



MEETING MINUTES
Town of Barrington Planning Board
Public Hearing
December 6, 2022, at 6:30p.m.

1. CALL TO ORDER

2. ROLL CALL

Members Present: Andy Knapp, Ron Allard, John Driscoll, Bob Tessier, Joyce Cappiello

Members Absent: Donna Massucci, Andy Melnikas, Buddy Hackett

Staff Present: Town Planner: Vanessa Price

Town Counsel: Attorney Laura Spector-Morgan

3. REVIEW AND APPROVAL OF MINUTES

A. Review and approve minutes of the November 15, 2022, meeting.

A motion was made by R. Allard and seconded by J. Driscoll to approve the meeting minutes of November 15, 2022 with corrections. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay

Joyce Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

A. Knapp-Yay

4. STAFF UPDATES -TOWN PLANNER

A. Request to move Work Session meeting from December 20, 2022, at 6:30PM to December 13, 2022, at 6:30 PM to finalize Zoning amendments & Rules of Procedure.

V. Price asked the if they would move the December 20, 2022, work session to December 13, 2022, for zoning amendments. V. Price explained this would be to finalize the zoning amendments for meeting the timeline for proper notice for the first public hearing date.

A motion was made by R. Allard and seconded by J. Cappiello to move the December 20, 2022, meeting to December 13, 2022. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay

Joyce Cappiello-Yay
B. Tessier-Yay
R. Allard-Yay
A. Knapp-Yay

B. Master Plan Community Forum on Saturday, Dec. 10, from 8:30 a.m.- 12 p.m. (program begins at 9 a.m.). This event, which will take place at the Early Childhood Learning Center (77 Ramsdell Lane, Barrington, NH.)

V. Price explained to the Board and audience that there would be a Master Plan Community Forum on Saturday December 10, 2022, that would start at 9:00 a.m. until noon. V. Price explained that this was for the updates to Land Use and Transportation Chapters. V. Price explained that this would be held at the ECLC incase of a larger turnout for the workshop.

C. Forming a subcommittee with Planning Board members, Conservation Commission members, and Town staff for developing a Zoning Ordinance Wetlands Conservation District.

V. Price explained that there was a discussion at a previous Planning Board meeting about developing a zoning ordinance for wetlands conservation district. V. Price explained that they wanted to form a subcommittee of some Planning Board and Conservation members along with a consultant. V. Price explained that she has one Planning Board member that was interested and asked if anyone else was she would like to have a meeting next week. John Driscoll will act on as the Planning Board member for this subcommittee.

5. ACTION ITEMS- VOTE on ZONING AMENDMENTS PUBLIC HEARING DATES

A. FIRST PUBLIC HEARING DATE JANUARY 3, 2023, 6:00 PM, (In the case of inclement weather, the hearing will be held January 4, 2023.)

A. Knapp asked if the first public hearing for zoning amendments would be January 3, 2023.

V. Price explained that was correct and if inclement weather it would be held the next day.

B. If needed, SECOND PUBLIC HEARING DATE JANUARY 17, 2023, 6:00 PM, (In the case of inclement weather, the hearing will be held January 18, 2023.)

C. If needed, THIRD PUBLIC HEARING DATE JANUARY 24, 2023, 6:00 PM, (In the case of inclement weather, the hearing will be held January 25, 2023.)

A. Knapp asked if the first public hearing for zoning amendments January 3, 2023, would be.

V. Price explained that was correct and if inclement weather it would be held the next day.

Attorney Spector-Morgan explained that the Board could not have a third public hearing on January 24, 2023, because they need to be 14 days apart it would need to be February 1, 2023.

6. ACTION ITEMS-CONTINUED FROM NOVEMBER 1, 2022

A. [234-77-TC-22-SR \(Owners: Paul & Linda Thibodeau Revocable Trust\)](#) Request by

applicant proposing a Site Review for mixed-use detached structures consisting of 6 single-family homes with commercial spaces on the lower walk-out level with waivers (Map 234, Lot 77) located on Franklin Pierce Highway on a 3.42-acre site in the Town Center Zoning District. BY Christian Smith, Beals Associates PLLC; 70 Portsmouth Avenue, Suite 2; Stratham, NH 03885.

A. Knapp gave a brief description of the application that was continued from November 1, 2022.

Christian Smith Engineer from Beals Associates represented Paul and Linda Thibodeau who were not present. Christian explained to the Board that they have received a third comment letter from CMA Engineers and explained the existing conditions plan for **Article 3, Section 3.5.1**, that he would discuss with Josh at CMA Engineers he felt they were not hard to read. **Article 3.5.11 (2)** This was on the fire department circulation plan this plan was produced prior not sure if they forgot that it was put in there. Believes this was all set.

A. Knapp explained that the path of travel and the road was different from the property.

Christian explained that he felt they did one with the new driveway access.

V. Price explained to the chair that she did decide with CMA Engineers on what they are looking for and explained that they didn't clarify if the circulation plan was done by a regular vehicle or if it was done with the fire truck.

Christian explained that he went over this with Chief Walker and if CMA Engineers was looking for was the fire trucks pulling into those smaller parking areas. Christian explained that the fire Chief said they are not going to do that.

In reference to **Article 4.8 Access, 4.8.2(1), 4.8.6, 4.8.7**: Christian explained that all 4 of these are all specific to the same thing and that was the intersection and stopping sight distance plan. Christian explained that NHDOT permit was required. Christian explained that they did receive the roadway detail topography from the surveyor. Christian explained that they were able to prepare a sight distance plan and believed that the Board has.

R. Allard asked about the illumination plan does that matter.

J. Driscoll explained that he sees the detention pond.

Christian explained that the reconfiguration of the road and cut down the impact of the buffer.

J. Driscoll asked if the leach fields increase in size.

Christian explained that they had blocks and reserve area and CMA Engineers asked to go through the size based on the fiscal data.

J. Driscoll asked about the turnaround for the fire truck doesn't look like it changed.

Christian explained that has not changed.

A. Knapp opened public comment.

Sue Morrison from 687 Franklin Pierce Highway Road review the layout.

J. Driscoll showed Sue Morrison the layout on the plan.

Sue Morrison expressed that answered her questions.

A. Knapp closed public comment.

Christian read the 9.6 Permit:
SEE BELOW:

Describe in detail all existing uses and structures on the subject property (you may attach a separate typed sheet):

Six single-family detached condominium units, 2 bedroom, 2-1/2 bath above six commercial limited use commercial spaces.

Size of Impact 5,570 square feet

Describe in detail all proposed uses, structures, construction, or modifications requiring a Special Use Permit.

The slope at the west side of the site provides a gradual incline for access to the residential portion of the project in the rear of the site which happens to interrupt the 50' wetland buffer on the west side of the lot. This location requires minimal modifications to the natural drainage for this site.

Describe in detail how the following standards of the Town of Barrington Zoning Ordinance under Section 9.6 "Special Permit for Construction in a Wetlands Buffer" have been satisfied by your proposal. (You may attach a separate sheet.)

1. The proposed use is in keeping with the intent and purposes set forth in the zoning ordinance as permitted in the base zoning district (See Table 1, Table of Uses, located in the zoning ordinance). If the base zoning district requires a conditional use permit or special exception for the proposed use, one must already have been obtained; or if the proposed use is not listed on the Table of Uses or is listed but not permitted, one must already have obtained a variance.

Only driveway access will be constructed through this area. Drainage is engineered to move away from the wetland area and into a retention area. The drainage design would be the same regardless of the driveway location.

2. After a review of all reasonable alternatives, it is determined to be infeasible to place the proposed structure or use outside of the buffer zone.

Other areas of the incline to access the rear portion of the site exceed minimum slope requirements.

3. The proposed structure or use must be set back as far as possible from the delineated edge of the wetland or surface water.

The design has been reduced to impact the smallest area, 5,570 square feet.

4. Appropriate erosion control measures must be in place prior to and during construction.
Attached to the engineered site plan.

5. Any disturbance to the surrounding buffer zone must be repaired and restored upon completion of construction.

Plan attached to the engineered site plan.

6. All available mitigation measures to address changes in water quality and quantity be implemented, along with design and construction methods to minimize adverse impacts, if required by the Planning Board.

Attached in the engineered site plan.

Statement of Assurance and Agreement:

I hereby certify that to the best of my knowledge this submitted application information is true and correct. All proposed development will be in conformance with the information contained on the application and in the approved plan as well as the provisions of the Town of Barrington ordinances and regulations.

The Owner/Agent, by filing an application, hereby grants permission for members of the Board and staff to enter onto the subject property for the purposes of this review.

	<i>Linda Thibodeau</i>	dotloop verified 08/31/22 4:38 PM EDT NQN-SKMS-3MHD-LED1	
Applicant/Agent Signature	<i>Linda Thibodeau</i>	dotloop verified 08/31/22 4:38 PM EDT NHEY-WSWP-JLBS-7DGI	Date
Owner Signature	<i>Paul Thibodeau</i>	dotloop verified 08/31/22 4:41 PM EDT DZTG-NOBH-DWDR-KHUH	Date
Owner Signature			Date

A motion was made by J. Driscoll and seconded by B. Tessier to grant the 9.6 Special Permit for mixed use lot off Franklin Pierce Highway. The motion passed unanimously. Roll Call:

J. Driscoll-Yay
Joyce Cappiello-Yay
B. Tessier-Yay
R. Allard-Yay
A. Knapp-Yay

WAIVER REQUEST:

V. Price read the following waivers:

**a. Article 3, Section 3.5.10 of the Site Plan Review Regulations
The requirement for landscaping and Screening**

A motion was made by J. Driscoll and seconded by A. Knapp to grant the Article 3, Section 3.5.10 for landscaping and screening not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. Reason: they have landscape with provisions that will work. Vote 4/1

Roll Call:
J. Driscoll-Yay
Joyce Cappiello-Yay

B. Tessier-Yay
R. Allard-Nay
A. Knapp-Yay

- b. The requirement for a full traffic impact analysis per Section 4.14 of the Site Plan Review Regulations. A full study will be prepared for NHDOT driveway permit and sent to the Board.**

A motion was made by A. Knapp and seconded by B. Tessier to grant the Article 4 Section 4.14 for full impact analysis not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. Reason: conditions would be approved by NHDOT. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay
Joyce Cappiello-Yay
B. Tessier-Yay
R. Allard-Yay
A. Knapp-Yay

- c. Article 4, Section 4.8.6 of the Site Plan Review Regulations. The requirement for intersection sight distance to be shown on the plan (if applicant provides waivers for the sight distance since it is NHDOT jurisdiction)**

A motion was made by J. Driscoll and seconded by J. Cappiello to grant the waiver Article 4, Section 4.8.6 for sight distance not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. Reason: conditions would be met through NHDOT. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay
Joyce Cappiello-Yay
B. Tessier-Yay
R. Allard-Nay
A. Knapp-Yay

- d. Article 4, Section 4.8.7 of the Site Plan Review Regulations The requirement for intersection stopping sight distance to be shown on the plan**

A motion was made by A. Knapp and seconded by R. Allard not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. Reason: Conditions to be met by NHDOT. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay
Joyce Cappiello-Yay
B. Tessier-Yay
R. Allard-Nay
A. Knapp-Yay

V. Price read Conditions Precedent:
Date of Application: August 17, 2022
Date Decision Issued: December 6, 2022
Case File #: 234-77-TC-22-SR

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>			
Re: 234-77-TC-22-SR: Site Review for mixed-use detached structures consisting of 6 single-family homes with 6 commercial spaces on the lower walk-out level with waivers (Map 234, Lot 77) located on Franklin Pierce Highway on a 3.42-acre site in the Town Center Zoning District.			
Owners: Paul & Linda Thibodeau Revocable Trust 76 Young Road Barrington, NH 03825 Applicant: Christian Smith 70 Portsmouth Avenue, Suite 2 Stratham, NH 03885			

Dear applicant:

This is to inform you that the Barrington Planning Board at its December 6, 2022, meeting **CONDITIONALLY APPROVED** your application referenced above.

The application has met all the Town's Ordinances and Regulations of the Town of Barrington.

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 the precedent conditions are not met within 12 calendar months to the day, December 6, 2023, the Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. *Reference 8.2.3 of the Town of Barrington Subdivision Regulations.*

Conditions Precedent

- 1) Add the following plan notes:
 - a) At the September 6, 2022, Planning Board Meeting, Board approved waivers for:
 - i) The requirement of an Illumination Plan in Article 3, Section 3.8 Illumination Plans of the Site Plan Review Regulations.
 - ii) The requirement for landscaping in Parking Lots in Article 4, Section 4.97(4) internal shade trees of the Site Plan Review Regulations.
 - iii) The requirement for landscaping in Parking Lots in Article 4, Section 4.97(5) perimeter shade trees of the Site Plan Review Regulations.
 - b) At the December 6, 2022, Planning Board Meeting, Board approved waivers for:
 - i) The requirement for landscaping and Screening in Article 3, section 3.5.10 of the Site Plan Review Regulations.
 - ii) The requirement for a full traffic impact analysis per Section 4.14 of the Site Plan Review Regulations.
 - iii) The requirement for intersection sight distance to be shown on the plan in Article 4, Section 4.8.6 of the Site Plan Review Regulations
 - iv) The requirement for intersection stopping sight distance to be shown on the plan in Article 4, Section 4.8.7 of the Site Plan Review Regulations.
 - c) At the December 6, 2022, Planning Board Meeting, Board approved the installation of a 15,000-gallon cistern for this project per Town of Barrington Fire Chief.
- 2) Add the following to the Final Plan:
 - a) 9.6 Special permit approved for construction in wetland buffer for an impact size of 3,600 square feet.
 - b) NHDOT Driveway Access Permit Approval Number.
 - c) NHDES Septic Approval Number.
 - d) NHDES Wetlands Bureau Approval Number.
 - e) Owner Signature(s).
 - f) Wetland Scientist Signature.
 - g) Professional Surveyor Signature.
 - h) Final numbering of the six (6) mixed-use detached structures consisting of six (6) single-family homes with six (6) commercial spaces.

- 3) NHDOT traffic analysis to be submitted to Land Use office prior to Planning Board Chair signature on final plans.
- 4) NHDOT driveway permitted plans (including line of sight and stopping distance) to be submitted to Land Use office prior to Planning Board Chair signature on final plans.
- 5) Include a Circulation Plan for the interior of the lot showing provisions for both auto and pedestrian circulation. The applicant shows circulation patterns for the four parking areas; however, fire department vehicle access is not shown. Applicant should coordinate Fire Department access and vehicle turning motion requirements.
- 6) The Circulation Plan should be included in the final drawing set.
- 7) At final submittal, all outstanding comments to applicant for Site Plan Review and Subdivision regulations shall be addressed.
- 8) Any outstanding fees shall be paid to the Town.
- 9) HOA (Condo by-laws) documents to be approved by Town attorney and to reference maintenance operating the stormwater management system operation.
- 10) Architectural renderings of all sides of the proposed buildings to be submitted to Land Use office prior to Planning Board Chair signature on final plans.
- 11) Prior to obtaining Board signature, the Applicant shall submit two (2) full size paper copies of the site plans, one (1) 11' x 17' copy and .pdf/a format file format with supporting documents as required in Article 3 of the Barrington Site Plan Review Regulations, with a letter explaining how the Applicant addressed the conditions of approval to the Land Use Office.

The Planning Board Chair shall sign and date all plans meeting the conditions of approval. The Board shall endorse two (2) full size paper copies of the site plans for their records and one (1) 11' x 17' copy and .pdf/a format file format for the case file folder.

The applicants engineer shall certify in writing the improvements have been constructed as approved prior to the issuance of a certificate of occupancy.

General and Subsequent Conditions

- 1) 15,000-gallon cistern installed and operational prior to framing permit.
- 2) Street view signage shall be 911 compliant and approved by the Town of Barrington.
- 3) "No parking" signage in and along Fire Department turn around areas.
- 4) 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.

- 5) Current Use subject property or a portion of it is presently in Current Use. The applicant must provide the Town of Barrington Assessing Department Current Use map and/or other items needed to assure requirements of RSA-79A and the New Hampshire Department of Revenue Administrations Rules are satisfied.

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Vanessa Price
Town Planner
cc: File

A motion was made by A. Knapp and seconded by B. Tessier to approve the Site Plan for Paul and Linda Thibodeau for six mixed use units not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay
Joyce Cappiello-Yay
B. Tessier-Yay
R. Allard-Nay
A. Knapp-Yay

- B. 260-13&14-GR-22-2lot/LL (Owners: Christine & Wayne Richard, Tr of Richard Family Tr)** Request by applicant proposing a Lot line Adjustment between Lots 13 & 14 and create one new lot on Hemlock Lane and Partridge Drive on a 40.8+/- acres in the General Residential Zoning District. BY: Joel Runnals, Norway Plains Associates, Inc. PO Box 249; Rochester, NH 03866-0249

A. Knapp gave a brief description of the application.

Joel Runnals from Norway Plains Associates, Inc represented Christine & Wayne Richard from 5 Partridge Drive. Joel explained to the Board that they are present for a Lot Line and for one new lot. Joel explained that their application was accepted and got continued. The issue is with a 1981 subdivision plan and was not sure how to address the no further subdivision that was on that plan and the legality for those conditions on the plan.

Joel explained that they were able to get a hold of the original owner of the subdivision and has a letter. Joel submitted information to the board for the file.

Joel explained that V. Price reached out to the association for their advice on what has been done about a similar situation. Joel explained it was common back then (1981). Joel explained that this was for land use growth control and their own way to control. If application met current zoning it should be allowed to subdivide. Joel read the following that this application has been advised by the Town Attorney or the applicant to ask the Board to rescind conditions and the covenants that were placed by the then Planning Board 1981 subdivision plan.

A. Knapp explained that he went back and reviewed the Planning Board meeting minutes and found it written that the conditions had been agreed by both for no open space, no further subdivision of the lots, While the number of transfers per year was still open for discussion. So, it reads as though they exchanged the idea of creating open space in the subdivision for the fact that the lot would not be further subdivided. So you have a condition that's already put on there as to why it wouldn't be subdivided any further, that would have assuming based on the time was a zoning condition.

Wayne Richard explained that speaking to Van Hertel he does this quite often with these subdivisions and he wasn't clear of his memory of the whole thing. Wayne explained that Van told him he didn't think anything done that many years ago would still exist today.

Attorney Laura Spector-Morgan explained that conditions of approval are forever.

Joel expressed that he was confused, and Town staff has been advised by the Town attorney and the applicant that they ask the Board to rescind the conditions.

Attorney Spector-Morgan explained that was correct and yes, but they have the burden of demonstrating why the conditions should be rescinded.

Wayne Richard explained that at the last meeting they were told to try and show something and that there's just not much available because of the timeline. He further discusses that it does appear that that condition of approval was not imposed at hoc it was imposed by the agreement of the parties.

Attorney Spector-Morgan explained to Mr. Richards that this wasn't his fault, but the condition of approval was not fault this was imposed and agreement of the parties. Attorney Spector-Morgan further explained it does appear that that condition of approval was not imposed on hoc it was imposed by the agreement of the parties. The developer did not need to create an open

space and further explained that she doesn't know if anything has changed and wasn't enough to rescind at this point. But that's not her call but the Board's call.

R. Allard expressed that the suggestion before was that maybe the board was pushing somebody into this inappropriately. He stated that there's no demonstration that's the case. There could have been abutters that had concerns, and it's given up and to satisfy abutters concerns. We don't offer beyond what the requirements are, and as a Board we appropriately accept those. In his opinion, it could be beyond what was maybe required, possibly, but it was a deal and accepted as a condition. R. Allard addressed Mr. Richard that he expressed coming before the Board 40+ years later to say "I'm not happy with the deal we made before years ago. Can we change it?" In his opinion that is a tough call.

Wayne Richard asked if there could be vote on it so that we're both done with it at that point.

J. Driscoll asked to clarify from Mr. Richard, that it wasn't just for the lots he is looking to subdivide, but it was for all ten lots?

A. Knapp further discussed that according to the planning board minutes, they are saying exchange for the open space.

Wayne Richard explained that all the lots have the same restriction just not on all the deeds.

A. Knapp opened public comment.

Chris Carr property owner on Hemlock Lane which was part of the 10 lots and explained that he mentioned in at the November meeting that this was not just about a lot line adjustment for a subdivision. Chris explained that it was a proposal to redefine Hemlock Lane community and this proposal. Chris explained that Mr. Richard signed a legally binding contracts a Lot 13 in mid-1982 then included their restriction that he could not subdivide the property and the same restriction for Lot 14 in December 1981. Chris explained that the restrictions were stated to call parties and visible to all parties. Chris explained that he expected the Planning Board and the Town of Barrington to enforce the agreed upon contractual deed restrictions and deny the subdivision.

Gentleman asked if this subdivision does that mean all the subdivisions would be approved in this subdivision? He explained that because there's setting a precedent here.

Attorney Spector-Morgan explained that if it was remove the condition of approval would be on all 10 lots.

Gentleman stated that could add a dozen houses to this road.

Barbara Kresge from 352 Hemlock Lane explained that she was not concerned about one exception she explained that they lived along the tiny roads with a fragile ego system. Barbara explained that if there could be that many more houses they would be concerned.

Lady from the audience explained that they live along the little, tiny roads and with a really, fragile ego system they are responsible for. She further explained her concern that there could be that many more houses if this does indeed nullify everything.

Beth Olshansky from 33 Hemlock Lane. expressed that she noticed the careful deliberation and thought that the Board put toward every detail that they considered the previous application. Olshansky expressed that she appreciated that the Board considered the previous Board and felt the Board was respecting the conditions that were put on this property.

A. Knapp closed public comment.

A motion was made by R. Allard and seconded by A. Knapp to deny the application for Map 260, Lots 13 & 14 because there was no evidence to show the previous decision made by the Board was inappropriate. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay

Joyce Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

A. Knapp-Yay



Planning & Land Use Department
Town of Barrington
PO Box 660
4 Signature Drive
Barrington, NH 03825
603.664.0195
VPrice@barrington.nh.gov

Date of Application: October 12, 2022
Date Decision Issued: December 6, 2022
Case File #: 260-13&14-GR-22-2lot_LL

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>			
Re: 260-13&14-GR-22-2lot_LL: Request by applicant proposing a Lot line Adjustment between Lots 13 & 14 and create one new lot on Hemlock Lane and Partridge Drive on a 40.8+/- acres in the General Residential Zoning District.			
Owners: Christine & Wayne Richard, Trustees of the Richard Family Trust 5 Partridge Drive Barrington, NH 03825 Applicant: Joel Runnals Norway Plains Associates, Inc. PO Box 249 Rochester, NH 03866			

Dear applicant:

This is to inform you that the Barrington Planning Board at its December 6, 2022, meeting

DENIED your application referenced above.

The Planning Board determined to deny the application for Map 260, Lots 13 & 14 because there was no evidence to show the previous decision made by the Board was inappropriate. The motion passed unanimously.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

Vanessa Price, Town Planner

7. ACTION ITEMS – NEW APPLICATIONS

- A. [265-11&12-RC-22-9.6Permit \(Owner: Jeffrey Sullivan\)](#) Request by applicant for a 9.6 Special Permit for Construction in a Wetland Buffer on Calef Highway (Map 265, Lots 11 & 12) in the Residential Commercial Zoning District. BY: Barry Gier, Jones & Beach Engineers, Inc: PO Box 219; Stratham, NH 03885.

A. Knapp gave a brief description of the application.

Barry Gier from Jones & Beach Engineers represented Jeff Sullivan from Rock Iron. Barry explained that this was for two steel buildings totaling 7,008 s.f. Barry explained to the Board That the project was submitted in March, including the wetland buffer impact of 1,396 s.f. for access around the building and construction of a drainage swale. Barry explained that the Board voted to approve the 9.6 Special permit in May. Barry explained that he after the vote in May the Fire Chief requested a wider access lane. Barry explained this was discussed in June, but the Board didn't vote to modify the 9.6 Special Permit, so he was asking the Board to increase the impact to 1,598 s.f.

Barry read the 9.6 Special Permit below:

Describe in detail all existing uses and structures on the subject property (You may attach a separate typed sheet):

Site is currently undeveloped.

Size of Impact 1,598 S.F.

Describe in detail all proposed uses, structures, construction, or modifications requiring a Special Use Permit.

Buffer impacts required for construction of a gravel drive around building and drainage swale to collect and treat stormwater.

Describe in detail how the following standards of the Town of Barrington Zoning Ordinance under Section 9.6 "Special Permit for Construction in a Wetlands Buffer" have been satisfied by your proposal. (You may attach a separate sheet.)

1. The proposed use is in keeping with the intent and purposes set forth in the zoning ordinance as permitted in the base zoning district (See Table 1, Table of Uses, located in the zoning ordinance). If the base zoning district requires a conditional use permit or special exception for the proposed use, one must already have been obtained; or if the proposed use is not listed on the Table of Uses or is listed but not permitted, one must already have obtained a variance.

The proposed Industrial use is allowed in the RC Zone.

2. After a review of all reasonable alternatives, it is determined to be infeasible to place the proposed structure or use outside of the buffer zone.

Impacts are required to effectively utilize the lot due to the size and shape of the existing lot.

3. The proposed structure or use must be set back as far as possible from the delineated edge of the wetland or surface water.

Structures and grading have been located as to minimize wetland buffer impacts.

4. Appropriate erosion control measures must be in place prior to and during construction.

Erosion control measures have been included in the design.

5. Any disturbance to the surrounding buffer zone must be repaired and restored upon completion of construction.

Notes regarding restoration are included in the overall plan set.

6. All available mitigation measures to address changes in water quality and quantity be implemented, along with design and construction methods to minimize adverse impacts, if required by the Planning Board.

All stormwater is directed to treatment feature prior to discharge from the site.

Statement of Assurance and Agreement:

I hereby certify that to the best of my knowledge this submitted application information is true and correct. All proposed development will be in conformance with the information contained on the application and in the approved plan as well as the provisions of the Town of Barrington ordinances and regulations.

The Owner/Agent, by filing an application, hereby grants permission for members of the Board and staff to enter onto the subject property for the purposes of this review.


Applicant/Agent Signature

11/14/22
Date

Owner Signature

Date

Owner Signature

Date


Staff Signature

11/15/2022
Date

A. Knapp opened public comment.

A. Knapp closed public comment.

A motion was made by R. Allard and seconded by A. Knapp to approve the amended 9.6 Special Permit to 1,598 s.f. for Jeff Sullivan from Rock Iron. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay

Joyce Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

A. Knapp-Yay

Amended DRAFT Notice of Decision.



Planning & Land Use Department
Town of Barrington
PO Box 660
4 Signature Dr.
Barrington, NH 03825
603.664.0195
VPrice@barrington.nh.gov

NOTICE OF DECISION -AMENDED

Date of Application: March 15, 2022

Date Decision Issued: December 6, 2022

Case File #: 265-11&12-RC-22-SR

<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>			
RE: Request by applicant proposing to construct a 3,600 s.f. commercial welding and repair facility along with a 3,600 s.f. building in the future and a 9.6 Special Permit on a 3.54-acre lot on Calef Highway Map 265, Lots 11 & 12) in the Regional Commercial Zoning District.			
Owner: Jeff Sullivan 224 Old Turnpike Road West Nottingham, NH 03291 Applicant: Jones & Beach Engineers Attn: Barry Gier PO Box 219 Stratham, NH 03885			

Dear applicant:

This is to inform you that the Barrington Planning Board at its December 6, 2022, meeting **CONDITIONALLY APPROVED** your application referenced above.

The application has met all the Town's Ordinances and Regulations of the Town of Barrington.

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 the precedent conditions are not met within 12 calendar months to the day, December 6, 2023, the Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. *Reference 8.2.3 of the Town of Barrington Subdivision Regulations.*

Conditions Precedent

#1) Add the following plan notes:

- a) At the July 19, 2022, Planning Board Meeting, Board approved waivers for:
 - i) the requirement to allow the minimum depth of cover over storm drain line to be less than 36" per Section 4.7.7(3) of the Site Plan Review Regulations;
 - ii) the requirement to allow gravel parking and drives per Section 4.9.11(1) of the Site Plan Review Regulations;
 - iii) the requirement to allow minor calculated increase in the post-development rate of runoff over the pre-development rate of runoff per Section 4.7.1 (1) of the Site Plan Review Regulations

#2) Add the following to the Plan:

a) 9.6 Special Permit was granted for 1,598 sq.ft.

- b) On final plan, the signature of the wetland scientist needs to certify final plan with signature and seal at final submittal.
- c) On the final plan, the owner signature is needed.
- d) On the final plan, the land surveyor needs to certify final plan with signature and seal at final submittal.
- e) NHDOT Driveway Access Permit Approval #
- f) NHDES Septic Approval #
- g) Address Section 3.5.7 of the Site Plan Review Regulations: The water service size and material have been provided, but the leader is in the wrong location. The sewer force main has not been labeled with size or material. The leaders for the septic field and tank are in the wrong locations.
- h) Address Section 4.9.7(6) of the Site Plan Review Regulations: The applicant has stated that a "stockage" fence has been proposed to screen parking, but the location of this fence is not shown on the plan.
- i) Address Section 4.12.2 of the Site Plan Review Regulations: The applicant should show conformance with the requirements of recommended site lighting levels (e.g., Maximum, Minimum, U-Ratio and Average).
- j) Address Section 4.14 of the Site Plan Review Regulations: Applications creating 5,000 s.f. or more of non-residential floor space are required to provide a Short Traffic Impact Analysis.
- k) Pre- and Post-Development Drainage Area Plans: The legends on the Existing and Proposed Watershed Plan should be updated to reflect the content of the plans.
- l) O & M Plan:
 - i. Add inspection of culverts.
 - ii. Update the inspection form to include all on site features-rock riprap, sedimentation forebay, etc.
 - iii. The additional sediment loading on the sediment forebay, should either be larger or inspected/cleaned more often and mentioned in the O&M manual.
- m) Sheet C1-Existing Conditions Plan: The legend should be updated to remove items that are not applicable.
- n) Sheet C2-Site Plan:

- i. The Phase 1/2 limit is shown going through building #2.
 - ii. There are numerous leaders that are not pointing at anything or are pointing at the wrong item.
 - iii. The well radius line is in the wrong location.
- o) Sheet L1-Landscape and Lighting Plan: lighting to demonstrate compliance with the Town's lighting standards regarding footcandle requirements for low-level parking lot use. The applicant should provide a summary table.
- p) The requirement to allow the minimum depth of cover over storm drain line to be less than 36" shall require the use of reinforced concrete pipe.
- #3) Any outstanding fees shall be paid to the Town.
- #4) Prior to obtaining Board signature, the Applicant shall submit two (2) full size paper copies of the site plans, one (1) 11' x 17' copy and .pdf/a format file format with supporting documents as required in Article 3 of the Barrington Site Plan Review Regulations, with a letter explaining how the Applicant addressed the conditions of approval to the Land Use Office.

The Planning Board Chair shall sign and date all plans meeting the conditions of approval. The Board shall endorse two (2) full size paper copies of the site plans for their records and one (1) 11' x 17' copy and .pdf/a format file format for the case file folder.

The applicants engineer shall certify in writing the improvements have been constructed as approved prior to the issuance of a certificate of occupancy.

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.
- #2) Current Use subject property or a portion of it is presently in Current Use. The applicant must provide the Town of Barrington Assessing Department current use map and/or other items needed to assure requirements of RSA-79A and the New Hampshire Department of Revenue Administrations Rules are satisfied.

(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).

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Vanessa Price
Town Planner
cc: File

A motion was made by A. Knapp and seconded by J. Driscoll to accept the 9.6 Special Permit as complete for Jeff Sullivan from Rock Iron. The motion carried unanimously.

Roll Call:

J. Driscoll-Yay
Joyce Cappiello-Yay
B. Tessier-Yay
R. Allard-Yay
A. Knapp-Yay

- B. 110-19&20-GR-22-LL/9.6 (Owners: Christine & Brett Astin)** Request by applicant proposing a Lot Line Adjustment between (Map 110, Lots 19 &20) Lots 19 & 20 on a 2.32 - acre lot and a 9.6 Special Permit at 43 Liberty Lane in the General Residential Zoning District. BY: Raymond A. Bisson, LLS; Stonewall Surveying; PO Box 458; Barrington, NH 03825.

A. Knapp gave a brief description of the application.

Ray Bisson from Stonewall Surveying represented Christine & Brett Astin from 43 Liberty Lane. Ray explained to the Board that they are there for a Lot Line Adjustment between their neighbors Michael and Stacey Gerard. Ray explained that the purpose for the adjustment was for relief on the side setback for a proposed garage in the back of the house. Ray explained that the house was there prior to the 2003 subdivision and they worked the lines around what was existing. Ray explained that the applicant doesn't want the garage in the front of the house. Ray explained that there was a lot of landscape and vegetation along with the leach field with a retaining wall and this was where the driveway was currently. Ray explained that they had a storage tent they removed and want to replace with a garage. Ray explained that for the Lot Line Adjustment they would adjustment .12 acres from Lot 19 to Lot 20.

Ray explained that the application does require relief from the wetland buffer because the applicant cannot meet the 50' requirement. Ray explained that they are asking for a 15' relief so the proposed garage of the 35' of the closest point to the edge of wetland in total would be approximately 625 ft of impact in the buffer.

J. Cappiello asked if the proposed garage be moved a little further so that it would not be in the buffer zone. J. Cappiello asked if it could be more towards the crushed stone and leach field.

Ray explained that they are trying to keep kind of ability to go by the garage to the retaining wall . Ray explained that they are trying to be able to get between the garage and the retaining wall. Ray explained that they are trying to keep the garage close to the pavement.

R. Allard asked if you took J. Cappiello suggestion and access the yard from around the garage.

A. Knapp explained that he has the same take on it move the garage over and you would have access.

Ray explained that you can't get the garage out of the buffer completely. Ray explained that they could move it over five feet more, they could still have a walkway between there.

R. Allard explained that he sees steps on the retaining way so there was already a walkway there.

Ray explained the walkway by the proposed garage.

R. Allard explained that you can't put a structure in the buffer, but you can drive over the buffer.

Ray explained that his client would like to walk between the garage and retainer wall and they are 8' to the retainer wall without disturbing the wall. Ray explained that would put them 40' from the buffer.

J. Cappiello asked if they could go back in the yard.

Ray explained then you would be increasing the pavement and the driveway distance from the house.

R. Allard explained that he felt you could reduce the impact by 5'.

Ray explained that it was a structure and that was what was in the buffer and the Board was saying that driveways can be in the buffer and talking about impact.

R. Allard explained he was not saying driveway, but you want to access the backyard.

Ray explained that you are still driving through the buffer to get to the garage. Ray explained that would still be impacting the buffer but with something else.

A. Knapp explained that this was not attached to the house this would be addition to the house.

Ray explained that they want to keep separation from the wall.

Christine Astin explained that the other problem is if you get too close to the garage you must be able to get into the garage front.

Ray explained that they could slide it up to the retaining wall to be able to get in. Ray explained that if they moved it where they wanted basically they are going to take the pavement and extend where its going to be they are still going to be in the buffer. Ray explained that then they would be asking for a 40' or be at 10'. Ray explained that they also want to put solar panels on the garage, and the location of the solar panels work the best with building orientation.

The Board went back and forth on what the applicant could do on the site to impact the wetland buffer less.

A. Knapp asked if the Lot Line was to create the setback for the building?

Ray explained that the tree line was the neighbor's property and that would give the 30' setback on the side.

A motion was made by J. Driscoll and seconded by J. Cappiello to accept the application for 43 Liberty Lane as complete. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay

Joyce Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

A. Knapp-Yay

A. Knapp opened public comment.

A. Knapp closed public comment.

A motion was made by J. Cappiello and seconded by R. Allard to approve the Lot Line Adjustment for 43 Liberty Lane. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay

Joyce Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

A. Knapp-Yay

Ray asked to continue to January 3, 2023, to revise the plan and asked the Board if they basically moved it over 5' showing the previous area was added pavement along with the proposed garage with an example of what Mr. Driscoll was saying with the pavement with the square footage for impervious was that what the Board wants to see.

A. Knapp explained his recommendation to the applicant, would be to make sure that you can answer the conditions around the number 6 very clearly in a way that shows that there is an actual hardship by not granting principles, but I think you're taking of the opinion that some of us take rotating it would help.

A motion was made by A. Knapp and seconded by J. Driscoll to continue the 9.6 Special Permit to January 3, 2023, for 43 Liberty Lane. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay

Joyce Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay
A. Knapp-Yay

- C. **251-9-GR-22-SR (Owners: Tyler & Katie Rand)** Request by applicant for a 3.4 conditional use to add a conference center for events with an addition for a small apartment and workshop with two restrooms along with waivers (Map 251 Lot 9) on Ham Road in the General Residential Zoning District.*

A. Knapp gave a brief description of the application.

Tyler Rand from 132 Ham Road explained to the Board their history and the information about the home and that there was a 4-lot subdivision 2003 before they owned it. Tyler explained the bought the barn next door in 2008. Tyler explained that they have been working on the barn and they keep it separate from the home. Tyler explained that they have had several events over the years. Tyler explained that they want to help pay taxes and help with the community and they have had non profits for big brothers, big sisters along with boy scouts. Tyler explained that they are looking to get people into the barn and be able to use it as a function hall. The primary function that they would like to use to make money on would be for wedding venues. Tyler explained that they need to get approval for a conference center in the residential zoning district. Tyler showed the Board what the barn looks like now and has received approval from the Town to add an addition. Tyler explained that the addition was a 53 by 30 addition o the north side of the barn along with an approved septic design. Tyler explained that they are proposing the barn as a venue. Tyler explained the location of the barn, field, and the road distance along with photos showing where the parking would be. Tyler explained to the Board that they are looking to have up to 400 people there. Tyler explained that he felt the Fire Chief would not allow 400 people in the barn and stated that he was not looking to have them in the barn. Tyler explained that for 400 people would be for the outside events and showed that he marked an area for 50 cars supporting about 200 people and there were room for the full lot for parking.

Tyler explained to the Board that he has talked to the Fire Chief about the property along with different requirements and how to figure out how many people could be allowed in the building. Tyler explained that the Fire Chief would determine after he gets approval for a conference center and that he would abide by all the regulations including fire code. Tyler explained that if they are approved for a conference center they would not be allowed to have anyone stays in the addition which would be a workshop, bathrooms and the addition would be four seasons and the barn would be three seasons due to not being insulated. Tyler explained that there would also be an apartment in that area. Tyler explained that no one can stay in the apartment unless they went to the Zoning Board to ask for a mixed use which they would be before the Board on December 21, 2022.

V. Price explained to the Board that they need to go to the Zoning Board for Special Exception for mixed use in the General Residential Zoning District. V. Price explained that they need Zoning Board for potential uses. V. Price explained that they came to the Planning Board first to see if there was anything they would need before they came back.

A. Knapp explained that he would like to see some clear delineation of what they are looking to do and following the checklist for the items needed for the use. A. Knapp asked about the following:

Lighting Plan

Parking

Yield Plan

How many people for space and occupancy in the setup

V. Price explained that they are before the Board for a minor for the 3.4 conditional use permit.

Tyler explained that they are looking to have functions inside the barn and the number of people would only be determined by the Fire Chief which would be decided after approved for a conference center. Tyler explained as far as lighting they have been working with Joe Weaver and he has already been out to the barn he a lighting design out of Portsmouth, NH. Tyler explained that they are working with Joe to make sure that they have the proper lighting. Tyler explained that the parking and the driveway access to the parking spots goes off the road and comes in. Tyler explained that the entering and exit off the main road not effecting the road traffic. Tyler explained that they are going to keep the grass field.

J. Cappiello asked what the hours of operation would be?

Tyler explained that they would go by the ordinance and shut down by 10:00 p.m. with the function over by 9:30 p.m. Tyler explained that the start time could be 8:00 a.m. depending on what was happening he would like to open to boy scouts for a day event not just talking about a nighttime event. Tyler explained that this was not for just night time events it would be for businesses to come in for an event.

Katie explained that they are looking to have some events and make money along with giving back to the community.

Tyler explained that there would be three restrooms accessible from the barn no from the addition. Tyler explained that it could be a full apartment or a bridal suite.

J. Cappiello asked if there was a restroom for the workshop.

Tyler stated no restroom for the workshop he could use the restrooms in the barn.

J. Driscoll asked about the tent.

Tyler showed on the plan where they have had the tent and when they exceed the occupancy of the barn they would have porta potties.

Katie explained that they have added about 50 trees.

Tyler explained that the trees he showed the location help with natural fence.

J. Driscoll explained that 50 cars using the existing driveway to get in and out this could be a lot of confusion.

Tyler explained that if a large function he showed the driveway pattern he could use and the house to the barn was 70'.

J. Driscoll explained that they should change a section where it was curved.

Tyler explained that for the handicap they do have accessible on both sides the parking would be between there house and the property line goes right up the driveway.

R. Allard explained that there was a requirement from Table 4 for a certain number of handicapped parking spaces and you need to compliance.

Tyler explained that he believed based on the occupancy that he does.

R. Allard explained that it was based on number of parking spaces. R. Allard explained that The way he reads it was its paved or not paved not paved must be graded surface gravel or suitable material. R. Allard explained that right now its grass you could asked for a variance no guarantees.

A. Knapp explained that for a minor Site Review under the criteria of 2.6.2 making sure that those items addressed completely. Listed:

The traffic impact on the surrounding road network (Waiver if needed)

No access to public streets minimal block

Minor drainage improvements (are required to accommodate any increased drainage)

Increase of the floor area of the barn

There was a waiver from the checklist

J. Driscoll expressed that the grass was fine and a waiver.

A. Knapp explained that the waiver was for the checklist and ask for waivers from the checklist. A. Knapp that these are the answers to guide the process.

Tyler asked the Board if they agreed with the mixed use that they need to go to the Zoning Board? Tyler asked the Board if they could continue the case?

V. Price explained that the Zoning Board was different from the Planning Board two different Boards.

A. Knapp expressed that he felt that this was not a complete application to be able to accept as complete.

A motion was made by A. Knapp and seconded by R. Allard to not accept the application as complete due to not having completed checklist clarifying details for the application.

The motion passed unanimously.

Roll Call:

J. Driscoll-Yay

J. Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

A. Knapp-Yay



Planning & Land Use Department
Town of Barrington
PO Box 660
333 Calef Highway
Barrington, NH 03825
603.664.0195
VPrice@barrington.nh.gov

NOTICE OF DECISION

Date of Application: November 15, 2022
Date Decision Issued: December 6, 2022
Case File #: 251-9-GR-22-SR

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built/s 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>			
RE: 251-9-GR-22-SR (Owners: Tyler & Katie Rand) Request by applicant for a 3.4 conditional use permit to add a conference center for events with an addition for a small apartment and workshop with two restrooms along with <u>waivers</u> (Map 251 Lot 9) on Ham Road in the General Residential Zoning District.			
Owners/Applicant: Tyler & Katie Rand 132 Ham Road Barrington, NH 03825			

Dear applicant:

This is to inform you that the Barrington Planning Board at its December 6, 2022, meeting **DENIED** your application referenced above.

The Planning Board determined that the application as not complete due to not having completed checklist clarifying details for the application.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

Vanessa Price
Town Planner
cc: File

- D. [239-35-V-22-17Sub \(Owner: Paul Guptill\)](#) Request by applicant Joseph Falzone proposing 2 conventional front lots and 15 conservation lots located on Mallego Road (formally known as Guptill pit) on a 43.3-acre site with waivers located in the Village

Zoning District. BY: Scott Cole, Beals Associates, PLLC; 70 Portsmouth Ave, Stratham, NH 03885.

A. Knapp gave a brief description of the application.

Scott Cole from Beals Associates explained to the that he was represented Joseph Falzone the developer of the project along with James Long from Geza who was the professional wetlands and soil scientist for this project. Scott explained that this was before the Board for design review and gave an overview of the project. Scott explained that there was 5.9 acres of wetlands or 14%. Scott explained that they supplied a conventional design which was submitted of a through road that came from where the proposed road for the cluster was now out to the east side of the project. Scott explained that they have added frontages and total area including upland to each lot for a yield plan. Scott explained to do an open space subdivision you need to look at the road criteria of availability where the lots can go and what would be left over. Scott explained that this would be an open space subdivision with two conventional lots. Scott explained That there would be 15 lots on the cul-de-sac road with 2 conventional lots above 2-acres on Mallego Road. Scott explained that to do a cluster subdivision they still need to abide by the rules and there was a maximum in Town for a cul-da-sac can't go more than 1,000 feet. Scott explained that there would be no community systems for this subdivision. Scott explained that they have worked with the Fire Chief and added a fire cistern for fire protection that would be part of the right-of-way as a standard in Town.

Scott explained that the snowmobile trails as been brought up several times and a site walk with Planning Board and Conservation members. Scott explained that the existing snowmobile trail and the availability for that trail to continue was very warranted from a large amount of people. Scott explained that they are working on relocating the trail.

Scott explained that he was working with the snowmobile club and some people that warrant at the site walk.

Scott explained that the conservation looked at the land and it would be protected along Mallego Brook. Scott explained that they are working with an engineer that was hired by the Town there was a significant drainage issues right now along Mallego Road and Joe has offered to help the Town in that situation so being an open space subdivision the open space that the Town acquire that area. There are two areas that Joe would supply drainage stubs onto Mallego Road one would be through the 25' strip which was owned in three by the couples that go out to Mallego Road. Scott explained that the other one be by Lee Road it would be a drainage easement along that 35-17 they are working with the Professional engineer that the Town hired this seems to be the best location that Joe would put in stubs or drain manholes. They would go into to large detention basin that would acquire the drainage from the proposed subdivision and as well as Mallego Road. Scott explained that there was only one waiver also with the sidewalk as shown on the plan the road coming in as you can image being a excavated gravel pit there are some steep slopes along the perimeter of the pit. The waiver was for allowance to go from the Town's 7% to 8% the request was less than 100' but makes a different in the allowance from getting from Mallego Road down to the ground pit floor along with less hills. Scott explained the way the regulations read for an open space you have a perimeter of 100' buffer its best because of the shape of the land to have two conventional lots by their self and then the cluster subdivision.

Scott explained that they need to go to the Zoning Board to allow the 2 conventional lots in that area.

J. Driscoll asked with the trial could be brought to 16 and 17.

Scott explained that the trail comes from the west side of Mallego Road they would need to travel all the way down Mallego Road.

R. Allard explained that he sees two projects 2 Lots and a conservation subdivision.

Scott explained that he would agree with that, but he had a discussion with John and they would not let them cut the 2 lots off because they are using the area of the yield plan. Scott explained that the encompassed area of the yield plan was to qualify for the open space subdivision.

R. Allard expressed that he felt they had 2 projects.

Scott explained to R. Allard that there wasn't any place saying that you could not have two.

A. Knapp asked how close it would be if you took the 2 lots out of the yield plan.

Scott explained that you are still at 15 lots.

V. Price explained to the Board with the Conservation Subdivision they need to follow all the rules and go to the Zoning Board for the buffer.

Joe explained that to R. Allard that he wasn't at the design, and they proposed a conventional Subdivision the Conservation Commission and the Planning Board didn't want it.

The Board has a discussion that went back and forth on 2 projects allow or not.

A motion was made by A. Knapp and seconded by J. Driscoll to accept the application for the Guptill Gravel Pit Subdivision as complete. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay

J. Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

A. Knapp-Yay

WAIVER REQUEST:

Article 12-Section 12.2.1 Road Design Standards

A motion was made by A. Knapp and seconded by J. Driscoll to grant the waiver for article 12, Section 12.2.1 Road Design Standards not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion passed unanimously.

Reason less of an impact.

Roll Call:

J. Driscoll-Yay

J. Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

A. Knapp-Yay

A. Knapp opened public comment.

Michael Ross from 227 Mallego Road asked if the snowmobile was going to be right behind his house and cut down all the trees so it could go there. Asked if 100' from there back door. Michael asked what was going on his lot. Michael was concerned because of the noise, and he has grandkids and was right on top of them.

Joe explained unground drainage pipe.

Scott explained that where this area was there was a 100' buffer and it was there and try to leave most of the existing trees. Scott explained that they are trying to put the trail on a flat area which was at the top and the club can come in and select where the trail can go. Scott explained that they can't ride on a slope they need to ride on flat area.

Melanie Ross 227 Mallego Road would not want snowmobile going through their yard.

Rachel Millette from 221 Mallego Road explained that there was no requirement to put in snowmobile trails in was up to the landowners and he doesn't have to do the same limit and doesn't think they should be coming up that bank.

Scott Cole discussed the snowmobile Lee Rd connection. He was able to get that clarified from Josh St. Hilaire about it. There is another portion that goes from the red out to where the we wrote intersection is that is actually a stub trail that does not go anywhere other than Toy tech and Kozy's they groom the trail not part of the main corridor.

R. Allard explained that area kind of flattens out on the property lines.

Scott explained that they can evaluate that.

Joe asked if the consensus of the Board that the snowmobile be kept.

Linnea Ann Morley from 286 Mallego Road explained that someone made a comment earlier about them not going on Mallego Road they do ride up and down Mallego Road. Linnea Ann explained that she has a bigger concern that would be the construction she already has a cracked Foundation.

Joe explained that there would be no construction with 500' on which vehicle the construction of the roadway.

Linnea Ann explained that it's like 30' from the street.

Joe expressed from Mallego Road.

Linnea Ann expressed 2 houses across the street.

A. Knapp closed public comment.

V. Price explained that CMA Engineers needs to review the plan sets.

A motion was made by A. Knapp and seconded by R. Allard to have CMA Engineers review the Site Review and Drainage for the Mallego Road Subdivision. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay
J. Cappiello-Yay
B. Tessier-Yay
R. Allard-Yay
A. Knapp-Yay

A motion was made by A. Knapp and seconded by R. Allard to continue the application for the Mallego Road subdivision to February 7, 2023. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay
J. Cappiello-Yay
B. Tessier-Yay
R. Allard-Yay
A. Knapp-Yay

- E. [227-22.1-GR-22-9.6Permit \(Owner: James Griffin\)](#) Request by applicant James Griffin for a 9.6 Special Permit for Construction in a wetland buffer on Stagecoach Road (Map 227, Lot 22.1) in the General Residential Zoning District.

A. Knapp gave a brief description of the application.

James Griffin explained that he was the owner of Map 227 Lot 22.1 on Stagecoach Road. James explained that h was there for a driveway in the wetland buffer in. James explained that the wetlands was around 3,600 s.f. this would be for an additional buffer around the driveway.

A. Knapp asked if it was drained towards the back then off to the side towards Parker Mountain Road.

James explained that was where the wetlands are, and they delineated where they are at and this was for the driveway only that a culvert was added.

A. Knapp asked if they were able to come off Route 126.

James stated they were not able to and they would have to cross through the wetlands and Stage Coach Road was safer.

J. Cappiello asked about the apron at the end of the driveway.

James explained they wanted the apron before the driveway permit.

R. Allard asked about the fully drained wetlands right at the corner of the property. R. Allard why wouldn't you move the driveway east to avoid the wetlands coming on the property lower.

James explained that he doesn't own that land he has an easement to come off there and explained that his driveway was going to be in the center.

The Board discussed the location of the driveway.

A motion was made by B. Tessier and seconded by R. Allard to accept the application as complete for Stagecoach Road. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay

J. Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

A. Knapp-Yay

James read the criteria for the 9.6 Permit:

Describe in detail all proposed uses, structures, construction, or modifications requiring a Special Use Permit.

* Driveway special use permit is necessary since current wetland requirement cannot be met.

Describe in detail how the following standards of the Town of Barrington Zoning Ordinance under Section 9.6 "Special Permit for Construction in a Wetlands Buffer" have been satisfied by your proposal. (You may attach a separate sheet.)

1. The proposed use is in keeping with the intent and purposes set forth in the zoning ordinance as permitted in the base zoning district (See Table 1, Table of Uses, located in the zoning ordinance). If the base zoning district requires a conditional use permit or special exception for the proposed use, one must already have been obtained; or if the proposed use is not listed on the Table of Uses or is listed but not permitted, one must already have obtained a variance.

Single family home is allowed in this zone.

2. After a review of all reasonable alternatives, it is determined to be infeasible to place the proposed structure or use outside of the buffer zone.

The current buffer zones do not allow me to requirement making the land unexcessable.

3. The proposed structure or use must be set back as far as possible from the delineated edge of the wetland or surface water.

The new proposed driveway is being placed in the best possible location to stay away from the wetlands as far as we can.

4. Appropriate erosion control measures must be in place prior to and during construction.

Silt fence will be put in place along the areas adjacent to driveway and wetlands

5. Any disturbance to the surrounding buffer zone must be repaired and restored upon completion of construction.

The sloped areas on both sides of the driveway will be loamed and seeded to prevent any erosion from occurring.

A. Knapp opened public comment.

A. Knapp closed public comment.

A motion was made by R. Allard and seconded by B. Tessier to approve the 9.6 Special Permit on Stagecoach Road. The motion passed unanimously.

Roll Call:

J. Driscoll-Yay

J. Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

A. Knapp-Yay



Planning & Land Use Department
Town of Barrington
PO Box 660
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Barrington, NH 03825
603.664.0195
VPrice@barrington.nh.gov

NOTICE OF DECISION

Date of Application: November 16, 2022

Date Decision Issued: December 6, 2022

Case File #: 227-22.1-GR-22-9.6

<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>			
RE: 227-22.1-GR-22-9.6: Request by applicant for a 9.6 Special Permit for Construction in a wetland buffer on Stagecoach Road.			
Owner: J2 Custom Homes LLC 14 Fairfield Run Barnstead, NH 03225		Applicant: James J Griffin 361 Muchado Hill Road Alton, NH 03809	

Dear applicant:

This is to inform you that the Barrington Planning Board at its December 6, 2022, meeting **APPROVED** your application referenced above. The 9.6 Special permit is approved for construction in wetland buffer for an impact size of 3,619 SF.

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Vanessa Price
Town Planner
cc: File

7. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

8. ADJOURN

Meeting was adjourned at 10:18 p.m.

A. The next Planning Board meeting is a Work Session December 13, 2022.

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