



BARRINGTON PLANNING BOARD MEETING

NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER

77 RAMSDELL LANE

Barrington, NH 03825

(Approved September 6, 2016)

Tuesday August 16, 2016

6:30 p.m.

MEETING MINUTES

ROLL CALL

Members Present

Fred Nichols, Chair

James Jennison, Vice Chair

Richard Spinale

Jeff Brann

Paul Mausteller

Daniel Ayer-ex-officio

Alternate Member Absent

Andrew Knapp-ex-officio

Town Planner: Marcia Gasses

MINUTES REVIEW AND APPROVAL

1. Approval of the July 5, 2016 Meeting Minutes.

Without objection the Board approved the July 5, 2016 meeting minutes with minor typographical corrections.

ACTION ITEMS

2. [207-42-GR/HCO-16-SR \(Barrington Mulch & Flower-Owners: Gerald Sr & Lori Emerson\)](#) request by applicant for a proposal to amend site plan to add a propane pumping station on a 5.49 acre site (Map 207, Lot 42) at 836 Washington Street in the General Residential (GR) and Highway Commercial Overlay (HCO) Zoning Districts.

F. Nichols explained the applicant was granted a 3.4 Conditional Use Permit for Landscape/Greenhouse as part of the September 10, 2013 Planning Board Approval for a mixed use development. A site plan had been previously approved for a trucking business and home on August 3, 2006. The applicant was seeking to modify their 2013 site plan approval to add a propane pumping station to their existing retail business.

It had come to staff's attention during review of the prior approval that the final plans were never submitted to the Use Office for certification by the Chair. The owner began operating her business in the spring following Board approval in the belief that the plans had been finalized. The surveyor Jason Pohopek planned to submit final plans meeting the conditions of approval.

In addition M. Gasses had asked J. Huckins to visit the site and verify that the improvements had been made as approved. J. Huckins had reported that there had been a considerable number of extra bins added which were not consistent with the approval and that the designated area for the heavy truck parking no longer existed. A small horse stable was located in the designated truck parking area. Neighbors had raised a concern of possible filling of wetlands in locating the extra bins.

M. Gasses explained that her recommendations had changed since she had written her staff recommendations. Jason Pohopek had provided an updated plan showing the existing conditions on the site. There were 5 additional bins none of which had been located in the wetlands. The improvements had appeared to be consistent with the approval.

M. Gasses recommended the Board grant an extension to meet precedent conditions to September 1, 2016 so that Mr. Pohopek could supply the revised plans from 2013 for certification. Ms. Gasses also recommended that with the revised plans supplied that evening, the Board could accept the application as complete if they felt there was not a substantial difference between the first set of plans supplied and the second.

M. Gasses explained that a spreadsheet tracking applications had been developed in 2014 to help prevent approvals from slipping through the cracks, but in the end the responsibility was that of the applicant and their representative to track their projects and submit final plans.

Lori Emmerson explained that they had J. Pohopek locate the bins in the field and provided revised drawings. They had adjusted their bins slightly to reflect demand. Eastern propane had approached them about the installation of a propane pumping station and that was when they approached the Town and subsequently learned their final plans had not been submitted. The proposed pumping station would be constructed to meet all code and fire requirements.

A motion was made by D. Ayer and seconded by J. Brann to accept the application as complete. The motion carried unanimously.

F. Nicholls opened the public hearing

Janet McKenna expressed she was concerned about the propane tank. She was concerned about the business operating beyond the approved business hours. It had been reported to the police but they could not do anything. The noise from the screening machine and dump trucks after 6:00 p.m. was what bothered her. Ms. McKenna expressed that the trucks idling and activity early in the morning was not a problem.

F. Nichols summarized that the issue was the noise that occurred after approved operating hours.

Discussion ensued regarding the hours of operation.

J. Brann explained that the hours of operation were a way to protect the abutting residential uses from noise outside the hours of operation.

F. Nichols expressed that the hours of operation are 6am to 6pm.

Lori Emmerson expressed that she would abide by the hours of operation but that would also mean they would be out working at 6:00 a.m.

F. Nichols closed the public hearing.

J. Brann asked about the relationship of the location of the bins to the wetlands.

M. Gasses explained that the existing conditions plan showed the location of the bins as they existed today and that none of the bins were in the wetlands. The lot was created prior to the buffer ordinance so that wetland buffers did not apply to this lot.

Lori Emerson discussed the jersey barriers and protection for the tanks. The Emerson's would be the only individuals filling the tanks. The Emerson's would be required take a class and be certified to operate the pumping station.

M. Gasses explained the codes that would be need to be followed.

D. Ayer explained the safety features and licensing requirements for a propane fill station.

P. Mausteller asked if the skid the tank was on was wood.

Lori Emerson expressed it was metal.

A motion was made by J. Brann and seconded by J. Jennison to grant an extension for the 2013 site approval to meet precedent conditions to September 1, 2016. The motion carried unanimously.

M. Gasses read the draft notice of decision into the record.

Conditions Precedent

- 1) Add the following plan notes:
 - a) Under References list the 2013 Site plan conditionally approved on September 10, 2013
 - b) Station must comply with all code requirements; *including location and protection of fueling station*
- 2) Add the NHDOT driveway permit number to the plan and provide a copy to the Land Use Office. Permit #06-0274-513 Dated 10/21/2013.
- 3) Add the owner's signature to the final plan
- 4) Add revision block to the final plan
- #5) Any outstanding fees shall be paid to the Town

- 6) Prior to obtaining Board signature, the Applicant shall submit three(3) complete paper print plan sets and supporting documents as required in Article 3 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Barrington's file. The Chairman shall endorse three copies of the approved plan(s) meeting the conditions of approval. ~~upon receipt of an executed bond for all improvements, excluding buildings.~~ The Town shall retain a signed and approved reproducible 11"X17", and PDF format with supporting documents for Town records.

General and Subsequent Conditions

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

A motion was made by J. Jennison and seconded by J. Brann to approve the site plan with the conditions as stated by the Planner. The motion carried unanimously.

COMMUNICATIONS RECEIVED

None

REPORTS FROM OTHER COMMITTEES

Sign Ordinance – M. Gasses explained she was still working on the draft.

Capital Improvements Program – R. Spinale explained the subcommittee would be meeting with department heads on Wednesday August 17th at 10:00 a.m.

Engineering Contract - F. Nichols assigned J. Brann to work on the committee reviewing proposals for consulting engineers for road projects and Planning Board reviews.

Accessory Dwelling Unit Ordinance – F. Nichols assigned P. Mausteller, and J. Brann to work with him on a draft of the accessory dwelling unit ordinance.

D. Ayer expressed the meeting should be posted and minutes taken.

M. Gasses expressed she would post the meeting and take minutes.

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

3. Certification to be signed by the board for the Master Plan Existing Land Use and Existing

Housing/Demographic Chapters approved by the Planning Board on July 5, 2016

RSA: 6III

No master plan, regulation, amendment or exception adopted under this section shall be legal or have any force and effect until copies of it are certified by a majority of the board or commission and filed with the city clerk, town clerk, or clerk for the county commissioners.

The Board certified the Master Plan Chapters approved on July 5, 2016.

4. Discuss how the Board they would like to go about revising our zoning ordinance to meet the new state law on Accessory Dwelling.

The Board discussed under reports from committees.

5. Dates for 2016 Municipal Law Lecture Series.

Board members needed to let M. Gasses or B. Irvine if they planned to attend. The Town would pick up the cost of the series.

6. New cases before the Board for September 6, 2016.

M. Gasses explained there would have a site review and a lot line adjustment for September 6, 2016.

7. Review of a request for a building permit on a private road, for Alan H. & Alice H. Brown, Map 116, Lot 17.

F. Nichols explained the applicant wanted to construct a new home on an existing lot. A small cabin currently existed on the site. The existing cabin would be torn down. The Board needed to make a recommendation to the selectmen regarding the permit. The biggest concern was the sight distance on Young Road.

M. Gasses referenced Road Agent, Peter Cook's memo, which indicating his only concern was the sight distance at Young Road. There was a large pine tree that the abutting land owner had not allowed the Highway Department to cut.

M. Gasses explained there were also several smaller trees that should be removed to allow for improved sight distance on the corner. Peter Cook had agreed to send a letter to the owner of the trees in the right of way, but she felt the selectmen should support the request to have the trees removed. Pictures of the driveway and sight distance issue were provided to the board. A large pine in question had previously caused a blockage to Young Road.

F. Nichols proposed two motions for the Board to consider.

- 1) Recommend to the Selectmen to approve the building permit if the trees that block the visibility to the road to cars exiting the driveway are removed at Town expense and that the apron of the driveway be paved in 16' to protect the edge of the pavement.
- 2) Recommend to the Selectmen that they direct the Road Agent to send a letter to the abutter that owns the trees in the Town Right-of-Way that block visibility that they allow the Town, at Town expense, to remove the trees citing RSA 231:145

The consensus of the Board was to have M. Gasses write a memo to the Selectmen indicating they did not have an issue with granting the building permit, however they believed the selectmen should require the removal of the necessary trees under RSA 231:145 to provide safe sight distance including the large pine.

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

September 6, 2016

Without objection the meeting adjourned at 8:00 P.M.

Respectfully submitted,

Marcia J. Gasses
Town Planner & Land Use Administrator

DRAFT