

Nottingham Planning Board Meeting

DATE: April 13, 2022

Official Minutes

Call to Order

Members Present: Eduard Viel, Chair; Ian MacKinnon, Vice Chair; Susan Mooney, Secretary; Gary Anderson, SRPC Rep; Sherry Sandler, Member; Ben Bartlett, BOS Ex-Officio Member; Robert “Buzz” Davies, Alternate; Sandra Jones, Alternate

Members Absent: Charlene Andersen, SRPC Rep

Alternate Seated and Voting: Ms. Jones was seated for Ms. Andersen

Others: Kevin Lemieux, Land Use Clerk; Blair Haney, SRPC Planner; Henry Boyd, Millennium Engineering; Kevin Bassett, Applicant

Call to Order

The meeting was called to order at 7:03 PM.

Roll call

Roll call was completed.

Mr. Viel advised the Board that during a review of past minutes, the end date of Mr. Davies term as alternate cannot be confirmed. Last recorded documentation was from 2017 appointing Mr. Davies to a three-year term. Meetings in 2020/2021 were largely held remotely due to the Covid pandemic. Due to lack of documentation, the best path forward would be to reappoint Mr. Davies to a new term if he is willing to continue as an alternate.

Discussion occurred amongst the Board and Mr. Davies agreed to volunteer to continue to serve as an alternate. Mr. Viel indicated that any additional alternates would be staggered terms for up to 5 total alternates.

Mr. Anderson made a motion to nominate Mr. Davies for re-appointment of the Planning Board Alternate position to a three-year term. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 6-0.

Mr. Bartlett, the Select Board Member, swore in Mr. Davies as a Planning Board Alternate.

Public Hearings

Nottingham Planning Board Meeting

DATE: April 13, 2022

Official Minutes

Case #22-002-SUB (continued)- Application from Concrete Products of Londonderry requesting to create a four (4) lot Subdivision. This property is located at 100 Smoke Street, in Nottingham, NH, and is identified as Map 11 Lot 3.

Mr. Henry Boyd with Millennial Engineering introduced himself. He gave an overview of the proposed project. The details include the following:

- The parcel is approximately 35.5 acres.
- The desire is to subdivide property into four (4) lots.
- The property contained a former gravel pit.
- There is a significant number of wetlands on the site.
- The property abuts the Little River.

Mr. Boyd added that the plans reflect previous Planning Board suggestions including location of monuments to be set as well as driveway locations. He said that Lots 3 and 4 are in a flood zone and this is reflected on the plan. The buildable areas have been added to the plans; however, Mr. Boyd indicated that the buildable area is not the location in which the house locations are planned.

Mr. Viel asked Mr. Haney for updated notes on the plan. Mr. Haney stated that the Zoning Ordinance directs that the building envelope of 30,000 SqFt contiguous area must include the building and the septic. He added that at the last meeting, the applicant stated that they have the means to ensure that the Standards of the Aquifer Protection District will be met.

Mr. Viel said that there have been cases in the past in which an applicant had to go to Zoning for building outside of the 30,000 SqFt building envelope. He asked Mr. Boyd to clarify the location of the Flood Zone on the maps provided. Mr. Boyd indicated the flood zone on the plans which spans Lots 3 and 4.

Mr. MacKinnon agreed that the building envelope must include the structure and septic. Mr. Boyd asked if relief from the Zoning Board would be needed for a building permit. Mr. Viel said a variance would be needed for a building permit as currently designed. Ms. Jones asked if septic approval was granted for the 30,000 SqFt area in the back of the lots. Mr. Boyd answered no approval has been granted.

Mr. Viel indicated that there is a seventy-five (75) foot setback from flood plains, which limits the buildable area of proposed Lots 3 and 4. He asked if there was consideration to build a three (3) lot subdivision as this would rectify several current zoning issues. Mr. Boyd agreed that a three (3) lot subdivision may be needed due to the seventy-five (75) foot flood plain setback.

Mr. Viel stated that he believes that the Little River is a Designated River Corridor by the NH Department of Environmental Services. He asked if the applicant has reached out to the local Lamprey River Advisory Committee. Mr. Boyd said he does not believe the Committee has been contacted. Ms. Mooney read aloud the state RSA regulation, which includes the section of the Little River and that the river falls under the state Shoreline Protection program. The Board directed the applicant to contact the appropriate agency.

Nottingham Planning Board Meeting

DATE: April 13, 2022

Official Minutes

Mr. MacKinnon mentioned that some slopes appear to have been manmade. Mr. Boyd asked if the slope/terrain requirements must be original grade. He added that his firm could cut down the grade as it will likely happen during the construction process.

Mr. Viel asked Mr. Boyd if a past reclamation project occurred on the property or if a reclamation plan is on file with the state. Mr. Boyd answered that he was not sure. Mr. Viel said that if a reclamation project had occurred, then the grading of the property would have been already completed. Mr. Boyd pointed out a mound at the front of a lot in a possible buildable area. He said he would prefer to regrade the mound to achieve a buildable area in the front of the lot as opposed to using an area further back in the lot. His point was that more environmental disruption would occur if the rear section of the lot was the only buildable area. Mr. Viel said if Mr. Boyd can find documentation regarding the mound as a stockpile and not naturally occurring, then regrading it should not be an issue.

Ms. Mooney inquired about the mound and if Mr. Boyd suspected any turtle activity at that location. Mr. Boyd said he is not the person to answer that question; however, he suspected that the grade of the slope would be prohibitive to the turtles. He will do further research on the habitat question.

Ms. Mooney indicated that the back portion of the parcel beyond the wetlands has very high conservation value and that the landowner was contacted in the past by the Conservation Commission to inquire if the owner would be interested in discussing easement protection for this area in the Little River watershed. No reply was received.

Mr. Viel opened the floor for public comment. There was no public comment.

Mr. Viel asked Mr. Boyd how much time would be needed for a continuation. Mr. Boyd replied that he would need more than two (2) weeks. Mr. MacKinnon added that the applicant would need deliverables at least a week before the continued hearing.

Mr. MacKinnon made a motion to continue Case #22-002-SUB until the May 11, 2022, Planning Board meeting. Ms. Mooney seconded the motion. The motion was unanimously approved by a vote of 7-0.

Conceptual Review- 101 Shore Drive, Nottingham, NH, Map 70, Lot 25- Bassett

Kevin Bassett introduced himself as the applicant and gave a brief outline of his application submission. He stated that he is looking for clarity on two (2) items, land usage and road definition before he spends money on a survey and that he has visited the Planning Board multiple times regarding these concerns on this matter.

Mr. Bassett indicated that after the recent (2021) warrant article regarding town roads, his previous 12-acre lot has been divided into possibly three (3) smaller, individual lots. He spoke with Chris Sterndale, the Town Administrator, to discuss if these three (3) lots can remain in Current Use.

Nottingham Planning Board Meeting

DATE: April 13, 2022

Official Minutes

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127 Additionally, Mr. Bassett said he would like to get guidance on where these roads end on his
128 property. He was hoping that town officials could stake the end of the roads as so his surveyor
129 can begin to survey his property.

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131 Mr. Viel reminded everyone that this review was a non-binding, Conceptual Review. He added
132 that the Conceptual Review stage is usually limited to sixty (60) days. The applicant did come
133 before the Board earlier in the year, just over sixty (60) days ago. Mr. Viel expressed that the
134 uniqueness of this case warranted slight leeway to allow this review to move forward. Ms.
135 Mooney concurred.

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137 Mr. Viel suggested if a letter submitted to the Board by Mr. Sterndale that outlined the roads in
138 question, would satisfy the question of the road locations. Mr. Bassett replied that he would
139 need more concrete, GPS coordinates for his survey. Mr. Anderson asked if Mr. Bassett's deed
140 would help define the roads. Mr. Bassett confirmed his deed was not clear regarding the roads.

141
142 Mr. MacKinnon questioned if the town has sufficient information via deed records to accurately
143 depict the ends of these roads. Mr. Bassett asked if the Board would like for him to have the
144 roads surveyed. He added that the town may not like the location of the stakes if he surveyed the
145 road locations. Mr. MacKinnon said the Board may not to have the ability to render feedback on
146 road end location. He added that it may be a subject for the Select Board.

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148 Mr. Bassett said that he has searched for property pins; however, he could not find many. Mr.
149 MacKinnon added that recently sold lands should have boundary markers that also serve as
150 markers for Mr. Bassett's property. Mr. MacKinnon said he doubts that there is any
151 monumentation for the previously private roads.

152
153 Mr. Bassett asked if connecting again with the Mr. Sterndale, the Town Administrator, as well as
154 other town department heads, would be the correct course of action. Mr. Viel agreed such
155 meetings would be the proper direction for Mr. Bassett.

156
157 Mr. Bassett asked if multiple lots under one ownership could be combined to qualify for Current
158 Use status. Mr. Viel replied that he did not know. He added that such a question would be for
159 the Select Board to answer as part of their assessing duties. The Board discussed multiple
160 potential options given that the property was divided by the new town roads and not through a
161 traditional Board approved subdivision.

162
163 Mr. Bassett said he felt the town would benefit from larger lots. He added that he would discuss
164 with his children that the land should not be further subdivided in the future.

165
166 Mr. Bassett thanked the Board and left the meeting.

167
168 **Review of New Zoning Amendment Updates**

Nottingham Planning Board Meeting

DATE: April 13, 2022

Official Minutes

Mr. Viel asked Mr. Haney for the protocol for making minor changes to the Zoning Amendments. Mr. Haney used the term “scrivener’s error” in reference to changes that are typically allowed for the Zoning Amendments without a vote. Mr. Viel recommended that we get clarification of what changes are allowed before uploading the Zoning Amendments to the town website. He instructed Mr. Lemieux to bring the signature page to the next Planning Board meeting for the Board to sign after the minor changes have been made by Mr. Lemieux.

Review of Planning Board By-Laws Edits and Other Business

Mr. Viel informed the Board that he added some verbiage to the Committee section and then reordered the Articles and sub-sections of the Planning Board *By-Laws*.

While the computer screen was activated, Mr. Viel stated that he had drafted a letter to the Selectboard regarding the NH Department of Transportation (DOT) “Ten-Year Plan”. The letter discussed items already on the Plan as well as providing bike lanes on Route 156 and a Corridor Study for Route 4, in conjunction with the towns of Barrington, Northwood and Lee. Mr. Viel said he would put together a letter for the surrounding towns’ Planning Boards as well.

Mr. Lemieux projected the *By-Laws* on a screen and Mr. Viel reviewed changes that he had made. Mr. Lemieux made updates to minor changes as directed by the Board as the *By-Laws* were reviewed.

Mr. MacKinnon made a motion to accept the Planning Board By-Laws as amended. The motion was seconded by Mr. Anderson. The motion was unanimously approved by a vote of 7-0.

Mr. Viel asked Mr. Lemieux to bring the signature sheet for the *By-Laws* to the next Planning Board meeting.

Public Comment

There was no public comment.

Ms. Mooney made a motion to accept the minutes from March 16, 2022, and March 23, 2022. The motion was seconded by Mr. Anderson. The motion was unanimously approved by a vote of 7-0.

Select Board and Staff/Board Updates

Mr. Haney indicated the SRPC Budget Season is coming up soon.

Ms. Mooney informed the Board that the Conservation Commission has added a new member, Dallas Huggins. She has already spearheaded amphibian conservation efforts. She added that the Trails Committee has scheduled a spring clean-up at Marsh Woods and the Kennard Forest.

Nottingham Planning Board Meeting

DATE: April 13, 2022

Official Minutes

Mr. Viel brought up a question from the Building Inspector regarding Storm Water permits required by the town as part of the building permit application. The Board did not know of this requirement and suggested that the verbiage may have previously been lifted from another town's ordinances.

Mr. Bartlett mentioned that the Board of Selectmen have been dealing with personnel issues. He added that the Highway Director will have a contract for employment moving forward. The Select Board is also preparing a roll-out for E-911 in an effort to aid first responders in navigating the small-town backroads and newly accepted town roads. He added that the town is having difficulty in finding quality candidates for the newly approved Fire Department personnel increase. The Board discussed some possible issues with the smaller road spurs throughout the town.

Mr. Anderson has been in contact with Colin Lentz, Senior Transportation Planner, SRPC, regarding the Planning Board's earlier discussed items. He added that the Nottingham 300th Committee will be doing a charter reading on May 15, 2022, in the Town Square at noon. He said that invitations for the reading have been sent out to the Governor and our U.S. Senators.

Ms. Jones said that on the Budget Committee, a name was left off a recent ballot. She added that Boards and Committees need to do a better job of reviewing ballots before printing. Mr. Bartlett asked Ms. Jones if the vote for the Budget Committee would be a public one. She said that it was public meeting; however, there will be no public comment, just a vote. Mr. Bartlett asked Mr. Viel if filling positions for the Planning Board have been a problem. Mr. Viel replied that it has not been a recent issue.

Mr. Lemieux informed the Board that there are no cases scheduled for the planned April 27, 2022, meeting. He asked the Board if they would like to still have the meeting. Mr. Viel recommended that the Board should not hold a meeting on April 27th due to lack of cases.

Mr. MacKinnon made the motion for the Planning Board not to hold the April 27, 2022, meeting. The motion was seconded by Ms. Jones. The motion was unanimously approved by a vote of 7-0.

Mr. MacKinnon mad a motion to adjourn the meeting. The motion was seconded by Mr. Anderson. The motion was unanimously approved by a vote of 7-0.

The meeting was adjourned at 8:55 PM.