

Nottingham Planning Board  
February 22, 2017

*Approved: April 12, 2017*

**Members Present:** Eduard Viel, Vice-Chairman; Charlene Andersen, BOS Rep; Susan Mooney, Secretary; Gary Anderson, SRPC Rep; John Morin, CIP Rep; Teresa Bascom; Robert “Buzz” Davies, Alternate

**Members Absent:** Dirk Grotenhuis, Chairman;

**Others Present:** Paul Colby, Code Administrator; JoAnna Arendarczyk, Land Use Clerk; Dan Higginson, Surveyor; Barry Gier, Jones & Beach Engineers; Matt Kouchoukos, Resident; Al & Therese Merrill, Applicants; Bob Harmon Sr., Abutter; Robert Diberto, Applicant; Anthony Diberto, Applicant; Dennis Fowler, Abutter; Richard Cote, Abutter; Sam Demeritt, Nottingham Conservation Commission; Chris Sterndale, Town Administrator

**Alternate seated and voting:**

- Mr. Davies for Mr. Grotenhuis

Call to Order at: 7:01pm

**Public Hearing**

**Public Hearing Continuation Opened: 7:02pm**

**Case #P16-014-SIT** – Application for a Change of Use from Higginson Land Services, representing Scott McMichael, operator of Best Buy Auto Sales at 255 Old Turnpike Road in Nottingham, NH. Proposal is to expand the scope of services to include vehicle repair and inspection services. No construction changes to the property are proposed. The property is identified as Tax Map 16 Lot 7.

Mr. Higginson, representative for the Best Buy Auto case- informed the Board of the changes made to the plans as requested by the Board at the January 11, 2017 meeting:

- Stockade fence identified on plan
  - Installation timeline: after the ground thaws
- Dumpster location and access noted
- Directional flow of parking lot traffic noted
- Boxed area labeled for display cars and labeled spaces for public parking
- Site Lights labeled
- Light Poles and Fixtures noted on plan
  - Pole heights are not noted-too much snow currently to get accurate measurement
  - Photos of poles provided (File)
  - Lit only during hours of operation
- Signage location noted
- Added signature block for the Planning Board
- Identify storage or disposal of new and/or used chemical fluids was requested but not noted- will be addressed by the State of NH
- Solidify hours of operation was not noted- after discussion it was agreed to note the original hours as they were discussed and noted in the previously existing Site Plan

**Board Discussion:**

The Board discussed restricting the amount of time vehicles remain on site for parts versus being repaired, to prevent a “junk yard “appearance.

The Board asked for vegetation to be put in place to protect the watershed of the North River.

**Public Comment Opened: 7:13pm**

Dennis Fowler-23 Cooper Hill Road:

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- Suggests a 10ft Stockade fence- 6ft Stockade fence will not be high enough to prevent him from viewing the site
  - Fences higher than 6ft is a “Spite Fence”
- There are still engine noise and lights late at night and on weekends
- Suggested a water and soil test of the North River area due to the property draining into the river
  - Stated there appears to have been a previous spill of some fluid
  - He wants precautions taken

Richard Cote- 18 Cooper Hill Road:

- Echoed Mr. Fowler’s concerns
- Came to support Mr. Fowler

Cheryl Smith- Nottingham Conservation Commission:

- Suggested protecting the river/brook at this site by building a raised berm or swale that would catch potential contaminants which may alleviate concerns

**Board Discussion:**

Contamination Concerns:

- The vehicle repair is done on the gravel
- About 50ft of the property line lies along on the North River
- It is the due diligence of property owner to keep property clean
  - The Board suggested a fence be installed around the dumpster (to shield any over-flow and prevent trash from blowing into the river) and put a sign in place which indicates: “For Best Buy Auto Use Only”

Hours of operation:

- Key State Auto- Previous owner of this business listed hours in their Site Plan Application Impact Statement
  - Applicant agreed to those same hours (in file)
  - Will note hours of operation on the plan

Business appearance:

- Bulk of business is retail
  - Applicant seeks right to do vehicle repair and inspections as well as the retail
  - The Board and applicant agreed to a 15 day time limit for vehicles to remain on site to prevent “junk yard” appearance

**Public Hearing Closed: 7:42pm**

**Motion Made by:** Mrs. Mooney to include a soil study by a soil scientist and if there is a need, have the scientist suggest plans

**Seconded by:** Ms. Andersen

**Discussion:**

- Test pits were done 2-3 years ago
  - No issues with the soil
  - Study would be redundant
  - DES report: 5/27/2015 assigned to Sandra Holl – not a Brown Field Site

**Mrs. Mooney withdrew motion:** Having received information (above) from Mr. Colby

**Second withdrawn by:** Ms. Andersen

**Motion Made by:** Mrs. Mooney to have the property owner allow the Conservation Commission do a site walk on the Planning Board’s behalf.

**Seconded by:** Mr. Davies

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**Discussion:** The purpose of the Site Walk was questioned; Mrs. Mooney stated that it would allow the Conservation Commission the opportunity to make suggestions on the vegetation for the slope.

**Vote:** 4-2-1 **Motion Passed**

The Applicant proposed placing the fence on top of a berm to add to the height and therefore block more from the neighbor's view.

**Motion Made by:** Mr. Anderson to approve Case #P16-014-SIT with the following conditions:

1. A berm be put in place to add to the stockade fence height and to aid in watershed prevention
2. Note on the plan the hours of operation- based on the original Site Plans set hours: (11:00am to 7:00pm Monday through Friday- Service hours: 11:00am to 5:00pm and 9:00am-3:00pm Saturday )
3. Allow the Nottingham Conservation Commission to perform a Site Walk and give recommendations to property owner

**Seconded by:** Mrs. Mooney

**Discussion:** none

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

**Public Hearing Closed:** 8:02pm

Mrs. Mooney added that she will forward the Site Walk date to the Land Use Clerk to forward to the Planning Board.

**Public Hearing Opened:** 8:02pm

**Case #P17-003-LLA-** Application for a Lot Line Adjustment from Rose Realty, LLC, to adjust the existing lot line located between Tract 1 (Tax Map 22 Lot 1) and Tract 2 (Tax Map 23 Lot 7) The Properties are located on Smoke Street in Nottingham, NH 03290. Applicant, Robert Diberto, explained the reason for requesting the Lot Line Adjustment is to adjust the lot line of one lot to give more acreage to another lot. This will then make two larger lots one will be 15.91 acres and the other 31 acres. The Town Tax Maps were inaccurate Surveyor Peter Landry did a full survey to correct that.

• **APPLICATION ACCEPTANCE:**

Mr. Colby stated the application is complete and recommends it for acceptance.

**Motion Made By:** Mr. Morin to accept the application for Case #P17-003-LLA

**Seconded by:** Mrs. Bascom

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

• **PLANS:**

Mr. Colby addressed the few issues with the plans which are noted in his memo (file):

1. Contour lines are not on the plan
2. Monument Certification need to be submitted

He added that there is an existing dwelling on Parcel A and our Ordinance doesn't allow more than one dwelling on a lot so no other dwelling can be placed there and further subdividing is not possible.

**Public Comment:** 8:13pm

No comments

**Public Comment Closed:** 8:14pm

Mr. Diberto verbally requested a waiver for the requirement to show the contour lines. This request will be done in writing as a condition to the approval. The slopes will be noted on the septic plans.

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• **WAIVER:**

**Motion Made By:** Mrs. Mooney to grant the waiver request to waive the requirement to show contour lines for Case #P17-003-LLA

**Seconded by:** Mr. Morin

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

• **APPROVAL**

**Motion Made By:** Mr. Morin to approve Case #P17-003-LLA with the following conditions:

1. Receipt of written Waiver Request
2. Receipt of Monument Certification

**Seconded by:** Mrs. Bascom

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

**Public Hearing Closed:** 8:19pm

**Public Meeting**

• **Marston Property Plan Presentation**

- Chris Sterndale, Town Administrator; Matt Kouchoukos, Nottingham Resident/ volunteer and Barry Gier, Nottingham Resident/ volunteer and co-owner of Jones & Beach Engineers; presented the recent plans for the phases of the Marston Property Project.
- Mr. Gier presented an overview of the phasing of the project
  - Gathered information produced by Ironwood and the Marston Property Exploratory Committee
  - Completed Topographical Survey
  - Designed construction Phase 1:
    - Two(2) Baseball fields
      - Softball field
      - Little League field
      - Both with removable outfield fences
    - Multi Use field- (soccer, flag football)
    - Regulation High School Baseball field
    - Community garden area along Mill Pond Road
    - Pavilion
    - Multi Use building- Snack Shack
    - Playground
    - Parking spaces- including oversize parking for buses
      - Plans to use ball fields for school games
  - Phase 2:
    - Dedicated Softball field- permanent outfield fence
    - Additional Little League field- if available funds
  - Phase 3:
    - Basketball/ Tennis courts
    - Track/ Football Field
  - Informed the Board on the drainage requirements

• **Discussion:**

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- Who would use the Regulation High School baseball field?- Middle School (currently using field that is too small even too small for the Babe Ruth League)
- Explain the well- Proposed well would be used to irrigate the field, supply water for the Snack Shack and possibly bathrooms
- When asked about the additional ball field in this plan in comparison to the design concept presented to residents at Town Meeting Mr. Kouchoukos stated it was added because we could.
- Community garden area needs water access also- proposed well distance is too far but will take into consideration
- Matt Kouchoukos- Informed the Board that the Plans show requests from the community however to make this happen people need to help
- Mr. Viel gave a list of topics the Board generally reviews for projects like this:
  - Water use
  - Traffic impact
  - Noise light and visual impacts to neighbors
  - Bathroom- Septic
- Mrs. Bascom gave some suggestions:
  - look into composting bathrooms
  - Walking/ Biking paths
  - Nature Trails
- Ms. Smith was on the Exploratory Committee stated the community input indicated that trails were a primary request-
  - Should be in phase 1
  - Meander trail in the woods
  - Boardwalk over wetlands for the trail
- Mr. Anderson suggested per community input:
  - Remove the track and football fields (not likely to happen and removes the wooded trail)
  - Build the wooded trail
- NH Heritage Bureau review for endangered plants has been completed; Mr. Gier will review it.
- It was noted that the good farmland that could be used for the garden is occupied by the ball fields because that is the flatter land- less money to flatten the land for the ball fields.
- Mr. Gier was advised to test the garden area soil for Heavy Metals
- Consider moving Community Garden away from the road and ball fields (look at Wagon Hill 's community garden in Durham)
- Suggestion for change: move trails to Phase 1 and move ADA trails near parking
- Mr. Gier suggested talking to the School Board about repairing current ballfields

The Board thanked the committee for work done

**Discussion ended: 9:03pm**

• **Impact Fee Questions/comments:**

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- Can a calculation be given on just the new capital (especially for recreation) not the replacement?
- Fix the tables numbering on the Fire Department update- Table 2 to Table 5
- Does replacement of equipment on the Fire Department agree with the RSA?

**Public Comment**

No one present

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

- Ms. Andersen- Board of Selectman:
  - USA Springs property- offer stands until March 9, 2017
  - Public Information meeting on March 9, 2017 in Community Center Gym regarding the three (3) Warrant Articles on the possible scenarios that could occur with the USA Springs property
  - Public Hearing on March 27, 2017- Two (2) Warrant Articles
    - Reduce Board of Selectman from five (5) members to three (3)
    - Using ambulance fund for training as well
- Mrs. Mooney- Conservation Commission: Commission met with Revision Energy regarding the proposal on solar energy for the Town buildings
- Mr. Colby- next meeting March 8, 2017
  - Concrete Product's continuation
  - Possible new alternate member who works for SRPC
  - Second meeting on March 22, 2017
    - Election of officers
    - By laws review
    - Future agenda items

**Approval of Minutes**

Tabled

**Adjournment**

**Motion made by:** Mrs. Mooney to adjourn

**Seconded by:** Mr. Davies

**Vote:** 7-0-0 **motion passed**

**Adjourned at:** 9:22pm

**• Sign plans**

For the Nottingham Planning Board

JoAnna Arendarczyk, Land Use Clerk