

Nottingham Planning Board
June 11, 2014

Accepted: 6-25-2014

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

Members Absent: Troy Osgood, Vice Chair; Gary Anderson, Alternate

Others Present: JoAnna Arendarczyk, Land Use Clerk; Paul Colby, Building Inspector; Russ Moore, abutter Tax Map 1 Lot 64; Cheryl & George Robinson, Applicants; Matt Currier; Susan Masison, Abutter; Peter Landry, Surveyor; Jonathan Daniels, Land Owner

Call to Order at 7:00pm

Mrs. Mooney was seated and voting for Mr. Osgood
Mrs. Bascom arrived at 7:10

Public Hearing

Case #P14-005-SUB – Application from George and Cheryl Robinson for acceptance, compliance review, and final approval of a Subdivision for Map 23 Lot 13. The total acreage is 36.769.Ac, one lot would be 12.045.Ac. the other would be 24.723.Ac. The properties are located at 14 King Fisher Rd Nottingham, NH and are identified as Tax Map 23, Lot 13 and are owned by George and Cheryl Robinson.

Mr. Robinson spoke on his behalf. He explained his plan to subdivide his property resulting in the 12.045 .Ac. parcel for his son Matt Currier and his family.

Mr. Colby recommended the board accept the application as complete.

Motion: Mrs. Mooney made a motion to accept the application.

Second: Made by Mrs. Bonser

Discussion: None

Vote: 7-0-0 motion passed

Public Hearing opened at 7:03pm

Mr. Robinson stated that he felt there is adequate property for both uses of homesteading for his and his son’s family.

No abutters came forward with questions or comments.

Public Hearing closed at 7:04 pm

Mr. Colby and Mr. Robinson explained the necessity for the Zoning Board of Adjustment (ZBA) case- the Robinson’s lot is on a private road and without the required frontage.

The ZBA approved the case without any conditions at the November 12, 2013 meeting

Mr. Chairman read the ZBA Notice of Decision (*in case file*).

Mr. Colby listed his findings on the application (*in the case file*).

He stated that there is a waiver request, which Mr. Chairman read to the Board, in the file to waive a complete topographic survey of the entire lot (*in case file*).

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Mr. Colby recommended “conditional” approval with the condition of setting the Monuments and the submittal of the Monument affidavit.

Motion: Mrs. Bonser made a motion to grant the waiver to the topographical survey requirement of the entire lot.

Second: Made by Mr. Grotenhuis

Discussion: None

Vote: 7-0-0 motion passed

Motion: Mrs. Bonser made a motion to approve the application from George and Cheryl Robinson of 14 King Fisher Rd Nottingham, for a Subdivision for Map 23 Lot 13 with the condition of setting the Monuments and the submittal of the Monument affidavit.

Second: Made by Mr. Grotenhuis

Discussion: None

Vote: 7-0-0 motion passed

Public Hearing closed at 7:15pm

Case #P14-004-SUB – Application from John and Lisa Daniels for acceptance, compliance review, and final approval of a Subdivision for Map 1 Lot 70-C. The total acreage is 11.605Ac. one lot would be 7.314Ac. the other would be 4.291Ac. The properties are located on Cooper Hill Rd Nottingham, NH and are identified as Tax Map 1, Lot 70-C and are owned by John and Lisa Daniels.

Mr. Landry, representing the Daniels’, reviewed the application for the Board.
Mr. Colby recommended accepting the application as complete.

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

Second: Made by Mrs. Mooney.

Discussion: None

Vote: 7-0-0 motion passed

Public Hearing opened 7:17pm

Mr. Landry continued with a more detailed overview of the application. He pointed out the Dredge and Fill permit is pending at the Wetland Bureau. They did get approval on a wetland permit in 2006 for a similar project at this location- they are essentially sending in the same application that was previously approved.

Mr. Moore (indirect abutter) is in favor of the subdivision but asked if the subdivision is granted, would the applicant be able to apply for a back lot subdivision.

Mr. Colby answered, stating that the Town’s Zoning Ordinance states that once a lot is subdivided it cannot be re-subdivided into a back lot subdivision.

Mr. Moore also asked if the overhead utilities running down North River Road East, and the easement, could be put on the plans.

Mr. Chairman read the letter from Mrs. Boyne (*in case file/ attached to minutes*)

Public Hearing closed at 7:26pm

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Mr. Landry commented on the letter from Mrs. Boyne. He understands her concern of further subdivision, there is the possibility regardless of the town rules. He agrees to consider putting a note on the plan stating there is to be no further subdivision of this lot. Regarding the concern about a driveway coming up her lot line; building a driveway on the private way would involve the Building Inspector. A driveway from the private way is not part of this proposal. It would be understandable the owner would want a second access and it would be tying their hands if a note were put on the plan restricting that right.

Mr. Colby listed his findings regarding the application (*in file*).
He recommends conditional approval with the conditions being:

- State of NH Subdivision approval
- State of NH Dredge & Fill approval
- Monuments set
- Impact Fee note added to plan

Mrs. Bonser reminded the Board of the note regarding the overhead utilities.

Mr. Colby also added that he agrees that it is acceptable to include a note on the plan regarding no additional subdividing of this lot.

Mrs. Mooney stated that the Conservation Commission, Surveyor and the owner did a site walk along the proposed shared driveway on May 23, 2014. The wetlands being crossed with the shared driveway are not high quality they are more like wet seeps, very little flow. There is a letter from the Lamprey River Advisory Committee (*in file*).

Then Mrs. Mooney stated, acknowledging the letter from Mrs. Boyne, Mrs. Mooney asked if it would be possible to recommend if there would be any further access on North River Road, if it could be done further East along the stone wall, as to not impact the wetlands.

Motion: Mrs. Bonser made a motion to approve the plan for subdivision subject to the following conditions:

- State of NH Subdivision approval
- State of NH Dredge & Fill approval
- Monuments set and attested to
- Impact Fee note added to plan
- Show utility poles on the plan

Second: Made by Mr. Morin

Discussion: Mr. Grotenhuis requested that an easement for the utility poles be included.

Motion: Mrs. Bonser made a motion to amend her motion to include showing an easement for the utility poles.

Second: Made by Mr. Grotenhuis

Vote: 7-0-0 amendment passed

Motion: Mr. Chairman noted the Board can now vote on the original motion as amended.

Discussion: None

Vote: 7-0-0 motion passed

Letter to the Board of Selectman (BOS)

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Mrs. Bonser stated that she would abstain from the discussion regarding the letter due to her position on the BOS.

The Board members reviewed the second draft and made further corrections to the letter drafted by Mr. Chairman. (*Final draft attached*)

Several Board members commented that the letter reveals the hard work that both the Planning Board and the Master Plan Committee go through.

Motion: Ms. Andersen made a motion to accept and send the letter dated June 6, 2014 to the Board of Selectman.

Second: Made by Mr. Grotenhuis

Vote: 6-0-1 (Mrs. Bonser abstained)

Mr. Colby reminded the Board about the upcoming June 19, 2014 Raymond Planning Board meeting at 7pm.

Mrs. Arendarczyk listed the topics for discussion on the agenda for that night:

Work Session with Neighboring Communities

- a. Date of most recent Master Plan update
- b. Working relationships with Regional Planning Commissions
- c. Conservation/Open Space Subdivisions
- d. Recent zoning amendments of interest
- e. Handling of accessory/in-law apartments in zoning ordinances
- f. Date of most recent stormwater regulations
- g. Possibility of a multi-community stormwater regulation
- h. Any other discussions as may arise

Mr. Chairman stated that Mr. Anderson and Mr. Viel plan to attend the Raymond meeting.

Mrs. Bonser stated that she has received some feedback from area Building Inspectors who are all thinking that Open Space Development should be reconsidered due to the lots being too small for the long-haul from a water quality perspective. The Board discussed this issue a little further talking about the types of septic systems used in the smaller lots; how long they last, the effect on others when the systems fail (Open Space Development vs. 2 acre zoning), the pollution and the fact that some are caused by homeowner neglect. There was some thought about how to reduce the problem.

Mr. Colby stated that one specific Septic company (left unnamed) has more premature failures than others.

Mr. Davies asked if it is possible for this Board to disallow this type of septic system.

Mr. Colby replied he is not sure if it is legal to require a specific "product".

Mrs. Bascom asked if we could make the DES aware of the issue in a formal letter and request a formal review of the systems.

Mr. Colby stated that DES has been at the Building Inspector Association meetings and the issue is brought up frequently, DES smile politely but refrain from commenting.

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Mr. Chairman also commented that 50% of the cases may be homeowner neglect-citizens who moved in from a city system and have no knowledge of what is needed to maintain the systems.

It was also clarified the increased failure rate of septic systems is being seen regardless of subdivision type or lot size.

The general consensus after the discussion was that the Board cannot do anything about the issue at this time.

Selectman Update

The new Town Administrator is already making some day to day changes in the office. However those changes won't affect the Board.

Staff Update

Mr. Colby asked the Board to review the new Street Name Approval Form he created to be included in the larger subdivision application packets. At this time there is not a form like this in the application packets.

Mr. Colby stated that he, as the 911 coordinator for Nottingham, would be sure it isn't a duplicate or near spelling name. The form will then be forwarded to the Board of Selectman for approval during the approval process of the Planning Board.

Ms. Andersen suggested adding the RSA number regarding the fact that the Selectman approve the street name.

Mrs. Bonser suggested to add the date the form was approved at the bottom of the page.

Motion: Mrs. Bonser made a motion to approve the inclusion of the amended form into the application.

Second: Made by Mr. Viel

Vote: 7-0-0 motion passed

Mr. Colby updated the Board on the upcoming meeting (s):

Lot Line Adjustment- Mr. Terninko

Visit from the new Town Administrator

July 9th Lot Line Adjustment- Mr. and Mrs. Caron

Mr. Colby informed the board of a Bill in front of the State Legislative that looks like it will pass Bill number: HB1210 New Zoning Notice Requirements:

III. Requires notice by first class mail to owners of properties affected by certain changes to zoning district boundaries and uses or lot sizes permitted in a district.

Mr. Colby Suggests that everyone contact our representatives to vote "No".

Minutes

There was a request by Mrs. Bascom to have Board members read the minutes prior to the meeting and bring in their changes to limit the time and paper used to review the minutes.

The Board agreed to a try this method for correcting the minutes.

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Mr. Colby added that the Town Administrator has been asked about giving Mrs. Arendarczyk additional hours due to more cases than usual as well as lengthy meetings requiring more detailed/ lengthy minutes, warranting the request.

May 14, 2014

Motion: Mrs. Bonser made a motion to accept the minutes as amended.

Second: Made by Mrs. Mooney

Vote: 6-0-1 (Ms. Andersen abstained) motion passed

May 28, 2014

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

Second: Made by Mrs. Bonser

Vote: 5-0-2 (Mr. Grotenhuis and Mrs. Mooney abstained) motion passed

Ms. Andersen asked Mr. Colby about Regional impact process.

Mr. Colby stated he will look into the RSA regarding that and e-mail the Board.

Mrs. Mooney asked to have the Planning Board news e-mailed to the Board members.

Adjournment

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

Second: Made by Mr. Grotenhuis

Vote: 7-0-0 motion passed

Adjourned 8:26 pm

Respectfully Submitted,

JoAnna Arendarczyk

Land Use Clerk

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

- Letter from Mrs. Boyne regarding the Daniels' Subdivision Case
- Letter to BOS June 6, 2014