

Nottingham Planning Board Meeting

DATE: May 10, 2023

Official Minutes

Call to Order

Members Present: Eduard Viel, Chairman; Ian MacKinnon, Vice Chair; Susan Mooney, Secretary; John Morin, Select Board Ex-Officio Representative; Teresa Bascom, Member; Sherry Sandler, Member; Robert “Buzz” Davies, Alternate.

Members Absent: Charlene Andersen, SRPC Representative; Sandra Jones, Alternate.

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

Others Present: Blair Haney, SRPC; Alana Kenney, Land Use Clerk; Jennifer Dubois, Abutter; Jennifer Booth, Abutter; Denis Hamel, Applicant; Tim Phoenix; Tom Moulton, Applicant.

Call to Order

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

Mr. Viel reminded the Board of their Civility and Professionalism Decorum.

Public Hearings

Case # 23-005 SIT Nottingham Business Park - 145 Old Turnpike Rd: 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, storm water 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. MacKinnon recused himself from this case and left the table, as he is a direct abutter of this project.

Denis Hamel of GM2 Associates came forward and introduced himself on behalf of the applicant. Joining him was Tom Moulton of Nottingham Business Park, LLC.

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Mr. Moulton stated that he purchased the property from the Town about a year and a half ago. His intent was to repurpose the building and figure out how to make it economically viable for the Town and for himself. He is in the process of finding a tenant and would like to have the project approved so that there are no delays.

Mr. Hamel advised that the footprint of the building is the same as it was when the USA Springs project was approved a number of years ago. The parking area and access drive has already been cleared and some base gravel has been put in. Two major basins for storm water systems were installed. A wetland replication area has been created, which was previously approved by the State and the Town. Mr. Hamel reiterated that they are trying to re-permit this project in the same way that it was done previously. He acknowledged that Town and State rules have changed since then. Because of this, additional storm water requirements are needed and they will request a waiver from the State for some of the infiltration specifications. The State responded that they in turn would entertain the reduction of the infiltration requirements for this particular project.

Mr. Hamel continued that the actual size of the footprint of the pavement is less than it was when the USA Springs project was approved. There are twenty-six (26) loading docks that are framed into the building. The pavement has been pulled away from abutters on Lincoln Drive.

Mr. Hamel stated that they are not cutting any trees for this project. He noted that the Fire Chief's feedback indicated that he would want a road that goes around the back of the building, and in order to do this, they would need to partially-fill one (1) small section of wetland. He said that he and Mr. Moulton would be meeting with the Fire Chief to address his concerns. They will be using the highest-producing USA Springs well to implement a sprinkler system for the building. Mr. Moulton owns two other parcels next to this property, and the long-term plan is to develop those as well. They would like to create an easement between this parcel and the other two parcels that would be gated off but allow access in and out in emergency situations. The highest producing well would also supply water for the abutting development in the future.

Mr. Viel asked Mr. Haney for his review of the application.

Mr. Haney noted that it does not appear that they are requesting any waivers or that there is any proposed impact to wetland buffers that would require a Conditional Use Permit (CUP).

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Mr. Hamel inquired about the definition of a structure and whether or not a retaining wall within twenty-five (25) feet of wetlands would require a CUP, a variance, or nothing. Mr. Viel noted that the Board could come back to this after acting on application completeness.

Mr. Hamel noted that they would need to get a Highway Entrance Permit from the New Hampshire Department of Transportation (NHDOT), which would require a traffic study. He inquired as to whether or not this would mean a waiver request to the Town. Mr. Viel suggested that it would. Mr. Haney noted that a waiver request would be at the discretion of the Board.

Ms. Mooney made the motion to accept Case # 23-005 SIT as complete. The motion was seconded by Mr. Morin. The motion was approved by a vote of 5-0-1.

Mr. Hamel stated that the application calls out “landscape areas” rather than specific plants, shrubs, and trees, as the client/tenant may want to design their own landscape for the area.

Ms. Mooney made the motion that Case # 23-005 SIT is a project of regional impact in consideration of the fact that this project has proximity to the towns of Barrington, Lee, and Northwood; possible light pollution; traffic studies; and protection of water. The motion was seconded by Mrs. Bascom. The motion was approved by a roll call vote of 4-1-1: Mr. Davies, aye; Mrs. Bascom, aye; Mr. Morin, no; Mr. Viel, abstain; Ms. Mooney, aye; Ms. Sandler, aye.

Discussion followed whether the Board could continue to discuss this project or if it would need to wait until abutting towns have been notified and given the opportunity to provide feedback. Mr. Haney noted that there is no rule that states that the Board cannot continue at this time.

Ms. Sandler asked for clarification regarding the “subdivision” that Mr. Hamel has referred to. Mr. Hamel reiterated that Mr. Moulton purchased three parcels from the Town; the project that they have before the Board now, a twenty (20) acre piece in the middle, and another sixty-six (66) acre piece beyond that. The plan is to eventually subdivide the twenty (20) and sixty-six (66) acre parcels. Ms. Sandler asked for clarification that the subdivision is not part of the proposed application; Mr. Hamel and Mr. Moulton confirmed this. Mr. Morin noted that the applicant came before the Board about a year ago with a conceptual site plan review for the subdivision. Mr. Hamel indicated that the applicant may be back before the Board later this year with an application for the subdivision. Mr. Moulton expressed that the Town seemed very receptive of commercial work because it does not impact the school. He reported that this project

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is quiet, private, “in the middle of nowhere”, and that it should not have much impact on surrounding abutters and towns.

Ms. Mooney noted that the Town website has suggestions regarding down lighting, timers, and/or motion detectors to eliminate light pollution. Mr. Moulton reported that he appreciates down lighting.

Ms. Mooney expressed a concern regarding quality of water in the bedrock on this site. She advised that, when USA Springs was first proposing to put in their bottling facility, contaminants were detected in the bedrock because of an abutting property dumping chemicals into the ground. When USA Springs was doing their testing wells, some of that contamination was detected. Since that time, water testing has become much more sophisticated. She inquired as to how this might impact abutters on Lincoln Drive as well as the future subdivision. Mr. Moulton expressed that their project would not be pumping nearly as much water as USA Springs but that testing of the water would be done. Mr. Viel noted that if this were a public water supply, it would need to go through the New Hampshire Department of Environmental Services (NHDES) and be tested regularly.

Mrs. Bascom asked for clarification of a symbol used on a particular page of the plan set. Mr. Viel advised that it represents the one hundred (100) foot abutter line.

Mr. Viel made the following comments:

- Make sure the address is written correctly on each part of the plan set (some pages indicate “Old County Road” rather than “Old Turnpike Road”).
- Make sure that the right project is named (USA Springs is mentioned often).
- Any prior approvals have expired, so the Board must treat this application as a new one.
- The Board may request confirmation that the wetland replication has been approved by the State.
- NHDOT will need to be consulted.
- The applicant should look into creating routes by which commercial vehicles may travel in order to limit traffic on Town roads.
- Nottingham does not have a light pollution ordinance but that is generally something that abutters and other residents bring forward as concerns.
- The Board will look for input from the Fire Chief.
- There is a potential that the applicant will need to come before the Board again with a “change of use” if the use turns from commercial to industrial.

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143 Mrs. Bascom recommended that the narrative section of the application be double checked for
144 spelling and grammatical errors.

145

146 Mr. Viel asked for clarification regarding the box beyond the septic system on Sheet G. Mr.
147 Hamel reported that will be the septic reserve area. Mr. Viel noted that this location is beyond
148 the one hundred (100) foot buffer from the neighbors.

149

150 Mr. Viel stated that the Police Department reported that they have no comments regarding this
151 project at this time. The Public Works Department asked for clarification that there are no
152 proposed Town roadways. Mr. Hamel reported that the roadway would be privately owned and
153 maintained.

154

155 Mr. Hamel asked about the turnaround time for notices to go out to surrounding towns and
156 abutters for comment as part of the development of regional impact. Mr. Viel reported that it
157 would take some time to get notices out and give people the opportunity to provide input and
158 estimated that this case would be continued to the first meeting in June.

159

160 Mr. Hamel inquired as to who conducts the peer review of the storm water system. Mr. Viel
161 advised that the Board generally uses CMA Engineers. He further advised that they send off for
162 an estimate so that the applicant could see the cost before signing off on the review.

163

164 Mr. Haney asked if the access drive to the well is completed. Mr. Hamel advised that there is a
165 gravel path that goes out there but that it has some wet parts and is now designated as a wetland.
166 They intend to improve the path so a truck could be driven out there. Mr. Viel advised that if any
167 improvements encroach on the twenty-five (25) foot vegetative buffer from the wetlands, the
168 applicant will need to apply for a CUP.

169

170 Ms. Mooney asked that the wetlands and soils be better identified on the plan set. She noted that
171 there appears to be no key that indicates which symbols are used where on the maps.

172

173 ***Ms. Mooney made the motion to continue Case # 23-005 SIT to June 14, 2023 at 7:00PM with***
174 ***deliverables due by June 7, 2023. The motion was seconded by Mrs. Bascom. The motion was***
175 ***unanimously approved by a vote of 6-0-0.***

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177 Mr. Viel stated that the public hearing was noted as opened due to the project being one of
178 Regional Impact and the public hearing would continue at the June 14th meeting.

179

180 Mr. Hamel and Mr. Moulton sat down from the table.

181

182 Mr. MacKinnon rejoined the Board and resumed his seat as Vice Chair.

183

184 **Other**

185

186 *Vote on Secretary.*

187

188 *Mrs. Bascom made the motion to nominate Susan Mooney as Secretary for the Planning*
189 *Board. The motion was seconded by Ms. Sandler. The motion was unanimously approved by a*
190 *vote of 7-0-0.*

191

192 *Consider next SRPC Commissioner / Representative.*

193

194 Mr. Viel advised that the Board has received a letter from Cheryl Smith writing to request
195 consideration to be appointed to the Strafford Regional Planning Commission (SRPC)
196 representing Nottingham. He recalled that Mrs. Bascom had stated that she may be interested in
197 being appointed.

198

199 Mrs. Bascom reported that she would be interested in being an Alternate for SRPC and attend
200 meetings that Ms. Andersen or the other Commissioner may not be able to. Mr. Viel asked Mr.
201 Haney to look into whether or not the Board could have an Alternate who would be able to vote
202 or if only the two appointed Commissioners could vote.

203

204 It was decided that this would be tabled for the next meeting.

205

206 *Review PB action items and vote on hierarchy of importance.*

207

208 Mr. Viel listed the following action items for review:

209

- Fee review
 - Mr. Viel and Mr. MacKinnon have a list of recommended fees for the Select Board to review.
 - Some towns charge an extra fee or escrow to applicants for the cost of using services such as SRPC's. This would reduce some of the costs for the Town of Nottingham.
 - Mr. Morin suggested that the fee be based on the number of proposed project lots.

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- Third-party reviews
 - Town Counsel reviews requests re: legal standpoint but recommends that all other non-legal items be reviewed by the Town's third-party engineering firm.
- Per the *Subdivision Regulations*, the Board must require a bond for any application if a new road is proposed.
- *Site plan/Subdivision Regulations* updates should be done sooner rather than later.
 - They can be accepted after a public hearing, a warrant article and Town vote are not required.
- Review the Application Checklist/Findings of Fact.
 - The Board has proposed adding a 15th item, *Findings of Fact*, to the *Application Checklist*. Ms. Kenney has attended to this.
- Impact fees should be addressed this year.
 - Mr. Viel has reached out to SRPC to see if there is someone available to conduct an assessment of the Town's impact fees. He has contacted someone and is awaiting guidance from SRPC.
 - The goal is to have taken action by July.
- Master Plan
 - The Board will be seeking volunteers for a Master Plan Committee. Ideally there would be at least five (5) people.
- Determine if a budget item could be established for a fund every five (5) to ten (10) years to include community engagement.
 - This will likely be a warrant article.
- Schedule a Zoning Board of Adjustment joint meeting. Usually the Nottingham Conservation Commission, Building Inspector, Fire Chief, Police Chief, Town Administrator, and any other agency that wishes to attend are invited.
 - This is usually scheduled late-summer.
 - Mr. Viel proposed holding this joint meeting on August 23, 2023 and not entertaining any public hearings on that day.
- Processes and Procedures of the Land Use Clerk
 - This task could be addressed as Ms. Kenney settles into her role as Land Use Clerk.
 - Ideally, an outline will be established to itemize actions for the Land Use Clerk to follow during the application process.
- Capital Improvement Plan (CIP)
 - The Board will be responsible for assembling and leading a sub-committee this fall.
- Warrant articles will be addressed around October-December of this year.

Mr. Viel reported that he has forwarded this list to the new Town Administrator, Ellen White, for her review and feedback.

Discuss if letter with Planning Board comments to be sent to the State re: Pawtuckaway Park planned expansion of camping sites. Note: The Planning Board does not have purview over State projects but is allowed to submit comment.

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Mr. Viel advised that the New Hampshire State Parks Department recently held a meeting in Nottingham with the Pawtuckaway Lake Improvement Association (PLIA). Town Counsel has confirmed that the Planning Board does not have any purview over State projects but is allowed to submit comment.

Mr. Viel offered to draft a letter to the State. He cited concerns regarding the quality of Pawtuckaway Lake, lake access, increased burden on Police and Fire Departments, and increase in traffic.

Ms. Mooney added that septic overload is also of concern.

Mr. Viel reported that he would draft a letter. Ms. Mooney suggested that the letter be addressed to the State Parks Department but also be sent to the local State Representatives as well as the local State Senator.

Public Comment

None.

Approval of Minutes

Mrs. Bascom made the motion to approve the minutes dated April 12, 2023 and April 26, 2023 as amended. The motion was seconded by Mr. MacKinnon. The motion was unanimously approved by a vote of 7-0-0.

Select Board and Staff / Board Member Updates

Mr. Davies had no comment.

Mrs. Bascom had no comment.

Mr. Morin reported that Matt Shirland has been appointed to the Select Board, replacing Tiler Eaton. He also noted that the Town has received a chair dedicated to them by New Hampshire Rolling Thunder, Inc., a non-profit class 501(c)(4). (It's primary mission is to publicize POW/MIA and to assist American veterans.) The Select Board is open to suggestions as to where and how to display the chair.

Mr. MacKinnon reminded the Board that the Smoke Street subdivision site walk will be held at 5:30PM on Wednesday, May 17th.

Mr. Viel had no comment.

Ms. Mooney said that Christopher Berry of Berry Surveying and Engineering had been before the Nottingham Conservation Commission at their last meeting to present the plans for the

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proposed Smoke Street subdivision. The Board will be receiving a letter from the Commission with their review of the plans.

Ms. Sandler had no comment.

Mr. Haney advised that, during this meeting, he reached out to SRPC who replied that the Board can have an alternate for SRPC.

Ms. Mooney made the motion to accept Cheryl Smith's application to represent Nottingham on the Strafford Regional Planning Commission as a full voting member. The motion was seconded by Mrs. Bascom. The motion was unanimously approved by a vote of 7-0-0.

Ms. Mooney made the motion to nominate Teresa Bascom as an alternate for the Strafford Regional Planning Commission as a voting member when one of the regular members is not attending. The motion was seconded by Ms. Sandler. The motion was unanimously approved by a vote of 7-0-0.

Mr. Viel stated that he would send these appointments to the Select Board for their approval.

Adjourn

The meeting was adjourned at 9:20PM.

Respectfully submitted,
Rachel Russell Leed, Transcriber