



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

**THURSDAY JUNE 16, 2011
7:00 p.m.**

MEETING MINUTES

*** The Board considered the Minutes for Review and Approval following Item #7**

PRESENT:

John Huckins, Chair
Alan Kelley, Vice-chair
George Calef
Anthony Gaudiello
Edward Lemos, DVM
David Vincent
Stephen Jeffery- Alternate

ABSENT:

Michael Clark, Ex-officio
Jacqueline Kessler- Alternate
Steve Oles- Alternate

STAFF:

Constance Brawders, Town Planner

GUESTS:

Jason Pohopek; 669 Parker Mountain Road; Barrington
Susan Rice; 409 Franklin Pierce Hwy; Barrington
Sara Pollock; 367 Packers Falls Rd; Durham, NH 03824
Scott Calitri; 125 Longmarsh Road; Barrington
Atty. Gregory Wirth; 100 Main St; P.O. Box 2209; Dover, NH
03820
Atty. Jae Whitelaw; Mitchell Municipal Group, P.A. 25 Beacon St
East; Laconia 03246
Atty. Steven Whitely; Mitchell Municipal Group, P.A.

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

CALL TO ORDER

Chair J. Huckins called the meeting of the Barrington Planning Board to order at 7:10 p.m.

ROLL CALL

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

MINUTES REVIEW AND APPROVAL

* The Board considered the Minutes for Review and Approval to follow Item #7

Vice-chair A. Kelley moved to move the June 2, 2011 Public Hearing Minute to follow Item #7. Planning Board member E. Lemos seconded the motion, which carried with a vote of six (6) - zero (0) in favor with one (1) abstain.

Vice-chair A. Kelley moved to move the June 9, 2011 Meeting Minute to follow Item #7. Planning Board member E. Lemos seconded the motion, which carried with a vote of six (6) - zero (0) in favor with one (1) abstain.

1. Approval of June 2, 2011 Public Hearing Minutes.

Planning Board member G. Calef moved to approve the June 2, 2011 public hearing minutes. Member E. Lemos seconded the motion, which carried unanimously with a vote of six (6) - zero (0) in favor.

2. Approval of June 9, 2011 Meeting Minutes.

Vice-chair A. Kelley moved to approve the June 9, 2011 meeting minutes with minor changes. Member G. Calef seconded the motion, which carried with a vote of four (4) - zero (0) in favor, with two (2) abstain.

STAFF COMMUNICATIONS

AND

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

3. Introduction of Jae Whitelaw and Steven Whitely, Town Attorneys.
4. Review of Subdivision Rules and Regulations and Site Plan Rules and Regulations.

Chair Huckins asked that the Board consider for discussion at a future public hearing, deleting under Article 16-Drainage, Erosion & Sedimentation Control Standards, 16.2-Design Standards for Erosion and Sedimentation Control, paragraph 10 "...by the Stafford County Conservation District". The Board is considering amending the article to include BMP's (Best Management Practices) as standards and stipulations.

ACTION ITEMS

5. **LL11/236 & 11/614 (Lot Line Adjustment and Subdivision for Todd Calitri & Jason Pohopek)** Request by applicants to adjust the line between Lot 20 (28 acre site) & Lot

20.1(2.4 acre site), adding 0.99 acres to Lot 20.1 increasing its area to 3.39 acres and to Subdivide a 3.15 acre back lot from Lot 20 creating one new lot and leaving 23.9+/- acres remaining with Lot 20, located at 267 & 269 Parker Mountain Road (Map 215 & 216/Lot 20 & 20.1) in the General Residential (GR), Highway Commercial Overlay (HCO) & Stratified Drift Overlay (SDA) Zoning Districts. Applicant: Pohopek Land Surveyors & Septic System Design, LLC, Jason Pohopek; 42 Flagg Road; Rochester, NH 03867

On June 2, 2011, the Planning Board voted to rescind the May 5, 2011 conditional approval for the first application for **Lot Line Adjustment and Subdivision for Todd Calitri & Jason Pohopek (LL11/234 & 11/613)**. A subsequent application reflecting a new site plan to accommodate the applicants' objective to relocate the building envelope for a residential structure was presented on June 2, 2011 as **LL11/236 & 11/614 - Lot Line Adjustment and Subdivision for Todd Calitri & Jason Pohopek**. At the June 2 meeting the Planning Board concurred the new application (**LL11/236 & 11/614**) did not meet the Zoning Ordinance. Board members referred to RSA 676:5 Appeals to the Board of Adjustment-III and indicated the applicant should consider all options available in pursuing this application and continued the case to first Planning Board public hearing in August.

Town Counsel Jae Whitelaw and Steven Whitely (Mitchell Municipal Group, P.A.; 25 Beacon St East; Laconia, NH 03246) this evening considered the ambiguity between the Town of Barrington Zoning Ordinance, Article 4-Dimensional Requirements, 4.1-General Provisions, paragraph 3-Back lots and the Town of Barrington Subdivision Regulations, Article 14-General Design Standards, 14.2.4-Back lots Permitted, paragraph 5.

Counsel interpreted the Zoning Ordinance to read that once a back lot subdivision had been created, that back lot may not be further subdivided. However, under the Doctrine of Administrative Gloss, which addresses ambiguity in a Zoning Ordinance, if the Board has been consistently interpreting and acting on the ordinance as though it had a particular meaning over the years, then, in effect, that interpretation the Board has been making (the "administrative gloss") becomes the binding interpretation of the zoning ordinance. This interpretive provision may only be changed by the Court or by the Town at Town Meeting.

As the Planning Board could only consider the applicants' proposal at a public hearing and this case was continued to the first public hearing in August, no decision for approval regarding the subsequent application could be made at this time. The applicants' petitioned the Board to move the date and time of meeting to July 7, 2011. Additionally, the applicants' asked for consideration of fee waiver due to complicity by the Planning Board. The Land Use office will note the change of date and time specific for the continuance of this case, moving it up from the August public hearing to July 7, 2011 on the notification to abutters and notification in a newspaper of general circulation.

Planning Board member T. Gaudiello motioned for an advisory vote to consider waiving additional application fees. Member G. Calef seconded the motion, which carried unanimously with a vote of six (6) - zero (0) in favor.

With no further comment the Board moved on to consider the next plan for review.

6. **SR11/392 (Millo's Pizza)** Request by applicant for minor site plan revision to increase the number available parking spaces from 34 to 49, and remove and pave internal islands and add catch basin grates to existing infiltration basins on a 2.26 acre site located at 575 Franklin Pierce Highway (Map 238, Lot 07) in the Village (VD)

and Stratified Drift Aquifer Overlay (SDA) Zoning Districts. Applicant; Haight Engineering, PLLC, Stephen J. Haight; 181 Watson Road; Dover, NH 03820.

Planning Board members D. Vincent and G. Calef recused.
Alternate Stephen Jeffery delegated to Planning Board.

Plans were distributed to the Planning Board with technical review of plans completed by Town Planner C. Brawders. The drainage report and site plan are to be sent to the Town's Consulting Engineer, Dubois & King, Inc. (18 Constitution Dr; Suite 8; Bedford, NH 03110) for third party review.

Planning Board member E. Lemos motioned for approval to send the drainage report and site plan to the Town's Consulting Engineer, Dubois & King, Inc., for third party review. Member T. Gaudiello seconded the motion, which carried unanimously with a vote of six (6) - zero (0) in favor.

There were no comments from the Road Agent, Peter Cook nor did Police Chief, Richard Conway.

Outstanding issues to be addressed by the applicant under minor site plan review:

- Title Box-please add: 575 Franklin Pierce Hwy and Map 238/Lot 7.
- Please add: Locus /vicinity map to drawing showing the 1000 foot radius surrounding the site.
- Please add: Certification Block (for engineer or surveyor).
- Correct Note #2 on plan-Zoning District to read: Town Center (TC) and Stratified Drift Aquifer Overlay (SDA).
- Update Note #4-effective FEMA map dates are 05/17/2005.
- Also note the location and elevation of 100 year flood zone per FEMA Flood Insurance Study.
- There is no deed reference shown on the plan.
- Please see Note #14-please provide the copy of the well agreement &/or easement.
- Please clarify if there is a proposed new well site; show on plan.
- Please provide the permit approval numbers for well and septic under NHDES.
- Please provide the design detail for the bio-retention basin as referenced on plan.
- Please show dimension the 15 ft set back at left side of building/parking lot.
- Please dimension the overall pavement width.
- See error on plan at Map 238/Lot 39. Owner should be Cobalt Properties, not Doan Ruggles.
- Two-foot contours should be shown on plan. If there is intent to request a waiver, please provide waiver for the Board's consideration.

WAIVER REQUEST: The applicant has presented one waiver request for Town of Barrington Site Plan Regulations under Article 4.9.7-Landscaping in Parking Lots, paragraph 1) Interior Landscaping Standards "to allow the interior islands to be paved over to allow better traffic flow around the site and to allow an increase of parking spaces".

7. **SR11/393 (Stonehill Professional Building)** Request by applicant for minor site plan approval to amend site plan SR05/291 to modify the parking plan & location of dumpster, located at 333 Calef Hwy (Map 235, Lot 13) in the Regional Commercial (RC) and Stratified Drift Aquifer Overlay (SDA) Zoning Districts. Applicant: Town of Barrington; John Scruton, Town Administrator; 137 Ramsdell Lane; Barrington, NH

Planning Board members D. Vincent and G. Calef returned to the Board.

Plans were distributed to the Planning Board with technical review of plans completed by Town Planner C. Brawders.

Outstanding issues to be addressed by the applicant under minor site plan review:

- Please provide a letter of authorization from the owner.
- Please provide current deed.
- Please sign the application agreement.
- See Note #5-Please verify name of owner and add 125 Holdings, LLC; 47 Ossipee Mountain Rd; Moultonborough, NH 03254 to the Abutters List.
- Please see Note #3 and update map to read Map 235.
- Note # 4-site is located in Regional Commercial (RC) and Stratified Drift Aquifer Overlay (SDA) Zoning Districts.
- Please see Note #6-please update effective FEMA Maps on file as 05/17/2005.
- Also note the location and elevation of 100 year flood zone per FEMA Flood Insurance Study.
- Please see Note #16-Map is 235.
- Title Box: Please correct Tax Map to read Map 235, (Map 233 is given) and please update Route 125 to read 333 Calef Hwy.
- Please update site plan to show NH Route 125 to reflect Calef Hwy.
- Please correct typo at abutter Map 223/Lot 27-1-B: TIMOTHY.
- Please identify the name of the Private Drive on site plan.
- Please add: Locus /vicinity map to drawing showing the 1000 foot radius surrounding the site.
- Please contact a wetland scientist to discuss verification and stamping of the new plan. If there is intent to request a waiver, please provide waiver for the Board's consideration.
- Two-foot contours should be shown on plan. If there is intent to request a waiver, please provide waiver for the Board's consideration.

WAIVER REQUEST: The applicant has presented one waiver request to waive the requirements of Town of Barrington Site Plan Regulation, 2.4 Pre-Application Submission for Design Review, 2.4.2 Submission Items, paragraph 4) application fee as this is a Town of Barrington interdepartmental application.

ADJOURNMENT

With no further business, Planning Board member D. Vincent made the motion to adjourn at 9:05 p.m. Member T. Gaudiello seconded the motion. The motion carried unanimously, seven (7) in favor to zero (0) against.

Respectfully submitted,
Constance M. Brawders, Town Planner