

Barrington Planning Board Meeting
September 3, 2009 - 7:00 PM
Meeting Room, Town Administration Building
Public hearings with applicants

Members present: Chairman John Huckins

David Vincent
David Mott
Michael Clark
Steve Oles
Alan Kelley (Alt)
Dawn Hatch (Alt)

Chairman Huckins called the meeting to order at 7:05 PM to give the members time to review the packets given to them. Huckins introduced the members. The meeting was taped for future reference.

Huckins announced that representatives for **File # SR 09/367, Sunset Rock, LLC & Stephen Brox had asked for continuance to October 1** to give Berger Group time to review the suggested and recommended changes to the plan. **Vincent made a motion to continue File # SR 09/367 to October 1, seconded by Oles, all in favor.** The first hearing was opened.

File# LL 09/225 - Kristann Moody / William Whitney

Lot line revision - Mendums Landing Road - Map 268, lots 28 & 30

David Vincent stepped down from the hearing as he represented the applicants. He said that Kristann Moody was present if the members had any questions for her. Vincent made a brief presentation of the plan. He said the intent of the lot line revision was to quiet the title and to put all of the structures owned by Whitney on his own land. Vincent said that the other side of the Whitney lot went to Court and Whitney received land from the open space of the Mendums Landing by adverse possession.

Vincent said that the plan had gone before the Zoning Board of Adjustment and received an area variance for a non-conforming lot and the side setbacks. He said that he had put the variance on the plan. Vincent said the Moody lot was still conforming and the Whitney lot had been made less non-conforming. He said the reason that the structures did not meet the setbacks was because it more land was taken from the Moody lot it would not meet the 80,000 square foot requirements.

Vincent read into the record the 5 points for a conditional permit that had to be proven. He said the lot line was a common one with no new lots created, any further development of either lot would require permits and review, the applicants were trying to resolve situation without going to Court, the Whitney lot would become less non-conforming, the intent of the revision was to avoid litigation and improve the Whitney lot. Members agreed that these 5 points had been proven. He said that the lots were lots of record with no change to the existing structures. He said the revision would avoid a costly court case. Kelley made a motion to accept the waivers, seconded by Clark, all in favor.

Huckins asked if anyone wanted to speak on the plan. No one spoke. There were no abutters present. Oles made a motion to accept the application as complete, seconded by

Mott, all in favor. Oles asked about the side of the Whitney lot abutting Mendums Landing. Vincent said he had not he surveyed this side and the description for that lot line was as stated by the Court. He said it did not pertain to what was before the Board. Clark made a motion to grant final approval, seconded by Kelley, all in favor. Vincent returned to the Board.

09/601 - Stephen Brown

2 lots - Colcord Road - Map 245, lot 6

Joel Runnals, Norway Plains represented the Brown plan with applicant Stephen Brown. Runnals presented revised plans as a result of the changes discussed at the review session. He said each lot contained 3 acres, test pits had been done and the existing lot had a state approved septic system. Runnals said a draft of the easement language was presented with a letter from Tim Mason's attorney stating that it was accepted to his client. Huckins said it would be forwarded to the Town's Attorney for review.

Runnals said the Board had stated the road would need to be built to the standards of the State Fire road standards. He said a cross section had been asked for. Runnals said that there were no cross sections for this type of road. He said he had asked their engineers to design one for of the road to be placed on the plan.

He said the design would support all fire apparatus. There would be a 20 foot traveled way with 13 feet of clearance. He said that the 4 K areas were shown on the Department of Environmental Services plan.

Runnals said that the well radius was over the boundary line into the abutting open space. Conservation Commission Vice-chairman John Wallace said he would check the wording of the easement to see if this would be allowed. He said he did not think that would be any problem. Runnals said it did not extend into the 50 foot wetland buffer.

Runnals said the turnaround shown on the plan would need approval from the Fire Chief. He said the Chief wanted 20 feet. He said he would put a note on the plan concerning the turnaround. Runnals said that the cross section addressed the turnaround. He said the Fire Chief would make the determination of the turnaround and the turnouts.

Mott asked if the area would be designated on the plan. Runnals said it had been designed as a private driveway. He said there would be no maintenance by the Town. Huckins asked if there were any abutters present. There were none. He asked if anyone wanted to speak on the plan. No one spoke.

Kelley made a motion to accept the application as complete, seconded by Clark, all in favor. Mott said that if the turnaround would be in the 50 foot wetland buffer it might need a special use permit. Huckins said this would be a zoning issue which the Building Inspector/Code Enforcement Officer would have to deal with when a building permit was applied for.

Vincent made a motion to grant conditional approval pending the following conditions: the easement language reviewed and approved by the Town's Attorney, DES approval of use of the road, all notes on plan, and documentation of the middle lot line over 300 feet. Kelley seconded the motion, all in favor.

SR 09/370 - S & B Bennett's LLC - Bernard and Susan Bennett

Rte. 9 - Map 265, Lot 3

Wall and free standing signs at the Village Barn

Bernard Bennett represented his plan. He said he owned the sign which was larger than what was allowed in the Town Center. He said the free standing sign had not been designed or painted at yet. Bennett said that all of the signs that were around his lot were larger than what was allowed in the Center. Bennett said the Village Barn had been in business for 32 years at this location.

Vincent asked if the location was between the Christmas Dove and Calef's sign. Bennett said yes. Mott said there was a difference between an installed sign and one that had been in a barn. Huckins said the sign would need to be large enough to be seen. Mott said that anyone had the right to ask for a waiver.

Hatch read the reasons that Bennett had presented for the waiver request. One reason was that they already owned the sign. Vincent said he should remove this from the request as the sign had not been designed and therefore could be replaced.

Bennett restated that the signs around his site were all larger than what was allowed. He needed a sign that could be seen among the ones already in place and his site was between 2 existing businesses that already had free standing signs installed larger than what he was asking for. The members were satisfied with Bennett's reasons. Kelley made a motion to grant the waiver for the size of the sign, seconded by Vincent, all in favor.

The wall sign was discussed. The size would be based on the area of the building on the road side which would be considered the frontage. Bennett said he want the sign to face Route 125. Huckins said the scale would be 65 feet. Bennett said he had based the size on 48 square feet.

The sign could be 96 square feet. Bennett said this would fit the size that he planned on. He will supply the colors and wording or both the free standing and wall signs. The location of the free standing sign would be 10 feet from the right-of-way. Clark made a motion to accept the sign application, seconded by Vincent, all in favor.

There were no abutters present and no one spoke on the signs. Clark made a motion to grant conditional approval pending the colors, design, size, any lighting, and location shown on the plan. The motion was seconded by Vincent, all in favor.

SR 09/371 - Town of Barrington

Rte. 9 - Map 233, Lot 38

Richardson Pond Site - Free standing sign

John Wallace, Conservation Commission represented the proposal. He said that the Commission wanted to install a free standing sign near the entrance and dam at Richardson Pond. He said the Town had purchased the land from Carolyn Goodwill and created a conservation easement. He said the sign would be in memory of Mr. Goodwill who was a steward of the land for many years. Wallace said the sign would be wooden, 2 feet by 4 feet. There would be no lighting.

The abutters that were present did not speak. Vincent made a motion to accept the sign application, seconded by Oles. Vincent made a motion to grant final approval of the sign, seconded by Kelley, all in favor. The fees for the project were waived except for the base cost of notification of abutters.

SR 09/372 - Barrington Youth Association
Smoke St. - Map 225, Lot 71
24 ft. by 32 ft. snack bar

Joel Runnals and Guy Shevenell represented the plan. Runnals said the project would have minimum impact. He said that he had used the subdivision plan for the presentation. Runnals said that the existing snack bar would be replaced with a larger more modern one. The equipment shed would be where the snack bar would be located. Runnals pointed out the septic system location.

Shevenell said that the new structure would have the same look but built at a different spot. He said that there would be no expansion of use. The new structure would have 1 floor. The older building would be used for additional storage. Parking would be within the site.

There were no abutters present and no one spoke on the plan. Runnals said Hatch had said the Board might waive the costs of the site review as the Organization was non-profit and an asset to the youth of the Town. Kelley made a motion to waive the fees, seconded by Vincent, all in favor. Oles made a motion to accept the application, seconded by Mott, all in favor. Mott made a motion to grant final approval, seconded by Oles, all in favor.

SR 09/373 - Cheryl Hill Applicant / Thomas & Kathleen Delong - Land owner
Swain Rd. - Map 231, Lot 32

Scott Frankiewicz, ETAB Land Services and applicant Cheryl Hill represented the proposal for a child care facility for ages 5 to 12 in a home on Swain Road owned by Tom and Kathleen Delong. He said a portion of the home was rented so the parcel would be a mixed use lot.

Frankiewicz said that there were 6 parking spaces shown, 2 for the residence and 4 for the child care facility in front of the garage. He said there was a 10 foot by 60 feet pull out area for meeting cars. He said what was presented met the parking requirements of 1 space per 6 children and 2 teachers. He said a turnaround was shown with 25 feet to the landscaped area which gave ample room to put in and out.

Frankiewicz said the lighting would be on the garage and house faced toward the parking lot. He said there would be lights over the doors and motion lights for the walkway. Vincent said cut sheets would be needed for the lighting.

Huckins said there were items listed from the Fire Chief that would need to be addressed. Frankiewicz said they had received this list. He said there would be a gravel walkway to a ramp then more gravel on the western side of the house. Frankiewicz said 2 small trees and a beech tree would need to be cut along with some limbs to provide the 10' by 60' pull-off area. The play area provided would have 40 square feet per child as required.

Frankiewicz said they were requesting a waiver from doing topography for the entire lot. He said they had showed the topography on the area used and the remaining area would not be disturbed. He read the waiver request addressing Article 8.3. Mott made a motion to grant the waiver, seconded by Vincent, all in favor.

Mott made a motion to accept the application as complete, seconded by Oles, all in favor. Hill said the sign would be at the end of the driveway, 2 feet wide and 1 foot high, unlit. It would be used to identify the site. Huckins said the sign needed to show the height and colors and location shown on the plan. It would need to meet the Site Review sign requirements.

Huckins said the Highway Overlay should be removed from the plan as the lot did not have frontage on Route 9. He said a note should be added to state no parking on the town road. Hill said she would need to get licensing from the State. Huckins said this should become part of the folder. He said there was a list of issues that would need to be met from the Building Inspector/Code Enforcement Officer. The list was passed around to the members. Huckins said these items would need to be addressed before the childcare could open.

Hills said there had never been any issues from her first business on James Henry Drive. She said she educated the parents as to the drop-offs, pick-ups, parking, etc so they are aware from the start of what was expected of them. She said there were 2 spaces provided for the residence and only one woman lives at the house and works for her. Huckins said the Board was looking at the facility long term.

Hill said that the drop-offs and pick-ups were staggered. She said parents had different times for this. She said that the child care facility was on an existing bus route which a person was at the end of the driveway at both times when the bus stopped. John Laid said he had never seen any problems with the parking or coming or going. He said his child went to the child care that Hill now operates and he was pleased to see the children stay in town under the supervision of a person like Hill, a high quality provider.

Huckins said some conditional of approval would be the requirements from the Fire Chief such as trees and brush removed, driveway construction, parking spaces, turn around and turn outs, etc. Vincent said that the plan did not show any use of the deck. Hill said the deck would not be used and a gate would be installed. A note would be placed on the plan that stated any and all outside activities would not be allowed on the deck.

There were no abutters present and no one spoke on the plan. Vincent made a motion to grant conditional approval pending state approval of the facility, note - no use of deck, sign off from both the Fire Chief and Building inspector/Code Enforcement Officer, revise note 5, show sign location /details - color - size, cut sheets for lighting, remove note 25, and septic system approved for change of use. The motion was seconded by Mott, all in favor.

LL 09/226 - Gary and Teryl Hodgdon

Lot line revision - Canaan Rd. - Map 126, Lot 57 Map 2456, Lot 17

Surveyor, Scott Frankiewicz said that Hodgdon owned both lots and wanted to do a lot line revision to create a minimum size lot for his daughter. The new lot would be 80,000 square feet with the remaining acreage of the 9.31 acres being put in the second lot. Frankiewicz said they had filed for state Surveyor, Scott Frankiewicz represented the plan with applicant Gary Hodgdon. The subdivision approval and were given a work number.

Frankiewicz said there was an existing dwelling on the smaller lot, with nothing on the larger one. An area for the existing house and leach field was proven out. He said a well radius easement had been recorded. He said the 4 K ar4as had been shown and test pits had been done on the remaining lot. Frankiewicz said the wetland shown on the plan continued on the lot and out to Route 202.

A pin needed to be added to the middle lot line. The pavement width of Canaan Road was shown. Hodgdon said there would not be a new driveway installed at this time. He said he had existing driveways to each lot. A new driveway would be paved in when a building permit

was applied for. Huckins said paving of the driveway would be addressed prior to final occupancy.

Mott said the locus would need to meet the requirements of the Registry of Deeds. Mott said the boundary line on the plan should just show the stone wall as the Registry would not want the line through the wall.

Huckins said Hodgdon needed to prove the 5 points of the special permit for Article.8.3. Frankiewicz asked if we could move to the next plan which would allow him to put the waiver request in writing. Mott made a motion to table File # LL 09/226 until after the next plan hearing was completed, seconded by Vincent, all in favor.

LL 09/227, 228, 229, & 230 - Long Shores Lot Owners Association, Inc. / Phillip Dembrowski/Charles Therriault /Jeremy & Amy Mercier Long Shore Drive - Map 103, Lots 15, 22, 24, 25, & 26

Charles Therriault represented the plan. Mott rescued himself from the hearing as he has worked for Therriault. Therriault said the reason for the plan was because the lot lines were in dispute. He said some of the lot lines were in contention. Therriault said there was a 25 foot easement shown on the plan for Long Shores Lot Owners Association road maintenance.

Therriault said that the lots, would be more conforming but some would still not meet the minimum requirements. Huckins said the plan would need to go to the Zoning Board of Adjustment for an area variance.

The numbering of lot 24 was questioned. Therriault said that the Town had required the former owner Dr. Bennett to merge the lots. Vincent said that the owner of lot 24 might own the road or have an easement to it. Huckins said just because the lots were shown as one did not make it one lot by deed. Hatch said she thought that Bennett had done a voluntary merger which had been recorded. She said that she would check on this.

Therriault's Attorney questioned why as this was a lot line revision and the lots would become less non-conforming would the plan need to go before the Zoning Board. Huckins said we had gone through this with an earlier case and it had been addressed 6 months ago. He said that the lots must meet the requirements of the Zoning Ordinance. The Planning Board does not have the authority to approve a lot that does not. This is the role of the Zoning Board.

Long Shores Lot Owners Vic-President said he was unaware of what was being done and asked about the lots owned by Long Shores. Therriault said there had been several meetings on this proposal. Hatch said as an Association member she thought that the members had the right to know about any transaction that involved land owned by them as all were owners in the parcel.

Huckins asked the applicants if they wanted to continue the hearing to the next meeting. He said the Board could not override zoning. Huckins said the applicants were right to come before the Planning Board and then go to the Zoning Board.

Huckins said lot 24 needed to be addressed. He said there might be a legal right-of-way through the lots. The road could be owned in fee. The lot owner needed to establish what existed. Therriault said lot 24 was taxed as one lot.

As there was no public discussion on the plan Kelley made a motion to continue the hearing to November 5 after the applicants have gone before the Zoning Board, seconded by Oles, all in favor.

The Board returned to **File # LL 09/226 - Gary and Teryl Hodgdon**. Scott Frankiewicz represented the 5 points for the waiver. The members agreed that all 5 points were met. Vincent made a motion to grant the waiver, seconded by Mott, all in favor.

Kelley made a motion to accept the application as complete, seconded by Vincent. Kelley made a motion to grant conditional approval pending the following items: state subdivision approval, structure (boxes) shown on sheet 1, buildings and building envelope / setbacks shown on sheet 2 for lot 57, make changes for Registry acceptance, show on plan that lot meets the requirements of 80,000 square feet, 60,000 square feet free of Hydric A and 35,000 square feet of upland or note on sheet 1 or 2 concerning the lot requirements. The motion was seconded by Clark, all in favor.

Clark/Capital Improvement Program

Clark said that he had talked with Carol Reilly concerning items that should not be included in the CIP. Huckins said a community well might be a possible item to include. This could be installed by a private developer or a possible block grant.

Water supply protection and a community water supply could be a subject discussed and a grant applied for. The Board received a packet on grants that will be given to Steve Conklin as his Committee was involved in water issues. Huckins said the CIP would not state that any taxes would be used for any projects.

Hatch said she had talked with Chris Albert Jones & Beach concerning the road evaluation that he had presented a draft on. She said he said that he had talked with Peter Cook about some suggestions and changes that Peter recommended. Albert said he was waiting for his comments and recommendations before the final product was completed. Hatch said that she told him we needed this information to give to Bruce Mayberry to use in the CIP to set impact fees for roads. Hatch will contact Peter the first of the week.

Zoning Changes

The Board discussed the possible changes to the Zoning Ordinance. Huckins said he would like to get an early start. Members supported holding 2 informational hearings in October with residents for their input, comments and suggestions. The dates would be on October 8 and 22. Hatch will have the dates put on the web site. Huckins asked Hatch to contact Attorney Whitelaw for some wording.

The last day to receive petitions/articles would be November 9. A meeting would be set with any petitioners. Clark said the Chamber of Commerce could be notified for Huckins to give a talk on zoning changes to when they are put together. The items discussed will be put together to work on.

The meeting adjourned at 10:20PM, motion by Kelley, seconded by Mott, all in favor. Hatch will put together the minutes that the Board has not voted to accept for July and August.

Dawn Hatch, Clerk