



MEETING MINUTES
BARRINGTON PLANNING BOARD MEETING
Early Childhood Learning Center
77 Ramsdell Lane, Barrington, NH
Tuesday January 22, 2013
6:30 p.m.

J. Huckins called the meeting to order at 6:30 pm

ROLL CALL

Members Present

John Huckins, Chair
Alan Kelley, Vice-Chair
Anthony Gaudiello
Dawn Hatch, Ex-officio
George Calef
Jackie Kessler

Members Absent

Steven Oles

Alternate Members

Stephen Jeffery

Town Planner

Marcia Gasses

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

MINUTES REVIEW AND APPROVAL

1. Approval of January 15, 2013 Public Hearing Meeting Minutes.

Line 62: “amendments” was spelled wrong.
Lines 156 and 157: add “to” between go and the
Line 203 omit “where”
Line 204 omit “all”
Line 269 make it read D. Hatch “challenged whether the final copy of...”
Line 303 and 304 take out the period and cross out “it”.

A motion was made by A. Kelley and seconded by J. Kessler to approve the meeting minutes with noted changes. The motion carried unanimously

REVIEW OF PLANS

2. 257-3.2-GR-12-SD (John & Elizabeth McMaster) Request by applicant for a one lot subdivision on a 5 acre site located on Merry Hill Road (Map 257, Lot 3.2) in the General Residential (GR) Zoning District. By: Chris Berry, Berry Surveying & Engineering, LLS, 335 Second Crown Point Road, Barrington, NH 038252

M. Gasses had some minor changes to make to this application for completeness. The application agreement needed to be signed. The pavement width dimension was missing. They needed a wetland scientist’s signature, an owner’s signature on the plan, and a surveyor’s signature. She then mentioned how she called Chris Berry because there is not a second test pit location on the plans and he performed two test pits. She also had a suggestion to show the erosion control measures on the plan. She stated that it is a two lot sub division and she didn’t know if they were going to need drainage on it.

J. Huckins stated that the drainage on a subdivision has to be done if they are doing things with roads. Everything that is done on his lot is dealt with on the lot. He then said that this is considered site review so this goes beyond what they can do in a single family residence.

J. Kessler asked for clarification on the “request by applicant for a one lot subdivision”

M. Gasses explained that it should say two and that sometimes people don’t realize that it is one new lot being created.

J. Kessler reaffirmed that it is a two lot subdivision even when it says one on the agenda.

M. Gasses said she checked the distance from the buffer and on the second page it shows that he put a 50 foot house in there. She then said that if the board wants it he can come up with a plan that shows how he will construct the house without going in the buffers.

J. Huckins agreed that he should make this plan and then starts looking through the plans asking about the existing lot.

M. Gasses stated that it looks really small but when you get into a different scale it looks different. She then stated that you can do work in the setback excavation on one side but he would have to make sure that he doesn't go into the buffer on the other side.

J. Huckins said that from the plans it looks like he will be able to accomplish this, but he should still show it on the plans.

J. Huckins and M. Gasses then showed the other board members the plan and explained what they were just discussing.

S. Jeffery asked about a potential garage.

M. Gasses said that the garage would have to be behind the house.

J. Huckins stated that his drive way can go into the setback but it can't go into the buffer.

M. Gasses said that TRC and Peter haven't had a chance to look at the plans but we will have them take a look at this before the meeting and get their opinion on where the driveway should go.

J. Huckins expressed concerns about the driveway and the septic system. He explained that the septic will only take up about a quarter of the 4K. He also suggested that if they decide to add a garage to the back then to put it on the topographic map and bring it to the meeting.

J. Kessler asked if the board was doing something to remind people that they have to do their best attempt to build within the building zone before coming before the board.

M. Gasses explained that this question was related to the yellow dog case and we will get to that.

G. Calef stated that there needs to be a locus map was flawed. Long Marsh is now Marsh Road.

A. Kelley asked what is the offering that he wants for the wetlands waiver. How much is he asking to waive?

J. Huckins responded by saying that the applicant is going to show that the lot meets the minimum requirements.

3. 270-71-RC-12-SR (The Yellow Dog's Barn) Request by applicant to construct a 936 s.f. building to be utilized as an overnight kennel and will include a one-bedroom apartment on the second floor with associated parking and a Section 9.6 Application for a special permit for construction in wetland buffer located on a 1.16 acre site located at 136 Old Concord Turnpike (270, Lot 71) in the Regional Commercial Zoning District. By: Barry Gier, Jones & Beach Engineers, Inc.; Po Box 219, Stratham, NH 03885

M. Gasses stated that this application is complete other than the signatures. They submitted their drainage analysis and went through the checklist. She did not see anything missing from this in order to accept it as complete.

J. Kessler asked for clarification on accepting it as complete without going off the waiver.

M. Gasses said that it is asking for 9.6 which is a special permit not a waiver.

J. Kessler asked if that had to be dealt with before accepting it as complete.

J. Huckins said that we can accept it and then they will say that they want to ask for that. That is part of our continuing application.

M. Gasses noted that the buffers come into play on this because there was a lot line revision done. She then said that this one will be getting comments from conservation commission.

J. Huckins asked for confirmation on the drainage plans.

M. Gasses suggested that they accept the application on the 5th and then go to Dubois and King for the drainage.

T. Gaudiello asked for more revision on the lot line revision and the buffer.

J. Huckins said that after the subdivision was done and the newer lot was created the buffer was applied.

T. Gaudiello wanted to clarify that there is a subdivision intervening after the 2001 date.

J. Huckins said that this was correct but the buffer was already impacted before that. The lot was a conforming lot when it happened on the subdivision so now any new impact on the buffer can't be done.

The board then discusses the issues of the buffers and subdivisions.

J. Huckins asked if there were any other questions on the yellow dog application.

REPORT FROM THE PLANNING DEPARTMENT

M. Gasses had the board recall a letter sent in by Ken Grant few months ago about some code enforcement issues which he has now come into compliance with. He has had emails from Peter Cook and Tom Abbot that he is in compliance. He would like to now have a letter from the planning board that states that there are no known violations at this time.

J. Huckins had thought that these were in the conditions of the approval.

M. Gasses said that he met the conditions of approval but there was still some permitting left with the driveway.

J. Huckins said that he was supposed to get that as a part of the conditions of approval which means that at this point in time his plan should not be signed.

M. Gasses stated to J. Huckins that he had signed it in April so it was all done.

J. Huckins responded by saying that when he signed it in April he had met the requirements therefore he has this statement right there.

M. Gasses said to J. Huckins that he did not get his driveway permit and now that he has cleaned up his violations he just wants a letter from you the authority. She also expressed that she has no trouble drawing it up and sending it she just wanted to satisfy Mr. Grant. He would like something more official than an e-mail.

The board then discussed the language of what the letter should say.

The board agreed that the letter would lay out what the site review application conditions were.

J. Kessler stated that she would want the letter to come before the planning board before M. Gasses sent it.

M. Gasses offered that it could be from the land use department and not be involved in the planning department.

The board agreed that it would come from the land use department first and then see where it goes from there.

G. Calef recused.

M. Gasses moved on to announce that Joe Falzone contacted her regarding one of the conditions of approval of his subdivision. He is working towards getting all the documentation done. As he explained to the board it's going to be a three phase project. The subdivision regulations require that prior to the final approval that all of the monumentation is in place other than the monumentation along the roadway. He suggested that each lot be monumented as a building permit is issued. She suggested that he monument an entire phase before building permits issued.

J. Huckins stated that we don't want conflicts one at a time with each building permit our regulations are pretty clear everything except for along the roadway are bonded. If he is not doing them than he has to bond all of them. He suggested to just do the back ones.

M. Gasses said sometimes with a phase development you adjust the bonding with each phase. You could require him to monument the first phase other than along the road and before he can go onto the second phase you could require him to monument the entire second phase. He is concerned that a lot of them will get destroyed when they start going in there and cutting trees.

J. Huckins said that he agrees that doing it by phase makes sense, and doing them by each lot makes no sense. If he doesn't do it individual you would have to bond it.

D. Hatch said that he should have to monument the entire perimeter of the lot then the ones within the site can be different. The perimeter will not change.

J. Huckins reminded D. Hatch that he is concerned about damaging the trees because he has not cut them yet.

M. Gasses expressed concern about foundation certification.

J. Huckins said that it's not a granite monument next to the road it's a pipe in the middle of the woods.

D. Hatch stated that she still thought that the perimeter should be done in case he decides to stop working due to the bad economy.

M. Gasses said that it may be a cost saving thing that may be drawn out over several years. There may be a number of different reasons why he asks to do it in phases.

J. Kessler asked if the town had anything in our regulations on how to do phasing.

J. Huckins said there wasn't anything on phasing but the town's monumentation stuff all has to be bonded for everything that is not done. They can start putting in the road and selling lots without monumentation if they bond for it. Our regulations state that if monumentation is not in place then you have to bond for it.

D. Hatch said that if you bond the perimeter that still allows you to do the lots individually then put the monuments in then.

J. Huckins said to tell him if you want to bond for them you can put them in later and if you don't want to bond for them you can put them in now.

A. Kelley stated to tell him to put it in three phases but bond the whole thing. He didn't see why you would just bond the perimeter and not the interior bounds.

J. Huckins told him that for any bounds he is not doing he would have to bond and anything he does do, he does have to put a bond in for it. That is what our regulations states.

M. Gasses said she just wanted to get the boards take on it.

J. Huckins stated that if that is what he wants to do without bonding then he would have to come in front of the board.

T. Gaudiello asked for monumentation on the conservation easement which is often the backs of lots. This should be set prior to the signing of the deed.

M. Gasses brought up the next thing to discuss which was the packet that the Strafford regional planning commission sent her a packet that they would like this board to read through. They are working on the granite state futures which is a Master Plan that is starting with the regional level. They had to take goals from Barrington's master plan and categorize them. They want the board to look through it and see if they agree where they place them.

M. Gasses then stated that J. Falzone asked for a 60 day extension but she suggested that the board give him a 90 day extension.

J. Kessler asked for clarification on the extension

J. Huckins stated that it was for the conditions of his approval.

A. Kelley motioned and D. Hatch seconded to give J. Falzone a 90 day extension. The motion carried unanimously.

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

M. Gasses then brought up e-mails in their packet from John Wallace that he is asking for a position on the planning board. The selectman has requested some kind of recommendation from the planning board.

J. Huckins had a few questions to ask. He started off by saying as a conservation commission member it is their responsibility to push and promote conservation. But when you come onto the planning board you need evidence to show that you will not be swayed by conservationist views. He asked to John Wallace if he believed he could do this.

John Wallace stated that he will make every decision with an objective view but if he is on the fence about a certain issue he would probably lean towards the conservationist view.

T. Gaudiello asked if he had intentions of improving communications between the planning board and the conservation commission.

John Wallace stated that he since they lost a member the communications have gone downhill and hopes to make communications stronger.

G. Calef gave praise to John Wallace for being a strong member of the conservation commission. He had hoped that John Wallace stated that he would keep an objective view and go by the book.

John Wallace responded by saying he will be going by the book but the book is not black and white in making decisions.

G. Calef stated that the most important time to be objective is when making changes to the book.

John Wallace reaffirmed his position that there are things that he felt would need to be changed in the book for the betterment of the community.

D. Hatch asked if he had met with the selectman yet.

John Wallace responded by saying that they are waiting for a recommendation from the planning board

G. Calef said that for the record they had made recommendations in the past that failed.

J. Kessler asked about members and serving on two boards

M. Gasses informed her that one member of the planning board can serve on the conservation commission and one member of the board can serve on the ZBA.

G. Calef expressed that members should serve in best interest of the town and not in self-interest.

A. Kelley believed that there has to be an improvement in communication between the boards.

J. Huckins said that he has had a lot of people come up to him saying that there is a conflict in interest with John because he does the monitoring of conservation easements. He asked how he would deal with this conflict in interest.

John Wallace said that he won't charge the town for monitoring for conservation easements that come about as a result of planning decisions while he is on the planning board.

M. Gasses stated that while she was in Dover serving on the planning board and conservation commission she did easement monitoring and there was no paid portion of easement monitoring.

J. Huckins reminded M. Gasses that John does get paid

M. Gasses thought that if he doesn't get paid then it will take away that monetary part of this.

J. Kessler agreed that he can still get paid for whatever he has been doing but anything new presents a conflict of interest. She also said she thinks that John would be great on the planning board.

John Wallace also said he will continue to give the first recommendation of putting land into land trusts and not into conservation easements.

D. Hatch expressed concern for John that he is putting himself in a terrible position because there is a very strong conservation commission and environmental commission. It is going to be hard to sit at a meeting with them and then come to a planning board meeting and put all of that bias in the back of his head. She just feels that he will be at a conflict within himself.

John Wallace said that he didn't think there would be a problem because of what he has learned from attending planning board meetings already.

J. Huckins asked the board if Dan, who has also put in an application to be on the planning board can make a comment from the public.

M. Gasses didn't think that this was appropriate.

G. Calef asked about what positions were open.

J. Huckins said that there were two alternates and two full positions because his and A. Kelley's term was ending in March. His will be open because he is not going to re- up for another year.

D. Hatch appreciated the fact that he had stayed another year and saw everything through that he was going to do.

G. Calef clarified that there is one full membership available and 5 alternates. He then asked if the board was moving to fill the full memberships from the alternates list.

D. Hatch said that it has been policy if an alternate wants to move up then he has priority and experience.

J. Huckins said that it was the selectman's decision to do this.

G. Calef asked if it was part of procedure of the planning board to recommend the alternate.

J. Huckins stated that it was the planning boards authority.

G. Calef expressed again that he thought the alternates should have priority and should be put on now rather than in March.

J. Kessler agreed with his statement.

J. Huckins said that it was the selectman's decision to wait until March.

M. Gasses stated that alternates were allowed to fully participate in the meeting except for the voting portion. She also said that in her past she has never seen planning boards make this type of a recommendation and that it was strictly the council's decision.

G. Calef thought that it made sense to think through and articulate your preferences and if you can't state it as a policy you would state it as a preference and then when you make your recommendation it would be bound by your previous considerations.

The board continued to discuss the positions on the planning board between alternates and full members

J. Kessler asked if the board could put a suggestion to the selectman that they put the members up now and not wait until March so they get a chance to learn from it.

D. Hatch asked J. Huckins to put J. Kessler's suggestion in the recommendation to fill the positions now.

J. Huckins asked if the board had a recommendation for John to the selectman.

D. Hatch stated that she doesn't think she should be involved in it.

A. Kelley made a motion and J. Kessler seconded that John can fill a position as an alternate member.

J. Huckins asked for any other comments.

D. Hatch asked if you were going to include in the recommendation that they should be sworn in before March.

J. Huckins said that he thinks the selectman should do the timing the way they want. He then asked for a show of hands.

The board started to vote and then continued to discuss their opinions on how they thought John would be on the planning board.

D. Hatch stated that the conservation commission is an advisory board and they don't care for things the same way the planning board does. Her biggest concern was that the conservation commission is going to have its strongest member as a member of the planning board. Through this she found that it could lead to giving the conservation commission more power.

G. Calef agreed with D. Hatch.

J. Huckins said that the planning board had a split decision because some planning board members had concerns in recommending John as an alternate.

J. Huckins also then expressed concerns about putting John Wallace on the planning board and having things come back to bite the planning board.

M. Gasses listed the concerns: One being that John Wallace was the strongest member of the conservation commission and then the other thing about monitoring conservation easements.

J. Kessler said to make sure to mention John's intent with the future of his practice in monitoring conservation easements.

M. Gasses thought that this was something for John to present when he meets with the selectmen.

COMMUNICATIONS RECEIVED

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

SETTING OF DATE, TIME AND PLACE OF NEXT MEETING AND ADJOURNMENT

Next meeting will be a public meeting on March 5th at 6:30 pm.

J. Kessler motioned and T. Gaudiello seconded to adjourn. The motion carried unanimously.