

**Barrington Planning Board Meeting
Meeting Room, Town Administration Building
February 5, 2009 - 7:00 PM
Public Hearings with applicants**

Members present: Chairman John Huckins
Selectman Jackie Kessler
Edward Lemos
David Vincent
Steve Oles
David Mott
Michael Clark
Bill Horwood
Dawn Hatch (Alt)

Chairman Huckins called the meeting to order at 7:00 PM. The meeting was taped for future reference. Chairman Huckins announced that the hearing for **SR 09/363 – Town of Barrington has been continued to March 5**. The hearings were opened.

**LL 09/220 – Anthy Mouzourakis – Lot line revision
Continued from December 4, 2008
18 Mica Point Road, Barrington, NH 03825
Tax Map 118, Lots 96 & 97**

Vincent stepped down from the meeting as he represented the applicant, Anthy Mouzourakis. He made the presentation for the intent of the lot line revision which was to give lot 96 frontage. He said at present lot 96 had no frontage and uses an easement to service the existing home of Mouzourakis.

Vincent said that the Zoning Board had granted an area variance on January 21. He said lot 97 wraps around lot 96. He said most banks frown on easements and right-of ways to service a lot. Again he said this is the reason for the lot line revision to give both lots frontage on a road. Vincent said that Mica Point Road was private. He said neither lot met the 200 foot requirement which was the reason for the variance. He said that the driveway would be shared with the lot line down the center of the lots.

Mott asked if there was an home owners association for the houses on Mica Point Road including maintenance with the road. Vincent said he was unaware of whether there was one or not. He said all they were doing was removing the easement and creating frontage for both lots with a shared driveway.

Huckins asked if anyone wanted to speak on the plan. There were no public comments. Mott made a motion to approve the application as presented, seconded by Lemos, all in favor. Vincent returned to the Board.

**SR 09/365 - Palm Tree Realty Holding Co., LLC – Site Review
American Truck, LLC
Rte. 125 - Map 263, Lot 18
Add 12 spaces for display & parking spaces within an
existing approved parking lot. The intent was for
display and sales of vehicles or equipment**

Keith Weston, American Engineering Consultants, Corp represented the applicant, Rick Prue, American Truck, LLC. Vincent stepped down from the hearing as he had been involved with the plan. Weston said that Prue wanted to change 12 spaces in his parking lot to be display and sales spaces to add sales of trucks and/or equipment.

Weston explained what phases had been completed. He pointed out the display parking areas on the plan. He said that some would be 12 by 35 feet and others 12 by 25 feet. Weston said that there would be no expansion of paving as there was sufficient room for display/sales and customer parking with what existed.

Weston said there would be 3 spaces in one spot 12 feet by 35 feet long with 4 more of the same size in a second location. There would 3 spaces 12 feet by 25 feet long on one side with 2 more on the opposite side of the building.

Weston said that all would meet the turning radius. He said if one space needed to be removed to fit the requirements of the Fire Chief this could be done. Oles said safety measures should be met. Lemos asked if the trucks and equipment would be new. Weston said new and used. He said at present this ratio had not been set. Members said that the Fire Chief should look at the design pattern for comments.

Weston said there would be a section of sign added within the approved sign this would not change in size and height from what was approved. He said the lettering would be moved around to accommodate the additional business. Mott said there should be no LED lighting. Weston said there would not be any. He said he would present the Board with the design when it was complete.

Horwood asked about the safe guards for fluids and liquids which were to be monitored by the University. He said the Board was interested in seeing how the state of the arts design for drainage and water retention worked to use as a model for other similar projects. Weston said he would check into this and get back to the Board.

Lemos made a motion to accept the application, seconded by Mott, all in favor. Horwood made a motion to approve the amended plan subject to a letter from Fire Chief Rick Walker concerning the turning radius, seconded by Lemos, all in favor. He amended the motion to include that the Board would receive a plan of the complete sign for the record, seconded by Lemos, all in favor.

**LL 09/365 – Anne Whitney - Michael Moroukian & Denise Hart
Lot line revision – Map 117, Lot 256 - Map 26, Lot 47**

Surveyor, David Vincent stepped down from the meeting as represented the plan with the applicants, Mike Moroukian and Anne Whitney. Vincent said that the 0.47 acre lot owned by Whitney was being increased to 4.64 acres taken from lot 47 reducing it to 4.05 acres.

Vincent said that there would not be any change in the frontage. He said that the 35 feet would remain the same. He said that lot 47 was shown as lot 3-A of the Elliott 1987 subdivision. The driveway remains access to 3 lots and the subdivision.

Vincent addressed the comments from the review session held on January 20 and 29. He said there was no change in the frontage of lot 47. Comments 3, 4, and 5 addressed testpits, 4 K areas, and elevations. He said he had presented the Board with a letter on January 29 concerning these items. Vincent said that the lot line was not part of the subdivision.

Huckins said the lots needed to be proven out as they were reduced in size. He said 2 lots would be 4 acres +. The Whitney lot, # 256 would be increased from 0.47 acres to 4.64 and the Whitney – Moroukian / Hart lot would be 4.05 from 8.22 acres. Huckins said as lot 47 was reduced in size it needed to have an area proven out to show that it would be a buildable lot.

Vincent said he did not feel that the an area needed to be proven out because it was just a lot line and no new lots were being created. Horwood said when there is a change in the parcel all existing rights were given up. Vincent said that a lot line revision was not a subdivision. Oles said he had had to prove out an area on a lot line revision in another community.

Vincent said one could build on the existing lot with a variance. He showed various plans that had been approved without the requirements that the Board was applying to this plan. Huckins said we needed to show that the lots would be buildable. Hatch said she did not think that a lot line revision meant that the Board was creating building lots. This would need to be proven out before a building permit was given.

Vincent asked what the breaking point would be. Vincent said the same requirements had not been required of other lot line revisions. Mott said that each plan was unique. He said lot 26 had been expanded and lot 47 had been reduced.

Mike Moroukian said that there was an existing curb cut on lot 26. He said that there was no increase in the number of lots., there would be still 2 lots. Moroukian said that they had no intention of building on their lot. Huckins said that the Board had to look at the lots with the possibility of being sold. He said that heirs of the land could sell it in the future. Huckins said the lots would need to meet the state standards. Vincent said that the small lot was taxed as buildable.

Moroukian said that if the lots were ever developed it would be done responsibly. Huckins said that we needed to check with our attorney for her opinion. Ann Whitney said that she had bought the land for protection. She said she and Moroukian and Hart bought the land jointly. She said she might put her parcel in an easement in the future.

Moroukian said he wanted to work with the Board to be sure what was done was legal. He said they were not in a hurry, they would talk with their attorney and hopefully the Board would talk with theirs. Vincent said they could wait until Spring due to the snow coverage.

Horwood said he questioned whether the lot reduced in size was a buildable lot, we did not know from what was presented whether there were wetlands on the site or not. He said the lot might not meet the criteria to get approval.

Vincent said that lot lines were not the same as subdivisions, they did not have to meet all the same criteria. Mott said he agreed; our subdivision regulations were different than the State. Huckins said we were here to assist the applicants and to be sure that applications meet the legal requirements.

Mott said cases could be interpreted differently. He said he too wondered where we draw the line. Mott said we needed to adjust the Regulations if they could be made

the requirements more clear. This would also make them more consistent. Vincent said he would like the plans presented at this hearing sent to the Attorney also. Horwood said the Board should determine what goes to the Attorney.

Lemos made a motion to ask the opinion of the Town's Attorney on lot line revisions, seconded by Horwood, all in favor. Lemos made a motion to continue File # 09/365 to March 5, seconded by Kessler, all in favor. Vincent returned to the Board.

**Conference – Pamela Talon – Province Lane – Map 233, Lot 0041
Request for a waiver for complete survey, topography & testpits for
large lot from which a lot was to be taken**

Ken Berry, Berry Surveying and Engineering and land owner Pamela Talon were present to speak on a waiver request. Berry presented a boundary plan of the Talon property on Province Lane. He said Talon wanted to give her son a 1.9 acre lot off the original parcel but cannot afford to have the entire parcel surveyed. He said they were requesting a waiver from surveying the large lot with the existing house. Berry said they would show an 80,000 square feet buildable area around the existing house, well, septic system, and driveway.

Talon read the request for waiver. Huckins said we could not grant a waiver without reviewing a subdivision plan. He said in the past we have granted waivers as long as the applicant showed an 80,000 square foot buildable area that met the Regulations.

Kessler asked if a survey had been done on the parcel. Berry said a plan of land was done by David Berry, Berry Surveying and Engineering in 1992 for current use. Talon said they wanted to leave at least 10 acres in current use. Huckins said the existing home would need testpits if the existing septic system was not state approved. Huckins said that the 60,000 square feet of upland soils would also be required to be met on the large parcel as the petitioned article had been posted. Mott said it has been the practice of the Board that the large parcel would not need to be surveyed only an area of 80,000 square feet proven out.

**Generator Connections – Wayne Noyes
Rte. 125**

Hatch said Wayne Noyes of the Generator Connection had come in the office to ask if he could build his section of his building to house his business and build the other 2 sections later. She said Noyes said that a bank did not want to loan money unless he had definite businesses to lease or rent his spaces. She said with the economy being what it was he did not have any prospects at this time.

Hatch said Noyes would do the site work for the entire building when he did his. Members saw no problem with this request. They said that the entire building would have to be in progress within 2 years from the date of occupancy for his section or he would need to come back before the Board. Hatch will let Noyes know of the Board's decision.

Deliberative Session – February 7

Huckins said he would speak on the zoning articles that would be considered on March 10. He said Rick Walker said he thought that it would be a good idea to have the

intent of the articles explained and clarified.

New member – Michael Clark

Huckins asked Clark what he thought of his first meeting. Clarke said he had a lot to learn. Huckins said with the addition of Clarke there were 8 full members when 7 members were the limit excluding alternates. Horwood said he would resign tonight as his term expired in March. The Board accepted his resignation and thanked him for his input throughout his term. Steve Oles said he wanted to become an alternate as he and his wife were expecting his second child in March. The Board will recommend this change.

The meeting adjourned at 9:30 PM, motion by Horwood, seconded by Oles, all in favor. The next meeting will be a work session on February 12.

Dawn Hatch, Clerk