Barrington Planning Board
Explanation of Warrant Article
2016

Count 2

Are you in favor of adoption of Amendment No. 1 to change the time period under Article 18 the definition of Active and Substantial Development or Building from twelve months (12) to twenty-four months (24), consistent with RSA 674:39. By a vote of (7) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

To make consistent with RSA:674:39

Active and Substantial Development or Building. Shall mean the expenditure of at least twenty-five percent (25%) of the infrastructure costs required for a development proposal, as indicated by a subdivision or site plan approval by the Planning Board, within ~~twelve (12)~~ *twenty four (24)* months of said approval, where the approved plans have been properly recorded at the Registry of Deeds. Infrastructure shall mean in this instance the construction of roads, storm drains, water sewer facilities, or parking lots. Compliance with this definition shall also necessitate that a bond or other security to cover the costs of said infrastructure requirements has been posted with the town prior to the beginning of construction, if required as a condition for subdivision or site plan approval.

Count 3

Are you in favor of adoption of Amendment No. 2 to include in Article 18 definitions for; Assisted Living Facility, Congregate Care Facility and elderly Assisted Care Home, in order to differentiate between the specific types of elderly housing

and to amend the definition of Nursing Home to Nursing Facility for consistency with RSA 151-E:2V. By a vote of (7) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

To differentiate between specific types of elderly housing

And

To update the definition of Nursing Home to be consistent with state statute

Assisted Living Facility A facility with individual living units where medical and social support services are provided on the basis of an individualized plan of care and which provided other common support services (as defined in RSA 151:E2)

Congregate Care Facility means a residential facility for elderly persons containing individual, one (1) and two (2) bedroom units. Each unit may also have a kitchenette. The facility shall contain common dining facilities and amenities such as housekeeping, transportation and organized social and recreational activities, and may include medical services on site. The facility is intended for and solely occupied by persons sixty-two (62) years of age or older and thereby qualifies as "housing for older persons" under state law.

Elderly Assisted Care Home means a residential facility permanently housing up to (15) elderly residents with common dining facilities an Accessory Uses typically needed for elderly persons. The Planning Board may increase the number of residents through the granting of a conditional use permit.

--And—

Nursing ~~home-~~ *Facility* ~~A facility for the aged or chronically ill, providing bed care and inpatient services for persons requiring regular medical attention, but excluding a facility providing services for persons requiring regular medical attention, but excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.~~ *An institution or facility, whether proprietary or non-propriety, which is engaged in providing 24-hour care for residents needing skilled nursing care, medical monitoring, and related services; rehabilitation services for rehabilitation of injured chronically disabled or sick; medication administration or instruction and supervision; or on a regular basis, health related care services (above the level of room and board) which can be made available to them only through institutional facilities which provide 24-hour care. (RSA 151-E2V)*

Count 4

Are you in favor of adoption of Amendment No. 3 to include in Article 19 Table of Uses the following uses; Assisted Living Facility, Business & Professional Park, Distillery/Brewery with Retail, Elderly Assisted Care Home, Kennel, Nursing Facility, and Distillery without Retail. By a vote of (7) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

To add to the Table of Uses Article 19, newly identified uses in Article 18 Definitions

TABLE 1: TABLE OF USES (Sheet 1 of 4)						
	General Residential(GR)	Neighborhood Residential (NR)	Village (V)	Town Center (TC)	Regional Commercial (RC)	Highway Commercial District Overlay (HCO)
USE COMMERCIAL						
Assisted Living Facility	*CP(15)*	*CP(15)*	*P(15)*	*P(15)*	*P(15)*	*CP(15)*
Business & Professional park	*CP*	*CP*	*CP*	*CP*	*CP*	*CP*
Distillery/Brewery with Retail	-	-	*P*	*P*	*P*	*CP*
Elderly Assisted Care Home	*CP(3)(15)*	*CP(3)(15)*	*CP(3)(15)*	*CP(3)(15)*	-	*CP(3)(15)*
Kennel	-	-	-	*CP*	*P*	*CP*
Nursing ~~Home~~ Facility	*CP(~~3~~)*	*CP~~(3)~~(15)*	*P~~(3)~~(15)*	*P~~(3)~~(15)*	*P~~(3)~~(15)*	*CP~~(3)~~(15)*
Distillery without Retail	*(-)*	*(-)*	*(-)*	*(-)*	*P*	*P*

Count 5

Are you in favor of adoption of Amendment No. 4 to allow under Article 19 Footnotes to Table 1 (11) to allow one structure of 200 sq. ft. or less to be utilized as a farm stand without site plan review, after review by the Zoning Administrator for compliance with section 7.3 of the ordinance and consultation with appropriate department heads for review of access and safety concerns. By a vote of (7) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Comment:

Such structures have been either erected without review and if reviewed was reviewed by the Planning Board.

For the sale of agricultural products, or any other goods, which are produced substantially as a home occupation or from agricultural activities on the premises, other than forestry related activities, as an accessory use to a principal residential use; *one structure of 200 sq. ft. or less may be utilized without site review, after review by the Zoning Administrator for compliance with section 7.3 of this ordinance and consultation with appropriate department heads for review of access and safety concerns.*

Count 6

Are you in favor of adoption of Amendment No. 5 allowing legally existing residential uses to continue as part of a mixed use development to add under Article 3.3.4, 3.3.4(1)(c) Legally Existing residential uses may be combined as part of a mixed use development.

A) Add to Article 3.3.5 to include 3.3.5(3)(c) Legally Existing residential uses may be combined as part of a mixed use development.

B) Add to Article 3.3.6 to include 3.3.6(1)(c) Legally Existing residential uses may be combined as part of a mixed use development. By a vote of (7) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Comment:

Basically grandfathers in detached residences co-located with businesses. Residences built above businesses already are allowed.

Count 7

Are you in favor of adoption of Amendment No. 6 to replace in Article 1 specific dates with "current" By a vote of (7) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

To make wording consistent with the Master Plan and Capital Improvement Plan

This Ordinance is intended to implement, to the fullest extent possible, the *current* Vision, Strategic Objectives, and Implementation Strategy of the Strategic Master Plan Update, Barrington, New Hampshire, which was adopted by the Barrington Planning Board ~~on March 11, 2004~~, along with all of the supplemental planning studies that were adopted by reference. This document is hereafter referred to as the "Master Plan." This Ordinance is also intended to support the implementation of the *current* Capital Improvement Plan (CIP), adopted by the Planning Board ~~in June 2007~~, as amended.

Count 8

Are you in favor of adoption of Amendment No. 7, inserting in Article 2 an index of 2.1. By a vote of (7) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

Adds the reference numbers shown as italicized and underlined in front of existing text.

ZO 2.1(1)	General Residential (GR)
ZO 2.1(2)	Neighborhood Residential (NR)
ZO 2.1(3)	Village (V)
ZO 2.1(4)	Regional Commercial (RC)
ZO 2.1(5)	Town Center (TC) (added March 2008)
ZO 2.1(6)	Wetlands Protection District Overlay (WDO)
ZO 2.1(7)	Shoreland Protection District Overlay (SDO)
ZO 2.1(8)	Floodplain Management District Overlay (FDO)
ZO 2.1(9)	Groundwater Protection District Overlay (GDO)
ZO 2.1(9)(a)	Stratified Drift Aquifer Overlay (SDAO)
ZO 2.1(9)(b)	Swains Lake – Water Management Zone Overlay (SL-WMZO)
ZO 2.1(10)	Wireless Communications Facilities Overlay (WCO)
ZO 2.1(11)	Highway Commercial District Overlay (HCO)

Count 9

Are you in favor of adoption of Amendment No. 8, relocating the second sentence of Article 3.1 as new section 3.1(1). By a vote of (7) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

To breakup text into parts to allow adding reference numbers and to eliminate superfluous words.

ZO 3.1 General Provisions: Except as herein provided, no building or land shall be used or occupied except for the purposes permitted in the district as described in this Article. ~~A permit for the construction, installation, development, alteration, enlargement, moving, demolition, or use of a building or structure shall not be issued by the Building Inspector, or other town official, unless it complies with the provisions of this Article and/or has been granted a variance or special exception by the Zoning Board of Adjustment.~~

ZO 3.1(1) A permit for the construction, installation, development, alteration, enlargement, moving, demolition, or use of a building or structure shall not be issued by the Building Inspector, or other town official, unless it complies with the provisions of this Article and/or has been granted a variance or special exception by the Zoning Board of Adjustment.

ZO 3.1.8(3) Signs as Abandoned Property - Where ~~such~~ a sign is removed, it shall be deemed to be abandoned and may be disposed of by the town as abandoned property

Count 10

Are you in favor of adoption of Amendment No. 9, clarifying how to read the Table of Uses in Article 3.2
A) by deleting in Article 3.2 "in accordance with the following provisions"
B) by making formatting changes in Article 3.2.1,3.2.2, 3.2.3, 3.2.4, to delete duplicative instructions, and relocate language requiring compliance with footnotes. By a vote of (7) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

To clarify and simplify Table of Uses

ZO 3.2 Use Regulations: The following Paragraphs (1) through (3) refer to Table 1, the Table of Uses, which is located in the Appendix of this Ordinance. Only uses listed in this Table shall be permitted in any zoning district. ~~in accordance with the following provisions.~~

~~ZO 3.2.1~~ *ZO 3.2 (1)* ~~A use listed in the Table of Uses is permitted by a matter of right in the district, which is denoted by the letter "P", subject to all other applicable local, state and federal regulations. If the letter "P" is accompanied by a number in parenthesis it indicates that the use is permitted only when in compliance with the conditions imposed as specified in the appropriate footnote, and subject to all other applicable local, state and federal regulations.~~ *A use permitted as a matter of right is denoted by the letter "P" in ZO Table 1 – Table of uses. A use permitted by right is subject to all other applicable local, State and Federal regulations.*

~~ZO 3.2.2~~ ZO 3.2(2) Uses Permitted by Conditional Approval of Planning Board: A use listed in the Table of Uses and denoted by the letters "CP" may be permitted if the Planning Board determines that the requested use can be established in compliance with the provisions of Section 3.4 as well as all other applicable provisions of this Ordinance, and subject to all other applicable local, ~~s~~ State and ~~f~~ Federal regulations. ~~If the letters "CP" are accompanied by a number in parenthesis it indicates that the use is permitted only when in compliance with the conditions imposed as specified in the appropriate footnote.~~

~~ZO 3.2.3~~ *ZO 3.2(3)* Prohibited Uses: Prohibited uses shall be denoted by a dash (−) in the Table of Uses. Unless a use is specifically permitted in a zoning district as indicated in the Table of Uses, it shall be prohibited.

ZO 3.2(4) Uses with Specified Conditions: A use Permitted by Right ("P") or by Conditional Approval ("CP") may have specified conditions associated with that use. The existence of specified conditions is indicated by one or more numbers accompanying the letter "P" or letters "CP". The number(s) reflect the footnote reference(s) specifying the condition(s).

Count 11

Are you in favor of adoption of Amendment No. 10 to add "are permitted" following Well/Well Lines to Article 9.5.1(4). By a vote of (7) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

Adds exceptions. Many of the Articles below were not changed and are shown for context.

ZO 9.5.1 Exceptions for Construction in Wetland Buffers

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.

ZO 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.

ZO 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.

ZO 9.5.1(4) Wells / Well Lines *are permitted.*

Count 12

Are you in favor of Amendment No. 11 inserting "that is regulated by the building code" into 15.4.1 to clarify scope of building permit requirement. By a vote of (7) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

Clarifies what requires a building permit. For instance, a well is not regulated by the building code and therefore does not require a building permit.

ZO 15.4.1 Building Permit Required: No building or structure *that is regulated by the building code* shall be constructed, reconstructed, altered, or relocated; nor shall the use of any building or structure be substantially changed; nor shall any excavation be commenced under the provisions of this Ordinance without a duly authorized building permit issued by the Building Inspector. Said permit shall be issued only if it is determined that the proposed construction is in compliance with all applicable town and state codes and regulations which have been adopted for the purpose of regulating such activities.

Count 13

Are you in favor of Amendment No. 12 Clarifying Article 3.1.8(3) by striking ~~such~~ and insert "a" after "Where" By a vote of (7) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

Improves grammar and divides into multiple subsections.

ZO 3.1 General Provisions: Except as herein provided, no building or land shall be used or occupied except for the purposes permitted in the district as described in this Article. ~~A permit for the construction, installation, development, alteration, enlargement, moving, demolition, or use of a building or structure shall not be issued by the Building Inspector, or other town official, unless it complies with the provisions of this Article and/or has been granted a variance or special exception by the Zoning Board of Adjustment.~~

ZO 3.1(1) A permit for the construction, installation, development, alteration, enlargement, moving, demolition, or use of a building or structure shall not be issued by the Building Inspector, or other town official, unless it complies with the provisions of this Article and/or has been granted a variance or special exception by the Zoning Board of Adjustment.

ZO 3.1.8(3) Signs as Abandoned Property - Where ~~such~~ *a* sign is removed, it shall be deemed to be abandoned and may be disposed of by the town as abandoned property.

ZO 3.2 Use Regulations: The following Paragraphs (1) through (3) refer to Table 1, the Table of Uses, which is located in the Appendix of this Ordinance. Only uses listed in this Table shall be permitted in any zoning district. ~~in accordance with the following provisions.~~

Count 14

Are you in favor of Amendment No. 13 to include the definition of **Kennel** in Article 18. By a vote of (5) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

Updates Article 18 Definition of Kennel.

Kennel means any building(s) or land operated as a business for the boarding, breeding, training, or selling of ~~five(5) or more~~ dogs or cats. ~~or other household pets~~.

Count 15

Are you in favor of Amendment No. 14 to include in the exemption from setbacks in the definition of **Structure** in Article 18 (n) Cisterns, (o) Wells, provided they meet NHDES requirements, including ancillary equipment, (p) Drainage facilities, (q) Such structures as are authoritatively deemed required for the Safety of the community and its citizens, and (r) Utility service lines By a vote of (5) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

Updates Article 18 Definition of Structure and exemptions.
To revise ordinance to be consistent with current practice.

Structure Anything constructed, installed, placed or erected, whether above or below grade. Unless otherwise stated in this Ordinance, the following structures are exempt from the building permit requirements set forth in Section 15.4.1 and shall not be construed as structures for purposes of setback requirements, but shall be so construed for all other purposes. Sheds may require an Administrative Zoning Permit, see Article 9.4.5.

(a) Signs
(b) Stonewalls,
(c) Septic systems,
(d) Driveways, sidewalks, parking lots,
(e) Home propane and heating oil tanks,
(f) One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, providing the floor area does not exceed 200 square feet,
(g) Retaining walls that are not over four feet in height measured from the ~~bottom~~ *top* of the footing to the top of the wall, unless supporting a surcharge, *the differential in grade shall be no more than ~~4'~~ four feet*
(h) Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons and the ratio of height to diameter or width does not exceed 2 to 1,
(i) Prefabricated swimming pools that are less and 24 inches deep
(j) Swings and other playground equipment
(k) Window awnings supported by an exterior wall that does not project more than 54 inches from the exterior wall
(l) Heating or cooling equipment, ~~and~~
(n) Cisterns
(o) Wells, provided they meet NHDES requirements, including ancillary equipment
(p) Drainage facilities, ~~and~~
(q) Such structures as are authoritatively deemed required for the Safety of the community and its citizens
(r) Utility service lines.

Count 16

Are you in favor of Amendment No. 15 in Article 18 to add in the definition of Structure (g) the language "the differential in grade shall be no more than four feet" and to change "bottom" to "top". By a vote of (5) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

Clarify language and correct an error in wording (bottom vs. top)

Retaining walls that are not over four feet in height measured from the ~~bottom~~ *top* of the footing to the top of the wall, unless supporting a surcharge, *the differential in grade shall be no more than ~~4'~~ four feet*

Count 17

Are you in favor of Amendment No. 16 to insert (15) to Article 19 footnotes, Maximum density per NHDES Subsurface Disposal Regulations or no more than one bedroom per ten thousand (10,000) square feet of upland soil, the most restrictive shall apply. By a vote of (5) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

To clarify that the square footage pertains to upland soil due to upland soil being suitable for leach fields.

Maximum density *per NHDES Subsurface Disposal Regulations or no more than* ~~of~~ one bedroom per ten thousand (10,000) square feet *of upland soil* ~~land~~ *and the most restrictive shall apply*.

Count 18

Are you in favor of Amendment No. 17 to substitute "on" for "or" in Article 9.5.1(5) By a vote of (5) in favor and (0) opposed the Board unanimously recommended this article. [Majority Vote Required]

Purpose:

Corrects a typo.

ZO 9.5.1(5) This ordinance shall not prohibit the construction of principal and accessory structures within the buffer zone ~~or~~ *on* unimproved lots that were approved for subdivision by the Planning Board-or which otherwise legally existed on or before March 13, 2001.

Count 19

Are you in favor of Amendment No. 18 by Petition to prevent the contamination of Barrington's water supplies by prohibiting Gasoline Service Stations in or within 500 feet of a stratified drift aquifer boundary in Article 12.4.2. By a vote of (3) in favor and (4) apposed the Board failed to recommend this article. [Majority Vote Required]

Comment:

In and of itself, this would not prevent contamination but would eliminate a source of contamination from gasoline service stations. It would prohibit new gasoline service stations on Route 125.