



## **Draft Minutes**

**BARRINGTON PLANNING BOARD MEETING**  
**Barrington Annex (next to the Elementary School)**  
**572 Calef Highway**  
**Barrington, NH 03825**  
**Tuesday June 3, 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  
Bob Williams  
Dennis Malloy, Ex-officio  
George Calef  
Jackie Kessler

#### Alternate Members Present

Daniel Ayer  
Joshua Bouchard *arrived at 7:10 p.m.*

Town Planner: Marcia Gasses

### **MINUTES REVIEW AND APPROVAL**

Without objection, review of the minutes was moved to follow the action items.

1. Approval of the May 6, 2014 Meeting Minutes

- Add Joshua Bouchard arrived at 7:10 p.m.

*Without objection, the minutes were approved as corrected.*

2. Approval of the May 20, 2014 Meeting Minutes

- Line 514 correct the spelling of Lenzi
- Line 69 add an “s” to Williams
- Line 87 change real to rear

*Without objection, the minutes were approved as corrected.*

**ACTION ITEMS**

3. **203-7-GR-14-SD (Joseph & Virginia Carbaugh)** Request by applicant for a 2 lot subdivision to create a back lot and a 9.6 Special Permit on a 10.52 acre lot on 282 Second Crown Point Road (Map 203, Lot 7) in the General Residential Zoning District. By: Kenneth A, Berry, PE, LLS; 335 Second Crown Point Road; Barrington, NH 03825

Christopher Berry, Berry Surveying & Engineering represented the applicant. C. Berry explained that they had just learned there was a setback issues regarding the distance from the river. They needed to meet with the Conservation Commission to discussion the setback issue.

The following comments and Draft Notice of Decision was provided in the staff recommendations, which were provided to the board. The applicant subsequently requested a continuance to address the setback issue.

*A motion was made by J. Kessler and seconded by J. Pohopek to continue to the July 8, 2014. The motion carried unanimously.*

- April 14, 2014 the ZBA granted a Special Exception from the terms of Article 4.1.2 of the Barrington Zoning Ordinance to allow access to the property from a side not the frontage
- The Application for subdivision was received on May 13, 2014
- The Application includes a request for a 9.6 Special Permit to allow an 18’ wide driveway to access the buildable area of the lot
- 9.6 Special Permit for Construction in a Wetland Buffer – A use not otherwise permitted in the wetland buffer may be undertaken if the Planning Board approves an applicant’s request for a Special Permit, provided such use is in keeping with the intent and purpose set forth in this Ordinance as permitted in the base zoning district and meets the standards listed below.  
9.6(1) After a review of all reasonable alternatives it is determined to be infeasible to place the structure outside of the buffer zone.  
9.6(1)(a) The structure must be set back as far as possible from the delineated edge of the wetland or surface water; and  
9.6(1) (b) Appropriate erosion control measures must be in place prior to and during construction; and

9.6(1) (c) Any disturbance to the surrounding buffer zone must be repaired and restored upon completion of construction; and  
 9.6(1) (d) all available mitigation measures to address changes in water quality and quantity is implemented, along with design and construction methods to minimize adverse impacts, if required by the Planning Board.

- The Board should vote on acceptance of the application as substantially complete, prior to opening the public hearing

*A draft Notice of Decision suggest reading 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](mailto:barrplan@metrocast.net)

[barrplan@gmail.com](mailto:barrplan@gmail.com)

**DRAFT NOTICE OF DECISION**

<i>[Office use only</i>	<i>Date certified:</i>	<i>As built received:</i>	<i>Surety returned</i>
<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>			
<b>Proposal Identification:</b>			

Applicant: Joseph P. & Virginia M. Carbaugh By: Kenneth A. Berry, P.E., LLS	Dated: /2014
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**Dear applicant:**

This is to inform you that the Barrington Planning Board at its XXXX, 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 plan set 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 XXXX, 2014**, the Boards approval will be considered to have lapsed, unless a mutually

agreeable extension has been granted by the Board. *Reference 8.23 of the Town of Barrington Subdivision Regulations*

## Conditions Precedent

- 1 a) Add the owners' signature to the final plan  
b) Add the wetland scientist stamp & signature to the final plan
- 2) The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the plans.
- 3) This driveway will require a street name and everyone on this driveway will be required to have a new address. Written documentation must be provided that lot owners on this shared driveway understand this requirement.
- 4) Add the following plan revisions to the plans
- 5) Add the following plan notes:
  - a) List Special Permit for Wetland Buffer (*if granted*)
  - b) Add the State Subdivision Approval number to the plan
- 6) Town Counsel shall approve driveway easement language.
- 7) Any outstanding fees shall be paid to the Town
- 8) Proper and complete survey monumentation shall be installed on the properties as a condition to final approval of the application. Granite bounds shall be set at the intersection of existing or proposed lot sidelines with existing proposed streets. Iron pins (pipe or rod) are to be placed at all property line corners and angles, and all points of curvature and 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.
- 9) 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.

## General and Subsequent Conditions

- 1) The Code Enforcement Officer will inspect and approve the wetland buffer restoration prior to the issuance of a certificate of occupancy.

D. Ayer to sit for vacancy

4. [226-50-18,19-NR-14-LL \(John Brasseur & Stephen Halla\)](#) Request by applicant to adjust the boundary line between Lots 18 & 19 for equal exchange of land and a waiver for checklist items located on 34 & 36 Coachman Drive (Map 226, Lots 50-18 & 50-19) in the Neighborhood Residential (NR) Zoning District. By: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825

Christopher Berry, Berry Surveying & Engineering represented the applicant. C. Berry explained the request for the lot line adjustment and application checklist waivers. C. Berry proposed instead of requiring the wetland delineation, contiguous upland, and wetland scientist certification that the deeds included a reference to the fact that wetlands and buffers existed on the site. The Board addressed each of the waivers.

Item #31 Two-foot contours – The Board determined the information would not be necessary to render a decision.

*Without objection, a waiver from showing two-foot contours was approved.*

Items #25a-25c Limits of wetlands, wetland delineation criteria, wetland scientist certification – The Board determined that the wetland delineation and buffers would not be a concern until the applicant chose to build on the site. Given the minor lot line revision the delineation was not necessary for them to render a decision.

A. Gaudiello suggested any future construction would require the delineation of wetlands and buffers be added to the plan.

*Without objection the waiver for 25a-25c was granted with the requirement any future construction would require the delineation of wetlands and buffers be added to the plan.*

Item #27 All required setbacks

C. Berry explained that without the wetland delineation, it would be impossible to depict a building envelope and the structures already existed.

The Board determined absence of this information would not affect their ability to render a decision.

*Without objection, the waiver from depicting setbacks was approved.*

Item #24b Contiguous uplands - The Board determined the absence of this information would not affect their ability to render a decision.

*Without objection, the waiver for calculating contiguous uplands was granted.*

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

G. Calef asked how many waivers the applicant had requested.

C. Berry explained that in addition to the waivers the Board had voted on, the application had included #18 survey of the entire parcel. Prior to the meeting it had been brought to the applicant's attention by the

planner that a waiver to that requirement was not needed as the entire boundary of the parcels involved had been surveyed.

A. Gaudiello opened public comment.

Paul Mausteller asked if there was a no cut zone on the plan.

C. Berry stated there was not.

A. Gaudiello closed public comment.

The Planning Board was provided with the following staff comments.

- The application was received on May 14, 2014
- The applicant is requesting the following waivers from the application checklist: 24b (contiguous uplands), 25 a-c (limits of wetlands, wetland delineation criteria, wetland scientist certification), 27 (all required setbacks), 31 (two foot contour intervals shown over all subject parcels)
- It is the opinion of staff that the wetlands and buffers should be shown on the plan, as it will be the last recorded plan on the parcels recorded at the registry of deeds and lot 226-50-18 contains extensive wetlands and wetland buffers as observed on the prior subdivision for Coachman Estates.
- The Board should vote to accept the application as substantially complete prior to holding a public hearing

*A draft Notice of Decision suggested reading substantially as follows:*

G. Calef questioned a proposed 6 months to fulfill conditions of approval and cited 9.5(4) of the subdivision regulations which reads, conditional approval shall be valid for a period as determined by the Planning Board, but in no case shall it be valid for a period greater than ninety (90) days from the date conditional approval is granted, unless extended in writing by the Board.

M. Gasses explained that 8.2.3 of the subdivision regulations read, unless otherwise specified within the approval, the applicant shall have six months to comply with the conditions of the approval and have the plan signed by the Board. If the conditions are not met within six months, the conditional approval shall lapse, 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 Review Regulations, or any ordinances and regulations which would render the subdivision plan non-conforming, and if all other required permits are still valid.

The Board discussed that when there was conflict in the regulations the more restricted rule applied. The Board agreed to revise the draft Notice of Decision to read 90 days instead of 6 calendar months.



**Planning & Land Use Department**  
**Town of Barrington**  
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 603.664.0195  
[barrplan@metrocast.net](mailto:barrplan@metrocast.net)  
[barrplan@gmail.com](mailto:barrplan@gmail.com)

## DRAFT NOTICE OF DECISION

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As builts received: N/A</i>	<i>Surety returned: N/A</i>
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*"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:** 226-50-18 & 19-NR-14-LL (Johnathan Brasseur & Stephen & Michelle Halla) Request by applicant to adjust the boundary line between lots 18 & 19 for equal exchange of land and a waiver for checklist items located on 34 & 36 Coachman Drive (Map 226, Lots 50-18 & 50-19) in the Neighborhood Residential (NR) Zoning District. By: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825

<b>Applicant:</b> Johnathan Brasseur 34 Coachman Drive Barrington, NH 03825  Stephen & Michele Halla 36 Coachman Drive Barrington, NH 03825	Dated:XXX /2014
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**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.

Please Note\* If all of the precedent conditions are not met within ~~6 calendar months~~ 90 days to the day, **by XXXXX, 2014**, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. ~~Reference 8.23 of the Town of Barrington Subdivision Regulations~~



## 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) The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the plans.
- 3) Add the following plan notes:
  - a) Waivers were granted from plan check list requirements, 24b, 25 a-c, 27, 31 (~~if granted~~)
- 4) Any outstanding fees shall be paid to the Town
- 5) 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.

*Without objection, the lot line adjustment was approved with the Draft Notice of Decision revised as noted.*

5. [263-7-RC & SDA-14-SR \(Richard & Catherine Gibb-Gibb Auto Sales\)](#) Request by applicant to convert the existing business to Automobile Retail, add a free standing sign with a signage area of 3' x 6' and with frame dimensions of 10' H x 7'W and waiver for wetland delineation located on a 6.45 acre lot at 1079 Calef Highway (Map 263, Lot 7) in the Regional Commercial (RC) and Stratified Drift Overlay Zoning Districts. By: Jason Pohopek; Pohopek Land Surveyors & Septic System Design, LLC; PO Box 651; Barrington, NH 03825

J. Pohopek recused himself

J. Bouchard to sit for J. Pohopek

Jason Pohopek represented the applicant.

J. Pohopek explained that the applicant proposed to operate a used auto sales business from the subject parcel. The applicant had received a variance to allow auto sales from the Zoning Board of Adjustment. There were no proposed changes to the site. A 750-s.f. portion of the existing building would be converted to office space for the business. The auto inventory would be stored outside; the inventory



would not exceed 10 vehicles. The applicant sought waivers from the following checklist items #25 wetland delineation, #32 2 foot topography of the entire parcel, and #6 source datum of topo (USGS required) In addition the applicant had submitted a sign application.

Item #25 Wetland delineation of entire parcel - J. Pohopek explained the wetlands were shown on ¾ of the site and the applicant was not proposing any changes to the site from the prior approval.

J. Kessler asked if part of the land was already delineated.

J. Pohopek explained the delineation of the entire site had been waived during the prior applications approval. The applicant was only proposing a change in use.

The Board concurred that further delineation was not necessary to make a decision.

*Without objection, the waiver was approved.*

Item #32 Two-Foot topography of entire parcel - J. Pohopek explained that he did not believe the two-foot contour line provided additional information for the Board, where no changes to the site are proposed.

The Board concurred the information would not assist in making their decision.

*Without objection, the waiver was approved.*

Item #6 Source Datum

The Board concurred this item was not necessary for their review.

*Without objection the waiver was approved.*

*A motion was made by J. Kessler and seconded by B. Williams to accept the application as complete. The motion carried unanimously.*

J. Pohopek explained the prior approved daycare never was opened and they were now proposing selling up to ten cars at a time on the site. The applicant was only proposing the office space proposed per state standard. A prior traffic study had been done, which resulted in the closing of an exit along New Town Plains Road.

D. Ayer asked if the applicant was okay with the size of the proposed sign. He believed it was too small for the speed.

J. Kessler questioned the entrance in relation to New Town Plains Road.

J. Pohopek explained the traffic flow through the site and explained the entrance was located further up from New Town Plains Road.

M. Gasses explained the parking requirements which included 10 spaces for the autos for sale, and 3 for the office space, one of which must be handicapped accessible.

J. Kessler mentioned that the NHDOT should be notified of the change of use.

A. Gaudiello suggested the applicant might want to expand the hours of operation, to allow for more flexibility.

J. Pohopek asked to revise the hours of operation to Monday through Sunday 7 a.m. to 7 p.m.

J. Pohopek asked to change the sign from 3' X 6' to 4' X 8'

A. Gaudiello opened public comment.

There was no public comment.

A. Gaudiello closed public comment.

Discussion ensued regarding the length of time allowed to meet conditional approval.

J. Pohopek agreed to 90 days to meet the conditions of approval.

The following staff comments were provided to the board.

- The application was received on May 14, 2014
- Additional materials including the narrative, checklist and sign permit application were received on May 28, 2014
- The Locus should be corrected to reflect New Town Plains Road, instead of Lee Oak Road
- List Variance received on the plan
- The applicant is requesting a waiver from specifically identified items from the site review checklist (Section II) #25 Wetland delineation, #32 Topography of the entire parcel, #6 source & datum of Topo (USGS required)
- The 750' of proposed office space would require 3 spaces, the auto display would require 10 (12 are shown)
- The plan shows hours of operation Monday through Friday 6:30 am – 6:00 pm
- NHDOT must be notified of the change of use for the site and updated driveway permit if necessary
- The board must vote on the waivers requested prior to acceptance of the application as substantially complete
- The board should vote to accept the application as substantially complete prior to opening the public hearing
- The sign application appears to meet the regulations

*A draft Notice of Decision to 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](mailto:barrplan@metrocast.net)

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### DRAFT – NOTICE OF DECISION

[Office use only]	Date certified:	As builts received:	Surety returned
<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>			
263-7-RC & SDA-14-SR (Richard & Catherine Gibb - Gibb Auto Sales) Request by applicant to convert the existing business to Automobile Retail, add a free standing sign with signage area of 3' X 6' and with frame dimensions of 10'H X 7'W and a waiver for wetland delineation located on a 6.45 acre lot at 1079 Calef Highway (Map 263, Lot 7) in the Regional Commercial (RC) and Stratified Drift Overlay Zoning Districts. By Jason Pohopek; Pohopek Land Surveyors & Septic System Design, LLC; PO Box 651 Barrington, NH 03825			

Applicant: Richard & Catherine Gibb 71 Old Mill Road Lee, NH 03824	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 plan set 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~~ 90 days to the day, **by XXXXX, 2014**, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

#### Conditions Precedent

- 1) NHDOT to be contacted and updated NHDOT Driveway Permit received if necessary

- 2) Revise the following plan notes
  - a) Hours of operation 7 a.m. to 7 p.m. Monday through Sunday (revised by Board)
- 3) Add the following plan revisions to the plans
  - a) Correct the Locus to reflect New Town Plains Road, instead of Lee Oak Road
  - b) Add handicap accessible isle demarcation and "No Parking" sign adjacent to handicap accessible parking space
  - c) Provide 10 parking spaces for auto display, 3 for office one of which is handicap accessible (revised by Board)
  - d) Revise the sign dimensions on the plan (revised by Board)
- 4) Add the following plan notes:
  - a) List Variance Granted for automobile sales on March 19, 2014
  - b)
  - c)
- 5) ~~Update the NHDOT Driveway Permit to include any revisions-duplicate comment~~
- 6) Any outstanding fees shall be paid to the Town

### **General and Subsequent Conditions**

- 1) The applicant must receive a Certificate of Occupancy from the Code Enforcement Office
- 2) 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 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 roads, storm drains, and improvements indicated on the site plan. RSA 674:39

M. Gasses read through the conditions of approval as revised by the Board.

*A motion was made by J. Kessler and seconded by B. Williams to approve the application with the conditions as stated. The motion carried unanimously*

### **CASES BEFORE THE BOARD**

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.

*Approved by the board to be continued until August 5, 2014*

**COMMUNICATIONS RECEIVED**

M. Gasses asked for a Planning Board member to volunteer to work with her and a volunteer from the Conservation Commission to work on proposed revisions to the 9.6 application.

J. Pohopek volunteered to work on proposing revisions.

**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**

June 17, 2014 at 6:30 p.m. at the Elementary School Annex

*A motion was made by J. Kessler and seconded by B. Williams to adjourn at 8:04 p.m. The motion carried unanimously*

Respectfully submitted,

Marcia J. Gasses  
Town Planner & Land Use Administrator