

NOTTINGHAM PLANNING BOARD
January 9, 2013
AMENDED AND ACCEPTED JANUARY 23, 2013

Meeting Location: Nottingham Municipal Building
Members Present: Arthur Stockus, Chair; Troy Osgood, Vice Chair; John Morin;
Dirk Grotenhuis; Eduard Viel; Hal Rafter, Board of Selectmen
Representative; Robert Davies, Alt.
Members Absent: Susan Mooney, Secretary; Traci Chauvey, Alt.; Cheryl Smith, Alt.
Others Present: Paul Colby, Building Inspector/Code Administrator; Jo-Ann
MacInnis, Land Use Clerk; Tom Sweeney

Chair Stockus called the meeting to order at 7:00 p.m. Mr. Davies was seated for Susan Mooney.

PUBLIC HEARINGS – WARRANT ARTICLES

Article II Zoning Districts and District Regulations C.4. Accessory Dwelling Units

Chair Stockus opened the Public Hearing and requested Mr. Colby to review with the Board suggestions for changes to the articles submitted this day by Skip Seaverns.

Following Mr. Colby's review Chair Stockus asked if there were any questions from the Board and/or the public regarding same and seeing none he closed the Public Hearing.

It was the consensus of the Board to make the following changes as per Mr. Seaverns suggestion to **C. 4 Accessory Dwelling Units**:

- To add (ADU) to the title line
- To delete "accessory dwelling unit" throughout the document and replace wording with "ADU"
- **Section 2. C.** insert "single family" between the words "principle" and "dwelling"
- **Section 2. H.** insert "to the property deed" between the words "addendum" and "at"
- **Section 2. J.** delete the word "not" and insert in its place "have no" to read: "shall have no more than..."
- **Section 2. K** delete the word "one" and insert in its place "single" to read: "single family"
- **Section 3. C.** insert "single family" between "principle" and "dwelling unit"

Motion was made by John Morin to approve language for **Article II Zoning Districts and District Regulations C.4. Accessory Dwelling Units** as amended.

Second: Dirk Grotenhuis

Vote: 7 – 0 **Motion passed**

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Article III Overlay Districts

Chair Stockus opened the Public Hearing for the warrant article pertaining to **Overlay Districts** and reminded all present the procedures to be followed. The language for this article was submitted by the Board of Selectmen and the Planning Board approved same at its December 12, 2012 meeting.

Comments received from Skip Seaverns were reviewed and it was the consensus of the Board the term “overuse” was addressed in both Section A. Aquifer Protection District, 2. a) and 2. b).

Chair Stockus asked if there were any questions from the public. Tom Sweeney, 382 Stage Road, Nottingham, advised he also felt the term overuse was not necessary.

While continuing to review comments submitted by Mr. Seaverns it was agreed by the Board to use the word “as” in place of the word “of” on line four (4) Section 2, d).

Chair Stockus closed the public hearing after asking if the public had any comments/questions. Seeing none he called for a motion.

Motion was made by John Morin to approve **ARTICLE III Overlay Districts** as previously approved at the Planning Board December 12, 2012 meeting with one amendment to Section 2. Purpose, d) changing the word “of” to “as” on the fourth line of the paragraph; the line to read as follows: “continued development as our Town population...”

Second Dirk Grotenhuis

Vote: 7 – 0 Motion Passed

Article IV GENERAL PROVISIONS G. Home Occupations

Chair Stockus opened the public hearing for **G. Home Occupations** advising the Planning Board there was another submittal from Skip Seaverns for their review.

Mr. Colby advised the Board that the requirements for minor home occupations are already in the Zoning Ordinance and the Board decided it would be redundant to place same in this document also.

Discussion followed regarding the difference between a major and a minor home occupation. A major home occupation requires site plan review; a minor home occupation does not. The language in the article will remain as is.

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G. Home Occupations Continued

Mr. Davies agreed with comments submitted by Mr. Seaverns that under Section 3. a) home business should be changed to home occupation as this will keep language in the document consistent.

Chair Stockus asked if there were any comments from the public and seeing none he closed the public hearing.

The Board continued to review Mr. Seaverns' comments and decided that Section 2. Non-Permitted Uses should remain as is. Mr. Rafter asked Mr. Colby what the criteria are for applicants who submit for a non-permitted use. Mr. Colby advised that in the past it has been the position of the Zoning Board of Adjustment to require the applicant to appear before the ZBA with a formal request for a non-permitted use.

It was the decision of the Board to leave all other language as is.

Motion was made by Troy Osgood, to approve **Article IV G. Home Occupations** as approved at the Planning Board December 12, 2012 meeting with one amendment to Section 3. i) changing the word "business" to "occupation" in two (2) places to read: "If there is a change of ownership of the property where a home occupation has been approved by the Planning Board and the new property owner proposes to continue the same home occupation, then...".

Second Eduard Viel

Vote: 7 – 0 **Motion Passed**

Article IV General Provisions S. Open Space Development

Chair Stockus opened the public hearing for **S. Open Space Development**. Mr. Colby advised that there were no comments submitted for this warrant article. Chair Stockus asked if there were any questions from the Board or the public and seeing none closed the public hearing.

Motion was made by Eduard Viel to approve **Article V. S Open Space Development** utilizing wording previously approved at the Planning Board December 12, 2012 meeting.

Second: Dirk Grotenhuis

Vote: 7 – 0 **Motion Passed**

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Article IV General Provisions U. Nonconformance

Chair Stockus opened the public hearing regarding **U. Nonconformance**. Chair Stockus read the following as submitted by Skip Seaverns: “How would someone in the Town Office know this? Is this like “prove to me that this ADU did not have a resident for the last twelve (12) months?” Remember, rent payments have not been discussed.” Said comments were regarding Section U. 1. d.

Mr. Colby advised the Board the town doesn’t have a regulation regarding occupied buildings.

Motion was made by Dirk Grotenhuis to approve the warrant article **U. Nonconformance** as accepted at the Planning Board December 12, 2012 meeting.

Second: Troy Osgood

Vote: 7 – 0 **Motion Passed**

Article V General Provisions – Wireless Communications Ordinance

Chair Stockus opened the public hearing for the **Wireless Communication Ordinance**.

The Board is ready to approve this document as complete, and as such, the words Final Draft will be removed from all copies. Also, Chair Stockus noted a highlighted bullet at the bottom of page two was to be removed.

Chair Stockus asked if there were any questions from the public. Tom Sweeney, 382 Stage Road, Nottingham, asked if there would be an additional public hearing regarding this new ordinance and was advised there would not be.

Chair Stockus closed the public hearing.

Motion was made by Dirk Grotenhuis to approve **Article V General Provisions – Wireless Communications Ordinance** as amended.

Second: Troy Osgood

Vote: 7 – 0 **Motion Passed**

Mr. Rafter left the meeting at 8:20 p.m.

Minutes – November 28, 2012

Line 10 – Correct spelling regarding Grotenhuis

Line 16 – Correct spelling regarding Davies

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Minutes – November 28, 2012 Continued

Line 102 – Change “3012” to “2012”
Line 164 – Correct spelling regarding Eduard
Line 306 – Change “Mery” to “Merry”
Line 425 – To explain vote more accurately change “yes” to “in favor”

Motion was made by Robert Davies to accept the Planning Board meeting minutes of November 28, 2012 as amended.

Second: John Morin

Vote: 6 – 0

Minutes – December 12, 2012 Meeting

Line 9 – Correct spelling regarding Rafter
Line 11 - Correct spelling regarding Chauvey
Line 44 – Correct spelling regarding Grotenhuis
Line 71 – Correct spelling regarding Grotenhuis
Line 103 – Change “moth” to “month”
Line 138 – Delete “underlie and” and change “underline” to underlined”
Line 242 – Add “ham” to “Rocking”

Motion was made by Dirk Grotenhuis to accept the December 12, 2012, Planning Board meeting minutes as amended.

Second: Robert Davies

Vote: 4 – 2 – 0

Eduard Viel and Troy Osgood abstained

Town Report 2012

The Board reviewed the report and will submit same as written with minor changes.

Old Business – Rocky Hill Subdivision

The Board discussed the bond requirement that is to be placed for road construction in the Rocky Hill subdivision.

It was the decision of the Board not to contradict its previous motions of May 11, 2011 and May 23, 2012 regarding this subdivision which requires the applicant to place the bond prior to the Planning Board signing the plans for the Rocky Hill subdivision.

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237 Chair Stockus called for any other business and seeing none a
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239 **Motion** was made by Dirk Grotenhuis to adjourn the meeting at 8:56 p.m.
240 **Second:** John Morin
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242 **Vote:** 6 – 0
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245 Respectfully submitted,
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249 Jo-Ann MacInnis
250 Land Use Clerk
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253 The January 9, 2013 minutes were accepted as amended at the Planning Board January
254 23, 2013 meeting. All amendments are shown on the accepted minutes.
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