

(Approved May 2, 2023)

Meeting Minutes
Town of Barrington Planning Board
Public Hearing
April 4, 2023, at 6:30p.m.

1. CALL TO ORDER

2. ROLL CALL

Members Present: Buddy Hackett, John Driscoll, Joyce Capiello, Bob Tessier, Andy Melnikas, Ron Allard, Andy Knapp

Staff Present: Town Planner: Vanessa Price, Code Enforcement: John Huckins, Planning & Land Use Administrative Assistant: Barbara Irvine

3. REVIEW AND APPROVAL OF MINUTES

- A.** Review and approve minutes of the March 21, 2023, meeting minutes with toe corrections made by A. Knapp.

A motion was made by B. Hackett and seconded by J. Driscoll to approve with amendments by A. Knapp to V. Price. The motion passed unanimously.

Roll Call:

B. Hackett-Yay
J. Driscoll-Yay
J. Capiello-Yay
B. Tessier-Yay
A. Melnikas-Yay
R. Allard-Yay
A. Knapp-Yay

4. STAFF UPDATES -TOWN PLANNER

- A.** Training Opportunities: NH OPD Planning Lunches at Noon Monthly Webinar Series Webinar "Congratulations, you're a Board Member Now! What's Next?" is on April 20, 2023. This webinar is for new board members as well as seasoned members that are interested in a refresher course.

V. Price explained that there was a training on April 20, 2023 if you can't make this time the training would be available online.

- B.** NHMA Right to know Training for Board Members: TBD Evening date in May 2023.

V. Price explained that there was going to be a Right to Know Training in May 2023 Evening date TBD.

C. Zoning Amendment Results from Voting.

V. Price explained that she passed out the results of the Zoning Amendments showing what passed and failed.

5. ACTION ITEMS-CONTINUED APPLICATION FROM March 7, 2023

A. [234-25-1-V-22-3Lots \(Owners: TBS Construction, LLC\)](#) Request by applicant are proposing 3 new lots with two lots in the back and one standard lot off Franklin Pierce Highway (aka Route 9) with a private driveway to access two single family lots (Map 234, Lot 25-1) in the Village Zoning District. BY: Christopher Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

A. Knapp explained to the Board that last Thursday created an agreement with Berry Surveying and Engineering to do some significantly informed work by his employer. A. Knapp explained that he would be overseeing this project and that there's no financial gain or fiscal gain in it for him just that he was an employee. A. Knapp explained that he wanted to make sure that it was clear and doesn't create any conflict in anything moving forward. A. Knapp explained that he would voluntarily step down and recuse himself from all applications that are contracted with Berry's Survey and Engineering that come before the Board. A. Knapp explained he doesn't want anyone to have any misconception perception that he would play any favoritism.

R. Allard expressed that Berry Surveying and Engineering does a ton of projects in Town and doesn't see a conflict.

B. Hackett said that he doesn't see a conflict.

R. Allard said that it could be on case by case.

B. Hackett explained that if A. Knapp was doing a project that was directly involved with he could see some sort of challenge if Turbocam came before the Board then that would be an issue.

J. Cappiello explained that maybe step down if Turbocam was an abutter.

John Huckins explained that if you go to the conflict of interest statute A. Knapp doesn't go into any of those and no financial gain.

A. Knapp explained that he just wanted to make sure that people didn't feel that there was a conflict.

Chris Berry explained that he raised his concerns privately and you've publicized them his concerns aren't any further beyond that.

A. Knapp gave a brief description of the application.

Chris Berry from Berry Surveying and Engineering represented TSB Construction. Chris gave a recap of the application got good feedback at the design review along with good information. Chris explained that there has been some abutter interest from the closest abutters. Chris explained that at the Zoning Board

the abutters expressed some concerns and then at the first Planning Board they expressed some concerns. Chris explained that the infiltration pond that was now moved he showed on the plan from where the pond was. Chris explained that it was right behind their house and if they moved it to the side it would reduce the amount of vegetation that they would have to remove to the rear of their site. Chris explained that they wouldn't have to look at a side slope right behind their house and the infiltration practice was moved to the west. Chris explained that there was a large tree that the abutter was concerned about that was near the boundary line and they are concerned that the construction would damage the root systems. Chris explained that by moving the pond over they were able to alleviate that concern. Chris showed the location of their well and septic system.

Chris explained that the plans were sent to CMA Engineers and the review comments have been addressed and submitted back to the planner for review. Chris explained that they feel that they have addressed all the CMA Engineer comments. Chris explained as the result of the CMA Engineers and NHDOT review both have asked if the driveway could be moved in the easterly direction to open up the site distance. Chris explained that they didn't have to clear trees at the front of the abutting site, they were able to accommodate that so they can move that over. Chris explained that they observed that through this curve the inside of the curve though their profile was at 10% which was allow within the driveway regulations. The inside curve because there superelevated the driveway was steeper than 10% so they flattening the profile to 9% that generated a little more cut but on this site didn't make that much difference.

Chris explained that the only outstanding question or comment was whether or not they still meet the 10% within the inside curve. Chris explained that they suggested to V. Price was that they review that internally and provide documentation to the Planning staff so that V. Price could review it and sign off on it. Chris explained if additional modifications are needed, they would make those modifications.

Chris explained that on the initial review there were drainage comments and no calculation question or no peak grid or turnoff issue or no infiltration capacity question. Chris explained that there's only an observation that this pond was an infiltration pond that has no pipe outlet. Chris explained that the pond was designed for the 100-year storm event which was approximately 8 ½ inches of rain in a 24 hour period. Chris explained that was designed to capture and infiltrate all of the preceding area that comes down to it with a spillway in the event of the pond becomes overrun, or they have events that are not typically modeled for. Chris explained that there's an emergency spillway so that water would leave the the pond in a controlled fashion and sort of spills onto the ground and don't have firm failures and unmanaged flow heading specifically onto the abutter line directly. Chris explained that the pond was designed for the 100-year storm event. Chris explained that the pond was designed for the 100-year storm event.

Chris explained that AoT requires one of two methodologies for infiltration rate being used. Chris explained they go on site and measure the rate in which water infiltrates into the ground though a case at test. Chris explained that there are two or three different types of that test or a soil map that they prepared for this project that a certified soil scientists prepared the soils map and helped witness test pits on site. Chris explained how this all works and explained that there's a chart that was published for the entire State of New Hampshire.

Chris explained that AoT requires them to take the slowest horizon there was within that soil grouping and cut it in half. Chris explained that way they have 50 or 100% of the reduction in the amount of flow that they model the stormwater going into the ground.

Chris explained that he was a little dismayed in that comment that they got back was that their quote was uncomfortable with that? Chris expressed that it was inappropriate for comments like that to be made without some substantial basis for that comment. Chris explained that this was now in the Notice of Decision that they're required to do an infiltration test and a groundwater mounding test, neither of which are required by the Town regulations or Alteration of Terrain (AoT). Chris asked if both could be

removed from Notice of Decision if the Board gets to that point. Chris explained that these are direct comments from CMA Engineers with no reasoning.

Chris explained that they are still working through two permits that they need to work on NHDOT and NHDES. Chris explained that this was a 3 Lot subdivision back lot with one frontage lot on Franklin Pierce Highway. (aka: Route 9) Chris explained that they went to the time and expense to grade the site out to show how the site would be built within the regulations. Chris explained how the stormwater would work in relation to section 7 of the Town Subdivision Regulations and the expense of that to prove and ensure that the abutting landowner knew that they were cognizant of the location of their home. Chris explained the impacts that this could have if on managed on their site and they have gone to a pretty good effort to ensure that they provided the Board and CMA Engineers with everything that they need to make an informed decision.

J. Cappiello asked about stormwater management and sediment. J. Cappiello explained that the question was what CMA Engineers raised and does the Town have procedures in place for enforceable actions to ensure that homeowners assuming that the homeowner association would take over the monitoring, inspection reporting and maintenance of the infiltration.

V. Price talked to the Road Agent Marc Moreau about if the homeowners there, then that situation it's the Town's not overtaking the roadway because this was a driveway.

A. Knapp explained that becomes a civil matter.

J. Huckins asked if they were having an HOA?

Chris Berry explained that they would have an HOA and because maintenance of the pond was required. These properties are bound by the subdivision rules and regulations that are in effect upon its approval. Chris explained that they have developed an operations and maintenance manual which would be inserted into the HOA and recorded at the Strafford County Registry of Deeds so no one can't say they didn't know. Chris explained that if there's negligence in that maintenance and causes issues to abutting neighbors and he believed the Town has some enforcement because this project was under the subdivision law. Chris explained that as the chair pointed out this would be a civil matter.

John Huckins explained that this would not be like a typical subdivision homeowners association where the Town takes the road over. John explained that it kind of solves this would always be in place because there's always going to be driveway shared.

R. Allard agreed with J. Cappiello that it would be a good thing to put in conditions of approval.

A. Knapp explained that they need a copy of the HOA.

Chris explained that the Homeowners Agreement hasn't been finalized would be reviewed by Town Counsel.

A. Melnikas asked if they have seen Conservation thought process on this some of these. A. Melnikas asked about the Fire Chief strong concerns on the 10% pitch.

Chris explained that the slope has been reduced of the entire, not the entire driveway but the entire driveway was originally designed. Chris explained that the grade has been changed part way through so

now there are 10% section, but it then plateaus.

A. Melnikas said that it may have but the Board doesn't know unless the Board sees it right here. A. Melnikas explained that people are building 6,7 or \$800,000 homes and they are going to want certain services like the Fire Chief who's one for emergency services.

John Huckins explained that the Subdivision Regulations need to be changed and the Fire Chief has a concern concerning the regulation at 10% the Board needs to look at that.

B. Hackett expressed that it needs to stay at 10% or less to keep a relationship with this subdivision and abutters.

Chris clarified that why the design change happened and that they have always designed this driveway at 10% because that was what's in the regulations. Chris explained that because of this curve the radius and because of the super elevating their driveway. Chris explained that they have an inside curbed radius profile that exceeded that, so they had to drop their centerline profile.

J. Driscoll asked Chris to show where the emergency spillway should be needed.

Chris showed the direction that the contour runs. Chris explained that the pond was not designed to be brimming full at the 100 years storms.

J. Driscoll asked about the road across called Garrison Road talked about granting a permanent easement rather than prescriptive easement with exists with the developer.

Chris explained that they are currently working with NHDOT and if they allow that road to continue to be the road they would grant an actual easement not a prescriptive easement over that and if NHDOT says no then they would provide an easement over their driveway. Chris explained that they provided a profile to assure 10% in both directions plus the platform.

A. Knapp asked about the cross over and can see the road going through but when he looked at the gradient lines it didn't look like it showed the transition of that.

Chris showed it on the plan and showed the grade line for there proposed driveway comes across the perpendicular format up to the swell and back down then shoots back across. Chris explained that way the great at the elevation and greater honor.

A. Knapp asked about the culvert running from the basin that is to the right of that just below drive up above it and it drains down through assume would be covered over.

J. Driscoll asked if you preserve and as much as the stonewall exists as much as possible.

Chris said yes.

John Huckins asked about #4 on the notice of decision the applicant's engineer shall certify in writing the improvements have been constructed as approved prior to the issuance of the certificate of occupancy. John expressed that he was not sure how this should address the driveway needs to be built to turnaround before really making start out.

Chris explained that the way the driveway needs to be built to turn around before really starting on one of the homes.

John explained that the applicant's engineer shall certify in writing the improvements have been constructed as approved prior to the issuance of a certificate of occupancy on the first dwelling on the driveway.

Chris explained that on #8 in the Conditions Precedent they take exception and explained that they don't see anything about mounting and the conditions. Chris explained that they did there would to the Town regulations

A. Knapp opened public comment.

A. Knapp closed public comment.

V. Price read the Conditions Precedent:

Date of Application: December 14, 2022

Date Decision Issued: April 4, 2023

Case File #: 234-25.1-V-22-3Lots

NOTICE OF DECISION

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As built/s received:</i>	<i>Surety returned</i>
<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
Re: 234-25.1-V-22-3Lots: Request by applicant are proposing 3 new lots with two lots in the back and one standard lot off Franklin Pierce Highway (aka Route 9) with a private driveway to access two single family lots (Map 234, Lot 25.1) in the Village Zoning District.			
Owners: TSB Construction LLC c/o David Coish 44 Merryfield Lane Hampstead, NH 03826 Applicant: Christopher Berry Berry Surveying & Engineering 335 Second Crown Point Road Barrington, NH 03825			

Dear applicant:

This is to inform you that the Barrington Planning Board at its April 4, 2023, meeting **CONDITIONALLY APPROVED** your application referenced above.

The application has met all the Town's Ordinances and Regulations of the Town of Barrington.

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please Note:

If all of the precedent conditions are not met within 12 calendar months to the day, April 4, 2024, the Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

#1) Add the following plan notes:

- a) At the September 21, 2022, Zoning Board of Adjustment Meeting, the Board GRANTED, the variance from from Article 4, Section 4.1.1 Table 2 Dimensional Standards to allow frontage of 150' (+/-) where 200 feet is required for a 3-lot subdivision on Franklin Pierce Highway (aka: Route 9) (Map 234, Lot 25.1).
- b) At the September 21, 2022, Zoning Board of Adjustment Meeting, the Board GRANTED, the request for a Special Exception from Article 4, Section 4.1.2 to allow a driveway not on the proposed frontage for a 3-lot subdivision on Franklin Pierce Highway (aka: Route 9) (Map 234, Lot 25.1).

#2) Add the following to the Plan:

- a) All Owners' Signature.
- b) Wetland Scientist Signature.
- c) Professional Surveyor Signature.
- d) NHDES Permit Number.
- e) State Subdivision Approval Number.
- f) Street name sign and location.
- g) After NHDOT review, a permanent easement for Garrison Rd. to be in place.

#3) Road Name approved by the Board of Selectmen to be labeled on final plan set.

#4) Any outstanding fees shall be paid to the Town.

#5) The Easement Plan will be recorded at the S.C.R.D. along with the Subdivision Plans upon project approval.

#6) At final submittal, all outstanding comments to applicant from Town Planner for Subdivision regulations shall be addressed.

#7) Certificate of Monumentation Installation submitted to the Town.

#8) Ownership and Maintenance of the stormwater system and driveway maintenance of the proposed Homeowner's Association to be approved by Town Attorney. The applicant is responsible for attorney fees.

- #9) The H.O.A will be recorded at the S.C.R.D. by the Land Use Department, prior to the issuance of a certificate of occupancy on the first dwelling on the driveway. The applicant is responsible for recording fees. A copy will be on file at the Town's Land Use Department.
- #10) Prior to obtaining Board signature, the Applicant shall submit three (3) full size paper copies of the subdivision plans, one (1) 11' x 17' copy and .pdf/a format file format with supporting documents, with a letter explaining how the applicant addressed the conditions of approval to the Town's Land Use Department.
- The Planning Board Chair shall sign and date all plans meeting the conditions of approval. The Board shall endorse three (3) full size paper copies of the subdivision plans for their records and one (1) 11' x 17' copy and .pdf/a format file format for the case file folder.

General and Subsequent Conditions

- #1) Where no active and substantial work has commenced upon a site, plans that are approved and signed by the Board shall expire two years from the date the plan is signed. An extension, not to exceed one year, may be granted by majority vote of the Board so long as it is applied for at least thirty days prior to the expiration date. The Board may grant only one such extension for any proposed subdivision. Expired plans must be submitted to the Board for review to ensure compliance with these and all other town ordinances and regulations via the normal application process.
- #2) In accordance with RSA 674:39, active and substantial development shall mean the expenditure of at least twenty-five percent (25%) of the infrastructure costs required for a development proposal, as indicated by a subdivision approved by the Planning Board, within twenty-four (24) months of said approval, where the approved plans have been properly recorded at the Registry of Deeds. Infrastructure shall mean in this instance, the construction of roads, storm drains, water and sewer facilities, or parking lots. Compliance with this definition shall also necessitate that a bond or other security to cover the costs of said infrastructure requirements has been posted with the town prior to the beginning of construction, if required as a condition for subdivision or site plan approval.

For determining whether an approved subdivision is vested under the terms of RSA 674:39 the following conditions must be met. At least fifty percent (50%) of the total cost of all public and private improvements approved by the town must have been expended within four (4) years of the date of approval of said subdivision plan. In addition, a bond or surety for completion of all required public improvements, if required as a condition of approval, shall have been posted with the town.

* Bond is not required the road infrastructure is a driveway.

- #3) The responsible party will conduct the inspections, complete the required maintenance, and will maintain the Inspection & Maintenance Check Lists and Logs, and will provide copies with the Annual Report to the Town of Barrington, Land Use Department by December 15th of each year. The homeowners are required to complete the inspections; submit the report; and perform any recommended maintenance, including keeping the pond infiltrating as designed.

- #4) The applicant's engineer shall certify in writing the improvements have been constructed as approved prior to the issuance of a certificate of occupancy on the first dwelling on the driveway.
- #5) The applicant's engineer shall certify the slope of the inside curve for compliance with the regulations requiring a 10% slope and adjust accordingly if non-compliant.

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Vanessa Price
Town Planner
cc: File

A motion was made by A. Knapp and seconded by B. Hackett to approve the 3-Lot Subdivision for TSB Construction LLC as read by the Town Planner. The motion passed unanimously.

Roll Call:

B. Hackett-Yay
J. Driscoll-Yay
J. Cappiello-Yay
B. Tessier-Yay
A. Melnikas-Yay
R. Allard-Yay
A. Knapp-Yay

- B. 240-8-NR-23-Sub (23) (Owner: Norma Bearden)** Request by applicant for a major site plan to subdivide into 23 Lots using the Conservation Subdivision Ordinance with waivers on a 65.55-acre lot (Map 240, Lot 8) in the Neighborhood Residential Zoning District on Young Road. BY: Christopher Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.

A. Knapp gave a brief description of the application.

Kevin Baum is Attorney for Phoenix, Gormley and Roberts. Attorney Baum explained that he was before the Board on behalf of the applicant/owner Paul Thibodeau. Attorney Baum explained to the Board he was there with Chris Berry from Berry Surveying and Engineering and they would be doing most of the presentation. Attorney Baum explained that they are for the first meeting seeking approval for a conservation subdivision. Attorney Baum explained that they were previously before the Zoning Board and received variances and have met with the Conservation Commission. Chris would be giving the Board an overview of the project and the efforts to date as we'll note this was the

Chris Berry from Berry Surveying and Engineering represented Paul Thibodeau owner of the property as of today. Chris explained to the Board that he started this project with Mr. Thibodeau in 2022 and

explained that the project was located on Young Road directly across the street from the former Fisheye subdivision. Chris explained that this property was in the Residential Zoning District on Tax Map 240, Lot 8. Chris explained that they hired John Hayes Certified Wetland Soil Scientist to review the wetland on site. Chris explained that when these reviews are done, the scientist goes out, they delineate the edge of the poorly drained soils on site using 3 criteria, they use hydrology plants then soils and that the wetlands districts where well lands in the State of New Hampshire. Chris explained per the regulations need to meet all three of the criteria's to be a wetland. If it falters or fails anyone of these criteria's its not technically a wetland.

Chris explained that they chose Jack to do this project because they knew that the site contained prime wetlands towards the center of the parcel and that wetland were prime wetland area was defined by the Barrington Subdivision Regulations or Zoning Regulations as meeting 100% of the mass to be very poorly drained soils and so to do that effectively, a soil scientist needs to review that. Chris explained that they really need to have qualifications in both wetlands, but also soils. Chris explained that Jack delineated both the poorly and the very poorly. Chris explained that the center of the site contains a wetland area. Chris explained there's open standing water in the center of a large portion of this, and there's an area at the periphery of that has very poorly drained soil. Chris explained that was the area in which the prime wetland exists and the point at which the 100' buffer was to be calculated. Chris explained that Jack delineated remaining wetlands on site and there's a wetland that feeds down into that. Chris explained that there was a wetland that comes from the Lenzi property to the south that comes on to there site then sort of back on to the Lenzi property took graphically. Chris explained there was a small isolated wetlands on site and then there's the generalized wetland that comes to Young Road. Which was caused by the flow from across the street, and down into the wetland on site. Chris explained this wetland on site drains down to the funding parcel that the Town owns then to Richardson Pond shortly down the road.

Chris explained that the existing conditions were mapped again using conventional survey methods and also mapped the topography on site. Chris explained that Jack Hayes Soil Scientist did the testing on sign and Chris witnessed them with Jack and stamped the test pits as septic designers as the purposes of the subdivision.

Chris explained they are proposing a conservation subdivision which was a permitted use within the Neighborhood zone. Chris explained that this use does not require special permission from this Board. Chris explained that it also doesn't require special permission from the Zoning Board along with no Conditional Use Permit the use was permissible by right. Chris explained that the project required variances from the Zoning Board for the layout before the Board.

VARIANCES:

Variance #1: 100' Buffer reduction along the front of Young Road and Zoning for a Conservation Subdivisions did not really conceive of a frontage subdivision as a part of the design and discusses a 100' around the entire perimeter. Assuming that one would put a road into a site and develop the internal of a site and not necessarily along the road frontage.

Variance #2: To allow for the driveways to go through that buffer and allow the lots to be calculated within that buffer zone. Still providing for the buffer on most of the lots. There's just using that area as part of the lot density and lot calculation and allowing the driveways to go through that.

Variance #3: Was for very specific lots that they've proposed in the subdivision to permit those to have a 40' buffer at the front of the site instead of a 100' buffer at the front of the site. The proposal in exchange for that was to allow for additional buffering at the back of the site towards the wetland and towards the prime wetlands and towards the center of the parcel. The reason the Zoning Board granted the variance of of that was the lands towards Young Road in the area was flatter. More advantageous for the slope standpoint and what was they didn't want to do was promote construction of single-family homes further back on the slope. They wanted the variance to build closer to the roadway and the setback would

ordinarily be 40' from the front and the relief that they saw was to reduce the front buffer from 100' to 40', which would ordinarily be allowed in the zone. This would have the added protection that this was a buffer and not just a building setback. There would be a buffer along the entire front of the project with the exception of the driveway cuts on site.

Chris explained that part of the Conservation Subdivision they've plan was required to determine the underlying density. Chris explained that what they are doing was developing yield plan that was complexes with the Town Regulations and was reasonable. Chris explained that its not for them to design an entire subdivision to prove to the Board that every grade or every little detail would be met as part of the Town Subdivision Regulations. Chris explained that they have supplied the documents to the Board which discusses their yield plan in great length. Chris explained that they have heard comments from the public and from the preliminary hearing that the project was too dense or there's too many lots on yield plan. Chris expressed that if this was true then they've be interested in knowing how the yield plan does not comply with the underlying zoning. Chris explained that if there are areas where the yield plan does not meet zoning and they would be happy to revisit it and rediscuss it with the Board. Chris explained that each lot has adequate frontage each lot has adequate minimum land area which was 80,000 s.f. in size and 60,000 s.f. of buildable upland area and has 35,000 s.f. of continuous buildable area. Chris explained that they comply with the underlying 50' poorly drained buffer where applicable and would comply with the 100' very poorly drained prime wetland along with the setback.

Chris explained that they opine on the wetland crossing that would be required as part of the proposal. Chris explained that this project would not need a 9.6 application so they would not require any buffer reductions that would require a wetland permit. Chris expressed that the wetland permit was permissible and would be approvable. Chris explained that they have provided the permit for that crossing at the most narrowest spot possible. It could be designed in a way that meets the environment impact requirements of NHDES. Chris explained that it also provides for access to a large parcel of buildable land and so they think that it's approvable and appropriate on the yield plan.

Chris explained that he also has gone through the Subdivision Regulations and in their writings provided where they feel that the yield plan meets the Subdivision Regulations.

To the following:

Respect to lot size

Shape rectilinear

Perpendicular roadways where feasible

Radial to roadway where feasible and appropriate where they meet these requirements

Chris explained that after the yield plan they would with the applicant to review the site from an environmental impact standpoint so the conservation subdivision has principles and ideals that it lays out. Chris explained that along with the hard requirements that they need to meet. There's a methodology that they used to determine what the best area to develop. Chris explained that this would probably be the topic tonight. Chris explained that the center parcel was the most important part from an environmental standpoint and staying in insuring compliance with the variances 100' prime wetland buffer was the most important along with the 50' buffer. Chris explained that the areas that are congruent with other open spaces were a major ideal that the Conservation Subdivision laid out.

Chris explained that there's a larger parcel that abuts this and that was owned by the Town and to the east was owned by SELT along with the north side owned by the Town that was maintained by SELT. Chris explained the subdivision across the street was subdivided in a conventional subdivision layout and the parcel as south was owned by Lenzis that recently went through a small subdivision.

Chris explained that when they look at parcels that should be conserved, they look at fish and game habitat maps and in Barrington and throughout the State habitat map that ranks areas from highest habitat to supporting habitat to basically no concern for habitat.

Chris explained instead of clustering all the infrastructure in this area that would require a roadway. Chris explained that they can utilize the existing Towns infrastructure without any additional impact on Town infrastructure by addition of infrastructure. Chris explained they would propose a road that would have taken over by the Town this would have added purchase surface and infrastructure that the Town would then have to maintain in the future. Chris explained that utilizing Young Road was part of the design from day one.

Chris explained that there are areas of steeper slopes on site, but Barrington does not have a steep slope ordinance. Chris explained that there was an area of the subdivision that discourages the use of 35% slopes in buildable areas but no area that you can't touch steep slopes. Chris explained that they have claire documentation on site that there are slopes that range from 8 to 15 some areas pf 35% and greater slopes that they've added to the existing conditions plan, yield plan and the conservation plan. Chris explained that none of those areas that they are proposing to develop. Chris also stated that the subdivision does not require a 9.6 permit.

Chris explained that in the Neighborhood Residential zone they are required to have 20,000 s.f. lots there required to have 75' of width at the building envelope which they have. Chris explained that they are required to have 60% open space of the total parcel and in this case, they do 50% of that has to be open upland area. Chris explained what happens to the open space this was discussed with the Conservation Commission and don't think it's any secret that they sort of oppose to this project. Chris explained that it's important to note that they have a keen interest in what happens to the open space and how they manage it in the future. Chris explained the existing trail that's on site open and free. They designed this subdivision around that trail at the onset of this project. Chris explained that the owner of the future owner Mr. Thibodeau his goal was to never block that so that people had maintained access to the additional public land at the back of the site and explained that he does not have to that there's no easement. This was something that Mr. Thibodeau wanted to incorporate as part of the project to ensure that the community aspect of the consultation subdivision was met and like to do with the open space. This would be owned by the Homeowner's Association of the subdivision. Chris explained that the Conservation Commission was concerned about how that's monitored and what they would like to do was offer that up to a third party. Have the Conservation group monitor that so it can be done objectively. Chris explained that they would like to open certain portions of this parcel for public use they don't have the portions yet.

Chris explained that the Road Agent had comments and they explained to the Board they spent a large amount of time providing driveways site line profiles for every single driveway in the subdivision to ensure that they meet the 300" site distance requirement found within the Subdivision Regulations Site Plan review regulations. Chris explained that the Road Agent asked that the Board refer that matter to CMA Engineers so that they can review the site line profile.

Chris explained to the Board that they are asking for a waiver to the Subdivision Regulations and this was the same waiver requested for a small subdivision where the definitions do not match what the actual requirements would be and do not match what the anecdote standards are consistent with past practice be consistent. Chris explained that they need the 300' of sight distance at 14 ½' off the fog line. Chris explained that they are looking at 375 and all season's sight distance, safe size, distance provided. Chris expressed that the Board would most likely traffic analysis conducted. Chris explained that this was not completed yet.

A. Melnikas said that would change because it was busy now.

Chris explained that this was not finalized yet because they haven't seasonally adjusted it the way you're recommending.

A. Melnikas expressed needs to be done during seasonal.

A. Knapp explained to A. Melnikas that he didn't disagree with what he was saying but can we let Mr. Berry does this presentation and then we can get into that. A. Knapp explained that in full disclosure I live down the other end of this project and am also impacted.

Chris explained that the Subdivision Regulations discuss the potential need for a stormwater impact analysis and they have started these analysis's and would submit to the Board when appropriate and they would suspect that those also be sent to CMA Engineers for comment as well.

Kevin Baum informed the Board that as of today Mr. Thibodeau does own the property.

A. Melnikas asked about the issues with the Conservation Commission.

Chris explained that they are fundamentally opposed to this plan and fundamentally opposed to the development of this property. Chris explained that they don't know if they could prepare a plan that meets the objectives of everything that they are looking for. Chris explained because of that they don't know what else they could provide them, and they have provided this Board is the deciding factor. Chris explained that the Conservation Commission was a recommending force, and they have and have certain ideas on how the site should be developed. Chris explained that it comes down to whether they meet the spirit intent but also the rules and regulations.

R. Allard asked some questions about the yield plan was it appropriate to approve those lot on the yield plan?

Chris explained that this question comes up a lot and the answer was for the Board to decide whether or not the yield plan was reasonable. Chris explained that if they had a road through the middle of the prime wetlands to gain access to one additional lot at the back of the site that was not permissible and would not be permitted through NHDES. Chris explained that he doesn't have an alternative analysis that he could do in a better way that could be better.

J. Driscoll asked what was the length of the roads?

Chris explained that he doesn't have the length of the roads, but they are less than 1,000' from the right of way to the neck.

R. Allard explained to him those backlots he doesn't know how they would get a road in and meet the requirements.

Chris explained that if the Board was more comfortable, they could provide a profile of what those roads would look like to show how they would meet those rules.

R. Allard that would be tight even with the slopes. R. Allard asked about the 35% slope but also shaded areas on the plan.

Chris explained that would be added to the legend.

A. Knapp explained that he had a similar concern with R. Allard looking at it is questioning the back

three lots that were on the yield plan from the standpoint from getting down across the wetlands. A. Knapp explained that it would be challenging to cross the wetlands to accomplish not that anything isn't impossible but also would be so unreasonable.

J. Cappiello asked if they were talking about Lots 13, 14 and 15.

R. Allard explained that you can see the topo was very steep and beyond that was where the wetlands are.

John Huckins explained so if that was done in the load from 7% the discussion that it showed 10% before. John explained that would show the drop off and access.

A. Knapp explained that one of the other areas was that he appreciated the fact that they are leaving trail access through there. A. Knapp explained that one of his concerns with trail access was obvious especially on Young Road really having parking for people to access.

Chris explained that they could consider that.

John Huckins explained that could affect the 100' buffer.

A. Knapp explained that it's one of the items that that they talk about that comes through with subdivision. A. Knapp explained they talk about access to the Conservation.

John Huckins explained that would affect the buffer when they do it.

A. Knapp explained that where that current trail was its pretty high and dry.

John Huckins explained that there was no development behind there.

R. Allard asked about the site line analysis that they did in the waiver request cited two in the documents one was 3.5' and one was you wanted 3.75. R. Allard explained that he would be more comfortable with 3.5'.

Chris explained to R. Allard how they arrived at the 3.75 NHDOT requires that was how they approved permits. Chris stated they can look at what happens when reduced to 3.5.

A. Knapp explained that they talked about the yield plan Lots 13, 14 and 15 and had concerns with Lots 18, 19, 20 and 21 because of the 30+ drop heading back into those lots. A. Knapp explained that there also, a 15' drop in the front like to see if these are going to meet the 7%.

Chris understood that you wanted both.

B. Hackett addressed the Road Agent comments about the speed limit.

Chris explained that Barrington site line requirements are not tied to speed limits, they're tied to major and minor access. Chris explained that Young Road would be considered a major access based on the traffic volume. Chris explained that 300' was required regardless of the speed limit. Chris explained that as part of the traffic analysis, they would calculate speed on Young Road and also compare those with their site line profiles.

B. Hackett explained that they don't have control on the speed limit on Young Road.

John Huckins explained that the Road Agent was talking about because of the stuff on Young Road A. Knapp asked if there has been an analysis for the impact of wildlife in and around that because one of the things he knows that turtles across and around through there when he was on the Select Board and they changed out the culvert through there. A. Knapp explained they tried to make it accessible or to the crossing guard stopped numerous times up and down that road to pick up and move turtles out of the road.

Chris explained to the Board that the Regulations states they can ask for those types of studies and if the Board wants these studies they can do. Chris explained that he discussed the potential well and crossing and the yield plan he discussed and sharing it, that was habitat friendly as well. Chris explained that they were quite conscious of the area and sensitivity to it and how it's to do it appropriately. Chris explained that the Board can ask for the study.

J. Driscoll explained this subdivision creates more impact than others.

B. Hackett explained that this was a pristine site.

J. Driscoll explained that he can't remember any subdivisions that impacted prime wetland to this degree. J. Driscoll explained that he would want to see a 7.6 analysis and as part of the analysis hydrogeological Study because there are parts of that kind of interesting. J. Driscoll explained that he was concerned about Lot 3, 4 and 9 and 10.

Chris explained to the Board that they need to remember that there was a 100' natural buffer to the prime wetlands and you say hanging out. Chris explained that they are controlled by NHDES and we're going to must prove that each lot meets lot loading for that purpose. Chris explained that the entire site meets lot loading for the proposed use as well. Chris explained that there was a certain amount of nitrogen that the ground can handle and as part of the loading charts for NHDES they need to prove that the soil types found on this site.

J. Driscoll explained that they don't have a stormwater study to look at so they can only assume what things end up doing on the long driveways heading to those back lots. J. Driscoll expressed that he thought that originally you would have a retention pond or something down there to collect all the flowing down.

Chris explained that they discussed low impact development design criteria that they can integrate into the plan with the owner at this point they feel they would need any ponds or anything that drastic.

J. Driscoll explained that he was thinking about pollution on the road.

Chris explained that they do have the protected buffer which was the purpose of the buffer and most of the buffers are in the open space.

J. Driscoll asked if they have started on the stormwater and traffic impact analysis.

Chris said yes.

J. Driscoll asked about the grading erosion sediment control.

Chris explained that was part of the building permit process.

A. Knapp wants to see that this meets the yield plan.

Chris explained that the Board's concern on the yield plan thus far are largely the road and make sure that they can meet them and for the proposed lots of property to ensure that those are buildable and developable.

R. Allard explained that they need to discuss the wetland crossing.

A motion was made by R. Allard and seconded by B. Tessier to accept application on Young Road Map 240, Lot as complete. Vote 6/1

Roll Call:

B. Hackett-Yay

J. Driscoll-Yay

J. Cappiello-Yay

B. Tessier-Yay

A. Melnikas-Nay

R. Allard-Yay

A. Knapp-Yay

A. Knapp explained that the Board would be looking for the following:

Wildlife study

Hydro study

Site Distance

Parking

Traffic Analysis (A. Knapp requested that this be done in the prime part of the season and summer months)

Stormwater

Chris explained that a impact analysis was done off peak or offseason. Chris explained that it seasonally adjusted based on surrounding factors and based on the roadway infrastructure. Chris explained that Young Road has a peaking factor that was in the middle of the summer just being up based on the seasonal effects and NHDOT published a seasonal adjustment factor to those type of roadways and infrastructure that has those types of categories.

A. Knapp explained that key factors for him was in the summertime it's kind of a subsequent factor but the Board has approved a venue, and this could also have an impact.

A. Knapp opened public comment.

Daniel Ayer from 334 Old Concord Turnpike asked if on the HOA was there a third-party name yet to the open space have they contact Southeast Land Trust yet?

Robert Caverly from 150 Young Road explained that he has a letter from BCM Environmental & Land Law, PLLC. Robert explained that he would like to read through the letter if the Board allows and asked

if figure 2 from Section 10 could be put on the screen. Robert explained that he and a group are representing the letter.

Robert Caverly Read the following letter:



March 30, 2023

VIA EMAIL (planning@barington.nh.gov)

Town of Barrington Planning Board
c/o Vanessa Price, Town Planner
4 Signature Drive
P.O. Box 660
Barrington, NH 03825

Re: Young Road Subdivision Application (Case #: 240-8-NR-23-Sub)

Dear Chair Knapp and Members of the Planning Board,

I write regarding the application for a 23-lot subdivision on a parcel off Young Road (Tax Map 240, Lot 8), submitted by Paul Thibodeau on behalf of the property owner, Norma Beardon. My firm represents Robert Caverly of 150 Young Road in connection with this matter. This letter outlines several reasons the proposed subdivision should be denied by the Planning Board.

I. The Proposed Subdivision is Not a Conservation Subdivision.

The purpose of the Town's Conservation Subdivision Regulations, as stated in Section 10.1 of the Planning Board's Subdivision Regulations, is:

"...to encourage future land development activities to set aside more open space for the purposes of maintaining the town's character, protecting key natural resource features, preserving wildlife habitat, and creating recreational opportunities for residents. In an effort to achieve these and other related objectives of the Master Plan, the regulations contained in this Article are intended to encourage the preservation of open space by promoting greater flexibility in the design of residential subdivisions than would otherwise be possible following conventional subdivision practice."

The proposed subdivision does nothing more to achieve these aims than a conventional subdivision would. A conservation subdivision should be designed in a way that maximizes the protection of important natural and cultural amenities on the site and maintains the character of the community. Yet, instead of clustering groups of lots along an internal road with open space areas interlaced throughout, the Applicant's proposal concentrates lots in a side-by-side layout along the existing road frontage and on steep slopes that drain into an adjacent Prime wetland.

The Planning Board need look no further than Figure 2A "Poor Cluster Design – Single Family Lots" on page 43 of its Subdivision Regulations as evidence that the proposed subdivision is not only poorly designed, it is indistinguishable from a conventional subdivision. The elements of poor

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cluster design highlighted in Figure 2A include clustering too many lots in a grouping and inadequate distance from perimeter street. Even the example of a poor cluster design sets lots back from the external roadway. The proposed subdivision exploits the less restrictive lot size and frontage thresholds provided by Town's conservation subdivision regulations to utilize the land more intensively along Young Road than would be permitted in a conventional subdivision. Lots are not grouped in small clusters or set back from the external roadway and there is limited direct access to the protected open space from each lot.

The Planning Board should look to Figure 2B "Good Cluster Design – Single Family Lots" of the Subdivision Regulations as an example of an appropriate conservation subdivision layout. In light of this example, it is absurd to consider the Applicant's proposed subdivision a conservation subdivision.

II. The Proposed Subdivision Does Not Meet the Objectives for a Conservation Subdivision.

A central purpose of conservation subdivisions is *"To preserve scenic views and to minimize views of new development"* (See Section 10.1(2) of the Subdivision Regulations and Section 6.1(2) of the Zoning Ordinance). The proposed subdivision fails to provide any measure of good design or clustering that would minimize visual development impacts. Conversely, more house lots would be visible from and more closely spaced along Young Road in the proposed conservation subdivision than in the conventional subdivision design provided by the Applicant.

Furthermore, critical areas such as steep slopes are included as part of the developed portion of the subdivision instead of reserved as protected open space. At least five of the proposed lots appear to have an average slope exceeding 15% and very steep slopes exceeding 25% are present on several lots. As noted in Sections 10.1(1) and Section 10.1(7) of the Subdivision Regulations, which are stated below, a purpose of conservation subdivisions is to protect steep slopes.

- *Section 10.1(1) - "To maintain and protect Barrington's rural character by preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features as unfragmented woodlands, stream corridors, wetlands, floodplains, shorelands, steep slopes, ridgetops, and critical species habitat by setting them aside from development."* (emphasis added)
- *Section 10.1(7) - "To reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes."*

Although the Town does not explicitly restrict development on steep slopes, it is imperative that these features are considered in site planning for conservation subdivisions to minimize

disturbance of landscape elements (See Section 10.1(3) of the Subdivision Regulations). The Applicant's plan concentrates development in the steepest sections of the parcel, which are adjacent to and drain into a significant prime wetland / headwaters for Richardson Pond.

Section 10.1(4) of the Subdivision Regulations states that a purpose of conservation subdivisions is *"To increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements, drainage requirements, and the amount of paved surfaces, where possible."* With respect to this purpose statement, the Applicant claims in their project narrative that any design that does not utilize Young Road would provide for a denser impervious footprint. This rationale is illogical and misleading. It is certainly possible to design and construct a subdivision with an internal road that has the same, if not less, impervious area than the proposed design; especially, since the proposed layout relies on several long driveways to access lots. In fact, the Town's Subdivision Regulations encourage subdivisions of all types to be designed with frontage on internal roads (see examples of "Alternative Access Design" in Figure 4B). It is the burden of the Applicant to develop a design that meets the requirements of the Conservation Subdivision Regulations, even if doing so means there are fewer, smaller lots clustered along an internal roadway and increased project costs.

Finally, the proposed subdivision is not aligned with the objectives of the Barrington Master Plan (See Section 10.1(9) of the Subdivision Regulations). A core goal of the Master Plan is to "Ensure development is compatible with its community character" and to "Guide development along existing commercial corridors and away from environmentally sensitive areas." (See page 12 of the 2017 Vision Chapter). The 2016 Town's Housing Plan, includes the following goals on page 27 related to new housing development:

- *"Apply intelligent planning principles when siting future housing developments within the community by increasing density in the community center." (See Page 27)*
- *"Encourage developers to work with residents living in neighborhoods adjacent to potential projects to understand the community's concerns prior to formalizing development plans."*
- *"Continue to ensure the environmental compatibility of new construction projects during site plan review and planning board approval process."*
- *"Encourage infill development within established neighborhoods that is compatible with the existing current density and land uses, compatible in scale with surrounding areas, and is serviced [by the] existing transportation system."*

Rather than apply good planning principles, including cluster development, the Applicant has proposed a subdivision that overdevelops an environmentally sensitive and ecologically important parcel.

III. The Proposed Development Intensity is Not Suitable for the Site.

The Applicant states that the net density of the subject parcel is 23 dwelling units. While the Yield Plan provided by the Applicant shows the potential for 23 lots on the site, the Plan relies on backlots, irregularly shaped lots, road with steep grades, and impacts to wetlands to achieve this density. It is questionable as to whether the conventional subdivision design in the Yield Plan would meet the general subdivision standards in Article 11 of the Subdivision Regulations. Nevertheless, the Applicant has not adequately considered the character of the land in either its conventional or conservation subdivision design.

The subject parcel contains a significant co-occurrence of environmental features and critical areas, including, but not limited to, prime wetlands, surface waters, steep slopes, and high-ranking wildlife habitat. The Applicant's proposed subdivision layout maximizes the development capacity of the parcel without due consideration for these features or for the character and safety of the surrounding area.

Section 11.1(3) of the Subdivision Regulations states that "*Lots shall contain contiguous areas of developable land such that the driveway, building, water supply and sewage disposal, and other improvements can be constructed without filling of wetlands or other such adverse impacts that could be eliminated by different subdivision design. The number of lots may be reduced by the Board to reduce adverse impacts. The Board shall have the authority to require design changes to minimize impacts regardless of the actions of other local or State permitting actions, such as the issuance of a permit to fill wetlands for a driveway crossing.*" (Emphasis added.)

Furthermore, Section 6.2.2(3) of the Zoning Ordinance, which is specific to Conservation Subdivisions, states that "*The total amount of open space that is identified as open water, wetland soils, exposed ledge, or other terrain conditions that would normally be considered otherwise undevelopable, shall not constitute more than fifty percent (50%) of the area required as open space within a Conservation Subdivision. The Planning Board may allow for a smaller or larger percentage if it determines that by doing so the proposed development will better achieve the objectives specified in Section 6.1 or that the resulting development will preserve features of the site that are of particular importance to the town.*"

The Planning Board should exercise the authority granted to in the above referenced regulations to reduce the number of lots permitted in the proposed subdivision and to ensure that

undevelopable site features such as very steep slopes are accounted for in the areas designated as protected open space.

IV. The Application is Incomplete and Further Information Should be Provided.

Section 7.1(1) of the Planning Board's Subdivision Regulations states that the Planning Board may require additional plans and studies *"When the Board determines that the impact of the proposal is not adequately addressed by the minimum submission requirements of Sections 5.3 and 5.4, or when the proposal may impact a sensitive or critical area..."* Critical Areas are defined in the Subdivision Regulations as *"Areas of any size within 100 feet of a stream, water body, or poorly or very poorly drained soils; areas containing slope lengths exceeding 25 feet on slopes greater than 15 percent."* Given the presence of critical areas on the lot and the proposed development density, the Planning Board should require the Applicant to provide the following reports and studies.

Traffic Impact Analysis – Section 7.5.1 of the Subdivision Regulations states that *"A traffic impact analysis shall be required in the following circumstances: 7.5.1(1) The subdivision involves the creation of 20 or more residential lots or residential units;..."* The Applicant is proposing a 23-lot subdivision. As such, a Traffic Impact Analysis is **required**. The proposed subdivision will lead to a significant increase in traffic on Young Road. The 10th edition of the ITE Trip Generation Manual estimates that a single family detached dwelling generates 9.44 vehicle trips daily. Based on this estimate, the proposed subdivision would increase the daily traffic volume on Young Road by 217 trips.

The Traffic Impact Analysis should examine all characteristics listed in Section 7.5.3 of the Subdivision Regulations, as well as the feasibility of potential measures to minimize the traffic impacts of the development on the surrounding neighborhood and road network. It should be noted that the Implementation Section of the 2004 Master Plan identifies the intersection of Young Road and Route 9 as needing improvement due to poor site distances and geometry. The Plan recommends that the intersection approach be reconfigured to improve alignment and to install a warning beacon.

Grading, Erosion and Sediment Control Plan – Section 7.2.2 of the Subdivision Regulations states that *"The applicant shall submit such plans to the Board for any tract of land being developed where one or more of the following conditions are proposed or present...7.2.2(1) A cumulative disturbed surface area exceeding 20,000 square feet; 7.2.2(2) Construction of a street, road, or driveway; 7.2.2(3) Disturbed environmentally sensitive areas; 7.2.2(4) Disturbed critical areas."* The proposed subdivision will involve most, if not all, of these conditions. It is critical that the Applicant address its plan to protect environmentally sensitive areas from erosion and sedimentation at this phase of the review process. If the subdivision is approved, future development will not be reviewed by the Planning Board.

Stormwater Management Plan – Section 7.3 of the Subdivision Regulations states that “Developments shall not increase, decrease, modify, or alter the normal patterns of stormwater drainage caused during the development of the site and/or by the eventual development itself.” The Applicant should be required to provide a stormwater management plan to demonstrate how it will adhere to this standard. Section 7.3.1 states that “The applicant shall submit a Stormwater Management Plan to the Board for any tract of land being developed where one or more of the following conditions are proposed or present...7.3.1(1) A cumulative disturbed surface area exceeding 20,000 square feet; 7.3.1(2) Construction of a street, road, or driveway; 7.3.1(3) Disturbed environmentally sensitive areas; 7.3.1(4) Disturbed critical areas.” The proposed subdivision will involve most, if not all, of these conditions.

Environmental Impact Assessment – Section 7.6 of the Subdivision Regulations states that “In projects involving 20 or more lots, or where, in the determination of the Planning Board, a significant impact to critical areas or natural resources is proposed, an environmental impact assessment (EIA) may be required for submittal.” Given the proposed development intensity and the presence of critical areas and environmentally sensitive features, the Planning Board should require the Applicant submit an Environmental Impact Assessment.

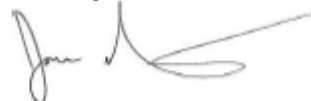
Hydrogeologic Study – The Applicant should be required to submit a hydrogeological study to demonstrate that the site can safely and adequately support private wells and septic systems for each of the proposed lots.

V. The Applicant’s Waiver Request Should be Denied.

Although the Town has in place more stringent sight-distance standards for driveways than those applied by the NH Department of Transportation and the American Association of State Highway and Transportation Officials (AASHTO), this does not mean the Town’s standards are inappropriate. The Town is within its authority to have stricter standards than state or federal regulations. The Applicant has proposed to increase access points on Young Road and should be required to meet the sight-distance standards established in the Subdivision Regulations.

For the foregoing reasons, the proposed subdivision cannot be approved by the Board and should be denied.

Sincerely,



Jason Reimers, Esq.
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reimers@nhlandlaw.com

cc: Bob Caverly

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Paul Panish from 101 Ross Road also member of the alternative on the Conservation Commission explained that when he stood up thought Mr. Caverly was referring to something that he heard him brought up at the Conservation Commission meeting and wanted to clarify. Paul explained that they may want to bring up figure 2 again. Paul explained that the Barrington Subdivision Regulations Section 10.4.1 Read the following:

10.4.1.....LOT LAYOUT PERMITTED

As prescribed in the Zoning Ordinance, a Conservation Subdivision may incorporate one of the following three approaches for the placement of residential structures on the proposed site.

10.4.1(1).....Individual house lots for detached, single-family dwellings;

10.4.1(2).....As cluster group lots for attached single-family dwellings; or

10.4.1(3).....As land without lots (for either detached or attached dwellings) that is held in common interest by all homeowners residing in the subdivision.

Figures 2B, C and D present a sample tract of land that has been laid out based on preferred Conservation Subdivision concepts using the three alternatives listed above. Figure 2A shows this same tract of land with a lot layout that would be considered less desirable.

Paul explained that clustering was recommended for all three, not just for cluster groups, which was the second one of those options. Paul explained that he believed that the way you're interpreting that was not correct. Paul explained that there was a discrepancy between the Zoning Ordinance and the Subdivision Regulations and the Zoning was not as complete as the Subdivision Regulations and the Figure was missing. Paul explained that the subdivision should not include clustering. Paul had a question for John Huckins, he has made it clear to him how the regulations through faith and if they are that it was the duty of the Board to permit process. Paul explained that what was less clear to him was when you specifically mentioned a conventional subdivision. What was the responsibility of the Board in regards to a conservation subdivision?

John Huckins explained that the way he reads the regulations zoning trump's the subdivision because the Subdivision Regulations are supposed to point support of the Zoning Ordinance. John explained that the Zoning was voted in by the people and Subdivision Regulations are approved by the Planning Board. John explained that if they look at the concept the concept was to basically preserve the most critical lands.

Paul explained but by regulations it does.

John Huckins agreed.

Paul asked about the center of the property that was the area of concern and felt the was not the only area of concern because it does not take wildlife into account. Paul asked the Board to look at the comments submitted from the Conservation Commission there was a reference to the wildlife in connect the coast program that was from The Nature Conservancy and also reference to fish and game. Paul explains that designates a corridor in this development, which was the highest priority. Paul explained that corridor was where in the Conservation Subdivision plan, which has some of the highest density of homes.

John Huckins explained that they are doing a study on this it was one of the things that the Board asked for.

Paul explained that on the yield plan in that corridor there are one or maybe two lots in this critical area. Paul explained that under the Conservation Subdivision plan there are four or six homes too deep in that corridor, going back to the wetlands. Paul explained that this does not make sense to him when they were speaking about this about this as the conservation commission they came out with this they felt the Conservation Subdivision was a better alternative though they did not like it to the yield plan. Paul

explained that on reviewing that in consideration of the wildlife corridor and some other issues and felt that the density in that corridor was infamous.

Paul explained that there was one more comment as a Conservation Commission was Mr. Berry statement the Conservation Commission was fundamentally opposed to the development of this property. Paul explained that he doesn't have a perfect recall of the conversation that went on in their meeting. Paul doesn't believe there was ever a statement that anyone brought forward that said that and he takes strong exception to mischaracterization of what the Conservation Commission does.

Brian Lenzi from 155 Young Road and we are an abutter so the southwest and explained to Chris Berry that they did a lot line not a subdivision. Brian explained that on March 7, 2023, Fir Chief Walker talked about grade steeper than 10% Vanessa said claims there are no driveway steeper than 10% this was demonstrated on the site distance. Brian asked they said no driveways steeper and asked if that was on the drawing on the site distance plan?

Chris explained that what he was referring to in responding to Vanessa was on the site distance profiles, they show grading at the driveway entrances. Chris explained that they did that so that they could show a platform calculate their site to confirm which they know you're very familiar with.

Brian asked how wide was the driveway?

Chris explained the driveways are shown at 15' wide and the profiles were provided internally so that they can provide the platform. Chris explained that they could show those profiles on these and then a three to one side slope was provided.

Brian expressed that it doesn't look like a three to one to him. Brian expressed that anyone of these two houses (showed on the plan) with someone coming this way and now this down a hole. Brian explained there would be lights coming out towards Route 9 (aka Franklin Pierce Highway). Brian was concerned height of houses along with the height of cars.

Ken Grossman Chair of the Conservation Commission from 435 Scruton Pond Road and explained that they have said what they said and repeat what Paul said. Ken explained that the Conservation Commission never said where unalterably opposed to a Conservation Subdivision on this property in fact. Ken explained that they said they would like to see it thinned out with 23 lots on the given of what others have said about the difficulties on it. Ken explained that he appreciated some of the things that Chris said there was no regulation for steep slopes. Ken explained that talking about the intent of the Conservation Commission it's asked of the applicant that they try to minimize the impact. Ken explained in reference to what Bob Caverly said if they are talking about community, and we know what the intent of things are and hopes everyone in the room wants to see the right thing done. Ken expressed that the right thing to do would be to make some adjustments and bring back a proposal that everyone likes a little better.

Kevin Carson from 64 Young Road explained that his biggest concern was the well impact and with 23 Other dwellings across the street, what does this do to their wells? Kevin asked if these are going to impact their wells would they go dry in 5 years and felt that the 100' buffer should not be changed.

Marc Brauch from 114 Young Road explained that he was in support of Bob Caverly letter helped for the funds of that letter along with many other neighbors. Marc explained that Ken talked about community engagement and engaging with neighbors, and He believed that Bob brought up as there's some pretty big lack of community engagement with this payment and the developer. Marc explained that the first

time that they heard of this was when he received a certified letter in the mail. Marc explained that this was not just some rando developer too. Marc explained that Paul Thibodeau lives three houses down from him to come over and he ran into while walking on Young Road in his reflective vest. Marc explained that he was at a neighbor's house and came immediately to his. Marc explained that he happened to be on a work call and asked him to come back 15 minutes later and never came back. Marc explained that in his written comment a month ago, invited him to have a conversation and still haven't heard anything. Marc expressed that this one something that's articulated and kind of the spirit of this and that kind of touched on. Marc also wanted to speak on the traffic on Young Road asked Mr. Berry mentioned that traffic analysis has been started or was already started.

A. Knapp reminded Marc that conversations are directly to the Board.

Marc explained that he saw the equipment out across the street from his property he just wanted to make the Board aware of that data collection and the timing of that during the few days or possibly even up to a week it was there he believed it was school vacation week as well. Marc expressed there was tons of snow and that would impact the frequently of the traffic that in the data collected. Marc explained that he would like the timing including of that analysis in the data collection and make sure that was factored into how that's extrapolated out into the peak season as well. Marc explained that there has been a lot of comments regarding surface water and he submitted visual aids to section 3 this was evidence, so the developer sold by property and built the house.

Paul Thibodeau expressed that he did not build his house.

Marc accused Paul Thibodeau of being involved in the planning as well. Marc explained that Fisheye Properties were somehow involved in that planning process. Marc explained that he has provided evidence as a homeowner that it required extensive landscaping to divert water, not just storm runoff, but surface water pressing that almost every time of year, except for peak drought in the summer that we had to divert, basically that was causing flooding in their garage. Marc explained to the Board that when reviewing the application, they need to be extremely conscious of surface water. Marc asked how that's going to be impacted by this dense of a plan, not only to the land itself, but also future homeowners and the things they're going to have to tackle once they purchase this property. Marc explained that he shares concerns with water quality he has a very top end water filtration system in his house even with that water filtration system we have two types of iron we've been working regularly even up to as recent as today with second wins company out of Manchester to service our system. Marc explained that it was services more frequently than recommended by the manufacturer because their current water quality was so poor. Marc explained that if there were 23 houses across the street that's just going to continue to degrade the aquifer and increase mineralization in their water. Marc asked that they consider this in this application.

Kristina Woodmansee from 114 Young Road that was directly across from this proposed development. Kristina explained that when they purchase their property the knew that there was a possibility for a Development across the street. But we did not predict 23 homes proposed along the stretch where there are presently 12 homes has been addressed in the opposing side. Kristina explained that she lives for her daily walks and sometimes she stepped off the shoulder as she saw cars approaching. Kristina explained that they are located right after the dangerous curve. Kristina also would like to see highlights of the environmental impact surfaced this evening. Kristina explained that they have been challenged with water quality. Kristina explained that she also supports her fellow neighbors.

Katie Bean from 112 Young Road explained that she was opposed to the proposed subdivision as it's

currently stands the 23 lots with multiple shared driveways do not fit with the character of there neighborhood. Katie explained that on her side of the road are half the amount of houses each with good size lots, views of nature and privacy. Katie explained that since moving here there have been several bad accidents in front of her house. Katie explained that a few houses lots were reduced from 100' to 40' and this very bad section of road. Katie explained that this was a cut though road more in the summer due to the boat launch seasonal homes and the campground. Katie hopes that the trail would stay that they have in their proposal.

Randy Stillwagon from 377 Beauty Hill Road was the listing broker on the sale of the property and he just wanted point out that there's a massive housing shortage in the State roughly 20,000 houses and apartment units short of where we need to be at the majority of that was in foreign countries, obviously Rockingham, Strafford and Merrimac and Hillsborough County. Randy d that he thinks this was a good project and was in favor of that.

Dan Ayer from 334 Old Concord Turnpike and ex Selectman. Dan explained that this was a Town road there are design standards that you have to enforce under conservation and so. Dan explained these roads are not made for walking and they are increasing the width now it's not the right proper shoulder that you look at design reviews for subdivision. Dan explained that the water in this Town was not going to get better its always going to need to be treated.

Paul Mausteller from 83 Washington Street has lived here for 20 years and has been on the Board side. Paul explained that there was a cluster subdivision that he abutted it was 54 Lots. Paul explained that there were vernal pools, slopes Nippo Lake so he understands what these folks are going through. Paul explained that the concern was somebody builds next to me and obviously going to have some concern, but there was a housing crisis. Paul explained that Article 5 that the Town passed changed from Village to Town Center that's high density. Paul explained that means more houses did we do a traffic study for that Paul explained that we got 83 houses going in or apartments behind Dante's and 25 behind the Christmas Dove. Paul explained that if the applicant meets the requirements of the subdivision and a engineer that develops the plan. Paul explained that they also have a Town Engineer that reviews the plan as well. Paul explained that the Conservation Commission brought up things about the open space maybe we need to look ar the Overlook or the hearthside subdivisions there's open space there, what's the Conservation Commission do there. Paul expressed that he felt the applicant was doing though things and stated that when he drives down Young Road, he doesn't see people there he sees people on the Winnie the Pooh Trail. Paul explained that if they follow the regulations understands the people's Concerns but he hasn't heard anything from them as an alternative. Paul explained that they had a yield plan for 23 houses do they want apartments. Paul explained that it's the harmony of the neighborhood not diminishing their values. Paul explained that he understands the concern with water anybody take a 5 gallon bucket to the culvert it's probably 20 to 30 gallons a minute it goes under the road into Richardson pond. Is there going to be water issues maybe a quality issue but not a quantity issue, but that's up to the engineers. Paul explained that the Chair was a Select Person and the applicant here there was going to be a legal case with the culvert under the road where the person that had priorly owned that land that this applicant's proposing a subdivision on the town was going to take her to court. The applicant worked through the disagreement between the Town and so he thinks there should be more reconsideration on the applicant. Paul explained that the applicant had done quite a bit on that road. He's straightened out and built these people's homes and he thinks there should be some consideration there too.

Bob Caverly explained that he has seen cars go off the corner and its not going to be in the woods it's going to be someone's front lawn or house possibly not little kids waiting for the bus. Bob explained that

the four houses on the corner with the ones that had the buffer or setback reduced and didn't know why though four houses. Bob expressed didn't know why they chose though four houses and he believed that was a safety concern. Bob explained that 11.1.1 of the Subdivision Regulations states that an application to subdivide land and a character that it cannot in the judgment of the Board, be safely used for the proposed purposes because of the danger to public health or safety shall not be approved. Bob explained that the 5-gallon bucket collecting water stream went dry last year. Bob explained that he has personally had his well go dry and in recent years had to take extra measures for water conservation to make sure it doesn't happen again. Bob explained as far as the houses crisis if you are buying one of these houses that's going to be probably with the price tag of \$600,000.00 most of these out here he didn't believe they're having a crisis and that burden should be put on them.

A. Knapp closed public comment.

Paul Parish explained that there are four lots, only four lots that have received relief to have a 40' buffer. Paul explained that he wanted to clarify that because this was not a 40' setback it remains a buffer. Paul explained that 40' along Young Road and only those four lots and it has already been granted relief by the Zoning Board of Adjustment. Paul explained that he feels that there some misconception that this was going to be someone's front yard it remains a buffer, it's just reduced over the 100' buffer that would be allowed. Paul explained that with the intent of the Conservation Subdivision and the owner in this case has a constitutional right to develop his property consistent with the regulations, and that's consistent with his and the closing was today. Paul explained that Mr. Thibodeau does own the property. Paul explained that the Supreme Court has made it very clear, and he would point the Board to the Trustees of Dartmouth College for the Hanover case. Paul explained that the Planning Board cannot deny based on general concern about whether an application meets the intent they must apply the specific regulations in the ordinance. Paul explained in that case the Planning Board denied based on generalized concerns, including they didn't think that the plan met the intent off the City of Hanover Master Plan Supreme Court overturned and granted the permit. Paul explained that they would continue to supply information that they meet those regulations. Paul explained what the have submitted now shows that they have by right the ability to create, to construct 23 lots in a conventional plan and would submit materials to support that and but that means by right provided they meet all the rest of the regulations which they strongly believe they do. 23 lots can be built, and they would provide that information and the supporting reports. Paul explained that with the intent he wanted and thus was the discussion that they had with the Conservation Commission and he felt they mostly got it. Paul explained that the Chair stated that they support the idea of a subdivision conservation. There was a reason we would concede that not the typical cluster conservation subdivision because it doesn't fit on the property. Paul explained they have a primary resource protected to the rear of the property that's contiguous with other protected conservation land. Paul explained that it's fully consistent with the intent of the ordinance and it's good planning to keep the contiguous connection, keep that wildlife connectivity have all the conservation land both on and off the site connected. They have continued to allow access to the trail and the illustration in the subdivision regulations are just they are just that they are not specific regulations to be applied. Paul explained that this was not a typical cluster it doesn't make sense in this case.

A. Knapp expressed that by law they must protect that resource you can't mess with that resource, so we all know that anyway, pointing that out was already being done.

Paul explained that he disagrees because they must protect this research in prime wetland and should where they don't interrupt it and they don't split it up. Paul explained that they don't create and private lots that are adjacent to existing conservation land. Paul explained the prime wetland would be protected

and that was not the limit of this proposal. The reason that it makes sense to develop along Young Road because it moves the development up further away and keeps a larger, more protected area contiguous with other protected lands. Paul explained that the Conservation Commission agreed that it reduces roads and breaks up the connectivity and it reduce overall impervious surface which they've noted. Paul expressed that this plan was far better than a conventional subdivision. This was fully intent with the conservation ordinance the intent it not what it can make it it's whether they meet the specific requirements and they believe they do. They would continue to supply supporting materials to show that.

B. Hackett expressed that the last 3 years that he has been on the Board we have made rides to go in a direction where he thinks either you or John had mentioned it before to get away from that old boy network to be transparent as we can be and to have, we've has arguments that have gone into late in the night over one or two words and what they mean and how they are. B. Hackett explained that when the public comes in and the Board hears things or at least it's him like the Board was the bad guys. B. Hackett explained that the Board was doing a lot for the entire Town of Barrington. B. Hackett explained that this subdivision as a piece of that and the Board was doing the same amount of effort to do there best and do there is due diligence just so people in the public are here tonight understand as well too.

Chris asked the Board about the following studies the Board wants:

Traffic Analysis- to submit to CMA Engineers

Stormwater-review to CMA Engineers once submitted

Site Distance profiles that they provided

R. Allard asked about Wildlife.

Chris questioned if they have the qualifications to do that, they would hire a wildlife specialist for that who specializes in environmental assessments. Chris explained that he was not sure if CMA Engineers may have that type of capability on staff, but he didn't know that they can always hire it to.

A. Knapp explained that the Board would be looking for the following:

Wildlife study

Hydro study

Site Distance

Parking

Traffic Analysis (A. Knapp requested that this be done in the prime part of the season and summer months)

Stormwater

Yield Plan specifications

A. Knapp expressed that he was not convinced that 23 was the number until they have some more information on that.

Chris explained that you asked for information on the yield plan and we're happy to provide that. explained that he would talk to the applicant on what gets sent to CMA Engineers and when it gets submitted there.

A. Knapp explained that they can review some of the comments that have come in as well as the paper that has been submitted from the public comment for the Board to look at and make sure the Board are looking at reviewing and applying everything as expected.

Paul asked the chair about things that were submitted tonight, and they could obtain a copy of that.

V. Price explained that everything has been supplied.

A motion was made by A. Knapp and seconded by R. Allard to continue the application for Young Road Map 240, Lot 8 to May 2, 2023. The motion passed unanimously.

Roll Call:

B. Hackett-Yay

J. Driscoll-Yay

J. Cappiello-Yay

B. Tessier-Yay

A. Melnikas-Nay

R. Allard-Yay

A. Knapp-Yay

6. DISCUSSION WITH BOARD FOR A PRELIMINARY CONCEPTUAL SITE PLAN

A. Fandunion Redevelopment of 1079 Calef Highway site plan.

John Wichert from Wichert land surveying represented Eduard L. and Mariya Fandunion, owners of 1079 Calef Highway. Joe explained that the owner was the owner of a car dealership in Manchester and has a few properties throughout the State. John explained this was located at the site that was Gibb Auto Sales. John explained that the site has historically had a commercial and residential use. John explained that the lot was in the Regional Commercial Zoning District and there are prime wetlands somewhere on the property. John explained that the existing building has four distinct uses from the North to South there was an office for the existing auto sales, two-bedroom residence, a garage, and a studio apartment. John explained that the applicant would like to still use the properties for its current uses. John explained that to do so it's necessary to improve the existing garage. Now it's only about an 8' ceiling so they can't get a carjack in there they can't work on any cars really to achieve this the client has a few different options that they would to get the Boards feedback.

They would prefer to stay in the same footprint as it was today, they would continue to operate auto sales out of the north section of the building. John explained that the middle section would also remain as a 2-bedroom residential unit and the garage would be improved too approximately a 14' in height and existing studio residence would existing studio residence would and the residence would be converted into an office for the garage. This would operate as a separate auto repair company.

John explained that the second option would be to remove the garage and the studio and construct a 40 by 60 building in a buildable pocket. John explained that the exact location hasn't been determined yet. John explained that the would be complying with all the setbacks from a road might as well as the prime wetlands buffers. John expressed again that they have not yet had them delineated yet so there's was the potential that if the Board would prefer to move that way, they would be coming back to seek relief.

John explained that the final option would be to keep the existing footprint of the building and show each section would remain under its current use, so they would have auto sales office, residential unit, garage, and the studio. John asked the Board for their input.

John Huckins explained that a few years ago they gave up the residential uses this was approved

for car sales only and that was what was approved. John explained that there was no legal existing because by the regulations this was all given up. John explained that he did explain to the applicant that they could come in for mixed use.

R. Allard asked if this wasn't a mixed-use structure this could be.

A. Knapp explained that this was not a legal existing development.

John Huckins explained that they gave it up.

R. Allard asked if there was a prime wetland.

John Huckins stated that there was a prime wetland this can be done like the other area would be Fine and then the jurisdiction outside of that would be a 50' buffer.

R. Allard stated there were a few options and he preferred the first option.

John explained that the applicant preferred the first option and keep in the same footprint.

John explained that it would involve the following:

Auto Sales business

2 Bedroom residential unit

Auto repair business with an attached office (separate from the auto sales)

J. Driscoll asked if the garage was 858 s.f.

A. Knapp asked if they wanted to raise the section where the automotive garage was roughly above it.

John explained that it would be 5- or 6-foot lift of the existing roof line of the below the roof line of the office and the two-story residence.

A. Melnikas asked that they talk to the Fire Chief about what he would like to see.

John Huckins explained there's a requirement to have secondary containment for anything over 5 gallons.

A. Knapp asked about stormwater pollution prevention all of this has been factored into that equation.

John Huckins explained that the parking area was legally existing.

A. Knapp said that he felt that there wouldn't be able to get a building in the back.

Design closed.

B. Peach Farm on Young Road addition of residential and retail use to their site plan.

Ryan Caverly from 160 Young Road explained to the Board regarding the peach orchard located

at 178 Young Road. Ryan explained that there are three buildings on the lot barn to the north a resident there, and the southern side of the lot old farmhouse. Ryan explained that the north side was a resident, his aunt lives there and build an attached addition onto that structure.

Ryan explained the following for future:

Bathrooms

Bar

Retail area (maybe)

State approved kitchen for producing for the farm

The Board had a lengthy conversation on what the Board would allow without a full engineered Plans.

The Board was 4 to 3 approved the following without engineered plans but if they increase anything full site plan would be needed.

No need for engineered plan

ADU expansion of the house attached with deck

State approved grade kitchen and bathroom

Add porch to existing barn

Anything else full engineered plans.

Designed Closed.

7. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

A. Housing Master Plan Chapter

Discussion of the Housing Updates. Discussion of determination the make-up of a steering committee or Planning Board. If there is an agreed upon a Steering Committee, Staff recommendation is two members from Planning, one member from Conservation, one member from Select Board, two citizen member spots, and Town Planner as staff. Anticipated advertisement and member choice and notification in May 2023.

V. Price asked the Board do they want the Planning Board Steering Committee to make up the meeting.

The Board agreed to have the Steering Committee.

B. Vote on Chair & Vice Chair Positions

The Board voted to have J. Driscoll as chair and R. Allard as vice-chair.

Roll Call:

B. Hackett-Yay

J. Driscoll-Abstained

J. Cappiello-Yay

B. Tessier-Yay

A. Melnikas-Yay

R. Allard-Yay

A. Knapp-Yay

Chair & Vice Chair Positions; Planning board Rules of Procedure: The officers of the Board shall be elected annually as soon as possible after the Board of Selectmen appoint(s) members to any vacancy and those appointments have been qualified. Election of Officers shall be by majority vote of the Planning Board. (Newly elected Chair & Vice Chair will begin their term at the next Planning Board meeting.)

C. Discussion of select board recommendation of building permit for George and Ellen Rose, at 437 Mica Point Road (Map 118, Lot 67) Category 3, Option 2 with waiver request on a Class VI/Private Road. (No discussion, amend the recommendation.)

A motion was made by A. Knapp and seconded by J. Driscoll to recommend the changes to after receiving the Town Attorney opinion, the Barrington Planning Board, at the April 4, 2023, meeting had no objections to the application for a Category 3 on the Class VI/Private Road Policy with the request for a waiver from the policy.

8. ADJOURN

A. Adjourn the Planning Board Meeting. The next Planning Board meeting is a Work Session on April 18, 2023, at 6:30 PM.

Meeting adjourned at 11:19 p.m.

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