

**PLANNING BOARD MEETING**  
**MAY 8, 2013**  
**AMENDED AND ACCEPTED May 22, 2013**

**Meeting Location:** Nottingham Municipal Building  
**Members Present:** Arthur Stockus, Chair; John Morin; Eduard Viel; Hal Rafter, BOS Rep;  
Robert “Buzz” Davies, Alt; Gary Anderson, Alt  
**Members Absent:** Troy Osgood, Vice Chair; Susan Mooney, Secretary; Dirk Grotenhuis;  
Cheryl Smith, Alt; Traci Chauvey, Alt  
**Others Present:** Paul Colby, Building Inspector/Code Administrator; Jo-Ann MacInnis,  
Land Use Clerk

Chair Stockus called the meeting to order at 7:00 p.m. All present introduced themselves. Gary Anderson will be seated and voting for Dirk Grotenhuis. Robert “Buzz” Davies will be seated and voting for Susan Mooney.

**Master Plan Review**

Chair Stockus requested this item be placed at the end of the agenda and the Board agreed to do so.

**Rocky Hill Subdivision – Signing of Plans**

Mr. Colby advised the Planning Board the applicant has not submitted the bond as yet, therefore, it is premature to sign the Rocky Hill subdivision plans this evening.

**Planning Board Members Discussion – Review of RSA by Town Counsel**

Mr. Colby gave a brief history regarding this. He reminded the Board that while office staff attended a training session the question whether or not two (2) members of the Conservation Commission could also be members of the Planning Board was posed by another town. The legal opinion from Paul G. Sanderson, Esq., Local Government Center, regarding RSA 673.6 and RSA 673.7 was that one (1) member of the Conservation Commission needed to step down from their position on the Planning Board. Town Counsel John Teague agreed with this opinion.

Attorney Teague’s correspondence dated April 24, 2013 stated, “While the practice of assigning an alternate member to a single Planning Board member may not be illegal it doesn’t have any statutory support. An alternate member serving at all is a Planning Board “member” for the purposes of RSA 673:71 ...”

**Motion** was made by Gary Anderson to notify Ms Mooney and Ms Smith of Town Counsel’s decision and request one of them to consider stepping down from either the Planning Board or the Conservation Commission.

**Second:** John Morin

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48 **Planning Board May 8, 2013 Meeting – Amended and Accepted May 22, 2013**

49  
50 **Planning Board Members Discussion - Continued**

51  
52 Mr. Viel questioned the language used by Town Counsel. He suggested that since it appears it is  
53 not illegal and this has never been challenged before perhaps there is a way to pursue changing  
54 the RSA.

55  
56 The Board decided that although it has done nothing illegal as yet, this practice could potentially  
57 open the town to litigation in the future.

58  
59 Chair Stockus asked if there was further discussion, seeing none he called for a vote.

60 **Vote: 6 – 0 Motion Passes**

61  
62 **Planning Board By-Law Changes**

63  
64 Mr. Colby presented the Planning Board with the proposed changes to their By-Laws under  
65 Article 10 – Conduct of Business. The wording was previously reviewed by the Board at their  
66 March 27, 2013 meeting. At that time it was decided to add Section 2 – Conflict of Interest with  
67 items A through G included.

68  
69 **Motion** was made by Eduard Viel, to approve the Planning Board By-Laws amendments to be  
70 inserted under Article X – Conduct of Business, Section 2 – Conflict of Interest, items A.  
71 through G. as reviewed this evening.

72 **Second:** Robert “Buzz” Davies

73 **Vote: 6 – 0 Motion Passes**

74  
75 **RCCD Inspections**

76  
77 Mr. Colby apprised the Board he has received notice from Leonard A. Lord, PhD, CSS, CWS,  
78 District Manager, Rockingham County Conservation District (RCCD), stating that due to recent  
79 criticism from legislators about taking work away from, and competing with, the private sector,  
80 RCCD will no longer be performing construction inspection work. RCCD will continue to  
81 review engineering plans as storm water modeling is not only complicated but their engineers are  
82 leaders in the field, often providing trainings for other engineers. RCCD also never does work  
83 for the private sector and so can be counted on to do objective reviews.

84  
85 Mr. Colby continued to advise the Board there are two (2) options they can take. 1) Send out a  
86 proposal for bid (however the possible problem with this option is many engineering firms  
87 require a retainer fee be posted); and, 2) Prequalify a list of engineers to give to the  
88 applicant/road construction company to choose from.

89  
90 Chair Stockus questioned if Strafford Regional performs construction reviews. Mr. Colby stated  
91 that in the past Strafford Regional Planning Commission (SRPC) has referred the Planning  
92 Board to RCCD for this.

93  
94 **Page three**

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96  
97 **RCCD Inspections Continued**

98  
99 Mr. Davies questioned if a third alternative of the applicant bringing a list of three (3)  
100 engineering firms for the Planning Board to choose from was an option.

101  
102 The Board agreed this could be an option as they would have to approve the engineering firm to  
103 be used. Mr. Colby will also work with Town Administrator Charles Brown compiling the RFP  
104 needed.

105  
106 **Motion** was made by Robert “Buzz” Davies to request the applicant for the construction of the  
107 roads in the Rocky Hill Subdivision to submit the names of at least three (3) engineering firms  
108 for the purpose of construction inspections to the Planning Board for their approval and selection  
109 of the firm to be utilized. .

110 **Second:** Gary Anderson

111 **Vote:** 6 – 0 **Motion Passes**

112  
113 **SRPC Request for Water Protection Grant**

114  
115 Correspondence was received from Kyle Pimental, Strafford Regional Planning Commission  
116 regarding a potential grant they are interested in applying for. It is a source water protection  
117 grant and SRPC is looking for communities who may want to strengthen their groundwater  
118 protection ordinances, specifically their aquifer protection overlay districts.

119  
120 Chair Stockus voiced his concerns regarding joining a larger group without more information.

121  
122 Mr. Colby advised this grant is still in house, and, as yet there is not a lot of information on  
123 record. He voiced his concern regarding the cost to the town long term. Mr. Colby stated that in  
124 his memo Mr. Pimental noted Nottingham has a very strong ordinance and may only need slight  
125 modifications. Mr. Colby will check into this and establish what needs to be changed in  
126 Nottingham’s ordinance.

127  
128 Mr. Viel noted Mr. Pimental’s comments regarding the map Nottingham is using as being a little  
129 out of date and does not include the more recent stratified drift aquifer data. Mr. Viel also would  
130 like more information regarding this proposed grant and will consider conducting research and  
131 presenting it to the Board for future discussion.

132  
133 **Old Business – Route 4 Condo Project**

134  
135 Mr. Davies questioned the status of the condo project on Route 4 across the street from the  
136 proposed Merry Hill subdivision. He stated it appears this project has stopped, or, at best, is  
137 being dragged out excessively. Mr. Davies questioned what the procedure is to rectify this  
138 problem.

139  
140 **Page Four**

141 **Planning Board Meeting May 8, 2013 – Amended and Accepted May 22, 2013**

142  
143 **Route 4 Condo Project Continued**  
144

145 Mr. Colby apprised the Board that although trees have been cut this project has not really started  
146 yet. The Board would have to justify why it is rescinding its approval prior to the five (5) year  
147 period stipulated in RSA 676:4a and RSA 674:39. Mr. Colby recently spoke with the developer  
148 who informed him it is his intention to begin construction this summer.  
149

150 Mr. Davies stated that answers his questions for now regarding this project.  
151

152 **Minutes – March 20, 2013**  
153

154 Changes to be made:  
155

156 Line 9 – Change “Raftner” to “Rafter”

157 Line 88 and 89 – change - putting “withdrew his second” before “withdrew his motion”  
158

159 **Motion** was made by Eduard Viel to accept the March 20, 2013 meeting minutes as amended.

160 **Second:** Robert “Buzz” Davies

161 **Vote:** 6 – 0 **Motion Passes**  
162

163 **Minutes – April 10, 2013**  
164

165 Changes to be made:  
166

167 Line 21 – Change “fro” to “from”

168 Line 55 – Following the word “consulted” add “by the applicant”  
169

170 **Motion** was made by John Morin to accept the minutes of April 10, 2013 as amended.

171 **Second:** Hal Rafter

172 **Vote:** 5 – 0 – 1 Gary Anderson abstained. **Motion Passes**  
173

174 **Master Plan Update**  
175

176 Chair Stockus advised the Planning Board it was his opinion the best way to approach this list is  
177 to go through each of the objectives and goals this evening checking items the Board agrees to  
178 work on this year. The Board will review and prioritize the new list on their own and send  
179 copies to the Land Use clerk by Thursday, May 16, 2013.  
180

181 **Immediate:** NR 1.8; NR 5.3; NR 5.5; LU 1.3; LU 2.1; LU 2.2; LU 2.3

182 **Short Term:** NR 5.2; NR 5.4; T 1.4; T 3.2

183 **Ongoing:** LU 1.2  
184

185  
186 **Page Five**

187 **Planning Board May 8, 2013 Meeting – Amended and Accepted May 22, 2013**

188  
189 **Strafford Regional Planning Commission – Culvert Survey**

190  
191 Mr. Colby advised the Board Mr. Grotenhuis attended last weeks SRPC meeting and SRPC will  
192 be conducting a culvert survey update in Nottingham this summer regarding location, size, and  
193 condition of existing culverts in Nottingham. SRPC will be coordinating this with the  
194 Nottingham Highway Department.

195  
196 **Adjournment**

197  
198 **Motion** was made by John Morin to adjourn the meeting at 8:25 p.m.

199 **Second:** Edvard Viel

200 **Vote:** 6 – 0

201  
202  
203 Respectfully Submitted,

204  
205  
206 Jo-Ann MacInnis

207 Land Use Clerk