



**BARRINGTON PLANNING BOARD MEETING
EARLY CHILDHOOD LEARNING CENTER
77 RAMSDELL LANE
BARRINGTON, NH**

**TUESDAY APRIL 10, 2012
6:30p.m.**

MEETING MINUTES

PRESENT: John Huckins, Chair
Alan Kelley, Vice-Chair
Michael Clark, Ex-officio
Anthony Gaudiello
George Calef
Stephen Jeffery, Alternate
Jackie Kessler, Alternate

ABSENT: Steven Oles, Alternate

STAFF John Scruton, Town Manager
Greg Jones, Transcriptionist

GUESTS: Brent W. Casper, DDS; P.O. Box 400; Barrington, NH 03825.

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 April 10, 2012 Public Hearing of the Barrington Planning Board to order at 6:30pm.

Chair J. Huckins delegated alternate member S. Jeffery and J. Kessler as the sixth and seventh Planning Board member

MINUTES REVIEW AND APPROVAL

Vice-Chair A. Kelley motioned to move the review and approval of Item #5 ahead of all other business. A. Gaudiello seconded the motion which passed unanimously with a vote of six (6), to zero (0) in favor.

1. Approval of March 20, 2012 Meeting Minutes

Vice-Chair A. Kelley made a motion to approve the March 20, 2012 Meeting Minutes as amended .A. Gaudiello seconded the motion which passed unanimously with a vote of six (6), to zero (0) against with one (1) abstention.

2. Approval of March 27, 2012 Meeting Minutes

Vice-Chair A. Kelley made a motion to approve the March 27, 2012 Meeting Minutes as amended. G. Calef seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

3. Approval of April 3, 2012 Meeting Minutes

G. Calef made a motion to approve the April 3, 2012 Meeting Minutes as amended. Vice-Chair A. Kelley seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

CASES FOR CONTINUANCE

There were no cases for continuance

ACTION ITEMS

4. Review and discussion of Architectural Standards for Barrington Town Center

The Board discussed the need to thoroughly review the Architectural Standards for the Barrington Town Center document and asked that the Town Administrator determine whether or not the standards had ever been voted upon during the spring of 2008 as it is unclear at this time.

5. SR 12/412 (Applewood Family Dentistry) Request by applicant to meet with Planning Board for Initial inquiry on case submittal for change use from Business and Professional Office to Medical/Dental Clinic, and Sign Permit application, on a 1.22-acre site, located at 5 Commerce Way (Map 251/Lot 72) in the Regional Commercial (RC) and Stratified Drift Aquifer (SDA) Zoning Districts. Applicant: Brent W. Casper, DDS; P.O. Box 400; Barrington, NH 03825.

Brent Casper approached the Board to discuss the future relocation of his dentistry business to a space located at 5 Commerce Way. Casper stated that he is seeking to relocate his business in order to provide additional space for a future urgent care treatment room and placement of diagnostic equipment. Casper requested a preliminary review of the proposal in preparation for Public Hearing on May 1, 2012.

Casper stated that he has plans to utilize the site's existing sign mounting and lighting fixture(s) from the previous business and will be submitting a new Sign Permit for the initial sign. Casper inquired as

to the possibility of submitting two (2) signage design layouts for approval in order to utilize a future design and avoid future sign permitting.

Chair J. Huckins opined that pursuant to Site Review Regulations Section 5.2.8(2), the background of the seconded signage design layout could not be changed in color. The rewording of sign for an existing use is otherwise permitted. In addition, all design documentation and sign dimensions must be submitted with the final application.

Upon discussion, the Board offered the applicant the following guidance:

- Submit Material Safety Data Sheets to Barrington Fire Department documenting all potential hazardous materials and storage locations on-site
- Ensure on-site lighting is consistent with town lighting standards to ensure safety of parking areas and access ways servicing the building
- Ensure that on-site parking is consistent with town parking requirements
- Contact the Code Enforcement Office for information on handicapped parking requirements

Town Administrator J. Scruton stated that he will request the Code Enforcement Officer visit the site to advise the applicant further on site requirements for lighting etc.

NON ACTION ITEMS

There were no items at this time.

REPORT FROM PLANNER

Town Administrator J. Scruton informed the Board that the Planner is currently not available.

COMMUNICATIONS RECEIVED

6. SR 10/380 (White Tail Condominiums) – Discussion of changes to final plan approval.

There were no materials submitted for the Boards review at this time.

REPORTS FROM OTHER COMMITTEES

7. Discussion of Drafting Committee docket and queue

A. Gaudiello submitted the following documents for review by the Board:

- Attachment #1 – Chronological progression of Barrington wetland buffer regulations for clarifying previous inquiry from applicants.
- Working Docket
- Planning Board Queue

J. Huckins stated that the citation for New Hampshire Department of Environmental Services Administrative Rule – 303.04 within Zoning Ordinance Section 9.5.1(3) may not be current. The Board agreed and asked that Town Administrator Scruton investigate when this citation was formally voted to be removed.

Vice-Chair A. Kelley introduced the idea of a “Status Sheet” for un-approved applications in order to better track and manage projects before the Town.

Chair J. Huckins introduced the idea of a potential Master Plan technical update and opined that the Strafford Regional Planning Commission (SRPC) may be a reasonable resource to utilize in the future. The Board agreed and Asked that Town Administrator Scruton invite the SRPC Executive Director to the Board’s work session on May 8, 2012.

UNFINISHED BUSINESS

Town Administrator Scruton submitted waiver application materials, as supplied by the Planner, to the Board relative to **SR12/411 (Mathew & Karen Towne)**. The application was for a change to a permitted driveway location at the end of the cul-de-sac located at 36 Stillwater way (Map 105, Lot 17). The Board determined that the application did not require waiver to Subdivision Regulation Section 5.2, Professional Assistance, as no plans are to be recorded as part of this project. The Board determined that the application did not require waiver to Subdivision Regulation Section 8.1 per Town Counsel.

G. Calef made a motion that no waivers are required as part of to SR12/411 (Mathew & Karen Towne). A. Gaudiello seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

Chair J. Huckins introduced the idea of forming a Planning Board subcommittee with the goal to address economic development initiatives from a community planning perspective. G. Calef stated that he would commit to an advisory role on the subcommittee.

Ex-officio M. Clark agreed to bring the idea to the Board of Selectmen for input. The Board agreed to table the item to the next meeting of the Board.

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

The next meeting of the Board is scheduled for 6:30 p.m. on Tuesday, April 17, 2012 at the Barrington Early Childhood Learning Center.

Vice-Chair A. Kelley made a motion motioned to adjourn the April 10, 2012 meeting of the Barrington Planning Board at 8:40 p.m. G. Calef seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.

Respectfully submitted,

Gregory M. Jones
Transcriptionist

ATTACHMENT #1

Its March 11, 2008 form (this is the earliest form I have):

ZO 9.5.1 Exceptions for Construction in Wetland Buffers

9.5.1(1) On all lots created after **March 11, 1997** and before **March 13, 2001**, no structure shall be built or located closer than thirty-five (35) feet to a wetland area.

9.5.1(2) An existing building within a buffer area may be repaired and/or replaced provided that the new or repaired structure, including any impermeable surfaces, shall not extend further into the buffer area than the footprint of the original foundation.

9.5.1(3) Driveway crossings that would fall under the New Hampshire Department of Environmental Services Administrative Rule – 303.04, as amended, that expedites certain types of wetland crossings may be permitted.

9.5.1(4) This ordinance shall not prohibit the construction of principal and accessory structures within the buffer zone or unimproved lots that were approved for subdivision by the Planning Board or which otherwise legally existed on or before **March 13, 2001**. (

9.5.1(5) The following features shall not be construed as wetlands with regard to the designating buffer areas under the provisions of this ordinance.

- (a) Manmade ditches and swales
- (b) Sedimentation detention basins or pools
- (c) Manmade agricultural irrigation ponds and swales
- (d) Fire ponds and cisterns
- (e) A septage or manure lagoon
- (f) Silage pits
- (g) An isolated wetland or surface water of 3000 square feet or less that does not meet the definition of a swamp, marsh, bog or vernal pool.

Its current form:

ZO 9.5.1 Exceptions for Construction in Wetland Buffers

9.5.1(1) On all lots created after **March 11, 1997** and before **March 13, 2001**, no structure shall be built or located closer than thirty-five (35) feet to a wetland area.

9.5.1(2) An existing building within a buffer area may be repaired and/or replaced provided that the new or repaired structure, including any impermeable surfaces, shall not extend further into the buffer area than the footprint of the original foundation.

9.5.1(3) Wetland crossings that would fall under the New Hampshire Department of Environmental Services Administrative Rule – 303.04, as amended, that expedites certain types of wetland crossings may be permitted.

9.5.1(4) Wells / Well Lines - This ordinance shall not prohibit the construction of principal and accessory structures within the buffer zone or unimproved lots that were approved for subdivision by the Planning Board or which otherwise legally existed on or before **March 13, 2001**. (

Revised form:

ZO 9.5.1 Exceptions for Construction in Wetland Buffers

This ordinance shall not prohibit the construction of principal and accessory structures within the buffer zone or unimproved lots that were approved for subdivision by the Planning Board or which otherwise legally existed on or before March 13, 2001.

ZO 9.5.1(1) On all lots created after **March 11, 1997** and before **March 13, 2001**, no structure shall be built or located closer than thirty-five (35) feet to a wetland area.

9.5.1(2) An existing building within a buffer area may be repaired and/or replaced provided that the new or repaired structure, including any impermeable surfaces, shall not extend further into the buffer area than the footprint of the original foundation.

9.5.1(3) Wetland crossings that would fall under the New Hampshire Department of Environmental Services Administrative Rule – 303.04, as amended, that expedites certain types of wetland crossings may be permitted.

9.5.1(4) Wells / Well Lines - **This ordinance shall not prohibit the placement of wells and well lines within the buffer zone.**

Comments on revision:

The above revision is simply the removal of the text following the introductory words of 9.5.1(4) Well / Well Lines and replacing them with the simple statement that wells and well lines are permitted in the buffer AND the migration of the balance of the text into the body text of ZO Subsection 9.5.1. (Its previous location.)

If the above revision is to be an acceptable “non-substantive” revision, that is not constituting any extension or retraction of previously permitted or denied constructions and/or action in the buffer areas by virtue of this language change, then the following questions should be answered. The answers should have some form of “documentation” to support them. Also, and perhaps most importantly, the logical conflict between the statement that on the one hand holds that the Ordinance shall not prohibit construction within the buffer zone on lots existing or otherwise legal on or before March 13, 2001 and the statement that holds that the Ordinance shall not prohibit construction with the buffer zone on lots created or in existence between the dates 3/11/97 and 3/13/01. This problem disappears only if there was not a prohibition against construction before 3/11/97. If this is true, that is if there was no prohibition against building in buffers before 3/11/97 (or buffers were not defined prior to that date) then it is pointless to mention the 3/11/97 date at all in this context.

So here are the questions that if answered would be helpful:

What were the conditions or standards from the beginning of time to March 11, 1997?

What occurred (or what was passed, adopted or became effective) on March 11, 1997?

What occurred (or what was passed, adopted or became effective) on March 13, 2001? (It seems that something must have occurred to establish a 35 foot buffer during the interval 1997 to 2001 – likely on 3-13-2001.)..

<u>ATTACHMENT #2</u>		↙	←	In Process		
		↓		↙	←Drafted	
Main	Task List	↓		↓	↓	Approved
1.00	Amendments to Governing Documents					
1.10	SD & SR amends to Town Clerk - Done - amends gone in, form created, procedure in place	√				
1.15	Substantive amends current : Done - See Queue Procedure	√				
1.20	Non-Substantive amends current - See Queue Procedure	√				
1.25	Procedure on QUEUE	√				
1.30	Procedure on ZO Cache					
1.35	Regulation re: internally lit signs					
1.40	Collect and unify generic regulatory statements. Lay out standard regulatory items e.g. saving clause, stricter rule applies, applications processes, notifications, reference to definitions page and so on. (as they may occur). Object isolate standards and regs as they apply to SD, SR then create single reference - Into - Generic, SD, SR, Glossary.)					
1.45	<i>What is a regulatory statement. (i.e. a non-complex sentence declaring a single element's form or structure.)</i>					
1.50	<i>Tabular presentation of a purpose statement (rather than declarative sentences - bullets)</i>					
2.00	Minutes					
2.05	Formal Policy Statement on Audio and Print Minutes - Formal Policy Statement on Audio and Print Minutes (from minutes of 1-24-12) Ex-officio M. Clark motioned that the Board's Rules Committee (RC) investigate and bring forward a standardized process for which the minutes are to be recorded, presented and retained on file. S. Oles seconded the motion which passed unanimously with a vote of seven (7), to zero (0) in favor.					
2.10	<i>Standard Motions, etc</i>					
3.00	Agenda					
3.05	Schedule of Applications in process (status sheet)					
3.10	Review Agenda as presented in RoP					
3.15	Method of keeping QUEUE before the board.					
4.00	How Can we achieve consistently applied 3rd Party Review					
5.00	Process for Legal Inquires					
5.05	Should we draft the questions before submitting them?					
6.00	Meetings					
11.00	<i>The Committee (CRoP, Rules, Draft): What it is (structure), Why it Is? (Purpose), How it works (process description)? (See mins 2-14-12)</i>					
11.10	<i>Continuous - Review Rules of Procedure</i>					
11.10	<i>A part of a draft of the envisioning of the Rules Comm.</i>					
11.20	<i>Establish rule that whenever a word gets introduced to the definitions section of one regulatory book it be incorporated into the definitions sections of each, (Avoid the risk of conflicting definitions. To keep in front of our eyes the need to have "harmonious" regulations. Prepare for unified Standards.)</i>					
11.40	<i>Settle the narrative on the authority, validity and purpose of the RC.</i>					
11.50	<i>Complaints policy - 250</i>					
11.60	Architectural Standards: What is it? When & How Used? Public duly notice on its implications and meaning?					

11.70	<i>Notice of Public Hearing: Include date, time, and place on all formal notice of public hearings as well as info regarding the items to be heard. "Pursuant to RSA 676:7 notice is given of a Public Hearing by the Planning Board of the Town of Barrington at [time] on [date] at [place]. The purpose of the Public Hearing is to discuss and witness the voting upon amendments to the Subdivision and Site Review Regulations." Also what shall be placed in the paper by way of indicating the items to be amended and how the full text can be viewed by the public.</i>					
11.70	<i>Structuring the voting process 160. The concrete proposal here is for a standard motion of application approval with conditions</i>					
11.71	<i>Structuring the voting process 160</i>					
11.72	<i>Without objection acceptance of a proposition</i>					
11.73	<i>By voting of the yeas and nays</i>					
11.74	<i>By count of the yeas and nays</i>					
11.75	<i>By Roll Call of yeas and nays</i>					
11.76	<i>Model motion to empower Chair to determine if conditions are met and to grant final approval</i>					
11.77	<i>Model motion for Approval with conditions</i>					
11.78	<i>Model motion and rationale for Approval with conditions</i>					
11.79	<i>The concrete proposal here is for a standard motion of application approval with conditions</i>					
12.00	Study Processes of Completeness Review					
12.10	<i>Project description – as a part of the "completeness" test (locate and cite various deficiency letters or board statements from minutes.)</i>					

ATTACHMENT #3

Locate	Describe
SR 4.11.3(2)	SR 4.11.3(2) Exterior actions within [150] 500 feet of the centerline of Routes 4, 125, 9, 126, and 202 - Any construction, alteration, demolition or removal that affects the exterior architectural appearance of a building or site shall be subject to design review by the Planning Board provided that the site is on or within [150] 500 feet of the centerline of the roadway corridors listed above, as measured from the center of the public right-of-way.[See Ref: ZO Table 1 Note 8; and, ZO 3.3.5 Regional Commercial District 1) No residential structures are permitted within five hundred (500) feet of the centerline of Route 125 and Route 4 for properties located in the RC District.]
RP X(4) (Old Format – New format xxx.)	Article X, Paragraph 4: All revisions and amendments to the Subdivision regulations, Zoning Ordinance, and Site Review Regulations are to be noted with date of amendment or revision [next to the appropriate numbered hierarchical format] at the end of the item amended. (Nov 3, 2011) -- (newly amended mm/dd/yyyy)
ZO Definitions	Setback “--- the furthest projection of a principal structure and the property line---“
RoP Reformat	Reformat to conform to the Arabic numeral ID used in other governing documents’
Amend (law change in 2010)	2.2(1) Alternate members may serve on the Planning Board as authorized by RSA 673:6 and participate as nonvoting members (<u>RSA 673:6, V</u>) (Append RSA 673:6,V to existing statement.)
RoP 2.1(4) Pre-reformat II-6	2.1(4) Members are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Chairman through the Land Use Office as soon as possible. (<i>Likely reason OEP recommends is that only the chair can designate replacements and this would allow the Chair to make such arrangements as necessary to assure a quorum.</i>)
RoP 3.4	Discussion: We do not specify a responsibility to obtain the material and information in RoP 3.4 – Should we? We originally did not specify because we felt the general statement would be less likely to require amendment – we however did specify many functions in other governing documents when we went from secretary to Town Planner instead of “Land Use Staff” or some such. What’s the committees pleasure?
RoP 2.3	2.3 Members Residence Requirement: Members must reside in the Town of Barrington. (Requirement seems to have been omitted in original RoP but is in RSA 673.1,I as "residents of the community.")
RoP old format II-8 New format 2.4	2.4 Record of Appointment and Term: The Land Use Office shall obtain from the Office of the Selectmen for recording, the appointment and expiration dates of the terms of each member of the Board and assure this information is provided to the Town Clerk for recording the appointment and expiration dates of the terms of each member and alternate. (This may be done by the selectmqrn’s office so the word assure is used rather than require the actual delivery.)

SD 7.4	SD 7.4 Additional Town Review: The Board may send applications and copies of such plans to the Conservation Commission, building inspector, health officer, road agent, fire department, police department, and any other department or board for review and comments. Copies shall be available at the Selectmen's office and [Town Clerk's o] Land Use Office for public review. (Failing a requirement of the RSA's this a more reasonable site for public review of a land use record).
Figure in SR	[Figure # for figure on p13] FIGURE [3]: <u>1</u> SITE PLAN LAYOUT.
Figure in SR	[Figure # for figure on p16] FIGURE [4]: <u>2 BASIC LOT DIAGRAM</u>
ZO 9.5	In 9.5 we go from section to sub-paragraph. Insert paragraph indicator 9.5(1) "The following features shall not --- in this ordinance" (gives the subparagraphs a base - no subparas w/o paras)
ZO 12.1(4)	Restructure the paragraph by breaking out the source references into paragraph 5 with subparagraphs
ZO Art 15	Large amount of reformatting done in my transcription
ZO Definitions	Convenience Store with Gas Fuel Pumps Any retail establishment whose principal activity is offering for sale prepackaged food products, household items, newspapers and magazines, and freshly prepared foods, such as salads or sandwiches, for off-site consumption, which also offers the sale of gasoline and/or diesel fuel from pumps. for automobiles.
ZO Definitions	Tease apart the elements of day care facility. Include the various types under their own definitions in this section and simply list them in the day care definition.
SR Fig 5 - p35	In the legend for this Figure (6 pictures actually) there is symbol (F) meaning Overlap to Overlap - What is it meaning? Why no mention of (F) in the figure itself? Should it be edited out? New Caption applied?
ZO 9.5.1(4)	Wells/Well lines - This ordinance shall not prohibit the construction of principal and accessory structures within the buffer zone or unimproved lots that were approved for subdivision by the Planning Board or which otherwise legally existed on or before March 13, 2001(Consider making a single statement re: wells/ well lines as ZO 9.5.1(4) and consider rolling this material as stated now into 9.5.1 (1) to clarify the intents of these two items.
SD Figure 3	Correct spelling of "Hierarchy" - should be Hierarchy.