

Nottingham Planning Board Meeting

DATE: September 28, 2022

Approved December 14, 2022

Call to Order

Members Present: Eduard Viel, Chair; Susan Mooney, Secretary; Gary Anderson, SRPC Rep; Sherry Sandler, John Morin, Select Board Ex-Officio Rep.; Robert “Buzz” Davies, Alternate; Sandra Jones, Alternate

Members Absent: Ian MacKinnon, Vice Chair; Charlene Andersen, SRPC Rep;

Alternate Seated and Voting: Sandra Jones was seated for Charlene Andersen; Robert Davies was seated for Ian MacKinnon

Others Present: Kevin Lemieux, Land Use Clerk; Blair Haney, SRPC Planner; Barry Gier, Engineer; Diane Lapite, Abutter; Mary Shea, Abutter; Shawn Shea, Abutter; Heather Iworsky, Abutter; April Burditt, Abutter; Jeffrey Abutter; David Finn, Abutter; Craig Porter, Abutter; Sam Demeritt, Conservation Commission Chair

Call to Order

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

Roll call

Roll call was completed.

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.

Mr. Lemieux explained to the Board that the applicant has requested an extension until the October 12, 2022, meeting. Mr. Viel noted that any new deliverables for the continuation be sent to the Board at least a week ahead of time.

Mr. Anderson made a motion to continue Case# 22-009-SUB until the October 12, 2022 at 7:00PM, Planning Board meeting. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 7-0-0.

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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.

Barry Gier of Jones & Beach Engineering came forward and introduced himself on behalf of the applicant. Mr. Gier stated that it took a few weeks for a wetland scientist to confirm that a previous area in question was not a wetland. This setback pushed back updating the initial plans. Mr. Gier passed out to the Board members a new set of subdivision plans. Since the last meeting, the new Yield Plan includes the areas of steep slopes and 30K buildable areas. One lot was relocated from Mooers Road to Jampsa Trail, siting two lots on Jampsa. A Conditional Use Permit will be sought for the oversized Open Space lots. Mr. Gier asked the Board for guidance on Road Agent road improvement feedback. In responding to feedback from the Fire Chief, there will be a cistern installed on Mooers Road. Mr. Gier will follow up with the Fire Chief to see if a new cistern will be needed on Jampsa Trail due to the new lot placement. Mr. Gier stated that he has been in contact with the town of Raymond and will soon submit an application to their Planning Board.

Mr. Viel noted that much of the concerns from the Site Walk has been addressed in the updated plans. He requested that the proposed driveway entrances be staked out due to sightline issues. Mr. Viel stated that Lot 7 on the Yield Plan was still problematic due to wetlands and steep slopes. Mr. Gier responded that it was a small impact for an eleven lot subdivision.

Mr. Viel reviewed his notes from the minutes of the last meeting with the applicant. Outstanding items remaining from those notes were the following:

- New plans will require a wetland scientist stamp
- Each 4K area will need two test pits
- A note needs to be added regarding the right-of-way from Jampsa Trail
- The Open Space calculations need to be confirmed
- Applicant must meet with the Nottingham Conservation Commission
- Grading and erosion plan is a requirement
- Underground utilities will be required

Mr. Anderson inquired how the adding of a lot on Jampsa Trail came about. Mr. Gier responded that it came from the site walk feedback. He said that it depends on the feedback from the Fire Chief if it will remain in that location. If a cistern has to be added on Jampsa, then the plan may change. Mr. Viel noted that in lieu of a cistern, the Fire Chief will typically request a fire sprinkler system for the houses.

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Mr. Haney asked who maintains the proposed right-of-way on Jamps Trail. Mr. Gier responded that the town would maintain the road should it remain a public road. Mr. Haney wondered how the right-of-way language would be documented. Mr. Gier replied that it would be noted as a right-of-way on the subdivision plans.

Mr. Anderson inquired about the Road Agent feedback. Mr. Lemieux read an email sent by the Road Agent aloud that stated that the road is okay for current conditions however, added traffic will require attention to additional run-off and drainage.

Ms. Mooney asked how big the proposed lots are. Mr. Gier replied that most lots are around 40-45,000 SqFt, with Lot 7, Lot 8 and Lot 9 all larger than that. Mr. Viel noted that a Conditional Use Permit may not apply to an oversized lot. He added that a variance may be needed. Mr. Viel wants to review the regulations for clarity.

Ms. Sandler inquired about the status of Jamps Trail as it is indicated on the plans as “unknown” with regard to the town of Raymond. Mr. Gier indicated that he plans be placed on the Raymond Planning Board agenda soon.

David Finn of Mooers Road came forward. He made comparisons of the proposed lot frontage sizes with the town zoning ordinances and how the proposed lots do not meet the criteria of the regulations. He added his concerns with the increased traffic, affects on wildlife, run-off and access to the lake.

Heather Iworsky of Mountain Road came forward. She was interested in reviewing the following documents for the subdivision: a wetland study, a wildlife study, a hydrological study, Strafford Regional Planning Commission feedback, Rockingham County Planning Commission feedback and a soil survey. She was perplexed as to the number of proposed lots as she stated that the property is mostly wetlands.

Dianne Lapite of Mooers Road came forward. She inquired if someone on the Board who had a relationship with the applicant landowner should recuse themselves from the hearing. Mr. Viel replied that state and town laws regarding recusal usually involve a member having a financial or direct personal interest in the case.

Craig Porter of Mooers Road came forward. He identified his property as likely the most affected by the subdivision. He handed out to the Board a list of wildlife species that live in the

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area. He mentioned that he is a real estate appraiser and believes many existing homes will see a 3%-20% depreciation in value if the proposed subdivision moves forward. Additionally he stated that there was a current drainage issue with a nearby stream and his home.

Mr. Gier returned to the applicant desk. He stated that he believes that the proposed development meets all the requirements from the town.

Mr. Haney noted that when Mr. Gier applies to get on the Raymond Planning Board agenda, the Raymond Planner from RRPC would eventually issue a review of the application. Mr. Viel added that the town's use of the Strafford Regional Planning Commission stems from a decision that the town has more commonality with the Strafford County towns that surround Nottingham.

Mr. Viel stated that an erosion plan would be helpful. He added that the Board can request a hydro-geological study if they choose.

Ms. Mooney made the request that the applicant ask the Natural Heritage Bureau for a wildlife assessment of the area. She further requested consideration to moving the proposed Lot 9 over to Jamps Trail. Mr. Gier said it will be considered however, the plan is to keep less traffic off the less developed Jamps Trail.

Mr. Gier mentioned that the intent is for the homeowner's association (HOA) to hold the easement for the Open Space.

Mr. Gier identified three Conditional Use Permits that he plans to submit. The CUPs are for the following:

1. One is for a shared driveway that will impact wetlands and the buffer.
2. Another is for the removal of the 100 foot vegetative buffer for the exterior of the project.
3. The third is for the lot sizes.

Mr. Anderson made the motion to require a drainage analysis by the applicant for Case# 22-011-SUB. The motion was seconded by Ms. Sandler. The motion was unanimously approved by a vote of 7-0-0.

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Mr. Viel suggested possible continuation with Mr. Gier to the October 26, 2022 meeting. This would give the applicant time to meet with the Conservation Commission. It would also allow for more time to garner feedback from the Road Agent, the Lamprey River Advisory Committee and legal review of the homeowner's association (HOA) easement language.

Ms. Mooney made the motion to continue Case# 22-011-SUB until the October 26, 2022, meeting with deliverables due a week prior to the meeting. The motion was seconded by Ms. Sandler. The motion was unanimously approved by a vote of 7-0-0.

Site Plan and Subdivision Application Changes/Updates

Mr. Haney had added changes to the applications for Subdivision and Site Plans based from previous meeting suggestions. Those changes included the following:

- Removing the fee schedule and creating a separate (*ed. What? Document? Column?*) for such.
- Adding a narrative section for both applications.
- Separating the Site Plan Application and the Subdivision Application and create individual documents for each.
- Reduce the number of large plan set copies as well as requiring the submission of digital copies of applications, site plans and associated documents.
- More space was added for the abutter list and request for waivers.
- Application check list was made more concise.

Mr. Morin made the motion to approve the new Subdivision and Site Plan Applications. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 7-0-0.

Public Comment. There was no public comment.

Approval of Minutes. Mr. Viel noted that the changes he had sent in did not make it to the updated minutes and moved to continue until the next meeting.

Select Board and Staff/Board Member Updates

Mr. Anderson indicated that SRPC has released a study about the increase of hate crimes in the area. He found it an interesting read and offered to forward along the study to the members.

Mr. Morin added that the Select Board has a number of projects that include the following:

- There is a plan to pave the Marston parking lot as parking issues have been ongoing.

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- All the covers in the town sand pit area are being replaced due to deterioration.
- The plan for a new Town Administrator has not yet been finalized however, it should be at the next Select Board meeting.

Mr. Morin noted that he knows Mr. Rosborough, the applicant from the Mooers Road subdivision, since Mr. Morin is an active member of the community and on a number of town boards/associations. He reiterated that his relationship with Mr. Rosborough was minimal and does not pose a conflict of interest.

Mr. Viel reminded everyone that there is a site walk scheduled on October 5, 2022 at 5pm on Stevens Hill Road.

Mr. Viel continued that end of year items for Warrant Articles and Subdivision proposed changes should be addressed at a near future meeting to meet the required deadlines.

Mr. Viel noted that the NHDOT had requested input from the town and Planning Board regarding the bridge repairs for Route 152 being scheduled by the state. He requested all comments from the Board to be forward to him or Mr. Lemieux.

Ms. Mooney noted that the Conservation Commission has finished the river testing program. The town was one of a few communities in the state that tested the rivers on a regular basis. The Commission will also be picking up trash on Route 152 and Route 156.

Mr. Haney said there is an upcoming training opportunity regarding Land Use Law by NHMA. There is a registration fee of \$75 to participate. The date is Saturday, October 15, 2022, from 9am-3pm online. He spoke very highly of the NHMA website as a great resource for state land use laws.

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

The meeting was adjourned at 8:53 PM.