

**Nottingham Select Board Meeting**  
**8/31/20**  
**Official Minutes as of 9/14/20 Minutes**

**1 Call to Order**

2 Members Present: Chair Ben Bartlett, Vice Chair John Morin, Tiler Eaton, Tony Dumas, Donna  
3 Danis

4 Absent:

5 Others: Lorraine Petrini, Chris Sterndale, Tami Defrancesco, Jennifer Menard, Mike Menard,  
6 Charlie Brown, Jeremy Gregoire, Nicole Robbins, James Gregoire, Andrea Ollie, David Peno,  
7 Art Jenks, Al Olivier, Brian Huntie, Bridget Jackson, Lee Weldy, Sharon Weldy, Katelyn  
8 Brown, James George, Gerry George, Damien Bonnier, Steve Reynolds, Don McMurchy,  
9 Andrea Jackson, Fredrick Jackson, Samantha Guertin, Allan Trant, Jennifer Dubois

10 Chair opened the meeting at 6:30pm with the Pledge of Allegiance.

**11 Approve Manifests**

12 **Ms. Danis made a motion to approve the accounts payable manifest of 8/25/20 and payroll**  
13 **manifest of 8/24/20. Mr. Dumas seconded. Unanimously approved by a vote of 5-0.**

**14 Approve Minutes**

15 **Mr. Eaton made a motion to approve the public and non-public minutes from 8/10/20 as**  
16 **written. Mr. Dumas seconded. Unanimously approved by a vote of 5-0.**

**17 BOS Reports from Assigned Boards/Committees**

*18 Budget Committee*

19 The housing development on Mitchell Rd. is scheduled for the second week in Sept. Another  
20 case was extended.

*21 Planning Board*

22 No update.

*23 CIP*

24 No update. Ms. Danis asked if the town becoming SB2 will impact the CIP process. Mr.  
25 Sterndale said it will and recently asked for updated info from school and town dept.

*26 300<sup>th</sup> Celebration Committee*

27 The committee needed a bit more money to pay for the cost of the cookbook due to the number  
28 of pages. Mr. Sterndale approved and gave them the money.

*29 Marston Property*

30 No update.

**31 Town Administrator Report**

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32 Election Tuesday is a week from today. The set up for the election will be on the Thursday  
33 before.

34 Evals went out and Avitar has 100 appointments with property owners.

35 The NH Retirement system had an informational meeting. The rates that the town pays for the  
36 pension programs for the Nottingham police and fire dept are going up quite a bit. Police went  
37 from 28% to 33%. Fire increased from 30 to 33%. This will be about \$20k increase over the next  
38 year. The state used to pay this amount until about 10 years ago.

39 An audit will be completed this year.

40 Rte. 4 property will be put on the agenda next meeting as well as two other properties.

41 The town office is watching revenues in the town in order to assist with setting the tax rate.

42 **Action Items from Last Meetings**

43 *Road standards*

44 This will be scheduled at a future meeting to discuss.

45 **Assessing**

46 The BOS will sign the intent to cut or excavation for Map 44 Lot 12.

47 The BOS will sign the elderly or disabled tax credit for Map 54 Lot 8F.

48 **General Business**

49 *NHMA Policy Process*

50 Mr. Sterndale asked BOS if they want to send anyone from the BOS to the NHMA Policy  
51 Process meeting on 10/2/20 and asked how will they vote for the issues. Ms. Danis said Mr.  
52 Sterndale has attended in the past and the BOS should look at the issues to see if they feel  
53 strongly about any for Mr. Sterndale to voice their opinion. The Board concurred that Mr.  
54 Sterndale will attend.

55 *2021 Budget Calendar*

56 There was discussion about the date of the deliberative session for the town. The town and  
57 school deliberative sessions will be in the same week. Mr. Bartlett would prefer the town  
58 deliberative session to be on Saturday. Mr. Sterndale said that many people said at the town  
59 meeting they did want to give up their Saturday for the town meeting and that was a major  
60 reason to go to SB2. Mr. Morin said two nights during the week for the deliberative sessions  
61 would be his preference. Mr. Dumas asked about doing the deliberative session on Saturday to  
62 appease the folks who are upset about losing town meeting. Mr. Eaton suggested looking at what  
63 other towns are doing. He understands people have to work; maybe it's best to do a Saturday  
64 since it is the first one.

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Mr. Morin asked where they would hold the meeting. He said there wasn't even 40 people at the school deliberative session last year.

Mr. Bartlett said the consensus of the board is to have the town deliberative meeting on a Saturday. Ms. Danis said she would like it to be the first Saturday of the period.

**Appointments**

*Tami Defrancesco-Watercross*

Ms. Defrancesco and her daughter Katelyn Brown spoke at the meeting regarding the watercross event held at their property in town. They had submitted a permit for the watercross event for Sept 25-27. See attached. Ms. Defrancesco inquired about the complaints and if they can move forward with the permit for the Sept. event. Mr. Bartlett said there have been noise complaints. Ms. Defrancesco said letters have been sent to the abutters about the next event which includes contact information if the abutters have any issues or questions.

Ms. Danis said she had three major concerns. The first is noise. She said it was quite loud at her house at the lake which is a distance away. Ms. Danis asked if it was true that 1500 people had attended. Ms. Brown said there were about 750 people attending; they numbered the wrist bracelets. Ms. Danis said she has a concern about the number of people going when the permit said it would be around 200 people attending the event. Another concern that Ms. Danis had was that the detail officer allowed the event to go on longer because of the thunderstorms which had stopped the event. Ms. Danis said the event should not have gone beyond the time limit that was listed on the permit. Ms. Defrancesco said it went 15 minutes longer. Mr. Morin said it went till 7pm which was an hour longer than what was on the permit. Ms. Danis said the Planning Board weighing in on the event is also a concern of hers. Mr. Morin read the letter from the Planning Board. See attached. Ms. Defrancesco asked if the BOS can only approve a single event. Mr. Morin said this was the first time they were asked about any event in the town. Mr. Sterndale said they treated the three events as one event and then they would hand this event to Planning Board for site approval in the future. Ms. Brown said they have started the site plan for the Planning Board. Mr. Eaton asked if the BOS overstepped their bounds. Mr. Sterndale said they may have overstepped. Ms. Danis believes they have overstepped their bounds based on the letter from Planning Board. She feels they were rushed into the decision they made for the first event. September 26-27 is the next event with practice on 9/25. Mr. Dumas said if the definition given by the Planning Board is accurate, then perhaps BOS has overstepped their bounds. Mr. Eaton asked if Ms. Defrancesco can have friends over to watercross. Mr. Sterndale said she can have a private event. The land has changed its use when it becomes an event held more than once. Mr. Bartlett asked about a private family reunion that is yearly event. Mr. Morin and Ms. Danis said there is no admission fee for a family reunion. Mr. Bartlett asked if the watercross event asked for a donation instead of admission, would that be an 'event'? Mr. Bartlett asked what they should do regarding the third event with the Planning Board. Ms. Brown said it is a commercial zone already but Mr. Sterndale said it's different use than the event use. Mr. Bartlett asked if they could come to a compromise and have a one-day event instead. Mr. Bartlett said the

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104 watercross group would like to have a summer, spring and fall event next year so they have the  
105 event more spread out throughout the year. Ms. Danis said the watercross event is not a business.  
106 They are not paying taxes for the watercross event. Ms. Defrancesco said she does pay business  
107 taxes on the gravel business. Ms. Danis said there is no noise ordinance.

108 Ms. Defrancesco asked if they can reclassify this last event as a single event. Then they can go  
109 before the Planning Board for the next events next year. She said it's been a learning experience  
110 for this. Mr. Morin said they could make changes to the permit for this upcoming event.

111 Lee Weldy said he lives close to the gravel pit. Liars Paradise had a car show every week; he  
112 asked if they had to come to the BOS before their events. He said the BOS can't single out  
113 certain events. He understands the noise complaints but there are other noises in the town. He is  
114 in support of the event.

115 Steve Reynolds is the organizer of the event. He did acknowledge that the event is loud. They  
116 had 700 people at the event and those there were supportive of the event. Mr. Bartlett said the  
117 townspeople, town, BOS and watercross event need to find common ground if they want to  
118 continue to have this event. Mr. Reynolds said they have compromised and had a shorter event  
119 than typical.

120 Ms. Danis asked how they would limit the number of people coming to the event so that it is  
121 adhering to the permit. Mr. Reynolds said they cannot limit the number of people and there  
122 wasn't any traffic going into the road. He said they can't predict the number of people who will  
123 come. Mr. Morin asked what happens if something goes wrong. Mr. Reynolds said they have a  
124 \$2M insurance policy. He believes the majority of the town is for this event. He is asking the  
125 BOS not to cancel the last event. Mr. Morin said when Mr. Reynolds first came in, it was just  
126 watercross but now it is a swap meet and a camping event as well. Mr. Dumas said he can  
127 understand the noise concerns and noted this has been a learning process. He said Tami and  
128 Steve have abided to every condition that the BOS has imposed upon them. Other than the issue  
129 if the BOS has the authority for this event, he does not have any problem with this event. He  
130 pointed out that the event is on Lot 8 which is a commercial zone. He said he would like to  
131 discuss the event with the Planning Board. Mr. Eaton said that they all agreed this event would  
132 not become as large as Fremont. He believes they should let the watercross organizers finish the  
133 season. Mr. Morin said the Planning Board should have enough information to decide on this  
134 event. Ms. Danis said she is not against the event at all; she is concerned about the BOS legally  
135 doing the right thing. They received the letter from the Planning Board today. Ms. Defrancesco  
136 said the swap meet can be held on a different property if need be. Mr. Dumas said Liar's  
137 Paradise has a similar type of event; he noted that whatever they put in place must be applied  
138 fairly across the event.

139 Mr. Dumas said they should not vote on the permit tonight until they meet with the Planning  
140 Board. The Planning Board meets next Wednesday.

141 Mr. Bartlett said he is in favor of this event but they want to make sure the BOS is doing  
142 everything legally.

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143 Mr. Reynolds said Epping and Northwood have these events and have never gone before the  
144 town. He is asking for the last event to be approved by the BOS. He understands he has to go  
145 before the Planning Board after this last event.

146 Ms. Danis went over the options: make a vote tonight on the watercross event or ask Mr.  
147 Sterndale to get an opinion from lawyer and the BOS can speak with the Planning Board. Mr.  
148 Dumas said they should ask if the lot use would make a difference to the Planning Board.

149 Mr. Morin said he would be in favor of giving them the permit tonight. Mr. Dumas said he is in  
150 favor of giving them the permit. Mr. Eaton said he is on the Planning Board so he is not sure if  
151 he should state his opinion. Mr. Sterndale said Mr. Eaton's primary role is for the BOS; at the  
152 point, Mr. Eaton said he is for giving them a permit. Mr. Dumas said he is more comfortable  
153 getting an opinion from the lawyer. Mr. Reynolds asked if they can have their event with the  
154 BOS approval. Mr. Bartlett suggested getting opinion from lawyer and then reconvene the BOS  
155 meeting to discuss the legal opinion.

156 Ms. Brown said she hopes that legal counsel understands this is an ongoing event and has  
157 occurred twice before.

158 Don McMurchy said he agrees that the BOS should go to legal counsel.

159 Fred Jackson said he lives on the lake and the noise is like white noise. Fireworks are far worse.  
160 The event is well put together and there is no traffic on Rte. 156.

161 Jennifer Dubois said there is no noise ordinance in Nottingham. She has been an avid supporter  
162 of this event.

163 Jennifer Menard said there was not 750 people there all at once. It was not overcrowded. It was a  
164 family event and a positive event. The watercross event is trying to do positive for this town with  
165 the food pantry donation. There is no noise ordinance. She would like the event to be approved.

166 Dave Peno, who doesn't live in town, said he works for Ms. Defrancesco at these events. He said  
167 there were people who have some safety training in case of an emergency.

168 Mr. Weldy said the Planning Board should have reached out to the BOS before this time if they  
169 felt they had precedence over this event. He does not believe the BOS should wait for legal  
170 counsel because it may take a long time.

171 Mr. Bartlett is suggesting that BOS get legal counsel and then reconvene later this week to  
172 continue the meeting. Ms. Danis said all meetings are posted.

173 Mr. Weldy said the Planning Board chair should have been at the BOS meeting tonight. Mr.  
174 Reynolds asked what makes an event an event. Mr. Sterndale said there is an RSA regarding  
175 events.

176 Mr. Morin made a motion to approve the application for watercross for Sept 26-28. There was no  
177 second.

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178 There was a discussion of what they will ask legal counsel.

179 **Other**

180 Ms. Danis confirmed that the BOS said that emergency lane roads were going to continue being  
181 maintained. Mr. Bartlett said he is not in favor of working on road standards document until a  
182 decision is made by the courts but is in favor of having the roads continue to be maintained by  
183 the town. Mr. Morin concurred. Mr. Dumas and Mr. Eaton agreed.

184 Mr. Dumas said that Brianne said the rainwater is getting into the cardboard dumpster which is  
185 outside. If the cardboard is bailed and brought inside, the town gets more money for it. He would  
186 like to move cardboard back inside to restore that revenue. Mr. Sterndale said they don't want to  
187 change procedures multiple times because they have to reeducate the public. Mr. Morin said he  
188 believes everyone should be paying for a dump sticker.

189 Mr. Eaton asked who someone should get in touch with for a pothole. Mr. Sterndale said the  
190 town office.

191 **Review Action Items for Next Meeting**

192 Rte 4 property, corner of Freeman Hall Road property, 9 acres property across from USA  
193 Springs property on Rte. 4, road standards, NHMA Policy Process

194 **Adjourn**

195 **Ms. Danis made a motion to enter non-public at 8:27pm per RSA 91-A:3 II (a). Mr. Dumas**  
196 **seconded. Roll Call Vote: Dumas – Yea, Danis – Yea. Bartlett – Yea. Eaton – Yea. Morin**  
197 **– Yea.**

198 The non-public meeting ended at 9:15pm.

199 **Ms. Danis made a motion to seal the minutes. Mr. Dumas seconded. Roll Call Vote: Dumas**  
200 **– Yea, Danis – Yea. Bartlett – Yea. Eaton – Yea. Morin – Yea.**

201  
202 **Ms. Danis made a motion to adjourn the public meeting at 9:15pm. Mr. Morin seconded.**  
203 **Roll Call Vote: Dumas – Yea, Danis – Yea. Bartlett – Yea. Eaton – Yea. Morin – Yea.**

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Town of Nottingham  
P.O. Box 114  
Nottingham NH 03290



Office 603-679-5022  
Fax 603-679-1013

August 31, 2020

Board of Selectman  
Town of Nottingham  
P.O. Box 114  
Nottingham, NH 03290

RE: Approval of Commercial Events

Dear Chairman Bartlett,

The Planning Board has been made aware of non-permitted use of property at 214 Raymond Road. The parcel (Map 69 Lot 10) is within the Residential/Agriculture Zone and has a use permit for a gravel pit. The non-permitted use is for commercial events in which snowmobile water racing is occurring.

We understand that the Board of Selectmen discussed these events at a public meeting and agreed to allow the "single" event without consulting the Planning Board. It was stated at the meeting that the "single" event would not be subject to Zoning Board of Adjustments or Planning Board review. In fact it is not a single event, but three separate weekends with three days each weekend, a total of nine days.

It is our position that the Board of Selectmen does not have the power or jurisdiction to grant commercial use permits in the Town. Although the Town does not have a commercial event approval process, all commercial operations are required to obtain approval from either the Zoning Board of Adjustments or the Planning Board via a Site Plan Application. These procedures ensure that the public is legally notified and the extents of an event are understood by the public and all Town Departments. This process will ensure that the event is accessible and safe for all public and that environmental impacts are controlled at or beyond the property line or public street such as wetlands, noise, smoke, fire, traffic, odor, and dust.

All future commercial events shall not take place without an approval by the Planning Board or by obtaining a variance from the Zoning Board of Appeals. We encourage the Select Board to schedule a meeting with the Planning Board and to understand the requirement of commercial uses and to make the Planning Board aware of any future events proposed.

Respectfully,

Dirk Grotenhuis, Chairman Nottingham Planning Board

Cc: Chris Sterndale, Town Administrator  
Bonnie Winona MacKinnon, Chair Zoning Board of Adjustments



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Town of Nottingham, NH  
139 Stage Road  
PO Box 114  
Nottingham, NH 03290  
603.679.5022

**SPECIAL EVENT LICENSE**  
**APPLICATION/AGREEMENT**

Applicant / Property Owner: Tami Defrancesco  
Event Location: 214 Raymond Rd  
Date(s): August 21, 22, 23, 2020  
Hours: 9a-6p  
Event Name / Description: Northeast Watercross Championship

Estimated Attendance: 500-700 across 3 days

Contact Info:  
Owner: Tami Defrancesco Phone: 603.490.1859  
Email: tami.defrancesco@verani.com  
Event Manager: Steve Reynolds Phone: 603.969.9961  
Email: sreynolds0715@gmail.com

**Permit Requirements/Conditions:**

- Applicant to acquire all necessary state/federal permits/licenses (Fish and Game; Health/food service; etc.)
- Racing Hours limited to Friday 2p-4p; Saturday & Sunday 10a-6p; Tuning/cleanouts within ½ hr of start and finish;
- No fireworks;
- Applicant to provide on-site traffic/parking management;
- Applicant to mail written notice of event schedule to all Nottingham properties within 1,500ft, and to affected Epping and Raymond residences.
- Detail police hired for traffic control or on-site safety, as directed by Nottingham PD;
- Applicant shall obtain written daily permit for any campfires from warden-Nottingham Fire/Rescue;
- Applicant to hire on-site private ambulance service for all racing hours;
- Minimum of five porta-potties on site, emptied/cleaned daily;
- Any overnight camping shall have self-contained septic (RVs only no tents);
- Follow current guidance from CDC and State of NH for Covid-19 precautions and prevention, including executive order #63 regarding masks.

Tami Defrancesco  
Property Owner/Applicant

dotloop verified  
08/14/20 9:56 AM EDT  
PLO2-62NW-KA0G-RGFY

08/14/2020  
Date

Approved by Town of Nottingham:

*[Signature]*, TIA. 8/14/20

(take p)