

**Minutes**  
**Nottingham Selectmen's Meeting**  
**September 10, 2012**

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

Members Present: Mary Bonser, Hal Rafter and Mark Carpenter.

Others: Charles A. Brown, Town Administrator, Dawn Wirkkala, Secretary, Chris Mills, Gail Mills, Judy Doughty, Charlene Andersen, Celia Abrams, Cheryl Smith, Samuel Demeritt, Raelene Shippee-Rice, Debra Kimball, Noel Carlson

**MANIFEST SIGNATURE:**

**Motion:** by Mr. Rafter, second by Mr. Carpenter to approve the 9/10/12 manifest for payment on 9/17/12.

**Vote:** 3 - 0 in favor.

**OUTSTANDING MINUTES:**

**Motion:** by Mr. Carpenter, second by Mr. Rafter to approve the minutes of the August 13, 2012 meeting as amended.

**Vote:** 3 - 0 in favor.

Mr. Rafter stated the US Dept. of Justice did approve NH voter ID law. Discussion took place about keeping specific comments out of the written minutes, unless they are needed to clarify topics under discussion; minutes would eliminate personal comments as much as possible and be more specific on action items and motions.

**Motion:** by Mr. Rafter, second by Mr. Carpenter to approve the minutes of the August 27, 2012 meeting as amended.

**Vote:** 3 - 0 in favor.

Discussion took place about needed or requested action items: USA Springs permit validity from NH DES, scheduling an appointment for September 17 and getting specific wording from Attorney Donovan, wording for a Consumptive Water Usage Plan in the Master plan was delivered and could be reviewed at the Selectmen Workshop with Planning Board members on September 20; the Master Plan hearing was continued to October 10, 2012. Mr. Rafter will be manning the booth alone at Nottingham Day due to conflicts for the other Selectmen.

Discussion took place about the USA Springs Trustee meeting and attorney attendance. It was decided the attorney would not attend, per Attorney recommendation, and Mr. Brown and Mr. Carpenter would attend.

**APPOINTMENTS:** 7:00 pm: Hazard Mitigation Plan Update Hearing, 7:30 pm: Conservation Commission/Kennard Property

**7:00 pm:** 7:03 PM Chair Bonser opened the Hazard Mitigation Plan Update Hearing.

Mr. Brown stated he received questions from Mr. and Mrs. Mills asking about the specific criteria for developing and identifying the key resources and critical infrastructure and if it was a conflict of interest for Chair Bonser to be on the sub-committee when her personal property, Cedar Waters is represented in the report.

Mr. Mills referred to the page two listing Chair Bonser as a member of the planning team, and pages 33, 34, and 35 under Chapter 4, Critical Resources. Mr. Mills asked about the specific criteria were used to establish which properties went on the list.

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Mr. Brown stated there were three meetings to brainstorm the listed information, under a broad umbrella of criteria, including the locations of dams and bodies of water, but did not remember the specific criteria. Mr. Brown stated committee members and attendance were sporadic.

It was asked if the Hazard Mitigation Sub-committee members should be in attendance to answer specific questions regarding the report and there was agreement the requested people should be, specifically Paul Colby the Building Inspector and possibly Mr. Kyle Pimental the Strafford Regional Planning Committee Regional Planner. Mr. Brown stated Mr. Colby had been asked not to attend.

Mrs. Mills asked if the criteria should include privately owned gated property or only property that allows public access. The tables include Cedar Waters in the Chapel and Manufactured Housing facility sections and stated she doesn't understand the criteria of recreation facilities of private versus public; for the areas that should be included such as the chapel then include it, but it may not make sense as a manufactured housing facility unless there is a specific definition.

It was determined the specific criteria for listing property in the report would be provided to explain why certain properties were included and others were not. Mr. Carpenter felt the questions were valid and should have clarity.

Mr. Brown stated the list of people who participated includes anyone who participated on any level; from only attending one meeting, up to those who participating in the creation and drafting of the report. Mr. Pimental and Strafford Regional Planning Committee were responsible for 80% to 85% of the report, which was originally created a few years ago.

Chair Bonser stated it isn't important to have Cedar Waters in the report or have to it removed, either way, but it should be clarified by the writers of the report.

Ms. Anderson reviewed her list of questions, which included:

1. Page 15-16 - The Vision should reflect either the final version when the Master Plan update is approved or note that it is a draft or eliminate the section and reference the Master Plan revision.
2. Page 24 - Reference to USA Springs should be instead to the large groundwater withdrawal permit approval with Tax Map (USA Springs Inc.) and the reference to "which is another potential site for contamination..." should be further explained with reference to the site that are potential contaminations sites per DES.
3. Page 31 - Ice Storm, December 2008 is out of sequential order.
4. Page 34 - Cedar Waters Village -
  - a. The Chapel is not a public facility or open to the general public or serves the greater community.
  - b. Listed as a manufactured housing facility. Why is this listed? Why are other manufactured houses in town not listed? What criteria were used?
  - c. The Camp is not a public facility or open to the general public or serves the greater community.
5. Page 35 - Could the Town Van be listed here with reference to limited capacity?
6. Page 68 - #5 Sewer - Land Use/State Regulations/Zoning ordinances should be added.

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81 Ms. Anderson stated the following during her review of her questions and indicated the vision  
82 information in the Hazard Mitigation report and the Town's Master Plan should reflect the final  
83 version of the Master Plan; the reference in Hazard Material section, to USA Springs should list  
84 the tax map and lot numbers and indicate the large groundwater withdrawal versus USA Springs,  
85 as they won't always be the owner and should list the information regarding the contaminations;  
86 the ice storm of 2008 is out of order sequentially in the list; Cedar Waters is not a public facility,  
87 only private, and should private facilities be listed, should other manufactured housing in Town  
88 be listed or is there a specific reason for listing the Cedar Water's manufactured housing, should  
89 there be a listing of the condo developments; could the Town Van be utilized as emergency  
90 transportation during emergencies; and the State statutory and local ordinances regarding sewer  
91 requirements should be listed in assisting to mitigating the potential sewer hazard, as done in  
92 other areas of the report. It is a Hazard Mitigation Plan and is to reduce or consider those areas  
93 that could or should be considered more in a hazard situation.

94 Chair Bonser stated in the event in a crisis, public versus private may not be separated. It was  
95 agreed the Town probably did not have the van during the original drafting of the report and  
96 should be included.

97 Chair Bonser stated because of the number of questions and concerns and needed answers it  
98 would be best to continue the hearing to a later date.

99 Mr. Rafter asked as the document has already been approved by FEMA, will it need to be re-  
100 approved by FEMA and is there a deadline. Mr. Rafter asked should the new propane tank  
101 facility be added.

102 Ms. Anderson stated the FEMA site referred to a change in requirements and should the Plan  
103 include those changes; should there be similarities between the Town Hazard Mitigation Plan to  
104 the County and State Hazard Mitigation Plan and the levels of criteria and ranking? It was stated  
105 the regulations are constantly changing. Mr. Brown stated the Town decides what items should  
106 be included in the list, which could be subjective, and the locational criteria between areas and  
107 agencies can cause differences in ranking.

108 Chair Bonser stated this meeting would have to be continued to a later date and would include  
109 members of the Hazard Mitigation Sub-committee.

110 Mr. Terninko provided written comment regarding page 5 asking about the Plan being reviewed,  
111 revised and updated using the same criteria outlined above, but no specific criteria was listed or  
112 indicated. Mr. Terninko also asked about the photo which states it is on McCrillis Road but it  
113 looks like Freeman Hall Road.

114 **Motion** by Mr. Carpenter to recess the Hazard Mitigation Update Plan Hearing to Tuesday,  
115 October 9 at 7:00 pm. Second by Mr. Rafter.

116 **Vote:** 3 - 0 in favor.

117 **7:30 pm:** Mr. Demeritt reviewed information from Mr. Ron Kennard regarding a possible  
118 conservation purchase of his 34 acre parcel, Map 11 Lot 6, for \$34,000.00. A walk through of  
119 the property took place; the property has 566 feet of road frontage, the lot abuts property that  
120 includes Cyrus and Langley Pond, makes a connection to a large un-fragmented conservation

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block with a potential for a greenway as planned three or four years ago, with the exception of one or two properties it connects to the Town owned property that came from Brooks Crossing, it is across from Route 4 and the Mendumns Landing area, and then Barrington. The price is reasonable, and would give a larger conservation lot around the greenway area. There is a vernal pool, some steep sloping, could potentially be two house lots, and there is a small random foundation of unknown origin. The Conservation Commission would like to place it in an easement; but would not be a good town forest. Bear Paw may be interested in a purchase but funds are not always available and it may not be a great lot for their purposes. Mr. Demeritt stated there are three other purchases under consideration by the Conservation Commission and funds are available. Mr. Demeritt asked the opinion of the Selectmen and to determine if the Selectmen would consider the Town owning the property.

Mr. Demeritt stated if the property is owned by the town another entity must own the conservation easement. Mr. Rafter asked if Bear Paw may be interested in owning the easement and it was stated they might. It was stated the tax loss was minimum as it currently was in the current use program.

It was determined the Selectmen would take a site walk of the property. Mr. Carpenter asked to meet with the conservation commission to understand more what they do as a group. Mr. Demeritt would contact Bear Paw and other groups for their consideration of taking over an easement. The purchase could take place between the end of 2012 and early 2013.

The Selectmen encouraged the Conservation Commission to move forward with a possible purchase.

**GENERAL BUSINESS/REVIEW:**

**Capital Improvement Plan Requests:** Mr. Carpenter and Mr. Brown would send out information to department heads to submit information regarding any desired capital improvements.

**Police Trailers:** Mr. Brown stated in order to utilize the Police Department four-wheeler Chief Foss donated a larger OHRV trailer, replacing the smaller previously used snowmobile trailer, which was put out to bid.

**Motion:** by Mr. Rafter to accept the donation of OHRV trailer by Chief Foss, with great thanks for the donation. Second by Mr. Carpenter.

**Vote:** 3 - 0 in favor.

Mr. Brown stated two trailer bids received, one from Mr. Robinson at \$357.00 and another from Mr. Oberlin at \$310.00.

**Motion:** by Mr. Carpenter to accept the bid of \$357.00 for the 2005 Yacht Club SM1250-10G snowmobile trailer by Mr. Robinson. Second by Mr. Rafter.

**Vote:** 3 - 0 in favor.

**Lee Farm Survey Bids:** The bids were opened for the two phase survey plan. Phase one includes boundary survey and phase two includes delineation of the conservation easement area, once negotiations with the state are complete. Mr. Brown reviewed the received bids:

S&H Land Services from Manchester for phase one at \$4200.00 and phase two at \$600.00; Berry Survey and Engineering phase one at \$6200.00 and phase two at \$1000.00; Land Surveying

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Services from David Vincent out of Barrington for a total of \$5895.00 for both; and Landry Surveying LLC for phase one at \$4200 to \$5000 and estimated phase two at \$800.

Discussion took place about the different levels of experience of the surveying companies, their list of references, and office locations. Mr. Brown was asked to review the references for S&H Land Services for consideration. There was agreement of the Selectmen to narrow the selection to either S&H Land Services or Landry Surveying LLC.

**DEPARTMENT REPORTS:**

**Highway Department:** Mr. Brown stated a verbal request was presented to the Road Agent from Mr. Soreff of Dolloff Dam Road, about completing work to upgrade his section of the road, which could then be considered as an emergency lane. Mr. Brown suggested a possible moratorium for review. After discussion it was determined the Road Agent recommended against the change, and the recommendation should be considered in the Selectmen decision. As this has been an issue in the past and there was no formal written request from the citizen, there will be no consideration at this time. The Selectmen agreed the Road Agent should not make recommendations about how citizens should upgrade roads. Property owners should hire an engineer for such advice and recommendations.

**Recycling:** There will be a Household Waste Disposal Day in Raymond on September 29, 2012. The location is at the end of Industrial Drive, off Old Manchester Road, across from the Raymond Safety Complex. The maximum quantity is five gallons or pounds, whichever is higher and there would be no acceptance of motor oil or latex paint. If there are questions, please call Raymond Public works at (603) 895-4735 extension 108.

**Planning Board:** Mr. Rafter stated the Planning Board would meet on Wednesday, September 12, to review additional information regarding the Fernald propane tank placement. Mr. Brown stated the Fire Chief has not attended meetings because he has not yet received the information he requested. Statements from the Planning Board indicate even though the board can approve the plan, the Fire Chief can deny it.

General discussion of the sequence of document submission took place. Mr. Brown stated it is his understanding that Rymes Gas has not submitted documents to the Fire Chief. The Planning Board may not approve the plan until the documents are received.

Mr. Rafter reviewed the current steps taken by the Planning Board, stating there doesn't appear to be any issues blocking approval of the plans. It was stated there is a question about who is charged with reviewing the safety issues and getting the Fire Chief the information he needs to make a decision. Mr. Brown stated he contacted Chief Vilchuck to determine if he has received anything recently; the communication from Rymes to the Fire Department have been strained, and for all department employees, despite any personal disagreement of a project the work must still be completed.

The Selectmen agreed the applicant should submit the requested information to the Fire Chief, who should make a decision accordingly. If the Plan is denied due to lack of information, it will be up to the applicant to submit the information.

**LGC Policy Conference Decision:** The Selectmen reviewed each of the items under review, see attached list of issues and answers.

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203 **Lien List:** Mr. Brown stated the Tax Collector provided the list of properties that will be eligible  
204 for deeding from unpaid taxes; the list will change as people come in and make payment of past  
205 due taxes. The final list will show only those properties that will be eligible for tax deeding.

206 **Voting:** is tomorrow, September 11, 2012 from 8:00 am to 7:00 pm, for the primary elections.

207 **ADJOURNMENT:** Having no further business,

208 9:20 PM **Motion:** Rafter, second Carpenter to adjourn.

209 **Vote:** 3 - 0 in favor.

210 Respectfully Submitted,

211 Dawn Wirkkala