



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

**THURSDAY MAY 19, 2011
7:00 p.m.**

MEETING MINUTES

*New item inserted at #1.

**Items 3 & 4 followed Item #8.

PRESENT:

John Huckins, Chair
Alan Kelley, Vice-chair
Michael Clark, Ex-officio
George Calef
Anthony Gaudiello
Edward Lemos, DVM
David Vincent-arrived 7:10
Stephen Jeffery- Alternate
Jacqueline Kessler- Alternate - arrived 7:25

ABSENT:

Steve Oles- Alternate

STAFF:

Constance Brawders, Town Planner

GUESTS:

Dave Allain; 374 Pond Hill Road; Barrington
Andrew M. Miller; 585 Calef Hwy; Barrington
Paul Johnson; 8 Smith Corner Rd; Plaistow, NH
Selectmen Keith Pratt; 225 Oak Hill Rd; Barrington
Jason Pohopek; 669 Parker Mountain Road; Barrington

CALL TO ORDER

Chair John Huckins called the meeting of the Barrington Planning Board to order at 7:00 p.m.

ROLL CALL

Members were introduced by the Chair confirming members and guests present as stated above. Alternate S. Jeffery delegated.

MINUTES REVIEW AND APPROVAL

*New item inserted at #1.

1. Approval of May 5, 2011 meeting minutes.
As Item #1 was inadvertently omitted from the agenda, it was added for review and approval.

Planning Board member E. Lemos moved to approve the minutes of the meeting of May 5, 2011. Vice-chair Kelley seconded the motion, which carried with a vote of seven (7) – zero (0).

2. Approval of the May 12, 2011 meeting minutes.

The Board had not had sufficient time to review the minutes of the May 12, 2011 meeting; therefore, the minutes were tabled for consideration and vote at the May 26, 2011 meeting.

Planning Board member T. Gaudiello moved to table the minutes of the May 12 Public Hearing. Planning Board member E. Lemos seconded the motion, which carried unanimously with a vote of seven (7) - zero (0).

STAFF COMMUNICATIONS AND OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

**As there were applicants present to hear comments on case submittals before the Planning Board, the Board considered that discussion should occur following the review of plans.

Vice-chair Kelley moved to review the memos to follow Item #8. Planning Board member T. Gaudiello seconded the motion, which carried unanimously with a vote of seven (7) - zero (0).

3. Memos from Road Agent on Hearthside Drive and Mill Falls Subdivision.

Discussion ensued among Board members and Board of Selectman Chair Keith Pratt regarding still unresolved issues of concern regarding road acceptance of Hearthside Drive. Chairman Pratt had compiled a list for review by the Board, Consulting Engineer The Louis Berger Group (1001 Elm Street; Suite 203; Manchester, NH 03101), and Road Agent Peter Cook. Although the applicant professes the conditions satisfied, the Planner will again review the file for all

documentation as stated with the developer, as well as obtaining copies of waivers granted in the field from Road Agent Peter Cook, before the Town of Barrington shall consider the road for acceptance as a public way.

Further, a matter regarding placement of monumentation at an abutter's property line underscored by Item #12 of Chairman Pratt's April 20, 2011 comments/questions was discussed for final clarification. At this time, that abutter has declined to produce a survey of land for boundary line comparison; however, the developer will be marking and placing conservation land signs. The developer will agree to relocate the subject pin noted on the plan, which was a marker found, but not placed, by the applicant's engineer, TF Moran ((48 Constitution Drive; Bedford, NH 03110) at the Planning Board's request.

Vice-chair Kelley moved to reestablish the location of the subject pin in question at by the Developer's engineer at no expense to the Town of Barrington. Planning Board member E. Lemos seconded the motion, which carried unanimously with a vote of seven (7) - zero (0).

Additionally, the Board specifically discussed Item #20 which pertains to the under drain. The Board shall defer to the consulting engineer, Bill Rollins of The Louis Berger Group, for expert opinion and requested his presence at the Board of Selectmen meeting on Monday May 23, 2011 with expense of third party review to be reimbursed by the applicant.

Planning Board member E. Lemos moved to defer to opinion of the under drain installation to the Town's consulting engineer, The Louis Berger Group, with the presence of P.E Bill Rollins being requested at the Monday May 23, 2011 Board of Selectmen meeting and third party review reimbursed by the developer/applicant. Planning Board member G. Calef seconded the motion, which carried unanimously with a vote of seven (7) - zero (0).

Board of Selectmen Chairman Pratt asked for clarification regarding the matter of who responded to his list of concerns. The Planning Board noted for the record that the statement of response to Chairman Pratt's list of 25 questions emanated from the developer.

Chairman Pratt has requested a copy of the waiver specifically for two items: the recreation pad, as identified in Item #10 and Notice of Decision dated March 16, 2005 and Item # 17, the retaining wall. Chairman J. Huckins stated that he did not recall that the Planning Board voted to waive the recreation plan, but the waiver may have been granted in the field during construction by the Town's Road Agent, Peter Cook.

The Planner briefly guided the Planning Board through the construction process and critical role of the consulting engineer at the onset of construction and the consulting engineer's presence at critical milestones, whereby documentation is provided throughout project scheduling and completion and change orders are considered in the field.

The Planning Board concurred that legal opinion by the Town's attorney, Jae Whitelaw (Mitchell Municipal Group, P.A., 25 Beacon Street East; Laconia, NH 03246) is necessary for direction regarding final approval of the plan, as changes were made in the field to the subdivision plan without the benefit of a public hearing. Furthermore, the Board directed that the developer submit in writing any deviations from the approved plan for consideration by the Board.

Chairman Pratt asked for documentation regarding executed site, slope, drainage, and access

easements and maintenance surety. The Planning Board and planner concluded that the applicant/developer will meet in the office to go through the file folder with input from Road Agent Peter Cook to satisfactorily address the list of concerns raised by Board of Selectman Chairman Pratt.

In conclusion, the Planning Board delegated Chair Huckins to directly contact the Developer/Applicant tomorrow to inform Mr. Powers that the Planning Board is reconsidering their opinion for recommendation of road approval to the Board of Selectmen, as the Town Hall offices are not open for business on Friday. The Planner will review minutes of past meetings for any waiver requests which may have been granted in a public hearing and provide the documentation to the Planning Board and Board of Selectmen. The Board requests that Consulting Engineer Bill Rollins of the Louis Berger Group review any waiver requests that had been submitted for change orders.

Vice-chair Kelley moved to withdraw the recommendation for road approval to the Board of Selectmen for Hearthside Drive for further consideration of subdivision approval conditions. Planning Board member D. Vincent seconded the motion, which carried unanimously with a vote of seven (7) - zero (0).

The Board next considered their opinion for recommendation of Mill Falls Road at the Falls on the Isinglass Subdivision (03/501).

The Planning Board received a copy of the final comment letter dated May 11, 2011 from Town's consulting engineer of record, Dubois & King (18 Constitution Drive; Suite 8; Bedford, NH 03110) which stated that outstanding issues had been addressed regarding final As-built plans and findings from the April 18, 2011 site walk with Jeff Adler of Dubois & King, Road Agent Peter Cook, Town Planner Brawders and developer Al Estes. Additional documentation provided for the Board's consideration was a memo dated May 16, 2011 from the Road Agent stating Mr. Cook's satisfaction of conditions noted in the original letter from the consulting engineer dated April 19, 2011, except for the sealing of minor cracks in the road.

Planning Board member E. Lemos moved that as the Planning Board finds no outstanding issue of concern with the Mills Falls road, the Planning Board offers their opinion to the Board of Selectmen for Town acceptance of Mills Falls Road. Planning Board member D. Vincent seconded the motion, which carried unanimously with a vote of seven (7) - zero (0).

4. Discussion of minor site plan revision for Stonehill Professional Building.

The Planning Board considered the site plan approval for Stonehill Professional Building (SR 05/291) as the proposed relocation site for the Town Hall office space. The commercial site plan is located in the current Regional Commercial Zoning District and was approved on July 18, 2005 for professional office space. Twenty-three spaces are provided for parking with two ADA compliant spaces. Staff will require fifteen spaces.

Discussion ensued regarding the ordinance under Article 3.4 governing the conditional use permit, as Board members considered the Zoning District to be Highway Commercial District Overlay (rather than Regional Commercial), NHDOT stipulations and signage under the State of NH, and any proposed signage identifying the new location of Town Hall for the public's benefit. The Board of Selectmen will meet with the Planner to finalize the application for minor

site plan approval.

ACTION ITEMS

Planning Board member D. Vincent arrived at 7:10 p.m.

5. LL11/235 (Boundary Line Adjustment for City of Rochester & Allain-Feuer)

Request by applicants to adjustment the line between Lot 22 (23 acre site) & Lot 37 (25 acre site) adding 21.1 acres to Lot 22 increasing its area to 44.1 acres and leaving 4.69 acres remaining to Lot 37, located at Pond Hill Road & Dry Hill Road (Map 201/Lot 22 & Map 203/Lot 37) in the General Residential (GR) Zoning District. Applicant: Allain Feuer Family Revocable Trust of 2009; 374 Pond Hill Road; Barrington, NH 03825.

Planner Brawders referred to the application before the Planning Board, which was request for a boundary line adjustment between the Town of Barrington and City of Rochester for the purpose of protecting the municipal water shed from future development along the Round Pond reservoir and to, therefore, allow for possible future flowage to increase to topography elevation 401.

Board member G. Calef asked the question of whether the taxes paid by Allain-Feuer to the Town of Barrington will now be paid to the City of Rochester or if they will making payment in lieu of taxes. It was suggested that member Calef could seek the answer to his question from the Selectmen's Office.

A brief discussion ensued regarding the 1885 deed from James F. Foss and Ellen C. Foss conveying water rights from Barrington to the Rochester Aqueduct and Water Company. A copy of the deeds pertinent to the history of this project is in the case file folder for Board members' information.

The applicant has presented the following waiver requests from Application Checklist Submittal Items # 10, 11, 13 & 31 for consideration by the Planning Board at the Public Hearing on June 2, 2011:

- Item #10 - "Note the following: If, during construction, it becomes apparent that deficiencies exist in the approved design drawings, the Contractor shall be required to correct the deficiencies to meet the requirements of the regulations at no expense to the Town.
- Item #11 - "Note the following: Required erosion control measures shall be installed prior to any disturbance of the site's surface area and shall be maintained through the completion of all construction activities. If, during construction, it becomes apparent that additional erosion control measures are required to stop any erosion on the construction site due to actual site conditions, the Owner shall be required to install the necessary erosion protection at no expense to the Town."
- Item #13 - "Note the following: All materials and methods of construction shall conform to the Town of Barrington Subdivision Regulations and the latest edition of the New Hampshire Department of Transportation's Standard Specifications for Road & Bridge Construction."
- Item #31 - Two-foot contour interval topography shown over all subject parcels.

The applicant's written waiver request states the following for consideration by the Town of

Barrington Planning Board:

“Items 10, 11 & 13: These notes pertain to projects with construction proposed and there is no construction proposed as part of this boundary line adjustment.”

Item 31: Request waiver regarding topographic survey of entire property: 2-foot contours have been provided in support of the minimum lot area. Area being conveyed to the City of Rochester will not be used for residential purposes.”

The Planning Board has requested that the Town Planner perform the technical review of the plan submittal in preparation of the public hearing.

- 6. LL11/236 & 11/614 (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 3.15 acre backlot from Lot 20 creating one new lot and leaving 23.9+/- acres remaining with Lot 20, located at 267 & 269 Parker Mtn Road (Map 215 & 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.

At the June 2, 2011 the applicants will be requesting the approval for abandonment of the previously submitted application and decision for lot line adjustment and subdivision approval that was conditionally approved on May 5, 2011 as applicant T. Calitri is relocating the building envelope for his residential structure. The proposed Lot Line Adjustment and Plan of Land for Todd Calitri and Jason and Allison Pohopek dated May 18, 2011 now moves the southwesterly line of conditionally approved Lot 20.4 to the southwest approximately 75 feet, transferring approximately .052 acres from Lot 20, reducing Lot 20 to 13.7 acres. Land conveyed to Lot 20.4 will increase the parcel size to approximately 3.15 acres. For clarity and continuity, a new application and case submittal number has been assigned by the Land Use office.

The applicant at this time presented a request for waiver for application fee, which the Planning Board will not consider for approval, as this is a new plan devised by the applicant subject to administrative costs associated with the presentation of case plan submittals and not a modification or change demanded by the Town of Barrington. Applicant's agent, Jason Pohopek, was present at the meeting and duly informed by the Planning Board of the fee for new application.

NON-ACTION ITEMS

Preliminary Conceptual Review

- 7. SR08/362 – (Seavey Square – Minor Site Plan Revision)** Request by applicant to discuss any requirements for site plan amendment for tenant lease for PJ's Appliance Repair located at Seavey Square-Unit #5; 585 Calef Hwy (Map 238/Lot 43) in the Town Center (TC) and Stratified Drift Overlay (SDA) Zoning Districts. Applicant: Andrew Miller; 16 Juniper Ridge Road; Exeter, NH 03833.

The Planning Board reviewed the list of types of businesses approved by the Board at their meeting of December 4, 2008 and noted that sale and repair of appliances is a permitted use by right under Retail Use. The Planner additionally conveyed to the Board that she and Road Agent Peter Cook had conducted a site visit on May 18 and it appeared that the parking spaces adequately serviced the retail business as noted on the previously approved plan. The Board opined that no further need for site plan approval was necessary and thanked the applicant, who was present, for coming before the Board to state his intentions for use.

8. Tropic Star Development, LLC/Jones & Beech conceptual site plan for 356 Route 125 (Calef Highway) Request by applicant to discuss the development of a gas station/convenience store with a drive thru fast food use attached located at 356 Route 125 (Calef Hwy) (Map 238/Lot 4) in the Town Center (TC) and Stratified Drift Aquifer Overlay (SDA) Zoning Districts. Applicant: Scott Mitchell; Tropic Star Development, LLC; 321D Lafayette Rd; Hampton, NH 03842.

Board member G. Calef recused himself as an abutting land owner. Board member D. Vincent recused himself from participation in discussion as he has previously presented a plan in the vicinity. Alternate S. Jeffery and J. Kessler delegated.

Discussion ensued among Planning Board members and staff regarding the proposed site plan and traffic generation on Route 125 and established and proposed businesses.

Chair Huckins opened the floor to comment from the public.

Board member Calef stated that he was unaware of any discussion on the use of his adjacent parcel, known as George Calef Fine Foods, for driveway access and shared parking. Member D. Vincent stated that the secondary road shown on the conceptual plan is located over the septic system servicing Millo's Pizza and Grill and that system is not designed to handle traffic.

The Board concurred that access at State Route 125 would be of concern to the Planning Board and would require plan review by NHDOT. Additionally, there has been conceptual discussion with the Board for parking plan revisions at Millo's which should be taken into consideration for discussion of the conceptual plan at the June 2, 2011 Planning Board hearing.

Alternate members J. Kessler and S. Jeffery returned to their seats in the audience.

The Board returned to Items #3 and 4 for discussion.

ADJOURNMENT

With no further business, Planning Board member E. Lemos made the motion to adjourn at 9:10 p.m. Member T. Gaudiello seconded the motion. The motion carried unanimously, seven (7) in favor to zero (0) against.

Respectfully submitted,
Constance M. Brawders
Town Planner