HINCKLEY ALLEN

11 South Main Street, Suite 400
Concord, NH 03301-4846

p: 603-225-4334 f: 603-224-8350
hinckleyallen.com

John L. Arnold
jarnold@hinckleyallen.com
(603) 545-6166

February 2, 2016

Anthony Gaudiello, Chair
Barrington Planning Board
P.O. Box 660
333 Calef Highway
Barrington, NH 03825

RE: 238-16.21-V-15-SR (Barrington Village Place) Site Plan Approval

Dear Chairman Gaudiello and Members of the Planning Board:

This Board, at its August 18, 2015 meeting, conditionally approved the above-reference site plan application. The approval provided that if all conditions precedent were not satisfied within 6 months (i.e. by February 23, 2016), the approval would be deemed lapsed unless a mutually agreeable extension is granted by the Board.

As you know, George and Arvilla Calef appealed the approval to the Barrington Zoning Board of Adjustment and the Superior Court. The ZBA denied their appeal, and the Calefs appealed that decision to the Superior Court as well. Both appeals are currently pending. As part of the appeal, the Superior Court issued a stay of any further proceedings on the approval, pursuant to RSA 677:15. In light of that Order, BVP cannot take any further action to obtain final approval, and this Board cannot take any further action on the application. Therefore, we believe that the Order necessarily precludes the expiration of the site plan approval.

In light of the foregoing, and as a matter of precaution, we ask the Board to either (a) confirm that the stated expiration date in the August 18, 2015 approval is tolled by the Court's stay of proceedings; or (b) grant a six-month extension to the expiration date.

Thank you for your consideration.

Sincerely,

John L. Arnold
JLA/dj
cc: The Three Socios, LLC
Barrington Village Place
Barry W. Gier, P.E.
Jae Whitelaw, Esquire