



Meeting Minutes
Town of Barrington Planning Board
Public Hearing
(Approved November 7, 2023)
October 17, 2023, at 6:30p.m.

1. CALL TO ORDER

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

2. ROLL CALL

Members Present: John Driscoll, Buddy Hackett, Andy Knapp, Bob Tessier, Joyce Cappiello

Members Absent: Ron Allard, Donna Massucci

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

3. REVIEW AND APPROVAL OF MINUTES

A. Review and approve minutes of the September 19, 2023, meeting minutes.

A motion was made by B. Tessier and seconded by B. Hackett to approve the meeting minutes of September 19, 2023, as written. The motion passed unanimously.

Roll Call:

B. Hackett-Yay

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

J. Driscoll-Yay

4. STAFF UPDATES -TOWN PLANNER

A. Training NHMA training Land Use Conference Planning Board Saturday, October 14, 2023-9:00am to 3:00 pm. For additional information and Registration details.

<https://www.nhmunicipal.org/event/registration-open-land-use-law-conference-planning-board>

B. Update on Housing Plan Chapter Progress.

V. Price explained to the Board that the Housing Master Plan survey was ending. V Price explained that the next steps were according to their scope of services was a Planning Board workshop. V. Price explained that the Board delegated the Housing Steering Committee for actions on updating the Housing Master Plan Chapter. V. Price explained that she talked to SRPC last week and they wanted her to ask the Board if they wanted to be part of the conceptualized housing in Barrington workshop with the Planning Board and the Steering Committee members. V. Price explained to give an existing data and trends reason, housing Land Use applications and the communities virtual Land Use visit. The workshop would aim to answer a series of questions as to what should house, what types of housing does the Town want and where was the appropriate location for the different types of housing. V. Price asked the Board if they wanted to be part of the workshop or still delegate to the Steering Committee.

J. Cappiello asked if that would be in their second meeting.

V. Price explained that would be in their November work session.

J. Driscoll asked the Board, and they supported leaving the Housing Chapter with the Steering Committee.

V. Price asked the Board if they want to change the November 21, 2023, meeting to November 14, 2023.

A motion was made by J. Driscoll and seconded by J. Cappiello to change the November 21, 2023, meeting to November 14, 2023. The motion passed unanimously.

Roll Call:

B. Hackett-Yay

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

J. Driscoll-Yay

V. Price explained to the Board that they were given the updated Rules of Procedure for the Planning Board that were amended on August 15, 2023, and fee schedule was approved at the Select Board meeting.

5. ACTION ITEMS

A. EXTENSION ITEMS

235-1.1&3-TC-21-SR/LL/9.6 (Owners: Dove Development Group, LLC) Request by applicant for a Site Review, Lot Line Adjustment and a 9.6 Special Permit along with a waiver request proposing 20-unit mixed use building and 25 Townhouses off the proposed extension of Community Way (Map 235, Lots 1.1 & 3) on 23.63 acres in the Town Center 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 Dove Development Group, LLC. Chris explained that this was previously approved by the Planning Board. The project has two phases that were associated with it. Chris explained the request for an extension as they are going to have it permitted as one project, and this would make the upfront construction costs to get into the property manageable and therefore the project was financeable. Chris explained that there were additional requirements by NHDOT. Chris explained to the Board that engineering takes time, and they are asking the Board to extend the application.

J. Driscoll asked about the Zoning Board of Adjustment application that expired.

Chris explained that the Planning Board approval would be contingent on the Zoning Board of Adjustment too.

V. Price explained to the Board that she had reached out to the Town Attorney about the Zoning Board of Adjustment application and she advised in her legal opinion that a request for an extension to the ZBA is needed as it has expired.

A motion was made by A. Knapp and seconded by B. Tessier to grant the one-year extension contingent upon the Zoning Board of Adjustment approval for Dove Development Group, LLC.

The motion passed unanimously.

Roll Call:

B. Hackett-Yay

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

J. Driscoll-Yay

B. CONTINUED CASES: From September 5, 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.)**

J. Driscoll gave a brief description of the application.

Chris Berry from Berry Surveying & Engineering represented Young Road, LLC. Chris explained to the Board that the application has been modified and resubmitted to include the new owner of the property. Chris explained that they did finalize a traffic analysis that the Board asked for and they have submitted that to the Board and to CMA Engineers for review. Chris

explained that the Board also asked for a wildlife or environmental impact assessment which was conducted and submitted to the Board. Chris asked the Board if they had any questions on these reports that were conducted, he could answer those. Chris explained that they did an extensive analysis of the existing roadway and counted the roadway twice. Chris explained that the count was done during the winter months and then shortly after the Fourth of July (the peak season was during the summer months). Chris explained that they took traffic counts in the winter months during February and adjusted them for peak season and NHDOT provides them with the data on how to adjust counts that are done offseason to peak season so that applicants don't intentionally count during the wrong season. Chris explained that applicants can count during offseason and adjust to make sure that their study was applicable because of the delays that they've had in this application they were approaching peak season and they determined internally that they would just recount Young Road during peak season. The count was done a week after July 4th. They didn't want to do it during the July 4th weekend, and they didn't want to stray too much away from the month of July because that was the peak season for all roadways in the State of New Hampshire. Chris explained that part of their count, there are speed measurements taken as part of the count that breaks the count down from 95th percentile, 85th percentile, 50 percentile and he thought a 35 percentile. The speed that was addressed during the traffic analysis was the 85th percentile that people are traveling on the network. Chris explained that they found during that analysis, people are traveling about 38 miles an hour and they reviewed the speed data that they also captured during the earlier count and was consistent with that data. Chris explained that you would have people that are speeding above the 85th percentile and traveling below. Chris explained applying site distance requirements in Towns that don't have site distance requirements. Chris explained that they use the speed data to determine what their site distance should be. Chris explained that it doesn't matter in this application because the Subdivision Regulations requires that this roadway have 300' of sight distance afforded to it. They have provided site distance profiles for each one of the driveways and was submitted to CMA Engineers and the Board at the request of the Board. Chris explained that they did add some sediment erosion control notes to the project plan set. They conducted a hydraulic drainage analysis of the site and found that peak rate of runoff in the entire watershed was not modified by this development that's been submitted to CMA Engineers for their review. Chris explained they have a watershed that's hundreds and hundreds of acres and they are modifying a very small percentage of that, and it doesn't even kick what they call the curve doesn't change it. It doesn't even change the curve of the entire watershed so the stormwater would stay the change. Chris explained that they do have a hydrogenous study that was conducted that he received would have for the next Planning Board meeting.

Chris explained that they are still waiting for the work order from CMA Engineers that needs to be submitted to them. Chris explained that when they do traffic analysis, they study the corridor typically once for such a small area small study it's counted. Chris explained that they typically do Thursday through Saturday, so they have those counts 24/7 count. Chris explained that they don't count pre and post in this case because pre and post would imply that they had a post model. Chris explained that they apply their new traffic generated to the corridor to see if it has any impact, specifically at the Route 9 intersection and further down into the corridor along Swains Lake. Chris explained that speed was only measured once and only provided the latest speed data that they took. Chris explained that there was no inclement weather that they needed

to worry about during peak season, so they have a larger sampling to generate the 85th percentile.

A. Knapp explained that the reason that he asked for dates that the traffic study was conducted was because of the peak times. He expressed knowing the data dates as it is a extrapolated number that's used in off peak and a big concern was that they have this huge influx of volume in on peak and asked if they saw that. A. Knapp asked if it trip beyond what was that 20% range that's projected from the allowable limit.

Chris told A. Knapp he could read the report to derive the answer yourself and his and his conclusion was no.

Requested Waiver:

Chris read the following waiver:

Article 8 Action on Applications

Section 8.1

***Definition of Sight to be consistent with common practice, NHDOT Standards and AASHTO Standards**

***Intersection Design Figure 4A**

***Definitions-Sight Distance**

A motion was made by J. Driscoll and seconded by B. Tessier to grant the waiver for Article 8, Section on Application Section 8.1 for Young Road LLC not granting the waiver would pose an unnecessary hardship to applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion passed unanimously.

Roll Call:

B. Hackett-Yay

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

J. Driscoll-Yay

Comments about waiver:

Discussion that was added 3 ½ is consistent with the Ashgrove 4 ½' off pavement to calculation on Plans traffic analysis, winter and that's additional not related.

A. Knapp expressed that a driver at 3 1/2' tall looking at an object 2' tall it could be the driver coming out of the driveway the driver coming down the road 2' tall it allows you to see a pet, a child its 3 ½'tall you are missing all of that.

Chris explained that the point of sight distance in a driveway setting allows a driver sitting at the driveway intersection to determine whether they can pull out and safely navigate the roadway. Chris explained that passing sight distance and stopping sight distance along the alignment. Chris

explained that they are discussing whether a driver has the amount time required to make a left or right turn out of the driveway.

A. Knapp expressed that he still struggles with 3 ½’.

Chris explained that all he could apply for was recommended practice.

V. Price explained to the Board that the missing documents had a link in the staff recommendations. She explained that they were large files, and she would print them if necessary.

J. Driscoll opened public comment.

Paul Panish from 101 Ross Road explained that there was an environmental assessment that was done was they’re going to be a presentation on that.

J. Driscoll explained that it was sent to CMA Engineers.

V. Price explained that the environmental assessment was not sent to CMA Engineers the Board Had asked just for the traffic study and the drainage study to go to CMA Engineers.

Paul Panish explained that he was representing the Conservation Commission the issue that he had was that after a very cursory review we’ve not had time to go through in detail. Paul explained that they didn’t see on any of the maps any indication of the existence of vernal pools which would require increased setbacks. Paul expressed that it’s hard to imagine that critical habitat such as this with the proximity to prime wetlands and secondary wetlands would not have vernal pools present on the properties. Paul asked if anything had been identified that he was unaware of that’s an issue that the Conservation Commission would like to see addressed. Paul addressed the Planning Board that this plan was very contrary to the Conservation Commission to the intent of the regulations as stated in the document in the Planning Board documentation and he really like to point out he knows that they have a full schedule, but the regulations represent the intent of the Town and especially regarding to these Conservation Subdivisions they do not.

Paul explained that it’s very clear and the sense from the Commission that this was contrary to the intent, and they would really like to see the regulations modified to represent the intent of the Town so it could be enforced by regulation.

A. Knapp explained that they’re beyond the point where they would change rules the most effective way that you’ll be able to do that moving if you want.

Paul Panish explained that he was not talking about this project.

A. Knapp explained changing the regulation would be as a petition warrant article at this point.

Paul Panish asked if that would be something that the Planning Board would introduce?

A. Knapp explained that the Board cannot do that at this point and the Board has been through multiple reviews there are dividing lines here.

Robert Caverly, 180 Young Road, asked if there was no public comment before the waiver was approved?

J. Driscoll explained that they vote on the waiver then they open public comment.

Robert Caverly said that he felt that they asked for the waivers because they had a hard time meeting the requirements otherwise, they would not be asking for the waivers. Robert explained which only further increases the concern about safety there. Robert explained that he agrees with Paul about the elevation changes through the area and the angles of the driveways. A vehicle headlights are going to be pointing at the sky when they come up out of the driveways. Robert asked where the locations of the speeds were taken because there's a few points on that road where you must slow down or you must slow down, or you are going off the road. Robert asked about a few meetings ago when the yield plan was approved. Robert asked if the subdivision doesn't get approved for conservation subdivision can they go ahead and build their yield plan or do they need further approvals?

J. Driscoll explained the yield plan follows the regulations in the Town 80,000 s.f. with the required uplands.

Robert Caverly explained that it was told to them as the yield plan was the more impactful plan for this property.

A. Knapp explained that the yield plan was conceptual to show that could meet that the yield plan was not actually been presented as a development program.

Robert Caverly asked the Board if there were more studies for the Board to look at before anything gets approved further. Robert explained that a few meetings ago where the attorney brought up a court case Dartmouth via Town of Hanover using that as ammunition to help their case as far as they met the regulations and they got approved. Robert explained that he and others have read this case that are supporting their side he has read this case. Robert explained that the lawyer that he hired was familiar with this case and felt that they believed that it was not relevant to what was going on here. Robert suggests that the Board find the case and read it. Robert explained that the supreme court even said that requirements should not be applied in a mechanical fashion meaning just because they meet the requirements doesn't mean that they should have their plan approved. Robert said that the supreme court said sometimes you need to operate in the gray especially with the regulation like this where 90% of it was based off intent. Robert expressed that to him it seems like this whole Article 10 that deals with Conservation Subdivisions 90% of it was based on intent. Robert explained that if you can't apply any of that

intent the regulation especially in a case like this where the majority the fast majority of what was set aside for conservation never would have been built on in the first place. Robert felt that this regulation serves as a loophole for them to use small lot sizes in a tighter area closer to the road if no intent can be applied from this regulation. Robert stated that's pretty much all the regulation serves at that point. Robert asked the Board to consider that and read the court case for yourself. Robert explained that it said sometimes you must apply for it look and consider it for the next meeting.

Len Caverly, 160 Young Road, explained to the Board that he didn't believe that Paul Panish was asking to change any rules. Len explained that he was asking the Board to abide by the rules and the intent that the Board have already written into it and find the regulations. Len explained that they haven't investigated the environmental impact here at all. Len explained that they have some driveways here if they meet the rules of the road here and these are supposed to be less than 10% some of the driveways are going to require us and considerable amount of fill. Len explained that there were going to be 2 or 3 houses there where when the driveway meets the house the foundation was going to be 7' approximately above grade.

Len explained that if you have a 10-foot-wide driveway and it's 7' high you need a three to one slope 21' out on either side of that driveway plus the driveway itself. Len stated that 51' of fill, and now you are telling me that's not going to impact the drainage of that land was not going to impact. Len explained that it's going to increase the slopes there are driveways are parallel, and built going when both sides come in like this and that's going to increase those slopes. This would change the slopes from an 18% to maybe a 25% grade. Len asked the Board how they are going to prevent that from washing out and getting into the water shed?

Marc Brauch, 114 Young Road explained to the Board that he felt that the speed data could potentially be classified as bad data. (That's term used in his line of work.) Marc stated that the applicants should disclose the exact location for the data that was collected on Young Road. Marc explained that he observed data collection data collection technology on poll PSNH 33011 Point 522-5 which could skew data towards lower speed to help their narrative. Marc explained that this might be an input to the waiver that the Board just granted. Marc explained the perceived data collection location was at a bend where people are slow down already or in the process of slowing down. Marc explained that it isn't accurate that data sample doesn't accurately represent the speed starting when the property and they go past the property line towards Route 9 that Robert mentioned. Marc explained that the analysis also omits reference to the yellow advisory 25 mile per hour sign in direct site where the data was suspected to be collected and he had visual reference on his phone. (If the Board wanted to see it.)

Marc explained that on a staff recommendation the Road Agent, which he believed was an independent assessor, expressed concerns around the site lines both vertical and horizontal. Marc explained that would be input the decision on the waiver. Marc explained that an independent also raised concerns, but he didn't think the regulations should be loosened. Marc explained that the environmental study notes unfragmented woodlands and other landscape

elements should be protected in due diligence should be completed. Marc explained that in the Subdivision Regulations 10.1.1 cites the intent to set these unfragmented woodlands aside from development in a large majority of this proposed was included in the Town regulations. Marc explained that he would send a note about vernal pools so he would skip this for now. Marc explained that there might be an opportunity to do a comprehensive endangered vegetation species review noted in Section 3.3 the environmental impact assessment that this was not conducted. Marc explained that in prime wetlands, there is the highest created habitat they should conduct due diligence. Marc explained that Lot 8-17 was a wetland, and we are talking about conserving wetlands he felt that this should be considered as part of the conservation as well.

Brian Lenzi, 155 Young Road, explained that he has seen in town in the past, an alteration of terrain, and things haven't been done up when they should because after the work started it went beyond the 100,000. Brian explained those areas that are supposed to be under that what Len talked about was when they start spending out from the amount of fill that's going to be in there on those driveways and everything. Brian explained that he felt that it should be AoT to begin. When you start taking out what that does, he thought that should be looked at. Brian explained that when they start dozing and everything and see there's 180,000 or 150,000 and asked if they are going to need an AoT permit.

J. Driscoll asked if the intent to keep the forest at green belt like what's across Young Road and Fisheye development.

Chris asked J. Driscoll if he was talking about across the front of the property?

J. Driscoll said yes.

Chris stated yes that was part of the requirement of their zoning variance.

J. Driscoll closed public comment.

Chris explained that the 100-foot greenbelt across the front of the site was a requirement of their zoning variance. Chris explained that the driveway access points are the only areas that can be disturbed for development within the 100-foot setback. Chris explained that was areas certain lots within the subdivision where they got relief to have less than 100'.

J. Driscoll asked what was the estimated disturbance on cut and fill?

Chris explained that he respected Mr. Lenzi's comment. AoT was not required on individual lots within a subdivision if it's connected to a roadway construction and an applicant opens lots adjacent to new roadway construction. Chris explained that if it goes over 100,000 s.f. you would need an AoT permit. Chris explained that each of these lots would be built on independently and separately and unless each lot or one lot in the subdivision goes over 100,000 s.f. on its own they do not require an AoT permit.

J. Driscoll asked about the 94 Young Road across the street with a claimed it was going to be a 10% grade turned out to be 12% delayed construction of the house and to go before the Zoning Board of Adjustment. J. Driscoll realized that a lot of these would be done during the building permit phase.

Chris explained that they got this idea that they are coming against the roadway at a super steep grade that goes down into the sites, the sites themselves drop off the roadway and they are not going to say they don't. Chris explained to develop the site distance profiles that they presented to the Board they had to prove to the Board that they could have an approach grade of 4% or less. Then go into a 10% grade which was the maximum in Barrington for a roadway for a driveway design into each one of these sites. Chris explained that they are right in that the lots would require fill and the front of the house would have to be filled and would have front load garages that have full walls behind them that go full basement walls behind them. Chris explained that it's a way of working with the terrain and not against the terrain to develop out the sites. Chris explained that not every site was going to take a 28 x 32 colonial with an attached 24 x 24 garage. Chris explained that they would need to work with the terrain on some of the houses.

Chris explained that since the Fisheye development was completed and now, he thought there's a much higher sensitivity to the fact that there was a Barrington regulation that says 10% maximum those are required to be proved to Marc (Road Agent) during the driveway permit process.

J. Driscoll asked if there was going to be adding 23 mailboxes to the existing 12 on that road, that's difficult.

Chris stated yes, and most likely the mail service would require that each one of these gang up in a certain way. Chris explained that at the joint driveway access they would have a cluster area for mail, certain mailboxes that are existing across the street would have to be ganged up together with the the new mailboxes. Chris explained other joint driveways or driveways that aren't joint, but are in proximity, would have to be placed on the common boundary line to reduce the number of mail stops.

J. Driscoll asked about sheet 41 looks like the driveway was going to Lots 18, 19, 20 and 21 are up to 750' long. J. Driscoll asked about the plan submitted on sheet 42 shows that those driveways are 20' wide.

Chris explained that they are required to be 20' whenever you go over 150' in length.

J. Driscoll explained that the two driveways that he was referring to service lots 18 and 19. The lots are pretty much 450' in but when you get out to Lot 21, you're close to 750'. J. Driscoll said it doesn't indicate that there would be a fire department turn around anywhere at 500' because that would impact the trail narrows part.

Chris explained yes and the turn around on the longer driveways historically the fire department has not required those was why he hasn't shown it. Chris explained that if the chief was interested in the turnouts or the hammer head turnouts that would be worked out sort of during the building construction. Chris explained that oftentimes they're turned into the entrance to the driveway and to say Lot 20 would be made a little wider.

J. Driscoll explained that he was thinking that you could do a radius flaring the two at Lot 21.

Chris said that was correct.

J. Driscoll asked about the joint driveways Lot 14 and 15 and so forth, would easily allow for that and even the next one next to it Lot 12 and 13 if the radius was made more comfortable. J. Driscoll explained that if you use a fire department fire truck template for circulation on the plan.

Chris explained that's not a problem, it's common they do that commonly.

J. Driscoll explained that the long driveways that they've been discussing with the questionable slope. J. Driscoll explained that they don't appear to be a problem because the driveway was like a T at the bottom and a fire truck could easily back up into the other.

Chris explained that in Lot 8-3 and 4 and Lot 8-9 and 10 there's a T that inherently designed in the subdivision that go out to Lots 18,19,20 and 21 that area was not steep it was quite flat compared to the rest.

J. Driscoll explained that Lot 23 was flat too and a bump out of 10' for turning around, which was fine for a car, but probably not for a fire truck.

Chris explained that he would be happy to show larger turnouts on the schematic design. Chris said that it would be better served if on the recording sheets they make note of the fact that turnouts may be required by the fire chief during the building permit process.

J. Driscoll explained that Lot 23 was 400' into the property.

Chris explained that Lot 8-20 and 21 there was a natural T there that they could provide a turn around.

J. Driscoll explained that at Lot 21 you could extend that to the property line and maybe either have back out or radius there so they could back into the property line and could also be used for snow storage. J. Driscoll explained that the two long driveways there was a 2-foot difference in elevation. J. Driscoll asked if there was going to be a green space between the driveways.

Chris said yes. Chris explained that in terms of the speed data that was taken he would be happy to ask the counting company that does this for them where that speed data was taken. Chris explained that he doesn't know that it's overly germane to the application they provided it

because they had it and it was relevant in terms of what level of safety people are traveling on the roadway. Chris explained that just because the general public decides to operate their vehicles at a speed that was unsafe should not take away private rights to development based on their bad decisions. Chris explained that was happy to look at and discuss what the average driver was doing on the roadway to see how this project may impact that.

A motion was made by B. Tessier and seconded by J. Cappiello to continue the Young Road LLC application to November 7, 2023. The motion passed unanimously.

Roll Call:

C. Hackett-Yay
A. Knapp-Yay
J. Cappiello-Yay
B. Tessier-Yay
J. Driscoll-Yay

- 2) **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.

J. Driscoll gave a brief description of the application.

Joel Runnals from Norway Plains Associates, Inc. represented Loren Valliere and Zachary Tucker located at 190 Beauty Hill Road. Joel explained to the Board that he was before the Board to get the application accepted as complete. Joel explained that he knows that this needs to be done in conjunction with the revised Site Plan approval. The applicant knows that he was not going to get the approval for the subdivision until the site review straightened out.

J. Driscoll explained to the Board that they went to the Zoning Board of Adjustment, and they gave them relief. J. Driscoll explained that they received relief for a Special Exception from Article 4, Section 4.1.2 lot frontage allow access to proposed lot 39.1 from 190 Beauty Hill Road. J. Driscoll explained that they also received relief from Article 4, Section 4.1.1 Table 2 to allow a front setback of 19' where 40' required on 190 Beauty Hill Road.

Joel explained the subdivision plan to the Board showing the house and buildings along with the public service easement. Joel explained that beyond the easement, what they did was a boundary survey but not for it all. Joel explained that they limited their wetlands delineation into the lot sizing to the easement and they certainly exceeded those by, but they have a source easement. Joel explained that just a lot front exceeds the minimum lot size the contiguous by 80,000 and was way over 1,000. Joel explained that because it's 12 acres and it doesn't have state subdivision approval. The new lot would need to get State Subdivision approval. Joel explained that they have gone out and done test pits already

Requested Waivers:

Article 5.3.1(8) of the Subdivision Regulations the requirement of showing only the structures and features that are on proposed Lot 39 and the area of interest (AOI) on Lot 39-1 and not outside the AOI or on the abutting lots.

A motion was made by B. Hackett and seconded by A. Knapp to grant the waiver from Article 5.3.1(8) of the Subdivision Regulations for 190 Beauty Hill Road 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:

B. Hackett-Yay
A. Knapp-Yay
J. Cappiello-Yay
B. Tessier-Yay
J. Driscoll-Yay

Article 5.3.1(9) of the Subdivision the requirement of showing only the natural features that are on proposed Lot 39 and the area of interest (AOI) on Lot 39-4

A motion was made by A. Knapp and seconded by B. Hackett to grant the waiver from Article 5.3.1(9) of the Subdivision Regulations for 190 Beauty Hill Road 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:

B. Hackett-Yay
A. Knapp-Yay
J. Cappiello-Yay
B. Tessier-Yay
J. Driscoll-Yay

A motion was made by A. Knapp and seconded by B. Hackett to accept the application as complete for 190 Beauty Hill Road. The motion passed unanimously.

Roll Call:

B. Hackett-Yay
A. Knapp-Yay
J. Cappiello-Yay
B. Tessier-Yay
J. Driscoll-Yay

J. Driscoll opened public comment.

J. Driscoll closed public comment.

A motion was made by A. Knapp and seconded by J. Cappiello to continue the application for 190 Beauty Hill Road to December 5, 2023. The motion passed unanimously.

Roll Call:

B. Hackett-Yay
A. Knapp-Yay

J. Cappiello-Yay
B. Tessier-Yay
J. Driscoll-Yay

3) **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. **(Application was accepted as complete and waivers were granted on September 5, 2023.)** J. Driscoll gave a brief description of the application and the request to continue the application until November 7, 2023.

A motion was made by B. Hackett and seconded by B. Tessier to continue the application for Hambone, LLC to November 7, 2023. The motion passed unanimously.

Roll Call:

B. Hackett-Yay
A. Knapp-Yay
J. Cappiello-Yay
B. Tessier-Yay
J. Driscoll-Yay

C. NEW APPLICATIONS

2) **206-15-1-GR-23-SR (Owners: Doug & Marsha Hatch)** Request by applicant for a Minor Site Plan Review for a change of use for the existing office and residence buildings with a waiver on site (Map 206, Lot 15-1). The location is at 73 Second Crown Point Road on a 2.545-acre lot in the General Residential Zoning District. BY: Mike Rudolph, Remax Shoreline; 875 Greenland Road, Unit B39; Portsmouth, NH 03801.

J. Driscoll gave a brief description of the application.

Mike Rudolph from Remax Shoreline represented Doug and Marsha Hatch. Mike explained that he was before the Board for a change of use, to switch the uses on the existing buildings on the surveyed plan. Mike explained the existing house labeled on the plan would become the existing building office. Mike explained that the building for the office was granted a 3.4 Conditional Use Permit. Mike explained that the existing house would become the office and the office would become the house.

Mike read the following to the Board on their site plan waiver request they receive seek relief from Article 3. The site plan specifications and documents and at the Planning Board meeting held on August 15, 2023, which was a preliminary conceptual review. The Board requested that they contact David Mott who did the plan to see if he'd be willing to or able to modify the site, plan to change the use of the buildings. Mike explained that he did speak with David almost immediately after that meeting and he said that because he doesn't have his business anymore, he cannot change the plan, and has moved on to a new company. Mike explained that the new company has an agreement with them that basically says that they can't do outside work. Mike asked the Board for the waiver to use the same plan.

A. Knapp asked why they couldn't go to their current company and have the changes made.

J. Driscoll explained that the Board had him ask David Mott and he did.

Requested Waiver:

Article 3, Section 3.1 of the Site Review Regulations for the requirements for Site Plan.

A motion was made by B. Tessier and seconded by B. Hackett to grant the waiver Article 3, Section 3.1 for the application for 73 Second Crown Point Road 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 4/1

Roll Call:

B. Hackett-Yay
A. Knapp-Nay
J. Cappiello-Yay
B. Tessier-Yay
J. Driscoll-Yay

A motion was made by B. Tessier and seconded by J. Cappiello to accept the application as complete. Vote 4/1

Roll Call:

B. Hackett-Yay
A. Knapp-Nay
J. Cappiello-Yay
B. Tessier-Yay
J. Driscoll-Yay

J. Driscoll opened public comment.

J. Driscoll closed public comment.

V. Price read Notice of Decision:

Date of Application: September 12, 2023

Date Decision Issued: October 17, 2023

Case File #: 206-15-1-GR-23-SR

NOTICE OF DECISION

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built received:</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: 206-15-1-GR-23-SR: Request by applicant for a Minor Site Plan Review for a change of use for the existing office and residence buildings with a waiver on site (Map 206, Lot 15-1). The location is at 73 Second Crown Point Road on a 2.545-acre lot in the General Residential Zoning District.			

Owner: Douglas and Marsha Hatch
6882 Old State Route 1
New Johnsonville, TN 37134

Applicant: Mike Rudolph
Re/Max Shoreline
875 Greenland Road
Unit B9
Portsmouth, NH 03801

Dear applicant:

This is to inform you that the Barrington Planning Board at its October 17, 2023, meeting **APPROVED** your application referenced above for a minor site plan review for a change of use for the existing office and residence buildings.

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 October 17, 2023, Planning Board Meeting, the Board approved a waiver for:

- i) The requirement for Site Plan specifications per Section 3.1 of the Site Plan Review Regulations.

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 B. Hackett and seconded by B. Tessier to approve the change of use for Doug and Marsha Hatch located at 73 Second Crown Point Road. The motion passed unanimously.

Roll Call:

B. Hackett-Yay
A. Knapp-yay
J. Cappiello-Yay
B. Tessier-Yay
J. Driscoll-Yay

- 3) **238-50-TC-23-SR (Owners: Greg Bolton-606 FPH, LLC)** Request by applicant for a Minor Site Plan Review to install two 48-panel trackers with a waiver on a 3.01-acre site (Map 238, Lot 50). The location is 606 Franklin Pierce Highway in the Town Center Zoning District.

J. Driscoll gave a brief description of the application, and stated the applicant wanted to continue until the November 7, 2023, meeting as he could not be present at the October 17, 2023 Planning Board meeting.

A motion was made by B. Tessier and seconded by J. Cappiello to continue the application for Greg Bolton-606 FPH, LLC to November 7, 2023. The motion passed unanimously.

Roll Call:

B. Hackett-Yay

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

J. Driscoll-Yay

4) 121-28-GR-23-SR (Owner: Todd Green-Barrington Shores, LLC) Request by applicant for a Minor Site Plan Review to update the approved site plan layout of 24 seasonal camp sites and roads (Map 121, Lot 28). The location is at 7 Barrington Shores Drive on a 24.8 +/- acre site in the General Residential Zoning District.

J. Driscoll gave a brief description of the application.

Todd Green, owner of Barrington Shores, LLC, explained that he was before the Board to modify his existing site plan. They had water problems in the Safari field, which was the lower part where the new septic system was, and the water was coming off the street so that they proposed that they put in a new redesign the septic system and raise the ground. Todd explained that they found the dirt up to the topography, and would come down that wasn't ledge or anything, so they took the dirt from up top or down raise up the level of the ground. Todd explained that the topography now doesn't have the elevations that it had to begin with so now they are just looking to straighten out all the sites. Todd explained that they need to put them in rows instead of having them all over the place from the old site. Todd explained that this would give a larger roadway and doesn't have a dead end, and they are just trying to get the sites more in line for ease use and fire apparatus coming in.

J. Driscoll asked if the same number of sites.

Todd said the same number of sites and setbacks everything else was the same. Todd explained They are not adding any lighting or anything like that. Todd explained that they are looking to realign the 24 sites so it's easier accessible for the fire department and the campers.

A. Knapp discussed that the berm and all the trees are going to die out.

Todd explained what happened was he had an arborist go to the site, they looked at all the pines on site and they were all dead. The arborist recommended that he honestly didn't want the trees. Todd expressed that he was a little disappointed the trees were gone, and they must plant new ones but with the root structure and then cutting in through all the way the design was the old design for the septic and stuff would have cut all the roots would have killed all the trees as that point was what they were up against. Then they had the water problem, so they didn't know what to do with that was the water was coming off the streets was flooding the safari field and they proposed to put in an improved septic system to deal with the water coming in on top of it. What they had to do was bring it down and when they lowered it now instead of the sites being up on top and everyone can visually see the sites. It's now lower, the berm, now you are only going to

see maybe the tops of the campers which he figured at that point in time was going lower the sound and the visuals for the neighbors and in that area.

A. Knapp explained that historically if you look there a dirt berm that's brought in a lot of times just seeing wood chips this was all filled into your undisturbed 100-foot area. The berm was pushed in there and now it's 4 ½' up on their trees there going to kill every tree that the berm was piled into.

Todd explained they're going to put the vegetation back.

A. Knapp explained that the entire vegetative buffer that they talked about this was not alignment with what was discussed with them. A. Knapp expressed that he felt that there wasn't much they could do about this.

Todd explained that there's nothing they can do and the way the plan went this wasn't his intention to do it.

A. Knapp explained that he was the reason for a Board to have to come back. A. Knapp explained that the the initial conversation was they can end up ruining all the trees and not plan to cut everything down.

Todd explained that was not the plan to cut all the trees down and everybody was trying to keep the trees and that's what they tried to do. Todd explained that when they went to cut them because the pines one you cut the trees around them, the pines are all death traps. Todd explained that he was disappointed with what happened this was what he was left with. Todd explained that they are trying to have the campers all in line instead of having them all over the place. Todd explained that they are using the same drainage system even though the topography was dropped it's not going the runoff was way less than what it would have been was still using everything else with the plan.

B. Tessier stated to A. Knapp's point, that berm right now is not in a desirable state.

Todd explained that it was still under construction

B. Tessier asked in the end what do you anticipate that would look like?

Todd explained that they would be putting in the vegetation like they talked about grass and the wall. The berm would stay and then they would be filling in vegetation like they talked about.

J. Driscoll asked if they are looking for conditional approval so somehow, they need to say it's under construction, to put in the condition that what they're looking for at the end of the construction would be part of the conditions. J. Driscoll asked the applicant to fully adhere to the recommendations of Andy Fast in the UNH Cooperative Extension and Urban Tree Service possible. J. Driscoll asked if they were the people that have advised you on the green belt.

Todd explained they did.

J. Driscoll asked if they continued to do so.

Todd explained that they hadn't spoken with them.

V. Price explained that the subsequent conditions were taken from the original notice of decision. V. Price explained that the project was still underway, they had met their Conditions Precedent to get their plans signed though the remaining ones on here that was what was from the previous application. V. Price explained to the Board that if there's other conditions that they feel should be addressed then let them know now. V. Price explained that it could probably be under the general and subsequent conditions they were talking about after their construction like the berm or those types of actions.

A. Knapp explained that the hard part was when you look at this between that and then excavation for the septic field and all the fill that's been brought in, they probably close to way over an AoT at this point.

Todd explained they just went down from the top to stop water problems that were coming from the street.

J. Driscoll explained that he would like to focus on how they are going to make this greenbelt viable.

Todd explained that they can hold down some of the dirt around the trees that's up there from the construction move to wherever it needs to go so that those trees would have a chance.

J. Driscoll expressed that unfortunately we don't have a Town forester could verify. J. Driscoll asked what wording should be added to the Conditions General. J. Driscoll mentions that they would have to fully have recommendations of the UNH Cooperative Extension and the Urban Tree Service possible. J. Driscoll asked if they were not dealing with them any longer.

Todd stated not now.

A. Knapp explained there was an architecture with the planting for the whole project and continue with this planting what was your thought process was but you're planting plan different because now filled more dirt along all those that you purchased your maples and all those pines end dying out.

B. Tessier explained that unless they pull it all out and adhere to the original plan.

Todd explained that they could move it back around if they had too.

A. Knapp explained that he likes the idea of when you usually put berm you clean your forest line.

Todd explained that it was still under construction.

A. Knapp explained that they could do the berm to get it all and felt that it should be cleaned up.

J. Driscoll mentioned item #3 on the existing general and subsequent conditions the applicants engineer shall certify in writing improvements have been constructed as approved prior to the issuance of the certificate of completion.

V. Price explained that they can add other things.

J. Driscoll explained that they could add the greenbelt.

A. Knapp agreed that it is much better.

B. Tessier explained that the layout was an issue for him.

Todd explained that they are concerned about that too, they don't want anything dying up there. Todd explained that the whole purpose of coming to the campground was for trees once they get the layout and get everything in then they're going to start trying to put the trees back inside to shade and green it up again.

A. Knapp asked where all the water was going.

Todd explained that it doesn't come into the property it rolls into the culvert and they had an issue where it rolls into the driveway now. Especially with all the rain this year it was an issue with the septic and everything else.

A motion was made by B. Tessier and seconded by J. Cappiello to approve the application as complete. The motion passed unanimously.

Roll Call:

B. Hackett-Yay

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

J. Driscoll-Yay

J. Driscoll opened public comment.

Matt Niswender, 28 Rosemary Lane, explained that he is not a direct abutter, but the president of the Rosemary Lane Road association. Matt explained to the Board that he was mixed on what he was hearing he likes the fact that Todd Green has taken the time and effort to improve the site. Matt explained that he believes what he was doing was right and he is looking out for their community on Rosemary Lane that abuts his property. Matt explained that he would like to share some of his thoughts on the review of the site plan and he'd like to speak for their abutter on Rosemary Lane and Luzi Pantano on Hall Road. Matt explained by looking at the site plan that was being shown and that Todd was concerned about keeping the vegetation and the trees. Matt explained that he would like to ask the Board that they consider making sure that the vegetation

that does get put in thrives in that area and does not die off a year or two or five or even 10 years down the road. Matt explained just to give the residents privacy from the campers. Matt also shared the lowering of the site, knowing that there was a request for a berm in the comments from the Board, about disturbing some of the roots and things that about the lots around the abutters on Rosemary Lane. Matt explained to the Board that he believed there are sites like 18, 19 and maybe 6 that are around the points on the far end that abut Rosemary Lane.

A. Knapp explained that they were 18, 19 and 4.

Matt explained that he would like to propose a little bit of a give and take and asked if these sites could be removed from the plan to allow the buffer along Rosemary Lane due to losing some of the trees there.

J. Driscoll also explained to the Board that they received a letter from Jacob Goodwin who said he couldn't be here as he lives at 193 Hall Road. J. Driscoll read his comment **"I received a letter in the mail this past Friday about an upcoming meeting concerning the campground development. He was unfortunately I'm not able to get there my concerns are about lake pollution and if the camp intends to add more lighting, we hope that no additional lights will be installed and that the campground might consider putting current lights on motion sensors, especially in the off season. I also wonder if there will be fencing, or shrubbery added. I hadn't realized that the Eden tent to which the lower field would be raised up."** Thank you, Jake Goodwin.

Todd stated that there are no lights.

J. Driscoll closed public comment.

A. Knapp asked now that the hill was brought down so much because it creates an impact with the travel from the main building in the main parking area over this space.

Todd explained that the only one light that they had was the one in the office they are planning on putting shrubs around the front corner down to stop the light from overflowing. Todd explained that if a problem they can take care of that in the off season.

A. Knapp asked about traffic, he was assuming cars driving in there now, and that's it's been brought down it's not going to be shining on people.

Todd explained that not going to be shining on people. He stated he felt that he thought was a benefit to everybody with the topography being lowered where the sounds not going to go through the fire pits, like five to six feet.

A. Knapp explained that with the berm it should be less than that distance. He stated looking at the proposed plan, the berm kind of running all the way around.

A. Knapp explained that the lighting with the berm should be less of an impact the next one was he had was the Persian and Murray version in the buffer looking at the proposed plan the berm kind of running all the way around.

Todd explained that there was no runoff at all. They had an issue at one point with the water blowing over and going down over the edge. Todd explained that they would still be using the same drainage for the old topography.

A. Knapp explained that he doesn't see a berm at sites 1,2 and 3.

Todd stated that there was a berm there and there would be a french drain inside that area that would catch all the water. Todd explained that they would be putting in a tank to catch all the water that comes all the way down and around. Todd explained that they would bring it into the three chambers.

A. Knapp asked if the berm was probably going to occupy 10 to 15 feet smaller.

Todd replied that it would be smaller, probably 10'.

A. Knapp stated that it's going to create an impact on the vegetation around there.

Todd explained that they plan on keeping that buffer in the location that was previously discussed, they don't want to disturb the neighbors. The first thought was if they went lower it there were benefits to them also; in the process the light, campfires, the lights of the campers, the lights of the people pulling up there not going to see people coming around, at least not that much.

A. Knapp asked about a fence noted in the other plans.

Todd asked the Board if they still wanted the fence and what it was going to do at this point. Todd explained that it would almost be an eyesore at that point in time and if behind the berm it's still going only show up three or four feet above it. The fence wouldn't be needed. Todd explained that if they print shrubbery on top that's up even higher than the fence instead of it being a vegetation before it was in the contour with the fence was going to be 6 to 8 feet to keep the line up.

J. Driscoll asked about the one-way road going around the road between 7, 8 and 15 were that traffic goes down there and makes the left turn to exit have headlights going to the berm and the green on top of the berm would shade out any headlights. J. Driscoll felt that was the purpose of the fence.

A. Knapp explained that he had two items to be addressed:

1. The original plan shows the campers and the campers in the safari field, and they are not on the new plan.
2. Updated landscape plan to show what that all going to work.

Todd said he would talk to Ray about the plan changes.

V. Price read the Notice of Decision:

Date of Application: September 12, 2023

Date Decision Issued: October 17, 2023

Case File #: 121-28-GR-23-SR

NOTICE OF DECISION

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built(s) received:</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: 121-28-GR-23-SR: Request by applicant for a Minor Site Plan Review to update the approved site plan layout of 24 seasonal camp sites and roads (Map 121, Lot 28). The location is at 7 Barrington Shores Drive on a 24.8 +/- acre site in the General Residential Zoning District.			
Owner/Applicant: Todd Green Barrington Shores, LLC 240 Revere Street Winthrop, MA 02152			

Dear applicant:

This is to inform you that the Barrington Planning Board at its October 17, 2023, meeting **CONDITIONALLY APPROVED** your application referenced above.

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.

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

Please Note:

If all the precedent conditions are not met within 12 calendar months to the day, October 17, 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 on the plan notes:
 - a. On the existing Safari Field, add camper vehicle icons to show the layout.
2. Update existing landscape plan from the 2/15/2022 approved plan set for the overall buffer enhancement area plan (Sheet LS-1) dated 10/13/2020, to address the berm and new topography and to include a green landscape plan that's similar to the protection offered by the fence.
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.

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) Applicant will adhere to the recommendations of UNH Cooperative Extension and Urban Tree Service to the fullest extent possible.
- #3) The applicants engineer shall certify in writing the improvements have been constructed as approved prior to the issuance of a certificate of completion; to include the completion of the installation of the overall buffer enhancement area plan with the green landscape plan that's similar to the protection offered by the fence.

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. Cappiello and seconded by B. Tessier to approve the minor site review application for Barrington Shores. The motion passed unanimously.

Roll Call:

B. Hackett-Yay

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

J. Driscoll-Yay

5) 263-7-RC/SDOA-23-SR (Owners: Goris Revocable Trust) Request by applicant for a Minor Site Plan Review for a change of use for a Mixed-Use Structure on an existing auto sales and office building to include residential (Map 263, Lot 7). The location is at 1079 Calef Highway on a 6.45-acre site in the Regional Commercial and Stratified Drift Overlay Zoning District. * BY: Joseph M. Wichert, Joseph M. Wichert, LLS, Inc; 802 Amherst Street; Manchester, NH 03104.

J. Driscoll gave a brief description of the application.

Joe Wichert from Joseph M. Wichert, LLS, Inc, represented Goris Revocable Trust. Joe explained that they have prepared the plan showing the existing site of Map 263, Lot 7. Joe explained that this site was previously approved this site for auto sales in 2014 with one of the approvals specifically excluded a residential use of the property. Joe explained that the applicant purchased the property in June/July of this year and it appeared that there was always a residence. Joe explained that they are trying to make everything comply. The northeast of the building was where the auto sale was parking and the north of the building would stay the same down below square footage, and there's a two-bedroom apartment that was in the middle of the building. Joe explained that southwest of that is a garage, it was a shorter garage, and it was in poor condition. Joe explained that a little before they submitted it to the Board the roof caved in on that garage, so they had started to make some repairs to the building. They were before the Board conceptually earlier this year and had a conversation with the Board on what they wanted to do. Joe explained that when they were doing the repairs, they didn't get the necessary permits and made improvements without permits.

Joe explained in the current application, they also discuss the the southernly part so they could have the automotive garage, which is part of the accessory to the auto sales. Joe explained that this would be a stand-alone garage with office space at the end.

Joe explained that they had asked for a waiver for the wetlands in the application initailly. They asked for that waiver because you had a deadline coming up and their wetlands scientist was running along with the weather that was going on. Joe explained the submittal that they had digitized wetland line from the 2014 plan, but after our submission prior to this hearing or even the last hearing we had had a wetland scientist go out there and showed the wetlands on the plan. The only thing that's kind of different was there wetland the scientists found a little island of uplands showed on the plan whereas before it continued. He doesn't need the waiver now that was submitted at the time of the application. Joe explained that the intent was to make this a change of use so that there wouldn't be any physical changes to the property. They believe that they have enough parking for the zoning ordinance and hopes for not a lot of site issues.

Joe explained that the Road Agent expressed another concern over the second driveway's location on the plan, and he understands the concern. Joe explained that there would probably be more traffic to the garage than what it would be. Joe explained if the driveway was relocated you would have to be almost at the midpoint of the curve which was like the low point you would have the biggest line of sight looking up and that would put them close to the wetlands. They may need to go to the Zoning Board for a variance to do so.

A. Knapp agreed with the Road Agent concern on that this was a tough spot.

J. Driscoll agreed, particularly at rush hour this was the people that want to avoid the circle heading out of Durham.

A. Knapp explained to utilize the one apartment that was there and look at the septic plan it says that there was nothing known about the septic and that would be that would be a hard stop would need approved septic design.

Joe explained that if they could be a condition of approval, they could do a septic design it was previous prior to 2014 this was going to be daycare center. Joe explained that they would have to move the leach field because NHDES would consider this an expansion. Joe explained that NHDES are not looking to grant waivers for new construction which depend on what the Board wanted with that driveway. Joe explained that they could potentially move the leach field, and the driveway and showed the new proposed location.

Joe explained that they could meet with the Road Agent they didn't see in the regulations where they needed a line of site profile.

Joe explained that the way that he was reading the ordinance with a wetland's setback can't do anything in the first 50'. Joe explained that they could try and put some treatment swales on the water of the wetland side of the driveway.

J. Cappiello asked if a driveway cut on Route 125 was possible.

Joe explained where there was one option; they could look to reconfigure the site and go back to NHDOT because they are going to put more traffic in. Joe explained it's still most likely the wetlands setback and asked the Board if they would be looking for full engineered plans or fill some grades tied into the existing pavement.

V. Price addressed the Board that they came in for mixed use to allow the residential structure. She explained that this was a little more involved with parking and road safety.

A. Knapp expressed that there was a major wetland on site.

Joe explained that this has always been considered a commercial garage and separate it from the auto sales facility. Joe explained that he would talk to his client about a stand-alone garage to avoid some of the site improvements that may come up.

B. Hackett stated that the only reason that's there was to service, is to go around, they can't enter from the backside. B. Hackett explained that they already have this paved vehicle display area which was wide open. But he didn't know the distances from each other.

J. Driscoll explained that there are two curb cuts there right now.

B. Hackett asked if the existing driveway that we're talking about as in the area if the driveway came in from the other side, looking at the parking area to the west side of the parking area, and being around where that system was never done.

A. Knapp explained that they come in that side now.

B. Hackett explained that they must put in a septic system and not interfere with the wetlands at all.

J. Driscoll explained that they could put the septic where the current driveway was outside the protection zone for the well.

Joe asked if they go ahead and reconfigure that driveway it would make sense that this pavement was in poor condition. Joe explained that if they repave, they could get rid of the curb cut on to Newtown Plains Road and then it would be an improvement for the owner if they did that then traffic would come in from Route 125. Joe asked if they would need to do drainage grading, would this be considered a construction issue.

V. Price explained that would consider what was being added and overall, you potentially wouldn't need it depending upon the impacts.

A. Knapp asked if it was the gravel going into the garage different too.

Joe explained that it's gravel but was probably pavement at one time and it's old so it would need to be replaced.

A. Knapp explained that he would feel better about the residential component that the auto garage all of that if it came in directly off Route 125 and not Newtown Plains Road. A. Knapp explained that he would have a lot less heartburn over this.

B. Hackett suggested eliminating three parking spots with the connection.

Joe explained that if they repave, they might be able to reduce some pavement and get a better shape.

(The application was not accepted as complete.)

A motion was by B. Tessier and seconded by J. Cappiello to continue the application for 1079 Calef Highway to December 5, 2023. The motion passed unanimously.

Roll Call:

B. Hackett-Yay

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

J. Driscoll-Yay

10. ADJOURN

A. Adjourn the Planning Board Meeting. The next meeting date is a Public Hearings on November 7, 2023, at 6:30 p.m.

The meeting was adjourned at 9:17 p.m.

A motion was made by B. Tessier and seconded by J. Cappiello to adjourn the meeting at 9:17 p.m.

The motion passed unanimously.

Roll Call:

B. Hackett-Yay

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

J. Driscoll-Yay

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