

**Barrington Planning Board Meeting
Meeting Room, Town Administration Building
June 4, 2009 - 7:00 PM
Public Hearings with applicants**

Members present: Chairman John Huckins
Selectwoman Jackie Kessler
Edward Lemos
David Vincent
David Mott
Michael Clark
Alan Kelley (Alt)
Dawn Hatch (Alt)

Chairman Huckins called the meeting to order at 7:00 PM. He introduced the members. Huckins announced at the request of the applicants or their representatives **File #LL 09/365 – Anne Whitney / Michael Moroukian & Denise Hart** and **SR 09/367 Sunset Rock, LLC & Stephen Brox** have asked for continuance to **July 9**, motion by Lemos, seconded by Vincent, all in favor. The hearings were taped for future reference. The first hearing was opened.

**File # 09/601 – Stephen Brown
Subdivision - 2 lots – Colcord Rd / Map 245, Lot 6**

Attorney Jerome Grossman and Joel Runnals, Norway Plains Associates represented the plan. Runnals presented new plans of the proposed 2 lot subdivision. Grossman said he and Town Attorney Jae Whitelaw talked on the proposal. He said Whitelaw had sent the members a memo on their discussion.

Grossman said that the access and frontage were the issues. He said they would ask for a waiver for location with frontage on class 5 or better road. Grossman said that there would be a waiver request for access off Colcord Road. He said 1 driveway was now off Colcord Road and lot 2 would require a waiver from being off a class 5 road. Grossman said that Brown would need permission of use from the owner. The road would need to be upgraded. As the road to the cu;-de-sac exceeds 1000 feet a waiver would be needed. Runnals said that the road would have to be built to class 5 standards if it were ever accepted by the Town.

Huckins said this was a conceptual hearing so nothing was binding. He said that the length of Colcord Road was over 1000 feet to a paper street. Kessler said Colcord Road was a gravel path. Hatch said Tim Mason had told her that Autumn Road was in the 2 year period for acceptance by the Town. Huckins said there were 3 lots on Walkins Road which was a driveway for the lots.

Vincent said he thought that the Mason subdivision would need to be opened. Huckins said the communication from Whitelaw did not represent that this would be needed. Mott said that the Board would have the right to reopen the Mason hearing. He said that the driveways for the 3 lots were off the paper street. Mott said that lot 2 had frontage on the paper street.

Huckins said that we needed comments from the Fire and Police Chiefs and the Road Agent. He asked what we would require for work on the road. Kessler said Brown

would need permission from Mason to use the paper street. Grossman said Mason had no problem with the road but Brown should get written permission from Mason.

Mott said that the lot would be on a private road which should be built to class 5 specifications. Grossman said his client hoped for less to have to be done. Vincent said that the cluster development needed to be taken into consideration. Lemos said that there would need to be a waiver request for the class 5 road, and over 1000 feet road length Huckins said that the 5 criteria, Article 11 must be addressed. Kessler said that the road would need to be fixed before it was taken over by the Town.

Kessler said that Colcord Road was not up to the standards. Grossman said the subdivision would be 1 lot, 1 extra house. Huckins said the road was slightly over 1000 feet. Runnals said the measurement was 1000 feet to the radius. Mott said there would need to be 200 feet along the paper street improved for lot frontage.

Vincent asked if there was a road association. Runnals said no. He said that Van Hertel owned the road. Kessler asked who maintained the road. Runnals said the people that lived on the road maintained it. Huckins said we would consider a waiver subject to the 5 points.

He said that we needed to get input from the Police and Fire Chiefs. Huckins said it could make a big difference with the input from the Chiefs. Lemos said that we could consider the waivers after we get input from the Chiefs. Kessler said if there was expansion of lots on Colcord Road there could be a need for a cistern. Huckins said this was an old subdivision but if the numbers increased a cistern might be required. He said Runnals could ask Chief Walker for his opinion. Runnals said he would get his comments to the Board by June 17.

Kessler asked if the lots had the necessary contiguous upland soil. Runnals said he had not done a full survey but the wetlands had been delineated by David Allain. The Board will check to see if Mason's subdivision would need to be amended. Hatch will check with Attorney Whitelaw concerning the 1000+ road and if it would be necessary to open the Mason plan. Lemos made a motion to continue the hearing to July 9, seconded by Kessler, all in favor.

**File # 05/554 Conditional subdivision approval
Thunder Road Properties, LLC – David Short
Off New Bow Lake Road – Map 215, Lot 64**

Hatch said the Board had received a letter from Attorney Charles Tucker representing the applicant, David Short stating that they wanted to let the conditional approval lapse due to the economy. Clark made a motion to support the lapse request from the applicant, seconded by Vincent, all in favor

**Private Road Policy Hearing - Bulls Gap
Long Shore Drive / Map 102, Lot 64**

Hatch read the recommendation from Road Agent Peter Cook. It stated that the applicant should give the Association \$2000.00, join the Association and grade the road from his lot to Second Crown Point Road before receiving a certificate of occupancy.

Mott said he could not understand why the grading was on the conditions for granting a building permit. He said that the Association owned a grader which was used for maintaining the road. Kessler said that the Selectmen did not care whose grader was

used but it was part of the conditions.

The Planning Board supported the recommendations of the Road Agent with the exception that it was recommended not required that the application join the Association. Motion made by Clark, seconded by Vincent, all in favor.

**SR 09/368 – J & J ‘s Food ‘N Fuel, LLC Restaurant / Ving, LLC
90 Rte. 125 / Map 220, Lot 47
Change and existing convenience store & deli to a sit down
restaurant to seat 40 to 60 people**

Attorney Gregg Wirth represented the applicants. He said Ving, LLC was the owner of the parcel. Wirth said the work would be all internal as they intend to change the convenience store and deli into a 40 to 60 seat restaurant. Wirth said there was office space on the second floor for the owners, the shop space had 4 employees, and the deli had seating for 5 to 10 people.

Wirth said all changes would be internal except for the facade of the sign. He said that they would re-strip the parking lot. The parking spaces would be 20 for the restaurant and 13 for the other uses for a total of 33. Wirth said there were 50 spaces provided.

Wirth said that the water supply had been state approved in 1988. The septic system had been approved by DES. He said the water supply would be redrawn as a community water supply. Wirth said that they intended to retain Norway Plains to update the septic system. He said the site loading would be reviewed. Wirth said the redesigned system would not be installed unless the one in use failed.

Wirth said there would not be any improvements on the outside. He said that the project was fairly cut and dried. Kessler said there would be an increase in water usage. Huckins said any approval would be contingent on the septic system. Wirth said that they would talk with DES regarding the septic system and well radius. He said that it would meet and comply with all state regulations.

Huckins said that this hearing was a design phase. Mott said the plan would need contours shown on it. Wirth said they would produce a mylar that would show the changes. Owner, Bob Milton said the well was located in the back corner of the lot 3 to 400 feet from the road. He said that all fuel storage was stored in above ground tanks. He said he operated a full service deli.

Milton said that they serve 40 to 400 people per day. He said there were grease traps in place. Vincent said we would need to see a new plan showing the changes. He said state permits, the septic system, water supply/radius, all notes on the plans, face of the sign changes, hours of operation, employees, parking, existing lighting, and change of use were issues to be addressed.

There were no public comments. Vincent said there were some items that could be shown as notes on the plan. He said that the application was not ready for acceptance. He said all material needed to be submitted by June 17. Mott said we needed a reasonable plan to view. Wirth said the new plan would tie into the existing one and show all changes. Mott said any information from the Code Enforcement Officer should have been included.

Huckins said the plans should be reviewed by the Police and Fire Chiefs. The traffic study done with the original plan should be reviewed. Article 4.14 addressed the

review. He said the traffic study could be used if it met the criteria. Vincent said DOT would want the existing driveway permit amended for the change in use.

Milton said that at this point they intended to serve breakfast and lunch. Members said that they should include full hours in case that they want to increase their hours. There were no comments from abutters. Kelley made a motion to continue the hearing to July 9, seconded by Clark, all in favor.

File # 09/605 - Pamela Talon

Subdivision - 2 lots - Province Lane / Map 233, Lot 41

Christopher Berry, Berry Surveying and Engineering represented the applicants. He said that the remaining parcel contained 10.6 acres with an existing house on it. Talon wants to give a lot to her son. The remaining land would remain in the family. The lot would be minimum size. Berry said they would be asking for waivers from delineating the whole parcel and surveying it. He said that David Allain had mapped the wetlands. He said that ½ acre would be removed from current use with the rest remaining in it. Berry said there was a pond on the 10 acres.

Berry discussed the items on the list from the Board. He discussed a narrative. Vincent said it would only a couple of paragraphs. Berry said he had added notes addressing 10 and 13 of the checklist. He said they had requested a waiver from surveying the remaining land. A buildable area was shown.

Berry said his Grandfather had done a tape and compass for a current use plan in the 1990s. He said it had not been a full survey. He said the 5 criteria that needed to be proven had been represented by Pamela Talon at the prior meeting. He read the 5 points for the waiver into the record. Berry said the stamp of the soil scientist would be on the final plan.

Berry said the road was correctly marked as class 5 and width shown. The access to lot 2 was shown on the second sheet. He said that they were waiting for state subdivision approval. Mott said that there should be a note on the plan stating that the new driveway would be paved in 16 feet. He said this was required to protect the edge of the road.

Berry said that the building area shown on the remaining land was all upland and a statement would be placed on the plan saying that there were no wetlands in it. Mott made a motion to accept the waivers, seconded by Lemos, all in favor. Kessler said the Talon lot was surrounded on 2 sides by roads. She said that the school abutted the parcel. The lot that was being taken from the parcel was next to land that had been subdivided. Kessler said the land was unique.

Huckins said that a note should be added regarding the waiver from doing topography on the remaining land. Kessler said that any further subdivision would require the remaining land being surveyed. Berry added the waiver request for the remaining land to the waivers. Mott made a motion to approve the waivers, seconded by Lemos, all in favor. Mott made a motion to accept the application, seconded by Kessler, all in favor. There were no abutters present and no public comments.

Vincent said as most of the items needed were housekeeping he made a motion to grant conditional final approval pending owners signature, prime wetland note, erosion control note, state approval, monumentation and paper stating it had been completed, check locus, note 15 on plan, and underground utilities.

Berry said that they had no control over the temporary pole at the driveway. He said they would go underground from the pole. Huckins said if the pole was close enough it could be used as a waiver. Berry said it would be over 200 feet. Kessler seconded the motion, all in favor.

**File # LL 09/224 - Stanley & Janet Oliver / Susan & Henry Dombroski
Lot line revision – Map 121, Lot 11 / Map 122, Lot 2**

Jason Pohopek, Pohopek Land Surveyors represented the plan with the applicants. He said that land swap was intended to be added to the Oliver lot. He said that the addition of land would allow the existing house to be set back further off the road. Pohopek said the addition of the land would make a bad situation better. He said the adjustment would give the lot additional land containing both upland and wetlands.

Pohopek said the large lot contained 7.8 acres. Lot 11 contained an existing house and septic system. He went through the items discussed at the review session. Pohopek read the narrative and waivers. He said that testpits had been done with a waiver requested for the second testpit on lot as there was not room to locate it 50 feet from the first one.

Pohopek said that the Oliver lot contained less than 80,000 square feet. He said that he had filled out the paperwork for an area variance hearing with the Zoning Board. Pohopek said he had added the notes requested from the Board. Huckins said Pohopek should check the locus as it appeared on the wrong side of the road. Pohopek said he would revise the plan. He read note 13 which stated that lot 11 had contained 12,595 square feet of upland and now contained .067 with 18,933 upland and 14,355 contiguous. He said that contours had been added to the plan.

Huckins said we could conditionally accept the application. Vincent said he did not think so as until Oliver goes before the Zoning Board and if a variance was granted would the plan meet the zoning. Hatch stated that the ZBA hearing was scheduled for June 17. Mott said that we typically address these issues after the application was accepted.

Huckins said that the smaller lot was being made larger with was an improvement over what existed. He said setting the house back would also be an improvement. Hatch said the wording should be taken out of the planning board block. Kessler said the surveyors know what was required and we should not have to tell them what needed to be done. She said that the checklist should be used and the application should be complete.

Huckins asked if anyone wanted to speak for or against the plan. No one spoke. There were no abutters present. Vincent made a motion to continue the hearing to July 9, seconded by Kelley, all in favor. Huckins said the application could be accepted the same meeting as a final if everything was complete.

Huckins asked Hatch to write a letter to the Selectmen with regards to the Gerri or subdivision to let them know what direction we were heading. He suggested that we copy Peter Daigle and Steve and Ellen Conklin.

The next meeting of the Board will be held on June 11. The Board will meet with Chris Albert of Jones & Beach to discuss the status of what had been done to date. The meeting adjourned at 9:45 PM, motion by Kessler, seconded by Lemos, all in favor.

Dawn Hatch, Clerk