

Nottingham Planning Board Meeting

DATE: May 25, 2022

Official Minutes

Call to Order

Members Present: Eduard Viel, Chair; Ian MacKinnon, Vice Chair; Susan Mooney, Secretary; Charlene Andersen, SRPC Rep; Gary Anderson, SRPC Rep; Sherry Sandler, Member; Robert “Buzz” Davies, Alternate

Members Absent: Ben Bartlett, BOS Ex-Officio Member; Sandra Jones, Alternate

Alternate Seated and Voting: Mr. Viel explained that Planning Board Alternates cannot be seated in place of an absent BOS Ex-Officio member. Alternates will participate in the meeting but will not be voting.

Others: Kevin Lemieux, Land Use Clerk; Blair Haney, SRPC Planner; Robert Dibierto, Applicant; Jennifer Buck, Abutter; Dennis Buck, Abutter; Patty Roix, Abutter; Don Roix, Abutter

Call to Order

The meeting was called to order at 7:02 PM.

Roll call

Roll call was completed.

Public Hearings

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. Lemieux explained to the Board that the applicants have requested an extension until the June 22, 2022, meeting. Ms. Andersen asked if this was the second or third time that the applicants asked for an extension. Mr. Lemieux replied he believed it was the third such request. Mr. MacKinnon and Mr. Viel concurred.

Ms. Mooney made a motion to continue Case# 22-002-SUB until the June 22, 2022 at 7:00PM, Planning Board meeting. The motion was seconded by Mr. Anderson. The motion was unanimously approved by a vote of 6-0.

Case # 20-003-SUB (continued): An Extension of Approval from Robert DiBierto, Tax Map 7, Lot 1N on Mitchell Road.

Nottingham Planning Board Meeting

DATE: May 25, 2022

Official Minutes

Mr. Robert Dibierto came forward. He referred to a letter from Chris Berry, the engineer for the project, that explains where the project stands. He is currently waiting for attorney review of the HOA documentation and wetland easements. The state had requested two additional test pits be dug. He expects the outstanding items to be finished up within a month.

Mr. Viel explained how the time length and the extension request works for Conditional Approvals. The initial length of such approval is a twelve (12) month timeline per the Subdivision Regulations, Section 11.2. The Board can grant a mutually agreeable extension should the twelve (12) month period lapse. Mr. Viel added that the extension would be contingent on any Zoning Changes since the Conditional Approval that could render the application “non-conforming”. He indicated that he had reviewed the Zoning Changes since 2019, when the application was first submitted as a Design Review, and he did not see any changes that would affect the approval of an extension. Mr. Haney said that the Wetland Conservation Conditional Use regulation may be of some importance, however, the applicant already has an approved variance from Zoning.

Mr. Viel reviewed the previous Conditional Approvals. Mr. Dibierto said the only outstanding items are the Department of Environmental Services septic approval, the HOA documentation, and the wetland easements.

Mr. Viel asked Mr. Dibierto how long of an extension was he seeking. Mr. Dibierto responded that he only needs a three (3) month extension. Mr. MacKinnon inquired about where the project is in terms of the roadway. Mr. Dibierto replied that trees have been cleared and stump grinding will begin soon. He added that supply chain issues on things like transformers, has wreaked havoc on the project scheduling. Mr. MacKinnon asked if the property was still listed for sale. Mr. Dibierto answered “yes”; however, he plans to remove the listing as he cannot confidently quote road construction costs due to ever-changing cost of materials.

Mr. Viel opened the floor to public comment.

Patty Roix, an abutter, came forward for comment. She asked about buffer requirements for the project on Mitchell Road. Mr. Viel said that the point of today’s meeting was to assess the extension request. He did add that the applicant is obligated to abide by the agreed upon buffer requirements of the approval. Ms. Roix referred to a comment by Mr. Dibierto regarding Eversource, the utility provided. Mr. MacKinnon explained that the comment was related to the supply chain issues plaguing many utility companies. He further recalled a section on the approved plans that indicated planting buffer trees; however, the drainage installation would need to be completed before any planting could begin.

Jennifer Buck, an abutter, came forward for comment. She asked about the need for HOA fees for the subdivision. Mr. Viel explained that those fees are needed for infrastructure costs like drainage considerations. She added that there was a large piece of equipment that has been

Nottingham Planning Board Meeting

DATE: May 25, 2022

Official Minutes

74 sitting for months on the property. Ms. Buck is concerned that the equipment may be leaking
75 fuel.

76 Mr. Viel inquired about the piece of equipment left at the property. Mr. Dibierto explained that
77 it was an excavator that remained from work performed last year. He said that the owner of the
78 equipment has had health issues and did not need it recently. He added that the excavator will be
79 used shortly, as the spring mud season is over. He assured the Board that the equipment was
80 working with no leaks that he knew of.

81 Mr. MacKinnon asked Mr. Lemieux if the the Director of Public Works, Shawn McLean, had
82 reviewed Mr. Berry's letter. Mr. Lemieux replied that he too, had just received the letter shortly
83 before the meeting. He added that he knows that Mr. Dibierto had run into Mr. McLean earlier
84 in the day; however, he did not know if they discussed any items in the letter. Mr. Dibierto said
85 that the roads are still in good shape with only a culvert that needs replacement. He added that
86 some of the elevations on the road may change due to ledge.

87 Mr. MacKinnon wondered if extending to six (6) months, would allow for the applicant to
88 weather any delays from the state that are beyond his control. Mr. Dibierto said he is fine with a
89 six (6) month extension and committed to keep the project moving forward as quick as possible.

90 ***Mr. MacKinnon made a motion to grant an extension for the deadline of the previously***
91 ***approved conditions for Case# 20-003-SUB until the November 9, 2022, meeting. The motion***
92 ***was seconded by Ms. Mooney.*** Mr. Viel added a request for the HOA documentation to be sent
93 to the Board a month before the November meeting in order to give time for legal review.

94 Dennis Buck, an abutter, asked Mr. Viel if he could respond to a comment about blasting of
95 ledge made by Mr. Dibierto. Mr. Viel agreed to pause the vote on the motion until after Mr.
96 Buck's statement. He asked if the blasting would affect the water supply or cause other property
97 issues. Mr. Dibierto assured Mr. Buck that his property is situated far from the blasting and
98 added that any contractor that will do the blasting would be fully insured. He explained that he
99 did not know the extent of the blasting needed currently.

100 Mr. Viel returned to the motion made by Mr. MacKinnon for a vote. ***The motion was***
101 ***unanimously approved by a vote of 6-0.***

102 Ms. Mooney asked Mr. Viel if residents can submit a letter for Public Comment should they not
103 be able to attend the meeting. Mr. Viel replied that they could and that if the letter is plan/case
104 specific, it will become part of that record; however, the Board cannot respond to Plan or project
105 specific questions outside of a public hearing.

106 **Approval of Minutes**

107 ***Ms. Andersen made the motion to approve the minutes as amended for April 13, 2022. Mr.***
108 ***Anderson seconded the motion. The motion was unanimously approved by a vote of 6-0.***

109

Nottingham Planning Board Meeting

DATE: May 25, 2022

Official Minutes

110 Select Board and Staff / Board Member Updates

111 Mr. Anderson thanked the Board for excusing his absence from the last meeting as he was
112 attending a Charter Meeting for the Town's 300th year celebration.

113 Mr. MacKinnon said he may not be able to attend the next Board meeting.

114 Mr. Viel said he has been in communication with SRPC to request that a letter be prepared for
115 the NHDOT regarding a Corridor Study for Route 4. He added that he would be copying the
116 towns of Lee, Barrington, and Northwood with the potential of adding Epsom.

117 Ms. Mooney mentioned that the Conservation Commission continued a public hearing in the
118 chambers of the Select Board. The Select Board approved the release of \$117,000 from the
119 Conservation Fund to pay fifty percent of the debt of Mulligan Forest. The rest of the funds will
120 come from other sources.

121 Ms. Anderson suggested putting on a future agenda the impact fees for the Fire Department. The
122 Select Board has recently voted to settle that debt as well. The Board discussed impact fees and
123 how the fees are adjusted. She also asked if updated Zoning Ordinances will be in the member
124 binders. Mr. Lemieux explained that he had intended to include the new Zoning Ordinances in
125 the binders for this meeting but time got away from him. He will add the Zoning Ordinances
126 into the binders for the next meeting.

127 Mr. Haney indicated that he was going to suggest starting talks about the roadway setbacks;
128 however, Mr. Lemieux had earlier informed him that there were four (4) new Planning Board
129 applications for the next meeting. He believes the number of applications would be cutting into
130 the time for other items. Mr. Viel suggested a possible Subdivision Regulation change with
131 regard to roadways as opposed to changing the Zoning Ordinances.

132 Mr. Lemieux informed the Board that he had received four (4) new Planning Board Hearing
133 applications. He added that the applications consisted of two (2) Site Plans, a Subdivision, and a
134 Lot Line Adjustment.

135 Mr. Anderson said that a recent Zoning Board approval was for a detached ADU. The Board
136 briefly discussed the case. Mr. Anderson recommended discussing ADUs the next time the
137 Planning and Zoning Boards hold a joint meeting.

138 Mr. MacKinnon suggested reviewing current Site Plan and Subdivision regulations. Mr. Haney
139 added that the application process should include a more detail explanation by the applicant of
140 what the project entails. He gave the example of waiver requests. Mr. Viel asked that if any
141 Board member had a change or list of changes for either the Subdivision Regulations, the Site
142 Plan Regulations, or the Applications, to forward them to Mr. Lemieux for future discussion.

143

144 ***Mr. MacKinnon made a motion to adjourn the meeting. The motion was seconded by Mr.***
145 ***Anderson. The motion was unanimously approved by a vote of 6-0.***

Nottingham Planning Board Meeting
DATE: May 25, 2022
Official Minutes

146

147 *The meeting was adjourned at 7:56 PM.*