

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

Members present: Chairman John Huckins  
Selectwoman Jackie Kessler  
Alan Kelley  
David Vincent  
David Mott  
Edward Lemos  
Michael Clark

Chairman Huckins opened the meeting at 7:00 PM. He introduced the members. The hearings were taped for future reference. Cheryl Huckins took notes of the meeting in the absence of Clerk Hatch. Representatives for **Sunset Rock, LLC & Stephen Brox, File # SR 09/367** have requested that their site review hearing be continued to the June 4 meeting, motion to continue was passed unanimously.

**LL 09/365 – Anne Whitney / Michael Moroukian & Denise Hart**

**Lot line revision – France Rd. Map 117, Lot 256 & Map 26, Lot 47**

Board member David Vincent recused himself from the hearing as he represented the applicants. Vincent said that they would follow the requirements of the Ordinance and comply with all of them. Vincent said there was an existing curb cut on lot 256 which had an existing parking area for the Whitney house across the road. There was a curb cut on lot 47 for an existing driveway. Vincent said that the change in the lots would still conform and the input from a wetland scientist and topography would be provided.

Mott said that the Planning Board now requires an applicant for a lot line revision to complete enough information to satisfy the State and Town minimum. Vincent said that he did not think that testpits were required but would do them and get State subdivision approval. He said that lot # 47 would contain 4.05 acres and # 26 - 4.64.

Applicant, Denise Hart wanted to be sure that their punch list matched the Board's. Lemos said the applicant should follow the chart. Huckins said that the applicants were not required to meet building standards but must meet minimum lot standards. Vincent said that paving of the apron would only be required for a building permit. Huckins agreed that this was the standard practice.

There were no abutters present and no one spoke on the plan. Hart asked for continuance to the July meeting. She was aware that all material needed to be in the office by June 17. The motion to continue was made by Lemos, seconded by Mott, motion was unanimous. Vincent returned to the Board.

**File # LL 09/367 – Kevin Canepa / William Henderson**

**Lot line revision – Liberty Lane - Map 110, Lot 0026 & 0028**

The plan was represented by applicant Kevin Canepa. He apologized for not presenting color-coding maps. He said the new lot lines represent a trade of 25.55' of backland from one lot with 30' frontage of other. Huckins asked if the plan now labeled the total amount of upland.

Vincent said the additional items that were needed were just housekeeping. 1. Lines removed from the planning board block, 2. Bearing label needed to be added - 38.8, 3. Written confirmation from a surveyor that the land was not within the flood plain – Note 6, they need to check flood maps or a waiver would be required, 4. Note stating no prime wetland on site per Barrington maps, 5. Re-label street to state private, 6. Stamp of wetland scientist, monumentation must be done and completed form submitted to the Board.

Mott asked if the Board needed to spend more time on this or could Hatch take care of the review. Canapa said the lot was not in the flood zone so they only needed a note from the surveyor that sites the source.

Huckins asked if anyone wanted to speak for or against the plan. There were no comments. Huckins said 2 mylars were needed with 5 copies to Hatch. The information would be forwarded to the applicant. Canapa gave the Board his fax number. The vote to grant conditional approval was made by Mott seconded by Lemos, all in favor.

### **09/601 – Stephen Brown**

#### **2 lot subdivision – Colcord Road – Map 245, Lot 6**

Joel Runnals, Norway Plains Associates represented the proposal with the applicant Stephen Brown. Runnals said the driveway would be 15 feet from Colcord Road. He said there was an agreement with Tim Mason, developer of the conservation subdivision abutting the lots. Runnals said that Hatch had talked with Mason concerning access. He said she had told him that they would need to work out an access.

Huckins said he had talked with Attorney Whitelaw about the length of the dead-end-road, 1000 feet plus which was an issue and would need to be considered frontage. He said the road would need to be paved and conform to the subdivision standards. Runnals said that Hatch had said that the road might not need to be paved if it was considered a driveway.

Huckins said that the Attorney said that along the 200 feet of frontage would need to be paved. Runnals said that the subdivision on Weeks Lane was beyond 1000 feet. Huckins said this was an existing class 5 road. Vincent said that the Attorney felt that the 200 feet of frontage would be required according to the Subdivision Regulations.

Huckins suggested letting the applicant's attorney talk with Attorney Whitelaw and work out the requirement issues. Mott asked if we had an application and abutters notification. The abutters have been notified. Runnals said that Hatch said the frontage would not be an issue but the access would need to be addressed.

Huckins read from Attorney Whitelaw's letter which said that Colcord or Watkins Roads were not class 5 so either would require a waiver from the Zoning Board. Vincent read from Section 15.1.2 which stated class 5 or other road. Huckins said that an agreement must be signed by the Selectmen if the road was private or a class 6. Kessler said that the road would have to be built to class 5 standards.

Mott noted the issues – subdivision approval, alteration of terrain, and length of road exceeds 1000 feet. He said that this was a discussion of a conceptual plan and nothing that has been said was binding. Huckins said that full application had been submitted but a full plan had not. Vincent said that the cul-de-sac was beyond the 1000 feet and at least 200 feet of the new lot must be to class 5 standards. He said that that the impervious section of Watkins Road must be paved; easements and hammerhead would be required along with a special use permit for encroachment into the 50 foot wetland buffer.

Kessler said written permission would be needed from Tim Mason to allow use of the road. Mott asked about moving the berm requested and installed on the road connecting the cluster and Colcord Road. Huckins said it would need to be moved as if had been part of the Mason subdivision approval. Runnals asked why a hammerhead. Vincent said it would be for emergency access.

Runnals asked if the road connected to another road would the need for a waiver be eliminated. Huckins asked the berm would need to be moved. Kessler said that Peter Cook would not approve this as Colcord Road was not built to Town specifications.

Brown commented on the length of time and the expense on what this was costing. Mott told Brown that the bottom line was that he was trying to do something that does not meet the requirements.

Huckins asked if anyone wanted to speak on the plan. There were no comments. Lemos made a motion that Brown's attorney could contact the Town's Attorney directly, seconded by Mott, all in

favor. Mott said Hatch would give Attorney Whitelaw the details. He asked if we would put a time limit on this. Vincent said we should know the answers by the next meeting.

Huckins said that the Attorneys should talk and give the Board her recommendations. Runnals requested continuance to the June 4 meeting. Lemos made a motion to continue the Brown hearing to June 4, seconded by Vincent, all in favor.

**Conference - Attorney Charles Tucker / Thunder Road Properties**  
**Conditional approval update – File 05/554**  
**Off New Bow Lake Road – Map 215, Lot 1**

Attorney Tucker said that the subdivision was near final approval. There were 3 open space conservation easement locations on the site. He said due to the economy there was no market so things had halted. He said the plan had been extended twice from the Board and they were asking for a 6 month extension to keep them grandfathered to the same regulations they were approved under.

Vincent asked if this was conditional approved 3 years ago. Tucker said there were 2 issues concerning the pit area and uses. Vincent asked if the sites had been touched and Tucker said no. Vincent asked if there had been a road bond. Tucker said not as yet. Mott asked if there had been state approval. Tucker said he thought that it was in 2007. Mott asked where they were with conservation easements. Tucker said they had been drafted.

Huckins said that there were no issues now, he said that there were no zoning changes planned for the next 6 months. Lemos said that there could be changes beyond 6 months. Vincent read the Regulations which stated if any amendments to the Zoning or Regulations made the subdivision not meet zoning. Tucker said that the lot met all of the requirements.

Huckins asked about an alteration of terrain permit, was it good for 2 years. Vincent said all terrain permits were good for 5 years. Mott asked if Tucker could find out if the all terrain permit was still valid and come back before the Board. Vincent said that we could not extend the conditional approval until we know that the permits were still valid. Lemos said that 6 months would be reasonable.

Mott asked if we could continue until know if the permits were valid. Vincent asked when the previous extension runs out. Huckins said he thought that it had already lapsed. Mott asked if the applicant could come to a work session or must it be a public hearing. Vincent said it should be reviewed at a public hearing. Lemos made a motion to continue the hearing to June 4, seconded by Vincent, all in favor.

**Conference – Lynda Brushett, Jay Corcoran, Roger & Carol Thibeadeau / George Calef**  
**File # 08/590 & LL08/216 – Map 112, Lot 26 & 27 - Calef lot line & subdivision -**

Lynda Brushett stated that she had no issues with the Calef's boundary line adjustment. She said the subdivision was the issue. She gave a background of the project. Brushett said the driveway had been approved to stop before the Hicks house. She said that instead of a driveway a road was built all the way to Route 202. She said that the road that was built was not part of the approval.

Brushett said that there had been 3 trees planted in the existing right-of-way blocking their access. She said that the road sign for Harlan Drive had been moved to Route 202 without Selectmen's approval. She said that the old sign, Austin Way was gone.

Mott asked if Austin Way was private. Brushett said yes. She said the driveway was not as represented on the plan as it extended to Harlan Drive which had not been approved. Brushett said the subdivision should be revoked. She said the Board should review the subdivision application for violation of conditions. She said there was no discussion of the road in the minutes.

Calef said that Austin Lane had never been recorded as the Town did not want it done. He said he had tried to record it. Calef said Austin Lane was unsafe as it had washed out numerous times and for public safety one could not pass a vehicle it met on it. He said the road was built to town standards.

Calef said that the road did not show on the subdivision but was on the lot line revision that was done after it. Huckins said the Board felt that the road on the second plan was better

according to the minutes. Calef submitted the lot line revision that showed the road. Kessler asked if the road extension was approved with the lot line revision. Huckins said the subdivision did not show the road extended but the lot line revision showed it. Calef said that both plans had been recorded.

Kessler asked whose access was cut off. Mott said that there was a list of items that a Board needed to consider prior to a revocation. He said this discussion was just an informal conference. Vincent said that the subdivision showed a common driveway but the boundary line adjustment had been extended with Board approval. He said that Calef has a right to extend his access through his land to the beach.

Calef said that the right-of-way Brushett described was not on the recorded plan. Brushett said the driveway approved to access lot 37-1 as a condition of subdivision and abutters would retain access along the path. Huckins said that we would examine the approved plans and made a decision on how to proceed.

Again Kessler asked whose access was cut off. Brushett said Hicks. Kessler asked if Hicks owned the old abandon house. Brushett said it was used occasionally. Huckins said we would continue this discussion so the Board could look at the stamped approved plans. Mott said we needed to look at the plans that we have.

Kessler said we would need to determine whether this subdivision issue was a civil or subdivision matter. She asked the parties if they wanted to attend the work session. Vincent said that we would want to review the file first and determine if legal advice would be needed before the work session.

Brushett said they knew that they could not speak at the work session but would like to listen. Kessler suggested discussing this in 2 weeks. Huckins said this could be done at the work session on May 21. We will review and the abutters and applicant could observe. Huckins made a motion to gather the information and examine it on the 21<sup>st</sup>, seconded by Kessler, all in favor.

#### **Request for Waiver from Impact Fee – Article 14, Section 14.5 Waivers Richard & Theresa McKenney - 6 Calef Island Rd**

The waiver request was presented because the applicant was 62 years old or older. Huckins discussed the policy of age requirements for this waiver. Kessler asked if the road impact applied. Huckins said no as McKenney was not subdividing. Lemos asked if a leachfield had been applied for. McKenney said yes. Lemos asked what the size of the house would be. McKenney said 22 by 36.

Mott said that we needed to return all personal information to McKenney and keep one copy for the file. Clark made a motion to waive the school impact feet with the 20 year condition, seconded by Kelley, all in favor.

The public hearings closed, motion by Vincent, seconded by Kessler, all in favor. The next meeting will be held on May 21 to review plans scheduled for hearings on June 4. Conferences with Steve and Ellen Conklin regarding the Gerrior subdivision and a discussion of the A. Harlan Calef Trust subdivision – Lynda Brushett will be held.

