



**BARRINGTON PLANNING BOARD MEETING**

**NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER**

**77 RAMSDELL LANE**

**Barrington, NH 03825**

**Tuesday June 4, 2019**

**6:30 p.m.**

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

**MEETING MINUTES**

**Members Present**

James Jennison, Chair  
Jeff Brann, Vice Chair  
Steve Diamond  
Donna Massucci  
Andy Knapp ex- officio  
Ron Allard  
Robert Pimpis

**Alternate Member**

Rondi Boyer

Town Planner: Marcia Gasses

Staff: Barbara Irvine

**MINUTES REVIEW AND APPROVAL**

1. Approval of the May 21, 2019 meeting minutes.

*Without objection the minutes of May 21, 2019 were approved as amended to lines 175, 304 and 305.*

**ACTION ITEM**

2. [223-26&24-RC-19-Sub \(Owners: Paul Helgott, Rina Myhre & Carol Ledoux\)](#) Request by applicant

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Joseph Falzone, Harbor Street Limited Partnership for a 55-Lot open-space residential subdivision and 5-commercial lots and waivers on Route 125 (aka: Calef Highway) in the Regional Commercial Zoning District. BY: Scott Cole, Beals Associates, PLLC; 70 Portsmouth Avenue; Stratham, NH 03885.

J. Jennison gave a brief description of the application.

A. Knapp recused himself.

Scott Cole from Beals Associates represented applicant Land Developer Joseph Falzone with his attorney Mark Johnson. He gave an update explaining that they had a preliminary meeting with the Planning Department, Road Department, Fire Department and the State of NH. He explained that each department had their own comments they tried to work into the plan sets and they also came in for a design review. He gave the Board an update on where they are at on the application showing a yield plan and how they came up with the open space subdivision. He explained that the project was made up of 2 lots with a total of 212 acres. He explained that there would be 5 commercial lots on Route 125 and a proposed open space subdivision with 55 residential lots with an open space of 117 acres. He explained that there would be 2 access points to the open space with a 20' wide access and access to the Class 6 road. The access to the open space via a proposed public road would also service two lots. He explained that it was recommended that it be put on the plan that there would be a trail cut in as part of the construction. He explained that the Fire Department asked that large boulders be put in place on Old Greenhill Road to prohibit any ATVs access for protection of a large wetland area. He showed on the plan where the wildlife area was and a vernal pool on the plan that are in the open space. He explained that the Town departments did not like the cul-de-sac design. He explained that this development would be 1200' away from Deer Ridge Drive. He explained that due to the grade of the existing terrain, the allowance of a steeper grade would provide for reduced disturbance for the project and a better design. He explained that this was reviewed with the prior Road Agent and the Fire Chief at a preliminary design meeting, and was acceptable with the request not to exceed 9%.

He explained to the Board that the Fire Chief, Rick Walker agreed on the three fire cisterns with a verbal agreement on the locations; he showed where they would be. He explained that as far as the commercial lots, they [cisterns] would be based on a case by case basis on what would be needed. He explained that this project would be in 4 phases and showed on the plan the locations of the phases. He explained that the traffic study was done by Jeffrey Dirk of Vanasse & Associates, Inc. who would speak to the Board about proposed amendments to Route 125.

Jeffrey Dirk was a partner with Vanasse & Associates, Inc. and he explained that a traffic impact study was done for the project. He explained that the plan was prepared with input from the Town Planner and NHDOT because this was a State Highway. He explained that this project would require permits from the State for access and improvements. He explained that the first part would be the scope of what would be needed and study of the areas that are important to the Town; he showed the locations on the map. He explained that the areas of interest are Green Hill Road, Scruton Pond Road, and the intersection of Franklin Pierce Highway. He explained that there would be 2 components; the commercial space and the residential area that would be 55 residential lots. He explained that the commercial lots are closer to Route 125. They expect the first building to go up in 2020 whether commercial or residential. He explained that they were also looking at a 10-year plan for the project. He explained that they met with Strafford Regional and the Planning Department for future projects and they were asked to include one project in the future, the gas station/convenience store at the intersection of Route 9 and Route 125. He explained that Strafford Regional gave the growth and that would be 1% per year and explained that it would also include the traffic from the gas station in the growth rate from Strafford Regional. Traffic

from this project would be an additional 160 to 200 vehicle traffic trips; there are about 20,000 vehicles on Route 125 on a week day and 17,000 on a weekend.

He explained that the peak times are as follows:

**Peak in am time 7:00-8:00 am 1,700 vehicles going south**

**Peak in pm time 4:00-5:00 pm 1,700 vehicles going north**

**Peak time on weekends 11am to 12pm 1,400 vehicles going north**

He explained that it's the volume that tells you how many lanes are needed. Part of the problem was the speed of traffic on Route 125. He explained that the Police Department did a study on all the roads in Town. He explained that the report showed that Route 125 had the most motor vehicle crashes over a 10-year study with about 42 crashes a year on this stretch. The speed was measured on a three-day period, with the speed limit being 50 mph, but most of the vehicles were going close to 60 mph. He explained that this meant 85% of the vehicles are going 60 mph or below.

J. Brann asked about most of the vehicles going over the speed limit.

Jeffrey Dirk stated that was correct, they are going 10 mph over the posted speed limit. He explained that after the improvements at the Green Hill intersection safety had improved. He explained that the light timing at the Franklin Pierce Highway intersection needed to be retimed. He explained to the Board that they needed to get the Planning Department, Strafford Regional, and NHDOT together to discuss what improvements were needed. He explained that Scruton Pond Road intersection needed left turning lanes, improved sight lines, and stated this was at the top of the list for a road safety audit. He explained to the Board that they have submitted a driveway and Site Plan to the Traffic Study Department of NHDOT.

S. Diamond read from the traffic study the following Analysis Results:

"Under 2030 Build peak-month conditions with the addition of project-related traffic, overall operating conditions during the weekday morning peak-hour were shown to degrade from LOS C to LOS D during the Saturday midday peak time. Vehicle queues at the intersection (NH Route 125 at Greenhill Road and Tolend Road) were shown to range from 0 to 87 vehicles during the peak periods."

S. Diamond read the description of the following:

**LOS D** represents a condition with long control delays to minor street traffic.

**LOS E** represents operating conditions at or near capacity level, with very long control delays to minor street traffic.

**LOS F** represents a condition where minor street demand volume exceeds capacity of an approach lane, with extreme control delays resulting.

S. Diamond asked about the Route 9 and Route 125 intersection already operating over capacity and the entire plan was based on access to Route 125. He expressed that he was looking at a study from SRPC and stated with the buildup from left hand turns would be about 15-minute delays. He raised concern that it could be an hour drive to get to a grocery store.

Jeffrey Dirk addressed access to Route 125. Jeffrey explained that you would never have a 15-minute delay for traffic. He explained that no one would sit to make a left- hand turn. He explained that the retiming would be a temporary fix. The problem was that the Town does not have alternative options like bus services or public transportation. He explained that you cannot keep adding lanes to the Route 125 intersection because then the road narrows down.

S. Diamond expressed that you could open access to Old Greenhill Road and access the minimum number of driveways. Also, someday Scruton Pond Road and Old Greenhill Road would have a stop light, and someone would spend money to upgrade.

Jeffrey Dirk expressed that he did not disagree and that they were good points. Jeffrey Dirk explained that if you were going to have driveways you would need to have turning lanes. Jeffrey Dirk explained that if you were going to have access from Greenhill Road the intersection would need to be fixed.

J. Brann asked about the problem that was already at Route 125 and Route 9; he was not surprised that they were going 10mph over the speed limit. He expressed that this was not going to fix the problem at Route 9 and Route 125, it would continue. He explained that with the left turning lanes this would minimize the impact of people coming in and out of the site, and on traffic on Route 125, so the turning lanes would help.

Jeffrey Dirk explained that in some cases when the speed wasn't so high not having a turning lane might slow people down but in this case this would be a safety issue. Jeffrey Dirk explained that the other thing with the turn lanes was that this would provide a buffer for someone coming out to make a turn as there would be a 12' center area.

J. Brann expressed that would aid in safe exit north on the two roads and noted roadside work just north of that to change existing grade and vegetation.

Jeffrey Dirk explained that after work was done you would have 700 to 800 feet of sight line distance.

S. Diamond asked about the vegetation in the area.

Jeffrey Dirk explained that it would be cut back quite a bit and because this was in the public right of way NHDOT would take care of maintaining the sight distance.

S. Diamond asked about the Transportation Demand Management Measures Public Transportation Services statement that talked about bus stops, pedestrian and bicycle accommodations would be provided, and Route 125 was considered a bike route. He asked if slopes on the road exceeded a 5% grade.

Scott Cole stated that the slopes are under 7%.

S. Diamond explained that regulations for a bike route are under 12.5.3 (3) ...Bikeways and Trails Placement and Design Standards that Maximum grade: 5% for segments less than 100 feet in length, 3% elsewhere.

Scott Cole asked S. Diamond if he lived in Barrington.

S. Diamond stated yes.

Scott Cole explained that he did too and asked how many roads in Barrington were less than that. He said they are going to ride where they want to and explained that this was in the regulations.

Jeffrey Dirk explained that they are not proposing a bike route.

S. Diamond expressed that they were proposing pedestrian and bicycle accommodations as part of the strategy and were acknowledging Route 125 as a bike route, so they would need to conform to the regulations as a standard as a maximum grade of 5%.

Jeffrey Dirk explained that they were making sure that there was a bike route available, but the intent was for the commercial component.

S. Diamond explained that he was looking for a more reasonable grade. He expressed that the left driveway to Route 125 was steep; what was the grade for the rest of that?

Scott Cole explained that the intersection was 5%, north 400' was 7%, and 1% flat the whole way after.

S. Diamond asked about Old Greenhill Road asked if/where it is a public way.

Scott Cole explained that was private and Fire Department doesn't want public access with no parking.

S. Diamond asked, just before you get to the private part, what was the steepest part.

Scott Cole explained that it was steeper on that side and they were also trying to stay away from wetlands.

J. Brann stated that Scott Cole said 8 ½% grade but he explained that on Sheet 26 it shows 9%.

Scott Cole explained that was for the private road.

J. Brann stated there's also a 10% grade shown on the same sheet.

Scott Cole expressed that was a commercial driveway and was not public.

J. Brann asked about the grade from Lots 43 to 44; was that private way to Greenhill Road to access to the open space.

Scott Cole explained that was private.

J. Brann stated that it was all private until the Town takes over roadway and drainage.

Scott Cole explained that would not be taken over because it was private area.

J. Brann questioned that the area would not be taken over by the Town.

Scott Cole explained that area was two driveways and would not be taken over by the Town.

M. Gasses explained to the Board that if in the future Old Greenhill Road became upgraded that could become a public street. She explained that she looked at it as a Class 6 road that you could not block. She explained that it should be the same standard as the rest of the road if it needs a waiver than that would be what it needs.

Scott Cole asked what the Board wanted.

J. Brann asked if at a 10% grade that the water would go in the street.

Scott Cole explained that this was commercial, and the grade would be 9%.

J. Jennison expressed that with an 8 ½ % grade with a waiver and change to a private road.

Scott Cole stated that he would redesign to 8 ½%.

J. Brann asked how cubing would be added with the 8 ½% grade.

Scott Cole explained that it would be open drainage and swales. He explained that early in the project they had spoken about not having any curbing on this project

J. Brann explained that was a requirement.

Scott Cole explained that the Highway Department preferred not having it. He said that he would be asking for a waiver.

M. Gasses explained that because this was in the regulations, they would need a waiver but highway would rather have open drainage to closed drainage.

Scott Cole stated that they would be asking for a waiver for curbing and redesign to 8 ½ %.

R. Allard explained that they are not asking for curbing where there were high slopes and impervious surface cause water would run down on the roadway.

M. Gasses explained to the Board that Dubois & King would do a complete review of this project.

S. Diamond questioned the use of Old Greenhill Road because the section by Route 125 was very steep. However, he asked about using Substitute Road that connected to Tolend Road, as it would be the same amount of road to create if you were not to do the driveway from Route 125, and use Old Greenhill Road. He explained that he knew there were some wetlands near Route 125 but they could build Old Greenhill Road to standard instead of the other driveway. He felt that would create more access.

Scott Cole explained that they looked at it and it was very steep.

S. Diamond asked if it could be grandfathered because it was already there.

J. Brann stated to the Board that they were not conducting a design review, explained that this was an application under consideration, and the Board could ask for clarifications to what was submitted. However, he explained that they needed to see if they could accept the application as complete so that they could have a public hearing.

*A motion was made by R. Allard and seconded by B. Pimpis to accept the application as complete. The motion carried unanimously.*

Roll Call:

S. Diamond-Yay

B. Pimpis-Yay

J. Brann-Yay

R. Allard-Yay

J. Jennison-Yay

D. Massucci-Yay

S. Diamond asked if the approval of road names by the Fire Chief for 911 holds this up in any way.

M. Gasses explained that the Fire Chief and she were discussing the best way to do the numbering for emergency response.

J. Jennison asked what the width of the private road to Old Greenhill Road was.  
Scott Cole stated that he believed that it was at 22'.

J. Jennison asked about the Fire Chief's comment on access to grave yards.

Scott Cole explained to the Board that now that they have a proposed driveway for that lot with a small wetland they are going to put an access easement over that driveway.

R. Allard asked that landscaping with low impact methods should be added to the by-laws.

Scott Cole stated they could add that.

J. Jennison opened public comment.

Stephen Jeffery from 128 France Road stated that he opposed this project as it was proposed for several reasons including but not limited to the attached letter:

223-26&24-RC-19-SUB

Stephen Jeffery  
128 France Rd  
Barrington, NH 03825

June 4, 2019


Dear Planning Board members,

I oppose the Falzone Conservation Subdivision project as proposed for a number of reasons including but not limited to those listed below.

- 1) The project is scattered and premature because there is not a proposal to improve and utilize the existing Class VI road, Old Greenhill Road.
- 2) Conservation Subdivisions are residential and cannot include commercial and municipal uses.
- 3) The proposal does not include the required 100-foot perimeter buffer around the entire residential portion of the subdivision. The proposal indicates the commercial lots will provide the buffer. This presents a conflict of land ownership rights.
- 4) The proposed subdivision road design road does not fully take advantage of the topography on the site to limit road grades. The proposal does not include a frontage road as recommended in Barrington's regulations.
- 5) As proposed a large percentage of the individual lots do not have direct access to the open space.
- 6) The Zoning Ordinance includes protecting ridge tops as part of the open space. The proposal develops most of the accessible ridge on the site.
- 7) The application does not provide a detailed analysis of the area to be designated open space that is different from the area that cannot be developed as shown on the yield plan. I am concerned the areas that cannot be developed by regulations and location may exceed the maximum permitted for the open space by the zoning ordinance.

I request this letter be included in the project file.

Respectfully submitted,  
Stephen Jeffery



Stephen Jeffery drew up/showed a plan on the way he felt the subdivision would be.



Joe Falzone expressed that Stephen Jeffery doesn't have anything to do with him, he was not an engineer, and he had also said the same thing about Village Place. Joe also explained what Stephen Jeffery left out was that when they came in for design review that they were allowed to bring in a scratch plan and that topo was an overlay; this was not the real topo. Joe explained that the real topo was on the real plan that they submitted. Joe explained that you can not come out Old Greenhill Road with the wetlands. He explained that you could drown going across that. Joe explained to the Board that Stephen Jeffery does not represent him.

J. Jennison asked Scott Cole to address the 100' buffer.

M. Gasses explained that there was one place that was not addressed, and it does not have to be a separate lot. She explained the 100' buffer could be on a commercial lot but was not shown on the lot 1C. She understood that you could not build on it because there was a wetlands buffer. She explained that they needed to show that 100' buffer separated from the residential lot.

Scott Cole explained a 100' buffer between the commercial and residential lots would be shown. Scott explained that the commercial lots are the ones with the noise and the should provide the 100' buffer to the residences.

S. Diamond stated that a variance was approved to do a conservation subdivision.

M. Gasses explained to the Board that they conform to the regulations and zoning ordinance; there wasn't anything that stated the buffer couldn't be located on the commercial lot. She explained that the buffer could be part of the open space but didn't have to be part of the open space. She also reminded the Board that they did receive a variance to allow a conservation subdivision in the regional commercial zone that was no longer needed because in March 2019 a conservation subdivision as an allowed use in the Regional Commercial Zoning District was approved by voters.

J. Jennison asked about the northern lot; was that 100' buffer delineated on that lot.

Scott Cole explained that for C5 a 100' buffer was on the residential side of the open space.

David Sartorius from 63 Deer Ridge Drive asked them to look at Old Greenhill Rd because he felt that it was dangerous turning left out of Deer Ridge Drive. He asked if they could investigate using Old Greenhill Road instead of Route 125.

M. Gasses explained that Old Greenhill Road does come off Route 125. She explained that they have created a frontage road to avoid any of the driveways from taking access from Route 125. She explained that they would be entering from the newly created road.

M. Gasses explained that NHDOT was looking at safety at the Gonic end and all of Route 125. She explained that they were working with the Town and had received a safety Audit Grant to look at the Beauty Hill Road intersection.

S. Diamond expressed that using a four-wheel drive truck it would be possible to leave the site without using Route 125. He explained that Old Green Hill Road connected to Orchard Hill Road as an alternative route.

M. Gasses explained that was a Class 6 road.

J. Brann read the following email from James Connick who was an abutter:

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“I, James Connick, an abutter with the land consisting of 124 acres, support the subdivision proposal of Mr. Falzone. I think this would be a benefit to the town both now and in the future.”

J. Jennison closed public comment.

**Requested Waivers:**

**12.2.1 Road Design Standards – Waiver from maximum road grade of 7% to allow a grade of 8.5%**

J. Brann expressed that the Board has to make a decision on this waiver in order for the applicant to work on the design. He asked the applicant if they still needed to act on this waiver.

Scott Cole asked if they could table this waiver until the next meeting.

J. Jennison asked S. Diamond about opening the private road through Old Greenhill Road. What you would prefer rather than having a trail through there?

S. Diamond expressed that he knew that there were draw backs and was looking at alternate ways to be able to get somewhere.

J. Brann asked how Old Greenhill Road terminates at the east end.

S. Diamond explained that Substitute was just north of Old Greenhill Road opening next to Orchard Hill.

M. Gasses asked S. Diamond if he was talking about redirecting bike traffic or vehicle traffic. She explained that they were talking about sending vehicles down a Class 6 road which was maintained by private citizens to a portion that was maintained by the Town that needed upgrading. Mr. Connick who sent the letter has given the Town more right of way. She explained that improvements to the right of way and steep hill on Orchard Hill had not occurred. She expressed how this would improve access for bikes, to get on Old Greenhill Road. She explained that she could not see sending traffic down Old Greenhill Road as a safe or good thing.

S. Diamond explained that it could be done as a backup, not paved, 5 mph limit, and minimum width about 12' wide so a car or bike could get through.

J. Brann expressed that he was trying to understand; so you go Old Greenhill, to Orchard Hill, and then end up on Tolend Road. He explained that they would end up on Route 125 either way.

S. Diamond explained that people typically travel south or east to go to work and north or west to come home.

M. Gasses explained that you would take a right hand turn out of the newly created road and to a signalized intersection then take a right so not sure you would not benefit.

Scott Cole explained that he has a meeting with Conservation Commission on Thursday Night and explained that he was sure they would have comment on this. Scott explained to the Board that he would need to fill out State permits and one of the questions would be is there other access.

J. Jennison asked about access that ended at Old Greenhill Road. His concern was when there are jeeps at the puddles at the Route 125 end and the connection was made. He explained that if they asked them to build Old Greenhill Road and then when everyone complains that can block the road off.

J. Brann asked who owned Old Greenhill Road.

M. Gasses explained that it was a Class 6 Town road; it's an unmaintained Town road. She explained that there was a portion going to Mr. Connick's property from Tolend Road that goes up the hill and around the corner called Orchard Hill Road.

J. Jennison asked about entertaining the idea of the future of Old Greenhill Road when it gets built up.

M. Gasses explained that this would be like when they built Deer Ridge Drive, there was a Class 6 portion of road that wasn't even built; it was a paper street. She explained that this was in case future development accrued. The paper street was then built to connect to Village Place.

Joe Falzone expressed that he drove up and down this road with engineers; you couldn't permit Old Greenhill Road in his life time. Go out there and see the vernal pool. He explained that he could never do it, the cost financially cannot work, and no matter what you would come out on Route 125. He explained to the Board that they are paying for and studying an intersection that was a problem before they ever came along. He suggested to the Board that they should walk the road and they would get questions answered.

M. Gasses explained to the Board that the proposed road to Old Greenhill Road would connect to Mr. Connick's property which wraps around the open space that would give connection to another large parcel of land.

J. Brann expressed after listening to people's comments that it was reasonable, but at the same time it would require people spending money to upgrade Old Greenhill Road when he felt the State would not approve it and it would require lot of work on the Town's part. He expressed that this was a safety issue to him and he doesn't see a benefit to upgrade Old Greenhill Road.

S. Diamond read from the subdivision the following:

**11.2.3(1)** .....Where lots abut existing roads with a high traffic volume, at the discretion of the Planning Board, marginal access roads or reversed frontage approach may be required to minimize the number of driveways and/or streets, that have access to the high-volume streets.

S. Diamond explained that he was glad to see frontage to the North and asked if it was too late for frontage to the south.

M. Gasses explained that topography and wetlands with a large wetland crossing. She explained that Deer Ridge Drive only had one entrance and this one would have two right off the bat.

S. Diamond stated you could do it looking at the map on the commercial lots because it was not showing much wetlands. He asked if they were not showing on the map.

M. Gasses asked what purpose it would serve.

S. Diamond stated connecting to Deer Ridge Drive.

M. Gasses explained that there are other lots in between.

Scott Cole explained that a 300' crossing was privately owned.

J. Brann asked about the waiver discussion; that this was going to Dubois & King for review. He asked about the notes on the plan and if they needed to go back and review this.

Scott Cole explained that he knows that data for this application was correct, it's a text issue, and he would have Christian look at it.

J. Brann asked about the statement on proposed development on NH Route 125; no adverse effect on abutting property by way of stormwater runoff. He asked about statement given this subdivision was surrounded by wetland. He knows that there are drainage plans and if there were any impact on the wetlands.

Scott Cole explained that he didn't believe this was in the drainage analysis. He explained that this was in Brendan Quilgley from Gove Environmental Services report. He explained that they do have two proposed impacts to the main roadway.

M. Gasses explained that she had two copies and to remember that this would be going to Dubois & King. She informed the Board that she met with department heads, interim Road Agent, Fire Chief, Town Attorney and Town Administrator, to discuss who was responsible for drainage facilities once the road was accepted by the Town. She was concerned that the initial documents provided that the homeowner's association needed to be responsible for the drainage facilities. She was concerned that if anything was to go wrong with the drainage facilities they could destroy the Town roads. She raised a concern that the homeowner associations tend to fall apart after the Town takes over the road.

*A motion was made by J. Brann and seconded by B. Pimpis to continue the case until July 9, 2019. The motion carried unanimously.*

A. Knapp returned to the Board.

3. [242-7-GR-19-ParkingArea \(Owners: Southeast Land Trust & Stonehouse Forest\)](#) Request by applicant for a proposal to construct a parking area on Route 9 (Map 242, Lot 7) in the General Residential (GR) Zoning District.

J. Jennison gave a brief description of the application.

Deborah Goard from Southeast Land Trust was here to represent the parking area on Route 9. She gave a brief description of the parking area.

*A motion was made by J. Brann and seconded by B. Pimpis to accept the application as complete. The motion carried unanimously.*

J. Brann addressed the Planners comments. He asked about the following:

Where people would park;

Deborah explained that it would be open gravel with no spaces marked the area would fit 6-12 cars. The entrance; Deborah stated off Route 9.

What erosion control would be in place during construction? Deborah explained that there were no wetlands, she didn't believe, and hay bales could be put down.

S. Diamond asked about the slope.

Deborah explained that it sloped to the north.

M. Gasses suggested adding a note that slit fencing was required.

J. Jennison opened public comment.

J. Jennison closed public comment.

Deborah explained this entrance was in a State right of way.

M. Gasses explained to the Board that the State was not concerned.

A. Knapp asked what if EMS had to respond.

M. Gasses explained that she and the Fire Chief had a conversation.

J. Brann asked about the gate access for emergency personnel.

Deborah explained that it was access by key and was the same for all locations.

J. Brann requested this be put in the notice of decision.

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](mailto:mgasses@barrington.nh.gov)

## NOTICE OF DECISION

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built received:</i>	<i>Surety returned</i>
		<i>n/a</i>	<i>n/a</i>
<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
<b>Proposal Identification:</b> 242-7-GR-19- Parking Area (Owners: Southeast Land Trust & Stonehouse Forest) Request by applicant for a proposal to construct a parking area on Route 9 (Map 242, Lot 7) in the General Residential (GR) Zoning District.			

Owner:	Dated: June 10, 2019
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Southeast Land Trust of NH/Stonehouse Forest 6 Center Street PO Box 675 Exeter, NH 03833	
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**Dear applicant:**

This is to inform you that the Barrington Planning Board at its June 4, 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 December 3, 2019, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

**Conditions Precedent**

- 1) Add the following plan notes
  - a) Add the State Driveway Permit # to the Plan
  - b) Tree cutting will be done so that parked cars are visible from the street.
  - c) Signage will state the property is closed after sunset.
  - d) Parking area will have a kiosk with map and property information.
  - e) Erosion control must be in place prior to disturbance of the site.
  - f) Gates to all parking areas are to be keyed alike.
  - g) Place a "No Parking Emergency Vehicle Access" sign on gate
- #2) Any outstanding fees shall be paid to the Town
- 3) Prior to obtaining Board signature, the Applicant shall submit three (3) complete paper print plan sets. The Town shall retain a signed and approved reproducible 11"X17", and PDF format with supporting documents for Town records.

**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) The applicant shall notify the Town when improvements are complete in order to receive a Certificate of Occupancy/Use

(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

cc: File

*A motion was made by D. Massucci and seconded by J. Brann to approve the application based on the conditions read by the Town Planner. The motion carried unanimously.*

4. [257-27-GR-19-ParkingArea \(Owners: Southeast Land Trust & Stonehouse Forest\)](#) ) Request by applicant for a proposal to construct a parking area on Merry Hill Road (Map 257, Lot 27) in the General Residential (GR) Zoning District.

J. Jennison gave a brief description of the application.

Deborah Goard from Southeast Land Trust was there to represent the parking area on Merry Hill Road. She gave a brief description of the parking area. Deborah said that she was there asking for a waiver for 14' apron instead of 16'.

*A motion was made by J. Brann and seconded by B. Pimpis to accept the application as complete. The motion carried unanimously.*

A. Knapp stated that it dropped off.

J. Brann asked if it was on a slope.

A. Knapp explained that it comes down a hill and drops.

Deborah showed the Board pictures of the current gravel entrance that did not show any erosion. The Board discussed that although paving should not create a problem, if it did Southeast Land Trust should be responsible for correcting the problem.

J. Brann asked M. Gasses to add to notice of decision.

J. Jennison open public comment.

J. Jennison closed public comment.

A motion was made by J. Jennison and seconded by S. Diamond to approve the waiver for 4.9.11 (2) 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 regulation.

The motion carried unanimously.

Roll Call:

S. Diamond-Yay

B. Pimpis-Yay

J. Brann-Yay

R. Allard-Yay

J. Jennison-Yay

D. Massucci-Yay

M. Gasses read Condition Precedent:



## Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0195

[mgasses@barrington.nh.gov](mailto:mgasses@barrington.nh.gov)

## NOTICE OF DECISION

[Office use only]	Date certified:	As built/s received: n/a	Surety returned n/a
"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.			
<b>Proposal Identification:</b> 257-27-GR-19-Parking Area (Owners Southeast Land Trust & Stonehouse Forest) Request by applicant for a proposal to construct a parking area on Merry Hill Road (Map 257, Lot 27) in the General Residential (GR)			

Owner: Southeast Land Trust of NH/Stonehouse Forest 6 Center Street PO Box 675 Exeter, NH 03833	Dated: June 10, 2019
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**Dear applicant:**

This is to inform you that the Barrington Planning Board at its June 4, 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 December 3, 2019, the Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

**Conditions Precedent**

- 1) Add the following plan notes
  - a) A Barrington Driveway Permit is required with the apron paved in 14' (*Waiver granted from 4.9.11(2) to allow for 14' apron*). Show permit number on the plan
  - b) Tree cutting will be done so that parked cars are visible from the street.
  - c) Signage will state the property is closed after sunset.
  - d) Parking area will have a kiosk with map and property information.
  - e) Erosion control must be in place prior to disturbance of the site.
  - f) Gates to all parking areas are to be keyed alike.
  - g) Place a "No Parking Emergency Vehicle Access" sign on gate.
  - h) If there is an erosion problem created by paving the driveway off Merry Hill Road, SELT shall be responsible for problem mitigation and all necessary remedies.
- #2) Any outstanding fees shall be paid to the Town
- 3) Prior to obtaining Board signature, the Applicant shall submit three (3) complete paper print plan sets. The Town shall retain a signed and approved reproducible 11"x17", and PDF format with supporting documents for Town records.

**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) The applicant shall notify the Town when improvements are complete in order to receive a Certificate of Occupancy/Use

(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

cc: File

*A motion was made by B. Pimpis and seconded by R. Allard to approve the application based on conditions read by the Town Planner. The motion carried unanimously.*

Roll Call:

D. Massucci-Yay  
J. Jennison-Yay  
R. Allard-Yay  
J. Brann-Yay  
B. Pimpis-Yay  
S. Diamond-Yay

5. [233-30.1A-NR-19-9.6 Waiver \(Owner: Frank Catapano, Bar Homes, Inc.\)](#) Request by applicant for a 9.6 Special Permit to impact a wetland buffer and a waiver from Section 12.3.4 (4) to allow up to 12% slope for a portion of a driveway on Thatcher Way (Map 233, Lot 30.1A) in the Neighborhood Residential (NR) Zoning District. BY: Scott Frankiewicz, New Hampshire Land Consultants, PLLC: 683C First NH Turnpike; Northwood, NH 03261.

J. Jennison gave a brief description of the application.

Scott Frankiewicz from New Hampshire Land Consultants represented the applicant Frank Catapano, Bar Homes, Inc. He explained that the reason they were before the Board for a buffer impact was in the original subdivision plan the driveway was going to be out of the buffer, but the utility company put a pedestal there. So he showed where they were proposing to have the driveway come in up the hill, there was a wetland and there was rip rap. He explained that the closest they would come to the wetland delineation was 12.8' and the drainage goes away from the wetland boundary.

Scott explained that they are asking for a waiver of:

**12.3.2 (4)....Grade Driveway grade shall not exceed a ten percent (10%) grade ...** to allow a portion of a driveway to be at 12% .

Scott explained that he supplied a second plan with the profile of the driveway because of the Fire Chief's concerns that with the driveway -2% slope off the road down to the ditch line and then a 12% sloped drive that the fire truck could bottom out. He explained that they could run a profile of the vehicle and how it interacts with the road, and there wouldn't be a problem. He explained that's the way the driveway would be. He explained that the waiver requested was being applied for this lot to avoid a large cut and blasting at the house location. He explained this would be to allow the grade increase for a small portion of the driveway and would allow the house foundation to be raised close to the existing grades.

## 9.6 Permit

S. Diamond read #4:

4. Appropriate erosion control measures must be in place prior to and during construction.  
*The driveway side slopes are sloped into the driveway and down to the roadside swales on Thatcher Way.*

S. Diamond asked if they were using the driveway itself as the drainage.

Scott explained that the slopes are not going down to the wetlands. He explained that every driveway would have a shoulder and the water would run down Thatcher Way into the culvert.

S. Diamond expressed that he was concerned if it was icy in the winter time if they were not shredding the water off the driveways.

Scott explained they crown the sides of the driveways to prevent any accumulation.

J. Jennison asked about going up the hill instead of going down the hill; would you avoid deep grades.

Scott explained that it would get worse. He showed the elevations. He showed the Board where Thatcher Way bottoms out.

J. Jennison asked if Bar Homes was the owner when the electrical and utilities were put in.

Scott explained that they bought the subdivision approved.

J. Jennison expressed that he was concerned that if he wrecks his own lot and he doesn't want to blast it's a struggle. He explained that the modeling for the fire truck looks adequate but in real life when it was built more than likely it would be dragging.

M. Gasses explained that she needed the Fire Chief or Dubois & King to tell her that an emergency vehicle could make it up the hill.

A. Knapp expressed that an ambulance would be more likely to drag because it was lower.

M. Gasses explained that the ambulance would be more likely to go up the driveway.

J. Jennison explained that the solution would be to blast.

Scott expressed that they were not asking for a waiver for that section of the drive. He explained that he wanted to evaluate the road that was 2% down to 10% slope area in the regulations. He explained that the 12% was further up than the 10%. He explained that if the waiver was denied he could still do the 10%; they are trying to get it higher. He explained that the regulations say that anyone can do this at the entrance.

J. Brann asked where the driveway was supposed to be.

Scott showed the location of the original driveway on the plan and wanted to keep it out of the buffer.

J. Brann stated that the slope doesn't look much different in that area.

S. Diamond asked if it was 100' long.

Scott explained that it was 175' to the building. He explained that where flat it was 149'.

J. Brann asked if they could maintain 10%; the problem was that it was steep.

M. Gasses explained that the Fire Chief had his own regulations under the fire code. She explained that their codes could be different from ours.

M. Gasses explained that they had to blast the whole road.

J. Brann questioned whether they needed to blast for the drive/house.

Scott stated that he assumed that they may need to blast but he was not building the house.

J. Brann questioned that if they are already going to do blasting, then why can't they get it at the required percentage.

S. Diamond questioned how much of a hardship was it.

A. Knapp questioned the safety. He was concerned that they would not be able to get to the grade they needed to be at.

M. Gasses explained to the Board no matter what they decided to do it would depend on what the Fire Chief said about meeting their requirements.

J. Brann expressed that it's about respect for safety and if they are blasting anyway.

Scott explained that he was not out there building the house.

S. Diamond asked how short the driveway was. He explained that there was a rule you could not park on the street.

*A motion was made by B. Pimpis and seconded by J. Brann to accept the 9.6 permit application as complete. A motion carried unanimously.*

J. Jennison opened public comment.

Russell Kliese from 17 Thatcher Way explained that his driveway was not that steep and recognizes the problems. He explained that he was not in favor of moving the driveway because he has erosion on his side. He explained that after he signed and put the down pavement he watched his driveway be destroyed before they closed, and then they came unannounced and cut patches out. He explained that he doesn't have 12% slope and it was dangerous in the winter. He explained that it should be graded and every winter it freezes. He supplied the Board with photos of how dangerous it was. He explained that it has washed out several times.

Stephen Jeffery from 128 France Road opposed the application for a 9.6 Special Use Permit and a waiver see his concern in the letter below:

233-30-NR-19-9.6 / waiver

Stephen Jeffery  
128 France Rd  
Barrington, NH 03825

June 4, 2019

Dear Planning Board members,

I oppose the application for a 9.6 Special Use Permit and a waiver for driveway slope for a number of reasons including but not limited to those listed below.

- 1) The lot was approved as part of a subdivision and predicated on there being no waivers or other outstanding issues needing resolution at a later date.
- 2) The Planning Board only has statutory authority to approve subdivision and site plan applications.
- 3) The Planning Board does not have authority to provide relief from provisions of the zoning ordinance.
- 4) The 9.6 Special Use Permit requires erosion control devices to be installed prior to excavation. The wetland buffer as of June 1, 2019 has already been excavated and not erosion control devices were observed.
- 5) The lot has sufficient road frontage to install the driveway in a location other than the wetland buffer and sufficient distance to conform to slope requirements.
- 6) Excavation and grading is a prohibited use in the wetland buffer and as such it is not a "use not otherwise permitted".
- 7) The application incorrectly states the "use is single-family dwelling which is an allowed use." The use the applicant is proposing is a driveway in the wetland buffer. The applicant needs to submit a corrected application with a new public notice.

I request this letter be included in the project file.

Respectfully submitted,  
Stephen Jeffery



Stephen Jeffery expressed that he didn't believe that they could get a 9.6 Special Use Permit for this application.

J. Jennison closed public comment.

J. Jennison expressed that the information from Mr. Kliese was important to have about the drainage.

A. Knapp questioned knowing the slope of the road and lack of culverts for each driveway and drainage.

M. Gasses explained that this was reviewed by the Town Engineers and met the requirements of the regulations at the time.

A. Knapp asked about the regulations stating a 15' culvert.

M. Gasses explained that she had a conversation with highway; they are having this issue on some of the roads now. She explained that they want to make sure enough coverage so that they could put the culvert in the ground; she stated this has been noted.

A. Knapp stated that it was not too late; they need to be held accountable for and go back and correct.

M. Gasses explained to the Board that she did notice that they had roughed in a driveway.

A. Knapp stated that he assumed that if a driveway was roughed in he assumed that there should be a driveway permit.

J. Brann expressed that looking at the photos and the concerns expressed that they need to have Dubois & King out there with Code Enforcement.

M. Gasses asked if the Board wanted Dubois & King or Code Enforcement to go out and look at the driveway. She recommended that Dubois & King go out to the site. The Board agreed.

R. Allard explained that the road goes straight up, and they have curbing issues and buffer issues.

*A motion was made by J. Jennison and seconded by J. Brann to continue the 9.6 Special Use Permit application to July 9, 2019. The motion carried unanimously.*

Roll Call:

S. Diamond-Yay  
B. Pimpis-Yay  
J. Brann-Yay  
R. Allard-Yay  
J. Jennison-Yay  
D. Massucci-Yay

*A motion was made by J. Jennison and seconded by J. Brann continue to consideration of the waiver 12.3.2 (4) to July 9, 2019. The motion carried unanimously.*

#### **COMMUNICATIONS RECEIVED**

#### **REPORTS FROM OTHER COMMITTEES**

#### **UNFINISHED BUSINESS**

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

6. Review of a request for a building permit at 208 Flower Drive a Private Road, for Tyler & Nicole Conroy. (Map 112, Lot 16)

J. Brann asked if they have a road association.

M. Gasses explained that they do, and they even have cameras installed.

A. Knapp asked if four seasons.

M. Gasses explained that it could be, but she didn't know. She explained that Dana Drake did the comments from highway and she drove out to check road width.

J. Jennison read the letter at the end that this was maintained by the Flower Drive road association.

M. Gasses explained to the Board that she went on the registry of deeds and there was no information about the right of way.

J. Jennison asked if it was a paved road.

M. Gasses explained that it was not, and they would need to grade a lot of the road.

D. Massucci asked if they were going to grade the whole road.

M. Gasses explained that they are at 208 so to their address.

*A motion was made by J. Jennison and seconded by J. Brann to send the standard letter to the Select Board. The motion carried unanimously.*

Roll Call:

S. Diamond-Yay

B. Pimpis-Yay

J. Brann-Yay

R. Allard-Yay

J. Jennison-Yay

D. Massucci-Yay

J. Jennison informed the Board that he received a letter from Stephen Jeffery to give to the Board. He read the letter to the Board and if any one wishes to respond he would like it in writing.

M. Gasses expressed to the Board that they should not respond to the letter from Stephen Jeffery independently as member of the Planning Board.

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

The next meeting will be on June 18, 2019 at 6:30 p.m. at the ECLC 77 Ramsdell Lane.

Without objection the meeting was adjourned at 10:00 p.m.