

**Town of Barrington
Planning Board Meeting
November 4, 2010 - 7PM
570 Calef Highway
MINUTES**

Public Hearings

Call to Order:

Chairman Huckins opened the meeting at 7:10 PM. Those present introduced themselves.

Members Present:

Chairman John Huckins
Steven Oles
Alan Kelley
Edward Lemos
David Vincent
George Calef
Anthony Gaudiello (Alt.)
Jackie Kessler (Selectmen)
Town Planner Constance Brawders

Others Present:

Randy Orvis
Jason Pohopek
Newell Whitford
Eric Hopkins

Announcements:

Brawders introduced Penny Finnegan to the Board and that since she is new at taking the minutes, asked those present to introduce themselves before commenting so that she knows who is speaking.

The Board moved forward to review plans scheduled for Public Hearing.

Subdivision Plan Review

*File 10/528A - The Homestead Subdivision
Map 268, Lots 1.6 & 1.7*

It was requested by the applicant for continuance until the December 2, 2010 Public Hearing.

A motion was made by Chairman Huckins to approve continuance of the Homestead Subdivision until December 2 and Kelley seconded. Motion carried.

*File 10/610 - Fisheye Properties LLC Subdivision
Map 240, Lot 15*

It was requested by the applicant for continuance until the December 2, 2010 Public Hearing.

A motion was made by Oles to approve continuance of the Fisheye Properties LLC Subdivision until December 2 and Lemos seconded. The motion carried with Vincent abstaining.

*File 10/609 - Paul & M. Abigail Aucella Minor Subdivision
Map 228, Lot 16*

Brawdars stated that this subdivision had a technical defect. This meant the case was not publicized and needs to be disclosed. She addressed that the Board move to advertise prior to the next Public Hearing scheduled for December 2, 2010 to hear the case.

Oles made the motion and Kelley seconded. The motion carried with Vincent abstaining.

Site Plan Review

*File SR 10/383 - Aroma Joe's Coffee
Map 238, Lot 49.1*

Chairman Huckins announced that he received a letter from Randy Orvis asking for continuance.

Oles made a motion to approve continuance of the Aroma Joe's Coffee Site Plan until December 2 and Kelley seconded. All in favor. The motion carried.

*File SR 10/384 – Richard and Catherine Gibb – That's My Daycare
Map 263, Lot 7*

Pohopek introduced himself to the Board. He is representing the applicant and stated that all information has been submitted to the Board but there have been some technical difficulties. Since the public was not properly notified, he asked for continuance until the December 2, 2010 Public Hearing so that this case could be properly advertised.

Oles made the motion for continuance and Kelley seconded. Motion carried.

New Hearings:

Sign Regulation Review

*File SR 10/385 Restoration Church (Formerly Christian Worship Center)
Map 235, Lot 83*

As mentioned at the last meeting, Chairman Huckins recused himself from the review and hearing due to a personal conflict. Lemos asked Brawdars to give an overview to those present.

Brawdars stated that the Barrington Site Plan Regulations master copy differed from the regulations in the handbook. She said there was discussion in 2008 regarding sign lighting and dimensions. She said the wording was changed in the Barrington Regulations. Kessler asked if this was voted on and adopted but not incorporated into the regulations and Brawdars said that was correct. Lemos acknowledged Brawdars and said that in 2008, the entire signage clause and

internal lighting were stricken under article 5.5.1, and 5.5.2. Kessler recommended that the Board discuss this at the next work session and at next month's meeting.

Oles made the motion and Kelley seconded. So moved.

*File 10/611 Subdivision Plat for Brenton L. and Roxanne M. Merrill
Map 242, Lot 22*

Chairman Huckins stepped back into the meeting and Kessler recused herself as she is an abutter to this property. The applicant is requesting to subdivide an existing parcel into 2 lots in order to create a building lot.

Orvis asked if the review of said plan should be acted upon within 30 days and asked that the board schedule a special meeting to review the plan. Chairman Huckins asked the applicant if he is requesting that the board waive the 30 days and asked if the scheduled meeting for December 2, 2010 would suffice for further review of this plan and Orvis said yes.

Oles made a motion to approve continuance of the subdivision plan review at the December 2, 2010 Planning Board Meeting and Lemos seconded. The motion carried.

Kessler stepped back into the meeting.

Request for Extension for Conditional Approval

*File 07/585 Landry Conservation Subdivision (AKA-Nippo Pond)
Map 231, Lot 37*

Chairman Huckins read a letter he received from the applicant. The applicant is choosing to withdraw his application and in addition to that, use existing informational material they have if he decides to consider a similar subdivision plan in the future if the information is still applicable. Chairman Huckins said when he read the letter; it appeared that the applicant was asking for two separate items. Lemos said that the board could accept his withdrawal without a public notice. Brawdgers clarified that this subdivision review requires a notice of the applicant's intention to withdraw in the local newspaper prior to the December 2, 2010 Public Hearing. She reminded everyone that this subdivision was continued from the June 2010 meeting. Oles stated that the statutes might change pertaining to the applicants' second request. He felt that the board did not need to vote on this and the other members of the board agreed after some discussion. Once the applicant submits another application in the future, the board can evaluate it at that time. It was agreed upon that a notice would be advertised in the local paper of the applicant's intent to withdraw his application prior to the December 2, 2010 Public Hearing. Chairman Huckins said that this review does not need to be voted on because there was a continuance already from the June meeting this year.

Preliminary Conceptual Review

File SR 10/386 Mathew Jensen Office Building

Brawdgers stated that the applicant is asking for a conceptual site plan review by the board. She said that Jensen contacted the town just to talk about a "proposed" site plan, and that it was simply an idea. Vincent referred the board to page 554 (676:4) 1B of the NH Planning & Land

Use Regulation Handbook, and page 3 (Section 2.2.2) of the Barrington Site Plan Regulations- Notice to Abutters and General Public. Brawdres referred the board to section 5.5 of the Subdivision Regulations – general application process. Then in paragraph 3 – Application Acceptance, states 15 days notice. Further down to section 7.2 states notice to the public. Section 7.3.1 public hearing – public, abutters need 30-day notice prior to a public hearing, and further on the document states the abutters need to be notified in the form of a letter at least 10 days prior to the hearing and posted in two public places.

Brawdres discussed administrative review, costs, processing, and research associated with a conceptual plan. Kessler disagreed with the fees for a conceptual plan and said that some of the applicants are not engineers or surveyors and are not very familiar with statutes. Chairman Huckins said according to the statutes, there is no engineering or surveying allowed in a conceptual plan review. He explained that the board could request “non-binding” information to the plan such as road frontage, drainage, etc. Calef reiterated that the board basically points applicants in the right direction with a conceptual idea or plan. Kessler suggested that the board come to a written consensus of clarifying what a “conceptual only” plan is.

Gaudiello questioned representation of a titleholder and Vincent referred him to page 4, section 2.3 of the Site Plan Regulations. The board had further general discussion about the definition of “conceptual.”

Brawdres felt that Barrington should have more than one checklist or at least further clarification with the current one. Oles said he was not in favor of an additional checklist. Brawdres stated that the application should be user-friendly for the general public. Some members are new to the board and felt the process was not an easy process and that much more is to be learned.

Kessler asked what happens if someone wants to submit a conceptual plan and approaches the Town Planner and it is determined that they may not qualify. Chairman Huckins said they still are invited to bring their application before the Planning Board. When the applicant asks for more than what the board determines is a “conceptual” plan that is when a fee is set. Brawdres said Section 6.1, paragraph 4 it states that the word “conceptual” means 2 meetings or 60 days. After that, fees will be established. Kessler still felt that the board needed to be more specific when it comes to defining what “conceptual” means.

Gaudiello had many questions about what the board sees as conceptual and suggested that the board draft new wording for “conceptual” before the next public hearing.

Vincent made a motion for the Town Planner to amend the language to Article 2.3.1 of the Barrington Site Plan Regulations from “no surveying or engineering plans required” to read, “no surveying or engineering plans allowed.” Lemos seconded.

Brawdres drew members to the attention of the title box on the plan. She felt that the board should refer to that because in most cases, the plan is stamped as “draft only” or something similar.

Vincent amended his first motion to include having the Town Attorney review the language pertaining to the word “conceptual” in the Barrington Site Plan Regulations. Lemos seconded. All in favor.

Vincent re-amended the motion to amend the Barrington Site Plan Regulations to read, “No surveying or engineering plans allowed or permitted – draft only,” then have the Town Attorney review the language prior to the Public Hearing scheduled for December 2, 2010. Lemos seconded. All in favor.

Discussion ensued about advertisement, and abutter notification statutes.

Minutes – October 20, 2010

Chairman Huckins asked if there were any corrections to be made to the October 20, 2010 minutes. The following corrections were made:

It was noted that Calef was in attendance at the meeting, but was not on the “members present” list.

Gaudiello asked that the second paragraph “THIS IS A SIDE NOTE” on page 1 of the minutes be omitted.

Page 2, under File SR 10/385, second paragraph, the third sentence should read, “Huckins noted that since the matter was raised at all, perhaps it would be best if he recused himself. (Huckins said that the Town attorney suggested that he remove himself from the table.) And the fourth sentence should be stricken.

Kelly made a motion to accept and approve the changes as revised above to the October 20, 2010 minutes. Lemos seconded, with Vincent, Oles, and Kessler abstaining. So moved.

Other Business

Chairman Huckins distributed information pertaining to a building permit for the Berry River Class 6 Road.

Lemos made a motion to make a recommendation to the Board of Selectmen to approve the building permit with the general verbiage to the association to pay a fee. Kelley seconded. All in favor. The motion passed unanimously.

RFQ – Town of Barrington, NH for Professional Engineering Services

Kelley announced that the Board of Selectman formed an Engineering Selection Committee to initiate a request for qualifications for professional engineering services for immediate needs that include planning board services and a town office relocation study. The Town of Barrington received 9 responses. 4 out of the 9 came in for interviews. Dubois and King was the first choice because they are familiar with the town and the town’s Planning Board. The Engineering Selection Committee based their decisions on 5 criteria:

1. Engineer firm had to conduct a presentation like a deliberative session.
2. The firm had to discuss pros and cons of in-house versus sub-contractors.
3. Asked the firm how will their time be utilized using existing data and reports.

4. Describe a challenging Planning Board issue you faced and describe how you dealt with it.
5. Why should the Town of Barrington choose your firm over all the others?

Kelley said that the committee was impressed with the environmental aspect of the HL Turner firm, and that they may be considered as a sub-contractor for the environmental aspect services. He also said that Appledore Engineering has conducted business with the local schools in the past. References were called and Dubois and King had high ratings. Brawdres said that Jeff Taylor is a part of the Dubois and King firm. She announced that he is formerly from the Office of Energy and Planning (Formerly Office of State Planning) and he is aware of funding sources. She agreed with Kelley stating that HL Turner and Appledore were in the top 5. Chairman Huckins asked if the firm will follow and adhere to the Planning Board process and Kelley said yes. Oles asked if the firms submitted rates and Brawdres said yes. Kessler said that each board in the past had line items in the budget for Planning and Zoning Board, and Conservation Commission but this is not the case now. Kessler said that this is not a part of the town budget and questioned where the funds would generate. Chairman Huckins said the applicants for the reviews for this project are generating the funds, pursuant to RSA 673:16.

Kelley made a motion for the Planning Board choose Dubois and King as recommended by the Engineering Selection Committee, pursuant to RSA 673:16 to conduct reviews by the Consulting Engineer which Vincent read. Lemos seconded. All in favor. The motion passed unanimously.

Kessler left the meeting at 10 PM.

Oles opened up the discussion of Public Hearing Rules of Procedure (676:1). Gaudiello felt that all comments and issues should be addressed prior to a public hearing. Chairman Huckins felt that members should be able to give their differences of opinion at a public hearing, but members need to refrain from personal confrontation between one to another. Brawdres asked Chairman Huckins to sign the mylars and he said he would.

Vincent made a motion to have Brawdres investigate conditions of approval and verify compliance with the site across the street from Just Oil along 125 North in Barrington and Oles seconded. Motion carried.

Adjournment

A motion was made by Oles to adjourn and seconded by Vincent. All in favor. The meeting adjourned at 10:25 PM.

Respectfully submitted,

Penny Finnegan
Administrative Assistant