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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: 688944764

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

**Tuesday June 2, 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.**

Members Present

James Jennison, Chair
Jeff Brann, Vice Chair
Andy Knapp ex- officio
Ron Allard
Steve Diamond (partial)

Members Absent

Rondi Boyer
Donna Massucci

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

MINUTES REVIEW AND APPROVAL

1. Approval of the May 19, 2020 meeting minutes.

Without objection the minutes of May 19, 2020 were approved as written.

Roll Call:

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

ACTION ITEM CONTINUED FROM APRIL 7, 2020

2. [220-54.1 & 54-7.2-RC/GR-LL/9.6 \(Albert Estes-Mills Falls Realty LLC\)](#) Request by applicant to adjust boundary lines between lots 54.7.1 and 54.7.2 for a site review for 43 commercial storage-office units with a 9.6 Special Permit in the wetland buffer and also a 3.4 Conditional Use Permit on a total of 8.691 -acre lot on Calef Highway (Map 220, Lots 54.7.1 & 54.7.2) in the Residential Commercial and General Residential Zoning Districts. BY Robert Stowell, Tritech Engineering Corporation; 755 Central Avenue, Dover, NH 03820
(Application, 3.4 CUP and Lot Line were approved on December 3, 2019)

J. Jennison gave a brief description of the application.

Al Estes from Mills Falls Realty, LLC asking the Board to continue the application until July 7, 2020 and asked for 6-month extensions on the 3.4 Conditional Use Permit and the Lot Line. Al asked the Board, because of his AoT permit with the State, if the Board could waive third party review.

M. Gasses explained that there was a lot more involved in this application and felt that it needed the third-party review.

J. Brann asked if continuing until July 7, 2020 gives the third-party reviewer enough time for review.

J. Jennison expressed if they need more time, they could ask for it at the July 7, 2020 meeting.

M. Gasses explained to the Board that they could not hold up the approval because of the AoT state permit. M. Gasses explained that they could get conditional approval and make changes to the plans.

A motion was made by J. Brann and seconded by A. Knapp to continue the application until July 7, 2020 and give the 6-month extension for the 3.44 Conditional Use Permit and the Lot Line. Vote 4/0

Roll Call:

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

ACTION ITEM CONTINUED FROM May 5, 2020

3. [121-28-GR-20-SR \(Owner: Mr. Todd Green-Barrington Shores, LLC\)](#) Request by applicant for expansion of 28 seasonal camp sites and waiver at 7 Barrington Shores Drive (Map 121, Lot 28) in the General Residential Zoning District. BY: Tobin Farwell, 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 Todd Green-Barrington Shores, LLC. Tobin explained to the Board that they have broken this down into two parts. Tobin

explained that the he would like to decide the smaller changes first. They have spoken to the abutters and they have worked on the traffic study for the site. They looked at the ITE (Institute Traffic Engineer) tables for some preliminary numbers and what was going to happen with the increase of sites. Tobin explained that they are now proposing 27 campsites instead of 28 sites and they would be going from 33 trips in the morning and 43 trips in the afternoon with the increase to 39 trips in the morning to 50 trips in the afternoon. Tobin explained to the Board that the abutters were also concerned about adding additional boats on Swain Lake and that they are not expecting any additional boat slips. Tobin explained that there would be an increase in boats by the number of campsites that are added. Tobin explained that they would be in compliance with all Department of Safety regulations and NHDEs does not regulate how many boats can be tied to the shore. Tobin explained that he also met with the Road Agent, Mark Moreau, and he had issues with the signage on Hall Road. They looked at that and the Road Agent wanted to discuss it further with the Police Chief. The Road Agent also liked the idea of barrier along Hall Road to limit distractions for drivers. Tobin explained that Ray Bisson would explain the easement area and has met with the abutters to discuss the vegetation that they are proposing.

Ray Bisson from Stonewall Surveying showed the Board a plan that was done in 1973 and explained that the deeds were written from this plan. Ray explained the location of the easement, how it was defined at the time, who owned at the land, the easement provided access around the north/northwest inside perimeter of the campground for lots across the road and showed the right of way.

J. Jennison asked Ray about the party who purchased land tied to that easement and the right of way.

Ray explained that they still have access, but they don't use it, but the right of way was still there.

J. Brann asked if once they implemented landscaping plan, would that limit access to the easement/?

Ray explained that once they get to the landscaping plan, he would explain it. Ray showed a more current plan that the Board had not seen and explained what was on the plan and what they are going to add to the plan to address the landscaping and easement/right of way information.

J. Brann stated that he read about the security issues raised by abutters and the letter from Remax that stated that property values would not be affected if there was a fence so liked the addition of the fencing shown but asked why they didn't go all the way across the west boundary.

Ray explained that they met with the abutter, the Robinsons, and explained that they (Robinsons) are downhill with some trees already there. Ray explained that the Robinsons were happy with just doing shrubs in the lower area.

J. Brann stated that where they are going to do a site walk the Board could look at it then.

Ray explained that by installing a solid fence that would provide visible bearer and security bearer. Along Hall Road would a mixture of trees and fencing.

J. Brann stated that he was happy with the fence but was concerned with the quiet time. The letter from the manager, Tim McClain, stated it started at 11PM but in the permit rules it states 11:30PM.

Ray explained that quiet time starts at they have worked on the traffic study for the site. They looked at the ITE (Institute Traffic Engineer) 11PM and after that security goes around.

J. Brann stated that the Town Noise Ordinance requires 60 decibels or less at the property boundary between 9PM and 6AM and asked what they were doing for noise between 9 and 11 PM.

R. Allard expressed that the rules are good and asked if they have issued fines.

Ray stated that yes, they have fined people. Ray explained to the Board that if they have repeated noise issues, they do ask the person to leave and not come back.

Tobin stated that Tim said that they passed out three fines in the last two years.

J. Jennison read a question from Jay Goodwin asking when the traffic study was conducted and asked if it was done in April 2020.

Tobin explained that the studies are of similar types of land use and are typical numbers, so this was not specific for this site. You look up the type of commercial use, in this case a campground, for the traffic numbers.

J. Jennison expressed that if it was done during this crisis that the numbers would be low.

Ray explained to the Board that the proposed sites are proposed as seasonal sites, not transit sites, and explained that these are different. Ray explained that at transit sites people stay for a couple of days and for seasonal sites they stay for the season or a few seasons.

A. Knapp expressed that traffic was going to go in and out if they are seasonal with multiple cars per site.

J. Jennison explained that he could see this going both ways with in and out traffic.

A. Knapp explained that people come in multiple vehicles and park their campers, then go in and out.

Ray explained that he disagreed; he explained that they do daily trips and the seasonal are the ones that stay there.

J. Brann explained that he went back to the engineer table numbers and read .27 trips per camp site at peak and this would be 7 extra trips per day and felt they were right on.

J. Jennison asked if the vegetated buffer was going to be on all three sides.

Tobin explained that was not quite correct they plan on having more of a fence on one side and less on the other with more vegetation.

Ray explained that the large trees don't have the much value as a buffer; the ones that do are six inches or under.

J. Brann asked about the 3.4 Conditional Use Permit. They made changes to address the Board's concerns but there was still a question on the answer to #7 that the building, structure or use will not have a substantial adverse impact on the natural and environmental resources of the town. Your answer was the expansion of the sites would not increase the number of boat slips, but you are doing extensive work and you are installing a new septic system. J. Brann expressed that there could be more answers to this question.

Ray stated that they are installing a new septic system and stated that they looked at it as an impact to Swains Lake.

J. Jennison opened public comment.

Richard McKenney from 35 Calef Island Road stopped by the Town Hall and spoke to M. Gasses about the right of way and asked if there was going to be a drawing developed beyond partner drawing.

Ray explained that the plan Richard McKenney was talking about showed the easement incorrectly. Richard McKenney explained to the Board that the note in the middle of the plan was incorrect saying that the land has a right of way.

Ray explained that they would be changing the plan and resubmitting the plan to the mortgage company. They would be relocating where the easement was.

Ray explained that he would bring it to the Town and get the tax map fixed.

Planning Board member S. Diamond joined the Board.

Richard McKenney asked that the plan be brought to the Town so the easement can be documented properly so that people don't go through the right of way.

J. Jennison expressed he understood what was being asked but Ray had addressed if there was an easement on the piece of property that he was working on. J. Jennison explained that it was a civil matter if they didn't agree with what the current documentation for the right of way.

Richard McKenney explained that if they change the note that it doesn't refer to his right of way. However, he (Mr. McKenney) could use the plan to get it corrected on the Town tax map and recorded and then he was all set.

J. Jennison asked M. Gasses about the process for correcting this matter.

M. Gasses explained that if there was proof that this was corrected, and a surveyor stamped plan, then they could correct tax maps.

Ray explained to Richard McKenney that he has already addressed it and there was a plan recorded in 2008 done by Berry Surveying, Plan # 95-72, shows that the 20' strip belongs to Richard McKenney. Ray showed the Board the latest plan showing the benchmarks that the Board was asking about.

Richard McKenney expressed that what Ray was showing suits his purposes.

Ray explained that this would be filed at the Town because this would be part of the final packet.

M. Gasses explained that this needs to be a stamped plan so the mapping company can correct the map.

Richard McKenney explained to the Board that he could talk to Ray on his own. The only other comment was that he asks that the three big trees do not get cut down.

Ray explained that no tree cutting except dying ones with planting in the open area. Ray explained that Mrs. Pantano asked that they clean up the dead trees.

Glen Perry from 67 Rosemary Lane asked if copies of the plan for tonight could be supplied.

Matt Niswender, President of the Rosemary Lane Road Association, indicated they [Barrington Shores] addressed our concerns and wanted to know if there was a maintenance plan that addresses what happens if the trees die in the proposed vegetative buffer.

Tobin explained that it was on the plan that this buffer would be maintained yearly. If there was a dispute the Code Enforce Officer would come and see if they were complying.

Matt Niswender asked how tall the proposed fence was.

Tobin explained that the fence would be a minimum of six feet high but would vary due to changes in terrain.

Matt Niswender expressed that they felt that they would doing everything to try and protect their property values and the noise. Matt explained that if they do what was on the plan that would be a good neighborly thing to do.

J. Huckins explained that if any portion of the fence was over eight feet, they need to come back to the Planning Board and at seven feet they would need a building permit.

Matt Niswender received the boat slip information and their only concern would be that they don't want the campground looking like a marina.

J. Jennison explained that there would be no new boat slips but there would be an increase in approximately seven boats on site for that many campsites. J. Jennison explained that they can tie boats along the shore.

Ray explained that they did the calculation and there would be no more boats tied to the shore.

J. Jennison asked how the boat permission is granted currently.

Ray explained that you would need to get permission from the campground.

J. Jennison stated that if he understood correctly, the number of slips and boats on the waterfront wouldn't change just the number of boats they would have in the campground.

Ray stated that was correct.

J. Brann there were State requirements about boats coming into NH waters and asked if the boats inspected at the campground. J. Brann asked if there were rules when someone enters the campground to inspect the boat.

Ray stated that he didn't know if they did that or if there were any type of laws.

J. Jennison asked if Tim was still on if he could type in an answer.

J. Jennison read Tim's comment that they go by the Swain Lakes Association rules and it was clean/dry boats before putting them in the water.

Matt Niswender questioned the number of boats that would be tied up to shore and what the maximum number would be.

J. Jennison read Tim's comment that that would depend on the size of the boats but expected no more than 10 boats tied to shore.

Ray explained that NHDES controlled docks and those tied to shore would be a Department of Safety issue and if the owner gives permission this would be fine. They did say that you can't sleep on the boats

without notifying the Department of Safety.

J. Huckins explained that docks and boats are regulated by the State.

Matt Niswender expressed that they are concerned of the amount of boats in the future.

J. Jennison stated that he didn't know the rule of boats tied to shore; maybe the State could answer that.

Ray explained that he did check with State and the only thing was that they [boat owners] need was permission from the landowner.

J. Jennison asked if that was for commercial or residential.

Ray stated it just said tied to shore.

Tobin explained that this was public waters and you can't limit boat access.

J. Jennison explained that this was private access not public access; charging people to enter the water would not be the same as people entering the water via public access.

Tobin explained that this was a private boat venture. This is commercial for camping but residential access to the water.

A. Knapp expressed that in normal situation you wouldn't have this many camp, and this was a grandfathered existing campground.

Matt Niswender stated that they would like to see lake traffic down.

J. Brann expressed that the owners are working and met with the abutters to work with them on the security and safety issues.

Ray stated that Tim said that there would not be no more boats tied to the shore.

J. Jennison expressed that he would feel comfortable with the amount of boats.

Ray stated that Tim said the number of boats would depend on the size of boats that are tied up at the shore, but they can put a number to it.

J. Brann asked Matt Niswender that after talking to the abutters about the changes, how they felt about the buffer.

Matt Niswender stated that after talking to eight of the abutters that they all accepted the 50' buffer instead of the 100' buffer with the proposed vegetative plan and thanked all in working with them.

Richard McKenney explained that he has lived here since the 1960's and the campground has always been good neighbors. Richard explained that the knoll and the woodlands kept everyone happy. The knoll has been a monument to proper operation to the campground. If the abutters are happy with the knoll being covered with campers that he'd be happy for them but stated that he wasn't in favor of that.

Matt Niswender agreed with Richard McKenney they would like to see it remain as a wooded area and felt they couldn't stop this, so this was the best compromise but not something we agree to.

J. Jennison closed public comment.

Ray expressed that he feels that on a site walk the Board can see what they want to do. Ray said they haven't sent anything to Dubois and King yet because they wanted to have the buffers set first. Ray asked the Board if they wanted to go over the waivers.

J. Brann stated that he was not comfortable before the site walk.

A motion was made by J. Brann and seconded by R. Allard to have a site walk on June 9, 2020 at 5:30p.m. and continue the application to June 16, 2020. Vote 5/0

Roll Call:

A. Knapp-Yay

J. Jennison-Yay

R. Allard-Yay

J. Brann-Yay

S. Diamond-Yay

4. [220-29-RC-20-SR \(Owners: Wanda Lee & Richard A. Walker, Jr\)](#) Request by applicant Jesse Anderson for proposed construction of a welding and fabrication building with associated parking on Colonial Way (Map 220, Lot 29) on a 5.59-acre lot in the Regional Commercial Zoning District. BY: Scott Lawler, Norway Plains Associates, Inc.; PO Box 249; Rochester, NH 03866.

J. Jennison gave a brief description of the application.

Scott Lawler from Norway Plain Associates, Inc. represented Anderson Welding Properties, LLC. and Richard Walker. Scott gave a brief outline of what was discussed at the last meeting. Scott explained to the Board that there would be 12 parking spaces and 1 ADA space. The front parking area would be paved and there would be gravel surface to the side and rear at this time. Scott explained the drainage and how it would run, the sight would have lighting, and they have worked on the traffic study for the site. They looked that the ITE (Institute Traffic Engineer) the private well and septic needs to be approved by the State. There was going to be landscaping to the back of the property with some greens to block the property to the rear the Walkers Scott explained to the Board that they sent the plans for third party review and answered all their concerns. Per the request of the Planning Board a stop sign was added to the plan at the end of the driveway as well as a concrete pad at the back of the building to store their materials outside.

J. Brann stated that the pad was missing on one of the sheets.

Scott Lawler explained that it would be added to all the sheets on the final plan. Scott explained that the Lighting Analysis Plan has been updated. The applicant has decided not to add a gate at this time and understand that they need to come back before the Board if they decide to have one.

J. Brann asked about the reply to Dubois & King for #10 Sheet C-7 Detention Basin Cross Section add note to plan that berm top width should reflect six feet. J. Brann stated that the reply was 5 feet which was sufficient for maintenance and no note to denote the berm width.

Scott Lawler explained that there was a construction detail on Sheet C7 that shows the berm.

J. Brann asked if the five foot dimension could be added to plan C7.

Scott Lawler explained that they could add to the plan.

J. Brann questioned that in the drainage report it said to use the 10-year event. However, Appendix A-6 Note #5 that requires verifying the walls won't be topped by the 50-year event didn't appear to be addressed.

Scott Lawler explained that in the drainage report under Appendix 7.5 they show the 2 year as well as the 10 and 25 year results.

J. Brann asked about the 50 year event.

Scott Lawler explained that the 50-year event is addressed in Appendix 7.5 on the third sheet labeled TS maximum 8.6b 1 'depth for 50-year storm.

J. Brann expressed that at the last meeting they discussed the snow falling off the roof over the side loading door and didn't see that this was addressed on the plan.

Scott Lawler explained that this would be addressed at the building permit stage.

J. Jennison explained that this was a construction code issue not Planning Board issue.

R. Allard asked about the elevations; they only showed the side and the back of the building but there wasn't anything for the front.

Scott Lawler explained that was correct.

R. Allard expressed that they need an emergency exit door and it needs an awning over it by OSHA.

M. Gasses explained to the Board that this is getting back to building construction code.

R. Allard expressed that installation they have worked on the traffic study for the site. They looked that the ITE (Institute Traffic Engineer) may need changes in the drawings.

M. Gasses explained that they are not changing the size of the building Planning Board doesn't need to approve.

J. Brann asked if per the lighting plan their wall mounted lights in the front and rear are.

Scott Lawler explained that was correct; they are on the front, side and rear.

J. Brann asked if they were aware that per 3.8 (5) Site Plan Review Regulations they need to show fixtures on plan elevations for all walls having lighting and the wall area to be lighted.

J. Jennison asked J. Brann if there was no lighting shown can they add the two elevations to the final plan.

Scott Lawler asked if the Board wanted to see the elevation views with the lights showing on them.

J. Brann explained the plans need to show where the fixtures are and area where the lights shine.

Scott Lawler explained that the lighting plan shows where the foot candles are.

J. Brann explained that they need to see the side elevations of the building showing the fixtures and what parts of the building itself are illuminated.

S. Diamond asked about the reply to Dubois & King on Drainage Analysis comment on riprap outlet protection for the 10yr and 50yr events related to over topping and erosion.

Scott Lawler explained that it based on the size of a storm event and if you have large storm events the riprap would be smaller as more water flows over the top of a stone. Scott explained that they have revised the calculations and revised the sheets.

S. Diamond asked if that meant smaller stone for a 50-year event.

Scott Lawler explained that it could if in a tall water situation.

S. Diamond expressed that they need a plan for snow removal in the event of a heavy storm.

Scott Lawler stated he would let applicant know.

J. Jennison read the memo from the Conservation Commission.

Scott Lawler explained the erosion plan placement of erosion control silt sock or silt fence around the construction near wetlands.

J. Jennison read the following staff comments:

Assistant Fire Chief:

- Would like to ensure the address number is clearly visible from the road

Police:

- Stop sign should be erected at intersection

Road Agent:

- Apply for standard driveway permit
- Maintain crushed stone construction entrance higher than edge of pavement for duration of project
- Existing private paved road is in poor condition. Any construction damage should be repaired
- Temporary driveway to be removed

J. Jennison opened public comment.

J. Jennison closed public comment.

J. Jennison 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

DRAFT NOTICE OF DECISION
NOTICE OF DECISION

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built received:</i>	<i>Surety returned</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>			
Proposal Identification: 220-29-RC-SDAO-20-SR (Owners: Wanda Lee & Richard A. Walker, Jr.) Request by applicant Jesse Anderson for proposed construction of a welding and fabrication building with associated parking on Colonial Way (Map 220, Lot 29) on a 5.59-acre lot in the Regional Commercial Zoning District. By: Scott Lawler, Norway Plains Associates, Inc., PO Box 229; Rochester; NH 03866			

Owner: Wanda Lee & Richard A. Walker 24 Greenhill Road Barrington, NH 03825 Applicant (Contact) Jesse Anderson Jesse Anderson Properties, LLC 269 1 st New Hampshire Turnpike Unit #6 Northwood, NH 03261 Professional Scott A. Lawler Norway Plains Associates, Inc. PO Box 249 Rochester, NH 03866	Dated: June 3, 2020
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Dear applicant:

This is to inform you that the Barrington Planning Board at its June 2, 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 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 2, 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) Applicants Engineer will sign off that stormwater facilities were constructed as approved
 - b) Any construction damage to the private road will need to be repaired
 - c) Address number clearly visible from the road
 - d) Apply for standard driveway permit
 - e) Maintain crushed stone construction entrance higher than the edge of pavement for duration of project own.
 - f) Add side elevations for lighting per 3.8 (5)
- 2) Revise the following plan notes
 - a) Add the NHDES Subsurface Bureau C.A. #
- 3) Show elevations with light fixtures showing illumination.
- #4) Any outstanding fees shall be paid to the Town.
- 5) 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"X17", and PDF format with supporting documents for Town records.

General and Subsequent Conditions

- 1) Temporary driveway to be removed.
- #2) 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

(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 J. Brann and seconded by S. Diamond to approve the Site Plan for a welding facility as described in the Notice of Decision as read by the Chairman. Vote 5/0

Roll Call:

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

ACTION ITEMS

5. [220-1-RC-20-Sub \(Emmerling Family Revocable Trust of 2002\)](#) Request by applicant for a 2-Lot Subdivision Lot 1.1 will be 2.783 acres and Lot 1 would be 4.034 acres at 146 Calef Highway in the Regional Commercial Zoning District. BY: Joel D. Runnals, Norway Plains Associates, Inc.; P.O. Box 249; Rochester, NH 03866.

J. Jennison gave a brief description of the application.

R. Allard recused himself.

Joel Runnals from Norway Plains Associates, Inc. represented the Emmerling Family Revocable Trust of 2002. Joel explained to the Board that they are looking to add a new parcel Lot 1.1 that would be 2.81 acres located at 146 Calef Highway. The remaining Lot 1 would be 4.01 acres that the Emmerling have a creamery and live here with no plans to change this lot. Joel explained that this would have a shared driveway easement. The driveway permit was issued in 2006 by NHDOT and no other driveway was allowed for this site. Joel explained to the Board that in 1977 Route 125 was relocated and this lot was allowed only one driveway. Joel explained to the Board that when they submitted the driveway permit to the State, they what to know the proposed use of the new lot and they don't know what the lot be used for yet as it must be sold first. Joel explained that this lot has to be commercial use because residential use was not allowed within 500' of the center line. Joel explained that NHDOT wants them to define a use for

this new lot to apply to allow use of the shared drive. Joel explained that the driveway was not going to move and that he couldn't get a driveway permit without a use.

J. Brann explained that the Board does not hold up approval waiting for State permits.

M. Gasses explained that she received an email from NHDOT stating that they needed a use in order to issue this driveway permit and wanted to make this a condition.

Joel explained the driveway wasn't going to move and how can the subdivision be denied.

M. Gasses expressed that she did agree with him and they are caught in the middle of this.

J. Brann explained that they could approve the subdivision.

J. Jennison stated that they have approved subdivisions in the past without a use.

Joel explained to the Board that he has been doing this for a while and shows the location of the driveway. Joel talked to the State and they told him they didn't care how things in the past were done, this was how they are done now, and they need a use for the new Lot 1.1.

J. Jennison explained that the State was looking for a use, not the Planning Board.

M. Gasses stated that was correct.

J. Jennison asked if they were looking to waive all 18 items under 5.3.2 Proposed Site Conditions.

J. Huckins explained the items addressed proposed changes and he was not putting in a new road or changing any conditions on the new or existing lots.

A motion was made by J. Brann and seconded by A. Knapp accept the application as complete. Vote 4/0
Roll Call:

S. Diamond-Yay
J. Jennison-Yay
A. Knapp-Yay
J. Brann-Yay

J. Jennison opened public comment.

J. Jennison closed public comment.

Waivers Requested:

5.3.2 Proposed Site Conditions-no proposed changes to the site

A motion was made by J. Brann and seconded by A. Knapp to approve the waiver of 5.3.2 Proposed Site Conditions as granting the waiver as specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations. Vote 4/0

Roll Call:

S. Diamond-Yay

J. Jennison-Yay
A. Knapp-Yay
J. Brann-Yay

8.8 Monumentation-Requesting that the proposed front lot corner not be monumented with the required granite bound but rather with a survey nail.

Reason: The proposed front lot corner will be located in the existing paved driveway.

A motion was made by J. Brann and seconded by A. Knapp approve the waiver 8.8 Monumentation for new Lot 1.1 as granting the waiver as specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations. Vote 4/0

Roll Call:
S. Diamond-Yay
J. Jennison-Yay
A. Knapp-Yay
J. Brann-Yay

J. Jennison read Staff Recommendations:

Planners Comments:

- Provide copies of easement deeds and shared driveway maintenance agreement
- Add note (for future reference) "Note the following, if during construction, it becomes apparent..."
- Add Note "Note the following: "Required erosion control measures shall be installed prior...."
- Need owners' signature on the final plan
- NHDOT Driveway Permit required for change of use and identify uses for two lots
- Site Plan will be required for new lot add note to plan
- NHDOT will not approve without a use

Conservation Commission:

- In look at the subdivision plan, the Conservation Commission notes that assuming a common entrance from route 125 to the buildable land in the new parcel, there is very little space to avoid impacting the wetland buffer nearest the highway. The Commission is thus concerned that any future develop on this parcel not intrude on the buffer to the wetland. They would like to see how viable without intrusion, would be achieved.

Fire Department:

- Recommend that if there is a future plan to subdivide again that they name the entrance road now so that the addresses don't have to change down the road.
- 911 requires a road name after 2 buildings share the same driveway

J. Jennison asked if there was anything that would affect the lot with Sugar & Ice Creamery on it.

J. Huckins explained that they were approved as a business not a home business they did go before the Planning Board.

J. Brann asked if there were any wetlands on the proposed Lot 1.1.

Joel stated no.

S. Diamond asked what the dotted line away from Calef Highway was.

Joel stated that was a slope.

J. Jennison read Conditions Precedent:



Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0195

mgasses@barrington.nh.gov

DRAFT NOTICE OF DECISION

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built 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>			
Proposal Identification: 220-RC-20-Sub (Emmerling Family Revocable Trust of 2002) Request by applicant for a 2-Lot Subdivision, Lot 1.1 will be 2.783 acres and Lot 1 would be 4.034 acres at 146 Calef Highway in the Regional Commercial Zoning District. By Joel D. Runnals, Norway Plains Associates, Inc.; P.O. Box 249; Rochester, NH 03866			

Owner: Emmerling Family Revocable Trust of 2002 c/o Ulrike Emmerling, Trustee 146 Calef Highway Barrington, NH 03825 Applicant (Contact): Joel D. Runnals, L.L.S Norway Plains Associates P.O. Box 249 Rochester, NH 06866	Dated: XXXXX/2020
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Dear applicant:

This is to inform you that the Barrington Planning Board at its XXXXX, 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 the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please Note* If all of the precedent conditions are not met within 6 calendar months to the day, by XXXXXX, 2020, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. *Reference 8.2.3 of the Town of Barrington Subdivision Regulations*

Conditions Precedent

- 1)
 - a) Add the owners signature to the final plan
 - b) Add the wetland scientist stamp & signature to the final plan
 - c) Add State Subdivision Approval Number to the Plan
 - d) Add waivers to plan
- 2) Revise the following plan notes
 - a)
- 3) Add the following plan notes
 - a) "Note the following, if during construction, it becomes apparent that deficiencies exist in the approved design drawings, the Contractor shall be required to correct the deficiencies to meet the requirements of the regulations at no expense to the Town"
 - b) "Note the following: "If required erosion control measures shall be installed prior to any disturbance of the sites surface area and shall be maintained throughout completion of all construction activities. If during construction, it becomes apparent that additional erosion control measures are required to stop erosion on the construction site due to actual site conditions, the Owner shall be required to install the necessary erosion protection at no expense to the Town"
- d) Site plan approval will be required for development of lot 220-1-1
- 4) Town Counsel shall approve proposed driveway easement language.
- 5) Provide copies of easement deeds and shared driveway maintenance agreement.
- 6)# Proper and complete survey monumentation shall be installed on the properties as a condition to final approval of the application. Granite bounds shall be set at the intersection of existing or proposed lot sidelines with existing proposed streets. Iron pins (pipe or rod) are to be placed at all property line corners and angles, and all points of curvature and points of tangency. Monuments for the lot being developed shall be placed not more than 300 feet apart in any straight line. The applicant's surveyor shall certify in writing that the

bounds and pins have been installed according to the submitted plan. (*Reference 8.8 of the Town of Barrington Subdivision Regulations*)

- 7) Any outstanding fees shall be paid to the Town
- 8) Final Drawings (a) five sets of black line (b) plus one set of 11"X17" final approved plans must be on file with the Town. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans. Note. If there are significant changes to be made to the plans, as specified above, one full size check print must be sent to the Land Use Office for review prior to producing these final drawings.

General and Subsequent Conditions

- 1)# In accordance with RSA 674:39 active and substantial development shall mean the expenditure of at least twenty-five percent (25%) of the infrastructure costs required for a development, as indicated by a subdivision approved by the Planning Board, within (24) months of said approval, where approved plans have been properly recorded at the Registry of Deeds. Infrastructure shall mean in this instance, the construction of roads, storm drains, water and sewer facilities, or parking lots. Compliance with this definition shall also necessitate that a bond or other security to cover costs of said infrastructure requirements has been posted with the Town prior to the beginning of construction, if required as a condition of approval.

(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 J. Brann seconded A. Knapp approve the 2-lot subdivision as read by the chair.
Vote 4/0*

Roll Call:

S. Diamond-Yay
J. Jennison-Yay
A. Knapp-Yay
J. Brann-Yay

R. Allard returned to the Board.

REPORTS FROM OTHER COMMITTEES

M. Gasses explained to the Board that SELT wants to add 10 gravel parking spaces for Stonehouse Pond. M. Gasses explained to them that they need to come to Planning Board with the information.

UNFINISHED BUSINESS

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OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

6. Review of a request for a Building Permit at 254 Brooks Road a Class 6 road, for Richard A & Melissa Simmons ([Map 211, Lot 9](#)).

The Board had a brief discussion about the request and agreed to go with the Road Agent's recommendation and send the standard letter to the Select Board. Vote 5/0

Roll Call:

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

7. Discuss the summer meetings for July and August.

The Board decided to have a meeting on July 7, 2020 and August 4, 2020 for the summer months; other meetings would be cancelled for these two months.

8. J. Brann wants to have a public hearing to change Site Review 2.5.9 Special Studies or Reviews.

Board has a brief discussion and they would schedule a public hearing to meld this in the Site Review.

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

The next meeting will be on June 9, 2020 at 5:30 p.m. for a Site Walk at 7 Barrington Shores and the following meeting will be on June 16, 2020 at 6:30 p.m. electronic meeting; no meeting place.

Without objection the meeting was adjourned at 10:05 p.m.