

Nottingham Planning Board
May 25, 2016

Accepted: June 8, 2016

Members Present: Dirk Grotenhuis, Chairman; Eduard Viel, Vice-Chairman; Susan Mooney, Secretary; Charlene Andersen, Ex-Officio; Gary Anderson, SRPC Rep; John Morin; Teresa Bascom; Robert "Buzz" Davies, Alternate

Others Present: Paul Colby, Code Administrator; Eric C. Mitchell, Eric C. Mitchell and Associates, Inc., Surveyor; Yurgen Demish, applicant; Gary Densen Builder; Jurgen Demisch, Property owner of Merry Hill Farm; and Conservation Commission members: Sam Demeritt, Chairperson; Debra Kimball, Vice Chair, Cheryl Smith, Liz Kotowski, Alternate; Paul Miliotis, Alternate.

Absent: JoAnna Arendarczyk, Land Use Clerk

Call to Order at: 7:00pm

Public Hearing/ Conceptual Hearing

Eric C. Mitchell, spoke to the Board re: a conceptual design for the development of Tax Map 4 Lot 2 and Tax Map 4 Lot 2-1 located at the corner of Merry Hill Road and Old NH Turnpike (NH Route 4). Both parcels fall in the Commercial Industrial Zone, in part, the remainders extend into the residential Agricultural Zone to the northeast.

Mr. Mitchell presented three designs:

The first was a yield plan for Map 4, Lot 2, an unimproved parcel of 34+/- acres. The plat showed a build out with ten (10) conventional residential lots, each lot accessed by an 1800 linear foot road from Route 4, terminating in a cul-de-sac.

The second design showed two (2) commercial lots fronting route 4, each with about three acres each. These proposed lots would fall entirely in the Commercial Industrial Zone. The remaining 28+/- acres would be for an Open Space Development (OSD) of eight residential lots plus two additional lots that would qualify for Work Force Housing (WFH) under the 25% percent bonus provided in the Zoning Ordinance for OSD. The remaining acreage would be a contiguous area of 17.6+/- acres for open space and an area of 1.5+/- acres located to the east of proposed lots 9 and 10 acreage to be added to Map 4, Lot 2-1.

The third design showed Map 4, Lot 2-1, 2.0+/- acres, at the corner of Merry Hill Road and NH Route 4, with the locations of the existing house, barn, shed and access driveways. Six (6) photographs were included, four (4) of the barn and house from different perspectives, and two (2) of the interior ground floor of the barn. Mr. Mitchell indicated that there are two apartments located in the barn; the house is not occupied. Mr. Mitchell stated that the current plans are to add more residential units in the barn, but plans for the existing house are still being discussed.

Question / Answer/ Discussion:

Mr. Mitchell spoke to the required 100-foot set back buffer around the OSD parcel.

Mr. Colby responded that there are at least 20 acres to put into an OSD, even after the 100-foot buffer is accounted for. The buildable area outside the buffer is a minimum of 30 thousand sq. ft. for each proposed lot; it is okay to use some of the buffer to indicate the 30 thousand sq. ft. but one cannot build within the 100 ft. setback.

Mr. Mitchell asked for clarification for WFH units.

Mr. Colby said that two units of the total 10 residential lots would be WFH and they are to be disbursed among the other eight (8) residences.

Mr. Mitchell asked for information and details re: multifamily conversion re: exterior landscaping and other accommodations.

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Mr. Colby related the appropriate standards.

Mrs. Mooney asked the applicant about the proportion of uplands to wetlands in the open space area.

Mr. Mitchell stated that they were aware that at least 50% present of the open space is required to be uplands, but they will need to have a study done.

Mrs. Mooney also asked about wetland crossings with the proposed road.

Mr. Mitchell stated that there appear to be wetland soils that will be crossed that drain into the wetland, and the study will include that information.

Mr. Viel asked for the reason why the area from Map 4, Lot 2 of 1.5 acres is to be added to Map 4, Lot 2-1.

Mr. Mitchell replied that the additional acreage would satisfy state standards for soil types for additional private wells, for multifamily conversion.

Mr. Colby stated that the maximum number of units allowable on a lot is eight (8), including the house. If the house were a single residence, then the maximum allowable units in the barn would be seven (7).

Mrs. Bascom asked about the shape of the added 1.5 acre piece with reference to the minimum 75-foot wide standard minimum width states in the regs.

Mr. Mitchell said that adjustments would be made accordingly.

Ms. Andersen had some concerns about OSD meeting open space requirements and recommended that the Zoning Board of Adjustment be approached so to reset the line between the Commercial Industrial and Residential Agricultural for this proposed project. Andersen and Colby spoke to the screening between the commercial and residential areas within the 100-foot setback.

Mr. Mitchell stated that it would be done.

Chair Grotenhuis recommended that two Site Plan applications for commercial uses of the proposed lots in Map 4, Lot 2 and Map 4, Lot 2-1 be presented.

A discussion followed about possibly connecting the proposed road to Merry Hill Road.

Mr. Mitchell stated that part of the back boundary abuts conservation land in Barrington.

Chair Grotenhuis asked the applicant what to expect for a project time line. The reply was six (6) to eight (8) weeks, but before the end of the year.

The applicants thanked the Board and left at 7:45 pm.

Public meeting/ Work Session

The Conservation Commission joined the Planning Board to discuss Master Plan Action Items for Zoning Ordinance consideration.

Members of the Commission were invited to join the Board at the table.

Chair Grotenhuis passed the floor to Mrs. Mooney, Commission member, to review the Goals, Objectives and Action Items that were assigned to the Board in the Master Plan that have conservation importance for Nottingham.

Mrs. Mooney stated that the Commission has benefitted by periodic meetings with the Board of Selectmen (BOS) and according to our Strategic Plan we were moving forward to have the same type of coordination with other land use boards in Nottingham. To this end, over the past several months, the Commission reviewed all of the Action Items in the Master Plan assigned to the Board as the lead agency, and selected thirteen with conservation elements that had not been incorporated into the town regulations and plans. Each members of the Commission prioritized the action items as #1 for top choice to #3 for their third choice. The composite results are as follows:

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#1 Natural Resource (NR) 5.6 Incorporate into the Zoning Ordinance (ZO) a permitting process for outdoor lighting to preserve Nottingham's dark sky environment.

#2 NR 1.7 Develop a town wide water resource inventory and management plan (Consumptive Water Use Plan (CWUP) consistent with RSA 4-C: 22.

#3 NR 1.3 Adopt a local Shoreland Protection Overlay District that would focus particularly on lower order streams not covered by the state Shoreland Water Quality Protection Act RSA 483-B.

#4 NR 1.9 Amend and update the current commercial soil-stripping ordinance to create an earth extraction ordinance consistent with RSA 155:E.

(Note: there are three #5 and two #6.)

#5 NR 1.8 Amend the Aquifer Conservation District to incorporate all stratified drift aquifers.

#5 NR 5.3 Amend the Zoning Ordinance through a Steep Slope ordinance to provide for greater protection of scenic quality from the impact of development.

#5 Land Use (LU) 2.3 Review the Subdivision and Site Plan Review Regulations to be sure they reflect the need to protect rural character and that any development under these provisions minimize environmental impact.

#6 LU 2.2 Amend the Zoning Ordinance to include a standard for maximum lot disturbance in the Residential Agricultural District.

#6 NR 5.5 Amend the Subdivision and Site Plan Review Regulations to include a statement to consider protection of scenic road qualities.

(Note: The Commission recommends that the Board and BOS adopt a culvert design recommended by NH Fish and Game and the Wildlife Action Plan. This can be addressed at a later date because the Commission member lead is not available to pursue this concern at this time.)

Discussion:

Mrs. Bascom asked for the definition of "rural"; she suggested that OSD design is not rural appearing because it groups the houses close together. Ms. Andersen read the definition of "rural" from the Master Plan, page vi to us, which includes protection for our forests and agricultural lands by conservation of large tracts of land. Ms. Smith stated that OSD is a compromise, since standard two and three-acre lot sizes take away all the agricultural land and use it all up for housing. And she stated that some folks like to live in a community (such as in an OSD) with the safety features of a cul-de-sac.

Chair Grotenhuis stated that it is market driven as well.

NR 5.6 (Dark Skies) Points made: Number of lumens allowed, no light spillage over a property line and no up lighting. Mr. Colby stated that Chichester has a great dark skies ordinance and he will get some ordinances from area towns to bring to us. Language for commercial would be entered into Site Plan review. The BOS needs to be on board for enforcement. Fremont turns off sports field lights at a designated time each night. There are spotlights that shine from homes on Pawtuckaway Lake that shine across the lake toward homes on the other side. Mr. Colby stated that he and the police do "get a lot of calls" re: this issue from residents. Does dark skies qualify as regional impact (Viel); Colby stated it does not qualify.

NR 1.7 (Water Resource Inventory) Points made: Well data wanted by the state for date installed, depth, type of well and gallons per minute. It was not uniformly collected since there were not personnel to attend to this task. Mr. Miliotis spoke to the importance of

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ground and surface waters. As an example, Stevens Hill Road has “gotten drier over the years and Pawtuckaway Lake has gotten shallower.” There is concern for the vernal pools and dropping down the water table. Other comments: Some areas in town might not be able to support the number of houses proposed. Is the town responsible if wells go dry? What about community wells, those that serve 25 or more people such as the school and town office facility? And a study would be valuable to identify potential emergence water resources. Would we need a consultant? Mr. Colby: “Most likely.” The survey would identify best potential sources. Sub surface resources we don’t see. Would be valuable to know well depth required and water quality. How much would a study cost? Have other towns done such a study. Farms and commercial would pull more water than residential units. Regional Planning Commissions and DES could provide direction for such a study. It was determined that this could be a multiyear project for budgeting and other concerns and that the Board needs to gather more information.

Mr. Colby will contact Strafford Regional Planning Commission (SRPC) to see what other area towns have done.

NR 1.3 (Shoreland protection for lower order streams) Points made: Mr. Colby: What streams in Nottingham do we want to include in this protection overlay? And at what level of protection? The Commission will take the lead on this item to gather information on what the other streams are and communicate back to the Board.

NR 1.9 (Commercial Soil Stripping) Points made: The Board will review the town ordinances and Site Plan Review. In the Zoning Ordinance (ZO), page 18, this has been attended to in the most recent update.

NR 1.8 (Amend Aquifer District to include drift aquifers) Points made: In ZO, this issue is located in Article 3. Mr. Colby will inquire at SRPC to do a new map illustrating these features and indicated there is money in the budget to do this type of work.

NR 5.3 (Steep Slope) Points made: This issue was attended to a couple of years ago but did not go into the warrant. There would have been accommodations for a slope of 15 % to 15 % in addition to the regs Nottingham already has for slopes of 25% or greater. What have area towns done with this issue? The work and expense for crafting such an ordinance has been done. This can be reviewed at a later session to see where it can be modified, if appropriate.

NR 5.5, LU 2.2 and LU 2.3 were read through and were deemed not necessary to attend to at this time. For some, modifications to town regs and supporting documents have been made since the 2012 Master Plan.

The Commission members were thanked for their recommendations, input and discussion; it was suggested that the two land use groups reconvene in about two months’ time to continue working on these proposals. Members of the Commission left at 8:50 pm.

Board of Selectmen and Staff/ Board Members Update

Mr. Colby stated that he had been in touch with the Zoning Board of Adjustment to see if they had any recommendations to town ordinances.

Mr. Grotenhuis showed the Board members the latest edition of Town and City magazine.

Mrs. Mooney reported that the Commission’s well water sampling program was recently completed. Samples were collected at the library on Sunday, were stored on ice in coolers and were transported to the state labs in Concord Monday morning. There were about 25

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185 participating; about 40% also provided samples for radon testing. The town will receive a
186 composite of these samples and those of the collection last fall, with names and locations
187 kept confidential.

188 Mr. Anderson stated that the SRPC's Annual meeting is the following day, May 26 and
189 the featured guest will be Jack Mettee, AICP, a planner who has been a consultant for
190 Nottingham in the past.

191 Mr. Colby said that two town owned properties have been condemned and that steps are
192 being made to remediate them.

193 **Approval of Minutes**

194 The minutes of April 27, 2016 were reviewed. There was one minor edit.

195 **Motion made by:** Mrs. Bascom to accept the minutes as corrected.

196 **Seconded by:** Mr. Anderson.

197 **Vote:** 7-0-0. **Motion Passed.**

198 **Adjournment**

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

200 **Seconded by:** Mr. Morin

201 **Vote:** 7-0-0 **Motion Passed**

202 **Adjourned at:** 9:00 pm.

203 Respectfully submitted,

204 Susan P. Mooney

205 Planning Board Secretary and Conservation Commission Secretary