

Nottingham Planning Board Meeting

8-11-21

Official Minutes as of 8-25-21

1 **Call to Order**

2 Members Present: Vice Chair Eduard Viel; John Morin BOS Rep; Ian MacKinnon; Susan  
3 Mooney, Secretary; Charlene Andersen, SRPC Rep; Robert “Buzz” Davies, Alternate

4  
5 **Members Absent:** Chair Dirk Grotenhuis, Gary Anderson, SRPC Rep

6 **Alternate Seated and Voting:** Robert “Buzz” Davies, Alternate for Dirk Grotenhuis

7 **Others:** Lorraine Petrini, secretary; Jen Czysz, SRPC Planner; Peter Landry, land surveyor;  
8 MaryEllen Cote, applicant; Rich Cote, applicant; Nathan Tandy, applicant; Kerry Tandy,  
9 applicant; Scott Frankiewicz, land surveyor; Mark Davie, SRPC intern; Autumn Scott, SRPC  
10 intern

11 **Call to Order**

12 The meeting was called to order at 7PM.

13  
14 **Roll call**

15 Roll call was completed.

16 **Public Hearings**

17 *Continued Case from 7-28-21, #21-007-SUB-Application from Nathan Tandy, requesting a*  
18 *two (2) lot Conventional Subdivision (backlot). This property is located at 22 Gile Road in*  
19 *Nottingham, NH, and identified as Map 28 Lot 10. (Note: This case has been incorrectly*  
20 *identified in postings and in minutes. The correct case number is Case #21-012-SUB.)*

21 Mr. Viel provided a summary of the case to date and confirmed the application was accepted as  
22 complete at the last meeting.

23 Mr. Landry indicated they have revised the driveway access to the proposed back lot and  
24 distributed an amended plan to the Board. The driveway could be built through 25% slopes. He  
25 noted there was a subdivision on Route 4 that was designed the same way. The driveway will go  
26 through the 25% slope and then ease out. The first 100 feet is essentially flat. There will be a  
27 culvert. Then it gets steeper at 11% for the next 100 feet. Then it increases to 25% slope as it  
28 continues. The last segment is 6%.

29 He said they have no problem with the other notes that the planner mentioned at the last meeting.  
30 They are working on adjusting those.

31 Mr. Landry said the letter from the Nottingham Conservation Commission noted that the  
32 applicants and land surveyor should meet with them if the driveway plans change thus impacting  
33 wetlands, steep slopes or the Scenic Road character. He will set that meeting up.

34 He asked if there is anything else that the Board is looking for.

35 Mr. Viel said the percentages for the driveway that are described in the ordinance were  
36 developed for emergency, oil, and septic crews to be able to use the driveway.

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37 Mr. Davies asked if driveways and roads have the same standards. Mr. Viel said there is  
38 language for driveways but it's different than roads.

39 Mr. Viel said the lots on Route 4 went to Zoning for relief. Generally, over 25% slopes are not  
40 considered for building. Mr. Landry said the driveway shouldn't be included in this. The 'fit for  
41 building' doesn't fit in this context. Mr. Viel said that environmentally sensitive areas may have  
42 additional requirements. Mr. MacKinnon asked if Mr. Landry can provide a profile for the  
43 driveway. Mr. Landry said yes. He said they are running along the contours of the largest slopes;  
44 not the exact slopes. Mr. MacKinnon said he is in favor of limiting the disturbance for the  
45 driveway. Mr. Landry said he would like to keep the finished grade as close to where it is now.  
46 Mr. Viel said the driveway is set back 50 feet from wetlands. Mr. Viel asked why they wouldn't  
47 go more to the southern part of the land. Mr. Landry said that section is going against the  
48 contours. He will look at that. He understands it would limit the amount of impact but it's steep.  
49 It may be an issue of safety.

50 Ms. Mooney said the Nottingham Conservation Commission meets on September 13. The  
51 Planning Board meets September 8. There is another meeting on August 30 for the Nottingham  
52 Conservation Commission. Ms. Mooney said to Mr. Viel that this case needs to be posted as a  
53 scenic road application. Mr. Viel also stated that the case number is incorrect.

54 Ms. Mooney asked why Mr. Landry didn't create the proposed driveway on the west. Mr.  
55 Landry said the existing house is a 50-foot setback. She said there is no setback for the driveway.  
56 He said the neck will create a variance issue, and the driveway will be very close to the existing  
57 house. Ms., Mooney suggested moving the driveway to the property line as it has a shorter area  
58 of steep slope. Mr. Landry said it is very steep in that area; it is 20% slope. Ms. Mooney asked  
59 about a switchback. Mr. Landry said that creates more impact, and they are trying to have less  
60 impact.

61 Mr. MacKinnon said the driveways on Route 4 are at a 15% slope; and it's very steep.

62 Ms. Mooney asked if there has been a study for protected species for this area, particularly  
63 bobcat. Mr. Landry said he wasn't aware of anything. Amy Lamb may be a contact at the Natural  
64 Heritage Bureau, Mr. MacKinnon said.

65 Mr. MacKinnon said he is glad the driveway was moved.

66 Mr. Viel said if the ledge continues into the steepest area, Mr. Landry could perhaps hug the lot  
67 line to avoid it.

68 Mr. Landry said he will do a profile on the driveway. He may be able to give a typical cross  
69 section as well. He will take care of the other issues that the planner has suggested as well.

70 Mr. Viel said there will be a continuance on this case. It should be posted accordingly as a scenic  
71 road, and the case number should be corrected (as noted in these minutes).

72 **Mr. MacKinnon made a motion to continue Case #21-012-SUB to September 8 at 7pm. Ms.**  
73 **Mooney seconded. Unanimously approved by a vote of 6-0.**

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75 *Case #21-011-SIT-Application from Richard Cote, requesting Site Plan approval for a change*  
76 *of use, allowing the conversion of an existing structure to an office studio. This property is*  
77 *located at 18 Cooper Hill Road, in Nottingham, NH, and is identified as Map 16 Lot 5.*

78 Mr. Frankiewicz represented Mr. Cote. He would like to convert a smaller shed to an office  
79 studio.

80 Ms. Czysz said they will need more information. They need an updated site plan for provision of  
81 water/sewer. It didn't include Unit 6 in the original plan. There is no proposed site work at this  
82 time. She said the impacts of an office studio may be negligible.

83 Mr. Viel said they could accept this as complete.

84 **Mr. Mooney moved to accept Case #21-011-SIT as complete. Mr. MacKinnon seconded.**  
85 **Unanimously approved by a vote of 6-0.**

86 **Ms. Mooney moved that Case #21-011-SIT is not an application for regional impact. Ms.**  
87 **Andersen seconded. Unanimously approved by a vote of 6-0.**

88 Mr. Frankiewicz said that the well on the plan located on the east boundary of sheet 1 of 2 is no  
89 longer applicable. At this location, he said that area will be a proposed leach field. There are two  
90 parking spots allotted. If there is additional parking required, he will look into that.

91 Ms. Czysz studied the uses for that property and went over the varied past of the existing use for  
92 this property without a variance. If it was a commercial office, it hasn't been for a while and she  
93 questioned if it could it be determined as abandoned. Property line setback and wetland setback  
94 info is needed. She is questioning what the proposed office use will be. She said it looks more  
95 like a studio apartment than office space.

96 Mr. Frankiewicz said there was a kilt business there prior to 1990 and also a retail shop. Mr.  
97 Cote said there is no place to put a sign, and no sign was planned at street level. The building  
98 inspector has been consulted on this. Originally, they were going to have an apartment but now  
99 they would like to have it as an office space. Mr. Viel asked if this was a teardown; Mr.  
100 Frankiewicz said no. Mr. Cote said there was an electric pole from Eversource on the site. There  
101 will not be additional lighting added. Mr. Morin asked why they need a wraparound deck. Mr.  
102 Cote said after they got recommendations that it would not work as a residential space, they are  
103 trying to generate some income and make it aesthetically pleasing. A side deck may be helpful.  
104 From the rear, there is an exit.

105 Mr. Viel indicated if the planned use is commercial, this will require Zoning relief, and this  
106 appears to be a non-conforming lot and possibly non-conforming structure.

107 Mr. Cote said he found out from the previous owner that it was used as a kilt business and then  
108 as an office. They stopped using it afterwards as the building was on stilts. He put a foundation  
109 on it now.

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110 Mr. MacKinnon asked if their intent is that the office space will be separate from Unit 6. Mr.  
111 Cote said it could be separate. Mr. MacKinnon is confused if the office space is detached from  
112 Unit 6. If a variance is needed, it would be for Unit 6 and the office space. He said one of the  
113 deck options would encroach on the LCA lines.

114 Mr. Viel said he is unsure if they need to submit this to the state. He is wondering if there was  
115 storage for some of the condos. Mr. Frankiewicz said Mr. Cote owns all of the buildings and  
116 condos right now.

117 Ms. Mooney said Nottingham passed a new ordinance for the Stream Protection Overlay District  
118 and parking, etc. needs to have 50-foot setback from streams. Mr. Frankiewicz asked where the  
119 list of streams is. Ms. Mooney said all first through fifth order streams are protected. She said no  
120 new structures can come within that 50-foot buffer. Mr. Cote asked if the deck was included in  
121 that. Mr. Viel said it would be.

122 **Public Hearing**

123 The Public Hearing was opened at 8:12pm. No people came forward. The Public Hearing was  
124 closed at 8:12pm.

125 Mr. Viel went over the information needed from the applicant.

126 Mr. Cote asked what variances they would need. Mr. Viel said commercial use in a residential  
127 zone, possible relief from the Stream Protection Overlay District, and Article II non-conforming  
128 use. Mr. MacKinnon said if there hasn't been commercial use during the twelve months, it would  
129 require Zoning relief. Mr. Viel said the Zoning Board may approve a special exception. Mr.  
130 MacKinnon said if the deck was pursued, it would be more non-conforming. Mr. Davies said if  
131 they dropped the deck, it would just need the commercial use in a residential zone variance. Mr.  
132 MacKinnon said possibly the relief from Stream Protection Overlay District.

133 **Ms. Mooney made a motion to continue Case #21-011-SIT to September 22 at 7pm. Mr.**  
134 **Davies seconded. Unanimously approved by a vote of 6-0.**

135 **Public Comment**

136 There was no public comment.

137 **Board of Selectmen and Staff/Board Members Update**

138 Mr. Viel said there will be a non-public meeting on September 1 at 5pm with the town attorney  
139 to meet with the Planning Board and Selectboard.

140 Mr. Morin said the Board of Selectmen meeting was on Monday.

141 Nottingham Conservation Commission will have a booth at the Nottingham Earth Fest event on  
142 September 11 and wondered if the Board would be interested as well. Mr. Viel said he would  
143 follow up.

144 Mr. MacKinnon asked about scheduling a meeting with the Zoning Board for September.

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145 Ms. Andersen said Selectman Tiler Eaton asked about the Planning Board joining Strafford  
146 Regional Planning Committee as members at a previous Selectboard meeting. Mr. Morin said the  
147 Selectboard was in favor of that.

148 Ms. Mooney said they still need to review the *Rules of Procedure*.

149 Ms. Czysz said they launched a small business assistance program. They are looking at how to  
150 digitize documents.

151 **Approve Minutes**

152 **Ms. Mooney made a motion to approved minutes from 7-14-21. Mr. MacKinnon seconded.**  
153 **Motion carried by a vote of 5-0-1 with Ms. Andersen abstaining.**

154 **Adjourn**

155 **Mr. MacKinnon made a motion to adjourn the meeting at 8:40pm. Ms. Mooney seconded.**  
156 **Unanimously approved by a vote of 6-0.**

157

158 For the Nottingham Planning Board,  
159 Lorraine Petrini,  
160 Appointed Interim Scribe for the recording and documentation of meeting minutes  
161

162