

Sandown Planning Board
Minutes
February 15, 2011

Date: February 15, 2011

Place: Sandown Town Hall

Members Present: Donna Green, Chairman, Vice Chairman Mark Traeger, Steven Meisner, . Alternate Fred Daley and Alternate Ernie Brown.

Also present: Steven Keach, Town Consulting Engineer and Bette Patterson, Administrative Assist

Absent: Marilyn Cormier, Matt Russell, Ed Mencis and Tom Tombarello, Ex- Officio.

Opening: Chairman Green opened the meeting at 7:04 p.m. Chairman Green announced that Mr. Brown would be serving for Mr. Mencis and Mr. Daley would be serving for Mrs. Cormier.

Approval of Minutes

MOTION: Fred Daley made a motion to approve the minutes of January 18, 2011 as amended. Mark Traeger seconded. Voted unanimously in the affirmative.

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

Correspondence

Incoming Correspondence:

DES letter dated December 21st, 2010 regarding the 5 year extension DES granted to Hersey Highlands Alteration of Terrain Permit. This permit will expire in 2013.

Conservation Commission Letter dated 1/14 regarding review of an expedited dredge and fill plan submitted by MHF Design consultants on behalf of Mark Falkenham for a wetland crossing on a proposed new driveway at 144 Wells Village Road. The Conservation Commission voted to approve the plans with conditions that the applicant follow the new Section 9.18 of the Sandown Zoning Regulations titled Design and Construction Standards for Drainage and Stormwater Management Facilities and that best management practices as outlined in Stormwater Management and erosion and Sediment control Handbook for Urban and Developing Areas in New Hampshire, published by the NHDES.

Continued 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 from existing Tax Map 20 Lot 10 and perform a Lot Line Adjustment with Tax Map 20, Lot 11. Tax Map 20, Lot 10 is owned by Hans Martin Nicolaisen, II and Martha Nicolaisen. Tax Map 20, Lot 11 is owned by Richard and Penny Lewis. The property is located on Fremont Road and Odell Road.

Josh Manning, L.L.S. of Points North Design Group and Hans Nicolaisen presented the plans to the board.

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KNA Report Dated February 14, 2011– Reviewed by Steven Keach Town Consultant Engineer

Subject: ***Proposed Subdivision of the Land of Hans & Martha Nicolaisen
Fremont Road (Map 20 – Lots 10 & 11); Sandown, New Hampshire
KNA Project No. 10-0818-1***

As you may recall, on January 12th this office issued a letter report germane to the subject application. Within that report we summarized a series of technical comments and recommendations generated as a result of our review and consideration of project plans and application materials received through that date. On February 14, 2011 this office received a subsequent submittal from the applicant’s consultant consisting of:

- A copy of the proposed subdivision and lot line adjustment plan (2-sheets), dated December 29, 2010 and last revised on February 12, 2011; and*
- A cover letter addressed to this office, as prepared by the applicant’s consultant on February 14, 2011.*

Based upon our careful review and consideration of the foregoing information, we are pleased to report that it appears that the applicant’s consultant was able to satisfactorily address the majority of our previous comments and recommendations. As such, our remaining comments and recommendations are limited to the following at this time:

- 1. The project plans identify a series of boundary monuments “to be set”. We continue to recommend each such monument be set by a Licensed Land Surveyor prior to or as a condition of any approval ultimately granted to this application by your Board.*
- 2. As specified on the project plans, the applicant proposes to convey a general highway maintenance easement to the Town of Sandown over all lands owned by the applicant situated with 25-feet of the occupied centerlines of both Odell Road and Fremont Road. We recommend this easement be conveyed to the Town of Sandown by an easement deed recorded contemporaneously with the final plat.*
- 3. As discussed at the January 14th public hearing, Section 9.19 of the Land Subdivision Control Regulations requires applicants of any subdivision proposal to improve existing roadway shoulders along the frontage of any parcel upon which future building and development is planned as an integral part of such proposal. In this instance, the applicant’s subdivision proposal relies upon significant frontage available at Fremont Road to satisfy minimum frontage requirements of the Zoning Ordinance, yet project plans submitted to your Board were silent in regard to planned shoulder improvements. In most cases this writer would have simply reminded your Board and the applicant of*

92 *the requirements of Section 9.19 and would have expected that the final project plans be*
93 *expanded to satisfy the same. However, as previously acknowledged, the Sandown*
94 *Road System Action Plan of 2008 specifies the segment of Fremont Road upon which the*
95 *applicant's property fronts is scheduled for reconstruction by the Town of Sandown in*
96 *2012. Since this writer questioned the public benefit of having a segment of shoulder*
97 *improved in 2011 only to have those same improvements destroyed at the time a larger*
98 *roadway improvement project is completed in 2012, we previously recommended that*
99 *applicant request and be granted a waiver from the requirements of Section 9.19 of the*
100 *Land Subdivision Control Regulations provided the applicant: (a) conveys the general*
101 *highway easement discussed in preceding comment by deed to the Town of Sandown;*
102 *and (b) the applicant agrees to also convey a public drainage easement by deed to the*
103 *Town of Sandown in order to facilitate the Town's planned reconstruction of Fremont*
104 *Road. Based upon subsequent input from the applicant's consultant, we understand the*
105 *applicant has opted to accept our recommendation and will therefore be submitting a*
106 *written waiver request for review and consideration by your Board. In the event your*
107 *Board votes to approve this waiver, we recommend a note be added to the final plat*
108 *acknowledging the same and any approval of the subject application be conditional*
109 *upon receipt of executed and recordable general highway and drainage easement deeds.*
110

111 4. *Based upon discussion which occurred at the January 14th public hearing, we*
112 *understand the applicant agreed to consider the construction of certain off-site, in lieu of*
113 *on-site, recreational improvements in order to satisfy the requirements of Section 9.23 of*
114 *the Land Subdivision Control Regulations. In the event this proposal ultimately proves*
115 *to be acceptable to all parties, we recommend a notation describing the same be added*
116 *to the final plat prior to or as a condition of approval.*
117

118 5. *We continue to recommend Sheet 2 of 2 of the final project plans be stamped by both the*
119 *Certified Soil Scientist, who prepared the high intensity soil survey mapping, and by the*
120 *Certified Wetland Scientist, who delineated and defined the extent of jurisdictional*
121 *wetlands, shown thereon.*
122

123 *We trust the foregoing comments and recommendations will prove useful to your Board in its*
124 *continued review and consideration of the subject application. As always, please contact the*
125 *writer in the event you should have specific questions or further instructions related to this*
126 *application at this time.*
127

128 Mr. Keach stated that his office received a letter and updated plan from Points North Design
129 Group on February 14, 2011. The updated plan addressed most of the technical comments and
130 recommendations generated as a result of the KNA review and consideration of project plans and
131 application materials received through that date.
132

133 Mr. Manning submitted a written waiver request for the Planning Board's consideration. The
134 applicant is requesting a waiver to Section 9.19 of Sandown's Land Subdivision Control
135 Regulations. In lieu of improving existing roadway shoulders along the frontage of this property

136 the applicant will grant both a general highway maintenance easement as well as a blanket
137 drainage easement to the town of Sandown for the benefit of future road construction projects in
138 this area.

139
140 Steven Keach stated the Sandown Road System Action Plan of 2008 specifies the segment of
141 Fremont Road upon which the applicant's property fronts is scheduled for reconstruction by the
142 Town of Sandown in 2012. Mr. Keach stated it his opinion there is no public benefit of having a
143 segment of shoulder improved in 2011 only to have those same improvements destroyed at the
144 time a larger roadway improvement project is completed in 2012. KNA previously
145 recommended that the applicant request and be granted a waiver from the requirements of
146 Section 9.19 of the Land Subdivision Control Regulations and if the waiver is granted it is a
147 condition of approval and noted on the final plat for recording.

148
149 Chairman Green read the following letter from Fire Chief Tapley:

150

151 *February 10, 2011 Re: Tax Map 20 Lot 10*

152

153 *I have reviewed the plans to subdivide three lots from the existing Tax Map 20 Lot 10 and to*
154 *perform the Lot line adjustment from Tax Map 20 Lot 11 and have found nothing of concern for*
155 *the Sandown Fire Department with this subdivision as planned at this time.*

156

157 *Sincerely,*

158

159 *Wilfred Tapley Chief,*

160 *Sandown fire Department*

161

162 Chairman Green stated there are three outstanding issues:

163

- 164 1. Subdivision – determination of regional impact
- 165 2. Waiver Request
- 166 3. Recreation facilities.

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169 ***Regional Impact Determination***

170 **MOTION:** Mark Traeger made a motion that the Sandown Planning Board determines that this
171 subdivision application has no regional impact. Fred Daley seconded. Voted unanimously in the
172 affirmative.

173

174 ***Waiver Request***

175 **MOTION:** Mark Traeger made a motion to grant a waiver to Section 9.19 of Sandown's Land
176 Subdivision Control Regulations. In lieu of improving existing roadway shoulders along the
177 frontage of this property the applicant will grant both a general highway maintenance easement
178 as well as a blanket drainage easement to the town of Sandown for the benefit of future road

179 construction projects in this area. This waiver is to be noted on the final plat for recording.
180 Steve Meisner seconded. Voted unanimously in the affirmative.

181

182 ***Recreation facilities***

183 Mr. Nicolaisen stated he would be willing to work with the Conservation Commission to complete
184 construction of certain off-site, in lieu of on-site, recreational improvements to the Town Forest
185 trails that are located across the street from the Nicolaisen property. This would satisfy the
186 requirements of Section 9.23 of the Land Subdivision Control Regulations.

187

188 Mark Traeger explained that he has talked with Mr. Nicolaisen about this and agrees that it
189 would be a benefit to the residents. The work would be to improve the trails for public use and
190 improve the parking area.

191

192 The board discussed accepting this in lieu of a recreation donation. Mr. Keach stated the board typically
193 waives this requirement for smaller subdivisions. The residents would benefit from the proposed
194 improvements to this section of the Town Forest.

195

196 Dawn Nicolaisen stated she is a member of the Recreation Commission and the property owner. She
197 stated she does not want a conflict of interest and asked the board if they have the authority to allow the
198 trail construction improvements to be in lieu of a recreation donation.

199

200 Steven Keach replied that the Sandown Planning Board has the authority to accept the proposal for
201 recreational facilities.

202

203 Fred Daley replied that the board has already set precedence with Phillips Pond Estates. They were
204 allowed to use recreation money for pond improvements.

205

206 **MOTION:** Mark Traeger made a motion to accept the construction of certain off-site, in lieu of on-
207 site, recreational improvements to the Town Forest trails which satisfy the requirements of
208 Section 9.23 of the Land Subdivision Control Regulations. Fred Daley seconded.

209 **DISCUSSION:** The board agreed that a note shall be placed on the final plat for recording
210 outlining the agreement with the Conservation Commission. The work will include a walking
211 trail approximately two to three feet wide as delineated by the Conservation Commission and
212 improvements made to the parking lot on the section of town forest located on Fremont Road to
213 Odell Road. Mr. Keach stated this should be noted as a condition of approval on the final plat
214 for recording. **VOTE ON THE MOTION:** Voted unanimously in the affirmative.

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216 **MOTION:** Fred Daley made a motion to conditionally approve an application previously filed with the
217 Board by Hans Martin Nicolaisen, II and Martha Nicolaisen and Richard and Penny Lewis the owners of
218 land identified on Sandown Tax Map 20 as Lots 10 & 11. and as depicted on a plat submitted to the
219 Board, this application involves: (a) the subdivision of Map 20 – Lot 10 into a total of four parcels
220 intended to be identified as Lots 10, 10-1, 10-2 & 10-3; and (b) a lot line adjustment between Lots 10 &
221 11 which results in the transference of 4.53 acres of land area from Lot 10 to Lot 11.

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226 Said approval is subject to the applicant satisfying each of the five (5) following conditions prior to
227 signature and recording of the final plat at the Rockingham Registry of Deeds:

228

229 1. Applicant shall maintain a positive PREA Account balance.

230

231 2. A note shall be added to the final plat acknowledging a waiver from the requirements of Section 9.19
232 of the Land Subdivision Control Regulations was granted by the Sandown Planning Board on
233 February 15, 2011.

234

235 3. All proposed boundary monuments specified as “to be set” on the plat shall be installed and certified
236 by a Licensed Land Surveyor.

237

238 4. Applicant shall provide an executed easement deed for conveyance of certain general highway and
239 drainage easements as depicted and defined on the final plat to the Town of Sandown.

240

241 5. A note shall be added to the final plat for the purpose of describing certain recreational
242 accommodations, intended to satisfy the requirements of Section 9.23 of the Land Subdivision
243 Control Regulations, as proposed by the applicant and determined acceptable by the Planning Board.
244 Said recreational improvements shall be satisfactorily completed within the Sandown Town Forest
245 (Map 15, Lot 9) within two years of the recording of the final plat at the Rockingham County
246 Registry of Deeds.

247

248 Mark Traeger seconded. Voted unanimously in the affirmative.

249

250 **Master Plan Questionnaire – Board discussion**

251

252 Fred Daley, Chairman of the Master Plan Committee, explained that the responses to the first set of letters
253 requesting information and comment from departments and community groups was not good. A second
254 letter has been sent out as a follow up. The committee is meeting on February 16th to discuss visioning
255 and community outreach.

256

257 Chairman Green reviewed The Future Land Use section in Chapter 10 of the current Master Plan. These
258 recommendations include encouraging open space cluster development, increasing front lot setbacks
259 along existing town roadways and maintaining tree buffers along the property frontage.

260

261 Chairman Green stated she supported another recommendation in this chapter to require common
262 driveways to service proposed lots along exiting town roads, reducing tree clearing for multiple driveway
263 entrances. She stated this would reduce the number of multiple driveway access points.

264

265 Mark Traeger disagreed stating that it’s not a good practice for future land use.

266

267 Steve Meisner stated that Sandown currently has a number of common driveways and it would not be
268 good to mandate this type of thing.

269

270 Board members did agree that mandatory phasing of subdivisions needs to be researched further. This
271 may be an amendment that would fit into the subdivision regulations at a future date.

272

273 Mark Traeger stated that there is \$9,600 available from Rockingham Planning Commission to update the

274 Transportation Chapter of the Master Plan.

275

276 The board discussed the need for public transportation and the need to re-instate the CART program.

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279 *The board took a five minute recess at 8:50 p.m. and returned to session at 8:55 p.m. Please note the*
280 *Administrative Assistant left the meeting at 8:54 p.m.*

281

282 **Other Business:**

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284 **Discussion on Rockingham Planning Commission contract with Town of Sandown. Discussion to**
285 **include list of projects and expectations for services.**

286

287 Chairman Green stated she signed the RPC contract on behalf of the Planning Board. A copy is on file in
288 the Selectmen's Office.

289

290 The board discussed a timeframe for the recommendations and it was agreed to have Julie LaBranche
291 meet with the board to give an overview of the services they will provided and recommend a timeline for
292 completion. Mr. Traeger will set up a mutually convenient time with Ms. LaBranche.

293

294 **RPC Updates**

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296 Chairman Green and Vice Chairman Traeger attended the RPC meeting last week. They are both
297 members of the legislative policy committee which looks at proposed legislation as it effects Planning
298 Boards in the area. Currently there is proposed legislation to eliminate rail authorities. Some RPC
299 members are not in favor of this.

300

301 **Adjournment**

302

303 MOTION: Ernie Brown made a motion to adjourn. Steve Meisner seconded. Voted unanimously in the
304 affirmative. MEETING ADJOURNED AT 9:09 p.m.

305

306 Respectfully submitted,

307

308

309 Bette Patterson, Administrative Assistant