

**Nottingham Planning Board Meeting**

**12-22-21**

**Official Minutes**

**1 Call to Order**

2 Members Present: Chair Dirk Grotenhuis; Vice Chair Eduard Viel; Gary Anderson, SRPC Rep;  
3 Ian MacKinnon; Susan Mooney, Secretary; John Morin BOS Rep

4  
5 **Members Absent:** Charlene Andersen, SRPC Rep; Robert “Buzz” Davies, Alternate

6  
7 **Alternate Seated and Voting:** None

8 **Others:** Kevin Lemieux, Land Use Clerk; Blair Haney, SRPC Planner

9 **Call to Order**

10 The meeting was called to order at 6:03 PM.

11

12 Roll Call was completed.

13 The purpose of this meeting was to discuss and refine three proposed zoning amendments for the  
14 warrant.

15 Mr. Grotenhuis began the meeting noting timelines for 2022 new zoning amendments. He said  
16 that the first is January 6<sup>th</sup> to post and publish notice for a first public hearing re: proposed  
17 zoning amendments if a second hearing is anticipated. Thus the first public hearing date for the  
18 zoning amendments would be January 12, 2022. The last date to hold the first public meeting is  
19 January 17<sup>th</sup>.

20 The Board addressed a proposed a building height definition amendment.

21 **Building Heights:**

22 Mr. MacKinnon stated that the goal for Building Height was to fine tune previous definitions, he  
23 gave the example of the parapet wall language. He further discussed the diagrams that he had  
24 copied from the Portsmouth Building Height definitions. He combined those diagrams into a  
25 few, refined images to fit the town’s new proposed definitions. He discussed the different  
26 diagrams’ details including:

- 27       • If grade is level, you do not need to go 6 feet out to measure.  
28       • If a parapet is 2 feet high or less, it is not counted in the building height.  
29       • He suggested that the 5-foot intervals average perimeter measurement around a building  
30       is a bit excessive and complicated and that changing the measurement locations at the  
31       building corners, or at corners and midpoints would be more efficient.

32 Mr. Haney asked if consideration should be made if a parapet is further set back into the building  
33 roof and away from the sidewall. Mr. Grotenhuis said in that scenario, the parapet would not be  
34 counted in building height as a ladder can be placed at flat roof surface. The Board discussed  
35 different commercial potential scenarios for a parapet wall. Mr. Anderson said that what matters  
36 is that fire department ladders can access the roof.

**Nottingham Planning Board Meeting**

**12-22-21**

**Official Minutes**

37 Ms. Mooney inquired about buildings with different slopes and wall heights. Mr. MacKinnon  
38 said the measurements would be an average grade. He continued saying for unique cases, a  
39 variance can be granted.

40 Mr. Anderson offered a possible issue with the “average” as it pertains to the fire department.  
41 He said often the lowest point is the place that the fire department would set a ladder, like a  
42 driveway. Mr. MacKinnon said that maybe the Board should get more feedback from the Fire  
43 Chief to help with the language.

44 Mr. Grotenhuis remarked that the Fire Chief had given feedback. He said the Chief requested  
45 the measurement to be 35 feet from the lowest grade to highest point within 12 feet from the  
46 structure. Mr. MacKinnon quoted the Building Inspector as saying if the inspector sticks to that  
47 measurement, he will have to deny approximately half of the permits for new construction. Mr.  
48 Grotenhuis said the Board needs to understand that such definitions would limit the type of  
49 homes being built in Nottingham. Mr. Morin claimed that some construction would need a  
50 larger footprint if the height were restricted. He continued by stating that smaller lots would  
51 have difficulty maintaining the rural character of the town after figuring in setbacks and septic  
52 installations. Mr. Grotenhuis referred to a picture of a house sent by the Fire Chief and how the  
53 house would not be able to be built in Nottingham today. Mr. Anderson said he believes the Fire  
54 Chief would be fine with having access to the highest inhabitable space, like the attic window  
55 shown in the picture.

56 Mr. Viel added that some of the newer homes being built don’t necessarily fit the rural character  
57 of the town. Mr. MacKinnon replied that it could depend on the size of the lot. He gave  
58 examples of subdivisions that do not fit the rural character of the town with large homes built  
59 relatively close to one another.

60 Mr. Anderson asked if the word “access” should be used. He suggested using “most accessible  
61 side” in the definition. Mr. Grotenhuis replied that the most accessible side many times will be  
62 more of an immediate decision based upon current conditions. He gave an example of cars in a  
63 driveway as being a factor. Mr. Anderson countered with lay of the land being considered for  
64 access.

65 Mr. Grotenhuis said that the Board needed to come up with a definition at the current meeting.  
66 Mr. MacKinnon reviewed the progress made by the Board regarding Building Heights. He  
67 outlined the following:

- 68 • The average of corners and midpoints around the building will be used for measuring  
69 height.
- 70 • Grade plane measured 6 feet from the building wall.
- 71 • Leave the parapet wall language because it pertains to commercial/industrial structures.

72 Mr. MacKinnon asked how to best present this amendment. Mr. Grotenhuis asked Mr. Haney if  
73 the amendment for the notice needed to be a summary or an exact statement. Mr. Haney said  
74 that he will find out. The Board openly discussed previous ways that the notice was presented in  
75 the past. Mr. MacKinnon said he will make changes and get a PDF to the Board soon.

**Nottingham Planning Board Meeting**

**12-22-21**

**Official Minutes**

76 The Board then addressed steep slopes definitions.

77 **Steep Slopes:**

78 Mr. Haney had edited the original Steep Slope document originally provided by the SRPC office  
79 to fit into an accepted format and corrected some dates that referenced certain plans. He added  
80 that aside from those changes, the document is being presented to the Board as proposed. He  
81 gave a brief synopsis of the Steep Slope document. He stated that this proposal would  
82 essentially be an Overlay District for steep sloped lots. He explained that this document has  
83 been in circulation and discussed in the past before his employment with SRPC.

84 Mr. Haney added that there is no definition of “steep slopes” in the regulations. Mr. Viel said  
85 that steep slopes is outlined in the town’s zoning regulations under “fit for building” and “unfit  
86 for building” based upon being above or below a 25% slope.

87 Mr. Viel said that Northwood has a Steep Slope Overlay District and they also have special  
88 exceptions. He said that Northwood has a conditional use permit and they use 20% slope as a  
89 benchmark. He added that Northwood uses an exclusion for slopes that are less than 2000SqFt.  
90 Mr. MacKinnon thinks that the 2000SqFt number is reasonable. Mr. Viel added that the intent of  
91 the Master Plan was to maintain the scenic character of the town and to preserve landmarks such  
92 as mountaintops and ridges.

93 Mr. Haney stated that the new language would go under “Applicability”. Mr. Viel said the  
94 Northwood regulations have language that prohibits roads and driveways being built on slopes of  
95 25% or greater. The Board discussed how to fit the language into the Applicability section of the  
96 Steep Slope Document.

97 Mr. Viel asked if the regulations should just pertain to Major Subdivisions and Site Plans. He  
98 continued by inquiring about sticking with the 15% slope and re-enforcing the 25% language that  
99 already exists in the zoning regulations. Mr. Grotenhuis said that those proposals sounded  
100 reasonable. Mr. Viel suggested that a 15% slope would carry less restrictions than a 25% slope  
101 and that the language should be clear regarding the differences.

102 Mr. Anderson asked how the Board classifies roadbeds or driveways. Mr. Grotenhuis believes  
103 that relief from a driveway regulation is more a waiver from the Planning Board than a variance  
104 from Zoning. Mr. MacKinnon said maybe add a “conditional use permit”. Mr. Viel added that  
105 if the Board denies a waiver request by an applicant, the applicant can apply for a variance with  
106 Zoning.

107 The Board discussed using 25% slope as a benchmark, as 15% is common for surfaces like  
108 lawns and 25% is more impactful for things like eroding soil. Mr. Grotenhuis said that the  
109 Board already has remedies for driveways above 8%. He said often that the regulations are to  
110 protect wetlands. Mr. MacKinnon said he approves, under Performance Standards, that the 25%  
111 slope regulation defines what is allowed when building at or near the steep slope.

112 Ms. Mooney referenced 5(c)2 where she questioned the use of “must be designed”. She  
113 recommended using the term “shall be designed” as it is more definitive. She said that “shall”

**Nottingham Planning Board Meeting**

**12-22-21**

**Official Minutes**

114 was utilized in other sections of the Steep Slope regulations. Mr. MacKinnon asked if section 5B  
115 under Performance Standards will be stricken as the limits on slopes are outlined in other areas  
116 of the Subdivision Regulations. Mr. Viel said, "Yes".

117 Mr. Viel suggested using the term "should" with regards to driveways and roadbeds. He said  
118 that using the term "should" is more of a suggestion with flexibility. Ms. Mooney said that  
119 saying "shall" would require a waiver as it is more definitive.

120 Mr. Haney asked for clarification of the slope definition. In particular, he asked if the rule  
121 should be two parts, a 25% slope rule and a 2000 SqFt cumulative area. Mr. Grotenhuis said that  
122 it would be contiguous area, not cumulative. He explained that small, sloped areas that were  
123 near one another would not be added up to come up with the entire area. The 2000 SqFt area  
124 would pertain to individual sloped areas.

125 Mr. Viel stated that he would put together all the changes for the Steep Slope Amendments and  
126 forward them along to the Planner, the Chair and the Land Use Clerk when completed.

127 Lastly the Board discussed driveway setbacks.

128 **Driveway Setbacks:**

129 Mr. Viel began by citing a past example in which driveway setbacks regulations would have  
130 been beneficial. He continued by stating that adding terms, like buffers, would be useful and  
131 should be considered. He added that shared driveways at common lot lines are fine, however, a  
132 setback of 10 or 20 feet for individual driveways makes sense and is neighborly and believes that  
133 roadway setbacks should be even greater.

134 Mr. Haney said that roadways setbacks would not be an easy insert as many regulations from  
135 state and local agencies will also need consideration. He added that driveway amendment  
136 changes are much more doable. He suggested a 10-foot setback from boundary line. Mr.  
137 Anderson agreed that 10 feet makes sense, as two adjacent lots with a 10-foot driveway setback  
138 would essentially give a 20-foot separation of driveways.

139 Mr. MacKinnon said that he likes the setbacks proposed by Mr. Haney, however, he believes that  
140 for commercial properties, the rule may be more restrictive than the state's DOT regulations for  
141 driveway permits. Mr. Grotenhuis added that the Board may not even be able to enforce such a  
142 regulation. Mr. MacKinnon added that back lot subdivisions may need exceptions to the rule.

143 The Board jointly decided to go with a 10-foot driveway setback amendment.

144 Mr. Haney agreed to add the changes to the driveway setback amendment and forward the  
145 document after it is completed. He asked if the amendment should be in summary form. Mr.  
146 Grotenhuis replied that he will look at past amendments and get back to Mr. Haney. Mr. Haney  
147 gave a brief synopsis of how the amendments will be edited.

148 Mr. Grotenhuis inquired if there needs to be a vote on whether the new proposed amendments  
149 should be posted.

Nottingham Planning Board Meeting

12-22-21

Official Minutes

150 *Mr. Viel made the motion to move forward with the public hearing for the Discussed Zoning*  
151 *Amendments. Mr. MacKinnon seconded the motion. The motion was approved unanimously*  
152 *by vote of 6-0.*

153 Mr. Lemieux asked for clarification on how the Zoning Amendments will be prepared for  
154 posting. Mr. Haney said that he will prepare three individual documents that outline each  
155 individual proposed amendment. He will forward those documents when completed to Mr.  
156 Lemieux for public posting.

157

158 *Mr. Viel made a motion to adjourn the meeting. The motion was seconded by Mr. Anderson.*  
159 *The meeting was adjourned at 7:29 PM.*

160