

**Nottingham Planning Board Meeting  
October 13, 2021  
Official Minutes**

**Call to Order**

Members Present: Chair Dirk Grotenhuis; Vice Chair Eduard Viel; Gary Anderson, SRPC Rep; John Morin BOS Rep; Ian MacKinnon; Susan Mooney, Secretary; Charlene Andersen, SRPC Rep; Robert “Buzz” Davies, Alternate

**Members Absent:** None

**Alternate Seated and Voting:**

**Others:** Kevin Lemieux, Land Use Clerk; Blair Haney, SRPC Planner; Denis Hamel, Consultant; Tom Moulton, Applicant; Sam Demeritt, Conservation Commission; Scott Frankiewicz, Land Consultant; Brooke Schaefer, resident; Paul Crovo, resident; Tami Defrancesco, Applicant; J. George, Applicant; Steve Reynolds, NEWC; Gia Griswold, Supporter; Matt Griswold, Supporter; Nicole Robbins, Supporter; James Gregoire, Supporter; Ben B., resident; Austin Roberts, Applicant

**Call to Order**

The meeting was called to order at 7PM.

**Roll call**

Roll call was completed.

**Public Hearings**

**Continued Case # 21-010-LLA**

*Application from Mark C. & Patricia A. Wasson and 70-25, LLC for a Lot Line Adjustment. The property is located at Lamprey Drive in Nottingham, NH and is identified as Tax Map 70 Lots 23 & 25.*

Applicant Mark Wasson sent a letter requesting a continuation of his case until December 8<sup>th</sup>. Mr. Viel said that applicant should consider withdrawing application due to length of time since applying. Mr. Grotenhuis and Mr. Mackinnon discussed giving more to allow for Wasson to consult legal counsel.

**Mr. Viel made motioned to move to Case# 21-010-LLA to the December 8<sup>th</sup> Meeting. Ms. Mooney Seconded. Unanimously approved by a 7-0 vote.**

**Continued Case # 21-003-SIT**

*Application from Tami Defrancesco, Trustee of Kubota Trust, requesting approval of a Watercross event to be held three (3) times a year starting in 2021. The property is located at 214 Raymond Road in Nottingham, NH and is identified as Map 69 Lot(s) 8 & 10.*

Mr. Grotenhuis said information requested by the Board has been received regarding the emergency plan and thanked the applicant for compiling the information. Mr. Haney said the applicant met all requests including parking, driveway and emergency plan, which were

**Nottingham Planning Board Meeting  
October 13, 2021  
Official Minutes**

reviewed by town fire and safety personnel. Mr. Haney stated that all items are in the revised plan and the fire chief signing off on the emergency plan fits the requirements of the plan.

Overflow parking was discussed. Mr. Grotenhuis stated that the revised plan proposed solutions to include licensed food trucks, no fireworks and no fires permitted during events and aquifer protection were included in the notes added to the plan.

Ms. Defrancesco agreed that all items were on the plan and Mr. Haney agreed.

Mr. Viel had questions regarding additional parking being added in on the revised final plan since the site walk and the last meeting. Ms. Defrancesco said that staff would be parking at applicant's house. Mr. Morin it was previously discussed that staff could park at the applicant's house. Ms. Defrancesco said that the parking space added met the 20-foot setback as an accessory vehicle for snowmobile trailers but not for campers. Clarification was made by Ms. Defrancesco regarding storage trailers that have been on property for a while, as opposed to snowmobile trailers. Mr. Viel said a buffer should be made on plan regarding different uses. Ms. Defrancesco said trailers have always been there. Mr. Mackinnon said the extra details included was acceptable including staff parking. Mr. Grotenhuis asked if there are any ordinances regarding buffer zones as it pertains to the storage trailers. Mr. Haney did not see any regulations. Mr. Grotenhuis and Mr. Mackinnon said that they saw no need to add regulations as the events are few and the current use doesn't require any.

Mr. Grotenhuis opened the floor for public comment.

Mr. Demeritt, Chair of the Conservation Commission, said there was an extra-long breeding season this year. He requested that no event be held in first two weekends of July.

Mr. Grotenhuis said that dates do change from year to year and didn't want the Planning Board to dictate event dates.

Ms. Andersen mentioned that no holiday events were originally conditioned by the ZBA. Mr. Grotenhuis suggested adding the conditions to not hold an event during three holidays including Memorial Day, July 4<sup>th</sup> and Labor Day. The applicant agreed not hold events during those three holidays.

Mrs. Mooney mentioned breeding season of animals and their sensitivity to noise including loon and eagle pairs breeding cycles may be disrupted. Mrs. Mooney requested that the first event not be scheduled until after the first 14 calendar days in July. Ms. Defrancesco said that machinery runs during that time at gravel pit, thus noise is common during that time. Ms. Defrancesco added that timing of events are subject to nationwide events and scheduling. Mr. Mackinnon said Zoning Board conditions were not addressed during the re-hearing and said that asking to limit events in July in the area would shorten the time for events and make it difficult to work with the circuit schedule. Mr. Viel suggested adding the original conditions back onto plan.

Mr. Grotenhuis and Ms. Andersen discussed responsibility of event per emergency plan. Mr. Grotenhuis said that the emergency plan would need to be updated annually as event operators can change.

**Nottingham Planning Board Meeting  
October 13, 2021  
Official Minutes**

Ms. Defrancesco asked to allow grandchildren to practice during non-events. Discussion revolved around prohibiting “practice” during non-private event times. Mr. Grotenhuis doesn’t want to limit or regulate people to what they do on their own property during non-event times. Mr. Viel is looking for clarification of why some conditions around practices are no longer on plans. Mr. Grotenhuis said clarification is practice during event vs. private, non-organized riding. Mr. Morin said the Board of Selectmen have to give annual permits and if an event becomes a nuisance, then the Selectmen may be able to decline.

Mr. Grotenhuis continued public hearing and asked for additional public comment. No other comments was made, and the public comment session was closed. Mr. Mackinnon suggested adding additional language to state that organized practice would not be allowed. Mr. Anderson said that the Select Board would hear if more than the permitted events were held. Mrs. Mooney said adding “open to the public” should differentiate between private and event riding.

Per request of Mr. Grotenhuis, clarification from Mr. Haney regarding approvals on Plan Review. Mr. Haney understood that conditional approval would be tied to a standard set of conditions.

Mr. Viel brought up that the noise from the Lee and Epping raceways was allowed and instituted before zoning in place; however, consideration should be made regarding residential zones when the Board votes on the application. Mr. Viel believes there is enough information now for a decision to be made.

Mr. Grotenhuis said that the Board has standard conditions for approval. He continued with additional conditions: (1) Events should be consistent with the town Aquifer Protection Overlay District, Article III, Section A of the Zoning Ordinance regarding the disposal, processing, storage and/or recycling of solids, hazardous materials, road salts, de-icing chemicals etc. (2) Food truck vendors need proper mobile food unit licenses through state and local authorities and must comply with MFPA-1, MFPA-96, the Authority Having Jurisdiction has the final state ruling re: these licenses. Mr. Haney observed typo on plan that says foer and it should be food. He asked for the typo to be corrected.

(3) Fireworks and fires are prohibited during events. (4) No events on Memorial Day, July 4th or Labor Day. No conditions were added regarding practicing outside of non-public events.

**Mr. Anderson made motion to approve Case # 21-003-SIT with following conditions: 1.) Aquifer Protection per Art. III, Sec. A; 2.) Food Truck Vendors having proper State Permits; 3) No Events during Memorial Day, July 4<sup>th</sup> and Labor Day holiday weekends; and 4.) No Fires or Fireworks permitted.**

**Mr. Mackinnon seconded the motion. It was approved by a vote of 4-3.**

**Conceptual with Tom Moulton, for property located at 145-165 Old Turnpike Road, (NH Route 4). (Tax Map ?, Lot ?)**

Mr. Mackinnon has removed himself as he is an abutter.

**Nottingham Planning Board Meeting  
October 13, 2021  
Official Minutes**

Mr. Grotenhuis explained that conceptual is non-binding and more a guidance on how to proceed with an application.

(So was Robert Davies seated?). Moot point

Applicant Thomas Moulton introduced himself and his engineer Denis Hamel.

Mr. Moulton wants to turn the property into something positive for town and community. Mr. Moulton explained his background with similar projects in NH and how such projects would bring jobs to town.

Mr. Moulton further stated that with existing buildings, he is looking for low impact use like storage. Currently there are 28 ft high buildings. He says that potential commercial users usually require a 32-40 feet high clearance and he would have to get variance from the town's building height ordinance. Current use is for commercial in front and residential in back, which creates an undesirable use especially for residential. Mr. Moulton implied that he would consider possibly giving some land to conservation. Mr. Moulton was hoping to make the back residential property commercial.

Mr. Moulton stated there are three buildings on the property. He has a tenant that wants to use space for truck bed sales and woodworking in one building. The front building has water damage and needs significant work or might need demolishing. Mr. Moulton said the seven (7) additional lots of various sizes would accommodate various other businesses. Mr. Moulton said he would have domestic water installed and a possible cistern set-up to sprinkle buildings. Mr. Moulton is looking for relief from setback requirements as it is located along NH Route 4. He is looking to see if the Board feels that this use would be feasible and a positive impact for the community.

Mr. Grotenhuis feels that the commercial zoning along NH Route 4 fits with this concept. He would like to see the increase of business on NH Route 4. Mr. Grotenhuis feels the residential zoning is antiquated and wants more commercial business along NH Route 4. Mr. Grotenhuis encourages all commercial developments and judges that the setbacks are more suitable for abutting residential zones.

Mr. Veil said that split zoning is not great for planning purposes. He continued that the town voted this NH Route 4 zone to be for commercial use. Mr. Viel asked if there was a plan to subdivide. Mr. Hamel said that is the plan is to subdivide. He stated that an internal road would be built making the plan more desirable for individual lot approval after the uses were approved. Mr. Hamel said they are looking for relief from setback of 150 feet from Zoning Board and asked how to start the process. Mr. Moulton said he currently has potential commercial tenants for some lots.

Mr. Anderson believes this to be a good idea and did not know if zoning does conceptual meetings. Mr. Moulton mentioned many uses including storage. He continued saying he would possibly need to raise the roof to attract potential businesses. Mr. Moulton believes he could create a nice business park.

**Nottingham Planning Board Meeting  
October 13, 2021  
Official Minutes**

Mr. Veil brought up abutting cemeteries and possible contamination on property. Mr. Hamel said that contamination has been cleaned up and received a clean slate. Mr. Veil said that DES permitting may be needed due to conservation land. Mr. Hamel said that storm water infrastructure is partially installed and didn't know if older permits have expired and would need to be further explored. Ms. Andersen asked for clarity regarding water and septic plans. Mr. Hamel said that a production well could be used for sprinkler system. Each individual lot would have individual septic; however, a well would be communal.

Mr. Grotenhuis and Ms. Andersen commented on buffers from the abutters and residential areas. Mr. Viel brought up conservation buffers and how they would be considered with newer zoning ordinances. Mr. Hamel discussed protections put into place and potential conservation areas like vernal pools. Ms. Andersen mentioned when the bottling plant was in place there was a limit on truck traffic. Mr. Hamel said that it was correct and was restricted by the Planning Board. Mr. Hamel said the current use is not yet known, thus traffic concerns would have to be addressed as the project moves forward.

Ms. Andersen suggested that a water study be conducted as the previous contamination may resurface due to pulling water from ground. Mr. Moulton said that the current development would not promote pulling water from ground for domestic use. Ground water use would be limited and possibly for cistern filling. Mr. Veil said a community well would need to pass certain state testing standards.

Mr. Moulton said he feels it to be a good win for everyone and understands there will be approvals required from the Zoning Board beforehand. Mr. Veil addressed contiguous area may affect buffers and setbacks. Mr. Viel said that subdividing may be locked for four (4) years; however, lot line adjustments could be done during this time. Mr. Veil suggested getting rid of the center (internal) driveway with access provided by the two other entrances. Mr. Hamel said that adding accesses for safety or emergencies would be beneficial.

Ms. Mooney asked what happens when Mr. Moulton sells these subdivisions as opposed to leasing as it pertains to maintenance of lots. Mr. Moulton said that he keeps ownership of some lots. Ms. Mooney asked about conservation land. Mr. Moulton said he has had conversations with Southeast Land Trust (SELT) about conserving/protecting a large portion of the back area. Mr. Moulton assured that he isn't going anywhere. Mr. Viel brought up the point that the Board does not have the ability to accept roads for the town. Mr. Viel said the maintenance of infrastructure could be solved by creating an association as an example.

Mr. Grotenhuis asked if the discussion was a sufficient start for Mr. Moulton. Mr. Moulton said it was and asked who his contact would be when proceeding with proposals. Mr. Grotenhuis said a meeting with planning personnel would be a starting point.

**Case # 21-015-SIT**

**Application from Nottingham Business Park, LLC, requesting Site Plan approval for a change of use to allow for a truck bed company and woodworking business to operate out**

**Nottingham Planning Board Meeting  
October 13, 2021  
Official Minutes**

**of two (2) of three (3) buildings. This property is located at 155 Old Turnpike Road in Nottingham, NH and is identified as Tax Map 3 Lot 9.**

Mr. Roberts and Mr. Frankiewicz were here to present. Mr. Mackinnon was re-seated as he was not an abutter to the lots on this case application. Mr. Frankiewicz outlined the three buildings, two of which are planned to be used per this application. There are no plans for building #1 currently. Building #2 will be a low traffic truck bed sales business with one employee that operates Monday-Friday from 8am-5pm. Building #3 is the largest building that will do custom cabinetry with five to six (5-6) employees and operating 8am-5pm. The applicant proposed two additional trailers in order to store lumber. Mr. Frankiewicz asked for waivers from Zoning Articles 8.3, 8.4, and 8.5.

Mr. Haney said that all the work would be structural and the actual site work would be limited or non-existent. Some brush clearing has occurred and additional clearing is planned. The proposal only refers to the structures themselves.

The applicants were asking for waivers for Zoning A8.3 & 8.4 with Mr. Frankiewicz mentioning 8.5. Mr. Haney said that it makes sense as it was going from vacant to occupied. Mr. Haney said there isn't anything being proposed that is not out of ordinary. He stated to make sure that proposal acceptance would be based on the two buildings and not the third. Mr. Haney said that the application is complete.

**Motion made by Mr. Viel to accept application as complete. Motion seconded by Mr. Anderson. Motion passed with a 7-0 unanimous vote**

**Mr. Mackinnon made a motion that this is not an application of regional impact, seconded by Ms. Mooney. The motion passed with a 7-0 vote.**

Mr. Mackinnon commented on the brush clearing and Mr. Roberts said that he has spent a lot of time cleaning up the property, securing the area and getting the buildings ready. Mr. Roberts explained that no chemicals or body work would be done, he just resells rust free truck beds from TX.

Mr. Mackinnon said the width of the driveway looks good for infrequent truck use. He asked if DOT needs to be contacted, for an amendment to a new use and possibly to post signage on the highway. Mr. Mackinnon asked about a lighting plan. Mr. Roberts said that he has secured property including the lighting, doors and windows. Mr. Mackinnon asked about outdoor storage. Mr. Roberts said that everything is kept indoors. Mr. Mackinnon said the storage containers would be an accessory structure and they would need to satisfy setbacks.

Ms. Andersen asked about septic and plumbing. Mr. Roberts said septic is in place, however plumbing has been removed and he needs to get a plumber in for water. There is currently a portable potty. There is an onsite well. Mr. Viel requested proper down lighting. Mr. Roberts replied that he has adequate lighting.

**Nottingham Planning Board Meeting  
October 13, 2021  
Official Minutes**

Mr. Viel said there is no current driveway or parking shown on the plan. Mr. Roberts pointed out the current driveway and parking area on large plan. The paved area comes off NH Route 4 with the rest of the driveway would be gravel.

Mr. Viel and Ms. Anderson are requesting a septic lay-out to be included on large format plan. Mr. Frankiewicz said that the building inspector would grant a four to six (4-6) months permit for temporary, portable toilet facilities.

Mr. Veil asked for clarification of two businesses and if woodworking is retail. Roberts replied that it's just a fabrication shop. Mr. Anderson asked about the number of employees. Mr. Roberts said five to six (5-6).

Mr. Davies asked about fire protection. Mr. Grotenhuis mentioned that it is usually handled by building officials. He said because it is a change of use, and not new commercial, fire safety would fall under our building officials. Mr. Anderson asked if there are any cisterns in the area and Mr. Frankiewicz said there was one close by.

Mr. Grotenhuis asked if they are comfortable waiving all requirements from Sections 8.3 and 8.4. Mr. Frankiewicz said the purpose of the waiver is to avoid surveying since structures are existing.

**Mr. Mackinnon made a motion to approve waiver request to waive the requirements from section 8.3 and 8.4 for Case # 21-015-SIT, Mr. Anderson seconded. Motion passed with a 6-1 vote.**

Mr. Mackinnon asked for adding conditions that include NHDOT coordination regarding the driveway and downcast lighting. Mr. Viel mentioned that there is a current Zoning lighting ordinance. Mr. Viel mentioned that he would like to see on the plan a buffer between the residential and commercial areas. Ms. Andersen asked for all state permits, including driveway and septic, be obtained.

**Mr. Mackinnon made a motion to approve Case # 21-015-SIT with standard conditions and additional conditions of ensuring all state permits are current, all lighting to be downcast per local zoning ordinance and maintaining of a vegetation buffer to the residential use. Ms. Mooney seconded. Motion was passed with a unanimous 7-0 vote.**

**Public Comment:** No public comment.

**Board of Selectman and Staff/Board Members Update**

Mr. Anderson noted that the proposed bridge reconstruction on Stage Road (by the school) is proposed for 2024. Mr. Morin mentioned the variety of proposals that could possibly include the town's only stop light.

**Nottingham Planning Board Meeting  
October 13, 2021  
Official Minutes**

301 Mr. Morin said the Select Board meeting was only 45 minutes long which was mostly  
302 administrative discussions. During the upcoming meeting, he anticipates that they will be  
303 talking mostly regarding road standards and posting of those standards.

304 Mr. Viel mentioned he may not be able to attend next week's joint board meeting.

305 Mr. Grotenhuis said the Planning Board Transportation Subcommittee submitted a letter to the  
306 Select Board for review of scenic road placards and the of adding bike lanes.

307 Ms. Mooney said Conservation Commission wrapped up water testing over summer. The large  
308 number of volunteers from the community allowed for an increase of testing from once a month  
309 to every two weeks.

310 Mr. Mackinnon asked Mr. Anderson question regarding the CIP and Kelsey Road. Mr.  
311 Mackinnon said he would like to be kept in loop and would be happy to assist. Mr. Mackinnon  
312 asked when draft language for upcoming amendments would be available. Mr. Grotenhuis said  
313 that the upcoming joint meeting will cover that topic.

314 **Mr. Grotenhuis made a motion to adjourn at 9:25 pm. (POINT OF ORDER: IS THE CHAIR**  
315 **ALLOWED TO MAKE MOTIONS?) Ms. Mooney seconded. Unanimously approved by a**  
316 **vote of 7-0.**

317