



BARRINGTON PLANNING BOARD MEETING

NEW LOCATION: Barrington Middle School Library

Main Entrance

51 Haley Drive

Barrington, NH 03825

Tuesday July 7, 2015

6:30 p.m.

Meeting Minutes

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
Joshua Bouchard
George Calef
Bob Williams

Members Absent

Jason Pohopek Vice-Chair
Fred Nichols
Fred Bussiere – ex- officio

Alternate Members present

Daniel Ayer
Richard Spinale
Michael Clark ex-officio

Town Planner: Marcia Gasses
Town Legal Counsel: Jae Whitelaw

MINUTES REVIEW AND APPROVAL

1. Approval of the June 16, 2015 Meeting Minutes.

Initially moved to the end of the agenda the board put off consideration of the June 16, 2015 minutes because of the late hour.

ACTION ITEMS

G. Calef recused himself

A. Gaudiello recused himself

2. **235-83-TC-15-SR (Journey Baptist Church)** Request by applicant for Site Review to connect the Journey Baptist Church building to the proposed water system to be constructed on Map 238, Lot 7 and 4 thereby abandoning the existing well on the subject parcel and to connect the subject parcel to Map 238, Lot 4 via a 24' wide roadway and 5' sidewalk and waiver from section 3.2.10 (7) requiring parking lot requirements to be added to the site plan for the proposed project. This lot is located on a 2.93 acre site in the Town Center (TC) Zoning District.*

Withdrawn by Applicant

Staff Comment: The applicant will resubmit at a later date with a site plan to include improvements to the parking lot from prior disturbance and drainage.

3. **238-16.21-V15-SR (Barrington Village Place)** Request by applicant for Site Review to construct a well to service a non-community water system with a well easement and waiver from Section 3.2.10 (7) requiring parking lot requirements for the proposed project. This is located on a 29.91 acre lot (Map 238, Lot 16.21) in the Village District.*

Application History:

- The application was received on April 15, 2015
- The Notice was sent to abutters on April 22, 2015
- The Notice appeared in Fosters on April 24
- The application was continued to June 2, 2015
- The application was continued to July 7, 2015

Plan Review Comments:

- The base zoning district dimensional requirements must be corrected with a note that the open space was the result of a conservation subdivision.
- A cut sheet or description should be added explaining the access trail/road construction detail, including the surface treatment and any subbase preparation if necessary. Disturbance should be kept to a minimum
- Add a note that a variance was granted on November 20, 2013 From Article 6, section 6.2.2 & section 6.2.6 to allow the well, gravel access way and appurtenant underground utility lines to be located within the perimeter buffer of the conservation subdivision on current Map 238 Lot 16.21
- Obtain an NHDOT Driveway Permit and add the number to the plan
- Add wetland scientists signature and certification to the final plan
- Add owner signature to final plan

Recommendations:

The applicant has requested a waiver from showing required parking requirements (3.2.10(7)). Staff recommends the waiver be granted as the proposed improvements will not affect the parking requirements. The application should be accepted as complete and the public hearing opened.

John Arnold of Hinckley Allen represented the applicant. He described the location of the well and its designation as a community well, which would allow Millo's Pizza to expand. The water line and electric line would be located underground along a gravel access way. The only things visible would be the wellhead and the gravel pathway, which would be tied into the recreational trails proposed to be constructed. The exact location of the wellhead would be known after the drillers identified the exact location. The well would be regulated by NHDES. Three Socios would be responsible for the installation and maintenance of the well. Barrington Village Place granted an easement to allow construction of the well in the open space, the ZBA granted a variance to allow for the installation of the well and underground lines to service the well, along with the gravel access way. The Conservation Commission supported and approved the use of the well and the construction in the conservation easement that they took from Barrington Village Place. They were there to ask approval of the construction of the proposed well and access lines, and access way.

Barry Gier expressed they would be constructing a five vehicle gravel parking trail head off Route 9 for access to the conservation area. The lot was lot #16.21 which was under a conservation easement. The easement for the well would initially be 8 acres until the well was located and drilled and then the well easement would be reduced to 4 acres.

Barry Gier expressed they had asked for a waiver to show parking necessitated by the well because there was not a requirement for parking.

D. Ayer asked if the access way would be a footpath.

B. Gier explained the access way from the Tsoukalas property would be a 14' wide gravel access way. They would also be constructing footpaths through the site that would connect to the gravel access way.

J. Bouchard asked if they had details on the construction of the footpath.

B. Gier explained that construction of the footpaths would be simply be clearing the brush out of the way so that people could access the path.

B. Williams expressed that the location shown on the plan was not necessarily the final location.

Barry Gier expressed ideally they would go in 150' and be able to located the well. They did have the 8 acre easement area to work with to locate the well.

B. Williams asked if the protective radius would prevent any private land owner from developing their property.

Barry Gier explained the land was held by the Conservation Commission in an easement and no development could occur.

John Arnold expressed the 150' was the protective radius required for the well. The well radius would stay completely on the parcel.

D. Ayer asked if they realized they needed a NHDES permit for the footpath crossing.

Barry Gier expressed they would obtain a permit if that was the case.

R. Spinale asked for an explanation of the well title.

Barry Gier explained that the well was considered a transient non community well. The transient identified that the well did not service residences but businesses and the non-community meant that the well was not operated by the Town.

R. Spinale asked if they had to move around in order to find a location for the well and disturbed land, would they restore the disturbance.

Barry Gier expressed they would restore any land which was disturbed.

A motion was made by B. Williams and seconded by R. Spinale to accept the application as complete.

George Calef asked if the Board was going to take a vote without allowing the abutters to speak.

M. Gasses explained that the Board would open the public hearing once the application was accepted as complete.

George Calef expressed that someone there may have a reason the application should not be accepted as complete.

Jae Whitelaw explained that the Board determined on its own whether the application was complete based upon their requirements; notice was required but no public hearing. If the Planning Board determines the application is complete then the Board may discuss the merits of the application and open the public hearing.

Roll Call

J. Bouchard	aye
B. Williams	aye
R. Spinale	aye
M. Clark	aye
D. Ayer	aye

The motion made by B. Williams and seconded by R. Spinale to accept the application as complete carried unanimously.

J. Bouchard opened public comment.

Sharon Reynolds asked why the well could be installed in the open space.

J. Whitelaw explained that the Conservation Commission had accepted the easement with the provision for the well. The ZBA granted a variance for the location and installation of the well and necessary piping and electrical. The allowance for the well in the open space was allowed by the ZBA variance. The question now was whether the location of the well and all the construction that went with it was consistent with the site plan review regulations. The actual ability to put the well in the open space had already been determined.

George Calef expressed that no matter what the ZBA said the Town of Barrington regulations do not allow for a well in open space except for wells for the residents of the subdivision. He had not intended for a well to be installed in the open space when he was a party to the sale of the land.

Stephen Jeffery asked if the application had been noticed for this evenings meeting.

Jae Whitelaw explained the application had been noticed for the May 5, 2015 meeting and had been continued twice.

George Calef asked which properties would be served.

John Arnold stated Journey Baptist Church, Millo's, The Three Socios Lot, and Millo's would be supplied enough water in order to supply George Calef Fine Foods.

George Calef expressed that the Planning Board has made no effort to protect his water rights in 2007, 2011 or 2015.

Sharon Reynolds asked how deep the well would be.

Barry Gier expressed it would be a drilled well. NHDES had given approval to locate a well on the site, the depth would be determined once the drilling company located the well. The protective radius of the well limited the amount of water that could be drawn from the well.

Margaret Mausteller expressed that she felt that Calef's was being run out of Town and that something should be done to assure it did not happen. We needed to retain local businesses.

J. Bouchard closed public comment.

B. Williams asked if George Calef would be left without water.

Jae Whitelaw explained that the Town's position which was argued before the Superior Court was that in the case of the appeal of the conditional approval for the site plan for Three Socios and the ZBA's upholding of the Planning Boards decision that the issue regarding the well easement was a personal property rights issue between Mr. Calef and Mr. Tsoukalas.

J. Bouchard asked if there was a motion to accept the waiver for showing the parking lot requirements.

A motion was made by M. Clark and seconded by B. Williams to accept the waiver request.

M. Gasses read the criteria for granting a waiver.

J. Bouchard expressed there was no purpose for a parking lot for a well head. It would be an undue hardship on the applicant.

D. Ayer wanted it clear the waiver did not include the 5 gravel spaces.

M. Gasses stated the 5 gravel spaces were shown on the plan.

Roll Call

J. Bouchard aye
 B. Williams aye
 R. Spinale aye
 M. Clark aye
 D. Ayer aye

The motion made by M. Clark and seconded by B. Williams to grant the waiver from showing the parking requirements carried unanimously.

J. Bouchard asked M. Gasses to read from the draft notice of decision.

Draft Notice of Decision



Planning & Land Use Department
Town of Barrington
PO Box 660
333 Calef Highway
Barrington, NH 03825
 603.664.0195
barrplan@metrocast.net
barrplan@gmail.com

NOTICE OF DECISION

[Office use only]	Date certified:	As built/s received:	Surety returned
<p><i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i></p>			
<p>Proposal Identification: 238-16.21-V-15-SR (Barrington Village Place) Request by applicant for Site Review to construct a well to service a non-community water system with a well easement and waiver from Section 3.2.10(7) requiring parking lot requirements for the proposed project. This is located on a 29.91 acre lot (Map 238, Lot 16.21)</p>			
<p>Applicant: James Mitchell The Three Socios, LLC 321D Lafayette Road Hampton, NH 03842</p>			<p>Dated: XXXX, 2015</p>

Barrington Village Place, LLC 7B Emery Lane Stratham, NH 03885	
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By: Barry W. Gier, P.E. Jones & Beach Engineers, Inc. PO Box 219 Stratham, NH 03885	
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Dear applicant:

This is to inform you that the Barrington Planning Board at its XXXXX, 2015 meeting **CONDITIONALLY APPROVED** your application referenced above.

List Waivers Granted: *SR 3.2.10(7) Requiring parking requirements be shown on the plan*

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please Note* If all of the precedent conditions are not met within 6 calendar months to the day, by XXXXX, 2015, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

- 1) Add the following plan notes
 - a) A cut sheet or description should be added explaining the access trail/road construction detail, including the surface treatment and any subbase preparation if necessary. Disturbance should be kept to a minimum
 - b) Add a note that a variance was granted on November 20, 2013 From Article 6, section 6.2.2 & section 6.2.6 to allow the well, gravel access way and appurtenant underground utility lines to be located within the perimeter buffer of the conservation subdivision on current Map 238 Lot 16.21
 - c) Add the NHDES Water Supply Permit #
 - d) Add the NHDOT Driveway Permit # to the plan
 - e) *Add NHDES Wetland Permit # if required (added by the PB)*

- 2) Revise the following plan notes
 - a) The base zoning district dimensional requirements must be corrected with a note that the open space was the result of a conservation subdivision.

- 3) Town Counsel shall approve all easement language *to include Village Place and Three Socios (added by PB)*

- 4) Add the wetland scientist's signature and certification to the final plan
- 5) Add the owner's signature to the final plan
- 6) *Any disturbed areas are to be revegetated (added by the Board)*
- #7) Any outstanding fees shall be paid to the Town
- 8) Prior to obtaining Board signature, the Applicant shall submit three(3) complete paper print plan sets and supporting documents as required in Article 3 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Barrington's file. The Chairman shall endorse three copies of the approved plan(s) meeting the conditions of approval upon receipt of an executed bond for all improvements, excluding buildings, The Town shall retain a signed and approved reproducible 11"X17", and PDF format with supporting documents for Town records.

General and Subsequent Conditions

- #1) Where no active and substantial work, required under this approval has commenced upon the site within two years from the date the plan is signed, this approval shall expire. An extension, not to exceed one year, may be granted, by majority vote of the Board so long as it is applied for at least thirty days prior to the expiration date. The Board may grant only one such extension for any proposed site plan. All other plans must be submitted to the Board for review to ensure compliance with these and other Town ordinances. Active and substantial work is defined in this section as being the expenditure of at least 25% of the infrastructure improvements required under this approval. Infrastructure shall mean in this instance, the construction of roads, storm drains, and improvements indicated on the site plan. RSA 674:39

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

The Board discussed and agreed that surety would be required to cover the restoration of disturbed areas and Scott Mitchell expressed he had no problem with the requirement.

A motion was made by M. Clark and seconded by B. Williams to approve the application as stated in the Draft Notice of Decision, as amended at this meeting. The motion carried unanimously

Roll Call

D. Ayer	aye
R. Spinale	aye
M. Clark	aye
B. Williams	aye
J. Bouchard	aye

4. [238-7-TC-15-SR-Amend/SR 11/392 \(Millo's Pizza-George Tsoukalas\)](#) Request by applicant for review of compliance with conditions of approval for Case # SR11/392 and removal of note #14 carried over from 2007 site approval. The site is located at 575 Franklin Pierce Highway (Map 238, Lot 7) in the Town Center Zoning District. By: Stephen J. Haight; Haight Engineering, PLLC; PO Box 1166; Dover, NH 03820
- A request for review for compliance with conditions of approval to meet precedent conditions on SR/11/392 was received on June 15, 2015
 - Abutter notices were mailed June 22, 2015
 - The public hearing notice appeared in Fosters on June 22, 2015

Recommendations:

Staff has reviewed the plan submitted for compliance with the conditions of approval and after consultation with legal counsel, staff recommends the following: Add the owner of record book and page numbers under Notes for Plan Reference as listed in condition #2, remove note #14 as it references a previous well on site that was abandoned as part of the 2007 approval, and add the owners signature to the final plan. The applicant has supplied a redlined copy of the proposed changes. The Board would need to vote to remove note #14

Steve Haight represented the applicant. Mr. Haight explained that they were there to explain how the applicant had met the 2011 conditions of approval. The Notice of Decision had included a condition the owner of records Deeds book and page numbers be added under Notes for Plan Reference, which had been added. Note #14 was a carryover from the 2007 site plan approval and staff had recommended removing the note. He explained that in 2007 the relocation of the well had occurred. The note in 2007 indicated that Lot 5 Map 238 drew water from a well on Lot 7 Map 238, with the redevelopment of the site the existing well would be abandoned and Lot 5 Map 238 would continue to draw water from the new well when it was installed at the same rate it currently was. In 2011 the applicant had modified the parking lot removing a couple of catch basins; the modification of the catch basins had nothing to do with the relocation of a well. The well shown on 2011 plan had been relabeled to show "well is water supply for Lot7 map 238 and Lot 5 Map 238. Note #14 had nothing to do with the changes made in 2011. The note is on the 2007 site plan that had been approved and that had not changed. Mr. Haight submitted 5 copies with stamps and signatures, suitable for signing.

B. Williams expressed that the well shown in 2007 went in and was supplying the lots. He asked if there had ever been any supply issues with the well drying up.

Steve Haight expressed he did not know of any.

M. Gasses explained to the Board that unlike the procedure in place today, when she comes to the Board and indicates an applicant has met the conditions of approval and the board indicates to the chair he may sign the plan, the 2011 site plan had remained in the office and not been signed for whatever reason, which was the only reason the Board was looking at the plan. The Board was there just to discuss whether it had or had not met the conditions of approval. When reviewing the plan she had found note #14 confusing and not pertinent to the plan and her recommendation after speaking with Attorney Whitelaw was to ask the Board to remove the note.

Jae Whitelaw explained that Milos had moved forward and the Town had actually looked at the work being performed, but for some reason the signing of the plan had just gotten dropped. When the Three Socios brought forth their plan in regard to Milos's, it had come to the attention of the Town that the 2011 plan had never been signed. The note indicating in 2011 that the well was to be abandoned was not accurate, there had been no discussion about relocating the well nor was it part of the proposals at the time. The 2007 plan which had been approved contains the well that was proposed to be removed and the installation of the current well on the site. The note served no purpose in 2011.

M. Gasses read the 2011 Notice of Decision.

Steve Haight showed the notes which had been added to the plan and the removal of note #14.

J. Bouchard opened public comment

Paul Mausteller discussed the need for procedures to prevent mistakes from occurring.

A. Gaudiello discussed changes in procedures which the current Board was following.

George Calef explained that the well installed in 2007 was to replace a well installed for his property in the 1960's. In 2007 he did not receive a recorded easement deed. In 2011 he did not receive a recorded deed. The one thing he had to grasp they now wanted to remove from the plan. He asked that going forward easements be required to be recorded.

Stephen Jeffery asked if the well line to Mr. Calef's store was shown on the plan.

Steve Haight explained not on the plan the Board was looking at but on the additional sheets

J. Bouchard closed public comment.

A motion was made by D. Ayer and seconded by B. Williams to remove note #14. The motion carried 4-1.

Roll Call

D. Ayer nay

R. Spinale aye

M. Clark aye

B. Williams aye

J. Bouchard aye

A motion was made by R. Spinale and seconded by M. Clark to certify the conditions of approval have been met and authorize A. Gaudiello to sign the plans. The motion carried with four ayes and one not voting.

Roll Call

D. Ayer present not voting

R. Spinale aye

M. Clark aye

B. Williams aye

J. Bouchard aye

5. [238-7-TC-15-SR \(Millo's Pizza-George Tsoulakas\)](#) Request by applicant for Site Review to construct a water system with associated pump house, waterline, and access across the subject property between Map 238, Lot 4 and Map 238, Lot 16.21 and waiver from Section 3.2.10 (7) requiring parking lot requirements for the proposed project. This is located on 2.26 acre lot (Map 238, Lot 7) in the Town Center.*

Application History:

- The application was received on April 15, 2015
- The Notice was sent to abutters on April 22, 2015
- The Notice appeared in Fosters on April 24
- The application was continued to June 2, 2015
- The application was continued to July 7, 2015

Plan Review Comments:

- Add plan reference to SR07/355 Approved August 20, 2007 for "Barrington Village Pizza"
- Add a plan reference to SR11/392 (*provided the Board determines conditions of approval have been met*)
- The existing parking requirements are not shown on the plan (waiver requested from 3.2.10(7))
- An explanation on the surface of the access easement should be provided.
- The Board should discuss the appropriateness of requesting easement language be added to allow the public to access the proposed trail easement, which continues onto Lot 238-16.21.

Recommendations:

Staff recommends the waiver be approved as the proposal does not trigger any additional parking. SR11/392 received conditional approval to add 15 additional parking spaces on July 7, 2011; the final plan should reflect the improvements made on the 2011 site plan, once compliance with conditions of approval is made. The improvements in 2011 do not affect the proposal before the board for the installation of the pump house and water lines and their absence from the submitted plan will not affect the proposal. The application should be accepted as complete and the public hearing opened.

John Arnold from Hinckley Allen represented the applicant and described the site proposal for the pump house and water lines serving The Journey Baptist Church, The Milos's Pizza with a T connection to George Calef Fine Foods existing line, and The Three Socios site. Mr. Tsoukalas wanted to be part of the water system because he had maximized his development potential on this site. By removing the well and protective radius on Mr. Tsoukalas property he would be able to grow and expand his business. The Three Socios had originally tried to come to an agreement with Mr. Calef for a direct line to his property but the parties could not come to an agreement. Mr. Tsoukalas had agreed to leave the 2007 agreement with Mr. Calef in place and continue to supply water. The Three Socios agreed with Mr. Tsoukalas to supply enough water to Mr. Calef under his 2007 agreement. Mr. Calef still disagreed but those issues were beyond the board's authority to resolve.

D. Ayer expressed that the access road looked tight.

Barry Gier he expressed he would review the concern.

D. Ayer asked if there was going to be a generator.

Barry Gier expressed that there would not be a generator but a hookup would be provided for emergency power if it was needed.

Barry Gier expressed the intention was to install a pump house in the northeast corner of the property with a 14' wide gravel drive to it, along with water lines. Once the hookups are complete the existing well would be abandoned in compliance with NHDES regulations.

A motion was made by D. Ayer and seconded by B. Williams to accept the application as complete. The motion carried unanimously.

Roll Call

D. Ayer	aye
R. Spinale	aye
M. Clark	aye
B. Williams	aye
J. Bouchard	aye

J. Bouchard opened public comment.

G. Calef expressed that he had Calef's as a costumer and considers Milo's a friend. He expressed that Millo's food license from the state was for 67 seats and he could not currently expand his septic. The Town had given him a permit for 107 seats; he was currently nonconforming by 40 seats. He referred to 2.6.2(8) of the site plan review regulations, which allowed the Planning Board to require a full site revue for special or unusual conditions. He was requesting the Planning Board do a full site review on the site.

M. Gasses expressed that she believed Mr. Calef's concern was with a violation of a State permit and his complaint was with NHDES.

Jae Whitelaw asked for clarification.

Mr. Calef expressed that the NHDES permit was for 67 seats and the Town issued a permit for 80 seats inside and 27 seats outside.

M. Gasses expressed the permit was from the Fire Department and not the Planning Board.

George Calef expressed the last plan he was presented with allowed him 150 gallons per day and the State required him to build a septic system for 735 gallons per day based upon his use.

J. Bouchard asked where on the plan it showed 150 gallons of usage.

George Calef explained the plan he had at home showed 150 gallons of water usage.

Barry Gier expressed the plan in front of the Board did not show 150 gallons of water usage.

George Calef expressed the easements offered did not run with the land and he would not be able to pass his business on to future generations. He had been presented 6 different easement languages, which he could not agree to. He believed the Board could require the easements be shown and the language brought before the board.

Jae Whitelaw expressed that she and Mr. Calef disagreed.

Margaret Mausteller asked if a direct line could be run to Mr. Calef's, with the ability to expand down the road.

John Arnold expressed the intention of the agreement was to supply Mr. Calef with the amount of water he is using now and into the future within the scope of any State or local approvals. There was never any attempt to limit Mr. Calef to transfer his property.

George Calef asked if Mr. Arnold understands what "runs with the land" means. He had one agreement which states the agreement does not run with the land. He had another that states he has a 2000 sq. ft. restaurant with 2 employees. Inside the document it states the agreement is for his current usage and any increased usage would violate the agreement. He was not a 2000 sq. ft. restaurant nor did he have 2 employees.

Mr. Arnold wanted noted on the record that he disagreed with Mr. Calef recollections. He expressed he did not believe the conversation was relevant to what was before the Board or within its jurisdiction. He asked that the dispute over the 2007 agreement be left between the private parties.

Scott Mitchell stated he was the owner of the property and expressed that if Mr. Calef wants to enter into an agreement for them to supply water directly they would. Mr. Calef would be bound by any State regulations just like they were; they had no issue with it. Mr. Mitchell expressed there would be no other conditions such as snow, parking, access on his property, lights or money.

Nick Tsoukalas expressed they had a 2007 agreement with Mr. Calef and they would continue to do so. The new well would allow their business to expand.

Alan Kelley asked when the notice for the hearing was made.

J. Bouchard expressed it appeared in Fosters on April 24th.

Jae Whitelaw asked A. Gaudiello to answer the procedural question outside the scope of the hearing.

A. Gaudiello explained that under the RSA's a notice can be made to include the provision for a public hearing to follow if the application is accepted as complete. In regard to the continuation there is a provision to extend consideration of an application.

Paul Mausteller asked if the 500' protective well radius was shown on any of the plans.

M. Gasses explained that the well radius was part of the site plan for the Three Socios and that there is a different radius for each well type based on its classification. Ms. Gasses explained that NHDES would also look at the locations of the well as part of their permit process.

Stephen Jeffery expressed the public notice for the meeting was in April; tonight the Board had taken jurisdiction over the application.

J. Bouchard expressed the Board accepted the application as complete this evening.

Ken Grant expressed the Board should consider a requirement for backup power. Currently Mr. Calef could hitch up backup power. Backup power for the four businesses would be very important.

Barry Gier expressed a connection for a stand by generator would be provided. They did not believe for the amount of usage that permanently locating a generator onsite was appropriate.

Reese Calef expressed if they were without power they would not be able to serve the public under local and state guidelines. In a recent incident they had provided 35 sandwiches to the Fire Station.

Ken Grant expressed that buildings in the future would be required to have fire suppression.

J. Bouchard closed public comment.

J. Bouchard expressed they had a waiver request to show the parking. He expressed the request complicated the situation where no parking was required for the pump house.

M. Gasses expressed one of her recommendations was that the plan be shown on the now approved 2011 plan.

Barry Gier withdrew their request for a waiver.

J. Bouchard read from the Draft Notice of Decision.

Draft Notice of Decision



Planning & Land Use Department
Town of Barrington
PO Box 660
333 Calef Highway
Barrington, NH 03825
 603.664.0195
barrplan@metrocast.net
barrplan@gmail.com

NOTICE OF DECISION

[Office use only]	Date certified:	As built received:	Surety returned
<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
Proposal Identification: 238-7-TC-15-SR (Millo's Pizza-George Tsoulakas)Request by applicant for Site Review to construct a water system with associated pump house, waterline, and access across the subject property between Map 238, Lot 4 and Map 238, Lot 16.21 and waiver from Section 3.210(7) requiring parking lot requirements for the proposed project. This is located on a 2.26 acre lot (Map 238, Lot 7) in the Town Center.			
George Tsoukalas			Dated: XXXXX, 2015

PO Box 684 Barrington, NH 03825	
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Barry Gier, P.E. Jones & Beach Engineers, Inc. PO Box 219 Stratham, NH 03885	
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Dear applicant:

This is to inform you that the Barrington Planning Board at its XXXXX, 2015 meeting CONDITIONALLY APPROVED your application referenced above.

List Waivers Granted

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please Note* If all of the precedent conditions are not met within 6 calendar months to the day, by XXXXX, 2015, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

- 1) Add the following plan notes
 - a) Add plan reference to SR07/355 Approved August 20, 2007
 - b) Add plan reference to SR11/392 Approved *July 7, 2015*
 - c)
- 2) Revise the following plan notes
 - a) Add the NHDES Water Supply Permit #
- 3) Town Counsel shall approve all easement language to include; *The Three Socios and Tsoukalas*
- 4) Final plans should be shown on the 2011 Site Plan approved on *July 7, 2015*
- 5) Provide detail sheet of ~~trail-surface~~ *access road* construction on easement area
- 6) Add the owner's signature to the final plan
- #7) Any outstanding fees shall be paid to the Town

- 8) Prior to obtaining Board signature, the Applicant shall submit three(3) complete paper print plan sets and supporting documents as required in Article 3 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Barrington's file. The Chairman shall endorse three copies of the approved plan(s) meeting the conditions of approval upon receipt of an executed bond for all improvements, excluding buildings. The Town shall retain a signed and approved reproducible 11"X17", and PDF format with supporting documents for Town records.

General and Subsequent Conditions

- #1) Where no active and substantial work, required under this approval has commenced upon the site within two years from the date the plan is signed, this approval shall expire. An extension, not to exceed one year, may be granted, by majority vote of the Board so long as it is applied for at least thirty days prior to the expiration date. The Board may grant only one such extension for any proposed site plan. All other plans must be submitted to the Board for review to ensure compliance with these and other Town ordinances. Active and substantial work is defined in this section as being the expenditure of at least 25% of the infrastructure improvements required under this approval. Infrastructure shall mean in this instance, the construction of roads, storm drains, and improvements indicated on the site plan. RSA 674:39

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

J. Bouchard asked if there was any interest in the Board for requiring surety.

Jae Whitelaw asked if the Board normally did for site plans.

M. Gasses expressed the Board did not unless there were extenuating circumstances.

D. Ayer asked that trail surface be revised to say access road.

J. Bouchard asked if there was interest from the Board in continuing the application to allow Mr. Calef's attorney to be present.

A motion was made by R. Spinale and seconded by D. Ayer to continue the application to August 4, 2015.

J. Bouchard expressed he would like to see revised plans based on the discussion that evening.

Jae Whitelaw asked for clarification, asking if the Board was considering continuing the application in order to take additional public comment to possibly include Mr. Calef's attorney.

J. Bouchard expressed they would be reopening the public hearing to take additional comment at the meeting.

John Arnold expressed that his client's preference would be to move forward and that abutters do not have any right under the law to request any consideration of an application be delayed so that they may appear with their attorney.

R. Spinale expressed his motion was not out of believing there was a legal right on the part of Mr. Calef, but a fairness issue.

George Calef requested the applicant bring in copies of the easement language he had been presented with.

Jae Whitelaw expressed that the issue was delving into a personal property issue between Mr. Calef and Mr. Tsoukalas. The conversation between two individuals and their manner of discussion during negotiations that failed had no relevance to the issues before the Board.

George Calef expressed that some of the comment made may have influenced the position of some of the Board members.

R. Spinale explained he made the motion in order to allow for the Board to be assured they had done a thorough review of the application.

Roll Call

D. Ayer aye

R. Spinale aye

M. Clark aye

B. Williams nay Mr. Williams thanked the audience for their patience recognizing the difficulties of the hearing with the recusals and absence of members. They had moved forward on the prior applications and did not believe consideration should be delayed on the current application.

J. Bouchard aye

The motion by R. Spinale and seconded by D. Ayer to continue the application to August 4, 2015 carried 4-1.

***Indicates that if the application is accepted as complete, the public hearing will be held the same evening, at which time any interested party may offer comment to the Planning Board.**

COMMUNICATIONS RECEIVED

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

6. Discussion on policy for continuations

A. Gaudiello asked the Board to think about their procedures on continuations.

7. Review of a request for a building permit on 162 McDaniel Shore Drive a private road, for Kelly

Daniel and Gloria Doherty Map 256 Lot 55

A. Gaudiello asked the Board for comment. Without objection a nonnegative report would be sent to the selectmen.

A motion was made by B. Williams and seconded by R. Spinale to send a nonnegative report to the selectmen. The motion carried unanimously

A. Gaudiello explained the Board needed to recognize that the Communications Committee would no longer be considered an ad hoc committee of the Board. From today forward the committee would move forward as an independent group separate with no ties to the Planning Board.

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

July 21, 2015 6:30 p.m. at the Middle School

Without objection the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Marcia J. Gasses
Town Planner & Land Use Administrator