



BARRINGTON PLANNING BOARD MEETING
Barrington Annex (next to the Elementary School)
572 Calef Highway
Barrington, NH 03825
Tuesday March 3, 2015
6:30 p.m.

Meeting Minutes

Members Present

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

Member Absent

Jackie Kessler

Alternate Members Present

Daniel Ayer
Fred Nichols
Richard Spinale

Town Planner: Marcia Gasses

D. Ayer to sit for J. Kessler

MINUTES REVIEW AND APPROVAL

1. Approval of the February 17, 2015 Meeting Minutes.

Without objection approval of the minutes was moved until after item #7

Without objection the minutes were adopted as presented.

ACTION ITEMS

2. [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 Drive 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.; 5Railroad Street; Newmarket, NH 03857

Mike Sievert, MJS Engineering expressed they were there this evening for conditional approval. Mr. Sievert expressed the applicant was ready to go for State Permits. Changes had been made to the pipe at the stream crossing to satisfy NH Fish and Game. M. Sievert explained the Material Processing Site Plan Sheet. He explained the road area would be cleared and the stock pile would be processed on site. There was about 10,000 cubic yards of material to be processed. Approximate 50% of the material would be used for the development. The hours of operation of 8am to 4 pm had been added to the plan. The processing of the material would take three to six weeks to complete the crushing of the material in the stock pile. They had been working with Mark West on the wetlands application. It appeared that the crossing could only be constructed during the low flow time period. Mr. Sievert expressed the best time to start the processing would be in June to have the material ready for the July/August low flow time period. The material would be used for the realignment of St. Matthews Drive and the construction of the common driveway first. Mr. Sievert expected the second phase, which included the cul-de-sac to be constructed in September or October.

G. Calef expressed that the road needed to be referred to correctly as Gerrior Drive.

J. Pohopek asked if the applicant had received their State Aot and Subdivision Permits.

Mike Sievert expressed they were currently in the process of obtaining State Permits. Mr. Sievert expressed they had been required to make a change to the culvert. He did not believe the amended subdivision approval would take that long. Doucet Survey was ready to go with the application; they had the test pits from the prior approval.

M. Gasses read the draft conditions of approval into the record.

Conditions Precedent

- 1) Plan modifications. The plans are to be modified as follows:
 - a) Confirm the NHDES Subdivision Approval Number is still valid and add to the plan
 - b) Add the NHDES AOT Permit Number to the Plan
 - c) Label structures to be removed, from right of way
 - d) Show areas of buffer impact on the plan set for which a 9.6 Special Permit was granted. (Include WET sheet)
 - e) Show wetland buffer on lot Map 260 Lot 39, which will receive .461 acres on Sheet 2 of 6

- 2) Add the following plan notes
 - a) A waiver was granted to Subdivision Regulations Table 1 Roadway Design, to allow a 3' shoulder where 6' was required.
 - b) A 9.6 Special Permit for disturbance to the wetland buffer was granted for areas indicated on the plan.
 - c) Any burial of stumps shall be at least 75 feet from any drinking water supply and the location shall be referenced in the deed.
 - d) No crushing of material is to take place on Saturday or Sunday (Added by Planning Board on March 3, 2015)
- 3) The existing building located in the proposed right of way must be removed prior to certification of the plan. A demolition permit from Code Enforcement is required.
- 4) 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*)
- 5) The applicant shall submit drafts of all 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.
- 6) The amount and type of the performance guarantee must be set under advice from the Town Engineer for all phases prior to the final approval of the plans, including a construction timeline for completion of improvements. (8.3.1.1)
- 7) Any outstanding fees shall be paid to the Town
- 8) The applicant proposes to excavate on-site gravel for use in road construction and other on-site development. Provide a note on Sheet MPP explaining how the disturbed area will be stabilized.
- 9) Provide maintenance easement language for shared driveway to be reviewed by the Town attorney.
- 10) All back taxes must be paid prior to certification of the plans.
- 11) The applicant shall submit five (5) 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) Prior to beginning Phase I Construction the developer shall post acceptable performance guarantee with the Town. The guarantee shall cover the estimated cost of constructing and installing all Phase I improvements, including street work (both Public and private); drainage facilities; erosion and sedimentation control mechanisms; and stabilization of the Material Processing Site. (*Reference sheets C4, C5, and MPP of the plan set*)
- 2) Phase II - The developer shall post 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*
- 3) 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.
- 4) 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.

D. Ayer expressed that a demolition permit would be needed to remove the house from the right of way.

M. Gasses expressed that the removal of the house was a condition of the Planning Boards approval. A demolition permit would normally come to the Board for review, but in this instance the site would be the location of the proposed road which was being approved as part of the application.

Mike Sievert questioned whether the surety needed to include the improvements on the shared driveway.

M. Gasses explained that the surety needed to include all the infrastructure, even the improvements on the shared driveway because of the extent of the improvements, including drainage.

A. Gaudiello opened public comment.

Paul Howes expressed the applicant should not be allowed to operate the crushing of material on Saturday and Sunday.

M. Sievert agreed.

Paul Howes expressed the applicant should not be allowed to bury the existing trash on site.

M. Gasses expressed she would check with Code Enforcement on the status of the complaint involving the trash. She believed Code Enforcement had worked on addressing the issue.

A. Gaudiello closed public comment.

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

Roll Call

D. Ayer aye
D. Malloy aye
B. Williams aye
G. Calef aye
J. Bouchard aye
J. Pohopek aye
A. Gaudiello aye

3. **110-19-GR-15-9.6 Permit (Owner: Diva Development)** Request by applicant to present a Section 9.6 Application for Special Permit for Construction in wetland buffer to construct a driveway on a 2.86 acre site located on Liberty Lane (Map 110, Lot 19) in the General Residential Zoning District. Applicant: Tony Franciosa, Kings Oak Properties, LLC; 14 Wadleigh Lane; Hampton Falls, NH 03844

- The application was received by the Land Use Office on January 12, 2015
- The public hearing was posted in the paper on January 21, 2015
- Abutter Notices were sent on January 21, 2015
- The Application was accepted as complete on February 3, 2015 and continued to March 3, 2015 to allow the applicant to present an alternative design
- The applicant met with the Town Planner to discuss alternatives and submitted revised plans on February 24, 2015
- The revised plan shows approximately 1200 square feet of permanent impact to the buffer to allow driveway access to the site
- Temporary impacts were shown to accommodate 20' of disturbance during construction activities on site. The house and turnaround are now located completely within the building envelope.

Tom Loosigian explained they were proposing a 26' X 36' house. They had chosen an alternative design from the prior proposal. The revised design allowed them to bring the driveway straight into the garage. The orange coloring on the plan highlighted where the temporary disturbance during construction was located. The impacted areas would be regraded and reseeded. The yellow coloring indicated permanent impacts. The permanently impacted area would be for driveway access from Liberty Lane. Mr. Loosigian expressed that he had slid the driveway as far to the left as possible, but needed to keep a distance of 50' from the cistern.

J. Pohopek expressed that the areas to be disturbed that were going to be regarded, needed to be returned to their original grade.

Tom Loosigian expressed he understood. They were not proposing grade changes. The area shown was more of a possible area that would need to be raked and seeded.

J. Pohopek expressed that the proposed permanent impact was 15' wide which was wide enough for the improvements.

R. Spinale asked for an explanation of the foundation drain.

Tom Loosigian explained the disturbance was for installation of the drainage pipe.

R. Spinale asked how they could be assured no harmful substances would drain into the buffer.

Tom Loosigian explained that the drain was just for the groundwater around the foundation and not tied into any interior drainage.

J. Pohopek expressed that the drainage pipe was allowed provided the area was returned to its original grade.

Tom Loosigian expressed that the drainage pipes were only for the foundation.

A. Gaudiello opened public comment

Virginia Jordan expressed a concern with additional drainage. Ms. Jordan expressed that each time something was built it has resulted in more water on their property.

J. Pohopek asked if Ms. Jordan was on the inside of the circle. He believed the inside of the circle was higher in this area.

David Jordan expressed concern that more water would flow through an existing culvert onto their property, adding to water which currently flows from an existing neighbor's property.

J. Pohopek expressed that the abutters should be shown on the plan.

David Jordan expressed that the wetlands was only about 16' from the cistern.

M. Gasses expressed that if the applicant went to install the driveway and found the wetlands had changed to such an extent that the driveway would have to cross a wetland, then they would need a wetlands permit from the State.

J. Pohopek asked if the wetlands shown on the plan were from the original delineation and if so was there a note on the plan.

M. Gasses clarified that that the request was to add a note to the plan stating where the wetlands were derived from, by whom, and when. The applicant also needed to add the abutters to the plan.

A. Gaudiello closed public comment.

F. Nichols expressed that the applicant had done as much as he could to address the concerns of the Board.

M. Gasses read the conditions add note stating where the wetlands were derived from and add the abutters to the plan.

A motion was made by J. Pohopek and seconded by B. Williams to approve the 9.6 permit with the conditions as stated by M. Gasses.

The motion carried unanimously

Roll Call

D. Ayer aye
D. Malloy aye
B. Williams aye
G. Calef aye
J. Bouchard aye
J. Pohopek aye
A. Gaudiello aye

4. **240-15.6-NR-15-Waiver (Owner: J.L. Powell Construction, LLC)** Request by applicant for a waiver from Subdivision Regulations Article 12.3.2 (4) for driveway grade on a 2.3 acre lot on Young Road in the Neighborhood Residential Zoning District (NR) (Map 240, Lot 15.6). By: Stephen J. Haight, Haight Engineering, PLLC; P.O. Box 116; Dover, NH 03820

- The application was received on January 28, 2015
- Abutter notices were sent on February 3, 2015
- The Notice in Fosters appeared on February 4, 2015
- Staff has included copies of the original subdivision plan and topography for reference purposes
- Please note the parcel is located adjacent to a prime wetland and has a 100' wetland buffer
- Board members reviewed the comments from Chief Walker and Road Agent, Peter Cook at the February 17, 2015 meeting
- The applicant has provided a revised design which meets the 10% grade except for the paved apron. The portion of the driveway containing the apron would still need a waiver from the 10% grade requirement
- The engineer shall certify that the driveway has been constructed to meet the 10% grade prior to the issuance of a Certificate of Occupancy

Stephen Haight, Haight Engineering explained that they were currently looking for a waiver for the slope of the apron.

D. Ayer expressed the applicant had worked hard and they had done a good job.

J. Pohopek asked what the grade of the apron was.

Mr. Haight stated 14%.

J. Pohopek asked who the driveway was constructed by.

Mr. Haight explained Mr. Slombo had constructed the driveway and that the Road Agent and Fire Chief had been out to look at it several times. The driveway had been modified to address their concerns.

M. Gasses clarified that the Road Agent and Fire Chief had made it clear they were not approving the slope of the driveway, but that the construction functioned for both of them.

S. Haight expressed that the driveway had been constructed as presented with the slope and riprap as discussed at the prior meeting, just that the slope was now at the 10%.

J. Pohopek expressed that the slope of the driveway was inclusive of the apron. He believed it was inconsistent to say that the driveway was compliant where it did not meet the regulations.

A. Gaudiello asked what the overall slope of the driveway was if the apron was included.

Mr. Haight stated it would be more than 10%. The driveway was at 14% for the first fourteen feet.

J. Bouchard expressed that if the apron was regraded to 10% the driveway would be compliant all the way up. He expressed concern that water would enter the road.

M. Gasses expressed the Road Agent had checked the driveway during a heavy rain and it had functioned as designed.

J. Pohopek expressed that the driveway had been regraded since the Road Agent had looked at it.

Mr. Haight expressed that the driveway had been constructed to keep all the water out of the road. He had been on site when the grading occurred.

A. Gaudiello opened public comment

A. Gaudiello closed public comment

G. Calef expressed that the application appears to meet the conditions of 8.1 of the Subdivision Regulations.

A motion was made by D. Ayer and seconded by B. Williams to approve the waiver request. The motion carried unanimously

Roll Call

D. Ayer	aye
D. Malloy	aye
B. Williams	aye
G. Calef	aye
J. Bouchard	aye
J. Pohopek	aye
A. Gaudiello	aye

- 5. 234-26-V/SDAO-15-SR (Owner: B.R. Peterson Realty, LLC-REP Enterprises)** Request by applicant for Site Review for the sale and display of trailers, snow and ice control products and a proposal to build a 60 x 42 garage with additional paved parking and access on a 2.183 acre lot at 4 Smoke Street in the Village (V) Zoning District. By: John P. Lorden, PE, MSC, A division of TF Moran, Inc.; 170 Commerce Way, Suite 102; Portsmouth, NH 03801

- The application was received on February 2, 2015
- Abutter Notification was sent on February 19, 2015
- The Public Hearing Notice appeared in Fosters on February 21, 2015
- The applicant requested staff send the drainage report to Dubois & King for review to expedite the review process. Dubois and King have begun review.
- The applicant has submitted four waiver requests from required landscaping requirements: SR 4.9.7(1)(b), SR 4.9.7(3), 4.9.7(4), and 4.9.7(5)
- Staff believes that a waiver request from 4.9.7(4) is unnecessary as one tree would be required at 15 spaces and two trees would be required at 30, which would be consistent with the need for internal landscape islands within the parking lot
- Architectural renderings of the proposed garage have been supplied.
- The application should be accepted as complete prior to review of the waiver requests because the items are not waiver requests from submittal requirements.

J. Bouchard recused himself

J. Pohopek recused himself

D. Ayer to sit for J. Pohopek

R. Spinale to sit for J. Kessler

F. Nichols to sit for J. Bouchard

A. Gaudiello asked if M. Gasses had reviewed the application and found any deficiencies.

M. Gasses stated she had reviewed the application and had not found any deficiencies.

A. Gaudiello asked the Board if they saw any deficiencies.

A. Gaudiello called a vote on acceptance as complete, the motion carried unanimously.

John Lorden, with MSC represented the applicant Brad Peterson the co-owner of REP. Mr. Lorden described the current uses and explained the prior owner had stripped the site of material. There was some exposed ledge and shallow gravel on the site. The existing building on site contained two apartments on the second floor and Mr. Peterson had done extensive renovations on the first floor. The applicant proposed a facility to sell plows, trailers and hitches. The proposal included a 60' X 42' building for installations.

The access has been defined where currently there was no defined curb cut. Parking included 13 parking spaces. Peak flow and volume was being reduced for all peak flows, which had been accomplished by a 15,000 square improvement in lawn area. Dark sky compliant LED lighting would be used.

D. Ayer expressed that he had been required to install underground utilities.

M. Gasses expressed she would look into the regulations and see if the requirement applied.

A. Gaudiello asked the applicant to address the comments from Dubois & King.

John Lorden expressed the suggestions were not required in the regulations. The recommendation for a culvert would require extensive ditch work to occur and the applicant was proposing a reduction in the rate of runoff from the site.

G. Calef questioned whether the vegetation depicted was the actual vegetation on site.

John Lorden expressed that the vegetation was the actual, which consisted of a mixture of trees and also included a steep bank.

D. Ayer expressed that pine trees could be planted along the property line where the trailers would be parked. He also expressed a concern with dust.

John Lorden explained that the lot was pretty well compacted and that dust was not an issue. If crushed stone was brought in it would be harder to move the trailers around.

Steve Oles expressed that the site was a stripped down gravel pit and there was not much dust that came from the site. He expressed any improvement to the site would be a major improvement.

A. Gaudiello opened public comment

Joshua Bouchard asked how high a fence would be.

John Lorden expressed 3 feet 3 inch fence.

Joshua Bouchard asked what would be done with the ledge pile.

John Lorden explained the boulders would be arranged, loamed and seeded with a wild flower mixture. The boulders would be used to wrap the ledge area. This was probably not explained well, there was not going to be a retaining wall.

A. Gaudiello closed public comment.

A. Gaudiello expressed the application was light years ahead of what was there.

A. Gaudiello explained they would take the waivers one at a time.

Waiver Request #1

SR 4.9.7(1) (b) – Side parking lot requirement of 8% landscape area within interior parking.

John Lorden explained that the small size of the parking lot there was not sufficient space for internal islands.

A motion was made by D. Malloy and seconded by B. Williams to approve the waiver for the reason stated. The motion carried unanimously

Waiver Request #2

SR 4.9.7(3) – All landscaped areas shall be protected from encroachment by vehicles by curbing, landscaping timbers, curb stops, or other acceptable means.

John Lorden explained that curbing was used not only to provide landscape protection but also to control drainage flow. For this project, curbing was not required to control storm water flow. Landscaping was pushed far enough from the parking area that they did not believe additional barriers, which would interfere with plowing and possibly drainage were required to protect landscaping.

A motion was made by B. Williams and seconded by D. Malloy to approve the waiver for the reasons stated. The motion carried unanimously

Waiver Request #3 was determined not to be needed

Waiver Request #4

SR 4.9.7(5) Parking lot perimeter shade trees shall be provided at the rate of 1 tree per 20 feet of parking perimeter.

John Lorden explained that based on their calculation of the perimeter of the parking area, 11 trees would be required around the perimeter of the parking lot. Due to the location of parking spaces, the requirement to plow, access to areas of the pavement for trailer parking, and existing septic area and shallow depth to ledge, they were requesting a waiver to provide 4 trees with over 40 shrubs.

G. Calef expressed that 4.9.7(6) required screening from the right of way.

John Lorden believed that with the additional landscaping adequate screening was provided.

G. Calef expressed he brought the subject up because it was part of the regulations, although he did not believe we should be screening businesses from view.

A motion was made by G. Calef and seconded by D. Ayer to approve the waiver for the reasons stated. The motion carried unanimously

M. Gasses read the draft conditions of approval into the record.

A motion was made by D. Ayer and seconded by B. Williams to approve the application with conditions as stated by M. Gasses. The motion carried unanimously

Roll Call

D. Ayer	aye
R. Spinale	aye
F. Nichols	aye
D. Malloy	aye
B. Williams	aye
G. Calef	aye
A. Gaudiello	aye



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
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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: 1. 234-26-V/SDAO-15-SR (Owner: B.R. Peterson Realty, LLC-REP Enterprises) Request by applicant for Site Review for the sale and display of trailers, snow and ice control products and a proposal to build a 60 x 42 garage with additional paved parking and access on a 2.183 acre lot at 4 Smoke Street in the Village (V) Zoning District. By: John P. Lorden, PE, MSC, A division of TF Moran, Inc.; 170 Commerce Way, Suite 102; Portsmouth, NH 03801

B.R. Peterson Realty, LLC REP Enterprises 747 Portsmouth Avenue, Route 33 Greenland, NH 03840	Dated: XXXX, 2015
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Dear applicant:

This is to inform you that the Barrington Planning Board at its XXXXX, 2015 meeting **CONDITIONALLY APPROVED** your application referenced above.

Waivers Granted

SR 4.9.7(1) (b) – Side parking lot requirement of 8% landscape area within interior parking.

SR 4.9.7(3) – All landscaped areas shall be protected from encroachment by vehicles by curbing, landscaping timbers, curb stops, or other acceptable means.

SR 4.9.7(5) – Parking lot perimeter shade trees shall be provided at the rate of 1 tree per 20 feet of parking lot perimeter.

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 XXXXX, 2015, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

- 1) Add the following plan notes
 - a) Add the waivers which were granted as part of this application
- 2) Make the following plan revisions
 - a) Revise Planning Board approval block to 3" high by 3 1/2" wide
- 3) Add the owner's signature to the final plan
- #4) Any outstanding fees shall be paid to the Town
- 5) Prior to obtaining Board signature, 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 Chairman shall endorse three copies of the approved plan(s) meeting the conditions of approval upon receipt of an executed bond for all improvements, excluding buildings. The Town shall retain a signed and approved reproducible 11"X17", and PDF format with supporting documents for Town records.

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 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 ensure 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

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

6. **238-51-TC-15-SR (614 FPH Real Estate, LLC)** Request by applicant for Site Review to convert the existing residential to commercial use and occupy with light office or retail use on a .51 acre lot at 614 Franklin Pierce Highway in the Town Center (TC) Zoning District. By: Joel D. Runnals, LLS, Norway Plains Associates, Inc., PO Box 249, Rochester, NH 03866*

- The application was received on February 10, 2015
- Revised plans based on staff comments were received on February 17, 2015
- Abutter Notices were mailed on February 19, 2015
- The Public Hearing Notice appeared in Fosters on February 21, 2015
- A sign is dimensioned and located on the site plan
- Access easement language should be provided for the parking on Map 238 Lot 51 through Map 238 Lot 50
- Provide a certificate of monumentation for monuments identified as “to be set”

R. Spinale to sit for J. Kessler

A. Gaudiello asked if M. Gasses had reviewed the application and the application was complete.

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

Joel Runnals representing the applicant Greg Bolton explained they wanted to convert the existing home to office/retail. The existing septic would be retained. NHDOT had required the applicant give up a driveway cut and block it off with a planter. The applicant would have to remove vegetation as part of the NHDOT driveway permit.

G. Calef asked if there was a sign application.

M. Gasses explained there was a sign application with a diagram located on the site plan meeting the regulations, which included a light directed downward.

J. Runnals described the proposed sign. He expressed that the applicant did not know if the sign would be 3’X4’ or 4’X3’ but the sign would meet the regulations.

J. Pohopek asked what the intended use of the property would be.

Joel Runnals expressed that it could be office or retail. The parking calculations had been based upon an office/retail use.

J. Pohopek expressed the access to the parking was coming from the applicant’s adjacent lot. Access easements would be required because the lots were not being merged.

A. Gaudiello asked for the flow of traffic through the site.

Joel Runnals explained that the traffic exited through an adjacent lot not owned by the applicant onto Route 9.

M. Gasses asked if the right of way was established after continued use over a period of time.

J. Pohopek questioned whether the right of way was documented in some way.

M. Gasses asked if in the event the applicant was unable to use the current proposed exit would two way traffic be possible at the current entrance.

Joel Runnals explained they had 20 feet, which would be wide enough for two way traffic.

G. Calef asked if the driveway to the current house could be utilized.

Joel Runnals explained they could park a couple of cars in the NHDOT approved driveway but any expansion of that use would require an update to their driveway permit.

J. Pohopek asked how the clients would access the building from the parking area.

Joel Runnals explained there was an existing walkway that they would likely add some stone dust to.

J. Bouchard asked how clients would know the correct area to park in, where currently the parking was labeled as overflow parking for the country store.

Greg Bolton expressed the sign stated additional parking, not overflow.

M. Gasses expressed that there would need to be documentation of the applicants right to access the exit on the adjoining parcel. She asked if an attorney had been consulted.

Joel Runnals expressed that he understood they would have to provide documentation of the access rights.

R. Spinale expressed that it appeared that there may not be adequate parking because people were often seen crossing from the opposite side of the street.

Greg Bolton explained that there was plenty of parking behind the store but people did not utilize it.

J. Bouchard expressed that he did not realize that customers could park behind the store.

A. Gaudiello expressed that the applicant may want to give some thought to signage.

J. Bouchard asked if there was an issue with shared parking.

M. Gasses expressed shared parking was encouraged in the Town Center.

J. Bouchard asked if there would be a problem with clients pulling into the driveway of the building and not realizing they needed to park at the side of the lot. He believed there was room for additional parking.

Joel Runnals explained that expansion of what was there would not comply with his NHDOT permit. NHDOT liked what was being proposed. If the area was to expand the applicant would be required to create a turning lane.

A. Gaudiello asked if the applicant was permanently giving up a curb cut.

Joel Runnals state the applicant was permanently giving up a curb cut.

J. Pohopek asked if a State approved septic system could fit on the site.

Joel Runnals indicated an approved septic system could fit.

F. Nichols asked if the area the Board was discussing was documented as a commercial area in any document.

M. Gasses explained that the lot was located in the Town Center Zoning District which was geared toward commercial development. Single family homes were only allowed as part of a Planned Unit Development, which meant the existing home would be a legally nonconforming use as a residence.

F. Nichols expressed the applicant was proposing a desired use.

M. Gasses read the draft Notice of Decision into the record.



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 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>			
Proposal Identification: 238-51-TC-15-SR (614 FPH Real Estate, LLC) Request by applicant for Site Review to convert the existing residential to commercial use and occupy with light office or retail use on a .51 acre lot at 614 Franklin Pierce Highway in the Town Center (TC) Zoning District. By: Joel D. Runnals, LLS, Norway Plains Associates, Inc., PO Box 249, Rochester, NH 03866*			
614 FPH Real Estate, LLC PO Box 57 Barrington, NH 03825			Dated: XXXX, 2015

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Dear applicant:

This is to inform you that the Barrington Planning Board at its XXXXX, 2015 meeting **CONDITIONALLY APPROVED** your application referenced above.

List Waivers Granted

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 XXXXX, 2015, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

- 1) Provide documentation on right to access right of way on Map 239 Lot 7.
- 2) Revise the following plan notes
 - a) Add the NHDOT Driveway Permit # to the plan
- 3) Revise plan to include the dimensions of right of way on Map 239 Lot 7
- 4) Town Counsel shall approve all easement language
- 5) Add the owner's signature to the final plan
- 6) Provide access easement language for parking on Map 238 Lot 51 through Map 238 Lot 50
- 6) Provided certificate of monumentation
- #7) Any outstanding fees shall be paid to the Town
- 8) Prior to obtaining Board signature, 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 Chairman shall endorse three copies of the approved plan(s) meeting the conditions of approval upon receipt of an executed bond for all improvements, excluding buildings. The Town shall retain a signed and approved reproducible 11"X17", and PDF format with supporting documents for Town records.

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 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 ensure 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

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

A motion was made by J. Pohopek and seconded by D. Malloy to approve the application with the conditions as stated. The motion carried unanimously

Roll Call

R. Spinale	aye
D. Malloy	aye
B. Williams	aye
G. Calef	aye
J. Bouchard	aye
J. Pohopek	aye
A. Gaudiello	aye

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

1. 216-8 & 9-GR-14-LL Kevin Roy and Carrie Vaich request and extension to meet precedent conditions for a lot line revision conditionally approved on October 7, 2014.

A motion was made by D. Malloy and seconded by B. Williams to approve an extension to meet precedent condition to October 6, 2015. The motion carried unanimously

2. 226-50-18 & 19-NR-14-LL John Brasseur & Stephen Halla request for extension to meet precedent conditions for a lot line revision conditionally approved on June 3, 2014.

M. Gasses explained the applicant had difficulty getting a sign off from the bank for their mortgage. The applicant had asked her to call bank which was located in California and every time she had called she had gotten someone different in the call center and there was confusion about what was being requested by the bank. After making a final call to the applicant she learned that they had finally satisfied the request of the bank and were ready to move forward.

The Board discussed granting extensions after the date to meet precedent conditions had passed. In this case there would be no benefit to making the applicant go through the entire approval process again. The Board discussed trying to reduce the number of extensions given that were applied for after the fact. The consensus was to address the extensions on a case by case basis.

A motion was made by D. Malloy and seconded by J. Pohopek to grant the extension to meet precedent conditions to June 2, 2015. The motion carried unanimously

The Board discussed having a workshop with the Zoning Administrator to go over Article 16, which covered Planned Unit Development. The Board decided to discuss the topic with John Huckins at their March 17th meeting.

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

March 17, 2015 Elementary School Annex at 6:30 pm

Without objection the Board adjourned at 9:10 pm

Respectfully submitted,

Marcia J. Gasses
Town Planner and Land Use Administrator