

**Nottingham Planning Board Meeting**

**DATE: July 13, 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; Robert “Buzz” Davies, Alternate; Sandra Jones, Alternate

**Members Absent:** Ben Bartlett, BOS Ex-Officio Member; Sherry Sandler, Member

**Alternate Seated and Voting:** Ms. Jones was seated and will be voting in place of Ms. Sandler. Mr. Davies will participate in discussion, however he will not be voting.

**Others Present:** Kevin Lemieux, Land Use Clerk; Blair Haney, SRPC Planner; Peter Leavenworth, Investor; Cori Caputo, Abutter; David Beati, BSC Group; Robert Stewart, RCS Designs; Denyse Shanahan, Abutter; Nancy Botte, Abutter; Vicki Connors, Abutter; Samuel Demeritt, Conservation Commission Chair; James Long, GZA Wetland Scientist; Scott Cole, Beals Associates; Paul Simbliaris, Owner Kung Food; Jaye Vilchuck, Nottingham Fire Chief; George Saurman, Saurman Construction; Roscoe Blaisdell, Blaisdell Surveying; Anthony Comeau, Applicant; Carol Stoddard, Abutter; Robin Comeau, Property Owner; Brittany Stoddard, Abutter; Timothy Leccese, Abutter; Amanda Comeau, Applicant; Alden Beauchemin, Keyland Enterprises; Peter Rowell, Abutter; Doug McGuire, Consultant; Jill Stoddard, Abutter; Joe Falzone, Applicant; Chris Doyle, Abutter; Steve Mathes, Abutter; Jeff Silva, Abutter; Emily Silva, Abutter

**Call to Order**

The meeting was called to order at 7:01 PM.

**Roll call**

Roll call was completed.

Mr. Viel slightly changed the order of the agenda starting with the approval of minutes and the order of the cases. He began the hearings with *Case# 22-006-SUB*.

**Approval of Minutes**

*Mr. Anderson made the motion to approve the minutes from May 25, 2022, June 8, 2022, and June 29, 2022. The motion was seconded by Ms. Andersen. The motion was approved by a vote of 5-0-1. Ms. Jones abstained from voting.*

**Public Hearings**

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39 *Case# 22-006-SUB (continued): Application from Izabella and Elizabeth Linsky requesting a*  
40 *two (2) lot subdivision. The property is located at 64 Priest Road, in Nottingham, NH, and is*  
41 *identified as Tax Map 20, Lot 2-1. Priest Road is designated as a scenic road.*

42  
43 Bob Stewart of RCS Designs came forward to the applicant desk and introduced himself. He  
44 stated that he had not had an opportunity to review feedback from his meeting with the  
45 Conservation Commission. Mr. Lemieux handed him a hard copy of the Conservation  
46 Commission feedback letter.

47  
48 Mr. Viel read the feedback letter that stated that the Conservation Commission was satisfied with  
49 the proposal as presented.

50  
51 Mr. Viel opened the floor for Public Comment. There was no Public Comment. The Public  
52 Hearing was closed.

53  
54 *Ms. Mooney made the motion to approved Case# 22-006-SUB with standard conditions and an*  
55 *additional condition that the easement language for the shared driveway be included in the*  
56 *deed. The motion was seconded by Mr. Anderson. The motion was unanimously approved by*  
57 *a vote of 6-0.*

58  
59 The applicant had the Mylar ready. Mr. Veil signed the Mylar for Case# 22-006-SUB.

60  
61 *Case# 22-002-SUB (continued) Application from Concrete Products of Londonderry*  
62 *requesting to create a four (4) lot Subdivision. This property is located at 100 Smoke Street, in*  
63 *Nottingham, NH, and is identified as Map 11 Lot 3.*

64 Mr. Lemieux told the Board that the applicant has requested a continuance of the hearing until  
65 September 14, 2022.

66 Ms. Andersen stated that the Conservation Commission wished to perform a site walk for the  
67 case.

68 Ms. Mooney indicated that the applicant has not reached out to the Conservation Commission to  
69 be placed on the agenda.

70 *Ms. Andersen made a motion to perform a site walk for Case# 22-002-SUB on August 3, 2022,*  
71 *at 5:00 PM. The motion was seconded by Ms. Mooney. The motion was unanimously*  
72 *approved by a vote of 6-0.*

73 *Mr. MacKinnon made the motion to continue Case# 22-002-SUB to September 14, 2022, with*  
74 *deliverables due by September 7, 2022. The motion was seconded by Mr. Anderson. The*  
75 *motion was unanimously approved by a vote of 6-0.*

76  
77 *Case# 22-007-SIT (continued): Application from David Beati of BSC Group representing*  
78 *Concrete Products of Londonderry requesting approval to build a pre-cast concrete*

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*manufacturing facility. The property is located at 160 Old Turnpike Road, in Nottingham, NH, and is identified as Tax Map 3, Lot 2-2.*

Mr. Viel recused himself as he is an abutter to the property. Mr. MacKinnon took over the Chair duties for the Board. Mr. Davies was seated as an Alternate in voting to replace Mr. Viel.

Mr. MacKinnon explained that at previous meetings, this case was determined to be a Development of Regional Impact. The abutting towns and appropriate conservation associations have been notified. A site walk was held on June 29, 2022. A town-hired engineering firm, CMA, peer reviewed the case and provided feedback.

Mr. David Beati of BSC Group and George Saurman of Saurman Construction came forward to the applicant desk and introduced themselves as representatives for Concrete Products of Londonderry.

Mr. Beati gave an overview of the updates per previous meetings to the case that include the adjustment of the parking lot layout and the identification of the snow storage areas. He noted that some Board requests needed to be tweaked with regard to the lighting plan. In lieu of a lighting plan, he wished to simplify the lighting by adding lights at the egress areas and corners of the building. Lighting will be for safety and emergency purposes only, and not to light up the entire parking area at night.

Further additions to the plan include: a Planning Board signature block added to the plan, survey certification, test pit information, ADA parking space locations and screening buffer.

Mr. Beati stated that an Alteration of Terrain permit would not be needed as there is only seventy-seven thousand (77,000) SqFt of disturbance. He has yet to add the level spreader details to the plan as they are being developed currently. He offered to entertain any additional questions.

Ms. Mooney asked Mr. Beati if he had received the overview letter from the Conservation Commission after his meeting with the committee. Mr. Beati responded that he had yet to receive it. Mr. Lemieux handed the applicants a hard copy of the letter. Ms. Mooney added that a committee member brought up a question regarding the impervious surface skirt around the building. She quoted statistics of run-off from rain and ground penetration.

Mr. Beati replied to the concern with the concrete apron as the Stormwater Report shows a reduction in run-off compared to current scenario. He added that any stormwater excess is directed to a level spreader. Mr. Saurman said that the large apron around the building is to accommodate larger trucks that travel around the building. Mr. Beati said that the apron is part of previous built buildings and reduces run-off.

Mr. MacKinnon asked Mr. Haney to review his updated SRPC Staff Report. Mr. Haney referenced the Stormwater Management Plan. He also highlighted the potential increase in truck traffic; however, he feels that concern is more of a NHDOT matter.

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116 Mr. MacKinnon asked the applicants if they had received the feedback letter regarding the  
117 Developmnet of Regional Impact from Stafford Regional Planning. Mr. Beati said that they did  
118 not. Mr. MacKinnon stated that the traffic percentage increase was essentially negligible. Mr.  
119 Haney read part of the feedback that explained a permit will likely be needed from NHDOT for  
120 any increase of traffic. Mr. MacKinnon stated that if the applicants respond in writing to the  
121 CMA Engineers peer review feedback, then it would satisfy much of the feedback from SRPC.

122 Mr. Anderson asked if the Fire Chief has provided his feedback on the project. Ms. Andersen  
123 responded that a report was issued for previous meetings.

124 Ms. Andersen inquired about how the manufacturing traffic flowed. Mr. Saurman explained that  
125 a fork truck rotates from various large doors to gather the products. Mr. Beati added that an  
126 infiltration trench will gather stormwater from the apron and the rooftop.

127 Mr. MacKinnon pointed to Sheet C-101, that illustrates a gravel area outside of the concrete  
128 apron. He added that the three (3) to one (1) slope should be a vegetated slope.

129 Ms. Andersen pointed out that there is a date for the cistern design for 2021. Mr. Saurman  
130 replied that the cistern design is specific for this building.

131 Ms. Andersen added that the six-foot fence did not sound effective for screening the abutters.  
132 Mr. Saurman asked if a five (5)-foot berm with a fence on top would be preferable. Ms.  
133 Andersen indicated that trees and a berm would be sufficient.

134 Ms. Andersen asked who maintains the cisterns. Mr. Saurman responded that they are willing to  
135 include any inspections and annual reviews by the Fire Department. He mentioned that Shea  
136 Concrete makes cisterns, and they are up on the latest design specs.

137 Ms. Andersen asked for the plan to include the location of the raw materials on the existing site.  
138 Mr. Saurman said the location of the raw materials will be the same.

139 Mr. MacKinnon asked if the two recently granted variances from the Zoning Board could be  
140 included on the cover sheet of the plans. He further requested that the grass slopes be included.  
141 He reiterated the agreement to add a berm and a fence for buffering. He asked for a written  
142 response to the CMA Engineers bullet points:

- 143 • Location of a construction entrance on the C-102 Plans.
- 144 • Limits of erosions control measures added on the grading plans (C-102, C-102.1, C-  
145 102.2).
- 146 • Add the 77,000 SqFt disturbance on the notes of the C-102 plans.

147 Ms. Andersen added that a new “Dredge and Fill” permit will be needed.

148 Mr. MacKinnon noted that no response has been received from the surrounding towns nor  
149 conservation associations regarding the Development of Regional Impact. He did state that the  
150 SRPC memorandum was issued and asked for the applicant to review it. Part of the memo stated  
151 an increase in traffic to an estimated twenty-eight (28) trips per day (14-vehicles).

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152 Ms. Mooney stated that one of the items for the Conservation Commission's feedback addressed  
153 the wildlife habitat around the site. However, future development of this area was not part of this  
154 current application. She added that a request for details regarding the chemical additives for the  
155 cement mix used on site be submitted. Mr. Saurman responded that he had acquired the  
156 requested MSGS Sheets for the Commission. He agreed to email the information of the  
157 chemicals and pictures of the process.

158 Mr. MacKinnon opened the floor for public comment.

159 Fire Chief Jaye Vilchok came forward. He agreed to work with the applicant regarding the  
160 fittings for the cisterns. He noted that the town has moved away from the use of concrete  
161 cisterns; however, given the applicant's business in manufacturing concrete cisterns, he feels an  
162 exception can be made. Chief Vilchok added that the town's Fire Department tests cisterns  
163 annually and will include the cisterns on site. He stated that the applicants are responsible for the  
164 maintenance of the cisterns.

165 Ms. Andersen commented that the Zoning Board approval was contingent on the Fire  
166 Department's approval.

167 Mr. Lemieux read an email letter from Kristen Lamb from the Conservation Commission  
168 regarding the size of the concrete apron around the building. Her concern revolved around the  
169 run-off affecting the groundwater (as the region is currently in a drought), wetlands, and habitat.

170 Mr. Viel came forward only speaking as an abutter to the property. He stated that in general, the  
171 applicants have been good neighbors. He noted that the applicant has stated that this project will  
172 improve the site. He suggested that the improvement of the site stems from the actions of the  
173 applicant over the years and an improvement should be done no matter the circumstances. Mr.  
174 Viel was looking for clarity on the gravel area as considered "pervious or impervious". "Is this  
175 included in the Stormwater Plan? What is the total impervious area of the lot?" He asked that  
176 the expanded storage into the residential zone be relocated back in the industrial zone. He asked  
177 that the increase in traffic and company trucks be directed to stay on state roads when possible  
178 and not to commute on town roads.

179 Mr. MacKinnon stated that a letter from the Fire Chief's approval for the cisterns be obtained  
180 and filed with the Land Use Clerk. He requested the following: that the impervious area  
181 calculations be added to the plan; that the storage area be squared off from the wetland setback  
182 and re-vegetated; and that there will be communication to direct truck drivers to remain on state  
183 roads. Mr. Saurman said he did not know all the routes taken by the truck drivers; however, he  
184 believes most of the traffic is along Route 4.

185 Mr. MacKinnon said that the Board does not usually approve a plan with more conditions than  
186 the town staffing has the capacity to review.

187 Mr. Beati said that the plan submitted is a very clean, environmentally friendly and robust plan.  
188 He added that the applicants have visited the Planning Board on three occasions and have

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189 received approval from the Zoning Board for the requested variances. He asked if the Board  
190 would be able to grant approval at this hearing with conditions.

191 Mr. MacKinnon resonded that given the disturbance of seventy-seven thousand (77,000) SqFt on  
192 top of the existing disturbance, and the applicant responding to the CMA feedback assists the  
193 Board in understanding the total impact of the project. He noted that AOT permits do not limit  
194 the Board. Mr. MacKinnon added that this project would be the biggest commercial  
195 development the town has had. He is fine with the cistern details to be a condition of approval.  
196 He feels that one more meeting is likely to be needed to garner approval.

197 Ms. Mooney agreed to recommend a special meeting for the Conservation Commission be  
198 scheduled to amend the initial memo prior to the next Planning Board meeting of July 27, 2022.

199 ***Mr. Anderson made a motion to continue Case# 22-007-SIT until July 27, 2022, at 7PM with***  
200 ***deliverables a week prior. The motion was seconded by Ms. Mooney. The motion was***  
201 ***unanimously approved by a vote of 5-0.***

202 Mr. Viel returned as Chair. Mr. Davies was reassigned as a non-voting Alternate.

203 ***Case# 22-008-SIT (continued): Application from Kung Food, LLC requesting approval for a***  
204 ***wedding venue business and restoration of an existing structure. The property is located at 2***  
205 ***Merry Hill Road, in Nottingham, NH, and is identified as Tax Map 4, Lot 2-1.***

206 Doug MacGuire of the Dubay Group came forward and introduced himself as representing Kung  
207 Food, LLC. He said that updates have been made to the site plan per feedback from previous  
208 meetings. The first update he mentioned was regarding drainage. A stone trench has been added  
209 along the western edge of the parking lot, from edge to edge. The intent is for supplemental run-  
210 off to be captured and would form a sheet flow during heavy storms.

211 Mr. MacGuire continued by responding to the Town Police Chief's project feedback letter. "No  
212 Parking" signs have been added in areas throughout the property including at the proposed fire  
213 lane. He noted that the Town's regulations for parking was based upon the proposed restaurant,  
214 which is one car per three guests. The applicant has since added six (6) more parking spaces,  
215 bringing the total to sixty-four (64) spaces. The location of the paved apron has been added to  
216 the plan as well.

217 Mr. MacGuire stated that there are three (3) curb cuts that will be reduced to one (1) curb cut.  
218 He believes that this will help alleviate any traffic congestion. The wedding events will be  
219 periodic and will not be held during peak traffic times.

220 Mr. Viel noted that the hours of operations were not indicated on the plans.

221 Mr. MacGuire added that the congregating area of the property was designed to be located  
222 toward the front, at Route 4, with sound buffering planned.

223 Mr. Viel indicated that the Select Board has a no parking ordinance and that the applicant would  
224 need to work around those requirements.

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- 225 Mr. Viel asked if the proposed drainage area would be affected by snow plowing.
- 226 Mr. MacGuire replied that the drainage was designed to be easily maintained to clear out any  
227 type of accrued sediment.
- 228 Ms. Mooney inquired about designating parking on a gravel parking lot. Mr. MacGuire said that  
229 staff will guide parking during events and have considered low horizontal barriers to mark  
230 individual parking spaces.
- 231 Mr. MacKinnon reminded the applicant that no hard-surface ADA (Americans with Disabilities  
232 Act) parking spaces have been outlined on plans. Mr. MacGuire agreed to add such on the final  
233 plans.
- 234 Mr. Viel noted that the town will likely require “No Parking” signage on both sides of Merry Hill  
235 Road.
- 236 Mr. MacKinnon requested that the length of the entrance apron of twelve feet (12) be added to  
237 the plans. He added that a waiver may be needed from the Site Plan Regulations that requires a  
238 twenty-five (25)-foot radius at the entrance of a commercial driveway. There currently is  
239 approximately fifteen (15) feet.
- 240 Mr. Anderson inquired about a pull-off lane, heading west on Route 4 from Merry Hill Road.  
241 Mr. MacGuire stated that there are widened shoulders and lanes on both Route 4 and Merry Hill  
242 Road. He added that the hours of the events will not be at peak commuting times and much of  
243 the traffic will likely be less heavy during event times.
- 244 Ms. Andersen asked the applicant about the plans for the adjacent property. Mr. Viel added that  
245 discussion can be brief and not detailed.
- 246 Mr. MacGuire said that the plan was to utilize one curb cut that would be shared with the event  
247 venue and a future designed retail type space. Proposed will be a farmstand type retail business  
248 including fruit trees and bushes on the property. The two commercial uses would be  
249 complimentary to one another. The remainder of the adjacent property would be utilized for a  
250 twelve-unit residential, townhouse-style development.
- 251 Mr. Viel advised a possible Conceptual Application for the adjacent property to come before the  
252 Board. He noted that traffic concerns will likely need to be addressed for this additional  
253 proposal.
- 254 Mr. Viel opened the floor for Public Comment.
- 255 Fire Chief Jaye Vilchok came forward to address and clarify feedback he had previously given  
256 regarding this project. He asked if there is signage on both sides of the driveway.
- 257 Mr. MacGuire replied that the plan had one side of the fire lane driveway signed. Chief  
258 Vilchok noted that both sides will need no parking signage. He was also concerned with the  
259 width of the driveway only being twenty-two (22) feet.

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260 Chief Vilchok continued that he will need to see building plans in order to identify fire safety  
261 needs. He noted in addition to the building permitting process, occupancy information, including  
262 seating capacity and fire exits, are also needed for review by the State Fire Marshall.

263 Mr. Viel noted that further coordination will need to occur between the Fire Chief, Building  
264 Inspector, and the applicant.

265 No further Public Comment was entertained.

266 Mr. Viel requested that anything planted on the side of Route 4 would not interfere with the sight  
267 line of that heavily traveled highway.

268 Ms. Andersen noted that hours of operation have not yet been clarified. Paul Simbliaris, an  
269 owner of Kung Food, said that the cut-off for hours would be at 10:00 PM. Mr. Viel ask that the  
270 hours be added to the Final Site Plans.

271 ***Mr. MacKinnon made a motion to approve the waiver request from Section 14.4.2 (4) of the***  
272 ***Site Plan Regulations for a fifteen (15) foot driveway radius for a commercial property where***  
273 ***a twenty-five (25) foot radius is required. The motion was seconded by Ms. Mooney. The***  
274 ***motion was approved 6-0.***

275 ***Mr. MacKinnon made the motion to approve Case# 22-008-SIT with the standard set of***  
276 ***conditions and the following additional conditions:***

- 277 • ***Final Plans will include closing hours listed to be 10:00 PM.***
- 278 • ***A hard surface such as asphalt or concrete will be used for ADA (Americans with***  
279 ***Disabilities Act) parking spaces.***
- 280 • ***Additional “no parking” signage will be added to the Fire Lane per the request of the***  
281 ***Nottingham Fire Chief.***
- 282 • ***The dimensions for the driveway entrance apron will be included on the Final Plans.***  
283

284 ***The motion was seconded by Mr. Anderson. The motion was unanimously approved by a vote***  
285 ***of 6-0.***

286 ***Case# 22-009-SUB: Application from Robin Comeau requesting a two (2) lot subdivision. The***  
287 ***property is located at 176 Stevens Hill Road, in Nottingham, NH, and is identified as Tax Map***  
288 ***49, Lot 4. Stevens Hill Road is designated as a scenic road.***  
289

290 Rosco Blaisdell of Blaisdell Survey and Alden Beauchemin of Keyland Enterprises sat at the  
291 applicant desk and introduced themselves as the representatives for Robin Comeau, the property  
292 owner. They gave a quick overview of the proposal with the following highlights:

- 293 • The current lot consists of seventeen and a half (17.5) acres of land
- 294 • The applicant’s son wishes to build a home on five (5) acres after subdivision approval
- 295 • The new proposed lot would be located on the backside of the property for privacy
- 296 • There are wetlands halfway through the property as well as in the rear
- 297 • Test pits results were good per Mr. Blaisdell



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- A driveway was previously built by the property owner along a property line which disturbed some wetlands
- The land has been used for agriculture since the 1800s
- The state is aware of the wetland “disruption”
- The disturbed wetlands are poorly drained and are usually dry during the summer
- The house can be located closer to road; however, the scenic road classification would visually benefit the town if the house was set away from the road
- The applicant’s representatives have met with the state and the Conservation Commission in the past regarding the wetland disturbance
- A Conditional Use Permit may need to be submitted

Mr. Haney said that the application is complete. He added that there is a Restoration Plan that is still open and has not yet been addressed.

***Mr. Anderson made the motion to accept the application for Case# 22-009-SUB as complete. The motion was seconded by Mr. MacKinnon. The motion was approved by a vote of 5-1. Ms. Andersen voted the application to be incomplete.***

***Mr. MacKinnon made the motion that the case is not a Development of Regional Impact. The motion was seconded by Mr. Anderson. The motion was approved unanimously by a vote of 6-0.***

Mr. Blaisdell commented that the current lot is viable for subdivision whether the current, non-approved driveway is utilized or a different site is chosen for the driveway. The current proposal keeps the new home back, buffered and not visible from the road.

Mr. Viel noted that the current situation with an incomplete Wetland Restoration Plan creates multiple challenges for the proposal.

Mr. Viel asked that the plans include the buildable area for the new proposed lot per town regulations. The current plans do not outline a buildable area. Mr. Blaisdell stated there is an approximately seventy-two thousand (72,000) SqFt buildable area in the proposed lot location per quick calculations by Mr. Beauchemin. Mr. Viel discussed more setback requirements that need to be added.

Mr. Haney gave an overview of his SRPC Staff Review. It included the following notes:

- Asked if the existing culvert needs an upgrade
- The existing driveway appears to be more than ten feet from the side lot line
- Commented on how the status of the driveway permit affects this case

Mr. Viel indicate that the town has a Restoration Plan Approval from NHDES Wetlands Bureau. He added that an abutter, Mr. Rowell, had submitted a letter to the Board that addresses multiple points with the following highlights:

- The Building Inspector noted that there is no permit for the existing driveway.
- A right-of-way boundary does not follow along the stonewall along Map 48, Lot 2-3

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- Road surface water near the abutting cemetery has been problematic

Mr. Viel noted that the Board received a letter from the Building Inspector that addressed similar points as to what was submitted by Mr. Rowell. The Building Inspector has been to the site, observed the driveway and discussed the conditions with NHDES. He noted that the Restoration Plan was not within his authority to address and that he would defer to the state as it is in their jurisdiction.

Mr. Viel said that a Conditional Use Permit is available for filling in some wetlands. He added that avoiding filling in the wetland is preferred. In this case, there is a way to avoid filling in a wetland.

Mr. MacKinnon said if the driveway stays as is, he does not believe it would meet the town's maximum 8% slope. He added that it is a fire and safety concern. He wondered if a Conditional Use Permit is needed; however, he believes the state needs to settle the Restoration Plan issue. He noted that the Building Inspector was first told by the applicant that the driveway was a logging road.

The Board discussed better locations for the driveway that would not trigger a Conditional Use Permit. Mr. MacKinnon noted that the town's counsel will need to be consulted due to the status of the current Restoration Plan.

Mr. Beauchemin noted that the state required a Conditional Use Permit from the town for the driveway.

Mr. MacKinnon informed the applicants that utilities are required to be underground from the road to the home.

Mr. Beauchemin said that an after-the-fact permit application has been accepted for review by the state.

Mr. Viel explained that the position from the state is that the Restoration Plan is currently out of compliance. Depending on resolution of that piece, the Board would need to consider the Conditional Use Permit after the fact or the need for a variance. He stated that he would prefer to connect with town counsel for guidance.

Mr. MacKinnon suggested a site walk would be prudent. He added that the Board would need to see the actual plans provided to the state by the applicant.

Ms. Mooney noted that at the last Conservation Commission meeting, that Board realized that they reviewed this application earlier in the year. The Commission was unaware of the wetland violation and the incomplete Restoration Plan. She had read from a letter by the Comeau's that committed to the restoration of the disturbed wetlands by July of 2021. She noted that the restoration has not been done.

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Mr. Beauchemin suggested that the resubmittal of a plan triggered an automatic extension to restore the wetlands. He stated that he had a verbal commitment from the state. He further claimed that this disturbance was discussed with the Conservation Commission earlier in the year.

Mr. Viel stressed that further conversation with legal counsel needs to occur to move this case forward.

Mr. MacKinnon told the applicant that bounds will need to be placed every three hundred (300) feet.

Mr. Viel noted that granite bounds are required on the corners with pins allowed at a straight line. He added that all new lots in town require underground utilities unless a waiver is approved for overhead lines.

Mr. Viel opened the floor for Public Comment.

Robin Comeau, the property owner, came forward. Her prepared statement included the following highlights:

- She and her since deceased husband bought the property in 1992.
- The property was an overgrown area that the late Mr. Comeau had diligently maintained over the years.
- The abutters, the Rowells, never complained about any disturbance to the property
- Mr. Comeau always maintained the area of the property in question
- Ms. Comeau's son decided he wanted to build a new home on the property, which made her very happy
- She did not see any wetlands on the town website regarding her property
- Her son then installed a culvert in an effort to be good stewards of the land
- This subdivision process started two years ago with building costs and interest rate hikes adding tens of thousands of costs to the project
- The driveway along the stonewall would allow for the scenic vistas of the road to be maintained
- Installing a driveway elsewhere on the property would require multiple culverts and retaining walls that would take away from the scenic views
- Her family is trying very hard to keep the beauty of the area intact

Tony Comeau, Ms. Comeau's son, handed out a letter of support by five (5) abutters to the property. The letter stated that they would be disappointed if the proposal would require a driveway, with associated landscaping (retaining walls, culverts) to be installed through the property fields. They feel fortunate that the proposal is just a two-lot subdivision as opposed to more lots with smaller acreage.

Mr. Viel requested that the applicants meet with the Conservation Commission to review and discuss the plans for this application. He added that further town legal review will be needed.

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Ms. Comeau wanted to clarify that the driveway installed was not a logging road. Mr. Viel noted that the comment was from the Building Inspector.

Peter and Lauren Rowell, abutters to the property, came forward in speaking against the proposed plans. Mr. Rowell handed out to the Board an outline that he had put together regarding his objections. He stated that the intention is not to stop subdivision of the land, more the rules are followed regarding the driveway.

Ms. Rowell stated that she likes her neighbors and mentioned many compatible qualities with them. She reiterated her husband's concern with the wetland violation. She noted that the current driveway is not the only way to access the proposed subdivided lot. She pointed to the DES call for a Restoration Plan of the wetland violation. She added that the wetland in question affects the wetlands on her property as the hydrology has changed. She claimed that DES recently called her to express an additional issue with the violation.

Mr. Viel stated that the Board will be waiting for the DES decision as well as the opinion from the town legal counsel.

Mr. Viel encouraged residents to submit written comments should they not be able to attend the meeting.

The floor was closed for Public Comment.

***Mr. MacKinnon made a motion for a site walk to be performed on July 20, 2022, at 5:30PM. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 6-0.***

Mr. Blaisdell asked if he should prepare a Conditional Use Permit for the next meeting. Mr. Viel answered that having one ready would be useful in case it is needed. By the first August meeting, the Board should have legal feedback from town counsel.

***Mr. MacKinnon made the motion to continue Case#22-009-SUB until August 10, 2022, at 7:00PM. The motion was seconded by Mr. Anderson. The motion was unanimously approved by a vote of 6-0.***

***Case# 22-010-DR: Application from Joseph Falzone, on behalf of George Williams and Day Ann Kelley, requesting a Design Review of an eight (8) lot subdivision. The property is located on Stevens Hill Road, in Nottingham, NH, and is identified as Tax Map 49, Lot 7. Stevens Hill Road is designated as a scenic road.***

Scott Cole of Beals Associates and Joseph Falzone, the developer, sat at the applicant desk and introduced themselves. Mr. Cole gave a synopsis of the early-stage subdivision plan, and the details are as follows:

- Plan is for the forty-five (45) acre property to be subdivided into eight (8) individual lots.
- He noted that Stevens Hill Road is a town Scenic Road.

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- The wetland acreage is fourteen and a fifth (14.2) acres or roughly thirty-one percent (31%) of the property.
- The proposed lot sizes stand between three (3) acres to just under thirteen (13) acres.
- The buildable areas for each lot meet town requirements
- They plan to meet with the Conservation Commission due to the Scenic Road designation.
- One shared driveway planned between Lots 4 and 5.
- There are two vernal pools on the property.
- There are two potential wetland impacts which include a wetland crossing and there may be an additional wetland on Lot 7 that needs further investigation.
- Mr. Falzone has met with some abutters already as well as some members of the Conservation Commission regarding possible conservation protections.
- They identified approximately twenty-one (21) acres that can be preserved in perpetuity.
- Mr. Falzone would be open to a one hundred (100)-foot setback from the Scenic Road for the houses.
- Test pits have been completed

Mr. Viel explained that a Design Review is a non-binding yet is a formal Board review.

Mr. Haney gave an outline of his summary regarding the Design Review with the following highlights:

- He proposed questions re: driveways, septic systems, and stabilizing soils with respect to the steep slope areas. “What will be done to minimize impacts as the property slopes downward from the resource area?”
- What considerations were given to an Open Space Development?
- What steps will be taken to minimize impacts to the existing stone walls for each curb cut?

Mr. Viel provided his opening comments with the following notations:

- The buffering consideration for the proposal was appreciated.
- He added that feedback from the Fire Department will be needed including cistern needs.
- He mentioned steep slopes will need to be accounted for.
- Any wetland crossing will need to go through the Conditional Use Permitting process.
- Additional road upgrades may be needed due to rural area of property.

Mr. MacKinnon inquired about the identification of a steep slope on the plan. He reiterated Mr. Haney’s question if an Open Space Subdivision was considered. He added that the narrow roads will require review by the town Road Agent. He noted a “no cut” designation near a vernal pool adjacent to a proposed driveway.

Mr. Falzone replied that the Open Space Subdivision was not proposed as there is no plan to add a subdivision roadway. He added that such a proposal wouldn’t work mathematically. He stated that if a Yield Plan was provided, he would have made a 16-lot proposal. He noted that five (5)

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520 of the lots are much further back than 100 feet due to wetlands with some between one hundred  
521 and fifty to two hundred (150-200) feet back.

522

523 Ms. Mooney asked about how the conservation easement proposal would look and who would  
524 monitor all the requirements involved. Mr. Falzone agreed to come up with a solution when he  
525 meets with the Conservation Commission.

526

527 Mr. Viel opened the floor for Public Comment.

528

529 Mark West came forward as a resident of Stevens Hill Road. He handed out the Board a write  
530 up from a previous meeting between Mr. Falzone and the property abutters. He noted that he  
531 had done a Critical Wetland Study and noted that the wetland on the property is the second  
532 largest wetland in town.

533

534 Peter Rowell, an abutter, came forward and was grateful to Mr. Falzone for working with the  
535 abutters. He did note that power lines will need to be extended and may cause an issue as the  
536 Electric Co-op terminates where the extension would be needed.

537

538 Mr. MacKinnon noted that electrical poles can be extended on the roadways; however, service  
539 entries must be underground on the residential lots.

540

541 Lauren Rowell, an abutter, came forward and was appreciative for Mr. Falzone's communication  
542 with the abutters. She hoped that the trees and the stonewalls will see minimal impact. Mr.  
543 Falzone agreed to incorporate a diligent survey of trees and walls as it pertains to Scenic Road  
544 regulations. Ms. Rowell suggested combining two lots to one as to preserve the conservation  
545 area.

546

547 Mr. Viel noted that any proposed disturbance to trees or stone walls will need to be reviewed by  
548 the Conservation Commission.

549

550 Denise Shanahan, an abutter, commented that her main concern is the narrow section of the road,  
551 which is right in front of her home, cannot tolerate the increase of traffic.

552

553 Mr. Viel stated town departments, such as the Building Inspector, Road Agent, Fire and Police  
554 Departments will all have a chance to provide feedback including the road conditions.

555

556 Vicki Connors, an abutter, noted that the town culvert is at the end of her driveway. She has  
557 historically had issues with ice and the narrow road that can cause very difficult vehicle travel.

558

559 Mr. Viel noted that Storm Water and Erosion plans would need to be evaluated as part of the  
560 subdivision process.

561

562 Cori Caputo, an abutter, was concerned with adding driveways over wetlands. She was also  
563 worried about endangered habitat, such as turtles, that would be affected. She added that the  
564 traffic increase would be an issue.

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Peter Leavenworth, a potential property investor, wondered how driveway cuts could be instituted over the wetlands. He noted that DES would need to approve those cuts. He suggested lowering the number of lots for the best interest of the town.

Mr. Viel explained the Planning Board's authority regarding waivers for Site Plan and Subdivision regulations as opposed to the Zoning Board's authority with regard variances to the town Zoning Ordinances. He noted the Board's authority for Conditional Use Permitting (CUP). Mr. MacKinnon noted that a CUP grants the Planning Board authority to act on a Zoning matter.

Mr. Viel noted the "early-stage" of the Design Review will evolve moving forward as Subdivision Plans are created. This evolution may include the number of lots allowed due to a variety of local and state reviews and regulations. He noted that the Board does not subvert state regulations and approvals.

Chris Doyle, an abutter, agreed with much of the other abutter comments. Her primary concern is the increase in traffic.

Mr. Falzone noted that the proposed wetland crossings are below three thousand (3000) SqFt. Ms. Rowell added that the multiple proposals on Stevens Hill Road will have a cumulative impact on the wetland areas. She worried about the current abuse of an existing nearby easement as well as the potential for additional development, traffic, and habitat degradation.

Mr. Viel closed the Public Hearing. He asked if Mr. Falzone needed an additional hearing in guiding his future subdivision plan. Mr. Falzone answered that he did not need a continuation.

***Mr. MacKinnon made a motion to close Case# 22-010-DR. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 6-0.***

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

***The meeting was adjourned at 10:46PM.***