

### Document Contents:

1. My Recommendations for Moving Forward with the Applicant and Zoning Board (Page 1)
2. Summary of Key Issues with Application and Development Proposal (Page 1)
3. Exhibits and Cited References (Page 3)

### My Recommendation for Moving Forward with the Applicant and Zoning Adjustment Board:

- **Application must be rejected in its current state** due to stated risk imposed on Prime wetlands and aquifer, lack of conformance against zoning ordinances, and other stated key issues
- **Independent assessment is needed to mitigate risk to prime wetlands** (funded by applicant), including an aquifer assessment
- If independent environmental experts deem any land developable, **neighbors should work on an offline settlement proposal with Paul Thibodeau to find common ground on a development layout** to potentially avoid a resource-heavy, drawn out legal process for all parties. We believe homes at higher price points (\$650k+) will provide adequate profit margins to maximize land conservation, and increase surrounding property values
- **All zoning board members should disclose any and all potential conflicts of interest with Paul Thibodeau** that can be verified
- **Future applications should include resolutions for mitigating risk of outlined safety issues** (e.g. speed tables, Young/Rt. 9 intersection risk mitigation, other speed deterrents, etc. that will be funded by applicant or the Town of Barrington)

### Summary of Key Issues with Application:

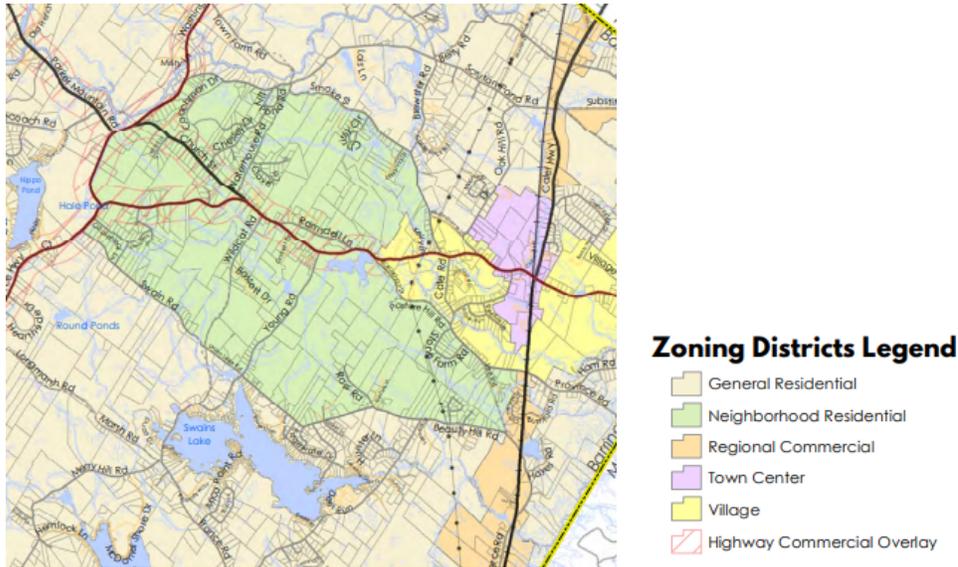
1. The **applicant is on the zoning adjustment board presenting a conflict of interest for the entire board** which is untoward. A prepared list of the below questions should be answered on record by all board members:
  - a. It is important for board members to disclose any conflicts of interest that they may have so that they can recuse themselves from voting on the matter. This helps to ensure that the decision-making process is fair and impartial.
  - b. Do you have any direct or indirect financial interests in the property or project that is being considered for approval?
  - c. Do you have any personal or professional relationships with any of the parties involved in the property or project, such as the owner, developer, surveyor, or applicant?
  - d. Have you received any gifts, favors, or other benefits from any of the parties involved in the property or project?
  - e. Do you have any personal or professional interests that could be impacted by the approval or denial of the property or project?
2. **Zoning district classification error** on application: NR, not GR (2.2.2) (Exhibit 1). Application states Map 230, not 240.
3. The **standard subdivision** (Map, Page 1) **that justifies a conservation subdivision lacks merit** (Exhibit 2, 3 & 4):
  - a. **Lot 20-14** (63,611 sq.ft.) **does not meet the 80,000 sq.ft. threshold** for the NR District (20.5% shortcoming)(Page 1)
  - b. **11 of 23 (47.8%) proposed lots appear to not meet the “Max Lot Coverage (MLC)” of 40%** for NR Districts (4.2.1). **Surveyor should be able to demonstrate documentation of exact MLCs for each lot**
    - i. Page 1 Lot List: 1 (i.e. Lot 20-1), 4, 8, 9, 10, 12, 15, 16 (borderline), 17 (borderline), 20 (borderline), 23
    - ii. **Lot 20-9** (Page 1) in particular **is egregious and demonstrates bad faith by the applicant**
    - iii. **Lot 20-20** (Page 1) is an **extreme flood risk** due to **beaver pond proximity and structural integrity**
    - iv. Page 2 Conservation Subdivision lot list with potential MLC issues: 20-12, 20-17, 20-18, 20-23
  - c. **Proposed lot layout design is very inconsistent with the developed side of Young Road** (Exhibit 3) **that also contains prime wetlands** and falls short of MLC and buildable land requirements. Precedent for medium density has been established on Young Road that contradicts the claim of a “conventional layout” stated in the application. There are more wetlands in this case which should lead to lower density
4. There is **no hardship to land/owner/applicant if access to “valuable” 2,871 linear foot frontage is denied to build all 23 houses**
  - a. Property **does not possess unique conditions that distinguish it from other properties in the area** (other side of Young), the property **can be reasonably used in strict conformance** with the ordinance to build less than 23 houses
  - b. The **breakeven point for his investment is estimated at 5 houses** (Exhibit 5). Plenty of developable land exists for this scope of project which **negates argument for access** to “valuable” 2,871 linear foot frontage
  - c. **Sale of land is still pending** and the selling agent cited that Applicant’s purchase of property is contingent on some type of board approvals. If the transaction falls through it appears he **doesn’t face detrimental losses**
  - d. If the current purchase falls through, **Owner can still explore property sale to open market, Town, or Southeast Land Trust (SELT).**
  - e. Due to extremely congested lot proposal, **ability to modify driveway location without oversight should be denied** (noted in Special Exception #1)

5. **Public Safety: Young Road** (particularly along the tightest concentration of proposed homes) **is notorious for speeding drivers** that do not obey speed limits. There have been **several accidents, including a serious motorcycle accident that occurred in Spring 2022 directly where a buffer reduction exception is being requested** (Lot 9-11 or 12-15 depending on map)
  - a. **Video of the crash can be provided** to the Board upon request.
  - b. Young Road **families** in specific areas **can speak to the frequency and nature of incidents**. Another car went off the road on December 16, 2022 in preparing this very document.
  - c. Young Road to **Route 9 intersection is already dangerous** and an increase in congestion will increase accident risk
  - d. Lack of infrastructure in terms of road maintenance is not an issue (noted in variances). If anything we're on the spectrum of needing speed tables and other **methods to reduce traffic speeds**
  - e. Some of these **driveways will be blind to people rounding the corner** in front of 112 Young Rd **where most motor accidents occur**
6. Parcel **wetlands are categorized as "Prime"** (Section 9.3) that delineates *important values and critical functions* to our ecosystem (Exhibit 8). This **application should be subjected to a higher standard of thoroughness** to its merits **which requires more diligence to prove substantial justice** due to risk imposed on wetlands:
  - a. **Surveying was conducted following a historical drought** (Exhibit 7) and anecdotally does not consider abundance of vernal pools that can be observed throughout the year
  - b. **A juvenile Bald Eagle was spotted on the property in December 2022** (picture available upon request) and due diligence is required to ensure there are no violations of the *The Eagle Act (16 U.S.C. 668-668c)*, enacted in 1940
  - c. **A stream and rock wall that was found appears to be omitted in the surveyor report**. Located on lots 15 through 17 (Page 2).
  - d. Some **new homes** seem to be in **flood risk territory** (Source: Redfin) that could be **made worse by damage to wetlands** (Exhibit 2)
  - e. There are **no net-new benefits to the public as the applicant claims**, benefit to the applicant should not be outweighed by harm to the general public. This parcel contains the highest ranked habitat and biological region within the Connectivity Corridor, and its development would be detrimental to the wildlife and supporting landscape (NH State Classifications, Exhibit 8).
  - f. There is **no evidence of softening the impact of the development on the wetlands** given the proposal is **aggressive as possible to maximize profits**. Economic balance with environmental justice would be to get as close as possible to the break even point
7. **Diminution of Property Values:** Given the evidence provided, the **applicant makes a classic misleading and bad faith argument**. There is precedent for this being **extremely hard to demonstrate in court** as it takes years to produce tangible evidence. **Damage to the aquifer** that already has high mineral concentration **would decimate property values**. The aquifer doesn't appear to have been assessed.
8. **Berry Surveying & Engineering (BSE) is currently under scrutiny in Rochester, NH** for a similar issue **involving wetlands**
  - a. Source: <https://www.fosters.com/story/news/local/2022/09/21/rochester-nh-portland-street-duplex-housing-development-opposition-wetlands/10427256002/>
  - b. Environment protection and **conservation is not a core value** listed on their website. They serve the interests of financiers; not the land and community
  - c. **A stream and rock wall that was found appears to be omitted in the surveyor report**. Located on lots 15 through 17 (Page 2).
  - d. **See Exhibit 6 citing 7 questions for BSE** to answer on record. If applicable, BSE should answer 4 conflict of interest questions if involved in *Construction Management Services* for this project
9. **Demand on Municipal Services:** The standard subdivision that justifies a conservation subdivision shouldn't be approved. Therefore there is no "reduction" if there isn't anything to begin with. Aquifer needs to be independently assessed (funded by application) to prove no increase demand [Special Exception 1]
10. **Degradation to Land:** Aggressive plan to maximize profit completely contradicts intention to reduce impact on the land. This will impact the future homeowners negatively and does not support the medium density spirit of the ordinance. Given **lack of diligence in measuring environmental impact, applicant has not provided sufficient evidence**
11. **Spirit:** We do not have access to the deeded covenants and restrictions to counter an argument. He should be able to more clearly state this (Variance 3)
  - a. Unique topography does not mean a sacrifice of buffers should be made. The house opposite is on a hill so it will feel as though they are on top of the new homes, not farther away (Variance 2)

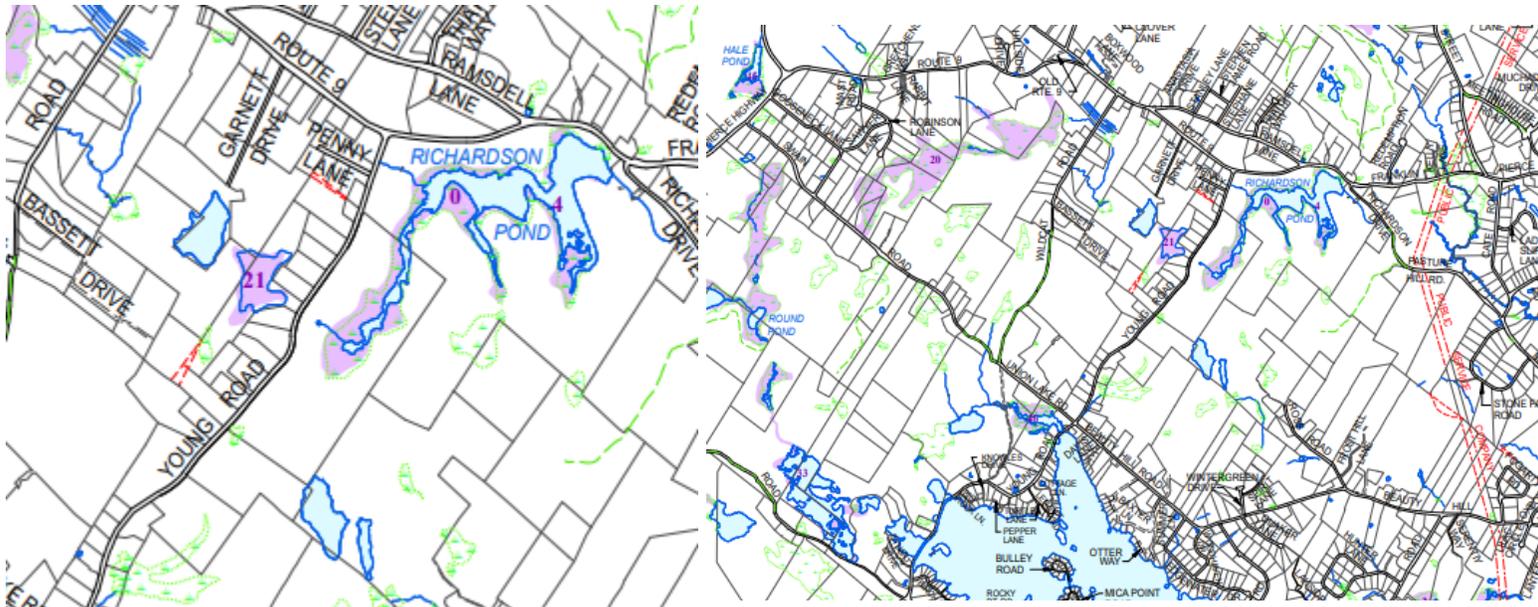
## Contents of Exhibits & References:

- Exhibit 1: District Map Displaying Error on Developer's Application
- Exhibit 2: Prime wetlands map, information on wetlands and aquifers
- Exhibit 3: Lot Map precedent near Prime wetlands on Young Road
- Exhibit 4: Flood Zones and Risks of Flooding to Proposed Lots
- Exhibit 5: Break Even Financial Analysis for Developer's Investment
- Exhibit 6: Outstanding Questions for the Surveyor
- Exhibit 7: Barrington's Severe 2022 Drought and Associated Impacts
- Exhibit 8: 2021 Coastal Conservation Plan Displaying Lack of Fit for Housing Development
- Exhibit 9: Letter received from Town, Links to Developer's Application and Town of Barrington Resources

## Exhibit 1: District Map Displaying Error on Developer's Application (Correction needed from GR to NR)



## Exhibit 2: Prime wetlands map, information on wetlands and aquifers



**Wetlands** are important ecosystems that provide a wide range of benefits to the environment and to people. Some of the main benefits of wetlands include:

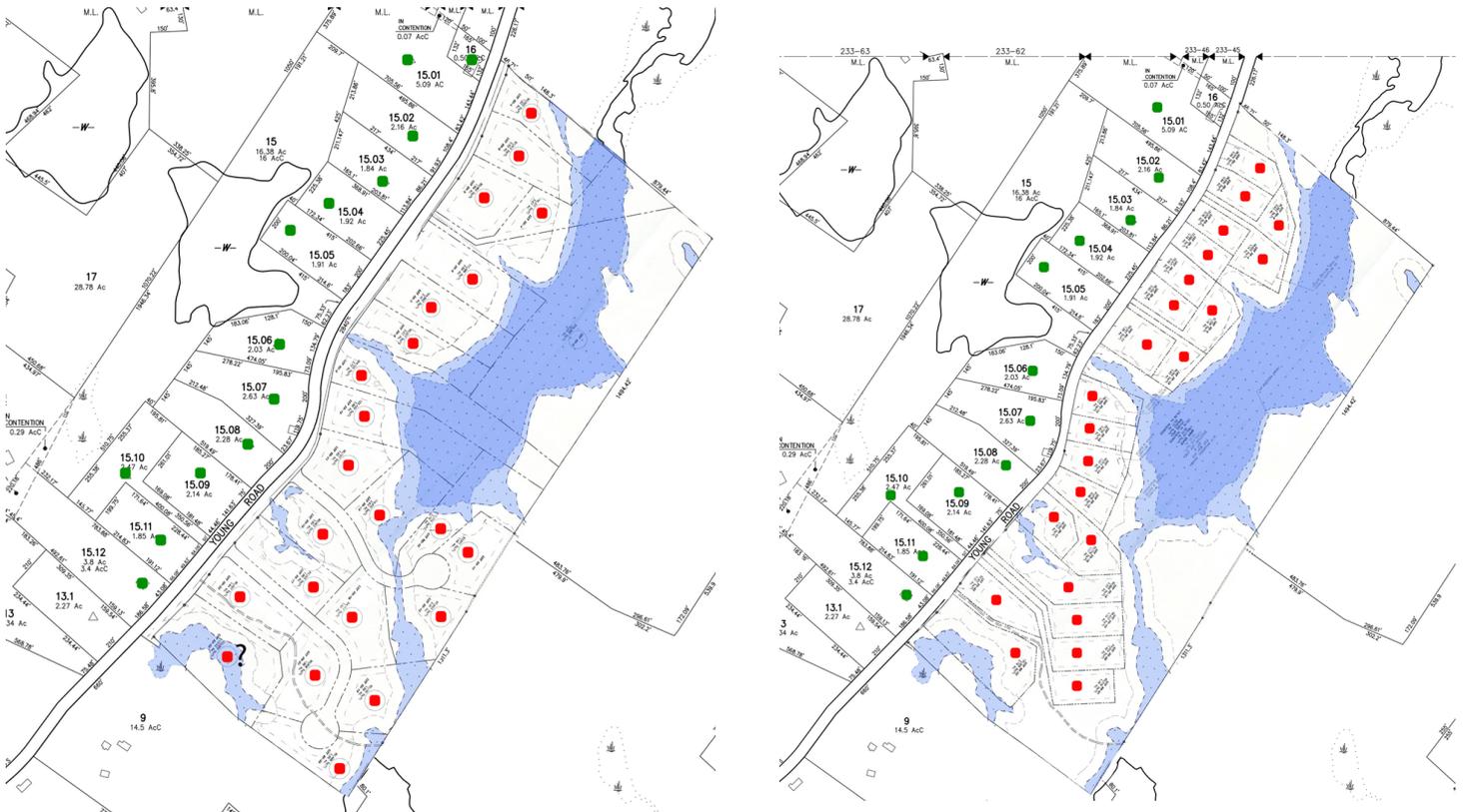
- **Water filtration:** Wetlands act as natural filters that remove pollutants and sediments from water, helping to improve water quality and prevent water pollution.
- **Flood control:** Wetlands act as natural sponges that can absorb and store large amounts of water, helping to reduce the risk of flooding.
- **Habitat and biodiversity:** Wetlands provide habitat for a wide variety of plants and animals, including many threatened and endangered species.
- **Carbon sequestration:** Wetlands are able to store large amounts of carbon, which can help to mitigate the effects of climate change.

- **Recreational opportunities:** Wetlands are often used for activities such as birdwatching, fishing, and hiking, providing opportunities for people to enjoy the outdoors and connect with nature.

Risk mitigation to **aquifers** is critical (Also see exhibit 7):

- An aquifer is a body of water that is located underground and is able to be pumped to the surface for use. Aquifers are typically made up of layers of rock, sand, or gravel that are able to store and transmit water.
- Aquifers are a vital source of drinking water for many people, as they are often able to provide large quantities of clean, fresh water that can be easily accessed and used. In many cases, aquifers are the only source of water for communities that are located in arid or semi-arid regions, where surface water is scarce or unreliable.
- It can take a long time for an aquifer to be repaired, depending on the extent of the damage and the methods used to repair it. In some cases, it can take years or even decades for an aquifer to fully recover.
- There are several factors that can affect the amount of time it takes to repair an aquifer, including the size of the aquifer, the type of damage it has sustained, and the amount of resources available for the repair. For example, an aquifer that has been contaminated by pollutants may require extensive remediation efforts, such as the removal of contaminated soils or the injection of chemicals to break down the pollutants, which can take a significant amount of time.
- Additionally, it can take a long time for an aquifer to recharge naturally, as it relies on the infiltration of water from the surface. This process can be slow, especially in areas with low levels of rainfall or in aquifers that are located deep underground.

**Exhibit 3: Lot Map Precedent Near Primary Wetlands on Young Road. Displays Egregious MLC of Lot #9 in standard subdivision**



**Exhibit 4: Flood Zones and Risks of Flooding to Proposed Lots**

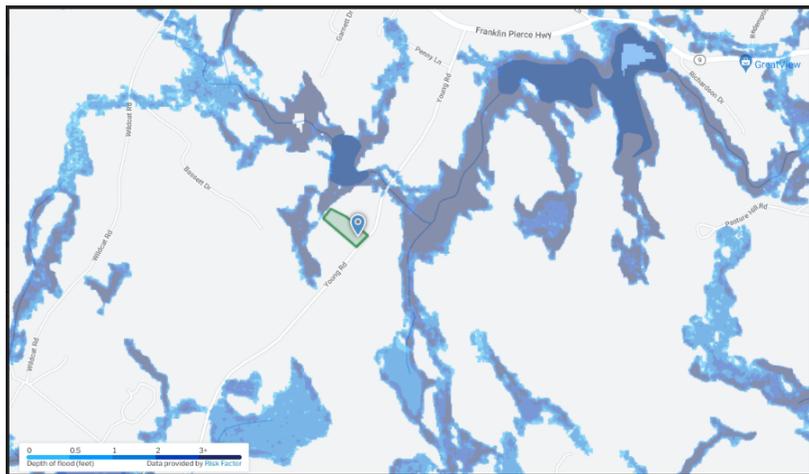


Photo displaying the fragile structure of the wetland that is composed of logs and mud from a beaver. There are currently leaks and the trail floods throughout the year. It's more fragile in another area that I need to go back and get a picture for (to the left of where this picture was taken)



**Exhibit 5: Break Even Financial Analysis for Developer's Investment**

Assumptions and estimates were used. We can adjust the calculation during the zoning board meeting if desired if the applicant can provide verifiable figures. Demonstrates no hardship to land/owner/applicant if access to "valuable" 2,871 linear foot frontage is denied to build all 23 houses

Fixed Costs	Purchase of Land (List Price)	\$700,000
	Surveying (Estimate \$250/acre, 70 acres)	\$17,500
	Buffer for Taxes & Unknown Costs (Estimate of +20%)	\$143,500
Variable Inputs	Avg. Selling Price of New Home	\$600,000
	Avg. Cost to build Single Family Home in NH	\$400,000
	Avg. cost to clear a heavily forested area (\$3,395 to \$6,155 per acre, 2 acres used in calculation to safely over estimate)	\$12,310
Input Totals	Total Fixed Costs	\$861,000
	Total Sales Price per Unit	\$600,000
	Total Variable Costs per Unit	\$412,310
Breakeven Point is the number of units needed to sell to recoup investment, round up to nearest whole number)		<b>4.59</b>
Breakeven (units) = Fixed Costs ÷ (Sales price per unit – Variable costs per unit)		

**Exhibit 6: Outstanding Questions for the Surveyor (Berry Surveying & Engineering)**

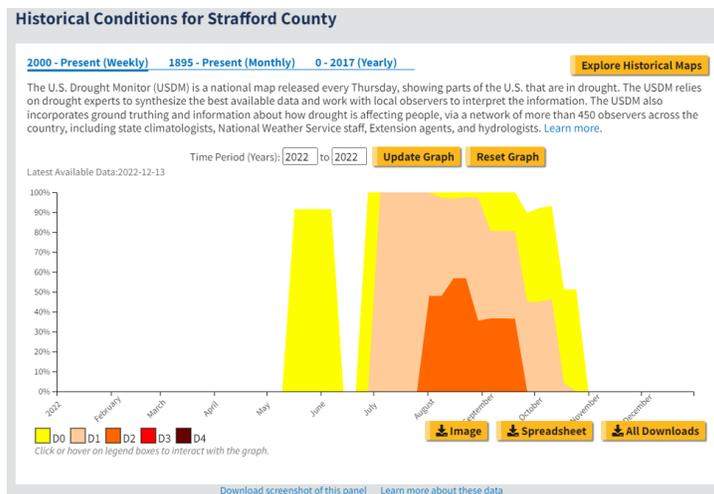
1. **What type of survey did you conduct?** This will help me understand the scope and limitations of the survey.
2. **What equipment and techniques did you use to gather data?** This will give an idea of the level of precision and accuracy of the survey.
3. **What sources did you use to gather information about the property?** This will help me understand how the surveyor obtained information about the property and whether they considered all relevant sources.

4. **How did you verify the accuracy of your measurements and observations?** This will help me understand the steps the surveyor took to ensure that their work was accurate and reliable.
5. **What potential issues or discrepancies did you identify during the survey?** This will help me understand any potential problems that the surveyor identified and how they were addressed.
6. **How did you document your findings?** This will help me understand how the surveyor recorded and presented their results and whether they provided sufficient detail for our purposes.
7. **Can you provide a copy of the survey report and any supporting documents or maps?** This will allow me to review the surveyor's work in detail and confirm that it meets requirements.

**Exhibit 7: Barrington was in the Severe (D2) drought zone, Rockingham County experienced Extreme (D3) drought**

During a severe drought, an **aquifer** can be significantly impacted in several ways:

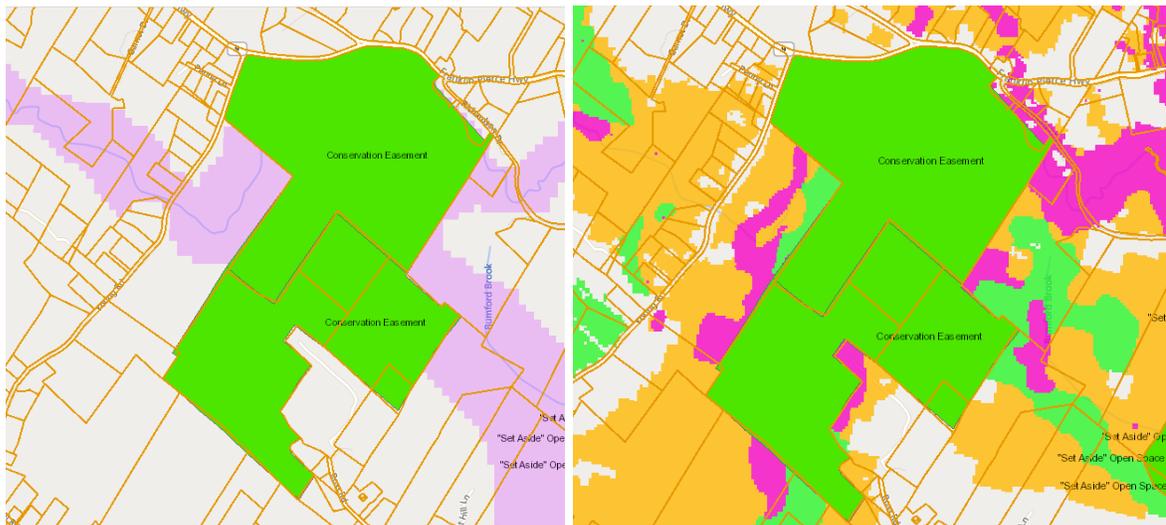
- **Decreased recharge:** Aquifers are replenished by the infiltration of surface water, such as rain and snowmelt, into the ground. During a drought, the amount of available surface water may be reduced, leading to decreased recharge of the aquifer.
- **Increased pumping:** As surface water sources become scarce, communities and businesses may rely more heavily on groundwater as a source of water. This can lead to increased pumping of the aquifer, which can deplete it over time.
- **Lower water levels:** As an aquifer is depleted, the water level within it may drop. This can lead to reduced water pressure in wells and make it more difficult to pump water from the aquifer.
- **Quality degradation:** As the water level in an aquifer drops, the water that remains may become more concentrated with minerals and other contaminants. This can lead to degradation of the water quality and make it less suitable for use.
- Severe/Extreme droughts can also lead to increased conflict over water resources, as different users compete for access to limited supplies. In some cases, **prolonged drought may even result in the complete depletion of an aquifer**, which can have serious consequences for communities and ecosystems that rely on it.
- Source: <https://www.drought.gov>



**Exhibit 8: 2021 Coastal Conservation Plan Displaying Lack of Fit for 23 House Development**

Full report can be provided to the Board. A good portion of the northern part of the property is a conservation focus area as shown below. Largely probably due to the Wildlife Connectivity Corridor. Also is a map showing the Wildlife Action Plan information. Highest Ranked Habitat in the State is Purple, Highest Ranked in Biological Region is Green, and Supporting landscape is orange.

John Wallace and Ken Grossmen are the best people to present this exhibit/information.



**Exhibit 9: Links to Developer's Application and Town of Barrington Resources:**

- Barrington Zoning Board of Adjustment (Variance and Exception Application): [https://www.barrington.nh.gov/sites/g/files/vyhlf2766f/uploads/2022\\_240\\_8youngrdzbaapp1130.pdf](https://www.barrington.nh.gov/sites/g/files/vyhlf2766f/uploads/2022_240_8youngrdzbaapp1130.pdf)
- Barrington Zoning Ordinance: [https://www.barrington.nh.gov/sites/g/files/vyhlf2766f/uploads/zo\\_2022\\_v1\\_7\\_as\\_amended\\_3-8-2022\\_withmap2.pdf](https://www.barrington.nh.gov/sites/g/files/vyhlf2766f/uploads/zo_2022_v1_7_as_amended_3-8-2022_withmap2.pdf)
- Proposed Development Map: [https://www.barrington.nh.gov/sites/g/files/vyhlf2766f/uploads/2022\\_240\\_8youngrdzbapin1130.pdf](https://www.barrington.nh.gov/sites/g/files/vyhlf2766f/uploads/2022_240_8youngrdzbapin1130.pdf)