



BARRINGTON PLANNING BOARD MEETING

**NEW LOCATION: Barrington Middle School Cafeteria
Side Entrance
51 Haley Drive
Barrington, NH 03825**

**Tuesday September 1, 2015
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

MEETING MINUTES

Members Present

Anthony Gaudiello-Chair
Jason Pohopek Vice-Chair
Joshua Bouchard
George Calef
Bob Williams
Fred Nichols
Fred Bussiere – ex- officio

Alternate Members Present

Daniel Ayer
Richard Spinale

Town Planner: Marcia Gasses

Without objection review of minutes was moved to the end of the agenda.

MINUTES REVIEW AND APPROVAL

1. Approval of the August 4, 2015 Meeting Minutes.

A. Gaudiello explained that Jae Whitelaw had expressed that those who had been recused should not participate in discussion on those portions they were recused from.

A. Gaudiello expressed if anyone was recused it would be easiest for those not recused to vote on the minutes.

G. Calef expressed he would recuse himself from discussion on the minutes for which he was recused.

A. Gaudiello recused himself

F. Bussiere recused himself

R. Spinale to sit

D. Ayer to sit.

A motion was made by D. Ayer and seconded by J. Bouchard to approve the minutes as presented. The motion carried unanimously.

J. Pohopek recused himself

D. Ayer asked that the planner review the tape to see where he had asked for the correction by Dubois & King be included.

M. Gasses expressed she would review for a correction.

1. Approval of the August 18, 2015 minutes

A motion was made by B. Williams and seconded by R. Spinale to approve the minutes.

G. Calef explained he could not comment on the application before the Board because he had just received it. He then recused himself because the next items were to approve the minutes I had been previously told he could not discuss due to parts of which he was recused.

B. Williams made a motion and R. Spinale seconded to approve the minutes with amendment as expressed by G. Calef. The motion carried unanimously

ACTION ITEMS-PUBLIC HEARING CASES

2. **113-6 & 249-2-GR-15-LL (Thomas & Ester French & Carl J. Bodge)** Request by applicant for a Lot Line Adjustment to relocate the lot line so that Map 113, Lot 6 will add 1 acre to the now 1.29 acre lot from Map 249, Lot 2 of 64.90 acre lot and a waiver from Section 13.3.2 (1) (k) Wetlands Delineations and 13.3.2 (1) (e) Topography located at 250 & 508 Beauty Hill Road in the General Residential Zoning District. By: Thomas D. Brouillette, LLS, T.D. Brouillette Land Surveying; 39 Park Street; Exeter, NH 03833.*

Tom Brouillette represented the applicant.

A. Gaudiello explained that both lots would be impacted by the buffer from wetlands.

M. Gasses explained what was required for delineation by the wetland scientist.

J. Pohopek expressed concern with the narrow width of a potential adjacent access way.

Tom Brouillette demonstrated that the lot was wider than represented in the locus.

M. Gasses expressed a correction must be made to correct 113-8 should be replaced with 113-6 in the language on the 20' wide right of way.

G. Calef asked that the well and septic for lot 113-6 be shown on the plan.

A. Gaudiello expressed the waivers should be under the submission requirements.

A. Gaudiello asked for comment on waiver 5.3.1(6) Topography

Tom Brouillette expressed that the applicant was simply purchasing an acre behind his house from the abutter Carl Bodge. They felt that providing topography on the site was an excessive cost, and unnecessary burden.

A motion was made by F. Bussiere and seconded by B. Williams to approve the waiver because strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously

A. Gaudiello expressed there was a waiver request from 5.3.1(9), wetland delineation.

J. Pohopek expressed concern with the waiver.

A. Gaudiello expressed that the wetlands should be shown on 113-6

A motion was made by F. Bussiere and seconded by J. Pohopek to grant a waiver from delineation on the entire parcel of lot 249-2 provided wetland delineation is provided for 113-6, the portion of 249-2 being conveyed to 113-6 and 50 feet beyond the conveyance of 249-2. The motion carried unanimously.

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

A. Gaudiello opened public comment

No one spoke.

A. Gaudiello closed public comment.

M. Gasses read from the draft Notice of Decision.

A motion was made by J. Pohopek and seconded by B. William to approve the application with the conditions as read by the planner. The motion carried unanimously.

Application History

- The application was received on August 12, 2015
- Abutter Notices were mailed on August 20, 2015
- The notice appeared in the paper on August 20, 2015

Plan Review Comments

- The applicant has requested a waiver from requirement for topography Article 5.3.1(6)
- The applicant has requested a waiver from requirement for wetland delineation 5.3.1(9)
- The applicant has stated that Wetland Scientist John Hayes has stated there are no wetlands on the property. Staff recommends the wetlands scientist certify there are no wetlands that exist on lot 113-6 or lot 249-2 in the area to be transferred and adjacent to lot 113-6
- John Hayes provided a certification that no wetlands exist on Tax Map 113 Lot 6. The parcel is identified as 4.3 acres which is not correct and may be a typographical error. It should be clarified that no wetlands exist on the portion of the Bodge lot or within 50' of the portion being transferred.
- The final plan must meet the recording requirements of Strafford County Registry of Deeds
- Add revision block for amendment dates
- Provide approval block as provided in 5.3.1(4)
- List the minimum lot area, frontages & setback dimensions for district
- Label Beauty Hill Road as Class V
- Add owners signature
- Show the existing well and septic on lot 113-6
- A building envelope was previously delineated on Map 249-2 for Case # 249-2-GR-14-Sub and this application will not alter the existing envelope

**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>			
<p>Proposal Identification: 113-6 & 249-2-GR-15-LL (Thomas & Ester French & Carl J. Bodge) Request by applicant for a Lot Line Adjustment to relocate the lot line so that Map 113, Lot 6 will add 1 acre to the now 1.29 acre lot from Map 249, Lot 2 a 64.90 acre lot and a waiver from Article 5.3.1(6) topography and 5.3.1(9) wetlands on the entire site, located at 250 & 508 Beauty Hill Road in the General Residential Zoning District. By: Thomas D. Brouillette, LLS, T.D. Brouillette, T.D. Brouillette, Land Surveying; 39 Park Street; Exeter, NH 03833</p>			
Applicant: Thomas & Esther French 250 Beauty Hill Road		Dated:	

Barrington, NH 03825

Carl J. Bodge, Revocable Trust
508 Beauty Hill Road
Barrington, NH 03825

Dear applicant:

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

Waivers were granted from: ~~(if Granted)~~

Article 5.3.1(6) Topography
Article 5.3.1(9) Wetlands Delineation

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, 2016**, 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
c) ~~Add the State subdivision approval to the plan (removed by Planning Board)~~
- 2) ~~Wetlands Scientist, John Hayes must clarify the area reviewed for wetlands.~~
Add a note to plan stating no wetlands exist. (added by Planning Board)
- 3) The final plan must meet the recording requirements of the Strafford County Registry of Deeds
- 4) Add revision block for amendment dates
- 5) Provide approval block as provided in 5.3.1(4)
- 6) List the minimum lot area, frontage & setback dimensions for the district
- 7) Label Beauty Hill road Class V
- 8) Show the existing well and septic on lot 113-6

- 9) The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the plans.
- 10) *Revise 113-8 to read 113-6 on 20' wide right of way. (Added by Planning Board)*
- #11) Any outstanding fees shall be paid to the Town
- 12) 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. Once the plat is certified the deed must be recorded simultaneously with the plat. For Lot Line Adjustments where the property is in the same ownership corrective deeds incorporating the adjustment must be provided.
- 13) Final drawings. (a) five 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. 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.

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

3. [220-43-HCO-15-ZBA \(Dayna Cummings-Kendall Auto & Truck Sales\)](#) Request by applicant to sell used vehicles and operate a one bay auto repair shop and waivers from Table 3, 4.9.4 (1) Standard Spaces and Aisle Requirement and Table 3, 4.9.2 (1) Parking within the front setback at 16 Calef Highway on a 2.07 acre lot in the Commercial Highway Overlay Zoning District . By: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.*

F. Bussiere recused himself

R. Spinale to sit for Fred Bussiere

Chris Berry represented the applicant and described the location of the property on Route 125 and Chapman Lane. The property was located in the Regional Commercial Zone. Wetlands existed to the rear of the site. Tree lines were delineated. The existing utilities were overhead and the applicant planned to utilize existing utilities. The site was also located in the Stratified Drift Aquifer District. The plans and drainage analysis had been sent to Dubois & King at the applicant's request.

Mr. Berry explained that they had received a variance allowing the sale of cars. The applicant intended to keep vehicles on her site and out of the right of way. A small fence would be placed along the property line. A small drainage swale will also separate the cars from the right of way. The ZBA also had granted a variance from the 50' buffer from Route 125. The maximum number of cars to be sold would be 20 cars. The site would be paved. Mr. Berry explained that there may be more cars displayed along the front then delineated. They were asking that an isle way be 18' because it was not a drive isle.

M. Gasses expressed the isle by the garage would need to be 20' per the Fire Chief.

A. Gaudiello asked what would be happening in the garage bay.

Chris Berry expressed oil changes and repairs to vehicles.

G. Calef asked about the buffer to the residential use.

Chris Berry expressed there would be a fence 65' in length per the ZBA approval.

F. Nichols asked where restroom facilities would be.

Chris Berry expressed they would be in the residence/office.

Chris Berry expressed the second waiver would be similar to the one granted by the ZBA allowing for display within the 75' setback from Route 125. The right of way was of significant width. There were planting within the area. Three evergreens were being proposed within the buffer.

A motion was made by B. Williams and seconded by G. Calef to accept the application as complete. The motion carried unanimously

Chris Berry described the waiver request from Table 3 4.9.4(1) The isle would now be 20' per the Fire Chief by the garage and 18' in the display area. The volume of traffic would be very limited. The waiver would carry out the purpose and intent of the regulations and turning radiuses would work. The waiver would eliminate the need for excess movement.

A. Gaudiello opened and closed public comment. No one spoke

A motion was made by G. Calef and seconded by F. Bussiere to grant the waiver as presented. The motion carried unanimously.

Chris Berry explained the second waiver was from 4.9.2(1) allowing parking of vehicles within the 75' setback from Route 125. Mr. Berry described the landscaping which would break up the view from the road.

F. Nichols asked where the 75' setback rule came from.

Chris Berry expressed it was unusual to have a 75' setback in a commercial zone

A. Gaudiello opened and closed public comment. No one spoke

A. Gaudiello expressed he believed the 75' setback came from the Master Plan which spoke to preserving the rural character.

A motion was made by F. Nichols and seconded by G. Calef to approve the waiver as presented. The motion carried unanimously

R. Spinale asked if there was additional lighting.

Chris Berry said no.

Chris Berry expressed they were asking for conditional approval this evening.

J. Bouchard asked what the pre and post drainage results were.

Chris Berry expressed they did not increase.

J. Bouchard asked where snow storage was.

M. Gasses read conditions of approval into the record

Application History

- The application was received on August 12, 2015
- Notices were sent to abutters on August 20, 2015
- The notice appeared in Fosters on August 20, 2015
- The applicant received a variance from the ZBA on August 19, 2015 allowing for the sale of Automobiles where the use is not allowed under the Zoning Ordinance
- The applicant received a variance on August 19, 2015 from section 4.2.3(5) of the zoning ordinance to allow removal of the 50' buffer required to the right of way of Calef Highway (Route 125) on August 19, 2015
- The applicant asked that the plan be sent to Dubois & King prior to the public hearing to allow the review process to proceed. Dubois & King is currently reviewing the plans and drainage analysis

~~Plan Review Comments~~ Conditions of approval

- All comments from Dubois & King must be addressed
- Add note stating the applicant was granted waivers from Table 3 Dimensional Standards for Parking Spaces and Aisles and 4.9.2(1) All multi-family dwellings and non-residential parking areas shall be located behind the front-yard setback.
- Add the NHDOT Driveway Permit to the plan
- Modify Planning Board Approval Block as represented in 3.2.2 of the Site Review Regulations
- Add the NHDES Septic approval to the plan
- ZBA approval included 55' of fencing along the Barbin property from the property line back.
- Add all variances granted by the Barrington Zoning Board of Adjustment
- Fix Scribner error on sheet 4
- List required permits and approval numbers
- Add the wetland scientist signature and stamp to the final plan
- Add the owner signature to the final plan.
- Revise the Zoning to include the site is located in the Stratified Drift Aquifer Overlay
- Add a note stating the business must be compliance with section 12.4 Performance Standards for Development (Article 12 of the Zoning Ordinance)
- All standard conditions including expiration date

A motion was made by G. Calef and seconded by J. Bouchard to approve the application with conditions as read into the record. The motion carried unanimously

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

4. Law Lecture Series who will be attending?

Information was provided. Board members should let Barbara know who planned to attend.

5. Review of a request for a building permit on Lot 12 Isaac's Turn Road a private road, for Kenneth and Julie Santer Map 206 Lot 12.

The Board discussed and reviewed the material provided. There was discussion on asking the selectmen what type of information they were looking for from the Board. F. Bussiere expressed he would take a look at the road. He wanted to make sure the Boards were being consistent in their review and requirements.

A motion was made by G. Calef and seconded by D. Ayer to send a memo to the selectmen from the Planning Board stating the Board sees nothing that violates the Site Review and Subdivision Regulations. The motion carried unanimously

A. Gaudiello explained the e-mail from Jae Whitelaw on the requirements of granting waivers.

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

September 8, 6:30 p.m. at the Barrington Middle School Joint meeting with Selectmen
September 15, 6:30 p.m. at the Barrington Middle School

Without objection the meeting was adjourned.

Respectfully submitted,

Marcia J. Gasses
Town Planner and Land Use Administrator