

Nottingham Planning Board

May 8, 2019

Approved: September 11, 2019

Board Members Present: Eduard Viel, Vice-Chair; Anthony Dumas, BOS Rep; Gary Anderson, SRPC Rep; Susan Mooney, Secretary; Teresa Bascom; Robert “Buzz” Davies, Alternate;

Members Absent: Dirk Grotenhuis, Chair; Tiler Eaton, BOS Rep; Joseph Clough, CIP Rep; Leanne Gast, Alternate

Others Present: JoAnna Arendarczyk, Land Use Clerk; Carolyn Coddington, abutter; Christopher Berry, Berry Surveying & Engineering; Matthew Routhier, Bedford Design Consultants; Shawn S., DTC (Domus/ Lou Sera); Lou Sera, Developer (Domus Inc.); Paul Cain, Applicant

Call to order: 7:02pm

Alternate Seated and Voting: Mr. Davies for Mr. Clough

Public Hearings

To consider the following:

CONTINUATION- Case #19-003-SUB- Application from owner Paul W. Cain, of Paul W. Cain Investments, LLC/DBA Cain Developers, for a two (2) lot subdivision with back lot provision. The property is located on Gerrish Drive in Nottingham, NH and is identified as Tax Map 38 Lot 21.

Mr. Viel introduced the case and stated that the case was opened and the application was accepted as complete on March 27, 2019. The Board requested the applicant clarify a few items at that meeting. The following are the changes the applicant made based on the Board’s and abutters’ concerns:

- The Zoning Ordinance identifies the soil type, Walpole, as Very Poorly Drained but the applicant identified it as poorly drained. The applicant verified this classification definition with the soil scientist who sent a letter clarifying that it is poorly drained, not very poorly drained.
- Verify that the culvert near the proposed subdivision is clear. The applicant stated that the culvert is clear- no debris.
- The builder offered to add downspouts to the new houses along with “drywells” behind the houses (noted on plans) to capture additional run-off (this was agreed to when Mr. Cain met with Mr. and Mrs. Clement, abutters directly across the street from the proposed backlot subdivision)
- The culverts to be installed for the new development will be over-sized to aid in the run-off as well as support turtle passage.
- It was mentioned at the March 27th meeting that the original plan for the Gerrish Subdivision was that the lots were not to be further subdivided. This was looked into further and was not found on any deeds or prior plans
- The Small Whorled Pogonia (appears in June) when/if they come up they will be identified by the Soil Scientist and adjustments will be made if necessary.
- Straw walled silt fence will be used during construction
- Construction will be done during the dry season

Public Comment: No Public comments

Public Hearing Closed: 7:11pm

(Rescinded) Motion Made By: Mrs. Mooney to approve Case #19-003-SUB- Application from owner Paul W. Cain, of Paul W. Cain Investments, LLC/DBA Cain Developers, for a two (2) lot

subdivision with back lot provision. The property is located on Gerrish Drive in Nottingham, NH and is identified as Tax Map 38 Lot 21. With Conditions:

The Board began to discuss the conditions which led to Mrs. Mooney rescinding her motion to allow discussion regarding the letter from the soil scientist.

Mr. Viel read the letter testifying the soil type (in file) Mr. Viel asked the Board if they wanted to accept the letter testimony, or require a third party review. The Board agreed to accept the letter.

Motion Made By: Mrs. Mooney to approve Case #19-003-SUB- Application from owner Paul W. Cain, of Paul W. Cain Investments, LLC/DBA Cain Developers, for a two (2) lot subdivision with back lot provision. The property is located on Gerrish Drive in Nottingham, NH and is identified as Tax Map 38 Lot 21. With Conditions:

1. Natural Heritage Bureau inspection for the Small Whorled Pogonia
2. NHDES State Subdivision approval
3. Driveway permit
4. Construct in the dry season
5. Boundary markers be set
6. Cemetery in back of property not to be disturbed
7. NHDES wetland & non-site specific work permit received

Seconded By: Mrs. Bascom

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

Case Closed: 7:21pm

REVISED- Case #18-005-DR- Application from Vilicus Homes Inc. for an Open Space Development Subdivision Design Review. *The intent is to subdivide Tax Map 6 Lot 22 into 20 individual lots. The property is located off Old Turnpike Road in Nottingham, NH.*

- Mr. Viel updated the Board and viewers of the history of the case:
- November of 2018 Design Review presentation
- April 10, 2019 Subdivision application
 - Informed that Open Space Development is not an allowed use in Commercial/Industrial Zone
 - Case was not opened- returned to the Design Review phase

Mr. Berry informed the Board and viewers that he met with Mr. Grotenhuis to review the plan.

Mr. Grotenhuis agreed at that meeting that the plan was acceptable to move forward and present to the Board.

The State will allow 3 driveway permits maximum therefore the proposal is for all shared driveways leading to multifamily town house style condominiums and a few single family dwellings.

Discussion regarding the shared driveway for Lots 5 and 6:

- Applicant comments:
 - A waiver request will be needed for shared driveway Lot 5 and Lot 6
 - Driveway does not share the boundary line- access is on Lot 5
- Board comments:
 - Variance required
 - ZO states shared driveways must be kept to common boundary line serving no more than two 2 residences
 - This serves more than two (2) residences so

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- If designed as a private road different standards apply
 - an association for maintenance may be required
- Concern with the common driveway being mostly on Lot 5 but servicing the largest number of dwellings on Lot 6
- Applicant Comment:
 - May combine Lots 5 & 6 and build condominium on Lot 5 as well
- Board Comment:
 - Variance also required for Lots 1 & 2
 - Shared driveway servicing more than 2 dwellings

Other topics discussed:

- Check the buffer- 100' and setback- 50'
 - Review Article II E.2.F
- 3:1 ratios
- Underground utilities
- Sprinklers vs. Cistern
 - Applicant may discuss with Fire Department informally regarding driveways vs. private roads preferences

Applicant was informed that due to the timeline the next application must be a Subdivision application. If another Design Review is submitted it will be under the 2019 Zoning Ordinance

Case Closed: 8:03pm

Board of Selectmen and Staff/ Board Members Update

Mrs. Bascom and Mrs. Arendarczyk: Law Lecture attended on Open Space and Exactions was not found to be helpful, more applicable to city areas.

Board of Selectman Update- Tony Dumas: Evaluations of Emergency Lanes are on-going. The Highway department is gathering data before defining road standards. The goal is to get the Town in compliance with the RSA.

Mr. Viel: New baby is due within the month- attendance to meetings may be less frequent for a while.

Conservation Commission- Susan Mooney: Several people from various municipal affiliations in town attended the annual "Saving Special Places", a conference that offers a wide variety of workshops about conservation issues in NH. Nottingham attendees chose workshops on trail development for the public, community outreach, wildlife stewardship in NH, and Monarch Butterfly programs and recommendations for their survival.

Strafford Regional Planning Commission- Gary Anderson: School St. in Northwood, NH has been selected for improvements. Additionally there are grant possibilities the Town could consider for fueling facilities, traffic flow, pedestrian/ cycling improvements.

Mrs. Bascom asked if the pedestrian/ cycling grant could apply to the Marston Property Project. Mr. Dumas agreed that it could possibly be applicable.

Public Comment- none

Planning Board Meeting Minutes: 3/27/2019

Motion Made By: Mrs. Bascom

Seconded By: Mrs. Mooney

Vote: 5-0-1 Motion Passed

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138 **Adjournment**

139 **Motion made by:** Mrs. Bascom

140 **Seconded by:** Mr. Davies

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

142 **Adjourned at:** 8:13 pm

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