



BARRINGTON PLANNING BOARD MEETING

NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER

77 RAMSDELL LANE

Barrington, NH 03825

Tuesday March 1, 2016

6:30 p.m.

Minutes

(These minutes were approved on March 15, 2016)

NOTE: THESE ARE SUMMARY ACTION MINUTES ONLY. A COMPLETE COPY OF THE MEETING AUDIO IS AVAILABLE AT THE LAND USE DEPARTMENT.

Members Present

Anthony Gaudiello-Chair

Fred Nichols

Fred Bussiere – ex- officio

Members Absent

Jason Pohopek Vice-Chair

Joshua Bouchard

Alternate Members Present

Daniel Ayer

Richard Spinale

Jamie Jennison

Town Planner: Marcia Gasses

MINUTES REVIEW AND APPROVAL

1. Approval of the February 16, 2016 Meeting Minutes.

Without objection the minutes were moved to succeed the 1st action item.

F. Nichols expressed that at approximately line 69 it should be added that J. Pohopek assumed the chair of the meeting.

A. Gaudiello expressed, change “sited” to “cited” at line 228 and at line 298 it was a three lot subdivision.

Without objection the minutes were accepted as revised.

ACTION ITEMS

F. Bussiere recused himself

2. **257-23-GR-16-Sub (3)-(Owners: Jack & Pamela Bingham)** Request by applicant for a proposal for a 3 lot subdivision lot 1 will be 2.38 acre lot, lot 2 will be 1.85 acre lot which will leave 48.27 acres of the remaining land on Merry Hill Road (Map 257, Lot 23) in the General Residential (GR) Zoning District. By: Chris Berry; Berry Surveying & Engineering, 335 Second Crown Point Road, Barrington, NH 03825.*

Christopher Berry represented the applicant. Mr. Berry described the site. There was an existing home with a well and septic system. A pond existed with a damn weir. Shaw’s Brook was located to the east and the center of the brook was the property line with the adjacent lot. There were several foundations located on the site. They were applying to create two new lots. A second application would be forthcoming for one additional lot, but required a trip to the ZBA and the Conservation Commission. The two lots included an open area to the left side of the newly created lots. The six page plan set included an overall view of the project. The building areas were chosen for the solar associated with the project. Each lot had 200’ of frontage. The driveway easement would need to straddle both properties in order to not need a special exception. Two foot contours were provided for the entire parcel. A profile was being provided that showed proper sight distance. The shape of the two proposed lots was laid out to create a buffer from the pond.

D. Ayer expressed he had walked the property and was constructing the driveway on an adjacent lot. He did not believe he had a conflict and also pointed out the property abutted the 1500 acre Stonehouse Forest Conservation Project.

A. Gaudiello asked if the remaining lot was still considered buildable.

Christopher Berry expressed it was and they had designed a septic system that could be installed if the current system failed. He expressed he had alluded to the fact they would be proposing one additional lot. The additional lot would require a special exception from the Zoning Board because the proposed shared driveway would take access from the main lots frontage.

F. Nichols questioned the shared driveway.

Christopher Berry explained the location of the driveway. The lot had sufficient frontage and the driveway was designed to stay outside the wetlands buffer.

A motion was made by F. Nichols and seconded by R. Spinale to accept the application as complete. The motion carried unanimously 5-0

D. Ayer expressed it was a very nice piece of property and he had walked it with the Conservation Commission.

A. Gaudiello opened public comment.

Andy Knapp of Lenzi Point asked about the size of the lots. He wondered why the lots were not 5 acres as was required by density.

A. Gaudiello expressed the minimum zoning was 80,000 square feet or approximately two acres.

Andy Knapp expressed he was not sure why 5 acres was stuck in his head.

A. Gaudiello closed public comment.

A. Gaudiello asked if there was further comment from the Board. There was none.

A. Gaudiello expressed the application was ready to approve with conditions.

M. Gasses expressed she had proposed conditions. The plan would need to be adjusted to show the driveway easement straddling both property lines so that the applicant did not need to go to the Zoning Board of Adjustment. The ordinance required a lot to take access from its frontage or receive a special exception.

M. Gasses asked if the applicant would be requesting a waiver from underground utilities.

Christopher Berry expressed no.

A. Gaudiello asked M. Gasses to go over any conditions.

M. Gasses read the draft conditions of approval.

Conditions Precedent

- 1)
 - a) Add the owners signature to the final plan
 - b) Add the wetland scientist stamp & signature to the final plan
- 2) Add the following plan notes:
 - a) Add the State Subdivision Approval number to the plan
 - b) Driveways must conform to Article 12.3.2 of the Barrington Subdivision Regulations
 - c) Fire Chief must approve of driveway access to rear lot. *(This was made a note at the meeting as the Fire Chief had expressed he would work with the applicant at the time of construction)*
- 3) Make the following note revisions:
 - a) Revise 50' Wetland "Setback" to Buffer
 - b) Revise 100' Prime Wetland "Setback" to Buffer
- 4) Make the following plan revisions:
 - a) Correct abutter of Map 257 Lot 22
- 5) Show clear sight distance for shared driveway entrance
- 6) Realign driveway to share both parcels at the street frontage

- 7) *Provide easement language for review by the Town Attorney(Added 3/1)*
- #8) Any outstanding fees shall be paid to the Town
- 9) Proper and complete survey monumentation shall be installed on the properties as a condition to final approval of the application. Granite bounds shall be set at the intersection of existing or proposed lot sidelines with existing proposed streets. Iron pins (pipe or rod) are to be placed at all property line corners and angles, and all points of curvature and points of tangency. Monuments for the lot being developed shall be placed not more than 300 feet apart in any straight line. The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the submitted plan. *(Reference 8.8 of the Town of Barrington Subdivision Regulations)*
- 10) Final Drawings (a) five sets of large black line (b) plus one set of 11"X17" final approved plans (c) one electronic version by pdf or CD must be on file with the Town. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans. Note. If there are significant changes to be made to the plans, as specified above, one full size check print must be sent to the Land Use Office for review prior to producing these final drawings.

General and Subsequent Conditions

- 1) Other permits. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals, which may be required as, part of this project. Contact the Town of Barrington Code Enforcement Department at 664-5183 regarding building permits.

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

A motion was made by D. Ayer and seconded by F. Nichols to approve the application with the conditions as added and amended and read by the planner. The motion carried unanimously 5-0.

COMMUNICATIONS RECEIVED

None

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

Review Rules of Procedure.

F. Nichols asked that the Rules of Procedure be placed on the agenda. He had been asked in the past to propose revisions based upon how the Board approves minutes when a member was recused from a discussion and in the process of reviewing the Rules of Procedure found other sections which needed updating.

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

3. Presentation of certification of Journey Church Site Review (Map 235, Lot 83)

A. Gaudiello asked M. Gasses if the applicant had met all the conditions of approval.

M. Gasses stated yes.

A motion was made by F. Nichols and seconded by F. Bussiere to allow the chair to sign the plans. The motion carried 5 in favor 1(one) present.

4. Discussion of School Impact Fees.

F. Nichols expressed he had never lived in a community where such an animal existed. In the communities he had lived if construction was needed the town passed a bond. In this case there appears to be a bond and the impact fee. He questioned if they do the same thing or not.

M. Gasses explained the current impact fee was a result of planning for and construction of a new middle school. During the early two thousands the amount of new home building permits was very high compared to the 37 that were issued in Barrington last year. There was concern that a new school would be necessary in order to support the potential growth. The impact fee provided for under RSA 674:21 was only assessed on that portion of the capital expenditure attributable to new growth. It was a little tricky because in Barrington the current school was only at 53% capacity, but it was built based upon projections on need determined at the time. What Mr. Mayberry had said was that the homes built between 2000 and 2009 and have four or more bedrooms did produce the largest portion of children in the school system. He had expressed the Town could continue to collect the fee based upon what was a projected impact.

F. Bussiere expressed the Town was still paying for the school.

M. Gasses expressed that the Board could continue to collect the impact fees after the school was paid for based upon the \$8,000,000 of the cost which was attributed to future growth.

F. Bussiere expressed that he believed you could not collect after the bond was paid for.

M. Gasses disagreed expressing the amount of impact was based upon the share attributed to projected growth. Technically you could collect impact fees until you got to 8M but chances are you would not.

F. Bussiere expressed it was his understanding it needed to go to pay for the bond.

F. Nichols asked if there was a breakout for the bond on the tax bill.

F. Bussiere expressed that the cost was in the School Department budget.

Andrew Knapp expressed the fee should go directly to the reduction of the bond.

M. Gasses expressed what she was looking for from the Board was an idea of where they wanted to go with the impact fee. Did the Board want to leave the fee the same, lower the fee, or raise the fee based upon the methodologies of Bruce Mayberry? All choices were within a few hundred dollars.

A. Gaudiello expressed that the lack of effort to keep it the same and the amount of effort for minimal gain was how he would approach the choices. He expressed he would just leave it alone they would just be making work for themselves.

F. Bussiere expressed the builders were expecting the cost and building it into their price so that to lower the fee would just be cutting off that money from the Town. The money was going into the bottom line of the school and if they didn't get the money that would have to raise their tax rate even more.

F. Nichols expressed the money should go towards paying down the principal. He believed it was a double payment.

M. Gasses expressed she was not advocating for the impact fee one way or another but the fee was to help pay back the bond. How the School Department accounted for the money was a question she did not have the answer for.

F. Bussiere expressed the School Department was taking the impact fee money and using it to fund other things.

A. Gaudiello expressed that those concerned with the topic of how the money was being allocated needed to discuss that issue with the School Board.

Justin Purpora expressed that the school budget had gone up even though they had taken impact fees.

F. Bussiere expressed the budget would have gone up even more without the impact fees.

A. Gaudiello expressed that it may be an instance where some of those present may want to go to the school board and discuss how the impact fee is allocated.

Andy Knapp asked if the issue was one the selectmen should address with the School Board.

A. Gaudiello expressed that the two elected bodies were independent of one another and one was not subordinate to the other. There probably should be a conversation but it could not be one that was directed.

F. Bussiere expressed that the Select Board could probably go to the School Board and say that if they collect the impact fee they want it to go toward the principal.

A. Gaudiello expressed, was the Board indicating they wanted to direct F. Bussiere to ask the selectmen if they collect the impact fee could they ask the School Department to direct the money to the principal?

A. Gaudiello expressed the original question from F. Nichols was, did the Board want to monkey with the fee for minimal gain. The second part was the legal opinion that the Board could collect the fees whether it was double payment or not.

F. Nichols expressed he wanted to send a message to the School Board and the best way was to go with a reduced amount on the impact fee.

F. Bussiere expressed that if the School Department did not get the impact fee they would get the money in another way, which would end up coming from all the tax payers. The other option was for people to go to the School Board and question the budget, but school budgets seem to pass. Everyone had come to the Select Board to complain about taxes, but the Select Board has reduced taxes on the municipal side over the last couple of years.

J. Jennison asked if it was new people moving to Town that were paying the fee.

M. Gasses expressed it had been a little of both. They have had existing residents move to new subdivisions and mobile homes replaced with stick built houses. One of the things that she and John Huckins believed needed to be addressed through the process was clarifying that when a mobile home was replaced with a stick built home the difference between the fee for a mobile and a house should be paid. The fee was based upon the potential future impact of the structure not on who was living in it.

J. Jennison equated it to not building a septic based upon one person living in a home, it was designed for its future potential.

Andy Knapp asked how accessory dwelling units would play into the impact fee.

M. Gasses expressed when she had first spoken with Bruce Mayberry they had known the legislation for accessory dwelling units was in the process. Mr. Mayberry's opinion had been at the time the one bedroom units impact was negligible. The fact that the law will allow for two bedroom units the zoning amendments next year would have to address the issue. She had discussed with Mr. Mayberry the need for him to likely have to calculate the amount.

R. Spinale expressed the question was whether to go up, go down, or leave it the same. He asked if we knew how much was being collected. If the impact was caused by new people moving into new homes they should be paying the impact fee.

M. Gasses explained that the calculations presented in the report were based upon defensible numbers. The Board was choosing from the options in the report or leaving the fee the same. The options were all within a few hundred dollars.

Andy Knapp expressed that he believed the Board should go with the current construction cost rate, which would put more money in the hands of the School Board and then could be directed toward the principal.

M. Gasses expressed she was really nervous about directing the School Board to where they should put the money; she was not sure it was legal.

D. Ayer expressed that the drug epidemic had resulted in grandparents now taking care of grandchildren and multiple children being in two and three bedroom homes.

M. Gasses expressed the calculations were based upon very specific data on an address by address basis on how many children were in the school system and the size and type of house. The calculation was based upon averages.

A. Gaudiello expressed the rejoinder was that if money was available money would be spent and he was not sure they were in a position to do anything about it.

F. Bussiere expressed that he liked the idea of directing it to principal. If the Board could creatively direct the money to the principal then the bond would be paid off sooner. It would have to be something that would have to be investigated to see if it could be done legally.

F. Nichols expressed that the point was that the school has taken fees which are supposed to be spent on capital improvements and found a way to spend it on operating costs.

F. Nichols expressed what had been said were we can only go up, down or stay the same. If the Board were to change the fee it would require public hearings and we would get almost zip for the efforts. He

believed they may be better off leaving it where it was but with some words going forward that it should be used to reduce the bond.

F. Bussiere suggested directing the planner to ask Bruce Mayberry if he was aware of a way to have the selectmen direct the School Board to apply the impact fee directly to additional principal to allow the bond to be paid off sooner and was it legal.

A. Gaudiello expressed the result of the Board's conversation was to have the planner inquire of Bruce Mayberry if the School Board could be directed by the selectmen to apply the fees to additional principal based upon the fact we collect it, which would allow the bond to be paid off sooner. F. Bussiere will ask the selectmen what they could do to approach the School Board.

R. Spinale expressed that the Board still needed to decide whether to raise the fee or not.

J. Jennison expressed that if it comes back that we could direct the School Department to put the fees toward the principal it may be worth raising the fee.

Without objection the meeting was adjourned at 7:39pm

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

March 15, 2016 6:30 p.m. Early Childhood Learning Center

Respectfully Submitted,



Marcia J. Gasses
Town Planner & Land Use Administrator