

Nottingham Planning Board

August 12, 2020

Approved: October 28, 2020

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

Others Present: JoAnna Arendarczyk, Land Use Clerk; Stefanie Casella, SRPC Planner; Christopher Berry, Berry Survey and Engineering; James Gove, Gove Environmental; Joe Falzone, Applicant; Mark & Judy Long, Participant; Josh & Meghan Henly, Participant; Budny, Participant; Scott Cole, Senior Project Manager for Beals Associates, PLLC; Kip & Judy Baillargeon, Participant; Kathy & Conrad Mandsager, Participant; John & Lisa Banville, Participant; Josh, Participant; Dennis & Jennifer Buck, Participant; Linda Morissette, Participant; Justin Sadzewicz, Participant; Tod & Nicol Marvel, Participant; Lil’C, Participant; Rich, Participant; Dan & Patricia Roix, Participant; Notts Dalys, Participant; Nancy Botte, Participant; Krista Beltran, Participant; Chelli, Participant; Deb, Participant; Gary Cowen, Participant; Mike, Participant; Joan Valliere, Participant; Michelle Insley, Participant;

Call to order: 7:02pm

Chair read the following notice:

In anticipation of the extension of Executive Order 2020-15, the Nottingham Planning Board will be holding a virtual hearing. Access to the meeting is given through Zoom. 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

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.

Roll call: to publicly account for the members present

Ms. Casella reviewed the meeting procedures for Zoom.

Public Hearings

- *Continued from July 8, 2020- Case#20-003-SUB- Application for a 14 lot Subdivision from Robert Diberto. Two new roads will be constructed as part of the subdivision. The property is identified as Tax Map 7 Lot 1N and is located off Mitchell Road, a Scenic Road, in Nottingham, NH.*

The Chair reviewed the history of the case and followed up with the information he was asked to get to the applicant:

- Rational nexus for paving Mitchell Road
 - The Chair and the Public Works Director (PWD) have not discussed this yet due to scheduling conflicts. Will meet when possible
- Determine if a Variance (VA) is necessary for Article 3. B #4 is applicable to the SUB
 - Chair communicated with the Chair for the Zoning Board of Adjustments (ZBA)- it was determined that it is up to the PB to send applicant to ZBA or not as each application is taken individually. However, the ZBA has not had a case such as this in the known past.
 - The Chair added that Dredge and Fill is regulated by the state

Board Comments:

Nottingham Planning Board

August 12, 2020

Mr. Viel stated that he thinks relief needs to be sought. There were a lot of wetland concerns from abutters which led him to review the wetland sections in the Zoning Ordinance (ZO) and the Subdivision Regulations (Sub Regs). He noted the section in the ZO that indicated the requirement for the VA as well as the need for a waiver request from the Sub Regs both found in section 14.1 #3 of the named documents.

Mrs. Mooney stated that she doesn't find the plan to be inharmonious with the wetlands for this SUB. She also noted that the applicant indicated Fish & Game may require a "no disturbance buffer" around the wetland areas. No documents have been presented to show this at this time. The Chair added that the applicant said he would be willing to move the storm drainage systems out of the wetlands. However, no changes have been made yet.

Comments from Engineer:

Mr. Berry informed the Board that he has recently heard from the Historian who has sent the report to the Division of Historical Resources. He stated that he has been waiting for the determination as to if a Variance must be sought before submitting updated materials.

The Chair asked for the Conservation Commission summary of the site walk. Ms. Mooney stated the crossings of the wetlands seemed reasonable (file: "Planning Board Minutes Site Walk" 6/30/2020)

It was noted that a recent case was approved with a small Dredge and Fill without the requirement of a VA.

The Chair noted that requiring the VA would mean that any wetland dredge and fill would require a VA in the future.

Mr. Viel stated that NHMA references RSA 42.A which states that Towns are allowed to have stricter regulations for wetlands than the state.

Ms. Gast stated that the DES website has a similar statement as NHMA regarding regulations.

Mr. Clough expressed concern over delaying with this ruling and pushing the applicant by at least another meeting when we do have the State to cover the issue.

Mr. Berry calculated the area of impact to be 6,000sf accumulative on both crossings, adding that this is a small impact. If they can't do this plan than they could come back with another plan with different and possibly larger impacts.

The Board discussed their options and decided to send the issue to legal for review and recommendations. The review would then be sent to Mr. Berry if it is clear otherwise it would be discussed with the Board at the upcoming meeting and a direction would be given to Mr. Berry after the discussion.

From the Zoom Chat function:

- *Tod & Nicole Marvell to Everyone- Any dredge and fill should be reviewed as it affects the wetlands. That is the intent of the rule. The intent of any wetland regulation is to protect the wetlands. Please do not lose sight of the intent of the law. It just needs to be reviewed.*

- *Ms. Casella's response: Please wait until the Public Comment portion to discuss this.*

Motion Made by: Mr. Viel to continue Case #20-003-SUB to Wednesday August 26, 2020 at 7:00pm.

Seconded by: Mooney

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

The Chair stated that the Public Hearing is still open and is continued to August 26, 2020; no public comments would be heard at this time as there isn't any new information.

Nottingham Planning Board

August 12, 2020

Jennifer Buck- 2 Sutton St.- asked if abutters could be notified as to when the case will be heard again where new information would be available. The Land Use Clerk advised the public to check the agenda on the website as to what will be heard during each meeting another notice will not be mailed to the abutters.

- **Case #20-005-DR-** *Application from Joseph Falzone, requesting a Design Review to subdivide a parent parcel into seven (7) lots with five (5) new driveways and two shared driveways. The property, owned by Diane Monti, is located on Gile Road in Nottingham, NH and is identified as Tax Map 40 Lot 1.*

Note- A Design Review is a non-binding conversation between the Board and the applicant.

The Chair summarized the history of the plans for the property.

Scott Cole, Senior Project Manager, represented the applicant and presented the plan. He referenced the letter to PB from abutters (file) noting the concerns the abutters have and what has been done to address them.

The Chair asked the Board members for comments:

Mr. Anderson commented as a resident on Gile Rd.: At first sight this plan seems appealing to him with the dwellings further off Gile Rd. than the previous plans.

Other notes from Board members:

- Contrary to some understandings this property is not on the scenic portion of Gile Rd.
- Wetland impacts and what will be expected for those will be determined after legal review
- Shared driveways need to stay on the shared boundary
- The burial ground must be noted on plan.
 - A buffer around the area will be noted as determined by the historian
 - The historian's report will be supplied to all entities as required by the Board
- Proposed "New Eco-passages" to be installed (document in file) can be further discussed with SUB application
- Driveway length will be reviewed by the Fire Department
 - Dwellings will have sprinklers installed

Public Comments: 8:25pm

The letter from the abutters (file) was read aloud. The Chair thanked the abutters adding that anyone interested in the Master Plan Update Subcommittee can contact the Land Use Clerk.

Mr. Falzone stated that his hope is that this revised plan would be more welcomed by the residents and the Board. He added that he doesn't agree that all wetland crossing cases should go to ZBA, which would overwhelm the ZBA.

Public Comments

Todd and Nicole Marvel spoke to Case#20-003-SUB (Also noted above as stated in the chat function):

"Any dredge and fill should be reviewed as it affects the wetlands. That is the intent of the rule.

The intent of any wetland regulation is to protect the wetlands. Please do not lose sight of the intent of the law. It just needs to be reviewed." They also noted that the applicant stated that

they are "as compliant as possible" but you are either compliant or not compliant not in-between.

Added- public comment should be encouraged not suppressed-

The Chair responded: The applicant is required to file an application with NHDES. To the

public comment portion- He stated he didn't want to waste time with repeated comments when

Nottingham Planning Board

August 12, 2020

further information is being gathered by the applicant and no new information has been supplied yet.

Staff/ Board Members Update

Tiler Eaton- BOS update- The BOS met with representatives of the School Planning Committee; resident volunteers assigned to explore the possibility of forming a new SAU for just the town of Nottingham. One possibility that is being considered is having the superintendent's office in the community center. The Watercross Snowmobile event on Raymond Rd. was discussed with residents from both Nottingham and Epping, as well as the event coordinator. The BOS will review the concerns further before the next event to be held in two weeks. The BOS also met with members of the election crew to discuss election preparations for the upcoming Primary Election.

Mr. Viel expressed his concern that, in his opinion, the BOS has usurped the requirement for a business (The Watercross Snowmobile events) to present their plan to the PB for a Site Plan Review.

Mr. Eaton clarified that the BOS gave their approval under the "events" provision. The approval is for one event (3 "events"/ 3 weekends) if they want to continue next year they must go to PB. Over 60% of people in attendance were from Nottingham. He suggested a PB member attend the next BOS meeting.

Gary Anderson- SRPC update- Informed the Board that the discussion of Bicycle Routes was brought to his attention again. He suggested the Transportation Subcommittee begin meeting again. The Chair agreed to send out emails to set a meeting date.

Susan Mooney- NCC update- River Crossing signs being put up by the Public Works Department.

Stefanie Casella-Planner and SRPC update- Pathways to Play plan to have additional funding to promote outdoor play. Nottingham Parks and Recreation will be working with SRPC on this.

Minutes

June 30, 2020 Site walk minutes

Motion Made by: Mr. Anderson to approve the edited minutes for June 30, 2020.

Seconded by: Mr. Viel

Roll call vote: 7-0-0 **Motion Passed**

Adjournment

Motion Made by: Mrs. Mooney to adjourn

Seconded by: Mr. Viel

Roll call vote: 7-0-0 **Motion Passed**

Adjourn at: 9:06 pm

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