



DRAFT MINUTES
BARRINGTON PLANNING BOARD MEETING
(NEW LOCATION) 572 Calef Highway (next to Elementary School)
Barrington, NH
Tuesday August 20, 2013
6:30 p.m.

ROLL CALL

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 the August 6, 2013 Public Hearing Meeting Minutes

A. Kelley asked that the spelling of his last name be corrected.

G. Calef asked to have line 79 clarified to explain that Mr. Ott was concerned there could be a delay in the Northbound traffic on Route 125 caused by traffic exiting in a southerly direction from the proposed gas station.

G. Calef expressed there was confusion in the minutes regarding who would maintain the well. Mr. Calef had asked who would maintain the well. Mr. Calef did not feel the answers were clear in the minutes or the responses.

A. Gaudiello suggested that maybe the board should delay approval of the minutes until the recording could be reviewed and the gaps filled in.

A motion was made by G. Calef and seconded by A. Kelley to delay review of the minutes until the tape could be reviewed and the no response portions addressed. The motion carried w/a

ACTIONS ITEMS

2. Vote on surety for Village Place Joe Falzone.

G. Calef expressed he had no financial interest in the project at this time and would be participating in the discussion.

A. Gaudiello recused himself.

J. Bouchard to sit for the vacancy

S. Jeffery to sit for A. Gaudiello

A. Kelley to conduct meeting for A. Gaudiello

M. Gasses explained a spreadsheet provided in the boards packets was a breakdown of costs which remain. The amount of \$74,728.00 was the amount required in surety in order for Mr. Falzone to be granted building permits. The figure was 20% of the original cost of the improvements and Mr. Falzone would not be able to draw down below the \$74,728.00 amount. M. Gasses explained she was bringing this to the board for their information where she is acting as the board's agent. The draft surety agreement has been forward to Jae Whitelaw, the Town Legal Counsel for review and Dubois & King have agreed to the figures. The information had also been presented to the Selectmen.

A. Kelley asked if the topcoat was included in the surety price.

M. Gasses stated yes. Mr. Falzone would be waiting until more of the construction was completed before placing the final coat to avoid damaging the top coat. M. Gasses also explained that Mr. Falzone had chosen to build the majority of the Phase I portion of the road prior to seeking a building permit. The surety is necessary to cover the remainder of the improvements needed in Phase I, before a building permit may be issued. This was being brought to the board so that they were kept informed.

M. Gasses explained that there were inconsistencies regarding the formula for determining the amount in surety, which she would like to see, addressed prior to voting on the formatting changes to the Subdivision Regulations in September. There were currently two different formulas within the regulations.

3. Vote that the Village Place Conservation Easement being subject to a water system easement meets the requirements of the Barrington Zoning Ordinance Sections 6.1 and 6.2.

G. Calef recused himself

A. Gaudiello recused himself

S. Jeffery for G. Calef

D. Ayer for A. Gaudiello

J. Bouchard for the Vacancy

M. Gasses suggested members take the time to review the documents provided to them in their packets before discussion took place. In addition, she pointed out a letter from John Scruton and herself to the Conservation Commission in support of the request to locate a well within the Conservation Easement.

A. Kelley asked if there was draft easement language available.

M. Gasses explained that there was a version recommended by the Town's attorney and a version, which included changes by the Conservation Commission. It was not believed that the Conservation Commission had seen the attorney's edits. The easement language was for the well and waterline easement. The well easement would be attached to the Conservation Easement.

D. Ayer asked if the pump house would be on Millos Land.

M. Gasses explained the pump house would not be on the conservation land.

A. Kelley asked if they had seen a plan for the location of the well.

M. Gasses stated they had not.

D. Ayer was of the opinion there may be an easement for a future road through Millos land.

J. Pohopek asked if he was concerned, there was an overlap in the easements.

A. Kelley raised the concern that the board was discussing in essence part of the gas station application (Three Socios) and opined the board should discuss the well as part of a public hearing. The board was discussing merits of allowing the well.

M. Gasses expressed to the board that she was concerned they were making the request more complicated than it needed to be. She expressed that all the board was looking at was whether the presence of a wellhead in this conservation area would have an overall different impact on the conservation area than was different from the approved conservation subdivision as a whole without the well. The Conservation Commission had approved the location of a well within the easement and under State RSA the Conservation Commission is the entity empowered with managing and controlling conservation easements held by the town and considered the authority on such issues.

M. Gasses explained that they were not looking at who the user of the well was or who the beneficiary of the well was but whether the well changed the overall value of the easement to the Village Place Project.

A. Kelley expressed the need to have it discussed at a public hearing.

M. Gasses explained her reason for bringing the issue forward tonight was driven by a comment from the Town's Attorney. If the board wished to have the discussion delayed until the public hearing in September, she had no issue. The applicant had already asked to continue until the October meeting but if the board wished she would ask the applicant to come to the September meeting just to address the issue of the well.

D. Ayer wanted to have more information.

S. Jeffery expressed that he felt that the approval of the subdivision was based upon the recording of the Conservation Easement.

M. Gasses stated the Conservation Easement needed to be recorded prior to the first Certificate of Occupancy.

J. Pohopek asked who owned the land.

M. Gasses explained that Joe Falzone owned the land and would not relinquish ownership of the land to the Town but would relinquish development rights, in other words, the ability to grow houses. She expressed, as did Jae Whitelaw in her communication that the location of utility easements and wells within conservation areas is consistent with Conservation Easements. In her experience with conservation easements, she has had owners reserve the right for wells for public water supplies. She expressed that permanently protected conservation land is the ideal place to locate a well. That safe drinking water is an asset for a community. In this instance, it played into the overall master plan for the Village District, where you are going to have to utilize shared wells to realize the density that is envisioned for the area.

J. Pohopek wanted to continue discussion.

A. motion was made by J. Pohopek and seconded by D. Ayer to continue discussion but not to take any action until a public hearing. The motion carried unanimously.

The following are questions board members brought up that they would like to have answered:

J. Pohopek questioned the ability of the board to address how future business relationships will happen.

J. Bouchard asked who would determine who would set the rates, and be responsible for the maintenance. If and association would be formed.

J. Pohopek asked for clarification on what properties could benefit.

M. Gasses would ask the applicant to appear in September to discuss the well in the easement.

REVIEW OF PLANS

4. [**210-28-GR-13-CUP \(Harry E. Sturtvant II-Service Barn\)**](#) Request by applicant to use his barn for general maintenance and minor repairs and service of lawnmowers, tractors, cars and anything in between on an 8.2 acre site located at 395 Greenhill Road (210, Lot 28) in the General Residential (GR) Zoning District.

G. Calef expressed that what was provided was okay but more information was needed.

M. Gasses would contact the applicant and set up a meeting between the applicant, herself, and Code enforcement to assist the applicant and get a clearer idea of what he was looking to do. A site plan application would be needed in addition to the Conditional Use Permit.

5. [124-43, 44-GR-13-LL \(Steven & Ellen Conklin\)](#) Request by applicant to adjust the lot line between lots 43 & 44 on an 11.37 acre site located at 352 Hemlock Lane (Map 124, Lots 43 & 44) in the General Residential (GR) Zoning District. By: Raymond Bisson, Stonewall Surveying; PO Box 458; Barrington, NH 03825.

D. Ayer for J. Kessler
S. Jeffery for Vacancy

G. Calef asked that applicant to correct the Locus. Wood Road is now Merry Hill Road and Hemlock Lane must be added to the Locus.

5. [270-71, 71.1-RC-13-SR \(The Yellow Dog's Barn\)](#) Request by applicant to merge lots 71 and 71.1 and construct six (6) 200 s.f. dog cabins with associated fencing and utilities on a 2.987 acre site located at 136 Old Concord Turnpike (Map 270, Lots 71 & 71.1) in the Regional Commercial (RC) Zoning District. By: Barry W. Gier, P.E., Jones & Beach Engineers, Inc.; PO Box 219; Stratham, NH 03885

The board asked for the following information:

J. Pohopek asked for verification on the lot coverage

A. Kelley asked for an explanation of why the monumentation is labeled as not found.

J. Pohopek asked if there was a monumentation certification on file for this application.

6. [207-42-GR,HCO-13-SR \(Gerald SR & Lori Emerson-Emerson Trucking\)](#) Request by applicant to amend their site review to propose retail of mulch, plants and flowers on a 5.49 acre site located at 836 Washington Street (Map 207, Lot 42) in the General Residential (GR) and Highway Commercial Overlay (HCO) Zoning Districts. By: Jason Pohopek, Jason Pohopek Design & Construction, LLC; PO Box 651; Barrington, NH 03825

J. Pohopek recused himself.

J. Bouchard asked if a wetland buffer applied. M. Gasses explained no.

J. Pohopek back to sit for the next application

7. [234-80-V-13-SR \(First Congregational Church of Barrington\)](#) Request by applicant for a Site Review to add two small additions to the existing church and install a fire cistern to feed a sprinkler system on a 5.03 acre lot located at 712 Franklin Pierce Highway (Map 234, Lot 80) in the Village (V) Zoning District. By: Daniel O'Lone, Project Manager; Berry Surveying & Engineering; 335 Second Crown Point Road, Barrington, NH 03825.

The board had the following comments:

The location of the cistern must be approved by the Fire Chief.

J. Pohopek wished to discuss whether a drainage analysis should be done.

D. Ayer mentioned the addition were small.

J. Bouchard wanted more clarification on the drainage and whether an analysis had ever been done.

G. Calef expressed there had been drainage issues on the opposite side of the road, Oak Hill Road. He had not seen an issue with the church side.

REPORT FROM THE PLANNING DEPARTMENT

A new intern will be starting in September.

COMMUNICATIONS RECEIVED **REPORTS FROM OTHER COMMITTEES**

UNFINISHED BUSINESS

A. Gaudiello briefly discussed site and subdivision reindexing and minor changes dealing with issues, which have arisen that would be addressed in September.

S. Jeffery distributed a document on understanding conditional use permits, which he had found.

D. Ayer asked when we would be redoing the site review regulations.

A. Gaudiello expressed that the board would address the indexing first.

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

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

The board would meet next on September 10, 2013 6:30 p.m. at the Elementary School Annex

A motion was made by A. Kelley and seconded by G. Calef to adjourn at 8:00 p.m. The motion carried u/a

Respectfully submitted,

Marcia J. Gasses
Town Planner and Land Use Administrator