

Nottingham Planning Board
May 14th, 2014

Accepted: 6-11-2014

Members Present: Arthur Stockus, Chair; Mary Bonser, BOS Rep; Eduard Viel, Secretary; John Morin, CIP Rep; Dirk Grotenhuis, SRPC Rep; Gary Anderson, Alternate; Teresa Bascom, Alternate; Susan Mooney, Alternate; Robert “Buzz” Davies, Alternate

Members Absent: Troy Osgood, Vice Chair; Charlene Andersen

Others Present: Paul Colby, Building Inspector; JoAnna Arendarczyk, Land Use Clerk; Linda and Jim Fernald, Applicant; Christian Smith, Engineer; JD Krebs, Applicant; Scott Gove, Realtor; Diane and Clayton Button, Abutters; Leanne and Frank Carideo, Abutter; Shane Wilson, Abutter; Doug Gilroy, Abutter; Lilia Guerra, Abutter; Sue Fogarty, Neighbor; Patty McKenzie, Neighbor; Kevin Jordan, Abutter
Not signed in but spoke: George Beaumont; Daniel St. Onge; Ken Sachs; Steve (last name not audible on tape- 44 Beach Head Road)

Call to Order at 7:00pm

Mr. Anderson was seated and voting for Mr. Osgood
Mr. Davies was seated and voting for Ms. Andersen

Public Hearing Case

Mr. Chairman opened the Hearing Case:

Case #P14-003-SPR – Application from James S. and Linda R. Fernald to allow the leasing of Building #10 consisting of 4784 square feet, (Mrs. Fernald stated the measurement is actually 1507 square feet) to IPM of NH, LLC- Landscape and Pest Management. The property is located at 240 Stage Rd. Nottingham, NH, and is identified as Tax Map 29, Lot 8-1A, and is owned by James S. and Linda R. Fernald.

Mr. Chairman asked Mr. Colby to give a brief history on the Fernald Lumber property. Mr. Colby cleared up the public hearsay that the other possible projects are no longer being considered. Rymes Propane is still being reviewed for that location, forestry operations are still authorized and the Hydroseed Company is still working out of there. Mrs. Fernald clarified the Sq Ft. it is actually 1507sq ft. Mrs. Fernald handed the Board members a “Letter of Explanation” for use during the Site Plan Review portion of her case.

Motion: Made by Mr. Morin to accept the application as complete.

Second: Made by Mrs. Bonser

Vote: 7-0-0 motion passed

Mr. Chairman opened the Public Hearing at 7:04pm

None came forward

Mr. Chairman closed the public portion of the hearing at 7:06pm

Mrs. Fernald spoke in reference to Xavier Asbridge of IPM- Integrated Pest Management of New Hampshire, the proposed tenant for building #10. It was stated that Mr. Asbridge would get use of the entire building #10 minus the silo structure within the building.

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Mr. Asbridge handed the Board members literature listing supplies and quantities that could be on site at any time as well as the RSA's he must abide by. Most of Mr. Asbridge's business is going to be off site- this site is his home base. He doesn't intend to have any employees at this time therefore, there will not be a major increase in traffic. There will be an eyewash station installed—water is not in this building at this time.

Mr. Colby stated that the MSDS sheets will be kept on site and the Fire Department will also be required to have a copy.

Mr. Davies asked if toilet facilities would be required for the buildings.

Mr. Colby stated that they would be required. Porter Potties are an acceptable form of a toileting facility.

Mr. Chairman asked about the cleaning of pesticide containers.

Mr. Asbridge replied that the containers are rinsed at the job site and poured into the next container for the next spray. Once the containers are triple rinsed they are considered non-hazardous. He also stated that he will be using a couple hundred gallons of water a week for mixing his sprays.

Mr. Davies asked where the water for the facility would be coming from.

Mrs. Fernald stated there is a dug "community well" situated to the far left side of the garage- identified as building #4.

Mrs. Mooney asked Mr. Asbridge asked about spillage protocols. He stated that he likes the Fernald site because there is no floor drain. If there were a spill (he has never had one yet) the spill would be contained on the cement floor. Then he would use absorbent material to aid in the cleanup. Depending on the size of the spill he may or may not have to document the spill, per state regulations.

He picks up his own supplies- uses Agway- could possibly have a 55 gallon drum of Horticultural oil that would be delivered once every couple of years.

Motion: Mrs. Bonser moved to approve an application for the lease of Building #10- 1507 square feet located at 240 Stage Rd. Nottingham, NH, Tax Map 29, Lot 8-1A, owned by James S. and Linda R. Fernald.to IPM of NH, LLC- Landscape and Pest Management.

Second: Made by Mr. Viel

Vote: 7-0-0 motion passed

Case #P14-003-SPR – Application from James S. and Linda R. Fernald for Site Plan Review for the "mall concept" for 240 Stage Rd Nottingham, NH- 24 acre portion, and is identified as Tax Map 29, Lot 8-1A, and is owned by James S. and Linda R. Fernald.

Mr. Colby updated the Board per the plans in their binders:

Building #4- Garage- Maintenance facility

Building #9 – Hydroseed company

Building #10- IPM of NH, LLC- Landscape and Pest Management

Building #12- is the Kiln building for their firewood business.

The one called "Building" is a gas house- 2 tanks in there.

The one labeled "Shed" is used for storage.

To the left of the Garage is a sand/salt shed

Mr. Colby suggested that the tenants come forward like tonight if their proposed business doesn't fall under the approved uses.

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Mrs. Fernald stated that there is employee parking in front of each building and a natural flow driveway around the buildings.

Motion: Mrs. Bonser made a motion to approve the application for Site Plan Review for 240 Stage Rd Nottingham, NH- 24 acre portion **Case #P14-003-SPR.**

Second: Made by Mr. Viel

Discussion Mr. Grotenhuis

Vote: 7-0 -0 motion passed

Design Review Case

Case #P14-002-SUB DR – Harbor Street Limited Partnership-98 acre parcel which fronts Mountain Road/ Sachs Road Map 71 Lot 150, Application for a Design Review of a 29 lot subdivision, both conventional and conservation/open-space configurations will be reviewed. Property is owned by Sachs Realty Trust.

Mr. Colby stated the application is complete under the Design Review standards.

Motion: Mr. Morin made a motion accept the application as complete.

Second: Made by Mrs. Bonser.

Vote: 6-0-0 motion passed (Mr. Anderson stepped out momentarily)

Mr. Smith gave Mrs. Arendarczyk the notarized Authorization for Representation document.

He then described the plan in detail giving a brief history of the previous proposed plan in the process.

The current proposal eliminates:

- the Right-of-Way and upgrade of Sachs road connecting into Lake Shore and coming out on Mountain Road
- the Lakefront lots
- Water access rights

The current proposal now has:

- 29 Lots
 - 5 frontage lots
 - 24 proposed lots in the Conservation layout – cul-de-sac

Mrs. Bonser asked for an explanation on a grayed out area on the plan.

Mr. Smith stated that it is a parcel that is not included in plan that will be retained by Ken Sachs.

The presentation plan put in front of the board at the meeting had been updated. The developers noted that the submitted plan had some “ghost lots” in the plan that may have caused some confusion. They eliminated those in the presentation plan.

Mr. Viel asked Mr. Smith if the lot count may be a bit inflated due to non-buildable areas.

Mr. Smith stated that it is possible. The boundary survey has not been done yet. Some lots may be eliminated and some may be added once the survey is done.

Mr. Colby explained why there are proposed shared driveways and a cul-de-sac. The DOT allows only 3 curb cuts on a main road so therefore they chose the shared driveways and cul-de-sac. He also mentioned that the Police and Fire Chiefs recommend a fire road for safety between lots 16&17 connecting to Sachs Road to allow a faster and safer access to the residents.

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Mr. Krebs stated that the drive for this plan came from the residents input during the previous Design Review. They plan to stay away from Sachs Road other than possibly the emergency access road connecting to it from the Cul-de-sac.

Mr. Chairman read a letter from Pamela D. Kelly, President of the Sachs Road (Leisure Time Shores) Association. *(Included in minutes and case file)*

Mr. Colby stated that the concerns stated in the letter will be considered when the application is submitted for a full Subdivision review.

Mr. Grotenhuis commented that the decisions made in the Design Review are non-binding.

Mr. Smith stated that this Design Review is intended to seek whether the Board would consider a plan such as this. We are not expecting decisions to be made tonight.

Mr. Grotenhuis asked for the length of the proposed cul-de-sac

Mr. Smith stated that it is approximately 1,600 feet (one thousand, six hundred feet) all the way around the circle.

Mr. Chairman opened the microphone to public comments:

*Lilia Guerra- 38 Sachs Road- Thanked the developer for addressing some of the issues from last meeting. She still has some concerns:

- Emergency cut through would lead to residents entering on her property because the lake is that way.
 - therefore risking the safety of her children
- Flooding and run off issues

She stated that she would hold the developer to Environmental and Safety standards before during and after the development.

*Frank Carideo- 46 Sachs Road- Concerned about the conservation of the animals. As well as the plowing issues with the proposed Emergency Lane intersecting with the sand pit.

-- Mr. Morin attempted to clarify the confusion between the two plans. He held up the two plans and spoke clearly about each one. Then he re-stated the purpose of the meeting is to encourage the developer to propose a plan that would be more appropriate and acceptable for the location.

- The Conservation plan doesn't interfere with Sachs Road
- The Conventional plan 2 acres lots- interferes with Sachs Road

*George Beaumont- 155 Mountain Road- Stated that he moved to Nottingham because of the 2 acre zoning law. He sees the proposal as overcrowded.

-- Mr. Colby stated that it is in the Town Zoning Ordinance (voted in by the citizens) to allow Open Space Developments.

-- Mrs. Bonser and Mr. Viel both agree that the number of lots may be a bit optimistic. They see some of the lots in the conventional plan as likely not buildable. However a full survey will reveal the true probabilities.

*Daniel St. Onge- 33 Beach Head Road- Verified that there will not be a connection to Beach Head or Sachs Road. He also stated that Beach Head Road is continuously being called Lakeshore drive- there is a concern that when stating that there will not be a connection to Beach Head Road there will be a connection to Lake Shore Drive because it isn't called Beach Head Road.

--Mr. Morin asked Mr. St. Onge which plan he favors.

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* Cul-de-Sac

* Mr. St. Onge then stated that he is concerned about the potential traffic on Beach Head Road which cannot be improved upon. The traffic would not just be the homeowners there will be home delivery trucks and visitors as well.

-- Mr. Viel clarified that there is generally a request from police and fire personnel, to connect a cul-de-sac with emergency lane access road. -- Gates have not been accepted in the past ---

* Doug Gilroy- 37 Sachs Road- Prefers the cul-de-sac. Had been on a Planning Board in another town. and having been on a Planning Board he was in favor of the 2 acre zoning but currently thinks Open Space Development makes more sense. He also commented on the fact that in his opinion one entrance and exit is a safer concept rather than the two in and out. So he thinks it would be best to leave the cul-de-sac as just that.

--Mr. Morin spoke about potential risks for residents on Sachs Road if there were a need for two Emergency vehicles both cannot get past each other on Sachs Road there is not enough room.

--Mrs. Bonser explained that the residents accept that there is likely going to be the emergency access road in the plan due to the request from the emergency personnel.

*Patty McKenzie- 41 Sachs Road- Prefers the Open Space Development plan. She then requested that the board look into other options (not a gate) to prevent use of the Emergency Access becoming regularly used.

--Mr. Viel suggested that the personal property could be gated to prevent nonresident use since the town road cannot be gated.

*Mr. Sachs- 44 Sachs Road- spoke of the history of his and Mr. Falzone's proposals. All land on water front property on the water front will remain in Mr. Sachs possession. Other than the cut through for emergency use, Sachs Road will remain untouched.

*George Beaumont- 155 Mountain Road – asked if the lots on the waterfront risk being built on later.

--Mr. Viel stated that those lots are not buildable due to their steep slopes.

-- Mr. Colby stated that the lots are deeded in Mr. Sachs name not in the developer's name.

*Kevin Jordan- 23 Beach Head Road. Asked if the plan is realistic in lot amounts.

-- Mr. Morin asked which plan Mr. Jordan favors.

o Cul-de-Sac

*Steve- 44 Beach Head Road- Prefers the Cul-de-Sac plan.

*Frank Carideo- 46 Sachs Road- Asked if Mr. Sachs would have guards at the lake.

-- Mr. Chairman stated that Mr. Sachs said they would not have water rights.

* Lilia Guerra -38 Sachs Road- Stated that she would prefer the cul-de-sac plan if she had to choose but without the cut through. She stands her ground though with her concern about the potential run off issues.

-- Mr. Chairman stated that a drainage study is required and will be reviewed.

-- Mr. Colby stated that DES reviews the study as well as our town engineer.

Mr. Viel noted this may even improve the current drainage issues.

*Mr. Sachs stated the waterfront property proposal is off the table now since there has been no purchase.

Poll from board:

Mr. Grotenhuis- OSD – however he is not in favor of the length of the cul-de-sac

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Mrs. Bonser- none need better detail

Mr. Viel- OSD however would like a better detail too

Mr. Chairman- OSD

Mr. Morin- OSD

Mr. Anderson- OSD however would like to see a lower lot count

Mr. Davies- Not in favor of cul-de-sacs and asked if it would be possible to connect the cul-de-sac ending in a different location further down Sachs and improve Sachs to make it a loop.

Mrs. Bonser likes the idea.

Mr. Morin would prefer to have Sachs road left untouched.

Other

CMA Proposal and Completing Construction Review RE: Construction Review of the Merry Hill Residential Development (Strawberry Lane), Nottingham, NH- require \$3,800 in inspection fees

Mr. Chairman read the proposal in detail.

Mr. Colby gave the Board some background details on the development issues.

Motion: Mr. Viel made a motion to approve the CMA proposal to complete the inspection at \$3,800.

Second: Made by Mr. Grotenhuis

Vote: 7-0-0 motion passed

Selectman Update

Mrs. Bonser informed the Board that a New Town Administrator, Chris Sterndale, has started.

Mr. Colby stated that Mr. Sterndale plans to attend a meeting in June to meet everyone.

Mrs. Bonser also expressed by letter from the Board of Selectman, a request that we step back and review the ordinances.

Mr. Viel acknowledged the concerns expressed by the BOS and recapped the prior discussions, recommendations, and reminders from the PB to the BOS from the April 23rd and May 7th PB meetings, citing examples such as economic development and village district chapters of the Master Plan, as well as the planned joint Zoning Board of Adjustment and Planning Board meeting.

Mrs. Bonser stated the opinion of the BOS was that there was not enough diversity in the Master Plan Committee and the focus was too narrow.

Mr. Viel noted his offense of what seemingly is the invalidation of the year's long work and efforts that were put in by volunteers and residents to update the Master Plan. Further, it was noted that not all actions by town boards or committees will receive 100% support. Ultimately, proposed ordinances or amendments go to a town vote where the final choice is made by the citizens and this process works well.

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Mr. Grotenhuis reviewed the current PB process and cited recent examples of how improvements were made to existing ordinances to better facilitate things such as in-home businesses.

Several members noted that in regards to the proposed ordinance update in January, the PB decided to remove the item after listening to public input, illustrating the process worked.

There was some discussion regarding the request. The consensus from the Board was that the Board will continue with the work they are doing. However there was a mutual agreement that the Selectman may join the Planning Board in some of the Work sessions.

Mr. Colby stated that, having attended the Board of Selectman meeting the Board feels that the Planning Board should look at all the Town Ordinances not just the Zoning Ordinance. For example the Site Plan Review Regulations have not been amended since March 4, 1998.

Mr. Chairman stated that recommendations in the Master Plan is what the Board is following. Lack of attendance to Public Hearings and meetings are no reason to not follow the recommendations.

Code Administration Update

- Jack Mettee is scheduled for May 28th.
- The new maps are in from Strafford Regional Planning Commission
 - The 3 maps with Conservation notes are withheld due to waiting for GRANIT updates.
 - One map is going to be reprinted due to a printing smudge
 - Mistake: DAR instead of (Daughters of the American Revolution)
- Mr. Colby will be out of the office the week of May 26, 2014

Minutes

Minutes were tabled until May 28, 2014.

Adjournment

Motion: A motion to adjourn was made by Mr. Grotenhuis

Second: Made by Mrs. Bonser

Vote: 7-0-0 motion passed

Adjourned 9:20pm

Respectfully Submitted,

JoAnna Arendarczyk

Land Use Clerk

Attached: **(See the Land Use Clerk for attachments)**

- Letter of Explanation: From James S. and Linda R. Fernald- May 14, 2014
- IPM of NH, LLC- Landscape and Pest Management material use sheet
- Letter from Pamela D. Kelly, President of Sachs Road (Leisure Time Shores) Association- May 10, 2014
- Letter from Board of Selectman to Nottingham Planning Board- May 9, 2014