



MEETING MINUTES

BARRINGTON PLANNING BOARD MEETING

NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER

77 RAMSDELL LANE

Barrington, NH 03825

Tuesday February 2, 2016

6:30 p.m.

(Minutes approved 2/16/2016)

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

Fred Bussiere – ex- officio

Members Absent

Anthony Gaudiello-Chair

Jason Pohopek Vice-Chair

Joshua Bouchard

Alternate Members Present

Daniel Ayer

Richard Spinale

Town Planner: Marcia Gasses

A motion was made by R. Spinale and seconded by D. Ayer to have F. Nichols chair the meeting. The motion carried unanimously

MINUTES REVIEW AND APPROVAL

1. Approval of the January 19, 2016 Meeting Minutes.

A motion was made by R. Spinale and seconded by F. Bussiere to approve the minutes as presented. The motion carried unanimously.

ACTION ITEMS

2. **220-3&4-RC/GR-16-LL (Landry's Auto Salvage-Daryl Landry)** Request by applicant for a proposal to relocate the Lot Lines between Lots 3 (5.79 Acres to 5.03 Acres) & Lot 4 (4.25 Acres to 5.01 Acres) so that the house is on a separate lot from the business on Greenhill Road (Map 220, Lots 3 & 4) and waivers from Article 3.3 (13) limits of wetlands, wetland delineation, wetland scientist certification, Article 3.3 (3) interval topography and contiguous uplands in the Regional Commercial (RC) and General Residential (GR) Zoning Districts. By: Chris Hickey, Project Manager; Eric C. Mitchell & Associates, Inc.: Bedford, NH 03110.*

F. Nichols asked M. Gasses if she had information for the Board on this application.

M. Gasses explained that the applicant was requesting two waivers, 3.3(13) limits of wetlands, wetland delineation, and wetland scientist certification, 3.3(3) interval topography and contiguous uplands. Where the lot lines were being changed the current zoning would apply and wetland buffers would apply to wetlands if they existed on the site. Historically the Board had required applicants to show a minimum building area showing compliance with the regulations prior to waiving wetland delineation on the remainder of the site. She expressed her recommendation would be for consistency to require the minimum building envelope be shown that was compliant with the regulations prior to waiving delineation on the entire site.

Chris Hickey who worked for Eric Mitchell and Associates represented the applicant. He described the proposed lot line adjustment. Lot 3 contained 5.79 acres including the business and house. Lot 4 contained 4.25 acres and was made up of the former rail bed. The proposed parcel "A" was .76 acre piece to be joined to Map 220 Lot 4 for a total of 5.01 acres. The lot line adjustment would allow the house to be separated from the business and be included in the General residential zoning district. A culvert ran under the rail bed and a stream/ditch ran along the bed toward Scruton Pond Road. There was a depression to the rear of lot 220 lot 3, which was a result of the former brick yard associated with the railroad. There was a little wetland pocket back along the tree line. The commercial lot could not be developed further without site review.

D. Ayer asked what the buffer would be.

M. Gasses explained that if area was a wetland greater than 3,000 square feet it would have a 50' buffer and if it was a four season stream it would have a 75' setback.

Chris Hickey expressed it was not a stream.

M. Gasses expressed a 50' buffer would encroach into the lot. She expressed the final decision was the Boards, but she expressed that the Board had required other applicants to show wetlands on at least a minimum building area and that the delineation could be a condition of approval. The commercial lot would require site approval for any changes, but the residential lot could have a request to build a 20' x 20' building 2 years from now and it would be easier to have the wetlands shown now than try and catch it at the time of the permit.

R. Spinale asked if there was a concern with all the junk vehicles stored there.

Chris Hickey expressed there was constant monitoring by the State.

R. Spinale expressed he mentioned it because of the possible wetlands.

Chris Hickey expressed he was not sure if the wetlands was even larger than 3,000 square feet.

M. Gasses expressed that the Board had required the delineation or certification from a wetlands scientist that wetlands did not exist on the recent Bodge lot line revision as a condition of approval. The Board could make it a condition of approval if they chose.

D. Ayer expressed he did not believe it was an issue on this lot.

F. Bussiere expressed it was a small building envelope on the front of the lot. He did not see how it was an undue burden to have the wetlands placed on the map.

M. Gasses expressed that if the Board was going to deviate from their normal requirements they needed to have a justifiable reason, otherwise future applicants would raise the concern they were being treated differently. The Board had been really consistent about the minimum area.

F. Bussiere asked if they would require delineation of lot 3.

Chris Hickey expressed that lot 3 was 5 acres and you could see much of the lot was dry and everything within the tree line was upland. Where the lot was commercial any future owner who wished to develop the lot would need to come back with full wetlands and topography delineation.

M. Gasses expressed that her recommendation would be that at least on the residential lot, which they cannot require site review on to have the minimum wetlands delineated or to have a wetlands scientist stamp that no wetlands exist, in order to be consistent.

F. Bussiere expressed that made sense where if a site plan were to come in on the commercial lot it could be addressed then. Whereas on the residential if they came in for a 24'x24' garage there would be nothing to go on.

Chris Hickey expressed to summarize they would have a waiver on the commercial piece and delineate on the residential piece to the jog.

A motion was made by F. Bussiere and seconded by D. Ayer to grant the waiver to 3.3(13) on Map 220 Lot (3) because not granting the waiver would pose an unnecessary hardship to the applicant. The motion carried unanimously

A motion was made by F. Bussiere and seconded by R. Spinale that wetlands be delineation and wetland scientist certification (3.3(13) be required on Map 220 Lot 4 to the angle point of Lot 3. The motion carried unanimously

Chris Hickey expressed he would add a note for the required amount of contiguous uplands on Lot 4.

A motion was made by F. Bussiere and seconded by D. Ayer to grant the waiver to 3.3(3) existing topography on both lots because not granting the waiver would pose an unnecessary hardship to the applicant. The motion carried unanimously.

D. Ayer asked if there was one more waiver.

M. Gasses explained the applicant had referred to checklist items when they provided their waiver request. Barbara had gone back and found the actual regulation requirement they were requesting be waived which was why there might be some confusion on the number of waiver requests. The Board should waive the regulation and not the checklist item.

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

F. Nichols opened public comment

Andrew Knapp asked if the well and septic were separate for the business and the house.

Chris Hickey expressed the house and business had separate septic systems but share a well at this time.

R. Spinale expressed that the shared well should be noted in the deed.

Chris Hickey expressed there would not be a deed transfer until there a change in ownership.

F. Nichols closed public comment.

M. Gasses read from the draft Notice of Decision



Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0195

barrplan@metrocast.net

barrplan@gmail.com

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: 220-3&4-RC/GR-16-LL (Landry's Auto Salvage-Daryl Landry) Request by applicant for a proposal to relocate the Lot Lines between Lots 3 (5.79 Acres to 5.03) & Lot 4 (4.25 Acres to 5.01) so that the house is on a separate lot from the			

business on Greenhill Road (Map 220, Lots 3 & 4) and waivers from Article 3.3(13) limits of wetlands, wetland delineation, wetland certification, Article 3.3(3) interval topography and contiguous uplands in the Regional Commercial (RC) and general Residential (GR) Zoning Districts. By Chris Hickey, Project Manager; Eric C. Mitchell & Associates, Inc. Bedford, NH 03110

Owner:
Daryl Landry
23 Greenhill Road
Barrington, NH 03825

Agent:
Eric Hickey
Eric C. Mitchell & Assoc. Inc.
106 South River Road 2nd Fl
Bedford, NH 03110

Dated: XXXX,2016

Dear applicant:

This is to inform you that the Barrington Planning Board at its XXXX, 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 XXXXX, 2016**, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. *Reference 8.23 of the Town of Barrington Subdivision Regulations*

Conditions Precedent

- 1) Revise the following plan notes
 - a) Correct Proposed Well Radius Easement to Benefit Lot 4 to Note #8
 - b) Relabel Lot Line to be Adjusted to "Lot Line to be Abandoned"
 - c) Revise Note # 9 to read:
Article 3.3(13) limits of wetlands, wetland delineation, & wetland scientist signature *on Map 220 Lot 3*
Article 3.3(3) interval topography and contiguous uplands
 - d) Wetlands and Contiguous uplands to be delineated on Lot 4 to Angle Point of Lot 3 (*added by board*) *Lot 3 contiguous uplands is greater than 35,000 square feet*

- 2)
 - a) Add the owners signature to the final plan
 - b) Add the wetland scientist stamp & signature to the final plan

~~e) Add the State subdivision approval to the plan~~

- 3) The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the plans.
- #4) Any outstanding fees shall be paid to the Town
- 5) For lot line adjustments the applicant shall submit to the Land Use Office a copy of the signed and notarized deed which will effect the conveyance of the subject property before the plat is certified by the Planning Board. Once the plat is certified the deed must be recorded simultaneously with the plat. For Lot Line Adjustments where the property is in the same ownership corrective deeds incorporating the adjustment must be provided. (Applicant may also use a Quitclaim Deed)
- 6) 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*)
- 7) Final drawings. (a) five sets of large black line plus (c) one set of 11"x17" final approved plans plus (d) 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. If there are significant changes to be made to the plans, as specified above, one full size paper check print must be sent to the Planning Department for review prior to producing these final drawings.

(Note: in the section 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 F. Bussiere to approve the application with conditions as read and added. The motion carried unanimously

3. [241-37-GR-16-9.6Permit \(Owners: James & Karen Atkins\)](#) Request by applicant for a 9.6 Special Permit for construction within the 50' buffer to construct a 24' x 26' garage plus one level addition where vehicles are already parked on Swain Road (Map 241, Lot 37) in the General Residential (GR) Zoning District. By: Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.*

D. Ayer asked if the Conservation Commission had provided a letter on this application.

M. Gasses expressed the Conservation Commission had expressed they needed more information. She had spoken with the applicant extensively and expressed that hopefully he would be able to address the Boards concerns.

F. Nichols asked M. Gasses to give an overview.

M. Gasses directed the Board to the staff recommendations, which listed the conditions which needed to be met in order for the board to grant a 9.6. There were six criteria that needed to be met. The home existed prior to a two lot subdivision in 2007 which had created the current wetland buffer. The Planning Board should look carefully at item #6 as mitigation measures to address water quality and quantity and design construction methods are key to the granting of a 9.6 permit along with the other five criteria. Any further encroachment into the buffer should improve the situation and not make it worse.

James Atkins represented himself as the property owner. They were proposing to build an addition that included a garage with a 24' x 24' foot room over to expand the kitchen and allow for a chimney and secondary heat source. Chris Berry, Berry Surveying and Engineering had determined there would be a total of 1290sq. ft. of impact to the buffer.

D. Ayer expressed the Conservation commission needed more information. He asked why there were two wells shown on the plan. His application had said they would have to move water lines to add to the opposite side of the house.

James Atkins expressed there was only one well. What he was trying to explain was that they would not be able to have the garage if they added to the other side of the house or they would have to have a second driveway and the removal of trees would cause more of an impact. The total current area cleared would not come close to the impact listed. There was no more proposed disturbance to the buffer area than had already been disturbed.

D. Ayer asked if there would be any mitigation for runoff from the addition.

James Atkins expressed there would be gutters added. There was probably more erosion now because the home did not have gutters. There were details for a trench line per NHDES standards on the plan or if gutters were used they would put a drywell system.

D. Ayer expressed he had addressed the mitigation and answered his questions.

F. Bussiere expressed once the addition was put on there was still space to the right of the addition. He expressed concern that the current parking would just move to the right of the addition.

James Atkins expressed the only purpose the side would provide would be for access to the propane tank.

R. Spinale asked if the current parking in the buffer was grandfathered because it existed prior to the subdivision.

James Atkins stated yes.

M. Gasses expressed that the applicant was now proposing to expand the impact and the Board could look at requiring revegetation to the right of the garage in order to improve the situation.

D. Ayer expressed the Conservation Commission would want the area revegetated.

F. Bussiere expressed there was a lot of flat ground to the right of the proposed addition that the Board could ask is revegetated so that someone would put a pad in for an RV in the future.

M. Gasses pointed out the pink area on the plan showed the area to be revegetated.

F. Bussiere expressed the area to the right of the garage should be included as suggested.

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

F. Nichols asked M. Gasses to go through the six criteria; applicant's responses were in bold.

1. The proposed use is in keeping with the intent and purposes set forth in the ZO as permitted in the base zoning district. Property falls under General Residential Zoning with no further clearing required to build the addition.

2. After review of all reasonable alternatives, it is determined to be infeasible to place the proposed structure or use outside of the buffer zone. The addition would be located where vehicles already park. The other side of home would require an additional driveway entrance off road, land clearing, electrical power meter relocation, water line relocation and would not allow for a garage or any benefits to home.

F. Bussiere expressed it made sense.

3. The proposed structure or use must be set back as far as possible from the delineated edge of the wetland or surface water. The proposed addition will be attached to the existing structure. Total disturbed area 1,290 sq. ft.

D. Ayer asked if the condition on the area to the right of the addition should be added here.

M. Gasses expressed it should be added as a condition of approval and a note on the plan.

4. Appropriate erosion control measures must be in place prior to and during construction. All erosion control will be in place as described in the 9.63 buffer plan.

M. Gasses expressed the plan showed the location of the silt fence.

5. Any disturbance to the surrounding buffer zone must be repaired and restored upon completion of construction. The total area disturbed as depicted in the 9.6 buffer plan would be less than the total area cleared and approved in 1989. Restoration would be minimal.

6. All available mitigation measures to address changes in water quality and quantity be implemented, along with design and construction methods to minimize adverse impacts, if required by the Planning Board. Design & Build Materials all within code as well as all requirements per 9.6 buffer.

D. Ayer expressed that the applicant had provided more thorough answers than those.

M. Gasses expressed these were what was provided and after contacting Mr. Atkins he had been prepared to provide a more thorough explanation, which was reflected in the minutes. Conditions could be added to the Notice of Decision.

D. Ayer expressed he believed the applicant had addressed concerns and had mitigated the impacts.

F. Nichols opened public comment.

Stephen Jeffery expressed he did not believe this was consistent with the application of the wetland buffer. He believed what was being proposed was prohibited and was not consistent with the purpose and intent of Article 9. S. Jeffery expressed that he was making the structure more nonconforming. The venue should be the zoning board. He expressed that the applicant might run into the situation where he would have to tear down the structure in the future because it would not be a legal decision. He was opposed to the Planning Board granting a 9.6 for a use like that. The applicant would be proceeding at their risk.

F. Bussiere asked M. Gasses if she was confident the applicant was in the correct venue.

M. Gasses expressed Article 9 was adopted under 674:21 and the Planning Board was designated as the review authority for 9.6 Special permits. They could have designated the ZBA to handle 9.6 permits but in this case they designated the Planning Board.

D. Ayer asked who made that decision.

M. Gasses expressed it was part of the Zoning Ordinance when it was adopted.

Andy Knapp expressed he was looking at it the same way Steve was looking at it. He expressed they were creating a more nonconforming structure even though he understood the benefits of it.

M. Gasses expressed that if the expanded structure was encroaching further into a setback the ZBA would be the venue for review, but where it was a wetland buffer the Planning Board was the appropriate board.

F. Nichols closed public comment.

F. Bussiere expressed a note be added that the area to the right of the addition be revegetated and left undisturbed with no parking to occur, storage or improvements. The existing propane tank may remain. This note should be added to the plan.

F. Nichols asked if a large truck would be pulling up.

F. Bussiere expressed they would be using the hose.

James Atkins confirmed the truck would not be going on the newly vegetated area.

R. Spinale expressed if the tank was there it gets to stay and did not need to be mentioned.

F. Bussiere expressed it would not hurt as a reference if a question arose in the future.

James Atkins asked if he was to change his mind and want a smaller addition where would the buffer impact plan stand.

R. Spinale expressed he was in the buffer and everything to the right of the structure would need to be revegetated.

James Atkins expressed that if a person bought the property and wanted a much smaller structure could there being parking to the right.

R. Spinale expressed no the entire structure was in the buffer.

James Atkins expressed he just wanted to clarify in case he sold.

M. Gasses expressed that almost the entire addition was in the buffer and the goal was to improve the situation and be compliant the better.

R. Spinale expressed the note would state no improvements or disturbance to the right of the structure.

F. Nichols asked if the Board if they felt item #6 had been satisfied.

M. Gasses expressed the Board had talked about nothing be allowed to the right of the addition, the gutters, drip edge and the revegetation, all of which improved the situation there today.

F. Nichols asked if M. Gasses could repeat what the Board wanted to see in the motion.

M. Gasses expressed it would be the comment from F. Bussiere earlier which state a note be added that the area to the right of the addition be revegetated and left undisturbed with no parking to occur, storage or improvements. The existing propane tank may remain.

A motion was made by F. Bussiere and seconded by D. Ayer to approve the 9.6 with the conditions as stated. The motion carried unanimously.

F. Bussiere asked when people were fully informed that buffers would apply if they altered their lot line. Were the applicants in 2007 explicitly told they would be going under new regulations?

M. Gasses expressed she had brought the plan from 2007 and it was shown on the plan. The subdivision had required a wetlands crossing to get access to the new lot that was created.

Stephen Jeffery expressed that if anyone had been paying attention would know a buffer might apply to their lot. He believed the applicant had justification because when the lot was created but he also believed the applicant needed to go to the ZBA and not the Planning Board.

COMMUNICATIONS RECEIVED

M. Gasses expressed she had received multiple e-mails from John Hussey after the Board's denial of the extension and the Town Attorney had responded with a letter to Mr. Hussey. Mr. Hussey understood the action the Board had taken was legal but he did not believe it was right.

D. Ayer expressed he plowed and sanded the parking for the Stone House Forrest hike.

REPORTS FROM OTHER COMMITTEES

R. Spinale expressed he and D. Ayer were working on the sign regulations with M. Gasses on Thursday mornings at 8:30. They would be bringing their proposed changes to the Board for their review and comments.

D. Ayer expressed they were taking into consideration comments made in the past and incorporating them into the changes.

R. Spinale expressed that he and F. Nichols were meeting with Marcia on the CIP.

R. Spinale expressed he and F. Nichols were also working on the Master Plan Committee.

M. Gasses expressed she had been in contact with SRPC and they were discussing which chapters to do next. She believed it would be best to do the Vision Chapter and Economic Development Chapter prior to the Transportation Chapter. The meeting of the committee would all be posted so the public could be involved in those discussions.

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

4. Initial discussion on School Impact Fees Update 2016.

M. Gasses asked the Board if they would like Bruce Mayberry to come and discuss the report and methodology. He had used very specific data in regard to the location of students along with accessing data. The proposed date would be February 16, 2016.

5. Set date for public hearing on Master Plan Existing Land Use Chapter and Existing Demographics Chapter

This date would be set at a later meeting.

6. Presentation of certification of Thomas & Ester French & Carl J. Bodge Lot line (Map 113, Lot 6 & Map 249, Lot 2) and The Generator Connection Site Plan.

F. Bussiere motioned and D. Ayer seconded to have F. Nichols sign any plans which needed to be signed. The motion carried unanimously

The next meeting was scheduled for February 16, 2016 at 6:30 p.m. at the Early Childhood Learning Center.

Without objection the meeting was adjourned.

Respectfully submitted,

Marcia J. Gasses
Town Planner & Land Use Administrator

