



BARRINGTON PLANNING BOARD MEETING

NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER

77 RAMSDELL LANE

Barrington, NH 03825

Tuesday

October 2, 2018

6:30 p.m.

DRAFT MINUTES

Members Present

James Jennison, Chair

Jeff Brann, Vice Chair

Steve Diamond

Donna Massucci

Andy Knapp ex- officio

Fred Nichols

Town Planner: Marcia Gasses

Attorney: Mark Puffer

J. Jennison announced the meeting started at 7:05 p.m.

MINUTES REVIEW AND APPROVAL

1. Approval of the September 18, 2018 meeting minutes.

Without objection the minutes of September 18, 2018 were approved.

ACTION ITEM CONTINUED FROM August 7, 2018

2. [263-13.1,13.2,18&19-RC-18-9.6 263-13.1,13.2,18&19-RC-18-SR \(Owners: Town of Barrington, John Scruton, Town Administrator and Liberty International Trucks of Barrington, LLC\)](#) Request by Applicant Arleigh Green, Hard Rock Development, LLC, for development of an excavation project for the sale of sand/gravel. Construction to include the construction of proposed roads shown to road base and proposed drainage features on Route 125 (Calef Highway) and Pierce Road (Map 269, Lots 13.1, 13.2, 18, & 19) in the Regional Commercial Zoning District. BY: Barry W. Gier, PE, Jones & Beach Engineers, Inc.: 85 Portsmouth Avenue, Stratham, NH 03885. **Application has been accepted as complete.**

J. Jennison explained to the Board that they were there to vote on a request to continue the case.

Barry Gier from Jones & Beach Engineers, Inc. explained to the Board that he was there because they asked for a continuance to this date. He explained that he was there to let them know when the hydrogeological report would be done. He explained that they have a good handle on things and would like to ask the Board to continue until January 8, 2019. He explained to the Board that their plan was to have the plan revisions and the hydrogeological study complete.

J. Brann asked how long the study would take to get.

Barry Gier explained that the study would take 8 to 12 weeks.

J. Brann expressed that with the holidays he felt that January 8th was not enough time.

Barry Gier explained that this was posted as a continuance.

J. Jennison asked if the applicant felt a little more time would be appropriate.

Barry Gier expressed that they would like to go to the first meeting in January. He explained that 8 to 12 weeks for the complete information puts the date at the beginning of January.

J. Brann asked if the January 8, 2019 date was realistic time to come back before the Board.

Barry Gier explained that the date was picked based on this was the 12 weeks. He explained to the Board that this was what they were told by the consultants. He explained that they don't do the hydrogeological reports but this was what they were told. He explained that this was the date that they have scheduled to come back and move this project as quickly as possible.

J. Brann asked if they felt that February 5, 2019 was a better date.

Barry Gier explained that date would put them out another month.

S. Diamond asked if frozen ground was an issue.

Barry Gier explained that he didn't see a problem because they would be drilling not moving any dirt.

J. Jennison asked if the Board would receive the information before the January 8, 2019 meeting to review.

J. Brann explained that they say 8 to 12 weeks but the Board needs time to review the information.

M. Gasses explained to the Board that under their Rules of Procedures that they ask to have the materials 7 days before the meeting.

Barry Gier explained that if they are not ready on January 8, 2019 that anyone could come to the meeting and update the Board before continuing.

J. Brann explained that he understands but this was the third continuance. He explained that there has

been a lot of issues like redrafting plans and studies. He expressed that he understands that they want to move forward, but the Board would like this to move forward and not see this keep getting continued.

S. Diamond expressed he would prefer for the Board to have more than the minimum amount of time more than the minimum notice.

J. Brann expressed that a lot of people are gone around the holidays.

Barry Gier explained that he understood but the developer would like to move as quickly as he could and it has been a delay to the developer as well. He explained that it was up to the Board if they wanted to continue this application to January or February.

J. Jennison asked if the applicant would be ready for the February meeting.

Barry Gier stated that he assumed they would be ready.

M. Gasses expressed that she believed that there still wasn't a contract.

Barry Gier explained that was correct; they have done proposals to multiple hydrogeologists. He they have a scope of work from DES. He explained that the proposals were submitted to DES and they came back asking for additional scope, went back out, and got additional proposals. He explained that they got them back and now they were in discussion with the Board of Selectmen. He explained that they have the scope and proposals, now they have to act on them.

J. Brann asked if this needed to go back to the State for review.

Barry Gier explained that they would ask that the State look at it.

J. Brann asked if the State would look at it before they sign a contract.

Barry Gier explained that the State would look at it before signing a contract.

J. Brann stated that would be another 2 weeks or so. He explained that the State doesn't move quickly.

A motion was made by J. Brann and seconded by S. Diamond to continue the case until February 5, 2019. The motion unanimously.

J. Jennison requested that the letter from Barrington Waterways Protection Committee be attached.



#2

September 30, 2018

Town of Barrington
Attn: Planning Board and Board of Selectmen
P.O.Box 660
333 Calef Highway
Barrington, NH 03825

RE: Proposed excavation project along Route 125 and Pierce Road

Dear Planning Board members and members of the Select Board,

Jones & Beach, the engineers for this project have asked on behalf of the applicant, Hard Rock Development, LLC, for a continuance for a third time. For a third time the public has not been allowed to voice their concerns regarding this project. There are many concerns.

The land in question is located right next to the Samuel A. Tamposi Water Supply Reserve, also known as SATWaSR. As it says on the Conservation Commission website, "this land was acquired as a result of a grant by the NH Department of Environmental Services, to create a water supply protection reserve. The reserve is being managed by the town of Barrington for the protection of drinking water and plant and animal resources. The communities of Dover, Madbury, Durham, Lee, Portsmouth and the University of New Hampshire obtain a portion of their drinking water from the rivers originating on this land. The rivers are the Bellamy and the Oyster river".

The land in question is very fragile. It has wetlands, a vernal pool, an underlying aquifer, and an abundance of wildlife. Extensive research in previous decades have found contamination with NO3 (nitrates) in groundwater and nearby rivers due to construction of roads and blasting of ledge. In the proposed project there will be roads constructed, and since there's a lot of ledge, there will be extensive and ongoing blasting, which poses serious problems to the rivers providing water to all the towns mentioned in the previous paragraph. This is only one concern; there are many more.

This project should not even have been proposed due to conflicts with the Barrington Community Bill of Rights Ordinance, which passed March 08, 2016 at Town Election. The townspeople properly proposed and adopted this binding law and it should be recognized and be enforced by the Town. Neither the Planning Board nor the Select Board should get to pick and choose what ordinances to enforce or not to enforce.

LAND USE OFFICE

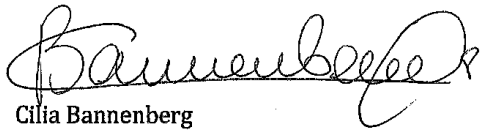
OCT 01 2018

RECEIVED

According to the Town of Barrington Community Bill of Rights ordinance, no new gravel pits are allowed in Barrington, with the exception if the extracted sand and gravel is used solely for municipal, on-site residential, household, agricultural or commercial facilities **within** the Town of Barrington only. However, this is not how this excavation project is proposed.

The Barrington Waterways Protection Committee has retained legal counsel to ensure that the Community Bill of Rights Ordinance is defended and enforced as necessary.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bannenberg", with a stylized flourish at the end.

Cilia Bannenberg
Barrington Waterways Protection Committee

LAND USE OFFICE

OCT 01 2018

RECEIVED

COMMUNICATIONS RECEIVED

M. Gasses explained that J. Jennison attended one of the Law Lecture Series and if anyone was interested In attending the remaining classes, supply the invoice to Barbara and she would get it paid for. She explained to the Board that she forwarded the Town meeting schedule via email.

REPORTS FROM OTHER COMMITTEES

F. Nichols explained to the Board that the Wetlands Buffer committee met four times. The committee consisted of two members of the Conservation, with three Planning Board members along with John Huckins. He explained that the committee worked well together and they also had a wetlands scientist at one of the meeting that gave the committee lots of information. He explained that an RFP was sent out with one wetlands scientist attending the meeting. He explained that this scientist was not going to be able to respond in a timely fashion. He expressed to the Board that he felt this would not be able to happen this year, would need to be pushed off to next year, and felt that there wouldn't be anything ready for the Planning Board to adopt this year. He expressed that progress was being made.

J. Brann explained to the Board that the people that responded were too busy and did not have time to work on this. He explained to the Board that this would not happen this year but would like to see the Board continue working on this for next year.

F. Nichols expressed that he felt that there should be another subcommittee meeting and that the committee should agree to send out the RFP again and not rush the project.

J. Jennison agreed that the subcommittee should meet again and make the decision. He agreed that everyone is busy right now and it would be hard to get someone.

S. Diamond asked if this vote was for allocating money left for the consultant and if the facilities chapter had exceeded the budget. The money would need to come from next year's budget.

M. Gasses explained that there was no money in the budget for this anyway. She explained that she would schedule a subcommittee meeting.

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

3. Discussion on moving forward with the Facilities and Utilities Chapter of the Master Plan.

M. Gasses explained that they had a contract with Strafford Regional Planning Commission to complete the Chapter on Facilities and Utilities of the Master Plan. She explained to the Board that she would like them to come up with suggestions for the number of members to be on the subcommittee for this chapter. She explained that she didn't need names but she felt that it was important to reach out to the community and include not only Board members, but members of the community. She asked the Board how many members they would like on this committee.

J. Brann expressed that they should have someone from the Town Facilities on the committee.

J. Jennison felt maybe six members.

J. Brann suggested a Select Board, Planning Board member, Town Facilities person and 2 or 3 community members.

M. Gasses expressed to the Board that she could reach out to Kyle Pimental to put a write up in the paper to reach out to citizens or volunteers. She asked the Board if they felt this was enough for the committee.

J. Brann suggested not too many because it would be hard to get everyone together.

M. Gasses explained that this would be what the committee would be made up of:

1-Planning Board Member (Steve Diamond)

1-Select Board Member

1-Paul Sanders Town's Facilities

4-Citizens

J. Jennison mentioned to the Board that he went to the Solar Power & Land Use Law Lecture Series. He explained that UNH Professor Clay Mitchell provided a draft a model ordinance and was also in the business.

J. Jennison explained that he would pass the information on to M. Gasses so she could supply it to the Board. He expressed that the information was helpful if the Board would be considering a solar ordinance.

M. Gasses expressed that this should be addressed in the Zoning Ordinance because there has been some inquiries. She explained that the legislation that passed was vetoed by governor. She explained to the Board that there were companies interested in large scale projects that we should address in the Zoning Ordinance. She explained that solar was not addressed at all in the Zoning Ordinance and that residential was just addressed as accessory use but there wasn't anything for commercial.

J. Brann expressed that there needed to be a commitment and funds to restore the site where these have a life of 20 to 25 years.

J. Jennison addressed that would be a lease issue not a Town issue. He asked if the Town was going to do it that he had some information from a lawyer on the Pembroke project that was huge. He explained that they were making people put a bond upfront and scaring away a lot of people.

M. Gasses explained to the Board that they do have a bond in place for cell towers. She explained to the Board that if the tower has not been used for a certain period of time the tower would need to come down. She explained that a bond maybe something that they may want to look at but didn't agree that it should be 18 years out. She explained that they could only put requirements on cell towers as long as similar projects were treated the same way.

S. Diamond explained the cleanup was fairly easy and the equipment would still have value. Given the value and clean up was not difficult, it would not be the same [as cell towers]. Although the solar units were not as effective, they would still have value.

J. Jennison explained that there was more value and reuse to solar. He explained that he didn't want to see solar in 10 acre resident lot.

M. Gasses explained that the Board does have the solar on her power point presentation on the CIP for making the Select Board aware of the Planning Board interest. The other project was the place making at Route 9 and 125. She asked if the Board wanted to discuss a Zoning Amendment for solar at the next

meeting.

S. Diamond shared with the Board that he went to an affordable housing workshop and the topic had come up with the Board when they discussed eastside of Route 125. He explained to the Board that he had been doing research on tiny houses.

M. Gasses explained to the Board that you are allowed tiny houses as long as you go by the building code. She explained that the problem was that they are being built on wheels and that was the problem, not the size. She explained that the tiny houses on wheels are considered a recreational vehicle and you can only live in them for 180 days a year.

S. Diamond explained that they have recognized that conservation subdivision are better than conventional subdivisions.

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

The next meeting will be on October 16, 2018 at 6:30 p.m. at the ECLC 77 Ramsdell Lane.

Without objection the meeting was adjourned at 7:50 p.m.