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**Meeting Minutes - DRAFT**  
**Town of Barrington Planning Board**  
**Public Hearing**  
**(Approved February 6, 2024)**  
**January 10, 2024, at 6:30p.m.**

**1. CALL TO ORDER**

J. Driscoll called the meeting to order at 6:30 p.m.

**2. ROLL CALL**

**Members Present:** John Driscoll, Ron Allard, Bob Tessier, Donna Massucci, Joyce Cappiello, Andy Knapp

**Members Absent:** Buddy Hackett

**Staff Present:** Town Planner: Vanessa Price, Code Enforcement Officer: John Huckins

**3. FIRST PUBLIC HEARING FOR PROPOSED 2024 ZONING AMENDMENTS –**  
**Continued from January 9, 2024, due to inclement weather.**

Pursuant to NH RSA 674:16; 675:3 and 675:7 notice is hereby given of a public hearing to be held by the Town of Barrington Planning Board for the purpose of discussing proposed amendments to the Zoning Ordinance.

Website link:

[https://www.barrington.nh.gov/sites/g/files/vyhlf2766/f/uploads/back\\_up\\_documentation\\_for\\_zoning\\_amendment\\_changes\\_final\\_21\\_dec\\_2023.pdf](https://www.barrington.nh.gov/sites/g/files/vyhlf2766/f/uploads/back_up_documentation_for_zoning_amendment_changes_final_21_dec_2023.pdf)

Copies are available in the Town Land Use Office.

V.Price gave a brief description of the proposed zoning amendment #1.

**Are you in favor of Amendment #1** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Amend definitions and table of uses to allow elderly assisted home care home facilities to house an unlimited number of residents in the Village, Town Center, Regional Commercial and Highway Commercial Overlay District, rather than restricting those facilities to 15 residents or the maximum density permitted by NHDES. Elderly assisted home care facilities will still be limited to 15 residents and have a maximum density limitation in the General Residential and Neighborhood Residential districts and will require a conditional use permit in all districts, including the Regional Commercial District.

***Explanation:*** *In an elderly assisted Care Home use, this change would allow for additional elderly residents in the Village, Town Center, Regional Commercial and Highway Commercial Overlay District, rather than restricting those facilities to 15 residents or the maximum density permitted by NHDES.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.

J. Cappiello asked if it was redundant to say home care home. She suggested to the board to remove the language.

V. Price said that wording could be changed, and it would be heard at the second public hearing date for adoption.

J. Cappiello asked if there could be something for the voters to refer to to see the Zoning Districts.

V. Price stated that the current Zoning Map would be a great handout to add to the informational table.

Proposed changes:

**Are you in favor of Amendment #1** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Amend definitions and table of uses to allow elderly assisted home care ~~home~~-facilities to house an unlimited number of residents in the Village, Town Center, Regional Commercial and Highway Commercial Overlay District, rather than restricting those facilities to 15 residents or the maximum density permitted by NHDES. Elderly assisted home care facilities will still be limited to 15 residents and have a maximum density limitation in the General Residential and Neighborhood Residential districts and will require a conditional use permit in all districts, including the Regional Commercial District.

*A motion was made by R. Allard and seconded by J. Cappiello to approve proposed zoning amendment #1 with the proposed changes.*

The motion passed. 5-1

Roll Call:

A. Knapp-Nay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

J. Driscoll gave a brief description of the proposed zoning amendment #2.

**Are you in favor of Amendment #2** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Amend the table of uses to allow senior housing to have more than 8 dwelling units in the Village and Town Center Districts and add a limitation of 8 dwelling units in the Highway Commercial Overlay District.

***Explanation:*** For the Senior Housing Use, more than eight dwelling units are allowed in the Village and the Town Center to allow for larger buildings for a commercial location, while keeping smaller structures in Residential Neighborhoods.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by B. Tessier and seconded by R. Allard to approve proposed zoning amendment #2 as written.*

The motion passed. 6-0

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

V. Price gave a brief description of the proposed zoning amendment #3.

**Are you in favor of Amendment # 3** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Add a new definition of Health Care Facility, which is already a use included in the table of uses and remove the restriction that such facilities are limited to 15 beds in the Regional Commercial Zone.

***Explanation:*** Remove the restriction that such facilities are limited to 15 beds in the Regional Commercial Zone to allow for a larger building in a commercial location.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by A. Knapp and seconded by J. Driscoll to approve proposed zoning amendment #3 as written.*

The motion passed. 6-0

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

J. Driscoll gave a brief description of the proposed zoning amendment #4.

**Are you in favor of Amendment # 4** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Amend the table of uses to limit self-storage facilities, which are only permitted in the Regional Commercial District, to one story in height.

***Explanation:*** *This will not allow multi-storage facilities.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by R. Allard and seconded by A. Knapp to approve proposed zoning amendment #4 as written.*

The motion passed. 5-1.

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Nay

R. Allard-Yay

J. Driscoll-Yay

V. Price gave a brief description of the proposed zoning amendment #5.

**Are you in favor of Amendment # 5** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Amend footnote 15 in the table of uses, which dictates maximum density for nursing facilities, assisted living facilities, and some elderly assisted care homes, to provide that that density is dictated by NHDES Subsurface Disposal Regulations.

***Explanation:*** *Limiting density to the more restrictive of NHDES Subsurface Disposal Regulations or one bedroom per ten thousand square feet of upland soil is inconsistent with DES.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by B. Tessier and seconded by J. Cappiello to approve proposed zoning amendment #5 as written.*

The motion passed. 6-0

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

J. Driscoll gave a brief description of the proposed zoning amendment #6.

**Are you in favor of Amendment # 6** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Add a definition of machine shop, which is already permitted by right in the Regional Commercial District and permitted by conditional use permit in the General Residential, Neighborhood Residential and Highway Commercial Overlay District, and allow that use by conditional use permit in the Town Center and Village Districts.

***Explanation:*** *This new definition is compatible with the underlining zone.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by R. Allard and seconded by A. Knapp to approve proposed zoning amendment #6 as written.*

The motion passed. 6-0

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

V. Price gave a brief description of the proposed zoning amendment #7.

**Are you in favor of Amendment # 7** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Add a definition of truck terminal, which is currently permitted by right in the Regional Commercial District and permitted by conditional use permit in the Highway Commercial Overlay District; and amend the table of uses to require a conditional use permit for the use in the Regional Commercial District.

***Explanation:*** *The impact of a Truck Terminal is different per the size of the terminal. A Conditional Use Permit (CUP) would be compatible with the zoning district.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by R. Allard and seconded by B. Tessier to approve proposed zoning amendment #7 as written.*

The motion passed. 6-0

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

J. Driscoll gave a brief description of the proposed zoning amendment #8.

**Are you in favor of Amendment # 8** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Add a definition of warehouse operations, which is presently permitted by right in the Village and Regional Commercial Districts and permitted by conditional use permit in the General Residential, Neighborhood Residential and Highway Commercial Overlay Districts; and amend the table of uses to prohibit the use in the General Residential, Neighborhood Residential and Village Districts and allow it by conditional use permit in the Regional Commercial and Highway Commercial Overlay Districts.

***Explanation:** This limits the use in appropriate locations.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by A. Knapp and seconded by J. Cappiello to approve proposed zoning amendment #8 as written.*

The motion passed. 6-0

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

V. Price gave a brief description of the proposed zoning amendment #9.

**Are you in favor of Amendment #9** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Remove the definition of frontage from Article 18—Definitions.

***Explanation:** The definition of frontage in Article 18—Definitions differs from the definition of lot frontage in Article 4—Dimensional Requirements. This amendment resolves the conflicting definitions.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by J. Cappiello and seconded by A. Knapp to approve proposed zoning amendment #9 as written.*

The motion passed. 6-0

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

J. Driscoll gave a brief description of the proposed zoning amendment #10.

**Are you in favor of Amendment # 10** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Add definitions of arts & crafts establishments, automobile parts/supply retail establishment, bank, bed & breakfast, billiard parlors/pool hall, bowling alley, educational institution, farm stand, funeral homes, golf course, health club, landscape nurseries/greenhouses, movie theater, and social or fraternal organization.

***Explanation:*** *These uses are identified in the Table of Uses but not defined.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by B. Tessier and seconded by A. Knapp to approve proposed zoning amendment #10 as written.*

The motion passed. 6-0

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

J. Huckins brought up that the definition of lot frontage was not on the warrant article. He advised the board to vote to adopt the new definition of lot frontage.

V. Price stated that the Town attorney will review and adjust the current proposed Zoning amendment #9 or add an additional warrant article to address the addition. V. Price read the new definition of lot frontage.

**Lot Frontage** ~~The horizontal distance measured along a front lot line between the points of intersection of the side lot lines with the front lot line.~~ **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.**

The board discussed how it would be numbered for the warrant.

V. Price stated that she will work with the Town attorney on the numbering for the warrant article.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by R. Allard and seconded by A. Knapp to approve the proposed zoning amendment for the definition of lot frontage as written. The motion passed. 6-0*

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

J. Driscoll gave a brief description of the proposed zoning amendment #11.

**Are you in favor of Amendment # 11** to the Barrington Zoning Ordinance as recommended by the planning board as follows: To add a definition of Restaurant, outdoor customer dining area, and to allow that use by right in the Village, Town Center, and Regional Commercial districts and by Conditional Use Permit in the General Residential, Neighborhood Residential, and Highway Commercial District Overlay districts.

***Explanation:*** *Outdoor dining is not currently in the Table of Uses and/or defined.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by A. Knapp and seconded by B. Tessier to approve proposed zoning amendment #11 as written.*

The motion passed. 6-0

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

V. Price gave a brief description of the proposed zoning amendment #12.

**Are you in favor of Amendment # 12** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Dimensional Regulations—to define structures under 200 square feet as a subordinate structure used primarily for storage purposes and to allow them without a building permit and with no setback requirement if they are 200 square feet or less; and to limit the number of structures subordinate structures permitted on any one property to two for a lot of 80,000 square feet or less, with one additional structure permitted per every additional acre over 80,000 square feet.

***Explanation:*** *Many residents find it unreasonable to have multiple structures under 200 square feet on a property.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.



*A motion was made by R. Allard and seconded by J. Driscoll to approve proposed zoning amendment #12 as written.*

The motion passed. 6-0

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

J. Driscoll gave a brief description of the proposed zoning amendment #13.

**Are you in favor of Amendment # 13** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Amend the definition of structures to include storage containers and generators.

***Explanation:** Current Zoning Ordinance doesn't address storage containers and generators.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.

A. Knapp asked J. Huckins about the generators running, and what would this addition mean?

J. Huckins stated that by adding under structure, it doesn't have to comply with setbacks, because that section that whole section on the structure is those are exempt from having to comply with setbacks. He stated that every time someone comes in with a generator, especially on some of these smaller lots of record, no matter where the house is set, their generators are almost always to have it somewhat near their house. So right now, under our definition it has heating and cooling systems, and it made sense have the generators there instead of having to go to the ZBA every time they want to use the generator.

R. Allard asked if they were going to have these as close to the building as possible.

V. Price stated in the backup material to the proposed warrant article, show the change. From the backup material:

**Amend the definition of a structure to add a new subsection.**

**(s) generators (To be placed as close to the building as possible.)**

*A motion was made by R. Allard and seconded by J. Cappiello to approve proposed zoning amendment #13 as written.*

The motion passed. 6-0

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay  
R. Allard-Yay  
J. Driscoll-Yay

V. Price gave a brief description of the proposed zoning amendment #14.

**Are you in favor of Amendment # 14** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Amend Article 6 regarding Conservation Subdivisions to define and require a yield plan demonstrating the maximum number of buildable lots achievable under conventional zoning to be submitted with all applications and to limit density of Conservation Subdivisions to the number of lots permitted in a conventional subdivision.

***Explanation:** Updated yield plan requirement for conservation subdivision projects to demonstrate the maximum number of buildable lots achievable under conventional zoning.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.

R. Allard stated that he wanted to add language to the amendment. He stated that the biggest problem comes with conservation subdivisions. When they come in, they are dense and they cause problems, and the yield plans we get don't seem feasible. He stated that he would like to change/add language to the end of that sentence. He presented the language that the Board may require a study to confirm the financial and technical feasibility under current market conditions of any presented yield plan or section of a yield plan.

J. Huckins addressed the board that this was brought before the board before. The town's attorney said that that is so subjective that it couldn't be written in as a regulation. It's subjective because it all depends on who does the valuing. The valuing is based on subjective idea to whether or not it's worth spending the money to do an extra 100 feet of road to get the lots because it depends on what that person can do.

R. Allard stated that the developer's engineer does this all the time, they know the costs and feasibility. He stated that he is looking for them to present a study stating they can't present a study to us, doesn't seem adequate. He explained that the intent of the conservation subdivision is to show in the yield plan all the lots in the conventional subdivision that are feasible. The engineers do this all the time, and they should submit a study to represent this. Then our engineer can confirm the feasibility.

J. Huckins answered R. Allard by stating that there were two different concerns. That the developer does this all the time, and then our town engineer can review. That's where the subjectivity comes in.

R. Allard stated that he is tired of seeing nonsense yield plans submitted. He explained this meaning that a developer wouldn't do a conventional subdivision proposed on a yield plan, because it's not financially feasible. We should have backup documentation on that submittal and be able to ask for it.

J. Huckins asked the board to have language reviewed by the Town attorney.

J. Cappiello stated that if the language submitted doesn't fit, to supply alternate language.

V. Price stated she could send the meeting minutes of tonight's meeting, with the language provided, so the town attorney can review the discussion with the proposed language brought forth by R. Allard.

R. Allard stated that he would agree it could be subjective, but it doesn't make it a reasonable request. He further went to explain that if you wouldn't do what was shown on the yield plan for a conventional subdivision, why should it work for giving credit to those lots in a conservation subdivision. He stated it doesn't make sense, and it's against the regulations of the intent of a conservation subdivision. He stated that most of our problems recently are developers are always looking at Conservation Subdivision, that our biggest public pushback is on constantly what we're always seeing as developer ones from the they're all conservation lately, and then giving us another tool to say this yield plan better makes sense because otherwise we're not going to accept it, is a good thing.

A. Knapp expressed not only does the yield plan have to make sense, but this is where by forcing the larger lot size it's still you're still going to have conservation subdivisions, you're just not going to have the quantity that's being plowed into. He stated that it they're going to go the cheapest route to make it but what it means is you're conserving more land and you're not burdening the taxpayer in every other fashion in this town; when you look at police fire highway buildings schools you're starting to minimize how much more burden we put on everybody.

R. Allard stated to A. Knapp, that's not what I am stating from what you are proposing. I'm afraid that's a takeaway from some personal property. He explained that for the yield plan study, no matter what, the yield plan should make sense. He gave the example that if you're going to say (as a developer) I can do this many losses because I'm presenting my plan to to justify that may lots. The yield plan should make sense that it should be something you would actually, do otherwise you know it doesn't follow the intent of the regulations.

V. Price addressed the board that it would have to come back for a public hearing to add or amend the proposal. V. Price read the proposal from the board. At the board's discretion, may require a study to confirm the financial and technical feasibility under current market conditions of any presented plan or section of the yield plan. She stated that would be in addition to the language of proposed amendment #14 the town attorney will review. The board to vote on the language presented for the proposed amendment #14.

J. Driscoll stated since there was a change, that he will open public comment.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by R. Allard and seconded by J. Cappiello to approve proposed zoning amendment #14 as written. The motion passed. 6-0*

Roll Call:

A. Knapp-Yay  
J. Cappiello-Yay  
D. Massucci -Yay  
B. Tessier-Yay  
R. Allard-Yay  
J. Driscoll-Yay

J. Driscoll gave a brief description of the proposed zoning amendment #15.

**Are you in favor of Amendment # 15** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Remove the prohibition of any sign being located in or over the public right of way.

***Explanation:** A recent survey of signs in Barrington has demonstrated that there are many signs located within rights of way that present no danger to the traveling public and which do not interfere with the town's ability to maintain the road. The planning board sees no rational reason to prohibit such signs.*

J. Cappiello asked if we could add to the explanation for clarity, this doesn't affect state roads.

R. Allard asked to add some language to the as long as they do not impact public safety.

J. Huckins addressed the board to refer to the back information. That it addressed those issues.

#### **Amend Section 20.2.4 Location of Signs**

Propose the removal of 20.2.4(1) for the signs in the ROW; 20.2.4(2) will be renumbered due to public safety.

~~20.2.4(1).....No part of any sign shall be located in or over the public Right of Way, except  
\_\_\_\_\_ for traffic control devices and directional signs authorized by the Town or State  
\_\_\_\_\_ agencies. (Take out in its entirety.)~~

**20.2.4(21).....**No sign in a Non-Residential District shall be located within twenty-five (25) feet of a Residential boundary.

The board discussed the explanation of the warrant article needs further clarification in the explanation portion. The revised explanation should include it presents no danger, no prohibition of it being the public right of way.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by A. Knapp and seconded by B. Tessier to approve proposed zoning amendment #15 as written. The motion passed. 6-0*

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay  
D. Massucci -Yay  
B. Tessier-Yay  
R. Allard-Yay  
J. Driscoll-Yay

V. Price gave a brief description of the proposed zoning amendment #16.

**Are you in favor of Amendment # 16** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Amend the minimum lot size provisions to replace references to “Hydric A” soils with “poorly or very poorly drained soils” and to clarify that when minimum lot sizes are required to be increased due to the number of dwelling units under a common roof that those increased lots must consist of additional contiguous uplands.

***Explanation:*** *To allow for appropriate building area on each lot.*

J. Driscoll opened public comment.

Brian Weeden, 63 Winkley Pond Road. Mr. Weeden asked for clarification regarding this proposed amendment. He stated that he thought the law had changed. since certain people have done certain things. He stated that he figured he calculated the area, and he had less than so many feet to develop. I figured a little over 90,000 square feet is what I figured, but he's putting two buildings, and he's including the wetland soils that's not attached to the drive you know was dry land, upland soils.

J. Huckins stated that is what is in the current regulations, where anything that was wetland soils, as long as it wasn't Hydric A, very poorly drained, and they're proposed to change it to make it so you can't use any of the wetland soils.

Mr. Weeden asked if it would be connected now.

J. Huckins explained the proposal is the 60,000 must be all upland soils. Whereas currently, you could have hydric B soils, poorly drained. Additionally, the proposed zoning amendment address to have the wetlands contiguous on the upland. He stated to Mr. Weeden this addresses the issue from your area of town.

J. Driscoll closed public comment.

*A motion was made by A. Knapp and seconded by B. Tessier to approve proposed zoning amendment #16 as written. The motion passed. 6-0*

Roll Call:

A. Knapp-Yay  
J. Cappiello-Yay  
D. Massucci -Yay  
B. Tessier-Yay  
R. Allard-Yay  
J. Driscoll-Yay

J. Driscoll gave brief statement that staff asked to remove proposed zoning amendment #17 from the drafted warrant.

**Are you in favor of Amendment # 17** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Amend the Standards for the Regional Commercial District to establish minimum lot sizes for new residential dwelling units to be equivalent to those required in the Village District, rather than those in the General Residential and Neighborhood Residential Districts.

***Explanation:** This proposed change addresses lot sizes to be equivalent to those required in the Village.*

J. Huckins explained when it was brought forward before, it was to help consolidate reference. However, right now, it refers you back to 4.2.1. If it's changed and you refer it back to 4.2.2 and then 4.2.2 refers you to 4.2.1. It makes you go through an extra step to go to the same place.

A. Knapp stated he disagrees with the removal. He discussed the proposal that he brought forward that was voted for a second public hearing, the Village district is will no longer be the same lot size as general residential and neighborhood residential. He stated he wanted to move it forward to have the the voters in favor of voting for it. Then by leaving it as such means there's no harm, no foul, it directs them to the right place in the regulation for it. And it means we don't create a conflict in our regulation, should it not.

J. Cappiello asked if either way, there's going to be a conflict.

J. Huckins explained there wouldn't be a conflict because if the other one comes in effect (referring to the proposed zoning amendments by A. Knapp), it's going to refer to the right section. But right now the way it was without his proposed amendment in here, it was like you were creating an extra step for no reason. But if that does pass, then there's a reason for the extra step.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

J. Driscoll gave a brief description of the proposed zoning amendment #17.

**Are you in favor of Amendment # 17** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Amend the Standards for the Regional Commercial District to establish minimum lot sizes for new residential dwelling units to be equivalent to those required in the Village District, rather than those in the General Residential and Neighborhood Residential Districts.

***Explanation:** This proposed change addresses lot sizes to be equivalent to those required in the Village.*

*A motion was made by R. Allard and seconded by J. Driscoll to approve proposed zoning amendment #17 as written. The motion failed. 0-6. Will not move forward for the warrant article.*

Roll Call:

A. Knapp-Nay

J. Cappiello-Nay

D. Massucci - Nay

B. Tessier- Nay

R. Allard- Nay

J. Driscoll- Nay

J. Driscoll gave a brief description of the proposed zoning amendment #18.

**Are you in favor of Amendment # 18** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Remove commercial from the uses permitted in a mixed-use structure.

***Explanation:*** *Limits the use of commercial in mixed use structures.*

J. Huckins explained to the board that he had brought this forward initially, because he thought it originally said industrial and it said institutional, but you really want to keep the commercial because your commercials are your storefronts. Storefronts are supposed to be on the main floor, and your residence is above, so you want to keep commercial in there. He stated that he anticipated thinking the board wanted to take industrial out, but institutional was fine underneath. He stated to leave the definition on how it is.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by B. Tessier and seconded by R. Allard to to remove Amendment 18. The motion Passed. 6-0. Will not move forward for the warrant article.*

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

V. Price gave a brief description of the proposed zoning amendment #19.

**Are you in favor of Amendment # 19** to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Delete the definition of accessory building.

***Explanation:*** *The definition of Accessory Building is redundant to that of Accessory Use.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by A. Knapp and seconded by B. Tessier to approve proposed zoning amendment #19 as written. The motion passed. 6-0*

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

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

A. Knapp stated he had a few more proposed zoning amendments to add. He discussed to move 6.2.2(8) to 6.2.9 and add a new subsection 6.2.2(9)(e) would be Common open space may not be used for. He expressed that should be part of their build out yield plan for a common use in an open space subdivision.

J. Huckins discussed that the yield plan is going to be based on a conventional subdivision. Once an applicant get the number of lots and they come forward with a conservation subdivision, if they can put their wells and septic on the open space, they could make the lots (as a conservation subdivision) instead of doing the one acre lots. He gave the example of the conservation subdivision clustered development, where everything's all grouped together and the open space around it. He explained that it's almost like you're making them keep the lots bigger, so they got room to put a well and a septic on the individual lots it.

A. Knapp explained they can still do a well in a septic, they just have to allocate the space for it and it does not count toward their open space.

J. Driscoll stated, you have your lot and you're saying take a chunk that would be open space.

A. Knapp explained: No, that would be what they would develop, and it does not count toward their open space. He stated that what happens right now, is their goal is to get to a percentage of open space and they get to count their wells in their septic's in on that open space as opposed to being counted as part of your building lot that you're developing.

J. Driscoll stated that he doesn't have a problem with wells, but septic shouldn't be in the open space. He asked J. Huckins about the regulation on this.

J. Huckins answered there are different ways to do a conservation subdivision.

He stated one example of the individual lots, is they put their wells and septic's on their own lots and don't go to the open space. An additional example is to do cluster groups. Where in the



cluster grouping the open space is around the grouping and they put their wells and septic's in that open space. He explained that but if you take this regulation out, you're forcing everybody to go to individual lots instead of cluster groups.

R. Allard stated that that could still be done, but not as part of the open space. Whatever developable land you have, you have to use some of that for your well and septic, not for the open space.

J. Huckins stated that the intent seems to be that we might have to relook at how the whole section of the Conservation Subdivision is written. Currently in the regulations, the cluster groups, it's like you have your own little spots and there's all open space all around you. J. Huckins explained that A. Knapp is proposing that in the cluster groups would have to be the area around the cluster group for the well and septic and wouldn't be part of the open space. He addressed the board to refer to their subdivision regulations for the design layout for a cluster grouping in Conservation Subdivision.

The board referred to the design figure of cluster groups of a Conservation Subdivision in the current subdivision regulations.

R. Allard stated basically, you can still do the exact same design as you're doing now, but proposing wherever you put your well and septic, to not be part of the open space.

A. Knapp referred to the regulations and stated that there is a difference between a well-designed and a poorly designed clustered space. He stated that all the regulations say is the larger cluster group has interior open space visible from the street. He explained that the figure in the subdivision regulations shown an for example is a center island as that open space.

J. Huckins stated that he referred to figure 2D. In figure 2D, it shows the whole thing as all open space and there are the individual lots not breaking the area. He then referred to figure 2C, there is a grouping whereas there is an area with non-open space.

A. Knapp stated that even looking at figure 2D, it says a large group has interior open space visible from the street. That's all it defines as the open space is that little component in the center of that land. It does not reference that the whole lot itself is being classified as open space. It references one small central point in the center as the open space.

J. Driscoll stated that every lot has direct access to the views of the open space.

A. Knapp gave a comparison that is similar to Central Park. He stated rather than putting it into open space, which impact will impact their yield plan and the amount that they can put in there right now, what they're doing is putting a well and a septic in there and have it back in the open space, and don't have to give up anything for it.

J. Huckins stated that wouldn't change the yield plan at all. This is because the yield plan shows how many lots you can have in a conventional subdivision.

A. Knapp stated that it will ultimately change what they can do because it changes it right now they don't have to account for that, as they can count it for their open space.

J. Huckins stated that is to be in the the conservation lots, not the yield plan.

R. Allard stated yes.

A. Knapp stated yes.

R. Allard stated it doesn't change the design at all, but you can't have your well and septic in the open space. He stated that he didn't think there is a big change.

A. Knapp was in agreement.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

*A motion was made by A. Knapp and seconded by D. Massucci to add a proposed zoning amendment to move 6.2.2(8) to 6.2.9 and add a new subsection 6.2.2(9)(e). The motion passed. 6-0*

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

R. Allard wanted to propose a new zoning amendment. He discussed backlots. He explained that in our current regulations, when you do a subdivision, you are allowed two backlots subdivision. He expressed that it doesn't seem logical that we have a frontage requirement which are allowed to do a subdivision and reducing your frontage and get two backlots. He explained that this is contrary to the spirit of the intent of the frontage requirement.

R. Allard discussed that the subdivision regulations need to change.

J. Huckins stated that it would have to change in Zoning first.

R. Allard stated that he wouldn't eliminate backlots, but he stated that he proposes the language that backlots are not permitted for 10 lot or greater subdivisions. He expressed that he wanted a consensus on how the board felt about proposing this change.

R. Allard explained that he picked ten lots, it's a big subdivision. He stated that creating the backlots gives a small frontage and putting in two back lots provides more density.

A. Knapp suggested adding it in the in the zoning ordinance, 4.1.3 backlots. He explained that by changing it in the subdivision regulations, it doesn't address the zoning ordinance where it says for residential subdivisions up to two backlots may be allowed, notwithstanding the frontage

requirements specific to the table of the dimensional standards. But there's still a right to use it under our zoning ordinance.

R. Allard stated that he wanted to change it under 4.1.3 of the zoning ordinance.

A. Knapp asked R. Allard if he could help with the proposed zoning amendment language for 4.1.3.

R. Allard agreed.

A. Knapp proposed a zoning amendment for backlots: For residential subdivisions, two backlots may be allowed with a limit of ten lots, notwithstanding the frontage requirements specified in the table of dimensional standards.

R. Allard stated to add to that, the concern that in the future, they would further subdivide down the road. He proposed to add some additional language where backlot not permitted for lots without required firms that were created as part of a 10-lot subdivision or greater as of April 1st, 2024. He explained his reasoning as if you created the lots after this rule went in place, you're not allowed to subdivide them later and create backlots.

J. Huckins addressed the board by stating that this would make the board impacting the rights of a future board, but that would be we'll let the attorney make that decision.

V. Price wanted to ensure that she got the language the board was proposing.

A. Knapp stated it would be for up to a 10-lot subdivision.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

R. Allard expressed that once it is permitted you can't subdivide in the future.

J. Huckins addressed the board that the backlots cannot be granted after March or April (Will be determined by the review of the attorney.)

J. Driscoll opened public comment.

J. Driscoll closed public comment.

J. Driscoll asked for a motion to accept the proposed language.

J. Huckins stated that the Town attorney will determine if its one or two warrant articles to address the proposed zoning amendment.

*A motion was made by R. Allard and seconded by A. Knapp to add a proposed zoning amendment to add language in 4.1.3 Backlots as discussed. The motion passed. 6-0*

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

D. Massucci -Yay  
B. Tessier-Yay  
R. Allard-Yay  
J. Driscoll-Yay

**5. ADJOURN**

*A motion was made by B. Tessier and seconded by D. Massucci to adjourn the January 10, 2024, meeting at 7:51 p.m. The motion passed unanimously.*

Roll Call:

A. Knapp-Yay  
J. Cappiello-Yay  
D. Massucci -Yay  
B. Tessier-Yay  
R. Allard-Yay  
J. Driscoll-Yay

The next meeting date is a Public Hearing on January 16, 2024, at 6:30 PM.