



**MEETING MINUTES
BARRINGTON PLANNING BOARD MEETING**

(NEW LOCATION) 572 Calef Highway (next to Elementary School)

**Barrington, NH
Tuesday September 10, 2013
6:30 p.m.**

*Planning Board members met with Legal Consultant at 6:00pm.

ROLL CALL

Members Present:

Anthony Gaudiello-Chair
George Calef-Excused
Alan Kelley, Vice-Chair
Jackie Kessler
Jason Pohopek
Dennis Malloy, Ex-officio

Alternate Members Present:

Stephen Jeffery
Daniel Ayer
Joshua Bouchard

Town Planer:

Marcia Gasses

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

1. Approval of the August 20, 2013 Meeting Minutes
2. Approval of the August 6, 2013 Meeting Minutes

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.

ACTIONS ITEMS

3. SR12/410 (Gas Station and Convenience Store) Request by applicant to construct a 5,000 s.f. 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.
4. 23a8-9.1, 14, 16, & 18-V-13 (Village Place Amendment-Joseph Falzone) Request by applicant to locate a well head within the Conservation Easement of a previously approved subdivision. By: Barry W. Gier, P.E., Jones & Beach Engineers, Inc.; PO Box 219; Stratham, NH 03885

Attorney John Arnold for Hinckley Allen represents the Three Socios. Rick Green, Jim Mitchell and Barry Gier were also present.

The question is whether a well can be placed on the open space.

A.Gaudiello recused himself.

Attorney John Arnold expressed the following two issues:

- 1) Whether a well in the open space constitutes development.
- 2) Is it appropriate for the well to serve a property other than the subdivision itself.

The construction of the well would be the same if it was to serve the subdivision.

All the applicant is doing is changing who is drinking the water. The open space is preserved in much the same way that it is for the well for the benefit of the subdivision.

Another purpose of the Village District is to cluster development and allow for open space. If wells are not allowed it would preclude the type of density desired.

Provision 13.6.3 allows for open space to be leased to a third party. In this case it would not be leased but would be used by a third party.

Asking an affirmation that the well is allowed.

D. Ayer for G. Calef

S. Jeffery for A. Gaudiello

J. Bouchard for the vacancy

S. Jeffery had concern about the perimeter buffer, and common open space.

Barry Gier expressed that access would have to be provided.

John Arnold explained that pipes and well heads can run through the buffer to service the end user.

A. Kelley asked why the plan was preliminary.

Barry Gier expressed that until they drill the well they do not know the exact location. The area would be reduced to four acres after a well is sited.

S. Jeffery expressed that the amendment would require the applicant to comply with the new zoning.

Walter Mitchell asked the applicant, if the well could be placed in the conservation easement.

John Arnold clarified that the applicant could put a well in the open space consistent with the prior approval.

S. Jeffery expressed concern that it was changing the open space.

A. Kelley expressed it is a key issue that the water is going off site. He asked how the water going off site will affect taxes.

John Arnold stated that regardless of who the well (commercial or residential) is serving it does not change how the land is being preserved.

J. Kessler expressed that one of the main ideas of the Village District is the use of community wells.

S. Jeffery explained that the water rights can't be taken away from the residents of the subdivision.

John Arnold expressed that Joe Falzone still controls the homeowners association.

J. Pohopek asked if the design proposal of the well would have an effect on the subdivision.

Barry Gier expressed that trails are permitted.

J. Pohopek asked if the intent was more to protect the abutters, which was the spirit and intent. There is still a 100' untouched buffer.

Walter Mitchell asked does the desire to grant this wellhead somehow change the approval.

John Arnold stated that it is still open space with the well there.

A. Kelley opened the floor to public comment.

Jerry Cote asked the purpose of the well.

John Arnold explained that it was to service a variety of small lots along Route 125.

Wendy Ravacor expressed concern with the drawing of water.

John Scruton, Town Administrator, asked if the community well access is allowed without changes to the prior approval. If not, what needs to be done to approve it and would the board approve it?

J. Pohopek asked what the well radius was.

Barry Gier explained the well radius is 150 feet and no impervious surface can be placed within the well radius, which is why the well is proposed on conservation land.

A. Kelley asked where the Conservation Commission comes in with the agreement process.

John Arnold expressed that the Conservation Commission will be the stewards of the Conservation Easement. Conservation Commission reviews the easement language and approves it.

J. Kessler expressed that the location of wells in the conservation easement has always been allowed.

J. Pohopek stated that we need to ask does our Zoning Ordinance allow it.

Part of the plan is to tie the access for the well maintenance to the trail system.

Gerald Emerson stated they are probably only looking for 10 or 12 foot gravel access. Using gravel will be more cost effective than pavement.

M. Gasses stated that the rules for this specific easement are still being finalized.

A motion was made by J. Kessler and seconded by D. Malloy to continue both the Village Place and Three Socios to October 1, 2013. The motion carried unanimously.

5. **268-1& Additional Lots -GR-13-SUB (Gerrior Lane Trust)** Request by applicant to present a Section 9.6 application for Special Permit for Construction in wetland buffer, Subdivide and create 10 lots, construct approximately 990LF of roadway, a shared driveway and realign a portion of Saint Matthews Drive located on Gerrior Lane and Matthews Drive (Map 268, Lots 1, 1.1, 1.2, 1.3, 1.4 & 1.5) in the General Residential (GR) Zoning District. By: Michael Sievert, P.E.; MJS Engineering, P.C.; 5 Railroad Street; Newmarket, NH 03857.

The applicant has requested a continuance to October 1, 2013 to allow them to address the issues identified by Dubois & King.

A motion was made by A. Kelley and seconded by J. Kessler to continue to October 1, 2013. The motion was carried unanimously.

6. **260-20-GR/HCO-13-SP (Todd Calitri)** Request by applicant for a Section 9.6 application for Special Permit for Construction in wetland buffer 1,000 s.f. to wetland buffer and 720 s.f. to Isinglass River overlay District to build an addition on the existing dwelling located at 267 Parker Mountain Road (Map 260, Lot 20) in the General Residential (GR) and Highway Commercial Overlay (HCO) Zoning Districts. By: Jason Pohopek; Pohopek Land Surveyors & Septic System Design, LLC; PO Box 651; Barrington, NH 03825

The applicant has requested a continuance to October 1, 2013 to allow for additional information.

J. Pohopek stepped down.

A motion was made by J. Kessler and seconded by A. Kelley to continue to October 1, 2013. The motion carried unanimously.

6. **210-28-GR-13-CUP (Harry E. Sturtevant II-Service Barn)** Request by applicant to use his barn for general maintenance and minor repairs and service of lawnmowers, tractors, cars and anything in between on an 8.2 acre site located at 395 Greenhill Road (210, Lot 28) in the General Residential (GR) Zoning District.

Harry Sturtevant expressed he wished to start a small business at his home. He currently uses the building/land for personal needs. Mr. Sturtevant needed to be granted a conditional use permit.

J. Gaudiello asked about the disposal of oil from oil changes.

Mr. Sturtevant explained he would only be changing oil as part of doing other repairs and he knows people who take waste oil. He had a full time job and this is just “fill-in work.”

J. Pohopek explained that we are approving this application for the site.

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

J. Pohopek questioned whether the plan should be done by a licensed surveyor.

M. Gasses expressed the landowner is not adding any new buildings, no changes will be made; he is just using his existing assets to run a small business on his property, which is why it is not necessary for a licensed surveyor to layout the site plan.

J. Kessler requested that the town planner goes out to the site to review the dimensions.

A motion was made by A. Kelley and seconded by J. Kessler to waiver fully engineered site plans for this minor project. The motion carried 6-1.

A motion was made by J. Kessler and seconded by J. Bouchard to accept the application as complete with waiver. The motion carried unanimously.

A. Gaudiello stated that consensus was made that the planner goes out and verify the distances are correct.

A. Kelley wanted “yes” to both number 2 & 3 on the condition use applications.

Mr. Sturtevant stated “yes” to both items 2 & 3 on the conditional use application

A motion was made by A. Kelley and seconded by J. Kessler to accept the conditional use permit as complete. The motion carried unanimously.

A motion was made by J. Pohopek and seconded by J. Kessler to accept the sign permit as complete. The motion carried unanimously.

Conditions: It was requested that the town planner, Marcia Gasses, walks the site to confirm the dimensions. Storage of oil must comply with the Barrington zoning ordinance. Lawn equipment must be serviced inside barn and there may be a maximum of four motor vehicles serviced at once. The sign outside can be a maximum of six square feet. Hours of operation requested from 7 AM – 9 PM.

A motion was made by G. Calef and seconded by J. Bouchard to approve the conditional use permit with the conditions as stated. The motion carried unanimously.

A motion was made by J. Kessler and seconded by G. Calef to approve the sign permit. The motion carried.

A motion was made by J. Kessler and seconded by J. Bouchard to approve the site plan application. The motion carried unanimously.

7. [1-43, 44-GR-13-LL \(Steven & Ellen Conklin\)](#) Request by applicant to adjust the lot line between lots 43 & 44 on an 11.37 acre site located at 352 Hemlock Lane (Map 124, Lots 43 & 44) in the General Residential (GR) Zoning District. By: Raymond Bisson, Stonewall Surveying; PO Box 458; Barrington, NH 03825.

Mr. Conklin asked to be granted a waiver from 2 foot contours on the entire site. Everything that has been approved has been mapped. It does not seem relevant for 2 foot contours for what they want to do. He explained the application to the board.

S. Jeffery to sit for the vacancy

Raymond Bisson described that the 2 foot contours had been located on the improved areas. The wetlands were delineated. It did not seem relevant for 2 foot contours over the entire parcel.

A motion was made by J. Pohopek and seconded by G. Calef to approve the waiver for two foot contour. The motion carried unanimously

A motion was made by J. Pohopek and seconded by G. Calef to accept the application as complete. The motion carried unanimously.

S. Jeffery asked whether they could increase the side setback.

Steve Conklin explained that expansion would need to go back.

Ellen Conklin explained they wanted to maintain the 10 acre lot.

Opened for public comment.

Closed for public comment.

A motion was made by A. Kelley and seconded by J. Kessler to approve the application with conditions as read by planner. The motion carried unanimously.

8. [270-71, 71.1-RC-13-SR \(The Yellow Dog's Barn\)](#) Request by applicant to merge lots 71 and 71.1 and construct six (6) 200 s.f. dog cabins with associated fencing and utilities on a 2.987 acre site located at 136 Old Concord Turnpike (Map 270, Lots 71 & 71.1) in the Regional Commercial (RC) Zoning District. By: Barry W. Gier, P.E., Jones & Beach Engineers, Inc.; PO Box 219; Stratham, NH 03885

J. Bouchard to sit for vacancy.

Barry Gier represented the applicant and described the project.

M. Gasses asked if review by Dubois and King would be necessary.

Mr. Gier expressed it was overkill.

A. Gaudiello asked if third party review was necessary.

B. Gier expressed that there were infiltration trenches for each structure. There was no additional drainage going off site.

M. Gasses expressed a condition of approval be that the monuments would need to be set.

G. Calef confirmed the fire chief would need to approve of the access for fire protection.

M. Gasses would also require BMP's for removal of dog waste.

John Wallace asked the number of dogs for overnight.

B. Gier expressed there was not a number.

M. Gasses asked that an amended NHDOT driveway permit be supplied to the Land Use Office.

A motion made by J. Pohopek and seconded by J. Kessler to accept the application as complete. The motion carried unanimously.

J. Kessler read the conditions to include approval of the fire chief, monuments set, letter from NHDOT of review and approval for driveway, not to exceed 30 dogs for overnight at full build out.

A motion for conditional approval by J. Kessler and seconded by J. Pohopek. The motion carried unanimously.

10. [207-42-GR,HCO-13-SR \(Gerald SR & Lori Emerson-Emerson Trucking\)](#) Request by applicant to amend their approved site review and a 3.4 Conditional Use Permit to propose retail sale of mulch, plants and flowers on a 5.49 acre site located at 836 Washington Street (Map 207, Lot 42) in the General Residential (GR) and Highway Commercial Overlay (HCO) Zoning Districts. By: Jason Pohopek, Jason Pohopek Design & Construction, LLC; PO Box 651; Barrington, NH 03825

J. Pohopek recused himself
D. Ayer recused himself

J. Bouchard for the vacancy
S. Jeffery for the vacancy.

Jason Pohopek represented the applicant. The applicant had previously been approved for four low bed trucks. The applicant would like to sell bark mulch and flowers. The applicant would like to continue to operate two trucks from the site.

M. Gasses read the staff recommendations.

J. Pohopek gave a history of the prior approval.

The chair recessed discussion until after the next application to allow the applicant to fill out additional paper work.

Reconvened at 10:40 p.m.

J. Pohopek submitted the required information for a 3.4 CU permit and read the information contained on the document.

A. Gaudiello asked for a description of the improvements which will be necessary for NHDOT.

J. Pohopek explained the requirement for ten foot paved shoulders. The shoulders will be designed and inspected.

A motion was made by J. Kessler and seconded by G. Calef to accept the application as complete. The motion carried unanimously.

A motion was made by A. Kelley and seconded by J. Kessler to accept the sign application as complete. The motion carried unanimously.

A motion was made by J. Kessler and seconded by D. Malloy to approve the sign application. The motion carried unanimously.

A motion was made by A. Kelley and seconded by G. Calef to approve the conditional use permit. The motion carried unanimously.

A motion was made by J. Kessler and seconded by G. Calef to approve the site plan application with the conditions as stated by the planner. The motion carried unanimously.

A motion was made by G. Calef and seconded by J. Kessler to allow the chair to sign the final plan when complete. The motion carried.

- 11. [234-80-V-13-SR \(First Congregational Church of Barrington\)](#) Request by applicant for a Site Review to add two small additions to the existing church and install a fire cistern to feed a sprinkler system on a 5.03 acre lot located at 712 Franklin Pierce Highway (Map 234, Lot 80) in**

the Village (V) Zoning District. By: Daniel O'Lone, Project Manager; Berry Surveying & Engineering; 335 Second Crown Point Road, Barrington, NH 03825.

Kelly Davis, an architect, explained the application was for the installation of a cistern to sprinkle the building, add a vestibule and nursery space.

J. Kessler recused himself

J. Bouchard to sit for the vacancy

S. Jeffery to sit for J. Pohopek

D. Ayer for vacancy

J. Kessler expressed that the church was up and running when power went out.

A motion was made by A. Kelley and second by G. Calef to approve the waiver for the drainage analysis. The motion carried unanimously.

A motion was made by D. Malloy and seconded by G. Calef to waive wetland delineation of the entire site. The motion carried unanimously.

A motion was made by D. Malloy and seconded by G. Calef to grant waiver for full topography. The motion carried.

A motion was made by G. Calef and second by D. Malloy to accept the application as complete. The motion carried unanimously.

A motion was made by D. Malloy and seconded by G. Calef to approve with conditions as stated by the planner. The motion carried unanimously.

A motion was made by A. Kelley and seconded by J. Bouchard to sign the final plan when conditions are met. The motion carried unanimously.

REPORT FROM THE PLANNING DEPARTMENT

COMMUNICATIONS RECEIVED

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

SINNESS THAT MAY PROPERLY COME BEFORE THE BOARD

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

September 17, 2013

A motion was made by J. Kessler and seconded by G. Calef to adjourn at 11:05 p.m. The motion carried unanimously.

Respectfully submitted,

*Marcia J. Gasses
Town Planner & Land Use Administrator*