

**Nottingham Planning Board Meeting**

**DATE: November 9, 2022**

**Approved December 14, 2022**

**Call to Order**

**Members Present:** Eduard Viel, Chairman; Ian MacKinnon, Vice Chair; Susan Mooney, Secretary; John Morin, Select Board Ex-Officio Representative; Gary Anderson, SRPC Representative; Charlene Andersen, SRPC Representative; Robert “Buzz” Davies, Alternate; Sandra Jones, Alternate.

**Members Absent:** Sherry Sandler, Member.

**Alternate Seated and Voting:** Ms. Jones will be seated and voting for Ms. Sandler.

**Others Present:** Blair Haney, SRPC Planner; Jim Franklin, Franklin Association; Barry Gier, Jones and Beach Engineering; Shawn Shea; Mary Shea; Diane Lapite, Abutter; Dmitry Teleganov; Craig Porter, Abutter; Susan Diamond Johnston, Abutter; April Burditt; Jeffrey Burditt; Heather Iworsky, Abutter; Chris Berry, Fernald BS&E (?); Cheri Porter, Abutter; Kevin Bassett; Harriet Hewitt; Joseph Fernald; Sam Demeritt, Nottingham Conservation Commission Chair; Ed Desilet; Jasum Moinani; Scott Bassett; Richard Bacon, Applicant.

**Call to Order**

The meeting was called to order at 7:00 PM.

**Roll Call**

Roll call was completed.

**Public Hearings**

*Case #22-011-SUB (continued): Application from Jones & Beach Engineering, on behalf of Jim Rosborough, requesting to subdivide a 54.8 acre lot into an eleven (11) lot Open Space Development subdivision. The property is located on Mooers Road, in Nottingham, NH, and is identified as Tax Map 72, Lot 13-1. The applicant has filed a Conditional Use Permit.*

Mr. MacKinnon recused himself from this case. Mr. Davies will be seated and voting for Mr. MacKinnon for this case.

Barry Gier of Jones and Beach Engineering came forward and introduced himself on behalf of the applicant. He stated that his team was not able to be heard by the Raymond Planning Board since they were last before the Nottingham Planning Board; Raymond is awaiting input from their engineer.

Mr. Gier gave the following recap of the case:

- The existing proposal is for an 11 lot Open Space Development (OSD) subdivision. They are proposing the protection of 34.92 acres of open space where only 27.43 acres is required (27% larger than what is required). That includes 20.29 acres of buildable open space where 13.71 acres is required (48% larger than what is required).

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- 44 • The project requires three (3) conditional use permits (CUP). The first is to allow the  
45 elimination of the 100-foot landscape buffer. The second is for wetland impact associated  
46 with the culvert replacement on Mooers Road. The third is to allow lot sizes greater than  
47 45,000 square feet.
- 48 • At the last meeting, there was discussion regarding the ability to provide the eleven (11)  
49 lots without granting of the third conditional use permit that allows lot sizes greater than  
50 45,000 square feet. Mr. Gier presented some handouts to the Board.
  - 51 ○ The first was the current proposed plan sheet C2. The second sheet was “Option  
52 A” depicting slight modifications to lots #4-9, which were the lots on sheet C2  
53 and greater than 45,000 square feet. The lots have been revised slightly to make  
54 them less than 45,000 square feet, which would thus not require a conditional use  
55 permit. No portion of the lots is less than 50 feet in width (none are even less than  
56 60 feet in width). They were able to develop basically the same layout without the  
57 CUP and still get the same number of lots. There continues to be two (2) lots  
58 north of the large wetland and south of the lots that are along Mooers Road.
  - 59 ○ The third handout was “Option B”. Lots #4-7 are the same as Option A. In this  
60 version, lot #9 is relocated closer to the lake within the access between Map 72,  
61 Lots #8 and #10. There is an access to this property between lots #7 and #10 that  
62 are close to the intersection. This option was included due to the comments  
63 regarding the location of lot #9 in the proposal. The comment was that lot #9 was  
64 located somewhat in the center of the open space. They had relocated lot #9 in  
65 their proposal to keep the space between lot #9 and lot #5; they adjusted it to  
66 move lot #9 away from lot #5. Mr. Gier stated that, if the Board prefers this  
67 option, the applicant is not opposed to it.
- 68 • Mr. Gier’s team feels as though the current proposal, shown on plan sheet C2, is the best  
69 compromise.

70  
71 Mr. Viel read the following letter from the Lamprey River Advisory Committee (LRAC):  
72

73 “Thank you for contacting Lamprey River Advisory Committee regarding a proposed  
74 subdivision on Mooers Road. Individual committee members have reviewed the plan  
75 sheets and we offer the following preliminary comments:

- 76 • There are many wetlands on site but are not able to discern the ecological  
77 functions that they are serving without additional information from a functional  
78 assessment by a wetland scientist. Some wetlands are more valuable than others.
- 79 • No Natural Heritage Bureau (NHB) report was available. These reports are  
80 essential for a proper review.
- 81 • No site photos or aerial views were provided. Skepticism was noted on the yield  
82 plan due to the very long driveways.
- 83 • We assume that one of the main purposes of an open space subdivision is to  
84 conserve the valuable natural resources on the property. Have those valuable  
85 natural resources to be protected been identified? We would like to see the  
86 important natural features of the property identified first and then the subdivision  
87 built around those.
- 88 • What will be the disposition of the open space? The usual options are  
89 conservation easement, deeding the property to a conservation organization,

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deeding it to the town with deed restrictions, or, the worst case, having it owned by a homeowners association with deed restrictions.

- How will the open space be used by the subdivision? Will it be available for recreation or set aside as a protected wildlife area?

Thank you for the opportunity to offer preliminary comments on this proposed project.”

Mr. Viel gave a copy of the letter to Mr. Gier and explained that the Board had only just received it yesterday. (Note: Said letter will be filed and posted on the Board’s webpage.)

Mr. Viel inquired about the yield plan. He stated that proposed lot #8 would not necessarily be buildable as designed without a conditional use permit because it would have to fill wetlands. In general, when the Board has yield plans, it indicates lots that can be built that meet zoning requirements. He noted that lot #8 would not meet zoning requirements unless the applicant had a CUP. Additionally, the same goes for lots #9 and #10; the driveway potentially couldn’t be on the shared lot line.

Mr. Viel reminded everyone that the Board had to ask the Building Inspector to work with DES to determine whether or not the stream that appears on town maps is a first order stream or not. He stated that one of the items submitted to the Board in this regard was a review from GZA Environmental. Mr. Viel noted that there were a number of vernal pools flagged on the property, and that the wetland continued.

Mr. Viel stated that, in his opinion, the yield is one (1) lot too large. He reported that Options A and B do not seem to be feasible based on the proposed septic and proposed driveway. Due to the steep slopes, it is uncertain whether or not a driveway could be graded safely to the town’s grade requirements.

Mr. Gier advised that his team is not proposing Options A or B, but rather wanted to give some potential alternate plans in case the Board would prefer one of them over the original proposal. He stated that his team is still proposing the original plans shown in C2.

Mr. Gier further stated that he disagrees with Mr. Viel’s opinion on the yield plan. Mr. Gier advised that the applicant would very much like to do the open space subdivision, although, “if pushed, he would be willing to propose a standard subdivision that would have larger lots and no protected area”.

Ms. Mooney advised Mr. Viel that the rest of the Board members are not privy to where the vernal pools might be located with the information they have. Mr. Gier replied that they are highlighted in dark purple on the existing conditions plan (See *Open Space Residential Subdivision* plan set received for 10-26-22, Sheet C1). Mr. Viel noted that lot #8 on the yield plan has a large potential vernal pool in it, which could make it not only a wetland impact but also require a vernal pool buffer that the Board cannot waive.

Mr. Viel further noted that a wetland impact, whether it be ten feet or a thousand feet, is still a wetland impact and requires a conditional use permit.

Ms. Mooney read the following document that she had composed:

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“History and rationale for the Open Space Development design is an option instead of a conventional minimum two-acre lot size with adequate envelope for the building site. In the *Zoning Ordinance* Article 4, Section S, the Statement of Purpose is, ‘This ordinance was created by the direction, recommended in the *Master Plan* to preserve open space by encouraging flexibility in the design and development of land to preserve open space, greenways, rural character, retaining and protecting important natural historic and scenic resources while providing for a more efficient use of land and promoting the development of balanced residential communities and harmony with the natural landscape’. I was one of the people in Nottingham who worked with a professional planner to design this ordinance for Nottingham. In 2001, the first large subdivision was proposed in town. Over one hundred units were eventually built. At that time, each lot was required to be at least two acres minimum with 30,000 square feet of contiguous buildable area. This was the Garrison development that fronts Stage Road at Francesca Way and Poor Farm Road. An extensive infrastructure of necessary internal roads and services ultimately consumed the parent parcel. It caught our attention. Within ten years, the town approved the Open Space Development (OSD) as an alternate design. It’s a win-win. At least 50% of the parent parcel shall be an open space and not more than 50% of that open space shall include non-buildable areas such as wetlands, vernal pools, and steep slopes. The developer is able to configure so to concentrate the homes and therefore it is not necessary to build interior roadways, saving the developer that expense. Within the OSD, Section 5, #10; Protection and Management of Open Space, one or more of these options for the designated open space area are subject to Planning Board approval.

- A. Conservation easement deed conveyed to a land trust, who would monitor the open space on an annual basis for compliance.
- B. An easement deed conveyed to the town. The land conveyed shall be open for public use.
- C. Common area (was not proposed by the developer so therefore was not copied.)
- D. The developer is responsible until such a time as the homeowners association is capable of assuming such responsibility. The Planning Board shall require the applicant to provide documentation that this association is a mandatory association that has been established prior to the conveyance of any lots within the subdivision.
- E. Documents should be placed on file with the town clerk.
- F. Design guidelines shall conform to the standards set in the subdivision regulations.
- G. Monitoring: the applicant shall provide sufficient funds as a one-time stewardship fee if the town will be responsible for compliance.

There are other major subdivisions in Nottingham that have lands protected by easements or deed restrictions. These are annually monitored by a homeowners association or a third party. The Highlands development on Old Turnpike Road contains nineteen (19) properties with deed restrictions filed with the Rockingham County Register of Deeds in order to protect critical wetlands of the Little River Watershed. The Town of Nottingham has monitored these properties annually since 2010. Brook Crossing, also located along Old Turnpike Road and with frontage along the Little River, has areas that were set aside,

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and these areas are monitored by the Rockingham County Conservation District (RCCD). These sensitive areas are also included in the Little River Watershed. The Garrison development mentioned earlier has protected areas also monitored by RCCD. I suggest that only having restrictions written into the individual deeds with the Mooers development and by not assigning a third party or an HOA to monitor the designated open space on a regular basis will encourage activities not consistent with the open space model to occur. I envision people going out and cutting firewood for their fireplaces or for a bonfire. I envision people gathering winterberry holly and the like for holiday decorations rather than leaving them for the wildlife. I envision homeowners spraying chemicals for ticks, mosquitos, and Japanese beetles, and/or using chemical fertilizers because the deed covenants state that they ‘reduce’ chemical use rather than ‘restrict’ chemical use. There needs to be a separate entity to monitor and protect the designated open space of any of these applications. Thank you.”

Mr. Viel asked Ms. Mooney to make sure that the applicant gets a copy of this letter.

Mr. Gier stated that they are placing deed restrictions on each of the lots, which have already been provided to the Board. They are not proposing a homeowners association because their lawyers advised against it. If it is a requirement of the Board, however, the applicant can have their lawyers draft it up as soon as possible.

Ms. Mooney advised that, in the past, the Nottingham Conservation Commission has found that some homeowners have violated their deed restrictions, and that oftentimes a homeowners association is the only way to make people “behave”.

Mr. Anderson asked that the Raymond Planning Board be made aware that the Nottingham Planning Board is looking for their input. Mr. Gier reported that they are slated to be on the agenda for the Raymond Planning Board’s meeting during the first week of December.

Mr. Viel advised that, per input from Fire Chief Jaye Vilchuck, if there is more than one lot being proposed on Jamps Trail, there needs to be a cistern on Jamps Trail as well as on Mooers Road. Mr. Gier replied that, if they continue with the proposed two lots on Jamps Trail, the applicant will push back on this requirement given that the Board recently approved an eight (8) lot subdivision with sprinklers and no cistern. He further stated that they are proposing a cistern on Mooers Road and that houses on lots #10 and #11 have sprinklers.

Ms. Andersen inquired about Option B and noted that the lot that was thought to have been moved is still shown to be in the open space. She revisited and endorsed the idea brought forth at the 10/26/22 meeting that proposed a duplex rather than on a combined lot than the single “large” lots 8 & 9 shown with single homes be combined into a single lot (with a duplex). Mr. Gier replied that his team is just trying to give the Board options, but their preference is to propose what is shown on C2.

Ms. Andersen noted that there are some open issues that the Board needs more information on before they spend any more time talking about this case. One is confirmation as to whether or not the yield plan is correct. Another is confirmation about the first order stream. Another is a

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National Heritage Bureau (NHB) study and a wetlands assessment be done, which were both requested by LRAC. Ms. Mooney added that a wetland scientist should go out and assess the productivity of the vernal pools. Ms. Andersen noted that for this particular conditional use permit, the Board usually asks for an environmental impact study.

Mr. Gier reported that the NHB was completed, although they did not send it to LRAC. He reported that the wetland report is completed but they had not provided it as the Board had not asked for it. He reported that they do have a vernal pool report that was completed this past spring, although he is not sure about the productivity of the pools. Mr. Viel stated that if the applicant could get these items to the Board, it would be very helpful.

Mr. Morin asked for clarification as to why the Board is asking for vernal pool reports. Ms. Andersen replied that it would help determine the legitimacy and accuracy of the yield.

Mr. Viel noted that, at the first meeting, he had mentioned that the yield plan seemed high. He stated that the eleventh lot would potentially be crossing a vernal pool as well as have a wetland impact, neither of which are allowed within the zoning standards, and would therefore require a conditional use permit. However, if there is potential for vernal pool impact, there is no conditional use permit allowed, and the applicant would have to get a variance. Mr. Viel suggested that the applicant eliminate lot #9 and go with something closer to what is indicated in Option B. This would bring lot #8 in compliance with the Open Space Development ordinance.

Mr. Gier advised that Option A shows that they can make all the lots conforming without a conditional use permit for the size. The current proposed lots #4-9 are slightly larger than 45,000 square feet, but his team believes that they provide a better lot for the end user and, eventually, the town.

Ms. Mooney noted that having four oversized lots in an open space subdivision is rather contrary to the spirit of an open space subdivision. Mr. Gier replied that they are providing more open space than is required, as well as more buildable open space, by almost 50%. Mr. Gier continued to state that the proposal is a little 'give and take'; the applicant believes he is giving as well as taking, and it seems as though the Board as well as the town are in the same situation. He noted that if the eleventh lot is not approved by the Board, then the proposal is no longer for an open space development at that point. In the eyes of the applicant, the impact would be to a small wetland area, which is a compromise. Mr. Viel noted that if the applicant plans to subdivide further and put additional lots on Jampsa Trail, then the road would need some significant upgrades, per the Road Agent.

Mr. Viel inquired as to whether or not the Board could act on the conditional use permits while they await input from the Raymond Planning Board. Mr. Haney stated that he would prefer if the Board held off on acting on these permits. Mr. Gier advised that the conditional use permits are not really dependent on Raymond's input and therefore could be acted upon tonight, should the Board choose to do so.

Mr. Viel asked if the third conditional use permit could potentially go away. Mr. Gier confirmed this, stating that this CUP would not be necessary if they go with Option A. His team believes

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that the granting of the third conditional use permit will provide better and more flexible lots while they still have the required amount of open space and buildable open space.

Mr. Viel also asked if the covenants submitted by the applicant were a rough draft or if they were more finalized, as they still need to be reviewed by Town Counsel. Mr. Gier replied that it is a more finalized draft, pending input from Town Counsel.

Mr. Gier asked if the Board feels as though the deed restrictions are acceptable or if an HOA would need to be formed. Ms. Mooney noted that the open space subdivision regulations state that there needs to be a third party overseeing the open space, be it an HOA, a land trust, or the like. Mr. Gier expressed understanding and advised that his team would move in the direction of establishing an HOA.

Mr. Viel stated that the Board would hold off on acting on the conditional use permits tonight.

Ms. Andersen inquired as to what the Board has to do to determine whether or not the yield plan is correct. Mr. Viel stated that the Board could request input from Town Counsel. Mr. Haney suggested that it may be up to the Board's interpretation. Mr. Gier stated that, in his experience, the Board reviews it for "reasonableness".

***Ms. Mooney made the motion to send the yield plan to Town Counsel for Case #22-011-SUB. The motion was seconded by Ms. Andersen. The motion was approved by a vote of 6-1-0.***

Mr. Viel opened the public comment.

Heather Iworsky came forward and identified herself as a resident of 104 Mountain Road and an abutter of the parent parcel. She noted that a lot of time would have been saved if the applicant had provided the environmental impact studies earlier on in this process. She noted that these things need to be requested by the Board and recommended that the Board request each one. She noted that the lot is actually in current use and asked for clarification regarding how the OSD subdivision would affect it being in current use. Mr. Viel advised that there is a penalty fee when land comes out of current use. Mr. Morin noted that, for each subdivided lot, the landowner would then have to pay an impact fee that would go towards the town.

Ms. Iworsky noted that Nottingham and Raymond both seem to be understaffed and inquired as to how the town is going to serve additional homes and residents if they are not fully staffed. She noted that Nottingham is not like Manchester or Exeter and is meant to sustain its natural resources rather than be built up. She stated that this lot is likely being developed now after many years of not being developed likely due to the fact that the roads are no longer private. She noted that proposed lots #10 and #11 are both directly uphill from the wetland and expressed concern regarding pollution and waste ending up in the wetland. She also expressed concern with the open space being impacted, even though it is larger than the ordinance says it has to be. She stated concerns that wildlife lives not only in the wetland but also around it. This lot is not a good place to develop. Ms. Iworsky was concerned with the amount of water and the number of vernal pools on the lot and that the applicant consider putting the lot in a land trust, related concerns but noted that a land trust is not as big of a money-maker as developing the land is. She

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expressed concerns about milfoil ending up in Pawtuckaway Lake and the impact of eleven additional households using the one lake access in that area. Pawtuckaway State Park is up for an expansion and was concerned about the negative impacts of additional construction and traffic on an already busy road. And lastly, Ms. Iworsky stated that the Board needs to have better deadlines and that information needs to be posted on the town website for public review prior to the meetings.

Mr. Viel replied that he had reached out to Town Counsel asking for input as to whether or not the Board has anything to do with the potential Pawtuckaway State Park expansion and that he is awaiting a response.

Craig Porter came forward and identified himself as an abutter and resident of 18 Mooers Road. He asked what the landscape buffer is. Mr. Viel explained that, for a conventional open space plan (OSD) it is usually one that would involve a new road. Within the new road, there is a requirement for a 100-foot buffer between that road and the existing road in order to place a sort of screen between an existing development and the new development.

Mr. Porter also stated that he would prefer that a duplex not be proposed. He stated that if the applicant is neighborly enough to put the houses on Jampsa Trail rather than Mooers Road, Mr. Porter would ask that the town not require the applicant to install a cistern and a sprinkler system.

Susan Diamond Johnston came forward and identified herself as a resident of Mooers Road. She reported that she has been walking the area since she was a young girl and is saddened at the lack of creativity with this proposal. She expressed concern regarding construction and the subsequent effects of erosion and was also concerned regarding water shortages in the area.

Mr. Viel closed the public hearing.

Mr. Viel asked Mr. Gier about whether or not landowners of this subdivision would have access to the boat launch. Mr. Gier reported that the applicant has rights to the beach at the bottom of the hill and that a decision has not yet been made as to whether this beach access would be deeded in to the new lots.

Mr. Viel recapped the following:

- He would be reaching out to Town Counsel.
- Mr. Gier will have some updated language that can be submitted to Town Counsel as well.
- Mr. Gier is going to submit the requested environmental impact studies.
- Mr. Gier will draft a response to the LRAC's letter.

***Mr. Anderson made the motion to continue Case #22-011-SUB to December 14<sup>th</sup> at 7:00pm with deliverables due by December 7<sup>th</sup>. The motion was seconded by Ms. Jones. The motion was unanimously approved by a vote of 7-0-0.***



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Mr. MacKinnon resumed his place at the table. Mr. Davies resumed his place as an alternate, participating but not voting.

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

Mr. Viel noted that the Board had, at a previous meeting, clarified that this particular portion of Gile Road is, in fact, not scenic.

Richard Bacon came forward and identified himself as the property owner and applicant. He reported that he had met with the Conservation Commission. His surveyor has set up the new plans with a couple of minor revisions, one re: the lot sizing, and the other being the driveway. He noted that the only thing that he does not have is the stamp from the wetland scientist.

Mr. Viel asked Mr. Haney for his updated review. Mr. Haney noted the following:

- The applicant's revised plans show a driveway to the back lot and show calculations for building area.
- Despite not being on a scenic road, the applicant went before the Conservation Commission.
- The Board had yet to receive input from the Road Agent. Mr. Bacon replied that he had discussed the proposal with him and that the Road Agent just requested swales and a culvert.

Mr. Viel noted that there needs to be a note on the plans to indicate that the subdivision is subject to impact fees. Mr. Bacon stated that he would add that.

Mr. Viel asked Ms. Mooney what came out of the applicant's meeting with the Conservation Commission. Ms. Mooney reported that they recommended that the applicant meet with the road agent.

Ms. Mooney noted that the input from the Fire Chief, dated October 12<sup>th</sup>, was that the Fire Department has no comments. Mr. Bacon noted that he would talk to the Fire Chief regarding 911 numbers.

Mr. Viel opened the public hearing. Seeing none, he closed the public hearing.

***Mr. MacKinnon made the motion to approve Case #22-016-SUB with standard conditions: plan copies, fees paid, mylar, that a note be added that the new parcel is subject to town impact fees, final wetland scientist stamp, and bounds set for the plan. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 7-0-0.***

***Case #22-017-SUB (continued): 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.***

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410

411 Christopher Berry of Berry Survey and Engineering came forward and introduced himself on  
412 behalf of the applicants. He reported that they have submitted revised plans as well as a revised  
413 cover letter in which they addressed the points raised at the last meeting. He highlighted the  
414 following:

- 415 • The planner had pointed out that the sideline was too close to the proposed driveway.  
416 They modified where the sideline is.
- 417 • The applicants asked if they could make the lot around the existing house larger so they  
418 could maintain the current use status.
- 419 • Building setbacks have all been updated.
- 420 • The private road is proposed to have a stop sign at the end, which the private road sign  
421 would sit atop.
- 422 • A wood-frame rail has been incorporated into the plans, as the Board asked if the  
423 applicant could delineate the crossing.
- 424 • His research determined that DES refers to the Elliott River as “an unnamed river”,  
425 although the applicant is happy to call it whatever the Board prefers.

426

427 Mr. Viel advised that Town Counsel had given their input on the deed/covenant language. They  
428 are requesting some insurance wording be added in. Mr. Berry stated that their project attorney  
429 had looked at it and that they had sent it back to the Board. Mr. Viel stated that he would pass it  
430 along to Town Counsel for another look.

431

432 Mr. Viel noted that the Road Agent had provided input and had no issues with the proposal. He  
433 further noted that the Fire Chief, who also had provided input, had no issues with the proposal  
434 either.

435

436 Mr. MacKinnon noted that the new lot line, between the two lots, that extends to the lake should  
437 be broken into three segments rather than the two segments indicated.

438

439 Mr. Viel opened the public hearing. Seeing none, he closed the public hearing.

440

441 ***Mr. MacKinnon made the motion to approve Case #22-017-SUB with standard conditions:***  
442 ***plan copies, fees paid, bounds set and certified, mylar for recording, modifying the southeast***  
443 ***bearing line, and final Town Counsel review of the private road/HOA documents. The motion***  
444 ***was seconded by Mr. Anderson. The motion was unanimously approved by a vote of 7-0-0.***

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Other

**Case #20-003-SUB (continued) (NEED COPY HERE)**

Mr. Viel stated that the Board had provided a six-month continuation for a conditional approval to tonight's date. The continuation was to allow for a number of items to be addressed. One item was the language to be submitted to Town Counsel. Town Counsel requested some edits as well as additional items that had not been forwarded to them yet. Mr. Viel noted that all other conditions for approval were met.

Mr. Berry, who represented the applicants of this case, summarized the conditions for approval as follows:

- State permits were obtained and forwarded to the Planning Office.
- Outstanding comments were addressed.
- The applicant was to provide an existing conditions plan of Mitchell Road for the town's use in the future. This was completed and forwarded to the Planning Office.

Mr. Berry stated that they believe that they have met all conditions of approval, with the exception of Town Counsel's approval of their documents.

***Mr. Anderson made the motion to deem that the conditions of approval for Case #20-003-SUB have been met, pending Town Counsel response prior to mylar being signed. The motion was seconded by Ms. Mooney. The motion was approved by a vote of 6-0-1.***

***Conceptual – Kevin Bassett Subdivision***

Kevin Bassett came forward and introduced himself as a resident of 101 Shore Drive and the owner of 25 Lamprey Drive. He was joined by Jim Franklin, Surveyor. Mr. Bassett stated that he would like to subdivide his parcel into a couple of large lots for his children and perhaps a couple of small lots as well. Mr. Bassett explained that he needed to have the area surveyed and to figure out if they are buildable lots. Behind the dam is some unbuildable land which would have been in current use before the road split it. He asked if the land could be owned by the same owner and deemed contiguous for current use. A letter he had received from Chris Sterndale, former Town Administrator, was provided to the Board which stated that, just because there is a road through the property, doesn't mean that two parcels owned by the same person with an easement couldn't be contiguous and remain in current use. He asked for the Board's input before he goes any further.

Mr. MacKinnon advised that Town Counsel, in the past, has determined that the two parcels would be contiguous.

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Mr. Viel suggested that Mr. Bassett have the survey work completed and then return to the Board with a design review.

***Proposed Warrant Articles***

Mr. Viel recommended that the Board hold a workshop to address topics that they have not had time to address, such as proposed amendments to the *Subdivision Regulations* and warrant articles for the *Zoning Ordinance*.

***Ms. Mooney made the motion for the Planning Board to hold a workshop on November 16<sup>th</sup> at 6:30pm to review amendments to the zoning ordinances and subdivision regulations. The motion was seconded by Ms. Andersen. The motion was unanimously approved by a vote of 7-0-0.***

**Public Comment**

None.

**Approval of Minutes**

Mr. Viel suggested that the Board table the approval of minutes until the next meeting.

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

Ms. Jones had no comment.

Mr. Davies had no comment.

Mr. Anderson shared a seminar titled “Understanding and Preventing Hate-Based Activity” that was held on October 6<sup>th</sup> through New Hampshire Listens. He advised that information can be found on the SRPC website.

Mr. Morin reported that there was a great turnout for yesterday’s (11/08) general election. The Select Board has chosen a candidate to fill the Land Use Clerk position and this person will likely be starting next week. The town continues to be in the midst of budget season and that the Budget Committee has, as of late, been discussing default budgets.

Mr. MacKinnon had no comment.

Mr. Viel attended the October 31<sup>st</sup> Select Board meeting and spoke towards the Planning Board budget. He plans to attend a Budget Committee meeting when the Select Board indicates that they are ready for him to do so. Mr. Viel has drafted a schedule calendar for Planning Board meetings and application deadlines for 2023. The annual Town Report write-up is due if anyone is interested in drafting that up.

**Nottingham Planning Board Meeting**

**DATE: November 9, 2022**

**Approved December 14, 2022**

531 Ms. Mooney noted that voter turnout on Election Day was close to 86%.

532

533 Ms. Andersen had no comment.

534

535 Mr. Haney had no comment.

536

537 **Adjourn**

538

539 *Ms. Mooney made the motion to adjourn. The motion was seconded by Ms. Jones. (I'm not too*  
540 *sure if I have the correct people here....)* I did (Sue) and thought that the second was made by  
541 Gary?)

542

543 The meeting was adjourned at (?). SOMETIME AFTER 9:30, MAYBE 9:35 TO 9:40?

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548

549 Respectfully submitted,

550 Rachel Dallaire, Planning Board Interim Secretary