

**Nottingham Planning Board Meeting**

**DATE: May 24, 2023**

**Official Minutes**

1 **Call to Order**

2 **Members Present:** Eduard Viel, Chairman; Ian MacKinnon, Vice Chair; Teresa Bascom,  
3 Member; Charlene Andersen, SRPC Representative; Robert “Buzz” Davies, Alternate.

4  
5 **Members Absent:** Susan Mooney, Secretary; John Morin, Select Board Ex-Officio  
6 Representative; Sherry Sandler, Member; Sandra Jones, Alternate.

7  
8 **Alternate Seated and Voting:** Mr. Davies was seated and voting for Ms. Sandler.

9  
10 **Others Present:** Blair Haney, SRPC; Alana Kenney, Land Use Clerk; Christopher Berry, Berry  
11 Surveying & Engineering; Dawn Fernald, Applicant; Joseph Fernald, Applicant; Lon Weston,  
12 Abutter.

13  
14 **Call to Order**

15  
16 The meeting was called to order at 7:00PM.

17  
18 **Public Hearings**

19  
20 *Case # 23-004 SUB Residences At Fort Hill - Smoke St & Fort Hill Rd (Continued):*  
21 *Application from Berry Surveying & Engineering, on behalf of Owl Ridge Builders,*  
22 *requesting a twenty-five (25) lot open space subdivision. The property is located at Smoke*  
23 *Street and Fort Hill Road in Nottingham, NH and is identified as Tax Map #23, Lot #11. Two*  
24 *conditional use permits have been applied for. Article III, Section B, Item #6 permits a request*  
25 *to allow disturbance within 25 feet of a wetland. Article IV, Section S, 8.2 permits a request for*  
26 *lots that have a larger than maximum area, allow frontages less than prescribed, and allow a*  
27 *reduction to the landscape buffer.*

28  
29 Christopher Berry of Berry Surveying and Engineering came and sat before the Board.

30  
31 Mr. Viel reminded the Board as well as members of the audience that the application for this  
32 project was accepted as complete at the April 24, 2023 meeting. At that time, there was a motion  
33 that this project is not one of developmental impact. A site walk was done on the evening of May  
34 17, 2023.

35  
36 Mr. Viel invited Mr. Haney to provide his revised comments, now that additional information  
37 has been received from the applicants.

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38

39 Mr. Haney requested confirmation regarding which exact sections of the *Zoning Ordinance*  
40 *Regulations* the Conditional Use Permit (CUP) is for in the open-space development section  
41 versus the wetland conservation section. He asked for explanation regarding a document,  
42 *Existing Watershed/Proposed Watershed*. He also asked for clarification regarding the proposed  
43 roadways and how they coincide with the Aquifer Protection District standards. He noted that  
44 any blasting in the Aquifer Protection District would require a CUP. He noted that the yield plan  
45 showed road right-of-ways that appear to be closer than fifty (50) feet from adjacent property  
46 lines and asked for confirmation that those standards have been met.

47

48 Mr. Berry gave an update as to where they are at this time. He advised that they have received  
49 the comments provided by Mr. Viel and Mr. MacKinnon. They have not yet gotten comments  
50 from CMA Engineers. Ideally, he would like to go through all of those comments at one time, so  
51 he has not written a response letter to the already-received comments. He stated that Mr.  
52 MacKinnon had brought up a good point at the last meeting regarding the yield plan and  
53 ensuring that that is sound and agreed upon so that the project can move forward. He has  
54 resubmitted the yield plan; nothing has changed, he just intended to make the plan more legible  
55 and easier to interpret. Since the last Board meeting, they have met with the Nottingham  
56 Conservation Commission (NCC) to discuss their CUP and are hoping to be able to further  
57 discuss it with the Board tonight. He reported that the NCC had a favorable response to the  
58 project. The NCC did have a couple of small conditions that were noted in their letter to the  
59 Board. Mr. Berry stated that they are happy to implement these conditions. He noted that a site  
60 walk had been completed. One item that resulted during the site visit was a culvert that is  
61 blocked by an existing trail. He advised that his team would work with the applicant and the New  
62 Hampshire Department of Environmental Services (NHDES) to do a restoration of that area or,  
63 potentially, remove the culvert altogether, as it appears no longer necessary. A second item noted  
64 during the site visit was the potential to move the Fort Hill driveway a little further from the  
65 abutting boundary line to provide more distance.

66

67 Mr. Berry reported that he is happy to discuss the waiver request and/or the three (3) CUPs if the  
68 Board desires.

69

70 Mr. Viel summarized the following points of a letter from the NCC to the Board dated May 23,  
71 2023:

- 72 • They met with the applicant on May 8, 2023.
- 73 • Discussion of downspouts and drip edges to direct flow of water off roofs to dry wells  
74 and to redirect the rainwater into the ground system

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- 75 • The wetland impact for disturbance within twenty-five (25) feet of a wetland was studied;  
76 it was determined that the open space development design and the resulting proximity to  
77 the wetland was a fair tradeoff in that the disturbance would be minimal.
- 78 • The potential archaeological significance of the glacial deposit hill located in the central  
79 portion was of concern. A study was conducted by Monadnock Archaeological Services  
80 at the applicant's expense. There was no evidence discovered of indigenous peoples'  
81 activity at the site.
- 82 • There was some discussion about the large area of disturbance.
- 83 • Other concerns put forward by the Commissioners were as follows:
- 84 ○ Limit the use of road salt in aquifer areas
- 85 ○ That four to six (4-6) inches of loam be replaced on the entire lot site to encourage  
86 re-vegetation
- 87 ○ Timber cutting be suspended from April 1<sup>st</sup> to October 1<sup>st</sup> with respect to wildlife  
88 breeding, raising of young, and subsequent migration
- 89 ○ Signage be erected to identify the open space area and to identify the wetlands  
90 and the wetland twenty-five (25) foot no-disturb buffers
- 91 ○ The percentage of uplands versus wetlands will be determined and added to the  
92 site plans. The portion should conform to Nottingham *Zoning Ordinance*  
93 *Regulations*
- 94 • All of these points were acceptable to Mr. Berry. He will post signage along these noted  
95 areas.
- 96 • In summary, the Commission approves the application for a CUP to allow disturbance  
97 within twenty-five (25) feet of a wetland per Article III Section B(6)

98

99 Mr. Viel invited discussion from the Board.

100

101 Ms. Andersen inquired as to whether or not downspouts/drip edges would be noted on the plan  
102 set. Mr. Berry reported that it is noted on the recording sheet. Ms. Andersen asked if the Board  
103 would be getting a copy of the Monadnock Archaeological Services study. Mr. Berry reported  
104 that the Board would be getting copy of the report now that it has been approved.

105

106 Mr. MacKinnon noted that, in his comments submitted to the Board, the Public Works Director  
107 inquired about the added runoff water that will impact the pond next to Fort Hill Road. He asked  
108 if the hydraulic study picked that up and also noted the culvert that crosses Fort Hill Road from  
109 that pond. Mr. MacKinnon indicated that there is not a culvert that crosses Fort Hill Road, and  
110 stated that the Director was likely referring to flow from the backside of Frederick Lane. Mr.  
111 Berry reported that the project would not be increasing rate offsite in any particular direction that  
112 would change the hydrology anywhere offsite.

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114 Mr. Viel reviewed a couple of his own comments following the site walk:

- 115 • Two (2) test pits per 4k area are required; only one is shown at this time for some of the
- 116 proposed lots
- 117 • Proposed extending the Fort Hill Road pavement to include the shared driveway
- 118 • Try to save large and healthy trees, if possible
- 119 • Drainage easements should be kept with the Homeowners Association (HOA). Town
- 120 Counsel will need to review the documentation.
- 121 • There were a few areas of standing water that were not marked as wetlands or as test pits.

122

123 Mr. Berry reported that they have already begun the process of developing the HOA with their  
124 project attorney.

125

126 Mr. Berry advised that John Hayes prepared both the wetlands poorly drained boundary and the  
127 very poorly drained boundary as well as prepared the soils map and conducted all the test pits  
128 on-site.

129

130 Mr. Viel expressed concern regarding the amount of cutting and alteration proposed in the  
131 Peekaboo Drive area and how that might affect erosion. Mr. Berry replied that his team has  
132 sediment erosion control plans specific to the removal of material to assist in stabilizing the area  
133 prior to construction.

134

135 Mr. Viel inquired about an unclear area on the yield plan. Mr. Berry advised that the color  
136 differential is due to poor drafting.

137

138 In regards to the yield plan, Mr. MacKinnon noted that one particular lot appears to just barely  
139 meet the steep slopes and side setback. Mr. Berry advised that this particular lot is the tightest lot  
140 in the yield plan but that it does meet the requirements.

141

142 Mr. Viel noted that, during the design review portion of the process, the number of lots was  
143 slightly higher than what is currently being proposed. Mr. Berry confirmed this.

144

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145 Mr. MacKinnon expressed concern regarding the ten (10) percent limit of the Aquifer Protection  
146 Zone. Mr. Berry responded that none of the proposed lots in the Open Space Development are in  
147 the Aquifer Protection Zone and the project has been specifically designed for this.

148

149 Ms. Andersen inquired as to the dimensions of some aspects of the plan set. Mr. Berry walked  
150 her through the scale. Ms. Andersen asked if the proposed roadway is allowable. Mr. Viel  
151 advised that the Board would need to ask Town Counsel some questions about yield plans.

152

153 Mrs. Bascom asked about the requirements for an open space subdivision versus a “normal”  
154 house development. Mr. Berry advised that the yield plan goes around the base of the large hill  
155 in question, even if the development doesn’t. He further advised that Nottingham does not have a  
156 steep slopes ordinance where the applicant is prohibited from touching and developing steep  
157 slopes. The current steep slopes ordinance only addresses if the applicant can place a building on  
158 them.

159

160 Mrs. Bascom asked for clarification that the yield plan shows twenty-five (25) large lots of at  
161 least two (2) acres each and that the open space subdivision would be less than one (1) acre each.  
162 Mr. Berry confirmed and advised that that is one of the reasons why they are seeking a CUP, to  
163 allow them larger lots than one (1) acre.

164

165 Mrs. Bascom asked if there were layouts for the twenty-five (25) proposed homes. Mr. Berry  
166 replied that there are layouts for reasonably-sized homes; the Fort Hill Road and Frederick Drive  
167 lots will have larger homes, while the Peekaboo Drive lots have specific layouts in accordance  
168 with their footprints.

169

170 Mr. Viel opened the public hearing at 7:35PM.

171

172 Mr. Viel read the following letter from Mary Crockett, a resident of Tremblay Drive, dated May  
173 23, 2023:

174

175 “I am saddened to see another subdivision will be allowed in Nottingham. Variances are  
176 set aside with little consideration. Why do we have them if they are set aside when requested?  
177 What is the impact on the wetlands that will be removed, replaced, and supposedly better, so  
178 they say, then what has been there for many, many years? Amount removed to make way for  
179 houses and change the landscape forever; what will that do for the surrounding area in the next

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180 hundred-year flood? The impact on Smoke Street from additional traffic, which is in dire need of  
181 repair, and also on our Police and Fire Departments and our school. I guess we have totally sold  
182 out to progress in our town while failing to provide safe, functional structures to support our  
183 rural community. How sad to not limit development.”

184

185 Mr. Viel clarified that, as children of the State, Nottingham has to operate within the bounds and  
186 laws of the State of New Hampshire. Nottingham is permitted to have *Zoning Ordinance*  
187 *Regulations* and *Subdivision Ordinance Regulations* but still has to conform to State law. Within  
188 the law is landowner rights, which development is a part of. The Town has a *Master Plan*,  
189 *Subdivision Ordinance Regulations*, *Site Plan Review Regulations*, and *Zoning Ordinance*  
190 *Regulations* to govern what the Town wants to see as far as development and how it’s developed.  
191 All of these items are voted upon by the public. Mr. Viel noted that there are not any direct  
192 wetland impacts being proposed by this plan. There are buffers that may be impacted, but this is  
193 when the CUPs come into play and help to address these issues. Anything beyond that goes to  
194 the Zoning Board for a variance, which is not the purview of this Board. As for infrastructure,  
195 some of these things are addressed through impact fees.

196

197 Mr. MacKinnon commented that the Board does not have the authority to place limits on  
198 landowner development if it is within the law. Mrs. Bascom noted that, per the RSA, the Board  
199 does have the ability to put a hold on a development if it is deemed that there is a stress on the  
200 community and it’s resources. The Board would need to specify why and it would only be for a  
201 period of time. Ms. Andersen stated that a study would need to be done, which would then go to  
202 the voters. The moratorium would usually only last one (1) year. She noted that the towns that  
203 have recently done this have been contested.

204

205 Lon Weston came forward and introduced himself as a resident of 20 Fort Hill Road. He  
206 expressed concern regarding the proposed driveway along Fort Hill Road. He asked that the  
207 driveway be moved slightly so that his property could retain privacy.

208

209 Mr. Viel closed the public hearing at 7:43PM.

210

211 Mr. Berry returned to his place at the table before the Board. He responded to the concern raised  
212 by Mr. Weston and reported that they could move the lot line over in that area and the driveway  
213 could be moved over. This, however, would eliminate the even split that Mr. Berry had created.

214

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215 *Mr. MacKinnon made the motion to approve the yield plan component of Case # 23-004 SUB*  
216 *as submitted to the Board at twenty-five (25) lots. The motion was seconded by Mr. Davies.*

217

218 Ms. Andersen expressed concern regarding the yield plan showing a road off of Fort Hill Road  
219 because of the size of the entrance as well as where it is located on that particular corner in  
220 relation to the width of Fort Hill Road. She suggested that two (2) house lots, the first two off of  
221 Fort Hill Road, should be removed from the yield plan. Lot 11-10 would remain but lots 11-11  
222 and 11-12 would be removed.

223

224 *The motion failed by a vote of 2-3-0.*

225

226 Mr. Viel expressed that, if the applicant comes forward with a plan for a conventional  
227 subdivision and having scrapped the plan for an *Open Space Development* (OSD) subdivision,  
228 the Board would address features such as setbacks and variances that may be needed. He noted  
229 that the proposed lots are so oversized that there is still room to potentially change the geometry  
230 of the road.

231

232 Mr. Davies commented that changing the geometry of the road would not change how it  
233 intersects with the existing road.

234

235 Mr. Viel noted that, at that point, the Board would have the option to do offsite exactions for  
236 road improvements. It is ultimately the purview of the Board to reduce lot space on each plan  
237 and the conditions set to it, but the Board would have to have reasons to do so.

238

239 Mr. Berry pointed out that Fort Hill Road is currently a dead-end road. The access in and out of  
240 there, at the proposed length, would provide an additional level of safety along Fort Hill Road to  
241 allow for a second means of access in and out. He reported that, whether or not they provide that  
242 access in this yield plan, the question remains whether or not a twenty-five (25) lot yield is  
243 reasonable for this 102 acres. If the Board continues to find that the yield plan, with that  
244 connection, is not acceptable, then he would need to revise it. The “dead answer” is not whether  
245 or not they lose one (1) or two (2) units, but how to make the subdivision work if they can do so  
246 reasonably with twenty-five units.

247

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248 Mr. Viel used the example of the proposed cul-de-sac. Mr. MacKinnon advised that the applicant  
249 could similarly add a cul-de-sac rather than a connection to Fort Hill Road. Mr. Berry advised  
250 that the connection to Fort Hill Road was made because the Town's rules speak to connectivity.

251

252 Mr. MacKinnon noted that there is a no-disturb buffer of twenty-five (25) feet of a new right-of-  
253 way. The proposed yield plan would accommodate this.

254

255 Ms. Andersen stated that she would be comfortable with twenty-five (25) lots if the  
256 aforementioned lots were either a cul-de-sac or a shared driveway.

257

258 Mr. MacKinnon noted that a cul-de-sac would meet zoning requirements. A connection makes  
259 more sense from a safety standpoint.

260

261 Mrs. Bascom raised a concern regarding the dimensions of a potential cul-de-sac and the ability  
262 for emergency vehicles and passenger vehicles to get through it. Mr. MacKinnon noted that,  
263 dimensionally, cul-de-sacs do meet the road standard.

264

265 ***Mr. MacKinnon made the motion to approve the twenty-five (25) lot yield plan of Case # 23-  
266 004 SUB as presented. The motion was seconded by Ms. Andersen. The motion was  
267 unanimously approved by a vote of 5-0-0.***

268

269 Mr. Viel advised that the Board would now focus their attention on the *Open Space Development*  
270 (*OSD*) subdivision plans.

271

272 Mr. MacKinnon noted that the Board has not yet made a motion to accept the CUPs as  
273 submitted. He asked Mr. Berry to provide an overview of the CUPs they are seeking.

274

275 Mr. Berry advised that they are asking for CUPs for the following:

- 276 • To impact within twenty-five (25) feet of a wetland (which the Board and Town has  
277 defined as a buffer). This impact is approximately five thousand (5,000) square feet in  
278 size and is due to the installation of a storm water treatment swale and grading swales to  
279 ensure that the storm water treatment from the impervious surface of the roadway is  
280 handled appropriately. Mr. Berry has reviewed the Conditional Use criteria found in the

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281 Zoning document concerning the twenty-five (25) foot buffer and has keyed out all of  
282 the functions and values that his team saw in that area and how they are addressing them.  
283 This area is less than 1% of the project site and is less than a fraction of a percent in  
284 terms of overall buffer that remains on this site and surrounding sites. He stated that this  
285 project, as designed, has very little environmental impact. All of the best-management  
286 practices that they are proposing are eco-friendly.

- 287 • Two buffers are proposed to be less than one hundred (100) feet in width in the OSD for  
288 the two frontage lots on Fort Hill Road, to include a small area around Frederick Drive  
289 where landscaping is proposed, and another small area where a rain garden is proposed  
290 within one hundred (100) feet of a perimeter buffer. Landscaping that area will shield it  
291 from abutting landowners.
- 292 • They are planning for lots that have less than one hundred (100) feet of frontage on Fort  
293 Hill Road. Three (3) proposed lots in the subdivision would be larger than the maximum  
294 allowed within an *OSD*/conservation subdivision. The most notable are the two (2) along  
295 Fort Hill Road. They have tried to make these standard-sized lots so that they fit the  
296 context of the neighborhood. In this area, much of the land is not buildable but is good  
297 for access. It is also within the Aquifer Protection Zone. The other two lots are on  
298 Frederick Drive. The building area has been strategically placed off the proposed  
299 roadway. To gain access to those, they have had to adjust lot sizes.

300

301 Mr. MacKinnon noted that the applicant is asking for four (4) total CUPs.

302

303 ***Mr. MacKinnon made the motion to accept the Conditional Use Permits, submitted under***  
304 ***Case # 23-004 SUB, as complete. The motion was seconded by Ms. Andersen. The motion was***  
305 ***unanimously approved by a vote of 5-0-0.***

306

307 Mr. Viel invited discussion from the Board regarding the first CUP pertaining to the wetland  
308 buffer.

309

310 Mr. MacKinnon asked for clarification that this CUP would be for work on the entrance to  
311 Peekaboo Drive. Mr. Berry confirmed this and advised that the nearest lots would be 11-1 and  
312 11-17.

313

314 Mr. Viel stated that, per the *Zoning Ordinance Regulations*, CUPs are allowed for a vegetative  
315 buffer as long as it is not around a vernal pool. This particular area is not.

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317 Mrs. Bascom asked Mr. Berry to confirm that there is no alternate route for an entrance to  
318 Peekaboo Drive. Mr. Berry did confirm this.

319

320 Mr. MacKinnon recommended that the Board review the seven (7) criteria for a CUP:

- 321 a. The proposed construction is essential to the productive use of land not within a Wetland  
322 Conservation Area and the upland area considered for development is not smaller  
323 (acreage) than the wetland area (acreage) being considered;
- 324 b. Designs, construction, and maintenance methods will be such as to minimize detrimental  
325 impact upon the wetland and will include restoration of the site as nearly as possible to its  
326 original grade and conditions;
- 327 c. The Nottingham Conservation Commission has provided comments relative to the value  
328 of the wetland under construction and design of the proposed project as it relates to the  
329 wetland;
- 330 d. Economic advantage alone is not a reason for the proposed construction;
- 331 e. Prior to the granting of the Conditional Use Permit under this Section, the applicant shall  
332 agree to submit a performance security to ensure all construction is carried out in  
333 accordance with an approved design. The security shall be submitted in a form and  
334 amount, and surety and conditions satisfactory to 1) the Planning Board for site plan and  
335 subdivision application and 2) the Board of Selectmen in all other cases. The security  
336 shall be submitted and approved prior to issuance of any permit authorizing construction.
- 337 a. Proper surety in the form of cash bonds must be submitted to the Town to ensure  
338 the completion of work. No work shall start on the property until proper surety is  
339 in place. The surety amount shall be 115% of the current estimated cost.
- 340 b. An itemized cost estimate shall be submitted for approval to the Planning Board,  
341 and Town Counsel prior to the surety being accepted. The cost estimate shall  
342 include the costs of inspection and testing. Surety may be drawn down no more  
343 frequently than monthly. In no case shall the surety be drawn below ten percent  
344 until the completed road has successfully stood for two (2) years.
- 345 c. The surety may be used by the Town to repair work that has failed or was not  
346 performed in accordance with the plans and specifications, to restore the site  
347 should the project default, to cover the cost of testing and inspections and to cover  
348 legal or other fees the Town may incur during the collection process.
- 349 f. The Planning Board may require the applicant to submit an Environmental Impact  
350 Assessment when necessary to evaluate an application made under this Section. The cost  
351 of this assessment shall be borne by the applicant. The Planning Board may also assess  
352 the applicant reasonable fees to cover the costs of other special investigative studies and  
353 for the review of documents required by particular applications.
- 354

355 Mr. MacKinnon stated that this CUP meets all criteria, with the expectation that (e) would be  
356 added as part of the bonding process for the proposed road.

357

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358 *Mr. MacKinnon made the motion to approve the Conditional Use Permit for Case # 23-004*  
359 *SUB relative to Article III Section B.3(b): Disturbance within the twenty-five (25) foot wetland*  
360 *buffer that is not a vernal pool. The motion was seconded by Ms. Andersen. The motion was*  
361 *unanimously approved by a vote of 5-0-0.*

362

363 Mr. Viel noted that the CUP application for this section did meet the criteria as outlined within  
364 the Town's *Zoning Ordinance Regulations* of Conditional Uses (a) through (f) with the condition  
365 that (e) would be met if final approval is granted.

366

367 Discussion moved to the next CUPs relating to lots larger than the maximum, lot frontage is less  
368 than prescribed, and allow reduction to the landscape buffer.

369

370 Mr. MacKinnon stated that he would prefer to see two (2) homes with access rather than a  
371 potential roadway connection. He further suggested that the Board request that the lot line be  
372 shifted to reduce the frontage of Lot #18.

373

374 Mrs. Bascom asked what the frontage is for these lots if not one hundred (100) feet. Mr. Berry  
375 responded that each lot has 37.51 feet of frontage. Mr. MacKinnon noted that this would be  
376 along the idea of a back lot subdivision, in a way. It was noted that a back lot subdivision has a  
377 lot frontage of twenty (20) feet.

378

379 Both Mr. MacKinnon and Ms. Andersen expressed support of a shared driveway rather than a  
380 new access road.

381

382 Discussion followed regarding whether the Board should approve, deny, or request Town  
383 Counsel's input regarding this particular CUP.

384

385 *Mr. MacKinnon made the motion to accept Town Counsel opinion relative to Article IV*  
386 *Section 7 to confirm applicability of what a Conditional Use Permit can be requested from.*  
387 *The motion was seconded by Mr. Davies. The motion was unanimously approved by a vote of*  
388 *5-0-0.*

389

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390 Mr. Viel asked the Board if they would like to take action on the next two (2) items pertaining to  
391 this case or to table it to another meeting for further discussion. Mr. Davies advised that it may  
392 depend on what Town Counsel has to say.

393

394 *Mr. MacKinnon made the motion to continue the Conditional Use Permits relative to Article*  
395 *IV Section S: Open Space Ordinance to June 28, 2023 at 7:00PM. The motion was seconded*  
396 *by Mr. Davies. The motion was unanimously approved by a vote of 5-0-0.*

397

398 There was a discussion regarding waivers. Mr. Berry reported that, even if the Board does not  
399 take action on them, he would still like to hear comments about waivers.

400

401 The first waiver request pertains to Road Design Standards; the applicant is seeking to waive the  
402 requirement to widen the road width by two (2) feet with the installation of curbing. Per Mr.  
403 Berry, Peekaboo Drive proposes sloped granite curbing adjacent to the gravel wetland and below  
404 to direct flow to a proposed treatment swale. This is only proposed on one side and is for a small  
405 section. The road design is not widened in this area as stated in the regulations.

406

407 Mr. MacKinnon suggested that the Board jump forward to discuss and potentially to take action  
408 on Waiver Request #4 regarding Road Side Drainage—to permit Peekaboo Drive to be built with  
409 swale lines that exceed ten percent (10%) and that exceed two hundred fifty (250) feet in length.

410

411 Explaining this, Mr. Berry reported that the applicant is proposing a roadway that has a  
412 consistent profile slope of ten percent (10%) for more than two hundred fifty (250) feet and  
413 therefore the swales are the same slope for a similar distance.

414

415 Mr. Viel recommended that the Board continue to read through the waiver requests but not take  
416 action on any of them until the third-party engineering firm has had an opportunity to review the  
417 project and provide comments.

418

419 Waiver Request #2 pertains to Road and Driveway Design and Construction Standards Table 1.  
420 The applicant is seeking to permit Peekaboo Drive to be built with a reverse curve containing a  
421 tangent less than one hundred (100) feet. In one instance near the entrance of Peekaboo Drive,  
422 there is a tangent between two reverse curves that is less than one hundred (100) feet. It is  
423 proposed to be 54.81 feet.

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425 Waiver Request #3 pertains to Road and Driveway Design and Construction Standards Table 1.  
426 The applicant is seeking to permit the vertical curve entering the cul-de-sac to be less than eighty  
427 (80) feet in length. Seventy-five (75) feet is proposed for Peekaboo Drive. The applicant is  
428 proposing to enter the cul-de-sac with a vertical curve that is seventy-five (75) feet where eighty  
429 (80) feet is required.

430

431 Waiver Request #5 pertains to Road Side Drainage #6. The applicant is seeking a permit for  
432 building flared end sections instead of head walls. The applicant would use flared end sections  
433 on the ends of culverts instead of the required headwalls.

434

435 Waiver Request #6 pertains to Well Radius Placement. The applicant requests a permit well radii  
436 to be off the lot for which they serve. Well radii are typically shown on the lot during the  
437 subdivision process and then constructed so that they are off lot. A radius release is then required  
438 from the land owner so as not to inadvertently encumber the neighboring lot. The proposed Open  
439 Space Subdivision allows for lots that are not as wide as standard lots and therefore the radii will  
440 extend onto abutting lots. NHDES permits the applicant to provide radius easements for the  
441 purposes of subdivision.

442

443 *Mr. MacKinnon made the motion to continue Case # 23-004 SUB to June 28, 2023 meeting at*  
444 *7:00PM. The motion was seconded by Mr. Davies. The motion was unanimously approved by*  
445 *a vote of 5-0-0.*

446

447 **Other**

448

449 The Select Board took action on appointing a representative and an alternate to SRPC at their last  
450 meeting. Mr. Viel noted that Cheryl Smith is now the representative to SRPC and Mrs. Bascom  
451 is the alternate.

452

453 Mr. Viel drafted a letter to the New Hampshire Parks Department providing comment on behalf  
454 of the Board pertaining to the proposed expansion of Pawtuckaway State Park.

455

456 **Public Comment**

457

458 None.

459

460 **Approval of Minutes**

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462 It was decided that approving minutes would be tabled until the next meeting so that Ms.

463 Mooney could have an opportunity to review outstanding minutes.

**Nottingham Planning Board Meeting**

**DATE: May 24, 2023**

**Official Minutes**

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

Mr. Davies had no comment.

Mrs. Bascom had no comment.

Mr. MacKinnon reported that Town Administrator Ellen White recently send out an email regarding the Hazard Mitigation Plan update that is due. SRPC will assist with this and Mr. Haney reported that he would be putting out the report. Ms. White was looking for people who would be willing to be a part of a committee working on this.

Mr. Viel reported that he has reached out to Mark Fougere of Fougere Planning to discuss reviewing the Town's impact fees.

Ms. Andersen asked the Board to consider drafting an ordinance for wireless exposure. She advised that she recently attended a presentation that discussed the impact of 5G wireless towers on residents.

Mr. Haney reported that his goal is to provide staff reviews for new applications by the Friday prior to a Board meeting and review new information by the Monday prior to a Board meeting.

**Adjourn**

The meeting was adjourned at 9:38PM.

Respectfully submitted,  
Rachel Russell Leed, Transcriber