

Nottingham Planning Board Meeting
Date: Wednesday, November 8, 2023
Official Minutes

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

Members Absent: Charlene Andersen, Member/SRPC Representative

Others Present: Blair Haney, SRPC Representative; Alana Kenney, Land Use Clerk; Barry Gier, Representative; Eric Desilets, Abutter; Barb Hyer, Abutter; Diane Lapite, Abutter; Kathy Mayo, Abutter; Shawn Shea, Abutter; Wayne Thomas, Abutter; Peter White, Abutter

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

Mr. Davies was seated and voting for Ms. Andersen. (Note: There exists an open position on the Board. The vacancy is posted.)

Public Hearings

Case #22-011-SUB Mooers Road - Application from Jones & Beach Engineering, on behalf of Jim Rosborough, requesting an eleven (11) lot subdivision. The property is located on Mooers Road, in Nottingham, NH, and is identified as Tax Map 72, Lot 13-1.

Mr. McKinnon recused himself and left the table.

Mr. Viel noted that this case was conditionally approved on January 25, 2023. The applicant had requested to meet with the Planning Board to discuss possible changes to the fire suppression system.

Mr. Gier stated that the applicant would like to request a change from the approved fiberglass cistern to a concrete cistern. This is because the cost of a fiberglass cistern is about (3) three times as much as a fiberglass cistern. If the Planning Board did not want to approve the concrete cistern, then the applicant would request to install fire sprinklers in each of the homes in lieu of a cistern.

Mr. Viel asked if the Select Board had any comments. Mr. Morin stated that the Select Board felt that it was up to the due diligence of the Planning Board to determine which was the better option.

Mr. Viel did state that he reached out to the Town Administrator and the Fire Chief since the Fire Chief would be the person with the access to the current NFPA standards, but that he did not hear back from them. He also asked for input from Mr. Haney and did some research himself.

Mrs. Bascom stated that there was an issue with a concrete cistern on Strawberry Lane, which the contractor ended up taking care of. She also stated that the concrete cisterns are easier to install than fiberglass ones.

Mr. Morin said that he preferred sprinklers.

There was conversation regarding fire trucks being able to access the lake if there was no cistern.

Mr. Gier stated that his company has designed and installed many concrete cisterns and had no problems with them. He also stated that they are easier to repair than fiberglass cisterns. He let the Board know that the applicant would actually prefer sprinklers over cisterns all together if the Board would allow it.

Mr. Viel stated that they could require a bond that would cover the first two years similar to what some other towns require.

Ms. Mooney suggested a hybrid system. Mr. Gier stated that the applicant would probably want one or the other unless the size of the cistern was decreased; but a 30,000 gallon is the standard capacity.

Mrs. Bascom expressed her concern that the Fire Department did not make a recommendation on the topic. She also stated that the reason that the Board approved the fiberglass cistern was because the prior Fire Chief had recommended it.

Ms. Mooney suggested that fire sprinklers could potentially decrease the cost of insurance for the homeowners due to reduced house insurance premiums. Mr. Viel agreed that could happen; but, the problem is that sprinklers only assist each individual home whereas a cistern could assist more houses on the street.

Ms. Mooney made the motion that the Board allow the applicant to install sprinkler systems, in lieu of a cistern, in each of the individual homes in Case #22-011-SUB Mooers Road. Mr. Davies seconded the motion.

There was a request from a few abutters for the Board to allow public comment. Mr. Viel stated that if there is a motion, they don't normally take public comment unless the motion is withdrawn. Ms. Mooney stated that she would withdraw the motion.

The Public Hearing was opened at 7:24 p.m.

Mr. Desilets, of 19 Mooers Road, stated that he lives on the water and yet his house still burned down seven years ago. He stated that the Raymond Fire Department was there before the Nottingham Fire Department. He supported having both sprinklers and a cistern. He was also concerned about the land surrounding the houses that sprinklers would not cover.

Barb Hyer, of 27 Mooers Road, questioned if the Board had done their research on which cistern was the better one. Mr. Viel reiterated that they did have input from the SRPC along with their own individual

research but that there was no revised information from the Fire Department. Ms. Hyer also questioned if the sprinkler systems were electric. Mr. Viel stated they would confirm with the applicant that the sprinkler systems would be pressurized and not dependent on electricity for power.

The Public Hearing was closed at 7:28 p.m.

Mr. Gier confirmed that the applicant would follow the NFPA fire code when installing the sprinklers.

Ms. Mooney made the motion that the Board allow the applicant, in lieu of a cistern, to install sprinkler systems in each of the proposed homes in Case #22-011-SUB Mooers Road. Mr. Davies seconded the motion. The motion passed by a vote of 4-1-0.

Mr. Viel confirmed with the applicant that they would be submitting new plans to the Town to show the sprinklers.

Mr. MacKinnon returned to the table to be seated and voting.

Case # 23-004 SUB Residences At Fort Hill - Smoke St & 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, Item #8 (g) allows for a reduction in the landscape buffer requirement.

The applicant has requested that this case be continued to December 13, 2023.

Mrs. Bascom made the motion to continue Case # 23-004 SUB Residences At Fort Hill - Smoke St & Fort Hill Rd to December 13, 2023 as requested by the applicant. Mr. MacKinnon seconded the motion. The motion passed by a vote of 6-0-0.

Case # 23-005 SIT Nottingham Business Park – 145 Old Turnpike Rd - Application from GM2 Associates, Inc. on behalf of Nottingham Business Park, LLC to complete construction of a 176,000 square foot building, paved access drives and parking areas, stormwater management systems, an existing onsite well for domestic water supply and fire suppression, and an onsite septic system. The proposed use of the building and site will be a warehouse for light industrial manufacturing. There are currently 26 loading docks for tractor trailer loading and unloading. There are 119 paved parking spaces including 8 handicapped spaces of which, two are van accessible. This property is located at 145 Old Turnpike Road, in Nottingham, NH, and is identified as Tax Map # 003 , Lot # 010.

The applicant has requested to withdraw the case without prejudice.

Ms. Mooney made the motion to allow the withdrawal of Case # 23-005 SIT Nottingham Business Park – 145 Old Turnpike Rd. without prejudice. Mrs. Bascom seconded the motion. (Mr. MacKinnon

126 *remained seated but confirmed that he was recused from this case and would not be voting.) The*
127 *motion passed by a vote of 5-0-0.*

128
129 Mr. Viel confirmed that Mr. MacKinnon was seated and voting again.

130
131 ***Case # 23-009 SUB White – 59 White’s Grove Rd - Application from Scott Boudreau Of Boudreau Land***
132 ***Surveying on behalf of Jonathan White requesting Planning Board approval of a 2-Lot Residential***
133 ***Subdivision. The property is located at 59 White’s Grove Road in Nottingham, NH and is identified as***
134 ***Tax Map # 63, Lot # 47-5.***

135
136 Mr. Boudreau explained that the applicant was requesting to subdivide their property into two lots. The
137 total lot is just over (6) six acres. They are asking to remove about (2) two acres to create approximately a
138 (4) four acre lot and a (2) two acre lot.

139
140 Mr. Haney confirmed that he felt the application was complete and the Board could accept it as so.

141
142 ***Mr. MacKinnon made the motion to accept Case # 23-009 SUB White – 59 White’s Grove Rd as***
143 ***complete. Ms. Mooney seconded the motion. The motion passed by a vote of 6-0-0.***

144
145 ***Mr. MacKinnon also made the motion to accept that this case is not a development of regional***
146 ***impact. Ms. Mooney seconded the motion. The motion passed by a vote of 6-0-0.***

147
148 Mr. Viel confirmed that there were no waiver requests nor conditional use permit requests for this case.
149 Mr. Haney mentioned that there may be some additional monumentation required at minimum 300 feet.
150 He also suggested that the applicant confirm the existing gravel driveway as something that the
151 landowner has access to, considering it crosses utility lines and there are no other access points.

152
153 Mr. Morin was concerned that the applicant had not staked out the property so the Board could see where
154 the new lot would be when they visited the property. He suggested that in the future, the applicant make
155 sure to mark that out.

156
157 Mr. Viel questioned what the slope measurements were in the back of the lot. Mr. Boudreau stated that
158 he believes the owner is going to build the house in front of the stone wall and the septic would be in the
159 back near the slope.

160
161 Mr. Viel asked if it was going to be a shared driveway. He continued that there are regulations regarding
162 shared driveways including that it is located on the property line. Mr. MacKinnon also stated that the
163 shared driveway would require an easement. He also confirmed that a DOT permit would be required
164 since it is on a state road.

165
166 Mr. MacKinnon asked that the building envelope be calculated excluding any steep slopes. The building
167 envelope has to be at least 30,000 square feet. The Board wants to make sure that the parent lot will
168 remain conforming exclusive of setbacks. It is not appropriate to create a non-confirming lot by

separating out a conforming lot. Utilities would also need to be excluded. He requested showing the wetland setbacks as well.

The Public Hearing was opened at 8:04 p.m.

Wayne Thomas, of 131 Raymond Road, stated that although he is not against subdividing the property, he suggested making the new lot larger and move the building envelope behind the utilities.

The public hearing was closed at 8:06 p.m.

Mr. MacKinnon indicated that if Mr. Boudreau had any questions, he could contact Blair Haney, the Town's Planner from SRPC.

Mr. MacKinnon made the motion to continue Case # 23-009 SUB White – 59 White's Grove Rd to December 13, 2023 with deliverables due by December 1, 2023. Mrs. Bascom seconded the motion. The motion passed by a vote of 6-0-0.

Time Period On Multiple Requests For Continuance

Mr. Viel suggested having some public hearings in January to amend the subdivision regulations including multiple continuances.

Warrant Articles

The Planning Board is not planning any zoning ordinance articles for the 2024 Town Warrant. If the Board decides to have any, this would need to be addressed at the next meeting.

Public Comment: There was none.

Minutes

Mr. Viel suggested that instead of using website addresses or links in the minutes, it should be noted that the files are on record in the Land Use office instead. He suggested a few additional edits to the minutes of 9-27-23 and those of 10-11-23.

Mrs. Bascom made the motion to approve the minutes of September 27, 2023 and October 11, 2023 as edited. Ms. Mooney seconded the motion. The motion passed by a vote of 6-0-0.

Updates

Ms. Kenney shared that she attended the Annual New Hampshire City And Town Clerk Association Conference where she met many other clerks from around the state and attended training with them. The program included presentations by representatives from the DMV, Title Bureau, and the Secretary Of State's Office.

213
214 Mr. Morin stated that it was budget season and as so, the Select Board (BOS) were going to be reviewing
215 the proposed 2024 budget and cutting line items at the open meeting on November 27th. He mentioned
216 that there is a possibility for changes to be made through petitioned warrant articles at the deliberative
217 session. The Recreation Department would be building the new playground at the town offices in the
218 spring and will be asking for volunteers. The BOS has also decided to rent out space in the old fire
219 building across from the town library.
220
221 Mr. Viel noted a few important deadlines on the political calendar that Board members should be aware
222 of.
223
224 Ms. Mooney stated that she and Mr. Demeritt, Conservation Commission Chair, attended the Annual
225 Meeting of the New Hampshire Association of Conservation Commissions held at Pembroke Academy.
226 David Carroll was the key note speaker, a well regarded turtle expert and author. She and Mr. Demeritt
227 attended sessions about climate change, invasive species and protecting special places in two other NH
228 communities.
229
230 There is a winter walk scheduled for late February weather permitting, hosted by the Conservation
231 Commission and the Trails Committee.
232
233 Mr. Haney recommended a webinar on census data from the Office of Planning and Development. He
234 also mentioned using SRPC as a resource for data about its member communities that could be accessed
235 by the public.
236
237 The next Planning Board meeting is scheduled for December 13, 2023, and is the only Planning Board
238 meeting in December.
239
240 ***Ms. Mooney made the motion to adjourn the meeting at 8:48 p.m. Mrs. Bascom seconded the motion.***
241 ***The motion passed by a vote of 6-0-0.***
242
243 Transcribed per video.
244 Respectfully submitted,
245 Alana J. Kenney, Land Use Clerk
246
247 Edited by Susan P. Mooney, Secretary