

Nottingham Planning Board Meeting

DATE: January 26, 2022

Official Minutes

**Call to Order**

Members Present: Chair Dirk Grotenhuis; Susan Mooney, Secretary; Gary Anderson, SRPC Rep; Charlene Andersen, SRPC Rep; Robert “Buzz” Davies, Alternate

**Members Absent:** Vice Chair Eduard Viel; Ian MacKinnon; John Morin BOS Rep

**Alternate Seated and Voting:** Robert “Buzz” Davies, Alternate, for Ian MacKinnon

**Others:** Kevin Lemieux, Land Use Clerk; Blair Haney, SRPC Planner; Kevin Bassett, Applicant; Mark Wasson, Abutter; Peter Landry, Surveyor

**Call to Order**

The meeting was called to order at 7:02PM.

**Roll call**

Roll call was completed.

***Case# 22-001-LLA (continued)***

***Application from James and Julie Kelly, requesting a lot line adjustment of two adjacent properties. The properties are located at 15 & 17 South Summer Street, in Nottingham, NH, and are identified as Map 40 Lots 15 & 15-9.***

Peter Landry introduced himself as the representative for the applicants. Mr. Landry asked for clarification regarding the continuation of the case. Mr. Grotenhuis mentioned that the case was continued as the application was not placed on the agenda due to the number of cases continued from previous hearings as well as other business pertaining to the town Zoning Amendments. Mr. Lemieux stated that he spoke with the applicant, Julie Kelly, and she had concerns about attending the meeting due to COVID. Mr. Lemieux said he found it prudent to add the case to the second meeting in January as the case load and hearing attendance would be lighter than for the first January meeting. He indicated that the application acceptance at the first January meeting was in accordance with the state statute requiring an application to be accepted by the Planning Board within 30 days of submittal. Mr. Landry replied that he was not aware of such procedures, and he moved forward with the case.

Mr. Landry outlined the application. He said that Julie Kelly is the daughter of the owner of the South Summer Street properties. He added that the two property dwellings are identified as #15 and #17 South Summer Street; #15 has 47.5 acres and that the LLA would add 12 acres to #15 South Summer Street from the adjacent #17 South Summer Street lot. This proposal would make #15 South Summer Street 59.5 acres and reduce #17 South Summer to 6.5 acres. He said that the new lot lines have been monumented with granite bounds at the corners, using an existing stone wall as the new, relocated lot line.

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Mr. Grotenhuis asked Mr. Haney if he had reviewed the application. Mr. Haney replied that he did, and he had sent out his Staff Review to the members of the Board. He gave an overview of the application. He added that the application states that the deed language will be provided after the line adjustment is recorded with the Registry of Deeds. He suggested that receiving such language should be added as a condition upon approval of the application and concluded that the application is a straight-forward request.

Mr. Grotenhuis stated that he did look at the proposal with regards to the setbacks for septic and leach field; all the setbacks appear to be in accordance with current regulations.

Mr. Haney asked Mr. Landry if there is any change to the frontage of either lot. Mr. Landry replied that there is no change to the frontage.

Mr. Grotenhuis asked Mr. Landry if there was a prior easement for the shared driveway. Mr. Landry said there was and that it is represented on the Site Plan as an existing 40-foot-wide shared driveway easement.

Ms. Mooney commented that it appears that most of the acreage that abuts the North River will be transferred from #17 to #15. Mr. Landry said that is correct. He said that the Kelly's love the river and are interested in protecting it.

Mr. Grotenhuis asked if there was any public comment. There was no public comment.

***Ms. Andersen made a motion to approve the application for Case#22-001-LLA with the standard set of conditions and the condition that the easement deed language be provided upon the recording with the Registry of Deeds.***

***The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 5-0.***

**Other Business:**

Mr. Grotenhuis moved on to Other Business. He informed the attendees that the Design Review for Owl Ridge Builders will be continued until the February 9<sup>th</sup> meeting per the request of the applicant.

***Mr. Anderson made a motion to continue the Owl Ridge Design Review until the February 9, 2022, meeting.***

***The motion was seconded by Ms. Mooney. The motion passed unanimously by a vote of 5-0.***

Mr. Grotenhuis moved on to the next Conceptual Review application for a subdivision. He outlined the purpose of a nonbinding, Conceptual Review.

***Conceptual Review for a Subdivision- Bassett***

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Kevin Bassett, the applicant introduced himself and gave a brief synopsis of his subdivision plan. He stated that he only has a few questions and was hoping to get a timeframe on when such questions would be answered. He referred to a presentation that he provided to the Board to ask his first question. His first question was to request guidance on road definition. His second inquiry was regarding land usage. He said he was not expecting much feedback from the Board at this time. He gave a brief history of his pre-purchase of the property that included a visit to the Planning Board before purchase.

Mr. Bassett circled back to his first inquiry regarding roads. He referred to a letter sent by the Town Administrator, Chris Sterndale, that discussed the town's current position regarding Lamprey Drive's reclassification as a Class V Road and how it affects Mr. Bassett's property. Mr. Bassett said that the letter is an attempt to answer some of his questions. He said that he owns the land underneath the roads; however, he wants to know what he can do with them. He pointed to the map he provided to the Board. He said that he provided this proposal to the Board before he bought the property with the intention of subdividing it into four lots for himself and his three children. He added that he plans to have 10 acres placed in current use.

Mr. Bassett stated that the roads were not town roads when he brought the property. He asked if a town road could bisect a contiguous 12-acre lot. He also inquired if a town road could bisect a 3-acre lot if there is 2-acre minimum on one side of the bisected lot. He mentioned that, depending on the answers, he may not be able to subdivide his property into four (4) lots. He added that he would like to have some answers before he spends money on a survey.

Mr. Grotenhuis said that there are several options that may help Mr. Bassett. He gave the examples of moving a road or removing a road. He suggested Mr. Bassett get legal definitions and reviews on some of these roads prior to a ground survey. He noted that there are properties that currently rely on these roads for access and those properties must be taken into consideration.

Mr. Haney pointed to Section 14.6 in the Subdivision Regulations as a starting point for the applicant to discuss with a Land Use Attorney. This section provides language regarding lands divided by a public right of way.

Mr. Bassett stated that he is hesitant to consult his own attorney without town guidance first. He would prefer not to spend money on legal fees until he has first has answers for his two questions.

Mr. Grotenhuis said that he has not yet had time to fully review the letter from the Town Administrator, however, it is a good start for Mr. Bassett's questions. He added that when the town road take-over was voted on, the Board's position was that a blanket, one-size-fits-all approach was not going to be taken. He said that although nothing definitive will be forthcoming, he would like to discuss some of Mr. Bassett's concerns with the Town Administrator in the short term. He was hoping to have some better direction for Mr. Bassett within the next 30 days.

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Mr. Bassett thanked the Board and exited the applicant desk.

**Board Updates:**

Mr. Grotenhuis moved on to Board Updates.

Ms. Mooney said that earlier in the week, the Conservation Commission sat with the Select Board to entertain public comment regarding the use of conservation funds to support Rhoda and Stephen Capron's effort to move forward on a conservation easement with their property on Route 152. The property has prime soils that would be very beneficial for farming. The Boards approved a \$155,000 expenditure from the town's Conservation Fund. This amount reflects half of the land value, the remaining 50% of the loss in value of the property will be "gifted" by the Caprons through this easement.

Ms. Andersen said that she is going to forward to Mr. Lemieux a table chart developed by the SRPC that outlines policy and legislation proposals. The SRPC chart pertains to roads and transportation, and other initiatives. Mr. Lemieux will distribute the chart to the members of the Board.

Mr. Haney added that SRPC, along with other regional planning commissions (RPC), is working with the state to update the Regional Housing Assessment Report. He indicated the report's significance is that it is a coordinated effort to eliminate duplicate or redundant information.

Mr. Lemieux suggested a revision of the 2022 Planning Board meeting schedule. Ms. Mooney had recommended that the March 9, 2022, proposed date be moved back to March 16, 2022, due to town elections on March 8, 2022 and the time needed for newly elected members to be sworn in. After much discussion and review of the *by-laws* and *RSA 673-10*, it was decided to dedicate a March 16, 2022, meeting for Elected Officers and the March 23, 2022 for regular business.

**Approval of Minutes:**

The Board moved to approval of minutes of the previous meeting(s).

*Ms. Mooney made a motion to approve the minutes from the January 12, 2022, meeting. The motion was seconded by Ms. Andersen. The motion was unanimously approved by a vote of 5-0.*

*Motion was made by Mr. Anderson to adjourn the meeting. The motion was seconded by Ms. Andersen. The motion was approved unanimously by a vote of 5-0.*

*The meeting was adjourned at 7:54 PM*