

**TOWN OF NOTTINGHAM**  
**Selectmen's Workshop**  
**March 10, 2011**

6:30 PM, Chair Bock opened the meeting and asked all those present to stand for the Pledge of Allegiance.

Members Present: Peter Bock, Gary Anderson, Mary Bonser

Guest:

Others: Charles Brown, Town Administrator; Traci Chauvey, Recording Secretary; Lawrence R. Smith; Paul Herald; Gail Powell; Gail Mills; Chris Mills; Donna Danis;

**ADMINISTRATIVE BUSINESS**

Chair Bock informed all the selectmen have been working on finding clarity for the emergency lane issue. The minutes from the 1995 public hearing have not been found. Mr. Brown has done research and consulted with the attorney. He asked Mr. Brown to speak.

Mr. Brown informed the public he had consulted with two attorneys; Mark Gearreald and John Teague. He has been advised *NH RSA 31:126 Presumption of Procedural Validity* covers the dispute at hand. He read the RSA, which states validity of a procedure can only be questioned during the first five years the new process is in place.

Acknowledged by Chair Bock, Ms. Powell asked if nothing more can be done if a practice continues for more than five years. Chair Bock read the RSA, again. Mr. Anderson clarified that the procedure which took place in 1995 is set, nothing more can be done regarding the procedure, it has to be presumed valid. He further noted that items within the issue can be revisited, just not the process.

Ms. Danis thanked the selectmen for their quick and thorough research and response and for saving the tax payers the cost of an independent review.

Chair Bock indicated the selectmen have resolution to the issue of missing documentation, noting emergency lanes is an issue that is important to revisit.

**Motion:** Bock, second Bonser

Based on the following:

- 1) Notice of Public Hearing on November 20, 1995,
- 2) Meeting minutes of the Nottingham Board of Selectmen, dated December 4, 1995,
- 3) Draft #2 Emergency Lanes from Valarie Hume on behalf of the Fire Department,
- 4) Ms. Hume's research of her personal journals from 1995 regarding Emergency Lanes,
- 5) Recollections of former Selectmen Joe McGann, & Charles Brown, and Road Agent John Fernald Jr. and
- 6) Treatment of the following listed roads as Emergency Lanes since December 4, 1995,

45 Nottingham Lake  
46 Little John Lane  
47 Sherwood Lane  
48 Nottingham Lane  
49 Langley Lane  
50 Marston Lane  
51  
52 Cedar Waters  
53 Going in the main road to the first right to approximately the second home, back out and around  
54 the circle and back to Smoke Street.  
55  
56 North River Lake  
57 Water Street  
58 Union Street to Rogier's  
59 Snow Lane  
60 North River Lake Road  
61 North River Lake Road East to second house  
62  
63 Pawtuckaway  
64 Barderry Lane-Main trunk to end  
65 First branch to intersection of driveway  
66 Second Road to top of hill  
67 Third branch/spur  
68 White's Grove Road to Leonard White's  
69 Highland Avenue  
70 Seaman's Point Road to Day's  
71 Shore Drive  
72 Cove Road  
73 Cahill Lane  
74 Dolloff Dam Road  
75 Lamprey Drive to end & second road off Lamprey  
76 Meindl Road to Grooms  
77 Meindl East & First branch to Musial  
78 Brustle Road to Smarts  
79 Tuckaway Shores Road from Brustles to Mills  
80 Mooers Road to Diamond & Gylfphe  
81 Jampsa Trail to dumpster  
82 Sach's Road to top of hill  
83 Beach Head Road  
84  
85 **Vote:** All in favor. Motion passed: 3-0  
86  
87 Chair Bock further stated, "The Nottingham Board of Selectmen hereby ratifies and confirms  
88 that in 1995 the Town, following the procedures set out in RSA 231:59-a II, declared the  
89 preceding list of private ways as Emergency Lanes."  
90

91 Moving on, Mr. Brown informed the public that he had received permission from the Selectmen  
92 to consult with the attorney regarding the request for a rehearing on the March 1, 2011 ZBA  
93 decision. The selectmen have agreed to request a rehearing.

94  
95 Mr. Brown informed the selectmen he has heard from Attorney Miller, our attorney dealing with  
96 the Comcast contract. Mr. Somers, Comcast's Representative, has been in contact; he has  
97 responses to the last submission. Our current contract extension expires the end of this month.  
98 We need to be prepared to hold a public hearing, most likely, in early April.

99  
100  
101 Having no further business,

102 **Motion:** Bonser, second Anderson to adjourn the meeting.

103 **Vote:** All in favor. Motion passed 3-0

104  
105 Meeting adjourned at 6:54 PM.

106  
107 Respectfully submitted,

108  
109  
110  
111 Traci Chauvey

112 Recording Secretary

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119  
120 **Approved as amended at the March 28, 2011 meeting.**