

**NOTTINGHAM PLANNING BOARD**

**April 25, 2012**

**PUBLIC SESSION**

***Approved & Amended***

**Type of Meeting:** regularly scheduled meeting

**Method of Notification:** Posted at the Nottingham Municipal Building & Nottingham Post Office

**Meeting Location:** Nottingham Municipal Building

**PB Members Present:** Arthur Stockus, Chair, Troy Osgood, Vice Chair, Susan Mooney, Secretary, John Morin, Dirk Grotenhuis, Robert “Buzz” Davies, Alt. Member, Hal Rafter, Selectmen’s Rep,

**PB Members Absent:** Rick Bacon, Traci Chauvey, Alt. Member, Cheryl Smith, Alt. Member

**Others Present:** Lisa Sears, Land Use Clerk, Linda & Jim Fernald, Chuck Cosseboom, Peter McGrath, Esquire, Sandra Vilchock, Chief Jaye Vilchock

Chair Stockus called the meeting to order at 7:00 pm. Introductions were made. Mr. Davies was seated for Mr. Bacon when he arrived at 7:02pm. The approval of the minutes was moved to the end of the agenda. Chair Stockus called the first case.

**Case #P11-07-SIT** (continued) Application from **James S. & Linda R. Fernald** for acceptance, compliance review, and final approval of site plan review to allow the leasing of .5 acre for commercial propane tank to Rymes Heating. The property in question is located at 240 Stage Road and is identified as **Tax Map 29 Lot 8-1**.

Chair Stockus noted that this applicant had been directed to go before the Zoning Board of Adjustment (ZBA) which they have done but that meeting has been continued until May 15, 2012.

**MOTION by Ms. Mooney** to continue this discussion to May 23, 2012 at 7:30pm.

**SECOND by Mr. Grotenhuis**

**VOTE 7-Aye. 0- Opposed 0- Abstained MOTION PASSED**

Mr. McGrath, attorney for the applicants, asked to speak to procedures. Chair Stockus noted that any issues could be discussed at the May 23<sup>rd</sup> meeting. Mr. McGrath stated that this Board has already granted conditional approval for this application. Chair Stockus noted that the Board had not conditionally approved this application but had granted “conceptual approval” as noted in the Site Plan Regulations. Chair Stockus again noted that the Board had wanted the decision of the ZBA before moving forward with any discussions.

Mr. McGrath asked if the PB could encourage the Fire Chief to work with the State Fire Marshall’s office. Chair Stockus suggested that he ask the State Fire Marshall, the Fire Chief, the applicant and the Code Administrator meet to discuss that. Mr. McGrath asked,

for the record, could the Fire Chief be asked if he is willing to do so. Chief Vilchuck noted that he believed that the discussion was closed until after the ZBA mtg and that Mr. McGrath is the person threatening to sue him. Chair Stockus stated that this should be handled outside this meeting. He added that this Board deals with the site plan regulations and they need input from the ZBA; construction issues would still come under the Fire Chief's expertise and should be handled outside this Board.

Chair Stockus called the next case.

**Case #P10-02-SUB DR** (continued) – Harbor Street Limited Partnership – 154± acre parcel which fronts both Friar Tuck Lane and Oakridge Road – Map 10 Lots 9 & 10, Map 8 Lots 8-21 & 9 – Application for a design review of a 43-lot subdivision. Property is owned by Harbor Street Limited Partnership, Brian M. & Jennifer Spagna, Seth F. & Pearl I. Peters

Chair Stockus read a letter from Beals Associates dated April 24, 2012 asking for a 9 month extension of the Design Review process to pursue private and federal conservation funding. The Board discussed and debated the need to end the design review phase, noting RSA 676:4 II (b) vs granting the extension request. Chair Stockus asked if it would hurt the applicant's federal application if the request were denied. Ms. Mooney stated probably not.

Discussion continued about the amount of work completed to date and the process of a design review and if there were any binding decisions made or not. It was noted that this application for Design Review was filed on May 6, 2010 and that the Town has since voted to enable Impact Fees for future development. Ms. Mooney noted that the applicant has been before the Conservation Commission.

The Board decided that they would like to get more information from Local Government Center (LGC) before a final decision is made on the 9 month extension.

**MOTION by Mr. Grotenhuis** to continue this case until the May 9, 2012 at 7pm.

**SECOND by Ms. Mooney**

**VOTE 7-Aye. 0- Opposed 0- Abstained MOTION PASSED**

Ms. Mooney asked Mrs. Sears to inform Mr. Smith of the Board's action. Mrs. Sears will contact LGC for clarification on the Design Review process and implications.

### **New & Old Business**

Invoice(s)

The Board reviewed the latest invoices. Mrs. Sears noted it was for the work Mr. Mettee has done to date in preparation for the May 9, 2012 meeting.

**MOTION by Ms. Mooney** to pay the invoice (April 23, 2012) from Mettee Planning Associates from January 2012 through April 13, 2012 for the amount of \$1,150.00.

**SECOND by Mr. Osgood**

**VOTE 7-Aye. 0- Opposed 0- Abstained MOTION PASSED**

*Member resignation*

Chair Stockus noted that there was an email from member Rick Bacon apologizing for his absences due to family and work obligations and giving his resignation. Both Chair Stockus and Ms. Mooney noted that Mr. Bacon's experience was valuable to the Board. Chair Stockus thanked Mr. Bacon for his service and invited him to become an alternate member when available. Mr. Bacon had stated to Chair Stockus that he would supply Mr. Colby with the work already completed on the Subdivision Regulations.

**MOTION by Ms. Mooney** to accept Mr. Bacon's resignation with reluctance and to instruct the clerk to post the open position.

**SECOND by Mr. Osgood**

**VOTE 7-Aye. 0- Opposed 0- Abstained MOTION PASSED**

**Review of the Minutes**

*April 11, 2012*

Line 34 insert *to* after *Associates*

Line 61 change *can not* to *cannot*

Line 70 delete *also*, change *send* to *sent*

Line 84 change *was* to *were*

Line 90 change *could not access via Route 4* to *should not use Rte. 4 as the access*.

Line 96 change *was* to *are*, delete *or that it would*

Line 115 & 116 *TM 12 Lot 17*

Line 129 change *for* to *of*

Line 130 change *who owns* to *the owner of*

Line 153 change *preseient* to *precedent*

Line 175 add *'s* to *Gerry*, change *from* to *of*

**MOTION by Ms. Mooney** to approve the amended minutes of *April 11, 2012*

**SECOND by Mr. Rafter**

**VOTE 7-Aye. 0- Opposed 0- Abstained MOTION PASSED**

**Master Plan Chapter(s) Review**

The Board reviewed three chapters of the Master Plan update; Housing, Natural Resources and Land Use. During the review, it was noted that this update has resulted in a much greater detailed and thorough review than in previous years. It will also be in a new format to simplify future reviews.

*Housing Chapter-#1*

Mr. Stockus noted that the data on page two did not reflect with the recently updated data from the Capital Improvement Plan (CIP). The Board did not vote to approve the Housing Chapter at this time.

*Natural Resources Chapter-#2*

The Board reviewed and had minor revisions for Ms. Mooney to review with the subcommittee.

**MOTION by Ms. Mooney** to approve Chapter 2-Natural Resources for the Master Plan as amended.

**SECOND by Mr. Rafter**

**VOTE 7-Aye. 0- Opposed 0- Abstained MOTION PASSED**

*Land Use Chapter- #3*

The Board reviewed and had minor revisions for Ms. Mooney to review with the subcommittee.

**MOTION by Mr. Davies** to approve Chapter 3 Land Use as amended.

**SECOND by Mr. Rafter**

**VOTE 7-Aye. 0- Opposed 0- Abstained MOTION PASSED**

Ms. Mooney also noted during the review that the Master Plan Committee is currently assigning priorities and what agency would be responsible for the various action items in the Plan. It was noted that there is a significant number of action items.

The Board concluded the review because not all members had the latest version of the other three chapters that they planned to review. Mrs. Sears will get the missing chapters to the members that need them. The Board will continue this review on the May 9, 2012.

**MOTION by Mrs. Mooney** to adjourn at 8:26pm.

**SECOND by Mr. Grotenhuis**

**VOTE 7-Aye. 0- Opposed 0- Abstained MOTION PASSED**

**Respectfully Submitted,**

**Lisa L. Sears, Land Use Clerk**

*These minutes are subject to approval at a regularly scheduled Planning Board meeting at which time the above minutes are corrected or accepted.*