

1 Sandown Planning Board
2 Minutes
3 October 4, 2011
4

5 **Date:** October 4, 2011

6 **Place:** Sandown Town Hall

7 **Members Present:** Mark Traeger – Chair, Hans Nicolaisen - Ex-Officio, Ed Mencis,
8 Alternate Matt Russell, Alternate Ernie Brown, Steve Keach – Town Engineer

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

10 **Absent:** Donna Green – Vice Chair, Marilyn Cormier, Fred Daley, Steven Meisner
11

12 **Opening:** Mr. Traeger opened the meeting at 7:06 p.m.
13

14 **Approval of minutes**

15 *6/7/11*

16 **MOTION:** Mr. Nicolaisen made a motion to approve the June 7, 2011 minutes as
17 amended. Mr. Brown seconded the motion. Three voted in favor, Mr. Russell abstained.
18 The motion passed.
19

20 *9/6/11*

21 **MOTION:** Mr. Nicolaisen made a motion to approve the September 6, 2011 minutes as
22 written. Mr. Brown seconded the motion. Three voted in favor, Mr. Mencis and Mr.
23 Brown abstained. The motion passed.
24

25 *9/20/11*

26 **MOTION:** Mr. Brown made a motion to approve the September 20, 2011 minutes as
27 written. Mr. Russell seconded the motion. Three voted in favor, Mr. Nicolaisen and Mr.
28 Mencis abstained. The motion passed.
29

30 The Board will purchase three regulation books. The books have been updated for 2012.
31 The books are \$6.50 each or a CD could be purchased for \$12.00. The Board will order
32 new books for Mr. Russell, Mr. Mencis, and Mr. Brown.
33

34 **Correspondence**

35 The Master Plan Committee will be mailing out postcards to 2,500 homeowners on
36 October 10, 2011.
37

38 The Board received a letter from the Regional Economic Development Center asking if
39 the board would like to apply for a comprehensive economic strategies grant. The
40 projects covered by the grant usually surround items that create jobs such as strip malls,
41 putting in sewers, road and bridge repair. Raymond has used this kind of grant to fund
42 putting in new sewage to link an industrial park to town sewer in order to attract larger
43 businesses. The Board agreed that Sandown has no real need for a grant like this.
44

45 The Board received a copy of Town & Country. Mr. Traeger gave a copy to Chief Tapley
46 since there were relevant articles for him.

47

48 The Board received two inspection reports from Keach-Nordstrom Associates, Inc. One
49 dated 9/27/11 regarding the Ernest Brown subdivision. The other dated 9/27/11 was for
50 Waterford Estates.

51

52 Mr. Keach commented on the reports, he noted Mr. Brown's project is moving along
53 nicely. In regards to the Waterford Village project, he noted that Mr. Barnes is going to
54 finish paving the road this year. Mr. Keach anticipates that in the next couple of weeks all
55 roadway construction within Waterford Village will be complete. There will be some
56 clean up on lawns that will need to be completed in the spring. There is also a playground
57 with an apparatus that still needs to be installed. Since the playground is not bonded, Mr.
58 Barnes will wait until the remaining lots are complete before finishing.

59

60 **Budget Review for Budget Committee Meeting 10/12/11**

61 Mr. Traeger will be going before the Budget Committee on 10/12/11. Mr. Traeger
62 completed their form. The Selectman supported the proposed Planning Board budget with
63 no changes.

64

65 Mr. Traeger noted the budget went down this year. Mileage, payroll, and education went
66 down. Grant money went up. Mr. Russell noted there was a reasonable cut in the budget
67 and commended Mr. Traeger for his efforts in doing so. The Board agreed that Mr.
68 Traeger could move forward with the budget as is and no motion was needed.

69

70 **Capital Improvements Program (CIP) – Update and Discussion**

71 Mr. Russell explained there is no formal CIP subcommittee because he cannot find
72 anyone to join the committee. Mr. Russell noted that the Library contacted him and is
73 interested in putting offices off the back of the existing building. Mr. Russell asked if it
74 would be appropriate to bring the discussion back to the Planning Board since no
75 committee has been formed. He noted the two projects to discuss would be the library as
76 well as the new police department. The Board was in favor of bringing the CIP discussion
77 back to the Planning Board.

78

79 Mr. Keach noted that the only thing the board is obligated to do on an annual basis is
80 update the CIP by reviewing the funding and adjusting accordingly. He noted an item
81 does not need to be on the CIP in order to be funded. The Planning Board obligation is to
82 create a CIP budget then pass it on to the Board of Selectman.

83

84 Mr. Russell will contact Barbara LaChance, the Director of the Library, and ask her to
85 come to the next meeting to explain exactly what the Library would like to do.

86

87 **Regulation Update Discussion**

88 *Adopting a Stormwater Ordinance that extends the new Subdivision Regulation to the*
89 *construction on individual lots.*

90 Mr. Keach reviewed a memo he sent to the Planning Board dated October 4, 2011:

91

92 ***KEACH-NORDSTROM ASSOCIATES, INC.***

93 *KEACH-NORDSTROM ASSOCIATES, INC.*

94 Memo

95 To: Sandown Planning Board

96 From: Steven B. Keach, P.E.

97 Date: October 04, 2011

98 Re: Potential Zoning Ordinance Amendment for 2012 Town Meeting

99 During the course of a public meeting of the Planning Board held on the evening of
100 September 20th, several Board members discussed the possibility of incorporating
101 requirements for implementing and maintaining adequate temporary erosion and
102 sedimentation control measures, as well as proper long term control of stormwater runoff,
103 applicable to one and two-family residential construction, into the Town's land use
104 regulations and ordinances. I understand the genesis of such an effort to be the disturbing
105 number of seemly avoidable violations or near violations caused in recent months and years
106 by those constructing one and two-family homes within the borders of the Town. At that
107 time, Board members may recall me suggesting that any future land use initiative be pursued
108 in the form of an amendment to the Sandown Zoning Ordinance as opposed to placing
109 similar amendment(s) in either the Subdivision Control or Site Plan Regulations. The
110 reasoning behind that thought is as follows:

111

- 112 • The intent of any potential future ordinance or regulation relates to construction
113 practices employed during the construction of one and two-family homes on
114 individual lots. That recognized, placing amendments of the type and variety
115 discussed in the Site Plan Regulations would have no effect since one and two-
116 family construction is beyond the general statutory purview of Site Plan Regulations
117 to begin with. Similarly, placing new land use requirements in the text of the
118 Subdivision Control Regulations would have only limited effect since the provisions
119 of RSA 674:39 would preclude enforcement of such "new regulations" on any
120 properly vested subdivision application.
- 121 • By contrast to land use regulations, a properly worded and adopted zoning
122 ordinance amendment can have the effect of "reaching" essentially all properties
123 within a municipality if so desired. In the current instance it has been recognized
124 that prior to issuance of a building permit for one and two-family residential
125 construction, a pre-requisite step for a building permit applicant is to obtain approval
126 from both the Sandown Health Official as well as the NHDES for an on-site
127 subsurface sewage disposal system. Since Article II-Part A-Section 16 of the
128 Sandown Zoning Ordinance currently cites a number of local requirements
129 applicable to construction of buildings and septic systems in all Districts of the
130 Town, it would seem that placement of any future general requirements governing
131 one and two-family residential construction in this Section would be logical and
132 consistent with the format of the current Ordinance.
- 133 • In general a Zoning Ordinance is a more "powerful" land use document than are
134 other land use regulation documents. In addition, despite the four-year exemption
135 for vested projects afforded under RSA 674:39 (which may otherwise serve to
136 properly exempt a large number of fully approved but not yet fully built out lots
137 situated in residential subdivisions from subsequent changes in land use regulations
138 and ordinances), the very text of Paragraph I of that statute does exclude "those
139 regulations and ordinances which expressly protect public health standards, such as
140 water quality and sewage treatment requirements" from eligibility for exemption.

141

142 Nevertheless, if I properly captured the Board's thoughts regarding these topics, I would
143 suggest it consider advancement of the following zoning amendments:
144

- 145 • Amend Article II-Part B-Section 16.B to include a new Paragraph 5 to read as
146 follows: *All design plans for individual sewage disposal systems intended to serve*
147 *new one or two-family residential structures submitted to the Sandown Health*
148 *Official for review and signature prior to submittal to the NHDES pursuant to the*
149 *provisions of Article II-Part A-Section 16.B of this Ordinance shall include the*
150 *following supplemental information:*
 - 151 • *Specifications and corresponding details for implementation of site specific*
152 *temporary erosion and sedimentation control measures and best management*
153 *practices to be implemented during construction for the purposes of containing*
154 *wind and water-borne transport of sediment and debris to as limited of an area as*
155 *the Health Official deems practical. In general, plans and specifications prepared*
156 *for the purposes of fulfilling this requirement shall be consistent with*
157 *recommendations provided in a publication entitled: New Hampshire Stormwater*
158 *Manual - Volume 3 – Erosion and Sediment Control During Construction, as*
159 *published by the NHDES in December 2008.*
 - 160 • *Specifications and corresponding details for implementation of site specific non-*
161 *structural site design techniques and best management practices for the control*
162 *and treatment of site generated stormwater runoff. In general, plans and*
163 *specifications prepared for the purposes of fulfilling this requirements shall, in the*
164 *opinion of the Health Official, be consistent with applicable recommendations*
165 *provided in a publication entitled: New Hampshire Stormwater Manual – Volume*
166 *1 – Stormwater and Antidegradation, as published by the NHDES in December*
167 *2008.*

168
169 Mr. Keach noted that the basis of the language is pulled from the DES (Department of
170 Environmental Services) manual. The additional hours for a septic designer to address
171 these changes would be about half an hour. Mr. Keach was in favor of keeping the
172 language simple and easy to understand.
173

174 Mr. Traeger will email an electronic version to the Board if anyone wants to make
175 suggestions or changes.
176

177 ***Variable Road Width Ordinance***

178 This has been posted for a public hearing to be held at the next meeting.
179

180 ***A revamp of the previously proposed Wetland Ordinance to be applied to new*** 181 ***construction/lots only.***

182 Ms. Patterson has the final version of this.
183

184 **Other Business**

185 ***Administrative Report***

186 Ms. Patterson has printed out and is hand-labeling the 2,500 postcards for the Master
187 Plan.
188

189 The Chairman of the Greenland Planning Board contacted Ms. Patterson to ask how
190 Sandown handles Conditional Use Permits (CUP). Ms. Patterson sent him copies of
191 Sandown's regulations and application.

192
193 The October 18th meeting will be a busy meeting.

194
195 Ms. Cairns is using the new digital recorder.

196
197 The town offices will be closed on Monday, October 10, 2011 for Columbus Day.

198
199 **Chairman Report**

200 Mr. Traeger attended the Rockingham Planning Commission meeting. He noted that the
201 state of NH is losing a lot of highway funding.

202
203 Mr. Traeger also attended the Planning Board meeting in Chester. Several towns are
204 looking to create a scenic byway, a federal program designed to designate sections of
205 road to attract tourism. They are looking to designate portions of Route 121, which would
206 include a half-mile stretch through Sandown. The committee working on this will need
207 Sandown's permission to include this portion of road. The Board noted that the
208 Selectman would eventually need to approve this.

209
210 **Engineers Report**

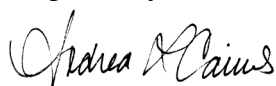
211 Mr. Keach already discussed the Ernest Brown project and Waterford Estates.

212
213 Mr. Traeger connected with Keith Landry of Bank of New England regarding Avalon
214 Estates. Mr. Landry is willing to write the town a check to complete paving this road.
215 Busby Construction will give Mr. Landry an estimate for the project. Mr. Landry will
216 contract directly with Busby Construction instead of having Busby Construction create a
217 change order for the town. Busby Construction will give Mr. Landry the same price per
218 ton as he gave the town.

219
220 Mr. Traeger informed the board about the Scarecrow Competition being held at the Fall
221 Festival, October 22, 2011. The Conservation Commission is looking for different
222 departments to participate and asked if anyone on the Planning Board would be interested
223 in doing a scarecrow.

224
225 MOTION: Mr. Russell made a motion to adjourn. Mr. Mencis seconded the motion. The
226 Board voted unanimously in the affirmative. Meeting adjourned at 8:34 p.m.

227
228 Respectfully submitted,



229
230 Andrea Cairns, Recording Secretary