

Planning Board Meeting
October 8, 2009 - 7:00 PM
Meeting Room, Town Administration Building
Informational Public Hearing – Possible zoning changes

Members present: Chairman John Huckins
Selectwoman Jackie Kessler
Steve Oles
David Mott
Michael Clark
Alan Kelley (Alt)
Dawn Hatch (Alt)

Guests present: Joel Runnals
Selectman Charter Weeks
Steve Jeffery

Chairman Huckins opened the public meeting at 7:00 PM. Copies of some of the possible zoning changes the Board has discussed and suggestions from Building Inspector, Ted Buczek also submitted were passed out along with the Work Force Housing proposal were passed out for discussion. Huckins went over the sections of Ordinances from surrounding communities concerning lot sizes and upland soil minimum requirements which most used the 40,000 square foot of upland requirement. Lee was more and Nottingham was less.

Huckins asked Weeks what the petitioners of the proposal presented last year were trying to achieve. Weeks said they were attempting to protect the wetlands in the community. He said soils play an important role in the Town and provide an important function. Huckins said that the Board had proposed 40,000 square feet of contiguous upland soils free of jurisdictional soils. This requirement along with the 50 foot setback to wetland created a larger foot print that had to be designed.

Weeks said that he had talked with several appraisers and a real estate agent and was told that it was easier for builders and developers to develop in Barrington than in surrounding towns due to the our requirements. He said the some of the signers of the petition had served on the Planning Board and were unaware that the definition of wetlands had changed. Weeks said they thought that 60,000 square feet of contiguous upland soil on a lot was reasonable. Weeks said that more and more problems could be increased with the present requirements.

Huckins said the Board had considered 40,000 square feet of contiguous upland soils along with the 50 foot buffer from wetlands offered good wetland protection. He said that 2 years ago the Ordinance had changed to require a 50 foot natural buffer in which no dredge and fill could take place. Huckins said different than the 35 foot setback that had been required before fill extensions would not be allowed. He said the natural buffer had to be untouched except for the items that would be allowed by an Exception for Construction in Wetland Buffers – Article 9, Section 9.5.1. Exceptions for Construction in Wetland Buffers.

Mott said that that Best Management Practices were used to protect the buffer which would not allow lawns or groomed areas. Jeffery said he lived across from a subdivision where there had been encroachment in the buffer and the violation was not enforceable. He said the Zoning Board had allowed a violation to remain in place.

Huckins said that the 40,000 square feet of upland soil and the 50 foot buffer from wetlands created a larger footprint for wetland protection. He said he thought that the Board and the petitioners were all on the same page and wanted the wetlands protected. Kessler said hydric A and B soils created the greatest problem. Runnals said that the wetlands were his biggest concern. He said he could support 40,000 square feet of upland soil free of both hydric a and b soils.

Weeks said that in some cases there were lots where with the flooding that had taken place the septic systems were under water. Mott said an example of a lot with flooding problems was the one that sat on Route 202 across from the intersection of Routes 126 and 202. He said the lot finally got a septic system approved when it was recognized that the problem with the lot was flooding.

Weeks said he thought that the 40,000 square feet was a good improvement and wondered if the Board could compromise on 45,000 square feet. Runnals said to have 60,000 square feet of contiguous upland was unusual. He gave as an example the Brown subdivision which the 35,000 square feet of upland along with the 50 foot buffer to wetland only allowed 2 lots on 12 acres. He said he thought that 40,000 square feet of upland and the 50 foot buffer was good protection.

The change to allow a well head in the wetland buffer was discussed. Huckins said this was suggested as a well head could be located in wet areas but with our Ordinance the piping could not be in the buffer. Mott said that the change would allow a well in the buffer with minimal disturbances. Huckins said the Board was trying to hold more water on a site to create recharge. He said the zoning allowed the same amount of water could leave the site but not be increased.

Mott said that last Winter when changes in upland soils were discussed with David Allain who helped draft the petition there seemed to be a discussion that 40,000 square feet of contiguous upland and the 50 foot buffer was a good compromise. Huckins said this idea seems to address the same concerns and issues both sides had.

Weeks said in many cases it took 4 acres to get 2. He said the petitioners wanted more protection rather than less. Runnals said the 60,000 square feet with 35,000 square feet contiguous upland worked well with the buffer. Weeks said he could support the 40,000 square feet of contiguous uplands with the 50 foot buffer.

Mott said as long as a lot had 40,000 square feet of upland soil it could be surrounded by hydric A soils. He said in some cases the lot might need to be enlarged to meet State requirements. Huckins said that hydric B soils were the ones that we mostly dealt with. He said with 40,000 square feet required and the buffer a larger buildable area was created.

Weeks said that Allain had presented a chart last year showing his concerns for hydric A and B soils. He represented that the building envelope should be free of all wetlands. Weeks said Allain wanted the Board to look at the question of wetland protection and density. Huckins said he thought that everyone wanted to protect wetlands and we all were headed in the right direction. All agreed. Hatch said we were including a definition of jurisdictional wetlands.

Huckins said regardless of the lot size there would need to be the 40,000 square feet of upland soil and the 50 foot wetland buffer. He said if a well could be located within the buffer it would create a greater area for the septic system location. He said this would add to the well protection. Huckins said that the 4 K area required for a septic system provided room enough for the location of one half of a house.

Kelley asked if what could be done in the buffer could affect an abutter. Oles said a setback requirement could extend 10 feet over a boundary line. Mott said in most cases a waiver would be needed. All agreed that they could support what had been discussed tonight. Huckins said that he was pleased with the discussion that had gone on and the second hearing would be held on October 22 and if a third one was needed we could do this. He said the Board wanted to be ready early to hold the public hearings for the proposed changes.

Weeks said that the Selectmen wanted to meet with the Planning Board and Conservation Commission concerning a proposal for the area that had been set aside for an industrial park. He said as soon as the proposal was locked in he would get back to the Board. Weeks said at present the Selectmen were not at liberty to divulge the possible applicant. Weeks said there was a State Law that required a hearing with the 3 Boards. He said he would ask Carol Reilly for more information on this requirement.

Steve Jeffery asked for the Board to stipulate that fertilizer and a lawn could not be created in the wetland buffer as some people were using it as part of their lawn. He said if it was maintained weekly it was not being used as a buffer. Mott said we should review how we address the 50 foot wetland buffer to make sure that it was maintained in its natural state. Jeffery said we all needed to be headed in the same direction.

Work Force Housing

Huckins said that the same Work Force Housing document would be presented for consideration next Town Meeting. All agreed that it was important that we educate the public that the State required work force housing in any community that had zoning. He said what the Board was trying to do was keep the commercial areas and the Town Center out of the areas where this type of housing could be built. He said the Board was trying to protect these areas and allow work force housing everywhere else in Town. All agreed that it was important to let everyone know that the Board was not promoting nor against workforce housing but wanted to protect certain areas to allow commercial growth.

Huckins said people needed to realize that at present any developer could do this type anywhere in Town. He said this could include the Commercial District and Town Center. Huckins said the intent was to allow work force housing but protect the Town Center and commercial district. Clark said that that when we were ready he would invite someone from Foster's Democrat to meet with the Board. He said this should happen close to the voting time. Huckins said residents should know that the State mandated work force housing. He said 51% of the Town had to be available for work force housing. He said removing the Town Center and the Commercial District would still allow 80% if the Town available.

Huckins said work force housing would need to remain the same for a period of 30 years. A developer could not sell it shortly after the project was completed for a profit. Hatch will check with Cynthia Copeland, SRPC for the density of work force housing.

Structure Definition

The Board and Ted Buczek had some ideas for changes in the definition of a structure and what should be eliminated from structures that would have to meet the setbacks. Hatch said a person wanted to install a permanent generator and it would not meet the front setback and needed to go before the Zoning Board for an area variance. Clark said he did not think that if a unit sat on a slab it should have to get a permit as long as the slab was for the permitted use. Hatch will check with Attorney Whitelaw to see if we could create a “catch all” sentence that could address these types of structures. Buczek also had other suggestions for change. The members will discuss the items in the letter from Buczek at the meeting on October 22.

Non-conforming lots – lot line revisions

Huckins said the Board would like to see that lot line revisions that would be equal swaps, enlarge the lots, or create improvements not be required to complete the amount of work and presentation as a subdivision. The members said they should come before the Board but not require topography, buildable locations, wetlands delineated etc. He said if a lot was developed it would need to support a buildable area or if it was subdivided complete wetlands mapping, topography, and all other items necessary for a subdivision application. Hatch will contact Attorney Whitelaw.

Signs – Town Center Requirements

The members need to set the requirements for signs in the Town Center. The item will be discussed at the next meeting. The requirements and specifications could be the same as required in the Village Center.

The meeting adjourned at 9:15, motion made by Kessler, seconded by Oles, all in favor. The meeting on October 15 will be to review plans scheduled for hearings on November 5.

Dawn Hatch, Clerk