



BARRINGTON PLANNING BOARD MEETING

**NEW LOCATION: Barrington Middle School Cafeteria
Side Entrance
51 Haley Drive
Barrington, NH 03825**

**Tuesday August 18, 2015
6:30 p.m.**

Meeting Minutes

Members Present

Anthony Gaudiello-Chair
Jason Pohopek Vice-Chair
Joshua Bouchard
George Calef
Bob Williams
Fred Nichols

Members Absent

Fred Bussiere – ex- officio

Alternate Members Present

Daniel Ayer
Richard Spinale
Michael Clark ex-officio

Town Planner: Marcia Gasses

MINUTES REVIEW AND APPROVAL

1. Approval of the July 7, 2015 Meeting Minutes.
2. Approval of the July 21, 2015 Meeting Minutes.
3. Approval of the August 4, 2015 Meeting Minutes.

Without objection the minutes were moved to the end of the agenda

ACTION ITEMS

4. [112-1&3-GR/HCO-15-LL \(David M. & Lisa E. Holt\)](#) Request by applicant for a Lot Line Adjustment to relocate the common lot line between Lots 1 and 3 in order to make Lot 3 a conforming lot and remove the lot line passing through the existing dwelling known as 19 Cricket Lane (Map 112, Lots 1 & 3) located at 1566 Franklin Pierce Highway in the General Residential (GR) and Highway Commercial Overlay (HCO) Zoning District. By: David W. Vincent, LLS, Land Surveying Services; PO Box 7418; Rochester, NH 03839-7418.*

David Holt represented the application. Mr. Holt explained the lot line would make Lot 3 a conforming lot.

A motion was made by [J. Pohopek](#) and seconded by [J. Bouchard](#) to accept the application as complete. The motion carried unanimously

[A. Gaudiello](#) opened public comment.

Stephen Jeffery questioned whether the hearing was noticed correctly.

Allen Kelley stated that the acceptance and public hearing could not be on the same night.

[A. Gaudiello](#) explained that the application was properly continued at the last meeting.

Jae Whitelaw read from the RSA 676:4 regarding lot line adjustments

[A. Gaudiello](#) closed public comment.

M. Gasses read the draft notice of decision.

A. motion was made by J. Pohopek and seconded by B. Williams to approve the application with the conditions as read into the record by the planner. The motion carried unanimously

Application History

- The application was received in the Land Use Office on July 15, 2015
- The Notice appeared in Fosters on July 24, 2015
- Abutter Notices were mailed on July 23, 2015
- Consideration of the application was continued to August 18, 2015, from August 4, 2015

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As builts received: N/A</i>	<i>Surety returned: N/A</i>
<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: 112-1&3-GR/HCO-15-LL(David M. & Lisa E. Holt) Request by applicant for a Lot Line Adjustment to relocate the common lot line between Lot 1 and 3 in order to make lot 3 a conforming lot and remove the lot line passing through the existing dwelling known as 19 Cricket Lane (Map 112, Lots 1 & 3) located at 1566 Franklin Pierce Highway in the General Residential (GR) and Highway Commercial Overlay (HCO) Zoning District, By: David W. Vincent, LLS, Land Surveying Services; PO Box 7418; Rochester, NH 03839-7418			

Applicant: David M. & Lisa Holt 1566 Franklin Pierce Highway Barrington, NH 03825	Dated: XXXX2015
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Dear applicant:

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

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, 2016**, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. *Reference 8.23 of the Town of Barrington Subdivision Regulations*

Conditions Precedent

- 1)
 - a) Add the owners signature to the final plan
 - b) Add the wetland scientist stamp & signature to the final plan
 - c) Add the State subdivision approval to the plan
 - 2) The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the plans.
 - 3) Any outstanding fees shall be paid to the Town
 - 4) For lot line adjustments the applicant shall submit to the Land Use Office a copy of the signed and notarized deed which will affect the conveyance of the subject property before the plat is certified by the Planning Board. Once the plat is certified the deed must be recorded simultaneously with the plat. For Lot Line Adjustments where the property is in the same ownership corrective deeds incorporating the adjustment must be provided.
 - 5) Final drawings. (a) five sets of large black line plus (c) one set of 11"x17" final approved plans plus (d) one electronic version by pdf or CD must be on file with the Town. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans. If there are significant changes to be made to the plans, as specified above, one full size paper check print must be sent to the Planning Department for review prior to producing these final drawings.
5. [257-3.1&3-GR-15-LL \(John & Elizabeth McMaster\)](#) Request by applicant for a Lot Line Adjustment to revise the line between lot 3 and 3.1, making lot 3.1 approximately 5 acres in size and waiver requests for Boundary Survey of entire parcel, Wetlands Delineation, #31 All setbacks #246 contiguous uplands and Topography on Merry Hill Road (Map 257, Lots 3 & 3.1) in the General Residential (GR) Zoning District. By: Christopher R. Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.*

Chris Berry of Berry Surveying and Engineering represented the applicant. Mr. Berry discussed the prior approvals which had been granted. The applicant wanted to modify the lot line giving 5 acres to

an adjacent lot which they owned. The applicant was asking for waivers because the applicant was not wishing to develop the entire parcel.

Waiver 5.3.1(5) of the Subdivision Regulations, checklist item #18 was unnecessary and withdrawn
Waiver checklist item #24b from contiguous uplands; the plan showed uplands and building envelopes of lots

A motion was made by J. Pohopek and seconded by J. Bouchard to approve the waiver. The motion carried unanimously

Waiver 5.3.1(6) of the Subdivision Regulations, #31 topographic survey of the entire parcel

A motion was made by J. Pohopek and seconded by G. Calef to grant the waiver to 5.3.1(6) topographic survey of the entire parcel. He motion carried unanimously

Waiver 5.3.1(9) of the Subdivision Regulations, #25 wetland delineation of the entire parcel

J. Pohopek asked if there were test pits from prior action.

Chris Berry stated yes.

A motion was made by F. Nichols and seconded by G. Calef to grant the waiver from showing wetland on the entire parcel. The motion carried unanimously

Waiver 5.3.2(17), check list item #27 to show all setbacks

Chris Berry expressed it would not be appropriate to show all setbacks given the other waivers.

A motion was made by G. Calef and seconded by B. Williams to approve the Waiver to 5.3.2(17). The motion carried unanimously

A motion was made by J. Pohopek and seconded by F. Nichols to accept the application as complete. The motion carried unanimously

A. Gaudiello opened public comment

Stephen Jeffery expressed the meeting was not noticed correctly.

A. Gaudiello closed public comment.

M. Gasses read the draft Notice of Decision

A motion was made by G. Calef and seconded by B. William to approve the application with the conditions as read by the planner. The motion carried unanimously

Application History

- The application was received by the Land Use Office July 20, 2015
- The Notice appeared in Fosters on July 24, 2015
- Abutter Notices were mailed on July 23, 2015
- Consideration of the application was continued to August 18, 2015 from August 4, 2015

**DRAFT
NOTICE OF DECISION**

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built received: N/A</i>	<i>Surety returned: N/A</i>
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"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.

Proposal Identification: 257-3.1 & 3-GR-15-LL (John & Elizabeth McMaster) Request by applicant for a Lot Line Adjustment to revise the line between lot 3 and 3.1, making lot 3.1 approximately 5 acres in size and waiver requests for Boundary Survey of entire parcel ,#18,Wetlands Delineation #25, All Setbacks #27, Topography #31, Contiguous Uplands #24b on Merry Hill Road (Map 257, Lots 3 & 3.1) in the General Residential (GR) Zoning District. By: Christopher R. Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825

Applicant: John & Elizabeth McMaster 137 Merry Hill Road Barrington, NH 03825	Dated: XXXX, 2015
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Dear applicant:

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

The following waivers were granted (if granted)

Check list items:

#18 Survey of the entire parcel

#24b Contiguous Uplands

#25 Wetlands Delineation

#27 All Setbacks

#31 Topography of entire site

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, 2016**, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. *Reference 8.23 of the Town of Barrington Subdivision Regulations*

Conditions Precedent

- 1)
 - a) Add the owners signature to the final plan
 - b) Add the wetland scientist stamp & signature to the final plan
- 2) Plan Revisions
 - a) Label Map 257 Lot 3-2
- 3) The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the plans.
- 4) Any outstanding fees shall be paid to the Town
- 5) For lot line adjustments the applicant shall submit to the Land Use Office a copy of the signed and notarized deed which will affect the conveyance of the subject property before the plat is certified by the Planning Board. Once the plat is certified the deed must be recorded simultaneously with the plat. For Lot Line Adjustments where the property is in the same ownership corrective deeds incorporating the adjustment must be provided.

- 5) Final drawings. (a) five sets of large black line plus (c) one set of 11"x17" final approved plans plus (d) one electronic version by pdf or CD must be on file with the Town. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans. If there are significant changes to be made to the plans, as specified above, one full size paper check print must be sent to the Planning Department for review prior to producing these final drawings.
6. [117-47&116-21-GR-15-LL \(David Drubner & Min Yong Lee & Young Ja Lee\)](#) Request by applicant for a Lot Line Adjustment between Map 117 Lot 47, having frontage on Marsh Road and Stuart Drive, and Map 116 Lot 21 having frontage on Young Road. The intent is to transfer .76 acres from Lot 21 to Lot 47 and waivers from Articles 5.3.1 (9) ,(5) & (6) survey all lines , wetlands and topography to be shown on the entire subject lots (Map 117, Lot 47 & Map 116, Lot 21) in the General Residential Zoning District. By: Jason Pohopek ; PO Box 651; Barrington, NH 03825.*

This application was heard last on the Agenda.

J. Pohopek recused

D. Ayer to sit

Jason Pohopek represented the applicant. Mr. Pohopek described the application. The lot was located approximately 900' down Marsh Road a Class VI Road. A house was currently under construction on the parcel. The parcel abutted a large swamp. The applicant wished to purchase ¾ of an acre to allow him to own more upland in front of his home. The current driveway was more than 50' from the wetlands.

G. Calef recused himself; expressing that he had not received one of the documents until that evening where he should have received the document seven days in advance of the Board accepting the application as complete. He expressed receiving the document that evening did not allow him time to review the information.

R. Spinale to sit.

F. Nichols asked if both applicants understood that the 50' buffers would now apply.

Jason Pohopek expressed both applicants understood and there was a note on the plan to that affect.

A motion was made by D. Ayer and seconded by R. Spinale to approve the waiver from 5.3.1(9)Wetlands and Natural Features on the entire site. The motion carried unanimously

A motion was made by F. Nichols and seconded by D. Ayer to approve the waiver from 5.3.1(5) Boundary Survey of the entire site.

A motion was made by D. Ayer and seconded by F. Nichols to waive 5.3.1(6) Topography of the entire site. The motion carried unanimously

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

A. Gaudiello opened and closed Public comment. No one spoke.

A motion was made by F. Nichols and seconded by D. Ayer to approve the application with conditions as stated in the staff recommendations. The motion carried unanimously

Application History

- The application was received by the Land Use Office on July 20, 2015
- The Notice appeared in Fosters on July 24, 2015
- Abutter Notices were sent on July 23, 2015
- The Board continued consideration of the application to August 18, 2015

DRAFT NOTICE OF DECISION

[Office use only]	Date certified:	As built received: N/A	Surety returned: N/A
<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: 117-47&116-21-GR-15-LL (David Drubner & Min Yong Lee & Young Ja Lee) Request by applicant for a Lot Line Adjustment between Map 117 Lot 47, having frontage on Marsh Road and Stuart Drive, and Map 116 Lot 21 having frontage on Young Road. The intent is to transfer .76 acres from Lot 21 to 47 and waivers from Article 5.3.1(9),(5) &(6) survey all lines, wetlands and topography to be shown on the entire subject lots (Map 117, Lot 47 & Map 116, Lot 21) in the General Residential Zoning District. By: Jason Pohopek; PO Box 651; Barrington, NH 03825			

Applicant:	Dated: XXXXX, 2015
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David Drubner 117 Commonwealth Ave. Boston, MA	
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Min Yong Lee & Young Ja Lee #6 Douglas Park Apt #2 Boston, MA 02118-1037	
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Dear applicant:

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

The following waivers were granted:

Article 5.3.1(5) Subdivision Regulations; Boundary Survey of Entire Parcel

Article 5.3.1(6) Subdivision Regulations; Topography of the entire site

Article 5.3.1(9) Subdivision Regulations; Wetlands and Natural Features of the Entire Site

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, 2016**, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. *Reference 8.23 of the Town of Barrington Subdivision Regulations*

Conditions Precedent

- 1) Plan Revisions
 - a) Add the owner's signature to the final plan
 - b) Add the wetland scientist stamp & signature to the final plan
 - c) Add the State subdivision approval to the plan
 - d) Add the Planning Board Revision Block to the plan
- 2) The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the plans.
- 3) Any outstanding fees shall be paid to the Town

- 4) For lot line adjustments the applicant shall submit to the Land Use Office a copy of the signed and notarized deed which will affect the conveyance of the subject property before the plat is certified by the Planning Board. Once the plat is certified the deed must be recorded simultaneously with the plat. For Lot Line Adjustments where the property is in the same ownership corrective deeds incorporating the adjustment must be provided.
- 5) Final drawings. (a) five sets of large black line plus (c) one set of 11"x17" final approved plans plus (d) one electronic version by pdf or CD must be on file with the Town. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans. If there are significant changes to be made to the plans, as specified above, one full size paper check print must be sent to the Planning Department for review prior to producing these final drawings.
7. [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 four waivers for 4.9.2 (1) and 4.9.3 (1) to allow eight parking spaces, to remain in front setback. 4.9.7 (1) Interior Landscaping Standards, (5) Perimeter Shade Trees and 4.10.2 and 4.10.4 General Requirements (Landscaping Design and Screening Standards). They will also be expanding parking area on the site to increase the capacity of the building. This lot is located on a 2.93 acre site in the Town Center (TC) Zoning District. Berry Surveying & Engineering; 335 Second Crown Point Road, Barrington, NH 03825*

G. Calef recused

A. Gaudiello recused

D. Ayer to sit

R. Spinale to sit

M. Gasses gave a history of the application. The applicant proposed drainage and parking improvements for the site, which had previously been disturbed without site plan approval.

Chris Berry described the site. The pavement currently was in poor condition. The original construction was for a mall built in the 60's or 70's. No drainage was provided for during the original construction due to the good soils. The topography was trapping water and not

allowing stormwater runoff from the site. The site had an existing well and septic. The applicant would like to move forward with repaving the site whether or not they hitch to the proposed shared well. The applicant would also like to allow for future connectivity to the Three Socios Site. The applicant would like to add a “no truck access” sign at the proposed connectivity to Three Socios site. The church would like to have more services but not increase the amount of people on site. The current parking spaces were not adequate and the applicant would like to have 101 spaces. The site would contain rain gardens. There was a proposed reduction in pavement to the front and side of the site. The new proposed spaces at the rear would contain a rain garden. The plantings in the front would be 31/2’ feet high and provided better screening to the road than the 3 trees which would be to be removed. Dubois & King had reviewed the plans and they had two minor comments to be addressed.

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

J. Pohopek expressed the Board should address the waivers.

Chris Berry expressed waivers from 4.9.2(1) & 4.9.3(1) were asked for together due to the existing building.

J. Pohopek opened and closed public comment on the waivers. No one spoke.

A motion was made by D. Ayer and seconded by B. Williams to grant waiver #1 to 4.9.2(1) & 4.9.3(1). The motion carried unanimously

Waiver #2 4.9.7(1) Interior Landscaping Standards for the front and side.

Chris Berry expressed they were making the situation more compliant.

J. Pohopek opened and closed public comment.

A motion was made by D. Ayer and seconded by J. Bouchard to approve the waiver because it did not affect the intent of the regulation. The motion carried unanimously

#3 4.9.7(5) Perimeter Shade Trees

Chris Berry expressed the shade trees currently existed and believed there were adequate. The remaining open space in the rear was to remain open.

J. Pohopek opened & closed public comment. No one spoke.

A motion was made by D. Ayer and seconded by J. Bouchard to approve the waiver as it would not affect the intent of the regulations. The motion carried unanimously

#4 4.10.2 and 4.10.4 General Requirements

Chris Berry expressed interior islands would expand the impervious surface and the current design for the parking was more appropriate.

J. Pohopek opened public comment.

Mrs. Williams of Old Settlers Road asked if the application was depended upon the change in the well.

J. Pohopek stated it was not.

J. Pohopek closed public comment.

A motion was made by D. Ayer and seconded by J. Bouchard to approve the waiver as it would not affect the purpose and intent of the regulations. The motion carried unanimously

J. Pohopek opened public comment on the application.

Stephen Jeffery expressed that the application wasn't noticed correctly and should not have gone to Dubois and King before going before the Board.

Attorney Wirth expressed that the use should have received a variance from article 6.3 of the Zoning Ordinance.

Ken Grant expressed he was glad the Board recognized the rights of property owners.

J. Bouchard asked what the impervious surface cover was.

Chris Berry stated 57.3% was the total impervious coverage including the building.

M. Gasses read the draft Notice of Decision.

A motion was made by D. Ayer and seconded by F. Nichols to approve the application with all conditions as stated by the planner. The motion carried unanimously

Application History

- Application was received in the Land Use Office on July 15, 2015
- Notice appeared in Fosters on July 24, 2015
- Notice was sent to abutters on July 23, 2015
- The Board continued consideration of the application to August 18, 2015

**DRAFT
NOTICE OF DECISION**

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As builts received:</i>	<i>Surety returned</i>
<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>Proposal Identification: 235-83-TC-15-SR (The 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 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 four waivers for 4.9.2(1) and 4.9.3(1) to allow 8 parking spaces to remain in front setback. 4.97(1) Interior Landscaping Standards, 4.9.7(5) Perimeter Shade Trees and 4.10.2 and 4.10.4 General Requirements (Landscaping Design and Screening Standards). The parking area will be expanding on site to increase the capacity of the building. This lot is located on a 2.93 acre site in the Town Center (TC) Zoning District. Berry Surveying & Engineering; 335 Second Crown Point Road, Barrington, NH 03825</p>			

The Journey Baptist Church P.O. Box 707 Barrington, NH 03825	Dated: XXXXXX, 2015
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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

- #1 4.9.2(1) *All multi-family dwellings and non-residential parking areas shall be located behind the front-yard setback.*

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4.9.3(1) *Existing Structures-Any structure or land use lawfully in existence prior to the adoption of this ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, and provided further that any parking facilities now serving such structures shall not in the future be reduced below such requirements.*

- #2 4.9.7(1) Interior Landscaping Standards for the front and both sides of the building. *10% on parking areas located to the front, 8% on parking areas to the side of the principal structure.*
- #3 4.9.7(5) Perimeter Shade Trees
- #4 4.10.2 and 4.10.4 General Requirements (Landscape Design and Screening Standards)

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) “ The Journey Baptist Church is prepared to institute the reflected Site Plan Review redevelopment actions on their property which would include tying into the abutting community water system if it becomes available, or to continue the use of the existing private well and would include tying into the abutting parking lot if access becomes available, or to continue access exclusively through the easements that are currently available.”
 - b) *Entrance with Three Socios lot must be posted “No Truck Access” (Added by Board)*
- 2) *Show cross walk location to access open area from rear entrance of building. (Added by Planning Board)*
- 3) *Make the necessary plan revisions called out in the August 13, 2015 letter from Dubois & King. (added by Planning Board)*

- 4) Revise the following plan notes
 - a) Revise note #8 on page 4 to clarify 57.3% is the total impervious surface for the lot
- 5) Town Counsel shall approve all easement language
- 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 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).

8. [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) in the Village District.***Reposted due to abutter notification error.** Application was accepted as complete August 4, 2015. By: Barry Gier, PE; Jones & Beach Engineers, Inc.; PO Box 219; Stratham, NH 03885

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
- The application was heard on July 7, 2015 with conditional approval granted; due to an error in abutter notification the application must be reheard
- The notice appeared in Fosters on July 24, 2015
- Abutter Notices were mailed on July 23, 2015
- The application was accepted as complete on August 4, 2015 and continued to August 18, 2015

M. Gasses read the draft notice of decision

R. Spinale expressed concern that the well could not be located in the open space under 674:21a and 477:45, I

J. Pohopek expressed that the application was not about whether the well was allowed it was about where and how it was placed, which included how it would be accessed and constructed on the lot.

Jae Whitelaw explained why she believed the well was allowed under 674:21a and 477:45,I. She believed it was the intent of the owner of the open space at the time to allow uses which were allowed under the zoning ordinance at the time, which included wells. The wells under the ordinance were to be used by the development, which is why the ZBA granted the variance. The question was whether the intent of the developer in setting forth to allow a well in the open space regardless of who was drinking the water was consistent with the intention of the open space restrictions. The issue had been addressed by the Board in the original working through whether the well was allowed in the open space.

R. Spinale expressed there were minutes which reflected that the easement needed to be placed upon the open space prior to the conservation easement with the well easement. He questioned why the process to make the land conservation land was interrupted if the intent had been to make the open space conservation land all along.

Jae Whitelaw expressed that at the time the easement was placed the land was still owned by the developer and the developer had the authority to grant an easement on the open space which he owned. The Conservation Commission then agreed to take a Conservation Easement over the open space with the well easement in place.

A motion was made by J. Bouchard to approve the application with conditions as read by the planner.

J. Pohopek opened public comment.

Steve Saunders asked for clarification from the Attorney on the allowed uses in the open space.

Jae Whitelaw expressed that what she believed Mr. Saunders was referring to was a concern from Attorney Wirth as whether the variance covered all sections of the Zoning Ordinance which were applicable to the open space. She expressed she had reviewed Attorney Wirth's concerns during a break in the meeting and expressed that she believed the sections cited by Attorney Wirth did not apply.

Steve Saunders asked if the homeowner were aware of the easement that had benefited a single person.

Jae Whitelaw expressed the developer owned the open space at the time and received \$50,000 for the easement. The easement had been recorded at the registry of deeds and if a title search had been done the agreement would have come up.

Stephen Jeffery expressed the yield plan would no longer be viable and the approval should be revoked.

Paul Mausteller expressed the deeds of the 33 lots already shown should be revised to reflect the well easement.

Allen Kelley asked how the notice was determined to be sufficient.

J. Pohopek expressed the public hearing was noticed correctly.

Barbara Irvine expressed the application was accepted as complete on August 4th.

George Calef expressed that the 4 acres taken out violated conditions of approval, the 64 lots were based upon putting aside he believed 60% open space. RSA 676:5:III does not allow variances for innovative land use controls.

Chris Vachon asked if the development was under innovative land use.

Jae Whitelaw explained interpretations of the Zoning Ordinance were appealed to the ZBA.

Chris Vachon read from 674:21

Lisa Ball of Journey Baptist Church expressed that the well was good for the community. The area was zoned for a gas station.

J. Pohopek closed public comment.

M. Gasses expressed that she would like to add the easement with final well location would be recorded at the registry of deeds to the Notice of Decision.

J. Bouchard amended his motion to approve to include the easement with the final well location would be recorded at the registry of deeds, F. Nichols seconded the motion. The motion passed 5-2

Roll Call Vote

F. Nichols	aye
D. Ayer	nay
J. Bouchard	aye
M. Clark	aye
B. William	aye
J. Pohopek	aye
R. Spinale	nay

Passed 5-2

DRAFT NOTICE OF DECISION

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As builts received:</i>	<i>Surety returned</i>
<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: 238-16.21-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)

Applicant:
James Mitchell
The Three Socios, LLC
321D Lafayette Road
Hampton, NH 03842

Barrington Village Place, LLC
7B Emery Lane
Stratham, NH 03885

By: Barry W. Gier, P.E.
Jones & Beach Engineers, Inc.
PO Box 219
Stratham, NH 03885

Dated: , 2015

Dear applicant:

This is to inform you that the Barrington Planning Board at its, 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 XXXX, 2016, 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 the NHDES Non-Community Water System Permit #

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- b) Add the NHDOT Driveway Permit # to the plan
 - c) Add the NHDES Wetland Permit # to the plan if required
- 2) Town Counsel shall approve all easement language to include Village Place and The Three Socios
 - 3) Add the wetland scientist's signature and certification to the final plan
 - 4) Add the owner's signature to the final plan
 - 5) Any disturbed areas are to be revegetated
 - #6) Any outstanding fees shall be paid to the Town
 - 7) 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) The easement with the final well location will be recorded at the Strafford County Registry of Deeds.
- 2) 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)

9. [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 was accepted as complete July 7, 2015.** Barry Gier, PE; Jones & Beach Engineers, Inc.; PO Box 219; Stratham, NH 03885

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
- On July 7, 2015 the application was accepted as complete, the public hearing was opened and the application was continued to the August 4, 2015 meeting. The waiver request was withdrawn.
- The application was continued to August 18, 2015

The applicant made the following changes to the plans based upon questions at the July 7, 2015 meeting.

1. The plan reference to SR07/355, approved August 20, 2007 for "Barrington Village Pizza" has been added to the plan set, see Plan and Deed References on Plan Sheet No. C1.
2. The plan references to SR11/392 approved July 7, 2015, for Milo's Pizza Parking Revision's" has been added to the plan set; see Plan and Deed References on Plan Sheet No. C1
3. The existing parking requirements have been added to the plan set, See Note No.5 on Plan Sheet No. C1.
4. The proposed access drive detail has been added to Plan Sheet No D1. Notes referencing the access drive detail has been added to Plan Sheet No. C1
5. The Well Location approval granted by NHDES Drinking Water & Groundwater Bureau has been added to the plans; see Note No. 14 on Plan Sheet No. C1.
6. The site plans have been updated to correspond with the 2011 Site Plan approved on July 7, 2015.

Recommendations:

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.

John Arnold represented the applicant explaining the application had been accepted as complete on July 7, 2015 and the meeting was continued to allow Mr. Calef's attorney to be present. He asked to reference the prior meeting minutes and the overlap of issues with Barrington Village Place.

Barry Gier explained the plans had been updated to reflect the deliberations at the July 7, 2015 meeting. The improvements included the installation of a well house where any treatment would take place, along with a 14' drive access. The parking waiver had been withdrawn at the last meeting because the plans included the parking requirements.

M. Gasses asked that language be incorporated into the easement deed that allows for pedestrian access over the identified easement on Milo's.

D. Ayer asked where the public access would be.

Barry Gier explained the request was for language to allow the public to access over the gravel access to the pump house and that public access had been their intention, so that people could then access the open space.

J. Pohopek asked about the 5 gravel parking spaces.

Barry Gier expressed the five gravel parking spaces were at the trailhead off Route 9 would provide access through the Barrington Village Place and allow access up to Milo's Pizza, the church and the proposed gas station.

J. Pohopek opened public comment.

Paul Mausteller asked why parking was being proposed at the trail head

Barry Gier explained it was a requirement of the Conservation Commitment.

Stephen Jeffery questioned the legal posting of the meeting.

Attorney Wirth expressed a variance was not granted to 6.3 and the approval should not be granted.

George Calef asked if a septic approval was provided. A septic approval was a requirement to be shown on the plan.

Barry Gier expressed they were not proposing to construct a septic on the site but if the Board wished they could include a prior approval #.

Chris Vachon asked if the Board was sure there was a septic approval.

J. Pohopek expressed although he had not seen the approval he was sure given the site development there was an approval for the site.

Chris Vachon asked if the approval was in line with the occupancy, he believed there was a discrepancy between the occupancy and how many seats they have. Mr. Vachon expressed that the water was not guaranteed to Mr. Calef and that was a point of contention.

J. Bouchard asked that the NHDES septic approval be added to the final plan.

John Arnold express that Three Socios had agreed to supply water to Mr. Calef in greater quantities than he now had, Mr. Calef had not agreed to the proposal. They then agreed to provide sufficient water to Mr. Tsoukalas to provide Mr. Calef water, so Mr. Calef's water was not in jeopardy.

Attorney Wirth expressed that George Calef had attempted to get permission to install a well on his own property it had been approved and then revoked due to objections by Three Socios.

John Arnold expressed that the reason NHDES had revoked the well permit for Mr. Calef last fall was because he needed protective well radius easement from Citizens Bank to allow the well.

Kevin Canter expressed that the number needed to be added to the plan before it could be voted upon.

J. Pohopek closed public comment.

D. Ayer asked if the unrecorded easement from 2007 could be recorded.

Jae Whitelaw expressed that the easement referenced was between George Calef and George Tsoukalas and the Three Socios has no authority to record the agreement.

John Arnold expressed the request went beyond the scope of what was before the Board and they were not able to step in.

M. Gasses read from the draft notice of decision.

A motion was made by B. Williams and seconded by F. Nichols to approve the application with the conditions as read by the planner. The motion carried 6-0

Roll Call

R. Spinale aye
F. Nichols aye
J. Pohopek aye
B. Williams aye
M. Clark aye
J. Bouchard aye
D. Ayer present not voting

Motion carried 6-0

DRAFT NOTICE OF DECISION

<i>[Office use only</i>	<i>Date certified:</i>	<i>As built received:</i>	<i>Surety returned</i>
<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 PO Box 684 Barrington, NH 03825 Barry Gier, P.E. Jones & Beach Engineers, Inc. PO Box 219 Stratham, NH 03885	Dated: XXXXX, 2015
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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.

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) Property is subject to an unrecorded agreement, titled "Easement" and dated August 2, 2007, between George Tsoukalas, Grantor, and George and Arvilla Calef, Grantees, pursuant to which the Grantees' hold rights set forth in said agreement to obtain water from the subject property *to benefit property* identified on the Barrington Assessor's Map as Map 238, Lot #5.
- 2) Revise the following plan notes
 - a) Add the NHDES Non Community Public Water System Permit #
 - b) Add the NHDES septic approval number to the plan
- 3) Town Counsel shall approve all easement language; to include the agreement between Three Socios and George Tsoukalas.
- 4) Add pedestrian access easement language
- 5) Add the owner's signature to the final plan
- 6) Any outstanding fees shall be paid to the Town
- 7) 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. 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).

Without objection the minutes of July 7, 2015 were approved as presented.

A motion was made by D. Ayer and seconded by J. Bouchard to approve the minutes of July 21, 2015.

The motion carried 6-1 A motion was made by D. Ayer and seconded by B. Williams to table the minutes of August 4, 2015. The motion carried unanimously

Without objection the meeting was adjourned at 10:05 pm.

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

September 1, 2015 6:30 pm at the Middle School

Respectfully submitted,

Marcia J. Gasses

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Attachment A.

August 18, 2015

Barrington Planning Board

I request this document be attached to the planning board 8-18-2015 minutes.

Regarding the following applications:

112-1&3-GR/HCO-15-LL (David M. & Lisa E. Holt)

257-3.1&3-GR-15-LL (John & Elizabeth McMaster)

117-47&116-21-GR-15-LL (David Drubner & Min Yong Lee & Young Ja Lee)

235-83-TC-15-SR (Journey Baptist Church)

These applications were noticed for hearing on August 4, 2015. These applications were not accepted as complete on August 4, 2015 and the planning board has not accepted jurisdiction over the applications. The planning board did not deliberate the merits or move these applications to a hearing. The Barrington Planning Board Rules of Procedure and RSA 676:4 only provide for a hearing to be adjourned to a date and time certain. There is no statutory provision to continue an application from a meeting to another meeting. These applications require a new hearing notice to legally consider them at a hearing.

Regarding this following application:

238-7-TC-SR (Millo's Pizza – George Tsoulakas)

This application was noticed for 6-2-15, and continued referencing no new information to 7-7-2015 and accepted as complete on 7-7-2015. The acceptance as complete by the planning board was improper as there was not a public notice for this application specifying the date time and place of this new hearing of 7-7-2015.

Regarding this following application:

238-16.21-V15SR (Barrington Village Place)

The Village Place subdivision approval must be revoked and resubmitted for the planning board to consider this modification to the approved plan. The applicant is proposing to erect structures and establish a use of the land, which fails to conform to the statements, plans and specifications upon which the approval was based. The proposed transient non-community well and water system violates the zoning ordinance and the conditions of approval, reference RSA 676:4-a.

Respectfully submitted,



Stephen Jeffery