

Sandown Planning Board
Minutes
April 19, 2011

Date: April 19, 2011

Place: Sandown Town Hall

Members Present: Chairman Mark Traeger, Vice Chairman Donna Green, Steven Meisner, Ed Mencis, Hans Nicolaisen - liaison with the Board of Selectmen, Matt Russell - alternate for Fred Daley, Ernie Brown – alternate for Marilyn Cormier

Also Present: Town Engineer Steve Keach, Part-time Recording Secretary Andrea Cairns

Absent: Marilyn Cormier, Fred Daley

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

Approval of Minutes

MOTION: Mark Traeger made a motion to approve the minutes of April 5, 2011 as amended: L16-17 “Donna Green made a motion to approve the minutes of March 1, 2011 as amended. (The amendments for the referenced 3/1/11 meeting were: L46 ‘likely’ changed to ‘possible.’, L111 the word ‘district’ changed to ‘disturbance’.)”

MOTION: Donna Green made a motion to revisit the minutes of March 1, 2011; they were approved with an error to the amendments of the previous minutes of February 15, 2011. Ed Mencis seconded. Voted unanimously in the affirmative.

MOTION: Donna Green made a motion to accept the March 1st minutes as amended (The amendments for the referenced 2/15/11 meeting were: L19 “L178-179...add semicolon at end.” Add Line 262 “exiting onto town roads.”) Ed Mencis seconded. Voted unanimously in the affirmative.

MOTION: Ed Mencis made a motion to accept the April 5th minutes as amended (L27 “witnesses our test pits”; L45 change “amount” to “number”; L83 “will mark the tax map of lots in red that have any conditions...”; L88 “he recommended to Mr. Sherwood to use the spreadsheet...”; L91 “He replied that he issued one about a week before the CUP was granted. Mrs. Cormier was not happy.”; L105 Would be helpful to include the location of the article on the website in the minutes.; L109 “functional reason for shoulders is that they provide structural support to the pavement...”; L111 “...in his opinion most low volume street width...”; L115 “Chairman Traeger asked if that would mean an 18 foot road width with two foot shoulders on either side.”; L150 “The police chief has participated with the CIP...”; L165 “conditional use permit.”; L190 “...development on July 22, 2010. The board subsequently requested...”; 204 This line should be stricken.). Steve Meisner seconded. Voted unanimously in the affirmative. Matt Russell abstained.

Board will approve the minutes of March 15th and March 29th at the next work session. *Please note: Steven Meisner recused himself from serving on the following case because he served as Chairman of the ZBA when Mr. Falkenham was granted his variance. Matt Russell recused himself because he is an abutter.*

7:30 - Public Hearing for review of a Conditional Use Permit application and a Continued Public Hearing for review of a Minor Subdivision Application

51 **submitted by Mark D. Falkenham for a two lot subdivision. The property is shown**
52 **on Tax Map 13, Lot 12 and is owned by Mark D. Falkenham. Also with Mark**
53 **Falkenham is David Jordan, land surveyor and engineer with MHF Design**
54 **Consultants, Inc.**
55

56 Mr. Falkenham and Mr. Jordan presented the 144 Wells Village Rd plans to the board in
57 March. Since then, they have made revisions to the plans. They have filed an application for
58 a conditional use permit because of the driveway crossing wetlands to access the 14-acre lot
59 in the back. The update on state is that they do have wetlands permit in-hand, the state
60 subdivision permit is in process but they anticipate they should have that within a week.
61 They did a test pit on the lot and the state needs to approve the verification of the soils on
62 that lot. They anticipate they will have that in a week. In addition, they are looking for
63 approval on the conditional use permit on the subdivision plan, and they want to discuss the
64 provision for providing an obligatory recreational accomodations.
65

66 The board did receive a letter dated April 18, 2011, from the Rockingham County
67 Conservation District (addressed to previous chairman, Kenneth Sweet).
68

69 Dear Mr Sweet;

70 This report is in reference to the proposed wetland crossing for access to a new single
71 family home.
72

73 The location of the proposed driveway and house were inspected 15 April 2011. We
74 conclude the wetland is shown accurately on the Topographic Subdivision Plan prepared by
75 MHF Design Consultants, revision date 17 March 2011.
76

77 We agree the proposed driveway location crosses the wetland at the most logical location.
78 Utility vehicles and ATVs already use this area; it is degraded to some degree and subject to
79 erosion and sedimentation. The wetland will be stabilized by the construction of the
80 driveway and the proper implementation of erosion and sediment control measures.
81

82 The plan must be stamped, signed and dated by the Certified Wetland Scientist responsible
83 for the wetland delineation.
84

85 Sincerely,

86 Michael Cuomo, NH Certified Soil Scientist #6, NH Certified Wetland Scientist #4, NH
87 Designer #788

88 Cynthia W. Smith, Chairman, Board of Directors
89

90 Mr. Jordan will have the soil plans stamped. They do have the design plans stamped.
91 Steve Keach issued a letter to the board dated April 1, 2011 in regards to the conditional use
92 permit and went through each item individually:
93

94 Mr. Mark Traeger, Chair
95 Sandown Planning Board
96 Post Office Box 1756
97 Sandown, New Hampshire 03873
98

99 Subject: **Proposed Subdivision of the Land of Mark D. Falkenham**
100 **144 Wells Village Road (Map 13 – Lot 12); Sandown, New**
101 **Hampshire**

102 KNA Project No. 11-0224-1

103

104 Dear Mr. Traeger:

105

106 As you may recall, on March 11, 2011 this office issued a letter report in regard to the
107 subject minor subdivision application. Within that report, we offered a series of comments
108 and recommendations generated as a result of our review and consideration of project plans
109 and supporting information submitted to your Board, by or on behalf of the applicant,
110 through that date. On March 31st we received a subsequent submittal containing the
111 following information:

112

- 113 • A copy of the proposed project plans (4-sheets) dated September 07, 2010 and last
114 revised on March 17, 2011;
- 115 • A copy of soil based lot sizing computations dated December 22, 2010;
- 116 • A copy of design computations for a planned roadside swale, dated March 23, 2011;
- 117 • A copy of an application for a Conditional Use Permit, including several
118 attachments, as submitted to your Board under a cover letter prepared by the
119 applicant's consultant dated March 23, 2011; and
- 120 • A copy of a cover letter addressed to your Board as prepared by the applicant's
121 consultant on March 23, 2011.

122

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

127

128 **General Comments**

129

130 1. It appears the following State project permits are required under this application: (a)
131 NHDES Subdivision Approval for platted Lot 12-3; and (b) a NHDES Wetlands
132 Permit for construction of a planned residential driveway on platted Lot 12. To date,
133 we understand the required NHDES Wetlands Permit has been issued. What is the
134 current status of NHDES Subdivision Approval for Lot 12-3? As always, we
135 recommend each required State project permit be received prior to or as a condition
136 of final subdivision approval; and each resulting State project permit number be
137 specified on the final plat.

138

139 2. Based upon discussion, which occurred at the March 15, 2011 public hearing
140 regarding this application, we understand the applicant has entered into a Joint Use
141 Agreement with PSNH relative to the planned driveway improvements situated
142 within a transmission line easement over platted Lot 12. We recommend the
143 existence of this Agreement be acknowledged on the final plat.

144

145 **Zoning Matters**

146

147 1. As detailed on Sheet 3 of the project plans, construction of driveway access to the
148 planned residential building site on platted Lot 12 is to involve disturbance of an
149 estimated 1,876 square feet of land area situated in the Wetland Conservation
150 District. Correspondingly, pursuant to the provisions of Article I-Part B-Section 3
151 of the Zoning Ordinance, a Conditional Use Permit is required. As acknowledged
152 above, the applicant recently submitted an application to your Board for the required

153 Conditional Use Permit. In the event your Board ultimately approves an application
154 for a Conditional Use Permit, we recommend a notation acknowledging the same be
155 added to the final plat.
156

157 2. As shown on Sheet 3 of the project plans, the applicant intends to improve a gravel-
158 surfaced service road situated within an existing transmission line easement over
159 platted Lot 12 in order to gain access to the planned building site on this parcel. The
160 existing service road intersects Wells Village Road at a location where Wells Village
161 Road has an existing vertical slope of approximately 7.5-percent. Both Article II-
162 Part C-Section 3 of the Zoning Ordinance and Section 9.4 of the Subdivision
163 Control Regulations require driveway access to occur at a location where the
164 existing or proposed street from which access is provided to have a vertical slope of
165 not more than 6-percent. In order to comply with the cited requirements of both the
166 Zoning Ordinance and Subdivision Control Regulations, it would be necessary to
167 relocate the existing service road entrance approximately 30-feet south of its present
168 location. It would appear this “shift” in location could potentially create the need to
169 impact a small area of wetland in that direction. After completing an on-site
170 inspection of subject site, it is our opinion that the existing driveway/service road
171 intersection with Wells Village Road could be properly viewed as a pre-existing,
172 non-conforming condition. On that basis, it is our opinion your Board could permit
173 the existing driveway to be improved to the extent shown on Sheet 3 of the project
174 plans without benefit of a variance from the requirements of Article II-Part C-
175 Section 3 of the Zoning Ordinance or a waiver from the requirements of Section 9.4
176 of the Subdivision Regulations. If your Board elects to move in that direction, we
177 recommend the minutes of the applicable public hearing on this application reflect
178 such a finding and determination.
179

180 **Planning/Design Matters**

- 181 1. In order to satisfy the requirements of Section 11.8 of the Subdivision Control
182 Regulations, we recommend Sheet 1 of the final project plans be revised to illustrate
183 the limits of the 50-foot horizontal setback from wetlands, required under Article III-
184 Part A-Section 1.D of the Zoning Ordinance, at Lot 12-3.
185
- 186 2. We recommend all monuments specified as “to be set”, or otherwise required to be
187 set in order to fully satisfy the requirements of Section 9.11, in fact be set and
188 certified as such by a Licensed Land Surveyor prior to or as a condition of final
189 subdivision approval.
190
- 191 3. Sheet 1 identifies a proposed general highway easement to be conveyed to the Town
192 of Sandown. We recommend your Board receive an executed general highway
193 easement deed, in a form acceptable for recording at the Rockingham County
194 Registry of Deeds, and such easement deed be recorded of even date with the final
195 plat.
196
- 197 4. We recommend a note be added to the final plat summarizing the applicant’s
198 proposal for satisfying the requirements of Section 9.23 of the Subdivision Control
199 Regulations pertaining to recreational accommodations.
200
- 201 5. As previously requested, the applicant’s consultant has added a cross-sectional
202 detail of proposed road shoulder improvements planned along the frontage of Lot
203 12 at Wells Village Road to Sheet 4 of the project plans. We recommend this detail

204 be expanded to specify the “gravel shoulder” to be constructed is to be constructed
205 so as to provide a 6-inch depth of crushed gravel (304.3) placed over 12-inches of
206 gravel (304.2).

207

208 6. In order to satisfy the requirements of Section 9.20 of the Subdivision Control
209 Regulations, we recommend any approval granted to this application be conditional
210 upon the applicant providing a performance guarantee, in an amount and form
211 acceptable to your Board, to serve as a financial surety for the successful and timely
212 completion of public improvements planned within the Wells Village Road right-of-
213 way.

214

215 We trust the content of this brief letter report will prove useful to your Board in your review
216 and consideration of the subject application. As always, please contact the writer at your
217 earliest convenience in the event you should have specific questions or further instructions
218 germane to this matter.

219

220 Sincerely:

221 Steven B. Keach, P.E.; President
222 Keach-Nordstrom Associates, Inc.

223

224 Mr. Keach stated that the application filled out by Mr. Jordan’s office was one of the most
225 complete applications for a CUP he’s seen. Mr. Keach concludes, in regard to the
226 application, it is his opinion that the applicant’s consultant has demonstrated that each of
227 those criteria will be fulfilled. He has no problem issuing the CUP as requested. Mr. Keach
228 encouraged the board to take action on the CUP since it’s a prerequisite for moving
229 forward. There is also correspondence on file from the conservation commission, which is
230 also a prerequisite. Mr. Keach recommended condition approval.

231

232 The board had the Rockingham County Conservation District letter in hand. The
233 Conservation Commission voted to approve the plans with the following conditions: that the
234 applicant follow the new Section 9.18 of Sandown zoning regulations and construction
235 standards for drainage and storm water management.

236

237 Mr. Keach stated that has been incorporated into the plan.

238

239 That second condition, the applicant follow best management practices as outlined by the
240 storm water sediment and erosion handbook for urban and developing areas of NH.

241

242 Mr. Keach stated that has been incorporated into the plan.

243

244 Their final recommendation is that you do the work in the dry season.

245

246 Mr. Keach stated that is also a condition of the wetlands permit.

247

248 Vice Chair Green wanted to further discuss the issue of a 7.5% grade vs. 6% grade for the
249 road.

250

251 Mr. Keach pointed out, if the driveway culvert slid to the south it would impact to the
252 wetlands and suggested we can limit that impact if we keep the driveway where it is. The
253 driveway is built on top of the existing work road that is there. The plan compensates by
254 building the new construction directly on top of the old road. The 7.5% grade exists there

255 today. The reason for a requirement is by directing water to a culvert, the culvert can act as a
256 nozzle. If you are on too much of a grade you can cause erosion of the downgrading ditch
257 lines. In this case, what David is proposing, is to divert the culvert so you knock out the
258 velocity of the water before it gets to the wetlands. Moving it to the south to get to 6% grade
259 will defeat the purpose of what he's done to avoid erosion. So by complying with the
260 regulation to avoid erosion, we would in turn cause erosion.

261
262 Vice Chair Green asked if the purpose of the regulation was also for safety, in addition to
263 erosion.

264
265 Mr. Keach explained that the grade of the road is actually less than the grade of a handicap
266 ramp, which is at 8%. So the difference in grade wouldn't be noticed.

267
268 Hans Nicolaisen stated that in addition, PSNH would continue to use the existing road. If
269 we were to adjust the new road, there would end up being two driveways in that location.

270
271 Matt Russell asked the applicant, because there has been a lot of discussion about the CUP
272 process recently, does he think Sandown's process is unreasonable or difficult.

273
274 Mr. Jordan said the process was reasonable, and is similar in other town, and he was not
275 overburdened by it.

276
277 Matt Russell concluded, that being the said, I don't think we are being unreasonable with
278 our process, it seems to work, gives more control to the town for monitoring and
279 understanding what's going on and thinks we should keep the process the way it is.

280
281 Vice Chair Green wanted to review Mr. Keach's April 1st letter where it refers to the 12
282 criteria for a CUP application. Criteria 1, 2, 4, 9, and 12 needed the boards' findings (1 –
283 Dredging, filling or crossing will have minimal impact, 2 – no other logical placement, 4 –
284 Demonstration that this proposal best utilizes the property, 9 – proposed use will not
285 diminish surrounding property values, 12 – The proposed use is not contrary to the spirit of
286 the ordinance).

287
288 Mr. Keach stated that Mr. Jordan wrote a very detailed response on this and went on to
289 address each one:

290
291 1 – They have historically relied on the conservation commission for this because avoidance
292 of minimization is not only key for their support but is also a necessary criterion for
293 issuance of a wetlands permit. They have had favorable outcomes from both Sandown
294 Conservation and DES wetlands and suggest that criteria have been satisfied. They are
295 placing the road at the narrowest point of the wetlands.

296
297 2 - The same findings apply to the second criteria, that there is no other logical placement,
298 but to place it over the existing road.

299
300 3- Wetlands Bureau already issued a permit.

301
302 4 – The utilization is the construction of a driveway. This is being applied to the
303 construction of access to the rear of his property. Had he come in with a proposal in a bad
304 spot in the wetlands, it wouldn't best utilize the property.

305

306 5 – objective and happened.
307
308 6, 7, 8 – objective and happened.
309
310 9 – The proposed use is the driveway, and in this case, it is so remote from any abutting
311 property it will not make an impact one way or another.
312
313 10 – Granting the CUP will be in the best public interest.
314
315 11 - Substantial justice is being achieved.
316
317 12 - Granting the CUP would allow Mr. Falkenham to make reasonable use of his property.
318 The use is not contrary to the use of the ordinance.
319
320 Since they also have the support of the wetlands bureau, Mr. Keach concludes, in his
321 opinion, that all the criteria have been met.
322
323 Chairman Traeger added that he appreciates the use of an existing driveway. There is
324 something that is already disturbed and you are reusing it and felt David did a great job.
325
326 MOTION: Ed Mencis motions to grant CUP to Mark Falkenham, at 144 Wells Village Rd,
327 Map 13, Lot 12. Hans Nicolaisen seconded the motion. Voted unanimously in the
328 affirmative.
329
330 Chairman Traeger stated that the next step is to approve the two-lot subdivision.
331
332 Mr. Keach asked that they reach a finding on the grade of the driveway being a preexisting
333 non-conforming condition.
334
335 Vice Chair Green asked what the restrictions are for preexisting non-confirming conditions
336 and questioned whether this in any way would make it more non-conforming.
337
338 Mr. Keach stated, in his opinion, it wouldn't since it refers to the steepness of the road and
339 keeps the placement identical.
340
341 Chairman Traeger pointed out, this is a single-unit house, not a subdivision. A family would
342 be going in and out of a road that already has utility traffic, ATV and 4-wheel drive vehicles
343 using it today.
344
345 Ed Mencis noted that the board also needed to address recreation.
346
347 Mr. Jordan said they were talking about an area to the south of the culvert on Wells Village
348 Rd. They want to provide a gravel parking lot for 2-3 cars.
349
350 Chairman Traeger clarified, they were discussing Porter property, further south of the
351 bridge. The thought is Mr. Falkenham could use material from his excavation.
352
353 Chairman Traeger said gravel may be needed to top the parking lot area and that it was a
354 fairly flat area.
355
356 Ed Mencis asked, how many parking spots, which Chairman Traeger said ideally 6 spots.

357

358 Chairman Traeger noted there is a fair amount of land there and that more discussion will be
359 needed on measurements since it's not a simple rectangular area.

360

361 Ed Mencis asked Mr. Falkenham, as long as you are willing to be cooperative, which Mr.
362 Falkenham stated he was.

363

364 Ed Mencis then asked if the details needed to be in writing.

365

366 Mr. Keach took the liberty of drafting the conditions that he would recommend. He
367 suggested adding a note to the final plans, summarizing the applicant's proposal for
368 satisfying the requirements of section 9.3 of the subdivision control regulations pertaining
369 to recreational accommodations.

370

371 Chairman Traeger suggested they meet out at the parking lot to walk the property and put in
372 the form of a letter the measurement of final plot.

373

374 Vice Chair Green was not comfortable with that because it should be agreed to in a public
375 forum and should be written down.

376

377 Ed Mencis stated we are agreeing to it, since it will be on the document.

378

379 Vice Chair Green stated she is looking out for the interest of the Conservation Commission.

380

381 Ed Mencis said he was too.

382

383 Chairman Traeger suggested they specify that it would not exceed 2,000 sq. ft.

384

385 There was discussion between Mr. Keach, Ed Mencis and Chairman Traeger over the final
386 size.

387

388 Vice Chair Green asked if that would include gravel and whatever work is necessary.

389

390 Mr. Keach suggested they say a 2000 sq. ft., gravel surface parking area.

391

392 Mark Falkenham asked if there would be a requirement on the depth of the gravel.

393

394 Hans Nicolaisen asked if Mr. Falkenham had been made aware of the \$1,000 donation that
395 is usually put towards recreation. The work done on the parking lot may exceed the \$1000
396 requirement. Mr. Falkenham may want to just write a check to the town for the \$1000 and
397 walk away.

398

399 Mr. Falkenham said that was a good point and doesn't know what the parking lot would
400 cost.

401

401 Ernie Brown suggested they would probably be close to that cost.

402

403 Mr. Jordan stated that they would probably exceed the \$1,000.

404

405 Mr. Falkenham stated that if they agreed to the \$1,000 then their requirements would be
406 clear and the cost would be etched in stone.

407

408 Chairman Traeger noted that it would be a waiver the board would grant.
409
410 Mr. Keach said it could be a contribution in-lieu-of work that Mr. Falkenham offers
411 voluntarily, as opposed to building the subdivision improvements.
412
413 Ed Mencis noted that you could earmark the money for the parking lot.
414
415 Chairman Traeger stated they could clarify it by stating that the work on the parking lot
416 would not exceed \$1,000.
417
418 Mr. Falkenham said he would hate to leave the town high and dry by getting halfway done
419 and leaving it in worse condition.
420
421 Chairman Traeger stated that it would be further along than where they are now.
422
423 Matt Russell suggested making three spaces vs. six spaces. They need to have open access
424 to the fire road that goes back into the forest. That area is not going to be big enough to
425 support more than three parking spaces with the way it's oriented. By doing only three
426 spaces, this would lower the cost to make the project more attractive to do. He doesn't feel
427 the board should require more than what's already there. Three spaces are adequate for that
428 land and that parking lot, while leaving room for expansion. If the Conservation
429 Commission wants to expand it, they have the funds to do that.
430
431 Chairman Traeger noted there is room for expanding and that Matt made a good point.
432
433 Matt Russell noted that it would have a better chance of keeping within \$1,000 if he has
434 material that he can use locally and asked Mr. Keach if he concurs.
435
436 Mr. Keach noted the smaller lot would keep the cost really close to the \$1,000. A \$1,000
437 donation can be made by Mr. Falkenham and paid to the Conservation Commission for
438 construction and can either be paid in cash or work-in-kind. It will be difficult to put a value
439 on work-in-kind. If the job gets done, you don't care if it cost them a dollar or \$2,000.
440
441 Chairman Traeger stated he personally would like to see parking improved there.
442
443 Mr. Keach stated it could be clarified by saying "work-in-kind not to exceed..."
444
445 Chairman Traeger suggested it was up to Mr. Falkenham. We can do not-to-exceed \$1,000
446 or work-in-kind.
447
448 Mr. Falkenham wants the work to be done right, but also wants to keep the cost at \$1,000
449 and stated that Matt Russell made a good suggestion for only building three spots.
450
451 Chairman Traeger, to Matt's point, there is room for expansion but Conservation can take
452 that on, but it would be better than what is there now.
453
454 Mr. Falkenham asked if Conservation would rather have the work done or cash.
455
456 Ed Mencis stated they would rather you do the work because it would get done quicker,
457 Chairman Traeger agreed, stating unless you are planning on doing this in five years.
458

459 Mr. Keach stated it's a good suggestion from a practical standpoint because he has the
460 materials.
461

462 Vice Chair Green suggested they decide what Mr. Falkenham's final responsibility would
463 be instead of leaving it at a dollar value.
464

465 Mr. Keach suggested the fairest way for the Conservation Commission would be to specify
466 that he's going to build three gravel surfaced spaces at that location.
467

468 Vice Chair Green concluded that the plan would include provisions that Mr. Falkenham will
469 build three level ground parking spaces, with a 4" gravel depth, to the right of the southwest
470 entrance to the Porter property.
471

472 Mr. Falkenham noted that this work might be a couple of years away from being completed.
473 Someone may come in and do this parking for you by that time. If that is the case he will
474 just make a donation.
475

476 Chairman Traeger asked if this was getting too complicated. Maybe they just go with a
477 check and asked Mr. Falkenham what he would rather do.
478

479 Hans Nicolaisen noted if we just go with a check, could we earmark it for that project. That
480 way conservation can get it done in your time. Maybe Artie would do it.
481

482 Chairman Traeger asked when the money comes due
483

484 Matt Russell stated it's when Mr. Falkenham goes for the building permit and it gets paid
485 to the building inspector.
486

487 Mr. Falkenham said he would rather do that.
488

489 Mr. Keach suggested adding a note to the final plat saying, "payment of \$1,000 will be
490 received by the Town of Sandown, prior to issuing a building permit for residential
491 construction." Noting that the funds were dedicated to the construction of a surface parking
492 lot on Portal property.
493

494 Vice Chair Green asked if recreation would have a problem with this arrangement, noting
495 that there may be a problem with Recreation being able to cash the check and disperse the
496 funds unless it is specifically for a recreation item. She wants to avoid any problems in the
497 future by just saying the money should be given directly to the Conservation Commission.
498

499 Chairman Traeger suggested putting in a note that it should be given to the Conservation
500 Commission.
501

502 Hans Nicolaisen said they have a recreation meeting coming up and he can find out the best
503 way to keep track of the money so it doesn't get lost.
504

505 Mr. Keach noted a few conditions of approval: 1. Need receipt of NHDES subdivision
506 approval, for lot 12-3, with a notation of the approval number on the final plat. 2. Add a note
507 on final plat acknowledging the existing agreement with PSNH. 3. Add a note to
508 acknowledging issuance of the conditional use permit pursuant to the provisions of Article
509 1, Part B, Section 3, of the Sandown Zoning Ordinance. 4. Install boundary monuments

510 identified as; “to be set on final plat,” together with receipt of correspondence with the
511 licensed land surveyor certifying monuments have in fact been installed. 5. Receive an
512 executed general highway easement deed in suitable form according to Rockingham County
513 Registry of Deeds. 6. Receive performance guarantee in the amount and form acceptable to
514 the town that can serve as a financial guarantee of the successful completion of the work at
515 Wells Village Rd. 7. Add note to final plat summarizing applicant’s proposal for satisfying
516 the requirements of 9.23 of the Subdivision Control Regulations pertaining to recreational
517 accommodations. 8. Receipt of satisfactory final review letter from town engineer 9.
518 Maintain a positive PREA balance.

519

520 MOTION: Ed Mencis made a motion to grant a two-lot subdivision for Lot 12 and Lot 12-
521 3 with all the provisions that the Town Engineer reiterated. Hans Nicolaisen seconded the
522 motion. Voted unanimously in the affirmative.

523

524 **Continued Public Hearing for review of a three lot Subdivision Application, as**
525 **well as a 22 unit open space development submitted by KDRM, LLC. The property**
526 **is shown on Map 5, Lot 28 on the Sandown Tax Map and located on 115**
527 **Hampstead Road. The property is owned by KDRM, LLC.**

528

529 Present was Kevin Camm, land surveyor with KLC Land Planning and Consulting. He
530 works with Civil Construction Management Engineers out of Newton.

531

532 Mr. Camm brought revised plans. He stated they were a couple of weeks behind regarding
533 the ultimate drainage impact and that is why they weren’t able to get in front of the board
534 before. He asked if the board approved the March 15th minutes.

535

536 Vice Chair Green stated they did not.

537

538 Mr. Camm stated they made changes to drainage based on the new alteration of terrain
539 permit required by the state. That has been the holdup. He expects to have a package to Mr.
540 Keach next week.

541

542 Mr. Camm noted a concern with units being 2 bedrooms. He did provide a couple of floor
543 plans from the designer that reflects 2-bedroom layouts, but they are not finalized. He asked
544 how critical the architectural drawings are.

545

546 Mr. Keach said it was more of a fact that there is provision in the zoning ordinance that
547 allows certain 2- and 3-bedroom floor plans. There was an inconsistency on their plans with
548 the numbers.

549

550 Mr. Camm stated they would be labeled so there is no confusion.

551

552 Mr. Keach asked if the units were being offered for sale or rental.

553

554 Mr. Camm stated that they will all be owned by one individual and will make a notation to
555 that effect.

556

557 Mr. Keach stated that the reason for that question is if it is going to be conveyed as
558 condominiums, the zoning ordinance requires formation of a condo association. Since it will
559 be single ownership that requirement is mute.

560

561 Vice Chair Green stated she didn't see any mention of the 9.3.1 regulation with respect to
562 single access being no greater than 25 units.

563

564 Mr. Camm suggested it was addressed in the waiver.

565

566 Chairman Traeger noted that the board received a letter from Chief Tapley stating that he
567 was comfortable with the number of units and the road.

568

569 Vice Chair Green questioned what waiver Mr. Camm was referring to. Are you referring to
570 a waiver to Section 9.3 about dead end streets being more than 1000 feet in length?

571

572 Mr. Keach noted he talked about the waivers with Vice Chair Green on site. Waiver 9.3
573 deals with subdivision regulations. Mr. Keach clarified that in this instance, there are 22
574 new units, as well as 12 additional homes on that street, so they would go over the 25-unit
575 limit specified in the subdivision regulations.

576

577 Mr. Keach noted that it didn't seem that Mr. Camm was in a position to request final
578 approval and suggested he submit a waiver request for 9.3.1 at the next hearing.

579

580 Mr. Camm thought Section 9.3.1 was lumped together with the waiver request submitted for
581 Section 9.3.

582

583 Vice Chair Green stated that she takes provision 9.3.1 seriously, because the board had such
584 difficulty with it previously. She would also like to note there are 4 weaknesses with the
585 application; 1. Narrow 2. Single access 3. Too steep 4. Too Long Wilkele Rd. as it
586 exists, is less than 20 ft. wide, as stated on one of the waivers. Typical road width
587 requirement in Sandown is 24 ft. wide. The board did grant a waiver, that the new
588 construction doesn't need to be 24 ft. wide. We will have a single access road to a 22-unit
589 subdivision, on a road that is less than 24 ft. wide. Second, it is a single access road which
590 will require a waiver because there are 32 dwelling units being serviced by this road, where
591 our regulations stipulate a maximum of 25 units per road and apologized that she didn't
592 think of that before.

593

594 Mr. Camm noted that they didn't disguise that fact.

595

596 Mr. Keach agreed with Ms. Green that they need a separate waiver to 9.3.1 He went on to
597 explain that there wouldn't be more traffic volume to the road, than if there were 25 single-
598 family dwellings. He cited a study done by the Institute of Transportation Engineers and
599 will provide excerpts of that manual to the board.

600

601 Vice Chair Green noted that in 9.3.1 there is no mention of traffic volume, it is simply the
602 number of units that can be served by a single access street.

603

604 Mr. Keach agreed and because of that, a waiver is necessary. He stated when you go to the
605 reason for the regulation, the authors were talking about volume and functionality of a dead
606 end street.

607

608 Vice Chair Green wants the board to consider the prudence of issuing a waiver on 9.3.1 in
609 the future. She noted they have given two waivers already on the width of road and on the
610 length of the cul-de-sac. In addition, Wilkele has a slope of 12% at points, but the standard

611 is no greater than 6%. She noted they are proposing a development on a single access road
612 that is inadequate.

613

614 Mr. Keach recommended the waiver request be submitted to the board and noted the
615 reasons Vice Chair Green speaks to are relevant due to the present inadequacy of Wilkele
616 Rd. Mr. Keach also noted there will be additional improvements made to the road.

617

618 Chairman Traeger asked if reducing the grade of the road would be possible.

619

620 Mr. Keach stated it was not possible because of the existing driveways.

621

622 Chairman Traeger noted that they are already driving on the existing 12% grade.

623

624 Mr. Keach stated they are going to excavate and repave a section of road that is only 14 ft.
625 wide. In his opinion, they are doing everything within their realm of ability to repair the
626 road. They are also making additional improvements to the bottom of the road that the town
627 will not have to rebuild at the taxpayers expense. He walked the site two weeks ago, and
628 identified areas in need of improvement including: a drain that discharges into a public right
629 of way, into the street which caused deterioration of the pavement joint; an apron that goes
630 to the Rockingham trail, off-road vehicles go around the stop bar, and miss the pavement.
631 When they pave the road, they will have the apron paved so ATV vehicles will go on
632 pavement.

633

634 Vice Chair Green understands the proposed improvements are the best they can be, but
635 suggests a second road be built going into development or fewer units.

636

637 Chairman Traeger read a letter from Chief Tapley stating that he met with applicant and has
638 no objections to the two part waiver request one is for the pavement width and 25 homes on
639 a roadway over 1,000 ft long. The applicant will install sprinkler systems, the AHJ of the
640 Sandown Fire Department will approve the sprinkler plan prior to construction.

641

642 Vice Chair Green stated that the letter is a confusion of two different waivers, one
643 expanding the cul-de-sac, which they already approved as a waiver, the other is having 25
644 homes on a single access road. He has not addressed that in his letter.

645

646 Mr. Camm stated that at the end of the road there is no opportunity for the road to go
647 anywhere else but down the slope like the previous subdivision. There is condominium
648 open space on either side, so there is no land that can be utilized to create another road.
649 They could do this project on Hampstead Rd. in the middle of the field. The idea was
650 everyone wanted to keep Hampstead Rd. looking like it did, so they offered to provide the
651 housing from a better location on the top of the hill. He was confused since they've been
652 consistent with their proposal all along and laid out their obstacles at the design review
653 phase.

654

655 Matt Russell noted that Vice Chair Green had a valid point. Go back to the Fire Chief and
656 have him clarify his letter. He may understand it, but didn't communicate and document it
657 the way it needs to be for board.

658

659 Mr. Camm stated that he went to Chief Tapley with the draft minutes in hand and talked to
660 him about the two waiver requests.

661

662 Hans Nicolaisen asked if chief walked the site.

663

664 Mr. Camm stated he did not do that.

665

666 Vice Chair Green stated she likes the proposal, and is thrilled that we have another open
667 space development, but her problem is she didn't realized there would be over 25 units, and
668 didn't consider the existing houses and doesn't want to go over that requirement. That
669 should have been pointed out in the beginning as a major consideration. There are safety
670 concerns even though there are sprinklers and asked why they couldn't add another road
671 from the back of the property.

672

673 Steve Meisner noted they would be adding more pavement.

674

675 Chairman Traeger asked what the need for the second road would be.

676

677 Vice Chair Green stated safety, because people need two ways to escape from a house and a
678 development.

679

680 Chairman Traeger noted that there would be sprinklers and that they needed clarification
681 from Chief Tapley.

682

683 Steve Meisner agreed that Chief Tapley should walk the road and give clarification because
684 he probably didn't count every house on the road.

685

686 Chairman Traeger stated the additional road doesn't need to be paved.

687

688 Mr. Camm stated he did not mind getting clarification from Chief Tapley.

689

690 Vice Chair Green stated she would like to see another proposal with a second access or a
691 diminished number of units.

692

693 Mr. Camm stated that they would rather put the cul-de-sac on Hampstead Road if it were
694 the preference of the board to have a second access or diminished units.

695

696 Vice Chair Green stated she was not concerned with design, just about safety.

697

698 Mr. Camm noted they have done everything they can to make it as safe as possible.

699

700 Vice Chair Green stated the board is being asked to grant a waiver for something that is in
701 our regulations for safety.

702

703 Ed Mencis stated he is happy with the plans.

704

705 Mr. Keach asked Mr. Camm if they have applied for the majority of the state permits.

706

707 Mr. Camm said they have not yet done that.

708

709 Mr. Keach stated that most of the items in his March 14 letter were already talked about.
710 There was a waiver requested that was denied for the shoulder improvements on Hampstead
711 Rd. Those improvements are now part of the plan

712

713 Matt Russell asked if the improvements were on the plans.
714
715 Mr. Camm stated they were just discussed on-site.
716
717 Mr. Camm questioned how rubbish was handled and asked if people take it to the dump or
718 did the town provide pick-up.
719
720 Chairman Traeger noted this was a valid point, since these are apartments. Will they have
721 their own trash, or will we put dumpsters on site?
722
723 Ed Mencis stated that all apartments in town have dumpsters.
724
725 Mr. Camm stated that the owners didn't want to have anything outside. He then asked the
726 board when they could continue the conversation about the waiver request.
727
728 Chairman Traeger stated they can continue on the third Tuesday of the month and they can
729 put this request on the agenda.
730
731 Mr. Keach stated he wants to see a copy of drainage report so that can be taken care of
732 before the next meeting.
733
734 Mr. Camm asked if the board would be able to handle the waiver request in two weeks at the
735 next meeting. He also stated he would like to see what happens with the waiver requests
736 before they spend more time and expense on the project.
737
738 Chairman Traeger noted that the meeting two weeks from now is the board's work session.
739
740 Vice Chair Green noted the plan doesn't specify the place for dumpsters, so that will need
741 to be addressed in the revisions Also there will be a collective mailbox on side of Wilkele.
742 The shoulder will be paved so it will be another demand on the road.
743
744 Mr. Camm stated he might have to go back to the client and say this project is not
745 happening and would welcome a poll of the board on the waiver. Chairman Traeger did an
746 informal poll of the board but recognized two members present were alternates. Ed Mencis
747 stated he was fine with the plans, Matt Russell stated he was ok with it as long as Chief
748 Tapley was clear on the three issues, Mark Traeger was ok with it, Steve Meisner agreed
749 with Matt Russell, Ernie Brown was ok with the project but noted he was an alternate and
750 may not be present later.
751
752 Chairman Traeger stated the board will continue the hearing on May 17th for review of a
753 three lot Subdivision Application, as well as a 22 unit open space development submitted by
754 KDRM, LLC. The property is shown on Map 5, Lot 28 on the Sandown Tax Map and
755 located on 115 Hampstead Road. The property is owned by KDRM, LLC.
756
757
758 **Other Business:**
759 Chairman Traeger stated that there is an opportunity in Sandown to play with some of the
760 regulations to clear up issues with disturbed soils not being mitigated, and building
761 inspectors not knowing what to do in regards to mitigating soil erosion. At the next work
762 session he proposed the board talk about setting regulations so there are no future debates
763 Currently, there are no clear guidelines for the building inspector to enforce.

764

765 Mr. Keach noted that anytime someone gets a building permit they need to have a state
766 approved septic design. He suggested that it may be easier to have a have local regulation
767 that requires the same person that does the septic design to also take care of erosion control
768 plans. Let's give the inspectors something they can enforce.

769

770 Hans Nicolaisen suggested having a penalty. How can we enforce a code when there is no
771 penalty to go along with it?

772

773 Matt Russell wanted to add an agenda item for the next work session. He explained there is
774 an amendment to the house bill 409, being proposed to the community for municipal and
775 county governments limiting the boards a person can sit on. If it passes, our board would
776 lose three members. He stated if we all agree that it's not a good idea, it would be in our
777 benefit to send letter to Jack Barnes, chair of that committee and let him know why we think
778 it's bad legislation.

779

780 Mr. Keach noted that the reason for that bill is that there are smaller towns where the same
781 three people are on every committee. They feel in some instances, one individual can assert
782 power over a town. You can go to the state website to get the status of the bill. In his
783 opinion, this one will probably not pass.

784

785 Vice Chair Green noted that she and Chairman Traeger sit on the Legislative Policy
786 Committee for the Rockingham Conservation District, they are both assigned some
787 controversial bills to follow. This is one that she has been assigned. She noted it helps to
788 have members of a planning board voice their opinion, but wanted to note that the RCD is
789 actually looking after this bill.

790

791 Hans Nicolaisen brought forward an issue that was given to the Selectmen's office. A
792 resident of Spruce Lane and Balsam Lane is trying to reroute a right-of-way. He is trying to
793 move it 100 ft further up Balsam Lane to a right-of-way other residents paid to have paved.
794 These residents are upset about this.

795

796 Steve Meisner noted that if you pull the deed for the property, the right of way location is
797 usually specified on the deed.

798

799 Mr. Keach asked if this a public or private matter. It was determined that this was a civil
800 matter. It requires consent of the abutters. The creator of the property should give a
801 notarized affidavit that there was no intent of public dedication for the easement.

802

802 Hans Nicolaisen asked the board if the town should get involved.

803

804 Mr. Keach stated in his opinion, the town should not get involved in the litigation.

805

806 Chairman Traeger suggested Hans could utilize Bette Patterson if needed.

807

808 **Adjournment**

809 Matt Russell made a motion to adjourn. Ed Mencis seconded. Voted unanimously in the
810 affirmative. MEETING ADJOURNED AT 10:05 p.m.

811

812 Respectfully submitted,

813 Andrea Cairns, Part-time Recording Secretary