



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

**THURSDAY MAY 12, 2011
7:00 p.m.**

MEETING MINUTES

PRESENT:

John Huckins, Chair-arrived 7:50 p.m.
Alan Kelley, Vice-chair
Michael Clark, Ex-officio
George Calef
Anthony Gaudiello
Edward Lemos, DVM
David Vincent-arrived 7:05
Stephen Jeffery- Alternate

ABSENT:

Jacqueline Kessler- Alternate
Steve Oles- Alternate

STAFF:

Constance Brawders, Town Planner

GUESTS:

Jason Pohopek; 669 Parker Mountain Road; Barrington
Steve Haight; Haight Engineering PLLC; PO Box 1166;
181 Watson Road, Dover, NH 03820
Nick Tsoukalas; Millo's Pizza; 575 Franklin Pierce Hwy; Barrington

* Item 8 moved to follow the Roll Call

** Review of minutes to follow Item #8

*** Item #10 to follow Item #7

**** Item #9 to follow Item #10

CALL TO ORDER

Vice-chair Alan Kelley called the meeting of the Barrington Planning Board to order at 7:00 p.m.

ROLL CALL

Members were introduced by the Vice-chair confirming members and guests present as stated above. Alternate member S. Jeffery delegated.

**Item 8- LL11/234 & 11/613 (Lot Line Adjustment and Subdivision for Todd Calitri & Jason Pohopek) was introduced for discussion as applicants were present and prepared to address the Planning Board.*

Planning Board member E. Lemos moved to hear Item #8-Action Items out of order placing the item before the other agenda items. Planning Board member G. Calef seconded the motion, which carried unanimously with a vote of six (6) - zero (0).

MINUTES REVIEW AND APPROVAL

1. Approval of May 5, 2011 Public Hearing Minutes.

**** Review of minutes to follow Item #8**

The Board has not had sufficient time to review the minutes of the May 5, 2011 meeting; therefore, the minutes shall be tabled for consideration and vote at the May 19, 2011 meeting.

Planning Board member G. Calef moved to table the minutes of the May 5 Public Hearing. Planning Board member E. Lemos seconded the motion, which carried unanimously with a vote of six (6) - zero (0).

2. Amend Minutes of April 7, 2011 for clarification of Fisheye, LLC, condition of approval, if necessary (see Notice of Decision).

Planning Board member D. Vincent recused.

Planning Board member E. Lemos abstained from voting on this item, due to past meeting absence.

A brief discussion followed concerning the importance of designating plans and exhibits specific to a motion. Of interest was the plan reviewed by the Town of Barrington consulting engineering Dubois & King, Inc., (18 Constitution Drive; Bedford, NH 03110) presented at the April 7, 2011 Public Hearing by Fisheye, LLC as drawn by Norway Plains delineating the Young Road relocation plan and profile analysis and subsequent proposed slope, grading and site line plan.

A copy of the Notice of Decision was provided to the Board referencing stipulations for conditional approval, as offered by Town Legal Counsel, Atty. Jae Whitelaw (Mitchell Municipal Group, P.A.; 25 Beacon Street East; Laconia, NH 03246) for clarification purposes in considering amending approval of the April 7, 2011 minutes. Specifically:

“The plan is submitted to Town of Barrington Consulting Engineer, DuBois & King; 18 Constitution Drive; Suite 8; Bedford, NH 03110, for the purpose of determining if the easement provides adequate site distance and, if the Town of Barrington straightens the road within the

right-of-way, whether the easement will be adequate to meet town road requirements including slope and drainage.”

The Planner reminded the Board of the understanding the importance of the each plan’s Title Box when reviewing plans and addressing the plan specific to the Title Box when making a motion in considering their vote. The Board noted satisfaction with the minutes as previously approved with no additional changes needed.

Planning Board member G. Calef moved to close discussion of the meeting minutes of April 7, 2011 and proceed to the next item on the evening’s agenda. Planning Board member T. Gaudiello seconded the motion, which carried with a vote of four (4) to zero (0) with one (1) abstain.

Planning Board member D. Vincent returned to the Board.

STAFF COMMUNICATIONS AND OTHER BUSINESS

3. Present Memo from BCC regarding support of FEH overlay.

The Barrington Conservation Commission presented a memo for the Planning Board’s consideration offering the Commission’s support of the creation of a Fluvial Erosion Hazard Overlay district. Before further consideration by the Planning Board, the Board would like to review materials presented by Strafford Regional Planning Commission, NH Department of Homeland Security, and NH Geological Survey & NH Department of Environmental Services on February 24 and March 24 of this year.

Planning Board member D. Vincent moved to table discussion of the topic of Fluvial Erosion Hazard overlay (FEH) to a later date and time to be determined. PB member E. Lemos seconded the motion, which carried unanimously with a vote of six (6) – zero (0).

4. Dubois & King response to third request for engineering review for Fisheye, LLC. (Letter from D & K and Notice of Decision for PB.)

Planning Board member D. Vincent recused.

Consulting engineer and applicant’s engineer review letters and response letters dated May 3 and May 10, 2011 were presented for the Board’s consideration regarding proposed slope, grading and sight line plan for Fisheye, LLC and Young Road and outstanding conditions for final plan approval. The Town Planner verified with Police Chief Conway the speed limit at Young Road as being 30 mph, not 35 mph as referenced in the letter from Town’s consulting engineer dated May 3, 2011.

Outstanding conditions yet to be met are Town Counsel’s completed review of the Cistern Easement, Fire Protection Easement, Slope Easement, and Warranty Deed.

Chairman John Huckins arrived at 7:50 p.m.

The Board considered what constitutes final approval of the plan, discretionary judgment of stipulations set forth by the Planning Board, and Public Notice and hearing, if any, for final

plan approval. The Planner suggested that the Board refer to RSA 676:4 whereby the Board examined 674:4 (Board's Procedure on Plats.) I. (j). The Planner suggested for future reference and policy implementation that the Notice of Decision state on the face of the Decision the final approval date for ease and convenience.

Guest S. Haight requested permission to offer his experience for the Board's contemplation and comparative analysis when considering final approval of an application, as an agent who has appeared before various Planning Boards.

Planning Board member G. Calef moved to open discussion to the public for consideration of what constitutes meeting the conditions of approval. Chair Huckins, who had not assumed role as chair upon late arrival, seconded the motion, which carried unanimously with a vote of six (6) – zero (0).

S. Haight acquainted the Board with the process of administrative review in meeting conditional approval under the Notice of Decision. All conditions must be proven as being met, generally using a checklist for compliance.

Planner Brawders will email the outstanding draft easements to the Planning Board members.

Vice-chair Kelley opined that there are conditions which should be finalized and in hand before plan approval is considered by the Board. Kelley offered to the Board his findings through discussion with the Local Government Center's legal staff who stated that legal review and engineering reviews are not normally considered to be conditional approval items and final review of these documents should be at a public meeting with public notice to abutters.

The Board considered the objective of addressing the stipulations of conditional approval which should be met before final approval of a case is granted and, furthermore, final approval be made in a vote of the Board in a public meeting.

Planning Board member E. Lemos moved to table the discussion to a later date to be determined. PB member T. Gaudiello seconded the motion, which carried unanimously with a vote of seven (7) – zero (0).

Vice-chair relinquished the Chair to Chairman J. Huckins.

5. Presentation of materials from 2011 Local Officials Workshop.

The Town Planner encouraged Board members to register to attend the Local Officials Workshop which is at no cost to the Board members for continuing education and enrichment.

6. Site Plan Review anticipated for Stonehill Professional Building and relocation of Town Hall office space.

The Planning Board is being asked by the Board of Selectmen to define what it is that will be required, if anything, for the Town Hall employees to occupy the site as temporary office space. Signage, septic and parking may be considered at the May 19 meeting upon review

of the current plan on file.

7. Discussion of amendments to Subdivision and Site Plans Regulations.

There was no discussion, nor materials provided, for consideration by the Planning Board.

Planning Board member D. Vincent moved to table the discussion to a later date to be determined. Vice-chair A. Kelley seconded the motion, which carried unanimously with a vote of seven (7) – zero (0).

***The Board moved to consider Item #10 to follow Item #7.

ACTION ITEMS

* Item 8 moved to follow the Roll Call.

8. **LL11/234 & 11/613 (Lot Line Adjustment and Subdivision for Todd Calitri & Jason Pohopek)** Request by applicants to adjust the line between Lot 20 (28 acre site) & Lot 20.1 (2.4 acre site), adding 0.99 acres to Lot 20.1 increasing its area to 3.39 acres and to subdivide a 2.59 acre back lot from Lot 20 creating one new lot and leaving 14.2 acres remaining with Lot 20, located at 267 & 269 Parker Mountain Road (Map 216/Lot 20 & 20.1) in the General Residential (GR), Highway Commercial Overlay (HCO) & Stratified Drift Overlay (SDA) Zoning Districts. Applicant: Pohopek Land Surveyors & Septic System Design, LLC, Jason Pohopek; 42 Flagg Road; Rochester, NH 03867.

Applicants Jason Pohopek and Todd Calitri are considering a revision to the May 5, 2011 conditionally approved Lot Line Adjustment and Subdivision plan and have asked for a recommendation for procedure from the Planning Board. Mr. Calitri has changed his mind regarding the site for the construction of his home and now seeks further adjustment of lot line. Discussion ensued regarding the abandonment of the current application and need for new application. Planner Brawdors reviewed Town of Barrington Subdivision Regulations, Article 11.2-Decisions of the Board, and additionally advised the Board that the Public has a right to know about any changes in the conditionally approved application. The Board concluded that a new application for lot line adjustment and subdivision approval should be presented, with any waiver request for application fee to be considered at the Public Hearing June 2. The applicant was advised, therefore, to submit a new application, new plan for lot line revision and subdivision approval, and their request for fee waiver, with the request to abandon the conditionally approved application from May 5.

The Board returned to Item #1 of the agenda.

9. Other Business that may properly come before the Board for discussion.

**** Item #9 to follow Item #10

a. Joint Meeting between the Planning Board and Board of Selectmen-

Chairmen Huckins asked the Board to consider a list of topics for the joint meeting between the Planning Board and Board of Selectmen to take place in three to four weeks time. Items for consideration were the role of the third party review, road acceptance, Bonding/Surety, and Impact Fees.

b. Conservation Subdivision Design Workshop follow up-

Planner Brawders and Conservation Commission members John Wallace and Anne Melvin attended a workshop presented by the Homebuilders and Remodelers Association of NH instructed by Randall Arendt. At the workshop, J. Wallace posed the question of the application of Transfer of Development Rights, which is a topic that has been introduced for discussion by both the PB and BCC. It was the opinion of Mr. Arendt, TDR is a development tool perhaps the Town of Barrington should not consider at this time, due to the slow housing market. TDR is generally more successful when implemented in urban settings, where infrastructure such as water and sewer are in place to meet the capacity requirements needed for an increase in density, and the real estate market is strong.

c. Swains Lake Water District-

The Board asked the Planner to discuss with Fire Chief Walker the possibility of fire suppression hydrants with the creation of the new wells which will service the Swains Lake Water District.

NON-ACTION ITEMS

Preliminary Conceptual Review

****Item #10 followed Item #7*

10. Millo's Village Pizza-575 Franklin Pierce Highway-Minor Site Plan Revision

Planning Board members D. Vincent and G. Calef recused.
Alternate S. Jeffery delegated for D. Vincent.

Applicant's agent Steve Haight (Haight Engineering PLLC; PO Box 1166; 181 Watson Road, Dover, NH 03820) apprised the Board of a need to create additional parking spaces to better service the patrons of Millo's Village Pizza. By requesting a Minor site plan revision to the approved plan, the applicant intends to add additional impermeable pavement, enhance landscaping, and replace the drainage island areas, which have increasingly suffered damage by heavy equipment, with serviceable stormwater catch basins.

The Board urged the applicant to review the architectural standards for any waiver request being considered to alter the current drainage plan and provide a pre - and post drainage analysis for the site, and encouraged making an application for Minor site plan approval.

****The Planning Board next considered Item #9 Other Business that may properly come before the Board for discussion.

ADJOURNMENT

With no further business, Planning Board member D. Vincent made the motion to adjourn at 9:38 p.m. Vice-chair A. Kelley seconded the motion. The motion carried unanimously, seven (7) in favor to zero (0) against.

Respectfully submitted,

Constance M. Brawders, Town Planner