

**Nottingham Planning Board  
October 9, 2013**

**Members Present:** Arthur Stockus; Chair, Troy Osgood; Vice Chair, Susan Mooney; Secretary, Eduard Viel, and Hal Rafter BOS Representative, Robert “Buzz” Davies; Alternate, John Morin

**Members Absent:** Dirk Grotenhuis, Gary Anderson; Alternate

**Others Present:** Mary Bonser; Board of Selectman, Skip Seaverns; Master Plan Committee, Charlene Andersen; Master Plan Committee, Jack Mettee; Planner AICP, Paul Colby; Building Inspector/Code Administrator, JoAnna Arendarczyk; Land Use Clerk

Chair Arthur Stockus called the meeting to order at 7:02

Introductions were completed at 7:04

Mr. Davies Seated for Mr. Grotenhuis

**PUBLIC MEETINGS/ HEARINGS:**

None

**NEW BUSINESS/ OLD BUSINESS:**

Mr. Chairman stated the purpose of the meeting: To help Mr. Mettee identify changes recommended for the Zoning Ordinance for the March 2014 vote. The plan: To work each section in order, listen to the Master Plan Committee members’ background information on the item, then the Planning Board members’ input.

Mr. Colby mentioned the packets in front of those present contain bullet points for the Planning Board to review from Mr. Mettee.

Mr. Chairman stated that the Issues for Consideration pages from Mr. Mettee were what we would be working from.

Mr. Mettee read from the Issues for Consideration page:

LU 2.1	<p><b>Amend the Open Space Development section of the Zoning Ordinance to:</b></p> <ul style="list-style-type: none"><li>• Make such development mandatory for subdivisions greater than 15 acres, and</li><li>• Provide a density bonus for providing more than the required open space set aside.</li></ul> <p><b>Issues to Consider:</b></p> <ol style="list-style-type: none"><li>1. Need critical mass to make OSD attractive to developer. Usually 10-15 acres.</li><li>2. What about the number of lots also? A 15-acre OSD subdivision could be 7 lots, etc. Should there be a minimum number of lots?</li><li>3. Should there be an exemption? What if the # of lots is seven, but some or all are greater than 15 acres? The 15-acre lots could be re-subdivided.</li><li>4. What if the 15 acres can only create frontage lots? Does cluster make sense?</li><li>5. An exemption if no new subdivision road is required?</li><li>6. Bonuses for: Greater density for more open space than required; greater density if</li></ol>
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	open space includes or is contiguous to critical resource area (Conservation Focus Areas, <i>Land Conservation Plan for NH Coastal Watersheds, 2006, as amended. See attached map.</i> ); could also provide greater density if applicant protects identified cultural/historical resources, etc.
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36 He then referred to the map he attached to discuss LU 2.1 issue #6.

37 Mr. Chairman asked for Master Plan Committee comments.

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39 Mrs. Mooney as a Master Plan Committee member referred to the first bullet point that  
40 the number of 15 acres should be 20 acres.

41 After a short discussion the number was agreed on as being 20 acres as it is in the Master  
42 Plan.

43

44 The issue for consideration was discussed at length with members weighing in on both  
45 sides, for and against.

46

47 Mr. Chairman stated that due to the economics side he is going to vote for the  
48 “mandatory” verbiage.

49 Mrs. Mooney stated that she would like the verbiage to also state “with a provision for  
50 exceptions under certain circumstances” be included with a prominent place in the  
51 Zoning Ordinance.

52

53 **Motion:** Mr. Viel made a motion for LU 2.1 to amend the Open Space Development  
54 section of the Zoning Ordinance to: Make such development mandatory for subdivisions  
55 greater than 20 acres with a provision for exceptions under certain circumstances

56 **Second:** Mrs. Mooney

57 **Vote:** 4-2-1 motion carries

58 Ms. Andersen proposed that because there is a bonus greater house lot density when  
59 additional open space or critical resource areas are protected instead of granting  
60 exceptions.

61 Mrs. Mooney also asked Mr. Mettee to add the Four Generals’ Greenway to the list of the  
62 areas to protect.

63 Mr. Mettee recommended that a specific reference to such a Greenway might not be in  
64 the best interest of the spirit of the ordinance.

65

66 Mr. Chairman asked for Mr. Mettee to read LU 2.2

67 Mr. Mettee read from the Issues for Consideration page:

LU 2.2	<p>Amend the Zoning Ordinance (ZO) to include a standard for maximum lot disturbance in the Residential-Agricultural District.</p> <p>Issues to Consider:</p> <ol style="list-style-type: none"> <li>1. Consider minimum impervious cover, i.e., 25%.</li> <li>2. Determine a percentage of either developed or undeveloped land per lot.</li> </ol>
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68 The issue for consideration was discussed at length with members weighing in on both  
69 sides, for and against as well as the wording. For example providing a definition of  
70 impervious cover to be included in the amendment and also percentages of impervious  
71 cover.

72

73 **Motion:** Mrs. Mooney made a motion to charge Mr. Mettee with verbiage on LU 2.2 that  
74 will include a standard for maximum lot disturbance and maximum impervious cover.

75 **Second:** Mr. Viel

76 **Vote:** 4-3-0 motion carries

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78 Mr. Chairman asked for Mr. Mettee to read LU 2.3

LU 2.3 (New)	<i>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.</i>  <i>Issues to Consider:</i> <ol style="list-style-type: none"><li>1. Review Master Plan definition for rural character and compare to current Site Plan and Subdivision standards.</li><li>2. Determine how extensive the standards should be to protect rural character and minimize environmental impact</li></ol>
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79 Mr. Mettee read a list of items that the Master Planning Committee came up with to  
80 define Rural Character in which if you saw these you would say that is rural character:

- 81 1. Open farm fields, Farm Buildings, Barns
- 82 2. Unfragmented Forests
- 83 3. Stone walls- Tree lined scenic road ways
- 84 4. Dark Skies
- 85 5. Slopes in the terrain
- 86 6. Ponds or water ways for fishing or boating
- 87 7. Small Historic villages or crossroads
- 88 8. Historic homes in the New England vernacular

89 There was a discussion as to what the town wanted to preserve in the rural character and  
90 what standards should be adopted to protect the character and minimize the  
91 environmental impact.

92

93 Mrs. Mooney mentioned the bullets in the Master Plan LU 2.3 that need the standards re-  
94 evaluated:

- 95 ○ Impervious surfaces (including lawns without at least six inches of tillable
- 96 soil),
- 97 ○ Alteration of terrain,
- 98 ○ Public roads and driveways, (could include scenic roads)
- 99 ○ Storm water management and
- 100 ○ Landscaping.

101 It was discussed to have the committee review this item further on their own.

102 Mr. Mettee verified with Mr. Colby that he and Mr. Stockus are currently working on the  
103 Subdivision Ordinance.

104 **Motion:** Was made by Mr. Viel to table LU 2.3.

105 **Second:** Mr. Osgood

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

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108 Mr. Chairman asked for Mr. Mettee to read NR 5.3

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.
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	<p><b>Issues to Consider:</b></p> <ol style="list-style-type: none"> <li>1. May need to produce a map that delineates all steep slopes above XX percent. If not, will need to rely on applicant to prepare steep slopes image/plan/map. Some communities also include ridges, which would definitely require map.</li> <li>2. Key is to have standards for steep slopes—erosion sediment control, aesthetic standards, etc.</li> </ol>
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- 109 It was discussed as to why the steep slopes were necessary to have on the maps.  
110 GRANIT map usage was discussed.  
111 **Motion:** Made by Mr. Viel to have Mr. Mettee pursue NR 5.3 and to provide an estimate  
112 on the mapping cost.  
113 **Second:** Mrs. Mooney  
114 **Discussion:** Mr. Osgood asked why more is needed than what is in the Subdivision  
115 Regulations.  
116 Mr. Seaverns, Ms. Andersen and Ms. Mooney explained that it is to protect the land,  
117 habitats and other natural resources in the town.  
118 Mrs. Mooney asked if the mapping would include Pawtuckaway State Park lands.  
119 Mr. Mettee stated that it would.  
120 **Vote:** 4-0-3 motion passed  
121  
122 Mr. Chairman asked for Mr. Mettee to read NR 5.5

NR 5.5	<p><b>Amend the subdivision and site plan review regulations to include a statement to consider protection of scenic road qualities.</b></p> <p><b>Issue to Consider:</b></p> <ol style="list-style-type: none"> <li>1. Appears rather straightforward. The question might be is how broad is the requirement for the standard? E.g., require a “before” and “after” image? Minimize cutting of trees, preservation of historic/cultural artifacts such as stonewalls. Need to mitigate any such damage?</li> </ol> <p><i>Does PB want to consider a Scenic Resource Protection regulation? Would require a scenic resources assessment.</i></p>
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- 123 Ms. Andersen suggested that there be more criteria of what defines a scenic road.  
124 There were various comments as to what scenic road means in Nottingham and other  
125 towns.  
126 The RSA regulations were consulted by Mr. Colby: RSA 231:157 &158.  
127 Ms. Andersen listed off the 8 roads in town that are labeled as scenic roads, adoption as a  
128 scenic road dating back to 1973, 1974, 1978.
- 129 • Poor Farm Road- from Ledge Farm Road to Epping (Berry Road)
  - 130 • Ledge Farm Road- from Nottingham Square to Epping Town line
  - 131 • Stevens Hill Road- from Deerfield Road West to the Deerfield Town Line
  - 132 • Gile Road- from McCrillis Road to Route 152
  - 133 • Mitchell Road- from Smoke Street to Mitchell Homestead
  - 134 • Kennard Road- from Smoke Street to Freeman Hall Road
  - 135 • Case Road- from the Mitchell Road to the Beginning of the pavement on Case
  - 136 Road
  - 137 • Priest Road- From Freeman Hall to Route 152

Ms. Andersen suggested that having the definition of what a scenic road is will help give guidelines when a developer comes to develop off those roads, as has recently occurred.

**Motion:** A motion was made by Mrs. Mooney to have Mr. Mettee expand NR5.5 to amend the subdivision and site plan review regulations to include a statement to consider additional protection of scenic road qualities including further qualities above and beyond what the state has for regulations.

Mr. Chairman asked if mitigation was included.

Mrs. Mooney stated that yes mitigation would be included.

**Second:** Mr. Morin

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

#### **FUTURE MEETING SCHEDULE UPDATE:**

The timeline for Mr. Mettee to present with his findings was temporarily scheduled for the next open meeting date of October 23, 2013.

Mr. Chairman mentioned the memo from Mr. Brown for the budget concerning the dues for Strafford Regional Planning Commission.

Mr. Colby stated that the dues for FY 2015 would be \$5,433.44. The Planning Board did not use the Commission's services this year. If the board chooses to accept the Strafford Regional Planning Commission Services cost would go into the town budget.

The decision was made to leave the Planning line item as is with \$10,000 with the understanding that it may be used for Strafford Regional Planning Commission services if needed.

#### **MINUTES: September 25, 2013:**

**Motion:** Made by Mrs. Mooney to accept the minutes for the September 25, 2013 Planning Board Meeting as amended.

**Second:** Made by Mr. Rafter

**Vote:** 6-0-1 motion passed

#### **BOARD OF SELECTMAN UPDATE:**

No updates made

#### **RECYCLING COMMITTEE UPDATE:**

Mr. Viel gave an update on the Recycling Committee.

#### **ADJOURN:**

**Motion:** Mr. Viel

**Second:** Mr. Osgood

**Vote:** 7-0 motion passed

Adjourn at 9:30PM

Respectfully Submitted,

JoAnna Arendarczyk