

1 Sandown Planning Board
2 Minutes
3 July 19, 2011
4

5 **Date:** July 19, 2011

6 **Place:** Sandown Town Hall

7 **Members Present:** Ed Mencis, Mark Traeger – Chair, Donna Green – Vice Chair,
8 Steven Meisner, Alternate Matt Russell sitting in for Marilyn Cormier, Alternate Ernie
9 Brown sitting in for Fred Daley, Steve Keach – Town Engineer

10 **Also Present:** Recording Secretary Andrea Cairns

11 **Absent:** Hans Nicolaisen - Ex-Officio, Marilyn Cormier, Fred Daley
12

13 **Opening:** Mr. Traeger opened the meeting at 7:07 p.m.
14

15 The board reviewed changes to the following sets of minutes:
16

17 ***2/15/2011***

18 All changes have been made. These minutes were already approved so a motion
19 to re-approve was not necessary.
20

21 ***3/1/2011***

22 All the changes have been made. These minutes were already approved so a motion
23 to re-approve was not necessary.
24

25 ***3/15/2011***

26 *These minutes were not approved and need the following revisions:*

27 L105/106 – Add at the end of this line “One of these requirements is a favorable letter
28 from RCCD.”

29 L333/334 – These lines needs to be stricken.

30 L600 – Change to “because grass is preferable to pavement”

31 L603 – Change to “Mr. Mencis made motion to deny the waiver request to Subdivision
32 Regulation 9.19.”

33 L605 – change to “Article 9.3”
34

35 **MOTION:** Mr. Mencis made a motion to accept these minutes as amended. Ms. Green
36 seconded the motion. The board voted unanimously. Mr. Brown abstained.
37

38 ***3/29/11***

39 *These minutes were not approved and need the following revisions:*

40 L57 – RCC needs to be changed to RCCD
41

42 **MOTION:** Mr. Mencis made a motion to accept these minutes as amended. Ms. Green
43 seconded the motion. The board voted unanimously. Mr. Meisner abstained.
44

45 **4/19/11**

46 *These minutes were approved. They do not need to be re-approved. The following*
47 *changes were omitted:*

48 L583 – change to “Vice Chair Green stated that she takes provision 9.3.1 seriously”

49 L596 – Change Donna to Ms. Green

50

51 **5/17/11**

52 These minutes were not approved. Vice Chair Green gave her edited copy to Ms. Cormier
53 to review and did not have her changes for the meeting. The approval of these minutes
54 will be deferred to the next meeting.

55

56 **6/7/11 – draft only**

57 L25 – change to “Ms. Cormier will undertake...”

58 L31 – change to “a copy of the MP3 file, as has been done in the past,...”

59 L34 – change to “Mr. Traeger made a suggestion”

60 L35 - strike line

61 L48 – Add “Sandown lies within this hatched area.”

62 L53/54 – Add what the conclusion was to this discussion

63 L56/57 – Add what the conclusion was to this discussion

64 L62 – Change to “They also have a skeleton plan in place for the focus group.”

65

66 **6/21/11 – draft only**

67 L68 – Add “the letter was on June 17, 2011 and the letter is attached.”

68 L167 – change to “Mr. Keach wants the construction approval numbers.”

69 L180 Change to “Mr. Jendrick reviewed the conceptual open space subdivision plan in
70 detail. The board questioned several items on the plan.” Identify the items the board
71 clarified.

72 Replace Janco with Jendrick when appropriate.

73

74 **MOTION:** Mr. Mencis made a motion to accept these minutes as amended. Mr. Brown
75 seconded the motion. The board voted unanimously. Mr. Traeger and Ms. Green
76 abstained.

77

78 Approval for the minutes of 5/17/11 and 6/7/11 will be deferred to another meeting.

79

80 **7:38 - Bank of New England - Discussion – Valerie Way**

81

82 *Present were Mark Kanakis representing Bank of New England and Bill DeLuca.*

83

84 Mr. Kanakis reviewed for the board why they were there. He reviewed the history of the
85 property and how Bank of New England obtained the property. They would like to come
86 to a resolution and wanted to know if there was any middle ground that could be reached.
87 There was a bond required back when the subdivision was approved. The bond was
88 received and had expired. There was no surety remaining on the property. There is no one

89 from the original development to complete the remaining items on the bond, which
90 include completing the road.

91

92 Bank of New England feels that under state statutes, they should not be bound as bonifide
93 purchasers and should not be bound to pay any amount to get the building permits issued.
94 There is a base coat of road on the property with adequate turnarounds and felt there were
95 no safety issues.

96

97 Mr. Keach went back to the town's records which ended a few years ago and found there
98 was a residual amount of work on a punch list that was going to be necessary for the road
99 to be accepted by the Board of Selectman in order for them to release the final surety. Mr.
100 Keach reviewed the quantities on the list and his estimated cost was approximately
101 \$15,000.

102

103 Since Bank of New England only owns three of the lots, Mr. Kanakis stated they should
104 only be required to pay 3/8ths of the surety in order to get building permits for those three
105 lots. The other owners could pay their 1/8 and in order to receive their building permits.

106

107 Mr. Keach stated that if Bank of New England completes the road, he would go to the
108 Board of Selectman and get it approved as Class 5 road. If there is a way for Bank of
109 New England to be paid back for that work by others in the future, Mr. Keach feels it
110 would be worth having the town explore that option.

111

112 As another option, the board discussed having Bank of New England post a surety to
113 complete their obligation to the town. If a surety is in place, the town can issue a building
114 permit, which would allow Bank of New England to do what they need, in order to sell
115 the lots.

116

117 Mr. Kanakis stated that the bank would be willing to post the surety provided there in a
118 mechanism in place to ensure they would be paid back. Mr. Keach stated that any time
119 someone wants to build on these lots, they have to come before the board for a site plan
120 review.

121

122 Mr. DeLuca asked the board about the gate leading to the 55+ development. The board
123 clarified that was for emergency access only.

124

125 The board discussed Sandown zoning laws and noted that someone would be able to put
126 a single family building on each of those lots.

127

128 Ms. Green noted that if the lots were used for residential purposes then the board would
129 not have to do a site plan review, which would mean the board would not be involved.
130 Because of this she did not feel the board could agree to the terms of the surety.

131

132 Mr. Kanakis felt Ms. Green's concerns about the residential lots were valid. He did feel
133 that there was already a good mechanism in place, which was the moratorium. If anyone

134 goes to pull a lot, they can't get a permit because of the moratorium. That is what they
135 would address with the town in order to get paid back.

136

137 Ms. Green was concerned about the town incurring legal fees.

138

139 Mr. Kanakis suggested that legal fees should be added to the bond and over time would
140 be paid back with the bond. Mr. Keach stated when putting together the terms of the
141 bond, the terms would include the bare bond as well as any contingencies. Legal fees and
142 consulting fees would be legitimate contingencies to add on. The board should speak to
143 Ms. Gorrow about that.

144

145 Mr. Kanakis agreed he would speak with Attorney Gorrow to see if they could come to a
146 solution as well as confirming that legal fees could be included in the bond. Mr. Keach
147 stated that he would go to the Board of Selectman if something were worked out. He also
148 stated that he would send a more exact cost to Mr. Kanakis.

149

150 **Discussion on Variable Road Width Standards.**

151 Mr. Keach presented the board with a document containing his recommendations to the
152 Town of Windham for their Subdivision Control Regulations. He updated this document
153 to be relevant for the Town of Sandown and reviewed the document in detail for the
154 board.

155

156 The board discussed several points on this document including variable road widths, road
157 grades, and cul-de-sacs.

158

159 The board agreed that Mr. Keach should make changes to the document to make it
160 Sandown specific, prior to the next meeting and send the revised document to the board.

161

162 The board agreed they would like Chief Tapley and Mr. Genualdo to review the
163 document and come before the board to give their input before they have a public
164 meeting.

165

166 **Town Engineer Report**

167 Mr. Keach stated there was nothing new to report.

168

169 **New Business**

170 Mr. Russell asked the board if there was a way to get in touch with Mr. McCarthy of
171 Wells Village Road. There are concerns that people are dumping trash on the property.
172 Mr. Russell would like to make Mr. McCarthy aware of the situation.

173

174 **Review of Budget**

175 The board discussed where the \$750 for the Master Plan application would come
176 from within their budget. They determined it could come out of consulting or payroll.

177

178 Mr. Traeger asked the board for input on spending the board's grant money. If the board
179 comes up with a project, he could potentially go after additional grants. The board
180 discussed possible software that could help the town track developments. This software
181 would benefit several departments.

182

183 **Other Business**

184 Vice Chair Green noted that the Board of Selectman authorized a committee to explore
185 performance-based budgets. She felt this was noteworthy because it ties in with the
186 Master Plan as well as the CIP.

187

188 The board noted that the surety spreadsheet was out of date and would like for Ms.
189 Patterson to update this for the next meeting.

190

191 Vice Chair Green updated the board on the Town Hall renovations and how they will
192 impact the planning board office. She noted the planning board could provide feedback
193 at the next Selectman's meeting.

194

195 The board discussed moving their meetings to the new recreation building. Mr. Traeger
196 will speak to the cable committee to see if that building can be wired for broadcasting the
197 meetings.

198

199 Vice Chair Green reviewed a letter from a member of the public suggesting the board
200 implement regulations protecting residential groundwater when nearby blasting is done.
201 Ms. Green will circulate the letter among the board and would like to discuss this further
202 at the next work session.

203

204 The board discussed Mr. Keach's level of responsibility and involvement with the
205 Planning Board and discussed the possibility of paying him for his services.

206

207 **Master Plan Update**

208 Mr. Daley was not in attendance, so there was no update.

209

210 **MOTION:** Mr. Mencis made a motion to adjourn. Mr. Meisner seconded the motion.
211 The board voted unanimously in the affirmative. Meeting adjourned at 10:02 p.m.

212

213 Respectfully submitted,

214



215

Andrea Cairns, Recording Secretary