



**MEETING MINUTES
BARRINGTON PLANNING BOARD MEETING
Barrington Annex (next to the Elementary School)
572 Calef Highway
Barrington, NH 03825
Tuesday October 7, 2014
6:30 p.m.**

Members Present

Anthony Gaudiello-Chair
Jason Pohopek Vice-Chair
Joshua Bouchard
George Calef
Bob Williams
Dennis Malloy, Ex-officio

Member Absent

Jackie Kessler

Alternate Member Present

Daniel Ayer

Town Planner: Marcia Gasses

A. Gaudiello stated that without objection, review of the minutes was moved to the end of the agenda.

MINUTES REVIEW AND APPROVAL

1. Approval of the September 23, 2014 Meeting Minutes.

Without objection the minutes were approved as corrected.

ACTION ITEMS

2. [234-1.5-V-14-SR-3.4 & 9.6 \(Applicant: Turbocam, Owner Town of Barrington\)](#) Request by applicant to present a Site Review for the purpose of constructing a building footprint with 26,640 s.f. of industrial space and 6,240 s.f. of office space, 3.4 Conditional Use Permit for a light industrial use within the Village District and a 9.6 Special Permit for a 478 s.f. of grading within the 50' wetland buffer on a 3 acre lot located on Redemption Road (Map 234, Lot 1.5) in the Village (V) Zoning District. By: Michael Sievert, P.E.; MJS Engineering, PC; PO Box 359; Newmarket, NH 03857

Postponed until October 21, 2014

3. [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, -1.6 and 260-70-78) in the General Residential (GR) Zoning District. By: Michael Sievert, P.E.; MJS Engineering, P.C.; 5 Railroad Street; Newmarket, NH 03857

Applicant requested a continuance to November 4, 2014

A motion was made by D. Ayer and seconded by B. Williams to continue the application to November 4, 2014. The motion carried unanimously

4. [216-8 & 9-GR-14-ANNEX \(Ellen Dorrance & John R. Olson Trust\)](#) Request by applicant to clarify title issues of a lot line adjustment presented to, and conditionally approved by Planning Board in 2004. The application will annex all of Lot 8 (Olson) with Lot 9 (Dorrance) located on New Bow Lake Road and Route 126 on a 34.9 total acre lot (Map 216, Lots 8 & 9)) in the General Residential (GR) Zoning District. By: David W. Vincent, Land Surveying Services; Po Box 7418; Rochester, NH 03839-7418

Applicant requested a continuance to November 4, 2014

A motion was made by D. Ayer and seconded by B. Williams to continue the application to November 4, 2014. The motion carried unanimously

5. **115-48&50-GR-14-LL (Kevin Roy & Carrie Vaich)** Request by applicant to revise the lot line between Lot 48 & 50 by adding 18,559 s.f. to lot 48 from Lot 50 located at 39 & 50 Knowles Drive in the General Residential (GR) Zoning District. A variance was granted July 16, 2014 by the Town of Barrington Zoning Board of Adjustment to allow Lot 50 to be reduced from 57,462 s.f. to 38,904s.f. By: Kenneth A. Berry, PE, LLS, CPESC; Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825

Ken Berry of Berry Surveying and Engineering explained the proposed lot line revision. He described the two separate lots as they existed today. The applicant had received prior ZBA approval for a 200 sq. ft. addition. The side setback variance would become moot on Map 115 Lot 48 if the lot line revision was approved. Both of the parcels are existing nonconforming lots. Map 115 Lot 50 would no longer have access to the beach and access to the lot would be from just the beginning of Knowles Drive. Both of the lots would be conforming regarding NHDES. Mr. Roy was proposing to make the right of way a consistent 25' width.

M. Gasses expressed that it would be a good idea to include language in the easement regarding the share of maintenance costs. It was her understanding that mortgage companies were now requiring language to be in place regarding shared maintenance.

Ken Berry expressed that Kevin Roy was going to take a more active role in the maintenance of the access. Currently he was accessing lot 48 through a driveway on lot 50. Lot 50 would be sold and Lot 48 would be taking access from Knowles Drive.

A. Gaudiello asked what shared obligations would continue to exist.

Ken Berry explained the three lots on Knowles Drive would share the obligation.

A. Gaudiello expressed that the applicant should do whatever they could to nail down enforceable action while they had the opportunity.

J. Pohopek asked the easement across lot 48 to lot 49 be dimensioned on the plan.

A. Gaudiello asked M. Gasses how the easement could be dimensioned.

M. Gasses expressed that it could be dimensioned as 25' in width across lot 48 to lot 49 consistent with Knowles Drive on the final plan set and described in meets and bounds in the easement language.

Ken Berry expressed dimensioning the easement would be a minor item to do and not require judgment on the planner's part; either it was done or not done.

D. Ayer expressed that the Board could not enforce the easement.

M. Gasses explained that where the applicant had volunteered to the condition and dimensioning of the easement, it would become part of the approval. The enforcement of the easement would be a civil matter between the parties on the drive.

J. Pohopek asked if the access to lot 50 was from the lots frontage.

Ken Berry explained the access to lot 50 would be from the lots frontage onto Knowles Drive, which at that point was entirely on lot 50. The applicant had met with the Road Agent and Fire Chief earlier in the process.

M. Gasses explained she had been at the meeting on site with the Fire Chief and Road Agent and believed there were some sight issues which needed to be improved. She believed there was a boulder which needed to be moved.

A. Gaudiello opened public comment

There was none.

A. Gaudiello closed public comment.

M. Gasses read from the staff recommendations:

- The application was postponed from September 9, 2014
- The signed application and fees were received by the Land Use Office on September 17, 2014
- Notices were sent to abutters on September 22, 2014
- The Notice appeared in Fosters on September 26, 2014
- The applicant received a variance from the Zoning Board of Adjustment on July 16, 2014 to allow lot 50 to be reduced from 57,462 S.F. to 38,904 S.F. The plan presented to the Board is as approved by the ZBA

A Notice of Decision was suggested to read 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

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As builts received: N/A</i>	<i>Surety returned: N/A</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>			
Proposal Identification: 216-8 & 9-GR-14-LL (Kevin Roy & Carrie Vaich)			

Applicant: Kevin D. Roy Carrie Vaich 39 Knowles 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 XXX, 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 to the day, **by XXX, 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) Provide the Land Use Office with revised easement language for Knowles Drive to be review by the Town Attorney.
- 4) *Dimension the easement across lot 48 to lot 49 (added by the Planning Board)*
- 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 effect the conveyance of the subject property before the plat is certified by the Planning Board. Once the plat is certified the deed must be recorded simultaneously with the plat.
- 7) 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.

Conditions Subsequent

- 1) *The easement for Knowles Drive shall be recorded simultaneously with the plat and deeds. (condition added by the Planning Board)*

A motion was made by J. Pohopek and seconded by D. Ayer to approve the lot line revision with the conditions read by the Planner as listed above. The motion carried unanimously

COMMUNICATIONS RECEIVED

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

6. Presentation of certification of Rivers Peak Subdivision.

A. Gaudiello explained the certification process. The process brought finality to the process, which kept the Board informed that the precedent conditions of an approval had been met and the plans were ready for signature by the Board and recording at SCRCD or for file in the Land Use Office.

A motion was made by B. Williams and seconded by D. Malloy to designate the Chair to sign the plans. The motion carried unanimously

7. Recommendation for issuance of a Building Permit for Arlene Trask, Balsam Way Map 106, Lot 21.

M. Gasses explained the applicant was seeking a building permit on a private road to renovate an existing home. The Road Agent had supplied a memo indicating the road was in good shape.

J. Pohopek suggested that the Board condition a recommendation on the issuance of a building permit be contingent upon the applicant complying with subsurface requirements, zoning requirements, and other statutory requirements.

A. Gaudiello expressed a memo to the Selectmen should state, “The planning board does not have any concern with the issuance of a building permit for Arlene Trask on Balsam Way, provided that the applicant is in compliance with the zoning ordinance, NHDES subsurface and other statutory requirements.”

A. Gaudiello stated, “Without objection the letter would be sent to the selectmen.”

8. Initial comments for the Conservation Commission regarding the proposed changes to Article 9.

The Planning Board met with John Wallace and provided feedback based on the draft revisions to Article 9 provided by the Conservation Commission. The Board expressed several concerns with the proposal.

J. Pohopek asked for clarification on what the Conservation Commission was trying to achieve.

John Wallace clarified that the one of the goals was to have the buffers be recognized for their value.

A. Gaudiello expressed the point being made is that buffers have more value than to separate the structure from the wetland. He asked if discretion was to be removed from the Planning Board.

John Wallace expressed that was true to some extent.

J. Pohopek expressed the determination would not be consistent.

J. Pohopek was really concerned that the purview would be taken away from the Board.

A. Gaudiello expressed that the suggested reading implies the function of prime wetlands be applied to non-prime wetlands.

G. Calef expressed at the time of adoption prime wetlands could be delineated by the Town based on what the Town felt was most important.

J. Pohopek expressed what was happening would change the way the Board looks at 9.6 permits.

A. Gaudiello expressed he tried to find where the precedent that establishes the value of buffers was found.

The Board concluded by a general expression of concern with the proposed changes.

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

October 21, 2014 at 6:30 p.m. at the Elementary School Annex, 572 Calef Highway

Without objection the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Marcia J. Gasses
Town Planner & Land Use Administrator