



BARRINGTON, NH SELECT BOARD MINUTES

Monday, December 12, 2022

The Select Board meeting for Monday, December 12, 2022 began at 6:30pm. The meeting was held at the Barrington Town Hall, 4 Signature Drive, and was also accessible by remote participation via a Microsoft Teams Meeting. In attendance were Chairperson Mannschreck, Selectperson Saccoccia, Selectperson Gibson, Selectperson Capiello, and Town Administrator (TA) MacIver. Municipal Office Administrator (MOA) Caudle was in attendance remotely.

CALL TO ORDER AND ROLL CALL ATTENDANCE

6:30pm. Chairperson Mannschreck called the meeting to order and requested attendance. Capiello – Present, Gibson – Present, Saccoccia –Present, Bailey –Not Present, Mannschreck – Present.

PLEDGE OF ALLEGIANCE

6:30pm. Chairperson Mannschreck led the Pledge of Allegiance.

AGENDA REVIEW AND APPROVAL

6:31pm. Motion to accept the December 12, 2022 agenda as presented by Selectperson Gibson, seconded by Selectperson Capiello. Gibson – Aye, Saccoccia – Aye, Capiello – Aye, Mannschreck – Aye. *The motion passed.*

PUBLIC COMMENT

Public Comment is limited to three minutes per person, and 15 minutes total. Public Comment is not a discussion and commenters should not expect a response or two-way dialogue as the Select Board may not have discussed or taken a position on a matter. Chairperson Mannschreck read the rules of Public Comment.

6:31pm. *Public Comment opened.*

Rob Russell – 99 Tolend Road - Stated he would challenge the 60-day sign rule currently proposed in the zoning amendments, citing Reed v. Town of Gilbert and sharing his belief he will recoup attorney fees. Further, he recommended it not be sent forward to a Town vote.

Kenneth Grant - 372 Parker Mountain Road – Objected to the goals of the Energy Committee and shared that the website still states the Town is accepting applications for the energy committee. He was unable to find Jack Bingham as a property owner in the Town of Barrington. He believes the committee would like to use public funds to “target and surveil people and their energy use” which should not be allowed.

6:38pm. *There were no additional public comments. Public Comment closed.*

PUBLIC HEARINGS AND INVITED GUESTS**School Board Liaison Report**

6:38pm. School Board members were unavailable for comment this evening.

Strafford County Commissioner George Maglaras and State Representative Cassandra Levesque

6:38pm. Representative Levesque presented information on the Riverside Rest Home project, which the Strafford County Delegation recently approved a \$6.2 million bond to begin site review, zoning, etc. \$170 million was originally proposed as the cost of the entire project. Commissioner Maglaras was unable to attend, but he and Representative Levesque are expected to return for a more in-depth presentation in 2023.

2023 Proposed Zoning Amendments – John Driscoll

6:40pm. TA MacIver introduced John Driscoll, Planning Board member, who discussed the eight (8) proposed zoning amendments brought forward by the Planning Board.

Mr. Driscoll reviewed each proposed amendment, including several that were presented last year and failed, responding to specific concerns and questions by the Select Board. Audience members were reminded the place to ask questions regarding the proposed articles is the Planning Board public hearing, the first of which is January 3, 2023.

The first discussed amendment would amend the zoning map by changing Tax Map 251 Lots 64 & 65 from General Residence to Regional Commercial to better reflect the current commercial use of the properties and to increase the opportunities for commercial development on each lot.

A proposed amendment to section 7.3 would require that a home occupation be conducted entirely within the structure of a single-family dwelling, limit the occupation to 30% or 500 square feet (whichever is less) and to limit the non-resident employees to one. Further, home occupation vs. home business was explained by Mr. Driscoll with the example of a single salon chair vs. multiple, affecting the number of customers and/or employees coming and going.

Section 7.4 (7) has been proposed to confine home businesses, including storage, to a primary dwelling structure or an outside area which is adequately screened with fencing and/or a vegetative buffer, and to limit the occupation of the business to no more than 2,000 square feet or 10% of the lot, whichever is less.

Brought before voters in 2018 and failing to pass by 114 votes, ten lots on Oak Hill Road and Franklin Pierce Highway are currently zoned as Town Center district; the Planning Board is proposing to re-district the area to the Village District to be more in-line with the surrounding residential neighborhood.

A change to article 18 would amend “attached building” to be a building having any portion connected by a common roof- (attached to the main structure). This article was proposed by Building Inspector/Code Enforcement Officer John Huckins.

Removal of section 3.1.8 Signage is considered redundant by Article 20 of the ordinance, so its removal has been proposed.

An amendment to section 20.8.4 regarding temporary signs would allow placement within 60 days of an election (if they otherwise comply with the ordinance) in the General Residential,

Neighborhood Residential, Village, Town Center, Highway Commercial Overlay, and Regional Commercial Zoning Districts.

The final proposed amendment would increase the required lot size in the General Residential, Neighborhood Residential, and Village Districts from 80,000 square feet to 120,000 square feet and to increase the required amount of frontage in the General Residential, Neighborhood Residential, and Village District residential districts from 200 feet to 250 feet. This was brought forth due to resident concerns about maintaining the Town's rural character.

Selectpersons Cappiello and Gibson shared concerns that had been brought to them by residents regarding development in Barrington and the wish for current residents to limit growth and maintain the rural character of Barrington. The Board and Mr. Driscoll further discussed limitations, such as sewer and water, and the current draw and challenge on wells, and future growth in Barrington and New Hampshire.

Further, Mr. Driscoll explained one recently added item would cover items such as sheds or fences being present in a wetlands buffer if erected on poles or pilings to not limit the flow of water. This was added at the most recent meeting.

Tomorrow, December 13 will be a work-session Planning Board meeting to finalize the list of warrant articles; a public hearing will follow for residents to join and discuss at a later date. If anything is added or language changed at the public hearing, a second public hearing will be necessary.

Acceptance of HB 1221 NHRS 7.5% Refund - \$20,953

7:16pm. House bill 1221 included a 7.5% refund of employer contributions for group two employees (police and fire), amounting to \$20,953 for Barrington.

7:17pm. *Public Comment opened.* Chair Mannschreck clarified that those who had already spoken at a previous public comment are allowed to speak during a public hearing for a particular subject.

Selectperson Gibson asked where this funding would be applied, and TA MacIver said this funding would be made available to spend outside the operating budget.

7:18pm. There were no additional comments. Public Comment closed.

Motion to accept and expend the HB 1221 NHRS 7.5% refund in the amount of \$20,953 by Selectperson Saccoccia, seconded by Selectperson Gibson. Gibson – Aye, Saccoccia – Aye, Cappiello – Aye, Mannschreck – Aye. ***The motion passed.***

CONSENT AGENDA

7:18pm. Motion to approve the Monday, December 12, 2022 Consent Agenda as presented by Selectperson Cappiello, seconded by Selectperson Saccoccia. Gibson – Aye, Cappiello – Aye, Saccoccia – Aye, Mannschreck – Aye. ***The motion passed.***

A. Meeting Minutes November 28, 2022

Motion to approve the November 28, 2022 minutes [as amended] - Passed on the Consent Agenda.

B. New Requests for Signature

- i. Accounts Payable Manifest 2022-250
- ii. Payroll Manifest 2022-149

- iii. Payroll Manifest 2022-149B (Fire)
- iv. Payroll Manifest 2022-149C (Earned-Time-Buyout)
- v. Payroll Manifest 2022-149D (Earned-Time-Buyout 2)
- vi. 2023 Financial Services Consultant Contract – Stone Hill Municipal Solutions
- vii. 2023 Assessing Services Contract – Corcoran Consulting
- viii. Oath of Office for Matt Mooers – Recreation Commission Alternate Appointment
- ix. Administrative Abatement for Map 220 Lot 45
- x. Intent to Cut Wood or Timber for Map 236 Lot 14

Motion to authorize and sign the above-referenced documents (i-x). – Passed on the Consent Agenda.

C. Tricentennial Fireworks

- i. The Tricentennial Committee has requested the Select Board release \$2,500 for the fireworks show at the Barrington Soiree.

Motion to appropriate \$2,500 from the Tricentennial Expendable Trust Fund for fireworks. – Passed on the Consent Agenda.

APPOINTMENTS

There were no appointments.

STAFF REPORTS

December Work Anniversaries

8:18pm. TA MacIver presented the employees celebrating an anniversary in Barrington at the December 5, 2022 meeting. Thank you for your dedication to the Town of Barrington!

Richard Walker, Jr.	Fire Chief	22 Years
Dana Martel	Custodian	10 Years
Brian Dodier	Highway Department	9 Years
Susan Milioto	Library Desk Clerk	5 Years
Christopher Wareing	Fire Department	4 Years
Jake Roger	Fire Department	4 Years
Kieron Taylor	Fire Department	3 Years
Lilah Cherim	Fire Department	3 Years
Rebecca Nelson	Deputy Town Clerk	3 Years
Malachi Fisher	Fire Department	2 Years

Ask The Town

7:19pm. Staff are considering creating cards to help direct individuals to ask@barrington.nh.gov.

TA MacIver reviewed the questions asked since the prior report:

- Where do I find information about Town-owned land sales, including results from recent sales? [Answer](#). (Visit <https://www.barrington.nh.gov/2022landsale> for the most recent sale)
- How do I review my property's assessed value or property record card; what if there are mistakes? [Answer](#). (Visit <https://next.axisgis.com/BarringtonNH/>, and speak with the assessor for corrections or questions)

- How do I find information about private cemeteries? [Answer](#). (Ask the Barrington Historical Society; in 1972 they compiled a 130+ page book about Barrington's graveyards!)
- What role does the Town government play in deciding which cable and internet providers serve Barrington? [Answer](#). (Visit www.barrington.nh.gov/faq/TownandInternet)
- Do I need a permit to burn brush in the winter? [Answer](#). (Ask the Fire Department about your circumstances)
- What are the details of the 2022 Property Tax Rate? [Answer](#). (Visit www.barrington.nh.gov/tax-collector/pages/tax-rates)
- Who decides how property is subdivided or developed? [Answer](#). (Property owners, within the established Zoning Ordinance and Regulations)

OLD BUSINESS

Richardson Pond Dam Reconstruction/Removal

7:24pm. Ken Grossman, Conservation Commission Chair, shared the options of dam removal or reconstruction and had requested and [received a letter](#) from Southeast Land Trust (SELT) regarding dam removal. The trails around Richardson Pond Dam are beloved; removal of the Dam would change the landscape and the trails. When asked which he would choose, he stated he could live with either removal or repair.

TA MacIver previously discussed with the Dam Bureau what would happen if this were delayed another year to further review options. In short, certain tasks would need to be completed to maintain the dam, but it's considered a low hazard. The Town is unlikely face consequences while looking into options and performing necessary maintenance.

The Select Board would need to decide who would provide maintenance to the dam; the Highway Department, if performing the maintenance, would bill the appropriate fund for any non-planned maintenance. The engineer cost estimate was \$370,000 to reconstruct the dam at a non-jurisdictional elevation, which included a 10% contingency and 25% inflation contingency. Additionally, the water level will be lowered, which was not factored in. The engineer is reworking the estimate. TA MacIver will discuss dam removal with the expert at the Dam Bureau, as well as grant opportunities.

Additional study will be completed. January 23rd is the next regular Select Board meeting. Conservation Chair Grossman will investigate an ecological study.

Proposed Noise Ordinance

7:49pm. Police Chief George Joy has proposed an [updated noise ordinance](#) after it was discovered the Select Board had improperly altered the 2001 noise ordinance. As currently written the improperly adopted noise ordinance is challenging to enforce. Chief Joy shared he mixed Lee and Durham's noise ordinances with alterations from Barrington's historical ordinance to achieve an enforceable ordinance to present to voters in March. If repeated visits to the same property for the noise ordinance occurs, the Police Department would elevate the charge beyond fines.

At Selectperson Cappiello's request, Chief Joy explained a lawful discharge of firearms vs. an unlawful discharge; recklessness and discharging in a compact area were given as examples of unlawful discharges. The Board agreed by consensus to add "Per RSA 159:26" to the ordinance

next to the line exempting lawful discharge of firearms, to the change to 10pm-6am, as well as the updated fine structure.

The most common complaint regarding the noise ordinance received by the Administrative office is due to the fireworks ordinance. The proposed ordinance exempts fireworks from the ordinance from July 1st-July 6th. Fire Chief Walker explained fireworks purchased in New Hampshire are legal in the state, absent a local ordinance. Members of the Board did not propose any changes.

TA MacIver explained a warrant article will be drafted summarizing the ordinance and additional information will be available on the website.

Town Center TIF District Development Program and Financing Plan

8:05pm. TA MacIver presented the [document](#) he created as required by statute, for the development of a TIF district, and explained the items included in the plan and specific items the Select Board may opt to alter prior to approval, including the duration of the TIF district.

Motion to approve the Town Center TIF District Development Program and Financing Plan as presented and include the establishment of the Town Center TIF District on the 2023 Town Warrant by Selectperson Saccoccia, seconded by Selectperson Gibson. Gibson – Aye, Saccoccia – Aye, Cappiello – Aye, Mannschreck – Aye. *The motion passed.*

NEW BUSINESS

Barrington Police Collective Bargaining Agreement

8:10pm. In a previous nonpublic session, the Select Board agreed to the proposed wage study and agreed to offer the Police Union to open the contract and propose those same changes to their contract. TA MacIver reviewed changes, to include changes to wages, increased compensatory time, holiday pay, and increased differential that have been negotiated with the union and presented in a [Tentative Agreement](#).

Motion to approve the Tentative Agreement as presented and include the cost items in the 2023 Town Meeting Warrant by Selectperson Saccoccia, seconded by Selectperson Gibson. Gibson – Aye, Saccoccia – Aye, Cappiello – Aye, Mannschreck – Aye. *The motion passed.*

NEW BUSINESS

Donation Request

8:15pm. Robert Russell, owner of 2A Tactical, offered to donate two rifles to the Town's Police Department. At the request of Chair Mannschreck, Police Chief Joy was consulted. In short, though the offer is greatly appreciated, and the rifles would allow the department to adhere to a replacement schedule, due to multiple criminal cases where Mr. Russell and/or his business are victims, and the potential for Mr. Russell to be called as a witness for the State, until all cases are resolved Chief Joy has advised against acceptance of the donations.

SELECT PERSON REPORTS AND CONCERNS

8:17pm.

Selectperson Cappiello – The Planning Board denied a request after a deed restriction was uncovered. Meeting Minutes from 1981 were reviewed to discover why the deed was restricted and were cited to make the decision.

Selectperson Gibson – The Conservation Commission met Thursday 12/8 and discussed the Richardson Pond Dam as well as a point-based buffer as an alternative. The Town of Plaistow uses a similar system.

Selectperson Saccoccia – Recreation Department is completing summer camp registration and is carrying out winter activities.

Chairperson Mannschreck – Recommendations from the School Board's Advisory Budget Committee will be brought forward tomorrow. There is a 0.81% increase; however, a \$600,000 bond payment is no longer necessary as it was paid off; this balances out the increase. The Transfer Station will close at noon on Saturday, December 24, but will be open 9am-4pm on Tuesday, December 27. The next meeting is January 9th.

PUBLIC COMMENT

Chairperson Mannschreck reiterated the rules of Public Comment.

8:22pm. *Public Comment opened.*

8:23pm. *There were no additional public comments. Public comment closed.*

NONPUBLIC SESSION

8:23pm. Motion to enter nonpublic session pursuant to RSA 91-A:3 for the purposes of legal by Selectperson Saccoccia, seconded by Selectperson Cappiello. Gibson – Aye, Cappiello – Aye, Saccoccia – Aye, Mannschreck – Aye. ***The motion passed.***

8:24pm. MOA Caudle joined the in-person meeting.

Overlook Circle


8:24pm. Previously, the Select Board declined to accept Overlook Circle as a Town Road due to the road not having been built to Town standards. 18 residents have filed suit against the Town, the Town's engineer, the developer, etc. The Select Board and TA MacIver discussed how to disseminate information regarding Overlook. More information will be available after the January hearing. TA MacIver will keep the Board informed.


Motion to exit nonpublic session by Selectperson Saccoccia, seconded by Selectperson Cappiello. Gibson – Aye, Cappiello – Aye, Saccoccia – Aye, Mannschreck – Aye. ***The motion passed.***

RETURN TO PUBLIC SESSION AND ADJOURNMENT

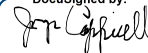
8:43pm. Motion to adjourn the December 12, 2022 Select Board meeting by Selectperson Saccoccia, seconded by Selectperson Gibson. Gibson – Aye, Cappiello – Aye, Mannschreck – Aye. *The motion passed.*


Links to all reviewed documents can be found in the [December 12, 2022 Town Administrator's Report](#).

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Chairperson D. Mannschreck

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Vice-Chair G. Bailey

Selectperson J. Saccoccia

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Selectperson R. Gibson

1-10-2023

Date Minutes Were Approved