

Sandown Planning Board  
Minutes  
June 1, 2010

**Date:** June 1, 2010

**Place:** Sandown Town Hall

**Members Present:** Donna Green, Chairman, Mark Traeger, Vice Chairman, Marilyn Cormier, Matt Russell, Ed Mencis, Nelson Rheume, Ex-Officio and Alternates Fred Daley and Ernie Brown.

**Also present:** Bette Patterson, Administrative Assistant and Town Engineer Steven Keach

**Absent:** Steve Meisner

**Opening:** Chairman Green opened the meeting at 7:12 p.m. Chairman Green announced that Alternate Ernie Brown would be serving on the board for this evening's meeting.

**Approval of Minutes:**

**May 4, 2010**

**MOTION:** Matt Russell made a motion to approve the minutes of May 4<sup>th</sup>, 2010 as amended. Mark Traeger seconded. Marilyn Cormier abstained. Donna Green, Mark Traeger, Matt Russell, Ed Mencis, Nelson Rheume and Ernie Brown voted in favor of the motion.

**May 18, 2010**

**MOTION:** Ed Mencis made a motion to approve the minutes of May 18<sup>th</sup>, 2010 as amended. Marilyn Cormier seconded. Mark Traeger and Ernie Brown abstained. Donna Green, Matt Russell, Ed Mencis, Nelson Rheume and Marilyn Cormier voted in favor of the motion.

**Correspondence:**

- **Letter from Richard Drowne requesting that Woodbury Lane be accepted as a town road.** Steve Keach stated that Woodbury Lane was reconstructed and is 100% completed. The monuments have been set and this is a formal request to the Planning Board to recommend road acceptance.

**MOTION:** Ed Mencis made a motion to recommend to the Board of Selectmen that Woodbury Lane be accepted as a town road. Marilyn Cormier seconded. **DISCUSSION ON THE MOTION:** Matt Russell asked if the Board of Selectmen conduct an onsite walk prior to road acceptance. Nelson Rheume stated he did not recall if that was an option that the selectmen voted on, however, he would check on it. Fred Daley stated that Mr. Drowne, the property owner, needs to be notified that he also needs to send a formal request to the Board of Selectmen. Voted unanimously in the affirmative.

45 **Surety Holdings – Continued Discussion**

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47 Chairman Green reported on the following developments that are currently in default of surety:

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49 **Avalon Estates** - Mrs. Green received a call from Mr. Landry of the Bank of New England  
50 informing her that they thought a bond was in place for this development. The bank is currently  
51 seeking legal advice regarding this matter.

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53 **MCC Northwoods** - Mrs. Green checked on the existence of the corporation in Delaware.  
54 There is a ten dollar fee for information and the board agreed to authorize her to move forward  
55 with her research. **MOTION:** Mark Traeger made a motion to authorize Chairman Green to  
56 expend ten dollars for the purpose of obtaining information from Delaware regarding MCC  
57 Northwoods. Marilyn Cormier seconded. Voted unanimously in the affirmative.

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59 **Riverbend Estates** - Property owner Robert Villella met with the board to discuss the surety  
60 issue. Mr. Villella stated he called Steve Keach and set up a meeting for June 2<sup>nd</sup> at 9 a.m. to  
61 check out not only Riverbend Estates but Tammy Lane and Glastombury Drive. Mr. Villella  
62 stated that his intention is to have all three of these developments paved within the next three  
63 weeks.

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65 Chairman Green asked where he was in respect to the phasing on Riverbend Estates.

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67 Mr. Villella replied that he has completed three phases, however, there is just binder in place on  
68 phase three. He stated that the paving can be completed in less time than he can get a surety in  
69 place from the bank.

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71 Mr. Keach explained the bonding process to the board and pointed out that at the time of  
72 approval, the board was concerned with premature build out and the rolling bond was put in  
73 place. According to the performance agreement, before phase two, there was a form that had to  
74 be executed by the Planning Board Chairman, however, that release never occurred. He stated  
75 that he was surprised that this error was not picked up by the mortgage companies. Mr. Keach  
76 stated the bond for Phase I lapsed because the Town did not act on the notice from the financial  
77 institution. The cost of pavement has almost doubled in cost since Mr. Villella. started this  
78 project. Mr. Keach stated he has driven all three projects and they are not in bad shape and with  
79 the level of effort Mr. Villella talked about, the roads could be completed in a month.

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81 Matt Russell stated that the planning board needs to make sure that all bonds are automatically  
82 renewed.

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84 The board discussed the importance of ensuring that there is a process in place that tracks active  
85 bonds so that this problem with sureties expiring does not happen in the future.

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90 Mr. Keach stated that under the terms of the performance agreement, Mr. Villella must post a  
91 bond or complete the work before building permits are issued. He stated that the responsibility is  
92 on Mr. Villella because without a bond or the work being completed, he will not receive a  
93 building permit.

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95 Chairman Green stated that each developer has to post a bond and complete the road. The bond  
96 is put in place to ensure quality.

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98 Mr. Keach stated that RSA 674:36 III(b) clearly states that if the work is completed, even  
99 without a bond in place, then the developer has done what they were required to do. Riverbend  
100 needs to be top coated soon.

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102 Marilyn Cormier asked if we no surety in place, how do we ensure the work is done correctly?

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104 Mr. Keach replied that it is probably minor work that needs to be done in certain areas and at this  
105 point it is more of a concern to get the work done.

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107 Ed Mencis stated that he understands that it will take up to 45 days to get a bond in place and it  
108 would be better to allow Mr. Villella. to complete the work.

109

110 Matt Russell stated that it's a problem because we need to enforce the subdivision regulations  
111 and not requiring that the bond be put in place may be setting precedence.

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113 Mark Traeger stated that not allowing building permits to be issued is more restrictive than  
114 requiring that a bond be in place.

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116 Chairman Green stated that we are keeping the building permit embargo in place, however, there  
117 is always the last phase of this project that has yet to be started.

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119 Fred Daley suggested that the roads be paved on Mr. Villella's timeline, which is 30 days. When  
120 Phase IV is ready to be started, the rolling bond concept can be re-instated as per the original  
121 agreement.

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123 MOTION: Mark Traeger made a motion to grant Montana Realty Trust thirty (30) days from  
124 this meeting date to start the paving on Riverbend. No building permits shall be issued until  
125 paving is completed. Phase IV cannot begin until bonding has been posted as per the original  
126 performance agreement. Ed Mencis seconded. DISCUSSION ON THE MOTION: Chairman  
127 Green asked that the motion include that no building permits would be issued for Phase IV. Mr.  
128 Keach stated that Mr. Villella cannot receive building permits for phase IV unless the bond is in  
129 place. Mr. Brown agreed stated that the bond requirement has it covered. VOTE ON THE  
130 MOTION: Mark Traeger, Matt Russell, Ed Mencis, Marilyn Cormier, Nelson Rheaume and  
131 Ernie Brown voted in favor of the motion. Donna Green voted against the motion. MOTION  
132 PASSED.

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Mr. Villella. stated that he posted the first surety in 2003 and the second one in 2007. He stated he is being punished because the town's house was not in order. On May 4<sup>th</sup> it was brought up to the planning board about the sureties, then again discussed on May 18<sup>th</sup>. On May 19<sup>th</sup> a letter was issued but he did not get notification of this meeting until May 26<sup>th</sup> at the selectmen's meeting. He stated he was going to pave the road last year, but one of the selectmen, Mrs. Bonasoro, said all the homes had to be built first. He stated that he will do the best he can but the problem is that if he has a house sold, he will be coming back for a building permit.

Matt Russell asked Mr. Villella how it is that the board is punishing Montana Realty.

Mr. Villella replied that it is the board's responsibility to keep the PREA accounts and bonds in order.

Chairman Green stated that Mr. Villella has a responsibility to keep the bonds in place and when a bond expires, the bank would also be notifying him.

Matt Russell stated that Map 19, Lot 17 the lot that has the cease and desist on it, the bridge was never installed.

Mr. Villella stated that he has talked to Lynn Blaisdell about this and the selectmen want to have the bridge installed. This issue in the selectmen's hands.

Chairman Green asked when the as built would be submitted for Map 17-3.

Mr. Villella replied that the board would have the as built for the 4 lot subdivision known as Hillside Estates (Map 17-3) in 30 days.

*Note: The board took a 5 minute break at 8:35 p.m. and returned to the meeting at 8:42 p.m.*

- **Discussion of raising current school impact fees** - This discussion will be placed on the next agenda. Mr. Mencis will get the per pupil cost from Administrative Assistant Patterson prior to the meeting.
- **Survey Software:** Administrative Assistant Patterson will research information on the survey software for the next meeting.

### **Review and adoption of CTAP Community Planning Roadmap**

The Planning Board reviewed the CTAP Community Planning Roadmap and discussed which two projects to select for this grant.

MOTION: Marilyn Cormier made a motion to adopt the CTAP Community Planning Roadmap

180 and request that the following two projects be inserted: Review of Site Plan and Subdivision  
181 Regulations and the Community Visioning for the update of the Master Plan. Ed Mencis  
182 seconded. Voted unanimously in the affirmative.

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184 **Review and adoption of Amended By-Laws, Rules of Procedure and General Governing**  
185 **Rules for the Sandown Planning Board.**

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187 The board members reviewed the document which included minor revisions and formatting  
188 changes.

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190 MOTION: Mark Traeger made a motion to adopt the *By-Laws, Rules of Procedure and General*  
191 *Governing Rules for the Sandown Planning Board* as amended. Ed Mencis seconded.

192 DISCUSSION ON THE MOTION: Nelson Rheume stated that the section for the secretary is  
193 unnecessary. Chairman Green stated that she had wanted the position of board secretary in the  
194 document as an executive officer of the board. The board secretary would be responsible for  
195 making sure that we meet our statutory obligations. At that time, the board did not agree and  
196 voted to revert to the original wording. Fred Daley stated that he made the motion to strike it but  
197 after discussion, it was agreed to leave the original wording in the document. VOTE ON THE  
198 MOTION: Voted unanimously in the affirmative.

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200 **Other Business:**

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202 **Rockingham Planning Commission Annual Meeting** – Administrative Assistant Patterson  
203 announced that the RPC is holding their annual meeting on Wednesday, June 9<sup>th</sup> at Brookstone  
204 Park in Derry. Mark Traeger stated he is attending this event. Matt Russell recommended that  
205 the cost of this event should be paid out of the planning board budget because Mr. Traeger is our  
206 representative to RPC and he will bring back information to the board.

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208 **MOTION:** Matt Russell made a motion to reimburse Mark Traeger the cost for attending the  
209 Rockingham Planning Commission Annual Meeting. Ed Mencis seconded. VOTE ON THE  
210 MOTION: Matt Russell, Ed Mencis, Marilyn Cormier, Nelson Rheume and Ernie Brown voted  
211 in favor of the motion. Mark Traeger abstained. Donna Green voted against the motion.  
212 MOTION PASSED.

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214 **Local CTAP Collaborative Grants – Vice Chairman Mark Traeger**

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216 Mark Traeger explained that the Community Technical Assistance Program (CTAP) is a New  
217 Hampshire Department of Transportation (NHDOT) five-year initiative to assist the 26  
218 communities that will be affected by the rebuilding of Interstate 93. The purpose of CTAP is to  
219 promote beneficial growth patterns and development practices to minimize the negative effects  
220 of growth on community services, remaining open space, schools, existing traffic patterns,  
221 quality of the environment, and existing residential and commercial development. The Local  
222 CTAP Collaborative Grant is a Phase Two Program of CTAP intended to help two or more local  
223 governments undertake a cooperative project that addresses an immediate concern to their  
224 communities and helps to achieve the broad goals of CTAP.

225  
226 Mr. Traeger stated he is working on the grant application and requested the grant application be  
227 submitted under the auspices of the Planning Board.

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229 MOTION: Ed Mencis made a motion to endorse the submission of the grant application under  
230 the auspices of the Planning Board. Marilyn Cormier seconded. Voted unanimously in the  
231 affirmative.

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233 **Old Business:**

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235 **Inspection Report Update** - Marilyn Cormier asked Mr. Keach to update the information on the  
236 April 8<sup>th</sup> inspection report for Montana Realty Trust erosion control. (Hillside Estates)

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238 Mr. Keach stated that there are areas in Phase III, as you approach the cul de sac on the right  
239 hand side, where the banking has never properly vegetated.

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241 Marilyn Cormier stated that what concerns her is that the inspection report says Phases II, 4b and  
242 4c have been taken care of but what can be done about the erosion on 4b?

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244 Steve Keach replied that the roads are very rocky in Phase 4. There has been little or no activity  
245 on the site in the last year. The road is approaching sub grade. Because it is a construction site,  
246 there are pockets of erosion that may risk degrading the work that has already been done on the  
247 site. The inspection that was done previously is still valid.

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249 Marilyn Cormier asked what needs to be done now? In the inspection report Mr. Chabot  
250 recommended restoration on 4b and 4c.

251  
252 Steve Keach replied that nothing needs to be done right now. Mr. Villella will need to put down  
253 a level of gravel. In Phase 4, we are concerned about the degradation of the work that has been  
254 done. Mr. Villella gets notified of the inspection report from Mr. Chabot.

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256 Chairman Green asked what kind of assurance does the board have that the inspections are  
257 followed up on?

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259 Steve Keach stated that if there is an item that needs to be done, the developer is notified. Steve  
260 Chabot keeps a record of items that need to be completed and works with the developer to make  
261 sure any outstanding issues are completed.

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264 **Cease and Desist Update** - Nelson Rheume informed the board that in regards to the cease and  
265 desist on Map 14, Lot 70, the selectmen have asked the town attorney what the next step would  
266 be to ensure compliance with the Cease and Desist Order.

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Chairman Green stated that due to the lateness of the evening, the following items will be placed on the next agenda:

- **Consolidated spreadsheet showing PREA accounts and sureties**
- **Discussion of raising Planning Board fees/Site Plan Review and Subdivision**
- **Discussion on school impact fees.**

**Adjournment**

MOTION: Matt Russell made a motion to adjourn. Ed Mencis seconded. Voted unanimously in the affirmative. MEETING ADJOURNED AT 10:14 p.m.

Respectfully submitted,

Bette Patterson, Administrative Assistant