

Nottingham Planning Board

February 24, 2021

Approved: April 14, 2021

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

Board Members Absent: Tiler Eaton, BOS Rep

Surveyors Present: Scott Frankiewicz, Scott Cole

Applicants Present: Jeff and Marilyn Cole; Joseph Falzone; Mark Pitkin

Abutters Present: Conrad & Kathy Mandsager; John E; Richard & Carrie Pascoe; Linda Morrisette; R. Robins

Others Present: JoAnna Arendarczyk, Land Use Clerk; Stefanie Casella, SRPC Planner

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

Alternates Seated and Voting: Ms. Gast for Vacant seat

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.

A Site Walk was held on Saturday February 20, 2021 to review the area in regard to steep slopes and driveway concerns. (Site walk minutes were taken on 2-20-2021 by Ian MacKinnon- see file).

Mr. Frankiewicz, surveyor, stated that they wanted to gather all reviews from the site walk and during the discussion tonight as well as comments from other departments before making edits to the plans.

Mr. Viel stated that a second test pit needs to be done on the Commercial lot on Rt. 4 in the 10k area. He added that though the trees to be cut were noted during the site walk they should still be flagged for people to see from the road.

Mr. Grotenhuis stated that he brought a smart level out for spot checks and noted that there were not many slopes over 25%.

Mr. Anderson mentioned that a note should be added to the plans regarding the agreement to install fire sprinklers to the residences per the Fire Chief’s request.

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A discussion between Mr. Frankiewicz and the Board led to the tally of the amount of slope area to be impacted by the driveways. It was estimated to be about 24'-25' on each side of the driveways with a total of 2,500SF impact. There will be a culvert at the bottom of the driveways, run off will not go into the road. These will be gravel driveways.

Waiver Requests:

Article 15 Section 3.2.4- to allow two residential driveways (for lots 16-3 & 16-4) to have a maximum grade of 10% where 8% is allowed.

Article 20 Section 2.4- to allow the impact to steep slopes (25%+) for one common driveway for lots 16-2 & 16-3. There is approximately 5,000 sq ft of impact to the steep slopes for the construction of the driveway.

Motion Made by: Mr. Viel to approve the waiver requests for Case #20-009-SUB as submitted.

Seconded by: Mr. MacKinnon

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

Public Comment Opened: 7:27pm- No one spoke

Public Comment Closed: 7:28pm

Ms. Mooney asked if the Natural Heritage Bureau information regarding the protected species in the area might be added to the deeds for future homeowner's education purposes. Mr. Frankiewicz stated that he received a couple posters to attach to the plans. These posters are color prints of the protected species.

Mr. MacKinnon stated that lawyers tend to stick to legal jargon with deed language. However, having it on the plan may be sufficient.

Mr. Viel suggested adding verbiage in the Deed referencing the Plan for details/restrictions along with a no cut buffer.

Mr. Frankiewicz state that the deed would state 'see plan #___ for further details and restrictions.'

The Board discussed the options to educate the future homeowners about the potential of the special species on their property.

Mr. Frankiewicz discussed the possibility of requesting a waiver to install utilities above ground for the lot on Smoke Street with the understanding that the poles and affected trees would have to be identified on the plan.

Mr. Frankiewicz stated that the flagging will be for the trees to be cut will be orange and the flagging will be done by the end of the week.

Motion Made by: Ms. Mooney to continue Case #20-009-SUB on March 10, 2021 at 7:00pm.

Seconded by: Mr. Anderson

Discussion: Date change- applicant's request

Amended Motion: Ms. Mooney to continue Case #20-009-SUB on March 24, 2021 at 7:00pm

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

- **Continued Case #21-002-SUB (1st 2-10-2021)-** 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 is identified as Map 40 Lot 1.

Mr. MacKinnon summarized the minutes taken during the Site Walk. (Site walk minutes were taken on 2-20-2021 by Ian MacKinnon- see file).

Ms. Gast referenced a report from the Department of Historical Resources (DHR) should be noted on the plan

Mr. MacKinnon added that contractors doing excavation work will have to take a state course from the Historical Consultant to be trained to recognize a situation that would require an alert to the state/ archaeologist.

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It was noted that the applicant has applied for the Variance needed for the shared driveways not kept to the common boundary line. That ZBA meeting is scheduled for March 16, 2021. During the Site Walk the location was viewed and agreed that to have the driveways on the lot line there would be twice the length of wetland crossings.

The Board and the applicant discussed the reason for the location chosen for the search of the burial ground. Mr. Falzone stated that Gile Road was not in the location it is now. Based on the facts they dug for a period of three (3) days in the area they thought the burial ground may be. They are purposely keeping construction away from the possible area. Ms. Gast expressed that she thinks the Ground Penetrating Radar (GPR) is more accurate and covers more territory. Ultimately the Board agreed that the applicant did all they were required to do regarding this issue. However, it is important to note the location, so the new owners are aware of the possible location of a burial ground on their property.

Public Comment Opened: 8:06pm

Linda Morrisette- 177 Gile Road- stated that she agreed with Ms. Gast that the GPR should be done as well. Mr. Grotenhuis agreed with the concerns. However, a lot of work has been done and top experts have been consulted. He added that it is unfair for the owner to exhaust all means to try to find the grounds.

Public Comment Closed: 8:10pm

The applicant agreed to install sprinklers in the residences.

Motion Made By: Mr. MacKinnon to approve Case #21-002-SUB with the following conditions:

1. Approval from the Zoning Board of Adjustment for the Active Variance application for a shared driveway
2. Add reference to NHDR report to Deeds
3. Add note to plan that the residences will require sprinklers
4. Set and certify Boundary Markers
5. Note underground utilities on the plans
6. Make necessary edits per Strafford Regional Planning Commission review letter 2/23/2021
 - a. Section titled "*Notes changes, corrections, and additions:*"
 - b. Section titled "*Conditions of Approval*"

Seconded By: Mr. Viel

Discussion: Include note that cellar hole on Lot 1 to be left untouched.

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

Public Hearing Closed: 8:16pm

Staff/ Board Members Update

Dirk Grotenhuis- Would like to get Master Planning updates and Zoning Amendments worked on. He noted that the Building department has seen some activity around Tiny Homes. State Legislature has a Bill before them specifically for Tiny Homes. He stated he would keep the Board informed regarding this Bill. Mr. Grotenhuis also stated he would like to get the Transportation Subcommittee meeting again especially in regard to the Scenic Road signage.

Susan Mooney- Nottingham Conservation Commission- Stated that she contacted the Recreation Department about the Scenic Road medallions. Currently there is a financing issue for them. The Board discussed the possibility of the State Prison doing up the signs like they did for the Turtle Crossing signs a few years ago. Another suggestion was to change the Scenic Road signs colors to a Red background.

Ms. Mooney said she would discuss this more with the Recreation Department.

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Gary Anderson- SRPC rep update- Informed the Board of a Community Aging Discussion Forum coming up with the SRPC.

Ian MacKinnon & Ed Viel- Suggest addressing the Conditional Use Permit application draft at the next meeting.

Leanne Gast- Trail projects being worked on: New Trail Maps for Marsh Woods on Freeman Hall, Kennard Rd and Terninko trails. She also informed the Board that the 300th Committee and the Historical Society will be holding some educational presentations on Zoom. The Town Website has the information.

JoAnna Arendarczyk BOS Update per draft minutes from Tiler Eaton- The last certificate of occupancy was issued for the Maple Ridge development; it was also the last development that did not have impact fees. They discussed the Special Event Licensing. The BOS also discussed a request for a Noise Ordinance specifically for gun use.

Ed Viel- Suggested revisiting the Zoning Ordinance language for Buffer- specifically in regard to cemeteries.

Public Comment: 8:38pm

None

Minutes

February 10, 2021- Tabled

Adjournment

Motion Made by: Mr. Viel

Adjourn at: 8:40pm

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