

Nottingham Planning Board Meeting

DATE: September 14, 2022

Official Minutes

Call to Order

Members Present: Robert “Buzz” Davies, Alternate; John Morin, BOS Representative; Gary Anderson, SRPC Representative; Eduard Viel, Chairman; Susan Mooney, Secretary; Sherry Sandler, Charlene Andersen, SRPC Representative.

Members Absent: Ian Mackinnon, Vice Chairman; Sandra Jones, Alternate.

Alternate Seated and Voting: Mr. Davies was seated for Mr. Mackinnon.

Others Present: Kevin Lemieux, Land Use Clerk; Blair Haney; SRPC Representative; Lauren Chase-Rowell, Abutter; Peter Rowell, Abutter; Michael Hyer, Abutter; Sam Demeritt, Nottingham Conservation Commission; Craig Porter, Abutter; Cheri Porter, Abutter; Jack Kaiser, Surveyor; Laurie Pitkin, Landowner; Mark Pitkin, Landowner; Joseph Falzone, Landowner; James Long, Wetland Scientist; Diane Lapite, Abutter; Barbara Haine, Abutter; Mike Spagna, Resident; Scott Cole, Beals Associates; Dave Finn, Abutter; Paul Finn, Abutter; Teresa Daniel, Abutter; Bob Daniel, Abutter; Mark West, Resident; Nancy Botte, Resident; Emily Silva, Abutter; Jeff Silva, Abutter; Paula Duchano, Abutter; Chris Doyle, Abutter; Daniel Mather, Resident; Laura Honing, Landowner; Bob Pagliaruo, Applicant.

Call to Order

The meeting was called to order at 7:01 PM

Public Hearings

Case # 22-009-SUB (continued): Application from Robin Comeau requesting a two (2) lot subdivision. The property is located at 176 Stevens Hill Road, in Nottingham, NH, and is identified as Tax Map 49, Lot 4. Stevens Hill Road is designated as a scenic road. Applicant has requested this case be continued until the September 28, 2022 meeting.

Ms. Mooney made the motion to continue Case # 22-009-SUB to the September 28, 2022 meeting at 7:00pm. The motion was seconded by Mr. Anderson. The motion was unanimously approved by a vote of 7-0.

Case # 22-011-SUB (continued): Application from Jones & Beach Engineering, on behalf of Jim Rosborough, requesting an eleven (11) lot subdivision. The property is located on Mooers Road, in Nottingham, NH, and is identified as Tax Map 72, Lot 13-1. Applicant has requested this case be continued to the September 28, 2022 meeting.

Mr. Anderson made the motion to continue Case # 22-011-SUB to the September 28, 2022 meeting at 7:00pm. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 7-0.

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

Mr. Viel asked if anyone was present on behalf of the applicant. Seeing none, Mr. Viel asked Mr. Lemieux if the Board had received any recent correspondence from the applicant. Mr. Lemieux reported that no correspondence has been received in quite some time, considering the application was submitted in January or February of this year. Mr. Viel stated that the Board had requested some additional information regarding the plans for the subdivision and that the requested information had not been received yet for the Board's review.

Mr. Viel asked Mr. Haney if the Board, at this juncture, could take final action on the application or continue it at another meeting, hopefully receiving the requested information or a request to withdraw the application in the near future. Mr. Haney advised that the courteous thing for the Board to do would be to continue the application on the premise that the Board received the requested information by the next deadline, or else the Board would deny the application. Mr. Viel stated that since this had already been communicated to the applicant, the Board could take action tonight if they so choose.

Mr. Viel opened the public hearing for this case. No one came forward; Mr. Viel closed the public hearing.

Mr. Anderson made the motion to deny the application for Case # 22-002-SUB without prejudice due to lack of requested information as well as a lack of a request for continuance by the applicant. The motion was seconded by Ms. Andersen. The motion was unanimously approved by a vote of 7-0.

Case # 22-013-SUB: Application from Doucet Survey, on behalf of Mark and Laurie Pitkin, requesting a four (4) lot subdivision. The property is located at 145 Gile Road, in Nottingham, NH, and is identified as Tax Map 40, Lot 14.

Jack Kaiser of Doucet Survey came forward and introduced himself. He stated that his agency, on behalf of their clients, are proposing a four (4) lot subdivision at 145 Gile Road. The lots are all a minimum of five (5) acres in size. The required test pits have been performed and that all the parcels meet current applicable zoning. He has received the staff comments back, many of which were related to the lack of driveways shown on the plan. This is because it is unclear when construction will take place and where exactly buildings will be placed. He stated that one of the comments pertained to Gile Road being a scenic road, to which he indicated that this particular part of Gile Road is not a scenic road.

Mr. Viel asked Mr. Haney for his review. Mr. Haney reported that all required documents have been submitted, including the list of waivers. Mr. Haney stated that he believes that the application is complete enough to be accepted.

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86 *Mr. Anderson made the motion to approve the application for Case # 22-013-SUB as*
87 *complete. The motion was seconded by Ms. Mooney. The motion was approved by a vote of 5-*
88 *2.*

89
90 *Ms. Andersen made the motion that Case # 22-013-SUB is not a regional impact case. The*
91 *motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 7-0.*
92

93 Mr. Kaiser stated that one of the comments his agency received was that the 25% slopes were not
94 shown. He reported that he did not show those because the plan was “getting pretty busy”. He
95 passed out new plans to the Board. He stated that the slopes do not impact the buildable areas.
96 Mr. Kaiser reiterated that there is no construction planned for the immediate future.
97

98 Mr. Viel asked Mr. Haney for his staff memo. Mr. Haney confirmed that this section of Gile
99 Road is not a scenic road. Mr. Haney stated that the Town’s driveway design section requires the
100 driveway and the aprons to be shown on plans as well as storm water management. Mr. Haney
101 further stated that underground utilities need to be displayed as well.
102

103 Ms. Mooney advised that, as a member of Nottingham’s Conservation Commission as well as
104 the Board, she had concerns regarding the lack of proposed driveways. Mr. Kaiser said that the
105 buildable area does not show any wetland impacts.
106

107 Mr. Viel stated that although Mr. Mackinnon was not able to attend this meeting, he had
108 reviewed the plans and submitted a question regarding the flood zone area and where on the
109 existing parcel the flood zone area is located.
110

111 Mr. Viel indicated that the Nottingham Historic Homes & Cemeteries map shows that the Gile
112 Cemetery is located on proposed lot 14-1. He stated that he would reach out to the Historical
113 Society for guidance as to how to proceed with the plans.
114

115 Mr. Viel noted that the parcel appears to fall into the state’s Shoreland Water Quality Protection
116 Act because of its proximity to the North River. Mr. Viel stated that the Conservation
117 Commission would need to be advised of the plans so that they could review and provide
118 comment as well.
119

120 Ms. Mooney inquired about the significance of the different types of soils indicated on the plans.
121 Mr. Kaiser advised that he did not have an answer.
122

123 *Ms. Andersen made the motion to accept the waivers as read. The motion was seconded by Ms.*
124 *Mooney. The motion was unanimously approved by a vote of 7-0.*
125

126 Mr. Viel opened the public hearing. Seeing no one coming forward, he closed the public hearing.
127

128 Mr. Viel reviewed what the Board has asked the applicant to provide:

- 129 • Delineate which wells are located in poorly drained versus very poorly drained soils
- 130 • Identify and locate the cemetery that may exist on proposed lot 14-1

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- Show the intermittent stream that appears to be on the parcel with the appropriate buffer and setbacks
- Send a request to Lamprey River Advisory Committee for their review regarding the Shoreland Water Quality Protection Act
- Show underground utilities and driveways

Mr. Viel advised that the Nottingham Fire Chief has recommended that a cistern be installed between Lot 14-2 and 14-3.

Ms. Mooney made the motion to continue Case # 22-013-SUB to the October 12, 2022 meeting at 7:00pm. The motion was seconded by Ms. Sandler. The motion was unanimously approved by a vote of 7-0.

Case # 22-014-SUB: Application from Joseph Falzone, on behalf of George Williams and Day Ann Kelley, requesting an eight (8) lot subdivision. The property is located on Stevens Hill Road, in Nottingham, NH, and is identified as Tax Map 46, Lot 7. Stevens Hill Road is designated as a scenic road.

Scott Cole of Beals Associates and Joseph Falzone, a developer, came forward and introduced themselves. Mr. Cole stated that his team had attended a Board meeting two months ago to discuss a design review on this project. He indicated that they had an updated plan and that they are seeking approval to create an eight (8) lot subdivision of “rather large” lots with at least two hundred (200) feet of frontage. The updated plan includes a proposed conservation easement as well as a one hundred (100) foot no-build setback. Mr. Cole added that the abutter to the east of the property is looking to purchase proposed Lot #8, and so the plan is for an eight (8) lot subdivision but only seven (7) proposed homes are anticipated at this time. He noted that the proposed driveways have two “small wetland impacts”.

Mr. Viel asked Mr. Haney for his review of the application. Mr. Haney advised that the Board now has all components of the application.

Mr. Anderson made the motion to accept the application for Case # 22-014-SUB as complete. The motion was seconded by Mr. Davies. The motion was unanimously approved by a vote of 7-0.

Ms. Andersen made the motion that Case # 22-014-SUB is not a regional impact case. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 7-0.

Mr. Viel asked Mr. Haney for his staff review. Mr. Haney advised that the language of the conservation easement should be reviewed by the town. Mr. Haney further advised that the applicant would need to see the Conservation Commission in regard to the scenic road status, wetlands impacts and other scenic and environmental considerations. Mr. Haney stated that the plans would need to include construction details for the driveways and aprons.

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Ms. Mooney indicated that a representative from Mr. Falzone's development team had met with the Conservation Commission. The presentation included seeking advice how best to minimize potential environmental impacts.

Mr. Viel read comments provided by Mr. Mackinnon. Mr. Mackinnon requested iron pins along proposed lot lines. Mr. Mackinnon further stated that if there is a conservation easement, it needs to be marked with iron pins as well as placards. Mr. Mackinnon inquired as to what the existing width of the right-of-way along the frontage is. Mr. Mackinnon also requested clarification on slopes; he further stated that if the plan is reduced from eight (8) lots to seven (7) lots, the currently proposed Lots #6 and #8 can absorb the area of Lot #7, which would result in only one small wetland impact for Lot #6 driveway but would be a near 90% reduction in the current proposal for wetland impacts on the project. Mr. Mackinnon also inquired about culvert placement.

Mr. Viel stated that there are five (5) vernal pools shown, three of which are beyond the limits of construction, and the other two are along the road. Mr. Viel advised that, in Nottingham's wetland protection ordinance, there is a no-disturb vegetative buffer of twenty-five (25) feet around vernal pools. Mr. Viel further stated that Lot #6 has a proposed curb cut that would impede that buffer. Mr. Viel said that the proposal would not be subject to a conditional use permit.

Mr. Viel asked Mr. Cole as well as the applicant to confirm some of the distances in regard to the steep slopes of Lots #1 and #3. Mr. Cole said that none of the buildable areas contain 25% slopes.

Mr. Anderson inquired as to whether or not the plans still include two shared driveways. Mr. Cole confirmed that there are still two proposed shared driveways.

Mr. Viel opened the public hearing.

Peter Rowell came forward and identified himself as a resident of 156 Stevens Hill Road. Mr. Rowell stated that he is not a direct abutter to the property but that he has been driving by it for the past forty years. He wanted to thank Mr. Falzone for both the conservation easement as well as the one hundred (100) foot buffer. He reported that he would like to utilize common driveways as much as possible. He expressed concerns about the effect that construction will have on the wetlands. He suggested moving some of the proposed driveways. He further expressed concerns about how to preserve the stone walls that make Stevens Hill Road scenic. He stated that the Fire Chief would likely require a culvert be installed.

Bob Daniel came forward and introduced himself as an abutter to proposed Lot #8. Mr. Daniel stated that his preference would be that the parcel stay the way it is now but acknowledged that "you can't stop time". He stated that he approached Mr. Falzone about purchasing part of the parcel to create more of a buffer between his property and the proposed subdivision. He stated that, rather than a conservation easement be created, he would prefer that a few like-minded abutters come together and share ownership of the proposed easement area.

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Mark West came forward and introduced himself as a resident of Stevens Hill Road. Mr. West asked for clarification regarding what is in the site plans as well as what is in the current use application. The current use application does not indicate the square footage of wetland buffer impact proposed for their entire project or the individual lots. He stated that he is in favor of a conservation easement and reported that he, like Mr. Rowell, appreciates the protection of the road and the wetlands behind the parcel. He was concerned that runoff created by construction could potentially greatly impact the vernal pools on the parcel. He would like to see what alternatives there are to the proposed development and what factors went into the plans being written as they are.

James Long came forward and introduced himself as a soil scientist, wetlands scientist, and licensed forester. He stated that his team, along with Mr. Falzone's team, chose to place proposed driveways so that they would have the least impact on the vernal pools. He stated that other proposed driveway locations would have a bigger impact on wetlands.

Lauren Chase-Rowell came forward and introduced herself as a resident of 156 Stevens Hill Road. She stated that, in order to know how she feels and how others feel about the proposed easement, she would like more clarification. She reported feeling very confused by the various conversations and stated that she would like the proposal written out more clearly before she can act on it.

Mr. Viel closed the public hearing.

Mr. Viel invited the applicant back to the front. Mr. Falzone and Mr. Cole came forward.

Mr. Falzone stated that when the Board attends a site walk, they will see that if a culvert is installed near a particular proposed lot's driveway, the vernal pool will dry up.

Ms. Mooney made the motion that the Board, along with the Conservation Commission, conduct a site walk for Case # 22-014-SUB on Wednesday, October 5, 2022 at 5:00pm. The motion was seconded by Mr. Anderson. The motion was unanimously approved by a vote of 7-0.

Ms. Mooney made the motion to continue Case # 22-014-SUB to the October 12, 2022 meeting at 7:00pm. The motion was seconded by Ms. Sandler. The motion was unanimously approved by a vote of 7-0.

Other

Conceptual Application Review – Horning – Old Turnpike Road

Robert Pagley-Willow came forward and introduced himself. He stated that he is looking to open and operate a function hall in the form of a restaurant/tavern at 186 Old Turnpike Road. Mr. Viel stated that there was a prior site plan for this property that was conditionally approved, however,

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the conditions have lapsed and the approval is void. Mr. Viel stated that the Board would need to re-review the plans, including indoor and outdoor dining, operating hours, fire codes, and the like. Mr. Pagley-Willow asked for clarification regarding the number of people that the establishment would be limited to; Mr. Viel stated that he would need to go back and look at the notes from the prior plan. Mr. Anderson suggested that this may be per the Fire Chief and Building Inspector due to codes. Mr. Pagley-Willow inquired about town ordinances surrounding outdoor events as well as outdoor burn permits for something like a pig roast. Mr. Viel said that there are ordinances surrounding noise pollution, especially surrounding residential areas. Mr. Viel further advised that the Fire Chief would need to take a look at any potential site and give their input. Mr. Pagley-Willow inquired about sizing regulations for signs, to which Mr. Viel advised that there are ordinances surrounding the size of signs. Mr. Pagley-Willow advised that he intends to hold fundraisers at this location and inquired as to whether or not he would be able to. Mr. Viel advised that any information pertaining to fundraisers would need to be included in the plans. Additionally, Mr. Viel noted that septic capacity would need to be addressed as well.

Public Comment

None.

Approval of Minutes

Mr. Anderson had a correction on a name listed in the site walk minutes from August 31, 2022.

Mr. Anderson made the motion to accept the site walk minutes from August 31, 2022. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 7-0.

Select Board and Staff / Board Member Updates

Mr. Viel indicated that he had received a response from the Town of Durham in response to the Route 4 corridor study being conducted by the DOT. Mr. Viel stated that Durham has thanked Nottingham for making them aware. Mr. Viel further advised that the Board should be mindful of regulation updates that are still due to be worked on before the end of the year, and since the next two Board meetings seem to be filling up, there may be potential for a future workshop.

Mr. Davies had no update.

Mr. Morin had numerous updates from the Select Board. He announced that Chris Sterndale is resigning as the Town Administrator, effective October 6, 2022. The Board is beginning the process of looking for a replacement for the position. The Board has recently approved a Code of Conduct for Select Board members. There are plans to pave the Marston Property in the near future. The lake roads are getting all new signs with new names. The election held this past Tuesday went well. There will be a potluck this coming Saturday at Pawtuckaway State Park for Nottingham residents. The Select Board will hold an additional, unscheduled meeting for maximizing their time with Mr. Sterndale.

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310 Mr. Anderson indicated that his term as an SRPC representative is coming to an end and he has
311 chosen not to continue in this role.

312
313 Ms. Mooney stated that the Conservation Commission's Trails Committee is hosting an
314 interpretive trail walk for the public this coming Friday morning at Marsh Woods, the trailhead is
315 located just beyond the recycling center.

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317 Ms. Sandler had no update.

318
319 Ms. Andersen expressed her disappointment that Chris Sterndale will be leaving his post as
320 Town Administrator. His loss will be felt by the Town of Nottingham.

321
322 Mr. Haney had no comment.

323
324 **The Chair adjourned the meeting at 9:45 PM.**

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326