

Nottingham Planning Board

June 13, 2018

Approved: July 11, 2018

Board Members Present: Tony Dumas, BOS Rep; Susan Mooney, Secretary; Gary Anderson, SRPC Rep; Joseph Clough, CIP Rep; Teresa Bascom; Robert “Buzz” Davies, Alternate

Board Members Absent: Dirk Grotenhuis, Chair; Eduard Viel, Vice-Chair;

Others Present: JoAnna Arendarczyk, Land Use Clerk;

Alternate Seated and Voting for: Mr. Davies seated for Mr. Viel

Acting Chairperson: Mrs. Mooney

Call to Order at: 7:00pm

Public Meeting

• **Review of private roads with building permit applications:**

- Hanlon Hill Road/ Mooers Road
- 53 White’s Grove Road
- 41 Shore Drive

Mrs. Mooney stated that RSA 674:41 requires comments from the Planning Board on the building permit applications on private roads. She read highlights of the email from the Town Administrator (TA) (email attached)

She informed the Board that the Town has prepared an Agreement and Release Regarding Building Permit on a Class VI Highway (Attached) which will be filed at the Rockingham County Registry of Deeds by the Land Use Clerk. She read highlights from this document and passed it around for the Board members to read the complete document if they desired.

The email from the TA contained topics for the Board to consider: -the Land Use Clerk added that the particular properties are not in question for the Board to review, just the private roads which they are on.

The Planning Boards suggestions:

- Request written documentation of who owns the road and deeded access to traverse the road (emailed suggestion from Mr. Viel- Email attached)
- Request a plan for maintenance or improvements
 - Idea: Require private road owners to contribute to a bond to maintain their roads
 - Statement made that Emergency Ways are a discretion of the BOS- it does not eliminate the need for the homeowners to maintain their road
- Condition of the road
 - Turn around area for plows/ buses
 - Boulders sticking out into roadway
 - Overhead clearance

It was noticed that the Agreement and Release needs to be edited for “Private Road” as the Town’s Class VI roads are not private but still town owned but abandoned from upkeep.

- The Town list of Emergency lanes (ways) may need to be reviewed
- The Hard Road to Travel book defines Emergency Lane status and the procedure for the Board of Selectmen to follow in order to classify them as such
- Consider regional impacts if the Road connects to another town
- Consider signage of a different color (e.g. Red signs can be found on private roads off Mountain Road on the Raymond side) add ‘PVT.’ to the name of the Road

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Mr. Dumas took notes of the Planning Board's recommendations to bring to the Select Board's meeting scheduled for the following Monday. (notes in e-mail attached)

- **Review request to change continuation date for Case# 18-002-SUB- Rt. 4**

- Subdivision**

The Land Use Clerk stated that the applicants paid the re-notification fees in advance, should the request be approved. This is necessary to allow the abutters advance notification of the changed date.

Based on Mr. Viel's email comments the Board voted the following:

Motion Made By: Mr. Anderson to move the Public Hearing for Case# 18-002-SUB to July 11 at 7pm.

Seconded By: Mrs. Bascom

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

Motion Made By: Mr. Davies to have a site walk on June 27th at 6pm for case #18-002-SUB

Seconded By: Mrs. Bascom

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

The Land Use Clerk will contact the surveyor and/or applicant regarding the Site Walk and request their presence as well as request an updated set of topo plats and 3D imagery if possible.

- **Identify Zoning Ordinance edits/additions to address for the March 2019 Town Meeting**

- Agreed to consider hiring a planner to update the language to be consistent with all the land use documents
 - Clerk will get quotes from Strafford Regional Planning Commission and Jack Mettee
- Most important edits/ updates/ additions for March 2019 Town Meeting:
 - All setbacks placed in a chart format
 - Update the ADU section
 - Airbnb
 - Treat it all as rental property?
 - Remove all use of the term 'grandfathered'
 - Multifamily section
 - Rezoning of Rt4 (Old Turnpike Road)
 - Consider separate item on the ballot
 - Include buffers/ setbacks between residential and commercial properties
 - Steep Slopes Ordinance

- **Review of Aquifer District map**

- Edit title- Aquifer Protection District
- Remove Saturated Thickness data
- Darken last three road lines:
 - Class V Local Road
 - Class VI Not Maintained
 - Private
- Consider purchase of more frames

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93

94 • **Master Plan Update Subcommittee- Ad language**

95 Unanimous agreement that the ad language is good and acceptable to publish

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97 **Public Comment:**

98 None present to speak

99

100 **Minutes**

101 -May 9, 2018

102 **Motion Made By:** Mrs. Bascom to approve the May 9th minutes as edited.

103 **Seconded By:** Mr. Anderson

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

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106 **Adjournment**

107 **Motion made by:** Mr. Davies

108 **Seconded by:** Mrs. Bascom

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

110 **Adjourned at:** 8:23pm

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

Suggested Edits for the Zoning Ordinance

- 1) Separate conforming and non- conforming lot regulations**
 - a. Chart or paragraphs**
 - b. ADU's**
 - c. Septics**
 - d. Accessory Structures**
- 2) On building heights use grade plane (average of site- add grade plane to definitions) instead of grade**
- 3) Cite (Requires Planning Board Review) at the beginning of all sections requiring it**
- 4) Put all definitions in the back of the Ordinance not scattered**
- 5) Need updated FEMA maps for the town (special flood hazard areas)**
- 6) ADU's**
 - a. Add 2 bedroom max**
 - b. Should state what kind of attachment (not long breezeway- does not allow for reincorporation of single family and makes it look like multifamily)**
 - c. Not allowed on Mobil/ Manufactured homes (674:72 I)**
- 7) Remove "Grandfathered" replace with "non-conforming"**
- 8) Revise Article 2 Section 2-**
 - a. State of NH requires 50' (we cannot be less restrictive)**
 - b. State requires 10' setbacks for septic- consider 20' instead of 50'**
- 9) 40% lot coverage may be extreme most towns- 30%**
- 10) FROM the Town Administrator: Outline/numbering convention is screwy, at least in one place:**

Article II has below it

"A.

B.

C.

1.

a., b., c., etc.

Section 1 (Nowhere else do we use the word "section" to break out a subject.)

Section 2

A., B., C., etc.

Section 3

A., B., C., etc.

D.

E.

Etc."

See what I mean? It's like the ADU section was dropped into the wrong place, randomly between C. and D. in Article II. Is that how it appeared on the ballot? Does the ADU section relate only to the Residential – Agricultural District? It shouldn't, and if not, why is it there?

Suggested Additions

- 1) Restrict Adult entertainment/bookstores, Marijuana grow facilities/dispensary's etc. from certain zones or completely, distance from school or daycare?**
- 2) Add fencing- 1' setback or on property line with abutters written permission**
 - a. Allow up to 6' fence (standard heights are 4' & 6')**
- 3) More detail to the Junk Yard Article IV Section I consider noting that it should be "No more than two (2) unregistered/ uninspected vehicles"**

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From: Tony Dumas <ardumas@nottingham-nh.gov>

Sent: Wednesday, June 13, 2018 11:02 PM

Subject: Out Monday

Hi all,

I'm going to be down in DC next week so I won't be in Town, but I'll put all of my notes here to be my contribution & report for Monday night's meeting. I may send some more stuff later this week too.

We had some good discussion at the PB meeting tonight concerning the Class VI roads and the permit application evaluations. In general, they agreed with the basic criteria that Chris summarized from our last meeting:

- Existing condition of the road
- Potential improvements to the road
- Certainty of future road maintenance
- Width & grade of the road
- Drainage infrastructure and wetland impact
- Extent of additional demands of public services
- Likelihood of future connection to the existing [town-maintained] road network
- Recommendations made by the PB, Road Agent/Public Works Director and/or public safety officials

There were other specific criteria & questions that were mentioned as well (some seem to overlap with our earlier discussion):

- Who really owns the road?
- Does the applicant have the right to travel the road from the owner? (...and can it be demonstrated in writing via easement/deed?)
- All buildings/etc. must meet zoning requirements or be granted variances from the ZBA
 - On this note, also restrict the expansion of any non-conformity from becoming even more non-conforming. The example given was of an application that shows the new house with a larger square footage footprint than the existing structure. In this situation the non-conforming setbacks would become worse. The idea is that ultimately an existing non-conformity should be a line in the sand and not allow the owner to do whatever else they want that doesn't conform.
- Ensuring that the private road has access to at least one Class V or better road (public safety access comes to mind)
- Is there a defined/structured plan in place to maintain the road?
 - There was some concern about "how" the applicant would get agreement on this from other property owners on the road, but in the end I think it doesn't matter how the plan is made or enforced- it only matters that the road *is* maintained as per the plan, however they do it. The mechanism for making and executing the plan may be a HOA or some other entity that landowners on the road become a party to, but that's up to them as to how they do it. What matters from the Town's perspective is that the road is maintained properly and doesn't become a problem for the Town.
 - This may include requiring a bond or other security to be acquired to provide the financial guarantee that the road is maintained, should the current landowners fail to do so or future owners renege on the obligation.
- What is the condition of the road?
 - We touched on this above, but they mentioned characteristics such as adequate turnaround space for plows and school buses, boulders poking out into the roadway, overhead clearance from trees/wires, things like that.
- Likelihood of improvements to qualify for future acceptance as a Town road
 - I'm not sure if this applies, since it's a private road at the time of the application. We can't impose immediate requirements that would make the private road equivalent to a Class V road, at least I don't think so.
- If the private road extends or connects to a neighboring town, and the 'regional impact' of development on their side. I'm not sure if we have any private roads in this situation.

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- Requiring signage of a different color for private roads similar to what Raymond does
 - You can see this with the red street signs on the road to the State Park. The rationale with this is to make the private roads easier to identify for first responders. (I kind of like this idea, but I'm not sure it applies to a single permit applicant on the private road, unless they are the sole owner/applicant on the road.)

In other PB news, we looked at Zoning Ordinance edits and additions to be worked on for the next Town Meeting. Of importance to us, they agreed on the importance of pursuing the following topics:

- Route 4 commercial zoning, to include buffers/setbacks between commercial properties and existing residential neighborhoods.
- "Steep Slope" ordinance/regulations
- "Dark Sky" ordinance/regulations
- Business restrictions-
 - "adult" establishments,
 - marijuana farms/dispensaries, excluding them entirely or at least within a certain distance of schools/daycares
- Clarifications and improvements to regulations on ADUs as well as Multi-Family Homes (MFHs), and correction of some inconsistencies in existing regs

Also, Chris' summary of 674:41, with the local context of the current applicants and the scope of what the BoS is trying to accomplish in terms of developing our evaluation process was VERY helpful. I referred to it frequently myself, so thank you for that Chris!

In the "Other Business" category, I had some requests to restrict the dirt lot at the CC for "Town Business Only" on weeknights. This comes out of the overflow of vehicles attending ballgames, and folks showing up for regular committee/board meetings have to park on 152 or over by the bridge just to attend. One person I talked to before the PB meeting who came to register a car said he parked at the Library and walked over because there wasn't any place at the CC. Not sure if this is feasible, but I understand the problem and I said I'd bring it forward.

Have a good night!

/Tony

Anthony Dumas
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