

Approved February 24, 2011- am



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

**THURSDAY, FEBRUARY 17, 2011
MEETING MINUTES**

PRESENT:

John Huckins, Chair
Edward Lemos, DVM; Vice Chair
Jacqueline Kessler, Ex-Officio
Alan Kelley
George Calef
David Vincent
Anthony Gaudiello-Alternate
Stephen Jeffery- Alternate

ABSENT:

Dawn Hatch-Alternate
Steve Oles

STAFF:

Connie Brawders, Town Planner
AuBriana Morency, Temporary Staff

GUESTS:

CALL TO ORDER

The meeting was called to order by Planning Board Chair John Huckins at 7:01 PM

ROLL CALL

A formal roll call was conducted confirming members present as stated above. Alternate member Anthony Guadiello is appointed for absent regular member Steve Oles.

MINUTES REVIEW AND APPROVAL

1. Approval of February 10, 2011 Regular Meeting Minutes.

The Planning Board discussed the February 10, 2011 draft minutes and suggested minor changes to be made to the draft.

Ex- Officio Member Kessler moved approve February 10, 2011 Minutes with the corrections as mentioned. PB Member Gaudiello seconded the motion. The motion carried, with a vote of six (6) to zero (0) in favor, with one (1) abstain.

STAFF COMMUNICATIONS

2. Appointment Request forms

Board members have been asked by the Board of Selectmen to complete appointment request forms for data base purposes, specifying the number of members on the Board, length of term, who is currently serving, and when the member's term expires. Forms are required to be submitted prior to the March 8 election.

3. Discussion of future staffing needs and expectations of Board (intern, transcriptionist, Dragon Naturally Speaking software, and other administrative topics)

Planner Brawders asked the Board to consider the direction the Board would like to take for planning and staffing purposes. Due to the retirement of Land Use department staff, Brawders has researched job titles and descriptions. She has found that the title, Land Use Clerk, is no longer utilized and would like to have the Board consider the vacant position to be renamed, Land Use Assistant. Basic job tasks shall include taking and transcription of minutes, with a preference for hiring one who has planning education and background. The Planner would also like to bring in an Intern to assist with the filing and photocopying of archival documents, to keep within the constraints of office budgetary expenditures. The air quality issue and mold growth has affected the integrity of Land Use department records.

As a balance to the Planning Board mix, the Planner believes it would be

beneficial to have a member with a degree in Landscape design. Additionally, the Planner welcomes the involvement of High School student participation with the Planning Board.

With Town Hall renovations under consideration, the Planner asks the Board to consider reducing the number of meetings per month from four and moving the Planning Board meetings to Tuesday or Wednesday, rather than Thursday evenings, to offset energy expenses, as the municipal office is closed on Friday. In addition, the Planner was appointed by the Board to conduct technical review of plans for compliance, thereby reducing the time spent by the Board at their work sessions reviewing the check list for technical compliance.

The Board commented briefly and is to consider these ideas brought forward. PB Member Kelley expressed the desire to have a quality of life that is attractive to young people. The Board concurred.

The Planner finally asked the Board to carefully consider the number of alternate members the Board may desire to appoint, as irregular attendance by alternates may generate additional paper waste in copy preparation. Brawdgers asked that the Board consider asking alternates to share copies of file information that is prepared for discussion around the table.

4. Discussion of National APA Conference April 9-12, 2011.

Planner Brawdgers presented a proposal outlining the importance of the National American Planning Association conference in Boston, MA April 9-12, 2011. The Planner asked the Board to review the proposal and lend support in her attendance at this educational conference.

The Board discussed the funding mechanism available for the Planner to cover the cost and suggested this educational and training expense be allocated through the Administrative budget, rather than the Land Use budget. Ex-Officio Kessler stated, since it would benefit the education of Brawdgers, that Brawdgers should consider paying a portion of the expense out of her own pocket. Ex-Officio Kessler would like preserve the line item for education and training for others to utilize throughout 2011.

Planner Brawdgers expressed her concern that the underutilization of the surplus balance may impact future budget review and allotment. Kessler stated that not using the full appropriation of a line item does not guarantee funding will be reduced the following year. PB Member Gaudiello expressed that since the Planner is part of Administration, that the Conference should be paid out of the

Administrative Budget

PB Member Gaudiello moved that the Planning Board does support the training needs of the staff but ask that they are mindful of the expense and the needs of the Board itself. Vice Chair Lemos seconded the motion. The vote was in favor unanimously, with a vote of (7) to zero (0).

PB Member Vincent recused himself from the Board.

5. Discussion of Law Office of James H. Schulte letter.

Planner Brawders was previously directed by the Board to respond to a letter received from Atty. James H. Schulte dated January 19, 2011. Town Administrator Carol Reilly concurrently recommended that the letter be reviewed by legal counsel; counsel's opinion made further recommendations to the Board. Planner Brawders read from the email received from the town attorney Laura Spector (Mitchell Municipal Group, PA; 25 Beacon Street; Laconia, NH 03246).

PB Member Vincent excused himself from the meeting. PB Alternate Jeffery stepped in for PB Member Vincent.

The PB dictated the following to be sent to Atty. Schulte:

"We have received your letter of January 19, 2011. We have entered it into our records. We look forward to continuing to work toward the processing of this application."

PB Member Gaudiello moved to approve the above response as the reply to the Schulte letter. PB Member Calef seconded the motion. The motion passed unanimously with a vote of seven (7) in favor to zero (0).

6. Discussion of fees for additional review.

The Land Use office is going to review the fees for Land Use department services charged by surrounding communities, present findings to the Board in order that the Board may vote for consideration of any adjustment in Barrington Land Use fee amount.

7. Discussion of Site Plan and Subdivision Regulation Review updates.

As the Board has concluded the review of Zoning Ordinance for 2010-2011 in preparation of the Warrant Article, the Board will now consider the general housekeeping of the Site Plan and Subdivision Regulations. Discussion will ensue on the 2nd and 4th Thursday of each month.

ACTION ITEMS

- 8. SR #07/351- Kenney Communications, Inc., Request by applicant for release of cash surety for cell tower removal in the amount of \$7500.00, plus interest. Applicant: John Kenney; Kenney Communications; 8 Ancil Court; Rochester, NH 03839.**

A letter requesting release of cash surety for the cost of removal of an abandoned cell tower (Barrington/NH14173-A) has been received from Kenney Communications, as ownership has been transferred to SBA Towers III (5900 Broken Sound Parkway NW, Boca Raton, FL 33487-2797) and cash surety has been replaced with a \$10,000.00 Tower/Structure Removal Bond. The Applicant requests the release of the original bond amount of \$7500.00, plus interest, which totals \$8500.00. A brief discussion ensued regarding the validity of the bond.

PB Member Kelley moved to send a recommendation to the town treasurer to release the current bond. Ex- Officio Kessler seconded the motion. The motion carried unanimously with a vote of seven (7) to zero (0).

Plans Review

Ex-Officio Kessler recused herself from the Board.

- 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.**

Revised plans and submittals were reviewed. The applicant presented email documentation from Eric Thomas of NHDES dated January 14, 2011 stating the following, "Based on the information that you have provided, the lot line adjustment is exempt from state subdivision approval based on the definition under our laws RSA 485-A; 2, XIII." This outstanding condition has now been satisfied. The revised plans and documents will be presented at Public Hearing on March 3.

Ex- Officio Kessler returned to the Board.

- 10. SR10/383 (Aroma Joe's Coffee) Request by applicant to construct a drive through coffee shop within the northern most building on a 4.29 acre site located at 528 Calef Hwy (a/k/a 371 Route 125) (Map 238/Lot 49.1) in the**

**Town Center (TC) & Stratified Drift Aquifer Overlay (SDA) Zoning Districts.
Applicant: Marty McKenna; 63 Broadway; Dover, NH 03820.**

No revisions or written information have been submitted to the Board at this time

- 11. 10/528A (Gerrior Lane Trust) Request by applicant to amend a Site Plan to relocate and construct Detention Pond #2; amend Grading Plan; and review of surety for Phase 2 of the development located at Gerrior Drive from Route 4 to St. Matthews Drive (Map 268/Lots 1.6 & 1.7) in the General Residential (GR) Zoning District. Applicant: Peter Daigle, Esq. 1550 Falmoth Road, Suite 10; Centerville, MA 02632.**

No revisions or written information have been submitted to the Board for consideration at this time.

- 12. 10/610 (Fisheye Properties LLC) Request by applicant to develop a 12 lot Single-family subdivision on a 46.22 acre site located at Young Road (Map 240/Lot 15) in the Neighborhood Residential (NR) Zoning District. Applicant: Fisheye Properties LLC, Wayne Stocker; P.O. Box 250; Union, NH 03887.**

Stephen Haight, P.E. for Haight Engineering (181 Watson Road; Dover, NH 03821) engineer for Fisheye Properties is communicating with the Town's consulting engineer, DuBois & King (18 Constitution Dr; Suite 8; Bedford, NH 03110) to resolve issues and discrepancies surrounding the proposed subdivision Drainage Report.

PB Member Kelley brought forth guidance for recusing a member from the Board when there is a perceived conflict of interest. PB Member Kelley reminded the Board that on February 10, 2011, during the review of draft minutes, PB Member David Vincent and applicant's agent for Fisheye Properties, was present and participating, when he was not declared recused. PB Member Kelley also opines there were two additional meetings prior to February 10, 2011 where PB Member Vincent was present and not recused when the case was under discussion by members of the Planning Board. PB Member Kelley requests a legal review of the meeting minutes to determine if there could be legal reprimand to the Board for this action.

PB Kelley moved to seek legal review of meeting minutes regarding the subdivision of Fisheye Properties. Kessler seconded the motion for discussion. The Board requested to see what meeting minutes which would be needed to be sent to the attorney, so the Board can review if there is any comment from Vincent during the minutes review during Fisheye discussion, for liability to the Board. The motion was withdrawn.

13.LL 11/233 (Dolmat Lot Line Adjustment) Request by applicants to adjust the boundary line between two existing, abutting lots of record, located at 99 Hall Road (Map 254/Lots 20 & 23) in the General Residential (GR) Zoning District. Applicants: John & Susan Dolmat; 99 Hall Road; Barrington, NH 03825.

Planner Brawders reported minor technical errors in reviewing the check list that she will share with the applicant's agent, Jason Pohopek (Pohopek Land Surveyors; 42 Flagg Road; Rochester, NH 03839).

The applicant is requesting a waiver of the requirements of Article 8.3 number 6-2' topography of the entire lot, of the Site Plan Review Regulations, for this application in review.

Stated reasons for this waiver request:

1. Topography encompassing 80,000 on each lot has been supplied and any additional topography that would be required would cause an undue burden to the applicant and would supply no additional information that the Planning Board would need to make an informed decision.
2. The Board is welcome to perform a site walk of the subject parcel to view the gentle sloping non-developable wetland area for which this waiver is requested.

The Applicant additionally requests a waiver for the requirements of Article 8.3, number 9, wetland delineation of entire lot, of the Subdivision Regulations, for this application in review.

Reasons why waiver is necessary:

1. The waiver is necessary for the purpose of not creating an undue burden to the applicant by supplying the Board with information that is not pertinent in the decision making process of this application.
2. A wetland delineation was performed in December 2010 within the 80,000 square foot of qualifying soils area shown on the plan.
3. The Board is welcome to perform a site walk of the subject parcel to review the area of which this waiver is requested to determine insight the additional wetlands would provide.

Brawders notes the following corrections to be shown on revised plans:

- The Owners of Record are listed as Stanley & Janet Oliver; the Owner of Record are John & Susan Dolmat.

- Deed reference is also reflected for Oliver.
- Tax Map listed is for the Oliver parcel.
- The name and address of the applicant is given as Oliver.
- The FIRM maps were updated on May 17, 2005. The map listed in Note 12 is given as October 23, 2003. Please update the FIRM reference map.
- There are minor typos in Notes 16 (latest) and 18 (entirely).

NON-ACTION ITEMS

Preliminary Conceptual Review

PB Member Calef recused himself from the Board. PB Alternate Gaudiello recused himself from the Board.

14.11/612 (Harbor Street Limited Partnership- Village Place) Request by applicant to present a proposal for a conservation subdivision on a 133.7 acre site located off Franklin Pierce Highway-a/k/a Route 9- (Map 238/Lots 9.1 & 14 (Lot 14 continues onto Map 235), Map 238/Lots 18 & 16 (Lot 16 continues onto Map 235). Applicant: Harbor Street Limited Partnership, Joseph Falzone; 123 Water Street, Unit 4SE; Exeter, NH 03833.

The Preliminary Conceptual illustrative plans were presented to the Board for consideration. The Board is to review Zoning Article 6-Conservation Subdivision in preparation of the public hearing, at the applicant's request, and Preliminary Conceptual Review on March 3. Notable for consideration is density bonus at this site. There is a 20% density bonus for Conservation Subdivision in the Village District; 30% if the required open space is dedicated for public use. (These calculations are based on the number of units that would otherwise be permitted in the conventional subdivision within this district, based on the customary and reasonable application of the density standards prescribed in Section 4.2 of the Zoning Ordinance.)

Discussion ensued regarding Deer Ridge Drive Extension. Abutting the proposed Village Place conservation subdivision is the subdivision known as Deer Ridge. The Deer Ridge Drive Extension, connecting the parcel proposed for conservation subdivision, was accepted as a Class VI road on December 5, 1988 by the Barrington Board of Selectmen, according to the BOS minutes of record.

On February 14, 2011 the Barrington Board of Selectmen were presented with a Letter of Intent from the applicant offering 20 acres on the northerly side of Route 9 in Barrington for municipal and civic purposes. This land may be used to construct a library in the Village Center. The Board of Selectman requests an

opinion for recommendation for acceptance for this land donation. The PB will take this under advisement and make recommendations after the Public Hearing on March 3, 2011.

PB Member Calef and PB Member Gaudiello returned to the Board.

ADJOURNMENT

With no further business, Ex-Officio Member Kessler made the motion to adjourn at 10:40 p.m.; PB Vice Chair Lemos seconded the motion. The motion carried unanimously, seven (7) in favor to zero (0) opposed.

Respectfully submitted,
AuBriana Morency, Temporary Staff