



**BARRINGTON PLANNING BOARD MEETING**

**NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER**

**77 RAMSDELL LANE**

**Barrington, NH 03825**

**(Approved June 19, 2018)**

**Tuesday June 5, 2018**

**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

Steve Diamond

Donna Massucci

Dan Ayer-Alternate ex-officio

**Absent**

Andy Knapp ex- officio

Alternate Member: Town Planner: Marcia Gasses

**MINUTES REVIEW AND APPROVAL**

1. Approval of the May 15, 2018 meeting minutes.

*Without objection the Board approved the May 15, 2018 meeting minutes.*

**PUBLIC HEARING**

2. A public hearing and possible adoption of amendments to Article 2 (Overview & Application Process) the Subdivision Regulations. (RSA 675:6)

J. Brann stated the typographical corrections to Article 2.5.3.

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J. Jennison opened public comment.

J. Jennison closed public comment.

*A motion was made by J. Brann and seconded by S. Diamond to adopt Article 2 of the Subdivision Regulations with the 4 typographical corrections. The motion carried unanimously.*

### **DESIGN REVIEW CONTINUED FROM MARCH 17, 2018**

3. **234-35-V-18-Design Review (Owners: Michael H. & Lisa M. McMahon)** Request by applicant for design review for a 22 unit townhouse style development off of Franklin Pierce Highway (aka Route 9) (Map 234, Lot 35) west of the Route 125 intersection. BY: Chris Berry; Berry Surveying & Engineering, 335 Second Crown Point Road, Barrington, NH 03825.

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

Chris Berry from Berry Surveying & Engineering explained that he was representing Michael & Lisa McMahon for a design review. He explained that he was there to close the design review application. He explained that he wanted to give a brief description of what he and his client were working on. He explained that the last time he was before the Board the applicant wanted attached condominiums. He explained that the applicant would like to change to single family detached homes because a number of abutters had concerns for their property and Route 9.

J. Brann asked if some were going to be multi-units and single family.

Chris Berry explained that they all would be single family homes.

S. Diamond asked if this was going to be a conservation subdivision.

Chris Berry explained that it would be a conservation subdivision. He explained that he had filed an application for a variance with the Zoning Board of Adjustment for 100' perimeter buffers since the parcel is bisected by Meetinghouse Road. He explained that they are asking the Zoning Board to look at this as their internal subdivision road. He said that this would show 100' buffer in every area except off Meetinghouse Road. He explained that he was there to close the townhouse design review.

J. Brann stated that then there would be no multi-units development on the south west corner.

Chris Berry stated that was correct.

J. Brann asked if the 2 parcels of land would be the total development.

Chris Berry stated that was correct.

J. Jennison asked if there would be access to Smoke Street at the other end of Meetinghouse Road.

Chris Berry explained that there would not be a through way to Smoke Street. He showed the yield plan and stated that if this was opened through Smoke Street there would be a lot more traffic going through. He explained that he felt the Oak Hill residents would not like the additional traffic.

M. Gasses explained that one of the highway employees came in and after their discussion she felt that it would make sense to have it connect to Smoke Street. She explained that she did not know how the Fire Chief would feel about this access. She explained that this would be a right away of keeping people off Route 9 and 125. She explained that she felt this would be a route to go to the transfer station and other places without going onto Route 125 and 9.

D. Ayer explained about the cistern on Oak Hill and he believed the Town owned property on the corner.

Chris Berry stated that they did.

D. Ayer stated that if the Road Agent was willing to clean it up a little bit.

Chris Berry stated to square the design up.

D. Ayer explained that he felt the Town would work with them.

M. Gasses asked if there was a cemetery somewhere.

Chris Berry explained that there was just a marker for the old Meetinghouse.

J. Jennison expressed that this would help with future planning of the Town Center neighborhood.

M. Gasses explained that the folks on Oak Hill Road could use this access and not go down Oak Hill Road.

J. Jennison asked if they own all the way to Smoke Street.

Chris Berry explained when they owned land and explained that the Town owns the road bed.

M. Gasses explained that the Town has a right of way.

S. Diamond asked if it was currently a Class VI town road.

M. Gasses explained that it was a Class VI Town Road, which means unmaintained.

S. Diamond asked what would the dimensions be for the needed road upgrade.

Chris Berry explained that they would need to upgrade to a Subdivision status road.

S. Diamond asked if that was a Class V or better.

J. Jennison asked if it was possible for the Town to come in and upgrade that portion of the Road.

M. Gasses stated that was not a question for her as this was preliminary.

J. Jennison asked if this was similar to the one where the guy that deeded it to fix the road.

M. Gasses explained that this was preliminary and they needed comments from the Fire Chief.

S. Diamond asked if when finished, would it be owned by the Town.

Chris Berry explained that it was currently a trail.

J. Brann asked it would be paved up to the development.

M. Gasses explained that the road needs to stay open because it was class 6.

J. Brann asked if the applicant would need to upgrade the rest of the road to Smoke Street.

M. Gasses explained that she would need staff comments because this was preliminary.

S. Diamond questioned if there was some wetlands to the side of the lots.

Chris Berry explained that there are some wetlands to the side and back and some small wetlands.

J. Jennison opened public comment.

J. Jennison closed public comment.

*A motion was made by J. Brann and seconded by S. Diamond to close the Design Review phase on the proposal from Michael & Lisa McMahon. The motion carried unanimously.*

### **ACTION ITEMS**

4. **269-7-GR-18-(2)Sub (Owner: James W. Haley)** Request by applicant to subdivide a 42.58 +/- acre lot into 2 parcels and waivers. Proposed Map 267, Lot 47 is 1.87 acres and proposed Map 269, Lot 7 is 40.7 +/- acre some of Lot 7 is in conservation; located Hall Road (Map 269, Lot 7) in the General Residential (GR) Zoning District. BY: Joel Runnals; Norway Plains Associates, PO Box 249, Rochester, NH 03866.

J. Jennison gave a brief description of the application.

Joel Runnals from Norway Plains Associates, Inc. explained that he was representing the applicant James W. Haley for a 2 lot subdivision. He explained that the applicant was before the Board in the fall for a 2 lot subdivision which was similar to this one. He explained that Mr. Haley owns a lot of land which most of the land is in conservation land. He explained that wetlands delineation and topography was done on the area of interest, asking for a waiver for the remaining land. He explained that 3 test pits were done. He explained that they were working on the septic design and still waiting for State subdivision approval pending at the State level.

D. Massucci arrived at 6:50 p.m.

D. Ayer recused himself.

J. Brann questioned there was a waiver from 5.3.2 (16) monuments they were requesting to use either re-bars or drill holes and was all proposed corners are near stonewalls and the cost to set bounds would not be reasonable.

Joel Runnals explained that this was just for the road frontage.

S. Diamond asked if the new lot would be marked on all dimensions.

Joel Runnals stated that they would all be marked.

S. Diamond asked if the woods road was a right of way.

James Haley applicant explained that this was just a woods road with an entrance from Hall Road.

S. Diamond asked if the applicant owned it.

James Haley explained that he does own it.

S. Diamond asked where the driveway would be on the new lot.

Joel Runnals explained the location of the driveway would be determined once they know where the house is going to be.

M. Gasses asked if there was clear sight distance along the entire frontage.

Joel Runnals explained that they do have clear sight distance in the front. He explained that the applicant would not get a driveway permit until they get a building permit.

S. Diamond asked if there was a minimum distance between driveways.

M. Gasses explained that not for residential driveways.

S. Diamond asked if part of the lot was slightly in Nottingham.

Joel Runnals stated that the remainder of the lot had a portion in Nottingham.

M. Gasses explained that if the applicant shows Nottingham on the plan then Nottingham would need to approve it. She explained that the applicant cut in back not showing the remainder of the lot so Nottingham does not need to approve.

### **Requested Waivers:**

#### **1. 5.3.1(5) Surveyed property lines....of the entire parcel.**

*A motion was made by J. Brann and seconded by S. Diamond to grant the waiver for 5.3.1 (5) Surveyed property line of the entire parcel for remaining part of Lot 7 not shown on the plan. 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. The motion carried unanimously.*

#### **2. 5.3.1(6) Existing grades....**

*A motion was made by J. Brann and seconded by D. Massucci to grant the waiver for 5.3.1 (6) existing grades of the remaining part of Lot 7 not shown on the plan. 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. The motion carried unanimously.*

#### **3. 5.3.1(8) The estimated location and use of all existing structures...on the site and within 100' of the site.**

*A motion was made by J. Brann and seconded by D. Massucci to grant the waiver for 5.3.1 (8) the estimated location and use of all existing structures on the site and within 100' of the site of the entire parcel remaining part of Lot 7 not shown on the plan. 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. The motion carried unanimously.*

**4. 5.3.1(9) Natural features...**

*A motion was made by J. Brann and seconded by S. Diamond to grant the waiver for 5.3.1 (9) natural features on site of the remaining part of Lot 7 not shown on the plan. 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. The motion carried unanimously.*

**5. 5.3.1(10) Man-made features...**

*A motion was made by J. Brann and seconded by D. Massucci to grant the waiver for 5.3.1 (10) man-made features the remaining part of Lot 7 not shown on the plan. 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. The motion carried unanimously.*

**6. 5.3.1(11) The size and location of all existing public and private utilities..**

*Waiver withdrawn by applicant*

S. Diamond questioned about Nottingham approval as RSA 674:53 VI: reads no plat or plan showing land or streets in more than one municipality in the State shall be deemed approved for purposes of this title unless it has been approved by the Planning Boards of all included municipalities. He asked because the plan was carefully drawn so that it doesn't show any part of Nottingham and it doesn't [technically] violate it.

M. Gasses explained what was happening was Nottingham questioned why the application was sent to them. She explained that there was another point of access besides Nottingham and that they did not have to go through Nottingham to get to his lot. She explained that this application meets the requirements so that this does not need to be heard in Nottingham also.

S. Diamond asked if this came from the Town Planner of Nottingham.

Joel Runnals explained that when he did the first subdivision, Nottingham said that all they wanted to do was be notified as an abutter.

M. Gasses explained that they were notified as an abutter. She explained that she also went through the Town Attorney.

J. Brann explained that looking at the plan, the affected area was only in Barrington.

J. Jennison expressed that he felt that the only time this would effect Nottingham was if this was an unbuildable lot to Nottingham's standards.

M. Gasses explained that if the part in Barrington required parts of the lot in Nottingham for density

calculation, then it would need to be heard in Nottingham.

S. Diamond expressed that the law was that it should go to Nottingham.

M. Gasses explained that the law was that they don't want to burden someone with more process than what is necessary.

Joel Runnals explained that Nottingham could ask for a public hearing.

J. Jennison asked if there's any way that the Board knows that Nottingham was notified.

Joel Runnals explained that they were an abutter.

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

J. Jennison opened public comment.

J. Jennison closed public comment.

J. Jennison read the following staff comments:

Police Chief: no concerns

Fire Chief: no concerns

Suzanne McNeil, Assessing:

- Lot 1 is on Map 267 so we changed to Map 267 Lot: 46
- The new lot should be Map 267 Lot: 47

Conservation Commission: no concerns

Building Inspector/Zoning Administrator: no concerns

Road Agent: no concerns

## **Final Waiver**

### **5.3.2 (16) Monuments**

*A motion was made by J. Brann and seconded by S. Diamond to grant the waiver for 5.3.2 (16) monuments to be either re-bars or drill holes and not bounds 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. The motion carried unanimously.*

M. Gasses read conditions precedent:



## Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0195

[barrplan@metrocast.net](mailto:barrplan@metrocast.net)

### DRAFT NOTICE OF DECISION

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built received:</i> n/a	<i>Surety returned</i> 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.</i>			
<b>Proposal Identification:</b> 269-7-GR-18-(2) Sub Request by applicant to subdivide a 42.58 +/- acre lot into 2 parcels and waivers. Proposed Map: 267 Lot: 47 is 1.87 acres and proposed Map: 269 Lot: 7 is 40.7 +/- acres, some of Lot 7 is in conservation; located on Hall Road (Map 269, Lot 7) in the General Residential (GR) Zoning District. By Joel Runnals; Norway Plains Associates, PO Box 249, Rochester, NH 03866			

Owner: James W. Haley 366 Old Concord Turnpike Barrington, NH 03825  Professional: Joel D. Runnals Norway Plains Associates, Inc. PO Box 249 Rochester, NH 03866	Dated: XXXXX/2018
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#### Dear applicant:

This is to inform you that the Barrington Planning Board at its XXXXX, 2018 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, 2018, 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
- 2) Revise the following plan notes
  - a) Remove 5.3.1(11) under waivers (*staff does not believe the waiver is necessary*)
  - b) Revise note c) by adding "for the remainder of Map 269 Lot: 7
- 3) Add the following plan revisions to the plans
  - a) No portion of Nottingham is shown on the plan or other conditions under 674:53 requiring Nottingham Planning Board approval. These items are to be removed from the plan.
  - b) Revise Tax Map: 267 Lot 7-1 to Tax Map: 267 Lot: 46 in all locations in the plan set
  - c) Revise Proposed Map: 269 Lot 7-2 to Map 267: Lot 47 in all locations
- 4) Add the following plan notes:
  - a) "Required erosion control measures shall be installed prior to any disturbance of the site's surface area, and shall be maintained through the completion of all construction activities. If during construction, it becomes apparent that additional erosion control measures are required to stop any erosion on the construction site due to actual site conditions, the Owner shall be required to install necessary erosion protection at no expense to the Town"
  - b) Further future development/subdivision may require fire protection.
- 5)# 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*)  
(*A waiver granted to 8.8 granted bounds are not required and may be substituted with either rebar or drill holes*)
- 6) Any outstanding fees shall be paid to the Town
- 7) 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) Current Use subject property or a portion of it is presently in Current Use. The applicant must provide the Town of Barrington Assessing Department current use map and/or other items needed to assure requirements of RSA-79A and the New Hampshire Department of Revenue Administrations Rules are satisfied.

(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 & Land Use Administrator

cc: File

*A motion was made by J. Brann and seconded by S. Diamond to approve the 2 Lot Subdivision for Mr. James Haley based on Notice of Decision read by Town Planner. The motion carried unanimously.*

5. [263-13.1,13.2,18,&19-RC-9.6 \(Owner: Town of Barrington, John Scruton, Town Administrator and Liberty International Trucks of Barrington, LLC, Hard Rock\)](#) Request by applicant for a Section 9.6 Special Permit for Construction in a wetland buffer the wetland total impact would be 1,412 s.f. with the wetland buffer total impact for 7 locations 26,972 s.f. BY: Barry W. Gier, PE, Jones & Beach Engineers, Inc.: 85 Portsmouth Avenue, Stratham, NH 03885.

J. Jennison gave a brief description of the application for a 9.6 Special Permit for Construction in a wetland buffer.

Barry Gier from Jones & Beach Engineers, Inc. explained that he was representing applicants Town of Barrington, Hard Rock Development, Inc., and Liberty International Trucks of Barrington LLC. He explained the location of the project which was located on the west Calef Highway (aka Route 125) and Pierce Road. He explained the breakdown of the lots by owners. He explained that the site was getting prepared for a future developed industrial subdivision. He explained that there was a PSNH easement that cuts through the lot and explained that all of the work would be done on the eastside of the PSNH easement. He explained that west side of the easement, especially south side of the easement, has a lot of wetlands. He explained the total amount of disturbance was 53.7 acres out of the 152.24 acres. He explained that the applicant was requesting a section 9.6 Special Permit for work within the wetland buffers. He explained that there are 7 wetland buffers impacts totaling 26,972 s.f. (.62 acres). He explained that out of the 54 acres there was a little over half acre wetland buffer disturbance. He also explained that there was an wetlands impact of 14,012 s.f. for installation of Road A. He explained that he

did receive comments from Town staff and they are working through the revisions.

J. Brann asked does the Phase I road loop all the way out to Pierce Road.

Barry Gier explained that it did.

J. Brann asked if the road went out behind Liberty Truck.

Barry Gier explained that the road goes further to the right. He explained that Road A that was Phase 1 goes out to Route 125 south of the Liberty Truck site. He explained that it would go to the undeveloped pad on Liberty Truck site that they purchased it and would go to the edge of their property where it would loop back to Pierce Road. He explained that they are currently not requesting any changes for lot lines or subdivision at this time.

Barry Gier explained that the drawings show that the site from Liberty Truck off Route 125 to the back side lower half rises 100'. He explained that adjacent to the Liberty Truck lot and excavate back down to the PSNH easement to level the lots for future development. He explained that they would still be above Pierce Road.

S. Diamond asked if they were reducing grade.

Barry Gier explained that they were reducing grade and that each lot will need to come in before the Board with a site plan. He explained that they are preparing lots for site review approval.

J. Jennison asked about the calculation for the amount of material to be excavated.

Barry Gier explained that he has not done the calculation.

S. Diamond questioned the lot lines online toward the SATWasr land.

M. Gasses explained that there was a mistake on the tax maps. She explained that it shows two lots connected that are not supposed to be connected. She explained that lot mergers were done; there's a line there.

Barry Gier explained that there was an L shape from mergers done by the town.

S. Diamond questioned that as far as they knew there was no right of way though there for a road.

M. Gasses explained that there was a correction that needed to be done on the tax maps.

S. Diamond questioned if the soil type was mostly bedrock that you are dealing with or was mostly hard rock or sand.

Barry Gier explained that it was mostly rock they would need to be crushed and blasted.

M. Gasses explained that the Road Agent made it really clear that Pierce Road was not able to handle any truck traffic like this that would be involved with the excavation operation. She asked at what point would something be done to Pierce Road and explained that at the other end there was an old granite culvert. She explained that Pierce Road would need to be discussed.

Barry Gier explained that connection to Pierce Road was actually part of Phase 2. He explained that the

plan was not to exit from Pierce Road but to Route 125. He explained that they would need to prepare the road base for when they do further subdivision.

J. Jennison questioned are there measures to be made so that the excavation company does not use Pierce Road.

Barry Gier explained that they could add to their plan so that they do not use Pierce Road. He explained that the Police Chief requested that gates be added to each end.

J. Brann questioned that access to Pierce Road would be part of Phase 2.

S. Diamond asked about the historical problem with the secondary roads. He asked if he saw any plans on upgrading nearby intersections, especially New Plains Road.

Barry Gier explained that he would be in contact with NHDOT but he didn't see this happening because of the cost and the alignment. He explained that they looked at aligning with New Town Plains Road but in order to do that they would need to come to the center of the existing lot that was owned by Liberty Truck, which they wanted to utilize in the future.

J. Brann asked what the distance between where this outlet would be and Pierce Road.

Barry Gier explained 400 or 500 feet.

S. Diamond asked about having New Plains Road, Pierce Road and Route 125 in such a small area. For traffic on New Plains Road, almost everyone turns right because it's dangerous to turn left out of there. He questioned if you could have that many intersections that close.

M. Gasses explained that she spoke to NHDOT and they have not received an application. She stated that they would go over the application. She explained that NHDOT was the expert on this not her for what needed to be done.

Barry Gier explained that this would be a construction permit because they are not proposing any development on any of these lots. He explained that it would be for the excavation of the lots and the preparation of the road for future development.

J. Brann stated that the Police Chief made a comment about turning right onto Route 125 he was concerned about the left hand turns.

M. Gasses explained that NHDOT was going to look at this as an excavation operation that could take years. She explained that this project could take years to get done.

Barry Gier explained that the Town and Liberty truck would be swapping land in the future because of the right of way on the Liberty Truck site.

S. Diamond asked if this would then be a Class V maintained road.

Barry Gier explained that was correct.

S. Diamond asked what the reason was for the grade for the road; to avoid wetlands or topography.

Barry Gier stated that it was for both because it raises very quickly.

S. Diamond asked what the maximum grade of the road was.

Barry Gier explained that the road was 8%.

J. Brann expressed that it was a 20 to 35 foot cut that would remain after the road was cut.

Barry Gier explained that a small portion would be 8% but most of it would be 4%.

S. Diamond asked if it would be straight on northern portion [where 8% grade would be].

Barry Gier stated that yes and no and explained that they only had a small portion that was 200' which would be 8%.

S. Diamond asked how much of a curve is curving at 8% grade.

Barry Gier explained that it was an 8% grade.

S. Diamond asked if it levels out a little before getting to Route 125.

Barry Gier explained that it would level out.

S. Diamond asked about the concerns that the Conservation Commission had on development of the west side of PSNH easement.

Barry Gier explained that they do not show any development on the west side of the PSNH easement.

J. Jennison asked if they read the letter from the Conservation Commission.

Barry Gier explained that he had not seen the letter.

M. Gasses explained that most of the comments they made she took from their minutes and put into the staff comments.

J. Brann asked about the Conservation Commission concern of the north corner lot of Liberty Truck; their concern was the vernal pool, so the excavation of the area could have an effect on the vernal pool.

Barry Gier explained that vernal pool was located on the north side of the Liberty Truck lot and it was fairly small. He explained there was a 4 acres area around the vernal pool that would not be disturbed.

M. Gasses explained that it would actually be elevated.

J. Brann asked about what the impact would be.

Barry Gier explained that he was meeting with NHDES and fish and game.

S. Diamond asked about how much blasting would occur and was concerned about the residents from Ambleside Park.

Barry Gier explained that they would be blasting one day a month for maybe years and explained that they would need to supply a blasting plan. He explained that he was not an expert in blasting the experts

would supply this information.

M. Gasses explained that the Board would not need the 9.6 special permit for impacts #2 & #3 because the State was going to grant the wetland crossing permit. She explained that the Board would need to vote on the impacts for 1,4,5,6, and 7 shown on the map.

M. Gasses explained to the Board the 9.6 permit was for granting the relief for buffer impacts.

S. Diamond asked does “not otherwise permitted” in 9.6 mean that activity specifically prohibited elsewhere in the Zoning Ordinance allowed.

M. Gasses explained that this was prohibited without a special permit.

S. Diamond asked if this was near the impact of the detention pond.

Barry Gier explained that they would be putting down loam and seed to reclaim the area except where the road was until the Town decides to pave.

J. Brann asked if there were two detention ponds.

Barry Gier explained that there were three. He explained that there were two detention ponds in Phase 1, and one in Phase 2.

*A motion was made by J. Brann and seconded by J. Jennison to accept the applicant for 9.6 special permit as complete. The motion unanimously.*

S. Diamond asked about the brook east of Lee Oak and New Plains Road wanted to know if there were any changes getting the water getting to that location.

Barry Gier explained that they did complete a drainage study and they needed to apply for AOT permit with NHDES. He explained that they would be controlling the water. He explained that it would be the rate not the volume.

S. Diamond questioned the memo from the Conservation Commission concerned with the impacts to Bellamy and Oyster Rivers.

Barry Gier explained on the map shows that the water would be going to the same location on Pierce Road. He explained that the Bellamy River was about ½ mile away and they felt no impacts on the 2 marshes.

S. Diamond questioned if the Conservation Commission was correct.

Barry Gier explained that this was to scale.

J. Jennison explained that it was within Bellamy Watershed but not far from Oyster River.

Barry Gier that was correct.

J. Brann asked if anything in this project changed the distance the water had to travel.

Barry Gier explained that they do not redirect the water.

J. Jennison felt that the concern was contamination and quality of the water.

J. Jennison questioned how they could limit the excavation part of the operation.

J. Brann expressed that he felt it would not affect the water quality.

J. Jennison asked for the granting of the 9.6 permit.

M. Gasses read the following from the Zoning Ordinance:

**9.6 .....Special Permit for Construction in a Wetland Buffer**

A use not otherwise permitted in the wetlands buffer may be undertaken if the Planning Board approves an applicant's request for a Special Use Permit, provided such use is in keeping with the intent and purposes set forth in this Ordinance as permitted in the base zoning district and meets the standards listed below. (Reference – RSA 674:21 II)

**9.6(1).....**After a review of all reasonable alternatives it is determined to be infeasible to place the structure outside of the buffer zone.

**9.6(1)(a) .....**The structure must be set back as far as possible from the delineated edge of the wetland or surface water; and

**9.6(1)(b) .....**Appropriate erosion control measures must be in place prior to and during construction; and

**9.6(1)(c) .....**Any disturbance to the surrounding buffer zone must be repaired and restored upon completion of construction; and

**9.6(1)(d) .....**All available mitigation measures to address changes in water quality and quantity be implemented, along with design and construction methods to minimize adverse impacts, if required by the Planning Board.

J. Brann explained that they were all listed on the application.

Barry Gier explained that they tried to keep it as far away from the buffer as possible.

S. Diamond questioned if in order to get a usable lot from Phase 1 you need to do this.

Barry Gier explained that this was a lot of record and not owned by the Town. He explained that Liberty Truck was being nice enough to let them access through the property if they swap property with them. He explained that to the south there was a large complex wetland that was impractical to cross.

J. Jennison stated that you wouldn't cross less wetlands by going closer to Liberty Truck.

S. Diamond questioned what if the road was on the north part of the property.

Barry Gier explained that then they would split their lot.

S. Diamond asked how it would be a problem for them.

Barry Gier explained that they did not want to split the property in two.

S. Diamond asked if that would make it more valuable in the middle of it.

M. Gasses explained that they already have Conceptual plans on what they want to do.

J. Brann expressed that they already have access to Route 125.

Barry Gier explained that they already have the slope on the hill and they would probably impact more area.

M. Gasses asked the Board if they wanted to vote on each of the five impacts separately.

J. Jennison expressed that they could vote on all the impacts at once.

J. Brann expressed that there was no zero impact on any development.

S. Diamond explained that Winkley Pond which was down the street from this project was the highest most productive.

stratified aquifer overlay in Barrington.

J. Jennison opened public comment.

Peter Rhodes from 1048 Calef Highway explained his biggest concern would be coming off Pierce Road and concerns for his customers. He explained that he was also concerned about his driveway. He raised a concern about the south side and how dangerous it was. He explained that he cannot block off his driveway because he has tractor trailers dropping off merchandise and turning around. He raised the concern about once the gate was opened up, that there would be people taking shortcuts through his lot. He was worried about destroying his pavement and making it hard for his customers to get out. He stated that he knows that this was a NHDOT problem.

J. Jennison asked where his driveway was.

Peter Rhodes explained that it was Hubbington Furniture.

J. Brann explained that it was a straight shot down from Pierce Road.

Peter Rhodes stated that he was very nervous about this road opening up. He explained that he was concerned about more traffic going up and down his driveway. He was very concerned about the gravel mess that his customers would drive through.

J. Brann stated that there was a distance between the parking lot and the next business north on Route 125 that could provide an opening for a road between Pierce Road and Route 125 to preclude use of the parking lot or north outlet of Pierce Road.

D. Ayer resident of 334 Old Concord Turnpike stated that he watched the blasting for Liberty Trucks years ago and there were no issues. He explained what has happened there has already happened for the environment.

J. Brann questioned that a test case for Liberty Truck has already happened.

J. Jennison closed public comment.

J. Brann questioned the silt fencing.



M. Gasses explained that there would be review & permitting by DES and the Army Corp of Engineers.

Barry Gier explained that someone would need to go out after every storm to check the silt fencing.

J. Brann explained that mulch berm and silk fencing would be needed for wetland buffer impacts.

S. Diamond disagreed that a special permit was justifiable.

J. Brann explained that he felt that they couldn't do any better. He felt that this was a minimum impact.

S. Diamond felt that NHDOT did not have the money to make the corrections on Route 125. He explained that some point he would like to see intersections fixed.

M. Gasses explained that the Board was looking at the 9.6 impacts for 1, 4, 5, 6 & 7.

*A motion was made by J. Brann and seconded by J. Jennison to approved the 9.6 conditional use permit for buffer impact areas 1, 4,5,6 & 7. Vote 3/1*

*Yay-Massucci*

*Yay-Brann*

*Yay-Jennison*

*Nay-Diamond*

6. [263-13.1,13.2,18&19-RC-18-9.6 263-13.1,13.2,18&19-RC-18-SR \(Owners: Town of Barrington, John Scruton, Town Administrator and Liberty International Trucks of Barrington, LLC\)](#) Request by Applicant Arleigh Green, Hard Rock Development, LLC, for development of an excavation project for the sale of sand/gravel. Construction to include the construction of proposed roads shown to road base and proposed drainage features on Route 125 (Calef Highway) and Pierce Road (Map 269, Lots 13.1, 13.2, 18, & 19) in the Regional Commercial Zoning District.\* BY: Barry W. Gier, PE, Jones & Beach Engineers, Inc.: 85 Portsmouth Avenue, Stratham, NH 03885.

Barry Gier from Jones & Beach Engineers explained that he did receive the comments from the Town. He explained that they would be working on the revisions that were requested. He explained that they were hoping to get the application accepted as complete and come back with the modifications.

M. Gasses explained that she had a conversation with the Town Attorney on how to proceed. She explained that the items on the checklist were there. She explained that the applicant had not addressed the items under 155:E gravel excavation. She explained that the Board could accept the application as complete with the checklist, but with the understanding that they need to meet items under the 155:E. She explained to the Board that they could accept the application if they chose to or the Board could consider continuing to a date that Mr. Gier feels he could come back with the comments addressed.

J. Brann asked if there were other people in the audience that wanted a chance to speak.

M. Gasses expressed that there may be abutters in the audience that may have questions or concerns that could be answered at the next meeting. She explained that some communities address the 155E under separate regulations for gravel excavation but Barrington does not.

J. Brann expressed that 155:E was one issue but there were others like S. Diamond concerns.

M. Gasses explained that they are other studies that you can ask for. She explained that under the RSA that the Board could require other studies.

S. Diamond asked about #7 technical reports on the checklist that was not checked.

M. Gasses explained that the applicant supplied a drainage report.

J. Brann asked about utilities being checked no.

Barry Gier explained that Eversource does have an easement though the property.

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

J. Jennison opened public comment.

Mike Morrissey from 26 Pierce Road and also owns a piece of property behind this development. He has a concern with truck traffic and any traffic including Hubbington Furniture traffic. He raised a concern on why the clay path was not shown on the plan. He asked about the amount of material removed from Phase 1 and also a trail to his property outback and the materials that would come out in Phase 1. He explained that when the 100 year rains almost flooded just below the trucking company on Route 125. He explained that there was a culvert there and he explained that there was no way it could handle a rain storm amount of 10 to 12 inches.

M. Gasses asked if this was a Route 125 culvert.

Mike Morrissey stated that it was a Route 125 culvert and he felt that NHDOT would address this matter.

J. Jennison asked if he had a deeded access to the clay path.

Mike Morrissey stated that he didn't feel that he had deeded access to the clay path.

J. Jennison asked if he had access any other way.

Mike Morrissey stated that he did not have access any other way.

M. Gasses asked Mike Morrissey if he wanted to talk to the Town Administrator John Scruton about deeded access and she suggested to talk to him sooner rather than later.

Mike Morrissey agreed that he needed to talk to the Town Administrator. He asked what the time frame would be for this project.

J. Jennison explained that he heard a 10 year plan.

Mike Morrissey asked if this was for Phases 1, 2 and 3.

J. Brann expressed the time frame was also a concern of the Board.

Mike Morrissey expressed that after a rain storm he has seen the rain go down different directions and down the path. He explained that there was a lot of hilly terrain and water flow when we get a heavy spring rain.

S. Diamond stated that this was not a grandfathered situation so they would need to supply the amount of materials involved.

M. Gasses explained that there were staff comments for 155:E that the applicant would need to supply.

J. Jennison explained that this was a gravel pit business. He explained that if business was good, more fill would come out and if business was not good, less would come out. He explained that this business had to come in and run it like a gravel operation based on future demand.

Mike Morrissey explained to the Board that a house on Pierce Road still uses a natural stream for their water. He explained that everyone on the road likes it the way it is now as far as being quiet. He explained that the clay path goes down by Dyers property and the cemetery to Route 125.

S. Diamond asked if the clay path was interfaced with the trail system with SATWaSR.

Mike Morrissey stated that they use the powerlines as the path now.

J. Jennison stated that the Board would be interested in the volume of material analysis.

Daniel Ayer Select Board member stated that he ran on the people's voice. He explained that there was a lot of concerns on Pierce Road and New Plains Road. He explained that for Phase 3 as a Select Board member he was going to push for reworking the intersection. He explained that he was going to push this as a Select Board member and a resident based on the safety hazards in that area.

J. Brann expressed that the Board would have to see what NHDOT came back with.

Dan Ayer explained that NHDOT has 5-10 year studies all down Route 125 to be addressed but he stated that it takes time and money.

M. Gasses explained the NHDOT would look at this project.

J. Brann explained part of the 155E requirements states that excavation practices which result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited. He explained that the well issue would need to be addressed.

Brian Lenzi from 155 Young Road explained that he did an AOT for a gravel pit 5 years ago and explained that a lot of what the Board was discussing was in the AOT permit requirements that the State has. He explained that he didn't know if DES would just want an AOT permit or more involved. He asked if they had a rough idea about how much material was there. He explained that the new Town lawyer would be getting real business with everything that needed to be done. He expressed his concern if Hard Rock Development has done a project like this before and was there a chance that once they get into to project that they don't know what they are doing. He expressed that what if they mess up the 4-5 acres then leave the project because they don't know what to do. He explained that there a lot of legal standards

and what they are going to post for a bond.

J. Brann explained that bonding was part of 155E.

M. Gasses explained that a permit would be issued for a certain period of time and the applicant would need to come back to the Board with updates.

J. Jennison closed public comment.

S. Diamond questioned the effects on the vernal pool.

Barry Gier explained that he would look into this and get back to the Board. He explained that they are impacting the water shed. What effect that would have on the vernal pool was not going to be a good impact.

J. Brann asked if they would be destroying something or change something.

J. Jennison asked if there was a method for accessing 100 year flood study.

Barry Gier explained that he supplied a drainage report that shows that they maintain post-development peak flow to the pre-development peak flow conditions to the extent practicable. He explained that if there was an issue with structures for stormwater then it would be an issue for current conditions. He explained that you only design for specified events no matter what it was for certain storms because Mother Nature would throw things at you that you can't design for.

J. Brann stated that they did the 2, 10, 25 & 50 year study.

Barry Gier explained that this was what was required for AOT but they could add the 100year study.

M. Gasses explained that she has the full report.

S. Diamond asked how many inches of rain for the 100 year flood.

Barry Gier explained that 8.3 inches of rain in a 24 hour period.

J. Brann expressed that he would like to see the Phase 3 traffic issue addressed.

Barry expressed to the Board that this was a construction project for the development before the Town's project. He explained that if they are told to stop 50' on Pierce Road, they would stop short at 50'.

J. Brann explained that he also would like addressed a cross road from Route 125 to Pierce Road.

J. Jennison stated that some of these decisions come from the Select Board.

Barry Gier explained that he was hired by Hard Rock Development.

M. Gasses explained that the Road Agent raised a concern that Pierce Road was his number one concern. She asked if they could do a straight shot down to Route 125. She explained that the Board

needs to go over the 3 phases and changes may need to be done along the way.

J. Brann expressed the impact on Pierce Road for the later phases for Hubbington Furniture and Liberty Truck are effected.

S. Diamond expressed the traffic and rural character.

M. Gassses explained to the Board that they are in the Regional Commercial Zoning District. She explained that there has to be a visible buffer from the road.

J. Brann expressed that they need to go over the staff comments.

M. Gassses explained that the State was going to require State permits and they may require no left turn.

J. Jennison asked if the Board could require them to go in one direction.

M. Gassses explained that they required Green Hill Road to go in one direction.

Barry Gier stated that they have comments to address and when they come back they would have some answers.

J. Brann stated these are things that need to be addressed so they can approve the application.

*A motion was made by S. Diamond and seconded J. Brann to continue the Site Review to July 10, 2018. The motion carried unanimously.*

#### **COMMUNICATIONS RECEIVED**

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

#### **UNFINISHED BUSINESS**

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

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

The next meeting will be on June 19, 2018 at 6:30p.m. at the ECLC 77 Ramsdell Lane.

Without objection the meeting was adjourned at 9:05 p.m.