

1 Sandown Planning Board
2 Minutes
3 January 18, 2011
4
5

6 **Date:** January 18, 2011

7 **Place:** Sandown Town Hall

8 **Members Present:** Donna Green, Chairman, Vice Chairman Mark Traeger, Matt Russell, Steven
9 Meisner, Ed Mencis, Tom Tombarello, Ex- Officio.

10 **Also present:** Steven Keach, Town Consulting Engineer

11 **Absent:** Marilyn Cormier, Town Engineer Steve Keach, Alternate Fred Daley and Alternate Ernie
12 Brown. Bette Patterson, Administrative Assistant

13
14 **Opening:** Chairman Green opened the meeting at 7:01 p.m.
15

16 **Approval of Minutes**

17 MOTION: Ed Mencis made a motion to approve the minutes of December 14, 2011 as amended. Mark
18 Traeger seconded. Voted unanimously in the affirmative.
19

20 The board agreed to defer approval of the January 4, 2011 minutes until they were expanded.
21

22 **Correspondence**
23

24 **Letter from Julie LaBranche, CTAP Project Manager and Senior Planner Rockingham Planning**
25 **Commission** – Announcement of public informational meeting to present the final report of the Exeter
26 river corridor Bio-Inventory Project in the Towns of Danville, Fremont, and Sandown. Two public
27 informational meetings will be held and residents are welcome to attend either or both presentations at the
28 Fremont town Hall on Monday January 24, 2011 from 7:30 to 8:30 p.m. and/or Sandown town Hall on
29 Wednesday January 26, 2011 from 7:00 to 8:00 p.m. The presentations by Mark West, West
30 environmental, Inc. will include a summary of the project findings and final report for the Exeter River
31 corridor bio-Inventory Project. *Please note a copy of this letter is attached to the original set of minutes*
32 *on file in the Town Clerk's Office and available for review during regular business hours.*
33

34 **Continued Public Hearing for Design Review of a three lot Subdivision Application as**
35 **well as a 22 unit open space development for KDRM, LLC. The property is shown on**
36 **Map 5, Lot 28 on the Sandown Tax Map and located on 115 Hampstead Road. The**
37 **property is owned by KDRM, LLC.**
38

39 Kevin Camm, representing KDRM.LLC, stated the Fire Chief has been given the plans and Mr. Camm
40 met with him last week. The Fire Chief did not have a problem with the proposal and will forward his
41 comments to board. Mr. Camm stated that this application will go through the whole process, including
42 review by the Conservation Commission. Mr. Camm requested that the board close the design review
43 phase. The application will be filed for full review.
44

45 Chairman Green stated that at the request of the applicant, the Design Review phase for the KDRM.LLC
46 subdivision application is closed. The applicant will be notified in writing in accordance with RSA
47 676:4.

48
49 **Skipper Land Development** – Surety Release letter was circulated for signatures by board members.

50
51 **Public Hearing for review of an Application from Hans Martin Nicolaisen, II and Martha Nicolaisen and Richard and Penny Lewis.** The intent of this plan is to subdivide three lots
52 from existing Tax Map 20 Lot 10 and perform a Lot Line Adjustment with Tax Map 20, Lot 11.
53 Tax Map 20, Lot 10 is owned by Hans Martin Nicolaisen, II and Martha Nicolaisen. Tax Map 20,
54 Lot 11 is owned by Richard and Penny Lewis. The property is located on Fremont Road and
55 Odell Road.
56

57
58 Josh Manning, representing Nicolaisen/Lewis, presented the plan to the board for review.

59
60 Chairman Green asked if there could be a shared driveway.

61
62 Mr. Manning replied that based on the configuration of the property it would be tough to have a shared
63 driveway.
64

65 Chairman Green asked if the stone walls were going to remain.

66
67 Mr. Manning stated that he intends to request a waiver for shoulder maintenance. All lots will be in
68 excess of five acres.
69

70 ***KNA Report – Steven Keach Town Consultant Engineer***

71
72 *At your request, we have completed a technical review of project plans and supporting*
73 *information submitted to your Board by or on behalf of the applicant in the subject matter. To*
74 *date, we acknowledge receipt of the following information, which was the subject of our review:*
75

- 76 • *A copy of the proposed subdivision and lot line adjustment plan (2-sheets), dated*
77 *December 29, 2010 and last revised on January 04, 2011;*
- 78 • *A copy of an executed application for subdivision approval, dated November 11, 2010;*
- 79 • *A copy of test pit data, prepared August 12, 2009; and*
- 80 • *A copy of a Site-Specific Soil Survey Report, dated December 23, 2009.*

81
82 *Based upon our careful review and consideration of the foregoing information, we offer the*
83 *following comments and recommendations at this time:*
84

85 ***General Comments***

- 86
87 1. *Pursuant to the provisions of Section 7.11 of the Sandown Land Subdivision Control*
88 *Regulations, this proposal may be considered a Minor Subdivision since it “creates not*
89 *more than three new lots for building and development purposes” and “does not involve*
90 *the construction of any new public or private street”. As a “Minor Subdivision”, this*
91 *application is eligible for formal consideration and approval by your Board without first*
92 *being considered under Design Review.*
93

- 94 2. *As always, we recommend your Board make a determination for the record as to whether*
95 *or not the proposal being advanced under this application represents a Development of*
96 *Regional Impact as defined under RSA 36:55.*
97
98 3. *It does not appear any State project permits are required under this application.*
99
100 4. *We remind the applicant of the need to apply for and receive local Driveway Permits*
101 *prior to undertaking residential construction on platted Lots 20-10-1 through 20-10-3.*
102

103 **Zoning Matters**

- 104
105 1. *It appears that this proposal conforms to all applicable requirements of the Zoning*
106 *Ordinance as presented.*
107

108 **Planning/Design Matters**

- 109
110 1. *Note No. 5 on Sheet 1 of 2 of the project plans correctly states that a portion of the*
111 *subject premises is situated within a FEMA designated Special Flood Hazard Area. We*
112 *recommend the final project plans be expanded to graphically depict the boundaries of*
113 *the same.*
114
115 2. *Note No. 8 on Sheet 1 of 2 of the project plans correctly specifies a minimum horizontal*
116 *building setback of 50-feet is required from water bodies and wetlands (see Article III –*
117 *Part A – Section 1.D of the Zoning Ordinance). However, it appears that “line work”*
118 *provided on the project plans suggests a minimum horizontal setback of 75-feet is*
119 *required. We recommend text and graphics provided on the final project plans be*
120 *reconciled for consistency with the requirements of the Zoning Ordinance.*
121
122 3. *We recommend the text of Note No. 12 provided on Sheet 1 of 2 be revised to read:*
123 *“Pursuant to the provisions of Article VIII of the Sandown Zoning Ordinance, Public*
124 *Capital Facilities Impact Fees were assessed by the Planning Board at the time of*
125 *subdivision approval for New Development on platted Lots 20-10-1, 20-10-2 & 20-10-3.*
126 *Pursuant to the provisions of said Article VIII of the Zoning Ordinance and Section 9.26*
127 *of the Land Subdivision Control Regulations, a Public School Impact Fee of \$4,511.00*
128 *shall be collected at the time of issuance of a building permit for the construction of a*
129 *single-family detached dwelling on each of the aforementioned lots”.*
130
131 4. *We recommend the Legend provided on each sheet of the project plans be expanded to*
132 *indicate the specified line type used to define a “jurisdictional wetland boundary” also*
133 *defines the boundaries of the Wetland Conservation District.*
134
135 5. *It appears metes and bounds data for one or more courses of exterior parcel boundary,*
136 *situated between courses having reported lengths of 56.73 & 79.60-feet respectively,*

- 137 *along the frontage of platted Lot 20-10-1 were inadvertently omitted from the project*
138 *plans. These data should be added to the final plat.*
139
- 140 6. *The project plans identify a series of boundary monuments “to be set”. We recommend*
141 *each such monument be set by a Licensed Land Surveyor prior to or as a condition of*
142 *any approval ultimately granted to this application by your Board.*
143
- 144 7. *In order to fully satisfy the requirements of Article II – Part B – Section 3 of the Zoning*
145 *Ordinance, we recommend the project plans be expanded to graphically depict a 75 by*
146 *100-foot area of contiguous buildable land on each platted lot.*
147
- 148 8. *The project plans graphically depict an existing above-ground utility line running along*
149 *and parallel to the southerly line of Fremont Road and situated on the subject parcel. Is*
150 *an existing utility easement of record in place authorizing this encroachment? If so, we*
151 *recommend both the horizontal extent of such easement, as well as the book and page*
152 *number at which such easement is recorded at the RCRD be shown/noted on the final*
153 *project plans.*
154
- 155 9. *As specified on the project plans, the applicant proposes to convey a general highway*
156 *maintenance easement to the Town of Sandown over all lands owned by the applicant*
157 *situated with 25-feet of the occupied centerlines of both Odell Road and Fremont Road.*
158 *While the extent of this proposed easement is graphically depicted on the project plans,*
159 *we recommend the final project plans be expanded to define the lines of this platted*
160 *easement by metes and bounds. We further recommend this easement be conveyed to the*
161 *Town of Sandown by easement deed.*
162
- 163 10. *Section 9.19 of the Land Subdivision Control Regulations requires applicants of any*
164 *subdivision proposal to improve existing roadway shoulders along the frontage of any*
165 *parcel upon which future building and development is planned as an integral part of*
166 *such proposal. In this instance, the applicant’s subdivision proposal relies upon the*
167 *significant frontage available at Fremont Road to satisfy minimum frontage*
168 *requirements of the Zoning Ordinance, yet the current project plans are silent in regard*
169 *to planned shoulder improvements. That said, in most cases, this writer would simply*
170 *remind your Board and the applicant of the requirements of Section 9.19 and expect that*
171 *the final project plans be expanded to satisfy the same. However, in this instance, it*
172 *must be noted that the Sandown Road System Action Plan of 2008 specifies that the*
173 *segment of Fremont Road upon which the applicant’s property fronts is scheduled for*
174 *reconstruction by the Town of Sandown in 2012. Correspondingly, this writer questions*
175 *the public benefit of having a segment of shoulder improved in 2011 only to have those*
176 *same improvements destroyed at the time a larger roadway improvement project is*
177 *completed in 2012. That said, in this case we recommend that applicant request and be*
178 *granted a waiver from the requirements of Section 9.19 of the Land Subdivision Control*
179 *Regulations provided the applicant: (a) conveys the general highway easement discussed*
180 *in preceding Planning/Design Matters Comment No. 9 by deed to the Town of Sandown;*

181 *and (b) the applicant agrees to also convey one or more public drainage easements by*
182 *deed to the Town of Sandown, if it is determined such drainage easement(s) are needed*
183 *by the Town to properly complete the planned reconstruction of Fremont Road. If it is*
184 *anticipated that individual lots within the proposed subdivision may be conveyed to third*
185 *parties prior to preparation of final construction plans for planned public improvements*
186 *to Fremont Road in 2012, Part (b) described above could be satisfied without delay*
187 *provided the applicant is willing to grant the Town a “blanket” drainage easement at*
188 *this time.*

189
190 *11. It does not appear that this proposal, as currently presented, attempts to address the*
191 *requirements of Section 9.23 of the Land Subdivision Control Regulations pertaining to*
192 *subdivision recreation facilities.*

193
194 *12. We recommend Sheet 2 of 2 of the final project plans be stamped by both the Certified*
195 *Soil Scientist, who prepared the high intensity soil survey mapping, and by the Certified*
196 *Wetland Scientist, who delineated and defined the extent of jurisdictional wetlands,*
197 *shown thereon.*

198
199
200 *We trust the foregoing comments and recommendations will prove useful to your Board in its*
201 *review and consideration of the subject application. As always, please contact the writer in the*
202 *event you should have specific questions or further instructions related to this application at this*
203 *time.*

204
205 Chairman Green requested the applicant color in the wetland areas on the plan. She asked how
206 much of the natural buffer will be left.

207
208 Josh Manning showed on the plan where the natural buffers will be.

209
210 Chairman Green stated it's nice to maintain the rural look of this road.

211
212 Josh Manning stated the power company independently maintains the power lines and removes
213 limbs and trees that in the way. Something the land owner has no control over.

214
215 Matt Russell asked what is between Map 1 and 2 on the plan?

216
217 Josh Manning replied it the existing stream.

218
219 The culverts and roads were reviewed by Mr. Keach and the board.

220
221 Public comment:

222
223 Margaret Timledge stated she is concerned that stonewalls and trees may be removed. It would
224 be nice to keep the woods. She asked how far back the homes would be.

225
226 Mr. Manning replied it's just an approximate location of the homes. The Lewis property will not
227 gain any frontage. The only gain is in the back of the lot.

228
229 Chairman Green stated the preservation of the stone walls and trees is important. We have not
230 heard too much about keeping a tree buffer.

231
232 Mr. Keach stated his intention is to encourage construction with minimal impact on the lots.

233
234 Hans Nicolaisen stated tree preservation and stone walls is a great thing. We have the test pits
235 done. The lots are large. To keep the land as natural as possible is important to me.

236
237 Chairman Green stated there are three outstanding issues:

- 238
239 1. Subdivision – determination of regional impact
240 2. Waiver
241 3. Recreation facilities.

242
243 The board agreed after a brief discussion that this should be continued to the February meeting
244 so that the plan can address the items in the KNA report and include a more detailed waiver
245 request.

246
247 MOTION: Ed Mencis made a motion to accept this application for jurisdiction. Mark Traeger seconded.
248 Voted unanimously in the affirmative.

249
250 MOTION: Ed Mencis made a motion to continue this hearing to Tuesday, February 15, 2011. Steve
251 Meisner seconded. Voted unanimously in the affirmative.

252
253 *The board took a five minutes recess.*

254
255 **Public Hearing for review of an application for Lot Line Adjustment from J.H. Chase, LLC**
256 **for property shown on Tax Map 6, Lots 11-5 and 11-6. The property is owned by J.H.**
257 **Chase, LLC and is located in Phillips Pond Estates.**

258
259 Tim Lavalle, representing J.H. Chase, LLC presented the plan for a lot line change to the board for
260 review. The plan shows a no cut buffer zone that is physically marked on the property. Lot 6 had all the
261 frontage on the pond. The proposed lot line change allows for lot 5 to have frontage on the pond .

262
263 ***KNA Report – Steven Keach Town Consultant Engineer***

264
265 *At your request we have completed a technical review of the subject application. To date, we*
266 *acknowledge receipt of the following information, which was the subject of our review:*

- 267
268 • *A copy of the proposed lot line adjustment plan (3-sheets), dated December 16, 2011;*
269 *and*

- 270 • *Copy of an executed application for lot line adjustment, with attachments, dated*
271 *December 30, 2010.*

272

273 *Based upon our careful review and consideration of the foregoing information, we offer the*
274 *following comments and recommendations at this time:*

275

276 ***General Comments***

277

- 278 1. *No State project permits appear to be required under this application.*

279

280 ***Zoning Matters***

281

- 282 1. *This proposal appears to conform to all applicable requirements of the Zoning*
283 *Ordinance as presented.*

284

285 ***Planning/Design Matters***

286

- 287 1. *We recommend the text of Note No. 1 on Sheet 1 of 3 of the project plans be expanded to*
288 *cite the book and page numbers at which the current owner's deed is recorded at the*
289 *RCRD. Similarly, we recommend the text of Note No. 4 on the same sheet be expanded to*
290 *cite the plan number at which the referenced plat is recorded at the RCRD.*

291

- 292 2. *We recommend the owner/applicant sign Sheet 1 of 3 of the final project plans in the*
293 *space provided for that purpose.*

294

- 295 3. *We recommend Sheet 2 of 3 be expanded to note that Phillips Pond Drive is currently a*
296 *dedicated public way which has yet to be accepted as a Class V public highway.*

297

- 298 4. *We recommend Sheet 2 of 3 be expanded to indicate the intent to set boundary*
299 *monuments at the southeast and southwest corners of adjusted Lot 6-11-6. We also*
300 *recommend that all boundary monuments, specified as "to be set" on the final plat, be set*
301 *prior to or as a condition of any approval granted to this application by your Board.*

302

- 303 5. *Sheet 3 of 3 depicts both high intensity soil survey mapping and a delineation of*
304 *jurisdictional wetlands on the two subject parcels. We presume this information was*
305 *taken verbatim from the plan of reference cited in the text of Note No. 4 on Sheet 1 of 3.*
306 *If that presumption is correct, we recommend a note be added to the final project plans*
307 *acknowledging the same.*

308

309 Mr. Keach stated that the comments in his report have been addressed by the applicant.

310

311 Chairman Green asked how the no buffer zone was marked.

312

313 Mr. Lavelle replied that the sign are from the conservation commission and are nailed to the trees at
314 50foot intervals clearly marking the no cut zone. The sign are bright green and very visible.

315 Chairman Green stated she was forwarded an e-mail addressed to the conservation Commission regarding
316 concerns for the protection of Phillips Pond. *Please note a copy of this letter is attached to the original*
317 *set of minutes on file in the Town Clerk's Office and available for review during regular business hours*
318

319 Mark Traeger stated he understood the concern to protect the pond. There was an agreement made with
320 the Conservation Commission to create the no cut zone and that agreement does help protect the pond.
321

322 Mr. Lavalley stated the Conservation Commission originally was very concerned the trees were going to
323 be cut down. The owner made sure the agreement regarding the no cut zone would remain in place.
324

325 Chairman Green opened the meeting to public comment.
326

327 Ann Lake, an abutter asked what is the intent of the change? She stated that the discussion regarding the
328 no cut zone has answered her other questions.
329

330 Mr. Lavalley replied that the lot line change will allow lot 5 to have access to the pond.
331

332 Al Lake, President of Phillips Pond Association, stated with this change it borders o opening the barn
333 door. This creates an impression of access to the pond and the potential of two lots trying to gain access
334 to the pond instead of one lot. Rather than buyer beware, the Planning Board and Conservation
335 Commission should try to provide some protection for future property owners in Town.
336

337 Mark Traeger stated he wasn't sure the town can force a landowner to not use an access to the pond. If
338 the concern is that more docks may put in the lake, there are numerous permits from the state that are
339 required.
340

341 Mr. Lake stated that not many people have permits for their docks.
342

343 Mark Traeger stated that most of the docks were installed when the requirements were not as strict.
344

345 Chairman Green stated that we should consider protecting Phillips Pond. The board also needs a surety
346 on this property. There is a surety in place but we need an updated one that reflects the change of
347 ownership.
348

349 Mark Traeger stated the board should table this until we have the updated surety.
350

351 Steve Keach stated the land owner still has the right to make a lot line adjustment. The town does have a
352 surety in place. The surety the Town has is valid. It is irrevocable, it is just not in the name of J.H.
353 Chase.
354

355 MOTION: Ed Mencis made a motion to accept the application for jurisdiction. Steve Meisner seconded.
356 Voted unanimously in the affirmative.
357

358 MOTION: Ed Mencis made a motion to approve the Lot Line Adjustment from J.H. Chase, LLC for
359 property shown on Tax Map 6, Lots 11-5 and 11-6. The property is owned by J.H. Chase, LLC and is
360 located in Phillips Pond Estates. The following conditions shall apply:

- 361 1. Provide an updated surety in the amount and form acceptable to the Town of Sandown and
362 current owners to be identified.

363 2. Maintain a positive PREA Account.

364

365 Vote on the motion: Donna Green voted against the motion. Mark Traeger, Steve Meisner and Ed
366 Mencis voted in favor of the motion. MOTION PASSED.

367

368 **New Business**

369

370 **For Upcoming Work session – February 1, 2011** – 1.5 hours for Master Plan feedback from the
371 Planning Board. Discussion on Rockingham Planning Commission contract with the Town of Sandown.
372 List of projects and expectations for services.

373

374 **Mark Traeger had information on a Municipal Regional Impact Meeting for a proposed Nursing**
375 **Home in Danville. Notice came from Rockingham Planning Commission.**

376

377 **Conservation Commission** - Mark Traeger stated the Conservation Commission went over the Master
378 Plan questionnaire. Some items that the commission would like to see are low impact development,
379 wildlife corridors and more on the stormwater ordinance. There should also be some zoning behind this
380 to protect wildlife and reduce disturbance in developments particularly in terms of stormwater runoff.

381

382

383 **Adjournment**

384

385 MOTION: Ed Mencis made a motion to adjourn. Steve Meisner seconded. Voted unanimously in the
386 affirmative. MEETING ADJOURNED AT 9:45 p.m.

387

388 Respectfully submitted,

389

390

391 Bette Patterson, Administrative Assistant