

**Nottingham Planning Board Meeting**

**DATE: August 24, 2022**

**Official Minutes**

**Call to Order**

**Members Present:** Eduard Viel, Chairman; Ian McKinnon, Vice Chairman; John Morin, BOS Representative; Gary Anderson, SRPC Representative; Charlene Andersen, SRPC Representative; Sherry Sandler; Sandra Jones, Alternate; Robert “Buzz” Davies, Alternate;

**Members Absent:** Susan Mooney; Secretary.

**Alternate Seated and Voting:** Mr. Davies was seated for Ms. Mooney.

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

**Call to Order**

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

**Roll call**

Roll call was completed.

**Other Business: Subdivision and Site Plan Regulation Updates**

***Road Setbacks***

Mr. Viel asked Mr. Haney if he had found any language or place in which other towns have a road setback and where it best applies. Mr. Haney reported that he had not found any such language. Mr. Viel stated that, upon his research of other towns’ ordinances, he had found that a lot of them had at least a twenty (20) foot setback, and possibly wider if it was a leisure road. He also learned that the area between the road and the property line should be kept vegetated as much as possible. Mr. Viel said that the Board’s goal this evening was to determine what wording should be used re: Road Setbacks, as well as what a proper distance for the setback should be.

Mr. Mackinnon suggested at least a twenty-to-twenty-five (20-25) foot setback. Mr. Mackinnon further stated that the phrasing should go under *Subdivision* and/or *Site Plan Regulations*. Mr. Viel agreed with this, stating that it would allow the Board more flexibility.

Mr. Haney inquired as to whether or not there is any thought to making the setback a minimum distance from any existing building on the lot. Mr. Mackinnon responded that this may be difficult to enforce.

Mr. Mackinnon suggested having different road setbacks depending on the size and use of the lot. Mr. Mackinnon further suggested at least a twenty-five (25) foot setback and increasing by up to an additional twenty-five (25) feet accordingly if there were existing considerations.

**Nottingham Planning Board Meeting**

**DATE: August 24, 2022**

**Official Minutes**

Mr. Viel advised that the update would be appropriately placed under Section 15 of the *Subdivision Regulations*, where road standards are located. Mr. Viel further stated that he would look into where other municipalities discuss road setbacks in their regulation documents to determine where the best place to cite road setbacks would be inserted into Nottingham's regulations.

Mr. Viel summarized that the Board will require a twenty-five (25) foot minimum road setback for twenty (20) new lots or fewer, as well as a maximum of fifty (50) feet for applications proposing more than a total of twenty (20) new lots.

Mr. Viel stated that further discussion would be had on this matter.

***No Cut/No Disturbance Buffers***

Mr. Viel stated that Nottingham's regulations currently do not preclude one from putting a new road or driveway through the setback/buffer surrounding wetlands and/or vernal pools.

Mr. Mackinnon suggested proposing the provision as a warrant article for a zoning amendment.

Mr. Viel stated that he is in favor of a twenty-five (25) foot minimum of undisturbed land as well as requirements for signage and deed restrictions.

Mr. Viel stated that the Board has the option to develop a warrant article or to put something in Site Plan/Subdivision Regulations and then having it duplicated in Zoning.

Ms. Andersen stated that she would do some research on where other municipalities cite and how they discuss buffer zones.

Mr. Viel stated that further discussion would be entertained on this matter.

***Conditional Use Permits***

Mr. Viel stated that he had received Town Counsel's input on *Conditional Use Permits*. Mr. Viel further stated he had been advised that, should the Board receive a request for a *Conditional Use Permit* as part of an application, the Board is able to act on it when they approve the application. Mr. Viel added he was further advised that should the Board receive a request for a Conditional Use Permit by itself or as part of an application that has already been approved, the Board cannot act on it at that time and then only until proper abutter notification has occurred.

Mr. Mackinnon suggesting placing a summary of the Conditional Use Permit process on the subdivision application so that applicants know what to expect.

Mr. Viel stated that further discussion would be appropriate for this topic.

***Application Changes for Subdivision and Site Plan Review***

**Nottingham Planning Board Meeting**

**DATE: August 24, 2022**

**Official Minutes**

Mr. Haney suggested separating the *Subdivision* and *Site Plan Regulations* application into two separate documents rather than just the single document presently used that has often caused confusion due to inherent differences in the two sets of regulations.

Mr. Haney also suggested adding an applicant narrative section so that an applicant can explain areas that would benefit from clarification. Mr. Davies stated that the Board has the right to accept an application as complete or reject an application as incomplete, and a narrative section may help an application be considered more complete.

***Appendices Corrections***

Mr. Viel suggested updating the appendices with private/scenic/emergency lane dedications to match whatever the town classifies each as.

***Map Updates (E-911)***

Mr. Viel stated that some town maps done by SRPC several years ago may need to be updated and reprinted. Mr. Viel further stated that the status of some of the roads are still in question, and that the maps can be done after there are resolutions. Mr. Viel further stated that SRPC will need to be updated once the Select Board approves road names.

***Defining “Impervious”***

Mr. Viel read aloud Durham, New Hampshire’s definition of “impervious”: “any modified surface that cannot effectively absorb or infiltrate water. Impervious surfaces include but are not limited to roofs and paved areas (such as driveways, parking areas, or walkways). Impervious surfaces also include decks, patios, or gravel unless such structures or surfaces have been designed to effectively absorb or infiltrate water.” Mr. Viel stated that Nottingham does not currently have a definition of “impervious”.

Mr. Viel advised that he will submit various definitions for the Board’s review and that further discussion on this matter would follow.

**Public Comment**

None.

**Select Board and Staff / Board Member Updates**

Ms. Jones reported that she will not be at the September 14, 2022, meeting.

Mr. Davies inquired as to what is going on at the “West Nottingham International Airport” and why nothing has ever come before the Board. Mr. Viel replied that he would ask the Building Inspector that question.

**Nottingham Planning Board Meeting**

**DATE: August 24, 2022**

**Official Minutes**

Mr. Anderson inquired as to whether or not there has been an advancement of the corridor study being conducted on Route 4. Mr. Viel advised that he had received correspondence from Bill Watson, an administrator with the NH DOT, stating that the study is in progress but that it may be some time before the Board has results.

Mr. Morin announced that events celebrating Nottingham's 300<sup>th</sup> anniversary continue and encouraged fellow Board members to attend. Mr. Morin further advised that the Select Board had recently met with the Pawtuckaway Lake Association to discuss funding for their Lake Host program; the funding was granted. Mr. Morin stated that the Select Board had heard from Nottingham's new Town Moderator who is seeking ballot clerks of any political party affiliation to assist with the upcoming election and future elections.

Mr. Mackinnon advised that he will be at the September 14, 2022 meeting but may not be at the September 28, 2022 meeting, pending the arrival of his second child.

Mr. Viel reminded Board members that there is a site walk scheduled for next week, August 31, 2022, at 5:45 PM on Mooers Road.

Mr. Viel informed the Board that he, along with residents of other New Hampshire towns, attended an SRPC workshop last week that discussed affordable housing. He said that themes included incentivizing the development of workforce housing as well as the transfer of land rights.

Mr. Viel reminded Board members to read the changes to planning and zoning laws in 2022 if they have not already, as many of the changes "are live" as of yesterday, August 23<sup>rd</sup>.

Ms. Sandler inquired as to what is happening on Route 125 in Epping. Mr. Mackinnon replied that trees have been cleared but there has not been any approval for development yet.

Ms. Andersen stated that she had no updates.

Mr. Haney said that the Mooers Road application that has been brought to the Board will also have to go before the Raymond Planning Board for approval.

**Approval of Minutes**

*Ms. Andersen made a motion that the Board seal the nonpublic minutes from August 10, 2022, (per RSA 91-A:3 III.). (This motion requires a 2/3 vote in favor.) The motion was seconded by Mr. Mackinnon. The motion was approved by a vote of 6-0 with one (1) abstention.*

*Mr. Anderson made a motion that the Board approve the minutes of the July 13, 2022, and August 3, 2022, meetings. The motion was seconded by Mr. Davies. The motion was approved by a vote of 5-0 with two (2) abstaining.*

**Adjourn**

**Nottingham Planning Board Meeting**

**DATE: August 24, 2022**

**Official Minutes**

178

179 \_\_\_\_\_ *made a motion to adjourn the meeting. The motion was seconded by \_\_\_\_\_. The*  
180 *motion was unanimously approved by a vote of 7-0.*

181

182 *The meeting was adjourned at 9:58 PM.*

183