

Nottingham Planning Board

May 26, 2021

Approved July 14, 2021

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

Board Members Absent: Susan Mooney, Secretary

Others Present: JoAnna Arendarczyk, Land Use Clerk; Jen Czysz, SRPC Planner; Christopher Berry, Surveyor; Hugh Davis, Applicant; Brett Allard, Attorney; Dinnis Buck, Abutter; Patricia Roix, Abutter; Justin, Abutter

Alternate Seated and Voting: Mr. Davies for Ms. Mooney

Call to order: 7: 02pm

The Chairman advised those attending that if the power fails for anyone due to the weather the meeting will continue as long as there is a quorum. If not then the cases would be continued to the next meeting.

The Chair read the emergency order notice posted in the agenda.

Roll call: to publicly account for the members present

Resignation notice: Leanne Gast, Planning Board Alternate, has submitted her resignation. The chair stated that she is still willing to be contacted if needed regarding historical sites. He thanked her for her time on the Board.

(italics below indicate language from a public hearing notice)

Public Hearing

- *Request to continue to July 14, 2021- Case #21-003-SIT (1st mtg. 3/24/21, 2nd mtg. 4/14/21)- 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.*

The Chair explained that the applicant requested to continue pending their continued case with the Zoning Board of Adjustment.

Motion Made by: Mr. Anderson to continue Case #21-003-SIT to July 14, 2021, as requested.

Seconded by: Mr. Eaton

Discussion: The Chair mentioned to the public that if they are present for this case the case is continued and no further discussion will occur regarding this case at this time.

Roll Call Vote: 7-0-0 Motion Passed

- *Case #20-008-SPR- Applicant is requesting an extension to the temporary change of use approved on Oct. 14, 2020. Original expiration date was June 1, 2021.*

-Application from Nancy Fantom and/or Hugh Davis of Northwood Veterinary Hospital, LLC, requesting a Site Plan Review for a temporary Change of Use to rent the property for four (4) months. The property is located at 255 Old Turnpike Road in Nottingham, NH and is identified as Tax Map 16 Lot 7.

The Chair stated that the applicant’s renovation is taking longer due to delivery times for certain materials (letter in file).

Motion Made by: Mr. MacKinnon to approve the request for a four (4) month extension.

Seconded by: Mr. Davies

Discussion: None

Roll Call Vote: 7-0-0 Motion Passed

Nottingham Planning Board

May 26, 2021

Approved July 14, 2021

- *Case #20-003-SUB- Continued from September 23, 2020- Application for a 14 lot Subdivision from Robert Diberto with the possibility of two new roads to be constructed off Mitchell Road, a Scenic Road in Nottingham. The property is identified as Tax Map 7 Lot 1N and is located off Mitchell Road, in Nottingham, NH.*

Mr. Berry, surveyor representing the applicant, summarized the changes made to the project (Summary letter dated 05/05/2021 in file).

To the northerly end of the lot:

- Relocated northerly entrance to Stone Grey Drive further upslope on Mitchell Rd, minimizes extent of disturbance that was in initial proposal
- Shifted the nearby stormwater detention down slope, pond is not as high and further removed from Mitchell Rd, allows additional landscaping
- Propose to increase swale line capacity along Mitchell Rd between the loop road and shared driveway, replant trees (ash trees are diseased by the emerald ash borer)
- Archeological review done by Victoria Bunker. She proposed a phase (1)one review, ground penetrating radar completed, and was able to outline a sensitive area around the John Smith Stone. She provided a buffer around the area as a cemetery, proposed an easement for that sensitive area (Lot 1N) as well as documents to provide details of the stone for visitors and the new landowner.
- Front 50' will remain vegetated (lot 1N)
- Stone wall to be disturbed for driveway access proposed to be relocated to the southerly end of Mitchell Rd

To the center of the lot:

- Redesigned intersection of cul-de-sac and loop road to better handle stormwater
- All lots have been "improved" and removed stormwater systems from individual lots
- Moved stormwater systems to be mostly out of wetland buffer

To the Southerly end of the lot:

- Southern end of Stone Grey Drive, a 6-8% slope on Mitchell Rd, propose to widen shoulder of Mitchell Rd, install swale, install back slope swale; requires removal and resetting of stone wall.
- Again protect 50' no disturbance buffer
- Redesigned gravel wetland
- Mitchell Road: stormwater will be directed to the wetland, where it runs today
 - on site stormwater, as a result of impervious surfaces, will be directed to the gravel wetland

Other items:

- Visual signage (placards) proposed to identify the wetland buffer
- Additional vernal pool survey done, and updated report has been signed off on by Fish and Game
- Department of Environmental Services (DES) wetlands permit pending, as is Alteration of Terrain (AOT), comments and responses have already been submitted to DES
- Mitchell Rd – if it were to be paved it would require review by Conservation Commission and notice to residents of Mitchell Road, per state RSA. Paving would also require additional engineering. Berry Survey & Engineering has offered to survey at no cost to the town and provide the data. The Public Works Director agrees with this plan.
- Adjustments to traffic analysis using recent neighboring subdivision, resulted in a slight increase in trips on Mitchell Road (see updated Traffic Impact Analysis & Distribution dated May 5. 2021 in file).

Nottingham Planning Board

May 26, 2021

Approved July 14, 2021

- Stormwater – pipe end approach – Home Owners Association (HOA) to be developed to maintain, to include maintenance of treatment system and stormwater on the developments new roads

Board comments:

The Chairman- Expressed appreciation for the revisions made that reflect the rural character of the Town. He added that the Public Works Director agrees with this current plan. He confirmed with Mr. Berry that any construction changes will be incurred by the owner of the development.

Mr. MacKinnon- Stated that he is pleased to see the road, stormwater infrastructure and landscaping improvements

Mr. Viel- Asked if the Conservation Commission had reviewed the case and if the burial area buffer will be visually identified – Mr. Berry confirmed they had previously met with the Conservation Commission and that some placards will be placed at eye level as well as marked meets and bounds.

Asked if Town Engineer review had been done. The Land Use Clerk confirmed that revised plans have been sent to the Town's contracted engineering company, CMA Engineers, for their review. The response is still pending.

Mr. Davies– Commented that recent past cul-de-sacs have not been approved except for conservation subdivisions to minimize land consumption, not to extend further and develop more land. The Chair replied that the regulations do allow cul-de-sacs.

Ms. Andersen– Asked how many lots would trigger paving of Mitchell Rd; Mr. Berry explained it is not a numeric formula but based on the “rational nexus”.

Mr. Berry noted the developer may acquire an easement to access the abutting property in Barrington as there is no other access to that land. Nottingham would be notified and have an opportunity to comment if any subdivision is applied for on the abutting Barrington parcel. The Chair noted that the plans have been reviewed by Barrington – no concerns noted.

Mr. Anderson asked for clarification on the proposed improvements to Mitchell Road. Mr. Berry shared his screen, identifying the proposed improvements on Sheet 22. Mr. Anderson noted that there “are not a lot of grade changes”. Mr. Berry agreed that the proposed changes are not drastic “the original design was”.

Public Comment Opened: 8:09pm

- Patricia Roix 115 Mitchell Rd.– Asked if blasting is planned. Mr. Berry replied that there may be a need for some hammering at the southern end of Stone Gray. However, blasting isn't planned. If there is to be blasting all abutters must be notified and have the option to have foundations and wells monitored. Any damages could be taken up with the blaster's insurance company. There is no known ledge in the area based on test pits. Mr. MacKinnon also noted that the AOT permit also has provisions around this.

Public Comment Closed: 8:12pm

Waivers:

Mr. Davies requested the two waivers be voted on separately. He is not in support of the cul-de-sac as he sees it as a potential road into Barrington and an additional subdivision. The request to vote on the separately was agreed upon.

Waiver 1: Subdivision Regulation Section 15.6.4:

Motion Made by: Mr. MacKinnon to approve the waiver request from Section 15.6.4.

Seconded by: Ms. Andersen

Discussion: None

Roll Call Vote: 7-0-0 Motion Passed

Waiver 2: Subdivision Regulation Section 9.7.1.1.b

Nottingham Planning Board

May 26, 2021

Approved July 14, 2021

Motion Made by: Mr. MacKinnon to approve the waiver request from Section 9.7.1.1.b

Seconded by: Mr. Anderson

Discussion: Mr. Viel requested a review by CMA to know whether a shared driveway is feasible. The Chair stated that it is more of a market analysis than an engineering analysis. It was noted that the new roads are intended to be adopted by the Town. Mr. Viel noted that a road is an additional cost to the town where a shared driveway would not be. Mr. MacKinnon stated that the cul-de-sac provides better emergency access than a shared driveway would, the third lot would help cover the paving costs. Additionally, elimination of third lot may also eliminate need for stormwater features and have less impact to wetlands due to narrower or no pavement of a driveway vs road. It was noted that the Fire Department review did not comment on the cul-de-sac. Mr. Viel referred the Board to Subdivision Regulation Section 11.1 General Waivers Provisions and read those provisions.

Roll Call Vote: 4-3-0 **Motion Passed**

Approval:

The Chair stated that the following items would need to be noted as conditions of approval:

- Standard items:
 - Plan copies with professional seals and signatures
 - Original mylars with professional seals and signatures
 - State Permits
 - Subdivision (subsurface/septic)
 - Dredge and fill (wetlands)
 - Alteration of Terrain
- Other items:
 - CMA acceptance
 - HOA docs to be submitted to the town for legal review
 - Existing Conditions Survey of Mitchell Rd to be provided by the applicant
 - Copies of all easements
 - All items in SRPC review memo

Motion Made by: Mr. MacKinnon to approve Case #20-003-SUB with conditions noted by the Chair and as outlined in the SRPC memo (file).

Seconded By: Mr. Anderson

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

The applicant was informed that the deadline for completion of conditions of approval is 12 months per section 11.2 of the subdivision regulations.

Case Closed: 8:37pm

Public Comment: 8:37pm- NONE

Staff/ Board Members Update

Gary Anderson- SRPC update- Metropolitan Transportation Plan was completed at SRPC for fiscal year 2021.

Tiler Eaton- BOS update- Meeting on May 17, 2021. 300th Celebration still being worked on. Marston Property is still being worked on. A retirement party for retired Chief of Police Gunnar Foss is set to be held on June 21st more details to come. Details on the American Rescue Plan Act are still being determined.

Robert “Buzz” Davies- Asked Mr. Eaton if any municipal boards are meeting in person yet. Mr. Eaton stated the Board of Selectmen have been. A discussion followed on the upcoming lapse of the Emergency

Nottingham Planning Board

May 26, 2021

Approved July 14, 2021

Order allowing the remote meetings. The Board members expressed that they would like to continue with the remote meetings as it has resulted in a larger public attendance. Mr. MacKinnon stated he would look into how other towns are working the hybrid models and the probability of that being the future for Nottingham.

Jen Czysz- SRPC Planner- Stated that the Stefanie Casella's vacant position will be posted tomorrow.

Ed Viel- Requested the Conditional Use Permit application draft review be added to the agenda for the next meeting. Additionally, he requested the definition of frontage be added to the list of possible Zoning Changes for 2022 to possibly incorporate curves and corner lots

The Board discussed a few edits for the Conditional Use Permit application draft and requested it be sent to the Board for final review on June 9, 2021. The Board asked the Land Use Clerk to circulate the By-Laws for review as well.

Adjournment

Motion Made by: Mr. Grotenhuis

Adjourn at: 8:56pm

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