

Nottingham Planning Board Meeting

DATE: July 27, 2022

Official Minutes

Call to Order

Members Present: Eduard Viel, Chair; Ian MacKinnon, Vice Chair; Susan Mooney, Secretary; Charlene Andersen, SRPC Rep; Gary Anderson, SRPC Rep; Sandra Jones, Alternate; Ben Bartlett, BOS Ex-Officio Member; Robert “Buzz” Davies, Alternate

Members Absent: Sherry Sandler, Member;

Alternate Seated and Voting: Ms. Jones was seated for Ms. Sandler

Others: Kevin Lemieux, Land Use Clerk; Blair Haney, SRPC Planner;

Call to Order

The meeting was called to order at 7:02 PM.

Roll call

Roll call was completed.

Public Hearings

Case#22-007-SIT: Application from David Beati of BSC Group representing Concrete Products of Londonderry requesting approval to build a pre-cast concrete manufacturing facility. The property is located at 160 Old Turnpike Road, in Nottingham, NH, and is identified as Tax Map 3, Lot 2-2.

Mr. Beati and Mr. Saurman came forward and sat at the applicant desk.

Mr. Viel recused himself from the hearing because he is an abutter to the property and left the table. Ms. Jones was seated for Ms. Sandler and Mr. Davies was seated for the recused Mr. Viel.

Mr. MacKinnon noted that feedback from the Fire Chief has been received regarding this case and a newly updated site plan set has been submitted by the applicant. He asked the applicants to give an overview of the recent updates to the plans.

Mr. Beati and Mr. Saurman introduced themselves. Mr. Beati gave an outline of the most recent updates and notes. The items include the following:

- Per the CMA peer review, an Alteration of Terrain Permit will not be needed.
- The disturbance area is only seventy-seven thousand (77,000) SqFt.
- There is a NHDOT access permit in process.
- The two (2) variances granted by the Zoning Board are listed on the plans.
- The increase in truck traffic is negligible. The potential new truck traffic would be from the current two (2) to four (4) increased to ten (10) to fourteen (14) trips per day.

Nottingham Planning Board Meeting

DATE: July 27, 2022

Official Minutes

(CLARIFICATION: DOES “TRIP” MEAN ONE TRUCK IN AND OUT OR “IN”OR “OUT”? THUS 1 TRIP IS = 1 TRUCK OR 2 TRIPS = 1 TRUCK?)

- Relocation of pre-cast units currently stored in an area that has encroached upon a residential and industrial setback requirement
- A stabilized construction entrance is shown on the site plan
- The level spreader detail is included in the detail section
- The 3:1 slope area will be loamed and seeded

Mr. MacKinnon mis-understood the setback encroachment area. He believed that the encroachment was regarding a wetland setback. Ms. Anderson replied that her understanding, and concern, was that there is an encroachment on a residential setback. The Board discussed whether the setback encroachment was pre-ordinance and therefore “grandfathered”.

Mr. Beati offered to work with the Board, in lieu of not using the area that has encroached on a the setback at all. He offered to move stored units from the location. He agreed to re-seed the area as well.

Ms. Andersen asked if a variance would be needed for the residential/industrial setback encroachment. Mr. MacKinnon believes the encroachment was existing, non-conforming and would not need a variance. Mr. Haney concurred with Mr. MacKinnon that the conditions are existing, non-conforming.

Mr. MacKinnon noted that without documentation of when conditions became an encroachment, the Board should address it from a perspective of making the area less nonconforming. He feels removing the stored items in that area would be making it less nonconforming.

Mr. Haney said that whatever gets decided, the issue of the encroachment should be addressed and documented during this case as to avoid future confusion.

Mr. MacKinnon had questions regarding the 3:1 slope area and the storage of some materials. He does not want anything stored on sloped area. He wishes for the sloped areas to be re-vegetated for long-term stabilization.

Mr. MacKinnon noted that the driveway access concerns from the NHDOT will be worked out between the state and the applicant.

Ms. Mooney referenced a letter from the Conservation Commission from July 21, 2022. The letter expressed the following:

- The area of the proposed building has a very high value wildlife habitat per NH Fish & Game Wildlife Action Pla.
- The application needs to be reviewed by the Lamprey River Advisory Committee
- The Little River area, that abuts the property, is a protected water shed
- Offered recommendations for snow storage areas
- Notations of multiple disturbances to the areas, which at 77,000 SqFt., fall below the need for an Alteration of Terrain Permit which is required at 100,000 SqFt.

Nottingham Planning Board Meeting

DATE: July 27, 2022

Official Minutes

- The NH Heritage Bureau is required to be contacted when wetland activity resumes and permits are renewed
- The Commission requests that no cutting of trees to occur prior to October 1, 2022, and therefore, not to disrupting peak times for wildlife breeding, nesting and migration.
- The Commission endorses re-vegetating areas and use of berms to mitigate disturbance and noise
- All water run-off from impervious surfaces is to be captured and treated.
- Proposed lighting should be minimal and only for the safety of the employees
- The MSDS chemical additive sheet needs further review.

Ms. Mooney noted that the Conservation Commission will be meeting August 8, 2022. The Commission will discuss the MSDS sheet and chemicals used. Mr. MacKinnon noted that the chemicals used on the MSDS sheet are currently allowed and regulated by the state.

Mr. Beati noted that the current and future Storm Water system plan is quite robust and well designed to minimize run-off concerns. Mr. Saurman noted that the chemicals harden quickly, which further minimizes spillage concerns. Ms. Mooney noted that she is personally satisfied with the information received regarding the chemical additives.

Mr. MacKinnon said that the request from the Conservation Commission not to cut timber until October 1, 2022, may become a Condition of Approval.

Mr. MacKinnon opened the floor for final public comment.

Ed Viel, speaking as an abutter, said that he welcomed any improvement that could be done to the encroachment in the Residential/Agricultural area of the property.

Mr. MacKinnon closed the public comment.

Mr. MacKinnon discussed possible conditions of approvals. The approval conditions would include:

- Revegetating of the gravel area in the setback
- Stake and place placards indicating no cut areas along the setback
- NHDOT driveway permit will be needed
- Final cistern design needs to be coordinated with the Fire Chief
- The 3:1 slopes need to be loamed and seeded
- There is a request for no cutting until October 1, 2022

The Board discussed how to move forward with the case and wrap up the final review from the Nottingham Conservation Commission.

Mr. Saurman agreed to report back to the Board all state permits, if needed, for the MSDS concrete mixture chemical.

Mr. Haney suggested adding in the septic system approval from the state as a condition.

Nottingham Planning Board Meeting

DATE: July 27, 2022

Official Minutes

Mr. Beati noted that the leach field on the designs is an approximation as no leach field plans have been drawn up yet. Mr. MacKinnon requested that the approximate area be included on the final designs. Mr. Haney stated that two (2) 4K areas must be noted on the plans for the septic system.

Mr. Anderson made the motion to approve Case#22-007-SIT with the standard set of conditions and the following additional conditions:

- *The area within the 100-foot wetland setback is to be loamed and seeded.*
- *Placards are to be placed in the setback area that had previously been encroached upon indicating no further cutting of trees, effectively halting future encroachment.*
- *A driveway permit from NHDOT must be obtained.*
- *Final cistern design approval must be granted by the town Fire Chief.*
- *The area with the 3:1 slope on southeast side is to be loamed and seeded.*
- *There is to be no cutting of trees before October 1, 2022.*
- *No work in previously approved wetland impact area is authorized with this approval.*
- *The Conservation Commission will issue a final memo to be filed in the town Planning office.*
- *The site lighting must meet the town lighting ordinance requirements.*
- *A NHDES subsurface approval is required prior to a Certificate of Occupancy.*
- *Two approved test pits located within the 4K area must be indicated on the final site plans.*

The motion was seconded by Mr. Davies. The motion was unanimously approved by a vote of 7-0.

Mr. Viel returned to his duties as the Chair. Mr. Davies returned to the role as a non-voting Alternate.

Approval of Minutes

Ms. Mooney made the motion to approve the minutes from the July 20, 2022, site walk. The motion was seconded by Ms. Jones. The motion was approved by a vote of 6- “yay”, 0- “nay” and 1 abstention. Mr. MacKinnon abstained from voting.

Select Board and Staff/Board Member Updates

Mr. Anderson stated that the SRPC 10-Year Project was wrapping up. Mr. Viel noted that he submitted a list to the SRPC for consideration. He also submitted a request for a corridor study on Route 4 to NHDOT and copied this to SRPC, as well as the Planning Board’s of Lee, Barrington, and Northwood.

Mr. Bartlett said that the recent Select Board Meeting was very lively. He gave the following Select Board updates:

- Mooers Road has been accepted by the town.
- The Select Board approved a purchasing policy for town department heads.
- New Hope Church will be paving its parking lot.
- The fall budget was passed for 2023.

Nottingham Planning Board Meeting

DATE: July 27, 2022

Official Minutes

- July has been dubbed Park and Recreation Month.
- The Cahill Lane town turnaround has been settled.
- No parking signs for various areas around town have been passed.
- Renaming of a number of town roads have been approved for the E-911 safety initiative.

Mr. Viel reminded everyone of the upcoming Smoke Street subdivision site walk. He further reminded everyone that the second meeting in August will be to discuss Site Plan and Subdivision Regulation changes. He outlined several items that should be considered for that meeting's agenda. Mr. Viel confirmed with Mr. Bartlett how the Select Board representation will be moving forward.

Ms. Mooney requested that Mr. Lemieux forward the information for the upcoming site walk at Smoke Street to the Lamprey River Advisory Committee. Conservation Commission member Dallas Huggins was featured on the NH Chronicle television program for her turtle rehabilitation presentation.

Mr. Haney noted that the InvestNH state initiative has a budget of \$100 million. He said that it includes money for improvements to hardware and administrative items. He indicated that grant money will be available soon. He added that he and Mr. Lemieux have started to schedule bi-weekly meetings. His primary goal for the upcoming meeting is to update the site plan and subdivision applications.

Mr. Lemieux encouraged Board members to reach out to him if anyone needs anything for the upcoming non-hearing meeting.

Ms. Jones made a motion to adjourn the meeting. The motion was seconded by Mr. MacKinnon. The motion was unanimously approved by a vote of 7-0.

The meeting was adjourned at 8:40PM.