



MEETING MINUTES

**BARRINGTON PLANNING BOARD MEETING**

**NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER**

**77 RAMSDELL LANE**

**Barrington, NH 03825**

**(Approved March 7, 2017)**

Tuesday February 21, 2017

**6:30 p.m.**

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

Members Present

Fred Nichols, Chair

James Jennison, Vice Chair

Richard Spinale

Daniel Ayer-ex-officio

Jeff Brann

Paul Mausteller

Alternate Member Present

Andrew Knapp-ex-officio

Town Planner: Marcia Gasses

Town Attorney: Jae Whitelaw

Kyle Pimental: Strafford Regional Planning Commission

**MINUTES REVIEW AND APPROVAL**

1. Approval of the January 17, 2017 Meeting Minutes.

*Without objection the Board approved the January 17, 2017 meeting minutes with a minor change to line 48.*

**ACTION ITEMS**

47 2. [203-8&101-67-GR-17-LL \( Owners: S&D Doughty Family Revocable Trust, c/o Scott &](#)  
48 [Darlene Doughty\)](#) Request by applicant for a proposal to revise the Lot Line between Map 203, Lot 8  
49 and Map 101, Lot 67 to create road frontage for an existing lot of record containing a single family  
50 home along with waivers for Map 203, Lot 8 at 252 Second Crown Point Road (Map 203, Lot 8 &  
51 Map 101, Lot 67) in the General Residential (GR) Zoning District.\* By: Raymond Bisson, Stonewall  
52 Surveying; PO Box 458; Barrington, NH 03825.

53  
54 F. Nichols read the following proposal:

55  
56 *The applicants own two adjacent parcels of land with existing homes. Map 203 Lot 8 currently does not*  
57 *have frontage on Second Crown Point Road, but is accessed via an easement over Map 101 lot 67. The*  
58 *applicants would like to adjust the property line between these two parcels and eliminate their need for a*  
59 *right of way by creating frontage for Map 203 Lot 8 on Second Crown Point Road.*

60 Ray Bisson from Stonewall Surveying explained that he was representing the applicants Scott & Darlene  
61 Doughty for a lot line revision. Ray Bisson explained that the Doughty purchased property in the back in  
62 March of 2000 since that time they have had a 16' right of way from the road up to their property. Ray  
63 Bisson explained that they purchased the property by the road in 2013. Ray Bisson explained what the  
64 applicant would like to do is eliminate the right of way so that the applicant would own frontage on  
65 Second Crown Point Road so they can upgrade the driveway as needed. Ray Bisson explained that the  
66 applicant would eliminate the driveway where the existing structure was and the applicant had a driveway  
67 permit approved by the Highway Department for the new driveway location.

68 Ray Bisson explained that the applicant was asking for waivers due to the size of the lot out back. Ray  
69 Bisson explained that a full survey was done on the front lot. Ray Bisson explained that a full survey was  
70 not done out back because it has wetlands and would not be impacting that area.

71 D. Ayer explained that the Conservation Commission had no problems with the lot line adjustment.

72 P. Mausteller asked about note #5 on that plan. The survey that Berry Surveying did for the land of  
73 Joseph and Virginia Carbaugh stated they have an easement of this driveway.

74 Ray Bisson explained that the Carbaughs' will still have that driveway easement.

75 F. Nichols explained that Andy Knapp was a selectman and ex-officio alternate for the Planning Board.

76 Andy Knapp asked about the driveway being relocated.

77 Ray Bisson explained where the existing driveway was and that it goes up to the house. Ray Bisson  
78 showed where the proposed driveway would be and that they have a driveway permit for the relocated  
79 driveway. Ray Bisson explained that the applicant would have their own driveway entrance.

80 J. Brann explained that the lot was already developed.

81 P. Mausteller asked about the metal building. He wanted to know the size and if anchored or a foundation.

82 Ray Bisson explained that it was a metal pole barn with a dirt base floor.

83 P. Mausteller was concerned about the drainage from the driveway.

84 Ray Bisson explained that it would not affect the drainage because the driveway was already there.

85 M. Gasses read the following from the staff recommendations:

86

87 *The surveyor did not fully survey Map 203 Lot 8 due to its size and that the adjustment did not affect this*  
88 *lot by removing land from it. The soils in the area of the existing home on Map 203 Lot 8 are Paxton fine*  
89 *sandy loam, 0 to 8 percent slopes, very stony. The surveyor has added note #14 indicating that the*  
90 *Wetland Buffer Ordinance applies to wetlands greater than 3000 sq. ft. on both lots.*

91 F. Nichols read the waivers:

92

93 **Requested Waivers for Map 203 Lot 8:**

94 **5.3.1(5) Boundary of entire property**

95 *A motion was made by D. Ayer seconded by J. Brann to approve the waiver because specific*  
96 *circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the*  
*waiver will properly carry out the spirit and intent of the regulations. The motion carried unanimously.*

98

99 **5.3.1(6) Two-foot contour interval topography**

100

101 *A motion was made by D. Ayer seconded by J. Brann to approve the waiver because specific*  
102 *circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the*  
103 *waiver will properly carry out the spirit and intent of the regulations. The motion carried unanimously.*

104

105 **5.3.1(8) All existing improvements, wells, and septic systems within 100 feet of site**

106

107 *A motion was made by J. Brann seconded by D. Ayer to approve the waiver because specific*  
108 *circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the*  
109 *waiver will properly carry out the spirit and intent of the regulations. The motion carried unanimously.*

110

111 **5.3.1(9) All natural features, including wetlands**

112 *A motion was made by D. Ayer seconded by J. Brann to approve the waiver because specific*  
113 *circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the*  
114 *waiver will properly carry out the spirit and intent of the regulations. The motion carried unanimously.*

115

116 **5.3.1(10) Man-made features (roads, stone walls, cemeteries, etc.)**

117 *A motion was made by J. Brann seconded by D. Ayer to approve the waiver because specific*  
118 *circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the*  
119 *waiver will properly carry out the spirit and intent of the regulations. The motion carried unanimously.*

120

121 **5.3.1(13) Location and description of all existing easements and/or right of way**

122 *A motion was made by D. Ayer seconded by J. Brann to approve the waiver because specific*  
123 *circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the*  
124 *waiver will properly carry out the spirit and intent of the regulations. The motion carried unanimously.*

125

126 **5.3.1(14) Each existing building or manmade structure to be reviewed for historic significance**

127 *A motion was made by J. Brann seconded by D. Ayer to approve the waiver because specific*  
128 *circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the*  
129 *waiver will properly carry out the spirit and intent of the regulations. The motion carried unanimously.*

130

131 *A motion was made by J. Brann and seconded by J. Jennison to accept the application as complete. The*  
 132 *motion carried unanimously.*  
 133  
 134 F. Nichols opened public comment.  
 135  
 136 Pam Failing from the Conservation Commission stated that the Commission had no concerns.  
 137  
 138 Andy Knapp questioned why the waiver for the natural and man-made features would be waived with the  
 139 new strip being added.  
 140  
 141 M. Gasses explained that natural and man-made features were as shown on Map 101 Lot 67. Map 203  
 142 Lot 8 contained 37 acres with the existing home.  
 143  
 144 Ray Bisson explained that everything was being shown on the lot including the structures.  
 145  
 146 Andy Knapp asked about the transfers of land.  
 147  
 148 Ray Bisson explained that the plan would be recorded and a deed would be written up.  
 149  
 150 M. Gasses explained that corrected deed and plans would be recorded together.  
 151  
 152 F. Nichols closed public comment.  
 153  
 154 F. Nichols asked M. Gasses to read the conditions.  
 155



**Planning & Land Use Department**  
**Town of Barrington**  
**PO Box 660**  
**333 Calef Highway**  
**Barrington, NH 03825**  
 603.664.0195  
[barrplan@metrocast.net](mailto:barrplan@metrocast.net)  
[barrplan@gmail.com](mailto:barrplan@gmail.com)

**DRAFT**  
**NOTICE OF DECISION**

156

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built 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>			
<b>Proposal Identification:</b> <a href="#">203-8&amp;101-67-GR-17-LL ( Owners: S&amp;D Doughty Family Revocable Trust, c/o Scott &amp; Darlene Doughty)</a> Request by applicant for a proposal to revise the Lot Line between Map 203, Lot 8 and Map 101, Lot 67 to create road frontage for an existing lot of record containing a single family home along with waivers for Map 203, Lot 8 at 252 Second Crown Point			

Road (Map 203, Lot 8 & Map 101, Lot 67) in the General Residential (GR) Zoning District.\* By: Raymond Bisson, Stonewall Surveying; PO Box 458; Barrington, NH 03825.

157

<p><b>Applicant:</b> S&amp;D Doughty Revocable Trust, c/o Scott &amp; Darlene Doughty 252 Second Crown Point Road Barrington, NH 03825</p> <p><b>Surveyor:</b> Raymond Bisson Stonewall Surveying PO Box 458 Barrington, NH 03825</p>	<p>Dated: XXXXX, 2017</p>
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158

**159 Dear applicant:**

**160** This is to inform you that the Barrington Planning Board at its XXXX, 2017 meeting **CONDITIONALLY**  
**161 APPROVED** your application referenced above.

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

**166** Please Note\* If all of the precedent conditions are not met within 6 calendar months to the day, **by**  
**167 XXXXX, 2017**, the Boards approval will be considered to have lapsed, unless a mutually agreeable  
**168** extension has been granted by the Board. *Reference 8.23 of the Town of Barrington Subdivision*  
**169** *Regulations*

**170 Conditions Precedent**

- 171** a) Add the owners signature to the final plan
- 172** b) Add the wetland scientist stamp & signature to the final plan
- 173** c) Note the waivers granted on the plan (***Board granted***)
- 174** d) Add the proposed driveway location for Map 101 Lot 67

**175** 2) Proper and complete survey monumentation shall be installed on the properties as a  
**176** condition to final approval of the application. Granite bounds shall be set at the intersection  
**177** of existing or proposed lot sidelines with existing proposed streets. Iron pins (pipe or rod)  
**178** are to be placed at all property line corners and angles, and all points of curvature and  
**179** points of tangency. Monuments for the lot being developed shall be placed not more than  
**180** 300 feet apart in any straight line. The applicant's surveyor shall certify in writing that the  
**181** bounds and pins have been installed according to the submitted plan. (*Reference 8.8 of*  
**182** *the Town of Barrington Subdivision Regulations*)  
**183**

- 184 3) Provide Revised Driveway and Overhead Easement Deed over Map 203 Lot 8 granting access to  
185 Map 203 Lot 7-1. Current easement to Map 203 Lot 7-1 recorded at Strafford County Registry of  
186 Deeds; Book 4284 Page 0649 Page 1-4.
- 187 4) Any outstanding fees shall be paid to the Town  
188
- 189 5) For lot line adjustments the applicant shall submit to the Land Use Office a copy of the signed  
190 and notarized deed which will effect the conveyance of the subject property before the plat is  
191 certified by the Planning Board. Once the plat is certified the deed must be recorded  
192 simultaneously with the plat. For Lot Line Adjustments where the property is in the same  
193 ownership corrective deeds incorporating the adjustment must be provided.
- 194 6) Final drawings. (a) five sets of large black line plus (c) one set of 11"x17" final approved plans  
195 plus (d) one electronic version by pdf or CD must be on file with the Town. Each individual sheet  
196 in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect  
197 responsible for the plans. If there are significant changes to be made to the plans, as specified  
198 above, one full size paper check print must be sent to the Planning Department for review prior  
199 to producing these final drawings.

## 200 Conditions Subsequent

- 201 1) Please contact the Land Use Office to coordinate the recording of the plan and deed.

202 I wish you the best of luck with your project. If you have any questions or concerns, please feel free to  
203 contact me.

204 Sincerely,

205 Marcia J. Gasses, Town Planner & Land Use Administrator

206 cc: Raymond Bisson, Stonewall Surveying

207 File

208 *A motion was made by J. Jennison and seconded by J. Brann to approve the Lot Line with conditions as*  
209 *read by the planner. The motion carried unanimously.*

- 211 3. [238-4-TC/SDAO-12 \(Owner: The Three Socios, LLC\)](#) Request by applicant for a public hearing to  
212 review compliance with precedent conditions of approval for Site Plan SR/410 and review of  
213 architectural drawing with elevations for conformance with the Design Review Standards on a 1.9  
214 acre site located at 491 Calef Highway (Map 238, Lot 4) in the Town Center (TC) and Stratified Drift  
215 Aquifer Overlay (SDAO) Zoning District. By: Barry Gier, P.E.; Jones & Beach Engineers, Inc.; PO  
216 Box 219; Stratham, NH 03885.

217  
218 F. Nichols explained that the applicant wished to provide the Planning Board with a status report  
219 identifying the progress they had made and the issues that had caused delays.

220  
221 Barry Gier from Jones and Beach Engineers, Inc. representing The Three Socios, LLC that the  
222 applicant would like to continue until April 4, 2017. Barry Gier explained that The Three Socios were  
223 asking for a continuance only, unless the Board had questions that the Board wanted to asked.

224 D. Ayer asked about the canopy.  
225  
226 Barry Gier explained that the architect was not present and he did not want to speak for him. Barry  
227 Gier explained that at the next meeting the architect would be there and questions could be asked at  
228 that time.  
229  
230 F. Nichols asked if the applicant was going to be ready for the April 4, 2017 meeting.  
231  
232 Barry Gier explained that they hoped to have all the conditions met. Barry Gier explained that the  
233 application has already been conditionally approved.  
234  
235 F. Nichols asked if they would have the State permits also.  
236  
237 Barry Gier explained that was why they are asking for continuance.  
238  
239 J. Brann stated that it was a reasonable request because they were not prepared to answer the  
240 questions that maybe asked.  
241  
242 R. Spinale asked what had taken so long to get the State permits.  
243  
244 Barry Gier explained that the project was in litigation for a long time and the applicant did not want to  
245 move forward until the litigation was completed.  
246  
247 R. Spinale asked if this was on the past litigation that was lifted in August.  
248  
249 Barry Gier explained that they had been working on the conditions.  
250  
251 R. Spinale asked if anything had been done since August.  
252  
253 Barry Gier explained they were trying to get the revised septic approved and the water system  
254 approved.  
255  
256 F. Nichols stated that the applicant was before the Board for a status report and to ask to continue.  
257  
258 F. Nichols asked the applicant why they were not ready.  
259  
260 Barry Gier explained that they were a little premature submitting plans to the Board.  
261  
262 P. Mausteller asked if any of the 13 conditions could be met.  
263  
264 Barry Gier explained that they could meet most of the conditions except for the septic and the water  
265 supply approval.  
266  
267 P. Mausteller asked if the Board was comfortable moving forward with the conditions that have been  
268 met.  
269  
270 P. Mausteller asked how confident they were that all the conditions could be met by April 4, 2017.  
271

272 Barry Gier explained that he believed that he could have all the State approvals by April 4, 2017.  
273  
274 F. Nichols stated that the Board was going to decide if they were going to continue to April 4, 2017 or  
275 not.  
276  
277 F. Nichols was looking for a motion to continue until April 4, 2017.  
278  
279 No motion was made.  
280  
281 Jae Whitelaw, Town Attorney explained to the Board and public that the question for the Board was  
282 whether to grant continuance of the public hearing. Jae Whitelaw explained that the motion for the  
283 Board was to grant request to continue or to deny to continue to April 4, 2017.  
284  
285 P. Mausteller questioned the way the ad was posted.  
286  
287 M. Gasses explained that the email from the applicant stated that they may ask for continuance. M.  
288 Gasses explained that the ad needed to be posted at least 10 days in advance. M. Gasses explained  
289 that if the Board was going to discuss the architectural renderings that were provided to the Board  
290 then the ad needed to be posted.  
291  
292 F. Nichols asked if the continuance was denied where the Board went from there.  
293  
294 Jae Whitelaw explained that if the Board denied the continuance your staff report shows that some of  
295 the conditions had already been met. Jae Whitelaw explained the Board could deal with the  
296 conditions that have been met and the applicant can state if they are ready or not to deal with the  
297 condition. Jae Whitelaw explained that the Board does not have to grant continuance.  
298  
299 J. Jennison asked what if the Board did not grant the continuance.  
300  
301 Jae Whitelaw explained that the Board would start the public hearing and get done with what they  
302 could complete and continue the rest of the conditions to April.  
303  
304 J. Jennison asked if it was continued either way.  
305  
306 Jae Whitelaw explained that this would be a different continuance. Jae Whitelaw explained to the  
307 Board that they could grant the continuance and they would be done or the Board could get some of  
308 the conditions done tonight and grant to continue.  
309  
310 J. Jennison asked if the applicant does not answer all the conditions the Board had to allow them to  
311 come back at a future date.  
312  
313 Jae Whitelaw explained that the applicant would need to come back. Jae Whitelaw explained that  
314 there were 13 conditions that needed to be met. Some of the conditions could be met.  
315  
316 R. Spinale asked if there were conditions that are met could the Board have a public comment on the  
317 conditions that are met.  
318  
319 Jae Whitelaw explained that the Board could have a public hearing on the conditions met.



320 R. Spinale suggested that the Board should go over all the conditions that have been met and allow  
321 for public comment.

322  
323 Jae Whitelaw agreed.

324  
325 R. Spinale explained that the applicant needed to be prepared to answer some of the conditions.

326  
327 F. Nichols was looking for a motion to continue or not approve.

328  
329 *R. Spinale made a motion and seconded by J. Jennison not to approve to continue to April 4, 2017*  
330 *and start on the list of the 13 conditions that need to be met. The motion carried unanimously.*

331  
332 F. Nichols explained that the Board will start with the 13 conditions that needed to be met.

333  
334 Jae Whitelaw explained to the Board how they can went through the conditions. Jae Whitelaw  
335 explained that the Board can open comment on each one and close after each one.

336  
337 Andy Knapp was concerned about DES memos that go back to July/August 2016 that the Select  
Board just received a couple of weeks ago. Andy Knapp was concerned about in 6 months why Jones  
and Beach Engineers had not resolved these.

340  
341 Barry Gier explained to the Board that the DES memos were being worked on and still was not  
342 resolved.

343  
344 Andy Knapp asked about these being beyond the expiration.

345  
346 Barry Gier stated that he would need to look into the expirations.

347  
348 Andy Knapp explained that the memos are beyond the 180 days.

349  
350 Barry Gier explained that he could not answer about the memos from DES at this time.

351  
352 F. Nichols explained that the Board will allow everyone that would like to speak to come up to  
353 the podium and state their name and address.

354  
355 F. Nichols explained the background of the case:

356  
357 **The applicant received conditional site plan approval on April 15, 2014.**

358 **The State Driveway Permit Renewal must be approved by the State.**

359 *Barry Gier explained that the State driveway permit does not need a renewal. Barry Gier explained*  
360 *that the work was already vested and he will supply a letter to the town.*

361 **The State Septic Permit must be approved by the State.**

362  
363 F. Nichols explained that there were certain things that the Board was not going to discuss, wells,  
364 water supplies or anything with site plans with the church, Village Place and Millos. F. Nichols  
365 explained that this had been in the courts twice.

366

367 M. Gasses explained that this is was a little different than other applications that have been done. M.  
368 Gasses explained that the Board was here to decide whether the conditions had been met. M. Gasses  
369 explained that the architectural renderings clearly required the discretion of the Board.  
370

371 **1. The applicant will submit utility clearance letters in accordance with Article 3.9.2 of the Site**  
372 **Plan Regulations.**

373 *Staff Comment: The applicant has supplied the required utility clearance letter from Eversource*

374 **Board Comment:**

375 J. Brann explained that there was a letter from Eversource dated June 29, 2016 commenting that they  
376 are supplying electrical service.

377  
378 D. Ayer asked if the cable supplier could be updated on the coversheet change from Comcast to  
379 Metrocast and PSNH changed to Eversource.

380  
381 Barry Gier stated the changes will be made.

382  
383 J. Brann read the information from the Eversource letter.

384  
385 P. Mausteller asked if utility applies to telephone.

386  
387 M. Gasses explained that it was not a State requirement.

388  
389 *A motion was made by P. Mausteller and seconded by D. Ayer to accept the condition with the changes of*  
390 *the cable and electrical carrier. The motion carried unanimously.*

391  
392 **2. Revise the following plan notes:**

393 **a. Note #30 on Sheet C4 to read, "All necessary pavement repairs shall be completed by July**  
394 **1<sup>st</sup> of each year.**

395 *Staff Comment: The note has been added as Note #30 on sheet C4*

396 **Board Comment:**

397 J. Brann confirmed that note was on the plan.

398 P. Mausteller asked if Dubois & King would review the paving during construction and wanted to  
399 know if this would be reviewed every year.

400 M. Gasses explained that this would be reviewed only during the construction. M. Gasses explained that  
401 an estimate was received from Dubois & King.

402 J. Brann explained that this was not on the plan but it was on the inspection sheet.

403 *A motion was made by J. Jennison and seconded by J. Brann that the condition 2 has been met.*  
404 *The motion carried unanimously.*

405 **3. Add the following plan revisions to the plans:**

406 **a. Show the location of a bike rack.**

407

408 *Staff Comment: The bike rack is shown to the rear of the building*

409 **Board Comment:**

410 *J. Brann explained that it was on C-3 of site plan.*

411

412 *P. Mausteller asked if the bike rack was fixed.*

413

414 *Barry Gier confirmed that it was.*

415

416 *A motion was made by J. Brann and seconded by D. Ayer that condition 3 has been met. The motion*  
417 *carried unanimously.*

418 **4. Add the following plan notes:**

419 **a. All variances shall be listed on the plan**

420 *Staff Comment: The note has been added to cover sheet. No variances were required for Map 238 Lot 4*

421 **b. List Waiver 4.7.7.2 Minimum velocity in drain pipe to the plan.**

422 *Staff Comment: The note has been added to the cover sheet (#6)*

423 **c. List Waiver 4.7.7.3 Minimum depth cover for a storm drain to the plan.**

424 *Staff Comment: The note has been added to the cover sheet (#6)*

425 **d. List Waiver 4.12.2(1)b light trespass beyond the property line**

426 *Staff Comment: The note has been added to the cover sheet (#6)*

427 **Board Comment:**

428

429 *P. Mausteller questioned 4.8.2.3 waiver to allow construction of a one-way driveway within 150' of the*  
430 *driveway access to Barrington Tax Map 238 Lot 5.*

431 *Barry Gier explained the waiver had been on the prior plan and these were revisions.*

432

433 *J. Jennison questioned that these waivers were approved.*

434

435 *J. Brann questioned the plan note on "all variance be listed on plan" and wanted to know if leaving this*  
*blank was the way it was handled.*

437

438 *Barry Gier explained that the no variance requested was a standard note.*

439

440 *M. Gasses explained that there was a variance to locate the well to supply water to this site.*

441

442 *Jae Whitelaw explained that it does not apply to this plan. Jae Whitelaw explained that where no*  
443 *variances were required the Board can have the applicant put N/A.*

444

445 *A motion was made by J. Brann and seconded by D. Ayer that condition that "no variances were*  
446 *requested" to be added to the plan. The motion carried unanimously.*

447 **5. Town Council shall approve all easement language.**

448 *Staff Comment: Town Counsel has approved all easement language.*

449 **Board Comment:**

450 *A motion was made by D. Ayer and seconded by J. Brann that condition 5 has been met. The motion*  
451 *carried unanimously.*

452 **6. Update the NHDOT Driveway Permit to include any revisions.**

453 **Staff Comment:** Updated driveway permit not yet received.

454  
455 *Barry Gier explained that the driveway permit has been approved. Barry Gier explained that the*  
456 *requirements on Route 125 were completed and vested and are in the process of obtaining a letter from*  
457 *DOT. Barry Gier explained that this will be brought to the next meeting.*

458  
459 *J. Brann asked if there was something else that needed to be done to have this precedent to be complete.*

460  
461 *George Calef of 35 Mallego Road explained that the applicant needs to meet town regulations and State*  
462 *regulations, pave in 16' and would have more than one driveway. George Calef believes that the*  
463 *applicant has not met either condition.*

464  
465 *M. Gasses stated that the driveway construction has not been completed. M. Gasses explained that the*  
466 *merits about separation were discussed during the approval process. M. Gasses explained that the*  
467 *driveways are not complete because they have not constructed the driveways.*

**Condition Not Met**

469 **7. The applicant shall attain site approval for the installation of the well, well house and**  
470 **connecting infrastructure on lots 238-14, 238-7 and 235-83, including all necessary easements.**

471 **Staff Comment:** Barrington Village Place (238-16.21) was certified on 8/17/2016, Millo's Pizza & Grill  
472 (238-7) was certified on 8/17/2016, and The Journey Church (235-83) was certified on 3/10/2016. All  
473 easements have been approved by Town Counsel and recorded at the SCRD

473 **Comments:**

474 *Gregory Wirth on behalf of the Calef Trust questioned the staff comments on the certification of the*  
475 *plans. Gregory Wirth explained that the precedent condition for the Millo's Pizza site plan was the DES*  
476 *water permit that does not exist yet so this should not have been certified. Gregory Wirth stated that the*  
477 *site plan expired on September 23, 2016 which was currently expired. Gregory Wirth also stated that*  
478 *Barrington Village Plan also was certified also August 18, 2015 was extended until September 23, 2016*  
479 *which also has expired for the DES non transit community well permit. Gregory Wirth also stated*  
480 *that The Journey Church was granted conditional on August 18, 2015 which expired on February 18,*  
481 *2016 and was not certified until March 10, 2016 which was after the expiration date. Gregory Wirth*  
482 *explained that*  
483 *expired certification could not be certified. Gregory Wirth explained that on the staff comments for #7 on*  
484 *The Three Socios has not met this condition.*

485  
486  
487 *J. Brann asked for a comment from the applicant..*

488  
489 *Barry Gier explained that he believed that the site plans have been certified and will look into it for the*  
490 *next meeting.*

491  
492 *Chris Vachon of Boulder Drive explained that he has checked out State permits frequently on line. Chris*  
493 *Vachon was concerned why no action was taken on a DES letter dated on August 4, 2016. Chris Vachon*  
494 *also wanted to know why the Village Place residents did not receive certified notices. Chris Vachon asked*  
495 *if the applicant has been working on the DES memos.*

496

497 F. Nichols explained that this was not going to be approved.

498

499 *George Calef explained that he had concerns with the permits and dates of expired permits. George Calef*  
500 *was concerned that this matter has been before the Board for 6 long years and it has not been approved.*

501 *George Calef asked that the Planning Board deny this approved because it has been before the Board for a*  
502 *very long time.*

503

504 *Steve Gorman of Village Place was concerned about the well placement. Steve Gorman asked why as an*  
505 *abutter he was not notified. Steve Gorman stated that he has been in Land Use office looking for the plan*  
506 *with the well on it.*

507

508 *M. Gasses explained that it was the State Subdivision approval that Steve Gorman is looking for not the*  
*town approval. M. Gasses explained that the applicant does have to update the State Subdivision plan and*  
*explained that the applicant had several outstanding permits.*

511

512 J. Jennison asked why the Barrington Village Place residents were not notified.

513

514 *M. Gasses explained that the residents were not an abutter to the gas station they were an abutter to*  
515 *the Millo's.*

516

517 J. Jennison asked as a Planning Board member are they allow to continue this case while the public keeps  
asking to shut it down, J. Jennison asked if there is a legal option not to approve this application.

519

520 *Jae Whitelaw explained that the Board has already approved this site plan. Jae Whitelaw stated that*  
521 *the question was has the applicant met the conditions. Jae Whitelaw explained that the Board could not*  
522 *change their mind and need to let the applicant come back to meet their conditions.*

523

524 J. Jennison asked if the Board needed to allow the applicant to come back to the Board.

525

526 *Jae Whitelaw explained that the Board needs to allow the applicate to come back to the Board especially*  
527 *if it was for State permits. Jae Whitelaw addressed the public to let them know that if the applicant could*  
528 *not get their State permits then this would be done.*

529

530 J. Brann asked if the Board could not give final approval if the applicate cannot get State approval.

531

532 *Jae Whitelaw explained that this was correct. Jae Whitelaw explained that the applicant and herself will*  
533 *look into the other 3 site plans approvals.*

534

535 J. Jennison asked how long for approval.

536

537 *Jae Whitelaw explained that everyone has to remember that this has not been before the Board for 6*  
538 *years. This applicant has been tied up in the courts for years. Jae Whitelaw explained that it was not*  
539 *accurate to say this was before the Board for 6 years. Jae Whitelaw explained that the Planning Board*  
540 *did not set a time for when the State permits needed to be approved.*

541

542 *R. Spinale asked if the Board could set a time frame now on the State permits. Jae Whitelaw stated that*  
543 *you cannot set a time.*

544  
545 *R. Spinale asked about time frame on State permits.*

546  
547 *J. Jennison asked if there were any legal grounds to not grant a continues.*

548  
549 *Jae Whitelaw explained that it should be a really good reason if they do not have their State permits at*  
550 *the April meeting.*

551  
552 *R. Spinale stated about what if the reason when the applicant comes back to the Board on why the*  
553 *permits are not complete must be a good reason.*

554  
555 *Jae Whitelaw explained that if the lawyer said it was a good reason or not and the Board could decide to*  
556 *listen to the lawyer or not.*

557  
558 *Barry Gier explained that the Board needed to act on this project and many more when they come before*  
559 *the Board. Barry Gier explained that this one has had certain issues and going to court. Barry Gier*  
560 *explained that if the Board makes a precedent on how long the Board maybe putting their self in a*  
561 *situation.*

562  
563 *J. Brann stated that while a little longer the applicant is not building anything and they are not making*  
564 *any money. J. Brann explained that the applicant was paying taxes and not getting anything out of the*  
565 *property.*

566  
567 *R. Spinale asked about time frame on State permits.*

568  
569 *P. Mausteller stated that it was in the minutes 6 months after the court case and now it was 6 months*  
570 *longer.*

571  
572 *R. Spinale explained that the state could just approve or not approve the permits.*

573  
574 *J. Jennison asked if the applicant states that they are working on the State permits but nothing is*  
575 *happening.*

576  
577 *Barry Gier explained that the applicant will be back April 4, 2017 and try to have all permits. Barry Gier*  
578 *explained that they cannot guarantee this date.*

579  
580 *John Scruton Barrington Town Administrator stated that from the aspect of Town spending money it would*  
*be better for the State to turn down the applicant than the town.*

581  
582  
583 *Andy Knapp asked that it has been over the 6 month time as a Select Board member when the Board*  
584 *says enough is enough.*

585 *F. Nichols explained to the Board that if this was located elsewhere in Town and the Town would work*  
586 *with the applicant. F. Nichols stated that the Board and public would not be as strict as they are with this*

587 applicant. F. Nichols stated that we are working with the applicant on working through this with the State  
588 permits and other issues so when the applicant comes back on April 4, 2017 we may complete this process..

589  
590 Gregory Wirth stated that in the minutes of April 15, 2014 when this case was conditional granted on the  
591 staff draft notice of the decision. The deadline was a 12 month timeline precedent on this site plan.

592  
593 P. Mausteller asked when Gregory Wirth legal came in to the picture. P. Mausteller wanted to know  
594 when they pushed the case back.

595  
596 Gregory Wirth stated that he didn't believe that this was in court until after this expired.

597  
598 Jae Whitelaw stated that the notice of decision was appealed to the Zoning Board of Adjustment and the  
599 court.

600  
601 Pam Failing of Edgewater Drive asked about what the easements were for and if a time frame was for  
602 one year.

603  
604 Jae Whitelaw explained that the easements were for the waterlines and the well.

605  
606 M. Gasses explained that the time limit was in subdivision regulations but nowhere in the  
607 Site Review regulations. M. Gasses explained that they were put on Millo's and Village Place decisions and  
608 they had 2 year after certification to make substantial investment.

609  
610 J. Brann questions need to be answered by the applicant.

611  
612 Andy Knapp stated that the Board needed predated letters with the status.

613  
614 Alan Kelley of 129 France Road stated because the August 4, 2016 letter from DES directly connects the  
615 Village Place subdivision by requirement of a revised subdivision plan that they have the status as  
616 abutter holder and do not have to be an abutter. Alan Kelley asked if the Board would vote to notify  
617 other residents.

618  
619 J. Brann asked if the applicant was willing to send letters to others that were not abutters since this has  
been brought up more than once.

620  
621  
622 Barry Gier stated that this was for the gas station not the Barrington Village Place. Barry Gier stated that  
623 Barrington Village Place and Millo's have already been approved by the Planning Board.

624  
625 D. Ayer questioned have they been approved by the State.

626  
627 Alan Kelley stated that when the Barrington Village Place plan was approved the open space it was used  
628 for the septic design for that plan. Alan Kelley explained that if you take away any acreage or space from  
629 the open space that it changes the lot loading for the Village Place. Alan Kelley explained that when the  
630 Village Place looked for a second permit they looked for a well. That is why the need a revised plan  
631 showing the well on it.

632

633 Barry Gier explained that calculations were completed by the person that did it and were submitted to  
634 DES at that time. Barry Gier explained that the State is asking for a revised plan which they are  
635 preparing.

636  
637 Jae Whitelaw explained that there is not a legal requirement that they notify Village Place because they  
638 are not abutters to the gas station site. Jae Whitelaw explained that this is a state subdivision issue not a  
639 town Planning Board issue. In the town one needs to make changes then the Village Place applicant  
640 would need to come before the Planning Board and at that time the Village Place residents would be  
641 notified.

642  
643 Alan Kelley asked how the State Subdivision get modified without the town.

644  
645 Jae Whitelaw explained that it was a different subdivision plan. Jae Whitelaw explained that is the well  
646 placement changes that would need to come back before the Board.

647  
648 Pam Failing explained that she has worked for the state and it could take a long time. Pam Failing also  
649 stated that you could ask the engineer for a breakdown. Pam Failing explained that the State is  
650 shorthanded. Pam Failing suggested a deadline date.

651  
652 Chris Vachon stated that the State has not heard from anyone until January 2017 since the August 4,  
653 2016 letter.

654  
655 J. Brann stated that the applicant is aware that they have been put on notice to supply the requested  
documentation.

656  
657 F. Nichols stated that the Board was going to move on to number 8.

658

### **Condition Not Met**

659

#### **8. Maintenance Requirements:**

662 a. **Revise the Stormwater management/Spill Prevention Operation and Maintenance**  
663 **Manual with a last revision date of January 27, 2014 to have all the inspections to**  
664 **the Stormwater management Systems and structures occur on a monthly basis.**

665 **Staff Comment:** The Operations and Maintenance Manual was updated.

666 **Board Comment:**

667 P. Mausteller suggested on the spill response in 2015 Irving had a leak and had 7 days to clean up and  
668 the town hall didn't know about it.

669 M. Gasses explained that she called the State and they saw something of concern during a visual  
670 inspection so the State required Irving to do a pressure test. M. Gasses explained that the test passed. M.  
671 Gasses explained that Irving did not have a leak. M. Gasses stated that DES was doing a routine  
672 inspection and they thought they saw something and doesn't want it out there that Irving had a leak  
673 because they didn't.

P. Mausteller asked about if there was a large gas spill would it be reported to the State. P. Mausteller  
wanted to know if the Fire Chief would tell Code Enforcement Officer that there was a spill and wanted  
to know what else was in place in case of a spill.



677 R. Spinale stated that it should since the Fire Department is the trained responder to hazard waste spills.

678 P. Mausteller asked if they would contact DES or Code Enforcement.

679 F. Nichols asked if the proper notification was in the manual.

680 M. Gasses stated that it does and there are things that the town does not get notified of. M. Gasses  
681 explained that the applicant has to follow State level rules.

682  
683 P. Mausteller asked about Operations and Maintenance Manual who wrote it where it comes from EPA,  
DES or was it there operating manual.

684 Andy Knapp explained that there are State guidelines on this.

685 Barry Gier explained the Operations and Maintenance Manual was reviewed by Dubois & King the Town  
686 engineer.

687 M. Gasses explained that the manual had been reviewed by Dubois & King and recorded at the registry  
688 of deeds.

689 **b. Add Note 4g to the Stormwater Management/Spill Prevention Operation and**  
690 **Maintenance Manual, requiring an "Annual Inspection report shall be filed by**  
691 **January 31<sup>st</sup> of each year with the Code Enforcement Office"**

692 **Staff Comment:** The note has been added as note 4.g.

693 **Board Comment:**

694 No comment

695 **c. For uses requiring Planning Board approval for any reason, a narrative description**  
696 **of maintenance requirements for structures required to comply with the**  
697 **necessary Performance Standards, shall be recorded to run with the land on which**  
698 **such structures are located and recorded at the Registry of Deeds for Strafford**  
699 **County. The description so prepared shall comply with the requirements of RSA**  
700 **478:4A, as amended. ZO 12.5 The Land Use Department will record the revised**  
701 **document.**

702 **Staff Comment:** The Stormwater management/Spill Prevention and Maintenance Manual was recorded  
703 at the SCRD on January 3, 2017

704 **Board Comment:**

705 P. Mausteller questioned if this was a condition why was it recorded.

707

708 Barry Gier explained that the condition was that it had to be recorded.

709

710 D. Ayer asked if there was any maintenance about the water system.

711

712 Barry Gier stated that there will be a water manual.

713

714 A motion was made by J. Jennison and seconded by J. Brann that condition number 8 has been met.

715 Motion carried 5/1

716 Roll Call:

717 Mausteller-Nay

718 Jennison-Yay  
719 Nichols-Yay  
720 Ayer-Yay  
721 Brann-Yay  
722 Spinale-Yay

723

724 **9. Any outstanding fees shall be paid to the Town.**

725 **Staff Comment:** *Currently there are no outstanding fees owed to the Town.*

726

**Condition not met**

727 **10. The applicant will sign an agreement for on-site inspections and provide an escrow amount to**  
728 **be determined by the Planning Board, for inspections to occur on-site during construction of**  
729 **site improvements.**

730 **Staff Comment:** *Dubois and King has provided an agreement for inspections. The applicant would need*  
731 *to sign the agreement and provide escrow. I would recommend the signed agreement and escrow are*  
732 *provided prior to any site work.*

733 **Board Comment:**

734 *D. Ayer asked if the applicant received an estimate from Dubois & King.*

735

736 *Barry Gier stated that he was not sure if he received.*

737

738 *P. Mausteller asked if Dubois & King had an hourly rate.*

739

740 *M. Gasses explained that Dubois & King usually give a range and the Town collects the higher amount*  
741 *and did email to Mr. Gier.*

742

743

**Condition not met**

744

745 **11. The applicant must provide exterior architectural drawing with elevation for review by the**  
746 **Planning Board for conformance with the Architectural Standards for Barrington Town Center.**

747 **Staff Comment:** *Article 4.11 Building and General Appearance Design Standards in the Site Review*  
748 *Regulations is the applicable regulation. I recommend the Board review the section, and if they have*  
749 *specific features shown on the renderings they do not believe meets the standard be prepared to discuss*  
750 *what specific changes the applicant needs to make in order to comply. The building has traditional*  
751 *dormers, pitched roof, the height is consistent with the majority of the buildings in the Town Center, and*  
752 *the canopy is detailed with crown molding to visually tie in with the look of the main building. The*  
753  *dumpster is screened and located in the rear of the building. The lighting was reviewed during site review*  
754 *and is part of the conditional approval.*

755 *The landscaping plan L3.0 should be consistent with sheets C2, C3, & C4.*

756 *A sign application was not provided. The free standing sign as it appears in the plan set is not compliant*  
757 *with either the existing sign regulations or the proposed sign ordinance. If the sign ordinance passes in*  
758 *March the applicant would need to comply with the ordinance or seek a variance from the Zoning Board*  
759 *of Adjustment.*

760

**Condition not met**

761 **12. Prior to certification of the final plan, the applicant will appear before the board for review of**  
762 **compliance with the conditions of approval. The applicant shall submit three(3) complete**  
763 **paper print plan sets and supporting documents as required in Article 3 with a letter**  
764 **explaining how the Applicant addressed the conditions of approval. This shall include final and**  
765 **complete reports for all items submitted during review for the Town of Barrington’s file. The**  
766 **final materials will be provided to the Board for review at a public hearing. The Board will**  
767 **review the materials prior to granting final approval and authorizing the chair to sign the**  
768 **plans.**

769 ***Staff Comment:** The applicant has submitted a response letter and architectural renderings. The Board*  
770 *will be able to review for compliance with the Notice of Decision and determine which conditions remain*  
771 *to be met.*

772 **Condition not met**

773 **13. The chairman shall endorse three (3) paper copies of the approved plan meeting the**  
774 **conditions of approval upon receipt of an executed bond for all improvements, excluding**  
775 **buildings. The Planning Board shall retain a signed and approved 11’X17”, and pdf format on**  
776 **CD with supporting documents for Town records. The Planning Department shall record a**  
777 **copy of the Notice of Decision and Conditions of Approval at the Strafford County Registry of**  
778 **Deeds. The applicant shall pay for recording fees prior to final approval.**

779 ***Staff Comment:** The applicant is aware of the requirements.*

780 **Condition not met**

781 **Board Comment:**

782 R. Spinale asked about the Board not agreeing to April 4, 2017 to extend this case so that the public  
783 could comment on questions.

784 Jae Whitelaw explained that the Board already voted not to give the applicant an extension. Jae  
785 Whitelaw explained that the Board is at a public hearing and all the conditions have not been met so the  
786 Board needed to continue to a date.

787 R. Spinale stated that the Board needs to pick a reasonable date. R. Spinale asked if extended it was a  
788 public hearing again.

789 Jae Whitelaw explained that it was for the conditions that have not been met.

790 R. Spinale questioned why Village Place residents were not abutters.

791 Jae Whitelaw explained that the residents were not abutters. The Village Place and Millo’s site plans  
792 have already been approved. Jae Whitelaw explained that these were separate applications from the  
793 gas station.

794 J. Brann asked if the well was addressed under the Village Place Plan.

795 Jae Whitelaw explained that the well was approved under Village Place.

796 M. Gasses explained that the applicant has approval from the State to locate a well that expires  
797 December 2017. M. Gasses that the applicant needs there site plan approval to actually do work on the  
798 site.

799 R. Spinale asked if the applicant could give an update on the DES State permits.

800 Andy Knapp asked if the Land Use Office receives DES memos could they forward to the select office.

801 R. Spinale asked if legal would have enough time to meet the April 4, 2017 date.

802 Jae Whitelaw stated she would have enough time.

803 J. Brann stated that the applicant said they would have a status with documentation of where they are  
804 on April 4, 2017.

805 Richard Uchida from Hinkley Allen & Snyder was filling in for John Arnold representing The Three Socios.  
806 The issue with April 4, 2017 was that the applicant needed to drill the well and do a pump test. Richard  
807 Uchida explained to the Board in advance that the applicant was getting bids for the well to be done.  
808 Richard Uchida explained that the applicant would not be ready for April 4, 2017 and that they will keep  
809 the Board updated on the time line of the project. Richard Uchida explained to the Board that the State  
810 permit may not be back by this time.

811 Jae Whitelaw asked about the timing of things that if there was going to be a public hearing to deal with  
812 conditions that a notice needed to go out. Jae Whitelaw asked if the applicant would be ready by mid-  
813 March.

814 Richard Uchida stated that the applicant with the state permits would not be ready for April 4, 2017.

815 Jae Whitelaw asked if the applicant should go to May.

816 Richard Uchida agreed that the applicant should go to May. Richard Uchida stated that if the applicant  
817 cannot meet the May date that Barry Gier will keep the Board informed.

818 F. Nichols asked the applicant if they were comfortable spending money on the well without approval.

819 Richard Uchida explained that they needed to drill the well to get the septic permit.

820 Jae Whitelaw asked the applicant if they would send a transcript of where they are at.

821 Richard Uchida asked how often the Board would want correspondents.

822 Jae Whitelaw asked that when the applicant communicates with the State could the Board also receive  
823 these.

824 Richard Uchida agreed to keep the Board informed.

825 J. Jennison asked if the applicant comes back in May and everything isn't done where are we at.

826 Jae Whitelaw explained that the Board needed to look at where the applicant was at. Jae Whitelaw 827  
828 explained that when the applicant comes back in May 2, 2017 that if they need to continue it would  
829 have to be a really good reason why the Board would not allow to continue because of State permits.

829 J. Jennison asked if the applicant had a permit to drill the well.

830 Richard Uchida explained that the applicant has permission to drill the well. Richard Uchida explained  
831 that you do not get a well permit until you drill the well for approval.

832 R. Spinale asked when the applicant expects the numbers back for the well bids.

833 Richard Uchida stated that the person working on this was not here.

834 J. Brann asked where in the process the State subdivision was.

835 Richard Uchida explained that was underway with the surveyor.

836 F. Nichols looking for a motion.

837 *A motion was made by D. Ayer and seconded by J. Brann continue to May 2, 2017 with the expectation of*  
838 *completion (conditions 7, 9,10,11,12 & 13). The motion carried unanimously.*

**839 COMMUNICATIONS RECEIVED**

840 Marcia Gasses asked the Board if anyone was willing to be a commissioner for Strafford Regional  
841 Planning Commission. They meet on the third Friday of each month from 9-11.

842

**843 REPORTS FROM OTHER COMMITTEES**

844 None

845

**846 UNEFINISHED BUSINESS**

847

848 None

849

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

851

852 **4.** Reminder Planning Board will be holding a public input session for the Vision Chapter Master Plan on  
853 February 25, 2017 at the ECLC 77 Ramsdell Lane.

854

855 Kyle Pimental, Principal Regional Planner for Strafford Regional Planning Commission gave an update  
856 of the workshop for the Vision Chapter Master Plan on February 25, 2017 from 10:00-12:00. Kyle  
857 Pimental supplied 5 vision statements on large charts and explained what the workshop would include.

858

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

860

861 The next meeting will be on March 7, 2017 at 6:30 p.m. at the ECLC 77 Ramsdell Lane.

862 Without objection the meeting was adjourned at 10:10 p.m.

863 Respectfully Submitted,

864 Barbara Irvine