



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: 112984020#

OR

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

(Approved May 18, 2021)

bit.ly/BarrPB210504

Tuesday, May 4, 2021

6:30 p.m.

Please note that all votes that were taken during this meeting were done by Roll Call vote.

Chair Read Governors Order

Roll Call

Members Present

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

Members Absent

Candice Krans
Buddy Hackett

Alternate Members Present

Donna Massucci
Andrew Melnikas

Town Planner: Marcia Gasses

MINUTES REVIEW AND APPROVAL

1. Approval of April 20, 2021 meeting minutes.

A motion was made by A. Knapp and seconded J. Brann to approve the minutes of May 4, 2021.

A. Melnikas	aye
D. Massucci	Abstain
R. Allard	aye
A. Knapp	aye
S. Diamond	aye
J. Brann	aye
J. Jennison	aye

The motion carried 6-0

ACTION ITEM CONTINUED FROM APRIL 6, 2021

2. 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 038

Joe Coronati with Jones and Beach Engineers represented the applicant. Roy Hurlbert was also on. Joe explained that they had been continued the last meeting for landscaping, finalizing the comments from Dubois and King, they had received a signoff letter from Dubois and King on the design, and he believed they had satisfied the comments the Board had on the last submission.

J. Brann expressed Barrington did not have a public works department so, who should the as-built go to.

M. Gasses expressed it should go to the Planning Office.

J. Brann stated note 8 should be changed.

J. Jennison opened public comment. No one spoke.

J. Jennison read from the Draft Notice of Decision.



**Planning & Land Use Department
Town of Barrington
PO Box 660
333 Calef Highway
Barrington, NH 03825**

**DRAFT NOTICE OF DECISION
NOTICE OF DECISION**

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built received:</i>	<i>Surety returned</i> <i>n/a</i>
<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
Proposal Identification: 220-50-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 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.			

Roy Hurlbert PEH & Son, LLC 17 Dudley Road Brentwood, NH 03833 Joseph Coronati Jones & Beach Engineers, Inc PO Box 219 Stratham, NH 03885	Dated: May 5, 2021
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Dear applicant:

This is to inform you that the Barrington Planning Board at its May 4, 2021 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 November 4, 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 plan notes
 - a) Waste oil will be disposed of according to DES Standards.
 - b) Fuel will be stored in approved containers.

- c) Vegetative Buffer must be maintained along the property line.
 - d) Revise Sheet C4 Note 8 – As-Built Plans shall be submitted to the Land Use Office
- 2) Revise the following plan notes
- a) Add the NHDES Subsurface Bureau C.A. #158476
- 3) All issues from D&K addressed
- #4) Any outstanding fees shall be paid to the Town.
- 5) Prior to obtaining Board signature, the Applicant shall submit three(3) complete paper print plan sets and supporting documents as required in Article 3 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Barrington's file. The Chairman shall endorse three copies of the approved plan(s) meeting the conditions of approval. 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.

J. Brann identified Note 8 on C1 was changed to Land Use Office.

J. Brann identified an error in case number on the Draft Notice of Decision to be corrected on the final.

S. Diamond asked under sediment and erosion control, hay straw or mulch, given the sandy soil on this site he suggested increasing the amount of organic material for more water retention.

A motion was made by J. Brann and seconded by A. Knapp to approve the application.

Roll Call

A. Melnikas	aye
D. Massucci	aye

R. Allard	aye
A. Knapp	aye
S. Diamond	aye
J. Brann	aye
J. Jennison	aye

The motion passed 7-0

ACTION ITEM CONTINUED FROM April 20, 2021

3. **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

David Garvey represented the applicant. He explained that they needed a continuance. They had been working on NHDOT, wetlands, and the attorneys to get the access right-of-way issues resolved. Next week he was going to work with Candace Harvey and Mr. Raymond Estes. Updates to the plan would be made.

A motion was made by S. Diamond and seconded by J. Brann to continue to May 18, 2021.

A. Melnikas	aye
D. Massucci	aye
R. Allard	aye
A. Knapp	aye
S. Diamond	aye
J. Brann	aye
J. Jennison	aye

The motion carried 7-0

ACTION ITEMS

4. **250-89-RC-21-SR (Owner: Lloyd Brower-BYNT Property Management)** Request by applicant for Site Review to allow permanent outdoor seating with waivers (Map 250, Lot 89) at 748 Calef Highway on a 2.30-acre lot in the Regional Commercial Zoning District.*

D. Ayer represented the applicant.

J. Brann asked for confirmation that there was the ability for 79 individuals to be seated in the restaurant. Twenty-eight seats would be outside. Bar stools could be moved from outside to inside. The capacity would never exceed 79 individuals.

D. Ayer explained the occupancy inside was 49.

J. Brann asked if he would agree to a note that the total occupancy would not exceed 76 people based on the project application.

J. Jennison explained the first waiver request was article 1.5.(2) Checklist

*A motion was made by A. Knapp and seconded by J. Brann to wave the checklist.
For 250-89-RC-SR*

Roll Call

A. Melnikas	aye
D. Massucci	aye
R. Allard	aye
A. Knapp	aye
S. Diamond	aye
J. Brann	aye
J. Jennison	aye

The motion carried 7-0

J. Jennison explained the second waiver was for Article 3.1 General Site Plan Requirements

A motion was made by J. Brann and seconded by A. Knapp to waiver as not granting the waiver would pose and unnecessary hardship and granting the waiver would not be contrary to the spirit and intent of the regulations.

Roll Call

A. Melnikas	aye
D. Massucci	aye
R. Allard	aye
A. Knapp	aye
S. Diamond	aye
J. Brann	aye
J. Jennison	aye

The motion carried 7-0

A motion was made by J. Brann and seconded by A. Knapp to add to the waiver for Article 1.5(2) as not granting the waiver would pose and unnecessary hardship and granting the waiver would not be contrary to the spirit and intent of the regulations.

Roll Call

A. Melnikas	aye
D. Massucci	aye
R. Allard	aye
A. Knapp	aye
S. Diamond	aye
J. Brann	aye
J. Jennison	aye

The motion carried 7-0

J. Jennison expressed the planner had commented that hours of operation, and plantings should be added to that barrier since the approval would be for permanent seasonal operation. Dressing up the parking area and softening the look of the parking area. It was changing from temporary due to Covid to permanent seasonal seating. Putting potted plants next to the Jersey barriers to soften the look was appropriate.

D. Ayer expressed he would do barrels with plants.

J. Jennison explained that when you pulled in from the road you did not want to see just a row of barriers.

R. Allard asked if there was information on the lighting plan.

M. Gasses expressed that there was no change in the lighting.

J. Brann expressed they would be closing the area at 8:00.

S. Diamond expressed when they had talked about the application in the past there had been question about water, cleanup, and beverages.

D. Ayer explained that it would be paper products which would be picked up by staff.

S. Diamond sought clarification there would not be a beverage station. Cleanup would be from buckets brought from indoors.

D. Massucci asked about seating and would there be picnic tables.

J. Jennison explained there was a designated area for the cleanup station and in many situations' rags area used for cleanup. Items were then brought in and out of the kitchen. There would be a staging area in the two sheds.

D. Massucci questioned whether there should be a note based upon of time in relation to daylight.

J. Jennison expressed that it would be important to stay flexible not knowing what the future could hold.

J. Brann expressed the business would be limited to the hours of operation.

D. Ayer expressed there was approved lighting in place.

R. Allard questioned whether a lighting waiver was necessary.

J. Jennison expressed he did not have a problem with that if the board felt it was necessary.

J. Brann expressed that they were actually looking at an enclosed interior space which the Board did not usually get involved with.

J. Jennison asked if D. Ayer would want to add a lighting waiver.

D. Ayer requested a waiver from the Board for a lighting plan.

J. Jennison opened public comment.

No one spoke from the public.

J. Jennison closed public comment.

J. Brann clarified the Board was looking at the lighting standards in 4.12.

A motion was made by J. Brann to wave 4.12 of the Site Plan Regulations for 250-89-RC-21-SR and seconded by A. Knapp.

Roll Call

A. Melnikas aye

D. Massucci aye

R. Allard aye

A. Knapp aye
S. Diamond aye
J. Brann aye
J. Jennison aye

The motion carried 7-0



Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0195

mgasses@barrington.nh.gov

DRAFT NOTICE OF DECISION NOTICE OF DECISION

[Office use only]	Date certified: n/a	As built received: n/a	Surety returned n/a
"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.			
Proposal Identification: 250-89-RC-21-SR (Owner: Lloyd Brower-BYNT Property Management) Request by applicant for Site Review to allow permanent outdoor seating with waivers (Map 250, Lot 89) at 748 Calef Highway on a 2.30-acre lot in the Regional Commercial Zoning District.*			

Lloyd Bower BYNT Property Management 85 Edgewater Dr. Barrington, NH 03825 Matt Pickering Topwater Brewing Co. 748 Calef Highway Barrington, NH 03825	Dated: May 5, 2021
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Dear applicant:

This is to inform you that the Barrington Planning Board at its May 4, 2021 meeting **APPROVED** your application referenced above.

Please Note* If all of the precedent conditions are not met within 6 calendar months to the day, by November 4, 2021, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions

- 1) The following conditions apply
 - a) Jersey Barriers to be pinned
 - b) Hours of operation 11:00 am to 9:00 pm. Closed to the public at 8:00pm.
 - c) Add seasonal landscaping along barriers
 - d) The total of inside and outside seating is limited to 76 seats. Total combined seating not to exceed 76 seats.
- 2)
 - a) A waiver to Article 4.12 was granted
 - b) A waiver to Article to 1.5(2) Checklist was granted
 - c) A waiver to Article 3.1 General Plan Specifications was Granted Plan

A motion was made by J. Brann to approve 250-89-RC-21-SR and seconded by A. Knapp.

Roll Call

A. Melnikas	aye
D. Massucci	aye
R. Allard	aye
A. Knapp	aye
S. Diamond	aye
J. Brann	aye
J. Jennison	aye

The motion carried 7-0

5. 263-28-RC-21-SR (Owner: Jon Chinburg) Request by applicant for a Site Review to allow a business on the first floor and residential use above on Calef Highway/Pierce (Map 263, Lot 28) on a 1.89-acre lot in the Regional Commercial (RC) Zoning District.* Eric C. Mitchell & Assoc. Inc; PO Box 10298; 38 So. River Road; Bedford, NH 03110-0298

Nate Fogg represented the applicants Haley and Connor McDougal. He explained that the McDougal's wanted to build a house off Pierce Rd that fronted Route 125. Upstairs would be a residence and downstairs would be a mudroom, garage, and Graphic Design Shop. He was a one may operation. Waivers had been requested. They were offering an infiltration trench to treat the runoff from impervious areas.

M. Gasses expressed she had gone over the application with J. Huckins. The applicant had been stressing this was a home business which it was not. I was a mixed use development under the Zoning Ordinance. The site was located in a commercial zone which is why it was required to have a site plan. The site was located in the Regional Commercial District.

S. Diamond asked for the volume of guests that would frequent there over a period of time. Access was via Pierce Road, which was a narrow gravel Town Road.

C. McDougal explained the had a child and the number of vehicles would fluctuate. Some days there would be a couple of cars there and somedays there would be none.

J. Brann questioned whether there were 2 driveway cuts off of Pierce Road.

N. Fogg expressed that was what was proposed to split up the residence from the rest of the site.

J. Brann expressed that the Road Agent commented the driveway must flare on each end. The Road Agent had only spoke in the singular of the driveway. He questioned whether they had spoken with the Road Agent regarding 2 cuts.

C. McDougal expressed that ideally, he would like two. To separate the business from the home. He had not spoken with the Road Agent.

J. Brann expressed that that the Road Agent would want to way in.

J. Jennison explained that where it was a commercial zone, they needed to also realize it may be used for other uses down the road.

J. Brann expressed another consideration would be for providing for a loading and unloading area.

J. Jennison expressed that he would need to do some drainage design. To grant a waiver for drainage so close to 125 did not seem to be appropriate.

J. Brann expressed there were no construction details for the drainage provided that meet state standards. How did they know it would be able to handle the drainage with what is provided.

M. Gasses wanted to stress that this was a site plan that needed to meet all the requirements as any other site plan.

J. Brann the Board did not have the data required to review the site plan. He did not see how they could consider a waiver for the drainage.

J. Jennison asked for thoughts on a short traffic analysis.

J. Brann expressed a short one to show the road could handle the load.

M. Gasses expressed her concern would be whether they would be hauling vehicles on trailers. Bearing the in mind although it was a Town road it was a dirt road. She was concerned to whether it was sufficient for the proposed use. Pierce Road ccould be dicey in the spring and would they be bringing in racecars on flatbeds.

R. Allard expressed that the Regional Commercial District where the setbacks were 75' so that was a problem.

A. Knapp expressed that the Town was in a land agreement for property in this area and that long term the road would need to be developed. New Town Plains Road would also play into future plans.

J. Jennison asked what Mark had been provided.

M. Gasses expressed the plans.

J. Jennison expressed that if his comments were based upon a single-family home than his comments would differ.

S. Diamond expressed it would be nice if Pierce Rd. was to be used it was designed to allow to pull through from one driveway to the other. He questioned how much vegetation would be removed from the corner and suggested the angle on the driveway be improved to more of a more 90 degree.

A. Knapp saw the driveway angle as a way to get a larger vehicle in the structure without having to fight Pierce Road.

R. Allard questioned the 4.1.2 frontage. They would need ZBA approval.

J. Jennison explained they could not call the side setback their frontage. They would need to meet the 75' setback.

R. Allard expressed that the requirement would require a 75 ft setback.

J. Brann expressed the Board had identified the drainage, landscaping, traffic, lighting, erosion control, no detail for construction of the infiltration trench, no drainage calculations, detail for driveway construction, were all needed.

J. Jennison expressed that he did not believe the application was ready to be accepted as complete. It appeared they were more in a design review phase.

J. Brann questioned how they would support a waiver for the wetland delineation criteria on a lot with wetlands that had a proposed drainage structure on it.

N. Fogg expressed the wetlands had been delineated Jim Gove along with the test pits in September, of last year. The information had been taken from that survey. He had been trying to control costs for the applicant. He could provided the items the Board had listed.

J. Jennison expressed that the pre1997 lot made the wetland waiver make a little more sense.

J. Brann asked why a waiver for drainage design was justified.

N. Fogg expressed that 7% was being developed it was Hinkley soil, very well excessively drained. It would be easy to provide detail.

M. Gasses expressed that it would be important to go back to J. Huckins as the Zoning Administrator to see where he was coming from in regard to the setback.

R. Allard expressed the big thing would be the front setback.

J. Brann asked for an explanation of the waiver for professional certification.

N. Fogg expressed he was trying to control costs and they had a survey by a licensed surveyor.

J. Brann expressed if you provided the professional's certification you would not need the waiver.

J. Brann questioned the planner as to whether the application should go out to the Town engineer to have the drainage reviewed.

M. Gasses expressed she believed it should.

J. Jennison we needed to hear back from J. Huckins on the setback, two driveway permits run by Marc, width and turn radii, access point regulation, parking plan, driveway of sufficient size and weight to handle deliveries, hours of operation, scope of business, some statement about traffic study, illumination plan, show where utilities come into the building, show on the plans the culvert that need to be installed on Pierce Rd., dumpster location, and erosion control specified in the plans for construction.

J. Brann questioned how many vehicles would be parked on site at one time.

C. McDougal explained their personal vehicles, a vehicle in the shop, possibly a carrier outside, and a non-street legal car on a trailer.

J. Brann expressed there needed to be a landscaping design plan, whether there would be any buffering between 125 and the building.

S. Diamond expressed the angles of the driveway should allow good sight distance.

A motion was made by A. Knapp and seconded by J. Brann to continue consideration for 263-28-RC-21-SR to June 1, 2021

Roll Call

A. Melnikas	aye
D. Massucci	aye
R. Allard	aye
A. Knapp	aye
S. Diamond	aye
J. Brann	aye
J. Jennison	aye

The motion carried 7-0

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 319A Holiday Lakeshore Drive, a Private Road, for Karen Gould
[\(Map 261, Lot 31\)](#)

J. Brann identified that the applicant had made an error on the Accessory Dwelling Permit and not checked off that it was located within, a single-family dwelling, or structure.

M. Gasses expressed that M. Moreau had made good comments on concerns with the road.

J. Jennison expressed that based on the material submitted that application was for an ADU above the garage.

J. Jennison expressed that G. Bailey did a great job of reviewing the applications at the Select Board level.

S. Diamond expressed that Holiday Lake Shore Drive is very muddy and rutted at times and more development was being added to the area and at some point, maybe the road should be paved.

R. Allard asked that a comment be added that a box was not checked correctly.

J. Brann expressed that a note should be added, that upon review of the material provided there was a question as to whether this project qualified as an ADU.

A motion was made by J. Jennison and seconded by J. Brann to send the letter to the Select Board.

Roll Call

A. Melnikas	aye
D. Massucci	aye
R. Allard	aye

A. Knapp	Abstained
S. Diamond	aye
J. Brann	aye
J. Jennison	aye

The motion carried 6-0

7. Review of a request for a building permit at 29 Birch Lane, a Private Road, for Robert & Teresa Rockwell, TRS Fam Tr ([Map 117, Lot 3](#))

J. Jennison expressed that the Road Agent had stated the road was in very poor condition.

A. Knapp expressed that Holiday Lake Shore Drive was far worse than Birch Lane.

J. Jennison expressed that he Road Agent had inspected the road and it was compromised of deteriorated pavement with an average of 18' in width.

A motion was made by J. Jennison and seconded by J. Brann. To send the customary letter to the Select Board.

Roll Call	
A. Melnikas	aye
D. Massucci	aye
R. Allard	aye
A. Knapp	Abstained
S. Diamond	aye
J. Brann	aye
J. Jennison	aye

The motion carried 6-0

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

A motion was made by J. Jennison and seconded by J. Brann to adjourn to May 18, 2021.

Roll Call	
A. Melnikas	aye
D. Massucci	aye
R. Allard	aye
A. Knapp	aye
S. Diamond	aye
J. Brann	aye
J. Jennison	aye

The motion carried 7-0

Respectfully submitted,

Marcia J. Gasses

Town Planner