



**BARRINGTON PLANNING BOARD MEETING**

**NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER**

**77 RAMSDELL LANE**

**Barrington, NH 03825**

**Tuesday January 8, 2019**

**6:30 p.m.**

**(Approved January 22, 2019)**

**MEETING MINUTES**

**MEETING MINUTES NOTE: THESE ARE SUMMARY ACTION MINUTES ONLY. A COMPLETE COPY OF THE MEETING AUDIO IS AVAILABLE AT THE LAND USE DEPARTMENT.**

**Members**

James Jennison, Chair  
Jeff Brann, Vice Chair  
Steve Diamond  
Donna Massucci  
Andy Knapp ex- officio  
Fred Nichols-Absent

Town Planner: Marcia Gasses  
Staff: Barbara Irvine

**FIRST PUBLIC HEARING FOR ZONING AMENDMENT**

***(In the case of inclement weather, the hearing will be held January 22, 2019 at 6:30 p.m.)***

**Pursuant to NH RSA 674:16; 675:3 and 675:7 notice is hereby given of a public hearing to be held by the Town of Barrington Planning Board for the purpose of discussing a proposed amendment to the Zoning Ordinance.**

**Item #1 - To *amend* Article 19 Table of uses; to allow for Conservation Subdivisions in the Regional Commercial Zoning District, provided they comply with Article 6 of this Ordinance entitled Conservation Subdivisions,**

and no residential structures are permitted within (500) feet of the centerline of Route 125 and 4 properties located in the RC District.

**Copies of the full text are available to review in the Land Use Office and the Selectmen's Office located at 333 Calef Hwy in the Town of Barrington or online at [barrington.nh.gov](http://barrington.nh.gov). The public is invited to attend and participate in the Public Hearing. Please contact the Land Use Office at 664-5798 with questions.**

M. Gasses explained the amendment to Article 6 of the Zoning Ordinance.

J. Jennison read the Item #1 from the Public Hearing and the Board had no comments.

J. Jennison opened public comment.

J. Jennison closed public comment.

*A motion was made by J. Brann and seconded by D. Massucci to move Item #1 to the warrant. The motion carried unanimously.*

## **MINUTES REVIEW AND APPROVAL**

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

*Without objection the minutes of December 18, 2018 were approved.*

## **ACTION ITEMS**

2. [253-20-GR-19-2SUB \(Brenda J. Wishart Revocable Trust & James Antonino Revocable Trust\)](#)

Request by applicant for a 2 lot subdivision lot 1 will be 5.5 +/- acres to separate the business from the home and lot 2 will be 25+ acres for the remaining lot at 109 & 111 Winkley Pond Road (Map 253, Lot 20) in the General Residential (GR) Zoning District. BY: Raymond Bisson, Stonewall Surveying; PO Box 458; Barrington, NH 03825.

J. Jennison gave a brief description of the application.

Ray Bisson from Stonewall Surveying representing Brenda Wishart and James Antonino from 109 & 111 Winkley Pond Road. He explained to the Board that there are 33 +/- acres they would like to subdivide to separate the existing storage facility and existing residence. He explained that the storage facility parcel would be 5.5 +/- acres and has a septic easement around the existing leach field. He explained that the remaining 25 +/- acres would be with the house. He explained that there was an existing paved driveway that would service both pieces. He explained that both the storage facility and residence have their own septic system and well. He explained that the storage facility has a small office with a half bathroom with a sink. He explained since both already have State approved septic systems they were asking for a waiver from Subdivision Regulations Section 5.3.2. (3) Test Pits for the 4K area since the existing systems are already in place. He explained that wetlands and prime wetlands have been delineated by a NH Certified Wetland Scientist. He explained that the flood zone shown on the plan are from the most recent flood map from FEMA. He explained that the site was already developed with no further development, so they are asking for a waiver from 7.4 (2) requesting that the base Flood Elevation on a lot greater than 5 acres be determined.

J. Brann asked why the properties were being separated.

Ray Bisson explained that they were separating the house from the commercial use so if they decided to sell the business they could still live in the house.

J. Brann asked M. Gasses about the waiver for 7.4 (2) where this was a federal regulation requirement.

M. Gasses explained that Zone A was an approximate zone, where no elevations or a flood study exist. She explained that this was hard to regulate because there were no base flood elevations. She explained how far the structure must be above the flood elevation. She explained that there is a standard that fell into place for that National Flood Insurance Program. She explained that the requirement has been written into the Subdivision Regulations, so this could be waived. She explained that this situation was different because this was not a piece of vacant land and there was already structures on the lot. She explained that she did work with the Office of Strategic Initiatives, but they still needed the waiver because an actual survey wasn't done.

J. Brann asked if this was required in Zone X.

M. Gasses explained that it was not needed in Zone X because this was the 500-year flood area which was non-regulated, but Zone A was the 100-year flood area.

J. Brann explained that there was a large amount of wetland but there was no development planned. He explained that looking at the match lines it looks like a prime wetland.

Ray Bisson explained that the land was all wet and they couldn't do anything with it. He explained that the prime wetland was on the plan and he showed the location.

M. Gasses explained that if any further development/excavation on Map/Lots 253-20 & 253-20-1 shall require Base Flood Elevation determination.

S. Diamond asked if this was about requiring flood insurance if they were in the wrong spot.

M. Gasses explained that would be from the National Flood Insurance Program. She explained that the municipally regulates the flood zone. She explained that the insurance company, if they were to put something in the A Zone, they would require flood insurance. She explained from a construction standpoint, the municipally must make sure the flood zone is regulated. She explained that the elevation must be determined and a permit would be needed if in the A Zone.

S. Diamond asked if we declare the need for insurance.

M. Gasses explained that would be the insurance company; they are either in the flood zone or not.

A. Knapp asked why they are doing an easement around the septic.

Ray Bisson explained that if it was sold to a different person they could maintain it and so no buildings could be put there. He explained that the easement was more for protection for owners down the road.

J. Brann stated that he read the septic system<sup>2</sup>s were approved by the State.

### **Requested Waivers:**

#### **5.3.2 (3) Test Pits**

*A motion was made by J. Brann and seconded by S. Diamond to grant the waiver 5.3.2 (3) Test Pits*

for the 2-lot subdivision 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 carried unanimously.

#### **7.4 (2) Flood Hazard Areas**

A motion was made by J. Brann and seconded by S. Diamond to grant the waiver 7.4 (2) flood hazard areas for the 2-lot subdivision as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. Reason to approve the waivers it shows buildings already on the site. The motion carried unanimously.

A motion was made by A. Knapp and seconded by S. Diamond to accept the application as complete. The motion carried unanimously.

J. Brann stated that on the waiver for test pits, the reason this was granted was because there were already approved septic<sup>2</sup>s on the site.

J. Jennison opened public comment.

Dan Ayer stated that the Conservation Commission reviewed the application and had no problems.

J. Jennison closed public comment.

M. Gasses read Conditions Precedent:



## **Planning & Land Use Department**

**Town of Barrington**

**PO Box 660**

**333 Calef Highway**

**Barrington, NH 03825**

**603.664.0195**

**mgasses@barrington.nh.gov**

## **DRAFT NOTICE OF DECISION**

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built/s received:</i> n/a	<i>Surety returned</i> n/a
<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>Proposal Identification:</b> 253-20-GR-19-2SUB (Brenda J. Wishart Revocable Trust & James Antonino Revocable Trust) request by applicant for a 2 lot subdivision, lot 1 will be 5.5 +/- acres to separate the business from the home and lot 2 will be 25+ acres for the remaining lot at 109 & 111 Winkley Pond Road (Map 253, Lot 20) in the General Residential (GR) Zoning District. By Raymond Bisson, Stonewall Surveying; PO Box 458; Barrington, NH 03825			

Owner: Brenda J. Wishart Revocable Trust & James D. Antonino Revocable Trust 111 Winkley Pond Road Barrington, NH 03825  Professional: Raymond Bisson, LLS Stonewall Surveying PO Box 458 Barrington, NH 03825	Dated: XXXXX/2019
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**Dear applicant:**

This is to inform you that the Barrington Planning Board at its XXXXX, 2019 meeting **CONDITIONALLY APPROVED** your application referenced above.

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 6 calendar months to the day, by XXXXXX, 2019, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. *Reference 8.2.3 of the Town of Barrington Subdivision Regulations*

## Conditions Precedent

- 1)
  - a) Add the owners signature to the final plan
  - b) Add the wetland scientist stamp & signature to the final plan
- 2) Add the following plan revisions to the plans
  - a) Label Winkley Pond Road as Class V
- 3) The recording copy of the plans should not include the topography. Please provide two copies without topography and 3 copies with topography for certification.
- 4) Add the following plan notes:
  - a) Waiver granted from Subdivision Regulation Section 5.3.2(3) .... Test Pits
  - b) Waiver granted from Subdivision regulations 7.4(2) Base Flood Elevation
  - c) Any future development on lots 253-20 & 253-20-01 shall require Base Flood Elevation determination
  - d) This is a two-sheet plan set both sheets 1 & 2 are to be recorded.
  - e) Part of the existing buildings on proposed Map 253 Lot 20.1 sit within the proposed wetland buffer. Any further expansion into the buffer will require a 9.6 Special Permit.

- 5) Town Counsel shall approve proposed driveway maintenance & easement language
- 6)# Proper and complete survey monumentation shall be installed on the properties as a condition to final approval of the application. Granite bounds shall be set at the intersection of existing or proposed lot sidelines with existing proposed streets. Iron pins (pipe or rod) are to be placed at all property line corners and angles, and all points of curvature and points of tangency. Monuments for the lot being developed shall be placed not more than 300 feet apart in any straight line. The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the submitted plan. *(Reference 8.8 of the Town of Barrington Subdivision Regulations)*
- 7) Any outstanding fees shall be paid to the Town
  - a) \$25 check made out to SCRDP for LCHIP
  - b) \$26.50 made out to Town of Barrington to cover recording fee for page two (2) of plan set
- 8) Final Drawings (a) five sets of black line (b) plus one set of 11"X17" final approved plans must be on file with the Town. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans. Note. If there are significant changes to be made to the plans, as specified above, one full size check print must be sent to the Land Use Office for review prior to producing these final drawings.

### **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,

Marcia J. Gasses

Town Planner & Land Use Administrator

cc: File

*A motion was made by J. Brann and seconded by S. Diamond to approve the 2-lot subdivision based on Conditions Precedent as read by the Town Planner. The motion carried unanimously.*

3. [220-34-RC-19-2Sub \(Owner: Vaughn K. Cook\)](#) Request by applicant for a 2-lot subdivision; lot 1 will be 3.82 acres and the new lot will be 3.18 acres at 39 Brittany Lane (Map 220, Lot 34) in the Regional Commercial Zoning District. BY: Randy R. Orvis, Geometres Blue Hills, LLC;

PO Box 277; Farmington, NH 03835.

J. Jennison explained to the Board that he would like to move this application up to #2 due to the Surveyor Randy Orvis was unable to attend due to an illness. He explained to the Board that they need to make a motion to continue consideration to the February 5, 2019.

*A motion was made by J. Brann and seconded by A. Knapp to continue the case for Vaughn Cook until February 5, 2019. The motion carried unanimously.*

M. Gasses explained to the Board that there needed to be an amendment to add a #6 to the agenda for a recommendation to the Select Board regarding the turn-around on Wildcat Road.

*A motion was made by J. Brann and seconded by S. Diamond to add Wildcat Road turn-around to #6 on the agenda. The motion carried unanimously.*

4. **238-50-TC-19-SR (Owners: 606 FPH Real Estate, LLC)** Request by applicant for a site plan proposal to construct a 25' X 36' one-story addition to the back of the existing store at 606 Franklin Pierce Highway (Map 238, Lot 50) in the Town Center (TC) Zoning District. BY: Michael J. Sievert, P.E., MJS Engineering, P.C.; P.O. Box 359; Newmarket, NH 03857.

J. Jennison gave a brief description of the application.

Mike Sievert from MJS Engineering was there to represent 606 FPH Real Estate LLC (Calef's Country Store) and present was Ben from Careno Construction Co., LLC. He explained that the applicant purposed to construct a 25' x 36' addition to the rear of the Calef's Country Store. He showed on the plan where the addition would be in the back of the store. He explained that he did not do drainage at the beginning of the project and he supplied the drainage tonight, because he didn't think the drainage was needed. He explained that there was no drainage system on the site. He explained that the area was all sand and they would add a gutter on the eastly side of the building and would collect into a small dry well in the ground. He explained and showed what the construction would be from the contractor.

D. Massucci asked if the addition was just for Calef's Country Store.

Mike Sievert explained that the addition was for the Country Store only.

S. Diamond asked what the materials were going to be used.

Mike Sievert stated that it was just concrete. He explained that the regulations required a loading area, so he showed that area. He explained that this area shows where the truck can back into.

J. Brann asked what size of loading area was needed.

Mike Sievert explained that it looked like 25' x 25'.

J. Brann asked what size truck(s) are used for deliveries.

Greg Bolton, owner of Calef's Country Store explained that there are mostly box trucks for the deliveries and occasionally a tractor trailer truck.

D. Massucci asked if there was enough space to turn around.



Greg Bolton stated yes.

Ben from Careno Construction explained that they were just expanding the loading dock area.

S. Diamond questioned that there would be 25' less for a tractor trailer truck to turn.

Greg Bolton explained that the trucks come in by the Post Office and back in so when they leave they do not need to make the turn.

J. Brann asked if they backup at an angle. He questioned if there would be enough room.

Greg Bolton explained that there was enough room. He felt there was 100 feet.

J. Jennison asked if the access through the Post Office was legally granted in any way.

Greg Bolton explained that there was an easement for the road that goes around and back out to Franklin Pierce Highway.

J. Jennison asked if this was the access by the house next to Calef's Country Store. He asked what if the Post Office would not let them come through.

Greg Bolton explained that they do not come through the Post Office; they come through 614 Franklin Pierce Highway.

J. Jennison expressed that if the Post Office was ever sold would there be no access.

J. Brann explained that there was a gravel drive on the other side of the house.

Greg Bolton explained that this would not change anything, but the Post Office may.

J. Jennison agreed with S. Diamond about the 25' less in the area.

J. Brann stated that there was 100' there.

A. Knapp asked about parking spots.

Mike Sievert explained from the distance from the end of gravel it was all flat and sand. He explained that the distance was about 70' and then additional parking.

J. Brann asked M. Gasses what the area of run off with adding the roofline was.

M. Gasses explained that currently they didn't have any drainage information and the driveway had pot holes and this was a good size addition. She explained that according to the regulations, drainage was required or waive the drainage.

J. Brann questioned with the impact of additional roofline along the driveway. He asked about collecting on the opposite side of the driveway and was concerned of the water running onto the driveway.

Mike Sievert explained that the regulations say no run off from the lot. He explained that when he was out there he felt that there wasn't a drainage issue because it was all sand.



J. Jennison suggested maybe talking to the builder to add a drain underneath the ramp to collect water for the other side of the roof as well.

Mike Sievert explained that they may put a drip strip so that the water drains into stone drip strip. He explained that he could put a gutter on the side and it would just get deeper. He explained that the test pit went down 10' with no water.

J. Brann asked if the test pit was for the dry well.

Mike Sievert explained that the test pit was for the septic done by Norway Plains awhile back. He explained that he used that from awhile back.

D. Massucci asked if there was enough room to push the snow if a heavy storm.

Mike Sievert explained that there was. He explained that there was no issue with the snow load.

D. Massucci asked if this would affect any parking.

Mike Sievert stated that it would not affect any of the parking.

S. Diamond asked if the dry well was just for the run off. He asked about the driveway that loops around if they had rights.

M. Gasses explained that they do have rights. She explained that she looked back on a site review on the house next door and this was in the deeds giving access to the driveway.

S. Diamond asked about the paved parking in the front of the store was that used by customers.

Greg Bolton stated it is used by customers.

J. Jennison asked about the parking spaces not shown in the front of the store being shown on the plan.

Mike Sievert explained that they were not shown on the plan because they were in the State right of way, but he could add them.

J. Brann addressed that all the information did not come in a timely matter, so can we accept as complete.

M. Gasses explained to the Board that under State Law that all the information was not received in time, unless the Board feels that they could make a decision without the information.

J. Brann stated expressed that he would like to see the gutter extended to the area of the new addition.

J. Jennison expressed that they have complied with collection and advise them to add more collection for their own driveway. With more water, they would have a muddy driveway where it's not paved.

J. Brann asked the Board where the information was late, does the Board feel they have enough information to accept as complete.

M. Gasses asked the Board if they were all set with the architectural renderings of the building.

J. Jennison expressed that the drawing were acceptable.

Mike Sievert suggested a waiver for the drainage.

M. Gasses explained that drainage was required by the regulations.

J. Jennison asked the applicant if they were suggesting a waiver for the drainage. He explained that they could approve a waiver for drainage.

*A motion was made by A. Knapp and seconded by D. Massucci to waive drainage from requirements of a complete application, that upon review of the application there was enough information to comply with the intent of 676:4. The motion carried unanimously.*

### **Requested Waiver:**

#### **3.3 (1) Boundaries**

*A motion was made by J. Brann and seconded by S. Diamond to grant the waiver 3.3 (1) Boundaries as 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 carried unanimously.*

*A motion was made by S. Diamond and seconded by D. Massucci to accept the application as complete. The motion carried unanimously.*

J. Jennison opened public comment.

J. Jennison closed public comment.

M. Gasses explained conditions for the notice of decision.

- Remove note regarding the Subdivision Regulations under Planning Board approval block. The note is not applicable.
- Certify there are no wetlands on site.

J. Brann asked about the other three comments under Planner comments.

M. Gasses explained that the other three comments can be removed.

J. Brann requested that, as now draft notice had been prepared for the Board to review, the Chair or Vice Chair review the notice of decision before sending out.

*A motion was made by J. Brann and seconded by A. Knapp to approve the site review with the condition that the notice of decision be reviewed by the Chair or Vice Chair. The motion carried unanimously.*

### **COMMUNICATIONS RECEIVED**

M. Gasses gave an update that there was a meeting at Strafford Regional Planning with Hardrock on January 10, 2019 at 3:30. She explained that they are still scheduled to come back before the Board on February 5, 2019.

S. Diamond said that he would go to the meeting, and said that he would go as the public.

M. Gasses expressed to S. Diamond that he should not speak at that meeting because he was on the Planning Board and sitting as a member reviewing the application.

## **REPORTS FROM OTHER COMMITTEES**

M. Gasses gave an update that the Facilities and Utilities Master Plan Committee, which had met and she would forward the minutes to the Board. She explained that they have not set up another meeting.

## **UNFINISHED BUSINESS**

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

### **5. [Review of a request for a building permit at Castle Rock Road a Private Road, for D. E. Ayer Industrial Service Supply, Inc.\(Map 224, Lot 66\)](#)**

*Without objection the Board agreed to send a letter to the Select Board stating that they knew of no pending projects or conditions that would hinder the issuing of a building permit, for Map 224 Lot 66, located on Castle Rock Road. The Board recommends the road be graded to the property line as recommended by Peter Cook, Road Agent prior to the issuance of a Certificate Occupancy. It is recommended Mr. Ayer join the road association to help with future maintenance.*

### **6. Wildcat Road Turnaround- Recommendation from the Planning Board to the Select Board**

M. Gasses explained to the Board that she has interacted with the current owner where the turnaround was. She explained that the current owner had tried to stop the school bus from turning around. She explained that the neighbors came in quite upset about what the owner tried to do. She spoke with the owner and explained that the turn around was approved as part of a subdivision back in 1986 for Laura Archibald. She explained to the Board that it said “temporary” and what that meant was until the road went through. She explained that the current owner that bought the property a few years ago was tired of it being there. She explained a few months ago the owner had a sit down with two of his attorneys trying to find a way to make this go away. She explained that the Road Agent talked with one of the neighbors and went out with Joel Runnals from Norway Plains Associates surveyor to try and figure out an alternative to make an acceptable turnaround that would no longer be causing issues out there. She explained that the problem with the current owner is that it was where his driveway was.

J. Brann expressed they would be moving it to the other side of the road.

M. Gasses explained that the current owner bought this house with it there. She explained to the Board that the neighbor across the way, Michael Langlois, was in a completely different location and he has offered to sell the town a piece of his property, so they could have a turnaround area. She explained that then this would be controlled by the Town and it would be part of the right of way. She explained this way it would not be part of somebody’s driveway. She explained the location where they want the new turnaround.

J. Jennison asked if M. Gasses knew what the lawyer had to say. He felt the right thing to do would be for the current owner to pay to get the turnaround off his property.

M. Gasses explained that would be a Select Board decision. She explained that the Planning Board was just asked for a recommendation.

J. Brann expressed that he felt if the Select Board thought this was a good idea he was not going to object.

S. Diamond asked why the children can't walk half a mile.

M. Gasses explained that was a school decision.

J. Jennison asked if the Board agreed with the recommendation with the purchase of the land. He stated that the Board agreed.

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

The next meeting will be on January 19, 2019 at 6:30 p.m. at the ECLC 77 Ramsdell Lane.

Without objection the meeting was adjourned at 8:45 p.m.