



**AGENDA
FOR
BARRINGTON PLANNING BOARD
IN PERSON LOCATION**

**Early Childhood Learning Center
77 Ramsdell Lane
Barrington, NH 03825**

OR

You are invited to appear by audio phone or computer see below:

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: 110320564# OR link bit.ly/BarrPB20220104

**(Approved January 18, 2022)
Tuesday, January 4, 2022
6:30 p.m.**

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

ROLL CALL

Members Present

James Jennison, Chair
Jeff Brann, Vice Chair
Steve Diamond-Remotely
Andy Knapp ex- officio
Ron Allard
Donna Massucci
Andrew Melnikas

Members Absent

Buddy Hackett

Code Enforcement Officer: John Huckins
Staff: Barbara Irvine
Town Administrator: Conner MacIver

Planning Consultant: Carol Ogilvie-Remotely

PUBLIC HEARING FOR PETITION ARTICLE FOR ZONING AMENDMENTS

The Board had no questions.

J. Jennison opened public comment.

Stephen Jeffery from 128 France Road read the following to the Board:

Issues for the Planning Board Public Hearing January 4, 2022
Proposed amendment to the Zoning Ordinance 9.5.1(5)

The purpose of this proposed amendment is to protect wetland buffers. A proposal came before the Select Board to demolish an existing house on Mica Point Road and to construct a new house. The plans indicated an increase in wetland buffer impacts. The Town defended the issuance of a building permit for this property claiming that 9.5.1(5) exempted the property from the wetland buffer restrictions.

The issuance of the building permit for the Mica Point property as approved is prohibited by 9.5.1(2). An existing building within the buffer area may be repaired and/or replaced provided the new or repaired structure, including any impermeable surfaces, shall not extend further into to buffer area than the footprint of the original foundation.

The original Zoning Ordinance wetlands buffer proposal was explained to be an overlay applicable to the entire town. There was never any discussion that wetlands and wetland buffers would only be applicable to lots in all future created subdivisions. Such a concept would violate the purpose of zoning.

The Town is allowing the term "improved" to be included in article 9.5.1(5) and to "interpret" this article to apply to improved property created prior to 2001. The Town is arguing this "interpretation" conforms to past practice.

In the minutes of the Public Hearing on January 5, 2010 John Huckins stated the section 9.5.1(5) "addressed lots that were created before the passing of the changes if it was voted in the affirmative. Lots before March 13, 2001 were not designed for the new changes. He said some of the existing lots could meet the new requirement though." His statement implies that even unimproved lots could comply with the article to the extent possible. Huckins did not state improved properties developed prior to 2001 were exempt from wetland buffer restrictions.

RSA 674:19 requires the current zoning ordinance shall apply to changes to an existing property. RSA 676:14 requires the most restrictive provision or higher standard shall be controlling.

Failure to enforce a zoning ordinance is a crime under State law. The Town is betraying the trust of the citizens of Barrington. The citizens of Barrington voted for a zoning ordinance they expected to be enforced as written.

Respectfully submitted,



Stephen Jeffery

January 5, 2010

~~(g) An isolated wetland or surface water of 3000 square feet or less that does not meet the definition of a swamp, marsh, bog, or vernal pool~~

9.5.1(4) Wells /well lines

Huckins said that wells and well lines were added as where could there be a better place to locate a well. He said to locate a well in a wetland but not be able to cross the 50 foot wetland buffer made no sense. Failing said that this impact would be temporary while the well was being drilled.

Failing asked what the definition of the wetland buffer was. Huckins said it should be left in its natural state. She asked if tree cutting could be done. Huckins said if cutting took place the stumps could not be removed. He said that logging was under State regulations.

Jeffery read from the Zoning Ordinance concerning wetland buffers. Huckins said the definition of jurisdictional wetlands was quoted from the State Manual. He said this was addressed through the Subdivision and Site Review processes.

~~9.5.1(4)~~ 9.5.1(5) This Ordinance shall not prohibit the construction of principal and accessory structures within the buffer zone on unimproved lots that were approved for subdivision by the Planning Board or which otherwise legally existed on or before March 13, 2001.

Huckins said this section addressed lots that were created before the passing of the changes if it was voted in the affirmative. Lots before March 13, 2001 were not designed to the new changes. He said some of the existing lots could meet the new requirement though.

Hatch made a motion to present Amendment 4 with the word Wetland underlined, seconded by Mott, all in favor.

AMENDMENT 5. Article 17: Definitions (add new definition, amend existing definition)

Huckins said we had added a separate definition for jurisdictional wetlands as stated in the US Army Corp of Engineers Manual.

Jurisdictional Wetlands. Those that are regulated by the US Army Corps of Engineers (Corps) under Section 404 – must exhibit all three characteristics: hydrology, hydrophytes, and hydric soils (ACOE 1987).

Huckins said the list of items shown below were given to the Board by Building Inspector Ted Buczek and taken out of the International Building Codes, Section R105 Permits. Huckins said that this list should make it easier for anyone to know whether what they were building or buying were considered a structure or not. He said there were requirement that some of these things would need permits for in other sections.

Huckins gave an example of a stonewall that needed to be repaired and was located in the lot line. As it appears on this list the work could be done without getting a permit and not be in violation.

Ken Grossman, Chair of the Conservation Commission, read the following from the Conservation Commission:

The Conservation Commission generally supports the petitioned article. We do so because adopting the article as an ordinance would seem to protect more of Barrington's natural resources than the status quo. As I stated at the previous Planning Board meeting, the Conservation Commission has long hoped to see a more nuanced wetland and wetland buffer protection ordinance based on qualitative functional criteria ranging from flood protection to the nurturing and protection of diverse wildlife habitat. The commission hopes to engage in the coming year with both the Planning Board and the petitioners in preparing a draft ordinance in time for the March 2023 town meeting.

Ken Grossman
Chair, Barrington Conservation

J. Jennison closed public comment.

Are you in favor of Amendment #13 for the Barrington Zoning Ordinance submitted by petition as follows:

Delete the following article: Article: Article 9.5.1(5).....This ordinance shall not prohibit the construction of principal and accessory structures within the buffer zone on unimproved lots that were approved for subdivision by the Planning Board or which otherwise legally existed on or before March 13, 2001.

A motion was made by S. Diamond and seconded by R. Allard in support of the petition article 9.5.1(5). Vote 6/1

Roll Call:

A. Melnikas-Yay

D. Massucci-Yay

R. Allard-Yay

S. Diamond-Yay (Remotely)

J. Brann-Yay

A. Knapp-Yay

J. Jennison-Nay

This amendment was supported by the Planning Board 6-1.

MINUTES REVIEW AND APPROVAL

1. Approval of December 7, 2021, meeting minutes and December 14, 2021, meeting minutes.

A motion was made by J. Brann and seconded by A. Knapp to approve the meeting minutes of December 7, 2021, as written. The motion carried unanimously.

Roll Call:

A. Melnikas-Yay

D. Massucci-Yay

R. Allard-Yay

S. Diamond-Yay (Remotely)

J. Brann-Yay

A. Knapp-Yay

J. Jennison-Yay

A motion was made by J. Brann and seconded by A. Knapp to approve the meeting minutes of December 14, 2021, as written. The motion carried unanimously.

Roll Call:

A. Melnikas-Yay

D. Massucci-Yay

R. Allard-Yay

S. Diamond-Yay (Remotely)

J. Brann-Yay

A. Knapp-Yay

J. Jennison-Yay

ACTION ITEMS CONTINUED FROM November 2, 2021

2. [236-4-GR-20-SR \(Owner: Sunset Rock LLC\)](#) Request by applicant for Site Review to increase their operation in Barrington from 83.3 acres to a total of 88.8 acres (Map 236, Lot 4) (Map 222, Lot 13) and for a 3.4 Conditional Use Permit located backland off Tolend Road in the General

Residential Zoning District. BY: Michael Wright, RESPEC; 67 Water Street, STE 109, Laconia, NH 03246.

J. Jennison gave a brief description of the application.

Attorney Ari Pollack from Gallagher, Callahan & Gartrell Law Firm represented Sunset Rock LLC. With him were Mike Wright from SPEC and Eric Stevenson from Sunset Rock. Attorney Pollack explained that CMA Engineers visited the site on December 8, 2021, for the expansion of the 5-acre site. On December 20, 2021, they received the review from CMA Engineers and Mr. Straub was on the meeting remotely. Attorney Pollack explained that they are comfortable with the recommendations from CMA Engineers. Attorney Pollack explained that they would be updating the operations plan that was dated back in 2009 for permits that were issued then. Attorney Pollack explained that they would accept the condition that they update the plan every 5 years. Attorney Pollack explained that they are before the Board asking for a conditional approval of these items and to include State permits from NHDES and AoT.

J. Brann asked about the expansion of the quarry if there was still room to go down in the current area.

Attorney Pollack explained that the reason was that the materials higher are easier to remove than lowering the floor of the active area.

J. Brann asked about them going down 36' in the expanded area where they are expanding out to within 300' of the Dover Campbell well. J. Brann read the following from the CMA report:

Brox has verbally indicated that it is their opinion that the granite bedrock is relatedly impermeable and comprises a hydraulic barrier. While this concept may have merit, the technical basis for concluding the conditions to support this model has not been provided.

J. Brann asked for the above statement to be explained and what is the basis that the expansion would not cause a problem.

Mr. Straub explained that the quarry existing and operating currently has approval that allows them to go much deeper than the water table operating level of the Campbell well in Dover. Mr. Straub explained that they have not gone that far yet. Mr. Straub continued to explain the area to the Board.

Mr. Straub read the following from the report:

“6 If groundwater dewatering from the excavation is required, a bedrock water level monitoring and reporting plan shall be submitted to and approved by the department.”

Mr. Straub explained that the plan be done now or before the excavation to a deeper elevation and would need to be reviewed and approved by NHDES, AoT or water supply people. Mr. Straub explained the details of what would need to be reviewed by AoT/NHDES.

J. Brann asked about the monitoring that would be in place and was concerned about the part of not knowing enough about the impact.

Mr. Straub explained that they don't want to wait for a problem and want to understand the situation so you can monitor efforts going forward. Mr. Straub explained to the Board how this would work.

Attorney Pollack explained that they don't want to go too far into this project and make a mistake. Attorney Pollack explained that instead going down and finding out sooner they can go sideways and avoid the depth. Attorney Pollack explained that they would like to get the AoT permit filed with the State; they have held off but would like to have by spring to open the area.

Mr. Straub explained that they could defer but the proposal is to go 36' and if an elevation was included that may satisfy both parties.

R. Allard asked if they could go 36' now?

Mr. Straub explained that they could but the condition of the AoT existing permit that if they get to an elevation that the bedrock water levels can go below regional elevations then the monitoring report would need to be in place.

R. Allard explained his take on it would be the chance going below 120' but felt the removal of material in the upper expansion area was low chance compared to going deeper.

Mr. Straub explained that if they stay above 120'.

A. Knapp asked by getting the expansion permit and staying at the existing level by moving across the site plan.

Attorney Pollack explained that it could be years and explained it on the plan to the Board.

S. Diamond expressed that by one of the documents they are already doing pumping of water, even during a dry year pumping was being done at the current level; was that correct.

Attorney Pollack stated no and explained that the sump was lower than 120' and that 120' was active quarry.

J. Jennison asked that on the plan where the rectangle to the right was, how deep was that.

Attorney Pollack explained that it was 100'; lower than the surface elevation.

A. Knapp asked if to move forward with the AoT permit the plan component that Mr. Straub was talking about wouldn't occur for the better part of a decade or longer.

Attorney Pollack stated that it was a good idea to have as a condition of the approval.

J. Jennison asked if you start work on the new section but don't go below existing floor, what was the trigger; was it the 120' above sea level. J. Jennison asked if Mr. Straub thought that there should be more than that.

Mr. Straub explained that the sump keeps the level at 120' and doesn't go lower. He answered S. Diamond's question that it was always pumping storm water. Everything around the pit goes to the sump as there is no other place for it to go. Mr. Straub explained how it works.

J. Jennison asked if he was looking at cross section B, which was not the cross section of today.

Michael Wright stated that was correct.

Mr. Straub explained that the cross sections in the materials are to the south of the lowest points and the lowest points from the site plan are about 120'.

Michael Wright confirmed that was correct.

Attorney Pollack explained that A & B are at the cross sections and still have the area where the water pools where its pumped from was even lower than that.

J. Jennison stated you could go lower than that.

Attorney Pollack explained that they could go a lot lower than that.

Michael Wright explained where the water was going and showed the Board.

S. Diamond expressed that they talked about how solid the rocks are and Dover's well was quite productive with a lot of water per minute.

Mr. Straub explained that Dover's well was in a different geological deposit than the granite that they are quarrying on the west of the well transition to a large sand and gravel deposit. Mr. Straub explained that Dover's well was screened material not the bedrock.

S. Diamond asked if they could be sure with blasting in the area that cracks won't get bigger.

Mr. Straub explained that the blasting was done on a fine network so the energy place into the rock was just enough to get the rock to a shallow depth to break.

S. Diamond explained that he was also talking about earthquakes that don't happen often but were they part of their mitigation plan.

Michael Wright explained that most of the earthquakes that happen in New Hampshire are at depth, you're talking miles below the surface, and feel they are not opening big fractures. Michael gave a brief description of the process on blasting and monitoring.

J. Jennison asked on Dover's monitor wells, how close would they get to.

Mr. Straub explained that on the site walk he could see some but didn't know how close they were.

The Board had a lengthy discussion about what conditions/studies/reports might be needed for approval.

Carol Ogilvie, Planning Consultant explained to the Board that some Towns rely on the 5-year AoT permit, and the Planning Board only gets involved if there becomes an issue.

Mr. Straub recommendations was AoT and every 5-years reporting that AoT or NHDES permit required that was 10 to 12 years old for the expansion to be reviewed.

Attorney Pollack expressed that CMA Engineers suggested an updated operations plan that they had no problem with.

J. Jennison opened public comments.

Gretchen Young with the City of Dover explained that they have been working with the Michael Wright and their team for a year and half. Gretchen explained that AoT doesn't permit groundwater and expressed that they felt that there was some missing information and not having the whole profile. Gretchen explained that they are concerned about cracks in the rocks and monitoring groundwater that should have been addressed 15 years ago. Gretchen explained that Dover was not opposed to the project, but the aquifer can provide more 50% to 60% of the water for the city. Gretchen expressed that they agree

with what CMA Engineers has put together, but they would like to see some progress or better for understanding of both water quality and assurances that the bedrock [barrier] holds up.

John Huckins asked Gretchen if she had talked to AoT.

Gretchen explained that she talked to them awhile ago and gave them a heads up that this was coming. Gretchen explained that NHDES has been involved in Dover's water system.

John Huckins expressed that NHDES was aware of the water situation. NHDES and AoT people both know what was going on with each other.

Gretchen explained that she reached out to them last spring.

J. Brann asked Gretchen what water she was talking about for water quality.

Gretchen explained that she was talking about the discharge from the sump.

Attorney Pollack expressed that you are saying AoT doesn't get involved in ground water and it's an odd but explained that they are often involved in groundwater and often confer with their groundwater protection bureau. Attorney Pollack explained that they have been involved in AoT, blasting and excavation etc., and coming up with monitoring plans on concerns related to water quality.

J. Brann asked if a bedrock monitoring plan has been done.

Michael Wright explained that a plan was done in 2009 where they put in a couple of wells, checked the bedrock quality, checked the water levels, and did submit a report at that time.

J. Jennison expressed that they were need something to approve because he doesn't, and maybe other Board members don't know without some suggestions, what to propose to the applicant.

Mr. Straub explained that in the Town Site Review regulations under Article 4.13 (5) use as a condition and their bulleted suggestions.

John Huckins explained that they would need to tell the Board what they are looking for because they are the third-party reviewer that understands this, not the Planning Board.

Mr. Straub explained that they could do that, it needs to reflect in the NHDES permits, and they can comment on the NHDES permits on the Town's part.

Gretchen explained that Dover would be willing to assist with any of this as needed.

Attorney Pollack explained that the approval can be done based on CMA Engineers recommendations and NHDES was going to explore the same issues when they consider the application. Attorney Pollack explained that everything that has been talked about was on page 5 and 6 of the CMA Engineers report and no issues with the recommendations.

Mr. Straub suggested having the applicant come up with the plan and propose to the Board. Each item can be reviewed and then CMA Engineers can comment.

J. Brann asked if there were quality monitoring wells.

Mr. Straub explained that quality monitoring wells if there's a problem with the quality. Mr. Straub explained they are talking about monitoring the sump pump going into the area.

Attorney Pollack explained that the sump pump in the discharge area is both part of the area for the existing permit and existing AoT permit. These are not in the 5-acres of the expansion area.

J. Brann asked how they know the water quality that was going into the discharge area.

Michael Wright explained that they sampled it in April and previously.

Attorney Pollack explained that they take samples and send to the lab.

Michael Wright explained that there was one well by the pump house.

Board had a lengthy conversation about monitoring of the area.

J. Jennison closed public comment.

John Huckins explained to the Board that CMA Engineers and the applicant can draft up something for the Town attorney to review and then for the Board to review.

J. Jennison gave a review of what they were looking for:

- * **Site Safety**
- * **Hydrogeologic Study reporting frequency on this topic**
- * **Bedrock monitoring**
- * **5-year water testing**

Board had a lengthy conversation to ensure everyone understood what was being asked.

S. Diamond asked what was going to happen with the site when they are done with it.

Michael Wright explained that they have reports for AoT to review and end up as a pond.

S. Diamond asked once they are done with the site do they have any ongoing responsible.

Michael Wright explained that it would be naturally.

A motion was made by A. Knapp and second J. Brann to continue the application to January 18, 2022.

Roll Call:

A. Melnikas-Yay

D. Massucci-Yay

R. Allard-Yay

S. Diamond-Yay (Remotely)

J. Brann-Yay

A. Knapp-Yay

J. Jennison-Yay

ACTION ITEMS CONTINUED FROM December 7, 2021

3. **270-2&3 273-49-GR-21Sub (11) (Owner: Anthony Serra)** Request by applicant Sal Ragonese to construct an 11-lot Conservation Subdivision with a 690' cul-de-sac and a 9.6 Special Permit at 44

Meadowbrook Drive (Map 270, Lots 2&3 and Map 273, Lot 49) on 58.57 +/- acres in the General Residential Zoning District. BY: Barry Gier, P.E., Jones & Beach Engineers, Inc.; Po Box 219; Stratham, NH 03885.

J. Jennison gave brief description of the application.

Barry Gier from Jones and Beach Engineers, Inc. represented the applicant. Barry explained that they received the comments from CMA Engineers before the holidays, made the changes, and are ready to submit to CMA Engineers, Inc..

A motion was made by J. Brann and seconded by R. Allard to continue the application for 44 Meadowbrook Drive to January 18, 2022. The motion carried unanimously.

Roll Call:

A. Melnikas-Yay

D. Massucci-Yay

R. Allard-Yay

S. Diamond-Yay (Remotely)

J. Brann-Yay

A. Knapp-Yay

J. Jennison-Yay

4. [251-63-RC-21-SR \(Owners: Steven & Pamela Lenzi\)](#) Request by applicant Robert Russell from 2A Tactical, LLC for Site Review and waivers to construct a 6,000 s.f. will have 2 story building with 11,080 s.f. useable space. The building will have 4,120 s.f. office/classroom space and 2,624 s.f. of retail space, 3,376 s.f. of warehouse/storage space with 960 s.f. of gunsmithing space and have classes with maximum 20 students that will occur during off hours. The location will be on the corner of Calef Highway (aka Route 125) and Bumford Road on 8.6 acres in the Regional Commercial Zoning District. (Map 251, Lot 63). BY: Scott Frankiewicz, LLS & Bernie Temple, PE; New Hampshire Land Consultants, PLLC.; 683C First NH Turnpike; Northwood, NH 03261.

J. Jennison gave a description on the application.

Scott Frankiewicz from New Hampshire Land Consultants represented applicant 2A Tactical, LLC. Scott explained that the two points have changed with an easement across the site as shown on the plan. Scott explained that this has been submitted to NHDOT and they have given an approval on the layout; they asked for a right and left turn shoulder. Scott supplied a report that was updated by Stephen G. Pernaw & Company on January 3, 2022. Scott shared an overview of the site with the Board. Scott explained that the notes and changes on the plan that the Board asked for were added. They also met with Fire Chief Walker and talked about the fire lane.

R. Allard expressed that the low lighting level was too low. R. Allard explained that .09 was the minimum and it shows .07.

Scott explained that they had a professional do the lighting and they went by the criteria.

John Huckins explained that the design works but the paperwork was off.

R. Allard explained that it shows lights on the overhang and light in the overhang was what was wrong.

R. Allard explained that the rendering plan shows two on the ground level.

Scott explained that the renderings are for reference only.

R. Allard explained that the renderings are good, they just don't match.

J. Jennison opened public comment.

J. Jennison closed public comment.

Scott explained that they did receive CMA Engineers estimate, and a check and agreement have been sent back. Scott explained that this was for the drainage and there would be another contract for the inspections and monitoring of Bumford Road relocation. Scott explained that there was an agreement in place with 2A Tactical and Mr. Lenzi for events for the overflow parking in the gravel pit. Scott explained that there was also a road agreement between Mr., Lenzi and 2A Tactical, LLC.

Requested a waiver for the following:

Section 4.12.2 General Requirement Table 7 to allow the minimum footcandles to be 0.7 in the on-site.

A motion was made by J. Brann and seconded by R. Allard to grant the waiver of 4.12.2 General Requirements 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 6/1 abstained
Roll Call:

A. Melnikas-Yay

D. Massucci-Yay

R. Allard-Yay

S. Diamond-Yay (Remotely)

J. Brann-Yay

A. Knapp-abstained

J. Jennison-Yay

S. Diamond asked about the NHDOT wanting Bumford Road at the end to be reconfigured and all the traffic would go on the newly configured intersection with the old area seeded to block the old pathway.

Scott stated that was correct.

S. Diamond asked about the drainage that J. Brann brought up at a previous meeting; was there an operation and maintenance plan and should there be something else related to drainage other than this document.

J. Brann explained that in the notes it states what the maintenance would be as far as inspections.

J. Jennison explained that the maintenance summary was on page 16.

A motion was made by J. Jennison and seconded by J. Brann to continue the application to February 1, 2022. Vote 6/1 abstained

Roll Call:

A. Melnikas-Yay

D. Massucci-Yay

R. Allard-Yay

S. Diamond-Yay (Remotely)

J. Brann-Yay

A. Knapp-abstained
J. Jennison-Yay

J. Brann recused himself from the application.

ACTION ITEMS

5. [118-4&256-2-GR-21-LL \(Owners: Joseph & Cheryl Wilson\)](#) Request by applicant to adjust boundary lines so that 11.55 acres of Map 256, Lot 2 will be added to Map 118, Lot 4. This would increase Map 118, Lot 4 to 11.85 acres and Map 256, Lot 2 will be 5.01 acres along with request for waivers located at 79 Phinney Way in the General Residential Zoning District. BY: SEC & Associates Inc., Charlie Zilch; PO Box 1337; Plaistow, NH 03865.

J. Jennison gave a brief of the application.

Charlie Zilch from SEC & Associates, Inc represented the applicants Joseph & Cheryl Wilson. Charlie explained that they are doing a boundary line adjustment between Map 256, Lot 2 and added to Map 118, Lot 4 to increase the size of the lot. Charlie explained the location of these lots on Swain Lake off France Road on Phinney Way. Charlie gave a description of the two parcels and explained that they have frontage on Swain Lake and both are in the General Residential Zoning District. Charlie explained that they would have a 25' right of way (ROW) easement for the people who use Phinney Way.

R. Allard explained that in the planners' comments it does not affect the ROW in any way.

R. Allard expressed that it does affect the ROW.

Charlie explained on the plan that it doesn't affect the ROW.

R. Allard explained that the new lot goes across the new piece.

John Huckins explained that the ROW was still in the same place.

A. Knapp explained that Map 118, Lot 4 had a deeded ROW to the water and Map 118, Lot 4 had deeded the ROW for the other lot.

R. Allard expressed that there needs to be language drafted for the new lot and it should be 20' all the way down.

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

A. Melnikas-Yay
D. Massucci-Yay
R. Allard-Yay
S. Diamond-Yay (Remotely)
A. Knapp-Yay
J. Jennison-Yay

John Huckins explained to the Board that would exempt them from having to do the Class 6/private road standards. John explained that this question was sent to the Town Attorney; they

could sign the indemnification form as part of this. John explained that Carol had an idea that the applicant would need to comply with the Town's Private Road Regulations this way the Select Board would have a chance to look at the road and conditions along with the Fire Chief. John explained to the Board that they would need to set the conditions because if they don't, they could just come in and get a building permit without doing anything to the road.

S. Diamond asked if there were an entrance to Mica Point and could there be an easement even if it wasn't built yet allowing for this.

John Huckins explained that there are other landowners in between, it was wet, and expressed that he didn't believe that they would be able to put in a road with all those wetlands.

S. Diamond explained that the driveway goes around the wetlands and could there be an easement to allow it in the future.

J. Jennison explained that you would need to cross someone else's property to connect to Norm's Way.

John Huckins explained that Norm's Way was just a driveway.

J. Jennison asked if there was a house on the property.

John Huckins explained that the house was on the smaller lot.

R. Allard expressed that they are asking for a waiver from the wetlands things; does that have to be done before construction?

John Huckins explained that they would need to show disturbance around any 50' area.

R. Allard asked if they have done any wetland delineations.

Charlie explained that they have done wetland delineations around the lake house and the larger piece, and showed the location.

J. Jennison opened public comment.

J. Brann from 109 France Road explained that the Planning Board has discussed in the past that you end up with a substandard road access with the two properties. J. Brann explained that the regulation for a private road that only accesses 3 developed lots was a driveway. J. Brann asked what they are going to end up by doing this waiver.

J. Jennison explained that the intent of the waiver was to have a 30' easement and for a application for a building permit would require an upgrade to the Class 6/ private road.

John Huckins explained that they are waiving the constructions standards of the road and the Select Board are going to oversee the construction of the private road policy.

Charlie asked if it was for new construction and subdividing the property.

John Huckins explained there would be an identification that get signed and you don't have to go through the whole process. John explained that ADU expansion you would need to go through the whole process.

Charlie asked if just a garage.

John Huckins explained that would be the indemnification to sign and gets recorded saying that you don't hold the Town liable

J. Jennison closed public comment.

Waivers Requested:

Article 5.3.1 (6) Full Site Topography

(9) Full Site Wetlands

(10) Full Site Features

A motion was made by A. Knapp and seconded by R. Allard to grant the waivers from Article 5.3.1 (6) (9) and (10) 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:

A. Melnikas-Yay

D. Massucci-Yay

R. Allard-Yay

S. Diamond-Yay (Remotely)

A. Knapp-Yay

J. Jennison-Yay

12.2.1 Road Design Standards

A motion was made by A. Knapp and seconded by R. Allard to grant the waivers from Article 12.2.1 Road Design Standards 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:

A. Melnikas-Yay

D. Massucci-Yay

R. Allard-Yay

S. Diamond-Yay (Remotely)

A. Knapp-Yay

J. Jennison-Yay

J. Jennison read Conditions Precedent:



Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0195

jhuckins@barrington.nh.gov

DRAFT NOTICE OF DECISION

Office use only	Date certified:	As built plans received:	Surety returned:
<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>			
Re: <u>118-4 & 256-2-GR-21-LL (Owners: Joseph & Cheryl Wilson)</u> Request by applicant for a Lot Line Adjustment at 79 Phinney Way (Map 118, Lot 4 and Map 256 Lot 2) on 16.89 acres in the General Residential Zoning District. BY: Joseph & Cheryl Wilson, P. O. Box 479, Barrington, NH 03825			
Owner: Joseph & Cheryl Wilson P. O. Box 479 Barrington, NH 03825 Applicant: Same Professional: Charlie Zilch S.E.C. & Associates, Inc. 185 Plaistow Road, Unit 2 Plaistow, NH 03865			
			Dated: January 4, 2022

Dear applicant:

This is to inform you that the Barrington Planning Board at its January 4, 2022 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 12 calendar months to the day, January 4, 2023, the Board's 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:
"Any future applications for subdivision or construction are subject to compliance with RSA 674:41 and/or the Town of Barrington Class VI and Private Road Policy."
- 2) Revise the following plan notes to add waivers on #7.
- 3) Revise the plan to identify the Right-of-Way as being 30-foot in width.
- 4) Any future applications for subdivision or construction are subject to compliance with RSA 674:41 and/or the Town of Barrington Class VI and Private Road Policy.
- 5) Any outstanding fees shall be paid to the Town.
- 6) 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.
- 7) This approval incorporates the following waivers from the Barrington Subdivision Regulations:
 - a) 12.2.1 Road Design Standards; and
 - b) 5.3.1 (6) Full site topography, waiving (9) full site wetlands and (10) full site features.

General and Subsequent Conditions

- 1) The applicants engineer shall certify in writing all improvements have been constructed as approved prior to the issuance of a certificate of occupancy.
- 2) Where no active and substantial work, required under this approval has commenced upon the site within two years from the date the plan is signed, this approval shall expire. An extension, not to exceed one year, may be granted, by majority vote of the Board so long as it is applied for at least thirty days prior to the expiration date. The Board may grant only one such extension for any proposed site plan. All other plans must be submitted to the Board for review to ensure compliance with these and other Town ordinances. Active and substantial work is defined in this section as being the expenditure of at least 25% of the infrastructure improvements required under this approval. Infrastructure shall mean in this instance, the construction of roads, storm drains, and improvements indicated on the site plan. (RSA 674:39)

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

John Huckins
Zoning Administrator
cc: File

A motion was made by A. Knapp and seconded by R. Allard to approve the Lot Line on Phinney Way. Vote 5/1

Roll Call:
A. Melnikas-Yay
D. Massucci-Yay
R. Allard-Yay
S. Diamond-Nay (Remotely)
A. Knapp-Yay
J. Jennison-Yay

J. Brann returned to the Board.

6. [220-54.7.2-RC-21-SR \(Unit #38\) \(Owners: Mill Falls RE LLC\)](#) Request by applicant to allow light manufacturing where current site plan only species storage and office at 246 Calef Highway Unit #38 in the Regional Commercial Zoning District (Map 220, Lot 54.7-2).

J. Jennison gave a brief description of the application.

Lane Knaack of HFW Welding Co. LLC was looking for approval for light manufacturing in Unit #38.

John Huckins explained that Lane was looking at Unit #38 at the Mills Fall storage units and looked up what they were approved for. John explained that he was using the unit to weld in the shop and it was questionable whether Lane needed to apply, so he had Lane come before the Board.

R. Allard asked if the approval was for this unit or the whole site.

John explained that the approval was only for Unit #38 and Lane would have ownership of this unit.

A. Knapp explained to the Board that when the applicant came before the Board there was no light manufacturing tied to the decision. A. Knapp expressed it was just for storage or contractors storage.

John Huckins addressed the letter from the abutter and explained that this was not a zoning change; this was a use change which was allowed in the zoned district.

R. Allard explained to the Board that they have had applicants come before the Board for a use change and felt that the letter to him did not apply.

John Huckins explained to the Board that the letter from the abutter stated the use didn't comply with zoning but that it does comply with zoning.

S. Diamond stated that the applicant wants to do welding and asked about the fumes?

Lane explained that its not heavy where you would need a respirator and he does have a fan.

S. Diamond asked about the unit next to this one, as he was concerned about the smells getting through there and asked if he could weld with a door opened.

Lane explained that he could open a door and run a fan out. He explained that he works at a shop with an office and fumes do not get in the office.

J. Jennison asked where it was listed as light manufacturing would they be reproducing items in quantity.

Lane explained that he fixes and welds random items that most people do not want to work on. Lane explained that he doesn't see himself as a mass production company.

J. Jennison asked about storage on the outside of the building.

Lane explained that you are not allowed have any storage on the outside of the building.

J. Brann asked about the waste materials that are generated.

Lane explained that they are in metal containers and taken to a scrap yard weekly.

J. Jennison asked about gas bottles.

Lane explained are stored properly with dividers between them and only has what was needed.

John Huckins explained that the Fire Chief would need to approve the hot work (welding) and it needs to be permitted and approved.

J. Brann asked if the building was sprinkled.

Lane stated it was not; the building was under 20,000 s.f.

J. Jennison asked about the stacking height.

John Huckins explained that the units are only up to the 12'.

A motion was made by J. Brann and seconded by R. Allard to accept the application for Unit #38 as complete. Vote 7/0

Roll Call:

A. Melnikas-Yay

D. Massucci-Yay

R. Allard-Yay

S. Diamond-Yay (Remotely)

A. Knapp-Yay

J. Jennison-Yay

J. Brann-Yay

J. Jennison opened public comment.

J. Jennison closed public comment.

J. Jennison read Precedent Conditions:



Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0195

jhuckins@barrington.nh.gov

DRAFT NOTICE OF DECISION

Office use only	Date certified:	As built plans received:	Surety returned:
<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>			
Re: 220-54.7.2-RC-21-SR (unit #38) Request by applicant to allow light manufacturing where current site plan only species storage and office at 246 Isinglass Circle Unit #38 in the Regional Commercial Zoning District			
Owner: Mills Falls RE LLC Al Estes PO Box 627 Center Ossipee, NH 03814-0627 Applicant: Lane Knaak HFW Welding Co. LLC 388 Prospect Street Rollinsford, NH 03869 Professional:			
			Dated: January 4, 2022

Dear applicant:

This is to inform you that the Barrington Planning Board at its January 4, 2022 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 12 calendar months to the day, the January 4, 2023, Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

- 1) Any outstanding fees shall be paid to the Town.
- 2) Hot work (welding) shall not commence until permit and approval is issued by the Fire Chief.

General and Subsequent Conditions

- 1) NONE

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

John Huckins
Zoning Administrator

cc: File

A motion was made by J. Brann and seconded by R. Allard to allow the Welding Use in Unit #38. Vote 7/0

Roll Call:

A. Melnikas-Yay
D. Massucci-Yay
R. Allard-Yay
S. Diamond-Nay (Remotely)
A. Knapp-Yay
J. Jennison-Yay

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

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

The next meeting will be January 18, 2022, at 6:30 p.m. at the ECLC 77 Ramsdell Lane.

Without objection the meeting was adjourned at 10:35 p.m.