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**Meeting Minutes**  
**Zoning Board of Adjustment (ZBA)**  
**November 15, 2023, at 7:00 P.M.**  
**APPROVED DECEMBER 20, 2023**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**Members Present:** Tracy Hardekopf, Paul Thibodeau, Jackie Flanagan, Cheryl Huckins, Alexandra Simocko

**Staff Present:** Town Planner: Vanessa Price, Zoning Administrator: John Huckins

**4. ACTION ITEMS:**

**A. CONTINUED CASE:**

1. [226-50-14-NR-23-Var \(Owners: Daryl & Michelle Kelly\)](#) Request by applicant for a Variance from Article 3, Section 3.1.6 Site Plan Review Regulations and Article 19 Commercial Keeping of Farm Animals at 17 Coachman Drive (Map 226, Lot 50-4) in the Neighborhood Regional Zoning District. **(Continued Case from October 18, 2023.)**

T. Hardekopf read the application description.

Michelle Kelly is representing herself for the case file. She started off the discussion with a visual board, showing photos of the site and described the site to the board. The lot size is 1.957 acres, they are the original owners of the property and bought it several years ago through auction. Ms. Kelly is retired and has always had a desire for animals as she grew up on a large dairy farm.

Ms. Kelly expressed she realized there has been a concern expressed by her neighbors, about they had they they don't really want us to have animals. She stated that the animals are not for commercial use. This is for personal use, and she stated that commercial use is a bit of a mischaracterization, even though it doesn't specify if there isn't an alternative specification and the in the zoning ordinance. They made sure of that when they looked at the ordinance.

Ms. Kelly described there is a fence that is under eight feet, the fence can be seen around the perimeter. For the safety of the animals, as well as so that they won't wander, they do have some chickens that are free range. The benefit of those chickens free ranging is to eradicate harmful insects such as ticks and so forth, and she stated they just have done a really good job because we haven't found any ticks on our children,

myself or visitors. Also, we obtained three buff geese from the Midwest. She did a lot of research on the animals, they're great guardians for the goats. She stated they own two miniature Nigerian Goats. Ms. Kelly described the purpose of the geese are for goats to be guardians as well as once once the mail chooses which female he wants, because they mate for life. She stated that the other goose may be used for personal meat production.

Ms. Kelly addressed the board with the noise, stating that as she read the Barrington Town noise ordinance, that agriculture is excluded from that noise ordinance. This is also stated in the New Hampshire RSA. She stated that they have obtained Crow callers for the Roosters to try to keep the crowing down, out of consideration for their neighbors. Their roosters, Elvis and Ruffles, don't grow that much. She continued to describe that the roosters benefit of them being around is watch over the hens and alert to any concerns. Ms. Kelly clarified a question of during the site walk about whether all the hens are laying. He hens are not currently all laying yet since the majority of them are very young hens. Once they all lay start laying eggs, they expect no more than a production of about 30 eggs a week, approximately two and a half dozen. She went on to explain that in her family, there is her husband and three adult boys. She stated that two and a half dozen eggs don't go too far, but it is for personal use. Ms. Kelly said that she liked the fact that she knows what these chickens are eating, and what's going into the eggs and what's going into the frying pan or into the baking recipe or whatever.

T. Hardekopf addressed the applicant she didn't mean to interrupt the presentation, but asked after Ms. Kelly finishes the narrative, to begin to go through the five components of your application under the description of request and then the special conditions that you feel exist in relation to the variance.

Ms. Kelly was in agreement.

Ms. Kelly continued with the presentation to address the question of odor. She stated that they were allowed two site inspection by code enforcement. The first site inspection by the the zoning inspector, Mr. Jameson, gave a very positive review. She stated that he had visited the site on three different occasions, both on our side and on the abutting property and could not detect any offensive odor. She stated that they try to take really good care of that issue and they take the organic waste and put it in compost bins. Ms. Kelly asked T. Hardekopf that she was ready to move on to the next portion and asked for clarification on where to start.

T. Hardekopf addressed the applicant to turn to the part in the application where the justification for the variance and its special conditions exist so that the public can hear the rationale for this audience.

Ms. Kelly addressed the board with the criteria for a variance.

Ms. Kelly stated a request for the conditions under Zoning ordinance 15.2.3(1)(a) a special condition exists such that literal enforcement of the ordinance will result in unnecessary hardship to the applicant as defined under applicable law. Her response to this is it is our desire for these animals for our own benefit as a food source. She stated not allowing the variance would put them in a very difficult place as far as relocating or having to turn away the goats that she loves very much, and the purpose of the goats is to for milk production. She stated she has Larissa to speak to her regarding this.

Ms. Kelly continued with, as far as the benefit in that regard, 15.2.3(1)(b) granting variance would be consistent with the spirit of the ordinance. Her response to this is these animals are loved as pets and have been a blessing for her retirement years. She stated that they also eat the harmful Poison Ivy and the insects on the property. She noted that she had to prior seek medical attention from the Posin Ivy, even though she hasn't even gotten close to it necessarily, but by doing gardening. Additionally, she discussed how her son, Levi, had gotten a tick bite and had to receive treatment for Lymes disease. She stated he had to be treated for it because he has special needs. She expressed she didn't want to have additional risk to his health, and she requests the variance to be granted for this purpose.

Ms. Kelly continued with 15.2.3(1)(c) granting variance will not result in a diminution of surrounding property values. Her response in consulting with her attorney, he had said that because the ordinance itself allows for people, citizens of the town of Barrington, to have farm animals for personal use, that it, that's a given as far as the the real estate and property values, it's understood unless you're in some kind of a neighborhood where there's a home owners association which restricts or makes further conditions to your property. It's understood that those are allowed, and it shouldn't impact on the property value if it's well managed. Ms. Kelly agreed with her consultation with her attorney and stated that asking for that because the board has seen how the animals are managed.

Ms. Kelly continued with 15.2.3(1)(d) granting the variance would do a substantial justice. Her response to this is these animals meet our food and emotional needs. She described that when she goes to sit back there, there's even people who come and visit the property, talk about how peaceful it is back there and the love of these animals. She described that she would sit there, and the chickens would just come around and and the geese gather around her. She stated her love for all of them and pet them and scratch their bellies and it's really emotionally beneficial for her and for the people that come to visit.

Ms. Kelly continued with 15.2.3(1)(e) granting of the variance would not be contrary to public interest. Her response to this is she has been in touch with a program called Life Bridge for Young people. This is for those who are struggling with emotional issues and so forth, and she is hoping that perhaps just as a ministry, and and benefiting other people to use these animals to encourage young people to have the same benefit that they benefit me.

Ms. Kelly continued with 15.2.3(2) for purposes of this subparagraph, unnecessary hardship means that owing special conditions of the property that distinguish it from other properties in the area. Her response to this is she doesn't know what's really distinguishes us from other properties in the area other than the fact that we've been there a long time and we've loved being here.

Ms. Kelly continued with 15.2.3(2)(a) no fair and a substantial relationship exists between the general public purposes of the ordinance provision and the specific application of the provisioned and the to the property; and 15.2.3(2)(b) the proposed use is reasonable. Her response to this is she was very, very selective in what animals are because the current ordinance allows for pigs, horses and cows for the same amount of space, whereas most websites find that goats don't require a full acre. Ms. Kelly addressed the board with she was sure there's a reason why the horses you're treating the horse the same as the goat and the horse the same as the pig and so forth. She commented to the board that's probably where your wisdom comes into play here. Ms. Kelly went on to describe that the goats don't produce, immense amounts of waste or anything. She stated they are very sweet, like a couple of middle-sized dogs.

Ms. Kelly commented that several long-standing citizens and neighbors are very supportive of them having these animals. She addressed the board that she just asks that maybe you can that you would grant me this because it's it's maybe one or two individuals that may not see things the same way we do, but there's a whole community that is supportive of raising chickens, poultry, goats and, small animals like that. Again, I do appreciate if you if I could have just a couple minutes for Larissa, just she actually has been a great resource for me.

T. Hardekopf stated that the board would comment after hearing her witness.

Ms. Kelly was in agreement.

T. Hardekopf addressed town staff to provide us with a breakdown of what would be allowable on the lot, the size that we are discussing tonight with this case.

John Huckins stated that the regulation state for the smaller animals that she has, you can have one for every 5000 square feet.

T. Hardekopf asked how many could be allowed on the 1.95 acres.

John Huckins stated in square footage of 90,000, she could have 17 of the small animals. According to the small animals, by the what the regulation says is chickens, ducks, rabbits and other similar animals. That's the one for every 5000 square feet. He stated that all the small animals she has there, other than the goats, meet that definition.

T. Hardekopf asked Ms. Kelly, "How many animals do you have on the property, excluding the two goats?"

Ms. Kelly answered 12 chickens and three geese.

John Huckins addressed the board stating that goats are based on one for every 40,000 square feet. He stated that if she didn't have any chickens or geese, she could have the two goats. But the combination of all of them puts her over the allowable amount. Mr. Huckins discussed that he assisted in writing the regulation years ago due to another animal issue. He researched and took the information from UNH, and it was based on best management practices by handling manure. When the town was looking at a definition, we tried to find something that was not overly complicated. Working with the planning board for a definition, we did small animals and large animals. He stated they didn't think to do medium-sized animals, which we probably could have, which would have been a different number. Mr. Huckins continued the way this is written; you could actually go to the planning board if you have less. Additionally, if you have more you want to have more animals in this allowed you can go there as a farm and ask to have it as a commercial keeping of farm animals. However, Mr. Huckins addressed the applicant that he understood the applicant's rationale is that it is not commercial farm animals and that's the reason why you were looking for the variance.

Ms. Kelly answered yes. They're more like pets and there is no sale of eggs and milk.

Vanessa Price addressed the board there was a question about HOA, and the town does not enforce HOA.

T. Hardekopf asked Ms. Kelly if she had someone to speak on her behalf.

Ms. Kelly answered Yes.

Larissa Mullin, from Milton Mills, NH, introduced herself to the board. She stated that she has been breeding Nigerian dwarf dairy goats for about 15 years now and have actually probably sold about 15 or 20 Nigerian dwarf Dairy Goats, to various people who live in this town. She explained to the board that this is the first time that we've had to deal with something like this, and is happy to help out and just speak in regards to the goats. She stated that it was interesting about UNH and the best practices for sizes of animals. Ms. Mullin described that Nigerian dwarf dairy goats are relatively new breed, so perhaps when that was written they weren't as popular as they are now. The larger sized dairy goats, which would make sense for more space, are typically about 200 pounds. Nigerian dwarf dairy goats are about 50 pounds, so they're much, much much smaller animals in and so they do not require nearly as much space. She stated that she teaches several classes for people about dairy goats, and we speak of the space. Ms. Mullin stated that typically, she recommends about 135 square feet per goat. She stated that she has about 20 dairy goats that live on her farm, which is 4 acres. She stated that they probably spend their most of their time in a space about the size of this room [the meeting room], so they don't mean nearly as much space as something like a cow or a horse because they're not grazing animals, they're more browsers so they'll eat shrubs and things like that as opposed to needing lots of grass for lots of space. She expressed that's one of the rationales for them not needing as much space. In terms of shelter, something as small as approximately 10 square feet is probably something that they would need. She continued to explain that it was already covered before, but the the

different benefits of them on the majority of the goats she sells, even though she is a commercial dairy (because they're so small and personable and sweet), the majority of them go to folks like these who have them as pets. Ms. Mullin stated that just like Michelle and Darrell, the majority, they usually start out as pets. She stated that she originally started out with two goats and thought they would be pets and they still are pets for me. Ms. Mullin explained that mainly the one reason why people carry that you have them also they do a wonderful job of eating Poison Ivy, getting rid of brush for milk, Nigerian dwarf dairy goats are really pretty impressive milkers they can be in milk typically, you know about 10 months up to several years as long as two years can be a length of a lactation. There is not they need to be bred constantly. Ms. Mullin emphasized they are really a very nice small kind of pet with a few little benefits. She told the board that she is happy to answer any kind of specific questions anybody has in terms of spacing or housing because that's what she does all day long every day.

A. Simocko had a question for Ms. Mullin regarding animal waste. She asked: What is the relative waste between the typical pet like a comparable sized dog and a goat?

Ms. Mullin stated that is a really great question because goats have a very different digestive system than dogs, cows and horses. She explained they are ruminants, so they have 4 stomachs and they're able to turn something like hay which seems very non digestible and because they have a rumen and a big fermentation vat which is what they used to digest their food, they can go from something like hay and really extract majority of the nutrients out of it. She stated she was trying to think of the best answer because it's not very appetizing.

A. Simocko stated that she meant in volume.

Ms. Mullin answered she would say much less than a dog and it's something that composts very quickly, doesn't really have much of an odor because there's really not a lot of leftover material in it, they're their digestive system is so good at extracting those nutrients that there's really not a lot left coming back out of them. She gave the example that one always sees the the old adage of like a goat eating a tin can and goat seating, cardboard and things like that. She explained it's just because their digestive system is so efficient at turning something that's really inedible into food that they just really, they do a great job.

Ms. Kelly addressed the board regarding research on the benefits of the milk itself. She explained in this particular goat, their milk is different from most of the other goats that in the molecular structure of the milk, is such that it makes it so easily digestible that sometimes can reverse irritable bowel syndrome. She gave an example of a friend's daughter who has experienced this. She addressed the board that it's her hope that by sharing this information would help and to use it for us, for our help, and then also make the opportunity to share with friends and family.

T. Hardekopf opened public comment. She stated that as we're taking it on public comment that you give your name and your address as you present. She stated to please present only facts, not opinions. The Z BA is charged with functioning as a quasi-judicial board, which means facts are what are important to us when we're reviewing the cases.

Chad and Lorrie Hodgdon 25 Coachman Drive, abutters to lot 17. Ms. Hodgdon said first that she wanted to start off just briefly and then my husband has some ordinance things to share. She told the board that they have been Barrington residents for 25 years and have been in this residence for 10 years. She stated that they had just met our neighbor a couple of months ago for the first time. She stated that the farm was built this past spring, just feet away from our back deck, in our backyard. She stated she has nothing against our neighbors, like I said we just met them. She stated that have nothing against animals, we love animals. Ms. Hodgdon explained it's affecting our quality of life, not only their property value, but our quality of life. They cannot, cannot open our windows in the summertime. She explained that in the spring when it gets nice out and we have a nice, beautiful day with no humidity, they cannot open our windows because the smell is

so incredibly pungent. She stated that Kelly described how she could go out into her backyard and experience serenity, they can't do that. They can't go out on our deck and have a meal with our family and BBQ anymore. She further explained, she can't go outside and read a book, it's very, very loud, very loud and very pungent. Ms. Hodgdon discussed that the Kelly's stated they have been working on waste management, either it's not working, or it's not being done because it's truly, truly a huge, huge influence on our life. She further went on to explain they can't afford to move out of our property right now. They are asking the board to please understand where they are coming from. Ms. Hodgdon also stated that the chickens do wander into our yard frequently, daily. She stated they know this due to the security cameras they have at their property.

Mr. Hodgdon wanted to address the board. He passed out a document that has the Town of Barrington Zoning Ordinance on it. Mr. Hodgdon explained he wanted to read the document and comment as follows:

Per sections 1.3(3), 1.3(4) and 1.6 the town of Barrington, NH, zoning ordinance states its applicability to, quote, preserve the essential character and quality of life in the community to protect property values and shall be interpreted as minimum requirements adopted for the promotion of public health, safety and welfare. And other purposes noted above, that is the quality of life and to protect property values.

Contrary to the Town of Barrington Code Enforcement Office, The Ordinance, and State of New Hampshire law, the residents of 17 Coachman Drive have violated the following requirements: State of New Hampshire Title LXII {62} Criminal Code, Section 635:3 identifying any person having the charge or custody of domestic stock or fowl knowingly, recklessly, or negligently permits the same to enter upon, pass over, or remain upon land of another without written permission of the owner shall be in violation of this code. The residents initially purchased chickens and roosters and constantly allowed them to free roam onto our property for months. Eventually, they built a wire fence to contain them, but still continue to allow them to free- roam on occasion. Mr. Hodgdon stated that he had video of them as recently as Sunday and Monday of this week.

After cutting trees, filling, and grading an area for the animals, the residents of 17 Coachman Drive erected a wire fence, and purchased goats and large geese. The current count of farm animals owned is at least two goats, three large geese, and approximately a dozen chickens and roosters. This exceeds the total number of farm animals permitted by the Town of Barrington based on property size (approximately 83,000 sq ft) per The Ordinance.

With all of these farm animals, the residents of 17 Coachman Drive chose to place them immediately adjacent to the property line abutting 25 Coachman Drive, resulting in a situation which violates Section 3.1.2 of The Ordinance by creating persistent use that is obnoxious by reason of the production or emission of odor from excessive animal waste and noise from the goats, the geese constantly screeching, and the rooster heard crowing as early as 4:00am on a daily basis.

Section 7.1 of The Ordinance is intended to prevent land or buildings from being used in any manner that would create any nuisance conditions. Section 7.1.2 of The Ordinance states, "all noise, except that generated by normal human or vehicular activity, shall be muffled so as not to be objectionable due to intermittence...or shrillness." The residents of 17 Coachman Drive have created a situation which violates this requirement.

Section 7.1.3 of The Ordinance states, "no condition or operation that will result or does result in the creation of odors such...as to interfere unreasonably with the comfort of the public shall be permitted to be established or allowed to continue." The residents of 17 Coachman Drive have created a situation where the offensive odor of animal waste (in some instances, similar to raw sewage) enters the property and dwelling of 25 Coachman Drive.

1 The personal affect this situation has on Us, the residents of 25 Coachman Drive, is as fllws

- 2 (1) Loss of Property Value - The sight, sound, and smell of the animals located next to the property line and  
3 in close proximity to our yard, deck, and dwelling of 25 Coachman Drive creates a situation where, if we  
4 were to attempt to sell the property, it would be viewed as significantly less desirable and less valuable,  
5 resulting in a significant seller's disadvantage and financial loss in comparison to similar properties located  
6 in Coachman Estates.
- 7 (2) As abutting property owners, we cannot enjoy our yard or deck outside due to the noise and pungent  
8 odor.
- 9 (3) As abutting property owners, we cannot open windows or sliders due to odor entering the dwelling,  
10 nor can we leave windows open in the evening due to the excessive noise during the evening or noise  
11 waking us up prior to sunrise in the morning.
- 12 (4) Due to the need to keep windows shut, Air Conditioners are required to be run significantly more often  
13 (resulting in increased financial cost to us) rather than having the option to open windows and receive fresh  
14 air.
- 15 (5) The animal pen is located directly adjacent to our well water reservoir and up-hill of our property.  
16 Potential for animal waste runoff to our property and water supply is of serious concern to us.
- 17 (6) These issues are a combination of the residents at 17 Coachman Drive owning farm animals in excess  
18 of the current allowance, in addition to the location where these farm animals are fenced as well as the  
19 lack of care taken to prevent noise, odor and straying animals from significantly impacting the value,  
20 use, and enjoyment of the property at 25 Coachman Drive.

21  
22 As a result, we, the residents of 25 Coachman Drive, object to the request for a variance by the residents  
23 of 17 Coachman Drive and request enforcement of the current Ordinance requirements due to:  
24 Current and repeated violations of The Ordinance for over six months by the residents of 17 Coachman  
25 Drive before and after a formal complaint was filed by Us with the Town of Barrington Code Enforcement  
26 Office and prior to the residents of 17 Coachman Drive requesting a variance to deviate from The  
27 Ordinance.

28  
29 The significant effect this situation has had on the quality of life for us to be able to enjoy our own property  
30 and dwelling due to the sight, sound, and odor of the farm animals with no ability for us to control the  
31 current situation.

32  
33 The financial impact this situation has been caused through increased use of air conditioners as well as the  
34 significant impact this has on the decrease of property value and property use. This refers back specifically  
35 to the applicability of the Town of Barrington zoning ordinance.

36  
37 Mr. Hodgdon addressed the board to refer to the next page of the zoning map layout of 17 Coachman Drive.  
38 He went to describe the map, the location, the general location of the farm animal fencing, and its proximity  
39 to their house and deck. On the following page he referred to the highlighted in pink as the general location  
40 of the farm annual fencing and circled and highlighted in blue is the well reservoir for our property. He  
41 discussed keeping in mind that those farm animals are located uphill, so any waste runoff comes down  
42 towards our well reservoir. Mr. Hodgdon explained the last pages of the document are photos. Describing the  
43 first photo shows chickens free ranging just identification of the animals, the geese, the goats. Then he  
44 followed by the last page is up on the bottom is a picture of our front yard with the chickens in their yard  
45 without written permission. Mr. Hodgdon stated, based on those facts, that's why they reject the request for  
46 variance.

47  
48 A. Simocko asked Hodgdon's, in the write up provided states that the Roosters heard growing as early as  
49 4:00 AM on a daily basis. Yet when you spoke, you said as earlier as 4:00 AM this summer. She asked:  
50 When was the last time that you guys were affected by that?

51 Mr. Hodgdon replied that the earliest we hear them now that it gets dark stays dark until about 5:00/5:30  
52 in the morning. He stated at this point in time during the summertime, it was 4:00 AM and that's every  
53 day for about a month or two.

54  
55 A. Simocko asked the Hodgdon's: What's the distance from your deck to the pen? She didn't see a photo  
56 here that really shows that.

57  
58 Mr. Hodgdon answered probably approximately 50 feet.

59  
60 A. Simocko asked Hodgdon's if there well has been tested.

61  
62 Mr. Hodgdon answered they have not, at this point.

63  
64 C. Huckins stated that she understands where the well has to be. It is 5 feet from the septic system and 75  
65 feet in the septic stem finished. She asked Hodgdon's if their well is 75 feet?

66  
67 Mr. Hodgdon answered the well itself, yes.

68  
69 C. Huckins addressed Mr. Hodgdon stating that you also understand that if if we were to deny this, it  
70 would only result in her likely getting rid of two goats or just two goats.

71  
72 John Huckins stated that if she got rid of the two goats she would be in compliance if she got rid of all the  
73 chickens and geese. Or as an alternative, she could keep the two goats and still be in compliance and get  
74 rid of the chicken or geese.

75  
76 Mr. Hodgdon stated that he is of the understanding that there's also a provision in the ordinance that if  
77 there is an issue with noise, site and odor that there would also be required to put up privacy fencing to  
78 protect from that.

79  
80 John Huckins stated that's not quite true.

81  
82 Mr. Hodgdon stated he understands that there is verbiage that addresses that. It may not require it, but it  
83 addresses it.

84  
85 T. Hardekopf asked if there were any additional questions from the board.

86  
87 P. Thibodeau asked when Mr. Hodgdon talked about the distant or her animals walking on your property,  
88 you quoted a state provision that wasn't local?

89  
90 Mr. Hodgdon answered correctly.

91  
92 John Huckins stated we have a local provision that's a selectman policy. It was adopted about four or five  
93 years ago, and that's police enforcement, not zoning.

94  
95 P. Thibodeau asked if the regulation written in our ordinance supersedes state ordinance.

96  
97 John Huckins answered it similarly.

98  
99 T. Hardekopf asked if there were any additional questions from the board.

100  
101 There was no online public comment.



102 T. Hardekopf closed public comment.

103  
104 T. Hardekopf stated that she had a few more questions for the applicant. She asked how did the location  
105 of this current pen come about and what made you decide to use that spot?

106  
107 Ms. Kelly answered that it was on our property within our lot lines and set back from the road so that the  
108 intent was to, for the safety of motorists as well as. This you know, if there were any chickens that would  
109 get loose or whatever the free ranging aspect. being back far back in the backyard, that there they would  
110 be less of a disturbance. That was the intention. She went to explain that we had an incident earlier in the  
111 spring where our neighbor's dog came into our yard and attacked the rooster. The rooster put himself in  
112 between the dog and the the hens, and he actually played dead. Which she stated she did not realize was  
113 kind of a common thing with Roosters and the dog decided to to leave. She stated that they realized that  
114 that's just animal behavior. She stated they did look at the ordinance where in regard to animals  
115 wandering and the understanding, if there was any damage like say for example, if an animal goes into  
116 say say the dog neighbor's dog comes into my yard, it starts digging up all the flowers. It's the damage  
117 that the animal causes that is reimbursable. She further went on to explain that she was hoping that there  
118 would the benefit of the the chickens in eradicating ticks would be beneficial to all my neighbors. But she  
119 stated, I'm sure everybody has different thoughts on that.

120  
121 C. Huckins asked if the fencing that they have now, contains the chickens and keep them on their  
122 property?

123  
124 Ms. Kelly answered the younger ones are little lighter and so they fly over it. She went on to explain that  
125 she has a very good friend, not far from where we live, that she has chickens and kind of been coaching  
126 her about chicken behavior, chicken raising and so forth.

127  
128 T. Hardekopf asked the applicant that just in the Springtime, she took on the two goats, which actually  
129 caused your property to no longer be in compliance, correct? How long have the goats been around?

130  
131 Larissa Mullin stated they were born in April.

132  
133 Ms. Kelly stated she is very attached to them.

134  
135 T. Hardekopf asked the applicant if they are more attached to goats than potentially the chickens and  
136 geese?

137  
138 Ms. Kelly answered they all are part of the picture.

139  
140 T. Hardekopf asked the applicant: Doesn't it cost more to feed them than it does if you just bought cage  
141 free eggs? That's what I was thinking economically when we were discussing this, but it poses the  
142 question for me: Are you going about this in order to save money? She stated that it sounds like to her  
143 that it isn't necessarily the cost.

144  
145 Ms. Kelly answered the availability of food sources are up and down, as what is affordable now might not  
146 be in the future.

147  
148 A. Simocko addressed the applicant asking that she had mentioned she had purchased, what are called  
149 Crow callers, for your Roosters. Can you elaborate on that a little bit more? What is that?

150  
151 Ms. Kelly answered the science behind the Crow caller are that they you put this, it's for lack of a better  
152 description, it's like a strip of Velcro that you put around the rooster's neck, and it's not that you're

strangling him, but but the the body posture of the rooster as they go to crow. It becomes less comfortable, so their crow is much shorter. I will say also that I don't let my geese and goats out of the barn until after 9:00 o'clock every day. There are no geese honking and you know, whatnot before 9:00 o'clock in the morning. I will grant you that and we got rid of the rooster that was loud (Checkers). We got rid of him and we're trying to manage towards gentler, quieter Roosters that can provide the same guardian ship that Checkers did a very good job of. So, the crow collars make it less comfortable for them to crow very much. The idea is that they'll not crow very much.

A. Simocko asked what have you observed in using those?

Ms. Kelly answered it has helped with her current rooster (Elvis). He doesn't crow as loud anymore or as long and ruffles. Also, he won't grow very much as it is because he's a different breed.

J. Flanagan asked the applicant if she checked the town ordinances before you went in this direction?

Ms. Kelly answered no, she really didn't delve into that. She stated she used the guideline from my neighbor's scenario. She stated that she did not know that Barrington had any kind of adversarial thoughts towards the keeping of chickens and geese and goats. She wasn't looking towards having herds of goats or anything just for personal use. Ms. Kelly stated that I felt that it was within reasonable standards, but the straight answer, Jackie is no, I did not.

P. Thibodeau asked Ms. Kelly: what did you mean when you said go about your neighbors' guidelines?

Ms. Kelly answered by what her experience had been, she had had problems where a neighbor and the and the property in front of her property. That the fact that she had some free roaming chickens.

P. Thibodeau asked in this same subdivision?

Ms. Kelly answered no.

T. Hardekopf asked if there are any other free ranging animals in your subdivision?

Ms. Kelly answered she couldn't tell you. She hasn't polled the neighborhood.

C. Huckins asked it if was her intent to have the chicken free range all over?

Ms. Kelly answered the chickens immediately followed her. She stated that she is aware that they that they do and stated that she worries if they step over that property line, that they're going to eat something unhealthy because I know my neighbors spray their yards with chemicals. She stated her concerns, but they don't generally not going two doors down or anything. There have been instances a couple instances where on the other side had had gone over the property line in the in the wooded area and the dog then chased them.

T. Hardekopf asked if there were any motions that are to be presented by the board?

P. Thibodeau answered he would like to make a motion. He stated he would like to make a motion to deny the variance case 226-50-14-NR-23. The reason is the granting of this variance will result in an option of the surrounding property values. He stated the finding of fact as follows:

- It's close to or right on the boundary.
- As I walked in the backyard, the odor hit me. Then it dissipates as you're there, like any odor.

- Roosters crowing, Goats making their noise.

P. Thibodeau stated this case makes really loud noises, so it does result in lower values on their property. He used the example that the business he is in, if he was assigned the listing for their house, and he walked people over to their backyard and that's the commotion, started going on and the odor started going on, my buyer would be gone. It would be like we came to a subdivision to buy in a neighborhood, not on the farm. He stated he would have a hard time selling that property, and would have to reduce the price, take a lower offer, or there's somebody or find somebody that loves it.

P. Thibodeau stated for that reason, I make a motion to deny and to have your property adhere to the ordinance.

T. Hardekopf asked if there was a second.

J. Flanagan seconded the motion.

T. Hardekopf asked for a roll call vote and clarified that when you have a motion brought forward to deny, if you vote in favor of the motion, it will deny the motion. It will uphold the motion.

T. Hardekopf this one's hard for me because I love animals, but I have to apply what is fair and substantial in reference to the zoning ordinance, and I do feel that the zoning ordinance was written exactly for this type of case. She stated that she wanted to ask the Town Planner if they could allow the homeowner up to 120 days to work on the placement as she finds appropriate for the animals.

V. Price answered it might have to do with code enforcement.

J. Huckins clarified that it comes down to the board's decision tonight. He anticipates the board could give that lenience as you're not granting them up or variance. He addressed the board stating that the board is denying this based on this, but we understand the circumstances and we're going to give you time to fix it. He stated as a board you have that authority.

T. Hardekopf stated she would like to apply a 120-day condition to this so that the owner of the animals at this time can make an appropriate decision for her household and for her animals. In order to decide who is to be placed and how she would go about that it would be a condition.

J. Huckins clarified it's not a condition of denial because the denial was a denial would be part of the motion denying it.

T. Hardekopf stated that we have a motion before us. We have a second and we have a vote. I do ask Mr. Thibodeau that you amend your motion to understand that both a fair and substantial relationship exists between the general public purpose of the ordinance and the provision limiting density of animals in residential zoning related to the specific application. And I do ask that you amend your motion to include 120 days for the owners of 17 Coachman to appropriately decide how to come into compliance.

The board discussed the timeframe if it should be 60 or 120 days.

P. Thibodeau stated he would agree to a 120-day amendment to the motion.

T. Hardekopf stated we have an amendment to that that would allow 120 days to come into compliance with the numbers on the property. She asked for a second to the motion.

254  
255 J. Flanagan seconded the motion.

256  
257 *Roll call for the vote.*

258  
259 **The motion passed 3/2.**

260  
261 **Roll Call:**

262 **A. Simocko-Nay**

263 **C. Huckins-Nay**

264 **J. Flanagan - Yay**

265 **P. Thibodeau-Yay**

266 **T. Hardekopf-Yay**

267  
268  
269 **B. NEW APPLICATIONS:**

- 270  
271 1. [223-26-58&59-RC-23-SpecExcept \(Owner: St. Hilaire Holdings, LLC\)](#) Request by  
272 applicant for a Special Exception from Article 2, Section 4.1.2 Lot Frontage to allow  
273 access to Map 223, Lots 26-58 & 26-59 from the adjacent joint driveway off Signature  
274 Drive Map 223, Lot 26-57 instead of the required frontage off of Calef Highway (Route  
275 125) on a total of 8.77-acres in the Regional Commercial Zoning District. BY: Scott  
276 Cole, Beals Associates, PLLC; 70 Portsmouth Avenue 3<sup>rd</sup> Floor; Stratham, NH 03885.

277 T. Hardekopf read the application description.

278  
279 Scott Cole, Beals Associates, is presenting for the owner, and providing a site plan to discuss the special  
280 exception. Mr. Cole started by explaining to the board, to familiarize everyone with the property, it is  
281 located directly across the street from where we are now. The building that's under construction is the  
282 Stone Arch Development multi-use building, and on the other side of that are our two vacant properties  
283 that are currently owned by Saint Hilaire Motorsports. Currently the owner, Josh Saint Hilaire has had  
284 better opportunities, has decided not to pursue building on that site for his dealership. Mr. Cole went on to  
285 discuss the proposal to basically duplicate what you see now on his lot twice on the next two lots. It's  
286 going to be the same buildings, same parking, same garages, just more of them. In a sense, it's going to be  
287 a bigger project of the same units. Both lots actually have their legal frontage along Route 125. Mr. Cole  
288 explained the plan, and stated how everybody understands how difficult it can be to obtain a DOT permit  
289 from the state of New Hampshire at times, in most cases with 125 being a busy Rd, they usually require  
290 some kind of improvements. He explained that with this proposal, they have the ability to use the same  
291 entrance as it will be owner by the same owner. Mr. Cole went on to discuss he anticipated that he has  
292 addressed the needs of the Fire Chief that addresses safety, and there is a proposed Cistern. He stated that  
293 staff had recommended to come before the ZBA first Before going to the planning board. Mr. Cole  
294 explained he is asking for a special exception to use the driveway of the existing property next door and  
295 not have to access Route 125. He stated this keeps a controlled stop out. The properties were designed for  
296 commercial use to access this pad as it's wider, and it's safer than having to do another one down there,  
297 so that's what we're requesting to access for a driveway onto Signature through the existing property.

298  
299 T. Hardekopf asked if the maintenance of that driveway would be the responsibility of Mr. O'Neill.

300  
301 Mr. Cole answered yes, there will be a proposed access easement.

302

303 T. Hardekopf asked if the Department of Transportation has been asked for access from 125.

304  
305 Mr. Cole answered not with this site plan here.

306  
307 T. Hardekopf asked if the lot has an entryway off of 125, a dirt entryway in that bottom left hand corner  
308 of the lot?

309  
310 Mr. Cole answered currently there's an existing gravel drive that'd be believable as temporary access for  
311 construction. It would have to, you know, permit when need to be all redesigned and everything for for  
312 this application. He explained within the approval of the entire subdivision back here, which these lots  
313 were derived from, we were required to leave an easement access.

314  
315 T. Hardekopf asked if there's access easement that was required by the planning board.

316  
317 Mr. Cole answered it was more of a reservation from New Hampshire DOT because once you give it up, I  
318 believe you can't get it back.

319  
320 T. Hardekopf asked Mr. Cole to read the justification for a special exception.

321  
322 Mr. Cole read the justification for a special exception:  
323

## SPECIAL EXCEPTION REQUIREMENTS

### *THIS SECTION TO BE COMPLETED BY SPECIAL EXCEPTION APPLICANTS ONLY*

Please provide evidence that the requested Special Exception complies by addressing the issues below.

1. No detriment to property values in the vicinity of the proposed development will result on account of the location or scale of buildings, structures, parking areas, or other access ways; the emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or unsightly outdoor storage of equipment, vehicles, or other materials.

The proposed driveway coming off of Signature drive is a much better location then using Route 125 with heavy traffic.

2. No hazard will be caused to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.

The special exception pertaining to the driveway location will not cause any public safety issues.

3. No creation of a traffic safety hazard or substantial traffic congestion will result in the vicinity of the proposed development.

The proposed drive is a better solution then using Route 125.

4. No excessive demand on municipal services and facilities, including, but not limited to waste disposal, police and fire protection, and schools.

The proposed drive has no affect on municipal services.

5. The proposed use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site that would result in the loss of significant habitat or flood control protection.

The proposed driveway is designed in conjunction with the site plan and accounted for in the draiange design and will not affect wetlands.

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OCT 25 2023

T. Hardekopf asked Mr. Cole about the presented Blanding turtles.

Mr. Cole answered that the New Hampshire, fish and game identified turtles being in the area where required. To put it on the plans came from the development of the entire subdivision in close proximity of the site. He stated that there were turtles from I believe behind the subdivision, and any ongoing applicant in regard to that subdivision needs to carry forth those regulations. He stated that when they go to the

331 planning board to do our new site plan application, we will also have that on the cover for the turtles.  
332 Additionally, anything they do here is also required to go back to AOT because they have changed the  
333 previous site plan. It will be reviewed by the State.

334  
335 T. Hardekopf asked Mr. Cole What would the cost be to bring the Roadway inn off of 125 versus putting  
336 in an extended driveway.

337  
338 Mr. Cole has not looked at monetary figures.

339  
340 T. Hardekopf asked about Signature Drive. If there were any studies with expectation of how much more  
341 traffic these buildings would provide to that current curb cut on Signature?

342  
343 Mr. Cole stated they had not. However, they know what the counts are for the existing building, so they  
344 could multiply that, but they didn't account the figures, and these are zoned commercials.

345  
346 T. Hardekopf opened public comment.

347  
348 T. Hardekopf closed public comment.

349  
350 T. Hardekopf asked for a motion for a continuance as a mixed-use project the ZBA would like additional  
351 information from the fire chief and road agent on the project.

352  
353 P. Thibodeau stated looking at the plan, they would have put that cut where the easement is shown on the  
354 plans. He asked the applicant what's the distance from Signature Drive over there is that in feet roughly  
355 from where where Signature Drive comes out now right side of your plan.

356  
357 Mr. Cole answered that the existing lot line today is what we have because of Sightline just has to get  
358 across from the proposed, and approx. 30 feet.

359  
360 T. Hardekopf stated that if that is in fact how they utilize the the land, it would allow fire apparatus  
361 through the property. Her concern is to be able to ensure that they are not approving something that would  
362 not be allowed. The proposal is for potentially now 24 tenants and 24 commercial tenants do not allow for  
363 that fire apparatus to move through there and she doesn't feel comfortable making that motion without the  
364 road agent and the fire department weighing in.

365  
366 John Huckins stated to T. Hardekopf maybe the continuance that would meet what you're looking for  
367 would be for you to have a discussion with your town's attorney, because if you grant the right to take  
368 access not from the frontage, it doesn't mean the Planning Board is forced to go to that location. The  
369 Planning Board still has the authority to say we want this road to meet safety, they're going to do a traffic  
370 count, and want the buildings to make sure the road going through meets safely. If it doesn't, they would  
371 have to go back to their front entrance to make that work. I think your concern is you're going to handicap  
372 the planning board if you grant this. He stated that I think maybe if you have a conversation with the  
373 town's attorney that if we grant this and they can't meet the site review regulations, that the Planning  
374 Board still has a right to enforce their regulations to wherever direction it takes them. This would include  
375 your fire safety, the number of the width of the road, because technically that would be a road going  
376 across those two buildings and tying together and that concern is that between them, buildings are in front  
377 of the building wide enough to handle traffic along with the parking and the buildings, the planning board  
378 would have to look at that as all part of their regulations.

379  
380 T. Hardekopf stated her motion for continuance is to be able to have a much better idea of what will be  
381 capable as far as fire apparatus. Being able to turn around within these spaces. She addressed John stating

that she understands his suggestion, but the conversation with the fire chief would be a five-minute conversation for us to be better informed.

Mr. Cole stated that it was designed to allow for a 50-foot-long tractor trailer contextually or around in totality, each building which is more than fire truck that was required in the first buildings designed. So, we designed the driveways possible and width, so he doesn't believe that's an issue.

T. Hardekopf asked Mr. Cole if he would like to be continued to the next meeting.

Mr. Cole stated that he didn't want to wait for the next meeting, but understands the board wants to continue.

V. Price states for clarification purposes for the board that she will have a staff report from the department heads for the next planning board meetings and gives a copy to the application. She can also share this information with the board if they want it.

Mr. Cole stated that is okay with the board's request for a continuance.

*A motion was made by T. Hardekopf and seconded by A. Simocko to continue the case to the December 20, 2023, meeting at 7:00 PM. The motion passed 4/1.*

**Roll Call:**

**A. Simocko-Yay**

**C. Huckins-Yay**

**J. Flanagan - Yay**

**P. Thibodeau-Nay**

**T. Hardekopf-Yay**

2. [249-32&250-133-NR-23-SpecExcept \(Owner: DWSX2 Holdings, LLC\)](#) Request by applicant for a Special Exception from Article 19, Table 1: Table of Uses for a Mixed-Use Development in the Neighborhood Residential District, to allow for a Mixed-Use Development conforming to the requirements as defined in the Zoning Ordinance. The location is at 270 Beauty Hill Road (Map 249 Lot 32 and Map 250, Lot 133) on a total of 72.04-acres in the Neighborhood Residential District.

T. Hardekopf read the application description.

Derek Small, representing DWSX2 Holdings, LLC, stated that the property in question is two parcels located at 270 Beauty Hill Rd. He explained the property and its history. He stated that in Barrington, its commonly referred to as the Old Swain farm at the top of Beauty Hill. He has resided there for six years. In 2019, with the intention of developing the property as an outdoor education ecology center to do on site visitation, they applied for and were granted a conditional use permit to operate in that zone, neighborhood residential as an educational institution, then went to the planning board for with a site plan, which was approved and now needing to modify the site plan.

Mr. Small discussed previously they went to the planning board, they were looking at operating on the old farm property, which is 77 acres, as an ecology center farm school. They thought that they fell under the State's agritourism guidelines, and it would be the most appropriate way to move forward with the use of



the property. This is due to the nature of the educational programs that they do. However, through the planning board process in 2019, that they found out that one of the State's guidelines that would not be consistent with their model is the fact that they are not looking to do commercial, agricultural farming. He stated that under agritourism, the majority of the revenue from an operation has to come from agricultural products, not ancillary things such as educational experiences. They continued through the planning board process, received conditional use permit as an educational institution, and our site plan was approved at the first Planning Board meeting at the start of the COVID pandemic. He stated that the mixed use was missed until now, due to a new proposed application. The request consists of basically residential on living in the farmhouse and commercial in a zone where that is prohibited without getting a special exception from this board.

T. Hardekopf asked Mr. Small to read the five criteria for a special exception.

Mr. Small read the five criteria for a special exception from his application:

## SPECIAL EXCEPTION REQUIREMENTS

### THIS SECTION TO BE COMPLETED BY SPECIAL EXCEPTION APPLICANTS ONLY

Please provide evidence that the requested Special Exception complies by addressing the issues below.

1. No detriment to property values in the vicinity of the proposed development will result on account of the location or scale of buildings, structures, parking areas, or other access ways; the emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or unsightly outdoor storage of equipment, vehicles, or other materials.

Approval of this Special Exception application is likely to appreciate property values since it will provide means and opportunity to replace degraded buildings with modern structures and otherwise to improve the appearance.

2. No hazard will be caused to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.

No excess hazards will be created, as the nature of the use is not one that feature the use of toxic chemicals, explosives, etc.

3. No creation of a traffic safety hazard or substantial traffic congestion will result in the vicinity of the proposed development.

Since the approved use includes provisions to accommodate the minimal traffic caused by the mixed use activity, no significant additional traffic or congestion is expected.

4. No excessive demand on municipal services and facilities, including, but not limited to waste disposal, police and fire protection, and schools.

Approval of this special exception will not result in any excessive demand on community schools or other municipal services

5. The proposed use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site that would result in the loss of significant habitat or flood control protection.

Due to the nature of the mixed-use activity, approval of this special exception is expected to result in nil or positive impact on groundwater quality, surface conditions, wetland & open space habitats & stormwater management.

446  
447

448 Mr. Small discussed that the nature of his business and of the of the site plan that was already approved,  
449 and site plan modifications that they are going to be proposing to the planning board in 2024, should not  
450 create issues that are inconsistent with a farm property in the neighborhood residential zone. They already  
451 have a plan for waste management once development of phase two is complete. He also addressed that

they already have parking provisions, lighting provisions, all that had already been addressed in the prior planning board plans. He stated there will be no detriment to property values of a butters, and looking at the structures that are there on the old Swain farm now, he stated that replacing them with more modern and more efficient and better-looking buildings and structures and the overall nature of the business and what it will bring to the community. He expressed that if nothing else, enhance the general well-being of the neighborhood and probably enhance the attractiveness of local properties in the area. He did state that he talked with the Fire Chief about making the pond that is near the front of the yard a fire pond. He discussed the traffic that it is a relatively modest development that we're looking at without large numbers of attendance, there may be a school bus for a field trip, or a few cars for a lecture, or for a business chamber meeting. He discussed there may be after hours events.

Mr. Small continued to explain to the board that there is an already approved site plan that had provisions for stormwater management and so on. He stated they are looking at going to the planning board to revise to actually reduce significantly the impact on the environment.

T. Hardekopf asked if there is an active approval, or has it expired?

John Huckins stated no, it's already approved.

Mr. Small stated that Phase One (from the Planning Board) is completed and vested.

V. Price addressed the board by stating that the applicant has come in to has discussed that he wanted to come in to redo his site plan. He does have an approved site plan for the prior application. The plan was phased out, and he completed phase one. But the new application that he is going to present to the planning board would be different.

John Huckins stated the current site plan is now vested.

T. Hardekopf asked if his current plan with the planning board allows him to operate a business in a residential area?

V. Price answered that for the educational institution he has a CUP (Conditional Use Permit), and it runs with the land, and will continue to run with the land. She stated as far as the planning board plans, once he submits a new plan and that gets signed off by the Planning Board chair, the current plan would no longer be active.

John Huckins stated that he could explain what was missing from the original application was the residential house being left on the property, which makes the property a mixed use. When the (2019) plan was introduced to the planning board. He stated through the process of the negotiations with the Planning Board, the Planning Board didn't feel that it was that agricultural. They approved it as an educational facility and not as agritourism.

P. Thibodeau asked how did they went from residential zone to commercial?

John Huckins stated that commercial is allowed with the conditional use permit. Mixed use is not allowed. He continued to explain that when it went to commercial, the idea that the residence was there got missed because the application was for that agriculture agritourism, which residential buildings can be there. The Planning Board stated that they didn't believe it was a farm, but it's more of an educational use. The residential wasn't picked up. Their approval included both (residential and commercial), so it's been way past the 30 days for the appeals. Therefore, approval still stands because it's about three years old. The applicant is here for mixed-use.

503 T. Hardekopf asked Mr. Small if he was not going to live on the property before, but now he intends to?

504

505 Mr. Small stated that it was always the intention to live on the property and operate on the property. The  
506 residence was shown on the plan.

507

508 John Huckins addressed the board stating that his approval is basically a mixed-use approval because of  
509 what it was, but it was missed during the the hearing process because the application changed. He he's got  
510 approved for, he's allowed to continue because the appeal process, like I said before, is gone. Therefore,  
511 it's a legally vested educational facility where the residents on.

512

513 P. Thibodeau asked what is the question before us?

514

515 Mr. Huckins explained he would like to make a mixed use.

516

517 V. Price stated the applicant is proposing a new application, and to be in compliance he should ask for a  
518 mixed use.

519

520 P. Thibodeau stated that the residential use was missing years ago, and a new proposed site plan before  
521 the Planning Board.

522

523 V. Price stated a new proposed site plan will be before the planning board, because he came to our office  
524 to talk about it.

525

526 P. Thibodeau state it has nothing to do with farm animals.

527

528 Mr. Small stated that he has already been operating and doing it. He taught a a home school class the  
529 other day on the property and we lived there. He stated that it's been all during COVID, and it was  
530 something that was missing.

531

532 P. Thibodeau stated he understands it would be going backwards in time to allow the resident mixed use  
533 of the property instead of just the commercial use which was there because that house has been there. He  
534 asked how long the house has been there.

535

536 Mr. Small stated there isn't a record. It's been the Swain residence in a commercial farm for 300 years.

537

538 T. Hardekopf asked if Mr. Small was you changing the business model from what he was originally  
539 approved of. She also asked if he plans on changing the use other than what they currently see before the  
540 board.

541

542 V. Price stated the plan before you is what he is planning on doing.

543

544 Mr. Small stated that the progress sketch (Plan submitted) reflects a greatly environmentally reduced  
545 impact for the development. He stated he was encouraged to have some sort of a schematic so that the  
546 board could see at least the very front part of the 77 acres and those colored buildings are theoretical  
547 proposed education buildings that are against subject to change, but that's something that we're working  
548 on for the planning board. Mr. Small wanted to reiterate, they're here for the special exception for the use.

549

550 V. Price stated it's a completely new site plan from what he's been approved for before.

551

552 Mr. Huckins stated that the question of whether the use is going to change.

Mr. Small stated there will be farm animals on the property. It will always involve animals to some degree, and he doesn't think that it would be safe or responsible to expect an ecology center and an education building that features live animals, not to have even for just safety and security, somebody resident on the property.

T. Hardekopf asked about the buses shown on the plan, if the site was going to allow for students.

Mr. Small stated yes that is the intent to provide small school field trips.

J. Flanagan asked about the operating hours.

Mr. Small stated that was approved at the Planning Board.

T. Hardekopf opened public comment.

Chris Blake, 77 Gigi Lane, Evergreen, C). He is a Connecticut licensed attorney. He is there to represent Mr. Harvey Hubbell, who is an abutter to the to the applicant. Mr. Hubble, in addition to owning roughly 40 acres abutting a budding, the applicant has a farm in Connecticut on which he does the farm education programs. On his behalf, I'm here to support this application for a special exception from the Town of Barrington's zoning, planning and zoning regulations. He stated, also, in support of that supported that our farm manager, Mr. Steven Casal manages the farm and the educational aspects on Mr. Hubble's property in Connecticut. He is an expert in these areas and he's here to speak in support of this as well, and that's all he has to say and this is any questions for him, he would defer to to Mr. Cassell.

T. Hardekopf asked if he had submitted a letter to be able to speak on behalf of the abutter.

V. Price stated she has not received anything.

Mr. Blake stated he would submit one if needed.

V. Price asked if Mr. Blake could submit one to the Land Use Department for the record.

T. Hardekopf asked the board and staff if they were aware if there are any other mixed-use properties in this area of Beauty Hill, that's agriculture.

Staff stated no.

T. Hardekopf asked if this is granted, it follows the property forever.

V. Price stated Yes.

T. Hardekopf addressed the board if anyone else felt they would like a legal opinion.

Mr. Small stated he thought that a variance stayed with the property forever, but a special exception could be contingent on the educational use permit and that if the company ceased to operate than the special use permit ceased to exist and thus the commercial aspect of the mixed use ceased to exist. That was his understanding. He stated that maybe he misunderstood and there was also some discussion that this this board could impose a limitation like it's conditional to this business and if this business stops then the mixed-use authorization also expires.

V. Price stated that is correct.

John Huckins stated that he was correct.

T. Hardekopf closed public comment.

T. Hardekopf addressed the applicant stating that she wants to be 100% correct as the board is making a motion that it's going to stick for you and not be something that can be contested in any way. She motioned that she would like to continue the case until December and receive consult legal. She asked the board if they would be comfortable with it and asked for a second to the motion.

P. Thibodeau seconded the motion.

*A motion was made by T. Hardekopf and seconded by P. Thibodeau to continue the case to the December 20, 2023, meeting at 7:00 PM. The motion passed unanimously.*

#### **Roll Call:**

**A. Simocko-Yay**

**C. Huckins-Yay**

**J. Flanagan - Yay**

**P. Thibodeau-Yay**

**T. Hardekopf-Yay**

T. Hardekopf addressed Mr. Small he wanted his concurrence with the request for continuance, as the reason that she wanted legal to weigh in on this is because she anticipates the Board is doing something backwards (by granting the mixed use) and need to be sure that what they are doing is appropriate, and that it's not going to then put him in a situation where someone's going to contest it and come back and request something else of ZBA.

Mr. Small was in agreement.

### **5. REVIEW AND APPROVAL OF MINUTES**

A. Review and approve minutes of the October 18, 2023, meeting.

*A motion was made by T. Hardekopf and seconded by P. Thibodeau to approve the minutes of the October 18, 2023; meeting minutes as written. The motion passed 4/1.*

#### **Roll Call:**

**A. Simocko-Yay**

**C. Huckins-Yay**

**J. Flanagan - Abstain**

**P. Thibodeau-Yay**

**T. Hardekopf-Yay**

### **6. STAFF UPDATES -TOWN PLANNER**

V. Price gave update to Proposed Zoning Amendments. The Planning board finished their draft on November 14, 2023, for legal review.

A. Planning Board Proposed Zoning Amendments

- Monday November 13, 2023; First day to accept petitioned zoning amendments.
  - V. Price stated at this time, we have not received any.

- Wednesday December 13, 2023; Last Day to accept petitioned zoning amendments.
- The Planning Board will hold public hearings in January.
  - V. Price Stated that the first Public Hearing date is to be on January 9, 2023.

## 7. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

### A. Zoning Board 2024 Meeting Dates.

- V. Price discussed the Zoning Board meeting dates, every third Wednesday in 2024 unless there are no cases. The Board was given a set of dates for 2024.

P. Thibodeau stated he might be out of state for the next meeting, and if he could remote in.

V. Price stated that always welcome to participate and vote, however, to have a quorum, we need to have a quorum in person.

P. Thibodeau asked if the Board could get a copy of the Planning Board proposed zoning amendments.

V. Price stated she would send a copy out to the board members via email but would not be the legal reviewed copy.

## 8. ADJOURN

A. Adjourn the Zoning Board of Adjustment (ZBA) Meeting. Next ZBA meeting date is December 20, 2023, at 7:00 P.M.

*A motion was made by A. Simocko and seconded by C. Huckins to adjourn the November 15, 2023, meeting at 8:47 p.m. The motion passed unanimously.*

### Roll Call:

A. Simocko-Yay

C. Huckins-Yay

J. Flanagan - Yay

P. Thibodeau-Yay

T. Hardekopf-Yay

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

### Visitor Orientation to the Zoning Board of Adjustment Meeting

Welcome to this evening's Zoning Board of Adjustment meeting.  
Copies of agendas and a sign-in sheet are available for visitors.

### Meeting Access

#### **In-Person**

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

#### **Remote Meeting Participation**

Video: [barrington.nh.gov/zbmeeting](https://barrington.nh.gov/zbmeeting)  
Call in via computer [+1 603-664-0240, 514518321#](tel:+16036640240)

### Meeting Materials

Additional details regarding each agenda item and all supporting documentation can be found online at <https://www.barrington.nh.gov/zoning-board-adjustment>. Please contact the Land Use department with any questions via phone at (603) 664-5798 or email at [planning@barrington.nh.gov](mailto:planning@barrington.nh.gov). Files on the applications and items, above, including the full text of any proposed ordinances, regulations, or other initiatives are available for inspection in the Land Use Department Office, Monday through Thursday from 8:00 a.m. to 3:00 p.m.

### Special Accommodations

The Town of Barrington requires 48 hours' notice if the meeting must be modified for your participation or if special communication aides are needed. Please submit requests to the Land Use Department office via phone at (603) 664-5798 or email at [planning@barrington.nh.gov](mailto:planning@barrington.nh.gov).

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