

Nottingham Planning Board

Minutes

December 10, 2014

Approved: 1-28-2015

Members Present: Arthur Stockus, Chairman; Eduard Viel, Vice-Chairman; John Morin, CIP Rep; Mary Bonser, BOS Rep; Charlene Andersen; Robert “Buzz” Davies, Alternate; Gary Anderson, Alternate; Teresa Bascom, Alternate

Members Absent: Dirk Grotenhuis, SRPC Rep; Susan Mooney, Secretary

Others Present: Paul Colby, Code Administrator; JoAnna Arendarczyk, Land Use Clerk; Mark Carpenter, Selectman; Charlie Brown, Citizen; Terry Bonser, ZBA member; Mike Russo, ZBA Chairman; Bonnie Winona, ZBA Vice- Chair; Sam Demeritt, NCC, Thomas Sweeney, Citizen

Alternate seated and voting:

- Mr. Anderson for Susan Mooney
- Teresa Bascom for Dirk Grotenhuis

Alternates participating but not voting:

- Mr. Davies

Call to Order at: 7:00pm

Public Hearing Opened: 7:02pm

Mr. Colby informed the Board and the public the procedure for the Public Hearing for proposed Zoning Ordinance Changes.

Zoning Ordinance change- Article II. C.2- Setbacks

Proposed changes are in bold and italics:

ARTICLE II ZONING DISTRICTS AND DISTRICT REGULATIONS

C. Residential - Agricultural District

There shall be between the property line, water's edge (“reference line” as described in RSA 483-B:4 XVII), and any ~~building~~ ***dwelling***, a minimum distance of fifty (50') feet, twenty (20') feet for grandfathered non-conforming lots of less than two (2) acres, as of the date of passage (03/08/94), in all directions. ***Setbacks for accessory buildings shall be fifty (50') feet minimum distance from the lot frontage property line and twenty (20') feet minimum distance from the side and rear property lines.*** Special exceptions to this ordinance may be granted by the Zoning Board of Adjustment based on weighing of the following considerations, but in no case shall less than twenty (20') feet be permitted for habitable structures or nonhabitable structures of fifty (50') square feet in area or greater.

Discussion:

Over the past 14 years 68% of the Zoning Board of Adjustment (ZBA) cases have been for setback issues. The ZBA regularly approves these cases. No case has been a request for anything less than 20’.

In a joint meeting, the Planning Board and the ZBA agreed that 20’ setbacks for accessory buildings on the sides and rear seemed reasonable.

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It was noted that the way this proposed change was worded it would require non-conforming lots to have a 50' setback from the front line. They considered rewording the proposed change as this was not the intent.

Members of the public and the Board discussed the definition of an accessory building. The Nottingham Zoning Ordinance defines a building as "anything that is built upon or in the ground" therefore a septic system is considered an accessory building. It was agreed on that the wording in the ordinance should include that fact.

There was a suggestion to add to the DEFINITION section of the Zoning Ordinance a definition of "accessory building" and omitting Septic Systems from that definition.

- Mr. Russo ZBA Chair (Garland Rd.) handed the Board a copy of Table 1008-2 Minimum Separation Distances (in feet) from the NH Code of Administrative Rules (attached)

Public Hearing Closed: 7:22pm

Motion made by: Mrs. Bonser to amend the proposed ordinance to read as followed:

(Changes are in larger font)

ARTICLE II ZONING DISTRICTS AND DISTRICT REGULATIONS

C. Residential - Agricultural District

2. There shall be between the property line, water's edge ("reference line" as described in RSA 483-B:4 XVII), and any ~~building~~ **dwelling**, a minimum distance of fifty (50') feet, twenty (20') feet for grandfathered non-conforming lots of less than two (2) acres, as of the date of passage (03/08/94), in all directions. **Setbacks for accessory buildings and septic systems shall be fifty (50') feet minimum distance from the lot frontage property line (20') feet for grandfathered non-conforming lots of less than two (2) acres and twenty (20') feet minimum distance from the side and rear property lines.** Special exceptions to this ordinance may be granted by the Zoning Board of Adjustment based on weighing of the following considerations, but in no case shall less than twenty (20') feet be permitted for habitable structures or nonhabitable structures of fifty (50') square feet in area or greater.

Seconded by: Mrs. Bascom

Discussion: There was further discussion regarding the need to clarify the definition of accessory building in the future.

Vote: 6-0-1 motion passed

Motion made by: Mrs. Bonser to schedule the second public hearing on January 14, 2015.

Discussion: none

Seconded by: Mrs. Bascom

Vote: 7-0-0 motion passed

Public Hearing Opened: 7:39pm

ARTICLE IV GENERAL PROVISIONS

New Section X. Lot Disturbance and Landscaping

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The requirements of this Article shall apply to the Residential-Agricultural Zoning District for Major Subdivisions and New Site Plan applications. 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.

Any contiguous area of disturbance, not associated with the installation of a driveway, shall be limited to 30,000 square feet of development unless defined under the Exemptions list in this Section. Contiguous areas of disturbance greater than 10,000 square feet shall be separated by at least twenty (20) feet of area maintained at natural grade and retaining existing, mature vegetated cover.

The entire proposed ordinance was projected on the screen for the public and television viewers and read in full. (*attached*)

This new proposed section was designed to ensure best management practices by the developers of major subdivisions (four (4) or more lots). The Planning Board uses the Master Plan as a guide and this was one of the objectives laid out in the Master Plan. It was pointed out that the proposed ordinance does not prevent a property owner from selling their property to a developer after they cleared it themselves. Several people from the public and the Board discussed their views for and against the proposed ordinance.

Public Hearing Closed: 8:20pm

There was a suggestion to change the wording under #3 Disturbance paragraph #2. If this change were made another Public Hearing would be held on January 14, 2015.

Motion made by: Ms. Andersen to change the wording under # 3. Disturbance paragraph #2 to read: "Contiguous areas of disturbance greater than 10,000 square feet shall be separated by at least a twenty (20) foot wide buffer maintained at natural grade and retaining existing, mature vegetated cover."

Seconded by: Mr. Viel

Discussion: none

Vote: 3-0-4 motion passed

Motion made by: Mrs. Bonser to table the proposed ordinance

Seconded: Mrs. Bascom

Vote: 4-3-0 motion is tabled- This proposed ordinance will not go on the ballot

Public Hearing Opened: 8:21pm

ARTICLE III OVERLAY DISTRICTS

New Section D. Steep Slope Protection District

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The requirements of this Section shall apply to Major Subdivisions and new Site Plan applications within the Steep Slope Protection District as delineated as steep slopes (greater than 15% slope) on the Topography- Sand and Gravel Deposits Map. The purpose of the Steep Slope Protection District is to protect the public health, safety, and general welfare by controlling and guiding the use of land with slopes greater than 15%. It is intended that the provision of this ordinance shall: Protect streams, ponds, lakes and wetlands from erosion, runoff of storm water and sedimentation caused by improper or excessive construction and effluent from public or private sewage disposal systems;

- a) Preserve the natural topography, vegetative cover and wildlife habitat, protect unique and unusual natural areas and maintain ecological balance;
- b) Preserve Nottingham's scenic quality; and
- c) Permit those uses of land, which can be harmoniously, appropriately and safely located on steep slopes.
- d) Ensure integrity of slope stability

The entire proposed ordinance was projected on the screen for the public and television viewers and read in full (*attached*). Due to the proposed Lot Disturbance and Landscaping ordinance being tabled parts of this proposed ordinance would be deleted if the Board voted to place it on the ballot.

The intent of this proposed Ordinance was to protect the public health, safety and welfare when using land with slopes greater than 15% for Major Subdivisions and new Site Plan applications. This was also one of the objectives laid out in the Master Plan.

Several people from the public and the Board discussed their views for and against the proposed ordinance.

Public Hearing Closed: 8:57pm

Motion made by: Mr. Viel to move forward to allow the residents to vote on the article.

Seconded by: Ms. Andersen

Discussion: none

Vote: 3-4-0 motion failed- This proposed ordinance will not go on the ballot

❖ The remainder of the agenda was postponed due to the late hour.

❖ Mr. Viel read a letter to clarify comments made by him at the November 12th 2014 joint PB/ZBA meeting. (*attached*)

Adjournment

Motion made by: Mrs. Bonser

Seconded by: Mrs. Bascom

Vote: 7-0-0 motion passed

Adjourned at: 9:07pm

Respectfully submitted,

JoAnna Arendarczyk

Land Use Clerk

Attached:

- Table 1008-2 Minimum Separation Distances: NH Code of Administrative Rules
- Zoning Ordinance change- Article II. C.2- Setbacks

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- ARTICLE IV GENERAL PROVISIONS New Section X. Lot Disturbance and Landscaping
- ARTICLE III OVERLAY DISTRICTS New Section D. Steep Slope Protection District
- Letter from Ed Viel