

**Minutes  
Nottingham Select Board Meeting  
May 21, 2018**

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

Members Present: Donna Danis, Charlene Andersen, Anthony Dumas, Benjamin Bartlett

Absent: Tiler Eaton

Others: Town Administrator Chris Sterndale, Secretary Dawn Calley-Murdough, Terrance Connor, Jim Rosborough

**Approval of Manifest:**

**Motion:** by Mr. Dumas, second by Ms. Andersen to approve the May 21, 2018 accounts payable and May 22, 2018 payroll manifests.

**Vote:** 4 – 0 in favor.

**Approval of Minutes:**

Motion: by Ms. Andersen, second by Mr. Bartlett to approve the public minutes of the April 9, April 23, and May 7, 2018, as amended.

Vote: 4 – 0 in favor.

Approval of non-public minutes was postponed to the next meeting.

**Select Board Department/Board/Committee Reports:**

Budget: None.

Planning: Mr. Dumas reported the board continued a hearing for a development located on Route 4, which was continued again. The Planning Board and Zoning Board will hold a joint board meeting on May 23<sup>rd</sup>. The two boards will review recommendations from the Building Inspector for future Zoning Ordinance changes. Ms. Andersen would also attend the upcoming meeting to assist Mr. Dumas better understand the nuances of the laws and rules.

Earth Day: Chair Danis praised the efforts of the Recreation staff and felt bad that the weather wasn't great. However, Earth Day went well, with a great turn out. The 300<sup>th</sup> Committee had a booth with items for sale, to share available information, and asked for comments/suggestions for the upcoming event. Chair Danis reported she also talked with Gary Cowen about Marston and asked to invite him to a future meeting to talk about how to fund the property development. Mr. Sterndale stated recreation staff felt Earth Day went well and were happy with the results. There was a steady stream of people, with positive results from the fishing derby and 5K road race.

Recreation is asking for those who attended to complete a survey about how they felt the day went. The results will be summarized for the board at a future meeting.

**Town Administrator Reports, Mail, Signature Items:**

Solar: Re-Vision is still seeking investors for the town system, and finding one may take longer than 4 to 6 weeks, delaying the start of the solar operation. Re-Vision, the original project financier, changed ownership and could no longer fund the project. Luckily the default electricity rate with Eversource is lower than the solar contract, so the town won't end up paying higher electric rates. There may also be delay issues on the back end for when the town will start to see free power. Mr.

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Sterndale reported he will work with Re-Vision to make sure the town doesn't lose out on the agreement.

Highway: The state is replacing/installing culverts along Route 152 / Stage Road, and they have plans to resurface the road during the summer months as well.

Pole License: Mr. Sterndale reviewed the two license requests from Eversource and Consolidated Communication, and the board approved and signed the forms. The new poles were planned for Gile Road and French Road.

Mr. Sterndale mentioned that the town is still trying to get the utility companies to use the required forms and provide the correct information.

Legislation Update: Discussion took place about the proposed legislation to determine who has the authority to postpone Town Meeting/Town Elections. The recommendations provided by the NH Senate to empower the Secretary of State office, also appear to cause confusion and possible complications with a variety of other statutes related to Town Meeting/Town Elections.

**Appointments: None**

**General Business:**

**Barn Preservation Review:** Mr. Sterndale reviewed the provided materials that would be discussed at the upcoming public hearing for the barn preservation easement application submitted by Mr. Danais. Mr. Sterndale asked if the board had questions or concerns.

Ms. Andersen asked if the board will need to request documentation to prove how much the applicant has spent on the renovations; some work has already been completed. Also, Nottingham does not have a Heritage Commission, as identified in the forms. Mr. Sterndale stated the board could ask for documentation and the forms were repurposed from another town and that information doesn't apply to Nottingham.

Mr. Dumas asked if the board typically asks for expense documentation and is there specific criteria that. It was stated this is only the second request the town has received.

Chair Danis reviewed that Mr. Danais submitted an application for a barn preservation easement before and his request was denied. General discussion took place about the law and how the board might set policy and/or establish precedence in how future requests might be handled. The board has plenty of subjectivity in how they review each application, they just need to be specific with criteria.

Ms. Andersen answered a question from Mr. Bartlett about how the property would be taxed if the easement is approved and it would be applicable to the barn only.

**Building Permits on Private/Class VI Roads:** Mr. Dumas reported the Planning Board requested the Select Board follow through on taking the necessary board steps in regards to the their Policy.

Mr. Sterndale summarized the issues regarding issuing building permits on Class VI road. This included definitions of Class V, Class VI, and private road, and how the state law prohibits allowing construction on a Class VI road without Select Board approval. The Zoning Ordinance indicates criteria for building on any road without frontage on a Class V or state road, backing up the state law, and requiring individuals to see a variance if they don't have frontage on a Class V or state road. It appears the Select Board many years ago give authorization regarding the matter to the

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Zoning Board. Because the policy wasn't clear, the Select Board needs to refine how much they want to be involved in the process of issuing building permits on private roads and have the town become more compliant with the law.

Ms. Andersen stated the 2005 policy currently doesn't work with the existing laws and Zoning Ordinance. Mr. Sterndale reported the policy is out of date, and isn't necessarily compliant with the building permits application process or town ordinances in regards to building on a private road.

Chair Danis asked about the rationale for Select Board involvement and what the process might look like for an applicant. Mr. Sterndale stated he has not researched the original legislative intent of the statute. However, he believes the intent was to make sure the board was aware of the quality of roads with residential properties and the need to provide emergency response, and if there is enough development on a private road it could cause a financial burden on the town to help maintain and/or rebuild the private road that was never built to town specification.

Mr. Sterndale reported he hasn't established a complete process for applicants, but the current process includes a building permit application being denied and then that denial is appealed to the Zoning Board. The Zoning Board must consider giving a variance on a case based on a list of five specific criteria. If the Select Board was part of the process it could be a simultaneous process with seeking a variance with the ZBA and seeking an approved building permit from the Select Board.

Mr. Sterndale reported there should be a review of the existing road, or proposed road, by the Road Agent to make sure it is built to town specifics.

Mr. Sterndale reviewed the possible options and steps the board could use in the process to review and approve or deny a building permit on a private or Class VI road. General discussion took place about the possible processes.

Mr. Sterndale reviewed and would provide the board the specific Zoning criteria that must be considered.

Mr. Dumas expressed concern about giving an automatic approval as it may be in conflict with the intent of the law. However, he agrees with establishing a list of pre-approved roads that meet some established road criteria, making the process easier for some existing roads. However, there should be a more thorough process for houses that might be built on a road that isn't pre-approved.

Chair Danis stated she would like to see a draft of what the board criteria to approve a building permit on a Class VI might be, before making a decision about how specific the policy should be.

The board would review the Town of Barrington Policy in consideration of a Nottingham Policy.

Chair Danis stated she isn't ready to commit to how the board needs to respond to the situation to meet their statutory obligation.

Ms. Andersen stated she would like to receive input from the Planning Board, Building Inspector, Road Agent, and possible emergency responders to determine the right process. Ms. Andersen stated she would like the board to look at each request on a case by case basis.

It was stated having a pre-approved list of roads and criteria could help to streamline the process for some applicants.

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The board requested Mr. Sterndale to document a list of criteria and possible processes. It was also determined that Mr. Sterndale would inform the Planning Board of the steps the Select Board is considering as they move forward regarding the update to the policy.

**NON-PUBLIC SESSION:** The Board entered non-public under RSA 91-A:3 II (b), and (l).

**7:36 PM Motion:** Motion by Ms. Andersen, second by Mr. Dumas to enter non-public under RSA 91-A:3 II(b) and (l).

**Roll Call Vote:** Danis – Yea, Andersen – Yea, Dumas – Yea, Bartlett – Yea. 4 – 0 in favor.

**8:30 PM Motion:** Mr. Dumas, second by Mr. Bartlett to exit the non-public session.

**Roll Call Vote:** Danis – Yea, Andersen – Yea, Dumas – Yea, Bartlett – Yea. 4 – 0 in favor.

**Motion:** Mr. Dumas, second by Mr. Bartlett to seal the non-public minutes of May 21, 2018.

**Roll Call Vote:** Danis – Yea, Andersen – Yea, Dumas – Yea, Bartlett – Yea. 4 – 0 in favor.

The Selectmen made no decisions during their nonpublic session.

**ADJOURNMENT:** Having no further business,

**8:31 PM Motion:** by Mr. Dumas, second by Mr. Bartlett to adjourn.

**Vote:** 4 – 0 in favor.

Respectfully Submitted,

Dawn Calley-Murdough