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**Sandown Planning Board  
Minutes  
December 6, 2011**

**Date:** December 6, 2011

**Place:** Sandown Town Hall

**Members Present:** Mark Traeger – Chair, Donna Green – Vice Chair, Ed Mencis, Alternate Matt Russell, Hans Nicolaisen - Ex-Officio, Steve Keach – Town Engineer

**Also Present:** Recording Secretary Andrea Cairns

**Absent:** Marilyn Cormier, Fred Daley, Steven Meisner, Alternate Ernie Brown

**Opening:** Mr. Traeger opened the meeting at 7:04 p.m.

***Review of 11/10/11 Minutes***

**MOTION:** Mr. Nicolaisen made a motion to accept the 11/10/11 minutes as written. Ms. Green seconded the motion. The Board voted unanimously in the affirmative. Mr. Mencis and Mr. Russell abstained. The motion passed.

***Review of 11/15/11 Minutes***

L65 add, “would have preferred the measure was in number of residences versus vehicle trips per day.”

L67 add, “that would generate traffic exceeding the vehicle trips per day of a Residential 1 road.”

L85 add “the current vehicle trips per day of 400 represents 40 houses on a narrow road.”

L104 add “and the town’s wetlands scientist.”

L116 change to “involuntary merger”

**MOTION:** Mr. Mencis made a motion to accept the 11/15/11 minutes as amended. Mr. Russell seconded the motion. The Board voted unanimously in the affirmative. Mr. Nicolaisen abstained. The motion passed.

**Warrant Article**

The Board discussed the proposed wording for the warrant article about involuntary lot mergers. The new wording is as follows:

Amendment 1 – To delete Article II, Part A, General Regulations-All Zones-Section 14, as written requiring involuntary lot mergers, to be in compliance with New Hampshire law.

Ms. Green clarified the issue for the public watching at home.

**MOTION:** Mr. Mencis made a motion to advance the zoning amendment for Article 2, Part A, Section 14 as amended for a public hearing on January 3. Mr. Nicolaisen seconded the motion. The Board voted unanimously in the affirmative. The motion passed.

46 **Stormwater Ordinance**

47

48 Mr. Traeger read the proposed zoning amendments from Mr. Keach's memo for the  
49 Board:

50

51 1. Amend Article II-Part B-Section 16.B to include a new Paragraph 5 to read  
52 as follows:

53 *All design plans for individual sewage disposal systems intended to serve*  
54 *new one or two-family residential structures submitted to the Sandown*  
55 *Health Official for review and signature prior to submittal to the NHDES*  
56 *pursuant to the provisions of Article II-Part A-Section 16.B of this Ordinance*  
57 *shall include the following supplemental information:*

58 *a. Specifications and corresponding details for implementation of site*  
59 *specific temporary erosion and sedimentation control measures and best*  
60 *management practices to be implemented during construction for the*  
61 *purposes of containing wind and water-borne transport of sediment and*  
62 *debris to as limited of an area as the Health Official deems practical. In*  
63 *general, plans and specifications prepared for the purposes of fulfilling*  
64 *this requirement shall be consistent with recommendations provided in a*  
65 *publication entitled: New Hampshire Stormwater Manual - Volume 3 –*  
66 *Erosion and Sediment Control During Construction, as published by the*  
67 *NHDES in December 2008.*

68 *b. Specifications and corresponding details for implementation of site*  
69 *specific non-structural site design techniques and best management*  
70 *practices for the control and treatment of site generated stormwater*  
71 *runoff. In general, plans and specifications prepared for the purposes of*  
72 *fulfilling this requirements shall, in the opinion of the Health Official, be*  
73 *consistent with applicable recommendations provided in a publication*  
74 *entitled: New Hampshire Stormwater Manual – Volume 1 – Stormwater*  
75 *and Antidegradation, as published by the NHDES in December 2008.*

76

77 Mr. Russell suggested that the health officer also involve the conservation commission  
78 and the town's wetland scientist.

79

80 Mr. Keach feels it should be stated as the "designee" instead of specifying a specific  
81 person or group, since the composition of boards and staff may change from time to time.  
82 The Board discussed the issue.

83

84 Mr. Keach felt that once adopted, Mr. Sherwood would make himself familiar with the  
85 new code and be able to administer it. Mr. Keach also noted that Article 12 in the Zoning  
86 Ordinance – Enforcement and Penalty, advocates the responsibility of enforcement of the  
87 Zoning Ordinance to the Board of Selectman if there is any question on who to consult.

88

89

90 Ms. Green noted the two proposed zoning ordinances reference two manuals published  
91 by the NHDES. Ms. Green polled the Board to see who has read the manual and only two  
92 out of five voting have. Ms. Green felt the Board should go through the manual chapter  
93 by chapter so the Board knows what they are voting for. The Board discussed the issue.  
94

95 Mr. Keach noted that an affirmative vote tonight would move the amendment to a public  
96 hearing, which is intended to move the discussion beyond the members to the general  
97 public. It is not to move the amendment towards the ballot yet.  
98

99 Mr. Traeger will email the Board the amended document with the words “and/or the  
100 Board of Selectman’s designee” after health officer.  
101

102 **MOTION:** Mr. Russell made a motion to move the amendment to Article II-Part B-  
103 Section 16.B forward with addition of “and/or the board of Selectman’s designee” into  
104 paragraphs A and B. Mr. Mencis seconded the motion. The Board voted unanimously in  
105 the affirmative. The motion passed.  
106

### 107 **Paving of Glastombury Drive and Waterford Village Estates**

108

109 Mr. Keach gave the background history of Waterford Village Estates to the Board.  
110

111 Mr. Keach noted that Mr. Genualdo and Mr. Chabot did a final inspection of the  
112 completed roadway and found everything to be built according to plan. Mr. Keach and  
113 Mr. Genualdo are recommending that the Board release that portion of the surety posted  
114 by the developer.  
115

116 Mr. Keach noted the residual surety amount is for completion of the various non-public  
117 recreation improvements.  
118

119 Mr. Genualdo was present. He noted he had questions about who was responsible for  
120 maintaining the sidewalks, post office building, entrance area and the open space within  
121 the development. Mr. Keach noted, those areas are the responsibility of the homeowners  
122 association to maintain. Mr. Genualdo was concerned because the town does not have the  
123 equipment to maintain and plow sidewalks. He also noted he was unaware that there was  
124 a homeowners association.  
125

126 Mr. Russell asked Mr. Genualdo about his thoughts on plowing boulevards. Mr.  
127 Genualdo noted they were difficult to plow. Some boulevards have overgrowth in the  
128 middle, which causes issues. Plow trucks find it difficult to find the curbing, which  
129 results in damage to trucks.  
130

131 Mr. Keach noted that the applicant didn’t propose the design of the subdivision in regards  
132 to sidewalks; they were required by the Board at that time.  
133

134 Stephen Buck, a resident of 54 Waterford Village Estates was present. He wanted to find  
135 out the process of the road being paved and accepted. He noted the bus company

136 wouldn't go down the road because it's not an accepted road by the town and not plowed  
137 by the town. He questioned if the bus would go down that road once it's accepted. Mr.  
138 Mencis noted that once the road is approved, a notice would be posted. Mr. Buck could  
139 take that notice to the bus company.

140

141 Ms. Green suggested sending a letter to the homeowners noting the Board has  
142 recommended that the Board of Selectman approve the road and that we would like to  
143 remind homeowners that the town is not responsible for plowing or maintaining the  
144 sidewalks and post office area.

145

146 The Board asked Mr. Buck if he was aware that as a homeowner, he would be  
147 responsible for that. He was not aware and also didn't know whether there was a  
148 homeowners association. Mr. Buck noted he was only aware of a \$100 fee for  
149 maintaining the well. He did not know who the contact would be for the homeowners  
150 association.

151

152 Mr. Keach noted that a letter should be sent to homeowners once the Selectman accepts  
153 the road. Mr. Traeger noted that the Planning Board could put in a letter to the Selectman  
154 recommending they send a letter to homeowners.

155

#### 156 **Avalon Estates**

157 Mr. Keach gave a history of the property.

158

159 Mr. Keach noted that Mr. Genualdo and Mr. Chabot did a final inspection of the  
160 completed roadway and found everything to be built according to plan. Mr. Keach and  
161 Mr. Genualdo are recommending that the Board release the surety of \$36,724.75 posted  
162 by Bank of New England. They are also recommending payment to Busby Construction  
163 Company for the sum of \$26,525.00.

164

165 Mr. Genualdo noted that a street sign on the Hampstead end of the road was still broken.  
166 Busby is aware and will repair it.

167

#### 168 **Waterford Village Determination**

169 **MOTION:** Mr. Nicolaisen made a motion to return \$142,105.10 to Ten Powder Realty,  
170 LLC and the remaining \$44,647.20 be retained as a performance guarantee for  
171 completion of the non-public recreational improvements. Mr. Mencis seconded the  
172 motion. The Board voted unanimously in the affirmative. The motion passed.

173

174 Mr. Keach noted that the surety was given by Enterprise Bank and felt the Board should  
175 notify them of the decision. The bank will require this because it is an irrevocable letter  
176 of credit that cannot be released in whole or part without the consent of the Board.

177

178 The Board discussed whether a letter needed to be sent to the Selectman saying the Board  
179 concurs with Mr. Keach's findings. Mr. Keach didn't feel it was necessary since he  
180 already sent the Board of Selectman letters.

181

182 The Board discussed sending a letter to the Board of Selectman in regards to the  
183 homeowners maintaining the sidewalks. Mr. Keach suggested in the letter to the  
184 Selectman, the wording should be as follows “The Board pursuant to the recorded  
185 homeowners declaration, that the homeowners association upon acceptance of the road  
186 will assume maintenance responsibilities for all open space, sidewalks, common areas  
187 and amenities situated within the development.”

188

#### 189 **Avalon Estates Determination**

190 **MOTION:** Mr. Mencis made a motion to release the Irrevocable Letter of Credit No.  
191 1232A, in the amount of \$36,724.75, issued to the Sandown Planning Board by the Bank  
192 of New England on August 12, 2011 and authorize full and final payment to Busby  
193 Construction Company, Inc., from funds previously deposited with the Board by the  
194 Bank of New England, in the amount of \$26,525.00. Mr. Nicolaisen seconded the  
195 motion.

196

#### 197 *Discussion:*

198 Ms. Green wanted to confirm that Busby Construction’s invoice was the exact amount  
199 being approved. Mr. Keach confirmed the final bill was that exact amount.

200

201 The Board voted unanimously in the affirmative. The motion passed.

202

#### 203 **Sureties**

204 Ms. Green requested an updated spreadsheet for sureties.

205

206 Ms. Green also asked for an update on the Valerie Way situation. Mr. Keach confirmed  
207 that nothing has been done.

208

#### 209 **Administrative Assistant Position**

210 Mr. Traeger explained for the Board that Ms. Patterson was ready to retire and that Ms.  
211 Cairns would be interested in taking on the position and had already started training with  
212 Ms. Patterson.

213

214 The Board discussed the office hours and whether more or fewer hours are needed. Mr.  
215 Russell questioned if the Board is obligated by the town to open the office a certain  
216 amount of time. Mr. Keach suggested that the Selectman would be able to answer that.

217

218 Mr. Traeger confirmed Ms. Patterson’s hours are Tuesday, Thursday 8:30-2:30. Ms.  
219 Green felt Tuesday was important to have a support person in the office prior to  
220 meetings. She also felt Thursdays were important to have packets available. Mr. Russell  
221 suggested having a mailbox outside the office.

222

#### 223 **Master Plan Update**

224 Mr. Daley requested that the Board post a public meeting at the end of January.

225

226 Ms. Green asked about giving feedback to the Master Plan. Mr. Traeger already wrote  
227 three chapters. He will email the new chapters to the Board.

228

229 The Board will block out time on an agenda to discuss the Master Plan.

230

231 **Correspondence**

232 Mr. Traeger reviewed a Memo from the NH Court for the board.

233

234 Mr. Traeger handed out a copy Town and City.

235

236 **Town Engineer's Report**

237 Mr. Keach noted that nothing is currently happening at Wells Village Road.

238

239 The Board discussed the lawyer's fee for Valerie Way.

240

241 Ms. Green noted that for release of a surety, a form needs to be signed by three members  
242 of the Board. She noted it could be brought to the next meeting or an email can be sent  
243 out and members could go into the office.

244

245 Ms. Green noted the Board of Selectman discussed the expansion project for the Town  
246 Hall. Ms. Green commented for the Selectman that the Planning Board Administrative  
247 Assistant needs filing cabinets for project files and plan files as well as a table for looking  
248 at plans and maps.

249

250 MOTION: Mr. Mencis made a motion to adjourn. The Board voted unanimously in the  
251 affirmative.

252

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

254

255 Respectfully submitted,

256



257 Andrea Cairns, Recording Secretary