

Sandown Planning Board
Minutes
March 29, 2011

Date: March 29, 2011

Place: Sandown Town Hall

Members Present: Mark Traeger, Chairman, Vice Chairman Donna Green, Ed Mencis, Fred Daley, Hans Nicolaisen, Ex-Officio and Alternates Ernie Brown and Matt Russell

Also present: Bette Patterson, Administrative Assistant

Absent: Town Engineer Steve Keach, Marilyn Cormier and Steven Meisner

Opening: Chairman Traeger opened the meeting at 7:00 p.m. Chairman Traeger announced that Ernie Brown would be serving on the board for Steve Meisner and Matt Russell would be serving on the board for Marilyn Cormier.

Public Hearing for review of a Conditional Use Permit application from Montana Realty Trust for property shown on Map 14, Lot 19-70, 9 Montana Drive.

Kevin Hatch of Cornerstone Survey Associates Inc. presented the plan to the board on behalf of Montana Realty Trust. Mr. Hatch presented the following checklist to the board:

1. The existing driveway and bridge are located at the narrowest crossing.
2. There is no other logical location for the driveway.
3. State of NH DES wetlands permit #2008-00015.
4. This approval allows access to the largest usable portion of the approved lot.
5. Existing condition plans are enclosed.
6. We are in receipt of a favorable letter from SCC.
7. We are in receipt of a favorable letter from KNA.
8. We are in receipt of a letter with no negative feedback on the driveway or bridge from RCCD.
9. The proposed use would not diminish surrounding property values because it allows a residential home in a residential neighborhood.
10. Granting the CUP would be in the public interest because it protects the water quality of the wetlands while adding taxable value to the town.
11. Granting the CUP will do substantial justice because it allows the landowner full use of his land.
12. The proposed use is not contrary to the spirit of the ordinance because it minimizes wetland impact while allowing the landowner full use of his land.

Mr. Hatch stated that the CUP application has been reviewed by the Conservation Commission, Keach-Nordstrom Associates and Rockingham County Conservation District as required by the zoning ordinance. The Department of Environmental Services also sent a letter of compliance on March 8th, 2011.

Chairman Traeger stated that the board has received favorable letters from the Conservation Commission and Keach-Nordstrom. The letter from RCCD recommended "*Due to the current conditions noted at the site, it is recommended that the Planning Board either withhold the Conditional Use Approval or provide an incentive, such as a bond, to ensure the site is brought into compliance and that proper monitoring is completed for two growing seasons in accordance with condition #15 of the Restoration Plan Approval.*"

The RCCD review did not come back as favorable.

Note: A copy of this correspondence is on file in the planning board office and the town clerk's office and available for review during regular business hours.

56 Mr. Hatch stated the RCCD review only talks about the restoration plan which was approved by DES
57 and a private consultant.

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59 Matt Russell stated some of the photos provided by RCCD show specific erosion. There are not a lot
60 of issues but they do need to be addressed.

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62 Mr. Hatch stated the entire site has been covered with hay which has protected the site.

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64 Hans Nicolaisen stated he went out to the site and it looks good. He asked how RCCD got involved
65 with this site.

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67 Vice Chairman Green replied that the subdivision regulations require that RCCD review the CUP
68 applications.

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70 Ed Mencis stated that the board has never held anyone to two growing seasons. The hay does a great
71 job protecting the site.

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73 Mr. Hatch stated the area of wetland has been restored.

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75 Ernie Brown stated he went to the site last fall and this morning. The site looked like it had
76 recovered. The site has been taken care of, however, the recovery will not be more visible until
77 spring.

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79 Hans Nicolaisen asked why the board was focusing on the RCCD review when there are two favorable
80 letters as well.

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82 Chairman Traeger replied that there isn't a problem with the favorable letters, however, the RCCD
83 review needs to be looked at.

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85 Ed Mencis stated the developer took the advice of the soil scientist and got the work done.

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87 Vice Chairman Green stated she would be in favor of requiring a small bond.

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89 MOTION: Ed Mencis made a motion to GRANT a Conditional Use Permit to Montana Realty Trust
90 for property shown on Map 14, Lot 19-70, 9 Montana Drive. Ernie Brown seconded. DISCUSSION:
91 Vice Chairman Green stated that a small bond on the property would be good. Mr. Mencis stated
92 that it's not practical to ask for a bond particularly since the property will change ownership within a
93 month. Chairman Traeger stated that if there is a violation the DES will deal with the new owner.
94 VOTE ON THE MOTION: Ed Mencis, Hans Nicolaisen, Ernie Brown, Fred Daley, Matt Russell and
95 Mark Traeger voted in favor of the motion. Donna Green voted against the motion. MOTION
96 PASSED.

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Adjournment

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MOTION: Hans Nicolaisen made a motion to adjourn. Ed Mencis seconded. Voted unanimously
in the affirmative. MEETING ADJOURNED AT 7:30 p.m.

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Respectfully submitted,

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Bette Patterson, Administrative Assistant