

Sandown Planning Board
Minutes
October 5, 2010

Date: October 5, 2010

Place: Sandown Town Hall

Members Present: Donna Green, Chairman, Mark Traeger, Vice Chairman, Matt Russell, Ed Mencis, Steven Meisner, Tom Tombarello, Ex- Officio, Alternate Fred Daley and Alternate Ernie Brown.

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

Absent: Marilyn Cormier.

Opening: Chairman Green opened the meeting at 7:04 p.m. Chairman Green announced that Alternate Ernie Brown would be serving on the board in Marilyn Cormier's absence.

Approval of Minutes

September 7th, 2010 – MOTION: Mark Traeger made a motion to approve the minutes of September 7th, 2010 as amended. Ed Mencis seconded. Tom Tombarello abstained. Donna Green, Mark Traeger, Matt Russell, Ed Mencis, Steven Meisner and Ernie Brown voted in favor of the motion. MOTION PASSED.

August 17th, 2010 – MOTION: Ed Mencis made a motion to revisit the minutes of August 17th, 2010 to allow for corrections to the amendments. Matt Russell seconded. Voted unanimously in the affirmative. MOTION PASSED.

The board reviewed corrections to the **amendments** from Chairman Green and agreed to review these minutes at the next meeting with changes.

September 21, 2010 - The board agreed to defer review of these minutes until the next meeting because they were incomplete.

Robert Vilella Request for Bond Releases for Hillside Estates and Request for Recommendation to Accept Roads

The board reviewed the report from Keach-Nordstrom Associates recommending the bond release in the amount of \$325,054.19 leaving a balance of \$12,441.60 to hold as surety for completion of remaining work. Steve Keach stated the recommendations are made in accordance with the development agreement done in 2006. The roads recommended for acceptance include Penacook, Meghan Drive which ties into Phase III, and Jana Circle.

Matt Russell discussed the **possibility of requiring completing roads before homes are built.**

MOTION: Ed Mencis made a motion to recommend the release of surety for Hillside Estates Subdivision Phase IV-A bond in the amount of \$325,054.19, leaving a balance of \$12,441.60 to complete the remaining improvements for the above referenced project. Tom Tombarello seconded. DISCUSSION:

45 Chairman Green stated she was uncomfortable with the report being given to the board at the last minute.
46 Mr. Keach stated that their office has been working around the clock and he did not have the opportunity
47 to get it to the board any sooner. VOTE ON THE MOTION: Voted unanimously in the affirmative.
48 MOTION PASSED.

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50 MOTION: Ed Mencis made a motion to recommend to the Board of Selectmen to accept the following
51 roads: Penacook, Meghan Drive (Stations 16+00 through 31+ 57.61) which ties into Phase III, and Jana
Circle. Mark Traeger seconded.

52 DISCUSSION: Chairman Green suggested this action may be premature because of snow plowing
53 concerns and she would like to hear comments from the public works director. The concern is that a
54 portion of this development is only accessible through the Town of Chester and the question is which
55 town will plow. Matt Russell stated that the selectmen will be making the decision on the snow plowing.
56 Steve Keach stated that public works director Genualdo would work with the Town of Chester to make
57 sure that the roads are cleared. VOTE ON THE MOTION: Voted unanimously in the affirmative.
58 MOTION PASSED.

59
60 Robert Vilella of Montana Realty Trust asked the board if it would be acceptable for the board to release
61 the entire surety for Hillside Estates (\$377, 495.79) and in turn he will submit a cash surety for
62 \$12,441.60. The reason for his request is that he is changing banks.

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64 MOTION: Ed Mencis made a motion to authorize the Planning Board Chairman to accept a check for
65 \$12,441.60 for replacement of the surety balance of \$12,441.60 for Hillside Estates Phase IV-A. Once
66 the cash surety is established, the Chairman is authorized to release the Letter of Credit in the amount of
67 the remaining balance, \$12,441.60. Mark Traeger seconded. Voted unanimously in the affirmative.
68 MOTION PASSED.

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70 Mr. Vilella stated that after the last planning board meeting, and discussions with several people in town,
71 he has directed his surveyor, Kevin Hatch to submit an application for a CUP for Riverbend Estates.

72
73 Matt Russell discussed his concerns that the selectmen did not make a determination earlier that a CUP
74 was required.

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76 **Planning Board Budget 2011**

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78 Chairman Green informed the board that the Budget Committee denied the planning board's request for
79 funding the Master Plan Update and the Consulting line will remain at \$7,000.00. The request for
\$1,000.00 for Grant applications was approved.

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81

82 **Subdivision Regulation Changes**

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84 Mark Traeger distributed language for LOC terms and a proposal for storm water
85 management.

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87 Steve Keach explained that he has written entirely new subdivision regulations for the Town of Deerfield
and recommended the board look at that document as well.

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89

90 The board agreed to address these changes in the next work session.

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92 **Zoning Change Proposals for 2011**

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94 The Board discussed the following possible amendments to the Zoning Ordinance:

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96 • Dark Sky Amendment – Mr. Traeger stated this is an innovative concept and easy to adopt.

97 • Windmill Amendment - This was suggested by Roger Barczak. There has been a new local
98 energy committee formed. Mr. Traeger suggested that this can wait until the local energy

99 committee says we need it because Sandown is in a low wind zone.

100 • Groundwater Withdrawal – Mr. Traeger stated this is only a recommendation by the State and
101 there is no legislation as yet. There is a movement to allow Towns to regulate groundwater
102 withdrawal with checks and balances. Mr. Keach stated that Sandown really does not have
103 any significant groundwater. Mr. Traeger stated part of the groundwater management is that you
104 try to recharge that water. Mr. Keach stated there are very limited areas of Sandown that have
105 aquifer potential. The town can do more for groundwater through what you propose for storm
106 water management and the site plan regulations because you are protecting what is here rather
107 than protecting withdrawals that are not here anyway.

108 • Wetland Ordinance – To re-submit to voters in 2011

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110 The Wetland Ordinance Amendment was presented to voters in 2010 and it failed to pass. The board
111 discussed if it would be better to wait to put this amendment on the warrant or place it on the ballot for
112 2011. Chairman Green polled the board as to whether to place the wetland ordinance on the 2011 ballot.
113 Ed Mencis, Ernie Brown, Steve Meisner and Matt Russell agreed that if there were changes to the
114 original proposed ordinance they would be willing to review it.

115

116 Fred Daley stated no because it's redundant and the ordinance has a result of giving a small number of
117 land owners additional restriction on their property. If he were to see a more comprehensive plan that
118 would address that issue, he would be in favor of reviewing it.

119

120 Steve Meisner stated that there are more problems with the wetlands when it comes to road salt and other
121 things that wash into the pond. He stated he lives on Phillips pond and this is a problem that their
122 association deals with.

123

124 Mr. Traeger stated that Shoreland protection act addresses those issues and we are trying to address the
125 wetlands that feed into water bodies.

126

127 Fred Daley discussed the fact that in the past it was by design that storm water runoff was directed into
128 water bodies. The new regulations provide for a buffer and would impact existing properties. We need to
129 educate people on pollution, improving septic designs and if we really want to accomplish our goal,
130 we need to put in public sewer. The present proposed ordinance puts a burden on a small group of
131 people and does not achieve pollution controls due to culverts penetrating the buffers. Mr. Daley added
132 that he also has major concerns about the classifications of wetlands.

133

Mr. Traeger stated that the wetland ordinance is designed to protect Great Bay from groundwater runoff

134 and pollution from contributory water ways.

135

136 There was a discussion on buffers, storm water runoff and impact of pollution on ground water and the
137 impact that this proposed ordinance would have on landowners.

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139 The board agreed to not move forward with the wetland ordinance for 2011. Members will direct their
140 efforts to working on this proposed ordinance over the next year for possible submission to the 2012
141 ballot.

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144 **By-Laws Amendment Discussion –**

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146 **Master Plan Committee** - Fred Daley distributed suggested language for the by-laws for the Master Plan
147 Committee. The reason for this language is to define the committee members, length of a member's
148 service on the committee, size of the committee, to change the name to be the Master Plan Advisory
149 Committee, as is common practice in the state and brings this into line with the recommendations of the
150 Office of Energy and Planning.

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152

153 **Surety Process Review and Changes were reviewed as follows:**

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155 **Planning Board receives original LOC (or other form of surety) from Bank:**

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1. Distribute to Chairman and Keach-Nordstrom

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2. Place on agenda as correspondence

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3. Consult with Planning Board Counsel to ensure:

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LOC is self calling, self renewing

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Terms of release as follows:

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Not to be released without a letter on Planning Board letterhead signed by the

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majority of the Planning Board and must be accompanied by a Notice of

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Decision signed by the Planning Board Chairman

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169 **Once surety has been accepted:**

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- File with all other surety information.

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- File in respective **development** folder.

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- Add to PB spreadsheet with time sensitive tickler.

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- Copy of revised spread sheet to Town Office Manager.

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- Distribute revised spreadsheet to PB members.

- 176 • The issuing institutions shall be notified that communication with respect to surety must
- 177 be sent to both Planning Board and Board
- 178 of Selectmen’s Office in separate cover.

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For Release of any surety:

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183 No surety is to be released without a letter on Planning Board letterhead signed by the majority
184 of the Planning Board and must be accompanied by a Notice of Decision signed by the Planning
185 Board Chairman.

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Correspondence

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- 191 • **Incoming:**

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- 194 ○ **Information on Law Lecture Series**
- 195 ○ **Information on LGC Conference**
- 196 ○ **Information on Broadband Meeting October 19th**

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Other Business:

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Non public session under RSA 91 A:3 II(c) reputation

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203
204 MOTION: Tom Tombarello made a motion to enter into non public session under NH RSA 91 A:3 II(c)
205 reputation. Matt Russell seconded. Chairman Green polled the board as follows:

206

207 Matt Russell – YES Ed Mencis – YES Donna Green- YES Mark Traeger- YES Steven Meisner –
208 YES Tom Tombarello – YES Ernie Brown- YES Fred Daley – YES

209

210 The Planning Board entered into non-public session at 10:25 p.m.

211

212 MOTION: Tom Tombarello made a motion to come out of non-public session and seal the minutes. Ed
213 Mencis seconded. Voted unanimously in the affirmative.

214

Adjournment

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217 MOTION: Ed Mencis made a motion to adjourn. Matt Russell seconded. Voted unanimously in the
218 affirmative. MEETING ADJOURNED AT 10:55 p.m.

219

Respectfully submitted,

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221 Bette D. Patterson

222 Administrative Assistant

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226

227 Respectfully submitted,

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230 Bette Patterson, Administrative Assistant