Submitted by Marc Brauch (114 Young Rd.) for Town of Barrington Planning Board Hearing on March 7, 2023

Map 240, Lot 8

Preface:

The following information is based on my own independent research. I am a concerned resident of Barrington, NH who will be greatly impacted by the development as proposed.

Document Contents:

My Recommendation for Moving Forward with the Applicant and Planning Board:

- **Application must be rejected in its current state and should be modified** due to stated risk imposed on Prime wetlands and aquifer, apparent lack of conformance against zoning ordinances, increased safety risk, and other stated issues
- **Independent assessment is needed to mitigate risk to prime wetlands,** including an aquifer assessment
- **I invite the developer (Paul Thibodeau) and his team to have a conversation with concerned neighbors to explore common ground on a development layout.** I believe a **conservation subdivision with 2+ acre lots** is consistent with developed land on the opposite side of Young Road, maximizes land conservation, and increases surrounding property values.
- **Deeded access to existing SELT trails from Young Rd should be established for abutting Lot 15 neighbors** to maintain property values
- **Opportunity for development to be in more alignment with Barrington's *Master Plan*** that encourages trail links and infrastructure improvements (e.g. Side walks, speed tables, Young/Rt. 9 intersection risk mitigation)

Summary of Key Issues with Application:

1. **Zoning district classification error** on application: NR, not GR (2.2.2) (Exhibit 1). Application states Map 230, not 240.
2. 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**
        iii. **Lot 20-20** (Page 1) seems is a **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 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
    d. **Unaddressed *Land Use* Constraints:** 25% slopes and *poorly drained* soils
    e. **Unclear if a conservation open area to lot size ratio calculation was conducted** in the requirements for a conservation subdivision
3. 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. **Sale of land is still pending** (source: Redfin, Zillow, REMAX)
4. **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.** Due to aforementioned speed issue along this section of Young Rd, we find as residents of 114 Young Rd that turning out of our driveway is dangerous as cars speed blindly around the tight corner

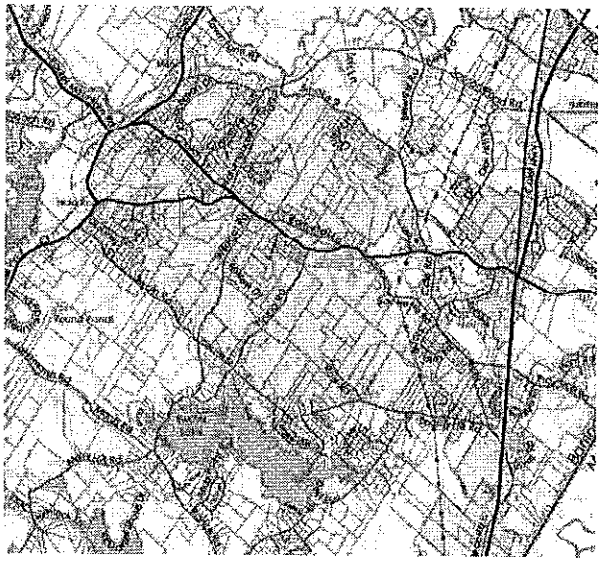
f. **Evidence of traffic research on Young Road** was present. **Results should be shared publicly** and I have **concerns regarding the scope**. Near accidents that occurred but not where vehicles are consistently speed (downhill both directions at Peach Farm). **Winter storms** occurred while the speed monitoring device was present which could artificially decrease observed speed averages due to weather. **Barrington school vacation week** may have also overlapped with the traffic research which may also impede the accuracy of the results.
g. **Speeding** and **traffic safety** remain of utmost concern - there have been dangerous situations with speeding vehicles while attempting to cross the street to collect mail from our mailbox (which is on the same side of the road as the proposed development).

5. Parcel **wetlands are categorized as "Prime"** (Section 9.3) that delineates *important values and critical functions* to our ecosystem (Exhibit 2). 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 5) and anecdotally does not consider abundance of vernal pools that can be observed throughout the year
    b. **Flowing water and rock wall that was found appears to be omitted in the surveyor report**. Located on lots 15 through 17 (Page 2).
    c. Some **new homes** seem to be **in flood risk territory** (Source: Redfin) that could be **made worse by damage to wetlands** (Exhibit 3)
    d. 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 6).
    e. There is **no evidence of softening the impact of the development on the wetlands** given the proposal is **as aggressive as possible to maximize profits.** Economic balance with environmental justice would be to get as close as possible to the break even point
    f. This particular wetland is **the watershed and water supply for the City of Portsmouth** via the Bellamy River (Source: Barrington.gov). **Portsmouth** officials should **receive an opportunity to advocate for their interests**.
6. **Master Plan alignment opportunity to promote trail linking and add needed infrastructure**: Connect Winnie the Pooh Trail, retain trail link on Map 240/Lot 8 to Young Road.
7. **Diminution of Property Values:** Evidence provided is not sufficient. 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.
    a. **Removal of trail access would degrade my property value.** It was a core feature in the marketing copy in my listing
8. **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 to prove no increase demand [Special Exception 1]
9. **Degradation to Land**: Given **lack of diligence in measuring environmental impact, applicant has not provided sufficient evidence**
10. **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 (sources cited below each exhibit):

- **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: Barrington's *Severe* 2022 Drought and Associated Impacts**
- **Exhibit 6: 2021 Coastal Conservation Plan Displaying Lack of Fit for Housing Development**
- **Exhibit 7: Links & Resources**

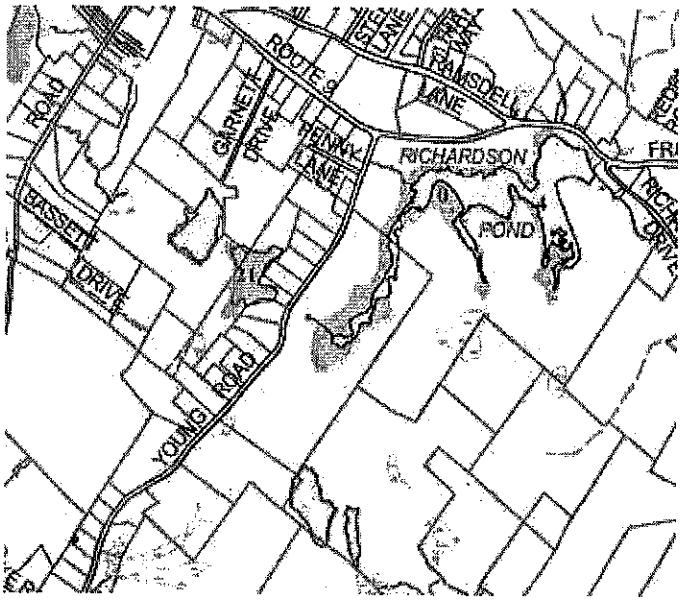
Exhibit 1: District Map Displaying Error on Developer's Application (Correction needed from GR to NR)
Source: Barrington.gov

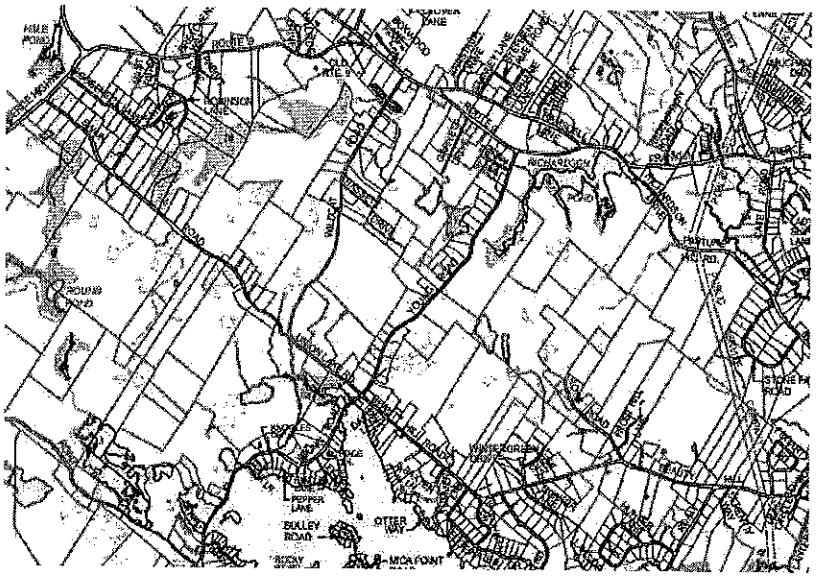


Zoning Districts Legend

- General Residential
- Neighborhood Residential
- Regional Commercial
- Town Center
- Village
- Highway Commercial Overlay

Exhibit 2: Prime wetlands map, information on wetlands and aquifers
Source: Barrington.gov





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
Source: Barrington.gov

Exhibit 4: Flood Zones and Risks of Flooding to Proposed Lots
Source: Barrington.gov

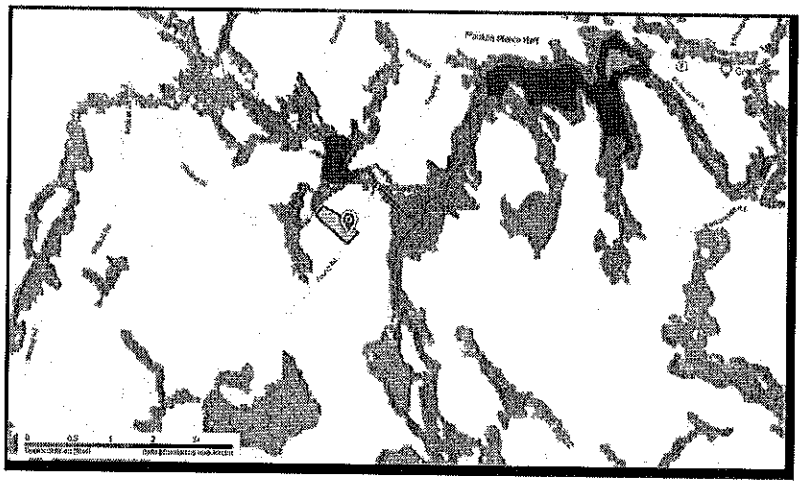


Photo displaying the fragile structure of the wetland that is composed of logs and mud from a beaver. There are currently leaks and the trail floods throughout the year. It's more fragile in another area that I need to go back and get a picture for (to the left of where this picture was taken)

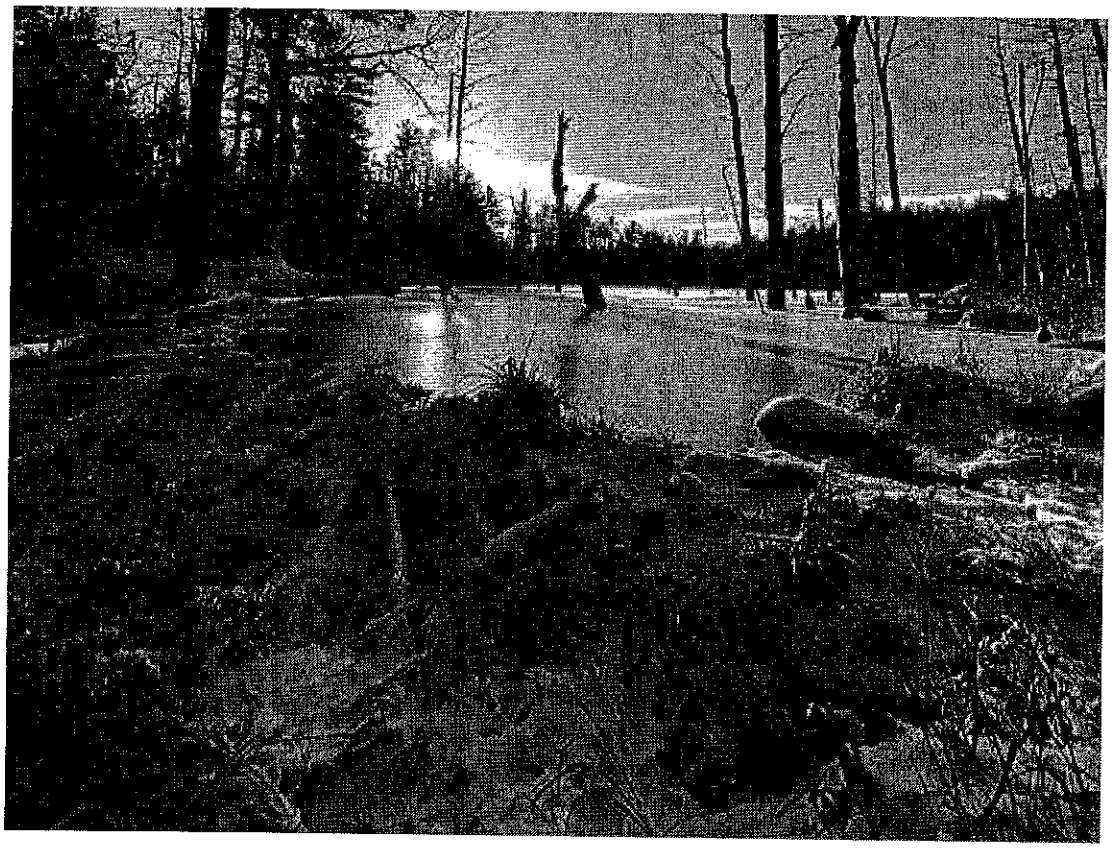


Exhibit 5: Barrington was in the *Severe* (D2) drought zone, Rockingham County experienced *Extreme* (D3) drought
Source: drought.gov

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

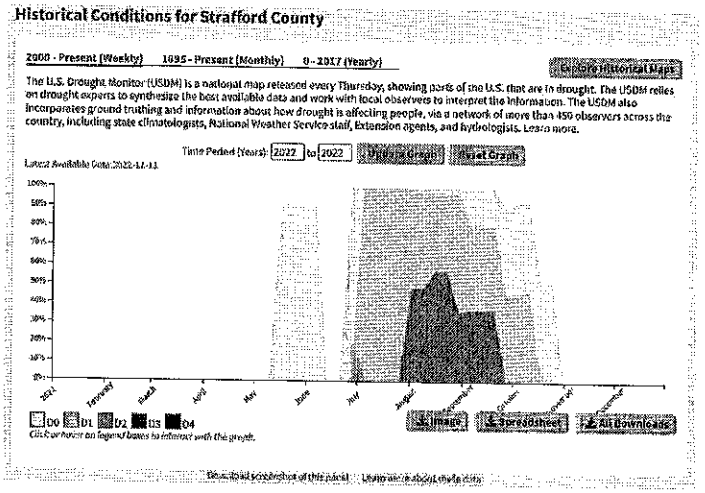


Exhibit 6: 2021 Coastal Conservation Plan Displaying Lack of Fit for 23 House Development
Full report can be provided to the Board. A good portion of the northern part of the property is a conservation focus area as shown below. Largely probably due to the Wildlife Connectivity Corridor. Also is a map 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.

Exhibit 7: 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/vyhlif2766/f/uploads/2022_240_8youngrdzbaapp1130.pdf
- Barrington Zoning Ordinance: https://www.barrington.nh.gov/sites/g/files/vyhlif2766/f/uploads/zo_2022_v1_7_as_amended_3-8-2022_withmap2.pdf
- Proposed Development Map: https://www.barrington.nh.gov/sites/g/files/vyhlif2766/f/uploads/2022_240_8youngrdzbapln1130.pdf
- Land Use: https://www.barrington.nh.gov/sites/g/files/vyhlif2766/f/uploads/2016_exisitng_land_use_with_certification.pdf