



BARRINGTON PLANNING BOARD MEETING

NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER

77 RAMSDELL LANE

Barrington, NH 03825

Tuesday May 2, 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.

Meeting Minutes

(Minutes approved on May 16, 2017)

Members Present

Fred Nichols, Chair

James Jennison, Vice Chair

Casey O'Brien-ex-officio

Richard Spinale

Steve Diamond

Member Absent

Jeff Brann

Alternate Member: Dan Ayer-ex-officio

Town Planner: Marcia Gasses

Town Attorney: Jae Whitelaw

MINUTES REVIEW AND APPROVAL

1. Approval of the April 18, 2017 Meeting Minutes.

Without objection the Board approved the April 18, 2017 meeting minutes.

ACTION ITEMS

2. [251-64-GR/SDAO-17-SR/Waiver \(Owners: Steven F. and Pamela M. Lenzi Revocable Trust\)](#)

Request by applicant for Site Review to construct a 150' monopole tower that will structurally accommodate at least 4 wireless broadband telecommunications carriers and associated antennas, electronic equipment and cabling; and fence in the base of the tower to accommodate ground based telecommunications equipment on Bumford Road and a waiver from 3.3. (3) existing topography. (Map 251, Lot 64) in the General Residential (GR) and Stratified Drift Aquifer Overlay Zoning District.* By: Varsity Wireless Investors, LLC; 290 Congress Street, 7th Floor; Boston, Ma 02210.

F. Nichols gave a brief description of the application and explained the Board would not have public comment because the application was incomplete. F. Nichols explained that the applicant was present to give the Board an understanding of the project and explained that the applicant also had waivers.

Francis Parisi explained that he was representing Varsity Wireless Investors, LLC. Francis Parisi explaining that the applicant would like for Site Review to construct a wireless communications facility. Francis Parisi explained that an application was filed with the Zoning Board of Adjustment at the same time. Francis Parisi explained that the Zoning Board granted one of the two variances and the other variance was continued for the wireless facility to be 75' from the wetlands buffer. Francis Parisi explained that the applicant would be more than 50' but less than 75' from the wetlands buffer. Francis Parisi explained that the Zoning Board and Conservation Commission both strongly suggested that the applicant try and redesign facility to be 75' from the wetlands. Francis Parisi explained that the plans were given back to the engineer and they were able to move the wireless facility so the applicant will withdraw the Zoning Board application for the 75' wetlands buffer and supply revised new plans. Francis Parisi asked the Board if they had any questions or concerns.

M. Gasses explained that she went through the checklist to see what needed to be done. M. Gasses explained that at the Zoning Board of Adjustment meeting the applicant gave a good explanation on what was going to be done.

Francis Parisi explained that a balloon was put up in the air prior to the Zoning Board of Adjustment meeting and abutters were notified and a separate ad was put in the local paper. Francis Parisi explained that a visual demonstration to illustrate the location and height of the proposed facility was conducted over 150' tall using the balloon. Francis Parisi explained that the balloon showed where it was visible and where the balloon was not visible. Francis Parisi explained that he would bring photos with the application to the next meeting so that the Board could see exactly what it would look like.

F. Nichols stated that the photos would be interesting so the Board could see how this works.

S. Diamond asked what the capability was.

Francis Parisi explained that the information was in the application. Francis Parisi stated that he thought he was coming before the Planning Board for site review, setbacks, topography and questions like that.

F. Nichols explained that the Board could not open public comment because the application was not complete.

Attorney Jae Whitelaw explained that there was no way to know what type of questions would be asked and the correct people should be here to answer the questions when the applicant returns.

M. Gasses stated that the applicant would be continued until June 6, 2017.

ACTION ITEMS CONTINUED FROM FEBRUARY 21, 2017

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

F. Nichols gave a brief description of the application and explained that the applicant was before the Board to see if the applicant has met the conditions precedent. F. Nichols explained to the applicant and public that the Board needs to answer questions before continuing with the hearing with the following concerns.

F. Nichols explained where the Board left off at the last meeting regarding whether Three Socios has met the Conditions of approval of their site plan.

F. Nichols recapped the following information of the application.

- The Board needs to answer a question on whether time has expired for Three Socios to have met those conditions identified when their site plan was approved and if so, identify the impact.
- That question arose at our February 2017 public hearing.

Background of the application as follows:

- The expiration issue arises from the inconsistency between the Notice of Decision issued on 4/24/14 which did not include a time limit and the Staff Recommendations and vote of the board in granting conditional approval on 4/15/14 which did include a time limit.
- The Three Socios site plan was conditioned in part on obtaining site plan approvals on the Millos, Barrington Village Place (BVP) and the Church.
- These come into play considering the expiration issue because pursuant to RSA 677:15, II, an appeal to the court stays all action and the conditional approval and all activity under it are put on hold.

The Calefs appealed the Three Socios's conditional approval to both the ZBA and the court's decision was stayed on 5/16/14.

The court denied the Calef appeal on 10/27/2015. That lifted the stay and established a new expiration period one year from that date which was 10/27/2016.

F. Nichols explained that there was more.

- The Town's attorney on November 30, 2015 and again in October 2016 answered questions brought to them by Three Socios whether or not if there was a time limit and confirmed to Three Socios that there was no time limit or no expiration date and no deadline for the Three Socios conditional approval. That was based on the Notice of Decision the Town sent to Three Socios did not include a date.

The latter confirmation was made after the court's decision in the BVP case.

● In all likelihood, Three Socios would have requested an extension and in all likelihood would have been given one based on:

- the number of appeals and court stays involved,
- the Notice of Decision did not include the note of expiration date, and
- the Town's Attorney and Town's Planner confirmed and verified to Three Socios on two different occasions that there was no expiration date.

F. Nichols explained that the Board was going to discuss among themselves and come to one of the following conclusions.

That while the Three Socios conditional site plan approval was subject to a 12 month expiration period, the expiration period began to run on 07/08/2016 when the court stay was lifted on the BVP site plan approval, thereby making the expiration date 07/08/2017.

This conclusion recognizes the erroneous information from staff and legal that its conditional approval did not have an expiration date and that Site Plan Review Regulations do not require that an expiration date be imposed.

OR

That while the Three Socios conditional site plan approval was subject to a 12 month expiration period, the expiration period began to run on 10/27/2015, when the court stay was lifted on the Three Socios site plan approval, thereby making the expiration date 10/27/2016.

F. Nichols explained that this conclusion recognizes that Three Socios is totally responsible for not requesting extensions.

F. Nichols asked the Board if they had any comments.

S. Diamond explained that the Zoning Ordinance states, "Should a conflict exist between or among standards or requirements within this Ordinance, then whichever imposes the more stringent standard or requirement shall control."

R. Spinale asked when the stay was instituted how much of their extension did the applicant use of the 12 month period. R. Spinale asked that when the court case stay was lifted should the Board go forward with what was left after the stay was lifted and felt that it would go until June.

F. Nichols agreed that the time limit should go until June 8, 2017 and that this would include BVP. F. Nichols stated that Three Socios was depending on this.

R. Spinale questioned if in this case that Three Socios could ask for an extension because this would mean that the time would have not expired yet. R. Spinale questioned what S. Diamond stated and asked if he felt that Three Socios should not get an extension.

S. Diamond explained that where Three Socios did not file for an extension, he felt that it has expired.

R. Spinale explained that he felt that the applicant did not have a date on the notice of decision s open it was open ended.

S. Diamond explained that there was a mistake made with the notice of decision.

R. Spinale explained that the applicant should not have to suffer because the town made the mistake and stand behind the applicant and at least give the applicant until June.

F. Nichols explained that if Three Socios was depending on other actions such as Millo's site plan being approved, and this was delayed due to appeals, the clock would start after that stay was lifted. Regardless of any extensions, they would have until June 8, 2017.

F. Nichols explained the following issues for the Board.

1. Don't worry about the stays on the other site plans.
2. We owe Three Socios as a town for the date not being on the notice of decision.
3. What the final date would be.

A motion was made by F. Nichols and seconded by R. Spinale for Three Socios conditional site plan approval was subject to a 12 month expiration period, the expiration period began to run on 07/08/2016 when the court stay was lifted on the BVP site plan approval, thereby making the expiration date 06/08/2017. The motion carried a 4/1 vote.

Spinale-Yay

Jennison-Yay

Nichols-Yay

O'Brien-Yay

Diamond-Nay

F. Nichols explained that he would be reading the conditions as follows:

List of Conditions Precedent:

- 1. The applicant will submit utility clearance letters in accordance with Article 3.9.2 of the Site Plan Regulations.**
 - **Staff Comment:** *The applicant has supplied the required utility clearance letter from Eversource. Condition met per 2/21/17 PB meeting*
- 2. Revise the following plan notes:**
 - a. Note #30 on Sheet C4 to read, "All necessary pavement repairs shall be completed by July 1st of each year.**
 - **Staff Comment:** *The note has been added as Note #30 on sheet C4. Condition met per 2/21/17 PB meeting.*
- 3. Add the following plan revisions to the plans:**
 - a. Show the location of a bike rack.**
 - **Staff Comment:** *The bike rack is shown to the rear of the building. Condition met per 2/21/17 PB meeting.*
- 4. Add the following plan notes:**
 - a. All variances shall be listed on the plan**
The applicant has added the note indicating "No variances required"
 - b. List Waiver 4.7.7.2 Minimum velocity in drain pipe to the plan.**
 - **Staff Comment:** *The note has been added to the cover sheet (#6)*

- c. List Waiver 4.7.7.3 Minimum depth cover for a storm drain to the plan.
 - **Staff Comment:** *The note has been added to the cover sheet (#6)*
 - d. List Waiver 4.12.2(1)b light trespass beyond the property line
 - **Staff Comment:** *The note has been added to the cover sheet (#6)*
 - **Staff Comment:** *Conditions b.-d. were deemed met at the 2/21/17 PB meeting*
 - **Staff Recommends that the applicant revise the waiver note for 4.8.2(3) to read, "Section 4.8.2(3) Waiver to allow the construction of one-way entrance driveway within 150' of the driveway access to Barrington Tax Map 238 Lot 5 and between the one-way in access and northerly access on the applicants site." The waiver was granted by the Board on October 1, 2013.**
5. Town Council shall approve all easement language.
- **Staff Comment:** *Town Council has approved all easement language. Condition met per 2/21/17 PB meeting*
6. Update the NHDOT Driveway Permit to include any revisions.
- **Staff Comment:** *No revisions to the NHDOT Driveway Permit are required. The applicant has provided the Driveway Permit extension letter, with an extension to 8/2/2018 and the new date is noted on the plan.*

F. Nichols explained that this condition was not approved at the 2/21/17 meeting.

M. Gasses explained that the condition was met but not voted on.

Barry Gier explained that a driveway permit extension letter was provided with an extension to 8/2/2018 and the new date was noted on the plan.

Pam Failing of 17 Edgewater Drive questioned if there was a waiver for the two driveways.

M. Gasses explained that regulations say NHDOT driveway permit can allow two driveways or a waiver from the Planning Board. M. Gasses explained the NHDOT controls State access points and that the two driveways have been approved.

S. Diamond questioned the waiver for Mr. Calef's driveway.

M. Gasses explained that the applicant did get a waiver for Mr. Calef's driveway and no waiver for the two driveways. M. Gasses explained that the State allows the two driveways or a waiver from the Planning Board.

S. Diamond questioned the two driveways.

M. Gasses explained that the plan was approved with the two driveways.

Pam Failing of 17 Edgewater Drive questioned if there were waivers.

M. Gasses explained that there were waivers granted for the separations between driveways.

Attorney Jae Whitelaw explained that a variance is special approval from the Zoning Board of Adjustment and a waiver is when a condition cannot be met in the Subdivision and Site Review Regulations.

Chris Vachon of Boulder Drive questioned if there was a waiver from the Town for the two driveways because they were supposed to be 150' apart and was concerned that the driveway was close to the Calef entrance.

M. Gasses read the condition again:

- **Staff Recommends that the applicant revise the waiver note for 4.8.2(3) to read, "Section 4.8.2(3) Waiver to allow the construction of one-way entrance driveway within 150' of the driveway access to Barrington Tax Map 238 Lot 5 and between the one-way in access and northerly access on the applicants site." The waiver was granted by the Board on October 1, 2013.**

Chris Vachon of Boulder Drive asked how long the waiver was good for. Chris Vachon wanted to know if expiration date on put on waivers. Chris Vachon questioned that the 2 entrances are approved for the 15' and the Board was ok with this.

M. Gasses explained that the waiver goes with the plan.

A motion was made by C. O'Brien and seconded by J. Jennison that the applicant has met the conditions for the NHDOT driveway permit.

The motion carried a 4/0 vote with 1 abstained.

Spinale-Yay

Jennison-Yay

Nichols-Yay

O'Brien-Yay

Diamond-Abstained

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

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

Barry Gier explained that there was some discussion on whether or not if the approvals were still valid. A letter was supplied from Attorney John Arnold in the packet and he was present to answer any questions.

Attorney John Arnold explained that all plans were approved by the Board and they were not appealed within the 30 day.

S. Diamond asked if the well house was part of the decision on the Millo's expansion and what was the date.

F. Nichols explained the Millo's was certified on 8/16/2016.

Chris Vachon asked if there was a difference between conditional approval and certified.

M. Gasses explained that certification was when the Chair signs the plan.

Attorney Jae Whitelaw explained that the applicant had received a conditional approval with a 6 month expiration on the approval and the Board granted applicant an extension because of the litigation before the extension expired. Attorney Jae Whitelaw explained that the applicant had to supply State permits. Attorney Jae Whitelaw explained that the applicant received the State permits.

Chris Vachon questioned the plans being certified.

Attorney Jae Whitelaw explained that certified was that the plans were signed by the Planning Board Chair.

Chris Vachon questioned if there was a conditional approval that expires after two years.

M. Gasses explained that after the plans are certified the two years starts.

Chris Vachon questioned Site Plan recorded at the Registry.

M. Gasses explained that Site Plans are not recorded at the Registry.

Attorney Jae Whitelaw explained that the easements were recorded.

Chris Vachon asked once the easements are recorded how long before the easements expire.

M. Gasses explained that the easements are agreements between private parties. M. Gasses explained that the attorney reviews for legal form and explained that the easements do not expire.

Pam Failing of 17 Edgewater Drive asked about two wells being drilled when only one was approved.

Charlie Lanza from Hampstead Area Water Services Company explained that there were two wells drilled. Well #1 was not efficient enough to support the commercial businesses so a Well #2 was drilled and the well got 30/40 GPM, so the applicant would use well #2. Charlie Lanza explained that after talking to Attorney John Arnold that the second well would satisfy the need now and in the future. Charlie Lanza explained that Well #1 was removed from the DES well permit.

F. Nichols asked if the first well was capped.

Charlie Lanza explained that Well #1 was capped.

R. Spinale asked on the well that was capped how many gallons it got per minute.

Charlie Lanza explained that Well #1 got three to four gallons per minute.

R. Spinale asked that they are keeping the well that gets sufficient amount of water. R. Spinale asked if the other well was capped and not abandoned.

R. Spinale questioned that they would have 2 wells.

Charlie Lanza explained that according to DES there was only one well. Charlie Lanza explained that the capped well will not have pipes attached to it.

R. Spinale asked if they were going to use the capped well.

Charlie Lanza explained that the applicant would need to go back to the State if they were to use the capped well and site plan approval.

R. Spinale questioned why they wouldn't go through the process now.

Attorney John Arnold explained that if they were to use Well #1 the applicant would need to go back to the Zoning Board because they only approved one well. Attorney John Arnold explained if sometime in the future that they would have to go back to the town.

S. Diamond questioned the arsenic levels in the two wells. S. Diamond stated that Well #2 had the higher arsenic level.

R. Spinale stated that at the end of the day there are two wells.

F. Nichols explained that the applicant was only permitted for one well.

Attorney John Arnold explained that when you have 8 acres to drill the well you need to find a well that produces. Attorney John Arnold explained that when the first well was drilled it looked like the well was not going to produce sufficient water, so a second well was drilled. Attorney John Arnold explained that because both wells were producing DES approved both. Attorney John Arnold explained that abandoning the other well was the term used by DES.

R. Spinale asked if there were any pipes to the abandoned well.

Attorney John Arnold confirmed that there were no pipes.

Pam Failing 17 Edgewater Drive agreed with Attorney John Arnold that more than one well would need to be drilled to get enough water.

Chris Vachon of Boulder Drive asked if there was subdivision approval from the Attorney General to put a well on the site.

Barry Gier explained that subdivision approval was received.

Chris Vachon asked if the approval was from the Attorney General.

Barry Gier explained that the subdivision approval came from DES.

Attorney John Arnold explained that he thought there may be confusion that the subdivision approval comes from DES and the applicant has supplied this information and it has the well showing in the open space.

Chris Vachon stated that the original subdivision for Village Place did not show a well in the open space and again questioned the attorney general.

M. Gasses explained that when the applicant came in for the 8 acre area to drill a well they may have need to drill more than one well to get specific amount of water.

Chris Vachon of Boulder Drive asked if this was approved.

M. Gasses explained that they wouldn't have needed 8 acres that would then shrink down to four the understanding was that they may have to drill more than one well to get specific capacity to meet there needs.

Chris Vachon of Boulder Drive asked if this was approved.

M. Gasses explained that the applicant wouldn't have needed the 8 acres to shrink to four if they were going to have one well and hit it the first shot.

Chris Vachon Boulder Drive asked again if the Attorney General was involved.

J. Jennison stated that the answer was no the Attorney General has not been involved.

A motion was made by J. Jennison and seconded by C. O'Brien that the applicant has met the conditions of #7 to attain site approval for the installation of the well, well house and connecting infrastructure on lots 238-14, 238-7 and 235-83, including all necessary easements.

The motion carried a 4/0 vote with 1 abstained.

Spinale-Yay

Jennison-Yay

Nichols-Yay

O'Brien-Yay

Diamond-Abstained

8. Maintenance Requirements:

- a. **Revise the Stormwater management/Spill Prevention Operation and Maintenance Manual with a last revision date of January 27, 2014 to have all the inspections to the Stormwater management Systems and structures occur on a monthly basis.**
 - **Staff Comment:** *The Operations and Maintenance Manual was updated. Condition met per 2/21/2017 PB Meeting*

- b. **Add Note 4g to the Stormwater Management/Spill Prevention Operation and Maintenance Manual, requiring an "Annual Inspection report shall be filed by January 31st of each year with the Code Enforcement Office"**
 - **Staff Comment:** *The note has been added as note 4.g. Condition met per 2/21/17 PB meeting.*

- c. **For uses requiring Planning Board approval for any reason, a narrative description of maintenance requirements for structures required to comply with the necessary Performance Standards, shall be recorded to run with the land on which such structures are located and recorded at the Registry of Deeds for Strafford County. The description so prepared shall comply with the requirements of RSA 478:4A, as amended. ZO 12.5 The Land Use Department will record the revised document.**
 - **Staff Comment:** *The Stormwater management/Spill Prevention and Maintenance Manual was recorded at the SCRD on January 3, 2017. Condition met per 2/21/17 PB meeting.*

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

- **Staff Comment:** *The applicant must pay \$20 for recording of the Notice of Decision prior to the signing of the plan.*

M. Gasses explained that the applicant needed to pay staff \$20.00 for recording of the Notice of Decision prior to the signing of the plan.

A motion was made by C. O'Brien and seconded by R. Spinale that the applicant would pay the staff before the recording of the plans. The motion carried unanimously.

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

- **Staff Comment:** *Dubois and King has provided an agreement for inspections. The applicant has signed the agreement.*
- Staff recommends an escrow of \$6200 be provided prior to any site work.

Barry Gier stated that the agreement has been signed and site work will not begin until payment was made.

R. Spinale asked if the town holds the money.

M. Gasses explained that the applicant sends the money and this was put in a separate account at the bank. M. Gasses explained that a report and invoice would be supplied to the town every time Dubois & King goes out to the site and invoices are paid from the encore.

R. Spinale asked what happens to the funds if some are left over.

M. Gasses explained if funds are left over they are returned; if more was needed we would contact the applicant.

R. Spinale asked if the \$6200.00 came from Dubois & King.

M. Gasses explained that this amount was the high end of the range.

A motion was made by J. Jennison and seconded by C. O'Brien that the board finds the inspection agreement provided has been signed by the applicant and are requiring an escrow payment of \$6200.00 be provided before any site work begins. The motion carried unanimously.

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

- **Staff Comment:** *Article 4.11 Building and General Appearance Design Standards in the Site Review Regulations is the applicable regulation.*
- *The building has traditional dormers, pitched roof, the height is consistent with the majority of the buildings in the Town Center, and the canopy is detailed with crown molding to visually tie in with the look of the main building. The dumpster is screened and located in the rear of the building. The lighting was reviewed during site review and is part of the conditional approval.*
- *A sign packet has been provided. The Zoning Administrator will provide a memo stating compliance with the ordinance.*

- Staff recommends the Board review the section, and if they have specific features shown on the renderings they do not believe meets the standard be prepared to discuss what specific changes the applicant needs to make in order to comply.

Barry Gier explained that architectural drawing were supplied on January 10, 2017 and the sign information was supplied on April 10, 2017. Barry Gier explained that the landscaping would match the surrounding area.

David Gleason from Gleason Architects explained this would be a gas station and convenience store with design to match the surrounding area. David Gleason explained that this would be a single story structure with canopy in the front and rear. The structure would have clapboard and store front glass, and the shingles would be similar to what was in the area. David Gleason explained that the building would have gray siding and white trim.

David Gleason listed the following specs:

The height of the roof will be approximately 17 feet

The canopy will be 25 feet where the code permits 40 feet

Barry Gier explained that the landscaping was designed to match what was in the area of Route 125.

Barry Gier felt that the applicant has met the requirements of the landscaping.

Barry Gier explained that lighting is just enough to light the site for safety reason and to meet the requirements.

Barry Gier explained the signs match what was in the area ground mounted sign to have the New England look.

S. Diamond asked about adding to the concrete rumble wall.

Barry Gier explained that was rumble wall was already there and the applicant would not be adding to that.

Pam Failing of 17 Edgewater Drive asked about the building. She stated that using the architectural standards for the Town Center that the building would not meet the architectural standards.

M. Gasses explained that there were drafts of the architectural standards that were not certified by the Planning Board so they are not a valid document because they could not get permission from other communities to use their information and get this information formatted. M. Gasses explained that the architectural design review is what was in the site review regulations.

Pam Failing of 17 Edgewater Drive asked about the placement of the building. Pam Failing has a question about the gas station being setback more than other buildings in the area. Pam Failing asked if Dubois & King was going to review these plans.

M. Gasses explained that the Planning Board was the reviewing body under site review 4.11 design standards to see if they feel the applicant has met the design standards.

F. Nichols stated that he would like the Board stay with the site review 4.11.

Chris Vachon of Boulder Drive asked if all the Town Center documents in the architectural standards are not valid.

M. Gasses explained that the documents are in the site review regulations.

Chris Vachon of Boulder Drive asked if there was anything pertaining to gas stations.

M. Gasses stated that she did not believe so. M. Gasses explained that the Architectural Standards are not valid because they were never certified.

Chris Vachon of Boulder Drive asked if these documents are not valid.

M. Gasses stated that the location of the pumps was approved as part of the site review process. M. Gasses explained that this was part of the structure review.

Chris Vachon of Boulder was concerned about the placement of the pumps.

J. Jennison explained to Chris Vachon that this applicant has been before the Board for years and was pretty sure if there was an issue that Chris Vachon would have brought before the Board.

Chris Vachon explained that he just learned about this in the last week.

J. Jennison stated that he had a hard time believing that Chris Vachon just learned about the location of the pumps. J. Jennison explained that the Architectural Standards are not valid.

Attorney Jae Whitelaw explained that in Site Review under Article 4.12.2 (7), nowhere under gas stations does it state the location of pumps.

F. Nichols explained that Design Standards are in Site Review under 4.11. F. Nichols explained that there are no approved documents and that Site Review is where Design Standards was referenced.

S. Diamond expressed that he was frustrated because he also saw this document on the website.

M. Gasses explained that this was not certified no the document was not valid.

F. Nichols stated that he googled this document and called the Town to see if this was valid. F. Nichols was told that this was not valid and that the document needed to be taken down from the website along with any other documents that were not valid.

Alan Kelley of France asked what standards were used.

David Gleason explained that he used standards zoning, building, compatible area, looking at the location, IBC 2009 codes and Barrington zoning codes.

Alan Kelley of France Road asked if the Town of Barrington has certified Architectural Standards.

F. Nichols explained again that the reference was in Site Review under 4.11 Building and General Appearance Design Standards.

Alan Kelley of France Road questioned that this has not been reviewed by an engineer or anyone else.

F. Nichols explained that the Board was doing the review right now.

M. Gasses explained that this applicant was going through the same process Federal Savings and Turbocam. M. Gasses explained the Planning Board shall review applications for all actions that

are subject to the provisions of this section and shall make recommendations to the applicant concerning the conformance of the proposal action to the design review standards contained herein.

Alan Kelley of France Road expressed so the Planning Board received the plans and reviewed them.

S. Diamond explained that he did not have enough time to review.

R. Spinale asked if this motion was that the plans were submitted to the Board.

M. Gasses explained that the motion would be that the applicant met the standards.

R. Spinale asked if the Board approved these and what if the applicant made changes.

Attorney Jae Whitelaw explained that if the applicant makes changes they would need to come back to the Board.

David Gleason stated there would be an as built.

J. Jennison asked how from this rendering can you stray when building. J. Jennison asked if they the applicant could change the plans.

R. Spinale stated that the applicant would need to come back before the Board.

Attorney Jae Whitelaw explained that they couldn't even take a dormer off, the applicant would need to come back before the Board.

A motion was made by C. O'Brien and seconded by F. Nichols that the applicant has met the conditions of #11 submitted and the Board approved the Architectural Designs. The motion carried 4/0 1 abstained.

Spinale-Yay

Jennison-Yay

Nichols-Yay

O'Brien-Yay

Diamond-Abstained

12. Prior to certification of the final plan, the applicant will appear before the board for review of compliance with the conditions of approval. 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 final materials will be provided to the Board for review at a public hearing. The Board will review the materials prior to granting final approval and authorizing the chair to sign the plans.

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

A motion was made by C. O'Brien and seconded by F. Nichols that the applicant has met the conditions of #12 submitted. The motion carried unanimously.

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

- **Staff Comment:** *The applicant is aware. Prior to the chair signing the plan staff recommends the applicant provide an estimate for site construction excluding buildings to be provided to Dubois & King for review, and surety amount provided to the Town of Barrington prior to any site work.*

M. Gasses explained that the \$6,200 was for the inspections.

M. Gasses explained to the Board that this would be for the bond if anything gets messed up there would be money to fix it.

C. O'Brien asked if this is not on a Town road, not in a development and this was their property questioned why a bond.

R. Spinale explained if something goes wrong and the applicant doesn't come back the bond would cover it.

M. Gasses explained that this was a condition of approval. M. Gasses explained that because of the digging of the tanks.

C. O'Brien had concerns of the issuing of the bond.

M. Gasses explained that this was in the regulations. M. Gasses explained that this was put in there because of the abutting property to provide surety and the applicant agreed to this. M. Gasses explained that Dubois & King would review and supply an amount prior to the plans being signed. M. Gasses explained that there were two administrative items that the applicant doesn't need to come back before the Board.

R. Spinale asked if the Board needed the estimate before the chair could sign the plans.

Attorney John Arnold asked for more time with the third party engineer reviewing that the June 8, 2017 would not be able to be met and would like another 90 days.

F. Nichols stated maybe the Board could word this motion a different way.

Attorney John Arnold stated that the Board could set the amount of the bond as part of this.

R. Spinale expressed concerns about adding additional time and felt that a deadline should be set.

M. Gasses explained that once the chair signs the plans the 2 year clock begins.

Attorney Jae Whitelaw explained that the chair could sign the plan and the surety could be a condition subsequent and the applicant would not need to come back to the Board this would be an administration and explained that they surety would needed before any site work was started.

A motion was made C. O'Brien and seconded by S. Diamond to allow the chair to certify the plans to be signed with a condition subsequent and a surety bond be in place prior to any site disturbance. The motion carried unanimously.

Attorney Gregory Wirth asked if George Calef could make a general comment.

George Calef stated The Calef Family Trust do not oppose of the request of The Three Socois, LLC, for final approval of the April 14, 2014 conditional site plan approval regarding Barrington Tax Map 238, Lot 4.

COMMUNICATIONS RECEIVED

REPORTS FROM OTHER COMMITTEES

M. Gasses explained that she uploaded the DRAFT Master Plan and working on the Capital Improvements program. M. Gasses explained that she was going through the narrative part.

Attorney Jae Whitelaw explained if the Board has a subcommittee that they are subject to 91A.

M. Gasses explained that they usually meet with 2 people if more this would be posted.

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

4. Review of a request for a building permit on 184 Flower Drive a private road, for David Cullen (Map 112, Lot 18).
5. Review of a request for a building permit on 41 Castle Rock Road a private road, for Paul Upson (Map 224, Lot 52).

The Board had a discussion on #4 & #5 with the town attorney and the Board agrees with the Road Agent comment.

6. New Cases before the board on May 18, 2017.
No comment on cases before the Board.

7. Rules of Procedures
No comment

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

Next meeting would be May 16, 2017 6:30 p.m. Early Childhood Learning Center

Meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Barbara Irvine