



**BARRINGTON PLANNING BOARD MEETING**

**NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER**

**77 RAMSDELL LANE**

**Barrington, NH 03825**

**(Approved September 17, 2019)**

**Tuesday September 3, 2019**

**6:30 p.m.**

**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-arrived at 6:37 p.m.

Donna Massucci

Andy Knapp ex- officio

Ron Allard

Robert Pimpis

**Alternate Member**

Rondi Boyer

Code Enforcement Officer: John Huckins filled in for Marcia Gasses

Staff: Barbara Irvine

**Absent**

Town Planner: Marcia Gasses

**MINUTES REVIEW AND APPROVAL**

1. Approval of the August 6, 2019 meeting minutes.

S. Diamond questioned Line 86. B. Irvine would review tape and bring minutes back before the Board on September 17, 2019. S. Diamond stated that he also noticed that Barbara's comments are nowhere in the minutes and would like to see it in the minutes.

J. Jennison asked where S. Diamond wanted these in the minutes.

S. Diamond stated he would like Barbara's comments in the first agenda item.

J. Brann agreed of what was said but reminded S. Diamond that these are summary of what was said, not a transcript.

J. Jennison asked that Barbara's comments be reviewed and change line 86.

S. Diamond questioned minutes not posted.

J. Brann stated that Barbara's comments where not about the case. J. Brann asked if the draft minutes had been posted.

B. Irvine stated that she was not sure, but they are available for review.

J. Brann asked if they were available in the required time frame.

B. Irvine stated yes.

*A motion was made by J. Brann and seconded by R. Pimpis table the minutes until the September 17, 2019 meeting to classify line 86. Vote 7/0*

Roll Call:

Pimpis-Yay

Knapp-Yay

Brann-Yay

Jennison-Yay

Allard-Yay

Diamond-Yay

Massucci-Yay

### **ACTION ITEMS CONTINUED FROM August 6, 2019**

2. **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.

J. Jennison gave a brief description of the application.

Chris Berry from Berry Surveying & Engineering represented Drew Pond LLC. Chris explained to the Board this application was for 40 condo units off Route 9. Chris explained to the Board that an extension was asked for last month, and they are asking for an additional 30 days so that Dubois & King has time for their review for the October 1<sup>st</sup> meeting.

*A motion was made by J. Brann and seconded by R. Allard to continue the application for Drew Pond, LLC until October 1, 2019. The motion carried unanimously.*

## ACTION ITEMS

3. [249-32&250-133-NR-19-SR \(Owner: Peter Cook\)](#) Request by applicant for a proposed Site Review for a gravel access, parking area with a proposed barn and greenhouse, and retention basin for Wildlife Encounters at 270 Beauty Hill Road on a 77.32-/+ acre site in the Neighborhood Residential Zoning District. By: Tobin Farwell, P.E., Farwell Engineering Services, LLC; 265 Wadleigh Falls Road; Lee, NH 03861.

J. Jennison gave a brief description of the application.

Tobin Farwell from Farwell Engineering Services, LLC represented applicant Derek Small from Wildlife Encounters with Ray Bisson from Stonewall Surveying. Tobin explained that they are here for 2 lots at 270 Beauty Hill Road; the 2 lots combined are approximately 77 acres. Tobin explained that previously they were approved for a 36' x 48' barn under construction now. Tobin explained that they are proposing 20 vehicle gravel parking area below and 12 are along the gravel driveway for a total of 32 parking spaces. Tobin explained that the parking would not be visible from the road. Tobin explained that they would be having a stonewall retaining wall and a detention pond. The drainage analysis had been done and supplied to the Town. Tobin explained that there was plenty of distance coming and going from the site. The existing green area would be used for educational pasture. Derek Small would be able to answer questions about the site and business and Ray Bisson could answer survey questions.

J. Brann asked about the 18' width of the gravel driveway with a 12' shoulder and what was this considered.

Tobin stated that this was a non-residential use and didn't have the width memorized.

J. Brann explained that this was non-residential and should be 20' driveway.

Tobin explained that width was based on the uses and they wanted to keep the driveway narrow.

J. Brann explained the 20' width was a requirement and asked about Sheet C-2. There was a series of dash lines from the parking to the driveway and assumed that was a walkway.

Tobin stated that was a path.

J. Brann asked about the path up above.

Tobin explained that was a wetland buffer.

J. Brann noted the legend on the first sheet did not include the markings previously questioned and this needed to be corrected. J. Brann explained that on sheet C-3 there was no culvert shown under the driveway where it meets the road and there is a requirement for a 15" culvert underneath the driveway.

Tobin stated that if there was a requirement that he did not know about it.

S. Diamond asked if where the driveway was would this be all parallel parking.

Tobin stated that there would be all parallel parking only.

D. Massucci asked if there was going to lighting in the parking area.

Tobin explained that they were asking for two waivers for parking lot lighting and boundary survey on the entire property. He explained that they were not planning to have any lighting in the parking area.

J. Brann explained that even though this was a site review, driveways are covered under Subdivision 12.3.1 Driveway Design. It says 20' for non-residential use and drainage with a culvert. He asked if they read the requirements.

Tobin explained that he went by the checklist; he did not review the entire regulations.

A. Knapp questioned that this was based on a commercial business with non-traditional animals in a residential area.

Tobin stated that was correct.

John Huckins, Code Enforcement Officer, stated that his understanding was that they are only going to have domestic animals. He explained that if you look up the State's RSA, agritourism goes under the information for agricultural, not under commercial use.

J. Brann stated that agricultural refers to farms.

John Huckins explained that in the Barrington regulations, it refers to domestic animals.

J. Brann explained that under definitions under RSA 21.34, exotic animals are not listed as farm animals.

John Huckins explained the list under farm and stated that he had the same conversation with Derek and he does not plan on bringing the non-domestic animals to Barrington. He explained that if they want to bring the non-domestic animals to Barrington that they need to come back before the Board.

J. Brann asked if that was going to be a gravel parking lot that was near the wetlands.

Tobin explained that the intent was to capture the runoff in the parking lot and the swale behind it, and putting it into the retention basin with the overflow structure to allow sediments to settle out.

J. Brann asked if the basin was going to be reviewed by Dubois & King.

John Huckins explained that was a decision the Board would need to make.

S. Diamond asked about the educational pasture area; was the driveway not part of the pasture and was that separate.

Tobin stated that was correct.

S. Diamond asked what type of gate.

Tobin explained that it would be a swing gate that would be locked.

S. Diamond asked if there would be an electrical fence.

Derek explained that the entire area would have a regular fence with some of the area would probably have a poultry electric fence.

S. Diamond asked if when guests were going to visit the site, they would be supervised.

Derek explained whether educational sessions or tours, everything would be supervised.

S. Diamond asked about hunting; would there be gun firing.

Derek explaining that there would be hunting during the hunting season and that he was trying to control illegal hunting.

J. Brann asked the existing house and barn and asked how many people would be living in the house.

Derek explained that there has been a change in the Wildlife Encounters and it now was an LLC company. He explained that one of the young women there [pointing a member of the audience] would live in the existing house with him and Jennifer would be living at the existing building in Rochester. He explained that she [Jennifer] would be caring for the exotic animals and would not be in Barrington.

S. Diamond noted that they mentioned sale of retail goods and asked if that would include compost. He also asked if that would include dyes and oils in the compost.

Derek stated no, the compost would not include those substances.

A. Knapp asked if most of the animals were going to be in Barrington.

Derek explained that if you look at the list you could see what animals would be in Barrington and which ones would not. He explained that for the ones not in Barrington, he was aware that he would need to come back before the Planning Board and the Zoning Board of Adjustment. He explained that if this gets approved, he could have the educational greenhouse built and they would partnership with someone like Wentworth Greenhouse in Somersworth so they could put together educational projects. He explained that some of the non-regulated animals could live in the greenhouse seasonally.

S. Diamond expressed that it could get hot in the greenhouse.

Derek stated that until he has the greenhouse, he would not know. He explained that he found educational greenhouse guidance on this and he has not got into the conditions. He explained that USDA would not let the animals live there unless the conditions were satisfied.

J. Brann expressed that the documents do not explain what the conditions are and that with some of the non-regulated animals was concerned if these were to get loose, he was concerned about the liability. He asked how they were meeting Federal requirements and wanted to know what was being done to protect public safety.

Derek explained that some residents in this area may already own these types of animals and they are not regulated. He explained that they have been in Rochester for 15 years and have been blessed with no animals ever getting loose. He explained that two people would be living on site at all time, and an additional person during the day, so at no time would the animals be unsupervised.

John Huckins expressed that these animals would not be brought to Barrington without getting approval. He said that his understanding was that the ones listed for Barrington would be the only ones here.

J. Brann asked about the non-regulated animals such as pythons. Even though not-regulated, there were no details or plan before the Board to house them.

S. Diamond expressed being a goat owner that they do carry diseases and suggested doing regular testing for these animals.

Derek explained that USDA requires that they have a vet that oversees all of their animals and their vet was in West Nottingham.

J. Jennison asked how long he has been doing this.

Derek explained that it has been about 15 years.

D. Massucci asked if you could see the trails.

Derek explained there was no trail system and the Swain's built this with family members. He showed on the plan the area that would be a do not disturb zone.

D. Massucci asked if there were any snowmobile trails.

Derek showed the trails on the plan and explained an abutter uses the trails for snowmobiling. He explained that they do not have public trails. He was hoping that by posting it that ATV and others would not trespass without permission.

D. Massucci asked how the animals were going to be transported.

Derek explained that he would be bringing them in the main driveway. He explained that there would not be any vehicle access to the building from the parking lot.

J. Jennison asked if they could explain how the animals are currently contained in Rochester and what it looks like there. He also asked if they were moved here, would they be housed in the barn?

Derek explained they have not given a whole lot of thought on how it would be, and they don't know if they could get approval to get a greenhouse. He explained they house them inside with USDA approval on the third floor of a carriage barn at the Rochester location. He explained they have a habitat natural center to be cleaned.

J. Jennison asked if they plan on keeping the location in Rochester and having the USDA licensing in Barrington as well.

Derek stated yes and that he has already spoke to USDA inspector. The reason that they are before the Board for a greenhouse was because they want the facility to be ADA complex so they can bring in kids with physical disabilities.

J. Brann asked what animals they planned to house in the barn.

Derek stated farm animals only.

J. Brann asked if there were 20 parking spaces.

Derek stated that was what they were proposing.

J. Brann asked about doing fundraisers.

Derek explained birthdays in the barn and day camps.

J. Brann asked how many people they could have at the facility because there was a 12' apron the driveway for parking and was concerned that would be a lot of people at one time. Derek explained they were following the business law of Stratham. He explained that they run a day camp for kids, and they do field trips to schools as well as go to schools. He explained that they could hold a birthday party on the top floor of the barn. He explained that they might hold two events and a daycare camp; they may also walk the trails. He explained that they would like to hold two spaces for events, and they would have an ADA compliance.

A. Knapp asked how they would plan on having ADA compliance, but access looks like a walking path.

Derek explained that there would some ground work and said there would be a pressure treated walking path. He explained that he went to another location in a residential area and they don't have problems.

S. Diamond asked about the driveway appears to be approaching the 10% slope and the walkway would have a similar slope.

Derek stated that he hasn't really looked at that.

S. Diamond suggested that they look into Best Management Practice from the Federal government. He asked about Sheet C-1; in the bottom left it said 6' crushed gravel.

Tobin explained that they were following the NHDOT on this.

S. Diamond said it said 6".

Tobin explained that it was  $\frac{3}{4}$  and 6" thick.

S. Diamond asked how tall the stonewall was.

Tobin asked on the plan or the detail.

S. Diamond stated that he was looking at the detail.

Tobin explained was constructed. He explained that from the base of the wall it would be 44.8" to top of the wall so would be less than 4 foot.

R. Boyer asked how far in the future would the other animals be brought to Barrington.

Derek stated that he wasn't sure that they would be and that it was going to be costly.

J. Brann asked if he said he could bring some of the non-regulated reptiles to the site.

Derek stated that was correct.

John Huckins explained that they were only asking for three on the first of the list and that was all they were asking for. He explained that they are not asking to bring the non-regulated animals to the site in Barrington.

R. Allard asked if he was hearing that he was going to bring some of the non-regulated reptiles.

Derek explained that when the greenhouse was built, they would like to have a couple of educational tours and habitat housing for unregulated pet animals.

R. Allard asked if he was going to get Town review.

Derek explained that the Police and Fire Chiefs wanted unannounced inspections and he explained that the USDA does unannounced inspections all the time.

R. Allard asked if he was just going to bring in the unregulated animals or talk to the Town first.

J. Jennison expressed that you are asking for the animals on the list in the green and that if you were to bring in anything from the red list you need to come back to the Board.

Derek stated that he agreed.

John Huckins explained that as the Zoning Administrator that other than the domestic animals that they would need to go to the Zoning Board and in order to have this as an agritourism business they would need to be only domestic animals by the Town definition.

J. Brann expressed that when you talk about agritourism definition, do we have that farming is permitted in the residential zone.

John Huckins stated if they stay with the domestic animals. He explained that they would need a conditional use permit if they go with the business use this would not be agricultural.

J. Brann asked which definition this business would be under.

John Huckins addressed if the animals from the list that were domestic animals, that would make this an agriculture use. He explained that the other animals were not a domestic use. He explained that this would not be an agritourism; this would become a business.

J. Brann stated that even if they had a home business in the Neighborhood or General Residential zone that would require a Conditional Use Permit.

John Huckins explained to the Board this was the reason why he requested the list of animals and that his understanding was that only the domestic animals were going to be brought to Barrington.

J. Jennison asked what the list was of domestic animals for pets or farm and asked if it was a pet.

John Huckins explained that his understanding by reading the list of domestic farm animals is if these were the only animals in Barrington then this would be agritourism because of the Town definition. He explained that if they went outside that list, they would need to go before the Zoning Board and ask for relief to have the other animals or come in for a commercial use with a Conditional Use Permit because of the zone.

J. Brann questioned why you would not need both.

John Huckins explained if the Zoning Board gave relief on these animals it would be domestic to agriculture use.

J. Jennison asked if there were a list of domestic animals.

John Huckins explained that if you look under farm animals in the definitions.

J. Brann explained by the State statutes, the exotic animals and reptiles were not listed as part of a farm.

J. Jennison asked where the Town of Barrington list was.

John Huckins explained if they go to the zoning regulations under definitions, it was listed.

R. Allard asked about residents having these animals.

John Huckins explained that this was not the same thing.

Derek gave a list that was not discussed with John because he did not think it was necessary because they were unregulated by State law and a private individual could own them. He explained that any individual could go to a home for educational or site visit. He explained that when John mentions domestic animals, regulated means something different to him. He explained that John was looking at the what Barrington has previously experienced and put in to the regulations as domestic farm animals. He stated that if chinchilla and hedgehogs are not on the list then he knows he needs a Conditional Use Permit. He explained that if he wanted these animals after meeting with the Zoning Administrator and Town Planner, he would go through the proper channels so he would be able to have these animals. He stated that the real question was if they wanted this business in the Town of Barrington.

John Huckins explained to the Board what was said was if they went to the Zoning Board for this use.

Derek expressed that he thought that going to the Zoning Board and Planning Board was only if he wanted to house any of the animals from the red list (list in Town file).

J. Brann explained that the Board was not there to determine whether it wanted your business in Town; that they are here to make sure they [applicant] meet the Town regulations.

S. Diamond stated that the RSA stated that raising the stock of livestock would not be limited to listed animals.

R. Allard expressed it allowed flexibility to allow pythons under agritourism.

J. Brann explained that the Board needs to meet Town regulations and read from the applicant's narrative about featuring a beautiful barn, tasteful educational greenhouse, grazing farm animals, and small family rural farm that didn't seem consistent with tonight's discussion.

J. Jennison expressed that they needed to look at this for what it was.

John Huckins explained to the Board that the reason domestic animals were in the regulations was because it was previously brought up and the number of animals was also added to the regulations.

A. Knapp explained also because people were breeding, selling, and milling of animals, and quality concerns of those operations.

John Huckins explained that this all got brought up from a complaint. He explained that they had to come up with a regulation because they couldn't say anything was illegal because the Town did not have anything in the regulations. Now, they have the number/type of animals can be controlled.

J. Brann explained that this was not going to be a working farm; it was going to be an educational presentation/operation and felt this needs to go before the Zoning Board. He expressed he would like more information on licensing and what requirements apply.

John Huckins explained that he felt this would need to be applied for as commercial recreation facility according to the definition and stated that a Conditional Use Permit was needed for neighborhood residential zone.

J. Jennison stated if this was a home business they would be limited to size.

John Huckins explained this doesn't meet the home business requirements.

J. Brann asked if they were going to have more than 2 employees.

Derek agreed that they do.

John Huckins explained that he felt commercial recreation facility was the closest.

Derek asked if they said nothing but domestic animals on the farm until they get Zoning Board approval and Conditional Use Permit.

John Huckins explained that the Conditional Use Permit comes from the Planning Board.

Derek stated the greenhouse and the barn could go up, but they would be restricted to only housing the domestic animals as defined by the Town of Barrington Regulations and can't house any of the reptiles and non-regulated animals.

John Huckins explained that they would be able to bring these to other site events in Barrington and then brought back to Rochester.

J. Brann asked if they have spoken to the Campbells because the driveway and traffic was going to go right along their property line.

Derek explained that they have had several conversations with them. Derek explained that he would like to have a 20' gravel driveway with 12' overflow to setup a farmer's market.

S. Diamond stated that earlier they said only parallel parking only and now you are saying diagonal parking.

Derek asked how would you like us to park.

J. Brann expressed that the Board wasn't going to permit diagonal.

R. Allard stated it needed to be parallel parking.

J. Brann explained that a farmer's market was permitted in a residential zone.

John Huckins explained that they should have a list of everything that they wanted to do on this application.

R. Boyer asked about the wildlife conservation listed.

Derek explained that they have 2 to 30 acres of seasonal wetlands and the endangered species in the seasonal wetlands. He explained that he plans on keeping that area as a protected habitat area. He said that he would have this area certified and labeled to protect the space. He discussed about in the future having injured wildlife brought in because other facilities would be an hour away either way.

J. Brann asked where the current well and septic were located. He asked about the two porta potties during events and if this was a permanent arrangement.

Derek stated it was.

J. Brann asked if they were ever planning on putting additional leach field for additional facilities.

Derek explained what was reasonable and affordable; everything they are doing could easily be undone.

J. Brann asked if water was going to be piped to the greenhouse and if there were going to be sinks.

Tobin explained they would need a septic and right now they are going to use porta potties. He explained that if they were going to have facilities in the greenhouse it would require a leach field.

J. Jennison explained that this should be addressed.

Derek asked Mr. Diamond if he had running water in his barn.

S. Diamond stated no.

### **Waiver Requested:**

#### **Section 3.3.(1) Boundary Survey of entire lot.**

*A motion was made by A. Knapp and seconded by J. Brann to grant the waiver for 3.3.(1) Boundary survey of entire lot 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. Vote 7/0*

Roll Call:

Massucci-Yay  
Diamond-Yay  
Allard-Yay  
Jennison-Yay  
Brann-Yay  
Knapp-Yay  
Pimpis-Yay

*A motion was made by S. Diamond and seconded by R. Allard to accept the application as complete. Vote 5/2*

J. Brann addressed that he had a lot of unanswered questions about the facility. He expressed what kind of approval this would need and the safeguards for the unregulated animals. He wanted to be sure this was going to be a safe facility in the residential area. He felt he doesn't have enough information to accept the application as complete to move forward.

J. Jennison expressed that he felt that there was enough information to accept the application as complete and have them come back to the Board with a list of what the Board needs.

J. Brann explained that he was not satisfied with enough information to call the application complete.

John Huckins explained to the Board that the application was for agritourism with domestic animals and anything else different they would need Zoning Board approval and come back to this Board for a Conditional Use Permit.

J. Brann expressed that the applicant could go to the Zoning Board for the unregulated animals and wouldn't come back to the Planning Board.

John Huckins explained as far as the application is concerned, all the information was there and there were questions that need addressed that would be a different issue.

J. Brann explained checking all the boxes on the checklist doesn't mean we have all the information.

John Huckins explained if you don't have all the information, you can ask for the information and continue so they can bring the information needed.

R. Allard asked if the Board accepts the application so that could have the public hearing.

J. Brann expressed that he felt that there was no enough information.

A. Knapp asked what he (J. Brann) felt was missing to accept the application as complete.

J. Brann explained that the activity list needs to include more detail, a decision made as to whether they are going to the Zoning Board, and that the Board has no clue what the facility was to look like.

Ray Bisson explained that all the information was there and that they are not dealing with the exotic animals on the application. He explained that what they have for animals and what animals would be coming to Barrington. He expressed that this was getting side tracked because of the animals that would be housed in Rochester. He explained that the Board need to get back to the application which was for agritourism, parking area, barn and greenhouse.

J. Jennison explained that the Board looked at the future and not what would not be housed in Barrington. He explained that the animals could be there for the day but the cannot be housed there at this time.

S. Diamond explained that he shares some of J. Brann concerns, that he had read the definition of agritourism was broad, and expressed that he was ready.

Roll Call: Vote 5/2

Massucci-Yay  
Diamond-Yay  
Allard-Yay  
Jennison-Yay  
Brann-Nay  
Knapp-Yay  
Pimpis-Nay

A. Knapp expressed that Mr. Small said that neighbors have these [exotic pets], and he explained that they may have one, but they would not have 40 plus animals.

J. Jennison expressed with the reputation of Wildlife Encounters, they would exceed what an average person would ever do. He stated this was his opinion.

J. Jennison opened public comment.

Richard Talbot from 68 Stonefarm Road explained that he was an abutter, he was 1000' from the powerline, and that he was concerned because there was a lot of wetlands and Bumford Brook collects the bulk of the water that runs down through the area. He was concerned about the size and capacity of the retention pond and questioned if the size was large enough for the large floods and silting up Bumford Brook.

Debra Griffin from 272 Beauty Hill Road supplied photos (will be in case folder) that show what the place looks like from the road view. She also had pictures of what this looked like for the last couple of years and pictures of the barn pile that has not been removed. She explained that they have made a dent in removing the barn, but it was still there. She explained to the Board that they have lived there for 21 years and Derek came and told them that he was going to have scouts camp there. She said he was going to feed the animals and open cross country ski tours. She explained that they replaced the house roof and windows, and a brick chimney came down as well torn all of the barn down. She explained that two years later it is still sitting and a year later brings in another barn that still sits there on a trailer and sinking in the ground while she guessed Derek was working on the foundation. She explained to the Board this summer while she was on her way to work Derek was behind her camper talking to someone saying that he was going to own all the land. She said the person asked about their home and Derek said he was going to surround them and swallow them whole. Then she was so upset that she left. She called her husband, he spoke to Derek that night, and he [Derek] said that she misunderstood what he was saying. She stated that this area was a hazard and a fire hazard with all the dry wood and traffic. She also was concerned about the compost being to the northeast side which would be in her backyard and the right of way to haul behind them.

Paul Morrison from 4 Ross Road explained that he doesn't directly abut the property but that he was one property away. He explained the condition of the house, barn, and greenhouse, and wanted to know if there were any plans of what this would look like when finished. The other concerns were the wetlands and said that he had been maintaining the trail in the back for 21 years that goes to the powerlines. He explained that the wetlands run all downhill and was concerned on where they want to put a driveway. He also asked who owned the property and what the lease agreement was. He asked if the home was going to be up to code and if they were going to have trucks turning around on properties. He also expressed concerns that this was similar to One Stop Trailer Shop that was an unapproved business in the neighborhood.

J. Jennison explained that One Stop Trailer Shop did come before the Board and there were restrictions in the approval. You may need to file a complaint not with the police but with the Zoning Administrator if it's doing things not approved; this could be addressed.

J. Brann expressed that the Planning Office has the Notice of Decision and he could see what they were restricted to.

Paul Morrison expressed that his concern was that the tractor trailers should be turned are in the yard.

J. Brann explained there was language excluding tractor trailers being in the road.

J. Jennison explained if they are not going by what was approved you can go to the Zoning Administrator.

Paul explained that more businesses in a residential area was his concern.

John Rounds from 274 Beauty Hill Road explained that he has been in this kind of business and the difference was he did this a little more professional. He showed where the location was, and he also asked for the surveyor for a copy and couldn't get one. He explained that he knows where it was because he did his homework. He showed the location of the trial that he maintains which was his backyard.

J. Jennison asked if this was his property with an easement.

John Rounds stated it was and explained that he had been maintaining it for 16 or 17 years. He explained if it wasn't for himself and Paul, he [Derek] would not be able to get out there.

D. Massucci asked who plows during the winter.

John Rounds explained himself but most of the time the plowing was done by Mr. Griffin.

D. Massucci asked if there was an agreement in their deed.

J. Jennison asked if there was a road agreement.

John Rounds stated that there was a right of way to get to the houses.

Ray Bisson explained that he started the survey on the barn last spring and that it was not two years ago that the barn came down; it was last spring. He explained that the right of way was a right to pass to get to their property and the driveway does not service this property; it was up to the homeowners that use it. He explained that Derek still has a right to go through there and do cutting, and that the time frame needs to be addressed.

John Rounds explained that all the pictures they have seen were across from his yard. He expressed concerns of safety for his three-year-old if he turned his back. He explained that not only Paul has taken care of the property, but Mr. Griffin plows the property and maintains the road. He expressed safety concerns on what was on the property and 16 years ago they cleaned up the property. He was concerned about the donkeys and goats that are running loose not on leashes. He expressed if the project went through, he would like to see a vinyl fence go from the front to the back and he cuts the property so that he can get out there. He explained that they had permission from Calvin Swain to maintain the area and if you guys had kids you wouldn't like it.

John Rounds expressed that there was no caution tape and the barn needs cleaned up.

R. Boyer asked if they have a deeded right of way.

John Rounds stated yes and that they share the driveway and that there was a goat going down his driveway. He explained that last year there was a snapping turtle. He explained that all of these people snowshoeing are in his backyard and asked how would you like the public in your backyard.

J. Jennison asked where the right of way was.

John Rounds expressed that all they want was this cleaned up and fence put up.

Rick Campbell from 244 Beauty Hill Road explained that this property has been in his life for 48 years. He explained that he could see the concerns that the other property owners had, and he wouldn't want to stare at the barn either. He explained that the barn has been falling for years and if his grandfather was here today he would want this to remain a farm. He explained that he would rather see a farm than 50 homes. He stated that he supports what Derek was doing as far as the agriculture part of this. He expressed that Derek has a lot of work to be done and hope that he gets it done soon.

J. Brann asked Mr. Campbell if he had any concerns about the traffic.

Rick Campbell expressed that traffic was getting heavy and the Town was growing.

J. Brann asked if he had any concerns with the business.

Rick Campbell stated that he and Derek have talked, and he stated that he would not be open 24/7 and not open in the evenings. He expressed that the exotic animals need to be kept under control. He explained that he was a resource officer in schools, sees what Derek does, and the kids love it.

R. Boyer asked Mr. Campbell if he had any concerns about the wetlands.

Rick Campbell explained that the area was very wet, and they would have to deal with the wetlands and the State, but it also dries up.

R. Boyer asked if Mr. Campbell was concerned about the runoff.

Rick Campbell explained that they are a lot of wetlands and it must be taken care of.

Ray Bisson explained the location of the wetlands and showed lots that were subdivided.

J. Jennison asked if the wetlands were delineated.

Ray Bisson explained the location of a wetland that was wet and that he didn't feel the Bumford Brook would be impacted.

J. Brann expressed that Bumford Brook was shown on the plan.

Ray Bisson explained that it was a long way away.

S. Diamond asked if it was a natural catch basin.

Richard Talbot explained that some of the water comes straight back and there was a berm that pushes the water, and Bumford Brook runoff from Beauty Hill Road flows to the north. He supplied photos showing flooding from 2007 (photos in case folder).

J. Brann explained the folks are going to do what they are supposed to do and if they don't, they would need to deal with the code enforcement officer.

Derek thanked the abutters for these concerns and assured them that he would not have tractor trailers. Derek's outlined timeline of activities since moving to the property:  
Purchase Agreement signed May 2017 and moved in July 2017. He explained the house roof was leaking and put the metal roof on top of the workload of running his business and explained that he couldn't get a load hauled from the barn. (Barn had to come down July 18, 2018.) He explained that he was able to buy a barn in Deerfield on September 30, 2018 that had to be off the property quickly. He explained the he was supposed to receive by November 2018 from the contractor he hired and didn't receive it until February 2019 with the barn supposed to start in the spring, but contractual problems continue. He explained they are on the road seven days a week in the summer. He explained that he has a dump truck and his goal was to have the barn cleaned up before snow.

Debra Griffin asked where he was going to put the pile of compost.

Derek said that he would put wherever they were comfortable, and it could be a ¼ mile from the Griffin property.

John Huckins suggested the Best Management Practice.

Paul Morrison stated the area was very wet.

John Rounds explained that he was never asked about his snowmobiles and trailer; no one addressed this.

J. Jennison explained that if you decide to take care of someone else's property, that property was still not yours.

J. Jennison closed public comment.

The Board explained the following things that needed to be addressed by the applicant:

1. 20' road
2. Overall road width
3. Location of septic and well
4. Facility waste water, septic, and drainage
5. Scale and location of compost
6. Drywell
7. Care of animals
8. Hours of operation
9. Traffic trips by event
10. List of activities

Ray Bisson explained that the right of way was for right to use.

R. Allard asked about the compost.

Ray Bisson explained the road agreement was if the road was damaged.

R. Allard asked if the road agreement.

Ray Bisson the road agreement would be for all parties.

John Huckins explained that if they change to commercial recreation, they are going to need a Conditional Use Permit.

*A motion was made by J. Brann and seconded by B. Pimpis to continue the application to October 15, 2019. The motion carried unanimously.*

### **Preliminary Review**

4. [239-1-V-19-Prelim \(Owners: Peter & Sarah Ward\)](#) Request by applicant for a Preliminary Review to have a Salon and Spa located at 643 Franklin Pierce Highway in the Village Zoning District. By: David Vincent, LLS; Land Surveying Services; PO Box 1622; Dover, NH 03821.

J. Jennison gave a brief description of the Conceptual Review.

David Vincent from Land Surveying represented Ray Estes and his wife Candice. He explained that they are here for a conceptual review to get a feel on what the Board what looking for. He explained that they are looking at a change of use for a commercial use. He explained they would like to convert this into a salon and spa. He explained that they are currently across from Millos on Route 9 and want to purchase this property and move here. He explained that this has an existing three-bedroom home. He explained that they have an existing curve cut and it was required by NHDOT to widen when the factory was there. He explained the revised driveway has been approved but needs to be signed. He explained that there was an existing well and leach field on the property. He showed the location of where the salon/spa was proposed. He explained that they want to convert the structure where the factory was for the salon/spa. They realize that the proposed driveway was within the 50' buffer and needs 9.6 Conditional Use permit to expand. He showed the location of the dumpster. They are proposing to have five chairs in the salon, with two parking spaces per chair and two handicap spaces shown. He explained the location of the new leach field that would be separate from the home. He explained that they would talk to the Fire Chief about turnaround area. He explained that there would be a proposed paved parking area. He was asking the Board for some input on the drainage analysis retention pond and asked if they would consider this a minor and major site review.

R. Allard asked if the parking was going to be in the buffer.

John Huckins stated that the lot was out of the buffer.

David explained that there would be work done on the inside but not structural change to the outside and stated that they would be going to the Conservation Board.

J. Brann asked if a wetland analysis was going to be done.

John Huckins explained that was why they are doing the 9.6 Conditional Use Permit and not dealing with the wetlands. He explained what they are asking if they were going to have to have third party review done. He explained that the comment from the Town Planner about the special analysis was not required because there was not going to be any impact.

J. Brann stated that the Fire Chief comment was to have 20' clear drive access from the street, around building that allows Fire Department access to within 150' of all portions of the building.

David explained that they would be full engineering the project; this was just a conceptual review.

A. Knapp stated that based on the corner and the topography, to do a retention pond would have to pump up because the back end was higher than the front parking lot.

David stated this was a conceptual plan and was flatter than it looks. He explained that they are limited to what they can do.

B. Pimpis asked if there was a required slope to leach field.

David stated there was.

S. Diamond asked about the location and traffic.

David explained that this was a NHDOT issue.

J. Brann asked how do we answer if this was a minor site review or not. He suggested reviewing the criteria in the Site Plan Review Regulations. Was this a change of use or expansion of use?

John Huckins asked where he was at.

J. Brann state [Site Plan Review regulations] 2.6.2.

John Huckins stated that this was a change of use.

J. Brann read would this have minimum traffic impact and asked if this was going to increase traffic in and out of the site.

David explained that it was a manufacturing company with 18 wheelers backing in and out. He explained there was a previous driveway permit with NHDOT and they were told by them they needed to widen the end for the 18 wheelers.

J. Brann asked if there was a revised permit required for this use.

David explained that his understanding is it was approved just waiting to be signed.

J. Brann explained that when they come in for a minor site plan, they would need to know about the additional parking and the traffic.

John Huckins explained that they are asking if the Board was going to ask for third party review.

J. Jennison explained to the Board they are asking if they must do a lot or a little and what direction to go.

J. Brann expressed that there was not enough information yet. He explained that 2.6.2(3), 2.6.2(4), and 2.6.2(5) criteria appeared to be met, as well as 2.6.2(6) as they weren't expanding the building. He explained they were proposing expanding the paved parking area more than 33%, the limit for minor site review in 2.6.2(7).

A. Knapp asked what if you did a non-paved parking area.

J. Brann explained that if they were not going to pave, it's less likely they exceed the minor site review criteria.

J. Jennison opened public comment.

Mary Zelig from Franklin Pierce Highway asked about the lighting and the house changing.

Candice explained that they are using the same sign and lighting as the other location. She explained that they are not changing the front of house. She explained that she has owned the business for 6 years and they use organic products.

J. Jennison closed public comment.

J. Jennison closed the Conceptual Review.

### **COMMUNICATIONS RECEIVED**

### **REPORTS FROM OTHER COMMITTEES**

### **UNFINISHED BUSINESS**

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

5. Discussion with Board on when they want Solar discussed.

**No Discussion.**

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

The next meeting will be on September 17, 2019 at 6:30 p.m. at the ECLC 77 Ramsdell Lane. Without objection the meeting was adjourned at 10:02 p.m.

Respectfully,

Barbara Irvine  
Planning & Land Use Administrative Assistant