

October 24, 2022

Members of the Planning Board
Town of Barrington, NH
333 Calef Highway
Barrington, NH 03825

RE: 239-1.1-TC-21-2SUB (Owners: David & Glenda Henderson) Request by applicant for a 2-Lot subdivision Lot 1.1 would be 11.81 and Lot 1.2 would be 17.19 acres (Map 239, Lot 1.1) located off Franklin Pierce Highway in the Town Center (TC) Zoning District

Joint Request for Planning Board Approval

Dear Members of the Barrington Planning Board:

To make any further hearing unnecessary in the above captioned matter, the below signed parties and their respective legal counsel stipulate the following:

1. David R. Henderson, individually and as Trustee of the David R. Henderson Living Revocable Trust, and Glenda J. Henderson, individually and as Trustee of the Glenda J. Henderson Living Revocable Trust, both having the address of 1273 Winged Foot Lane, Denver, North Carolina, are property owners of the above referenced property and are hereinafter jointly referred to as **“Owner.”**

2. David Garvey and Garvey & Company, Ltd. a/k/a Garvey & Co., Ltd., of P.O. Box 395, Durham, N.H., was appointed Owner’s representative and agent with respect to the above captioned Planning Board matter, and are hereinafter jointly referred to as **“Agent Applicant.”**

3. The Barrington Planning Board conditionally approved the above captioned matter in June, 2021. Precedent Conditions were required to be approved within a year.

4. By Notice of Extension dated July 21, 2022, the Planning Board confirmed its July 19, 2022 one year extension vote, creating July 19, 2023 as the new deadline to satisfy Precedent Conditions.

5. At its August 2, 2022 meeting, the Planning Board conditionally revoked the one year extension at the request of Owner pursuant to presumed authority of RSA 676:4-a, I (a). Agent Applicant objected to that conditional revocation on the grounds the Planning Board action was stayed and the Planning Board was without proper authority to revoke the granted extension. A hearing was scheduled for October 4, 2022.

6. Having reached an agreement in principle among themselves, the parties, by their respective attorneys, jointly requested a continuance of the Planning Board's October 4 hearing, explaining their intent to submit a joint request for Planning Board approval at the Board's November 1, 2022 meeting.

7. Specifically, the parties stipulate and request that the Planning Board acknowledge and approve the following:

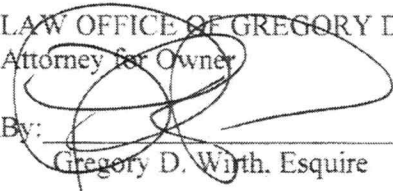
- A. Owners rescind their request that the Planning Board revoke the one year extension establishing July 19, 2023 as the extension deadline to satisfy Precedent Conditions of the Planning Board's conditional subdivision approval.
- B. The Planning Board reinstates the July 19, 2023 deadline to satisfy Precedent Conditions. Doing so is consistent with the NH Superior Court ordered and statutory stay of local proceedings in this matter, and preserves the procedural status of an abutter's appeal of the Superior Court's approval of the Planning Board's conditional approval, now pending before the NH Supreme Court, Case Number 2021-0601, Candace K. Harvey v. Town of Barrington.

Because of Sellers' out of state residence, this stipulation may be signed and shall be effective in multiple counterparts shared by facsimile and/or scanned email transmission.

OWNER:

David R. Henderson Trustee
David R. Henderson, individually and as
Trustee of the David R. Henderson Living
Revocable Trust

LAW OFFICE OF GREGORY D. WIRTH
Attorney for Owner

By: 

Gregory D. Wirth, Esquire

Glenda J. Henderson TRUSTEE
Glenda J. Henderson, individually and as
Trustee of the Glenda J. Henderson Living
Revocable Trust


AGENT APPLICANT:

Garvey & Company, Ltd a/k/a
Garvey & Co., Ltd

WYSKIEL, BOC, TILLINGHAST &
BOLDUC, P.A.

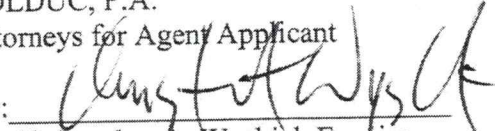
Attorneys for Agent Applicant

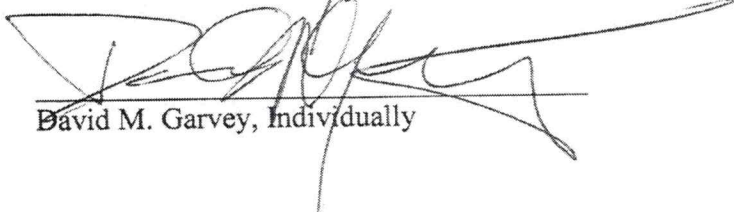
By:



David M. Garvey, President/Director

By:



Christopher A. Wyskiel, Esquire

David M. Garvey, Individually