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**MEETING MINUTES**  
**Town of Barrington Planning Board**  
**Public Hearing**  
**October 25, 2022, at 6:30 PM**

**1. CALL TO ORDER-**

**2. ROLL CALL**

**Members Present:** Andy Knapp, Ron Allard, Bob Tessier, John Driscoll, Donna Massucci, Buddy Hackett

**Virtual Member:** Joyce Cappiello,

**Members Absent:** A. Melnikas

A. Knapp appointed D. Massucci as a full Board member.

**Staff Present:** Town Planner: Vanessa Price

**3. REVIEW AND APPROVAL OF MINUTES**

A. Review and approve minutes of the October 4, 2022, meeting.

*A motion was made by A. Knapp and seconded by B. Tessier to approve the meeting minutes of October 4, 2022, as written. The motion carried unanimously.*

Roll Call:

Andy Knapp-Yay

R. Allard-Yay

John Driscoll-Yay

Bob Tessier-Yay

B. Hackett-Yay

Joyce Cappiello-Yay (virtual)

Donna Massucci-Yay

**4. ACTION EXTENSION REQUEST**

[251-64-GR/SDAO-17-SRExt \(Steven & Pamela Lenzi Trs Rev Tr\)](#) Request by applicant for a fourth one-year extension to allow the applicant to construct the previously approved facility; deadline set forth in the site plan approval on the case below:

[251-64-GR/SDAO-17-SR/Waiver \(Owners: Steven F. and Pamela M. Lenzi Revocable Trust\)](#) Request by applicant for Site Review to construct a 150' monopole tower that will structurally accommodate

at least 4 wireless broadband telecommunications carriers and associated antennas, electronic equipment, and cabling; and fence in the base of the tower to accommodate ground-based telecommunications equipment on Bumford Road and a waiver from 3.3. (3) existing topography. (Map 251, Lot 64) in the General Residential (GR) and Stratified Drift Aquifer Overlay Zoning District.

A. Knapp gave a brief description of the application.

Chris Davis from Everest Infrastructure Partners before the Board for a 4<sup>th</sup> extension for a cell tower that they have proposed to build on the Lenzi property. Chris explained they had an original carrier that was going to be T-Mobile or Sprint then they merged. Chris explained they were waiting for that budget to come back merger was complete, and they are still expecting the original budget. Chris explained that another was interested in the site known as DISH which was now wireless operator. Chris explained that they are deploying a network in New Hampshire. Chris explained that they would be back in the spring for there Zoning Board of Adjustment approval that would expire, and they would be asking for an extension on that also. Chris explained that if this doesn't happen in a year we would come back with a new proposal.

A. Knapp expressed that the request from a year ago looked like the same request and talked about a second carrier.

Chris explained that he was pretty sure that DISH was not in the picture then.

R. Allard explained that he voted against the 3<sup>rd</sup> extension but if this was an active player involved than he would support.

J. Driscoll explained that if DISH was part of the deal of the national option.

Chris explained that they don't build towers unless they know they have the anchor tenant. Chris explained that if they don't have a carrier or built by this time next year or ready, we would need to return full application.

*A motion was made by R. Allard and seconded by J. Driscoll to approve the one-year extension for the cell tower facility and the waiver on the Lenzi property. The motion passed unanimously.*

Roll Call:

Andy Knapp-Yay  
R. Allard-Yay  
John Driscoll-Yay  
Bob Tessier-Yay  
B. Hackett-Yay  
Joyce Cappiello-Yay (virtual)  
Donna Massucci-Yay

## **5. PRIVATE ROADS**

A. Review of a request for a building permit for 51 Sarah Ln., Category 2 on Class VI/Private Road. ([Map 111, Lot 26](#))

A. Knapp gave a brief description of the application.

Mark Scott owner of 51 Sarah Lane explained that this was the season to redo the foundation. Mark explained to the Board that they have pictures showing the deteriorating foundation.

A. Knapp asked if the foundation was going to be the same depth as the current one.

Mark explained that if would be on the roadside but not on the lake side it would be 8' on the lake side and would be 6' on the roadside.

R. Allard asked if any work on the road.

V. Price explained that this was a category 2, so they do not need to.

D. Massucci asked if this was a three seasonal.

Mark explained that this was a three seasonal.

J. Cappiello asked for clarification for the Class 6 requirements for all the categories and they require the building application. J. Cappiello asked does this not trigger a road improvement?

A. Knapp explained that category 2 listed as planning Board review then to Select Board requires Select Board decision.

J. Cappiello asked V. Price to explain why no road improvement was needed.

V. Price explained that they are required to supply a municipal liability waiver was part of the requirement in the package.

Mark explained that they also had to sign to be part of the road association.

B. Tessier explained to the Board that category 2 was that they are not increasing there living space.

A. Knapp expressed to the Board that he recommended to approve the replacement of the foundation and send standard letter from the Planning Board. The Board supported.

## **6. REPORTS FROM OTHER COMMITTEES**

A. Master Plan Steering Committee Work Session meeting held September 19, 2022, at from 3- 5pm, discussion on a community survey to address Transportation and Land Use.

Anticipated time for Live Survey will be unveiled at the Town Open House on October 27, 2022. V. Price explained to the Board that the Master Plan Committee had their last meeting on September 19, 2022, and that was to a survey for Land Use and Transportation Chapter up and running. V. Price explained that the survey was live, and they are going to unveil the survey at the open house on October 27, 2022, and at voting on November 8, 2022.

## **7. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD**

### **A. Discussion on HOP grant from SRPC, Jen Cysz**

V. Price explained that Jen Cysz from Strafford Regional was here to discuss the two grants which that Planning Board stated not to pursue and there were additional questions on the HOP grant. V. Price explained to the Board that the Town would be applying for it and Strafford Regional would be helping with the application process. V. Price explained that she was trying to update the Master Plan Chapter.

Jen Cysz from Strafford Regional Planning Director gave the Board general information on the HOP grant. Jen explained to the Board her disclaimer was that she doesn't work for the New Hampshire Housing. Jen explained that she has talked with the New Hampshire Housing about the program. Jen explained that if they have any questions, they can contact her and they would come and meet with the Board and assist with any questions. Jen explained that she has been working with V. Price on updates for the Master Plan Chapters and what makes to do next. Jen explained to the Board that V. Price mentioned updating the Demographics and Housing Chapter in the Master Plan. Jen explained to the Board that this was not one of the older chapters, but this was one of the chapters that has changed. Jen explained that they received a lot of data from the census from 2020 and they will be more data in 2023 that would be 100% count data that would be the most accurate data that the Census Bureau has. V. Price explained that they were hoping to use the HOP grant to fund this grant. Jen explained the different grants and the one she suggested for the Master Plan funding the maximum award amount would be \$25,000 the grant deadline was January 27, 2023.

Jen explained that a grant funding that they can apply for that does not have to be done in any order. Jen explained that the second one would be up to \$50,000 in funding to take the regulations Zoning, Site Plan and Subdivision from beginning to end to go through it.

B. Hackett asked if there was already someone set aside to write the application?

V. Price explained that she would be partnering with Strafford Regional Planning Commission to work on it.

Jen explained that Strafford Regional was not the applicant on the grant the municipality was the applicant. Jen explained that they are there as a resource and they are available to help with the communities. Jen explained that if needed they would write 100% of the application for the municipality but the Town needs to submit the application.

R. Allard asked if you could ask for the price on the items.

V. Price explained that was their list and every year Land Use Department works with the Planning Board to fund projects. V. Price explained to the Board that this past year the Land Use and Transportation Chapter. V. Price explained that if they don't receive the grant they would need to scale back to meet the budget.

J. Cappiello asked where would the housing chapter fall where this was on a budget and asked if this was something that needed to be done soon.

V. Price explained that the Demographics and Housing Chapter was done in 2016 and the one that the Board was currently working on Existing Land Use was the oldest chapter.

A. Knapp expressed that the salaries per household has gone up significantly in Barrington and felt that drives the affordable housing market higher as opposed to driving that number lower.

Jenn explained that they are in the process of rewriting there regional housing needs assessment and would be available at the end of the year for communities. Jenn explained that vacancy is less than 1% and owner vacancy rates are less than 2% in the general area.

A. Knapp expressed that the Board can do it but what does it change and the real impact in this economy would be in a year. A. Knapp explained that he was always looking at the data on housing and would not felt the impact for another year. A. Knapp asked if the Board was a little premature on this.

Jenn explained that they would need to put in an application and would not be starting on it until the new year and this would not be complete in a couple of months. Jenn explained that this would spread over 2023 and have time to see the market leveling off.

A. Knapp expressed that with John alluded to 285 housing starts that would make an significant impact in Barrington looks like a year from now.

Jenn explained that she put in public forums just by their nature and what it takes to organize it or expensive efforts.

J. Driscoll asked if they don't apply the grant would be gone and that would be the advantage of applying for it.

B. Tessier explained that if we wait and a year from now were in a recession and do they wait for these 254 start again and be out of the recession how long do we wait.

J. Driscoll suggested that this would be a good time to use the funds with all the building coming ahead.

V. Price explained to the Board that the Chapter need to be updated anyways.

R. Allard explained the affordable housing, high density housing of the least popular with the resident. R. Allard explained that every time one was put in the Board gets negative feedback.

A. Knapp explained that the Zoning has already been changed because of that.

Jenn explained that it helps visualize what the impacts in the community are and what the landscape could look like.

A. Knapp explained that manufactured home parks do not end up be affordable because the lot rent drains the equity out of it.

Jenn explained to the Board if they got a grant for the Master Plan, they would still have time to amend the regulations. Jenn explained that the deadline was November 15<sup>th</sup> so you come back in November and the funds need to be fully expended by September 30, 2024.

A. Knapp asked if there were more changes coming like when the accessory dwelling came be cause when the Board talks about regulatory changes this was a change to regulations. A. Knapp explained that if there were other changes coming because this not just a local problem it was a statewide problem.

Jenn explained that there was nothing that would have an impact like the statewide ADU statutory change. Jenn asked if Barrington had a housing for older persons or an ordinance or incentives for 55+ 60 plus senior housing.

J. Cappiello stated just a tax exemption.

Jenn explained that they offer age restriction incentives for 55+for housing for affordable housing and this would not be in effect until June of 2023. Jenn explained that if someone came in for restricted housing, they would get the density bonus also.

R. Allard explained that the purpose was to provide resources to buy affordable houses for all the Income levels, places the retire. R. Allard explained that goal was contrary to the feedback that has came from residents. R. Allard explained that the Board goes in and supports that goal has been negatively received by the residents of the Town. R. Allard expressed to the Board that some regulations decrease density because of the feedback.

Jenn asked where R. Allard was getting that sentence?

R. Allard explained from the program question to the last sentence of the first paragraph.

Jenn explained that said local Master Plan have these goals and Zoning Ordinance conflicts with these goals. Jenn explained that this program has been put out because of the shortage of housing In New Hampshire.

J. Driscoll asked if the Board did a grant with planning so they could have 40% of Barrington's developable to go opposite of what this was so we do not for whatever was available for land for low-income housing.

Jenn explained that they are not saying that you need to do subsidized housing.

B. Hackett asked if the Board takes the information that they have and use it for the residents. B. Hackett expressed that if the \$25,000 supports the planning, mapping and social media goes to support the residents.

R. Allard explained that if the recommendations were a lot of recommendations to increase little housing, they would never implement because the residents don't want it that would be a goal.

B. Tessier explained that was step 2 so in this part was step 1 public forum to identify preferences and opportunities. B. Tessier explained if the people want 3-acre lots for single family then when it comes to regulations that's what we're going to with.

R. Allard explained that last time they wanted lower density and the direction that the Board was hearing was this way not greater density. R. Allard expressed this was the opposite direction that the residents want.

*A motion was made by J. Driscoll and seconded by R. Allard that the Board apply for the grant that was described on the HOP sheet. The motion passed unanimously.*

Roll Call:

Andy Knapp-Yay

R. Allard-Yay

John Driscoll-Yay

Bob Tessier-Yay

B. Hackett-Yay

Joyce Cappiello-Yay (virtual)

Donna Massucci-Yay

## **B. Discussion on Drafted Zoning Warrant Articles**

R. Allard wanted to discuss the Barrington Zoning Ordinance Section 8.5 Greenbelt Buffer Required. Explained he has complaints from residents that they can't have signs in front of their business from people on Route 125.

The Board had a lengthy discussion on the greenbelt buffer.

J. Driscoll sheet questioning what would it do if you voted YES or NO and felt a lot of times the

voters don't understand and confused how to vote.

V. Price agreed a lot of confusion on how the residents would vote.

**SEE CHANGES BELOW:**

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**Article X – Zoning** (From 2018 Annual report, ACTION: Failed to Pass)

**Are you in favor of Amendment #X** for the Barrington Zoning Ordinance as proposed by the Planning Board as follows: to change the zoning of the following ten lots from the Town Center District (TC) to Village District (V) to provide for single and multi-family development near the Town Center: Map 234, Lot 57.1; Map 234, Lot 57; Map 234, Lot 57.2; Map 234, Lot 62; Map 234, Lot 63; Map 234, Lot 64; ; Map 234, Lot 65; Map 234, Lot 66; Map 234, Lot 79; Map 234, Lot 77.

**This amendment was recommended for approval by the Planning Board**

(Previously, by a vote of (7) in favor and (0) opposed the Board unanimously recommended this article.)

*Explanation: To support the development of a mixture of single family & multifamily development in close proximity to the Town Center. Village District also allows for commercial development.*

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**Article X – Zoning** (New Request from Town Staff)

**Are you in favor of Amendment #X** for the Barrington Zoning Ordinance as proposed by the Planning Board as follows: Amend Article 18 Definitions for Attached Building from A building having any portion of one (1) or more walls in common with adjoining buildings. To Attached Building: Connected by a common roof.

**This amendment was recommended for approval by the Planning Board**

*Explanation: The purpose of this amendment is to clarify the original intention of the attached building definition.*

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**Article X – Zoning** (New Request from Planning Board)

**Are you in favor of Amendment #X** for the Barrington Zoning Ordinance as proposed by the Planning Board as follows: to Amend Section 3.1.8 (2) Removal of Signs - No person shall remove, deface, or knowingly destroy any sign which is placed on or affixed to public property or any private property except for removal by the owner of the property, persons authorized by the owner of the property, or a law enforcement officer removing improper advertising.

**This amendment was recommended for approval by the Planning Board**

*Explanation: The purpose of this amendment is to clarify signage removal process.*

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**Article X – Zoning** (New Request from Planning Board)



**Are you in favor of Amendment #X** for the Barrington Zoning Ordinance as proposed by the Planning Board as follows: to Amend Section 3.1.8 (3) Signs as Abandoned Property - Where a sign is removed, it shall be deemed to be abandoned and may be disposed of by the town as abandoned property after sixty (60) days.

**This amendment was recommended for approval by the Planning Board**

*Explanation: The purpose of this amendment is to clarify the timeline for abandonment of signage.*

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**Article X – Zoning** (New Request from Planning Board)

**Are you in favor of Amendment #X** for the Barrington Zoning Ordinance as proposed by the Planning Board as follows: to add a new Section 3.1.8(4) Placement and Removal of Political Advertising – The Town of Barrington’s Zoning Ordinance to be in compliance with RSA 664:17.

**This amendment was recommended for approval by the Planning Board**

Explanation: The purpose of this amendment is to add definition for political signage to match the Universal Citation: NH Rev Stat § 664:17 (2017).

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**Article X – Zoning** (New Request from Planning Board)

**Are you in favor of Amendment #X** for the Barrington Zoning Ordinance as proposed by the Planning Board as follows: to Amend 20.8.4.... Exception: Additional Signs may be posted 60 days prior to an election without a Permit provided they are:

**This amendment was recommended for approval by the Planning Board**

*Explanation: The purpose of this amendment is to revise the timeline for the posting of election signs.*

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- Proposed Zoning Amendments has not yet been reviewed by the Town Attorney.

A. Knapp suggested changing the rural lot size and the Board had a lengthy discussion changing zoning to 120,000 lot size.

**C. Discussion on Planning Board Rules of Procedures 2022 update**

- Time Limits
- Fee Structure
- New requirements from HB 1661



**TOWN OF BARRINGTON, NEW HAMPSHIRE**

**PLANNING BOARD  
RULES OF PROCEDURE**

**AS AMENDED**

PREFACE

**History of the Planning Board Rules of Procedure, Town of Barrington, New Hampshire**  
Adopted in Amended April 19, 2016, and Amended [DATE], 2022.

**Commented [VP1]:** Check on dates to verify as possible

## **RULES OF PROCEDURE**

### **ARTICLE I -- AUTHORITY**

These rules of procedure are adopted under authority of New Hampshire Revised Statutes Annotated. **(RSA) 676:1.** The Planning Board has the discretion to waive the rules of procedure not required by statute when the circumstances warrant such an action. Any waiver shall require a majority vote.

### **ARTICLE II --MEMBERS AND ALTERNATES**

- A.** Pursuant to a decision made at the December 14, 1970 Special Town Meeting, the Planning Board shall consist of SEVEN (7) members. The Selectmen shall appoint SIX (6) residents of the Town of Barrington to serve as voting members and shall designate ONE (1) selectman to serve as an ex-officio member with the same rights and duties as the voting members.
- B.** Selection, qualification, term, removal of members, and filling of vacancies shall conform to **RSA 673.**
- C.** Alternate members may serve on the Planning Board as authorized by **RSA 673:6** and participate as nonvoting members.
- D.** Up to five residents of the Town of Barrington may be appointed by the Board of Selectmen to serve as alternate members of the Planning Board. Alternate members should attend all meetings to familiarize themselves with the workings of the Board to stand ready to serve whenever a voting member of the Board is unable to fulfill his/her responsibilities.
- E.** At Planning Board meetings, alternates who are not activated to fill the seat of an absent or disqualified member or who have not been appointed by the chair to temporarily fill the unexpired term of a vacancy may participate with the Board in a limited capacity. During a public hearing, alternates may sit at the table with the voting members and may view documents, listen to testimony, and actively participate and interact with other Board members, the applicant, abutters, and public. However, they shall not be allowed to make or second motions and shall not participate in any way during the deliberations by the Board.
- F.** Alternates may fully participate, exclusive of any motions or votes that may be made.

At all times, the chair shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application prior to hearing the application.

**G.** Members are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Land Use Office as soon as possible. Members, including the chairman and all officers, shall participate in the decision-making process, unless disqualified from doing so, and vote to approve or disapprove all motions under consideration.

**H.** Each newly appointed or re-appointed member shall be sworn in and take an oath of office as required by **RSA 42:1**, and the Board further recommends that each newly appointed or re-appointed member complete the training offered by the Office of Energy and Planning pursuant to **RSA 673:3-a**.

**I.** The Land Use Office shall obtain from the Office of the Selectmen for recording, the appointment and expiration dates of the terms of each member of the Board.

### **ARTICLE III OFFICERS**

**A.** The officers of the Board shall be as follows:

1. **Chairman:** The Chairman shall preside over all meetings and hearings and shall preform all other duties customary to the office.
2. **Vice-Chairman:** The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Board in the absence of the Chairman.
3. In the absence of the Chairman and the Vice Chairman at any meeting, a Presiding Member Pro Temp shall be designated by the Chair or Vice-Chair or elected by majority vote of the members present and shall thereafter act as the presiding officer to call the meeting to order.
4. The officers of the Board shall be elected annually as soon as may be after the Board of Selectmen appoint(s) members to any vacancy and those appointments have been qualified. Election of Officers shall be by majority vote of the Planning Board.

### **ARTICLE IV --MEETINGS**

**A.** Regular meetings shall be held at least monthly at the Town Offices at (6:30 PM) on the First Tuesday ~~and third~~ of each month, or with proper notice of date and time at a place

designated by the Chair.

1. All materials to be considered at a Board meeting in order to determine whether an application is complete pursuant to the Town's Subdivision and Site Plan Regulations, internal policies, and RSA 676:4, I (b), shall be furnished to the Land Use Office at least 15 days prior to the meeting at which the application will be reviewed for completeness. The Land Use Office shall provide these materials to the Board at least one week prior to that meeting.
2. Once an application has been accepted as complete, any additional materials requested by the Board and/or submitted by the applicant, town staff, abutters, or any other party or entity with standing to appear and provide comment, shall provide those materials to the Land Use Office no later than one week prior to the meeting. The Land Use Office shall provide these materials to the Board four (4) days prior to the meeting.
3. In providing submitted materials to Board members, the Land Use Office may have the materials available at the office for members or pick up in a designated locked mailbox located at Town Hall.

B. Special meetings may be called by the Chairman or in her/his absence, by the Vice-Chairman, or at the request of three members of the Board provided public notice and notice to each member is given at least 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting. Emergency meetings are an instance of special meeting and are to be conducted pursuant to RSA 91-A:2 (II).

C. Nonpublic Sessions shall be held only in accordance with **RSA 91-A:3**.

D. Quorum: A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of voting members.

E. Alternates: If any voting member is absent from a meeting or hearing or disqualifies her/himself from sitting on a particular application, the Chairman shall designate one of the alternate members to sit in place of the absent or disqualified member. Such alternate shall have all the powers and duties of a voting member in regard to any matter under consideration on which the alternate has been appointed.

F. Absent Voting Member: If the Board's consideration of action on the application at issue extends to a subsequent Board meeting or hearing, the voting member may resume his/her role as a full voting member provided the voting member has reviewed the minutes and any materials submitted at any prior meetings at which the voting member was not present.

G. Disqualified Voting Member: The alternate should continue in place of the voting member until the Board's action on the application is completed.

#### H. Disqualification

1. If any member finds it necessary to be disqualified from sitting on a particular case, as provided in **RSA 673:14**, they shall notify the Chairman as soon as possible so an alternate may be appointed to fill the vacancy. The disqualification shall be announced by either the Chairman or the member before discussion or public hearing on the application begins. The member disqualified shall leave the Board table during all deliberations and the public hearing on the application has commenced, such member shall immediately notify the Chairman so an alternate may be appointed to fill the vacancy. The continuation of the discussion or public hearing shall await the outcome of the possible disqualification.
2. If uncertainty arises as to whether a Board member should disqualify themselves, on the request of that member or the request of another member of the Board, the Board shall vote on the question of whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing if possible. A vote on a question of disqualification shall be advisory and non-binding and may not be requested by persons other than Board members.

#### F. Order of Business shall be as follows:

A) **Call to Order:** At the time appointed for any meeting of the Board, the Chairman or, in his/her absence, a designated presiding officer shall be determined and take the Chair and call the meeting to order. If a quorum is present, as defined in this section, the presiding officer shall proceed with the order of business prescribed for the meeting.

B) **Roll Call:** The roll of members shall be called, and their presence or absence recorded.

C) **Minutes for Review and Approval of Previous Meeting** received, reviewed, approved.

Minutes shall record the vote on each agenda item and summarize public comments as well as the concerns, recommendations, and explanations of votes made by Board Members and Alternate Board Members. Except as noted for recused Members, all Members present when Minutes are being discussed are eligible to participate. Voting Members and Alternate Members that were recused from an agenda item are not eligible to participate in the discussion of that item during review and approval of minutes but are eligible to participate on all other items.

Changes to minutes may be suggested by eligible members and the minutes shall be changed or not changed based on the consensus of eligible members. After all items of the Minutes have been discussed and modified as agreed, the Chair shall approve the minutes as a whole with unanimous consent.

#### D) Staff Updates

- i. Town Planner comments/updates

#### E) Action Items

i.) **Hearing(s)** on subdivision/site plans, extension requests, and Class VI/Private Roads with public comment following each presentation as might be on the agenda. Also, open non-binding consultation with persons seeking a preliminary conceptual review.

**F) Reports from other committees**

G) Unfinished Business

**H) Unfinished business**

I) **Other business** as may properly come before the Board

**J) Adjourn: Setting of date, time and place of next meeting and Adjournment**

**J. Motions:** Such motions as will facilitate the process of the Board may be allowed by the Chair. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members voting. On all matters concerning an application before the Board, voting shall be recorded by roll call. On process and procedural matters the manner of voting shall be at the discretion of the chair.

**K. Meeting Decorum:** The presiding officer shall be responsible for the orderly conduct of business at each Board meeting. While the Board is in session, the members of the Board are expected to preserve order and decorum and the chair shall monitor that expectation. As illustration and not limitation no Board member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Board or disturb any member of the Board while speaking except as may be provided herein.

## ARTICLE V -- MEMBER'S PARTICIPATION IN TRAINING

There are several seminars and conferences available to members where training seminars are given. Members and alternates are encouraged to attend one training seminar during the course of each year. Members and alternates are reminded that their re-appointment takes into account seminar attendance, among other factors.

Should a member, alternate or regular, attend a seminar and incur an admission fee or mileage fee, the member may submit proof of payment to the Chairperson who shall ask for reimbursement from the Land Use Office.

## **ARTICLE VI --APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW**

A. Applications shall be made on forms provided for that purpose and shall be presented to the Board's designee who shall sign and record the date of receipt.

The applicant shall file the application with the Land Use Office or as designated at least 15 days prior to the meeting at which the application will be accepted.



B. Notice shall be given as required in **RSA 676:4, 1(d)**, at least 10 days before an application is submitted to the Board for acceptance. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing.

C. As required in 676:4, 1 (c):

(1) The board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with the requirements of subparagraph (b), determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. Upon determination by the board that a submitted application is incomplete according to the board's regulations, the board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within 65 days, subject to extension or waiver as provided in subparagraph (f). In the case of a determination by the board that the application is a development of regional impact requiring notice in accordance with RSA 36:57, III, the board shall have an additional 30 days to act to approve, conditionally approve, as provided in subparagraph (i), or disapprove.

If the board determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension pursuant to subparagraph (f), the board may, in its discretion, deny the application without prejudice, in which case the applicant may resubmit the same or a substantially similar application. If the planning board does not act on the application within that 65-day time period, then the select board shall certify on the applicant's application that the plat is approved pursuant to this paragraph. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

(2) Failure of the select board to act within the required time period shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application. The superior court shall act upon such a petition within 30 days. If the court determines that the failure of the selectmen or the city council to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

(3) The Board shall decline to accept any application which is not complete.

#### **ARTICLE VI-- FORMS**

All forms prescribed herein, and revisions thereof shall be adopted by resolution of the Board and shall become part of these rules of procedure.

#### **ARTICLE VII --FEES**

A. The fees and payable for each application are as follows:

1. Application Fees:

- Site Review: \$300.00 per application.
- Subdivisions: \$300.00 per application and additional \$150.00 per lot  
\$50 Recording at registry fee for first fee (If additional pages are to be recorded fees will be collected by the Town.  
LCHIP (\$25 Payable to Registry of Deeds.
- Lot Lines: \$300.00 per application and additional \$150.00 per lot  
\$50 Recording at registry fee for first fee (If additional pages are to be recorded fees will be collected by the Town.

LCHIP (\$25 Payable to Registry of Deeds.

2. Certified Mail Fee: \$8.00, to be sent to each applicant, each agent for the applicant, each attorney for the applicant, each abutter, and each interested party entitled to notice under New Hampshire Law.

B. The applicant shall pay for all additional fees for public notice and certified mail resulting from the following, except as provided in sections D and E below:

1. A rehearing being granted on an application, regardless of who requests the rehearing, and/or
2. Any other hearing on the application which requires additional public notice because of an appeal to the superior court or any other intervening litigation, or for any other reason.

C. Failure of the applicant to pay for all additional fees for public notice and certified mail required by section B above shall result in the Board taking whatever action, including but not limited to revocation of the approval, as it deems just and reasonable under the circumstances.

D. If the need for additional notice under section B above is due entirely to the fault of the Board, the Board shall pay for the additional notice.

E. If the Select Board is seeking the rehearing or is otherwise primarily responsible for the requirement for additional fees for public notice or otherwise, then the town, and not the applicant, shall pay for all such notice fees.

### **VIII. NOTICE**

For any meeting on any application for which notice is required, pursuant to RSA 676:4 I (d), the Board shall notify the applicant; abutters; professionals whose seals appear on the plat; and holders of restrictions under RSA 477:45 by certified mail at least ten (10) days prior to the meeting and on Town's website, posting in two (2) public spaces. The notice shall include a general description of the proposal and shall identify the applicant and location of the land.

The Board may combine notice of submission and public hearing on a particular application in one notice.

### **VIII. PUBLIC HEARINGS**

The conduct of public hearings shall be governed by the following rules:

1. The Chairman shall call the hearing in session, identify the applicant or agent and shall read a summary report on the application/proposal and report on the manner in which public and personal notice was given.
2. Members of the Board may ask questions at any point during the presentation.
3. Any party to the matter who desires to ask a question of another party must go through the Chairman.
4. Any applicant, any abutter, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.
5. The applicant or agent shall be called to present the application/proposal.
6. The Chairman shall ask for public comment.
7. Other parties such as representatives of town departments and other Town Boards and Commissions who have interest in the application/proposal shall be allowed to present their comments in person or in writing.
8. During a public hearing, a member of the public shall be limited to one, three-minute comment period. This time limitation shall also apply to legal counsel representing a member of the public. In his discretion, the Planning Board chairman may extend the comment time given to individuals during the public hearing.
9. During a public hearing, a member of the audience who desires to speak shall identify him or herself by stating their name and provide a residence or business address. If the speaker is legal counsel, he or she shall identify his or her clients and the address of those clients.
10. Comments during a public hearing shall be addressed only to the Planning Board and concern the pending application. An applicant may rebut or address comments at the conclusion of the public comments.

11. The Chairman shall indicate when the Board is no longer taking public comment and whether the hearing is closed or continued pending submission of additional material or information or the correction of noted deficiencies. **There shall be no public comment once the public hearing is closed.**

12. In the case of adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

### **IX. DECISIONS**

1. The Board shall act to approve, conditionally approve, or disapprove an application within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in **RSA 676:4.**

2. A written notice of decision will be made available for public inspection at the Barrington Land Use Office within 5 business days after the decision is made, as required in **RSA 676:3.** The Notice of Decision shall include specific written findings of fact that support the decision.

### **X. RECORDS**

1. The records of the Board shall be kept in the Barrington Land Use Office and shall be made available for public inspection at that office as required by **RSA 91-A:4.**
2. Minutes of the meeting including the names of Board members, persons appearing before the Board and a brief description of the subject matter shall be open to public inspection within 5 business days after the meeting as required in **RSA 91-A:2, II.**
3. Motions shall be recorded as made, noting the motion maker, second, discussion if any, and the vote. If by Voice or Rising then as “Carried” or “Failed” with the numerical outcome, for example: Motion Carried (5-2) (Y/N). If the vote is Roll Call then by the Identifier for each member and his/her vote with comment as to whether or not the motion carried, for example (M1-Yes) (M2-No) (M3-Yes) (M4-No) (M5-No) (M6-Yes) (M7-No).

### **XI. JOINT MEETINGS AND HEARINGS**

1. The Planning Board may hold joint meetings and hearings with other “land use Boards” including the Board of Adjustment, the Historic District Commission, the Building Code Board of Appeals, and the Building Inspector. Each board shall have discretion whether or not to hold such joint meeting or hearing (**RSA 676:2**).
2. Joint business meetings with another local land use board may be held at any time when called jointly by chairman of the two boards.
3. A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the boards convened.

**4. Site Walk meetings, other than the observations of the site, no evidence shall be taken and there shall be no discussion of the evidence or any deliberations. The Board shall refrain from**

making decisions, any comments, motions, or directions to an application at the site walk. Any decisions, any comments, motions, or directions to an application shall be made at the next public hearing.

5. The Planning Board chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
6. The rules of procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as these rules of procedure except that the order of business shall be as follows:
  - a. Call to order by Chairman
  - b. Introduction of members of both Boards by Chairman
  - c. Explanation of reason for joint meeting/hearing by Chairman
  - d. In the case of a public hearing relative to a requested permit or an application for a plat approval, or both, the applicant shall be called to present his/her proposal, and the public allowed to provide comment.
  - e. Adjournment
7. Each Board involved in a joint public hearing makes its own decision, based on criteria for the particular matter.

## **XII. AMENDMENT**

The Board's Rules of Procedure may be amended by a majority vote of its members. Rules of procedure shall be adopted at a regular meeting of the board and shall be placed on file with the Town Clerk for public inspection. (RSA 676:1)

### **D. Discussion of Impact Fee Study**

V. Price discussed with the Board about possible Public Safety impact.

## **8. ADJOURN**

Adjourn the Planning Board Meeting. The Next Planning Board Meeting is a Public Hearing on November 1, 2022, at 6:30 p.m.

*A motion was made by B. Hackett and seconded by A. Knapp to adjourn the meeting at 09:10 p.m. The motion passed unanimously.*

Roll Call:

A. Knapp-Yay  
Ron Allard-Yay  
John Driscoll-Yay  
Bob Tessier-Yay  
Donna Massucci-Yay  
Buddy Hackett-Yay

Joyce Cappiello-Yay (Remotely)

**\*\* Please note that all votes that are taken during this meeting shall be done by Roll Call vote. \*\***