

1  
2  
3 **NOTTINGHAM PLANNING BOARD**

4 **December 12, 2012**

5 **Minutes Public Session**  
6

7 **Meeting Location:** Nottingham Municipal Building

8 **Members Present:** Arthur Stockus, Chair; Susan Mooney, Secretary; John Morin;  
9 Dirk Grotenhuis; Hal Rafter, BOS Representative; Robert Davies;  
10 Cheryl Smith

11 **Members Absent** Troy Osgood, Vice Chair; Eduard Viel; Traci Chauvey, Alt.

12 **Others Present:** Paul Colby, Building Inspector/Code Administrator; Jo-Ann  
13 MacInnis, Planning Board Secretary  
14  
15

16 Chair Stockus called the meeting to order at 7:00 p.m. Introductions were made. Mr.  
17 Davies was seated for Mr. Viel, Ms Smith will be participating and not voting.  
18

19 **Public Hearing Case #P12-10-LLA Gallant and Chase**  
20

21 Chair Stockus read case:  
22

23 **Case #P12-10-LLA** Application from Jeffrey Gallant for acceptance, compliance  
24 review, and final approval of a Lot Line Adjustment between Lots 13-2 and 6. The  
25 properties in question are located at and adjacent to 2 Fort Hill Road and 18 Fort Hill  
26 Road and are identified as Tax Map 24, Lots 13-2 and 6 and are owned by Jeffrey and  
27 Deborah Gallant and Robert and June Chase respectively.  
28

29 Mr. Colby advised the Board his initial review of the application found the following  
30 errors: Section V C. Vicinity Map states that all maps shall be drawn to a minimum of  
31 one (1) inch equals four hundred (400) feet. Currently the map is not drawn to scale.  
32 Section V C. 2 states that all names of existing streets are shown on the Vicinity Map.  
33 All street lines have been shown on map but not labeled. He spoke with Peter Landry,  
34 Landry Surveying, LLC regarding same and this evening Mr. Gallant has presented new  
35 plans showing all necessary corrections. Mr. Colby recommended acceptance of the  
36 application.  
37

38 **Motion** was made by Susan Mooney to accept the application as complete for **Case**  
39 **#P12-10-LLA** Application from Jeffrey Gallant for acceptance, compliance review, and  
40 final approval of a Lot Line Adjustment between Lots 13-2 and 6. The properties in  
41 question are located at and adjacent to 2 Fort Hill Road and 18 Fort Hill Road and are  
42 identified as Tax Map 24, Lots 13-2 and 6 and are owned by Jeffrey and Deborah Gallant  
43 and Robert and June Chase respectively.  
44

45 **Second:** Dirk Grotenhuis  
46

**Vote:** 6 – 0 **Motion Passed**

47  
48 Planning Board December 12, 2012 Meeting  
49 Page two

50  
51 **Case #P12-08-LLA Gallant and Chase Continued**

52  
53 Chair Stockus opened the Public Hearing for **Case #P12-08-LLA** and explained to those  
54 present the procedure to be followed.

55  
56 Mr. Gallant advised the Board that he and Robert and June Chase were here seeking to  
57 correct driveway encroachment, to straighten the lot line and are proposing an equal land  
58 swap.

59  
60 Mr. Colby apprised the Board he had visited the site and all of the markers have been set.  
61 He recommended approval of the plans submitted this evening.

62  
63 Seeing no further questions Chair Stockus closed the Public Hearing.

64  
65 **Motion** was made by Susan Mooney to approve the application as complete for **Case**  
66 **#P12-10-LLA** Application from Jeffrey Gallant for acceptance, compliance review, and  
67 final approval of a Lot Line Adjustment between Lots 13-2 and 6. The properties in  
68 question are located at and adjacent to 2 Fort Hill Road and 18 Fort Hill Road and are  
69 identified as Tax Map 24, Lots 13-2 and 6 and are owned by Jeffrey and Deborah Gallant  
70 and Robert and June Chase respectively.

71 **Second:** Dirk Grotenhuis

72  
73 **Vote: 6 – 0 Motion Passed**

74  
75 **Conceptual Plan – 400 Stage Road – Map 16 Lot 2**

76  
77 Mr. Paul Cain, Revolutionary Lane, came before the Planning Board to discuss a  
78 conceptual plan involving 400 Stage Road. He is seeking relief from the 30,000 square  
79 foot building envelope requirement. The lot is 4.73 acres and both lots will have the  
80 required frontage. He would prefer to keep the existing house rather than knocking it  
81 down and building two (2) new homes. He stated a survey

82  
83 The Board advised Mr. Cain he will have to go to the Zoning Board for a variance  
84 regarding this matter.

85  
86 **Minutes – November 28, 2012**

87  
88 The Board will review the November 28, 2012 minutes for acceptance at their next  
89 regularly scheduled meeting as said minutes are lengthy and the Board just received them  
90 this evening.

Planning Board Meeting December 12, 2012

Page three

### **2013 Proposed Meeting Schedule**

The Board reviewed its proposed meeting schedule for 2013. Mr. Colby reminded the Board the March 27<sup>th</sup> date was their organizational meeting being the first meeting following Town Meeting and no business can be conducted that evening.

Chair Stockus advised the New Hampshire Government Center holds training sessions in the month of October, and, as such, the Board may have to readjust their meeting scheduled that month.

It was also noted that the November 27<sup>th</sup> meeting was the night before Thanksgiving and the December 25<sup>th</sup> meeting was Christmas day. The Board was in agreement they would not meet on those nights but would add another Wednesday meeting if needed.

January 9 and 23	July 10 and 24
February 13 and 27	August 14 and 28
March 13 and 27	September 11 and 25
April 10 and 24	October 9 and 23
May 8 and 22	November 13
June 12 and 26	December 11

### **WARRANT ARTICLES**

#### **Wireless Communication Ordinance**

The Board reviewed the final draft of the Wireless Communication Ordinance sent by Town Counsel John Teague. It was the consensus of the Board to keep this new ordinance on the 2013 Warrant with the following changes:

- Under Article III.D Overlay District remove “???”
- Under **1. Purpose** change h. to g.
- Delete highlights, underlines and side line comments in the entire document
- **Definitions** (c) change the word “base” to “site”
- **8. Dimensional and Design Standards** (b) Delete all underlined wording starting with “This maximum” and ending with “180’.”
- **8. Dimensional and Design Standards** (1) change “10 feet” to “20 feet” and delete all underlined comments
- **8. Dimensional and Design Standards** (2) change “10 feet” to “20 feet” and delete all underlined comments
- **8. Dimensional and Design Standards** (3) Keep as is and delete all underline comments
- **8. Dimensional and Design Standards** (3) d) third paragraph, first line, change “of” to “or” Delete underlined comments.

**Wireless Communicaton Ordinance Continued**

- **8. Dimensional and Design Standards** (3) e) add “with respect to materials and appearance to the buildings in the area of the personal wireless service facility.
- **8. Dimensional and Design Standards** (3) j) add “from all locations around town” and take out underlined comments ”(this is a bit vague)”
- Add a new **11. Consultant Charges** – The Board may retain the services of a consultant qualified in wireless telecommunications services to review the application and all associated information. The Board may further require, pursuant to RSA 676:4, I(g), that the applicant reimburse the Town for reasonable costs of this review. No application shall be approved until such fees, if applicable, are paid in full.
- **13. Decisions** delete underlines but leave in wording: Possible decisions rendered by the Planning Board include approval, conditional approval, or denial. All decisions shall be rendered in writing, in accordance with RSA 676:3. In accordance with the Federal Telecommunications Act, a denial shall be based upon substantial evidence in the written record.

**Motion** was made by Susan Mooney to approve all changes made by the Planning Board to the Wireless Communications Proposed Ordinance this evening. (see above)

**Second:** Robert Davies

**Vote:** 6 – 0 **Motion passed**

**C. 4. Accessory Dwelling Units**

The Board reviewed a memo from the Board of Selectmen dated December 10, 2012 regarding Section 2 – I. and the possibility of adding language for smaller manufactured housing units called “park models”. Following discussion the Board determined not to add any new language regarding “park models” as under **C. 4. Accessory Dwelling Units Section 2. I.** clearly states that “Accessory dwelling units may not be a manufactured home.

**Motion** was made by Susan Mooney to accept **Article 2** utilizing language previously approved by the Planning Board for use at it’s Public Hearing to be held on Wednesday, January 9, 2013.

**Second:** Hal Rafter

**Vote:** 6 – 0 **Motion Passed**

**Article IV GENERAL PROVISIONS G. Home Occupations**

Discussion regarding **G. Home Occupations** produced the following changes:

Planning Board December 12, 2012 Meeting  
Page five

**Article IV GENERAL PROVISIONS G. Home Occupations Continued**

- Delete “c) Landscape Businesses” under Section 2. Non-Permitted Uses
- Change “d) Machine Shops to c) Machine Shops” under Section 2. Non-Permitted Uses
- Change “e) to d) On-site Lawnmower/Tractor Sales” under Section 2. Non-Permitted Uses
- Section 3. Criteria for Major Home Occupation j) “wit should be with”

**Motion** was made by John Morin to approve Article 4 as amended.

**Second:** Susan Mooney

**Vote:** 6 – 0 **Motion Passed**

**Article IV General Provisions U. Nonconformance**

**Motion** was made by John Morin to approve the following changes to U.

**Nonconformance** 2. Nonconforming Lot of Record beginning on line three (3) the following shall read “the Code Enforcement Administrator determines that the use of the lot will not create potential health problems due to inadequate areas for on-site waste disposal and water supply, and/or safe access for police and fire protection or other factors.” as amended.

**Second:** Susan Mooney

**Vote:** 6 – 0 **Motion Passed**

**Article III Overlay Districts**

Mr. Colby advised the Board that the Board of Selectmen would like to add the following to Section A. Aquifer Protection District: “1. Authority: The Aquifer Protection District is an Innovative Land Use Control adopted pursuant to RSA 674:21, I(j).” Insertion of this will require renumbering of Article.

**Motion** was made by Dirk Grotenhuis to accept adding: “1. Authority: The Aquifer Protection District is an Innovative Land Use Control adopted pursuant to RSA 674.21, I (j).” into **Article III Overlay Districts** A. Aquifer Protection District and renumbering same as required.

**Second:** John Morin

**Vote:** 6 – 0 **Motion Passed**

231 Planning Board December 12, 2012 Meeting

232 Page six

233  
234 **RCCD - Merry Hill Escrow Account**

235  
236 Mr. Colby advised the Board the Rockingham County Conservation District is now  
237 asking the Town of Nottingham to establish escrow accounts for applicants requiring  
238 RCCD review of Stormwater Management and Sediment and Erosion Control Plans as  
239 per Diane Knapp, Office Manager.

240  
241 **Motion** was made by Susan Mooney to require escrow accounts be established and  
242 maintained by the Town for all applicants requiring reviews by Rockingham County  
243 Conservation District rather than RCCD using direct billing.

244 **Second:** John Morin

245  
246 **Vote:** 6 – 0 **Motion Passed**

247  
248 **Spending Freeze – Encumbrance of Funds**

249  
250 The Board reviewed the memo dated December 11, 2012 from Charles A. Brown, Town  
251 Administrator regarding a spending freeze that is now in place for all departments. Also  
252 the Planning Board should request any encumbrance of funds needed.

253  
254 It was the decision of the Board that no encumbrance of funds is needed.

255  
256 **Adjournment**

257  
258 **Motion** was made by John Morin to adjourn the Meeting of December 12, 2012 at 9:10  
259 p.m.

260 **Second:** Dirk Grotenhuis

261  
262 **Vote:** 6 – 0

263  
264 Respectfully Submitted

265  
266  
267  
268 Jo-Ann MacInnis  
269 Planning Board Secretary