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**MEETING MINUTES**  
**Town of Barrington Planning Board**  
**Public Hearing**  
**(Approved August 2, 2022)**  
**July 19, 2022, at 6:30 PM**

**1. CALL TO ORDER**

**2. ROLL CALL**

**Members Present:** Ron Allard, John Driscoll, Buddy Hackett, Andy Melnikas, Bob Tessier, Donna Massucci, Joyce Cappiello

**Members Absent:** Andy Knapp, Donna Massucci

**Staff Present:** Town Planner: Vanessa Price, Code Enforcement Officer: John Huckins, Planning & Land Use Administrator Assistant: Barbara Irvine

**3. REVIEW AND APPROVAL OF MINUTES**

**A.** Review and approve minutes of the July 12, 2022, and June 21, 2022, meeting.

*A motion was made by A. Melnikas and seconded by B. Tessier to approve the July 12, 2022, meeting minutes as written. The motion carried unanimously.*

Roll Call:

Ron Allard-Yay  
John Driscoll-Yay  
Buddy Hackett-Yay  
Andy Melnikas-Yay  
Bob Tessier-Yay  
Joyce Cappiello-Yay

*A motion was made by B. Tessier and seconded by J. Driscoll to approve the June 21, 2022, meeting minutes as written. The motion carried unanimously.*

Roll Call:

Ron Allard-Yay  
John Driscoll-Yay  
Buddy Hackett-Yay  
Andy Melnikas-Yay  
Bob Tessier-Yay  
Joyce Cappiello-Yay

**4. STAFF UPDATES -TOWN PLANNER**

**A.** CIP Process.

V. Price explained to the Board that she is giving a brief update of there June meeting. V. Price explained that this was a Capital Improvement Project process current one was in 2019. V. Price explained she was the Town Planner and the agent for the Planning Board and meets with all the department heads for the list of projects are. V. Price explained that there that the status requires communication from the Planning Board and School Board in planning the CIP process. V. Price explained that there are specific capital projects for a gross cost of at least 10,000 useful life of 10 years and was non-recurring non annual budget item or any project bond financing. V. Price explained that she was hoping to bring back to the Board in September/October during a work session to help break the projects from the different department heads. V. Price explained that they would rank what projects they have on what they need and let the Board know that on July 25, 2022, they would have there first official meeting they already had their subcommittee Master Plan Chapter updates kickoff meeting.

## **5. DISCUSSION WITH THE BOARD, PRELIMINARY CONCEPTUAL REVIEW**

**A. Joel Runnals** discuss with the Board on what is needed for a Lot Line and one lot subdivision.

Joel Runnals from Norway Plains Associates, Inc. represented landowner Wayne Richard. Joel explained that they are before the Board to get some direction so when they send in an application and plans, they would be completed. Joel explained the sketch that was supplied to the Board that Wayne lives at Lot 13 and wants to do a Lot Line between Lots 13 and 14. Joel explained that Wayne wants to do a lot line as shown on the sketch down through the middle that was the existing lot line. Joel explained that Wayne would like. Joel explained that he would like to make Lots 13 and 14 then create lot 13.1. Joel explained that Lot 13.1 would have its frontage on Hemlock Lane which was a private road. Joel explained that this was the main reason they are before the Board so they can let them know what needs to be done because it would be on a private road. Joel expressed that he knows that the Select Board have a policy based on Building Permits. Joel explained that they want to know what they would be required to do for the Planning Board process. Joel asked the Board if they could give them some information on what they would want them to do.

R. Allard asked about Lot 14 was a proposed area that's 1.88 acres does that apply with the regulations for 80,000 s.f.? R. Allard expressed that he felt Lot 13 was a nonconforming lot.

Joel stated yes.

R. Allard expressed that he felt Lot 13 was a nonconforming lot.

Joel explained that Lot 13 has frontage on Hemlock Lane.

R. Allard explained that the frontage was for vehicular access according to the regulations and the address was on Partridge Drive.

Joel explained that this lot already assisted.

John Huckins explained that there was a regulation that if it abuts 2 roads both are considered frontages for setbacks. John explained that for access can only be taken from one frontage and can't be taken from both. John explained that they are for frontages for setback purposes and for counting the dimensional Requirements by the Town regulations. John explained that you can take access from the frontage, but it doesn't say which one. John explained that if a corner lot each road has been treated as frontage and this was in the definition.

R. Allard explained that he was concerned about 5.1.4 **Lot Line Adjustments Involving Non-Conforming Lots (3/9/2010)** one of the requirements was not to decrease the size of a non-conforming lot.

John Huckins explained that you can not decrease the deformity of the lot and there would still be 200' frontage even if they do that.

R. Allard asked if he has 200' frontage.

John Huckins explained that the private road was not frontage but felt that was incorrect he's not decreasing the frontage.

R. Allard expressed that it says you can't reduce the area and in Article 5.1.4 (1) b can't decrease the size of a nonconforming lot.

John Huckins explained that if the lot was not large enough to be conformed.

R. Allard explained that if the lot doesn't have the correct frontage, it was not conforming that you can't reduce the size.

John Huckins explained that says that **5.1.4 (1)(a)** "The lot line adjustment does not create a new violation in zoning ordinance or increase an existing nonconformity".

R. Allard expressed that he agreed with (a) but on **5.1.4 (1)(b)** "The lot line adjustment does not decrease the size of the nonconforming lot or rendering a conforming lot nonconforming".

John Huckins explained that would be size wise.

R. Allard explained that it says or, and he reads its as it was nonconforming and can't decrease the size.

John Huckins explained that he felts both road count as frontage as the definition reads. John explained that if you want to go by the way that reads, and someone has 190' of frontage on 50 acres they couldn't do a lot line adjustment.

R. Allard explained that it looks like they have 200' on Partridge but to him it's non-conforming and once non-conforming you can't change the size.

John Huckins explained that on 4.1.2 what that stands for was that you must take access from your frontage.

R. Allard explained that where you take access was your frontage.

John Huckins read the following:

**"The side of the parcel used to satisfy the frontage requirements specified in table of dimensional standards or other alternative standards must be the side of the parcel used to provide vehicle access to the property"**.

R. Allard asked once there was vehicle access to the property that's automatically your front side.

John Huckins explained that it says the side of the parcel used to satisfy the frontage requirement shall be the one that you use for access.

Joel explained that you can't get access from another lot, then they would need to go for a variance.

R. Allard asked wherever you take our access becomes the frontage.

John Huckins read the definition of Frontage:

**"The length of a lot line abutting a Class V highway or other road upon which buildings may be built lawfully".**

John explained so that the frontage would be on both road and that you could take access from any of your frontages. John explained that because you take access from another road doesn't mean the other road was not your frontage because they are both frontages.

John read the definition for a corner lot:

**A lot at the point of intersection of, and abutting on, two (2) or more intersecting streets, the interior angle of intersection of the street lot lines or, in case of a curved street, extended lot lines, being not more than one hundred thirty-five (135) degrees. Each street frontage shall be considered a front yard.**

John Huckins explained to the Board that the reason Joel was there was to see what the Board needed them to do. John explained to see if they need to upgrade the road to meet the private road standards or like the lot line that was just done. John explained that if they don't give a direction on the private road once this has subdivision approval by the Planning Board any upgrades that's what you require unless the Board puts condition that meets the one from the Select Board. John explained that if there are no conditions from the Planning Board, they wouldn't have to do any updates. John explained that the Board may want to look at the road standards in the subdivision regulations. John explained the Board that the upgrade would only need to be where they take access for the newly created lot.

R. Allard asked how many dwellings are on that road.

Joel stated 26 dwellings.

Wayne Richard explained that all of the dwellings are not year around the lot has frontage on Partridge Drive and 50' on Merry Hill Road then it goes to Hemlock.

R. Allard explained that the road standards that apply are 50' right of way with 22' pavement width.

Wayne Richard asked if he would have to pave to the access point?

John Huckins explained to the Board that they are at the beginning of the road, and they want to know how much the Board would want them to put in the roads. John explained that they are only a couple hundred of feet down the road.

R. Allard asked if it was gravel?

Wayne explained that its gravel from Merry Hill where it comes out on the corner all the way to an old section that had a 25' right of way where all the houses are.

Joel explained that all they are looking for was to do one lot.

R. Allard explained that the Board has allowed gravel in the past, but you know that it's a 50' right of way and it's 20'-22' was wide.

Wayne explained that he measured you to the line intersecting the flat line and said that was approximately 500'.

R. Allard asked what the width was.

Wayne explained that the width was all with 20' and stated that the Road Agent said that it needs to be cleaned up. Wayne explained that the HOA of the road already said that because there was an existing house going down the road which abuts the property, we are trying to ad. Wayne explained that they have agreed to put in some culverts with the HOA.

Joel asked if they come back with a detailed plan and what would you want to see for the road?

John Huckins explained that they would want then to show the road design could meet it. John explained they would have the prerogative like it was done on the other one. John explained that before they could get a building permit they would need to comply with the selectman's policy.

Joel asked the Board if they would approve as it was and meets the Select Board policy.

John Huckins explained that you couldn't get a building permit until it meets it.

Joel expressed that it's based on the policy of the percentage of the cost of the house. Joel explained that they have know idea what the cost would be.

R. Allard explained that the 10% is an alternative.

J. Driscoll explained that he said that the Road Agent generally been going 16' on each side shoulder.

John Huckins explained that was it's the Select Board's policy, but not the regulations that are in the subdivision regulations for a waiver. John explained that they would need to ask for a waiver from the subdivision regulations, but the waiver could be on the conditions that they have the Select Board authority a building permit. John explained do they want the Select Board or a certain design to the road upgrade?

Joel asked if this done a subdivision stage or the building permit stage?

R. Allard expressed he would want to see something in the subdivision.

J. Driscoll expressed that this could be overly expensive.

R. Allard explained that they can improve it and it was all his frontage.

J. Driscoll asked R. Allard if he only wanted him to go to his property?

R. Allard explained from Hemlock to the corner.

John Huckins stated the Board was ok with pavement or just gravel and he asked the Board about the width 22' with a 3' shoulder that would give 28'. John explained that the reason why they're here they

don't want to go that wide and they don't want pavement. John asked the Board when they come back would the Board waive some of this. John asked if they would waive the 20' of the gravel way going?

The Board was in favor the waivers.

John Huckins explained that if they did the road to the 20' if they gravel way down and waive the other things, they would not need the Select Board Private Road Policy.

Joel asked with the Planning Board approval for the Subdivision as part of the building permit.

## **6. ACTION ITEMS**

### **A. REQUEST FOR EXTENSION**

1. [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.

R. Allard gave a brief description of the application.

Scott Frankiewicz and Dwayne Watson represented 2A Tactical, LLC. Scott explained that they received there final approval from NHDOT but it was a draft copy. Scott explained that they are before the Board for an extension because it runs out on August 1<sup>st</sup>.

R. Allard explained that the applicant was looking for a one-year extension.

John Huckins explained that the applicant needed the following condition approvals:

1. NHDOT approval-they just received funding to meet that this would be like the Bo9ard did for granting the same thing as the lot the new Town Hall was on. The only hold up was the bonding.
2. The Select Board needs to authorize the work on the Class 6 road portion. Joh explained that the can't write the easement to the Town until this Site Review gets approved. John explained that the Notice of Decision needs to be changed so that they can work in the right of way before construction can start and I shouldn't be part of the approval because they need to get the transferred to the Select Board before they get authorized by the Select Board.

V. Price explained that the current Notice of Decision so that it reflects so that the Select Board can authorize work in the roads right of way before construction.

John Huckins explained that if this was modified in the condition of approval they wouldn't have to extend it because that would be the new conditions then they would have one-year from today to meet the conditions.

R. Allard opened public comment.

R. Allard closed public comment.

V. Price read the following change in the Notice of Decision on Conditions Precedent:

## NOTICE OF DECISION-AMENDED

Date of Application: September 14, 2021

Date Original Notice Decision Issued: February 15, 2022

Date Amended Notice Decision Issued: July 19, 2022

Case File #: #251-63-RC-21-SR

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built/s received:</i>	<i>Surety returned</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>			
Re: 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. two- 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).			
Owner: Steven & Pamela Lenzi 304 Young Road Barrington, NH 03825  Applicant: 2A Tactical, LLC 99 Tolend Road Barrington, NH 03825  Professional: Scott Frankiewicz, LLS & Bernie Temple, PE New Hampshire Land Consultants, PLLC. 683C First NH Turnpike Northwood, NH 03261			

### Dear applicant:

This is to inform you that the Barrington Planning Board at its July 19, 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 the precedent conditions are not met within 12 calendar months to the day, July 19, 2023, 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) Add the following plan notes:

- a) At the October 5, 2021, Planning Board Meeting, Board approved waivers for:
  - i) the requirement to have a Legend on Pages 9-16 per Section 3.2.7 of the Site Plan Review Regulations; and
  - ii) the requirement for a full traffic impact analysis per Section 4.14.1 of the Site Plan Review Regulations.
- b) At the February 1, 2022, Planning Board Meeting, the Board approved waivers for:
  - i) The Planning Board waives the requirement for internal shade trees per Section 4.9.7(4) and perimeter shade trees per 4.9.7(5) of the Site Plan Review Regulations.
- c) Select Board to authorize work in the road's Right of Way (ROW) before construction.

#2) Add the following to the Plan:

Owners' Signature  
DOT Approval #  
Septic Approval #  
Wetlands Scientist stamp

#3) Submittal from the applicant to the Town of Barrington from NHDOT, a letter of commitment from NHDOT stating the NHDOT approval meets the requirements for the curb cut.

#4) Any outstanding fees shall be paid to the Town.

#5) Prior to obtaining Board signature, the Applicant shall submit two (2) full size paper copies of the site plans, one (1) 11' x 17' copy and .pdf/a format file format with supporting documents as required in Article 3 of the Barrington Site Plan Review Regulations, with a letter explaining how the Applicant addressed the conditions of approval to the Land Use Office.



The Planning Board Chair shall sign and date all plans meeting the conditions of approval. The Board shall endorse two (2) full size paper copies of the site plans for their records and one (1) 11' x 17' copy and .pdf/a format file format for the case file folder.

The applicants engineer shall certify in writing the improvements have been constructed as approved prior to the issuance of a certificate of occupancy.

### **General and Subsequent Conditions**

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

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

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

Sincerely,

Vanessa Price  
Town Planner  
cc: File

*A motion was made by R. Allard and seconded by J. Driscoll to grant the one-year extension for amended Notice of Decision 2A Tactical, LLC until July 19, 2023. Vote 5/1 abstained*

Roll Call:

Ron Allard-Yay  
John Driscoll-Yay  
Buddy Hackett-abstained  
Andy Melnikas-Yay  
Bob Tessier-Yay  
Joyce Cappiello-Yay

2. [\*\*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.

R. Allard gave a brief description of the application.

Dave Garvey explained that he was asking for the 2-Lot subdivision for a one-year extension. Dave explained the reason was because it's been litigation since the approvals. Dave explained that his attorney has had decision with Attorney Laura Spectrum Morgan and they both agreed to ask for a extension. Dave explained that this has been appealed to Supreme Court.

R. Allard opened public comment.

R. Allard closed public comment.

*A motion was made by R. Allard and seconded by B. Tessier to grant the one-year extension for 2-Lot Subdivision off Franklin Pierce Highway. The motion carried unanimously.*

Roll Call:

Ron Allard-Yay

John Driscoll-Yay

Buddy Hackett-Yay

Andy Melnikas-Yay

Bob Tessier-Yay

Joyce Cappiello-Yay

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.

R. Allard gave a brief description of the application.

Mike Wright from RESPEC Engineering representing Brox's Industries. Mike explained to the Board that they are requesting a one-year extension. Mike explained that when they were approved in February of 2022 they took their application to NHDES, AOT and NHDOT. Mike explained that everything was in agreement they explained that a lot of people messed this part up. Mike explained when submitted make sure, the wetlands application to Fish and Game has everything within a year. Mike explained that he went back in the records and realized that this started in November 2020 and found out that they were out of the time limit for Fish and Game. Mike explained that they had to redo their Fish and Game application along with trying to get a wetlands person in April, May, and June. Mike explained that they are ready to submit the application within the week or two.

R. Allard opened public comment.

R. Allard closed public comment.

*A motion was made by B. Tessier and seconded by A. Melnikas to give a one-year extension for Brox's Industries. The motion carried unanimously.*

Roll Call:

Ron Allard-Yay

John Driscoll-Yay

Buddy Hackett-Yay

Andy Melnikas-Yay

Bob Tessier-Yay

Joyce Cappiello-Yay

## B. ACTION ITEMS CONTINUED FROM JUNE 7, 2022

1. [265-11&12-RC-22-SR \(Owner: Jeff Sullivan-Rock Iron Repair\)](#) Request by applicant proposing to construct a 3,600 s.f. commercial welding and repair facility along with a 3,600 s.f. building in the future on a 3.54-acre lot on Calef Highway Map 265, Lots 11 & 12) in the Regional Commercial Zoning District. BY: Barry Gier, Jones & Beach Engineers, Inc.; 85 Portsmouth Avenue; Stratham, NH 03885.

R. Allard gave a brief description of the application.

Barry Gier from Jones & Beach Engineers, Inc. represented Rock Iron Repair. Barry explained that the plans have been updated along with the Town Engineers comments. Barry explained that the lighting has been updated to meet the Town regulations. Barry explained that there would be 2 light poles along with lights on the building with landscaping added.

R. Allard explained that he only saw one light pole.

Barry explained that they have designed the lighted but needs to add to the plan.

R. Allard asked about no lighting near the road.

Barry explained lighting for the parking area they were ok, but he felt that it was not necessary to have a light pole at the entrance. Barry explained that they have 3 waivers.

### Waivers Requested:

**4.7.7(3)** The minimum depth of cover for storm drain lines shall be 36 inches from top of pipe to finished grade. ***The applicant has requested a waiver from this standard*** citing flat grades on site and a manufacturer's recommended minimum cover of 12" per the ADS Installation Manual. This information was not attached and should include analysis of actual wheel loads. The applicant could consider concrete drainage pipe.

*A motion was made by R. Allard and seconded by B. Tessier to grant the waiver 4.7.7(3) The minimum depth of cover for storm drain lines with reinforced concrete pipe as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously.*

Roll Call:

Ron Allard-Yay

John Driscoll-Yay

Buddy Hackett-Yay

Andy Melnikas-Yay

Bob Tessier-Yay

Joyce Cappiello-Yay

### **4.9.11(1) Parking Area Surfaces (Paved Surfaces)**

Businesses that are used regularly at least five (5) days per week shall be graded and surfaced with asphalt, concrete, or other comparable surface; however, gravel surfaces are proposed. ***The applicant has requested a waiver*** from this standard citing a required number of spaces less than 20 and that these are not planned to be used regularly 5 days per week. Under the circumstances.

*A motion was made by B. Tessier and seconded by J. Driscoll to grant the waiver 4.9.11(1) Paved Surfaces as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously.*

Roll Call:

Ron Allard-Yay

John Driscoll-Yay

Buddy Hackett-Yay

Andy Melnikas-Yay

Bob Tessier-Yay

Joyce Cappiello-Yay

#### **4.7.1 (1) 4.7 Drainage System**

A slight increase in the 2-year post-development peak runoff rate is attributed to runoff downstream of the treatment devices by the applicant. The difference is reasonable and acceptable.

*A motion was made by R. Allard and seconded by B. Tessier to grant the waiver 4.7.1 (1) Drainage System as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously.*

Roll Call:

Ron Allard-Yay

John Driscoll-Yay

Buddy Hackett-Yay

Andy Melnikas-Yay

Bob Tessier-Yay

Joyce Cappiello-Yay

R. Allard opened public comment.

R. Allard closed public comment.

V. Price read the Conditions Precedent:



**Planning & Land Use Department**

**Town of Barrington**

**PO Box 660**

**333 Calef Highway**

**Barrington, NH 03825**

**603.664.0195**

[VPrice@barrington.nh.gov](mailto:VPrice@barrington.nh.gov)

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## **NOTICE OF DECISION**

Date of Application: March 15, 2022  
Date Decision Issued: July 19, 2022  
Case File #: 265-11&12-RC-22-SR

[Office use only]	Date certified:	As built/s 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: Request by applicant proposing to construct a 3,600 s.f. commercial welding and repair facility along with a 3,600 s.f. building in the future and a 9.6 Special Permit on a 3.54-acre lot on Calef Highway Map 265, Lots 11 & 12) in the Regional Commercial Zoning District.			
<b>Owner:</b> Jeff Sullivan 224 Old Turnpike Road West Nottingham, NH 03291  <b>Applicant:</b> Jones & Beach Engineers Attn: Barry Gier PO Box 219 Stratham, NH 03885			

**Dear applicant:**

This is to inform you that the Barrington Planning Board at its July 19, 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 the precedent conditions are not met within 12 calendar months to the day, July 19, 2023, 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) Add the following plan notes:

- a) At the July 19, 2022, Planning Board Meeting, Board approved waivers for:
  - i) the requirement to allow the minimum depth of cover over storm drain line to be less than 36" per Section 4.7.7(3) of the Site Plan Review Regulations;

- ii) the requirement to allow gravel parking and drives per Section 4.9.11(1) of the Site Plan Review Regulations;
- iii) the requirement to allow minor calculated increase in the post-development rate of runoff over the pre-development rate of runoff per Section 4.7.1 (1) of the Site Plan Review Regulations

#2) Add the following to the Plan:

- a) 9.6 Special permit was granted.
- b) On final plan, the signature of the wetland scientist needs to certify final plan with signature and seal at final submittal.
- c) On the final plan, the owner signature is needed.
- d) On the final plan, the land surveyor needs to certify final plan with signature and seal at final submittal.
- e) NHDOT Driveway Access Permit Approval #
- f) NHDES Septic Approval #
- g) Address Section 3.5.7 of the Site Plan Review Regulations: The water service size and material have been provided, but the leader is in the wrong location. The sewer force main has not been labeled with size or material. The leaders for the septic field and tank are in the wrong locations.
- h) Address Section 4.9.7(6) of the Site Plan Review Regulations: The applicant has stated that a “stockage” fence has been proposed to screen parking, but the location of this fence is not shown on the plan.
- i) Address Section 4.12.2 of the Site Plan Review Regulations: The applicant should show conformance with the requirements of recommended site lighting levels (e.g., Maximum, Minimum, U-Ratio and Average).
- j) Address Section 4.14 of the Site Plan Review Regulations: Applications creating 5,000 s.f. or more of non-residential floor space are required to provide a Short Traffic Impact Analysis.
- k) Pre- and Post-Development Drainage Area Plans: The legends on the Existing and Proposed Watershed Plan should be updated to reflect the content of the plans.
- l) O & M Plan:
  - i. Add inspection of culverts.
  - ii. Update the inspection form to include all on site features-rock riprap, sedimentation forebay, etc.
  - iii. The additional sediment loading on the sediment forebay, should either be larger or inspected/cleaned more often and mentioned in the O&M manual.
- m) Sheet C1-Existing Conditions Plan: The legend should be updated to remove items that are not applicable.
- n) Sheet C2-Site Plan:
  - i. The Phase 1/2 limit is shown going through building #2.
  - ii. There are numerous leaders that are not pointing at anything or are pointing at the wrong item.
  - iii. The well radius line is in the wrong location.

- o) Sheet L1-Landscape and Lighting Plan: lighting to demonstrate compliance with the Town's lighting standards regarding footcandle requirements for low-level parking lot use. The applicant should provide a summary table.
  - p) The requirement to allow the minimum depth of cover over storm drain line to be less than 36" shall require the use of reinforced concrete pipe.
- #3) Any outstanding fees shall be paid to the Town.
- #4) Prior to obtaining Board signature, the Applicant shall submit two (2) full size paper copies of the site plans, one (1) 11' x 17' copy and .pdf/a format file format with supporting documents as required in Article 3 of the Barrington Site Plan Review Regulations, with a letter explaining how the Applicant addressed the conditions of approval to the Land Use Office.

The Planning Board Chair shall sign and date all plans meeting the conditions of approval. The Board shall endorse two (2) full size paper copies of the site plans for their records and one (1) 11' x 17' copy and .pdf/a format file format for the case file folder.

The applicants engineer shall certify in writing the improvements have been constructed as approved prior to the issuance of a certificate of occupancy.

### **General and Subsequent Conditions**

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

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

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

Sincerely,

Vanessa Price  
Town Planner  
cc: File

*A motion was made by R. Allard and seconded by B. Tessier to approve the Site Review subject to the conditions in the Notice of Decision. The motion carried unanimously.*



Roll Call:  
Ron Allard-Yay  
John Driscoll-Yay  
Buddy Hackett-Yay  
Andy Melnikas-Yay  
Bob Tessier-Yay  
Joyce Cappiello-Yay

### C. ACTION ITEMS NEW APPLICATIONS

1. [250-81-RC-22-SR \(Owner: Gerald Cote\)](#) Request by applicant for a proposal for a change of use to add retail (Map 250 Lot 81) along with waiver located at 26 Commerce Way in the General Regional Commercial Zoning District. BY: Gerald Cote; 80 Deer Ridge Drive; Barrington, NH 03825.

R. Allard read a brief description.

Gerry Cote owner of 26 Commerce Way explained to the Board that he has a new tenant that would like to have retail in the front of the building. Gerry explained they have an online auction that they do along with the back of the building would be warehouse.

J. Driscoll asked if they were going to have one or two people a day.

Gerry explained that there would be special days that they would pick up.

*A motion was made by R. Allard and seconded by B. Tessier to accept the application as complete. The motion passed unanimously.*

Roll Call:  
Ron Allard- Yay  
John Driscoll-Yay  
Buddy Hackett-Yay  
Andy Melnikas-Yay  
Bob Tessier-Yay  
Joyce Cappiello-Yay

V. Price read the list of uses that Gerry would allow at his building some would need Site Review.

Gerry explained that he just wants the retail.

#### **Waiver Requested:**

The applicant asked for a waiver to use their plan on file at the Town.

*A motion was made by R. Allard and seconded by B. Tessier a waiver to use the plan on file at the Town as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion passed unanimously.*

Roll Call:  
Ron Allard- Yay

John Driscoll-Yay  
Buddy Hackett-Yay  
Andy Melnikas-Yay  
Bob Tessier-Yay  
Joyce Cappiello-Yay



Planning & Land Use Department  
Town of Barrington  
PO Box 660  
333 Calef Highway  
Barrington, NH 03825  
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## NOTICE OF DECISION

Date of Application: June 16, 2022  
Date Decision Issued: July 19, 2022  
Case File #: #250-81-RC-22-SR

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built received:</i>	<i>Surety returned</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>			
RE: Request by applicant for a proposal for a change of use to add retail (Map 250 Lot 81) along with waiver located at 26 Commerce Way in the General Regional Commercial Zoning District.			
<b>Owners/Applicants:</b> Gerald Cole 80 Deer Ridge Drive Barrington, NH 03825			

### Dear applicant:

This is to inform you that the Barrington Planning Board at its July 19, 2022, meeting **APPROVED** your application referenced above. The approval for a Change of Use references the permitted uses in the General Regional Commercial Zoning District found in article 19 of the 2022 V1.7 Zoning Ordinance Table of Use to add Retail to the Site Plan.

The approved days of the week are Seven days a week, Sunday – Saturday and the hours of operation are 7:00 am to 8:00 pm.

Any changes to the site used for the operation of the business will require reapplication and review by the Planning Board.

Planning Board Meeting, Board approved waiver to use the site plan on file for:

- i) the requirement to have all site plans shall be prepared and stamped by a professional engineer. Boundary monuments shall be certified by a licensed surveyor per Section 3.1.1 of the Site Plan Review Regulations

I wish you the best of luck with your project. If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Vanessa Price  
Town Planner  
cc: File

*A motion was made by J. Driscoll and seconded by A. Melnikas to approve the Site Review for retail at 26 Commerce Way. The motion passed unanimously.*

Roll Call:

Ron Allard- Yay  
John Driscoll-Yay  
Buddy Hackett-Yay  
Andy Melnikas-Yay  
Bob Tessier-Yay  
Joyce Cappiello-Yay

2. **240-12-NR-22-SR (Owners: Ryan Caverly & Karen & Lendall Caverly)** Request by applicant for a proposal for 3.4 Conditional Use Permit for an event venue along with waivers in the barn (Map 240, Lot 12) of the Union Lake Orchard at 178 Young Road on a 9.8-acre lot in the Neighborhood Residential Zoning District. BY: Ryan Caverly: 160 Young Road; Barrington, NH 03825

R. Allard read a brief description of the application.

Ryan and Arthur Caverly represented the application for Union Lake Orchard. Ryan explained to the Board that he would like to know what the questions the Board has for them to proceed with the event venue. Ryan explained that they are proposing to add a use to the orchard at 178 Young Road. Ryan explained that they want to add a use to their barn, weddings, parties event venues. Arthur explained that the events would be on Fridays and Saturdays, Fridays would be 3:00 p.m. to 0:00 p.m. and Saturdays would be 10:00 a.m. to 10:00 p.m. with smaller events during the week until 8:00 p.m... Ryan explained that this work be a 3-day rental set up the day before, the event day and take down day. Arthur explained that Civil works in Dover they came and measured sight distance and the driveway they made some recommendations for cutting back some trees. Arthur explained that they recommended that on the northside of Young Road cut back the trees to improve sight distance.

R. Allard asked if they agreed to do.

Arthur explained that this has already been done. Arthur explained that the other suggestion was to remove some rocks on the southside along with cutting underbrush that has been done.

R. Allard asked if they saw the comments from the Road Agent.

Arthur explained that they did see the Road Agent's comments.

J. Driscoll asked if they were going to pave part of the road?

Ryan explained that they may pave in the future.

J. Driscoll asked about the swales.

Ryan explained that the swales he doesn't know if it was an option running all the way down the driveway. Ryan explained that the move heavy equipment across that land there would need to be something because they need to get equipment across there. Ryan explained that they would work with them instead of paving the entire driveway.

Len Caverly explained that it directs quite a lot of the water from the top of the hill right out to the orchard. Len explained that they are planning on doing it and if needed they would put 2 diverters at the end this would help eliminate that problem.

R. Allard explained that there was no lighting plan and said that they can not just show pictures they need to show where the lights are located.

John Huckins explained that portable solar lights would work.

R. Allard explained that the sight was hilly and show where the lighting levels are location along with height.

J. Driscoll asked about the lighting from the main parking along the road and the entrance. J. Driscoll asked if that was where they have the ramp?

Ryan stated that was correct.

J. Driscoll explained that there was lack of lighting around the D box or the septic tank shown on the plan.

Ryan explained the way that would be lite would-be string lights like a decorative lighting.

R. Allard explained lighting needs to be shown on the plan.

A. Melnikas asked if the Fire Chief has inspected.

Ryan explained that there was a strict policy in the contract with no lighted flames anywhere.

A. Melnikas asked about flames in the barn.

Ryan explained that the barn was not heated, and events would only be three seasons.

J. Driscoll asked about the upper part the topography shows it much flatter and stay away from the well radius.

Ryan explained that there are trees there it's the existing orchard.

J. Driscoll asked about the path for the additional parking area down to the main event would they be using the road.

Ryan explained that was all grass.

R. Allard opened public comment.

R. Allard closed public comment.

*A motion was made by R. Allard and seconded by A. Melnikas to accept the application as complete. The motion carried unanimously.*

Roll Call:

Ron Allard-Yay

John Driscoll-Yay

Buddy Hackett-Yay

Andy Melnikas-Yay

Bob Tessier-Yay

Joyce Cappiello-Yay

The Board had a lengthy conversation about the lighting.

### **Waivers Requested:**

#### **3.8 Illumination Plans**

*A motion was made by B. Tessier and seconded by J. Driscoll to grant the waiver 3.8 Illumination Plans as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. Vote 5/1*

Roll Call:

Ron Allard- Yay

John Driscoll-Yay

Buddy Hackett-Yay

Andy Melnikas-Yay

Bob Tessier-Yay

Joyce Cappiello-Yay

#### **Section 4.14.2(3) Leaving the Trees on Young Road**

*A motion was made by B. Tessier and seconded by J. Driscoll to grant the waiver to 4.14.2(3) leave the trees on Young Road as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion passed unanimously.*

Roll Call:

Ron Allard- Yay

John Driscoll-Yay

Buddy Hackett-Yay

Andy Melnikas-Yay

Bob Tessier-Yay

Joyce Cappiello-Yay

Ryan read the 3.4 Conditional Use Permit to the Board:

July to September.

The 200 year old farmhouse on the property was the original homestead for two generations of my family. It was the site of our farm stand for many years and is also used for storage. We have plans in the next two years to remodel this building to include a state approved kitchen where we can make value added products for retail sales and prepare food to serve at farm to table events. (Jam, pies, donuts, ice cream, quantity desserts etc.)

The two story gray building is a residence. It was originally designed by my grandfather to hold a water reserve in the basement water tanks for the orchard irrigation system. A drilled well is located in the basement. Thirty eight years ago when he built the structure there was a 360\* view from the second floor which our whole family has appreciated over the years. In 1995 this structure was expanded and became the property residence for my grandmother.

The barn is a newer construction in 2019. Built by members of our family and some friends, its current uses include; orchard retail sales, orchard storage, family events, and work space for orchard and family projects.

**Describe in detail proposed uses.**

I propose the use of the barn as an event space for weddings, anniversaries, birthdays and meetings. Most large events ( weddings, anniversary and birthday parties) will predominately take place May through October. Meetings for smaller groups may be held in the barn on weekdays during the day or evening and scheduling may go later into the fall. When there is a barn event the old farmhouse will become the site of retail sales and close when the event begins. No other construction or modifications are planned at this time.

**Describe in detail how the following conditions of CUP have been satisfied by your proposal.**

- **The building, structure or use is specifically authorized under the terms of this Ordinance.** By providing a venue in the Town of Barrington for events, we feel it is a positive opportunity for people to visit and experience our town and our orchard. With the quiet, agricultural, and attractive location, we feel this is a desirable addition to our community. We also feel this added use is essential to our farm because we can attract more people to our farm during harvest to experience farm to table events utilizing our products. In addition, some profits from events will go to offsetting the rising costs of running the orchard.
- **If completed, the development in its proposed location will comply with all requirements of this Ordinance, and with specific conditions or standards established in this Section for the particular building, structure or use.** The use of our barn as an event space will comply with all requirements of this Ordinance.
- **The building, structure or use will not materially endanger the public health or safety.** The change of use for the property will comply with all public health and safety standards. The public will be protected from equipment, tools, etc., used on the farm as they have been when the property is open to the public during harvest season with retail sales. The barn will adhere to all requirements set forth by building codes and inspected by the town Building Inspector and Fire Chief as necessary.
- **The building, structure or use will not substantially devalue abutting property.** The use of the barn as event space will not devalue abutting property and we feel the barn structure itself is a welcome



addition to the community. The property will be well kept as always, and events will be controlled.

- 5 • **The building, structure or use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located** We feel the predominantly weekend use of our barn for events will impact our neighbors minimally. The barn is located towards the back of the property and with event activity in close proximity to the barn, we feel the neighborhood and adjoining properties will not see this use as a nuisance. The Town Noise Ordinance will be enforced.
- 6 • **The building, structure or use will not have a substantial adverse impact on highway or pedestrian safety.** Please see Traffic Study. Additionally, peach customers during our seasonal harvest have accessed Young Road for 38 years and there have been no traffic or pedestrian related incidents. Since 2014 our Annual Peach Pancake Breakfast (benefiting the town food pantry) continues to draw more and more people to our property. In 2019 (pre-Covid) approximately 300 people attended this community event in a 3 hour time frame (7:30- 10:30) all accessing the property from/to Young Road also without incident. Stonewalls and undergrowth on roadside shoulders have been moved and some trees removed to mitigate most of the line of sight issues mentioned in the traffic study.
- 7 • **The building, structure or use will not have a substantial adverse impact on the natural and environmental resources of the town.** Events held at the barn will have a minimal impact of the towns natural and environmental resources. Approved lighting will limit light pollution. Trees along Young Road, and the orchard trees themselves, provide an adequate visual buffer. Again, event activity is confined to the inside the barn and the area in close proximity to the barn and the 9 PM Noise Ordinance will be enforced. Any large events will have temporary bathroom trailers present, as well as trash removal by the event customers.
- 8 • **Adequate public utilities, community facilities, and roadway capacity are available to the property to ensure that the proposed use will not necessitate excessive public expenditures in providing public services.** As per traffic study we do not foresee any public expenditures for increased roadway capacity.
- 9 • **Where deemed necessary when considering an application for Conditional Use approval, the Planning Board may require that adequate visual buffers be established.** We feel the trees along Young Road and the orchard itself provides an adequate visual buffer for the property when used for events. Events will not be visible to any of our neighbors during the summer, other than some exterior lighting during events. However, if the council requires additional buffers, we will work to satisfy any additional requirements.

R. Allard opened public comment.

R. Allard closed public comment.

*A motion was made by B. Tessier and seconded A. Melnikas to approve the 3.4 Conditional Use Permit for the Union Lake Orchard. The motion passed unanimously.*

Roll Call:

Ron Allard- Yay  
John Driscoll- Yay  
Buddy Hackett- Yay  
Andy Melnikas- Yay  
Bob Tessier- Yay  
Joyce Capiello- Yay

V. Price read Conditions Precedent.



Planning & Land Use Department  
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## NOTICE OF DECISION

Date of Application: June 20, 2022  
Date Decision Issued: July 19, 2022  
Case File #: #240-12-NR-22-SR

[Office use only]	Date certified:	As built 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: <b><u>240-12-NR-22-SR (Owners: Ryan Caverly &amp; Karen &amp; Lendall Caverly)</u></b> Request by applicant for a proposal for 3.4 Conditional Use Permit for an event venue along with waivers in the barn (Map 240, Lot 12) of the Union Lake Orchard at 178 Young Road on a 9.8-acre lot in the Neighborhood Residential Zoning District			
<b>Owners/Applicants:</b> Ryan Caverly and Karen & Lendall Caverly 160 Young Road Barrington, NH 03825			

### Dear applicant:

This is to inform you that the Barrington Planning Board at its July 19, 2022, meeting **APPROVED** your application referenced above. The approval included a 3.4 Conditional Use Permit granted approval for use of a Conference Center and a Minor Site Plan approval for an event venue in the barn.

At the July 19, 2022, Planning Board Meeting, Board approved waivers for:

- i) the requirement for the for the trees along Young Road, sited in the Traffic Study as being in the Line-of-sight triangle, to remain in place, per Section 4.14.2 (3) of the Site Plan Review Regulations.
- ii) the requirement for an Illumination Plan per Section 3.8 of the Site Plan Review Regulations.

The approved days of the week for events in the Barn are Sunday – Friday, and the hours of operation are 4:00 pm am to 8:00 pm.

The approved days of the week for a wedding event in the Barn are Fridays with the hours of operation 3:00 pm to 10:00 pm; and Saturdays with the hours of operation 10:00 am to 10:00 pm.

A Conditional Use Permit was granted as part of this application (Article 3.4) for the use of a Conference Center.

There should be no erosion impacts on swales or segmentation to Young Road. If erosion occurs from property to Young Road, erosion control measures shall be in place before, during and until the area stabilizes, if needed.

Any changes to the site used for the operation of the business will require reapplication and review by the Planning Board.

I wish you the best of luck with your project. If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Vanessa Price  
Town Planner  
cc: File

*A motion was made by B. Tessier and seconded by A. Melnikas to approve the Site Review for Union Lake Orchard. The motion passed unanimously.*

Roll Call:

Ron Allard- Yay  
John Driscoll-Yay  
Buddy Hackett-Yay  
Andy Melnikas-Yay  
Bob Tessier-Yay  
Joyce Cappiello-Yay

## **7. PRIVATE ROADS**

**A.** Review of a request for a building permit at 68 Rocky Point Road, a Class VI/Private Road, for Dave & Joyce Torrey ([Map 118, Lot 21](#)).

**B.** Tessier recused himself from this case.

After a lengthy discussion the following memo was sent to the Select Board.



Planning & Land Use Department  
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## MEMO

July 26, 2022

To: Select Board  
Reference: Map 118, Lot 21  
Location: 68 Rocky Point Road  
Owner: David Torrey

The Barrington Planning Board, at the July 19, 2022, meeting had no objections to the applicant proposing nothing as an alternative to the 10% requirement. The Board supports the opinion from department head staff comments that this application is a viable candidate for the waiver. To widen the existing road at all will involve encroachment on just about every lot on the road. There are fences, walls, and several obstacles that precluding any widening to the existing road.

Sincerely,

Vanessa Price, Town Planner

- B.** Review of a request for a building permit at 55 Cottage Lane, a Class VI/Private Road, for Robert & Sarah Grumbles ([Map 115, Lot 11](#)).

B. Tessier returned to the Board.

After a lengthy discussion the following memo was sent to the Select Board.



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---

## MEMO

July 26, 2022

To: Select Board  
Reference: Map 115 Lot 11  
Location: 55 Cottage Lane  
Owner: Robert & Sarah Grumbles

The Barrington Planning Board, at the July 19, 2022, meeting recommends the applicant provide details to the Select Board of proposed road improvements is willing to make to the 10% requirement. The applicant is proposing access improvements to Cottage Road by access to road by widening road to 30'-6" in front of house with expanded turnaround beyond the house and add a paved apron at road 15 x 20 x 3" apron where Young Rd meets Cottage Lane. The applicant has provided details on the proposed improvements to Collage Lane on a site plan but not the complete 10%. The Planning Board recommends the applicant provide further details to the Select Board of proposed road improvements he is willing to make the 10% or in leu of the 10% of improved value.

Cottage Lane does not meet the minimum Town road requirement of 16 feet wide with two-foot shoulders. Difficulty in large vehicle access is further compounded by several sharp curves along the way in. There does not appear to be any physical reason why the road couldn't be widened to the Town standard, from Young Road in, other than abutter consent. There are several large trees and rocks, but nothing unmanageable that would preclude the widening. As always, applicant should fix any damage to road due to construction. (Town of Barrington's Road Agent analysis and recommendations.)

Sincerely,

*Vanessa Price*

Vanessa Price, Town Planner

### 8. ADJOURN

A. Adjourn the Planning Board Meeting. The next Planning Board meeting is on August 2, 2022, at 6:30 PM.

The meeting adjourned at 10:15 p.m.

*A motion was made by R. Allard and seconded by B. Tessier to adjourn the meeting at 10:15 p.m. Motion Passed*