

Nottingham Planning Board Meeting
Date: Wednesday, September 13, 2023
Official Minutes

Members Present: Eduard Viel, Chairman; Ian MacKinnon, Vice Chair; Charlene Andersen, Member/SRPC Representative; Teresa Bascom, Member/SRPC Alternate; John Morin, Select Board Ex-Officio Representative; Robert “Buzz” Davies, Alternate.

Members Absent: Susan Mooney, Secretary.

Others Present: Blair Haney, SRPC Planner; Alana Kenney, Land Use Clerk; Joe Falzone, Applicant; Tim Phoenix, Counsel to Mr. Falzone; Nate Bernitz, Abutter; Wayne Bibeau, Abutter; Melina Seitzinger, Abutter; Jim Stevens, Abutter; David Whitney, Abutter; Eric Enos, Teresa Enos, Ken Hoffman, Nathan McBride, and Donald Sprague.

Call To Order: The meeting was called to order at 7:00 p.m.

Mr. Davies was seated and voting for Ms. Mooney.

Public Hearings

Case # 22-007 SIT Concrete Products Of Londonderry – 160 Old Turnpike Rd - Application from David Beati of BSC Group representing Concrete Products of Londonderry requesting approval to build a pre-cast concrete manufacturing facility. The property is located at 160 Old Turnpike Road, in Nottingham, NH, and is identified as Tax Map 3, Lot 2-2.

Mr. Viel recused himself from the case as he is an abutter to the property and left the table.

Mr. MacKinnon served as Chair for this case. All members sitting tonight were a part of the case last year except for Mrs. Bascom.

The applicant had sent in a letter requesting a 3-month extension in order to abide by the Fire Chief’s requirement of installing a fiberglass cistern instead of a concrete cistern. The Board needed to vote on whether it was okay to have a late request or have the applicant submit a new application since the one-year mark has lapsed since the case was approved. Ms. Andersen asked to clarify what date the 3-month extension would begin.

There was a motion made by Ms. Andersen to continue the case from the date of the meeting (September 13th, 2023) for 3 months. The motion was seconded by Mr. Morin. The motion passed by a vote of 5-0-0.

Mr. Viel returned to the Chair position.

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

The applicant requested an extension to the next Planning Board meeting on Wednesday, September 27th, 2023.

The motion was made by Mr. MacKinnon to continue Case # 23-004 SUB Residences At Fort Hill to September 27th, 2023. The motion was seconded by Mr. Morin. The motion passed by 6-0-0.

Case # 23-007 DR Falzone – Raymond Rd - Application from Joseph Falzone requesting a Design Review hearing for a 20-lot proposed open-space subdivision on Raymond Rd. This property is identified as Tax Map # 69, Lot # 17.

Mr. Falzone and his attorney, Mr. Phoenix stepped up to speak with the Board.

Mr. Viel explained that with a Design Review, the applicant is allowed to have three (3) meetings within 90 days. The case was continued to tonight's meeting in order for the Board to receive feedback from Town Counsel re: a few questions. Recommendations from Town Counsel are privy only to Board members and therefore, the Board may need to vote to enter a non-public session.

Ms. Andersen made the motion to enter into a non-public session per RSA 91-A:3 Section II(l). The motion was seconded by Mr. Davies. The motion passed 6-0-0 by a roll call vote; Mr. Davies – Aye, Mrs. Bascom – Aye, Mr. Morin – Aye, Mr. MacKinnon – Aye, Mr. Viel – Aye, Ms. Anderson – Aye.

The Board entered the non-public session at 7:20 p.m.

The Board returned from the non-public session at 7:29 p.m.

There was a motion made by Ms. Anderson to close the non-public session per RSA 91-A(3)(II)(l) and seal the minutes (per RSA 91-A:3 Section III). Mrs. Bascom seconded the motion. The motion passed 6-0-0 by a roll call vote; Mr. Davies – Aye, Mrs. Bascom – Aye, Mr. Morin – Aye, Mr. MacKinnon – Aye, Mr. Viel – Aye, Ms. Andersen – Aye.

Mr. Viel explained that it was determined that there was a prior subdivision in the 1970's, Plan D-7714, which created the front two lots and the 50 foot right-of-way. This right-of-way was given a name; Quartz Hill Road thus, a road was created at that time. The 1991 plan that was presented did not have any impact on the current application because it was revoked ten (10) years later. It was determined that Quartz Hill Road is not new nor within the proposed subdivision. Therefore, the current *Zoning Ordinance* Article II C 2. (d) does not apply to the application before the Board at this time.

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85 Mr. Viel noted that when he looked up the plan D-7714, he noted that there was a note on the plan that
86 some lots were approved and some were denied. Later, it appeared that the Town did accept a few more
87 of those lots: therefore, two of the lots on the current proposed subdivision may already exist. The
88 applicant would need to investigate that further.

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90 Mr. Viel opened up the public comment for this case at 7:40 p.m.

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92 Nate Bernitz of 205 Raymond Road suggested that the Board may have been ill-advised by Town
93 Counsel to not require a variance. He does not agree with the determination that was made.

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95 Jim Stevens of 13 Doloff Dam Road questioned where in the Design Review process they were and asked
96 the Board to explain it a bit more. Mr. Viel explained that the applicant has three (3) opportunities to go
97 before the Board in a 3-month period. Mr. Stevens asked if the yield plan would be addressed if this
98 became a full application. Mr. Viel confirmed that a yield plan would be required along with full
99 engineering, etc.

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101 Ken Hoffman of 11 Doloff Dam Road stated that he believed it is the rural character of Nottingham that is
102 important. These subdivisions go against the mission of the Town and wonders what the future of
103 Nottingham looks like if it continues approving these subdivision applications.

104
105 Melina Seitzinger of 6 Doloff Dam Road agreed with the previous speaker. She stated she moved here
106 recently because of Nottingham's rural character. She does not think that subdivisions and cul-de-sacs
107 contribute to that character. She moved here because of that and does not want it to change.

108
109 Teresa Enos of 1 Doloff Dam Road also discussed the character of the Town and expressed her concerns
110 about the additional impacts of traffic, lighting, and particularly on the school system. Subdivisions
111 create additional strain on the schools in terms of space and will increase the need for expansion and more
112 staffing.

113
114 Donald Sprague of 9 Doloff Dam Road spoke about traffic safety and noted that a subdivision of 25 more
115 houses, will increase the traffic by at least 40 additional cars per day. Route 156 going towards Raymond
116 already has a lot of traffic due to Pawtuckaway State Park. There is only one stop sign in Raymond
117 driving onto Route 27 from Route 156 which makes it a difficult intersection.

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119 Mr. MacKinnon suggested that the applicant will probably be required to provide a traffic study. But, if
120 DOT does not require it, maybe the applicant could provide something similar. Mr. Viel confirmed that a
121 DOT permit will be required since Route 156 is a state road. The applicant stated that he would be
122 willing to provide a traffic study.

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124 The Public Hearing was closed at 8:00 p.m.

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126 ***Mr. MacKinnon made the motion to close Case # 23-007 DR Falzone – Raymond Rd. Ms. Andersen***
127 ***seconded the motion. The motion passed by a vote of 6-0-0.***

Mr. Viel stated that there were some conditions regarding Case # 22-011 SUB Mooers Rd that the Board had requested Town Counsel review. He asked Ms. Kenney to reply to the applicant with the suggested changes from counsel and request their comments on where they stand with the other remaining conditions.

Budget

Mr. Haney confirmed that SRPC uses a fiscal year of July 1st to June 30th.

The budget for office supplies was higher at \$760. Mr. Viel asked Ms. Kenney to look into the details of the increase.

The *Master Plan* would be an important item to consider adding a dollar amount for.

The Board will need to determine what the SRPC dues would be for the upcoming year and if the current dollar amount should remain the same.

There was a discussion about what types of fees could be billed back to the applicant including Town Counsel review of HOA Documents, Covenants, etc. The Board should decide on an updated fee program for future applicants.

The Board would need to finalize the budget by October 27, 2023.

Impact Fees

Mr. MacKinnon provided a spreadsheet comparing the impact fees from surrounding towns to Nottingham. He suggested changing the commercial *Site Plan* impact fees that are presently calculated by acreage to the square footage in a commercial building and by the number of dwelling units in multi-family buildings including conversions per the *Zoning Ordinance*. Please reference the attached list of all fees and suggested changes.

Ms. Andersen suggested keeping the per lot amount even for all items. She also suggested looking closer at the fees and possibly increasing the fee. There was discussion among Board members if they can raise the fee amounts considerably without affecting many of the applicants.

Mr. MacKinnon will update the fee schedule. Ms. Kenney will look into what the Union Leader charges for the hearing notices. Mr. MacKinnon will add a fee of \$200 for Conditional Use Permits.

Mr. Viel asked to keep the Budget and Planning Board fees on the agenda for the next meeting.

Mr. Viel stated that there was a case that was supposed to be continued to this meeting. The case was 23-008 SIT CLAAR – 55 McCrillis Rd. He suggested continuing that case to the next meeting. He asked Ms. Kenney to follow up with the applicant to see if they wanted to withdraw the case or else the Board can vote on it at the next meeting.

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173 *Mr. MacKinnon made the motion to continue Case # 23-008 SIT CLAAR – 55 McCrillis Rd to*
174 *Wednesday, September 27, 2023. Mrs. Bascom seconded the motion. The motion passed by a vote of*
175 *6-0-0.*

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177 **Zoning Statistics**

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179 Mr. Morin stated that he thinks many applicants are not just asking for a variance for one thing; but for
180 many things including building height, setbacks, and the like. Mrs. Bascom explained that she met with
181 the other Zoning Board members the previous night and that they determined that 33 cases out of 75 in
182 the past five (5) years were related to setbacks. She explained that the Zoning Board did not understand
183 what the 20 foot setback was for. She stated that the Zoning Board agreed to suggest reducing the
184 setbacks to 15 ft. for all lots including all sides except for the front setback. There followed a discussion
185 about the setbacks.

186
187 *Mr. MacKinnon suggested a deadline of October 17 for 2024 Zoning Ordinance warrant articles.*

188
189 Mrs. Bascom explained that the number of animals in the Aquifer Protection District was another one of
190 the ordinances that needs to be changed. Ms. Andersen said she thought that should address manure
191 management practices.

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193 **Maps**

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195 Mr. Haney explained that the difference between the online tax maps (GIS) and the Town's maps are that
196 the tax maps show stratified drift aquifers. Our maps on the website show these as just plain aquifers.
197 This is why the two maps look different. The Board was looking to get better resolution maps and also
198 correct the aquifer districts listed on the maps. These updated maps should be available by one of the
199 next two meetings.

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201 **Abutter Letter**

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203 The Planning Board received a letter by e-mail, dated 08/30/23, from Mr. Dirk Grotenhuis of 3 Berry Rd.
204 The letter stated concerns about an abutting parcel to his land.

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206 Mr. Viel explained that the Planning Board is not an enforcement Board. They can only act on
207 applications before them. A conceptual is a non-binding case and that enforcement issues would need to
208 be acted on by another town agency.

209
210 **Approval Of Minutes**

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212 Mr. Viel recommended three (3) edits to the minutes of August 9, 2023.

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214 *Mr. MacKinnon made the motion to accept the minutes of August 9, 2023. Ms. Andersen seconded*
215 *the motion. The motion passed by a vote of 6-0-0.*

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Updates

Mr. Morin stated that Tim Dabrieo would be the Select Board representative on the CIP Committee and asked who would volunteer from the Planning Board.

Mr. Viel announced some public events that Ms. Mooney had submitted including the “Autumn Equinox Hike” and a “Forest Walk and Talk Hike”. He noted the dates and times were available online.

A letter was distributed to Board members written in 2021 to the Select Board from the Transportation Sub-Committee. Ms. Mooney asked members to review the letter for a discussion at a later date with possible follow-up recommendations.

Ms. Andersen noted that the DOT provides a 10-year plan with listening sessions for different towns that are listed online. A list of the projects along with supporting documents can be found on their website as well.

Mrs. Bascom made the motion to adjourn. Ms. Andersen seconded the motion. The motion passed by a vote of 6-0-0.

The meeting was adjourned at 9:30 p.m.

Transcribed per video.

Respectfully submitted,

Alana J. Kenney, Land Use Clerk

Edited by Susan P. Mooney, Secretary