

**BUSINESS MEETING  
FINAL**

- A. CALL TO ORDER:** C. Brown called the meeting to order at 7 p.m.
- B. ROLL CALL:** C. Brown, Chairman; L. Smith, Vice Chairman; B. Mutrie, A. Tonry, Members; M. Kasprzak, Selectmen's Representative; L. Ruest, Administrative Assistant; D. Smith, Circuit Rider Planner; K. Kelley, Building Inspector  
**Not Present:** A. Franciosa, R. Janvrin, Members; R. Sperry, Alternate Member

**C. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES:**

Following review of the draft minutes by the Board, one grammatical change was made to the last line of the paragraph on page five (*With regard to Alternate Members, C. Brown reported that she has not had any success in obtaining a volunteers.*)

Building Inspector K. Kelley requested to speak to the preliminary consultation portion of the minutes for Diamond Star Properties, LLC. Referring to the second paragraph, he explained that the indication of "proposed" locations for a new well and septic system is not accurate. A. Tonry suggested the word "Proposed" be changed to "possible" locations given K. Kelley's explanation that the applicant has yet to apply to the State where determinations will be made for the best location(s). K. Kelley added that until there is a location for a septic system, all may be moot. B. Mutrie stated that the Board addressed a general area and did acknowledge that the system may not be able to be placed where identified.

Also, K. Kelley stated he does not interpret the detention pond at a neighboring property to be a wetland. A. Tonry stated she does not remember the Board discussing whether it was or was not a wetland but that the applicant would look into the matter and let the Board know. She added that K. Kelley was to pull the plan set for the neighboring property (church) to see if the pond was manmade or not. C. Brown noted that at the time of the Preliminary Consultation there was a concern as to what the pond actually was; K. Kelley is now indicating that it is a detention pond. K. Kelley stated he reviewed the town's wetland maps at the meeting and determined that wetlands were shown hundreds of feet away. He stated that, with all due respect to the Circuit Rider Planner's position, he feels the detention pond is manmade and does not include aquatic life.

Discussion took place with regard to waivers for the well at this property and the fact that a 75' well radius cannot be met on this site. A. Tonry suggested adding the following statement to the minutes: "Application to the State will have to be made as a waiver for the well radius will have to be requested." She noted that the State does not have to grant the waiver and that this indication is different from a condition of approval as the application before the Board is a Preliminary Consultation. K. Kelley stated that he feels the State will grant something as you cannot have one without the other.

**MOTION:** To approve the minutes of the January 25 meeting as amended.

**BUSINESS MEETING  
FINAL**

**MOTION: A. TONRY  
SECOND: B. MUTRIE  
4 IN FAVOR, 1 ABSTENTION, PASSES**

**D. OTHER BUSINESS**

1. Committee Reports:

**ROAD COMMITTEE – 2/10/11:** L. Smith explained that the matter of a performance bond posted in place of an expiring letter of credit (LOC) for the Peltons Way multi-family project remains open. Discussion took place with regard to the developer's indication that he is unable to obtain a renewed LOC due to his bank no longer offering the product as well as the developer's indication that a LOC is essentially cash and that the Town regulations are required to allow other options such as a performance bond. It was noted that the Town's regulations do not include performance bonds as an acceptable form of security and that these bonds are not preferable due to the difficulty to collect should the need arise. Mr. Iacozzi was not present as requested.

Questions were raised as to whether it is the developer's bank or all banks that no longer issue LOCs. D. Smith stated that other towns' attorneys are telling towns to replace the performance bond requirement with letters of credit; he may be able to provide a copy of a letter for the Board's review. Following review of the State statute and discussion of the Town's options at this time, the Board agreed to invite Mr. Iacozzi to the next meeting to discuss this matter maintaining the position that performance bonds are not acceptable. D. Smith will research the amendments to 674:36 to see if the statute has been changed within the past year and report to C. Brown.

**PLANNING BOARD MEMBERSHIP – ROLAND JANVRIN:** C. Brown reported that a certified letter has been sent to R. Janvrin seeking indication as to the status of his membership on the Board, however, no response or return letter has been received. Once there is an indication, the Board will provide the Board of Selectmen with reason as to why the seat is vacant and request that it be declared so.

**AUTHORITY TO REFER TO ZBA:** Referring to the Board's indication at the last meeting that an applicant may need to seek relief from the ZBA, K. Kelley informed the Board that any applicant needs to be denied and that the Planning Board doesn't have the authority to send applicants to the ZBA. He asked that procedural language be used in the future that applicants may need to go to the ZBA after they see the Building Inspector. He added that anything that would go against the ordinances such as setbacks, etc. has to be denied by an administrative official of the Town and K. Kelley is the only person who can do denials.

Discussion took place with regard to matters that are identified at the preliminary consultation level of review and not yet a formal application seeking decision. In these instances, the applicant might not have had a full review of the project with the Building Inspector. K. Kelley stated that even if an applicant comes in for site plan, he/she would need to seek denial from the

**BUSINESS MEETING  
FINAL**

Building Inspector's office in order to go to the ZBA. K. Kelley noted that there is a 30-day appeal period once a decision is made by the ZBA.

**T. P. REALTY – FUNCTION HALL – 1 LAFAYETTE ROAD:** K. Kelley reported that he spoke with the owner of this property and inquired as to whether he has decided on an engineer to bring a request for amended site plan (parking) back to the Board before the temporary occupancy permit expires. K. Kelley stated that Millenium Engineering was mentioned.

**E. COMMUNICATIONS TO BOARD MEMBERS**

- Rockingham Planning Commission Memo informing of distribution of 2010 high resolution aerial imagery. (D. Smith stated that this imagery (hard drive) should have been mailed to E. Small.) K. Kelley asked if there are updated wetland maps available to the Town. D. Smith stated that there are none from the RPC, however, the National Wetland Inventory may have something available. K. Kelley noted that in instances where he has used the Town's wetland maps, he has been surprised by the closeness and accuracy of the wetland lines.
- Letter from NH Department of Environmental Services regarding an individual subsurface disposal system application for Map 6, Lot 64-22. K. Kelley reported that he hasn't spoken with the applicant, however, is aware of this matter. He added that there is no application on file with the Town but that he has received approved plans. The property owner will need to apply to the Rockingham County Conservation District.
- Letter from Town of Seabrook informing of application of regional impact for Demoulas North Route 1 Plaza being withdrawn.
- Workshop notice from University of NH regarding Municipal Turf and Grounds Conference. Copies of the pamphlet were made for interested members.
- Workshop notice from Rockingham Planning Commission regarding Water, Weather, Climate and Community...Where's Your Weakness? D. Smith recommended attendance noting there is no cost for this workshop. Copies of information will be emailed to Board members.

**F. ADJOURNMENT**

**MOTION:** To adjourn the meeting at 8:18 p.m.

**MOTION:** A. TONRY  
**SECOND:** L. SMITH  
**UNANIMOUS**

*Next Meeting March 22, 2011, 6:30 p.m.*