



## 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: 632318887#

Call 603-664-0182 or email: [birvine@barrington.nh.gov](mailto:birvine@barrington.nh.gov)

(Approved October 6, 2020)

Tuesday September 1, 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.**

### Roll Call Vote

James Jennison-Yay  
Jeff Brann-Yay  
Steve Diamond-Yay  
Donna Massucci-Yay  
Andy Knapp-Yay  
Ron Allard-Yay

### Members 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 August 18, 2020 meeting minutes.

*A motion was made by J. Brann and seconded by R. Allard to approve the minutes of August 18, 2020 as amended on lines 223 to 227. Vote 6/0*

### Roll Call

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

## GUEST

2. Clifford Zetterstrom from 120 Marsh Road ([Map 247, Lot 27](#)) would like to talk to the Board about a subdivision on a Class VI road.

Clifford Zetterstrom and Bonnie McDermott from 120 Marsh Road had a discussion with the Board about subdividing the lot into a 3-acre lot and a 2-acre lot. Clifford explained to the Board that a lot has changed since they bought 22 years ago. Clifford explained to the Board that the house was not suitable for them to live in at their age with the stairs and setup. Clifford explained that they would subdivide the house from the barn and live in the barn, selling the house and explained that they have spoken with the Road Agent, Police Chief and Fire Chief on what they would like to do. They agreed to a sprinkler system and more turnouts in the road as was suggested by the Fire Chief. Cliff explained that the road runs along a marsh and in some places, there was marsh on both sides of the road. Cliff explained that you would not be able to get 20' of width in some places and it would be cost prohibitive to widen the road. Cliff expressed to the Board that they are there to see if it's possible to do a subdivision.

J. Brann asked if there was an application.

Cliff explained that they are there for a discussion with the Board and get their thoughts on what they wanted to do and find out if they would proceed further.

J. Jennison asked M. Gasses her thoughts on this where the road was the biggest problem.

M. Gasses explained that the Road Agent and Fire Chief looked at this from a fire standpoint, not a subdivision standpoint, and thought this was for a building permit. M. Gasses explained that the department heads thought that this was just for a building permit on a Class VI road. The Police Chief was concerned with subdividing and creating an additional lot. M. Gasses explained that she felt that this was one of the poorest roads in Town and has seen this covered with water over the years. M. Gasses explained that she has concerns creating another lot on a substandard road and felt that there was no support from staff for an actual subdivision.

J. Jennison expressed that he felt the same way, and this was not the norm; to increase the use might be to do an accessory dwelling unit. Then the owners could rent out the main house and have an accessory dwelling unit. J. Jennison explained that they don't allow substandard subdivision if you can't bring the road to standards.

J. Brann explained that this was the first time that the Fire Chief and others indicated that this was substandard. J. Brann explained that the road doesn't meet the requirements of the subdivision and was impossible to bring to standards. This would require the Board to waive requirements with respect to the road. J. Brann expressed that he was not favorable to a subdivision on this road.

S. Diamond asked if anyone had the information.

J. Brann stated that he had the information and expressed that the Road Agent stated that it was physically impossible to bring the road to standards with wetlands and other issues.

J. Huckins explained that the private road standards are the 16' width 2' shoulders; this was the minimum standards not the regular subdivision standards.

J. Jennison expressed that he lived closed to it and there was a part [of the road] that was at water level and any amount of rain does put it under water based his experience and it would take a lot to fix it.

M. Gasses explained that this was one of the last lots at the end.

Cliff explained that there are six residents on the road that maintain the road and was passible for them. Cliff explained that what they are doing was adding a house that was already there and adding a septic with well to where the barn was.

J. Jennison explained that there are a lot of people out there and they start complaining about access then fire trucks can't past each other on a rainy or icy day being a Class VI road. Adding another lot and questions on future owners if they can't get through the road.

R. Allard asked what the front setback is where the barn was; it looks close to the road.

Cliff stated that the barn was about 45' from the road.

J. Jennison explained that he didn't even know if this property had enough contiguous uplands and if the property could meet the Town standards to get two lots out of it.

Cliff explained that he understood, they have taken measurements, adjusted for septic and explained that it would be three acres and two acres. The house was built in 1866 and there are two rock walls; one is the boundary to the neighbor and the other one separates the house from the barn. They felt the rock wall could mean that it was separate from the house and barn.

M. Gasses explained to the Board that they are proposing a subdivision and that there was an error on the tax map which stated that it was a Class 5 road which it was not and would be corrected. M. Gasses explained to the Board that if this was to get approved and subdivided, this would not go back to the Select Board so if this was approved Building Department would issue a building permit.

Cliff expressed before an obtaining building permit he would need to subdivide.

J. Jennison expressed that he didn't know how the Board could support a subdivision for this property on this road and explained that he could not support it which was all about the road.

S. Diamond asked if they have looked into the ADU (Accessory Dwelling Unit) that J. Jennison mentioned.

Cliff stated that they have not because this was what they wanted first.

S. Diamond explained that the ADU was granted by State law and there was a square footage for the new unit. S. Diamond explained that it would be two households on one lot with some constraints.

Cliff explained that this would be hard to sell one if on one lot.

J. Huckins explained that ADU's are one lot and you can't sell one without the other even if it was two separate buildings.

Cliff explained that was why they wanted to subdivide and have two different lots.

S. Diamond suggested renting one out.

Cliff explained that they bought the property as a retirement home but would not meet their needs.

J. Jennison explained that they could continue renting the house and live in the ADU.

Cliff expressed how can they live in both buildings on one lot but not subdivide.

J. Huckins explained only if the Select Board approves the building permit for the ADU and approval to be recorded at the Registry of Deeds.

J. Jennison explained that ADU's are governed at a State level because they saw a need for Accessory Dwelling Units and Towns must allow them.

Cliff thanked the Board for their time.

### **ACTION ITEM FOR A REQUEST FOR AN EXTENSION**

3. [251-64-GR/SDAO-17-SRExt \(Steven & Pamela Lenzi Trs Rev Tr\)](#) Request by applicant for a second one-year extension to allow the applicant to construct the previously approved facility; deadline set forth in the site plan approval on the case below:

[251-64-GR/SDAO-17-SR/Waiver \(Owners: Steven F. and Pamela M. Lenzi Revocable Trust\)](#) Request by applicant for Site Review to construct a 150' monopole tower that will structurally accommodate at least 4 wireless broadband telecommunications carriers and associated antennas, electronic equipment and cabling; and fence in the base of the tower to accommodate ground based telecommunications equipment on Bumford Road and a waiver from 3.3. (3) existing topography. (Map 251, Lot 64) in the General Residential (GR) and Stratified Drift Aquifer Overlay Zoning District. By: Varsity Wireless Investors, LLC; 290 Congress Street, 7<sup>th</sup> Floor; Boston, Ma 02210.

J. Jennison gave a brief description of the application.

Daniel Klasnick from Duval & Klasnick, LLC represented applicant EIP Communications 1, LLC. Daniel explained to the Board that he was looking for a one-year extension. Daniel gave an overview of the approved documents that he gave to the Board along with the Notice of Decision dated June 7, 2017. Daniel explained that they are looking for the extension to allow the installation on Bumford Road. Daniel gave the outline of the program from the start to date and explained that they are looking for an extension until October 17, 2021. Daniel explained that there were no changes to the facility, and they were asking for a waiver for an additional 1-year extension. Daniel explained that if they did not get the extension this would be a hardship to EIP Communications. Daniel explained that EIP Communications had no control of telecom consolidation and they believe that they could finish the installation with the extension.

*A motion was made by J. Brann and seconded by A. Knapp to accept the application as complete. Vote 6/0*

Roll Call:

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

J. Brann asked about waiving a requirement.

J. Jennison agreed with J. Brann.

J. Brann asked M. Gasses her opinion on the waiver.

M. Gasses explained to the Board that they are asking for an extension so the Board could handle how they want.

J. Brann expressed that the Board could do this themselves, but shouldn't they have a waiver to waive the requirement so they can grant the extension.

M. Gasses explained that they could do it that way.

J. Jennison explained to the Board that they have received letters from neighbors and abutters that are part of the record below:

**LETTERS FROM ABUTTERS OR NEIGHBORS TO BE ADDED FOR THE RECORD**

**LETTER #1**

Dear Barbara,

I am also sending you another supporting email below with an additional link to be added to my original email "My Comments Re:Public Hearing for Site Plan Extension this Evening".

THANK YOU AGAIN!

MARIKA WILDE  
116 Province Road  
Barrington, NH 03825

-----Original Message-----

**From:** [Helene T](#)

**Date:** 08/31/20 10:20:03

**Subject:** Fwd: senators charge fcc with mismanaging telehealth funding programs

I am sending this email because I have been doing a ton of research and am very concerned about what I have found. This is a very short video that puts it straight and simple.

We are not being told the truth about this newer technology. It does NOT work the same way that 3G or 4G works. It is so bad that they are looking at ways to "scrub," yes, scrub

The EMF's that are going to be emitted from the newer emitters on the cell towers. But, keep this in mind.... 5G does not travel very far, so they will have to place many more

receivers on poles or other smaller towers closer to homes and businesses to make sure that the signal is not only enhanced, but transmitted direct to you and your businesses, to schools, restaurants, etc. But herein lies the problem. These EMF's penetrate the human body and start doing harm immediately, slowly or rapidly, depending on your bodies composition, dna, etc.

Don't believe it? Stand behind a wall and see if your phone works! These EMF waves are everywhere and the issue is not now, but later when the damage starts to take effect. If. You have children they could have many health issues, including infertility, cancer, brain damage, or a variety of these and more. The effects are always based on exposure. This is very much like radiation exposure.

There are a lot of people out there trying to get this message out to stop the FCC from letting this technology goes "hog wild," unfettered and without accountability. There are many in the FCC, Senate,

Congress, both Federal and Local that are on board with slowing this down. But it is going to take MANY more people to stop the FCC from legitimizing this industry. The Telecommunications Industry just released information that they plan on building over 800,000 towers across our nation with many more supplemental "mini" towers to complete the dissemination of the signals.

This is going to be another industry very similar to the tobacco industry, the asbestos industry, Pacific Gas and Electric (Erin Brokovich) and the pharmaceutical industry (thalidomide) that released products that they KNEW were dangerous or worse to the people, but didn't care because they had put so much money into R&D that they only cared about making their profits and not the health of the people that their products were going to ruin.

I am NOT against businesses or the Free Market, but I am against allowing dangerous technology or other products being sold to unknowing people for the sake of profit. Nothing should ever get approval to the market that knowingly causes harm to anyone. Our laws and system is supposed to work to filter those out, but clearly some businesses are working around those systems for their own benefit.

Please watch the video and contact your Senator and Congressman/woman to let them know that you have concerns. We are making progress in NH, but there is still work to be done across the country and it may shock you to know

that there are still millions of folks that have no idea that this is happening.

Thank you

## **LETTER #2**

Dear Barbara,

I am writing you in the capacity of a direct "abutting landowner" regarding the Public Hearing this evening for the Site Plan extension for the proposed communications tower on the land owned by Steven F. And Pamela M. Lenzi.

Both I, and my brother, Philip M. Johnson, together hold a Wetlands Conservation Easement, Tax Map / Lot # 251 / 50, which directly abuts the gravel pit and the land owned by the the above Lenzi property owners upon which the tower is proposed to be built.

I have great concern regarding the building of the proposed tower adjacent to my property due in particular to the known threats from radiation from any 5G instrumentation to exist on any such tower. This radiation has been known to have extremely serious health effects on any human or wildlife existing within at least a mile radius from such a tower. Please see below the links leading to such proof and comments by many Medical Doctors and Professional persons regarding these claims:

Here are the links:

<https://jsis.washington.edu/news/what-will-5g-mean-for-the-environment/?fbclid=IwAR1Kjt8751YmhFReDbGBEIDyaDcuRh4AH4fQ33Q3yBAkrHi4ILGpyxBx8C0>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7139347/?fbclid=IwAR2QMRtkl1-UbfUfhtJuYbHDvvhCBD-JJ9Iwb-KrIpeOGUFk5s5fR7lZh8>

Thank You very much.

Sincerely Yours,

MARCIA J. WILDE

116 Province Road

Barrington, NH 03825

603-664-7709

**LETTER #3**

Scott and Helene Traill  
197 Province Road  
Barrington, NH 03825  
September 26, 2019 (original)  
September 1, 2020 (current)

Land Use Department  
Barrington Town Hall  
P.O. Box 660  
333 Calef Highway  
Barrington, NH 03825  
(603) 664-5798 ~ [landuse@metrocast.net](mailto:landuse@metrocast.net)

Dear Land Use Department,

We would like to thank you for the opportunity to once again express our deep concerns regarding Varsity Wireless Investors plans to erect a 150 foot Wireless Communication Tower in our neighborhood. This past spring, we, and many of our concerned neighbors, attended an extension meeting to express our concerns. We were told that we have no recourse because the cell phone tower installation was already approved and to address our concerns with the state regarding such laws. This was deeply disappointing considering that a cell tower is being put very close to our homes in our neighborhood, in our town where our town should be concerned about its residents; not the state. We were told that only the abutters received notices regarding the tower which makes no sense considering the fact that the cell tower emissions are NOT contained solely to the abutters, but for at least a one mile radius of the tower, with the “hot zone” being 1/2 mile from the towers. Our home is in this “hot zone.” We and our neighbors within this zone were never informed of the tower being erected. This information is now well known, yet you left the very people that will be affected the most out of the decision process. This needs to be addressed immediately in our town ordinances and no radiation-producing towers should be erected until the entire population that is within a tower’s emissions area are notified of any installations.

We again have 3 significant areas of concern that we would like to address which are as follows:

**#1. Health concerns:**

- a) Distance: The tower would be located less than 1/2 mile from our home and even closer to many other residential homes. It would be located within 3/4 of a mile of the Elementary School, the Middle School, a movie theater and many other businesses.
- b) The tower plans do not list the projected number of antennas, but could potentially house 20 or more, nor does it mention whether it would be upgraded to transmit 5G, which poses a much greater concern now being addressed many many in the medical and scientific communities.
- c) Here is a generalized list of actual reported health issues that have taken place in the vicinity of these types of wireless towers: Alzheimer’s disease, anxiety, cancer, depression, endocrine disorders, heart disease, leukemia, 2 miscarriage, concentration difficulties, fatigue, chronic headaches, immune system damage, nerve damage, sleep disturbances, skin complaints and tinnitus, to list a few.

Scientific and medical research shows that these health issues are directly related to long-term exposure. While there is evidence that health issues certainly do occur outside of the “danger zone” surrounding wireless towers, occurrences increase with proximity to an RF emitting tower. Driving by a tower or a short visit to someone who lives close to a tower is considered low risk. Residing in a home or being employed within a 1/2 mile or less of a tower is now considered high risk. Exposure over time is cumulative ; 24 hours a day, 365 days a year, year after year increases risk. More and more scientists state that “the view of energy absorption only” is insufficient to describe the possible RF radiation effects on human health.

Also, would this proposed tower be in place long-term? Technology advancements are happening at break-neck speeds with no signs of slowing down, while safety guidelines through legislation are not keeping pace with the advancements in

technology nor their health risks. In many cases, the safety guidelines are more than 20 years behind since the Wireless Communication Act was passed in 1999. Look where we are today!

Even more concerning is 5G technology slated to roll out next year. On 9/15/18, Mili Valley, California and many other towns announced they have banned 5G cell towers due to claims of the towers causing cancer. 5G uses a different type of signal, called mmWaves; a much wider frequency spectrum broken down into extremely small particles that allows for the transfer of much more information. It has been scientifically proven to penetrate the skin easily and enter our bodies with the potential to cause serious health problems. It is noteworthy that 5G was developed in Israel, yet they refuse to use the technology in their own Country. On September 13, 2017, 180+ scientists signed an Appeal Letter to the European Union warning of potential serious health effects from 5G and requested deferring widespread use of 5G until the technology can be demonstrated to be safe.

### #2. Property Value:

It is becoming more widely known that homes and properties in proximity to wireless cell towers are less desirable, causing devaluation of properties compared to the property's value pre-tower. This is not only known among Real Estate professionals, but throughout the buying community as well. Although there have been many studies and survey's conducted, we would like to present some results from a survey conducted by the National Institute for Science, Law and Public Policy in Washington, D.C. The survey is titled "Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?" And here are a few of their findings: 94% said that a nearby cell tower or group of antennas would negatively impact interest in a property or the price they would be willing to pay for it. 89% said they were concerned about the increasing number of cell towers and antennas in their residential neighborhood.

Another group, the Appraisal Institute, is the largest global professional organization for appraisers with 91 chapters. Their study indicates that home buyers would pay from 10%–20% less for a property if it were in close proximity to a cell phone base station. The 'opinion' survey results were then confirmed by a market sales analysis. The results of the sales analysis showed prices of properties were reduced by around 21% after a cell phone base station was built in the neighborhood. This is of great concern, not only for our family, but for the entire neighborhood that we live in as well. To discover that our properties would instantly be worth much less if this tower were to be placed in the proposed location would be detrimental to us and our neighborhood to say the least.

#3. Zoning Board: This past spring we, and a neighbor, received a letter inviting us to a meeting for a wireless tower extension for installation. We investigated and discovered that two years ago when the tower was proposed, none of us received any information about the potential tower being erected. We found this very curious.

The Town of Barrington Zoning Ordinance, Article 10 - Wireless Communication Facilities Overlay (WCO) reads verbatim:

10.2 (1)....The use poses no UNREASONABLE risk of harm to the health, safety or welfare of abutter or the PUBLIC; and 10.2 (2).....The use will NOT diminish the value of neighborhood properties; and

10.2 (3).....By its nature and design or by the use of visual buffers (vegetative or topographical), the use will not substantially alter the CHARACTER of the area where APPLICABLE, or it's UTILITY for RESIDENTIAL USES, and \*What is an UNREASONABLE risk of harm to the health, safety or welfare of the abutter or the public in the zoning boards eyes?

\*There IS evidence of devaluation according to many studies as well.

The zoning board is our ONLY defense to protect our neighborhood from "unreasonable" risks to our health and devaluation to our property. Worthy of noting:

a) There is already one Cell Tower with 27 antennas on it 1.5 miles south of Golick's on Rt. 125, and another tower 2 miles north (near the Town Hall). If erected, there will be 3 towers within 3.5 miles with dozens of antennas between all 3 towers! This does not seem REASONABLE or NECESSARY for our area.

b) This tower will be located on a residentially zoned property in a residential neighborhood within reach of two schools, many businesses and public gathering places. Considering the potential health risks and significant property devaluation, this IS unreasonable. All,

Within our town's zoning regulations, it is written, that the zoning board is responsible to apply the SPIRIT of the law. This means making sure that our HEALTH and PROPERTY is PROTECTED against potential HARM and devaluation as stated in the Zoning Ordinance. Some of the decisions made so far seem to fall outside the guidelines of what would be considered reasonable and customary, while laws have traditionally considered abutters, there needs to be consideration for technology-based laws that deal with emissions that are not static, such as RF transmissions which travel uninhibited. There are NO boundaries with transmission and therefore the ordinances should take this, and applicable risk-zones that

encompass these towers, into account, using forethought regarding future technologies to ensure that all affected parties and their concerns are taken into consideration.

CC: Connor MacIver, Town Administrator

#### **LETTER #4**

**From:** [madarrows@comcast.net](mailto:madarrows@comcast.net) <[madarrows@comcast.net](mailto:madarrows@comcast.net)>

**Sent:** Wednesday, August 19, 2020 1:10 PM

**To:** Barbara Irvine <[birvine@barrington.nh.gov](mailto:birvine@barrington.nh.gov)>

**Subject:** Lenzi application

I am writing this in response to a registered letter I received today regarding Steve Lenzi's request for a one year extension regarding the construction of a cell tower on lot 64. My wife and I look forward to a cell tower in that location and have no reason to see Mr. Lenzi's request denied. Please vote in the affirmative on his request.

William and Laura Carlsen

M. Gasses explained that she would read from an RSA rule of what a municipality can do with respect to cell towers.

S. Diamond expressed that the Board could waive one extension but then can ask for a waiver to grant another extension.

J. Jennison explained that there are rules that they can waive.

J. Brann expressed that he felt they [Board] needed to process a waiver before they grant the extension.

J. Jennison explained that the one-year rule was the Boards; that's why they could grant the waiver.

M. Gasses explained to the Board that if there were any changes in State Law or the Town Regulations that it would make it impossible for the Board to grant the waiver. M. Gasses explained to the Board that there have been no changes in the Town Regulations or the State law.

J. Jennison expressed a concern on granting the waiver and what's going to happen in the following year to come and if rules change, they would need to come back for the full application.

J. Brann explained that if the rules change between now and next year, they could come back.

M. Gasses explained that the extension would be good for the year and if something changed within the year, they are good, but after that year they would need to come back for the whole process. M. Gasses referenced RSA 12-K:11 Limitations on Applications from NH Planning and Land Use Regulations 2019-2020 Edition (Page 24).

J. Jennison read from RSA 12-K:3 (Page 21) Wireless Carriers Doing Business in this State. J. Jennison explained to the Board that there are State limitations on what the Board can do and if the Zoning allows towers then the Board has to allow them if they meet the requirements.

J. Brann explained that they are complying with the Town Regulations.

J. Jennison opened public comment.

Helena Traill from 197 Province Road explained that they went through this last year and went to another meeting seeing why they were not included in the abutters list for this tower being built and felt that the neighborhood should have been included. Helena explained that they are in contact with Senator Waters and other communities trying to work with the telecommunication companies regarding the 5G precautions. Helena asked why the Board would extend the application for another year.

J. Jennison explained that there has been no change in State Law or Town Regulations and to deny it would have them come back with the same application that was approved.

Helena asked about another meeting next year asking for another extension if they don't build the tower.

J. Jennison expressed that he doesn't know the future and if they don't start next year, whether they come for another extension or not, and explained that the Board is currently dealing with a one-year extension.

Helena asked if they don't build the tower, they would need to ask for another extension and that the tower may need to be moved by 40 yards because of the wetlands issue.

J. Huckins explained that there was no basis for that statement in regulations for the Town.

Helena explained that she just wanted to clarify because they are being told by an abutter that the tower may need to move.

J. Jennison explained that he was reading from one of the letters received that the 5G may affect wildlife and wetlands and he lives close to the property and abutter. J. Jennison explained this would not violate any of the Town regulations.

Helena asked if there was any direction on where the direction of the tower was.

J. Jennison explained that he had not heard that.

M. Gasses expressed that there was a signed plan and that was where the tower needed to be built and if moved, they would need to amend their application.

J. Huckins explained they would need to allow it if the rules have not changed.

Helena expressed that she believed that it would open a door for the 21 neighbors that would want to voice their opinion about this being built.

J. Jennison explained to Helena that currently the 21 people could express their feelings but explained that the problem they run into was with State Law and that the Board has to allow this is mandated by the State if no changes in the regulations or State Laws.

Helena expressed that she understood that the Board must go by the guidelines of the law. Helena asked what it would take for the Board to reconsider approving a cell tower being put up in a very sticky area with two schools less than a mile away along with businesses.

S. Diamond explained that the cell tower was already approved, and the Board took into consideration the wetlands and the people at that time. S. Diamond explained that he believed that what was in front of the Board was to waive what was before them.

Helena expressed that they can't stop this from happening today.

S. Diamond explained that what the Board needs to be focused on was the rules in front of the Board now under Site Review 2.5.12 one-year extension. S. Diamond explained that what was before the Board was should the rule be waived.

Helena expressed that this has already been extension one-year.

M. Gasses explained that there have not been any changes in the regulations to trigger a whole new review of the application and with no changes in the regulations why would this need rereviewed.

Helena explained that the Board does not have to approve this extension and supports the opinion of rejecting this extension. Helena expressed that by law they were able to get a year extension and that you could deny this extension.

S. Diamond explained that they are following the Site Review Regulations.

Helena explained that she was hoping they would decline the extension.

J. Huckins explained that if this was declined, they would redo the same application with the same State and Town Regulations, and the result would be the same.

Helena explained that they are trying to keep their selves safe and they know the 5G technology.

J. Huckins explained that the State does not allow the Planning Board to address 5G technology.

Helena explained for them to put in an application again, it would allow the people in the neighborhood and the surrounding community to come in and express their opinions.

J. Jennison explained that he knows where Helena was coming from and he would take input from 100 residents, and if they spoke for hours, the application was still approved. J. Jennison explained that this was approvable by State and Town Regulations. J. Jennison explained that they don't have a basis to deny because this was an approvable project.

Helena stated doesn't matter how many people showed up, this would still be approved.

J. Brann explained that the hazard of technology was not a ground that the Planning Board considered for disapproval. J. Brann explained that the Planning Board was prohibited under Federal and State Law from basing whether to approve or disapprove such applications on the safety of the technology.

J. Huckins explained that the Planning Board cannot go against State authority. J. Huckins explained that New Hampshire was not a home rule State.

J. Jennison closed public comment.

S. Diamond expressed that on the technology issue that three years has passed, and the Board was not aware of any changes. S. Diamond stated that he did not agree with the interruption that we are required to pass this invalidation of the Site Review Regulations.

J. Brann stated that the Board was not required to pass it.

J. Jennison stated that he also agreed with S. Diamond. J. Jennison asked what would happen if the Board did not pass this and require resubmission.

J. Brann stated that none of the regulations have changed and if there were changes at the Federal level to make changes in the project, they would need to come back.

R. Allard stated with the consolidation and COVID that was a valid for him.

A. Knapp expressed that was the Board creating an unnecessary hardship by denying the extension and have them come back before the Board.

S. Diamond stated that the Board has changed since the project was approved.

J. Brann agreed with the S. Diamond that the Board has changed.

S. Diamond asked that the attorney mentioned COVID but didn't really say what the holdup was. S. Diamond asked about reassurances that things would be different in a year and he would like some type of reason on the hold up.

Daniel explained that COVID was not the reason and explained that the consolidation that happened in the industry was the reason. Daniel explained that his client has been working for their customer the wireless service provider.

J. Brann asked if COVID slowed the communications.

Daniel explained that the priority shifted and explained that he could not say that it was COVID related. They are continuing to anticipate with the one-year extension they would be able to resolve the issues.

S. Diamond stated that they said not COVID related and it sounded to him like the company has a crisis and they wanted special treatment.

J. Jennison expressed that what he heard was that Sprint had a merger and they are trying to figure out if this tower was worth building.

S. Diamond asked about the comments that M. Gasses read that to consider health effects if another tower was needed.

J. Jennison explained that the State said that the Board must approve communications antennas.

R. Allard expressed if they need another cell tower there must be a reason for it, and that they are close to stuff because you get better service when they are close.

J. Brann explained that the applicant has given a reason why and they are going to build the tower. They are waiting on the customer to go ahead and approve the project.

*A motion was made by J. Jennison and seconded by A. Knapp to grant the waiver of 2.5.12 from Site Review Regulations and the extension until October 17, 2021 as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. Vote 5/1*

Roll Call:

R. Allard-Yay

A. Knapp-Yay

D. Massucci-Yay

S. Diamond-Nay

J. Brann-Yay

J. Jennison-Yay

## **ACTION ITEMS**

- 227-20-GR-20-SR (Owners: Franklin Resources Group-Nippo Lake Golf Course)** Request by applicant to amend their Site Review for a first-floor pro shop addition and second story deck addition with waivers (Map 227, Lot 20) on a 66.17-acre site located at 88 Stagecoach Road in the General Residential (GR) Zoning District. BY: Chris Hickey, Eric C. Mitchell & Associates, Inc.; PO Box 10298; Bedford, NH 03110.

J. Jennison gave a brief description of the application.

Chris Hickey from Eric C. Mitchell & Associates, Inc. represent applicant Franklin Resource Group to amend their previously approved site plan in 2010. Chris explained that they are before the Board to propose an 6 foot addition to the first floor pro shop on the golf course side and to also extent the second story deck out where the dog house use to be to make a 56 foot deck and explained that the ground was all pavement.

*A motion was made by J. Brann and seconded by R. Allard to accept the application as complete. Vote 6/0*

Roll Call:

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

J. Jennison opened public comment.

J. Jennison closed public comment.

#### **Requested Waivers:**

**3.3(1) Boundaries:** To not require showing the full boundary of the lot. The lot is 66 acres and the boundary has been previously surveyed. The Boundaries are shown within the area of the proposed addition.

*A motion was made by J. Jennison and seconded by J. Brann to grant the waiver for 3.3.(1) Boundaries as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. Vote 6/0*

Roll Call:

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

**3.3(9) Contiguous upland:** To not require the contiguous upland area as this lot is 66 acres and they are requesting waivers for wetland mapping therefore the upland area cannot be determined.

*A motion was made by J. Jennison and seconded by J. Brann to grant the waiver for 3.3 (9) Contiguous upland as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. Vote 6/0*

Roll Call:

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

**3.3(13) Limits of wetlands:** To not require wetland mapping as the lot is 66 acres and the proposed addition does not impact any wetlands.

*A motion was made by J. Jennison and seconded by J. Brann to grant the waiver for 3.3 (13) Limits of wetlands as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. Vote 6/0*

Roll Call:

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

**3.3(13) Wetland delineation criteria:** To not require wetland delineation criteria since we are requesting a waiver to wetland mapping.

*A motion was made by J. Brann and seconded by A. Knapp to grant the waiver for 3.3 (13) Wetland delineation criteria as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. Vote 6/0*

Roll Call:

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

**3.3(13) Wetland scientist certification:** To not require wetland scientist certification since we are requesting a waiver to wetland mapping.

*A motion was made by J. Brann and seconded by D. Massucci to grant the waiver for 3.3 (13) Wetland scientist certification as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. Vote 6/0*

Roll Call:

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

**3.3(3) Two foot topography for the entire parcel:** To not require showing the full two foot contour intervals over the entire site. We have shown two foot contour intervals over the entire site. We have shown the topography within the area of the proposed addition.

*A motion was made by J. Brann and seconded by D. Massucci to grant the waiver for 3.3 (3) Two foot topography for the entire parcel as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. Vote 6/0*

Roll Call:

R. Allard-Yay  
A. Knapp-Yay  
D. Massucci-Yay

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

S. Diamond asked if there was any grandfathering of any kind.

J. Huckins explained that they go by the same rules before this application.

J. Jennison read Planner comments:

Does the existing lighting appropriately cover the additional deck area?

Chris explained that there were exterior lights out there any additional lighting they would do to meet code.

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](mailto: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> 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> 227-20-GR-20-SR Request by applicant to amend their Site Review for a first-floor pro shop addition and second story deck addition with waivers (Map 227, Lot 20) on a 66.17 – acres site located at 88 Stagecoach Road in the General Residential (GR) Zoning District. By: Chris Hickey, Eric C. Mitchell & Associates, PO Box 10298; Bedford, NH 03110			

Owner: Nippo Lake Golf Course 88 Stagecoach Road Barrington, NH 03825  Applicant: Chris Hickey Erick Mitchell & Associates Inc. 38 South River Road	Dated: xxxxxx,
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**Dear Applicant:**

This is to inform you that the Barrington Planning Board at its September 1, 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 March 1, 2021, 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 waivers to plan notes:

- a) 3.3 (1) Boundaries
- b) 3.3.(9) Contiguous upland
- c) 3.3 (13) Limits of wetlands
- d) 3.3.(13) Wetland delineation criteria
- e) 3.3 (13) Wetland scientist certification
- f) 3.3. (3) Two-foot topography for the entire parcel

2) Revise the following plan notes

- a) Appropriately lighting to cover the additional deck area

#3) Any outstanding fees shall be paid to the Town

4) 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) 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 R. Allard to approve the amended site plan as read by the Chair. Vote 6/0*

Roll Call:

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

5. [239-2-TC-20-Design \(Owners: 1962 Real Estate, LLC\)](#) Request by applicant for a Design Review to construct A new bank branch with associated parking, appropriate drainage and separate retail space on a 7.17-acre site located at 625 Franklin Pierce Highway in the Town Center (TC) Zoning District. BY: Stephen J. Haight, P.E., Civilworks New England; PO Box 1166; Dover, NH 03821.

**Design Review was WITHDRAWN by applicant**

#### **REPORTS FROM OTHER COMMITTEES** **UNFINISHED BUSINESS**

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

6. Review of a request for a building permit at 45 Long Shore Drive, a Private Road, for Robert and Tammara Simoneau ([Map 101, Lot 33](#))

The Board discussed the building application and voted.

*A motion was made by J. Brann and seconded by A. Knapp to send the amended standard memo to the Select Board.*

Roll Call:

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

7. Review of a request for a building permit at 389 McDaniel Shores Drive, a Private Road, for Daniel and Nancy Bergeron ([Map 125, Lot 5](#))

The Board discussed the building application and voted.

*A motion was made by J. Jennison and seconded by R. Allard to send the standard memo to the Select Board.*

Roll Call:

J. Jennison-Yay

J. Brann-Yay

S. Diamond-Yay

D. Massucci-Yay

A. Knapp-Yay

R. Allard-Yay

8. The Board was asked about selecting a different contract engineer. M. Gasses explained that the Board could use their own.

J. Brann explained that he was part of the last review and the Planning Board decided not to use their own Engineer.

J. Huckins explained that he agreed but J. Brann was looking for the engineer to look more at design and felt the Planning Board could look at the regulation requirements.

A. Knapp explained to the Board that at the last Select Board meeting they discussed the roads in Town along with the bridge and causeway. A. Knapp explained that the engineer quotes are coming in very high and other Towns are doing it for less cost.

S. Diamond asked A. Knapp if Dubois & King was the issue.

A. Knapp explained that Dubois & King was the Engineer of record, so the Select Board was relying on them to do the proposal and then it gets sent out and have very few options.

R. Allard expressed that he felt that two engineers were a good idea in case one was busy.

J. Brann stated that he felt it would need to be someone that knows the players and the Town regulations.

M. Gasses explained that the Town Administrator preferred one engineer.

J. Jennison explained that the Select Board would do the RFQ and it would go from there.

M. Gasses asked if any Planning Board member would like to be part of process.

A. Knapp expressed that he strongly advised that.

J. Brann also agreed that someone on the Planning Board should participate as the firm would work with the Select Board and the Planning Board.

The Board discussed the current engineer pro and cons.

S. Diamond nominated J. Brann and seconded by A. Knapp to be part of the committee as the Planning Board member.

9. The Board discussed the review of the Master Plan section and requested the Land Use Office contact Kyle at SRPC to come to the meeting of October 20, 2020.

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

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

Without objection the meeting was adjourned at 8:43 p.m.