



BARRINGTON PLANNING BOARD MEETING

NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER

77 RAMSDELL LANE

Barrington, NH 03825

Tuesday June 21, 2016

6:30 p.m.

(These minutes were approved on July 5, 2016)

Members Present

Fred Nichols, Chair

James Jennison, Vice Chair

Richard Spinale

Daniel Ayer-ex-officio

Member Absent

Joshua Bouchard

Alternate Member Present

Andrew Knapp-ex-officio

Town Planner: Marcia Gasses

MINUTES REVIEW AND APPROVAL

1. Approval of the June 7, 2016 Meeting Minutes.

M. Gasses expressed she would clarify the language at line 214 with the language from RSA. 41:14-a

Without objection the minutes were adopted with the correction at line 214.

PRELIMINARY CONCEPTUAL REVIEW

2. [235&239-1,2,3&2-TC-PUD/SUBDESIGN \(Owners: John & Linda Svenson, Garth & Elizabeth Svenson & 1962 Real Estate, LLC\)](#) Request by applicant for a Preliminary Conceptual Review to discuss only in general form the proposed project as is related to the reasonableness of two variance

request before Zoning Board of Adjustment. The board will discuss the proposal in a conceptual form only and in general terms, such as the desirability of this type of development under the Master Plan. As well as the development objectives of the community. By: Berry Surveying & Engineering, 335 Second Crown Pt Rd, Barrington, NH 03825 and Francis X. Bruton, III, Esquire, Bruton & Berube, PLLC; 798 Central Ave, Dover, NH 03820.

M. Gasses gave a brief overview of the type of review under RSA 676:4II(a)

FX Bruton of Bruton & Berube represented the applicant. He explained the ZBA had asked that they come to the Board for comment. One of the tests was; is the request reasonable. The Town Center could be divided up as a commercial subdivision, which would basically have commercial lots lined up. The Town Center was designed to be a mix of uses; commercial, residential, and civic/open spaces. They believed their proposal was within the idea of the Town Center Ordinance. The basic premise on a PUD was that you have 50% commercial, 25% could be residential and if you divided by 40,000 sq. ft. the math would come up with 10 houses on 37 acres. No residential developer would go near it based upon the density and cost of constructing the road.

F. Nichols asked if no one would go near the residential or if no one would go near the whole 37 acres.

FX Bruton expressed the residential. A developer would need to look at the whole project and without the residential density it would not be viable. They were asking for 25 houses. They were proposing 42% for civic open space. He went on to explain how they calculated the residential density. Twenty-six percent would be commercial development. FX Bruton went on to express that at the ZBA an abutter had expressed that 25 residential lots seemed like a good number to give the right feel to the development. He explained why they believed the allowed lot size was 10,000 sq. ft. to allow for the clustering of homes. They were planning to use the average lot size of 16,250 sq. ft. to calculate density.

FX Bruton summarized they would have 25 residential lots with 42% civic open space and 26% commercial space. If they were successful at the ZBA they would start over at the Planning Board with how the layout would play out. He presented sheet four, which was a sample of how the 25 lots could look. If they were successful at the ZBA they would come back to the Planning Board with a clean slate. They were not seeking approval of the specific plan from the ZBA, but an approval of the density to allow for 25 residential lots. They were attempting to set parameters and would come back with a true full plan if they were successful.

D. Ayer asked for clarification on the 21 lots shown.

FX Bruton explained that the plan was a mock-up of an all commercial subdivision. He did not believe the all commercial subdivision was consistent with the Town Center theory. There were four commercial lots proposed. Although one new lot would be created, John Svenson's lot would be deed restricted to only allow for commercial development if it were to be sold.

Ken Berry of Berry Surveying and Engineering gave an overview of the 37 acres in relationship to other lots in the area. Mr. Berry identified the owners of the parcels involved. A Special Exception was granted from the ZBA to do a lot line revision, along with a design review by the Planning Board. A 1.7 acre portion of Garth Svenson's property would be adjusted and put into the 37 acre mix. NHDOT had identified the location of a future road. 1962 Realty, LLC would be required to consolidate their driveway into the proposed road. There would be four commercial lots located to the front of the development.

Mr. Berry explained that the all commercial subdivision FX Bruton had referenced was not something that their experts had believed was marketable. They were not looking for approval of the plan as presented but he had worked to show a viable layout. A concern was where this would connect to something else. They had told the Fire Chief that in any concept there would be a fire road 24/7, 365 days a year. The connection would go through Garth and Linda Svenson's property and connect back to the proposed road. There would be a sunset provision if a road were to be built in another location in the future. Mr. Berry also identified possible future connection roads to access other lots as far out as Oak Hill Road.

F. Nichols asked if the road would pass through residential areas.

Ken Berry expressed the design was conceptual and would be worked out in future meetings; it was currently located toward the middle of the development. They had not done any topography or test holes, it was a concept done on a flat piece of paper. He expressed another major consideration would be a connection to Route 125 across from Century Pines. There were vacant lots available on Route 125.

Ken Berry expressed that Garth Svenson did a lot of civic events. Direct access to the railroad grade was very important to him. The connection could be used for future civic uses. John and Linda's home would have a deed restriction to limit it to commercial use if it was sold in the future. Mr. Berry explained that he was confident the land could handle the septic requirements of the 25 homes. He was currently working on a subdivision in Greenland that had 10,000 sq. ft. lots with individual wells and septic systems. They knew that the 37 acres could support between 36,000 and 46,000 gallons per day of effluent. Twenty-five four bedroom houses would be 15,000 gallons of effluent per day. They were comfortable advising the owners that 25 residential lots could be comfortably placed on this property. They were also proposing to make a fairly large parcel available for a playground or dog park.

D. Ayer asked which parcel the pond was located on.

Ken Berry expressed John and Linda Svenson's.

D. Ayer asked what would happen with Garth Svenson's property.

Ken Berry expressed 1.7 acres would be added to the parcel which would contain 37 acres.

J. Jennison asked if the civic space around the pond would be protected from future development. His concern was if the lot was to become commercial, would those civic uses be allowed to continue.

Garth Svenson expressed that he intended to continue to live there and use the pond for civic uses. He expressed the fire road would provide parking for the fishing derby.

J. Jennison expressed that if the properties were sold a future owner may not want the civic events around the pond.

Ken Berry expressed the use could change and those would be discussion as they moved forward. The discussion was about whether to allow 25 lots or 10 lots, which affected the equation on the value of the property and reasonable use of the property. The request to the ZBA was to allow for a density that would allow a configuration that was similar to what was shown.

A. Knapp asked what the size of John Svenson's lot was and what portion was occupied by the pond.

Ken Berry expressed that a lot size of 3.08 acres was proposed as part of the lot line revision.

John Svenson expressed that the pond was approximately 2 acres.

A. Knapp expressed that the pond limited the development of the lot to less than an acre.

Ken Berry expressed that there was still a considerable amount that could be done with the lot.

M. Gasses explained her discussions with the Town's legal counsel regarding the ZBA approving a variance based upon a plan and if the plan was changed at the Planning Board level the applicant would have to return to the ZBA and then come back to the Planning Board.

FX Bruton expressed the applicant did not want to be disrespectful of the ZBA and went to considerable expense to show that 25 lots was viable. The Svenson's had basically been told their land was worthless. They had been as open as possible in describing what they possibly could do. They employed good planning practices to come up with what was being presented. The plan presented was a good plan and may just need a few tweaks.

F. Nichols expressed that if they utilized more parcels and were able to get 50% commercial it would be closer to what was required. He wanted to know if there were neighboring properties that could join in the PUD to get to the 50%.

FX Bruton expressed they had pulled in as many of the neighbors as they felt comfortable with. If they were able to get 50% commercial they would not need relief for the 26%. More and more commercial away from Route 9 would be difficult.

F. Nichols summarized they were saying that the residential would be built first because of the cost and no one would be willing to develop the residential unless you could get the density. He expressed part of the goal of the PUD and the Town Center was to create more commercial and they were going backwards and creating more residential with the hopes they got some commercial. They were also using the pond in the calculation for commercial, which was not developable.

FX Bruton expressed that when you look at the shape of the property it was an odd shape. Although the consultant at the time thought it was viable, currently there was not the interest in bringing commercial that far off Route 9.

Ken Berry expressed the commercial lots on Franklin Pierce Highway could be developed first.

F. Nichols suggested if they were able to get a neighboring parcel to join they would be closer to the 50%.

Ken Berry expressed the Svenson's had partnered with 1962 LLC and that the property needed to stand on its own.

FX Bruton expressed that he did not believe they would be able to get to the 50%. The minimum lot size for a PUD was 10 acres and they had 37 acres.

Garth Svenson expressed bringing the residential first was not for a lack of trying. They had tried a number of concepts over the last ten years trying to bring in more commercial. They had always looked at the downtown; Christmas Dove, Calef's Country Store and the Village Barn as a unique area. They wanted to create what the Town talked about during the envision process without the Town paying for it. The Town had made it clear they did not want to build a Town Hall or Library with the cost of building the road and improvements that went with it. He believed the housing back in the woods would get the

Town Center started and Route 125 development potential was still there. The people living in the development could walk to the existing commercial development. He wanted to see all the civic stuff keep happening downtown.

D. Ayer believed they had left options open; they had not closed off the back portion. He expressed Dover had a beautiful building off Indian Brook Drive that no one could get to and it sat vacant because the access was remote. If the plan was to have commercial lots out back we would have the same situation, the lots would be vacant. He believed they were maximizing the lot for commercial.

J. Jennison expressed the Master Plan that was built on concepts, as much thought that went into it there was no property owned by the Town. No one person owned one large parcel. It was premised on people coming together and setting aside financial issues. No one was ever going to ban together for the greater good of the Town. He believed for one person to start it was ambitious and looked clean and nice. He believed his biggest concerns were environmental but he believed they had been addressed conceptually. If we required everyone to strictly adhere to the Town Center Plan we would never get anything done.

A. Knapp asked how they determined the soils were capable to handle the effluent requirements.

Ken Berry expressed they used government soils mapping and online tools from USDA and NRCS. They walked the property and found no wetlands on the back portion. He felt comfortable advising the owner they could get the effluent capabilities based on what he had seen. They would need to do 50 test pits. More work would need to be done. No one would put that type of effort into a project based upon what a PUD required right now.

F. Nichols asked if they would have a community septic as well as a community well.

Ken Berry expressed you could not do a lot to ruin a well but there was always a fear one person could dump chemicals into a septic and ruin the system. He would continue to look at a septic per lot or two lots with two tanks unless he was pushed hard in another direction.

D. Ayer expressed they had a lot of options. He liked it for conceptual and did not believe they had boxed themselves in a corner. They had spoken with the Fire Chief and were trying to work things out.

F. Nichols expressed they wanted to send back a message to the Zoning Board that what the applicant proposed was consistent with the Town Center Plan. He expressed that they had 46% civic space and still did not have the pond included in the civic calculations.

FX Bruton expressed there was a requirement for 20% open or civic. They were more than open to work with the board when they came back. He explained that anyone could come up with open space but they had tried to come up with ideas for civic use. The team could talk about how they could maximize the pond in perpetuity. They did not want to have a lot of parking where kids were playing, but wanted access for a possible dog park or other suggestion.

Ken Berry expressed the pond was protected because of wetland buffers and they were not going to propose a road across the pond.

F. Nichols opened to public comment

Jeff Brann 109 France Road expressed the Town Center Plan also talked about comfortable and safe pedestrian and bicycle movements. He asked how the plan addressed pedestrian and bicycle concerns.

Ken Berry expressed the plan was all concept and there would be pedestrian connections to be worked out when they came back. There was a 60' right of way proposed and they were at almost 720' before the proposed residential lots would begin. There was almost a thousand feet of road to build prior to the first residential unit. There would be the consideration of trail or walkway access throughout. The railroad grade would likely be upgraded and become more of a public access. There was a certain amount of residential density needed to support commercial development. There would be future connectivity points provided. The parking lot for the Christmas Dove would need to be reconfigured. A 20' fire road would need to go around the Christmas Dove. The 20' road would better serve the civic uses around the pond. There would be covenants on the pond because that is something the family wanted.

Garth Svenson stressed the importance of moving the existing driveway west on Route 9. It would be a huge improvement that NHDOT was requiring for safety.

Ken Berry expressed the housing would be market rate, but one thing the bankers participating in the work force housing charrette found was that it took a certain amount of residential density to support businesses. They were going to be small homes closer to the road; similar to what was discussed in the Town Center Plan and Master Plan.

D. Ayer expressed he liked the idea of opening up the rail bed for pedestrian use and providing parking, which would open up the whole area.

Paul Mausteller asked if the effluent was based upon 20 acres or 37.

Ken Berry expressed the 37 acres.

Paul Mausteller expressed that from a commercial standpoint he believed a shared system would be best.

Paul Mausteller asked if there was an outlet for the pond.

Ken Berry expressed there was a stream that ran along the rail bed.

Mrs. Boyer expressed they were the only abutter directly impacted by the development, they were fine with it. She expressed you could not have change without change and this had been a dead issue for 25 years, it was time to move on.

Bill Cormier from Hourihane & Cormier Associates expressed he had been working on this project for years. They had tried many approaches. He was trying to make this work for the Svenson's and the Town. This was a skinny project without a lot of wiggle room financially. They had beaten the commercial thing to death.

A. Knapp asked about the future connection and if it was included in the open space.

Ken Berry went over what was included in the open space. It made sense to include a future connection.

A. Knapp expressed the amount of commercial space was not completely accurate until it was developed as commercial.

John Svenson expressed they planned to move back into the new houses once it was developed. He expressed that the development was what he was looking for as well as his friends.

FX Bruton expressed that the Planning Board may want to make some of the requirements by Conditional Use Permit to allow for the Planning Board to review proposals in context and make decisions such as what they had seen today.

F. Nichols closed public comment.

F. Nichols expressed that the question was whether this accomplishes what we were trying to achieve in the Town Center. We knew they were not close to meeting the original specs.

D. Ayer expressed he did not believe they could ever meet the original specs.

F. Nichols expressed that the regulations were written to try to achieve what the Town wanted, but were not perfect and now that a proposal was in front of the board, they were commenting on whether the plan met the overall goal and intent of what they were trying to accomplish in the Town Center; it was an almost yes or no. He then asked M. Gasses for her guidance.

M. Gasses expressed there were basically two items they were commenting on under this level of review; was this type of development desirable under the Master Plan and was it in line with the development objectives of the community. She expressed the decision was one for the Board to make. If they were asking for her opinion; she believed it was consistent, but like A. Knapp would have liked to see more commercial. She believed it was a great starting point for development in the area and that the board had to way all the issues.

F. Nichols raised the concern of setting a precedent with this level of reduction in the commercial component and how would they say no in the future when they had shown flexibility and was this close enough to what was envisioned in the Master Plan and Town Center or was it too far away.

R. Spinale expressed they were not setting a precedent.

D. Ayer expressed they were making a great start and would bring opportunities for the community.

J. Jennison expressed they were setting a precedent however; the ZBA would have to agree otherwise no precedent would be set. They would be creating value for a parcel that currently was not there by doing this. He did not see many other opportunities to develop that property any closer to the guidelines set forth in the Town Center Plan. In the future, that because of the criteria that was set proposals would need to be looked at on a case by case basis.

F. Nichols summarized;

Whereas it is very difficult to meet the specified details of the Town Center, PUD, on land that is less than 100 acres;

Whereas we do want to add more commercial vitality in the Town Center and in Barrington;

Whereas we do recognize that more dense residential population in and around that commercial area in and around the Town Center area is needed to support the commercial efforts;

Whereas we do want to create bicycle paths and walking paths and recreational activities inside the core of the Town Center;

Whereas we do want to maintain the ratio of 50% commercial, 25% civic and 25% residential, we realize we will not always be able to do that and does not mean in the future we would not strive to do that. So the Planning Board recognizes that this particular project is a good place to start and embodies what the Town was trying to accomplish in the Town Center.

D. Ayer expressed he loved it.

*J. Jennison made a motion to send it on to the Zoning Board
D. Ayer seconded it.*

F. Nichols expressed they would not be voting, but the consensus was to send it along to the Zoning Board.

F. Nichols asked for input from R. Spinale.

R. Spinale stated “he was cool with that”.

F. Nichols explained to the applicant that the Boards consensus would be sent on to the ZBA and wished them luck.

COMMUNICATIONS RECEIVED

REPORTS FROM OTHER COMMITTEES

M. Gasses expressed work was continuing on the Sign Ordinance

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

3. New cases before the board for July 5, 2016.

The Board would review a conceptual design for Federal Savings Bank and a lot line revision for the Bingham's.

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

July 5, 2016 at 6:30 p.m. at the Early Childhood Learning Center

Without objection the meeting was adjourned.

Respectfully submitted,

Marcia J. Gasses
Town Planner & Land Use Administrator