

Nottingham Planning Board Meeting
Date: Wednesday, January 10, 2024
Un-Official Minutes

Members Present: Ian MacKinnon, Vice-Chairman; Susan Mooney, Secretary; Teresa Bascom, Member/SRPC Alternate; Charlene Anderson, Member/SRPC Representative; Matt Shirland, Select Board Ex-Officio Representative; Robert “Buzz” Davies, Alternate.

Members Absent: Eduard Viel, Chairman

Others Present: Blair Haney, SRPC Representative; Alana Kenney, Land Use Clerk; Dale Sylvia, Building Inspector, Tim Phoenix, Attorney; Tom Moulton, Applicant; Scott Frankiewicz, Surveyor; Joseph Falzone, Applicant; Scott Cole, Engineer; David Whitney, Abutter; Melina Seitzinger, Abutter; Jim Stevens, Abutter; Bobby Marcathe; Mike Desjardins; Wayne Bibeau; Ken Hoffman; Colton Gove; Rick Baxter; Maria Baxter

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

Mr. Davies was seated and voting for the vacant position.

Informal Discussion Re: The Barn At Merry Hill

Mr. MacKinnon explained that this was a previously approved site plan application. There had been some discussion that the changes they have made seemingly did not comply with the site plan. He stated that the parking lot appears to be larger than what was on the site plan. There was also a permit for a shed that was not on the site plan.

Mr. MacKinnon stated that although it is not always enforced, the site plan regulations do require an as-built plan. This is a way to compare what is actually there now to what was approved.

Mr. Desjardins confirmed that he could supply an as-built as he has done so for many other customers before.

Ms. Andersen questioned if the shed was really a shed. Mr. Desjardins confirmed that it is indeed a shed specifically for storage but just built nicer than most because it needed to fit in with the wedding venue.

2024 Scenic Road Tree Trimming By Eversource

Mr. MacKinnon explained that there was a letter sent to the Board from Eversource requesting to do tree trimming on various scenic roads including Case Road, Gile Road (the dirt portion), Ledge Farm Road, Mitchell Road (the dirt portion), and Poor Farm Road.

Ms. Andersen pointed out that the attachment also included a map of Stevens Hill Road and Steppingstone Road but neither were listed on the letter.

Ms. Andersen stated that she had some questions and concerns after driving down most of the roads. She thought there was a lot on the roads that did not need to be trimmed and that much of it abuts conservation land. She wanted more detail about what they were going to be doing and what had been done already. She asked that someone from Eversource come and speak to the Board about it.

Ms. Mooney stated that in the past, they have received a list of the trees being worked on, the species, and what was being done. She would like to see a list similar to that.

Mr. MacKinnon opened the public hearing at 7:13 p.m. There was no one present to speak on it. The Board decided to keep the public hearing open until the next hearing date on March 27th, 2024.

Case # 24-001 LLA Falzone – Raymond Rd

Application from Joseph Falzone, on behalf of The Forgotten MTN Realty Trust, requesting a Lot Line Adjustment between two properties. These properties are located on Raymond Road in Nottingham, NH and are identified as Tax Map #69, Lot #'s 17 and 19.

Scott Cole introduced himself and Mr. Falzone. He explained the lot line adjustment and the plans to swap land with the abutters.

Mr. Haney reviewed both case 24-001 and 24-002 together. He didn't have any specific comments on the lot line adjustment.

Mr. Cole asked that the two applications be reviewed concurrently. Mr. MacKinnon said they can accept them independently and then review them concurrently. Ms. Mooney stated that they would still need to be filed separately at the Registry Of Deeds and that the LLA would need to be filed first.

Ms. Andersen made the motion to accept Case # 24-001 LLA Falzone – Raymond Rd as complete. Mrs. Bascom seconded the motion. The motion passed by a vote of 6-0-0.

Ms. Andersen made the motion to accept Case # 24-001 LLA Falzone – Raymond Rd as not to be a development of regional impact.. Ms. Mooney seconded the motion. The motion passed by a vote of 6-0-0.

This case would be further discussed concurrently with the next case.

Case # 24-002 SUB Falzone – Raymond Rd

Application from Joseph Falzone, on behalf of The Forgotten MTN Realty Trust, requesting approval for a 16-Lot Open Space Subdivision off Raymond Road in Nottingham, NH. The properties are identified as Tax Map #69, Lot #'s 17 and 19.

89
90 The only question Mr. Haney had about the application in terms of acceptance was whether or
91 not the Town Of Raymond was included as an abutter.

92
93 ***Ms. Mooney made the motion to accept Case # 24-002 SUB Falzone – Raymond Rd as***
94 ***complete. Ms. Andersen seconded the motion. The motion passed by a vote of 6-0-0.***
95

96 ***Ms. Mooney made the motion to accept Case # 24-002 SUB Falzone – Raymond Rd as a***
97 ***development of regional impact to the Town of Raymond due to fire and emergency response,***
98 ***proximity to abutters, and increased traffic. Mrs. Bascom seconded the motion. The motion***
99 ***passed by a vote of 6-0-0.***
100

101 Mr. MacKinnon said that they will be opening the public hearing that night since there may be
102 some people in the audience who would like to speak to the case. The Board would make no
103 decisions on the case. The public hearing would be continued until after the DRI information is
104 sent out to the Town of Raymond.

105
106 Mr. Cole explained that the Applicant did bring this subdivision to the Planning Board last year
107 as a Design Review. Since then, they were able to take the suggestions offered and fine-tune
108 them to create the Open Space Subdivision plan.

109
110 (Much of this portion was inaudible due to interference.)
111

112 Mr. Cole showed what would be the conventional lot layout showing the buildable areas. He
113 then showed the plans for the Open Space Subdivision (OSD) showing sixteen (16) lots and one
114 existing, pre-approved lot #17. The subdivision includes one road with a cul-de-sac.
115

116 Mr. Cole explained that there would be catch basins and pipes to infiltration basins for the
117 drainage. He stated that Mr. Falzone had spoken with the Fire Department and all the houses
118 would have sprinkler systems. Mr. Cole stated that they would be getting State AOT and DOT
119 permits.
120

121 Ms. Andersen asked if the case had been sent to the town engineers yet. Mr. MacKinnon
122 confirmed that it had not. It would be sent out for a quote first.
123

124 Ms. Andersen asked about the yield plan. Mr. Mackinnon stated that the yield plan is usually
125 one of the first things that the Board would look at. The yield plan would be required to be voted
126 on but not tonight since it was voted to be a DRI. Ms. Anderson had some concerns about the
127 steep slopes on some of the lots.
128

129 Ms. Mooney asked Mr. Cole to repeat the calculations for the yield on the OSD. Mr. Cole
130 responded that the required percentage would be 42.6% but they are proposing 63%.
131

132 Mr. Cole responded that he did agree that the area had it's difficulties but they did end up
133 reducing the amount of planned lots due to some of those steep slopes and other factors.
134

Ms. Mooney asked if some items on the plans were vernal pools or perennial wetlands. Mr. Cole responded that they were perennial wetlands. She also asked about a reference to a beaver damn that the applicant did not have the answer to but would look into.

Mr. MacKinnon stated that he thought it would be easier to send the Applicant a list of bulleted items instead of reading them all off.

Mr. MacKinnon stated that the Board needed to decide if there was a need for an environmental impact study. He thought that it should be required in this case due to the size of the steep slopes.

Mr. Falzone stated that they could provide the environmental impact study. He also wanted to reiterate that they already had received information from Town Counsel that they did not need to abide by the 25 foot setbacks for the road. Mr. Falzone also asked per RSA 676:4-B, if the Town would request proposals from three (3) consulting engineer firms for the peer review instead of just one (1) proposal from the firm that the town usually works with. This was mainly due to the price. He offered to send the RSA information to Ms. Kenney.

Mr. Haney asked if the Town had a standard scope of work. Ms. Kenney confirmed that she had not used one before. Mr. MacKinnon stated that the Board would come up with one to send to multiple firms. He stated that it should not include the stormwater design since the State reviews that.

Mr. MacKinnon let the Applicant know that a waiver request would be needed for a cul-de-sac. He also stated that the OSD regulations limit the lot size to a maximum 45,000 square feet but the lots on the plan all exceed 45,000 square feet. Mr. MacKinnon stated that the Board could not grant a Conditional Use Permit for maximum lot size. This issue came up in another current case being reviewed. Town Counsel had given the opinion and the Board agreed that the Applicant would need to get approval for a variance from the Zoning Board of Adjustment for lots larger than the 45,000 feet.

Mr. Falzone asked why that was a requirement. Mr. MacKinnon responded that the Town didn't want people using some of the benefits of an Open Space Development, such as smaller setbacks, while providing more of a conventional layout.

Mr. Falzone asked if they could do shared septic systems in an OSD. Mr. MacKinnon answered that they could.

Mr. MacKinnon stated that Ms. Kenney would post the comments on the website as well.

Mr. MacKinnon opened the public hearing for the lot line adjustment at 8:13 p.m. There was no response. He kept the hearing open.

Mr. MacKinnon opened the public hearing for the open space subdivision at 8:14 p.m.

Jim Stevens, of 13 Doloff Damn Road, asked the Board to use the extent of the subdivision requirements. He was concerned about the environmental impact. He wanted to make sure there

was a traffic analysis. He pointed out a misprint on the plans that an AOT permit was not required. Mr. Stevens said the area is an area of high environmental importance on state maps. He didn't think building a subdivision in the area would follow the Town's Master Plan. He also stated that drainage structures on Lot 4 would clearly be seen from Doloff Damn Road and could be considered "unsightly".

Mr. MacKinnon stated that the public hearing would remain open.

Mr. Falzone and Mr. Cole returned to the table. Mr. Falzone agreed that the note needed to be changed. He stated that they already did a full traffic analysis that was submitted and they also had a full drainage analysis.

As for who maintains the stormwater, Mr. MacKinnon stated that there will be an HOA required along with a Declaration Of Covenants. The HOA will be responsible for taking care of the ponds. He asked Ms. Kenney to make sure the traffic study is uploaded to the website.

Mr. MacKinnon stated that the standard for the peer review should be the checklist and the subdivision regulations, excluding the stormwater design due to the AOT permit.

Ms. Andersen asked if the Board should wait for the environmental impact study so it could be used as part of the peer review. Mr. MacKinnon felt that there would already be a delay due to getting additional proposals.

Ms. Mooney asked about comments from the Fire and Police. Mr. MacKinnon stated they were contacted twice but they did not respond.

Mrs. Bascom asked if the school was notified about the case. There was discussion with Ms. Kenney about whether they should be let know and if so, who to send the information to. Ms. Andersen suggested that instead of sending them information by piece-meal to the school, the Board should probably put together a yearly summary of approved cases to be given to the CIP instead. Mr. MacKinnon felt that it should be discussed with Mr. Viel to come up with what type of communication should be made and who it should be sent to.

Mr. Falzone asked if the Board would let him know which firms the Town chooses to use for the peer engineering review. He agreed to send a list of some that he does not work with currently.

Ms. Andersen made the motion to continue Case #'s 24-001 LLA Falzone - Raymond Rd and 24-002 SUB Falzone – Raymond Rd to Wednesday, February 14th, 2024 at 7:00 p.m. Ms. Mooney seconded the motion. The motion passed by a vote of 6-0-0.

Case # 24-003 LLA Nottingham Business Park – Rt 4

Application from N.H. Land Consultants, on behalf of Nottingham Business Park, LLC, requesting a Lot Line Adjustment. The properties are located on Route 4 in Nottingham, NH and are identified as Tax Map #3, Lot #'s 6, 9, and 10.

Mr. MacKinnon recused himself from the case since he is an abutter.

Mr. MacKinnon made the motion to seat Mrs. Bascom as Chair for this case. Ms. Mooney seconded the motion. The motion passed by a vote of 6-0-0.

Scott Frankiewicz introduced himself from New Hampshire Land Consultants and Scott Moulton as the owner. He explained the lot has just over thirteen (13) acres and 30 feet of road frontage. They wanted to transfer 9.42 acres from lot 9 to lot 6 and then .6 acres from lot 10 to lot 9. This would add about 169 feet of frontage to lot 9 making it have about 200 feet of frontage and five (5) acres.

Mr. Haney did not have any comments or questions about the application in terms of acceptance.

Ms. Andersen made the motion to accept Case # 24-003 Nottingham Business Park – Rt 4 as complete. Ms. Mooney seconded the motion. The motion passed by a vote of 5-0-0.

Ms. Andersen asked if the Board should review Ed Viel's notes on the case. There were a few corrections to be made to the plans.

Ms. Andersen asked about the easement. Mr. Frankiewicz stated that they were keeping the easement so that Mr. Moulton would still have access to the back of the property.

Ms. Mooney asked about the "approximate wetlands". Mr. Frankiewicz stated that those were wetlands that were located on the original plans. They were not required to be shown for this case but they still wanted to include them on the plans.

Mrs. Bascom opened the public hearing at 9:00 p.m.

Mr. MacKinnon, of 19 Lincoln Drive, stated that there needed to be an intermediate pin added. He also wanted to clarify that the Board was not approving the easement with the intent that it would be turned into a road in the future.

Ms. Andersen made the motion to approve Case # 24-003 LLA Nottingham Business Park – Rt 4 with the following conditions:

- *An intermittent pin to be place.*
- *A correction made on Note #1.*
- *Note the intent of the 50 foot easement.*
- *Add a lot line on page 2 (EC-1).*

Ms. Mooney seconded the motion. The motion passed by a vote of 5-0-0.

Public Comment: There was no public comment.

Minutes: There were no minutes to approve.

273
274 **Updates**
275

276 Mrs. Bascom asked if the Applicants were being charged for the postage required to mail the
277 materials to the Board members. Ms. Kenney answered that they are not charged for that. Mr.
278 MacKinnon agreed that it should be charged to the Applicant.
279

280 Ms. Mooney shared that there is a new alternate member on the Conservation Commission:
281 Johan Kerkhov. They were still looking for other alternates as well.
282

283 Ms. Andersen explained the draft of the CIP report for the next five years that was provided to
284 the Board in the binders. She explained the one big ticket item in 2025 would be the school's
285 modular unit. This would mostly be paid for with impact fees and a bond. Some other items to
286 note were a couple of large culverts to be fixed, which would cost over \$1 million. The CIP had
287 an upcoming meeting on January 16th to finalize the report. Ms. Andersen also explained that the
288 report did not include the Town assessment of the buildings and infrastructure and also that
289 although most of the years should stay the same although the year 2029 may change.
290

291 Mrs. Bascom asked if the Recycling Center would be included in that plan. Ms. Andersen stated
292 that it was not part of that report as it was part of the Town infrastructure assessment.
293

294 Mr. MacKinnon brought up that the current impact fees are only for School, Fire, and Recreation
295 and they would need to change that to something like Public Works in order to cover the
296 Recycling Center. In order to do that, they need to go through the process to change the impact
297 fees.
298

299 There was more discussion on impact fees, what can be paid for with them as well as traffic.
300

301 Mr. MacKinnon was going to make a note about getting proposals for the impact fee reviews.
302

303 Mr. Haney stated that he just started working full-time with SRPC. He was only working part-
304 time for them before.
305

306 Mr. MacKinnon and Ms. Andersen would not be able to make the January 24th meeting.
307

308 ***Ms. Mooney made the motion to adjourn. Mrs. Bascom seconded the motion. The motion***
309 ***passed by a vote of 6-0-0.***
310

311 Transcribed per video.

312 Respectfully submitted,

313 Alana J. Kenney, Land Use Clerk
314

315 Edited by Susan P. Mooney, Secretary