

Attachment A



MEETING MINUTES

BARRINGTON PLANNING BOARD MEETING
Barrington Annex (next to the Elementary School)

572 Calef Highway
Barrington, NH 03825
Tuesday April 15, 2014
6:30 p.m.

****Board met with Legal Counsel at 5:30pm**

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

ROLL CALL

Members Present

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

Alternate Members Present

Daniel Ayer
Stephen Jeffery
Joshua Bouchard

Town Planner: Marcia Gasses
Legal Counsel: Jae Whitelaw

Elections of Officers

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A motion was made by J. Pohopek and seconded by J. Kessler to nominate A. Gaudiello as chair. The motion carried unanimously.

A motion was made by R. Williams and seconded by J. Kessler to nominate J. Pohopek as Vice-Chair. The motion carried 6 (six) for with 1 (one) abstention

MINUTES REVIEW AND APPROVAL

1. Approval of the April 1, 2014 Public Hearing Meeting Minutes

A motion was made by A. Kelley and seconded by J. Kessler to move approval of the minutes until after the applications were heard. The motion carried unanimously

ACTION ITEMS

2. [215-1-GR-13-Sub \(River's Peak-Tim Mason\)](#) Request by applicant for a 20 lot residential subdivision consisting of 3,050 linear feet of roadway and 12-acres of open space located on a 57 acre site located on New Bow Lake Road access from Boulder Drive(Map 215, Lot 1)in the General Residential Zoning District. By: Beals Associates PLLC, Scott D. Cole; 70 Portsmouth Avenue, 3rd Floor, Unit 2; Stratham, NH 03885

A motion was made by A. Kelley and seconded by J. Kessler to continue the application until May 6, 2014 to allow time for the applicant to work with Dubois & King to address engineering comments. The motion carried unanimously

3. [220-31-RC-SDAO-14-SR Huff Moving & Storage](#) (JMH Enterprises, LLC) Request for Site Plan review for an 11,960 sq. ft. building for storage purposes, on a 6.18-acre site located at 26 Colonial Way. The application includes a waiver under 4.9.9 of the Site Plan Regulations for a reduction in parking. (Map 220, Lot 31) in the Regional Commercial (RC) and Stratified Drift Aquifer Overlay Zoning District (SDAO). By: Randy Orvis, Geometres Blue Hills, LLC, P.O. Box 277 Farmington, NH 03835

Request by applicant to continue until May 6, 2014 to allow time to
Address the Town Engineer's review comments.

A motion was made by J. Kessler and seconded by D. Malloy to continue the application to May 6, 2014 to allow time for the applicant to address the Town Engineer's review comments and to research the fire/building regulations. The motion carried unanimously

4. [257-3 & 5-GR-14-LL \(McMaster/Fried\)](#) Request by applicant to adjust the lot line between lots 3 & 5 to transfer .58 acre to Lot 5 located on Merry Hill Road (Map 257, Lots 3 & 5) in the General Residential (GR) Zoning District. By: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825

Request by applicant to continue until May 6, 2014 to allow time to revise

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plans based on Planning Board comments.

A motion was made by D. Malloy and seconded by J. Kessler to continue the application to May 6, 2014 to allow time for the applicant to revise the plans based on Planning Board Comments. The motion carried unanimously

5. **SR12/410 (Gas Station and Convenience Store)** Request by applicant to construct 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. By: Jones & Beach Engineers, Inc., Barry W. Gier, P.E; 85 Portsmouth Ave, PO Box 219; Stratham, NH 03885

A. Gaudiello recused himself

G. Calef recused himself

R. Williams recused himself

John Arnold explained the plan had been updated with the removal of the Calef party. The applicant also was requesting a waiver for light trespass on the Millos and Church properties. 4.12.2

Barry Gier explained they had removed the pavement connection to the Calef property and installed curbing. The waiver for light trespass was for the Millos and church property.

Robert Shaines, an attorney representing Millos, explained the owner was in favor of having more light shining on his property for safety reasons.

S. Jeffery expressed that easements were required for drainage rights for water going across the property of others. He had not seen the information provided.

J. Pohopek explained the Board was currently reviewing the waiver request.

J. Pohopek opened public comment.

Robert Shaines expressed George Tsoukalas was highly in favor of the waiver request.

George Calef expressed he had no objection to the waiver and had asked for a similar waiver for his property, if a cross easement was provided in the future it would need to be properly lighted.

J. Pohopek explained that if the easement were to change the lighting would have to change.

A motion was made by D. Malloy and seconded by J. Kessler to grant the waiver request to allow the light to trespass across the property line on the Milos and Journey Church property. The motion carried unanimously

J. Pohopek asked if there were engineering changes because of the changes.

B. Gier explained the impervious surface had been reduced between 3 and 6 percent and the detention systems had not changes.

S. Jeffery asked about the drainage rights.

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B. Gier explained that NHDOT had signed off on the plans.

John Arnold provided documentation for drainage for NHDOT to discharge on properties.

S. Jeffery believed there was a discrepancy in the pipe size.

B. Gier expressed the discharge had not changed.

A. Kelley rate is the same but the volume may be more.

J. Pohopek expressed they should not have any drainage issues.

M. Gasses read the draft conditions of approval.

A. Kelley asked if the 500' and 250' were on the plans.

J. Pohopek believed that would be addressed by NHDES during the well approval process.

A. Kelly wanted the separation distance from the fuel tank.

A. Kelley asked about direct discharge.

J. Pohopek expressed none of the wells would be located in the 500' radius.

D. Ayer asked about the provision of water to the Calef property.

J. Pohopek expressed that Calef's would be provided water from the new well through Millos.

G. Calef expressed that he is currently using the well within the radius and his well would be terminated.

J. Pohopek expressed that he would be switched to another well.

Jae Whitelaw explained Mr. Calef expressed that he would be receiving water from the Millos property. The source of the water between him and Millos was a private matter.

J. Pohopek asked if there was any language regarding quantity.

Jae Whitelaw explained that would be part of the approval for the well.

John Arnold offered to answer any questions regarding water. He expressed George Calef would still be drawing water through Millos.

J. Pohopek expressed that he thought that George Calef was concerned he would not get water.

John Arnold explained that there was an agreement between George Calef and Millos.

George Calef explained that the water would come from a different location.

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Paul Mausteller expressed the Selectmen had accepted an easement on Monday night. The water to George Calef would be provided through the well on the open space.

George Calef expressed he has no guarantee from the Three Socios that water would be provided.

J. Pohopek expressed concern that an abutter could potentially not get water.

Jae Whitelaw explained that George Calef had a private agreement with Millos and read from the 2007 agreement.

D. Malloy expressed regardless of what the board decides the water issue is still between Millos and G. Calef's.

Jae Whitelaw expressed the issue of the well was not part of the application before the Board.

J. Pohopek opened public comment

John Arnold expressed that the water supply would come up as part of the site plan approval.

Jae Whitelaw expressed that the wells that were being shut down should have a guarantee.

John Arnold expressed that the concern raised was with an agreement between Millos and George Calef.

A motion was made by D. Malloy and seconded by J. Kessler to conditionally approve the site plan based upon the previously stated conditions in the staff recommendations.

J. Kessler believed they could address the continuous water supply at the individual site plan approval.

J. Pohopek expressed the Board needed to look closely at the site plans moving forward.

D. Malloy expressed that what J. Pohopek was correct.

J. Pohopek read the conditions one at a time and asked for any comment from Board members.

Staff recommendations are attached to the minutes.

Condition 1) none

Condition 2) none

Condition 3) none

Condition 4) none

Condition 5) none

Condition 6)

D. Ayer asked about the memorandum of understanding.

Condition 6) none

Condition 7) insert and before "to"

Condition 8) c after located add "to be recorded"

Condition 9) none

Condition 10) none

Condition 11) none

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- Condition 12) none
- Condition 13) add at the SRCDD after "Approval"
- Condition 1) none
- Condition 2) none
- Conditions 3) delete New Hampshire Land Surveyors Association
- Condition 4) Transient Non-Community

Roll Call Vote

- A. Kelley aye
- J. Pohopek aye
- J. Kessler aye
- D. Ayer no-on information provided
- D. Malloy aye
- S. Jeffery abstained

The motion carried four (4) in favor, one (1) against, and one (1) abstention

6. [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 Saint 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.

Previously approved to be continued until May 6, 2014

REVIEW OF PLANS

7. No new cases were received.

REPORT FROM THE PLANNING DEPARTMENT

COMMUNICATIONS RECEIVED

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

8. Request by Chris Berry for discussion with Board about parking and drainage on the Journey Church site.

A. Gaudiello asked Mr. Berry to present.

Chris Berry explained the Journey Church had been before the Board at a prior meeting. Mr. Terreault had conveyed to the Church that it was okay for them to move forward with removing stumps. Mr. Berry

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understood that the Board had not led Mr. Terreault to believe that any alteration of the site could take place without site plan approval.

Mr. Berry explained that The Church planned to come back before the board for full site review. Currently leaching catch basins were silted up. The church was attempting to correct drainage and icing issues.

Mr. Berry visited the site on Friday and determined the site needed to be leveled out for safety issues. The berm still needed to be stabilized or reclaimed. Mr. Berry was before the Board asking for permission to install gravel, so that the area could be used for parking for Easter weekend.

Discussion ensued

The Board determined without site plan approval the Church could not move forward. The church would need to find parking in other areas.

M. Gasses explained that the Police Chief had visited the site on April 11, 2014 after she had observed continued excavation at the site. The Chief had discussed with the Business Manager parking alternatives, including the possibility of the Three Socios site as well as in the breakdown lane on Route 125, where he said his officers would not issue tickets for those parked for services.

M. Gasses explained the Building Department had received a request for a building permit for a pole barn. The site was the former Rice Farm, which is currently considered mixed use. After discussion the Board determined that wetlands in the areas needed to access and locate the building would need to be delineated, the location shown on a surveyed plan, a detailed narrative supplied indicating the purpose of the barn, pictures supplied and parking needs addressed.

Review of minutes tabled to May 6, 2014

9. Discussion on July meeting dates.

The Board decided to schedule meeting for July 8 and 27th

10. Discussion on the Ordinance and Regulations amendments.

There was no objection to a sub-committee to tackle signage in the Regional Commercial District
The sub-committee would try to meet during day.

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

May 6, 2014

A motion was made by A. Kelley and seconded by D. Ayer to adjourn. The motion carried unanimously

Respectfully Submitted,

Marcia J. Gasses
Town Planner & Land Use Administrator

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STAFF RECOMMENDATIONS
BARRINGTON PLANNING BOARD MEETING
Barrington Annex (next to the Elementary School)
572 Calef Highway
Barrington, NH 03825
Tuesday April 15, 2014
6:30 p.m.

****Board meeting with Legal Counsel at 5:30pm**

ROLL CALL

Anthony Gaudiello-Chair
Alan Kelley, Vice-Chair
Jason Pohopek
Dennis Malloy, Ex-officio

George Calef
Jackie Kessler

Alternate Members: Stephen Jeffery
Daniel Ayer
Joshua Bouchard

Town Planner: Marcia Gasses

MINUTES REVIEW AND APPROVAL

3. Approval of the April 1, 2014 Public Hearing Meeting Minutes

ACTION ITEMS

4. [215-1-GR-13-Sub \(River's Peak-Tim Mason\)](#) Request by applicant for a 20 lot residential subdivision consisting of 3,050 linear feet of roadway and 12-acres of open space located on a 57 acre site located on New Bow Lake Road access from Boulder Drive(Map 215, Lot 1)in the

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General Residential Zoning District. By: Beals Associates PLLC, Scott D. Cole; 70 Portsmouth Avenue, 3rd Floor, Unit 2; Stratham, NH 03885

- *The applicant met with the TRC in October of 2013*
- *The application was received by the Land Use Office on December 10, 2014*
- *Plan review occurred on December 17, 2013*
- *Revised plans were received on December 23, 2013*
- *The applicant appeared before the Board on January 7, 2014*
- *A waiver request was received by the Board on January 27, 2014*
- *The Planning Board Granted the Waiver request from 15.1.2 on February 4, 2014*
- *Revised Plans reflecting the changes required by the Granting of the Waiver were received on February 24, 2014 and have been submitted to Dubois & King for Review*
- *Proposed Legal Documents were received by the Land Use Office on February 27, 2014 and were distributed via e-mail to the Board.*
- *Review comments were received from Dubois & King on March 21, 2014*
- *Beals Associates responded to the first review on April 2, 2014*
- *Dubois & King is currently reviewing the April 2, 2014 responses by Beals Associates*

The applicant is requesting a continuance to May 6, 2014 to allow Dubois & King to complete their second review.

3. [220-31-RC-SDAO-14-SR Huff Moving & Storage](#) (JMH Enterprises, LLC) Request for Site Plan review for an 11,960 sq. ft. building for storage purposes, on a 6.18-acre site located at 26 Colonial Way. The application includes a waiver under 4.9.9 of the Site Plan Regulations for a reduction in parking. (Map 220, Lot 31) in the Regional Commercial (RC) and Stratified Drift Aquifer Overlay Zoning District (SDAO). By: Randy Orvis, Geometres Blue Hills, LLC, P.O. Box 277 Farmington, NH 03835

Request by applicant to continue until May 6, 2014 to allow time to Address the Town Engineer's review comments and research the fire code.

11. [257-3 & 5-GR-14-LL \(McMaster/Fried\)](#) Request by applicant to adjust the lot line between lots 3 & 5 to transfer .58 acre to Lot 5 located on Merry Hill Road (Map 257, Lots 3 & 5) in the General Residential (GR) Zoning District. By: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825

Request by applicant to continue until May 6, 2014 to allow time to revise plans based on Planning Board comments.

12. [SR12/410 \(Gas Station and Convenience Store\)](#) Request by applicant to construct 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. By: Jones & Beach Engineers, Inc., Barry W. Gier, P.E; 85 Portsmouth Ave, PO Box 219; Stratham, NH 03885

The applicant has requested a waiver from 4.12.2 of the site plan regulations. The Police Chief requested the rear of the building be adequately lighted for safety. The waiver may be granted by the

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Planning Board if the Board has determined that such waiver of requirements will not affect the purpose and intent of the regulations.

[Office use only	Date certified:	As built received:	Surety returned
"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.			
Proposal Identification: SR 12/410 (Gas Station and Convenience Store) Request by applicant to construct a 5,000 sq. ft. 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 Aquifer Overlay (SDAO) Zoning Districts.			

Applicant: The Three Socios, 321 Lafayette Road, Unit D. Hampton, NH 03842	Dated:
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Dear applicant:

This is to inform you that the Barrington Planning Board at its xxxxxx, 2014 meeting **CONDITIONALLY APPROVED** your application referenced above.

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please note* If all precedent conditions are not met within 12 Calendar months to the day – by xxxx – the board’s approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

- 1) The applicant will submit utility clearance letters in accordance with Article 3.9.2 of the Site Plan Regulations.
- 2) Revise the following plan notes
 - a) Note #30 on sheet C4 to read, “All necessary pavement repairs shall be completed by July 1st of each year.
- 3) Add the following plan revisions to the plans:
 - a) Show the location of a bike rack

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- 4) Add the following plan notes:
 - a) All Variances shall be listed on the plans
 - b) List Waiver 4.7.7.2 Minimum velocity in Drain Pipe to the plan
 - c) List Waiver 4.7.7.3 Minimum Depth of Cover for a Storm Drain to the plan
 - d) List Waiver 4.12.2(1) b Light trespass beyond the property line (*if granted*)
- 5) Town Counsel shall approve all easement language.
- 6) Update the NHDOT Driveway Permit to include any revisions
- 7) The applicant shall attain site plan approval for the installation of the well, well house and connecting infrastructure on lots 238-14, 238-7, and 235-83, to include all necessary easements.
- 8) Maintenance Requirements
 - a) Revise the Stormwater Management/Spill Prevention Operation and Maintenance Manual with a last revision of January 27, 2014 to have all inspections to the Stormwater Management Systems and structures occur on a monthly basis.
 - b) Add note 4g. to the Stormwater Management/Spill Prevention Operation and Maintenance Manual, requiring an "Annual Inspection Report shall be filed by January 31st of each year with the Code Enforcement Office."
 - c) For uses requiring Planning Board approval for any reason, a narrative description of maintenance requirements for structures required to comply with the necessary Performance Standards, shall be recorded to run with the land on which such structures are located at the Registry of Deeds for Strafford County. The description so prepared shall comply with the requirements of RSA 478:4A, as amended. ZO 12.5 The Land Use Department will record the revised document.
- 9) Any outstanding fees shall be paid to the Town
- 10) The applicant will sign an agreement for on-site inspections and provide an escrow amount to be determined by the Planning Board, for inspections to occur on-site during construction of site improvements.
- 11) The applicant must provide exterior architectural drawings with elevations for review by the Planning Board for conformance with the Architectural Standards for Barrington Town Center.
- 12) Prior to certification of the final plan, the applicant will appear before the board for review of compliance with the conditions of approval. The applicant shall submit three (3) complete paper print plan sets and supporting documents as required in Article 3 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Barrington's file. The final materials will be provided to the board for review at a public hearing. The board will review materials prior to granting final approval and authorizing the chair to sign the plans.
- 13) The Chairman shall endorse three (3) paper copies of the approved plan meeting the conditions of approval upon receipt of an executed bond for all improvements, excluding buildings. The Planning Department shall retain a signed and approved 11" X 17", and PDF format on CD with supporting documents for Town records. The Planning

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Department shall record a copy of the Notice of Decision and Conditions of Approval. The Applicant shall pay all recording fees prior to final approval.

General and Subsequent Conditions

- 1) Where no active and substantial work, required under this approval, has commenced upon the site within two years from the date the plan is signed, this approval shall expire. An extension, not to exceed one year, may be granted, by majority vote of the Board so long as it is applied for in writing at least thirty days prior to the expiration date. The Board may grant only one such extension for any proposed site plan. All other plans must be submitted to the Board for review to insure compliance with these and other town ordinances. Active and substantial work is defined in this section as being the expenditure of at least 25% of the infrastructure improvements required under this approval. Infrastructure shall mean in this instance, the construction of storm drains, and improvements indicated on the site plan. RSA 674:39.
 - 2) Prior to any site disturbance the applicant must provide a copy of the USEPA NPDES Phase II, notice of intent (NOI).
 - 3) As-Built Plans shall be provided to ensure that the site is developed in accordance with the approved plans and to accurately document the location of underground utilities. All such as-built plans shall meet the current standards as set forth by the New Hampshire Board of Licensure and the New Hampshire Land Surveyors Association.
 - 4) Final Approval of the Non Community Transient Water System by NHDES shall be provided to the Town prior to construction.
13. [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 Saint 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.

Previously approved to be continued until May 6, 2014

REVIEW OF PLANS

14. No new cases were received.

REPORT FROM THE PLANNING DEPARTMENT

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15. Request by Chris Berry for discussion with Board about parking and drainage on Journey Church.
16. Discussion on July meeting dates.
17. Discussion on the Ordinance and Regulations amendments.

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

Other information. a) Files on the applications and items, above, including the full text of any proposed ordinances, regulations, or other initiatives are available for inspection in the Planning & Land Use Office, from 8:00 a.m. to 3:00 p.m., Monday through Thursday; b) If you are looking at this agenda on the Town's website, you can click on any underlined projects and other items to access additional information; c) This agenda, these applications, and other items are subject to errors, omissions, and change prior to final action; d) Some agendas are marked as "Preliminary Agenda". These are subject to change. The final agenda will be prepared on the Thursday evening prior to the meeting and will be posted on the Town's website; e) Contact the Planning & Land Use Department if you have questions or comments about these or any related matters or if you have a disability requiring special provision.

Persons with a disability may request a reasonable accommodation by contacting the Land Use Office at 603.664.5798. Requests should be made 5 days in advance.