



**BARRINGTON PLANNING BOARD MEETING**

**NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER**

**77 RAMSDELL LANE**

**Barrington, NH 03825**

**Tuesday December 1, 2015**

**6:30 p.m.**

**MEETING MINUTES**

**NOTE: THESE ARE SUMMARY ACTION MINUTES ONLY. A COMPLETE COPY OF THE MEETING AUDIO IS AVAILABLE THROUGH THE LAND USE DEPARTMENT**

Members Present

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

Member Absent

Josh Bouchard

Alternate Members present

Daniel Ayer  
Richard Spinale

Town Planner: Marcia Gasses

**MINUTES REVIEW AND APPROVAL**

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

*Without objection the minutes were moved to following item #7*

*Without objection the minutes were approved as corrected following item #7*

**ACTION ITEMS-PUBLIC HEARING CASES**

2. [220-57-RG-15-Sub 12/1 \(Owners: Rina Myhre, Paul C. Helfgott & Carol H. Ledous/Developer: Joseph Falzone\)](#) Request by applicant for a proposal for a subdivision for 17 Residential lots on Tolend Road and 3 Commercial lots on Calef Highway in the Regional Commercial (RC) Zoning District. By: Christian Smith & Scott Cole; Beals Associates PLLC; 70 Portsmouth, Ave, 3<sup>rd</sup> Floor Suite 2; Stratham, NH 03885.\*

Scott Cole of Beals Associates represented the applicant. He expressed they had received a variance to allow for an open space subdivision. They also had received a variance to have the lots access to Tolend Road. Dubois & King had reviewed the drainage and responded with minor comments. It had come to their attention that the hundred foot buffer needed a variance to be owned by the owners of the individual lots. The land would still be maintained as an undisturbed buffer.

Scott Cole expressed they had reviewed the open space calculations and their percentages. The Conservation Commission had expressed an interest in preserving more of the prime wetlands. His question of the Board would they support a lowering in the ratio of upland to wetland. He expressed that if the wetland adjacent to the commercial lots were under conservation easement; there by providing greater protection to the prime wetland.

J. Pohopek expressed that the change would have no effect on the buildable areas of the lots.

J. Pohopek expressed his preference would be to show the commercial lots with the finger.

G. Calef questioned the size of the lots without the buffer.

Scott Cole expressed approximately  $\frac{3}{4}$  of an acre.

Scott Cole expressed they would like to waive their right to be heard within 30 days and request an extension for consideration.

D. Ayer to sit for J. Bouchard

#### Application History

- The application was received on November 12, 2015
- Design review was completed on October 6, 2015
- The ZBA granted a variance to allow a Conservation Subdivision in the Regional Commercial Zoning District on October 21, 2015
- The ZBA granted a variance to 5.2.5(5) at the request of the applicant on October 21, 2015. This variance is not applicable as the lots are not configured in a cluster arrangement but as single-family detached houses on individual lots
- At the request and expense of the applicant a stormwater management and erosion control plan was sent to Dubois & King for review the review response is in your packet

#### Plan Review comments

- A variance is required to 6.2.6 of the zoning ordinance to allow for sections of the 100' buffer on Tolend Road to be included in the lots. The applicant will be appearing before the ZBA on December 16, 2015.
- Language is needed for the open space regarding ownership/homeowners association
- Add the NHDES Subdivision #
- Correct spelling of Ches'tnut
- Add tax map and lot numbers to proposed lots per Assessing Department

- Add Developers name and address to sheet 2 of 7
- Page 2 of 7 add residential zoning requirements for standard and conservation subdivisions
- Add Stratified Drift Overlay to Sheet 2 of 7
- Add- Note the following: “If, during construction, it becomes apparent that deficiencies exist in the approved design drawings, the Contractor shall be required to correct the deficiencies to meet the requirements of the regulations at no expense to the Town.”
- Add- Note the following: “Required erosion control measures shall be installed prior to any disturbance of the site’s surface area and shall be maintained through the completion of all construction activities. If, during construction, it becomes apparent that additional erosion control measures are required to stop any erosion on the construction site due to actual site conditions, the Owner shall be required to install the necessary erosion protection at no expense to the Town.”
- Add-Note the following: “All materials and methods of construction shall conform to Town of Barrington Subdivision Regulations and the latest edition of the New Hampshire Department of Transportation’s Standard and Specifications for Road & Bridge Construction.”
- Label Tolend Road Class V
- Clarify discussions with NHDOT regarding access to the commercial lots on route 125. It is the Town’s understanding two curb exist
- Add chart of each lot with contiguous uplands
- Add owners signature to final plan

#### Staff Recommendations

*A motion was made by D. Ayer and seconded by J. Pohopek to extend consideration of the application to January 5, 2016. The motion carried unanimously*

The Board recessed to allow the applicant and the planner to speak with abutters.

#### **OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD**

3. Presentation of certification of Kendall Auto & Truck Sales Site Plan (220-43-HCO-15-SR) Map 220, Lot 43.

*A motion was made by D. Ayer and seconded by J. Pohopek to have the chair sign the plans. The motion carried unanimously 7-0*

Chris Berry requested that at the next meeting which could be posted; for the Board to consider a phased approach to the development because of the end of the approaching end of the construction season. The applicant needed permission to occupy the structures which already existed, while the other items on the plan were constructed, so that she may maintain her auto sales and inspection licenses. They were looking for any help they could in moving the project forward.

4. Presentation of certification of George Calef Fine Foods Site Plan (238-5-TC/SDOA-15-SR) Map 238 Lot 5.

G. Calef recused himself

F. Bussiere recused himself.

R. Spinale to sit for G. Calef

M. Gasses certified the conditions of approval had been met. There was one waiver which had not been listed on the plan which had been granted by the Board.

M. Gasses explained Joel Runnals would need to come in an initial the addition of the waiver granted to the plan. There had been 12 waivers granted and only 11 waivers were listed on the plan.

George Calef wanted it on the record that he requested that Joel Runnals add the note to the plan.

*A motion was made by D. Ayer and seconded by B. Williams to have the chair sign the plan. The motion carried unanimously 6-0*

5. Presentation of certification of David & Lisa Holt Lot Line (112-1&3-GR/HCO-15-LL) Map 112 Lots 1 & 3.

M. Gasses certified the conditions of approval had been met.

*A motion was made by F. Nichols and seconded by D. Ayer to have the chair sign the plan. The motion carried unanimously. 7-0*

5. Tentative schedule of meeting dates for 2016.

M. Gasses asked the Board to review the proposed schedule to see if they had any concerns.

6. Consideration and discussion of possible Zoning Ordinance Amendments.

The Board discussed the petitioned Zoning Amendment. See attachment "A"

J. Pohopek expressed the Stratified Drift Aquifer was not an exact line.

F. Nichols expressed what the level of risk was should be a consideration.

A. Gaudiello explained a public hearing would be held on the petitioned amendment when the other zoning amendments were heard.

M. Gasses went over the amendments she had been working on after the last workshop. See attachment "B"

M. Gasses explained the change from twelve months to twenty- four months under "Active and Substantial Development or Building" was for consistency with RSA:674:39Ia. Several of the revised or added definitions were related to updating the current outdated definition of "Nursing Home"

Discussion on a definition of "Kennel" brought some concerns both on the definition and the permitted locations. M. Gasses expressed she would take another look at "Kennel" for the Board.

G. Calef expressed that the Board should be reviewing "Agriculture" in the Zoning Ordinance.

M. Gasses expressed that she and John Huckins had been researching "Agriculture" and the fix was not as straight forward.

D. Ayer agreed with M. Gasses and expressed that he had also been discussing “Agriculture” with M. Gasses and John Huckins.

D. Ayer asked that the Board review “Structure”

The Board discussed under (g) changing “bottom” to “top” and add, “difference in grade no more than 4”

The Board discussed (i), changing “Prefabricated” to “Temporary” and “24” to “36” and seasonal

The discussed adding (m) cisterns, (n) wells, (o) drainage

M. Gasses suggested if they add “wells” that they include language such as, “provided the well meets NHDES requirements”

The Board reviewed proposed amendments to Article 19 Table of Uses (*see attachment “B”*)  
Adding:

	GR	NR	V	TC	RC	HCO
<i>Business &amp; Professional Park</i>	<i>CP</i>	<i>CP</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>CP</i>
<i>Distillery/Brewery with Retail</i>	-	-	<i>CP</i>	<i>P</i>	<i>P</i>	<i>CP</i>
<i>Kenel</i>	-	-	-	<i>CP</i>	<i>P</i>	<i>CP (further discussion needed)</i>
<i>Distillery without Retail</i>	-	-	-	-	<i>P</i>	<i>CP</i>

Footnotes to Table 1

(11) For the sale of agriculture products, or any other goods, which are produced substantially as a home occupation or from agriculture activities on the premises, other than forestry related activities, as an accessory use to a principal residential use; *one structure of 200 sq. ft. or less may utilized without site review, after review by the Zoning Administrator for compliance with section 7.3 of this ordinance.*

The Board asked for further review of this amendment.

A. Gaudiello went over his proposed amendments. (*see attachment “C”*)

G. Calef expressed the process for addressing waivers needed to be addressed. The Town Attorney had provided guidance to the Board and they had not yet taken action on her recommendations.

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

December 15, 2015 at 6:30 p.m.

Without objection the meeting was adjourned.

Respectfully submitted,

Marcia J. Gasses  
Town Planner & Land Use Administrator