



**BARRINGTON PLANNING BOARD MEETING**

**NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER**

**77 RAMSDELL LANE**

**Barrington, NH 03825**

**Tuesday January 5, 2016**

**6:00 p.m.**

**DRAFT MINUTES**

**Public Hearing on Zoning Amendments**

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

Members Present

Jason Pohopek Vice-Chair

Joshua Bouchard

George Calef

Fred Nichols

Fred Bussiere – ex- officio

Member Absent

A. Gaudiello

Alternate Members Present

Daniel Ayer

Richard Spinale

Town Planner: Marcia Gasses

The meeting convened at 6:10 p.m.

*A motion was made by D. Ayer and seconded by R. Spinale to make J. Bouchard acting vice-chair. The motion carried unanimously*

Item #1 To **amend** Article 18 the definition of Active and Substantial Development or Building to change the time period from twelve months (12) to 24 months (24), consistent with RSA 674:39

There were no Board comments.

42 J. Pohopek opened and closed public comment. There were no comments.

43

44 D. Ayer was seated

45 R. Spinale was seated

46

47 *A motion was made by D. Ayer and seconded by F. Nichols to move the amendment to the warrant.*

48 *The motion carried 7-0*

49

50 Item #2 & 2a

51 Item #2 To **amend** Article 18 to include definitions for; Assisted Living Facility, Congregate Care  
52 Facility and Elderly Assisted Care Home

53 Item #2a and to amend the definition of Nursing Home for consistency with RSA 151-E:2V

54

55 There were no Board comments.

56

57 J. Pohopek opened public comment.

58

59 Margaret Mausteller asked why all the definitions for elderly housing were coming up now.

60

61 M. Gasses explained that during the envision process there had been a lot of talk about the need for  
62 housing for aging Barrington residents to be able to stay in the community. When reviewing our  
63 Ordinance there was an outdated definition for Nursing Home and no listings of the recognized forms  
64 of elderly housing. The purpose of the amendments was to bring the Ordinance more in line with  
65 current recognized definitions'

66

67 J. Pohopek closed public comment.

68

69 *A motion was made by D. Ayer and seconded by R. Spinale to move items #2 and 2a to the warrant as  
70 presented. The motion carried 7-0*

71

72 Item #3

73 No Board comments.

74 Andy wanted have a more general definition of kennel.

75 Revised

76 Eliminate Kennel Private.

77 F.Nichols motioned R. Spinale seconded the motion carried unanimously.

78

79 Item #4 To **amend** the definition of **Structure**, to include in the exemption from setbacks; (n)  
80 cisterns, (o) wells, provided they meet NHDES requirements (p) Drainage facilities and (q) Such  
81 structures as are authoritatively deemed required for the Safety of the community and its citizens.

82

83 J. Bouchard expressed that (o) should be amended to include "including ancillary equipment" and the  
84 letter (r) should be added, "and utility service lines". The number "4" should be spelled out as "four  
85 feet".

86

87 J. Pohopek opened public comment.

88

89 Casey O'Brien wanted to add storage containers are exempt from setbacks.

90

91 J. Pohopek expressed the setbacks were there to also protect the abutting property owners.

92

93 Justin Purpora expressed he would rather see one large trailer than multiple small trailers.  
94  
95 Margaret Mausteller asked if they were different then RV's.  
96  
97 J. Pohopek expressed that RV's would be registered with the state.  
98  
99 F. Nichols expressed pods or storage units should be treated as sheds and if 200 sq. ft or less would be  
100 allowed in the setback.  
101  
102 Chris Vachon expressed the discussion on pods and storage units should be left to a later date.  
103  
104 *A motion was made by D. Ayer and seconded by F. Nichols to incorporate the amendments proposed*  
105 *by J. Bouchard and spell out four feet under (g. The motion carried 7-0*  
106  
107 Item #5 To **amend** Article 19 Table of Uses to include the following uses; Assisted Living Facility,  
108 Business & Professional Park, Distillery/Brewery with retail, Elderly Assisted Care Home, Kennel,  
109 Kennel Private, Nursing Facility, and Distillery without retail  
110  
111 M. Gasses expressed she had taken a shot at a definition for Kennel Private in an effort to separate a  
112 commercial kennel from a private.  
113  
114 The consensus of the Board was to remove Kennel Private.  
115  
116 J. Bouchard suggested amending the proposed definition of Kennel by removing five (5) or more and  
117 or other household pets. The definition would read, "**Kennel** means any building(s) or land operated  
118 as a business for the boarding, breeding, training, or selling of dogs or cats.  
119  
120 J. Pohopek opened and closed public comment.  
121  
122 *A motion was made by F. Bussiere and seconded by Fred Nichols to accept the amended definition of*  
123 *Kennel with Kennel Private stricken. The motion carried 7-0*  
124  
125 Item #6 To **amend** Article 19 Footnotes to Table 1 (11) to allow for one structure of 200 sq. ft. or less  
126 to utilize as a farm stand without site plan review.  
127  
128 J. Pohopek opened and closed public comment.  
129  
130 *A motion was made by G. Calef and seconded by F. Nichols to move to the warrant. The motion*  
131 *carried 7-0*  
132  
133 Item #6a To **amend** Article 19 Footnotes to insert (15), Maximum density of one bedroom per ten  
134 thousand (10,000) square feet of land  
135  
136 J. Pohopek opened public comment  
137  
138 Chris Vachon wanted to see the density at 15,000 sq. ft.  
139  
140 J. Bouchard suggested amending the proposed change to read, "maximum density per NHDES  
141 Subsurface Disposal Regulations or no more than one bedroom per 10,000 square feet of upland soil,  
142 the most restrictive shall apply."  
143

144 *A motion was made by J. Bouchard and seconded by G. Calef for the amendment to read, “maximum*  
145 *density per NHDES Subsurface Disposal Regulations or no more than one bedroom per 10,000*  
146 *square feet of upland soil, the most restrictive shall apply”.*

147  
148 #7, 7a, 7b

149 #7 To **amend** Article 3.3.4 to include 3.3.4(1) (c) Legally Existing residential uses may be combined  
150 as part of a mixed use development

151 #7a To **amend** Article 3.3.5 to include 3.3.5(3) (c) Legally Existing residential uses may be combined  
152 as part of a mixed use development

153 #7b To **amend** Article 3.3.6 to include 3.3.6(1) (c) Legally Existing residential uses may be combined  
154 as part of a mixed use development

155  
156 J. Pohopek opened and closed public comment.

157  
158 *A motion was made by J. Bouchard and seconded by D. Ayer to move the amendment forward to the*  
159 *warrant. The motion passed 7-0*

160  
161 #8 To **amend** Article 1 to replace specific dates with “current”

162  
163 J. Pohopek opened and closed public comment.

164  
165 *A motion was made by F. Bussiere and seconded by R. Spinale to move the amendment forward to the*  
166 *warrant as presented. The motion carried 7-0*

167  
168 #9 To **amend** Article 2 by inserting an index in 2.1

169  
170 J. Pohopek opened and closed public comment.

171  
172 *A motion was made by F. Nichols and seconded by F. Bussiere to move forward the amendment to the*  
173 *warrant as presented. The motion carried 7-0*

174  
175 #10 To **amend** Article 3.1 by relocating the second sentence as new section 3.1(1)

176  
177 J. Pohopek opened and closed public comment.

178  
179 *A motion was made by F. Nichols and seconded by F. Bussiere to move the amendment forward to the*  
180 *warrant as presented. The motion carried 7-0*

181  
182 #11, 11a, 11b

183 #11 To **amend** Article 3.2 by deleting “in accordance with the following provisions”

184 #11a To **amend** Article 3.2.1 by clarifying how to read the Table of Uses

185 #11b To **amend** Article 3.2.2, 3.2.3, 3.2.4 by making formatting changes, to delete duplicative  
186 instructions, and relocate language requiring compliance with footnotes.

187  
188 J. Pohopek opened and closed public comment.

189  
190 *A motion was made by J. Bouchard and seconded by F. Bussiere to move amendments #11, 11a, and*  
191 *11b, forward to the warrant as presented. The motion carried 7-0*

192  
193 #12 To **amend** Article 9.5.1(3) by clarifying wetland crossing under purview of the NHDES are  
194 permitted.

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M. Gasses suggested the amendment be stricken and leave 9.5.1(3) as currently written.

J. Pohopek opened and closed public comment.

*A motion was made by R. Spinale and seconded by F. Bussiere to strike amendment #12. The motion carried 7-0*

#12c To **amend** 9.5.1(4) to add well lines are permitted

J. Pohopek opened and closed public comment.

*A motion was made by F. Nichols and seconded by D. Ayer to move to the warrant. The motion carried 7-0*

#12d To **amend** 9.5.1(5) by substituting “on” for “or” and deleting “unimproved” and by inserting a new provision 9.5.1(6), which relocates prior language that does not prohibit the construction of principal and accessory structures on lots legally existing prior to March 13, 2001

J. Pohopek opened public comment.

Stephen Jeffery expressed a typo had occurred when the Ordinance had been retyped a few years ago and now the Board was trying to eliminate the buffers from all lots that legally existed.

D. Ayer expressed the conservation commission did not support it.

M. Gasses expressed the intent of the proposed amendment, which was written by A. Gaudiello was for clarification and not to change the current interpretation of the Ordinance.

Chris Vachon expressed he did not believe that things should be changed just for the sake of changing them.

*A motion was made by G. Calef and seconded by F. Bussiere to change “or” to “on” and leave “unimproved” in the definition.*

J. Pohopek clarified that the proposed change would “or” to “on” and leave unimproved in the definition. The remainder of the sentence would be moved to 9.5.1(6).

Alan Kelley expressed that the word was “on” and or had been a typo and that eliminating unimproved would change the meaning.

Stephen Jeffery expressed he could accept what was proposed for a change, he had been involved in the changes back in 2001.

J. Pohopek closed public comment.

J. Pohopek called for the vote. *The motion carried 7-0.*

J. Pohopek explained the amendment would come for a second public hearing.

245 #13 To **amend** 15.4.1 by inserting “that is regulated by the building code” to clarify scope of building  
246 permit requirement

247  
248 J. Pohopek opened and closed public comment.

249  
250 *A motion was made by J. Bouchard and seconded by G. Calef to move the amendment to the warrant.*  
251 *The motion carried 7-0*

252  
253 #14 To **amend** 3.1.8(3) by striking ~~such~~ and insert “a” after “Where”

254  
255 J. Pohopek opened and closed public comment.

256  
257 *A motion was made by F. Nichols and seconded by R. Spinale to move to the warrant as presented.*  
258 *The motion carried 7-0*

259  
260 #15 To **amend** Article 12.4.2 by petition to prohibit Gasoline Service Stations in or within 500 feet of  
261 a stratified drift aquifer boundary.

262  
263 M. Gasses explained this article would move to the warrant the vote was whether the Board supported  
264 the amendment or not.

265  
266 J. Pohopek expressed the amendment had enough signatures to move to the warrant.

267  
268 M. Gasses expressed the amendment would move to the warrant. The state requires to Board to vote  
269 to either support or not support the amendment. The amendment would be on the warrant no matter  
270 what the vote of the Board.

271  
272 *A motion was made by R. Spinale and seconded by G. Calef to support the proposed amendment.*

273  
274 J. Pohopek opened public comment.

275  
276 D. Ayer expressed the Conservation Commission supported the petitioned amendment.

277  
278 F. Bussiere asked how large an area would be affected.

279  
280 M. Gasses expressed she had brought the zoning map to the meeting for reference. Any application  
281 which had been through the process would not be affected, but it would effectively prevent any new  
282 gas stations from being located on the entire length of Route 125 and much of Route 9.

283  
284 J. Pohopek offered for folks to view the map to see the location of the Stratified Drift Aquifer.

285  
286 Stephen Jeffery expressed that NHDES recommends that this is a way to protect the water supplies  
287 from gasoline contamination.

288  
289 J. Pohopek asked where he suggested gas stations be located.

290  
291 Stephen Jeffery expressed Barrington was lucky to have the aquifer and it was a huge resource that  
292 needed to be protected.

293  
294 Chris Vachon expressed that he hoped the Board supported the ordinance. Barrington already had a  
295 gas station in Town and where there was not a lot of industry in Town most people traveled outside of

296 Town to work and had opportunity to get gas then. The aquifer was a big resource for Barrington and  
297 others.

298  
299 Roll Call

300	J. Pohopek	no
301	R. Spinale	yes
302	F. Bussiere	no
303	J. Bouchard	no
304	G. Calef	aye
305	D. Ayer	aye
306	F. Nichols	no

307  
308 *The motion failed 3-4*

309  
310 J. Bouchard asked to take a look at 1.5 as it was not listed on the Public Hearing Notice.

311  
312 M. Gasses expressed the language was just a note to the Board reminding them that the Site and  
313 Subdivision Regulations should be consistent with the Zoning Ordinance in regard to severability.

314  
315 J. Bouchard expressed changes to 1.7 were not on the notice, which was just a tabling of the  
316 paragraph.

317  
318 J. Pohopek expressed it was just a formatting change.

319  
320 M. Gasses expressed she did not believe it needed to be posted, but would look into it or add it to the  
321 posting.

322  
323 G. Calef expressed with mixed feeling he was submitting his resignation from the Board and read  
324 from a prepared statement he provided to the representative of the selectmen, the planner and  
325 members of the Board.

326  
327 J. Pohopek thanked Mr. Calef for his service to the Town.

328  
329 R. Spinale thanked Mr. Calef and expressed he thought he had made a difference.

330  
331 Respectfully submitted,

332  
333  
334 Marcia J. Gasses  
335 Town Planner & Land Use Administrator

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337  
338  
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