

Nottingham Planning Board
January 23, 2019

Approved: February 13, 2019

Board Members Present: Dirk Grotenhuis, Chair; Eduard Viel, Vice-Chair; Tony Dumas, BOS Rep; Susan Mooney, Secretary; Joseph Clough, CIP Rep; Teresa Bascom; Gary Anderson, SRPC Rep;

Members Absent: Robert “Buzz” Davies, Alternate

Others Present: JoAnna Arendarczyk, Land Use Clerk; Jim Franklin/ Jason Franklin, Surveyors; Timothy Greene, Applicant (SBA); Bradford Vuono, Applicant; Mary & John Pierce, Abutters

Call to Order at: 7:03pm

Public Hearing

DECISION for Continued-Case 18-004-SIT

Application from SBA Towers c/o Terra Search requesting a Site Plan Approval for the relocation of a wireless communication tower from 165 Old Turnpike Road to 175 Old Turnpike Road. The property is located at 175 Old Turnpike Road in Nottingham, NH and is identified as Tax Map 3 Lot 6 Sublot 1.

Mr. Chairman referenced some of the notes in the Code Enforcement officer’s letter explaining the code violations found on the property at 175 Old Turnpike Road (file). Considerable measures have been taken by the property owner to rectify the violations since the Board’s Site Walk (beginning of December 2018). However the site is not in full compliance at this time. The owner is working with the Code Enforcement officer to work toward compliance. He also noted that if the Board approves the application all violations would need to be remedied prior to a building permit being granted.

The Board discussed whether the mobile home should be identified and labeled on the plan due to the fact that it is going to be removed. It was determined that it should be as it is currently on site.

The pile of tires were not noted in the violations letter. Mr. Chairman determined that issue should be left up to the Code department.

The abutters' concern regarding their driveway being mistaken repeatedly for the access to the current tower will hopefully be remedied with the sign being moved to the new site and the carriers being informed of the new location.

Public comment opened: 7:15pm

When asked if the monopole is less offensive in their opinion Mr. and Mrs. Pierce indicated that the only less offensive option is no pole.

Motion Made By: Mrs. Bascom to approve the application from SBA Towers c/o Terra Search with the conditions that

1. In accordance with State and Federal regulations the zoning violations be resolved prior to the start of the project
2. soil sampling be done
3. a signature block added to the plans
4. correct scales used on plans
5. relocate SBA signage from old site to new site
6. the mobile home be identified on map

Seconded By: Mr. Anderson

Discussion: The Board discussed putting time limits on the conditions and decided that the condition being that no permit would be granted until the violations are resolved is enough.

Vote: 5-0-2 Motion Passed

Public Meeting

Conceptual- 147 Raymond Road, Map 63 Lot 47-

Rehill Revocable Trust Proposed 4 lot subdivision

This is the Second Conceptual from this applicant. Mr. Vuono stated that a significant amount of wetlands were identified during the surveying process which led to a loss of two lots. He reminded the Board that he had received a Variance from the Zoning Board of Adjustment (ZBA) for three (3) lots on White's Grove Road. The majority of the land abutting Map 63 Lot 86 is wetland and does not have enough buildable area. The owner (Mr. Sweet) of Map 63 Lot 86 has agreed to that land being conveyed to him in a Lot Line Adjustment (LLA) which would make his lot a conforming lot.

A lengthy discussion ensued regarding the concern regarding the ownership of White's Grove Road. Currently it appears some deeds may have the ownership described as being the owners of the properties on either side of the road to the middle of the road and some may describe it as being the Rehill Revocable Trust. Parcels further down the road off the property in this subdivision do have portions of White's Grove Road that travels through private property. Mr. Vuono expressed the need to move forward with the subdivision for financial reasons. Mr. Vuono was informed that a LLA is not final until a Deed is registered. The LLA can be done at any time, before, after or during the subdivision process. Mr. Vuono expressed concern regarding the Current Use status and was directed to communicate with the Assessing department.

The road ownership issue may be discussed further with the subdivision application. The Board directed the applicant to share the ownership of White's Grove Road with the properties on either side, to the centerline for this section of the road. It was suggested to have the owners form an association for the maintenance of the road. Mr. Dumas made it clear that it is not the Town's responsibility to decide who takes care of the road it is the responsibility of the homeowners on the property.

Review proposed Zoning Ordinance Change language- Board agreed with the following edits:

E. Commercial/Industrial Zone (Route 4)

This zone extends back one thousand (1000') feet from the nearest edge of each side of Route 4 in Nottingham, but only includes lots with frontage on Route 4.

1. Permitted Uses

~~a) Residential—Single family and multi-family not to exceed four (4) units~~

b) Retail/wholesale establishment

c) Service facility, including eating and lodging

d) Theater/cultural center

e) Houses of worship

f) Professional office space

g) Government buildings

h) Mortuaries

i) Educational facilities

j) By special exception from the Zoning Board of Adjustment, industrial and other uses, utilizing the following special exception criteria:

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- (1) whether the goals set forth in N.H. RSA 674:17 I will be infringed by granting such special exception;
- (2) whether the terrain or configuration of the lot make it more appropriate than not for such a special exception to be granted; and
- (3) whether the granting of such special exception would adversely impact neighboring parcels or rural character of the Town.

2. Requirements

- a) Set Backs ~~same as Article II, Section C. 2., Dwelling Unit Requirements~~
- b) Commercial - 100' from all boundaries
- c) Industrial - 150' from front line and 100' from all other boundaries
- d) Lot Sizes ~~as defined by Article II, Section C. 1.~~ (insert language from this section and edit outline numbers)
- e) Signs – Deleted (voted 03/14/06, not revised until 05/17/07)
- f) Site Plan Review required
- g) Off-street parking - adequate for employees and expected patrons
- h) Maximum lot coverage - 50%
- i) Maximum building height – 34 feet
Structure heights above 34 feet may be allowed by special exception from the Zoning Board of Adjustment utilizing the following special exception criteria:
 - (1) whether the goals set forth in N.H. RSA 674:17 I. will be infringed by granting such special exception;
 - (2) whether the terrain or configuration of the lot make it more appropriate than not for such a special exception to be granted; and
 - (3) whether the granting of such special exception would adversely impact neighboring parcels or rural character of the Town.

F. Multi-family Development

1. Purpose

The purpose of this Section is to provide a flexible policy for quality multifamily development with the rural character, health and safety and welfare of the Town of Nottingham.

2. Standards

- a) Duplex - ~~a duplex shall be permitted in any zone.~~ Such structure shall meet the same minimum land (or density) requirements as that required for multifamily use in that zone. Such structure shall not require Site Plan Review.
- b) Multifamily Dwellings - including condominiums, shall be ~~permitted in all~~ zones on sites approved by the Planning Board. Such developments must conform to all restrictions and regulations of the New Hampshire Department of Water Supply and Pollution Control and the Town of Nottingham Building Regulations. In addition, the multifamily development shall be subject to the Town of Nottingham Site Plan Review Regulations.

The Public Hearing for the proposed Zoning Ordinance will be held February 4, 2019. Mr. Chairman requested the Zoning map be projected on the screen during the Public Hearing.

Board of Selectmen and Staff/ Board Members Update

- **Joe Clough and Susan Mooney- MP Update Committee:** Therese Thompson and Jon Chappel were guests at the recent committee's meeting. Therese Thompson informed the

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committee of a grant for Master Plan update services. The committee reviewed some action items and are working with department heads of certain areas to effectively address those items. The committee has invited Kortney Dorow (Recreation Director) to attend the next meeting to discuss the vision of the future of the recreation department.

- **Dirk Grotenhuis:** Stated that he will contact the Town Administrator regarding the Planner job description.
- **Tony Dumas- Board of Selectmen:** Proposed warrant articles and the budget are continuously being worked on.
- **Mrs. Bascom:** Informed the Board of the upcoming 300th Committee Eat & Meet event to be held this coming Saturday. The Committee is requesting that citizens come and share ideas for the celebration.

Public Comment

No one present

Minutes:

January 9, 2019

Motion Made By: Mrs. Bascom to approve the minutes of January 9, 2019 as amended.

Seconded By: Mrs. Mooney

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

Sign Mylar

The below Mylar required new signatures due to a minor error on the previously signed Mylar:

Case 18-003-SIT

Application from Paul Cain, owner of Cain Investments LLC, requesting a Minor Site Plan Approval for the adequacy of parking and review of exterior fixtures that are supportive of the multifamily conversion. The property is located at 259 Stage Road in Nottingham, NH and is identified as Tax Map 20 Lot 1.

Adjournment

Motion made by: Mr. Clough

Seconded by: Mrs. Bascom

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

Adjourned at: 8:20pm

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