



TOWN OF NOTTINGHAM, NH - PLANNING BOARD

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Plan Review

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| PROJECT NAME: | Unit 6 Cote Office Reno | CASE NUMBER: | 21-011-SIT |
| PLAN REVISION DATE: | Arch 5/10/2021; SP 1/3/2007 | | |
| MEETING DATE: | Property Owner(s): | APPLICATION TYPE: | |
| August 11th, 2021 | Richard and Mary Ellen Cote Co-trustees of the Cote Trust 936 Waverly Com. Livermore, CA. | <input type="checkbox"/> (SD) Subdivision <input type="checkbox"/> (EX) Excavation <input checked="" type="checkbox"/> (SP) Site Plan <input type="checkbox"/> (HO) Home Occ. <input type="checkbox"/> Sign <input type="checkbox"/> (LLA) Lot Line <input type="checkbox"/> Design Review Adjustment | |
| APPLICATION STATUS: | Engineer (s): | REVIEWED BY: | |
| <input type="checkbox"/> Accepted: 65 days expires: <input type="checkbox"/> Approved: <input type="checkbox"/> Extension to: | Scott R Frankiewicz, LLS NH Land Consultants, PLLC 683C First NH Turnpike Northwood, NH 03861 | Jen Czysz, SRPC Interim Circuit Rider August 11, 2021 | |
| EXECUTIVE SUMMARY | | | |
| <p>This is a follow up application to a preliminary conceptual consultation that occurred on November 18, 2020. Refer to the PB Min 11/18/2020.</p> <p>The applicant is applying for a change of use to refurbish and convert the small Map 16, Lot 5, Unit 6 outbuilding into an unspecified and functional office studio. Unit 6, the previously approved commercial unit, is 0.338 acres and includes 2 buildings: a small outbuilding and a larger garage/storage building.</p> <p>There is no new development or construction planned other than renovation of the existing structure. The intent is to potentially market the office studio in conjunction with the larger garage/storage building, however no modifications are proposed to that structure at this time. Applicant believes this would appeal to a larger tenant base. The applicant currently does not have a future tenant or user for the studio. They have asked what the allowed uses are for the exiting commercial designation.</p> <p>The last known uses of Unit 6 were storage as labeled on the 2007 site plan, since 2015 the applicant has used it as a workshop during property renovations. Per the 2003 condominium documents it is a "multi-purpose building."</p> <p>A brief history of the uses of Unit 6:</p> <ul style="list-style-type: none"> • 1990 the property was approved by the Planning Board to serve as a Bed and Breakfast • 2002-2003 condominium bylaws were adopted, and condominium declaration and articles of agreement filed with the state citing Unit 6 as a "multi-purpose building" • 2006 NHDES Subsurface Subdivision approval for Units 1-5 as residential and Unit 6 storage • 2007 site plan filed with the town for the condominium conversion <ul style="list-style-type: none"> ○ Testimony submitted that the property was never converted to a Bed and Breakfast ○ Site plan submitted denoted that Unit 6 was storage | | | |

- Ultimately the Board did not act on the application as approval was not required as there was no change of use or changes to the site plan at that time.
- Per the applicant, at some point pre-2015 the building was used as office/retail/manufacture and the MasterCard and Visa decals are still present in the window.
- 2015 when purchased by current owners. the small outbuilding was being used as light storage by one of the tenants. There was a desk, school supplies and some office furniture in the unit.
- The current property tax card refers to the small outbuilding as a shop.
- Current owners cancelled that storage agreement to renovate the building, new foundation; the building was in a state of disrepair and unstable.
- Since that time the current owners have used the space as a workshop.

BACKGROUND

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| TAX MAP/LOT: | 16/5 |
| AREA (ACRES, SQUARE FEET): | Lot 5 is 2.05 acres Total, of which, Unit 6 is 0.338 ac (14,739 ft) |
| EXISTING LAND USE: | Unit 6 multi-purpose/storage/workshop; Units 1-5 Residential |
| STEEP SLOPES: | N/A |
| ROAD ACCESS (FRONTAGE): | Frontage on Cooper Hill Rd |
| CLOSEST INTERSECTION: | Cooper Hill Rd and Old Turnpike Rd |
| ZONING DISTRICT(S): | Residential/Agricultural |
| OVERLAY DISTRICTS: | <input type="checkbox"/> Aquifer <input checked="" type="checkbox"/> Wetlands <input type="checkbox"/> Floodplain <input type="checkbox"/> Steep Slopes |
| LOCATED ON A SCENIC ROAD? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| FEMA 100-YEAR FLOOD HAZARD ZONE? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| WATER BODIES: | <input type="checkbox"/> Shoreland Protection |

OTHER PERMITS AND APPROVALS

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|---|--|---|--------------------------------------|--|
| <input type="checkbox"/> Special Exception(s) | <input type="checkbox"/> Waivers | <input checked="" 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 checked="" type="checkbox"/> State Permits | <input type="checkbox"/> Road Cut | <input type="checkbox"/> Road Bond |

STATUS NOTES:

Variance needs to be filed with the Zoning Board
 State septic approval is also required.
 No wetland impacts.

COMPLETENESS/APPLICATION ACCEPTANCE

- 1) A few items require clarification before completeness can be determined:
 - a) Proposed Site Conditions, section 8.4 – the following (or a waiver request) will need to be submitted:
 - 2-foot contours (2)
 - Test pits, 4k area for septic to serve unit 6 (3)
 - Location, size and layout of parking to serve unit 6 (8)
 - Size and location of utilities (11)
 - Location of site or external building lighting (12)
 - Delineation of building envelopes and setbacks (17)
 - b) Waivers should be submitted from the following items under section 8.4 that are not applicable: 5, 6, 8, 10, 13, 14, 16
 - c) Completed Impact Statement as required by Section 7.1.5 of the Site Plan Regulations. The following sections may be required (all sections can be waived if appropriate):
 - Increase in vehicular traffic
 - Load on public utilities (or more likely load on water and sewer)
 - Increased refuse disposal
 - Location of utilities
- 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. Elements in need of clarification, additional information, or provision before approval:
 - a. The board will need to discuss whether the change of use application will also need a variance from Zoning Ordinance Article II.C.1 Permitted Uses to allow for an office/commercial use in the Residential-Agricultural District. Part of this question centers upon whether there was previously a commercial use and if so, was it abandoned. The standards for determining abandonment, as quoted from Loughlin's NH Practice: Land Use Planning and Zoning section 8.04, are:
 - i. *An intention to abandon or relinquish the use, and*
 - ii. *Some overt act of failure to act which carries the implication that the owner neither claims nor retains any interest in the use.*
 - b. Per Site Plan Review Regs. Article 17 Subsurface Sewage Design System Standards the conversion of the unit 6 outbuilding will need an updated subsurface permit from NHDES. The 2007 subsurface permit did not include the unit 6 buildings within the permitted loading calculations as the buildings were not serviced by water or sewer at that time. A few related notes and questions:
 - i. Tax card and building permits indicate installation of water tank, dishwasher, and toilet (June 2016). Were these tied into the existing well and septic on Lot 5?
 - ii. The 2006/2007 septic design site plan indicates total allowable load is 2103.5 GPD based upon the lot size and soil types. Total requested proposed sewage loading was 1575 GPD.
 - c. What is the proposed water supply – recognizing that the structure may have installed plumbing fixtures was the structure connected to the existing well? Is the water supply adequate? Refer to SP Article 18.
 - d. Where will parking be for the business and how many parking spaces will be provided? New plan must indicate adequate parking for use as office space.

- i. Parking standards for “mixed use” properties under Section 10.5.2.d(4) Off Street Parking “(i) Mixed Uses – Sum of various uses computed separately”
 - ii. See also the required Off-Street Parking and Loading requirements of section 13.10
 - e. Please provide a site plan drawing of the proposed structural renovations that locate the proposed new decks in relation to the property and wetland setbacks. The structure, as it exists today is a pre-existing, non-conforming structure that cannot become more non-conforming. (See ZO Art II U Nonconformance and Non-Conforming Use in definitions) Any increase in the encroachment upon the property or wetland setbacks may need variances from the applicable Zoning Ordinance Articles (Article II.C.3 Setbacks and Article III.B Wetland Conservation Areas respectively)
 - f. What fire protection is to be provided? The applicant will need to consult with the fire department and submit a letter to the planning board indicating adequacy of the fire protection measures (SP Section 13.4)
 - g. Will there be building signage? Any building signage will need to conform to the requirements of the Zoning ordinances and shall not be a nuisance or hazard by virtue of their location or illumination. (SP section 13.11)
 - h. As only an existing conditions, 2007, site plan was submitted, if any of the above result in modifications to the 2007 site plan, a new plan will need to be prepared and submitted.
2. Notes changes, corrections, and additions:
- a. Plan will need to include a note indicating the site plan falls under the Nottingham Impact Fee Ordinance (SP Section 8.4.19)
3. Additional Staff Planner Comments and Questions
- a. Please define LCA as used on the site plan.
 - b. Will there be external lighting for the business?
 - c. What will business hours of operations be and is there any potential to create conflict with the residential units?

ACCEPTANCE AND APPROVAL PROCEDURES

1. Convene hearing
2. Board, applicant and abutter comments on acceptance (determine completeness)
3. Consider and determine whether the application is a development of regional impact (**Vote Required**)
4. Presentation by applicant/board questions
5. Abutter testimony
6. Board discussion, comments, questions
7. Act on approval, conditions, denial or continue to a date certain

CONDITIONS OF APPROVAL

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