

**Nottingham Planning Board**  
**September 25, 2013**

**Members Present:** Arthur Stockus: Chair, Troy Osgood; Vice Chair, Susan Mooney; Secretary, Dirk Grotenhuis, Eduard Viel, Gary Anderson; Alternate, and Hal Rafter BOS Representative

**Members Absent:** Robert “Buzz” Davies; Alternate, John Morin

**Others Present:** Paul Colby; Building Inspector/Code Administrator, Christian Smith; Engineer- Beals Associates, Joseph Falzone; Applicant- Harbor Street Limited, Scott Grove, Patty O’Brien, Sam Demeritt; Conservation Committee Chair, JoAnna Arendarczyk; Land Use Clerk

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

Introductions were completed at 7:01

Mr. Anderson Seated for Mr. Morin

**PUBLIC MEETINGS/ HEARINGS:**

**Case #P13-02-SUB** – Maple Ridge – 154 acre parcel which fronts both Friar Tuck Lane and Oakridge Road – Map 10 Lot 10, Map 8 Lots 8-21, Map 8 & 10 Lots 9 & 10 - Application for a proposed open space 42 lot subdivision. Property is owned by Harbor Street Limited Partnership, Brian M. & Jennifer Spagna, Seth F. & Pearl I. Peters. Continuance Hearing  
Chair opens the continuation.

Introduction from Mr. Christian Smith with Beals Associates representing the applicant and Mr. Joe Falzone from Harbor Street Limited Partnership.

Mr. Smith reviewed the three outstanding items from CMA One: 3% grade vs. 5% grade proposed at the intersection. Are the cul-de-sacs considered major streets? We assume they are minor streets if so conditions need not apply.

Two: The intersection with Oak Ridge contains an angle less than ninety degrees. However it is on the side of a cul-de-sac. Traffic making this turning motion is not likely, therefore the board could reasonably consider this to be complying.

Three: The radius of the intersection with Oak Ridge Road is less than twenty five degrees, however it is on the side of the cul-de-sac and traffic making this turning motion is not likely and the board could reasonably consider this to be complying.

Mr. Colby spoke about his assessments on the outstanding items and agrees with CMA’s review.

Mrs. Mooney comments on the cut and topography.

Mr. Smith and Mr. Colby agree with the comment.

Mr. Smith states that they are trying to minimize that cut impact.

Mr. Colby mentions the day they dug test pits they discussed this impact.

Chair: request a motion based on the three items and Mr. Colby’s suggestions.

**Motion:** Made by Ms. Mooney to accept the three recommendations: The grades at the intersections of Oak Ridge and Friar Tuck are acceptable at 5%. The angle at Oak Ridge at less than ninety degrees is acceptable and the turning radius at Oak Ridge being at less than twenty five degrees would be adequate.

**Second:** Made by Mr. Osgood.

48 **Vote:** 7-0 motion passed  
49 Mr. Grotenhuis reviewed traffic report and it appears to be within reason. There would  
50 be a heavy volume based on homes in the location. Forty-three homes would add to the  
51 existing conditions. Mr. Grotenhuis offered some recommendations for adjacent  
52 intersections which he thinks should be included in the project. For example some  
53 signage and stop controls at specific intersections.  
54 Mr. Smith stated that they were planning on this as part of the construction.  
55 Mr. Grotenhuis continued with the list of intersections for this recommendation: Mitchell  
56 Road and Case, Mitchell and Friar Tuck, Mill Pond and Case, Case and Oak Ridge the  
57 Traffic study recommended stop signs and stop bars.  
58 Mr. Chairman asked Mr. Smith if this is in the plan.  
59 Mr. Smith said yes it is.  
60 Mrs. Mooney asked if there is an impact prediction on Route 125 coming out on Mitchell  
61 Road during commuting times.  
62 Mr. Grotenhuis states the professional opinions and that he predicts possible higher  
63 percentages but also predicts that people will likely find a way around if delays occur.  
64 Mrs. Mooney agrees.  
65 Mr. Chairman asks Mr. Colby if all the CMA concerns are taken care of.  
66 Mr. Colby: Affirmative  
67 Mr. Chairman asked Mr. Colby to present the rest of the letters in the binders.  
68 Mr. Colby discusses the letters and memos in the binders. The only outstanding items:  
69 State Subdivision approval and the Alteration of Terrain Approval.  
70 Mr. Chairman asked if there are any questions on the Plans from Board.  
71 Mr. Colby mentioned the applicant and Fire Chief correspondence e-mails that were  
72 omitted from the binders per staff error. The Fire Chief approved Cistern issue at the  
73 applicant's request.  
74 Mr. Chairman requested a motion on the project.  
75 Mrs. Mooney requested clarification as to what the next motion should be.  
76 Mr. Colby stated that the staff recommends that the project be approved with the three  
77 conditions.  
78 Mr. Chairman stated or to disapprove.  
79 Mrs. Mooney asked at what point the architecture details of the through road could be  
80 discussed.  
81 Mr. Chairman stated that could be discussed as one of the conditions of approval.  
82 Mrs. Mooney verified with Mr. Grotenhuis that this is the time to discuss the  
83 Conservation Committee's suggestion.  
84 Mr. Grotenhuis agreed.  
85 Mrs. Mooney addressed Mr. Smith stating that the Conservation Committee has concerns  
86 with the architecture of the road being tarred and a through road. The thought is to have  
87 the middle section of the through road be dirt for emergency access only and be gated or  
88 have signage and therefore keep noise down and the salt down to lessen the impact on the  
89 environment. This may also regulate the traffic on either side of the subdivision. This  
90 would also maximize the advantage of the application to NRCS if it was dirt, for  
91 emergency use only and built to fire specs.  
92 Mrs. Mooney mentioned her research on gated ways in Durham and Madbury about  
93 gated ways and there aren't any for access to residential areas in those communities, only

94 for park, maintenance or schools. The Conservation Committee is putting this idea out  
95 for consideration to have as the subdivision is a partially dirt and possibly gated way with  
96 limited access.

97 Mr. Chairman verifies that this is conditional with not developing specific lots.

98 Mrs. Mooney states that yes that is the condition. She goes on to state that if NRCS is  
99 not able to fund the project as a conservation project then the condition would be moot.

100 Mr. Falzone asks the rest of the Planning Board for their opinions on this suggestion.

101 Mr. Grotenhuis states that right now there are a requirement to have a thru road. Town  
102 specification requires it to be a paved road but in this condition where there is  
103 environmental conditions, or mitigations that could allow a gravel road with limited  
104 access to thru traffic unless there is an emergency.

105 Mr. Falzone states that the gravel would need to be built up to allow for plowing.

106 Mr. Smith states that the plan is possible provided it is travelable by fire truck because of  
107 the location the Fire Chief wants the cisterns.

108 Mr. Colby stated that the Fire Chief wants the road open to allow for the rescue vehicles  
109 immediate access when necessary in an emergency.

110 Mrs. Mooney listed off several types of gates that could be used.

111 Mr. Colby states that the Fire department doesn't deal with codes and keys per policy.  
112 And the town prefers no barriers when plowing.

113 Mr. Colby recommends that the Board have the applicant submit a waiver stating the  
114 linear feet on the section of road that would not be paved.

115 Mr. Chairman states that this would be a conditional waiver based on not developing the  
116 middle lots.

117 Mr. Colby agreed.

118 Mr. Falzone stated that he needs to be allowed to build one phase at a time.

119 Mr. Chairman asks if anyone else has questions or comments on the process.

120 Mr. Anderson asked how the section of dirt is going to affect the maintenance.

121 Mrs. Mooney states that it would be like the other Scenic roads in town. For example  
122 Poor Farm Road. She also points out that the unpaved section would be great for  
123 recreation in town without worrying about traffic.

124 Mr. Falzone spoke of the gates again.

125 Mr. Chairman stated that the Fire Chief does not approve of gates.

126 Mr. Falzone states that he is willing to give it a try if the abutters are on board.

127 Mr. Viel suggested a movable gate so it is not an issue during the winter months. There  
128 still may be an issue with the Fire Departments responding.

129 Mr. Colby clarifies how the Fire Departments response system is. It is not always our  
130 town responding depending on the location of the fire.

131 Mr. Viel comments that if it is a movable gate it may be possible.

132 Mr. Colby states that then there are liability issues if an injury occurs due to the gate. If  
133 we eliminate gates then there is no liability issues.

134 Mr. Osgood mentioned there is possible valuable time lost if the gate prevents the fire  
135 department from getting to the emergency in a timely manner.

136 Mrs. Mooney suggest signage "No Thru Traffic"

137 Mr. Chairman and Mr. Colby both agreed.

138 Mr. Rafter then suggested a speed bump at the end as well.

139 Mrs. Mooney added the idea of speed tables.

140 Mr. Chairman commented that plows may get hung up on a speed bump or speed table.  
 141 Mr. Rafter commented on the funding from NRCS likely taking some time.  
 142 Mr. Falzone agreed and spoke of start and stop issues with funding.  
 143 Mr. Viel comments that if they do get the funding and trails get developed in the area  
 144 than people may park and use the area.  
 145 **Motion:** Mooney moves to approve application with condition no tar through road  
 146 *No Second: Motion Fails*  
 147 Colby interrupts with a waiver on delaying the hot topping of Lots 12-19 29-35  
 148 **Motion:** Made by Mr. Grotenhuis to approve the waiver for Phase 3 for delaying the  
 149 paving and that the road is to be used for Emergency use only.  
 150 **Second:** Made by Mr. Osgood  
 151 Mr. Anderson comments that the waiver establishes a precedence for future applicants.  
 152 Ms. Mooney states that she feels it is a good precedent because it is a compromise.  
 153 **Vote:** 7-0 motion passes  
 154 **Motion:** Mrs. Mooney made a motion to approve the application with the following  
 155 conditions: The boundary markers set and certification submitted, the subdivision  
 156 approval by the State and the DES permit for Alteration of Terrain  
 157 **Second:** Made by Mr. Grotenhuis  
 158 **Vote:** 7-0 motion passed  
 159  
 160 Mr. Chairman addressed the CMA Invoice #1 for \$1,546.93.  
 161 Mr. Colby stated that the money is available to pay this.  
 162 **Motion:** Made by Mr. Osgood to accept the Invoice as read.  
 163 **Second:** Made by Mr. Viel  
 164 **Vote:** 7-0 motion passed  
 165  
 166 Mr. Chairman addressed the Ledge Farm Farwell Invoice #829 for \$2018.20.  
 167 Mr. Colby stated that the money is available to pay this.  
 168 **Motion:** Made by Mr. Anderson to accept the Invoice as read.  
 169 **Second:** Made by Mr. Osgood  
 170 **Vote:** 7-0 motion passed  
 171 Mr. Colby stated that the cistern is all that is left to be inspected at this site.  
 172  
 173 Mr. Chairman addressed the School Board letter regarding the proposed Bulk Propane  
 174 Facility- the letter is for the Board's information on the School Board's stand on the  
 175 issue.  
 176  
 177 **Budget for 2014:** Mr. Chairman opened a discussion with the Board on the Budget for  
 178 the 2014 year, due on October 7, 2013.  
 179 **Motion:** Made by Mr. Grotenhuis after line item discussion, to approve the proposed  
 180 2014 Budget of \$27,830.00 netting in a reduction of \$1,410.00  
 181 **Second:** by Mr. Viel  
 182 **Vote:** 7-0 motion passed  
 183  
 184 **Future Meeting Schedule Update:** Mr. Colby states that the next meeting is scheduled  
 185 for October 9, 2013 with Jack Mettee. Invites for the workshop have gone out via e-mail.

186 Mr. Colby stated that there are no open cases at this time for October 23, 2013.  
187  
188 **Board of Selectman Update:** Mr. Rafter gave an update on the bridge going into the  
189 Town Sandpit off of Smoke Street. He also updated the Board on the findings for the  
190 possible renovation on the back part of the Municipal building the current cost could be  
191 as high as \$250,000- \$300,000 for structural renovations. Mr. Rafter also spoke to the  
192 Board about a Bill going into Legislature that would affect future large ground water  
193 permits.  
194  
195 **Minutes- September 11, 2013:**  
196 **Motion:** Made by Mrs. Mooney to accept the minutes for the September 11, 2013  
197 Planning Board Meeting as amended.  
198 **Second:** Made by Mr. Grotenhuis  
199 **Vote:** 6-0-1 motion passed  
200  
201 Mr. Chairman mentions the Cardillo Plans to approve and sign before leaving.  
202  
203 **Motion:** Made by Mr. Viel to adjourn the meeting.  
204 **Second:** Made by Mr. Osgood.  
205 **Vote:** 7-0 motion passed  
206 Adjourn at 8:05PM  
207 Respectfully Submitted,  
208 JoAnna Arendarczyk