



Town of Nottingham

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NOTTINGHAM PLANNING BOARD ABUTTER NOTICE

At the February 10, 2021 meeting of the Nottingham Planning Board the following application was determined as a Development of Regional Impact per NH RSA 36:55 through 36:57. As the enclosed minutes reflect, the Board has determined that the Strafford Regional Planning Commission, Rockingham Planning Commission and the Towns of Epping and Raymond be notified as potentially affected municipalities.

Notice is hereby given that the Nottingham Planning Board will hold a public meeting/public hearing on **Wednesday March 10, 2021 at 7:00 pm** to consider the case below.

In anticipation of the extension of Executive Order 2020-17, the Nottingham Planning Board will be holding a virtual hearing. Access to the meeting is given through Zoom. All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in the meeting as follows:

Meeting Access link: <https://nottingham-nh.zoom.us/j/99434893266>

Telephone Only Access: 1- 301- 715-8592

Meeting ID: 994 3489 3266

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order.

**IF YOU ARE HAVING ANY TECHNICAL DIFFICULTY DURING THIS MEETING
PLEASE CALL JOANNA AT 603-679-9597**

Case #21-003-SIT- Application from Tami Defrancesco, Trustee of Kubota Trust, requesting approval of a Watercross event to be held three (3) times a year starting in 2021. The property is located at 214 Raymond Road in Nottingham, NH and is identified as Map 69 Lot(s) 8 & 10.

Questions? Contact the Land Use Clerk, JoAnna Arendarczyk

Ph.: (603) 679-9597 **E-mail:** plan.zone@nottingham-NH.gov

Mail written comments to the Nottingham Planning Board: PO Box 114, Nottingham, NH 03290

For materials pertaining to the hearing go to: <http://www.nottingham-nh.gov/planning-board>

THE PUBLIC IS WELCOME TO ATTEND

1 **Planning Board Members Present:** Dirk Grotenhuis, Chair; Eduard Viel, Vice-Chair; Tiler Eaton, BOS
2 Rep; Susan Mooney, Secretary; Gary Anderson, SRPC Rep Ian MacKinnon; Robert "Buzz" Davies,
3 Alternate; Leanne Gast, Alternate

4 **Board Members Absent:**

5 **Surveyors Present:** Scott Frankiewicz, Scott Cole

6 **Applicants Present:** Jeff and Marilyn Cole; Tami Defrancesco and James George; Joseph Falzone

7 **Others Present:** JoAnna Arendarczyk, Land Use Clerk; Stefanie Casella, SRPC Planner; Tina Thomas;
8 Judy Long; Michelle Paradis; Teri Nasser; Alexx Monastiero; Courtney Daigle; Sharon Weldy; Lee We;
9 Jason Terrio; Darlene Brown; Carl Mun; Peter Kitsakos; Andrea Olivier; Kathie Morris; We Want
10 Watercross; Keep Watercross it American; Brett Allard; John E; Nathan White; Meg B.; Arthur Jenks;
11 James Gregoire; Gina/Sophiamia; Thom Newton; Holly in Newhampsha; Yes Watercross; Nicole;
12 Jennifer; Hannah; Jack; Bridget; Nancy; Citizen; Mike; Meghan; Steve; Lil Carrie; AJ; Eric; Nancy's
13 iPhone; --Several others listed just as numbers or iPhone--

14
15 **Alternates Seated and Voting:** Mr. Davies for Vacant seat

16
17 **Call to order:** 7: 01pm

18
19 The Vice-Chair read the following:

20 **The Chair of Nottingham Planning Board has found that, due to the State of Emergency**
21 **declared by the Governor as a result of the COVID-19 pandemic and in accordance with the**
22 **Governor's Emergency Order #12 pursuant to Executive Order 2020-08, boards thereof are**
23 **authorized to meet electronically.**

24 **Please note that there is no physical location to observe and listen contemporaneously to this**
25 **meeting, which was authorized pursuant to the Governor's Emergency Order.**

26 **The Nottingham Planning Board is utilizing Zoom for this electronic meeting. All members of**
27 **the Board have the ability to communicate contemporaneously during this meeting through this**
28 **platform, and the public has access to contemporaneously listen and if necessary, participate in the**
29 **meeting.**

30
31 **Roll call:** to publicly account for the members present

32
33 **Public Hearing**

- 34 • **Continued Case #20-009-SUB (1st 12-9-2020; 2nd 1-27-2021)-** Application from Marilyn &
35 Jeffrey Cole, requesting to subdivide 31.18 acres into six (6) lots, two (2) commercial lots on
36 Rte. 4, one (1) residential lot on Smoke Street and three (3) residential lots on Kennard Road
37 **(Kennard Road is a scenic road).** The property has frontage on Rte. 4, Smoke Street and
38 Kennard Road in Nottingham, NH and is identified as Tax Map 6 Lot 16.

39 Ms. Casella stated that the applicant met with the Nottingham Conservation Commission (NCC) (review
40 letter in file) she also received comments from Natural Heritage Bureau (NHB) comments as well
41 however, those were submitted late today.

42 Mr. Grotenhuis noted that better deadlines need to be adhered to as the Planning Board (PB) is a
43 volunteer board and members need time to review the material. Moving forward, ten (10) days prior to
44 a meeting will be the deadline.

45 Ms. Mooney explained to the Board that the NCC met with applicant on February 8, 2021 to review the
46 application. The review letter was sent to the Board by 7:00pm February 9, 2021. Ms. Mooney

47 highlighted the comments in the letter. A Site Walk was recommended along with a request that the
48 NCC be invited as well.
49 Scott Frankiewicz, surveyor, spoke to the updated plans (shared screen). He shared a summary of the
50 comments from Kim Tuttle, NH Fish and Game (file). The steep slope impact waiver request was
51 submitted today. He agreed with adding a note to the plan with regard to installing sprinklers in the
52 houses.

53 General comments from the Board:

- 54 • Edit contiguous area on proposed lot 16-2
- 55 o steep slopes should not be included
- 56 • Add note about underground utilities
- 57 • Label side slopes
- 58 • Add Variance note
- 59 • Note trees to be removed within the ROW
- 60 o Kennard Rd. (scenic road status)

61 Mr. Mackinnon stated he viewed the proposed driveway locations and appreciated Mr. Frankiewicz
62 staking those out. He questions some potential erosion issues with some of the proposed driveways.
63 Mr. Grotenhuis concurred adding that he suggests the use of a culvert or check dam as a silt fence is not
64 enough for this slope.

65 The Easement for expansion on Smoke Street will be discussed with the Public Works Director.

66 **Site Walk-**

67 **Motion Made By:** Mr. Anderson to schedule a Site Walk for Case# 20-009SUB on Saturday February
68 20, 2021 at 9:00am.

69 **Seconded by:** Mr. Viel

70 **Discussion:** The public is invited to attend as well.

71 **Roll Call Vote:** 7-0-0 **Motion Passed**

72 **Public Comment Opened:** 7:36pm-

73 No one spoke. Mr. Grotenhuis stated it is open to include discussion at the Site Walk.

74 It was noted that the 65-day window for this case was nearing the end. However, the Governor extended
75 the timelines during the Covid19 pandemic.

76 **Continuation-**

77 **Motion Made by:** Mr. Viel to continue Case #20-009-SUB to February 24, 2021 at 7:00pm.

78 **Seconded by:** Ms. Mooney

79 **Vote- 7-0-0 Motion Passed**

80 **Case discussion ended:** 7:40pm

81

82 **Open 7:40pm**

- 83 • **Case #21-002-SUB-** Application from Ledge Farm LLC owned by Joseph Falzone, requesting a
84 seven (7) lot conventional frontage subdivision. The property is located on Gile Rd. in
85 Nottingham and is identified as Map 40 Lot 1.

86 Ms. Casella briefed the Board on her review comments (file) and stated that she found the application to
87 be complete

88 **Completeness-**

89 **Motion Made by:** Mr. Viel to accept the application for Case# 21-002-SUB as complete.

90 **Seconded by:** Mr. Mackinnon

91 **Vote: 7-0-0 Motion Passed**

92 **Regional Impact-**

93 Ms. Casella summarized the definition of regional impact for Board members and the public.

94 **Motion Made by:** Mr. Viel that Case #21-002-SUB is not an application of regional impact.

95 **Seconded by:** Mr. Eaton

96 **Discussion:** Ms. Mooney suggested that traffic for this development could impact the Lee, NH portion of
97 Gile Road. Additionally, Kettle Hole Bog is within the Lee area and has been found to have endangered
98 species. Mr. Grotenhuis suggested that the Town of Lee be informed of the case, for commenting
99 purposes, but not on a Regional Impact status as there is not a lot of increased traffic with a seven (7) lot
100 development.

101 **Vote:** 6-0-1 **Motion Passed**

102 Scott Cole, Surveyor from Beals Associates, presented on behalf of Joe Falzone, the owner. Mr. Cole
103 presented the plan (shared screen) stating that this is the Applicant's fourth time with a plan before the
104 board for this property. They presented Design Reviews for 15 lots, 14 lots and the current seven (7)
105 frontage conventional lots of more than two (2) acres. The required Variance for the wetland crossings
106 for the common driveways. The Variance was approved by the Zoning Board of Adjustment (ZBA)
107 December 15, 2020. The ZBA and most of the abutting residents went on a very informative site walk
108 before the case was heard.

109 Applicant's Responses to the staff review:

- 110 • A waiver request (file) was submitted for Art 10 Sect 10.3 for full drainage analysis
- 111 • Driveways crossings were approved by ZBA
 - 112 ○ One shared driveway is not on the boundary line
 - 113 ▪ ZBA saw exact plan- should be approved as ZBA saw it this way

114 General comments and questions from the Board:

115 The applicant stated that the Department of Historical Resources approval letter was received today and
116 sent to the Land Use Clerk (file).

- 117 • Concern that the driveways could not be built appropriately with plans submitted
 - 118 ○ Detailed plans will be sent to board of driveways
- 119 • Plan for existing historical foundation?
 - 120 ○ Mr. Cole responded that it would remain undisturbed per DHR plans
- 121 • Variance received was strictly for the wetlands crossing not for the driveway location.
 - 122 ○ Mr. Grotenhuis stated that staff will communicate with ZBA internally to determine best
 - 123 solution for the issue
 - 124 ○ Mr. Falzone stated:
 - 125 ▪ Prior to the site walk for ZBA the location of the driveways coming off Gile Road
 - 126 were staked every 50'+/- so the board could clearly see the locations in
 - 127 relationship to the lot access
 - 128 ▪ The wetland crossings were clearly flagged from one side to the other side
 - 129 ▪ Jim Gove, wetland scientist, walked the entire location of the driveway at the Site
 - 130 Walk explaining the details and answering all questions from the board and the
 - 131 large group of abutters that were present on the walk.

132 Ms. Mooney summarized the NCC letter to the PB dated October 20, 2020. This letter was in reference
133 to the Design Review for the decision between a 15-lot subdivision vs a 7-lot subdivision (file).

134 Mr. Falzone stated that he would supply the Land Use office with the details on the burial ground search.
135 He added that there will be a professional archeologist on site in case the burial ground is unearthed.

136 **Public Comment Opened: 8:21pm- NONE**

137 **Public Hearing Closed: 8:23pm**

138 **Waivers-**

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139 **Motion Made By:** Mr. Viel to approve the waiver for Case #21-002-SUB request from Art 10 section 3
140 as written.

141 **Seconded by:** Mr. Anderson

142 **Roll Call Vote:** 7-0-0 **Motion Passed**

143 **Site Walk-**

144 **Motion Made by:** Mr. Viel to hold a Site Walk on February 20, 2021 at 10:30am at proposed lot 1.

145 Mr. Falzone offered to send a plow truck to clear the existing driveway prior to the Site Walk.

146 **Discussion:** open to public (chat question)

147 **Vote:** 7-0-0 **Motion Passed**

148 **CONTINUATION**

149 **Motion Made by:** Mr. Mackinnon to continue Case #21-002-SUB to February 24, 2021 at 7:00pm with
150 revised plans by February 15, 2021.

151 **Seconded by:** Ms. Mooney

152 **Discussion:** Noted that February 15, 2021 is President's Day- amended motion for deliverables
153 February 16, 2021.

154 **Vote:** 7-0-0 **Motion Passed**

155 **Case discussion Ended:** 8:40pm

156

157 **Open Case:** 8:40pm

158 • **Case #21-003-SIT-** Application from Tami Defrancesco, Trustee of Kubota Trust, requesting
159 approval of a Watercross event to be held three (3) times a year starting in 2021. The property is
160 located at 214 Raymond Road in Nottingham, NH and is identified as Map 69 Lot(s) 8 & 10.

161 Ms. Casella the Town of Raymond abuts the property, they were not noticed. Ms. Casella stated that she
162 sent an email to Raymond regarding this public hearing. She summarized her review (file) and stated
163 that she found the application to be complete.

164 **Completeness-**

165 **Motion Made by:** Mr. Anderson to accept the application for Case #21-003-SIT as complete.

166 **Seconded by:** Mr. Eaton

167 **Vote:** 7-0-0 **Motion Passed**

168 **Development of Regional Impact**

169 Ms. Casella shared screen with a document from the Office of Strategic Initiatives titled: "Developments
170 of Regional Impact Information Guide for Local Land Use Boards".

171 Mr. Viel stated that in his opinion the case hit upon a few of the criteria.

172 **Motion Made by:** Ms. Mooney that Case #21-003-SIT be determined to be an application of regional
173 impact.

174 **Seconded by:** Mr. Anderson

175 **Discussion:** Mr. Viel stated the reasons why the case is deemed a regional impact:

176 1. Noise impact

177 2. Proximity to Aquifers

178 3. Proximity to Bordering towns

179 4. Shared facilities of Police and Fire response

180 5. Increased traffic during events

181 The meeting will be continued to allow those agencies/ abutters (Epping, Raymond, Strafford Regional
182 Planning Commission and Rockingham County Planning Commission) are legally noticed.

183 **Vote:** 7-0-0 **Motion Passed**

184 **Continuation-**

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185 **Motion Made by:** Mr. Viel to continue Case #21-003-SIT to **March 10, 2021 at 7:00pm.**

186 **Seconded by:** Ms. Mooney

187 **Discussion:** Mr. Mackinnon suggested any new or edited materials be delivered by March 1, 2021.

188 **Vote:** 7-0-0 **Motion Passed**

189 Ms. Casella stated that she needs to do more research on the process for Regional Impact meetings. She
190 knows that the regional planning commissions meetings will be noticed, as far as the direct abutters being
191 noticed she is not certain. However, it is possible to notice it on the town page and public is welcome.

192

193 **Staff/ Board Members Update**

194 **Gary Anderson- SRPC rep update-** Informed the Board of a \$500,000 grant for replacement of older
195 diesel vehicles. The application period opens February 8, 2021 through March 8, 2021. He stated that he
196 will forward the information to the Public Works Director.

197 **Ed Viel-** Informed the remaining public present that chat comments are not a part of the public hearing
198 and are not recorded in the official minutes. Mr. Grotenhuis agreed stating that it may be possible to shut
199 off public chat in the future.

200 Mr. Viel also at the next joint ZBA meeting to learn the ZBA process so the applicants can be directed
201 accurately. And that Variances and conditions are handled properly.

202 **Tiler Eaton- BOS Update-** At the February 8, 2021 meeting the BOS met with a NHDOT representative
203 to discuss a Route 152 bridge reconstruction. There will be many further discussions before this work
204 will begin (2023-2024).

205 **Susan Mooney- Nottingham Conservation Commission-** Stated that she mis spoke at the last meeting
206 there are actually two (2) open position on the NCC. Applications are to be made to Select Board
207 through the Business Office.

208

209 **Minutes**

210 • January 13, 2021

211 • January 27, 2021

212 **Motion Made by:** Mrs. Mooney to approve the January 13, 2021 and January 27, 2021 minutes as
213 edited.

214 **Seconded by:** Mr. Davies

215 **Roll Call Vote:** 7-0-0 **Motion Passed**

216

217 **Adjournment**

218 **Motion Made by:** Mr. Viel

219 **Seconded by:** Mr. Grotenhuis

220 **Adjourn at:** 9:18pm

221

222 For the Nottingham Planning Board ~ JoAnna Arendarczyk, Land Use Clerk