



**BARRINGTON PLANNING BOARD
BARRINGTON ELEMENTARY SCHOOL LIBRARY
570 CALEF HIGHWAY
BARRINGTON, NH**

**THURSDAY, January 06, 2011
MEETING MINUTES**

*Item #11 and Item #12 moved to follow Item #6

PRESENT: John Huckins, Chair
George Calef
Jackie Kessler, Ex-Officio
Anthony Gaudiello, Alternate
Alan Kelley
Steve Oles
Edward Lemos, DVM; Vice Chair

ABSENT: David Vincent-recused

STAFF: Connie Brawders, Town Planner

GUESTS: Mark Grenier
Jack Farrell
Mark Faretra
Stephen Jeffery
Pam Failing, BCC Rep.
Bernard Cote, Geometers Blue Hills, LLC
Steve Haight, Haight Engineering
David Vincent, Land Surveying Services
Kyle Townson, Haight Engineering
James H. Schulte, Attorney

CALL TO ORDER

The meeting was called to order by Chair Huckins at 7:04 PM.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

MINUTES REVIEW AND APPROVAL

1. Approval of the December 16th, 2010 Meeting Minutes.

PB Chair John Huckins asked the Board if they had any questions or concerns with the December 16th, 2010 meeting minutes. PB Member George Calef had a question on Page 4/9, top of the page; it states that the budget was presented to the Budget committee on October 4th, 2010. PB Calef thought that the information he received tonight said August 4th, and it also states that he was not a member of the Planning Board at that time, when he has been a member of the PB since September 13th. Planner Brawders addressed the minutes for clarification. The Memo was sent out August 4th requesting information from the Planning Board, the Zoning Board of Adjustment, and the Conservation Commission, stating, "If you would be so kind as to respond directly to me, via e-mail or phone call, no later than Wednesday, August 25th, 2010. I will gladly present your requests." So the Memo went out before Calef joined the Planning Board.

Calef expressed his concerns that on page 4/9, second sentence, "Brawders replied that it had been presented to the Board on October 4th. This Budget is recognized as the Land Use Budget, which encompasses all Land Use Boards, Planning Board, ZBA, and Conservation Commission. "The reason that Calef did not get the memo is because he was appointed an active member when the memo was distributed in anticipation of the October 4th meeting with the Budget Committee and the Board of Selectman." Calef stated that the comment leads to believe that it was not going to be presented until October 4th, and leaves out that the information was sent out in August.

Chair Huckins stated that if the August part was added, it would clarify that part, and Member Calef agreed. On the 5th line, it should be stated, "Brawders sent a memo to the Planning Board, Zoning Board of Adjustment, and Conservation Commission on August 4th, asking their input." Planner Brawders did not state the exact date in the minutes because she did not have the date at that time, and it was not stated in the meeting.

PB Member Steve Oles arrived at 7:10pm

Planning Board Chair Huckins made a motion that "Brawders sent out a memo in August" be added to the December 16th Meeting Minutes,

seconded by PB Calef, and carried unanimously by a vote of six (6) to zero (0) in favor.

- 1.1/** PB Member Calef expressed concerns on page 5/9, middle of the page, in bold, it states, “New Planning Board Policy.”, Calef thinks it should say, “Review of Planning Board Policy.” The policy discussed was a customary policy and was not in writing before, and on Page 5/9, the PB was implementing the policy in writing.

Planning Board Member Kelley made a motion to remove the word “New” from Planning Board Policy heading. Member Gaudiello seconded the motion. The motion carried by a vote six (6) to zero (0) in favor, with one (1) abstain.

- 1.2/** PB Calef expressed concerns on page 5/9, the next paragraph where Brawdres describes the case description format,” The legal ad, abutter notification, agenda, minutes, notice of decision, and staff response letter will provide the following: *Case number and Case Name; request by applicant stating purpose of the request; size of parcel; physical address and map/lot; zoning district; and applicant contact information* in paragraph form.” Calef assumes that the PB does not get dates on when it was submitted, or the date information was received. Calef stated that he has gone through cases and he can not identify what the date means, if it was the date submitted, or the date it was done. Brawdres explained that it is a basic format that is utilized for constructing the legal ad, abutter notification, agenda, and minutes and makes for a concise structure. Planner Brawdres was going to present, during Staff Communications, new information for the Board that the Land Use office would now be labeling submittal documents with case number and date documents are received in the Land Use office.

PB Member Alan Kelley motioned to approve the December 16th, 2010 Minutes with the noted corrections, seconded by PB Member Calef. The motion carried by a vote of six (6) to zero (0) in favor with one (1) abstain.

STAFF COMMUNICATIONS

2. Finalize Town Report.

Chair Huckins reported that the Town Report has not been finished yet, because of the timing of the holidays, but it will be done for the review of the Board. December 12th, 2010 was the initial deadline. Cheryl Huckins will work with the Board with getting the Town Report done and ready for review.

3. Revised Application Forms.

The Application forms are not yet finished, but Brawdres wanted to discuss the labeling of the documents, which was discussed on **1.2**.

4. Land Use Budget.

Land Use Budget and Memo was discussed in 1.2. If any of the Board Members have any questions on the Land Use Budget that Brawders has prepared, which was presented to the Board of Selectmen in October, they are welcome to the next meeting before the Selectmen and Budget Committee. Brawders has not been given a follow up date for support of, or defense against, the Budget.

Discussed how the Land Use Budget is set up to show debits and other details. If any of the Board would like a meeting with Planner Brawders, since she is charged with the budget as the department head.

CASES FOR CONTINUANCE

- 5. 10/528A (Gerrior Lane Trust) Request by applicant to amend a Site Plan to relocate and construct Detention Pond #2; amend Grading 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, Esp. 1550 Falmouth Rd, Suite 10; Centerville, MA 02632.**

Applicant requests a continuance to February 3, 2011.

PB Member Steve Oles moved to continue 10/528A (Gerrior Lane Trust) to February 3, 2011 meeting of the Planning Board. Seconded by PB VC Edward Lemos. The motion carried unanimously in favor with a vote of seven (7) to zero (0).

- 6. SR10/383 (Aroma Joe's Coffee) Request by applicant to construct a drive through coffee shop within the northern most building on a 4.29 acre site located at 528 Calef Hwy (a/k/a 371 Route 125) (Map 238/Lot 49.1) in the Town Center (TC) & Stratified Drift Aquifer Overlay (SDA) Zoning Districts. Applicant: Marty McKenna; 63 Broadway; Dover, NH 03820.**

Applicant requests a continuance to February 3, 2011.

PB Member Steve Oles moved to continue SR10/383 (Aroma Joe's Coffee) to February 3, 2011 meeting of the Planning Board. Seconded by PB Member Jacqueline Kessler. The motion carried unanimously by a vote in favor seven (7) to zero (0).

ACTION ITEMS

*PB Member Anthony Gaudiello made the motion to open **Item 11**. SR 10/380 to discussion, which was seconded by Ex-officio Member Kessler and the motion, carried unanimously, seven (7) to zero (0).*

Item #11. SR 10/380 (County Line Holdings, LLC-John H. Farrell) 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 & Route 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.

It was recently brought to the applicant's attention that there was a six month conditional approval for site plan which expired in November, and by that time it was too late to put the septic system in. The condominium documents have been submitted for review by the Town Attorney and comments returned for changes.

Vice Chair Edward Lemos made the motion to extend the conditional approval six months, which was seconded by PB Member Steve Oles. The motion carried unanimously in favor, seven (7) to zero (0).

Non Action Item

*Vice-Chair Edward Lemos made the motion to open **Item 12** for Preliminary Conceptual Review to take this item out of order for discussion, which was seconded by Member Oles. The motion carried unanimously seven (7) to zero (0).*

Item #12 (Jason Pohopek-Pohopek Land Surveyors) Request by applicant for a Preliminary Conceptual Review to discuss a second back lot subdivision in consideration of the approved Subdivision Plan of Land for John C. Hart (Case #04/519) dated December 17, 2003, revised May 4, 2004, and approved May 5, 2004 located at #627 Route 126 (Map 216/Lot 20(a/k/a Map 2/Lot 31)) in the General Residential (GR) and Highway Commercial District Overlay (HCO) Zoning Districts. Applicant: Jason Pohopek; Pohopek Land Surveyors & Septic Designers; 42 Flagg Road; Rochester, NH 03839.

The Attorney stated that, "It seems to me that if Mr. Pohopek wants to subdivide the remaining backlot (Tax map 2 Lot 31 on the plans provided) he will need to construct a road from Route 126 to surface subdivision. All of the new lots will need to have frontage on the newly constructed road. This interpretation comes from Section 14.2.4 of the Zoning Ordinance which provides that backlots are unsubdividable unless additional lots conform to the town zoning and subdivision standards. "

The Applicant will come in on January 13th, 2011 seeking further clarification.

7. 10/610 (Fisheye Properties LLC) Request by applicant to develop a 12 lot single-family subdivision on a 46.22 acre site located at Young Road (Map 240/Lot 15) in the Neighborhood Residential (NR) Zoning District. Applicant: Fisheye Properties LLC, Wayne Stocker; P.O. Box 250; Union, NH, 03887.

David Vincent (David Vincent, LLS; Land Surveying Services; 19 Morgans Way; Barrington) represented the applicant.

Vincent presented an updated set of plans with minor changes for the Board's consideration. There are no changes to the lots themselves. There are no significant changes to the plans themselves.

Atty. James H. Schulte (660 Central Avenue; Dover, NH 03820) counsel for Fisheye Properties LLC, representing the applicant, spoke in reference to the project stating the following:.

The application has not been accepted. They will be requesting tonight that the application be accepted. This is a 47 acre site. There will be no new roads constructed. The lot within the project will be on Young Rd, which is an existing Rd. There is a 1/3rd of the project space of open land, 16+ acres of the 47 acres. The lots meet all of the size and frontage requirements. There is an old house on the property and a blind corner. There was a discussion on how to deal with the house. The applicant proposes that the applicant will take care of the house and the easement for drainage and site will be applied; whatever easement the town needs of the applicant. The preliminary design has been submitted to the town some years ago, and the current plan should not change too much. The applicant will not be developing the lots. The lots will be sold off to individuals and be developed with the individual owners at that time. The applicant is only asking for a subdivision of the lot. The applicant only needs a subdivision approval. The applicant does not need any other approval from the state of New Hampshire. The applicant proposes to remove the existing house and cutting back the slope in-lieu of offsite permits, which is \$500 per lot. There is a lot line boundary dispute David & Margaret Scott (Map 240/Lot 16) which is being resolved. There will still be 200ft of frontage.

The Town Planner Connie Brawders presented the staff response letter dated November 29, 2010 stipulating outstanding items to be resubmitted with revisions:

1. "A written Narrative describing project proposal.
2. Note on plans, "If during construction it becomes apparent that deficiencies exist in approved design drawings the contractor shall be required to correct the deficiencies to meet the requirements of the regulations at no expense to the town."

3. Note on plans, "All material methods of construction shall conform to Town of Barrington Subdivision Regulations and the latest addition of the New Hampshire Department of Transportation's Standard Specifications of Road and Bridge Construction."
4. Please reconcile the difference between the Warranty Deed recorded at Strafford County Registry of Deeds at Book 3855, Page 0063 on August 13, 2010 which lists Map 240, Lot 15 as having 37 acres, more or less; the Subdivision plan at Note 11 states total lot area as being 46.51 acres. Please note the accurate parcel size on plans.
5. Plan index indicating all sheets.
6. Show drainage easement.
7. Show cistern easement.
8. Show roadway widening easement.
9. Show continuance uplands on each lot.
10. Note on plans stating no vernal pools on site.
11. Please have the owner(s) of record sign all plans.
12. Clarification is needed for the Road Relocation Plan Profile for Young Rd created by Norway Plans Associates. We assume this plan to be submitted as an exhibit and should be labeled as such. The original plans are stamped "Not for construction".
13. Please be so kind as to submit an original plan from Land Surveying Services for road relocation.
14. Please provide a roadway analysis.
15. See roadway easement above.
16. We will be looking for the following documentation reports to show local groundwater flow and existing background water quality: A Hydrological study
17. It has been brought to the attention that proposed development is impacting Tier 2 waters and nutrient pollution requirements. Post-development surface runoff shall be equal to pre-development runoff rates. To mitigate potential for violating water quality standards we will be looking for the following reports:
 - a. Storm water Management Plan
 - b. Roadway, Grading & Drainage and Erosion Control Plans

Please refer to the Town of Barrington Subdivision Regulations at Section 9.7 General Guide Principles and Standards for Application Review; particularly 9.7 (3); 9.7.6(d); 9.7.1.2(a); 10.2 Grading, Erosion and Sediment Control Plan in entirety; 10.3 Storm Water Management Plan; 10.3.1 Plan Requirements; 10.3.2 Plan Approval and Review; 10.3.3 Inspection; 10.3.4 Required Improvements; 10.3.5 Additional Requirements; and Article 16-Drainage, Erosion, and Sediment Control Standards, particularly 16.2(6) Design Standards for Erosion and Sediment Control.

We anticipate the Town's consulting engineer DuBois & King, Inc., to provide an estimate for engineers review services to be forthcoming and we appreciate your

attention to these items. We look forward to working with you.” Brawders concluded her reading of portions of the staff response letter.

Attorney Schulte reviewed the previous meeting minutes and did not appear that the Board had directed that these requirements be set forth. Since they were stated they have none the less done what they have to comply with the informal requests that were made. There are a couple that he will be responding to, in particular, number 4- reconciling the difference between the Deed and the plan. It is apparent the property was never surveyed; the Deed stated an estimate of land area. When you are interpreting a Deed there are a number of criteria that is used. An estimate of land area is on the very bottom of the list, the way you reconcile discrepancies between a Deed and the amount of land is by having a survey done, which is what happened in this case. Mr. Vincent has done the survey and has stated the accurate land of the property on the plan.

Schulte further stated, the state of New Hampshire has authorized the Board to act under Chapter 672, and reads, “All citizens benefit from a balanced supply of housing which is affordable to persons of families. Establishment of housing which is decent, safe, and sanitary is in the best interest of each community serves a vital public need. Development of each housing shall not be prohibited or unreasonably discouraged by use of Zoning and Planning Powers or by unreasonable interpretation of such Powers.”

Schulte opined, the drainage analysis can be completed for what the plans are, but seems unreasonable to ask for drainage analysis of what could be. Each individual lot will be developed independently. A drainage study would seem pointless to do on a subdivision without construction, along with a hydrological study. Erosion Control isn't needed, Storm Water Management Plans are not needed, for no road is being built. Schulte referred to this plan as being called a Paper Subdivision, because nothing is being developed, a/k/a/ a Platted Subdivision.

Steven Haight, P.E. (Haight Engineering, PLLC; P.O. Box 1166; 161 Watson Road; Dover, NH 03821) for Fisheye Properties, LLC responded to the staff response letter:

1. The original plans were 14 lots, which has been downgraded to only 12 lots.
2. A note has been added to the plans, Note 17
3. note on the plans all materials on discussion, show on the plans, Note 18
4. Already been discussed by Mr. Schulte
5. An indexing sheet and a cover sheet have been provided

6. Drainage easement, N/A
7. Cistern Easement, across the road, as discussed on the initial hearing, shown on site plan
8. No road construction on plans
9. See Sheet 6, a breakdown of what each lot is with the uplands
10. No Vernal pools, has been revised on sheet 1 and 2
11. Working on obtaining the signature from the original owner
12. Mr. Haight addressed any engineer questions.
13. Roadway is not being altered or created.
14. See above
- 15.– 17. The building area is higher then each side, so it would not impact the way the water flows off the land. Discussion ensued about once the lots are sold, and developed, the flow of water, if it increases or alters. Grass mitigates the storm water flow. There is a figure that can be placed on each house lot for the flow of water. Fisheye Properties wants some guide lines for which studies needs to be done.

The Planning Board discussed the application for acceptance and found the application to be substantially complete before decisions can be made. PB Member Steve Oles moved to accept the application. PB Member Kessler seconded the motion. The motion to approve to accept the application as being substantially complete carried unanimously in favor with a vote of seven (7) to zero (0).

The Board opened up to public comment about the application.

Pam Failing of the Barrington Conservation Commission took the floor with a public comment.

Pam expressed her concerns about the amount of runoff and drainage from the lots onto the road. She doesn't see how it could not happen. Failing is also an engineer. She thinks that most of the lots are impervious. By developing the lots, she hopes that the drainage issue is covered, from changing the land. Land owners tend to continue to cut trees. The hydrology is going to change because of this. If the impervious area increases by 10%, that is 10% that is going to run off into other areas, which might effect that land. Ms. Failing also pointed out that

this plan may be a Development of Regional Impact because of the proximity to Richardson Pond and surface waters.

With no further other comments, the Board closed the meeting to public comment.

Discussion to revise the plans to show the site easement for the drainage. The Board would like a statement from Peter Cook, Town Road Agent, commenting on the plans, clarifying his position. The Board reminded applicant that the existing house was on the property when the applicant purchased the property, and is a precondition. Road realignment should not be the responsibility of the Town. The existing house, as reflected from the proposed subdivision plan is on a non-conforming lot, and there cannot be a subdivision with the house still on the lot. The applicant assures that the house will be removed. The Town will be provided with a slope, drainage, and site easement. There will be 12 driveways for the lots. Discussion ensued regarding level of involvement that may be asked of the Town's consulting engineer, Dubois & King; Inc., (18 Constitution Drive; Suite 8; Bedford, NH) specifically in the review of plans and how the drainage may impact the surrounding area.

Brawders reminded the Board they could require a third party review and inspection. There is a difference of opinion among the Board members and applicant as to the level of need from the consulting engineer, Dubois & King; Inc. Since no new road construction is being performed, some find no reason to send the plans out for engineering review. Brawders has already spoken informally with the engineer; a roadway analysis is appreciable, as well as a storm water management plan, and a roadway grading and drainage and erosion control plan for this site.

The Board might propose the following questions to the consulting engineer: 1. Based on the new subdivision plan, does the engineer still agree that all the analysis still in order?
2. If nothing is to be built on the paper subdivision, is it necessary to have a consulting engineer review the proposed plans?

The Board has concerns about what will be done with the lots. Although there is no development at this time, the lots will be developed, and the Board is concerned about what will happen with corrosion, drainage, and such, at that time, and what is being done to prevent increased impervious land.

At this time, the plans have not been officially submitted to the Town's consulting engineer. The applicant proposes to request a waiver for \$6,000 for off-site improvements in exchange for removal of the house.

Discussion ensued regarding the proposed drainage analysis. PB member Steve Oles defined the parameters.

*PB Member Steve Oles moved to have a storm water runoff study done for the 12 lots with the following parameters:
Take the maximum of 40% impervious, and decide what work the culvert needs to handle the storm water.*

Seconded by PB Vice Chair Edward Lemos. The motion carried to recommend that the applicant provide a storm water drainage analysis for review by the Town's consulting engineer by a vote of five (5) in favor to two (2) against.

The development for each lot is discussed by the Board. If there is a problem with runoff during individual development, it should be brought up as a condition of approval for that particular development. Applicant agreed they would write up a reasonable plan, with a 40ft by 60ft house with a 12ft wide driveway, on each lot, and compare the plans with the maximum 40% impervious area for the impact of the storm water.

PB Member Steve Oles made a motion to have the applicant provide a roadway analysis. PB Member Gaudiello seconded the motion. The motion did not carry with a vote of four (4).

The Applicant offered to have a Traffic Letter submitted detailing the effects of 12 lots on Young Rd. The Board accepted the offer.

Brawders suggested having the applicant do a storm water plan. There is no development done on the subdivision, so no plans are needed. An assumption of construction will be done by the applicant for the storm water runoff study. At the time of construction, mitigation will need to be done, and can not be done now, because there is no construction. The study has not been done, so the Board and the Applicant can not ask of each other a storm water study. Brawders suggested that the Board have their consulting engineer review the subdivision. There is nothing to be reviewed by the engineer.

PB Member Oles moved to submit the subdivision plans to the engineer for review to see if it meets the subdivision regulations. PB Member Gaudiello seconded the motion. The motion did not pass, with a vote of two (2) to five (5).

The Applicant agrees to give the Board a copy of the recording regarding the easement. The right to use it off the property.
Peter Cook will review plans with the Applicant to discuss what is needed for the road alignment for drainage, slope, and sight, and any maintenance of the road.

PB Member Oles moved to have the third party review for the drainage runoff and the traffic letter. PB Member Kessler seconded the motion. The

motion carried unanimously, with a vote of six (6) to zero (0), with one abstained.

The Applicant requested a continuance to next month.

PB Member Oles moved to accept the continuance. PB Member Lemos seconded the motion. The motion carried unanimously, with a vote of seven (7) to zero (0). The information needs to be submitted two weeks before the meeting for review.

8. SR 07/344 (Royalty Automotive Services) Request by applicant to discuss discrepancy in site plan approval for Royalty Automotive Services; annual report of inspection and maintenance logs as part of the storm water management plan; and addition of permeable pavement in greenbelt buffer located at 15 Calef (a/k/a Route 125) (Map 220/Lot 46.2) in the Regional Commercial (RC) & Stratified Drift Aquifer Overlay (SDA) Zoning Districts. Applicant: Mark Grenier; 350 Route 108; Unit B-12; Somersworth, NH 03878.

The applicant received a cease & desist letter from Barrington Code Enforcement Officer Ted Buczek informing the applicant he was not permitted to sell automobiles. The application, advertisement in a newspaper of general circulation, notice to abutters, minutes of record, site plan approval, and Notice of Decision were reviewed for clarity and information by the planner. No approval to sell auto parts was found within the contents of the case file folder; however, the notice to abutters reads, "The applicant proposes to operate a sales and service business for Volvo automobiles".

The Site Plan Approval Note states intent of the applicant as, "To Show the Proposed Automobile Repair and Service Shop and the Required Infrastructure and Improvements". The applicant is of the opinion that the Board had been informed that the applicant's intent was to have a sales division for used cars.

The plans show a 50ft buffer from the wetlands and 50 ft green belt buffer from the edge of the right-of-way of Route 125. Service of autos and trucks is a permitted use by right in the Regional Commercial District; the sale of automobile parts and supplies is a permitted use by right in the Regional Commercial District. The applicant must appear before the ZBA, if he seeks consideration for approval to park cars and install permeable surface paving inside the 50 ft buffer zone, as this request is outside the purview of the Planning Board. The Planning Board has ordered the applicant to remove the cars from the buffer zone.

The Planner will notify the Code Enforcement officer in writing the PB has amended the site plan approval Notice of Decision to include *Sales of Autos*, in addition to repair and service of autos; however no cars are permitted in the

buffer zone.

PB Member Steve Oles made the motion to amend that sales of auto parts, auto supplies, and auto sales are part of the business; the motion was seconded by PB Member Anthony Guadiello. The motion to approve the amendment to the Notice of Decision carried unanimously, seven (7) to zero (0).

The planner addressed the second part of the application before the PB this evening. The applicant is, under the Notice of Decision Conditions for Approval, required to provide weekly storm water reports to the Planning Board and NPDES SWPPP (Stormwater Pollution Prevention Plan) reports. The applicant is unsure as to how to proceed in fulfilling the obligation as he has terminated his relationship with his engineer.

The Board recommended that the Land Use department send a benign letter to the applicant reminding him of his obligation to the Board to submit the Storm Water Best Management Plan. This may be included in the body of the letter notifying the applicant the Notice for Decision has been amended to reflect approval for the sale of autos, and the referral to the ZBA for a request for approval to install permeable pavement in the 50 ft buffer zones.

PB Member Anthony Guadiello made the motion to notify the applicant of his unfulfilled obligation to maintain annual SWPPP report. PB Member Steve Oles seconded the motion. The motion carried unanimously, seven (7) to zero (0).

- 9. 10/611 (Subdivision Plat for Brenton L. & Roxanna M. Merrill) Request by applicant to subdivide an existing 26.61 acre parcel into Lot 1 containing 24.76 acres and Lot 2 containing approximately 1.85 acres to create a building lot located at 1665 Franklin Pierce Hwy (a/k/a 305 Route 202 & 9) (Map 242/Lot 22) in the General Residential (GR) and Highway Commercial Overlay (HCO) Zoning Districts. Applicant: Brenton L. & Roxanna M. Merrill; 1665 Franklin Pierce Hwy; Barrington, NH 03825.**

Ex-officio member Kessler recused herself.

Since it was after 10:00 p.m. Planning Board member Steve Oles motioned to table the remaining cases to next month. Motion withdrawn. Member Gaudiello motioned to continue the hearing; seconded by Calef. The motion carried six (0) to zero (0), with one (1) abstain.

Bernard Cote, Geometric Blue Hills, LLC, (240 Horn Town Road; Farmington, NH) came before the Board representing Brenton L. & Roxanna M. Merrill for the subdivision. Received a letter December 30, 2010 from Connie Brawdars outlining the discussion from last meeting, along with other issues that need to be

addressed.

Outstanding items to be resubmitted for plan revisions:

1. Please note on the plans the subdivision approval number- this item has been addressed
2. Please note on the plans the following information: Lot 22-1 conforms to the Zoning Article 8.5 Greenbelt Buffer. Although the line is not defined, the zoning is mentioned on the plans. Board noted that the plans comply with all zoning.
3. Show dimensional setback for the Greenbelt buffer- This is shown on the legend and on the plan on sheet 1 and sheet 2.
4. Please show the curb cut for Lot 22-1 on the plans- this item has been addressed.
5. Please show the driveway permit for DOT- has been submitted, and has been received by the Town of Barrington, now waiting on NHDOT approval and will be noted as a condition of approval.
6. Provide a driveway easement draft to be reviewed by Town of Barrington Legal Council- The description of the draft deed has reviewed and approved by Town Counsel Leigh Willey (Mitchell Municipal Group, PA; 25 Beacon Street; Laconia, NH 03246) and conforms to the site plan. Town Counsel reminds the applicant to include the easement to the second paragraph of the Deed. Brawders will send the portion of the e-mail from the lawyer pertaining to the deed to the contractor.
7. Please show 25 ft radius easement for Freeman-Power Cemetery- the applicant has put a line in the legend box and on the plans as well, as cited by the RSA.
8. Define gravel roadway in the legend box- this has been done on sheets 1 and 2.
9. Issue with potential discrepancy between the older plan and the current plan due to labeling- this has been addressed.
10. Please fix the typo at additional note number 2 on sheet 2 to correctly maintain- this has been corrected.
11. Please update street names to reflect E-911 modifications- The list of streets he received has been updated. Province Road and Franklin Pierce Highway need to be updated for E-911 compliance. The Board no longer sees an issue

and the names do not need to be changed.

12. Add the erosion control to sheet 1- this has been added
13. Underground utility requirements are to be addressed on the plans under the Town of Barrington under Subdivision Regulations, Article 17 Utility Design Standards - This has been met to a certain degree. Waivers address this issue. Location does not need to be shown on plans. Add a note on the plans that agree to comply with subdivision regulations.
14. Under the waiver request
15. Under the waiver request.

Application had not been accepted as complete by the Board. Application must be accepted before Waivers can be addressed.

PB Member Steve Oles moved to accept the application. George Calef seconded the motion. The motion carried unanimously with a vote of six (6) to zero (0).

Waivers have been submitted and are ready for review by the Board. The applicant submitted five waiver requests;

1. Article 8.1 Subsection 2; Under General Principles and Standards- the proposed conditions of the proposed Lot 22-1 are of minimal impact of the surrounding area and the site work to take place on the lot is simple in nature. The applicant requests a waiver to this section of the regulation that requires the submitted plans to be stamped by a registered professional engineer.

The Board does not see a requirement for a Project Engineer stamp the project. The Board does see this as a waiver requirement.

2. Article 8.3, Paragraph 6- Requesting a Waiver of the two ft contours on the entire parcel.

PB VC Edwards Lemos moved to accept the waver. Seconded by PB Member Steve Oles. The motion carried unanimously, with a vote of six (6) to zero (0).

3. Article 8.3, Paragraph 9 Natural Features- Requesting a waiver of the wetland delineation on the remaining land not being developed.

PB Member Steve Oles moved to accept the waver. Seconded by PB Member Gaudiello. The motion carried unanimously, with a vote of six (6)

to zero (0).

4. Article 8.4, Paragraph 11, Proposed Site Conditions, Size and Location of all site utilities- Requires showing on the plans the utilities underground and otherwise, which has been discussed earlier in the meeting.

PB Member Steve Oles moved to accept the waiver. Seconded by member George Calef. The motion carried unanimously with a vote of six (6) to zero (0).

5. Article 17. 1, Paragraph 1, Utility Development Design Standards for all Underground Utilities- Requesting a waiver. All utilities are to be built underground, connecting with a pole going overhead across the road.

PB Member Steve Oles moved to accept the waiver. Seconded by PB Member Gaudiello. The motion carried unanimously with a vote of six (6) to zero (0).

The NHDOT Driveway Permit has been filed with the State and the applicant is waiting on approval. The plan revision date must be included in deed. The Waivers should be noted on the plans. Application will be approved with the three conditions met.

PB Member Steve Oles moved to accept the application with conditions. Seconded by PB Member Calef. The motion carried unanimously with a vote of six (6) to zero (0).

**10.LL10/232 (Boundary Line Adjustment for Harry E. & Jacqueline E. Kessler)
Request by applicant to adjust the boundary line between two existing, abutting lots of record, located at Kessler Way (Map 112/Lot 12.1 & Map 242/Lot 33) in the General Residential (GR) and Highway Commercial Overlay (HCO) Zoning Districts. Applicant: Harry E. & Jacqueline E. Kessler; 4 Kessler Way; Barrington, NH 03825.**

The applicant's agent, Bernard Cote Geometric Blue Hills, LLC, (240 Horn Town Road; Farmington, NH) again came before the Board representing the applicant prepared with several questions regarding Lot Line Adjustments. The PB asks the applicant to continue the hearing to January 13, 2011 as the hour is getting late for discussion. All agreed to continue the hearing.

PB Member Steve Oles moved to continue LL10/232 (Boundary Line Adjustment for Harry E. & Jacqueline E. Kessler) to January 13th, 2011 Planning Board meeting. Seconded by PB Member Kelley. The motion carried unanimously with a vote of six (6) to zero (0).

PB Member Kessler resumed her place on the Board.

11. * Item #11 moved to follow Item #6

12. **Item #12 moved to follow Item #11 after Item #6

Special Meeting for Warrant Article Review

The planner presented legal opinion from Town Counsel, Laura Spector, (Mitchell Municipal Group, PA; 25 Beacon Street; Laconia, NH 03246) January 4th Public Hearing, there was not a quorum, so it does not count as a meeting. The Board must assemble to vote on January 18th, 2011 for the Public Hearing.

ADJOURNMENT

With no further business to discuss, the public session of the Planning Board adjourned at 11: 08 PM. PB Member Steve Oles moved to adjourn, seconded by PB Member Kessler. The motion carried unanimously with a vote of seven (7) to zero (0).

Respectfully submitted,
AuBriana Morency, Temporary Staff