

**Nottingham Planning Board Meeting  
10-27-21  
Official Minutes**

**Call to Order**

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

**Members Absent:** Chair Dirk Grotenhuis; John Morin BOS Rep

**Alternate Seated and Voting:** Robert “Buzz” Davies, Alternate, for Dirk Grotenhuis

**Others:** Kevin Lemieux, Land Use Clerk; Blair Haney, SRPC Planner; Tim Lavelle, Surveyor; Lori Mathans, Resident; John Dyer, Docking Systems; Cheyenne Bostrom, Applicant; Tyson Bostrom, Applicant; Allie Guard, Abutter; Dave Guard, Abutter; Larry Woodman, Applicant; Gretchen Woodman, Applicant.

**Call to Order**

The meeting was called to order at 7PM.

**Roll call**

Roll call was completed.

Vice Chair Mr. Viel served as Chair in Mr. Grotenhuis’ absence.

*Case# 21-011-SIT: Application from Richard Cote, requesting Site Plan approval for a Change of Use, allowing the conversion of an existing structure to an office studio. This property is located at 18 Cooper Hill Rd., in Nottingham, NH, and is identified as Map 16 Lot 5.*

The Board received a letter from the applicant requesting a continuance of the case until the next meeting.

*Ms. Mooney made a motion to continue Case# 21-011-SIT until November 10<sup>th</sup>. The motion was seconded by Mr. Anderson. The motion was approved unanimously 6-0.*

*Case# 21-013-SUB: Application from James Lavelle Associates, requesting a Subdivision approval to subdivide 29.5 acres into two (2) lots that will both have frontage on Gebig Road. This property is located at 22 Gebig Road in Nottingham, NH, and is identified as Map 18 Lot 4-B.*

Mr. Lavelle noticed spelling errors on previously submitted site plans. He passed out updated site plans with corrections.

Mr. Lavelle said that his clients want to subdivide a 29.5-acres lot to (2) lots, one lot would be 15 acres while the other lot would be 14.5 acres. He said the existing home will be on the 14.5-acre lot with the barn on the 15-acre lot. He said that they did test pits on both lots.

Mr. Viel said that Board will act first on the application completeness. Mr. Haney said that this is a very standard subdivision of splitting one lot into two lots with a few waiver requests. He said that the application is complete.

Nottingham Planning Board Meeting

10-27-21

Official Minutes

39 ***Mr. Anderson made a motion to accept the application for Case# 21-013-SUB as complete.***  
40 ***The motion was seconded by Ms. Mooney. The motion was unanimously approved 6-0.***

41 Mr. Viel said next was to vote on this case's application regarding regional impact.

42 ***Motion was made by Mr. MacKinnon that the application for Case# 21-013-SUB is not a***  
43 ***project of regional impact. The motion was seconded by Ms. Andersen. The motion was***  
44 ***unanimously approved 6-0.***

45 Mr. Lavelle said he forgot there was a waiver request for topography. Mr. Haney said that a  
46 request for a waiver from 8.3.1 and 8.3.5 of the Site Plan Review Regulations was written in the  
47 checklist by the applicant, however, he said there didn't appear to be a need for the request. Mr.  
48 Lavelle said it should have just been checked and not a required waiver request. Mr. Haney said  
49 he had no additional concerns with the application as the proposed lots meet zoning requirements  
50 for the residential and cultural zoning district.

51 Mr. Viel asked for clarification on setback lines drawn on plans. Mr. Lavelle said that the lines  
52 in question were for building setbacks and septic setbacks. Mr. Viel said that the scale of the  
53 lines appeared to be for 100-foot setbacks. Mr. Lavelle agreed that they looked to be 100-foot  
54 setbacks, however, they should be 50-foot setbacks. It was determined the scale on the plans  
55 was incorrect. Mr. Lavelle will correct this and label the setbacks. Mr. Viel said that normally  
56 plans would show a contiguous area. Mr. Lavelle said that they don't have that outlined because  
57 he didn't think it was needed however it can be added as a condition. He said they didn't map any  
58 wetlands, however, he said there are wetlands on the property in the back area.

59 Mr. MacKinnon asked about the contour lines for the lot with the barn. He said that they appear  
60 to be steep slopes and would not conform with the contiguous area requirement. He asked that  
61 Mr. Lavelle cross reference the contiguous area of the property with the town regulations. Mr.  
62 Lavelle agreed to. Mr. MacKinnon asked for labeling on the plan to reference setbacks. He also  
63 asked that this be included in the notes on the plan. He further asked for the required monuments  
64 to be listed on the plans, which should be every 300 feet. Currently, there is roughly 2000 feet  
65 with only one monument indicated.

66 Mr. MacKinnon asked about the inclusion of test pits on plans. The Subdivision Regulation call  
67 for two (2) test pits 50 feet apart. Mr. Lavelle said there is only one test pit per lot and that he  
68 will clarify on plans.

69 Mr. Viel asked that the driveway access be included on the plans. Mr. Lavelle said there is an  
70 existing driveway, and he will include it on the plans. Ms. Andersen and Mr. Viel observed an  
71 error in the labeling of the map number. The lot was labeled Map #8 and should be #18 on  
72 multiple sections of plans. Mr. Viel said that the state requirements for the mylar maps should be  
73 met. Mr. Lavelle agreed to add all requirements including abutter information.

74 Mr. Viel opened the floor for public comment.

Nottingham Planning Board Meeting

10-27-21

Official Minutes

Abutter, Allie Guard, asked three questions. First, she asked what the proposed use for the lots will be? Second, she asked if there are regulations regarding single family or multifamily construction? Third, she asked if there are regulations to prohibit further subdivisions.

Mr. Lavelle answered that the intended use was to sell lots. He said he is not comfortable with saying that a duplex or other allowable use would be restricted especially if permitted by the town. He continued by saying that they would not agree to restrict further subdivision and he doesn't believe that that is even a legal option. He believes the property topography lends itself to no further subdivision. Mr. Viel said that duplex and multi families are allowed in most town zones but have additional zoning requirements that must be met. He said in town regulations that when a lot is subdivided it cannot be subdivided again within four years.

Mr. Viel moved to address the waiver requests. Mr. MacKinnon said that the request for 8.3.1 regarding abutters doesn't need to be included because it will be addressed on the notes section of the site plan. Mr. Haney said that 8.3.5 in his opinion is satisfied. Mr. MacKinnon said that he did not see anything regarding the test pits in the submitted package. He said it's tough to make a decision on test pits without knowing the soil profiles. Mr. MacKinnon said ultimately the applicant would need to get approval on the test pits by the state and local code enforcement.

***Mr. MacKinnon made a motion to approve the waiver request for Section 8.3.6 for existing grades and topography. The motion was seconded by Mr. Davies. The motion was unanimously approved 6-0.***

The discussion with Mr. MacKinnon and Mr. Viel continued around the contiguous area requirement. Mr. Viel cited regulations that say within the 30,000 sq. foot contiguous area, there should be no point narrower than 50 feet in width. Mr. Lavelle said he believes the 30,000 square feet is in front of the 50-foot pinch point.

Mr. Viel said that the Board would like to see the second test pits, the contiguous area, the driveway indicated as well as a general cleanup on subdivision plans including correcting the incorrect map number.

Discussion was had about the best time to continue case as upcoming hearings are beginning to fill up on the calendar.

***Mr. MacKinnon made a motion to continue Case# 21-013-SUB until November 10<sup>th</sup> at 7pm meeting with deliverables to the town by November 3<sup>rd</sup>. The motion was seconded by Ms. Mooney. The motion was unanimously approved 6-0.***

Mr. Viel thought that his previous professional interactions with the applicants was a conflict of interest and recused himself from the upcoming case to be discussed in the hearing. Mr. Viel then left the table. Ms. Mooney assumed as chair for the case.

Nottingham Planning Board Meeting

10-27-21

Official Minutes

***Case# 21-014-SIT: Application from PuroClean of Strafford County, requesting Site Plan approval for a change of use to permit PuroClean to use space as an office, vehicle storage equipment storage and green cleaning product storage. This property is located at 404 Stage Road in Nottingham, NH, and is identified as Map 16 Lot 3.***

112

113 Tyson and Cheyenne Bostrom introduced themselves as the owners of PuroClean. Mr. Bostrom  
114 said they were looking to purchase the property and while researching its history, he found that  
115 the property is listed as residential and not commercial. They are looking to get that changed. It  
116 has been tax assessed as such since the 1980's. Mrs. Bostrom said that the property was used for  
117 manufacturing; however, they do not plan on manufacturing anything. Mrs. Bostrom said that  
118 they are very low impact business with no customers visiting the property and will provide only  
119 employee parking. No change to the current site plan has been made.

120 Ms. Mooney asked if the applicants could walk the board through the map provided of the  
121 property. Mr. Bostrom reviewed the map details.

122 Ms. Andersen asked the applicants about the existing apartment. Ms. Bostrom said that the  
123 apartment had changed to an office after a fire. She said that it is no longer permitted as an  
124 apartment and there will be no one living there. She said that when they purchase the property,  
125 they will either get it permitted as an apartment or keep it as an office space.

126 Mr. Haney said that the property is a non-conforming commercial industrial use, currently in a  
127 residential zone. He said the request is to change the type of commercial usage; however, it's not  
128 making it more non-conforming. He said if anything it's moving in a better direction. He also  
129 mentioned that there is a non-permitted apartment above the shop area. He said that the applicant  
130 was requesting a waiver from section 8.3 and 8.4 of the site plan regulations. He said that the  
131 hand drawn site plan should be sufficient for the intended change of use before the Board. Mr.  
132 Haney feels that it is a complete application that the Board should accept. He said that the  
133 applicants have responded to all requests including pictures and site plan waiver submissions.

134 ***Mr. Anderson made a motioned to accept application as complete. Mr. MacKinnon seconded***  
135 ***the motion. The motion was unanimously approved 5-0.***

136 Mr. Haney said that the business handles fire, mold and water damage for residential and  
137 commercial buildings. He said that applicant stated that they have seven employees with four  
138 company vehicles that will be stored on the property. He said that business hours are 8-5  
139 Monday through Friday. He asked for clarification for weekend business hours. He said they  
140 would also be storing cleaning supplies. He said a commercial dumpster will be used on site.  
141 He said aside from some cleanup, the property will effectively stay the same.

142 Ms. Mooney asked if there was a plan to add lighting. Mr. Bostrom said that on the interior there  
143 is a plan for upgrades; however, he has not been there at night and does not know how dark it  
144 gets. Mrs. Bostrom said that they would not use a spotlight and that the business is run during  
145 the day limiting the need for exterior nighttime lighting. Ms. Mooney said there are light  
146 ordinances in town and suggested that the applicants visit the Conservation Commission's web

Nottingham Planning Board Meeting

10-27-21

Official Minutes

147 page for more clarity on lighting requirements. Applicants said they would be happy to follow  
148 the ordinances.

149 Ms. Andersen asked if there would be signage out front. Mr. Bostrom said there is currently  
150 signage, and they would like to have a sign as to attract some business. Ms. Mooney explained  
151 that there are regulations on signage as well.

152 Mr. Haney asked the applicants to clarify their business hours. Mr. Bostrom said that the  
153 business hours are usually Monday through Friday 8 to 5 with occasional weekend work. Mrs.  
154 Bostrom explained that working on weekends would just be employees coming to the property to  
155 get supplies and then leaving to go to job sites. Mr. Haney asked if the applicant knew the  
156 condition of the current septic system. Mrs. Bostrom said that they had the septic tested and it  
157 passed.

158 Ms. Mooney asked what kind of chemicals would be used in mold remediation. Mr. Bostrom  
159 said they use plant based green materials, some of which can be toxic to humans. He continued  
160 by saying that the products are used on job sites and are left at the sites for removal by a  
161 contractor. Due to their expensive price, employees use the product sparingly so as to limit  
162 waste.

163 Mr. Anderson asked for clarification on the number of employees. He asked if any of the seven  
164 employees would be working on site. Mr. Bostrom said that he has an office manager that will  
165 be working at the property and a sales rep that will be at the property occasionally. The sales rep  
166 is currently using his own vehicle.

167 Ms. Andersen asked if they planned to leave the vegetation buffer. Mr. Bostrom said yes;  
168 however, he would like to clean it up to improve site vision when driving off the property.

169 ***Ms. Andersen moved that Case# 21-014-SIT is not an application of regional impact. Mr.***  
170 ***Anderson seconded the motion. The motion was unanimously approved 5-0.***

171 Ms. Mooney opened the floor for public comment. There was no public comment

172 Mr. MacKinnon said that he feels what has been presented is sufficient for the Board to make a  
173 decision. The proposal involves standard cleanup of the property and trimming back of bushes.  
174 He said there may be additional needs should the apartment permitting issue arise in the future.  
175 He asked that the submitted photocopy of previously recorded plan have a number so to be cited  
176 for the record. The site plan number is D.24978, recorded on 10/23/96.

177 ***Mr. MacKinnon made a motion to approve the waiver request from Site Plan Review***  
178 ***Regulations 8.3 and 8.4. Ms. Andersen seconded the motion. The motion was approved***  
179 ***unanimously 5-0.***

180 Ms. Mooney asked Mr. Haney if the fire department needed to consult on change of use. Mr.  
181 Haney said that since it's only a change of use, the existing requirements should have already  
182 been met. He also said that the application is available publicly for fire and code enforcement to  
183 comment. He said that should the applicant seek to permit the apartment, fire, septic and code  
184 regulations will need to apply.

Nottingham Planning Board Meeting

10-27-21

Official Minutes

185 Mr. MacKinnon asked for clarification on the time in which the business will open in the  
186 morning. He said that the application states 7:30 am. Mr. Bostrom clarified that it will be 8 am.

187 *Mr. Anderson made a motion to approve Case# 21-014-SIT for a Change of Use. Mr.*  
188 *MacKinnon seconded the motion. The motion was unanimously approved 5-0.*

189 Mr. Viel resumed chair duties.

190 **Public Comment**

191 Mr. Viel opened the floor for public comment. There was no public comment.

192

193 **Select Board and Staff/Board Updates.**

194 Mr. Lemieux requested that a mylar from a previous case be signed after the meeting.

195 Mr. Haney said that the Subdivision Regulations have a checklist and a form for waiver requests.  
196 He stated that the Site Plan Review Regulations have neither. Mr. Haney asked what the process  
197 would be to create a checklist and waiver form for the Site Plan Review Regulations. Mr. Viel  
198 said that the process would come through the Board. Mr. Haney suggested that he and Mr.  
199 Lemieux can create these checklists and forms.

200 Mr. Haney said that the DES was reviewing local town and city laws regarding water protection  
201 regulations and aquifer districts. He said that the intention was to try and protect these resources  
202 and that Nottingham was flagged for a few minor things. He said that the idea is for the SRPC to  
203 pursue a grant on behalf of the town to address these potential improvements. The grant would  
204 also be in conjunction with the neighboring towns of Rollinsford and Dover. He said he wasn't  
205 sure if the Board needed to vote to allow for the SRPC to act on this application on behalf of the  
206 town. A sample letter regarding the details was read by Mr. Viel. Mr. Haney said that the  
207 deadline for the application is Monday November 1<sup>st</sup>; however, the grant would not be  
208 administered until late spring or early summer.

209 Ms. Andersen made the motion to allow the SRPC to act on the behalf of the town of  
210 Nottingham to apply for a water protection grant and to allow for the Chair or Vice Chair to send  
211 a letter of support to SRPC. The motion was seconded by Mr. Anderson. The motion was  
212 unanimously approved 6-0.

213 Mr. MacKinnon asked for any updates since he missed the last joint meeting with Zoning and the  
214 Conservation Commission. Mr. Viel mentioned that the building height restrictions came up.  
215 Mr. MacKinnon also had a question about test pits. He said he came across a rule that said the  
216 code enforcer must witness all test pits. Mr. Anderson said that he believes that the code  
217 administrator requests to be notified of test pits by designers and given the option to visit.

218 Ms. Mooney said that the Conservation Commission is scheduling to do its first walkthrough of  
219 the five town owned conservation easements.

220 Mr. Viel asked to make sure the mylar from last meeting is signed. He also wanted to address  
221 the letter for SRPC regarding the water protection grant. He said that the meetings are getting

**Nottingham Planning Board Meeting**

**10-27-21**

**Official Minutes**

222 full and that the Board should be mindful of the need to carve out time for reviewing the Zoning  
223 Amendments.

224 Mr. Anderson said that he attended the first CIP meeting. He said the meeting discussed current  
225 and future items. He said that the CIP makes plans for six years into the future which would be  
226 2027. He passed around capital improvement worksheets for members to give input. He  
227 mentioned that due to some new zoning, employment prospects for the elderly are improving.

228 Mr. Viel asked Mr. Haney if he knew anything about DOT planning to address Estes Rd, Route  
229 4, Route 202 or Route 152 in regard to recent accidents. Mr. Haney did not have any updates but  
230 said he would research such.

231 *Ms. Andersen made a motion to approve the meeting minutes from 9/22 and 10/13. The*  
232 *motion was seconded by Ms. Mooney. The motion was unanimously approved 6-0.*

233 *Meeting was adjourned at 8:28 pm.*

234