

Sandown Planning Board  
Minutes  
March 1, 2011

**Date:** March 1, 2011

**Place:** Sandown Town Hall

**Members Present:** Donna Green, Chairman, Vice Chairman Mark Traeger, Matt Russell, Steven Meisner, Ed Mencis, Alternate Ernie Brown.

**Also present:** Bette Patterson, Administrative Assistant

**Absent:** Tom Tombarello, Ex- Officio, Marilyn Cormier, Town Engineer Steve Keach and Alternate Fred Daley

**Opening:** Chairman Green opened the meeting at 7:01 p.m. and announced that Alternate Ernie Brown would be serving in pace of Marilyn Cormier for this meeting.

**Approval of Minutes**

MOTION: Mark Traeger made a motion to approve the minutes of February 15, 2011 as amended. (L178-179 Change to “for the planned relocation of this section of Fremont Road in 2012” L269 Change to “encourage common driveways” L276 Change “instate” to “examine” L262 add “exiting on to town roads.” L296 “bother” to “both” L298 Add “The New Hampshire Rail Authority” ) Ernie Brown seconded. Voted unanimously in the affirmative.

Chairman Green reviewed the changes previously voted on for the January 18<sup>th</sup> minutes and requested that this set of minutes be updated.

**Correspondence**

Administrative Assistant Patterson informed the board that the Fire Chief has responded to the Master Plan Committee’s letter. The information has been forwarded to the Committee Chairman, Fred Daley. Matt Russell requested a copy because there may be information that is pertinent to the CIP Committee.

Chairman Green stated that she is researching the validity of retaining recordings of the meeting either by tape or CD. The board agreed that the procedure for retaining recordings will be reviewed at a future work session.

**Robert Pruyne – Town of Sandown CTAP Buildout Report**

Mr. Pruyne presented the board with the CTAP (Community Technical Assistance Program) buildout report which is a detailed buildout analysis for the town of Sandown. CTAP is a five year initiative designed to assist communities that will be affected by the rebuilding of I-93. This buildout is designed to allow a community to assess future needs and help reduce any negative consequences from the increased development pressure caused by the widening of I-93.

Mr. Pruyne explained that the buildout is a tool that allows planners to estimate future development based on different scenarios. The buildout analysis shows the maximum growth that is possible in a community under current land use regulations.

48 Mr. Pruyne stated he would add the boundary communities to the maps as Mr. Mencis suggested. The  
49 final report will be submitted to the board as soon as possible.

50

51 *A copy of the draft CTAP Buildout Report is available for review in the Planning Board office and a copy*  
52 *is attached to the original set of minutes on file in the Town Clerk's Office.*

53

54 **Julie LaBranche – Discussion on Rockingham Planning Commission contract with Town of**  
55 **Sandown. Discussion to include list of projects and expectations for services**

56

57 Ms LaBranche, Senior Planner, submitted a memo outlining the services that will be provided to the  
58 planning board. The project are: Update to Transportation Chapter of the Master Plan and development  
59 of new Road Standards.

60

61 Chairman Green stated she would like to explore the town's participation in CART.

62

63 Ms. LaBranche stated they will be working with Public works director Arthur Genualdo because there is  
64 already an existing road plan. RPC will also be working with the fire department to ascertain what kind  
65 of road widths are required for safety vehicles.

66

67 Ms. LaBranche reviewed questions in the memo with the board. The board responses are being used to  
68 guide development of the stormwater management ordinance and Low Impact Development regulations.

69

70 Ms. LaBranche also reviewed the work plan and schedule of completion for both tasks. Ms. LaBranche  
71 will be scheduled to meet with the planning board for the next several work sessions.

72

73 *A copy of the contract is available for review in the Planning Board office and a copy is attached to the*  
74 *original set of minutes on file in the Town Clerk's Office.*

75

76 **Non- Public NH RSA 91A:3 – (b) The hiring of any person as a public employee.**

77

78 MOTION: Matt Russell made a motion to enter non-public session under NH RSA 91A:3 – (b) The  
79 hiring of any person as a public employee. Ernie Brown seconded. Chairman Green polled the board:  
80 Donna Green, Chairman,- YES Vice Chairman Mark Traeger-YES Matt Russell-YES Steven  
81 Meisner-YES Ed Mencis,-YES Alternate Ernie Brown-YES

82

83 The Planning Board entered non-public session at 9:04 p.m.

84

85 MOTION: Matt Russell made a motion to retire from non-public session at 9:25 p.m. Ed Mencis  
86 seconded; Chairman Green polled the board: Donna Green, Chairman,- YES Vice Chairman Mark  
87 Traeger-YES Matt Russell-YES Steven Meisner-YES Ed Mencis,-YES Alternate Ernie Brown-  
88 YES

89

90 MOTION: Ed Mencis made a motion to seal the minutes until they are no longer pertinent. Matt Russell  
91 seconded. Voted unanimously in the affirmative.

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96 **Other Business:**

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98 Chairman Green stated that the Board of Selectmen have lifted the cease and desist order on the Sarkozy  
99 property. Before discussing this issue, Chairman Green read from the ethic's handbook as a reminder of  
100 ethical obligations of planning board members.

101

102 Matt Russell stated that there was no discussion of the CUP by the selectmen. The planning board and  
103 conservation commission were not informed of the agenda item to discuss the lifting of the cease and  
104 desist order. Three or four months ago the planning board agreed that a CUP was necessary. Mr. Villella  
105 agreed on October 5<sup>th</sup>, 2010 to submit an application for a CUP. Mr. Russell stated he was disappointed  
106 that the selectmen did not require the CUP or ask about it.

107

108 Ed Mencis stated the lawyer that did the cease and desist order never required the CUP as a condition.  
109 The cease and desist order said nothing about the CUP.

110

111 Mark Traeger stated we have a wetland **disturbance** without a CUP.

112

113 Matt Russell stated the cease and desist has been lifted, however, there is still the issue of the building  
114 permit on the property. Building is going on and no permit has been issued. It is the purview of this  
115 board to send a letter to Ken Sherwood that no building permit be issued until a CUP application is filed.

116

117 Ernie Brown asked how can we circumvent the board of selectmen decision? The cease and desist had  
118 nothing in it about the CUP. Mr. Villella met the conditions of the cease and desist order and the board of  
119 selectmen released it.

120

121 Matt Russell stated there are two different issues here. A zoning ordinance has been violated because the  
122 Town requires a CUP. Mr. Russell suggested that the planning board write a letter to the board of  
123 selectmen stating that we are disappointed in their action.

124

125 Ed Mencis disagreed, stating that it would be whining and the planning board is above that.

126

127 Mark Traeger stated his concern that if the CUP is not applied for it will set a precedence and the next  
128 developer will refuse to apply as well.

129

130 Steve Meisner stated that Steve Keach has weighed in on this in the past and suggested that the board  
131 check with him for his most recent take on the situation.

132

133 Chairman Green stated that the planning board could send a letter to the building inspector instructing  
134 him to withhold the building permit.

135

136 Ed Mencis stated withholding a building permit is the responsibility of the board of selectmen and the  
137 planning board does not have that authority.

138

139 A discussion ensued regarding the duties of the building inspector in accordance with NH RSA 676:13.  
140 The building inspector cannot issue a permit until zoning regulations are met. The board agreed to send a  
141 letter to the building inspector stating that this property is not in compliance with the zoning regulations  
142 and to copy the board of selectmen.

143

144 MOTION: Mark Traeger made a motion that the planning board send a letter to Ken Sherwood, Building  
145 Inspector stating that with respect to Map 14, Lot 19-70 the Sarkozy property is not currently in  
146 compliance with the zoning regulations and the planning board regulations that require an after the fact  
147 conditional use permit and the planning board respectfully requests that the building inspector withhold  
148 the building permit. Matt Russell seconded. DISCUSSION ON THE MOTION: Mr. Meisner stated that  
149 all relevant information should be attached, particularly the determination from Mr. Keach that a CUP is  
150 required. VOTE ON THE MOTION: Voted unanimously in the affirmative.

151

152 MOTION: Ed Mencis made a motion to send the board of selectmen a letter advising them that in the  
153 future it would be appreciated if the planning board were notified of actions to be taken concerning land  
154 use issues. Mark Traeger seconded. DISCUSSION ON THE MOTION: Chairman Green stated she  
155 would circulate drafts of both letters to the board members prior to sending them out. VOTE ON THE  
156 MOTION: Voted unanimously in the affirmative.

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159 **Adjournment**

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161 MOTION: Ed Mencis made a motion to adjourn. Steve Meisner seconded. Voted unanimously in the  
162 affirmative. MEETING ADJOURNED AT 10:14 p.m.

163

164 Respectfully submitted,

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166

167 Bette Patterson, Administrative Assistant