



MEETING MINUTES
BARRINGTON PLANNING BOARD MEETING
(NEW LOCATION) 572 Calef Highway (next to Elementary School)
Barrington, NH
Tuesday October 1, 2013
6:30 p.m.

*Planning Board members to meet with Legal Consultant at 6:00pm

ROLL CALL

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

Members Present

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

Alternate Members Present

Stephen Jeffery
Daniel Ayer
Joshua Bouchard

Town Planner: Marcia Gasses

Town Attorney: Jae Whitelaw

MINUTES REVIEW AND APPROVAL

1. Approval of September 10, 2013 Meeting Minutes
2. Approval of September 17, 2013 Meeting Minutes

A motion was made by A. Kelley and seconded by J. Kessler to place revue of minutes after the public hearing. The motion carries unanimously.

ACTIONS ITEMS

3. **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 Overlay (SDA) Zoning Districts.

G. Calef recused himself

A. Gaudiello recused himself

Barry Gier represented the applicant giving an overview of the proposed project. Originally submitted in January of 2012, the applicant had attended two TRC meetings and had asked to work with abutters for connection between sites, in particular, George Calef's Fine Foods. NHDOT permits are now in hand and they had worked with NHDOT during their recent upgrades to Route 125.

J. Pohopek asked about cross access easements.

Barry Gier explained that Calef's would be able to access through the gas station and allow for parking. The agreements are being developed and would be made a condition of approval.

D. Ayer asked about the church, where access had previously been proposed.

Barry Gier expressed they had not come to an agreement with the church as of yet.

A. Kelley asked which plans the NHDOT permit was approved under.

Barry Gier explained the approval had been under a prior set, which had been revised slightly. NHDOT would have to amend their approval prior to the signing of the plans.

Discussion ensued regarding the need for a waiver for the driveway separation.

B. Gier expressed that one driveway was right turn in only.

John Arnold with Hinkley Allen explained there are potentially two areas where there is conflict.

J. Pohopek asked how the site would accommodate the Calef's traffic.

Barry Gier explained there were two areas where the traffic could circulate.

Barry Gier explained the revised entrance was 62' from closest edge between Calef's.

A. Kelley sat the board members

S. Jeffery for G. Calef

J. Bouchard for A. Gaudiello

D. Ayer for vacant seat

Discussion ensued regarding the conditions for a waiver.

John Arnold discussed the two access points made for safer access to the highway.

A motion was made by J. Kessler and seconded by J. Pohopek to approve the waiver request.

Opened to public comment

Closed public comment

J. Kessler expressed that the spirit and intent of the ordinance was met by the proposal.

S. Jeffery expressed concern with the prohibition of additional access.

The board voted on the motion by J. Kessler to approve the waiver request for distance between two access points. The separation between the gas station and George Calef Fine Foods and the separation between the two driveways on the applicants parcel.

Roll Call

S. Jeffery no

D. Ayer yes

J. Pohopek yes

A. Kelley yes

D. Malloy yes

J. Bouchard yes

J. Kessler yes

A motion was made by D. Ayer and seconded by J. Pohopek to accept the application as substantially complete.

Roll Call

S. Jeffery yes

D. Ayer yes

J. Pohopek yes

A. Kelley yes

D. Malloy yes

J. Kessler yes

Barry Gier explained the potential location of a well in the open space of the Village Place Subdivision, to supply the site as well as George Calef's, Millos's, and potentially the church next door. There is a

proposed 8 acre area in order to find a site and then the area would shrink to 4 acres. The well would be subject to all state requirements.

Jae Whitelaw expressed that the board needed to determine if the well to service this operation could be located where it was proposed.

John Arnold asked to take any questions.

A. Kelley referenced 6.2.2 (8) Common open space may be used for individual or community water and sewage systems required to service the proposed development.

John Arnold explained that if you are allowing a well in open space, who drinks the water, does not change the effect on the open space. You need to look at the purpose of the open space.

J. Kessler expressed that the interpretation can allow for wells in the open space.

Jae Whitelaw clarified the question the board needed to determine was can you have a well in open space, which services an off-site location. What is the purpose and what is the effect.

J. Kessler expressed that the well was not listed as can't.

Jae Whitelaw's concern was that the Zoning Ordinance had to have rational reason. She agreed the language was problematic.

A. Kelley opened for public comment on the applicability of a well in open space.

John Wallace expressed that the open space will be open to the public this could include the well which services the public.

Pam Failing expressed that the purpose of the open space was for an open space subdivision.

Fred Boucier expressed that the concept was within the intent. The subdivision was meant for public access and felt the well would fall within that.

Closed public comment.

A motion was made by J. Kessler and seconded by J. Pohopek to interpret the zoning ordinance to allow for the location of a well in open space to service off-site locations.

Roll Call

S. Jeffery no

D. Ayer no

J. Pohopek no

A. Kelley no

J. Bouchard no
D. Malloy no
J. Kessler yes

The motion failed 1-6

S. Jeffery expressed the applicant needed to provide for lockable bicycle storage.

A motion was made by J. Pohopek and seconded by D. Ayer to interpret 4.8.6(1) OF THE SITE PLAN REVIEW REGULATIONS to read that the applicant would not be required a waiver from the subdivision regulations to allow two access points on this lot where they have 280' where NHDOT has issued a driveway permit.

S. Jeffery no
D. Ayer yes
J. Pohopek yes
A. Kelley yes
J. Bouchard yes
D. Malloy yes
J. Kessler yes

The motion carried 6-1

A motion was made by J. Pohopek and seconded by J. Kessler to continue the application to November 12, 2013. The motion carried w/a

4. [238-9.1, 14, 16, & 18-V-13 \(Village Place Amendment-Joseph Falzone\)](#) Request by applicant to locate a well head within the Conservation Easement of a previously approved subdivision. By: Barry W. Gier, P.E., Jones & Beach Engineers, Inc.; PO Box 219; Stratham, NH 03885

A motion was made by J. Pohopek and seconded by D. Ayer to continue to November 12, 2013. The motion carried.

A. Gaudiello came back to the table

5. [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.

The applicant has request a continuance until November 12, 2013

A motion was made by D. Malloy and seconded by J. Pohopek to continue the application to November 12, 2013. The motion carried.

6. **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 recused himself

G. Calef returned to the table

All sitting were voting.

J. Pohopek represented the applicant and described the revised plan.

A. Gaudiello explained Todd Calitri had brought to the attention of the board a request that Mr. Jeffery not sit on this application based on prior comments.

S. Jeffery expressed that he felt he was not biased.

A. Gaudiello expressed he was looking for an advisory opinion from the board to advise Mr. Jeffery whether there is evidence he was biased. All voted no.

A. Gaudiello asked if an area could be restored to a more natural state.

J. Pohopek expressed that an increase in reclaimed area would be acceptable as a condition of approval.

A. Gaudiello expressed that M. Gasses look at what the ZBA approval to verify the variance included. 5.2.

A motion was made by D. Ayer and seconded by G. Calef to approve the application with the condition the 5.2 relief from the ZBA is verified and revegetation be noted on the plans

A. Gaudiello went over the purposes of wetlands buffers in the RSA's

Roll Call

S. Jeffery abstain

D. Ayer yes

A. Kelley yes

A. Gaudiello yes

J. Bouchard yes

D. Malloy yes

G. Calef yes

The motion carried with one abstention.

7. [268-26, 27 & 28-GR-13-LL \(Antonio J. & Diane Maggio & Kristann L. Moody\)](#) Request by applicant to adjust the lot line between lots 27 & 28 located at 6 & 20 Mendums Landing Road (Map 268, Lots 26, 27 & 28) in the General Residential Zoning District. By: Joel D. Runnals, LLS, Norway Plains Associates, Inc.; PO Box 249; Rochester, NH 03866-0249

Joel Runnals represented the applicant giving an overview of the application. The applicant was requesting as part of the application waivers from 8.3 Specific Plan Information – Existing Site Conditions, (6) Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%)

Joel Runnals gave an overview of the lot line revision request.

A motion by J. Pohopek and seconded by D. Ayer to approve the 8.3. 8.5 waiver based on the fact those two elements would give the board no more information to make a decision on the application. The motion carried.

A motion by J. Pohopek and seconded by G. Calef to accept the application as complete. The motion carried.

A motion by G. Calef and seconded by D. Ayer to approve the application and the chair sign the plan when the conditions are met. The motion carried

8. [240-15.1, 2, 5, 6, 8, 9, 10 & 11-NR-13-Waiver\(Fisheye Properties\)](#) Request by applicant for a waiver request of 17.1.1 underground utilities located on Young Road (Map 240, Lots 15.1, 2, 5, 6, 8, 9, 10 & 11) in the Neighborhood Residential Zoning District. By: David W. Vincent, LLS, Land Surveying Services; 19 Morgans Way; Barrington, NH 03825

David Vincent represented the applicant. Originally the need for a waiver was overlooked. The first four homes were built with overhead utilities. There are currently poles along both sides of Young Road. The conditions include large boulders and ledge.

A. Kelley raised a question regarding what the filing date of an application was. The board then went on to discuss the current procedure.

A motion was made by G. Calef and seconded by J. Pohopek that the interpretation of the board is that the filing date be the date filed with the board or its agent in 676:4.

Roll Call

S. Jeffery no

D. Ayer yes

J. Pohopek yes

A. Kelley no

A. Gaudiello yes

D. Malloy yes

G. Calef yes

The motion carried 5-2

A motion was made by G. Calef and seconded by D. Ayer to accept the application as complete.

Roll Call

S. Jeffery yes

D. Ayer yes

J. Pohopek yes

A. Kelley no

J. Bouchard yes

D. Malloy yes

G. Calef yes

The motion carried 6-1

Discussion ensued regarding the feasibility of lines being placed underground. The J. Bouchard expressed that the test pits showed that it was possible.

A. Gaudiello introduced the concept of the lots possibly being dealt with separately.

Discussion ensued regarding the terrain and presence of large boulders. The existing homes along Young Road currently had overhead utilities.

Public Comment

Pam Failing expressed that blasting is extreme to place lines.

A motion was made by G. Calef and seconded by D. Malloy that the waiver be granted.

Roll Call

S. Jeffery no

D. Ayer yes

J. Pohopek yes
A. Kelley no
A. Gaudiello yes
D. Malloy yes
G. Calef yes

Motion carried 5-2

9. Public Hearing to reformat the Site Review & Subdivision Regulations and changes to amount of required bonding for improvements have been made. The inconsistency between the intervals used to require Maintenance Guarantees has been standardized in Subdivision Regulations.

A. Gaudiello described the reformatting.

A. Kelley believed the information needed to be presented at a public meeting to the board. So the board can review it and take it forward to a public hearing.

REPORT FROM THE PLANNING DEPARTMENT

COMMUNICATIONS RECEIVED

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

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

A motion was made by J. Pohopek and seconded by G. Calef to adjourn at 11:20 p.m. The motion carried unanimously.

Respectfully Submitted,

Marcia J. Gasses
Town Planner & Land Use Administrator