



BARRINGTON PLANNING BOARD MEETING

As Chair of the Barrington Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are: We are utilizing the Microsoft Team for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Microsoft Team, and the public has access to contemporaneously listen and, if necessary, participate in the meeting through dialing the following phone #603-664-0240 and Conference ID: 428455709#

Call 603-664-0182 or email: birvine@barrington.nh.gov

**Tuesday May 19, 2020
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.**

Member Present

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

Town Planner: Marcia Gasses
Code Enforcement Officer: John Huckins
Staff: Barbara Irvine

MINUTES REVIEW AND APPROVAL

1. Approval of the May 5, 2020 meeting minutes.

Without objection the minutes of May 5, 2020 were approved as written.

Roll Call:

J. Jennison-Yay
J. Brann-Yay
S. Diamond-Yay
D. Massucci-Yay
A. Knapp-Yay
R. Allard-Yay

ACTION ITEM FOR EXTENSION REQUEST

2. **238-16-V-19-SR (Owner: Drew Pond, LLC)** Request by applicant for a one-year extension to allow the applicant to complete conditions precedent from the deadline set forth in the site plan approval on the case below:

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.

James Hayden from Berry Surveying represented Drew Pond, LLC and was there asking for a one-year extension to allow the applicant time to satisfy the precedent conditions on the approval received.

A motion was made by J. Brann and seconded by A. Knapp to grant the one-year extension to May 19, 2021. Vote 5/0

Roll Call:

D. Massucci-Yay
A. Knapp-Yay
R. Allard-Yay
J. Brann-Yay
J. Jennison-Yay

ACTION ITEM

3. **250-88-RC-SRFarmersMarket (Owner: Steven Mouzourakis)** Request by applicant Donna Massucci from BVS Family & Child Enrichment Center for a proposal for a Farmers Market to be located at 45 Commerce Way would be on Saturday or Sunday until mid-October (Map 250, Lot 88) in the Regional Commercial (RC) Zoning District.

J. Jennison gave a brief description of the application.

D. Massucci recused herself.

Donna Massucci explained to the Board that she was there with a proposal for a Farmers Market at 45 Commerce Way which was now a BVS Family & Child Enrichment Center. Donna explained to the Board that it would be open on Saturday or Sunday depending on the Commerce Way businesses needs for truck traffic on the road. Donna explained that the hours would be 8:00 a.m. to 1:00 p.m. In October she would like to have a Fall Event for BVS families and that event that would be from 1:00 p.m. to 6:00 p.m. Donna explained to the Board that Fire Chief Walker and the Police Department had no problem with the parking if they parked on one side of the road.

J. Brann explained to the Board where the tables and parking would be. J. Brann asked where the handicap parking would be because the tables would be blocking the handicap spots.

Donna Massucci explained that the handicap spots would be at the end of the driveway, which would be closed off.

J. Brann asked if the location for handicap parking was going to be at the exit of the Farmers Market.

Donna Massucci stated that was correct.

J. Brann asked if there was going to be a hand washing station where the porta potty was.

Donna Massucci explained that there would be a handwashing station inside the porta potty. A lot of farms where you pick your own vegetables has this type of unit and that was what was ordered.

J. Brann asked why the bathrooms in the building were not being used.

Donna Massucci explained because that was a place of business and she doesn't want the public in and out of the building because there are a lot of valuable toys in it. Donna explained that the building could not be monitored, and the building would be locked.

A motion was made by A. Knapp and seconded by J. Brann to accept the application as complete.

Vote 5/0

Roll Call:

R. Allard-Yay

A. Knapp-Yay

S. Diamond-Yay

J. Brann-Yay

J. Jennison-Yay

J. Jennison open public comment.

J. Jennison closed public comment.

J. Jennison read Notice of Decision:



Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0195

mgasses@barrington.nh.gov

DRAFT NOTICE OF DECISION NOTICE OF DECISION

<i>[Office use only]</i>	<i>Date certified conditions met:</i>	<i>As built received: N/A</i>	<i>Surety returned N/A</i>

"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.

Proposal Identification: 250-88-RC-SR Farmers Market (Owner: Steven Mouzourkis) Request by applicant Donna Massucci from BVS Family & Child Enrichment Center for a proposal for a Farmers Market to be located at 45 Commerce Way would be on Saturday or Sunday until mid-October Map 250, Lot 88) in the Regional Commercial (RC) Zoning District.

Applicant:
Donna Massucci
BVS Family and Child Enrichment Center LLC
218 Nippo CT
Barrington, NH 03825

Owner:
Steven Mouzourakis
PO Box 684
Barrington, NH 03825

Dated: XXXXXX,

Dear applicant:

This is to inform you that the Barrington Planning Board at its XXXXXX, 2020 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 opening. The code enforcement officer will sign off all requirements have been met prior to operation of the approved use.

- Hours of Operation for Farmers Market – Either Saturday or Sunday 8:00 am to 1:00 pm with setup 7 to 7:30 am with take down between 1:00 pm and 2:00 pm
- Hours for Fall gathering 1:00 pm to 6:00 pm
- Hours will be dependent upon commercial traffic on Commerce Way
- Approved dumpster location is existing location
- Porta potty is to be located to the left of the dumpster in current location
- Authorization is required from Police Department for parking on Commerce Way, with parking to be on one side of the road
- Temporary signage must be installed to identify no parking on one side of the road
- Temporary signage installed to identify handicap parking spaces

Please Note* If all of the conditions are not met within 6 calendar months to the day, by xxxxxx, 2020, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Marcia J. Gasses
Town Planner

cc: File

A motion was made by J. Brann and seconded by A. Knapp to approve the Site Review for a Farmers Market. Vote 5/0

Roll Call:

R. Allard-Yay

A. Knapp-Yay

S. Diamond-Yay

J. Brann-Yay

J. Jennison-Yay

D. Massucci returned to the Board.

- 4. 249-32&250-133-NR-19-SRAmend (Owner: DWSX2 Holdings, LLC)** Request by applicant to amend their Notice of Decision for Conditional Approval for Site Plan at 270 Beauty Hill Road in order to allow a strategic phasing of development.

249-32&250-133-NR-19-SR (Owner: DWSX2 Holdings, LLC) Request by applicant for a proposed Site Review for a gravel access, parking area with a proposed barn and greenhouse-detention basin for Wildlife Encounters at 270 Beauty Hill Road (Map 249, Lot 32 & Map 250, Lot 133) 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.

(Application has been accepted as complete and 3.4 Conditional Use Approved)

J. Jennison read a brief description of the application.

Phase 1

Derek Small from Wildlife Encounters explained to the Board that due to the COVID-19 Pandemic and resulting temporary loss in business revenue and bank-funding options, DWSx2 Holdings, on behalf of Wildlife Encounters was requesting an amendment to the Conditional Approval of the Site Plan for the project at 270 Beauty Hill Road in order to allow a strategic phasing of development and the near term commencement of limited services with the schools and the community. Derek explained to the Board that he was looking to have one or two of his employees work there to have the phases. Derek explained that they are currently teaching virtual classes from the farmhouse.

Derek explained to the Board that they are looking for slight modification of the parking area that was approved before. They are looking to have the upper parking area for non-handicap customers in Phase One and get a Certificate of Occupancy for the use. Derek explained that based on the Governors announcement and safety guidance on COVID-19 that they can have groups up to 10 people. Derek explained that if things were not shut down in the fall, hopefully, they would be able to work on the renovation for the barn. Derek explained to the Board that the barn does not have Certificate of Occupancy so that would not be accessible for use by the public.

Phase 2

Derek explained to the Board that they hope to complete the barn to receive Certificate of Occupancy to allow for animals to occupy the dirt-floor main level. Derek explained that handicap and non-handicap accessible portable toilets and hand washing stations would be provided.

Phase 3

Derek explained that Phase 3 would be late 2020 or summer of 2021. They would add the new curb cut that would need to be approved by the Town. Derek explained then the clearing and construction of the lower driveway and detention pond.

Phase 4

This would be the lower building.

J. Brann expressed his concerns with how to modify the notice.

J. Huckins explained to the Board that it was up to the Board to agree on how they wanted to proceed.

Derek asked the Board if J. Huckins cannot issue the Certificate of Occupancy for the conditional use on the property until the State issues the wetlands permit. Derek explained that he already has the permit number for the septic, and the lighting plan is complete, so can the Chairman would sign the plan.

J. Brann asked if they had a wetland permit.

Derek explained that the permit application has been turned into the State and they are just waiting for it to be returned.

J. Brann explained that the Board cannot hold up an application because of a State permit.

J. Huckins explained to the Board that he still could not issue the Certificate of Occupancy until the Chairman signs the plan, which he can't do if the conditions of approval require the wetlands permit be recorded on the plan before signature. J. Huckins explained that if would have to change the approval.

J. Jennison explained that this conditional use has already been approved but they can't use it.

J. Brann asked if they already sent in the permit [wetlands] application, isn't there a way that the Board could not hold the applicant up.

J. Huckins explained that the Board could have the Building Inspector issue a Certificate of Occupancy for Phase 1, then another for Phase 2 for the barn after being finished, and then again for Phase 3 but it wouldn't be done until all the approved permits are received. J. Huckins explained that he would not be allowed to issue anything the way the Notice of Decision was now.

Ray Bisson asked if the Conditional Use Permit was one application and the Site Plan was another application. Ray asked if the Conditional Use Permit was approved.

J. Huckins explained that the Conditional Use Permit was to allow the use in the residential zone and was not same as overall approval of the site work/use. J. Huckins explained that the Board could approve Phase 1 with the upper parking lot without finalization of the plans, but the other phases can't be done until the plan was signed by the Chairman. This way they can keeping going until the permit comes back from the State.

R. Allard expressed that this makes sense to him and the delivery of the construction wasn't going to happen until Phase 2.

J. Jennison explained that if the Board postponed the recording of the wetland permit to Phase 2 then they can use the upper driveway for Phase 1 and get some income coming back in.

J. Brann questioned if this impacted foot trails out back through the wetland area.

Derek explained that the permit would be to improve the crossing of the wetland. Derek explained that they still could make trails and walk kids through the rear woods area. Derek explained that he could not improve the wetland crossing until he received the permit.

J. Huckins explained that the permit would be required to build the road to take the tractor across the wetlands to remove the manure form the barn area.

A. Knapp read the following from the Phase 1 proposal:

Amended approval to permit commencement of on-site activities with a maximum of 20 participants, so long as activities are conducted in compliance with State & health guidance in order to control risks regarding health & safety, are within the hours already established under the CUP.

A. Knapp explained that he didn't see the hours being an issue, this was conditional that they limit use to 20 participants, and they shouldn't grant it without the conditions.

Derek explained to the Board that the original conditional approval when everything was normal, the pandemic hadn't happened, and the detention pond and the driveway all got built with the number of parking spots, occupancy would have been limited to 60 participants at one time. Due to current Government [State] mandates, they are limited to 10 people but when restrictions are eased, they could go up to 20 based on parking.

J. Jennison asked A. Knapp if he felt 20 participants was unreasonable for the parking area.

A. Knapp explained that occupancy should be based on a combination of the parking area, what kind of facilities they are discussing utilizing, and are they talking about outdoor facilities.

J. Huckins explained that they are showing portable toilets on the back side of the barn.

J. Jennison stated that Phase 1 request was for outdoor bathroom facilities, virtual presentations in the farmhouse, and no one would be entering the farmhouse or the barn for classes.

Derek stated that was correct.

J. Jennison asked Derek if they wanted to keep wetland permit in Phase 1 or move to another phase.

Derek stated that it depends on how soon the State can turn the permit around and how soon he can financially get it done.

J. Jennison explained that if Derek wanted to leave it in Phase 1 then he [Jennison] could not sign the plan until the State wetlands permit is received. J. Jennison explained if Derek wants to move to wetland permit/crossing modification to Phase 2, he could get up and running with the 20 people but would not be able to do any construction in the wetlands until Phase 2.

Derek agreed with J. Jennison and explained that the wetlands permit was mainly to get the tractor over the wetlands.

J. Brann asked if wetlands permit was moved into Phase 2, Derek continues to pursue it, and gets the wetland permit 3 to 6 months from now, was there any reason that he couldn't do then do the wetlands crossing improvement.

J. Huckins explained that once he gets the permit they can start on the improvements. J. Huckins explained to the Board that what they are looking for was to get the Certificate of Occupancy for the use and the walking trails, which do not require the wetlands permit.

R. Allard suggested making this a Phase 1A so that they can do it separately.

J. Jennison explained that he doesn't have to come back for the wetlands permit then he would be in Phase 2 and work at his own pace then when they are ready, he can come in for Phase 2 occupancy.

J. Jennison explained that he would then be ready for occupancy for the barn, washing facilities, handicap accessible, sewage and wetland permit in hand.

J. Huckins stated that portable toilets need to be added to Phase 1.

J. Jennison asked if the wetland permit was removed from Phase 1.

J. Huckins explained that the Board would need to decide when they want the information and explained that the plan needs to be signed at some point.

A. Knapp asked about moving the wetlands permit to Phase 2.

J. Jennison opened public comment.

J. Jennison closed public comment.

The Board had further discussion on the phasing of the project and whether the barn could be used without installation of the bathrooms (using portable toilets in the interim) and the sewage disposal system.

J. Jennison read amended notice of decision:



Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0330

jhuckins@barrington.nh.gov

NOTICE OF DECISION

[Office use only]	Date certified:	As built received:	Surety returned
<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>			
Proposal Identification: 249-32 & 250-133-NR-19-SR (owner DWSX2 Holdings, LLC) Request by applicant Derek Small from Wildlife Encounters for a site review for an Educational Institution with gravel access and parking area/proposed barn and greenhouse/detention basin on a 77 acre lot located on (Map 249, Lot 32 & Map 250, Lot 133) 270 Beauty Hill Road in the Neighborhood Residential Zoning District. By Tobin Farwell; Farwell Engineering Services, LLC; 265 Wadleigh Falls Road; Lee NH 03861			

Owner: DWSX2 Holdings, LLC 270 Beauty Hill Road Barrington, NH 03825	Dated: May 27, 2020
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<p>Applicant: Derek Small Wildlife Encounters 270 Beauty Hill Road Barrington, NH 03825</p> <p>Professional: Tobin Farwell, PE Farwell Engineering Services, LLC 265 Wadleigh Falls Road Lee, NH 03861</p>	
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Dear applicant:

This is to inform you that the Barrington Planning Board at its May 19, 2020 your meeting **Conditionally Approved** your application referenced above, and hereby modifies that approval per your request at Barrington Planning Board at its May 19, 2020 meeting.

3.4 Conditional Use Permit.

Was granted February 18, 2020

Waivers Granted for:

Site Review Regulation: 3.3(1) Boundary Survey of entire lot.

Site Review Regulation: 4.9.8 Parking Lot Lighting.

Site Review Regulation: 4.7.7(1) Minimum allowable diameter in any storm drain system shall be 15".

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 one year to the day, by XXXX, 2020, 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) Remove note 7 from cover sheet
- b) Add Septic Permit Number
- c) Add Wetland Permit Number
- d) Cut sheet for parking lot lighting
- e) **Phase 1:** Use existing parking, conduct virtual learning from farmhouse, create nature trails and use back of property as education spaces and granted before plans are signed.
Phase 2: Complete barn for certificate of occupancy for use for animals and limited 20

participants use, Plans must be signed by Chair.

Phase 2B: Completion of bathroom with sewage treatment system and fence for Griffins installed.

Phase 3: Driveway, Parking lot and approved storm water system and reviewed by engineer for 60 participants.

Phase 4: Education Building.

f) Any further expansion of the scope of operation will require review by the Planning Board.

g) Add waivers to cover sheet

#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 and supporting documents as required in Article 3 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Barrington's file. The chairman shall endorse three copies of the approved plan(s) meeting the conditions of approval upon receipt of an executed bond for all improvements, excluding buildings. The Town shall retain a signed and approved reproducible 11" X 17", 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 road, storm drains, and improvements indicated on the site plan. RSA 674:39

2) Each phase will require a Certificate of Occupancy/Use.

The engineer shall certify the improvements have been installed as designed prior to the issuance of a Certificate of Occupancy/Use for Phase 3.

(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,

John Huckins
Zoning Administrator

cc: File

A motion was made by R. Allard and seconded by J. Brann to approve the amended conditions of approval into Phases. Vote 6/0

Roll Call:

J. Jennison-Yay

J. Brann-Yay
S. Diamond-Yay
D. Massucci-Yay
A. Knapp-Yay
R. Allard-Yay

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

S. Diamond asked the Board if they would have Fire Chief Walker drive Fire Truck to the end of long Shores Drive to make sure the truck can drive to the end.
The Board asked A. Knapp to take before the Select Board.

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

The next meeting will be on June 2, 2020 at 6:30 p.m. electronic meeting; no meeting place.

Without objection the meeting was adjourned at 8:00 p.m.

Respectfully,

Barbara Irvine