



Meeting Minutes

BARRINGTON PLANNING BOARD MEETING
Early Childhood Learning Center
77 Ramsdell Lane, Barrington, NH
Tuesday January 15, 2013
6:30 p.m.

J. Huckins called the meeting to order at 6:30 p.m.

ROLL CALL

Members Present

John Huckins, Chair
Alan Kelley, Vice-Chair
Anthony Gaudiello
Dawn Hatch, Ex-officio
George Calef
Jackie Kessler came at 7:02 pm

Members Absent

Steven Oles

Alternate Members

Stephen Jeffery

Town Planner

Marcia Gasses

NOTE: THESE ARE SUMMARY ACTION MINUTES ONLY. A COMPLETE COPY OF THE MEETING AUDIO IS AVAILABLE THROUGH THE LAND USE DEPARTMENT

MINUTES REVIEW AND APPROVAL

1. Approval of January 8, 2013 Public Hearing Meeting Minutes.
 - A. Kelley Line 41 Insert public hearing items onto the motion with the moving of the review of the prior meeting minutes.

G. Calef:

Line 46 add "square feet" to 5000 convenience store

Line 80: explain that it's the driveway that is going to be updated

Line 96: make onto into two words "on to" and cross out "built"

Line 220 to 222 change to "deferred to" legal counsel and cross out "talked about how she"

Line 234 change breaks to brakes

Line 268 and 274 Leferte not Leferty

Line 295 last name is Doran not Dorn

Line 481 the name is Bostrom not Bostor

Line 501,522,533,538,552 change Barry to Berry

Line 569 changed spelt to spelled

Add in Time of adjournment at the end of the meeting

D. Hatch said to recognize FX Bruton as the attorney

A motion was made by A. Kelley and seconded by G. Calef to approve minutes with noted change. The motion carried unanimously

ACTION ITEMS

2. SECOND PUBLIC HEARING REGARDING ZONING AMENDMENTS- Notice is hereby given that the Barrington Planning Board will hold public hearings on the following proposed 2012 Zoning Ordinance. The intent of the public hearings is to take public comments regarding the Planning Board's proposed changes to the Town of Barrington Zoning Ordinance.

M. Gasses explains the reason this had to be reposted. She then states that under amendment 1 for housekeeping purposes "or adding and subtracting language to improve clarity and ease of reference" was added because this wasn't posted in the initial posting. She then said that the two things to vote on today are under article 18 the definition of setback and recreation. She stated how in her conversations with Steve he had concerns of "any building or structure" but when talking with Tom Abbot he said that he was okay with that.

J. Huckins said that this is right because the way the building codes work if it's below certain square footage it's not considered a structure for international code.

M. Gasses responded that as it is now there are certain buildings that aren't considered structures that could be built on the property line. Tom Abbot said the board needs to fix that.

M. Gasses then mentioned the second item under amendment 3 "recreational use". Recreation was added to the permitted use table. We are voting on the definitions which are in the back.

J. Huckins asked if the votes the board voted on last time were alright or if we needed to revote on them.

M. Gasses stated that it's alright to go by the vote the board did last time. She also mentioned that the board can vote to adopt the whole package and move it forward.

D. Hatch asked the board who came up with definition of recreation.

J. Huckins responded by saying that the board did in October. We brought in some definitions from the APA book of definition and we modified this definition.

D. Hatch mentioned that the definition struck her as being a little different but could see nothing wrong with it.

J. Huckins said that to get this to move forward we need the two definitions starting with the first one.

The board then read the definition of setback to themselves.

J. Huckins asked if anyone had comment on the definition of setback

J. Huckins opened up the meeting for public comments

M. Gasses explained that where the vote is now that the board has to take the definition as it is or null it.

D. Hatch suggested that it might be easier to say that we make a motion to accept the ordinance as amended.

J. Huckins explained that the three things are separate and if we all agree than we will approve the whole thing with any changes we make.

Dan Ayer asked for clarification about the meaning of setbacks and how it is written now.

M. Gasses reads the definition and explained it in her own words

J. Huckins explained how it's formatted explaining what words are added and what words had been removed.

M. Gasses then mentioned that in the second sentence it is just clarifying that it is the setback goes from the edge of the right of way not the edge of the pavement. This sentence explains that it's the edge of your property line not the edge of the street. It covers the three property lines and then clarifies the one abutting the street.

T. Gaudiello stated that there may be an issue. He then gave a hypothetical about putting in a 180 square foot shed within a wetland buffer. He asked if this would be okay according to the definition.

J. Huckins explained that this is about setbacks. Setbacks and buffers are two different issues.

S. Jeffery asked if you could put the 180 square foot shed within the setback.

J. Huckins responded by saying that now it states that your house is your principle structure and the shed is not your principle structure so it can go closer to the set back. We want to make it clear that all buildings are structures so therefore that shed cannot go closer to the setback.

T. Gaudiello talked about the fact that the board defined a structure at 200 square feet and if there is a 180 square foot shed how could we not put it in the setback.

The board then cleared things about what they are currently looking at to vote on. This particular issue is somewhere else in the ordinance. The board wanted to note that this should be looked at next time around.

T. Gaudiello stated that the issue is if there is a provision somewhere to disallow or allow placing something in the setback that is or is not a structure.

J. Huckins explained that it is Tom's interpretation of what a building is.

Dan Ayer asked if you could place a 6 by 6 shed anywhere.

J. Huckins explained that you would want to talk to Tom about his interpretation and the international building code.

D. Hatch cited 9.4 permitted use and structures in wetlands boundaries and buffers.

J. Huckins explained that the board is talking about setback definition and nothing to do with wetlands.

A. Kelley expressed that he thinks there is a problem with this. In the first sentence they are defining it as the furthest projection from any building or structure which is for the boundary lines, but then when you go to the street you are defining it as the furthest projection of a principle structure.

J. Huckins explained that the word principle should have been taken out. The issue with that is when a guy builds a garage and it is considered a secondary structure. He then suggests that the board should vote on it and let the attorney look at it.

A. Kelley suggested that the board should add “any” before building or structure and strike principle to make it totally coherent

T. Gaudiello showed J. Huckins and A. Kelley the zoning ordinance and then the board found a miswrite in one of the copies.

M. Gasses asked if the board left out a word.

J. Huckins explained the miswrite and the intent of this wording to the board.

The board collectively read and understood the discrepancy.

A. Kelley made a motion and D. Hatch seconded to approve 3 remaining items which were the definition of setback, the definition of recreation and adding recreation to table 1.

J. Huckins explains that the motion is in place and the board can have further discussion.

T. Gaudiello asked if the motion contained the adjustments that we had made to setback.

A. Kelley asked if we have read the definition.

T. Gaudiello read the new definition of setback.

Opened up for public comments on the definition of recreation and adding it to chart 1.

D. Hatch asked if they were taking out the D from table 1 in the part that says VD

J. Huckins explained that these are on two different things to be voted on.

T. Gaudiello stated that for purposes of clarity we cross out the VD and replace it with just V.

J. Huckins asked any public comments on adding recreational use to allowed uses in table 1.

T. Gaudiello explains that under table 1 accessory uses is being stricken through and recreation is replacing it in bold.

J. Huckins asked D. Hatch if she still seconded the motion with the minor changes

D. Hatch said she still seconded.

M. Gasses found definition of structure and this gave the list of exemptions for structure. She went on to list all the exemptions of structures.

The motion set by A. Kelley and Seconded by D. Hatch to approve the 3 remaining items was then voted on and the motion carried unanimously.

J. Huckins stated that in order to make everything clean for the items we voted on 4 weeks ago and approved as well as the stuff here today we should motion to move it all forward. He then asked for public comments

D. Hatch motioned and J. Kessler seconded to accept amendments and changes to the zoning ordinance as represented by the two public hearings. The motion carried unanimously.

T. Gaudiello says that there is one more change to 9.5.1 paragraph 5. He stated that what it reads and explains that he believes that it should say “on” instead of “or”. It is a house keeping thing that fits comfortably under the warrant as it is now.

J. Huckins states that it was a typo and should be changed.

M. Gasses brought up to the board that we had found the version of the architectural standards draft with the hand written corrections. She just wanted make sure that these corrections matched what was in every one’s book. She didn’t want to discuss it she just wanted to bring it up.

T. Gaudiello stated that we have discussed this before and the conclusion was that we were going to go through this in site review and then discard it.

J. Huckins we held off to make those changes until zoning was done.

G. Calef was concerned that the board had not decided to do anything with this. He said that the document the board is using is the 3rd draft.

T. Gaudiello thought back to the discussion they had about whether they needed it at all or whether anything that was important within the document be moved to site review.

J. Huckins stated that the board had agreed that they wanted to do that but we wanted to finish our zoning first.

M. Gasses said that her intent was she wanted to make sure that what the board had adopted was what we had.

J. Huckins suggested that the board meets with their committees and bring it forward so that the board can start addressing it.

T. Gaudiello asked if the board had decided that this was the appropriate thing to do. He thought that they had.

G. Calef stated that the board had discussed it but didn’t think that they had voted to do it. He said his point was we are not reviewing the document. He did not think that the board had the final copy.

J. Huckins suggested the board should combine the architectural standards and site review into one document and have the drafting committee put the two together so we can move this forward.

M. Gasses wanted to make sure we focus on site regulations and suggest that we do the site regulations before sub division regulations.

J. Huckins stated that if we have the site review regulation we can put the architectural standards as a part of it and review them together to move this forward.

G. Calef agreed that he wanted to move this forward but stated his point was that the board did not have the final copy.

The board looked at their copies and verified that everyone had the final copy.

J. Huckins asked for a vote from the board to have the committee combining the two together and addressing the other issues they had in site review now.

D. Hatch challenged whether the final copy of was ever adopted.

T. Gaudiello said that the discussion about this becomes irrelevant if we are going to put it into site review

J. Huckins said that we are going to vote on it and move it forward. The drafting committee is going to organize it so we can have a good discussion on it.

J. Kessler motioned and D. Hatch seconded to have drafting committee combine the final copy of the architectural standards and site review as well as review other issues in site review. The motion carried unanimously.

J. Huckins talked about adding S. Jeffery to drafting committee.

T. Gaudiello motioned and A. Kelley seconded to add S. Jeffery to drafting committee. The motion carried unanimously.

REPORT FROM THE PLANNING DEPARTMENT

COMMUNICATIONS RECEIVED

M. Gasses told the board to be looking for the report from Dubois and King. Suggested that the board come in and get the report.

A. Kelley didn't think that they would have what they needed for the February meeting.

M. Gasses stated that they just provided what their review was and she was sure that more things were coming in. She also mentioned how she talked to the hydro geologist that words for DES.

J. Huckins said that even if they don't come in and don't have anything new we can set up a site walk.

M. Gasses stated that from a planning perspective that now is the time to do a site walk.

M. Gasses then said that another thing that was talked about was the 150 foot buffer between the residential structure and excavation site. There is a question that legal is looking into about whether the 150 feet buffer. It actually falls in Rochester and legal is looking into whether the Rochester planning board would have to weigh in.

J. Huckins stated that anything that falls in Rochester is to be determined by Rochester

M. Gasses says that even if the buffer is in Rochester they need clarity.

The board then discusses the law and decides that they will leave it to legal to decide.

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

SETTING OF DATE, TIME AND PLACE OF NEXT MEETING AND ADJOURNMENT

J. Huckins set the next meeting for January 22nd at 6:30pm in the same location.

J. Kessler motioned and D. Hatch seconded to adjourn. The motion carried unanimously at 7:45 pm.