

Nottingham Planning Board Meeting

DATE: April 26, 2023

Un-Official Minutes

1 **Call to Order**

2 **Members Present:** Ian MacKinnon, Vice Chair; John Morin, Select Board Ex-Officio  
3 Representative; Charlene Andersen, SRPC Representative; Teresa Bascom, Member; Sherry  
4 Sandler, Member; Robert “Buzz” Davies, Alternate; Sandra Jones, Alternate.

5  
6 **Members Absent:** Eduard Viel, Chairman; Susan Mooney, Secretary.

7  
8 **Alternate Seated and Voting:** Mr. Davies was seated and voting for Ms. Mooney. Ms. Jones  
9 was seated and voting for Mr. Viel.

10 **Others Present:** Blair Haney, SRPC; Alana Kenney, Land Use Clerk; Christopher Berry, Berry  
11 Surveying & Engineering; Amber Smith, Resident; Rebecca Smith, Abutter; Douglas Smith,  
12 Abutter; Cameron Reid, Resident; Emerall Reid, Resident; Mark Crockett, Abutter; Mary  
13 Crockett, Resident; Malcolm Estell, Abutter; Eric Pray; Jessica Morey, Abutter; Gary Tuck,  
14 Abutter; Dawn Fernald, Applicant; Emma Gonya, Abutter; Jeff Gallant, Abutter; Leah Morani,  
15 Resident; Laurie Legard, Resident; Brenda Cote, Abutter; Martha Chase, Abutter.

16  
17 **Call to Order**

18  
19 The meeting was called to order at 7:00PM.

20  
21 **Public Hearings**

22  
23 *Case # 23-004 SUB Residences at Fort Hill – Smoke Street & Fort Hill Road: Application*  
24 *from Berry Surveying & Engineering, on behalf of Owl Ridge Builders, requesting a twenty-*  
25 *five (25) lot open space subdivision. The property is located at Smoke Street and Fort Hill*  
26 *Road in Nottingham, NH and is identified as Tax Map #23, Lot #11. Two conditional use*  
27 *permits have been applied for. Article III, Section B, Item #6 permits a request to allow*  
28 *disturbance within 25 feet of a wetland. Article IV, Section S, 8.2 permits a request for lots*  
29 *that have a larger than maximum area, allow frontages less than prescribed, and allow a*  
30 *reduction to the landscape buffer.*

31  
32 Christopher Berry of Berry Surveying & Engineering came forward and introduced himself on  
33 behalf of the applicant, Owl Ridge Builders, and the landowner, Frederick Fernald. Earlier last  
34 year, his team conducted two (2) design review hearings with the Planning Board to determine  
35 the best way to develop the property. The applicant has chosen to do an Open Space Design  
36 (OSD) subdivision as part of the project design. The initial design review provided a yield plan  
37 that had approximately twenty-six (26) or twenty-seven (27) lots on it along with an open-space  
38 subdivision design that had three (3) cul-de-sacs, two (2) from Smoke Street (which they are still  
39 proposing) and one (1) located off Fort Hill Road. At the first meeting the Board had asked after

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receiving input from the abutters if the applicants would consider two modifications to the proposed OSD design.

1. To remove lots from the yield plan or ensure that the yield plan met the requirements stated in the Subdivision Regulations providing additional detail that the lots on the yield plan did meet said requirements.
2. To remove the proposed cul-de-sac from the Fort Hill entrance from the plan design. Doing so would reduce the impact on Fort Hill Road and the current residents.

A second design review was held. The Board reviewed the yield plan and felt that, in general, it met the rules. The plan provided a layout very similar to what they have presented this evening where they have a proposed road that they are calling “Peekaboo Drive” from Smoke Street on the northern section of the property; a proposed cul-de-sac that they are calling “Frederick Lane” on the southern side of the property; and two (2) “oversized” (conventional) lots on the Fort Hill Road access point. The revised plan was now presented as a twenty-five (25) lot subdivision in both the yield plan and the OSD design. Mr. Berry’s team reviewed the input from the Board at the previous meeting and now have designed the project consistent with those recommendations.

Mr. Berry pointed out a few characteristics of the open-space subdivision:

- There are approximately one-hundred-two (102) acres of land.
- The property abuts the Little River at the back of the site, Smoke Street, and Fort Hill Road.
- There is a larger wetland system that traverses through the center of the property. Wetlands are located at the back of the site along the Little River, and there are other interceding wetlands that come through a large marsh at the southern portion of the property.
- The property is located within the Aquifer Protection Zone, which has ramifications on minimum lot sizes in a conventional subdivision as well as ramifications on coverage types that are found on those lots.
- As part of the open-space subdivision, the applicants are not proposing any direct impact to wetlands. Some minor impacts are proposed within twenty-five (25) feet of the wetlands, which requires a Conditional Use Permit (CUP) to be considered by the Board as well as the Nottingham Conservation Commission (NCC).
- No roadway systems are proposed.
- Much of the development is outside of the Aquifer Protection Zone. Two (2) lots are located within the Aquifer Protection Zone. There are two (2) lots in the proposed “Peekaboo Drive” area of the subdivision have a corner of each lot inside the Zone but the proposed development is outside the Aquifer Protection Zone.
- Several roadway waivers will be requested none of which change the “true geometry of the roadway”.

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- 78 • In addition to the twenty-five (25) foot buffer CUP application that has been filed, the  
79 applicants are asking for CUPs as part of the OSD design:
  - 80 ○ To ensure that there is ample area between the Peekaboo subdivision in the north  
81 and the existing Little River homes in that area, the applicants have kept the  
82 boundary lines back one hundred (100) feet. Ordinarily, they would not have to  
83 do that, but believe ample area is available so the one hundred (100) foot buffer  
84 should be held back.
  - 85 ○ The entrance to this proposed Frederick Fernald subdivision has a proposed  
86 gravel wetland that will be designed at the entrance, within the one hundred (100)  
87 foot frontage landscaped area.
  - 88 ○ There is an existing utility easement that runs along the southerly boundary line.  
89 The proposed roadway will navigate a wetland buffer and encircle the utility  
90 easement. At one point the utility easement is located within one hundred (100)  
91 feet of the boundary line
  - 92 ○ A rain garden will be constructed within 100 feet of the boundary line at the rear  
93 of Frederick Lane. It is unclear whether or not a CUP is required.
  - 94 ○ Although no proposed building is planned along Fort Hill Road within one  
95 hundred (100) feet a perimeter boundary line, a driveway is planned into the neck  
96 of that area.
  - 97 ○ A couple of lots in the subdivision will be oversized. These two (2) lots located  
98 on Fort Hill Road are intentionally oversized to better fit with the neighborhood  
99 design in that area as was previously discussed at the design review.
  - 100 ○ Additionally, two (2) lots at the end of Frederick Lane are oversized for an OSD  
101 due to their odd shapes. Only about half of the twenty thousand (20,000) square  
102 foot lot is buildable. A CUP has been requested. The alternative to the CUP  
103 would be to extend the roadway out and square the lots off, which would no  
104 longer require a CUP.
  - 105 ○ The “Peekaboo Drive” entrance requires a CUP because it would be a  
106 disturbance within twenty-five (25) feet of the wetland. There is no direct  
107 wetland impact at that site. They have tried to center the proposed roadway  
108 between the two wetlands to ensure that the impact within that area is strictly due  
109 to storm water features. The proposed roadway will be outside the twenty-five  
110 (25) foot buffer to wetlands. A treatment swale will treat storm water at the  
111 entrance to the proposed project, and thus mitigate any disturbance within the  
112 buffer. The CUP would allow treatment of the storm water prior to discharge into  
113 the wetlands.
- 114 • There are some poorly drained soils on site, which are noted throughout the plan set. The  
115 required seventy-five (75) foot setback is adhered to on the project design.
- 116 • Consultants are working alongside Berry Surveying & Engineering on these several  
117 projects: John Hayes, a wetlands and soil scientist; Fraggie Rock Environmental; and  
118 Monadnock Archaeological.

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- 119                   ○ Mr. Hayes prepared the wetlands analysis, a soils map, and a vernal pools
- 120                   analysis.
- 121                   ○ Fraggie Rock Environmental will be conducting a wildlife analysis.
- 122                   ○ Monadnock Archaeological has cleared the site of any archaeologically-sensitive
- 123                   areas within the proposed development.

124

125   Mr. Berry welcomed questions from the Board.

126

127   Mr. MacKinnon asked Mr. Haney for any comments regarding acceptance of the application as  
128   complete.

129   Mr. Haney noted that the applicant is requesting six (6) waivers which Mr. Haney outlined in his  
130   staff report. He noted that input would need to be sought from certain department heads. He also  
131   clarified that his own references are incorrect regarding his mention of two curb cuts on Smoke  
132   Street and asked that people be mindful of that. Mr. Haney reported that the Board could accept  
133   the application as complete, pending waivers.

134

135   Mr. MacKinnon invited comments from the Board regarding application completeness.

136

137   Mrs. Bascom commented that the Board has only had three days to review the application and  
138   that she does not feel comfortable voting on completeness when she has not had an opportunity  
139   to look at it fully. She expressed that, in the past, Board members have received an application a  
140   week in advance to be able to look at it and potentially do a site visit. She expressed that having  
141   three days to look at a twenty-five (25) lot subdivision is difficult. Mr. MacKinnon suggested  
142   that this situation may be due to a delay in the post office. Ms. Andersen noted that she received  
143   her copy via mail on Thursday of last week. Mr. MacKinnon noted that he received his on  
144   Wednesday or Thursday of last week. Mrs. Bascom stated that her copy was not ready for pickup  
145   until this past Monday. Alana Kenney, Land Use Clerk, advised Mrs. Bascom that her copy was  
146   ready for pickup on Friday of last week and that Mrs. Bascom had expressed that she wanted to  
147   pick her copy up rather than have it mailed.

148

149   Ms. Andersen inquired as to whether or not the Board needed all of the required studies in order  
150   to accept an application as complete. Ms. Sandler noted that Ms. Mooney may have concerns  
151   regarding the turtles and the pending wildlife study, and that she may not be keen on the Board  
152   approving this application so quickly. Ms. Andersen clarified that the Board, at this time, is  
153   looking at accepting the application as complete so that they can review it, and that that does not  
154   mean that they are approving the project at this time. Mr. MacKinnon advised that there is a lot

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of material surrounding this project and it would take some time to go through all of it. Mrs. Bascom asked whether or not the clock starts when the Board accepts an application. Ms. Andersen noted that the application in front of the Board is very thorough and that the applicant has proven that they will be willing to work with the Board given their past work on design reviews. She continued that there is certainly a lot more for the Board to do but wondered if it is premature for the Board to accept the application as complete at this time. Mr. MacKinnon noted that the wildlife study is not required by the *Zoning Regulations* but rather will be provided to the Board as a supplement.

Mr. MacKinnon stated that, in his opinion, the application is complete enough for the Board to discuss.

***Ms. Andersen made the motion to accept the application for Case # 23-004 SUB Residences at Fort Hill – Smoke Street & Fort Hill Road as complete. The motion was seconded by Ms. Jones. The motion was approved by a vote of 5-0-2.***

Mr. MacKinnon invited discussion from the Board regarding the case as a development of regional impact. Ms. Andersen noted that the project does not abut any surrounding towns. She noted that there is a traffic impact and that a traffic impact study has been submitted. She stated that the case does not appear to be a development of regional impact. Mr. MacKinnon voiced his agreement with this.

***Ms. Andersen made the motion that Case # 23-004 SUB Residences at Fort Hill – Smoke Street & Fort Hill Road is not a development of regional impact. The motion was seconded by Ms. Jones. The motion was approved by a vote of 6-0-1.***

Mr. MacKinnon encouraged the Board to ask questions and raise concerns and reiterated that this will not be the only meeting re: this case.

Mr. MacKinnon read the following questions and comments from Shawn McLean, Director of Public Works:

- Will this become a town road when completed?
- Will there be any impact fees to public works? If so, a homeowners association (HOA) is needed. The HOA is responsible for the maintenance and upkeep of the drainage system.

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189       • I question the added runoff water that will impact the pond next to Fort Hill Road. Did  
190       the hydraulic study pick that up, as well as the culvert that crosses Fort Hill Road from  
191       that pond?

192       • An inventory of any invasive plants on site needs to be done; if such plants are found  
193       they need to be removed so they do not spread.

194

195       Mr. MacKinnon noted that there is no immediate obligation for a town to accept a roadway and  
196       that there is an acceptance process that a road has to go through. Mrs. Bascom questioned  
197       whether or not there is a town standard for road design. Mr. MacKinnon clarified that new roads  
198       must meet the standards.

199

200       Mr. MacKinnon inquired as to whether or not an HOA was being planned. Mr. Berry confirmed  
201       that and reported that the HOA would be responsible for the storm water systems and the Public  
202       Works Department would not be. Mr. MacKinnon noted that the HOA documents will need to be  
203       reviewed by Town Counsel subsequent to approval of the application.

204

205       Ms. Jones inquired as to whether or not the Fire Department is requiring structures to have  
206       sprinklers installed. Mr. MacKinnon advised that the Board has not received any feedback from  
207       the Fire Department at this time.

208

209       Mr. Morin asked if there is a cistern located on Smoke Street. Mr. MacKinnon reported that there  
210       is not an existing one. Mr. Berry reported that they are proposing a cistern.

211

212       Mr. MacKinnon read the following comment from the Chief of Police, Fawn Woodman; "I  
213       would recommend that this development has two (2) ways of entering and leaving."

214

215       Ms. Andersen inquired as to whether or not Chief Woodman had received the traffic impact  
216       analysis. Mr. MacKinnon asked Ms. Kenney to share the analysis with Chief Woodman.

217

218       Mr. MacKinnon asked Mr. Haney to read his comments regarding plan layout. Mr. Haney made  
219       the following points:

- 220       • There are twenty-five (25) houses proposed on one-hundred-two (102) acres.  
221       • There are approximately seventy-nine (79) acres of proposed open space.  
222       • Two (2) houses are proposed along Fort Hill Road.

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- Two (2) cul-de-sacs are proposed stemming from Smoke Street (“Frederick Lane” and “Peekaboo Drive”).
  - “Peekaboo Drive” will have seventeen (17) houses.
  - “Frederick Lane” will have six (6) houses.
- Suggested third-party review of the storm water management and other infrastructure, which is already in motion.
- A small portion of the project lies within the Federal Emergency Management Agency (FEMA) flood plain as well as in the Aquifer Overlay District. The applicant has addressed this item.
- The applicant is seeking a CUP for a wetland buffer but are not proposing any direct wetland impacts or crossings.
- No vernal pools were found, per the report.
- There are various soil types and wetland functions.

Mr. MacKinnon noted that three (3) CUPs are requested.

1. Disturbance within twenty-five (25) feet of a wetland buffer
2. Lots larger than maximum allowed under an open-space (OSD) subdivision regulations
3. Frontage is less than prescribed in the open-space regulations (OSD).

Mr. Berry confirmed that these are the three (3) CUP applications before the Board.

Mr. MacKinnon reported that the Board was informed that if the CUP and the request within it does not substantially alter the request for the project, then it does not need to be re-noticed with mailings, but the subsequent public notices of meetings need to include the reference to that CUP. The Board deemed that if the CUP changed lots, roads, or was an otherwise substantial change, there would need to be re-noticing. Mr. Berry advised that the CUP application was not submitted prior to the hearing notice because it did not exist at that time.

Mr. MacKinnon recommended that the Board hold off on voting to accept the CUP applications.

Mr. MacKinnon noted that Ms. Kenney had reached out to CMA Engineers, the Town’s peer review engineering firm. CMA provided a review estimate for the project which Ms. Kenney will forward to Mr. Berry. Mr. MacKinnon stated that he would like for the firm to focus more on the aspects that the Town reviews and not so much on the storm water side.

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Mr. Berry commented that he has had an instance with this review company in another abutting town where they have taken the approach of commenting on non-engineering items in a plan set. Reportedly, the company was making comments on zoning and subdivision review aspects of that particular project. He expressed that he has been vocal about this in the past and would be again if the issue arises again. Mr. MacKinnon advised that the Board will make sure that CMA Engineers understands the scope of what the Board is looking for.

Mr. MacKinnon touched on the following comments from Mr. Viel, who was unable to attend tonight's meeting:

- Articles and open-space subdivision design
- Yield plan design

Subsequent discussion and consensus recommended to postpone discussion on these comments to allow the applicant time to review and respond to them as well as to give Mr. Viel an opportunity to hear the responses upon his return.

Mr. MacKinnon noted that the Board does not approve road names; the applicant may suggest a road name but would need to present it to the Select Board for approval.

Mrs. Bascom inquired about the sixth (6<sup>th</sup>) item on Mr. Haney's report regarding waiver requests ("to permit the well radii be off the lot for which they serve"). She stated that she thought that well radii had to be within the lots. Mr. Berry stated that this is the purpose of the waiver request. Mrs. Bascom responded inquiring as to why lots are purposely being made too small to hold the well radii. Mr. Berry reported that the OSD regulations allow for these lots to be sized this way. The OSD regulations also allow for one hundred (100) feet of frontage, which inherently creates a conflict with the well radius rule, because the total diameter of a well radius is one hundred fifty (150) feet. Mr. Berry advised that his team is proposing that those radii overlap and an easement is provided for each lot.

Ms. Sandler inquired if there was any idea as to how this development would impact the school. Mr. Berry reported that an impact assessment has not been done. Mr. MacKinnon advised that the Board could request one.

Mr. Morin reiterated that there would need to be a lot of discussion regarding this application and that the Board would likely be looking at the application for a while. Mr. MacKinnon echoed this and suggested that the Board, at some point, take an internal vote to accept the yield plan. He



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293 advised that this may be a good next step in reviewing the application. Ms. Andersen requested  
294 that the Board schedule a site visit to help Board members better interpret the plan set and  
295 visualize the development. Mr. MacKinnon voiced support of this.

296

297 Ms. Andersen asked if the applicant had considered creating shared driveways for the proposed  
298 houses on Peekaboo Drive in order to reduce the number of culverts (DEL needed) and  
299 subsequent ongoing maintenance.

300

301 Mr. Haney inquired about the capacity of a rain garden as opposed to something like a tension  
302 basin. Mr. Berry reported that on this site because of its geographic location, they chose a  
303 number of different devices to use. The larger portion of the project, Peekaboo Drive, is a steeper  
304 area and therefore a lot of storm water runs off that site. Because of this, his team chose to use a  
305 gravel wetland. He reported that the benefit to this is that it takes much better care of nitrogen  
306 and phosphorus in the storm water than a rain garden does. The capacity of the pond is what they  
307 call the “100 year, twenty-four hour storm event”, equaling about 8.8 inches of rain. His team  
308 will design a downstream system that can contain that additional flow and treat it so that it is not  
309 just discharging into the wetland at a faster rate. On the smaller side of the project, they are  
310 proposing a smaller gravel wetland at the entrance for many of the same reasons. The proposed  
311 rain garden is on the back of the site and is over a set of soils that allows for a high infiltration  
312 capacity. The rain garden was chosen so that the storm water that flows into it is essentially  
313 treated through the filtering system; a large volume of that water is infiltrated back into the  
314 ground and back into the aquifer. The rest of the water is detained and allowed to discharge to  
315 the natural flow pattern. There is one other smaller infiltration cell behind the gravel wetland  
316 system. These devices are robust and allow for detention.

317

318 Mr. Morin asked if Mr. Berry would be able to provide photographs of these devices used in  
319 other projects so that he and other Board members can visualize what they will look like within  
320 the project. Mr. Berry reported that he would be happy to.

321

322 Mrs. Bascom inquired as to who maintains these devices and ensures that they are functional.  
323 Mr. Berry reported that his team has prepared an Operations and Maintenance Manual, which  
324 tells the users of the subdivision (or the HOA) how to maintain these systems moving forward.  
325 He further advised that there is a “pre-treatment” to these devices to ensure that sand and  
326 sediment are trapped early in the system so that they don’t migrate into a place where they can’t  
327 be effectively removed.

328

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329 Mr. Berry clarified that the “100 year” storm event does not mean that the event happens only  
330 once every one hundred years, but rather that there is a 1% chance that it could occur every year.  
331 The containers that are designed downstream have the capacity to hold the volume of one of  
332 those storm events at a time.

333

334 Mr. Haney inquired as to how these devices differ from a retention or detention pond. Mr. Berry  
335 advised that, in many ways they are very similar, but rain gardens are better at treating storm  
336 water.

337

338 Mr. MacKinnon inquired as to whether or not the cistern had been proposed at the beginning of  
339 this project, as there is a dry hydrant in proximity. Mr. Berry recalled that the Town requires  
340 cisterns for projects of this size, and often Fire Chiefs require cisterns for projects of this size.  
341 His team provided for what they thought would be the best size and location for a cistern.

342

343 Mr. MacKinnon requested that the plan set reflect the proposed driveways to be twelve (12) feet  
344 wide rather than the shown twenty-five (25) feet wide as shown so that future homeowners don’t  
345 assume that they can pave a twenty-five (25) foot wide driveway.

346

347 Mr. MacKinnon thanked Mr. Berry and the applicant for providing as much information out as  
348 they did.

349

350 Mr. MacKinnon opened the public hearing at 8:19PM. He read an email from abutters, Law and  
351 Shannon Weston, who were unable to attend the meeting tonight:

352 “Hello, Planning Board members...We fully understand the property owners have a right  
353 to develop their property if they wish. Thoughts and concerns:

- 354 • Fort Hill Road is very narrow. I usually have to pull over and stop my truck to let  
355 another vehicle pass. Winter is much worse, as we lose one-to-two (1-2) feet of width  
356 with the snow banks depending on the season. Shannon has gotten stuck in snow  
357 banks pulling over for rubbish trucks and delivery vehicles. I, on many occasions,  
358 have had to back up and pull in a neighbor’s driveway to let a vehicle pass during  
359 heavy snowfall winters.
- 360 • I understand from the protected aquifer map that the proposed subdivision is built on  
361 top of it. With the proposed roads, has there been a road salt groundwater intrusion  
362 study done?

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- I have not been able to study all the documents on the town website yet, as some are very large. Looking at the latest proposal maps, the road/shared driveway looks as though it is right next to my driveway. I understand that there is a buffer between my property line and the proposed road/shared driveway, uncertain at this point on footage. Will we lose privacy in our yard?
- Does the Town of Nottingham have a plan for keeping a certain amount of acreage green to keep the rural feeling that drew our family here?

Thank you. Sincerely, Law and Shannon Weston, 28 Fort Hill Road.”

Regarding the question of green acreage, Mr. MacKinnon noted that, if this OSD subdivision moves forward, about 79 acres of the total 102 acres will remain in open space. This would be in excess of what the OSD regulations requires.

Amber Smith came forward and introduced herself as a resident of 46 Kennard Road. She expressed concerns on four (4) issues: the proximity of the project to swampland; the impact on the school system that additional families and school-aged children might have; the impact on the Public Works and Fire departments, and the town’s ability to support a major subdivision such as this one.

Mr. MacKinnon advised that there are usually three regulatory documents that the Planning Board reviews regulations depending on what is being proposed; *Site Plan Review Regulations*, *Subdivision Regulations*, and the *Zoning Ordinance*. In this case, the *Subdivision Regulations* and *Zoning Ordinance* will be reviewed. There is always an avenue to request relief from these requirements. The Planning Board builds in CUPs, which is a way of giving the Board purview of items within the *Zoning Ordinance*. Mr. MacKinnon reiterated that the Board will not be reviewing the CUP applications or waiver requests tonight, as they are seeking additional input. He noted that the Board will have a better idea of the impact on the school system when they receive the results of the impact study. In the same way, they will have a better idea of the impact on the Public Works and Fire departments when the Board receives input from those department heads.

Rebecca Smith came forward and introduced herself as a resident of 15 Smoke Street. She reported that the plan set showed the road coming close to her property line. At some point the road was relocated. Ms. Smith stated that she would rather have the road right next to her property line than houses right next to her property line.

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Mr. MacKinnon advised that, during the design review process, the Board had agreed that placing roadways as far away from abutters as possible was beneficial. He stated that the Board looks at abutter feedback as well as what the area might look like in the future. He noted that the *Zoning Ordinances* now require a road setback as of the most recent 2023 town election but that the applicant could request a variance if they wanted to place the roadway right alongside an abutter.

Cameron Reid came forward and introduced himself as a resident of 103 Kelsey Road. He stated that there is already a good deal of water that runs off onto his property and expressed concern that a subdivision would create more runoff. Mr. MacKinnon reported that the Board can ask the applicant to address this.

Mark Crockett came forward and introduced himself as a resident of 19 Smoke Street. He voiced support for many of the previously raised concerns. Additionally, he expressed concern regarding the Highway Department's ability to maintain Town roads, noting potholes and missing pavement layers on Smoke Street. He also expressed concern regarding groundwater and the impact that seventeen (17) additional wells would have on his property. Mr. MacKinnon advised that this project would require State subdivision approval and each lot will require septic approval. He reiterated that the Board will be seeking input from the Public Works and Fire departments and reported that these agencies will be encouraged to attend a site walk.

Malcolm Estell came forward and introduced himself as a resident of 22 Fort Hill Road. He inquired as to why only twenty-two (22) of the one hundred two (102) acres are going to be built on. He further inquired as to why the frontage of the lot sizes will be one hundred (100) feet when the well radius needs to be one hundred fifty (150) feet. Mr. MacKinnon explained that this is per the OSD regulations. Mr. Estell questioned the tax rate of a house lot versus a wetland lot. Ms. Andersen replied that this is a Land Use meeting and not an assessing situation. Mr. Estell suggested that, in terms of a wetland buffer, there be a larger setback from a road than from a driveway because the road is wider. Mr. MacKinnon advised that the twenty-five (25) foot buffer is for any disturbance.

Mr. MacKinnon closed the public hearing at 8:48PM. Mr. Berry returned to the table before the Board.

Mr. Berry responded to Ms. (Rebecca) Smith's concern regarding houses abutting her property. He advised that putting a roadway along Ms. Smith's property line is counterintuitive to their design, because if they were to put a road there, they could place houses much closer than one

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hundred (100) feet to the boundary line. In the current project design, they are keeping a one hundred (100) foot buffer to their boundary line, so no house could be closer than one hundred twenty (120) feet from the common boundary line. If they were to place a roadway there, there would just need to be a front setback and then a house could be placed, making the house much closer to Ms. Smith's property line than the proposed project presents. Additionally, placing a roadway there would have topographic negative attributes and a greater disturbance.

Mr. Berry responded to a second comment regarding their CUP request to be located within twenty-five (25) feet of the wetland system. He clarified that they are not proposing a road within twenty-five (25) feet of the wetland boundary and that they are proposing disturbance within twenty-five (25) feet to install the proper treatment system needed for the storm water that will come off the roadway. He advised that the process for CUPs is put in place to force both the Board and the applicant to review what is being proposed within those impact areas to make sure that it's done in the best way possible, the best location possible, and done to the highest standards possible.

Mr. Berry reported that he would be happy to respond to other comments in subsequent meetings.

Scheduling a site walk was discussed and determined:

***Ms. Andersen made the motion to hold a site visit for Case # 23-004 SUB Residences at Fort Hill for Wednesday, May 17<sup>th</sup>, 2023 at 5:30PM. The motion was seconded by Ms. Sandler. The motion was unanimously approved by a vote of 7-0-0.***

***Ms. Andersen made the motion to continue Case # 23-004 SUB Residences at Fort Hill to the Wednesday, May 24<sup>th</sup>, 2023 meeting at 7:00PM. The motion was seconded by Mrs. Bascom. The motion was unanimously approved by a vote of 7-0-0.***

Mr. MacKinnon noted that there will not be any more notices mailed out to abutters, but that public hearing notices would be posted on the Town website as well as at Town buildings.

**Other**

***Vote on Secretary (If Ms. Mooney is in attendance).***

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Ms. Mooney was not in attendance. It was decided that this will be revisited at the next meeting.

***Review, adopt, and sign By-Laws and Rules of Procedure for the Transaction of Business.***

Mr. MacKinnon distributed the *By-Laws* for Board member signatures.

***Review PB action items and vote on hierarchy of importance.***

It was decided that this will be revisited at the next meeting.

***Review the Application Checklist now including Findings Of Fact (#15).***

The Board decided that this item will be revisited at the next meeting.

***Case # 20-003 SUB Diberto - Mitchell Rd. Sign Mylar.***

Per Mr. MacKinnon, Mr. Viel signed the Mylar earlier today.

***Review recent NHDES notices / abutter notifications.***

Mr. MacKinnon read a notice from Vegetation Control Service on behalf of the New Hampshire Electric Co-op. The notice stated that the agency would selectively apply herbicides to undesirable vegetation growing within power line right-of-way corridors. They included a map of the areas that will be sprayed. Mr. MacKinnon suggested that this appears to just be annual maintenance and that, if anything, it reduces the work of Nottingham's Public Works Department.

**Public Comment**

None.

**Approval of Minutes**

***Mr. Davies made the motion to approve the minutes of the March 8<sup>th</sup>, 2023 meeting as amended. The motion was seconded by Ms. Andersen. The motion was approved by a vote of 4-0-3.***

**Select Board and Staff / Board Member Updates**

Ms. Jones had no update.

Mr. Davies had no update.

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514  
515 Mrs. Bascom had no update.  
516  
517 Mr. Morin reported that the Select Board is working to allocate \$90,000 for infrastructure  
518 maintenance. The Highway Department is hiring. Benjamin Bartlett has been named the new  
519 Chair of the Select Board. Mr. Morin has been named the new Vice Chair of the Select Board.  
520 The Board has welcomed new members Tim Dabrieo and Steve Welch.  
521  
522 Mr. MacKinnon advised that the Board will be presented with an application for a proposed  
523 development on Route 4 at the next meeting. Mr. MacKinnon will have to recuse himself as he is  
524 a direct abutter to the property.  
525  
526 Ms. Sandler had no update.  
527  
528 Ms. Andersen informed the Board that SRPC had a meeting last week and put forth plans in  
529 conjunction with the Department of Transportation's Ten-Year Plan. She further recommended  
530 an interesting article in *New Hampshire Business Magazine* that discussed the Town of Epping.  
531  
532 Mr. Haney had no update.  
533  
534 **Adjourn**  
535  
536 The meeting was adjourned at 9:35PM.  
537  
538  
539  
540  
541  
542 Respectfully submitted,  
543 Rachel Russell Leed, Transcriber