

BARRINGTON
BROOKFIELD
DOVER
DURHAM
FARMINGTON
LEE
MADBURY
MIDDLETON
MILTON



NEW DURHAM
NEWMARKET
NORTHWOOD
NOTTINGHAM
ROCHESTER
ROLLINSFORD
SOMERSWORTH
STRAFFORD
WAKEFIELD

January 31, 2018

Barrington Planning Board
P.O. Box 660
333 Calef Highway
Barrington, NH 03825

Re: Development of Regional Impact – Hard Rock Development, Proposed Commercial Excavation

Dear Members of the Board:

I am replying on behalf of Strafford Regional Planning Commission's (SRPC) Regional Impact Committee (RIC) regarding your October 16, 2018 declaration of potential regional impact for the Hard Rock Development application. I have enclosed for your reference:

- The RIC's final report, including amendments requested at its January 10, 2019 meeting.
- Draft minutes of the January 10, 2019 RIC meeting.
- Written correspondence submitted to SRPC regarding this project.
- Two (2) maps created by SRPC staff depicting the subject property and its surroundings.

We hope that these materials will be useful to you in your review of this project. All materials should be used for informational purposes only. SRPC received comments in writing and in person during a public hearing citing a Town of Barrington Ordinance, approved at Town Meeting in 2016, prohibiting new commercial excavations that transport materials outside of Barrington. SRPC and the RIC do not have the authority to interpret local ordinances or regulations, and the attached materials should not be construed as a statement of policy or legal advice. Furthermore, the scope of the RIC's review is intended to focus on the regional impacts of this application, and does not duplicate the Barrington Planning Board's review for consistency with Town ordinances and regulations. Similarly, references to land use policies in referenced municipalities are not the result of a comprehensive regulatory review, and SRPC defers to these municipalities to provide more comprehensive feedback regarding consistency of the proposed development with their regulations and with the character of their community.

Please do not hesitate to contact me at JBurdin@strafford.org or 603-994-3500 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "James E. Burdin". The signature is written in a cursive style and is enclosed in a thin black rectangular border.

James Burdin, AICP
Regional Economic Development Planner
Strafford Regional Planning Commission

BARRINGTON
BROOKFIELD
DOVER
DURHAM
FARMINGTON
LEE
MADBURY
MIDDLETON
MILTON



NEW DURHAM
NEWMARKET
NORTHWOOD
NOTTINGHAM
ROCHESTER
ROLLINSFORD
SOMERSWORTH
STRAFFORD
WAKEFIELD

January 31, 2018

Re: **Final Review** - Development of Regional Impact – Hard Rock Development, Proposed Commercial Excavation

Dear Committee Members:

Per NH RSA 36:55, a Development of Regional Impact means any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality.

Per the Town of Barrington, on October 16, 2018 a declaration of potential regional impact was approved by the Planning Board for the Hard Rock Development application for site plan approval related to a proposed sand and gravel excavation and conditional use permit related to impacts to the wetland buffer (Tax Map #263, Lots 13.1, 13.2, 18, & 19) located on Pierce Road in the “Regional Commercial” zoning district.

The Strafford Regional Planning Commission (SRPC) received formal notice from the Town of Barrington of said **Development of Regional Impact** on October 25, 2018. Per the Town of Barrington, notices were also sent to the City of Dover, the Town of Lee, the Town of Madbury, the Town of Durham, the University of New Hampshire, and the City of Portsmouth. On that date, SRPC also received draft meeting minutes for the October 16, 2018 meeting of the Town of Barrington Planning Board. SRPC has subsequently received one set of large-scale plans entitled “Hard Rock Excavation, prepared by Jones & Beach Engineers, Inc. and dated May 7, 2018. SRPC has also accessed publicly-available application materials via the Town of Barrington’s website.

This review has been amended from its original format at the request of the Regional Impact Committee to contain additional discussion of issues raised by the Committee and members of the public at the January 10, 2019 public meeting of the Regional Impact Committee. Further discussion of these items appears in italics below as an addition to or revision of our original review.

Transportation, Access, and Parking

Comments: The current application does not appear to include trip generation estimates. A 2016 traffic count showed average annual daily traffic of 14,192 trips on NH 125 at a point approximately 3,000 feet south of Pierce Road. Additional vehicle trips generated from the proposed development are unlikely to significantly affect traffic patterns; however, the increase in heavy machinery entering and leaving the site may damage smaller local roads in Barrington and surrounding communities. The Town should consider asking for additional information regarding trip generation for employees and delivery/removal of excavation materials, such as number and size of vehicles, peak trip generation times, and heavy machinery travel routes. This information will determine where the heavy machinery will be traveling and whether the road network can handle the additional wear and tear.

The applicant has stated that road construction will abide by NHDOT and Barrington Town road and bridge construction specifications. According to the Barrington, NH Site Plan Review Regulations, “all access shall be designed to accommodate prospective traffic and meet requirements of the Zoning Ordinance, Subdivision Regulations, and all other applicable town and state regulations including those of the Barrington Fire Department.” Abiding by these regulations will ensure accessibility by emergency response vehicles during an emergency.

Conflicts with Policies, Plans, and Programs – Noise

Comments: Section 7.1.2 of the Town of Barrington Zoning Ordinance limits noise levels to 75 decibels at all property lines. Section 7.1.1 indicates that no ground-borne vibration that is discernible without the aid of instruments is permitted beyond a lot line. If blasting of rock will be necessary for the operation of this site, the applicant should provide information from their blasting contractor regarding the decay of noise and vibration affirming compliance with these provisions. *This should include completion of a blasting plan outlining the frequency of proposed blasting and analyzing the potential impacts on abutting properties.*

Hazardous Materials or Substances

Comments: Processed materials from excavation/mining sites are often transported by trucks and used in construction as fill, bedding, subbase, etc. and do not pose a significant hazard to the public or environment. If the proposed development expects to use light charge blasting, the Planning Board should ensure measures will be taken to protect water quality and reduce impacts.

According to the EPA, sand and gravel excavation primarily produces emissions in the form of particulate matter (dust) and particulate matter less than 10 micrometers in aerodynamic diameter, which are often negligible. Some dryers may be sources of volatile organic compounds or sulfur emissions, depending on the type of fuel used to fire them. Emissions in the form of dust can be handled with appropriate control techniques. If dryers are going to be used on the proposed site, the Planning Board should request approximate emission totals.

The proposed excavation project is located on a site that is on the NH Department of Environmental Services (NHDES) list of sites contaminated with hazardous materials. The site, American Truck (Liberty International Trucks) at 3 Pierce Road, is listed as having a non-sanitary holding tank with a low workload priority. NHDES lists this site as a risk due to its proximity to two wellhead protection areas. The Ambleside Mobile Home Park (Newton Plains Road) and Computer Resources (1037 Calef Highway) have wellhead protection areas near the site. The Computer Resources wellhead protection area crosses into three parcels of the proposed development (13.1, 18, and 19).

SRPC is unable to determine whether the proposed activity on the site could result in a significant hazard to the public. The applicant should provide additional information regarding best management practices to prevent contamination by fuels, lubricants, and other chemicals used onsite. The Planning Board should be aware that sand and gravel deposits are permeable and very vulnerable to contamination. Special attention should be given during the permitting process to ensure that fuels and lubricants used by earthmoving equipment are handled properly and the areas are secured against illegal dumping.

If blasting of bedrock will occur, the Planning Board may wish to seek additional guidance regarding contaminants frequently found in bedrock, such as arsenic or radon. The applicant should provide information from their blasting contractor regarding best management practices for groundwater monitoring and other mitigation or remediation strategies.

Ecology and Resources

Comments: According to the best available GIS data, the proposed site does not include a significant amount of highly ranked habitat or riparian habitat. The Wildlife Action Plan shows that the predominant habitat types are hemlock-hardwood-pine and Appalachian-oak-pine. Very few areas are delineated as high-ranking habitat; most of the site is categorized as supporting landscapes. According to the Land Conservation Plan for New Hampshire’s Coastal Watersheds, parts of the proposed site fall within the Creek Pond Marsh supporting landscape; the Creek Pond Marsh core area is outside the proposed site.

An analysis completed by the Barrington Natural Heritage Committee in 2009 identifies the proposed site within a local protection priority site. This protection priority site is identified as unfragmented lands north of Route 4

and east of Mendum's Pond. According to the analysis, this area is part of the largest block of unfragmented lands (over 3,000 acres) in Barrington, is home to ancient trees in the black gum swamp, provides wildlife and wildlife corridors, and offers recreational potential. The proposed site abuts the Samuel A. Tamposi Water Supply Reserve (SATWaRS). The reserve is managed by the town for the protection of drinking water and plant and animal resources including moose, deer, bears, fishers, beavers, salamanders, turtles, frogs, great blue herons, and many other birds. In addition, the reserve is home to the Atlantic white cedar (rare in this area of the country). Dover, Madbury, Durham, Lee, Portsmouth, and the University of New Hampshire obtain a portion of their drinking water from the rivers originating on this land. The Planning Board should consider the potential impacts to wildlife that currently reside in the SATWaRS and are likely to be found on the proposed site.

While the proposed site is relatively dry, there are existing freshwater/shrub wetlands that will be affected. The proposed development will be within the town's 50-foot buffer setback and will need a special permit for the construction of roadways. Barrington also has designated prime wetlands with a 100-foot buffer. The Planning Board should ensure that no prime wetlands will be affected. The Planning Board should ask the developer for additional information on appropriate erosion-control measures prior to and during construction. Currently, a silt fence is being proposed—which is a sediment-control practice, not necessarily an erosion-control practice. The Planning Board should suggest that the developer reference erosion and sediment control best practices such as the New Hampshire Stormwater Manual Volume 3: Erosion and Sediment Controls during Construction (2008) and provide additional information.

The applicant will be required to submit a hydrogeological study as part of NHDES Alteration of Terrain and Barrington Planning Board review. That report should be made publicly available to abutting communities and other interested groups to assess potential ecological impacts of this development.

Hazards – Public Health and Safety

Comments: There are no steep slopes (greater than 25 percent) or FEMA floodplains on the proposed site. Therefore, the development is unlikely to result in any loss, injury, or death from landslides or flooding. It should be noted that there is a large floodplain on the northeastern side of Route 125. The current delineation of this floodplain may be adjusted as a result of the updated floodplain mapping analysis now underway. The Planning Board should review the preliminary floodplain maps to ensure that the floodplain boundaries remain outside the proposed site. As previously mentioned, the site looks to be relatively dry. Most of the soils on site are somewhat excessively drained or well drained and are unlikely to become unstable or result in off-site landslides or subsidence.

The depth of the water table is not clear from the submitted materials. This information is typically required for excavation projects under RSA 155-E and local excavation regulations, and the Planning Board should advise the developer that future uses of the land could be limited if excavation extends too close to the water table. NHDES states that if the land is to be used for residential or commercial development after the gravel is removed, enough material should be left behind to allow for the construction of properly designed septic systems or alternative wastewater disposal systems.

The applicant will be required to submit a hydrogeological study as part of NHDES Alteration of Terrain and Barrington Planning Board review. That report should be made publicly available to abutting communities and other interested groups to assess potential threats to public health and safety as a result of this development. This study should be reviewed for, among other things, comparison of the depth of the water table relative to proposed excavation.

Facilities

Comments: The proposed excavation is in an area already developed with commercial uses along a high-traffic corridor. This development would not alter current emergency services response times to the area, nor will it place additional burden on school, park, or utility facilities.

The applicant should provide additional information about the amount of water needed for excavation operations and whether that water would come from onsite wells or would be imported to the site to ensure that water withdrawal onsite does not affect neighboring water supplies. A stratified drift aquifer runs the length of Route 125 and intersects with a small portion of this site. The Town of Barrington has an Aquifer Protection Overlay District that would apply to any development in that location. This section of aquifer has an estimated transmissivity (a measure of the horizontal flow of water) of 2,000 square feet per day.

The proposed excavation is subject to Alteration of Terrain review by NHDES, which will consider proposed storm water treatment to prevent negative impacts to offsite properties. The applicant has been asked to prepare a hydrogeological study to further inform review by the Planning Board and NHDES. This study should be made available to all communities named as abutters to satisfy any concerns they may have regarding negative financial or environmental impacts. We recommend that the Planning Board have this hydrogeological study reviewed by a qualified third party if the board has any further concerns.

Scenic and Visual Character

Comments: The application does not appear to significantly alter agricultural land, damage or affect scenic vistas, or alter visual character. Although agricultural uses are permitted by right in this zoning district, soils data shows that there is no prime farmland, farmland of statewide importance, or farmland of local importance within the development boundaries.

The Town may want to ask for intended hours of operation and intended use of artificial light to determine if light pollution will affect the surrounding areas. The proposed development does not appear to conflict with any land use plan, policy, or regulation.

Housing and Population Growth

Comments: The proposed excavation is identified as a commercial operation on the submitted application. SRPC's understanding is that the excavation is proposed to be reclaimed as buildable parcels and Barrington's master plan and the site's current zoning in the Regional Commercial district make it most suitable for future commercial development.

The site is located approximately 1,500 feet from the Lee town line via NH 125 and approximately 1,200 feet from the Lee and Madbury town lines via Lee Oak/Newtown Plains Road. NH 125 from the Lee town line to the traffic circle is within Lee's Commercial zoning district and contains compatible commercial uses. Development in Lee and Madbury near Lee Oak/Newtown Plains Road is zoned in Lee's Residential Zone and Madbury's Residential/Agricultural district. However, the proposed excavation is unlikely to be less compatible with these uses than existing commercial operations along NH 125 in Barrington and Lee.

BARRINGTON
BROOKFIELD
DOVER
DURHAM
FARMINGTON
LEE
MADBURY
MIDDLETON
MILTON



NEW DURHAM
NEWMARKET
NORTHWOOD
NOTTINGHAM
ROCHESTER
ROLLINSFORD
SOMERSWORTH
STRAFFORD
WAKEFIELD

MINUTES
Strafford Regional Planning Commission
Regional Impact Committee
150 Wakefield Street, Suite 12, Conference Room 1A
Rochester NH 03867
January 10, 2019

DRAFT

RIC Members Present: Chair Wesley Merritt (Durham), Fred Kaen (Lee - Member), Marcia Gasses (Dover - Alternate), Victoria Parmele (Northwood - Alternate), Don Hamann (Rochester-Alternate)

RIC Members Absent: Steve Diamond (Barrington)

Staff Members Present: James Burdin, regional economic development planner, Jen Czysz, executive director, Stefanie Casella, data collection and analysis assistant

Others Present: Sam Faulkner (Barrington), Eve Faulkner (Barrington), Cilia Bannenberg, Doug Bogen (Barrington), Mark Avery (Madbury, SRPC), April Talon (Durham), Barry Gier (Hard Rock project engineer), David Landry (Dover, SRPC)

1. Welcome/Introductions

Chair Wes Merritt called the Regional Impact Committee (RIC) meeting to order at 3:35 p.m. W. Merritt asked the RIC members and alternates to introduce themselves. Introductions were made around the room. W. Merritt reviewed the structure of the meeting and explained that the RIC will review *Case SRPC/RIC 2019-01; Hard Rock Development – Major site plan review for proposed sand/gravel exaction project and conditional use permit for construction in wetland buffer (Tax Map #263, Lots 13.1, 13.2, 18 & 19) located at Route 125 (Calef Highway) and Pierce Road in the “Regional-Commercial” Zoning District of Barrington, NH.*

2. Action Items

a. Appointment of Committee Chair for FY 2019

Marcia Gasses moved to appoint W. Merritt 2019 Regional Impact Committee chair. Don Hamann seconded the motion, which was approved unanimously.

b. Approval of the Oct. 27, 2017, Regional Impact Committee meeting minutes

M. Gasses moved to approve the minutes. D. Hamann seconded the motion, which was approved unanimously.

c. Approval of the Mar. 6, 2018 Regional Impact Committee meeting minutes

M. Gasses moved to approve the minutes. D. Hamann seconded the motion, which was approved unanimously.

d. Appointment of alternates, if needed

M. Gasses disclosed her prior involvement with this application as Barrington Town Planner and recused herself from the hearing. Victoria Parmele was appointed to sit in her place.

3. Regional Impact Study: Case SRPC/RIC 2019-01; Hard Rock Development – Major site plan review for proposed sand/gravel exaction project and conditional use permit for construction in wetland buffer (Tax Map #263, Lots 13.1, 13.2, 18 & 19) located at Route 125 (Calef Highway) and Pierce Road in the “Regional-Commercial” Zoning District of Barrington, NH

a. Project Review and Completion of Development of Regional Impact (DRI) Checklist

W. Merritt explained that SRPC is required under RSA 36:54-58 to review projects deemed to have regional impacts to transportation and access, noise, hazardous materials and substances, ecology, public health safety and facilities, scenic and visual character, and housing population and growth. The results of this review will be presented to the RIC members and the public. He noted that this review is advisory only and SRPC cannot approve or deny planning.

James Burdin gave an overview of the preliminary Regional Impact Study, which he completed with SRPC principle planner Kyle Pimental and data collection and analysis assistant Stefanie Casella. He noted that this study is a little different from former studies in that it groups by category all the outlining questions and the responses to them, making for a more streamline review.

<p>Transportation, Access, and Parking</p> <p>Comments: The current application does not appear to include trip generation estimates. A 2016 traffic count showed average annual daily traffic of 14,192 trips on NH 125 at a point approximately 3,000 feet south of Pierce Road. Additional vehicle trips generated from the proposed development are unlikely to significantly affect traffic patterns; however, the increase in heavy machinery entering and leaving the site may damage smaller local roads in Barrington and surrounding communities. The Town should consider asking for additional information regarding trip generation for employees and delivery/removal of excavation materials, such as number and size of vehicles, peak trip generation times, and heavy machinery travel routes. This information will determine where the heavy machinery will be traveling and whether the road network can handle the additional wear and tear.</p> <p>The applicant has stated that road construction will abide by NHDOT and Barrington Town road and bridge construction specifications. According to the Barrington, NH Site Plan Review Regulations, “all access shall be designed to accommodate prospective traffic and meet requirements of the Zoning Ordinance, Subdivision Regulations, and all other applicable town and state regulations including those of the Barrington Fire Department.” Abiding by these regulations will ensure accessibility by emergency response vehicles during an emergency.</p>
--

W. Merritt asked for an overview of the proposed site. J. Burdin reviewed the two maps prepared by SRPC.

<p>Conflicts with Policies, Plans, and Programs – Noise</p> <p>Comments: Section 7.1.2 of the Town of Barrington Zoning Ordinance limits noise levels to 75 decibels at all property lines. Section 7.1.1 indicates that no ground-borne vibration that is discernible without the aid of instruments is permitted beyond a lot line. If blasting of rock will be necessary for the operation of this site, the applicant should provide information from their blasting contractor regarding the decay of noise and vibration affirming compliance with these provisions.</p>
--

V. Parmele asked if a blasting plan had been submitted or if blasting frequency was known. Project engineer Barry Gier responded that there are no prepared plans.

Hazardous Materials or Substances

Comments: Processed materials from excavation/mining sites are often transported by trucks and used in construction as fill, bedding, subbase, etc. and do not pose a significant hazard to the public or environment. If the proposed development expects to use light charge blasting, the Planning Board should ensure measures will be taken to protect water quality and reduce impacts.

According to the EPA, sand and gravel excavation primarily produces emissions in the form of particulate matter (dust) and particulate matter less than 10 micrometers in aerodynamic diameter, which are often negligible. Some dryers may be sources of volatile organic compounds or sulfur emissions, depending on the type of fuel used to fire them. Emissions in the form of dust can be handled with appropriate control techniques. If dryers are going to be used on the proposed site, the Planning Board should request approximate emission totals.

The proposed excavation project is located on a site that is on the NH Department of Environmental Services (NHDES) list of sites contaminated with hazardous materials. The site, American Truck (Liberty International Trucks) at 3 Pierce Road, is listed as having a non-sanitary holding tank with a low workload priority. NHDES lists this site as a risk due to its proximity to two wellhead protection areas. The Ambleside Mobile Home Park (Newton Plains Road) and Computer Resources (1037 Calef Highway) have wellhead protection areas near the site. The Computer Resources wellhead protection area crosses into three parcels of the proposed development (13.1, 18, and 19).

SRPC is unable to determine whether the proposed activity on the site could result in a significant hazard to the public. The applicant should provide additional information regarding best management practices to prevent contamination by fuels, lubricants, and other chemicals used onsite. The Planning Board should be aware that sand and gravel deposits are permeable and very vulnerable to contamination. Special attention should be given during the permitting process to ensure that fuels and lubricants used by earthmoving equipment are handled properly and the areas are secured against illegal dumping.

If blasting of bedrock will occur, the Planning Board may wish to seek additional guidance regarding contaminants frequently found in bedrock, such as arsenic or radon. The applicant should provide information from their blasting contractor regarding best management practices for groundwater monitoring and other mitigation or remediation strategies.

V. Parmele asked about the holding tank listed on the property and what implication this may have. J. Burdin responded that there is a holding tank monitored by NHDES on the property, but it has not been flagged as an immediate risk at this time.

V. Parmele questioned if there were any best management practices available by Liberty Trucks and or by the applicant. J. Burdin explained that applicant is required to provide additional information on what best management practices they intend to employ.

Ecology and Resources

Comments: According to the best available GIS data, the proposed site does not include a significant amount of highly ranked habitat or riparian habitat. The Wildlife Action Plan shows that the predominant habitat types are hemlock-hardwood-pine and Appalachian-oak-pine. Very few areas are delineated as high-ranking habitat; most of the site is categorized as supporting landscapes. According to the Land Conservation Plan for New Hampshire's Coastal Watersheds, parts of the proposed site fall within the Creek Pond Marsh supporting landscape; the Creek Pond Marsh core area is outside the proposed site.

An analysis completed by the Barrington Natural Heritage Committee in 2009 identifies the proposed site within

a local protection priority site. This protection priority site is identified as unfragmented lands north of Route 4 and east of Mendum’s Pond. According to the analysis, this area is part of the largest block of unfragmented lands (over 3,000 acres) in Barrington, is home to ancient trees in the black gum swamp, provides wildlife and wildlife corridors, and offers recreational potential. The proposed site abuts the Samuel A. Tamposi Water Supply Reserve (SATWaRS). The reserve is managed by the town for the protection of drinking water and plant and animal resources including moose, deer, bears, fishers, beavers, salamanders, turtles, frogs, great blue herons, and many other birds. In addition, the reserve is home to the Atlantic white cedar (rare in this area of the country). Dover, Madbury, Durham, Lee, Portsmouth, and the University of New Hampshire obtain a portion of their drinking water from the rivers originating on this land. The Planning Board should consider the potential impacts to wildlife that currently reside in the SATWaRS and are likely to be found on the proposed site.

While the proposed site is relatively dry, there are existing freshwater/shrub wetlands that will be affected. The proposed development will be within the town’s 50-foot buffer setback and will need a special permit for the construction of roadways. Barrington also has designated prime wetlands with a 100-foot buffer. The Planning Board should ensure that no prime wetlands will be affected. The Planning Board should ask the developer for additional information on appropriate erosion-control measures prior to and during construction. Currently, a silt fence is being proposed—which is a sediment-control practice, not necessarily an erosion-control practice. The Planning Board should suggest that the developer reference erosion and sediment control best practices such as the New Hampshire Stormwater Manual Volume 3: Erosion and Sediment Controls during Construction (2008) and provide additional information.

W. Merritt asked for clarification regarding marsh areas on the map and asked whether the local protection priority site was included in the prepared map. J. Burdin responded that the priority site from the 2009 Barrington Wildlife Action plan was not included, but the conservation land shown on the map should be assumed to be part of the Tamposi Reserve and would be included as part of that site.

Hazards – Public Health and Safety

Comments: There are no steep slopes (greater than 25 percent) or FEMA floodplains on the proposed site. Therefore, the development is unlikely to result in any loss, injury, or death from landslides or flooding. It should be noted that there is a large floodplain on the northeastern side of Route 125. The current delineation of this floodplain may be adjusted as a result of the updated floodplain mapping analysis now underway. The Planning Board should review the preliminary floodplain maps to ensure that the floodplain boundaries remain outside the proposed site. As previously mentioned, the site looks to be relatively dry. Most of the soils on site are somewhat excessively drained or well drained and are unlikely to become unstable or result in off-site landslides or subsidence.

The depth of the water table is not clear from the submitted materials. This information is typically required for excavation projects under RSA 155-E and local excavation regulations, and the Planning Board should advise the developer that future uses of the land could be limited if excavation extends too close to the water table. NHDES states that if the land is to be used for residential or commercial development after the gravel is removed, enough material should be left behind to allow for the construction of properly designed septic systems or alternative wastewater disposal systems.

V. Parmele asked where the hydrogeological study fits into this area of questions. J. Burdin answered that both NHDES and the town of Barrington have requested a hydrogeological study be completed in order to ensure there will be no ground or water contamination during the excavation of materials.

Facilities

Comments: The proposed excavation is in an area already developed with commercial uses along a high-traffic corridor. This development would not alter current emergency services response times to the area, nor will it place

additional burden on school, park, or utility facilities.

The applicant should provide additional information about the amount of water needed for excavation operations and whether that water would come from onsite wells or would be imported to the site to ensure that water withdrawal onsite does not affect neighboring water supplies. A stratified drift aquifer runs the length of Route 125 and intersects with a small portion of this site. The Town of Barrington has an Aquifer Protection Overlay District that would apply to any development in that location. This section of aquifer has an estimated transmissivity (a measure of the horizontal flow of water) of 2,000 square feet per day.

The proposed excavation is subject to Alteration of Terrain review by NHDES, which will consider proposed storm water treatment to prevent negative impacts to offsite properties. The applicant has been asked to prepare a hydrogeological study to further inform review by the Planning Board and NHDES. This study should be made available to all communities named as abutters to satisfy any concerns they may have regarding negative financial or environmental impacts. We recommend that the Planning Board have this hydrogeological study reviewed by a qualified third party if the board has any further concerns.

Scenic and Visual Character

Comments: The application does not appear to significantly alter agricultural land, damage or affect scenic vistas, or alter visual character. Although agricultural uses are permitted by right in this zoning district, soils data shows that there is no prime farmland, farmland of statewide importance, or farmland of local importance within the development boundaries.

The Town may want to ask for intended hours of operation and intended use of artificial light to determine if light pollution will affect the surrounding areas. The proposed development does not appear to conflict with any land use plan, policy, or regulation.

Housing and Population Growth

Comments: The proposed excavation is identified as a commercial operation on the submitted application. SRPC's understanding is that the excavation is proposed to be reclaimed as buildable parcels and Barrington's master plan and the site's current zoning in the Regional Commercial district make it most suitable for future commercial development.

The site is located approximately 1,500 feet from the Lee town line via NH 125 and approximately 1,200 feet from the Lee and Madbury town lines via Lee Oak/Newtown Plains Road. NH 125 from the Lee town line to the traffic circle is within Lee's Commercial zoning district and contains compatible commercial uses. Development in Lee and Madbury near Lee Oak/Newtown Plains Road is zoned in Lee's Residential Zone and Madbury's Residential/Agricultural district. However, the proposed excavation is unlikely to be less compatible with these uses than existing commercial operations along NH 125 in Barrington and Lee.

Engineer Barry Gier, representing Jones and Beach Engineers (the applicant), introduced himself and presented the general overview of the proposed project. The site is located on the west side of Rt. 125 at Pierce Road and is behind and including the Liberty International Trucks site. It totals approximately 152 acres across four lots, the majority of which is owned by the Town of Barrington. B. Gier identified the Eversource easement that bisects the property, environmentally sensitive areas in the northwest corner of the project area, and the nearby Tamposi Water Supply Reserve. The property gains 100 feet in elevation between the front of the property (near Rt. 125) and the ridgeline where the Eversource line runs. The proposed project is a partnership between Hard Rock excavating and the Town. The Town would like this property for a future industrial park; road development and excavating will make this possible. An excavation depth of 50 feet is anticipated for the project. The current

plan includes wetland impacts, which have led to meetings with the NHDES Wetlands Bureau, NHDES Alteration of Terrain Bureau, the Environmental Protection Agency, and the U.S. Army Corps of Engineers to mitigate them. This plan will result in two areas of the project, totaling 32 acres, being turned into conservation land. A hydrogeological survey has been requested by all involved agencies, and further planning will commence when the study results are available.

W. Merritt asked if the property would continue to have a less than 25 percent slope after the excavation takes place. B. Gier said that he expects areas of the development will have more than 25 percent slopes after excavation.

Comments from Barrington and abutting communities

Connor McIver, Barrington deputy town administrator, had no comments.

April Talon, Durham town engineer, noted that this site is near the headwaters of the Oyster River, which is a water source for the Durham/UNH community and an important environmental resource. She looks forward to seeing the results of the hydrogeological survey when it is made available.

Mark Avery, Madbury Planning Board member and SRPC Commissioner, reiterated the need for the hydrogeological study. He also noted concerns about increased traffic through the intersection of Lee Oak Road and Rt. 125. The intersection is very close to the proposed development, and is a key point of access to Madbury.

Dave Landry, Dover Planning Board member and SRPC Commissioner, reiterated previous points that also pertain to the City of Dover.

4. Citizen’s Forum: Citizens of the region are invited to speak on the subject matter of the meeting. Statements shall be limited to three (3) minutes.*

Cilia Bannenberg, Barrington Waterways Protection Committee, expressed concern for water contamination that could affect the Barrington water supply as well as other communities downstream such as Portsmouth, Durham, and Lee. She then spoke on behalf of the residents of the Ambleside Mobile Home Park, explaining that they are very worried about water contamination and blasting. She claimed an ordinance passed in 2016 prohibits the start of new gravel pits in Barrington. C. Bannenberg then asked when the hydrogeological survey would be completed. B. Gier responded that initial results will be released in the next 1–3 months, but testing will continue for the duration of the project.

Doug Bogen, Barrington Waterways Committee and member of the Barrington conservation commission (although not speaking on the latter’s behalf), reiterated the committee’s concerns about impacts to resources and about adding another gravel pit to the town of Barrington. He added that there is a vernal pool in the middle of the property that could be affected.

Sam Fulkner, Barrington Waterways Committee, asked where the excavated materials will be going. B. Gier responded that the gravel will be sold, but where has not been determined yet. S. Faulkner suggested the board review the rights-based ordinance that prohibits Barrington excavation materials from being sold outside of the town of Barrington.

Close of citizen’s forum – applicant has the opportunity to respond to all questions

B. Gier reiterated that little can be known about the impacts of the project without the results of the hydrogeological study.

5. ***In the event that interested parties cannot attend the meeting, comments may be sent to regional economic development planner James Burdin at jburdin@strafford.org, or via mail. All comments received by Wednesday, Jan. 9, at 4 p.m. will be forwarded to RIC members for inclusion with the DRAFT technical review to be presented at the meeting. Comments received after this time will be made available to RIC members at the beginning of the meeting on Jan. 10.**

6. Acceptance of Technical Review

V. Parmele moved to accept the technical review. F. Kaen seconded the motion.

V. Parmele reiterated the need for the hydrogeological survey and asked about the rights-based ordinance that was mentioned in the citizen's forum.

M. Gasses, Barrington town planner, responded that the Planning Board's attorney advised the ordinance was not adopted as a land use regulation under the zoning ordinance, therefore the Barrington Planning Board has no authority to enforce it. She added that when the issue came forward, it came forward as a petitioned zoning amendment and the town's general attorney at the time saw that it was not enforceable at that time either. The Planning Board is going to continue to review the application based strictly on the zoning ordinance and site plan review regulations. J. Burdin agreed with M. Gasses that because the operations (sale of gravel) has not been determined yet, the planning board has to review the application and enforcement would come at a later date when operations are determined.

V. Parmele said she would like more language added throughout the technical review citing the need for the hydrogeological survey. J. Burdin responded that he would add language to the Hazards to Public Health and Safety as well as Ecology and Resources sections.

V. Parmele said she would also like to have added to the Hazards to Public Health and Safety section language about the implications of water table alterations, and a suggestion to review a blasting plan added to the section on Conflict with Policies, Plans, and Programs – Noise.

F. Kaen moved to amend the technical report to incorporate changes proposed during discussion. V. Parmele seconded the motion, which was approved unanimously.

F. Kaen moved to accept the amended report. V. Parmele seconded the motion, which was approved unanimously.

7. Meeting Adjournment

V. Parmele moved to adjourn the meeting. F. Kaen seconded the motion, which was approved unanimously.

The meeting adjourned at 4:50 p.m.

Respectfully submitted,

Stefanie Casella

SRPC Data Collection and Analysis Assistant

DRAFT 1/31/2019

Minutes approved on _____

By: _____

Wesley Merritt, Chair- SRPC Regional Impact Committee

*Comments in red were questions made during the explanation of SRPC's technical review.

James Burdin

From: Parker, Christopher G. <C.Parker@dover.nh.gov>
Sent: Monday, January 07, 2019 11:24 AM
To: SRPC; James Burdin
Subject: RE: SRPC Regional Impact Committee Jan. 10 Meeting Notice - Hard Rock Development

Good morning James,

Preliminarily, Dover's main concern appears to be any contamination or run off into the Bellamy River. It seems like a hydrogeological study should be completed before a full answer can be supplied.

Chris

Christopher G. Parker, AICP
Assistant City Manager: Director of Planning and Strategic Initiatives
City of Dover, NH
288 Central Avenue
Dover, NH 03820-4169
e: c.parker@dover.nh.gov
p: 603.516.6008 f: 603.516.6049

Dover: First in New Hampshire, First with you!
www.dover.nh.gov
<http://dovernhplanning.tumblr.com/>
Facebook: <https://www.facebook.com/DoverNHPlanning>
Twitter: @DoverNHPlanning

From: SRPC <srpc@strafford.org>
Sent: Friday, January 4, 2019 4:14 PM
To: djh@dchamann.org; Fred Kaen <kaen@comcast.net>; Marcia Gasses <barrplan@metrocast.net>; nhcatsteve@yahoo.com; Victoria Parmele <vistas20@fastmail.com>; Wes Merritt <drwes@comcast.net>; Parker, Christopher G. <C.Parker@dover.nh.gov>; crossi@leenh.org; Eric Fiegenbaum <adminmadbury@comcast.net>; mbehrendt@ci.durham.nh.us; Stephen Pesci (spesci@unh.edu) <spesci@unh.edu>; jthwalker@cityofportsmouth.com; Weston, Karen <K.Weston@dover.nh.gov>; Mistretta, Susan <S.Mistretta@dover.nh.gov>; cbrown@leenh.org; Ireinhold@leenh.org; tcmadbury@comcast.net; council@ci.durham.nh.us; lpitt@ci.durham.nh.us; cityclerk@ch.cityofportsmouth.com; bgier@jonesandbeach.com; matt.okeefe@unh.edu
Cc: David Landry <chancellorbrown@comcast.net>; Dianne Smith <bestsunsets2@gmail.com>; dirkgrotenhuis@gmail.com; Donald Coker <Fish4Bugs@aol.com>; Ed Comeau <edcomeau@live.com>; emcdougal@roadrunner.com; gary.anderson1@myfairpoint.net; gmaglaras@co.strafford.nh.us; janandjonh@yahoo.com; Jen Czysz <jcysz@strafford.org>; John Huckins <'barringtondepbi@gmail.com'>; John Law <ironroadjockey@msn.com>; Williams, Lindsey <L.Williams@dover.nh.gov>; Lisa Henderson <lisafhenderson@gmail.com>; Mark Avery <mavery528@aol.com>; Michael Bobinsky <mbobinsky@somersworth.com>; Michael Rollo <michael.rollo@rollinsford.nh.us>; Pete Nelson <pete_nelson@comcast.net>; Rick Healey <chelu@metrocast.net>; Scott Martin <oliver1250@hotmail.com>; Scott Orzechowski <scott.orzechowski@comcast.net>; Stephanie Benedetti <sbenedetti@sedcnh.org>; Steve Brown <sasquatch3761@yahoo.com>; Suzanne Huard <suzanne.huard@rollinsford.nh.us>; Tom Crosby <tom1021corp@comcast.net>; totographs@comcast.net; Wayne Burton <wburton@northshore.edu>
Subject: SRPC Regional Impact Committee Jan. 10 Meeting Notice - Hard Rock Development

Good afternoon,

Shayna Sylvia

To: Madbury Admin Asst
Subject: RE: Barrington, Hard Rock proposal, regional impact comment from Madbury

From: Madbury Admin Asst [<mailto:adminmadbury@comcast.net>]
Sent: Wednesday, January 09, 2019 8:30 AM
To: 'James Burdin'
Cc: 'Tom Crosby'; 'Mark Avery'
Subject: Barrington, Hard Rock proposal, regional impact comment from Madbury

Hi James,

The Selectmen in Madbury would concur with Dover's concerns on impacts to water resources based on the proximity of the development to the SATWaSR, which contributes to both the Bellamy and Oyster Rivers. Both rivers are municipal drinking water sources.

They also have concerns regarding the local traffic situation. An additional intersection in the area on SR 125 is likely to contribute to the difficult situation at SR 125, Newtown Plains (Lee Oak Rd.) and Pierce Rd.

Both of these concerns should be investigated and addressed with regard to the Hard Rock development proposal.

Thank you,

Eric

Eric Fiegenbaum, Administrator
Town of Madbury
(603) 742-5131 x1

James Burdin

From: Charter Weeks <cw@charterweeks.com>
Sent: Wednesday, January 09, 2019 10:00 PM
To: James Burdin
Cc: Keith A. Pratt; Cilia Bannenberg
Subject: Hearing

Regarding your hearing on 1/10 the regional impact of turning the property in question into a gravel pit is absurd. The site sits above the major aquifer that serves as a major resource for Barrington, Dover, Portsmouth, and Durham. It is also adjacent to the ANWAR environmental site.

it is the resource that sustains the Bellamy reservoir for regional communities. As a gravel pit it provides no meaningful financial benefit to Barrington's tax base and will not provide any viable development site for at least 10 years.

The site is a complex landscape with steep slopes, ledge wet lands and other environmental challenges that would be best dealt with in a more nuanced development plan. The site is owned in its entirety by the town of Barrington that creates no burden on tax payers and has not been adequately reviewed for less impactful uses that have better long term returns for our community.

In the 1980s as a member of the Barrington planning board I spearheaded an aquifer protection zone that ran from Rt 9 and 125 junction to the town line.

I urge you to reject this mining application as inconsistent with regional environmental interests

Regards
Charter Weeks

Charter Weeks
Charter Weeks Photography
603.664.7654
www.charterweeks.com

James Burdin

From: Loraina Estabrook <estabrook47@gmail.com>
Sent: Wednesday, January 09, 2019 9:16 PM
To: James Burdin
Subject: Hard Rock Development

Hello,

I was identified as an abutter for this project with Hard Rock and received a letter about 2yrs ago from Barrington town hall.

I object to this project for many reasons but will address my own concern. I live in the former Ambleside park, now know as Lee Oak Cooperative. I have lived here 35 and a half years. This is a mobile home community of 69 homes. Our well sits right off 125 on Newtown plains rd. The blasting that has been discussed, could go on for 10 years according to what I was told. This blasting could have a dire affect on our well.

Also, many of our homes are not on cement slabs. My home, like others are sitting on blocks on dirt. So blasting could cause shifting with damaging results.

I believe this company did not use due diligence in finding out particulars concerning surrounding homes that sit on a hill directly across from this project. My neighbors are close to me in this area. We all should have received letters.

Another fact is notices for meetings by anyone always seem to be last minute and not everyone can make some of the meetings. Just like this meeting scheduled for 3:30 tomorrow.

Thank you for your time.

Loraina Estabrook
50 Roberts Rd
Barrington, NH 03825



P.O.Box 381
Barrington, NH 03825

Date: January 19, 2019

To: Town of Barrington Select Board, Planning Board, and Strafford Regional Planning Commission

Re: Preliminary Review: Development of Regional Impact, Hard Rock Development

Dear Commissioners and Board Members:

A 2016 Barrington ordinance prohibits any corporation from extracting gravel, sand, and other minerals within the town of Barrington. Community Bill of Rights Ordinance, Section 3(a)(i) (attached). Among the community needs that this law **protects are the rights to preserve the town's biological resources, including pure water, clean air, healthy ecosystems, and scenery.** *Id.*, Section 2. Duly enacted through adoption of a warranted article by popular vote, this ordinance binds both public and private actors to abide by its terms. *Id.*, Section 3.

By failing to include this ordinance in its analysis, the Strafford Regional Planning Commission incorrectly answered several questions in its preliminary review of the **Hard Rock Development project's regional impact. Question 20 asks whether the development will "conflict with any local policies or ordinances protecting biological resources."** The proposed project blatantly violates the ordinance. The SRPC later responds to Questions 41 by explicitly stating that "[t]he proposed development does not appear to conflict with any land use plan, policy or regulation."

These responses are factually incorrect and create the misleading impression that the proposed project is **legal. Because regional planning commissions are "agencies" and have "only the power and authority expressly provided for" by state law, the SRPC has no authority to pass judgement on the validity of a town ordinance.** R.S.A. 541-A:1(II) and 36:49-a. Executive bodies must abide by and enforce all laws regardless of whether or not that executive body feels as though the law should not have been passed.

This planning commission must promote the "health, safety, morals, and general welfare" of the region and its inhabitants. R.S.A. 36:45. The SPRC's bylaws state its mission to "ensure the region is responsive to the needs of its inhabitants." *Strafford Regional Planning Commission Bylaws*, Article II. Barrington inhabitants articulated their needs by enacting a binding ordinance to protect their health, safety, and welfare.

Approving a project that directly harms this community's own articulation of its health and welfare needs contravenes not only the law but also the Commission's own bylaws.

The town of Barrington validly enacted its law prohibiting gravel extraction within its borders. The Hard Rock Development project clearly violates this law. The SRPC must recognize that the proposed project is illegal and thus must deny the proposal.

Thank you for allowing us to bring this to your attention.


Sincerely,

Barrington Waterways Protection Committee, inc

P.O.Box 381
Barrington, NH 03825


Environmental Hazards

Conservation Lands NH (2018)

 Permanent Conserved Lands

Conservation Focus Areas (TNC 2006)


Representation: CFA


 Core Area


 Supporting Natural Landscapes

Base Features


 Hard Rock Site Plan


 Public Water Supply Sources

 Contamination Hazard

 Municipal Boundary


 Wellhead Protection Areas

 Stream, River

 Lake, Pond, River

NH Roads (NHDOT)

 State

 Local

 Private

 Not Maintained

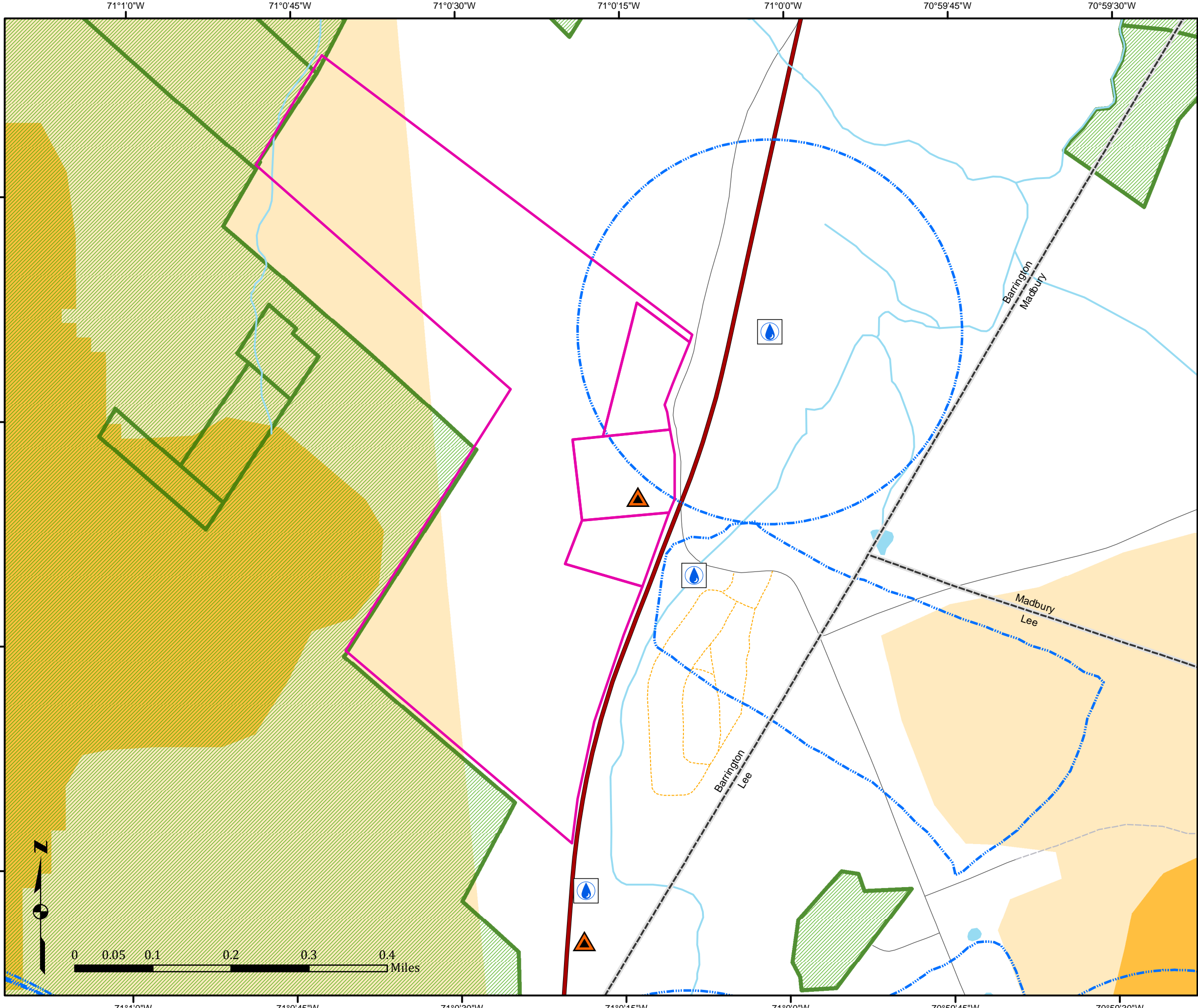
Data Sources

Base features from NH GRANIT database. Digital data in NH GRANIT represent the efforts of the contributing agencies to record information from the cited source materials. Earth Systems Research Center (ESRC), under contract to the Office of Energy and Planning (OEP), and in consultation with cooperating agencies, maintains a continuing program to identify and correct errors in these data. Neither OEP nor ESRC make any claim as to the validity or reliability or to any implied uses of these data.

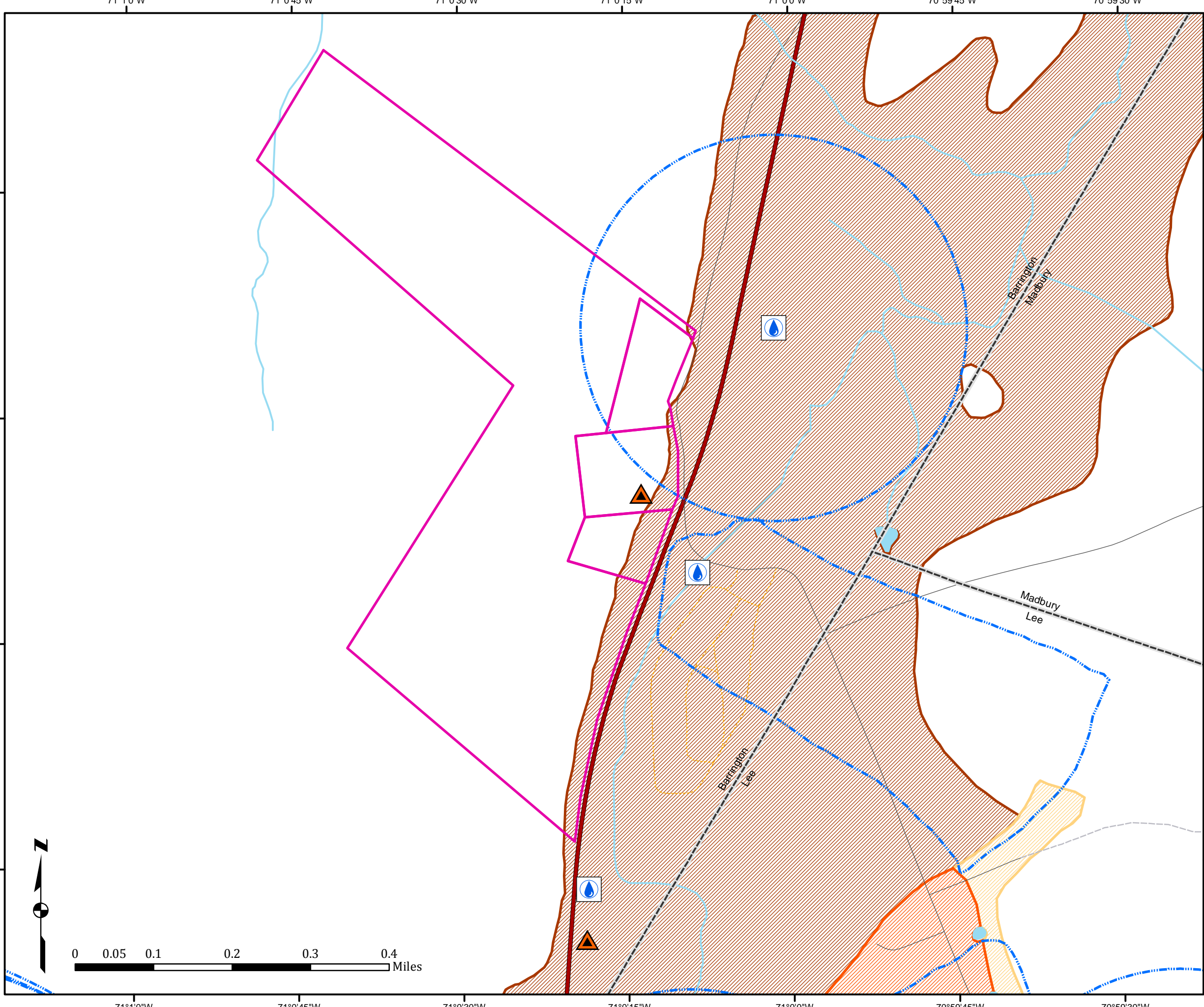
Digital tax parcels taken from SRPC database. Data should be used for planning purposes only. Data were derived from various sources and were updated at different timeframes, with varying levels of accuracy. Please notify SRPC of any errors or omissions.

Prepared by the **Strafford Regional Planning Commission**
 150 Wakefield St. Suite 12 Rochester, NH 03867
 T: (603) 994-3500 E: srpc@strafford.org

Date: 1/4/2019 Author: KAP



Environmental Hazards










Aquifer Transmissivity NH (2018)





Level

-  500
-  1000
-  2000

Base Features

-  Hard Rock Site Plan
-  Public Water Supply Sources
-  Contamination Hazard
-  Municipal Boundary
-  Wellhead Protection Areas
-  Stream, River
-  Lake, Pond, River

NH Roads (NHDOT)

-  State
-  Local
-  Private
-  Not Maintained

Data Sources

Base features from NH GRANIT database. Digital data in NH GRANIT represent the efforts of the contributing agencies to record information from the cited source materials. Earth Systems Research Center (ESRC), under contract to the Office of Energy and Planning (OEP), and in consultation with cooperating agencies, maintains a continuing program to identify and correct errors in these data. Neither OEP nor ESRC make any claim as to the validity or reliability or to any implied uses of these data.

Digital tax parcels taken from SRPC database. Data should be used for planning purposes only. Data were derived from various sources and were updated at different timeframes, with varying levels of accuracy. Please notify SRPC of any errors or omissions.

Prepared by the **Strafford Regional Planning Commission**

150 Wakefield St. Suite 12 Rochester, NH 03867

T: (603) 994-3500 E: srpc@strafford.org

Date: 1/4/2019 Author: KAP

