

**Nottingham Planning Board**  
**October 23<sup>rd</sup> 2013**

**Members Present:** Arthur Stockus: Chair, Susan Mooney; Secretary, Dirk Grotenhuis, Eduard Viel, Gary Anderson; Alternate, and Hal Rafter BOS Representative, Robert “Buzz” Davies; Alternate, John Morin

**Members Absent:** Troy Osgood; Vice Chair,

**Others Present:** JoAnna Arendarczyk; Land Use Clerk

Chair Arthur Stockus called the meeting to order at 7:00

Introductions were completed at 7:01

Mr. Davies will participate but not be voting.

Mr. Anderson Seated for Mr. Osgood

**Update from Mr. Mettee:**

Mr. Chairman reviewed the below Estimate sent by Mr. Mettee:

**Nottingham Planning Board**  
**Scope of Work & Fee; Zoning Ordinance Updates**  
October 22, 2013

Master Plan Strategy #	Master Plan Strategy/Task	Comment	Estimated Fee <sup>1</sup>
LU 2.1	Amend the Open Space Development section of the Zoning Ordinance to: <ul style="list-style-type: none"><li>• Make such development mandatory for the subdivision greater than 15 acres, and</li><li>• Provide a density bonus for providing more than the required open space set aside.</li></ul> <i>One meeting with PB<sup>2</sup> If second meeting required, add 3 hours</i>	Board considering mandatory provision. Estimate includes language for this as well as the density bonus. Will require PB discussion of exemptions for mandatory provisions and various bonus options, e.g., Four Generals.	\$750 If two meetings add \$300 (\$1050)
LU 2.2	Amend the Zoning Ordinance (ZO) to include a standard for maximum lot disturbance in the Residential-Agricultural District. <i>One meeting with PB</i>	Need to look at various options for cover and disturbance. Specifics for % of lot, etc.	\$650
<del>LU 2.3</del>	Review Subdivision and Site Plan Review Regulations to be sure that they reflect the need to protect rural character and that any development under these provisions minimize environmental impact.	<b>PB decided not to consider.</b> Can be considered at later time, if desired. Would need to set up checklist for rural character and compare to proposed development.	

NR 5.3	Amend the Zoning Ordinance through a Steep Slope Ordinance to provide for greater protection of scenic quality from the impact of development. <sup>3</sup> <i>Up to three meetings with the PB</i>	Will need to identify steep slope standards. Develop Steep Slope Map or rely on applicant's designation?	\$2,500 If add slope map, add \$500-\$1,000.
NR 5.5	Amend the subdivision and site plan review regulations to include a statement to consider protection of scenic road qualities. <i>One meeting with PB</i>	Need to have definition for scenic quality based on Master Plan Vision. What about mitigation? Need decision on this.	\$500
		<b>Total Estimated Fee</b>	<b>\$4,400-5,700</b>

**Notes:**

1. Fee based on \$90.00 per hour billing rate and expenses for mileage, etc.
2. Depending on the task, more than one task might be covered in the same meeting.
3. Does PB want to consider a Scenic Resource Protection regulation? Would require a scenic resources assessment.

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Mr. Morin asked if all the members of the board read the e-mail from Mr. Colby regarding the "mandatory" part of LU2.1.

Mr. Viel stated that he looked at the cases the LGC referenced in response to Mr. Colby's e-mail. The proposed amendment doesn't fall in the category that LGC's referenced due to the fact that the town isn't taking away land from the developer. It is actually staying in the homeowners association. They are also not losing any value for their land they are generally going to gain value.

Mrs. Mooney also stated that the e-mail didn't include the verbiage regarding the provisions she requested from the October 9, 2013 meeting: "with a provision for exceptions under certain circumstances."

Mrs. Mooney also mentioned that she asked Mr. Mettee to send her some information on area towns that have or do not have mandatory open space development for "major" subdivisions. Mr. Mettee sent her the following list of towns with Conservation Subdivisions or Open Space (yes =mandatory):

Durham—yes	Hopkinton--yes
Deerfield—yes	Newmarket--no
Madbury--no (under consideration)	Barrington--no
Lee--no	

In addition Mr. Mettee indicated that Deerfield's ordinance (15 acre minimum) was crafted by Jim Raymond at Upton-Hatfield so it would pass the litmus test if challenged.

Mr. Viel stated that Strafford has the mandatory open space development as well with similar verbiage.

Mr. Anderson spoke about his concerns forcing a developer to put land in Conservation.

Mrs. Mooney stated that we let Nottingham voters decide in the ballot box.

Mr. Viel stated that lots are not actually being taken away from the developer and that their costs are in a way being reduced because the area is being contained to the parcel and therefore less roads and drainage are needed.

Mr. Viel also stated the acreage needs to be corrected to 20 acres.

Mr. Grotenhuis verified that the fee on the estimate from Mr. Mettee would be adjusted accordingly (increase or decrease) depending on how much time is needed to complete the process.

Mr. Chairman stated that is correct.

**Motion:** Mrs. Mooney made a motion to approve the proposal from Mr. Mettee for working on the Master Plan strategies for a maximum of \$5,700.

**Second:** Mr. Anderson

**Vote:** 6-1-0 Motion carried

## **Invoices**

Mr. Chairman addressed the CMA- Merry Hill Invoice #1  
August 31, 2013 to September 27, 2013 for \$1,573.10

**Motion:** Mrs. Mooney made a motion to remit to CMA \$1,573.10 for the construction review of the Merry Hill project.

**Second:** Mr. Grotenhuis

**Vote:** 7-0-0 motion passed

Mr. Chairman addressed the CMA- the Crossings "Maple Ridge" Invoice #2  
August 31, 2013 to September 27, 2013 for \$644.16

Mr. Chairman mentioned that this invoice is for ten (10) hours of labor.

**Motion:** Mrs. Mooney made a motion to remit to CMA \$644.16 for their work on the Crossings subdivision.

**Second:** Mr. Grotenhuis

**Vote:** 7-0-0 motion passed

Mr. Chairman addressed the Reduction of Road Construction Bond October 9, 2013 from Beals Associates- Ledge Farm Road" Rocky Hill Subdivision".

Mr. Chairman read letter from Christian Smith regarding the request.

There was some discussion on the request and a need for more information as to the amount retained is less than 10%.

**Motion:** Mrs. Mooney made a motion to table this Bond reduction request until November 13, 2013 meeting due to the need for more information.

105 **Second:** Mr. Grotenhuis  
 106 **Vote:** 7-0-0 motion passed  
 107  
 108 Mr. Chairman addressed the CMA- Strawberry Lane Subdivision  
 109 Reduction Request of \$140,626.00 for work completed through October 22, 2013.  
 110 The amount retained is 10% with supporting documents.  
 111 **Motion:** Mr. Anderson made a motion to approve the bond reduction of \$140,626.00 for  
 112 CMA for the construction of Strawberry Lane.  
 113 **Second:** Mrs. Mooney  
 114 **Vote:** 7-0-0 motion passed  
 115  
 116 Selectman request from the town treasurer for the Boards information.  
 117  
 118 **MINUTES: October 9, 2013:**  
 119 **Motion:** Mrs. Mooney made a motion to accept the minutes as amended.  
 120 **Second:** Mr. Viel  
 121 **Vote:** 6-0-1 motion passed  
 122  
 123 **BOARD OF SELECTMAN UPDATE:**  
 124 Mr. Rafter stated that there was a discussion at the Selectman meeting regarding the  
 125 mandatory aspect of the Open Space Development section of the Zoning Ordinance and  
 126 they voted 2-1 not to endorse the mandatory provision.  
 127 Mr. Chairman asked if there would be a formal letter regarding this vote.  
 128 Mr. Rafter stated that no there wouldn't be however it is in the minutes.  
 129 Mr. Viel asked how there could be a vote when this discussion was not on the agenda.  
 130 Mr. Rafter stated that there is no requirement that there be an agenda item listed to have a  
 131 formal vote.  
 132 There was further discussion about this vote and that it may be brought up again at a  
 133 future meeting.  
 134 Mr. Rafter updated the Board that Rymes has requested a meeting with the Board of  
 135 Selectman on October 21, 2013.  
 136 An engineer has come to do an assessment of the roof of the back portion of the  
 137 Community Center. The condition of the roof is better than expected. There are further  
 138 estimates to come.  
 139  
 140 Mr. Viel respectfully requested that if the Board of Selectman are going to take a formal  
 141 vote on a matter that the Planning Board has discussed in great detail at several meetings,  
 142 that they extend the courtesy of the Planning Boards presence, or that they attend our  
 143 meetings.  
 144 Mrs. Mooney added that keeping communications open is very important.  
 145 Mr. Rafter added that it was an advisory vote  
 146  
 147 **FUTURE MEETING SCHEDULE UPDATE:**  
 148 Next meeting is November 13, 2013  
 149 There is only one meeting in November due to Thanksgiving. Another meeting may be  
 150 scheduled due to time constraints on the Master Plan.

151

152 **RECYCLING COMMITTEE UPDATE:**

153 Mr. Viel gave an update on the Recycling Committee that they are furthering goals and  
154 objectives.

155

156 **ADJOURN:**

157 **Motion:** Mr. Grotenhuis

158 **Second:** Mr. Morin

159 **Vote:** 7-0 motion passed

160 Adjourn at 7:47PM

161 Respectfully Submitted,

162 JoAnna Arendarczyk