

Nottingham Planning Board
May 28th, 2014

Accepted: 6-11-2014

Members Present: Arthur Stockus, Chair; Troy Osgood, Vice Chair; Mary Bonser, BOS Rep; Eduard Viel, Secretary; Charlene Andersen; Gary Anderson, Alternate; Teresa Bascom, Alternate; Robert “Buzz” Davies, Alternate

Members Absent: John Morin, CIP Rep; Dirk Grotenhuis, SRPC Rep; Susan Mooney, Alternate; Paul Colby, Building Inspector,

Others Present: JoAnna Arendarczyk, Land Use Clerk;

Call to Order at 7:02pm

Mrs. Bascom was seated and voting for Mr. Morin
Mr. Davies was seated and voting for Mr. Grotenhuis

Public Meeting

Approval of CMA Invoice- Merry Hill (Strawberry Lane) \$198.00

- sufficient funds available
- 7 e-mailed yea's

Vote: 7-0-0 motion passed

Mr. Chairman informed the public of the e-mail vote.

Meeting with Jack Mettee:

Review 2nd Draft of proposed Minimum Disturbance Ordinance

Mr. Mettee started by asking about the maps the Planning Board were having created. He wanted to be sure the town wasn't having the historic resources maps recreated due to those having been done in 2009.

Mr. Chairman assured Mr. Mettee that all the maps were updated using the available information the town had.

Mr. Mettee reviewed Draft 2 with the Board to be sure all requested changes made during the May 7th meeting were done accurately. *(Draft 2 is attached)*

Once completed with the review Mr. Mettee addressed the points needing further explanation.

The changes agreed on are defined as follows:

- ~~Strikethrough~~ = Remove
- **Green highlighted** = Add

3. Minimum Disturbance: Mr. Mettee was asked for his rationale for the number of square feet.

He stated he had no rationale. The following is his typed comment:

There are a number of factors to consider on this and I would like to discuss at our upcoming meeting. Currently, as you know, the state regulates disturbance through the Alteration of Terrain Permit (100,000 sf or disturbance; 50,000 sf in Shoreland Zone) and the EPA has a 40,000

Nottingham Planning Board
May 28th, 2014

sf threshold that requires a Notice of Intent and Erosion and Control Plan to filed. Maybe we should consider what we want to protect and what the best way is to do that—some communities do it as a Conditional Use Permit that I can describe at our next meeting.

He asked the board for their reason for changing to 30,000 sf. He used 20,000sf due to that being in the Subdivision Regulation.

Mr. Viel and Mrs. Bonser stated that when the Board discussed this section it was decided that was the most logical when you consider the size of the building envelope; the house, leach field, septic and possible garage.

Mr. Mettee read from the Subdivision Rules and Regulations (*Amended September 2009*) on Page 17#20:

(a) An Erosion and Sediment Control Plan is required for any one of following:

(1) Where Cumulative disturbed area exceeds twenty thousand (20,000) square feet;

Mr. Anderson noted that our Zoning Ordinance on page 2 states the lot envelope as (30,000) square feet.

Mr. Chairman commented that the Board is in the process of updating all regulations to conform to one another. The Subdivision Regulations and Site Plan need updating.

Mr. Mettee agreed to leave it at 30,000sf as that is the direction the Ordinances are going. He then went on to discuss the section on other uses stating that Agriculture and Forestry are held in high esteem with the state. He doesn't feel they need to be exempt from local regulation. He recommends to be sure those involved in agriculture are following best practices in soil and erosion control. He suggested leaving the number at 30,000sq for any disturbance.

Mrs. Bonser asked regarding the potential Site Plan Review for the Marsten farm piece for ball fields. She stated that she is sure the disturbance would be greater than 30,000sf. Nottingham leads by example and follows regulations as required by others in town. She asked the board and Mr. Mettee if this was taken into consideration when creating this new regulation.

Mr. Mettee stated that erosion and sediment control measures need to take place and stormwater management.

Mrs. Bonser stated that the town is very cognizant of all that. She got further clarification on the town ordinances.

Mr. Davies stated that the statement in Section 3 is too vague and suggested the change below.

After some discussion, the Board agreed to the following change.

3. Minimum Disturbance

Any contiguous area of disturbance, not associated with the installation of a driveway, shall be limited to 30,000 square feet per 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. (Exemptions listed under section 6)

While they were talking about the exemptions they chose to make a few changes to Section 6. They are:

b) Clearing of trees and/or other growth from lands used by a public utility;
(note: remove the semicolon *strike through is not clearly noticed*)

Nottingham Planning Board
May 28th, 2014

f) Agricultural/ forestry activities in existence at the time a bylaw is adopted or work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan; and

Mr. Davies asked to have a line in #2 Applicability explained and the following line was changed to:

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:

Mr. Mettee suggested retaining an explanatory document for the public meeting once the Board comes to an agreement on the final wording, but to post a clean ordinance without the inserted comments.

The Board then moved on to the section 5. Re-vegetation and Landscaping.

After a lengthy discussion the following changes were agreed on:

5. ~~Re-vegetation~~ Stabilization and Landscaping Plan

- a) To ensure proper site stabilization and landscaping, the applicant ~~should be required to provide~~ shall submit plans that are certified by a landscape architect, civil engineer or soil scientist.
- b) ~~Re-vegetation~~ Site Stabilization shall occur on cleared sites within 7 (seven) calendar days of final grading.
- c) ~~Re-vegetation, and shall,~~ to the greatest extent possible, shall occur during the planting season appropriate to the selected plant species.

The Board then agreed to change the bulleted letters, following bullet (b) in section 5, to be numeral bullets listed as (1-6).

The Board agreed that this ordinance would go in conjunction with revisions that need to be made to Site Plan Review Regulations and Subdivision Regulations.

Mr. Mettee asked what his next assignment would be.

On April 23rd the Board agreed he would work on the Steep Slope Ordinance. *(He did not receive a message regarding that decision)*

Mr. Davies asked about the Steep Slopes map for Mr. Mettee to use for reference. The Board asked Mrs. Arendarczyk to check with Kyle Pimental and CC Mr. Mettee the response, if that map is not in the Land Use office. *(Kyle Pimental has been contacted as of May 29th-There is no map titled Steep Slopes. The best map we have on that topic is titled "Topography- Sand and Gravel")*

Selectman Update

Mrs. Bonser informed the Board that BOS were concerned how the new Ordinance would impact the development on Marsten farm.

Mr. Viel asked if the Board would agree to respond in formal letter back to the Selectman's letter from the May 14th meeting. The concerns in the letter were mentioned

Nottingham Planning Board
May 28th, 2014

3 times in the past as well as mentioned in the formal letter. This would ensure that the Selectman and the citizens know that the Planning Board are taking the concerns seriously.

Motion: Mr. Viel made a motion to send a formal letter in reply to the letter from the Board of Selectman dated May 9, 2014.

Second: Ms. Andersen

Discussion: It was agreed that Mr. Chairman will draft the letter if the Board members agree on the points to include in the letter.

Vote: 7-0-0 motion passed

The Board asked Mrs. Arendarczyk to e-mail the Board Members the letter from the Selectman for reference. *(Done May 29th)*

Minutes

April 23, 2014

Motion: Mr. Viel made a motion to accept the minutes as corrected.

Second: Made by Ms. Andersen

Vote: 5-0-2 motion passed

May 7, 2014

Motion: Mr. Viel made a motion to accept the minutes as corrected.

Second: Made by Mrs. Bascom

Vote: 5-0-2 motion passed

May 14, 2014

Motion: Mr. Davies made a motion to table the May 14th minutes for the next meeting. Mrs. Arendarczyk will make revisions stated at this meeting as well as the e-mailed additions/changes from members, as suggested by Mrs. Bascom.

Second: Made by Mrs. Bascom

Vote: 5-0-2 motion passed

Point of Action:

Mr. Anderson is interested in going to the Raymond meeting on June 19th 7:00pm. The Board requested that Mrs. Arendarczyk send a reminder to the Board members along with a deadline for the members to RSVP. *(Done May 29th with the deadline on June 5th)*
It was requested to post this event as a meeting. *(Done May 29th)*

Adjournment

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

Second: Made by Mrs. Bonser

Vote: 7-0-0 motion passed

Adjourned 9:07pm

Respectfully Submitted,

JoAnna Arendarczyk

Land Use Clerk

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

- Draft 2 of proposed Minimum Disturbance Ordinance