



**BARRINGTON PLANNING BOARD MEETING  
EARLY CHILDHOOD LEARNING CENTER  
77 RAMSDELL LANE  
BARRINGTON, NH**

**TUESDAY MARCH 6, 2012  
6:30 p.m.**

**MEETING MINUTES**

- PRESENT:** John Huckins, Chair  
Alan Kelley, Vice-Chair  
Anthony Gaudiello  
George Calef  
Steven Oles, Alternate  
Stephen Jeffery, Alternate  
Jackie Kessler, Alternate
- ABSENT:** Michael Clark, Ex-officio  
Dave Vincent – Resigned  
E. Lemos - Resigned
- STAFF** Constance Brawders, Town Planner  
Greg Jones, Transcriptionist
- GUESTS:** Jason B. Pohopek; Pohopek Land Surveying & Septic System Design, LLC;  
42 Flagg Road, Rochester, NH 03839  
Michael J. Sievert, P.E., MJS Engineering, P.C.; 5 Railroad Street,  
Newmarket, NH 03857  
Barry Gier, PE; Jones & Beach Engineering, Inc., 85 Portsmouth Avenue,  
Stratham, NH 03885  
Scott Mitchell;  
John Mello; Barrington  
Dale Fallon; 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 March 6, 2012 Public Hearing of the Barrington Planning Board to order at 6:30pm.

Chair J. Huckins delegated alternate member S. Jeffery for E. Lemos and S. Oles for D. Vincent.

### **MINUTES REVIEW AND APPROVAL**

**Vice-Chair A. Kelley motioned to move the review and approval of minutes to the unfinished business portion of the agenda. S. Oles seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.**

#### **1. Approval of February 14, 2012 Public Hearing Meeting Minutes.**

See unfinished business.

#### **2. Approval of February 21, 2012 Public Hearing Meeting Minutes.**

See unfinished business.

### **CASES FOR CONTINUANCE**

- 3. SR11/399 (Glass Lane Biznis Store)** Request by applicant to construct a three-tenant office building on a 2.9 acre site located at 6 Glass Lane (Map 270, Lot 34) in the Regional Commercial (RC) and Stratified Drift Aquifer Overlay (SDA) Zoning Districts. Applicant: Mathew Jensen; 94 Blake Road; Epping, NH 03042

*Request by applicant to continue to the April 3, 2012*

Planner Brawders informed the Board that the applicant is currently working to address existing drainage issues and has requested continuance to the April 3, 2012 meeting of the Board.

**Vice- Chair A. Kelley motioned to grant the applicant's request for continuance to the Board's April 3, 2012 Public Hearing. S. Oles seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.**

### **ACTION ITEMS**

- 4. SR12/406 (Midpoint Properties, LLC)** Request by applicant for a Conditional Use Permit and to construct a warehouse and office addition on a 4.77 acre site located at 219 Old Concord Turnpike (Map 270, Lot 49) in the Regional Commercial (RC) Zoning District. Applicant: Michael J. Sievert P.E., MJS Engineering, P.C.; 5 Railroad Street, Newmarket, NH 03857

S. Oles informed the Board and members of the public that he has a professional relationship with the applicant.

Michael Sievert approached the Board to discuss plan updates, incorporated conformance measures since the application was last reviewed by the Board, and to present responses to the February 3, 2012 Technical Review by the town's third party engineering consultant (Dubois & King, Inc.; 28 North Main Street, Randolph, VT 050600), Land Use Department Routing Sheet comments and the Planner's review.

Sievert informed the Board that his responses have been submitted to Dubois & King and he is awaiting further correspondence. In order to keep the Board informed prior to receiving this response, Sievert informed them of the following:

- Additional paved parking areas have been incorporated.
- Additional handicapped parking spaces have been incorporated.
- Turning movement depictions for tractor trailer trucks has been shown on the plan.
- On-site wetlands have been re-delineated and a Certified New Hampshire Wetland Scientist's stamp will be added to the plan.
- Well connections to the on-site structures have been added to the plan.
- A fire protection analysis for the building has been completed.
- An agreement with the Fire Department has been made relative to the use of either a Dry Hydrant fire protection system (utilizing either an on-site pond or one to the west of the property) or Cistern alternative. Bonding to be pursued to ensure installation.
- Revised and re-calculated lighting plan to show compliance with municipal requirements.
- Clarification on drainage modeling and outlet placement/design and associated plan amendments have been submitted to Dubois & King for review.
- Clarification on outlet control device/clean out control device has been submitted to Dubois & King for review pertaining to the proposed rain garden.
- NHDOT permitting is in progress and will be noted on final plans.
- Bollards or other protective structures for on-site gas meters/utilities will be installed and shown on plans.
- A traffic report has been submitted with the application which shows existing and projected traffic patterns and volume.
- Material Safety Data Sheets have been submitted as well as elevation drawings of the proposed buildings.
- Owner signature has been added and Planner's comments have been addressed.
- The existing septic system is sufficient to accommodate both the current and proposed uses.

A letter dated March 5, 2011 from Mr. John Mello (198 Old Concord Turnpike; Barrington, NH 03825) was submitted for review. The letter asserts that a nuisance floodlight exists on the subject parcel creating light pollution which impacts his property. The applicant agreed to install a down-shield light fixture to address the concern and add a note to the plan to ensure completion.

A discussion ensued regarding the potential for waiver of pavement requirements for a portion of the on-site parking. Currently, town regulations would require that the area be paved, however due to the desire for protection of proximate wetlands, the Board agreed that waiving this required pavement may be appropriate in this circumstance.

The Board agreed that in order to proceed with a formal vote on this application, the town's third party engineer's correspondence will be required for review. Sievert stated that the majority of required amendments and materials to be gathered can be addressed expeditiously and requested the Board continue his application until the Board's March 20, 2012 meeting.

**A. Gaudiello motioned to continue the application until the March 20, 2011 meeting of the Board. S. Oles seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.**

5. **12/619 (The Oaks on 4)** Request by applicant to present a proposal for a four lot Subdivision, on a 16 acre site located at 172 Old Concord Turnpike (Map 270, Lot 66) in the Regional Commercial (RC) Zoning District. Applicant: Jason B. Pohopek, Pohopek Land Surveying & Septic System Design, LLC; 42 Flagg Road, Rochester, NH 03839

Jason Pohopek (Pohopek Land Surveying & Septic System Design, LLC; 42 Flagg Road, Rochester, NH 03839) approached the Board representing the Route 4 Oaks LLC for a four lot subdivision with two road frontage lots and two back lots at 172 Old Concord Turnpike. Pohopek informed the Board that he is part owner of the subdivision.

Pohopek stated that the plan calls for three residential lots and one mixed use lot subdivision on the 16 acre subject property. Pohopek presented the Board with a Request for Waiver of the Barrington Subdivision Regulations Article 17.1, Underground Utilities.

Pohopek reminded the Board that it accepted the application as complete on February 7, 2012. The Planners February 27, 2012 review letter indicated that the Board of Selectmen feel it is not in the best interest of the town to waive road construction standards, as requested by Pohopek in the event that a single access way were pursued instead of the current three access way design. In addition, the Planners February 27, 2012 review letter listed 19 outstanding items to be addressed by the applicant.

In response to the Planners February 27, 2012 review comments, Pohopek stated the following:

- Item # 1 has been addressed
- Item #2 has been addressed; *Road Frontage is 725.18'*
- Item #3 and #4 have been addressed
- Item #5, ZO 4.2.3 paragraph 1 has been met; *paragraph 4 and 5 do not apply*
- Item #6 has been addressed; *16.13 acres*
- Item #7; the water rights agreement still exists; *no plans to alter this portion of site*
- Item #8, #9 and #10 have been addressed.
- Item #11; *NH DOT permit numbers have not yet been acquired*
- Item #12; *NHDES Subdivision Approval Number(s) have not yet been acquired*
- Item #13; *A Request for Waiver of Subdivision Regulations Article 17.1- submitted*
- Item #14; has been addressed
- Item #15; has been addressed
- Item #16; this information based on the history of lot and NHDOT qualifications
- Item #17; *a note relative to drainage, erosion and sediment control added to plans*
- Item #18; *the comment applies to the single-access way option - abandoned*
- Item #19 will be adhered to

Chair J. Huckins opened up the meeting to public comment.

Dale Fallon approached the Board to express general concern over potential impacts associated with the mixed use lot considering the proximity of existing residential uses. Chair J. Huckins assured Mr. Fallon that the issue will be thoroughly reviewed during the towns Site Plan Review process.

Chair J. Huckins closed the meeting to public comment.

A discussion ensued regarding the potential for the applicant to seek a Variance to Article 4.1(2) of the Barrington Zoning Ordinance in order to reduce the number of access ways and improve

safety. The Board agreed that a letter in support of the Variance could be submitted to the Zoning Board of Adjustment. J. Pohopek stated that he would pursue said Variance but requested that the application be approved as currently submitted. Upon receipt of said Variance, the plan set would be properly amended before finalization. Additionally, Pohopek stated that he will likely submit a second Variance request in order to permit the proposed mixed use lot to be used as residential.

**S. Oles motioned to grant the applicant's request for waiver of Subdivision Article 17.1, Underground Utilities, as submitted. G. Calef seconded the motion which failed with a vote of three (3) in favor to three (3) against.**

As a result of the failed motion to waive the required underground utilities, the applicant shall install fully compliant underground utilities.

**S. Oles moved that the as-built plans not require the depiction of underground electrical conduit. A. Gaudiello seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.**

**S. Oles motioned to approve the application upon completion of the following conditions. 1) NHDES State Subdivision Approval is acquired and the Approval Number is shown on the final plan(s); 2) NHDOT Permits are acquired and Permit Number(s) are shown on the final plan(s); 3) all required site monuments are installed; 4) driveway easement language is accepted by town counsel; 5) utility easement language has been accepted by town counsel; 6) LCHIP submitted to the Land Use Office for the Registry of Deeds. 7) PDF final plan set is provided for the Land Use Office. G. Calef seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.**

**A. Gaudiello moved that the applicant not be required to come back before the Board, that the Chair be empowered to sign all necessary documents on the Board's behalf upon adherence to conditions of approval and receipt of applicant's conformance letter. G. Calef seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.**

6. **SR12/410 (Gas Station and Convenience Store)** Request by applicant to construct a 5,000 s.f. convenience store and gas station on a 1.84 acre site located at 491 Calef Highway (Map 238, Lot 4) in the Town Center (TC) and Stratified Drift Aquifer (SDA) Overlay Zoning Districts. Applicant: The Three Socios, LLC; 321 Lafayette Road; Unit D; Hampton, NH 03842

G. Calef recused from discussion.

Chair J. Huckins delegated J. Kessler for G. Calef.

Barry Gier (Jones & Beach Engineering, Inc., 85 Portsmouth Avenue, Stratham, NH 03885) approached the Board representing the applicant for a proposed 5,000 s.f. convenience store and gas station at 491 Calef Highway.

Gier stated that his team has supplied two new submittal packages to the Board for Review. The package submitted on February 14, 2012 addressed comments made by the town's third party engineering consultant as well as concerns posed by the Board at its last public hearing. Gier explained that the current plan calls for two (2) linear swales on either side of the parking area to be fitted with an impermeable liner and catch basin capable of capturing hydrocarbons in the case of a

spill. This measure was implemented due to concerns posed by the Conservation Commission, members of the Board and public of potential impacts to the surrounding aquifer.

In response to the March 6, 2012 review letter from the town's third party engineering consultant (Dubois & King, Inc.; 28 North Main Street, Randolph, VT 050600) Gier offered the following responses:

- Item #1 – *The project has received septic approval from NHDES Subsurface Bureau*
- Item #2 – *UST will be relocated in a suitable location outside of side setback*
- Item #3 – *Do not anticipate cueing issue – will restrict spaces to employees only*
- Item #4 – *A truck turning plan has been submitted*
- Item #5 – *Working with NHDOT for most suitable solution – working to limit cueing*
- Item #6 – *Drainage treated within detention ponds/no pre-treatment proposed*
- Item #7 – *not applicable*

Gier offered the following responses to the Planner's February 27, 2012 technical review letter.

- Item #1 – *Wetland Scientist stamp/signature are located on Existing Conditions Plan*
- Item #2 – *The NHDOT permit for this project is currently pending*
- Item #3 – *The existing lot is a lot of record. No subdivision is proposed*
- Item #4 – *A note has been added to the plans; see Sheet C4, Notes 26*
- Item #5 – *The requested references have been added to sheet C4 Notes 26, 27 & 28*
- Item #6 – *A note to this effect has been added to the plans; see Sheet C4, Note 27*
- Item #7 – *A note to this effect has been added to the Cover Sheet, Sheet CS, Note #6*
- Item #8 – *No additional waivers are requested*
- Item #9 – *Sign permit will be addressed at a later date*
- Item #10 – *Revisions to landscape architect's numbers have been addressed*
- Item #11 – *A CD and PDF version of the plans has been submitted*
- Item #12 – *Applicant is aware of further correspondence with Dubois & King*

The Board expressed an interest in allowing the town's third party engineering consultant (Dubois & King, Inc.; 28 North Main Street, Randolph, VT 050600) time to review the applicant's responses to the March 6, 2012 Dubois & King technical review. The Board agreed that any future approval which may be granted to this project would be conditional upon final approval from NHDOT for access ways. The group agreed to continue the application to the next meeting of the Board on March 20, 2012.

**Vice-Chair A. Kelley motioned to continue the application until the March 20, 2012 meeting of the Board. S. Oles seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.**

#### **A. REPORT FROM PLANNER**

G. Calef returned to the discussion.

#### **7. Appointments to Planning Board**

Planner Brawdors presented the Board with a Planning Board Application for Appointment Request from Jason Pohopek for review. Brawdors reminded the Board that three vacant positions on the Board will need to be filled.

Chair J. Huckins informed the Board that he will not seek re-appointment as his term of service is ending in the near future.

**G. Calef motioned to recommend that the Board of selectmen accept the following Planning Board members and terms of service: 1) Steve Oles to a one (1) year term as a full member; 2) Jason Pohopek to a three (3) year term as a full member; 3) Steven Jeffery to a three (3) year term as a full member; J. Kessler to resume role as alternate members. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.**

**8. Discussions on temporary admit staff to retype and reformat Zoning Ordinance, Site Plan and Subdivision Regulations. Introduction of Dan Tatem of Stantec Professional Consulting Services**

Planner Brawdars presented the Board with proposals from prospective consultants regarding the potential re-working of the Barrington Zoning Ordinance, Site Plan and Subdivision Regulations. Brawdars presented with Board with correspondence from the Town Administrator asking the Board to make a decision on this matter expeditiously.

After some discussion the Board agreed that not enough time has been provided for review of the project in order to make an informed decision. The Board empowered Chair J. Huckins to inform the Town Administrator that the Board will address the issue at its next meeting and that the more costly alternatives for this project are likely not viable.

**9. Distribution to Planning Board of Chapter 236 Highway Regulation, Protection and Control Regulations and Memorandum of Understanding for coordinating Highway Access Management**

Planner Brawdars presented the Board with the Memorandum of Understanding for coordinating Highway Access Management between the New Hampshire Department of Transportation and the Town of Barrington and the 2008 Route 125 Corridor Management Plan for review.

**COMMUNICATIONS RECEIVED**

There were no other communications at this time

**REPORTS FROM OTHER COMMITTEES**

There were no reports from other committees at this time

**UNFINISHED BUSINESS**

**1. Approval of February 14, 2012 Public Hearing Meeting Minutes.**

**Vice-Chair A. Kelley motioned to approve the February 14, 2012 Public Hearing Meeting Minutes as amended. A. Gaudiello seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.**

**2. Approval of February 21, 2012 Public Hearing Meeting Minutes.**

**Vice-Chair A. Kelley motioned to approve the February 21, 2012 Public Hearing Meeting Minutes as amended. A. Gaudiello seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.**

**OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD**

There was no other business to be considered at this time.

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

The next meeting of the Board is scheduled for 6:30 p.m. on Tuesday, March 20, 2012 at the Early Childhood Learning Center.

**S. Oles motioned to adjourn the March 6, 2012 meeting of the Barrington Planning Board at 11:30 p.m. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.**

Respectfully submitted,

Gregory M. Jones  
Transcriptionist