

**Nottingham Planning Board-Zoning Board- Conservation Commission Joint Meeting  
October 20, 2021  
Official Minutes**

1 **Call to Order**

2 **Planning Board Members Present:** Chair Dirk Grotenhuis; Vice Chair Eduard Viel; Gary  
3 Anderson, SRPC Rep; John Morin BOS Rep; Susan Mooney, Secretary; Charlene Andersen,  
4 SRPC Rep.

5  
6 **Planning Members Absent:** Ian MacKinnon; Robert Davies, Alternate.  
7

8 **Zoning Board Members Present:** Terry Bonser, Chair; Raelene Shippee-Rice; Romeo Danais.

9 **Zoning Board Members Absent:** Teresa Bascom, Vice Chair; Bonnie Winona MacKinnon.  
10

11 **Conservation Commission Present:** Samuel Demeritt, Chair; Cheryl Smith; Raelene Shippee-  
12 Rice (Alternate); Susan Mooney.

13 **Conservation Commission Absent:** Debra Kimball, Vice Chair; Kristen Lamb; Jonathan  
14 Rydberg; Mary Colvard.

15

16 **Others Present:** Blair Haney, SRPC Planner; Kevin Lemieux, Land Use Clerk.

17

18 **Call to Order**

19 The meeting was called to order at 6 PM.

20

21 **Roll call**

22 Roll call was completed.

23 Mr. Grotenhuis said the joint meeting is held with the Planning Board, the Zoning Board and the  
24 Conservation Commission is out of a need for clarity of things that had come up in applications  
25 and hearings regarding the zoning regulations and amendments. He said the meeting was an  
26 opportunity to discuss things that come up on the Planning Board side and to get input from  
27 Zoning and the Conservation Commission for any items in which those boards feel need  
28 updating, amending or revisions. He said documents for the hearing outline some of the items to  
29 be discussed. He said Nov. 8 is when the public can petition zoning amendments with public  
30 hearings in January; February lists zoning amendments and voting is scheduled for March.

31 Mr. Viel said the Planning Board tries to hold a joint meeting every year with Zoning and  
32 Conservation to make things run better. He said the Planning Board also looks for input from  
33 other town departments such as the Building Inspector, Fire, Police, and the Director of Public  
34 Works. He said the volume of applications before the Board are increasing. He said that the  
35 Planning Board tries to limit the number of amendments so as not to overwhelm the voting  
36 public.

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37 BUILDING HEIGHT: Mr. Grotenhuis said he would run through the housekeeping items. He  
38 began with the building height, (*Zoning Ordinance*) Article II, Section C6, which states that the  
39 maximum building height should be 34 feet measured from grade. He said they need  
40 clarification of “grade”. Mr. Viel said Planning Board found guidance from other NH towns.  
41 He said that Mr. MacKinnon provided info from two other towns, Portsmouth and Conway, NH.  
42 Mr. Danais asked why 34 feet was the height maximum. Mr. Viel said height has to do with fire  
43 department ladder height. Mr. Danais said many barns would not qualify. Mr. Grotenhuis said  
44 that many existing buildings would need to apply for variance.

45 Mr. Bonser asked if any input from fire department was given. Mr. Grotenhuis said that the fire  
46 department did clarify from grade to the highest point, the ridge, and does not include chimneys,  
47 solar panels, and the like. Mr. Viel said that our purpose is to create clarity for the building  
48 inspector and applicants to utilize. Ms. Shippee-Rice asked is the fire department input the only  
49 reason the height is set at 34 feet? Mr. Grotenhuis replied “yes”. Ms. Shippee-Rice continued  
50 with asking if the fire department had longer ladders, would that increase the height restriction.  
51 Mr. Viel and Mr. Anderson said that ladder height and pressurized water would help in  
52 determining height. Mr. Grotenhuis said that the town would want to stay below fire department  
53 recommendations.

54 Mr. Haney that there is a building height per each zoning district. He gave the example of the  
55 Town Center District has a maximum height of 34 feet, a special assessment can allow for  
56 building above that height. Mr. Viel said that the character of the neighborhood would play into  
57 a decision of height.

58 Mr. Danais asked what do fire departments do in Manchester or Boston with high rises? Mr.  
59 Grotenhuis said there are sprinkler systems. Mr. Danais mentioned last night’s ZBA meeting  
60 hearing (10-19-21) regarding the low point of a house that slopes away is accessible with a  
61 handheld ladder. He read an article regarding people suing other towns due to too many  
62 regulations that limited what could be built. He summed up his point by saying he doesn’t  
63 understand why there needs to be a height restriction.

64 Mr. Grotenhuis said that the aim is to make an amendment that provides the building inspector  
65 with more language to clarify measurement. He said this isn’t to change the current height, more  
66 to define how its measured. Mr. Viel said utilizing other town’s ordinances in conjunction with  
67 input from the building inspector and the fire chief would be beneficial and continuous. Mr.  
68 Anderson pondered if either the building inspector or the fire chief took sprinkler systems into  
69 account.

70 Mr. Bonser said average grade would be best and Ms. Mooney agreed. Mr. Grotenhuis said that  
71 we would provide the building Inspector and the fire chief with revised language regarding grade  
72 and to get concurrence with them. Mr. Haney asked if the Boards would like for him to research  
73 more than local towns. Mr. Grotenhuis recommended that Mr. Haney “hold off”.

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75 STEEP SLOPES: Mr. Viel said that the town has been reviewing steep slopes for years,  
76 however, has held off on making any additional decisions. He said many towns around have  
77 restricted building on steep slopes as the amount of ideal, buildable land has diminished leaving  
78 for marginal land that have ledge, wetlands, and steep slopes for building.

79 Mr. Grotenhuis said that the list being discussed of possible amendments was in part compiled  
80 with input from the previous planner. He said that this would create a Steep Slopes Overlay  
81 District (*Zoning Ordinance*).

82 Mr. Bonser asked for clarification of grade to fall into Overlay District. Mr. Grotenhuis  
83 confirmed that the slope grade was 15 percent and Mr. Bonser said it that was not that steep. Mr.  
84 Grotenhuis asked Ms. Andersen why 15 percent is used? Ms. Andersen said it had to do with  
85 fire truck accessibility. Mr. Viel said the 15 percent was a standard grade used by many towns  
86 and had to do with erosion and run-off considerations. Mr. Anderson mentioned oil delivery  
87 needed to be considered. Mr. Bonser said previous slope of 25 percent was used. Mr. Viel used  
88 example of driveways and how that the slope considerations was to protect a bigger area. Mr.  
89 Grotenhuis read the intent as to protect surrounding environment from erosion, run-off,  
90 sedimentation from construction, land disturbance to preserve Nottingham’s scenic quality. He  
91 said it’s to apply to major subdivisions and new site plans, not to an applicant for a minor  
92 subdivision. He said it is more a tool to develop the land appropriately and to use more flatter  
93 areas. The attendees openly discussed the definition of “major subdivision” with four lots or  
94 more being the consensus (*Subdivision Regulations-Definitions*).

95 Mr. Bassett asked to define “new site plan” application. Ms. Mooney said that *Site Plan* referred  
96 to commercial developments. Ms. Smith brought up the possible erosion from a steep slope due  
97 to extreme weather entering abutting homes. Mr. Grotenhuis said that there is already  
98 consideration regarding storm run-off for builders, however, he said that the boards need to be  
99 more diligent about this concern.

100 LOT DISTURBANCE AND LANDSCAPING: Mr. Viel said this is more a “best practices” item  
101 to help the building inspector work with developers. He gave the example of topsoil removed  
102 during development should be returned and planted vegetative buffers. He believes much of this  
103 has been incorporated into the subdivision regs. He said the aim is to give developers an idea of  
104 what the final product should look like and not for individuals looking to subdivide for family  
105 members, etc.

106 Mr. Grotenhuis read aloud from the *2011 Master Plan* (Adopted 2021), (re: Lot Disturbance and  
107 Landscaping): protecting the health, safety, and property, minimizing fragmentation of wildlife  
108 and to use land practices that promotes the town’s rural and scenic character. He said that the  
109 Planning Board is planning on having SRPC review some of these that are, approximately, 8-  
110 year-old items.

111 Mr. Viel said there should be a balance between detail and brevity.

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112 Mr. Bonser asked if the state regulates for certain size developments and requires permits. Mr.  
113 Grotenhuis said that most major developments trigger an Alteration of Terrain permit through  
114 NHDES.

115 Mr. Bassett asked how long do we give a homeowner to regrow vegetation and grass? Mr. Viel  
116 said that lot disturbance items target major subdivisions and developments. He said the current  
117 timeline is usually generous.

118 DRIVEWAY SETBACKS: Mr. Grotenhuis said currently the town does not have any driveway  
119 setbacks. Mr. Viel said it should say driveway AND roadway setbacks. Mr. Grotenhuis gave  
120 example of roadway and driveway setbacks from recent subdivisions. He and Mr. Viel did not  
121 remember any exact recommendations; however, Mr. Viel thought that a 10 – 20 setback was  
122 reasonable. Mr. Bassett said 20 feet is common in zoning. Mr. Viel said he likes to be  
123 consistent with other common numbers. Mr. Anderson that two adjacent houses with adjacent  
124 driveways would be 40 feet.

125 OTHER: Mr. Grotenhuis said that about covers the priorities from a much larger list, however,  
126 the Planning Board has a limited capacity to address amendments from year to year.

127 Mr. Bassett said that he was surprised a sound ordinance was not mentioned. Mr. Grotenhuis  
128 said there's a lot of others too including ADUs, Tiny Homes, Fence boundaries. Noise is a bigger  
129 item that is best for another time due to the current case load.

130 Mr. Viel mentioned an additional priority was the listing of town roads and how the list has  
131 grown.

132 Ms. Smith asked about a sound ordinance petition coming in and differentiated between a  
133 petition warrant article and a zoning ordinance amendment. Mr. Grotenhuis said zoning  
134 amendments have to come in earlier because public hearings would need to be held. He  
135 continued stating that a petition warrant article would not need a hearing because it has enough  
136 signatures via the petition to be placed on the warrant.

137 Mr. Grotenhuis added other items that the Planning Board had considered for zoning  
138 amendments. He mentioned updating the FEMA maps for flood hazard areas. He said the last  
139 time the maps where updated was in 2005. Mr. Danais asked if there is anything other than  
140 water in on a FEMA map. Mr. Grotenhuis said no. Mr. Danais asked who updates the FEMA  
141 maps. Mr. Viel said that it's done by FEMA with input from of the community. Mr. Bonser and  
142 Mr. Viel discussed the inconsistency of the maps with the actual topography.

143 Mr. Grotenhuis talked about other considerations including impact fees, restricting adult  
144 bookstores, as well as restricting marijuana growing and dispensary facilities. He said that  
145 demand for such is low, and those items have fallen off the list of priorities. Mr. Viel said the  
146 way the zoning ordinances are currently written in permissive language, what the town  
147 regulations state is that the town permits, everything else is not permitted.

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149 Mr. Grotenhuis said that Airbnb regulations, accessory structures with no primary structures and  
150 tiny homes were also considered. He said that the state has requirements for ADUs and the town  
151 can defer to those regulations should the need arise. Mr. Viel and Mr. Grotenhuis discussed  
152 frontage measurement and how to clarify the language as a future consideration.

153 Mr. Grotenhuis mentioned fences and that the building inspector recommends that a fence install  
154 should be a foot from the property line as exact digging locations may cross over property lines.  
155 Mr. Grotenhuis said there has been discussion about a noise ordinance in past meetings and he  
156 gave the example of the recently approved Watercross event. He said that in talking with the  
157 town fire and police, that they aren't equipped to measure noise and the Board does not have the  
158 time currently to take up such an extensive item. Mr. Bonser added that certain, ever changing  
159 environmental conditions can factor into noise levels, like wind and leaves on trees.

160 Mr. Grotenhuis asked if there are certain things that the ZBA is seeing. Mr. Bonser mentioned  
161 the drop in setback for septic from 50 to 20 feet. He recommended going down to 10 feet on  
162 non-conforming lots and to keep it 20 for the 2 acre lots. He said that the Zoning Board gets  
163 quite a few requests for a variance from the 20-foot septic setback from the non-conforming lots.  
164 Mr. Viel said much of the zoning variance requests come from around the lake and said maybe  
165 making a new zone for this area would be beneficial. He also acknowledged that it would take  
166 time to create such a zone.

167 Mr. Morin said that the state minimum is 10 feet, thus the town should be a 10-foot minimum for  
168 non-conforming lots. Ms. Smith said to leave it at 20 and let the property owners apply for a  
169 variance.

170 Mr. Viel asked where do you measure a setback from, especially with the newly adopted roads  
171 by the town? Is it the center line of the road or is it the actual side of the road? He said people  
172 generally consider it to be the edge of the roadway. Mr. Grotenhuis said that is still to be  
173 determined for the roads recently adopted by the town.

174 Ms. Shippee-Rice asked when Tiny Homes will be addressed. Mr. Viel said that the state is  
175 taking up that item now and that the town should wait for state guidance since there are so many  
176 variables.

177 Ms. Smith talked about Conservation Commission input. She mentioned updating lighting  
178 regulations with consideration to new technology to minimize light pollution as it can affect bird  
179 migration and neighbors. Mr. Grotenhuis said there are many controls nowadays for lighting.  
180 Ms. Smith mentioned aquifer protection district in terms of salt application on roads and bridges  
181 that can affect drinking water. She said that town using a brine application is too expensive for  
182 town. She said that instituting reduced salt area for drinking water districts would be beneficial.  
183 Mr. Grotenhuis said the state uses a regulator to on the trucks to limit salt application amounts.  
184 He said hopefully it will catch up on the local level. Mr. Viel mentioned the Snow Pro  
185 Certification and how the certification educates commercial contractors and our local highway  
186 department. Ms. Shippee-Rice said that lights from signs at commercial areas blind you along  
187 highways. She asked if there is a way to create an ordinance to prevent this dangerous situation.

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188 Ms. Smith, Ms. Shippee-Rice and Ms. Andersen gave some examples of “up lighting” and other  
189 Route 4 lighting issues.

190 *Mr. Danais made a motioned to adjourn meeting. Motion seconded by Mr. Bonser. The*  
191 *motion was unanimously passed. Meeting was adjourned at 7:19 PM*

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