

MEMORANDUM

To: Barrington Zoning Board of Adjustment
From: Barrington Conservation Commission
Subject: **112-35-GR-15-ZBA (Nippo Pond LLC)** Request by applicant to request a variance from Article 11.2 (1) 75' setback from pond over 2 acres and Article 4.1.1 Minimum front setback to build a 2 bedroom single family house adjacent to Nippo Pond on a .41 acre lot on Harlan Drive (Map 112, Lot 35) in the General Residential Zoning District. BY: Geometrics Blue Hills, LLC; Po Box 277; Farmington, NH 03835.
Date: June XX, 2015

At its meeting of June 4, the Conservation Commission reviewed the case referenced above. We also made a visit to the property the previous evening, June 3. Randy Orvis was present at the meeting to represent the applicant. Several others from Harlan Dr. were also present to air their views.

On our site walk of the property we noticed that what we believe to be a perennial stream runs along the west side of the property. We thus believe that in order to build the house as proposed, a second variance would be required in accordance with Barrington Zoning article 11.2(1) [*italics added*]

No structure of any type including, by way of example and not by way of limitation, all buildings, garages, sheds, parking lots and driveways, may be constructed within seventy-five (75) feet of the shoreline of *any year-round stream*, or any lake or pond over two (2) acres.

The applicant was in agreement about this, and indicated that you will be sent a modified request.

The Conservation Commission does not support the granting of variances for the setback to either the lake or to the stream.

Nippo Pond has experienced blooms of cyanobacteria over the last several summers. These have caused the lake to not only be unusable for recreation, but in fact to pose a health hazard. These blooms are believed to be due to relatively high levels of phosphate, which largely stem from erosion and runoff from the shore. Via UNH Cooperative Extension's Lakes Lay monitoring program, the water quality of Nippo Pond has been regularly monitored for several decades. During that time the level of phosphate in the lake has increased from less than 1 ppb in 1986 to over 10 ppb in 2010 (2010 is the most recent year for which data are available on line). Any development in the protected shoreline is likely to increase stresses on the lake, including increased phosphate.

We understand that the perennial stream that runs through the property in question is the *only* inlet to Nippo Pond (the lake is also spring-fed). Thus any erosion or runoff into the stream or lake from either construction or subsequent use of a house on the property not

only will add to the pollution problems, but that pollution is very slow to be diluted out. Although some controls of runoff into Nippo Pond have been implemented in the last several years, we were told that the phosphate levels measured in 2014 are at or just below that needed to support cyanobacteria. Thus even small additions of phosphate could not only put the lake 'over the edge' for cyanobacterial blooms, but will not be eliminated for some time.

Finally, as you know, a variance was recently granted for the protected shoreline on the abutting lot (map 112 lot 37.1), which is under the same ownership as lot 35. In the recent preparation of that lot for construction, the trees and vegetation along the shore were cut to an extent that it violated the State of New Hampshire's Shoreland Water Quality Protection Act. Although that violation is being remediated, it has certainly resulted in and will continue to present an increased burden on the lake. Allowing the variances in question here will be making a bad situation even worse.

It is still possible to build a house on the property in compliance with the town's setbacks. It may not be exactly the house that the applicant wants to build, and may be somewhat more difficult to construct, but it can be done. Thus denying this application does not, in our opinion, present an undue hardship to the property owner.

Thank you for the opportunity to let us review these issues that can potentially affect the town's natural resources. If we can be of further service with this project please contact me via the Town Office at 664-5798.

Respectfully,

John Wallace, Chairman