



MEETING MINUTES

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

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

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
Jason Pohopek Vice-Chair
George Calef
Dennis Malloy, Ex-officio
Robert Williams

Members Absent

Jackie Kessler

Alternate Members Present

Daniel Ayer
Joshua Bouchard ARRIVED AT 7:10

Town Planner: Marcia Gasses

Without objection, approval of the minutes was moved to after review of applications.

MINUTES REVIEW AND APPROVAL

1. Approval of the April 1, 2014 Meeting Minutes

J. Bouchard was not in attendance.

Without objection the minutes were approved.

2. Approval of the April 15, 2014 Meeting Minutes

J. Pohopek was listed as present.

Line 242 added “on information provided”

Without objection the minutes were approved with corrections.

ACTION ITEMS

3. **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

Scott Cole of Beals Associates addressed the first waiver for a 4’ shoulder. Cole explained that the waiver was a house keeping item, given that the Board had already approved the waiver for a 24’ paved road to address access issues.

A. Gaudiello opened and closed public comment.

A motion was made to approve the waiver seconded by J. Pohopek. Five in favor with one abstention.

Scott Cole explained the seconded waiver was for the rate of run-off. The existing site was described as a mound and currently water found a route down the mound to the river. Cole explained the peak rate of run-off. The subdivision being built interrupts the natural flow down the site. They had amended the auto cad and now show a reduction toward the Isinglass, a slight increase toward Nippo Brook and the same rate at the northern point. The run-off headed toward Nippo Brook ran through the undisturbed buffer. The overall rate of discharge from the site was slightly lower post development verse predevelopment.

G. Calef commented that the applicant had gone to great lengths in reviewing the stormwater.

D. Ayer asked if there were any catch basins.

Scott Cole expressed that there was not. The drainage was all open swales and a culvert was pointed out.

A. Gaudiello opened public comment.

John Wallace expressed a desire to add rain gardens incorporated into the lots.

Scott Cole expressed that that rain gardens tend not to be maintained.

John Wallace asked what the percentage of change was in run-off.

Scott Cole expressed 1-2%

A. Gaudiello expressed that it was 15% at the 50 year storm.

Tim Mason expressed it is hard to police rain gardens and he would hate to cut trees to slow clean water. He wished to keep as many trees along the 100' buffer as possible. He did not want to cut a swath of trees to slow clean water down.

Paul Mausteller asked if it was a no cut no disturb.

Scott Cole said yes.

Tim Mason also said they would put up placards along the boundary of the no cut no disturb area.

Pam Failing asked how a rain garden fails.

Scott Cole explained failure was caused by a buildup of debris.

A. Gaudiello closed public comment.

A motion was made by D. Malloy and seconded by G. Calef to approve the waiver. The motion carried five (5) in favor and one (1) opposed.

The Town Planner read from the Staff Recommendations.

- *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*
- *Dubois & King completed a second engineering review on April 18, 2014*
- *Cabernet Builders responded on April 25, 2014*
- *Dubois & King responded on May 5, 2014*
- *Beals Associates will present response to Dubois & King comments*
- *The applicant is requesting a waiver from 7.3.4(7) citing no increase in runoff from the site. The applicant has made revision which show an increase at one point but an overall decrease from the site in compliance with 7.3.4(7) of the Subdivision Regulations*

- The applicant is seeking a waiver from Table 1 Roadway Shoulder width. The Board previously approved a waiver for 24' of pavement where 20' is required. The waiver asks for 4' shoulders where 6' is required. Peter Cook, Road Agent has submitted an e-mail stating he has no concern with the request..

If the Board approves the application, the Notice of Decision may read substantially as follows:



Planning & Land Use Department
Town of Barrington
PO Box 660
333 Calef Highway
Barrington, NH 03825
 603.664.0195
barrplan@metrocast.net
barrplan@gmail.com

DRAFT – NOTICE OF DECISION

[Office use only]	Date certified:	As built received:	Surety returned
<p><i>"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.</i></p>			
<p>215-1-GR-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 with access from Boulder rive (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</p>			

Applicant: Cabernet Builders PO Box 291 Stratham, NH 03885	Dated:XXXX
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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 of the precedent conditions are not met within 6 calendar months to the day, by October 7, 2014 the board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. Extensions shall be granted only if there have been no amendments to the Zoning Ordinance, Subdivision Regulations, Non-residential Site Plan Regulations, or any other regulations which render the subdivision plan non-conforming, and if all other permits are still valid. It is the sole responsibility of the applicant (or his/her agent) to ensure that these conditions are met by this deadline. We urge the applicant to carefully track his/her progress in meeting the individual conditions. See RSA 674:39 on vesting.

Conditions Precedent

- 1) Plan modifications. The plans are to be modified as follows:
 - a) Confirm the NHDES Subdivision Approval Number is still valid
 - b) Add the NHDES AOT Permit Number to the Plan
 - c) Correct the Building Setback lines of lots 1,6,7,8,11,12,13,16,17, on Sheet 5 of 12 to match the lines on Sheets 1 and 2 of 12
 - d) Revise the plans to show all roadside ditches be armored with riprap to prevent erosion and washouts, with the exception of the area between Sta. 27+50RT to Sta. 29+50RT
 - e) Update the guardrail detail on Sheet 9 to reflect the melt-type terminal unit required by Article 12.8.7
 - f) Revise the grading and layout to depict the requirements of a MELT terminal unit

- 2) Add the following plan notes
 - a) A waiver was Granted from the Town of Barrington's Subdivision Regulations, which caps the maximum length of dead-end roads at 1000 feet through incorporation of Table 1 – "Road Design Standards"
 - b) A waiver was Granted to 7.3.4(7) of the Subdivision Regulations *(if approved)*
 - c) A waiver was Granted to Subdivision Regulations Table 1 Roadway Design, to allow a 4' shoulder where 6' was required. *(If approved)*

- 3) Proper and complete survey monumentation shall be installed on the properties as a condition of final approval of the application. Granite bounds shall be set at the intersection of existing and proposed lot sidelines with existing proposed streets. Iron pins (pipe or rod) are to be placed at all property line corners and angles, and at all points of tangency. Monuments for the lot being developed shall be placed not more than 300 feet apart in any straight line. The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the submitted plan. *(Bounds along the proposed roadway may be installed after installation of roadway)*

- 4) The applicant shall submit proposed revised Homeowner's Association Documents, addressing road maintenance, drainage, and open space. These documents shall be

reviewed by the Land Use Office, with consultation by the Town Attorney on the proper form of the documents.

- 5) The amount and type of the performance guarantee must be set under advice from the Town Engineer prior to the final approval of the plans.
- 6) Any outstanding fees shall be paid to the Town
- 7) The applicant proposes to excavate of on-site gravel for use in road construction. Provide a reclamation plan of the disturbed are for review by the Town's Engineer.
- 8) Provide a check print for review by the Towns Engineer for compliance with conditions of approval.
- 9) The applicant shall submit three (3) complete plan sets, one 11"X17" paper copy, a PDF and supporting documents 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.

General and Subsequent Conditions

- 1) The developer shall post such guarantee with the Town prior to the issuance of any building permits for the site. The guarantee shall cover the estimated cost of constructing and installing all site improvements and temporary mitigation mechanisms, including but not limited to: street work (both public and private roads); drainage facilities; erosion and sedimentation control mechanisms; other transportation related facilities; landscaping; fire protection; and other utilities. *See 8.3.1(1) of the Town of Barrington Subdivision Regulations*
- 2) The applicant will sign an agreement for on-site inspections and provide an escrow amount to be determined by the Board's Agent after consultation with the Town's Engineer, for inspections to occur on-site during construction of site improvements.
- 3) For roads proposed to be accepted by the Town, The Planning Board's Agent will not release the performance guarantee until a maintenance bond is in place. The Town will require a maintenance guarantee, covering the maintenance of public roads and other public improvements for a period of two (2) years from the date of completion, in the amount of 20% of the improvement costs. If repair or unusual maintenance is needed or additional improvements are required, then such costs as are necessary shall be drawn against the guarantee.
- 4) Current Use subject property or a portion of it is presently in Current Use. The applicant must provide the Town of Barrington Assessing Department a revised current use map and/or any other items needed to assure that the requirements of RSA 79-A and the New Hampshire Department of Revenue's Administrative Rules are satisfied.

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Marcia J. Gasses
Town Planner & Land Use Administrator

cc: Scott Cole, Beals Associates
File

G. Calef asked the Planner to clarify condition #7.

Tim Mason asked to add that the on-site gravel was for road & onsite development to #7 for clarification.

M. Gasses expressed that it needed to be clear that if gravel left the site an excavation permit would be necessary.

A motion was made by J. Pohopek and seconded by G. Calef to conditionally approve the application with precedent and subsequent conditions including the revision to #7.

A. Gaudiello reopened public comment.

Mr. Landry explained he had met with Mr. Mason and they had a verbal agreement on a dollar amount for screening. Mr. Landry wanted the agreement to be part of the Notice of Decision.

Tim Mason explained they had met onsite and it was determined lights don't shine into Mr. Landry's house but in the field next to his house. That it was a gentlemen's agreement and he did not see it being part of the Boards NOD.

A. Gaudiello explained the Board did not have latitude to force Mr. Mason to provide screening. He had made a good faith offer.

Discussion ensued with Mr. Landry.

Tim Mason withdrew his offer.

Mr. Landry explained he had boundary markers in his car. He believed the boundary marker had been moved since last fall and had been removed with a sledgehammer.

Tim Mason explained that the top of a road bound had been knocked off.

A. Gaudiello expressed that that the Board had been provided survey information.

M. Gasses expressed that a letter from the surveyor stating the current location of the road entrance was in the same location as the prior approval.

J. Pohopek explained that as a surveyor who had worked for the prior developer on the Boulder Drive subdivision he was aware of many markers being damaged during construction. The granite bounds could often crack and the top would break off, leaving the remainder under the ground.

John Wallace asked about the restoration of the habitat for the turtles.

Tim Mason agreed to work with the Conservation commission on the reclamation plan.

A. Gaudiello closed public comment.

A. Gaudiello summarized the motion by J. Pohopek that was seconded by G. Calef to grant conditional approval.

The motion carried unanimously. 6-0

A. Gaudiello requested assistance from the Board on determining if the applicant would need to return to the Board for final approval given the conditions.

M. Gasses explained that the majority of precedent conditions were engineering conditions, which would require the Town engineer signing off. Condition #8 was the requirement a check print is provided for review by the Town engineer for compliance with the conditions of approval. The remainder was notes or review by the engineer.

A. Gaudiello asked if there was a way of continuing the application, so as not to have to renotify abutters.

Discussion ensued regarding the waiting time for State permit approval and if the applicant was prepared sooner than the date selected the abutters would need to be renotified.

B. Williams asked who did follow up enforcement.

M. Gasses explained that Code Enforcement would enforce the regulations. The surveyor signs off on monumentation. In addition, Dubois & King would be inspecting the road construction and drainage. Surety is placed for road and infrastructure work to be completed. Dubois & King does site inspection during construction and submits reports back to the Land Use Office.

Discussion ensued with the applicant.

Tim Mason explained he would

A motion was made by A. Gaudiello and seconded by J. Pohopek that the conditions of the Conditional Approval are such that the applicant returns to the Board in thirty days for final approval.

G. Calef expressed he did not feel the necessity to have the applicant return.

A. Gaudiello clarified a yes vote meant the applicant would return to the Board for final approval and a no vote meant that the chair would certify the plans when precedent conditions were met.

The vote was one (1) in favor – five (5) against, the chair would sign the plans when the precedent conditions were met.

4. [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

The applicant has withdrawn the application.

5. [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
 - *The application was received by the Land Use Office on March 12, 2014*
 - *The Board reviewed the plans on March 18, 2014*
 - *The applicant appeared before the Board on April 8, 2014*
 - *The application was continued to April 15, 2014 to allow the applicant time to have limited wetland delineation conducted showing a buildable area on Map 257 Lot 5*
 - *The application was continued to May 6, 2014 at the applicant's request in order to complete the wetland delineation*
 - *Damon Burt of Fraggie Rock Environmental performed a wetland delineation identifying a potential building area on Map 257 Lot 5*
 - *A draft notice of decision may read substantially as follows*

J. Bouchard to sit for J. Kessler

D. Ayer to sit for vacancy

Dan O'Lone explained they had had an area delineated showing a buildable area.

John Wallace expressed the Conservation Commission had no concerns.

A motion was made by D. Ayer and seconded by G. Calef to approve the application. The motion carried unanimously.

Dear applicant:

This is to inform you that the Barrington Planning Board at its xxxx, 2014 meeting **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.

Conditions Precedent

- 1)
 - a) Add the owner's signature to the final plan
 - b) Add the wetland scientist stamp & signature to the final plan

- 2) Revise the following plan notes
 - a)

- 3) Add the following plan revisions to the plans

- 4) Add the following plan notes:
 - a) Waivers were granted from plan check list requirements 18, 24b, 25 a-c, 27, 31

- 5) Any outstanding fees shall be paid to the Town

- 6) For lot line adjustments the applicant shall submit to the Land Use Office a copy of the signed and notarized deed which will affect the conveyance of the subject property before the plat is certified by the Planning Board Chair. Once the plat is certified the deed must be recorded simultaneously with the plat.

- 6) Final drawings. (a) three sets of large black line plus (c) one set of 11"x17" final approved plans plus (d) one electronic version by pdf or CD must be on file with the Town. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans. (The applicant need only submit additional black line sets of drawings or individual sheets, as needed, to make three complete sets consult the Planning Department.) Note. If there are significant changes to be made to the plans, as specified above, one full size paper check print must be sent to the Planning Department for review prior to producing these final drawings.

- 7) 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 Department shall record a copy of the Notice of Decision and Conditions of Approval at the Strafford County Registry of Deeds. The applicant shall pay all recording fees prior to final approval.

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Marcia J. Gasses

Town Planner & Land Use Administrator

cc: Daniel O'Lone, Berry Surveying & Engineering
File

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.; 5Railroad Street; Newmarket, NH 03857.

The applicant's representative appeared before the Board to give an update on the status of the application.

A. Gaudiello expressed that without a specific milestone within 30 days the Board would take a vote to dismiss without prejudice.

Mike Sievert explained the conservation easement revision process was time consuming. The review could be 30 to 90 days.

M. Gasses requested something in writing from FX Bruton.

J. Pohopek asked if there should be renotification due to the long period the application had been continued for.

A. Gaudiello expressed in the next 90 days the Board should have an update from the attorney on where in the process we stand in regard to the Conservation Easement.

A. Gaudiello opened public comment.

Paul Mausteller asked about a project on Merry Hill Road in Nottingham and if the Town had been notified.

M. Gasses expressed the Town has not.

John Wallace expressed that the Conservation Commission supported the Gerrior Application.

A. Gaudiello closed public comment.

A. Gaudiello asked for a discussion on whether to renotify abutters.

A motion was made by J. Pohopek and seconded by B. Williams to have the applicant notify abutters when they have a significantly complete application

M. Gasses explained that the application had previously been accepted as complete and plans had been sent to Dubois & King for review.

J. Pohopek clarified the motion would be to have the applicant notify abutters prior to presenting plans reflecting Dubois & King comments. B. Williams agreed. The motion carried unanimously

A motion was made by D. Ayer and seconded by J. Pohopek to continue the application to August 5, 2014. The motion carried unanimously

7. Discussion on moving the location of the Goodwill sign.

The Conservation Commission would like to move the sign currently located on the Goodwill property 100' to the east to allow more visibility and usefulness. The sign/kiosk must be located 10' from the edge of the State right of way NR/HCO. Under 674:54 the Planning Board may hold a public hearing on any proposed governmental use of property within its jurisdiction, which constitutes a substantial change in use or a substantial new use. The Board should vote on whether to require a hearing on this change.

John Wallace explained that he had had discussions regarding relocation of a sign with NHDOT. He assured the Board that the sign would not be in the NHDOT right of way.

The Board felt no review was necessary.

NON ACTION ITEMS

8. **233-77-V-14-Conceptual plan (American Legion)** Request by applicant to present a conceptual plan to discuss constructing a meeting hall, with ancillary structures septic, well, parking etc, located on a 5 acre site in the Village District (V) Zoning District.

The applicant was looking for initial comments from the Board. The discussions do not bind the Board or the applicant under RSA 676:4 II

J. Pohopek recused himself.

Brian Lenzi represented the American Legion. He explained the Town had sold the parcel to the Legion for \$1. There were challenging issues with the site. The cut required for the driveway caused conflicts with the easement. Fire access and wetlands were also concerns. The Legion had limited funds for improvements.

J. Pohopek returned to the Board.

COMMUNICATIONS RECEIVED

J. Pohopek asked if the resignation letters were available.

A. Gaudiello explained to ask the appointing authority, which were the selectmen.

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

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

May 20, 2014 at 6:30 p.m. Plan Review

A motion was made by D. Malloy and seconded by J. Pohopek to adjourn at 9 pm. The motion carried unanimously

Respectfully submitted,

Marcia J. Gasses
Town Planner and Land Use Administrator