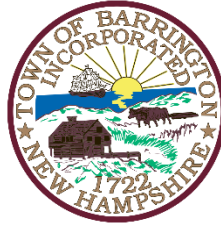


TOWN OF BARRINGTON, NH
LAND USE DEPARTMENT
Vanessa Price, Town Planner
Barbara Irvine, Planning &
Land Use Administrative Assistant



Planning Board Members
John Driscoll, Chair
Ron Allard, Vice Chair
Buddy Hackett
Andy Knapp
Bob Tessier
Donna Massucci
Joyce Cappiello (Ex-Officio)

Meeting Minutes
Town of Barrington Planning Board
Public Hearing
(Approved February 6, 2024)
January 9, 2024, at 6:30p.m.

1. CALL TO ORDER

J. Driscoll called the meeting to order at 6:35 p.m.

2. ROLL CALL

Members Present: John Driscoll, Ron Allard, Bob Tessier, Joyce Cappiello, Andy Knapp

Members Absent: Buddy Hackett, Donna Massucci

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

3. REVIEW AND APPROVAL OF MINUTES

A. Review and approval minutes of the December 5, 2023, meeting minutes.

A motion was made by A. Knapp and seconded by B. Tessier to approve the minutes of December 5, 2023, as written. Vote 4/1 abstained

Roll Call:

A. Knapp-Yay

J. Cappiello-Abstained

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

4. STAFF UPDATES-TOWN PLANNER

A. Housing Committee Update: Scenario Planning Workshop Data.

V. Price explained that she would be talking about the housing update at the next meeting.

V. Price explained that they would be holding a Scenario Planning Workshop date that was rescheduled to January 31, 2024, from 4:00 p.m. to 6:00 p.m. The Board has been supplied with some of the data and statistics about the current housing that was in the Zoning.

B. Work Session Meeting work on updating Subdivision regulations & Technical Review Group (TRG) to be held January 16, 2024.

V. Price explained to the Board that on January 16, 2024, they would be working on the Subdivision Regulations and talking about Technical Review Group.

C. Withdrawn Applications: 223-26-58&59-RC-23-LL and 223-26-58&59-RC-23-SR.

V. Price explained to the Board that the two applications above were withdrawn so they would not be heard tonight.

J. Driscoll explained to the Board that due to the weather conditions the meeting would end at 10:00 p.m. and the meeting would continue until January 16, 2024.

5. FIRST PUBLIC HEARING FOR PROPOSED 2024 ZONING AMENDMENTS

V. Price explained that the Board discussed moving the Proposed 2024 Zoning Amendments tomorrow night January 10, 2024, due to the inclement weather coming in it was advertised that if there was inclement weather that it would be held the next day.

Roll Call:

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

Pursuant to NH RSA 674:16; 675:3 and 675:7 notice is hereby given of a public hearing to be held by the Town of Barrington Planning Board for the purpose of discussing proposed amendments to the Zoning Ordinance.

- If there are language changes by the Planning Board, there will be a Second Public Hearing date.
 - If needed, SECOND PUBLIC HEARING DATE JANUARY 23, 2024, 6:30 PM. (In the case of inclement weather, the hearing will be held January 24, 2024.)

6. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

A. Seven Proposed Zoning Amendments proposed by Planning Board member, Andy Knapp for the Board's consideration.

- If needed, SECOND PUBLIC HEARING DATE JANUARY 23, 2024, 6:30 PM. (In the case of inclement weather, the hearing will be held January 24, 2024.)

A. Knapp pleaded to the Board that he was submitting a petition for Zoning changes, and he submitted the warrant articles on Thursday December 14, 2023, when they were due on December 13, 2023. A. Knapp explained that he was making an appeal to the Board since 50+ people signed them that the Board would consider taking them up for submittal. A. Knapp explained that he had seven proposed warrant article changes listed below:

WARRANT ARTICLES

1. Article 4 -Table 2 Table of Dimensional Standards (a)

General Residential – Min. Lot Frontage (ft.) (b) from 200 to 300

A. Knapp explained that there would be a mostly rectangle lot shape and it doesn't create a longer slender lot in the in the process of it and keeps the uniformity that the rules are intended to have with the design of lots.

A motion was made by A. Knapp and seconded by R. Allard to move Article 4-Table 2 Lot Frontage General Residential from 200 to 300 to a public hearing. Vote 4/1

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

R. Allard-Nay

J. Driscoll-Yay

J. Driscoll opened public comment.

J. Driscoll closed public comment.

2. Article 4 -Table 2 Table of Dimensional Standards (a)

Neighborhood Residential – Min. Lot Frontage (ft.) (b) from 200 to 300

A. Knapp explained for the same reason as above.

A motion was made by A. Knapp and seconded by R. Allard to move Article 4-Table 2 Lot Frontage in the Neighborhood Residential from 200 to 300 to a public hearing. Vote 3/2

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Nay

R. Allard-Nay

J. Driscoll-Yay

J. Driscoll opened public comment.

J. Driscoll closed public comment.

3. Article 4 -Table 2 Table of Dimensional Standards (a)

General Residential – Min. Lot Size (s.f.) (b) 80,000 (c) to 150,000 (c)

A. Knapp explained for the same reason as above.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

A motion was made by A. Knapp and seconded by R. Allard to move Article 4-Table 2 Table of Dimensional Standards in the General Residential from 80,000 s.f. to 150,000 s.f. to a public hearing.

Vote 3/2

Roll Call:

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

**4. Article 4 -Table 2 Table of Dimensional Standards (a)
General Residential – Min. Lot Size (s.f.) (b) 80,000 (c) to 150,000 (c)**

A. Knapp explained for the same reason as above.

A motion was made by A. Knapp and seconded by R. Allard to move Article 4 Table 2 Table of Dimensional Standards in General Residential from 80,000 s.f. to 150,000 s.f. to public hearing.

Vote 3/2

Roll Call:

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

5. Background: 4.1.3 – Back Lots

4.1.3(1) The parcel must have at least Seventy-Five (75) feet of frontage on an existing Class V Road or better road.

A. Knapp explained this would be an adjustment from 50 s.f. to 75 s.f. to ensure that there was some buffer between the driveway going in and the homes that go in around it.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

A motion was made by A. Knapp and seconded by R. Allard to move Background 4.1.3 Back Lots to public hearing. Vote 4/1

Roll Call:

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

6. Proposed Change: 4.2.1(1) – In the GR and NR districts the minimum lot size for Dwelling, Single-Family is 150,000 s.f. which must include at least 60,000 s.f. free of poorly or very poorly drained soils, open waters, bogs, marshes, rivers, streams, or exposed ledge. Additionally, the 60,000 s.f. must contain at least 35,000 sq. ft of contiguous uplands.

J. Driscoll opened public comment.

Bob Caverly from 150 Young Road agreed with A. Knapp proposed change 4.2.1 (1) and stated that people are moving out of Town because they can't afford taxes anymore. Bob explained that he strongly supports the article.

J. Driscoll closed public comment.

A motion was made by A. Knapp and seconded by B. Tessier to move Article 4.2.1 (1) to a public hearing.
Vote 3/2

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Nay

R. Allard-Nay

J. Driscoll-Yay

7. Background: 4.2 Minimum Lot Size

Proposed Change: 4.2.1(2) – For each additional one (1) bedroom dwelling unit under a common roof, which does not qualify as an Accessory Dwelling under this Ordinance, the minimum standards cited in Paragraph (1) above shall be increased in the following proportions. Minimum lot size shall be increased by 60,000 s.f., the area of free of poorly or very poorly drained soils, open waters, bogs, marshes, rivers, streams, or exposed ledge shall be increased by 30,000 s.f. of contiguous uplands and the area of upland soils shall be increased by 15,000 s.f. Any dwelling unit created under the created under this provision may contain a total of no more than two additional habitable rooms (such as a kitchen and living room), in addition to a bedroom. No additional habitable rooms may be created in said dwelling units at any time in the future.

J. Cappiello asked the Board if the Board could change for ever because the language was at any time.

John Huckins explained if there was a regulation change so if a future Board changes the regulations.

V. Price explained to the Board that whatever articles go forward they would also have legal review.

A. Knapp explained that the language was done in conformance with the existing regulation. The only thing that changed was the square frontage quality.

J. Driscoll opened public comment.

J. Driscoll closed public comment.

A motion was made by A. Knapp and seconded by R. Allard to move Article 4.2.1 (2) to a public hearing.
Vote 3/2

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Nay

R. Allard-Nay

J. Driscoll-Yay

7. ACTION ITEMS

A. CLASS VI/PRIVATE ROAD APPLICATION

- 1) Review of a request for a building permit for P & P Property Management located on Flower Drive ([Map111, Lot 6](#)) for a Category 3, Option 2 on a Class VI/Private Road.

J. Driscoll gave a brief description of the application.

Alex explained that he was one of the owners of P & P Real Estate Management, LLC applied for the building permit within the setback guidelines. Alex explained that they are now applying just for the road improvements and supplied the estimated bill costs and the 10% for the road improvements.

J. Driscoll explained that they are going to provide \$20,000.00 per policy for Flower Drive.

John Huckins explained that the \$20,000.00 equals the work that needs to be done. John explained that the way the Select Board policy works was he must have the work done before they can get the occupancy. John explained that he doesn't supply money for someone else to do the work his constructors can do the work.

J. Cappiello questioned the best approach do they need to discuss that or just the amount.

John Huckins explained that this complies with the policy that the Select Board has, and the Board makes the comment that they would supply with the policy for what the plan and what has been done in the past. John explained that the comments from the road agent was saying there's some other areas so this Board could day that they agree with the road agent so that when the Select Board was looking at it, they can make the decision on what they want to make sure was done. John explained that technically the Select Board was the only one that can determine what must be done to issue the permit.

A. Knapp explained that he wants culverts installed.

John Huckins explained that if they do the culvert work, they may not be doing the pavement. John explained that there was \$20,000.00 worth of work to be done.

J. Driscoll opened public comment.

Kevin Brigham from 246 Flower Drive and was the president of the Road Association. Kevin explained that he has been working with Alex on this project. Kevin explained that they have a grant through NHDES to do the culvert work on the same exact property adjacent to the paving area that would be done this year. Kevine explained that once the culvert work was done the paving would be done.

J. Cappiello asked if the work would be done this year.

Kevin stated that the work would be done this year.

John Huckins suggested that the recommendation be that they work with the association so that the work can be done in a timely matter.

J. Driscoll closed public comment.

A motion was made by A. Knapp and seconded by R. Allard that the applicant works with the association to get the work completed on Flower Drive sending to the Select Board that they support the \$20,000.00 recommendation. The motion passed unanimously.

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

B. CONTINUED CASES: From December 5, 2023

- 1) **240-8-NR-23-Sub (23) (Owner: Young Road, LLC (Previously-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. **(Application was accepted as complete on April 4, 2023. Waiver granted October 17, 2023.)**

J. Driscoll gave a brief description of the application.

Christopher Berry from Berry Surveying & Engineering represented Young Road, LLC. Chris explained that they received comments back from CMA Engineers and they have addressed all the comments that CMA Engineers and the second review they resubmitted plans to the Board and CMA Engineers. Chris explained that CMA Engineers asked that they take a second look at site distance that they had on their plan and the result of that was that they combined one additional driveway. Chris explained that due to the site distance on one of the driveways that's further. Chris explained that another recommendation was that they combine two other driveways so that they have a total of 10 driveways. Chris explained that they are considering moving the driveways down to a total of 10 and they have done that and resubmitted back to CMA Engineers and the Board for review.

Chris explained that the platform elevation for each one of there driveways and how they would achieve the required 10% max grade into each one of the lots. Chris explained they demonstrated by the plan the driveway grades into each one of them. Chris explained they've graded out the entrance pad to the front, either 40' or 100' setback provided the driveway profile to prove that they would meet the platform requirements as well as the 10% max grade and how the areas would grade out within side of that area. Additionally, pursuant to the town stormwater regulations they provided stormwater sediment erosion control devices, sediment erosion control

plan as part of the grading scheme and provided additional notes on the plan about sediment erosion control devices needed during construction. Chris explained that each of the home sites would likely trigger the 20,000 s.f. of disturbance that would then require sediment erosion control plan before being submitted to the Building Department.

Chris explained to the Board that this was a subdivision not a site plan so they're trying to create individual lots for individual sale. Chris explained that they are not creating a subdivision where they have exact home placements picked out exact home styles picked out, septic system locations, well locations. Chris explained that they are creating lots for people to build on in the future and so because of that they are not able to grade out and demonstrate how somebody would provide sediment erosion control features for the exact site plan of each of these lots because they are all going to be different. Chris explained that they have given the Board enough information so that the Board can see how it could be done and how it will be done in the future to demonstrate compliance with the 20,000 s.f. of each lot. Chris explained that as part of the septic design they would have to provide code enforcement or predecessor with a sediment erosion control plan which was required by the town subdivision regulations.

Chris explained that they also provided a hydrographic study that was submitted to the Board with no comments made by CMA Engineers. Chris explained that there were additional comments made on the traffic analysis that they did. Chris explained that they provided the additional data and then resubmitted that and they submitted a stormwater analysis demonstrating that the project does not increase stormwater to Richardson Pond from the two 10,25- and 50-year storm events that CMA Engineers has reviewed. Chris explained that CMA Engineers did not comment that the analysis was flawed. They commented that if the analysis were done differently, they may have different results, that was a comment CMA Engineers has remaining.

Chris explained that a few other remaining comments have to do with two construction details that CMA Engineers asked them to update. Chris explained that CMA Engineers stormwater management plan that would be required for the lots has not been submitted which it has not because the lots are not proposed to be developed at this time at this phase in the subdivision. Chris explained that the Zoning Board granted the required waivers and requested waivers and variance that they had on the project along with the waiver granted by the Planning Board the one waiver that they asked for concerning utilizing the ash tone standards for site distance requirements. Chris explained that they believe they have supplied all the required documents at this time.

A. Knapp expressed that an area where he had concern was there was this was a Conservation Subdivision and the Board would see the documents for the Conservation Subdivision as well as the language would be around the lots. A. Knapp explained the lots that would be protected and who would have access to the easement requirements the Board hasn't received anything. A. Knapp explained that one of his concerns was based on a prior subdivision that was done on the configuration in how the easements were put in place. A. Knapp explained that this was really designed to be garnered Conservation Subdivision was designed to create public access to the land or resident access to the land and they don't know where that falls in any of that.

Chris explained that they thought that would be a condition of approval but if the Board would like to see the required documents, they certainly would submit them.

John Huckins explained that's different legal documents to describe the open space.

A. Knapp explained that part of the Board's rules in this if they look at it are that it tells you how this space was going to be set up and utilized and that's the Board's responsibility as a Board for approval. A. Knapp expressed what was the Board approving if they haven't looked at anything.

John Huckins explained that it says it's supposed to be available for the residents of the subdivision. John explained that the applicant has a right to allow public access but it's not a requirement not in the regulations it's written.

A. Knapp explained that it's written out in three different approaches whether its open space was a public access space, as if it's resident access. A. Knapp explained that there was nothing that clarifies the intent of this and the Board's authority as a Board was to accept or deny that proposal and that was written into the regulation as the Board was under:

14.12 under the subdivision SEE NOTE #1 ON ATTACHED (A. Knapp read)

John Huckins explained that you don't have read the description of the open space.

A. Knapp explained that he was saying that it doesn't meet the definition of a Conservation Subdivision.

John Huckins explained that they conform because they got Zoning relief.

A. Knapp stated they got zoning relief for two lots.

John Huckins explained that they got relief for all the frontage and that was the reason they don't complex with Conservation regulations.

A. Knapp expressed to John Huckins that was his opinion but you're the Zoning Administrator. A. Knapp explained that the job of the Planning Board was to review and interpret the regulation then respond as a Board. A. Knapp explained that he has a list of items that he feels that they do not meet from a compliance and that's why we are here tonight.

John Huckins explained to A. Knapp that if they deny this application you need to give the reason.

A. Knapp explained that he has pages of reasons.

A. Knapp read under Note #2 from the Zoning Ordinance (Page 1) feels doesn't meet rules of the Zoning Ordinance

1.3 Applicability

1.3 (2) Safeguard natural resources, such as ponds, lakes, rivers, streams, wetlands, forests and aquifers

A. Knapp comment below:

I don't believe it accomplishes that because it usurps the regulation of or the authority of the board by developing it out on an individual basis so that the 100,000 square foot trigger for AOT isn't there or any of the umm. Wetlands and other protection measures that would be put in place.

Chris Berry explained that line of thinking implies that there would be no frontage subdivision permitted under the Zoning Ordinance which any frontage subdivision really of any size doesn't necessarily trigger an AoT permit. Chris expressed that A. Knapp was saying that they intentionally done this to use the Zoning Ordinance and other State regulations and State permits that aren't required for project design like this and in so doing, we're endangering the health, wealth and safety of others including ponds and streams. Chris explained that they are in full compliance with the wetland ordinance and will the prime wetlands ordinance they have no wetlands permit. Chris explained that they do not require an alteration of terrain permit because this was a frontage subdivision. Chris explained the term usurped was being used in a way that makes it look like any frontage subdivision was also doing that in light and that's not the case.

A. Knapp explained that his opinion was when he looks at this, he doesn't think it and he believes that it usurps the intent of the regulations in how it's written how, and the subdivision was designed and configured. A. Knapp explained that as he goes through it, he would explain. A. Knapp explained that when he talks about the health, safety, welfare and prosperity, the community he thinks this directly negative was negative to the people around there. A. Knapp expressed that it's a massive safety concern when you look at the development and buildout of any of these houses down there. A. Knapp explained that the construction equipment everything lined up on an already tight and narrow road putting people's health, safety and welfare directly at risk for it. A. Knapp addressed the development across the street and the neighbor's that presented the problems they had with their homes. A. Knapp explained that it is indicative of the problems you would see with this property and parcel development as well.

1.3.(3) To preserve the essential character and quality of life in the community

A. Knapp explained that it does not achieve that.

Chris asked how that differs from any other subdivision?

A. Knapp explained that he believes that when there approved it could be done in a way that truly meets the essence of what a subdivision was designed to do. A. Knapp explained that because this all comes off a main through road where there's scenic vista there's wildlife Habitat they are creating a direct impact to all the characteristics and values that are aligned for any communities. (in this case Barrington Neighborhood Regional area) A. Knapp asked it not neighborhood in residential what was being proposed or looking to be achieved.

Chris asked if this opinion is based on any subdivision this subdivision a conservation subdivision or a standard subdivision.

A. Knapp explained that it could be any or all but, in this case, he was talking about this one so he couldn't comment on anything else. A. Knapp asked if preserves the essential character and quality of life? A. Knapp explained that he doesn't believe it does and he believes the way it's set up it and doesn't promote any of the characteristics that subdivision regulations are designed to enact to provide to create community. A. Knapp explains that this creates houses that are plopped on a lot that do not promote or encourage any sort of community behavior.

Chris explained much the same as any other frontage subdivision in the Town of Barrington.

A. Knapp expressed that he didn't know what he was referencing that you say frontage subdivision, but you don't have. A. Knapp explained that he doesn't have anything specifically that was being pointed to and not relevant because the case before the Board was relevant not something already been done.

1.3.(4) To protect property values

A. Knapp explained that you are not protecting property values when you have lovely sloping views right now and suddenly now there're going to have the hazards of 10 more driveways with houses stuffed in there.

1.6 Interpretation Note #3 from Zoning Ordinance (Page 1)

A. Knapp expressed that it's just meeting the bare minimum and he would continue to say that he feels even meets the bare minimum.

1.8 Consistency with the Master Plan and Capital Improvement Plan Zoning Ordinance (Page 2)

A. Knapp expressed that it does not align with the intent of the Town Master Plan so he can't say that it was consistent or consistent approach to the Master plan.

2.2.2 Neighborhood Residential (NR)

A. Knapp explained that the open space is the need for it to meet the design and be deeded as such. A. Knapp explained there was nothing to comment on that so it's hard to comment on that piece.

Article 6-6.1 Purpose -Conservation Subdivisions- Zoning Ordinance (Page 23)

A. Knapp explained that when you get into a Conservation Subdivision under the purpose the proposal the proposal impacts wildlife corridors, steep slopes, and potential wetlands impacts. A. Knapp explained that because drainage control was pushed off the drainage control was all being pushed off to whoever the builder was and the potential homeowner. A. Knapp as they've seen by multiple people that have come before the Board. A. Knapp explained that it doesn't mean that they necessarily know exactly what they're doing or what they're getting into it which forces a civil matter in nature. A. Knapp expressed that he felt this wasn't something for the Board to pass along and was not responsible for what they'd seen in prior development.

6.1.(2)-Zoning Ordinance

A. Knapp explained that the plan does not accomplish should it destroys the scenic vista and development was all now become a visible component closer to and from the street.

6.1.(3)-Zoning Ordinance

A. Knapp explained that the concept was not suitable for the natural terrain to minimize disturbance of the landscape elements the concepts not suitable for the natural terrain of the land and it would not minimize the impact or the land development in and around that property. A. Knapp expressed that he thought it's going to create massive head walls and other challenges from a development end.

6.1.(4)-Zoning Ordinance

A. Knapp explained by pushing the drainage plan from the project to the site purchaser it removes the protection and oversight of the Board and puts it on the Zoning Administrator and the Developer along with the future owner. A. Knapp explained that this also usurps the intent of the regulation.

6.1.(5)-Zoning Ordinance

A. Knapp explained that the property was currently posted, and he would like to see the language

for the deeds that specifically address the open space up to residents and or public use as well as have adequate parking. A. Knapp explained that it was a right for the Board to approve or deny based on Conservation Subdivision rules and requirements.

6.1.(7)-Zoning Ordinance

A. Knapp explained the request to have the lot owners do this again usurps the intents of the regulation and does not address the Town regulations as a Board.

6.1.(8)-Zoning Ordinance

A. Knapp explained that there was no language for deeds permitted use of the open space aside from the development on the other side of the street. A. Knapp that one would presume the language would be drafted favorable to one or two parcels and not uniform to the best use of the development being the actual proposed development or the community.

6.2.2- Density and Dimensional Standards-Zoning Ordinance Note #5 Page 23

A. Knapp explained that he doesn't believe that it meets the standard access not intended to be through the parcel. A. Knapp explained that parcel it's intended to be from the street noted as the internal street. The project design because there was no internal street does not create an opportunity for access into the parcel if it's open to all the residents or the public. A. Knapp explained that if opened to the public they are forced to go through the access of the pond down below where Winnie the Pooh Trail was and you're and forces all the parking and overflow for that down into the area.

Chris explained that each one of the lots has direct access to the open space as part of the subdivision design.

A. Knapp stated that he agrees with that statement, but we do not know how access was being applied for them and or for the openness of the community. A. Knapp explained that none of that Has been provided or addressed.

Chris explained that he was pointing out that each one of the lots has direct access, meaning that it touches open space. Chris explained that they must go all the way down to the trail to gain access to the open space none of the lot owners must do that.

R. Allard asked about the regulations and or the public. R. Allard explained that the preference that says you must achieve as many of the objective as possible, right so to say that the public would be included was certainly to any point it's something that needs to be addressed by the Board.

A. Knapp explained that the whole point of a Conservation Subdivision when the Board looked at it was to build it the point was to be able to cluster that density and then open that space up for the purpose of community. A. Knapp explained that when the Board does not address that it doesn't happen, and you end up with the potential for misuse mismanagement or no access to use which just further closes off what the Board intended regulations around Conservation Subdivision was.

6.3.3-Compliance with Other Regulations -Zoning Ordinance Note #6 Page 27

6.3.5-Homeowner's Association Required-Zoning Ordinance Note #6 Page 27

A. Knapp expressed that the Board has not received anything that provides any guidance on where the Board may provide input.

Article 7-Supplemental Regulations-Zoning Ordinance Note #7 Page 28

7.1-Performance Standards-Zoning Ordinance Note #7 Page 28

A. Knapp explained that he was deeply concerned that the sheer volume of added driveways are dangerous and injurious as well as the potential not only during the development phase but upon move in phase and then upon occupancy in phase on a road that was already, he was extremely dangerous from travel standpoint was a concern. A. Knapp explained that the Board can't control the speed of what people drive and it's the Boards responsibly to make sure they protect not only the people that live on the road now.

Chris explained that was a topic of conversation throughout this entire project, and there proven repeatedly that they have adequate site distance for each one of these driveways.

7.1 (2)-Zoning Ordinance Note #8 Page 28

A. Knapp explained that he firmly do not believe that this has been proven within the standards with comments like we can't control how people drive and other similar statements they may meet the standards for sight distance. A. Knapp but he firmly believes they are going to put people's health, safety, and wellbeing at risk with heavy equipment trucks being parked along the side of a road with no shoulder to speak of with construction vehicles being parked along the side of a road that has limited or no shoulder. A. Knapp expressed that it's going to be hazardous and risky to anyone who travels that road. A. Knapp explained that there was no good method in the regulations to address parking.

A. Knapp brought up Note #1 again scattered and premature again.

Chris explained that each of the driveways is between 40 and 100 feet long, no reason for anyone to be parked on the side of the road. Chris explained that before we got too far beyond scattered and premature the test was a far cry different from its actual meeting versus how it's being used in that presentation. Chris explained that this was the only parcel that had not been developed in this area. Chris explained that scattered and premature was an expenditure of funds due to road Lengths, proximity to Town. Chris explained that you could have an expenditure of funds for I think A. Knapp's point might be life safety, but he fails to see how many of those would be impacted by a frontage subdivision across the street from a common frontage subdivision on a Local road within the Town of Barrington.

A. Knapp explained that he doesn't believe the road has been built to a standard that can handle that and with 10 added driveways as opposed to one neighborhood and even if you look at the defining regulation and proposed use of what a good, planned subdivision was. A. Knapp explained that when you look at how that's set up it does not all take access off one main road. A. Knapp expressed that they may have achieved relief for it, but he doesn't have to agree that it creates a good opportunity. A. Knapp explained that he still believes it creates a high risk for anyone here and because there was no proposal on the build out of the lots. A. Knapp explained that it actually passes the buck on to whoever the potential developer was or the builder, which means anything that was being stated to the Board here does not actually have no oversight being followed through an authoritative manner. A. Knapp explains this was forth into the hand of the Zoning Administrator, but it does not actually address the Boards responsibility as a Board.

Chris explained that has nothing to do with scattered and premature development.

A. Knapp expressed that he thought the development was scattered and that it doesn't align with the defined plan of what a conservation Subdivision.

Chris explained that the, but the definition of scattered and premature development isn't the definition that you've just provided.

A. Knapp explained the definition of scattered in premature development as per our regulation nothing in this article shall be construed to limit the extending existing authority of the Barrington Planning Board to deny new proposed development that is scattered or premature requires an excessive expenditure of public funds or otherwise violates the Town of Barrington Zoning Ordinance or the Berrington Planning Board Site Review Regulations or subdivision regulations, or which may otherwise be lawfully denied. A. Knapp explained as he I have read it; he believes addresses those items you've made the connection between.

Chris explained to A. Knapp that he has made the connection between how they are proposing each one of their homes in a frontage subdivision be responsible for their own construction standards. Chris explained that he made the construction standards from a sediment and erosion control standpoint to scattered and premature development. Chris explained that those two things don't link.

A. Knapp expressed that what they have was two different opinions. A. Knapp explained that Chris's opinion was for the benefit of the developer and his was for the benefit of the community.

A. Knapp addressed the following from the Site Review Regulations:
3.5.3 Temporary Erosion Protection During Construction Note #9 Page 17

A. Knapp explained that it neglects to pass on to the developer.

Chris explained that he disagrees with A. Knapp there and he failed to hear the part of his presentation where they have established sediment erosion control devices, not only during construction and have provided sediment and erosion control devices on the lots for the home construction as well.

A. Knapp asked where this information was.

Chris explained that it was in the response letter to CMA Engineers on sheets 62, 63 and 64 are sediment erosion control details.

A. Knapp asked how you can have sediment erosion control when they do not know where the house, septic and well was going.

Chris explained that because the sediment and erosion control details the perimeter control that keeps sediment in place and on the lot. Chris explained that on sheets 21, 22, 24 and so on providing sediment erosion control details around each one of the constructed driveways along

with sediment erosion control details further down the lot. This shows an example of how somebody would manage siltation controls on the site. Chris explained that perimeter control typical C version control #9 on the overview plan and they show silt socks along with all your typical perimeter controls that are required on any construction site. Chris explained that CMA Engineers had some extra concerns around this with regards to.

3.5.9 Proposed Vehicle and Pedestrian Access Note #9 Page 17

A. Knapp explained that his concerns are around the development of it as well as once it was developed. A. Knapp asked how vehicle and pedestrian access was handled on an already difficult road.

3.5.10 Landscaping and Screening Note #9 Page 18

A. Knapp asked about landscaping and screening when there was no plan and takes out of the Board's hand without looking at the landscaping and screening from a site review standpoint.

Chris explained that landscaping and screening from a site review standpoint, which was what A. Knapp was referring to, was from a standpoint of how sites are built out as a site plan was developed. Chris explained that they are not proposing that the lots be built out as part of a site plan review. So, landscaping and screening requirements the way A. Knapp was referring implies that he would have to say over how somebody landscapes and screens their home and the Planning Board doesn't have purview over that. Chris explained that the Board does have purview over streetscapes and the perimeter buffers and things like that that they have provided along with relief from the Zoning Board. **(Approval of Zoning Board attached to these minutes)**

3.5.11 Parking and Circulation Note #9 Page 18

A. Knapp explained because they do not know what driveways are going to be, how people would maneuver in and out of a driveway or turnaround. A. Knapp explained that it's tough to talk about parking and circulation.

3.6 Construction Detail Drawings Note #9 Page 18

A. Knapp explained that the Board doesn't know what's going to be built and they have no construction details or drawings.

3.7 Building Renderings Note #9 Page 18

A. Knapp explained that the Board does not have any building renderings because they don't know ultimately what would be built there.

Chris explained that A. Knapp was referring to a site review regulation for a subdivision and this was a subdivision.

A. Knapp explained that this was a Conservation Subdivision so the Board has requirements under what should be there, and the Board didn't get any of that in this case.

Chris explained not for any other standard subdivision that you would.

A. Knapp expressed that almost all of them that he remembered seeing have come in with some sort of plan of what's being developed, what it looks like their intent was usually a general rendering of what buildings would be there.

Chris asked on a standard subdivision.

A. Knapp explained that on the last three that he has seen and all of them have had renderings of what was being done there.

Chris explained that he has done a lot of subdivisions in Town, and they never provided that.

A. Knapp expressed everything that has been done he remembers seeing what was going on there.

John Huckins explained not on single families.

Article 3.9 Site Plan Documents and Reports

3.9.1 Protective Covenants Note #10 Page 19

3.9.2 Utility Clearance Letters

3.9.3 Deeds

3.9.4 Easements and Right-of-ways

A. Knapp explained that there would be because it's a Conservation Subdivision.

Article 4 Design and Construction Standards

4.3.3 Layout Note #11 Page 22

4.3.4 Buildings

4.3.5 Erosion Control-Was discussed

4.8.3 Access Management Note #12 Page 28

A. Knapp explained that the current plan was unsafe not only once built out but especially during the construction phase. A. Knapp explained that it doesn't meet the preferred frontage diagram and it's referenced in Figure #3 on page 29 and the design plan for a Conservation Subdivision even based off a frontage subdivision. A. Knapp explained that it was better now that there's 10 driveways as opposed to 18 driveways but still doesn't think it's good.

4.9 Off-Street Parking and Loading Standards Page 32

4.9.1 Intent Note # 13 Page 32

4.9.1 (1)

4.5.9 Access and Circulation Design Note #14 Page 38

Article 10 Conservation Subdivisions

10.5 Road and Utility Construction Standards Note #15 Page 35

A. Knapp stated this was a public safety issue.

10.6 Ownership and Maintenance of Common Facilities and Open Space

A. Knapp explained that the Board does not have this.

10.6.2 Maintenance and Operation of Common Facilities Note #15 Page 40

A. Knapp stated needed to be noted.

11.2 Lot Shape and Site Layout Note #16 Page 42

A. Knapp expressed that he doesn't believe that the spirit meets the site plan for this would meet the spirit and intent of the lot shape or design because of the steep slopes tied into it under Article #10 the road design and construction standards.

12.3 Driveway and Access Design Standards Note #17 Page 53

A. Knapp explained that the driveways and access are also going to create steep slopes and challenging processes. A. Knapp explained that this would create potentially unsightly walls, or that does not align with the design of what's in the Town or Community was to look like.

R. Allard explained that clearly the conservation the open space and public access to that he thought the Board could acquire. R. Allard explained that this was a highly access conservation Area and thinks access to it was something that he would look for.

Chris explained that they have stated in the past they would certainly be open to having public access on the existing trail. Chris explained that they designed the subdivision around the existing trail to the remaining publicly owned open space, the space as part of the actual project was likely going to be open to the residents of the subdivision but the application was open to the Idea of having public access down the existing trail to the existing conservation area.

J. Driscoll asked if they would be parking on the road.

Chris explained that they do not offer any parking.

J. Cappiello expressed that limits access.

Chris explained that there was no parking there now and how people access the trail now.

R. Allard explained that this was a conservation subdivision and that was one of them.

J. Driscoll opened public comment and explained that there would be a 3-minute limit on speaking.

Robert Caverly from 150 Young Road thanked A. Knapp and urged the rest of the Board to do the same. Robert explained that what A. Knapp was in line with what he submitted from BC Environmental was what they do every day. Robert expressed that this does not meet the intent of a Conservation Subdivision. Robert explained that they may have gotten a variance from the Zoning Board for frontage access from the road but it's still being sold as a Conservation Subdivision. Robert explained that it doesn't meet the intent of a Conservation Subdivision. Robert explained that as far as intent versus regulation they're pushing a lot on their meeting the regulations and the minimum requirements. There was very little hard regulation in Article 10 of the subdivision regulations and mostly based on intent. Robert expressed that Article 10 was a loophole for a developer to come in and exploit smaller lot sizes and get all the benefit from a builder's perspective while not giving anything back to the community. Robert explained that the majority of that's set aside for Conservation Subdivision was never going to get built on in the first place even the 3 backlots that they must cross wetlands. Robert explained that he didn't even know if they were getting a permit to cross a wetland if they must build a bridge was it

worth putting three houses there. Robert explained that he hoped the Board would read the supreme court case. The supreme court case said that you should not apply requirements in a mechanical fashion to approve these things.

Kristina Brauch from 114 Young Road an abutter to this project thanking R. Allard and A. Knapp for exploring the open space. Kristina asked the Board to withhold moving forward with this plan until there was better defined documentation on public access to the conservation area. Kristina explained that her property was part of a Conservation Subdivision and the way the lot was laid out disallows easy access to the conservation land that we share would like the layout to be avoided in future projects.

Len Caverly from 160 Young Road expressed to the Board that he hoped that they had gone over there and looked at the site. Len explained take 1000' of frontage across that site and there's a sheet of water that continually runs over that 1000'. Len explained that you don't see it's there and it runs all the time then take the 1000' and there going take half of it away. Len explained then that water was going to be concentrated in small areas and they're going to exacerbate that situation by putting in driveways that require steep slopes. The plan said 2 to 1 slope this was going to exacerbate the erosion and water quality going in the pond. Len explained that he felt that they should be looking at these things and the developer should be required to show proposed plot plans with the house on it and fills and cuts.

Brian Lenzi from 155 Young Road an abutter and has put a lot of time into looking at this project. Brian expressed that CMA Engineers did a heck of a job on their response letter and he already said the problem was don't know where the location of the house was what the stormwater management you need to know where things are changed. Brian explained that you need to know what the topography was and what CMA brought up and said what they are going to do about that. Brian explained that what Chris wanted to do was something he couldn't believe, and he thinks lawyers and realtors would have a field day with it. Brian explained that when they get approved and everything else then start the selling things that you people are going to have to make sure that there's some type of permit that says that whoever buys the lots need to do a management stormwater management plan on there lot. Brian explained that way they would know what they are going to do for their share of this sediment control. Brian said that he wanted to see what CMA Engineers said and that what he did to wouldn't be finished for stormwater management until they start working with it.

Len Caverly read from CMA Engineers appears construction of the development it. So a storm water management plan to treat site generated storm water runoff with calculations for a 50 year event, ensuring that post development surface runoff is equal to the predevelopment runoff. Self, driveway construction, site grading and house lot impact an area greater than 20,000 s.f. So, a storm water management plan to treat site generated storm water runoff with calculations for a 50-year event, ensuring that post development surface runoff is equal to the predevelopment runoff.

Len explained that they are trying to circumvent all this stuff by calling it individual lots. It's a development.

Brian asked if they could ask Chris on sheet #2.

J. Driscoll explained that it was up to Chris if he wanted to respond.

Chris explained that he's not saying that we're picking and choosing this development to apply that 20,000 square foot rule the way we are. All I'm saying is that we are creating lots in a subdivision, and we have no idea what somebody is going to build on each one of these lots. Chris explained that this is no different than any other subdivision that we bring before this board. Chris explained that and so we can't demonstrate precisely where every sediment and erosion control device is going to be on each one of the lots. I'm not saying that we haven't demonstrated how the sediment erosion control is going to be managed. Chris explained that they have done that. I've also submitted an analysis that says that that site in its totality does not generate impact to the downstream wetlands. So, to say that we're not viewing this as one development is false. Chris explained that they are doing this as one development, but this is individual subdivision lots, not a site plan, not an area where I can say this is the precise home that we're putting on this. So, somebody's going to have a drive under house here Somebody's not going to have a drive under house here. How am I supposed to do that? So, all I'm saying is that the sediment and erosion control portion of this, we've demonstrated how somebody can do it as part of the project and on a site-by-site basis, it needs to be done moving forward.

J. Driscoll asked about stormwater management on sheets 2,11,12 and 13 there was a footnote in there.

J. Driscoll closed public comment.

J. Driscoll asked on those pages on this plan sheets 2, 11,12, 13, and 21, you do make mention of 7.3 treated disturbance and to trigger a stormwater management plan and not citing the whole article. J. Driscoll explained that #1 was the 20,000 s.f. with construction and #2 is construction of a street road or a driveway which trigger it #3 disturbing environmentally sensitive areas would trigger it and disturbing critical areas Item number 4 would trigger it, so I think you're plan set should reflect that.

Chris explained that he could reference the entire article. Chris explained that the 20,000 s.f. was a requirement of any lot in any subdivision in the Town of Barrington. Chris explained that was not specific to this project. Chris explained that if the Board wanted the legal document, they should bring it back to the next meeting.

A motion was made by J. Driscoll and seconded by R. Allard to continue the 23-lot subdivision on Young Road to February 6, 2024. The motion passed unanimously.

Roll Call:

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

BELOW THE ZONING BOARD OF ADJUSTMENT GRANTED:

January 25, 2023

Norma Bearden
802 North Union Street
Natchez, MS 39120

Paul & Linda Thibodeau Revocable Trust
76 Young Road
Barrington, NH 03825

Christopher Berry
Berry Surveying & Engineering
335 Second Crown Point Road
Barrington, NH 03825

Notice of Decision

Zoning Board of Adjustment Town of Barrington, New Hampshire

Case File Number: 240-8-GR-22-3Var/Spec Except

Location: Young Road
 Map 240, Lot 8

At a regular scheduled and duly noticed meeting of the Barrington Zoning Board of Adjustment, on January 18, 2023, you are hereby notified that the appeal of Case File Number: 240-8-GR-22-3Var/Spec Except for variances Article 6, Section 6.2.6 Perimeter Buffer; Article 6, Section 6.2.6 Perimeter Buffer; Article 6, Section 6.2.6 Perimeter Buffer and a special exception to Article 4, Section 1.3 of the Barrington Zoning Ordinance, the Board **GRANTED**, the variances: Article 6, Section 6.2.6 Perimeter Buffer to allow 14 proposed driveways to access through buffer along Young Road, Article 6, Section 6.2.6 Perimeter Buffer to allow proposed subdivision to reduce the front perimeter buffer, Article 6, Section 6.2.6 Perimeter Buffers to allow the front buffer to contain individual house lots and Special Exception to Article 4, Section 1.3 to allow shared access point and shared driveways. The three (3) variances and the special exception was granted by the Board as all the five criteria was met and the proposed Conservation Subdivision helps conserve the land in the back of the property, minimizing the impact to the wetlands, connectivity of the adjoining conservation easement, less driveway cuts into the road, and maintaining the character of the land. The location is on Young Road on a 65.55-acre lot in the General Residential Zoning District, by the affirmation vote of at least three members of the Zoning Board of Adjustment.

Chairperson, Zoning Board of Adjustment

Date

A motion for rehearing may be made in the form of a letter to the Board. The motion must be made within 30 days; this 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35.

Reference RSA 677:2

This approval shall be valid if exercised within 2 years from the date of the final- approval and shall not expire within 6 months after the resolution of a planning application filed in reliance upon this decision, as per RSA 674:33, IV.

Note: The selectman, any party to the action, or any person directly affected has the right to appeal this decision. See New Hampshire Revised Statutes Annotated, Chapter 677. This notice has been placed on file and made available for public inspection in the records of the ZBA. Copies of this notice have been distributed to the applicant, ZBA, Board of Selectmen, Town Clerk, Property Tax Assessor and the Town of Barrington website.

Planning Board Member A. Knapp concerns:

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

Note #2

✓ 1.3 applicability, health, safety, welfare and prosperity community
 ✓ 1.3(1)
 ✓ 1.3(2)
 ✓ 1.3(3)
 ✓ 1.3(4)
 Article 1 - General provisions

(Page 2)

Note #3

✓ 1.6 Interpretation - The provisions of this ordinance shall be interpreted as minimum requirements adopted for the promotion of the public health, safety and welfare and other purposes noted above.

✓ 1.8 Consistency with the Master Plan and Capital Improvement Plan.

Note #4

2.2.2 - Neighborhood Residential (Res)

→ the garage does not meet the designated use it tends to be treated as such.

(Page 23)

Note #5

Article 6 - Conservation subdivisions
 ✓ 6.1 - Purpose.

✓ 6.1(1) - Proposal impacts wildlife corridors, steep slopes, potential wetlands impacts because drainage control is pushed off to the building & driveway.

✓ 6.1(2) - The plan does not accomplish this it destroys scenic views & development from the street.

✓ 6.1(3) Concept is not suitable for the actual Saline urban land.

✓ 6.1(4) By pushing the drainage plan from project to site purchaser it removes the protection & over sight of the Board & puts it on the zoning Administrator & Developer. I believe this violates the intent of the regulation.

✓ 6.1(5) → Property is currently posted would like to see language of signs that specifically zone property up to residential & public use as well as have adequate parking.

✓ 6.1(7) → Request to have lot owners do their use/s intent of regulation.

Note #4
cont'd

6.1 (8) permit various means of saving open space - we have seen
no language for deeds & permitting of space. Based
on the development on the other side of the street we
would have to presume the language would be drafted
sufficient to cover two parcels & not uniform to
the best use of development/community.

Page
(23)

6.2 Density & Divisive Standards.

6.2.2(2) - Doesn't meet standard - access is not intended
to be through another parcel, its intended to be
from the street (noted as internal street) the project
is on.

Note #5

(27) 6.3.3 - Compliance with other Regulations.
Page

6.3.5 - Homeowner's Association Requirements.

Note #6

↳ Have not been provided for review.

(28) Article 7 - Supplemental Regulations.

Page

Note #7

7.1 - Performance standards - to prevent land or

buildings from being used or occupied in a manner that
would create any dangers, injuries, noxious, hazardous or
nuisance conditions - I'm deeply concerned that
the sheer volume of added driveways are both
dangerous & injurious.

2.1.(2) - Burden to prove this is on the applicant not the board. I simply do not believe this has been proven with statements like "we cannot control how people drive" and other similar statements.

Note #8

31

~~cost~~ street parking & loading spaces.

Page 56

14.12

Note #1

Scattered or Piecemeal Development - right of the board to deny based on excessive expenditure of public funds, violating the zoning ordinance or planning board site review regulations or subdivision regulations, or which may otherwise be lawfully denied.

Site Plan Review Regulations

Page 17/18

Note #9

neglects to answer.

✓ 3.5.3

Temporary Erosion Protection During Construction

✓ 3.5.8 Proposed Buildings & Structures.

✓ 3.5.9 Propose Vehicle & Pedestrian Access.

✓ 3.5.10 Landscaping and Screening.

✓ 3.5.11 Parking & Circulation.

✓ 3.6 - Construction Detail Drawings.

✓ 3.7 - Building renderings.

Page 19.
Note #10 3.9. Site Plan Documents & Report.
✓ 3.9.1 - Protective Coverings.
✓ 3.9.2
✓ 3.9.3
3.9.4.

Page 21 Article 4 Design & Construction Standards.

Note #11 ✓ Page 22
✓ 4.3.3 Layout.
✓ 4.3.4 Buildings
✓ 4.3.5 Erosion Control

✓ 4.8.3. Access Management. Page 28
Note #12 ↳ Current Plan is unsafe notably near
Bullfoot but especially during construction
phase. Does it meet the proposed
Frontage Diagram in Figure (3) page 29
let alone the designed plan for a
conservation subdivision.

Note #13 4.9. - off street Parking & loading standards.
✓ 4.9.1. Street
✓ 4.9.1 (1)

Page 35
4.9.5 - Access & Circulation Design.
Note #14

Subdivision Regulations

Note #15

✓ Article 10 Casework Subdivisions

✓ 10.5 - not suitable road construction plan, this is a public safety hazard.
Page 35

✓ 10.6 - Ownership & Maintenance of Common Facilities & open space
Page 38

→ we've been provided with none of this.

Page 40

✓ 10.6.2 Maintenance & operation of common space.

Page 49

11.2 - lot slope & site layout - I don't believe this plan meets the spirit or intent.
Page 42

Note #16

Article 10 Road Design & Construction standards

(Page 53)

→ 12.3 Driveways & access

Note #17

- 2) **253-14-GR/SDAO-23-SR (Owner: Hambone, LLC)** Request by applicant for a Major Site Plan Review for Seven Multi-family units with waivers and **ADDED 3.4 CONDITIONAL USE PERMIT** on 49 Winkley Pond Road (Map 253, Lot 14) a 13.47-acre lot, in the Stratified Drift Aquifer Overlay and the General Residential Zoning District. BY: Christopher Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH 03825.
(Application was accepted as complete and waivers were granted on September 5, 2023.)

J. Driscoll gave a brief description of the application.

Christopher Berry from Berry Surveying & Engineering represents the applicant Hambone, LLC. Chris explained to the Board that last month the Board gave comments on a conditional use permit that they have before the Board for a multifamily development proposed on Winkley

Pond Road. Chris explained that the Board denied the conditional use permit for several reasons. Chris explained that they asked the Board for a continuance on the remainder of the site review. Chris explained to the Board that they took the Boards input on the conditional use permit denial and how to implement changes to the existing site that they had designed to be better in line with the conditional use permit criteria.

Chris explained that they realized that they had calculated the maximum density they have since They removed the one-bedroom unit that was proposed as part of the project. Chris explained that the project was now proposed as a 6-unit development and not a 7-unit development. Chris explained that a lot of the denial had to do with how the project was viewed and its context with the general area. They received comments on some of the architecture at the onset of the project and they provided additional landscaping. Chris explained that they have changed the complete design of the building. These are no longer a townhouse style project no garages are proposed as part of the project. Chris explained that the 4-unit building was changed to be replicated barn structure. Chris explained that the proposed duplex looks much closed to a single-family home colonial structure without the garage facing the street and without garage doors at all. This would allow for internal walks to be placed much larger amounts of internal landscaping to be placed they feel this was much better and meets the conditional use permit criteria.

Chris explained that one of the comments was concerned of the damage to Winkley Pond Road Construction infrastructure and what they would propose was that they certainly walk the road with the road agent and document the existing roads condition. Chris explained that any damage any damage caused by the project would be rehabbed by the applicant moving forward.

Chris explained that at the last meeting a few of the Board members questioned how the trips to and from the site are larger than just one to two vehicles based on other deliveries. Chris explained that they supplied a traffic analysis that attributed all the trips to and from the site with the reduction in the number of units. Chris explained that the building structure has gotten smaller in footprint.

Chris explained that the parking array that was required as part of the project was considerably smaller and further from Winkley Pond allows for additional open space at the front t of the site. Chris explained that they would like the Board to reconsider the conditional use permit and the site review application.

J. Cappiello asked about the design on unit 4 there are no windows on the first floor on the backside of the building.

Chris explained that the backside does not have any windows.

J. Cappiello asked if there was no living space there.

Chris explained that there were no windows in that area.

J. Cappiello asked if this was ornamental or was this giving light into the second floor.

Chris explained that it was ornamental. Chris explained that was only on the first floor all the living space, essentially on the front of the structure and the second floor does have windows.

R. Allard asked about the fence that was on the drawing.

Chris explained that the front of the site does have a fence and they did extend the detailed site plan shows the fence in the front of the site all the way.

J. Cappiello asked about the garbage note what was the current plan.

Chris explained that they would place totter pads on the two sides of the building.

R. Allard asked about the only 2 parking spaces.

Chris explained that originally, and if the Board would like to see some additional parking spaces, they originally kept the parking array larger at the front to reduce the massing of the project that reduces that down to two visitor spaces. Chris explained that they could add additional parking spaces.

R. Allard explained that before there were two parking spaces in the garage and two visitor parking spaces.

Chris explained that there are six-units they could add two additional parking spaces.

R. Allard explained that the biggest problems are always the issue 90% and you have 2-bedroom units with a family could have three cars and more for visitor parking, this could be a problem.

Chris explained that they could have parking added back.

R. Allard explained that on the table of contents they have landscaping as #15 and lighting as #16. R. Allard stated that was incorrect and the lighting plan shows the building the barn-like structure that they don't reference any on the other.

Chris explained that they were not proposing any on the front the duplex structure because they Had the lamp there at the curve in the roadway.

R. Allard explained to him that there are two parking spaces in the side of the building with light. R. Allard asked why they were lit and the other terms with a bunch of spaces with no lighting.

Chris explained that they wanted to provide lamps at the curve in the road and they wanted to provide lamp light generally in the roadway. They didn't want to flood the entire area with lights. Chris explained that if the Board wants additional lights, they can do that and they are solar, so utilities were not a problem.

A. Knapp asked if they could drop off another unit.

Rob Baldwin, owner of Hambone LLC explained to put this in more prospective too, so they dropped the building an entire floor as well. Rob explained that this was not a typical townhouse so the massing of the actual barn itself has been reduced quite a bit.

Chris explained that A. Knapp asked about the structure sizes was there an aversion to dropping additional units, so there's two things they dropped an entire floor on the structure, so the massing and the structure considerably smaller in footprint also. Chris explained that each of these units are not as wide as the former building was.

Rob explained the comment about no windows on the first floor in the back wall it's all kitchen cabinets and there's a picture online of a barn that they did it's almost identical on Bellamy Road in Dover. Rob explained that they are only 16' wide 900 s.f. to 1000 s.f. per unit.

A. Knapp explained that even by the Town standards the prior plan three stories wouldn't have met it anyways because the Town building was defined at 2 ½ stories. A. Knapp explained that the new proposal was more in line.

Chris asked if it was 2 ½ or 35 feet.

A. Knapp explained that its 35 feet, but it specifically defines it as stories as 2 ½.

John Huckins explained that if you read the definition it's based on the average height going around and if the bottom story averages more than six feet above grade it's considered a story. John explained that if the average height was less than six feet not considered a story the way the regulations are written.

J. Driscoll opened public comment.

Brian Weeden from 63 Winkley Pond Road explained that if the garages are eliminated 2 parking spots. Brian explained that the parking was going to increase reduce by the 2 per unit proposing 6 units 4 Townhouses and duplex explained that they would order online too. Brian this would double the capacity on Winkley Pond Road. Brain explained that the guy at the end of the road just did the basic septic tank and it messed up us for 3 days. Brian explained that a major construction outfit was coming in and it's going to be a problem on Winkley Pond Road. Brian said that Winkley Pond Road can't handle the equipment that they would be bringing in.

Debra Leahy from 48 Winkley Pond Road explained that she lived across from the entryway of the development was intended unless they have changed that. Debra explained that this was going to affect them with cars leaving at night and the motion detector on one of the buildings would be going off and if it hits the garage that would also go off. Debra explained that she was not sure how in the parking lot that was going to illuminate on their property. Debra explained that when they opened there was nothing there. Debra explained that it's only a .6-mile road thanked the developers for eliminating one of the buildings and making them more appealing to the eye in their neighborhood. Debra explained that the 6-units are going to average 6 to 12 more vehicles and could be 16 extra vehicles on there road. Debra expressed all the equipment trucks that would be coming in. Debra explained that there are 5 curves in Winkley Pond Road plus at the end of our driveway that was the problem area where there are blind spots. Debra explained that the wetlands flow into drinking waters, lakes and rivers and all water was connected and pollution from wetland development around the wetlands. Debra explained it can flow into

drinking water sources like lakes and rivers. Debra explained that was why the federal agencies line the Us Army Corps of Engineers and the EPA have granted the waters of the United States (WOTUS) that was what triggered the clean water act in 1970.

J. Driscoll closed public comment.

A. Knapp explained that he thought the definition or our guidance to say contiguous uplands and how that plays out with this application.

John Huckins explained that it's based on the date of the application was made to the posted date for a public hearing.

J. Driscoll explained that the road was 898 feet long and in 2020 the Town started a Town Management Program and 2021 they were supposed to add a shim and add one inch overlay on Winkley Pond Road. J. Driscoll explained that by 2026 was supposed to do new pavement and completely rebuild it. J. Driscoll explained that there are plans sin the future for Winkley Pond Road.

John Huckins explained that the taxpayers have been good about voting in the Select Board things to keep the roads updated.

Chris explained that he would like to move forward with the conditional use permit and if the Board has additional recommendations that they could make to improve the conditional use permit. Chris asked to summarize the conditional use permit.

Chris read the conditional use permit:

In accordance with the Barrington Zoning Regulations Article 3.4, the following Conditional Use Permit is hereby requested:

1. Identification of Conditional Use Permit:

- Article 19, Table 1: Table of Uses – Multifamily Housing in the General Residential District.

The proposal is to remove the existing barn and single-family structure and construct a private road known as Bridle Path Way. Bridle Path Way will support seven (7) multifamily units. A structure containing five (5) multifamily units is located at the end of Bridle Path Way, turned away from Winkley Pond Road and a duplex containing two (2) units is located at the beginning of Bridle Path Way, facing towards Winkley Pond Road.

2. Compliance with the following standards from Article 3.4:

3.4(1)The building, structure or use is specifically authorized under the terms of this Ordinance.

Multifamily Housing is allowed within the General Residential (GR) District via Conditional Use Permit, as shown in Article 19, Table 1: Table of Uses.

3.4(2)If completed, the development in its proposed location will comply with all requirements of this Ordinance, and with specific conditions or standards established in this Section for the particular building, structure or use.

The development will comply with all underlying zoning requirements of the GR District including building setbacks, frontage, lot size, environmental buffers, building height, and lot coverage. Four waivers to the Site Plan Review Regulations have been requested at this time, with waivers for minimum centerline radius, grade within 100' of an intersection, and definition and measurement of sight distance approved as of the date of this document, and a waiver for minimum storm drain cover depth pending as of the date of this document. The specific standard of no more than eight (8) units in a multifamily structure from the Table of Uses is met, with no more than five (5) units in a structure. The project density has been determined utilizing Article 4, Section 2.1(1-3) of the Barrington Zoning Ordinance.

3.4(3)The building, structure or use will not materially endanger the public health or safety.

The structures will not materially endanger the public health or safety. As part of the project, a 30,000 gallon fire cistern is proposed along Winkley Pond Road. The site has been designed for a fire truck to be able to enter and turn around (see sheets #30 & 31 of plan set). The roadway has been set at the best point of the parcel from an elevation/sight distance perspective, with 450' + of sight distance available to the south and 315'+ of sight distance available to the north. All drainage is contained on site, with peak rates of runoff reduced from the existing condition due to stormwater best management practice mitigation.

3.4(4)The building, structure or use will not substantially de-value abutting property.

The structures will not substantially de-value abutting property. The addition of seven townhomes on Winkley Pond Road is a residential use that is allowed (via CUP) within a residential zoning district.

3.4(5)The building, structure or use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located.

The architectural styles of the structures will have similar characteristics to the surrounding properties. This includes gable roofs, colonial roof lines, front porch approaches, and colonial style windows. The orientation of the structures has the surrounding properties in mind. The duplex structure is smaller, and therefore set closer to Winkley Pond Road and orientated more towards Winkley Pond Road where the mass of the structure isn't as prominent. The larger structure is orientated with the narrow end towards Winkley Pond Road. This is in an effort to not have the larger structure mass be overwhelming and parallel with Winkley Pond Road. The elevation of the five-unit structure is downhill several feet of the duplex,

with the elevation of the garages below the elevation of Winkley Pond Road. This helps with the view of the structure from Winkley Pond Road.

3.4(6)The building, structure or use will not have a substantial adverse impact on highway or pedestrian safety.

The proposed structures will not have a substantial adverse impact on highway or pedestrian safety. Based upon the Traffic Generation Memo produced for the project utilizing outputs from the 11th Edition Trip Generation Manual, a projected total of 50 vehicle trips occurs during a weekday, 3 vehicle trips during the AM peak hour, and 4 vehicle trips during the PM peak hour. This is a negligible increase in trip generation as a result of development. There are no pedestrian amenities in the area of Winkley Pond Road or NH Route 125 in the existing condition.

3.4(7)The building, structure or use will not have a substantial adverse impact on the natural and environmental resources of the town.

The proposed structures will not have a substantial adverse impact on the natural and environmental resources of the town. The 50' poorly drained wetland buffer and 100' very poorly drained wetland buffer are respected, with replanting proposed to occur within the wetland buffer to return the buffer to a wooded state instead of the existing grassed area. No wetland disturbance is proposed as part of the project. The site develops an area of 53,500 Sq. Ft (1.23 Ac.) and leaves the remaining 12.24 Ac. of the parcel undeveloped (90.9% of the parcel).

3.4(8)Adequate public utilities, community facilities, and roadway capacity are available to the property to ensure that the proposed use will not necessitate excessive public expenditures in providing public services.

No public utilities (with the exception of electricity) are provided to the project. A well and effluent disposal area are located on site, in addition to stormwater management practices. Trash will be private pick up with trash totes stored in garages. As mentioned in item 3.4(6), the trip generation of the project is negligible to the surrounding roadway traffic.

3.4(9)Where deemed necessary when considering an application for Conditional Use approval, the Planning Board may require that adequate visual buffers be established.

A row of White Spruces has been proposed along the five-unit structure adjacent to Hayes Road. A stockade fence has also been added to the end of Bridle Path Way to provide screening of headlights for the abutter across the street.

A motion as

Hambone LLC, Waiver Request
49 Winkley Pond Road, Residential Site Review

November 13, 2023

3. Justification for Approval of Conditional Use Permit:

Multifamily residential units are allowed in the General Residential Zone via CUP. The project has taken care to avoid adverse environmental impacts (wetlands and wetland buffers) and to leave a large portion of the site undeveloped (90.9% remains undeveloped). The wetland buffer adjacent to the area of development is proposed to be replanted from the current grassed condition. The project proposes residential construction within a residential zoning district. The engineering design of the site provides the optimal location on site for the proposed roadway for sight distance. As shown in the Drainage Comparative Analysis, the project does not cause adverse downstream impacts in terms of peak rate of stormwater runoff and volume of stormwater runoff for all analyzed storm events. Visual screening barriers are provided in multiple locations of the site for abutting properties.

Respectfully Submitted,
BERRY SURVEYING & ENGINEERING



Christopher R. Berry SIT, Project Manager
Principal, President

A. Knapp explained that one of there comments was the density and this materially doesn't change in the density taking one bedroom unit does not materially change the density of

this project under 3.5.4, 4.5 under neighborhood compatibility with the doubling of the density of an already small road. A. Knapp agreed that it was a significant improvement, but he would still say hard pressed that it was fully there. A. Knapp explained that 3.4.6 and 3.4.7 don't feel substantially changed from the previous plan.

R. Allard asked about the septic tanks paved over and was that a problem.

Chris explained that they are 20 age tanks.

J. Driscoll opened public comment.

Daniel Ayer from 334 Old Concord Turnpike as the Board at what point was the application accepted as complete.

V. Price explained that the application was accepted as complete a few months ago and this was the same application.

J. Driscoll closed public comment.

A motion was made by R. Allard and seconded by J. Cappiello approving the 3.4 Conditional Use Permit for 49 Winkley Pond Road. Vote 4/1

Roll Call:

A. Knapp-Nay (for the already stated)

J. Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

Requested Waiver:

4.7.7 (3) Cover over one culvert pipe.

Chris explained that if they go with an additional 1 foot over the one culvert device it would mean that would have to raise the entire site one additional foot which isn't necessary for the constructed product.

Chris read the following for justification:

So, the intent of the regulation is to ensure adequate cover over pipes to ensure that the least amount of heaving is possible and, of course, making sure that they don't collapse.

In this case, the roadway parking area where the structure is proposed is located in a fill slope that will be constructed with granular materials under a properly constructed roadway with an additional 32 inches from the existing grade to the seasonal high-water table, making heaving unlikely.

In strict conformity to the regulations would require additional fill across the entire site, which would increase the site's impact on the total land, makes it an unnecessary hardship to the both the applicant but also to the land itself.

A motion was made by B. Tessier and seconded by J. Cappiello to approve the waiver 4.7.7 (3)

to cover one culvert pipe for the application 49 Winkley Pond Road. The motion passed unanimously.

Roll Call:

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

Chris reviewed items that the Board wanted:

Add additional parking
1 pole mount
Add residential lamps
No spillover created from those directional lights only

A. Knapp asked about the island on the 2-units anybody that had to deal with plowing knows what a nightmare islands are cropped out in there may want to change that.

Chris asked the Board if it was ok to only submit 2 sheets maybe three if R. Allard doesn't trust Him on the cover sheet.

One updated site plan with the parking and one updated lighting plan.

A motion was made by A. Knapp and seconded by B. Tessier to continue the application for 49 Winkley Pond Road to January 16, 2024. The motion passed unanimously.

Roll Call:

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

C. NEW APPLICATIONS-DESIGN REVIEW

- 1) 260&268-MultiLots-23-Design (Owner: JE Development, LLC) Request by applicant for a Design Review for Minor Subdivisions with redesign and lot mergers on a private road located on Gerrior Drive (Maps 260 & 268-1) for 50.9-acres in total, in the General Residential Zoning District.

J. Driscoll gave a brief description of the application.

Jake Ellis with JE Developments, LLC owner. Jake explained that this was an approved subdivision in 2005. Jake explained that he had to meet the Select Board conditions of the deed he must merge properties or redesign part of the subdivision. Jake explained that on the backlots where they didn't connect, he explained that he would be merging 81 and 80 to create one lot and merging 65 to 68 for another lot. Jake explained that Lot 75 would stay and Lots

76,74,73,72,71, and Lot 70 and the cul da sac are getting merged as one lot so that's four lots now. Jake explained that the access to Lot 78 and 70 are going to come off Susan Lane that was existing road. All the merge lots would come off class 5 and private a road. Jake explained that in the front he wants to merge Lots 11.1 and 1.2 together and re-subdivide as a back lot. Jake explained that by making sure that the main private road was going to be dirt he would upgrade to the Town's standard paved road.

J. Driscoll asked if he would take care of the road from the Town boundary.

Jake stated yes because that was kind of private. Jake explained that Lots 1.6, 1.5, 1.4 and 1.3 would all be merged as a backlot subdivision.

R. Allard asked how many backlots they would create.

Jake explained that he was just merging the lots that already exist and up in the front he was doing two separate mergers. Jake explained that there would be a total of 6 lots.

John Huckins explained that they are doing two separate subdivisions with each one having a backlot. John each that each subdivision would have 2 backlots and when the road was extended down by the regulations as kind of a turnaround. John explained to the Board that Jake was asking the Board what needs to be addressed here was what needs to be done at the end of that road. John explained that the road continues as a private road and was it ok to leave it that way or does the Board want some type of hammerhead for the turnaround.

A. Knapp asked if the areas black were going to be upgraded and paved.

Jake explained that road would stay private road and Susan Lane was a dirt road it's a class 6 private road for the Select Board the 10% would need to be done to build.

A. Knapp asked about the bottom section that comes down to Lot 1.3 it shows the road continuing, so those roads are all gone.

Jake explained that those roads are all gone with the merger. Jake explained that the black was 2 driveways that was a shared driveway to get to the back.

J. Driscoll asked, speaking of the fire department 6 miles from Barrington and 4 miles from Nottingham to get there. J. Driscoll asked if Nottingham would be the mutual aid agreement between the 2 Towns.

Jake explained that Nottingham would be closer.

J. Driscoll asked if this was a DRI development and asked if this was a development of regional impact.

John Huckins explained that the mergers have nothing to do with the plan and he's just showing

the Board what the overlay was and that started as it comes across to the Board the mergers with be completed. John explained that this was a big reduction in lots and the lots already existing and John showed where the cistern was located.

R. Allard asked if buildings on a private road need a waiver.

John Huckins explained that the lower down lots of part of the Select Board approval and the lots that don't have frontage on a Class 5 or better road they must do the class 6 and private road for each one of the lots.

J. Cappiello asked about Lots 40 to 43.

John Huckins explained that the original subdivision part of that was in Nottingham. John explained that the road tight now was all shown kind of as one lot going down through the one for the existing subdivision road that's going to go away. John explained that because these lots are being merged with the other lots as being part of it Vanessa and him had a discussion its not like a roadway was being added to one lot. John suggested having a lot line adjustment for each of these lots.

Vanessa explained that you have the road then the right of way.

Jake asked if the lot that a building on it had that was taken down does that lot conform.

John Huckins explained that if it gets replaced in two years because the rot and the reason that it was taken down was considered as an act of God.

R. Allard asked John Huckins private road servicing four or more lots needed to conform to the standards.

John Huckins explained that subdivision road that's created by the Planning Board for four or more must comply with the standards and existing private road doesn't have to has meet the Select Board policy. John explained that if you approve a new private road then that private road with four or more on it than that new road would have to meet it.

R. Allard explained that this was a subdivision plan.

John Huckins explained that he's doing a merger, and they don't require a Planning Board approval for this paperwork to get recorded. John explained that he was showing the whole subdivision, but it was going to be six lots in the front doing 2 three lot subdivisions. John explained when they are doing the merger at that little, small lot, depending on how that road gets broken up and the ownership that's why there's a little jog there. John explained to the Board that they need to clarify what they're doing before the Board can clarify what the merger was.

A. Knapp suggested seeing a revised plan showing what the intended lot layout.

Jake explained that one in the first the back layouts are, and the properties are merging. Jake Asked the Board about the .3-acre piece was does he merge it with that, or can he keep it because it already had a building on it and take the 25 from the road then it would be its own lot.

John Huckins explained that if they kept that as its own lot and 25 feet because technically, he owns the center of the line road. John explained that's an existing lot of record and that wasn't one of the lots the Select Board approved. John asked Jake if the Select Board approval did, they show it merging that to the other two green one cause that's where the issue was cause the Select Board approval if you showed merging all of those.

Jake explained that he paid all the taxes and there was no tax bill on it then he found it then he realized that was a separate lot.

John Huckins asked when this was bought from the Town the Sect Board put either merge on the sales and when you went to the Select Board you showed those all three being merged.

Jake explained that he only showed 2 on the paperwork because he didn't know that was a third.

John Huckins suggested that Jake go back to the Select Board to get that clarified because their decision was to merge the other two and didn't include this lot.

Jake explained that he would just merge the lot. Jake explained that he was asking the Board before going back to the engineer was so everything else back was just a merger with the Town. Jake explained that he wants to do 2 separate backlots subdivision to get the six front lots.

John Huckins explained to the Board that this application came in both for the zoning changes got posted. John explained that he would be under the old zoning rules with the 80,000 and 35 if he has a formal application within one year that's how the State Law works.

A. Knapp asked how it was a backlot if the lot lines aren't changing on the front.

Jake explained that on the front lots 1.1 and 1.2 they would have merged them to one lot then re-subdivide them back out to those same size lots.

A. Knapp asked if the lot line was changing, not the lot size.

John Huckins explained that they would be changing a little bit because the road would have to be merged into them and then the road would be part of the shared driveway going back.

Jake explained that he was filing paperwork, and they would look identical to that putting to one then taken them back out.

A. Knapp asked how they are a backlot.

John Huckins explained because the road he's going to have 250-point section 200 to the 50 which gives off the 50 he gets 2 backlots off his 300 feet of the road frontage.

A. Knapp asked where a backlot comes into it because it looks like it has frontage all the way.

Jae explained that on the plan the black was not a road he was just showing where the driveways are coming up so this. Jake explained that he was upgrading to 500 feet, so he has 200 and his 50-backlot subdivision. Jake showed that there would be 2 driveways that come in one-to-one lot and one to the other this was a backlot subdivision. Jake explained that one was on he showed the access and then you have two roads right next to each other.

John Huckins explained that the driveways need to be 50' now there was 50' of road.

A. Knapp asked if there were 2 driveways with a strip of land down the middle.

Jake stated correct.

J. Driscoll suggested that he would like to see the hammerhead.

Jake agreed to that.

John Huckins explained that the hammerhead would need to be part of the road not part of the lot.

Jake explained that the open space on the plan brown was what the Town owns, and the green area was on his land. Jake explained that would be talking to the attorney general about relocating all this to that one location so the whole back corner would be a conservation easement and the bottom right.

J. Driscoll opened public comment.

Dan Ayer from 334 old Concord Turnpike explained that he was in favor of this project.

Doug Bogen chair of the Conservation Commission has walked some of the land was confused on where the existing easement was, he has seen 2 different maps that show different boundaries. Doug felt that they would be open to the changes to the easement but as he understands it since the Town owns the easement the Conservation Commission must sign off on any changes that are made along with the Attorney General.

Beth Olshansky has a property at 33 Hemlock Lane was looking for clarification and please to hear about the possible extension of the conservation land more toward the pond. Beth explained she's looking at the plan and asked if the proposed plan regarding the conservation area to Lots 69 to 71 were these being proposed as conservation area?

Jake explained that Lot 69 the Town owns that area, and he owns 70,71,72,73, 74 and part of 76 would be conservation also with the back part of 75 has conservation also.

Beth asked how many buildings lots are being proposed?

Jake explained that there would be a total of 11 lots and 6 of the lots would be upfront.

Beth expressed that she was pleased that they are protecting the backland that's closest to the pond.

Tom Daniels and Marie from 90 Mendums Landing Road and they are members of the Mendums Landing Association. Tom explained that they are the largest single abutter of this property, and they never get notified. Tom explained that his concern was with the water quality and to see when this project moves forward would there be detention pools. Because there is still a lot in the back of this that have the potential to run off into Mendums pond. Tom explained the growing warmness NHDES indicated that this last year was the worst year on record for signa blooms and with nutrients running into the water and it's being warmed. Tom explained that whether there would be 5 or 11 they want to maintain this resource that they have and so that they wanted to say.

Da Ayer from 334 Old Concord Turnpike explained that at some point Mendums Landing bought out the development rights that parcel does not exist. Dan explained that no one pays taxes on it there's no reference.

John Huckins explained that was open space the was a cease and desist on that when the subdivision went through because Mendums Landing was supposed to come around and have another road comes back out to Route 4. John explained that was never built because it was phase two. Instead of keeping all the lots it all went to open space as part of that subdivision this was done in the 80's or 90's but that doesn't exist. John explained that the agreement was that it would be open space for the Mendums Landing subdivision. John explained that if they take property for back taxes, they take it but no taxes on open space so they can't take it.

A motion was made by A. Knapp and seconded by B. Tessier to close the Ledgeview Design Review. The motion passed unanimously.

Roll Call:

A. Knapp-Yay

J. Cappiello-Yay

B. Tessier-Yay

R. Allard-Yay

J. Driscoll-Yay

2) **243,244&230-MultiLots-23-Design (Owner: Carla Williams)** Request by applicant for a Design Review for Two Major Conservation Subdivision with 174+/- dwelling with 480 acres +/- of open space on Canaan Back Road for 600+/- acres in total, in the General Residential Zoning District. BY: Mitchell Rasor, Rasor Landscape Architecture; 87 Main Street; Yarmouth, ME 04096.

J. Driscoll gave a brief description of the application.

Mitchell Rasor from Rasor Landscape Architecture and partner Zander Kemp was remotely. Mitchell explained that he met the Road Agent on site and more meeting with Town staff

Along with SELT and State agencies.

Zander Kemp gave a brief description on himself and the company. Zander explained that to the Board that he started a housing development company the goal of creating as much housing as possible to help combat the State's housing crisis. Zander explained that they are looking for affordable and market rate housing projects. Zander explained that they came across this land they presented to the Board a couple months ago. Zander explained that they put together a plan for being able to create some housing here and conserve a very substantial amount of land.

Zander explained that the Cannon Back Road was the primary access to their property which was a scenic road. Zander explained that they are keeping access to most of their subdivision right at the beginning of that road was close to Route 9 as possible. Zander explained that any traffic generated from their subdivision doesn't go by any of the neighbors or abutters. Zander explained that it's only on a short strength of the road before they would go off on to their newly created roads back away. This way they can keep a lot of the rural character of the road there and another piece was the care for public access along with resident access to the conservation land. Zander explained that there were 12 miles of trails on the property already they plan to keep them opened to the public and create parking at the trailheads for those trails. Zander explained that any easements needed to allow those to be continuous public use. Zander explained that he didn't know if any of that was used by the public now and so it would be a substantial community benefit to put that in there.

Mitchell explained that they are here to go through the preliminary assessment aspects and he prepared a plan that shows that information they are trying to cover issues such as critical areas vistas, ridgelines, wetlands, floodplains, slopes tree lines, stonewalls, outcrops, masses rare and endangered species. Mitchell asked if he could go over the design of the site and the benefits of the assessment. Mitchell explained from the plan the general 660 acres or so he explained the plan and that it's about 9 parcels comprising the site so some of the key items that there was a series of high points that are marked as six that are the high points of the site. Mitchell explained that along Canaan Back Road showed where 202 comes in and what you have here was Halbrook and sort of Spruce Brook crossing over the site creating sort of major North South corridors across the site that are regional significance for wildlife. Mitchell explained that most of the site has been logged but it's you can't really see from the road. Mitchell showed the location of the existing house sort of knoll ridge that sort of runs parallel with the road. The rest of the field was a wooded edge along the road. Mitchell explained that they mapped the green were the prime wetlands and they mapped the existing. Mitchell explained that there was a lot of access into the site already. There are some existing roads running across the site was a map desired corridor to protected overtime. Mitchell explained that when they met with SELT they got information about that and that was something they sort of regional significance to be protected. Mitchell explained that they adjusted to respond to those concerns about trying to achieve that regional corridor. Mitchell explained that these are some of the key features the part of front was what you really experience along Canaan Back Road the open field. Mitchell explained that they are trying to protect 74% of the property.

John Huckins explained that you can't include that as part of your calculations for watch your density.

R. Allard explained that he thought for your draft yield plan and your build out plan couple lines are great. R. Allard explained that the focus seeks 35 and he would like to see that indicator.

John Huckins explained that a lot of work needs to be done and the prime wetlands are not all jurisdictional.

Mitchell explained that there was additional mapping that needs to take place on the site for wetlands that don't show up in the prime of the mapping or what they can pick up on the aerials. So, there've been corresponding with a lot of available data and some research.

R. Allard asked to see where the 35% or more slope are like to see that shaded or colored some white that was sure.

Mitchell stated that they could do that.

J. Driscoll explained that all the area into the north was PDD and PDC which are 15 to 25% slopes and 8 and 15% slopes. J. Driscoll explained that if they couldn't build any roads there would be difficult to build roads that cannot exceed 7% grade. J. Driscoll explained that on the yield plan when you cross over spruce Brook because you're trying to use property over there, that's also 15 to 25 and 8-to-25-foot slopes.

John Huckins explained that was not a true yield plan

Mitchell asked the Board to share any information about precedence for developing yield plans if you could share that with us with the Town staff.

J. Driscoll explained that there are a couple of locations on Canaan Back Road that are 15-To-25-foot slopes and eight to 15 foot which you can see even on your plans something to consider.

J. Driscoll opened public comment.

Dan Ayer from 334 Old Concord Turnpike asked why they are even here they got minimize the going up a scenic road and stuff that needs to be done approved by any work on stone walls, rocks, and upgrades this doesn't meet any of the Town standards as of right now. Dan explained that when the other houses are added the State's going to get involved where Canaan Back Road comes on a 45-degree angle. The whole inspection that would be done from the start. Dan explained that as a taxpayer he doesn't want the burden to put on him to pay for this development. Dan explained that the Town would be responsible for part of it but not for a rebuild. Dan explained that they should be working on the road before they get to this figure cost so that it's not a burden on the taxpayers. Dan explained that the Planning Board must allow the trees to be cut down and the Select Board to move down rock walls.

Mitchell explained that they did meet with the Road Agent on the site, and they did look at the intersection.

Colin Williams was an abutter I am the son of the man who assembled all this property for the express purpose of conserving it and keeping it as open wild land, not a development. This is totally antithetical to his desires in purchasing these properties, he started purchasing him in 1981. He bought the initial central piece that came up through here and added all the others to add to it to protect the property. He was an avid hunter, sportsman, conservationist. He was chairman of the Board of Massachusetts fishing game for 15 years. The idea was to keep it in its natural state for her animal habitat. The yield plan is that on the other side of this one. Am I correct that the yield plan must reflect buildable lots? That doesn't come close to what no right? This is Nippo hill. The scopes there are 45% and the soil type is. I believe that's not the Charlton or yeah, it's rock. He shows a road coming through a prime wetland. There is a road there. It was built illegally in 1983 by my father, who he did not have. This road originally belonged to Roger Leighton. This property over here.

My dad wanted access back here and he hired a guy to dig out a gravel pit there and build a road across. Sorry about that, but it was back in the 80s. He hired me in 89 to manage the property. I was a building contractor. He offered me the job. I built the original house in 1983. The barns and redid the little house down by the road. So, and I have walked every square inch of this. I was responsible for logging, mowing the hay, and maintaining all the buildings. Anyhow Unbuildable this is a Gloster. I think you may have noticed that in the USDA soil types say on north slopes it's great for ski slopes. That's what you're going to try and build houses on in your yield plan. This whole area is filled with vernal ponds and seasonal runoff. There are several streams. I'll give you a couple of seconds. OK, we're getting up to 954, I understand that. You brought up the Paxton soil around here? And again, in the USDA descriptions, they said they are highly susceptible to erosion when disturbed. So, you have prime wetland here, and you're talking about this building a road there and putting in house lots. Not a realistic presentation. You ask for a buffer variance in this to build this road. This is a prime wetland. This soil is what Whitmer Whitman series, which is wetland.

So, you have prime, wetland and regular wetland and you want to build another Rd through it, which, you know, cuts off access to there. So basically, you don't have access to any of this backland 80% of the house slots that you have described are unbuildable. In addition to that. If it is yeah, we want to get a few more people. The people want two more points quickly, please. There are three endangered species that make this their home and habitat blending startle, spotting turtles and black racers. The Black Racer is a snake. I have handled all of these on this property. I hope the turtles across the road, and I fired a guy because he killed one of the snakes down by the barn and I told him he was an idiot because they ate the rats. So, leave the snakes alone. So, you have that problem as well. This is going to be continued to the next meeting and you can talk. He's building houses on my property. According to that plan, that's between you and your lawyer.

Well, your town boundary lines are not accurate. This the property was deeded to me four years ago.

Paul Klehm from 259 Canaan Back Road explained that he just learned about this in December we're getting our group together of neighborhood residents and to prepare opposition to this plan.

Obviously, this is a major project with 174 units, and he looked at the master plan documents on the website. They talk about 559 units between 2023 and 2040. You are burdening our dirt roads with 1/3 of the projected growth, which is supposed to be projected out over a 17-year period. For that alone, this project should be rejected. We have a bunch of requests that we're starting to put together. One request is obviously this has regional impact. We must go to the Strafford Regional Planning Committee to have a look at this. It's going to impact Strafford. It's going to impact Northwood and Nottingham. Now I'm going to be an attorney, I don't represent this group.

They did represent a group known as Save our groundwater about 15 years ago when they tried to put a water plant in water bottling plants in Northwood and Nottingham and Barrington. And at that time, it really got me into thinking about this water extraction. So, if you assume based upon the census that there are 2.46 people per household in the state of New Hampshire, and you assume that the usual number is 100 gallons per person per day at 174 units, that is 42,000 gallons of water extracted from the aquifer every day in perpetuity.

This is needs to have some study because if you got to be 56,000 it would need a large groundwater withdrawal permit from DES. This has a substantial impact on the aquifer and the aquifer needs to be studied. There needs to be groundwater quality. It needs to be a groundwater quantity test.

There also needs to be hydraulic logical tests, all of which you can require under Article 7.

In addition, obviously in a subdivision of 20 and this is far more than 20, there's a lot of traffic impact the applicant is talking about. People will only come in that 300 feet, but they're not. People leave the back way. It'll become a racetrack for people going to out to Bow Lake. There are parts of that road that will have to be redone, and yes, the scenic Rd statue does give some protections to the homeowners, but it's a matter of some hearings, and soon they can move the stone walls. They can move the trees and other utilities to make it so that this road becomes a road that is even more and more travelled. You may hear from some others who are going to speak that there could be up to 1700 additional passenger trips per day on that road. Our car is going to be backing up along Canaan Back Road from the booty property all the way up to Route 9 and of course as we know there's a downslope from Route 9 down to Cannon Back Rd that will have to be restructured as well. This is a major, major undertaking. I just want the board to consider that we also request that there be an economic environmental impact assessment. Mr. Williams talked about the wetland issues, but there's other environmental issues. Well, that have you have to look at the topology? There's a lot of things that need to be studied.

Mike Camire and my wife Susan from 237 Canaan Back Road wife was a Boodey. She's part of the Boodey family, which has lived for 10 generations on their farm, directly across from the proposed development site. I'd like to speak to you about Canaan Back Road and Old Settlers Road.

Susan and her brother, Phil's father, Ralph Boodey, were part of a group in the late 1980s that decided to preserve this part of Barrington to keep alive some of the heritage and the antiquity of our town. As most of you probably know, the Boodey Farm remains a working farm and the coup farm was also a working farm until Roger Williams was enabled to keep that going.

Today you drive along Canaan Back Road and Old Settlers Road. You can still get a sense of what life was like years ago in the town. Mr. Boodey and those that worked together with him to get Canaan Back Road and Old settlers Road designated as scenic roads, decided at that time to preserve this part of the town. This decision, made many years ago, should be respected now in this day to keep their vision of this preservation alive, Mr. Kemp's project will change all of that. There will no longer be a sense of days gone by and what it was like. There will be nothing scenic left. In closing, I will say that I hope the Planning Board will make the correct decision and respect what was done so many years ago. Keep this part of the town's heritage alive for those who are here now and those who will come in the future.

A motion was made by R. Allard and seconded by J. Driscoll to continue the Coot Farm to January 16, 2024. The motion passed unanimously.

Roll Call:

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

8. OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

9. ADJOURN

A. Adjourn the Planning Board Meeting. The next meeting date is for a Work Session January on 16, 2024, at 6:30 PM.

A motion was made by R. Allard and seconded by J. Driscoll to adjourn the January 9, 2024, meeting at 10:04 p.m. The motion passed unanimously.

Roll Call:

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

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