

Nottingham Planning Board Meeting

DATE: February 9, 2022

Official Minutes

Call to Order

Members Present: Chair Dirk Grotenhuis; Susan Mooney, Secretary; Charlene Andersen, SRPC Rep; Ian MacKinnon; John Morin BOS Rep

Members Absent: Vice Chair Eduard Viel; Robert “Buzz” Davies, Alternate; Gary Anderson, SRPC Rep

Alternate Seated and Voting: None

Others: Kevin Lemieux, Land Use Clerk; Blair Haney, SRPC Planner; Martha Chase, Abutter; Doug Smith, Abutter; Rebecca Smith, Abutter; Warren Estes, Applicant; Mark Wasson, Applicant; Jeff Gallant, Abutter; Corey Keefe, Arborist New Hampshire Electric Co-op; Kevin Norr, Abutter; Henry Boyd, Surveyor; Kevin Bassett, Abutter; Brooke Schaefer, Abutter; Paul Crovo, Abutter; Brent Tkaczyk, Applicant; Amy Tkaczyk, Applicant; Jonathan Saurman, Builder; Dawn Fernald, Applicant; Joe Fernald, Applicant; Tom Moulton, Applicant; Denis Hamel, Applicant; Denis Hamel, Engineer; David Beati, BSC Group

Call to Order

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

Roll call

Roll call was completed.

Mr. Grotenhuis gave a brief description of the meeting agenda. He mentioned that a Design Review and several Conceptual applications were on the agenda. He explained that both Design Reviews and Conceptual Applications were non-binding items with the intent on helping the applicant to craft a future Site Plan Application.

Mr. Grotenhuis opened the first hearing, a continuation as follows:

***Case #21-010-LLA (continued):** 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.*

Mr. Grotenhuis gave a synopsis of the case and explained that it had been in the Board’s queue since May 2021. He added that the Board gave the applicant time to seek legal counsel since the application was submitted around the time that the Town had voted on the reclassification of previously private roads.

Mr. Wasson introduced himself and reiterated that the application was submitted at a time when the town was to take over the “new” roads. He said that he has been waiting to hear the town’s position on the new roads. He asked the Board if his application and request is something that

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37 should be reviewed by the Zoning Board. He added that his surveyor needs more direction
38 before a stamped drawing can be produced.

39 Mr. Grotenhuis replied that the Board did receive legal advice regarding a road bisecting a lot
40 and that it was not permissible per the Zoning Regulations. He continued by saying that the lot
41 line adjustment also does not meet the regulations of a two-acre minimum lot. He added that it is
42 also not wise planning to allow a single lot bisected by a roadway.

43 Mr. MacKinnon said that the lot would not meet the requirement for contiguous areas as the road
44 would bisect such an area.

45 Mr. Wasson again asked if the Zoning Board would be able to give relief on this regulation. He
46 would like to be able to build a new home on this property. He believes that he is in a hardship
47 situation. Mr. Grotenhuis said that the Zoning Board would be the place to express such a
48 hardship.

49 Mr. Kevin Bassett came forward as a party with a vested interest in the case.

50 Mr. Wasson asked the Board if the lot line adjustment made the lot a total of two acres, with the
51 road bisecting it, would that be permissible. Ms. Andersen said that the road size could not be
52 counted in the lot size. Mr. MacKinnon added that the same concerns would still exist with the
53 road bisecting the lot.

54 Mr. Bassett inquired about the smallest allowable subdivision lot size. Mr. Grotenhuis answered
55 two-acres and it must be a buildable lot.

56 Mr. Grotenhuis offered two avenues to move forward with for the applicant. First, the Board can
57 deny the application. Second, the applicant can withdraw his application, revise the application
58 and then resubmit if desired.

59 Mr. MacKinnon added that the Town Administrator, Chris Sterndale, has put in substantial work
60 regarding the newly classified roads. He suggested that Mr. Wasson speak with Mr. Sterndale
61 for more information on the roads.

62 Mr. Bassett said he believes that a hardship exists for Mr. Wasson. He asked how Mr. Wasson
63 should proceed to a Zoning Board hearing. Mr. Grotenhuis answered that a variance application
64 for the ZBA can go through the Land Use Clerk, Kevin Lemieux, at the town offices.

65 Mr. Bassett asked if the Zoning Board was aware that Lamprey Drive was a town road. Ms.
66 Andersen said that the information the Board received was a letter from the Town Administrator
67 submitted on Mr. Bassett's behalf from the last Planning Board meeting. Mr. Morin confirmed
68 that the town has classified Lamprey Drive as a Class V Road.

69 ***Ms. Andersen made a motion to disapprove the application for Case# 21-010-LLA;***
70 ***Application from Mark C. & Patricia A. Wasson and 70-25, LLC for a Lot Line Adjustment.***
71 ***The property is located at Lamprey Drive in Nottingham, NH and is identified as Tax Map 70***

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Lots 23 & 25. For the reason that the Zoning Regulations does not allow for a Class V Road to bisect a lot.

The motion was seconded by Ms. Mooney.

The motion passed unanimously by a vote of 5-0.

The Board moved on to the next case.

Case #22-002-SUB: Application from Concrete Products of Londonderry requesting to create a four (4) lot Subdivision. This property is located at 100 Smoke Street, in Nottingham, NH, and is identified as Map 11 Lot 3.

Mr. Boyd introduced himself as a surveyor from Millennial Engineering and was speaking on behalf of Concrete Products of Londonderry. He gave a brief overview of the application submission for the subdivision planned on Smoke Street. He highlighted the following:

- The lot to be subdivided is 35.4-acres.
- He referenced four different maps provided by the applicant
- There is roughly 900 feet of road frontage.
- All lots are over 5 acres.
- Wetlands have been sited on maps.
- There will be 2000 feet of frontage on the Little River belonging to Lot 4.
- All lots have “performed Witness Test Pits” and were passed by the town agent
- The intention is to build in the front of lots and leave the larger, backside of the lots preserved.
- There will be no need for wetland crossings by design.
- Lots do exist in the Aquifer Protection Area and the proper permits will be obtained.

Mr. Grotenhuis asked Mr. Haney to summarize the Staff Review. Mr. Haney said that the application appears complete. There are no waivers being requested and no additional permits currently are provided. He inquired about the size of Lot 2 and if there was intent to subject the large area for future subdivision. He also noted in his review that there are certain design and performance standards that must be met to build in an Aquifer Protection Area.

Ms. Mooney made a motion to accept Case #22-002-SUB application as complete. The motion was seconded by Mr. MacKinnon. The motion was unanimously approved by a vote of 5-0.

Mr. MacKinnon made a motion that Case #22-002-SUB is not a Project of Regional Impact. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 5-0.

Mr. Grotenhuis and Mr. MacKinnon discussed with the applicant the contiguous envelope requirements for building in an upland area. Mr. MacKinnon said that the requirement per the town Zoning Ordinance is that the building envelope is a 30000 Sqft contiguous area that cannot include the area in the required setbacks. He added that any area that spans less than 50 feet

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across should be avoided. Mr. Boyd believed that the lots have plenty of building envelope area to fit the requirements.

Mr. MacKinnon continued by stating the “every 300 feet” monument requirements. He also recommended adding driveway locations on the subdivision plan. Mr. Boyd says he was reluctant to include this early in the process. Mr. Grotenhuis asked if they could be included on the plan even if the driveways may be moved in the future. Mr. Boyd agreed to include driveways on future plans.

Mr. MacKinnon followed up by asking if consideration was made for slopes at 25% or greater. Mr. Boyd did not know; however, he will check with his team.

Ms. Mooney requested that current and future owners be aware that the Little River, which flows through the property, falls under the New Hampshire River Management Program. She recommended that they become familiar with Chapter 483:7-A and 483:15, which outlines designation, protection and management details of such watersheds. Mr. Boyd agreed to make future owners aware by including the information in the deeds.

Ms. Andersen asked how recent the wetlands delineation was performed. Mr. Boyd responded that it was within the last two years. She followed up by indicating that in 2010, the current owner performed commercial soil stripping. She recommended that Mr. Boyd contact the state to see if there is any Reclamation Plans required. She added that the Board typically likes to see where the flood plain is located on the plans. She also asked that a reference to the Aquifer Protection District be included on the deed. Mr. Grotenhuis said that a Reclamation Plan was already included in the Hydrological Study submitted.

Mr. Grotenhuis opened the floor to Public Comment.

Mr. Kevin Norr, an abutter to the property, introduced himself. He said that he had met with the owner of Concrete Products. Mr. Norr mentioned that since he moved to town, the development in town has greatly increased as well as noise disturbances. He asked that consideration be made from developers in conjunction with the town to develop more green areas and increase buffers between properties. He is not looking to limit development; he just feels that consideration for existing residences should be taken into account.

Mr. MacKinnon made a motion to continue Case #22-002-SUB until the February 23, 2022 meeting at 7PM. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 5-0.

The Board moved onto Other Business.

Other Business:

Design Review for Owl Ridge Builders; Smoke Street, Subdivision (continued)

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Mr. Chris Berry from Berry Surveying & Engineering introduced himself as the representative for Owl Ridge Builders. He said that his client will provide a Yield Plan for consideration that will be converted to an Open Space Subdivision design. Mr. Berry outlined modifications made to the plan after input from abutters was considered. The changes include the following:

- Adjusting lots to fit the Town's Steep Slope regulations
- The land under the bisecting Summer Street road is not included in land area calculations.
- The newly drawn lots in the Aquifer Areas are the required three (3) acres.
- The newly drawn buildable area does not include setback areas.
- New plans minimize wetland and buffer impacts.
- A road was moved from an abutting property line to a utility easement.
- The modified Yield Plan was reduced from 26 to 25 lots.
- A minimum 100-foot buffer would be carried around the perimeter of the subdivision.
- Best practices for storm water management
- One road has been removed from the original plan
- There will be a large amount of Open Space when the project is complete

Mr. Grotenhuis asked Mr. Berry what the average lot size was in the Yield Plan. Mr. Berry responded that he did not know the specific number, however, he guessed it to be approximately 3.5 acres per lot. He added that the plan was to keep the lot sizes as large as possible.

Mr. Grotenhuis asked about the lot sizes for the two adjacent lots that abut Fort Hill Road. Mr. Berry said that the applicants would like those lots to be as large as possible. Mr. Grotenhuis said it would be better for those lots to be bigger provided there is enough open space.

Mr. MacKinnon asked for clarification on the 100-foot minimum buffers. Mr. Berry replied that in each area of the subdivision, care was taken to maintain that minimum buffer of 100 foot. He gave examples of buffers near the Little River, the southern side and Fort Hill areas of the subdivision. Mr. MacKinnon offered a potential buffer consideration on the north side of the subdivision.

Ms. Mooney suggested to consider that special plant species may exist on the esker. Mr. Berry said that they have not thought of that yet, however, he will reach out to the Conservation Commission when that time comes.

Mr. Grotenhuis opened the floor for public comment.

Mr. Jeff Gallant, a resident of Fort Hill Road, came forward and introduced himself. He wanted to thank the applicant for consideration made regarding Fort Hill Road in the new plan.

Mr. MacKinnon made a motion to close the Design Review process for the proposed Owl Ridge Builders subdivision. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 5-0.

Mr. Grotenhuis gave a brief explanation of how a Design Review differs from a Conceptual Review.

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Conceptual Review- Site Plan- Tkaczyk- Old Turnpike Road

Brent and Amy Tkaczyk introduced themselves as the applicants and the owners of a company named “Adventure Camper Rentals”. Mr. Tkaczyk said that the current property is ideal for their current business. The plan is to build a three-bay garage on site. He pointed to a provided plan that outlined a well and septic design.

Mr. Grotenhuis added that this property was part of a recent subdivision proposal that came before the Board. The lot is a commercial zoned property with frontage on Route 4, Old Turnpike Road.

Mr. Grotenhuis asked the applicants for a synopsis of their business. Ms. Tkaczyk replied that they are a camper rental company. Mr. Tkaczyk added that the location is great for his customers that travel to Maine and the Lakes Region of New Hampshire. He said that the business also will deliver campers within 100 miles and that he and his wife live in Northwood, NH. The proximity to Route 16 and Interstate 95 is ideal for the business location.

Mr. Grotenhuis agreed with the location and thought the business model fit the property. He inquired about additional plans for the business. Mr. Tkaczyk mentioned that the business also rents items such as kayaks, paddleboards, and generators.

Mr. Grotenhuis explained that there is some limited area for a building and parking. Mr. Tkaczyk agreed, however, a large parking lot is not needed, and they are not interested in taking down a bunch of trees as the buffers are desired. He added that there is no plan to exceed ten (10) rental campers in the future.

Mr. MacKinnon inquired about the site plans submitted. Mr. Tkaczyk replied that the plans are from the previously approved subdivision by the Board. He added that he will have professional plans drawn up if the proposal is to move forward. Mr. MacKinnon suggested that the applicants reach out to the Department of Transportation. Ms. Tkaczyk replied that the process has already started.

Mr. Tkaczyk continued by inquiring about road signage. Mr. Grotenhuis explained that there are town regulations for signage. Mr. Tkaczyk added that there is no need for a large sign, just something that would identify the business. Mr. MacKinnon again stressed talking with the Department of Transportation as to where a sign can be located.

Mr. Tkaczyk inquired about the setback requirement for tree cutting, buffers and creating a lawn area. Mr. Grotenhuis replied that adding a lawn should be acceptable and fall within the Zoning Ordinances. He again said that the proposed usage sounded great for the property.

Mr. Grotenhuis concluded by asking if the applicants had any more questions for the Board. Mr. Tkaczyk asked what the next steps would be. Mr. Grotenhuis answered that a site plan would be put together and a formal application would be submitted for the Planning Board Review.

Conceptual Review- Subdivision- Hamel – Old Turnpike Road

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241 Mr. MacKinnon recused himself from the Conceptual Review as he is a direct abutter to the
242 property.

243 Mr. Denis Hamel introduce himself as the engineer for the applicant, Mr. Tom Moulton as both
244 gentlemen seated themselves at the applicant table. Mr. Hamel reviewed Mr. Moulton's recent
245 purchase of three adjacent parcels of land in Nottingham. He explained that the Conceptual is
246 for one of those parcels which is a 66-acre lot. He added that the current proposal is a bit more
247 defined as wetland lines and other property details have been discovered since Mr. Moulton
248 purchased the land. He pointed out a line on the plans that separated Commercial/Industrial
249 Zoning and a Residential Zoned area. He added that a Residential Zone behind a Commercial
250 Zone is not desirable, and that the applicant would need relief from the Zoning Board to move
251 forward with the proposed project.

252 Mr. Hamel passed out a new set of drawn plans to the Board. He added that the plans will likely
253 change as they move forward. He said that three Commercial Buildings are in the Residential
254 Zone. He figured that relief will be needed for those structures as well as for a right of way. He
255 gave an overview of the roads, driveways and easements.

256 Mr. Grotenhuis asked if the usage for the property has been defined or is it speculative at this
257 time. Mr. Moulton replied that it is mostly speculative, however, he said that he believes it will
258 be approximately 10-20% office and 80% warehouse/manufacturing usage. He added that
259 changing the Residential area of the property to Commercial would generate good tax revenue
260 for the Town. Mr. Grotenhuis agreed that the Residential area converted to Commercial makes
261 sense.

262 Ms. Mooney said she hopes the applicant is still in conversations with Southeast Land Trust
263 (SELT). Mr. Moulton replied that he has been in contact with Duane Hyde of SELT about Mr.
264 Hyde walking the land. He added that such a conversation is still ongoing.

265 Mr. Grotenhuis opened the floor for public comment. There was no public comment.

266 Mr. Hamel asked what the preference was for moving forward for the proposal. Mr. Grotenhuis
267 replied that a Subdivision Application would be the first step. He added that if there is a specific
268 Site Plan Application drawn up, that application can run concurrent with a Subdivision
269 Application. Mr. Moulton added that the sign currently at the property has already garnered
270 interest.

271 ***Conceptual Review- Site Plan- Shea Concrete – Old Turnpike Road***

272 David Beati of BSC Group and Jonathon Saurman, representing Shea Concrete, introduced
273 themselves. Mr. Beati gave a brief description of the early surveyed work to date including
274 identifying wetlands and placing monuments. He added that there is a proposed 20,000 Sqft
275 manufacturing facility with small office areas. He mentioned that the desired height of the
276 building would be forty-eight feet at a section of the building that would utilize heavy-duty
277 hoisting machinery.

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278 Mr. Grotenhuis asked if there would be any changes to the operations of the facility as it relates
279 to the driveway and traffic. Mr. Beati replied there would be no changes and the existing
280 driveway will service the new facility. He added that a non-paved parking area will be added to
281 the site. Mr. Saurman said that there will be no proposed change to the existing building.

282 Ms. Andersen asked for clarity on the site lay-out. Mr. Beati replied that the proposal would be
283 combining two adjacent lots. Ms. Andersen added that a Lot Line Adjustment would be needed.
284 Mr. MacKinnon said it could be a concurrent application with the Site Plan Application. Ms.
285 Andersen mentioned that the setback requirements would fall under Industrial, which differs
286 from Commercial requirements.

287 Ms. Andersen asked if there would be any retail activity on site. Mr. Saurman responded that it
288 would only be manufacturing and storage. Mr. Beati said that most customers have the concrete
289 products shipped.

290 Ms. Andersen asked what length of the building will need the 48 feet building height. Mr.
291 Saurman replied that 30 feet of the building will be one story and the remaining 220 feet of
292 length would have a height of 48 feet. He said that the height is for cranes and hoisting
293 equipment. Mr. Grotenhuis added that both Zoning and the Fire Department would need to
294 review the proposed building height as it is 14 feet higher than the town's current regulations.
295 Mr. Saurman added that the concrete apron around the building will be added to aid access for
296 Fire and Rescue personnel.

297 Ms. Mooney inquired about the site preparation needed for the project. Mr. Beati said that the
298 property slopes toward the river. Ms. Mooney asked if barriers for run-off would be installed.
299 Mr. Beati answered that two stormwater swales are being proposed.

300 Ms. Andersen inquired about the manufacturing process, the water used and how the water will
301 be treated. Mr. Saurman responded that there is no plan to expand on the current well on the
302 property. He added that he does not work for Shea Concrete, thus he does not know specifics
303 about the process of water treatment; however, he doesn't believe the water usage to change
304 much from its current usage. He agreed to have a more specific number regarding water usage at
305 future meetings.

306 Mr. MacKinnon asked if Map 3, Lot 2A on the Site Plan was a residential lot with an existing
307 home. Mr. Beati said it does have an existing residential home. He said that the project will
308 provide the needed vegetation screening between the site and the residential lot. Mr. MacKinnon
309 inquired about an existing cistern for fire safety. Mr. Beati responded that he did not know. Mr.
310 Grotenhuis suggested a meeting with both Fire Chief and Building Inspector to help in creating
311 the Site Plan.

312 Mr. Saurman mentioned that the plan of Shea Concrete is to add 6-8 jobs. He added that there
313 will be no vehicles stored in the facility. Mr. Beati said maybe a slight increase of traffic, if any.

314 Ms. Andersen suggested adding the location of expected snow removal pile locations on the
315 plan.

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Mr. Beati asked what the next step would be. Mr. Grotenhuis said that a meeting with the Zoning Board should happen first followed by Site Plan and Lot Line Adjustment applications before the Planning Board. Mr. Lemieux added that the applicants would submit a Site Plan to the Building Inspector for a denial of the building height. He said after receiving such a denial, the applicant would then go to the Zoning Board for relief. Mr. Haney suggested a conversation with the Fire Chief regarding building height soon.

Tree Trimming and Removal on Scenic Roads- NH Electric Co-op

Mr. Grotenhuis explained the process for which tree work on scenic roads needs Planning Board approval.

Mr. Corey Keefe introduced himself as an arborist for New Hampshire Electric Co-op. He began by mentioning the roads where the tree work will be, which included Stevens Hill Road, Case Road and Gile Road. He identified 18 trees larger than 15 inches in diameter that are at risk of failing. He added that an ash tree was added to the risky trees due to the documented presence of Emerald Ash Borer, a highly destructive invasive beetle infestation. The tree breakdown is as follows: 9 ash trees, 6 maple trees and 3 pine trees. The tree work will be done by Asplundh Tree Service on Stevens Hill Road and TTS Tree Service will be doing the work on Gile Road and Case Road.

Mr. Keefe added that NHEC contacts all property owners before tree work begins by mail as well as phone calls two weeks before the work is to begin. The debris is chipped and removed in most cases; however, in wooded areas the chips are dispersed back into the woods.

Ms. Andersen inquired about the timing of the tree work. Mr. Keefe replied that the contracted tree companies said May or June. Ms. Mooney added that tree work later in the year is better for bird nesting.

Mr. Grotenhuis inquired about the dead Sugar Maple trees. Mr. Keefe responded that age, road salt, evidence of woodpecker damage and mushroom damage indicate a need for removal.

Ms. Mooney asked about the treatment of the brush which can contain berries and food for wildlife. Mr. Keefe replied that most of the brush is cut for lineman access; however, growth such as blueberries and honeysuckles are left. He added that the cut rotation is 8-10 year, which allows for plenty of time for regrowth.

Mr. MacKinnon suggested that Mr. Keefe consult with the DPW Director, Shawn McLean, to see if there is a need for the chipped wood from the tree cutting, like trail or playground coverage.

Ms. Andersen made the motion to approve the Tree Trimming and Removal on Scenic Roads for NH Electric Co-op on Steven's Hill Road, Gile Road and Case Road. The motion was seconded by Ms. Mooney. The motion was unanimously approved by a vote of 5-0.

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352 **Board Updates**

353 Mr. Morin attended the School Board deliberations that took place on Tuesday, February 8th.
354 Mr. Morin added that a recent Board of Selectmen's meeting focused on the upcoming election
355 and the Warrant Articles. He indicated that the Town mask mandate had been lifted. The
356 schools have lifted the mask mandate and the BOS cited declining cases and input from the
357 Town Health Official in making their decision.

358 The Board expressed pleasure with hearing three potential commercial developments for the
359 Town during the meeting. It has been some time before such developments have come before
360 the Board.

361 Mr. MacKinnon inquired about any talk by the Board of Selectmen regarding improving the
362 meeting microphone system. Mr. Morin replied that it is something that the BOS is working on;
363 however, the cost for a complete overhaul of the microphone system is prohibitive.

364 *Ms. Andersen made a motion to accept the minutes from January 26, 2022. The motion was*
365 *seconded by Ms. Mooney. The motion was unanimously approved 5-0.*

366 *Ms. Andersen made a motion to adjourn the meeting. The motion was seconded by Ms.*
367 *Mooney. The motion was unanimously approved 5-0.*

368

369 **Meeting Adjourned: 9:34 PM**

370