

1 Sandown Planning Board
2 Minutes
3 February 21, 2012
4

5 **Date:** February 21, 2012

6 **Place:** Sandown Town Hall

7 **Members Present:** Mark Traeger – Chair, Donna Green—Vice Chair, Ed Mencis, Steven
8 Meisner, Hans Nicolaisen - Ex-Officio, Alternate Ernie Brown, Alternate Matt Russell

9 **Also Present:** Steve Keach – Town Engineer, and Andrea Cairns - Recording Secretary

10 **Absent:** Fred Daley
11

12 **Opening:** Mr. Traeger opened the meeting at 7:00 p.m.
13

14 **Cliff Sinnot and Tim Moore from Rockingham Planning Commission (RPC)**

15 Mr. Sinnot explained to the Board that they were meeting with the various boards that RPC
16 serves in an effort to better communicate what RPC is working on, as well as introduce new
17 members to how RPC functions.
18

19 Mr. Sinnot and Mr. Moore went through various handouts, which gave a quick summary on the
20 commission as well as an organizational chart of how RPC is structured.
21

22 Mr. Sinnot explained that RPC helps with transportation needs in the area as well as water quality
23 planning. They also help communities work together when needed. He also noted they are an
24 advisory board, not a regulatory commission. They operate by offering advice and assistance.
25

26 Mr. Sinnot noted for the Board that they also brought a summary of grant funding opportunities
27 that are available to towns. He suggested to the Board that they review that summary each year
28 for potential opportunities.
29

30 Mr. Mencis asked if they helped do research for grant applications, specifically asking about a
31 grant for solar or wind power. Mr. Sinnot noted that there was a grant that funds audits to see if
32 solar or wind power were possibilities.
33

34 Ms. Green noted that there was new legislation to disband planning commissions and asked what
35 would happen to the funding that RPC funnels from the federal government to the regions and
36 local towns if planning commissions were to disappear? Mr. Moore noted that the bill was not
37 moving forward, but there was the possibility that the same language could be attached to the
38 budget at the end of the year. Mr. Moore also noted that if they were disbanded, MPOs would
39 need to be reconstructed somehow.
40

41 Mr. Russell noted that the services that RPC has provided to the Sandown Planning Board have
42 been invaluable.
43

44 **7:15 - Public Hearing for review of an amended site plan application submitted by**
45 **Patricia Brown. The property is shown on Map 18, Lot 2-1, at the intersection**
46 **off Route 121A and Pheasant Run Drive.**
47

48 Mr. Brown recused himself.
49

50 Mr. Charlie Zilch and Ms. Patricia Brown were present.

51

52 Mr. Zilch gave the Board a history of the property.

53

54 Mr. Zilch noted Ms. Brown would like to use the existing access to the property, currently being
55 utilized by the apartment building, for a new single-family dwelling.

56

57 Mr. Zilch noted that they received an amended driveway permit from the DOT. He also spoke
58 with Fire Chief Tapley who had no issues with the proposed changes. Mr. Zilch also noted that no
59 other state approvals were required.

60

61 **MOTION:** Mr. Mencis made a motion to accept the plan for jurisdiction. Ms. Green seconded
62 the motion. The Board voted unanimously in favor. The motion passed.

63

64 Ms. Green asked if the parking area for the existing apartment building was going to change. Mr.
65 Zilch noted that the parking area would not change, but having access through the property line to
66 allow access to the single-family home might displace some of the buffer areas.

67

68 Mr. Mencis noted that Ms. Brown would need to get a letter from the Fire Chief stating his
69 approval.

70

71 Mr. Keach noted that in May 15, 2007 the Planning Board granted conditional approval for the
72 two-lot subdivision and the site plan, but neither of those approvals has been perfected enough to
73 have the plans signed. He also noted that outside of the performance guarantee, there is no reason
74 why the plans couldn't have been signed.

75

76 Mr. Keach reviewed the conditions of approval from the May 15, 2007 meeting.

77

78 The application for subdivision approval was approved subject to the following conditions:

79 (a) bond pavement removal and establishment of turf, as depicted on the plat

80 (b) approval and full implementation of amended site plan for Lot 18-2-1

81 (c) final engineering review

82 (d) set monuments specified on final plat

83 (e) note waiver of Section 9.23 on final plat

84 (f) depict, define and reference existing utility easement on final plat

85 (g) maintain a positive PREA balance.

86

87 The concurrent application for site plan amendment was approved subject to the following
88 conditions:

89 (a) fulfillment of conditions (of approval) and recordation of subdivision plat

90 (b) bond site improvements pursuant to Section VI.K of the Site Plan Review Regulations – bond
91 amount to be determined by KNA

92 (c) final engineering review

93 (d) maintain a positive PREA balance

94

95 *Mr. Keach reviewed his entire letter to the Planning Board:*

96

97 February 15, 2012

98 Mr. Mark Traeger, Chairman

99 Sandown Planning Board

100 Post Office Box 1756

101 Sandown, New Hampshire 03873

102

103 **Subject: Amended Multi-Family Residential Site Plan – Land of Patricia Brown**
104 **Main Street (Map 18 – Lot 2-1) Sandown, New Hampshire**

105

106 KNA Project No. 06-1011-2

107

108 Dear Mr. Traeger:

109

110 At your request we have completed a technical review of an application recently submitted to
111 your Board by or on behalf of the applicant in the subject matter. To date, we acknowledge
112 receipt of the following information that was the subject of our recent review:

113

- 114 • A copy of an executed application for site plan review, with attachments, as submitted to
115 your Board on January 19, 2012;
- 116 • A copy of an application for a NHDOT Driveway Permit under a copy of a cover letter
117 addressed to NHDOT – District 6, prepared by the applicant’s consultant on January 16,
118 2012;
- 119 • A copy of an Easement Plan (one sheet) dated January 11, 2012, depicting the extent of a
120 certain “proposed driveway easement” over abutting Lot 18-2-1-1 intended to benefit
121 subject Lot 18-1-1; and
- 122 • A copy of an Amended Site Plan (3-sheets) dated January 11, 2012.

123

124 You may recall that the applicant’s consultant appeared before your Board on January 03, 2012
125 for the purposes of discussing this current proposal in a conceptual manner. Under the current
126 application, the owner/applicant seeks to amend a prior site plan that was conditionally approved
127 by your Board on May 15, 2007. For the most part, the extent of amendment proposed under this
128 current applicant is limited to the applicant’s proposal to retain driveway access to the existing
129 seven unit multi-family dwelling from Main Street rather than Pheasant Run Drive as previously
130 planned and conditionally approved.

131

132 As I am sure the applicant’s consultant may have mentioned when he appeared before your Board
133 on January 3rd, this property has been the subject of several actions by both the Sandown
134 Planning Board and Zoning Board of Adjustment in recent years. For the benefit of all current
135 Board members, we have prepared the following chronological outline of these actions:

136

137 For many years the structure situated on the subject property housed the Peabody Funeral Home.
138 Sometime after the funeral home ceased operations, the current owner/applicant acquired the
139 premises on December 05, 2003 (See deed recorded at the RCRD at Book 4204; Page 171);

140

141 On December 18, 2003 the Zoning Board of Adjustment granted the applicant a variance from the
142 terms and conditions of Article II-Part B-Section 2 of the Zoning Ordinance in order to permit
143 conversion of the former funeral home into a seven unit residential apartment building. In 2004
144 the Planning Board granted the applicant site plan approval for that same proposal. Later that year
145 the owner/applicant implemented those improvements shown on the approved site plan and plans
146 submitted with a subsequent building permit application such that a certificate of occupancy for
147 multi-family use was issued.

148

149 In 2006 the owner/applicant advanced a proposal to subdivide the property for the purposes of
150 creating a 1.31-acre out-parcel for single-family residential construction while leaving a 3.69-acre

151 residual tract to support the apartment building. In acknowledgement of the fact the apartment
152 building had previously been permitted by variance, the Planning Board directed the applicant to
153 again appear before the Zoning Board of Adjustment for the purposes of reaffirming the
154 previously granted variance based on reduced lot area. On March 29, 2007 the Zoning Board of
155 Adjustment again granted a variance to the terms and conditions of Article II-Part B-Section 2 of
156 the Zoning Ordinance to permit the owner/applicant to retain the existing seven unit apartment
157 building on a 3.69-acre parcel.

158
159 The owner/applicant returned to the Planning Board later in 2007 and submitted two concurrent
160 applications for the Board's consideration. Under one application, the applicant sought approval
161 for a two lot subdivision; while under a second application, the owner/applicant sought approval
162 to modify the previously approved site plan to reflect the extent of land area and existing site
163 improvements to be lost as a result of the concurrent subdivision proposal. It should be noted the
164 amended site plan submitted at that time contemplated the construction of improvements to Lot
165 18-2-1, which if implemented, would have relocated the curb cut of the driveway providing
166 access to the apartment building from Main Street to Pheasant Run Drive. On May 15, 2007 the
167 Planning Board granted conditional final approval to both applications. Specifically, the
168 application for subdivision approval was approved subject to the following conditions: (a) bond
169 pavement removal and establishment of turf, as depicted on the plat; (b) approval and full
170 implementation of amended site plan for Lot 18-2-1; (c) final engineering review; (d) set
171 monuments specified on final plat; (e) note waiver of Section 9.23 on final plat; (f) depict, define
172 and reference existing utility easement on final plat; and (g) maintain a positive PREA balance.
173 Likewise, the concurrent application for site plan amendment was approved subject to the
174 following conditions: (a) fulfillment of conditions (of approval) and recordation of subdivision
175 plat; (b) bond site improvements pursuant to Section VI.K of the Site Plan Review Regulations –
176 bond amount to be determined by KNA; (c) final engineering review; and (d) maintain a positive
177 PREA balance. As of this date, neither the two lot subdivision plat nor the amended site plan has
178 been signed or recorded.

179
180 Again, at the present time the owner/applicant seeks to amend the site plan for the existing seven
181 unit apartment building situated on Lot 18-2-1 so as to cause access to that property to be derived
182 from Main Street rather than Pheasant Run Drive. As shown on plans attached to the application,
183 approval and subsequent implementation of this proposal will result in the creation of a common
184 driveway over platted Lot 18-2-1-1. Since the authority to approve access from Main Street rests
185 with the NHDOT, the applicant's consultant has filed an application for an updated Driveway
186 with NHDOT District 6. Applicable land use ordinances and regulations of the Town of Sandown
187 do not preclude the construction or use of common driveways.

188
189 Based upon our consideration and review of the current application we offer the following
190 comments and recommendations:

- 191
192
- 193 1. We recommend Sheets 1 & 2 of 3 of the current site plan be revised to identify the fact
194 that Pheasant Run Drive, an accepted Class V public street, now extends along the full
195 length of the southerly line of subject Lot 18-2-1 (See RCRD Plan D-36129).
 - 196 2. We recommend the RCRD plan number for Plan Reference No.4 be noted in the text of
197 Note No. 3 on Sheet 1 of 3 once available.
 - 198 3. We recommend the recently submitted Easement Plan providing for access over abutting
199 Lot 18-2-1-1 be recorded at the RCRD; and that plan, together with the resulting RCRD
200 plan number be cited on the final site plan.
 - 201 4. Sheet 2 of 3 be expanded to specify the proposed width of the planned site driveway from
Main Street as well as the design radii of all proposed on-site pavement curves and flares.

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5. The owner/applicant obtain an updated NHDOT Driveway Permit prior to or as a condition of any approval granted to the current application and the resulting permit number be specified on the final site plan.

Again, it must be recognized that as of the current date, neither the two-lot subdivision nor amended site plan application conditionally approved on May 15, 2007 has been perfected, signed or recorded. As such, in the event your Board elects to approve the current application we recommend such approval be subject to the following conditions:

1. All conditions of the May 15, 2007 site plan approval must be fulfilled prior to signature of the amended site plan.
2. The owner/applicant obtain an updated NHDOT Driveway Permit and the resulting permit number be cited on the final amended site plan drawing.
3. Receipt of written acknowledgement from the Town Engineer that the final amended site plan has been satisfactorily revised to incorporate numbered comments and recommendations 1 through 4 offered in his letter report to the Planning Board dated February 15, 2012.

In the event you should have specific questions or further instructions related to this matter, please contact the writer at your earliest convenience.

Sincerely:
Steven B. Keach, P.E.
President
Keach-Nordstrom Associates, Inc.

Mr. Keach noted that Mr. Zilch has already addressed recommendations 1, 4 and 5 from his letter. He noted that comments 2 and 3 could not be address yet because they involve noting the recording number of the approved subdivision plan that has not yet been recorded.

In addition to the recommended conditions of approval in Mr. Keach's letter, he also noted Ms. Brown would need to obtain a letter from Chief Tapley stating his approval.

Mr. Keach noted that a variance was granted to convert the building to a 7-unit apartment building and a second variance was granted to reduce the lot size. Those would still be vested.

Mr. Russell questioned if there were drainage requirements when the entrance was being considered on Pheasant Run Drive. Mr. Keach noted there would be some drainage diverted, but there was no need for concentrated drainage because they were removing a significant amount of pavement, which would reduce the amount of runoff.

Ms. Green asked if there were test pits done for septic. Mr. Keach noted there was a new septic system installed as part of the apartment building conversion and that the house would have its own system. When they were considering the two-lot subdivision, Mr. Zilch did a test pit as part of the state subdivision approval. Mr. Zilch noted they did two test pits and have a 4,000 sq. ft. receiving area around it.

Scott Bassett, 464 Main Street, M18 L2-2, was present.

252 Mr. Bassett questioned if the property was still considered one lot and if any of the changes have
253 to conform to new regulations. Mr. Keach noted that there haven't been any changes to the
254 zoning ordinance or subdivision regulations that would apply to this project, so the conditional
255 subdivision approval granted in 2007 would remain valid.

256

257 Mr. Bassett noted concern over how many people they would be putting on five acres of land.
258 Between the apartments and a new four-bedroom home, there could potentially be 20 people
259 living on five acres of land. Could this property sustain that many people?

260

261 Mr. Traeger noted that test pits were done to ensure there was adequate soil for septic systems
262 and Mr. Zilch noted that they have viable receiving areas for both the apartment building and new
263 single-family dwelling; both were approved by the state.

264

265 Mr. Bassett questioned if Sandown had a lot size requirement for apartment buildings. Mr. Keach
266 noted the town did not, and went on to further explain lot size requirements.

267

268 Ms. Green questioned if the power line easement area could be used for septic. Mr. Keach
269 explained that under high-tension easements, you couldn't build a system within that area. Mr.
270 Meisner noted that it could disturb the soil and disturb the footings of the power lines. Ms. Green
271 then questioned why the proposed septic field could go through the easement. Mr. Keach clarified
272 that it was not a third party easement. The power line was there to serve the apartment building.
273 The plat identified the easement in case someone else owned the second parcel, Ms. Brown could
274 reserve herself the easement for the use of the apartments. Mr. Keach noted that would also be
275 done with the proposed driveway. It would be recorded so in case the two properties come under
276 two owners, the right to access the apartments through that driveway would still exist.

277

278 Ms. Green questioned if there would be any traffic concerns on 121A. Mr. Keach noted that's
279 why they were required to go to DOT for the driveway permit.

280

281 **MOTION:** Mr. Mencis made a motion to grant conditional approval for the amended site plan
282 submitted by Patricia Brown for the property shown on Map 18, Lot 2-1 with the following
283 conditions:

284

285 *All conditions of approval stated on May 15, 2007:*

286 The application for subdivision approval:

287 (a) bond pavement removal and establishment of turf, as depicted on the plat; (b) approval and
288 full implementation of amended site plan for Lot 18-2-1; (c) final engineering review; (d) set
289 monuments specified on final plat; (e) note waiver of Section 9.23 on final plat; (f) depict, define
290 and reference existing utility easement on final plat; and (g) maintain a positive PREA balance.

291

292 The application for site plan amendment:

293 (a) fulfillment of conditions (of approval) and recordation of subdivision plat; (b) bond site
294 improvements pursuant to Section VI.K of the Site Plan Review Regulations – bond amount to be
295 determined by KNA; (c) final engineering review; and (d) maintain a positive PREA balance

296

297 Obtain a letter from Chief Tapley stating his approval.

298

299 Mr. Russell seconded the motion. All members voted unanimously in favor. The motion passed.

300

301 **Non-Public Session**

302 Mr. Traeger explained for the Board the need for non-public.

303

304 **MOTION:** Mr. Mencis made a motion to go into a Non-Public Meeting according to RSA: 91:
305 A: 3 II d. Mr. Russell seconded the motion. The Board voted in the affirmative. The motion
306 passed.

307

308 Members came out of the Non-Public Meeting and stated that they sealed the Non-Public
309 Minutes.

310

Other Business

311 Mr. Traeger noted that Ms. Cormier has resigned from the Planning Board as of 1/26/12.

312

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314 **MOTION:** Mr. Mencis made a motion to accept Ms. Cormier's resignation. Mr. Nicolaisen
315 seconded the motion. The Board voted unanimously in favor. The motion passed.

316

317 Mr. Traeger noted that the Board will miss her and that she brought a lot of insight and
318 experience to the Board.

319

320 **MOTION:** Mr. Mencis made a motion for Mr. Russell to finish out Ms. Cormier's term, which
321 runs until March 2013. Mr. Nicolaisen seconded the motion. The Board voted in favor. Mr.
322 Russell abstained. The motion passed.

323

324 Mr. Traeger noted that the Selectman will need to be informed and Mr. Russell will need to be
325 sworn in by Michelle Short.

326

327 Mr. Russell noted that the Board is looking for alternates and that it is a great place to learn and
328 meet new people. He encouraged any public watching to sign up as an alternate.

329

330 Mr. Keach and Mr. Nicolaisen left the meeting.

331

Review of 1/17/12 Minutes

332 L73 add the body of Paragraph 5 (a) to the motion

333 L144 change "Ms. Green" to "Mr. Russell"

334

335
336 **MOTION:** Mr. Russell made a motion to accept the 1/17/12 minutes as amended. Mr. Brown
337 seconded the motion. The Board voted in favor. Ms. Green and Mr. Mencis abstained. The
338 motion passed.

339

Review of 2/7/12 Minutes

340 L176 – change to "Ms. LaBranche noted that the town's maximum population at projected build-
341 out could be 12,000."

342

343 L187 add Ms. Green left the meeting.

344

345 L230 change to "noted that the town may not have a conservation commission to monitor
346 easements."

347

348
349 **MOTION:** Mr. Mencis made a motion to approve the 2/7/12 minutes as amended. Mr. Russell
350 seconded the motion. The Board voted in favor. Ms. Green and Mr. Meisner abstained. The
351 motion passed.

352

353 **MOTION:** Mr. Russell made a motion to adjourn. Mr. Mencis seconded the motion.

354

355 *Discussion:* Mr. Traeger handed out Ms. LaBranche's summary notes from the Master Plan
356 meeting.

357

358 On the handout used by Ms. LaBranche at the Master Plan input session on 2/7/12, Ms. Green
359 took issue with commercial development being listed as one of the major findings since it only
360 had a 51% approval rating.

361

362 The Board voted unanimously in favor. The motion passed. MEETING ADJOURNED at 9:06
363 p.m.

364

365 Respectfully submitted,



366

367 Andrea Cairns, Recording Secretary