

Nottingham Planning Board Meeting
Date: Wednesday, September 27, 2023
Official Minutes

Members Present: Eduard Viel, Chairman; Susan Mooney, Secretary; Teresa Bascom, Member/SRPC Alternate; John Morin, Select Board Ex-Officio Representative; Robert “Buzz” Davies, Alternate.

Members Absent: Ian MacKinnon, Vice-Chairman; Charlene Andersen, Member/SRPC Representative

Others Present: Blair Haney, SRPC Planner; Alana Kenney, Land Use Clerk; Christopher Berry, Berry Surveying & Engineering; Dawn Fernald, Owl Ridge Builders; Joe Fernald, Owl Ridge Builders

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

Mr. Davies was seated and voting for Mr. MacKinnon.

Public Hearings

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 Development (OSD) 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.

Mr. Berry handed out new color renderings to the Board members. These now show the aquifer protection zones.

Mr. Viel reviewed the case to date. So far, the Board has accepted the case as complete, requested and received back a review from the third party engineering firm, CMA Engineers, and the Board has conducted a site-walk. The applicant also went to the Zoning Board of Adjustment and was approved on two (2) variances.

Mr. Berry explained that the first variance was to permit two (2) lots to have less than 100 feet of frontage. The second variance was to permit two (2) lots to have greater than the maximum area allowed in an *Open Space Development (OSD)* subdivision.

After feedback from CMA Engineers, the Applicant decided to change the proposed roadways by adjusting the curbing and the swales, which they are working on.

Waiver Requests – On file with the town.

Waiver # 1 - Section 9.7.1.1 (b) Of the Subdivision Regulations – Streets and Roads: Road Layout

The applicant is proposing cul-de-sacs which require a waiver of the Planning Board.

Mr. Berry explained by putting in the cul-de-sacs, it is contributing to the spirit and purpose of the *Open Space Development* concept.

The motion was made by Ms. Mooney to approve the waiver request to allow cul-de-sacs. The motion was seconded by Mr. Morin. The motion passed by a vote of 4-1-0.

Waiver # 2 - Section 15.2.1 Road Design Standards: Road and Driveway Design

The applicant is seeking a waiver to permit Peekaboo Drive and Frederick Drive to be built with a reverse curve containing a tangent less than 100 feet.

Mr. Berry explained that having a longer tangent does allow for a safer and smoother ride. Although they have proposed shorter tangents, they have also planned larger radii of the curves to offset the negative effect. Extending the tangents would put the roadways closer to wetland and perimeter buffers.

The motion was made by Ms. Mooney to approve the waiver to permit the roadways to be built with a reverse curve containing a tangent fewer than 100 feet. The motion was seconded by Mr. Morin. The motion passed by a vote of 4-1-0.

Waiver # 3 – Section 15.2.1 Road Design Standards: Road and Driveway Design

The applicant is requesting a waiver to allow the vertical curve entering the cul-de-sac to be fewer than 80 feet in length. 75 feet is proposed on Peekaboo Drive in two locations on Peekaboo. A 65-foot curve is proposed on Frederick Drive at the entrance.

Mr. Berry explained by having these smaller vertical curves it helps to achieve minimum slopes, which is important to allow water to run off and avoid icing. There would be no negative effect to safety or impede emergency services.

78
79 *The motion was made by Ms. Mooney to approve the waiver request to allow cul-de-sacs with*
80 *a vertical curve of 75 feet. The motion was seconded by Mr. Davies. The motion passed by a*
81 *vote of 4-1-0.*

82
83 **Waiver # 4 – Section 19.3 Well Radius Placement**

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85 The applicant is proposing to put well radii to extend off the lot for which they serve.

86
87 Mr. Berry explained that sometimes the well radii extend into the open space area and sometimes
88 they extend into abutting lots.

89
90 Mrs. Bascom explained that she disagrees with the small lots in an open space development and
91 does not think well radii should be overlapping on abutting lots because it is an important feature
92 of a lot that should not be shared with a neighbor.

93
94 Mr. Berry discussed the state law regarding well radii and that it allows for the radii to go off the
95 property. By overlapping them, it is dedicating a specific area for wells and still allowing for
96 water quality.

97
98 *The motion was made by Ms. Mooney to approve the waiver request to allow the well radii to*
99 *be off the lot for which they serve. The motion was seconded by Mr. Morin. The motion*
100 *passed by a vote of 4-1-0.*

101
102 **Conditional Use Permits (CUP) – On file with the town.**

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104 **CUP # 1 - Section 8.2 (g) Landscape Buffers**

105
106 The applicant is requesting to permit the landscape buffer requirement to be reduced in three key
107 areas: the entrance to Frederick Lane to permit the Stormwater Gravel Wetland (SGW) and
108 reshaping to permit a safer road alignment, to permit Frederick Lane to be placed closer to the
109 southern adjacent boundary line, and to permit the Infiltration Rain Garden to be placed with the
110 perimeter buffer at the end of Frederick Lane.

111
112 Mr. Viel read the applicant's request. He also read the response from CMA, which was
113 supportive of this request. It stated that "The application does a good job of designing the best
114 project possible and provides for mitigation in key areas ..."

115
116 Mr. Berry explained further details about the request.

Mr. Viel indicated that by placing the gravel wetland so close to the road, it opens up the space for the subdivision to be noticed more easily (from Smoke Street). He suggested adding more plantings and vegetation to screen the view.

Mr. Berry confirmed the applicant would be willing to add those to the back of the gravel wetland area.

Ms. Mooney suggested also adding more tree shielding on lot # 11-20 so they are not overlooking the wetlands from the house. Mr. Berry agreed that they did have that in their plan.

Mr. Viel reiterated the criteria for approval of a Conditional Use Permit and invited a motion. The Board agreed they needed more discussion regarding these permits. Mr. Berry pointed out the eight (8) page explanation they provided.

Mr. Haney questioned where the discharge would flow from the infiltration pond #106 to the ground wetland #102. Mr. Berry confirmed that it would discharge to the wetlands. He explained that the roadside swale in that area is larger and not a typical road-side swale. It is specifically dedicated to the very entrance of the project. The swale itself is a grass swale but there are check dams in front of it. The swale would be close to the wetland up to five (5) feet due to the required elevation. Maintenance would require mowing about once a year.

Mr. Berry stated that they would be submitting a wildlife study focusing on Blanding's turtles in the area.

He continued to discuss environmental impact which is explained in the referenced letter.

CUP # 2 – Article III, Section B.6 Wetland Buffers

The project proposes impacts within the 25' wetlands buffer at the entrance to Peekaboo Drive. The impact within the 25' foot buffer is 5,627 square feet. The impact is eligible for a Conditional Use Permit under Article III, Section B, Item #6 whereas the impacted areas are not adjacent to Vernal Pools. (Item #3 (b) Vegetative Buffers).

Ms. Mooney made the motion to approve the Conditional Use Permit for Article III, Section B.6. which permits the request to allow Item #2 to allow a disturbance within 25 feet of a wetland. Mr. Morin seconded the motion. The motion passed by a vote of 4-1-0.

Ms. Mooney made the motion to approve the Conditional Use Permit for Article 8.2 (g) which permits the request to allow a disturbance within the 100-foot landscape buffers at the entrance to Frederick Lane, on Frederick closer to the power line, and to permit the rain

157 *garden at the end of Frederick Lane. This motion was conditional on additional tree planting*
158 *as discussed. Mr. Davies seconded the motion. The motion passed by a vote of 4-1-0.*
159

160 **Aquifer Protection Zone**
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162 Mr. Berry wanted to discuss the Aquifer Protection Zone and the comments from CMA made in
163 their review regarding that. He wished to clarify that the *Open Space Development* is an overlay
164 which controls the lot sizing, as suggested by SRPC in a previous meeting. He also wanted to
165 share the plans he produced showing what was in the Aquifer Protection zone. He admitted that
166 two (2) of the lots are 100% in the Aquifer Protection Zone. There were a few other lots that just
167 touched the zone, without any building including septic or wells in the specific Zone areas. He
168 stated that if required, they would re-submit plans to so that the lots were not at all in the Aquifer
169 Protection Zone.
170

171 Mr. Viel pointed out that in the past the yield plan was based on any lots within the Aquifer
172 Protection Zone requiring the larger area, not just a portion of them not in the zone. He also
173 stated that if any portion of the lot is in the zone, the 10% impervious surface applies.
174

175 Mr. Berry stated that if an aquifer study is going to be required for two (2) lots within the zone
176 and three (3) touching it, they will revise the plans.
177

178 The Board agreed they would prefer that the applicant remove three (3) of the lots from the
179 Aquifer Protection Zone. Mr. Berry agreed they would be willing to do that.
180

181 Mr. Berry confirmed they would be providing Home Owners Association (HOA) documents
182 along with road bonds.
183

184 *Ms. Mooney made the motion to continue Case # 23-004 SUB Residences At Fort Hill –*
185 *Smoke Street and Fort Hill Rd to October 25 2023 with deliverables due by October 18. Mr.*
186 *Davies seconded the motion. The motion passed by a vote of 5-0-0.*
187

188 *Case # 23-008 SIT Claar – 55 McCrillis Rd - Application from R. Gregory Claar for a Site*
189 *Plan Review to run a small, wood processing business on the property, which currently does*
190 *not have a dwelling on it. The proposed use will include storing wood, which has been cut and*
191 *transported from outside sources to be sold and transported by a small pick-up / dump truck. It*
192 *would also serve as a storage space for vehicles and equipment used in the paving business.*
193 *This property is located at 55 McCrillis Rd. in Nottingham, NH, and is identified as Tax Map*
194 *# 39, Lot # 13-8.*
195

Mrs. Bascom made the motion to continue Case # 23-008 SIT Claar – 55 McCrillis Rd to December 13, 2023 with deliverables due by December 1. Mr. Morin seconded the motion. The motion passed by a vote of 5-0-0.

Mr. Viel will send a letter to the applicant that the December 13 date will be the final opportunity for the Board to hear this case before dismissal.

Budget

Mr. Viel stated that the actual budgets for 2023 Planning Board office supplies and advertising would be split properly between the Planning Board, Zoning Board, and Building Department. Some of these budget items were improperly assigned to Planning.

Planning Board Fees

The Board decided to increase the fee charged to applicants for newspaper ads to keep pace with rising costs. Adding money to the required escrow to cover postage for materials mailed to Board members was considered. Mr. Viel suggested adding \$10,000 to the budget for the Master Plan. The Board also needs to include funds for an Impact Fee review.

CIP

Ms. Andersen had volunteered to be on the CIP Committee.

Mrs. Bascom made the motion to vote Ms. Andersen to the CIP committee. Ms. Mooney seconded the motion. The motion passed by a vote of 5-0-0.

Minutes

Mr. Viel suggested making three (3) changes to the minutes which he read aloud and indicated he would provide to Miss Kenney after the meeting.

Updates

Mrs. Bascom stated she would be attending a training session presented by the SRPC.

Mr. Morin noted that the CIP Building Committee and how it has assessed the list of needs. It would be a busy month for the Select Board.

235 Ms. Mooney spoke of past letters from the Transportation Subcommittee to the Select Board and
236 how there were still some remaining items to be addressed.

237

238 Mr. Haney suggested that all Board members sign up for the new Plan Link List Serve, which is
239 a crowd-sourcing website to help answer land use questions. Also, this month's webinar from
240 SRPC was going to be about CIP.

241

242 Mr. Viel sent the current subdivision regulations to the Fire Chief and Town Administrator to
243 make sure they were still up to date regarding the town's policy on fire cisterns.

244

245 ***Mr. Morin made the motion to adjourn the meeting at 10:00 p.m. Mrs. Bascom seconded the***
246 ***motion. The motion passed by a vote of 5-0-0.***

247

248 Transcribed per video.

249 Respectfully submitted,

250 Alana J. Kenney, Land Use Clerk

251

252 Edited by Susan P. Mooney, Secretary