

BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

March 23, 2023

Barrington Planning Board
Attention: Vanessa Price Town Planner
4 Signature Drive
PO Box 660
Barrington, NH 03825

Re: Planning Board Subdivision Application
Project Narrative
Owner: Norma Bearden
Applicant: Paul Thibodeau
Young Road
Tax Map 240, Lot 8
Proposed Conservation Subdivision

Chairperson, Members of the Barrington Planning Board,

On behalf of the land owner Norma Bearden, and the applicant Paul Thibodeau, Berry Surveying & Engineering (BS&E) filed a subdivision application on February 15, 2023 for a 23-lot conservation subdivision along the Young Road pursuant to the Barrington Zoning Ordinance Article 6 and the Barrington Subdivision Regulations Article 10. The intent of this letter is to provide supplemental background information regarding the development of the subdivision plan and compliance with relevant Subdivision Regulations.

Background and Narrative:

The applicant is looking to develop Tax Map 240, Lot 8, which is a 65.55-acre parcel of land off Young Road. The applicant hired BS&E to conduct a boundary survey of the entire parcel. Pursuant to the subdivision regulations, John P. Hayes III, certified wetlands scientist (CWS) and certified soils scientist (CSS) was engaged to map the jurisdictional wetlands on site as well as the very poorly drained soils on site. Pursuant to the subdivision regulations, BS&E was engaged to survey map the existing topography and site features to review the sites environmental resources and determine the reasonable development potential of the site. This exercise found that the site is the head water to Richardson Pond and contains Prime Wetland #4, as defined under the Barrington Ordinance. The edge of the very poorly drained soils mapped by Mr. Hayes is the jurisdictional boundary of the prime wetland per the Town of Barrington Zoning Ordinance.

From Young Road the site generally drains down to the wetlands, central to the parcel, and then raises back up to four larger areas of productive uplands. Two areas from off site, drain onto the property through cross culverts under Young Road, neither of which are streams. There is an offsite wetland on abutting land which drains through the southern section of the parcel

which also not considered a stream. Slopes on site range, with the most developable areas being closer to Young Road and the southern end of the parcel.

The site contains 2,871 linear feet of frontage on Young Road, and contains an existing fire cistern which was installed as part of the frontage subdivision across the street. On the north and east the subject parcel abuts land that is owned by the Town of Barrington and is currently eased by South East Land Trust (SELT). On the south the parcel abuts the Brian Lenzi parcel which was recently subdivided.

The Federal Emergency Management Agency has mapped the flood zones in Barrington as recently as 2015, with an effective date of May 17, 2005. As noted on the submitted project plans the property is located on Panel 285 of 405 with a map number of 33017C0285D, and is shown in Zone X. Zone X is not a dedicated flood hazard zone.

The applicant is proposing a 23 Lot Conservation Subdivision as permitted in Article 6 of the Barrington Zoning Ordinance and further discussed in Article 10 of the Barrington Subdivision Regulations. The applicant has conducted an assessment of the site, and has keyed out areas that are most appropriate to conserve for various reasons. Article 6 requires the applicant to develop a Yield Plan to determine the underlying density of the parcel. Using the project yield and the assessment of areas most appropriate for conservation the applicant is then directed to develop the project plan using Article 6 and Article 10 as a guide. Below please find a detailing of the yield plan and a description of chosen Conservation Subdivision design.

Underlying Zoning and Yield Plan:

The project site is in the Neighborhood Residential Zone (NR), and the Wetlands Protection District Overlay. Article 4, Dimensional Requirements, Table 2, Table of Dimensional Standards requires the minimum lot size in a conventional subdivision to be 80,000 Square Feet with 200 feet of frontage. Each lot shall contain a 40' front setback, a 30' side and rear setback, and requires the maximum height of a structure to be 35'. The maximum coverage allowed on each individual lot is 40%. The zoning regulations describe lot coverage as the area covered by impervious surfaces. The project plans provide for a Yield Plan, Sheets 9 through 12 which shows each lot meets or exceeds these requirements.

As the remainder of Article 4 is reviewed, the following standards are also required to be applied to the provided yield plan:

4.2.1 Standards for the GR and NR District, paragraph 1, requires each lot contain 60,000 Sq.Ft., of total land that is free of Hyrdic A soils (very poorly drained soils), open water, bogs, marshes, rivers, streams and exposed ledge. We submit that this is shown on sheets 9 through 12 and each lot is free of the described non-buildable areas. This section further states that each lot contains at least 35,000 Sq.Ft., of contiguous upland areas, the purpose of which is to provided a suitable building area for construction and not create lots that are segmented to the point they are not constructable. Each lot meets this standard, with each buildable upland area shown being larger than 35,000 Sq.Ft., in size.



4.1.2 Lot Frontage, requires the frontage to be compliant with Table 2, in this case requiring 200' of frontage. In addition, 4.1.2 requires that the dedicated frontage be used for the access to the property. The yield plan demonstrates that each standard lot provides for 200' of contiguous frontage on either an existing Class V road or on a road that would otherwise be built to the required subdivision standard. Each lot on the yield plan provides for driveway access across this calculated frontage, therefore satisfying 4.1.2.

4.1.3 Back Lots, allows for a residential subdivision to contain up to two back lots, where 50' of frontage is provided, and if two lots are proposed each portion of the neck will be shared as equally as possible. The neck is not permitted to be used in the minimum lot size and this provision is not permitted on a cul-de-sac. The driveway is to be placed in the neck and centered to the extent possible. The provided yield plan has two back lots, Lot 20-4 & 20-5 which meet these requirements. Each of the lots provides the minimum 35,000 Sq.Ft., of area outside of the neck of the lot, with Lot 20-4 being the smallest at approximately 42,000 Sq.Ft. The Barrington Subdivision Regulations Article 11, General Design Standards, 11.2.4 (1 through 6) permit the same.

In addition to the Barrington Zoning Ordinance, the yield plan is to comply with the Barrington Subdivision Ordinance. When discussing lots in a subdivision, Article 11, General Design Standards is applied. A general-purpose statement is provided along with guidance in 11.2 Lot Shape and Site Layout with further description in 11.2.1. The detailed requirements of the lot layout and design is provided in 11.2.2. The lots on the provided yield plan comply with paragraph one through three in that the clarity of ownership is met whereas the lots are rectilinear and each lot is greater than 75' in width, with the back lots being the exception as provided for in 11.2.4. There are no excessively deep lots compared to frontage widths and those that are over the 3:1 general ratio are drawn to be rectilinear with the abutting lot. Each lot is generally at right angles to the street, or matches abutting boundary lines and each corner lot provides for a sufficient setback on each street while maintaining the building area. Each lot is provided with a schematic home and ample room for a well, required radius on the lot and a suitable sewage disposal area per the standards of New Hampshire Department of Environmental Services (NHDES).

11.3 Building placement further describes considered criteria for the building envelopes. Notably, the lots in the yield plan do not include wetlands and do not include slopes that are in excess of 35% (There are no floodplains on the parcel.) Though there are slopes of 35% and greater on the parcel, the lots are of sufficient size and shape as are the building envelopes to permit construction without their use. It is important to note that neither the Zoning Ordinance nor the Subdivision Regulations restrict the use and manipulation of any slope, only that they may not be used in the building areas.

As noted above the site is in the Wetlands Protection District Overlay, as defined in Article 9 which regulates wetlands and defines buffers to the same. John P. Hayes, a certified wetlands scientist (CWS) as well as a certified soils scientist (CSS), delineated the project site pursuant to section 9.2.2 of the Barrington Zoning Ordinance as well as the standard practices of NHDES. Prime Wetlands are defined in section 9.3 as being the boundary where the soils become 100% Hydric A, or very poorly drained soils. This boundary was delineated and shown on the project plans. Section 9.5 then requires that a 100' buffer be held to this boundary. The



BERRY SURVEYING & ENGINEERING
335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com

provided yield plan shows this buffer and complies with its limitations. Section 9.5 defines a 50' wetlands buffer to wetlands that are over 3,000 Sq.Ft. in size. The yield plan provides for these buffers and complies with the limitations found in the Zoning Ordinance.

The provided yield plan does not require a special permit as provided for under 9.6. There are no shown buffer encroachments where construction or impervious surfaces encroach within either the 100' prime wetland buffer or the 50' jurisdictional wetland buffer. The yield plan does propose a wetland crossing on Proposed Road #1. This crossing would be approximately 1,375 Sq.Ft in impact and is exempt from local jurisdiction under 9.5.1(3). NHDES could consider the impact as a Minimum Impact or a Minor Standard Impact based on varying circumstances. In either case, the test for receiving a permit is largely the same. The applicant must demonstrate the need for crossing and prove that they have minimized and avoided to the extent possible. Additionally, the applicant would need to prove the construction practices and standards employed are fitting with Best Management Practices (BMP). In this case, the applicant is proposing by yield plan to gain access to large areas of productive uplands, which can not otherwise be accessed without the proposed wetlands crossing. These areas have value and productive use which meets the requirement for demonstration of need. The proposed crossing is specifically designed at one of the narrowest points in the wetland and proposes a crossing that is perpendicular in nature. The crossing is specifically positioned over 350' from the prime wetland and is well outside of its required buffer. These characteristics speak to minimization and avoidance of the crossing, where the crossing is designed in the most advantageous manner for the wetland and not the lots or overall subdivision design. The crossing would require a natural bottom culvert design or natural bottom box design. Headwalls and guard rails would be required to assure the minimal impact is proposed. These are all things commonly done in crossings as standard BMP's and are consistent with designs proposed in past approvals from NHDES for similar projects.

We submit to the board that the provided yield plan meets the Barrington Zoning Ordinance and Barrington Subdivision Regulations. The proposed roadways are complaint in width and length and each of the proposed lots, as noted above, comply with the specific requirements of the two regulating documents.

Conservation Subdivision:

As described above the parcel has some key attributes that are recognized by the applicant that play an important role in why the project is best suited for a Conservation Subdivision and not a conventional subdivision. It is evident that there is high conservation value in the abutting landscape. The two largest abutting parcels have been conserved by the Town of Barrington and are eased and monitored by the South East Land Trust. Those landscapes, as well as the subject parcel, either have direct access to Richardson Pond or play an important role in the function and value of the included watershed, provide wildlife corridors given the proximity to wetlands and unfragmented lands, and provide recreational opportunity for the residents of Barrington. These ideals are not lost on the applicant. This project has always been conceived as a Conservation Subdivision for all of these reasons and others noted below.

The Conservation Subdivision is a permitted use in the NR Zone. This use does not require a conditional use or special exception and is purely at the discretion of the applicant whether or



BERRY SURVEYING & ENGINEERING
335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com

not to utilize the ordinance. In the NR Zone, the minimum tract size is 30 acres, which this parcel more than doubles.

Article 6 lays out the general-purpose statement with the underling ideals:

6.1(1) *“To maintain and protect Barrington’s rural character by preserving important landscape elements, including those areas containing such 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.”*

Important landscape and environmentally sensitive features are maintained and protected under the proposed Conservation Subdivision design. As noted above there are large areas of Prime Wetlands on the parcel, which the applicant has included in the open space. Most land planning ideals aim to discourage these sensitive areas from being included in lot areas where possible. The project site is specifically designed around this important resource. Emphasis was placed on developing the front of the site opposed to the southern portion of the site so as to keep the largest portion of unfragmented lands, and specifically to maintain continuity of protected land with directly adjacent to the abutting conserved parcels so as to maintain unfragmented wildlife corridors. The parcel contains Habitat of Highest Ranking important per the NH Fish and Game maps around the Prime Wetlands as well as adjacent to the abutting conserved parcels. The map shows the area adjacent to Young Road as supporting habitat. The proposed development is designed in the lower ranked area intentionally in support of 6.1(1). The most important areas of the site are conserved with this purpose in mind. Understanding that some may want the entire site conserved while recognizing the Applicant and Owner’s constitutional right to develop the land, a large effort was placed on developing areas that are already fragmented due to Young Road and have the lower ranking supporting habitat.

6.1(2) *“To preserve scenic views and to minimize views of new development from existing streets.”*

The ordinance has requirements throughout that speak to the buffering requirements from the perimeter. Given the shape, frontage, and location of the wetlands on the parcel there was a balance applied to the design as to where the development is most appropriate. With the buffers intact from the street, reduced by the Zoning Board of Adjustment where appropriate, the project design maintains separation from Young Road, while clustering the development as far from the wetlands and the other conserved lands, thereby balancing the goals to limit views from Young Road while maximizing the protection of scenic views of Richardson Pond.

6.1(3) *“To provide for comprehensive site planning of larger tracts of land in order to facilitate better site design concepts that are compatible with the existing natural features and terrain in order to minimize disturbance of landscape elements.”*

Article 6 and 10 provide some guidance on site planning for larger tracts of land, but fail to consider existing infrastructure in the tools for planning. Other designs were considered for this project however all of them involve larger expanses of pavement and roadway infrastructure,



BERRY SURVEYING & ENGINEERING
335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com

resulting in the creation of greater impervious surface and other impacts contrary to the intent of Article 6. Whether this is done in a single family format or a clustering format, any design that does not utilize Young Road provides for a denser effective impervious footprint and provides infrastructure for Town of Barrington to maintain in the future. The proposed design uses the existing Young Road, limiting the creation of new impervious roadways to be maintained, and designs around the wetland and buffer areas to ensure the least amount of private ownership intrudes into those sensitive areas. The overlooks at the rear of the site adjacent to conserved lands remain open and free from development and provide over 130' to the closest point in the development. The existing trail through the site remains open and is integrated into the design's open space. It is specifically design to be un-incombered by lot lines of future private owners.

6.1.(4) *“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.”*

As noted above the project is designed around the existing Young Road infrastructure. This keeps the largest amount of unfragmented lands connected in the design and reduces the need for roads, utilities, and drainage facilities. The design reduces pavement over other design potentials and disconnects the impervious surfaces through its design. Clustering of the development on the southern portion of the land would only require the infrastructure the ordinance aims to avoid and create connected impervious surfaces that would require drainage systems to control and maintain.

6.1(5) *“To permit active and passive recreational use of open space by residents of the proposed development and/or by the general public.”*

As provided for in the design, each of the lots in the subdivision has direct access to the open space. That access is provided for in an upland ring around the entire parcel, so that there is no need to even passively impede on wetlands to enjoy the remote portions of the parcel. As noted above the existing trail that connects Young Road to the abutting conserved lands is currently proposed to remain open to the public and is designed to be free of residential uses.

6.1(6) *“To promote the preservation of large blocks or corridors of protected open space by “linking” together smaller individual open space areas on adjoining parcels.”*

The primary focus of the design is to place the development around as much of the existing infrastructure that currently exists and currently serves to break up corridors, and leave the remaining land that is linked to the larger remaining areas of conserved land. In contrast to a conventional subdivision plan, the proposed conservation subdivision plan preserves the primary on-site natural resource, Richardson Pond and the surrounding area, and maximizes continuity of those areas to abutting conservation land.

6.1(7) *“To reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.”*

The proposed design creates disconnected impervious surfaces which in turn reduce direct and focused discharge points from stormwater systems. The design also creates an integration of



BERRY SURVEYING & ENGINEERING
335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com

woodlands into each lot through the required wetlands buffers, front and side buffers and remaining woodland between lots. A clustered design on the southern portion of the property would have a larger deforesting effect on the parcel and group the impervious surfaces together in an unnatural format. Weight was placed on the other objectives of the Conservation Subdivision noted herein over the avoidance of the slopes at the front of the project site. The slopes are steeper along Young Road than on the southern upland area, but remain developable under the ordinance as they would in a conventional subdivision.

6.1(8) *“To permit various means of owning open space and for protecting it from development in perpetuity.”*

This objective is clearly met whereas the residents of the subdivision will own the open space with direct access to all owners being maintained. The open space will remain non-buildable and commonly owned for perpetuity.

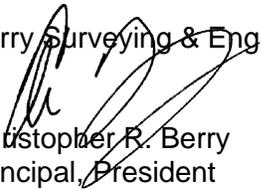
6.1(9) *“To implement the objectives of the Barrington Master Plan.”*

The master plan aims to create a balance between growth and development and Barrington’s natural resources using the Conservation Subdivision Ordinance. The detailed rules within the ordinance, keeping the ordinance’s objectives in mind, while realizing that this is private property, that comes with a bundle of rights, which includes potential development, are all considerations for the proposed design.

As for the remaining detailed requirements of the Conservation Subdivision we submit that the items found in section 6.2 are complied with. The open space areas has been modified to meet the requirement in the NR zone, and each lot complies with the minimum standard prescribed in the ordinance.

Please let us know if there is further information needed for this application.

Berry Surveying & Engineering


Christopher R. Berry
Principal, President



BERRY SURVEYING & ENGINEERING
335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com