

Nottingham Planning Board

August 26, 2020

Approved: September 23, 2020

Board Members Present: Dirk Grotenhuis, Chair; Eduard Viel, Vice-Chair; Tiler Eaton, BOS Rep; Susan Mooney, Secretary; Gary Anderson, SRPC Rep; Joseph Clough, CIP Rep; Ian MacKinnon; Robert “Buzz” Davies, Alternate; Leanne Gast, Alternate

Board Members Absent:

Others Present: JoAnna Arendarczyk, Land Use Clerk; Stefanie Casella, SRPC Planner; Christopher Berry, Surveyor; Conrad Mandsager; Resident

Call to order: 7:00pm

The Chair read the following:

The Chair of Nottingham Planning Board has found that, due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor’s Emergency Order #12 pursuant to Executive Order 2020-08, boards thereof are authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor’s Emergency Order.

The Nottingham Planning Board is utilizing Zoom for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and if necessary participate in the meeting.

Roll call: to publicly account for the members present

Public Hearings

- ~~Continued from August 12, 2020: Case #20-003-SUB~~ Application for a 14 lot Subdivision from Robert Diberto. Two new roads will be constructed as part of the subdivision. The property is identified as Tax Map 7 Lot 1N and is located off Mitchell Road, a Scenic Road, in Nottingham, NH. **Case to be continued to September 9, 2020. See “Continuation email 8/26/2020” document for further details.**

The above case needs to be continued. The information owed to the applicant by the Board regarding the legal opinion as to if a Variance will be required is forthcoming. The notice online lists the meeting as continued to the September 9, 2020 meeting. However, Mr. Berry requested it be moved to September 23rd due to a prior commitment on the 9th.

Motion Made by: Mr. Viel to continue Case #20-003-SUB to September 23, 2020 at 7:00pm.

Seconded by: Ms. Mooney

Discussion: Mr. Berry asked that the response from the attorney be forwarded to him directly. The Chair agreed to do so.

Roll Call Vote: 7-0-0 Motion Passed

- Extension Request: Case #19-008-SUB&SIT**

Application from Domus Developers Inc. for a proposed 4 lot subdivision with two additional concurrent site plan reviews for 12 units each. The property is located on US Route 4/ Old Turnpike Road in Nottingham, NH and is identified as Tax Map 6 Lot 22. Berry Surveying submitted a request for a 90-day extension (file). Delays in meeting the conditions were likely caused by the shutdowns in the beginning of the year due to Covid19.

Nottingham Planning Board

August 26, 2020

After reviewing the request it was determined that per Subdivision Regulation Section 11.2 #2 Conditional Approval, a Waiver would be required. The Waiver would expire on December 11, 2020. The waiver would trigger a public hearing and notices would be required as well.

Mr. Berry noted that the Subdivision Regulations 12.5 #4 and the Site Plan Regulations 12.5 #4 have a separate process for concurrent applications, which does not include the Waiver process for extensions.

The Board asked Ms. Casella for her opinion regarding the difference in this procedure. The Waiver requires the full process of public hearing notices. The difference with the concurrent procedure not having noted the need for a waiver is something she will look into.

Mr. Berry added that the time needed to process the Waiver request and send out notices is not available before the next meeting, September 9, 2020.

The Chair stated that it appears this is a procedural issue. One area states a Waiver is required but a Waiver is not part of the procedure for a Concurrent application for which this was. The Chair added that if an extension is not granted then there is a big hardship.

Mr. Viel inquired if the remaining Conditions to be completed are minor and would not change the plan in a major way, Mr. Berry confirmed. Mr. Viel added he agrees with granting the extension request, but asks that the procedural issue be reviewed in the future to be clear if needed again.

Motion Made by: Mr. Viel to grant the extension request for Case #19-008-SUB&SIT to December 11, 2020 at 7:00pm

Seconded by: Mr. Clough

Roll Call Vote: 7-0-0 **Motion Passed**

Mr. Berry asked if further issues arise within the 90 days should another request be asked 30 days prior to the deadline? The Chair agreed that 30 days would be appropriate.

Master Plan Update Subcommittee (MPUS)- New member Conrad Mandsager- schedule meeting date

Mr. Mandsager was welcomed to the subcommittee.

Ms. Mooney stated that the Chair and Secretary positions for the MPUS were revolving positions; therefore, there isn't a Chairperson to contact to reactivate the subcommittee. It was also stated that Ms. Casella's assistance would be appreciated on this subcommittee. The local residents who had participated on the MPUS in the past had resigned. More involvement needs to be sought.

Discuss Town Map issues- Ms. Mooney spoke to the issue of edits needed on some maps. With the update to Master Plan in the past it was noted that some names from the DOT and GRANIT maps had some issues. She suggested fixing these issues before the next Master Plan Update. Someone from the Town departments need to reach out to Granite for the process. Ms. Casella agreed to send Ms. Mooney a contact from SRPC for Ms. Mooney to work on this with as well.

Conrad Mandsager joined the meeting at 7:30pm. Chair informed Mr. Mandsager about the Master Plan Update process being put off due to various circumstances. Mr. Clough added that the multiple chapters of the Master Plan were reviewed and areas that needed updating were identified. The project is to update the document only, not to rewrite it. The updated document should be ready to be adopted by 2022. The previous subcommittee recessed the update at the preparation of an RFP draft. The Land Use Clerk agreed to send minutes from the subcommittee to Mr. Mandsager, Mr. MacKinnon, and Ms. Gast.

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95 **Staff/ Board Members Update**

96 **Gary Anderson- SRPC rep Update-** SRPC September 17, 2020 “Round Table” for recycling
97 subcommittee. A topic he plans to bring to suggest is recycling specific items like metals. Ms.
98 Mooney suggested the topic of household toxic waste could be discussed as well.

99 **Ed Viel-** Asked if a letter should be drafted and sent to BOS and/or Town Admin regarding the
100 permitting of a commercial use of a property in the Residential/ Agricultural Zone without
101 review by the PB or ZBA. Several members voiced agreement.

102 Mr. Eaton, BOS Rep, stated that he asked for time for PB to speak to BOS at the upcoming
103 Monday meeting. The Chair expressed appreciation of the time allotted to speak with BOS. Ms.
104 Mooney added that a letter would be prudent for documentation of the issue. The Chair agreed to
105 write a letter to the BOS and Town Administrator (TA). Mr. Eaton also stated that the TA has
106 agreed to come to PB to discuss the issue as well if asked to do so.

107 **Susan Mooney- Conservation Commission Update-** The Commission is anticipating a new
108 member in September.

109 **Tiler Eaton- BOS rep Update-** Informed the Board that he was remiss with information
110 regarding his statement at the last meeting about the snowmobile event having obtained a permit
111 for the fireworks display. They in fact did not receive a permit. They worked off the
112 Permissible Fireworks Community Restrictions list from the NH Department of Safety Division
113 of Fire Safety which has Nottingham listed as “Permissible- No Restrictions” meaning the Town
114 has no adopted ordinance for fireworks.

115 **Joe Clough-** Regrettably informed the PB that his house is on the market and he will likely be
116 moving out of Nottingham the end of September. He stated he will formally resign when the
117 date is set.

118 **Adjournment**

119 **Motion Made by:** Mr. Viel to adjourn

120 **Seconded by:** Mr. Clough

121 **Roll call vote:** 7-0-0 **Motion Passed**

122 **Adjourn at:** 7:58pm

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124 For the Nottingham Planning Board ~ JoAnna Arendarczyk, Land Use Clerk