

Nottingham Planning Board Meeting

DATE: October 12, 2022

Approved December 14, 2022

**Call to Order**

Members Present: Robert “Buzz” Davies, Alternate; John Morin, BOS Representative; Ian MacKinnon, Vice Chairman; Eduard Viel, Chairman; Susan Mooney, Secretary; Sherry Sandler, Member; Charlene Andersen, SRPC Representative.

**Members Absent:** Gary Anderson, SRPC Representative; Sandra Jones, Alternate.

**Alternate Seated and Voting:** Mr. Davies was seated for Mr. Anderson.

Others: Kevin Lemieux, Land Use Clerk; Blair Haney, SRPC Planner; Sam Demeritt, NCC Chair; Lauren Chase-Rowell, Abutter; Peter Rowell, Abutter; Chris Berry, Engineer; Chris Doyle, Abutter; Steve Mathes, Abutter; Jack Kaiser, Surveyor; Denyse Shanahan, Abutter; Vicki Connors, Abutter; Mark Pitkin, Applicant; Holly Zirkle, Abutter; Richard Bacon, Applicant; Dawn Fernald, Applicant; Joe Fernald, Applicant; Laurie Pitkin, Applicant.

**Call to Order**

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

**Public Hearings**

*Case #22-009-SUB: Application from Robin Comeau requesting a two (2) lot subdivision. The property is located at 176 Stevens Hill Road, in Nottingham, NH, and is identified as Tax Map 49, Lot 4. Stevens Hill Road is designated as a scenic road. The applicant has filed a Conditional Use Permit.*

Mr. Viel stated that the applicant has requested to continue this case until the October 26, 2022 meeting. He further stated that the applicant has filed for a Conditional Use Permit. He asked Mr. Lemieux to make sure that the applicant meets with the Conservation Commission as part of the filing for the Conditional Use Permit. Ms. Mooney advised that the applicant had attended the Conservation Commission’s September 12, 2022 meeting but that the Conditional Use Permit was not discussed. Ms. Mooney advised that Samuel Demeritt, Conservation Commission Chairperson, crafted a letter and sent it along to the Planning Board. Ms. Mooney read the letter as follows:

“The Nottingham Conservation Commission, at its meeting on September 12<sup>th</sup>, met with Robin Comeau and her son and daughter-in-law. Suggestions from the Commission members to the Comeau’s about possible driveway crossing restoration included a stone ford, used by loggers, or a culvert with an open bottom, so that water from the wetlands could penetrate the soil and the crossing area to reduce the amount of water flowing onto the neighboring property.”

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*Ms. Mooney made the motion to continue Case # 22-009-SUB to October 26, 2022 at 7:00pm. The motion was seconded by Ms. Sandler. The motion was unanimously approved by a vote of 7-0.*

*Case # 22-014-SUB: Application from Joseph Falzone, on behalf of George Williams and Day Ann Kelley, requesting an eight (8) lot subdivision. The property is located on Stevens Hill Road, in Nottingham, NH, and is identified as Tax Map 46, Lot 7. Stevens Hill Road is a scenic road.*

Mr. Viel stated that the applicant has requested to continue this case until the October 26, 2022 meeting so that they may have some more time to gather additional plans. He stated that the applicant needs to meet with the Conservation Commission as well. He stated that a site walk was held, and the applicant had indicated that they would be revising plans from an eight (8) lot subdivision to a seven (7) lot subdivision. The applicant had also indicated that the acreage in the back of the lot so that the land is owned by two landowners rather than all the landowners.

*Ms. Mooney made the motion to continue Case # 22-014-SUB to October 26, 2022 at 7:00pm with deliverables received at least one week prior to this meeting. The motion was seconded by Ms. Andersen. The motion was unanimously approved by a vote of 7-0.*

*Case # 22-013-SUB: Application from Doucet Survey, on behalf of Mark and Laurie Pitkin, requesting a four (4) lot subdivision. The property is located on 145 Gile Road, in Nottingham, NH, and is identified as Tax Map 40, Lot 14.*

Jack Kaiser came forward and introduced himself as part of Doucet Survey as well as the representative for the applicants. He stated that they are looking to continue to discuss the proposed four (4) lot subdivision of 145 Gile Road. Mr. Kaiser stated that there were several items that were addressed on the new plans set that were dropped off last week. He stated that he submitted a summary of those changes for the Board's convenience, which the Board has reviewed. He stated that he received some comments from Regional Planning today, which the Board has copies of as well. He stated that there were two items that were highlighted as having not been addressed and asked what the Board's stance is on the two items.

Mr. Viel stated that one of the items is that the site plans to do not include construction details for the driveways or aprons. He stated that, generally, it is a requirement that plans show the proposed curb cut. He stated that the driveway of the first lot is easily identified but the others are not. He stated that the Board often likes to see the proposed driveways extending into the lot

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envelope to show exactly where the driveways would go. He stated that the proposed driveway would have to go through the wetland buffer on Proposed Lot 14-2 and appears to avoid the buffer on Proposed Lot 14-2.

Mr. Kaiser asked if it is standard practice for the town to require a construction detail for a driveway of a residential lot. He stated that the clients did meet with the Road Agent, who was okay with all the proposed locations with the intended fifteen (15)- inch culverts in place. He stated that the client intends to meet any town standards that are in place for standard driveway construction, but that they did not anticipate needing to submit a detailed plan. Mr. Haney replied that it is in the subdivision regulations.

Mr. Viel stated that the second item on the site plan in question is that the site plan does not include plans or details for storm water and soil erosion control. Mr. Kaiser stated that the majority of any water runoff created from the three residential lots would flow back into the existing wetlands at the rear of the lots. He stated that on the north end of the site, the water runs across Gile Road onto the site, then makes its way into the large wetland and goes back across the road by way of two existing culverts, a twenty-four (24) inch and a thirty (30) inch, and then moves east.

Ms. Mooney asked if the Board has received soil classifications; Mr. Kaiser indicated where they can be found in the plans.

Mr. Viel stated that the applicants are going to need a waiver for Section 10.3, the storm water management plan and Section 16.1, erosion sanitation.

Mr. Viel inquired about a wetland scientist stamp on this plan set. Mr. Kaiser stated that he did not have a wetland scientist sign off on this plan set but that one has been involved in the project and will sign off on the final plan set.

Ms. Mooney inquired about the two hundred and fifty (250) foot reference line from the protected shore lands. Mr. Kaiser stated that the reference line barely touches the southwestern portion of the particular lot. He stated that the three proposed lots that have not yet been constructed do not fall within the reference line, and the fourth lot has construction that has already taken place and is well outside of the protected land.

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112 Mr. Viel stated that the Board received a letter from the Lamprey River Advisory Committee.

113 Mr. Viel read the letter, dated September 21, 2022, as follows:

114

115 “Thank you for contacting us regarding the proposed subdivision on Gile Road. The Committee  
116 has reviewed the plan sheets and we offer the following preliminary comments: Based on the  
117 plans, the site seems very wet generally in addition to the delineated wetlands. Development of  
118 the site will surely result in negative impacts to the natural functions and values of these  
119 wetlands. We cannot ascertain from the plans how water flows on site. Do wetlands drain toward  
120 the river or in another direction? We recommend that you consult the New Hampshire Wildlife  
121 Action Plan maps to see the site in the context of the surrounding area. If development is  
122 allowed, we offer these recommendations: Plans for individual houses should be submitted to  
123 \*\*\*\* so impacts could be better understood in the context of the whole site. The cutting of the  
124 trees near the wetlands should be minimized. Best management practices should be required to  
125 minimize impacts from storm water and driveways should be sloped to direct storm water away  
126 from wetlands. If the project proceeds, you will receive a wetlands DES Wetlands Permit  
127 application. We will gladly provide more detailed comments based on the full application.”

128

129 Mr. Viel inquired about the cutting of trees near the wetlands that the Lamprey River Advisory  
130 Committee mentioned. Mr. Kaiser advised that it is unclear at this time where and when the  
131 houses will be built so there is no plan for which trees will need to be cut.

132

133 Ms. Andersen suggested posting signage around the areas that should not be touched.

134

135 Ms. Mooney recommended a Natural Heritage Bureau review of the area. Mr. MacKinnon stated  
136 that the applicant may not be able to ask for an NHB review if the project plans do not trigger a  
137 particular permit.

138

139 Ms. Mooney asked for verification of the length of the narrowest portion of Proposed Lot 14-1.  
140 Mr. Kaiser replied that it is not less than fifty (50) feet.

141

142 Mr. Viel opened the public hearing. With no one coming forward, Mr. Viel closed the public  
143 hearing.

144

145 The Board gave Mr. Kaiser a few moments to draft the waiver. Mr. Kaiser submitted the  
146 completed waiver request to the Board.

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147

148 Mr. Viel read aloud the waiver request.

149

150 ***Mr. MacKinnon made the motion to approve the waiver request from Section 10.3 and Article***  
151 ***16 of the subdivision regulations. The motion was seconded by Mr. Davies. The motion was***  
152 ***unanimously approved by a vote of 7-0.***

153

154 Mr. Viel advised Mr. Kaiser that the parcel is subject to the Nottingham Impact Fee ordinance,  
155 so that item will need to be added to the plans.

156

157 Mr. Viel stated that the conditions for approval are that the plans have professional seals and  
158 signatures, that all fees are paid, that bounds will be set, and that the parcel is subject to the  
159 Impact Fee ordinance.

160

161 ***Mr. MacKinnon made the motion to approve Case # 22-013-SUB with the standard conditions***  
162 ***of approval as read by Mr. Viel. The motion was seconded by Ms. Sandler. The motion was***  
163 ***approved by a vote of 6-1-0.***

164

165 ***Case # 22-016-SUB: Application from Ann & Richard Bacon requesting Planning Board***  
166 ***approval to subdivide a 7.3- acre lot into two (2) lots. This property is located at 168 Gile Road***  
167 ***in Nottingham, NH, and is identified as Map 40 Lot 4. Gile Road is a scenic road.***

168

169 Richard Bacon came forward and introduced himself as the property owner. He stated that he is  
170 seeking to subdivide his seven-point-three (7.3) acre lot, Lot 40-4, into two lots, a front and back.  
171 He stated that the minimum requirement at the front is just over two (2) acres with two hundred  
172 (200) feet of frontage. The back lot would be five (5) acres with thirty (30) feet of frontage. He  
173 stated that there was a house on the lot that was moved in 2020. He stated that there is a small  
174 piece of wetlands on the southwestern corner but nothing else, according to his wetlands  
175 scientist. He stated that he is proposing two driveways, one thirty (30) foot stretch and the other  
176 is in place and paved. He stated that he has no plans to build anything at this time.

177

178 Mr. Viel asked Mr. Haney for his review. Mr. Haney stated that the Owner's Authorization Form  
179 had not been completed, but since the owner is here representing himself, that can be disregarded  
180 and the application can be viewed as complete.

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181

182 *Mr. MacKinnon made the motion that Case # 22-016-SUB be accepted as complete. The*  
183 *motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 7-0.*

184

185 *Mr. MacKinnon made the motion that Case # 22-016-SUB is not a project of Regional Impact.*  
186 *The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of*  
187 *7-0.*

188

189 Mr. Haney asked for clarification regarding the parent lot and the mention of a subdivision from  
190 2020. Mr. Bacon advised that the subdivision from 2020 was an eight (8) lot subdivision behind  
191 the parent lot.

192

193 Mr. Viel stated that the plans for frontage for the proposed lots exceed the minimum  
194 requirements. He stated that the plans meet the requirements of a back lot.

195

196 Mr. Viel asked about the presence of wetlands on the property. Mr. Bacon replied that there is  
197 nothing within the setback.

198

199 Mr. MacKinnon advised that, per subdivision regulations, neither the front lot nor the back lot  
200 are able to be further subdivided if this project is approved. Mr. Bacon verbalized understanding.

201

202 Ms. Mooney advised that, since Gile Road is a scenic road, the applicant will need to come  
203 before the Conservation Commission.

204

205 Mr. Viel asked for the plans to be updated to include the curb cut, as well as stakes put out for  
206 reference.

207

208 *Ms. Mooney made the motion to continue Case # 22-016-SUB to November 9, 2022 at 7:00pm*  
209 *with deliverables presented at least one week prior. The motion was seconded by Ms.*  
210 *Andersen. The motion was unanimously approved by a vote of 7-0.*

211

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***Case # 22-017-SUB: Application from Joe & Dawn Fernald requesting Planning Board approval to subdivide a 118.26- acre lot into three (3) lots. This property is located at 54 Deerfield Road in Nottingham, NH, and is identified as Map 52 Lot 4-2.***

Christopher Berry of Berry Surveying and Engineering came forward and introduced himself as a representative of Joe and Dawn Fernald. He stated that this application has been before the Board twice under design review, as they wanted to make sure they were “headed down the correct road” before they finalized plans. He stated that they are seeking to subdivide one hundred plus acres off of Deerfield Road into three (3) lots. He stated that there is an existing driveway/roadway that goes down to Pawtuckaway Lake. He stated that there is a large amount of frontage along Deerfield Road, but that a lot of that frontage is undevelopable. He stated that they would like to subdivide the parcel that has an existing house on it and create a new private road. He stated that since their last design review, they have prepared a seventeen (17)-page plan set which includes standard subdivision sheets as well as information pertaining to emergency services access, culverts, and the like. Mr. Berry stated that the proposed lot around Mr. and Mrs. Fernald [previous generation]’s house is proposed to be about 9.4 acres. He stated that the large parcel that would go to Joe and Dawn is about 102 acres. He stated that a third lot along the roadway is proposed to be about 2 acres. He stated that the smallest lot meets the thirty thousand square foot requirement for buildable area. He stated that it has a fifty (50) foot setback from the wetland area and fifty (50) foot perimeter setbacks all around the lot. He stated that each one of the lot shows a four thousand (4000) square foot leaching area with two test pits. Mr. Berry stated that, at the existing culvert crossings, they are proposing a taper and not a widening in that particular area. He stated that soils in that area are very good and that he does not anticipate that there would be much discharge from that area. Mr. Berry stated that they have a waiver request before the Board for Section 15.4 of the subdivision regulations. He stated that, this afternoon, they received a draft of the HOA documents that would be required for the proposed roadway. He stated that they have submitted those to SRPC and to the Board. He stated that they understand that the Board would not be able to see or act on those tonight but wanted to make the Board aware that they have been drafted for further discussion. He advised the Board that should further development be proposed off of this roadway, other than the current proposed development, the road would need to be upgraded to meet the standards. Mr. Berry stated that the engineer has delineated all the wetlands that were areas of concern for the project site. He stated that none of those areas have very poorly drained soils within them. He stated that all the soils on site have been shown as part of the standard NRCS wet soil survey and appear accurate. He stated that they attempted to show where Dawn and Joe are going to build their house.

***Mr. MacKinnon made the motion that Case # 22-017-SUB be deemed complete. The motion was seconded by Ms. Andersen. The motion was unanimously approved by a vote of 7-0.***

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251 ***Mr. MacKinnon made the motion that Case # 22-017-SUB is not a project of regional impact.***  
252 ***The motion was seconded by Ms. Andersen. The motion was unanimously approved by a vote***  
253 ***of 7-0.***

254

255 Ms. Mooney asked about the lack of mention of the Elliot River, a state-protected river, on the  
256 applicant's maps. Mr. Berry replied that he did not see the Elliot River on the USGS map nor did  
257 he see it listed on the critical wetlands map. He stated he would look into it and include the river  
258 on the next version of the plans.

259

260 ***Mr. MacKinnon made the motion to approve the waiver request from Article 15 Section 6.1***  
261 ***Table 2 for the road design requirements. The motion was seconded by Ms. Mooney. The vote***  
262 ***was unanimously approved by a vote of 7-0.***

263

264 Mr. Viel asked for verification that there is no direct wetlands impact proposed. Mr. Berry  
265 verified.

266

267 Mr. MacKinnon inquired as to whether or not there is a note on the plans reiterating what Mr.  
268 Berry stated in his narrative about the roadway needing to be upgraded with any additional future  
269 developments. Mr. Berry stated that there is a section on the cover sheet entitled "Private Road  
270 Notes". Mr. MacKinnon further inquired about whether or not it would be possible to add some  
271 'pull-offs' to the roadway so that emergency vehicles could pass through more easily. Mr. Berry  
272 stated that it, or some sort of turnaround, would be worked into the plans. Mr. MacKinnon  
273 inquired about adding some sort of reflective material to a tree or telephone pole to indicate  
274 where the roadway narrows. Mr. Berry stated that they would look into it.

275

276 Mr. Haney inquired as to the condition of the existing culvert. Mr. Berry stated that they  
277 completed an inspection of it prior to developing the proposal and found that the culvert is in  
278 very good shape. Mr. Haney advised that the Road Agent may want to complete an inspection as  
279 well.

280

281 Mr. MacKinnon asked if a stop sign could be placed at the end of the proposed roadway, since  
282 they are considering it a private roadway. Mr. Berry stated that they would be happy to place a  
283 stop sign.

284



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285 *Mr. MacKinnon made the motion to continue Case # 22-017-SUB to November 9, 2022 at*  
286 *7:00pm with deliverables due one week prior. The motion was seconded by Ms. Mooney. The*  
287 *motion was unanimously approved by a vote of 7-0.*

288

289 **Other**

290

291 Mr. Viel advised that, since it is budget season, the Board has to submit their proposed budget to  
292 the interim Town Administrator.

293

294 Mr. Viel stated that Mr. Lemieux has submitted his resignation, effective after the October 26,  
295 2022 meeting. Discussion was had about changing the job description and increase the salary  
296 prior to bringing a new Land Use Clerk on board.

297

298 Mr. Viel stated that there is an interim Town Administrator now that Chris Sterndale has moved  
299 on.

300

301 The Board worked through each line item of their proposed budget to be ready to present to the  
302 Budget Committee.

303

304 **Public Comment**

305

306 None.

307

308 **Approval of Minutes**

309

310 *Ms. Mooney made the motion to accept the minutes from July 27, August 10, August 24, and*  
311 *September 14, all of the year 2022. The motion was seconded by Ms. Andersen. The motion*  
312 *was unanimously approved by a vote of 7-0.*

313

314 **Select Board and Staff / Board Member Updates**

315

316 Mr. Davies had no comment.

317

318 Mr. Morin advised that budget season has just started. He stated that there is an interim Town  
319 Administrator that has started by the name of John. He advised that John will be in the offices  
320 three days per week. He stated that the Town is bringing on a company to assist in the hiring of a  
321 new Town Administrator. He advised that multiple roads are being re-paved this fall.

322

323 Mr. MacKinnon had no comment.

324

325 Mr. Viel advised that the DOT bridge replacement comments are due soon.

326

327 Ms. Mooney expressed concern as to whether or not the Board is going to be able to get some  
328 amendments together for the a warrant article at the next election. Mr. Viel stated that the Board  
329 will set aside time at an upcoming meeting to discuss this.

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331 Ms. Sadler had no comment.

332

333 Ms. Andersen expressed concern about the electric company's clearing of trees and brush in  
334 excess of what was proposed by a subdivision application for Stevens Hill Road, a scenic road.

335 Mr. Viel stated that he would look into this by going back and reading the RSA.

336

337 Mr. Haney inquired as to how he should be prioritizing his time as a member of the Board.

338 Discussion was had about sending some of the more complex proposals out for third party

339 review to free up some of Mr. Haney's time.

340

341 **Adjourn**

342

343 *Mr. MacKinnon made the motion to adjourn. The motion was seconded by Ms. Mooney. The*  
344 *motion was unanimously approved by a vote of 7-0.*

345

346 **The meeting was adjourned at 9:54PM.**

347

348

349

350

351

352 Respectfully submitted,

353 Rachel Dallaire