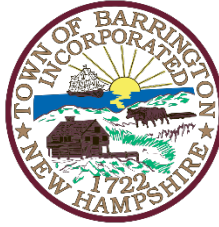


TOWN OF BARRINGTON, NH
LAND USE DEPARTMENT
Vanessa Price, Town Planner
Barbara Irvine, Planning &
Land Use Administrative Assistant



Planning Board Members
John Driscoll, Chair
Ron Allard, Vice Chair
Buddy Hackett
Andy Knapp
Andy Melnikas
Bob Tessier
Joyce Cappiello (Ex-Officio)

Meeting Minutes
Town of Barrington Planning Board
Work Session
May 2, 2023, at 6:30p.m.
(Approved May 16, 2023.)

1. CALL TO ORDER

J. Driscoll called the meeting to order at 6:30 p.m.

2. ROLL CALL

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

Members Absent: Andy Knapp, Buddy Hackett

Staff Present: Town Planner: Vanessa Price, Code Enforcement: John Huckins, Planning & Land Use
Administrative Assistant: Barbara Irvine

3. REVIEW AND APPROVAL OF MINUTES

A. Review and approve minutes of the April 4, 2023, meeting minutes.

A motion was made by R. Allard and seconded by J. Cappiello to approve the meeting minutes with a minor change to line 1151. The motion passed unanimously.

4. STAFF UPDATES -TOWN PLANNER

A. A. Training:

1. Required NHMA Right to know Training for Board Members: 6pm on Wednesday, May 10, 2023, at the Town Hall meeting room.

V. Price explained to the Board that there was training for Board members next Wednesday.

2. Training Opportunities: NH OPD Planning Lunches at Noon Monthly Webinar Series Webinar "Congratulations, you're a Board Member Now! What's Next?" is on April 20, 2023. This webinar is for new board members as well as seasoned members that are interested in a refresher course. Please take the refresher training found here:
<https://www.youtube.com/watch?v=d8OBzu1pP1M>

V. Price explained to the Board that if they were not able to make the April 20, 2023, this was a carry

over and was a webinar for refresher training. V. Price that they have the updated Zoning Ordinance from the Town meeting.

J. Driscoll explained that they are going to move up to #8.

8. CLASS VI/PRIVATE ROAD APPLICATION

- A. Review of a request for a building permit for Mary Elliot, at 63 Birch Lane ([Map 117, Lot 8](#)) Category 3, Option 2 on a Class VI/Private Road.

Paul Thibodeau explained that he was there on the behalf of Mary Elliot representing her Property at 63 Birch Lane. Paul explained to the Board that he supplied the Board with a Package that he was going to talk about along with photos that he had supplied. Paul explained that he has an elevation of the plan that she's proposing and the final two or three phases are added by Miss Elliot along with photos of her house and her lot with the spiral staircase. Paul explained that she has an application before the Code Enforcement Officer to change the staircase in home from a spiral to a conventional staircase for safety. Paul explained that they ran into the 3 categories and category 3 said volume which brought them from a one to a three. Paul explained that they realized that the requirements was for the applicant to contribute up to twenty-five hundred dollars up to 10% because the proposed construction was \$25,000.00. Paul explained that a category three requires road improvements and quotes "if the existing road does not meet the minimum road standards for Class 6 and Private Roads".

Paul explained that they have provided photos of Birch Lane to provide from three different vantage points that include the driveway entrance to 63 Birch Lane all the way to Young Road. Paul explained that Birch Lane has a paved surface varying from 17' wide to 20' wide as noted by the Road Agent the Road Agent wrote meets the private road standard over 80% of its length. The Fire Chief and Police wrote no comments or concerns. Paul explained that the residents of Birch Lane meet biannually to discuss repairs that may be needed to the road and a single drainage culvert this. Paul explained that this year they're cleaned out the inlet to the culvert and added crushed stone to prevent debris from clogging the invert. All the residents of Birch Lane contributes \$350.00 annually each creating a reserve for repairs for a total of \$4200.00 along with \$250.00 each annually for snow removal and road sanding. Paul explained that category 3 has the word volume which he mentioned previously which has move this application from category one to a three.

Paul explained that the reason the applicant was requesting a permit was to improve the safety to the access to the access to the second floor. Paul explained that the existing spiral staircase was a poor design with a history of causing permanent physical injury to the previous owner. Paul explained that the applicant has hired a designer to draw a plan for replacing the spiral stairs with a conventional stair that meets current code requirements. Paul explained that the existing ceiling height above the spiral stair was too low to allow for a conventional stair to be built.

Paul explained that the headroom clearance of 6' 8" was required by code. Paul explained that the design on sheet A3 shows the existing Dorma which would be removed and replaced with a wider and fuller exterior wall with new rafters to the set that would raise the interior of the ceiling height. Paul explained that was providing the need for the new the new stairs the plan requires that the price the frame of a single slope roof be raised 7' 6" and widened about 10'. Paul explained that the volume that would be created for a new stair was 700 cubic feet and the

area that the taller wall that would be created was about 68 s.f. The new roof design does not exceed the roof line of the abutting existing leaf and does not create an odd appearance in design. Paul explained that because of the condition as well as the ongoing care the property owners already provide Birch Lane there's no gain by imposing a 10% assessment for this application.

J. Cappiello explained that it does seem the road could be brought up to a hundred percent in terms of the width. J. Cappiello expressed that the are arrow place according to the plan.

Paul explained that 20' that would include they're looking for 16' of paving and two feet shoulders on either side of the road were paved up to 20' wide in both areas.

J. Cappiello explained not all of it and could finish the 20% and could at least have a wider road even if not paved. J. Cappiello explained that the width of the road could be extended and she explained that the Road Agent talked about the width of the road could be brought up to standard by pulling the dirt away from the edges and installing gravel.

Paul expressed that could be done but not for \$2,500.00.

J. Cappiello explained that they would only need to do \$2500.00 worth of that work that's the way she reads it.

R. Allard asked about the potholes.

Paul explained that if they look at the photos the potholes are not potholes it looks two or three layers of pavement that has been put down and the first layer was missing in some areas so it's not really a pothole, it's missing pavement. Paul explained that the road was in very good condition. Paul explained that the Fire Chief and police Chief had no comments on his report so, the Fire Chief was satisfied with safety.

R. Allard explained that the was no place for the fire trucks to turn around so and felt that he was commenting on behalf of the chief.

Paul explained that at the end of the road there was a large area to turn around and explained the location of the turnaround.

J. Cappiello asked if that was someone's property.

Paul explained that it was a private road, and the Town does not do any maintenance on this road.

J. Cappiello asked if that was for safety.

Paul explained that was why they felt that the fire and police chiefs their comments were what was most important to the residents of the road that the chiefs felt they could get in and out of

there.

V. Price explained that the Chiefs said no comments if they didn't reply she would put that.

John Huckins explained that the granting of the waiver would be done by the Select Board and the Planning Board was a recommendation to the Select Board.

B. Tessier explained there is no extra living space.

John Huckins explained that he has talked to the Select Board that they need to change he has another one that they are adding a bedroom but no volume they would be a category two.

Paul asked what was meant by volume?

John Huckins explained that he didn't write the policy, but volume was cubic feet. John explained that the Select Board was looking to change the word volume to living space.

Paul explained that categories one and two allow add square footage a deck or bedroom were category three was volume for the purpose of safety to put safe stairs. Paul explained that the woman that owned previously fell and she crippled today from it, and they sold the property.

R. Allard explained that they don't comply with option one, but this does not and need to decide whether or not to support the waiver.

The majority of the board did not support the waiver for the 10%. (The recommendation was 3/2.)

ITEMS-CONTINUED APPLICATION FROM APRIL 4, 2023

- A. 240-8-NR-23-Sub (23) (Owner: Norma Bearden)** Request by applicant for a major site plan to subdivide into 23 Lots using the Conservation Subdivision Ordinance with waivers on a 65.55-acre lot (Map 240, Lot 8) in the Neighborhood Residential Zoning District on Young Road. BY: Christopher Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

J. Driscoll gave a brief description of the application.

V. Price explained that they asked to continue to allow submission of additional materials to the Planning Board.

A motion was made by R. Allard and seconded by A. Melnikas to continue the application for Young Road until June 6, 2022. the motion carried unanimously.

Roll Call:

J. Cappiello-Yay

A. Melnikas-Yay

B. Tessier-Yay

R. Allard-Yay
J. Driscoll-Yay

6. ACTION ITEMS – NEW APPLICATIONS

- A. [2023-OldSettlersRd-TreeTrimming](#) Request by applicant for a Site Review to do tree trimming by Eversource along the Scenic Road Old Settlers Road **Pursuant to RSA 231:158.** * BY: Crystal Franciosi, ACRT; 4500 Courthouse Boulevard, Suite 150; Stow, Ohio 44224.

J. Driscoll gave a brief description of the application.

V. Price explained that the reason to continue was because needed to be posted in the local paper twice.

A motion was made by R. Allard and seconded by B. Tessier to continue the application for Old Settlers Road until June 6, 2022. the motion carried unanimously.

Roll Call:

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

- B. [2023-CanaanBackRd-TreeTrimming](#) Request by applicant for a Site Review to do tree trimming by Eversource along the Scenic Road Canaan Back Road **Pursuant to RSA 231:158.** * BY: Crystal Franciosi, ACRT; 4500 Courthouse Boulevard, Suite 150; Stow, Ohio 44224.

J. Driscoll gave a brief description of the application.

V. Price explained that the reason to continue was because needed to be posted in the local paper twice.

A motion was made by B. Tessier and seconded by R. Allard to continue the application for Canaan Back Road until June 6, 2022. the motion carried unanimously.

Roll Call:

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

- C. [240-12-NR-23-SR \(Owners: Ryan Caverly, Karen & Lendall Caverly\)](#) Request by applicant for a Minor Site Plan Review, with a waiver, to add an ADU to the existing farmhouse and a renovation to the second home to be repurposed to add restrooms and a state approved kitchen for the production of value-added items for retail sales during harvest and farm to table events. The location is at 178 Young Road (Map 240, Lot 12) on a 9.93-acre lot in the Neighborhood Residential Zoning District.

J. Driscoll gave a brief description of the application.

Karen and Lendall Caverly and Ryan Caverly from 160 Young Road are before the Board for Union Lake Orchard.

Ryan explained to the Board that their plan was to relocate the current residence that was at 178 Young Road to the farmhouse that was on the property that they currently use the farmhouse for storage and Intermittent seasonal retail sales. Ryan explained that they need to put an addition onto this structure to establish it as the residence with an attached ADU, while continuing to use it for intermittent seasonal sales. Ryan explained that they would also like to modify the current residential structure once abandoned, to provide restrooms for their peach customers and guests attending events in the barn. (They currently use restroom trailers) Ryan explained that they plan on having ADA accessible restrooms for new harvest season with the non-profit fundraiser including their annual peach pancake breakfast that benefits the community food pantry and farm to table events. Ryan explained that they are proposing decks on a couple of the buildings. Ryan explained that in the current residential structure they would have a State approved kitchen for value-added items services from the farm.

J. Cappiello expressed that the State-approved kitchen would fall within the agricultural use and Asked what kind of items they are going to have.

Karen explained they would have fruit, savory jam, jelly, peach apple berry pies, and they have plenty of apple trees now. Karen explained they would have berry pies small fruit and they want to get involved in blueberries and strawberries so they would be growing them there. Karen explained peach and dairy ice cream, salsa with and without fruit maybe in the future maybe apple cider.

J. Cappiello asked if that would all come from the farm.

Karen explained that some of this can't be done in a homestead kitchen.

J. Driscoll asked about the Road Agent comments that he was concerned about the continual Wash of gravel from the driveway down to the road filling the ditch line on the side of Young Road and suggested paving the first 100'.

Ryan expressed that they are planning on doing an apron of 50' that was where most of the damage was from incoming cars happens.

J. Driscoll explained that the ditch line today had a lot of water.

Karen explained that they had met with the Road Agent.

J. Cappiello said that she believed the last time before the Board they talked about things that they were going to do with the gravel.

Lendall explained that they have put diverted ditches in the driveway which was felt considerable it hasn't stopped at all, but it does as you are considerable.

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

Roll Call:

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

J. Driscoll opened public comment.

V. Price explained that the office received a concern about the application they are not saying that they are against it, but they are concerned about the Notice of Decision that was previously granted. V. Price explained they were concerned about the venues, traffic and that she believed this was from the previous Notice of Decision for the events that a full traffic study was not done for that one this was the main comments.

J. Cappiello asked if these were the hours that the Board approved.

V. Price explained that the hours on the Notice of Decision were what was approved.

J. Driscoll closed public comment.

R. Allard questioned the materials that were given to them the last time if this no longer fits the agricultural category.

J. Driscoll explained another giant operation near a roadside stand not in Town.

R. Allard explained that if most of the income was not agricultural, they are no longer under agricultural. R. Allard questioned if this was approved when it would not be for agricultural.

J. Driscoll suggested to the applicant to contact UNH they have a whole thing for tourism Education program and gave them information.

V. Price explained that they can put in the Notice of Decision once they expand need to come back and she could ask for a legal opinion to find out what that point was.

Ryan asked if this was about future development to the property.

John Huckins explained the reason he had the applicant come before the Board was so at what point would this no longer be considered an agricultural produce use. If not agricultural they would need to go before the Zoning Board to get relief for mixed used business.

J. Driscoll asked if this needed to be changed in Zoning.

John Huckins explained that this doesn't have to do with Zoning it has to do with the State's RSA on what was considered agriculture and at what point it was not an agricultural business. John explained that if the go to 21 it lists other things that are expansion of the agriculture use.

Ryan explained that they want to keep the farm opened grow the agricultural portion of it diversity and provide more food to people locally that's what they want to do it's hard to do that when they have peaches that have been a crop since 2010 every other year a crop.

J. Driscoll read from the preliminary review that the vote was 4/3 for the following:

No need for engineering plans

ADU expansion of the house attached with deck

State approved grade kitchen and bathroom

Add porch to existing barn

ANYTHING ELSE FULL ENGINEERED PLANS

Karen explained that adding bathrooms she doesn't believe that makes in larger. Karen explained every event they have bathroom trailer that was a significant cost out of their profit. Karen explained that where they go to the bathrooms not getting any larger. Karen explained that a State approved kitchen provides them with an extra layer of protection for food production.

R. Allard explained that this was not the issue the issue was that if you were not doing any farming activities on the property it's all events.

Ryan explained that was not going to happen.

J. Cappiello asked R. Allard if he was saying if the farm failed and they're only doing events then they would come back.

John Huckins explained that the Board doesn't have authority.

A. Melnikas agreed that they need to get a legal opinion.

John Huckins explained the list that was read was what the applicant was before the Board for.

Requested Waiver:

Section 3.1.1 Site Review Regulations:

The requirement to have all site plans prepared and stamped by a professional engineer.

Boundary monuments shall be certified by a licensed surveyor.

A motion was made by J. Driscoll and seconded by J. Cappiello grant the waiver for Section 3.1.1 from Site Review Regulations for Union Lake Orchard 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. Cappiello-Yay

A. Melnikas-Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

A motion was made by J. Driscoll and second by R. Allard to add the following items to the notice of decision to the Union Lake Orchard:

No need for engineering plans
ADU expansion of the house attached with deck
State approved grade kitchen and bathroom
Add porch to existing barn
ANYTHING ELSE FULL ENGINEERED PLANS

The motion passed unanimously.

Roll Call:

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

A motion was made by J. Driscoll and seconded by B. Tessier to waive approve 50' paving at end of driveway and State Kitchen in two years.

Roll Call:

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

V. Price read the Notice of Decision:

NOTICE OF DECISION

Date of Application: April 12, 2023

Date Decision Issued: May 2, 2023

Case File #: 240-12-NR-23-SR

<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: Request by applicant for a Minor Site Plan Review, with a waiver, to add an ADU to the existing farmhouse and a renovation to the second home to be repurposed to add restrooms and a state approved kitchen for the production of value-added items for retail sales during harvest and farm to table events. The location is at 178 Young Road (Map 240, Lot 12) on a 9.93-acre lot in the Neighborhood Residential Zoning District.			

Owners/Applicants: Ryan Caverly and Karen & Lendall Caverly 160 Young Road Barrington, NH 03825
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Dear applicant:

This is to inform you that the Barrington Planning Board at its May 2, 2023, meeting **CONDITIONALLY APPROVED** your application referenced above. The approval is for ADU expansion of existing home with attached deck, renovations to second single family home into a state approved grade kitchen, bathrooms with ADA compliant with access, and deck expansion on the barn. All to meet current building codes.

Reviewed in accordance with the Town of Barrington, Site Plan Review Regulations For Nonresidential Uses and Multi-Family Dwelling Units, amended May 17, 2022, and the Barrington Zoning Ordinance, amended March 28, 2023. The application has met all the Town's Ordinances and Regulations of the Town of Barrington.

Any changes to the site used for the operation of the business will require reapplication and review by the Planning Board. Future changes outside of this approval will need to have an engineering site plan set.

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:

Phase I: If all of the precedent conditions are not met within 12 calendar months to the day, May 2, 2024, the Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

#1) Add the following plan notes:

- a) At the May 2, 2023, Planning Board Meeting, Board approved waivers for:
 - i. The requirement to have all site plans shall be prepared and stamped by a professional engineer. Boundary monuments shall be certified by a licensed surveyor per Section 3.1.1 of the Site Plan Review Regulations.

#2) Any outstanding fees shall be paid to the Town.

#3) Prior to obtaining Board signature, the Applicant shall submit three (3) 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 three (3) 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.

Phase II: If all of the precedent conditions are not met within 24 calendar months to the day, May 2, 2025, the Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

- #1) Copy of state approval for kitchen.
- #2) First fifty feet (50FT) off Young Road into the driveway to be paved per Town standards.

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) Any changes to the site used for the operation of the business will require reapplication and review by the Planning Board. Future changes outside of this approval will need to have an engineering site plan set.

I wish you the best of luck with your project. If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Vanessa Price
Town Planner
cc: File

A motion was made by J. Driscoll and seconded by B. Tessier to approve the Site Review Notice of Decision for Union Lake Orchard as read by the Town Planner. The motion passed unanimously.

Roll Call:

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

- D. [220-54-7-2\(Units 10 & 11\) \(Owner: Justin Malone\)](#) Request by applicant for a Minor Site Plan for units 10 & 11 to utilize 210 s.f. for retail space within the 3,000 s.f. warehouse building with 12 parking spaces located at 103 & 105 Isinglass Circle in the Regional Commercial Zoning District.

J. Driscoll gave a brief description of the applicant.

Justin Malone owner of White Mountain Knives-Store explained that he owns two units on Isinglass Circe and has a knife business.

John Huckins explained that the reason he was before the Planning Board was because retail was not on the list for uses in the units.

J. Cappiello asked if it was zoned for what he wants to do.

R. Allard asked if there are ADA parking spots?

Justin explained that he does not have a sign they can park right in front of the building.

J. Cappiello explained that he could put a sign in front of the building.

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

Roll Call:

J. Cappiello-Yay

A. Melnikas-Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

J. Driscoll opened public comment.

J. Driscoll closed public comment.

Requested Waiver:

Section 3.1.1 Site Review Regulations:

The requirement to have all site plans prepared and stamped by a professional engineer. Boundary monuments shall be certified by a licensed surveyor.

A motion was made by J. Cappiello and seconded by A. Melnikas grant the waiver for Section 3.1.1 from Site Review Regulations for White Mountain Knives-Store 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. Cappiello-Yay

A. Melnikas-Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

V. Price read Notice of Decision:

Date of Application: April 11, 2023

Date Decision Issued: May 2, 2023

Case File #: 220-54-7-2 (Units 10 & 11)

<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: Request by applicant for a Minor Site Plan for units 10 & 11 to utilize 210 s.f. for retail space within the 3,000 s.f. warehouse building with 12 parking spaces located at 103 & 105 Isinglass Circle in the Regional Commercial Zoning District.			
Owner: Justin Malone Malone Properties LLC 78 Sherborne Road Barrington, NH 03825			

Dear applicant:

This is to inform you that the Barrington Planning Board at its May 2, 2023, meeting **CONDITIONALLY APPROVED** your application referenced above. The approval for proposing operation of 210 s.f. for retail space within the 3,000 s.f. warehouse building with 12 parking spaces with waiver.

Reviewed in accordance with the Town of Barrington, Site Plan Review Regulations For Nonresidential Uses and Multi-Family Dwelling Units, amended May 17, 2022, and the Barrington Zoning Ordinance, amended March 28, 2023. The application has met all the Town's Ordinances and Regulations of the Town of Barrington.

At the May 2, 2023, Planning Board Meeting, the Board approved waivers:

- i.) The requirement to have all site plans shall be prepared and stamped by a professional engineer. Boundary monuments shall be certified by a licensed surveyor per Section 3.1.1 of the Site Plan Review Regulations.

All of the precedent conditions below must be met by the applicant, at the expense of the applicant. Once these precedent conditions are met the approval is considered final.

Please Note:

If all the precedent conditions are not met within 12 calendar months to the day, the May 2, 2024, Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent:

- 1) Proper ADA Parking signage approval by Code enforcement.
- 2) Approval of sign Permit by Code Enforcement.

Any changes to the site used for the operation of the business will require reapplication and review by the Planning Board.

I wish you the best of luck with your project. If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Vanessa Price
Town Planner
cc: File

A motion was made by J. Cappiello and seconded by A. Melnikas to approve the Site Review Notice of Decision for White Mountain Knives as read by the Town Planner. The motion passed unanimously.

Roll Call:

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

7. DESIGN REVIEW

- A. [253-14-GR/SDAO-23-DESIGN \(Owners: Hambone LLC Robert Baldwin Managing Member\)](#) Request by applicant for a Major Site Plan Design Review proposing to construct 7 multi-family units using Article 4, Section 2.1 of the Zoning Ordinance in General Residential Zone (Map 253, Lot 14) located at 49 Winkley Pond Road on 13.47-acre site in the General Residential Zoning District. BY: Christopher Berry, Project Manager; Berry Surveying & Engineering; Barrington, NH 03825.

J. Driscoll gave a brief description of the design review.

Chris Berry from Berry Surveying & Engineering represented Hambone, LLC Robert Baldwin Managing Member with him. Chris explained to the Board that the property was located off Calef Highway (aka: Route 125) in the General Residential Zoning District. Chris explained that one of Robert's companies has purchased 49 Winkley Pond Road and the property was approximately 13 ½ acres and it contains wetland towards the center of the property. Chris explained that there was an existing single-family home on site with an existing well there's an existing septic. Chris explained that there was a larger barn that was at the front of the site next to the existing single-family home most of the site to the front of Winkley Pond Road lawn

or open field the wetlands come up into the field and the site contains a prime wetland that was delineated on site by a soil scientist who delineated where the very poor soils are towards the center and the wetland scientist in the edge of the jurisdictional wetlands on site. Chris explained that a full boundary survey of the project site has been done and they've done a topographic survey of the site and existing conditions survey of the site.

Chris explained as part of Section 4.2 the Zoning allows for multi-family development to take place under certain set of circumstances they are proposing to do was redevelop the site using varies different styles of housing. Chris explained that they are proposing a total of six 2 bedroom units, Chris explained the units would be grouped so that four of them are adjacent to the northern boundary line along with two of the units would be part of the duplex that would face Winkley Pond Road and the existing barn would be converted to a one-bedroom unit.

Chris explained that the applicant would do an engineering process analysis to the barn to ensure that structurally could be converted and using the current residential codes that would be required for the conversion. Chris explained that as part of the project the single-family home would be removed and would install one of the proposed duplexes and would be further back from the street so that it's more conforming than the existing location of a single-family home.

Chris explained that the soils on site sandy and they have high transmissivity, but they have high water tables and most of the people behind this would say the site was wet and he expressed that it was. Chris explained that certain times a year there are high groundwater tables on site they've specifically avoiding wetlands and avoiding wetland buffers. They are also avoiding the prime wetland buffer. Chris explained that they are trying to develop the portions of the site reasonably responsibly outside of those constraints.

Chris explained that they have done test pits on site to know where the seasonal high-water table was these were conducted by Jack Hayes the soil scientist. So, they know where the good are for for effluent disposal areas where the soils are that can support stormwater systems they would need to design and detain stormwater treat stormwater prior to entering the wetland buffer and the jurisdiction of wetland areas. Chris explained that all of this would be done when the project design would be brought forward.

Chris explained that there are a couple of changes to the design review plan that he would like to discuss with the Board the Chief and Road Agent weighed in on where this project was and some life safety aspects of the design. Chris explained that he went this afternoon and looked at the site again, considering the comments. Chris explained that they are going to change the location on where they would be entering the property to the existing approximately where the existing location of driveway was now which was at the crest of the hill. Chris explained that they are proposing the driveway being just north of that and was slightly downslope across to the hill. Chris felt that he thought that they would meet their site distance in the proposed location that they have on the plan. Chris expressed that he thought it was a safer location to place it in the location where the existing driveway was.

Chris explained that instead the loop coming around and ending where they show it on there plan they would reverse the loop and end it facing the townhouse style structures. This way the proposed driveway and loop a little closer to the roadway and leave a little additional room for some additional stormwater features leaving additional room between them the buffer and jurisdictional wetlands.

Chris explained that the Chief and the Road Agent noted some deficiencies that they feel along

the road has in general and that was a newly paved roadway 20' in width it's pretty consistent throughout the whole road. Chris explained that there was talk about potentially changing the intersection designs at Calef Highway (aka Route 125). Chris explained that seven units in this area of Town was not going to change the intersections Winkley Pond Road at Calef Highway (aka Route 125) in either direction. Chris explained that if the Town changes the direction or limits the direction of Winkley Pond Road, they will support it if there are minor modifications that are needed. Chris explained that the Board and staff need to remember there needs to be a rational nexus between a project design scope and size along with what offset improvements are requested of an application.

Chris explained that by moving the driveway to the crest of the hill they think a lot of the site distance issues that are mentioned in the staff memo are addressed in that way. Chris explained that the applicant would participate in along the roadway they be happy to discuss those with the Road Agent and Fire Chief moving forward. Chris explained that the Chief has asked for a 20-gallon cistern, and they would find a good spot-on site there first choice was to find a spot along Winkley Pond Road so that it could be used by the public and the Chief doesn't have to come into the project site to get water if it needs to be used somewhere else in the area. Chris explained that their first choice would be to put somewhere on Winkley Pond Road along their frontage. Chris explained that they would need a common septic system which they have done the loading calculations to design this would be a common well they would not trigger a public water supply system.

B. Tessier asked about units five and six going where the mobile home was is there a reason it's not being set further back so they can do the setbacks.

Chris explained that it was a conversation that they wanted to have further with Code Enforcement about being in full conformance or being more nearly conforming. Chris explained that if the code required that it be moved further back, they would. The structure that they have picked out for that location the streetscape view of that fits much better more adjacent to the roadway system. Chris explained that this was not going to be a typical townhouse structure, it's more of a colonial style feature and the applicant was trying to make that sort of the focal point of the development. Chris explained that if the code requires that they fully conform then they would meet the 40' setback.

R. Allard explained that the Fire Chief discussed the access to Calef Highway (Route 125) which he means was not the same as there concerned, they would mention that reasonable access maybe limits the authority that we have. R. Allard explained that he read under 4.8.1 Access in the Site Review Regulations where an adjacent existing street from which access is gained is deemed to be substandard, the upgrading of said streets and the decision should be including access on Calef Highway (aka Route 125) decision.

Chris explained that he was not saying that they don't have the decision-making authority to do that what he was saying was when they talk about big developments big changes are needed. Chris explained that talking about medium development medium changes etc. Chris explained that when they are talking about squaring off an entire intersection for seven units or changing

the geometry of a roadway at a major route that has larger land planning considerations. Chris explained from the comments was that there are existing problems at both intersections now and there would be other developments to come that would also exasperate that and this was just one piece of that puzzle. Chris explained that they are not burdened by all of this with all the infrastructure for their small project. Chris explained that they are certainly willing to review it analyze it and discuss.

J. Driscoll asked about the four units we are going to be like the 37,150 s.f.

Rob Baldwin stated a little bit smaller.

J. Driscoll explained that they would need to be more aesthetically pleasing since you're going to do something different.

Rob explained that they have rendering on a good idea to what they are going to look like.

J. Driscoll asked if some more landscaping apparently was lacking. J. Driscoll explained that he drove to the site and felt that the barn was in tough shape, and it would need a foundation.

Chris explained that they would do the analysis of the barn they did a similar project that was a barn and it has been converted into four units.

J. Driscoll asked about the report from NHDOT at the intersection which was primarily it's Beauty Hill Road that's most of the traffic.

Chris explained that it's really the angle of approach that's the biggest problem.

J. Driscoll explained that there's more than three units that needs a road name which needs to be provided.

Chris explained that they hadn't gone through that yet.

R. Allard explained that he lives up that way and he uses it all the time to him its not the angle that political mind comes in but because there's so much traffic going to Beauty Hill Road. R. Allard explained that people use the break down lane to go around to him coming out to see traffic coming you know it's not the angle the break down lane was frequently used to go around traffic. R. Allard expressed that was an issue as well and he thinks this was a problem with the Fire Chief as well probably recommended one way. R. Allard explained that he also sees a problem even going one way coming from the north you're turning there if the car in front of you swerves they go on Beauty Hill Road in the breakdown lane. R. Allard expressed that was the biggest accident area.

J. Driscoll asked if these were going to be rentals or condominiums.

Chris stated that was unclear.

J. Driscoll opened public comment.

Brian Weeden from 63 Winkley Pond Road explained that his father went through the barn with a tractor went through the floor. It was all wet before that they had pigs underneath the barn and they filled it with sand so their test pits that they found sand what sand that they trucked in from a sandpit behind the mobile home. Brian explained that the leach field was also hauled in from the sandpit. Brian explained that the hydric soils definition is saturated contain water and he has seen the place flood right up to the windmill or his well right now. Brian supplied the Board with photos that her took and the photo of the resident was the prior week when the rain all came shows the contaminated area of the farm. Brain explained that the test pits were done during the drought of last summer so everything was dry that year and the brook would stop flowing. Brian explained that this year the brook was full, so the hydrant soils come on a long way and surprised if they meet the setbacks 50' from the wetlands. Brian explained that the prime wetlands after the clearing of the farm were the prime wetlands that all flow from the Bellamy. Brian explained that the brook was self-contained that borders his property and disperses as a wide flow and he was all for progress and Berry Surveying has done their homework. Brian explained no one asked him about the property prior to this. Brian explained that his father subdivided and gave it to his brother and he bought it. Brain expressed that there was no way that this could support a seven-family home that they want to put in on this property. Brian explained that he calculated the area they want to develop was less than three acres, that's like 99,800 s.f. of the field. Brian explained that there was 13 acres but only 3.2 acres are dry, but the rest was dry. Brian explained that everyone walks on Winkley Pond Road and his brother got killed on this road. Brian explained that the applicant was looking to double the traffic on what was already a busy road. Brian suggested that they need to do a road study because they can't contain what they have now.

Don Souliere from 87 Winkley Pond Road explained that he was glad that they are planning a project to move the road because the way the crest steepness of the crest if that road the applicant was proposing doesn't come right where you can see both ways it's a sure killer. Don expressed that he was happy that they wanted to move the road that was important to him. Don explained that turning the barn into a structure and being right on road without following setbacks it's a awful idea. Don expressed that the barn was inhabitable it was strictly for cows, tractors etc. Don explained also concerned about the poorly drained soils versus the very poorly drained. Don explained that he knows that the soil scientist was supposed to follow plans and you can't get soil results in a drought because you don't see the true condition.

Lori Barwell from 40 Hayes Road explained that the traffic come in and off Calef Highway (aka Route 125) leave Winkley Pond Road and going north or towards Rochester basically they have to pull onto the breakdown lane. Lori explained that because when someone was coming off Beauty Hill Road for there safety they need to pull out that way but when they are pulling onto it because everyone was going 50 mph. Lori agreed with the others that a traffic study needs to be done.

Debra Leahy from 48 Winkley Pond Road that they live right across from the barn explained that they know what vehicles go on the road they are like a neighborhood watch. Debra explained that when she leaves her driveway she backs onto her lawn because her driveway was on a hill. Debra explained that there are blind spots at the crest and the road goes down and when you are walking you can't see on the side car would not be able to see you. Debra explained to the Board that the road was very windy depends on how many times you have traveled their road. Debra explained that an increase of 7 units would be an increase of 14 vehicles minimum. Debra explained that the area has a lot of wildlife and asked if they use wetlands.

R. Allard stated that they are not suppose too.

Debra explained that they have a lot of water in here basement and felt that the new dwelling would have a water table problem being lower down where she was on a hill.

Brian Bardwell from 40 Hayes Road explained that his concern was the wetland delineation the Board saw the pictures of the wetlands approach does run full time between Brian's property and their property. Brian explained that's a flowing stream or it goes down back behind his property. Brian explained that it was no longer a stream it's just kind of disperses into the wetlands area. Brian explained that when a heavy rain there's no flow and the wetlands could not take and absorb that amount of water that causes backup in that area.

Chris Berry explained that they know that they need to do a traffic study with consulting with NHDOT. Chris explained that he knows that they have long term plans for the intersection of Beauty Hill Road and Calef Highway (aka Route 125). Chris explained that they would coordinate with them. Chris explained that he was happy to have the other wetlands scientist that they use to take another look at the site. Chris explained that there was a difference between hydric soils and jurisdictional wetlands formerly there were hydric soil boundaries that were used for determining where wetlands were. Chris explained the Army Corp of Engineers and the State of New Hampshire now recognizes that there are jurisdictional wetland boundaries that are outside of what our hydric soils they have a jurisdictional wetlands boundary for the project site per the regulations require of them. Chris explained that they would look at hydric soils above the jurisdictional wetlands boundary doesn't change the buffers or setbacks at all. Chris explained that in terms of construction groundwater tables these are slab on grade type construction in the issues that Debra was describing are groundwater coming up through her basement and directly in related and related to the amount of rain we're getting it's unrelated to the amount of overland flow that we're seeing as part of the weather pattern that we are currently in. Chris explained that he would ensure that there above seasonal high-water tables with the floors of there structures they don't have basements, so they won't have the issues that they are having in their basement. Chris explained that they are doing an analysis to ensure that they're not changing the stormwater patterns on site and affecting people downstream.

J. Driscoll asked about the any runoff their side from Hayes Road the little slope that's there.

Chris explained that they have started the stormwater analysis on this project the amount of area

that contributes to their site does continue over Hayes Road and up that slope. Chris explained that they know what area drains to the pond then which area drains to them. Chris explained that they are correct about the stream it's a boundary line when the gentleman's father subdivided the property Drew Fred Drew the surveyor drew the boundary line down the center of the stream. Chris explained that then it flows out into the large prime wetland area so and there was a lot of open water that was out there and it has been delineated on the plan also part of the calculations for the project site.

R. Allard asked about the they heard about the overlay area too.

J. Driscoll stated that the staff also recommend a traffic analysis too.

A. Melnikas explained that he was looking at the Fire Chief's recommendation and the chief was being proactive and asked if there were any comments from what he has said.

Chris explained that part of what they do when there doing traffic assessment was an assessment of the impact of what was being proposed on the infrastructure accident review in the area. Chris explained that they also see what plans are known to be moving forward and clearly the chief knows that and they know that the parcel across the street was under construction for development and so they would also reach out to that landowner or that consultant. Chris explained that they would ask what type of development they are proposing and then they would opine on what impacts that might have in conjunction with their approach.

J. Driscoll suggested the planning staff could use more drawings of what they would propose.

J. Driscoll asked about the calculations in area two and three of the upland soils.

Chris explained that he doesn't know if it's the notation. And didn't know if that was a question.

Brian Weeden explained that they can't go any further back on setbacks because of the wetlands so they've got a point drip down eight feet.

J. Driscoll closed the Design Review.

9. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

A. Conservation Commission request for consultant services for Wetland Buffer Ordinance Revision. Board to vote to move forward.

J. Driscoll gave a brief description of the request.

Ken Grossman Chair of the Conservation Commission explained that they have spoken about this several times and was pleased that the last time they met there was a reasonably position reaction to going forward with an amendment or a change to the Section 9.6 of the ordinances. Ken explained they are looking to create a more efficient system for looking at what happens when an applicant wants to approach the wetland buffers. Ken explained that in all cases to

look more closely at the wetlands themselves and see what its functions and values are done in a way that doesn't break anyone's bank. Ken explained especially on small and medium sized projects. Ken explained that something set up that would be accessible easily understandable efficient with the Boards request and the help of staff they created a scope of work. Ken explained that the scope of work below was what he presented to the Board:

a. Draft Proposal Review & Subcommittee Meetings

- The draft will be delivered to the Land Use Department for a, joint committee made up of representatives of the Planning Board, Conservation Commission, and Town staff to review. Two (2) meetings to be planned with the consultant and the committee for questions and comments. Meeting dates to be set up by the Land Use Department.
- The first meeting will discuss the initial draft from the scope of services and provide feedback to the consultant.
- The second meeting will be the committee to review the final draft for the Planning Board. (Anticipated Meetings in June/July.)

b. Planning Board Public Hearing Meeting

- The completed draft of the Zoning Amendment will be presented from the consultant to the Planning Board. The Planning Board may make additional changes and prepare it for public hearings in Fall 2023. (Anticipated meeting date in August 2023)

c. Revisions based on Public & Planning Board Review

- Additional changes may be made following public input. Final drafted language to be approved by the Planning Board and Town Counsel. Language to be voted on by the Planning Board. (Anticipated November/December 2023)

d. Zoning Amendment draft & Public Hearing

- Pending approval by the Planning Board at a Public Hearing, the proposal is placed as an article on the 2024 Town Warrant. (January 2024).
- The drafted warrant article from the changed language will be reviewed by Town Counsel.

e. Town Vote (March 2024)

1. The budget is split 50/50 from the Planning Board from the Land Use Consultants line in the Land Use Department budget, and the Conservation Commission funds. The total is not to exceed a total cost of \$4,500.00. This action of issuing a PO to a consultant will adhere to the Town of Barrington's Purchasing Policy.

Ken explained that they would hire a consultant to spend some time looking at this issue and try to give them something to see if they like, make modifications to with the hope of bringing something before the voters next March.

R. Allard questioned reducing the 50' buffer and concerned increasing what they have now. R. Allard explained that he likes this better than what they received before.

John Huckins explained that he was part of that group before, and that Marc Jacob said that the Assessment would be between \$4500 to \$5000. John explained that a person that wanted to do an addition would have to pay \$4500 to \$5000 to have the assessment done. John asked about using the subdivision plan like he uses to let people that they are to close, and Marc said if they

do the assessment you would need to have delineate where the wetlands and that would be another \$4500-\$5000. John was concerned that someone would spend 8 to 10 thousand dollars to come in to get closer to the edge of the wetland.

R. Allard agreed with John but if the Board said to use what they used previously before not redoing.

John Huckins asked if that was the value of the wetlands not the location. John explained that Marc Jacobs said that you can't rely on that if he's going to do on the wetlands he has to know where the wetlands are that would be based on today not 10 years ago.

R. Allard explained he agrees but the methodology than that the first step was right here and that doesn't lock into a certain procedure.

John asked if what was on the other sheet might be a different methodology than what was on the other sheet.

Ken explained that he felt that there maybe some misunderstanding of what Marc said and thought he said that they want to avoid someone spending \$4500-\$5000 on additional wetland Scientists work and come up with something simpler. Ken explained that the Association of Conservation Commission was doing a workshop in Concord a field study that getting a bunch of amateurs and he signed up for it along with other Conservation Commission and some Planning Board people who are going to go into a wetland in Concord. So, they can learn some Methodology in terms of evaluating functions and values of wetlands. Ken explained that they are not going to do \$4000. worth of work. Ken explained that he would not favor this kind of outcome.

John expressed that was his biggest concern.

Ken expressed that would not be their cost to Marc Jacobs.

R. Allard explained that it's good to collaborate on this, but he thinks ultimately there is looking for the Conservation Commission to give the recommendation to the Board on these issues. R. Allard explained the Young Road was great but some recommendations not so good on some of them no comments at all.

A motion was made by J. Driscoll and seconded by A. Melnikas that they proceed with this.
The motion passed unanimously.

Roll Call:

J. Cappiello-Yay

A. Melnikas-Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

V. Price explained that the next step would be to issue a purchase order for the consultant and talk about it later.

CLASS 6 AND PRIVATE ROAD COMMITTEE

R. Allard for the Planning Board member and Bob Tessier for the resident.

9. ADJOURN

A motion was made by J. Driscoll and seconded by J. Cappiello to adjourn the meeting at 8:52 p.m. The motion passed unanimously.

Roll Call:

J. Cappiello-Yay

A. Melnikas-Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

A. Adjourn the Planning Board Meeting. The next Planning Board meeting is a Public Hearing on May 16, 2023, at 6:30 PM.

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