



BARRINGTON PLANNING BOARD MEETING

NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER

77 RAMSDELL LANE

Barrington, NH 03825

Tuesday July 9, 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.

(Approved August 6, 2019)

MEETING MINUTES

Members Present

James Jennison, Chair
Steve Diamond
Andy Knapp ex- officio
Ron Allard
Robert Pimpis

Alternate Member Absent

Rondi Boyer

Members Absent

Donna Massucci
Jeff Brann, Vice Chair

Town Planner: Marcia Gasses
Staff: Barbara Irvine

MINUTES REVIEW AND APPROVAL

1. Approval of the June 18, 2019 meeting minutes.

Without objection the minutes of June 18, 2019 were approved as amended at lines 681 and 683.

ACTION ITEM CONTINUED FROM June 4, 2019

2. [223-26&24-RC-19-Sub \(Owners: Paul Helfgott, Rina Myhre & Carol Ledoux\)](#) Request by applicant 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. He explained that he was there to update the Board on where they were at and was there to ask to continue until August 6, 2019. He explained that he had met with the Conservation Commission and they had no issues. He explained that they met with the Town Engineer, Dubois and King with comments back and agreed with about 90% of the comments. There also had been a lot of revisions that had been made to the legal documents that had been required by Town Counsel. He believed that all the legal draft documents had been approved.

S. Diamond asked about delineating traffic impacts for bike lanes since they couldn't meet the Town standards for bike lanes. S. Diamond asked about it because they can't meet the 5% grade.

M. Gasses explained that since they asked to be continued until August 6th that this should not be discussed. She expressed that she felt that they were not proposing bike lanes and the standard was for bike paths such as rail trails.

Scott explained that he would like to continue to August 6, 2019 when Jeffrey Dirk would be there and he could address the requirements for bike lanes. Scott explained that there was no intent for bike lanes.

A motion was made by S. Diamond and seconded by R. Allard to continue the application until August 6, 2019. The motion carried unanimously.

3. [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 with Frank Catapano from Bar Homes, Inc. were present. Scott explained to the Board after the review from the Town Engineer and Town Planner they would like to withdraw the waiver for the 12% slope. Scott explained that they are there to talk about the 9.6 permit and explained on the plan that they were going to upgrade the driveway with a rip rap swale on either side of the driveway. The driveway was proposed a little further from the wetlands than the original location. driveway would be 23.6 from the nearest wetland buffer. Scott explained that the wetland buffer impact was 2,200 s.f. the driveway was staked out a couple of weeks ago. Scott explained to the Board that every driveway did have a culvert.

M. Gasses asked Scott to explain to the Board the unintended impact that occurred. Scott explained that when Frank hired a logger the logger did not know where the wetland buffer was and explained that no water would be pushed toward the wetlands.

J. Jennison asked if they knew what the original wetland buffer impact was.

M. Gasses explained that John Huckins went out and looked and at the site did some measuring and the impact was located where they were proposing it to be. M. Gasses explained the reason it ended up where it was because of the large utility boxes power that were located and the proposed septic. M. Gasses explained that this lot did receive a driveway permit and the driveway was not installed where it was permitted. M. Gasses explained that all the driveways were permitted at once to try address the difficult site and the logger disregarded it. M. Gasses explained to the Board that she and Scott Bourcier from Dubois & King did a site visit to make sure that the run off would not go into the wetland it would go into the drainage swale.

S. Diamond asked about when the logging road access was put in he understands that a DES wetland crossing permit was required.

Scott stated that there was not a wetland crossing.

M. Gasses explained that it was all dry and ledge where they crossed.

J. Jennison expressed if they had built the driveway and crossing at the same time there would have been less of an impact and wouldn't be an issue now.

Scott explained that this was an existing logging woods road.

M. Gasses explained that when she went out there the pipe that was laid down as a temporary culvert was way under sized.

Frank explained to the Board that the culvert that was there was only temporary. He explained that there was no way to move the utilities. Frank explained that they would need to blast, more of the site to move the driveway.

M. Gasses explained that the real purpose of the 9.6 permit was to protect the wetlands and she felt confident after speaking with Scott Bourcier on site that none of the runoff ran towards the wetlands.

Scott read the criteria for a 9.6 permit:

1. The proposed use is in keeping with the intent and purposes set forth in the zoning ordinance as permitted in the base zoning district (See Table 1, Table of Uses, located in the zoning ordinance). If the base zoning district requires a conditional use permit or special exception for the proposed use, one must already have been obtained; or if the proposed use is not listed on the Table of Uses or is listed but not permitted, one must already have obtained a variance.

Response: The use is a single-family dwelling which is an allowed use.

2. After review of all reasonable alternatives, it is determined to be feasible to place the proposed structure or use outside the buffer zone.

Response: To place the driveway outside of the wetland buffer will require a substantial cut and blasting for the foundation.

3. The proposed structure or use must be set back as far as possible from the delineated edge of the wetland or surface water.

The driveway is setback 23.6 from the edge of the delineated wetlands and goes away from the wetlands until we get out of the wetland buffer.

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. Silt fence will be in place once they start construction.

5. All buffer area disturbed, not associated with the driveway will be repaired and restored upon completion of construction.

All runoff from the driveway and driveway slopes will be directed back towards the driveway and to the roadside swales.

6. All available mitigation measures to address changes in water quality and quantity be implemented, along with the design and construction methods to minimize adverse impacts, if required by the Planning Board.

All runoff from the driveway and driveway side slopes will be directed back towards the driveway and to the roadside swales.

S. Diamond asked about if the driveway was moved more blasting would be required.

Scott explained that if the driveway was moved down 6 to 8 feet the 10% grade it would push everything down.

S. Diamond asked about what the hardship would be.

Frank explained that you would need to blast the entire lot.

S. Diamond stated that when you grant a waiver you ask what the hardship was.

M. Gasses explained to S. Diamond that this was not a waiver this was a 9.6 permit.

J. Jennison explained that he felt S. Diamond was giving consideration for the cost.

Frank explained that it would be a lot more.

S. Diamond asked how much it would cost to blast.

Frank explained that it would cost 30 to 40 thousand dollars.

J. Jennison opened public comment.

J. Jennison closed public comment.

A motion was made by J. Jennison and seconded by R. Allard to grant the 9.6 permit based on the construction of the plan and silt fence and erosion control measures in place during construction and side slopes are stabilized. Vote 4-1

Roll Call:

Diamond-nay

Pimpis-aye

Knapp-aye
Allard-aye
Jennison-aye

A. Knapp expressed he was concerned on what the plan was to control erosion because of the neighbor that was at the last meeting and the issues he had expressed with his driveway.

Frank explained that three days after they sold them the house in early spring there was a bad storm and the driveway was soft so when he had it plowed it ripped his driveway. The driveway had been repaired. Frank explained to the Board that he never received an email, text or phone call about the driveway. Frank explained that to this day he has never contacted him and didn't know why he came and complained. Frank stated that he walked up his driveway and didn't see any damage. Frank explained that the damage that happened was from the plowing.

A. Knapp asked about the fair amount of erosion along his driveway.

Scott explained that most of the driveways out there have pavement and a shoulder with no defined swale. The proposed driveway would have a one-foot deep swale and rip rap starting up at the house.

A. Knapp asked where the culvert runs through if it was going to be a raised-up culvert with a cap on it.

Scott explained that it would be a standard 15' culvert.

M. Gasses explained that they have met the regulations on the culvert installation. M. Gasses explained that the only problem was someone put in a temporary small pipe and during heavy rain the water jumping the pipe and causing erosion..

ACTION ITEM CONTINUED FROM June 18, 2019

4. [238-16-V-19-SR \(Owner: Drew Pond, LLC\)](#) Request by applicant for a Site Review proposal to construct two private roads each to serve 20 townhouse units off Route 9 with waivers (aka Franklin Pierce Highway) on an 18.02-acre site (Map 238, Lot 16) in the Village District. BY: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

James Hayden from Berry Surveying & Engineering representing Drew Pond, LLC was asking to continue until August 6, 2019.

A motion was made by B. Pimpis and seconded by R. Allard to continue the application until August 6, 2019. The motion carried unanimously.

COMMUNICATIONS RECEIVED

M. Gasses explained to the Board that the Police Chief reached out to her and let her know that NHDOT was going forward with the safety audit review of Route 125 and Beauty Hill Road.

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

5. Review of a request for a building permit at 144 Long Shores Drive a Private Road, for Peter and Peggy Shaw (Map 101, Lot 53).

J. Jennison stated that an accessory dwelling would bring more traffic.

The consensus was to send the customary letter with the notes about compliance.

7. Review of a request for a building permit at 28 Carr Drive a Private Road, for Peter Royce ([Map 222, Lot 8](#)).

M. Gasses explained to the Board if they wanted to live in the building until a new home was built they would need to go to the Zoning Board of Adjustment for a variance.

The consensus was to send the customary letter with the notes about compliance.

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

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

Without objection the meeting was adjourned at 7:40 p.m.