

Minutes
Nottingham Planning Board Meeting
AUGUST 14, 2013

1 **Members Present:** Arthur Stockus, Chair; Mark Carpenter, Alternate BOS Representative; John
2 Morin; Eduard Viel; Robert “Buzz” Davies, Alternate; Gary Anderson, Alternate

3 **Members Absent:** Troy Osgood, Vice Chair; Susan Mooney, Secretary;
4 Hal Rafter, BOS Representative; Dirk Grotenhuis

5 **Others Present:** Paul Colby, Building Inspector/Code Administrator; Sue Serino, Christian Smith,
6 Engineer; Joseph Falzone, Applicant; Karen Schmidtchen, Abutter; Russell Collier,
7 Hydrograsscorp.com; Merril Dwyer, Applicant; Linda Fernald, Applicant; Jim Fernald, Applicant;
8 Jaye Vilchock, Fire Chief; Bonnie Patten, Citizen; Donald Austin, Citizen; Therese Thompson,
9 Citizen; Cheryl Smith, NCC; Andrew Ward, Realtor;

10 Chairman Stockus called the meeting to order at 7:01 p.m. and introductions were completed.
11 Chairman Stockus stated that Robert Davies will vote for Mr. Osgood, Mr. Carpenter for Hal Rafter,
12 Gary Anderson for Mr. Grotenhuis.

13 **Case #P13-04-SUB-A** 22 acres parcel which fronts Round Pond Road, Map 61 Lot4, Application for
14 acceptance and approval for a two lot subdivision, for property owned by Merrill Dwyer.

15 Ms. Dwyer introduced herself and stated she completed and submitted all the necessary
16 paperwork. Mr. Colby reviewed the application all the items needed to accept the application have
17 been met, recommending the Board accept the application.

18 **Motion** was made by Mr. Viel to accept the application P13-04-SUB as complete.

19 **Second by:** Gary Anderson

20 **Vote: 6- 0 in favor**

21 Chairman Stockus opened the Public Hearing for Case #P13-04-SUB.

22 Ms. Schmidtchen, abutter at 157 Round Pond Road, asked about the bold notation on the Town
23 Tax Map which states; “there will be no further subdivision of the subdivision” and stated she did
24 not object to development for family but not for large development. Mr. Colby mentioned per the
25 zoning regulations the notation will be recorded on the plan and deed and no further subdividing
26 will be allowed for this parcel.

27 With no further questions Chairman Stockus closed the public Hearing.

28 Mr. Colby stated the proposal is to separate off a 5.5 acres lot, from the existing 25 acre parcel.
29 The new lot does have more than 400 feet of frontage and meets the requirements for a back lot
30 sub-division. Mr. Colby recommended conditional approval; with one condition: bounds need to
31 be set by Land Surveyor and submitted to the Town. Discussion took place that wetland areas are
32 not found on the new lot, the well radius is identified along with the septic, eligibility for back lot
33 subdivision which has met Town requirements, and access to the lot will utilize an existing
34 driveway.

35 **Motion** was made by Mr. Davies that a note be added to the plan indicating removal and/or
36 relocation of the chicken coop and stable or ZBA Special Exception within 1-year.

37 **Second:** Mr. Viel

38 **VOTE:** 6-0 in favor.

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39 **Motion** was made by Mr. Viel for conditional approval of case # P13-04-SUB with the following
40 conditions: Boundary markers set and certification submitted; the plan needs be revised with the
41 notation for the stable and chicken coop “existing stable and coop to be relocated, removed or
42 ZBA special exception sought within 1-year”.

43 **Second by:** Gary Anderson

44 **Vote:** 6-0 in favor.

45 Ms. Dwyer agreed to complete the requested plan changes and submit new documents to the
46 town offices.

47 **OLD/NEW BUSINESS**

48 **Conceptual meeting for Fernald Lumber for site plan review, Map 29 Lot 8-1**

49 Mr. Colby stated this is a conceptual meeting for Case# 13-006-SIT, the actual case information will
50 be heard at the August 28, 2013 Planning Board Meeting. Mr. Fernald, property owner, is
51 proposing to lease (Old Planer Building #9) consisting of 4784 square feet for storage/service for
52 landscape equipment and materials. Mr. Collier, President of Hydrograsscorp.com, gave Board
53 Members a brochure on his business and explained how he intends to utilize the 4500 square foot
54 building as a storage facility for product and equipment. The storage at the Fernald property is
55 closer to the business customer base.

56 General discussion took place about the use of the material including storing materials closer to
57 the business customer base, should have minimal traffic, individual bags of fertilizer in an
58 estimated total amount of four tons, the green spray that is mixed with the fertilizer will be stored
59 for customer distribution, and it would be a lease agreement for storage between Mr. Collier and
60 Mr. Fernald.

61 Mr. Colby stated the property has already received approval for 50 acres of commercial use by the
62 Zoning Board.

63 **Case #P13-02-SUB- The Crossing-**154 acres parcel which fronts both Friar Tuck Lane and Oakridge
64 Road-Map 10 lot 10, Map 8 Lots 8-21, Map 8 & 10 Lots 9 & 10 - Application for a proposed open
65 space 42 lot subdivision. Property is owned by Harbor Street Limited Partnership, Brian M. &
66 Jennifer Spagna, Seth F. & Pearl I. Peters Continuance, Hearing

67 Mr. Colby presented a letter from the Police Chief, who wasn't able to attend. Chairman Stockus
68 read the letter from Police Chief, Gunnar Foss dated 8/6/2013 for the record. The letter from
69 Chief Foss expressed concern to an extended cul-de-sac threatens access/egress for citizens that
70 reside on them; any number of scenarios could prevent public safety from responding to an
71 emergency if that one avenue of approach is somehow blocked; and if an alternative road option
72 is available it should be chosen

73 Chief Vilchok reviewed his correspondence to the board expressing his concerns. Specifically a
74 request for sprinkler systems within the house, installation of a 30,000 gallon cistern if sprinkler
75 systems are not required, and that a single access and egress for residents and responders is
76 unsatisfactory and should be avoided.

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77 It was stated the new development is to create new cul-de-sacs behind existing cul-de-sacs and
78 includes a new house count of 9 homes off Friar Tuck and 15 houses off of Oak Ridge with an
79 existing count of 7 existing homes on Friar Tuck and 22 existing on Oakridge.

80 Mr. Fernald, Road Agent stated he hasn't had any problems with the recent cul-de-sacs since they
81 have been built with a larger correct radius; and doesn't have any concerns with regards to road
82 maintenance/snow plowing. Cul-de-sac plowing can take longer to complete than regular roads,
83 but the correct radius of the circle is the most important aspect.

84 Mr. Viel asked Jaye Vilchock, Fire Chief if there are any statistics regarding accidents on cul-de-sac
85 versus through streets. Mr. Vilchock stated those statistics would be hard to come by.

86 It was stated there would be minimal trees large enough to block road access because of the type
87 of residential development and the cul-de-sacs was to keep a larger amount of the property as
88 open space.

89 Mr. Viel asked Mr. Smith the number of wetland crossings that will be impacted if a thru road was
90 constructed versus the cul-de sac. It was stated there would three crossings directly impacted.

91 Board members and Mr. Colby discussed that the total additional road distance for Oak Ridge
92 would be an approximate half mile and Friar Tuck would be an approximate 3/10 of a mile and
93 how it compares with other existing subdivisions, including the number of homes, the length of
94 the roads and how many are cul-de-sacs.

95 Chair Stockus stated town ordinances calls for two entrances and the times cul-de-sacs have been
96 utilized is when a through road was impractical.

97 Mr. Smith stated adding two methods of access will eliminate the wildlife corridor; the existing
98 plan was per recommendation of the Conservation Commission. Mr. Colby stated both plans are
99 open space plans, allowing for smaller individual lot sizes with the inclusion of open space for a
100 natural environment.

101 It was stated the board must decide upon a road design in order to establish which of the
102 development plans it would accept. A through road would include phase 3, adding an additional
103 15 lots; keeping the cul-de-sac road plan would eliminate phase 3 and the area for the 15 lots
104 would remain in open space. Currently the Fire and Police Departments oppose the cul-de-sacs,
105 and the Highway Department and Conservation Commission approve.

106 Mr. Viel stated his review of cul-de-sacs, within multiple states; include both positives and
107 negatives from a road, environmental and community aspect.

108 Mr. Anderson and Mr. Viel acknowledged the access concerns of the Police and Fire Department
109 while understanding some desirability of cul-de-sac access.

110 **Motion:** was made by Mr. Viel to accept the 3 phase design.

111 **Second:** no second was made.

112 Chair Stockus asked for another motion.

113 **Motion:** was made by Mr. Morin to require The Crossings to have a through road.

114 **Second:** Gary Anderson

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115 Mr. Davies stated the top plan is better overall, but there is concern about using the cul-de-sac for
116 conservation is a new use and has the potential to set precedence for future applications.

117 Chair Stockus stated if consideration was given for the through road, while a smaller area, the lots
118 in phase 3 could still be saved for open space.

119 Ms. Smith, Conservation Commission, stated one of the reasons for the 3 phase design was to
120 connect to another conservation parcel owned by Mr. Terninko and the Four Generals Greenway.
121 While the Conservation Commission understands the safety concerns of the Fire and Police
122 Departments, a tree down at one entrance would mean travel time to the other entrance. It
123 would eliminate 1000 feet of road maintenance and salt use in an important wetlands area which
124 would keep traveling speeds down. The road will inhibit wildlife and reduce the amount of open
125 space; the important part for this the larger portions of connectivity and part of the negotiation
126 between the Conservation Commission and Mr. Falzone.

127 Mr. Viel reviewed the Zoning Open Space ordinance objectives better services; the cul-de-sac plan
128 meets the Open Space plan.

129 **Vote: 4 in favor, 2 opposed to require The Crossings to have a through road.**

130 **Motion:** made by Mr. Morin to continue case # P13-02-SUB to the September 11, 2013 meeting.

131 **Second:** by Mr. Anderson

132 **Vote:** 6 – 0 in favor.

133 Old Business:

134 **Meeting with Mr. Mettee:** Mr. Colby stated Mr. Mettee stated he would be able to attend the
135 August 28, 2013 meeting and the board confirmed the date.

136 **Future Agenda Review:** Mr. Colby reviewed the agenda items for the August 28 meeting, which
137 included two cases, one scenic road hearing and the meeting with Mr. Mettee. The September 11
138 meeting would also be busy.

139 **Merry Hill Road:** Mr. Colby reported the sub-division has been sold and the road construction
140 bond has been paid. CMA has been contacted as the Board selected engineer for road review and
141 plans would be picked up soon.

142 **2013 Zoning Ordinances:** Mr. Colby stated Ms. Serino determined the ordinance changes
143 approved at the March 2013 town elections have not yet been included to the manual, but should
144 be completed soon and will be updated on the website.

145 **Coastal Tidal Maps:** Mr. Viel reported on the information received at the meeting, as an adjacent
146 community. The maps are in draft form, for initial review by the potentially impacted surrounding
147 communities, and will be released to the general public later in 2015. Different methods for
148 measurements were completed providing a greater level of detail.

149 **Approval of Minutes**

150 **Motion:** made by Mr. Viel to approve the June 26, 2013 minutes as amended.

151 **Second:** by Mr. Anderson

152 **Vote:** 4 in favor, 2 abstained. Motion passed.

153 **Motion:** made by Mr. Viel to approve the July 24, 2013 minutes as amended.

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154 **Second:** by Gary Anderson

155 **Vote:** 4 in favor, 2 abstained. Motion passed.

156 **Selectmen Update:** Mr. Carpenter stated the Selectmen have agreed to work on the invasive plant
157 issue, but no one has been hired for removal. Discussion has taken place with the Highway
158 Department to try and reduce additional spread. The Marston Homestead discussion did not
159 include Mr. Joe Welch; the conversation with Mr. Welch had to do with the Nottingham's 300th
160 Birthday Celebration plan. *The plan for the Marston Homestead does include staffing and planning*
161 *with high school student's work with interested parties to establish a plan for the community*
162 *property.*

163 Mr. Carpenter indicated the Selectmen discussed the Planning Board Agenda and cases being
164 presented and voted on the decision for Case # P13-08-SUB as represented during the Selectmen's
165 public meeting.

166 **Adjournment**

167 **Motion:** made by Mr. Morin to adjourn at 8:40 pm

168 **Second:** by Mr. Anderson

169 **VOTE:** 6 – 0

170 Respectfully Submitted,

171 Sue Serino

172 Land Use Clerk