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Sandown Planning Board
Minutes
May 4, 2010

Date: May 4, 2010

Place: Sandown Town Hall

Members Present: Donna Green, Chairman, Mark Traeger, Vice Chairman, Matt Russell, and Ernie Brown, Alternate.

Late Arrival: Fred Daley, Alternate joined the meeting at 7:05 p.m. Ed Mencis joined the meeting at 7:08 p.m.

Also present: Bette Patterson, Administrative Assistant

Absent: Steve Meisner, Nelson Rheaume, Ex-Officio and Marilyn Cormier

Opening: Chairman Green opened the meeting at 7:00 p.m. and announced that Ernie Brown would be serving as a voting member for this meeting.

Approval of Minutes

April 20, 2010

MOTION: Mark Traeger made a motion to approve the minutes of April 20, 2010 as amended. Matt Russell seconded. Voted unanimously in the affirmative.

Correspondence:

Legislative changes discussion – e-mail from Roger Barczak requesting feedback regarding the following:

Planning and Environmental Quality (PEQ)

NEW POLICY PROPOSALS

1. Zoning protest petition where affected owners unidentifiable

To see if NHMA will SUPPORT legislation allowing the filing of a zoning ordinance protest petition signed by 50 registered voters when it is impossible to determine which lots will be affected by a proposed zoning change

Planning Board response: Not in favor. 50 registered voters is a too small a representation of voters to bring forth a protest petition.

2. Ownership and Disposition of Rangeways

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44 **To see if NHMA will SUPPORT** legislation (1) confirming that municipalities own the remaining portions
45 of rangeways shown on or reserved from proprietary plans or subsequent records; (2) confirming the
46 transfer of title of those rangeways, or portions of rangeways, previously conveyed in good faith by vote
47 of the municipality; and (3) providing that the remaining portions of rangeways may be disposed of only
48 upon a two-thirds vote of a municipality's legislative body, subject to the principles of due process
49 established for discontinuance of public roads.

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51 **Planning Board response: Board members agreed that this proposal would have more**
52 **of an impact on the northern portion of the state than in this area. Chairman Green polled**
53 **the board and the response was to leave this particular item alone.**

54
55 ***POLICY POSITIONS***

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57 **4. Environmental Regulation and Preemption.**

58 **To see if NHMA will SUPPORT** legislation that (a) recognizes municipal authority over land use and
59 environmental matters, (b) limits state preemption of local environmental regulation to those matters
60 on which there is a compelling public need for uniform state regulation or which municipalities do not
61 have the expertise or resources to regulate, and (c) recognizes that even when local environmental
62 regulation is preempted, compliance with other local laws, such as zoning and public health ordinances
63 and regulations, is still required.

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65 **Planning Board response: Unclear and confusing.**

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67 **7. Impact Fees for State Highways**

68 **To see if NHMA will SUPPORT** legislation allowing municipalities to collect impact fees or exactions for
69 improvements to state highways.

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71 **Planning Board response: Unclear and confusing.**

72
73 ***STANDING POLICY POSITIONS***

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75 **9. Energy, Renewable Energy and Energy Conservation**

76 **To see if NHMA will SUPPORT** legislation encouraging state and federal programs that provide
77 incentives and assistance to municipalities to adopt energy use and conservation techniques that will
78 manage energy costs and environmental impacts, promote the reasonable use of renewable energy
79 sources, and promote energy conservation.

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81 **Planning Board response: Yes to supporting this.**

82
83 **12. Current Use**

84 **To see if NHMA will OPPOSE** any legislative attempt to undermine the basic goals of the current use

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85 program and **will OPPOSE** any reduction in the 10-acre minimum size requirement for qualification for
86 current use, beyond those exceptions now allowed by the rules of the Current Use Board.

87

88 **Planning Board response: Yes to supporting this.**

89 Chairman Green stated that she would respond to Mr. Barczak on behalf of the planning board.

90

91 **Vernal Pool Workshop - Thursday, May 13th at the town forest. Sponsored by the**
92 **Sandown Conservation Commission.**

93

94 **Draft letter to the SAU** – Chairman Green reviewed the following draft letter to the SAU in
95 reference to Impact Fee funds.

96

97 *George Stoking*

98 *Business Administrator*

99 *School Administrative Unit 55*

100 *30 Greenaugh Rd.*

101 *Plaistow, NH 03865*

102

103

104 *Dear Mr. Stoking:*

105

106 *The Sandown Planning Board is reviewing the impact fees we impose. As you know, we are statutorily*
107 *obliged to ensure that any impact fees we collect are disbursed for capital projects or debt payment on*
108 *capital projects for the residents of Sandown.*

109

110 *We would ask you to please give us an accounting of the use of the school impact fees Sandown has paid*
111 *the SAU over the past five years. We would like to understand how our impact fees are allocated and*
112 *also some proof that all these monies are going for "the construction or improvement of capital*
113 *facilities," as per RSA 674:21 Section V.*

114

115 *Thank you very much for your kind attention to this inquiry.*

116

117

118 *Sincerely,*

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120

121 *Donna M. Green*

122 *Chairman*

123 *Sandown Planning Board*

124

125 *cc: Sandown Planning Board*

126 *Sandown Board of Selectmen*

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MOTION: Matt Russell made a motion to send the letter as written to the SAU. Ed Mencis seconded. Voted unanimously in the affirmative.

Theresa Walker – Rockingham Planning Commission – Grant Availability Ms. Walker was unable to attend this evening’s meeting. The board agreed to reschedule this item to the next planning board meeting.

Budget Update – Nelson Rheume was not in attendance. This item will be moved to the next planning board agenda.

Work Session

By-Law Revisions – Chairman Green

Chairman Green reviewed the revised draft of the by-laws with the board and the following discussion ensued.

Ed Mencis stated that the board did not need a secretary and he is not in favor of it.

Chairman Green stated that there are several reasons for having a board secretary. When a meeting needs to be cancelled, there should be three members that make that decision and there should also be more than one board member signing a Mylar.

Fred Daley agreed that a board secretary is not needed because the administrative assistant provides the administrative support to the board and it is a budgeted position. He stated that adding three people to the executive officers of the board would require adding language to that effect.

Chairman Green stated that it should be the board’s responsibility to oversee the administrative duties.

MOTION: Ed Mencis made a motion to do away with the secretary position as written in the revised by-laws draft dated 05/04/10. Fred Daley seconded. **DISCUSSION ON THE MOTION:** Matt Russell asked to clarify if this motion is to take the out of the document or leave it for future boards? He stated that originally the board secretary was in the by-laws because there was no administrative assistant. The way it is written now, whoever serves as the board secretary is going to have to be here a lot checking on everything which would take too much

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167 time. Chairman Green stated that the board needs to have oversight of the work being
168 done. Fred Daley stated the administrative assistant is an employee and subject to the
169 various employee requirements and the oversight is there. He stated he would argue against
170 losing the administrative assistant. Chairman Green stated that the intent is not to lose the
171 administrative assistant position but to add to the executive officers of the board as
172 corporations do. VOTE ON THE MOTION: Ed Mencis, Fred Daley and Ernie Brown voted in
173 favor of the motion. Matt Russell, Donna Green and Mark Traeger voted against the motion.
174 THE VOTE RESULTED IN A TIE.

175
176 Matt Russell stated he voted against the motion because he would not object to leaving it in
177 the document for future boards to use.

178
179 Ed Mencis suggested that under section 4.1 Work Sessions, that the word "shall" (relating to
180 holding a work session once a month) be changed to "may". He stated that time is valuable
181 and the board should be able to do work in a regular meeting once a month.

182
183 Fred Daley stated he did not have a problem with the word "shall".

184
185 The board discussed alternates agreeing that they are members with a limited vote under NH
186 RSA 673:6 VI.

187
188 Motion: Ed Mencis made a motion to accept the draft revised by-laws as amended for posting
189 for a public hearing to be held on May 18th, 2010. Mark Traeger seconded. DISCUSSION ON
190 THE MOTION: Fred Daley stated that he would have to vote against the motion if the BOLD
191 section regarding the secretary were left in the document. At the request of board members,
192 Chairman Green read the existing section of the by-laws regarding the secretary position.
193 VOTE ON THE MOTION: Donna Green voted in favor of the motion. Matt Russell, Ed Mencis,
194 Mark Traeger, Fred Daley and Ernie Brown voted against the motion. MOTION FAILED.

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196 MOTION: Fred Daley made a motion to accept the draft revised by-laws with the section
197 regarding the board secretary to remain as currently written. All other revisions to be
198 included and posted for public hearing to be held on May 18th, 2010. Ed Mencis seconded.
199 VOTE ON THE MOTION: Matt Russell, Ed Mencis, Mark Traeger, Fred Daley and Ernie Brown
200 voted in favor of the motion. Donna Green voted against the motion. MOTION PASSED.

201
202 **Other Business:**

203
204 Board members discussed having a booth at Old Home Days to explain to residents the
205 importance of the Master Plan and to recruit volunteers. Fred Daley and Matt Russell

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206 volunteered to do this. Members discussed the possibility to having key chains or something
207 similar to hand out.

208

209 **Voting on establishment of subcommittees and members**

210 MOTION: Mark Traeger made a motion to establish a Master Plan Sub-committee and an
211 ordinance revision sub-committee. Ed Mencis seconded. Voted unanimously in the
212 affirmative.

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214 **Adjournment**

215 MOTION: Matt Russell made a motion to adjourn. Ed Mencis seconded. Voted unanimously in the
216 affirmative. MEETING ADJOURNED AT 9:25 p.m.

217

218 Respectfully submitted,

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220

221 Bette Patterson

222 Administrative Assistant