

Nottingham Planning Board

January 13, 2021

Approved: February 10, 2021

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

Board Members Absent: Gary Anderson, SRPC Rep

Others Present: JoAnna Arendarczyk, Land Use Clerk; Stefanie Casella, SRPC Planner; Shannon & Matt Curry, Applicants; Cheryl Robinson, Applicant; Peter Landry Surveyor; Therese Thompson, Resident; John Morin, Resident; Frederick Fernald, Abutter

Alternates Seated and Voting: Mr. Davies for Vacant seat
Ms. Gast for Mr. Anderson

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 Hearing

• Proposed Zoning Changes

To adopt a new overlay district to protect Nottingham streams that are not subject to the Shoreland Water Quality Protection Act and add associated definitions to the Definition section.

And

To amend article 3 section B: Wetland Conservation Areas, to create a conditional use permit, create a twenty-five (25) foot no-disturb vegetative buffer around vernal pools, and add the critical wetlands definition to the Definition section.

These proposed changes are consistent with the action items within the current Master Plan.
Ms. Casella shared her screen in tracking mode with proposed edits from legal review and Board comments.

Mrs. Mooney and Mr. MacKinnon gave an overview of the proposed changes.

Public Comment Open: 7:21pm

Mr. Grotenhuis read a summary of the recommended changes the Board received from legal counsel:

Stream Overlay

- Typos:
 - Pg 2 under the criteria to meet for planning board to reduce stream buffer, second bullet point: should be “exceed,” not “exceeded.”
 - Pg 2 under Section 5, second to last paragraph, there is a comma missing. Should be “surface area, and erosion, runoff, or sedimentation.”
 - Pg 3 7. Permitted Uses, misspelled “Stream” in the subtitle
- Remove Section 6(g) Non-permitted Uses states that there can be no “[a]pplication of pesticides or herbicides.” This is covered in RSA 430:39

Amendments to the Wetland Overlay District

6. Conditional Uses

(e) It is evident from the beginning of Section 6, this new section overall deals with roads, access road, pipelines, etc. Edit to be limited to roads, etc. only.

(e)(1) Per RSA 674:36,III(b). Recommend removing this phrase “in the form of cash bonds.”

(e)(1) when determining the amount to set for security consider an escalator (also known as an escalation clause which is a provision allowing for an increase in wages or prices. They are inserted into contracts and are activated under certain conditions, such as when the cost of living or inflation rises) to complete the job, as well as overall inflation. Recommend changing the language to the “The surety amount shall be in an amount determined by the Planning Board to be adequate” or “The surety amount shall be at least 115% of the current estimated cost.”

(e)(2) Remove the requirement that the cost estimate be submitted to Town counsel. The estimate should be submitted to the Planning Board. Town counsel can be consulted if necessary.

(e)(2) The costs of inspection and testing should be included in the application fee and not the security.

(e)(3) Define the phrase “project default” if not defined somewhere else in the ordinance.

- Whose satisfaction does the project need to meet?

No other comments were shared.

Public Comment Closed: 7:17pm

The Board commented on the above recommended edits:

- (e)(1) “cash bonds” phrase is also noted verbatim in the Subdivision Regulations-needs to be addressed in that document as well
- (e)(1) The term “adequate” leaves room for interpretation- 115% seems appropriate
- (e)(3) “project default”- term also used in Subdivision Regulations- Board agreed to address the definition with next year’s Zoning Changes
- (e)(2) keep the cost of inspection and testing as is

Ms. Casella made the edits on screen resulting in the document to be presented for the ballot.

Motion Made By: Ms. Mooney to accept the proposed Zoning changes Warrant Articles as edited.

Seconded By: Mr. MacKinnon

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

Public Hearing Closed: 7:41pm

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- **Case #21-001-LLA-** Application from Peter D. Landry on behalf of owners Matthew R. & Shannon C. Curry and George G. & Cheryl A. Robinson, requesting a Lot Line Adjustment to enlarge Map 23 Lot 13 Sublot 2 by conveying 11.357 acres from Map 23 Lot 13. These properties are located at 14 & 16 King Fisher Road in Nottingham and are identified as Map 23 Lot 13 and Map 23 Lot 13 Sublot 2.

Ms. Casella summarized her review of the application (file) adding that she found the application to be complete. However, one issue was brought to her attention after her review. The LLA plan does not have a “bulb” at the end of King Fisher Rd. This “bulb” is on the Tax Maps and the SUB plan in 2014 but is left off the LLA plan.

Motion Made By: Mr. Viel to accept the application as complete.

Seconded by: Mr. MacKinnon

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

The Plan was shared on the screen.

Mr. Landry, Surveyor, presented the plan for the LLA addressing the issues noted in the Planner’s review. He stated that the Easements mentioned are reflected in the deed with a reference to the registered Subdivision Plan noted on the LLA plan. He stated that he was concerned about cluttering the plan with setbacks but could address this with a chart. The island is not in the deeds and was not on the 2014 tax map (is on the tax map currently but still unclear). Mr. Landry stated the reason the “bulb” is not on the LLA plan is because it was never brought to the Town after the SUB case was presented in 2014. The “bulb” was a “gift” to the Town for “Future Town Roadway” but never acted upon, therefore it is not in the Deed.

The Board discussed the issue of the omitted “bulb”. There was concern that omitting could create confusion from one plan to the other, understanding that one plan is a SUB, and the other is a LLA.

Ms. Robinson, applicant, stated that the LLA and the “bulb” are two separate issues.

Additionally, they are no longer interested in the offer of the land for the “bulb” that was originally designed for fire safety as they are the two properties at the end of the road.

Mr. Grotenhuis stated he would ask the Town if the “bulb” should be reserved for “Future Town Roadway” and will communicate back to Mr. Landry with the response.

The Board and Mr. Landry agreed to add a note on the plan that states that the easement was not formally conveyed (mentioning the 2014 SUB plan).

Public Comment Opened: 8:43pm

None

Public Comment Closed: 8:44pm

Motion Made By: Mr. MacKinnon to approve **Case #21-001-LLA** with the following conditions:

1. Include the zoning designation of parcels
2. Include minimum lot area, frontages, and setback dimensions
3. Clarify both driveway easement and utility easement
4. Add setback limits to plan set.
5. Addresses of applicants as indicated in checklist
6. Add note to plan to address the previously shown "Reserved for Future Roadway" area

Seconded By: Mrs. Mooney

Roll Call Vote: 6-1-0 **Motion Passed**

Case Closed: 8:46pm

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Staff/ Board Members Update

Ed Viel- Advised Board members and those listening of the upcoming Town Election and the post on the Town website with the upcoming open seats on various boards and committees.

Tiler Eaton- BOS Update- Meeting on a weekly basis to discuss how and when to hold Town Meeting during the Pandemic. The BOS also voted on the Warrant Articles for the ballot including one for E-911 road name and house number updates.

Susan Mooney- Conservation Commission- Met with Kortney Dorow, Nottingham Parks and Recreation, to discuss installing medallions to identify the Scenic Roads in Nottingham. Ms. Dorow agreed to do this for the Town. Ms. Mooney also requested Ms. Casella help her contact someone at SRPC to work on correcting inaccurate streets on Google Earth and GRANIT.

Ian MacKinnon- Informed the Board that he passed the Professional Engineer exam. The Board congratulated him on this achievement.

Minutes

October 14, 2020

Motion Made by: Ms. Mooney to approve the October 14, 2020 minutes as amended.

Seconded by: Mr. Davies

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

Adjournment

Motion Made by: Mr. Eaton

Adjourn at: 8:57pm

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