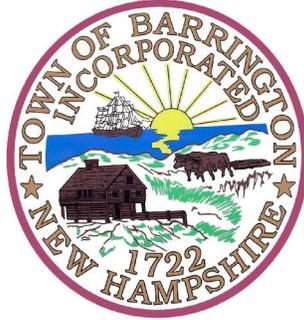


Approved August 11, 2011 - GMJ



**BARRINGTON PLANNING BOARD
EARLY CHILDHOOD LEARNING CENTER
77 RAMSDELL LANE
BARRINGTON, NH**

**THURSDAY JULY 21, 2011
7:00 p.m.**

MEETING MINUTES

Items #2 - #7 to follow Items #8 - #11

PRESENT: John Huckins, Chair
Alan Kelley, Vice-Chair
Michael Clark, Ex-officio
George Calef
Anthony Gaudiello
Edward Lemos, DVM
Stephan Jeffery ó Alternate
Jacqueline Kessler ó Alternate

ABSENT: David Vincent
Steve Oles ó Alternate

STAFF: Constance Brawders, Town Planner
Gregory Jones, Transcriptionist

GUESTS: John Wallace; 183 France Rd; Barrington
Susan Rice; 409 Franklin Pierce Hwy; Barrington

NOTE: THESE ARE SUMMARY ACTION MINUTES ONLY. A COMPLETE COPY OF THE MEETING AUDIO IS AVAILABLE THROUGH THE LAND USE DEPARTMENT.

CALL TO ORDER

Chair J. Huckins called the meeting of the Barrington Planning Board to order at 7:06pm.

ROLL CALL

Members were introduced by the Chair confirming members and guests present as stated above.

MINUTES REVIEW AND APPROVAL

1. Approval of July 7, 2011 Regular Meeting Minutes.

(See attachment #1)

Member G. Calef motioned to amend the meeting minutes of July 7, 2011 to accurately reflect the motion made to amend the meeting minutes of June 23, 2011 by adding language reflecting his motion that on the written advice of the Town Attorney Jae Whitelaw (Mitchell Municipal Group, PA; 25 Beacon St E; #2, Laconia, NH 03246), the final approval of the Fisheye subdivision has met all the conditions stipulated and shall be granted final approval. The motion was seconded by A. Gaudiello and was subsequently tabled. G. Calef motioned to amend the 7/7/11 with his statement. This motion was not seconded and therefore failed.

The Planner left to retrieve the June 23, 2011 meeting minutes for reference. The Board continued with discussion of other items. She returned at 7:25 p.m. and the Board returned to discussion the minutes as motioned below.

Vice-Chair A. Kelley motioned to return to the discussion of the meeting minutes. Member A. Gaudiello seconded the motion which carried with a vote of seven (7) to zero (0) in favor.

Member E. Lemos motioned to approve the meeting minutes of July 7, 2011 as amended with minor changes. Vice-Chair A. Kelley seconded the motion which carried with a vote of seven (7) to zero (0) in favor.

STAFF COMMUNICATIONS

AND

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

Vice-Chair A. Kelley motioned to move the Review of Case Submittals ahead of Other Business and Staff Communications. A. Gaudiello seconded the motion which carried with a vote of seven (7) to zero (0) in favor.

2. Barrington Public Library Donation

Town Planner C. Brawders informed the Board of a donation to the Barrington Public Library in the memory of Dorothea Potterton, Planning Board alternate member Stephen Jeffery's mother.

3. Village Place (11/612)

G. Calef and A. Gaudiello recused themselves from discussion.

Conservation Commission Chair John Wallace directed the Board to his July 14, 2011

Memorandum in which he outlined the events of the June 27, 2011 meeting where the Commission met with representatives from GZA GeoEnvironmental Inc. (GZA GeoEnvironmental Inc. Newmarket, New Hampshire 03857) regarding their recently completed Natural Resource Review Report of the subject property. J. Wallace reminded the Board that the Commission was fairly comfortable with the report but wanted a third party review to be completed by the Town's natural resource consultant. In addition, he reminded the Board that after the completion of the prime wetland delineation for the property, it was clear that several of the western lots would contain a good deal of wetland buffer and portions of wetland which obligated the Commission to request a reconfiguration of the lot layout to ensure a 100-foot prime wetland buffer is adequately protected.

Chair J. Huckins stated that at a previous meeting the Board requested the applicant take the wetland and associated buffer into consideration with regard to the proposed lot layout. G. Calef, speaking as a member of the public, stated that it had been implied by the Conservation Commission, after third party review of the Natural Resource Report, that GZA GeoEnvironmental Inc. did not have anyone in its employ that possesses the proper qualifications according to the State of New Hampshire to complete such a report, as the state does not recognize the profession of wildlife biologist. G. Calef stated that as the applicant has contracted with his own consultant, what qualifications will the Conservation Commission require of the Town's consultant? J. Wallace said he could not specify.

Chair J. Huckins authorized the town Planner to request a scope of services for review of the Natural Resource Report presented by the applicant in advance of the September 8, 2011 Public Hearing.

G. Calef and A. Gaudiello returned to the table.

4. NH DOT Project Numbers 16178 & 16201 – Municipal Comments

Town Planner C. Brawders informed the Board of an e-mail and draft report from the Strafford Region Planning Commission which responds to the July 1, 2011 letter from NHDOT regarding the proposed projects located at the intersection of US Route 202 and Route 9 and the intersection of NH Route 125 and Greenhill Road. C. Brawders informed the Board of the Conservation Commission and Historical Commission comments which were recently submitted. She informed the Board that the comments are due to the State on July 30, 2011 and that she would be sure to check with the Fire and Police Departments to retrieve any comments they may have.

5. Board of Selectmen Joint Planning Board Meeting Topics

Town Planner C. Brawders reminded the Board of the joint meeting scheduled for July 28, 2011 at 6:30pm and directed the Board to the agenda from Town Administrator John Scruton dated July 19, 2011 and urged the Board to review the issues. The agenda outlines discussion points from the perspective of both Boards and Chair J. Huckins urged the Board to review the agenda and contact C. Brawders with any additional comments to be added.

6. Draft Rules of Procedure Comments from Planning Board before August 8, 2011 Public Hearing

Town Planner C. Brawders directed the Board to the Draft Rules of Procedure document dated July 18, 2011 and asked the Board for any further comments.

J. Huckins noted that Section II, Members and Alternates, Paragraph #5 of the Draft appears to be contradictory and suggested it be reviewed further. After a brief discussion it was determined that Paragraph #5 is acceptable.

Gaudiello opined that there may be additional changes to the Rules of Procedure. He referenced advice by Town Attorney Jae Whitelaw (Mitchell Municipal Group, PA; 25 Beacon St; E; #2, Laconia, NH 03246) in her July 21, 2011 email response to the June 9, 2011 letter from Vice-Chair A. Kelley addressing satisfaction of conditions of approval for approved subdivision plans.

A. Gaudiello suggested that the Board review the July 21, 2011 letter from the Town Attorney and put together a response. A Gaudiello stated that, as he interpreted the letter, if there is an administrative yes or no question that the Chair can make the decision. However, if there is any discretion the Board must have a public hearing.

A. Gaudiello continued that the addition of language stating "the decision to call for a public hearing, to determine if the conditions of approval has been met, shall be made by the full Board and publicized at the same time the conditional approval is given. The Board shall decide if the conditions are such so as not to require a public hearing, and if so, they may empower the Chair to determine if the conditions have been met and issue the appropriate letter. Should the Board fail to render a determination regarding the need for a public hearing, or fail to empower the Chair to act, a public hearing will be required" should be incorporated in order to address the Town Attorney's concerns. A Gaudiello stated that a sample motion may be constructed to look similar to the following "I move that the application be awarded conditional approval, the conditions being 1. 2. 3. etc, and further that these conditions do not require a further public hearing as the situation now presents itself, the Chair is authorized by this action to make the determination as to whether the conditions as stated herein have been met and to execute the appropriate documents". A. Gaudiello suggested that whenever the board has a routine, the Board utilize a standard format.

J. Huckins suggested that the above mentioned verbiage regarding the rules of procedure portion be reviewed by the Town Attorney. A. Gaudiello stated that, as he interprets the July 21, 2011 letter from the Town Attorney, it is clear that a public hearing is not required when the condition is to obtain a specific local, state or federal permit as long as the permit does not change the plan or conditions that the Board has approved.

The Planning Board's practice is that when a public hearing is not required, the Chair determines that the conditions have been met and signs the plan on behalf of the planning board. A. Gaudiello stated that this practice needs to be added to the Subdivision Rules as it currently does not exist and referenced in the Planning Board's Rules of Procedure. As stated by the Town Attorney, until the Board updates the procedures, the Board must specifically vote on each application to authorize the chair to determine if conditions have been met. A. Vice-Chair suggested, and the Board agreed, that the verbiage in above quotations be forwarded to the Town Attorney for review.

Town Planner C. Brawders reminded the Board that the Public Hearing agenda must be posted 10 days prior to the meeting in order to advise the public of the upcoming changes to the Rules of Procedure and stated that if any changes are proposed at the public hearing, it must be advertised and a subsequent hearing held.

A. Gaudiello stated that there are some minor changes to the Board regulations that should be addressed without requiring the same amount of attention needed for updating a substandard regulation. Specifically, the editor's notes in the Zoning, Subdivision, and Site Plan Regulations are inconsistent in their formatting. For example, Subdivision Regulations Table 1-Road Design Standards references Section 15.4-Private Roads, but should reference Section 15.3-Driveway and Access Design Standards. The Town Planner C. Brawders stated that the regulations need to be re-codified by a professional Planning consulting firm to ensure accuracy for completeness, as the Land Use department is limited by technology and tools. The Board agreed with C. Brawders and determined that the regulation should be re-codified.

7. Review of Subdivision Rules and Regulations and Site Plan Rules and Regulations

- Comments Received from the Barrington Conservation Commission
Conservation Commission Chair J. Wallace directed the Board to a July 16, 2011 memorandum from the Conservation Commission describing the BCC's proposed Subdivision Regulation amendments. The BCC would like to see a movement away from 2-acre lot zoning, which promotes sprawl, and begin to utilize a 5 house lot per 10 acre rule which would promote the conservation of open space. In addition, the Commission suggests more stringent requirements of proving out yield plans for conservation subdivisions be made, marking wetland buffers with permanent markers in the field, and the addition of language approved in 2010 with regard to the Authority and Purpose Statement of the Conservation Subdivision Regulations as stated below:

"Since the primary purpose of a Conservation Subdivision is the protection and preservation of the town's natural resources (as itemized below), the initial and most important step in determining the feasibility of a site for a Conservation Subdivision is to identify the natural features and resources of the property that most merit protection. The housing lots that are proposed for the subdivision should be situated with the aim of protecting these features as best possible"

- Review of Camp Ground and Camping Park Regulations

Town Planner C. Brawders directed the Board to Recreational Campgrounds and Camping Parks document. She explained that the definitions included under Article 6 - Recreational Campgrounds and Camping Parks of the Site Plan Regulations will be amended to the Article 13-Definitions of the Site Plan Regulations to promote clarity and consistency in the Regulation.

REVIEW OF CASE SUBMITTAL ITEMS

- 8. 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 Phrase 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 Falmouth Road, Suite 10; Centerville, Ma 02632**

Chair J. Huckins directed the Board to the July, 21 2011 engineer's response from the Louis Berger Group, Inc. (1001 Elm Street, Suite 203, Manchester, New Hampshire 03101), Barrington's third party review consultant, which recommends the Board accept the MJS

Engineering Drainage Review (MJS Engineering, P.C. 5 Railroad Street P.O. Box 359 Newmarket, NH 03857). The letter states that the drainage review compares the peak discharge from detention pond # 1 for different storm events and different outlet conditions. The analysis included the outlet condition from the pond as originally designed, as it was constructed, and as it would if the outlet conditions were modified. The letter states that the pond has been enlarged and improved from the original design by allowing for additional storage capacity and reduction of outlet flow. The consulting engineer recommends against modifying the outlet condition.

Additionally, Louis Berger Group advises the Board to seek updates from the applicant or owner as to the status of the project's Wetlands and Alteration of Terrain permits, including any modifications that have been filed.

Chair J. Huckins reminded the Board that the issues concerning Detention Pond #1, which is part of Phase #1 of this project, are to be resolved prior to any discussion concerning work occurring in Phase #2 of this project such as the construction of Detention Pond #2. He urged the Board to become familiar with the project as it will be before the Board on August 4, 2011.

Barrington Conservation Commission Chair John Wallace commented that while there is no legal obligation, the project owner has not made the agreed upon Stewardship Donation for the Conservation Easement which the Town accepted on the property. Planning Board member G. Calef inquired if the applicant/owner has acquired surety on the project.

9. 11/615 (John & Elizabeth McMaster) Request by applicant to present a proposal for a two lot subdivision on a 62+/- acre site located at 157 Merry Hill Road (a/k/a Wood Road) (Map 257, 256 & 123/Lot 3) in the General Residential (GR) Zoning District. Applicant: Berry Surveying & Engineering, Chris Berry; 335 Second Crown Point Road; Barrington, NH 03825

The Board was directed to the Project Application and Draft Technical Review Letter dated July 21, 2011. The packet included the application sheet, Draft Technical Review letter from the Town Planner, application checklist, deed information, and drawings. Planner C. Brawders informed the Board that she will be in receipt of comments from the Town Road Agent, Building Inspector, Fire and Police Departments during the upcoming week. She explained that the project proposes to subdivide one parcel, (Map 257, Lot 3) having 62+/- acres, into two lots, proposed Map 257, Lot 3 having 40.86 acres and proposed Map 257, Lot 3-1 having 20.26 acres.

C. Brawders informed the Board of outstanding items required of the applicant as listed in the Draft Technical Review Letter which were as follows:

- Written narrative describing the project proposal
- Signed letter of authorization from the owner
- Residence number within the title box
- Source and datum of topographical information (USGS required)
- Correction to Note # 1 on pages 1 and 2 of the draft plans
- Existing and proposed dwelling unit setback requirements
- Well site/radius appears to encroach within the wetland perimeter boundary. Chair J. Huckins stated that Comment #8 of the Draft Technical Review can be removed as the well radius is permitted by the State of New Hampshire to encroach within on-

site wetlands.

- Item #9 can be removed as each lot area encompasses greater than 5 acres so NHDES subdivision approval is not required.
- Referring to Item #10 in the Technical Review letter, the applicant is requesting a waiver to survey the entire lot.
- Waivers must be noted on the plans.
- The applicant is requesting waivers of Items #28 and # 31 of the Subdivision Checklist which requires showing existing features such as buildings, wells, septic systems, stone walls, paved drives, and gravel drives and the requirement of showing two foot contour topography of the entire lot. Chair J. Huckins stated that because the two proposed lots do not meet the minimum dimensional building requirements, a waiver of survey requirements for the identified portions of these lots would be acceptable but that all waiver information must be supplied.
- C. Brawders stated that the owner, wetland and soil scientist must sign the approved plan.
- A PDF version of the plan is to be provided to the Land Use Department.
- Chair J. Huckins requested the Road Agent confirm the proposed driveway location for Lot 3 has adequate distance from the existing wetland buffer.

10. 11/616 (Jeffery & Sarah Flause) Request by applicant to present a proposal for a two lot subdivision on a 18 acre site at 327 Second Crown Point Road (Map 204 & 205, Lot 2) in the General Residential (GR) Zoning District. Applicant: Berry Surveying & Engineering, Chris Berry; 335 Second Crown Point Road; Barrington, NH 03825

The Board was directed to the Project Application and Draft Technical Review dated July 20, 2011. The packet included the application sheet, Draft Technical Review letter from the Town Planner, application checklist, deed information, and drawings. Planner C. Brawders stated that the project proposes to subdivide one frontage lot with house located at Second Crown Point Road and Rachel's Lane (Maps 204 and 205, Lot 2) on a 18+/- acre site, into 2 lots and informed the Board of outstanding items required of the applicant as listed in the Draft Technical Review Letter.

- Written narrative describing the project proposal
- A signed letter of authorization from the owner
- The addition of the word "subdivision" under project description in the title box
- The residence number for Crown Point Road in the title box
- The addition of MAP 205/Lot2 into the title box
- Additions to the plan notes which including datum of topographical information (USGS required) and benchmark
- An update to Note #2 to include Map 205/Lot 2,
- The demarking of well site and radius on the proposed subdivision plan,
- The demarking of septic site on the proposed subdivision plan
- The NHDES approval for subdivision approval number and a document of approval.
- The applicant is requesting a waiver from the Subdivision Regulations Article 8 (Plan Requirements) which, if granted, shall be noted on the plans. The applicant is requesting the Planning Board to waive the requirements item #28 and #31 of the Subdivision checklist which requires showing existing features such as buildings, wells, septic systems, stone walls, paved drives, and gravel drives and the requirement of showing two foot contour topography of the entire lot.

- Chair J. Huckins stated that the project would require State subdivision approval because Lot 2 would be less than the 5ac minimum requirement.
- C. Brawders stated that the owner, wetland and soil scientist must sign the approved plan and provide a PDF version of the plan to the Land Use Department.
- Chair J. Huckins requested the Road Agent confirm proposed driveway location for lot 3 has adequate distance from the existing wetland buffer. The Board was urged to review the plans and Draft Technical Review Letter.
- Chair J. Huckins requested verification that the proposed driveway does not enter the existing wetland buffer and that the wetland buffer be shown on all plans.
- C. Brawders stated that Section 9.6 of the Zoning Ordinance requires a special exception for construction within the wetland buffer.

11. SR 10/380 (County Line Holdings, LLC-White Tail Condomiums) Request by applicant to extend the conditional approval for Site Plan Approval granted by the Planning Board on July 7, 2010 located at Franklin Pierce Hwy & Washington Street (a/k/a Route 9 & Rout 202) (Map 246/Lot 17) in the General Residential (GR) & Highway Commercial District Overlay (HCO) Zoning Districts. Applicant: John Farrell; Country Line Holdings, LLC; 8 Little John Road; Durham, NH 03824

C. Brawders informed the Board the project is not requesting an extension and is no longer on the agenda.

ADJOURNMENT

With no further business, A. Gaudiello motioned to adjourn the meeting at 9:25pm. The motion was seconded by Vice-Chair A. Kelley which carried with a vote of seven (7), to zero (0) in favor.

Respectfully submitted,

Gregory M. Jones
Transcriptionist

TUESDAY JUNE 23

I MOVE THAT THE MINUTES OF JUNE 23RD
AND JULY 7TH BE AMMENDED TO STATE
THAT ON JUNE 23RD GEORGE CALEF MADE
A MOTION, ON THE WRITTEN ADVICE OF
THE TOWN'S ATTORNEY, THAT FINAL
APPROVAL OF THE FISHEYE SUBDIVISION
HAS MET ALL THE CONDITIONS IMPOSED ON
IT AND SHALL BE GRANTED FINAL APPROVAL.
THE MOTION WAS SECONDED BY TONY GAUDIELLO AND
SUBSEQUENTLY TABLED. *George Calif*

LAND USE OFFICE

JUL 21 2011

RECEIVED

ATTACHMENT #1