



**BARRINGTON PLANNING BOARD
BARRINGTON ELEMENTARY SCHOOL LIBRARY
570 CALEF HIGHWAY
BARRINGTON, NH**

**THURSDAY, January 13, 2011
MEETING MINUTES**

PRESENT:

John Huckins, Chair
Jacqueline Kessler, Ex-Officio
Alan Kelley
George Calef
Anthony Gaudiello-Alternate

ABSENT:

Edward Lemos, DVM; Vice Chair
Steven Oles
David Vincent
Dawn Hatch-Alternate

STAFF:

Connie Brawders, Town Planner
AuBriana Morency, Temporary Staff

GUESTS:

Jason Pohopek-Pohopek Land Surveyors
Bernard Cote-Geometres Blue Hills, LLC
Todd Calitri
Sara Pollock

CALL TO ORDER

The meeting was called to order by Planning Board Chair John Huckins at 7:11 PM

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

MINUTES REVIEW AND APPROVAL

1. Approval of the January 4, 2011 Meeting Minutes.

PB Chair John Huckins voiced his concern regarding the Board's fulfillment of the statutory meeting quorum requirements at the January 4, 2011 first public hearing for the proposed warrant article text amendments. Member Anthony Gaudiello quoted the New Hampshire Revised Statutes for a definition of meeting; "For the purposes of this chapter, a meeting means the convening of a quorum of the membership of the public body." For clarification, Planner Connie Brawders shared emailed legal opinion from Town Counsel Laura Spector (Mitchell Municipal Group, P.A., 25 Beacon Street East; Laconia, NH 03246): since the Board did not establish a quorum on January 4, a meeting was not actually held. Atty. Spector further opined that a second public hearing is required only if changes are made to proposed amendments. Since there were no changes proposed at the meeting of January 4, the Board "would be fine" holding a Public Hearing on January 18th and voting on the 18th to make recommendations for the Town Warrant. Further discussion ensued as to the approval of the meeting minutes and entering the January 4 minutes into the record.

Member George Calef again raised his concern regarding the gathering of signatures inside the polling place election day November 2010 for the citizens' petition proposing for the Town Warrant 2011 another wetlands article in addition to current Article 9-Wetlands Protection District Overlay (WDO).

Member Alan Kelley moved to enter the minutes into the record for January 4, 2011. Member Gaudiello seconded the motion. The motion carried unanimously, five (5) to zero (0) in favor.

STAFF COMMUNICATIONS

2. Finalize Town Report.

The Planner reminded Chair Huckins of the deadline for submitting his portion of the report.

3. Review of Land Use Budget.

Expenditures by the Land Use department were made available for the Planning Board's review and comment. The Planner, as head of the department, is responsible for the budget under her job description and, therefore, is charged with signing off on the expenditures. The PB is welcome to review the Land Use budget; input to the budget had been previously requested by the Planner by all Land Use Boards in preparation of the 2011 budget submittal during fall 2010.

4. Vote to Cancel JANUARY 27TH Planning Board Meeting.
A public hearing and information session will be held on January 27th regarding the bond proposal for Town Hall which conflicts with the PB work session. The Building Committee has recommended to the Board of Selectmen remediation and renovation of the existing Town Hall structure as the most cost effective approach to provide the largest square footage of useable space.

Ex-Officio member Kessler moved to motion to cancel the January 27th meeting of the Planning Board due to the conflict in date and time with the public hearing on the bond proposal for remediation and renovation of the Town Hall. Member Kelley seconded the motion. The motion carried unanimously, five (5) to zero (0) in favor.

5. Planning Board Meeting with Finance Director Carolyn Berryment on Bonds, Impact Fees and Off-site Improvement Fees.
Member Gaudiello requested a meeting to discuss for clarity and understanding the Town's policy and procedure for monitoring surety and fees. Discussion ensued among Board members as to date and time of meeting. Two dates were suggested, February 10 or 24 at Ms. Berryment's discretion. Questions are to be submitted in advance in order for the Finance Director to gather necessary documents and information for presentation of the overview of the current process. Brawdors will follow up with Berryment for response to invitation.
6. 2010 New Hampshire Economic Review
Brawdors provided the 2010 New Hampshire Economic Review publication for the Board's information.
7. New Project Application Form
A new case submittal project information form has been created to better manage and organize contact data for every case file folder. The form became effective January 12th, 2011.

CASES FOR CONTINUANCE

8. **(Jason Pohopek-Pohopek Land Surveyors) Request by applicant for a Preliminary Conceptual Review to discuss a second back lot subdivision in consideration of the approved Subdivision Plan of Land for John C. Hart (Case #04/519) dated December 17, 2003, revised May 4, 2004, and approved May 5, 2004 located at #627 Route 126 (Map 216/Lot 20 (a/k/a Map 2/Lot 31)) in the General Residential (GR) and Highway Commercial District Overlay (HCO) Zoning Districts. Applicant: Jason Pohopek; Pohopek Land Surveyors & Septic Designers; 42 Flagg Road; Rochester, NH 03839**

Chair Huckins called Jason Pohopek to the table for discussion of case continued from January 6, 2011 for clarification of the conflict between a 2008 zoning ordinance amendment and subdivision regulation regarding a back-lot

subdivision (Map 2/Lot 31). (See Barrington Zoning Ordinance Article 4-Dimensional Requirements; 4.1 General Provisions; Back Lots; and Barrington Subdivision Regulations Article 14-General Design Standards; 14.2.4 Back-lots Permitted; where text referring to back lots of record in existence “before January 1, 1991” was repealed.)

Because there is 50-foot driveway right-of-way accessing the back lot, Pohopek questioned back-lot infill development by right; zoning stipulates no parameters for driveway length and Pohopek maintains this access will remain a private driveway.

The Planner presented the opinion of Town Counsel Laura Spector, stipulating the applicant must construct a road built to town specifications from Route 126 serving the new back-lot subdivision. New lots shall meet the frontage requirements on the newly constructed road. Spector further states that her interpretation comes from Section 14.2.4(5) of the zoning ordinance which provides that backlogs are unsubdividable unless additional lots conform to the town zoning and subdivision standards.

Pohopek asked about the consideration of waivers for driveway access. Huckins stated that the driveway curb cut would have to be named because of E-911 regulations. Huckins offered the option to consider a second curb cut for access if an amenable agreement could not be arrived at. The Board opined that the current roadway agreement must be amended to reflect new ownership rights and responsibilities. An easement for right-of-way to run with the land must be reviewed by Town Counsel.

Input will be sought from the Town Road Agent, Peter Cooke regarding Town standards for driveway inspections.

The Board reminded the applicant that this was a non-binding discussion.

The Board continued to deliberate driveway regulations after the applicant left the hearing, further considering Article 15-Road Design and Construction Standards; Section 15.2.1 Road Design Standards Table 1-Road Design Standards for Driveways which further referred the Board to Section 15.4 (Private Roads) and Figure 4A-Road Design Standards and Guidelines for Driveways.

9. **LL10/232 (Boundary Line Adjustment for Harry E. & Jacqueline E. Kessler) Request by applicant to adjust the boundary line between two existing, abutting lots of record, located at Kessler Way (Map 112/Lot 12.1 & Map 242/ Lot 33) in the General Residential (GR) and Highway Commercial Overlay (HCO) Zoning Districts. Applicant: Harry E. & Jacqueline E. Kessler; 4 Kessler Way; Barrington, NH 03825**

Ex-officio member Kessler recused herself from the Board. Chair Huckins called Applicant's Agent Bernard Cote of Geometres Blue Hills, LLC to the table for discussion of case continued from January 6, 2011.

Cote appeared before the Board requesting further guidance for governing lot-line adjustments in the Barrington Zoning Ordinance. Cote states that Lot Line Adjustment is defined under Barrington Subdivision Regulations Article 21-Definitions. He finds direction under Zoning Ordinance Article 5–Nonconforming Lots, Structures and Uses, but this information pertains to existing nonconforming lots. He finds no further regulatory structure under the Subdivision Regulations or Zoning Ordinance that will assist in presenting a complete application for Lot Line Adjustment.

Huckins responded; no new lots may be made non-conforming and therefore, if a party desires to adjust the boundary line of a lot, the applicant must come before the Planning Board for a decision on conformity to current zoning and subdivision regulations. The PB may then approve the lot whose boundary has been adjusted and preempt the need to go before the Zoning Board of Adjustment.

Cote presented the December 9, 2010 staff response letter. A second letter was sent to the applicant's agent on December 30, 2011 as dictated by the Board in the minutes of the meeting on December 16, 2010. The Board, during this evening's meeting, reconsidered their request for information stipulated in the December 9, 2010 letter removing certain stipulations as now meeting their satisfaction for compliance.

The Board upheld their December 30, 2010 request for the applicant to provide a letter from the State of New Hampshire. At the meeting of December 16, the Board discussed concern of possible violation or omission of New Hampshire state subdivision requirements under Chapter 485-A. The PB again requests that written documentation for clarification from the State of New Hampshire be provided by the applicant, regarding the State's written opinion of need for compliance with the NHDES Subdivision Permit process for this proposed Boundary Line Adjustment Plat.

Other items of discussion for clarification purposes:

- Applicant is no longer is required to show the buildable area on the proposed new lot.
- Applicant is no longer required to show minimum dimensional lot requirements and setbacks (Map 243/33).
- Neal Lane is to be identified on the locus map. No further identification is required on the site plan of Neal Way.
- Route 202 is to be identified on the locus map. No further identification is required on the site plan of Route 202.
- Define the line-weight of lot lines in the legend box used to define properties.

- Provide draft of deed for amended road maintenance agreement for Town Counsel's review and approval (Bk 2290, Pg 446).
- The conservation deed restriction is to be amended to run with the land.
- No waiver requests are required.

If the information of the State of New Hampshire is in by Thursday January 20 the Board will accept the late submittal information for the February 3, Public Hearing.

After questions were addressed to the applicant's satisfaction, Member Gaudiello motioned to continue the case to the next scheduled Public Hearing on February 3, 2011. Member Kelley seconded the motion. The motion carried unanimously, four (4) to zero (0) in favor, with Ex-officio member Kessler recused.

ADJOURNMENT

Ex-officio member Kessler returned to the table.

With no further business, Planning Board Member Alan Kelley made the motion to adjourn at 9:50 P.M. Member Anthony Gaudiello seconded the motion. The motion carried unanimously, four (4) to zero (0) in favor.

Respectfully submitted,
AuBriana Morency,
Temporary Staff