there would be more impact.

A. Gaudiello asked about southerly exposure.

Eric Buck expressed the applicant wishes to keep the buffer.

J. Huckins asked about 50' setback

Eric Buck explained they were showing the state requirement.

J. Huckins wanted clarified where the trees would be cut to.

Eric Buck clarified they would be cut from where the existing footpath existed.

S. Jeffery asked if they could build a smaller house.

J. Huckins asked if they could move closer to the setback.

J. Huckins stated they needed to have shown there were no reasonable alternatives.

J. Kessler asked how much closer would they have to move to the lake.

Eric Buck explained 22'

Erik Buck explained it was reasonable to be closer to the buffer. The setback was reasonable. Erosion control methods would be in place. Disturbance would be repaired with heavy plantings. All available mitigations will be incorporated. Erik described the drainage methods and all water as being treated.

J. Kessler asked for dimensions of the house.

Erik Buck explained the dimensions were a 26X30 garage and a 65X45 house

J. Kessler liked the handling of the water.

Erik Buck explained they were trying to keep the cut and fill to a minimum.

J. Huckins expressed moving the driveway may cause more damage.

Erik Buck explained that rain garden in the turnaround.

A. Kelly asked if they looked at putting the garage on the left side of the house.

J. Huckins felt they could do a mirror image of the house.

Eric Buck explained the driveway would move closer to the buffer.

S. Jeffery explained they could reconfigure the house.

J. Huckins felt the issue was whether they want them closer to the lake or the buffer.

A. Gaudiello expressed the question of reasonable is a tradeoff between different options.

A. Kelly questioned locating the building within the buffer.

J. Huckins opened public comment.

John Wallace explained Conservation Commission did not support the existing plan. They had met on site on December 3rd.

John Wallace questioned whether the wetland was actually a vernal pool.

J. Kessler asked for the reasonable alternatives from Conservation Commission.

John Wallace explained they would have to see the alternatives.

J. Calef discussed possible relocation of house & driveway.

J. Huckins talked about moving closer to the water. Wanted to see two more drawing one closer to the lake and a second a mirror image.

J. Kessler felt not appropriate to move closer to the lake.

J. Huckins asked if they willing to make a tradeoff between moving closer to the lake or moving closer to the buffer.

A. Gaudiello wanted to know what would he know what the board would learn from redrawing the plan that they could not tell from this plan.

J. Wallace asked how close would the heavily impacted area be.

J. Huckins talked about some changes that would require retaining walls.

J. Huckins closed public comment.

A motion was made by J. Kessler and seconded by A. Gaudiello to accept the application as complete.

Roll Call Vote:

J. Kessler	yes
D. Hatch	yes
A. Gaudiello	yes
A. Kelley	no
S. Jeffery	no
J. Huckins	yes
G. Calef	yes

The motion carried 5-2

A motion was made by J. Kessler and seconded by A. Gaudiello to approve a 9.6 Special Permit for Pat & Roger Gingrich.

Roll Call Vote:

S. Jeffery	no
G. Calef	yes
A. Kelley	no
J. Huckins	yes
A. Gaudiello	yes
D. Hatch	yes
J. Kessler	yes

The motion carried 5-2

REPORT FROM THE PLANNING DEPARTMENT

Economic and Housing Update Conference

Marcia Gasses gave a brief report on the state housing conference and explained data on housing was available in the Planning & Land Use Office.

COMMUNICATIONS RECEIVED

Celia Banneberg & Jim Conley – Regarding Trinity Conservation, LLC

REPORTS FROM OTHER COMMITTEES

A. Gaudiello explained the Town Attorney had review the Zoning Amendments and that the board was ready to post for the public hearing on December 18, 2012

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

Request by John Scruton, Town Administrator for comments regarding a request for appointment to the Planning Board. J. Huckins felt they could work with the interested citizen but he would be more of an asset to the Town on the ZBA where they currently have no alternates.

Marcia Gasses, Town Planner asked for the boards input on a request by a business owner for a letter supporting his request from the State for a dealer plate. Gasses explained that currently under zoning car sales were not allowed. Discussion ensued regarding the existing car dealerships. Gasses explained that Liberty truck had initially been approved as a service and repair facility.

The board will look at amending the zoning in 2014 but there was not enough time to give a thorough review this year. Gasses would explain to the party that the Planning Board was not able to assist them.

Review of Minutes

A motion was made by G. Calef and seconded by A. Kelley to approve the 11/13/2012 minutes as amended. The motion carried w/a

A motion was made by G. Calef and seconded by D. Hatch motion to approve the 11/20/2012 minutes as amended. The motion carried w/a.

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

December 18, 2012 6:30

A motion was made by D. Hatch and seconded by A. Gaudiello to adjourn at 10:42 p.m. The motion carried w/a

Respectfully submitted

Marcia J. Gasses
Town Planner & Land Use Administrator