

**Nottingham Planning Board Meeting**

**DATE: August 10, 2022**

**Official Minutes**

**Call to Order**

Members Present: Eduard Viel, Chair; Ian MacKinnon, Vice Chair; John Morin, BOS Rep; Charlene Andersen, SRPC Rep; Gary Anderson, SRPC Rep; Blair Haney, SRPC Planner; Sandra Jones, Alternate.

**Members Absent:** Susan Mooney, Secretary; Sherry Sandler, Member; Robert Davies, Alternate.

**Alternate Seated and Voting:** Sandra Jones was seated for Susan Mooney.

**Others:** Kevin Lemieux, Land Use Clerk; Blair Haney, SRPC Planner; Michael Hyer, Abutter; Barb Hyer, Abutter; Diane Lapite, Abutter; Chris Berry, Berry Surveying & Engineering; Melissa Potter, Abutter; Dawn Fernald, Applicant; Joe Fernald, Applicant; Joyce Edwards, Abutter; Kerrie Giszczynski, Abutter; Douglas Giszczynski, Abutter; Mary Shea, Abutter; Shawn Shea, Abutter; John Sheehan, Abutter; Katherine Szczypinski, Abutter; Michael Szczypinski, Abutter; Stacy Tennis, Abutter; Dmitry Teleganov, Abutter; Jeffrey Burditt, Abutter; Jason Mainini, Abutter; Rick Kulp, Abutter; April Burditt, Abutter; Susan Johnston, Abutter; Sam Demeritt, Conservation Commission; Robin Comeau, Applicant; Maryann Stoddard, Abutter; Carol Stoddard, Abutter; Sherri McNulty, Abutter; Cathy Doherty, Abutter; Roscoe Blaisdell, Engineer; Alden Beauchemin, Wetland Scientist; Anthony Comeau, Applicant; Amanda Comeau, Applicant; Brittany Stoddard, Abutter; Cam Stoddard, Abutter; Mary Colvard, Resident; Heather Iworsky, Abutter; Lauren Rowell, Abutter; Peter Rowell, Abutter; Charmer Miller, Abutter

**Call to Order**

**The meeting was called to order at 7:03PM.**

**Roll call**

Roll call was completed.

**Public Hearings**

***Case# 22-009-SUB (continued): Application from Robin Comeau requesting a two (2) lot subdivision. The property is located at 176 Stevens Hill Road, in Nottingham, NH, and is identified as Tax Map 49, Lot 4. Stevens Hill Road is designated as a scenic road.***

Mr. Viel stated that the application has been accepted as complete at a prior meeting.

Roscoe Blaisdell, Land Surveyor, came forward and introduced himself. He stated that there are changes to plans. He reported that there are now pins on the lot line, two hundred (200) feet apart, as requested. He further reported that there is a two hundred (200) by two hundred (200) buildable area marked.

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Mr. Blaisdell asked if the Board is looking for an easement or a quit claim deed for the land between the lot and the road for a right-of-way easement. He stated that it would be about five (5) or six (6) feet wide and as long as the entire frontage of the lot. Mr. MacKinnon responded that it is usually an easement to the town that the Select Board has to vote to accept.

Mr. Blaisdell stated that, because they are filling wetland, they need a Conditional Use Permit. He presented a copy of the completed permit to Board members for review. Mr. Viel stated that, after the last meeting during which this case was discussed, the Board sought legal guidance from Town Council. He further stated that the Board could move into non-public for further discussion.

***Mr. MacKinnon made a motion that the Planning Board enter non-public session for the purpose of discussing the legal opinion and new Conditional Use Permit RSA 91A-3, Section 2L. The motion was seconded by Ms. Andersen. The motion was unanimously approved by a vote of 6-0.***

***Mr. MacKinnon made a motion that the Planning Board close the non-public session per RSA 91A-3, Section 2L. The motion was seconded by Ms. Andersen. The motion was unanimously approved by a vote of 6-0.***

Mr. Viel stated that the Board will not be taking action on the Conditional Use Permit tonight for the reasons being this was just provided to the Board at the meeting, not seven (7) days prior as requested for new materials. This will ensure Board members have time to review the material and ensure appropriate processes are followed. It was also agreed that re-noticing of abutters must occur.

Mr. MacKinnon inquired as to what the reasoning is behind not moving the driveway. Mr. Blaisdell reported that moving the driveway would involve modifying the land and installing culverts. Mr. Viel advised that no further discussion could be had until the Conditional Use Permit could be addressed.

Mr. Blaisdell stated that they have a buildable lot and inquired as to whether or not they could receive subdivision approval at this time. Mr. Viel advised that the board could not give subdivision approval until it has acted on the Conditional Use Permit.

Mr. Blaisdell stated that he will send an abutters list to the Board as well as the necessary fees.

Mr. Viel opened the public hearing.

Peter Rowell came forward and introduced himself as a resident of 156 Stevens Hill Road and a direct abutter of Ms. Comeau. Mr. Rowell inquired as to whether or not the board had received his letter concerning the subdivision and the aforementioned wetlands. Mr. Viel verified that Mr. Rowell's letter had been received and is part of Ms. Comeau's application. Mr. Rowell and Mr. Viel agreed that the Board cannot do anything about the subdivision until the Conditional Use

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Permit has been approved. Mr. Rowell asked that said permit be posted on the Planning Board's website for review.

Marianne Stoddard came forward and introduced herself as a resident of 163 Stevens Hill Road. Ms. Stoddard stated that she is the only abutter that has a direct view of Ms. Comeau's property. Ms. Stoddard asked that the Planning Board vote to not move the proposed driveway, so as to not impact the view of the field from the house.

With no other public comments, Mr. Viel closed the public hearing.

***Mr. MacKinnon made a motion to continue Case# 22-009-SUB to the September 14, 2022, meeting at 7:00pm. Mr. MacKinnon further stated that, at that meeting, the Conditional Use Permit application will be reviewed for acceptance. The motion was seconded by Mr. Anderson. The motion was unanimously approved by a vote of 6-0.***

***Case# 22-011-SUB: Application from Jones & Beach Engineering, on behalf of Jim Rosborough, requesting an eleven (11) lot subdivision. The property is located on Mooers Road, in Nottingham, NH, and is identified as Tax Map 72, Lot 13-1.***

Mr. MacKinnon stated that he would recuse himself from this application due to a work conflict and left the table. Mr. Viel stated that due to a lack of a second alternate, there would now be five votes counted.

Barry Gier of Jones & Beach Engineering came forward and introduced himself on behalf of the applicant. Mr. Gier reported that the applicant's lot consists of 54.85 acres in the residential agricultural zone. Mr. Gier further reported that the property is bound by Mooers Road to the east, the Raymond town line to the south, and by Jampsa Trail to the west. Mr. Gier reported that there is a large wetland complex that runs through the center of the property. Mr. Gier cited that both Mooers Road and Jampsa Trail are both town roads with undefined right-of-ways at this time. Mr. Gier reported that the intent of this project is to construct an open space subdivision consisting of eleven (11) residential lots. Mr. Gier stated that, as part of the open space project, the plan set includes a yield plan that depicts the ability to construct an eleven (11) lot standard subdivision. Mr. Gier reported that all lots contain two (2) acres with two hundred (200) feet of frontage and thirty thousand (30,000) square feet of buildable area. Mr. Gier stated that all lots in the proposed project are existing frontage lots and therefore no new roads would need to be constructed. Mr. Gier further stated that ten (10) of the lots are located on Mooers Road and one (1) is located on Jampsa Trail. Mr. Gier reported that the lots are all serviced by on-site sewage, wells, and septic. Mr. Gier reported that the open space project is required to provide 50% of open space, which would be about 27.4 acres, and that the proposed plan is over that requirement by providing 31.9 acres of open space. Mr. Gier reported that the open space would be held by the homeowners' association and would provide no public access, only homeowners access. Mr. Gier stated that creating the subdivision will define the forty (40) foot right-of-way for Mooers Road. Mr. Gier reported that they are seeking one deviation from the open space standards under Article 4, Section S8G (the landscape buffer); the applicant has requested the elimination of the landscape buffer that's required. Mr. Gier stated that they are also requesting one waiver under

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Article 11, Section 8 of the Subdivision Regulations that would allow them to install iron pins at the rear of the lots in lieu of the granite bounds required. Mr. Gier reported that two (2) of the lots would require a Conditional Use Permit and asked the Board as to whether or not they should apply for it now. Mr. Gier also inquired as to whether or not the Board would like to do a site walk.

Mr. Haney outlined his Staff Review.

- The applicant's submission requested only one (1) waiver regarding subdivision regulations. The applicant may not need to request an elimination of the landscape buffer because the project would not include constructing a new road.
- Town Counsel would need to review the language for the protected open space.
- Clarification has to be given to slopes in regards to the impacted wetlands.

Mr. Haney reported that the application appears to include everything that the Board needs in order to consider it complete.

***Mr. Anderson made the motion to accept the application for Case# 22-011-SUB as complete. The motion was seconded by Ms. Andersen. The motion was unanimously approved by a vote of 5-0.***

***Ms. Andersen made the motion that Case# 22-011-SUB is a Development of Regional Impact case as Mooers Road stops in the town of Raymond. The motion was seconded by Mr. Anderson. The motion was approved by a vote of 4-1.***

Mr. Gier reported that his team had notified both the town of Raymond as well as the abutting Raymond properties of the proposed project.

Mr. Viel advised that the appropriate time to apply for a Conditional Use Permit would be during the subdivision process.

Mr. Anderson advised that the Nottingham Fire Chief would require that the project plans would need to include two (2) cisterns, one (1) on Jampsa Trail and one (1) on Mooers Road.

Mr. Viel spoke on behalf of Ms. Mooney, who also sits on the Conservation Commission, who stated that the commission has received an abutter concern regarding the pond and wildlife habitats.

Mr. Viel asked that the applicant receive input from a wetlands scientist in regards to the project plans. Mr. Viel further advised that the applicant meet with the Conservation Commission as required for plans involving wetlands.

Mr. Viel made the following additional comments:

- Confirm Raymond notified as access to Mooers Rd is only via Raymond.
- Yield seems high

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- Confirm all building envelopes shown are only inclusive of the contiguous uplands
  - Proposed Lot six (6) shows a separated area, confirm area of impingement over seventy-five (75) feet and similar for Lot ten (10)
- Lot eight (8) may need a Conditional Use Permit (CUP) for wetlands crossing as may other lots if wetlands impact anticipated
- Confirm if proper setbacks are shown for wetlands
  - Fifty (50) feet or seventy-five (75) feet poorly or very poorly drained
  - No wetland scientist stamp
- Each 4k area must show two (2) test pits within 4k area, many lots only show one (1)
- CUP application needed for Open Space Development (OSD)
  - Board discussed, confirmed CUP only needed if changes to the requirements of the ordinance are intended, a CUP is not needed simply because this is proposed as an OSD
- Confirm what is proposed use of land on western edge of parcel west side of Jamps Trail
  - Applicant indicated this area will be a Right of Way (ROW)
- For Open Space:
  - Several proposed lots may be too big
    - See Zoning Ordinance: S.8a Min lot 30k sf, max lot 150% or 45k square feet
  - Buffer needed (S.8.g) may be reduced/removed via Conditional Use Permit
  - Confirm if more than 50% of proposed Open Space is buildable
    - 60% min needs to be contiguous
      - Applicant confirmed area west of Jamps Trail is not included in the OSD calculation, will confirm other information
- Environmental Impact Assessment (EIA) may be needed
  - Applicant will meet with Nottingham Conservation Commission (NCC), NCC may provide input regarding this
- May request Hydrogeological study
- Grading/Erosion plan 10.2 required
- Confirm if any stormwater structures are intended
- Underground utilities required
- Subdivision Regulations 17.2 Utility Easements
  - May need to have easement for utilities along road as well as possible drainage easement
  - Subdivision Regulations 15.1 also speaks about roadway easements/rights of way width
- Board may have discussion as to if this is scattered/premature
- Town wetlands map as well as other state maps show a Class 1 stream intermittent stream bisecting this parcel
  - Needs to be shown on plan

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220                   ▪   Stream protection ordinance will apply

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222

223   Mr. Viel opened the public hearing.

224

225   Mike Hyer came forward and introduced himself as a resident of 27 Mooers Road. Mr. Hyer  
226   reported that a number of current Mooers Road residents have concerns about the proposed  
227   project. First, he cited the potential impact on the existing wells, aquifers, leach fields, and septic  
228   systems, particularly in the lots near the existing homes. Secondly, he cited the potential impact  
229   on the road use. Thirdly, he cited the potential impact on runoff patterns by the removal of trees.  
230   Mr. Hyer stated that the maps that Mooers Road residents had been shown did not accurately  
231   reflect the geography. Mr. Hyer further stated that they also have concerns that eleven (11) two-  
232   acre lots would damage the ecosystem. Mr. Hyer further cited concerns about lake access for  
233   new homeowners. Mr. Hyer reported that the barn area on the property has been used for vehicle  
234   storage for years through Rob Dombrowski and Champion Construction and stated concerns of  
235   fuel leakage onto and into the ground.

236

237   Heather Iworski came forward and introduced herself as a resident of 104 Mountain Road. Ms.  
238   Iworski reported that she did not receive an abutter notification despite being an abutter of the  
239   property. Ms. Iworski stated that the spirit of the ordinance for an open space development is to  
240   protect the public health, safety, convenience, property, and general welfare of the people, and  
241   that she does not feel as though an eleven (11) lot subdivision would do so. Ms. Iworski cited  
242   concerns regarding increased traffic in the Mooers Road/Jampsa Trail/Mountain Road area. Ms.  
243   Iworski further cited concerns regarding the use of the open space, specifically stewardship fees  
244   and a maintenance plan. Ms. Iworski also cited concerns on environmental impact.

245

246   Melissa Potter came forward and introduced herself as a resident of 82 Mountain Road. Ms.  
247   Potter said that she is an abutter in Raymond. Ms. Potter stated that she would like to echo what  
248   had already been said. Ms. Potter reported that she has concerns about the water table, wildlife,  
249   the runoff, construction noise, increased traffic, and the change in the environment.

250

251   Stacy Tennis came forward and introduced herself as a resident of 22 Mooers Road. Ms. Tennis  
252   expressed concerns of the impact that a subdivision would have on the school.

253

254   Craig Porter came forward and introduced himself as a resident of 18 Mooers Road. Mr. Porter  
255   stated that he would like to echo the concerns that had already been brought forward. Mr. Porter  
256   stated that he has concerns with the proposed lot that would directly abut his property in that the  
257   proposed well and septic system would be too close to his own well. He added concerns about  
258   runoff and remarked about the potential negative impact on the value of his house and property.

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260   Jay Spanini came forward and introduced himself as a resident of 24 Mooers Road. Mr. Spanini  
261   stated that he would also like to echo the concerns that had already been brought forward  
262   including those regarding the proposed project affecting his well. Mr. Spanini stated his anxiety  
263   regarding the potential increase in the amount of traffic on the road.

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Mr. Porter came forward again and inquired as to whether or not all eleven (11) houses would be built at once or if the applicant is only interested in selling the lots at this time. Mr. Viel replied that this had not yet been addressed.

Doug Kaczynski came forward and introduced himself as a resident of 21 Jamps Trail. Mr. Kaczynski inquired as to whether or not the public comments and concerns would be part of the record for this meeting. Mr. Viel replied that they would be.

Mr. Viel closed the public hearing.

Mr. Gier returned to the table and stated that the wells and septic systems are regulated by the state and that they would be following all state regulations. Mr. Gier further stated that the town has set the zoning for the area and that his team believes that his area allows for eleven (11) lots. Mr. Gier further stated that, speaking to the question on whether or not the proposed houses would all be built at the same time, the applicant could either chose to sell all the lots to one builder or sell them off to different builders.

Mr. Haney asked for clarification regarding the dashed yellow line on the proposed plans. Mr. Gier replied that the line indicates both the setback as well as the buildable area. Mr. Viel asked for clarification regarding the calculations.

***Ms. Andersen made the motion that the Board schedule a site visit on August 31, 2022, at 5:45 PM and that the Conservation Commission be advised of this visit. The motion was seconded by Mr. Anderson. The motion was unanimously approved by a vote of 5-0.***

***Ms. Andersen made the motion that the Board continue Case# 22-011-SUB at the next meeting, scheduled for September 14, 2022, at 7:00 PM. The motion was seconded by Ms. Jones. The motion was unanimously approved by a vote of 5-0.***

Mr. MacKinnon rejoined the table and resumed his position as Vice Chair.

***Case# 22-012-DR: Application from Berry Surveying & Engineering, on behalf of James Fernald Revocable Trust, requesting a Design Review for building a private road and a two (2) lot subdivision. The property is located on Deerfield Road, in Nottingham, NH, and is identified as Tax Map 52, Lot 4-2.***

Christopher Berry of Berry Surveying & Engineering came forward on behalf of the applicant. Mr. Berry reported that their proposal is to create a private road using subdivision regulations. Mr. Berry advised that the private road would be developed around the existing driveway. Mr. Berry further advised that they are proposing to widen the road from fifteen (15) feet to eighteen (18) feet.

Mr. Viel opened the public hearing. With no comments, he closed the public hearing.

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*Mr. MacKinnon made the motion to close the design review for Case# 22-012-DR. The motion was seconded by Ms. Andersen. The motion was unanimously approved by a vote of 6-0.*

**Other**

***Conceptual Application Review – McMahon***

Ben McMahon came forward and introduced himself as a resident of 22 Cahill Lane. Mr. McMahon reported that he was attending on behalf of his parents, Vincent and Georgia McMahon, owners of Lot 65 (18 Cove Road). Mr. McMahon advised that they had received a permit to build a house on the lot, but due to the cost of homebuilding materials, would like to park Mr. McMahon's camper van on the lot and offer it out to short-term renters. Mr. McMahon advised that the season would be from about May to September and reported that he would expect to have people there three or four days per week.

Mr. Viel advised that Mr. McMahon would need to consult the Town Administrator as well as the Town Building Inspector for guidance regarding obtaining the appropriate permit.

**Public Comment**

None.

**Approval of Minutes**

None.

**Select Board and Staff / Board Member Updates**

Ms. Jones will not be present at the September 14<sup>th</sup> meeting.

Mr. Anderson stated that a Facility Assessment Committee is being formed. (BY WHOM?)

Mr. Morin will be the Select Board Representative until November of this year. Mr. Morin announced that there are multiple 300<sup>th</sup> Anniversary events happening this coming weekend.

Mr. MacKinnon will be sending out a write up regarding upcoming action items.

Mr. Haney reported that the SRPC is developing a Housing Needs Assessment.

**Adjourn**

*Ms. Jones made the motion to adjourn the meeting. The motion was seconded by Mr. MacKinnon. The motion was unanimously approved by a vote of 6-0.*

*The meeting was adjourned at 10:07PM*



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