### 3.4 Conditional Use Permits Issued by Planning Board

Following a public hearing on the proposed use, which may be combined with a public hearing held for a subdivision or site plan review application, the Planning Board may issue a Conditional Use Permit, if it finds, based on the information and testimony submitted with respect to the application, that conditions presented in this Section have been met. Granting of a Conditional Use Permit shall authorize the applicant to apply for a building permit and/or certificate of occupancy once all other applicable town, state and federal requirements have been complied with, including subdivision and/or site plan review approval.

- The building, structure or use is specifically authorized under the terms of this Ordinance.
- If completed, the development in its proposed location will comply with all requirements of this Ordinance, and with specific conditions or standards established in this Section for the particular building, structure or use.
- The building, structure or use will not materially endanger the public health or safety.
- The building, structure or use will not substantially de-value abutting property.
- The building, structure or use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located.
- The building, structure or use will not have a substantial adverse impact on highway or pedestrian safety.
- The building, structure or use will not have a substantial adverse impact on the natural and environmental resources of the town.
- Adequate public utilities, community facilities, and roadway capacity are available to the property to ensure that the proposed use will not necessitate excessive public expenditures in providing public services.
- Where deemed necessary when considering an application for Conditional Use approval, the Planning Board may require that adequate visual buffers be established

**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 | Rear | Feet | Stories | |
| General Residential | 80,000(c) | 200 | 40 | 30 | 30 | 35 | 2.5 | 40% |
| Neighborhood Residential | 80,000(c) | 200 | 40 | 30 | 30 | 35 | 2.5 | 40% |
| Village District (Residential) | 80,000(c) | 200 | 40 | 30 | 30 | 35 | 2.5 | 40% |
| Village District (Non-Residential) | 30,000(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% |

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## ARTICLE 4 - DIMENSIONAL REQUIREMENTS

### 4.1 General Provisions

#### 4.1.1 Minimum Standards

No building or structure shall be erected, enlarged, altered or moved, nor shall any existing lot size be changed or new lot created, except in accordance with the standards prescribed in Table 2, Table of Dimensional Standards or as otherwise specified herein.

#### 4.1.2 Lot Frontage

The side of a parcel used to satisfy the frontage requirement specified in the Table of Dimensional Standards, or other alternative standards, must be the side of the parcel used to provide vehicular access to the property. The Zoning Board of Adjustment may permit, by grant of a Special Exception, that a different side of the property be used for access because site constraints make using the otherwise required frontage inconsistent with protecting the safety, health and welfare of the public.

#### 4.1.3 Back Lots

For residential subdivisions, up to two (2) back lots may be allowed, notwithstanding the frontage requirements specified in the Table of dimensional Standards.
The parcel must have at least fifty (50) feet of frontage on an existing Class V or better road. If there are two (2) back lots, the ownership of the neck and frontage shall be owned equally by both back lots. The area of the neck cannot be used in any way to calculate the minimum lot size. Back lots are not allowed off of cul-de- sacs. Driveways must be centered in this neck as much as possible and the neck kept clear and maintained for safety. A permanent road agreement will be executed, shown on the plan and recorded in the deed of each lot.

### 4.2 Minimum Lot Size

The minimum dimensional standards for lots prescribed in Table 2, the Table of Dimensional Standards, shall be determined in accordance with the provisions of this Section. These dimensional standards may be reduced for either a Conservation Subdivision, approved by the Planning Board pursuant to Article 6 or a Planned Unit Development (PUD) approved by the Planning Board pursuant to Article 16.

#### 4.2.1 Standards for the GR and NR District

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

2) For each additional one (1) bedroom dwelling unit under a common roof, the minimum standards cited in Paragraph 1) above shall be increased in the following proportions. Minimum lot size shall be increased by 40,000 sq. ft., the area free of Hydric A soils, open water, bogs, marshes, rivers, streams, or exposed ledge shall be increased by 30,000 sq. ft. and the area of upland soils shall be increased by 15,000 sq. ft. Any dwelling unit created under this provision may contain a total of no more than two additional habitable rooms (such as a kitchen and living

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## ARTICLE 5 - NONCONFORMING LOTS, STRUCTURES, AND USES (03/08/2011)

### 5.1 Nonconforming Lots

**5.1.1 Development on Nonconforming Lots**
Structures shall be permitted on a lot having frontage or area that is less than required by the Table of Dimensional Regulations in this Ordinance if said structure is permitted by right within the zoning district and if the following provisions are met:

1) The lot was a legal lot of record and duly recorded at the Strafford County Registry of Deeds prior to adoption of this Ordinance;

2) The lot is capable of supporting a well and septic system designed and installed in compliance with all applicable town and state regulations; and

3) All proposed uses, buildings, and structures, shall comply with the setback requirements in the Table of Dimensional Regulations.

**5.1.2 Repealed 3/8/2011**

**5.1.3 Certified Plan Required For Building on One Acre or Smaller Lots**
Before a building permit is issued for the erection of any structure or construction otherwise permitted on a nonconforming lot of one (1) acre or less in area, a plan stamped and certified by a licensed land surveyor must be submitted to the Building Inspector. The plan must show the exact location of all existing and proposed property lines, wells, septic tanks and leach fields, and structures on the lot in question. The plan must be drawn to a scale of not less than one (1) inch equaling fifty (50) feet (1" = 50').

**5.1.4 Lot Line Adjustments Involving Non-Conforming Lots (3/9/2010)**
Lot line adjustments involving one or more contiguous lots, of which one or more lots are nonconforming in area, are permitted only in the following circumstances:

1) The lot line adjustment does not create a new violation of the zoning ordinance or increase an existing nonconformity; and the lot line adjustment does not result in a change of the total area of any of the involved lots; and the lot line adjustment does not decrease the size of a nonconforming lot or render a conforming lot nonconforming.

Or
2) The lot line adjustment does not create a new violation of the zoning ordinance or increase an existing nonconformity; and the lot line adjustment results in an increase in the size of one or more nonconforming lots; and the lot line adjustment does not decrease the size of a nonconforming lot or render a conforming lot nonconforming.

### 5.2 Nonconforming Structures
Where a lawful building or structure exists at the effective date of this Ordinance, or applicable amendment, that could not be built under the terms of this Ordinance or amendment by reason of

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restrictions on area, lot coverage, height, setbacks, or other dimension requirements, the building or structure may be continued so long as it remains otherwise lawful. Such a nonconforming building or structure may not be enlarged, expanded, or otherwise altered in such a manner that results in said building or structure being made less conforming to the provisions of this Ordinance, except as provided for below.

**5.2.1 Permitted Expansion for Certain Nonconforming Structures**

1) Any lawfully-existing nonconforming structure may be enlarged or expanded if such an expansion can be executed in compliance with all setbacks, height limitations and other dimensional requirements of this Ordinance and does not make the building or structure less conforming than its present configuration, except as provided for in Paragraph (2) below.

2) Notwithstanding any other provisions to the contrary, a lawful nonconforming structure may be expanded into a setback area by the addition of an unenclosed stoop, open deck or stairs, provided the same do not extend more than 8 feet into the required front, side or rear setback and provided further that at least 15 feet remain between the exterior of the addition and the nearest lot line.

**5.2.2 Special Exception for Accessibility Additions/Structures**
If a structure or addition is necessary to provide access to a residence or business to accommodate persons with a disability that reasonably cannot be built or provided without violating the setback provisions of this Ordinance, the property owner may apply to the Zoning Board of Adjustment for a special exception to build or supply the accessibility addition/structure and this special exception shall be granted if the Zoning Board of Adjustment finds that:

1) The structure or addition is reasonably necessary for access purposes as provided herein;

2) The structure or addition reasonably cannot be built without violating the setback(s) or cannot be built without violating the setback(s) except with unreasonable expense to the owner;

3) The setback violation is as small as reasonably possible under the circumstances;

4) The value of abutting properties will not be affected adversely; and

5) The structure or addition is consistent with the health, safety and welfare of the public and the occupants/users of the premises. An application for special exception considered by the ZBA under this Subsection does not need to comply with the provisions of Section 15.2.

**5.3 Nonconforming Uses**
Where on the effective date of adoption of this Ordinance or applicable amendment, a lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, and is in compliance with the following provisions of this section:

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## ARTICLE 11 - SHORELAND PROTECTION DISTRICT OVERLAY (SDO)

### 11.1 Purpose and Intent

The purpose of the Shoreland Protection District is to preserve the overall quality of surface waters, and their adjacent environs, in the Town of Barrington in order to protect the public health and maintain the ecological integrity associated with these resources. More specifically, the intent of the regulations established in this Article are to:

- Maintain the quality of surface waters to insure protection of groundwater and drinking water supplies; and
- Conserve and protect the aquatic and terrestrial habitat associated with the town's rivers, lakes and ponds; and
- Preserve and enhance the aesthetic values associated with shoreline areas in order to maintain the town's rural character; and
- Encourage those uses that can be appropriately located adjacent to the town's surface water resources.

### 11.2 District Defined

No structure of any type including, by way of example and not by way of limitation, all buildings, garages, sheds, parking lots and driveways, may be constructed within seventy-five (75) feet of the shoreline of any year-round stream, or any lake or pond over two (2) acres.

For the Isinglass River this overlay zone shall consist of all properties located within one hundred (100) feet of the mean high water mark of the river, wherein no structure of any type including by way of example and not by way of limitation, all buildings, garages, sheds, parking lots, and driveways, may be constructed.

### 11.3 Exemptions from Regulations

Lots of record that existed prior to July 28, 1988 (which was the effective date of the original version of this provision) are exempt from these shoreland setback provisions to the extent that it can be demonstrated that conformance is impossible; however, any structure on such lots must conform as fully as possible.

Exemptions to the setback provisions of Section 11.2 of this Article shall be made for the installation of docks, floats and other structures that are customarily associated with the recreational use of water.

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