



Meeting Minutes
Town of Barrington Planning
Board Work Session
March 21, 2023, at 6:30p.m.
(Approved at the April 4, 2023,
meeting.)

1. CALL TO ORDER

A. Knapp called the meeting to order at 6:36 p.m.

2. ROLL CALL

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

Members Absent: Buddy Hackett, Andy Melnikas, Donna Massucci

Staff Present: Town Planner: Vanessa Price

3. REVIEW AND APPROVAL OF MINUTES

A. Review and approve minutes of the March 7, 2023, meeting minutes.

A motion was made by R. Allard and seconded by B. Tessier to approve the meeting minutes of March 7, 2023, to approve as written.

Roll Call:

J. Driscoll-Yay

J. Cappiello -Yay

B. Tessier-Yay

R. Allard-Yay

A. Knapp- Abstained since he was not at the last meeting.

4. CLASS VI/PRIVATE ROAD APPLICATION

A. Review of a request for a building permit for George and Ellen Rose, at 437 Mica Point Road ([Map 118, Lot 67](#)) Category 3, Option 2 with waiver request on a Class VI/Private Road.

A. Knapp gave a brief description of the application.

Christopher Berry, with Berry Surveying & Engineering, representing the Rose family for the application.

Mr. Berry explained they needed to file a Class VI/Private Road application. It was determined that they fall under a Class 3 category because they're providing additional living space. The applicant has chosen to provide for 10% of the construction cost of the addition towards a

meaningful road upgrade and ask for a waiver to that particular piece of the policy. This waiver would allow the owners to take the dedicated funding that they would be providing to the Road Association. This would have the funding to be used at a future date later this year to upgrade a culvert. Mr. Berry further explained this is different than what the policy intends because the policy intends for that money to be used in conjunction with the building process, and in this case, there's would be an offset in timing between the building process and when that money is being used. The policy doesn't really contemplate giving the money to a group, in this case a private road association. This is anticipated to be used at a later date. By the terms of the policy, it anticipates that that money be used for an upgrade nearly immediately, and the applicant is asking for a waiver to that process, to allow for the money to be handed over to the Association. The money would be used in conjunction with their upgrade to the culvert. Mr. Berry stated they're not asking for a waiver to dedicated funding or providing money. All they are asking is a waiver so the money can be used for that dedicated purpose in the near future.

A. Knapp asked Mr. Berry if the application has been before the ZBA for a variance to the setbacks, specifically to the deck.

Mr. Berry answered A. Knapp that he met with John Huckins before the ZBA regarding the setbacks. Mr. Huckins has discussed with Mr. Berry citing a variance to a deck on the shoreline side, was not required based on the Zoning Ordinance 5.2. Further discussion on the lawfully existing nonconforming structures, larger, expanded and then 5.2.1(2) says, notwithstanding any provisions of this contrary, the lawful nonconforming structure maybe expand it into the setback, and by the addition of an unenclosed structure, open deck or stairs, provided that the same is not too extending more than 8 feet into the required setbacks. Mr. Berry stated that John interpreted that to mean that you can extend your deck 8 feet beyond the rear face of your structure. And this one's 12.

A. Knapp questioned that the ZBA didn't weigh in on the deck setbacks.

Mr. Berry stated it didn't have to, as it does fall within Huckins' right person being your zoning administrator.

A. Knapp stated his concern that it is not compliant and meeting regulations. He understands that he is not here for that action, but the purpose of the action is for the category three option two.

B. Tessier stated wouldn't it be our responsibility to give a recommendation to the Board of Selectman for the Class VI Road?

A. Knapp agreed.

B. Tessier further stated then if the board wanted, they could tell the selectman that it should be reviewed again by John Huckins.

R. Allard stated that the application is not ready for the Planning board, it should be at the ZBA, as it isn't ready.

B. Tessier responded with according to John Huckins it doesn't need to go before the ZBA.

R. Allard stated he didn't think the Shoreline Protection District overlay has to be met as well, there are no exceptions.

Mr. Berry responded that there were exceptions, which is actually the words are used to be determined by the code enforcement. Mr. Berry read from the Barrington Zoning Ordinance in reference to Article 11, Shoreline Protection District Overlay (SDO). Exemption from regulations (11.3).

- 11.3(1)**.....Lots of record that existed prior to July 28, 1988 (which was the effective date of the original version of this provision) are exempt from these shoreland setback provisions to the extent that it can be demonstrated that conformance is impossible; however, any structure on such lots must conform as fully as possible.
- 11.3(2)**.....Exemptions to the setback provisions of Section 11.2 of this Article shall be made for the installation of docks, floats and other structures that are customarily associated with the recreational use of water.

Mr. Berry stated that he and John Huckins agreed this met the exemptions set forth in the Zoning Ordinance.

The Board had a lengthy discussion on the deck setbacks and whether it meets the conditions of the zoning ordinance.

Mr. Berry restated to the board they are here tonight with a recommendation on the Class VI/Private Road application to the Selectboard and asked for their recommendation.

B. Tessier stated we're here because of the extension to the living space, not the deck, for the Class VI Road. Our recommendation would be based on that.

A. Knapp stated his concern is with the plan set, it shows expansion above and beyond the living space and expansion and it moves into it, takes a non-conforming building, makes it more nonconforming, then moves into further into setbacks of the Shoreline Protection.

B. Tessier stated we're here to make a recommendation on a Class VI policy. Which is based upon the addition on the side of the House. We can rule on Class 6 and then forward it to John for review on the deck. It's two separate issues.

The Board had a lengthy discussion on the class VI policy and zoning regulations relating to the zoning administrator's decision on the deck setback. They do not approve anything, only making a recommendation to the Select Board for this Class VI/Private Road application.

A. Knapp opened public comment.

James Jennison, 18 Cate Road, thank you for allowing me to speak. He addressed the board. "I think it's regrettable decision that you're questioning your staff, the zoning administrator, we keep referring to as code enforcement. He is the zoning administrator who's given authority. You're setting a precedence and now you want every sign to come through to you because it's a zoning signs are zoning and the zoning administrator makes decisions on signs every day, and you're going to have question every sign that you approve. I just think it's a bad precedence to set like some of the board members have mentioned. It's not even in the scope of what you're looking at today. Just because you disagree, in my opinion, reading the ordinance, I think it was a four-foot deck there. They added eight feet and it makes 12. It sounds like it the math lines up to me plus or minus a few inches. But I think it's outside of the purview. The boards looking at, and I think questioning, the administrator only leads to more questions and if the board wants to

revoke that authority that's given to this administrator, then that's that's the choice. But I think it's unfortunate.”

A. Knapp closed public comment.

A. Knapp addressed the board if anyone wanted to make a motion.

B. Tessier stated he would like to make a motion.

A motion was made by B. Tessier and seconded by R. Allard to make the recommendation to the Board of Selectman to accept the Class VI waiver as it's written and as proposed. The vote did not pass. Vote 2/3.

Roll Call:

J. Driscoll-Yay

J. Cappiello -No

B. Tessier-Yay

R. Allard- No

A. Knapp- No

A. Knapp made a motion to make the recommendation to the Board of Selectman to accept the Class VI waiver as it's written and as proposed, as they have no concerns over the waiver application, but we were not in support of it because based on the plan set, the plans in their current state do not appear to meet our zoning.

J. Cappiello stated that the board hopes to resolve the zoning questions in a timely fashion before their next select board meeting.

A. Knapp stated for the record that he has not intended to undermine John or his decisions, but in this case the board found something that we've identified in the zoning ordinance and want clarified.

V. Price asked for clarification for which zoning ordinances to be reviewed.

R. Allard stated page 41 of the zoning ordinance (Article 11).

A. Knapp stated 5.2 for a non-conforming structure, essentially the whole section, but 5.2(1) and 5.2(2).

R. Allard stated 11.2(1).

Mr. Berry addressed the board in asking if they would restate their motion.

A motion was made by A. Knapp and seconded by R. Allard to make the recommendation to the Select Board, the Planning Board is in support of the category three option 2, but do not recommend a building permit until we have resolved with legal counsel, the issue of the proposed deck and steps, in accordance with our whether it be our Shoreline Protection Act or nonconforming structures. The motion passed unanimously. Vote 5/0

Roll Call:

J. Driscoll-Yay

J. Cappiello - Yay

B. Tessier-Yay

R. Allard- Yay

A. Knapp- Yay

5. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

A. Conservation Commission discussion with the Board for encroachment on existing wetland buffers.

V. Price explained to the Board that staff, Conservation Commission members and Planning Board member J. Driscoll met on December 22, 2022, to discuss the function-based wetlands buffer system. V. Price explained that they are working with the consultant there was a discussion on the point system to try to make the buffer larger. This may prove to be more hindrance on the zoning enforcement officer. V. Price explained that there are certain criteria to meet based on a point system. V. Price stated from the Board discussion at the January meeting, it didn't seem feasible to move forward with due to the impact it could have on the homeowner.

The Chair of the Conservation Commission, Ken Grossman was in attendance tonight to have a discussion for support by the planning board for a consultant to work on the function-based wetland delineation and work through this with the Planning Board.

Mr. Grossman stated the biggest thing the Conservation Commission is of the conservation dedicated to protecting the natural resources that's found in Barrington. He stated that to be fair, whereas they are an advisory group, they aren't the ones to protect the natural resources found in Barrington. That's really for the Planning Board to advise on how to do that as well as it being our job and appreciate the work that the board does. He stated in the last year or so and we've worked on projects you've been, you've listened and been responsive to some of our concerns. Their overall goal in wanting to do this is to do that better or maybe in a way that's clearer and having a process on function-based wetlands.

Mr. Grossman stated they had concerns with the 9.6 Process. He gave a history of the how it is not working for the Conservation Commission today in conserving wetlands and the relation to the Master Plan. Barrington wants is to protect its natural resources and having a a cleaner, clearer process for doing that we think would be a good idea and we're not advocating anything other than hiring a consultant for a study based on the on the functions of wetlands.

R. Allard stated that they supported the change to the 9.6 with the comments from the Conservation Commission.

J. Cappiello stated it was a citizen who petitioned zoning article change.

A. Knapp stated to the board, they voted in support of putting it on the warrant and let the voters make a decision on it without making a recommendation of change.

Mr. Grossman stated he would like a different process that would be more thoughtful and informative.

A. Knapp asked the question to Mr. Grossman what the intent the Conservation Commission has for the Planning Board.

R. Allard stated that there are buffers in place, we have 50-foot buffers in place with 100-foot prime wetland buffers that is a de facto protection. He continued by explaining that sometimes they less as the term conditions warranted, and to him, it's a pretty simple and straightforward process. He raised the question of what the issue with the current process is in place. R. Allard further stated the current process is pretty clean right now. It's as straightforward as we can get. He hasn't heard anybody saying that this is causing problems, and everybody comes in here and ask for a waiver.

Mr. Grossman answered the board by stating that the Conservation Commission has noticed an increase in 9.6 conditional use permits. In some cases, the advice of the Conservation Commission is to ask the applicant to make some changes to not go quite so deep into the buffer and so on, and he is stating the Conservation Commission is looking to assist the Planning Board with that process. Mr. Grossman wants to have a professional in the field look at the wetland's functionality. Mr. Grossman further went on to request a cost share with the Planning Board for a feasibility study to be done.

A. Knapp answered Mr. Grossman that the applicant is stating their hardship to the Planning Board, asking if the soil scientist could be another tool. But he continued to discuss we have a policy in place and why it is not working.

The Board had a lengthy discussion on the current regulations on the buffers and how the process works and what is not working. The Conservation Commission is looking for the Planning Board to partner in a feasibility study to look at the feasibility of the evaluation of a metric to measure wetlands and a possible zoning amendment.

Mr. Grossman explained the state of NH doesn't have a metric in place as its non-binding and not a state rule, but their system invented in DES mentioned as the the New Hampshire method. Barrington has prime Wetlands because somebody at some point looked at wetlands and looked them for their quality and decided that some wetlands were better than other wetlands. Now that was done a while back and who knows if that was absolutely done accurately or whether the wetlands have changed, and they were actually wetlands that may not be considered wetlands right now. He wanted to request a professional study to be completed.

A. Knapp opened public comment.

James Jennison, 18 Cate Road, stated he thought this would apply to all lots. It didn't specifically identify lots that wanted to go closer to the buffers. If that's the intent, I see a simple solution. Amend the 9.6 to say you need a soil scientist to identify your wetlands. As what type? What classification? I think it's a waste of money to pay someone to identify classes that exist. So scientists, wetland scientists know the classes that exist. But, to impose on every property owner The need for social scientists to go out there and check for wetlands and then identifying if none exist it it makes no sense. To have that authority rest in the Conservation Commission stretches

beyond their scope. If someone comes from 9.6, it's perfectly reasonable for the board to say, OK, we need a soil scientist to tell us what the values of those soils are, and then we'll decide based on the values that you bring to us. That's perfectly reasonable to say that every applicant that wants to build something on any lot bearing that has to have a wetland scientist go out there and identify what possibly might be on the that's not what we're saying. To take that one step forward, I think that any version adopted other than the 9.6 version should be funded by the Conservation Commission, because this is a taking from the property owner just to ask them to do something that they feel is valuable when there's there's science behind the soil, and you're superseding state. If the rule is just if you want to encroach the buffer and I have to come for a 9.6 anyways, that would be one thing, but that's not the language I saw. I saw it was like we want to determine what wetlands are and some maybe 75, so maybe 100, some, maybe 125. I think a simple solution of the 9.6 version.

Mr. Grossman stated he was looking for a study into the functional quality of the wetlands.

R. Allard stated that if someone wanted to not follow the 9.6 Special permit criteria, then that that way to request would be backed up by some information. He stated soil scientists may be a question for a zoning amendment. He asked James Jennison, 18 Cate Road, if this is what he stated.

James Jennison, 18 Cate Road, was in agreement that is an appropriate amendment consulting that to put in front of the people without the need for any types of studies. If you want to preserve the values and identify them, the value to that wetland. What your impact is going to do. I think that's perfectly reasonable to protect them.

Mr. Grossman stated that currently doesn't exist.

James Jennison, 18 Cate Road, answered no, it's up to the planning board and this direction.

Mr. Grossman stated that's why I would put a consultant to work on developing something that might be helpful.

A. Knapp stated he didn't think what Jamie saying is you don't need to put a consultant in there on that by us writing an amendment to the zoning ordinance to say if you're looking for a waiver from this, then one of the conditions is that you would have a soil scientist weigh in to show that there is no hardship or adverse detriment after adverse impact on.

R. Allard interjected by stating that there is a need to have a ranking system to say you can't go beyond. Like an evaluation system. We have to adopt some criteria so we can make a reasonable decision.

The Board had a lengthy discussion on the expectations and roles of a soil scientist and an evaluation system possibility.

A. Knapp closed public comment.

R. Allard asked the question: "What are the problems we are trying to solve?" There haven't

been known issues to the granted waivers, and he stated he didn't know of any and why are we looking at making this potentially more complicated? He further explained he doesn't want the process to make it more complicated for the board.

Mr. Grossman gave a brief description of somebody who knows Barrington can go around and show you some spot or something that was built on top of a wetland. He used the example of his historical home, that the wetland next to his house may have been affected when it was built. He stated if you're only looking at the hardship to the to the applicant and not looking at you know what we are, why are we why are we fighting with this applicant to once to go so close to it if we don't know anything about what that buffer is supposed to be protected. Mr. Grossman stated he feels strongly, and the Commission feels strongly, that 50-foot buffer should be respected as much as possible, and if it's going to be gone into there were to be a good reason.

R. Allard answered that he believes the Board does look at this now, and whether the wetland has been impacted and take the consideration of the Conservation Commission comments as well.

J. Cappiello stated to Mr. Grossman that the Conservation Commission wants more. Metrics and more data to make exactly to make that advisory opinion. Because you don't have it and is far as we can say it doesn't exist.

Mr. Grossman was in agreement. He stated far as we can say it doesn't exist. But he wanted the Conservation Commission to partner with the Planning Board to have something available for Town Meeting 2024.

A. Knapp acknowledged the discussion, and there were a lot of good clarifying points, but directed that the Conservation Commission proposed conceptual to go on, and a proposal needs to be presented before the Board. He asked Mr. Grossman what do you want from engaging your professional as a final product?

Mr. Grossman stated there is a budget issue.

V. Price discussed there was funding earmarked for a feasibility study for this to be completed with the intent that the Conservation Commission matches it.

A. Knapp stated to Mr. Grossman for the Conservation Commission to put together a conceptual on what this would look like as a proposal that's concrete.

Mr. Grossman stated he wanted a consultant to produce something first.

R. Allard expressed he would say it was a system for evaluating encroachments into existing wetland buffers and a way to evaluate the value of those wetlands for.

A. Knapp expressed that the Conservation Commissions job is to provide a scope of work to the Planning board because you're looking for us to co-fund this process. He further stated that it could potentially create a further restriction on our regulations, which, no matter what, creates a hardship for anybody who owns a parcel of land in the town of Barrington. He expressed he is

amenable to it, but again would like to see what the scope of work is.

J. Cappiello stated to her it sounds like the scope would be to develop a metric to be able to evaluate the soil in wetland buffers. Then you could have some who separate administer the metric.

James Jennison, 18 Cate Road, stated you're looking for the sole scientists to write you a zoning amendment that then you can administer and enforce, not a metric by which nobody can look at.

The Board gave a lengthy discussion on what a zoning ordinance may entail in relation to a metric system, but a consultant should take a look from a scope given by the Conservation Commission.

A. Knapp stated he just wants to have a have a good scope of work to give them.

V. Price discussed with the board for the Conservation Commission come back to the April Work session to have the scope of work approved with agreement from Ken Grossman to present at the April 18, 2023, work session.

B. Planning Board Goals of 2023

V. Price gave an update on the status of the housing Chapter. Further discussion to be had whether it's to be comprised of Planning Board members and/or steering committee members.

J. Cappiello asked if the updated housing chapter will occur differently than the other two updates where there were public surveys.

V. Price answered that it would have a similar format with community engagement.

C. Topics for Zoning Warrant Articles for 2024

V. Price explained that R. Allard previously discussed looking at the sign ordinance and the water quality with respect to Shoreland Protection. She asked the Board if there were other possible zoning amendments to direct staff to work on.

R. Allard discussed the Board need to look at yield plans better, may need to look at the current regulations if they are adequately addressed. He discussed looking at the developable land closer, and discussed having the Town Engineer comment on the yield plans.

A. Knapp wanted to look at residential lot sizes, about lot sizes in relation to the to the zone. His general thought on is the smaller lots as you're closer to the village district and they become larger as you move outside, away from that, which keeps the rural character of a community like ours. More of general residential, as he stated he doesn't think it really becomes applicable to Town Center and Village because they're already modified in nature, it's just the larger General Residential. But I think you should be radius outside of the Town Center.

R. Allard expressed his thoughts on the need for an RSA change. He has asked our state representatives to look at it. R. Allard stated his thoughts on our biggest problems are 125 and 9.

Start regulations on state highways. He also stated there is a petition that's being voted on and wanted to wait for those results. None of this is almost none of the signs on 125 comply with state regulations.

D. Public Comment- Jayme Jennison: Discussion of Zoning Amendments with the Board.

James Jennison, 18 Cate Road, had a discussion with the board in relation to possible zoning amendments and read those into the record:

Zoning Change Ideas

Shipping container regulations

1. It is the intent of this chapter to limit, except as provided herein, the placement and use of any shipping container as an accessory building, storage building, or living unit without sight review. This limitation is to protect the public health and safety and the aesthetic quality of the town of Barrington.
2. No person shall place or cause to be placed or use or permit the use of any shipping container as an accessory building, storage building, or living unit on land.
3. Exception. contractors may use shipping containers for temporary housing of equipment and materials during construction as authorized by a building permit.
4. Home occupation
 - a. Site review
5. Contractor storage yard
 - a. Site review
6. Residential storage
 - a. Administrative zoning
7. Commercial
 - a. Site review
8. regulations
 - a. Age, certification eg ISO or other accredited agency, previous use do to possible contaminants brings up new vs. repurposed
 - b. Temporary structures
 - i. Construction offices 180 days
 - ii. Pop up shops - definition required
 - c. Storage
 - i. Needs permit (administrative zoning) all zones
 - ii. Height and max size
 - iii. Frost protection over 400
 - iv. Visual screening in village
 - v. town center not permitted
 - vi. Site review for commercial. Already exists in zoning, needs enforcement.
 - d. Personal storage buildings constructed in the zoning districts(list) will be reviewed by the zoning administrator to determine whether they are a permitted use (based on type of storage) and whether site improvements, which may include parking, drainage, water, sewer, landscaping, fire and structural compliance, are required. Permits will not be issued for personal storage that does not include required site improvements. Uses for different zones
 - i. Conditional use
 - ii. Prohibited in town center

Density Increase incentive

To preserve, protect and expand the rural character of Barrington.

Through the interconnection of a vast trail system open to all manners and modes of transportation to include pedestrian, peddle and electric bikes , golfcarts, OHRV and snowmobiles

Do you support a zoning change to allow density increases to conservation subdivisions that allow open space to the public, active recreational trails , snowmobiles /OHRV , public parks and parking areas.

1 extra lot for permanent snowmobile or OHRV trail easement creation and use.

1 extra lot for public playground/park and/or public parking access and trail creation

The intent for this change is to encourage developers to leave openspace for public access with the intent to create a town wide trail system while also expanding the snowmobile trail system and creating a OHRV trail system to boost recreational opportunities and create a revenue boost to local business

Open space requirement implementation

Do you support a sub division regulation change to preserve, protect and expand the rural character of Barrington?

Through the interconnection of a vast trail system open to all manners and modes of transportation to include pedestrian, peddle and electric bikes , golfcarts, OHRV and snowmobiles

All subdivision be required to leave a corridor to connect parcels of land for immediate or future public use in lieu of the required 15% open space in 17.2 or funds required under 17.2.1

The intent of this change would be to enforce 17.2 and add the opportunity to fore go the 15% for a trail connection

Transfer of Development Rights

Do you support a zoning amendment to allow the transfer of development rights as a method of controlling sprawl.

RECEIVING AREA means a defined area within a TDR DISTRICT to which DEVELOPMENT RIGHTS are transferred resulting in more efficient and intense use of suitable development sites.(suggested TC and Village districts)

SENDING AREA means a defined area within a TDR DISTRICT from which DEVELOPMENT RIGHTS are transferred, resulting in the permanent preservation of lands possessing significant conservation features

<https://www.nh.gov/osi/planning/resources/documents/ilupt-chpt-1.1.pdf>

Copy of Dover reg

DOVER CODE P 170-113 170-27.2. TRANSFER OF DEVELOPMENT RIGHTS.

[Amended on 10-31-90 by Ord. No. 16-90; Amended on 01-22-2003 by Ord.35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.] A.

Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring DEVELOPMENT RIGHTS (TDR) within said districts. B. Purpose and Intent. Within the City of Dover there are certain lands that possess significant conservation features, including but not limited to wetlands, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic viewsheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition. Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission who are active in protecting and preserving OPEN SPACE. C. Applicability. Upon request by an APPLICANT for development approval and at the discretion of the PLANNING BOARD, the provisions of this subsection may apply to the district(s) defined in this subsection E below. D. Districts Defined. (1) The Industrial TDR DISTRICT is hereby determined to be any I-4 or B-4 zoning district as shown on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be OPEN SPACE and related SETBACKS as defined by the City of Dover Wetland Protection District, Chapter 170-27.1, which are located in any I-4 or B-4 zoning district. The

RECEIVING AREA is defined to be all remaining land in be any I-4 or B-4 zoning district. (2) The Residential TDR DISTRICT is hereby determined to be Residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R20 residential zoning districts. The RECEIVING AREA is defined to be all non-ZONING P 170-114 R-40 or R-20 zoning districts east of the Spaulding Turnpike which allow residential development. a. If the units created are purchased, the receiving area may be any zoning district that allows residential development. E. Procedural Requirements. (1) At the discretion of the PLANNING BOARD, an APPLICANT for development approval within the RECEIVING AREA of the defined Industrial TDR DISTRICT may apply the performance standards specified in Subsection F below in return for the acquisition of land or DEVELOPMENT RIGHTS from the SENDING AREA within the same TDR DISTRICT. The performance standards for the Residential TDR DISTRICT are outlined in Subsection G below. (2) A certified boundary survey of the associated land in the SENDING AREA shall be submitted as a supplement to the site plan or subdivision plan for development within the RECEIVING AREA. (3) The owner of the subject OPEN SPACE within the SENDING AREA of the TDR DISTRICT shall SIGN all application materials as a co-APPLICANT of the development application. For residential application, proof of an agreement to sell DEVELOPMENT RIGHTS must be provided by the Conservation Commission. (4) A sketch plan estimating layout of the development site and identifying the OPEN SPACE associated with the plan shall be submitted to the PLANNING BOARD for review at a regularly scheduled meeting. The PLANNING BOARD, within thirty (30) days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections G and H below. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section. (5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated OPEN SPACE within the SENDING AREA. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection I below. The designation of the land protection agency to hold the easement shall be approved by the PLANNING BOARD. F. Industrial Performance Standards. DOVER CODE P 170-115 (1) Land within a SENDING AREA, when surveyed, approved by the PLANNING BOARD and preserved by easement or covenant as specified in Subsection E above, may be counted for the OPEN SPACE requirement for a development site in a RECEIVING AREA. The amount of land preserved in a SENDING AREA shall equal or exceed the OPEN SPACE requirement for the development site, but in no case be less than one (1) acre. Notwithstanding, development sites within the I-4 and B-4 zoning districts shall maintain OPEN SPACE or landscaped area on at least ten percent (10%) of the site. The design of

devise the base number ends in more than half a unit but less than a whole, and a transfer is purchased, the result would be two (2) dwelling units. iii. The units created, through the transfer must be: 1. Sold, and are not for rental purposes Percentage of Parcel that is wetlands Factor $0 < .7$ DOVER CODE P 170-117 2. Limited to the square footage originally constructed. iv. A note shall be placed on the approved plan and any Building Permit shall note the adherence to this section of the Code. v. A note shall be placed in the property/unit deed citing the restrictions listed above. (b) Attached Single Family, Two family, three family and 4 or more method (i) The transfer may be through the purchase of development rights, as described in G) (1) and (2), or through the protection of land via a permanent conservation easement as per section E) (5). (ii) The transfer shall equate to one (1) unit per acre preserved, or purchased. If the end result is a village themed residential/commercial project, the transfer shall equate to one (1) unit per tenth (10th) of an acre preserved or purchased. (4) Regardless of the method utilized, the minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS. (5) Regardless of the method utilized, the setbacks shall be: (6) Regardless of the method utilized, the minimum FRONTAGE requirement may be waived by the PLANNING BOARD, for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD. (a) If lots are proposed, the minimum frontage allowed shall be forty (40) feet per unit (7) A continuous visual buffer shall be created along the perimeter of the parent parcel. (8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS MINIMUM BUILDING SETBACKS FOR SUBDIVISION LOTS STREET Sides of Units Between Units Abutting A STREET Abutting A LOT LINE 20 feet 20 feet 20 feet 10 feet ZONING P 170-118 increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity: (a) Is consistent with the Master Plan (b) Is not incompatible with the land uses on neighboring LOTS (eg a multifamily building in a single family neighborhood)

the development site shall locate the OPEN SPACE or landscaped area to maximize the aesthetic value of the site. (2) The minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS. (3) The minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD. (4) SETBACKS for parking, paved areas, and BUILDINGS may be waived by the PLANNING BOARD, and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, BUILDINGS shall be at least one hundred fifty (150) feet from residential STRUCTURES that exist on the date of enactment of the I-4 and B-4 Zoning districts, and seventy five (75) feet from the LOT LINE of a disagreeing residential ABUTTER. (5) The developer shall record covenants that address architectural considerations for STRUCTURES, SIGNAGE and lighting that are designed to promote the highest possible aesthetic quality of the development site. (6) A landscaping plan shall be submitted with a development application that depicts landscaping or OPEN SPACE around the perimeter of the site, near the proposed BUILDINGS, and within the parking LOT that promotes the highest possible aesthetic quality of the development.

G. Residential Performance Standards. (1) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission. This cost shall become the value at which DEVELOPMENT RIGHTS may be purchased.

ZONING P 170-116 (2) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund. (3) A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS. (a) Single Family Detached method i. An applicant shall develop a baseline yield for the lot to be developed, through the following formula 1. The square footage of the parent lot minus environmental constraints (wetlands, conservation areas etc) is the base lot size. 2. The base lot size is then reduced by fifteen (15) percent to account for roadway, this creates the net area. 3. The net area is then multiplied by a factor determined by the amount of wetlands over the parent lot. This is the developable area. 4. The developable area is then divided by the minimum lot size, and the whole number value is the base number, with no rounding. a. This base number is not required to be restricted by the requirements in subsection iii. ii. The transfer shall equate to one of the following calculations: 1. For construction of units no larger than one thousand (1,000) square feet, of total living area, two (2) units per DEVELOPMENT RIGHT purchased shall be allowed. 2. For construction of units no larger than fourteen hundred (1,400) square feet, of total living area, one and a half (1.5) units per DEVELOPMENT RIGHT purchased shall be allowed. The unit count shall be the whole number value and not rounded up. a. If the math to

devise the base number ends in more than half a unit but less than a whole, and a transfer is purchased, the result would be two (2) dwelling units. iii. The units created, through the transfer must be: 1. Sold, and are not for rental purposes Percentage of Parcel that is wetlands Factor 0< .7 DOVER CODE P 170-117 2. Limited to the square footage originally constructed. iv. A note shall be placed on the approved plan and any Building Permit shall note the adherence to this section of the Code. v. A note shall be placed in the property/unit deed citing the restrictions listed above. (b) Attached Single Family, Two family, three family and 4 or more method (i) The transfer may be through the purchase of development rights, as described in G) (1) and (2), or through the protection of land via a permanent conservation easement as per section E) (5). (ii) The transfer shall equate to one (1) unit per acre preserved, or purchased. If the end result is a village themed residential/commercial project, the transfer shall equate to one (1) unit per tenth (10th) of an acre preserved or purchased. (4) Regardless of the method utilized, the minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS. (5) Regardless of the method utilized, the setbacks shall be: (6) Regardless of the method utilized, the minimum FRONTAGE requirement may be waived by the PLANNING BOARD, for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD. (a) If lots are proposed, the minimum frontage allowed shall be forty (40) feet per unit (7) A continuous visual buffer shall be created along the perimeter of the parent parcel. (8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS MINIMUM BUILDING SETBACKS FOR SUBDIVISION LOTS STREET Sides of Units Between Units Abutting A STREET Abutting A LOT LINE 20 feet 20 feet 20 feet 10 feet ZONING P 170-118 increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity: (a) Is consistent with the Master Plan (b) Is not incompatible with the land uses on neighboring LOTS (eg a multifamily building in a single family neighborhood)

Impact fees

Recreation

Library

The board had a lengthy conversation on the proposal from Mr. Jennison.

R. Allard stated that there should be a limit on how many storage units/sheds should be on a property.

Mr. Jennison also discussed the opportunity to have a conservation and trails is to have a connected unified trail system with all users, motorized and non-motorized.

Mr. Jennison discussed the opportunity of impacts fees for the school and library. He expressed that it's a good funding mechanism. It worked for the schools. There're tons of building going on and I there there's certainly an endpoint

J. Cappiello stated that people tell me they moved to town because of the rec department because they were summer programs and before school. She asked what is the process for impact fees would be.

V. Price answered that Barrington Public Safety are interested in looking at it, and if they still plan to move forward with the renovations to their building, they were going to bring it to the voters. Overall, for an impact fee study, a consultant needs to be hired, initiated by the Planning Board, and once completed go to the voters.

R. Allard asked about which lots an impact fee would be attributed to.

B. Tessier stated it would have an impact to everybody on every new building.

J. Cappiello asked how we can define our goals.

A. Knapp stated classified as smart goals is the specific is it measurable? Is it achievable? Is it realistic? Is it timely? Like if you're focusing on the that criterion. He stated not taking on more than four goals.

V. Price confirmed the future planning goals for 2024 as: Subdivision and Site Plan regulations update from CMA, starting the Master Plan Housing Chapter, Zoning amendments, encroachment of the wetlands and metric, and the possibility of impact fees.

6. ADJOURN

A motion was made by R. Allard and seconded by J. Cappiello to adjourn the meeting.

Roll Call:

J. Driscoll-Yay

J. Cappiello -Yay

B. Tessier-Yay

R. Allard-Yay

A. Knapp-Yay

Meeting Adjourned at 9:06 p.m.

The next Planning Board meeting is a Public Hearing on April 4, 2023, at 6:30 PM.

**** 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 are available for visitors.

Meeting Access

In-Person

Town Hall (New ¼ mile from Old Town Hall)
Meeting Room
4 Signature Drive Barrington, NH 03825

Remote Meeting Participation

Video: barrington.nh.gov/pbmeeting
Call in via computer +1 603-664-0240,,274311590#
or via phone +1 603-664-0240 and Conference ID:
274 311 590#

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.