

Minutes
Nottingham Planning Board Meeting
July 24, 2013

Members Present: Arthur Stockus, Chair; Troy Osgood, Vice Chair; Susan Mooney, Secretary; Hal Rafter, BOS Representative; John Morin; Dirk Grotenhuis; Eduard Viel; Robert "Buzz" Davies, Alternate;

Members Absent: Gary Anderson, Alternate

Others Present: Paul Colby, Building Inspector/Code Administrator; Sue Serino, Scott R. Carlson, NHEC Forester-applicant; Christian Smith, PE Engineer; Joseph Falzone, applicant, Celia Abrams, Conservation Commission and John Terninko, abutter

Chairman Stockus called the meeting to order at 7:00 p.m. and introductions were completed.

Mr. Colby introduced Sue Serino, the Assessing Coordinator, to the Planning Board members and stated she will be helping with the Planning and Zoning work while regular clerk Jo-Ann MacInnis is out on leave.

Scenic Road Public Hearing-NH CO-OP for tree trimming and tree removal on Kennard Road

Chairman Stockus opened the Public Hearing stating notice is hereby given that the Nottingham Planning Board will hold a Public Hearing in accordance with RSA 231:8 II, on Wednesday, July 24, 2013, in Conference Room 1 at the Municipal Town Office, at 7:00 to discuss tree trimming and tree removal on the following scenic road: Kennard Road.

Mr. Scott Carlson, Utility Forester Coordinator for NH Electric CO-OP, stated the co-operative has system improvements in place for an upgrade of a single phase to three phase wires, allowing power switching between substations. He marked 10 trees with red tape prior to this notice, half for trees in the way of new wires and the other half that will die if not removed.

Mr. Grotenhuis asked if the trees tagged for cutting are within the right-of way. Mr. Carlson stated most are and if they are located on private property he has contacted the owners; he is new to the district and has not received any negative feedback from Nottingham residents.

Ms. Mooney inquired if the trees being removed are pine and if the wood would be removed when the work completed. Mr. Carlson stated that the trees marked are not pine; the only pine marked is directly in the way of where the conductors will be placed, and they will chip and remove wood that is less than 3-4" in diameter and leave the rest for the owners/abutter, unless the owners request that all wood be removed.

Chairman Stockus asked if there were any questions from the Board and/or public with no further questions the public hearing was closed.

Chair Stockus read the first case:

Case #P13-02-SUB - The Crossings: a 154 acre parcel which fronts on both Friar Tuck Lane and Oakridge Road, Map: 10 Lot: 10 Map: 8 lot 8-21 Map: 8 & 10 Lots: 9 & 10. It is a Subdivision Application for proposed open space 42 lot subdivision. The property owned by Harbor Street Limited Partnership, Brian M. & Jennifer Spagna, Seth F. & Pearl I. Peters and is a continuance hearing.

Chairman Stockus stated that Mr. Davies will participate in the discussion but will not be voting with the Board regarding the application.

Mr. Smith, of Beal's and Associates, stated he would be representing the attending applicant Mr. Falzone. Mr. Smith stated the issue is how to get the result of a two cul-de-sac plan with a conditionally approved density as required by the federal agency for putting a larger portion of the property into conservation. A response was received from town counsel indicating only one plan should be reviewed and two applications can't be run concurrently. Mr. Smith asked if the

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applicant should submit one application with 42 lots with a phase one and the second two cul-de-sac plan would become phase 2.

Mr. Colby stated he believed town counsel has already indicated two applications can't be run concurrently, but would further clarify the issue at the direction of the board.

Chairman Stockus stated it is difficult for a board to make a decision regarding plans when there are two separate different proposals presented; it might be different if the lot lines were identical with the secondary reduced number of lots, but it is completely different. The board could consider a removal of lots during the process if considered.

Mr. Smith suggested adding a phase 3 to the process. Mr. Colby stated the application under consideration can utilize three phases. However, there is concern from safety personnel about not having a through road. The center section of proposed lots can be removed to continue working with the Conservation Commission but a specific road way will be required.

Ms. Mooney asked when NRCS conservation grant approval would be received. Mr. Falzone stated the agency ranks all the projects based on specific criteria and if this application was approved it could be within 90 days, then he should have the funds within 90 and 120 days.

Chairman Stockus asked to review the application comment memo dated July 22, 2013 from the Code Administrator.

Mr. Colby reviewed the fourteen missing and needed items for application completion. It was stated that CMA Engineering will review the road and drainage construction plans.

Mr. Falzone stated he has left seven voice messages for the Fire Chief and stopped at the Fire Department but was unable to speak to the Chief and at this point the Chief has not returned his calls regarding some of the issues.

Motion: by Eduard Viel to authorize \$3000.00, three thousand dollars, to be placed in an escrow account for case #P13-02-Sub for CMA Engineering to review the roads/drainage

Second by: Ms. Mooney

Vote: 7 - 0 in favor.

Mr. Smith requested direction from the board and town council on what steps the applicant should take to submit: can an applicant run two concurrent applications with the two different plans and is a multi phase plan an option with the two applications: phase one and two would be based on the original application and submit a new application for phase three that would eliminate the cul-de-sac roads and tying all roads together. If the process for two applications and multiple phases is allowed, if approved for federal funding phase three can be withdrawn.

Chair Stockus stated a plan cannot be withdrawn after board approval for submission of an alternate second plan; four years are required to pass before changing lot lines in an approved subdivision plan for the same lots. There is no such thing as conditional approval, as an alternate method to submit new plans; approval is approval.

There was agreement from the board with a single application with multiple phases, as long as the lot lines remain the same throughout the entire process.

Discussion took place about the cul-de-sac road access and radius receiving approval from both the Police and Fire Departments. Mr. Colby stated both the Fire and Police Departments have concern about the cul-de-sac from a safety access standpoint.

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After discussion the Planning Board requested the representatives from the Police and Fire Department attend the next board meeting to discuss the road/access for subdivision **Case#P13-02-Sub**.

Mr. Smith requested the opinion of town counsel of having either the one and/or two applications with a multi phase option before moving forward, spending money and changing the plans. However, all members agreed there was no need to contact counsel. Discussion would take place with safety personnel regarding road access and if the decision of the board was in the negative for cul-de-sac access the applicant would submit alternate plans for a through road.

Case#P13-02-Sub would be continued to August 14, 2013.

Motion was made by Mr. Grotenhuis to continue **Case #P13-02-SUB** to August 14, 2013 at 7:00 pm.

Second: Mr. Osgood

VOTE: 7 – 0 in favor.

OLD BUSINESS/NEW BUSINESS

Rocky Hill Subdivision Scenic Road Hearing (Ledge Farm Paving): Mr. Colby stated in response to Ms. Mooney's question regarding the need for a public road hearing. After review of prior case material there should be a public hearing and is recommending it to be held on August 28, 2013 to meeting the notice requirements.

Motion was made by Ms. Mooney to hold a public hearing for the Ledge Farm paving project on August 28, 2013 at 7:00 pm

Second: Mr. Viel

VOTE: 7 – 0

Jack Mettee/Ordinances Update Meeting: Mr. Colby stated due to circumstances in the Planning Board Office he was unsure if Mr. Mettee had been contacted to attend the meeting and asked when the board would like to reschedule. The board decided to reschedule a workshop with Mr. Mettee on August 21, 2013, if he was available.

Ms. Mooney expressed concern about the State of NH scheduling cutting in Pawtuckaway State Park and the use of the roads with the logging trucks. Discussion took place about the topic of discussion with Mr. Mettee and whether or not a meeting was really needed. It was stated the Road Agent is maintaining the roads, any specific road ordinances must come from the Board of Selectmen and not the Planning Board to potentially limit the driving permission, the topic could be a joint topic between the Selectmen and the Planning Board, and the ability of posting roads for specific reasons and time limits. It was stated the logging taking place at Pawtuckaway was for a limited time only, was being made into a bigger issue than needed and did not need discussion.

August Meeting Schedule: Mr. Colby reviewed the schedule included for August 14: a backlot subdivision on Round Pond Road, a conceptual meeting with Fernald Lumber, a continuation of the Oakridge subdivision. August 21 would be a workshop with Mr. Mettee, if he were available, otherwise August 28. August 28 would include subdivision on Kennard Road, any continuations from the August 14 meeting.

Letter from FEMA: Mr. Colby reported a letter was received to attend a meeting at UNH to review the new coastal mapping project of the Salmon Falls area. The meeting is on August 1st and only one person from the Town can attend. Mr. Colby stated he was unable to attend and after

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discussion, Mr. Viel stated he would be able to attend if he had no conflicts, otherwise Ms. Mooney would attend.

Office Coverage Plan: Mr. Colby reported Ms. MacInnis will be out for extended leave and Ms. Serino and other office staff will be helping out in the Planning and Zoning Office. All incoming emails are being forwarded to Mr. Colby and Ms. Serino. Mr. Colby stated he appreciated the help from Ms. Serino.

Board of Selectmen Report: Mr. Rafter reported the Selectmen decided annual Recycle Center stickers would be required because of non-residents using the center, but an effective date hasn't been selected.

USA Springs had a consulting firm submitted a request to extend the time to file the large ground water withdrawal permit. There are questions about when is the actual deadline to file and the terms needed to complete the renewal process. NH DES has responded without a real decision and encouraged them to determine if the water withdrawal permit was actually needed since they don't have an active water bottling permit. The Selectmen responded opposing the request to file extension.

Mr. Colby stated there has been a substantial increase in the number of homes potentially be affected if the permit was renewed.

Merry Hill Road: Mr. Colby stated an engineer should be selected. Mr. Falzone has retained ownership of only two of the lots in the subdivision and sold the five lots to one builder and the other ten lots and the road rights to another. The builder with the road rights has contacted the town to start construction and a bond will be required.

Mr. Morin asked if the permit followed the property across the street from Merry Hill Road. Mr. Colby stated the permit remained valid with the sale.

Motion: by Mr. Morin to select CMA Engineering as the engineer for the Merry Hill Road project.

Second: by Mr. Osgood

Vote: 7 – 0 in favor.

Invoice Approval: Mr. Colby presented an invoice from Mr. Farwell for Rocky Hill June 26-July 23. He was requested to submit invoices on a monthly basis, and agreement was received.

Motion: by Mr. Viel to approve payment in the amount of (Two thousand nine hundred seventy five dollars and 60 cents) \$2975.60 to Farwell Engineering.

Second: by Mr. Morin

Vote: 7 – 0 in favor.

Adjournment

Motion was made by Mr. Osgood to adjourn the meeting at 8:15 p.m.

Second: Mr. Morin

VOTE: 7 – 0

Respectfully Submitted,

Sue Serino

Land Use Clerk