



**MEETING MINUTES
*1 & 2 AMENDED AGENDA
BARRINGTON PLANNING BOARD MEETING
BARRINGTON ANNEX**

**(NEW LOCATION) 572 Calef Highway (next to Elementary School)
Barrington, NH
Tuesday January 14, 2014
6:30 p.m.**

ROLL CALL

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

Members Present

Anthony Gaudiello-Chair
Alan Kelley, Vice-Chair
George Calef
Dennis Malloy, Ex-officio
Jason Pohopek

Member Absent

Jackie Kessler

Alternate Members Present

Daniel Ayer
Stephen Jeffery

Alternate Member Absent

Joshua Bouchard

Town Planner: Marcia Gasses

MINUTES REVIEW AND APPROVAL

1. *Approval of the December 10, 2013 Regular Meeting Minutes.

A motion was made by S. Jeffery and seconded by A. Kelley to revise the minutes at line 115 to include a statement that S. Jeffery was repeatedly interrupted by the Chair.

G. Calef expressed that he did not recollect the exact circumstances but acknowledged there are time when Board members are interrupted by others.

J. Pohopek expressed concern with the wording of the motion.

Roll Call Vote

<u>S. Jeffery</u>	aye
<u>A. Kelley</u>	no
<u>A. Gaudiello</u>	no
<u>G. Calef</u>	no
<u>J. Pohopek</u>	no
<u>D. Malloy</u>	no
<u>D. Ayer</u>	no

The motion failed 1-6

A motion was made by A. Kelley and seconded by S. Jeffery to attach the write up from S. Jeffery to the minutes. See Attachment A

G. Calef	aye
J. Pohopek	aye
D. Malloy	aye
D. Ayer	aye
S. Jeffery	aye
A. Kelley	aye
A. Gaudiello	no

The motion carried 6-1

A. Gaudiello remind the group that the way it ended on the issue of 9.5 was that the matter was to complex many problems, the Board needed to put the 9.5 topic on the agenda at a future meeting.

Without objection the Minutes of December 10, 2013 were adopted as amended.

2. *Approval of the December 17, 2013 Regular Meeting Minutes.

Without objection the Minutes of December 17, 2013 were adopted as corrected.

REPORT FROM THE PLANNING DEPARTMENT

3. Chair Tony Gaudiello to take board feedback and set goals for 2014.

A. Gaudiello put forward A Statement of Purpose & Values he proposed for adoption by the Board. He wished to have the statement inserted into the rules of procedure. A. Gaudiello wanted to include the Statement in the annual report as a partial description of what the Board was about. See Attachment A

A motion was made by A. Gaudiello and seconded by A. Kelley to adopt the Statement of Purpose proposed by A. Gaudiello. The motion carried with 5 for and 2 abstentions

A. Gaudiello presented the Zoning Amendments as revised after the last public hearing. He asked that board members review to see that the revisions were made as the Board remembers remembered.

A. Gaudiello explained there were 19 amendments. He went on to discuss the 13 amendments, which had to do with the Swains Lake Water District.

- 2.1 Expand Overlay designations to include SDAO & SL-WMZO
- Art 12 Title Heading GROUNDWATER PROTECTION DISTRICT OVERLAY (GPDO)
Strike P in GPO and Insert GDO
- 12.2 Groundwater Protection District Defined
- 12.2.(1) Delete header and provisions (This is a text move only – the text will be re-inserted at 12.2.1(1)a
- 12.2.1 **Identification and Boundaries of Overlays within the Groundwater Protection District**
- 12.2.1.(1) The Stratified Drift Aquifer Overlay (SDAO)
- 12.2.1. (1) (a) **Boundaries of the Stratified Drift Aquifer Overlay.** With body text of the provision.
- 12.2.2(1) **The Swains Lake – Water Management Zone Overlay**
- 12.3.2 Private residential use within the SL-WMZO subject to the provisions of this Article. (See Subsection 12.4.3)
- 12.4.3 Performance Standards within the Swains Lake Water Management Zone Overlay Boundaries.
- 12.4.3(1) New Wells within Swains Lake Water Management Zone Overlay Boundaries
- 12.4.3(2) Repair and Replacement of Existing Wells within Swains Lake Water Management Zone Overlay Boundaries
- 12.4.3(1) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- 12.6 PROPERTY DEVELOPMENT, Renovation and Expansion

A. Gaudiello discussed ZO 15.3.2 there could be a conflict with the Code Officer being on the ZBA because the ZBA hears appeals from decisions of the Code Enforcement Officer. Change made from input of the public at the last meeting.

A. Gaudiello discussed Article 18. Definition of Light Manufacturing. The change included a reference to the Performance Standards of the BZO.

A. Gaudiello brought forward the changes to Article 12 Most of the changes are structural in Article 12. Renovation and digging new wells were the biggest changes. Property Development was expanded to including Expansion and Renovation.

A. Gaudiello explained the change to 12.4.3(2) Wells existing as of the date of the adoption of the provisions of the Ordinance relating to the SL-WMZO will be permitted to be repaired and/or replaced provided such repair and replacement is consistent with permitted residential uses.

A. Gaudiello asked that the Board consider an annual agenda. He discussed queuing up the ZO amendments so that they are ready for November.

A. Gaudiello asked what other goals that the Board should be articulating to achieve.

D. Ayer asked that we follow up with signs.

G. Calef expressed that the Master Plan would take up a considerable amount of time.

A. Gaudiello asked that the Board set a goal of two meetings a month.

A. Gaudiello expressed a desire to structure hearings in way to dispose of questions, so that the applicant is not pulled back and forth.

COMMUNICATIONS RECEIVED
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

A motion was made by A. Kelley and seconded by D. Malloy to adjourn at 8:00 p.m. The motion carried.

Respectfully Submitted,

Marcia J. Gasses
Town Planner & Land Use Administrator

Attachment A
1-14-2014

Barrington Planning Board
A Statement of Purpose & Values

The Barrington Planning Board has a dual purpose. The Board is charged with fostering the harmonious, safe, secure, and sustainable future development of our community and the preservation and protection of the community's resource legacy and character. In that dual purpose, we often must balance competing values between and among individuals, groups and interests. Accordingly, we feel it appropriate to review and publish the Planning Board's Purpose and Values Statement from time to time.

WE VALUE for ourselves and those we serve:

Fidelity: We believe we are bound to make every effort to know and understand the laws and regulations under which we operate and to act in accord with our best understanding of these laws and regulations and uphold their underlying purposes. Further, we are bound to know and understand the official planning documents of the Town and to the fullest possible extent act to further the intent and objectives of such planning documents.

Equal, fair, and objective treatment: We believe that all persons and matters that may come before us are to be accorded all the protections of, and the common sense application of, the law and regulations under which we are formed and operate.

Integrity: We believe in the value of openness, honesty, public and mutual trust, and are mindful always that all actions and decisions taken by the Planning Board are taken under the terms of a declared oath of Office.

Involvement and awareness regarding our community; Barrington, NH: We believe the best outcomes are available only when deliberations are conducted with the broadest possible understanding of their effects.

Respectful and honest communication: We believe in courteous interaction and discussion in the form of active listening and honest dialogue among ourselves and with the community.

Participation: We believe in the fullest possible lawful engagement of:

- a) Each appointed or designated member of the board;
- b) The representatives of the town's lawful authorities;
- c) Each person with standing to be heard by the board, and
- d) Citizen participation in our deliberations, work sessions and other processes.

From Stephen Jeffery.

Proposed Z0 change 9.5.1

9.3.1 references town's study cited in 9.6, which is incorrect.

Add

JURISDICTION

The town of Barrington recognizes that the state and federal governments have regulations, including a permitting process, governing the alteration of wetlands and surface waters. However, the Town of Barrington has jurisdiction over the wetland buffer zone as defined herein and the Planning Board and the Conservation Commission must approve, in compliance with all provisions of this ordinance, all proposed impacts to the buffer zone. Any use proposed in the buffer zone shall only be permitted subject to all provisions of this ordinance.

9.5.1 Exceptions for Construction in Wetland Buffers

9.5.1 (1) EXISTING LOTS: Any lot(s) that legally existed before March 13, 2001 shall be subject to the provisions of Article 5 of this Ordinance, Nonconforming Lots, Structures and Uses and all other provisions of this Ordinance. Unimproved lots of record may be exempt from compliance with the current wetland buffer restrictions only to the extent that compliance is impossible and no suitable or permitted area is available for the proposed use. All proposed development is subject to the limitations of RSA 674:39.

9.5.1 (2) On all unimproved lots of record that were approved for subdivision by the Planning Board or which otherwise legally existed on or before March 11, 1997 wetland buffers were not delineated.

9.5.1 (3) On all unimproved lots of record that were created after March 11, 1997 and before March 13, 2001, no structures shall be built or located closer than thirty-five (35) feet to a wetland area.

9.5.1 (4) All unimproved lots of record that were approved by the Planning Board after March 13, 2001 shall be subject to the wetland buffer as specified in Article 9.5 of this Ordinance.

9.5.1 (5) A legally existing building within the wetland buffer may be repaired and/or replaced provided that the new or repaired structure, including any impermeable surfaces shall not extend further into the wetland buffer than the footprint of the original foundation. Or **structure**

9.5.1 (6) Impacts to the wetland buffer may be permitted if consistent with a NHDES wetland crossing approval.

9.5.1 (7) Wells and well lines shall be permitted in the wetland buffer if no other feasible location is available on the lot.

ZO change 9.6 final draft

The planning board has the authority pursuant to RSA 674:21 II, to issue a special use permit as a means of giving the planning board and applicants greater flexibility to “fit” the development in a conservation subdivision to allow certain additional uses in the wetland buffer when deemed appropriate. The advantage of allowing special permits is that the planning board can work with an applicant to modify a plan when it is in the best interest of the community (or benefits the community) without requiring the applicant to pursue a zoning variance.

A use not otherwise permitted shall include all undefined or other reasonable land uses that are not otherwise regulated or prohibited by this ordinance.

The undertaking of a use not otherwise permitted in the wetland buffer may be permitted by the Planning Board, provided the applicant shall establish that such proposed use is in accordance with Article 9.1 Purpose and Intent of this Ordinance and all other applicable requirements.

The PB may grant a special use permit for a use not otherwise permitted, provided;

9.6 (1) The PB shall first determine that the proposed use is not a prohibited use, and

9.6 (2) The use is permitted in the base zoning district, and

9.6 (3) After a review of all reasonable alternatives it is determined to be infeasible to locate the structure or use outside the wetland buffer zone, and

9.6 (4) The structure is set back as far as possible from the delineated edge of the wetland or surface water, and

9.6 (5) Appropriate erosion control measures must be in place prior to and during construction and in compliance with the submitted plans, and

9.6 (6) Any disturbance to the surrounding buffer zone must be repaired and restored upon completion of construction, and

9.6 (7) All available mitigation measures to address changes in water quality and quantity must be implemented, along with design and construction methods consistent with accepted BMP's to minimize adverse impacts, including any measures specified by the Planning Board.

Proposed ZO definitions changes

Add
Definitions

BUILDING ENVELOPE: An area on a buildable lot that is capable of accommodating a house site (or commercial structure if so planned) and all required utilities such as water supply and wastewater disposal. The area shall be made up entirely of upland soil. No portion of the area may be located within a building setback or wetland buffer or on altered/unaltered slopes greater than 25%. ~~The home or building is not required to be placed within the building area.~~ Rather, the building envelope is intended to ensure that the lot is capable of meeting all of the Town of Barrington's zoning requirements. The applicant shall demonstrate that driveway access from the lot's frontage can be provided to the area without the need for any waivers.

IMPROVED LAND: Land that is occupied by a principal or accessory structure, utilities, roads or driveways suitable for automobiles, or other manmade improvements, including impervious surfaces, related to occupation of the land for habitation or commercial uses.

IMPROVED LOT: A parcel of land or any combination of several contiguous lots of record occupied by a principal building or a building group, as permitted herein, together with their existing accessory buildings or uses and such access, yards, and open space required under this ordinance.

NONCONFORMING LOT: A lot which was lawfully created but which does not conform to the current minimum dimensional requirements specified for the zone in which it is located.

NONCONFORMING USE OR STRUCTURE: An activity or a building, sign, fence, structure, or a portion thereof, which lawfully existed before the adoption or amendment of this ordinance, but which does not conform to all of the current terms and standards contained in this ordinance.

OPEN SPACE : Any area of essentially unimproved land designated on a plan and reserved for public or private use.

Subdivision regulations

8.4.3 Test pits

add

The sub-divider shall be required to provide the necessary equipment and labor for making of these tests, which shall be overseen by the designee of the Planning Board.