

Sandown Planning Board
Minutes
May 17, 2011

Date: May 17, 2011

Place: Sandown Town Hall

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

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

Opening: Matt Russell serving

Approval of Minutes

April 19, 2011

MOTION: Fred Daley made a motion to approve the minutes of April 19th as amended: L19 “The amendments for the referenced 3/1/11 meeting were: L46 “likely” changed to “possible”; L111 the word “district” changed to “disturbance”; Line 26-28 “The amendments for the referenced 2/15/11 meeting were: L19”L178-179...add semicolon at end.” Add Line 262 “exiting onto town roads”; L37 “...in his opinion most low volume street width...”; L56 “They have filed an application for a conditional use permit.”; L57 “wetlands”; L61 “...on that lot. They...”; L63 “..obligatory recreational accommodations.”; L351 “The thought is Mr. Falkenham could use material from his excavation.”; L353 “...said gravel may be needed to top the parking lot...”; L574 “Are you referring to a waiver to Section 9.3 about dead end streets being more than 1000 feet in length?”; L577 “Mr. Keach clarified that in this instance, there are 22 new units, as well as 12 additional homes on that street, so they would go over the 25-unit limit specified in the subdivision regulations.”; L584 “Mr. Camm thought Section 9.3.1 was lumped together with the waiver request submitted for Section 9.3”; L606 “...served by a single access street.”; L615 “...are proposing...”; L619 “...inadequacy..”; L743 “...that the meeting two weeks from now is the board’s work session.”; L750 “Mr. Camm stated he might have to...”; L751 “Chairman Traeger...” Ed Mencis seconded. Marilyn Cormier and Steve Meisner abstained. Voted in the affirmative by the remaining members of the board.

Public Hearing for the purposes of a request from Ernest R. Brown for the modification to a condition of approval for the subdivision known as Twitchell’s Way, Tax Map 15, Lot 13-5, conditionally approved on September 18, 2007.

Steve Keach, Town Engineer stated this subdivision was approved on 9/18/07. At the time the application was presented there were frontage lots on Phillips Road and interior lots on Twitchell Way. The interior lots were separate from the other lots. There were 6 frontage lots created in phase one. That plan was signed and recorded and lots have been conveyed. Phase II was handled separately with one large residential parcel which was conditionally approved. The conditions have never been fulfilled. Mr. Keach stated he advised Mr. Brown to come before the planning board. One of the conditions were to post a performance guarantee as required by the subdivision regulations and as they were written at the time Phase II was approved. Last year a section of the subdivision regulations was amended. Mr. Brown is requesting a waiver to the requirement for a performance guarantee which was one of the

48 conditions of approval. This really takes a form of a compliance hearing to allow Mr. Brown to build the
49 road without having the plan signed and recorded. In this case, Mr. Brown is willing to build the road
50 and have the road inspected before recording the Mylar. It's unusual that someone can build a road
51 without financing, however, Mr. Brown is in a position to do it. Not having the plan recorded gives the
52 town protection because no building permit could be issued or any homes conveyed until the Mylar is
53 recorded.. Mr. Keach stated that in his opinion this request had to happen at a public hearing because the
54 applicant is seeking amendments to conditions (section 9.20 as it exists). Mr. Keach stated he is not
55 sure a waiver is required at this point, however, the board could modify the condition.

56
57 Matt Russell stated that what Mr. Brown wants to do is to build the road prior to selling the lots off.

58
59 Mr. Keach agreed and added that Mr. Brown may have to post a surety when construction is near
60 completion at the end of the road for top coat and finish.

61
62 Matt Russell asked if the road will be approved by the Town before any of the lots on Twitchell's Way
63 are sold.

64
65 Steve Keach stated that at the completion of the road construction, when the lots can be built on and sold
66 Mr. Brown would give us a surety or the balance.

67
68 Matt Russell stated he thought the town should be doing this a long time ago. People are living on
69 unfinished roads, paying taxes and he thinks what Mr. Brown is doing is a better way to do things.

70
71 Donna Green stated she would agree only to the extent that it would be good if the road were completed.
72 Mrs. Green asked "how do we know that a bond will be posted?"

73
74 Ed Mencis stated that Mr. Brown cannot get a building permit without the Mylar being recorded.

75
76 Mr. Daley added that they could not sell the lots or the houses either without the Mylar being recorded.

77
78 Ernie Brown showed the board a copy of the conditionally approved plan.

79
80 Mrs. Cormier stated there has to be a record kept in the Town that no building permit be issued until the
81 Mylar is recorded.

82
83 Chairman Traeger ask "what happens if he goes bankrupt?"

84
85 Steve Keach replied that the town has a restoration bond.

86
87 Fred Daley stated that someone would benefit from the road being completed and if bankruptcy
88 happened, someone else would most likely buy the property.

89
90 Donna Green asked how the building inspector or any other town official would know that a Mylar has
91 not been recorded.

92
93 Steve Keach stated nothing has changed on the tax map. The tax map shows one 28 acre lot. The tax
94 map doesn't get changed until the Mylar is recorded. The board would issue a Notice Of Decision when
95 the plan is approved and that NOD is also recorded with the Mylar as required by State statute.

96

97 *The board took a five minutes recess.*

98

99 Administrative Assistant Patterson explained that each NOD is posted, filed with the Town Clerk and
100 distributed to the building inspector and placed in the property files. When the Mylar is recorded, the
101 NOD is either on the Mylar itself or recorded with it simultaneously as per statute.

102

103 Matt Russell stated there is a wetland crossing and culverts on this property. He asked if there will be
104 inspections on those items.

105

106 Steve Keach replied there would be inspections on the wetland crossing and the culverts.

107

108 MOTION: Fred Daley made a motion to delete that condition in granting applicant's requests the
109 applicant, heirs assigns etc. will not be granted building permits unless a surety is posted or the road is
110 completed and accepted by the town. The road will not be accepted by the town until the plan is
111 recored. Ed Mencis seconded. Voted unanimously in the affirmative.

112

113 Mr. Brown, on advice of the board, withdrew his request for a waiver on Subdivision Regulation Section
114 9.20.

115

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

120

121 Kevin Camm, representing KDRM, stated that they have an alteration of terrain application to submit to
122 the state. There was an issue regarding a waiver request at the previous meeting. A new waiver request
123 has been submitted to the board requesting the following:

124

125

126 *1) Due to the shape and physical features of the lot, we have proposed this open space*
127 *development at the most logical / environmentally friendly location.*

128

129 *Adjacent properties on the left and right of the proposal are open space for*
130 *condominiums. The other parcel that abuts us would necessitate fill of wetlands to gain*
131 *access to Chase Road, making such an extension impracticable, thus unlikely to be*
132 *permitted.*

133

134 *Actually, at our property line, there are 11 single family homes utilizing the roadway. A*
135 *little over 100 feet into our proposed project there are two access points to Wilkele*
136 *Road. All three of our driveways are afforded the ability to turn right or left to gain*
137 *access to the roadway.*

138

139 *If we are limited to 14 units, nothing but the size of the buildings would change. The*
140 *driveways, cul-de-sac and improvements would all stay as designed. However, this*
141 *option would most likely be prohibitive based on engineering, off-site roadway*
142 *improvements, construction costs, etc.*

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Also, extending a second access through the open space, per town specifications, will necessitate the destruction of the open space. It will also require tremendous expense for construction as well as long-term maintenance by the town for a roadway that will not be seriously utilized.

2) 25 homes utilizing 2 access points is a good design / planning tool, especially from square one. In this instance Wilkele Road subdivision exists and there are no practicable locations to other roads.

Using the rational that 25 single family homes x 10 vehicle trips per day yields 250 tpd. This proposal has 22 two bedroom condominium units x 6 vtpd yielding 132 tpd. Adding the existing 11 single family homes x 10 vtpd or 110 tpd plus the proposed 132 tpd, totals 242 tpd, which is actually a decrease of 8 tpd overall.

Per AASHTO standards for low volume local roads of less than 400 trips per day with designed speeds of up to 40 mph indicate an acceptable paved width of 18 feet. 20 feet is proposed.

Institute for Traffic Engineers' standards indicate that there will be no "level of service" threshold impact after the build out of the project.

Life safety issues are mitigated by the installation of fire sprinkler systems in the units.

Without the requested waiver being granted, only 14 units can be achieved where 22 should be allowed under the ordinance. The ordinance states that an open space development shall be allowed on any parcel situated in Zone A.... This would limit the density and affordability factor that is the whole reason for the ordinance in the first place.

Fire Chief Tapley stated that these buildings fall under NFPA. The buildings are required to have a sprinkler system. The existing road is approximately 1,237 feet long which is over the 1,000 foot length limit. The proposed cul de sac only adds 150 feet. Fire Chief Tapley stated the fire trucks are capable of pumping water up that far. Having a cul de sac will make it easier for the fire trucks to service the entire road because it will provide a turn around. Chief Tapley stated in his opinion the cul de sac will be an improvement. Sprinklers do not always put a fire out but a sprinkler system can keep a fire at bay until the fire department arrives. The width of the road is adequate as it exists. Currently there are 11 homes and the proposal is to add another 5 buildings. There are other locations in town that have roads with gates and bars which are far more difficult to deal with. Chief Tapley stated that "Safety wise I do not have concerns on this."

Marilyn Cormier asked Chief Tapley if he had any problem with the number of units being added to the street.

Chief Tapley replied that he understands the number of units being added and the major adjustment is

189 that the buildings are fully sprinkled.

190

191 Marilyn Cormier asked Chief Tapley how the fire department would handle a situation in this
192 development since there is only one access.

193

194 Chief Tapley replied that the fire department does the best they can.

195

196 Matt Russell asked Chief Tapley when you're talking about a unit proposed at the top of the hill do you
197 view it as one unit because of the sprinkler?

198

199 Chief Tapley stated he views it as one building . Each unit is required to meet all fire codes.

200

201 Donna Green stated the subdivision regulations limit the number of units to 25 at the end of a single
202 access road. The proposal before the board is a request to relax that regulation. NFPA chapter 5 rules
203 require two accesses.

204

205 Chief Tapley stated that the NFPA rule states that 1 to 100 homes are allowed on single access roads.
206 The minimum width required for two fire trucks to pass each other is 20 feet.

207

208 Donna Green stated that in the winter the road is not 20 feet wide.

209

210 Chief Tapley stated the fire department deals with that problem all the time.

211

212 Public Comment

213

214 Elaine Champion, 2 Wilkele Road - Mrs. Champion read the e-mail that she sent to the Planning Board
215 prior to this meeting: *I am a resident of 2 Wilkele Road. I watched the Planning Board meeting of April
216 19, 2011. This is the first I had heard that Wilkele Road would be a single road access for a 22 unit
217 development. I am really concerned that the entire fabric of our neighborhood will change as well the
218 significant safety issues this presents. It is clear from the discussion that this project requires a number
219 of waivers due to the width, length and slope of Wilkele Road given the number of dwellings it will
220 serve. It is only 20 feet wide not the required 24 feet and will service 32 dwellings not the 25 allowed.*

221 *The road currently presents a number of safety issues already due to the Rockingham Trail and ATV and
222 dirt bike traffic. The width of the road becomes much narrower during the winter with snow making
223 access difficult for the current traffic let alone additional traffic and fire trucks and apparatus should they
224 be needed. Children wait at the bottom of Wilkele Road for the school bus in the mornings for the
225 existing homes. Adding 22 units and having the children waiting at the bottom of the road and standing
226 out on Hampstead Road, parents in cars, people leaving for work, along with trail bike traffic have all
227 the makings of an accident waiting to happen.*

228

229 *I am also surprised and concerned that my property is being discussed at a Planning Board meeting as
230 being problematic for the road and this project due to its proximity to the entrance to the road and that
231 the issues surrounding it will have to be addressed without my receiving **any notification about the
232 project.** I am further concerned that I would not be notified when such a major change as this is being
233 proposed for the road on which I reside. While I may not be a direct abutter to the development, the
234 single road access and number of waivers required alone should warrant courtesy notification even if it is
235 not legally required in my opinion as a taxpayer in this Town.*

236

237 *Kevin Camm said at the meeting that the development could be accessed via Hampstead Road but the*
238 *Board is concerned about changing the look of that road. It feels to me that allowing the access to be*
239 *from Wilkele Road puts things out of sight out of mind for the Planning Board but certainly not for the*
240 *existing residents of Wilkele Road.*

241

242 *I hope, Chief Tapley, you will take another look at the safety issues this single access from an undersized*
243 *road to 22 additional dwellings will present and try to seek input from the residents of Wilkele Road. I*
244 *would be happy to speak with you.*

245 *regarding development rep their concerns as well. Notification process comment Just copy this from her*
246 *e-mail. Owners of the trail that was discussed. Requesting to be placed on an abutter's list.*

247

248 Marilyn Cormier asked "when you say original access on Hampstead Road do you mean you do not want
249 to include Wilkele Road at all?"

250

251 Elaine referring to the draft planning board minutes of April 19th., read about Mr. Camm talking about
252 using Hampstead Road as an access and coming across the field.

253

254 Don Belanger, 4 Wilkele Road - Stated the road is narrow and adding apartments would cause more
255 safety problems. He stated Mr. Keach had said at the previous meeting that the public works director is
256 in favor of having the cul de sac because it would allow his department to use the plow trucks rather than
257 the pick up truck plow they have to use now. The board shouldn't complicate the existing situation.

258

259 Steve Keach stated, regarding Mr. Belanger's comment, the reason he has to plow with a pickup is they
260 can't turn the plow around now but they can with a cul de sac.

261

262 Chief Tapley stated he is not trying to patronize residents by addressing other similar problems with
263 roads, he is just stating a fact because he sees the same problems all the time. He agreed the development
264 would be better with two accesses.

265

266 Elaine Champion asked "why is Wilkele Road involved?"

267

268 Matt Russell commented that there was some confusion with reference to a second entrance. It would
269 benefit everyone to see the plan.

270

271 Hans Nicolaisen stated that he was just thinking if that was your piece of property, wouldn't you have the
272 right to build on it? The property is on Wilkele Road as much as Hampstead Road.

273

274 Elaine Champion stated they have nothing to gain on Wilkele Road.

275

276 Chairman Traeger stated every time someone purchases property they have an opportunity to use it. The
277 Town has zoning and property owners are allowed to use the regulations for development.

278

279 Elaine Champion stated this proposal requires a significant number of waivers to make it happen. We
280 should explore other ways.

281

282 Kevin Camm stated that the applicant has legal frontage on Wilkele Road. Market conditions weren't
283 favorable to develop the previous proposal and that development as approved, would have looked like an

284 airport runway instead of a rural street.

285

286 Steve Keach stated the board doesn't take these decisions lightly. This is the third or fourth meeting the
287 plan has been reviewed. Public works supports this for several reasons and one is the plow vehicle cannot
288 turn around now. This applicant will have to do substantial improvements to Wilkele Road.

289

290 Elaine Champion stated at the last meeting Mr. Keach said Sandown has an aggressive plan to improve
291 roads. She stated she would maintain that as a resident of Wilkele Road it shouldn't come at the expense
292 of 22 additional units. The improvements should be made anyway.

293

294 Steve Keach stated the land is not as good for building homes off Hampstead Road. The applicant's
295 proposal is before the board and the board has to deal with this specific application.

296

297 Steve Meisner stated there would be the same amount of residents at this meeting if the development was
298 put on the other side of the property.

299

300 Ed Mencis stated there is a plan before the board and unless the applicant changes something, the board
301 can only review the plan presented to us.

302

303 Marilyn Cormier stated there were two waiver requests for this project. One for the width of the road and
304 one for the number of units. She stated she understood Mrs. Champion's concern about not being
305 notified, however, Mrs. Champion is not a direct abutter.

306

307 Matt Russell stated that one safety concern was for the school bus. If the cul de sac is installed, the bus
308 would have a place to turn around.

309

310 Elaine Champion stated another concern is for safety on the road.

311

312 Justin Belanger, 4 Wilkele – All that he has heard is "I think" and "I hope" the road will be safer. The
313 residents want something more solid.

314

315 Steve Keach stated as far as snow plowing and road maintenance, we can do what we have talked about.

316

317 Elaine Champion stated nothing has been done on the bottom of Wilkele Road.

318

319 Donna Green asked about turning on Wilkele Road from Hampstead when there are snow banks.

320

321 Elaine Champion replied that it makes turning difficult from Hampstead.

322

323 *Please note: Administrative Assistant Patterson left the meeting at 10:00 p.m.*

324

325 Mr. Camm read the waiver request again.

326

327 Chairman Traeger asked if only the 14 units are allowed then does mean the applicant will forego the
328 open space development?

329 Mr. Camm replied that the applicant may have to do an alternate design for 14 units on the top of the
330 property and then place 8 units on the lower portion.

331

332 Marilyn Cormier stated when you are talking about the open space development you are referring to the
333 density and affordability factor which is advantageous to the developer. Density is also advantageous to
334 the Town as it preserves open space for the Town. Open Space preserves the wildlife corridor, protects
335 some abutters from seeing houses in their back yard and it does what our current master plan advises.
336 One of the main concerns was to protect open space when the Master Plan was done. It's good planning.
337

338 Chairman Traeger agreed and added that open space also greatly reduces stormwater runoff.
339

340 Marilyn corm stated it also makes for less disturbed land.
341

342 Steve Keach stated this open space is contiguous with open space that exists around this property and
343 extends the wildlife corridor.
344

345 MOTION: Ed Mencis made a motion to approve the waiver of Section 9.3.1 as requested. Hans
346 Nicolaisen seconded. DISCUSSION: Donna Green questioned specific statements made in Part 2 of the
347 waiver request submitted by the applicant. Kevin Camm addressed her questions. Marilyn Cormier
348 asked Mr. Camm if the applicant would be willing to "move" some units to be accessed directly from
349 Hampstead Road. Hans Nicolaisen added a reminder that the Planning board had previously supported
350 the waiver request as Chief Tapley had clarified Donna Green's concerns relative to safety. VOTE ON
351 THE MOTION; Mark Traeger, Steve Meisner, Ed Mencis, Marilyn Cormier, Fred Daley and Hans
352 Nicolaisen voted in favor of the motion. Donna Green voted against the motion. MOTION PASSED.
353

354 Chairman Traeger stated this meeting is continued to June 21st at 7:30 p.m.
355

356 **Other Business**

357

358 **Discussion Items**

359 • **Planning Board Responsibilities for 55+ Communities**

360

361 Chairman Traeger stated that 55+ communities are required to send the town a list of owners for age
362 verification. The Town has never done this previously. Letters were sent out to those communities
363 requesting a list of owners and verification of age. The information is due back in the planning board
364 office on June 20th.
365

366 Steve Keach stated the requirement is derived from section 4A of the zoning ordinance.
367

368 **Sub-Committee Updates**

369 • **Capital Improvement Plan**

370

371 Chairman Traeger presented the CIP to the Selectmen during the department head meeting. He
372 encouraged all department to participate in the CIP.
373

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375

376 Matt Russell thanked Chairman Traeger for filling in for him on the CIP. He also stated the CIP is
377 looking for volunteers.
378

379

380

381 MOTION: Ed Mencis made a motion to adjourn. Steve Meisner seconded. Voted unanimously in the
382 affirmative. MEETING ADJOURNED AT 10:52 p.m.

383

384 Respectfully submitted,

385

386

387 Bette Patterson, Administrative Assistant