



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

**THURSDAY, March 10, 2011  
MEETING MINUTES**

**\*Items 4 & 5 moved to follow Item 6.**

**PRESENT:** John Huckins, Chair  
Edward Lemos, DVM; Vice-chair  
Jacqueline Kessler, Ex-Officio- arrived at 7:21 p.m.  
Alan Kelley  
Steve Oles  
David Vincent  
Anthony Gaudiello-Alternate  
Stephen Jeffery- Alternate

**ABSENT:** Dawn Hatch-Alternate  
George Calef

**STAFF:** Connie Brawders, Town Planner  
AuBriana Morency, Temporary Staff Transcriptionist

**GUESTS:** Wayne Stocker, P.O. Box; Union, NH 03887.  
Keith Weston, American Engineering, Merserve Rd., Durham  
Richard Proulx Jr., 16 Fogg Drive; Durham, NH 03824.

**CALL TO ORDER**

The meeting was called to order by Chairman John Huckins at 7:05 PM.

**ROLL CALL**

Members were introduced by the Chair confirming members and guests present as stated above.

## **MINUTES REVIEW AND APPROVAL**

\*Alternate Tony Gaudiello was seated in the absence of regular member George Calef.

### **1. Approval of March 3, 2011 Public Hearing Minutes.**

PB Member Vincent and PB Member Oles abstained.

The Planning Board discussed the March 3, 2011 draft public hearing minutes and suggested minor changes to be made to the draft.

*Planning Board Member Kelley moved to accept changes for clarification as discussed by the Board. Vice-chair Lemos seconded the motion. The motion carried, with a vote of five (5) to zero (0) in favor, with two (2) abstained.*

*Planning Board Member Gaudiello moved approve March 3, 2011 Minutes with the corrections as mentioned. PB Member Kelley seconded the motion. The motion carried unanimously, with a vote of five (5) to zero (0) in favor, with two (2) abstained.*

## **STAFF COMMUNICATIONS**

### **2. Legal Counsel Opinion of question proposed by the Planning Board Members.**

The Board reviewed and discussed the Legal Counsel Response Letter presented by the Town Planner regarding Planning Board recusal. The Planning Board discussed Members recusing on Meeting Minutes, needing clarification. On April 7, 2011, the Town Attorney will come before the Board for General Discussion. Town Planner Brawdors stated she would suggest the Town Attorney arrive at 6:00pm to discuss with the Board before the Public Meeting.

### **3. Board to Discuss Bonds, Impact Fees and Off-sites.**

3. Board to Discuss Bonds, Impact Fees and Off-sites

Ms. Brawdors presented material relating to arrangements with and uses of the Engineers. She cited Subdivision regulations that provide the basis for determining performance guarantees. She described the role of the Land Use Board or its designee and the Board of Selectmen in approving arrangements for any performance guarantees.

The discussion touched on expenses to be borne by the applicant. This engaged a discussion of expenses to the applicant, the protection of the interests of the town, and the meaning of "reasonable expenses."

There was an exchange among the members and staff on the proper and /or reasonable time to engage the consulting engineer in 3<sup>rd</sup> party review in general and performance guarantees in particular. This exchange included a discussion of our current practice of technical review. The exchange ranged over costs in terms of time

as well as dollars and the needed “consultative skill set” for various responsibilities of the Planning Board.

This discussion lit upon the process of receiving inquiries and/or applications of all kinds at the Land Use Office. After much discussion on this topic *Ex-officio Kessler moved that the Planning Board see all plans, conceptual or applications, to be presented to the Planning Board. The planner cannot refuse or make a decision on the application.*

Mr, Gaudiello seconded the motion for discussion.

The discussion of this motion was lengthy with many restatements and interpretations of the motion.

Dr. Lemos suggested the issue was complex and ought first be addressed in the procedures sub-committee and reported to the board. Discussions ranged widely around this suggestion. In response to the diffusion of content, Dr. Lemos offered a motion to table the matter. This motion to table was objected to as coming at a time when another motion was on the floor. Dr. Lemos asserted the appropriateness of his motion by citing Robert’s Rules. Mr. Gaudiello agreed that Dr. Lemos was correct in his assertion, but that could not be dispositive since we had not adopted Robert’s Rules or any other set of formal rules. He went on to say that we are guided by the chair and the general rule of “usual and customary.” Mr. Gaudiello also stated that we as a board were indeed in need of an articulated ordering mechanism along the lines of rules for discussion and deliberation. Also he offered that he agreed with Dr. Lemos’ attempt at intervention at that time and in that way.

The chair allowed a second to Dr. Lemos’ motion to table the matter before the board and it was seconded by Mr. Jeffery and voted. The motion failed on a vote of (3-4) (Y/N).

Mr. Huckins asked Ms. Kessler if she wished to restate her motion, Ms Kessler stated that she did not mind.

*Ex-officio Kessler moved:”The planning board would like all plans, conceptual or application, to be presented to the Planning Board, the Planner cannot refuse or make decisions on the application.” {At this point Ms. Kessler interjected, “ OK But – she’s saying now that she is not going even to look at the plans which I don’t think is what my motion says”} She continues, “My motion is the planning board would like all plans, conceptual or application, to be presented to the planning board and the planner cannot refuse or make decisions to the application.”* Mr. Gaudiello seconded the motion and the motion was voted .The motion carried with a vote of (4/3) (Y/N).

The Planning Board returned to the agenda items to discuss Bonds, Impact Fees and Off-sites. The Town Planner provided information to the Planning Board to take home and review on these topics for follow up at the next meeting.

At 8:13 the Town Planner Brawders left the meeting.

## **ACTION ITEMS**

\*Item 4 is to follow Item 5

PB Member Kelley moved to open Agenda Item 6. Vice-chair Lemos seconded the motion. The motion carried, with a vote of seven (7) to zero (0) in favor.

PB Member Vincent recused himself from the Board. PB Alternate Jeffery stepped in for PB Member Vincent.

**4. 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; Union, NH 03887.**

The Board discussed the regional impact map presented. The Board discussed that the waterway present on the plans connects to several rivers, and end in the Bay. Regional impact will need to be determined before the application could be accepted.

Ex-officio Kessler would like the Town Secretary, Barbara Irvine, to send a letter or memo sent to Cynthia Copeland, AICP - Executive Director, SRPC, to determine how serious of impact the development would be.

Ex-officio Kessler would like the Town Secretary, Barbara Irvine, to find out if regional impacts certified have been sent to towns impacted by the Bay.

Peter Cook responded to the Planning Board regarding Norway Plains, Inc. Norway Plains, Inc has shown the curb cut being removed and the applicants agreed to give the sightline easement to the town, with the Board contacting Peter Cook to determine if the easement met the requirements.

The Board would need an engineers plan to determine the exact line of the sightline easement to agree to the easement. The Board discussed sending the plans with the proposed easement to an engineer to give approval to the sightline easement, at the cost of the applicant.

**PB Member Vincent returned to the Board. PB Alternate Jeffery stepped down from the Board.**

\*Item 5 is to follow Item 6

PB Member Vincent recused himself from the Board. PB Alternate Jeffery stepped in for PB Member Vincent.

**5. 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.**

The Board reviewed the information sent to them by the Consulting Engineer regarding SR10/383 (Aroma Joe's Coffee). The Consulting Engineer stated that the curbing would require fixing, but a center turn lane would not be needed.

A right hand deceleration lane would be needed, by the design submitted by Norway Plains, Inc (P. O. Box 249 Rochester, NH 03866), which the Consulting Engineer agreed to.

**PB Member Vincent returned to the Board. PB Alternate Jeffery stepped down from the Board.**

**\*Item 6 to follow Item 3**

**6. SR11/388 (Echo Park Industrial Park) Request by applicant for a Preliminary Review to present a proposal for an industrial park on a 138+/- acre site located at Calef Hwy (Map 263/Lot 13.1). Applicant: Richard Proulx, Jr.; 16 Fogg Drive; Durham, NH 03824.**

Keith Weston (American Engineering, Meserve Rd, Durham, NH 03824) came before the Board to discuss a conceptual plan review. All discussion and review of the conceptual plans by the Board were non binding.

Mr. Weston discussed the conceptual plan to the Board and general review of what the applicant is considering to do with the parcel. The applicant discussed that no plans were final, and would like to work with the town and is open to suggestion.

The Applicant is considering building a Park and Ride on the proposed property, with a section for electric cars to plug in and charge. The applicant discussed each lot should be designed for maximum coverage and limited development. The applicant would like to break the parcel into lots, and would need to come before the Board for plan review.

The Board discussed the parcel and the conceptual applicant ideas with Keith Weston, and Richard Proulx, Jr. answered any questions the Board had. The Board clarified what the applicant would need to present and the requirements for the proposed plan.

## **ADJOURNMENT**

With no further business, Member Kelley made the motion to adjourn at 9:30 p.m.; Vice-chair Lemos seconded the motion. The motion carried unanimously, seven (7) to zero (0) in favor.

Respectfully submitted,

AuBriana Morency, Temporary Staff