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February 2, 2016

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

RE: 238-7-TC-15-SR (Millo's Pizza – George Tsoukalas) Conditional Site Plan Approval

Dear Chairman Gaudiello and Members of the Planning Board:

This Board, at its August 18, 2015 meeting, conditionally approved the above-referenced 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. Because the conditions of the approval cannot be satisfied before February 23, the applicant requests a one-year extension (i.e. until February 23, 2017).

Condition #2(b) required the applicant to "Add the NHDES Non Community Public Water System Permit #" to the plan. As this Board knows, the proposed water system is to be installed on nearby land owned by Barrington Village Place ("BVP"). The permit number for the water system is issued by DES only after the well is drilled and the water quality is tested and approved.

This Board granted site plan approval to BVP for the water system on August 18, 2015. However, George and Arvilla Calef appealed that 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. While the appeals are pending, BVP cannot move forward to drill the well or test the water. As such, it cannot obtain the DES water system permit number until those appeals are resolved.

A hearing date for the Calefs' appeals has not yet been set. It is expected that the hearing and issuance of an order by the court will take several months. Assuming BVP prevails, construction for the well will commence. Water testing and review by DES will then follow. That process is likely to take several more months. Although we are hopeful this process will be completed well within a year, we are requesting a one-year extension in an effort to avoid the need to return to the Board to request additional extensions.

Thank you for your consideration.

Sincerely,

John L. Arnold

JLA/dj

cc: The Three Socios, LLC
George Tsoukalas
Barry W. Gier, P.E.
Jae Whitelaw, Esquire

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