



MEETING MINUTES
BARRINGTON PLANNING BOARD MEETING
Barrington Annex
(NEW LOCATION) 570 Calef Highway (next to Elementary School)
Tuesday July 9, 2013
6:30 p.m.

ROLL CALL

A. Kelley has brought the meeting to order at 6:33 pm

Members Present

Alan Kelley, Vice-Chair
Anthony Gaudiello
Dennis Malloy, Ex-officio
George Calef
Jackie Kessler
Jason Pohopek
Josh Bouchard

Alternate Members Present

Stephen Jeffery
Daniel Ayer

Town Planner Present

Marcia Gasses

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

MINUTES REVIEW AND APPROVAL

1. Approval of June 25, 2013 Meeting Minutes

G. Calef motioned to approve the minutes as written J. Kessler seconded. The motion carried unanimously.

ACTION ITEMS

2. Election of Planning Board officers.

G. Calef motioned to elect T. Gaudiello as the chairman of the board. J. Kessler seconded.

A. Kelley asked for further nominations. He saw none and further nominations ceased.

J. Pohopek asked for clarification on the vacant spot open on the board.

M. Gasses stated that the spot was no longer filled and she recommended that they simply move forward with the election of officers.

G. Calef motioned to elect T. Gaudiello as the chairman of the board. J. Kessler seconded.

J. Pohopek voted yes

G. Calef voted yes.

J. Kessler yes

D. Malloy yes

A. Kelley yes

A. Gaudiello-abstained

The motion carried unanimously.

G. Calef motioned and J. Pohopek seconded to nominate A. Kelley as vice chair. The motion carried unanimously.

3. **SR12/410 (Gas Station and Convenience Store)** Request by applicant to construct a 5,000 square foot 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 Overlay (SDA) Zoning Districts.

G. Calef recused himself from this discussion

M. Gasses explained to the board where the applicant was in the process. She explained that they had requested a continuance to August 6th.

A. Kelley said that they need to establish whether the application was accepted.

M. Gasses said that it was her understanding that the application was accepted with some minor issues.

A. Kelley asked M. Gasses to look into whether it was accepted as complete and whether they voted on the waivers.

S. Jeffery asked how long they could continue this if it was not accepted as complete.

T. Gaudiello opened the discussion to public comment.

George Calef requested that this item not be on the agenda until they notify abutters and it is posted in the paper

A. Kelley said that this was an application that has been continued so they have to continue it because the applicant had agreed to the renotification of the public.

J. Kessler asked if it was an accepted application and how many months do they have to keep continuing before it needs to be taken off the agenda.

M. Gasses said that it has not been approved so there is not time a line. She said that you can use reasonable judgement if you thought the application was going nowhere but they are clearly working on this.

T. Gaudiello said we are going to have to assume that they have accepted and also said that we have to assume that we have been knowledgeable continuing this case. He said that George was suggesting that they invent a new rule that there must be public notice even if you go on the agenda.

A. Kelley said that we cannot do that because we aren't even supposed to take public comment.

George Calef said he just thought it was unfair that people would have to come month after month to only find out that it was continued.

J. Pohopek said that on a few different occasions applicants have renotified after long spans of continuances. He thought what George was saying is that the applicant should renotify the public when they come back before the board.

T. Gaudiello said that the question is not whether they should renotify the public because they already agreed to do that, what the question is whether they should even appear on the agenda for an event that may just end up being stopped by the state once again.

George Calef wanted it noted that he thought that this wasn't right for the people who consistently show up for an item and get stood up.

T. Gaudiello did not think there was anything they could do for him but his position was noted.

J. Pohopek motioned to continue to August 6th, 2013. J. Kessler seconded The motion carried.

- 268-1& Additional Lots -GR-13-SUB (Gerrior Lane Trust)** Request by applicant to present a Section 9.6 application for Special Permit for Construction in wetland buffer, Subdivide and create 10 lots, construct approximately 990LF of roadway, a shared driveway and realign a portion of Saint

Matthews Drive located on Gerrior Lane and Matthews Drive (Map 268, Lots 1, 1.1, 1.2, 1.3, 1.4 & 1.5) in the General Residential (GR) Zoning District. By: Michael Sievert, P.E.; MJS Engineering, P.C.; 5 Railroad Street; Newmarket, NH 03857.

G. Calef returned to the table.

Michael Sievert introduced himself and the request for the subdivision. There is about 3,000 feet reduction in the road construction. He showed where on the plans. He also stated that there will be a small replacement and the reduction in the wetland impact from the original plan. The common driveway is going to be reduced from the original. There are a few buffer impacts between lots 3 and 4 for storm water management. He also said that there is a large chunk of conservation land some of which has changed but some is from the original plan. The entire north easterly part of the plan is proposed to go into conservation land which is about 33 acres. They went to a TRC meeting and made the changes.

J. Pohopek asked how many lots were being deducted from the original plan

Michael Sievert said there was a reduction of 12 lots just on the Barrington piece.

J. Pohopek asked about the conservation land additions.

Michael Sievert said that there is about 5-6 more acres and explained where the reconfiguration was with the new conservation land. The total open space now is proposed to be about 41 acres.

M. Gasses said that we have gotten a set of revised plans and it doesn't show that and there is a conservation easement that runs into some ones back yard. It is going to have to go through the attorney generals' office to get modified.

J. Pohopek asked if they received any comments from conservation commission.

T. Gaudiello asked for any further comment.

S. Jeffery asked for clarification on the common driveway.

Michael Sievert asked to go to sheet C4 and explained to the board where the common driveway was in lots 9 and 10.

J. Pohopek asked about the 20 foot wide driveway easement that seems to just be through lot 10. He asked if this was a conservation easement connector for access from one to the other.

M. Sievert said that there was a request at the TRC meeting to connect one open space to another open space, that is what he was referring to.

J. Pohopek asked if lots 9 or 10 were occupied by anybody.

Michael Sievert said that these were undeveloped lots.

M. Gasses said that the prior plan submitted actually did show the easement between lot 4 and lot 5 and it was confusing because they moved it to a different sheet. She suggested they move it to the recorded. She requested they change it where it states driveway easement to read access sheet to be recorded. She said that some road names are still missing. There is an existing home that is shown in the Heritage Lane right of way and this must be removed before plans are signed. The board will also need verification that the lots that will not be using a sprinkler are within 1,000 drivable feet of the cistern that exists.

J. Pohopek asked if there was going to be any discussion on whether this met the cul de sac regulations.

T. Gaudiello said as of presented now there were issues.

G. Calef said that Wood Road should be changed to Merry Hill Road on all plans.

John Wallace from the conservation commission said that they were very much in favor in terms of conservation. The removal of the conservation easement is going to be a long and involved process because of what it requires from the state. He also said that the access easement that connects the arrow head easement to the new proposed easement should be a part of the conservation easement because it allows for wild life corridor.

Terry Conroy wanted to talk about the issue of making access connecting from easement to easement because it will affect him. He saw two sets of drawings of plans on the town website. One showed it laid out with property to be conveyed which is an agreement that they came up with years ago. The other image he saw was with the 20 foot driveway easement from conservation to conservation and this had 40-50 feet conveyed to his property. The easement is going to have to be on the opposite side of the stream and he wanted to know what was going to happen with this property. The other thing he wanted to know was if the land to the east was in an easement currently or was at all possible to obtain more land to this side of his property.

M. Gasses said that one thing he needed to address with Michael was the lot line revision buffers would need to be applied to wetlands which would also impact Mr. Conroys lot.

T. Gaudiello asked if there was any paper work regarding the agreement that he was asking about.

Terry Conroy explained to the board the agreement that he signed off on where he lost land instead of gaining land.

M. Gasses stated that she printed out all the items that referenced the deeds on the plan and she saw in reviewing plans that it was approved but the deed was never actually created.

Michael Sievert addressed to Terry Conroy his question regarding whether a strip of land was in conservation before hand.

Paul House asked what was going to happen to Susan Lane. He also asked about the underground utilities located on the western side of the plan.

Michael Sievert explained that he did see the location of the utilities. They will not have to modify the right of way there but they may have to relocate some of those utilities. This will be something they are going to have to address. They have made it so the transformers won't have to be moved.

Jim Farnum wanted clarification on one of the buffers and then asked overall if there was more or less conservation land than before.

Michael Sievert explained where there was a strip of easement that was proposed to be removed and more than the amount of land was being added to the new conservation easement.

T. Gaudiello closed public comment.

S. Jeffery asked why on lot 10 the conservation easement can not be moved west of where it is proposed right now to align with the wetland buffer delineation.

John Wallace agreed with this request.

Michael Sievert saw no problem with this.

J. Pohopek asked where Terry Conroy's driveway is and where the access is now.

Michael Sievert explained on the plans where this was.

J. Pohopek said that if Mr. Conroy has concerns he should look at where his potential development will be so he can understand what he is getting and not getting in terms of land.

G. Calef motioned to accept the application as complete and send it to Dubois and King for review. The motion was seconded by J. Pohopek. The motion carried unanimously.

J. Kessler motioned to continue to August 6th. G. Calef seconded. The motion carried unanimously.

- 5. 260-20-GR/HCO-13-SP (Todd Calitri)** Request by applicant for a Section 9.6 application for Special Permit for Construction in wetland buffer 1,000 s.f. to wetland buffer and 720 s.f. to Isinglass River overlay District to build an addition on the existing dwelling located at 267 Parker Mountain Road (Map 260, Lot 20) in the General Residential (GR) and Highway Commercial Overlay (HCO) Zoning Districts. By: Jason Pohopek; Pohopek Land Surveyors & Septic System Design, LLC; PO Box 651; Barrington, NH 03825

J. Pohopek has recused himself from this application.

Jason Pohopek introduced himself and the application. He gave a little bit of history regarding this property. He explained what is existing now and how there is a cottage style home located completely within the buffer wetland. They also showed the associated buffers labeled as 100 foot prime wetland setback and the 100 foot reference line setback. They are seeking approval of a special permit for construction within the wetland buffer. As part of the proposed addition they are going to the ZBA. The new 1,348 square foot addition that is proposed does not encroach any closer to wetlands than is already there. He showed where they were proposing a new leach field. They need permits through the Planning Board, the Zoning Board and the NHDES Shore Land Bureau. The house will still fit in with the existing

neighborhood. For his purposes he read through the zoning ordinance article 9.6. To keep it as an addition it is unfeasible to keep it out of the prime wetland buffer. They have agreed to conform to all erosion control. They are proposing a gravel driveway, and the only additional watershed will be the new roofline.

A. Kelley asked if they were planning to move the well and why they were planning to move it.

J. Pohopek explained where they would put a drilled well and also explained why they were moving it because of volume of water.

A. Kelley said that they would need to get a permit for the septic system.

J. Kessler asked if there was going to be a new foundation under all of the new work.

J. Pohopek explained that they were proposing a full foundation under the new addition he then explained what his understanding of the rules was in the town of Barrington under 9.5.1 parenthesis 2.

T. Gaudiello asked about the sequence of approaching people they need to see.

J. Pohopek explained that if the planning board does not give them approval then it shuts the door. They did plan on going to the superior court if this is shut down and then they will go to the ZBA.

T. Gaudiello said he was actually thinking about setting up a site walk.

John Wallace said that they were thinking about scheduling a site walk.

D. Ayer motioned and J. Kessler seconded to accept the application as complete and set up a site walk. The motion carried unanimously.

A site walk was scheduled for Tuesday the 16th at 6:00pm onsite.

M. Gasses asked the board if there was any interest in staking out the addition and the 100 foot buffer.

The board agreed with this suggestion.

J. Kessler motioned and D. Ayer seconded to continue to August 6th meeting. The motion carried unanimously.

J. Pohopek has returned to the table.

REPORT FROM THE PLANNING DEPARTMENT

COMMUNICATIONS RECEIVED

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

A. Kelley thought that they should talk about the drafting committee.

M. Gasses said that they have to post their meetings as a regular committee so it is not seen as an illegal meeting.

M. Gasses said that if they are going to meet it needs to be posted so that the public can choose to attend if they so choose.

After some discussion from the board on this issue A. Kelley withdrew his motion.

G. Calef said that the committee has many benefits to bring back to the board.

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

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

The site walk is the next meeting for July 16th. The meeting subsequent for the site walk in review of plans is set for July 23rd.

J. Kessler motioned to adjourn. J. Pohopek seconded. The motion carried unanimously.

Respectfully Submitted,

Gabriel Budds
Planning Intern