

Nottingham Planning Board
April 27, 2016

Approved: May 27, 2016

Members Present: Eduard Viel, Vice-Chair; Charlene Andersen, Ex Officio; Susan Mooney, Secretary; Gary Anderson, SRPC Rep; Teresa Bascom; Robert “Buzz” Davies, Alternate;

Members Absent: Dirk Grotenhuis, Chair; John Morin

Others Present; Paul Colby, Code Administrator; JoAnna Arendarczyk, Land Use Clerk; Steve LaMonica, abutter; Chris Albert, Jones & Beach Engineers; Peter Landry, Surveyor; Cheryl Smith, NCC; Bill Hall, Flutter Street abutter; Janet Hall, Flutter Street abutter; Cindy Bloom, Flutter Street abutter; Randy & Ann McCall, Flutter Street abutter; Tara Saxton, Applicant; Don Cinfo, Smoke Street abutter; Robert Mooney, Flutter Street abutter; Christine Tofani, Smoke Street abutter

Vice-Chair, Ed Viel, acting Chair in Mr. Grotenhuis’ absence

Alternate Seated and Voting: Mr. Davies for Mr. Grotenhuis

Call to Order: 7:00PM

Public Hearing

Continuation from Initial Hearing: April 13, 2016

Case #P16-004-SUB- Application from J& L Terra Holding, INC., for a conventional five (5) lot subdivision on 20.331 acres on Smoke Street in Nottingham, NH. Property is identified as Tax Map 10 Lot 4 Sublot 1.

Mr. Landry presented the revised plans which took into account the changes requested at the April 5, 2016 meeting. (*Ref. minutes 4/5/2016*)

Mr. Colby referenced his notes provided to the Board members. (*In file*) He added that some Board members still have some environmental concerns.

Public Comment Opened: 7:07pm

None

Public Comment Closed: 7:08pm

Mrs. Mooney formally requested that the Board have Mr. Landry present his project to the Conservation Commission due to its proximity to Little River.

Ms. Andersen stated that there needs to be some consideration on the removal of the invasive vegetation noted on Pg. 3 of the Environmental Impact Study report on lots 2 (4-1-A), 3(4-1-B) and 4(4-1-C). This issue would fall under the Conservation Commission’s purview.

Mr. Viel was concerned about the contradictions between the soil maps provided by SCS and the delineation shown by the wetland scientist. Mr. Viel reference the Subdivision Regulations which state that when there is a contradiction there would be a third party review.

Mr. Landry stated that there is “no wetland impact proposed to gain access to any of these lots, there’s no impact on any of the wetland setbacks or buffers.”

Mr. Viel also expressed concern, which he had expressed at the initial meeting (April 13, 2016), was on the interpretation of how the lot envelope buildable area is calculated. He suggested the Board have a legal opinion from Town Counsel on this as this could be setting “a precedence” and the Board needs to be certain the lot envelope is being calculated correctly.

There was a discussion regarding allowing the “fit for building area” 20’ versus 50’ setback.

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Mr. Viel mentioned the concern about the contradiction between the soil map and the wetland scientist's results again. After some discussion it was decided to have the Conservation Commission do a site walk and if there are no red flags then the Board will accept the work of the professional. He suggested the Board consider changing the wording in the Zoning Ordinance because it puts the Planning Board as the authority on the results.

Motion made by: Mr. Anderson to recommend that the Conservation Commission does a determination on Case #P16-004-SUB with a suggestion that they have input back to us by May 11th.

Seconded by: Mrs. Mooney

Vote: 5-1-0 **Motion Passed**

Mrs. Mooney scheduled the Conservation Commission meeting and site walk with Mr. Landry.

Mr. Viel brought up the questions as to whether or not the buildable area should be the area inside the 50' buffer since this is the setback for dwellings, or 20' buffer since this is the setback for accessory structures and the Zoning Ordinance was amended for accessory structures only.

Motion Made by: Mrs. Mooney to send this issue to legal for review.

Seconded by: Ms. Andersen

Discussion: None

Vote: 4-2-0 **Motion passed**

Mr. Landry added that if the Board is worried about setting precedence it's already been done because he has done about five subdivisions in the last year.

Cheryl Smith suggested the Board review minutes from the meetings when the setback issue was discussed to provide more information for the legal opinion.

Motion Made by: Mrs. Mooney to continue Case #P16-004-SUB on May 11, 2016 at 7:00pm.

Seconded by: Ms. Andersen

Vote: 4-0-2 **Motion Passed**

Continuation from Initial Hearing: April 13, 2016

Case # P16-005-SUB- Application from Chuck Minasalli of PTC Realty Limited to review and approve a yield plan for an open space, 24 lot subdivision on 87.16 acres on Flutter Street in Nottingham, NH. Property is identified as Tax Map 44 Lot 12.

Mr. Viel added that the case has been amended to a 21 lot subdivision.

Mrs. Mooney recused herself due to being an abutter.

Chris Albert from Jones & Beach Engineers and Tara Saxton, one of the owners of the property presented revised plans submitted on April 20, 2016. They are seeking approval for the Yield Plan for 21 lots, with the intent to submit an Open Space Development plan.

Mr. Colby presented his notes (*In file*) to the Board as well as the e-mailed concerns from Mr. Grotenhuis (*in file*). He informed Mr. Albert that even though the yield plan isn't the plan they are intending to build they must follow all regulations as if they were going to build it. Therefore the curb cut on lot #11 would need Zoning relief from the Zoning Board of Adjustment. This means they either seek that relief now to accept that lot, eliminate that lot or redesign the plan to give the lot its own curb cut.

Public Comment Opened: 8:00pm

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Several abutters expressed concerns about the plans. Their concerns could not be spoken to at the time. When the applicant presents the final plan for approval all the required studies will have been done covering most of the abutter's current concerns. After the studies have been presented the abutters will have additional opportunities to voice any further concerns.

Mrs. Mooney spoke as a member of the Conservation Commission. She requested the Conservation Commission have the opportunity to review the plans once a set has been agreed upon. She also asked to have the Planning Board recommend the application be reviewed by the Lamprey River Advisory Committee because it falls within the Lamprey River watershed.

Mr Viel informed Mr Albert that part of the property likely falls within the Shoreland Protection regulations of NH DES.

Public Comment Closed: 8:26pm

Board discussion:

The Board discussed the issues from Mr. Colby's review and Mr. Grotenhuis' e-mail. Mr. Viel informed Mr. Albert that part of this parcel is under the Wetland Conservation area designated as Critical Wetlands which have 100' buffer.

Mr. Albert requested a copy of the comments from Board and the unofficial minutes.

Motion made by: Mr. Anderson to continue Case # P16-005-SUB to May 11, 2016.

Seconded by: Mrs. Bascom

Discussion: None

Vote: 6-0-0 motion passed

Mr. Colby requested a five minute recess at 8:55pm.

Reconvene: 9:00pm

Mrs. Mooney was reseated

Public Meeting

Impact fees Studies-

The Board agreed to request two new contracts from Mr. Mayberry:

1. School and Fire Department
2. Recreation

The School Board agreed at a previous meeting to pay \$2,500 toward the re-evaluation.

Site Plan Update- Schedule Review-

Mr. Colby requested the Board review the first draft of the Site Plan Regulations and get comments back to him by May 25, 2016. The Board requested the draft be e-mailed again.

Master Plan Update-

The Board agreed to look at the Zoning Ordinance for further changes.

Public Comments

None

Board of Selectman and Staff/ Board Members Update

Mr. Colby updated the Board on the May 11th agenda:

- Smoke Street case- continuation
- Flutter Street case- continuation
- Mountain Road/ Sachs Road 6 lot subdivision
- Gary Anderson 2 lot subdivision

Mr. Anderson gave an update on the SRPC- he suggested the Board check the web site.

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137 Mrs. Mooney informed the Board that the Conservation Commission is offering the well
138 water testing kits again.

139 Ms. Andersen informed the Board that Kortney Dorow accepted the Recreation Director
140 position. She also mentioned that the Board of Selectman is continuing with the next
141 steps for the Marsten property project. Ms. Andersen won't be present for the May 11th
142 meeting- she will try to get another Board of Selectman member to fill in for her.

143 **Minutes**

144 March 23, 2016

145 **Motion made by:** Mr. Davies to accept the minutes of March 23rd as amended.

146 **Seconded by:** Mr. Anderson

147 **Vote:** 6-0-0 **motion passed**

148 **Adjournment**

149 **Motion made by:** Mrs. Bascom

150 **Seconded by:** Mrs. Mooney

151 **Vote:** 6-0-0 **motion passed**

152 **Adjourned at:** 9:30pm

153 Respectfully submitted,

154 JoAnna Arendarczyk

155 Land Use Clerk