



**BARRINGTON PLANNING BOARD MEETING**

**NEW LOCATION: EARLY CHILDHOOD LEARNING CENTER**

**77 RAMSDELL LANE**

**Barrington, NH 03825**

**Tuesday December 19, 2017  
6:30 p.m.**

**(Approved January 2, 2018)  
MEETING MINUTES**

The Meeting was called to order at 6:40 p.m.

Members Present

Fred Nichols, Chair  
James Jennison, Vice Chair  
Casey O'Brien-ex-officio  
Jeff Brann  
Richard Spinale  
Steve Diamond  
Donna Massucci

Alternate Member Absent

Dan Ayer-ex-officio

Town Planner: Marcia Gasses

**FIRST PUBLIC HEARING FOR 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.**

**Item #1** - To *amend* Article 3.1.5 by inserting 3.1.5(1) to require no Certificate of Occupancy is issued for a new Dwelling, Single Family, or new dwelling, Two-Family (duplex) serviced by any well not defined as a Community Water System until a water test has been received by the Code Enforcement Office. The test will include an expanded list of contaminants.

S. Diamond discussed that local towns had the opportunity to put regulations in place that would require testing for additional contaminants.

M. Gasses explained that she had been part of the Arsenic Consortium working with the State to raise the level of awareness of the dangers of arsenic in private wells and to promote testing by home owners. The State was looking to local regulators to put in place requirements for additional testing.

Members of the Board expressed concerns with requiring extra testing be done.

J. Jennison expressed that if an agent lost a sale over a test result it could come back on the Town.

C. O'Brien did not believe we should be putting extra costs on the contractors especially if water testing companies believe the well should function for three months in order to get a more accurate result.

F. Nichols opened public comment.

Tim Graff of Oak Hill Road expressed that knowledge was power and the testing seemed like a common sense thing.

Marcia Lupa expressed the she believed the real estate agents were well informed and that every dollar mattered.

F. Nichols closed public comment.

F. Nichols expressed the Board could vote to move it forward, not move it forward or amend the amendment.

D. Massucci believed arsenic should be added.

*A motion was made by C. Obrien and seconded by R. Spinale to not move the amendment forward to the warrant.*

Roll call

S. Diamond	nay
C. O'Brien	yay
F. Nichols	yay
J. Jennison	yay
J. Brann	yay
R. Spinale	yay
D. Massucci	nay

*The motion carried 5-2*

The Board discussed the possibility of the requirement to test for Bacteria, Nitrate, Nitrite, Arsenic and Radon. It was suggested to add VOC's to the list.

*A motion was made by S. Diamond and seconded by D. Massucci to add Arsenic & VOC's to Bacteria, Nitrite, Nitrate.*

Roll Call

S. Diamond	yay
C. O'Brien	nay
F. Nichols	nay
J. Jennison	nay
J. Brann	nay
R. Spinale	nay
D. Massucci	yay

*The motion failed 2-5*

M. Gasses suggested the Board may want to consider adding just arsenic where it had been the focus of the State. The Town had even participated in a voluntary testing program a couple of years ago in an effort to raise awareness of the dangers of arsenic in local drinking water. The cost of the test was about \$15.

F. Nichols took a straw poll and there did not appear to be consensus.

**Item #2-** To **amend** The Barrington Zoning Map by changing the zoning of the following lots from Town Center District (TC) to the Village District (V): Map 234 Lot 57.1, Map 234 Lot 57, Map 234 Lot 57.2, Map 234 Lot 62, Map 234 Lot 63, map 234 Lot 64, Map 234 Lot 65, Map 234 Lot 66, Map 234 Lot 79 and Map 234 Lot 78.

M. Gasses gave an overview of the proposal by the Planning Board. The Board was attempting to allow for residential uses that could support commercial development closer to the Route 9 and 125 intersection. The current zoning made existing single family home legally existing nonconforming. Single family homes were currently not allowed unless they were part of a PUD. The proposal would allow for more flexibility by property owners and be consistent with the vision of the Town Center Plan.

F. Nichols opened public comment.

Nada Kane a Realtor representing the Henderson's lauded the Board for trying to create the Town Center. The proposed change made a lot of sense to her. The change increased the flexibility for the lots in the area.

Marcia Luba expressed she was interested in buying the Henderson property and did not believe it would affect what she was trying to do. She also expressed concern that Village District allowed for light industrial and neighbors might not like to have another Turbocam behind them.

Tim Graff of Oak Hill Road expressed that he did not believe it would negatively impact him.

J. Jennison expressed it supported the Town Center.

F. Nichols closed public comment.

*A motion was made by C. O'Brien and seconded by J. Jennison to move item #2 to the warrant.*

Roll Call

D. Massucci	yay
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R. Spinale	yay
J. Brann	yay
J. Jennison	yay
F. Nichols	yay
C. O'Brien	yay
S. Diamond	yay

*The motion carried unanimously*

**Item #3** - To **amend** Article 4.1.3(1) by requiring a back lot have at least fifty (50) feet of frontage on an existing Class V or better road or an existing or new road built to the standard of the Barrington Subdivision Regulations.

F. Nichols opened and closed public comment. No one spoke.

M. Gasses asked if the Board wanted to consider the revisions suggested by Town Council. "The backlot(s) parcel must collectively have at least fifty (50) feet of frontage on an existing Class V or better road or an existing or new road built to the standards of the Barrington Subdivision Regulations."

*A motion was made by J. Jennison and seconded by C. O'Brien to move a second public hearing. "The backlot(s) must collectively have at least fifty (50) feet of frontage on an existing Class V or better road or an existing or new road built to the standards of the Barrington Subdivision Regulations."*

Roll Call

D. Massucci	yay
R. Spinale	yay
J. Brann	yay
J. Jennison	yay
F. Nichols	yay
C. O'Brien	yay
S. Diamond	nay

*The motion carried 6-1*

**Item #4** - To **amend** Article 19 Table 1 Table of Uses; to add Self-Storage Facility to the list of permitted uses in the Regional Commercial Zoning District

F. Nichols opened and closed public comment. No one spoke.

*A motion was made by C. O'Brien and seconded by R. Spinale to move Item #4 forward to the warrant.*

Roll Call

D. Massucci	yay
R. Spinale	yay
J. Brann	yay
J. Jennison	yay
F. Nichols	yay

C. O'Brien        yay  
S. Diamond        yay

*The motion carried unanimously*

**Item #5** – To **amend** Article 18 to include the definition of Self-Storage Facility

F. Nichols opened and closed public comment. No one spoke.

*A motion was made by J. Brann and seconded by J. Jennison to move item #5 the definition of Self-Storage Facility to the warrant.*

Roll Call

D. Massucci        yay  
R. Spinale        yay  
J. Brann            yay  
J. Jennison        yay  
F. Nichols        yay  
C. O'Brien        yay  
S. Diamond        nay

*The motion carried 6-1*

M. Gasses explained to the Board that the Town's Attorney had submitted a suggested amendment to the definition of street. The amendment was to help with clarification. She asked if the Board was interested in bringing the proposed amendment forward to a public hearing.

Add amendment to definition of street by adding the following at the end:

It includes a street shown upon a plat approved by the Planning Board; is approved by other official action; or is shown on a plat duly filed and recorded at the Strafford County Registry of Deeds prior to the authority of the Planning Board to approve subdivisions; includes the land between the street lines, whether improved or not.

*A motion was made by C. O'Brien and seconded by J. Brann to move to a public hearing on January 16, 2018 the amendment to the definition of Street proposed by the Town Attorney.*

Roll Call

D. Massucci        yay  
R. Spinale        yay  
J. Brann            yay  
J. Jennison        yay  
F. Nichols        yay  
C. O'Brien        yay  
S. Diamond        nay

*The motion carried 6-1*

Copies of the full text are available to review in the Land Use Office and the Selectmen's Office located at 333 Calef Hwy in the Town of Barrington or online at [barrington.nh.gov](http://barrington.nh.gov). The public is invited to attend and participate in the Public Hearing. Please contact the Land Use Office at 664-5798 with questions.

### **MINUTES REVIEW AND APPROVAL**

1. Approval of the December 5, 2017 Meeting Minutes.

Without objection the minutes were approved.

### **COMMUNICATIONS RECEIVED**

### **REPORTS FROM OTHER COMMITTEES**

### **UNFINISHED BUSINESS**

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

2. Work Session on Capital Improvement Programs.  
The Planning Board was provided updated draft lists of projects and well as a working draft of the narrative.
3. F. Nichols read from the petitioned zoning amendment to amend 9.5(1) and 9.5(2) and to set a date of January 16, 2018 for a public hearing.

M. Gasses explained that petitioned amendments could not be changed and had to appear on the warrant as written. The Planning Board was required to hold a public hearing on the articles.

*A motion was made by R. Spinale and seconded by D. Massucci to schedule a public hearing on January 16, 2018 for the petitioned zoning amendment to amend 9.5(1) and 9.5(2) The motion carried unanimously.*

*A motion was made by J. Brann and seconded by D. Massucci to move the petitioned zoning amendment to 4.1.3 to a public hearing on January 16, 2018. The motion carried unanimously.*

F. Nichols discussed potential alternatives to the petitioned amendment on 9.5(1). He read through possible alternatives.

Petitioned ballot question: Shall zoning ordinance 9.5(1) ("wetland buffer areas required") require a buffer area of 100 feet, and shall 9.5(2) require a buffer area of 150 feet for Prime Wetlands?

Alternative 1

Shall zoning ordinance 9.5(1) ("wetland buffer areas required") require a buffer area of 25 feet, and shall 9.5(2) require a buffer area of 75 feet for Prime Wetlands?

Alternative 2

Shall zoning ordinance 9.5(1) require a buffer area to stay at 50 feet, but shall 9.5(2) require a buffer area increase from 100 feet to 150 feet for Prime Wetlands?

### Alternative 3

Shall zoning ordinance 9.5(1) (“wetland buffer areas required”) remain at 50 feet but prohibit the application of chemical fertilizers and pesticides in a buffer while allowing clean loam and organic mulch to be added to assist organic farming within the buffer, and shall 9.5(2) expand the buffer from 100 feet to 150 feet for Prime Wetlands?

New

Shall properties that currently do not have buffers due to being grandfathered when the buffer ordinances were implemented be exempt from adding buffers when minor lot line adjustments are made?

J. Brann expressed the petitioned amendment was poorly worded and did not contain information for the voters.

R. Spinale expressed frustration the amendment had not come to the Board.

F. Nichols asked whether the Board would want to propose an amendment to increase the prime buffer to 150’.

There was not a consensus from the Board.

F. Nichols asked if anyone wanted to add something to the buffer language.

The Board discussed whether they should propose an alternative or just leave the ordinance alone. Most of the Board expressed they should not move forward with an alternative at this time.

4. Cases for the January 2, 2018 meeting.

- a) 235-1-TC-18-SR Revised site plan layout for existing parking area at 625 Franklin Pierce Highway (Map 235 Lot 1)
- b) 235-1-TC-18-Sub(2) Request by applicant to subdivide 11.66 acre lot into lot 1 proposed to be 4.25 acres and lot 2 to be 7.42 acres located at 625 Franklin Pierce Highway.

### **SETTING OF DATE, TIME AND PLACE OF NEXT MEETING AND ADJOURNMENT**

January 2, 2018 at the Early Childhood Learning Center Ramsdell Lane at 6:30 p.m.

Without objection the Board adjourned at 10:00 p.m.

Respectfully submitted,

Marcia J. Gasses  
Town Planner & Land Use Administrator

