

PAUL AND LINDA THIBODEAU

76 YOUNG ROAD BARRINGTON NH 03825

May 1, 2023

VIA EMAIL (planning@barrington.nh.gov)

Town of Barrington Planning Board

c/o Vanessa price, Town Planner

4 Signature Drive

P.O. Box 660

Barrington NH 03825

Re: Case #: 240-12-NR-23-SR Owners: Ryan Caverly, Karen Caverly, Karen & Lendall Caverly

Page 1- Letter to PB

Page 2- Union Farm Facebook ad-1

Page 3- Union Farm Facebook ad-2

Page 4- Caverly NOD

Page 5- NH RSA 21:34-a

Page 6- Email from farm to prospect

Page 7- Email from Farm to prospect

Page 8- Email from Farm to prospect

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Re: Case #: 240-12-NR-23-SR Owners: Ryan Caverly, Karen Caverly, Karen & Lendall Caverly

Dear Chair Driscoll and Members of the Planning Board,

We write regarding the application for the renovation to the second home to be repurposed to add restrooms and a state approved kitchen for the production of value-added items for retail sales during harvest and farm to table events. The location is at 178 Young Road (Map 240, Lot 12) on a 9.93-acre lot in the Neighborhood Residential Zoning District.

The applicant received an NOD allowing events for specific days from May through October. The emails attached were sent from the owner, Karen, to two prospective customers inquiring about days, costs and what is included to reserve a date for an event/wedding. The proposal/application to install a state approved kitchen and repurpose an existing building into restrooms would lend itself more toward accommodations for events than the sales of peach by-products. This peach farm has operated for many years without the need for restrooms and a kitchen. The applicant, Karen, said at the previous planning board meeting that the cost for porta potties is \$1,700.00 every weekend for events/weddings. The request before the board tonight for restrooms will eliminate the need for porta potties.

Using the emails attached, calculations are made and noted below using the numbers provided by **THE BARN AT UNION LAKE ORCHARDS in the attached emails**. The NOD was awarded based on 35% percent of gross income as a *supplement* to the agricultural peach business. The numbers suggest otherwise.

We have attached the RSA governing AGRITOURISM. All allowed uses under AGRITOURISM include the definitions related to **"THE FARM" "WHICH IS ANCILLARY TO THE FARM OPERATION"**.

Section 21:34-a

(8) III. A farm roadside stand shall remain an agricultural operation and not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.

Approval was given for May through October for weddings/events: Fridays, Saturdays, and **Sundays** as offered in the emails. Week day events from 4-8pm are allowed by NOD as well but not used for the purpose of this calculation, although reservations are offered by the applicant.

This year, there are 26 weekends from May through October. With the possibility of 3 events each weekend (Friday, Saturday and Sunday) and each with a capacity to accommodate 150 people, at the advertised \$5800/ event cost, a gross income of **\$452,400.00** would be realized.

Using RSA: 21:34-4, the peach farm income must have a minimum income of \$1,292,571.43 (one million two hundred ninety two thousand five hundred seventy one dollars) before attempting to gross \$452,400.00 annually by AGRITOURISM GROSS SALES. (35%). *The additional income generated by week night events was not included in this calculation.*

TRAFFIC:

The abutter's notices were sent out according to NH Section 672:3. Therefore, residents of Young Road and Beauty Hill Road were unaware of the application before the Board other than the 4 abutters on the list. Three of the abutters are relatives of the applicant. The traffic these events will generate affects all residents of Young Road and Beauty Hill Road. Each event/wedding on a Friday, Saturday and **Sunday**, with 150 guests, will generate 75-100 cars. This is 150-300 additional vehicles down Young Road and Beauty Hill Road within a 20-30 minute period of time at both the beginning and end of each event. A NOD approval was given for operating hours from 10am-10pm on a Saturday. As per advertising, a wedding ceremony is 4-5 hours; there is a possibility of 2 weddings on a Saturday.

Again, this does not take into account the traffic generated by additional events offered from 4-8pm during the week, as well as vendors supplying food, drink and entertainment for weddings/events.

RSA 21:34-a provides a local land use board "approval and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety"

178 Young Road, a peach orchard, is in the general residential zoning district. The event/wedding use is a business in the general residential neighborhood zoning district.

Respectfully submitted,

Paul Thibodeau and Linda Thibodeau



union lake peach orchard

All

Posts

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Barrington, NH Community
Page · **Follow**



The Barn at Union Lake Orchard · Mar 18 ·

Good morning! We are a new venue, The Barn at Union Lake Orchard, located right here in Barrington NH. Our venue is a classic timber frame post and beam barn built in 2019. The Barn over looks our 500+ peach trees in our 10 acre orchard. 🥰

We currently have a few more open weekends in late summer/early fall. To inquire for more information and to book a tour, email thebarnatunionlakeorchard@gmail.com





The Barn at Union Lake Orchard ...

· **Follow**

Mar 7 · 🌐

Welcome to The Barn! Your next venue for your wedding, fundraising event and celebration! Our beautiful timber frame barn sits atop the [Union Lake Peach Orchard](#) 🥰

Our season begins in May and ends in October. To learn more about how you can book our space email thebarnatunionlakeorchard@gmail.com or give us a call on the orchard line 603-664-2196.

We look forward to hosting you!





Planning & Land Use Department
Town of Barrington
PO Box 660
333 Calef Highway
Barrington, NH 03825
603.664.0195
VPrice@barrington.nh.gov

NOTICE OF DECISION

Date of Application: June 20, 2022
Date Decision Issued: July 19, 2022
Case File #: #240-12-NR-22-SR

<i>[Office use only]</i>	<i>Date certified:</i>	<i>As builts received:</i>	<i>Surety returned</i>
<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
RE: 240-12-NR-22-SR (Owners: Ryan Caverly & Karen & Lendall Caverly) Request by applicant for a proposal for 3.4 Conditional Use Permit for an event venue along with waivers in the barn (Map 240, Lot 12) of the Union Lake Orchard at 178 Young Road on a 9.8-acre lot in the Neighborhood Residential Zoning District			
Owners/Applicants: Ryan Caverly and Karen & Lendall Caverly 160 Young Road Barrington, NH 03825			

Dear applicant:

This is to inform you that the Barrington Planning Board at its July 19, 2022, meeting **APPROVED** your application referenced above. The approval included a 3.4 Conditional Use Permit granted approval for use of a Conference Center and a Minor Site Plan approval for an event venue in the barn.

At the July 19, 2022, Planning Board Meeting, Board approved waivers for:

- i) the requirement for the for the trees along Young Road, sited in the Traffic Study as being in the Line-of-sight triangle, to remain in place, per Section 4.14.2 (3) of the Site Plan Review Regulations;
- ii) the requirement for an Illumination Plan per Section 3.8 of the Site Plan Review Regulations.

The approved days of the week for events in the Barn are Sunday – Friday, and the hours of operation are 4:00 pm am to 8:00 pm.

The approved days of the week for a wedding event in the Barn are Fridays with the hours of operation 3:00 pm to 10:00 pm; and Saturdays with the hours of operation 10:00 am to 10:00 pm.

A Conditional Use Permit was granted as part of this application (Article 3.4) for the use of a Conference Center.

There should be no erosion impacts on swales or segmentation to Young Road. If erosion occurs from property to Young Road, erosion control measures shall be in place before, during and until the area stabilizes, if needed.

Any changes to the site used for the operation of the business will require reapplication and review by the Planning Board.

I wish you the best of luck with your project. If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Vanessa Price

Vanessa Price
Town Planner

cc: File

TITLE I

THE STATE AND ITS GOVERNMENT

CHAPTER 21

STATUTORY CONSTRUCTION

Section 21:34-a

21:34-a Farm, Agriculture, Farming. –

- I. The word " farm " means any land, buildings, or structures on or in which agriculture and farming operations or activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock; in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in the operations or activities named in paragraph II(a) or (b) of this section or any combination of such individual operations or activities.
- II. The words " agriculture " and " farming " mean all operations or activities of a farm, including:
- (a)(1) The cultivation, conservation, or tillage of the soil.
 - (2) The storage and use of or spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.
 - (3) The use of or application of agricultural chemicals.
 - (4) The husbandry of livestock which shall include but not be limited to all beef or dairy cattle, steer, oxen, goats, sheep, swine, horses, mules or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (*Cervus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), or reindeer (*Rangifer tarandus*).
 - (5) The husbandry, boarding, training, or riding instruction of equines.
 - (6) The husbandry and harvesting aquaculture products including fresh or salt water finfish, shellfish, or other aquatic organisms grown for consumption or processing.
 - (7) The husbandry of poultry or game birds or production of eggs.
 - (8) The husbandry of bees or production of honey.
 - (9) The husbandry of domesticated strains of fur-bearing animals.
 - (10) The production of greenhouse crops.
 - (11) The production, cultivation, growing, or harvesting of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees or tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any plant that can be legally grown or harvested extensively for profit or subsistence.
- (b) Any practice or activity on the farm incident to, ancillary to, or in conjunction with such farming operations, including, but not necessarily restricted to:
- (1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.

(2) The transportation to the farm of supplies and materials.

(3) The transportation of farm workers.

(4) Forestry or lumbering operations.

(5) Marketing or selling at wholesale or retail, regardless of the manner or form of the transaction, any livestock or products derived principally from the production of the farm, including, but not limited to items listed in subparagraph (a), whether on-site or off-site, provided that marketing such products is not specifically prohibited by local regulations. For the purposes of this section marketing shall include agritourism, which means attracting visitors to a farm to attend events or activities that are accessory uses to the primary farm operation, including, but not limited to, being provided a meal, making overnight stays, enjoyment of the farm environment, education which shall be instruction or learning about the farm's operations, or active involvement in the activities of the farm.

(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

(7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II(a)(4).

(8) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.

III. A farm roadside stand shall remain an agricultural operation and not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.

IV. Management practices on the farm shall include technologies recommended from time to time by the university of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, or appropriate agencies of the United States Department of Agriculture.

V. The term " farmers' market " means an event or series of events at which 2 or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture, as defined in paragraphs I-IV. "Farmers' market" shall not include any event held upon any premises owned, leased, or otherwise controlled by any individual vendor selling therein.

VI. [Repealed.]

Source. 1961, 140:1. 1977, 95:1. 1979, 60:1. 1985, 6:1. 1997, 250:1. 1999, 191:2. 2005, 107:1. 2006, 11:5; 326:1. 2007, 157:1. 2008, 8:1, eff. July 4, 2008. 2014, 97:2, eff. Aug. 10, 2014. 2016, 267:1, 6, eff. June 16, 2016. 2019, 338:1-3, eff. Sept. 5, 2019.

Hello _____

Thank you for your interest in our Barn for a wedding celebration in 2024! Our Barn will accommodate 150 guests. Clients are responsible for hiring a caterer, bartender and DJ. Pricing is based on the number of guests.

Less than 75 guests \$3700

75-150 guests \$5800

The rental fee includes:

Use of the barn

Grounds around the barn

Parking near the barn and in the lower field

Farm tables and wooden benches. We add tables and chairs for larger parties.

Coffee station - if requested

2 cornhole boards with bean bags (if requested & weather permitting)

Restroom trailer

(informal weddings: 2 porta-toilets instead of restroom trailers~
with a significant reduction in the rental price)

Less than 75 guests- 4 hour ceremony and reception time

75-150 guests- 5 hour ceremony and reception time

Access to the barn the day before for decorating

1 hour wedding rehearsal time the day before

Clean up until 11 AM the day after.

We'd love to show you our Barn so please send a date and time that will work for you and we'll make it happen!

Thank you for your time and I look forward to hearing from you.

Best,

Karen

Hello _____

Yes... we can have an event on a Friday. August 4, 11, and 18 are available in August. These dates include 2 porta-toilets.

Let me know a date you would be interested in. And as for Saturdays here is the list of those available in August.

If you'd like to change the month we have other dates available.

Currently these dates are available in August:

Saturdays with **2 porta toilets** August 5, 12

Sundays with **2 porta toilets** August 6, 13, 27

Saturday with **Restroom trailer** August 26

I highly recommend you meet us and tour our lovely Barn!! Just let me know a day and time that works for you. 😊

and we can talk about possible dates!

Kindly,
Karen

On , _____ M, The BARN at Union Lake Orchard
<thebarnatunionlakeorchard@gmail.com> wrote:

Hello _____

Thank you for your interest in our Barn for an anniversary celebration!
PLEASE disregard my previous email- I was editing it and inadvertently sent it :

(

Our Barn will accommodate 150 guests. Clients are responsible for hiring a caterer, bartender and DJ. Pricing is based on the number of guests.

Less than 75 guests \$3700 with restroom trailer
with 2 porta toilets \$ 2400

75-150 guests \$5800 with restroom trailer
with 2 porta toilets \$ 4500

The rental fee includes:

Use of the barn

Grounds around the barn

Parking near the barn and in the lower field

Farm tables and wooden benches. We add tables and chairs for larger parties.

Coffee station - if requested

2 cornhole boards with bean bags (if requested & weather permitting)

Restroom trailer (informal weddings: 2 porta-toilets instead of restroom trailers~with a significant reduction in the rental price)

Less than 75 guests- 4 hour celebration time

75-150 guests- 5 hour celebration time

Access to the barn for decorating 3 hours before guest arrival

Clean up within 2 hours after event

Currently these dates are available in August:

Saturdays with 2 porta toilets August 5, 12

Sundays with 2 porta toilets August 6, 13, 27

Saturday with Restroom trailer August 26

We would love for you to see our Barn- please send a day and time you'd be available and we'll make it happen!

Thank you for your time and I look forward to hearing from you.

Kindly,
Karen