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March 30, 2023

VIA EMAIL (planning@barrington.nh.gov)

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Town of Barrington Planning Board
c/o Vanessa Price, Town Planner
4 Signature Drive
P.O. Box 660
Barrington, NH 03825

Re: Young Road Subdivision Application (Case #: 240-8-NR-23-Sub)

Dear Chair Knapp and Members of the Planning Board,

I write regarding the application for a 23-lot subdivision on a parcel off Young Road (Tax Map 240, Lot 8), submitted by Paul Thibodeau on behalf of the property owner, Norma Beardon. My firm represents Robert Caverly of 150 Young Road in connection with this matter. This letter outlines several reasons the proposed subdivision should be denied by the Planning Board.

I. The Proposed Subdivision is Not a Conservation Subdivision.

The purpose of the Town's Conservation Subdivision Regulations, as stated in Section 10.1 of the Planning Board's Subdivision Regulations, is:

"...to encourage future land development activities to set aside more open space for the purposes of maintaining the town's character, protecting key natural resource features, preserving wildlife habitat, and creating recreational opportunities for residents. In an effort to achieve these and other related objectives of the Master Plan, the regulations contained in this Article are intended to encourage the preservation of open space by promoting greater flexibility in the design of residential subdivisions than would otherwise be possible following conventional subdivision practice."

The proposed subdivision does nothing more to achieve these aims than a conventional subdivision would. A conservation subdivision should be designed in a way that maximizes the protection of important natural and cultural amenities on the site and maintains the character of the community. Yet, instead of clustering groups of lots along an internal road with open space areas interlaced throughout, the Applicant's proposal concentrates lots in a side-by-side layout along the existing road frontage and on steep slopes that drain into an adjacent Prime wetland.

The Planning Board need look no further than Figure 2A "Poor Cluster Design – Single Family Lots" on page 43 of its Subdivision Regulations as evidence that the proposed subdivision is not only poorly designed, it is indistinguishable from a conventional subdivision. The elements of poor

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cluster design highlighted in Figure 2A include clustering too many lots in a grouping and inadequate distance from perimeter street. Even the example of a poor cluster design sets lots back from the external roadway. The proposed subdivision exploits the less restrictive lot size and frontage thresholds provided by Town's conservation subdivision regulations to utilize the land more intensively along Young Road than would be permitted in a conventional subdivision. Lots are not grouped in small clusters or set back from the external roadway and there is limited direct access to the protected open space from each lot.

The Planning Board should look to Figure 2B "Good Cluster Design – Single Family Lots" of the Subdivision Regulations as an example of an appropriate conservation subdivision layout. In light of this example, it is absurd to consider the Applicant's proposed subdivision a conservation subdivision.

II. The Proposed Subdivision Does Not Meet the Objectives for a Conservation Subdivision.

A central purpose of conservation subdivisions is *"To preserve scenic views and to minimize views of new development"* (See Section 10.1(2) of the Subdivision Regulations and Section 6.1(2) of the Zoning Ordinance). The proposed subdivision fails to provide any measure of good design or clustering that would minimize visual development impacts. Conversely, more house lots would be visible from and more closely spaced along Young Road in the proposed conservation subdivision than in the conventional subdivision design provided by the Applicant.

Furthermore, critical areas such as steep slopes are included as part of the developed portion of the subdivision instead of reserved as protected open space. At least five of the proposed lots appear to have an average slope exceeding 15% and very steep slopes exceeding 25% are present on several lots. As noted in Sections 10.1(1) and Section 10.1(7) of the Subdivision Regulations, which are stated below, a purpose of conservation subdivisions is to protect steep slopes.

- *Section 10.1(1) - "To maintain and protect Barrington's rural character by preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features as unfragmented woodlands, stream corridors, wetlands, floodplains, shorelands, steep slopes, ridgetops, and critical species habitat by setting them aside from development."* (emphasis added)
- *Section 10.1(7) - "To reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes."*

Although the Town does not explicitly restrict development on steep slopes, it is imperative that these features are considered in site planning for conservation subdivisions to minimize

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disturbance of landscape elements (See Section 10.1(3) of the Subdivision Regulations). The Applicant's plan concentrates development in the steepest sections of the parcel, which are adjacent to and drain into a significant prime wetland / headwaters for Richardson Pond.

Section 10.1(4) of the Subdivision Regulations states that a purpose of conservation subdivisions is *"To increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements, drainage requirements, and the amount of paved surfaces, where possible."* With respect to this purpose statement, the Applicant claims in their project narrative that any design that does not utilize Young Road would provide for a denser impervious footprint. This rationale is illogical and misleading. It is certainly possible to design and construct a subdivision with an internal road that has the same, if not less, impervious area than the proposed design; especially, since the proposed layout relies on several long driveways to access lots. In fact, the Town's Subdivision Regulations encourage subdivisions of all types to be designed with frontage on internal roads (see examples of "Alternative Access Design" in Figure 4B). It is the burden of the Applicant to develop a design that meets the requirements of the Conservation Subdivision Regulations, even if doing so means there are fewer, smaller lots clustered along an internal roadway and increased project costs.

Finally, the proposed subdivision is not aligned with the objectives of the Barrington Master Plan (See Section 10.1(9) of the Subdivision Regulations). A core goal of the Master Plan is to "Ensure development is compatible with its community character" and to "Guide development along existing commercial corridors and away from environmentally sensitive areas." (See page 12 of the 2017 Vision Chapter). The 2016 Town's Housing Plan, includes the following goals on page 27 related to new housing development:

- *"Apply intelligent planning principles when siting future housing developments within the community by increasing density in the community center." (See Page 27)*
- *"Encourage developers to work with residents living in neighborhoods adjacent to potential projects to understand the community's concerns prior to formalizing development plans."*
- *"Continue to ensure the environmental compatibility of new construction projects during site plan review and planning board approval process."*
- *"Encourage infill development within established neighborhoods that is compatible with the existing current density and land uses, compatible in scale with surrounding areas, and is serviced [by the] existing transportation system."*

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Rather than apply good planning principles, including cluster development, the Applicant has proposed a subdivision that overdevelops an environmentally sensitive and ecologically important parcel.

III. The Proposed Development Intensity is Not Suitable for the Site.

The Applicant states that the net density of the subject parcel is 23 dwelling units. While the Yield Plan provided by the Applicant shows the potential for 23 lots on the site, the Plan relies on backlots, irregularly shaped lots, road with steep grades, and impacts to wetlands to achieve this density. It is questionable as to whether the conventional subdivision design in the Yield Plan would meet the general subdivision standards in Article 11 of the Subdivision Regulations. Nevertheless, the Applicant has not adequately considered the character of the land in either its conventional or conservation subdivision design.

The subject parcel contains a significant co-occurrence of environmental features and critical areas, including, but not limited to, prime wetlands, surface waters, steep slopes, and high-ranking wildlife habitat. The Applicant's proposed subdivision layout maximizes the development capacity of the parcel without due consideration for these features or for the character and safety of the surrounding area.

Section 11.1(3) of the Subdivision Regulations states that "*Lots shall contain contiguous areas of developable land such that the driveway, building, water supply and sewage disposal, and other improvements can be constructed without filling of wetlands or other such adverse impacts that could be eliminated by different subdivision design. The number of lots may be reduced by the Board to reduce adverse impacts. The Board shall have the authority to require design changes to minimize impacts regardless of the actions of other local or State permitting actions, such as the issuance of a permit to fill wetlands for a driveway crossing.*" (Emphasis added.)

Furthermore, Section 6.2.2(3) of the Zoning Ordinance, which is specific to Conservation Subdivisions, states that "*The total amount of open space that is identified as open water, wetland soils, exposed ledge, or other terrain conditions that would normally be considered otherwise undevelopable, shall not constitute more than fifty percent (50%) of the area required as open space within a Conservation Subdivision. The Planning Board may allow for a smaller or larger percentage if it determines that by doing so the proposed development will better achieve the objectives specified in Section 6.1 or that the resulting development will preserve features of the site that are of particular importance to the town.*"

The Planning Board should exercise the authority granted to in the above referenced regulations to reduce the number of lots permitted in the proposed subdivision and to ensure that

undevelopable site features such as very steep slopes are accounted for in the areas designated as protected open space.

IV. The Application is Incomplete and Further Information Should be Provided.

Section 7.1(1) of the Planning Board's Subdivision Regulations states that the Planning Board may require additional plans and studies *"When the Board determines that the impact of the proposal is not adequately addressed by the minimum submission requirements of Sections 5.3 and 5.4, or when the proposal may impact a sensitive or critical area..."* Critical Areas are defined in the Subdivision Regulations as *"Areas of any size within 100 feet of a stream, water body, or poorly or very poorly drained soils; areas containing slope lengths exceeding 25 feet on slopes greater than 15 percent."* Given the presence of critical areas on the lot and the proposed development density, the Planning Board should require the Applicant to provide the following reports and studies.

Traffic Impact Analysis – Section 7.5.1 of the Subdivision Regulations states that *"A traffic impact analysis shall be required in the following circumstances: 7.5.1(1) The subdivision involves the creation of 20 or more residential lots or residential units;..."* The Applicant is proposing a 23-lot subdivision. As such, a Traffic Impact Analysis is required. The proposed subdivision will lead to a significant increase in traffic on Young Road. The 10th edition of the ITE Trip Generation Manual estimates that a single family detached dwelling generates 9.44 vehicle trips daily. Based on this estimate, the proposed subdivision would increase the daily traffic volume on Young Road by 217 trips.

The Traffic Impact Analysis should examine all characteristics listed in Section 7.5.3 of the Subdivision Regulations, as well as the feasibility of potential measures to minimize the traffic impacts of the development on the surrounding neighborhood and road network. It should be noted that the Implementation Section of the 2004 Master Plan identifies the intersection of Young Road and Route 9 as needing improvement due to poor site distances and geometry. The Plan recommends that the intersection approach be reconfigured to improve alignment and to install a warning beacon.

Grading, Erosion and Sediment Control Plan – Section 7.2.2 of the Subdivision Regulations states that *"The applicant shall submit such plans to the Board for any tract of land being developed where one or more of the following conditions are proposed or present... 7.2.2(1) A cumulative disturbed surface area exceeding 20,000 square feet; 7.2.2(2) Construction of a street, road, or driveway; 7.2.2(3) Disturbed environmentally sensitive areas; 7.2.2(4) Disturbed critical areas."* The proposed subdivision will involve most, if not all, of these conditions. It is critical that the Applicant address its plan to protect environmentally sensitive areas from erosion and sedimentation at this phase of the review process. If the subdivision is approved, future development will not be reviewed by the Planning Board.

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Stormwater Management Plan – Section 7.3 of the Subdivision Regulations states that “Developments shall not increase, decrease, modify, or alter the normal patterns of stormwater drainage caused during the development of the site and/or by the eventual development itself.” The Applicant should be required to provide a stormwater management plan to demonstrate how it will adhere to this standard. Section 7.3.1 states that “The applicant shall submit a Stormwater Management Plan to the Board for any tract of land being developed where one or more of the following conditions are proposed or present...7.3.1(1) A cumulative disturbed surface area exceeding 20,000 square feet; 7.3.1(2) Construction of a street, road, or driveway; 7.3.1(3) Disturbed environmentally sensitive areas; 7.3.1(4) Disturbed critical areas.” The proposed subdivision will involve most, if not all, of these conditions.

Environmental Impact Assessment – Section 7.6 of the Subdivision Regulations states that “In projects involving 20 or more lots, or where, in the determination of the Planning Board, a significant impact to critical areas or natural resources is proposed, an environmental impact assessment (EIA) may be required for submittal.” Given the proposed development intensity and the presence of critical areas and environmentally sensitive features, the Planning Board should require the Applicant submit an Environmental Impact Assessment.

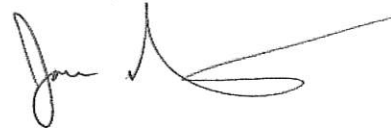
Hydrogeologic Study – The Applicant should be required to submit a hydrogeological study to demonstrate that the site can safely and adequately support private wells and septic systems for each of the proposed lots.

V. The Applicant’s Waiver Request Should be Denied.

Although the Town has in place more stringent sight-distance standards for driveways than those applied by the NH Department of Transportation and the American Association of State Highway and Transportation Officials (AASHTO), this does not mean the Town’s standards are inappropriate. The Town is within its authority to have stricter standards than state or federal regulations. The Applicant has proposed to increase access points on Young Road and should be required to meet the sight-distance standards established in the Subdivision Regulations.

For the foregoing reasons, the proposed subdivision cannot be approved by the Board and should be denied.

Sincerely,



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cc: Bob Caverly