



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

THURSDAY NOVEMBER 10, 2011

7:00 p.m.

MEETING MINUTES

*Items #1 & #2 to be heard before Item #9

*Item #8 to be heard ahead of Item #7

PRESENT:

John Huckins, Chair
Alan Kelley, Vice-Chair
Anthony Gaudiello
Edward Lemos, VMD
Michael Clark, Ex-officio
George Calef
Stephen Jeffery-Alternate

ABSENT:

David Vincent
Jacqueline Kessler, Alternate
Steven Oles, Alternate

STAFF

Constance Brawders, Town Planner
Gregory Jones, Transcriptionist

GUESTS:

Mark Nicholas; 1400 South Willow Street; Manchester, NH 03103
Jeffery Nicholas; 1400 South Willow Street; Manchester, NH 03103
Richard Proulx;
Anne Melvin; Barrington Conservation Commission
JoAnne Miller; Nottingham
Holly Grant; Barrington

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

ROLL CALL

Chair John Huckins called the October 13, 2011 meeting of the Barrington Planning Board to order at 7:00pm.

Chair J. Huckins delegated alternate member S. Jeffery for D. Vincent.

MINUTES REVIEW AND APPROVAL

Vice-Chair A. Kelley motioned to move the minutes review and approval to the end of the meeting. A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

1. Approval of October 27, 2011 Regular Meeting Minutes.

The Board returned to approval of meeting minutes.

G. Calef motioned to approve the regular meeting minutes of October 27, 2011 as amended. E. Lemos seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Ex-officio motioned to re-affirm

2. Approval of November 3, 2011 Public Hearing Minutes.

E. Lemos motioned to include a copy of the “Master Document” as posted for the November 3, 2011 meeting, to the November 3, 2011 minutes. A. Gaudiello seconded the motion which passed with a vote of six (6) in favor, zero (0) against, and one (1) abstention.

Vice-chair A. Kelley motioned to approve the Public Hearing minutes of November 3, 2011 as amended. E. Lemos seconded the motioned which passed with a vote of six (6), to zero(0), to one (1) abstention.

CASES FOR CONTINUANCE

No Requests for Continuance.

PRELIMINARY CONCEPTUAL REVIEW

- 3. SR11/401 (Liberty International Trucking of Barrington) Request by applicant for a Preliminary Conceptual Review to present a proposal to place a temporary 4ft x 50ft banner for sixty days on an 8.29 acre site located at 134 Pierce Road (Map 263, Lot 18) in the Regional Commercial (RC) Zoning District. Applicant: Mark Nicholas, 1400 South Willow Street; Manchester, NH 03103.**

Mark Nicholas, owner of Liberty International Trucks of New Hampshire LLC, approached the Board to request a Preliminary Conceptual Review to seek permission to place a temporary 200 square foot banner for sixty days on the site located at 134 Pierce Road. Nicholas explained that Liberty International is in the process of locating to Barrington and wished to utilize the temporary sign to advertise.

The Board agreed that under Site Review section 5.7.3 paragraph 2, the temporary sign can be granted however a waiver request would be required to extend the placement of said sign from 30 days to 60 days. The Board advised the applicant that a public hearing would be required and a sign permit must be submitted to the Land Use department and approved by the Planning Board. The Board advised the applicant to submit the applicable permit applications to the Land Use Department and agreed that covering the properties existing sign to advertise the business in the meantime is permissible.

4. **SR11/402 (The Yellow Dog's Barn)** Request by applicant for a Preliminary Conceptual Review to present a proposal to construct a new building on a 1.16 acre site (Map 271, Lot 71) in the Regional Commercial (RC) Zoning District. Applicant: Holly Grant, 136 Old Concord Turnpike, Barrington, NH 03825.

Applicants Holly Grant and JoAnne Miller, owners of The Yellow Dog's Barn, approached the Board with a request for Preliminary Conceptual Review to present a proposal to construct a new building and install new fencing for animal play and Boarding areas. The Board agreed that the green-belt buffer on the property should be protected as much as possible during the construction of a temporary driveway, construction details for the proposed structure would need to be submitted and an approved septic design would be required in case an existing system fails. The Board advised the applicants that the NH Department of Transportation would be contacted for access off a State roadway and that the Barrington Fire Department would require suitable access with regard to the separation of buildings.

5. **(Captain Hutch)** Request by applicant for a Preliminary Conceptual Review to present a proposal to enclose a small entrance-way on a 2.59 acre site located at 1203 Calef Hwy (Map 271, Lot 71) in the Regional Commercial (RC) Zoning District. Applicant: E A Bush, LLC, 1203 Calef Hwy, Barrington, NH 03825.

The Board agreed that proposed project does not require Site Review.

6. **SR11/403 (Barrington Community Child Center)** Request by applicant for a Minor Site Plan to change age and number of children on a 2.81 acre site, located at 477 Franklin Pierce Hwy in the Village District (VD) Zoning District. Applicant Rick Drew; 38 Parker Mountain Road, Barrington, NH 03825.

Planner Brawders stated that the applicant is not yet prepared to come before the Board.

ACTION ITEMS

Vice-Chair A. Kelley motioned to move agenda Item #8 ahead of agenda Item #7. E. Lemos seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

7. **Town of Barrington Planning Board Text Amendments** – Text Amendments and Revisions To Subdivision and Site Plan Review Regulations are to be presented for consideration and vote.

A. Gaudiello presented the Board with the Sub-Committee on Rules of Procedure (CRoP) meeting minutes of October 27, 2011 for review and re-affirmation of contextual substance therein.

G. Calef motioned to receive and re-affirm the CRoP vote as stated in #1 of the October 27, 2011 CRoP meeting minutes. Ex-officio M. Clark seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Ex-officio M. Clark motioned to receive and re-affirm the CRoP vote as listed in Item #4 of the October 27, 2011 CRoP meeting minutes. E. Lemos seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Ex-officio M. Clark motioned to receive and re-affirm the CRoP vote as listed in Item #5 of the October 27, 2011 CRoP meeting minutes. G. Calef seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Planning Intern Dan Brown presented the Board with the additional text-amendments as listed in the "Master Document" as amended on November 10, 2011 for the Boards consideration and Vote in preparation for the Board December 1, 2011 public hearing. Planner Brawdres informed the Board that the current text-amendments must be publicly posted during the week of Saturday, November 19, 2011 in order to be considered for the December 1, 2011 public hearing. Any changes to the additional proposed text-amendments must occur before or on the November 17, 2011 in order to adhere to posting requirements.

G. Calef motioned to accept Item #1 of the November 10, 2011 amended "Master Document" as presented. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

E. Lemos motioned to amend Item #2 of the November 10, 2011 amended "Master Document" by replacing the word "*shall*" with the word "*should*". Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

A. Gaudiello motioned to amend Item #3 of the November 10, 2011 amended "Master Document" by stating "*New materials shall be submitted to the Board a minimum of fifteen (15) days prior to a meeting where new materials are to be considered.*" E. Lemos seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Vice-chair A. Kelley motioned to amend Item #4 of the November 10, 2011 amended "Master Document" by stating "*A utilized cost estimate shall be submitted for approval to the Planning Board's agent and Town Counsel*". E. Lemos seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Vice-chair A. Kelley motioned to amend Item #5 of the November 10, 2011 amended "Master Document" by removing all references to the "*Board of Selectmen*" and replacing it with "*Planning Board's agent*". Ex-officio M. Clark seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

E. Lemos motioned to amend Item #6 of the November 10, 2011 amended "Master Document" by removing all references to the "*Board of Selectmen*" and replacing it with "*Planning Board's agent*". Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

E. Lemos motioned to amend Item # 7 of the November 10, 2011 amended “Master Document” by removing the words “Board of Selectmen” and replacing it with “Planning Board’s agent”. Vice-chair A. Kelley seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Ex-officio M. Clark motioned to accept Item #8 of the November 10, 2011 amended “Master Document” as presented. E. Lemos seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

E. Lemos motioned to accept Item #9 of the November 10, 2011 amended “Master Document” as presented. A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

8. Discussion of draft fluvial Hazard Overlay District for presentation by Conservation Chair, John Wallace and member Anne Melvin.

Conservation Commission member Anne Melvin approached the Board and presented further information which was requested by the Board pertaining to the Conservation Commission’s Draft Fluvial Hazard Overlay District (FHOD) proposed zoning update (available at the Land Use Department). She requested that the Item under advisement and presented to the public with the Planning Board’s recommendation.

After review of the FHOD, the Board agreed to amend the following regulatory language to read as follows:

18.6 Appeals

1. If a landowner disputes his land being in the FEH zone, the Planning Board or its designation agent can obtain the services of the NH Geological Survey (NHGS) for verification at no cost.

E. Lemos motioned to send public outreach notices to all landowners in Barrington with property abutting the Isinglass River informing them of a special public hearing to be held on December 8, 2011 at the Early Childhood Learning Center at 7:00 p.m. A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Melvin presented an informative public outreach letter template, generated by the Strafford Regional Planning Commission, pertaining to the FHOD. Melvin asked the Board to consider its use in notifying landowners abutting the Isinglass River up upcoming regulative updates.

Vice-Chair A. Kelley suggested and the Board agreed that the Sub-Committee on Rules of Procedure shall undertake the task of re-writing the public notice letter on behalf of the Board.

A. Gaudiello motioned to allow the transcriptionist to generate the Isinglass River abutters list and mailing materials. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

9. Discussion of Fisheye to waive fees to change location of driveway located at Young Road (Map 240, Lot 15.12)

Planner Brawders informed the Board that an investigation into this issue is underway. Chair J. Huckins advised that should the relocation of the driveway in question impact the buffer to on-site wetlands, formal review by the Board and a special use permit would be required pursuant to Section 9.6 of the Zoning Ordinance.

A. Communications Received

B. Reports of Officers or Other Committees

A. Gaudiello informed the Board of the CRoP meeting minutes of November 10, 2011 and requested that they be circulated and attached to the minutes of the Board for review of zoning amendments. A Zoning Articles line Item is to be added to the agenda.

C. Report from Planner

Reminder to Planning Board:

- Citizens Petition due between November 14, 2011 & December 14, 2011
- Public Hearing Thursday December 22, 2011 & Second Public Hearing Tuesday January 3, 2012
- Waiver of school impact fee update

Planner Brawders informed the Board that the Town's legal counsel will be available at the next scheduled meeting to discuss school impact fees and urged members to think about other issues which may require further clarification and submit the information in writing for compilation.

- Update on Hearthside

Planner Brawders informed the Board that a draft easement was sent to the landowner which was drafted by legal counsel and steps are being taken to rectify the situation.

UNFINISHED BUSINESS

No unfinished business.

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

No other business.

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

E. Lemos motioned to hold a special meeting with the Town legal counsel on November 17, 2011 at 6:00 p.m. at the Early Childhood Learning Center. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Respectfully submitted,

Gregory M. Jones

Transcriptionist

Attachment #1

Committee on Rules of Procedure:

Topics for review 10-27-2011

Alan, will you connect with the office and have an agenda posted for us?
Here's my suggestion.

Barrington Planning Board
Committee on Rules of Procedure

The Agenda will be

Time 6:45 PM
Place: School library
Barring Elementary School
570 Calef Highway
Barrington, NH

- A) Inaugural issues and committee set up.
- B) ROP on amendments to SubD, Site R
- C) ROP on recommendations for amendments to Zoning
- D) Other Business

Consent Minutes of the
Committee on Rules of Procedure (CRoP)
October 27, 201

Members & Roll Call :

Alan Kelly, Vice Chairman, and Chair of the (CRoP) (Present Absent)

Edward Lemos, VMD Member (Present Absent)

A.M. Gaudiello, Member (Present Absent)

By appointment of the Chair A. Gaudiello will serve as recording secretary.

Item #1 The Chair and powers of the Chair

Discussion: By previous action of the full board the chair of the CRoP shall be the Vice Chair of the Planning Board. The Chair of the CRoP shall:

- Call meetings of the Committee;
- Prepare and distribute through the Planning Office agendas for the meeting;
- Assure the keeping of minutes
- Report the recommended actions of the Committee to the full Board as appropriate;
- And shall do those things as deemed necessary by the Committee to the effective functioning of the Committee.

Motion: A motion to delegate the powers of the Committee to control and direct a portion of its powers and duties to the Chair of the CRoP. The chair shall have specific

delegated authority to call meetings of the Committee; prepare and distribute through the Planning Office agendas for the meeting; assure the keeping of minutes, report the recommended actions of the Committee to the full Board as appropriate; and shall do those things as may deemed necessary to the effective functioning of the Committee.

Action: Motion (**Passed** / Failed / Tabled) by a vote of (Voting Yes AK,EL,AG) – (Voting No -0)

If tabled: Indefinite Call of a member Until Date_____

Item: #2 Adopting a Statement of Purpose and Values for the Committee

Discussion: The attached list of values previously presented to the full Board for consideration is here presented to be adopted as a part of the Rules of Procedure. It is fitting that the committee charged with making the first drafts of procedures for the full Board’s consideration make public the principles and values that inform their processes.

Motion: The Principles and Value Statement is forwarded to the full Board with the recommendation that it be adopted by the Board and made a part of the prolog statement of the Rules of Procedures.

Action: Motion (**Passed** / Failed / Tabled) by a vote of (Voting Yes AK,EL,AG) – (Voting No -0)

If tabled: Indefinite Call of a member Until Date_____

Item: #3 Additional function of the Committee on Rules of Procedure:

Discussion: The Board voted to establish a committee on amendments and it was defined and described in terms conforming to the existing Committee on Rules of Procedure. We interpret this as an additional function of the Committee on Rules of Procedure and have taken up the task of defining certain elements of the process in this the inaugural session. We should confirm this action as being the will of the full Board by a motion to reaffirm the vote of August 4, 2011 and our construction of that vote. .

Motion: The chair of the committee on rules of procedure shall make the following motion at the full board meeting. “Without objection, the committee on Rules of Procedure undertake the role of a committee on amendments as voted on August 4th last.”

Action: Motion (**Passed** / Failed / Tabled) by a vote of (Voting Yes AK,EL,AG) – (Voting No -0)

If tabled: Indefinite Call of a member Until Date_____

Item: #4 The role and/or roles of the Committee on Rules of Procedure:

Discussion: Having formally established a Standing Committee on “Rules of Procedure” for the Planning Board, and in August 2011 also establishing a Committee on Amendments with the identical structure, it is considered appropriate to for the full board to establish, adopt and assign a written charge embracing both functions and to establish expectations and to provide direction and guidance.

The Committee respectfully suggests, and **MOVES** the following wording:

Recommendations to amend “The Rules of Procedure” adopted by the Planning Board are to be considered by the Committee as may be necessary to maintain their currency and accuracy. Upon consideration by the Committee they will be reported to the Full Board for consideration and vote. Further, to the extent that it is within the power of the Planning Board to effect change in the Regulations governing Site Review, Subdivision, and the Zoning Ordinance, the Committee shall review and make initial drafts of any suggested changes. Accordingly the Committee shall:

- 1) Take under review the actions, processes and regulatory structures of the board for the continuous improvement of the procedures of the Planning Board;
- 2) Receive subject referrals and study topics from the Planning Board for review and study. It is expected that the full range of Board Activities, from the processes of application review to the maintenance of the regulations, may be submitted for initial consideration. However, applications which are submitted for approval under Site Review or Subdivision are excluded from referral for study and review being the assigned function of the Planning Board as a whole.
- 3) Maintain orderly and complete records of its activities.
- 4) The results of such studies and reviews will be reported, with draft presentations or proposals as appropriate, to the full Planning Board for consideration and action as the full Board shall deem appropriate.

Action: Motion (Passed / Failed / Tabled) by a vote of (Voting Yes AK,EL,AG) – (Voting No -0)

If tabled: Indefinite Call of a member Until Date _____

Item: #5 Procedures for the Amendment of Regulations and recommendations for amendment to Zoning Ordinance.

Discussion: The constant interaction of the Board’s function and the code of regulation and the Zoning Ordinance can and should be a constant review and revision mechanism for the Regulations and Ordinances by the Planning Board. The review and revision process could then be a function that simultaneously applies and reviews the language, form, and continued appropriateness of those Regulations and Ordinance.

From time to time that function may bring forth observations that serve to correct, improve or extend those regulations and/or the Zoning Ordinance. Such items from the Subdivision and/or the Site Review Regulations can be and should be remarked upon in the minutes. From those recorded observations, and such other methods as may be employed, the Committee on Rules and Procedures shall draft statements that “realize” the intent of the recorded observation. These drafts will be forwarded to the full board for their review.

Upon receipt of the “drafted” recommendations of the CROP the board may act to table the matter or act upon the matter. If the full board acts upon the matter it will perfect the language of the CROP recommendation, vote to accept the language and vote the matter as a “postable amendments.” A postable

amendment is one that is cast into the form and content to be presented to the Public and be filed as such. At such times as the board may direct these “postable amendments” shall be aggregated into a :”Legal Notice” and in conformity with RSA 676:7 be presented at a Public for adoption, revision or rejection.

Such items from the Zoning ordinance are accumulated in the same manner. However, those items are formulated and Noticed in accord under the methods dedicated by the formal processes for amending the Zoning Ordinance.

Action: Motion (**Passed** / Failed / Tabled) by a vote of (Voting Yes AK,EL,AG) – (Voting No -0)

If tabled: Indefinite Call of a member Until Date_____

Item: #6 Amend the meeting day and time:

Discussion: For reasons broadly discussed at the meeting of the full Board having to do with effectiveness and convenience it is proposed to alter the meeting day and time. As the change has already been voted by the full board, the CROP intends by this mention to note that action in the record of the CROP proceedings. Further, we suggest the following as the final language of the ROP Amendment.

Motion: Recommend to Full Board that effective for the year 2012 the meetings of the Planning Board shall take place at 6:30 PM at the ELC unless otherwise noticed.

Action: Motion (**Passed** / Failed / Tabled) by a vote of (Voting Yes AK,EL,AG) – (Voting No -0)

If tabled: Indefinite Call of a member Until Date_____

Item: #7 Language clarification:

Discussion: Notices means that the form and wording of an Item that has been Notices as set forth in RSA 676:7 shall be unalterable until it is taken up at the public meeting for which it was “Noticed.”

Motion: Moved as per discussion.

Action: Motion (**Passed** / Failed / Tabled) by a vote of (Voting Yes AK,EL,AG) – (Voting No -0)

If tabled: Indefinite Call of a member Until Date_____

Respectfully submitted by the Recording Secretary.

End of consent minutes 20111027