

Town of Barrington Planning Board Warrant Articles
Full Text as Presented for Public Hearing January 3 & 17, 2012

Amendments to the texts will be presented as follows:

Normal Text = to remain unchanged

~~Strikeout Text~~ = to be removed

Bold Underlined Italicized = to be added

Article 2 (presented to the public as 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

Article 3 (presented to the public as 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

Article 4 (presented to the public as 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

Article 5 (presented to the public as Item #6)

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

1.5 Interpretation

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 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 **the Definitions Article are to** as noted should be given their common and generally accepted meaning.

For the purpose of formatting, to separate material into discrete functional clauses within the broader heading classification, stating the controlling standard or requirements where conflict exists between or among differing standards or requirements, and editing for word reduction and simplification.

~~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

Article 6 (presented to the public as 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

Article 7 (presented to the public as Item #16 and Item #8)

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 #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

Article 8 (presented to the public as Item #9 and Item #10)

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.

-Proposed by the Planning Board

Article 9 (presented to the public as 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

Article 10 (presented to the public as 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

Article 11 (presented to the public as Item #2 and Item #3)

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

Article 12 (presented to the public as 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~~

~~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.~~¹

~~"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 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 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

- 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 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

- A. **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 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.

1. Issuance of Building Permits

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

- a. **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**
- b. **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**
- 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 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.

- (a) 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) 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 building 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 Inspector 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 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

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

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