

Sandown Planning Board  
Minutes  
April 5, 2011

**Date:** April 5, 2011

**Place:** Sandown Town Hall

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

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

**Opening:** Chairman Traeger opened the meeting at 7:00 p.m.

**Approval of Minutes**

**MOTION:** Donna Green made a motion to approve the minutes of March 1, 2011 as amended: L47 “likely” changed to “possible”, L111 the word “district” changed to “disturbance”.) Ed Mencis seconded. Mark Traeger, Donna Green, Steven Meisner, Ed Mencis, Fred Daley and Matt Russell voted in favor of the motion. Ernie Brown, Hans Nicolaisen and Marilyn Cormier abstained. MOTION PASSED.

**Ken Sherwood, Building Inspector – Discussion regarding test pit approval process, building permits in River Bend Phase 4, and better communication processes between land use boards and the Building Inspector.**

Chairman Traeger stated that he invited Ken Sherwood here to discuss test pits and the role of the building inspector should have in conducting reviews.

Steve Keach stated that it has been close to a year of no interaction with Rockingham County Conservation District, the agency that witnesses our test pits, due to a lack of applications. There have been big changes at RCCD with personnel. RCCD was asked to review applications because at the time the Town did not have anyone with the capability to review large subdivisions. Ken Sherwood frequently does test pits and has the ability to do these reviews for the board.

Chairman Traeger stated the RCCD fee schedule has increased. It would be advantageous for the Town to have both Mr. Sherwood and RCCD as options for when a review is needed.

Ken Sherwood stated that test pits have been handled in two different ways; reviews of applications for compliance and the actual witnessing of a test pit. It is not unusual that the septic actually is installed in another location on a lot other than what the plan shows. The fee for RCCD to witness a test pit is a flat rate of \$270.00 and septic design review is \$60.00 to \$90.00. Sandown charges \$10.00 for witnessing a test pit and \$20.00 for septic design review. From the builder’s perspective time is important and RCCD often takes longer to provide services than the town.

42 Chairman Traeger stated the fees in town should be reviewed. The planning board requires a  
43 favorable letter from RCCD for a CUP application but that is different than test pits.

44 Ken Sherwood stated that 70% of the time the test pit is dug when he goes out to witness it, other  
45 times he has to wait until the test pit is dug. The average time it takes to witness a test pit is one  
46 hour plus depending on the **number** of test pits.

47 Steve Keach stated the planning board needs to properly guide applicants as to where they  
48 should get reviews. He suggested that Ken Sherwood, as health officer, may want the  
49 opportunity to do this and have RCCD be a backup.

50 Marilyn Cormier asked Mr. Sherwood if he has the time to conduct these reviews.

51 Mr. Sherwood replied that his schedule is flexible and he is available most afternoons and  
52 weekends.

53 Chairman Traeger requested that the septic review design be added to spreadsheet information.

54 Chairman Traeger asked in regards to Riverbend if any permits have been pulled for phase 4.

55 Ken Sherwood responded that he would have to check his records. He explained how he  
56 determines if a subdivision has been approved. The subdivider has to provide to the board a  
57 scaled map after it's recorded and then it's pasted over the mother lot on the tax map. Once the  
58 scaled map is pasted in he knows it's an approved subdivision.

59 Vice Chairman Donna Green stated that the planning board sent a letter to Mr. Sherwood  
60 instructing that all building permits in phase 4 should not be issued until the town receives a  
61 surety.

62 Mr. Sherwood stated he doesn't believe he has issued any permits for Phase 4. He added that he  
63 is not familiar with the actual phases in this subdivision.

64 Steve Keach stated there is no road there and any further construction on the road compels the  
65 owner to post a performance guarantee prior to road construction for phase 4. Prior to roadway  
66 construction, a bond must be in place. Whenever KNA is in town we take a ride to look at what  
67 is going on.

68 Matt Russell stated significant work was done on the road several years ago and there was no  
69 surety

70 Steve Keach stated at that time the development was in violation.

71 Vice Chairman Donna Green asked why the map system didn't work for Riverbend phases 2 and  
72 3.

73 Steve Keach stated in the case of Riverbend, the entire project was approved as a whole. The  
74 conditions of approval were subjective enough to have compliance hearings. There was a  
75 phasing plan at a public hearing that was approved and recorded parallel with the original plat.

76 The town attorney and applicant's attorney put together a development agreement recorded at the  
77 registry and noted on the final plat together with a phasing plan. The paper trail at the registry  
78 should be perfect. The problem was that the project went from phase to phase without surety  
79 which was contrary to the requirements of the subdivision. This had nothing to do with Ken  
80 Sherwood.

81 The board members and Mr. Sherwood discussed how to better improve communications. It was  
82 agreed that the map system would remain in place. Impact fees and recreation fees are  
83 currently paid at the time the building permit is issued. This process will also remain the same.  
84 **Administrative Assistant Patterson will mark the tax map in red that have any conditions** that  
85 may have been placed on lots by the board that may affect issuance of a building permit.

86 Chairman Mark Traeger stated there was a building permit issued at Phillips pond and there is no  
87 surety.

88 Steve Keach stated there is a surety, however, it's not in the new owner's name. The surety is  
89 valid. **He recommended that Mr. Sherwood use the spreadsheet** to determine if a building  
90 permit can be issued.

91 Administrative Assistant Patterson will review the tax maps for accuracy.

92 Vice Chairman Donna Green asked when the permit was issued on 9 Montana drive.

93 Ken Sherwood replied that he consulted three attorneys and they advised him that a building  
94 permit could be issued. **He replied that he issued a building permit about a week before the CUP**  
95 **was granted. Mrs. Cormier stated "This makes me angry".**

96 The board thanked Mr. Sherwood for meeting with them.

97 *Please note: The Planning Board took a five minute recess.*

98 **Julie LaBranche – Rockingham Planning Commission Discussion on variable road width zoning.**  
99 **Presentation**

100 Ms. LaBranche distributed an article from the *Congress for the New Urbanism on Emergency*  
101 *Response and Street Design Initiative*. She gave a brief overview of how important it is for  
102 planners and fire professionals to work together to design roads implementing planning  
103 techniques such as traffic calming measures, and at the same time provide ample room for  
104 maneuvering emergency vehicles within and around neighborhoods and communities.

105 Ms. LaBranche gave a power point presentation on variable road width zoning.

106 *Please note a copy of the article on Emergency Response and Street Design Initiative and the*  
107 *power point presentation is attached to the original set of minutes on file in the Town Clerk's*  
108 *Office and are posted on the Town of Sandown's website, [www.sandown.us](http://www.sandown.us) (located on the*  
109 ***Planning Board page.*)**

110 Steve Keach suggested that the Town of Sandown may want to consider graduated road  
111 standards. Instead of having local collector roads, the town would have local roads one and two.  
112 One is a very low volume road with intermediate standards and three foot grade shoulders. **The**  
113 **functional reason for shoulders is they provide structural support to the pavement** to maintain  
114 paving cycles. Other towns have made the minimum road width twenty feet. Mr. Keach stated  
115 that after doing this work for 27 years it is **his opinion most low volume street width** of over 20  
116 feet is unnecessary because any road width wider than twenty feet comes at the expense of the  
117 design of the subdivision. The Town of Sandown has always required a minimum road width  
118 of twenty four feet. He recommended the town consider using graduated road standards based  
119 on design.

120 Chairman Traeger asked if that would mean an **18 foot road width with two foot shoulders on**  
121 **either side.** He stated he would like more alternatives.

122 Steve Keach stated there is alternative shoulder material such as porous concrete. He stated the  
123 trouble with asphalt is that it's flexible and concrete is not. Use of porous concrete in shoulders  
124 requires the use of rubber plow blades. Another alternative is the pervious pavement, however,  
125 it's difficult to maintain.

126 The board agreed that exploring rewriting our road width requirements would be a good idea.

127 Hans Nicolaisen stated that each individual road should be on a case by case basis.

128 Julie LaBranche asked the board to comment on road connectivity.

129 Steve Keach stated that the Sandown subdivision regulations require a development of 25 units  
130 or more to have a secondary access to the street being primary. The Open Space Development  
131 ordinance may create more dead end streets. The subdivision regulations also have a cul de sac  
132 length limit of 1000 feet. The quickest way to wind up with dead end streets is to limit the  
133 length of them. Mr. Keach encouraged the board to consider more performance based  
134 regulations.

135 Julie LaBranche stated the town can allow flexibility if the level of safety can be maintained. For  
136 example, if units in a development have a sprinkler system installed a narrower or longer length  
137 roadway may be acceptable.

138 The board agreed to continue discussion regarding rewriting the road width requirements.

139 Chairman Traeger thanked Ms. LaBranche for the presentation. Ms. LaBranche will be returning  
140 to the Planning Board for the May work session.

#### 141 **Sub-Committee Updates**

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143 **Capital Improvement Plan Committee** - Matt Russell stated there was a lack of support and  
144 interest in the CIP last year. He stated that department heads either do not understand the CIP or  
145 are not looking far enough into the future. The CIP is a continuous ongoing process that needs  
146 more support from the Board of Selectmen.

147 Chairman Traeger requested that Mr. Russell meet with the selectmen and discuss how to get  
148 more cooperation from department heads.

149 Matt Russell stated that at the very least, the selectmen should make the CIP an agenda item at  
150 department head meetings.

151 Marilyn Cormier stated the committee gave department heads extra time but there wasn't a good  
152 response.

153 Hans Nicolaisen stated when selectmen have the liaison reports he will bring this issue up for  
154 discussion.

155 Matt Russell stated there are many benefits to the CIP. **The police chief has participated with**  
156 **the CIP** for the construction of a new police station. Money has already been set aside for future  
157 use and this is a really good example of how a CIP can benefit the town.

158 **Master Plan** - Fred Daley stated that the committee will be meeting next week to review  
159 chapters. Mr. Daley stated he talked to Charlie French of UNH regarding input on helping with  
160 the focus and outreach for the Master Plan. The cost is in the range of what we discussed  
161 previously. There is a need for more volunteers.

162 Chairman Traeger stated Julie LaBranche wants to meet with Mr. Daley to see how Rockingham  
163 Planning Commission can assist in the work on the Master Plan.

#### 164 **Administrative Assistant's Report**

165 The Falkenham Subdivision and Kelli Green Subdivision are on the agenda for April 19<sup>th</sup>.

166 Mr. Falkenham has submitted a CUP application as required. The application has been  
167 forwarded to Mr. Keach, the Conservation Commission and RCCD as required. RCCD will be  
168 asked to review the wetland crossing only.

169 Vice Chairman Donna Green stated that Article 1 Part B, Section 3c states the criteria for a  
170 **conditional use permit**. The application addresses this. Vice Chairman Green asked why  
171 restrain RCCD by only having them review the wetland crossing.

172 Steve Keach stated the regulations say if a project conforms to the ordinance, a CUP shall be  
173 issued. Reviewing something beyond the CUP requirements is not necessary. This application  
174 only concerns a wetland crossing.

#### 175 **Phillips Pond**

176 Chairman Traeger stated that the conservation commission had a concern regarding a lot on  
177 Phillips Pond and would like to send Gerry Miller out to review it. Chairman Traeger asked if  
178 there was a PREA account for Phillip pond estates.

179 Administrative Assistant Patterson replied there was no PREA for Phillips Pond.

180 Steve Keach stated that a PREA is for infrastructure in a development but this is all individual  
181 lots and violations on individual lots should be directed to Ken Sherwood.

182 Steve Meisner asked if a PREA account has to be in place until road is accepted.

183 Steve Keach replied that the surety value was never reduced based on work that was done. If  
184 someone asked us to go out today the surety is going to be a number that would be less than half  
185 of the surety currently held by the town. Mr. Keach stated he will call the current owner and  
186 recommend the surety could be reduced if a PREA account is established.

187 Vice Chairman Green suggested the town engage Mr. Miller to investigate the property on  
188 Phillips pond estates and pay the bill out of the surety for environmental costs.

189 Steve Keach stated that the board cannot take bond money for a possible violation. The surety is  
190 for infrastructure only. He suggested the board allow him time to discuss this with the property  
191 owner.

#### 192 **MCC Northwoods**

193 The building permits are being withheld on this development, however, lots are going to be sold  
194 at auction. The planning board contacted the Board of Selectmen and Counsel regarding this  
195 development on July 22, 2010. The board subsequently requested Administrative Assistant  
196 Patterson to contact Ms. Blaisdell in the Selectmen's office for an update.

#### 197 **Town Houses at Wells Village**

198 Steve Keach stated he spoke with Tim Lavelle, the engineer working on the project. The road  
199 system was at sub grade and the prep work was done. The project was approved for 55 and over,  
200 however, there is a redesign in the works to make this an Open Space Development.

#### 201 **Busby Gravel Pit**

202 Steve Keach stated there is a restoration plan and a bond is in place.

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

204 **MOTION: Fred Daley made a motion to enter non-public session in accordance with NH**  
205 **RSA 91A:3 – (b) The hiring of any person as a public employee. Steve Meisner seconded. Poll of**  
206 **the board: Mark Traeger-YES Donna Green-YES Steven Meisner-YES Fred Daley-YES**  
207 **Ed Mencis-YES Ernie Brown –YES Hans Nicolaisen-YES Marilyn Cormier-YES Matt**  
208 **Russell abstained. The Planning Board entered non-public session at 10:15 p.m.**

209 **MOTION: Donna Green made a motion to come out of non-public session. Ed Mencis**  
210 **seconded. Poll of the board: Mark Traeger-YES Donna Green-YES Steven Meisner-YES**  
211 **Fred Daley-YES Ed Mencis-YES Ernie Brown –YES Hans Nicolaisen-YES Marilyn**  
212 **Cormier-YES The Planning Board came out of non-public session at 10:24 p.m.**

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216 **Adjournment**

217 MOTION: Ed Mencis made a motion to adjourn. Marilyn Cormier seconded. Voted  
218 unanimously in the affirmative. MEETING ADJOURNED AT 10:25 P.M.

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220 Respectfully submitted,

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222 Bette D. Patterson, Administrative Assistant

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