

Zoning Amendments for Warrant Voted -1-20-2015

Barrington Planning Board

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Index / Title	ZO 9.4: Permitted Uses and Structures
Existing	The uses and structures listed in Paragraphs (1) through (5) of this Section, and no others, except as provided for in Subsection 9.5.1, are permitted in wetlands and their buffer areas but only if the Planning Board determines that such a use or structure: is consistent with the purposes expressed in Section 9.1; does not involve substantial alteration of the surface configuration of the land; and will not result in a significant net loss of values associated with the functions of the wetland.
Legend	Deletions: Denoted by Strikethrough Insertions: Denoted by <i>Italics</i>
Proposed Edits	9.4 Permitted Uses and Structures The uses and structures <i>as</i> listed in Paragraphs (1) through (5) of this Section, and no others, except as provided for in Subsection 9.5.1, are permitted in wetlands and their buffer areas but only if the Planning Board determines that such a use or structure: is consistent <i>provided the use or structure</i> with the purposes expressed in Section 9.1; does not involve substantial alteration of the surface configuration of the land; and will not result in a significant net loss of values associated with the functions of the wetland. <i>Impacts to wetlands must comply with New Hampshire Department of Environmental Services Regulations.</i>
Purpose	Inserted Text: <i>as</i> to indicate that the listing of uses and structures are not just a list but a list with contained specifications. Specifically sheds are permitted only in the wetland buffer areas not in both wetlands and their buffers. [Deleted Text] but only if the Planning Board determines that such a use or structure: is consistent with the purposes expressed in Section 9.1; To remove the unnecessary determination of the Planning Board. As written every permitted use and/or structure specifically permitted under this section would require a determinative hearing before the planning board with its attendant cost in time and funds. This is unnecessary since the use/structures to be permitted are quite specific in themselves (as set forth in ZO 9.4(5) and the conditions (requirements) of construction are specified within the Ordinance at ZO 9.4(5)(a & b) to a degree sufficient for effective Code Enforcement. [Inserted Text] <i>provided the use or structure</i> A bridging phrase that links uses and structures to the construction requirements. [Inserted Text] <i>Impacts to wetlands must comply with New Hampshire Department of Environmental Services Regulations.</i> Assurance that the local Ordinance does not permit that which is otherwise proscribed by State Authority.

Index / Title	ZO 9.4(5) [This paragraph has no header]
Existing	<p>9.4(5) Culverts, footbridges, catwalks, and wharves only, provided that:</p> <p>9.4(5)(a)..... The structures are constructed on posts or pilings so as to permit the unobstructed flow of water; and</p> <p>9.4(5)(b) The natural contours of the wetland shall be preserved.</p>
Legend	<p>Deletions: Denoted by Strikethrough</p> <p>Insertions: Denoted by <i>Italics</i></p> <p>Comment on further changes by <i>[brackets text in italics]</i></p>
Proposed Edits	<p>9.4(5) <i>Subject to the permitting and review processes of the State of New Hampshire Department of Environmental Services and/or the permitting and review requirements of Section 9.6 if applicable,</i> culverts, footbridges, catwalks, and wharves only <i>are permitted in the wetlands and the wetland buffer areas. Sheds, and similar pole mounted structures with a combined area of 200 square feet or less shall be permitted within the wetland buffer areas</i> , provided that: <i>[and continuing without further change through subparagraphs</i> <i>ZO 9.4(5)(a & b).:</i> <i>9.4(5)(c)..... An Administrative Zoning Permit is obtained from the Zoning Administrator, verifying the proposed structure is in compliance with 9.4(5)(a & b).</i></p>
Purpose	<p>Deleted text [only] This limiting word is unnecessary. The limiting purpose is served by the phrasing in ZO 9.4 “The uses and structures listed in Paragraphs (1) through (5) of this Section, <u>and no others, except as provided for in Subsection ZO 9.5.1, are permitted in wetlands and their buffer areas ...</u>”.</p> <p>Inserted Text: <i>Subject to the permitting and review processes of the New Hampshire Department of Environmental Services and/or the permitting and review requirements of Section 9.6 if applicable.</i> This inserted text assures that any and all required permitting reviews take place for culverts, footbridges, catwalks and wharves that are to be placed. in the wetlands and the wetland buffer areas and to recognize that much of the uses and structures listed are under State requirements and review.</p> <p>Inserted Text <i>[, sheds, and similar pole mounted structures with a combined area of 200 square feet or less shall be permitted within the wetland buffer areas,]</i> This inserted text provides for a limited expansion of the permitted uses and structures in the wetland buffer areas. The construction limitations (pole or peer mounted requirements) are consistent with the usual construction techniques of other structures permitted within the restricted area without “special permitting.” The size limitation (200 sq.ft. or less) is consistent with the building code size limitation on sheds not requiring a building permit. Also, it is to be noted that the requirements of ZO 9.4(5)(a) and ZO 9.4(5)(b) also apply and, in virtually all instances, the area involved is less than 1% of the buffer area. <i><u>Requires an Administrative Zoning Permit be obtained to allow for documentation and compliance with the Zoning Ordinance.</u></i></p> <p>In practical terms this amendment prevents an unreasonably disproportionate cost burden on the land owner by removing the need for a ZO 9.6 permitting process for such a limited use.</p>

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Deliberative notes: There is a direct conflict between 9.4 (Permitted uses and Structures) and 9.5(3). which states that “NO” structures or construction activity are permitted in required buffer areas. So we might need to amend 9.5(3) to include an “except as noted in Section 9.4 and Subsection 9.5.1” clause.

Index / Title	ZO 9.5(3) [No paragraph heading]
Existing	Within any required wetland buffer, including by way of example and not by way of limitation, no structures, impermeable surfaces, parking spaces, or construction-related activities, including dredging, filling, and re-grading, shall be permitted, except as noted in Subsection 9.5.1 below.
Legend	Deletions: Denoted by Strikethrough Insertions: Denoted by <i>Bold Italics</i> Comment on further changes by <i>[brackets text in italics]</i>
Proposed Edits	Within any required wetland buffer, including by way of example and not by way of limitation, no structures, impermeable surfaces, parking spaces, or construction-related activities, including dredging, filling, and re-grading, shall be permitted, except as noted in <i>Section 9.4 and</i> Subsection 9.5.1 below.
Purpose	<i>Insert Text: Section 9.4 and.</i> Without this inclusion the existing Permitted Uses and Structures provisions are apparently negated. Such conflict in meaning should always be corrected (avoided.)

Index / Title	<i>Structure</i>
Existing	(3/8/2010) Anything constructed, installed placed, or erected, whether above or below grade. Unless otherwise stated in this Ordinance, the following structures are exempt from the building permit requirements set forth in Section 15.4.1 and shall not be construed as structures for purposes of setback requirements, but shall not be so construed for all other purposes.
Legend	Deletions: Denoted by Strikethrough Insertions: Denoted by <i>Bold Italics</i> Comment on further changes by <i>[brackets text in italics]</i>
Proposed Edits	(3/8/2010) Anything constructed, installed placed, or erected, whether above or below grade. Unless otherwise stated in this Ordinance, the following structures are exempt from the building permit requirements set forth in Section 15.4.1 and shall not be construed as structures for purposes of setback requirements, but shall be so construed for all other purposes. <i><u>Sheds may require an Administrative Zoning Permit, see Article 9.4.5.</u></i>
Purpose	<i><u>To reference the requirement that sheds located within a wetland buffer require an Administrative Zoning Permit.</u></i>

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