

Sandown Planning Board
Minutes
January 19, 2010

Date: January 19, 2010

Place: Sandown Town Hall (Lower Hall)

Members Present: Ken Sweet, Chairman, Donna Green, Vice Chairman, Marilyn Cormier and Matt Russell, Alternate.

Absent: Paula Bonasoro and Selectmen's Representative Nelson Rheaume

Late Arrivals: Ed Mencis, Steven Meisner

Also present: Bette Patterson, Administrative Assistant and Town Engineer Steven Keach (arrived at 7:10 p.m.)

Opening: Chairman Sweet opened the meeting at 7:16 p.m. and announced that Matt Russell would be serving as a voting member for this meeting.

Public Hearing

7:15 p.m. Public Hearing for review of revisions to the Capital Improvement Program.

Please note: A copy of the revised CIP spreadsheet is attached to the original copy of these minutes on file in the Town Clerk's Office and available for public review during regular business hours.

Mr. St.Pierre, a member of the CIP Committee, reviewed the minor revisions to the CIP with the Planning Board.

Mrs. Green noted that there was an error in the bottom line totals and it was agreed that the figures would be corrected.

There was no public comment.

MOTION: Donna Green made a motion to accept the Capital Improvements Plan as revised with corresponding bookkeeping changes. Matt Russell seconded. Voted unanimously in the affirmative.

Matt Russell stated that he would like to thank the CIP Committee members, Marilyn Cormier, Ed St. Pierre and Donna Green. They did a lot of work to put this together and he hoped that they would be an inspiration to other people to become involved in Town Government.

Approval of Minutes:

50 Due to time constraints, the December 15th, 2009 and October 20th, 2009 minutes were
51 not edited for review at this meeting. They will be reviewed at the February meeting.

52

53 **January 5th, 2010**

54 **MOTION:** Matt Russell made a motion to approve the minutes of January 5th, 2010 as
55 amended. Marilyn Cormier seconded. Donna Green abstained. Matt Russell, Ken
56 Sweet and Marilyn Cormier voted in favor of the motion.

57

58 **Public Hearing**

59

60 Review of the following proposed amendment to the Zoning Ordinance:

61

62 Amendment 3 – To delete Article I– Part B–Wetland Conservation District in it's entirety
63 and replace it with an Amended Article I-Part B-Wetland and Surface Waters
64 Conservation District. The proposed amendment provides protection to wetlands and
65 surface waters. *A copy of the complete text for Amendment 3 is available for review in*
66 *the Town Clerk's Office during regular business hours or you may view it at*
67 *www.sandown.us.*

68

69 Chairman Sweet noted his disappointment that this public hearing is not being televised
70 by the local cable channel and that the previous public hearing was not televised either.
71 He stated that he would speak to Selectmen Rheume about this.

72

73 Chairman Sweet opened this public hearing by inviting members of the public to make
74 comments or ask questions.

75

76 **MOTION:** Matt Russell made a motion to move Amendment 3 *To delete Article I– Part*
77 *B–Wetland Conservation District in its entirety and replace it with an Amended Article I-*
78 *Part B-Wetland and Surface Waters Conservation District. The proposed amendment*
79 *provides protection to wetlands and surface waters. (Referenced document dated*
80 *January 5, 2010) to the ballot. Donna Green seconded.*

81

82 *Note: Mr. Meisner arrived at 7:40 p.m.*

83

84 **DISCUSSION ON THE MOTION:**

85

86 Chairman Sweet read the following e-mail from Planning Board Counsel John Ratigan:

87

88 *Dear Board Members:*

89 *I have reviewed the proposed amendments that you have forwarded to me.*

90 *1. Open Space Development amendments. These amendments are fine. This*
91 *amendment informs the voters what is proposed to be changed.*

92 *2. Conversion of Residences from Seasonal to Full-Time Occupancy amendments.*
93 *These amendments are fine. As was done with the Open Space amendments, this*
94 *proposed amendment should state how the amendment is changing the existing*
95 *ordinance (what's being inserted, what's being deleted).*

96

97 *3. Wetlands Conservation District amendments. As to the changes, this proposed*
98 *amendment should state how the amendment is changing the existing ordinance (what's*

99 *being inserted, what's being deleted).*

100 *A couple of issues for the Board to consider.*

101 *i. Bill Evans, recently retired head of the NH Subsurface Bureau at DES, has said*
102 *that residential septic systems can be located close to forested wetlands because*
103 *forested wetlands have a chemical buffering process that actually treats and neutralizes*
104 *the principal leftover nutrients that would otherwise leach into the groundwater were the*
105 *septic systems to be located further from the forested wetlands and for that reason DES*
106 *would grant waivers to locate such systems within 25'-30' of forested wetlands. He*
107 *added that for certain other types of wetlands, such setback relief would not be*
108 *appropriate. With this in mind, you might want to build more flexibility into the citing of*
109 *septic systems within the 50' setback area if the character of the wetlands is appropriate*
110 *and the applicant has a setback waiver or permit from NH DES. This could be added by*
111 *adding to proposed 7, D by inserting "including septic systems within the 50 foot Buffer*
112 *setback" after the words "Other uses,". I believe this clarification can be added and that*
113 *it would not constitute a "substantive change", necessitating another public hearing.*

114
115 *ii. Section 8, G has language that prohibits the Planning Board from issuing a*
116 *conditional use permit on any application "without receipt of a favorable recommendation*
117 *from the Conservation Commission." The Conservation Commission is an advisory*
118 *board. RSA 674:21 is the statute that addresses the authority for adopting innovation*
119 *land use controls, such as conditional use permits. There is no authority in this statute*
120 *that confers such administrative power on the Conservation Commission. In fact, in the*
121 *instance where the administrative authority to grant a conditional use permit is given to*
122 *either the ZBA or BOS and not to the Planning Board, the statute requires that "the*
123 *planning board shall set forth its comments on the proposal in writing and the*
124 *administrator shall, to the extent that the planning board's comments are not directly*
125 *incorporated into its decision, set forth its findings and decisions on the planning board's*
126 *comments."*

127 *Even in this instance, the Planning Board would only be advising and commenting to the*
128 *ZBA or BOS when permit authority is conferred on these boards--there is no veto*
129 *authority conferred on the Planning Board. Thus, it is inappropriate to confer any more*
130 *than advisory authority on the Conservation Commission in this ordinance. The*
131 *Conservation Commission cannot invade the administrative authority of the Planning*
132 *Board to grant this conditional use permit.*

133 *Finally, besides being unlawful, from a policy point of view, conferring veto power over*
134 *conditional use permits on the Conservation Commission is likely to lead to expensive*
135 *and unnecessary litigation.*

136 *I suggest that the Board amend the final version of the Wetland ordinance amendment*
137 *to section 8, G so that it concludes with the words "comment on the application."*

138 *Should you have any questions about my comments or otherwise, please do not hesitate*
139 *to contact me.*

140 *John*

141

142

143

144 *Mr. Keach stated that the first two comments made by Attorney Ratigan reference*
145 *Amendments one and two and there are no recommended substantive changes. He*
146 *stated Attorney Ratigan does have a concern with Section 10G of Amendment three*
147 *(referenced incorrectly in the e-mail as 8G).*

148

149 Chairman Sweet read the section of the above noted e-mail concerning the
150 recommendations to change Section 10G of Amendment three.

151
152

153 Mrs. Cormier asked if the Board decided to do what Attorney Ratigan recommends, and
154 the Conservation Commission is going to comment on the application, what actually
155 happens to force the applicant to go to the conservation commission?

156
157
158
159

Matt Russell stated that we have beat this subject to death and we are not in a position
to make any changes to this amendment. He asked why it is being discussed.

160 Chairman Sweet stated that all three amendments went to counsel for review. Several
161 members of the board asked why these were sent to Attorney Ratigan. Administrative
162 Assistant Patterson stated that these were sent to Attorney Ratigan because he is the
163 Planning Board Counsel and we have regularly used him for legal advice.

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169

Mrs. Cormier stated that we have agreed that before anything goes on the ballot, it
would be reviewed by counsel; however, she did not believe that Mr. Ratigan is our
counsel and the board has never voted on that. She stated that it's too late to make any
changes.

170 Chairman Sweet stated that Mr. Ratigan is our counsel and he has reviewed the
171 documents we sent him and issued an opinion.

172
173
174
175
176

Mr. Keach stated that he spoke to Attorney Ratigan and he does not consider this
change substantive because it doesn't change a dimensional or use. The bottom line is
that the Planning Board can either accept or reject Attorney Ratigan's recommendations.

177 Mrs. Cormier stated that she thought that Town counsel reviews everything that goes on
178 the ballot and that's who she thought was going to be reviewing the planning documents.
179

180 Mr. Keach stated that he had also believed that was past practice, however,
181 Administrative Assistant Patterson found out that was not the case. Selectmen's
182 counsel will review the wording for the ballot proper, not the validity of the content.

183
184
185
186
187

Administrative Assistant Patterson stated that it was the Selectmen's office that advised
her that if we need review of the amendments for content that we needed to use our own
counsel.

188 Matt Russell stated the language in this particular section has not changed in the last
189 five years and that language was reviewed by counsel back then. He suggested that we
190 keep the language as it is.

191
192
193
194

Mr. Meisner stated that both Mr. Ratigan and Mr. Keach are both professionals and we
look to them for guidance. Just because we have something in our zoning that has been
there for years doesn't make it right.

195
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198

Mr. Keach pointed out that in Attorney Ratigan's e-mail, the board is cautioned that there
may come a time that an applicant files an application and gets to the planning board
with a less than favorable recommendation from the conservation commission which

199 causes the planning board to deny the application. He stated that if the board wants to
200 leave the language, he did not think it's a bad thing, however, the board has to choose
201 whether to leave the language as it is or take the advice of counsel. He stated that as
202 long as he is the board's consultant, he would not let an application be denied just
203 because there is a less than favorable letter from the conservation commission. He
204 stated he would advise the board to look at why the conservation commission would
205 issues a non-favorable letter and issue a denial based on those facts.

206
207 Mrs. Cormier reiterated her concern that the amendment cannot be changed at this
208 point.

209
210 Administrative Assistant Patterson stated that she specifically asked Attorney Ratigan if
211 his recommended change could be done at this meeting and he advised her that the
212 change to section 10G could be made because it was not substantive.

213
214 Mr. Meisner stated that if an applicant gets a less than favorable letter from
215 conservation, then what's in our zoning ordinance is final and it's done.

216
217 Mr. Russell asked Administrative Assistant Patterson how long Attorney Ratigan has had
218 the three amendments.

219
220 Administrative Assistant Patterson replied that they were sent to him electronically on
221 January 6th.

222
223 Public comments:

224
225 Mr. Daley stated he has made his points unsuccessfully in the past. The board has
226 discussed the need for flexibility in terms of the buffers and presently his earlier
227 comments have not been heeded as far as protecting those particular land owners
228 whose lots presently exist. The other issue is that section 8G, which has been his
229 primary concern throughout this process, does not address the existing conditions of
230 landowners. Unfortunately, some members of the board feel that this should move
231 forward. He stated, as a resident, he is watching a board that is about to put forth a
232 policy that has a number of holes in it and it's going to be put forth for residents to vote
233 on. He stated that people put their trust in the members of the board to put forth good
234 work and with due respect, as a person who has sat on this board, he understands the
235 difficulties and frustrations and that is why he resigned. The board shouldn't look the
236 other way when a number of issues have been pointed out. He stated that he
237 continually hears members and Mr. Keach say that they would never allow something to
238 happen but this is public policy, not an I or me. Other people may be serving and they
239 will be relying on these words, the language of this document. He stated that other
240 people have pointed out issues, including an attorney but the board wants to move
241 forward. He stated he could only evaluate this in one way, as poor policy analysis. He
242 stated that he would ask as a resident, to make sure that this is the best it can be and
243 even though it won't be 100%, it needs to be as good as it can be. He stated his
244 biggest concern through this whole thing has not been against protecting wetlands, it's
245 been the manner in which this board and, the conservation board, has gone about
246 development of this policy because when people point concerns out it continues to roll.

247
248 Mr. St.Pierre stated that the conservation commission did spend some money on an

249 attorney to find out if the favorable letter was legal. Legal counsel determined that there
250 is nothing in the RSA's that prohibit requiring a favorable letter. The planning board has
251 the authority to delegate that responsibility to the conservation commission and has
252 done so in the past. It has worked flawlessly. People have taken the time to learn how
253 to do the right thing as far as wetlands are concerned. There has never been a non-
254 favorable letter in the history of this town. The conservation commission's counsel has
255 said that this is perfectly fine. He stated people have talked about the expense of
256 possible litigation because of this, however, it may not be a bad thing because then
257 everyone would know for sure whether it's legal. Also, this town is lucky to have a good
258 group of conservation members who worked very hard with professional consultants to
259 develop a good ordinance.

260
261 Matt Russell stated that one of the reasons the conservation commission has never sent
262 a non-favorable letter is that the conservation commission works very closely with
263 applicants. He stated that even the most difficult of developers have been cooperative
264 and worked very well with the conservation commission. There was a large amount of
265 time and effort by people that reviewed this wetland ordinance both in town and
266 professionals outside of town. The ordinance will never be perfect, however, it is a well
267 prepared document and no matter how much time and effort that was put into this there
268 will always be people that will find flaws it in. Mr. Russell stated that the board has gone
269 over this long enough and it's a good policy for this town.

270
271 Mr. Meisner stated that in response to Mr. St. Pierre's comment about a possible legal
272 challenge not being a bad thing, boards do not want a challenge because of the expense
273 involved.

274
275 Mr. St. Pierre stated that the fear of a challenge is not a good enough reason to move
276 forward with something.

277
278 Mr. Keach stated that he agreed there is no such thing as a perfect policy. He stated
279 that there is another safety net. If the board is ever in a position that Attorney Ratigan
280 described, under RSA 674:21 the board can grant a waiver from this zoning
281 requirement.

282
283 Mrs. Green asked are we addressing three i in Mr. Ratigan's comments?

284
285 Chairman Sweet stated he didn't see a conflict in that. There is a motion on the floor to
286 move amendment three to the ballot. Chairman Sweet read this section: *A couple of*
287 *issues for the Board to consider.*

288 *i. Bill Evans, recently retired head of the NH Subsurface Bureau at DES, has said*
289 *that residential septic systems can be located close to forested wetlands because*
290 *forested wetlands have a chemical buffering process that actually treats and neutralizes*
291 *the principal leftover nutrients that would otherwise leach into the groundwater were the*
292 *septic systems to be located further from the forested wetlands and for that reason DES*
293 *would grant waivers to locate such systems within 25'-30' of forested wetlands. He*
294 *added that for certain other types of wetlands, such setback relief would not be*
295 *appropriate. With this in mind, you might want to build more flexibility into the siting of*
296 *septic systems within the 50' setback area if the character of the wetlands is appropriate*
297 *and the applicant has a setback waiver or permit from NH DES. This could be added by*
298 *adding to proposed 7, D by inserting "including septic systems within the 50 foot Buffer*

299 *setback" after the words "Other uses,". I believe this clarification can be added and that*
300 *it would not constitute a "substantive change", necessitating another public hearing.*

301

302 Mrs. Cormier stated that she thought because people would go to DES if they needed
303 their septic replaced in kind that this would happen anyway. She didn't think this would
304 cause a substantive change.

305

306 Mr. Russell stated that he would like to speak with someone who is not retired from NH
307 DES.

308

309 Mr. Keach stated that section 6G for repair and replacement of septic systems does
310 provide the process for replacing a system in kind.

311

312 *Note: The board took a brief recess at 8:40 p.m. and the meeting was resumed at 8:52*
313 *p.m.*

314

315 Mrs. Green stated that in the third point of Attorney Ratigan's e-mail it states: 3.
316 *Wetlands Conservation District amendments. As to the changes, this proposed*
317 *amendment should state how the amendment is changing the existing ordinance (what's*
318 *being inserted, what's being deleted). Mrs. Green asked how this will be addressed.*

319

320 Mr. Keach explained that Attorney Ratigan reviewed the complete article and did not
321 have the ballot wording for amendment three. Both Mr. Keach and Mrs. Patterson read
322 the actual ballot to him and he had no problem with it.

323

324 Peter Kirk asked if there was a definition section for 6G where there would be a
325 description of the intensity of use and that is an ambiguous term that might cause some
326 problems.

327

328 Mr. Keach stated that anyone knowledgeable would know that intensity of use is an
329 expansion.

330

331 Mr. Russell stated that he is an average guy and the whole section seems very clear to
332 him.

333

334 Mr. Kirk stated there are different sizes of septic systems that are available, for example
335 a two bedroom home. He asked if a larger size would constitute an intensity of use.

336

337 Mr. Russell stated that it would not because it doesn't expand the intensity of the
338 structure. The bigger system is not being put in to increase the ability of the structure to
339 be larger.

340

341 Mr. Keach stated that the board could add "replacement or repair should notthrough
342 an increase in design". In other words, build a three bedroom septic but don't add on an
343 in-law apartment.

344

345 Chairman Sweet asked the board what they wished to do.

346

347

348 Mrs. Green asked Mr. Keach if a septic system fails which is 750 gallons and you

349 replace it with a 1,000 gallon tank is that allowed?
350

351 Mr. Keach replied that if a resident wants to build a replacement septic larger than the
352 existing system, that could be done but not to the extent that an additional bedroom
353 could be added.
354

355 Mrs. Cormier stated that they needed to have their system replaced and because their
356 home had been built so long ago, they were advised to build a larger tank. She stated
357 they did this, not to add a bedroom or increase the size of their home, but to address
358 current and future environmental concerns.
359

360 Mr. Keach stated that he is really talking about design flow.
361

362 Chairman Sweet asked if anyone on the board is in favor changing anything in section
363 6G.
364

365 Mr. Meisner-No Mr. Russell-No Mrs. Cormier-No Mr. Sweet-No
366

367 Mrs. Green asked if there was any harm in adding Mr. Keach's suggestion relative to
368 design flow?
369

370 Chairman Sweet stated that the board does not want to change this and they want to
371 move ahead with the document we have.
372

373 Mr. Russell stated he thought it would be redundant.
374

375 Chairman Sweet asked if there was additional public comment prior to the board taking a
376 vote.
377

378 Peter Kirk asked if the previously discussed change in Section 7 had been made. He
379 stated that at the previous meeting there was a lengthy discussion regarding function
380 and value and he thought that the board had agreed to make a change in the document.
381

382 Mrs. Green stated that it was just brought to her attention that the board discussed this
383 issue at our last meeting and the minutes reflect that we did discuss the sentence
384 relative to the function and value issue. The board decided to leave the wording as it
385 exists. The minutes of January 5th reference this on page 12 line 572 to 589. This was
386 not an oversight and the board did agree to leave the wording in section 7 as it was.
387

388 Mr. Kirk stated that the board may want to reconsider that decision because the board
389 has put in a booby trap into the language that can be used to turn down every single
390 conditional use permit.
391

392 Mr. Russell stated that this is a board with reasonable people and the conservation
393 commission also has reasonable people. He stated to suggest that no conditional use
394 permits would be issued is unrealistic.
395

396 Mr. Kirk asked what if there is a nasty neighbor that comes in and tells the board that the
397 permit has to be based on the statutory policy of the zoning ordinance and the outcome
398 says if it's impaired it cannot be granted. He stated that whether or not there are

399 reasonable people, the board must rely on the language and based on that a permit
400 could not be approved.

401
402 Mr. Keach suggested that the board could add the word “significantly” before “impair”.

403
404 Mrs. Green stated that if we put in significantly impaired then someone could come to us
405 and say this is impairment but it’s not significant. Presumably the board will be
406 responsible for what is significant, however, the board is opening themselves up to
407 determining what is significant.

408
409 Mr. Kirk suggested using the language “*Most minimal manner feasible for the given*
410 *year*”.

411
412 Mr. Keach stated that the board can accomplish the same thing by inserting the word
413 “*significantly*” before *impair*. At the end of the day it is the judgment of the board.

414
415 Mr. Kirk stated he agreed and that whatever language is used a court would at least
416 have discretion as to what is significant.

417
418 Mr. Keach stated that under law it has to be determined that someone has made a
419 reasonable decision and this language shows that.

420
421 Chairman Sweet polled the board as follows:
422 Are you in favor of adding the word “*significantly*” before the word “*impair*” under Section
423 7D?

424
425 Mr. Meisner-Yes Mr. Russell-Yes Mr. Sweet-Yes Mrs. Cormier-Yes Mrs. Green-No
426

427 Mr. Russell asked if we make this change are we opening ourselves up to other
428 language in the ordinance that has already been discussed numerous times?
429

430 Mr. Kirk replied that this actually brings it all together.

431
432 Mrs. Cormier stated that we made changes at the last meeting and it wouldn’t hurt to
433 insert the word *significantly* at this time.

434
435 Mr. Kirk asked if section 10G was addressed and if the e-mail from Attorney Ratigan
436 which referenced recommended changes to this section had been discussed.

437
438 Mr. Russell replied that the board had already addressed this section as well as the e-
439 mail and the board has rejected the recommendations.

440
441 Mr. Kirk stated he was very surprised by this because now the board has abrogated
442 authority to grant a conditional use permit unless the conservation commission agrees.

443
444 Mr. St. Pierre stated that is the wording that exists and the conservation commission has
445 already had it reviewed by an attorney who was satisfied with the language.

446
447
448 Mr. Kirk asked “why does the board want to give another organization, that has another

449 goal and purpose, veto power on something which should fall under either the zoning or
450 planning board?”

451

452 Mrs. Cormier stated that when this was first put in the wetlands ordinance it was
453 reviewed by our then counsel, Attorney Laughlin. The conservation commission had
454 their attorney review it and our current attorney has reviewed it. This section has been
455 in the zoning ordinance for a number of years.

456

457 Mr. Kirk stated that the planning board should have ultimate say on decisions.
458 According to this language that has been proposed unless the conservation commission
459 approves it, a conditional use permit cannot be issued.

460

461 Chairman Sweet assured Mr. Kirk that the board has thoroughly discussed this section
462 and that there are differences on this subject, however, the vote of board is to leave the
463 current proposed language as it is.

464

465 Mr. Kirk asked where in the zoning ordinance it says that the conservation commission is
466 designated to give advice for the planning board.

467

468 Mr. Keach pointed out that in Article I B of the Sandown Zoning Ordinance, as it exists
469 has language that requires three letters/reports from each of the following: Sandown
470 Conservation Commission, Rockingham County Conservation Commission and
471 Sandown Town Engineer. The new language only requires a favorable letter from the
472 Sandown Conservation Commission. He stated that one thing that should be
473 understood is when the conservation commission issues a report, it will give
474 recommendations and the letter will not say “favorable” or “unfavorable”. The letter will
475 say “we’re in favor because...” Or “we would be in favor if...”. Ninety percent of the
476 time a conditional use permit is issued in conjunction with a subdivision or site plan and
477 in all of those instances the planning board may grant the permit and incorporate the
478 recommended conditions given by the conservation commission. He stated he agreed
479 with Attorney Ratigan, however, after being here for fourteen years, he does not envision
480 a problem.

481

482 Mr. Daley asked “When you vote to move this to the ballot, am I to assume that what is
483 on the ballot is what I see here (the legal notice)?”

484

485 Chairman Sweet replied yes.

486

487 Mr. Daley stated if that is all that is going to be on the ballot then he would raise the
488 issue on why the ballot wouldn’t say the proposed text for wetland and surface waters by
489 creating restrictive buffer zones because that is what this ordinance does. This is
490 another example of a concern that he has as a resident of not really being given full
491 understanding of this. He stated that it needs to made clear what the ordinance is doing
492 and putting the fact that this is creating restrictive buffer zones on the ballot would help
493 clarify that. It would keep the matter simple but it also communicates more thoroughly
494 the issue at hand. He suggested that the board use those words so that people
495 understand that when they agree or disagree with this they understand what they are
496 doing. If they agree they are agreeing to create restrictive buffer zones on private
497 property. It would be very simple to add “*proposed amendment provides protection to
498 wetland and surface waters by creating restrictive buffer zones*”.

499

500

501 Mr. Keach recommended using the following wording “ *proposed amendment provides*
502 *protection to wetland and surface waters through buffers*”.

503

504 Mr. Daley stated that the word “restrictive” needs to be placed in the sentence because
505 that’s what the board is creating. If that’s not what the board is doing then what is being
506 done? Mr. Daley stated that restrictive should be on the ballot and let the people make
507 their own minds up.

508

509 Mr. Russell stated that he does not see the word restrictive anywhere in this article.

510

511 Mr. Kirk stated that this is what the board is doing in limiting what people can do with
512 their property.

513

514 Mr. Daley stated buffers are creating restrictions on use of land.

515

516 Chairman Sweet stated the question is that Mr. Daley has proposed to add the words
517 “*proposed amendment provides protection to wetland and surface waters by creating*
518 *restrictive buffer zones*” to amendment three on the ballot.

519

520 Mrs. Cormier asked if a buffer isn’t restrictive then what is it? What’s the point of having
521 a buffer if it isn’t restrictive?

522

523 Mrs. Green stated she would like to propose adding the words “...through creation of
524 land use buffers” to the ballot language.

525

526 Mr. Daley stated the point of the ordinance is to create buffer zones with restrictions in
527 order to maintain their integrity so he sees no problem with saying restrictive.

528

529 Chairman Sweet asked the board to vote on whether to add Mr. Daley’s recommended
530 wording to the ballot for amendment three as follows: “....through creation of restrictive
531 buffers.”

532

533 Mr. Meisner- No Mr. Russell-No Mr. Sweet-No Mrs. Cormier-No Mrs. Green-No

534

535 Chairman Sweet asked the board to vote on whether to add Mrs. Green’s recommended
536 wording to the ballot for amendment three as follows: “...through creation of land use
537 buffers”.

538

539 Mr. Meisner- Yes Mr. Russell-Yes Mr. Sweet-Yes Mrs. Cormier-Yes Mrs. Green-Yes

540

541 Chairman Sweet stated that the following words “.....through creation of land use
542 buffers”. will be added to the language for amendment three on the ballot.

543

544 Mrs. Cormier stated that buffers are not the only way we are protecting wetlands but not
545 everything can go on the ballot.

546

547 **Note: Mr. Mencis arrived at 9:10 p.m.**

548

549 Mr. Russell withdrew his motion and Mrs. Green withdrew her second.

550

551 MOTION: Matt Russell made a motion move Amendment 3 *To delete Article I– Part B–*
552 *Wetland Conservation District in it's entirety and replace it with an Amended Article I–*
553 *Part B–Wetland and Surface Waters Conservation District. The proposed amendment*
554 *provides protection to wetlands and surface waters through the creation of land use*
555 *buffers. As amended to the ballot. Donna Green seconded. Vote on the motion: Mr.*
556 *Meisner- Yes Mr. Russell-Yes Mr. Sweet-No Mrs. Cormier-Yes Mrs. Green-Yes*

557

558 **Other Business:**

559

560 The board reviewed the Planning Board report that will be submitted tomorrow for the
561 Town Report.

562

563 Mrs. Cormier asked that something be put in the report about the fact that the planning
564 board has been on top of failing developments.

565

566 Mr. Keach will work with Mrs. Patterson to add something to the report.

567

568 Mr. Mencis reminded residents that the signup period for open positions starts on
569 Monday, January 21st and ends on Friday, January 29th. All information is on the front
570 page of the website, www.sandown.us

571

572 Chairman Sweet stated that he respects all the work the both the planning board and
573 conservation members have done on the wetland ordinance.

574

575 The board agreed to hold one meeting in February on the 16th.

576

577 **Adjournment:**

578

579 MOTION: Mr. Russell made a motion to adjourn. Mr. Meisner seconded. Meeting
580 adjourned at 9:20 p.m.

581

582

583 Respectfully submitted,

584

585

586 Bette Patterson

587 Administrative Assistant

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