



September 6, 2022

Re: **Planning Commission Review** - Development of Regional Impact – Nottingham Planning Board
Case #22-011-SUB; Jones Beach Engineering on behalf of Jim Rosborough

Dear Members of the Nottingham Planning Board:

Please accept this testimony on behalf of the Strafford Regional Planning Commission (SRPC) in response to your August 10, 2022 declaration that potential for regional impact exists with regard to the aforementioned application. Per NH RSA 36:55, a Development of Regional Impact means any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality. SRPC received formal notice from the Town of Nottingham of said **Development of Regional Impact** on August 18, 2022. We understand that notices were also sent to the town of Raymond.

DISCLOSURE: SRPC provides contract planning services to the Nottingham Planning Board. Those services are currently provided by Blair Haney. While Mr. Haney assisted with compilation of meeting minutes and application materials, he did not contribute analysis to this review.

Developments of Regional Impact that are referred to SRPC are typically considered by SRPC's Regional Impact Committee, a volunteer board consisting of SRPC commissioners. SRPC staff determined that a quorum of this committee could not be convened prior to the next meeting of the Nottingham Planning Board. The Chair of the Regional Impact Committee has therefore authorized SRPC staff to submit the following comments without holding a public meeting of the Regional Impact Committee.

Transportation, Access, and Parking

Comments: The minutes of the August 10, 2022 meeting of the Nottingham Planning Board indicate that the primary justification for the declaration of regional impact was due to the fact that sole access was being provided via Mooers road, which terminates in the Town of Raymond.

The Planning Board should review the provisions of RSA 674:53, which governs land use applications that interact with municipal boundaries. Specifically, I note the following points that appear to be relevant to this case:

- Paragraph II stipulates that for a subdivision application whose 'whose boundary or portion thereof is a municipal boundary line, or whose sole street access or sole maintained street access is via a private road or class IV, V, or VI highway located in an adjoining municipality,' that adjoining municipality is entitled to provide testimony regarding their own policies that might otherwise preclude the proposal. It is my opinion that the Town of Raymond is entitled by RSA 674:53 to submit testimony regarding this application; it is my understanding that such notice to the Town of Raymond was provided upon declaration of this case as a development of regional impact, which conferred abutter status on Raymond and which would appear to resolve this issue if prior notice had not gone to Raymond pursuant to RSA 674:53.
- Paragraph II further stipulates that if the roads providing access are Class VI or private roads, the adjoining municipality would also have review authority under RSA 674:41. Note 14 in



the plan set identifies Mooers Road as a “town road” but does not indicate whether a Class V or Class VI; the note states that the status of Jampas Trail, Sachs Road, and others in the vicinity are unknown. The applicant may need to determine the status of Jampas Trail before a building permit could be issued for Lot 11 if they wish to avoid RSA 674:41 review by the select board of one or both towns.

- Paragraph IV stipulates that “no plat or plan showing land whose sole street access or sole maintained street access is or is planned to be via a private road or class IV, V, or VI highway located in an adjoining municipality shall be deemed approved for purposes of this title unless it has been approved by the planning board, if any, of that adjoining municipality, provided however that the sole issue which may be addressed or regulated by the adjoining municipality shall be the adequacy of such street access, and the impact of the proposal upon it.” It is my opinion that the subdivision plans as provided require approval by Raymond for access because all lots are accessed via Mooers Road and Jampas Trail, both of which are depicted entering Raymond before connecting to any other part of the transportation network.
- Note that the Existing Conditions plan and the Yield Plan both depict the location of Sachs Road (note 14 indicates that its classification is unknown). Under my reading of RSA 674:53, any lots that had sole or even secondary access via Sachs Road would only require review by the Town of Nottingham as they could access Mountain Road entirely within Nottingham’s jurisdiction. However, there would be significant impacts to the delineated wetlands and wetland buffers to do so, and would require additional relief in the form of NHDES wetland permits and local relief from the Nottingham ZBA. This alternative does not seem desirable from either an environmental or a permitting standpoint, as it would disrupt wetland ecosystems and would not change the fact that this application would be reviewed by multiple boards or jurisdictions.
- Paragraph VI provides a framework by which the Nottingham Planning Board and Raymond Planning Board could conduct joint proceedings to review this application, though in my experience such joint proceedings are rare.
- Paragraph VII stipulates that any subdivision for which the sole access to the Class I or II highway system is via a town road in another municipality, that municipality is entitled to notice as an abutter. As with Paragraph II, notice to Raymond as a development of regional impact would appear to have corrected any deficiency if they were not originally notified.

Conflicts with Policies, Plans, and Programs - Noise

Comments: Noise was not identified by the Nottingham Planning Board as a potential issue at this site. The proposed lot sizes and layout appear generally consistent with the existing development pattern in both towns and do not appear to introduce any new or unusual source of noise.

Hazardous Materials or Substances

Comments: The proposed lot sizes and layout appear generally consistent with the existing development pattern in both towns and do not appear to introduce any new or unusual source of hazardous materials.

BARRINGTON
BROOKFIELD
DOVER
DURHAM
FARMINGTON
LEE
MADBURY
MIDDLETON
MILTON



NEW DURHAM
NEWMARKET
NORTHWOOD
NOTTINGHAM
ROCHESTER
ROLLINSFORD
SOMERSWORTH
STRAFFORD
WAKEFIELD

Ecology and Resources

Comments: This site is in close proximity to Pawtuckaway Pond. It and the Pawtuckaway River are tributaries of the Lamprey River. As discussed above, these surface water bodies can be sensitive to pollution via runoff. The Lamprey River and all of its tributaries are designated as part of New Hampshire's river management and protection program. The Lamprey River Advisory Committee may be able to provide information regarding the watershed and its habitats. More information may be available on their website at <https://www.lampreyriver.org/>.

Hazards – Public Health and Safety

Comments: The proposed lot sizes and layout appear generally consistent with the existing development pattern in both towns and do not appear to introduce any new or unusual threat to public health or safety.

Facilities

Comments: As stated above, access to this site is being provided via Mooers Road and Jampas Trail, both of which have sections in Raymond, and Raymond is entitled to certain rights laid out by RSA 674:53. Both roads provide access to existing development in Nottingham that is further from Mountain Road than this proposal, meaning these lots are not extending the need for emergency services to an area where they are not already necessary.

Scenic and Visual Character

Comments: The proposed lot sizes and layout appear generally consistent with the existing development pattern in both towns.

Housing and Population Growth

Comments: The proposed lot sizes and layout appear generally consistent with the existing development pattern in both towns. No existing housing is displaced by this proposal.

We hope that these comments will be useful to you in your review of this project. All materials should be used for informational purposes only. The scope of SRPC's review is intended to focus on the regional impacts of this application, and does not duplicate the Nottingham Planning Board's review for consistency with Town ordinances and regulations. Similarly, references to land use policies in referenced municipalities are not the result of a comprehensive regulatory review, and SRPC defers to these municipalities to provide more comprehensive feedback regarding consistency of the proposed development with their regulations and with the character of their community. Please do not hesitate to contact James Burdin at JBurdin@strafford.org or 603-994-3500 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "James E. Burdin".

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James E. Burdin, AICP
Strafford Regional Planning Commission