



**BARRINGTON PLANNING BOARD MEETING**

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

**Tuesday November 17, 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  
Fred Nichols  
Fred Bussiere – ex- officio

Member Absent

Bob Williams

Alternate Members Present

Daniel Ayer  
Richard Spinale

Town Planner: Marcia Gasses

**MINUTES REVIEW AND APPROVAL**

1. Approval of the November 3, 2015 Meeting Minutes.

A. Gaudiello stated that without objection the minutes were moved to the end of the agenda.

The Board took up review of the minutes following review of applications.

G. Calef passed out a 2011 note regarding minutes.

A. Gaudiello gave an overview of the issue of approving minutes for which wish members are recused.

G. Calef asked that reason for granting the internally lit sign be included at line 170, “was the sign was located 200’ from the road and the relative large size of the building”.

G. Calef pointed out at line 221 “raise” should be “raze”.

A. Gaudiello expressed without objection the minutes were adopted as corrected.

### **ACTION ITEMS-PUBLIC HEARING CASES**

2. **263-6-RC-15-RC (Generator Connection-Wayne Noyes)** Request by applicant for a proposal to install a 24’ x 140’ metal shed roof on back of the building located at 1057 Calef Highway on a 10.64 acre lot (Map 263, Lot 6) in the Regional Commercial (RC) Zoning District. By: Wayne Noyes; PO Box 711; Barrington, NH 03825\*

The application was moved to just before the minutes.

Mr. Noyes did not appear at the meeting.

M. Gasses explained there was a letter from Chris Berry of Berry Surveying and Engineering which explained he has not had sufficient time to put together a complete application. She had spoken with Mr. Noyes who understood that he would need to get together with Mr. Berry to put together a complete application, with renotification and posting in the paper.

The Board concurred that the application would need to be reposted and noticed in the paper.

3. **222-2-GR-15-SUB (Lisa McMahon & David Coish)** Request by applicant for a proposal for a backlot subdivision with lot 1 2.496 and lot 2 2.108 on a 4.6 acre lot located at 185 Tolend Road in the General Residential (GR) with Overlay Zoning Districts. By: Peter Landry, Landry Surveying, LLC; 248 Mill Pond Road; Nottingham, NH 03290.\*

Consideration of this application was extended from November 3, 2015

The Board requested the applicant address the following items:

- If the mobile home is to be removed label “to be removed”
- Provide easement deed for existing driveway easement on lot 2.1
- Label Tolend Road as Class V
- Show site distance for driveway entrance on plan consistent with Article 12.3
- Show building footprint of house currently under construction
- Clarification whether there is shared driveway access on lot 2

F. Bussiere recused himself

Peter Landry represented the applicant. The issues from the prior meeting were addressed. The mobile home was labeled to be removed. The existing easement deed for lot 2.1 had been provided. Tolend Road

had been labeled Class V. The site distances had been added to sheet 2. The current home under construction was added to the plan. The neck of the back lot was no longer identified as being shared.

D. Ayer asked if the existing shared driveway would change.

Peter Landry expressed the existing shared driveway would continue as it was.

J. Pohopek questioned whether the driveway on 2-1 would discontinue to lot 2.

Peter Landry expressed the driveway would no longer extend to lot 2, but would be located to service a new home to be built on lot 2-1. A note had been added to the plan.

G. Calef asked if the proposed utilities should be shown on the plan.

Peter Landry expressed he would leave the location of the utilities up to the power company.

G. Calef expressed a waiver would be needed if the applicant wanted overhead utilities.

A. Gaudiello expressed the application needed to be accepted as complete and a waiver on the merits could be discussed after the application was accepted as complete.

M. Gasses expressed the waiver for utilities could be addressed after acceptance and in some instances the applicant had returned to the Board after approval when they had run into ledge on the site and requested a waiver at that time.

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

G. Calef expressed the water supply should be shown on the plan.

Peter Landry expressed the well to the existing mobile home which was being removed would have the line relocated to the new home under construction and a proposed well was shown on lot 2-1.

G. Calef pointed out that the power line came from across the street.

Peter Landry expressed he did not want to tell the power company what to do. He was not sure if the service off the existing line would come in underground.

M. Gasses expressed the regulations require the utility must be underground and if the applicant chose not to go underground they would need a waiver. On a residential lot the line was not required to be shown as the exact location of the home was not known.

D. Ayer expressed the existing overhead line would probably stay and the underground would come from the existing pole. He expressed Eversource would leave it as is due to the expense of going under the road. The power would come overhead to the lot and at that point the power would go underground.

G. Calef expressed that D. Ayer made a good point.

J. Pohopek expressed the lines going underground from the existing pole would be consist with the regulation.

M. Gasses expressed it would.

R. Spinale asked how they would know if the power went in overhead.

A. Gaudiello expressed they would know when they tried to occupy the structure and that the possibility was speculative. The regulation called for underground utilities.

M. Gasses expressed that she believed underground utility requirement was one of the stamps used on the building permit.

R. Spinale expressed he just wanted to make them aware that underground utilities were a requirement.

M. Gasses expressed it raised the question about the timing of the building permit and the submission of the subdivision application.

A. Gaudiello expressed if they found they could not go underground due to circumstances then they would need to come to the Board for a waiver.

*A. Gaudiello called for a vote on the motion to accept the application as complete. D. Ayer sat for B. Williams. The motion carried 6-0*

D. Ayer expressed that the apron would require a bond if not constructed this year.

A. Gaudiello opened public comment. No one spoke.

A. Gaudiello closed public comment.

M. Gasses questioned Jae Whitelaw as to whether the underground utility requirement would apply to the home under construction if the building permit had been pulled prior to submission of the subdivision application.

Jae Whitelaw opined that the regulation would not apply to the home under construction if the permit had been issued prior to the submission of the subdivision application.

A. Gaudiello asked that M. Gasses read the draft conditions of approval.

**DRAFT  
NOTICE OF DECISION**

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As builts 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>			

Lisa McMahon 139 Stage Road Hampstead, NH 03841  David Coish 104 Hooke Rd Fremont, NH 03044	Dated: , 2015
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**Dear applicant:**

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

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please Note\* If all of the precedent conditions are not met within 6 calendar months to the day, **by , 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 owners signature to the final plan  
       b) Add the wetland scientist stamp & signature to the final plan
  
- 2)     Add the following plan notes:
  - a) Add the State Subdivision Approval number to the plan
  - b) *Existing pole to remain on Lot 2 (per Planning Board)*
  
- #3)    Any outstanding fees shall be paid to the Town
  
- 4)     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. (*Reference 8.8 of the Town of Barrington Subdivision Regulations*)

- 5) Final Drawings (a) five sets of large black line (b) plus one set of 11"X17" final approved plans (c) 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. Note. If there are significant changes to be made to the plans, as specified above, one full size check print must be sent to the Land Use Office for review prior to producing these final drawings.

## General and Subsequent Conditions

- 1) Other permits. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals, which may be required as, part of this project. Contact the Town of Barrington Code Enforcement Department at 664-5183 regarding building permits.

(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).

D. Ayer asked that one pole should be allowed to remain on the site.

J. Pohopek asked if benchmarks were shown on the plan.

Peter Landry expressed the benchmarks were shown on sheet 2.

*A motion by J. Pohopek and seconded by D. Ayer to conditionally approve the application as read into the record. The motion carried 6-0*

4. [238-5-TC/SDOA-15-SR \(Owners: George & Arvilla Calef\)](#) Request by applicant to amend Site Review to Drill a well to service 495 Calef Highway on a .39 acre site (Map 238, Lot 5) in the Town Center/Stratified Drift Overlay (TC/SDOA). **The following waivers were granted on October 6, 2015.** Waivers from Site Review Regulations: Articles 3.5.1 (1) proposed topography; 3.5.1 (2) spot elevations; 3.5.2 existing and proposed drainage; 3.5.10 landscaping and screening; 3.6 construction detail drawing; 3.7 building rendering; 3.8 illumination plan and 3.9 site plan documents and reports. By: Joel D. Runnals, LLS, Norway Plains Associates, Inc.; PO Box 249; Rochester, NH 03866-0249.\*

G. Calef recused himself

F. Bussiere recused himself

Joel Runnals of Norway Plains Associates represented the applicant. He had provided the 1997 site plan and a septic approval. They were there to modify the 1997 approval because of the location of a well on the site.

A. Gaudiello asked M. Gasses to explain whether she and Mr. Runnals had come to an agreement as to what would be required to make a single plan.

M. Gasses expressed that the base document would be the 1997 approved plan and all items on the 1997 plan should be on the plan and that any applicable changes relative to the well would to be added. Going forward they would be referring to the new plan and not the 1997 plan.

Joel Runnals expressed they had not shown complete new site plan but a plan showing the change like would be asked of a sign.

A. Gaudiello explained the application had been presented to the Board on October 6, 2015 and the Board had not accepted the application as complete because they believed a variance was needed. The applicant had appealed to the ZBA the definition of structure and had been granted the appeal. The ZBA had ruled the definition of structure no longer held and the application was now before the Board for acceptance and review. He expressed he did not know what would play out in the future but they would act upon the application as it was today.

M. Gasses expressed that Mr. Runnals had not been there for the Millo's amended site plan where the Board required the existing parking etc. to be shown. They would need to start with the 1997 plan and add any changes. The oil tank was to be relocated or removed under note #11 on the 2015 plan, but was not shown on the 2015 plan. The oil tank was shown on the 1997 plan.

Joel Runnals expressed the tank had been removed.

M. Gasses expressed the note on the plan presented would just need to be removed and it would be added as a condition.

A. Gaudiello expressed that they were looking to end up with one clean plan which reflected the site as it existed today and he did not want Mr. Runnals to think that three separate documents would be acceptable.

Mr. Calef questioned the need to show parking for an 8" pipe.

M. Gasses expressed parking was shown on the plan she was requesting that the note that was on the 1997 plan also be placed on the 2015 plan.

Mr. Calef asked if that could be a condition of approval.

M. Gasses stated absolutely.

A. Gaudiello expressed the only item necessary to accept the item as complete had been satisfied and the Board should vote on the acceptance so that discussion could begin on the other items.

*A motion was made by D. Ayer and seconded by R. Spinale to accept the application as complete. The motion carried 6-0*

Roll Call

A. Gaudiello                    aye

J. Pohopek                    aye

J. Bouchard                    aye

F. Nichols                    aye  
D. Ayer                        aye  
R. Spinale                    aye

D. Ayer requested the final plan be a singular plan.

J. Pohopek questioned the water line location shown.

Joel Runnals expressed both plans show the waterline in a slightly different location; he had not done either plan. He expressed he did not know which location was more accurate.

M. Gasses suggested the Board look at a couple of items to see if they wanted them on the final plan including the snow storage area, the building setback requirements and the lot coverage. The three items were the only items she had on her list that the board might want to talk about.

Joel Runnals expressed snow was removed from the site.

J. Pohopek expressed a note could be added that snow is removed from the site.

J. Bouchard expressed the items did not require field work.

Joel Runnals expressed he would likely do the plan like an as-built. They had done the original plan by sketching other plans for permitting and then had modified the permitting plan for the site review, so now they would go out and do an as-built of the site.

M. Gasses expressed the reason she had mentioned the lot coverage was because the 1997 site plan had one shed and the current plan had two.

A. Gaudiello expressed that the business was ongoing since the plan in the 90's and what was being amended was the location of a well. The differences in the plans needed to be rectified and combined on one plan. There had been good faith on the part of an ongoing business with ongoing investment, including the installation of a new septic.

A. Gaudiello opened public comment.

John Arnold expressed that there were several items he believed needed to be addressed. Mr. Arnold referred to the November 16, 2015 letter.

1. Their position was that the Board could not move forward until a final decision was made on the appeal before the ZBA. A request for rehearing had been submitted by themselves as well as the Planning Board and until the request for rehearing was heard the Board should not move forward.
2. Snow storage, which the Board addressed.
3. Note #11, which was addressed
4. There was no benchmark data shown and they believed it should be shown.
5. There was no legend on the plan.
6. Parking requirements should be shown on the plan, which was addressed
7. Waivers should be shown on the plan, which was addressed by Marcia.
8. Setbacks should be shown on the plan, the primary issue was whether the well was a structure that needed to meet the setbacks and the issue had not been finally resolved and for any issues which might come forward in the future.
9. Lot coverage was not shown on the plan



10. The plan was not certified. 5.1.3 of the Zoning Ordinance. The lot was less than an acre and construction was occurring with the installation of the well.

11. The plan showed water and electric lines crossing Citizen Banks' property. There was no evidence of any easements for the lines. The Board had granted a waiver from 3.3.8, but he felt they might want to consider that.

12. The plan did not show any dumpster, and note 10 indicated there was none. It was unclear how waste was handled in accordance with 7.1.7 of the Zoning Ordinance.

13. Loading spaces were not shown on the plan as required in SR 3.5.9. Their understanding was that loading currently blocked several parking spaces and required delivery trucks to back into the highway.

14. The plan showed 3 parking spaces in the State Right of Way. The applicant had not provided any evidence of an easement for those spaces. They did not believe it would be appropriate for the Board to approve a plan showing spaces in the right of way.

John Arnold expressed he understood that the review was for the installation of the well, but he did not believe it limited the Board to review of the well itself and he did not believe the Board should approve a plan without addressing the issues raised. Most of the issues were minor, but some were more substantive and might require more discussion.

D. Ayer asked when the letter had been submitted.

John Arnold stated he had provided the letter yesterday.

D. Ayer expressed the Boards rules of procedure required the information be provided a week in advance.

A. Gaudiello expressed the letter was a second submission. The letter had been provided in the packet for October 6<sup>th</sup>.

George Calef expressed that he had just received the letter that evening.

M. Gasses clarified that the November 16<sup>th</sup> letter was almost identical, except for item #1 which spoke to going to the ZBA. The other items were reflective of the items in the October 6<sup>th</sup> letter.

A. Gaudiello suspended public comment so that the Board could address whether they could move forward without the ZBA's decision being final. He believed there had to be some point of finality even if it were undone later. The ZBA had ruled and he believed that the Board should take their current ruling and move forward with it as the conditions existed at that time. Whatever was to happen in the future would happen. They should take the ZBA decision and build on that.

R. Spinale expressed that he believed it was a good way to approach it.

A. Gaudiello reopened public comment on the one question asking if anyone disagreed with the idea of moving forward with the application.

Andrew Knapp expressed the board needed to move forward. The issues of the recently submitted letter if it were the same as the prior letter would have already been addressed and the only issue was then timing which was item #1, they had an obligation to move forward.

Paul Mausteller agreed with the Board and submitted Article 1.3 of the Zoning Ordinance.

G. Calef expressed he would address concerns of the Board raised in John Arnolds letter which he had received that night. The oil tank had been removed before the cease and desists because the State had

required that. They had been plowing snow at the location for 37 years; the building had been built before zoning had come into effect. He had come in 1978 and so far they had not had a problem with the snow. They had discussed snow removal with two contractors and if snow became a problem they would have it hauled off site. There was plenty of space between their parking lot and the banks property line.

J. Pohopek asked if a note could be added to the plan.

George Calef expressed he did not have problem with a note. He went on to address the other issues raised by John Arnold. They did not have a dumpster because garbage was stored in the shed with the garbage removed almost daily. The shed was floored and weather tight and when the trash was removed the floor was washed, which was much more sanitary than a dumpster. Both the Post Office as well as they had been unloading at the location since the 60's there had not been any problems that he was aware of and as for backing out he was not driving the truck. The driver could back in and drive out perfectly legal it was not his issue. The plan showed three spaces in the right of way and as the Board knew the right of way was extremely wide because they had a 50' right of way with the State they were allowed to park in the marked spaces but it still allowed adequate space to allow for a vehicle in and a vehicle out. The State had no issue as long as they did not put a permanent structure in that right of way. The water and electric lines on Citizens Bank property were in existence when Citizens Bank came in. There was no problem with the lines when the Citizens Bank building came in there should not be a problem with the lines now. The owner of his building had owned the Citizens Property that he then sold.

J. Pohopek questioned the water line from Citizens Bank.

George Calef expressed the water line shown was the line from Millo's which serviced his property. The power line in question was existing and he had not added anything. Lot coverage would not change with the addition of an 8" pipe. They were nowhere near the 80% lot coverage they were allowed to have in the Town Center District.

M. Gasses expressed her only reason for bring up lot coverage was because the 1997 plan showed one shed and the new plan showed two.

George Calef expressed he was addressing John Arnolds comments. In regard to setbacks he did not know if they wanted to go there tonight.

A. Gaudiello expressed the point was only whether setbacks should be shown, whether they applied to his well was a separate question.

George Calef expressed he was just trying to address the comments by John Arnold.

A. Gaudiello expressed that the question was how much needed to be added to the existing 1997 site plan approval. The changes needed in relationship to the well were all that was needed. They could not grandfather in health and safety issues and Mr. Calef had responded to waste disposal. He was not sure who was responsible to back in or not back in, but there was space to back in the truck. The health and safety issues appeared to be disposed of. He expressed appreciation for the comments by Mr. Arnold and Mr. Calef, but the issues were addressed by the presence of an existing site plan and the addition of a well. The ZBA had addressed the issue of whether the well was a structure or not a structure.

A. Gaudiello closed public comment.

J. Pohopek referenced the 1997 site plan as showing the building in a similar configuration; it also showed an 8'X48' addition and a 4'X40' addition that he did not believe was constructed. His question was whether the additions were still permissible in the future.

G. Calef expressed the additions had not been constructed.

J. Pohopek asked if the approval for the additions were now null and void.

Joel Runnals asked why would they be? He would include them in the final plan.

M. Gasses expressed there was no vesting in not building in 20 years.

A. Gaudiello expressed they had a long approved plan on which no action was taken the approval for those items was gone.

J. Pohopek expressed that he just thought if they were planning do the addition in the future it should be shown.

R. Spinale expressed they should have a plan that reflects what exists.

M. Gasses read from the Draft Notice of Decision.

The following waivers were granted on October 6, 2015

**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>			

George & Arvilla Calef 35 Mallego Road 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.

Waivers Granted

- Waiver requested from 3.3(8) Existing easements identified by type
- Waiver requested from 3.3(6) Existing streets, right of way dimensioned and pavement width

- Waiver requested from 3.3(13) Wetland delineation – including wetland delineation criteria and wetland scientist certification
- Waiver requested from 3.3(3) Existing topography – at 2 foot contour interval minimum
- Waiver requested from 3.5.1(1) proposed topography
- Waiver requested from 3.5.1(2) spot elevations
- Waiver requested from 3.5.2 existing and proposed drainage
- Waiver requested from 3.5.10 landscaping and screening
- Waiver requested from 3.6 construction detail drawings
- Waiver requested from 3.7 building rendering
- Waiver requested from 3.8 illumination plan
- Waiver requested from 3.9 site plan documents and reports

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 waivers granted
  - b) Add parking calculations based upon 1997 approval
  - c) *Remove Note #11 (added by the Board)*
  
- 2) Add the following plan notes
  - a) *Snow will be removed from site as needed (added by Board)*
  - b) *Waste is contained within shed (added by Board)*
  
- 3) Make the following plan revisions
  - a. Show the building setback requirements on the plan
  - b. Show the lot coverage calculation on the 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 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).

**\*Indicates that if the application is accepted as complete, the public hearing will be held the same evening, at which time any interested party may offer comment to the Planning Board.**

*A motion by F. Nichols and seconded by R. Spinale to conditionally approve the application as read into the record. The motion carried unanimously*

Roll Call

A. Gaudiello aye  
J. Pohopek aye  
J. Bouchard aye  
F. Nichols aye  
D. Ayer aye  
R. Spinale aye

5. Cases before the board for December 1, 2015.
6. Review of a request for a building permit at 75 Bulley Road for Suzanne Schneider and Joel Cohen Map 118 Lot 54.

*A motion was made by F. Bussiere and seconded by D. Ayer to send the customary note of no evidence there was a conflict with the regulations. The motion carried unanimously*

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

December 1, 2015 at 6:30 pm ECLC on Ramsdell Lane

Without objection the meeting was adjourned.

Respectfully submitted,

Marcia J. Gasses  
Town Planner and Land Use Administrator