

Nottingham Planning Board Meeting

DATE: July 12, 2023

Official Minutes

Call to Order

Members Present: Eduard Viel, Chairman; Susan Mooney, Secretary; John Morin, Select Board Ex-Officio Representative; Teresa Bascom, Member; Charlene Andersen, SRPC Representative; Robert “Buzz” Davies, Alternate.

Members Absent: Ian MacKinnon, Vice Chair.

Alternate Seated and Voting: Mr. Davies was seated and voting for Mr. MacKinnon.

Others Present: Blair Haney, SRPC; Alana Kenney, Land Use Clerk; Jim Stevens, Abutter; Rick & Maria Baxter, Abutters; Wayne & Donna Bibeau, Abutters; Joseph Falzone, Applicant; Colton Gove; David Whitney, Abutter; Brian Munroe, Abutter; Dustin Claar, Applicant; R. Gregory Claar, Applicant; Ernest Broadway, Abutter; Kelli Cormier, Abutter; Robert Gillespie, Abutter; Nate Bernitz, Abutter; Amanda Murray, Abutter; Jill Hansen, Abutter; Bob Hansen, Abutter; Ken Hoffman, Abutter; Don Sprague, Abutter; Matt Shirland, Abutter; Adrian & Donna Price, Abutters; Dan & Patricia Mather, Residents; Robin Marshall, Resident.

Call to Order

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

Public Hearings

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

Mr. Viel advised that the applicant has requested that the case be continued to the July 26, 2023 meeting. This would allow them to review and respond to the comments provided by the third-party engineering firm.

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Ms. Andersen made the motion to continue Case # 23-005 SIT Nottingham Business Park - 145 Old Turnpike Rd to Wednesday, July 26, 2023 at 7:00PM with deliverables due the week prior. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 6-0-0.

Mr. Viel advised that, if someone is unable to attend a public hearing, residents are able to submit written comment either via mail or email to the Land Use Clerk and that their testimony will be submitted to the record and taken into consideration.

Case # 23-007 DR Falzone – Raymond Rd: Application from Joseph Falzone requesting a Design Review hearing for a 20-lot proposed Open Space Design (OSD) subdivision on Raymond Rd. This property is identified as Tax Map # 69, Lot # 17.

Scott Cole of Beals Associates came forward and introduced himself on behalf of the applicant. With him in the gallery was the applicant, developer Joseph Falzone. The subdivision application is for a 93-acre parcel of land near Pawtuckaway Lake and the Raymond town line. Mr. Cole reported that this parcel was approved for an “open-space subdivision” many years ago. Due to a lack of substantial work completed on the project, in 2001 the Planning Board revoked the approval. They are now proposing an open-space subdivision, though less dense than was previously presented. Their conventional plan yields twenty (20) lots, all two (2) or more acres with 200 feet of frontage. The road length would be a loop configuration of 3,800 feet, which is within the regulations. The subdivision would be accessed through a fifty (50)-foot right-of-way onto Route 156/Raymond Road that was left between the two abutters in the previous design. Mr. Cole stated that the yield plan is a conventional one, although they plan to propose an Open Space Design subdivision. Their open-space plan exhibits smaller lots with an open-space component. There still would be twenty (20) lots but the lots would be smaller in size, roughly one (1) acre. Each lot would have its own septic and well systems. The roadway length would be about 2,000 feet. This design would provide a buffer to the Pawtuckaway River and a large buffer to the southern wetland. The design would also provide about sixty (60) acres of open space, which Mr. Falzone would protect by conservation easement or other means. The applicants are currently using public data for this design review but intend to utilize surveyors. Mr. Cole stated that their objective this evening is to get the Board’s input on the conventional versus open-space plans as well as to hear input from the abutters and answer questions.

Mr. Viel asked Mr. Haney to comment on application completeness. Mr. Haney had no comment.

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75 *Ms. Mooney made the motion that Case # 23-007 DR Falzone – Raymond Rd be deemed*
76 *complete. The motion was seconded by Ms. Andersen. The motion was approved by a vote of*
77 *5-1-0.*

78
79 Ms. Mooney noted for the record that in 2001 what was revoked for building design was called
80 cluster development. The open-space subdivision design was not set in place until about a decade
81 later. Ms. Mooney further pointed out that the Pawtuckaway River is a state-protected river and
82 that there are setbacks in place at the state level.

83
84 Mr. Viel advised Mr. Cole that the Board has added a vegetative buffer ordinance to wetlands,
85 which is likely new since he was last before the Board.

86
87 Mr. Viel asked Mr. Haney for the staff review of the application. Mr. Haney advised that his
88 technical review couldn't take place until more technical documentation is before the Board.

89
90 Mrs. Bascom noted that the yield plan regulations require that all lots be rectangular in shape, but
91 that this yield plan shows lots that are triangular. She inquired how the Board is able to accept
92 this as an adequate yield plan. Mr. Morin raised the question of what defines a rectangle.

93
94 Ms. Andersen inquired if this parcel is within the Aquifer Protection District. Mr. Viel suggested
95 that the front of the parcel may be within the District. Mr. Cole reported that his team would
96 double-check.

97
98 Mrs. Bascom noted that based on the plans, the Pawtuckaway River appears to run through the
99 buildable area of some of the lots. Mr. Viel advised that this is something that the applicant
100 would have to fix when the lots are surveyed and they re-engineer the plans.

101
102 Mr. Viel advised Mr. Cole to be mindful of steep slopes, wetlands, setbacks, buffers, and other
103 non-buildable areas when doing lot calculations. He also advised that the Lamprey River
104 Advisory Committee (LRAC) would need to be notified for comment regarding the application
105 due to the location and proper permitting from the New Hampshire Department of
106 Environmental Services (NHDES) required as well. The town of Raymond due to its proximity
107 to the project would likely be granted abutter status and given the opportunity to provide
108 comment. Mr. Viel further advised that the town had implemented a vegetative buffer to any
109 property line that would need to be taken into consideration for the roadway.

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111 Ms. Mooney noted that some of the proposed lots appear to have steep slopes and that she is
112 eager to have the opportunity to conduct a site walk before the Board needs to makes design
113 decisions regarding the application. Mr. Cole reiterated that his team would have a better idea of
114 what they're working with after the land has been surveyed.

115

116 Mr. Viel noted that the Fire Department, Police Department, and Highway Department would
117 likely be asked to comment on the proposed project.

118

119 Mr. Viel opened the public hearing at 7:23PM.

120

121 Donna Bibeau came forward and introduced herself as a resident of 209 Raymond Road. She
122 reported that the development would be right behind her property. She reported that she does not
123 have a problem with it. They have already been out surveying. The applicant advised her that
124 there are three (3) previously existing wells that are being tested. She reported that the only issue
125 she has is with Raymond Road and the existing traffic volume and high speeds in that area. She
126 inquired as to whether or not Nottingham has any say in that. Mr. Morin advised that Raymond
127 Road/Route 156 is a state road and is therefore the state's jurisdiction. Mr. Viel advised that she
128 could write a letter to the New Hampshire Department of Transportation (NHDOT) District 6
129 and voice her concerns.

130

131 Nate Bernitz came forward and introduced himself as a resident of 205 Raymond Road. He
132 expressed concern with the proposed roadway that would lead into the development and what
133 increased traffic in that area might affect. He also expressed concern with the terrain of the land
134 and reported that he is interested in walking the lot with the proposed plans in hand to see where
135 exactly buildings would be built. He encouraged the Board to look at the entrance to the property
136 and the proposed roadway and keep emergency vehicles in mind.

137

138 Mr. Viel reiterated that this is currently a design review and clarified that if the plans were to
139 come before the Board as a formal application there would be a lot more work done between
140 now and then on things like surveying and marking/staking the property. If it does become a
141 formal application, the Board would schedule a site walk for Board members as well as the
142 public to have an opportunity to walk the site with the applicant and to ask questions.

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144 David Whitney came forward and introduced himself as the abutter on the west boundary of the
145 property. He reported that he would rather not see the land developed but understands that the
146 landowner has the right and the developer has a job to do. He stated that he is fairly confident
147 that the design will change before the development actually occurs, as the terrain is
148 “complicated”. He reported he would prefer the first design option [the conventional plan].

149

150 Alana Kenney, Land Use Clerk, read aloud the following email from David Siminsby:

151 “My only concern regarding the proposed subdivision would be if the applicant were to
152 clear-cut the proposed open space on the south side of the subject property, such that the
153 proposed houses would then be visible across the pond from my property. I assume this would
154 not be the case and, pending confirmation of this, I would have no objection to the subdivision as
155 proposed.”

156

157 Mr. Viel noted that Mr. Siminsby is a Raymond abutter.

158

159 Don Sprague came forward and introduced himself as a resident of 9 Dolloff Dam Road. He
160 noted that the Pawtuckaway River may create a lot of restrictions for the developers.

161

162 Mr. Viel reiterated that the Pawtuckaway River is a state-designated river corridor and therefore
163 falls within the Shoreland Water Quality Protection Act. This poses additional criteria for the
164 applicant to meet.

165

166 Ms. Mooney advised that anyone interested in learning more about the regulations surrounding
167 the protected river program could do so by looking up “Chapter 483: New Hampshire Rivers
168 Management and Protection Program” of *New Hampshire Planning and Land Use Regulation*.

169

170 Jim Stevens came forward and introduced himself as a resident of 13 Dolloff Dam Road. He
171 expressed concerns regarding the topography of the property and the earthwork that would be
172 necessary to make it buildable. He also expressed concern with any potential blasting, as it
173 would be disruptive to his property, his neighbors’ properties, or even the dam. He further
174 expressed concern with particular lots being within the Aquifer Protection District.

175

176 Mr. Viel closed the public hearing at 7:37PM. He stated that if the design review is continued the
177 Board would have another chance to open the public hearing and accept more comment. If the

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design review is not continued the Design Review case is closed and the applicant would move forward with a formal subdivision application. Abutters would again receive formal notification of the public hearing and have another opportunity to come before the Board and submit comment.

Mr. Scott returned to his seat at the table before the Board. He was joined by Mr. Falzone.

Mr. Falzone reported that they do not anticipate very much blasting on the property. There have been thirty-three (33) test pits done and they all passed. He asked if they could hear from the Board which plan is preferred.

Mr. Morin reported that he would prefer the open-space subdivision.

Ms. Andersen reported that she would prefer the open-space subdivision.

Ms. Mooney reported that she would prefer the open-space subdivision.

Mr. Morin noted that this design is reminiscent of the Rocky Hill Road development that Mr. Falzone had previously done.

Mrs. Bascom reported that she does not like either plan because she does not feel as though the yield plan accurately reflects the yield. She further reported that she does not like open-space subdivisions as she feels as though they do not reflect the rural character of the town. She stated that this is merely her personal opinion.

Mr. Davies reported that he would need to see more details on the property before he could choose one plan over the other. He expressed that he would lean toward the open-space subdivision.

Mr. Viel reported that he would prefer the open-space subdivision.

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Ms. Mooney made the motion to continue Case # 23-007 DR Falzone – Raymond Rd to August 9, 2023 at 7:00PM. The motion was seconded by Mr. Davies. The motion was unanimously approved by a vote of 6-0-0.

Case # 23-008 SIT Claar – 55 McCrillis Rd: Application from R. Gregory Claar for a Site Plan Review to run a small, wood processing business on the property, which currently does not have a dwelling on it. The proposed use will include storing wood, which has been cut and transported from outside sources to be sold and transported by a small pick-up / dump truck. It would also serve as a storage space for vehicles and equipment used in the paving business. This property is located at 55 McCrillis Rd. in Nottingham, NH, and is identified as Tax Map # 39, Lot # 13-8.

R. Gregory Claar came forward and introduced himself as the applicant. He was joined by his son, Dustin Claar. Mr. [R] Claar reported that there are power lines that run through the front of his property and he would like to store his firewood there. He owns a paving company and stores equipment on his property. He would eventually like to build a garage and ranch-style house on the property. There are about thirty (30) to forty (40) feet of woods between the power lines and the road. His land has 364 feet of frontage. He has already brought in a couple loads of wood but was stopped and advised that he would need to come before the Board to get approval. He has cut and stacked all the wood himself over the last three (3) months or so and noise pollution is minimal. He processes the wood in the winter and does not use any large equipment.

Mr. Viel asked Mr. Haney to comment on application completeness.

Mr. Haney noted that the plans are hand-drawn and will therefore require waivers. The Board may need to discuss a special exemption or a variance because of the proposed nature of the property and its location in a residential zone. He noted that the narrative section of the application was very helpful in filling in some blanks remaining in the application.

Ms. Andersen questioned if this proposal is for a home occupation or if it is just an agricultural enterprise on this person's property.

Mrs. Bascom seconded this thought and suggested that while the cutting of the wood is agricultural the storing of the vehicles for the winter is no different than someone bringing home their equipment for their job and keeping it in their garage for the winter.

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245 Mr. [R] Claar reported that the equipment in question is a large, ten (10)-wheeled truck that
246 carries the rest of the paving equipment. The truck leaves the property in the morning to go to a
247 job site and returns in the evening.

248

249 Ms. Andersen suggested that the Board look at the proposal as a home occupation permit and
250 accept the application as complete with contingencies on when the home gets built or things of
251 that nature.

252

253 Mr. Davies asked if it is appropriate that the proposed use of the property is
254 residential/commercial (as noted on the application).

255

256 Mr. Viel advised that the Board is not at that point yet and that the Board first needs to determine
257 application completeness.

258

259 ***Ms. Andersen made the motion to accept Case # 23-008 SIT Claar – 55 McCrillis Rd as***
260 ***complete. The motion was seconded by Ms. Mooney. The motion was unanimously approved***
261 ***by a vote of 6-0-0.***

262

263 ***Ms. Andersen made the motion that Case # 23-008 SIT Claar – 55 McCrillis Rd is not a***
264 ***development of regional impact. The motion was seconded by Mrs. Bascom. The motion was***
265 ***unanimously approved by a vote of 6-0-0.***

266

267 Mr. Viel asked Mr. Haney if he had any further comment.

268

269 Mr. Haney stated that the site plan review application seems most appropriate for this situation,
270 as Mr. [R] Claar is not subdividing the property. He feels as though there is no reason why the
271 applicant can't apply for both a residential structure and home occupation at the same time if
272 that's what they anticipate doing. He cautioned the Board to be mindful of what the home
273 occupation description looks like. He suggested that the applicant clarify if there are any
274 wetlands on site and, if so, indicate where they are located. He questioned the legality of two
275 curb cuts. He asked Mr. [R] Claar to clarify the firewood process and who was it that told them
276 they needed to halt the operation.

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278 Mr. [D] Claar replied that Building Inspector Dale Sylvia had been out to the property and
279 indicated that because this appears to be something new the town has not seen before they appear
280 before the Board for approval in order to continue. He added that the firewood is not stacked
281 directly under the power lines but a little bit back from them, as they need to leave a right-of-way
282 for the power company. His father brings in logs and the wood gets cut, split, and stacked in
283 rows. All he uses is a chainsaw and an average-sized home wood splitter. They make about thirty
284 (30)-to-thirty-five (35) deliveries from the property per year; there are no clientele picking up
285 wood on the site.

286

287 Mr. Viel asked the applicants to indicate where Historic Cemetery #41 is located. Mr. [D] Claar
288 advised that they had already done so and the cemetery is not on their property, but further up the
289 road.

290

291 Mr. Viel stated that he reviewed the town's definition of a major home occupation and found that
292 it is "incidental and secondary to the use of the property as a dwelling". He noted that right now
293 there is no dwelling, which creates a gray area. Essentially, what is being proposed is a
294 commercial use of a residential lot until a dwelling is placed on it. The ordinance also limits the
295 number of commercial vehicles to one (1). If the Board determines it would be a major home
296 occupation there may be potential zoning relief that would require a variance. Another potential
297 variance would be from Article II(c), which addresses the residential agricultural zone and
298 permits single-family residences and associated accessory dwelling units, duplexes/two-family
299 residences, multi-family seasonal dwellings, accessory use outbuildings, farming and related
300 agricultural uses, home occupations, and manufactured homes. He asked the applicants if they
301 are trying to build the dwelling and run the business concurrently.

302

303 Mr. [D] Claar reported that they are hoping to get word as to whether or not they can run the
304 business out of the property and, from there, would then like to get the house up as soon as
305 possible.

306

307 Mr. Morin expressed concern regarding the use of the property as a commercial one without a
308 dwelling on the property. If there is a dwelling that the applicant is living in, then the discussion
309 changes. To use the property as a commercial one without a dwelling present is not allowed on
310 McCrillis Road at this time.

311

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312 Ms. Mooney cited the *Zoning Ordinance Regulations*, Article IV General Provisions (g) Home
313 occupations, which outlines permitted uses for criteria for major home occupation; “a home
314 occupation shall be carried on by the occupant only within a dwelling or accessory structures and
315 shall be incidental and secondary to the use of the property as a dwelling”.

316

317 Mrs. Bascom reiterated that the applicants would need to put a house on the property before the
318 Board could determine whether or not they could do what they are proposing.

319

320 Mr. [R] Claar reported that they have someone lined up to design the house and garage with
321 whom they plan to speak.

322

323 Ms. Andersen noted that, hypothetically speaking, if they built a house, they would still need to
324 come before the Board again to get approved for the home occupation, at which time the Board
325 would cite the *Zoning Ordinances* and likely advise that they go before the Zoning Board to ask
326 for a variance for the home occupation.

327

328 Mrs. Bascom questioned if they would need a variance for the home occupation at all if the
329 occupation in question is the wood as well as the storing of paving equipment.

330

331 Mr. Haney asked the applicant to describe in more detail what the paving equipment consists of.

332

333 Mr. [R] Claar advised that they have two (2) ten-wheelers as well as a trailer that carries the
334 paver. Mr. [D] Claar added that in total there are a few pieces of equipment, a trailer, and the two
335 (2) ten-wheel dump trucks. They try to move the equipment from job site to job site but the
336 equipment does come home on the weekends.

337

338 Mr. Davies stated that a good way to look at it is that they do not need a permit for the
339 agricultural use. That’s the only thing that can be allowed right now until a house is permitted
340 and built. Until a house it built, they cannot have a home occupation there.

341

342 Mr. Viel raised the question of whether or not this agricultural use of woodcutting requires a
343 major home occupation permit.

344

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345 Mr. Davies noted that growing a crop on the property would be agricultural, and inquired as to
346 how different chopping wood is.

347

348 Ms. Mooney suggested that if the wood was bought wholesale and brought onto the property for
349 processing, that may or may not be considered agriculture.

350

351 Mr. [R] Claar reported that he does not buy the wood, and that he cuts it himself.

352

353 Mr. Davies noted that he processes the wood on the property and delivers it to his customers.
354 The vehicle that he uses to deliver the wood can't be stored on the property, as it would be a
355 violation of the regulations of the residential zone.

356

357 Mr. Viel noted that if it is a home occupation there are restrictions on the number of employees,
358 the residential appearance, and the number of commercial vehicles that can be kept outside
359 overnight.

360

361 Mr. Viel opened the public hearing at 8:19PM.

362

363 Amanda Murray came forward and introduced herself as a resident of 56 McCrillis Road. She
364 was concerned about the traffic and speed of cars on that stretch of road. She noted that through-
365 trucking is not allowed. She also expressed concern for the anticipated increase in traffic if there
366 would be more trucks and paving equipment coming and going from the property. She did note
367 that the noise from the wood processing is noticeable but acknowledged that as being part of
368 living in the country. Ms. Murray asked what the regulations are for bringing in wood from other
369 areas when issues like diseases or bugs might be a concern. Lastly, she noted the lack of an
370 existing plan to build a residential structure.

371

372 Bob Hansen came forward and introduced himself as a resident of Gile Road and a "nearby
373 abutter". He echoed concerns regarding the noise created by the chainsaw. He noted that there is
374 currently an excavator on the property that is hidden by tree foliage at this time. He also stated
375 that, despite it being a one-man operation and no one is coming to the property to pick up wood,
376 Mr. [R] Claar is still running a commercial operation in a residential zone. He was concerned
377 with through-trucking on a road where none is allowed, as well as the warning noise that trucks
378 would create while backing up.

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380 Matt Shirland came forward and introduced himself as a resident of 58 McCrillis Road. He
381 commended Mr. [R] Claar and Mr. [D] Claar as being very professional and courteous neighbors
382 with their operation. He reported that the chainsaw does make noise but stated that it is not too
383 bad. He suggested that there be some sort of contingency that outlines when they can and cannot
384 run the chainsaw so as to keep everyone happy. He raised questions regarding plans for the
385 driveway but presented no additional concerns about the property.

386

387 Brian Munroe came forward and introduced himself as a resident of 107 Gile Road and an
388 abutter to this property. He commended the work that Mr. [R] Claar has been doing and noted
389 that the property is very clean. He reported that he has no issue with a house and garage being
390 built on the property. He noted that the paving business located on the property is up to the
391 Board.

392

393 Mr. Viel closed the public hearing at 8:27PM. Mr. [R] Claar and Mr. [D] Claar returned to the
394 seats at the table before the Board.

395

396 Mr. Viel welcomed comment from the Board. He noted that McCrillis Road is posted as being
397 no-through-trucking but further noted that it is not through-trucking if the truck is heading back
398 and forth to a lot on the road. He asked Mr. [R] Claar or Mr. [D] Claar to clarify how often the
399 paving equipment would be coming back and forth.

400

401 Mr. [D] Claar said that the paving equipment would leave the property around 8:00AM and
402 return around 6:00PM. Generally, it would leave the property on weekday mornings and return
403 to the property on weekday evenings, making for about ten back and forth trips per week. If it is
404 raining, the equipment does not go out that day.

405

406 Mr. Viel asked if there would be any storage or disposal of product on the site. Mr. [D] Claar
407 replied that they buy the asphalt and dispose of it where they buy it, so there would be none on
408 site.

409

410 Mr. Morin restated that the regulations appear very black and white; without a dwelling on the
411 property they cannot run a business on it. The *Zoning Ordinance Regulations* does not allow a
412 major home occupation on the property because there is no home on it.

413

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Mr. Viel advised that, at that point, the property is a commercial one in a residential district and would therefore require a variance. Mr. Viel recommended that the Board could continue this case to a later date to give the applicant time to seek a variance from the Zoning Board. Conversely, the Board could act upon what is before them at this time. The Board would potentially approve the case with conditions including that none of the major home occupation could move forward until a home is built and occupied by the lot owner. The timeline for such accommodations would likely be one (1) year.

Ms. Andersen added that there would also need to be a variance for a home occupation following these recommendations.

Mr. Viel noted that the power lines are not within the purview of the Board but of the power company. He also reiterated that any wetlands would need to be identified and potentially might require variances as well. He stated that when the Board is looking at businesses they generally ask for the days and hours of operation so as to ensure harmony between the business and abutters. He reiterated that no matter how the Board proceeds this evening there will be *Zoning* relief required one way or the other, either to operate commercial in a residential zone, or if a home is to be built concurrently with the major home operation.

Mr. Morin advised Mr. [R] Claar and Mr. [D] Claar that they have the option to withdraw their application so they would not receive a denial from the Board. Either way, they would still need to go before the Zoning Board.

Mr. Viel added that they could also request to continue the case to a meeting thirty (30) days from now.

Mr. [D] Claar replied that they would likely seek to continue the case so they have time for more research and think about what they want to do.

Ms. Mooney made the motion to continue Case # 23-008 SIT Claar – 55 McCrillis Rd to August 9, 2023 at 7:00PM with deliverables due at least one week prior. The motion was seconded by Mrs. Bascom. The motion was unanimously approved by a vote of 6-0-0.

Other

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Conceptual Consultation - 23-001 Mathers - 244 Old Turnpike Rd

Dan and Patricia Mather came forward and introduced themselves as the applicants. Mr. Mather stated that they are looking to build some yurts. They would like to start with one (1) but have plans to add more. They have kept it so that they do not have to “cut into their” current use land and would like input from the Board. The Mathers have the option of starting cheap and constructing yurts without power or running water, or they could “step it up” and construct more high-end yurts with septic systems. Their goal is to attract the same wedding parties who would be renting out the venue that is currently being renovated up the road from their property. Mr. Mathers stated that his daughter, Ms. Mather, is a real estate agent.

Ms. Mather reported that they are in the very early planning stages and would like some feedback from the Board in terms of what the Board would like to see and what they, the applicants, should keep in mind. She reported that Mr. Mather has a single-family home on the property that he lives in and then rents out the in-law apartment underneath. He would like to move away from having tenants and they are interested in creating an experience for people interested in renting a yurt.

Mr. Morin stated that they are essentially asking for a seasonal campground in a business district, which is something the Board has not seen before. Ms. Mather confirmed.

Mr. Mather reported that yurts are not permanent structures and he does not need a permit to build one. They are seeking feedback on the intended use. They feel as though the yurts and the property would be a testament to Nottingham and its rural charm.

Mr. Viel advised that the Board would like to see grading profiles for the property on an application. He further noted that the application checklist would give Mr. Mather the opportunity to request waivers for certain criteria. He indicated that one (1) yurt would not necessarily fall under the definition of an accessory dwelling unit. He also indicated that the property appears to be in the designated river corridor, which is subject to the Shoreline Water Quality Protection Act and recommended that Mr. Mather look into what this entails. Depending on the scope and scale of the project, the Board may require consultation with and acquiring any particular permits required by NHDOT. Mr. Viel recommended that Mr. Mather determine what wetlands (if any) are in the area. Mr. Mather reported that he plans to avoid the wetlands. Mr. Viel noted that the property is located in a commercial zone where dining and lodging establishments are permitted. There are notable setbacks from abutting properties for commercial lots.

Mr. Morin said that the lot across the street is currently vacant. He asked Mr. Mather to keep in mind that someone could put a commercial business on that lot that may affect the experience of their renters.

Mr. Viel stated that whether or not the applicants require a permit to build the yurts is under the jurisdiction of the Building Inspector and not the Board. He further noted that a formal application would require the input of the Police, Fire, and Highway Departments.

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Mr. Haney asked how many yurts would make this property a campground. He noted that campground is not a use in the *Zoning Ordinances*. In his research, he found that a privately-owned campground appears to be a privately-owned property, open to the public upon payment of a fee, which is divided into ten (10) or more defined spaces upon which tents may be erected or recreational vehicles may be parked for the purposes of recreational camping. It does not state anything about manufactured housing.

Ms. Mather noted that they want to begin with one (1) yurt so as to determine whether or not the business model actually works. If it does work, they want to grow it into something more.

Mr. Viel advised that there can be initial approval of a site plan, and if the scale or scope changes, a revised site plan application would need to come back before the Board.

Mr. Morin asked whether or not the applicants would need to come before the Board if they were only building one. Discussion followed that they would be required to do so if they wanted to rent it because it would change the intended use.

Mr. Viel noted that one could consider this a detached accessory dwelling unit and therefore it may require a variance.

Mr. Haney asked about recreational vehicles per the Zoning Ordinance. Mr. Morin responded that a recreational vehicle can't be parked on a property for more than six (6) months out of the year. Mr. Haney suggested that this would not need a permit. He noted that going through the site plan review process may be expensive for only one (1) yurt. He asked if any work would need to be done to clear land and prepare for a yurt to be built. Ms. Mather reported that there would not be any land preparation necessary.

Ms. Andersen asked about designated parking. Ms. Mather reported that the cars would park by the yurts, and if there was only one (1) yurt, there would likely only be one (1) or two (2) cars.

Ms. Andersen asked about the size of the yurts. Ms. Mather reported that they can generally be any size but that they are looking at building theirs to be about twenty-six (26) feet in diameter.

Mr. Viel advised that signage for their establishment will likely be regulated by NHDOT.

Ms. Mather inquired as to what the regulations are surrounding outhouses. Mr. Viel advised that Code Enforcement could advise them on this issue.

Mr. and Ms. Mather had no further questions for the Board and thanked the Board for their time.

Public Comment

None.

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Approval of Minutes

Ms. Andersen made the motion to accept the minutes of June 28, 2023 as amended. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 6-0-0.

Select Board and Staff / Board Member Updates

Mr. Davies had no update.

Mrs. Bascom reported that she has not heard back from anyone at the UNH Cooperative Extension regarding what constitutes “an animal”. Ms. Andersen asked if they were a member of the Farm Bureau and recommended they call them for input. Mrs. Bascom suggested that the Board consider putting a temporary moratorium on building permits in town in accordance with RSA 674:23. She noted that the town currently has allotted issues with infrastructure that include the Recycling Center, school, and Police, Fire, and Highway Departments. She feels as though the Board cannot in good conscience approve developments of twenty (20) or more homes when there is already strain on these entities. Ms. Andersen stated that this would be worth discussing at an upcoming meeting. Mr. Viel advised that he would reach out to SRPC for input and that it would be a good topic of discussion at the August joint meeting of the Planning and Zoning Boards. It was noted that other towns have implemented temporary moratoriums. Ms. Mooney reported that the Board did put a temporary moratorium on major developments a number of years ago and that it gave the town an opportunity to catch its breath.

Mr. Morin reported that the Select Board has hired two (2) more people to the Highway Department. There are currently four (4) applications that are being reviewed for the Director position. The Select Board will be discussing its mid-year budget at an upcoming meeting. They are also looking at replacing the playground equipment and are working with the Recreation Department on this project. The Board is still discussing the Recycling Center. If things stay the way they are right now, the cost of running the Recycling Center will take away from other currently needed expenditures for the town.

Mr. Viel had no update.

Ms. Mooney reported that the Conservation Commission had to reschedule their last meeting due to a lack of a quorum. They are looking to reschedule to this coming Monday. She advised that anyone interested in conservation and conservation-related issues should reach out to the Commission and get involved.

Ms. Andersen had no update.

Mr. Haney advised that according to records, in 2020 the Board saw nine (9) cases. In 2021, they saw seventeen (17) cases. In 2022, they saw eighteen (18). In 2023, they have seen nine (9) cases so far and thus are on track to see the same number of cases as the last couple of years. He also followed up regarding the question of whether or not the Board should require an applicant,

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584 depending on the scale and scope of their project, to contribute to an escrow that would help pay
585 for things like third-party reviews. He has found that other towns have done this and usually it's
586 at the discretion of the Board.

587

588 **Adjourn**

589

590 *Ms. Mooney made the motion to adjourn. The motion was seconded by Mrs. Bascom. The*
591 *motion was unanimously approved by a vote of 6-0-0.*

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593 The meeting was adjourned at 9:50PM.

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599 Respectfully submitted,

600 Rachel Russell Leed, Transcriber