

Nottingham Planning Board Meeting
Date: Wednesday, March 27th, 2024
Official Minutes

1 **Members Present:** Eduard Viel, Chairman; Chris Evans, Secretary; Drew Stevens, Member;
2 Doug Cummings, Member; Grant “Skip” Seaverns, Member

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4 **Members Absent:** John Morin, Select Board Ex-Officio Representative; Robert “Buzz” Davies,
5 Alternate; Teresa Bascom, Vice-Chair

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7 **Others Present:** Blair Haney, SRPC Representative; Alana Kenney, Land Use Clerk; Kris
8 Martel, Eversource; Chris Berry, Berry Surveying & Engineering; Scott Cole, Beal’s Associates;
9 Joseph Falzone, Applicant; Colton Gove, Developer; Sam Demeritt, Conservation Commission;
10 Nate Bernitz, Abutter; Grace Russell, Home Owner; Glenn Griswold, Abutter; Astra Holmes,
11 Abutter; Julia Ver Ploeg, Abutter; Kate Ver Ploeg, Abutter; Matt Pitkin, Abutter; John T. Fernald
12 III, Abutter; Dallas Huggins; Gary Densen; Elijah Hannan

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14 **Call To Order:** The non-business portion of the meeting was called to order at 6:30 p.m.

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16 Mr. Viel introduced the new members of the Planning Board including Doug Cummings, a 1-
17 year member, Chris Evans, a 3-year member, and Drew Stevens, a 3-year member.

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19 **Election Of Officers**

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21 *Chris Evans made the motion to keep Eduard Viel as the Chairman of the Planning Board.*
22 *Doug Cummings seconded the motion. The motion passed by a vote of 4-0-0.*

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24 *Doug Cummings made the motion to elect Teresa Bascom as the Vice-Chair of the Planning*
25 *Board. Chris Evans seconded the motion. The motion passed by a vote of 4-0-0.*

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27 *Doug Cummings made the motion to elect Chris Evans as the Secretary of the Planning Board.*
28 *Drew Stevens seconded the motion. The motion passed by a vote of 4-0-0.*

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30 There was discussion about whether the By-Laws should be changed so that the Secretary could
31 Chair the meeting in the event that both the Chair and Vice-Chair were absent. It was decided to
32 table the discussion since the By-Laws can be changed at any meeting.

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34 **Ian MacKinnon Resignation**

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36 *Drew Stevens made the motion to accept the resignation of Ian MacKinnon from the Planning*
37 *Board. Chris Evans seconded the motion. The motion passed by a vote of 4-0-0.*

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39 Grant “Skip” Seaverns volunteered to replace Mr. MacKinnon as a member of the Board.

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41 *Drew Stevens made the motion to appoint Mr. Seaverns as a member to fill the vacant position.*
42 *Chris Evans seconded the motion. The motion passed by a vote of 4-0-0.*

43
44 Ms. Kenney gave the Oath Of Office to Mr. Seaverns.

45
46 There was discussion regarding the upcoming Spring Conference that would be helpful for Board
47 members to attend.

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49 A five (5) minute break was taken before the business portion of the meeting.

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51 The business portion of the meeting was called to order at 7:04 p.m.

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53 **Public Hearings**

54
55 **2024 Scenic Road Tree Trimming By Eversource**

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57 Kris Martel, representing Eversource and Northern Tree Service discussed the planned
58 maintenance trimming on the following roads; Stevens Hill Rd, Case Rd, Gile Rd dirt portion,
59 Ledge Farm Rd, Mitchell Rd dirt portion from pole 875/32 westward, and Poor Farm Rd.

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61 Mr. Martel explained how they would be cutting and the clean-up that would follow. He stated
62 that a pamphlet would be sent out to all the property owners on each circuit. Property owners
63 have the right to refuse or request a consultation from Northern Tree Service. He stated that if
64 home owners request, Northern Tree is normally able to move the cut wood to other spots on the
65 property or even moved to another location within a few miles.

66
67 Mr. Viel opened the public hearing at 7:16 p.m. There were no comments made. He closed it at
68 7:17 p.m.

69
70 *Skip Seaverns made the motion to accept the Scenic Road Tree Trimming By Eversource.*
71 *Drew Stevens seconded the motion. The motion passed by a vote of 5-0-0.*

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73 **Case # 24-001 LLA & 24-002 SUB – Falzone – Raymond Rd**

74
75 Application from Joseph Falzone, on behalf of The Forgotten MTN Realty Trust, requesting
76 approval for a 16-Lot Open Space Development (OSD) subdivision off Raymond Road in
77 Nottingham, NH. The properties are identified as Tax Map #69, Lot #'s 17 and 19.

78
79 Mr. Viel explained that this application was already voted on as complete. There were waivers
80 voted on, a site walk was performed, and the Applicant met with the Conservation Commission.

81
82 Mr. Cole discussed the Site Walk and meeting with the Conservation Commission.
83
84 He pointed out that there was a new waiver request for 2:1 slopes at any point greater than 10
85 feet in height instead of the required 3:1. He stated that this causes less disturbance to the
86 environment.
87
88 He questioned whether a waiver request was needed for the driveway on the right-hand side of
89 the entrance.
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91 He stated that much of the materials that will be used to fill in the land will come from the top of
92 the hill.
93
94 Mr. Stevens asked if there was a way to use a different shaped culvert such as a box culvert
95 which would be better for the wildlife.
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97 Mr. Cole stated that there would be an addendum to the Environmental Impact study that would
98 include a re-assessment of the vernal pools in the area.
99
100 Mr. Cole confirmed that sprinklers would be used in all of the homes instead of a cistern.
101
102 Mr. Viel opened the public hearing at 7:51 p.m.
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104 Dallas Huggins asked if there would be additional time to make comments on this case.
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106 Mr. Viel closed the public hearing at 7:54 p.m.
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108 Mr. Viel confirmed that because this case would be continued, there would be more opportunity
109 for the public to make comments on the case.
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111 Mr. Falzone agreed that the case could be continued to May 8th.
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113 Mr. Viel stated that he would reach out to CMA, the Engineering Firm, to get their opinion on
114 the 2:1 slopes versus 3:1.
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116 Mr. Cole asked about the results of the Regional Impact Study. Ms. Kenney would follow up
117 with those.
118
119 ***Skip Seaverns made the motion to continue Case # 24-001 LLA & 24-002 SUB – Falzone –***
120 ***Raymond Rd to May 8th. Drew Stevens seconded the motion. The motion passed by a vote of 5-***
121 ***0-0.***
122
123 **Case # 24-005 LLA McMahon – 22 Cahill Lane**
124 Application from Benjamin McMahon requesting a Lot Line Adjustment. The property is
125 located at 22 Cahill Lane in Nottingham, NH and is identified as Tax Map #68, Lot #'s 56 and
126 10.

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Mr. McMahon explained his purpose for the Lot Line Adjustment which included adding area his current property for his family and children to use and play on.

Mr. Drew Stevens made the motion to accept Case # 24-005 LLA McMahon – 22 Cahill Lane as complete. Doug Cummings seconded the motion. The motion passed by a vote of 5-0-0.

Chris Evans made the motion to vote that Case # 24-005 LLA McMahon – 22 Cahill Lane was not a Development Of Regional Impact. Drew Stevens seconded the motion. The motion passed by a vote of 5-0-0.

Mr. Viel stated that the map used did need a correction to a lot #. He also asked if the Applicant would be creating a subdivision by separating off of lot # 10 and thus creating a non-conforming lot.

Mr. McMahon agreed to contact his surveyor, Mr. Landry, to look into those issues and make any corrections needed before the next meeting on April 10th.

Mr. Viel opened the public hearing at 8:42 p.m. There was no comment. He closed the public hearing at 8:44 p.m.

Chris Evans made the motion to continue Case # 24-005 LLA McMahon – 22 Cahill Lane until April 10th, 2024. Drew Stevens seconded the motion. The motion passed by a vote of 5-0-0.

Case # 24-006 DR Ernstoff – 35 Deerfield Rd

Application from Berry Surveying & Engineering on behalf of Michael & Donna Ernstoff requesting a Design Review hearing for a 4-lot subdivision. This property is located at 35 Deerfield Road in Nottingham, NH and is identified as Tax Map # 52, Lot # 6-2.

Mr. Viel started out by explaining that the Design Review is a way for an applicant to receive feedback from the Board and Abutters regarding an application for a subdivision that they may submit in the future.

Mr. Berry explained that this Case was in the initial stages of development and that the wetlands and vernal pool assessment would be occurring later this spring.

Mr. Berry stated that the subdivision would most likely include a conservation easement around it. He explained that this was a good compromise so that the lots could still remain larger than those in an Open Space Development, but would still give some land to conservation.

If they chose not to do the Conservation Easement, it would be a single lot that could need relief from the Zoning Board in order to be approved.

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Mr. Berry stated that they would be proposing a private road.

Mr. Viel opened the public hearing at 9:04 p.m.

Matt Pitkin, of Deerfield Road, asked how the run-off would affect his lot and driveway. He wanted to know what materials would be used and what the standards are for a private road. He asked how long it would remain a private road.

Mr. Viel stated that a private road would need to be maintained by the Home Owner's Association for at least four (4) years before a petition of at least 25 signatures could be put onto a warrant article. It would then be put forth to the town voters to decide if the town would take over the road. He also stated that all new roads require a performance guarantee.

Mr. Pitkin asked if the road would need to be paved and if not, would it require waivers?

He asked if sprinklers would be used or a cistern. He commented on the limited line of site and asked if there were regulations around this. He stated that he appreciates that the Applicant is considering the conservation portion.

Mr. Griswold, an Abutter from Tax Map # 53, Lot #5 wanted to check on the status of an easement from the former road that was on the map provided. He wanted to know if there were vegetative buffers required between the lots.

Mr. Viel stated that there were setbacks in the zoning ordinances but no vegetative buffers.

Mr. Griswold asked about which entity would be responsible for the conservation area and at what part of the process they were at.

Mr. Berry stated that there were a few different entities they could use but would be considering the Nottingham Conservation Commission.

Mr. John Fernald, of 11 Deerfield Rd, stated that he felt that the entranceway to the subdivision was very close to the neighbors. He also expressed his concern for the line of sight. He also questioned whether there could be additional lots added or subdivisions in the future.

Kate Ver Ploeg, of Deerfield Rd, also wanted to know whether there could be further development possible after this subdivision. She had concerns about the families that would be moving in and how that would affect the town budgets. She asked about the road placement as well.

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212 Mr. Haney read a letter that was e-mailed to Ms. Kenney earlier that day. It was from Michael
213 Roberts, an abutter. Mr. Roberts was concerned with the roadway, line of sight, the view from
214 his house considering he pays a tax on his view, and the wetlands.

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216 Mr. Viel closed the public hearing at 9:32 p.m.

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218 Mr. Berry stated that they would be discussing the conservation easement with the Conservation
219 Commission before deciding to do the conservation easement or to go with the one (1) lot.

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221 Doug Cummings asked about the type of homes that would be built. Mr. Viel stated that the
222 Board has no purview over that and the designs are approved by the Building Inspector as long
223 as they meet requirements.

224
225 Mr. Berry stated that they were not considering applying for an Open Space Development
226 because they wanted larger lot sizes.

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228 Mr. Berry agreed that there was no need for a continuance of this design review.

229
230 *Drew Stevens made the motion to close Case # 24-006 DR Ernstoff – 35 Deerfield Rd. Chris*
231 *Evans seconded the motion. The motion passed by a vote of 5-0-0.*

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233 **Public Comment:** None

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235 **Minutes:** 01/24/24, 02/24/24, 03/09/24

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237 *Mr. Viel made the motion to approve the minutes of 01/24/24, 02/24/24, and 03/09/24 as*
238 *amended. Drew Stevens seconded the motion. The motion passed by a vote of 4-0-1.*

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240 **Updates:**

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242 Mr. Evans offered to look into whether there were still state funds that could help the town pay
243 for a Master Plan update.

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245 Mr. Viel thanked Susan Mooney, Charlene Andersen, and Ian MacKinnon for their time on the
246 Board.

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248 Drew Stevens stated that he signed up for an association e-mail that seemed to be helpful and he
249 would find out where that was from.

250
251 Doug Cummings asked a few questions regarding procedures of the Planning Board.

252 *Mr. Viel adjourned the meeting at 10:15 p.m.*

253

254 Respectfully submitted,

255 Alana J. Kenney, Land Use Clerk