



## TOWN OF NOTTINGHAM, NH - PLANNING BOARD

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## Plan Review

<b>PROJECT NAME:</b>	Wasson	<b>CASE NUMBER:</b>	21-010-LLA
<b>PLAN REVISION DATE:</b>	May 2021		
<b>MEETING DATE:</b> July 14, 2021	<b>Property Owner(s):</b> Mark and Patricia Wasson (map 70, lot 23) 55 Brown Rd, Hampton Falls, NH  Kevin Bassett (map 70, lot 25) 70-25, LLC 101 Shore Dr, Nottingham, NH	<b>APPLICATION TYPE:</b>	<input type="checkbox"/> (SD) Subdivision <input type="checkbox"/> (EX) Excavation <input type="checkbox"/> (SP) Site Plan <input type="checkbox"/> (HO) Home Occ. <input type="checkbox"/> Sign <input checked="" type="checkbox"/> (LLA) Lot Line <input type="checkbox"/> Design Review    Adjustment
<b>APPLICATION STATUS:</b> <input type="checkbox"/> Accepted: 65 days expires: <input type="checkbox"/> Approved: <input type="checkbox"/> Extension to:	<b>Surveyor(s):</b> Peter Landry, LLS Landry Surveying, LLC 248 Mill Pond Rd 679-1387	<b>REVIEWED BY:</b> Jen Czysz SRPC Interim Circuit Rider Revised July 27, 2021	
<b>EXECUTIVE SUMMARY</b>			
<p>The applicant requests a lot line adjustment to transfer 0.65 acres from map 70, lot 25 to map 70, lot 23. These properties are located along Lamprey Drive and have shoreline frontage on Pawtuckaway Lake.</p> <p>This application is the first before the board subsequent to the passage of warrant article 19 that transferred several class VI and private roads to town ownership as class V roadways. This will require additional research and identification of existing road conditions and history.</p>			
<b>BACKGROUND</b>			
<b>TAX MAP/LOT:</b>	Tax map 70 lots 23 and 25		
<b>AREA (ACRES, SQUARE FEET):</b>	Total acreage conveyed: 0.65 acres from lot 25 to 23		
<b>EXISTING LAND USE:</b>	Residential/Agricultural		
<b>STEEP SLOPES:</b>	Along Pawtuckaway Lake shoreline		
<b>ROAD ACCESS (FRONTAGE):</b>	Lamprey Drive		
<b>CLOSEST INTERSECTION:</b>	Raymond Road		
<b>ZONING DISTRICT(S):</b>	Residential/Agricultural		
<b>OVERLAY DISTRICTS:</b>	<input type="checkbox"/> Aquifer <input type="checkbox"/> Wetlands <input type="checkbox"/> Floodplain		
<b>LOCATED ON A SCENIC ROAD?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

<b>FEMA 100-YEAR FLOOD HAZARD ZONE?</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
<b>WATER BODIES:</b>	<input checked="" type="checkbox"/> Shoreland Protection			
<b>OTHER PERMITS AND APPROVALS</b>				
<input type="checkbox"/> Special Exception(s)	<input checked="" type="checkbox"/> Waivers	<input type="checkbox"/> Variance(s)	<input type="checkbox"/> Easement(s)	<input type="checkbox"/> Excavation Permit
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Condo Documents	<input type="checkbox"/> State Permits	<input type="checkbox"/> Road Cut	<input type="checkbox"/> Road Bond
<b>STATUS NOTES:</b> The applicant has requested the following waivers:				
Article 14.2.2 Lot shape – Applicant requests permission to allow the narrowest portion of the lot to be less than the required 75 feet.				

**COMPLETENESS/APPLICATION ACCEPTANCE**

1. All information needed to complete the application review has been submitted
2. Confirm all abutters noticed & fees paid (escrow).
3. Confirm signature and seal of registered surveyor, engineer or architect.
4. Confirm signed application received.

**STAFF TECHNICAL COMMENTS AND MEETING REVIEW HISTORY**

1. Comments on submitted waiver request:
  - a. Staff have no objections to the requested waiver. The narrowest portions of the lot are existing conditions not proposed to change as part of the lot line adjustment.
  
2. Transfer of Lamprey Drive to the Town as a Class V road:
  - a. On June 8, 2021, Warrant Article #19 was adopted by the town voters. This action transfers Lamprey Drive to the Town as a Class V road. As a result, applicants to the planning board along this and other roads subject to the warrant article, will need to take additional actions to clarify the road’s legal and/or actual location; in some instances the actual traveled way is not coterminous with the dedicated ROW. As a result, the extents of the right of way transferred to the Town may include both the deeded right of way and those locations adversely possessed by use.
  - b. Plans depict the traveled way and the access way easement. Both require dimensions be added to the plan drawing.
  - c. Copies of existing deeds for both parcels need to be submitted in order to provide the town with complete documentation of the existing roadway.
  - d. Additional boundary monuments will need to be set to delineate Lamprey Drive ROW extents.
  - e. There is nothing in the Zoning Ordinance or Subdivision Regulations that precludes performing a lot line adjustment across a town road as is proposed. That said, staff strongly discourages doing so and requests the board discuss the potential precedents this might create and whether doing so would meet the definition of Scattered and Premature Development as articulated in the town’s Subdivision Regulations, section 9.7.4 (page 28). Any action along these roads newly transferred to the town as a result of Article 19 will need to be done cautiously and ensure today’s actions due not create adverse impacts and undue burden on the Town. The board is encouraged to seek legal counsel assistance.
  
3. Elements in need of clarification, additional information, or provision before approval:
  - a. What is the existing use of parcel 70-23? Appears to be vacant, please confirm.

4. Notes changes, corrections, and additions:
  - a. Lamprey Drive ROW width needs to be dimensioned
  - b. Owners signatures to provided per checklist item II.26
  - c. Please indicate where septic systems and/or wells are located on the lot, if applicable
  - d. Please add the following details and icons to the legend:
    - i. Utility wires
    - ii. Shorelines
    - iii. Easement
    - iv. Edge of Traveled Way
  - e. Please indicate the existing and proposed area of lot 70-25
  
5. Other staff comments:
  - a. The applicant is reminded that the lot line adjustment may not cure the existing nonconformity and that should they seek a building permit for a use or alterations that are “substantially different” from what is present, they may be required to seek a zoning variance. At issue, given that the road will traverse the lot, there will remain essentially two separate lot areas where the applicant may not meet the required 30,000 sf contiguous area lot envelop (Zoning Ordinance, Article II, Section C.2.d).

### ACCEPTANCE AND APPROVAL PROCEDURES

1. Convene hearing
2. Board, applicant and abutter comments on acceptance (determine completeness)
3. Accept, continue or deny
4. Consider and determine whether the application is a development of regional impact (**Vote Required**)
5. Presentation by applicant
6. Staff review report
7. Abutter testimony
8. Act on submitted waiver request(s):
9. Board discussion, comments, questions
10. Act on approval, conditions, denial or continue to a date certain

### CONDITIONS OF APPROVAL

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Plan copies with professional seals & signatures   |  |
| <ul style="list-style-type: none"> <li>- Surveyor</li> <li>- Wetlands Scientist</li> </ul>   |  |
| <input checked="" type="checkbox"/> Original Mylar with professional seals & signatures  | <input type="checkbox"/> State Permits –                   |
| <input checked="" type="checkbox"/> Electronic submission per regulations  | <input type="checkbox"/> Curb-cut,                         |
| <input checked="" type="checkbox"/> All fees paid  | <input type="checkbox"/> Subdivision (Sub Surface/Septic), |
| <input type="checkbox"/> Additional items to be determined as part of the plan review hearing (List):                                | <input type="checkbox"/> Wetlands – Dredge and Fill,       |
| -  | <input type="checkbox"/> Alteration of Terrain             |
|  | <input type="checkbox"/> Shoreland Protection              |
| <input checked="" type="checkbox"/> Changes to Plat as detailed in <u>minutes</u> and this report (refer to notes section and list): |  |
| <ul style="list-style-type: none"> <li>● See Above</li> </ul>  |  |
| <input type="checkbox"/> Others (List):  |  |