



TOWN OF BARRINGTON

NEW HAMPSHIRE

Office of the Select Board

TO:

FROM: Barrington Select Board

SUBJECT: Overlook Circle Acceptance

DATE: February 15, 2022

As a resident of Overlook Circle, we are writing to notify you that the Select Board intends to consider the acceptance of Overlook Circle at the February 28, 2022 Select Board meeting. This letter includes information about the creation of Overlook Circle, the road acceptance process, and information the Select Board will review to make their decision.

Select Board Meeting Information

Monday, February 28, 2022 at 6:30pm

In-Person

- Early Childhood Learning Center (ECLC) Multi-Purpose Room
- 77 Ramsdell Lane, Barrington, NH 03825

Remote Meeting Participation

- Video: barrington.nh.gov/sbmeeting
- Call: [+1 603-664-0240](tel:+16036640240) (one-click link)
 - Conference ID: 694 999 611#

Project Background

On May 12, 2014 the Planning Board issued a Notice of Decision providing approval for a 20-lot residential subdivision (River's Peak Subdivision by Cabernet Builders). The final plans were submitted and signed on October 9, 2014. All documents related to the application and Planning Board review can be found at: www.barrington.nh.gov/maps/pages/map-215-0. The road construction began in the fall of 2015 and homes were constructed between 2016 and 2019. The road was completed with a wearing course of pavement in November of 2019. Overlook Circle remains a private road.

Road Acceptance Authority and Process

State law (RSA 674:40-a) allows a Town to authorize the governing body (Select Board) to accept roads as shown on a subdivision plat or site plan approved by the Planning Board. In 1994 (Article 34) the Town approved the following article:

To see if the Town will vote to authorize the Board of Selectmen to accept, in their discretion, the dedication of any street shown on a subdivision plan and has been determined to serve a public purpose approved by the Planning Board, provided that such street has been constructed to applicable town specifications as determined by the Board of Selectmen or their agent.

When the Town accepts a road, it assumes full maintenance and repair responsibilities by changing the classification from a private road to a Class V road. RSA 674:40-a III requires the Select Board



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to hold a public hearing on the proposed acceptance prior to taking action. The hearing to consider the acceptance of Overlook Circle is scheduled for February 28, 2022. As indicated in State law and the Town warrant article cited above, acceptance of a road is a discretionary decision of the Select Board. Further, the Town warrant article requires that the road be constructed to the applicable Town specifications in order to be accepted by the Select Board.

Road Construction Specifications and Review

The Town's Subdivision Regulations (www.barrington.nh.gov/planning-board/files/subdivision-regulations) address road construction standards in Chapter 12.8. Specifically, Chapters 12.8.1 and 12.8.2 address the road base and pavement standards. Additionally, each subdivision project must be built to the plan approved by the Planning Board. During Planning Board review, there are site-specific waivers or requirements put in place which are incorporated into the final plan. The final plan for this project can be found on the Town's website at: www.barrington.nh.gov/maps/files/2014riverspeakfinalpln and the cover pages are recorded at the Strafford County Registry of Deeds at P0108-0032 and P0108-0032.

During construction, the developer is required to hire the Town's third-party engineer to observe construction and ensure compliance with Town regulations and the approved plan. Following the placement of the wearing course of pavement on November 7, 2019, there was a dispute between the developer and the third-party engineer regarding pavement thickness and surface temperature. As a result, the third-party engineer provided an opinion that the wearing course was not installed consistent with the Town's regulations and the approved plan.

In an attempt to resolve the dispute, the Town requested permission from the developer to take borings (at the Town's expense) in early 2020. After more than a year, permission was granted, and the Town took eight borings throughout Overlook Circle on August 13, 2021. At the direction of the Select Board, a separate engineering firm reviewed the Town's regulations, the approved subdivision plans, the third-party engineer's reports, and the results from the borings. They prepared a report which is enclosed with this letter. In summary, they found that the road, as constructed, does not meet the Town's standards in multiple areas. Specifically, the road base is not crushed gravel, the pavement thickness is inconsistent (and in multiple cases too thin), and the pavement compaction is less than the industry standard (a common result of cold-weather application). In addition, the road transition radius was not constructed according to the plan and the lot line monumentations required in the regulations were not completed.

The Select Board will consider these and other factors when considering the acceptance of Overlook Circle at the February 28, 2022 meeting. If you have questions regarding the information provided, please contact the Town Administrator, Conner MacIver, at 603-664-9007 or administration@barrington.nh.gov.

Sincerely,

Barrington Select Board

Enclosure: Overlook Circle Deficiencies Memorandum (dated September 27, 2021)