



Town of Nottingham

P.O. Box 114, 139 Stage Road, Nottingham NH 03290 Office 603-734-4881, Fax 603-679-1013

PLANNING BOARD PROJECT APPLICATION

Subdivision Type: Conventional Open Space LLA

Site Plan Review: Conventional Change of Use

Concurrent- Subdivision/ Site Plan Review

Amendment to Approval of: Subdivision Site Plan Other

Total Acreage: 118.26 Ac	Current Use Acreage:	# of Proposed Lots: 3. (1 Existing)
Project Address: 54 Deerfield Road, Nottingham, NH		
Current Zoning Districts: Residential - Agricultural		
Overlay Districts: Wetlands, Shoreland, Flood	Map(s): 52	Lot (s): 4-2
Request: To subdivide the existing Lot using Section 15.4 Private Roads to create three total lots from one existing lot. The existing house will remain, and two new building lots will be created.		

The Property owner shall designate an agent for the project. This person (the applicant) shall attend pre-application conferences and public hearings, will receive the agenda, recommendations, and case reports, and will communicate all case information to other parties as required.

All contacts for this project will be made through the Applicant listed below.

<p>() Form A "Abutters List" has been filed with this application no earlier than 5 days within submittal of this application with 3 labels per address on address labels (same size as Avery 5160/8160)</p> <p>() Form B "Authorization to Enter upon Subject Property" has been filed with this application</p> <p>() Form C "Authorization to Represent" has been filed with this application</p> <p>() 6 sets of full size plans</p> <p>() 10 sets of 11"x17" plans</p> <p>() Waiver Form(s)</p> <p>() Completed Checklist</p>

Case#:	Project Name: Fernald Subdivision 54 Deerfield Road	Date: 9-18-22
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Owner 1: James S. Fernald Revocable Trust, Linda R. Fernald Revocable Trust

Company:

Phone: 603-312-1307

Fax:

E-mail: Jimfernalld@hotmail.com

Address: PO Box 450, Nottingham, NH 03290

*Owner 1 Signature**Date***Owner 2:**

Company:

Phone:

Fax:

E-mail:

Address:

*Owner 2 Signature**Date***Owner 3:**

Company:

Phone:

Fax:

E-mail:

Address:

*Owner 3 Signature**Date***Owner 4:**

Company:

Phone:

Fax:

E-mail:

Address:

*Owner 4 Signature**Date***Applicant (Contact):** Joe and Dawn Fernald

Company:

Phone: 1-207-337-4320

Fax:

E-mail: owlridgebuilders@gmail.com

Address: 104 Raymond Road, Nottingham, NH 03290

Developer:

Company:

Phone:

Fax:

E-mail:

Address:

Engineer: Christopher R. Berry Project Manager, Kenneth A. Berry PE, LLS

Company: Berry Surveying & Engineering

Phone: 603-332-2863

Fax:

E-mail: crberry@metrocast.net

Address: 335 Second Crown Point Road, Barrington, NH 03820

k.berry@berrysurveying.com

ABUTTER(S) LIST* PRINT **THREE (3)** ADDRESS LABELS PER ABUTTER INCLUDING THE **APPLICANT, OWNER AND PROFESSIONAL(S)**

*

1. APPLICANT INFORMATION:

Printed Name: **Joe and Dawn Fernald** Contact Telephone: **1-207-337-4320**
Address: **104 Raymond Road, Nottingham, NH 03290**

2. OWNER INFORMATION:

Printed Name: **James S. Fernald Revocable Trust, Linda R. Fernald Revocable Trust**
Address: **PO Box 450, Nottingham, NH 03290**

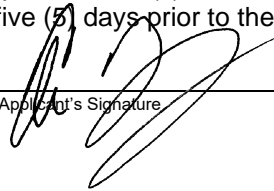
3. PROFESSIONAL(S) INFORMATION:

Printed Name: **Berry Surveying & Engineering, Christopher R. Berry Project Manager**
Address: **335 Second Crown Point Road, Barrington, NH 03825**

Abutter(s) Information					
	Map:	Lot:	Sub lot:	Name:	Address:
4.				See Provided List	
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					

I, **Christopher R. Berry**, the undersigned, certify that to the best of my knowledge, the above is an accurate and complete abutter(s) list and that the information was obtained from the Nottingham Assessing Office no more than five (5) days prior to the date of this application..

Applicant's Signature



9-18-22

Date



Town of Nottingham
 P.O. Box 114, 139 Stage Road, Nottingham NH 03290 Office 603-734-4881, Fax 603-679-1013
 Web: <http://www.nottingham-nh.gov> Email: plan.zone@nottingham-nh.gov

AUTHORIZATION TO ENTER UPON SUBJECT PROPERTY

The property owner(s), by the filing of this application, hereby give permission for the members of the Nottingham Planning Board and such agents or employees of the Town as the Nottingham Planning Board may authorize, to enter upon the property which is the subject of this application at any reasonable time for the purpose of such examinations, surveys, tests and/or inspections as may be appropriate to enable this application to be processed.

I/We hereby waive and release any claim or right I/we may now or hereafter possess against any of the above individuals as a result of any examinations, surveys, tests and/or inspections conducted on my/our property in connection with this application. This authorization expires in one year from date of signature

Property Owner(s)

Signature _____ Date **9-18-22**

James S. Fernald
Linda R. Fernald

Signature _____ Date _____

Signature _____ Date _____

Signature _____ Date _____

Property Owner(s)

Signature _____ Date _____

Signature _____ Date _____

Property Owner(s)

Signature _____ Date _____

Signature _____ Date _____



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OWNER'S AUTHORIZATION FOR REPRESENTATION

Property location: 54 Deerfield Road, Nottingham, NH

I, the undersigned owner(s) of the property listed above, hereby verify that I have authorized: Christopher R. Berry of Berry Surveying & Engineering to represent me/us and apply for the required approval(s) from the Planning Board in the Town of Nottingham, New Hampshire for the following:

- Subdivision/Lot Line Adjustment Site Plan Review Backlot Subdivision
 Design Review Other _____

FOR: A subdivision of my land to create 3 Lots using Section 15.4 of the Subdivision Regulations.

Name of Owner	James S. Fernald Revocable Trust, Linda R. Fernald Revocable Trust	
Address of Owner	PO Box 450, Nottingham, NH 03290	
Signature of Owner	<i>James S. Fernald</i> <i>Linda R. Fernald</i>	Date 9-18-22

Name of Owner		
Address of Owner		
Signature of Owner		Date

Name of Owner		
Address of Owner		
Signature of Owner		Date

Name of Owner		
Address of Owner		
Signature of Owner		Date



Waiver Request Form

Under Subdivision Regulations 5.3- Request for Waivers, 8.1 – Waivers for Specific Plan Submission Requirements and 11.1- General Waiver Provisions

If there is more than one waiver requested, each waiver request is to be individually listed and described, as each waiver is considered individually by the Town of Nottingham Planning Board. A petition for waiver shall be submitted in writing by the applicant with the application for review. The request shall fully state the grounds for which the waiver is requested and all facts supporting this request with reference to the applicable Nottingham Subdivision Regulations article, section and paragraph. **Each waiver granted shall be listed on the approved subdivision plan which is to be recorded at the Rockingham County Registry of Deeds.**

Name of Subdivision Plan: _____

Tax Map 52	Lot 4-2	Sub- Lot
Site Location: 54 Deerfield Road		
Zoning District(s): Residential - Agricultural		
Owner(s): James Fernald Revocable Trust Linda Fernald Revocable Trust		
Address of Owner(s): PO Box 450, Nottingham, NH 03290		
Applicant (if different from owner): Joe and Dawn Fernald		
Phone Number: 603-312-1307	Email: jimfernalld@hotmail.com	
Land Surveyor: Berry Surveying & Engineering		

I, Christopher R. Berry on behalf of the owner Seek the following waiver to the Town of Nottingham Subdivision Regulations, Article 15 Section 6.1 Table 2, for the above case submittal:

See Narrative

Signature of Owner/Applicant



9-18-22
Date



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LAND USE PROJECT FEE SCHEDULE

Fee's Collected at Time of Application:

Project Type	Fee	#Lots	Total
Subdivision	\$200.00 + \$200.00/lot	3	\$200+ <u>600</u>
Design Review	\$100.00	-----	\$100
Lot Line Adjustment	\$100.00 + \$50.00/lot affected		\$100+ <u> </u>
Site Plan 3 acres or less	\$75.00*	-----	\$75
Site Plan 3+ acres	\$100.00*	-----	\$100
* Add \$10 per unit for residential construction or \$1 per 100 sq. ft. for non-residential construction			
Plus Notice Fees:			
Public Notice to abutters & applicant (bordering Town included)	\$10.00/ notice	\$10 x # <u>14</u> # abutter(s)/professional(s)	\$ <u>140.00</u>
Public Notice in Local Newspaper (Double fee if on a Scenic Road)	\$75.00 (Doubled?)		\$75.00 \$ <u>75.00</u>
Date Collected:		Total payable to: Town of Nottingham:	

Fee's Collected at Time of Acceptance (Not For Design Review Applications)

Fee type	Fee(Amount TBD)	Date paid
Escrow Account- 3 rd party review fees		
Letters of Credit, Bonds, Performance Guarantee		

Fee's Collected at Time of Approval:

Fee type & amount	Payable to:	Total
LCHIP- \$25.00	SEPARATE CHECKS Payable to: <u>Rockingham County Registry of Deeds</u>	\$25.00
RECORDING- \$26.00/ Mylar sheet		\$ <u> </u>
ADMINISTRATIVE/ REMAPPING (not for Site Plans)	ONE CHECK payable to: <u>Town of Nottingham:</u>	\$75.00

Fee's collected at time of Certificate of Occupancy:

Impact Fee (Fees will be collected by the Building Inspector at time of CO)-- See Chart

NOTTINGHAM IMPACT FEE ASSESSMENT SCHEDULE ADOPTED OCTOBER 25, 2017

Fee Assessment Basis	School Impact Fee k-8 Facilities	Fire Department Impact Fee	**Recreation Department Impact Fee	Total Impact Fees
RESIDENTIAL DEVELOPMENT				
Type of structure:	Per Dwelling Unit	Per Dwelling Unit	Per Dwelling Unit	Per Dwelling Unit
Single family detached	\$4,220	\$800	\$344	\$5,364
Attached, 2-family or Multifamily*	\$2,245/unit	\$736/unit	\$298/unit	\$3,279/unit
Manufactured Housing	\$4,206	\$812	\$325	\$5,343
Accessory Dwelling Unit/ Apt. (ADU)	N/A	\$736	\$298	\$1,034

*Impact fee ordinance provisions enable the Planning Board to grant school impact fee waivers for qualified age-restricted housing units in a 55+ development. See impact fee ordinance for waiver criteria.

** Fees will be dedicated to the Marston Recreation Project

**Project Application Checklist
Nottingham Planning Board**

This checklist is intended to assist applicants in preparing a complete application for subdivision as required by the Nottingham Subdivision Regulations and must be submitted along with all subdivision applications. An applicant seeking subdivision approval shall be responsible for all requirements specified in the Nottingham Subdivision Regulations even if said requirements are omitted from this checklist.

An applicant seeking subdivision approval shall be responsible for providing all the information listed in the column below entitled "Subdivision" and should place an "x" in each box to indicate that this information has been provided. If an item is considered unnecessary for certain application the "NA" box should be marked instead, indicating "Not Applicable". Only certain checklist items are required for lot line adjustments, as noted by the applicable check boxes below.



Check the Appropriate Box or Boxes Below: <input type="checkbox"/> Lot Line Adjustment <input checked="" type="checkbox"/> Subdivision Plan See Sections I & II See Sections I & II,III, IV & V	Subdivision		Office Use	
	Provided	N/A	Provided	N/A
Section I. General Requirements				
1. Completed Application Form	x			
2. Complete abutters list	x			
3. Payment of all required fees				
4. <u>Six (6) full size sets of plans and ten (10) sets of plans 11"x 17" submitted with all required information in accordance with the subdivision regulations and this checklist</u>	x			
5. Copies of any proposed easement deeds, protective covenants or other legal documents	x			
6. Any waiver request(s) submitted with justification in writing	x			
7. Technical reports and supporting documents (see Section IX & X of this checklist)		x		
8. Completed Application Checklist	x			
Section II. General Plan Information				
1. Size and presentation of sheet(S) per registry requirements and the subdivision regulations	x			
2. Title block information:	x			
a) Drawing title	x			
b) Name of subdivision	x			
c) Location of subdivision	x			
d) Tax map & lot numbers of subjects parcel(s)	x			
e) Name & address of owner(s)	x			
f) Date of plan	x			

	Provided	N/A	Provided	N/A
g) Scale of plan	X			
h) Sheet number	X			
i) Name, address, & telephone number of design firm	X			
j) Name and address of applicant	X			
3. Revision block with provision for amendment dates	X			
4. Planning Board approval block provided on each sheet to be recorded	X			
5. Certification block (for engineer or surveyor)	X			
6. Match lines (if any)	X			
7. Zoning designation of subject parcel(s) including overlay districts	X			
8. Minimum lot area, frontages & setback dimensions	X			
9. List Federal Emergency Managements Agency (FFEMA) sheet(s) used to identify 100-year flood elevation, locate the elevation	X			
10. Note the following: "If, during construction, it becomes apparent that deficiencies exist in the approved design drawings, the Contractor shall be required to correct the deficiencies to meet the requirements of the regulations at no expense to the Town."	X			
11. Note the following: "Required erosion control measures shall be installed prior to any disturbance of the site's surface area and shall be maintained through the completion of all construction activities, If, during construction, it becomes apparent that additional erosion control measures are required to stop any erosion on the construction site due to actual site conditions, the Owner shall be required to install the necessary erosion protection at no expense to the Town."	X			
12. Note identifying which plans are to be recorded and which are on file at the Town.	X			
13. Note the following: "All materials and methods of construction shall conform to Town of Nottingham Subdivision Regulations and the latest edition of New Hampshire Department of Transportation's Standard Specifications for Road & Bridge Construction."	X			
14. North arrow	X			
15. Location & elevation(s) of 100-year flood zone per FEMA Flood Insurance Study	X			
16. Plan and deed references	X			
17. The following notes shall be provided:	X			
a) Purpose of plan	X			
b) Existing and proposed use	X			
c) Water supply source (name of provider (company) if offsite)	X			
d) Zoning variances/special exceptions with conditions		X		
e) List of required permits and permit approval numbers	X			
f) Vicinity sketch showing 1,000 feet surrounding the site	X			
g) Plan index indicating all sheets	X			
18. Boundary of entire property to be subdivided	X			
19. Boundary monuments	X			
a) Monuments found	X			
b) Map number and lot number, name, addresses, and zoning of all abutting land owners	X			
c) Monuments to be set	X			
20. Existing streets:				
a) Name labeled	X			

NO CUT ZONE
OVERLAP
WETLAND AREAS

	Provided	N/A	Provided	N/A
b) Status noted or labeled	X			
c) Right-of-way dimensioned	X			
d) Pavement width dimensioned	X			
21. Municipal boundaries (if any)		X		
22. Existing easements (identified by type)		X		
A. Drainage easement(s)		X		
B. Slope easement(s)		X		
C. Utility easement(s)	X			
D. Temporary easement(s) (Such as temporary turnaround)		X		
E. No-cut zone(s) along streams & wetlands (as may be requested by the Conservation Commission)		X		
F. Vehicular & pedestrian access easement(s)		X		
G. Visibility easement(s)		X		
H. Fire pond/cistern(s)		X		
I. Roadway widening easement(s)		X		
J. Walking trail easement(s)		X		
K. Other easement(s) Note type(s)		X		
23. Designation of each proposed lot (by map & lot numbers as provided by the assessor)	X			
24. Area of each lot (in acres & square feet):	X			
a) Existing lot(s)	X			
b) Contiguous upland(s)	X			
25. Wetland delineation (including Prime Wetlands):	X			
a) Limits of wetlands	X			
b) Wetland delineation criteria	X			
c) Wetland Scientist certification	X			
26. Owner(s) signature(s)	X			
27. All required setbacks	X			
28. Physical features	X			
a) Buildings	X			
b) Wells	X			
c) Septic systems	X			
d) Stone walls	X			
e) Paved drives	X			
f) Gravel drives	X			
29. Location & name (if any) of any streams or water bodies	X			
30. Location of existing overhead utility lines, poles, towers, etc.	X			
31. Two-foot contour interval topography shown over all subject parcels	X			
32. Map & lot numbers, name, addresses, and zoning of all abutting land owners	X			
Section III				
Proposed Site Conditions Plan				
(Use Sections I General Requirements & Section II General Plan Information)				
1. Surveyor's stamp and signature by Licensed Land Surveyor	X			

NOTED ON PLAN

NO CUT ZONE
OVERLAP
WETLAND
AREAS

	Provided	N/A	Provided	N/A
2. Proposed lot configuration defined by metes & bounds	X			
3. Proposed easements defined by metes & bounds. Check each type of proposed easement applicable to this application:	X			
a) Drainage easement(s)		X		
b) Slope easement(S)		X		
c) Utility easement(s)	X			
d) Temporary easement(s) (such as temporary turnaround)		X		
e) Roadway widening easement(s)		X		
f) Walking trail easement(s)		X		
g) Other easement(s) Note type(s)	X			
4. Area of each lot (in acres & square feet):	X			
a) Total upland(s)	X			
b) Contiguous upland(s)	X			
5) Proposed streets:	X			
a) Name(s) labeled	X			
b) Width of right-of-way dimensioned	X			
c) Pavement width dimensioned	X			
6. Source and datum of topographic information (USGS required)	X			
7. Show at least one benchmark per sheet (min.) and per 5 acres (min.) of total site area	X			
8. Soil Conservation Service (SCS) soil survey information	X			
9. Location, type, size & inverts of the following (as applicable):	X			
a) Existing water systems	X			
b) Existing drainage systems	X			
c) Existing utilities	X			
10. 4K affluent areas with 2 test pit locations shown with suitable leaching areas	X			
11. Location of all water wells with protective radii as required by the NH Department of Environmental Services (meeting Town and NHDES setback requirements)	X			
12. Existing tree lines	X			
13. Existing ledge outcroppings & other significant natural features	X			
14. Drainage, Erosion and Sediment Control Plan(s) containing all of the requirements specified in Section 16.3.2 (Final Plan Requirements) of the Subdivision Regulations	X			
Section IV				
Construction Detail Drawings				
Note: Construction details to conform with NHDOT Standards & Specifications for Roads & Bridges, Town of Nottingham Highway Department requirements, and Subdivision Regulations	X			
1. Typical cross-section of roadway	X			
2. Typical driveway apron detail	X			
3. Curbing detail		X		
4. Guardrail detail		X		
5. Sidewalk detail		X		
6. Traffic signs and pavement markings	X			
7. Drainage structure(s)		X		
8. Outlet protection riprap apron		X		

EASEMENT
OVER PVT.
ROAD

	Provided	N/A	Provided	N/A
9. Level spreader		X		
10. Treatments swale		X		
11. Typical section at detention basin		X		
12. Typical pipe trench		X		
13. Fire protection details		X		
14. Erosion control details	X			
15. Construction Notes	X			
a) Construction sequence	X			
b) Erosion control notes	X			
c) Landscaping notes		X		
d) Water system construction notes		X		
e) Sewage system construction notes		X		
f) Existing & finish centerline grades	X			
g) Proposed pavement – Typical cross-section		X		
h) Right-of-way and easement limits	X			
i) Embankment slopes	X			
j) Utilities	X			
Section V.				
Supporting Documentation If Required				
1. Calculation of permitted housing density (for Open Space Subdivisions only as required in the Nottingham Zoning Ordinance)		X		
2. Stormwater management report		X		
3. Traffic impact analysis		X		
4. Environmental impact assessment		X		
5. Hydrogeological study		X		
6. Fiscal impact. study provided		X		
7. Site Inventory and Conceptual Development Plan (from preliminary Open Space Subdivision review only)		X		

WAIVER REQUEST TO
PAVEMENT REQ.

Note: This checklist shall be completed and returned as part of the original application packet.



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

Town of Nottingham Planning Board
PO Box 114
Nottingham, NH 03290

September 19, 2022

RE: James Fernald Revocable Trust, Linda Fernald Revocable Trust
CO James & Linda Fernald – Narrative
54 Deerfield Road
Tax Map 52, Lot 4-2
Minor Subdivision Review

Dear Chairman and Members of the Nottingham Planning Board,

On behalf of the owners James and Linda Fernald, and Joe and Dawn Fernald, Berry Surveying & Engineering (BS&E) is filing for a Minor Subdivision Application for Tax Map 52, Lot 4-2, commonly known as 54 Deerfield Road.

The trust currently owns the parcel which contains approximately 118 acres of land, frontage on Deerfield Road, and frontage along Pawtuckaway Lake. There is an existing driveway which runs along the northern boundary of the parcel which provides access to the single-family house closer to the water's edge. BS&E has conducted a perimeter boundary survey of the parcel as well as a partial wetlands and topographic survey of the parcel. The areas of impact were keyed out as part of the development plan and existing conditions survey information was located in those areas. The remainder of the parcel is not under consideration for development at this time, and is largely composed of wetlands associated with the outfall of the lake. All wetlands delineated on site by Deidra Benjamin, CWS, are poorly drained and do not contain very poorly drained soils within them. On the overview plans, the Critical Wetlands as noted in the Nottingham Zoning Ordinance are shown, and are comprised of open water and likely contain very poorly drained soils along the periphery. Those wetland areas are not within the area of proposed development. The wetlands delineated onsite were reviewed for vernal pool habitat and were found not contain the features needed to sustain vernal pools. These were evaluated during the spring months of 2022. Topography on site ranges with slopes greater than 25% being shown on the detailed subdivision topography plans. The property falls within the Shoreland Zone with the various zones being provided on the detailed topography plan. The Nottingham Zoning requires a setback of 75' from water bodies which is also provided. All other wetlands require a 50' setback.

Mile Brook cuts through the property at the entrance to the site from Deerfield Road. This brook is likely a first order stream which requires a 50' buffer around the stream per the Zoning Ordinance. We would note that this buffer is still located within the wetlands system surrounding the stream and in areas that overlap with the 50' setback, and therefore is not shown on the plans. We have however made a note concerning the zoning requirement so future users of the plan are aware of it. There is a flood zone associated with the brook, which is shown on the plans. It is Flood Zone A with no base flood elevation (BFE) and is graphically shown based on the FEMA firmette.

The proposal is to create a dedicated right of way of varying width around the existing driveway along the northern boundary, and provide a cul-de-sac at approximately station 15+00. The purpose

is to create 200 feet of frontage for the existing house along the cul-de-sac and provide for a lot around the house. For the purposes of satisfying the text of the subdivision regulations a second lot added to the subdivision plan during the second Design Review. This lot is located at the front of the site closer to Deerfield Road. The remaining land would then be built on by Joe and Dawn who plan to build their house on the point near the lake.

The proposed lot at the entrance contains adequate frontage on the proposed private road known as Fernald Drive. The lot contains the minimum land area requirements and satisfies the buildable areas outside the setbacks, wetland setbacks, steep slopes, and flood zone. The areas used in this calculation are all wider than 50' as required by the subdivision regulations. A 4,000 square foot reserve area and proposed well are shown for the lot. The lot is less than 5 acres in size and therefore requires an NHDES Subdivision permit.

The larger remaining land, contains multiple adequate frontages, and adequate land masses outside of the required restrictions. A 4,000 square foot reserve area and proposed well are provided for the lot. As noted in the Design Review the driveway is proposed to generally follow a logging road / recreation trail that meanders through the lot. This driveway would be re-located in certain areas to be removed from wetland areas and re-aligned to be as far from the wetlands and wetland setback as practical. As discussed at the Design Review, the driveway will minimally impact the 50' setback and will not encroach within the 25' buffer. Nor will it impact wetlands and therefore does not require a Conditional Use Permit. The driveway is not located near any Critical Wetlands found on site. This lot is impacted by the Shoreland Zone and therefore a permit will be required by NHDES Shoreland. As shown the proposed house is setback from the lake 75' as required.

The existing house will be subdivided off the proposed private road with 200' of frontage on the proposed cul-de-sac. Other than the subdivision of the land there will be not substantive change to the parcel. The existing house, well and septic will remain on a 9-acre parcel that meets the space and bulk standards outside of the required reductions. (Setbacks, slopes, etc.) A 4,000 square foot reserve area is provided with two adequate test holes shown.

The subdivision regulations allow for this type of development in section 15.4. This project creates a total of three lots, two new with the new Fernald Drive being proposed as a separate lot. The applicants have engaged an attorney to write the required, Home Owners Association documents as well as a private road agreement and related easement documents. The restrictions placed on the subdivision plan in the Private Road Note, will be articulated in this set of legal instruments, as well as the comments raised by the board during the Design Review hearing.

Pursuant to the Subdivision Regulations 15.2.1, Minimum Requirements Table 1, the applicants plan to upgrade the existing driveway. The current driveway ranges in width but is on average 12-14' wide and contains 12" of crushed gravel, which has been in place prior to 1985. The Minimum Local Street requirement is to provide 16' traveled surface with 2' shoulders for a total passable width of 20'. Holding the approximate centerline of the driveway the applicants will widen the left side of the alignment the required amount as shown on the plans to have the 20' of width. This width is also required by Chapter 18 of NFPA 101. To eliminate the need for wetlands impacts on Mile Brook and additional wetlands setback encroachments, an 8:1 taper is proposed at the existing wetlands crossing so the road will narrow down to the original construction width in this one instance only, and then widen back to the proposed width. All of the requirements of Table 1 are met with the project design.



BERRY SURVEYING & ENGINEERING

335 Second Crown Pt. Rd., Barrington, NH 03825

(603) 332-2863 / (603) 335-4623 FAX

www.BerrySurveying.Com

The applicant has requested a waiver to section 15.6.1 Pavement Table 2. The applicant is proposing to construct the widening to the existing driveway standard, which contains 12" of crushed gravel. This standard is more than adequate for the level of traffic and serviceability the road will require. As part of the request the applicant is requesting a waiver to not pave the roadway per the standard. It is understood by the applicant, as demonstrated on the plan that in the event of future development these waivers would need to be re-evaluated by the Planning Board.

The subdivision regulations discuss additional study requirements for minor subdivisions of three lots and less. We would submit that the change in land use in this particular case does not warrant the need for additional traffic, drainage or environmental study.

Please note that BS&E has conducted an onsite visit of the project entrance and found that there is adequate sight distance in each direction. This is noted on the Overview Subdivision Plan.

Thank you for your time and attention to this matter and we look forward to meeting and discussing further with the Board.



Christopher R. Berry
Principal, President





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September 19, 2022

RE: James Fernald Revocable Trust, Linda Fernald Revocable Trust
CO James & Linda Fernald – Narrative
54 Deerfield Road
Tax Map 52, Lot 4-2
Minor Subdivision Review

Mr. Chairman and Members of the Nottingham Planning Board

In accordance with the Town of Nottingham's Subdivision Regulations, the applicant requests the following waivers:

1. Identification of Waiver Request: 15.6.1 Pavement Table 2

- Proposing a Private Road with a section containing 12" crushed gravel where 12" Bankrun Gravel is required with 6" crushed gravel, and to not install pavement where pavement is required.

Waiver Justification:

a. Granting the waiver will properly carry out the purpose and intent of the regulations.

The purpose and intent of the regulation is to provide a safe passable section for varying purposes and volumes of use. We would submit that in this case the width is being upgraded to be compliant with roadway standards, however the depth and sections proposed match those of the driveway standard more closely. In this case the use of the road is much more closely related to a driveway than a functional subdivision roadway. A 12" crushed gravel section without pavement is more than adequate for daily use and the use of public safety equipment in the event of an emergency. This is proven by its perpetuated use in the current form for the last 40 years. By way of further example, it is likely that the neighboring Stevens Road is built and maintained to the same standard.

b. Strict conformity to the regulations would pose an unnecessary hardship to the applicant.

Strict conformity to the regulations will pose an unnecessary hardship on the applicant whereas it would require the unnecessary construction and reconstruction of an acceptable constructed driveway.

Respectfully submitted,
BERRY SURVEYING & ENGINEERING

Christopher R. Berry
Principal, President