



BARRINGTON PLANNING BOARD MEETING
NEW LOCATION: Barrington Middle School Cafeteria
Side Entrance
51 Haley Drive
Barrington, NH 03825

Tuesday October 6, 2015
6:30 p.m.

(These minutes were approved October 20, 2015)

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

Without objection the minutes were moved to the end of the agenda.

Members Present

Anthony Gaudiello-Chair
Jason Pohopek Vice-Chair
Joshua Bouchard
George Calef
Bob Williams
Fred Nichols
Fred Bussiere – ex- officio

Alternate Member: Daniel Ayer
Richard Spinale

Town Planner: Marcia Gasses

MINUTES REVIEW AND APPROVAL

1. Approval of the September 15, 2015 Meeting Minutes.

Minutes of September 15th were continued to the October 20, 2015 Planning Board meeting.

NON-ACTION ITEMS-PUBLIC HEARING CASES

2. 220-57-RG-15-Sub (Owners: Rina Myhre, Paul C. Helfgott & Carol H. Ledous/Developer: Joseph Falzone) Request by applicant for Design Review for 17 Residential lots on Tolend Road and 3 Commercial lots on Calef Highway in the Regional Commercial (RC) Zoning District. By: Christian Smith & Scott Cole; Beals Associates PLLC; 70 Portsmouth, Ave, 3rd Floor Suite 2; Stratham, NH 03885.

Scott Cole of Beals Associates along with Attorney Mark Johnson represented the applicant Joe Falzone. The entire parcel contained 103 acres. There were 3 commercial lots in the 500' of Route 125. A traditional subdivision was presented with two cul-de-sacs. The applicant had met with Ms. Gasses and John Huckins the Code Enforcement Officer to go over the plans and review concerns raised by the road agent and fire chief in regard to the proposed dead ends. Mr. Cole expressed the staff had explained that the Town wished limit the creation of more cool-de-sacs. The applicant had attempted to design a loop road but fewer lots would be created and the design was not feasible.

Mr. Cole presented a second plan that had the same three commercial lots and 17 lots without any additional roadway. The lots would have nine shared curb cuts. The applicant would be required to obtain a variance to allow a conservation subdivision within the regional commercial zoning district. The revised design had been distributed to the Planner; Conservation Commission, Road Agent and Fire Chief who were all in favor of the conservation proposal. The applicant was seeking the Planning Boards support of the design in their going to the ZBA.

G. Calef expressed the proposal appeared to have 17 driveway cuts.

Scott Cole explained there were front lots and rear lots all having the required amount of frontage with shared curb cuts and individual driveways; each curb cut would service two lots.

A. Gaudiello asked about drainage and whether the run-off do to development would go into the wetlands.

Scott Cole expressed the site was relatively flat with very sandy soils. The lots were all slightly less than two acres with the property sloping off to the rear. He expressed they were their looking for the board's support of a conservation subdivision for when the applicant went to the ZBA for a variance.

A. Gaudiello expressed the conservation subdivision had much to recommend it.

J. Pohopek asked how many back lots there were.

Scott Cole explained that the lots all had the required 75' of frontage and then branched out into a wider area for a building envelope. The septic and well radius would all fit within the lots.

A. Gaudiello asked if there were any concerns from the board members.

A. Gaudiello expressed there appeared to be slight preference from the Board regarding the conservation subdivision unless anyone expressed differently. There was no response from members.

Mark Johnson, attorney for Mr. Falzone asked that minutes be available for the ZBA hearing so that they could represent to the ZBA they had been before the board and there was a preference for the

Conservation Design. There were two variances being requested. The first was to allow the conservation subdivision and the second was to allow the lots to take access from the main road.

A. Gaudiello summarized that what they had presented appeared to be in compliance and that they were taking the necessary steps to obtain the variances which they may need.

A. Gaudiello opened public comment.

Chris Vachon asked if there were any plans to do anything with the open space.

A. Gaudiello expressed that there was no proposal in what was currently being presented if there are in the future they would appear on the plans.

Chris Vachon asked if the attorney general needed to approve the proposal.

A. Gaudiello expressed that everything necessary and applicable under the law would be done.

John Wallace expressed the Conservation Commission greatly supported the Conservation Subdivision design there would be details to wade through in the coming months. Mr. Falzone had indicated he would deed the land over to the Town or a land trust as conservation land.

Julieann Estes asked about proposed home designs and values and potential tax burden.

A. Gaudiello expressed the board does not get into tax arrangements. He suspected they would be similar to other developments in the area.

M. Gasses expressed that Ms. Estes could drive through the Village Place Subdivision, which was a subdivision under construction that was owned by Mr. Falzone.

A resident asked what commercial uses were allowed and A. Gaudiello explained there was a table of uses in the Zoning Ordinance which addressed allowed uses. The Zoning ordinance could be accessed through the Town website and the uses under Regional Commercial would be applicable.

Matt Baczewski inquired to the lot size of the conservation proposal.

Scott Cole expressed the front lots were an acre or more and the rear lots were 1 ½ to 2 acres.

A. Gaudiello closed public comment.

G. Calef expressed he would recuse himself because he had a conflict with the Village Place Subdivision and the subdivision was mentioned several times.

D. Ayer expressed he worked for a corporation which worked for Joe Falzone in the past and wanted it made public even though he was not currently seated. He wished to know if there was any issue if he were to be seated in the future. No member of the Board or the applicant expressed a concern.

ACTION ITEMS-PUBLIC HEARING CASES

3. [238-5-TC/SDOA-15-SR \(Owners: George & Arvilla Calef\)](#) Request by applicant to amend Site Review to Drill a well to service 495 Calef Highway on a .39 acre site (Map 238, Lot 5) in the Town Center/Stratified Drift Overlay (TC/SDOA) and waivers from Site Review Regulations: Articles 3.5.1

(1) proposed topography; 3.5.1 (2) spot elevations; 3.5.2 existing and proposed drainage; 3.5.10 landscaping and screening; 3.6 construction detail drawing; 3.7 building rendering; 3.8 illumination plan and 3.9 site plan documents and reports. By: Joel D. Runnals, LLS, Norway Plains Associates, Inc.; PO Box 249; Rochester, NH 03866-0249.*

F. Bussiere recused himself.

G. Calef recused himself.

D. Ayer to sit for G. Calef

A. Gaudiello asked that a brief overview of the application be given and explanation of why they believe their application was complete.

Gregory Wirth an attorney represented the Calef Trust along with Steve Oles who prepared the plan.

Gregory Wirth explained they were there for a site review to place a well for a water supply for the Calef Fine Foods location as a result of the existing well being terminated in conjunction with the Three Socios Development of the abutting parcel.

Steve Oles of Norway Plains Associates explained the well is located 8.8 feet of the rear property line. They had shown all the existing features on the site plan and were there for an amended site plan. They were not there for a full site review where the only change had been the location of the well. The well had been drilled, placed and capped and they were there for approval for the well location.

A. Gaudiello expressed the position of the well was in the setback and was not in compliance with the zoning ordinance.

Steve Oles expressed he had been on the Board when they determined that wells were not a structure. He was on the Board 4 1/2 years ago when they allowed wells to be located within the wetland buffer. He questioned the statute which considered a well a structure. He did not consider a well a structure and be required to meet the setback.

D. Ayer asked what he classified the well as.

Steve Oles expressed a utility for use of the building just as a septic system or power pole.

A. Gaudiello expressed he was taking a public utility and equating it to a well serving a single property.

A. Gaudiello expressed the Planning Board owns what was written in the zoning ordinance and the definition of structure did not support what Mr. Oles was saying. The ordinance did in regard to Special Permits but he did not believe it carried over to what was proposed.

Steve Oles argued back that septic systems, pavement and sidewalks were exempt, but they had a problem with a 6" diameter well.

A. Gaudiello expressed the zoning ordinance that the Board must uphold does not exempt a well from the setback; it did exempt a whole lot of other things but not wells. Under the Special permit certain things were given consideration, but not here. They were stuck with the language of the law.

Attorney Wirth expressed they were there because the Town considers the proposal to be development as defined under the zoning ordinance. The ordinance talked about buildings or other structures and separately talked about drilling, which is a well. He went on to express that the definition of structure in Article 18 talks about anything constructed, installed, placed or erected, whether above or below ground. They were talking about setbacks and what setbacks apply to, which was buildings and other structures. He felt under development a well was neither a building nor other structure and a setback doesn't apply to a well.

A. Gaudiello expressed he needed to make his argument to the Zoning Board of Adjustment.

D. Ayer asked for an interpretation from the Town's Attorney of the definition of structure and public utility in the Zoning Ordinance.

Attorney Whitelaw asked Attorney Wirth where in the definition of development was that excepts drilling.

Attorney Wirth expressed that drilling operation were considered separately. Under Article 18 of the Zoning Ordinance it defines development as buildings or other structures and went on to four of five other things the last of which was drilling operations. The Town has defined drilling operations separate from other structures. The setback applied to building or other structures; therefore it didn't apply to drilling operations.

Attorney Whitelaw expressed when you look at the definition of development and what constitutes development the definition read "Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving excavation, or drilling operations. She asked if Attorney Wirth considered the drilling of a well to service an individual lot was considered a drilling operation.

Attorney Wirth stated yes.

Attorney Whitelaw disagreed.

Attorney Wirth expressed he understood the Town's position.

A. Gaudiello expressed it was the Planning Board's position and that their argument of their position should be with the Zoning Board of Adjustment.

Attorney Wirth expressed that he understood the Town's position but the position they were taking was a very dangerous position to take from this point going forward.

George Calef expressed they had tried to work out an agreement for an alternative water supply and were unable to do it. He had gone to the Town all and asked if he needed a permit to drill a well and was told he did not need a permit but to conform to the regulations of the State and he had done that. He had been served with a cease and desist in the middle of the night and had been threatened with a felony when he had shown every intent of doing this right and as applicant expressed that he was doing everything correctly. He expressed there was a definition for a public utility and public utility structure in the ordinance. He contended his well was a public utility under the Zoning Ordinance. His well under the state definition was a public water supply; it was a non-community well to serve the public.

A. Gaudiello asked if there was anything else from the Board.

J. Pohopek asked if there was a well release for the protective radius going onto the abutting lots; signed and recorded at the registry of deeds.

Attorney Wirth expressed under the new statute effective September 11th an easement was not necessary; although they would provide a well release signed by them but they did not need one from the abutter.

J. Pohopek asked if the well had been addressed in this location at the time of the recent installation of a septic system.

Attorney Wirth expressed the well not addressed at that time, but had been addressed with NHDES at the time of permitting for the well. The permit was granted on August 17th.

J. Pohopek asked what the loading was designed for.

Attorney Wirth expressed it was approved by the state as proposed and deferred to the State.

D. Ayer asked for Attorney Attorney's opinion on the definition of public utility and structures.

Attorney Whitelaw read the definition of public utility. "Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this Ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately". She did not believe the definition did not include a well servicing a parcel of property.

George Calef expressed his permit states he has a public water supply. The water supply services the people that frequented his establishment. They sell water making 12 gallons of distilled water a day. The well location permit was for 735 gallons a day and his septic permit was for 735 gallons per day. They were a transient non-community water supply. He read the definition of a public utility structure; "Any structure including a line, pipe, building, station, or facility used to deliver or provided a public utility to the general public. He contended the water was a public utility to him given that there was no public water supply in Barrington. Public utilities were not required to meet the setback because they have to access the site. He asked why the Town of Barrington wanted to trump the State. The only powers we have under a permissive state are those granted us by the state.

Attorney Whitelaw asked Mr. Calef if his contention was that his well was a public utility that services his business. She expressed that she was willing to review Mr. Calef's claim based on his state permit and the State definition and the ordinance because she had not looked at it from that point. With the Planning Board's permission she would do that.

George Calef expressed he felt the only argument considered were those provided ahead of time by John Arnold. He expressed he had a right to drill the well on his property under state law.

George Calef expressed he had asked John Huckins if he needed a permit and he said he did not need a permit but he needed to meet State regulations and he had met State regulations. The onus was upon him to tell me if I needed site review when he had gone there.

A. Gaudiello asked George Calef he wished to waive his right to action to accept his application as complete within 30 days; in order for the Attorney to review his arguments. If not the Board would need to make a determination of completeness with the facts at hand.

Attorney Wirth expressed they would not waive the deadline and would ask the Board to consider this evening.

D. Ayer expressed he believed they needed to have the attorney's opinion on the definition and they were not going to get it that evening.

J. Pohopek suggested the Board go down the application checklist for the site review.

M. Gasses expressed she did have the check list for the application and suggested the Board address whether the application was in compliance with the zoning ordinance; before they address all the waivers.

A. Gaudiello expressed the first question of the Board was whether the application needed a variance as presented.

D. Ayer expressed he needed the legal advice on the two definitions and Attorney Whitelaw was not willing to look at that tonight.

Attorney Whitelaw clarified what she said was she did not have enough information before her tonight to give an opinion and she wanted to look at the permit Mr. Calef received and the regulations and how they might impact it. If she was mistaken about the definition of public utility she would change that if she was wrong, but she needed more information to change that. Mr. Calef and his attorney decided they did not want to give that additional time and that was fine.

A. Gaudiello expressed that the Attorney for Mr. Calef did not wish to waive the 30 day time period and it forced to make a decision on completion based on the information they had tonight.

D. Ayer asked that the Board address the waivers.

A. Gaudiello expressed there were 12 waivers being requested. Article 4 requires the application must be in compliance with the zoning ordinance. A. Gaudiello read from the requirements in Article 4. He expressed that he did not believe that he had missed much that they had not asked to be waived.

Steve Oles expressed that he believed a well in the wetland buffer was the same issue they were looking at that evening and he believed a well was not considered a structure.

A. Gaudiello asked that the Board go through the individual waiver requests.

#1 Waiver requested from 3.3(8) Existing easements identified by type

A motion was made by D. Ayer and seconded by B. Williams to grant the waiver.

J. Pohopek asked why the waiver was justified.

Steve Oles expressed the only addition to the site was the well and they were amending an existing site plan.

J. Bouchard asked if the well could be maintained without an easement on the adjacent property.

Steve Oles expressed it could.

J. Bouchard expressed the abutting property owners rights to their property would be limited.

Steve Oles expressed they just could not put a septic in.

J. Bouchard made a motion to amend the motion to read the motion be granted because not granting the waiver would pose and unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. D. Ayer agreed to the amendment. The motion carried 6-0

Roll Call

A. Gaudiello aye
J. Pohopek aye
J. Bouchard aye
B. William aye
F. Nichols aye

#2 Waiver requested from 3.3(6) Existing streets, rights of way dimensioned and pavement width

J. Pohopek asked why the right of way was not dimensioned on the plan.

Steve Oles expressed it was not pertinent the well was located to the rear of the property.

A motion was made by D. Ayer and seconded by F. Nichols to grant the waiver; not granting the waiver would pose and unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously

#3 Waiver requested from 3.3(13) Wetland delineation – including wetland delineation criteria and wetland scientist certification

J. Pohopek asked why the wetlands were not shown.

S. Oles stated there were no wetlands on the site.

A motion was made by D. Ayer and seconded by B. Williams to approve the waiver; not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously

#4 Waiver requested from 3.3(3) Existing topography – 2 foot contour interval minimum

J. Bouchard asked why the topography was not shown.

Steve Oles expressed the existing topography was basically flat and that there was a 6” drop away from the wellhead.

J. Bouchard asked if any stormwater would flow from Citizens bank would flow toward the well.

Steve Oles expressed it would not.

A motion was made by D. Ayer and seconded by B. Williams to approve the waiver; not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously

#5 Waiver requested from 3.5.1(2) spot elevations

A motion was made by D. Ayer and seconded by F. Nichols to approve the waiver; not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously

#6 Waiver requested from 3.5.2 existing and proposed drainage

A motion was made by D. Ayer and seconded by B. Williams to approve the waiver; not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously

#7 Waiver requested from 3.5.1(1) proposed topography

A motion was made by D. Ayer and seconded by F. Nichols to approve the waiver; not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously

#8 Waiver requested from 3.5.10 landscaping and screening

A motion was made by D. Ayer and seconded by F. Nichols to approve the waiver; not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously

#9 Waiver requested from 3.6 construction detail drawings

A motion was made by D. Ayer and seconded by F. Nichols to approve the waiver; not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously

#10 Waiver requested from 3.7 building rendering

A motion was made by D. Ayer and seconded by F. Nichols to approve the waiver; not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously

#11 Waiver from 3.8 Illumination plan

A motion was made by F. Nichols and seconded by D. Ayer to approve the waiver; not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously

#12 Waiver requested from 3.9 site plan documents and reports

A motion was made by D. Ayer and seconded by F. Nichols to approve the waiver; not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously

A. Gaudiello expressed the next question was with whether the application was in compliance with the zoning ordinance.

Attorney Whitelaw expressed with the information she had believed the well was a structure, which was subject to the Zoning Ordinance setback. She would need more time to look at arguments presented that evening.

A. Gaudiello expressed the conversation was whether the application was in compliance with the Zoning Ordinance and whether a variance was required in order to be complete.

D. Ayer suggested that they poll the board.

A. Gaudiello believed given the information he did not believe the application was within the black letter interpretation of the Zoning Ordinance.

J. Pohopek agreed with the attorney's interpretation that the well was a structure.

J. Bouchard agreed with the attorney's interpretation.

B. Williams did not agree.

D. Ayer expressed that the common practice was to put the well in the setback in the front of a house. He did not agree with the attorney and believed half the houses in Town were in the front setback. He disagreed with the attorney.

A. Gaudiello expressed that they were there to apply the Zoning Ordinance as it existed today.

F. Nichols disagreed with the attorney

A motion was made by D. Ayer and seconded by B. Williams to accept the application as complete.

Roll Call

F. Nichols	aye
D. Ayer	aye
B. Williams	aye
J. Bouchard	nay
J. Pohopek	nay
A. Gaudiello	nay

The motioned failed 3-3

A. Gaudiello expressed the motion had not been accepted as complete.

- 4. 271-23-RC-15-SR (Owners: IBEW, Local 104)** Request by applicant for Site Review proposal to expand the classroom space addition to the building, also to erect three 50' tall training poles to the rear of the property and redesign the parking lot to include 62 parking spaces, drainage reports included located at 22 Old Concord Turnpike on a 5 acre site in the Regional Commercial (RC) Zoning District. By: Daniel O'Lone, Project Manager; Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.*

Chris Berry represented the applicant the IBEW. Fragle Rock Environmental had delineated the wetlands. The well meets the setback. Mr. Berry described the existing site. The facility was a training site for the IBEW and poles were temporary located and located in the building envelope. There were three types of poles trainees needed to learn to climb.

A motion was made by F. Nichols and seconded by F. Bussiere to accept the application as complete. The motion carried unanimously 7-0

Chris Berry expressed sheet three was an overall site plan. The addition was for classroom space. They had provided enough parking to meet their requirements. They had single users and there was not an opportunity for car-pooling. Dumpster locations were provided for. Proposed signage was shown. A dual bay exit and single entrance was proposed. The proper ADA entrance was provided. The site would be regraded. The site would sheet flow with rain gardens and internal landscape islands. Perimeter trees and internal landscaping are provided per the regulations. A new application would be needed for NHDOT but not a traffic study because any increase would be off peak.

F. Bussiere asked if there were kitchen facilities.

Chris Berry expressed just a kitchenette and a kitchen was not being proposed.

J. Pohopek asked if a pole were to fall would it be far enough away so as not to fall in the right of way or adjoining parcel.

Chris Berry expressed the front setback was 75' and there would not be an issue with a pole falling in the right of way on the side the setback was 30'.

A. Gaudiello opened public comment.

John Wallace expressed the Conservation Commission and Oyster River advisory were pleased with the proposal. It was a model project.

A. Gaudiello closed public comment.

M. Gasses expressed the application had just been sent to Dubois & King for review and recommended the application be continued to November 3, 2015.

A motion was made by F. Bussiere and seconded by B. Williams to continue to November 3, 2015. The motion carried unanimously



Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0195

barrplan@metrocast.net

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DRAFT NOTICE OF DECISION

<i>[Office use only</i>	<i>Date certified:</i>	<i>As built received:</i>	<i>Surety returned</i>
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"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.

Proposal Identification: 271-23-RC-15-SR (Owners: IBEW, Local 104) Request by applicant for Site Review proposal to expand the classroom space addition to the building, also to erect three 50' tall training poles to the rear of the property and redesign the parking lot to include 62 parking spaces, drainage reports included located at 22 Old Concord Turnpike on a 5 acre site in the Regional Commercial (RC) Zoning District. By: Daniel O'Lone, Project Manager; Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825

International Brotherhood of Electrical Workers, Local 104 130 West Street Walpole, MA 02801	Dated: , 2015
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Dear applicant:

This is to inform you that the Barrington Planning Board at its XXXXX, 2015 meeting **CONDITIONALLY APPROVED** your application referenced above.

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please Note* If all of the precedent conditions are not met within 6 calendar months to the day, by XXXXX, 2015, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

- 1) Add the following plan notes
 - a)
 - b)
 - c)

- 2) Revise the following plan notes
 - a) Note #19 page C1
Add the NHDES Subsurface Bureau C.A. #
Add the NHDES Water Supply Permit #

- 3) Add the NHDOT Driveway Permit # to the plan
- 4)

- 5)

- #6) Any outstanding fees shall be paid to the Town
- 7) Prior to obtaining Board signature, the Applicant shall submit three(3) complete paper print plan sets and supporting documents as required in Article 3 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Barrington's file. The Chairman shall endorse three copies of the approved plan(s) meeting the conditions of approval upon receipt of an executed bond for all improvements, excluding buildings. The Town shall retain a signed and approved reproducible 11"X17", and PDF format with supporting documents for Town records.

General and Subsequent Conditions

- #1) Where no active and substantial work, required under this approval has commenced upon the site within two years from the date the plan is signed, this approval shall expire. An extension, not to exceed one year, may be granted, by majority vote of the Board so long as it is applied for at least thirty days prior to the expiration date. The Board may grant only one such extension for any proposed site plan. All other plans must be submitted to the Board for review to ensure compliance with these and other Town ordinances. Active and substantial work is defined in this section as being the expenditure of at least 25% of the infrastructure improvements required under this approval. Infrastructure shall mean in this instance, the construction of roads, storm drains, and improvements indicated on the site plan. RSA 674:39

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

5. [227-28-GR/HCO-15-Sub \(Owners: Robert S. Baldwin & David Paolini\)](#) Request by applicant to propose a 2 lot subdivision on a 8.17 acre lot (Lot 1- 3.18 acre lot and Lot 2 -3.66 acre lot) located at 38 Parker Mountain Road in the General Residential (GR) with Highway Commercial Overlay (HCO) Zoning Districts. BY: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.*

Chris Berry represented the applicants. Mark West delineated the wetlands and River line. The parcel was subject to the Shoreland Regulations but the building envelope was outside the 250' setback. The proposed well would be moved back outside the setback and not encroach on the leaching field. They were requesting a State permit for both driveways.

A motion was made by G. Calef and seconded by J. Bouchard to accept the application as complete. The motion carried unanimously

F. Bussiere asked that the frontage be clarified.

Chris Berry would add crow's feet to clarify.

A. Gaudiello opened public comment

John Wallace expressed that the Isinglass River local advisory should be able to make comments.

The Board discussed whether to add a note regarding the local advisory committee and decided not to.

M. Gasses read conditions into the record.

DRAFT NOTICE OF DECISION

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built received:</i>	<i>Surety returned</i>
<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
Proposal Identification: 227-28-GR/HCO-15-Sub (Owners Robert S. Baldwin & David Paolini) Request by applicant to propose a two lot subdivision on a 8.17 acre lot (Lot 1-3.18 acre lot and Lot 2 3.66 acre lot) located at 38 Parker Mountain Road in the General Residential (GR) with Highway Commercial Overlay (HCO) Zoning Districts. By: Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825			

Applicant: Robert S. Baldwin & David Paolini 242 Central Avenue Dover, NH 03820	Dated: XXXX
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Dear applicant:

This is to inform you that the Barrington Planning Board at its XXXX, 2015 meeting **CONDITIONALLY APPROVED** your application referenced above.

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please Note* If all of the precedent conditions are not met within 6 calendar months to the day, **by** , 2016, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. *Reference 8.23 of the Town of Barrington Subdivision Regulations*

Conditions Precedent

- 1)
 - a) Add the owners signature to the final plan
 - b) Add the wetland scientist stamp & signature to the final plan
- 2) Make the following plan revisions:
 - a) Route 126 is a Class II Road
 - b) The proposed well must be located outside the setback
- 3) Add the following plan notes:
 - a) Add the NHDOT Driveway Permit number to the plan
 - b) Add the State Subdivision Approval number to the plan
 - c) **Add "crows feet"**
- #4) Any outstanding fees shall be paid to the Town
- 5) Proper and complete survey monumentation shall be installed on the properties as a condition to final approval of the application. Granite bounds shall be set at the intersection of existing or proposed lot sidelines with existing proposed streets. Iron pins (pipe or rod) are to be placed at all property line corners and angles, and all points of curvature and points of tangency. Monuments for the lot being developed shall be placed not more than 300 feet apart in any straight line. The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the submitted plan. (*Reference 8.8 of the Town of Barrington Subdivision Regulations*)
- 6) Final Drawings (a) five sets of large black line (b) plus one set of 11"X17" final approved plans (c) one electronic version by pdf or CD must be on file with the Town. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans. Note. If there are significant changes to be made to the plans, as specified above, one full size check print must be sent to the Land Use Office for review prior to producing these final drawings.

General and Subsequent Conditions

- 1) Other permits. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals, which may be required as, part of this project. Contact the Town of Barrington Code Enforcement Department at 664-5183 regarding building permits.

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

A motion was made by J. Pohopek and seconded by F. Bussiere to approve the application. The motion carried unanimously

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

6. Building Permit on a Class VI Road for James O'Donnell

The Board expressed the application appeared to be in compliance with the regulations, but to note that they could not comment on compliance with wetland setbacks with the information provided.

Review of minutes postponed until the next meeting.

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

October 20, 2015 Barrington Middle School

Without objection the meeting was adjourned.

Respectfully submitted,

Marcia J. Gasses
Town Planner & Land Use Administrator