

Nottingham Planning Board

July 13, 2016

Approved: July 27, 2016

Members Present: Eduard Viel, Vice-Chairman; Charlene Andersen, BOS Rep; Susan Mooney, Secretary; Gary Anderson, SRPC Rep; Teresa Bascom; John Morin, CIP Rep; Robert “Buzz” Davies, Alternate

Members Absent: Dirk Grotenhuis, Chairman;

Others Present: Paul Colby, Code Administrator; JoAnna Arendarczyk, Land Use Clerk; Peter Landry, Surveyor; Cheryl & George Robinson, Applicants; Matt Curry, Citizen

Alternate seated and voting: Mr. Davies for Mr. Grotenhuis

Mr. Viel- acting chairman due to Mr. Grotenhuis’ absence

Call to Order at: 7:00pm

Public Hearing

Continued Public Hearing Opened: 7:01pm

4th Continuation

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. (*Initial Hearing 4/13/2016; 1st cont. 4/27/2016, 2nd cont. 5/11/2016, 3rd cont. 6/8/2016*)

Motion made by: Ms. Andersen to “accept the continuation of Case #P16-005-SUB until August 24, 2016 as requested from the applicant.”

Seconded by: Mrs. Bascom

Discussion: Mrs. Mooney recused herself due to being an abutter in this case.

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

Mrs. Mooney was reseated

Continued Public Hearing Opened: 7:03pm

5th Continuation

Case #P16-004-SUB – Applications 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. (*Initial Hearing 4/13/2016; 1st cont. -4/27/2016; 2nd cont. 5/11/2016, 3rd cont. 6/8/2016, 4th cont. 6/22/2016*)

Mr. Landry explained the change in the plans from a five (5) lot subdivision to a four (4) lot subdivision to conform to the Zoning Board of Adjustment (ZBA) decision to the Administrative Appeal case (documents in file). He pointed out some of the additional changes made to the plans as a result of other requests made by the Planning Board at prior meetings:

- Clarified vernal pool status
- Added ‘100ft Critical Wetland’ note and information
- Added ‘Invasive Species’ note

He is aware of the following items still needed for final approval:

- Professional Stamps
- NHDES Subdivision Approval for Tax Map 10 Lots 4-1A, 4-1B& 4-1C
- Set and include certification boundary monuments

Mr. Landry received Mr. Colby’s findings. (In file)

The Assessing Clerk informed Mr. Colby after his memo was printed, that she wants to omit the use of letters for sub lots so this changes the lots from 4-1A, 4-1B, 4-1C to 4-1-1, 4-1-2, 4-1-3.

The Code Administrator recommended the plans be approved with the conditions listed in his memo as well as the changed lot numbers.

Public Discussion: None

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Public Hearing Closed: 7:09pm

Board Discussion: A Board member asked if the location of the invasive species should be noted rather than the blanket note of invasive species in the list. Mr. Landry replied that the note applies to any location rather than limiting the note to the locations discovered at this time. A Board member inquired if the well radius of lot 4-1 should be moved to avoid the septic reserve area. Mr. Colby advised the location is "ok", as the septic need only be placed in this area.

Motion made by: Ms. Andersen to "conditionally approve case #P16-004-SUB with the following conditions: the Wetland Stamp to be added, the signature block to be added, the state of NH subdivision numbers to be added, monument certificate to be completed and filed and correcting the lot numbers from 4-1A to 4-1.1, from 4-1B to 4-1.2, from 4-1C to 4-1.3."

Seconded by: Mr. Anderson

Discussion: None

Vote: 7-0-0 motion passed

Mr. Landry questioned the numbering being with points (dots) or dashes. Mr. Colby stated he would confirm the desired method with the Assessing Clerk and let him know.

Public Hearing Opened: 7:13pm

Case #P16-008-SIT- Application from Cheryl & George Robinson, owners of All Aboard Preschool & Childcare Ctr. Inc., to add an additional building at the back of the lot to accommodate kindergarten and school age children. The property is identified as Tax Map 29 Lot 11 and is located at 249 Stage Rd. in Nottingham, NH.

Mrs. Cheryl and Mr. George Robinson introduced themselves as the owners of All Aboard Preschool on 249 Stage Road. They informed the Board that the Town really needs provision for kindergarten care and before and after-school care. The families currently enrolled will fill the two proposed classrooms. They've discovered the originally proposed location had to be changed due to hitting too much ledge when preparing the property for the concrete slab foundation. The plan (in file) indicates the current location of the foundation. The Robinson's provided the Board with approval letters from various officials and a well easement from the neighbor (in file). They hired Peter Landry to do the septic design for the additional building only. The applicants requested a waiver for the requirement of a "topo" and plan designed by a surveyor. They will have a septic design which will include the location of the buildings. The application includes the original plan they used 11 years ago for the approval of the business. They desire to have the additional building ready for the beginning of the school year (the end of August).

Mr. Colby recommended the application be accepted as complete.

Application Approval

Motion made by: Mr. Morin to "accept the application as complete."

Seconded by: Mr. Davies

Vote: 7-0-0 motion passed

Waiver

The Board discussed the waiver request noting:

- The minutes for the original approval (11 years ago) had no indication regarding any discussion about the plans provided
- The location of proposed additional building is not in the flood plain
- The size of the proposed additional building is 28'X52'

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- The location of the well radius in relation to the current and proposed septic systems is not shown
- Frontage on plan differs from the tax map
- Need setbacks measurements

A DES Well Approval statement letter was read by Mr. Viel. It was determined that the letter pertains to the location of a secondary well radius should the current well fail.

The Board discussed if the septic plans would be reviewed by the Board. They determined that because it is for a business they would review them as well as Mr. Colby.

The Robinson's stated they were hoping to get "approval contingent upon the approved septic plan that will be submitted to Paul Colby."

Motion made by: Ms. Andersen to "accept the waiver request."

Seconded by: Mrs. Bascom

Discussion:

The Board discussed the waiver request further determining that accepting the waiver would allow the current plan to go as is without the requirement of the septic plans to come before the Board at all. They considered rescinding the motion but decided to vote instead of rescinding the motion.

The Board expressed that they don't want to prevent the Robinson's from opening by the start of the school year, however, they need more information than is on the provided plan.

The Board discussed conditionally approving but determined doing so could lead to complications if the septic plans proved to have issues with setbacks.

The Robinson's were asked if continuing the case to the July 27, 2016 meeting would allow time to provide official plans.

The Robinson's chose to accept the offer to continue the case to the July 27, 2016 meeting. They added that they may cancel if they find the plans can't be provided on time while still allowing the new building to be ready for the new school year.

Vote: 0-7-0 motion failed

The Board discussed the setbacks requirements which are 20' side and rear because the lot is a pre-existing non-conforming lot. The childcare center has been granted commercial use in the Residential/ Agricultural zone.

The Board reviewed the section on non-conformance Section U in the Zoning Ordinance, Mr. Colby will review further to see if zoning relief would be necessary.

The Board decided that street access is not an issue because the driveway being used for the loading and unloading and Nottingham School parking lot is used for afterhours special events and the parking in the back is more than adequate for staff.

Public Discussion: None

The Board reiterated the fact that the need for the survey is important for the Board to make their fully informed decision in granting the request for the additional building.

Motion made by: Mrs. Mooney to continue Case #P16-008-SIT to July 27th at 7:00pm.

Seconded by: Mr. Anderson

Vote: 7-0-0 motion passed

Motion made by: Mr. Davies to "waive the regulation that the plans have to be submitted a week ahead of the July 27th meeting."

Seconded by: Mrs. Mooney

Vote: 7-0-0 motion passed

Public Meeting Opened: 8:26pm

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Site Plan Review Update

Public Hearing Notice has been posted for the July 27, 2016 meeting.

Due to the agenda load Mrs. Mooney agreed to postpone the joint PB/Conservation Commission meeting to August 10, 2016.

The Land Use Clerk informed the Board that documents pertaining to cases are available on the Planning Board webpage. The Board agreed to accessing the documents on the web rather than having them e-mailed to them.

Public Comment: None

Board of Selectmen and Staff/ Board Members Update

Ms. Andersen gave a Board of Selectman (BOS) update:

- Police and Police secretary openings
- New Fire Department member hired
- School Board (SB) Chairman Ms. Levensen has provided Impact Fee materials needed
- Marsten Property fundraising is being planned
- (BOS) rewriting policies and developing Rules of Procedure

Mr. Colby gave Land Use office update:

- In the process of getting applications on web page
- Reroofing bids are due in a week
- Solar options being looked at Municipally and for the School

Mrs. Mooney gave a Conservation Commission (CC) update:

- Sachs' Site Walk minutes are approved by the CC (in file)
- Three people are needed for the Lamprey River Advisory Committee

Mr. Anderson gave a Strafford Regional Planning Commission update:

- Master plan survey topics being worked on

New laws passed or in front of legislation were discussed.

- Nonpublic sessions and legal advice discussed without lawyer present acceptable
- Building plans protected under "Right to know"
- Roll call vote in nonpublic sessions
- Plans are required 21 days prior to a Public Hearing instead of 15 days

Approval of Minutes

-June 8, 2016- approval of re-edited approved minutes

Motion made by: Ms. Andersen to "approve the minutes of June 8, 2016."

Seconded by: Mrs. Mooney

Vote: 7-0-0 motion passed

-June 22, 2016

Motion made by: Ms. Andersen to "approve the minutes of June 22, 2016."

Seconded by: Mrs. Mooney

Vote: 7-0-0 motion passed

Sign Plans

Case #P16-003-LLA & SUB –"Friend-Gray case"- all conditions for approval have been met

Adjournment

Motion made by: Mr. Morin to adjourn

Seconded by: Mrs. Bascom

Vote: 7-0-0 motion passed

Adjourned at: 8:45pm

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- 183 For the Nottingham Planning Board
- 184 JoAnna Arendarczyk, Land Use Clerk