

Barrington Planning Board Meeting
Meeting Room, Town Administration Building
April 16, 2009 - 7:00 PM
Public Hearings with applicants
Draft copy

Members present: Chairman John Huckins
Selectwoman Jackie Kessler
Ed Lemos
David Mott
David Vincent
Michael Clark
Alan Kelley (Alt)
Dawn Hatch (Alt)

Guest present: Steve and Ellen Conklin
Jeffrey Hadden and Ann Marie Cummings
Thomas DeLong

The Planning Board met on April 16 to review plans scheduled for hearings on May 7, 2009. Three conferences were held – 1. Steve Conklin, 2. Jeffrey Hadden, and 3. Thomas DeLong.

Steve and Ellen Conklin – Gerrior subdivision

Steve and Ellen Conklin were present to discuss their request for the Planning Board to initiate and take available statutory action to revoke the Barrington Subdivision approval of the Gerrior Lane Trust Subdivision. He presented a packet given to the Board on October 12, 2008 which listed the background of the project, and in their opinion, violations - lack of compliance.

Conklin said they live below Wood Road Brook which was a tributary to Mendums Pond. He said the 2007 flooding created a flood of water 75 feet wide across their driveway. Conklin said that Appledore Engineering, engineers for the project had stated that there would be additional flooding and pollution into the brook. He said he had pictures of the flooding of a 10 year storm. He said the Regulations required information on the 50 year flood. He said that there were items that the developer had not done.

Conklin said that he was a co-manager of the EPA funded Mendums Pond Study including the Wood Road Brook. He said there was an electronic copy of the Study. Conklin said that Department of Environmental Services was trying to get the developer to behave properly. He said that DES had given the developer instructions that needed to be done and they were unwilling to address the flooding until the work was done.

Conklin said the work must be done before there could be any building on the road. He said the developer had been served with an Administrative Order which was mailed out today. Conklin said that the developer was ignoring the Town and DES by advertising house lots for sale. He said that the Order would be put on each deed.

Conklin said he was asking the Planning Board to agree that this issue was suitable to conduct a hearing to collect information from both sides. It would also allow consideration of a revocation of the subdivision and an injunction. Conklin said that no one had worked throughout the Winter on the wetland violations.

Conklin referred to the EPA Study concerning the impact on water quality and drinking water quality. He said that Mendums meets the clean water act. He said looking at the watershed there is mottling of the phosphorous load. Conklin said with addition of culverts the flow was increased 60% using actual flow data. He said the flow was characteristic.

The phosphorous levels were 25% greater than in 1987. He said the soil disturbance in the subdivision was a bad design. Conklin said Power line Brook was a significant contributor to Mendums and had dropped 66%. Perkins Brook remained even, running into Prime Wetland # 40. Conklin said that the Mendum Study was blessed by the EPA and DES for which they were very fortunate.

Conklin asked if the members could give a quick review on where they stood on his request. Huckins said we would want to forward this information to Attorney Whitelaw for her input. Conklin asked if the members had any questions. Huckins said we wanted to see the problems fixed. He said with the Administrative Order the applicant would have a specific time to correct the problems.

Conklin said it was wrong to have installed 2 extra culverts, the size of the detention pond should have been increased. He said Berger Group had been asked to do a third party review but did not want to get involved. Conklin said he did not want to get flooded out. He said Appledore had pointed out that a new design was needed.

Huckins said now Berger Group would oversee the construction. A new bond would be needed for all work in Barrington including a maintenance bond. Conklin spoke on what had happened in Mendums Landing when the subdivision was dropped which benefited all.

Conklin said they wanted to do the third phase of the Study. He said to revoke the subdivision was the statutory right of the Board and he had presented a solid written record. Conklin said the public hearing would be the first step. He said the detention pond was not large enough and not part of the original plan.

Hatch said she had talked with an engineering firm that planned to come to the office to review the material on file. She said she had told them that they would need all violations corrected and inspected by DES, new bonding and a maintenance bond for all work in Barrington. Huckins said that we wanted the developer to come back to the Board. Conklin said the public hearing would be a good way to get this done.

Ellen Conklin said they had attended the hearings on Gerrior. She said they were well down stream and still flooding occurred. She said sending more water off the site was against the design of the subdivision but members listened to Attorney McNeill who represented the applicant.

Conklin said the alteration of terrain permit had been received. He said it was a 2 phase development. Conklin said to schedule the public hearing would force discussion on the merits of each side. Huckins said he did not know whether we were ready for a third party review. Conklin said Appledore could be contacted for basis questions on the design.

Huckins said we would want to talk with our Attorney. Conklin said revocation

would make them come before the Board. He said there were multiple violations unresolved and the Board could initiate the hearing to get answers on how and when they would be corrected. He said the developer had no intentions to comply. Huckins said the developer had substantial investments. He said when we hear from the Attorney we would get back to the Conklin's. Conklin said he would continue with phase 3 of the Mendums Study. He said if the Board or Attorney needed anything from him please let him know. He thanked the Board for listening to his concerns. The material from Conklin is attached to the minutes and part of the record.

Mr. & Mrs. Jeffrey Hadden – Net Zero Development

Jeffrey Hadden said he was before the Board to discuss a net zero development. He said he owned 2 lots next to Guy Shevenell. He said he lived on one and the other was a 12+ acre undeveloped parcel. Hadden said he was thinking about doing a net zero green development in the near future.

Hadden said the development would be sustainable buildings, a totally green condominium community. He said net zero meant no carbon footprint. The development would be high efficiency homes with generators and geo-thermal heating. Hadden said the project would be a test development.

Hadden said he wanted 3 buildings of 2 units each. He said the buildings needed to be separate as they would be heated with solar panels facing south. Vincent said the buildings would need to be attached according to our zoning or Hadden would need to go before the Zoning Board. Hadden said he was aware of this and he knew the procedure for the Zoning Board.

Hadden said he wanted to come before the Board for their input before he got his architect involved. Again he said the buildings would need to be separate to get the sun to generate heat and hot water. Vincent said Hadden should come before the Planning Board to get denied and then go to the Zoning Board as the 3 buildings were not allowed in the Zoning Ordinance.

Hadden was told there were several ways he could try this design, either a variance for separate buildings or a cluster with less than 20 acres. Hadden said he would get back to the Board when he had something started. He thanked the members for their input.

**Thomas DeLong – Information on use of 2 lots
Drews Pond lot in Village District – no buildings on site.**

DeLong said the lot was across from the Middle School. He asked if a daycare would be a permitted use. He asked if an apartment could be connected to the day care facility. Vincent said that it would need to be over the business. DeLong asked why it would have to be over the building and not all on 1 floor. Vincent said the Regulations state over the business. He said there would need to be 3900 square feet to locate in the Village District. DeLong said the parcel contained 1.3 acres.

Lot off Lee Road – Regional Commercial District

This would be a commercial lot as it was within 500 feet of Route 125. The access was from the class 6 section of Lee Road. The road would have to be built to class 5 specifications. This work would need to be approved by the Road Agent as the road was

town property. Vincent said that DeLong would need a conditional use permit. Hatch stated a commercial lot had to be off a class 5 or better road according to the Regulations. DeLong said a person wanted to locate a contractor's storage yard on the site. He said he was looking at for a different use if the lot was not bought by the contractor.

The Board moved to the plan review of hearings scheduled for May 7.

LL 09/365 – Anne Whitney / Michael Moroukian & Denise Hart
Lot line revision – France Road
Map 117, Lot 256 - Map 26, Lot 47

Hatch said she had not heard from anyone concerning this lot line revision since she spoke to Attorney Whitelaw about talking with Attorney Tanguay who represented the applicants.

SR 09/367 – Sunset Rock, LLC & Stephen Brox
Backland off Tolend Road, Barrington, NH
Map 220, Lots 12 & 13 / Map 236, Lots 2 & 3
Expand an existing excavation operation

The plan presented represented the changes discussed at the meeting and review session. The material has been sent to Berger Group for review and the estimate signed and sent back. All the changes discussed at the public hearing have been made and the subdivision plan done by TriTech has been included in the plan set.

LL 09/223 – Kevin Canepa / William Henderson
Lot line revision – Liberty Lane
Map 110, Lots 0027 & 0028

Hatch said the new plans represent the changes requested by the Board. Items discussed were:

1. Prime wetland note that states no prime wetland on site
2. Change road class from public to private
3. Note 7 Note or stamp on plan from Soil Scientist David Allain
4. Waiver to prove the 5 points for the elevation of the 100 year flood
5. Remove lines in signature block
6. Lot 28 – 38.80 no bearing
7. Both lot owners now shown on plan.

09/601 – Stephen Brown - Conceptual
2 lots – Colcord Road
Map 245, Lot 6

Hatch said Stephen Brown was coming in for a conceptual plan hearing. As a base plan has been presented all abutters would be notified. Items discussed were:

1. Comments from Road Agent and Fire Chief
2. Colcord Road, private road is in poor condition
3. Use of paper street for access would require building it on the entire length of lot frontage of 300 feet to subdivision standards
4. Waiver – length of road exceeds 1000 feet or create a through road

5. Written permission to use road for access as it is owned by Tim Mason
6. Bond

Conference – Attorney Charles Tucker

Conditional approval update – Boulder Drive

Hatch said she had talked with Attorney Charles Tucker who was representing the subdivision on Boulder Drive, off Route 126. He would attend the public meeting on May 7 to bring the Board up to date on the conditional approval of the subdivision.

Landry Conservation Subdivision

Hatch said she had talked with James Landry concerning the conditional approval for his subdivision. The 6 months will be up in May. The status of what had been completed and what was still pending should be shown.

Minutes – 4/9/2009

The Board moved to a business meeting. Lemos made a motion to approve the minutes of April 9 as amended, seconded by Clark, all in favor.

Capital Improvement Program

Huckins asked if Clark would be interested in working on the update of the Capital Improvement Program. He said the input from the department heads needed to be updated. Clark said he would be willing to do this project. A copy of the CIP was given to Clark and Kelley for them to review. Huckins said that we should know what has been done and what the priority would be. Hatch said he could come in and review the material available.

Off-site Fees

A copy of the email from Attorney Whitelaw was given to each member. It clarified that any off site for roads could be charged only if the improvement would be needed because of a proposed subdivision. The work has to be engineered or set up before the subdivision was done. The email said that if a road was in poor condition and set for resurfacing but the date needed to be moved up because of a development it could be considered a necessary improvement.

Huckins said we needed the figure for the total cost of a project and how it was divided for each lot. The proportional share for the town also needs to be known and how it would be set up over a 6 year period. Cook told Huckins that he liked to plan his work 8 years out. Huckins, Lemos, and Hatch will meet with Cook to discuss this procedure.

Huckins said we could discuss with impact fees for roads with Bruce Mayberry. He said this could give the Board and Cook more flexibility on which road could receive the money and work. Huckins said that the fee for the school was set for one more year. He said the fees could include the potential high school which was planned for 2014. Clark said there was \$100,000.00 set aside each year toward a school.

Bonding

The bonds will be reviewed by Huckins, Lemos, and Hatch. Kessler asked if we could hire someone to do this work as we were not hiring a planner at this time. She said

the Selectmen do not want to eliminate any jobs of existing workers. She said she did not support doing anything that would cost the Town money or raise taxes. Huckins said he, Lemos and Hatch would review the bonds.

Clark said Rick Walker said at a selectmen's meeting that he would not want to see anyone hired if it meant a person already working for the Town would be let go. Clark said that if a planner was needed and other jobs eliminated because the planner would do this work then we should not look at just protecting jobs. He said we needed to look at where the money would be best spent. Kessler said there were jobs in offices that were slow due to the lack of development.

Cynthia Copeland Strafford Regional Planning Commission – Meeting - May 14

Meeting with Conservation Commission – April 23, 2009 – Discussion – Multi-Density Zoning

The meeting adjourned at 10:00 PM. Lemos made a motion to adjourn, seconded by Kessler, all in favor. The next meeting of the Board will be held on April 23 to meet with the Conservation Commission.

Dawn Hatch, Clerk