



**BARRINGTON PLANNING BOARD MEETING
BARRINGTON ELEMENTARY SCHOOL
570 CALEF HIGHWAY
BARRINGTON, NH**

**TUESDAY JANUARY 3, 2011
6:30 p.m.**

MEETING MINUTES

- PRESENT:** John Huckins, Chair
Alan Kelley, Vice-Chair
Michael Clark, Ex-officio
Anthony Gaudiello
George Calef
Stephen Jeffery-Alternate
Jacqueline Kessler, Alternate
Steven Oles, Alternate
- ABSENT:** Dave Vincent – Resigned
E. Lemos - Resigned
- STAFF** Constance Brawders, Town Planner
Gregory Jones, Transcriptionist
- GUESTS:** Chris Berry; Berry Surveying and Engineering; 335 Crown Point Road;
Barrington
Stephen J. Haight; P.O Box 1166, 181 Watson Road, Dover NH 03820
Kim Breakfield, Barrington
Joe Breakfield, Barrington
Donna Massucci, Barrington
David Levesque
Ammy Rice, Barrington
Lindsey Rice, Barrington
Bob Casella, Barrington
Janine Parsons, Barrington

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

ROLL CALL

Chair John Huckins called the January 3, 2011 meeting of the Barrington Planning Board to order at 7:00pm.

Chair J. Huckins delegated alternate member J. Kessler for D. Vincent and S. Jeffery for E. Lemos.

MINUTES REVIEW AND APPROVAL

1. Approval of December 20, 2011 Meeting Minutes.

Vice-Chair A. Kelley motioned to receive the Planning Board Meeting Minutes of December 20, 2011 and address the item under unfinished business. G. Calef seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

CASES FOR CONTINUANCE

- 2. SR11/399 (Glass Lane Biznis Store)** Request by applicant to construct a three-tenant office building on a 2.9 acre site located at 6 Glass Lane (Map 270, Lot 34) in the Regional Commercial (RC) and Stratified Drift Aquifer Overlay (SDA) Zoning Districts. Applicant: Mathew Jensen; 94 Blake Road; Epping, NH 03042

Request by applicant to continue to February 7, 2012

Vice-Chair A. Kelley motioned to accept the applicant's request for continuance to the February 7, 2012 meeting of the Board/. J. Kessler seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

ACTION ITEMS

- 3. SR11/396 (Barrington Village Enrichment Center)** Request by applicant to present a proposal to construct a 2,700 s.f. +/- structure and accessory building on a 1.05-acre site located at the Commerce Way (Map 250, Lot 88) in the Regional Commercial (RC) and Stratified Drift Aquifer Overlay (SDA) Zoning Districts. Applicant: Haight Engineering, LLC, Stephen J. Haight; P.O. Box 1166, 181 Watson Road, Dover NH 03820.

As the business has grown, Stephen J. Haight approached the Board to present a proposal to construct a 2,700 square foot daycare structure, and accessory building for housing a modest number of chickens, turkeys and pigs for student educational purposes at a site abutting next to the existing Barrington Village Enrichment Center on Commerce Way.

Haight explained that infrastructure for the site will utilize the site will be developed to take advantage of the site's well-drained soils. Storm water mitigation will be served by installing three detention ponds. And area of the wooded section of the site will remain in place for nature-study and to provide shade to protect the children's play-area from intense sunlight. Wetland plantings are to be utilized within the drainage system. Landscaping will placed in the area of the proposed flag-pole. Haight stated that the hours of operation are proposed for 7:00 a.m. to 6:00 p.m., Monday through Friday. L.E.D. lighting will be installed to increase safety and for energy efficiency. A dumpster Pad will be provided for sanitation purposes.

Haight directed the Board to the Planners December 27, 211 Technical Review letter addressing outstanding issues (available at the Land Use Office). After a review of the Planners correspondence and comments the Technical Advisory Committee, the Board and applicant agreed on the applicable outstanding items which must be addressed with plan-revisions prior to the Chairs signatory authorization on final plan-set (Items #1-11, #13-16 – The Board agreed that Item #12 was not necessary). Chair J. Huckins opined that the number of animals and specific cleaning schedule should be added as a note on the final plan-set. The Board agreed.

The question of whether or not to require third-party review of the proposed drainage design, traffic analysis and site distance for the proposed drive was voiced.

Haight assured the Board that traffic counts have been performed at the site which indicated negligible results for increased traffic as a result of the proposal. Haight assured the Board that the Commerce Way site has more than adequate site-distance to accommodate the proposed future driveway. Haight explained the drainage plan further and ensured the Board that the proposed drainage system will adequately capture and infiltrate on-site run-off.

The Board agreed by six (6) votes in favor to one (1) vote against that the driveway site distance specifications do not require further review by the town’s third-party engineer.

The Board agreed by six (6) votes in favor to one (1) vote against that the driveway site distance specifications do not require further review by the town’s third-party engineer.

Chair J. Huckins opined that a note stating the number of animals and proposed cleaning schedule be added as a note on the final plan-set.

Chair J. Huckins then opened up the meeting to public comment. There was no public comment.

G. Calef motioned to accept the application as substantially complete. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Vice-Chair A. Kelley motioned to approve the application upon completion of the following conditions; 1) A note is to be added to the final plan-set stating the number of animals to be housed at the site, cleaning schedule for housing areas and place for disposal of manure; 2) A note is to be added to the plan stating that the site-distance for the proposed driveway location is adequate; 3) Items #1-8, and #13-16 of the Planners December 27 Technical Review letter must be addressed prior to final signatory authorization by the Chair. J. Kessler seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

A. Gaudiello motioned that upon completion of the conditions of approval, the application will not require further review by the Board and the Chair is then authorized to sign the final plan-set. G. Calef seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

4. **SR11/404 (CSMI/QFI)** Request by applicant for Change of Use, Minor Site Plan amendment, and Sign Permit application for Light Manufacturing on a 3.01 acre site located at 246 Calef Highway (Map 223, Lot 07) in the Regional Commercial (RC) and Stratified Drift Aquifer Overlay (SDA) Zoning Districts. Applicant: Berry Surveying & Engineering, Chris Berry; 335 Second Crown Point Road; Barrington, NH 03825.

Applicant's agent Chris Berry approached the Board on behalf of Casella Marketing and Sales (CSMI) and Quality Fabricators, LLC (QFI) to present an amended Minor Site Plan application for a change of use from Warehouse operations to Light Manufacturing at a 3.01 acre site located at 246 Calef Highway.

Berry directed the Board to the Planners December 22, 2011 Technical Review Letter. Berry stated that all New Hampshire Department of Transportation (NHDOT) and New Hampshire Department of Environmental Services (NHDES) information will be provided and stipulations met. Berry stated that all other items within the Technical Review can and will be met.

Berry stated that there is no proposed changes to the exterior of the existing building. CSMI (Casella Marketing & Sales)/QFI (Quality Fabricators, LLC) relocated from Dover to Barrington, and can be accommodated within the existing building, which will include a separate area for employee break room and restroom facilities. Berry stated that the plan needs call for 32 parking spaces an associated 3,000 s.f of increased impervious area, dumpster pad site, concrete pads for air conditioning units and compressors/compactors. A septic system design has been approved by the NHDES. In addition, secondary three-phase power will be introduced on-site by PSNH and additional utility poles along Route 125. Liquid propane tank service is also proposed on-site to power the facility. Berry stated that the plan calls for a continuous 20' parking lot aisle width, illuminated CSMI business sign and relocation of existing CSMI business sign that is currently within the right-of-way. Well drained on-site soils infiltrate run-off from parking areas.

Berry presented the Board with four waiver requests. The first was a request to waive the requirement of 44 parking spaces to allow for the proposed 32 parking spaces. The second was a request to waive the requirement of drainage review by a third-party engineer. The third was a request to waive the requirement for the use of underground utilities as above ground utilities currently exist on-site. Lastly, Berry presented a request for waiver of the required driveway aisle-width to allow for the proposed 20 foot aisle width at the rear of the building. The Fire Department has indicated the proposed 20' aisle width is adequate. (A copy of the waiver petitions are available in the case file folder).

S. Oles opined that measures must be taken to provide adequate lighting for the entire parking lot safety reasons. He suggests that the Light Plan sheet for the parking lot be revised to show new calculations meeting the .05 minimum lumen requirement. Oles also suggested that the proposed dumpster location be shifted to provide ease of refuse collection.

After the Board's review of submitted materials and comments from the Technical Advisory Committee, Chair J. Huckins opened up the meeting to public comment. There was no public comment.

J. Kessler motioned to grant the applicant's request for waiver of parking requirements to allow for the proposed 32 parking spaces. A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Vice-Chair A. Kelley motioned to grant the applicant's request to maintain the current 20' aisle width upon notation of the on-way direction of traffic pattern. A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

A. Gaudiello motioned to grant the applicant's request for waiver of drainage analysis by the town's third-party engineer. G. Calef seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

J. Kessler motioned to grant the applicant's request for waiver of underground utility requirements. G. Calef seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

G. Calef motioned to accept the application as substantially complete. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

G. Calef motioned to approve the application upon completion of the following conditions; 1) a one-way directional signage be installed on-site; 2) Enhance lighting to provide the minimum .05 lumen count for parking area and a revised Lighting Plan sheet be provided; 3) submission of NHDOT driveway permit approval and addition of permit number on the final plan-set. J. Kessler seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

A. Gaudiello motioned to empower the chair to sign the final plan-set upon completion of the conditions of approval. Once the Chair has signed the final plan-set the application will require no further review by the Board. J. Kessler seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

5. Proposed Text Amendments for 2012 Warrant Articles – See separate handout

A. Gaudiello motioned to take a five (5) minute break in the proceedings. J. Kessler seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Planner Brawdors directed the Board to her memo dated 01/03/2012 outlining the process observed to document the proposed Zoning Ordinance text amendments thus far and the January 3, 2012 Draft Legal Notice of Public Hearing describing text amendments to the Zoning Ordinance, to be presented by the Board in preparation for the February 4, 2012 Warrant Article. Brawdors informed the Board and members of the public that two drafts were presented for this evening's public hearing, DRAFT 3 and DRAFT 7 (DRAFT 3 has been included below as Attachment #1 & DRAFT 7 has been included below as Attachment #2). Board members were supplied with DRAFT 7 which included comments and exchanges in the margin between Town Legal Counsel and herself under attorney client privilege. The public received DRAFT 7 without Microsoft Word review marginal notes. A second public meeting will be held on January 17, 2012 to present final Zoning Ordinance text amendments in preparation for upcoming warrant article.

Chair J. Huckins reminded the Board that Item #1 of the January 3, 2012 Draft Legal Notice of Public Hearing was voted to be withdrawn at the Board's December 20, 2011 meeting. Huckins reminded the Board further that items #2, 3 and 4 were voted to be brought forward for warrant article on December 20, 2011 also. Items #1-4 have been discussed and voted upon, therefore these items may not be re-advertised to the public and are ready for the warrant article.

G. Calef opined that Items #2 and #3, as definitions to Fluvial Erosion, have no bearing and do not belong with the upcoming amendments to Zoning Ordinance. Discussion ensued.

G. Calef motioned that Items #2 and #3 of the January 3, 2012 Draft Legal Notice of Public Hearing not be brought forward as amendments to the Zoning Ordinance for upcoming warrant article. Chair J. Huckins seconded the motion which failed with a vote of four (4), in favor to three (3) against.

Planner Brawders again informed the Board and members of the public that an additional Draft Legal Notice of Public Hearing dated January 3, 2012 entitled "Draft 7" has been supplied this evening, which includes recommendations and changes from Town Legal Counsel

Chair J. Huckins opened up the meeting to public comment. There was no public comment.

Vice-Chair A. Kelley motioned to bring Item #5 of the January 3, 2012 Draft Notice of Public Hearing forward for inclusion in upcoming warrant article as presented. J. Kessler seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

A. Gaudiello presented substantial amendments to Item #6 for review by the Board (Now available at the Land Use Office and on-line). The amendment is to add two sections to Zoning Ordinance Section 1.5, Interpretation, introduced as Section 1.5.1 and 1.5.2.

The verbiage follows:

The provisions of this Ordinance shall be interpreted as minimum requirements adopted for the promotion of the public health, safety, and welfare and other purposes noted above.

1.5.1. Should conflict exist between or among standards or requirements within this Ordinance, then whichever imposes the more stringent standard or requirement shall control.

1.5.2. Within this Ordinance words or phrases not specifically defined in the Definitions Article are to be given their common and accepted meaning.

The Board agreed with the proposed amendment.

A. Gaudiello motioned to bring forward his amendments to Item #6 of the January 3, 2012 Draft Notice of Public Hearing per Legal Counsel Recommendations. The amended language is to be heard at the Board's January 17, 2011 Public Hearing. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Chair J. Huckins opened up the meeting to public comment. There was no public comment.

Vice-Chair A. Kelley motioned to bring Item #7 of the January 3, 2012 Draft Notice of Public Hearing forward for inclusion in upcoming warrant article as presented. A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Chair J. Huckins opened up the meeting to public comment. There was no public comment.

J. Kessler motioned to bring Item #8 of the January 3, 2012 Draft Notice of Public Hearing forward for inclusion in upcoming warrant article as presented. A. Gaudiello

seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Chair J. Huckins opened up the meeting to public comment. There was no public comment.

J. Kessler motioned to bring Item #9 of the January 3, 2012 Draft Notice of Public Hearing forward for inclusion in upcoming warrant article with an amendment to the purpose statement to reference Zoning Ordinance Section 6.4. . amended language is to be heard at the Board's January 17, 2011 Public Hearing. A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Chair J. Huckins opened up the meeting to public comment. There was no public comment.

Vice-Chair A. Kelley motioned to bring Item #10 of the January 3, 2012 Draft Notice of Public Hearing forward for inclusion in upcoming warrant article as presented. J. Kessler seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Chair J. Huckins opened up the meeting to public comment. There was no public comment.

A. Gaudiello motioned to WITHDRAW Item #11 of the January 3, 2012 Draft Notice of Public Hearing forward for inclusion in upcoming warrant article. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Chair J. Huckins opened up the meeting to public comment. There was no public comment.

A. Gaudiello motioned to WITHDRAW Item #12 of the January 3, 2012 Draft Notice of Public Hearing forward for inclusion in upcoming warrant article. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Chair J. Huckins opened up the meeting to public comment. There was no public comment

Vice-Chair A. Kelley motioned to bring Item #13 of the January 3, 2012 Draft Notice of Public Hearing forward for inclusion in upcoming warrant article with amendment to purpose statement. The amended language is to be heard at the Board's January 17, 2011 Public Hearing. A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Chair J. Huckins opened up the meeting to public comment. There was no public comment

A. Gaudiello motioned to amend Item #14 of the January 3, 2012 Notice of Public Hearing to follow the reformatting recommendations of legal counsel. The amended language is to be heard at the Board's January 17, 2011 Public Hearing. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Chair J. Huckins opened up the meeting to public comment. There was no public comment

Vice-Chair A. Kelley motioned to amend Item #15 of the January 3, 2012 Draft Notice of Public Hearing to follow the recommendations of legal counsel and Building Inspector. The amended language is to be heard at the Board's January 17, 2011 Public Hearing. A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Chair J. Huckins opened up the meeting to public comment. There was no public comment

A. Gaudiello motioned to amend Item #16 of the January 3, 2012 Draft Notice of Public Hearing "Draft 7" to follow the recommendations of town Legal Counsel. The amended language is to be heard at the Board's January 17, 2011 Public Hearing. A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Planner Brawders directed the Board to the January 3, 2012 Draft Notice of Public hearing "Draft 7" Items #16-18 for consideration.

Chair J. Huckins opened up the meeting to public comment. There was no public comment

Vice-Chair A. Kelley motioned to bring Item #17 of the January 3, 2012 Draft Notice of Public Hearing "Draft 7" as presented. The amended language is to be heard at the January 17, 2012 Public Hearing. A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Chair J. Huckins opened up the meeting to public comment. There was no public comment

J. Kessler motioned to bring Item #18 of the January 3, 2012 Draft Notice of Public Hearing "Draft 7" as presented. The Zoning District map is to be presented at the January 17, 2012 Public Hearing. A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

A. REPORT FROM PLANNER

All information presented in the Warrant Article Zoning Ordinance proposed text amendments.

B. REPORTS OF OFFICERS OR OTHER COMMITTEES

No report this evening.

UNFINISHED BUSINESS

A. Gaudiello motioned to approve the Planning Board Meeting Minutes of December 20, 2011 as presented. Vice-Chair A. Kelley seconded the motion which passed with a vote of five (5) in favor, to zero (0) against with two (2) abstentions.

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

No other business this evening.

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

The next meeting of the Board will be held on Tuesday, January 17, 2012 at 6:30 p.m. in the Early Childhood Learning Center. There will be no meeting on January 10, 2012 due to Presidential Primary Election.

J. Kessler motioned to adjourn the January 3, 2012 meeting of the Barrington Planning Board at 9:53 p.m. A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Respectfully submitted,

Gregory M. Jones
Transcriptionist

Legal Notice of Public Hearing

Town of Barrington Planning Board
Early Childhood Learning Center
77 Ramsdell Lane
January 3, 2012
7:00 p.m.

Pursuant to NH RSA 674:16; 675:3 and 675:7 notice is hereby given of a public hearing to be held by the Town of Barrington Planning Board for the purpose of discussing proposed amendments to the Zoning Ordinance.

Amendments to the texts will be presented as follows:

Normal Text = to remain unchanged ~~Strikeout Text~~ = to be removed

= to be added

Item #1-Proposed Warrant Article X

ARTICLE X – FLUVIAL EROSION HAZARD OVERLAY DISTRICT

X Title and Authority

The title of this district shall be the Town of Barrington Fluvial Erosion Hazard Overlay District.

This ordinance is adopted under the authority granted pursuant to RSA 674:56-II Flood Hazards

and RSA 674:21 Innovative Land Use Controls.

X Purpose

In the interest of protecting public and private property, and public safety and welfare, this ordinance will serve to limit development in FEH areas, and minimize and prevent future erosion and damage from fluvial erosion.

X Applicability

The Fluvial Erosion Hazard (FEH) Overlay District (hereafter FEH Overlay District) shall be superimposed over other zoning districts. It includes Reaches 2A and 5 of the Isinglass River as depicted on the map prepared by the Strafford Regional Planning Commission based on data prepared by the New Hampshire Geological Survey in February 2010. Reach 2A is from the Barrington-Rochester town line to a point 4550 feet upstream. Reach 5 is from 4190 feet upstream of Green Hill Road crossing to 1090 feet downstream of crossing. All lands to which the FEH District applies shall meet the requirements of the underlying zoning districts and the FEH district. Where there is a conflict, the more restrictive regulation shall apply.

X Permitted Uses

The following uses are allowed in the FEH district as long as they are in compliance with all applicable local, state and federal requirements:

1. The removal of a structure in whole or in part.
2. Improvements to existing single family or two family residential structures and accessory structures that do not result in a decrease of the existing structure setback from any stream; and do not expand the footprint of the existing structure more than 500 sq ft.
3. New residential accessory structures provided that the setback from such accessory structures is the same or greater than the existing primary structure setback from any stream.
4. Construction of driveways and/or access roads.
5. Buried utilities, included power, telephone, cable, sewer, and water.
6. Excavation, filling and/or grading of land.

X Exempt Uses

The following uses are exempt from the specified provisions from this ordinance as long as they are in compliance with all applicable local, state and federal requirements:

1. State and municipal owned roads and infrastructure, including improvements, replacements, and new construction.
2. Silviculture and forestry activities not involving the use of structures and conducted in accordance with NH Department of Resources and Economic Development Best Management Practices for Erosion Control for Harvest Operations.
3. Agricultural activities conducted in accordance with New Hampshire Department of Agriculture, Markets and Food Best Management Practices for Agriculture.

X Prohibited Uses

The following activities are prohibited in the FEH district:

1. Storage areas or facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials.
2. All development not specifically allowed by the above permitted and exempt uses.

X Appeals

1. If a landowner disputes his land being in the FEH Zone, the Planning Board, acting as the agent for the Town of Barrington, can obtain the services of the NH Geological Survey (NHGS) for verification at no cost.

For the purpose of protecting public and private property, and public safety and welfare, by limiting development in FEH areas, and minimize and prevent future erosion and damage from fluvial erosion.

-Proposed by the Planning Board

Amendments to Article 18-Definitions

Item #2- To *amend* the following to Article 18-Definitions; Fluvial Erosion: The wearing away of riverbeds and banks by action of the water, which can be accelerated to rates harmful to life, property, and infrastructure during high flow conditions.

For the purpose of introducing a new definition to the zoning ordinance.

-Proposed by the Planning Board

Item #3- To *amend* the following to Article 18-Definitions; Fluvial Erosion Hazard: Fluvial erosion hazard (FEH) refers to major stream-bed and stream-bank erosion associated with the often catastrophic physical adjustment of stream channel dimension and location that can occur during flooding.

For the purpose of introducing a new definition to the zoning ordinance.

-Proposed by the Planning Board

Item #4- To *amend* the Zoning Ordinance Article 3-Permitted Uses; Subsection 3.1.8 Signage, by inserting:

The Code Administrator, or other town personnel designated by the Town Administrator, shall cause to be removed any sign placed on or over any town right-of-way or town property that is not in compliance with the standards and provisions of this ordinance, the Town of Barrington Site Plan Regulations, the Town of Barrington Subdivision Regulations and/or any other regulation lawfully adopted by the Town of Barrington. Where such sign is removed, it shall be deemed to be abandoned and may be disposed of by the town as abandoned property.

For the purpose of clarifying Article 3-Permitted Uses.

-Proposed by the Town Code Enforcement Officer

Items 1-4 were prepared for the December 20, 2011 Public Hearing. This is the end of the list of items approved by the Planning Board for consideration at the Deliberative Session on February 4, 2012. Town Meeting is scheduled for March 13, 2012.

The following items are prepared for the January 3 Public Hearing. If substantial changes are made to these proposed amendments and revisions, the final date to hold an additional public hearing will be scheduled no later than January 17, 2012.

Item #5 - To amend Zoning Ordinance Section 1.4 Authority and Severability by inserting and eliminating the following language:

This Ordinance is adopted pursuant the authority conferred by New Hampshire State Statutes (RSAs 674:16-21 as amended), and any other applicable provisions of state law.

In the event that any of the terms or provisions of this Ordinance are declared

invalid or unenforceable by any Court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of this Ordinance the remaining terms and provisions that are not effected thereby shall remain in full force and effect. ~~A determination by a court that any section or part of this Ordinance is unenforceable for any reason shall not invalidate nor have any effect on the enforcement of any other section or part.~~

For the purpose of adopting a uniform Severability clause for the Ordinance in accord with what has been proposed for the other governing documents of land use.

-Proposed by the Planning Board

Item #6 - To *amend* Zoning Ordinance **Section 1.5 Interpretation** by inserting and eliminating the following language:

The provisions of this Ordinance shall be interpreted as minimum requirements adopted for the promotion of the public health, safety, and welfare and other purposes noted above. ~~Many words and phrases in~~ Within this Ordinance ~~are assigned specific meanings that are defined in Article 17 entitled Definitions. All other words or phrases contained in this Ordinance that are not specifically defined~~ in "Article 17: Definitions are to as noted ~~should~~ be given their common and generally accepted meaning.

For the purpose of presentation modification (word reduction and clarity.)

-Proposed by the Planning Board

Item #7 -To *amend* Zoning Ordinance **Section 1.6 History** by inserting and eliminating the following language:

~~This Ordinance was adopted by Town vote held on March 8, 2005. This Ordinance is a new ordinance and it replaces the "Town of Barrington Zoning Ordinance of March 11, 1997", as amended.~~

A Zoning Ordinance was adopted September 12, 1972, and subsequently Amended March 8, 1977, March 11, 1980, December 8, 1981, March 9, 1982, March 9, 1983, March 13, 1984, March 12, 1986, March 10, 1987, July 28, 1988, March 15, 1989, March 14, 1990, March 12, 1991, March 11, 1997.

The Zoning Ordinance adopted September 12, 1972 and as amended through March 11, 1997 was repealed with the adoption of Zoning Ordinance, March 8, 2005.

The Zoning Ordinance of March 8, 2005, the current Ordinance, has been amended March 11, 2008, March 9, 2010, and March 8, 2011.

For the purpose of grouping like information and removing repetition.

-Proposed by the Planning Board

Item #8 - To *amend* Zoning Ordinance **Section 4.1, General Provisions, Paragraph 3 Back Lots** by deleting the following language:

For new residential subdivisions, up to two (2) back lots may be allowed, notwithstanding the frontage requirements specified in the Table of dimensional Standards. *(There is no change to the remaining text of this paragraph.)*

For the purpose of deleting a word from the ordinance.
-Proposed by the Planning Board

Item #9 - To *amend* Zoning Ordinance **Article 4 - Dimensional Requirements, Table 2: Table of Dimensional Standards** to insert and amend Village District standards.

TABLE 2: TABLE OF DIMENSIONAL STANDARDS (a)								
Zoning District	Min Lot Size (sq.ft) (b)	Min. Lot Frontage (ft)(b)	Min. Yard Setbacks (ft) (i)			Max. Bldg Height		Max Lot Coverage (f)
			Front	Side	Read	Feet	Stories	
General Residential	80,000 (c)	200	40	30	30	35	2.5	40%
Neighborhood Residential	80,000 (c)	200	40	30	30	35	2.5	40%
Village Dist. –(Residential.)	80,000 (c)	200	40	30	30	35	2.5	40%
Village Dist. – (Non Residential)	30,000 (e,g)	75	20	15	15	40 (j)	3	60%
Town Center	20,000 (h)	40	20(k)	15	15	40 (j)	3	80%
Regional Commercial	40,000 (d)	200	75(e)	30	30	40 (j)	3	50%

For the purpose of presenting in tabular form the Dimensional Standards for the Village District for Residential use. Net Density is to be computed according to Residential Usages as specified in Subsections 6.4.3 and 6.4.3 of this Ordinance and in accord with Paragraph 4.1 (2)
-Proposed by the Planning Board

Item #10 - To amend Zoning Ordinance **Article 4 - Dimensional Requirements, Table 2: Table of Dimensional Standards** [Footnote (f)] by deleting the following language:

(f) Maximum lot coverage means the area of the lot covered by an impervious surface. Calculation of maximum lot coverage in a Planned Unit Development (PUD) shall be in accordance with Subsection 16.3.3. All development is ~~also~~ subject to the provisions of Article 12, Groundwater Protection, with regard to the creation of impermeable surface.

For the purpose of deleting unnecessary wording. (Drafting note: This may be one of those edits that does not meet the substantive test to apply the full scope of the amending process.)
-Proposed by the Planning Board

Item #11 - To *amend* Zoning Ordinance **Subsection 4.2.1 Standards for the GR and NR District** to add the following language.

4.2.1 Standards for the GR, (inserted comma) and NR District, and VD (Residential) Districts.

For the purpose of extending the Subsection Heading to include the VD (Residential Districts).

-Proposed by the Planning Board

Item #12 - To *amend* Article 6 – **Conservation Subdivisions, Subsection 6.2.1, Minimum Tract Size** to add the following language:

The minimum size tract of land on which a Conservation Subdivision may be constructed is twenty (20) acres in the General Residential (GR) district, 20 acres in the Village District (VD), and thirty (30) acres in the Neighborhood Residential (NR) district.

Conservation Subdivisions are not permitted within the Town Center (TC) District

For the purpose of making explicit the exclusion of Conservation Subdivisions from the Town Center District in ZO Subsection 6.2.1. There is no practical effect of making this exclusion explicit rather than implicit by its simple omission. In an abundance of caution, it is believed that a policy of explicit inclusion and exclusion may guard against unintended yet consequential omissions.

-Proposed by the Planning Board

Item #13 - To *amend* **Zoning Ordinance Subsection 6.2.2 Common Open Space** to add the following language:

Common open space, as defined herein, must constitute at least fifty percent (50%) of the total tract area in the GR districts, and ***at least*** sixty percent (60%) of the total tract area in the NR districts, ***and at least sixty percent (60%) of the total tract area in the Village District***, and shall comply with the following design standards: (there follows the unchanged text of paragraphs 6.2.2 [1 through 10])

For the purpose of supporting the neighborhood concept of the Conservation Subdivision and to bring a specified percentage of open space to the Village District Zone.

-Proposed by the Planning Board

Item #14 – To *amend* **Zoning Article 17 – Workforce Housing** by reformatting the current article.

ARTICLE 17 – WORKFORCE HOUSING (03/09/2010)

I. 17.1. PURPOSE

The purpose of this Article is to encourage and provide reasonable and realistic opportunities the development of workforce housing within Barrington. This Article addresses the objective for related to regional cooperative efforts that promote the construction of housing for low income and elderly families and individuals as set forth in the Barrington Strategic Master Plan. Additionally, in implementing this Article Barrington has considered the region’s affordable housing need as defined in the

Strafford Regional Planning Commission 2004 Housing Needs Assessment, as may be amended.

II. 17.2. AUTHORITY

This article is adopted pursuant to RSA 674:58 -:61 and RSA 674:21, and is intended as a “Workforce Housing” provision.

III. 17.3. APPLICABILITY

~~A.~~ 1) Workforce Housing is permitted as a conditional use in the following zoning districts so long as the conditions set forth in Sections V through VII are met

- ~~1.~~ a) Neighborhood Residential
- ~~2.~~ b) Village Residential
- ~~3.~~ c) General Residential

~~B.~~ 2) Permitted Uses: Single-family, duplex, and multi-family work force housing, for either for sale or rental, is permitted in the zoning districts identified in Section 3.1 III-A irrespective of whether the specified residential use is permitted in the underlying zoning district.

~~C.~~ 3) Any person applying under this Article must provide a written statement of intent to the Planning Board as required under RSA 674:60, evoking the provisions of RSA 674:58 et. seq. The failure to file such a statement shall constitute a waiver of the applicant’s rights under RSA 674:61, but shall not preclude an appeal under other applicable laws. Additionally, the applicant shall not be entitled to a judgment on appeal that allows construction of the proposed development or otherwise permits the proposed workforce housing development to proceed.

~~D.~~ 4) Any person receiving an approval subject to conditions or restrictions under this Article shall receive written notification of such conditions and restrictions and shall have an opportunity to establish the cost of complying with the conditions and restrictions and the effect of compliance on the economic viability of the proposed development. The notice constitutes a conditional approval solely for the purpose of complying with the requirements of RSA 676:4, I(c)(1), and shall not constitute a final decision for any other purpose, including the commencement of any applicable appeal period.

~~E.~~ 5) Upon receiving written notice of conditions and restrictions under Paragraph 4 D, the applicant may submit evidence to establish the cost of complying with the conditions and restrictions and the effect on economic viability within the period directed, which shall not be less than 30 days.

~~1.~~ a) Upon receipt of such evidence from the applicant, the applicant shall be allowed to review the evidence at the next meeting for which 10 days notice can be given and shall be provided with written notice of the meeting at least 10 days in advance. At such meeting evidence from other sources may be received and considered.

~~2. b)~~ After such meeting, any or all conditions or restrictions may be affirmed, altered, or rescinded.

~~3. c)~~ Subject to subparagraph (4) a final decision on the application shall not be issued prior to such meeting, unless the applicant fails to submit the required evidence within the period designated by written notice, in which case a final decision may be issued at any time after the expiration of the period in Paragraph E.

4. d) If an applicant provides written notification at any time that the applicant accepts the conditions and restrictions of approval, a final decision may be issued at any time without further action under Section 3.5

IV. DEFINITIONS

Section IV. Definitions is to be *deleted* from Article 17 and inserted alphabetically as amendments to the Definitions Article.

~~Affordable: Housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income.~~

~~Income: As defined as "Annual Income" by 24 CFR Part 5, Subpart F, and as amended from time to time.~~

~~Market Rate Housing: Any unit within a development, whether the unit is to be owner or renter occupied, that is intended to be available for sale or occupancy at the prevailing market value for the area similar to comparable real estate transactions.~~

~~Multi-family housing: For the purpose of workforce housing developments, it is a structure or building containing 5 or more dwelling units, each designed for occupancy by an individual household.~~

~~Workforce housing: Housing that meets the requirements set forth in the definitions of "Workforce housing for rental" and "Workforce housing for sale" herein. Housing developments that exclude minor children from more than 20 percent of the units or in which more than 50 percent of the dwelling units have fewer than two bedrooms shall not constitute workforce housing for the purposes of this Article.~~

~~Workforce housing development: a residential development that is approved under the provisions of this Article.~~

~~Workforce housing for rental: housing which is intended to be leased and is affordable to a household with an income of no more than 60 percent of the median income for a 3 person household for the metropolitan area or county in Strafford County as published annually by the United States Department of Housing and Urban Development.~~

~~Workforce housing for sale: housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4 person household in Strafford County as published annually by the United States Department of Housing and Urban Development.~~

Section 4
(Reserved)

V. 17.5. WORKFORCE HOUSING INCENTIVES

~~A-~~ A site plan or subdivision plan which guarantees that at least 20 percent of the total number of units proposed within the development (including all units allowed by density bonuses), shall be reserved as permanent workforce housing units, may be approved with an increase in the density of the site and a reduction of the minimum site frontage. The planning board may allow a reduction of the minimum lot size to accommodate the increased site density.

VI. 17.6. GENERAL REQUIREMENTS OF WORKFORCE HOUSING UNITS

~~A-~~ 1) The affordable units shall be constructed in a manner that is harmonious in appearance with the market rate dwelling units in the proposed development and adjacent neighborhoods and natural surroundings.

~~B-~~ 2) The affordable units should be interspersed throughout the overall development, when workforce housing and market rate dwelling units are being constructed within the same development.

~~C-~~ 3) The application shall comply with all site plan and/or subdivision regulations that apply, other than those waived hereunder.

~~D-~~ 4) When a workforce housing development shall consist of both workforce housing dwelling units and market rate dwelling units, the workforce housing dwelling units shall be made available for occupancy on approximately the same schedule as the development's market rate dwelling units, except that the certificates of occupancy for the last 10 percent of the market rate units shall be withheld until certificates of occupancy have been issued for all the workforce housing units. A schedule for the phasing of the construction of the total number of units in project under this Article, to include a schedule setting forth the phasing of the required workforce housing units, shall be established prior to the issuance of a building permit for any workforce housing development.

VII. 17.7. ASSURANCE OF CONTINUED AFFORDABILITY

In order to qualify as workforce housing under this Article, the developer must make a binding commitment on behalf of him or herself and any successors-in-interest that the workforce housing units will meet the following affordability requirements for a period of not less than 30 years. The affordability requirement shall be enforced through a deed

restriction; restrictive covenant; or a contractual arrangement through a local, state, or federal housing authority or other non-profit housing trust or agency. The affordability commitment shall include the following:

~~A. 1)~~ Workforce housing units shall be sold with deed restrictions and a recorded housing agreement that limit, for a period of at least 30 years, the resale value of the unit to not more than the purchase price plus two times the accumulated consumer price index. (Specify which CPI, location.)

~~B. 2)~~ Workforce housing rental units shall limit annual rent increases to the percentage increase in the area median income, except to the extent that greater increases are made necessary by hardship or other unusual conditions. The then-owner of the rental unit must obtain authorization from the planning board prior to instituting such greater increases.

~~C. 3)~~ Deed restrictions, restrictive covenants, and contractual arrangements related to a workforce housing development must be referenced on all plans filed with the Barrington Planning Board and recorded with the Strafford County Registry of Deeds.

VIII. 17.8. ADMINISTRATION, COMPLIANCE, AND MONITORING

~~A. 1)~~ No certificate of occupancy shall be issued for a workforce housing unit until the owner has filed with the planning board confirmation of the rent or price of the workforce housing unit as documented by an executed lease or purchase and sale agreement.

~~B. 2)~~ On-going responsibility for monitoring the compliance with resale and rental restrictions on workforce housing units shall be the responsibility of the Town's planning board.

~~C. 3)~~ The owner of a project containing workforce housing units for rent shall prepare an annual report, due on December 1st, certifying that the gross rents of workforce housing units have been maintained in accordance this Article. Such reports shall be submitted to the Town's planning board.

For the purpose of continuing the process of standardizing the presentation of the Governing Documents for land use.

-Proposed by the Planning Board

Item #15 - To *amend* by inserting the following to the **Definitions Article**:

Affordable: Housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income.

Income: As defined as "Annual Income" by 24 CFR Part 5, Subpart F, and as amended from time to time.

Market Rate Housing: Any unit within a development, whether the unit is to be owner or renter occupied, that is intended to be available for sale or occupancy at the prevailing market value for the area similar to comparable real estate transactions.

Multi-family housing: For the purpose of workforce housing developments, it is a structure or building containing 5 or more dwelling units, each designed for occupancy by an individual household.

Workforce housing: Housing that meets the requirements set forth in the definitions of “Workforce housing for rental” and “Workforce housing for sale” herein. Housing developments that exclude minor children from more than 20 percent of the units or in which more than 50 percent of the dwelling units have fewer than two bedrooms shall not constitute workforce housing for the purposes of this Article.

Workforce housing development: a residential development that is approved under the provisions of this Article.

Workforce housing for rental: housing which is intended to be leased and is affordable to a household with an income of no more than 60 percent of the median income for a 3 person household for the metropolitan area or county in Strafford County as published annually by the United States Department of Housing and Urban Development.

Workforce housing for sale: housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4 person household in Strafford County as published annually by the United States Department of Housing and Urban Development.

For the purpose of continuing the process of standardizing the presentation of the Governing Documents for land use.

Item #16 - To *repeal* the Building Code accepted at the Town of Barrington March 1972 Town Meeting, as amended March 9, 1983 and March 13, 1984 and *adopt* a new Building Code for the Town of Barrington.

~~BUILDING CODE for the TOWN OF BARRINGTON, NEW HAMPSHIRE
Amended March 9, 1983 Amended March 13, 1984
PREAMBLE~~

~~In order to promote the health, safety and general welfare of the Town of Barrington through structural strength and stability, to protect life and property from fire and hazards incident to design or construction, the following code is hereby enacted by the voters of the Town in annual meeting convened, in accordance with authority conferred by Chapter 51, Sections 50 to 71 and by Chapter 53, Sections 14 and 15 of the Revised Laws of New Hampshire 1942~~

~~ARTICLE I~~

~~All construction within the Town of Barrington shall be carried out according to the provisions of this code. Nothing herein shall apply to existing buildings except where a permit is sought for additions or alterations.~~

ARTICLE II

All buildings shall be constructed in accordance with good building practices. Outside walls shall be covered with shingles, clapboards, brick, stucco or other generally accepted materials.

ARTICLE III

1. All dwellings will be placed upon a slab, wall, or pier type of foundation. Foundations shall be constructed of solid concrete, brick, concrete blocks, cinder blocks, stone or other durable materials and shall be carried below the frost line or to bedrock.
2. Industrial structures and buildings accessory to a residence may be set on brick, stone concrete or other suitable piers.
3. The ^{construction of} a new building upon an old foundation may be permitted with the approval of the building inspector.
4. Chimneys shall be constructed of stone, brick, concrete, concrete blocks to the ground, shall be lined with tile and shall extend at least three (3) feet above the highest point where they pass the roof of a building and at least two (2) feet higher than any portion of the building within ten (10) feet. No smoke pipe shall be allowed to pass through floors or partitions separating rooms, and all entrances to chimneys shall be fireproof construction. Factory built chimneys must be approved by a nationally recognized testing laboratory.
5. Every single family dwelling or single family dwelling unit within a multiple family dwelling which is built or substantially rehabilitated after March 8, 1983 shall be equipped with an automatic fire warning system consisting of smoke detectors or other appropriate fire warning devices. On the request that an inspection be made, the building inspector shall complete said inspection within forty-eight (48) hours.

ARTICLE VI

Any person who violates any provision of this code shall be punished, upon conviction, by a fine not exceeding fifty dollars (\$50) for each violation. Each day of non-compliance shall constitute a new violation.

ARTICLE VII

1. The Selectmen shall appoint a three member board which shall be known as the Board of Appeal. (RSA chapter 156:4A)
2. Any appeal taken from the decision of the building inspector hereunder shall be made to the Board of Appeal for the Town of Barrington.

ARTICLE VIII

Definitions

~~" Person" shall mean any individual, partnership, corporation, or real estate trust.~~

~~" Dwelling" shall mean any building or structure used as or intended for use as a human habitation.~~

~~" Good building practices" shall be those building practices endorsed by the National Building Code and the National Electrical Code.~~

ARTICLE IX

~~The invalidity of any provision of this ordinance shall not affect the validity of any other provision.~~

ARTICLE X

~~This ordinance shall take effect upon its passage.~~

~~Accepted at the March 1972 Town Meeting~~

~~BUILDING REGULATIONS ORDINANCE TOWN OF BARRINGTON, NEW HAMPSHIRE. MARCH 1988~~

Statement of Purpose

~~The purpose of this ordinance is to provide minimum building standards for any construction within the Town of Barrington in order to promote the general welfare of the town; to protect the health and safety of its residents; to conserve the value of land; to control water and groundwater pollution; to conserve shore cover, and to protect wildlife habitat.~~

Definitions

~~Abutter— Shall mean any person whose property adjoins or is directly across the street or stream from the land under consideration.~~

~~Abandonment— The visible or otherwise apparent intention of an owner to discontinue the use of a building or premises or the removal of a characteristic equipment or furnishings used in the performance of any nonconforming use without its replacement by similar equipment or furnishings. Abandonment of over one year requires the replacement with a conforming use under local ordinance.~~

~~Accessory Use or Structure— A use or structure subordinate to the structure on the same lot and serving to, the principal use or structure.~~

~~Alteration— As applied to a building or structure shall mean a change or arrangement in the structural parts or facilities other than repairs that would affect safety, size, wiring, ventilation, heating or plumbing.~~

~~Buffer Zone— Denotes the area between the building site and the property lines as required by ordinance. This area must not be denuded or defaced and may not include any man-made structures, or paving including the storage of materials.~~

~~Building— Any structure used or intended for supporting or sheltering use or occupancy.~~

Building Height—The vertical distance measured from the lowest grade of ground to the highest point not to include chimneys or antennas.

Building Inspector—The officer for the Town of Barrington charged with the authority of enforcing and administering these codes. Also the Code Enforcement Officer.

Building Permit—Issued by the Building inspector to the property owner following a review of all building plans according to the terms of this ordinance which allows on site construction to proceed.

Building Site—

The area occupied by the structure (s) including yard and area required for setbacks, supporting facilities, access and lighting.

Code Enforcement Officer—

Officer of the Town of Barrington charged with the enforcement of all local regulations.

Conversion—The making of a physical change to a structure or the land on which it is situated which would permit the structure to be used for year round living.

Conversion/Condominiums—Pertains to a property which prior to the recordings of a condominium instrument pursuant to RSA 356-B.

Coverage—Shall mean the percentage of the land area covered by the building site.

Duplex—A structure housing two dwelling units of approximately the same size; ownership may be by one or more parties. Each of the units has separate entrance.

Dwelling—Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.

Dwelling Unit—One or more rooms, including cooking facilities and sanitary facilities in a dwelling structure designed as a unit for occupancy by not more than one family for living and sleeping purposes.

Dwelling Area—Means those areas used for daily living measured by interior wall measurements and shall not include unheated garages, attics, enclosed porches, cellars or areas occupied by heating and ventilating equipment. Dwelling area shall be presumed to be 70% of gross area unless evidence is submitted otherwise.

Driveway—Any designated vehicular access from a lot to a public or private right of way.

Excavation—A land area which is used or has been used for the commercial taking of, earth including all slopes.

Frontage, Road—The contiguous length of the lot bordering on a public right of way.

Frontage, Water—Contiguous length of the lot bordering on the water. Water frontage may not be used to meet road frontage requirements.

Foundation—The basis upon which any structure is supported, and shall include any acceptable under the terms of the Barrington building codes and the BOCA building codes and this ordinance.

Health Officer—Shall mean the officer charged with the responsibility of enforcement of all local health and safety requirements.

In Law Apartment—Shall mean a separate one bedroom unit which is contained within a single family residence on a conforming lot. The primary unit shall be owner occupied. Shall not include a duplex. An in-law unit shall be no larger than 650 square feet.

Land Use Regulations—Any and all zoning, subdivision, building codes or other environmental regulations promulgated either by the Town or by the State of New Hampshire.

~~Leaching Area—The land on ,a building site which is used for waste water disposal and shall include all slopes, and required area for buffering and setback from the property lines as set forth in state and local regulations.~~

~~Lot of Record—A distinct tract of land recorded in a legal deed and filed in the Registry of Strafford County, New Hampshire.~~

~~Maintenance—Shall mean keeping something in proper working order and appearance—repairs.. Shall not include any expansion or addition to the existing facilities.~~

~~Manufacture Housing—Any structure, transportable in one or more sections which in the traveling mode is eight body feet or more in width and forty body feet or more in length or when erected on site, is three hundred ' twenty square feet or more and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to required utilities.~~

~~Mobile Home Park—A tract of land on which there are sites or it is proposed to be sited more than one manufactured home but where it is intended that owner—ship of all lots is to be maintained by a single owner and where the lots are intended to be rented or leased to individuals who will place manufactured homes thereon.~~

~~Mobile Home Subdivision—A tract of land where it is proposed that a number of manufactured homes be located, each sited. on an individual lot with the intention that the home be placed thereupon.~~

~~Multi-family Structure—Shall mean a residential structure containing more than two dwelling units.~~

~~Multi-family Development Complex—Shall mean two or more multi-family structures on the same site.~~

~~Non-conforming Use—The use of any structure or property which does not conform to the use regulations of the zone in which the use exists. and which is permitted because it was in lawful existence as such prior to the adoption of related ordinances. The nonconforming status shall not apply to any expansion or change in this use.~~

~~Occupancy Permit—Shall mean the certificate issued by the Building Inspector which permits the use in accordance with the approved plans and speci—fications which is issued following an on-site inspection and certifies compliance with state and local regulations.~~

~~Planning Board—Shall mean the Planning Board for the Town of Barrington for which authority is set forth in RSA 673:1.~~

~~Presite built housing (Modular Home)~~

~~Shall mean any structure designed primarily for residential occu—pancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in con—formance with the United States Department of Housing and Urban Development minimum of property standards and local building codes for installation on the building site. This shall not include manufactured homes.~~

~~Private Road—Shall mean any road serving more than one single family house lot for which the right of way is not held by either the town or state.~~

~~Right of way—Includes all town, state and federal highways dedicated to public use. Shall include the land on either side as covered by statutes to deter—mine the entire right of way.~~

~~Seasonal—Refers to less than 183 calendar days.~~

~~Seasonal dwelling—Any structure which is capable of being used as a dwelling, but which, because of lack of heating, . water, sewage treatment facilities, elec—trical or~~

cooking facilities or any factor relating to the land on which the structure is situated cannot be used continuously on every day of the calendar year.

Setback—Shall mean area required by state or local ordinance designated from the property lines to the closest building or paving.

Scenic Road—Those roads so designated as such by vote of town meeting and is there by restricted by state statutes pertaining to the clearing and the widening and other changes related to such roads.

Signs—A structure, building wall or other outdoor surface or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public or to display, identify and publicize the name and product or service of any person.

Structure—Shall mean anything which is constructed or man-made and shall include but not be limited to paving, leaching areas, wells and all buildings.

Street—A public right of way.

Subdivision—Shall mean the division of a lot, tract or parcel of land into two or more lots for the purpose of sale, lease, or rent, condominium development thereon. Mobile Home Parks are also included herein.

Undevelopable land—Shall mean land designated as (1) wetlands (2) floodplains (3) having slopes greater than 15%.

Wetlands—Shall mean all those soils identified as poorly or very poorly drained soils by the United States Department of Agriculture Soil Conservation Service in the Soil Survey of Strafford County. The wetland zones also include those areas such as swamps, marshes and bogs that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support a prevalence of vegetation adopted for life in saturated soils.

Variance—A relaxation of the terms of the ordinance (Building Regulations or Zoning Ordinance) granted by the Board of Adjustment following due public hearing where it is demonstrated that statutory requirements pertaining to the granting of such variance have been satisfied.

Zoning Board of Adjustment—Board appointed by the Selectmen for the purpose of hearing appeals and administering special provisions by ordinance dealing with variances, special exceptions and administrative decisions as set forth in RSA 674:33. Shall mean, the Board of Adjustment for the Town of Barrington.

Application

A. No construction renovation, alteration, reconstruction or any additions to any existing building shall be undertaken in the Town of Barrington of an estimated cost in excess of \$1000 until a permit therefore has been issued from the Town.

No structure shall be put to any different use until a permit shall be issued and any necessary approval (s) as applicable shall be obtained from the Zoning Board of Adjustment or the Planning Board.

Permits must be obtained for the placement of mobile homes on site. Permits must be obtained for the relocation of any structure. Permits shall be required for the following regardless of the estimated costs:

1) Inground pools.

- 2) ~~Tennis Courts or other major site improvements in excess of \$1000.~~
- 3) ~~Demolition which costs an excess of \$1000.~~

~~Exempted from permits are the following:~~

- 1) ~~General repair and maintenance including papering and painting.~~
- 2) ~~Fencing.~~
- 3) ~~Landscaping.~~

B. Fees

~~Fees will be based upon the estimated cost of construction according to a predetermined schedule. The estimated construction costs shall be submitted with the application for a building permit and shall include all labor (the estimated cost for an outside contractor) costs.~~

C. Application Process

~~Application for building permit must be filed with the Building Inspector for the Town of Barrington and shall be filed on the appropriate town forms. It shall contain the following information: Names, and address and signature of the applicant and property owner, the date, the location of the property and a complete description including building plans of the proposed construction:~~

~~The following information must also be submitted with the application for building permit:~~

- 1) ~~Tax Map Number.~~
- 2) ~~Site Plan showing the location of all the existing and proposed buildings and improvements (well and septic system) including dimensions and the distance to abutting property lines.~~
- 3) ~~Site plan showing the location of all adjacent wells and septic systems.~~
- 4) ~~Approved septic system design.~~
- 5) ~~Schedule of doors and windows.~~
- 6) ~~Appropriate fees.~~

Expiration

~~A building permit shall become void unless construction is commenced within six (6) months of the date of application approval unless such time is extended by the Building Inspector. The construction shall be completed within two years from the date of issuance of the permit unless the time for completion has been formally extended. The Building Inspector may upon application in writing grant one or more extensions of the permit period.~~

Posting

~~A building permit shall be properly posted at the construction site.~~

Growth Management

~~Building Permits shall be issued in compliance with the restrictions set forth in Article 12 of the Zoning Ordinance pertaining to Growth Management.~~

CODE ENFORCEMENT OFFICER

~~The Code Enforcement Officer of the Town of Barrington shall also be the Building Inspector or other person so designated by the Selectmen. He shall be appointed by the Board of Selectmen, compensation to be determined annually by said board. He shall be the administrative officer of this ordinance. He shall receive applications for the erection or alteration of structures, or of plumbing and electrical wiring as set forth in this ordinance.~~

~~The officer shall keep complete records of all permits issued and accept and deposit with the Town Treasurer all fees collected by him under this ordinance. He may issue permits for the remodeling and/or construction of any structure, if in his opinion, the proposal complies with the law of the state of New Hampshire, of this ordinance and all other town ordinances and by laws.~~

CODES

~~The following codes are hereby adopted and made part of this ordinance:~~

- ~~1) — The BOCA Basic/National Building Code 1987.~~
- ~~2) — The CABO Code, BOCA one and two family building code, 1986.~~
- ~~3) — The 1984 BOCA National Plumbing Code.~~
- ~~4) — The .1987. BOCA Fire Prevention Code.~~
- ~~5) — The 1987 NFPA National Electric Code.~~
- ~~6) — The 1987 NFPA Fire Prevention Code.~~
- ~~7) — The 1985 NFPA Life Safety Code.~~
- ~~8) — The Revised N.H. Energy Code.~~
- ~~9) — Update of codes.~~
- ~~10) — If any of the above codes become outdated or inappropriate, the Selectmen shall have the power to enact suitable replacements or additions consistent with the statement of purpose.~~

~~No structure including manufactured housing shall be erected, located, altered, rebuilt, substantially repaired or remodeled unless in compliance with the above listed codes where applicable. —~~

INSPECTION PROCESS

~~During the construction process, the structure shall be available for unannounced inspections at any time during the normal, working day by the Building Inspector. In addition, it shall be responsibility of the applicant to inform the Building Inspector upon completion of the following construction phases and to allow opportunity for the required inspection prior to commencing work. The Building Inspector shall respond to the applicant and conduct the inspection within 5 days of the requested inspection. The contractor (or property owner) shall give the building inspector a 48 hour notice for any required inspections. The building inspector shall keep accurate records of the inspection visits, noting any deficiencies. The applicant shall correct any deficiencies prior to proceeding with the construction.~~

~~For new home construction, the following inspections shall be required:~~

- ~~1) — Plan review, prior to construction.~~
- ~~2) — Foundation inspection.~~
- ~~3) — Framing, electrical wiring and plumbing, following installation prior to sheetrock.~~

- 4) ~~_____~~ Prior to occupancy.
- ~~_____~~ 5) ~~_____~~ Subject to change if full time inspector and approval by Selectmen.

~~Inspections for outbuildings shall include:~~

- 1) ~~_____~~ Plan review.
- 2) ~~_____~~ Foundation (if applicable)
- 3) ~~_____~~ Final inspection.

~~Inspections for building additions shall conform to that for any new home construction as applicable.~~

~~Inground pools shall be inspected following excavation and completion.~~

~~In major construction projects, at the discretion of the building inspector, a consulting engineer shall be employed by the town to oversee the building construction. Costs for such services shall be borne by the applicant.~~

COMMERCIAL OR PUBLIC BUILDINGS

~~No building permit shall be granted for the construction of any commercial or public building unless such structure has been granted a site approval by the Barrington Planning Board in accordance with the Site Plan Review Regulations for the Town of Barrington. If such structure is located in the residential zone, it shall also require a special exception or variance from the Zoning Board of Adjustment.~~

~~The Flood Hazard Boundary Map shall be used to determine the boundaries of any areas having special flood related hazards. The Flood Hazard Boundary Map is issued by the Federal Emergency Management Agency. Within such flood hazard zones, no construction or encroachment shall be permitted which would result in any increase in the flood levels during the base flood discharge. This shall include any excavation, filling, grading or paving.~~

~~Any applications for building permit shall include on the site plans, delineation of the designated flood hazard zones. The building inspector shall review such permits accordingly in order to determine whether such proposed building shall be reasonably safe from flooding. The building inspector shall obtain and review any 100 year flood elevation data. All new construction and substantial improvements shall not be permitted unless the lowest floor (basement) is elevated above the one hundred year flood elevation; together with any utilities and/or sanitary facilities. All manufactured homes to be placed or substantially improved must be placed above the 100 year flood elevation.~~

~~Where the actual Flood Hazard area is contested by the applicant, the applicant shall employ a soil scientist (who is approved and acceptable to the town) to map the building site and compile the 100 year flood history as determined necessary by the building inspector in order to prove to his satisfaction that the proposed structure will not be subject to flooding or cause any increase in flood levels.~~

ZONING REGULATIONS

~~All lots used for residential or commercial purposes must conform to the requirements set forth in Article 1-12 of the Barrington Zoning Ordinance and any and all amendments to the Ordinance.~~

~~Not more than one residential structure shall be located on any one lot.~~

Shoreline Conservation

~~Building permits shall not be issued for construction within one hundred feet of the shores of any lake, pond, river or brook and stream. Shore-line shall be defined as the average high water line.~~

Nonconforming Structures

~~In the case where an existing structure predates zoning and is non-conforming, any addition or modification to the existing structure must conform to the restrictions which are in effect at the date of application for the building permit. Nonconforming construction will be permitted as a replacement for the existing use where the new construction does not constitute an additional or greater nonconformity with existing ordinances.~~

~~Where a nonconformity is to be expanded, or changed in use, a variance shall be sought as set forth in Article 9 of the Barrington Zoning Ordinance.~~

~~Grandfathered are rights (or uses) which pre-exist zoning. This use shall be permitted to continue in its present state but may not be extended in area, changed to another nonconforming use or reestablished after discontinuance for one year or more. (See Nonconforming Structures above).~~

Vested Rights

~~(RSA 674:39) Once a plan: is approved by the Planning Board and recorded in the registry of deeds, it will be exempt from all subsequent changes in regulations for four years with the exception of the following:~~

- ~~(1) Public health requirements, water quality and sewage treatment.~~
- ~~(2) Once substantial completion takes place, protection is vested forever.~~
- ~~(3) Provided that active development takes place within one year of approval.~~
- ~~(4) Provided that the development remains in full compliance with all public health regulations.~~
- ~~(5) Provided that at the time of approval and recording, the plan conformed to the existing requirements. Minimum~~

Minimum Building Standards

~~Building Height— The maximum height of any building shall be 35 feet, which shall be measured from the lowest point of grade to the mean between the lowest eave and the ridge of the building. It shall not include any chimneys, antennas, cupolas or other nonhabitable extensions of the building.~~

~~Minimum Living Area— Each dwelling unit shall have a minimum living area of five hundred (500) square feet.~~

~~Setbacks and buffer zones—No building and/or additions to any structures shall be permitted within the designated setback area or buffer zones as set forth in the Barrington Zoning Ordinance Articles I-XII as applicable.~~

~~Manufactured Housing and Presite Built Housing—manufactured Housing and Presite built housing shall comply with all standards set forth herein. There shall be no relocation or placement of mobile homes on site without first obtaining a building permit.~~

~~Manufactured Housing shall also comply with the HUD standards and the New Hampshire Energy Code.~~

~~Wells—Any drilled well shall be installed by a licensed driller. The application for such building permit shall contain the license number of the driller. A well shall not be placed closer than forty feet to an undeveloped lot line or less than 125 feet from an existing or proposed septic system leach bed. Permit application for said well shall contain a site plan showing the distance to any abutting leach bed areas.~~

~~Seasonal Conversions—All standards contained herein shall apply to a residence which may be used only for seasonal residence. A seasonal residence shall not be converted to year round use unless all of the health and safety standards for the Town of Barrington can be satisfied including the installation of an appropriate waste water disposal system and unless the criteria applicable to seasonal conversions is followed per the Growth Management Ordinance. (Barrington Zoning Ordinance Article 12.)~~

~~Electrical Wiring—All electrical wiring in new homes and any rewiring of any structure shall conform with approved methods and practices for safety to life and property.~~

~~Electrical wiring shall conform to the specifications set forth in the 1987 NFPA National Electric Code. The license number of the electrician shall be included on the application for building permit.~~

~~Plumbing—All plumbing shall conform to the 1987 BOCA National Plumbing Code. The license number of the plumber shall be included on the application for building permit.~~

~~Lighting—All exterior lighting shall illuminate downward so not to project any glare or distraction to passing traffic. Lighting shall be designed such that it provides illumination only upon the property to which it is intended.~~

~~Signs—Signs shall conform to all specifications set forth in the Barrington Sign Ordinance. A sign shall not be erected or replaced without first obtaining a sign permit from the Building Inspector. Application for such permit shall include a plan, accurate drawing of such sign including all dimensions. A site plan shall show the designated location of such sign on site including the distance from the property lines and right of way. Application shall also describe proposed construction materials for the sign and shall describe the illumination (and hours of illumination) which is intended.~~

~~Fuel Storage Tanks—All proposed fuel storage tanks for the storage of petroleum or petroleum products shall comply with the New Hampshire Water Supply and Pollution Control Commission standards WS 411 and also current regulations. These regulations shall apply to all tanks of any capacity whether or not the WSPCC invokes jurisdiction. In addition, these tanks shall comply with the standards set forth in the Barrington Zoning Ordinance and the Federal Resource Conservation Recovery Act.~~

Septic Systems

No building permit shall be issued unless the applicant has first obtained approval from Water Supply and Pollution Control Division for the State of New Hampshire for a waste water disposal system.

In the case of an existing system, no building addition or replacement or conversion from seasonal to year round shall be approved in excess of the limits (as shown on the approved plans) of the inground disposal system.. If no approved plans are on file, it will be the responsibility of the applicant, to provide acceptable proof of existing system size and condition.

Permits must be obtained from the health officer for any new system or for the replacement or enlargement of any existing system. New systems and replacement systems (or improved or modified systems) shall be inspected in accordance with the schedule set forth below.

Construction Safety Clause

Any building site in the Town of Barrington shall be left in a safe state at all times. The owner/contractors shall assume the responsibility for leaving the construction site so as no dangerous or hazardous conditions exist.

Occupancy Permits

Occupancy permits will be issued following a final inspection by the Building Inspector to ensure compliance with all local and state regulations.

Amendment

This ordinance shall become effective immediately upon passage by majority vote at town meeting. The ordinance may be amended by a majority vote of any legal town meeting following the provisions for posting and public hearing as set forth in RSA 675:6 or by the Selectmen.

Conflicting Provisions

Whenever the regulations made under the authority hereof, differ from those described by any statute, ordinance or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.

Validity

If any section, clause, provision, portion or phrase of this Ordinance shall be held invalid or unconstitutional, by any court or competent authority, such holding shall not effect, impair, or invalidate any other section, clause, provision, portion, or phrase of this Ordinance; also Ordinance may be amended upon reevaluation of Board of Selectmen as proposed by Building Inspector.

Proposed New Building /Construction Code to be adopted:

BUILDING/CONSTRUCTION

ARTICLE 1

BUILDING DEPARTMENT

1-1 PURPOSE

To establish a local building department and associated inspection services to provide verification all construction related services meet the minimum requirements for building safety as allowed under RSA 675:2, 674:51 and 673:1V. This article is adopted for the further purpose of promoting the health, safety, morals, prosperity, convenience, or general welfare, as well as to provide efficiency and economy in the process of development of the Town of Barrington. To further these purposes, building permits shall be required for the new construction of buildings and activities as outlined under the adopted building codes.

1-2 BUILDING INSPECTOR

As authorized and required under RSA 673:1 –V and RSA 674:51 –III(c) the Town of Barrington creates the position of Building Code Official. The position qualifications shall be established by the Town of Barrington personnel policy and final approval of the position shall be by the Board of Selectmen. The Building Official shall report directly to the Town Administrator.

1-3 DEPARTMENT POLICIES AND PROCEDURES

The Code Official shall establish a written policy governing the operation of the building department. This policy will cover all aspects of the operation of the building department including, but not limited to: application procedures, fee collections and refunds, permit-processing guidelines, documentation requirements and other policies or guidelines as deemed necessary for the efficient operation of the staff. The Board of Selectmen shall approve these policies and procedures. Town of Barrington Ordinances shall supersede the Department Policy. The Town Administrator is authorized by the Board of Selectmen to approve editorial changes to the department handbook.

1-4 APPEAL PROCEDURE

- A. Building Code Board of Appeals: As outlined in RSA 673:1 the Barrington Zoning Board of Adjustment shall act as the Building Code Board of Appeals until such time as the legislative body creates a separate and distinctive Building Code Board of Appeals.
- B. If an owner or builder feels aggrieved by a decision of the Building Official, he or she can appeal such decision to the Barrington Building Code Board of

Appeals. Thereafter, any person aggrieved by the decision of the Board of Appeals may appeal to the Superior Court of Strafford County.

1-5 PERMITS REQUIRED

- A. Authority Permits are required as authorized under RSA 676:11-13. Property owners or their agents are required to secure the appropriate permits prior to the start of work.
- B. Types of permits required:
 1. Building permits are required for activities as outlined in the adopted residential and non-residential building code.
 2. Electrical permits are required for work as defined in RSA 319-C:2 III. A NH licensed electrician as outlined in RSA 319-C must perform all electrical installations unless excepted as noted in RSA 319-C:3. An electrical permit will only be issued to the license holder themselves unless otherwise approved by the building department.
 3. Plumbing permits are required for work as defined in RSA 329-A:2 IV. A NH licensed plumber must perform all plumbing installations unless as excepted in RSA 329-A:13. A plumbing permit will only be issued to the license holder themselves unless otherwise approved by the building department.
 4. Mechanical permits are required for activities as outlined in the adopted mechanical and fuel gas codes

Additional Permits

The Town of Barrington reserves the right to require other permits than those listed in this ordinance upon request from the building department to the Board of Selectmen. Should the Selectmen approve additional permits they shall be noted in the department handbook, along with the appropriate fee schedule, and a supplement added to this ordinance.

1. Issuance of Building Permits

The Building Official, or his designee, shall not issue building permits under the following conditions:

- a. If issuance of the permit would constitute a violation of an existing zoning ordinance or would result in violation of an approved site plan.
- b. If issuance of the permit would constitute a violation of a proposed zoning ordinance change once they have been duly noticed under the conditions as outlined in RSA 675:7.
- c. If issuance of a building permit is in direct conflict with the provisions of RSA 674:41 Erection of Buildings on Streets; Appeals.

Applicants are required to allow the issuing agency adequate time, as outlined in RSA 676:13, to review the proposed work when reviews are required by any of the enforced/adopted codes as referenced in section 2-1 of this ordinance.

FEES

The Building Official shall review and submit to the Board of Selectmen, at their request, a report evaluating the Barrington Permit Fee schedule. This evaluation shall be a comparison of fees charged in surrounding communities of similar size and activity. The report shall also examine the needs of the building department and evaluate cost of operating the department as it relates to permit fees. The Board of Selectmen shall establish fees to be charged for building permits, inspections, and certificates of occupancy as outlined in RSA 674:51.

REFUNDS

In the event a building permit is withdrawn, 20% of the building permit fee will be retained by the Town of Barrington to cover administrative and technical review of the application.

EXPIRATION

Erection of any dwelling, building or structure, or alteration of any dwelling, building or structure, once commenced following issuance of a permit hereunder, shall be completed within a period of one (1) year; otherwise, said permit shall lapse.

ARTICLE 2

BUILDING CODES

2-1 Building Codes

The Town of Barrington as authorized under RSA 674:51-a and 674:51 shall enforce, adopt and amend the following codes to be used as the minimum requirements for construction enforced by the Town of Barrington to provide for the general welfare and safety.

- (a) Providing for the issuance of permits and collections of fees vote to enforce the current edition of the International Building Code referenced in NH RSA 155-A, as amended by the State Building Code Review Board, for the purpose of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and use of all structures not covered by the International Residential Building Code.

- (b) Projects controlled by the International Building Code shall comply with the Architectural Barrier-Free Design Code for New Hampshire (ABFDC-NH) and the Americans With Disability Act Accessibility Guidelines (ADAAG), as adopted by the ABFDC-NH, where required by state law and by code section. The design professional of record shall be required to verify compliance.
- (c) Adopt the current edition of the International Mechanical Code as referenced in NH RSA 155-A as amended by the State Building Code Review Board.
- (d) Adopt the current edition of the National Electrical Code as referenced in NH RSA 155-A as amended by the State Building Code Review Board.
- (e) Adopt the current edition of the International Plumbing Code as referenced in NH RSA 155-A, as amended by the State Building Code Review Board.
- (f) Enforce the current energy requirements of the adopted and amended state residential and nonresidential building codes. Verification of these requirements must be through the submission of ComCheck software for nonresidential projects and through ResCheck software or PUC approved energy compliance packages.
- (g) Providing for the issuance of permits and collection of fees vote to enforce the current edition of the International Residential Building Code referenced in NH RSA 155-A as amended by the State Building Code Review Board.

Insert the following values for Climatic and Geographic Design Criteria:

- Wind speed: 90 mph,
 - Ground Snow load: 70 lbs./sq. ft.
 - Weathering: severe, Frost line Depth: 48 inches
 - Termite probability: Slight to moderate
 - Winter Design Temp: 0
 - Flood Hazard: Flood Insurance Rate Maps
 - Seismic Design Class: C
- (h) Adopt the appendices for each of the codes, referenced in RSA 155:A. Where any appendix conflicts with any local ordinance or other state code the more stringent requirement shall take precedence unless state statute or local ordinance prohibits the use of the specific requirements.
 - (i) The enforcement of the above referenced State of NH adopted codes (with state and local amendments) does not preempt the enforcement of the regulations adopted by the State of New Hampshire regulatory agencies responsible for those professions requiring licensing under state law, nor does it preempt the enforcement of current regulations recognized by the New Hampshire Fire Marshal's office. In those situations where code requirements are different, the

Town of Barrington reserves the right to enforce those requirements that are more stringent.

- (j) Town enforcement of updated code editions shall be the effective date of adoption by the state. The conditions outlined in section 2-1 (k) shall govern those permits to be controlled by the updated codes. The Building Department shall post notices as determined by the Board of Selectmen to warn of impending code changes warranted by this section.
- (k) Code changes will become effective for those complete permit applications received the first day after the effective date referenced in section 2-1 (j) and approved permits not having been actively pursued within 180 days of issuance of the permit.

ARTICLE 3 CERTIFICATE OF OCCUPANCY

3-1 CERTIFICATE OF OCCUPANCY

1. In addition to a building permit, a certificate of occupancy shall be required prior to the use of any new or modified area or structure for which a permit is required.
2. No person shall use or permit the use of any building, structure, or premises or part thereof hereafter erected, relocated, altered, repaired, converted or extended until a Certificate of Occupancy is issued by the Building Official or his designee.
3. The Certificate of Occupancy is required to insure compliance with the approved site plans by the Planning Board and the requirements of the Town of Barrington Zoning, Subdivision Regulations, and Building Code.

ARTICLE 4 POSTING OF RESIDENTIAL, COMMERCIAL AND INDUSTRIAL STREET NUMBERS

4-1 REQUIREMENT FOR ALL PROPERTIES

Every dwelling, building, or structure, whether it is residential, commercial or industrial, (whether existing on the date of this Ordinance, or which may exist in the future) located in the Town of Barrington shall be required to have a number(s) posted upon such dwelling, building, or structure or upon the property which is under construction of such improvements exist, so as to be plainly visible from the street which abuts the main entrance to such property.

4-2 Posting of Additional Numbers

Whereas such posting of a number(s) is not readily visible from the street year round, an additional number shall be posted at the main driveway entering onto the property from a public road. Such posted number(s) shall be at such a height level and in an area where the number(s) will not be obstructed by trees, brush, snow banks, parked vehicles, or any other material.

4-3 Signage

This number, which represents the legal address as assigned by the Town of Barrington, shall be a minimum of 4" in height and shall be Arabic numerals or block style letters.

4-4 Multiple Units

Every dwelling, building, or structure that houses more than one (1) living unit or business section shall also post appropriate unit number(s) or letter(s) for each separate living unit or business section, so as to be plainly visible in the main entrance to such unit or section of the main dwelling, building, or structure.

4-5 Certificate of Occupancy

No dwelling, building, or structure shall be issued a Certificate of Occupancy until the assigned number(s) have been posted in accordance with this ordinance.

ARTICLE 5

FINES

5-1 Fines

WORK IN PROGRESS: Penalty for starting work prior to issuance of the required permit shall be a minimum surcharge of \$100 or twice the calculated permit fees for the project whichever is greater.

5-2 Appeals

WORK IN PROGRESS: Appeals for this fine shall be brought to the Building Code Board of Appeals.

ARTICLE 6

SEVERABILITY

6-1 SEVERABILITY

If any section, provision, or part of this Ordinance should be held invalid for any reason whatsoever, such decision shall not affect the remaining portions, which shall

remain in full force and effect; and, to this end, the provisions of this Ordinance are severable.

Effective Date

This ordinance shall become effective upon passage.

For the purpose of adopting a new Town of Barrington Building Code to make it current with commonly accepted standards and practices of building safety, building codes, and construction methodology and thereby repealing the obsolete document previously adopted and amended.

-Proposed by the Town Code Enforcement Officer

John Huckins, Chair
Michael Clark, Ex-officio
Tony Gaudiello
Jacqueline Kessler, Alternate
Constance M. Brawders, Town Planner
& Code Enforcement Officer

Alan A. Kelley, Vice-chair
George Calef
Stephen Jeffery, Alternate
Steven Oles, Alternate
Thomas Abbott, Building Inspector

ATTACHMENT #1

Legal Notice of Public Hearing

Town of Barrington Planning Board
Early Childhood Learning Center
77 Ramsdell Lane
January 3, 2012
7:00 p.m.

Pursuant to NH RSA 674:16; 675:3 and 675:7 notice is hereby given of a public hearing to be held by the Town of Barrington Planning Board for the purpose of discussing proposed amendments to the Zoning Ordinance.

Amendments to the texts will be presented as follows:

Normal Text = to remain unchanged ~~Strikeout Text~~ = to be removed
 = to be added

Item #1-Proposed Warrant Article X

ARTICLE X – FLUVIAL EROSION HAZARD OVERLAY DISTRICT

X Title and Authority

The title of this district shall be the Town of Barrington Fluvial Erosion Hazard Overlay District.

This ordinance is adopted under the authority granted pursuant to RSA 674:56-II Flood Hazards and RSA 674:21 Innovative Land Use Controls.

X Purpose

In the interest of protecting public and private property, and public safety and welfare, this ordinance will serve to limit development in FEH areas, and minimize and prevent future erosion and damage from fluvial erosion.

X Applicability

The Fluvial Erosion Hazard (FEH) Overlay District (hereafter FEH Overlay District) shall be superimposed over other zoning districts. It includes Reaches 2A and 5 of the Isinglass River as depicted on the map prepared by the Strafford Regional Planning Commission based on data prepared by the New Hampshire Geological Survey in February 2010. Reach 2A is from the Barrington-Rochester town line to a point 4550 feet upstream. Reach 5 is from 4190 feet upstream of Green Hill Road crossing to 1090 feet downstream of crossing. All lands to which the FEH District applies shall meet the requirements of the underlying zoning districts and the FEH district. Where there is a conflict, the more restrictive regulation shall apply.

X Permitted Uses

The following uses are allowed in the FEH district as long as they are in compliance with all applicable local, state and federal requirements:

1. The removal of a structure in whole or in part.

2. Improvements to existing single family or two family residential structures and accessory structures that do not result in a decrease of the existing structure setback from any stream; and do not expand the footprint of the existing structure more than 500 sq ft.
3. New residential accessory structures provided that the setback from such accessory structures is the same or greater than the existing primary structure setback from any stream.
4. Construction of driveways and/or access roads.
5. Buried utilities, included power, telephone, cable, sewer, and water.
6. Excavation, filling and/or grading of land.

X Exempt Uses

The following uses are exempt from the specified provisions from this ordinance as long as they are in compliance with all applicable local, state and federal requirements:

1. State and municipal owned roads and infrastructure, including improvements, replacements, and new construction.
2. Silviculture and forestry activities not involving the use of structures and conducted in accordance with NH Department of Resources and Economic Development Best Management Practices for Erosion Control for Harvest Operations.
3. Agricultural activities conducted in accordance with New Hampshire Department of Agriculture, Markets and Food Best Management Practices for Agriculture.

X Prohibited Uses

The following activities are prohibited in the FEH district:

1. Storage areas or facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials.
2. All development not specifically allowed by the above permitted and exempt uses.

X Appeals

1. If a landowner disputes his land being in the FEH Zone, the Planning Board, acting as the agent for the Town of Barrington, can obtain the services of the NH Geological Survey (NHGS) for verification at no cost to the Town of Barrington or to the Landowner
-Proposed by the Planning Board

Amendments to Article 18-Definitions

Item #2-To *amend* the following to Article 18-Definitions; Fluvial Erosion: The wearing away of riverbeds and banks by action of the water, which can be accelerated to rates harmful to life, property, and infrastructure during high flow conditions.

For the purpose of introducing a new definition to the zoning ordinance.
-Proposed by the Planning Board

Item #3- To *amend* the following to Article 18-Definitions; Fluvial Erosion Hazard: Fluvial erosion hazard (FEH) refers to major stream-bed and stream-bank erosion associated with the often catastrophic physical adjustment of stream channel dimension and location that can occur during flooding.

For the purpose of introducing a new definition to the zoning ordinance.
-Proposed by the Planning Board

Item #4- To *amend* the Zoning Ordinance Article 3-Permitted Uses; Subsection 3.1.8 Signage, by inserting:

The Code Administrator, or other town personnel designated by the Town Administrator, shall cause to be removed any sign placed on or over any public right-of-way or public property that is not in compliance with the standards and provisions of this ordinance, the Town of Barrington Site Plan Regulations, the Town of Barrington Subdivision Regulations and/or any other regulation lawfully adopted by the Town of Barrington. Where such sign is removed, it shall be deemed to be abandoned and may be disposed of by the town as abandoned property.

For the purpose of clarifying Article 3-Permitted Uses.
-Proposed by the Town Code Enforcement Officer

Items 1-4 were prepared for the December 20, 2011 Public Hearing. This is the end of the list of items approved by the Planning Board for consideration at the Deliberative Session on February 4, 2012. Town Meeting is scheduled for March 13, 2012.

The following items 5-15 are prepared for the January 3 Public Hearing. If substantial changes are made to these proposed amendments and revisions, the final date to hold an additional public hearing will be scheduled no later than January 17, 2012.

Item #5 - To amend Zoning Ordinance Section 1.4 Authority and Severability by inserting and eliminating the following language:

This Ordinance is adopted pursuant the authority conferred by New Hampshire State Statutes (RSAs 674:16-21 as amended), and any other applicable provisions of state law. **In the event that any of the terms or provisions of this Ordinance are declared invalid or unenforceable by any Court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of this Ordinance the remaining terms and provisions that are not effected thereby shall remain in full force and effect.** ~~A determination by a court that any section or part of~~

~~this Ordinance is unenforceable for any reason shall not invalidate nor have any effect on the enforcement of any other section or part.~~

For the purpose of adopting a uniform Severability clause for the Ordinance in accord with what has been proposed for the other governing documents of land use.

-Proposed by the Planning Board

Item #6 - To *amend* Zoning Ordinance **Section 1.5 Interpretation** by inserting and eliminating the following language:

The provisions of this Ordinance shall be interpreted as minimum requirements adopted for the promotion of the public health, safety, and welfare and other purposes noted above. ~~Many words and phrases in. Within this Ordinance are assigned specific meanings that are defined in Article 17 entitled Definitions. All other words or phrases contained in this Ordinance that are not specifically defined~~ in “Article 17: Definitions are to as noted should be given their common and generally accepted meaning.

For the Purpose of presentation modification (word reduction and clarity.)

-Proposed by the Planning Board

Item #7 -To *amend* Zoning Ordinance **Section 1.6 History** by inserting and eliminating the following language:

~~This Ordinance was adopted by Town vote held on March 8, 2005. This Ordinance is a new ordinance and it replaces the “Town of Barrington Zoning Ordinance of March 11, 1997”, as amended.~~

A Zoning Ordinance was adopted September 12, 1972, and subsequently Amended March 8, 1977, March 11, 1980, December 8, 1981, March 9, 1982, March 9, 1983, March 13, 1984, March 12, 1986, March 10, 1987, July 28, 1988, March 15, 1989, March 14, 1990, March 12, 1991, March 11, 1997.

The Zoning Ordinance adopted September 12, 1972 and as amended through March 11, 1997 was repealed with the adoption of Zoning Ordinance, March 8, 2005.

The Zoning Ordinance of March 8, 2005, the current Ordinance, has been amended March 11, 2008, March 9, 2010, and March 8, 2011.

For the purpose of grouping like information and removing repetition

-Proposed by the Planning Board

Item #8 - To *amend* Zoning Ordinance **Section 4.1, General Provisions, Paragraph 3 Back Lots** by deleting the following language:

For new residential subdivisions, up to two (2) back lots may be allowed, notwithstanding the frontage requirements specified in the Table of dimensional Standards. *(There is no change to the remaining text of this paragraph.)*

For the purpose of deleting a word from the ordinance.
-Proposed by the Planning Board

Item #9 - To *amend* Zoning Ordinance **Article 4 - Dimensional Requirements, Table 2: Table of Dimensional Standards** to insert and amend Village District standards.

TABLE 2: TABLE OF DIMENSIONAL STANDARDS (a)								
Zoning District	Min Lot Size (sq.ft) (b)	Min. Lot Frontage (ft)(b)	Min. Yard Setbacks (ft) (i)			Max. Bldg Height		Max Lot Coverage (f)
			Front	Side	Read	Feet	Stories	
General Residential	80,000 (c)	200	40	30	30	35	2.5	40%
Neighborhood Residential	80,000 (c)	200	40	30	30	35	2.5	40%
<i>Village Dist. – (Residential.)</i>	<i>80,000 (c)</i>	<i>200</i>	<i>40</i>	<i>30</i>	<i>30</i>	<i>35</i>	<i>2.5</i>	<i>40%</i>
Village Dist. – (Non Residential)	30,000 (e-g)	75	20	15	15	40 (j)	3	60%
Town Center	20,000 (h)	40	20(k)	15	15	40 (j)	3	80%
Regional Commercial	40,000 (d)	200	75(e)	30	30	40 (j)	3	50%

For the purpose of presenting in tabular form the Dimensional Standards for the Village District for Residential use. Net Density is to be computed according to Residential Usages as specified in Subsections 6.4.3 and 6.4.3 of this Ordinance and in accord with Paragraph 4.1 (2)
-Proposed by the Planning Board

Item #10 - To amend Zoning Ordinance **Article 4 - Dimensional Requirements, Table 2: Table of Dimensional Standards** [Footnote (f)] by deleting the following language:

(f) Maximum lot coverage means the area of the lot covered by an impervious surface. Calculation of maximum lot coverage in a Planned Unit Development (PUD) shall be in accordance with Subsection 16.3.3. All development is ~~also~~ subject to the provisions of Article 12, Groundwater Protection, with regard to the creation of impermeable surface.

For the purpose of deleting unnecessary wording. (Drafting note: This may be one of those edits that does not meet the substantive test to apply the full scope of the amending process.)
-Proposed by the Planning Board

Item #11 - To *amend* Zoning Ordinance **Subsection 4.2.1 Standards for the GR and NR District** to add the following language.

4.2.1 Standards for the GR, (inserted comma)and NR, and VD (Residential) Districts.

1) In the GR, **VD**, and NR districts the minimum lot size for one dwelling unit is 80,000 sq. ft. which must include at least 60,000 sq. ft. free of Hydric A soils, open water, bogs, marshes, rivers, streams, or exposed ledge. Additionally, the 60,000 sq. ft. must contain at least 35,000 sq. ft. of contiguous upland soils.

For the purpose of extending the Subsection Heading to include the VD (Residential Districts).

-Proposed by the Planning Board

Item #12 - To *amend* Article 6 – **Conservation Subdivisions, Subsection 6.2.1, Minimum Tract Size** to add the following language:

The minimum size tract of land on which a Conservation Subdivision may be constructed is twenty (20) acres in the General Residential (GR) district, 20 acres in the Village District (VD), and thirty (30) acres in the Neighborhood Residential (NR) district.

Conservation Subdivisions are not permitted within the Town Center (TC) District

~~For the purpose of clarification of permitted use. making explicit the exclusion of Conservation Subdivisions from the Town Center District in ZO Subsection 6.2.1. There is no practical effect of making this exclusion explicit rather than implicit by its simple omission. In an abundance of caution, it is believed that a policy of explicit inclusion and exclusion may guard against unintended yet consequential omissions.~~

-Proposed by the Planning Board

Item #13 - To *amend* Zoning Ordinance Subsection 6.2.2 Common Open Space to add the following language:

Common open space, as defined herein, must constitute at least fifty percent (50%) of the total tract area in the GR districts, and ***at least*** sixty percent (60%) of the total tract area in the NR districts, ***and at least sixty percent (60%) of the total tract area in the Village District***, and shall comply with the following design standards: (there follows the unchanged text of paragraphs 6.2.2 [1 through 10])

For the purpose of supporting the neighborhood concept of the Conservation Subdivision and to bring a specified percentage of open space to the Village District Zone.

-Proposed by the Planning Board

Item #14 – To *amend* Zoning Article 17 – **Workforce Housing** by reformatting the current article.

ARTICLE 17 – WORKFORCE HOUSING (03/09/2010)

I. 17.1. PURPOSE

The purpose of this Article is to encourage and provide reasonable and realistic opportunities the development of workforce housing within Barrington. This Article addresses the objective for related to regional cooperative efforts that promote the construction of housing for low income and elderly families and individuals as set forth in the Barrington Strategic Master Plan. Additionally, in implementing this Article Barrington has considered the region's affordable housing need as defined in the Strafford Regional Planning Commission 2004 Housing Needs Assessment, as may be amended.

II. 17.2. AUTHORITY

This article is adopted pursuant to RSA 674:58 -:61 and RSA 674:21, and is intended as a "Workforce Housing" provision.

III. 17.3. APPLICABILITY

~~A. 1) Workforce Housing is permitted as a conditional use in the following zoning districts so long as the conditions set forth in Sections V through VII are met~~

- ~~1. a) Neighborhood Residential~~
- ~~2. b) Village Residential~~
- ~~3. c) General Residential~~

~~B. 2) Permitted Uses: Single-family, duplex, and multi-family work force housing, for either for sale or rental, is permitted in the zoning districts identified in Section 3.1 III-A irrespective of whether the specified residential use is permitted in the underlying zoning district.~~

~~C. 3) Any person applying under this Article must provide a written statement of intent to the Planning Board as required under RSA 674:60, evoking the provisions of RSA 674:58 et. seq. The failure to file such a statement shall constitute a waiver of the applicant's rights under RSA 674:61, but shall not preclude an appeal under other applicable laws. Additionally, the applicant shall not be entitled to a judgment on appeal that allows construction of the proposed development or otherwise permits the proposed workforce housing development to proceed.~~

~~D. 4) Any person receiving an approval subject to conditions or restrictions under this Article shall receive written notification of such conditions and restrictions and shall have an opportunity to establish the cost of complying with the conditions and restrictions and the effect of compliance on the economic viability of the proposed development. The notice constitutes a conditional approval solely for the purpose of complying with the requirements of RSA 676:4, I(c)(1), and shall not constitute a final decision for any other purpose, including the commencement of any applicable appeal period.~~

~~E. 5) Upon receiving written notice of conditions and restrictions under Paragraph 4 D, the applicant may submit evidence to establish the cost of complying with the conditions~~

and restrictions and the effect on economic viability within the period directed, which shall not be less than 30 days.

~~1.~~ **a)** Upon receipt of such evidence from the applicant, the applicant shall be allowed to review the evidence at the next meeting for which 10 days notice can be given and shall be provided with written notice of the meeting at least 10 days in advance. At such meeting evidence from other sources may be received and considered.

~~2.~~ **b)** After such meeting, any or all conditions or restrictions may be affirmed, altered, or rescinded.

~~3.~~ **c)** Subject to subparagraph (4) a final decision on the application shall not be issued prior to such meeting, unless the applicant fails to submit the required evidence within the period designated by written notice, in which case a final decision may be issued at any time after the expiration of the period in Paragraph E.

4. d) If an applicant provides written notification at any time that the applicant accepts the conditions and restrictions of approval, a final decision may be issued at any time without further action under Section 3.5

IV.17.4. DEFINITIONS

Affordable: Housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income.

Income: As defined as "Annual Income" by 24 CFR Part 5, Subpart F, and as amended from time to time.

Market Rate Housing: Any unit within a development, whether the unit is to be owner or renter occupied, that is intended to be available for sale or occupancy at the prevailing market value for the area similar to comparable real estate transactions.

Multi-family housing: For the purpose of workforce housing developments, it is a structure or building containing 5 or more dwelling units, each designed for occupancy by an individual household.

Workforce housing: Housing that meets the requirements set forth in the definitions of "Workforce housing for rental" and "Workforce housing for sale" herein. Housing developments that exclude minor children from more than 20 percent of the units or in which more than 50 percent of the dwelling units have fewer than two bedrooms shall not constitute workforce housing for the purposes of this Article.

Workforce housing development: a residential development that is approved under the provisions of this Article.

Workforce housing for rental: housing which is intended to be leased and is affordable to a household with an income of no more than 60 percent of the median income for a 3 person household for the metropolitan area or county in Strafford County as published annually by the United States Department of Housing and Urban Development.

Workforce housing for sale: housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4 person household in Strafford County as published annually by the United States Department of Housing and Urban Development.

V. 17.5. WORKFORCE HOUSING INCENTIVES

~~A.~~ A site plan or subdivision plan which guarantees that at least 20 percent of the total number of units proposed within the development (including all units allowed by density bonuses), shall be reserved as permanent workforce housing units, may be approved with an increase in the density of the site and a reduction of the minimum site frontage. The planning board may allow a reduction of the minimum lot size to accommodate the increased site density.

VI. 17.6. GENERAL REQUIREMENTS OF WORKFORCE HOUSING UNITS

~~A.~~ 1) The affordable units shall be constructed in a manner that is harmonious in appearance with the market rate dwelling units in the proposed development and adjacent neighborhoods and natural surroundings.

~~B.~~ 2) The affordable units should be interspersed throughout the overall development, when workforce housing and market rate dwelling units are being constructed within the same development.

~~C.~~ 3) The application shall comply with all site plan and/or subdivision regulations that apply, other than those waived hereunder.

~~D.~~ 4) When a workforce housing development shall consist of both workforce housing dwelling units and market rate dwelling units, the workforce housing dwelling units shall be made available for occupancy on approximately the same schedule as the development's market rate dwelling units, except that the certificates of occupancy for the last 10 percent of the market rate units shall be withheld until certificates of occupancy have been issued for all the workforce housing units. A schedule for the phasing of the construction of the total number of units in project under this Article, to include a schedule setting forth the phasing of the required workforce housing units, shall be established prior to the issuance of a building permit for any workforce housing development.

VII. 17.7. ASSURANCE OF CONTINUED AFFORDABILITY

In order to qualify as workforce housing under this Article, the developer must make a binding commitment on behalf of him or herself and any successors-in-interest that the workforce housing units will meet the following affordability requirements for a period of not less than 30 years. The affordability requirement shall be enforced through a deed restriction; restrictive covenant; or a contractual arrangement through a local, state, or federal housing authority or other non-profit housing trust or agency. The affordability commitment shall include the following:

~~A. 1)~~ A. 1) Workforce housing units shall be sold with deed restrictions and a recorded housing agreement that limit, for a period of at least 30 years, the resale value of the unit to not more than the purchase price plus two times the accumulated consumer price index. (Specify which CPI, location.)

~~B. 2)~~ B. 2) Workforce housing rental units shall limit annual rent increases to the percentage increase in the area median income, except to the extent that greater increases are made necessary by hardship or other unusual conditions. The then-owner of the rental unit must obtain authorization from the planning board prior to instituting such greater increases.

~~C. 3)~~ C. 3) Deed restrictions, restrictive covenants, and contractual arrangements related to a workforce housing development must be referenced on all plans filed with the Barrington Planning Board and recorded with the Strafford County Registry of Deeds.

~~VIII. 17.8.~~ VIII. 17.8. ADMINISTRATION, COMPLIANCE, AND MONITORING

~~A. 1)~~ A. 1) No certificate of occupancy shall be issued for a workforce housing unit until the owner has filed with the planning board confirmation of the rent or price of the workforce housing unit as documented by an executed lease or purchase and sale agreement.

~~B. 2)~~ B. 2) On-going responsibility for monitoring the compliance with resale and rental restrictions on workforce housing units shall be the responsibility of the Town's planning board.

~~C. 3)~~ C. 3) The owner of a project containing workforce housing units for rent shall prepare an annual report, due on December 1st, certifying that the gross rents of workforce housing units have been maintained in accordance this Article. Such reports shall be submitted to the Town's planning board.

-Proposed by the Planning Board

Item #15 - To *repeal* the Building Code accepted at the Town of Barrington March 1972 Town Meeting, as amended March 9, 1983 and March 13, 1984 and *adopt* a new Building Code for the Town of Barrington.

~~BUILDING CODE for the TOWN OF BARRINGTON, NEW HAMPSHIRE~~

~~Amended March 9, 1983 Amended March 13, 1984~~

~~PREAMBLE~~

~~In order to promote the health, safety and general welfare of the Town of Barrington through structural strength and stability, to protect life and property from fire and hazards incident to design or construction, the following code is hereby enacted by the voters of the Town in annual meeting convened, in accordance with authority conferred by Chapter~~

51, Sections 50 to 71 and by Chapter 53, Sections 14 and 15 of the Revised Laws of New Hampshire 1942

ARTICLE I

All construction within the Town of Barrington shall be carried out according to the provisions of this code. Nothing herein shall apply to existing buildings except where a permit is sought for additions or alterations.

ARTICLE II

All buildings shall be constructed in accordance with good building practices. Outside walls shall be covered with shingles, clapboards, brick, stucco or other generally accepted materials.

ARTICLE III

6. — All dwellings will be placed upon a slab, wall, or pier type of foundation. Foundations shall be constructed of solid concrete, brick, concrete blocks, cinder blocks, stone or other durable materials and shall be carried below the frost line or to bedrock.

7. — Industrial structures and buildings accessory to a residence may be set on brick, stone concrete or other suitable piers.

8. — The ^{construction of} a new building upon an old foundation may be permitted with the approval of the building inspector.

9. — Chimneys shall be constructed of stone, brick, concrete, concrete blocks to the ground, shall be lined with tile and shall extend at least three (3) feet above the highest point where they pass the roof of a building and at least two (2) feet higher than any portion of the building within ten (10) feet. No smoke pipe shall be allowed to pass through floors or partitions separating rooms, and all entrances to chimneys shall be fireproof construction. Factory built chimneys must be approved by a nationally recognized testing laboratory.

10. — Every single family dwelling or single family dwelling unit within a multiple family dwelling which is built or substantially rehabilitated after March 8, 1983 shall be equipped with an automatic fire warning system consisting of smoke detectors or other appropriate fire warning devices. On the request that an inspection be made, the building inspector shall complete said inspection within forty eight (48) hours.

ARTICLE VI

Any person who violates any provision of this code shall be punished, upon conviction, by a fine not exceeding fifty dollars (\$50) for each violation. Each day of non compliance shall constitute a new violation.

ARTICLE VII

3. ~~The Selectmen shall appoint a three member board which shall be known at the Board of Appeal. (RSA chapter 156:4A)~~

4. ~~Any appeal taken from the decision of the building inspector hereunder shall be made to the Board of Appeal for the Town of Barrington.~~

ARTICLE VIII

Definitions

~~"Person" shall mean any individual, partnership, corporation, or real estate trust.~~

~~"Dwelling" shall mean any building or structure used as or intended for use as a human habitation.~~

~~"Good building practices" shall be those building practices endorsed by the National Building Code and the National Electrical Code.~~

ARTICLE IX

~~The invalidity of any provision of this ordinance shall not affect the validity of any other provision.~~

ARTICLE X

~~This ordinance shall take effect upon its passage.~~

~~Accepted at the March 1972 Town Meeting~~

~~BUILDING REGULATIONS ORDINANCE TOWN OF BARRINGTON, NEW HAMPSHIRE. MARCH 1988~~

Statement of Purpose

~~The purpose of this ordinance is to provide minimum building standards for any construction within the Town of Barrington in order to promote the general welfare of the town; to protect the health and safety of its residents; to conserve the value of land; to control water and groundwater pollution; to conserve shore cover, and to protect wildlife habitat.,~~

Definitions

~~Abutter— Shall mean any person whose property adjoins or is directly across the street or stream from the land under consideration.~~

~~Abandonment—The visible or otherwise apparent intention of an owner to discontinue the use of a building or premises or the removal of a characteristic equipment or furnishings used in the performance of any nonconforming use without its replacement by similar equipment or furnishings. Abandonment of over one year requires the replacement with a conforming use under local ordinance.~~

~~Accessory Use or Structure— A use or structure subordinate to the 'structure on the same lot and serving to, the principal use or structure.~~

Alteration— As applied to a building or structure shall mean a change or arrangement in the structural parts or facilities other than repairs that would affect safety, size, wiring, ventilation, heating or plumbing.

Buffer Zone— Denotes the area between the building site and the property lines as required by ordinance. This area must not be denuded or defaced and may not include any man-made structures, or paving including the storage of materials.

Building— Any structure used or intended for supporting or sheltering use or occupancy.

Building Height— The vertical distance measured from the lowest grade of ground to the highest point not to include chimneys or antennas.

Building Inspector— The officer for the Town of Barrington charged with the authority of enforcing and administering these codes. Also the Code Enforcement Officer.

Building Permit— Issued by the Building inspector to the property owner following a review of all building plans according to the terms of this ordinance which allows on-site construction to proceed.

Building Site—

The area occupied by the structure (s) including yard and area required for setbacks, supporting facilities, access and lighting.

Code Enforcement Officer—

Officer of the Town of Barrington charged with the enforcement of all local regulations.

Conversion— The making of a physical change to a structure or the land on which it is situated which would permit the structure to be used for year round living.

Conversion/Condominiums— Pertains to a property which prior to the recordings of a condominium instrument pursuant to RSA 356-B.

Coverage— Shall mean the percentage of the land area covered by the building site.

Duplex— A structure housing two dwelling units of approximately the same size; ownership may be by one or more parties. Each of the units has separate entrance.

Dwelling— Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.

Dwelling Unit— One or more rooms, including cooking facilities and sanitary facilities in a dwelling structure designed as a unit for occupancy by not more than one family for living and sleeping purposes.

Dwelling Area— Means those areas used for daily living measured by interior wall measurements and shall not include unheated garages, attics, enclosed porches, cellars or areas occupied by heating and ventilating equipment. Dwelling area shall be presumed to be 70% of gross area unless evidence is submitted otherwise.

Driveway— Any designated vehicular access from a lot to a public or private right of way.

Excavation— A land area which is used or has been used for the commercial taking of earth including all slopes.

Frontage, Road— The contiguous length of the lot bordering on a public right of way.

Frontage, Water— Contiguous length of the lot bordering on the water. Water frontage may not be used to meet road frontage requirements.

Foundation— The basis upon which any structure is supported, and shall include any acceptable under the terms of the Barrington building codes and the BOCA building codes and this ordinance.

~~Health Officer— Shall mean the officer charged with the responsibility of enforcement of all local health and safety requirements.~~

~~In Law Apartment— Shall mean a separate one bedroom unit which is contained within a single family residence on a conforming lot. The primary unit shall be owner occupied. Shall not include a duplex. An in law unit shall be no larger than 650 square feet.~~

~~Land Use Regulations— Any and all zoning, subdivision, building codes or other environmental regulations promulgated either by the Town or by the State of New Hampshire.~~

~~Leaching Area— The land on a building site which is used for waste water disposal and shall include all slopes, and required area for buffering and setback from the property lines as set forth in state and local regulations.~~

~~Lot of Record— A distinct tract of land recorded in a legal deed and filed in the Registry of Strafford County, New Hampshire.~~

~~Maintenance— Shall mean keeping something in proper working order and appearance—repairs.. Shall not include any expansion or addition to the existing facilities.~~

~~Manufacture Housing— Any structure, transportable in one or more sections which in the traveling mode is eight body feet or more in width and forty body feet or more in length or when erected on site, is three hundred ' twenty square feet or more and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to required utilities.~~

~~Mobile Home Park— A tract of land on which there are sites or it is proposed to be sited more than one manufactured home but where it is intended that ownership of all lots is to be maintained by a single owner and where the lots are intended to be rented or leased to individuals who will place manufactured homes thereon.~~

~~Mobile Home Subdivision— A tract of land where it is proposed that a number of manufactured homes be located, each sited on an individual lot with the intention that the home be placed thereupon.~~

~~Multi family Structure— Shall mean a residential structure containing more than two dwelling units.~~

~~Multi family Development Complex— Shall mean two or more multi family structures on the same site.~~

~~Non conforming Use— The use of any structure or property which does not conform to the use regulations of the zone in which the use exists. and which is permitted because it was in lawful existence as such prior to the adoption of related ordinances. The nonconforming status shall not apply to any expansion or change in this use.~~

~~Occupancy Permit— Shall mean the certificate issued by the Building Inspector which permits the use in accordance with the approved plans and specifications which is issued following an on site inspection and certifies compliance with state and local regulations.~~

~~Planning Board— Shall mean the Planning Board for the Town of Barrington for which authority is set forth in RSA 673:1.~~

~~Presite built housing (Modular Home)~~

~~Shall mean any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum of property standards and local building codes for installation on the building site. This shall not include manufactured homes.~~

Private Road— Shall mean any road serving more than one single family house lot for which the right of way is not held by either the town or state.

Right of way— Includes all town, state and federal highways dedicated to public use. Shall include the land on either side as covered by statutes to determine the entire right of way.

Seasonal— Refers to less than 183 calendar days.

Seasonal dwelling— Any structure which is capable of being used as a dwelling, but which, because of lack of heating, water, sewage treatment facilities, electrical or cooking facilities or any factor relating to the land on which the structure is situated cannot be used continuously on every day of the calendar year.

Setback— Shall mean area required by state or local ordinance designated from the property lines to the closest building or paving.

Scenic Road— Those roads so designated as such by vote of town meeting and is thereby restricted by state statutes pertaining to the clearing and the widening and other changes related to such roads.

Signs— A structure, building wall or other outdoor surface or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public or to display, identify and publicize the name and product or service of any person.

Structure— Shall mean anything which is constructed or man-made and shall include but not be limited to paving, leaching areas, wells and all buildings.

Street— A public right of way.

Subdivision— Shall mean the division of a lot, tract or parcel of land into two or more lots for the purpose of sale, lease, or rent, condominium development thereon. Mobile Home Parks are also included herein.

Undevelopable land— Shall mean land designated as (1) wetlands (2) floodplains (3) having slopes greater than 15%.

Wetlands— Shall mean all those soils identified as poorly or very poorly drained soils by the United States Department of Agriculture Soil Conservation Service in the Soil Survey of Strafford County. The wetland zones also include those areas such as swamps, marshes and bogs that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support a prevalence of vegetation adopted for life in saturated soils.

Variance— A relaxation of the terms of the ordinance (Building Regulations or Zoning Ordinance) granted by the Board of Adjustment following due public hearing where it is demonstrated that statutory requirements pertaining to the granting of such variance have been satisfied.

Zoning Board of Adjustment— Board appointed by the Selectmen for the purpose of hearing appeals and administering special provisions by ordinance dealing with variances, special exceptions and administrative decisions as set forth in RSA 674:33. Shall mean, the Board of Adjustment for the Town of Barrington.

Application

~~A. No construction renovation, alteration, reconstruction or any additions to any existing building shall be undertaken in the Town of Barrington of an estimated cost in excess of \$1000 until a permit therefore has been issued from the Town.~~

~~No structure shall be put to any different use until a permit shall be issued and any necessary approval (s) as applicable shall be obtained from the Zoning Board of Adjustment or the Planning Board.~~

~~Permits must be obtained for the placement of mobile homes on site. Permits must be obtained for the relocation of any structure. Permits shall be required for the following re= regardless of the estimated costs:~~

- ~~1) Inground pools.~~
- ~~2) Tennis Courts or other major site improvements in excess of \$1000.~~
- ~~3) Demolition which costs an excess of \$1000.~~

~~Exempted from permits are the following:~~

- ~~1) General repair and maintenance including papering and painting.~~
- ~~2) Fencing.~~
- ~~3) Landscaping.~~

B. Fees

~~Fees will be based upon the estimated cost of construction according to a predetermined schedule. The estimated construction costs shall be sub=mitted with the application for a building permit and shall include all labor(the estimated cost for an outside contractor) costs.~~

C. Application Process

~~Application for building permit must be filed with the Building Inspector for the Town of Barrington and shall be filed on the appropriate town forms. It shall contain the following information: Names, and address and signature of the applicant and property owner, the date, the location of the property and a complete description including building plans of the pro=posed construction:~~

~~The following information must also be submitted with the application for building permit:~~

- ~~1) Tax Map Number.~~
- ~~2) Site Plan showing the location of all the existing and proposed buildings and improvements (well and septic system) including dimensions and the distance to abutting property lines.~~
- ~~3) Site plan showing the location of all adjacent wells and septic systems.~~
- ~~4) Approved septic system design.~~
- ~~5) Schedule of doors and windows.~~
- ~~6) Appropriate fees.~~

Expiration

~~A building permit shall become void unless construction is commenced within six (6) months of the date of application approval unless such time is extended by the Building Inspector. The construction shall be completed within two years from the date of issuance of the permit unless the time for completion has been formally extended. The Building~~

Inspector may upon application in writing grant one or more extensions of the permit period.

Posting

A building permit shall be properly posted at the construction site.

Growth Management

Building Permits shall be issued in compliance with the restrictions set forth in Article 12 of the Zoning Ordinance pertaining to Growth Management.

CODE ENFORCEMENT OFFICER

The Code Enforcement Officer of the Town of Barrington shall also be the Building Inspector or other person so designated by the Selectmen. He shall be appointed by the Board of Selectmen, compensation to be determined annually by said board. He shall be the administrative officer of this ordinance. He shall receive applications for the erection or alteration of structures, or of plumbing and electrical wiring as set forth in this ordinance.

The officer shall keep complete records of all permits issued and accept and deposit with the Town Treasurer all fees collected by him under this ordinance.

He may issue permits for the remodeling and/or construction of any structure, if in his opinion, the proposal complies with the law of the state of New Hampshire, of this ordinance and all other town ordinances and by laws.

CODES

The following codes are hereby adopted and made part of this ordinance:

- 1) — The BOCA Basic/National Building Code 1987.
- 2) — The CABO Code, BOCA one and two family building code, 1986.
- 3) — The 1984 BOCA National Plumbing Code.
- 4) — The .1987. BOCA Fire Prevention Code.
- 5) — The 1987 NFPA National Electric Code.
- 6) — The 1987 NFPA Fire Prevention Code.
- 7) — The 1985 NFPA Life Safety Code.
- 8) — The Revised N.H. Energy Code.
- 9) — Update of codes.
- 10) — If any of the above codes become outdated or inappropriate, the Selectmen shall have the power to enact suitable replacements or additions consistent with the statement of purpose.

No structure including manufactured housing shall be erected, located, altered, rebuilt, substantially repaired or remodeled unless in compliance with the above listed codes where applicable.

INSPECTION PROCESS

During the construction process, the structure shall be available for unannounced inspections at any time during the normal, working day by the Building Inspector. In addition, it shall be responsibility of the applicant to inform the Building Inspector upon completion of the following construction phases and to allow opportunity for the required inspection prior to commencing work. The Building Inspector shall respond to the

applicant and conduct the inspection within 5 days of the requested inspection. The contractor (or property owner) shall give the building inspector a 48-hour notice for any required inspections. The building inspector shall keep accurate records of the inspection visits, noting any deficiencies. The applicant shall correct any deficiencies prior to proceeding with the construction.

For new home construction, the following inspections shall be required:

- 1) ~~Plan review, prior to construction.~~
- 2) ~~Foundation inspection.~~
- 3) ~~Framing, electrical wiring and plumbing, following installation prior to sheetrock.~~
- 4) ~~Prior to occupancy.~~
- 5) ~~Subject to change if full time inspector and approval by Selectmen.~~

Inspections for outbuildings shall include:

- 1) ~~Plan review.~~
- 2) ~~Foundation (if applicable)~~
- 3) ~~Final inspection.~~

Inspections for building additions shall conform to that for any new home construction as applicable.

Inground pools shall be inspected following excavation and completion.

In major construction projects, at the discretion of the building inspector, a consulting engineer shall be employed by the town to oversee the building construction. Costs for such services shall be borne by the applicant.

COMMERCIAL OR PUBLIC BUILDINGS

No building permit shall be granted for the construction of any commercial or public building unless such structure has been granted a site approval by the Barrington Planning Board in accordance with the Site Plan Review Regulations for the Town of Barrington. If such structure is located in the residential zone, it shall also require a special exception or variance from the Zoning Board of Adjustment.

The Flood Hazard Boundary Map shall be used to determine the boundaries of any areas having special flood related hazards. The Flood Hazard Boundary Map is issued by the Federal Emergency Management Agency. Within such flood hazard zones, no construction or encroachment shall be permitted which would result in any increase in the flood levels during the base flood discharge. This shall include any excavation, filling, grading or paving.

Any applications for building permit shall include on the site plans, delineation of the designated flood hazard zones. The building inspector shall review such permits accordingly in order to determine whether such proposed building shall be reasonably safe from flooding. The building inspector shall obtain and review any 100-year flood elevation data. All new construction and substantial improvements shall not be

permitted unless the lowest floor (basement) is elevated above the one hundred year flood elevation; together with any utilities and/or sanitary facilities. All manufactured homes to be placed or substantially improved must be placed above the 100-year flood elevation.

Where the actual Flood Hazard area is contested by the applicant, the applicant shall employ a soil scientist (who is approved and acceptable to the town) to map the building site and compile the 100 year flood history as determined necessary by the building inspector in order to prove to his satisfaction that the proposed structure will not be subject to flooding or cause any increase in flood levels.

ZONING REGULATIONS

All lots used for residential or commercial purposes must conform to the requirements set forth in Article 1-12 of the Barrington Zoning Ordinance and any and all amendments to the Ordinance.

Not more than one residential structure shall be located on any one lot.

Shoreline Conservation

Building permits shall not be issued for construction within one hundred feet of the shores of any lake, pond, river or brook and stream. Shore-line shall be defined as the average high water line.

Nonconforming Structures

In the case where an existing structure predates zoning and is non-conforming, any addition or modification to the existing structure must conform to the restrictions which are in effect at the date of application for the building permit. Nonconforming construction will be permitted as a replacement for the existing use where the new construction does not constitute an additional or greater nonconformity with existing ordinances.

Where a nonconformity is to be expanded, or changed in use, a variance shall be sought as set forth in Article 9 of the Barrington Zoning Ordinance.

Grandfathered are rights (or uses) which pre-exist zoning. This use shall be permitted to continue in its present state but may not be extended in area, changed to another nonconforming use or reestablished after discontinuance for one year or more. (See Nonconforming Structures above).

Vested Rights

(RSA 674:39) Once a plan is approved by the Planning Board and recorded in the registry of deeds, it will be exempt from all subsequent changes in regulations for four years with the exception of the following:

- (1) Public health requirements, water quality and sewage treatment.
- (2) Once substantial completion takes place, protection is vested forever.
- (3) Provided that active development takes place within one year of approval.
- (4) Provided that the development remains in full compliance with all public health regulations.
- (5) Provided that at the time of approval and recording, the plan conformed to the existing requirements. Minimum

Minimum Building Standards

~~Building Height—The maximum height of any building shall be 35 feet, which shall be measured from the lowest point of grade to the mean between the lowest eave and the ridge of the building. It shall not include any chimneys, antennas, cupolas or other nonhabitable extensions of the building.~~

~~Minimum Living Area—Each dwelling unit shall have a minimum living area of five hundred (500) square feet.~~

~~Setbacks and buffer zones—No building and/or additions to any structures shall be permitted within the designated setback area or buffer zones as set forth in the Barrington Zoning Ordinance Articles I-XII as applicable.~~

~~Manufactured Housing and Presite Built Housing—manufactured Housing and Presite built housing shall comply with all standards set forth herein. There shall be no relocation or placement of mobile homes on site without first obtaining a building permit.~~

~~Manufactured Housing shall also comply with the HUD standards and the New Hampshire Energy Code.~~

~~Wells—Any drilled well shall be installed by a licensed driller. The application for such building permit shall contain the license number of the driller. A well shall not be placed closer than forty feet to an undeveloped lot line or less than 125 feet from an existing or proposed septic system leach bed. Permit application for said well shall contain a site plan showing the distance to any abutting leach bed areas.~~

~~Seasonal Conversions—All standards contained herein shall apply to a residence which may be used only for seasonal residence. A seasonal residence shall not be converted to year round use unless all of the health and safety standards for the Town of Barrington can be satisfied including the installation of an appropriate waste water disposal system and unless the criteria applicable to seasonal conversions is followed per the Growth Management Ordinance. (Barrington Zoning Ordinance Article 12.)~~

~~Electrical Wiring—All electrical wiring in new homes and any rewiring of any structure shall conform with approved methods and practices for safety to life and property. Electrical wiring shall conform to the specifications set forth in the 1987 NFPA National Electric Code. The license number of the electrician shall be included on the application for building permit.~~

~~Plumbing—All plumbing shall conform to the 1987 BOCA National Plumbing Code. The license number of the plumber shall be included on the application for building permit.~~

~~Lighting—All exterior lighting shall illuminate downward so not to project any glare or distraction to passing traffic. Lighting shall be designed such that it provides illumination only upon the property to which it is intended.~~

~~Signs—Signs shall conform to all specifications set forth in the Barrington Sign Ordinance. A sign shall not be erected or replaced without first obtaining a sign permit from the Building Inspector. Application for such permit shall include a plan, accurate drawing of such sign including all dimensions. A site plan shall show the designated location of such sign on site including the distance from the property lines and right of way. Application shall also describe proposed construction materials for the sign and shall describe the illumination (and hours of illumination) which is intended.~~

~~Fuel Storage Tanks—All proposed fuel storage tanks for the storage of petroleum or petroleum products shall comply with the New Hampshire Water Supply and Pollution Control Commission standards WS 411 and also current regulations. These regulations~~

shall apply to all tanks of any capacity whether or not the WSPCC invokes jurisdiction. In addition, these tanks shall comply with the standards set forth in the Barrington Zoning Ordinance and the Federal Resource Conservation Recovery Act.

Septic Systems

No building permit shall be issued unless the applicant has first obtained approval from Water Supply and Pollution Control Division for the State of New Hampshire for a waste water disposal system.

In the case of an existing system, no building addition or replacement or conversion from seasonal to year round shall be approved in excess of the limits (as shown on the approved plans) of the inground disposal system. If no approved plans are on file, it will be the responsibility of the applicant, to provide acceptable proof of existing system size and condition.

Permits must be obtained from the health officer for any new system or for the replacement or enlargement of any existing system. New systems and replacement systems (or improved or modified systems) shall be inspected in accordance with the schedule set forth below.

Construction Safety Clause

Any building site in the Town of Barrington shall be left in a safe state at all times. The owner/contractors shall assume the responsibility for leaving the construction site so as no dangerous or hazardous conditions exist.

Occupancy Permits

Occupancy permits will be issued following a final inspection by the Building Inspector to ensure compliance with all local and state regulations.

Amendment

This ordinance shall become effective immediately upon passage by majority vote at town meeting. The ordinance may be amended by a majority vote of any legal town meeting following the provisions for posting and public hearing as set forth in RSA 675:6 or by the Selectmen.

Conflicting Provisions

Whenever the regulations made under the authority hereof, differ from those described by any statute, ordinance or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.

Validity

If any section, clause, provision, portion or phrase of this Ordinance shall be held invalid or unconstitutional, by any court or competent authority, such holding shall not effect, impair, or invalidate any other section, clause, provision, portion, or phrase of this

Ordinance; also Ordinance may be amended upon reevaluation of Board of Selectmen as proposed by Building Inspector.

Proposed New Building /Construction Code to be adopted:

BUILDING/CONSTRUCTION

ARTICLE 1

BUILDING DEPARTMENT

1-1 PURPOSE

To establish a local building department and associated inspection services to provide verification that all construction related services meet the minimum requirements for building safety as allowed under RSA 675:3, 674:51 and 673:1V. This article is adopted for the further purpose of promoting the health, safety, morals, prosperity, convenience, or general welfare, as well as to provide efficiency and economy in the process of development of the Town of Barrington. To further these purposes, building permits shall be required for the construction of buildings and activities as outlined under the adopted building codes.

1-2 BUILDING INSPECTOR

As authorized and required under RSA 673:1 –V and RSA 674:51 –III(c) the Town of Barrington creates the position of Building Code Inspector. The position qualifications shall be established by the Town of Barrington personnel policy and final approval of the position shall be by the Board of Selectmen. The Building Inspector shall report directly to the Town Administrator.

1-3 DEPARTMENT POLICIES AND PROCEDURES

The Code Inspector shall establish a written policy governing the operation of the building department. This policy will cover all aspects of the operation of the building department including, but not limited to: application procedures, fee collections and refunds, permit-processing guidelines, documentation requirements and other policies or guidelines as deemed necessary for the efficient operation of the staff. The Board of Selectmen shall approve these policies and procedures which shall be consistent with those of the Town. The Town Administrator is authorized by the Board of Selectmen to approve editorial changes to the department handbook.

1-4 APPEAL PROCEDURE

- C. Building Code Board of Appeals: As outlined in RSA 673:1 the Barrington Zoning Board of Adjustment shall act as the Building Code Board of Appeals until such time as the legislative body creates a separate and distinctive Building Code Board of Appeals.**

- D. If an owner or builder feels aggrieved by a decision of the Building Inspector, he or she can appeal such decision to the Barrington Zoning Board of Appeals acting as the Building Code Board of Appeals. Thereafter, any person aggrieved by the decision of the Board of Appeals may appeal to the Superior Court of Strafford County.

1-5 PERMITS REQUIRED

- C. Permits are required as authorized under RSA 676:11-13. Property owners or their agents are required to secure the appropriate permits prior to the start of work.
- D. Types of permits required:
5. Building permits are required for activities as outlined in the adopted residential and non-residential building code.
 6. Electrical permits are required for work as defined in RSA 319-C:2 III. A NH licensed electrician as outlined in RSA 319-C must perform all electrical installations unless excepted as noted in RSA 319-C:3. An electrical permit will only be issued to the license holder themselves unless otherwise approved by the building department.
 7. Plumbing permits are required for work as defined in RSA 329-A:2 IV. A NH licensed plumber must perform all plumbing installations unless as excepted in RSA 329-A:13. A plumbing permit will only be issued to the license holder themselves unless otherwise approved by the building department.
 8. Mechanical permits are required for activities as outlined in the adopted mechanical and fuel gas codes

Additional Permits

The Town of Barrington reserves the right to require other permits than those listed in this ordinance upon request from the building inspector to the Board of Selectmen. Should the Selectmen approve additional permits they shall be noted in the department handbook, along with the appropriate fee schedule, and a supplement added to this ordinance.

2. Issuance of Building Permits

The Building Inspector, or his designee, shall not issue building permits under the following conditions:

- d. If issuance of the permit would constitute a violation of the zoning ordinance, code, or other regulation of the town, or would result in violation of an approval issued by the Planning Board or Zoning Board of Adjustment; or

- e. within 120-days prior to annual or special town meeting and the application for a building permit was made after the first legal notice of proposed changes in the building code or zoning ordinance was posted per RSA 675:7, and the proposed changes, if adopted, would justify refusal of such permit; or
- f. If issuance of a building permit is in direct conflict with the provisions of RSA 674:41 Erection of Buildings on Streets; Appeals.

Applicants are required to allow the Building Department adequate time, as outlined in RSA 676:13, to review the proposed work when reviews are required by any of the enforced/adopted codes as referenced in section 2-1 of this ordinance.

FEES

The Building Inspector shall review and submit to the Board of Selectmen, at their request, a report evaluating the Barrington Permit Fee schedule. This evaluation shall be a comparison of fees charged in surrounding communities of similar size and activity. The report shall also examine the needs of the building department and evaluate cost of operating the department as it relates to permit fees. The Board of Selectmen shall establish fees to be charged for building permits, inspections, and certificates of occupancy as outlined in RSA 674:51.

REFUNDS

In the event a building permit is withdrawn by the applicant, 20% of the building permit fee will be retained by the Town of Barrington to cover administrative and technical review of the application.

EXPIRATION

Erection of any dwelling, building or structure, or alteration of any dwelling, building or structure, once commenced following issuance of a permit hereunder, shall be completed within a period of one (1) year; otherwise, said permit shall lapse.

ARTICLE 2

BUILDING CODES

2-1 Building Codes

The Town of Barrington as authorized under RSA 674:51-a and 674:51 shall enforce, adopt and amend the following codes to be used as the minimum requirements for construction enforced by the Town of Barrington to provide for the general welfare and safety.

- (l) the current edition of the International Building Code referenced in NH RSA 155-A, as amended by the State Building Code Review Board, for the purpose of regulating and controlling the design, construction, quality of materials,

- erection, installation, alteration, repair, location, relocation, replacement, addition to, and use of all structures not covered by the International Residential Building Code.
- (m) Projects controlled by the International Building Code shall comply with the Architectural Barrier-Free Design Code for New Hampshire (ABFDC-NH) and the Americans With Disability Act Accessibility Guidelines (ADAAG), as adopted by the ABFDC-NH, where required by state law and by code section. The design professional of record shall be required to verify compliance.
- (n) Adopt the current edition of the International Mechanical Code as referenced in NH RSA 155-A as amended by the State Building Code Review Board.
- (o) Adopt the current edition of the National Electrical Code as referenced in NH RSA 155-A as amended by the State Building Code Review Board.
- (p) Adopt the current edition of the International Plumbing Code as referenced in NH RSA 155-A, as amended by the State Building Code Review Board.
- (q) Enforce the current energy requirements of the adopted and amended state residential and nonresidential building codes. Verification of these requirements must be through the submission of ComCheck software for nonresidential projects and through ResCheck software or PUC approved energy compliance packages.
- (r) Insert the following values for Climatic and Geographic Design Criteria:
- Wind speed: 90 mph,
 - Ground Snow load: 70 lbs./sq. ft.
 - Weathering: severe, Frost line Depth: 48 inches
 - Termite probability: Slight to moderate
 - Winter Design Temp: 0
 - Flood Hazard: Flood Insurance Rate Maps
 - Seismic Design Class: C
- (s) Adopt the appendices for each of the codes, referenced in RSA 155:A. Where any appendix conflicts with any local ordinance or other state code the more stringent requirement shall take precedence unless state statute or local ordinance prohibits the use of the specific requirements.
- (t) The enforcement of the above referenced State of NH adopted codes (with state and local amendments) does not preempt the enforcement of the regulations adopted by the State of New Hampshire regulatory agencies responsible for those professions requiring licensing under state law, nor does it preempt the enforcement of current regulations recognized by the New Hampshire Fire

Marshal's office. In those situations where code requirements are different, the Town of Barrington reserves the right to enforce those requirements that are more stringent.

- (u) Town enforcement of updated code editions shall be the effective date of adoption by the state. The conditions outlined in section 2-1 (k) shall govern those permits to be controlled by the updated codes. The Building Department shall post notices as determined by the Board of Selectmen to warn of impending code changes warranted by this section.
- (v) Code changes will become effective for those complete permit applications received the first day after the effective date referenced in section 2-1 (j) and approved permits not having been actively pursued within 180 days of issuance of the permit.

ARTICLE 3 CERTIFICATE OF OCCUPANCY

3-1 CERTIFICATE OF OCCUPANCY

4. In addition to a building permit, a certificate of occupancy shall be required prior to the use of any new or modified area or structure for which a building permit is required.
5. No person shall use or permit the use of any building, structure, or premises or part thereof hereafter erected, relocated, altered, repaired, converted or extended until a Certificate of Occupancy is issued by the Building Inspector or his designee.
6. The Certificate of Occupancy is required to insure compliance with the approved site plans by the Planning Board and the requirements of the Town of Barrington Zoning Ordinance, Subdivision Regulations, and Building Code.

ARTICLE 4 POSTING OF RESIDENTIAL, COMMERCIAL AND INDUSTRIAL STREET NUMBERS

4-1 REQUIREMENT FOR ALL PROPERTIES

Every dwelling, building, or structure, whether it is residential, commercial or industrial, (whether existing on the date of this Ordinance, or which may exist in the future) located in the Town of Barrington shall be required to have a number(s) posted upon such dwelling, building, or structure or upon the property which is under construction if such improvements exist, so as to be plainly visible from the street which abuts the main entrance to such property.

4-2 Posting of Additional Numbers

Whereas such posting of a number(s) is not readily visible from the street year round, an additional number shall be posted at the main driveway entering onto the property from a public road. Such posted number(s) shall be at such a height level and in an area where the number(s) will not be obstructed by trees, brush, snow banks, parked vehicles, or any other material.

4-3 Signage

This number, which represents the legal address as assigned by the Town of Barrington, shall be a minimum of 4" in height and shall be Arabic numerals or block style letters.

4-4 Multiple Units

Every dwelling, building, or structure that houses more than one (1) living unit or business section shall also post appropriate unit number(s) or letter(s) for each separate living unit or business section, so as to be plainly visible in the main entrance to such unit or section of the main dwelling, building, or structure.

4-5 Certificate of Occupancy

No dwelling, building, or structure shall be issued a Certificate of Occupancy until the assigned number(s) have been posted in accordance with this ordinance.

ARTICLE 5

FINES

5-1 Fines

WORK IN PROGRESS: Penalty for starting work prior to issuance of the required permit shall be a minimum surcharge of \$100 or twice the calculated permit fees for the project whichever is greater.

5-2 Appeals

WORK IN PROGRESS: Appeals for this fine shall be brought to the Building Code Board of Appeals.

ARTICLE 6

SEVERABILITY

6-1 SEVERABILITY

In the event that any of the terms or provisions of this Code or Ordinance are declared invalid or unenforceable by any Court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of

this Code or Ordinance the remaining terms and provisions that are not effected thereby shall remain in full force and effect.

Effective Date

This ordinance shall become effective upon passage.

For the purpose of adopting a new Town of Barrington Building Code to make it current with commonly accepted standards and practices of building safety, building codes, and construction methodology and thereby repealing the obsolete document previously adopted and amended.

-Proposed by the Town Code Enforcement Officer

The following additional items are to be considered at the January 17, 2012 Public Hearing.

Item #16 - To *amend* the following to Article 18-Definitions; **Back lot: Back lot, also known by the term, Flag Lot, a parcel of land which does not meet minimum frontage requirements, is set back from the street, where access is provided by means of a narrow, private right-of-way or driveway.**

For the purpose of amending definitions of the Zoning Ordinance by promoting language consistency within the Ordinance.

-Proposed by the Planning Board

Item #17 - To *amend* Zoning Ordinance Article 14 – Impact Fees for Public Capital Facilities, Section 14.5 by inserting and deleting the following language:

The Planning Board may grant full or partial waivers of impact fees where the Board finds that one or more of the following criteria are met with respect to the particular capital facilities for which impact fees are normally assessed.

1) A person may request a full or partial waiver of school facility impact fees for those residential units that ~~are~~ **lawfully qualify as Housing For Older Persons, pursuant to RSA 354-A:15, because the housing unit(s) at issue are: (A) Provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program; and the residential units meet either of the following additional qualifications, (B) Intended for, and solely occupied by, persons 62 years of age or older; or (C) Intended and operated for occupancy by at least one person 55 years or older per unit, as further defined by rules adopted by the State Commission for Human Rights.** ~~restricted to occupancy by senior citizens age 62 or over or to households with at least one person age 55 and over as applicable, in a development that is maintained in compliance with the provisions of RSA 354 A:15, Housing For Older Persons. The Planning Board may waive school impact fee assessments on age restricted~~

units where it finds that the property will be bound by lawful deeded restrictions on occupancy for a period of at least 20 years. **Any change that results in the unit(s) no longer satisfying the above definition for Housing for Elder Persons shall require the property owner to come back before the Planning Board for reconsideration of the waiver fee.**

For the purpose of insuring compliance with NH state statute under TITLE XXXI TRADE AND COMMERCE, CHAPTER 354-A STATE COMMISSION FOR HUMAN RIGHTS, Fair Housing, Section 354-A:15.

-Proposed the Planning Board

Item #18 - To **adopt** the Zoning Ordinance official Zoning District Map, as prepared by Strafford Regional Planning Commission, as amended and presented for review, approval, and adoption by the Town of Barrington Planning Board, for the purpose of accurately illustrating Town of Barrington E-911 road name changes, and to provide current online GIS mapping tools for research and planning.

-Proposed by the Planning Board

John Huckins, Chair
Michael Clark, Ex-officio
Tony Gaudiello
Jacqueline Kessler, Alternate
Constance M. Brawdars, Town Planner
& Code Enforcement Officer

Alan A. Kelley, Vice-chair
George Calef
Stephen Jeffery, Alternate
Steven Oles, Alternate
Thomas Abbott, Building Inspector

ATTACHMENT #2