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**Sandown Planning Board
Minutes
November 15, 2011**

Date: November 15, 2011

Place: Sandown Town Hall

Members Present: Mark Traeger – Chair, Donna Green – Vice Chair, Fred Daley, Steven Meisner, Ed Mencis, Alternate Matt Russell, Steve Keach – Town Engineer

Also Present: Recording Secretary Andrea Cairns

Absent: Marilyn Cormier, Hans Nicolaisen - Ex-Officio, Alternate Ernie Brown

Opening: Mr. Traeger opened the meeting at 7:01 p.m.

Review of 10/18/11 Minutes

L39 add - Prepared for public at deliberative session.

L27 strike “warrant” and replace with “CIP”

MOTION: Mr. Daley made a motion to accept the 10/18/11 minutes as amended. Mr. Mencis seconded the motion. No discussion. The Board voted unanimously in the affirmative.

Review of 11/10/11 Minutes

MOTION: Ms. Green made a motion to accept the 11/10/11 minutes as presented. Mr. Mencis seconded the motion. Mr. Traeger and Ms. Green voted in favor. Mr. Mencis, Mr. Meisner, Mr. Russell and Mr. Daley abstained. The motion was defeated because there was not a quorum. Approval will be deferred to the next meeting.

Mail

Mr. Traeger noted they received a copy of Town and Country. There was an article titled “NH Drinking Water Under Pressure” that he felt was noteworthy.

The Planning Board received an invoice from the Rockingham Planning Commission for their annual dues. The invoice was for \$5,567.00. The fee was calculated based on the 2010 census; they charge \$0.93 per resident. The board discussed whether the fee was higher than normal. Mr. Mencis suggested negotiating the fee. Mr. Traeger will find out what the fee was last year.

Continued Public Hearing for review of amendments to the Sandown Subdivision Regulations. These amendments are for the purpose of updating the design standard requirements for streets.

Mr. Traeger noted that he met with Ms. Patterson, and the correct copy of the proposed amendments was on file at the town clerk’s office. Ms. Patterson accidentally printed an older version for the meeting.

There was no public in attendance.

47 *Discussion:*

48 Ms. Green noted concern with the wording on 9.3.2, specifically, the second to last
49 sentence. The new wording will now be:

50 “In instances where a typical roadway cross section corresponding to Figure 1-A of these
51 regulations is employed, driveway aprons shall be graded so as to slope upwards from the
52 traveled way at a rate of 5% for a distance of not less than 7 feet.”

53

54 Ms. Green had concern about the language for 9.2.4. She explained, that in the previous
55 regulations, the maximum length of a cul-de-sac street was measured from the
56 intersecting street to the end of the cul-de-sac, including the diameter. The proposed
57 regulations are saying it shall not exceed 1,000 ft to the radius point of the cul-de-sac.

58 Mr. Keach explained the reasoning behind the change, noting the radius point is a
59 determined point that you can measure accurately regardless of the shape of the cul-de-
60 sac. Ms. Green’s concern is that someone would elect to make the cul-de-sac huge. Mr.
61 Keach noted that they would not be following the Typical Permanent Cul-De-Sac detail
62 so they would not be able to do that.

63

64 Ms. Green noted she is still uncomfortable with the definition of a Residential 1 Road
65 being measured in vehicle trips per day and would have preferred the measure was in
66 number of residences versus vehicle trips per day. She added there are no provisions
67 within the regulations that would require the road to be wider if the board foresees that
68 the Residential 1 Road could eventually be connected to another development that would
69 generate traffic exceeding the vehicle trips per day of a Residential 1 road.

70

71 Mr. Keach noted Subdivision Regulation 11.11—if someone wants to subdivide only a
72 portion of their property, the Board could require a prospective sketch for the balance of
73 the property. The Board could ask the applicant to do a traffic analysis to determine the
74 potential base-line traffic volume.

75

76 Mr. Russell questioned how it would work if there were two adjacent lots, owned by two
77 separate developers. Mr. Keach explained he would apply provisions 11.11 and ask them
78 to do a traffic analysis, which would become part of the costs of doing that development.

79

80 The board continued to discuss the issue.

81

82 Ms. Green questioned the geography of the slope off the shoulder. Her concern was that
83 water would collect in the ditch and cause a mosquito problem. Mr. Keach clarified the
84 geography for her.

85

86 Ms. Green noted she would be more comfortable with the regulations if the number of
87 vehicle trips per day in the definition of Residential 1 Road were reduced and the current
88 vehicle trips per day of 400 represented 40 houses on a narrow road.

89

90 **MOTION:** Mr. Mencis made a motion to adopt draft 1.0 of the subdivision control
91 regulations as amended. Mr. Russell seconded the motion. Ms. Green opposed. The
92 motion passed.

93

94 Mr. Keach suggested having the document proofread before it was posted in final form.
95 Ms. Green agreed to proofread the document.

96

97 **Stormwater and Erosion Control**

98 Mr. Keach reviewed the October 4, 2011 memo that he sent to the board, which was also
99 reviewed at the last meeting. This memo addressed adopting a Stormwater Ordinance
100 that extends the new Subdivision Regulation to the construction on individual lots and
101 adding an erosion control section to the Subdivision Regulation to serve as a tool to
102 address siltation from disturbed soils.

103

104 The Board discussed the building inspector's involvement in managing the new
105 ordinances.

106

107 Mr. Russell suggested using the Conservation Commission and the town's wetlands
108 scientist as a consultant.

109

110 Mr. Keach clarified that these new ordinances are only for new homes, not for new septic
111 systems for existing homes.

112

113 Ms. Green suggested asking Mr. Sherwood how he feels about assuming the
114 responsibility. Mr. Traeger will speak with Mr. Sherwood about it.

115

116 The Board will continue discussion at the December meeting.

117

118 **Town Engineer's Report**

119 Mr. Keach noted that Article 2, Part A, Section 14 in the zoning regulations that
120 addresses involuntary merger provisions, was ruled unconstitutional this year. The Board
121 should sponsor a warrant article to appeal it since it no longer conforms to state law.

122

123 Mr. Meisner handed out a recent article from the *Tri-Town Times* that spoke about this
124 issue.

125

126 The board asked what happens if the warrant article doesn't pass and Mr. Keach noted
127 that as long as the town doesn't enforce the ordinance, they are fine.

128

129 Mr. Keach noted there was a change in law 6:76:4 under paragraph 1C. You can no
130 longer require all state permits to be in hand for an application to be considered
131 administratively complete to accept for a public hearing. You can only require it as a
132 condition of approval, which is what Sandown does.

133

134 Mr. Keach also noted another change to 6:76:4—there are municipalities that require
135 technical review committees for any major application. These committees meetings are
136 held with municipal staff and they were to help applicants understand the expectations of
137 the board. These technical review committee meetings can no longer be mandatory
138 because they are not publicly noticed. Sandown does not do this, so this change is not
139 applicable. The law also now requires that abutters be notified.

140

141 **Other Business**

142 Mr. Traeger noted that Avalon Estates has been paved and that Bank of New England
143 was a pleasure to work with. Mr. Keach noted that the road was inspected as it was being
144 paved. There are a few items on the checklist that remains to be completed.

145 Mr. Keach noted that Waterford Village Estates was also paved. Mr. Genualdo will do a
146 final inspection once all the work is complete. Once the inspection is complete Mr. Keach
147 will make a recommendation, relative to a surety, to the Planning Board and a
148 recommendation to the Selectman for acceptance of the road.

149

150 Mr. Brown's subdivision was paved last week. Mr. Brown asked to set up an
151 appointment with Mr. Keach and Mr. Genualdo to put together a list of items for
152 completion. Once this list is put together, Mr. Keach will make a recommendation for
153 bidding the remaining portion. By the time the Board reconvenes in December, Mr.
154 Keach expects that he will be in a position to put together a bond recommendation. Mr.
155 Brown would like to get the plans recorded so he can begin to sell lots.

156

157 Mr. Keach noted he had a conversation with Fire Chief Tapley about a potential problem
158 at Phillips Pond Estates. When that subdivision was approved in 2006, in lieu of putting
159 in a cistern for fire protection, Mr. Holmes, the owner of the subdivision at that time, had
160 property on the lake and agreed to grant the fire department permission to access the lake
161 through that property. As a condition of approval, Mr. Holmes was to put an extension on
162 his driveway to create a suitable pad for a fire truck to obtain water and use as a
163 turnaround. Mr. Holmes has since lost the subdivision to the bank. The improvements to
164 Mr. Holmes' driveway were never made. Chief Tapley is going to speak with the present
165 owners to try and work with Mr. Holmes to allow those improvements to be made, which
166 may require that the new owners pay for those improvements. In addition, the town
167 would like an easement to be added to the deed of Mr. Holmes' property, so when the
168 home is sold, the town would still have rights to draw water from that property. An
169 alternate plan is that the Chief would require a cistern to be put in which would cost
170 approximately \$80,000.

171

172 Mr. Traeger questioned whether the development is now out of compliance. Mr. Keach
173 noted that if Chief Tapley were unable to reach an agreement, he would notify the Board.

174

175 Mr. Keach noted that you can't access minutes from before 2010 on the website.

176

177 Mr. Keach met with Eric Nickerson, the current owner of Autumn Hills, the 55+
178 development on Odell Road. The previous owner built four units, only one sold.
179 Construction on the remaining 20 units has not been started. Mr. Nickerson is looked at
180 options for construction. He may continue with the 55+ development, where he doesn't
181 need to do anything to involve the board unless he changes something. He feels the size
182 of the current units is appropriate and he could hit the market at a reasonable cost. The
183 units will not have the same level of finish on the inside that the previous owner included.

184

185 The other option Mr. Nickerson is exploring is applying the OSD ordinance to the parcel.
186 Chris Nickerson, the owner's son and a licensed engineer, did a land use analysis on the
187 property. Chris Nickerson believed under the OSD, they could have 18 +/- units. He

188 brought in a realtor to do a market analysis. If Eric Nickerson decides to go in that
189 direction, he would come back to the Board with a new application that is not age
190 restricting. He would need to buy back the one 55+ unit that has been sold. Eric
191 Nickerson would like to make a decision after the first of the year, and would like to be
192 ready to move by the spring. Mr. Keach recommended that they come in for a conceptual
193 meeting as soon as possible.

194

195 **Master Plan**

196 Mr. Daley gave the Board an update. The Master Plan Committee met with Ms.
197 LaBranche from the Rockingham Planning Commission to begin the final stages of the
198 project, which include writing of the chapters. They sent emails out to gain input from the
199 public and various departments. They would like to have the Planning Board hold a
200 public meeting, possibly at their last meeting in January. The Master Plan Committee
201 would formally invite departments, organizations and residents to participate. At that
202 point, a rough draft would be ready. A final draft would be ready for the Board by March
203 or April.

204

205 Mr. Daley noted that the Planning Board has not yet formally responded to give their
206 input into the draft.

207

208 Mr. Daley noted they are under budget and Ms. LaBranche feels they should be able to
209 complete the project with the grant money.

210

211 **Other Business**

212 Ms. Green noted the Board needs to create a warrant article about rescinding the zoning
213 ordinance in regards to non-conforming lots. The Board will need to do that next month.

214

215 Mr. Keach noted that stormwater/erosion control affects the same section and you could
216 do that under one warrant.

217

218 **MOTION:** Mr. Mencis made a motion adjourn. Mr. Daley seconded the motion. The
219 Board voted unanimously in the affirmative.

220

221 The meeting adjourned at 9:29 p.m.

222

223 Respectfully submitted,

224



225

Andrea Cairns, Recording Secretary