



Meeting Minutes
BARRINGTON PLANNING BOARD MEETING
Early Childhood Learning Center
77 Ramsdell Lane, Barrington, NH
Tuesday February 5, 2013
6:30 p.m.

ROLL CALL

Members Present

John Huckins, Chair
Alan Kelley, Vice-Chair
Anthony Gaudiello
George Calef
Jackie Kessler came at 6:34pm

Alternate Members Present

Mike Clark, Ex Officio Alternate
Stephen Jeffery

Town Planner

Marcia Gasses

Members Absent

Dawn Hatch, Ex-officio
Steven Oles

J. Huckins brought the meeting into session at 6:30pm

MINUTES REVIEW AND APPROVAL

1. Approval of January 22, 2013 Meeting Minutes.

A. Kelley made a motion and G. Calef seconded to move the approval of the minutes to after the public hearing portion of the meeting. The motion carried unanimously.

NON ACTION ITEMS

G. Calef recused.

2. [SR12/410 \(Gas Station and Convenience Store\)](#) Request by applicant to construct a 5,000 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

T. Gaudiello motioned and A. Kelley seconded to continue this item to March 5th. The motion carried unanimously.

3. [250-79-RC-12-SR Associated Buyers \(Steppingstone Farm Partnership\)](#) Request by applicant for a minor site review to add one 7250 s.f. freezer on a 4.35 acre site located at 54 Commerce Way (Map 250, Lot 79) in the Regional Commercial (RC) Zoning District. By: Chris Berry; Berry Surveying & Engineering.

A. Kelley made a motion and T. Gaudiello seconded to continue this item to March 5th. The motion carried unanimously.

J. Kessler arrived at 6:34pm

4. [SR06/308 \(Daniel Ayer-Yesterday Construction, LLC\)](#) Request by applicant for a Preliminary Conceptual Review to discuss a display pad on his approved Site Review and Signage (Case SR06/308) approved 10/2/2006 located at 3344 Old Concord Turnpike (Map 269, Lot 11.2) in the Regional Commercial (RC) Zoning District.

Daniel Ayer had a pre-approved display pad and came in front of the board to ask what steps he would need to take for approval of signage on a display structure.

J. Huckins asked if he had any sign locations in his application before.

Daniel Ayer explained that he had a sign on the other one that was pre approved for the building and the tenants, but that this was a display pad that the garage will be sitting on top of. He wants to put a sign that explains what is for sale. It is a 16' X 20' garage.

J. Huckins asked how big the sign was.

Daniel Ayer explained that it had to be proportionate with the building.

The board referenced the regulations to see if this would need approval from the planning board.

J. Huckins cited 5.2.2 which stated exceptions for permitted signs. He said that a for sale sign for a vehicle does not require a permit.

G. Calef stated that display pad was preapproved and the size of the sign seems to meet the general requirements.

M. Gasses explained that he was asking for more signage.

J. Huckins said that a permit is not required if it is for sale or if it is a temporary sign. It is not going to be a temporary sign so he needs to fill out an application

G. Calef asked if he needs to come before the planning board every time he sells a shed.

Daniel Ayer explained that this is just the display model and he is not selling it, at least for a few years.

J. Huckins told the board that he needs a permit only because the sign is not temporary and he is just here to find out what he has to do.

G. Calef stated that a lot of people sell buildings like this eventually.

Daniel Ayer explain to the board what the display will look like with a fancy door facing Route 4.

J. Huckins stated that Marcia understands what you will need so you can go to her and figure this all out. He asked the board if anyone had any comments.

ACTION ITEMS

5. 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.

FX Bruton addressed the board by saying “Mr. Chair, members of the board and the abutters; we are here to bring you up to speed in terms of what we have been looking at since the last meeting. We have heard from your engineers and we have been working on written responses to the board. We would like to address this tonight. We also have brought in the blasting specialist Joe Taber from Maine Drilling and Blasting and he is here to answer some questions. We also would like to set a date for a site walk.” He then turned it over to Jason Hill.

Jason Hill first introduced himself. He then said as FX has stated they have received comments from the town’s consultant Dubois and King and they have prepared a written response for the comments to the board. They also did this for the regional planning commission comments that were received. They have moved the gate 500-600 feet up the driveway to provide a cue for the waiting trucks. They have proposed evergreen trees which would supplement some of the vegetation along the northern property line. They changed the reclamation plan to having the use of a warm season grass which thrives in sand and gravel pit environment. Another few additional things they have added to the plans are in specific operations and maintenance notes. It is now required to give notice to the abutters 48 hours prior to blasting activities. There also is mandated usage of monitors to measure for noise and vibration along the property line. They have submitted a note to the planning board and Dubois and King which discusses the Greenhill road condition in regards to the structural capacity to withstand the existing traffic in addition to the proposed truck traffic from development. They have submitted a storm water pollution prevention plan and spill prevention control and counter measure mitigation and management procedures. This was required by the town and it also meets requirements by the national pollution

discharge elimination service of the EPA. The project will be under the provisions of this EPA permit. They have contacted Unutil which provides natural gas service to the Stillwater circle vicinity and the city of Rochester. They submitted to the board an e-mail response from them which documents that they haven't had any specific concerns regarding this specific project at this time. We have prepared a map which shows a 2000' radius which would serve as the limits of the sampling and monitoring involved in this operation. They are finishing the survey in preparation of the site walk which will show the northerly end of the property line and the city line. They conducted borings and monitor wells in the proposed site. The results of those borings were released to them today. The final analysis reaffirms that the groundwater levels in which they presented to the board prior are consistent with those that their geotechnical engineer observed on January 29th and 30th. They also submitted to the board and consultant a site line profile of the existing driveway intersection of Greenhill road. A few things they are going to do in the coming weeks are to prepare a written response to the board to address the concerns of Dubois and King by next month. They are meeting with the conservation commission on Thursday night and are meeting with the Isinglass subcommittee next Monday night. The site walk is another short term goal that they would like to partake in. Jason then turned things over to Joe Taber who is a spokesperson from Maine drilling and blasting. Jason explained that he will address specifics on the blasting operation.

Joe Taber first introduced himself and his history explaining that he has been in the blasting industry for 27 years and knows blasting from the ground up. He started off by saying that the first thing that is done is the survey of the site to make sure they know what to prepare for the customer and the surrounding community. They then offer out a pre-blast survey to all the neighbors within 2000 feet radius and they would be noticed by registered mail. He encouraged everyone that they accept it. The home owner can get a copy of the pre-blast survey if they request it. They next get the permits and contact dig-safe and get ready to go. They will look at the blast site and do a blast plan on paper with a conservative nature to make sure the blast is going to go to plan and so there is a prediction on what vibrations will be felt around the site. After that the drill is brought in it takes about a week to prepare the holes which will be between 7,000-10,000 yards of excavation. Once the drilling is done the crew will come in with the explosives and load the holes. Nothing is stored overnight and it is all brought in and out on the daily basis. They put out ground vibration seismographs out into the town so they can see what vibrations will be around the place. Prior to blasting there will be whistles and notifications. They then collect seismic results and review that. All blasts are video recorded so the blast can be reviewed and adjustments can be made for the next planned blast. That's the brief overview.

J. Huckins said that the applicant stated that there would be no vibrations felt at the property lines by a human. He asked if there is a number on the seismograph that is considered feel-able and not feel-able by a person.

Joe Taber responded by saying that it is measured in inches per second. The state allowable limit is a 2.0 and the seismographs can measure out to a .005. Human perception can go down as low as a .15. He said that they will feel something but no damage will be done to their properties. We usually stay at about a 1.0 or less.

J. Huckins wanted clarification that they would be staying at a 1.0 or less and that people can feel as low as a .15.

Joe Taber stated that this was correct that people can notice it. He then also said that they set up call lists to notify people that day. This takes the apprehension out of it and it's the startle of not knowing that gets under peoples skin.

A. Kelley asked about the sound people will hear and if it is different than vibration.

Joe Taber explained that there is ground-vibration and air response. Vibration is the numbers I am talking about travels through the ground and the air response is measured in decibels. You will feel it on the ground first then you will hear it because vibration travels faster through the ground then in the air.

J. Huckins asked about the decibels from the noise at the property line.

Joe Taber said that they are held to 133 decibels by the state standard and to 129 by the NHDOT.

J. Kessler asked about the quantity and placement of monitoring stations that would produce seismographs.

Joe Taber we set up 3 around the neighborhood one closer and then farther out. Then as blasts go on we change that to make sure we are monitoring the whole area.

T. Gaudiello asked how much sound there will be generated from drilling?

Joe Taber said that he did not have this information because he is not the sound expert. He explained that some of it has to do with the topography, and he didn't know the conditions. This is information that they will get to the board.

J. Kessler asked if Joe Taber had the regulation on decibels that are allowed in their town.

J. Huckins stated that the town's regulation states 75dba maximum and they are saying that they will be at 133dba.

Joe Taber reiterated that he is no sound expert but from what he understands it is a different scale when they measure it. This is measured for industrial use and ours is measured in linear because they need to measure air pressure as well.

T. Gaudiello asked if there is any way to compare between the two scales.

Joe Taber stated that he couldn't answer that for sure.

J. Huckins said that the board needs to have a comparison between the two scales as well as the vibrations felt at the property line.

FX Bruton said they will address these issues and submit a written response to the board and the engineers.

J. Huckins said that we will take public comments for 15 minutes 3 minutes per person. This is for public comments in regards to blasting only.

James Connelly from 231 Greenhill road. He mentioned how he had just been looking for some new headphones and an indoor compressor and had been looking at decibel ratings for them. He found that most manufacturers only make headphones that go to decibels of 100. After 115 there is damage to your ears. Although they are taking precautions for vibrations there are still people who are living on veins in the granite. These people will feel it for sure and have discomfort.

John McMaster first stated that he was not here for the blasting but for something else. He wrote blasting regulations for 22 years with the state police investigating blast complaints. He stated that in a quarry they shoot off a face and the ground helps protect it. With this there are two things to consider one being the

size of the rock that they want to get out of it. Sometimes they want smaller rocks but sometimes they want bigger rocks and bigger rocks will have to go back and be re-broken in the crusher. He stated that as far as the blast goes, he has had very few complaints about noise but sometimes they make the holes too close to the face and get too much of a bang. This is a fairly common thing. He also stated that if they keep it below a 2.0 the blast will not physically damage any buildings. This has been shown in many engineering studies. People will still feel it at a 2.0 but it will not damage any building. The biggest complaints he would always get was from trucks and rarely from blasts.

Anne Melvin from the Barrington Conservation Commission. She said that because this is a fragile area she just wanted a blasting expert to talk about the effects that the blasting will have on the aquifer.

Joe Taber talked about the NH environmental best practices that have been established regulate the handling of explosives and how to prevent them from getting into the water. He said that his company does follow these practices.

Bill Potter from Jessica drive: He said that there are problems with his foundation from prior blasting years ago. He asked if the 2000 foot radius is big enough and thought that it should be expanded. He asked that if this plan goes through, he would like to see this radius for the pre-blast survey area expanded to include other areas.

Barbara Zvodar. asked about the pre blast survey and if they would make appointments with those who are applicable and what does it include.

Joe Taber said it includes setting up the appointment so they can be there, videotaping the outside of the foundation and video tape any pertinent areas inside if allowed. It just documents what is on the site for the structures.

Jeff Smith 205 Greenhill road. Asked if they would be able to see the results from the blasts in terms of what the seismograph monitoring station reads. He also asked if the public will we be able to see these reports and where to find them. He also asked if there was anyway the town can put some of their own engineers out there to compare.

J. Huckins said that the seismograph data will be public and then said that there has been some talk about monitoring of their data by the Town. This option has been put on the table but it has not been further discussed. Also, if the monitoring is done by a third party they will supply the information to the town which you will be able to find on the website.

Gladys Bostrom asked about the frequency of blasting.

Joe Taber said that it is roughly once every two months.

T. Gaudiello asked if this is for the duration of the project in all its phases.

Joe Taber stated that it is done as demanded by the customer.

Cilia Bannenberg from Greenhill road: She said that she realized the pre-blast survey will monitor the homes and foundations. She asked about the wells and brought up that her well is 425 feet deep drilled through granite. She asked if they will be monitored and or affected by the blasting.

Joe Taber stated that they don't do wells but it would be monitored by the monitoring wells.

J. Huckins said at this time this hasn't been discussed yet but we can still consider it.

Steve Bostrom from Greenhill road expressed concerns about dust and radon that will be released from blasting.

Joe Taber typically it is contained within the blasting area. As far as radon goes he said he is not a radon expert and couldn't answer this.

Steve Bostrom stated that if the granite fractures it can be released into the atmosphere as well as into people's wells and homes.

J. Huckins stated that this is something they will talk to their engineers about in getting an answer. He then says that they will end the public portion on blasting now. He then asked FX what else he wanted to get done.

FX Bruton said that one of the newest things changed was the hours of the operation. He said originally the hours were from 7-6 but after concerns with residents they changed that. He stated that in the original materials that the board had they hadn't changed this information yet. He just wanted to clarify that they knew this had been changed. They have agreed to reduce them from 8-5 with only maintenance on the weekends.

J. Kessler wanted to try and understand in more depth how the site is going to work. She asked if they do blasting to bring the rock out of the side then transport it away.

FX Bruton explained that gravel will be taken from the project. The blasting will be there to create new materials to be mixed with the gravel to provide different grades that will be used in construction activities. Blasting is fairly limited and he mentioned how it is once every two months. The main operation is the excavation and the blasting is a very incidental part of this operation.

J. Kessler asked if there will there be a pounding of the big rock constantly.

FX Bruton responded by saying there will be a crusher we don't have the specs but we will provide those for you.

J. Kessler stated that she just wanted to try to get an idea on how the blasting will work. She wanted to make sure blasting won't come in as much as they please.

FX Bruton said that the blasting will be contained within a certain area and it is limited to the phase 1 and 2 area and some in the phase 3. He stated once again that it will only be every two months.

J. Huckins brought up the issue with the road and what they felt would be the applicant's contribution and the town's contribution.

FX Bruton said that they would like to have some narrative with the board to discuss what they propose. The results the board has were the results were an interpretation of the HDE report. They did throw some calculations out there but would like to give you these in a more narrative format.

J. Huckins thought that what they need here is a direction on this. He said that the Town's planning board needs to write up an interpretation as well. He reminded FX that the town planning board has no authority to spend money on roads. He stated that the selectman at this time had work on this road scheduled for 8 years out which goes beyond the scope of what this plan would be. Right now this would be considered

premature because the town does not have the finances in place to do their share but they could direct you to the selectman's office to see if they feel they would want to move their road project schedules around.

FX Bruton understood this point and stated that they will address this.

J. Huckins opened up for public comment and stated that they would set up the site walk after.

Eve Faulkner is a direct abutter on 232 Greenhill road. She stated that she didn't envy the board for making this decision. She only hoped that the board's interest lied in the Barrington residents who would be affected by this pit. She reminded the board that the property is in Barrington but the owners are not Barrington residents. She talked about the threats that this poses to drivers of the intersection and cites that this was also in the regional planning commission impact review on page two. She then read a section from this to the board. She requested to go on record for advising the board of the dangers and inevitable consequences that this pit will bring. There will be accidents, personal injuries and there may be deaths. She asked the board to consider this carefully because when something happens you will know that you could have prevented it.

James Connelly 231 Greenhill road. He stated that they are a business so they need to increase the frequency of the trips with the decrease in operating hours. He then suggested that they reduce the MPH to 20 due to the threats of kids in the summer, animals and the inability to quickly stop a 30 ton truck traveling at 30MPH. He then read 3.1.2 prohibited uses. In light of this condition he asked who or what laws define these conditions. He then states that Greenhill Road is a narrow road that is hilly and windy, it has a blind crest, and much of the road has little or no shoulder. The scale that Trinity is requesting to operate at is a scale that does not fit the conditions or the use of the neighborhood. Whatever is said about new mining practices does not reduce the amount of trucking that will be conducted 5 days a week. These trucking practices are a safety issue, an impact on comfort climate and vibration and are a safety hazard for children are necessary to make costs for the company. He doesn't think they should have to live with that.

John McMaster stated that the applicant is going to ask the public to do a pre-blast survey and there are 3 reasons they do this. 1) For the protection of the public and 2) for protection of the company and 3) for the state requirement. If this is not done then there is no recourse if there is damage. If there is damage and you have not had this done then it is hard to prove that this was caused by blasting. He suggested to the public to go to your foundations and look for cracks. If it is a new crack it will have some dust in it. Cover this new crack up so when the guy comes and sees it, it's obviously a new crack. He then stated that as far as wells go it is very uncommon that wells need to be replaced but occasionally a rock will come loose and damage the pump. Finally he said that the blasting does not do a tremendous amount of damage to aquifers and wells however; there will be noise and vibrations that will be felt by the public.

Cilia Bannenberg 231 Greenhill Road: Had prepared a statement in reference to property values. All neighboring properties have an expectation that their properties will be devalued by this excavation. People will be less likely to buy in presence of an active gravel pit excavation. She said that the town of Barrington should initiate an economic impact study in order to evaluate the influence of an excavation operation on the property values to the surrounding area. She then cited an economic impact study that she gave to the board. According to this study she informed the board that her property will stand to lose 30% of its value. Properties within 1 mile will stand to lose 14.5%, within 2 miles it goes down to 8.9% and within 3 miles it goes to 4.9%. She then read off a section in article 7.1 performance standards in the zoning ordinance. Currently the town's assessment of her house is \$290,000. If you take 30% off that's \$87,000 off the value of her home. I would rather write a check to doctors without borders then lose it to a gravel pit operation. This is injurious and is nuisance as it hurts my savings and my life. We the people want an economic impact study which should be at the expense of the applicant by an independent firm.

Cindy Andrews from Stillwater. Stated at last meeting TF Moran was going to address the regional commissions 14 points. She asked if they had released a report on these 14 items.

M. Gasses said that if she goes online she can see the 14 points that they address. The town has now linked the agenda to the application information. It is linked right to the map and lot number.

Cindy Andrews asked about the map with this and then asked about what maintenance on weekends entails.

FX Bruton stated that this map will be sent to the board in PDF form and they will provide a response for what maintenance on weekends entails.

Elizabeth Doran Healy started off by saying that she read this zoning ordinance. Then stated that general residential that Greenhill is under regulates that it is intended for small scale business uses, or establishment only if such uses are operated in conjunction with residential uses and developed in compliance with specific standards specified in this ordinance. The town voted on small scale business, but this project is millions of dollars for them and millions of dollars lost for all of our properties. She then stated that this is not residential use, and suggested that they read this ordinance again. She expressed that she would like to sell her house but knows it will probably not be possible. She brought up the air quality portion that states that emissions into the air will not be visible from ground level. Gravel mining dust is not the same as the dust created by farming or other natural occurring event. She stated that it is the rock crusher is going to be the big problem because it produces Crystalline Silica and emits it into the air which travels by wind to our homes. Crystalline Silica is a known carcinogen. It has been found to cause lung cancer and silicosis. These particles enter the lungs and stay there and the body's natural defense can't get rid of it. There is no cure for silicosis. She finished by saying that each day for 20 years or more the pit will be in operation and more of this dust will accumulate in and around our homes. This is a safety issue.

Bill Potter from 37 Jessica Drive. He had mentioned to the board before in minutes that the property being talked about has had some intense logging done to it and he had talked to 2 gravel experts and they said that anytime there is a major logging operation on a set of property there has to be what the DES calls an intense wetland survey. He goes onto say that no one has said anything about this since last time he brought it up. This is required by the DES to do before any development in order to make sure that the wetlands have not been disturbed. He also mentioned how at last meeting they talked about the bridge and that the town is not planning on doing any maintenance or repairs for 10 years. He asked what would happen if, because of all of this truck traffic, the bridge within the next 12 years fails. He asked if there a bonding that will take place?

J. Huckins explained that the planning board has no authority over this. You can go to the selectman and clarify with them.

Jeff Sanoshevits asked for clarification of 30 trucks per day for 60 round trips with an average of 10 trucks per day. He also asked if this was a year round operation.

J. Huckins said that this was the maximum trucks that they are anticipating. This was the information that they had received and this is year round operation.

Jeff Sanoshevits then asked if this property is sold would this carry onto the next owner.

M. Gasses stated that the permit is not transferable.

Jeff Sanoshevits cited RSA 674-44 and he read this. He stated that he is not a construction guy or a sand and gravel guy but he is a return on investment guy. He stated that he did some research about the price of gravel and did an assessment of his own on this project. He then asked if the planning board looks at the viability and sustainability of the operation. He did not find how they can make a profit at 30 trucks per day. He was concerned that either 1) they will not be able to sustain business with 30 trucks per day or 2) Trinity is not providing the full story and they will be operating at many more trucks per day.

A. Kelley stated the planning board looks at the ordinances and not the financial aspects. When the board ends up considering money then we are doing something we are not supposed to do.

J. Huckins also added that if there is evidence of the operation running on more than 30 trips per day than they have to come back before the board.

Jason Hanoshevits asked for more input about what would happen if they ran out of money and could not afford to perform reclamation.

M. Gasses stated that they are going to be required to file a reclamation bond.

Chris Baughman from 51 Stillwater Circle. He mentioned how back in December when the talk of the survey was starting to be discussed Trinity had said they would provide a key for the flags. He stated that he would like to have that information when it comes available.

J. Huckins said that they are working on it now and will become available before the site walk.

Chris Baughman asked about assessing the damage on homes regarding the widening of cracks in the basement because his basement has many cracks as it is now.

J. Huckins asked Joe Taber if there is measuring device to assess if cracks get worse.

Joe Taber said there are engineers that will perform an analysis for something like this. His company does not do these particular things.

Chris Baughman stated that this is going to be of great concern to him still but his biggest concern is still on the crusher. He then asked about dust and if there is methodology that measures how much dust is created.

J. Huckins stated that it was in 7.1.4 air quality as a part of the performance standards.

Chris Baughman asked if there is a means to measure this as an ongoing process

J. Huckins stated that there is a way to do this and there is talk about bringing in a third party to monitor it. The board is still having discussion about funding for this.

M. Gasses in addition to this the crusher is going to need a permit from DES because of dust.

Chris Baughman said that he went to get an assessment done on his house but currently it was outside his means to do this at this time. He also understood that TF Moran was not responsible to do this on their dime. He requested that some study should be funded to look at the property values. There is an incentive to look at this because all the homes in those areas will pay fewer taxes if this goes through.

Dwayne Lozier from 63 Stillwater circle. He stated that the long term effect of this project is that there will be a hole there forever. He stated that anything that is reclaimed after this project will not be viable for a variety of reasons. They cannot afford to put 6 inches of topsoil back on top to grow good vegetation. When this project is all complete all the abutters are going to see this hole forever which is an eye sore. He said that as the planning board you can do things to this project that can maybe leave a positive impact. He suggested making the buffer larger for the abutters and the Isinglass and this can minimize things like the property value loss and visibility of the site. For 15 years everyday people are going to hear this operation and no one will be able to sell their property. When this is all done, the board should make sure its left in a better condition than it was before. He also suggested putting a conservation easement on the Isinglass.

Jeff Smith 205 Greenhill Road. He asked if there is going to be a list of insurances discussing the loader and blasting. Will this be written on the plans so people are keeping track of these things.

J. Huckins stated that this is all part of the approval of plans.

Jeff Smith asked about the typical usage of a crusher.

Jason Hill we can provide details in writing. The crusher will be used in conjunction with the blasting; a lot of this site is sand, which does not require blasting. He stated that in terms of decibels it ranges from 70-90 decibels at the crusher and that they will provide details in writing to the board with more specifics. The applicant will also be monitoring the sound levels. He stated that there are certain sound mitigations techniques like movable sound barriers which will muffle the sound if it is warranted. He also informed about embankments that will be used to further muffle sound.

A. Kelley stated that they will be held at 75 decibels at the property line.

Jeff Smith asked what the major difference is between this pit and the old grandfathered pit.

M. Gasses said that the level of regulation that has taken place over the last 20 years has gone up. The excavation pits are now required to be reclaimed and the DES is very involved in permitting now. She then recommended that people read the notes that are written on the plans for more information about this.

Jeff Smith asked for any example pits around the area that are like this that he can go look at.

M. Gasses stated that there are 4 gravel pits in Dover that were grandfathered pits that have been brought up to standards now that you can go look at. She said it is by the recycling center.

Jeff Smith asked for the latest update on the design of the basin that was encroaching on the 250' buffer.

J. Huckins said that it was brought up by Dubois and King and they have changed the design of the emergency overflow spillway to take it out of the easement.

Jeff Smith said that he agreed with the economic impact study to see how hard the town will take a hit in terms of taxes.

G. Calef asked if the board had the power the require this?

J. Huckins stated that when Jae Whitelaw, the Town's attorney was here she was saying that because it is not a conditional use that it was something we are not required to do.

Steve Bostrom said that he would take a \$71,000 hit which he does not think is fair to ask of the community.

James Connelly told the board that he said that as clear as the ordinance tries to be he still finds it unclear in areas. He told the board how he looked up the impact of granite excavation in existing neighborhoods and he found that there were endless pages of financial impact. He said that this will affect many people who are thinking about budgeting, and retirement and downsizing, and continued to say that this will be injurious to all.

G. Calef stated that this board has heard many things involved with this but the board is limited to the book. He continued to say that we work for the property tax payers of this town and the board is not your enemy.

James Connelly also reiterated that numbers of trips on the road would increase by the compressing of time. This will be injurious to health peace safety and people's right to enjoy their neighborhood.

J. Kessler asked for an explanation on the impact of property values.

G. Calef explained that the closer you are the worse the impact on your property value and the farther away the less impact. After a period of years the impact is negated.

J. Kessler asked if there was a way of proving whether or not this would occur.

J. Huckins stated that basically it came down to because it wasn't a conditional use because it is an allowable use, the abutting values wasn't an issue that we could be used as a part of the regulations and ordinances. When the board looks at it, we look at, does the application meet or not meet our regulations or ordinances.

G. Calef advised the board to look at the economic impact study that was in the board's packet.

T. Gaudiello explained the difference between the situation in Barrington and the situation in Virginia. In Virginia they were looking for a change in zoning to obtain the right. In Barrington the right already exists.

Elizabeth Doran Healey stated that she went to the ZBA on Saturday and under the ZBA in the warrant articles there was the option to move the repair of the bridge up on the docket from stimulus money.

J. Huckins responded by saying that the town is asking for appropriations so they can look at structures to appoint a priority on their bridges so that they can have something in place that will put them in a position to not lose stimulus money if it becomes available.

Elizabeth Doran Healy expressed we don't want to end up paying for that bridge. You also said that the town has to go to the selectman just how much the town is going to pay for the upgrade to the road and the bridge so that the gravel pit can go in.

J. Huckins said that they have to take this up with the selectman

A. Kelley reminded that the board has to keep an objective view.

J. Huckins moved on to setting up a site walk. They set up the site walk for Saturday February 23rd at 9am. They will meet at the site where the road goes in. The site walk is considered a public participation meeting.

FX Bruton explained that what they will be doing is just explaining what is out there. It is not a hearing so you cannot make testimony.

A. Kelley made a motion and T. Gaudiello seconded for continuation to Saturday February 23rd on site and then at this location on March 5th. Motion carried unanimously.

6. [257-3.2-GR-12-SD \(John & Elizabeth McMaster\)](#) Request by applicant for a one lot subdivision on a 5 acre site located on Merry Hill Road (Map 257, Lot 3.2) in the General Residential (GR) Zoning District. By: Chris Berry, Berry Surveying & Engineering, LLS, 335 Second Crown Point Road, Barrington, NH 03825

S. Jefferies has recused himself from this application.

Daniel O'Lone representing the applicants introduced himself. He started off by saying that the area is just less than 41 acres. A few years ago they have subdivided it. Since then they had built their home and are now looking to subdivide the land again and put two of the lots up for sale. This plan is a result of the survey they did, a complete boundary survey and an intense topographic survey. There were two waiver requests. One waiver is to complete the topography and wetlands on the entire property and the second one for the USGS elevations of the topography. Proposed lot would be lot 3-2 it would be 5 acres would not require DES approval it has 200 feet of frontage and require buildable uplands. He then asked for any questions.

J. Huckins stated that during plan review there was a discussion of the building being able to be placed on the site so that you wouldn't be going into the buffer if you place a garage on it.

Daniel O'Lone said they did a basic layout to show that a house, a barn, a garage and a driveway, a septic area and a well should fit comfortably within the buffer

M. Gasses explained that the barn was placed on the drawing to show that it could be done.

Daniel O'Lone stated that the applicant already has the driveway permit for the location of the driveway.

M. Gasses informed the board that Peter Cook went out and saw no potential drainage issues with the driveway. The fire chief mentioned that he did want it noted that if they get to 5 lots than they will need a cistern. This should be noted on the plan.

J. Huckins opened up for public comments.

John Wallace from conservation commission. He was concerned about the potential for putting a bigger house in the lot that could encroach on the wetland buffer.

J. Huckins because of the code enforcement officer is aware of these issues he is addressing this.

M. Gasses we cannot prevent someone legally from coming in with an application for something. The board does not necessarily have to approve it. In this case they have shown that they can do it. A note on the NOD was to show the erosion control measures which should be shown on the edge of the wetland buffer so that when they do construction they can see the buffer.

J. Huckins closed public comment and stated that the board needs to address the waivers before they can accept the application as complete. The first waiver is the one where they requested not to do the topographic survey on the whole lot because they meet the minimum requirements.

G. Calef *motioned and T. Gaudiello seconded to accept the waiver for the topographic survey. The motion carried unanimously.*

Daniel O'Lone explained the USGS datum has benchmarks throughout the country. In this area the USGS benchmarks are very far away. They are asking for the waiver to not have to survey from those bench marks.

G. Calef *motioned and J. Kessler seconded to accept the second waiver. The motion carried unanimously*

J. Kessler *motioned and G. Calef seconded to accept application as complete. The motion carried unanimously.*

M. Gasses read her recommendations to the board.

T. Gaudiello *motioned and J. Kessler seconded to approve the plan with the planners recommendations. The motion carried unanimously.*

7. [270-71-RC-12-SR \(The Yellow Dog's Barn\)](#) Request by applicant to construct a 936 s.f. building to be utilized as an overnight kennel and will include a one-bedroom apartment on the second floor with associated parking and a Section 9.6 Application for a special permit for construction in wetland buffer located on a 1.16 acre site located at 136 Old Concord Turnpike (270, Lot 71) in the Regional Commercial Zoning District. By: Barry Gier, Jones & Beach Engineers, Inc.; Po Box 219, Stratham, NH 03885

S. Jeffery has returned to the table for this item.

Barry Gier representing the applicant and presenting the plan. He explained that the existing site is used as a doggy day care with one building and a gravel parking lot. In order to complete this they would need to add parking by adjusting and adding to the existing gravel parking lot. They are also requesting a special permit for work within the wetland buffer.

J. Huckins asked if it was just for the parking to work within the buffer.

Barry Gier stated that it was actually for the construction of the septic system for the building. They are also putting in a walkway. They are asking for the special permit for access to the wetland area from the parking lot. The existing parking lot is currently in the wetland buffer.

J. Kessler motioned and G. Calef seconded to accept the application as complete. The motion carried unanimously.

J. Huckins clarified that the buffer impact happened because the lot was subdivided after the fact.

Barry Gier said that this was correct there was an existing right of way that was constructed with houses in the back and as a part of that the lot was modified slightly which caused the buffer to come into existence.

J. Huckins stated that the new impact has to be addressed.

M. Gasses mentioned that there is a slight increase on the corner and the walkway.

Barry Gier explained on the plans where they will be putting new parking and where they will be putting a walkway for access to the building. This will be made from a porous material. He then explained the septic system and how the slope of the septic will be within the buffer but the septic tank itself will not be.

J. Huckins clarified that all the new impacts are going to be fill and the drainage will still be drainable with no impervious surface being created.

Barry Gier stated that we are constructing an infiltration trench for the storm water to be filtrated back into the ground.

M. Gasses asked about the architectural renderings.

Barry Gier displayed to the board the new architectural renderings.

J. Huckins opened up to the public for comments.

Cleve Horton is an abutter to this property. He first pointed out where he lived to the west side of the project. He stated that there was no zoning when he bought the house. He stated that when the town approved this plan there was promise of some fencing and trees. Since this road was approved the project died. He has lived and worked out in this building with 25-30 dogs next door. Every time the dogs see him they all bark. He stated that they do it 5 days a week and he has learned to tolerate it. There is no buffer whatsoever from this project. He was upset that he had visual from this. He explained that he can't open the doors in the summer without the dogs barking. He expressed that he feels as if he deserves some visual barrier or some planting for this project. He expressed that he is higher than the dog property so the fence does not do much of a visual barrier.

G. Calef asked if there was a fence that could create a visual block.

J. Huckins said that there was a chain link fence.

Cleve Horton explained that his property was a much higher elevation than the dogs so they could always see him. He stated that this was a mixed-use area, that before the doggy daycare was put in there it was quiet and now there will be loud dogs on the weekend as well.

J. Huckins explained that there was a plan to put a dozen units out back and as a part of the conditions of approval they had to put trees in. The plan never came to fruition and therefore the conditions were never met. That permit has probably lapsed because of the time line.

Dorotha Scott explained that there was supposed to be condominiums. She stated that a row of arborvitae plants could be put in to at least cut the visual. She just wants to have quiet enjoyment of their home.

J. Huckins mentioned that the Volvo next to the other dog place in town put in arborvitae to block visual and sound.

G. Calef said that he heard it was successful.

J. Huckins asked for clarification of the length of the building and then the length of the fence.

Barry Gier stated that there is outdoor fencing that is already there.

J. Huckins asked where the fenced in area for the play area will be.

Barry Gier said that there may be fencing in the future for this but for right now the application is for the building.

T. Gaudiello asked if the building itself will be within a fenced area.

Barry Gier responded by saying no because they are inside the building but they may install a new fence from the existing fence to the building in the future. He then showed the fencing on the plan with his pen.

Dorotha Scott said that they were going to have an outdoor area that is going to be proposed. That was one of her concerns. She then asked if there would be any soundproofing in the building for night time.

Barry Gier stated that he was not sure about the sound proofing in the building.

J. Huckins asked for clarification on the play areas and any planned additional fencing.

Holly Grant showed on the plans where they are hoping to put in some fenced in areas.

T. Gaudiello asked about the number of dogs that will be staying in the new place.

Holly Grant explained that there will be 10 rooms. There will not be indoor outdoor runs so dogs cannot go outside by themselves

T. Gaudiello asked if there would be doubling up on rooms

Holly Grant explained that there might be dogs that room together if they come from the same household.

J. Kessler stated that it could probably be 30 dogs maximum.

J. Huckins explained that the weekday doggy day care was not what the abutters were concerned about. It was the weekend storage of dogs that has made them upset. Asked how long the new fenced in area will be.

Holly Grant stated that it would be 40 feet long.

Dorotha Scott brought up more information on night storage of dogs and how wildlife comes out at night in the woods. She wanted to know what would prevent outbreak of noise at night.

J. Huckins brought up the buffering of that new fenced area and suggested that the applicant give some new insight onto sound and sight buffering between the properties.

J. Kessler suggested that they address the sound proofing of the house.

M. Gasses suggested that the neighbors and the applicant work together to create some sort of screening.

G. Calef suggested they think of a simple solution to prevent the vision of them from the dogs.

Dorotha Scott said that she would like to see it run the length of the property.

J. Huckins stated that the neighbors should talk between each other to work something out and come back to the planning board.

J. Huckins then said that the application was complete so that Dubois and King could take a look at the drainage. They are going to get their special permit addressed at the Conservation Commission

M. Gasses explained to Holly where the plan was going from here.

A. Kelley made a motion and J. Kessler seconded to continue this to March 5th. The motion carried unanimously.

REPORT FROM THE PLANNING DEPARTMENT

8. Discussion for Representatives for the Strafford Regional Planning Commission.

M. Gasses explained that Barrington had two representatives for the Strafford Regional Planning Commission. She asked S. Jeffery if he had resigned. Barrington's other representative had submitted his resignation and the selectmen were looking for the recommendation of the board for a successor.

S. Jeffery stated that he hadn't resigned yet.

M. Gasses stated that the daytime meetings are important to go to because Barrington has many aspects that are important to the region. Meetings are on the third Friday of every month.

J. Huckins asked T. Gaudiello if he was interested.

T. Gaudiello accepted.

J. Kessler made a motion and A. Kelley seconded to recommend T. Gaudiello to be a representative to the Strafford Regional Planning Commission.

The board discusses the next few weeks and scheduling of planning board meetings.

COMMUNICATIONS RECEIVED **REPORTS FROM OTHER COMMITTEES**

UNFINISHED BUSINESS

The board made necessary edits to last week's minutes.

T. Gaudiello made a motion and A. Kelley seconded to approve the minutes with noted changes. Motioned carried with everyone except for M. Clark who abstained.

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

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

The next meeting was set for February the 19th at 6:30pm

A. Kelley made a motion and J. Kessler seconded to adjourn. The motion carried unanimously.

Adjourned at 9:34 pm

Respectfully submitted,

Gabriel Budds
Planning Intern