

Nottingham Planning Board
July 9, 2014

Accepted: 7-23-2014

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

Members Absent: Troy Osgood, Vice Chair; John Morin, CIP Rep;

Others Present: JoAnna Arendarczyk, Land Use Clerk; Jim Franklin, Surveyor; Steve Morin, Land Owner; Daniel Godbout, Landowner; Maurizio Paura, Land Owner; Peter Landry, Land Surveyor

Call to Order at 7:03pm

Mrs. Mooney was seated and voting for Mr. Morin

Mr. Anderson was seated and voting for Mr. Osgood

Public Meeting/ Hearings

Case #P14-007-LLA – Application from Jonathan P. and Caroline Caron for a Request for Lot Line Adjustment to adjust the common/ existing lotline by increasing the lot area of Tax Map 15 Lot 14 from 32.19- Acs to 53.16- Acs, and by decreasing the lot area of Tax Map 15 Lot 15 from 23.38- Acs to 2.33- Acs. 59 Garland Road, Nottingham, NH.

Mr. Chairman read the above case description.

Ms. Andersen recused herself from this case due to being an abutter.

Mr. Chairman then informed the Board members that due to the Building Inspector being absent for a period of time, the application and plans have not been reviewed by him, therefore there are no recommendations as to the application being complete.

Mr. Chairman gave the Board the option to table the hearing until the July 23, 2014 meeting.

Mrs. Mooney asked Mr. Landry, the Land Surveyor representing the Caron's, if postponing the case would create a hardship for the owners.

Mr. Landry stated that although he is not certain it would create a hardship if the decision was made to postpone the hearing, however, he suggested moving forward as it is a simple Lot Line Adjustment, starting with 2 (two) lots, ending with 2 (two) lots.

Mr. Chairman informed Mr. Landry that the application was not signed.

After some discussion amongst the Board members Mr. Chairman suggested the Board review the application page by page.

Mr. Viel asked Mr. Landry what the Caron's reason was for the Lot Line Adjustment.

Mr. Landry stated the purpose is to reduce the existing lot area for Tax Map 15 Lot 15 which has an existing dwelling to around a 2 (two) acre lot. The larger share of the 20 (twenty) acres will get shifted to the owner's other lot which has the farmhouse.

Ms. Andersen spoke as an abutter to the property. She shared with the Board a conversation she recalled having recently with the applicants. Both lots are on the market. The smaller lot- which would be reduced to the 2 (two) acres is where the parents of Mrs. Carron live. The house on that lot is built more for seniors. The idea is to reduce that lot size to be less of a tax burden for an elderly couple and make it more appealing to potential buyers.

Nottingham Planning Board

July 9, 2014

The Board decided to hear the case and review the file page by page and conditionally approve application pending the signatures of the applicants.

Mr. Chairman went through file in detail.

It was restated that the signatures of the applicants are needed.

Motion: Made by Mrs. Bonser to accept the application as complete subject to the applicants signing the application.

Discussion: none

Second: Made by Mr. Grotenhuis

Vote: 6-0-0 motion passed

Public Hearing Opened 7:16pm

Mr. Landry stated that he said all that was necessary. If there are any questions he is willing to answer them.

Ms. Andersen stated that she is in favor of the Lot Line Adjustment.

There were no other comments.

Public Hearing Closed 7:17pm

It was noted that several abutter's names were spelled incorrectly on the plan and list of abutters on the plan:

M 2 L 8- Johnny needs to be corrected to Johnnie

M 2 L 8- Tutre needs to be corrected to Tuttle

M 15 L 1-A3- Anderson needs to be corrected to Andersen

Mr. Landry stated that all that is needed are these corrections, the Monument Certification and the setting of boundary markers.

Mr. Anderson asked about road frontage after the Lot Line Adjustment.

Mr. Landry stated that it will meet the minimum 200' (two hundred feet).

Mr. Davies asked if there is an existing driveway cut for the dwellings.

Mr. Landry stated that there is but they are not on plan because he felt it was getting cluttered.

Mrs. Bonser asked if there were any Rangeways noticed while researching the property.

Mr. Landry replied that none were found in the survey thus far but the lots were not completely surveyed. They surveyed the 2 (two) acre parcel for the clear description.

Motion: Mrs. Bonser made a motion to approve the Lot Line Adjustment for

- **Case #P14-007-LLA** – Application from Jonathan P. and Caroline Caron; subject to Granite boundary markers set and Monument certification; showing the existing driveway on the plan and correcting spelling errors for the abutters.

Second: Made by Mr. Grotenhuis

Discussion: none

Vote: 6-0-0 motion passed

Other

● Informational meeting:

- ▶ Steven Morin regarding a request for revocation of a lot line adjustment (LLA).

Nottingham Planning Board
July 9, 2014

Present were Steven Morin 177 Deerfield Rd. Nottingham, NH, Daniel Godbout 179 Deerfield Rd. Nottingham, NH and Jim Franklin- Surveyor from Candia who did the LLA in 2013.

Mr. Franklin informed the Board that they are asking for an interpretation of the towns' Zoning Ordinances and/or Subdivision Regulations. He went on to explain that the LLA that was approved in 2013 has failed to go through due to various circumstances.

Mr. Franklin requested that the Board send to the Registry of Deeds a letter to revoke the approved LLA. He believes the basis of this would be consistent with the towns' Subdivision Regulations, if an applicant were to not fulfill the requirements of the towns' Subdivision Regulations, for example, order of conditions: if an applicant did not set granite bounds, did not make road improvements, did not make a curb cut in a proper location, the town does have the authority to revoke the approval of the subdivision. In this case, the LLA has not taken place by passing of the deeds. Mr. Morin and Mr. Godbout are asking the Planning Board to send a letter of revocation for the LLA to be noted on the Mylar that is on file at the Registry. Tax bills remain the same and reflect original acreage. This is just for a simple matter of financing and to prevent problems in the future. At present there is a "cloud" on the title because the LLA was not completed.

Mrs. Bonser asked Mr. Franklin if he has seen this done before.

He stated he has seen this done through revoking a Subdivision approval.

Mr. Chairman stated that RSA 676:4-a deals with revocation, and one of the qualifications is a request by the individual as well as noncompliance for the original approval. He then said he would prefer running this by the Board's advisor before making a decision.

According to the RSA a Notice of Revocation must be sent to all the original abutters, the surveyor, as well as any professionals that were involved in the project. If any one of them objects or wishes to hold a public hearing on the matter then the hearing must be held.

Mr. Franklin recalled Mr. Colby recommended holding the hearing.

Mr. Chairman stated he would rely on Mr. Colby's recommendation but would like to discuss the matter with Mr. Colby before moving forward.

There was some discussion among the Board regarding some members' interpretations.

Mrs. Mooney added that RSA 676:4-a-II does call for public hearing.

Mr. Franklin asked if a new plan would need to be created.

Mr. Chairman said that according to the RSA a new plan is not needed.

Mr. Chairman stated that he would double check with Mr. Colby as to proper process and then the landowners will be contacted.

● Review EPA Construction General Permit- e-mail from Jack Mettee:

Mr. Viel wasn't present for the prior meeting, therefore, the Board postponed the review of this document for Mr. Viel to be present. The Board had a short discussion about the e-mail. Mr. Viel felt the difference is that the Ordinances give the Town more local control.

● Review Final proposed Lot Disturbance Ordinance:

Mr. Chairman noted the Roman numeral V wasn't changed to Roman numeral X in two areas (*Corrected July 11, 2014*)

Nottingham Planning Board
July 9, 2014

● Review Draft 1 of the Steep Slope Protection District:

Ms. Andersen and Mr. Viel requested the map Mr. Mettee used (Sand and Gravel) as well as a map titled Unfragmented Lands, found in the Master Plan, to be sent to the Board members for reference when reviewing the document.

Mr. Viel mentioned to the Board a chapter on the NHDES website titled Innovative Land Use Planning Techniques Chapter 2.2, which he felt might be helpful to the Board as well.

Motion: Mr. Viel made a motion to table the review of Draft 1 of the Steep Slope Protection District until July 23rd.

Second: Made by Mr. Anderson

Vote: 7-0-0 motion passed

● Sign Robinson's Plans:

-Tabled until July 23rd.

Selectman Update

Mrs. Bonser informed the Board that there is an Exploratory Committee for the Marston property. They have contacted NH Listens to find a better way to get input from town's people as well as seeing if there are grants available. There is a page regarding this on the town website.

Mrs. Mooney asked what agencies are represented on the committee.

Ms. Andersen said the Budget Committee, Conservation Commission, NYA, Building Committee, BOS (Donna Danis).

Mr. Viel asked about demolition on the barn.

Mrs. Bonser stated that it has just started. There is a request to save some of the wood for a memento.

Minutes

Ms. Andersen requested to have the HCPP document sent to all the Board members.

They agreed to have it sent as a PDF.

June 25, 2014

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

Second: Made by Mrs. Mooney

Vote: 5-0-2 motion passed

Mrs. Mooney discussed a document she put together of the highest and lowest tax rates and 2010 populations, and how many square miles of nearby towns. She felt this document would be useful when looking at Nottingham being favored for development in the future.

Mr. Viel also looked at NH Employment Security web site and looked at the actual total budget for towns in 2012 and at total taxes per housing unit. Nottingham is lower in those areas as well.

Mr. Viel also discussed possibly adding an expiration date for setting boundaries for LLA's and Subdivisions. He recognizes that there would then be more work for the Board and staff if this is done.

Nottingham Planning Board
July 9, 2014

Mr. Grotenhuis said he thinks the RSA says 5 years. Some towns have a 2 year limit.

Mr. Chairman stated this type of case is very rare.

Mr. Viel referred to the Raymond meeting and mentioned that the DES website has a link for the regional stormwater plans.

Adjournment

Motion: A motion was made by Mr. Viel

Second: Made by Mr. Grotenhuis

Vote: 7-0-0 motion passed

Adjourned at 7:56pm motion passed

Respectfully submitted,
JoAnna Arendarczyk
Land Use Clerk