



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: 849655877#

(Approved April 20, 2021)

Tuesday, April 6, 2021

6:30 p.m.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

ROLL CALL

J. Jennison-Aye

J. Brann-Aye

R. Allard-Aye

C. Krans-Aye

B. Hackett-Aye

Members Present

James Jennison, Chair

Jeff Brann, Vice Chair

Andy Knapp ex- officio-joined at 6:47pm.

Ron Allard

Candice Krans

Buddy Hackett

Town Planner: Marcia Gasses

Staff: Barbara Irvine

MINUTES REVIEW AND APPROVAL

1. Approval of March 2, 2021 meeting minutes.

The meeting minutes of March 2, 2021 were approved as written.

[Barrington Planning Board Meeting Minutes/bi](#)

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Roll Call:

J. Jennison-Aye

J. Brann-Aye

A. Knapp-Aye

R. Allard-Aye

C. Krans-Aye

B. Hackett-Aye

ACTION ITEM CONTINUED FROM FEBRUARY 2, 2021

2. **121-28-GR-20-SR (Owner: Mr. Todd Green-Barrington Shores, LLC)** Request by applicant for expansion of 28 seasonal camp sites and waiver at 7 Barrington Shores Drive (Map 121, Lot 28) in the General Residential Zoning District. BY: Tobin Farewell, Farwell Engineering Services, LLC; 265 Wadleigh Falls Road; Lee, NH 03861.

J. Jennison gave a brief description of the application.

Attorney Gregory Wirth represented Todd Green-Barrington Shores, LLC. Attorney Wirth explained that they are working on the two final items, which are drainage and lighting, and gave a summary of the application to help the new Planning Board members. Attorney Wirth explained that this was a seasonal campground, and the campground was only open from May 7th to September 26th. Attorney Wirth expressed that the Board was looking for a report from the Swains Lake Water District and this has been supplied to the Board. Attorney Wirth explained that this was called an Assessment of Production Wells 6 & 7 prepared by Emery & Garrett Groundwater Investigations and he quoted the following from the report.

“There is no reason to suspect that the bedrock aquifer is less capable of supplying groundwater or that you are running out of water.”

Attorney Wirth explained that the report showed that the aquifer had enough water and reminded the Board that this report was from last year. Attorney Wirth explained that they supplied the drainage analysis to Dubois & King, they responded back on February 22, 2021, and the campground engineer Tobin Farwell responded to Dubois & King on March 25, 2021.

Tobin Farwell from Farwell Engineering Services, LLC explained that they are down to the final drainage issues and Dubois & King requires that they follow the AoT Regulations. Tobin explained to the Board that Dubois & King requested pretreatment as well as treatment. Tobin explained that the pretreatment would be deep sump catch basins to follow the AoT requirements and they would need to be 4' deep. Tobin explained they would be applying this so they would meet the AoT requirements for pretreatment. For treatment they are proposing an infiltration detention basin that required a sedimentation for bay. This would be a third of the size of the detention bay and given the space limitations proposed a shay concrete sedimentation trap be added on to the basin as an acceptable alternative. Tobin explained that if you applied for an AoT Permit, they do grant waivers. Tobin explained that he spoke to Dubois & King and felt that they were okay with this and would receive a clear letter from Dubois & King.

J. Brann asked if the shay concrete sedimentation trap was shown on the plan.

Tobin explained that this was on plan on detail Sheet D-3.

J. Brann explained that it shows flow with two chambers with a baffle wall.

Tobin stated that was correct.

J. Brann asked if they were still waiting for an answer from Dubois & King on the sedimentation bay.

Tobin asked what type of answer.

J. Brann explained that they do not have a formal response from Dubois & King.

Tobin explained that this was acceptable with Dubois & King, but they want everything cleaned up with the seasonal highwater table and calculation work sheets showing that it is acceptable.

J. Brann asked if they received anything in writing from Dubois & King that the waiver was acceptable.

Tobin explained that he has received an email that Dubois & King was in support of what they were doing.

Attorney Wirth explained that in their April 2, 2021 letter the sedimentation bay was acceptable but just need calculations to verify that the sizing was correct.

R. Allard asked about the letter from the water district as it did not speak to anything about load, and he was looking for confirmation on the additional load.

Attorney Wirth explained that back in December the water district had a report prepared and that they were not running out of water in an email, which was provided to the Board. The Board asked for a copy of the report and that was provided to the Board.

M. Gasses explained to the Board that the supply of water was the responsibility of the water district and was just like any other water supply. This was not the responsibility of the Town of Barrington or the Planning Board.

R. Allard stated that he noticed that the fencing was shown sloping at an angle and asked if it was going to be angled section by section.

Ray Bisson explained that the fence was going to be a height of 6' at the top of the site and then the fence would go up to 8' as it came down the slope.

Tobin explained that the intent was to have the fence follow the slope and explained that panels are not perfectly level; they match the ground.

C. Krans thanked Attorney Wirth and Tobin Farwell for all the background as a new member, as well as on the April 2nd letter from Dubois & King, and she felt that her questions were answered.

J. Jennison opened public comment.

J. Jennison closed public comment.

Waivers Requested

4.7.7 (1) Minimum allowable pipe diameter in any storm drain system shall be 15 inches.

A motion was made by J. Brann and seconded by R. Allard to grant the waiver to 4.7.7(1) 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.

Roll Call:

A. Knapp-Aye
J. Jennison-Aye
J. Brann-Aye
C. Krans-Aye
B. Hackett-Aye
R. Allard-Aye

4.7.7(3) Minimum depth of coverage for stormwater drain lines shall be 36 inches from the top of pipe to finished,

grade

A motion was made by J. Brann and seconded by A. Knapp to grant the waiver to 4.7.7(3) 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.

Roll Call:

B. Hackett-Aye
R. Allard-Aye
A. Knapp-Aye
J. Brann-Aye
J. Jennison-Aye
C. Krans-Aye

4.12 Outdoor Lighting

A motion was made by J. Brann and seconded by A. Knapp to grant the waiver to 4.12 Outdoor Lighting 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.

Roll Call:

J. Jennison-AYE
C. Krans-AYE
R. Allard-AYE
A. Knapp-AYE
J. Brann-AYE
J. Jennison-AYE

A motion was made by J. Brann and seconded by R. Allard to continue the application until April 20, 2021. The motion carried unanimously.

Roll Call:

B. Hackett-AYE
C. Krans-AYE
R. Allard-AYE
A. Knapp-AYE
J. Brann-AYE
J. Jennison-AYE

ACTION ITEM CONTINUED FROM MARCH 2, 2021

3. **220-50-RC-21-SR (Owners: Roy Hurlbert-PEH & Son, LLC)** Request by applicant for Site Review to add a storage building 5,000 s.f. to a previously approved Site Plan (Map 220, Lot 50) on a 2-acre site at 7 Tolend Road in the Regional Commercial Zoning District. BY: Joseph Coronati, Jones & Beach Engineers, Inc; PO Box 219; Stratham, NH 03885.

J. Jennison gave a brief description of the application.

Joseph Coronati from Jones & Beach Engineers, Inc. represented Roy Hurlbert, PEH & Son, LLC. Joe explained how they addressed the following previous comments from the Planning Board:

- Plan shows all the existing trees and explained which ones would be removed and the proposed building.
- Showed existing and demolition plans for trees; they are proposing to remove about 12 trees.
- Landscape plan added showing proposed trees (L2)
- Updated Site Plan (C2) travel routes
 - a) Two-way travel for the front of the property to the front door

- b) Existing one-way with a Do Not Enter sign at the entrance. This is a gravel drive around the building for employees, deliveries, and larger vehicles to loop around.
- c) Fire Lane designation with No Parking sign
- d) Dumpster area shown on the plan
- e) Hours of operation discussed
- f) Snow storage area shown on the plan
- g) Added notes about the maximum height for the storage of materials in the new building (not to store higher than 12' as Fire Chief required)
- h) Add vicinity map to the cover sheet
- i) Added Lights to the architectural plans and explained location (requested by Board)

Applicant then discussed response below to letter from Dubois & King:

Dated: March 25, 2021

RE: Response Letter – DuBois & King Comments
Proposed Warehouse Building
7 Tolend Road, Barrington, NH
Tax Map 220, Lot 50
JBE Project No. 20656.1

Dear Mr. Jennison,

Jones & Beach Engineers, Inc. has received comments from DuBois & King for the above-mentioned property dated March 23, 2021. Review comments are listed below with our responses in bold.

1. Sheet 4 of 11. Drawing C2. Two of the three proposed infiltration drip edges are shown adjacent to the gravel drive. We recommend that the applicant revise the proposed location of the infiltration drip edges so that there is a minimum of a 25' vegetated turf buffer between the drives and parking lots as recommended in the NH Stormwater Manual Volume 2.

RESPONSE: The infiltration drip edge is for roof runoff and is not accepting runoff from the parking areas or driveways, therefore a 25' vegetated filter strip as depicted in the NH Stormwater Manual is not necessary.

2. Sheet 5 of 11. Drawing C3. We recommend that the applicant show the proposed location of temporary erosion control measures for the excavations for the relocation of the underground storage tank and the underground electrical line.

RESPONSE: Additional silt fence has been added in these areas.

3. Sheet 8 of 11. Drawing D1. Drip Edge Infiltration Detail. We recommend that the applicant revises the Drip Edge Infiltration Detail to meet the requirements of in the NH Stormwater Manual Volume 2, including the installation of an observation well.

RESPONSE: The Drip Edge Infiltration Detail has been revised to meet the requirements of the NH Stormwater Manual, and the proposed observation well locations have been added to Sheet C3.

4. Sheet 11 of 11. Drawing E1. We recommend that the applicant add a detail for erosion control matting. Additionally, we recommend that the applicant revise the plans show the locations of the proposed matting.

RESPONSE: A detail for erosion control matting has been added to the plans, however the building side slope has been changed from 2:1 to 3:1 so it may not be necessary.

5. Drainage Analysis. The 2' wide drip edges are centered at the limit of the roof overhangs (assuming the overhangs extend 12" horizontally from the edge of the building, as scaled from the elevations). It appears that half of the surface of the drip edge infiltration trenches will not accept roof runoff. During large storm events, stormwater may flow off of the

roof and miss the drip edge entirely. We recommend either the applicant confirm that the 2' wide drip edge is adequate, and provide calculations that show that the 50-year storm event runoff from the 5V:12H roof will land into the infiltration trench.

RESPONSE: The drip edges have been widened. The drip edge in the rear of the building is to be 4' wide, and the drip edge in the front of the building is to extend all the way to the existing gravel driveway (see response to comment #12). They should now accept roof runoff in larger storm events.

6. *Drainage Analysis.* The drainage analysis does not appear to account for the roof overhangs in the impervious area calculation. We recommend that the applicant revise the analysis to account for the roof overhangs.

RESPONSE: The drainage analysis has been revised to account for the roof overhangs.

7. *Drainage Analysis.* The hydrocad modeling methodology utilizes exfiltration along both of the sides and the bottom of the drip edge infiltration trenches. This is not consistent with the proposed plans which show drip edges located adjacent to the building foundations. We recommend the applicant revises the hydrocad modeling to limit infiltration to the horizontal area of the proposed infiltration trenches, and not the sides, to better reflect proposed conditions.

RESPONSE: The HydroCad model has been revised to limit infiltration to the horizontal area of the proposed infiltration trenches.

8. *Drainage Analysis.* The trench detail also notes the trench will be placed within "open-graded" sides and bottom, but does not specify the material. The proposed storage building appears to be located on 4' of fill. We recommend the applicant provide the material specifications for the backfill and its infiltration properties, and utilize this infiltration rate within the calculation instead of the site's soil infiltration rate.

RESPONSE: Backfill will be similar to on-site native soils as called out on the Drip Edge Infiltration Detail, so the same infiltration rate applies.

9. *Drainage Analysis.* No test pits were performed within the footprint of the proposed infiltration drip edges. We recommend that the applicant provide test pit information within the vicinity of the proposed trenches to measure the estimated seasonal high-water table, and to verify the design infiltration rates. The number of test pits should meet the recommended frequency defined in the NH Stormwater Manual Volume 2, Table 2-2.

RESPONSE: The septic design references a SHWT of 18" which is being used for design.

10. *Drainage Analysis.* We recommend that the applicant provide supporting documentation for each of the design infiltration rates used in the model.

RESPONSE: The Saturated Hydraulic Conductivity printout from NRCS Web Soil Survey indicates that Deerfield loamy fine sand has a Ksat of 100 micrometers per second, which is equal to 14.17 inches per hour in U.S. customary units; 7.08 in/hr after applying a factor of safety of two. This infiltration rate is being used in the revised calculations.

11. *Drainage Analysis.* The USGS map provided in the analysis appears to be pointing to the wrong location for the site (south of Tolend Road instead of north of Tolend Road). We recommend the applicant revise the USGS map to indicate the correct site location.

RESPONSE: A revised USGS map is provided in the drainage analysis.

12. *Drainage Analysis.* The applicant is proposing new impervious gravel surface area which connects the existing driveway to the proposed storage building. We recommend the applicant provide water quality treatment facilities (pretreatment and treatment) that meet the requirements of NHDES standards (AOT) in accordance with Town of Barrington Site Plan Review Regulations Section 4.7.2(10).

RESPONSE: Impervious gravel is no longer proposed. Instead, the stone drip edges are proposed to extend directly to the existing gravel driveways.

13. Drainage Analysis. We recommend that the applicant provide an inspection and maintenance (I&M) plan for the proposed stormwater devices.

RESPONSE: An Inspection & Maintenance Plan (I&M) for the proposed stormwater devices is included in the revised drainage analysis.

Very truly yours,

JONES & BEACH ENGINEERS, INC.

Daniel Meditz, E.I.T.

Project Engineer

The Board asked the following questions regarding or made comments on the response.

Question #1

J. Brann asked about the gravel drive that goes behind the building and down to Tolend Road. How does that slope and where does the water go?

Joseph explained that the site was flat and there are 1' contours. From the gravel drive water heads towards Tolend Road departs off the road or to the existing lawn area so it leaves the site in two different locations.

Question #8

J. Brann asked about the back fill for the roof edge infiltration. He looked at the detail sheet and you are talking about the backfill being like native material soil. This was up against the foundation looking at the print and it was confusing. There was a 4' wide area length of the building on the north and south side of the building. J. Brann explained that this was extended out 1' to account for the overhang and the trench was going to be 3' deep with $\frac{3}{4}$ inch stone. J. Brann asked if they were not filling up against the foundation with native soils in the 4' wide area; was this correct.

Joseph explained that was correct. On the two sides with the roof water directed to it there was stone, and the gable end sides would be the native material; that is why it seems confusing.

J. Brann agreed and stated that it said that but hard to see on the plan.

Question #9

J. Brann stated that their answer seemed reasonable but the leach field was some distance from the proposed building and did not know where the test pits were done for the leach field. J. Brann asked if there was any obstruction in the soils and any differences there that would preclude the test pits for the leach field being representative for the area around the proposed building.

Joseph explained that there would be nothing different in the soils between the two. They are only about 60' away from each other. Joseph explained that they are maybe 80' from the building and explained that through one spot and through the building itself there's contour elevation of 197 then goes up to 200 so that would be 3' of grade change with half of the building. Joseph explained that they should have higher water tables and that was the reason that the leach field was a raised mound, and the leach field was also placed close to the wetland. Joseph explained that they are now waiting to hear back from Dubois & King.

M. Gasses explained that it has not been that long, and the Town has not received a response from Dubois & King.

J. Brann explained that he had questions on the buffers. The visual buffer on plan L2 for the proposed building to the south proposed planting of blue spruce and balsam fir. Then looking at the demolition plan most of the trees between the proposed building and the property line, questioned the distance between the replacement trees.

Joseph explained that they are 15' on center.

J. Brann questioned that if they should have a second row of plantings in the spaces in between the trees shown to make a better visual buffer. Second, if you go to the right to the dumpster location there is no buffering between the dumpster and the property line; maybe fence in.

Joseph explained the following: The dumpster was far from the property line. The building was 50' wide and this would be 75' to the property line and was a wooded area so the neighbor would not see the back of the dumpster. The trees seem a little small, but they would fill in Joseph explained that 15' on center they would basically be Christmas trees and they would grow to be 6' to 8' tall.

J. Jennison explained to J. Brann that the existing trees are poorly maintained, and they would look better with the replacement trees.

J. Brann expressed that he would feel better if they were 10' apart.

Joseph agreed this could be done.

R. Allard explained that the plans on A1 & A2, the entry door alternated between the left and right side of the overhead door and the plan needs to be corrected.

Joseph agreed to correct the plan.

R. Allard asked about the 9.6 wetlands permit; was there a waiver.

M. Gasses explained that this lot predates buffers and does not fall within the regulations. M. Gasses explained that there was no buffer; the lot was created prior to the buffer ordinance.

J. Jennison explained that the applicable buffer regulations was when the lot was established.

B. Hackett expressed that the traffic around the building and about the fire lane No Parking sign to the right. Does it seem like that sign would be better placed to the left heading towards the one way and before the building. B. Hackett explained that if you are driving in and get all the way to the building before you see no parking.

Joseph explained that they have a Do Not Enter sign to the left [west] so that vehicles do not come in that direction.

R. Allard asked if the other sign could be moved the other direction [to the east].

Joseph explained that the sign was out of the way of the dumpster and explained they did not want it to interfere with staff parking.

A. Knapp explained that there was not a lot of room between the proposed building and existing structure. When unloading a tractor trailer, the 20' drive width was not a lot of room for a fork truck to move a crate and to move anything around to get into that building.

Roy Hulbert explained that the crates are about 4 to 4 ½' wide and that they purchased a suitable fork truck with snow type tires do not cement type tires.

A. Knapp asked if it has fork extenders, he expressed that it is going to be tight trying to off load then move into the space. A. Knapp expressed that he does not want to see a tractor trailer parked on Tolend Road.

Roy Hulbert explained that there would not be tractor trailers parked on Tolend Road.

Joseph explained that they do not get that many large deliveries; they get a large one at beginning of the season.

R. Allard agrees with A. Knapp on the spacing for the forklift.

A. Knapp explained that they would be 73' with a trailer and a tractor. A. Knapp that they are going to be almost the entire length of the building.

J. Brann explained that the building was 100' long and 50' down from the driveway. He felt that the was more than enough room.

J. Jennison asked about a second egress out of the building as he noticed that there was only one door.

J. Brann asked if the height restriction for stacking material of 12' for a not sprinkled building was on the plan.

Joe explained that this was under Note #13 site plan Sheet C2.

J. Brann read from planner's comment that notes requires erosion control; measures shall be installed prior to any disturbance of the sites surface area.

Joseph explained that this was on plan Sheet C3 Note # 3.

J. Brann explained that erosion control needs to be added to C1.

J. Jennison opened public comment.

J. Jennison closed public comment.

J. Jennison explained that they are only waiting for the comments from Dubois & King.

*A motion was made by J. Brann and seconded by R. Allard to continue the application until May 4, 2021.
The motion carried unanimously.*

Roll Call:

J. Jennison-AYE

J. Brann-AYE

A. Knapp-AYE

R. Allard-AYE

C. Krans-AYE

B. Hackett-AYE

ACTION ITEMS

4. **239-1.1-TC-21-2Sub (Owners: David & Glenda Henderson)** Request by applicant for a 2-Lot subdivision Lot 1.1 would be 11.81 and Lot 1.2 would be 17.19 acres (Map 239, Lot 1.1) located off Franklin Pierce Highway in the Town Center (TC) Zoning District. BY: Dave Garvey, Garvey & Co Ltd; PO Box 935; Durham, NH 03824

J. Jennison gave a brief description of the application.

Dave Garvey from Garvey & Co LTD represented David & Glenda Henderson. Dave explained this was for a proposal for a 2-lot subdivision on a total of 28.99 acres. Dave explained that they received Zoning Board approval for two residential lots in February of 2021 and a site walk was conducted with the Conservation Commission on April 3rd. Dave explained that this lot was 1,380' from the main road, the driveway would have a 20' wide driving lane, and there would small turnout at the 1380' so a vehicle can pass by with no problem. Dave explained that there are two wetland crossings

that are minor and currently in design with Marc Jacobs the engineer. Dave explained that the driveway has an existing curve cut that was granted with the previous subdivision and has not checked to see if still valid.

J. Brann read the following letter from the Conservation Commission:

To: Barrington Planning Board
From: Barrington Conservation Commission
Subject: Henderson Subdivision/Rt9/Village Center

Prior to our site visit on April 3 the commission was concerned about the potential storm water runoff from a shared driveway into the wetlands below. Following our site review, the objections to the subdivision are substantially removed. While development across a wetland is hardly ever a net gain for the environment, this project does not appear to create any special concerns.

If there are any further questions, don't hesitate to contact us.

J. Jennison asked if they were trying to subdivide the pork chop subdivision into two lots.

Dave stated that was correct.

J. Brann explained that in 2006 the Zoning Board approved to have one house only on the backlot and the plans do not show an existing conditions plan. J. Brann explained that the plan shows a front and back lot divided and asked if a house has been put out there.

Dave explained that there has not been anything done with the previous owners. Dave explained that the special exception that was granted and felt there was not a time frame.

J. Brann asked if this was still one lot, and the front lot has not been separated.

Dave explained that the front lot with the structures was separated off; the [back] lot that exists was to the left of the structures and up the neck where it is widening out.

J. Jennison asked if they were subdividing the house from the back lot.

Dave explained that has already been completed.

J. Jennison asked if they were trying to subdivide the backlot again and asked if that was not permitted.

Dave explained that it was permitted.

R. Allard asked why you would say permitted.

J. Brann asked if the backlot was already created in 2006.

Dave explained that the 2006 created the 30-acre lot.

J. Brann explained that the subdivision got approval in 2006 stating that you could only put one house out there.

Dave stated that was correct at that time.

J. Jennison explained that the subdivision regulations state that you can only have one lot on a backlot subdivision.

Dave explained that was not a back lot subdivision the first time around; in 2006 that was just a straight subdivision. The only thing that was done was the 40' access easement was created over the front lot to get to the backlot.

J. Brann question the term backlot.

Dave explained that he calls it a backlot, but it has frontage, and it was not a backlot subdivision.

J. Brann asked if there was a 40' easement.

Dave explained that there was a 40' easement and 100+/- of frontage to the left side.

J. Jennison asked if the L13, L14, and L15 were calculated in the front.

Dave said that he could not say.

J. Brann asked to explain the 40' of easement and they have frontage somewhere else other than the easement.

Dave explained that they have frontage on the left-hand side where you see L15, L14 and L13. This was where the frontage was for the lot; there is the neck that goes out to the larger lot.

J. Jennison asked if they were taking access from the 40' easement.

Dave explained that the access was there so that you are not near the wetlands on the other side.

M. Gasses explained to the Board this lot was in Town Center and they allowed for two backlots although they were asking for three lots. They [zoning regulations] do not allow single-family homes unless part of a PUD. M. Gasses explained that they have two lots accessing the 40' easement that was formerly for one lot. M. Gasses explained that this was an easement issue between private property owners and not between the Town and the owners.

R. Allard asked M. Gasses about the two backlots because they have road frontage access from the neck, the ownership must be equally shared by the backlots, and asked if this was a right of way.

Dave stated no.

M. Gasses explained that there was a right of way for access and the backlots, and the frontage was on the area that was very wet. M. Gasses explained that they are not taking their access from their frontage, they are taking it from the easement.

J. Brann asked if they owned the strip from L13, L14 and L15 back to the lots.

Dave stated that was correct.

J. Brann asked if the only reason that they have the easement was because they have the required frontage, but they wanted to be able to put a driveway in that does not cross the wetlands.

Dave explained that the wetlands on the frontage has standing water so the last time they came before the Planning Board they created the 40' easement to go back across the non-wetlands side.

J. Jennison asked that they are looking to subdivide the backlot into two lots for the driveway and expressed that he was disappointed with the Zoning Board approval as the lots were so close to the development to the right.

Dave asked J. Jennison to look at the topography.

A. Knapp expressed that they are familiar with the topography. To make the access run right through the wetlands it makes it nearly undevelopable but understands what J. Jennison was saying.

J. Jennison expressed with the Dove Development to come from the back side and understands that it was steep there.

Dave explained that when you walk out there and looking at it on the plan, given the steepness of the slopes and the fact that it was a backlot, this would never be a commercial lot.

M. Gasses explained that she talked with the attorney because it did originally say that this was to be a single lot, and any questions there were between the property owners because it was an easement issue.

J. Jennison questioned the Zoning Board granting approval for a house out there and does that mean if someone were willing to upgrade the road, they could put a development out there.

M. Gasses explained that they wanted two additional lots and the Zoning Board only allowed one additional lot. Dave needs to look into the driveway standard. M. Gasses explained that after talking to John Huckins that they need to make sure the driveway meets the 10% grade.

Dave stated the surveyor said that it was just under 10% the entire length.

J. Brann asked if that should be some type of elevation shown that on the plans.

M. Gasses explained that the engineers would need to verify before they can get occupancy.

R. Allard questioned on Sheet 2 it looks like a pathway coming down and would like to see all symbols in the legend.

Dave explained that the dotted lines are a trail and the upper one was an old woods road.

A motion was made by R. Allard and seconded J. Jennison to accept the application as complete. Vote 5/1 abstain.

Roll Call:

J. Brann-AYE

A. Knapp-Abstain

R. Allard-AYE

J. Jennison-AYE

C. Krans-AYE

B. Hackett-AYE

J. Brann explained that in the Subdivision Regulations there are things that need to be on the plan such as need show existing conditions prior doing any subdivision. J. Brann addressed things from the regulations that are required to be listed such as test pits, driveway easements, and utilities.

Dave asked if they were looking for a separate sheet with the requirements.

J. Brann stated to look in regulations for all the requirements needed.

The Board discussed the Building Inspector Comments listed below:

- 11.3.2 (4) Driveway Grade 10%
- Street Driveways, Driveways....5.3.2(4)
- Monumentation
- 5.3.2(17) Building Neck
- 13.3.2.(1)(g)
- Zoning 4.1.3(6) road agreement
- Area free of hydric soils not including neck

M. Gasses explained that she added the common driveway needs to be recorded at the Registry of Deeds.

Dave explained that was in the application.

R. Allard asked if both lots have access to the easement.

M. Gasses had a conversation with the attorney about the easement and she stated that was between the property owners.

J. Jennison asked they can approve the subdivision if the property owners decide not to grant access to the easement or if they fight it legally.

A. Knapp asked if it was smart for the Board to create a hardship for a neighbor.

M. Gasses stated the Planning Board has no authority on this issue; it was up to the property owners.

J. Jennison asked if the Board could ask for the language before approval.

M. Gasses asked what language?

J. Jennison stated the easement language.

M. Gasses stated that they would need a maintenance agreement for the driveway.

R. Allard asked if the new lot would have access to the easement.

Dave stated the answer was yes.

J. Brann suggested not to vote on the application prior to resolution.

Dave stated it was approved by Zoning Board for the use for a single-family use in the Town Center District.

A. Knapp stated he wanted to have more time to review the Zoning Board information.

J. Jennison agreed with A. Knapp. One additional lot approved and two lots was denied. Technically they voted on Zoning residential use but not number of lots.

M. Gasses explained that the Zoning Board allowed a residential use in the Town Center and they were denied the two additional lots.

J. Jennison opened public comment.

Candice Harvey & Raymond Estes of 643 Franklin Pierce Highway and is the owner of the front lot of the original subdivision that the Board was referring to and owner of the Avanti Salon and Spa. Candice explained that she knows what she needed to go through to get her business opened there with wetlands. Candice explained that she has questions about her rights with more than one lot using the easement because this was her property that they would go through. Raymond Estes speaking for Candice asked what their rights were as the original intent was to use for one house only. Raymond explained that they are unclear of the verbiage of what their actual rights are as far as more than one house using that right of way. Raymond asked if this means that the other lot has the right to cross the property without them having any say.

J. Brann asked if they had a copy of the easement.

Raymond explained that they have a copy of the easement but does not have in front of him.

Candice explained that the easement came with her closing documents.

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J. Brann suggested going back and look at the language was and explained that they could hear their concern, but this was a civil matter between the owners with a lawyer. J. Brann explained that the Board cannot address that as the easement was a legal document.

M. Gasses explained that this was a legal issue and that it specifically says for one lot and specifically says for more than one you would need to take your access from the frontage. M. Gasses explained that the homeowner would need to talk to the applicant.

J. Brann asked where this was on the plan.

M. Gasses explained that this was on an older plan back in 2006.

J. Jennison expressed that this draws concern for him as that was specific.

Raymond expressed they would have a conversation with Mr. Garvey.

Candice expressed that Mr. Garvey has never reached out to them. The only way they have heard about this was through certified mail from the Town. Candice explained that her concern was the extra traffic.

J. Jennison asked if there was currently a driveway there.

Candice explained that there was only her driveway.

J. Jennison questioned that it says curb cut already in use.

Raymond explained that it is not in use, but it is there.

Dave Garvey explained that the credit union has designed plans using that entrance.

J. Jennison explained the location was the u-shape where the house was torn down.

J. Jennison closed public comment.

J. Brann stated in addition to the deficiencies that are in the plans, he felt that there is a new question, which was if the easement was tied to access to one lot and there is going to be an issue to be resolved. J. Brann expressed with those issues he was not in position to vote for approval of the application for the subdivision at this time.

Dave Garvey expressed that he did not see anything on the plan regarding the easement access issue.

M. Gasses explained that the information was on the 2006 plan.

R. Allard asked Dave Garvey how much frontage he had.

Dave Garvey explained 100 +/- feet.

J. Jennison asked if the driveway would be built to driveway standards.

Dave Garvey expressed that the driveway would be built to driveway standards.

M. Gasses asked the Board what they were specifically they are looking to address.

J. Jennison expressed the driveway grade.

R. Allard explained that it needs to be dual ownership for the front neck.

Dave Garvey explained that he would talk to the attorney.

J. Brann explained that the applicant needs to go over the plan requirements that are in the Subdivision Regulations.

A. Knapp asked about some type of road agreement.

M. Gasses explained that they would have a type of road maintenance agreement.

Dave Garvey explained that he supplied a shared driveway maintenance agreement.

A. Knapp expressed that the Planning Board members need to review the Zoning Board application and see how it was written along with how it was originally set up.

Dave Garvey suggested that he sit down with M. Gasses, go over all of the steps that have been taken, and draft results of each step that would logically guide through the pieces.

J. Jennison suggested if they could reference how, they meet the Town Regulations would be the pertinent. Questions like back lot via a regular lot access of right of way or not your frontage.

R. Allard expressed confusion on M. Gasses saying it is a back lot then saying it not a backlot; wants to verify what it was.

M. Gasses explained that it was a back lot.

R. Allard asked how the Zoning Board can approve a subdivision. He felt they could improve the use of residential but not the actual subdivision.

M. Gasses explained that they are not approving the subdivision.

J. Jennison expressed by saying they can get an additional lot they essentially are.

M. Gasses explained that was a zoning issue. M. Gasses explained that they [ZBA] gave them the extra lot because that was what they needed and explained that the Subdivision Regulations need to be adhered to.

A motion was made by J. Brann and seconded by R. Allard to continue the application until April 20, 2021.

Roll Call:

J. Jennison-AYE

J. Brann-AYE

A. Knapp-AYE

R. Allard-AYE

C. Krans-AYE

B. Hackett-AYE

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

5. Vote for Chair and Vice Chair

A motion was made by A. Knapp and seconded by R. Allard for J. Jennison for Chair.

A motion was made by R. Allard and seconded by A. Knapp for J. Brann for Vice-Chair.

Roll Call:

J. Jennison-AYE

J. Brann-AYE

A. Knapp-AYE

R. Allard-AYE

C. Krans-AYE

B. Hackett-AYE

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

The next meeting will be on April 20, 2021 at 6:30 p.m. electronic meeting, no meeting place.

Without objection the meeting was adjourned at 9:10 p.m.

A motion was made by J. Brann and seconded by A. Knapp to adjourn the meeting at 9:10 p.m.

Roll Call:

J. Jennison-AYE

J. Brann-AYE

A. Knapp-AYE

R. Allard-AYE

C. Krans-AYE

B. Hackett-AYE