



MEETING MINUTES
Town of Barrington Planning Board
Public Hearing
(Approved September 5, 2023)
August 15, 2023, 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, Joyce Capiello, Donna Massucci, Andy Knapp

Members Absent: Buddy Hackett

Staff Present: Town Planner: Vanessa Price, Zoning Administrator/Code Enforcement: John Huckins

D. Massucci will be a full voting member.

3. REVIEW AND APPROVAL OF MINUTES

A. Review and approve minutes of the August 1, 2023, meeting minutes.

A motion was made by R. Allard and seconded by B. Tessier to approve the meeting minutes of August 1, 2023, as written.

Roll Call:

A. Knapp - Abstain

J. Capiello-Yay

D. Massucci-Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

4. STAFF UPDATES -TOWN PLANNER

A. Training Opportunities: OPD Planning Division staff every third Thursday of the month from 12 to 1 pm to learn more about various planning and zoning topics. www.barrington.nh.gov/NHEconomy-webinarseries

V. Price stated to the Board the training opportunities always available on the State Planning Office for training and webinars.

B. CIP Discussion at the September 19, 2023, meeting.

V. Price discussed the CIP discussion will be held at the September 19th Planning Board work session meeting. At that meeting, projects will be ranked and will be reviewed by the Board. Then they will go to the Select Board for the October 2nd meeting and then it will come back to the Planning Board for adoption for the second meeting in October as a public meeting.

V. Price addressed the Board members to take the Master Plan Housing Survey, and to take flyers to their places of business and help the distribution.

5. DISCUSSION WITH BOARD FOR A PRELIMINARY CONCEPTUAL SITE PLAN

Mike Rudolph discussion with the Board on property on Second Crown Point Road.

Mike Rudolph, from Remax Shoreline, is representing the owners of 73 Second Crown Point Rd, Marsha and Doug Hatch. Mr. Rudolph discussed the history of the site, that 73 Second Crown Point Rd back in 2009 that lot was subdivided off of a larger parcel. At the time, it had a capped foundation, which is still there, and the septic design showed that as having three bedrooms but there's actually two bedrooms in for that property. There was also a barn, a converted barn that at the time when the subdivision was put together. David Mott presented for a conditional use permit for the barn to become a business. Doug and Marsha Hatch owned the property still, and at this point, he is inquiring to the board about the capped foundation. He asked the Board about the conditions of the Conditional Use permit.

V. Price confirmed that it runs stays with the land, not the business.

Mr. Rudolph stated that they would like to propose that the converted barn that was used under a conditional use permit become the residential component to the property and that the capped foundation would be would now become the business or proposed or some future business because Marsha and Doug are not living there anymore. He continued to address the board to add he can give additional background information, but the over overarching request is for a change of use is just a flipped use for the two buildings on the property.

J. Driscoll asked the board if there were questions.

R. Allard asked it's not changing the project but just flipping the use?

J. Cappiello asked about the septic on-site.

Mr. Rudolph stated that there is one and he estimates it's overbuilt. There's a 1000-gallon tank and a common leach field, a three-bedroom leach field. There's 1000-gallon tank that services the existing barn and I think there's a 12,150-gallon tank that services the capped foundation.

J. Huckins stated that the owners never built the house on top, and they lived in the basement. That essentially, the basements all finished off as a house in the living space, and they've lived in it for years. They had a shop and Marsha had her business upstairs and they used it downstairs. They meet the minimum requirements as a dwelling unit.

J. Driscoll asked V. Price where the Board goes from here.

V. Price answered that the applicant is here tonight to determine if they need a formal application for a minor site plan, or if they can proceed with the current site plan but switch the barn to have residential and not the office space.

J. Huckins stated the applicant is before the board because it's already existing use as a both units, but just these swapping buildings. Normally, it would be you know a change of use, but he's not changing the site at all. The use is already existing, he wants to just flip and buildings that are labeled.

A. Knapp stated that the site plan should be updated to accurately represent what is being conducted on the property.

R. Allard stated it would just involve the changing of labeling the buildings.

J. Huckins asked for clarification that the board wants the applicant to submit a formal application to change the labeling of the buildings? The site plan and uses are the same.

A. Knapp stated he wanted to make sure we have something that documents the file that it has been use has been flipped and reviewed the board, and the board is in agreement.

J. Huckins stated that if the board feels that way, a minor site plan application would have to be made.

R. Allard was in agreement that it should be a minor site plan application.

Mr. Rudolph inquired if the minor site plan review would be prepared by an engineering company or what what would you do?

J. Huckins stated that Dave Mott is no longer in business. Therefore, the applicant would have to go to a survey company that probably wouldn't take his plan. They would have to redo this whole plan.

Mr. Rudolph replied that it's his understanding that in calling Dave Mott, he never got a return phone call. Also, that it's his understanding is he's (Dave Mott) is not working in the field anymore.

A. Knapp stated that he doesn't think Dave Mott has to relabel them, but that he just has to give permission for somebody to amend the labels.

V. Price addressed Mr. Rudolph that the board wants him to go ahead with the minor site plan review application.

J. Huckins asked the board that if you can't get Dave Mott, does the applicant have to hire a surveyor and have old new plan drawn up.

I would say if you can't get David this much, come back, talk about it, that's a good idea.

R. Allard said if he couldn't get Dave Mott, address this to the board. He doesn't want the process to be too burdensome. That is good for a protective order to get it documented.

Mr. Rudolph said he would try to contact Mr. Mott and go from there.

6. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

A. Updating Planning Board Rules and Procedures.

V. Price discussed with the board the overall reasoning for the updates to the Rules of Procedure is the change in procedure with the Strafford Registry of Deeds fee structure in receiving payments. Additionally, some of the document was edited by the Town attorney and the Land Use office proposes an application fee for a voluntary merger application as costs have gone up in filing. This task was previously not being charged by the town. The last update for the fees is the cost increase of certified mail from \$8 per abutter to \$10 per abutter. V. Price expressed having the deadline for applications to be noon

on the deadline day. She also addressed the comments R. Allard had made about time limits for the public comment period. It is in the Rules of Procedure, it just has to be regulated more.

R. Allard stated that we should have a counter of something.

The board briefly discussed if three minutes was enough for public comment, especially if there is a person speaking for the community. The Board discussed that it could be extended depending upon subject matter.

A. Knapp discussed the definition of certified mail and who needs notification.

V. Price discussed that the RSA may have the language spelled out for notification. The Town Attorney reviewed this and didn't have comment.

A motion was made by R. Allard and seconded by J. Driscoll to approve the updates to the Planning Board Rules and Procedures as written. The motion passed unanimously.

Roll Call:

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

B. Discussion of potential Zoning Amendments. (The review document will be attached to the meeting minutes with no revisions, as this is what the board worked on.)

V. Price described to the board that over the past year, during training sessions with the State office of Planning & Development, at the zoning amendment time it is highly recommended to the table of uses have definitions of each use. The APA Planner Dictionary is the reference used in defining the table of uses. If there isn't a use in the table an applicant can ask for a variance from the ZBA to allow the use. This is the major bulk of the staff comments and notes from the past year from the board on items to look at. The discussion points include:

- (1) Amending the table of uses to allow for special exception to some uses. (Page 1)
- (2) Add to table of Uses.
- (3) Solar definitions on the table of uses. (Pages 1-4)
- (4) Assisted living development. (Pages 4-6)
- (5) Definitions for table of uses. (Pages 6-13)
- (6) New Definitions. (Page 14)
- (7) Class VI/Private Road definitions. (Page 16)
- (8) Additional Discussion topics. (Page 16)
- (9) Planning Board member discussion points for Zoning Amendments. (Page 17)
- (10) Amendment to supplement section 9.6 to the Town's Zoning Ordinance.

The purpose of this work session is to gauge what the Planning Board wants to focus on for the 2024 Zoning Amendments. At the Planning Board Work Session on September 19, 2023, it is anticipated the Consultant for the amendment to supplement section 9.6 to the Town's Zoning Ordinance to present to the Planning Board. Additionally at the September 19, 2023, meeting, the Board will finalize the

discussion on the 2024 Zoning Amendments for the Town Attorney to review for content and the start of the drafting warrant article process.

(1) Do we want to look at amending the table of uses to allow for special exception to some uses?

- Town of Alton
- Somersworth

The Board discussed and decided this is not applicable process for the Town of Barrington.

(2) Add to table of Uses:

- a. In definitions but not on table
 - Congregate Care Facility (See **161-F:36**)

A. Knapp discussed looking at the definition of a congregate care facility, and what are we trying to accomplish by adding it into the table of uses. Because when you start looking at congregate care it talks about a transition of a combination of pre assisted living and then assisted living and then long-term care. Then the intention is to have a certain number of beds in there, but the state can overrule that and make the forced number of beds in that facility.

J. Cappiello inquired why would the state do that.

A. Knapp answered because they need additional beds for aged out folks and so they wouldn't approve it without increasing the size. We would approve it with our within our restrictions, but the state could mandate that it hold more.

J. Huckins noted looking at the Zoning ordinance, So the point I think on that is if you go to footnote 3 in the table of uses, it says these may have no more than 15 patient or clinic beds. (On page 96.) He stated he is not not even sure why that's in there and not sure uses what purpose it really serves in our regulations.

V. Price addressed the board if they wanted the use in the table since there is a definition for it.

J. Huckins started the discussion of elderly assisted care. The elderly assisted care (we don't have congregate listed) but we got elderly assisted care and that's where it listed the number of bedrooms. At the ZBA hearing, the retirement type home care, because of that note as beds and they were trying to do it as rooms. To Andy's point, they could put two beds in each room, so if we approved 20 rooms, you could end up with 40 beds. And it's questioned why we have beds.

A. Knapp discussed further, it's a septic system, impact of water, it becomes all that expanded component to it.

D. Massucci questioned, isn't that the most restrictive? In my profession, if the state tells me I can have 40 kids and John comes in and says according to Barrington, we can only have 20, we have to go with the with whoever is the stricter.

J. Huckins discussed that New Hampshire is not a home rule state. Sometimes the town might have a regulation in the state says that you still can't do it. You have to adhere to their regulation is because of, especially when it comes daycares and eldercare, because there's such a need and there's not enough there. The state is starting to get involved to make sure they can expand that, and they don't want towns restricting.

R. Allard stated that if we say rooms or beds, they can still overrule, either way.

J. Cappiello asked about septic.

J. Huckins stated the state has the septic requirements.

J. Driscoll stated the continuing care portion of this proposed ZBA case and go along with it, I thought it was a nursing facility because they are nursing people and if you look at item number, footnote 15, you will need no more than one bedroom for 10,000 square feet of upland soil. He stated he thought that was the big impact.

J. Huckins answered the state regulates the septic loading. The state says you can put this many people in under this septic loading. It's just like we do on houses and businesses, everything is designed by the state standards for what that is and the state approves it. He went back to discussing footnote 15, as this where the town did something, saying we want something more restrictive. But there isn't a reason as to why they put this regulation. He brought up the footnote 6 about the 8 units. We looked through the building codes and the fire code, and there's absolutely nothing in there and we don't understand why it's even in the regulations, but I mean, but that's part of what all these discussions about now about changing the regulations.

A. Knapp discussed my only concern is when you look at congregate care versus assisted care elderly care, there are some very specific guidelines in that. You're very easily either going to aged people out of that or you're going to end up having a need for an exception for this or an exemption for that. It even gets into things like incontinence care, it does not qualify under a congregate care facility.

V. Price addressed the board that if we don't have anything in our table of uses, someone can go before the ZBA to ask for relief.

A. Knapp stated than it disallowed.

J. Huckins answered they could go to the ZBA to go ask for relief and they would have to have a hardship giving a reason why.

J. Huckins brought up the reasoning as to why we are looking into this subject. A lot of people that had input, because of this whole conversation getting started with, that we would like to be able to age in Barrington and stay in Barrington. The regulations that we have now people thought were hinderance to being able to achieve that. It is it something that we want to allow?

A. Knapp discussed that we do allow it. You can do it by having to meet the land use requirements to do it.

J. Huckins explained V. Price wanted to add the congregate care to the table of uses since there is a definition. To have it be an allowed use, or a use you could address as a planning board level. J. Huckins addressed A. Knapp stated he you're just saying earlier is just not put it in there and let them go to the ZBA. If the ZBA grants it, then you got to still come in front of the planning board. Then would you have it as a conditional use if they got it granted from the ZBA.

A. Knapp What I'm saying is we allow assisted living, we allow senior living, we allow elderly living, it just has to fall within the designated areas and then the designated use that congregate care. I really don't think is largely different than those items other than the fact that they have like this kind of wider birth of what they allow, but a more restrictive structure around it. If you look at what falls into it, I don't think it's wildly different like most of the congregate care services between meal services, leisure activities, transportation, transportation, housekeeping can be done in any facility, no matter what it is. It's like making it like it's an insurmountable issue and those are in the home health care. What are we trying to accomplish by doing it other than we suddenly make our zoning easier for other for people to come in and

make a boatload of money off of the land in our town, which goes against what we're talking about when we talk about housing.

J. Driscoll stated nursing facilities and then we have assisted living facilities which requires conditional use in the residential, but it's permitted and others except for HCO requires a CP like everything else does. Then we have elderly assisted care, which in five of these zoning areas requires a conditional use permit, then it's not permitted in regional commercial.

A. Knapp continued to discuss, if anything, what I would look at doing is making it a permitted right in the in the regional commercial. I don't know why you would not want it there, because that's going to be your main points of access and your main thoroughfare. That's exactly where you would want that facility to be.

V. Price addressed the board, since we're on that subject, should we jump ahead to #4 to since we're still talking about same subject and then we can come back to solar. Additionally, but if we don't have it in our table of uses, some things don't have definitions or if there's changing of definitions. The state planning office strongly recommends that we have all of definitions for all of our current table of uses as well. The definitions are from Planners Dictionary, which is from the APA American Planning Association. The state Planning Office refers us to use that, or you use the dictionary. The reasoning behind using the definitions within the planners' dictionary is a lot of these came from cases across the country, to help better define what their community needs.

J. Huckins addressed the board stating, basically what it comes down to, if you do have definition in a zoning, that's the definition that applies. If you do not have a definition in there, then they go to an additive. You'd be surprised how many times I'm challenged on a weekly basis because we don't have enough definitions. The point I'm trying to make it's almost irrelevant where it came from, cause if you approve the definition here, that becomes the definition.

J. Driscoll brought up to define storage. The only thing we have is self-storage facility which was added in 2018 at the town meeting. In November at election, when Joyce and I and you were there for a while, talk to 4000 people who were voting a lot of the things, maybe 30-40 people said one thing, we don't want to do is look like Epping with those gigantic Bluebird storage facilities overwhelming the town. Hea sked to remove the self-storage from the table of uses.

J. Huckins addressed the board about the self-storage issue, I have an issue when you call a mixed-use development and your commercial use in the bottom and self-storage is listed as a commercial use.

R. Allard stated he questioned whether the mixed use is achieving anything close to the objective is supposed to achieve.

J. Huckins stated that we need to look at what the commercial thing is, maybe change the definition or a little bit to say the uses that it should be allowed for mixed-use.

The board discussed recent projects approved by the board that have mixed-use.

R. Allard stated his concern that people aren't shopping at brick and mortar as much as they use to, and the Lee traffic circle that is right down from the Barrington Town Center, provides a grocery and other shopping needs.

J. Driscoll went back to discuss through the definitions for storage.

The board discussed the definitions of storage: storage area, storage, bulk, storage, commercial, storage outdoor. The Board decided not to pursue definitions of storage. Discussion of junk yards came up. However, the Town code enforcement refers to the RSA for junk yards and it works for enforcement.

V. Price addressed the board to go back to the beginning of the review document. Addressing item (1) The Planning Board wants to keep the system in place, and not add special exceptions to the table.

After discussion to board doesn't want to move forward with adding congregate care facility to the table of uses.

The board briefly discussed adding to the table of uses, outdoor dining, community building and community care facility.

J. Huckins discussed the point I'm trying to make is that what I table the uses saying the definition is they should be the same thing. You shouldn't have one listed as a use and then have a definition that doesn't fit right.

The board looked at the provided definitions for each outdoor dining, community building, community care facility and agreed to add the definitions of these in the zoning amendments.

D. Massucci discussed the definition of the community care facility to add childcare, not have the definition say day care. J. Cappiello stated that there should also be adult care considered in the definition. The new definition of a community care facility to be proposed to be added to the table of uses and definitions is: Any facility, place, or building which is maintained and operated to provide nonmedical residential care, child and adult care, and home finding services for children, adults, or children and adults, including but not limited to the physically handicapped, mentally impaired, or incompetent persons, developmentally disabled, mentally disordered children and adults, court wards and dependents, neglected or emotionally disturbed children, alcohol or drug-addicted children or adults, battered adults or children, and aged persons.

V. Price addressed the Board that in general, supportive of adding community care facility community building, and agreed to add each outdoor dining in the table of uses.

The board unanimously agreed.

(3) Solar Discussion

V. Price addressed the board for the discussion on amending the Amendment of size requirements in residential in the Current Zoning ordinance as it currently reads:

21.3.1.....A fixed ground-mounted Residential Solar system shall not exceed 15 feet in height at any point. A tracking ground-mounted Residential Solar system shall not exceed 20 feet in height at any point. All ground mounted systems located in the front yard shall be reasonably screened from abutting residential properties/roads.

V. Price stated that in researching other communities, they did kilowatt and it's umm, and a lot of other references to the solar world in kilowatts. Rochester and Durham both just adopted solar ordinances.

R. Allard discussed on solar collections its good idea making sure they have a minimum lot size of 20,000 square feet. For example, putting something on a really, small a lot, I think is not appropriate.

J. Huckins stated that this is for free standing, they could still do a roof mount system, even if a smaller lot.

R. Allard expressed that letting it go 10 inches over the roof peak, I think it's a bad idea. Because it's above the roof height, but the wind catches it in, makes it much more acceptable. Having it go over the edge of the roof peak from the engineering perspective was a bad idea.

J. Huckins stated that it says that it can't exceed the height of the zoning district. We have a 35-foot height zoning thing that from maximum height, they're saying that they can't exceed that.

A. Knapp asked that what they're saying is, if you have a group that comes up and is at 35 feet, the solar array can't come up and be 10 inches above that.

R. Allard stated if allowed 35 feet, I can go changes over there for my solar array on my roof and all I'm saying is that's a bad idea. The allow me to go changes over the top of the top of the peak is a bad idea. You're going to have you going to have systems in high winds. He also expressed that there should be a height restriction.

The board had a brief discussion on the height restrictions on solar.

J. Driscoll suggested that whatever the zoning district height maximum is, that should be the maximum.

R. Allard proposed the following changes:

21.3.1.....A fixed ground-mounted Residential Solar system shall not exceed 15 feet in height at any point. A tracking ground-mounted Residential Solar system shall not exceed ~~20 feet in height at any point.~~ All ground mounted systems located in the front yard shall be reasonably screened from abutting residential properties/roads. **height restrictions for the zoning district which they are placed when oriented at maximum tilt.**

J. Huckins addressed the board about all ground mounted systems located in the front yard shall be reasonably screened from abutting residential properties/roads. He asked the board about what you are going to give for screening.

R. Allard why wouldn't we want we still want screening.

J. Huckins addressed the board how do you apply what the screening is? This may be more appropriate for a solar field or commercial not in residential.

R. Allard stated to the board, why don't we want one way to make that ground mounted only and then restrict the tracking systems within last paragraph. So, we have two separate sections, one t that has a screening requirement for the ground mounted, and then we have a separate section for tracking ground-mounted Residential.

R. Allard proposed the following changes:

21.3.1.....A fixed ground-mounted Residential Solar system shall not exceed 15 feet in height at any point. **All ground mounted systems located in the front yard shall be reasonably screened from abutting residential properties/roads.** -A tracking ground-mounted Residential Solar system shall not exceed ~~20 feet in height at any point.~~ **All ground mounted systems located in the front yard shall be reasonably screened from abutting residential properties/roads. height restrictions for the zoning district which they are placed when oriented at maximum tilt.**

The board unanimously agreed upon a height restriction on the tracking ground mounted solar and taking out the buffer statement for fixed ground-mounted solar.

The board discussed further that if staff could look into solar collection system for the proposed regulations separated into residential use and commercial uses.

J. Huckins addressed the board about solar setbacks. In the building department is has been an issue because all our solar must meet setbacks in the zoning district. It's listed with table in dimensional uses. It creates a confusion to applicants.

R. Allard stated it makes sense it should be in the solar regulations. If people are confused, it makes sense to clarify that to the extent possible.

J. Huckins stated to the board that if we do leave them both and we just want to make sure they match to reference to.

A. Knapp agreed that there should be a reference to the dimensional standards table as well.

J. Huckins pointed out that if you use your regular standard setbacks on a regular lot of record; that's not a conservation subdivision, you're at 30 feet minimum and you go in your conservation subdivisions suddenly, you're at 15 to 20 feet.

R. Allard discussed having 20,000 feet as a minimum lot size. If not, it sounds like the ZBA has been lenient on granting solar.

J. Huckins stated it sounds like to leave it as the standard setbacks.

V. Price moved on to the discussion of solar definitions to be left in the definition section and have it also defined in Article 21. The options are to have current zoning ordinance reference article 21, or to have them separated out again in the definition section.

The board discussed and majority agreed that it should reference Article 21, so they don't have to be voted in as they are already defined in Article 21.

V. Price moved on to the discussion of assisted living development is in the commercial use and zoning districts. The discussion came up before in the meeting, but looking at the location in the table of uses.

A. Knapp brought up about having the elderly care facilities it in the RC district.

J. Huckins addressed the board that we change table uses not that definition. as a conditional use permit not just straight up just a permitted use, and then it would be CP with the all the districts.

The board discussed and majority agreed that the elderly assisted care should be in the RC district as a CP.

J. Huckins addressed the board for the notes on the table of uses, note 3 and 15. He first discussed note 15 that addressed that it could say that meets the requirements of DES loading instead of OK. Instead of specifying right, many say to meet DES loading standards or something like that, because that's the states regulation anyway. Then he discussed note 3. No more than 15 patients or beds for such a facility. He stated if you look at a lot of these facilities now, to man them, it makes more sense to keep it all in the same building where you have staff. He questioned the fifteen-bed limit.

J. Driscoll stated he was in agreement with J. Huckins in agreement about note 15.

A. Knapp stated that occupants are based on the room, not on occupants themselves.

J. Huckins stated he thought that the beds that limiting the size of the building. The septic is on the number 15 but note 3 is in reference to the beds.

A. Knapp brought up in the Town Center area, you must be able to make sure that you left of buildable space for town use and if you had residential use to go with it, you got to leave 25% for that civic use open space.

J. Huckins stated the point his is trying to make is, if you just had all commercial, you would still have to meet those requirements, and why are we limiting 15 per building? That has nothing to do with loading and density. He stated that's just a few beds and why are we limiting those? He gave an example that one could have one building with 30 beds and difference does it make if it meets the loading.

R. Allard stated that it doesn't make any sense if you're allowed to have the septic loading for 30 patients. He stated Why require 2 buildings rather than let them have one building.

A. Knapp stated that the designed septic loading is not designed by patient numbers.

J. Huckins addressed the board that let's assume this is per building. Even with septic loading, if you put three buildings on the same lot because your septic will support it by the number of units or beds, why can't it all be in one building instead of three separate buildings. He stated that was the point trying to make, exactly, and I think that makes sense.

A. Knapp stated when you look at the septic disposal system, this is no more than one bedroom per 10,000 square feet of upland soil and the most restrictive shall apply. If you take one bed per bedroom, and now that bedroom has up to three beds in that one bedroom, it has tripled the occupant load.

J. Huckins stated we're talking about the we're talking about the number of rooms for a building, which this says you can only have 15 beds in that building.

R. Allard addressed A. Knapp, by saying that to your point is saying to only have two patients per room that might get what you are discussing. He then addressed the board stating limit your per building doesn't make any sense at all to me.

J. Driscoll asked for J. Huckins that his suggestion was to end the number 15 by just saying maximum. By stating that New Hampshire DES subsurface regulation should be whatever DES has, and then stop it there and erase everything after regulations.

A. Knapp addressed the board stating that because we are on private septic systems and you look at you're saying care facilities, or things like that, the systems are not designed to handle the byproduct that's coming out, whether it's cancer treatment, drugs, it's medications and what you're seeing is you see feminization of fish, you're seeing changes to the environment from it. When you when you start looking at that, you're going to see and it's different than a normal residential load because in a normal residential load you have a very limited amount. When you concentrate that population into a very tightly dense effluent disposal system.

R. Allard addressed A. Knapp, let's say that I have three buildings going to the one septic system that because I'm limited my number of patients per building, it doesn't make any sense.

B. Tessier addressed A. Knapp stating that it sounds like your saying, is the state needs to change their standards or the septic's.

A. Knapp stated his concerns that we don't end up with like this massive influx of a of a building that is not manageable or capable of being addressed in our community well, but it once again once again once again, one massive building or three medium size building said the same square footage. We don't have control over the septic system.

J. Huckins stated it's infeasible for an elder care facility to do 15 beds. He gave an example stating its infeasible because you to put four people working in one building; you got to put four or five in another building; you got to put four or five in another building. You need 20 workers to handle 45 beds because you got to because of that bill, you put it all in one building. However, you might have 10 workers, so it has nothing to do with the size of the building. It has to do with the economics of the people that you put in there to make the facility work. So why so basically by making them small, each building smaller, you're just making them have to hire more staff, which that's the economic part that they wouldn't do it and it doesn't work economically. Therefore, why don't we just not permit it if that what you're trying to achieve.

B. Tessier stated he thought our regulations already proven with the last proposal that it's tough to accomplish.

R. Allard stated that if we have a septic issue where we're worried about septic loading, we should deal with that directly, not trying to make it economically feasible. I don't think we elder care should cost any more than other development. We can make as efficient as possible. That's the right thing to do and I think if worried about septic loading, we should deal with that issue that way.

A. Knapp stated it's more than septic loading. It becomes a compounding community call.

The board briefly discussed response time, kids in school fees, and well.

B. Tessier addressed the board we're looking at the smaller building and I agree, why force them to have two buildings or three buildings and allow them to have one that's reasonable size, which and the DS loading is approved for.

The board briefly discussed if it's all tied to the commercial sector, and they have a commercial and they're able to do all of it frequently in that it's all listed as a commercial use.

J. Huckins emphasized that's why staff is bringing about possible changes. That's the reason why we're talking about these changes because the public came back to us to say we support this, we want this. We want to be able to live out our lives in Barrington. We grew up in Barrington. We want to be able to stay.

Most of the board members were in agreement to remove footnote 3 for Elderly Assisted Care in all zoning districts.

J. Huckins discussed to move to note 6 in the table of uses, no structure may contain more than 8 dwelling units. There is nothing in the building or fire codes that gives the arbitrary number.

A. Knapp stated he thought they were trying to prevent stockade style.

The board discussed recent closed cases of by the board.

J. Huckins stated in an example of elder care, if they wanted to do a mixed structure with commercial on bottom and residential on top, it might not be feasible.

R. Allard stated that is a good ZBA issue. Though he is in support of having the limit to 8 units.

J. Huckins mentioned that the ZBA may not grant a variance as the applicant would have to show the hardship. What's the hardship on this lot that's different than any other lot that could possibly build it. If there's lots of the same as the other lots, there's no hardship. There's no reason to give a variance. ZBA is not automatically granted.

J. Driscoll stated the residential portion of an elder care facility would still go back to our density in that zone.

J. Huckins stated yes. If an applicant is asking residential component to separate from an elder care facility, those requirements would have to be meet the density requirements in the residential zoning district.

The board briefly discussed the market for spouses to accompany the person in the eldercare and want to be near them.

J. Huckins gave a brief description if elderly housing that is 65 and over to the board. The board briefly discussed this option of housing in relation to workforce housing. The Town of Barrington doesn't have an ordinance to address age restriction.

The board had a brief discussion on age restricted residential. It is currently not part of residential in the Town of Barrington.

The board agreed by majority to change the definition and the table of uses for Elderly Assisted Care Home. They Edited definition of the elderly assisted care home to remove permanently housing up to (15) elderly residents. In the table of uses for elderly housing, footnote 3 and 15 to be removed for TC, V, HCO; add CP to Regional Commercial Zoning.

Elderly Assisted Care Home means a residential facility ~~permanently housing up to (15) elderly residents~~ with common dining facilities an Accessory Uses typically needed for elderly persons. The Planning Board may increase the number of residents through the granting of a conditional use permit.

V. Price moved on to the discussion into the proposal of Zoning amendments for the table of uses that don't have a definition. The board discussed the following definitions and the majority of the board agreed to the definitions updated and changes to the table of uses as stated below:

1. No definitions for table of uses. Board went through the Table of uses and rectified definitions. New definitions to accompany table of uses.
 - a. **Arts & Crafts Establishments** Workspace for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.
 - b. **Automobile parts/supply retail establishment** A building for display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.
 - c. **Bank** A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.
 - d. **Bed & Breakfast bed-and-breakfast (B&B)** A single-family dwelling with owner-occupied establishment, has an equally mixed use as home and lodging with lodging superseding home more often than not. It is located in a legally zoned area and meets all the tax, fire, building, and health requirements for this size and use of property.

- e. **Billiard Parlors/ Pool Hall** A business establishment containing more than two pool or billiard tables for the use of patrons.
- f. **Bowling Alley** An establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area.
- g. **Educational Institution** A public, parochial, or private institution that provides educational instruction. Any public, parochial, private, charitable, or nonprofit school, junior college, or university, other than trade or business schools, including instructional and recreational uses.
- h. **Farm stand** Please see RSA 21:34a(III) as amended.
- i. **Funeral home** A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming, and the performance of other services used in the preparation of the dead for burial; (b) the storage of caskets, funeral urns, and other related funeral supplies; (c) the storage of funeral vehicles; and (e) facilities for cremation.
- j. **Golf course** A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards, and may include a clubhouse and shelters as accessory uses.
- k. **Remove note #3 from RC in the table of uses and add new definition.**
Health care facility Any facility, place, or building maintained and operated to provide medical care. Health care facilities include but are not limited to hospitals, nursing homes, intermediate care facilities, clinics, and home health agencies, all of which are licensed by the state department of health services and defined in the [state] health and safety code.
- l. **Health club** A facility where people use for the purpose of physical exercise.
- m. **Landscape nurseries/Greenhouses** An establishment for the growth, display, and sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.
- n. **New definition for machine shop and add CUP to the TC/V districts.**
Machine shop is a facility where machining, a form of subtractive manufacturing, is done. In a machine shop, machinists equipment and supplies for machining, a process where parts are cut, fabricated, and finished to prepare them for use. Machine shops are used in the creation of new parts, as well as repairs of existing equipment and parts.
- o. **Movie theater** A specialized theater for showing movies or motion pictures.
- p. **Planned Unit Development (PUD):** Reference article 16
- q. **Social or fraternal organizations** A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.
- r. **New definition for truck terminal and add in the table of uses as a CUP to the RC district.**

Truck Terminals Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

- s. **New definition for Warehouse Operations and update table of uses for CUP in RC and HCO, not permitted in GR, NR, V, TC.**

Warehouse Operations A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

V. Price moved on to the discussion for the proposal of new definitions to be added to the Zoning Ordinance.

The board briefly discussed the definition of lot frontage.

J. Huckins stated that it should be the same throughout the Zoning Ordinance.

The board discussed the lot frontage definition. The majority of the board agreed to following changes:

Lot Frontage to be consistent in the Zoning Ordinance.

Section 4.1.2 to match definitions in the Zoning ordinance.

Section 4.1.2 definition: 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. Removal of Frontage from definitions and have the same definition for Lot Frontage.

~~Frontage. The length of a lot line abutting a Class V highway or other road upon which buildings may be built lawfully.~~ **Remove definition in its entirety.**

~~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 the Funeral chapel definition. Most of the board agreed to the proposal of a new definition:

Funeral chapel A building used primarily for human funeral services, provided that such building shall not contain facilities for (a) embalming; (b) performance of autopsies or other similar surgical procedures; (c) cremation; or (d) storage of funeral caskets and funeral urns, except those on display on the premises; and (e) that funeral vehicles shall not be stored on the premises except in a garage or other accessory building with no direct public street frontage; and (f) that the garage or other accessory building shall not be used for other purposes.

The board had a lengthy discussion on shed definition and limitations. The existing definition found in zoning is to remain the same under structure. However, proposed language under Article 4 will address the requested changes in the zoning ordinance by most of the board agreed to following changes:

- a. **New definition and added as accessory use in the Residential zoning districts.**
Amend Article 4.1 to add 4.1.4 Sheds

4.1.4 Sheds A subordinate structure or building used primarily for storage purposes, of the floor area of the shed does not exceed 200 square feet, no building permit is required, and the setback requirements (wetland and property line) are relaxed. If the floor area is larger than 200 square feet, a building permit is required, and setbacks are applicable. In the GR,NR,V zoning districts the limit is 2 per property for a minimal lot size of 80,000 SF, and one is permitted per additional acre over 80,000 SF.

2. Amend the definition of a structure to add storage containers.

(f) One story detached accessory structures used as tool and storage sheds, playhouses, **storage containers**, and similar uses, providing the floor area does not exceed 200 square feet,

The board had a lengthy discussion on storage definitions. The Code enforcement officer stated that the enforcement side comes from outdoor storage and utilizes the RSA for a junk yard. Currently the town has the definition for a Junk Yard: As defined in NH RSA 236:112, as amended. No other definitions will be proposed for a zoning amendment.

The board discussed the community care facility definition. Most of the board agreed to the proposal of a new definition:

Community care facility Any facility, place, or building which is maintained and operated to provide nonmedical residential care, child and adult care, and home finding services for children, adults, or children and adults, including but not limited to the physically handicapped, mentally impaired, or incompetent persons, developmentally disabled, mentally disordered children and adults, court wards and dependents, neglected or emotionally disturbed children, alcohol or drug-addicted children or adults, battered adults or children, and aged persons.

Potential to add to the table of uses. Discussion at the next Zoning amendment workshop.

The board discussed the community center definition. Most of the board agreed to the proposal of a new definition:

Community center A building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverage or meals are normally dispensed or consumed. A place, structure, area, or other facility used for and providing religious, fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community. May also be referred to as a convention center or civic center.

Potential to add to the table of uses. Discussion at the next Zoning amendment workshop.

The board discussed the Restaurant, outdoor customer dining area definition. Most of the board agreed to the proposal of a new definition:

Restaurant, outdoor customer dining area A dining area with seats and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment, and which is (a) located entirely outside the walls of the subject building, (b) enclosed on two sides or less by the walls of the building with or without a solid roof cover, or (c) enclosed on three sides by the walls of the building without a solid roof cover. An area of designated size used as a seating area with tables and chairs for the contiguous restaurant. This seating may be in addition to the indoor seating, or it may be the only seating available for the restaurant.

Potential to add to the table of uses. Discussion at the next Zoning amendment workshop.

The board discussed the temporary structure definition. Most of the board agreed to the proposal of a new definition:

Temporary structure no residential structure not on a permanent foundation nor permanently attached to a fixed location in any manner. Said structure to be used for a specified period, for no more than 180 Calander days.

J. Huckins discussed that the building department would have to investigate creating a permit for a temporary structure. He was thinking there would be no cost or low cost to the applicant.

V. Price moved on to the discussion for the proposal of new definitions to be added to the Zoning Ordinance from recent meetings on the Class VI/Private Road definitions to be added to Article 9 definitions. (From the subcommittee and from the 2018 international residential code book.)

Dwelling Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or that are occupied for living purposes.

Dwelling Unit A single unit providing complete independent living facilities for one or more persons, including permanent provision for living, sleeping, eating, cooking and sanitation.

Habitable Space A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces and similar are not considered habitable spaces.

Living space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

Most of the board agreed to address these proposed new definitions for the Zoning Amendments from the recent meetings on the Class VI/Private Road due to possible changes. It may be looked at in future meetings.

V. Price moved on to the discussion for the suggested changes to Town Ordinances. The board briefly discussed the items but wanted to address these at a future work session.

Requested by R. Allard to discuss Sign ordinances – lobby State and review per petition article – Zoning 20.2.4; 20.2.5 & 20.8.4.

J. Huckins sis bring up that temporary signs’ language update is needed to be worked on in a future work session meeting. He asked the board members to think about regulations.

The board briefly discussed the changes to the sign ordinance but wanted to address these at a future work session.

Requested by R. Allard to discuss Septic inspection requirement before issue of building permit 200 feet from shoreline in Shoreline Protection District Overlay – Zoning 11.2(3). The board wanted to address these at a future work session.

Requested by R. Allard to discuss adding that generators and HVAC units (with building permits) not subject to set back requirements if they are within 5 feet of the structure – Zoning Definitions - Structures. The board wanted to address these at a future work session.

Requested by R. Allard to discuss adding requirement that the yield plan must present cost/benefit review upon request by the Board, and lots must be financially viable – Zoning Conservation 6.3.2(3). The board wanted to address these at a future work session.

Requested by R. Allard to discuss defining farm business – Zoning Definitions Agricultural Use. V. Price addressed the board she has contacted NHMA and has sent that legal counsel to the board for their review. The board wanted to address these at a future work session.

Requested by R. Allard to discuss defining non-conforming structures – allow them to be replaced without damage with time limit – Zoning 5.4. The board wanted to address these at a future work session.

V. Price wanted to add for upcoming discussion a proposed definition for steep slope for Article 19.

J. Huckins stated he wanted to add for upcoming discussion, mixed use and mixed-use structure definitions at a future workshop.

7. ADJOURN

A. Adjourn the Planning Board Meeting. The next meeting date is a Public Hearings on September 5, 2023, at 6:30 PM.

Meeting adjourned at 10:56 p.m.

A motion was made by J. Cappiello and seconded by A. Knapp to adjourn the meeting at 10:56 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

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