

October 28, 2020

Chairman and members of the Nottingham Planning Board
Nottingham Planning Board
139 Stage Road
Nottingham, NH 03290

RE: Comment and response to the design review for a proposed Gile Road subdivision (Map 40, Lot 1 -- 7 lots) by the Abutters and Residents of Gile Road

Dear Mr. Chairman and members of the Nottingham Planning Board,

As a group of concerned Gile Road abutters, residents, and friends, this is the third time we have reviewed and responded to Mr. Falzone's proposed plans to subdivide the parcel of land (Tax Map 40, Lot 1) on Gile Road. While we would like to believe that he has heard us and taken into account our concerns and that of the Planning Board that have been raised in the past, this latest plan does not show that to be the case. We were hopeful that he had heard us with the submission of his second plan when he reduced the density of the project from 18 houses to 7 houses. However, now, he is coming back with a plan with 14 houses, doubling the density. Clearly, he is intent on putting as many houses as possible on this parcel of land with little respect to us or our community concerns.

In 2019, and then in August 2020, we stated the following: "We, as residents of Nottingham, have major concerns about the impact of this amount of continued growth on Nottingham's future, especially as it relates to its rural landscape, historic villages, and community values as stated in the Vision Statement approved by town residents in the 2011 Master Plan.

This level of growth cannot continue, while at the same time maintain the stated vision to retain the rural character and small town values of Nottingham."

As a matter of record, our Master Plan defines rural character this way:

A community with some or all of the following characteristics:

- Open farm fields; farm buildings and barns
- Unfragmented forests
- Stone walls
- Tree-lined, scenic roadways
- Dark skies
- Slopes and hilly terrain
- Ponds, streams, and water ways of high quality for fishing and boating

- Small historic villages and crossroads
- Historic homes in the New England vernacular

Over the years, our section of Gile Road has exemplified Nottingham's definition of rural character. It is a quiet and peaceful road with minimal traffic that has been safe for raising our children as well as for a variety of recreational activities including walking, running, and biking. We take pride and appreciate the fact that many people come from other parts of Nottingham and surrounding towns for these sorts of activities because they too value the serenity and safety of our stretch of road. A high density project like what Mr. Falzone is proposing puts all these values at risk.

In addition, we have a major concern about the impact of these developments on our town's existing infrastructure. Every new development adds additional stress to the already fragile town infrastructure including:

- police
- fire
- schools
- road maintenance
- recycling center

While it would be our desire that you would not allow this parcel of land to be developed at all for reasons that we have presented in the past and more that follow now, we understand that you may approve a limited amount of development. If that is the case, we would ask that you consider imposing the following conditions and covenants to mitigate against some of the impacts of his plan on our neighborhood and road:

1. *Wildlife Impact.* The proposed development property is the **last remaining, unobstructed wildlife crossing of Gile Road**, between McCrillis Road and Route 152 in Lee. All one needs to do is to drive this section of Gile Road, to see that this is true and irrefutable. Loss of this property to development shall result in a further and irrevocable loss of wildlife and critical wildlife habitat in the Town of Nottingham.

Ask any resident or other frequent traveler on Gile Road. Most can attest to frequently witnessing wildlife of many types crossing Gile Road in this area. Local hunters, woods walkers, walkers, birders, cross-country skiers and snowshoers can attest to the types and abundance of wildlife on both sides of Gile Road and crossing the road at this location. Local outdoors people can also attest to an abundance of wildlife using the field of this property and the use of this property as an important wildlife travel route and throughway to Pea Porridge Brook and beyond.

It is proposed that this property be purchased from the current owner -- who is not the developer, by the Town of Nottingham Conservation Commission, with funds previously proposed for this purpose augmented by donations for the conservation of this important wildlife habitat and throughway, and for the perpetuation of current nondestructive use by Nottingham residents.

The Town of Nottingham should not allow this last remaining, unobstructed wildlife crossing of Gile Road, between McCrillis Road and Route 152 in Lee to disappear, due to this development.

2. Swales and Pumpable Settling Basins or Ponds for the Protection of Wetlands. Lined drainage containment swales and pumpable concrete settling basins, or lined pumpable settling ponds should be installed between all residential properties and the access road, to prevent road salt, sediment, road surface chemicals, herbicides, pesticides and residential surface runoff from reaching the wetlands.

The developer should be required to present detailed engineering plans for these swales and settling catch basins or settling ponds, prior to any further discussion of this development.

3. Ground Water Level Monitoring Wells and Indemnification for Abutters. As a condition of any dense development, the developer should be required to present detailed engineering plans for an adequate number of water level monitoring wells, for the protection of the existing wells of abutters and nearby residents on all sides of the proposed development.

The developer should also be required to established a fund, to monitor the water levels in the monitoring wells, once per month for a minimum of three (3) years or as many years as the abutters and nearby residents, and the Town shall deem appropriate.. The cost of such monitoring -- by a fully qualified, independent contractor, shall be determined in advance by the developer and approved by the Town, prior to approval of any development plan. The cost of the monitoring program and reporting to the Town shall be fully funded in advance by the developer.

If water levels at any time begin to drop in the monitoring wells, as a result of water use in the development, there should be a covenant in each resident's deed, to cease pumping water and make provisions for acquisition of other sources of water.

In the event that the groundwater use is proven to be adversely affecting the yield of water of abutters, there must be a protocol for providing compensation to the abutters for the need to drill new wells or deepen their existing wells. In a drought year like 2020, we have real and significant concerns about the impact of a high density project on existing water supplies.

4. Light Pollution affecting Abutters, Neighbors and Wildlife. All street lighting and street-type lighting at individual residences should be required by the Town to be baffled or shaded toward the residences for which they are intended. They should not be allowed as general, widespread area lighting. This will limit the impact on abutters and neighbors on Gile Road as well as wildlife using the area.

5. Noise Pollution. The impact on abutters and nearby residents of increased traffic noise associated with the proposed development and the increased pass through noise from the Lee Raceway, due to land clearing associated with the development, should be addressed to the satisfaction of abutters, nearby residents and the Town, before this development is allowed to proceed. Any potential mitigative measures must also be presented and the costs to be borne by the developer.

6. Traffic Safety on Gile Road. The proposed access road is located between a compressed “Scurve” and another “S curve”, at the poorest visibility point on Gile Road.

The developer should be charged with preparing a plan acceptable to abutters, local residents and the Town, to address this issue, before this development can be approved. The developer must be responsible for the cost of any necessary mitigative measures. These measures must be implemented before the construction phase of any development begins.

How would the Town deal with this issue? The developer should be responsible for the costs of any mitigative measures.

7. Increased Traffic Congestion on Gile Road. The developer should provide a professional assessment of the impact of the development on the already high level of traffic on Gile Road, especially during rush hour periods. And provide recommendations and plans for mitigation of those impacts.

How would the Town deal with this issue? The developer should be responsible for the costs of any mitigative measures.

8. Pedestrian Safety on Gile Road. The developer should provide a professional assessment of the impact of the development on the already large number of pedestrians presently using Gile Road. And provide recommendations and plans for mitigation of those impacts on the difficult section of Gile Road abutting the development property.

How would the Town deal with this issue? The developer should be responsible for the costs of any mitigative measures.

9. Underground Power and Communications Lines. To minimize visual impacts, all electric power and communication lines, from Gile Road to and throughout the proposed development, should be buried underground. The developer should provide plans and attest that this requirement shall be implemented, to the Town's satisfaction.

12. Grave Sites and Human Remains. It is believed that the proposed development property may contain grave sites or human remains. The developer and his or her contractors must understand, be prepared for and make provision for the discovery of gravesites and human remains on the property. In which case the area must be immediately cordoned off and the proper State authorities called in, to determine the proper course of action for the protection and preservation of the burial site and remains.

We understand that you as our elected planning board have the grave responsibility to interpret and uphold the vision and values written in our Master Plan. Just because a developer can satisfy the regulations for sub-development does not mean that every open space in this town should be developed. We would ask that you carefully consider our stated concerns and the overall impact on the rural character, historic heritage, local environment, and the town's infrastructure before you approve this or any of Mr. Falzone's plans to develop this property.

In addition, we request that in-person Planning Board meetings are used for the discussion of this and other proposed projects within our town. Virtual meetings cannot provide the necessary level of contemporaneous communication needed for the Board and participants. Although challenging, we believe that this can be accomplished, following State Covid-19 meeting requirements, in the old Nottingham School gym, with appropriately spaced tables and chairs, and masks, if deemed appropriate or if individually preferred. More interested residents may attend and be involved.

Lastly, we request a site walk-through by all interested stakeholders prior to any further movement on this project. We believe that there are many interested individuals who are not intimately familiar with the proposed development property, including members of the Planning Board and Conservation Commission. We would hope that with more first-hand information, the Planning Board will be better equipped to make a decision about this property.

Sincerely,

Gile Road Abutters, Residents, and Friends