

Nottingham Planning Board

February 10, 2021

Approved: March 10, 2021

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

Board Members Absent:

Surveyors Present: Scott Frankiewicz, Scott Cole

Applicants Present: Jeff and Marilyn Cole; Tami Defrancesco and James George; Joseph Falzone

Others Present: JoAnna Arendarczyk, Land Use Clerk; Stefanie Casella, SRPC Planner; Tina Thomas; Judy Long; Michelle Paradis; Teri Nasser; Alexx Monastiero; Courtney Daigle; Sharon Weldy; Lee We; Jason Terrio; Darlene Brown; Carl Mun; Peter Kitsakos; Andrea Olivier; Kathie Morris; We Want Watercross; Keep Watercross it American; Brett Allard; John E; Nathan White; Meg B.; Arthur Jenks; James Gregoire; Gina/Sophiamia; Thom Newton; Holly in Newhampsha; Yes Watercross; Nicole; Jennifer; Hannah; Jack; Bridget; Nancy; Citizen; Mike; Meghan; Steve; Lil Carrie; AJ; Eric; Nancy’s iPhone; --Several others listed just as numbers or iPhone--

Alternates Seated and Voting: Mr. Davies for Vacant seat

Call to order: 7: 01pm

The Vice-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

- **Continued Case #20-009-SUB (1st 12-9-2020; 2nd 1-27-2021)-** Application from Marilyn & Jeffrey Cole, requesting to subdivide 31.18 acres into six (6) lots, two (2) commercial lots on Rte. 4, one (1) residential lot on Smoke Street and three (3) residential lots on Kennard Road (**Kennard Road is a scenic road**). The property has frontage on Rte. 4, Smoke Street and Kennard Road in Nottingham, NH and is identified as Tax Map 6 Lot 16.

Ms. Casella stated that the applicant met with the Nottingham Conservation Commission (NCC) (review letter in file) she also received comments from Natural Heritage Bureau (NHB) as well however, those were submitted late today (2-10-2021) and staff review had not been completed.

Mr. Grotenhuis noted that better deadlines need to be adhered to as the Planning Board (PB) is a volunteer board and members need time to review the material. Moving forward, ten (10) days prior to a meeting will be the deadline.

Nottingham Planning Board

February 10, 2021

Ms. Mooney explained to the Board that the NCC met with applicant on February 8, 2021 to review the application. The review letter (file) was sent to the Board by 7:00pm February 9, 2021. Ms. Mooney highlighted the comments in the letter. A Site Walk was recommended along with a request that the NCC be invited as well.

Scott Frankiewicz, surveyor, spoke to the updated plans (shared screen). He shared a summary of the comments from Kim Tuttle, NH Fish and Game (file). The steep slope impact waiver request was submitted today. He agreed with adding a note to the plan with regard to installing sprinklers in the houses.

General comments from the Board:

- Edit contiguous area on proposed lot 16-2
 - steep slopes should not be included
- Add note about underground utilities
- Label side slopes
- Add Variance note
- Note trees to be removed within the ROW
 - Kennard Rd. (scenic road status)

Mr. Mackinnon stated he viewed the proposed driveway locations and appreciated Mr. Frankiewicz staking those out. He questioned some potential erosion issues with some of the proposed driveways. Mr. Grotenhuis concurred adding that he suggested the use of a culvert or check dam as a silt fence is not enough for this slope.

The proposed easement to the Town for possible expansion on Smoke Street will be discussed with the Public Works Director and the Board of Selectmen.

Site Walk-

Motion Made By: Mr. Anderson to schedule a Site Walk for Case# 20-009-SUB on Saturday February 20, 2021 at 9:00am.

Seconded by: Mr. Viel

Discussion: The public is invited to attend as well.

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

Public Comment Opened: 7:36pm-

No one spoke. Mr. Grotenhuis stated it is open to include discussion at the Site Walk.

It was noted that the 65-day window for this case was nearing the end. However, the Governor extended the timelines during the Covid-19 pandemic.

Continuation-

Motion Made by: Mr. Viel to continue Case #20-009-SUB to February 24, 2021 at 7:00pm.

Seconded by: Ms. Mooney

Vote- 7-0-0 Motion Passed

Case discussion ended: 7:40pm

Open 7:40pm

- **Case #21-002-SUB-** Application from Ledge Farm LLC owned by Joseph Falzone, requesting a seven (7) lot conventional frontage subdivision. The property is located on Gile Rd. in Nottingham and is identified as Map 40 Lot 1.

Ms. Casella briefed the Board on her review comments (file) and stated that she found the application to be complete

Completeness-

Motion Made by: Mr. Viel to accept the application for Case# 21-002-SUB as complete.

Seconded by: Mr. Mackinnon

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

Regional Impact-

Ms. Casella summarized the definition of regional impact for Board members and the public.

Motion Made by: Mr. Viel that Case #21-002-SUB is not an application of regional impact.

Seconded by: Mr. Eaton

Discussion: Ms. Mooney suggested that traffic for this development could impact the Lee, NH portion of Gile Road. Additionally, Kettle Hole Bog is within the Lee area and has been found to have endangered species. Mr. Grotenhuis suggested that the Town of Lee be informed of the case, for commenting purposes, but not on a Regional Impact status as there is not a lot of increased traffic with a seven (7) lot development.

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

Scott Cole, Surveyor from Beals Associates, presented on behalf of Joe Falzone, the owner. Mr. Cole presented the plan (shared screen) stating that this is the Applicant's fourth time with a plan before the board for this property. They presented Design Reviews for 15 lots, 14 lots and the current seven (7) frontage conventional lots of more than two (2) acres. The required Variance for the wetland crossings should also have accounted for the common driveways. The Variance was approved by the Zoning Board of Adjustment (ZBA) December 15, 2020. The ZBA and most of the abutting residents went on a very informative site walk before the case was heard. Much of the Site Walk as well as the NCC letter, included a discussion on the details of the "ecopasseges for wildlife". These are special designed culverts for the driveways.

Applicant's Responses to the staff review:

- A waiver request (file) was submitted for Article 10 Section 10.3 for full drainage analysis
- Driveways crossings were approved by ZBA
 - One shared driveway is not on the boundary line
 - ZBA saw exact plan- should be approved as ZBA saw it this way

General comments and questions from the Board:

The applicant stated that the Department of Historical Resources (DHR) approval letter was received today and sent to the Land Use Clerk (file).

- Concern that the driveways could not be built appropriately with plans submitted
 - Detailed plans will be sent to Board of driveways
- Plan for existing historical foundation?
 - Mr. Cole responded that it would remain undisturbed per DHR plans
- Variance received was strictly for the wetlands crossing not for the driveway location.
 - Mr. Grotenhuis stated that staff will communicate with ZBA internally to determine best solution for the issue
 - Mr. Falzone stated:
 - Prior to the site walk for ZBA the location of the driveways coming off Gile Road were staked every 50'+/- so the board could clearly see the locations in relationship to the lot access
 - The wetland crossings were clearly flagged from one side to the other side
 - Jim Gove, wetland scientist, walked the entire location of the driveway at the Site Walk explaining the details and answering all questions from the board and the large group of abutters that were present on the walk.

Ms. Mooney summarized the NCC letter to the PB dated October 20, 2020. This letter was in reference to the Design Review for the decision between a 14-lot subdivision vs a seven (7) lot subdivision (file).

Nottingham Planning Board

February 10, 2021

The NCC supported the seven (7) lot subdivision plan because the wetland impacts would be less than those of the 14-lot subdivision.

Mr. Falzone stated that he would supply the Land Use office with the details on the burial ground search. He added that contractors will receive training on how to identify any items of possible significance and if found during the course of construction the process would halt until proper procedures are followed.

Public Comment Opened: 8:21pm- None

Public Hearing Closed: 8:23pm

Waivers-

Motion Made By: Mr. Viel to approve the waiver for Case #21-002-SUB request from Article 10 Section 3 as written.

Seconded by: Mr. Anderson

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

Site Walk-

Motion Made by: Mr. Viel to hold a Site Walk on February 20, 2021 at 10:30am beginning at proposed lot 1.

Mr. Falzone offered to send a plow truck to clear the existing driveway prior to the Site Walk.

Seconded by: Mr. MacKinnon

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

CONTINUATION

Motion Made by: Mr. Mackinnon to continue Case #21-002-SUB to February 24, 2021 at 7:00pm with revised plans by February 15, 2021.

Seconded by: Ms. Mooney

Discussion: Noted that February 15, 2021 is President's Day- amended motion for deliverables February 16, 2021.

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

Case discussion Ended: 8:40pm

Open Case: 8:40pm

- **Case #21-003-SIT-** Application from Tami Defrancesco, Trustee of Kubota Trust, requesting approval of a Watercross event to be held three (3) times a year starting in 2021. The property is located at 214 Raymond Road in Nottingham, NH and is identified as Map 69 Lot(s) 8 & 10.

Ms. Casella informed the Board the Town of Raymond abuts the property; they were not legally noticed. Ms. Casella stated that she sent an email to the Raymond Planning Board and BOS regarding this public hearing. She summarized her review (file) and stated that she found the application to be complete.

Completeness-

Motion Made by: Mr. Anderson to accept the application for Case #21-003-SIT as complete.

Seconded by: Mr. Eaton

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

Development of Regional Impact

Ms. Casella shared screen with a document from the Office of Strategic Initiatives titled: "Developments of Regional Impact Information Guide for Local Land Use Boards".

Mr. Viel stated that in his opinion the case hit upon a few of the criteria and the Board discussed this further.

Motion Made by: Ms. Mooney that Case #21-003-SIT be determined to be an application of regional impact.

Seconded by: Mr. Anderson

Nottingham Planning Board

February 10, 2021

Discussion: Mr. Viel stated the reasons why the case is deemed a regional impact per RSA 36.56.1:

1. Noise impact
2. Proximity to Aquifers
3. Proximity to Bordering towns
4. Shared facilities of Police and Fire response
5. Increased traffic during events

The meeting will be continued to allow those agencies/ abutters (Epping, Raymond, Strafford Regional Planning Commission and Rockingham County Planning Commission) are legally noticed.

Vote: 7-0-0 Motion Passed

Continuation-

Motion Made by: Mr. Viel to continue Case #21-003-SIT to March 10, 2021 at 7:00pm.

Seconded by: Ms. Mooney

Discussion: Mr. Mackinnon suggested any new or edited materials be delivered by March 1, 2021.

Vote: 7-0-0 Motion Passed

Ms. Casella stated that she needs to do more research on the process for Regional Impact meetings. She knows that the regional planning commissions meetings will be noticed, as far as the direct abutters being noticed she is not certain. However, it is possible to notice it on the town page and public is welcome.

Staff/ Board Members Update

Gary Anderson- SRPC rep update- Informed the Board of a \$500,000 grant for replacement of older diesel vehicles. The application period opens February 8, 2021 through March 8, 2021. He stated that he will forward the information to the Public Works Director.

Ed Viel- Informed the remaining public present that chat comments are not a part of the public hearing and are not recorded in the official minutes. Mr. Grotenhuis agreed stating that it may be possible to shut off public chat in the future.

Mr. Viel also requested an agenda item be added for next joint ZBA meeting to learn more about the ZBA process so the applicants can be directed accurately between Boards and departments. Additionally, add an agenda item to review Variances, conditional use permits, and Special Exceptions to be sure they are handled properly.

Tiler Eaton- BOS Update- At the February 8, 2021 meeting the BOS met with a NHDOT representative to discuss a Route 152 bridge reconstruction. There will be many further discussions before this work will begin (2023-2024).

Susan Mooney- Nottingham Conservation Commission- Stated that she misspoke at the last meeting there are actually two (2) open positions on the NCC. Applications are to be made to Select Board through the Business Office.

Minutes

- January 13, 2021
- January 27, 2021

Motion Made by: Mrs. Mooney to approve the January 13, 2021 and January 27, 2021 minutes as edited.

Seconded by: Mr. Davies

Roll Call Vote: 7-0-0 Motion Passed

Adjournment

Motion Made by: Mr. Viel

Nottingham Planning Board
February 10, 2021

230 **Seconded by:** Mr. Grotenhuis

231 **Adjourn at:** 9:18pm

232

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