

Nottingham Planning Board  
May 7th, 2014

*Accepted: 5/28/2014*

**Members Present:** Arthur Stockus, Chair; Eduard Viel, Secretary; Mary Bonser, BOS Rep; Charlene Andersen; John Morin, CIP Rep; Gary Anderson, Alternate; Teresa Bascom, Alternate; Susan Mooney, Alternate; Robert "Buzz" Davies, Alternate;

**Members Absent:** Troy Osgood, Vice Chair; Dirk Grotenhuis, SRPC Rep

**Others Present:** Paul Colby, Building Inspector; JoAnna Arendarczyk,

Call to Order at 7:02pm

Mrs. Mooney was seated and voting for Mr. Osgood

Mrs. Bascom was seated and voting for Mr. Grotenhuis

**Public Meeting/ Hearings**

The Work Session was opened and Mr. Chairman requested that the Board review the Draft document on the proposed new section for the Zoning Ordinance. The Board members discussed all the sections thoroughly and some motions were made for some changes. Those motions are noted later in the minutes. The changes agreed on are defined as follows:

- ~~Strikethrough~~ = Remove
- Green highlighted = Add
- Red = comments or questions for Mr. Mettee

**Article IV. General Provisions**  
**New Section V. Lot Disturbance (and Landscaping)**  
April 3, 2014

**V. Lot Disturbance and Landscaping**

**1. Purpose**

The purpose of this article is to:

- a) Protect the health, safety and property of the residents of the Town of Nottingham by minimizing clearing and grading activities associated with land development and preserving existing trees and vegetation;
- b) Minimize fragmentation of wildlife habitat;
- c) Protect water quality of adjacent wetlands and surface water bodies through implementation of lot disturbance standards and practices that prevent and reduce nonpoint sources of pollutants; and
- d) Promote land development practices that are responsive to the town's rural and scenic character.

2. Applicability

The requirements of this Article shall apply to the Residential-Agricultural Zoning District for Major Subdivisions and New Site Plan applications and are consistent with the goals of the Town of Nottingham 2012 Master Plan, adopted in the 2013 Master Plan, as amended, to:

- a) Protect our water resources including: surface waters, watersheds, shorelines, wetlands, floodplains, and aquifers.
- b) Implement Land Use Regulations that enable growth to be managed in a manner that will maintain Nottingham's rural character and village characteristics.

3. Minimum Disturbance

Any contiguous area of disturbance, not associated with the installation of a roadway driveway, shall be limited to 20,000- 30,000 square feet per structure lot for residential development and to XXX (50-100,000) (what is the rational for this number of square feet?) square feet for other types of development.

**Optional Approach:**

Land Use	% Clearing Allowed
Agriculture	50% (example)
Residential	30% per structure (example)

Contiguous areas of disturbance greater than XXX (10,000-?) 10,000 square feet shall be separated by at least 20 feet of area maintained at natural grade and retaining existing, mature vegetated cover.

**Comment:**

*The Nottingham Subdivision Regulations now require an applicant to prepare an Erosion and Sediment Control Plan for any residential activity greater than 20,000 sf. Such a provision is not required in the Site Plan Review Regulations, although there are standards for Stormwater Management and Landscaping. To promote a consistent policy on land disturbance, storm water management and Erosion and Sediment Control, I would recommend that that each of the town's land use regulations be reviewed and amended to ensure consistency of process and standards.*

4. Standards for Review

- a) Site disturbance shall be minimized and limited as per Section 3 above.
- b) Existing vegetation and undisturbed soil shall be retained whenever possible.
- c) Top soil shall be stock-piled and stabilized for on-site redistribution within new landscaped areas. Stockpiled soil shall remain covered to prevent soil loss and



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sedimentation of nearby surface waters.

- d) Existing non-invasive vegetation shall be preserved wherever possible. Maximum effort should be made to preserve small stands of trees, rather than individual trees, to minimize the potential for serious damage due to wind, grade changes and soil compaction. Protective barriers such as snow fencing shall be installed around each plant or group of plants that are to remain on site. Protective barriers are to be removed after completion and acceptance of project.
- e) Development shall follow the natural contours of the landscape to the maximum extent possible to minimize grading.
- f) Cut and fill shall be minimized. ~~(OPTIONAL-- with the maximum height of any fill or depth of any cut area, as measured from the natural grade, not greater than 10 feet and preferably limited to four to six feet maximum. }~~
- g) Applicants will also be subject to the standards in the Town of Nottingham's Subdivision Regulations, Section V A Erosion and Sediment Control and Site Plan Review Regulations, Section IX C Stormwater Drainage. **See Comment above.**

5. Re-vegetation and Landscaping

- a) Re-vegetation shall occur on cleared sites within 7 (seven) calendar days of final grading and shall, to the greatest extent possible, occur during the planting season appropriate to the selected plant species. Mr. Mettee please add wording regarding the vegetation is used for site stabilization.
- b) All areas, including with the exception of finished building, structure, and pavement footprints, shall be decompacted (aerated) and covered with a minimum thickness of 4 inches of non-compacted topsoil, and shall be subsequently planted with a combination of living vegetation such as grass, groundcovers, trees, and shrubs, and other landscaping materials. After planting, areas between plants where exposed soil remains shall be mulched at a depth no greater than 3 inches.
- c) Site plants shall be selected based on consideration of site conditions and plant function. Use of native species and hybrid varieties of native plants are encouraged. Use of invasive species, included on the N.H. Invasive Species Committee's most current list of prohibited invasive species, ~~is not permitted shall be prohibited~~ in accordance with New Hampshire Agricultural Rule NH Agr 3800 (Invasive Species).
- d) Layered plantings of trees, shrubs, vines, perennials, groundcovers and leaf litter are encouraged to promote biological diversity in the landscape.
- e) Low maintenance landscapes are encouraged.
- f) The type and location of vegetation shall not interfere with utilities and the safe and efficient flow of street traffic or pedestrians.
- h) g) Applicants will also be subject to the standards in the Town of Nottingham's Site Plan Review Regulations, Section IX J, Landscaping. **See Comment above.**

6. Exemptions

The provisions of Section V shall not apply to the following activities:

- a) Any Open Space Development (This changes the following outlined letters)
- b) Clearing of trees and/or other growth from lands used by a public utility, ~~or the Town of Nottingham.~~
- c) Routine maintenance of vegetation and removal of dead or diseased limbs and/or

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trees necessary to maintain the health of cultivated plants, to contain or remove invasive species existing on lots, noxious weeds and/or vines in accordance with an approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety.

- d) Construction, and maintenance and instillation of public and private streets and utilities within town-approved roadway layouts and easements.
- e) Work conducted in accordance with a valid Earth Excavation Permit issued by the Town as per Article IV, Section H. of the Nottingham Zoning Ordinance.
- f) Agricultural activities in existence at the time a bylaw is adopted or work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan.
- g) Construction of roadways and associated infrastructure for subdivisions approved in accordance with the Town Subdivision Rules and Regulations.
- h) ~~Construction or installation of public utilities.~~
- i) ~~Non-commercial cutting for fuel, provided that clear-cutting does not occur.~~

Omit this entire section.

**Additional Sample Standards**

**Optional standards for zoning or placed in Subdivision/Site Plan Review Regulations with other landscape standards. Please also note the comment from page 2 above.**

**Tree Coverage**

1. To promote the replacement of trees removed during site construction and development:
  - a) Developments serving single-family homes and duplexes must plant and maintain at least 1 tree for every 35 feet of frontage, with a minimum of one tree per lot. Trees shall have a minimum caliper of 2 inches when planted.
  - b) Developments serving uses other than single-family homes and duplexes must plant and maintain at least one tree for every 35 feet of frontage, with a minimum of one tree per lot, or at a density of one tree for every 400 square feet of paved area for non-street surfaces. Trees shall have a minimum caliper of 2-21/2 inches when planted. To foster biological diversity when more than 10 trees are planted at the same time the "10-20-30 Rule" shall be used. (No more than 10% of the trees shall be of the same species, no more than 20% in the same genus, and no more than 30% in the same family.)
  - c) Trees shall be planted in locations that provide site value such as aesthetics, shading, and cooling of buildings or parking areas for energy efficiency, wildlife habitat, and stabilization of soils in disturbed areas. Trees shall not be planted in locations that block safe sight lines for vehicles and pedestrians entering and exiting the site.
2. All trees and shrubs shall be planted, maintained, or transplanted in accordance with accepted nursery and horticulture standards such as those specified by International Society of Arboriculture or the American Nursery and Landscape Association



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Below are Motions and other comments and/or suggestions for the document:

Mr. Viel suggested adding to #1.a) but it was not further discussed by the board and therefore was not included in the list of changes at this time. His suggestion would make that section read as follows... preserving existing trees and vegetation *as well as natural terrain and grade.*

The biggest concern the Board members had, as well as the Selectman and town residents (as noted in the attached e-mail from Selectman Bonser) was clarifying whether this would be for new or old Site Plans and what size Subdivision this new Ordinance would apply to.

Mr. Colby cited the definition per the Nottingham, NH Subdivision Rules and Regulations- (September 2009):

- Major Subdivision- A Subdivision that creates four (4) or more lots or dwelling units (Amended 03/08/06)

The Board decided on Major Subdivisions and New Site Plan Applications (as noted in the added line under #2 Applicability)

**Motion:** Made by Mrs. Mooney to add a requirement to the Applicability line that this section is for four or more lots Subdivisions and New Site Plans.

**Second:** Made by Mr. Viel

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

#### #3 Minimum Disturbance

**Motion:** Mrs. Bonser made a motion to bump 20,000 sq. ft. per lot to 30,000 sq. ft. per lot. – The line reads as follows:

...the installation of a *roadway driveway*, shall be limited to ~~20,000~~ 30,000 square feet per ~~structure~~ lot for residential development

**Second:** Made by Mrs. Bascom

**Discussion:** Mrs. Mooney asked if we could compromise to 25,000 sq. ft.

---After further discussion the Board ultimately agreed on 30,000 sq. ft.

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

#### #4 Standards for Review

Mrs. Mooney mentioned for item d) that fencing and plastic should be removed after construction is complete.

Mr. Colby stated that it needs to stay for 1yr after stabilization. This comment resulted in the line addition: *Protective barriers are to be removed after completion and acceptance of project.*

#### #6 Exemptions

a) Add: *Any Open Space Development*

b) Mr. Colby suggested that the Board strikethrough the Town of Nottingham. If we are to ask the Citizens to follow the Ordinance than the town should as well.

#### Additional Sample Standards:

The Board agreed to review this section at a later time.

**OEP Conference Review**

Mr. Viel spoke about the sessions he went to at the OEP Conference. The session *Big Houses Small Households: Meeting New Hampshire's Changing Housing Needs*; made a point he found interesting. The fact that the trend in NH is the population is getting older and the younger are moving out. The projection for the next ten to twenty years is that the senior population is going to double. People want to stay in their homes (age in place). A lot of what is being built may not be what is needed for the upcoming population. They are looking for single story dwellings and low utility cost (energy efficient) due to being on a fixed income.

Another Session he attended was *Saving Energy with Mixed- Use Villages*; stores on the lower level, residential above and creating walking areas to keep people in the town. Having the stores meet most of the towns needs would keep the residents in the town resulting in energy savings, while promoting and creating local business.

Mr. Viel also learned, in the *Preservation Planning* session, about a Downtown Tax Incentive (RSA 79-E) for heritage districts. As well as grants and tax exemptions available for improving and preserving historic buildings like barns (RSA 79-D).

Ms. Andersen spoke about her experience at the conference. One session she attended, *Plan Reading and Analysis- Presentation, Virtual Tour, and Hands-on Plan Reading*; she found extremely helpful and recommended that Mrs. Arendarczyk attend a session like this as well. In this session she learned how to read plans and color them to make them more "readable"

Mr. Colby stated that it has been considered to have a workshop on this topic sometime this year.

**Staff Training**

Mr. Colby informed the Board members about the Application and Plan Review process from when it comes into the office to when the application is presented before the Board. The Board members requested a copy of the Applications and asked if it could be posted on our website (this will be considered).

**Other**

Mr. Colby gave the Board a brief update on the upcoming cases.

**May 14, 2014 meeting:**

- A Design Review for the Mountain Road/ Sachs Road development. Still 29 lots. Mr. Falzone listened hard to all the input from the previous Design Review. There will be a cul-de-sac off Mountain Road to access most of the houses and he has a plan to punch an Emergency Lane to Sachs Road that would remain dirt.
- A Public Hearing Case from James S. and Linda R. Fernald to allow the leasing of a building to a Landscape and Pest Management business. Mr. Colby and Mr. Chairman recommend treating this case like a strip mall- the mall is approved but each tenant must come in for approval.



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Other cases for future meetings:

- Cooper Hill- 2 lot subdivision for the first meeting in June.
- Whites Grove- The cutting has started. Waiting on the application.
- Steven's Hill- a possible 1-2 lot subdivision. No other details known.
- 62 Garland Rd. - a possible single lot build. No other details known.

Mapping update:

We should be receiving most of the maps on Monday. It was recommended to hold off the printing of the 3 maps with Conservation Lands detailed on them until the work from GRANIT is completed.

Camera's in the Municipal Building:

There are plans to wire conference rooms (1 and 2) and the gym for tv broadcasting. There is also a plan to get a camera to focus on the plans and project it on the wall for easier viewing.

Invite to a meeting

Mr. Chairman informed the Board of an invitation to a Raymond Planning Board meeting. This meetings purpose is to collaborate with other nearby towns on similar issues and solutions.

- Date: Thursday June 19
- Time: 7:00 p.m.
- Where: Raymond High School (45 Harriman Hill Road
- RSVP: E-mail Mrs. Arendarczyk if interested in attending.

Selectman Update

Mrs. Bonser informed the Board that a New Town Administrator, Chris Sterndale, has been hired. He has served as Executive Director of Cross Roads House, a homeless shelter in Portsmouth. Before that position he was a manager for Staples. He starts on Monday May 12, to work with Charlie Brown and get up to speed.

Mrs. Bonser also expressed that the Board of Selectman are concerned about the Planning Board not having a working knowledge of how effective the Town Ordinances are. She asked the Board to consider looking at what the Ordinances have done for the town over the past 40-50 years and consider whether they have been benefiting the town.

There was much discussion among the Board members including a mixed village approach. Mrs. Bascom mentioned a recent trip to Virginia and noticed the mixed villages were real popular.

Ms. Andersen suggested the Board of Selectman consider taking a look at the Economic Development chapter of the Master Plan.

Mr. Viel noted it may be prudent for the BOS and Town to invest money into finding a business which would be preferable for the town and showing how our town can support such a business. One way to do so would be if we are hearing from potential interested

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parties that lack of public water and sewer have been a discussion ender, for the town to proactively find alternatives which would work at specific locations to attract business. In regards to the planner utilized, the planner takes input and direction from the Planning Board (PB) then looks at other towns with similar ordinances. The planner provides information to help the PB have discussions and create an ordinance which best suits Nottingham. Not all items the planner provides are expected to be retained. Many items provided to the PB from the planner are talking points. The work provided by the planner allows for a more productive and efficient PB, more time for hearings, and other PB duties.

**Minutes**

April 23, 2014

The minutes were postponed for the May 14, 2014 meeting



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336 **Adjournment**

337 **Motion:** A motion to adjourn was made by Mrs. Bascom.

338 **Second:** Made by Mrs. Mooney

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

340 Adjourned 9:41pm

341 Respectfully Submitted,

342 JoAnna Arendarczyk

343 Land Use Clerk