



Meeting Minutes
Zoning Board of Adjustment (ZBA)
(Approved January 17, 2024)
December 20, 2023, at 7:00 P.M.

1. CALL TO ORDER

The meeting was called to order by T. Hardekopf at 7:00PM.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members Present: Tracy Hardekopf, Jackie Flanagan, Alexandra Simocko

Members Absent: Paul Thibodeau, Cheryl Huckins

Staff Present: Town Planner: Vanessa Price, Zoning Administrator: John Huckins

4. ACTION ITEMS:

A. CONTINUED CASES: From November 15, 2023

T. Hardekopf addressed the board to move agenda item #2, to #1 for the sake of efficiency.

A motion was made by T. Hardekopf and seconded by A. Simocko to move agenda item #2, to #1. The motion passed unanimously.

Roll Call:

A. Simocko-Yay

J. Flanagan - Yay

T. Hardekopf-Yay

1. [249-32&250-133-NR-23-SpecExcept \(Owner: DWSX2 Holdings, LLC\)](#) Request by applicant for a Special Exception from Article 19, Table 1: Table of Uses for a Mixed-Use Development in the Neighborhood Residential District, to allow for a Mixed-Use Development conforming to the requirements as defined in the Zoning Ordinance. The location is at 270 Beauty Hill Road (Map 249 Lot 32 and Map 250, Lot 133) on a total of 72.04-acres in the Neighborhood Residential District.

T. Hardekopf read the application description.

T. Hardekopf stated that the board needed additional time to hear from legal, as they continue to explore the need for relief based on the current application. The applicant has agreed to a continuance to January 17, 2024.

A motion was made by T. Hardekopf and seconded by A. Simocko to continue the case to the January 17, 2024, meeting at 7:00 PM. The motion passed unanimously.

Roll Call:

A. Simocko-Yay

J. Flanagan - Yay

T. Hardekopf-Yay

2. [223-26-58&59-RC-23-SpecExcept \(Owner: St. Hilaire Holdings, LLC\)](#) Request by applicant for a Special Exception from Article 2, Section 4.1.2 Lot Frontage to allow access to Map 223, Lots 26-58 & 26-59 from the adjacent joint driveway off Signature Drive Map 223, Lot 26-57 instead of the required frontage off of Calef Highway (Route 125) on a total of 8.77-acres in the Regional Commercial Zoning District. BY: Scott Cole, Beals Associates, PLLC; 70 Portsmouth Avenue 3rd Floor; Stratham, NH 03885.

T. Hardekopf read the application description. She stated to the applicant, that there are three members seated tonight for zoning board of adjustment, due to illness. She asked if the applicant wanted to continue to January.

Scott Cole stated no.

John Huckins stated to the applicant that just to be clear, that the decision by the board would have to be unanimous, and asked if the applicant was okay with that?

John' O'Neil stated he was.

T. Hardekopf addressed the applicant to present he need for the special exception.

Scott Cole, Beals Associates, is presenting for the owner, and John' O'Neil who is the developer of the adjoining lot is also present.

Mr. Cole started by explaining to the board, at the last meeting, he gave a description of the proposed relief that they are requesting for the special exception. He stated that they have a condition and a proposal here where the proposed driveway would provide access to buildings and not along the lot frontage, which is Route 125. He explained that the 125 entrance would entail improvements in a long process with NHDOT. Mr. Cole went to explain the the proposed buildings on the two lots next door are the exact same style in feature of what's being built today across the street. Mr. Cole addressed the Chair, T. Hardekopf, that it was asked previously, that the fire and police departments had time at least to review the plan again and advise the opinion on the design and see if they had any issues. He continued to explain that Mr. O'Neil had met with both departments himself and came to the same conclusion, to believe that are neither of those two really had any comments. That Chief Walker said he did not have any. Mr. Cole stated that the Town's Road Agent had a comment and could address his comments.

T. Hardekopf addressed the board if there were any questions pertaining to the application.

A. Simocko asked Mr. Cole about the residential units, since the number wasn't in the paperwork, what was his estimation of cars per unit.

Mr. Cole answered about 1.5 cars per unit calculation. He went onto explain the Circulation Plan he had submitted. The plan shows the circulation and for E911. The plan shows the actual orientation of the traffic and how they would be numbered. He stated he had created the plan for the assessment department and thought it would be better to bring it to this evening to show the traffic flow. The private garages in the back, you can hang out there to wash their cars, it's just not an ideal situation for traffic flow. He showed the red line being the ingress and egress of vehicles coming in and out.

T. Hardekopf asked the applicant about the turning radius for a fire truck. If a fire truck has to drive between the two buildings, she asked about the turning radius that is at the end of the building.

Mr. Cole answered that the geometry for these two new buildings mimic the first one, which is all it all meets WB 50, which was already reviewed and approved by towns engineer and the fire department. So the turning a regular fire truck can go anywhere on the property around these buildings without hitting any park cars or anything like that.

T. Hardekopf asked Mr. Cole about the plan that currently, the very first building that's opposite us that roadway to it as you're pulling in the roadway to the left would not exist right now, correct?

Mr. Cole pointed out the roadway exists as gravel, as the buildings are being built and the garages are underway.

T. Hardekopf asked Mr. Cole if it's paved.

Mr. Cole answered it in not paved.

T. Hardekopf stated the question that on the back adjacent properties, to the top of the two buildings appears to be a road going into the property.

Mr. Cole stated there is definitely no access to the property.

Mr. O'Neil wanted to discuss the history of the site. He is building the 55 house lots behind town hall, the lots out front and moving our office here. He stated overall they own several 100 apartments, and they like to build apartments and they like the village effect. Three out of the current eight units, we're going to have our office there for construction and we are backed up on the top side of Signature Drive. He also explained there are homes across the street. But the rule in town is that I cannot have access from a residential road. He described that when they came in their thought process, we were going to create a small village. We have smaller uses in our commercial and we have residential above but coming off at 125 isn't the effect that I want to have. He stated it's unique and in a lot of communities, frontage and access are not the same in a lot of places. He stated he has access coming in off of Signature Drive, but my frontage exists on 125. He stated it seems a grey area. In some communities it's allowed, and it's not allowed here, and that is why I am here for the special exception. He stated he has no desire to enter off of 125, as there is an entrance off 125, and he doesn't know of accidents that have been there. He expressed that he didn't think that another access coming in off of 125 is a good idea at all.

T. Hardekopf asked about the evolution of the initial plans several years ago didn't look like mixed use structures, it was almost a different plan.

Mr. Cole explained how the current development that is under construction evolved to having access off of Signature Drive and NHDOT. Town Hall Site, the subdivision and the commercial lot under construction are under the current NHDOT permit. Any new development will have to go back and notify NHDOT.

T. Hardekopf asked Mr. Cole the timeline for NHDOT.

Mr. Cole estimated a year.

T. Hardekopf stated that the estimation for the residential portion is 1.5 cars per unit would be 36. She asked Mr. Cole the estimated number of cars for the retail below.

Mr. Cole stated it's under the office space calculation, which is categorized in the bottom three units 456 feet square feet per building, that one per 300 required 12 spaces per building.

T. Hardekopf stated 76 additional cars entering and exiting from that driveway.

Mr. Cole stated that they are providing 16 internal and 32 external parking spaces.

T. Hardekopf stated that the additional 8 garage stalls for each of the buildings are separate from the residential, she is estimating 72 and then an additional 24 parking spaces. She addressed Mr. Cole that there are 36 cars for residential potential, 36 cars for the retail, and now we're talking another 24 cars for those garage stalls. She emphasized that in order to calculate the traffic flow, we need to know how many additional cars would be coming down Signature Dr. and exiting. She stated the calculation is 72 between the housing units and the garage and the retail, and then another 24 for the garages.

Mr. Cole stated that he didn't know how to calculate parking for the garages, as they are not coming and going on a normal basis. Somebody may store something, and show up once a month, or once a year.

T. Hardekopf addressed the applicant asking when the neighborhood of the single family homes the top of the Signature Sr. and around September, if they calculated the traffic flow based on 1.5 as well?

Mr. Cole answered that it becomes daily traffic. Over a four-bedroom home it is estimated with children it's far, far higher, approximately 10 trips per day per house.

T. Hardekopf stated that this would be about a 15% increase in traffic coming down and off of Signature.

Mr. Cole answered yes.

T. Hardekopf asked the applicant if there was anything else they needed to present? Or any other questions from the Board?

A. Simocko asked the applicant regarding the traffic flow, is it going to be one way around the buildings or are you planning on having two directional traffic all the way around both buildings?

Mr. Cole answered two directional with proposed signs keeping people not going out back. (He referenced the circulation plan he submitted.)

A. Simocko asked the applicant I see a marked on what I have here, which I recognize differ slightly from what you have, that the backside of the retail and residential building is marked as no parking fire lane. Is that only on the back or does it wrap around the sides? Is there going to be any sort of street parking or is it only in the spaces?

Mr. Cole answered it's only for the fire lane, it's out back.

T. Hardekopf asked the applicant if there was anything else they wanted to present?

Mr. Cole stated no.

T. Hardekopf opened public comment.

T. Hardekopf closed public comment.

T. Hardekopf acknowledged the Town's Road Agent, Marc Moreau, attendance and comment on the case file. She asked M. Moreau to present his findings and reference to the application, just presenting just facts?

M. Moreau stated for the record that this project doesn't directly concern the Highway department as it will be privately done for snow removal and maintenance. He stated his observations and not his opinion. He stated that what really scares him is the amount of traffic that's going to be coming through Signature. He explained that the cars backing out from the retail and backing into each other. He stated that if they could put a fair amount of space between cars backing out and the two lanes coming in, it would help. He proposed a stop sign or two in the area (between the two developments) to slow people down; and to add delineation in here of where the parking area ends, and the lane starts or show where the lane is. He stated that he anticipated their plan is to make the curve less sharp/tight. He addressed that the mail box station is across the entrance of the development, and his concern that there might be a backup on the road for safe passage, and the pedestrians getting out of their cars. Additionally, he discussed the school bus that drops kids off in that area backs into September and comes back down to drop the kids off. He expressed the concern there is a lot of vehicular movement through there now. He stated that in a perfect world, it would be great to say let's keep from doing another curb cut on on Route 125. At face value, the proposed project looks great, but when you start figuring the amount of cars that are going to be coming out of those two other units, it scares me. He wanted the board to know that he wanted to bring up these concerns.

T. Hardekopf addressed the board if there were any other questions, comments or concerns from board members.

A. Simocko stated she had a follow up question based on that commentary, what is the buffer, if any, between the back of the stalls for the first building? The one that's already under construction, and the right edge of the road.

Mr. Cole stated the parking stalls are 18 and leave the aisle is approx. 20, so it has a little bit more of a buffer.

Mr. O'Neil stated on the front of the building there is 65 feet from the building to the the slope, and it drops off. If you park in an 18-foot spot, it still leaves six feet, and there is 47 feet left.

Mr. Cole stated there is green space, and if required, they could widen the area.

Mr. O'Neil stated he has it lined up with gravel, so it's widened. It's 65 feet from the building to where it drops off. He stated he wants to put a guard rail there, and that's certainly enough flow to allow everybody to get through there and to be delineated. He stated the intent of the development is trying to create a little village.

T. Hardekopf addressed the board if there were any other questions or comments.

J. Flanagan asked what hours did the applicant foresee most of the businesses operating.

Mr. O'Neil stated he anticipated nothing at night, about 8am – 5pm business hours.

J. Flanagan asked about the mail station, if it's mail for people that are in the apartments or and the businesses.

Mr. O'Neil explained that there is a parking lane off the side of the road (at the mailboxes). That it's not on the edge of the road, it is approximately 11 feet off the edge of the road.

T. Hardekopf asked if that pull off was going to be eliminating that when the road is accepted by the Town.

Mr. O'Neil replied yes it will stay. He continued to explain that it precedes the fire cistern, and ties the driveways together.

T. Hardekopf asked for the applicant to point out the location of the proposed fire cistern on the plan.

Mr. Cole stated there is one that currently exists on Signature. He also mentioned there would be one on the new property for the proposed project.

Mr. O'Neil explained that the Fire Chief wanted the building sprinkled, and it will be sprinkled, and have tanks set up for a community water system, and community septic.

T. Hardekopf asked if someone would want to make a motion.

T. Hardekopf stated that she would make a motion. She stated that certain development proposals and uses usage of land require approval of a special exception from the Barrington Zoning Board of adjustments, uses and activities of land requiring special exception are neither permitted by right or prohibited by right, but rather are permitted only if the ZBA finds that certain conditions of law can be fulfilled.

A motion was made by T. Hardekopf and seconded by A. Simocko to deny the special exception for case 223-26-58&59-RC-23-SpecExcept, because of the creation of traffic hazards or substantial traffic congestion that would result in the vicinity of the proposed development. Since between 48 and 96 plus additional travelers will be entering and exiting from Signature on roads that were developed to accommodate less travelers. Vote 2/1.

Roll Call:

A. Simocko-Yay

J. Flanagan - Nay

T. Hardekopf-Yay

A motion was made by J. Flanagan and seconded by T. Hardekopf to approve the special exception for case 223-26-58&59-RC-23-SpecExcept, because here is no doubt detriment to property values in the vicinity of the proposed development that will result on account of the location or scale building structures, parking areas or other access ways, the emission of odors, smoke, gas, dust, noise, glare, heat, vibration or other pollutants or slightly outdoor storage of equipment vehicles or other materials because state packs that support this conclusion. No Known hazards to the public or adjacent properties on account of the potential fire explosion or release of toxic materials. Because state facts that support this conclusion, no creation of a traffic safety hazard or substantial traffic congestion that was resulted in the vicinity of the proposed development, no excessive demand on municipal services and facilities, including but not limited to waste disposal, police and fire protection and schools, and the proposed use would not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of what lands on that site that would result in the loss of significant habitat or flood control protections. Vote 1/2.

Roll Call:

A. Simocko-Nay

J. Flanagan - Yay

T. Hardekopf-Nay

B. NEW APPLICATIONS:

1. **239-88-V-23-Var (Owner: Michelle Stash)** Request by applicant for two variances from Article 4, Section 4.1.1, Table 2, the front and side setback requirement in the Village District to allow a residential garage of 24.5' x 23.2' to be constructed. The proposed front setback of 5.7' where 40' required and side setback of 16.2' where 30' required. The location is at 55 Cate Road (Map 239, Lot 88) on a total of 0.65-acre lot in the Village

District. BY: Christopher Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

T. Hardekopf read the application description.

Christopher Berry, Berry Surveying & Engineering, is representing the owner Michelle Stash.

T. Hardekopf addressed the applicant; there are only three seated members of the ZBA at this time. She asked if the applicant would like to continue to January. At the request of the applicant the case will be continued to January 17, 2024, meeting at 7:00 PM.

Roll Call:

A. Simocko-Yay

J. Flanagan - Yay

T. Hardekopf-Yay

5. REVIEW AND APPROVAL OF MINUTES

A. Review and approve minutes of the November 15, 2023, meeting.

A. Adjourn the Zoning Board of Adjustment (ZBA) Meeting. Next ZBA meeting date is January 17, 2024, at 7:00 P.M.

A motion was made by A. Simocko and seconded by J. Flanagan to approve the minutes of the November 15, 2023; meeting minutes as written. The motion passed unanimously.

Roll Call:

A. Simocko-Yay

J. Flanagan - Yay

T. Hardekopf-Yay

6. STAFF UPDATES -TOWN PLANNER

None.

7. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

None.

8. ADJOURN

A. Adjourn the Zoning Board of Adjustment (ZBA) Meeting. Next ZBA meeting date is January 17, 2024, at 7:00 P.M.

A motion was made by A. Simocko and seconded by J. Flanagan adjourning the December 20, 2023, meeting at 7:32 p.m. The motion passed unanimously.

Roll Call:

A. Simocko-Yay

J. Flanagan - Yay

T. Hardekopf-Yay