

MEETING MINUTES
Town of Barrington Planning Board
Public Hearing
(Approved June 7, 2022)
May 17, 2022 at 6:30 PM

1. CALL TO ORDER

2. ROLL CALL

Members Present: Bob Tessier, John Driscoll, Joyce Cappiello, Donna Massucci, Ron Allard, Andrew Melnikas

Members Not Present: Planning Consultant Carol Ogilvie, Buddy Hackett

Staff Present: Town Administrator: Conner MacIver, Code Enforcement Officer: John Huckins,
Planning & Land Use Administrator Assistant: Barbara Irvine

Staff Not Present: Town Planner: Vanessa Price

3. REVIEW AND APPROVAL OF MINUTES

A. Review and approve minutes of the May 3, 2022, meeting.

A motion was made by R. Allard and seconded by J. Driscoll to approve the meeting minutes of May 3, 2022, as written. The motion carried unanimously.

Roll Call:

Bob Tessier-Yay

John Driscoll-Yay

Joyce Cappiello-Yay

Donna Massucci-Yay

Ron Allard-Yay

Andrew Melnikas-Yay

A. Knapp arrived 6:35 p.m.

A. Knapp left meeting at 6:43 p.m.

A. Knapp returned 6:46 p.m.

4. ACTION ITEMS

A. [Subdivision Regulations](#)

B. [Site Review Regulations](#)

See attached Amendments to Subdivision and Site Review Regulations.

A. Knapp left meeting at 7:08 p.m.

Board discussion from the Town Counsel for Articles 12.3.2(3), (4), and (7). Discussion to keep Articles 12.3.2(3) and 12.3.2 (4) as written and to accept the changes in language from the Town Counsel for Article 12.3.2(7).

A motion was made by B. Tessier and seconded by J. Driscoll to accept the language for Article 12.3.2(7). The motion carried unanimously.

Roll Call:

Bob Tessier-Yay
John Driscoll-Yay
Joyce Cappiello-Yay
Donna Massucci-Yay
Ron Allard-Yay
Andrew Melnikas-Yay

Article 2.6.1 Minor Site Plan Review

A motion was made by B. Tessier and seconded by A. Melnikas to accept the language for Site Review Article 2.6.1 as written. The motion carried unanimously.

Roll Call:

Bob Tessier-Yay
John Driscoll-Yay
Joyce Cappiello-Yay
Donna Massucci-Yay
Ron Allard-Yay
Andrew Melnikas-Yay

A. Knapp returned to meeting 7:13 p.m.

R. Allard opened public comment.

Letter received from Stephen Jeffery, 128 France Rd., Barrington, NH 03825 dated May 16, 2022. (Attached.) Town staff, J. Huckins read comments into the record for the Board.

J. Huckins explained on 12.3.1(3) they do meet the frontage requirement by backlot regulations and explained that the comments have nothing to do with the regulations. J. Huckins explained that given a name on it was for E911 not part of the Subdivision Regulations.

R. Allard read 12.2.2(8). J. Huckins explained that the length of the driveway was not regulated. J. Huckins explained that if the house number was seen and has access to the building was supplied that the requirement was met.

R. Allard read 12.3.2(4). J. Huckins explained that they received a note from previous Town Counsel that subdivision lots that were created before the Board put 10% in. J. Huckins explained that lots before the 10% was put in they can not be enforced.

R. Allard closed public comment.

A motion was made by B. Tessier and seconded by J. Cappiello to approve the Site Review and Subdivision Regulation as written except for Article 12.3.2 (7). The motion carried unanimously.

Roll Call:

Bob Tessier-Yay

John Driscoll-Yay

Joyce Cappiello-Yay

Donna Massucci-Yay

Ron Allard-Yay

Andrew Melnikas-Yay

A. Knapp-Yay

5. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

Discussion of the Master Plan Land Use & Transportation Updates. Kick off meeting set for June 21, 2022, at the regular scheduled Planning Board Work Session meeting. Discussion of determination the make-up of a steering committee or Planning Board.

The Board discussion and consensus to have a Master Plan Steering Committee for the chapter updates for the Transportation and Land Use Chapters. Discussion and consensus to let the other Boards to select a member for the steering committee. Board agreed upon a Steering Committee, two members from Planning, one member from Conservation, one member from Select Board, two citizen member spots, and Town Planner as staff.

Discussion from Town staff of the Master Plan Steering Committee members, the members will be selected and notified at the June 7, 2022, meeting. The members shall plan to attend in person at the June 21, 2022, regular scheduled Planning Board Work Session meeting at 6:30 PM for the Master Plan Chapter Kickoff meeting. The anticipated meetings times for these will be with the Town Planner and SRPC staff during business hours, unless otherwise decided upon. In the enclosure (1), the table shows the proposed meeting schedule. SRPC anticipates approximately six meetings in between the Kickoff meeting and the Adoption Hearing.

A. Melnikas and J. Driscoll agreed to be the members from the Planning Board for the Steering Committee.

R. Allard asked if more than two residents. A. Knapp suggested they make out an application and come before the Planning Board for review.

6. ADJOURN

A. Without objection the meeting adjourned at 7:29 p.m.

A motion was made by R. Allard and seconded by A. Knapp to adjourn.

Roll Call:

Bob Tessier-Yay

John Driscoll-Yay

Joyce Cappiello-Yay

Donna Massucci-Yay

Ron Allard-Yay

Andrew Melnikas-Yay

A. Knapp-Yay

The next Planning Board meeting will be on June 7, 2022 at 6:30 p.m.

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

Visitor Orientation to the Planning Board Meeting

Welcome to this evening's Planning Board meeting. Copies of agendas and a sign-in sheet are available for visitors.

Meeting Access

In-Person

Early Childhood Learning Center (ECLC)
Multi-Purpose Room
77 Ramsdell Lane, Barrington, NH 03825

Remote Meeting Participation

Video: barrington.nh.gov/pbmeeting
Call in: 603-664-0240 and Conference ID:
797901773#

Meeting Materials

Additional details regarding each agenda item and all supporting documentation can be found online at <https://www.barrington.nh.gov/planning-board>. Please contact the Land Use department with any questions via phone at (603) 664-5798 or email at planning@barrington.nh.gov. Files on the applications and items, above, including the full text of any proposed ordinances, regulations, or other initiatives are available for inspection in the Land Use Department Office, Monday through Thursday from 8:00 a.m. to 3:00 p.m.

Special Accommodations the Town of Barrington requires 48 hours' notice if the meeting must be modified for your participation or if special communication aides are needed. Please submit requests to the Land Use Department office via phone at (603) 664-5798 or email at planning@barrington.nh.gov.

Stephen Jeffery
128 France Rd
Barrington, NH 03825

May 16, 2022

Barrington Planning Board,

I have the following comments relative to the proposed changes to subdivision regulations and site plan review regulations.

12.3.1(3) When three lots are accessed via a common driveway all three lots must have frontage on a street that meets the requirements of RSA 674:41. And giving such a driveway a street name may lead to confusing such a driveway with a private road.

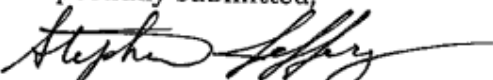
12.2.2(8) I am opposed to driveways or roads longer than 1000 feet that are essentially dead ends and that lack an alternate means of access and egress to the abutting public road. I am not opposed to requiring turnouts. It was my experience in building fire access roads in forests that turnouts were required every 300 feet. Residential structures provide higher risk and should require adequate turnouts, access and egress for emergency response.

12.3.2(4) A ten percent slope (10%) is very steep for safe access. The proposed regulation does not indicate how the slope is to be determined and over what distance. The provision should include the maximum slope allowed over a stated distance. And this measurement should be over a uniformly sloped section and not an average of two or more distinctly different slopes. Consider limiting the slope measurements to a maximum slope over any 25-foot section of the driveway.

Driveways must be constructed and maintained to meet all the requirements of the NH State Fire Code. A suitable reference to the State Fire Code should be included.

The Subdivision and Site Plan Regulations provide that development shall meet the minimum standards contained in the regulations. A waiver that grants any deviation from these minimum standards by definition is contrary to the spirit and intent of the regulations. The regulations were created to provide for the health, safety and welfare of residents. A proper waiver example might allow a longer road in order to reduce the road slope.

Respectfully submitted,


Stephen Jeffery

Subdivision Regulations

1.5.1.....INTERPRETATION

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. The Board may seek information or requirements above these regulations in circumstances requiring greater protection for the health, safety and welfare of Barrington citizens.

5.5.....WAIVERS FOR SPECIFIC PLAN SUBMISSION REQUIREMENTS

The Board is hereby authorized to waive, by majority vote of those present and voting, the submission requirements of Sections 5.3 and 5.4 of these regulations upon satisfaction of the criteria of this section. The purpose of granting waivers under the provisions of these regulations shall be to insure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that all of the following apply:

5.5(1).....The granting of the waiver will not result in a review that overlooks issues that may address impacts that are detrimental to the public safety, health or welfare or injurious to other property.

5.5(2).....The waiver will not, in any manner, vary the provisions of the Barrington Zoning Ordinance, Master Plan, or Official Maps.

5.5(3).....The submittal, upon granting of such waiver(s) may be reviewed in such a fashion as to secure substantially the objectives, standards and requirements of these regulations.

5.5(4).....A practical hardship, or unnecessary and unreasonable expense, would result from strict compliance with the foregoing submission regulations that clearly outweighs the benefit of providing the required information.

5.5(5).....The purposes of these regulations may be served to a greater extent by an alternative submittal, or where such submittal information is redundant and clearly unnecessary for the Board to review the application adequately.

6.2.....COMPLIANCE WITH ALL REQUIREMENTS Upon determination that the requirements of these and any other town regulations or ordinances have been met, the Board may accept the application as complete. The Board may also grant a waiver to provisions of these regulations (in accordance with the procedures in Section 8.1, General Waiver Provision) prior to making a determination on the completeness of an application. Where any of the provisions of these regulations have not been met the Board may determine that the application is incomplete and not suitable for formal review.

6.7.1(2).....Subdivision plans shall conform to all regulations of the Board, and other applicable town ordinances, regulations, and statutes of the local, state and federal governments.

7.2.3.....**WAIVERS** The Board may waive the requirement for all or part of a grading, erosion and sediment control plan if it determines that a plan is unnecessary because of the size, character, and/or natural condition of a site. All requests for waivers and action thereon shall be made in writing, in accordance with Section 8.1.

7.3.2.....**WAIVER FROM PLAN REQUIREMENT** The Board may waive the requirement for all or part of a Stormwater Management Plan if it determines that a plan is unnecessary because of the size, character, and/or natural condition of a site. All requests for waivers and action thereon shall be made in writing, in accordance with Section 8.1, General Waiver Provision.

8.1.....**GENERAL WAIVER PROVISION**

Where the Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with these regulations, or if the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations. The purpose of granting waivers under provisions of these regulations shall be to insure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. In approving waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations. A petition for any such waiver shall be submitted in writing by the applicant with the application for Board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that all of the following apply:

8.1(1).....The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.

8.1(2).....The waiver will not, in any manner, vary the provisions of the Barrington Zoning Ordinance, Master Plan, or Official Maps.

8.1(3).....Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations.

8.1(4).....A particular and identifiable impediment exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of an impediment shall include, but not be limited to, the following.

8.1(4)(a)Topography

8.1(4)(b)Site features

8.1(4)(c)Geographic location of property

8.1(4)(d)Size/magnitude of project being evaluated.

8.1(4)(e)Protection of environmental and natural resources is accomplished through the granting of the waiver.

PART III – DESIGN AND CONSTRUCTION STANDARDS This section includes design and construction standards for proposed developments within the Town of Barrington. These standards are considered the minimum standards and may be more stringent if needed to secure the protection of health, safety and general welfare of the citizens of the proposed development, the surrounding neighborhood, the Town of Barrington and the region.

14.1.2.....WAIVERS Where a waiver is requested to the above, an alternate plan shall be approved that minimizes the visual impact of the utility structures, and provides for tree growth in accordance with Article 17.

Site Plan Regulations

4.15.4.....Construction Standards It shall be the responsibility of the Professional designing the site to specify that construction standards for all site improvements shall meet or exceed the standards set by the Town of Barrington through its Subdivision Regulations and all other applicable requirements. Such specifications shall be provided to the Board for its review and approval.

ARTICLE 9 WAIVER PROCEDURE The owner of a development may submit a proposed site plan and request the planning board to waive specific requirements for the plan and supporting data. The planning board may agree to such requests provided that the board has determined that such waiver of requirements will not affect the purpose and intent of these regulations. This shall not apply to design and construction standards.

674:36 Subdivision Regulations. –

(n) Include provision for waiver of any portion of the regulations. The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

674:44 Site Plan Review Regulations. –

(e) Include provision for waiver of any portion of the regulations. The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Waivers -Subdivision regulations (optional): RSA 674:36, II(n)

-Site plan regulations (mandatory): RSA 674:44, III(e)

> The statutes: [Regulations may/shall...] Include provision for waiver of any portion of the regulations. The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

> These are not optional standards! You shouldn't fashion your own ideas of how to grant waivers, but should stick to the statutory script and choose either (1) hardship, or (2) the "specific circumstances = better result" approach –

>Hardship is undefined – is it like the hardship criterion for a zoning variance, or is it something else? In the absence of a definition and case law, there's room to be flexible.

Planning Board Basics: Roles and Responsibilities—

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