

**Nottingham Planning Board Meeting**  
**Date: Wednesday, April 10th, 2024**  
**Official Minutes**

**Members Present:** Eduard Viel, Chairman; Teresa Bascom, Vice-Chair; Chris Evans, Secretary; Drew Stevens, Member; Doug Cummings, Member; Grant “Skip” Seaverns, Member; John Morin, Select Board Ex-Officio Representative

**Members Absent:** “Buzz” Davies, Alternate

**Others Present:** Blair Haney, SRPC Representative; Alana Kenney, Land Use Clerk; Peter Landry, Surveyor; Benjamin McMahon, Applicant; Judith Cummings, Resident

**Call To Order:** The meeting was called to order at 7:00 p.m.

Mr. Viel started out the meeting by thanking all of the Town workers and all crews and citizens who helped with the cleanup and process of getting through the previous week’s snow storm.

**Case # 24-005 LLA McMahon – 22 Cahill Lane (Continued)**

Application from Benjamin McMahon requesting a Lot Line Adjustment. The property is located at 22 Cahill Lane in Nottingham, NH and is identified as Tax Map #68, Lot #’s 56 and 10.

Mr. Viel explained that this case was accepted as complete at the last meeting on March 27<sup>th</sup>. There were a few items on the plans that needed correction. The Board also requested more information from the applicant. They were looking for a better interpretation of the current plans or revised plans. They also wanted to know who owned the small area on the right of way that looked contiguous to parcel number ten (10). There was a question of whether the submitted plans would create a subdivision or not. The case was voted to be continued.

Mr. Landry, the Surveyor for Mr. McMahon, explained the few housekeeping items that needed to be corrected. He would be correcting the label of map #63, lot # 50 to lot # 57. He also would be adding the additional trustees and correcting the name of the Cahill Family Revocable Living Trust.

There was a lengthy discussion on who owned the piece of land on the right of way in question. Mr. Landry explained that the presumption of title is the centerline due to two cases he provided as examples from the book, *A Hard Road To Travel*. The book also explained that this is only unless “rebutted by the deed.” Since the deeds to the land were not provided and the applicant was hoping for an approval during the current meeting, Mr. Landry offered to adjust the plans by making a 25 foot modification so that there would be no question as to who owns the land and whether or not a subdivision would be created.

Mr. Viel opened the public hearing at 8:10 p.m. There were no comments made. He closed the public hearing at 8:11 p.m.

The Board noted that there was a waiver request submitted with the application to allow for other types of monuments than are listed in the Nottingham Subdivision Regulations, Article 11, Section 11.8: Monumentation. The regulations call for granite bounds. The applicant requested approval to use magnetic pins and re-bar instead.

Mr. Landry explained that he thought granite bounds were not needed since the markers were not located on new lot corners.

***Skip Seaverns made the motion to accept the waiver request. Teresa Bascom seconded the motion. The motion passed by a vote of 6-0-0. (Mr. Evans was not present at the time of the vote but returned after).***

***Skip Seaverns made the motion to approve Case # 24-005 LLA McMahon – 22 Cahill Lane with the standard set of conditions:***

- 1. Plan copies with professional seals and signatures.***
- 2. Original mylar with professional seals and signatures.***
- 3. All fees paid.***

***And additional conditions to include:***

- 1. Correction of Lot # 50 to Lot # 57.***
- 2. Ownership Trust Name Change.***
- 3. Addition of Listed Trustees.***
- 4. Revised Lot Line.***
- 5. Monument Certification.***

***The motion was seconded by John Morin. The motion passed by a vote of 7-0-0.***

Mr. Viel noted that the findings of fact included that the Lot Line Adjustment as amended is in line with the current town subdivision regulations and contributes to making the lot more conforming.

### **Voluntary Merger**

An application for a Voluntary Merger was submitted by Mr. Gary Southard and Susan Southard as per RSA 674:39 A. They were looking for approval to merge the following properties ...

- 22 Rogier Place - Map 1, Lot #'s 95 and 96.
- 20 Rogier Place - Map 1, Lot #'s 92, 93, & 94

***Mr. Evans made the motion to accept the voluntary merger of Tax Map 1, Lot #'s 95 and 96 based on the following conditions ...***

- 1. Such merger would not create a violation of the current ordinances.***

- 88       2. *The merged lot, and its existing structures, improvements, setbacks, and use would*  
89       *exist as a non-conforming lot of record with respect to the Nottingham Zoning*  
90       *Ordinance.*  
91       3. *The merged lot shall not be transferred hereafter without subdivision approval from*  
92       *the Nottingham Planning Board, and that any subdivision must meet the then current*  
93       *requirements of the subdivision regulations.*  
94       4. *The future changes to the lot, the use, existing buildings, and improvements must meet*  
95       *the then current Town, State, and Federal Zoning rules and regulations.*  
96       5. *That the mortgage holder's consent is not required based upon representation of the*  
97       *owners that there is no mortgage on the property.*  
98       6. *That the Planning Board approves this application and designates the Chairman of the*  
99       *Board of Selectmen as its designee to execute the "Application For Voluntary Merger,*  
100       *per RSA 674:39 A, which application is to be recorded at the Rockingham County*  
101       *Registry of Deeds.*  
102

103 *Doug Cummings seconded the motion. The motion passed by a vote of 7-0-0.*  
104

105 *Chris Evans made the motion to accept the voluntary merger of Tax Map 1, Lot #'s 92, 93, &*  
106 *94 based on the same conditions as previously mentioned. Skip Seaverns seconded the motion.*  
107 *The motion passed by a vote of 7-0-0.*  
108

109 **Public Comment:** None  
110

111 **Minutes:** 03/27/24  
112

113 *Drew Stevens made the motion to accept the minutes of 03/27/24 as amended. Teresa Bascom*  
114 *seconded the motion. The motion passed by a vote of 6-0-1.*  
115

116 **Updates:**  
117

118 Mrs. Bascom brought up the fact that California had recently voted that they would not allow the  
119 building of single family homes. She was wondering if anything like that would be coming to  
120 New Hampshire. It was agreed that nothing like that was in the works in the State Of New  
121 Hampshire.  
122

123 Mr. Evans mentioned that the state is looking to require the building of ADU's and requiring  
124 Septic Shoreland testing.  
125

126 Mr. Stevens explained that it may be possible for the Planning Board to use "Certificates Of  
127 Mailing" instead of Certified Mail since the costs is much less per piece. Mr. Viel stated that he  
128 would follow up with this.  
129

130 Mr. Evans asked about when there would be a review of impact fees. Mr. Viel stated that is on  
131 the agenda for the year. He also stated that all impact fees must include projects that are on the  
132 C.I.P.  
133

134 Mrs. Bascom brought up whether the cost to mail packets to Board members could be included  
135 in the fee up front. Mr. Viel stated that some towns do require an escrow account for this up  
136 front and that they could look further into that.

137  
138 Mr. Viel stated that they would be reviewing the contract with SRPC to see if maybe the Board  
139 could bill out SRPC hours to applicants as well.

140  
141 Doug Cummings was concerned with the audio/visual of the meetings since it hasn't been  
142 working properly. He offered to come in and assist the town with those issues.

143  
144 Mr. Haney suggested that the Board members go to the workshop titled after the book, *A Hard*  
145 *Road To Follow*, which was being held on May 9<sup>th</sup>. He also stated that there was a free  
146 conference from the Office of Planning and Development coming up on a Saturday.

147  
148 Since there were no cases to be heard at the next meeting on April 24th, Mr. Viel stated that it  
149 would be a workshop when the Board could go over the Subdivision and Site Plan Updates.

150  
151 ***Mr. Viel adjourned the meeting at 9:35 p.m.***

152  
153 Respectfully submitted,  
154 Alana J. Kenney, Land Use Clerk