

TOWN OF BARRINGTON, NH
LAND USE DEPARTMENT
Vanessa Price, Town Planner
Barbara Irvine, Planning &
Land Use Administrative Assistant



Planning Board Members
John Driscoll, Chair
Ron Allard, Vice Chair
Buddy Hackett
Andy Knapp
Bob Tessier
Donna Massucci
Joyce Cappiello (Ex-Officio)

Meeting Minutes
Town of Barrington Planning Board
Public Hearing
(Approved February 6, 2024)
January 25, 2024, at 6:30p.m.

(In the case of inclement weather, the hearing will be held January 26, 2024, at 6:30 p.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 Cappiello, Andy Knapp, Buddy Hackett

Members Absent: Donna Massucci

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

3. SECOND PUBLIC HEARING FOR PROPOSED 2024 ZONING AMENDMENTS

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

Website link: <https://www.barrington.nh.gov/landuse>

Copies are available in the Town Land Use Office.

V. Price addressed the board that the Land Use office received two public comments via email about the proposed zoning articles from resident and developer. She asked if the board had reviewed them and wanted to read them for the record.

The board consensus that the public comments have been acknowledged and to have them in the case file.

J. Driscoll gave a brief description of the proposed zoning amendment #1.

Are you in favor of Amendment #1 to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Amend definitions and table of uses to allow elderly assisted home care facilities to house an unlimited number of residents in the Village, Town Center, Regional Commercial and Highway Commercial Overlay District, rather than restricting those

facilities to 15 residents or the maximum density permitted by NHDES. Elderly assisted home care facilities will still be limited to 15 residents and have a maximum density limitation in the General Residential and Neighborhood Residential districts and will require a conditional use permit in all districts, including the Regional Commercial District.

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

J. Driscoll opened public comment.

J. Driscoll closed public comment.

A motion was made by J. Driscoll and seconded by R. Allard to approve proposed zoning amendment #1 as written.

The motion passes. 5-1

Roll Call:

B. Hackett Yay

A. Knapp-Nay

J. Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

J. Driscoll gave a brief description of the proposed zoning amendment #9.

Are you in favor of Amendment #9 to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Remove the definition of frontage from Article 18—Definitions; and amend the definition of Lot Frontage in Article 18 to be consistent with the definition in Article 4.1—Dimensional Regulations.

Explanation: *The definition of frontage in Article 18—Definitions differs from the definition of lot frontage in Article 4—Dimensional Requirements. This amendment resolves the conflicting definitions. Removal of Frontage from definitions and have the same definition for Lot Frontage.*

J. J. Driscoll closed public comment Driscoll opened public comment.

J. Driscoll closed public comment.

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

The motion passes. 6-0

Roll Call:

B. Hackett-Yay

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay
J. Driscoll-Yay

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

Are you in favor of Amendment # 18 to the Barrington Zoning Ordinance as recommended by the planning board, as follows: Increase the required frontage for lots in the Neighborhood Residential and General Residential districts from 200 to 300 feet; increase the minimum lot size for lots in those districts from 80,000 SF to 150,000 SF, which must include 60,000 SF of land free of poorly or very poorly drained soils; and increase the additional square footage required for each additional one bedroom dwelling unit under a common roof that is not an ADU from 40,000 square feet to 60,000 SF.

***Explanation:** In the Neighborhood Residential and General Residential Zoning Districts the lot size is increasing from 80,000 SF to 150,000 SF, which must include 60,000 SF of land free of poorly or very poorly drained soils; and increase the additional square footage required for each additional one-bedroom dwelling unit under a common roof that is not an ADU from 40,000 square feet to 60,000 SF. The lot frontage will increase for these districts from 200 to 300 feet.*

J. Driscoll opened public comment.

Babara Irvine, 1022 Franklin Pierce Hwy, stated that she doesn't support amendment #18. She explained that her reason is as a board a few months ago, this board did not support bringing this forward. She expressed that she feels that you're controlling homeowners' rights, and this was going to be a petition article, but it missed the deadline and I think the right thing to do is not vote for it because of you, months ago, you didn't support it.

A. Knapp stated as a resident he wanted to make a public comment.

J. Huckins stated that as their Legislative roles on the planning board you can discuss the proposed zoning amendment as a board.

J. Driscoll closed public comment.

A. Knapp explained that his commentary on it is his acknowledgement that I did not get all of the petitioned articles in in the proper time, he was a day late and he recognizes that here publicly. He stated that he also wanted like to make a correction to a statement that was made is that it wasn't brought up by the board. A. Knapp stated that Mr. Driscoll asked me if I wanted to bring something forward to the board, and I said no. He stated that he would be doing it as a petitioned article. He also wanted to comment that in the last three weeks, he has had numerous people who have either reached out to, stop me publicly locally; and it took me over an hour to get out of the the voting area based on various conversations and comments. He expressed that the conversations he had with people about the idea that they're happy to see, to address some of the challenges, as well as ensure that we don't end up overdeveloping our community and turning it into a subdivision of Rochester and Dover. A. Knapp stated he felt it was important to share that information with the board and let them know this is the feedback that comments have been made to him. He said that he agreed with some of them, and others he didn't agree with. He

stated that he always finds it interesting when there is a challenge or pushback from developers, especially when their comments around how it where we're not helping the the the working class folk in the community. He stated that he has yet to see a single development come in that did anything that helped the working-class community, because they don't do anything that creates, a price point that is affordable to teachers, fire department, Police Department, and people in those roles.

J. Cappiello said she too spent a lot of time at the polls. She stated that she had a number of people also talk about the subdivisions and the impact of that, but they thought this was not a good idea. She explained that they felt like the individual homeowner, that it would be hard to come to Barrington as individual homeowner and that people already had land and we're hoping to at least maybe have the assurance of doing something that would future felt like their land would be devalued.

B. Tessier stated that he heard lots of opposition to it. He also has heard comments about doing something to restrict the growth that we're having. He said that he really believes the changes we're making with the uplands are going to affect the growth hugely. He expressed that he thinks this is tying the hands of a lot of landowners and homeowners for doing a small subdivision for maybe their child or friend. He stated that he thought the changes that we already have proposed are going to slow growth and make it so for that reason, I'm going to be against this one.

R. Allard stated that he is leaning against this proposed zoning amendment. He explained that he thinks for a lot of people in town, their land is their 401K. If you have a 10-acre lot, this brings it from five lots to three lots. That can have a big impact on a smaller landowner. He stated that he heard people in favor of it, but also heard people against it. He stated that a vote tonight is basically the vote to put it in front of the people, which is not a bad thing necessarily. However, that being said, R. Allard agreed with Bob that some of most of the negative feedback we get is generally the conservation subdivisions with lots of very, very small. There's a lot of density. There may be open land in the back, but the majority of people see the front of the property with the housing. He explained that to me that's the feedback that that I hear the most of and I think I would try to try to address that first and to try to get a little clarity on the the yield plans, which I think are sometimes really ambitious, if not unreasonable. He stated that he would like to take a step to try slow that down before we take this step.

J. Driscoll stated that he was conflicted with the posed zoning amendment as well. He explained that he saw the advantages of reducing the number in the Conservation Subdivision. On the other hand, he talked to a couple of people, and they may want to subdivide for their kids.

B. Hackett addressed the board with a question. He stated that when we got to the public comment, was the reason against because of the the process that we did wasn't followed or against the article itself. He clarified and addressed the public comment person, by asking if is it because of the like the procedure or because of the the content?

Babara Irvine, 1022 Franklin Pierce Hwy, stated that it was all of it. She explained that you're hurting the small homeowner the most, not the big developer. The big developers are still coming. Maybe this will change the lot sizes, but the developers are still coming. She stated that the little person that wants their kid out back can't have it, but there isn't anyone here on this

board that is going to affect because you don't have enough money to do anything. She stated that the board isn't thinking of the little people, you're thinking only of the developers. You want to come into town.

J. Driscoll asked if there were any other comments from the board members before motioning to vote.

A. Knapp stated that there's been there's a fair amount of misconception that people think it will devalue and it actually will do exactly the opposite. He explained that it drives the value of the land up and it controls the development which further reduces or controls the the tax burden on the people. This is because it doesn't create the added growth that you see with the fire department, Police Department, schools and that you would see in the highway and transfer stations because you're not creating future added roads. They're not creating all of that additional burden and it controls that burden while also making the land more valuable as the time goes on.

R. Allard wanted to make an additional comment. He doesn't think it increases the value of that much. He explained that if you're coming into town with this three-acre lot or a two-acre lot is buildable, you're going to pay more or less the same. He stated that certainly a three-acre lot is somewhat more valuable. However, the characteristics of the land probably are more important to most people than the the acreage. He explained that if it's a buildable lot, that generally drives the value more than the size of a lot. He gave the example that you can see in this town, three-acre lots that are going for roughly the same value as two-acre lots. It's just, it's a buildable lot. He stated that if it's a buildable lot that chance to drive the price much more than the size of the lot. R. Allard also explained that if we're trying to compare our community with other communities that definitely apples and oranges because we do not provide the services that other communities have and that more that goes into the value of the property.

A motion was made by A. Knapp and seconded by R. Allard to approve proposed zoning amendment # 18 as written and to move it forward.

The motion failed. 2-4

Roll Call:

B. Hackett-Yay

A. Knapp-Yay

J. Cappiello-Nay

B. Tessier-Nay

R. Allard-Nay

J. Driscoll-Nay

J. Driscoll gave a brief description of the proposed zoning amendment #19.

Are you in favor of Amendment # 19 to the Barrington Zoning Ordinance as recommended by the planning board as follows: increase the required frontage for back lots from 50 to 75 feet; to prohibit the creation of backlots in subdivisions consisting of 10 or more lots; and to prohibit the creation of backlots from lots created after March 12, 2024.

Explanation: *Backlot frontage to increase from 50 to 75 feet. Additionally, the prohibition of creating backlots in subdivisions consisting of 10 or more lots.*

J. Driscoll opened public comment.

Babara Irvine, 1022 Franklin Pierce Hwy, stated she has the same reasons on this one. She explained that this had been before the board previously, and the board said no. She explained that this was also a petition article that came in late and I just think that they shouldn't move it forward again.

R. Allard stated that this amendment was a blend of what Andy presented and what he had presented.

V. Price stated it was submitted to the town attorney to review and they were combined since they were similar subject matter. She referred to the board about the backup documentation, and what the warrant article was changing in the zoning ordinance.

J. Huckins addressed the board stating this proposed zoning amendment is going to protect what everybody was talking about. He explained that if someone is breaking off a backlog for their kid or two backlots so they can put their kid in college or whatever, they're still going to be allowed to do this. He stated that this proposed zoning amendment is for subdivisions that larger than ten lots.

B. Tessier stated that this also increases the frontage from 50 feet to 75 feet and that is where he has mixed feelings on it.

A. Knapp explained that you will have (the frontage) 20 feet tied between a driveway and potentially shoulders. Or 15 feet of it tied up would be driveaway and shoulders because you're going to have a 10-foot or 12-foot drive and then figure a two-foot shoulder.

J. Huckins stated explanation on the 50 when it was originally done was it was fifty that way if someone in the future decided they wanted to make it a road it was 50 foot wide so they could make it a road going back in the future. He explained that right now if you have 75 feet and someone wants to put a road, the roads only has to be 50 feet wide, but now you got a 75 foot lane going back. But that was the reason for the 50 foot originally when they originally created backlots and that's why you were still able to do two backlots of 25 each because it's still left a 50-foot neck.

J. Driscoll closed public comment.

R. Allard stated this proposed zoning amendment is a combination of Andy and my proposal of mine and I, rather than mess it up, he would like to support going forward.

A motion was made by A. Knapp and seconded by J. Cappiello to approve proposed zoning amendment #19 as written.

The motion passes. 6-0.

Roll Call:

B. Hackett Yay

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

J. Driscoll gave a brief description of the proposed zoning amendment #20.

Are you in favor of Amendment # 20 to the Barrington Zoning Ordinance as recommended by the planning board as follows: Amend Article VI regarding Conservation Subdivisions to allow the planning board to require financial and technical feasibility studies of yield plans; and to prohibit lot areas, street right of way, and parking areas in common open space.

Explanation: *For Conservation Subdivisions, the planning board to require financial and technical feasibility studies of yield plans.*

J. Driscoll opened public comment.

J. Driscoll closed public comment.

R. Allard asked about clarification on how the warrant was written.

J. Huckins explained they want that a lot on the yield plan and you don't show that it's financially feasible.

The board discussed the common space area, and if there could be changes.

J. Huckins explained there's no time to change it, that's the reason why we started this six months ago.

R. Allard stated he wanted the explanation to add "allows the planning board to require funding."

V. Price said explanations can be changed, just not the warrant language.

J. Cappiello said she would probably like to remove financial and just stay with technical because it would be cleaner and have to deal with the other language next year, but we can't do that.

R. Allard stated he didn't agree. He gave the example of a 500-foot road in and blasting ledge. He stated the financial feasibility is what gets to that proves to me that those lots are worth the money you are putting in for infrastructure to get there.

J. Cappiello stated he didn't disagree. She was looking at the attorney recommendation that we need to explain that better.

J. Huckins stated yes, because it's arbitrary.

V. Price referred to the backup documentation that would be changed in the Zoning Ordinance.

A motion was made by R. Allard and seconded by A. Knapp to approve proposed zoning amendment #20 as written. The motion passes. 6-0.

Roll Call:

B. Hackett Yay

A. Knapp-Yay

J. Cappiello-Yay

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

*Numbering on the warrant may differ due to proposed zoning amendments that are not moving toward the warrant.

4. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

5. ADJOURN

A motion was made by B. Tessier and seconded by J. Cappiello to adjourn the January 25, 2024, meeting at 7:05 p.m. The motion passed unanimously.

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

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