

Nottingham Planning Board Meeting

DATE: May 10, 2023

Official Minutes

1 **Call to Order**

2 **Members Present:** Eduard Viel, Chairman; Ian MacKinnon, Vice Chair; Susan Mooney,
3 Secretary; John Morin, Select Board Ex-Officio Representative; Teresa Bascom, Member;
4 Sherry Sandler, Member; Robert “Buzz” Davies, Alternate.

5
6 **Members Absent:** Charlene Andersen, SRPC Representative; Sandra Jones, Alternate.

7
8 **Alternate Seated and Voting:** Mr. Davies was seated and voting for Ms. Andersen.

9
10 **Others Present:** Blair Haney, SRPC; Alana Kenney, Land Use Clerk; Jennifer Dubois, Abutter;
11 Jennifer Booth, Abutter; Denis Hamel, Applicant; Tim Phoenix; Tom Moulton, Applicant.

12
13 **Call to Order**

14
15 The meeting was called to order at 7:00PM.

16
17 Mr. Viel reminded the Board of their Civility and Professionalism Decorum.

18
19 **Public Hearings**

20
21 *Case # 23-005 SIT Nottingham Business Park - 145 Old Turnpike Rd: Application from GM2*
22 *Associates, Inc. on behalf of Nottingham Business Park, LLC to complete construction of a*
23 *176,000 square foot building, paved access drives and parking areas, storm water management*
24 *systems, an existing onsite well for domestic water supply and fire suppression, and an onsite*
25 *septic system. The proposed use of the building and site will be a warehouse for light*
26 *industrial manufacturing. There are currently 26 loading docks for tractor trailer loading and*
27 *unloading. There are 119 paved parking spaces including 8 handicapped spaces of which, two*
28 *are van accessible. This property is located at 145 Old Turnpike Road, in Nottingham, NH,*
29 *and is identified as Tax Map # 003, Lot # 010.*

30
31 Mr. MacKinnon recused himself from this case and left the table, as he is a direct abutter of this
32 project.

33
34 Denis Hamel of GM2 Associates came forward and introduced himself on behalf of the
35 applicant. Joining him was Tom Moulton of Nottingham Business Park, LLC.

36

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37 Mr. Moulton stated that he purchased the property from the Town about a year and a half ago.
38 His intent was to repurpose the building and figure out how to make it economically viable for
39 the Town and for himself. He is in the process of finding a tenant and would like to have the
40 project approved so that there are no delays.

41

42 Mr. Hamel advised that the footprint of the building is the same as it was when the USA Springs
43 project was approved a number of years ago. The parking area and access drive has already been
44 cleared and some base gravel has been put in. Two major basins for storm water systems were
45 installed. A wetland replication area has been created, which was previously approved by the
46 State and the Town. Mr. Hamel reiterated that they are trying to re-permit this project in the
47 same way that it was done previously. He acknowledged that Town and State rules have changed
48 since then. Because of this, additional storm water requirements are needed and they will request
49 a waiver from the State for some of the infiltration specifications. The State responded that they
50 in turn would entertain the reduction of the infiltration requirements for this particular project.

51

52 Mr. Hamel continued that the actual size of the footprint of the pavement is less than it was when
53 the USA Springs project was approved. There are twenty-six (26) loading docks that are framed
54 into the building. The pavement has been pulled away from abutters on Lincoln Drive.

55

56 Mr. Hamel stated that they are not cutting any trees for this project. He noted that the Fire
57 Chief's feedback indicated that he would want a road that goes around the back of the building,
58 and in order to do this, they would need to partially-fill one (1) small section of wetland. He said
59 that he and Mr. Moulton would be meeting with the Fire Chief to address his concerns. They will
60 be using the highest-producing USA Springs well to implement a sprinkler system for the
61 building. Mr. Moulton owns two other parcels next to this property, and the long-term plan is to
62 develop those as well. They would like to create an easement between this parcel and the other
63 two parcels that would be gated off but allow access in and out in emergency situations. The
64 highest producing well would also supply water for the abutting development in the future.

65

66 Mr. Viel asked Mr. Haney for his review of the application.

67

68 Mr. Haney noted that it does not appear that they are requesting any waivers or that there is any
69 proposed impact to wetland buffers that would require a Conditional Use Permit (CUP).

70

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71 Mr. Hamel inquired about the definition of a structure and whether or not a retaining wall within
72 twenty-five (25) feet of wetlands would require a CUP, a variance, or nothing. Mr. Viel noted
73 that the Board could come back to this after acting on application completeness.

74

75 Mr. Hamel noted that they would need to get a Highway Entrance Permit from the New
76 Hampshire Department of Transportation (NHDOT), which would require a traffic study. He
77 inquired as to whether or not this would mean a waiver request to the Town. Mr. Viel suggested
78 that it would. Mr. Haney noted that a waiver request would be at the discretion of the Board.

79

80 *Ms. Mooney made the motion to accept Case # 23-005 SIT as complete. The motion was*
81 *seconded by Mr. Morin. The motion was approved by a vote of 5-0-1.*

82

83 Mr. Hamel stated that the application calls out “landscape areas” rather than specific plants,
84 shrubs, and trees, as the client/tenant may want to design their own landscape for the area.

85

86 *Ms. Mooney made the motion that Case # 23-005 SIT is a project of regional impact in*
87 *consideration of the fact that this project has proximity to the towns of Barrington, Lee, and*
88 *Northwood; possible light pollution; traffic studies; and protection of water. The motion was*
89 *seconded by Mrs. Bascom. The motion was approved by a roll call vote of 4-1-1: Mr. Davies,*
90 *aye; Mrs. Bascom, aye; Mr. Morin, no; Mr. Viel, abstain; Ms. Mooney, aye; Ms. Sandler, aye.*

91

92 Discussion followed whether the Board could continue to discuss this project or if it would need
93 to wait until abutting towns have been notified and given the opportunity to provide feedback.
94 Mr. Haney noted that there is no rule that states that the Board cannot continue at this time.

95

96 Ms. Sandler asked for clarification regarding the “subdivision” that Mr. Hamel has referred to.
97 Mr. Hamel reiterated that Mr. Moulton purchased three parcels from the Town; the project that
98 they have before the Board now, a twenty (20) acre piece in the middle, and another sixty-six
99 (66) acre piece beyond that. The plan is to eventually subdivide the twenty (20) and sixty-six
100 (66) acre parcels. Ms. Sandler asked for clarification that the subdivision is not part of the
101 proposed application; Mr. Hamel and Mr. Moulton confirmed this. Mr. Morin noted that the
102 applicant came before the Board about a year ago with a conceptual site plan review for the
103 subdivision. Mr. Hamel indicated that the applicant may be back before the Board later this year
104 with an application for the subdivision. Mr. Moulton expressed that the Town seemed very
105 receptive of commercial work because it does not impact the school. He reported that this project

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106 is quiet, private, “in the middle of nowhere”, and that it should not have much impact on
107 surrounding abutters and towns.

108

109 Ms. Mooney noted that the Town website has suggestions regarding down lighting, timers,
110 and/or motion detectors to eliminate light pollution. Mr. Moulton reported that he appreciates
111 down lighting.

112

113 Ms. Mooney expressed a concern regarding quality of water in the bedrock on this site. She
114 advised that, when USA Springs was first proposing to put in their bottling facility, contaminants
115 were detected in the bedrock because of an abutting property dumping chemicals into the
116 ground. When USA Springs was doing their testing wells, some of that contamination was
117 detected. Since that time, water testing has become much more sophisticated. She inquired as to
118 how this might impact abutters on Lincoln Drive as well as the future subdivision. Mr. Moulton
119 expressed that their project would not be pumping nearly as much water as USA Springs but that
120 testing of the water would be done. Mr. Viel noted that if this were a public water supply, it
121 would need to go through the New Hampshire Department of Environmental Services (NHDES)
122 and be tested regularly.

123

124 Mrs. Bascom asked for clarification of a symbol used on a particular page of the plan set. Mr.
125 Viel advised that it represents the one hundred (100) foot abutter line.

126

127 Mr. Viel made the following comments:

- 128 • Make sure the address is written correctly on each part of the plan set (some pages
129 indicate “Old County Road” rather than “Old Turnpike Road”).
- 130 • Make sure that the right project is named (USA Springs is mentioned often).
- 131 • Any prior approvals have expired, so the Board must treat this application as a new one.
- 132 • The Board may request confirmation that the wetland replication has been approved by
133 the State.
- 134 • NHDOT will need to be consulted.
- 135 • The applicant should look into creating routes by which commercial vehicles may travel
136 in order to limit traffic on Town roads.
- 137 • Nottingham does not have a light pollution ordinance but that is generally something that
138 abutters and other residents bring forward as concerns.
- 139 • The Board will look for input from the Fire Chief.
- 140 • There is a potential that the applicant will need to come before the Board again with a
141 “change of use” if the use turns from commercial to industrial.

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142

143 Mrs. Bascom recommended that the narrative section of the application be double checked for
144 spelling and grammatical errors.

145

146 Mr. Viel asked for clarification regarding the box beyond the septic system on Sheet G. Mr.
147 Hamel reported that will be the septic reserve area. Mr. Viel noted that this location is beyond
148 the one hundred (100) foot buffer from the neighbors.

149

150 Mr. Viel stated that the Police Department reported that they have no comments regarding this
151 project at this time. The Public Works Department asked for clarification that there are no
152 proposed Town roadways. Mr. Hamel reported that the roadway would be privately owned and
153 maintained.

154

155 Mr. Hamel asked about the turnaround time for notices to go out to surrounding towns and
156 abutters for comment as part of the development of regional impact. Mr. Viel reported that it
157 would take some time to get notices out and give people the opportunity to provide input and
158 estimated that this case would be continued to the first meeting in June.

159

160 Mr. Hamel inquired as to who conducts the peer review of the storm water system. Mr. Viel
161 advised that the Board generally uses CMA Engineers. He further advised that they send off for
162 an estimate so that the applicant could see the cost before signing off on the review.

163

164 Mr. Haney asked if the access drive to the well is completed. Mr. Hamel advised that there is a
165 gravel path that goes out there but that it has some wet parts and is now designated as a wetland.
166 They intend to improve the path so a truck could be driven out there. Mr. Viel advised that if any
167 improvements encroach on the twenty-five (25) foot vegetative buffer from the wetlands, the
168 applicant will need to apply for a CUP.

169

170 Ms. Mooney asked that the wetlands and soils be better identified on the plan set. She noted that
171 there appears to be no key that indicates which symbols are used where on the maps.

172

173 ***Ms. Mooney made the motion to continue Case # 23-005 SIT to June 14, 2023 at 7:00PM with***
174 ***deliverables due by June 7, 2023. The motion was seconded by Mrs. Bascom. The motion was***
175 ***unanimously approved by a vote of 6-0-0.***

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176

177 Mr. Viel stated that the public hearing was noted as opened due to the project being one of
178 Regional Impact and the public hearing would continue at the June 14th meeting.

179

180 Mr. Hamel and Mr. Moulton sat down from the table.

181

182 Mr. MacKinnon rejoined the Board and resumed his seat as Vice Chair.

183

184 **Other**

185

186 *Vote on Secretary.*

187

188 *Mrs. Bascom made the motion to nominate Susan Mooney as Secretary for the Planning*
189 *Board. The motion was seconded by Ms. Sandler. The motion was unanimously approved by a*
190 *vote of 7-0-0.*

191

192 *Consider next SRPC Commissioner / Representative.*

193

194 Mr. Viel advised that the Board has received a letter from Cheryl Smith writing to request
195 consideration to be appointed to the Strafford Regional Planning Commission (SRPC)
196 representing Nottingham. He recalled that Mrs. Bascom had stated that she may be interested in
197 being appointed.

198

199 Mrs. Bascom reported that she would be interested in being an Alternate for SRPC and attend
200 meetings that Ms. Andersen or the other Commissioner may not be able to. Mr. Viel asked Mr.
201 Haney to look into whether or not the Board could have an Alternate who would be able to vote
202 or if only the two appointed Commissioners could vote.

203

204 It was decided that this would be tabled for the next meeting.

205

206 *Review PB action items and vote on hierarchy of importance.*

207

208 Mr. Viel listed the following action items for review:

209

- Fee review
 - Mr. Viel and Mr. MacKinnon have a list of recommended fees for the Select Board to review.
 - Some towns charge an extra fee or escrow to applicants for the cost of using services such as SRPC's. This would reduce some of the costs for the Town of Nottingham.
 - Mr. Morin suggested that the fee be based on the number of proposed project lots.

210

211

212

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- 216 • Third-party reviews
- 217 ○ Town Counsel reviews requests re: legal standpoint but recommends that all other
- 218 non-legal items be reviewed by the Town's third-party engineering firm.
- 219 • Per the *Subdivision Regulations*, the Board must require a bond for any application if a
- 220 new road is proposed.
- 221 • *Site plan/Subdivision Regulations* updates should be done sooner rather than later.
- 222 ○ They can be accepted after a public hearing, a warrant article and Town vote are
- 223 not required.
- 224 • Review the Application Checklist/Findings of Fact.
- 225 ○ The Board has proposed adding a 15th item, *Findings of Fact*, to the *Application*
- 226 *Checklist*. Ms. Kenney has attended to this.
- 227 • Impact fees should be addressed this year.
- 228 ○ Mr. Viel has reached out to SRPC to see if there is someone available to conduct
- 229 an assessment of the Town's impact fees. He has contacted someone and is
- 230 awaiting guidance from SRPC.
- 231 ○ The goal is to have taken action by July.
- 232 • Master Plan
- 233 ○ The Board will be seeking volunteers for a Master Plan Committee. Ideally there
- 234 would be at least five (5) people.
- 235 • Determine if a budget item could be established for a fund every five (5) to ten (10) years
- 236 to include community engagement.
- 237 ○ This will likely be a warrant article.
- 238 • Schedule a Zoning Board of Adjustment joint meeting. Usually the Nottingham
- 239 Conservation Commission, Building Inspector, Fire Chief, Police Chief, Town
- 240 Administrator, and any other agency that wishes to attend are invited.
- 241 ○ This is usually scheduled late-summer.
- 242 ○ Mr. Viel proposed holding this joint meeting on August 23, 2023 and not
- 243 entertaining any public hearings on that day.
- 244 • Processes and Procedures of the Land Use Clerk
- 245 ○ This task could be addressed as Ms. Kenney settles into her role as Land Use
- 246 Clerk.
- 247 ○ Ideally, an outline will be established to itemize actions for the Land Use Clerk to
- 248 follow during the application process.
- 249 • Capital Improvement Plan (CIP)
- 250 ○ The Board will be responsible for assembling and leading a sub-committee this
- 251 fall.
- 252 • Warrant articles will be addressed around October-December of this year.

253
254 Mr. Viel reported that he has forwarded this list to the new Town Administrator, Ellen White, for
255 her review and feedback.

256
257 ***Discuss if letter with Planning Board comments to be sent to the State re: Pawtuckaway Park***
258 ***planned expansion of camping sites. Note: The Planning Board does not have purview over***
259 ***State projects but is allowed to submit comment.***

260

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261 Mr. Viel advised that the New Hampshire State Parks Department recently held a meeting in
262 Nottingham with the Pawtuckaway Lake Improvement Association (PLIA). Town Counsel has
263 confirmed that the Planning Board does not have any purview over State projects but is allowed
264 to submit comment.

265
266 Mr. Viel offered to draft a letter to the State. He cited concerns regarding the quality of
267 Pawtuckaway Lake, lake access, increased burden on Police and Fire Departments, and increase
268 in traffic.

269
270 Ms. Mooney added that septic overload is also of concern.

271
272 Mr. Viel reported that he would draft a letter. Ms. Mooney suggested that the letter be addressed
273 to the State Parks Department but also be sent to the local State Representatives as well as the
274 local State Senator.

275
276 **Public Comment**

277
278 None.

279
280 **Approval of Minutes**

281
282 *Mrs. Bascom made the motion to approve the minutes dated April 12, 2023 and April 26, 2023*
283 *as amended. The motion was seconded by Mr. MacKinnon. The motion was unanimously*
284 *approved by a vote of 7-0-0.*

285
286 **Select Board and Staff / Board Member Updates**

287
288 Mr. Davies had no comment.

289
290 Mrs. Bascom had no comment.

291
292 Mr. Morin reported that Matt Shirland has been appointed to the Select Board, replacing Tiler
293 Eaton. He also noted that the Town has received a chair dedicated to them by New Hampshire
294 Rolling Thunder, Inc., a non-profit class 501(c)(4). (It's primary mission is to publicize
295 POW/MIA and to assist American veterans.) The Select Board is open to suggestions as to where
296 and how to display the chair.

297
298 Mr. MacKinnon reminded the Board that the Smoke Street subdivision site walk will be held at
299 5:30PM on Wednesday, May 17th.

300
301 Mr. Viel had no comment.

302
303 Ms. Mooney said that Christopher Berry of Berry Surveying and Engineering had been before
304 the Nottingham Conservation Commission at their last meeting to present the plans for the

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305 proposed Smoke Street subdivision. The Board will be receiving a letter from the Commission
306 with their review of the plans.

307

308 Ms. Sandler had no comment.

309

310 Mr. Haney advised that, during this meeting, he reached out to SRPC who replied that the Board
311 can have an alternate for SRPC.

312

313 *Ms. Mooney made the motion to accept Cheryl Smith's application to represent Nottingham*
314 *on the Strafford Regional Planning Commission as a full voting member. The motion was*
315 *seconded by Mrs. Bascom. The motion was unanimously approved by a vote of 7-0-0.*

316

317 *Ms. Mooney made the motion to nominate Teresa Bascom as an alternate for the Strafford*
318 *Regional Planning Commission as a voting member when one of the regular members is not*
319 *attending. The motion was seconded by Ms. Sandler. The motion was unanimously approved*
320 *by a vote of 7-0-0.*

321

322 Mr. Viel stated that he would send these appointments to the Select Board for their approval.

323

324 **Adjourn**

325

326 The meeting was adjourned at 9:20PM.

327

328

329

330

331

332 Respectfully submitted,
333 Rachel Russell Leed, Transcriber