

Nottingham Planning Board Meeting

12-8-21

Official Minutes

**Call to Order**

Members Present: Chair Dirk Grotenhuis; Vice Chair Eduard Viel; Gary Anderson, SRPC Rep; Ian MacKinnon; Susan Mooney, Secretary; John Morin BOS Rep; Robert “Buzz” Davies, Alternate

**Members Absent:** Charlene Andersen, SRPC Rep

**Alternate Seated and Voting:** Robert “Buzz” Davies, Alternate, for Charlene Andersen

**Others:** Kevin Lemieux, Land Use Clerk; Jen Czysz, SRPC Planner; Scott Frankiewicz, NHLC; John Chagnon, Ambit Engineering; Mark Crockett; Larry Woodman, Applicant; Gretchen Woodman, Applicant; Todd Vachon, Abutter; Emma Gonya, Abutter; Zach Gonya, Abutter; Katherine Winans, Abutter; Allen Zipke, Resident; David Scholtz, Abutter; Mark Crockett, Resident; Jessica Morey, Abutter; Jeff Gallant, Resident; Warren Estes, Applicant; Dawn Fernald, Applicant; Joe Fernald, Applicant; Gary Dyjax, Abutter; Gavin Dyjax, Abutter; Martha Chase, Abutter; Tim Lavelle, Surveyor; Tom Horton, Abutter; Mike Gallant, Applicant; Brenda Cote, Abutter; Mary Martin, Abutter; Jon Chappell, Abutter; Douglas Smith, Abutter; Rebecca Smith, Abutter; Brooke Schaefer, Abutter; Paul Crovo, Abutter; Jo-ann Albert, Abutter; Roland Fletcher, Resident; Frank Gruniero, Abutter; Sandra Jones, Resident; Jennifer Gibson, Abutter; Karen Jurgel, Resident; Matt Curry, Resident; Linda Bevins, Applicant; Alan Matthews, Abutter; David Scholtz, Abutter

**Call to Order**

The meeting was called to order at 7PM.

Mr. Grotenhuis began the meeting by stating that the meeting had a full agenda and that there was an additional conference room for overflow of meeting attendees.

**Roll call**

Roll call was completed.

***Case# 21-010-LLA (continued): Application from Mark C. & Patricia A. Wasson and 70-25, LLC for a Lot Line Adjustment. The property is located at Lamprey Drive in Nottingham, NH and is identified as Tax Map 70 Lots 23 & 25.***

The applicant sent an email to the Board requesting a continuance of the hearing. Mr. Viel mentioned that the application has been before the Board since May. Discussion was had regarding how long a hearing can continue. It was decided that should another continuance be granted, then the applicant must be present in person as to discuss the status of the case and the reasons for the many continuances.

***Mr. Anderson made the motion to continue Case# 21-010-LLA to the February 9, 2022, meeting. The motion was seconded by Ms. Mooney. The motion was approved by a unanimous vote, 7-0.***

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***Case# 21-013-SUB (continued): Application from James Lavelle Associates, requesting a Subdivision approval to subdivide 29.5 acres into two (2) lots that will both have frontage on Gebig Road. This property is located at 22 Gebig Road in Nottingham, NH, and is identified as Map 18 Lot 4-B.***

Tim Lavelle introduced himself as the surveyor for property. He mentioned that he was not at the last meeting due illness, however, at the last meeting the Board pointed out on Lot 4-D, the 30,000 sqft contiguous area was narrowed to 50 feet in some areas. He stated that the correction was made via lot line adjustments so that there was no area less than 100 feet from line to line. In making the adjustment, it caused one of the test pits to be too close to the lot line requiring the digging of a new test pit. Mr. Lavelle believed that the new plan, which he passed out at the start of the meeting, is complete. He continued that the only thing left is to set the monuments.

Mr. MacKinnon mentioned that he was the one who brought up the 50-foot pinched area of the plans, however, he now feels that the issue has been addressed and he is satisfied.

Mr. Grotenhuis asked the Planner, Ms. Czysz, if she had anything to add regarding the plan. Ms. Czysz had a question about identifying distances and area markings of the contiguous area on the plans. Mr. MacKinnon asked Mr. Lavelle if the contiguous area ran through the 4K area. Mr. Lavelle said it does.

Mr. Viel brought up monuments. Mr. Lavelle said that they are not currently set, however, they are indicated on the plan and will be set. Mr. Lavelle said he had the data for the additional test pit. He handed the paperwork for the test pits to the Land Use Clerk, Mr. Lemieux.

Mr. Viel said that the Board had acted on the waivers previously. Mr. Lavelle said that his notes indicate that the waivers were granted on October 27, 2021.

***Mr. Viel made the motion to approve Case# 21-013-SUB with the standard set of conditions outlined in the Staff Review. Seconded by Mr. MacKinnon. The motion was unanimously approved 7-0.***

***Case# 21-016-SUB (continued): Application from Estes Family Trust, requesting to subdivide a lot into 4 lots with existing frontage. This property is located at Kennard Rd. (Kennard Road is a scenic road), in Nottingham, NH, and is identified as Map 12 Lot 14.***

John Chagnon from Ambit Engineering introduced himself as the representative for the Estes Family Trust. He explained that the plans, per feedback from the Board at the last meeting, have been adjusted from a 4-lot subdivision to a 3-lot subdivision. He also mentioned that there are waivers requested in which he sought approval. He stated that there is a meeting scheduled for next week with the Conservation Commission.

Mr. Viel brought up previous conversations regarding a lot that is not part of the subdivision with no access or deeded easement. Mr. Chagnon said that it is going to be left as is. Mr. Viel wants to include a note on the plan that approval of this subdivision does not include a driveway to the landlocked lot.

Mr. Grotenhuis asked if the Board needed to act on waivers. The applicant is seeking a waiver for Sections 8.3, 8.6 and 8.9.

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81 ***Mr. Viel made a motion to approve waivers for Sections 8.3, 8.6 and 8.9. Mr. Anderson***  
82 ***seconded. The waiver request was approved unanimously by a vote of 7-0.***

83 The Board discussed if they could act upon the application tonight or should they wait until after  
84 the meeting with the Conservation Commission. There was discussion of possible conditional  
85 approval based upon what happens at that site meeting. Mr. Chagnon said that the applicant  
86 would appreciate approval with conditions tonight.

87 Mr. Grotenhuis open the floor for public comment. There was no public comment.

88 Mr. Grotenhuis said that he will continue the case until January 12, 2022. He said that this will  
89 give time for Mr. Chagnon to meet with the Conservation Commission.

90 ***Mr. Viel made a motion to continue the case until the January 12th meeting. Ms. Mooney***  
91 ***seconded the motion. The motion was approved by a unanimous vote 7-0.***

92 Mr. Anderson commented that he has heard that some applicants are reaching out to town  
93 officials like the Fire Chief for direct feedback on their applications. He said that he wanted to  
94 make clear that all questions regarding an application should pass through the Board. Mr.  
95 Grotenhuis said that the procedure for contacting municipal departments should be coming from  
96 the Board and not from applicants.

97 ***Case# 21-017-SUB: Application from Roger and Linda Bevins requesting to subdivide one lot***  
98 ***into three single family parcels. This property is located at 38 Kennard Rd. (Kennard Road is***  
99 ***a scenic road), in Nottingham, NH, and is identified as Map 13 Lot 3.***

100  
101 Mr. Grotenhuis asked Ms. Czysz if the application is complete. She replied that it was complete.

102 ***Mr. Viel made a motion to accept the application as complete. Ms. Mooney seconded the***  
103 ***motion. The motion was unanimously approved by a vote of 7-0.***

104 Mr. Scott Frankiewicz introduced himself as representing Roger Bevins as they sat together. Mr.  
105 Frankiewicz gave a description of the application and the planned subdivision. He explained that the  
106 existing property is 20.9 acres with 1846 feet of frontage on Kennard Rd and that there is an existing  
107 house on the property. He said that the subdivision proposal is for three (3) lots. Mr. Frankiewicz gave a  
108 brief synopsis of each of the three (3) proposed lots.

109 ***Mr. MacKinnon made a motion that the case is not one of regional impact. The motion was***  
110 ***seconded by Mr. Anderson. The motion was unanimously approved by a vote of 7-0.***

111 Mr. Grotenhuis asked Ms. Czysz for her input on the case. She said that when Mr. Haney, the  
112 SRPC Planner, reviewed the case, and he had a question regarding Lot 3's contiguous buildable  
113 area. She said that the existing house on that lot is a pre-existing non-conforming structure. She  
114 continued by saying that currently the house location is not an issue, however, if demolished and  
115 a new home was built, that a wetland crossing would need to be added. Ms. Czysz pointed out a  
116 typo on Lot 3A regarding the frontage. Mr. Frankiewicz commented about the wetland and  
117 indicated that there is currently a path that provides access.

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118 Mr. MacKinnon asked if the two (2) existing gravel driveways have been permitted or if the  
119 applicant contacted the Department of Public Works for feedback. Mr. Frankiewicz said that  
120 they have not yet contacted them. Mr. Grotenhuis said that Mr. Lemieux can contact the DPW  
121 Director.

122 Mr. MacKinnon asked what the intent was for the slim section behind the center Lot 3 that  
123 connects the two outer Lots, 3A and 3B. Mr. Frankiewicz explained that the applicant wanted to  
124 keep an access between the two outer lots, should the middle lot be purchased by a non-family  
125 member.

126 Ms. Mooney inquired about the 50-foot wetland setbacks. She asked if the setback was based on  
127 poorly drained soil as opposed to very poorly drained. Mr. Frankiewicz said that it was for  
128 poorly drained soil.

129 Mr. Viel said that town requirements state that two test pits are needed in a 4K area. He said that  
130 a test pit would need to be added for each 4K area. He also mentioned that changing lines for the  
131 lot with the non-conforming home will make the lot more non-conforming and may require a  
132 hearing with Zoning. Mr. Frankiewicz said that it would be a waiver.

133 Discussion continued around the current non-conforming home and contiguous buildable area  
134 lot. Mr. MacKinnon said that he would like for the current home to stay; however, if the home  
135 was taken down, the new home would need to be further back from the road to conform to the  
136 30,000 sqft contiguous area regulation.

137 Mr. Davies asked if the applicant would need to go to the Zoning Board for a variance. Mr.  
138 MacKinnon said that the current regulations speak to a new construction home and not what is  
139 being proposed. Mr. Grotenhuis said that the Board will need further advisement on the matter.  
140 Mr. Viel suggested that the Board first get legal counsel before moving forward. He also said  
141 that the applicant will need to meet with the Conservation Commission because it is located  
142 along a scenic road. Mr. Frankiewicz asked if he will be notified after the Board gets feedback  
143 from legal counsel. Mr. Grotenhuis said that Mr. Lemieux will notify the applicant.

144 Mr. Grotenhuis opened the floor for Public Comment.

145 Mr. Robert Wilson, a neighbor to the property, asked about the proposal layout and wants to  
146 ensure that a newly built home in the future will not negatively affect him. The Board identified  
147 the buildable area that the applicant is seeking approval for. Mr. Wilson was given a copy of the  
148 plan for his records by Mr. Frankiewicz.

149 Mr. Grotenhuis continued after no further public comment. He said to move forward, the Board  
150 will get counsel review, the applicant needs to meet with the Conservation Commission and the  
151 municipal departments will get the opportunity to review the application.

152 ***Mr. Viel made a motion to continue case to the January 12, 2022, meeting. Mr. MacKinnon***  
153 ***seconded the motion. The motion was unanimously approved by a vote of 7-0.***

154 Mr. Grotenhuis moved on to Other Business and noted that next was a Design Review. He  
155 explained that a Design Review is a non-binding and informal discussion with a potential

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156 applicant that provides an opportunity for the Board to understand what is being proposed for the  
157 future.

158 ***Design Review- Owl Ridge Builders***

159 ***The Design Review proposal is for a subdivision that would consist of 26 lots on 102.77 acres.***

160 ***The property is located on Smoke Street and is identified as Tax Map 23, Lot 11.***

161 Christopher Berry of Berry Engineering introduced himself and provide a brief description of the  
162 proposed project. He outlined the following regarding the Subdivision Proposal:

- 163 • Defined the markings on the new plan that he passed out to the Board with regards to the  
164 Aquifer Zones.
- 165 • All wetlands on the maps are non-critical based on recently published maps.
- 166 • The Little River is part of a critical wetlands system that has its own setbacks and the  
167 jurisdictional requirements to them.
- 168 • There are areas on the site that have slopes that are steeper than 25 percent.
- 169 • There is a utility easement that is difficult to identify on the plan that exists on the left-  
170 hand side of the property running the perimeter boundary line.
- 171 • Summer Street, a “paper” town road, would run through the proposed plan and there  
172 would be no structures placed within that area or prohibit access.
- 173 • Wetlands drain down through site and some wetlands at center of project site. They have  
174 been reviewed with no vernal pools found in those areas.
- 175 • The project would require an Alteration of Terrain permit which would trigger a wildlife  
176 study including review of sensitive habitats.
- 177 • Local maps suggest a cemetery is on property. His firm could not find its location,  
178 however, federal permit requirements under the Water Quality Act would go under a  
179 Division of Historical Resources review. This review would identify the cemetery.
- 180 • The Yield Plan shows three (3) access points.
- 181 • Many of the lots are oversized due to the need to meet the 30,000 sqft contiguous area  
182 regulations.
- 183 • The applicant has a proposed Open Space design with three cul-de-sacs.
- 184 • This proposal has more than 50 acres of open space area
- 185 • The Open Space plan would remove development completely from the Little River area,  
186 would limit development in the aquifer zone and would eliminate almost all wetland  
187 crossings

188 Mr. Berry added the following:

- 189 • Buffering is typically required unless modified by conditions set by the Planning  
190 Board.
- 191 • The Open Space Development (OSD) and the Aquifer Protection Zones  
192 regulations were written at different times. He sought clarity on the minimum and  
193 maximum lot sizes as it pertains to the OSD in the Aquifer Protection Zone. His  
194 interpretation is that the maximum and minimum is 45,000 sqft.

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- 195                   • The project seeks to place project density in the appropriate areas to minimize  
196                   environmental and abutter impacts.
- 197 Mr. MacKinnon asked for clarity on the lot sizes for 11 and 11-4 on the conventional Yield Plan.  
198 Mr. Berry said approximately 5 to 7 acres each.
- 199 Mr. Viel talked about the cemetery that Mr. Berry mentioned and how folks from town, with  
200 knowledge of such, pointed out the location of fieldstones placed instead of headstones. He  
201 mentioned that photos have been sent into the Town Office and can be provided to Mr. Berry  
202 should he want to review them. Mr. Berry replied that he would.
- 203 Mr. Viel mentioned that the Zoning Ordinance requires the minimum lot size to be three (3)  
204 acres in the Aquifer Protection Zone. He continued by indicating that there will be additional  
205 zoning restrictions that will need to be considered like adding buffers, contiguous area, and  
206 environmental regulations.
- 207 Mr. Grotenhuis mentioned that the town road standards have recently been rescinded. Mr. Berry  
208 indicated that he did not know this as the standards were just published in 2020. Mr. Morin  
209 explained that the standards for the subdivision and new roads are the same. Mr. Berry replied  
210 that fact may have advantages regarding density planning.
- 211 Mr. Berry asked about dealing with lots that are partially in the Aquifer Zone. Mr. MacKinnon  
212 said that on the conventional Yield Plan, some lots exceed the three-acre minimum. He  
213 continued by adding that some of the lot shapes don't meet the town's requirements. He said  
214 that a cleaner yield plan can be achieved if you hold the most restrictive regulations with the 3-  
215 acre lot. Mr. MacKinnon said that he would be curious to see what the future Yield Plans will  
216 look like as he does have a concern with some lot shapes. He also did not like a proposed road  
217 that abuts along certain properties in the Open Space Plan. Mr. Viel said that there is language  
218 built in regarding landscape buffers for Opens Spaces in the regulations.
- 219 Mr. Grotenhuis opened the floor for Public Comment.
- 220 Brenda Cote, an abutter, asked about the plan for the removal of a steep slope as her property  
221 abuts the slopes. Mr. Grotenhuis explained that it was too early in the process to determine what  
222 the plan is. He said that drainage will be a key component considered when planning.
- 223
- 224 Douglas and Rebeca Smith, abutters, asked about the ledge that abuts their property. They said  
225 that the ledge will need to be blasted and they are concerned with the side effects of such  
226 blasting, specifically damage to the house. Mr. Grotenhuis said that there are state regulations  
227 and permitting required for blasting.
- 228 Alan Zipke, Fort Hill Road resident, said that he knows the town will need to consider traffic  
229 and he wants the town to understand that Fort Hill Road is only 18 feet wide, Smoke Street is 22  
230 feet wide, and Mill Pond Road is 24 feet wide. He explained how hazardous the narrow roads  
231 currently are. Mr. Grotenhuis replied that the Board will take his concern into consideration.

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232 Tom Hurton, abutter, discussed his concern about road run-off affecting his property. He said he  
233 has experienced depressions and a sink hole near his property in the past. He continued that his  
234 family moved to Nottingham for a more country feel, and this project would place neighbors in  
235 close proximity to him. Further, he raised the issue of stress to the water aquifers put on by the  
236 increase of residents in the area. Mr. Grotenhuis explained that the details are still forthcoming  
237 as the project evolves. He continued that development in an Aquifer Zone will require studies by  
238 a hydrologist.

239 Jeff Gallant, abutter Fort Hill Road, asked about the purpose for a road to come out to Fort Hill  
240 Road. He said that many residents on Fort Hill Road are concerned about increased traffic. He  
241 also voiced concern over water protection of the aquifer. He further mentioned safety on the  
242 narrow Fort Hill Road. He also asked about lot size regulations, buffering and roads. He ended  
243 by saying he knows the proposal is still in early stages.

244 Mr. Viel asked Mr. Berry if the Fort Hill Road access is a cul-de-sac, or if it does not have a  
245 second exit. Mr. Berry said that was correct. Mr. Viel asked what the length of Fort Hill Road is  
246 to the next road. Mr. Berry replied that he does not have that length, however, it will be longer  
247 than 2000 feet. Mr. Viel said that the length will be something that needs to be considered.

248 Mr. Berry asked how to resolve some of these issues and how to best to move the proposal  
249 forward. He asked how he will receive an answer regarding lot regulations with respect to OSD  
250 and Aquifer Zones. Ms. Czysz said she did not have a direct answer, however, she knows that  
251 there are trade-offs regarding lot sizes and environmental impacts as it relates to an Open Space  
252 concept and Aquifer protections. Mr. Grotenhuis recommended that Stafford Regional Planning  
253 review the plan before the town moves toward additional advice. Mr. Viel advised that the  
254 Board will need to assess more of the environmental impacts and how it relates to the OSD  
255 regulations.

256 Mr. Berry inquired about the need for additional permitting or the Board's experience in regard  
257 to site excavation. Mr. Grotenhuis said they do not have the necessary experience to provide an  
258 answer. Mr. Viel said that as part of the Master Plan, there is an effort to minimize land  
259 disturbance as much as possible. Mr. Grotenhuis said that the best way to move forward is to  
260 have the applicant provide details for the Board to evaluate and consider. Ms. Czysz said that  
261 the Planning Board can add an application for excavation, or in lieu of an application, the  
262 applicant can write a letter for permission to excavate. Mr. Viel said that the regulations outline  
263 that the state grants permission to the landowners for excavation, however, the town can give  
264 input as needed.

265 Mr. Grotenhuis opened the floor for any remaining comments from the public.

266 Jenny Gibson, an abutter, asked if the access for the planned road came out to Fort Hill Road, or  
267 to King Fisher Road. Mr. Berry said that he will provide more answers to specific questions like  
268 this at the next meeting.

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269 Mr. Viel made the motion to continue the Design Review for Owl Ridge Builders until the next  
270 meeting on January 12, 2022, at 7:00 PM. The motion was seconded by Mr. Anderson. The  
271 motion unanimously was approved by a vote of 7-0.

272 Dawn Fernald, an applicant, asked why she did not receive a notice of the hearing. Mr. Lemieux  
273 explained that the applicant provides the Town with the mailing labels for the Public Hearing  
274 Notices, thus the applicants needed to include themselves to receive notification.

275 ***Conceptual Application- Gallant***

276 Mr. Scott Frankiewicz, NH Land Consultants, introduced himself and his client Mike Gallant,  
277 the property owner. Mr. Frankiewicz outlined the proposal as a subdivision in which the land to  
278 be subdivided straddles the neighboring town of Deerfield. He said that they have already been  
279 to a Planning Board meeting in Deerfield. He explained that the proposal is for a 4-lot  
280 subdivision in which one lot will be in Nottingham with access to the lot via a private road in  
281 Deerfield. Lot labeled #3 on the plans is partially in Nottingham and the proposal is to build a  
282 house for that lot on an area in Nottingham. He asked if the Board foresaw any issues with this  
283 proposal.

284 Mr. Grotenhuis asked for clarity on the lot layout and how it relates to the town. Mr.  
285 Frankiewicz confirmed that there is 29.7 acres in Nottingham with 46 acres in Deerfield from the  
286 same lot.

287 Mr. MacKinnon asked if the lot line was part of the town line. Mr. Frankiewicz replied that  
288 there are different ways to look at it. He continued by saying lot lines are technically town lines  
289 and that the lot in question is really two (2) lots divided by the town line.

290 Mr. Viel said that the town's Subdivision Regulations state that a subdivision must be accessible  
291 via a Class V Road. Mr. Frankiewicz replied that the town regulations allow for up to a three (3)  
292 lot subdivision on a private road.

293 Mr. Grotenhuis explained that if the house was built in Nottingham, then taxes would be paid to  
294 the town. He continued by saying the Board would need to consult with the Fire and Police  
295 departments for clarity on if they would service a house that is only accessible through another  
296 town's road. He added that impact fees of a new lot would apply. Mr. Frankiewicz stated that it  
297 is an existing lot, not a new lot.

298 Mr. Viel asked if the lots in Deerfield are a subdivision. Mr. Frankiewicz said that they were.  
299 Mr. Viel said that the Board would need to think about how that works with the town's  
300 Subdivision Regulations. The Board openly discussed a variety of properties in town with sole  
301 access through other towns.

302 Mr. MacKinnon mentioned the different scenarios that need to be considered when pulling a  
303 permit for building. He asked that if the town says the applicant can't pull a permit due to  
304 access, then does this case become a non-buildable issue.

305 Ms. Czysz added, via state regulations, that if the applicant were to come to the town of  
306 Nottingham for a building permit for the lot in question, then the town would need to confer with



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307 the town of Deerfield before issuing a permit. She also stated that the portion of the lot in  
308 Nottingham, taken solely, does have frontage on the proposed private cul-de-sac. Mr. Viel said  
309 that the cul-de-sac is not a Class V Road.

310 Discussion, promoted by Mr. Morin, revolved around the legal address for the lot would be  
311 located in Deerfield, however, the home would be sited in Nottingham. Mr. Morin asked who  
312 would respond for an emergency. He said that Nottingham could receive all the tax benefits,  
313 however, the address of the lot would prompt Deerfield to respond to an emergency.

314 Ms. Czysz said that part of Deerfield's review of a Subdivision application would require them  
315 to contact Nottingham in writing to cross-reference zoning regulations. She continued that the  
316 Nottingham Planning Board would need to hear the case along with Deerfield. Mr. Frankiewicz  
317 added that similar cases have required signatures from Boards of both towns. He also added that  
318 Deerfield regulations allow up to four (4) lots before becoming a major Subdivision project. He  
319 said that due to such regulations, the plan has no more than four (4) lots. Ms. Czysz said that the  
320 planning boards in each town would need to review the plans.

321 Mr. Davies asked if the town of Deerfield understood that they would hold all the responsibility  
322 without getting any of the tax money? Mr. Frankiewicz replied that Deerfield was given the  
323 same presentation as Nottingham. He continued that the road was private, thus there would be  
324 no town maintenance.

325 Ms. Mooney asked for clarity on the original Conceptual application. She noted that the  
326 proposal was for three (3) lots, however, the actual plan at the meeting was for a four (4) lot  
327 Subdivision. Mr. Frankiewicz explained that three (3) lots was the original concept, however,  
328 conversations with Deerfield evolved the plan to four (4) lots.

329

330 Mr. Viel inquired about putting the house on the 46-acre Deerfield area of the lot. Mr.  
331 Frankiewicz replied that the applicant found a spot that he liked the best, which happened to be  
332 in Nottingham. Mr. Viel reiterated that the Zoning Regulations, regardless of subdivision status,  
333 states that you need to meet the frontage requirements. He stated that the Building Inspector  
334 would deny the permit and relief from the Zoning Board would be needed. Discussion revolved  
335 around this concept. Ms. Czysz gave an example of a case that she had in another community in  
336 which the frontage requirements allowed for measurement of the entire frontage that spanned  
337 multiple communities. She quoted regulations that states that having frontage that otherwise  
338 meet a town's requirements, can't be disqualified if the frontage spans multiple municipalities.  
339 Mr. Viel replied again that the road is not Class V. Mr. Frankiewicz asked if the town had a  
340 private road regulation. Mr. Viel said that the frontage issue has come up multiple times and the  
341 Class V regulation has not changed. He said approval couldn't be granted without ZBA relief.

342 Mr. Grotenhuis asked about a path forward with this case. Ms. Czysz said the path forward  
343 would be to apply for a Subdivision in both communities. Further, when applying for a building  
344 permit, relief will need to be given by the Zoning Board in the form of a variance due to the lack  
345 of frontage required by the Zoning Regulations.

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346 **Zoning Amendments:**

347

348 ***Building Heights:***

349 Mr. MacKinnon opened the discussion by talking about building heights. He had put together a  
350 hand out with feedback from the Fire Chief and the Building Inspector. After reviewing other  
351 towns' definitions, he said that Portsmouth has a building height definition that uses "grade  
352 plane", an average of a ground height level adjacent to a building. He said that many towns use  
353 a mid-point of occupiable area of a house to determine the 34-foot roof height, thus this point  
354 would be dependent on the type of roof. He believes that there is no need to use the language for  
355 a parapet in the regulations as this is not a common roof style in town. Mr. Anderson said that he  
356 spoke with the Fire Chief and that the Chief would like to see commercial buildings included in  
357 building height considerations. The Board discussed how best to clean up the diagrams provided  
358 by Mr. MacKinnon.

359 Mr. Morin said many homes pre-date building regulations and there are very minimum setbacks  
360 from property lines. Ms. Mooney said that gambrel and mansard roofs are common, thus should  
361 be considered in the language. Mr. MacKinnon said that he can just use an overall term for roof  
362 that would cover all roof types. He said he can update document within the week.

363 The Board discussed when to meet about the Zoning Amendments and how it correlates with the  
364 Public Hearing Requirements.

365 ***Steep Slopes:***

366 The Town Planner, Blair Haney, had added language to an existing document and brought up  
367 questions to address current steep slopes to Ms. Czysz. Ms. Czysz referenced the hand-out  
368 previously emailed by Mr. Haney and how the 25% steep slope limitation mainly exists in the  
369 definition of "fit for building" and "unfit for building". She continued that he offered to "clean  
370 up the definitions".

371 Ms. Mooney brought up the potential for another meeting to discuss Zoning Amendments only.  
372 The Board had an open discussion on dates that could work around the holiday and the Zoning  
373 Amendment deadlines. The Board decided that December 22, 2021, would be the best time for  
374 this meeting to commence at 6:00 PM. Mr. Viel reiterated the agenda of the meeting to include  
375 Building Heights, Steep Slopes and possibly Driveway Setbacks. Mr. MacKinnon asked if the  
376 Steep Slope draft has been around for a while. Mr. Davies said that it started about five (5) years  
377 ago.

378 Mr. Grotenhuis moved to Public Comment. There was no Public Comment.

379 ***Staff Updates:***

380 Mr. Anderson asked Ms. Czysz about a recent Commissioner Meeting regarding flood mitigation  
381 and community services. Ms. Czysz gave a brief overview of the meeting agenda.

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382 Mr. Morin said that the Selectmen recently discussed budgets and how best to reduce them. He  
383 said that the Selectmen have met with the department heads at different times about budgets and  
384 the Board of Selectmen will have the departments back for budget revisions. He said that this  
385 year's budgets are hovering around a 10% increase compared to last year when the increase was  
386 only 1%. He continued by that the Selectmen have been aiding in the preparation for the Town's  
387 300 anniversary celebration. He also talked about the renovation plans at the Old Town Hall.  
388 The Selectmen have also been in discussions with the Town Police regarding adding cameras to  
389 the patrol cars and purchasing tasers for officers. Mr. MacKinnon inquired about a public line-  
390 item listing for the budget. Mr. Morin replied that a draft will be forthcoming.

391 Mr. Anderson added that there is an upcoming Capital Improvement Plan meeting this week that  
392 he will be attending.

393 Mr. Viel referenced a previous conversation about remote meetings and possibly fitting into the  
394 budget that expense to assist with COVID related meeting complications. He mentioned that the  
395 Town Administrator had started researching possible solutions. Mr. Morin explained that the  
396 COVID money has a four-year window, thus deciding how to budget for COVID related  
397 expenses does not have to happen this year.

398 Ms. Mooney said that the Conservation Commission has not met since the last Planning Board  
399 meeting, however, the Commission has been invited to lead a walk through a public property in  
400 February, either Marston or Marsh Woods.

401 Ms. Czysz said that she discovered that the posting of the Zoning Amendments meeting can be  
402 online and does not have to be via newspaper listing.

403 Mr. Lemieux reminded the Board that he sent out potential dates for next year's meetings. Mr.  
404 Viel asked for clarity regarding the meeting that will involve the selection of officers post-  
405 election. Ms. Czysz said a certification and appeal period would need to first happen after the  
406 election.

407 Mr. Lemieux added that some applicants have been asking if the Town was planning on moving  
408 meetings to remote access due to COVID. Mr. Viel explained that applicants can send  
409 representatives to the meetings and abutters, or the public can submit written testimonies. Mr.  
410 MacKinnon added that the state statute limits what can be done virtually. Ms. Czysz further  
411 outlined the state's regulations.

412 ***Approval of Minutes:***

413 Mr. Grotenhuis had a correction for the minutes from the November 10, 2021, meeting. Mr.  
414 Lemieux said he would add the correction and re-send after the meeting for approval at the next  
415 meeting in January.

416 ***Mr. Viel made the motion to approve the minutes from October 20, 2021, and October 27,***  
417 ***2021. Mr. MacKinnon seconded. The minutes for October 20, 2021, and October 27, 2021,***  
418 ***Planning Board meetings were unanimously approved by a vote of 7-0.***

**Nottingham Planning Board Meeting**

**12-8-21**

**Official Minutes**

419 *Mr. Viel made the motion to adjourn the meeting. The motion was seconded by Ms. Mooney.*

420 *The meeting was adjourned at 10:22 PM.*

421