

**Nottingham Planning Board Meeting**  
**Date: Wednesday, December 13, 2023**  
**Official Minutes**

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

**Members Absent:**

**Others Present:** Blair Haney, SRPC Representative; Alana Kenney, Land Use Clerk; Matt Curry, Fire Chief; Gary Anderson, NFR Chaplain/Member; Scott Boudreau, Surveyor; Peter White, Owner; Steve White, Owner; Courtney Rieder, Applicant; Jonathan Rieder, Applicant; Ryan Pearson, Applicant.

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

Mr. Davies was seated and voting for the vacant position.

**Discussion Re: Cisterns:**

Fire Chief, Matt Curry, and Gary Anderson came before the Board for a discussion on cisterns. Mr. Anderson handed out a copy of the current subdivision regulations on cisterns. Mr. Curry stated that he follows the current subdivision regulations and planned to follow those in the future.

Mr. Viel provided some background information on the subject. Recently, some applicants had requested to use concrete cisterns instead of fiberglass ones due to cost. Mr. Curry explained that there had been issues with concrete cisterns in the past and that is why they created the current regulations. Mr. Anderson stated that if a cistern does break, it will be the town that ends up paying for it. Mr. MacKinnon pointed out that if the town does need to replace one, it will be much cheaper to use concrete. The town would be bound by the same regulations that the original applicant was.

Discussion followed comparing house sprinklers to cisterns. Mr. Viel pointed out that cisterns benefit additional houses whereas sprinkler systems are only useful to the house in which they are installed. Mrs. Bascom pointed out that sprinklers only work for a short duration and may not put out a large fire. Mr. Curry did confirm that sprinkler systems do have a limited amount of water that is stored in a tank in each house.

Mr. Viel reiterated that the town would continue to require fiberglass cisterns if that is what is suggested. The Board would also continue to ask for the Fire Chief’s input on future cases as well.

**Public Hearings**

*23-004 SUB Residences At Fort Hill - Smoke St & Fort Hill Rd (Continued) – 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 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 had requested a continuance to the second meeting in January, which would be on Wednesday, January 24, 2024.

Mr. Viel read a brief history of the case; stating that the major subdivision was first brought to the Board and accepted as complete on April 26, 2023. Since then, there have been many additional meetings and continuations including bringing the case to the Zoning Board. Ms. Andersen confirmed that this would be the second request to continue in a row after a postponed meeting.

***Mr. MacKinnon made the motion to continue Case # 23-004 SUB Residences At Fort Hill – Smoke St & Fort Hill Rd to January 24, 2024, at 7:00 p.m. Ms. Mooney seconded the motion. The motion passed by a vote of 7-0-0.***

Mr. MacKinnon asked Ms. Kenney to make sure that the applicant provides an update by e-mail or is present at the next meeting if they need to request to continue again.

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

The applicant has requested to withdraw the application.

***Mr. MacKinnon made the motion to approve the request to withdraw Case # 23-008 SIT Claar – 55 McCrillis Rd without prejudice. Ms. Mooney seconded the motion. The motion passed by a vote of 7-0-0.***

Ms. Bascom stated she has seen the owner working on the property recently. Mr. Morin added that the case was brought to the Planning Board to discuss the business use of the property including storing vehicles and equipment. Mr. Viel stated that would be in the purview of code enforcement to potentially look further into the current uses on the parcel by the owner.

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

Mr. Viel stated that this case was accepted on November 8<sup>th</sup>, 2023, and deemed not to be of regional impact. He also noted that all members should have received updated plans.

Mr. Boudreau addressed the Board stating that since the last meeting, he has modified the boundary line to include additional continuous buildable upland. This change excluded the 25% slopes, building set-back line, and overhead power easement. Mr. MacKinnon confirmed that these changes addressed his concerns.

Mr. Viel re-opened the public hearing at 7:34 p.m. There were no comments made. The public hearing was closed at 7:35 p.m. Mr. Haney confirmed that the applicant added the pins, the two notes about shoreland protection, and the access easement for the abutting driveway as requested by the Board.

***Mr. MacKinnon made the motion to approve Case # 23-009 SUB White – 59 White’s Grove Rd as presented with standard conditions of approval along with State Subdivision and DOT approval. Mrs. Bascom seconded the motion. The motion passed by a vote of 7-0-0.***

***Conceptual # 23-005 Pearson - Kenison Pond Rd - Applicant is looking to purchase 22 acres to subdivide into (4) four lots. The property is identified as Tax Map # 32, Lot # 4.***

Mr. Viel reminded the public that the conceptual consultation is optional and completely non-binding for the applicants. It is an informal discussion to help guide individuals for potential projects.

Courtney Rieder and her brother, Ryan Pearson, stated that they were representing their parents, Dan and Janina, who were interested in purchasing a property on Kenison Pond Road. They were thinking of splitting it up into four lots for their family. They wanted to know if this would be possible and if so, what they would need to do.

Mr. Morin asked if Kenison Pond Road was a town road. Mr. MacKinnon confirmed that it was not, it is a private road. Mr. Davies pointed out that if it is a driveway, they cannot have more than (2) two houses on it. Mr. Viel stated that it is considered private road in the subdivision regulations. It is considered a private road if it serves three (3) or more homes or lots. Morin stated that the project is doable but it would require upgrades to the road. Mr. MacKinnon suggested the applicants refer to the private road portion of the subdivision regulations to see what would be required.

Mr. Viel stated that any new development on this property would need relief from the Zoning Board of Adjustment because they do not have the required frontage on a town road. He added that a state DOT Permit would be required.

Mr. Morin suggested they use an engineering firm as this project would be unique and complex. Mr. MacKinnon agreed and stated that they would need a surveyor and an engineering firm if they were to subdivide anyway.

Ms. Andersen let the applicants know that the meetings do get uploaded to the town YouTube page in case their parents wanted to watch it later.

### **Development Of Regional Impact**

The Board received a notice of regional impact from the Town of Raymond for their Case # 2021-018 White Rock Place. Their applicant is looking to develop three (3) four-story (4) apartment buildings for a total of 156 units on Main St. in Raymond. Mr. Viel stated that the hearing would be on Thursday, January 4, 2024 at 6:00 p.m. in Raymond.

Mr. MacKinnon recused himself from any discussion on this project as he is an employee of the engineering firm representing the owners.

Ms. Andersen suggested that the Board send a letter with their concerns to the Town of Raymond about the traffic congestion in that area. She also stated that DES has proposed a probation on any new water systems in Raymond because they have an existing violation, but, that issue didn't seem to be mentioned in the state impact study. She also had concerns about lighting and how you cannot see as many stars since some towns around us have removed or reduced restrictions in their lighting ordinances.

Mr. Viel stated that he will draft a letter from the Board to the Town of Raymond regarding these concerns.

### **Pawtuckaway State Park**

Mr. Viel received a letter from the NH Division of Parks and Recreation about the improvements planned for Pawtuckaway State Park. They were offering to brief the Board on the demolition of five (5) bathrooms and the addition of one (1) new pump station. Mr. Viel suggested inviting them to either of the meetings in February, requesting materials they are able to provide, and if they already have other meetings scheduled with the town.

### **Subdivision Regulations**

Mr. Viel suggested that the Board begin a list of changes for the *Subdivision Regulations* including road lists.

### **Amendments To Site Plans**

Mr. MacKinnon stated that it would help to keep check on site plans if the town started to require as-built plans. This would verify that the project was constructed according to the plans approved by the Planning Board and no changes were made after-the-fact. Mr. Viel noted that technically, the town already does require as-built plans as they are in the *Subdivision Regulations*, however it is not usually enforced.

Mr. Viel stated that another area that requires consideration was road design and construction procedures and inspections. He recommended that updates were needed.

Mr. Viel suggested that the Board also consider what triggers an amendment to the *Site Plan Review Regulations*. Mr. Morin recommended a meeting with the Building Inspector to discuss this issue. Mr. Viel said he would follow up with Dale Sylvia.

#### **Escrow**

The Board had a request from an applicant to have their escrow released since the project has been completed. Mr. Viel stated that there are regulations to follow to release the bond including the sign off by the road agent or building inspector and then final approval by the Select Board.

**Public Comment:** There was none.

#### **Minutes**

Ms. Mooney, Mrs. Bascom, and Mr. Viel suggested edits to the minutes of November 8, 2023.

***Mrs. Bascom made the motion to approve the minutes of November 8<sup>th</sup>, 2023 as amended. Mr. Davies seconded the motion. The motion passed by a vote of 7-0-0.***

#### **Updates**

Mr. Morin stated that the Select Board was required to cut about \$400,000 from the original proposed 2024 Town budget. There would also be warrant articles in addition to the budget to possibly recover important funding for the Town.

Ms. Mooney is still planning to update the previous letters from the Transportation Sub Committee to the Select Board.

Mr. Viel recommended that the Board vote on the proposed 2024 Planning Board meeting and deadline schedule.

***Mrs. Bascom made the motion to accept the 2024 Planning Board meeting schedule as proposed. Ms. Mooney seconded the motion. The motion passed by a vote of 7-0-0***

Transcribed per video.

Respectfully submitted,

Alana J. Kenney, Land Use Clerk

Edited by Susan P. Mooney, Secretary