

**MEETING MINUTES**  
**FOR**  
**ZONING BOARD OF ADJUSTMENT**

**IN PERSON LOCATION-**  
Early Childhood Learning Center  
77 Ramsdell Lane  
Barrington, NH 03825

OR

**You are invited to appear by audio phone or computer see below:**

The public has access to contemporaneously listen and, if necessary, participate in the meeting through dialing the following phone #1-603-664-0240 and Conference ID: 219791416# OR link [bit.ly/BarrZB20211117](https://bit.ly/BarrZB20211117)

(Approved December 16, 2021)

November 17, 2021  
7:00 p.m.

**Please note that all votes that are taken during this meeting shall be done by Roll Call vote.**

**ROLL CALL**

**Members Present**

Cheryl Huckins-Acting Chair for Raymond Desmarais  
Raymond Desmarais, Vice Chair-(Remotely)  
George Bailey  
Dave Whitten  
Paul Thibodeau

**ACTION ITEM**

1. [126-24-GR-21-ZBAVar \(Owner: Nicholas Mitropoulos\)](#) Request by applicant for a variance from Article 5 Section 5.1.4 Lot Line Adjustments involving Non-Conforming Lots to reduce the lot size and frontage of Map 126, Lot 24 on River Road (Map 126, Lot 24) in the General Residential Zoning District.

C. Huckins gave a brief description of the application.

Nicholas Mitropoulos owner of Lot 24 on River Road explained to the Board to the Board that he bought the property from the Town. Nicholas explained to the Board that he and another resident wanted to split the lot. Nicholas explained that he went to the Town and was told to add to his lot and then do a Lot Line. Nicholas explained that he was before the Zoning Board because he now has two non-conforming lots and shouldn't have done that.

P. Thibodeau asked if he was adding to this lot and not creating any other building lots.

Nicholas explained that they were splitting the lot with another abutter.

John Huckins explained that there were two lots of record that the Town owned, and the Town wanted to put it back on the tax roll. John explained that two abutters on both sides were going to half the lot so when they got it instead of doing a merger for three lots to become two lots. John explained that there was misunderstanding and instead of three lots into two lots by merging two lots made them non-conforming in size.

D. Whitten asked if they were talking about Lots 24 and 19 on the map.

John explained that the way it looks now was all Lot 24 now and the road was owned by the applicant that owns Lot 24. John explained that there was a lot in between the two lots that got merged to make Lot 24 the size it was now. John explained that the lot was supposed to be split between Lots 24 and 19 now that the lot was larger.

G. Bailey explained that it was a mistake from the Town not the applicant.

C. Huckins read the following letter supplied to the Zoning Board member for the reason for the variance and C. Huckins the 5 criteria's that are covered in the letter below:



**TO:** Barrington Zoning Board of Adjustment  
**FROM:** Conner MacIver, Town Administrator  
**SUBJECT:** Mitropoulos Variance Request – Map 126, Lot 18  
**DATE:** Monday, March 22, 2021

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Members of the Zoning Board of Adjustment,

**Executive Summary**

Although Nicholas and Shana Mitropoulos' intentions were clear, they were misadvised by a Town employee and merged their new lot (purchased from the Town) prior to performing the intended lot line adjustment. As a result, the lot line adjustment would require a variance from Section 5.1.4, even though their lot will remain larger than it was prior to the February 18, 2021 merger. The Town was aware, and supportive, of the intentions when selling the lot.

**Narrative**

In early 2020, the Town Lands Committee began reviewing Town-owned land to be sold later that year. They identified certain properties which they recommended for sale directly to abutters. In general, these were smaller lots in densely developed areas where larger lots would be in the Town's best interest. Included in that list was Map 126, Lot 18 on River Road. The Select Board supported the Town Lands Committee's recommendation and letters were sent to the abutting property owners with the offer for sale. Nicholas and Shana Mitropoulos (Map 126, Lot 24) and Christopher and Carol Reilly (Map 126, Lot 19) both responded with interest to purchase Map 126, Lot 18.

After becoming aware of the shared interest, the two parties agreed to split the cost and divide the property with a lot line adjustment. Procedurally, the Reilly's withdrew their interest in buying the property, because the Town was only interested in performing one real estate transaction. The Town Lands Committee, Conservation Commission, Planning Board, and Select Board all reviewed the proposed sale with full understanding of the intended division (lot line adjustment). After two public hearings and a vote, the Select Board authorized the sale on November 30, 2020. Nicholas and Shana Mitropoulos closed on Map 126, Lot 18 on January 21, 2021.

After purchasing the lot, Mr. and Mrs. Mitropoulos began working with the Planning and Land Use Department to begin the procedural steps necessary to divide and merge the lot. It was during this process that they were ill-advised and merged the lots prior to pursuing the lot line adjustment. The lots were voluntarily merged on February 18, 2021. This was a mistake, and now the lot line adjustment will require a variance from Section 5.1.4.

I am hopeful that this information will help the Zoning Board of Adjustment understand the circumstances leading up to the variance request from Mr. and Mrs. Mitropoulos. If you have any questions or would like additional information, please do not hesitate to contact me directly.

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C. Huckins opened public comment.

C. Huckins closed public comment.

*A motion was made by G. Bailey and seconded by D. Whitten to grant the variance Article 5 Section 5.1.4 Lot Line involving Non-Conforming Lots to reduce the lot size and frontage on Map 126, Lot 24.*

Roll Call:

P. Thibodeau-Aye

D. Whitten-Aye

C. Huckins-Aye  
G. Bailey-Aye  
R. Desmarais-Aye (Remotely)

### **MINUTES REVIEW AND APPROVAL**

2. Approval of October 20, 2021, meeting minutes.

*A motion was made by G. Bailey and seconded by D. Whitten to approve the minutes as written.*

Roll Call:

P. Thibodeau-Aye  
D. Whitten-Aye  
C. Huckins-Aye  
G. Bailey-Aye  
R. Desmarais-Aye (Remotely)

3. Received a request for rehearing on the following case:

**220-54-16-GR-21-AmendZBAVar (Owners: Robert & Allison Russell-2A Tactical)** Request by applicant for a AMENDED variance from Article 2 Section 2.2.1 General Residential and Section 7.3 Home Occupation to allow for a residential development in addition to small-scale business uses at 99 Tolend Road on a 2.119 acre lot in the General Residential Zoning District.

John Huckins explained to the Board that the letter for request was received on November 16, 2021, and the Board has 30 days to decide if they are going to grant the rehearing.

G. Bailey suggested that the Board recognize that they received the appeal for rehearing and talk to legal counsel.

R. Desmarais asked if it was the woman at that end of the meeting that was upset that she couldn't speak.

John Huckins explained that it was her husband that was requesting the rehearing.

R. Desmarais explained that he felt that he was very clear when he was asking for comments regarding the Home Occupation and waiting to make sure everyone had a chance to speak. R. Desmarais that he asked Conner and felt that they waited for a long time for someone to speak. R. Desmarais expressed that it was after they discussed the Home Occupation and voted that she spoke up after.

D. Whitten expressed that it was after the final vote that she spoke up.

R. Desmarais expressed that he felt he was clear during the meeting that he gave everyone a chance to speak. R. Desmarais explained to the Board that they are supposed to supply the Board with information that they did not have for this meeting that would change the Board's mind and that was not present at this request.

C. Huckins explained to R. Desmarais that she remembered at the end, and you asked if anyone else wanted to speak and she said she heard someone, and you said no. C. Huckins expressed that she did hear someone trying to get through and felt there may have been technical difficulties trying to get through.

R. Desmarais explained that even if she didn't get a chance to speak, she needed to supply the Board with

evident to rehear the case and that was not provided. R. Desmarais expressed that they should denied the motion for rehearing tonight.

C. Huckins expressed that she disagreed.

John Huckins suggested talking to the attorney.

D. Whitten asked about the legal letter that they received today.

John Huckins explained that was from 2A Tactical lawyer.

P. Thibodeau explained to the Board that this woman called him on his cell phone. P. Thibodeau explained that they are both realtors and she told him that she was upset that she didn't have a chance to speak. P. Thibodeau explained that she said her husband was supposed to speak and he didn't.

John Huckins explained that the person that brought in the letter explained to him that the only person to speak against was cut off Gary Imbrie because he wasn't being direct to whether it would complex with the regulations. The abutter explained to him that 2A Tactical had the chance to speak about and the new building. The abutter felt that they had to wait, and they would have their chance to speak after that was the reason why they didn't speak. John expressed to the Board that he felt that it was a miscommunication and felt that they misunderstood what R. Desmarais was saying because R. Desmarais kept saying they would have their chance after. John explained that he felt that it was a misunderstanding and if it did go to court that you gave them a chance to speak.

G. Bailey read from RSA 677:2 that any party of the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion.

C. Huckins expressed that she would feel more comfortable talking to the attorney because they didn't get a chance to talk to him.

G. Bailey explained that they would talk with legal before their final decision to approve it.

R. Desmarais explained that according to John Huckins they have 30 days, and they can make the decision next month.

The Board agreed to meet with the Attorney next month R. Desmarais will call him, and they will vote for Chair and Vice-Chair at the next meeting

## **ADJOURNMENT**

The next meeting will be held on December 15, 2021, at 7:00 p.m. at the ECLC 77 Ramsdell Lane.  
*A motion was made by G. Bailey and seconded by D. Whitten to adjourn at 7:23 p.m.*

Without objection the meeting adjourned at 7:23 p.m.