

1 **Planning Board Members Present:** Dirk Grotenhuis, Chair; Eduard Viel, Vice-Chair; Tiler Eaton, BOS  
2 Rep; Susan Mooney, Secretary; Gary Anderson, SRPC Rep Ian MacKinnon; Robert “Buzz” Davies,  
3 Alternate; Leanne Gast, Alternate

4 **Board Members Absent:**

5 **Surveyors Present:** Scott Frankiewicz, Scott Cole

6 **Applicants Present:** Jeff and Marilyn Cole; Tami Defrancesco and James George; Joseph Falzone

7 **Others Present:** JoAnna Arendarczyk, Land Use Clerk; Stefanie Casella, SRPC Planner; Tina Thomas;  
8 Judy Long; Michelle Paradis; Teri Nasser; Alexx Monastiero; Courtney Daigle; Sharon Weldy; Lee We;  
9 Jason Terrio; Darlene Brown; Carl Mun; Peter Kitsakos; Andrea Olivier; Kathie Morris; We Want  
10 Watercross; Keep Watercross it American; Brett Allard; John E; Nathan White; Meg B.; Arthur Jenks;  
11 James Gregoire; Gina/Sophiamia; Thom Newton; Holly in Newhampsha; Yes Watercross; Nicole;  
12 Jennifer; Hannah; Jack; Bridget; Nancy; Citizen; Mike; Meghan; Steve; Lil Carrie; AJ; Eric; Nancy’s  
13 iPhone; --Several others listed just as numbers or iPhone--

14  
15 **Alternates Seated and Voting:** Mr. Davies for Vacant seat

16  
17 **Call to order:** 7: 01pm

18  
19 The Vice-Chair read the following:

20 **The Chair of Nottingham Planning Board has found that, due to the State of Emergency**  
21 **declared by the Governor as a result of the COVID-19 pandemic and in accordance with the**  
22 **Governor’s Emergency Order #12 pursuant to Executive Order 2020-08, boards thereof are**  
23 **authorized to meet electronically.**

24 **Please note that there is no physical location to observe and listen contemporaneously to this**  
25 **meeting, which was authorized pursuant to the Governor’s Emergency Order.**

26 **The Nottingham Planning Board is utilizing Zoom for this electronic meeting. All members of**  
27 **the Board have the ability to communicate contemporaneously during this meeting through this**  
28 **platform, and the public has access to contemporaneously listen and if necessary, participate in the**  
29 **meeting.**

30  
31 **Roll call:** to publicly account for the members present

32  
33 **Public Hearing**

- 34 • **Continued Case #20-009-SUB (1<sup>st</sup> 12-9-2020; 2<sup>nd</sup> 1-27-2021)-** Application from Marilyn &  
35 Jeffrey Cole, requesting to subdivide 31.18 acres into six (6) lots, two (2) commercial lots on  
36 Rte. 4, one (1) residential lot on Smoke Street and three (3) residential lots on Kennard Road  
37 **(Kennard Road is a scenic road)**. The property has frontage on Rte. 4, Smoke Street and  
38 Kennard Road in Nottingham, NH and is identified as Tax Map 6 Lot 16.

39 Ms. Casella stated that the applicant met with the Nottingham Conservation Commission (NCC) (review  
40 letter in file) she also received comments from Natural Heritage Bureau (NHB) as well however, those  
41 were submitted late today.

42 Mr. Grotenhuis noted that better deadlines need to be adhered to as the Planning Board (PB) is a  
43 volunteer board and members need time to review the material. Moving forward, ten (10) days prior to  
44 a meeting will be the deadline.

45 Ms. Mooney explained to the Board that the NCC met with applicant on February 8, 2021 to review the  
46 application. The review letter (file) was sent to the Board by 7:00pm February 9, 2021. Ms. Mooney

47 highlighted the comments in the letter. A Site Walk was recommended along with a request that the  
48 NCC be invited as well.  
49 Scott Frankiewicz, surveyor, spoke to the updated plans (shared screen). He shared a summary of the  
50 comments from Kim Tuttle, NH Fish and Game (file). The steep slope impact waiver request was  
51 submitted today. He agreed with adding a note to the plan with regard to installing sprinklers in the  
52 houses.

53 General comments from the Board:

- 54 • Edit contiguous area on proposed lot 16-2
  - 55 ○ steep slopes should not be included
- 56 • Add note about underground utilities
- 57 • Label side slopes
- 58 • Add Variance note
- 59 • Note trees to be removed within the ROW
  - 60 ○ Kennard Rd. (scenic road status)

61 Mr. Mackinnon stated he viewed the proposed driveway locations and appreciated Mr. Frankiewicz  
62 staking those out. He questioned some potential erosion issues with some of the proposed driveways.  
63 Mr. Grotenhuis concurred adding that he suggested the use of a culvert or check dam as a silt fence is  
64 not enough for this slope.

65 The proposed easement to the Town for possible expansion on Smoke Street will be discussed with the  
66 Public Works Director and the Board of Selectmen.

67 **Site Walk-**

68 **Motion Made By:** Mr. Anderson to schedule a Site Walk for Case# 20-009-SUB on Saturday February  
69 20, 2021 at 9:00am.

70 **Seconded by:** Mr. Viel

71 **Discussion:** The public is invited to attend as well.

72 **Roll Call Vote:** 7-0-0 **Motion Passed**

73 **Public Comment Opened:** 7:36pm-

74 No one spoke. Mr. Grotenhuis stated it is open to include discussion at the Site Walk.

75 It was noted that the 65-day window for this case was nearing the end. However, the Governor extended  
76 the timelines during the Covid-19 pandemic.

77 **Continuation-**

78 **Motion Made by:** Mr. Viel to continue Case #20-009-SUB to February 24, 2021 at 7:00pm.

79 **Seconded by:** Ms. Mooney

80 **Vote- 7-0-0 Motion Passed**

81 **Case discussion ended:** 7:40pm

82  
83 **Open 7:40pm**

- 84 • **Case #21-002-SUB-** Application from Ledge Farm LLC owned by Joseph Falzone, requesting a  
85 seven (7) lot conventional frontage subdivision. The property is located on Gile Rd. in  
86 Nottingham and is identified as Map 40 Lot 1.

87 Ms. Casella briefed the Board on her review comments (file) and stated that she found the application to  
88 be complete

89 **Completeness-**

90 **Motion Made by:** Mr. Viel to accept the application for Case# 21-002-SUB as complete.

91 **Seconded by:** Mr. Mackinnon

92 **Vote:** 7-0-0 **Motion Passed**

93 **Regional Impact-**

94 Ms. Casella summarized the definition of regional impact for Board members and the public.

95 **Motion Made by:** Mr. Viel that Case #21-002-SUB is not an application of regional impact.

96 **Seconded by:** Mr. Eaton

97 **Discussion:** Ms. Mooney suggested that traffic for this development could impact the Lee, NH portion of  
98 Gile Road. Additionally, Kettle Hole Bog is within the Lee area and has been found to have endangered  
99 species. Mr. Grotenhuis suggested that the Town of Lee be informed of the case, for commenting  
100 purposes, but not on a Regional Impact status as there is not a lot of increased traffic with a seven (7) lot  
101 development.

102 **Vote:** 6-0-1 **Motion Passed**

103 Scott Cole, Surveyor from Beals Associates, presented on behalf of Joe Falzone, the owner. Mr. Cole  
104 presented the plan (shared screen) stating that this is the Applicant's fourth time with a plan before the  
105 board for this property. They presented Design Reviews for 15 lots, 14 lots and the current seven (7)  
106 frontage conventional lots of more than two (2) acres. The required Variance for the wetland crossings  
107 should also have accounted for the common driveways. The Variance was approved by the Zoning  
108 Board of Adjustment (ZBA) December 15, 2020. The ZBA and most of the abutting residents went on a  
109 very informative site walk before the case was heard. Much of the Site Walk as well as the NCC letter,  
110 included a discussion on the details of the "ecopasseges for wildlife". These are special designed culverts  
111 for the driveways.

112 Applicant's Responses to the staff review:

- 113 • A waiver request (file) was submitted for Article 10 Section 10.3 for full drainage analysis
- 114 • Driveways crossings were approved by ZBA
  - 115 ○ One shared driveway is not on the boundary line
  - 116 ■ ZBA saw exact plan- should be approved as ZBA saw it this way

117 General comments and questions from the Board:

118 The applicant stated that the Department of Historical Resources (DHR) approval letter was received  
119 today and sent to the Land Use Clerk (file).

- 120 • Concern that the driveways could not be built appropriately with plans submitted
  - 121 ○ Detailed plans will be sent to board of driveways
- 122 • Plan for existing historical foundation?
  - 123 ○ Mr. Cole responded that it would remain undisturbed per DHR plans
- 124 • Variance received was strictly for the wetlands crossing not for the driveway location.
  - 125 ○ Mr. Grotenhuis stated that staff will communicate with ZBA internally to determine best
  - 126 solution for the issue
  - 127 ○ Mr. Falzone stated:
    - 128 ■ Prior to the site walk for ZBA the location of the driveways coming off Gile Road
    - 129 were staked every 50'+/- so the board could clearly see the locations in
    - 130 relationship to the lot access
    - 131 ■ The wetland crossings were clearly flagged from one side to the other side
    - 132 ■ Jim Gove, wetland scientist, walked the entire location of the driveway at the Site
    - 133 Walk explaining the details and answering all questions from the board and the
    - 134 large group of abutters that were present on the walk.

135 Ms. Mooney summarized the NCC letter to the PB dated October 20, 2020. This letter was in reference  
136 to the Design Review for the decision between a 14-lot subdivision vs a seven (7) lot subdivision (file).  
137 The NCC supported the seven (7) lot subdivision plan because the wetland impacts would be less than  
138 those of the 14-lot subdivision.

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139 Mr. Falzone stated that he would supply the Land Use office with the details on the burial ground search.  
140 He added that contractors will receive training on how to identify any items of possible significance and  
141 if found during the course of construction the process would halt until proper procedures are followed.

142 **Public Comment Opened: 8:21pm- None**

143 **Public Hearing Closed: 8:23pm**

144 **Waivers-**

145 **Motion Made By:** Mr. Viel to approve the waiver for Case #21-002-SUB request from Article 10  
146 Section 3 as written.

147 **Seconded by:** Mr. Anderson

148 **Roll Call Vote:** 7-0-0 **Motion Passed**

149 **Site Walk-**

150 **Motion Made by:** Mr. Viel to hold a Site Walk on February 20, 2021 at 10:30am beginning at proposed  
151 lot 1.

152 Mr. Falzone offered to send a plow truck to clear the existing driveway prior to the Site Walk.

153 **Seconded by:** Mr. MacKinnon

154 **Vote:** 7-0-0 **Motion Passed**

155 **CONTINUATION**

156 **Motion Made by:** Mr. Mackinnon to continue Case #21-002-SUB to February 24, 2021 at 7:00pm with  
157 revised plans by February 15, 2021.

158 **Seconded by:** Ms. Mooney

159 **Discussion:** Noted that February 15, 2021 is President's Day- amended motion for deliverables  
160 February 16, 2021.

161 **Vote:** 7-0-0 **Motion Passed**

162 **Case discussion Ended: 8:40pm**

163

164 **Open Case:** 8:40pm

- 165 • **Case #21-003-SIT-** Application from Tami Defrancesco, Trustee of Kubota Trust, requesting  
166 approval of a Watercross event to be held three (3) times a year starting in 2021. The property is  
167 located at 214 Raymond Road in Nottingham, NH and is identified as Map 69 Lot(s) 8 & 10.

168 Ms. Casella informed the Board the Town of Raymond abuts the property; they were not legally noticed.

169 Ms. Casella stated that she sent an email to the Raymond Planning Board and BOS regarding this public  
170 hearing. She summarized her review (file) and stated that she found the application to be complete.

171 **Completeness-**

172 **Motion Made by:** Mr. Anderson to accept the application for Case #21-003-SIT as complete.

173 **Seconded by:** Mr. Eaton

174 **Vote:** 7-0-0 **Motion Passed**

175 **Development of Regional Impact**

176 Ms. Casella shared screen with a document from the Office of Strategic Initiatives titled: "Developments  
177 of Regional Impact Information Guide for Local Land Use Boards".

178 Mr. Viel stated that in his opinion the case hit upon a few of the criteria and the Board discussed this  
179 further.

180 **Motion Made by:** Ms. Mooney that Case #21-003-SIT be determined to be an application of regional  
181 impact.

182 **Seconded by:** Mr. Anderson

183 **Discussion:** Mr. Viel stated the reasons why the case is deemed a regional impact:

184 1. Noise impact

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- 185 2. Proximity to Aquifers  
186 3. Proximity to Bordering towns  
187 4. Shared facilities of Police and Fire response  
188 5. Increased traffic during events

189 The meeting will be continued to allow those agencies/ abutters (Epping, Raymond, Strafford Regional  
190 Planning Commission and Rockingham County Planning Commission) are legally noticed.

191 **Vote: 7-0-0 Motion Passed**

192 **Continuation-**

193 **Motion Made by:** Mr. Viel to continue Case #21-003-SIT to March 10, 2021 at 7:00pm.

194 **Seconded by:** Ms. Mooney

195 **Discussion:** Mr. Mackinnon suggested any new or edited materials be delivered by March 1, 2021.

196 **Vote: 7-0-0 Motion Passed**

197 Ms. Casella stated that she needs to do more research on the process for Regional Impact meetings. She  
198 knows that the regional planning commissions meetings will be noticed, as far as the direct abutters being  
199 noticed she is not certain. However, it is possible to notice it on the town page and public is welcome.

200

201 **Staff/ Board Members Update**

202 **Gary Anderson- SRPC rep update-** Informed the Board of a \$500,000 grant for replacement of older  
203 diesel vehicles. The application period opens February 8, 2021 through March 8, 2021. He stated that he  
204 will forward the information to the Public Works Director.

205 **Ed Viel-** Informed the remaining public present that chat comments are not a part of the public hearing  
206 and are not recorded in the official minutes. Mr. Grotenhuis agreed stating that it may be possible to shut  
207 off public chat in the future.

208 Mr. Viel also requested an agenda item be added for next joint ZBA meeting to learn more about the  
209 ZBA process so the applicants can be directed accurately between Boards and departments. Additionally,  
210 add an agenda item to review Variances, conditional use permits, and Special exceptions to be sure they  
211 are handled properly.

212 **Tiler Eaton- BOS Update-** At the February 8, 2021 meeting the BOS met with a NHDOT representative  
213 to discuss a Route 152 bridge reconstruction. There will be many further discussions before this work  
214 will begin (2023-2024).

215 **Susan Mooney- Nottingham Conservation Commission-** Stated that she misspoke at the last meeting  
216 there are actually two (2) open positions on the NCC. Applications are to be made to Select Board  
217 through the Business Office.

218

219 **Minutes**

- 220 • January 13, 2021  
221 • January 27, 2021

222 **Motion Made by:** Mrs. Mooney to approve the January 13, 2021 and January 27, 2021 minutes as  
223 edited.

224 **Seconded by:** Mr. Davies

225 **Roll Call Vote: 7-0-0 Motion Passed**

226

227 **Adjournment**

228 **Motion Made by:** Mr. Viel

229 **Seconded by:** Mr. Grotenhuis

230 **Adjourn at:** 9:18pm

231  
232 For the Nottingham Planning Board ~ JoAnna Arendarczyk, Land Use Clerk

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