

**Nottingham Planning Board**

**May 12, 2021**

**Approved July 14, 2021**

**Planning Board Members Present:** Dirk Grotenhuis, Chair; Eduard Viel, Vice-Chair; Tiler Eaton, BOS Rep; Susan Mooney, Secretary; Gary Anderson, SRPC Rep; Ian MacKinnon; Charlene Andersen; Robert “Buzz” Davies, Alternate

**Board Members Absent:** Leanne Gast, Alternate

**Others Present:** JoAnna Arendarczyk, Land Use Clerk; Stefanie Casella, SRPC Planner; James Burdin, SRPC Planner; Jen Czysz, SRPC Planner

**Surveyor:** Barry Gier, Jones & Beach; Scott Frankiewicz, NH Land Consultants

**Applicant:** Terry Cooper, Eversource; Shawn Flanagan; Benjamin Gooch; Wade DeManche; Jan Tuttle

**Abutters:** Ciana Brocenschi; Syble; Scott Curry

**Alternate Seated and Voting:** Mr. Davies for Vacant Seat

**Call to order:** 7: 03pm

The Chair read the emergency order notice posted in the agenda.

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

**Public Meeting**

**Appoint Charlene Andersen to Vacant Seat**

The Chair nominated Ms. Andersen to the vacant seat until June 8, 2021, due to Municipal Elections scheduled for June 8, 2021. He recommended Ms. Andersen run a write-in campaign.

**Motion Made by:** The Chair for Ms. Andersen to fill the vacant position from Joe Clough.

**Seconded by:** Mr. Eaton

**Discussion:** Mr. Viel noted that the position actually needs to be filled for the next three (3) meetings as the June 9<sup>th</sup> meeting will still be the Board members as is per the time needed to allow the newly elected to be sworn in. The Election of Officers meeting is June 23, 2021.

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

It was determined that Ms. Andersen needs to be sworn in before being a voting member of the Board. Mr. Davies maintained the seated Alternate position for the remainder of the meeting.

**Home Occupation Conceptual-** Shawn Flanagan, 17 Shannon Drive, to buy & sell firearms

The Chair informed the Board that the applicant is seeking direction as to if the proposal is a Minor or a Major Home Occupation (HO). If the Board determines this is a Minor HO then the approval is signed by the Code Enforcement officer. If it is determined to be a Major HO then further application requirements will need to be met and a Public Hearing will be scheduled.

Mr. Flanagan stated that he contacted the office in January and was directed to the Zoning Ordinance’s HO section. He submitted a HO application in March. Chief Woodman has reviewed and approved an application as part of The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) process. The final step in obtaining the Federal Firearms License (FFL) is this HO approval.

Notes:

- Few or no customers on property
- Shipments to and from FedEx and/or UPS
- Minimal firearms are stored on site at a time
  - Firearms on site are in a safe
- Small home office
- Firearms logbook maintained on site
- No signage for business on site or on vehicles

The Chair added that the Master Plan supports Home Occupations.

Nottingham Planning Board

May 12, 2021

Approved July 14, 2021

Mr. Eaton stated that he is Mr. Flanagan's neighbor and has found him to be a quiet and respectful neighbor.

Ms. Andersen clarified that the use is allowed as long as it is licensed.

The Board agreed this is a minor home occupation at this time, requiring permit. If HO changes in the future, the applicant is aware this will need to be reviewed again, as the requirements differ for a Major Occupation.

*(Italics below indicate language from a public hearing notice)*

**Public Hearing**

***Case #21-006-SIT (1<sup>st</sup> hearing 4/14/2021)- Application from Wade DeManche, owner of Precision Cut Lumber LLC, requesting Site Plan approval for a sawmill and furniture production business. This property is located on Old Turnpike Road in Nottingham, NH, and is identified as Map 4 Lot 1 Sublot 1.***

Mr. MacKinnon recused himself because he works for the Surveying firm the applicant employed.

The Chair informed the Board that he and Mr. MacKinnon met with the applicant to streamline requirements. Mr. DeManche then hired Jones & Beach Engineering company. The plan update has been sent to the Board.

Ms. Casella reviewed the case material. She shared her review on screen (review in file).

The Chair noted that the previous wetland area was filled but left on the plan.

Barry Gier, Engineer, stated that the recommendation is to leave the wetland as noted on the plan due to the unnecessary expense to delineate it.

**Waivers-**

**Motion Made by:** Ms. Mooney to approve waivers 16.3.2 & 8.3.6 as requested.

**Seconded by:** Mr. Viel

**Discussion:** None

**Roll Call Vote:** 6-0-0 **Motion Passed**

Mr. Gier addressed the remaining items on the review list.

**Public Comment Opened:** 7:51pm- No one spoke to the case

**Public Comment Closed:** 7:52pm

**Motion Made by:** Mr. Viel to approve the Site Plan Application Case #21-006-SIT with the following conditions:

☒ Plan copies with professional seals & signatures  
- Surveyor

☒ Original Mylar with professional seals & signatures

☒ State Permits –

☒ Electronic submission per regulations  
(As-builts as required)

☒ Curb-cut

☒ All fees paid

☒ Additional items to be determined as part of the plan review  
hearing (List):

- Owners Signature

**Seconded by:** Ms. Mooney

**Roll Call Vote:** 6-0-0 **Motion Passed**

**Case Closed:** 7:56pm

Mr. MacKinnon reseated

Nottingham Planning Board

May 12, 2021

Approved July 14, 2021

**Case #21-007-SUB-** Application from James & Jan Tuttle, requesting a two (2) lot Conventional Subdivision. This property is located at 15 Kennard Road in Nottingham, NH, and is identified as Map 13 Lot 11. Kennard Road is a Scenic Road in Nottingham, NH.

Ms. Casella addressed the SRPC review notes (file).

Ms. Mooney addressed the Nottingham Conservation Commission (NCC) review (file).

The Chair addressed the Director of Public Works (DPW) review and request for a culvert and the apron to be paved.

**Waivers-**

Mr. Viel noted that the waiver request from section 20.2.4 was postponed pending the NCC review.

**Motion Made by:** Mr. Viel to approve the waiver from section 20.2.4.

**Seconded by:** Mr. MacKinnon

**Discussion:** Mr. Davies inquired about the culvert and apron requirements. It was noted that the waiver can still be approved regardless of the DPW's request.

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

The applicant, Mr. Tuttle, stated that he spoke with the DPW and understands the requirement; 4k area away from wetlands.

Mr. Frankiewicz confirmed Mr. Viel's inquiry regarding the 4k area being moved away from the wetlands. He also noted that the third test pit that was noted as being required at the previous meeting, has been done.

**Public Comment Opened:** 8:08pm- None

**Public Comment Closed:** 8:09pm

**Approval-**

**Motion Made by:** Mr. MacKinnon to approve the Case #21-007-SUB with the following conditions:

- ☒ Plan copies with professional seals & signatures
  - Surveyor
- ☒ Original Mylar with professional seals & signatures
- ☒ Electronic submission per regulations (As-builts as required)
- ☒ All fees paid
- ☒ Additional items to be determined as part of the plan review hearing (List):
  - Owner's Signature
- ☒ State Permits –
- ☒ Subdivision (Sub Surface/Septic)

**Seconded by:** Ms. Mooney

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

**Case Closed:** 8:11pm

**Case #21-008-SIT-** Application from James Funicella, requesting Site Plan approval for the expansion of garden center material storage to the existing business of Funicella. This property is located at 111 Stage Road in Nottingham, NH, and is identified as Map 43 Lot 5.

Ms. Casella briefed the Board on the case and the reason it is considered a change of use. There are a number of waiver requests as it is not a full Site Plan.

Mr. Viel recused himself as Mr. Funicella's company is insured with his company.

**Completeness-**

**Motion Made by:** Mr. MacKinnon to accept the application as complete.

**Seconded by:** Mr. Davies

Nottingham Planning Board

May 12, 2021

Approved July 14, 2021

**Roll Call Vote: 6-0-0 Motion Passed**

Applicant, James Funicella, stated that his plan is to sell bulk landscape material (i.e., stone, mulch, and loam) as well as a small inventory of plants. These materials are for his landscaping business as well. Mr. Gooch, owner of the property, still operates his construction business; the hardware business portion has been closed.

Board concerns addressed:

- Delivery of materials would be as needed (1-2/week).
- The hours of operation would be 7:00am-4:00pm seven (7) days a week.
- Moveable (concrete blocks) bins with materials
  - Loading zone will be set up for bulk materials
- Manmade pond on site is 4ft deep spring fed
  - Stone gravel area around pond maintains proper drainage
- Road to plant area up on hill to be seen from road
  - Public access path will be detailed for plant area
- No additional lighting planned
  - Board requested they be pointed down if installed (see NCC page on website)

**Public Comment Opened: 8:25pm**

Scott Curry, 20 Francesca Way- Net need for this type of business in the area- recommends approval

**Public Hearing Closed: 8:26pm**

The Chair recommends a condition of approval be to include a path behind the bins for the public plant access area.

**Development of Regional Impact-**

**Motion Made by:** Mr. MacKinnon that this project does not qualify as a project of Regional Impact.

**Seconded by:** Ms. Mooney

**Roll Call Vote: 6-0-0 Motion Passed**

**Waivers-**

**Motion Made by:** Mr. MacKinnon to approve the waivers as highlighted in the staff review item #1 as well as Section 2.19.a & Section 2.24

**Seconded by:** Ms. Mooney

**Discussion:** None

**Roll Call Vote: 6-0-0 Motion Passed**

**Approval-**

**Motion Made by:** Ms. Mooney to approve the Case #21-008-SIT with the following conditions:

☒ All fees paid

☒ Additional items to be determined as part of the plan review hearing (List):

- Owner's Signature
- Add path to plants on plan

**Seconded By:** Mr. Davies

**Discussion:** None

**Roll Call Vote: 6-0-0 Motion Passed**

**Case Closed: 8:33pm**

Mr. Viel reseated

Nottingham Planning Board

May 12, 2021

Approved July 14, 2021

**Scenic Road tree trimming/ removal-** In accordance with RSA 231:158 II, Eversource Energy has submitted a request for tree trimming/removal on the following scenic roads: Poor Farm Rd. and Ledge Farm Rd.

Terry Cooper, Eversource representative, stated that there are striped tags on the hazardous trees to be removed. There is a four (4) year cycle to maintain the safety of the powerlines. He stated that, when possible, the staff communicates with residents about the work to be done. Often, the trees that need to be removed are the Ash trees (Emerald Ash Borer infestation); old pines get weaker as they age. A form is signed by the residents and kept on file. Avoid nesting season, if possible, for the wildlife in the areas.

**Motion Made by:** Mr. Anderson to approve the application for tree trimming/removal on Poor Farm and Ledge Farm Road.

**Seconded by:** Mr. Eaton

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

**Staff/ Board Members Update**

**Dirk Grotenhuis-** Announced that this meeting is Stefanie Casella's last meeting. He thanked her publicly and expressed appreciation on behalf of the Board.

**Stefanie Casella- SRPC Planner-** expressed her appreciation for the opportunity to work with the Board. She assured the Board that Jen Czysz and James Burdin of SRPC would assist the Board until a replacement is hired. She noted that Mr. Burdin is the contracted Planner for Northwood, so he is familiar with rural communities.

**Gary Anderson- SRPC update-** Reminded the Board of the invite to the virtual workshop on May 24<sup>th</sup> regarding a Model Drinking Water Buffer Regulation.

**Tiler Eaton- BOS update-** Marston Property had a cleanup event planned. He also reported on the question asked at a previous meeting regarding a safety mitigation plan for the Rt. 4/ 152 intersection. The response is that it is a part of the 10year plan to address further but a blinking light has been installed to aid in safety currently.

**Susan Mooney- NCC update-** The trails committee and NCC have been busy. She recommended checking the minutes on the NCC web page for further details.

**Ed Viel-** Stated that one could sign up to assist in the Marston Property clean up on the Nottingham Facebook pages. He also thanked the local residents that volunteered and removed trash and debris from the area around the Recycling Center recently

**Charlene Andersen-** Recommended tightening up on the regulations around the Home Occupation and the relation to licenses required as part of the application.

**JoAnna Arendarczyk- Land Use Clerk-** Conditional Use Permit Application draft to be sent out next day.

**Minutes**

March 10, 2021

April 14, 2021

**Motion Made by:** Mr. Viel to approve the minutes as amended.

**Seconded by:** Ms. Mooney

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

**Adjournment**

**Motion Made by:** Mr. Viel

**Nottingham Planning Board**

**May 12, 2021**

**Approved July 14, 2021**

207 **Adjourn at:** 8:59pm

208

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