



**MEETING MINUTES
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: 797901773# OR link
www.barrington.nh.gov/pbmeeting**

**(Approved February 1, 2022)
Tuesday, January 18, 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-Remotely
Steve Diamond-Remotely-arrived at 6:32 p.m.
Andy Knapp ex- officio
Ron Allard
Andrew Melnikas

Members Absent

Donna Massucci
Buddy Hackett

Code Enforcement Officer: John Huckins
Staff: Barbara Irvine
Town Administrator: Conner MacIver
Planning Consultant: Carol Ogilvie (Remotely)

MINUTES REVIEW AND APPROVAL

1. Approval of January 4, 2022, meeting minutes.

A motion was made by A. Knapp and seconded by J. Brann (remotely) to approve the meeting minutes of January 4, 2022, as written. The motion carried unanimously.

Roll Call:

A. Melnikas-Yay

R. Allard-Yay

J. Jennison-Yay

A. Knapp-Yay

J. Brann-Yay (remotely)

S. Diamond-Yay (remotely)

ACTION ITEMS CONTINUED FROM January 4, 2022

2. **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 a brief description of the application.

Barry Gier from Jones and Beach Engineers, Inc. represented the applicant, Sal Ragonese. Barry explained to the Board that the intent was to do a 11-lot Conservation Subdivision with 690' cul de sac. Barry explained that they are working with CMA Engineers, the Town's engineers, to address the drainage issues. Barry explained that the issues have been addressed with CMA Engineers.

R. Allard asked about the open space.

Barry explained that the open space was over 50% and explained that required that they have more than enough open space that was upland than was required. Barry explained that at the prior meeting they agreed to protect the environmentally sensitive areas rather than putting the wetlands into a lot.

J. Brann explained that when there was a Conservation Subdivision, the open space use needs to be approved and asked whether there was documents for the uses of the open space per the regulations.

Barry explained that the homeowners' documents have not been submitted. Barry explained that the concerns with CMA Engineers have all been resolved.

J. Brann explained that the lines need to be removed in the sign off box.

S. Diamond asked about the basements in the structures and if they were below the high-water level.

Barry explained that he couldn't comment because this was a subdivision, and they don't have plans to build the house. Barry explained that they only show that a house can fit on each site and that they don't show the elevation of the houses.

John Huckins explained that when a house goes to the building department for a permit the bed of the septic design must be four feet above the seasonal high-water table.

J. Jennison opened public comment.

Barbara Locke from 228 Steppingstone Road asked the Board about her concerns with the beavers damming up Caldwell Brook.

J. Jennison explained that he felt that it was not within the scope of the Board to manage that waterway. J. Jennison explained that they are not proposing any construction down in the brook area.

A. Knapp expressed that it maybe NHDES or Fish & Game could help.

Barbara Locke explained that Fish & Game stopped mitigating beaver damage.

John Huckins explained that this would be a private issue not a Town regulation. John explained that there are some areas that they take them out and some, for conservation reasons, they have them in there and this would be regulated by the State not the Town.

Conner MacIver explained that unfortunately like a lot of municipalities in the State are very much in the beaver business because for the same reason that you (Barbara Locke) are concerned about beavers' infrastructure affecting transportation.

J. Jennison explained to Barbara Locke that if she recognizes a problem with the beavers in the future that needs to be addressed, reach out to the Town they can see if they would be interested in involvement. J. Jennison explained then going to the State level to see if they could help out if on your property.

Barbara Locke expressed that she has been listening and reading the plan for drainage, and it's very extensive. Barbara explained that Caldwell Brook was a natural area for beaver to dam, which would also affect this development and wetlands by raising the water table.

J. Jennison explained that this would be a case-by-case situation and affects everyone differently. J. Jennison explained that the Town doesn't have the jurisdiction to mandate that anyone monitor beaver activity in the brook behind there.

S. Diamond asked if the Conservation Commission has any responsibility for this.

J. Jennison explained it's not a responsibility but maybe a resource to reach out to if they have future issues they may have contacts.

Barry explained that if they notice them to contact the homeowner's association and they would rather deal with it than have issues with flooding on the property.

Barbara Locke explained that the impact was bigger than their problem.

J. Jennison explained that once the homeowners' association was established that would be a course of action to talk to them.

Barbara Locke explained that would be if there were homeowners' rules.

John Huckins explained that they can't make them write a rule that if the beaver dams up beyond any work that they take action and that would be almost like an act of God.

J. Jennison closed public comment.

J. Brann explained that 6.3.2 of the Zoning Ordinance requires a site inventory and conceptual development plan for the open space be submitted with the application to be approved by the Board.

J. Brann explained that this addresses what the uses are going to be and that its going to be undeveloped. This needs to be addressed.

John Huckins explained that was addressed in the first meeting when they were asked when the Board approved the conceptual plan.

J. Brann asked if that was when the Board discussed the percentage of open area.

John Huckins explained that the Board discussed that with the number of residents that would be allowed because of the conceptual plan.

J. Jennison asked if the area was open to the public or just the homeowners?

John Huckins that all the homeowners in the subdivision have the right to use the open space but they are not interested in allowing public access.

A. Knapp asked about the concern that Marc Moreau had about the intersection of the three way stop.

Barry explained that this was discussed with the Board at the last meeting and the Board decided that they wanted a three-way stop sign.

J. Jennison explained that they show a three way stop on the plan and that there should be a homeowners' association agreement for the lawyers.

John Huckins explained that we can add to the Notice of Decision.

S. Diamond read the following that the future owners are responsible to perform the maintenance obligations or hire a professional engineer to review the site on annual basis for maintenance and certification of the stormwater system. S. Diamond explained it's not just that the property owners would obviously want to do something if their property was flooded because a beaver, but they are required on an annual basis to maintain their stormwater system.

John Huckins explained that that the stormwater system was the system about the roadway and not about the wetlands behind the subdivision; these are two different things.

A. Knapp expressed that in the homeowners' agreement they need to make sure that it addresses the proper management of the swales. He has seen numerous instances where those swales are not maintained to the specifications of a drainage swale. They end up getting compacted, get mowed far too short, and then they end up not functioning the way they're designed to function.

J. Jennison asked the Board if they wanted to see the agreement before the Board makes a final approval or rely on attorney and staff.

The Board agreed to have the attorney review with all the references in the homeowners' association documents.

J. Jennison read the draft Notice of Decision:



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 received:	Surety returned
		n/a	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:

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.

Owners:
Anthony Serra
44 Meadowbrook Drive
Barrington, NH 03825

Applicant:
Sal Ragonese
21 Boylston Street
38 Brush Hill Road
Merrimac, MA 01860
617-899-6255

Professional:
Barry Gier, P.E.
Jones & Beach Engineers, Inc.
PO Box 219
Stratham, NH 03885

Dated: January 18, 2022

Dear applicant:

This is to inform you that the Barrington Planning Board at its January 18, 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 6 calendar months to the day, by July 18, 2022, the Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. *Reference 8.2.3 of the Town of Barrington Subdivision Regulations*

Conditions Precedent

- 1)
 - a) Add the owner's signature to the final plan
 - b) Add the wetland scientist stamp & signature to the final plan
 - c) Add State Subdivision Approval Number the Plan
- 2) Add the following plan notes:
 - a) The following items were granted as part of this application:
 - 1) 9.6 Special permit was granted.
 - 2) Additional open space was allowed without meeting the 50% requirements of 6.2.2(3)
 - 3) Variance was granted for 6.2.6 Perimeter Buffer for existing house
- 3) Add HOA documents to be approved by Town attorney to reference and to reference maintenance operating the stormwater operation annual.
- 4) Any outstanding fees paid to the Town and provide a check for \$25.00 made out to Strafford County Registry of Deeds for LCHIP.
- 5) Final Drawings (a) five sets of black line (b) plus one set of 11"X17" final approved plans must be on file with the Town. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans.

Note. If there are significant changes to be made to the plans, as specified above, one full size check print must be sent to the Land Use Office for review prior to producing these final drawings.

General and Subsequent Conditions

- 1# Current Use subject property or a portion of it is presently in Current Use. The applicant must provide the Town of Barrington Assessing Department current use map and/or other items needed to assure requirements of RSA-79A and the New Hampshire Department of Revenue Administrations Rules are satisfied.
- 2) Proper and complete survey monumentation shall be installed on the properties as a condition to final approval of the application. Iron pins (pipe or rod) are to be placed at all

property line corners and angles, and all points of curvature and points of tangency. Monuments for the lot being developed shall be placed not more than 300 feet apart in any straight line. The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the submitted plan. (*Reference 8.8 of the Town of Barrington Subdivision Regulations*)

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

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

Sincerely,

John Huckins
Zoning Administrator
cc: File

A motion was made by A. Knapp and seconded by J. Brann to approve the 11-Lot subdivision at 44 Meadowbrook Drive. The motion carried unanimously.

Roll Call:

A. Melnikas-Yay
R. Allard-Yay
J. Jennison-Yay
A. Knapp-Yay
J. Brann-Yay (remotely)
S. Diamond-Yay (remotely)

3. [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 Pollack from Gallagher, Callahan & Gartrell Law Firm represented Sunset Rock LLC. Attorney Pollack explained that Eric Stevenson from Brox Industries and Mike Wright from Re SPEC are present with him. Attorney Pollack explained that they are they responding to CMA's peer review and with an interim of a draft set of condition approval recommendations from the last discussion. Attorney Pollack explained that they sent a set of proposed conditions to CMA and Town Staff on January 6, 2022. Attorney Pollack explained that CMA review with some suggested revisions and they accepted all the suggested revisions with one exception. The remaining items relates to the language of proposed condition five with the one exception, as to whether it should apply only to the expansion area, Lot 4 a parcel containing five and half acres, which was the subject of the application. Attorney explained that the memo states it should apply not only to the expansion area but to the entire quarry which would be over 80 acres. Attorney Pollack explained the #5 condition of a bedrock water level monitoring and reporting plan excavation can proceed below 120'. Attorney Pollack stated that it should only apply to the expansion area; the depth was by the existing alteration of terrain permit. The condition explained that

when groundwater dewatering from the excavation was required, they should then have a plan or have a plan in place to regulate. Attorney Pollack explained that he finds that approach, as it was approved by the State decades ago, to be sufficient for the existing area and has operated safely for all this time. Attorney Pollack explained that the water volumes in the surrounding wells have not been affected. Attorney Pollack explained that CMA thinks that the condition should apply to the entirety of the excavation, both current and proposed. Attorney Pollack explained that they would ask that it be limited just to activities on Lot 4. Attorney Pollack explained that it should say, in the applicant's opinion, prior to any excavation activities on Lot 4 proceeding below the elevation of 120' above sea level. Attorney explained that was important to them because the expansion gets them closer to the municipal wells. The alteration of terrain language protects the existing area and the current excavation area of 80 acres that we're currently excavating on was already or near 120' above sea level. Attorney Pollack explained to the Board that if they were to agree to spread the condition from the expansion area to the entirety of the quarry, they would essentially have a red light to stop. This could take a significant amount of time to create the monitoring plan. Attorney Pollack expressed that the existing excavation remains subject to the previously approved alteration of terrain language. Attorney Pollack explained that the five acres where they are getting closer to that well be subject to an arbitrary depth of 120', a conservative arbitrary number, which they have no issue with relative to the expansion area. In CMA's memo claims and in its email of January 11, 2022, that the failure to spread the condition would leave inadequate or no added protection. That was not the case; the alteration of terrain already discusses the interception of groundwater. Attorney Pollack explained that they are going to need to get an alteration of terrain permit for the expansion area. Attorney Pollack pointed out that conditions #4 and #6 are all right as proposed and would apply to both the existing and the expansion area. They have accepted those conditions applying in both places; they deal with water quality monitoring and aquifer recharge monitoring. Attorney Pollack asked the Board to stand with what has already been applied to the existing area for a long time and just impose the condition on the expansion area.

John Huckins explained to the Board that they received advice from the Town Attorney on how to apply the conditions moving forward.

Conner explained that the Town Attorney does not have the authority to change the conditions of the original approval and the Planning Board should only be looking at the additional area in the application.

John Huckins explained that it's already vested and approved from a previous application.

Attorney Pollack explained that they don't have an issue spreading the condition for water quality monitoring as stated in conditions for four and six. On Number 5 they would not strike activities on Lot 4; it would say prior to any excavation activities on Lot 4 proceeding below the elevation.

A. Knapp asked about the monitoring data changes it was originally noted as yearly then it goes to biennially and Dover requested semi-annual.

Attorney Pollack explained that they are proposing twice a year.

A. Knapp asked about the tph and the VOCs like in the monitoring well one and monitoring well two it notes every five years age tph and VOCs then says all parameters above.

Mr. Straub from CMA Engineers explained that those two wells are not terribly important in his opinion; other wells that would be placed in the future would be of more importance than the location of those.

A. Knapp asked if because they are monitoring the sumps did Mr. Straub feel you'd have a more representative sample of it coming out of the sumps as opposed to the monitor house.

Mr. Straub explained that there are two different things. The monitoring models that were placed years ago they are not terribly useful in monitoring the groundwater quality from the excavation. The sump was a different matter that surface water primarily being pumped away and wanted to assurance that there wasn't some spill or some other action in the pit area. Mr. Straub expressed when the sump is checked it should be checked for all reasonable parameters.

A. Knapp explained that he was asking because he assumed they would see TPH and VOCs out of the sump before they would see them leaching to groundwater monitoring well.

Mr. Straub explained that his initial impression was those are not effective locations for monitoring from the site.

Attorney Pollack explained the sump was going to collect that kind of surface contamination.

J. Brann asked if the only contention between CMA Engineers and Brox's was essentially when you're going have to put the study into place.

John Huckins explained that in original approval that they had, they can go below the 120' unless they hit water according to their alteration of terrain. John explained that the new area would be triggered by the 120', not the old area.

J. Brann asked if in the new area they would need to put the monitoring study into place prior to going below that level. J. Brann asked if a study was needed for the larger part.

John Huckins explained that by the old alteration of terrain only if they hit water.

Mr. Straub explained that in his conversation with the Board and Brox on January 4, 2022, in his view it didn't make the distinction between the expansion and the existing pit. MR. Straub explained that they were talking about the same kind of behavior; the expansion's closer to the wells but the elevation and the hydrogeologic impact are essentially the same. Mr. Straub expressed that he would disagree with Attorney Pollack that one being more important than the other; he think they're equally important.

R. Allard explained that in the existing part of the permitted area, when they do ground water dewatering, they have to get approval ahead of time.

Mr. Straub expressed that he felt Condition #6 was not well written in the AoT permit.

R. Allard read the following: if groundwater excavation required a bedrock level monitoring and reporting plan shall be submitted and approved by the department.

Attorney Pollack expressed that the AoT permit bureau would take a fresh look at the language when they submit their new application and clarify their intentions. Attorney Pollack explained to stop an existing excavation area that has been operating for decades they can't accept they do need to draw the legal distinction between what exists and what's proposed.

J. Jennison opened public comment.

Gretchen Young, the City of Dover Environmental Project Manager, explained that this was their largest aquifer; it can provide 60% of the water for the City of Dover. Gretchen explained that it's an absolute necessary resource for the City of Dover. Gretchen explained that they really need to consider the aquifer

recharge, making sure that they have the capacity and there's no dewatering of aquifer or affect to the water quality. Gretchen explained that John Brooks was remotely with her. He was the Senior Consultant for Emery and Garrett. Gretchen explained that they are experts in the region. They work with several communities in the area, and they are the City of Dover on-call hydrogeologists. Gretchen explained that they received CMA's comment and the language that was being discussed but we hadn't had a chance to review until last Friday. Gretchen explained that this was crucial capacity for the whole City of Dover. Gretchen explained that their concern was how the groundwater was going to act, the rock's going to act, and whether there's high yield fractures that they don't know about. Gretchen explained they are concerned there's potential for dewatering.

John Brooks from Emery and Garrett explained that the City of Dover has a valuable resource that they would like to protect. John explained that their main concern was protecting water quality in the aquifer from potential blasting residues and protecting long-term water levels if a high yield fracture zone was intercepted. John explained that below the water table if that starts draining the aquifer and lowers the water levels in the sand and gravel it could impact the utilization of the Campbell well and maybe even the Cauldron well which was a little farther away. John expressed that protecting the recharge that's available to the Campbell well hasn't been discussed much. John explained that if you look at the drilling results, that there is bedrock under the unexcavated area in the proposed excavation and the permitted area in the north slope toward the Campbells wells, so precipitation enters the sand and gravel. The surface infiltrates water down, hits that sloping bedrock surface and feeds into the aquifer that's surrounding the Campbell well that helps maintain the water level. John explained waiting to get 120' there was already impact occurring to water levels and recharge of the aquifer. John explained that some of the changes they suggest that could be worked out. John explained that things that are missing in the plans are monitoring the sand and gravel aquifer, and bedrock wells for water quality in the bedrock. John explained that if there wasn't a baseline up front then you don't know what happened later.

J. Brann expressed that he understands their concerns about the recharge of the aquifer, and you have suggested that a relocation of the area to which they're discharging. J. Brann asked if this would increase the chance of contamination of the aquifer.

Gretchen Young explained that there was a recommendation prior to any excavation that there be a spill prevention plan ensuring that contaminations don't happen.

A. Knapp explained that a spill protection plan doesn't prevent anything from happening. A. Knapp expressed that on Condition #8 if we're concerned about the sump water, why would we want to put the sump water into a position where it would go back and potentially contaminate to a higher level.

John Brooks explained that they are very concerned about it and part of the management was not just water quality testing but setting up spill prevention programs such as defining where you can fuel your trucks. John asked what action when a small spill occurs; then there's an immediate response the materials are available right on the truck. There are different procedures that they can do during blasting to help minimize and prevent contamination of groundwater and explained ways.

Gretchen Young asked John Brooks to talk about the different types of bedrock analysis. The one that CMA Engineers suggested and the seismic refraction versus the electric resistivity.

John Brooks explained seismic refraction surveys. Basically there's an explosive source or a type of energy source, you just pound on the ground on a plate with a hammer, then record transit time.

Gretchen Young asked John Brooks when they did the site visit did he see anything visible that would give reason to think there might be some high yield fracture zones or some issues with the groundwater

and if the monitoring well locations one and two aren't all that indicative. Would he propose new locations for monitoring wells that would be more appropriate? Gretchen asked about testing those semi-annually like what was recommended.

John Brooks explained that it would depend on the results.

J. Jennison explained that the Board could go down every hypothetical situation, what may or may not occur, but his feeling on some of this stuff was specific proposed ideas of monitoring should have been brought forward a lot sooner in the process so they could have been parsed out.

A. Knapp expressed that a lot of these issues are NHDES and AoT level as opposed to a Planning Board.

R. Allard agreed. He explained that they are talking about a 5 ½ acre site limited to 120'. He agrees that there is risk when they go lower into the groundwater sees going deeper in existing area with some additional risk.

Gretchen explained that they have been working with Brox and Michael Wright, and they were working directly with John Brooks, to talk about this timing and monitor locations but then they stopped hearing any information. Gretchen agreed the expansion plan allowed them to have all the time to get the added data and then we heard from the applicant that they weren't comfortable expanding their request for the data to the existing quarry; they didn't want to stop what they are doing. Gretchen explained that she heard at the last meeting that they did want to propose and work into the new five acres expansion to allow them to have the time to get the data so that they didn't need to go into the groundwater sub 120' in the existing. Gretchen expressed that she was opposed to having that be part of their approval especially where they're accepting it on two other conditions.

J. Jennison explained to Gretchen that from the Board's perspective that's why they had taken their time with this, and the Board made sure we didn't rush anything. J. Jennison explained that he doesn't recall any request that was in front of the Board now that's been ignored or not considered before this.

Gretchen explained that those discussions did happen and I'm looking to John Brooks to talk about some of the specifics.

John Huckins explained that it wasn't brought to this Planning Board and if the discussions were going on it wasn't with this Board. John explained to Gretchen that when they need the alteration of terrain you have opportunity to address with the State and you can talk about the different monitoring systems. John explained that NHDES has experts and they'll probably agree or disagree with your perception. John explained that they Board feels that Brox's has met the intent of the regulations and brought in the monitoring that was set up on the new section.

R. Allard explained that the State has the authority.

Gretchen explained that they have been proactive to work together and find monitoring wells and the City would work in monitoring wells.

John Huckins explained that they can still work with Brox outside this meeting.

Gretchen asked Mr. Straub if anything came up today that would alter any of your recommendations or modify any of the recommendations.

Mr. Straub explained to Gretchen that the modified recommendations were fine.

J. Brann asked about the processing for the AoT permitting and if AoT reaches out to abutters or accept input from the public/abutters as part of the process.

John Huckins explained that they don't technically reach out but the City of Dover has a right to come forward and give their opinion to anything that has to do with the State.

J. Jennison closed public comment.

J. Jennison asked about the difference between the seismic refraction and the electrical resistivity .

Michael Wright explained that he has not had great luck with the electro resistivity, and he has done numerous quarries where they had gravel aquifers. Michael explained that just not sand or gravel but just gravel butting up to rock and looking for fractures. Michael explained that they drill with a core rig and with a special core rig to actually mark the core so they can see a core its orientation and everything at the fracture. They didn't find it in either of the cases and agrees with CMA's Engineers recommendations.

J. Brann asked if they agreed to do that [seismic refraction].

J. Jennison explained they agreed to put the seismic in there and he just wanted to see the difference between the two.

A. Knapp explained just trying to use electrical resistivity in a concrete application he can't get accurate information that close going to a significant depth and could understand the challenge tied to that.

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 received:	Surety returned
		n/a	n/a
<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
Proposal Identification:			
<u>236-4-GR-20-SR (Owner: Sunset Rock LLC)</u> 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.

Owners:
Sunset Rock LLC
Eric Stevenson
1471 Methuen Street
Dracut, MA 01826

Engineer:
Michael Wright
RESPEC
67 Water Street, Ste 109
Laconia, NH 03246

Dated: January 18, 2022

Dear applicant:

This is to inform you that the Barrington Planning Board at its January 18, 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 6 calendar months to the day, by July 18, 2022, the Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

1. All notes on plan set dated October 12, 2020 ("Project Plans"), as submitted, are incorporated by reference as conditions of approval.
2. All erosion and sediment control measures included on the Project Plans shall to be in place prior to the commencement of excavation activities on Lot 4.
3. Excavation activities on Lot 4 shall not commence prior to receipt of all necessary State of New Hampshire approvals, including but not limited to an Alteration of Terrain permit from the New Hampshire Department of Environmental Services applicable to Lot 4 and as may also apply to other parts of the existing permitted excavation, and other permits or approvals that may be required.
4. Upon approval of the application, commence a groundwater quality monitoring program by obtaining "grab" samples from the sump discharge to the infiltration gallery, and

sample the two existing bedrock monitoring wells at the quarry (MW-1 and MW-2) according to the following schedule:

Monitoring Location	Sampling Frequency	Parameters
Sump	Biannually: May and October	TPH, Chloride, Nitrate, TKN, pH Specific Conductance, Sulfate, Iron, Manganese, Arsenic
Sump	Annually: October	VOCs using EPA Method 8260 including 1,4-dioxane
MW-1 and MW-2	Every Five Years	Gauge, All parameters above

Laboratory reporting shall be filed annually with the Town Planning Department.

5. Prior to any excavation activities on Lot 4 proceeding below the elevation of 120' ASL, applicant shall prepare, submit, and receive approval from the Planning Board and NHDES as may be required for a bedrock water level monitoring and reporting plan consistent with current or future NHDES Alteration of Terrain permits or other NHDES permitting requirements, and consistent with the recommendations of CMA Engineers in its peer report to the Planning Board dated December 20, 2021. The plan will include description of actions to be taken if groundwater dewatering occurs that can negatively affect the City of Dover well or other water resources. The scope for the investigations and plan development will be submitted to the Planning Board and NHDES for approval prior to commencing the investigations, with sufficient time for approval and completion of the plan prior to excavating below elevation 120 ASL. The scope will include additional investigations of hydrogeologic conditions including seismic refraction profiling of the elevation of bedrock between the existing and planned excavation and the aquifer containing the City of Dover water supply well(s), fracture trace analysis, integration of data from the City of Dover well site, potentially additional bedrock piezometers/observation wells, and other measures deemed applicable.
6. Prior to excavation activities commencing on Lot 4, and every five (5) years thereafter, updating and filing with the Planning Board, the existing Operations Plan dated June 19, 2009, to incorporate new and continued excavation activities on Lot 4, and to document current and then-existing excavation elevations, historic quarry water pumping volumes, and site safety measures to limit unauthorized access. The Operations Plan shall document best management practices to safeguard against impacts from blasting activities upon water quality.

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 R. Allard and seconded by A. Melnikas to approve the application as read by the chair for Sunset Rock, LLC. Vote 5/1

Roll Call:

A. Melnikas-Yay
R. Allard-Yay
J. Jennison-Yay
A. Knapp-Yay
J. Brann-Yay (remotely)
S. Diamond-Nay (remotely)

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

4. Review of a request for a building permit on Orchard Hill Road, a Class 6 Road, For David Tedeschi ([Map 236, Lot 20](#)).

A motion was made by J. Brann and seconded by R. Allard to send the standard letter to the Select Board (with support of Road Agent comment). Vote 5/1 abstained

Roll Call:

A. Melnikas-Yay
R. Allard-Yay
J. Jennison-Yay
A. Knapp-abstained
J. Brann-Yay (remotely)
S. Diamond-Yay (remotely)

5. Discussion on Private Roads/Class 6 roads.

The Board had a lengthy discussion with the Town Administrator Conner MacIver. Below was what Conner would share with the Select Board discussion at their January 24, 2022 meeting:

1. Section 4b makes it clear that the road standards of the policy are those listed in the Subdivision Regulations. It further indicates that the Select Board may waive those standards, but if a waiver is granted, it still must meet the minimum standards listed (16' with 2' shoulders, surfaced with 4" of crushed gravel, etc.) If the Select Board intends to consider waivers to standards less than the minimum standards listed in the policy, the policy should be updated. The Planning Board recommends giving property owners two primary options: a. First, they recommend simply setting the road standards at 16' with 2' shoulders, surfaced with 4" of crushed gravel, etc. (the currently listed minimum standards). If a property owner intends to meet those requirements, they can do so without waiver. The Select Board could still reserve the right to require more stringent standards. b. Second, (at the property owner's option) they can invest 10% of the construction cost into the road. To exercise this option, they would present a scope and fee from a contractor describing the proposed upgrades. This would be reviewed and potentially modified by the Road Agent or Fire Chief based on maximizing the benefit of their investment. They would be strongly encouraged to involve the local road association in the improvement

plan. In either of the above-mentioned options, the Town would retain the option currently listed as 4biii, 4biv, and 4bv to require culverts, turnarounds, and/or pavement. In situations of extenuating circumstances, property owners could apply for a waiver. We would ask them to do so specifically by indicating what they would like waived, why they are requesting the waiver, and what their proposed alternative is. Similar to the Zoning Board's review of a variance application, there would be a reasonably high threshold for the burden they must demonstrate to be considered for a waiver. There are a few items in the policy which staff are developing a more formalized process for in order to ensure consistency: 1. Section 4a contemplates a permit for work on Class VI roads and bonding. The Highway Department is developing a formal permit to be issued by the Select Board prior to any work commencing within a Class VI road. Additionally, we recommend that any work proposed in a Class VI road be reviewed by the Road Agent and/or Town's Engineer of Record to recommend whether a bond should be secured; 2. Section 7 requires a 'duly recorded instrument' regarding road maintenance. The Town can have simple and complex examples available, but it will be the responsibility of the applicant to provide a recorded road maintenance agreement. In order to be respectful of a property owner's time and money, we ask the Select Board to consider reviewing applications without requiring septic approval, full building plans, zoning variance (if required), etc. The Select Board's authorization to issue a permit could be conditioned on those items. Considering applications in this way would allow a property owner to understand the full scope of what road improvements would be required prior to spending thousands of dollars on surveying/engineering/etc. This change of practice would not require any changes to the policy, as long as the Select Board agrees to consider applications as described. v. The Select Board is asked to consider the proposed policy and practice changes related to the Class VI and Private Road Policy.

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

The next meeting will be February 1, 2022, at 6:30 p.m. at the ECLC 77 Ramsdell Lane.

Without objection the meeting was adjourned at 9:50 p.m.