



BARRINGTON PLANNING BOARD MEETING

NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER
77 RAMSDELL LANE
Barrington, NH 03825

Tuesday June 7, 2016

6:30 p.m.

MEETING MINUTES

NOTE: THESE ARE SUMMARY ACTION MINUTES ONLY. A COMPLETE COPY OF THE MEETING AUDIO IS AVAILABLE AT THE LAND USE DEPARTMENT.

Members Present

Fred Nichols, Chair

James Jennison, Vice Chair

Richard Spinale

Daniel Ayer-ex-officio

Alternate Member Present

Alternate Member: Andrew Knapp-ex-officio (attended at #5)

Member Absent

Joshua Bouchard

Town Planner: Marcia Gasses

GUEST

Fred Nichols introduced Jeff Brann as someone interested in becoming a board member.

MINUTES REVIEW AND APPROVAL

1. Approval of the May 17, 2016 Meeting Minutes.

The minutes were adopted without objection with one spelling correction.

ACTION ITEMS

2. [238-23-V-16-\(2\) Sub \(Owner: Y. Skipper-Olsen\)](#) Request by applicant for a proposal to subdivide into two lots, one lot to be 2.93 acre site with non-residential capacity including a 9.6 special permit application and the remaining 6.37 acre site is currently a residential home (Map 238, Lot 23) at 412 Franklin Pierce Highway in the Village (V) Zoning District. By: Geometres Blue Hills, LLC; Po Box 277; Farmington, NH 03835.

F. Nichols gave a description of the proposal for a two lot subdivision.

M. Gasses explained to the board that this was originally a two lot subdivision that was voluntary merged and the applicant had come back to re-subdivide, so all the current zoning would apply including the wetland buffer ordinance. M. Gasses explained the need for the 9.6 special use permit was to recognize that there was an existing structure in the proposed buffer. On the 9.6 permit M. Gasses explained that she had discussed this with John Huckins, Code Enforcement Officer and they felt that this was a good way to recognize what the existing impact was in that area. In the past people had their house end up in a buffer and they did not understand the restrictions, so we wanted this addressed upfront. The current applicant had not proposed any additional activities or impacts in the buffer at this time.

F. Nichols questioned the buffer magically appeared in the subdivision.

M. Gasses explained if a wetlands was involved in the subdivision process the buffer would apply to the proposed as well as the remaining portion of the lot.

Randy Orvis, Geometres Blue Hills, LLC explained that this was a subdivision from the 70's and the lots were merged back together in the 90's. In 2006 the owner came before the board and was approved for site review for a Weeds and Feed store. The owner was interested in doing the subdivision so that she can sell off a lot. The lines for this subdivision were going to be different from the original subdivision. The subdivision was going to go around the barn with the minimum frontage and was going to share a common driveway with the house. The lot would be large enough for a residential lot that can be residential or commercial.

F. Nichols explained that all information was received.

F. Nichols opened public comment for the 9.6 special use permit.

Jeff Brann resident asked if because it has an existing structure needed the 9.6 permit does this mean that this lot would no longer be grandfathered as it was before.

F. Nichols and M. Gasses stated that that was correct.

M. Gasses explained that this was probably the first time that John Huckins and M. Gasses have decided that this was the best way to address this because they had an incident in the past. In this case it appeared that there was no activity in the buffer other than the structure that existed now.

Jeff Brann asked if the plan was to not doing anything with the structure. Jeff wanted to know if they made a change would they need to apply for a new 9.6 permit.

Randy Orvis stated that she will not be doing anything with the building.

M. Gasses stated that they would need to come back if they proposed any dredge or fill in the buffer.

Randy Orvis stated that his understanding was that you can put a garden in wetlands but you can't in the buffer.

M. Gasses explained that the town controls the buffer the state controls the wetlands.

M. Gasses explained that you cannot pull stumps you need to go to DES for a permit. Cannot impact wetlands without going to DES.

F. Nichols closed public comment.

D. Ayer asked about the driveway language from NHDOT.

Randy Orvis stated that he did not do anything with NHDOT because it was an existing driveway for two structures.

M. Gasses explained that they needed an updated permit number because they were changing the use.

Randy Orvis stated that they should have contacted NHDOT when they came in for Site Review in 2006.

D. Ayer explained that they will have access to two lots.

M. Gasses explained that she spoke to NHDOT and said that an updated permit was needed.

A motion was made by J. Jennison and seconded by D. Ayer to approve the 9.6 Special Use Permit with conditions in the draft notice of decision. The motion carried unanimously

F. Nichols opened public hearing for comment on the two lot subdivision.

F. Nichols closed public comment.

F. Nichols asked if there were any questions on the subdivision besides the driveway.

R. Spinale asked if they can approve without having driveway approval from the state.

D. Ayer explained that this would be part of the conditional approval.

M. Gasses explained that you cannot hold up review of the approval. It is under conditions precedent to add the NHDOT updated driveway permit number to the plan.

R. Spinale questioned if they did not get approval what happened.

M. Gasses explained that they had already had a driveway permit and did not believe there would be an issue.

M. Gasses explained that by law could not hold up conditional approval. They would not get final approval until the permit number was on the plan.

Randy Orvis explained that he did not see a problem because in 1986 there were two lots.

R. Spinale asked if this was approved this way before why did it need approval.

M. Gasses explained that the traffic on Franklin Pierce Highway had changed since 1986. This was why they needed to get a revised driveway permit.

M. Gasses read the conditions precedent.



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DRAFT
NOTICE OF DECISION

[Office use only]	Date certified:	As built received: n/a	Surety returned 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: 238-23-V-16-(2)Sub (Owner Y. Skipper-Olsen) Request b applicant for a proposal to subdivide into two lots, one lot to be a 2.93 acre site with non-residential capacity including a 9.6 special permit application and the remaining 6.37 acre site is currently a residential home (Map 238, Lot 23) at 412 Franklin Pierce Highway in the Village (V) Zoning District. By: Geometres Blue Hills, LLC; PO Box 277; Farmington, NH 03835			

Owner: Y. Darlene Skipper Olsen PO Box 126 Barrington, NH 03825 By: Randy R. Orvis c/o Geometres Blue Hills LLC PO Box 277 Farmington, NH 03835	Dated: XXXX, 2016
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Dear applicant:

This is to inform you that the Barrington Planning Board at its XXXXXX, 2016 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 **XXXXXXX, 2016**, the Boards 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*

A 9.6 Permit was granted as part of this application. No new impacts were proposed at this time.

Conditions Precedent

- 1)
 - a) Add the owners signature to the final plan
 - b) Add the wetland scientist stamp & signature to the final plan
 - c) Add the State Subdivision Approval # to the plan
 - d) Add the NHDOT updated driveway permit number to the plan
- 2) Revise the following plan notes
 - a) Relabel proposed Lot 23.1 to Lot 23 in all occurrences
 - b) Relabel proposed Lot 23.2 to Lot 23.1 in all occurrences
 - c) Correct the spelling of Franklin on sheet one
- 3) Add the following plan notes:
 - a) Any changes for commercial operation require site plan approval
 - b) This is a two sheet plan set with sheet #1 to be recorded at the SCRD and sheet #2 on file with the Land Use Office
- 4) Applicant must provide draft driveway easement language
- 5)# Proper and complete survey monumentation shall be installed on the properties as a condition to final approval of the application. Granite bounds shall be set at the intersection of existing or proposed lot sidelines with existing proposed streets. 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*)
- 6) Any outstanding fees shall be paid to the Town
- 7) Final Drawings (a) five sets of black line (b) plus one set of 11"X17" final approved plans (c) one electronic version by pdf or CD 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)#

(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).

A motion was made by D. Ayer and seconded by J. Jennison to approve the application with conditions as read by the planner. The motion carried unanimously

- 3. 263-19&13.1**The Board of Selectmen requests review and recommendation from the Planning Board on a proposed land exchange for economic development purposes as authorized by Town Meeting in RSA 41:14-a. The Town is seeking to acquire Map 263 Lot 19, the undeveloped 7 acre lot adjacent to and north of Liberty Truck. This would give the Town much greater flexibility in commercial development of Map 263 Lot 13.1. In exchange there would be a subdivision to deed a parcel for commercial use just south of and adjacent to Liberty Truck of approximately 5 acres.

F. Nichols gave a brief description of what the Town of Barrington and Liberty International Truck were proposing.

John Scruton, Town Administrator explained RSA 41:14-a Acquisition or Sale of Land, Buildings or Both. The selectmen shall have the authority to acquire or sell land, buildings, or both; provided, however, they shall first submit any such proposed acquisition or sale to the planning board and to the conservation commission for review and recommendation by those bodies, where a board or commission or both, exist. After the selectmen receive the recommendation of the planning board and the conservation commission, where a board or commission or both exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition or sale; provided, however, upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed acquisition or sale shall be inserted as an article in the warrant for the town meeting. The selectmen's vote shall take place no sooner than 7 days nor later than 14 days after the second public hearing which is held.

John explained that the voters actually approved to give the selectmen authority to develop the 125 acres for economic development and do what was needed to be done. This would not need to go through the 41:14a.

The reason for the hearing was because in this process the town would be acquiring a 7 acre lot. To acquire the 7 acres the town needed comment from the Planning Board and the Conservation Commission, then go through the 41:14a process. The voters approved parcel Lot 13.1 being used for economic development when they gave the selectmen authority to do this. As part of the selectmen's trying to develop this they have in the past worked out agreements with previous owners of the property that has now become Liberty Truck. Liberty Truck came in interested in expanding their business. In order to do this they needed a different piece of land than what they currently own. Liberty Truck currently owned Map 263, Lot 19 a 7.17 acre lot. This lot was beside Liberty Truck located on Pierce Road. Liberty Truck was interested in a 4 acre lot that was adjacent to their lot. This lot is part of the frontage and 125 acre lot on Calef Highway (aka Route 125). This lot would work for Liberty Truck for commercial sales and location. They were not ready to build but wanted to have everything lined up. The town believed that this 4 acre lot would be a stand-alone lot because of the wetlands and the brook that were on the far side of the lot.

The reason the town was interested in the 7 acre parcel was right now the town access to the back land only has a 50' right of way along the stonewall. The town wanted enough land to made the road wide enough so they could develop a road to get to the back lot.

The town wants to level this site where the ledge would be removed helping pay for the removal of the ledge so that they would have a commercial site.

This would need to come before the Planning Board for subdivision approval. Site Review would also be needed on any of these lot before anything could be done. This could be before the Planning Board several times before approved. The selectmen will need comment from the Conservation Commission and the Planning board under RSA 41:14a this would be needed before a public hearing. Conservation Commission had given their comments to the selectmen.

Memo from Conservation Commission below:

MEMORANDUM

To: Barrington Selectmen
From: Barrington Conservation Commission
Subject: Swap of Town Land
Date: June 6, 2016

At its meeting of June 2 the Conservation Commission reviewed the proposed acquisition by the town of Map 263 lot 29 in exchange for ~5 acres of town land to be subdivided away from town-owned Map 263 lot 13.1. We realize that the purpose of this proposal is to make the town-owned land more accessible and developable. Our only real concern relates to the fact that lot 13.1 borders the Samuel A Tamposi Water Supply Reserve (SATWaSR) for much of its western boundary. As you know, the town-owned SATWaSR is conserved, and among other things protects water supplies and provides important habitat for wildlife - including some that are threatened or endangered. Since areas of lot 13.1 contribute to these functions, we would like to be sure that a natural resource assessment of the property be done prior to or as part of any development of it, and that the ecologically important areas be protected. Our belief is that most of these areas are in the less developable and accessible parts of the property anyway, so such restrictions are unlikely to seriously diminish the property's potential for commercial development. On a somewhat related matter, I would like to point out what we believe to be an error in the tax map of lot 13.1. The tax map shows a northwestern rectangle as being part of that lot. We believe that it is actually part of SATWaSR, as reflected in the attached survey map which was completed at the time of the conservation and acquisition by the town of SATWaSR. We don't want there to be any confusion about the use of this particular area. I should also mention that the lots to the NE and SW of the rectangle (called Kurlich and Renna on the survey) are now town-owned and part of SATWaSR. We appreciate the opportunity to comment on such proposals that may impact the town's natural resources. Please let me know if I can provide any more input or information.

Respectfully,

John Wallace, Chairman

F. Nichols asked the board if they had any comments.

D. Ayer stated that he spoke with the Conservation Commission and the board was pretty much for this. He explained that this would not impact the Tamposi Property.

F. Nichols explained that he and John Scruton went for a site walk this morning and this site was all uplands. This was an opportunity for the town to develop property that was zoned industrial commercial. Where the trucking company was ready to do something this would be a good time to do it. This could increase our tax base adding more industrial commercial land.

J. Jennison asked who owned the 4 acre piece that Liberty Truck was interested in.

John Scruton explained that the town owned the parcel.

J. Jennison asked about the swap and his concern that abutters needed to be notified.

M. Gasses explained that the board was there just to make comments. She explained that there would be public hearings on this.

John Scruton explained that they would be notifying abutters.

J. Jennison was concerned about letting the public know what was going on.

M. Gasses stated that the selectmen will be having public hearings.

R. Spinale questioned the town had 125 acres and the town wants to swap out 4 acres of the 125.

John Scruton explained this was what they wanted to do.

R. Spinale wanted to know how much frontage Liberty Truck would be getting.

John Scruton explained that the town has 2300' frontage and Liberty Truck would be getting 500'.

D. Ayer explained that a stream abutted this property it would need to be a separate lot.

John Scruton explained the wetlands were going to form the boundary. Part of the hill would need to be taken out locate the building.

R. Spinale agreed that the public hearings should keep the public aware of what was going on.

John Scruton explained that the swap would be conditional if they decided to do this.

M. Gasses explained the process of the meetings.

John Scruton explained what would happen if this passes. The abutters would be notified.

M. Gasses explained that this would be posted in the newspaper and also post on the website for the hearing before the selectmen. This was not a public hearing at the Planning Board level this was just for comments.

John Scruton explained that the selectmen will have their meetings first then it would go to the Planning Board for subdivision. The meetings will be June 27th, July 11th and another meeting for the vote. Then to the Planning Board for the subdivision.

M. Gasses asked if these dates would be put on the website.

John Scruton stated that these would be posted.

R. Spinale asked who handled the meetings.

John Scruton explained that the selectmen will handle the meetings if approved, then to Planning Board for subdivision.

M. Gasses explained that Liberty Truck would then come before the Planning Board when they are ready to move forward for site review.

J. Jennison asked if Liberty Truck wanted conditional approval before they went for the subdivision.

M. Gasses explained that they could not do that. They needed to go through the process.

M. Gasses stated that Liberty Truck has done some preliminary work with NHDES.

John Scruton explained that AoT application maybe done ahead of time because of the time frame. This could take up to 90 days.

M. Gasses explained that this would have to do with the removal of the ledge.

F. Nichols expressed that he learned so much by going on a site walk.

John Scruton would go on a site walk with anyone that wanted to go.

F. Nichols suggested that anyone that wanted to go for a site walk to contact John Scruton.

F. Nichols asked the possible board member Jeff Bann if he had any comments.

Jeff Bann stated that he was interested in the site walk.

F. Nichols stated the comments from the Planning Board.

- Property is currently zoned for what the town seeks to do.
- Trading of the land opens up the back end of the town land that is suitable for commercial development that is almost now land locked due to the narrowness of the roadway to it.
- Swap will benefit Liberty Truck for expansion of their business.
- Zoning will stay as it is currently zoned.
- Concerns that residents need to know what is going on. Notify abutters.

R. Spinale asked about the 50' right away that this is not the only access to the 125 acres because of all the frontage on Route 125 could get us there as well.

John Scruton explained that the town has a restriction of 1,000 feet for a dead end. John explained that the town really needed to develop a loop road that goes in on Route 125 and out onto Pierce Road.

F. Nichols added that the Planning Board wished the town the best of luck.

R. Spinale thanked John Scruton for coming and explaining the key questions.

COMMUNICATIONS RECEIVED

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 47 Otter Way a private road, for John & Judith Churchill Map 114, Lot 42.

The board recommended sending their standard memo stating that they do not see any conflict with the regulations and recommending the applicant follow the recommendations of the Road Agent. The Selectmen should also seek input from the Fire Chief.

5. Review of a request for a building permit on Castle Rock Road a private road, for Matthew & Amanda Gallant Map 224, Lot 71.1.

The board recommended the standard memo be sent to the selectmen stating that the Board saw no conflict with the regulations in issuing a building permit provided the recommendations of the Road Agent are followed.

6. Schedule second Public Hearing for the adoption of the Master Plan Existing Land Use Chapter and Existing Housing/Demographics Chapter.

The second public hearing will be a schedule on July 5, 2016.

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

Next meeting will be June 21, 2016 6:30 p.m. Early Childhood Learning Center

Meeting was adjourned at 7:45p.m.

Respectfully submitted,

Barbara Irvine