



---

**Meeting Minutes**  
**Town of Barrington Planning Board**  
**Public Hearing**  
**September 5, 2023, at 6:30p.m.**  
**(Approved September 19, 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, Bob Tessier, Joyce Cappiello, Andy Knapp, Donna Massucci

**Members Absent:** Buddy Hackett

**Staff Present:** Town Planner: Vanessa Price, Planning & Land Use Administrative Assistant: Barbara Irvine

D. Massucci will be a full voting member.

**3. REVIEW AND APPROVAL OF MINUTES**

A. Review and approve minutes of the August 15, 2023, meeting minutes.

*A motion was made by B. Tessier and seconded by J. Cappiello to approve the meeting minutes of August 15, 2023, as written. The motion passed unanimously.*

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci-Yay

B. Tessier-Yay

J. Driscoll-Yay

R. Allard arrived at 6:33 p.m.

**4. STAFF UPDATES -TOWN PLANNER**

A. At the September 19, 2023, Planning Board work session meeting there will be discussion on Zoning Amendments.

V. Price explained that at the September 19, 2023, work session the Board would be continuing

with the zoning amendments along with the CIP. V. Price explained that then the CIP would be recommended to go to the Select Board. V. Price explained to the Board and the audience that they are updating the housing chapter of the Master Plan.

B. Barrington is updating the Housing Chapter of the Master Plan. Your feedback is important and will be integrated into the update.

V. Price explained the following to the Board:

1. Housing Survey: <https://tinyurl.com/barm23>
2. Barrington Housing Forum Community Meeting  
Where: Early Childhood Learning Center located at 77 Ramsdell Lane  
When: September 30, 2023  
Time: 8:30 am – 12:00 pm

## **5. CLASS VI/PRIVATE ROAD APPLICATION**

A. Review of a request for a building permit for Joseph Sweeney and Devon Beckwith at 14 Kelly Lane ([Map 234, Lot 6](#)) for a Category 3 on a Class VI/Private Road.

J. Driscoll gave a brief description of the application.

V. Price explained to the Board that Mr. Sweeney was back before the Board due to the Select Board asking him to return to the Planning Board see memo. V. Price explained that he was going to ask for waivers but he decided that he was meeting the recommendations and performing road improvements on the road.

J. Driscoll explained that he understood that Mr. Sweeney talked to members of the Town staff about the road. J. Driscoll explained that the last note that the Board has was concerning the applicant agreement to clear all the debris and dig down 12” to the solid existing gravel and put in 2-foot shoulders on each side and the gravel surface of a 16-foot roadway with two feet to 2-foot shoulders. J. Driscoll explained to also regrade approach to Route 9 to provide for more general approach to Route 9 and repaired an existing head-to-head wall and approve to meet 20’ road standards.

Joseph Sweeney owner of 14 Kelly Lane explained to the Board that 95% of the work has been done. Joseph explained that essentially the work was completed and would be within the next few days.

R. Allard asked if he wanted to move in before the road was complete.

Joseph said Yes, he explained that he went before the Select Board and asked for that. Joseph explained that after that meeting, he met with his contractor and with the Road Agent Marc Moreau on the road. Joseph explained that the road has a 60’ right of way and originally was built with a 20-foot width, but over the past 50 years that it’s been there the shoulders are

degraded and there was quite a bit of debris in there. Joseph explained that his contractor and Road Agent Marc Moreau agreed that they could work with in the 20' width inside the 60' right of way without having to deal with the State contractor expanded the road at 2' on either side.

J. Driscoll explained that there was some concern about the apron abutting Route 9.

Joseph explained that the apron was going to be compromised and a previous presentation that he made but the brought the road up to code and felt that the apron was needed. Joseph explained that Section 4 requirements F category 3 describes expanding the road to that minimum. Joseph explained that means the code and believes he's done that and that the apron was not needed. Joseph explains that the apron falls mostly in the right of way of Route 9, and he didn't believe that any private roads in Barrington that has an apron.

B. Tessier explained that this was an existing road.

Joseph explained that the Fire Chief suggested the apron. Joseph explained that it's not described anywhere in the road use policy.

B. Tessier asked if he met the 10% value for the work?

J. Driscoll asked what the total value of the work was?

Joseph explained that he hasn't received the invoice on the work yet that was going to be lumped into the grading property. Joseph explained that it would probably be less than the 10% but as he read that it he's improved the road to those standards.

J. Driscoll explained that he has gone 50' beyond his property line.

Joseph explained for his driveway down the road it's always been 20 feet wide. Joseph explained that the grading would be done would go 50 feet.

A. Knapp explained that if anyone has drove down that road in the springtime it's significant improvement because the road turns into a bit of a soup hole. A. Knapp explained that in section 12.2.(1) there was no information about an apron and not in table 1.

J. Driscoll explained that he was asking to send a note to the Select Board.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by A. Knapp and seconded by R. Allard to waive the paving apron onto Route 9. The motion passed unanimously.*

Roll Call:

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

V. Price explained that the Planning Board recommendations to the Select Board to approve the application with the proposed improvements for the road to meet town standards, without the asphalt apron at Rte. 9 as it is not in the policy, and the road has low traffic volumes and moderate grades.

## 6. ACTION ITEMS

### A. CONTINUED CASE: From August 1, 2023

- 1) [240-8-NR-23-Sub \(23\) \(Owner: Young Road, LLC \(Previously-Norma Bearden\)](#) 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.

**(Application was accepted as complete on April 4, 2023)**

**Applicant requested continuance to October 3, 2023**

J. Driscoll gave a brief description of the application.

Chris Berry from Berry Surveying & Engineering presented Paul Thibodeau Young Road, LLC. Chris explained that they are before the Board to ask for continuance to October 3, 2023, and for the Board to vote to send a set of plans to CMA Engineering for review items, the traffic analysis and stormwater analysis for a cost estimate and to allow the start of the review was received by the Planning office.

J. Driscoll explained that they would like to see the this complies with the subdivision regulations.

Chris explained that they object to this.

J. Driscoll explained that other Towns ask for this. J. Driscoll explained that CMA Engineering could review the following:

**Environmental Review**

**Traffic**

**Drainage**

**Aquifer**

**Article 7**

**Hydrologic Study**

Chris asked that Article 7 and Hydrologic Study be held off due to CMA Engineering may not be qualified to review these two. Chris explained that maybe later.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by R. Allard and seconded by B. Tessier to allow plans to be sent to CMA Engineering to start the review once received by the Planning office. The motion passed unanimously.*

Roll Call:

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

*A motion was made by J. Driscoll and seconded by R. Allard to continue the application for Young Road, LLC to October 3, 2023. The motion passed unanimously.*

Roll Call:

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

## **B. NEW APPLICATIONS**

- 1) [234-56-GR-23-2Lots \(Owner: Todd P. Dudley\)](#) Request by applicant for a Minor Subdivision application for a two-lot subdivision with waivers on Map 234, Lot 56, located off Oak Hill Road in the General Residential Zoning District. Lot 56 is currently 51.72 acres, and the proposed subdivision would make Lot 56 12.09 acres and Lot 56-1 would be 39.63 acres. BY: Joel Runnals, Norway Plains Associates, Inc, PO Box 249; Rochester, NH 03866.

J. Driscoll gave a brief description of the application.

Joel Runnals from Norway Plains Associates, Inc represented Todd Dudley for a subdivision. Joel explained that the primary reason why there doing the subdivision was to satisfy the estate.

Todd explained that his mother passed away and she owns 50% of the property and his siblings and him owned the other 50%. Todd explained that he retains the farm in a certain parcel, the other parcel Todd explained that there are no current plans for development on the other parcel.

Joel explained that the primary reason why they are here was that they are asking for some waivers for the wetland delineation but didn't do the entire site. Joel explained one showed an area along the wetlands in this area was well exceeds the two acres that would be required by the Town. Joel explained that it's more than just to show the buildable and one of the waivers is not to do test pits in that area also Todd lives in the farmhouse has existing well and septic. Joel explained that they made the lot with minimum of 200' of frontage.

*A motion was made by A. Knapp and seconded by J. Cappiello to accept the application for Todd Dudley as complete. The motion passed unanimously.*

Roll Call:

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

J. Driscoll asked about the assessing concerns.

Joel explained that are they are already working with her now.

#### **Waivers Requested:**

##### **1. Article 5.3.1(8) of the Subdivision Regulations.**

**The requirement of showing only the structures and features that are on proposed Lot 56 and the area of interest (AOI) on Lot 56-1 and not outside the AOI or on the abutting lots.**

*A motion was made by A. Knapp and seconded by J. Cappiello to grant the waiver Article 5.3.1 (8) 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:

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

##### **2. Article 5.3.1(9) of the Subdivision Regulations.**

**The requirement of showing only the natural features that are on proposed Lot 56 and the area of interest (AOI) on Lot 56-1 and not outside the AOI or on the abutting lots.**

*A motion was made by B. Tessier and seconded by J. Driscoll to grant the waiver Article*

5.3.1 (9) *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:

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

**3. Article 5.3.2(4). The requirement of test pit data to use the NHDES approved (eCA2016102124 dated 10-21-2016) septic design on Lot 56 in leu of performing new test pits.**

*A motion was made by J. Driscoll and seconded by B. Tessier to grant the waiver for Article 5.3.2 (4) 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:

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

J. Driscoll opened public comment.

J. Driscoll closed public comment.

V. Price read Notice of Decision:

Date of Application: August 14, 2023  
Date Decision Issued: September 5, 2023  
Case File #: 234-56-GR-23-2Lots

**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: Request by applicant for a Minor Subdivision application for a two-lot subdivision with waivers on Map 234, Lot 56, located off Oak Hill Road in the General Residential Zoning District. Lot 56 is currently 51.72 acres, and the proposed subdivision would make Lot 56 12.09 acres and Lot 56-1 would be 39.63 acres.**

**Owner:** Todd P. Dudley  
168 Oak Hill Road  
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 September 5, 2023, meeting **CONDITIONALLY APPROVED** your application referenced above.

The application has met all the Town's Ordinances and Regulations in accordance with the Town of Barrington, New Hampshire Subdivision Regulations, amended August 1, 2023, and the Barrington Zoning Ordinance, amended March 28, 2023.

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

**Please Note:**

If all of the precedent conditions are not met within 12 calendar months to the day, September 5, 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 September 5, 2023, Planning Board Meeting, Board approved waivers for:
  - i) The requirement of showing only the structures and features that are on proposed Lot 56 and the area of interest (AOI) on Lot 56-1 and not outside the AOI or on the abutting lots in Article 5.3.1(8) of the Subdivision Regulations.
  - ii) The requirement of showing only the natural features that are on proposed Lot 56 and the area of interest (AOI) on Lot 56-1 and not outside the AOI or on the abutting lots in Article 5.3.1(9) of the Subdivision Regulations.



- iii) The requirement of test pit data to use the NHDES approved (eCA2016102124 dated 10-21-2016) septic design on Lot 56 in leu of performing new test pits in Article 5.3.2(4) of the Subdivision Regulations.

#2) Add the following to the Plan:

- a) Zoning Districts on all properties.
- b) Owners' Signature.
- c) Wetland Scientist Signature.
- d) Professional Surveyor Signature.

#3) Subdivision Recording fees to be paid.

- a. Exact recording fee & return shipping to be determined by the Strafford County Registry of Deeds. (Payments will need to be payable to The Strafford County Registry of Deeds.) Town staff will provide the cost when plans are submitted for the Planning Board Chair.
- b. LCHIP (\$25 Payable to The Strafford County Registry of Deeds.)

#4) Certificate of Monumentation Installation submitted to the Town.

#5) At final submittal, all outstanding comments to applicant from Town Planner Subdivision regulations shall be addressed.

#6) Prior to obtaining Board signature, the Applicant shall submit two (2) full size paper copies of the subdivision plans, one (1) 11' x 17' copy and .pdf/a format file format with supporting documents as required 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 subdivision plans for their records and one (1) 11' x 17' copy and .pdf/a format file format for the case file folder.

### **General and Subsequent Conditions**

#1) 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. Cappiello to approve the 2-lot subdivision for Todd Dudley as read by the Town Planner. The motion passed unanimously.*

Roll Call:

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

- 2) **269-7&7-1-GR-23-LL (Owner: James W. Haley)** Request by applicant for a Lot Line Adjustment on Map 269, Lots 7 & 7-1 with waivers on Hall Road in the General Residential Zoning District. This would result in Map 269, Lot 7 with 39.03 Acres and Map 269, Lot 7-1 with 80,511 SF/1.85 aces. BY: Joel Runnals, Norway Plains Associates, Inc. PO Box 249; Rochester, NH 03866.

J. Driscoll gave a brief description of the application.

Joel Runnals from Norway Plains Associates, Inc. represented James Haley for a Lot Line Adjustment. Joel explained to the Board that they are before the Board to reduce the Lot 7-1 and the owner would like to retain as much of the field on Lot 7 as he can and keep the Lot 7-1 as close to minimum lot size.

*A motion was made by A. Knapp and seconded by J. Cappiello to accept the application for James Haley as complete. The motion pass unanimously.*

Roll Call:

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

#### **Requested Waivers:**

##### **Article 5.3.1(5) of the Subdivision Regulations**

- 1) **The requirement of the surveyed property lines including angles or bearings, distances, monument locations and size of the entire parcel. Said plan must be attested to and stamped by a Licensed Land Surveyor licensed in the State of New Hampshire. Signature, seal, and license number shall be legible and included on the plan in. The reference plans show a survey of the entire parcel and is recorded at the SCRD.**

*A motion was made by B. Tessier and seconded by J. Driscoll to grant the waiver from Article 5.3.1 (5) 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 pass unanimously.

Roll Call:

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

**Article 5.3.1(8) of the Subdivision Regulations.**

- 2) The requirement of showing only the structures and features that are on proposed Lot 7 and the area of interest (AOI) on Lot 7-1 and not outside the AOI or on the abutting lots.**

*A motion was made by B. Tessier and seconded by R. Allard to grant the waiver from Article 5.3.1 (8) 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 pass unanimously.

Roll Call:

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

**Article 5.3.1(9) of the Subdivision Regulations.**

- 3) The requirement of showing only the natural features that are on proposed Lot 7 and the area of interest (AOI) on Lot 7-1 the remaining 80-acre Conservation Easement area or on abutting lots, in Article 5.3.1(9) of the Subdivision Regulations.**

*A motion was made by B. Tessier and seconded by J. Driscoll to grant the waiver from Article 5.3.1 (9) 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 pass unanimously.

Roll Call:

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

**Article 5.3.1(10).**

- 4) The requirement of Man-made features such as, but not limited to, existing roads, stone walls, pedestrian ways, cemeteries, and other structures. The plan shall also indicate which structures are to be retained and which are to be removed or altered. Applicant response: Our waiver request is to show only those structures that are in interest being developed and not on the remaining 40 acres or on abutting lots.

*A motion was made by J. Cappiello and seconded by J. Driscoll to grant the waiver from Article 5.3.1 (10) 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 pass unanimously.

Roll Call:

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

J. Driscoll opened public comment.

J. Driscoll closed public comment.

V. Price read Notice of Decision:

Date of Application: August 14, 2023

Date Decision Issued: September 5, 2023

Case File #: 269-7&7-1-GR-23-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>			
<b>RE: 269-7&amp;7-1-GR-23-LL Request by applicant for a Lot Line Adjustment on Map 269, Lots 7 &amp; 7-1 with waivers on Hall Road in the General Residential Zoning District. This would result in Map 269, Lot 7 with 39.03 Acres and Map 269, Lot 7-1 with 80,511 SF/1.85 acres.</b>			
<b>Owners:</b> James W. Haley 366 Old Concord Turnpike Barrington, NH 03825			
<b>Applicant:</b> Joel D. 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 September 5, 2023, 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 are required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

**Please Note:**

If all of the precedent conditions are not met within 12 calendar months to the day, September 5, 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 September 5, 2023, Planning Board Meeting, Board approved waivers for:
  - i) The requirement of the surveyed property lines including angles or bearings, distances, monument locations and size of the entire parcel. Said plan must be attested to and stamped by a Licensed Land Surveyor licensed in the State of New Hampshire. Signature, seal, and license number shall be legible and included on the plan, in Article 5.3.1(5) of the Subdivision Regulations.
  - ii) The requirement of showing only the structures and features that are on proposed Lot 7 and the area of interest (AOI) on Lot 7-1 and not outside the AOI or on the abutting lots in Article 5.3.1(8) of the Subdivision Regulations.
  - iii) The requirement of showing only the natural features that are on proposed Lot 7 and the area of interest (AOI) on Lot 7-1 the remaining 80-acre Conservation Easement area or on abutting lots, in Article 5.3.1(9) of the Subdivision Regulations.
  - iv) The requirement of Man-made features such as, but not limited to, existing roads, stone walls, pedestrian ways, cemeteries, and other structures. The plan shall also indicate which structures are to be retained and which are to be removed or altered, in Article 5.3.1(10) of the Subdivision Regulations.

#2) Add the following to the Plan:

- e) Zoning Districts on all properties.
- f) Owners' Signature.
- g) Wetland Scientist Signature.

- h) Professional Surveyor Signature.
- i) NHDES Permit Number.
- j) State Subdivision Approval Number

#3) Subdivision Recording fees to be paid.

c. Exact recording fee & return shipping to be determined by the Strafford County Registry of Deeds. (Payments will need to be payable to The Strafford County Registry of Deeds.) Town staff will provide the cost when plans are submitted for the Planning board Chair.

d. LCHIP (\$25 Payable to The Strafford County Registry of Deeds.)

#4) Certificate of Monumentation Installation submitted to the Town.

#5) At final submittal, all outstanding comments to applicant from Town Planner Subdivision regulations shall be addressed.

#6) Prior to obtaining Board signature, the Applicant shall submit two (2) full size paper copies of the subdivision plans, one (1) 11' x 17' copy and .pdf/a format file format with supporting documents as required 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 subdivision plans for their records and one (1) 11' x 17' copy and .pdf/a format file format for the case file folder.

### **General and Subsequent Conditions**

#1) 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 J. Driscoll and seconded by B. Tessier to approve the Lot Line as read by the Town Planner for James Haley. The motion passed unanimously.*

Roll Call:

A. Knapp-Yay  
J. Cappiello-Yay

D. Massucci-Yay  
B. Tessier-Yay  
J. Driscoll-Yay  
R. Allard-Yay

- 3) [250-39-NR-23-2Lots \(Owners: Loren Valliere & Zachary Tucker\)](#) Request by applicant for a Minor Subdivision application for a two-lot subdivision with waivers on Map 250, Lot 39, located on Beauty Hill Road in the Neighborhood Residential Zoning District. This would result in Map 250, Lot 39 is currently 12.20 acres, and the proposed subdivision would make Lot 39 2.05-acres and Lot 39-1 would be 10.03 acres. \* BY: Joel Runnals, Norway Plains Associates, Inc. PO Box 249; Rochester, NH 03866. **Application was not accepted as complete.**

J. Driscoll gave a brief description of the application.

Joel Runnals from Norway Plains Associates, Inc. represented Loren Valliere & Zachary Tucker. Joel explained to the Board for a two-lot subdivision on the land of an existing home and site review approved home business. Joel explained that they are trying to create a two-acre lot and the remaining land would be for another buildable area. Joel explained that they didn't do any wetland delineation out there. Joel explained that they are going need a driveway easement because they are going to utilize the existing driveway cut across over into the next of the backlot.

Joel explained that they need to go to the Zoning Board they submitted the applications last week and amend the existing site plan.

R. Allard explained that he was concerned because the applicant needs Zoning Board of Adjustment approval first.

A. Knapp explained that his concerns that this got permitted with a waiver request to use it as mixed use property with commercial use and a plan set that specifically has a whole bunch of layouts and it's no longer going to comply with anything that was done for the prior plan set.

A. Knapp explained that he didn't agree that this should move forward without having both site plans come back to the Board. A. Knapp felt that you can't carry that use as is and felt you do not accept without all the information. A. Knapp explained that he felt the applicant was not in complex.

V. Price explained that she talked to code enforcement before the meeting, and he has not received any formal complaints or issues on the property.

*A motion was made by J. Driscoll and seconded by R. Allard to continue the application for Loren Valliere and Zachary Tucker to October 3, 2023. The motion pass unanimously.*

Roll Call:

A. Knapp-Yay  
J. Cappiello-Yay

D. Massucci-Yay  
B. Tessier-Yay  
J. Driscoll-Yay  
R. Allard-Yay

- 4) [253-14-GR/SDAO-23-SR \(Owner: Hambone, LLC\)](#) Request by applicant for a Major Site Plan Review for Seven Multi-family units with waivers on 49 Winkley Pond Road (Map 253, Lot 14) a 13.47-acre lot, in the Stratified Drift Aquifer Overlay and the General Residential Zoning District. BY: Christopher Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

J. Driscoll gave a brief description of the application.

Chris Berry from Berry Surveying & Engineering represented Robert Baldwin principal members of Hambone LLC of 49 Winkley Pond Road. Chris explained that they are before the Board for a major Site Plan.

Chris updated the Board Members and abutters are where they are at on the project. Chris explained that they were hired to do an existing conditions plan and a boundary survey of the site at 49 Winkley Pond Road. Chris explained that they hired Diedre Benjamin who was a wetland certified wetland scientist, to delineate the jurisdictional wetland boundaries and the very poorly drained boundaries of wetland on site. They asked Jack Hayes who's both are certified wetland Scientist but also a certified soil scientist to also review the very poorly drained boundary on site. Plans are stamped by both Dierdre Benjamin and Jack Hayes. Chris explained that at the design review hearing the abutters felt as though the delineation of the wetland boundary was inaccurate, based on when and the time of year that the work was conducted. Chris explained that they asked Jack Hayes to go out and review the jurisdictional wetland boundary. Chris explained that Jack Hayes asked that they meet Deidre on site, and they re-reviewed the wetland boundary in the lower section of the property behind the existing single family home adjacent to where the existing well was. Chris explained that earlier this summer they redid the delineated area for jurisdictional wetlands and what they found was that the jurisdictional vegetation boundary has moved up slope a little bit.

Chris explained that the plans have been modified to account for that small bit of additional wetlands found on site, and then the 50-foot buffer that applies to that wetland. Chris explained that he felt that there may have been a misunderstanding by maybe a passerby or abutter landowners. Chris explained that Jack had flagged his very poorly drained boundary and his flagged are still very visible you can see them over standing water. Chris expressed that the Board requested that they take a second look at them, and he wanted to let the Board know that they did. Chris explained that they have designed their site around the most current data. Chris explained the existing remaining existing site features, there's an existing barn on site that's now scheduled to be removed and an existing single-family home that's now scheduled to be removed. Chris explained that they are starting with a blank slate, and they are trying to work around some of these features Rob has done this in many other projects mostly in other towns and municipalities where they renovate a barn structure. They repurpose it and reutilize it and, in this case, and where it was on the roadway at the crest of the hill with the condition that it's in, they are proposing to remove that in this application. Chris explained that the large portion of the



front section of the property was maintained lawn and the field was less maintained because of how saturated the soils are in that area. Chris explained that the soils in that upper field area are highly transmissive, so there's sands and gravels, as you get closer to that wetland boundary, they are still highly transmissive. Chris explained that there are seasonal high-water tables that are higher in the profile and then of course as you get into the wetland boundary, they have saturated soils nearly to the surface, and that's represented on the site-specific soils map that Jack has prepared. Chris explained that the project proposal to utilize Section 4.2 in the General Residential Zone to permit 7 residential units on the property they have chosen to break this into two sites or two pads. Chris explained that the primary reason for that was to ensure that they can make all the site features fit within the limits that they have. They do have a prime wetland on site that requires a 100-foot setback to be very poorly drained soils within the wetlands and they have a 50-foot buffer on site as well being in the general residential zone. Chris explained that they do have a 40-foot front setback and 30-foot from the sides and back. Chris explained that reducing massing what the last reason was the best soils are in the area where there proposing the effluent disposal system and they would like to keep in that area for the purpose based on the soils. Chris explained that they are in the stratified drift aquifer overlay district. All the utilities on site are proposed to be electric so they would be electric utilities.

Chris explained that the housing they are proposing would be townhouse style structures with parking underneath and bedrooms with living space above those. Chris explained that the 4.2 regulation have a calculation within them that allows for seven units on site but one of the units needs to be a one-bedroom design to accommodate that within the accrual building structure itself.

Chris explained that they are proposing a common well that falls under a no transient system and was not a public water and was not a public water system with a common disposal system.

Chris explained that the Fire Chief commented that a fire cistern was required so they are proposing 30,000-gallon cistern. They had a location picked inside their project for that they thought that it would be better served from a community standpoint if they placed on Winkley Pond Road. They moved that cistern out, so it'd be more of a public purpose use, and provided the aprons to and from it with a pad in front of it to be utilized as well.

Chris explained that the stormwater was handled through two systems there's an infiltration system that's proposed where they capture off-site water roof runoff, which was considered clean stormwater and infiltrated into the first infiltration system. Chris explained that there would be a rain garden that's central to the project where all the impervious surface from the site was gathered and sent for treatment as well as attenuation of flow and volume that are then sent to what's known as a level spreader. This would be spread out then discharged back to the wetlands. Chris explained that there was a well house on site that was proposed to have an access road to it and there was a small retaining feature that's proposed on site to ensure that no grading or disturbance of the wetland buffer takes place.

Chris explained that in part of the stormwater analysis they found that the remaining area draining to the wetland even though they weren't touching it was increasing flow to the wetlands and has to do with they call it an anomaly in stormwater,

Chris explained to the Board that the landscape plan has vegetation proposed inside that buffer to ensure that all their peak rates are both functionally but also from modeling standpoint reduced and post conduction or post construction of flow.

Chris explained that in design review there was a concern about sight distance they have moved the roadway to the apex of the hill so that Winkley Pond Road crest along there midway down

there project frontage proposing their driveway come off that apex with good sight distance in both directions. Chris explained that the road agent commented on this, and the roadway meets the regulations for site distance. Chris explained that they supplied a trip generation, but the site review regulations doesn't require that they provide a short form or long form because they don't meet the trip generation threshold for a full impact analysis. They did provide for the Board a trip generation memo that demonstrates the number of trips coming to and from the site. Chris explained that there was 3 or in the morning and 4 or 5 in the afternoon with total daily flow or total daily volume was approximately 50 trips.

Chris explained that parking on site would be wither under the structure or in front of the garage doors plenty of parking for residents and overflow parking. Lastly, the intersection of Winkley Pond Road and Route 125 (Calef Highway) both North and South locations. Chris explained that they have reached out to NHDOT and Vanessa they received the study that was conducted on Route 125 (Calef Highway) and how NHDOT needs to review those intersections. Chris explained that Town staff has commented on how they would like to see the intersections realigned.

Chris explained that the Conservation Commission comment that they didn't understand he explained that they were an offsite area that grades down onto there site it's sort of steep and then flattens out in their field. Chris explained that they are proposing to but there buildings up against the slope along with a swale system at the back of those buildings to capture that off-site flow and get it around building into an infiltration system discharge down to the filed where it goes no proposed flow that's being discharged wither on the Haye Road or Winkley Pond Road.

A. Knapp asked how they got to the yield plan and if this project was classified as a HUD.

Chris explained that multifamily was permitted in this zone with a conditional use permit. Chris explained that under Section 4.2 discusses a set of calculations that are required to meet the density calculations are in Article 4 Section 2.1.1 through 3. Chris explained then it's a series of tests the total site must be divisible by 80,000 s.f. each additional unit requires an additional 80,000 s.f. for a 2 bedroom or greater requires additional 60,000 s.f. of buildable uplands and then each additional 2-bedroom unit requires an additional 35,000 s.f. of contiguous uplands and then a one-bedroom unit requires half of the calculations.

A. Knapp questioned that this was not under a common roof.

Chris explained that it generates the ability to do a multifamily site up to 8 units in one building because you also have a regulation that says they can't have more than eight. Chris explained that the density was where they had the different pods throughout the site that they've utilized.

A. Knapp expressed that its not in line as a multifamily it's more of a HUD at that point because the multifamily was under one contiguous roof and what you're proposing was not under one.

Chris explained that if we were to take the 7 under one common building once a multifamily site it a multifamily site.

A. Knapp felt that it doesn't meet the regulations.

V. Price explained that she spoke with Code Enforcement Officer about the density and units Code Enforcement didn't see any issues with this project.

*A motion was made by R. Allard and seconded by B. Tessier to accept the application as complete. Vote 5/1*

Roll Call:

A. Knapp-Nay

J. Cappiello-Yay

D. Massucci-Yay

B. Tessier-Yay

J. Driscoll-Yay

R. Allard-Yay

J. Driscoll asked about the change in the wetlands delineation you lost 78,160 s.f. of uplands it's down to 88,435.

Chris stated that was correct.

J. Driscoll asked about the concerns from the staff about possible headlights hitting the house across the street base elevation was like 174 and the car area adjacent to the garages was 164.

J. Driscoll asked if it was possible to put a 4' fence up along the edge of the 42' encompasses the park area. J. Driscoll explained that the comments from the Conservation Commission was that they were thinking that the property was higher than the road in the edge of pavement was 171 and yours was 164.

Chris explained that they may have thought that some of the offsite flow would come down and hit maybe the back of there building. Chris explained then the point at the roadway this was accounted for that in there grading.

J. Driscoll expressed that it seemed like a robust drainage plan using the slope granted to curbing. J. Driscoll asked if this would impact the use of the snow storage area?

Chris explained that it would not it would be piled then lifted in the back that's why the slope was chosen.

J. Driscoll asked how during the preliminary discussion the architecturally pleasing than the Windsor Way ones to fit the rural character of the area in the barn and farmhouse across the street.

R. Allard asked for designated parking for visitors.

Chris explained that they have not added additional spaces only added the spaces in front of the doors. Chris explained that they can look at adding one or two spaces to the left and right of each unit.

R. Allard explained that he felt visitors parking spaces are important and asked if there were mailbox designs.

Chris explained that they do on sheet 6 of 31, it's proposed 8 mailboxes.

R. Allard asked if these units were rentals or sold.

Chris explained that they would be rentals. Chris explained that if they were going to be sold, they would need an HOA and the stormwater maintenance manual gets plugged into the HOA documents.

R. Allard asked if the leach field that does all units.

Chris explained that the same thing with that have a maintenance manual so that each landowner of each unit owners knows what needs to take place on a yearly basis to maintain that system.

R. Allard explained that he was confused by why the pump station and the septic system was on that side of the building far away from them.

Chris asked why they wouldn't have the effluent disposal system over there. Chris explained that they must be outside there well radius. Chris explained that they are proposing typical residential lamps on both the front and back of the buildings. Chris explained that if the Board was looking for additional light inside the parking lot they can add solar lights and that this was a rural area.

R. Allard asked about rendering for all sides and said they never got a light defender was correct. R. Allard explained that the rendering show light poles and there is no wall mounted on the renderings.

J. Driscoll asked about the the one bedroom would be lower than the other units.

Chris explained that he would update the renderings.

D. Massucci asked about the 2-bedroom units they are probably going to have children how was the bus going to be addressed would they have pickup on Route 125 (Calef Highway).

Chris expressed that he didn't have an answer.

D. Massucci asked Chris to find out because that was very important to her.

Chris stated yes.

### **Waivers Requested:**

#### **1) Article 12, Table #1: Minimum Road Centerline Radius (Section 4.8.1)**

#### **Waiver Justification:**

**The purpose or the requirement is to ensure safe travel along the alignment and ensure the curvature allows for navigation by safety vehicles. In this case the design is adequate given the proximity and length of the curve to the start and end of the alignment. This short geometry does not allow for excessive speeds given the length of the driveway. Safety vehicles can safely navigate a 100' radius. This can be seen on sheet 31 of 31.**

*A motion was made by R. Allard and seconded by B. Tessier to grant the waiver from Article 12, Table #1 Article 4.8.1 for Hambone, LLC specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations. Vote 5/1*

Roll Call:

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

## **2. Article 12, Table #2: Max Grade within 100' of an Intersection (Article 4.8.1)**

### **Waiver Justification:**

**The purpose or the requirement is to ensure a safe platform at the intersection. As noted above -4% is considered a safe platform by NHDOT. The increased slope at the entrance substantially reduces fill needed on the project site and reduces the total pad height of the buildings. This increase from -2% to -3% reduces the amount of grading needed in and around the wetlands buffer. Lastly, the crest of Winkley Pond Road is flat and has very little cross slope definition. BY increasing the entrance slope into the project site there is a reduction in the potential risk of icing and ponding at the entrance location.**

*A motion was made by R. Allard and seconded by J. Driscoll to grant the waiver from Article 1 Table #2 (Article 4.8.1) for Hambone, LLC 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. Vote 5/1*

Roll Call:

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

## **3. Article 4.8.6 (2) Sight Distance location of the vertex of the sight triangle**

### **Waiver Justification:**

**Granting the waiver properly carry out the purpose and intent of the regulations.**

**The purpose and intent of requiring sight distances to a certain standard is to ensure the safety of drivers and future occupants of the residences built. By meeting the state and federal requirements the intent and purposes is met.**

*A motion was made by R. Allard and seconded by B. Tessier to grant the waiver from Article 4.8.6 (2) for Hambone, LLC 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. Vote 5/1*

Roll Call:

A. Knapp-Abstain

J. Cappiello-Yay

D. Massucci-Yay

B. Tessier-Yay

J. Driscoll-Yay

R. Allard-Yay

D. Massucci asked Chris to explain the renderings.

Chris explained that each unit has its own entrance so each unit has its own garage that you can drive into, and you can also park outside the garage that would go into a platform and you can go right up to the garage.

D. Massucci expressed she did not like the renderings and asked about more greenery.

A. Knapp explained because of plowing there would be no greenery there.

Chris explained that it was a maintenance issue versus an ocular issue or a beautification issue.

J. Driscoll asked about lighting someone made a comment about the entrance they may want more lighting. J. Driscoll explained that he would not support because spill over to the road.

J. Driscoll opened public comment.

Brian Weeden from 63 Winkley Pond Road explained that they are relying on the traffic study from Route 125 (Calef Highway) with NHDOT and a slight impact on the road. Brian explained that he disagrees with that statement this would double the impact on Winkley Pond Road. Brian explained that right now there are 8 single family homes and adding 7 apartments. Brian explained that they are maximizing the land that was available to them but they're counting the square footage of all the uplands soils. Brian explained that he felt they are destroying the whole concept of the road people walk down the road and they go Pierce Road they come all around. Brian explained that this changes the dynamic of Winkley Pond Road. Brian explained that they complained about the wetland study and they readdressed the wetland study they had wetland soil scientist come out they retagged everything. Brian explained that the confusion was the flags

and there are flags everywhere look at the property now and it's never been like this before. Brian explained that he had the Dean of UNH Ken LaValley come up and kind of looked at what was established they asked if he agreed with it, and he said he didn't really agree with it. Brian explained that Berry's Surveying came down and establish boundaries and he has been paying taxes for a few years and then their boundaries don't consist of what his boundaries do. Brian explained that the surveys don't match who does he believe. Brian expressed when the Board ask for abutters improve and then they approve it should mean something if the Board dismisses what all the abutters say.

Brian explained that they are not against expansion, but you don't maximize the footprint of rural area.

J. Driscoll explained that the State believes in property rights.

Brian explained that he was voicing his opinion against it.

Debra Leahy from 48 Winkley Pond Road suggested that they adjust the entrance to their development across from her driveway. Debra explained looking at Article 6 in the Conservation Subdivision that the Master Plan in future land development activities to set aside more open Space for the purposes of maintaining the Town's character. Debra explained protecting key natural resource features and preserving wildlife habitat.

Debra explained that 6.1(1) to maintain and protect Barrington's rural character and 6.1 (2) to preserve scenic views and to minimize views of new development from existing streets when did the Master Plan change. Debra explained that the development was going to cause a negative impact in their neighborhood was her observation and she was against the development. Debra explained where her driveway was hers was directly across the street which they can put it somewhere else she showed on the plan that they could make it a dead end.

J. Driscoll explained that was where the cistern was going.

Debra said that the cistern can go somewhere else. Debra explained that since 1979 they have not run out of water 25' dug well was original to the property and attached to the house that they are living that was built in 1955. Debra explained that they are higher, and they are lower, and they don't want to run out of water. Debra said if her well goes dry she wants to have legal rights.

J. Driscoll closed public comment.

R. Allard expressed that it was a small road based on public comment only thing in the regulations would be applied would be scattered and premature development. R. Allard explained that he wasn't sure how this would apply and asked Chris for his input.

Chris stated that he was going to refrain from comment on that one. Chris explained that on every scattered and premature argument he's ever had, they ended up in court and it was settled.

R. Allard agreed that it seems to go more in public services and things like that don't really apply to you.



Chris explained that scattered and premature would be in areas of town that are well outside of the functional zone, has Class 6 roadways that haven't been improved and maybe a developer was looking to improve a class 6 roadway for a large development. Chris explained that it would be well outside the service area and this was not outside the service area.

R. Allard explained that the Town doesn't supply water supply and that kind of stuff.

Chris explained to the Board that they heard what Debra Leahy said they specifically moved the Driveway to be in line with hers for public safety reason driveway that there now was for safety reasons that there stated chief and by the road agent that their designer view here, there was a purpose for it.

Chris explained it's safety in terms of her well versus there well as Debra noted sounded like it was a dug well 25' deep. Chris explained that there well will be drilled well draw from different sources of water. Chris explained that he was not a hydrogeologist so he's not going to make the statement that they don't affect one another.

Chris explained the differences in the boundary lines, they followed Fred Drew's survey as precisely as possible from a 1980's subdivision by Mr. Drew. Chris explained that the difference in the river or the stream call in the length has to do with both the fact that Fred didn't locate it the way they would locate it because of his means and methods at the time are different than there's. Fred did not consider the fact that Winkley Pond Road was likely one of the original roads in Town that was laid out as a four-rod road. Chris explained that their boundary line accounts for that four-rod layout and you can see that on the boundary plan. Chris explained that they surveyed around the gentlemen's property to ensure that they were getting the boundaries the way Fred had intended them. Chris explained that you can see on the plan there's a drill hole at the end of the stone wall at the south corner of the property. This was where Fred had called his corner and the corner of the road you'll see there the way they show the layout of the roadway it's internal to that. Chris explained that line would also be short and the line on the river was going to be the same short in its distance. Chris explained its not a function of whether or not they look land from anybody its that they have different tools to work with today to measure.

Chris explained that the Board asked to review the wetlands and they did they had two scientists that are working on this project, both wetlands and soils did at the Boards request.

J. Driscoll asked about a conditional use permit.

Chris explained that it's permitted by conditional use permit which they would be supplying.

*A motion was made by J. Driscoll and seconded by R. Allard to approve sending to CMA Engineering for a cost estimate for 49 Winkley Pond application. The motion passed unanimously.*

Roll Call:

A. Knapp-Abstain

J. Cappiello-Yay

D. Massucci-Yay

B. Tessier-Yay

J. Driscoll-Yay



R. Allard-Yay

*A motion was made by B. Tessier and seconded by J. Driscoll to continue the application for 49 Winkley Pond Road to October 3, 2023. The motion passed unanimously.*

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci-Yay

B. Tessier-Yay

J. Driscoll-Yay

R. Allard-Yay

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

V. Price explained to the Board that in the staff report there has been a lot of discussion road improvements that department heads are very concerned about.

V. price explained that the Road Agent, Chief Walker, Building Depart and her has a discussion when they did the plan review for the plan came up with the following:

**look at some improvements**

**different ways for traffic flow**

**another project with the farm**

**commercial in the future**

V. Price explained that the appropriate ways to move to the Select Board and this can be discussed at the next Planning Board work session.

V. Price explained if it's possible to at least recommendation for the Planning Board for future transportation planning on this road if the Board supports the Select Board looking into it.

R. Allard questioned Chief Walkers suggestion of making the north end one way he can see right turn only.

## **9. 9. ADJOURN**

*A motion was made by D. Massucci and seconded by J. Cappiello to adjourn the meeting at 9:12 p.m. The motion passed unanimously.*

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci-Yay

B. Tessier-Yay

J. Driscoll-Yay

R. Allard-Yay

Adjourn the Planning Board Meeting. The next Planning Board meeting is a work session on September 19, 2023, at 6:30 PM.

.

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