



BARRINGTON PLANNING BOARD MEETING

As Chair of the Barrington Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are: We are utilizing the Microsoft Team for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Microsoft Team, and the public has access to contemporaneously listen and, if necessary, participate in the meeting through dialing the following phone #603-664-0240 and Conference ID: 567 173 922#

Call 603-664-0182 or email: birvine@barrington.nh.gov

(Approved December 15, 2020)

Tuesday, December 1, 2020

6:30 p.m.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Roll Call Vote

J. Jennison
J. Brann
S. Diamond
A. Knapp
R. Allard

Members Present

James Jennison, Chair
Jeff Brann, Vice Chair
Steve Diamond
Andy Knapp ex- officio
Ron Allard

Members Absent

Donna Massucci

Town Planner: Marcia Gasses
Code Enforcement Officer: John Huckins
Staff: Barbara Irvine

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MINUTES REVIEW AND APPROVAL

1. Approval of November 17, 2020 meeting minutes.

Without objection the minutes of November 17, 2020 were approved as written. Vote 5/0

Roll Call:

S. Diamond-Yay
A. Knapp-Yay
R. Allard-Yay
J. Brann-Yay
J. Jennison-Yay

ACTION ITEM CONTINUED FROM October 20, 2020

2. [121-28-GR-20-SR \(Owner: Mr. Todd Green-Barrington Shores, LLC\)](#) Request by applicant for expansion of 28 seasonal camp sites and waiver at 7 Barrington Shores Drive (Map 121, Lot 28) in the General Residential Zoning District. BY: Tobin Farewell, Farwell Engineering Services, LLC; 265 Wadleigh Falls Road; Lee, NH 03861.

J. Jennison gave a brief description of the application.

Attorney Gregory Wirth represented Todd Green-Barrington Shores Campground and gave a description of what was before the Board. Attorney Wirth explained to the Board that the original request was for 28 sites on a 25-acre parcel with waivers. Attorney Wirth explained that the regulations call for a minimum site size of 1000 sq. ft. and asked for the waiver for the buffer. Attorney Wirth explained that surveyor Ray Bisson has put together a new plan that reduces the number of sites to 24 sites.

Attorney Wirth outlined the buffers that they are asking for and where the locations were:

1. The buffer on the east side would be 80'.
2. Closest site:
 - a) 100' from the Pantano property
 - b) 117' from the Perry property
 - c) The roadside and the Robinson's property would remain 50'

Attorney Wirth explained that after comments from the Board and abutters they have an updated letter from the arborist Mr. Roy that indicated the plants that are being planted. Attorney Wirth explained to the Board that they supplied what would be planted and what the growth rate would be on a seasonal base. The letter from Mr. Roy and the updated landscape plan shows the enhancement and vegetation section. This shows how the vegetated buffer would look and supplied changes to the Barrington Shores campground rules/plans that included the following:

1. Revised campground rules for watercrafts entering the campground
2. RSA 487:16-c that also includes people inspecting their own boats. All boats would be inspected before they get into the campground.
3. Campers on their way in would also receive a pamphlet that explains the clean drain program and the importance of monitoring before they put their boat in the water.
4. The 5 waterfront sites would be restricted to one boat or watercraft per site.
5. The 125' section beach/dock would be restricted to no more that 12 boats maximum with no piggybacking.
6. They would change the Rules and Regulations as necessary as they need too.
7. After discussion with Code Enforcement, he stated that they would need the 3.4 Conditional Use Permit for the 24 campsites proposed (only).
8. Comments from Board and public on the east side 80' buffer for the waiver
9. The smallest site to be added would be 1400 sq. ft. and the largest would be 2300 sq. ft.

Attorney Wirth explained to the Board with all this enhancement and the vegetation the Board has enough to grant the waiver. Attorney Wirth explained that they did receive a letter from the Swains Lake Water District on November 28, 2020 water district. They [Swains Lake Water District] received their report from EGGI and stated that there was enough

water in the aquifer. They would need to make some modifications to increase the output and they are discussion with their consultant EGGI. Attorney Wirth explained to the Board that the campground use was a seasonal use.

S. Diamond asked about seeing the letter from the Swains Water District.

LETTER FROM WATER DISTRICT

From: Adam Kohler <akohler24@yahoo.com>
Sent: Saturday, November 28, 2020 9:35 AM
To: 'Richard Maier'; Raymond Bisson
Cc: 'Barrington Shores'; 'Cinda and Rick Patrie'; 'Gregory Wirth'
Subject: Re: Water Usage

Hello Raymond,

I apologize for the delay in getting back to you. I had to follow up with the commissioners to make sure I had the correct information for you.

We have received the preliminary report from our consultant EGGI. It indicates that we have enough water in the aquifer, which is good news. But in order to increase the output from the wells the system is going to require modifications. We plan to discuss the options for increasing system capacity at the next meeting with them. We have been trying to schedule a date to meet with EGGI to discuss the options for increasing well output but haven't been able to find a time that works for both sides yet. So we still don't know what modifications are needed to increase the capacity or how much these changes would cost. We hope to have more complete information sometime next month.

Best,
Adam

M. Gasses explained to the Board that the application could not be held up waiting for documents from the water district and explained that this could be a conditional approval until conformation was received.

J. Brann explained that he was pleased with the changes on the eastside but stated the 117' distance from Perry's property and 100' from the Pantano property shown on the drawing and discussed could not be used to meet the buffer requirements as they incorporated land outside the campground boundary. J. Brann did note that Mrs. Pantano did appear she was happy with this and the Robinsons were happy with the 50' buffer and the vegetative buffer. J. Brann explained there were no property owners in favor of reducing the 100' buffer to the northeast and Mr. McKenney was not happy with reduction either. J. Brann explained to the Board that he drew a 100' arc from the 2 pins he showed on the plan on the northeast property boundary and if Site #5 were eliminated and Site #4 reduced from 1900 to 1500 sq. ft., you could maintain the 100' buffer on the northeast corner.

Ray explained that Site #5 was removed and was now Site #4 and the original Site #5 was gone.

J. Brann explained that then the buffer could be reduced.

Ray explained that they already moved the site 30' and they are 117' from Perry property.

J. Jennison explained that they were crossing/using McKenny's property to get to that distance and is contrary to the regulations.

Ray expressed that was correct.

A. Knapp expressed that there was no concession on their part because what they are doing requires a waiver from the Board from the regulations.

J. Brann agreed with A. Knapp whether the Board waives it or not.

J. Jennison agreed that the 75' was agreeable but he was fine with the 80'.

R. Allard expressed that even if the buffer would be 80' on one side it would still be 50' on 2 sides.

M. Gasses explained that she felt if they removed that one site it was important and felt that this was a really good plan.

A. Knapp explained removing the corner lot and turn the camper, this would be a natural barrier.

S. Diamond asked if he looked at the landscape plan, where would he find the details on the degree of visible buffering. S. Diamond asked how much view would be blocked to a certain height?

J. Jennison stated that he saw something 5' to 6' in height and asked S. Diamond if that answered his question.

S. Diamond expressed that he read 1' of growth per year and asked how much of a blockage was this going to be as well as was it to be maintained?

Attorney Wirth explained that the letter from the arborist dated November 18, 2020 shows the species and the growth rate. Also, there would be some fence in that area, and they need to grow things that would survive which would be low, medium and high in height range. Attorney Wirth suggested reading the letter. It tells you how long it takes for a 5' tree to turn into a 12' tree and maintenance for vegetation that does not survive.

S. Diamond expressed that they said some vegetation would not survive and wanted to know when it shows replacement.

Attorney Wirth explained that he believed that he would be reviewing it on an annual basis to make sure there are no holes in it.

Ray explained that this information was on the plan under Note #5.

S. Diamond asked the Board if they could go back to the email from the water district. The letter states they received a preliminary report and have enough water in the aquifer. S. Diamond stated that it sounds like that there may be another document and would be interested in this report. S. Diamond explained that he was concerned that they were going to dip into the reserve of the aquifer as propose to take in a fashion.

Attorney Wirth explained that they have not received a copy of the report; the only thing they have received was this email and explains that there was enough water in the aquifer.

Ray explained that in the past they stated that they have issues with one of their wells not working correctly.

J. Jennison explained that as M. Gasses stated this could be a condition of approval.

J. Brann explained that they are saying that they have enough water in the aquifer, but can they pump enough to maintain water for all the users.

S. Diamond expressed that when the gentleman from the Swain Water District came before the Board, he stated that the issue was that the flow rate was not the same from one of the wells and was concerned about future liability.

J. Jennison asked Attorney Wirth if he could get the document.

Attorney Wirth stated that they would make a request for the reports if they would release them to them.

R. Allard expressed that the fence was not 6' as shown in the plan note, it was 8'.

A. Knapp agreed that was what he thought too.

J. Huckins explained to the Board that above 7' they would need a building permit but if over 8' the Planning Board could approve it.

J. Jennison asked the Board if they were in favor of 8' and above.

J. Brann stated that he didn't think the Board agreed to 8' only but it would vary for the sites with the terrain so would be different in some areas.

J. Jennison opened public comment.

Mr. Niswender stated that the fence height on the plan was 6' but on the site walk talked about 8' recommendation and could reach 10'. Also, campfire may cause health to the neighborhood but moving back the sites may help this.

J. Jennison closed public comment.

S. Diamond expressed that the number of camp sites a campfire gives off more smoke than a woodstove.

J. Jennison asked the applicant if they were willing to get rid of Site #5 and go 8' on the fence.

J. Huckins explained to the Board that they were areas on the site walk that fencing was discussed that were 6', 8' and higher in lower areas.

Ray showed on the plan how the contours reflected the different heights.

R. Allard asked if the lines represented 2' contours.

Ray explained that they were.

A. Knapp explained that when they talked about an 8' fence it was because if someone was in a 5th wheel camper and larger campers, they would be looking over the 6' fence. A. Knapp explained that when they talked about 8' fence it was to reduce visibility.

Ray explained that he doesn't mind a 8' fence but a 10' fence starts to look pretty bad, especially if it goes over 10'.

J. Brann asked if where the knoll was could the fence on the top of the knoll start at 6' and as the land drops off could it increase to an 8' minimum.

Attorney Wirth asked if J. Brann was talking about the height of the fence or the total height of the structure.

J. Brann explained that he was saying 6' total height on the top of the southeast knoll to increase to 8' northeast corner.

J. Huckins explained that starting at 6' and going to 7' to 8' in the lower area and closer to 9', it would still look like a straight fence.

R. Allard stated that if the fence was angled to match the slope to look 8' the whole way with contours and fill in the bottoms I think that would be what the Board was looking for.

Attorney Wirth stated that was workable.

J. Brann asked if in the northeast corner it would be 8’.

J. Jennison stated that the Board still needs to discuss getting rid of Site #5.

Attorney Wirth explained if Ray can engineer that, would that be acceptable.

R. Allard asked if they take away Site #5 would the fence be angled to cut the corner.

Ray asked the Board that rather than get rid of Site #5, specify the 100’ buffer from the northeast corner.

J. Brann explained that if they specify the 100’ buffer from the northeast pins previously discussed.

Ray asked if they could keep the 50’ buffer from the Robinson’s and Hall Road, and the 80’ buffer to the east.

The Board agreed and was willing to move forward.

3.4 Conditional Use Permit

Explanation from applicant on how the requirements under Article 3.4 have been satisfied by the applicant.

1. The building, structure or use is specifically authorized under the Ordinance.

Under Article 19 of the Barrington Zoning Regulations, a commercial Recreation Facility is an allowable use in the General District with a CUP. This is an expansion of a legally existing use.

2. If completed, the development in its proposed location will comply with the requirements of this ordinance, and with specific conditions or standards established in this section for the particular building, structure or used.

Yes, the proposed Commercial Recreation Facilities will be in compliance with the Town of Barrington Zoning Ordinance.

3. The building, structure or use will not endanger the public safety. All improvements are to be built following Town and State guidelines.

There is no endangerment to public health or safety. All improvements are to be built following Town and State guidelines.

4. The building structure or use will not substantially de-value abutting property.

No, the campground has been in existence since the 1980’s and property values have been based on the campground as an abutter. Based on conversation with Realtors the expansion should not have much, if any impact on values.

5. The building, structure or use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is located.

Since his is an expansion of the existing use, the compatibility of the neighborhood doesn’t change.

6. The structure or use will not have a substantial adverse impact on highway or pedestrian safety.

Based on the traffic impact analysis prepared by Farwell Engineering dated April 20, 2020, there will be minimal traffic impact and will not have an adverse impact.

7. The building structure or use will not have an adverse impact on the natural and environmental resources of the Town.

Swains Lake is a natural resource of the town of Barrington. This project includes upgrading the existing septic system and adding additional septic expansion. The septic system is designed to modern standards and the proposed leach fields are well over the distance required by the state of separation to a body of water. This project also will provide a drainage system that will catch and detain storm water runoff preventing potential silt and turbidity from entering the lake within the drainage catchment area.

8. Adequate public utilities, community facilities, and roadway capacity are available to the property to ensure that the proposed use will not necessitate excessive public expenditures in providing public services.

Communications with the SLWD have been had to ensure wells have the capacity for the proposed sites. The road agent's recommendation for signage and low vegetation along Hall Road will be met. There is no public expenditures required.

9. Where deemed necessary when considering an application for Conditional Use approval, the Planning Board may require adequate visual buffers be established.

Yes, a 50-foot vegetative buffer is proposed with enhancements as necessary based upon guidelines recommended by a forester and arborist (see letters in Site Plan Application). A wooden stockade fence is proposed near the closest abutter house.

A motion was made by R. Allard and seconded by J. Brann to approve the 3.4 conditional use permit with an adoption of the modified boat inspections and acceptable letter from Swains Lake Water District. Vote 4/1

Roll Call:

A. Knapp-Yay
S. Diamond-Nay
J. Jennison-Yay
J. Brann-Yay
R. Allard-Yay

Requested Waiver

Article 6, Section 6.2.3 (2) of Site Review requires a 100-foot buffer from all campsites to property lines.

A motion was made by J. Brann and seconded by R. Allard to grant a waiver of Section 6.2.3(2) of the Barrington Site Plan Review Regulations for Barrington Shore LLC with respect to the 100 foot buffer for the north boundary with Tax Map 121 Lot 37 and the south boundary along Hall Road to allow a 50 foot buffer, and to reduce the buffer to 80 feet on the east boundary, except that the 100 foot buffer shall be maintained from the northeast corner boundary defined by the two northeast markers/pins shown on Stonewall Surveying plan for Barrington Shores LLC dated 18 November 2020.

Vote 5/0

Roll Call:

A. Knapp-Yay
S. Diamond-Yay
J. Jennison-Yay
R. Allard-Yay
J. Brann-Yay

J. Jennison explained that the fence would be 6' to 8' all the way to the back as a minimum as the Board agreed.

The Board agreed to send the plans/application to Dubois & King for the review of Site Review Regulations and drainage.

A motion was made by J. Jennison and seconded by A. Knapp to continue the application until February 2, 2021.

Vote 5/0

Roll Call:

R. Allard-Yay

S. Diamond-Yay
J. Brann-Yay
J. Jennison-Yay
A. Knapp-Yay

ACTION ITEM CONTINUED FROM November 17, 2020

3. **236-4-GR-20-SR (Owner: Sunset Rock LLC)** Request by applicant for Site Review to increase their operation in Barrington from 83.3 acres to a total of 88.8 acres (Map 236, Lot 4) (Map 222, Lot 13) and for a 3.4 Conditional Use Permit located backland off Tolend Road in the General Residential Zoning District. BY: Michael Wright, RESPEC; 67 Water Street, STE 109, Laconia, NH 03246.

J. Jennison gave a brief description of the application.

Michael Wright from RESPEC represented Sunset Rock, LLC. He gave a review of the site walk of Map 236, Lot 4 area and stated that they walked 50% into the area. Michael explained that the following items would be delivered to the Town office on Thursday for review:

1. Operation Plan
2. Blasting Plan
3. Revised Plans

J. Jennison opened public comment.

Gretchen Young from the City of Dover explained that at the site walk they were able to go into the pit and see how some of the pumping was being done. Gretchen explained that one of the big things they are looking for was the environmental report and to have it reviewed by the consultants.

M. Gasses explained that the Environmental Report was coming from the applicant and the Board, along with abutters, would need time to review so the timing would depend on when the report was given to the Board.

J. Jennison asked Mr. Wright when he thought the Board would receive the Environmental Report.

Michael Wright explained that they were getting all the information together and see if they had any additional information from City of Dover. Michael explained that the report would take about a month to complete.

Gretchen explained that she would get her questions to M. Gasses by the end of the week with respect to their concerns.

John Brooks from Emery and Garrett (City of Dover) explained that they would need to get a list of the data then they would need 4-6 weeks to review the Environmental Report and write up their report to get back to them.

J. Jennison asked if he could get the questions to M. Gasses as soon as possible.

M. Gasses asked if the AoT permit has been completed.

Michael explained that they would be ready to submit the AoT Permit by the end of the week or early next week.

R. Allard asked the Board would only be looking at the new information.

M. Gasses explained that they are updating all their documents and they haven't been updated in over 10 years.

David Clough Plant Manager for Brox since 1986 asked what was the report Gretchen from City of Dover was looking for.

J. Jennison explained that they are looking for the Environmental Impact Report.

David Clough explained that the Forestry Report for the species and doesn't know what else Gretchen was looking for.

Michael explained that they were updating the Environmental Report and sampled the three wells that are on site; the water quality was good, and the water level maintained.

S. Diamond asked them if they were not doing a hydrology study.

David Clough explained that was not what they were performing; they are doing what they have done previously and that they are not affecting any of the groundwater. David explained that they are not going into the groundwater. They are only extracting the sand and gravel; they would not be affecting the groundwater. David explained it was part of the AoT Permit not to affect the groundwater.

J. Brann asked if there was a separate report that deals with run off from the site.

David Clough explained that there was no runoff from the site.

J. Jennison asked Gretchen and John where their intention was to update an Environmental Impact Report was there more information that you are interested in. J. Jennison asked if they could get their information to them as soon as possible.

John Brooks explained that the bedrock comes to ground surface above the water table. John explained that the quarry was 20' above the water table in the sand and gravel aquifer monitoring wells they have. John asked if they could get an action and monitoring report where the water would be discharged.

David Clough explained that quarrying below water would prohibit the mining. David explained that they have put their two wells in the higher areas and basically have found very little water to yield in their wells.

J. Brann asked what would address this; was it the AoT permit?

David Clough explained that if they start mining into the groundwater it would be addressed in the AoT Permit.

J. Jennison asked if this happened do, they feel the AoT Permit would protect the aquifer/environment.

John Brooks explained that that he didn't know because he doesn't know that much about AoT Permits and if there was anything about fractures in it.

Gretchen explained that on the site walk she saw rocks that you wouldn't have known where there when this initial development plan was coming through.

J. Jennison closed public comment.

S. Diamond asked there was going to Alteration of Terrain and blasting going on, was the risk involved determinable and responsible. S. Diamond asked how the hydrology was done in these situations.

David Clough explained that they have dealt with these situations in over 100 rock quarries he has run in the northeast and east coast. There are a lot of studies with a lot of information on how water runs through bedrock. David explained that they have been a good stewards, that they know what they are doing, and they try to do the best they can at these sites.

S. Diamond asked how much experience they have with high flow rate wells in the area.

David Clough explained that in the AoT Permit we would document the wells in the area. David explained that most of the surrounding wells are at most 25 gallons a minute. David explained that the wells near the quarry were low flow

at 2 to 5 gallons a minute and wells on-site were at about the same recharging rate.

S. Diamond asked if they have worked in an area where wells were close by.

Michael Wright explained that they do go hand and hand where most of the sand/gravel is located and mined. Once they take out the sand and gravel, they develop into rock quarries after that.

David Clough explained that they have been there since 1986 when the quarry opened, and no abutter has had a problem with their well.

J. Jennison asked for a high inflow rate when it was not cost affective to keep going and asked if there was a number.

Michael Wright explained that he couldn't come up with a number right away.

John Brooks asked if after the March 2, 2021 meeting would they be able to review.

M. Gasses explained that they would be able to review before the March 2, 2021 meeting.

Michael Wright stated that he would have all the information by the end of December.

A motion by J. Jennison and seconded by J. Brann to continue application to March 2, 2021. Vote 5/0

Roll Call:

S. Diamond-Yay
R. Allard-Yay
A. Knapp-Yay
J. Jennison-Yay
J. Brann-Yay

4. 238-36-V-20-SR (Owner: Waldron B. Haley Revoc Trust) Request by applicant for Site Review to amend application for a multi-family Development **ADDED** 3.4 Conditional Use Permit located off Franklin Pierce Highway (Map 238, Lot 36) in the Village District. BY: Scott D. Cole, Beal Associates, PLLC; 70 Portsmouth Avenue; Stratham, NH 03885.

J. Jennison explained to the Board that he received a letter that the applicant would like to continue their application.

Scott Cole from Beal Associates explained that the applicant would like to continue the application until December 15, 2020. Scott explained that he was still waiting for more plans so that everything would be complete.

A motion was made by J. Brann and seconded by A. Knapp to continue the application until December 15, 2020. Vote 5/0

Roll Call:

S. Diamond-Yay
R. Allard-Yay
J. Jennison-Yay
A. Knapp-Yay
J. Brann-Yay

REPORTS FROM OTHER COMMITTEES **UNFINISHED BUSINESS**

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

5. **Pursuant to RSA 41:14-a** (RSA 41:14-a allows the Select Board to sell buildings as justice may require) regarding Town-Owned Building Sale for Map 22 Lot 1 for non-payment of taxes in 2020. The owner of Pumpkin Hollow Park is interested and willing to purchase this unit for full amount owed (\$12,265.04) with the tenant in place.
6. Map 262, Lot 14, Sublot 9 is a lot transferred to the Town by the developer of the Cedar Creek subdivision in exchange for finishing and taking over the road. A buyer for this lot will be identified at the land sale auction on December 12, 2020. The Town will retain the full amount of the purchase price to be determined at the auction.

The Barrington Planning Board, at the December 1, 2020 meeting, voted to support the separate building and land sale (Map 262, Lot 14-9) of the above-mentioned lots pursuant to RSA 41:14-a. The Board recommended Map 22, Lot 1 be sold to achieve a price closer to fair market value.

Map 22, Lot 1 (Vote 4/0)

A motion was made by J. Jennison and seconded by J. Brann to send a letter stating they support the sale but would like it to sell closer to market value.

Roll Call:

A. Knapp-Abstain
S. Diamond-Yay
R. Allard-Yay
J. Jennison-Yay
J. Brann-Yay

Map 262, Lot 14-9 (Vote 3/1)

A motion was made by J. Brann and seconded by J. Jennison to send a letter stating sell at closest to market value.

Roll Call:

A. Knapp-Abstain
S. Diamond-Yay
R. Allard-Nay
J. Brann-Yay
J. Jennison-Yay

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

The next meeting will be on December 15, 2020 at 6:30 p.m. electronic meeting; no meeting place.

A motion was made by J. Jennison and seconded by J. Brann to adjourn the meeting at 9:02 p.m.

Roll Call: Vote 5/0

S. Diamond-Yay
R. Allard-Yay
A. Knapp-Yay
J. Jennison-Yay
J. Brann-Yay

Without objection the meeting was adjourned at 9:02 p.m.

Respectfully,

Barbara Irvine
Planning & Land Use Administrative Assistant

