



Planning & Land Use Department
 Town of Barrington
 PO Box 660
 4 Signature Drive
 Barrington, NH 03825
 603.664.0195
VPrice@barrington.nh.gov

Date of Application: November 16, 2022
 Date Decision Issued: February 7, 2023
 Case File #: 239-35-V-22-17Sub

NOTICE OF DECISION

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built received:</i>	<i>Surety returned</i>
<i>Case File Close out date:</i>			
<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
Re: 239-35-V-22-17Sub: Request by applicant proposing 2 conventional front lots and 15 conservation lots located on Mallego Road. (Formally known as Guptill pit) on a 43.3-acre site with waivers located in the Village Zoning District.			
Owners: Paul Guptill PO Box 58 Barrington, NH 03825		Applicant: Joseph Falzone 5B Emery Lane Stratham, NH 03885	
Engineer: Christian Smith, PE, or Scott Cole Beals Associates, PLLC 70 Portsmouth Avenue Stratham, NH 03885			

Dear applicant:

This is to inform you that the Barrington Planning Board at its February 7, 2023, meeting **CONDITIONALLY APPROVED** your application referenced above.

The application has met all the Town's Ordinances and Regulations of the Town of Barrington.

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please Note:

If all of the precedent conditions are not met within 12 calendar months to the day, February 7, 2024, the Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

- #1) Add the following plan notes:
 - a) At the December 6, 2022, Planning Board Meeting, the Board approved a waiver for:
 - i) The requirement of road design standards for maximum road grade to allow a grade up to 8.0% in Article 12, Section 2.1 of the Subdivision Regulations.
 - b) At the February 7, 2022, Planning Board Meeting, the Board approved a waiver for:
 - i) The requirement of the Intersection Design Standards to the max. road grade of 2% for a minimum of 100' from Article 12, Section 12.7, Table 2 of the Subdivision Regulations.
 - c) At the January 18, 2023, Zoning Board of Adjustment Meeting, the Board GRANTED, the variance from Article 6, Section 6.2.6 Perimeter buffer to allow two (2) conventional lots to be developed separate from the proposed conservation subdivision on Mallego Road (Map 239, Lot 35).
- #2) Add the following to the Plan:
 - a) All Owners' Signature.
 - b) Wetland Scientist Signature.
 - c) Professional Surveyor Signature.
 - d) State Subdivision Approval Number.
 - e) AoT Approval Number.
- #3) Ownership and Maintenance of Common Facilities and Open Space and the proposed Homeowner's Association in accordance with the Ordinances to be approved by Town Attorney. The applicant is responsible for attorney fees.
- #4) Town Engineer to review final plans to include but not limited to road construction standards, data requirements, utility design standards, landscaping, stormwater management & sediment and erosion control plan to ensure all outstanding comments have been met prior to Planning board chair signature. The applicant is responsible for Town Engineer fees.
- #5) At final submittal, all outstanding plan comments to applicant from Town Planner and Town Engineer (CMA) for Subdivision regulations and Drainage shall be addressed.
- #6) Provide a detailed engineer's estimate of construction cost.
- #7) Provide a notarized letter fixing the legal responsibility for maintenance of the streets.
- #8) Any outstanding fees shall be paid to the Town.
- #9) Prior to obtaining Board signature, the Applicant shall submit three (3) full size paper copies of the site plans, one (1) 11' x 17' copy and .pdf/a format file format with supporting documents as required in Article 3 of the Barrington Site Plan Review Regulations, with a letter explaining how the Applicant addressed the conditions of approval to the Land Use Office.

The Planning Board Chair shall sign and date all plans meeting the conditions of approval. The Board shall endorse three (3) full size paper copies of the site plans for their records and one (1) 11' x 17' copy and .pdf/a format file format for the case file folder.

General and Subsequent Conditions

- #1) The Road agent coordination with the abutters, on Tax Map 239, Lot 38 and Tax Map 239 Lot 39, on agreement to the location of the 6' privacy fence along the the property lines along the gravel access road/recreation and/or snowmobile trail, off of Mallego Road, after the drainage work is complete. The applicant is responsible for associated fees for the fence installation.
- #2) Two (2) conventional lots (Map 239, Lot 35-17 and Map 239, Lot 35-16) to be developed separate from the proposed conservation subdivision on Mallego Road (Map 239, Lot 35). Map 239, Lot 35-17 and Map 239, Lot 35-16 can be transferred without the roadway infrastructure being completed.
- #3) Current Use subject property or a portion of it is presently in Current Use. The applicant must provide the Town of Barrington Assessing Department Current Use map and/or other items needed to assure requirements of RSA-79A and the New Hampshire Department of Revenue Administrations Rules are satisfied.
- #4) Where no active and substantial work has commenced upon a site, plans that are approved and signed by the Board shall expire two years from the date the plan is signed. An extension, not to exceed one year, may be granted by majority vote of the Board so long as it is applied for at least thirty days prior to the expiration date. The Board may grant only one such extension for any proposed subdivision. Expired plans must be submitted to the Board for review to ensure compliance with these and all other town ordinances and regulations via the normal application process.
- #5) In accordance with RSA 674:39, active and substantial development shall mean the expenditure of at least twenty-five percent (25%) of the infrastructure costs required for a development proposal, as indicated by a subdivision approved by the Planning Board, within twenty-four (24) months of said approval, where the approved plans have been properly recorded at the Registry of Deeds. Infrastructure shall mean in this instance, the construction of roads, storm drains, water and sewer facilities, or parking lots. Compliance with this definition shall also necessitate that a bond or other security to cover the costs of said infrastructure requirements has been posted with the town prior to the beginning of construction, if required as a condition for subdivision or site plan approval.

For determining whether an approved subdivision is vested under the terms of RSA 674:39 the following conditions must be met. At least fifty percent (50%) of the total cost of all public and private improvements approved by the town must have been expended within four (4) years of the date of approval of said subdivision plan. In addition, a bond or surety for completion of all required public improvements, if required as a condition of approval, shall have been posted with the town.

(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).

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Vanessa Price

Vanessa Price

Town Planner

cc: File