

1 Sandown Planning Board
2 Minutes
3 June 19, 2012
4

5 **Date:** June 19, 2012

6 **Place:** Sandown Town Hall

7 **Members Present:** Matt Russell – Vice Chair, Ed Mencis, James Devine - Ex-Officio, Ernie
8 Brown, Steve Meisner

9 **Absent:** Mark Traeger – Chair

10 **Also Present:** Steve Keach – Town Engineer, Andrea Cairns – Recording Secretary
11

12 **Opening:** Mr. Russell opened the meeting at 7:10 p.m.
13

14 Mr. Mencis clarified that the meeting was not a work session as listed on the agenda, but a
15 regular monthly meeting.
16

17 **Review of 5/15/12 Minutes**

18 L30 change to Mr. Traeger

19 L47 change to Mr. Lavelle presented the application.
20

21 **MOTION:** Mr. Mencis made a motion to accept the 5/15/12 minutes as amended. Mr.
22 Brown seconded the motion. The Board voted unanimously in favor. The motion passed.
23

24 **Correspondence**

25 The Board received a letter from the Southern NH Planning Commission that contained a CD
26 with the 2012 NH Livable Walkable Communities Toolkit. Mr. Mencis suggested sharing it
27 with recreation and conservation.
28

29 The Board received the 2013 Budget schedule. Mr. Russell reviewed the dates. Mr. Russell
30 requested to put the budget on the agenda for the next meeting.
31

32 The Board received information to access their web mail accounts. It will also be distributed
33 electronically.
34

35 The Board also received two copies of Town & City for the month of June.
36

37 Mr. Russell noted they received a letter from Matthew Brown stating he would like to
38 become a board member which would be discussed later that evening.
39

40 **7:15 – Discussion Regarding Phillips Pond Estates Cistern**

41 Chief Tapley and Mr. Villella from J.H. Chase were in attendance.
42

43 Mr. Russell noted they were there to discuss the Phillips Pond Estates fire protection since
44 the development is currently not in compliance with the original conditions of approval. He
45 noted there was a provision in the conditions that Mr. Holmes, the original owner, was to
46 grant the town deeded access through his property to access the pond in the case of a fire. He
47 was to create a gravel access road with a lockable fence. This has not been completed.

48 Mr. Villella gave a history of the property. He noted there was nothing recorded on the plan
49 at the registry of deeds that a cistern or gravel driveway was to be put in. He noted that he
50 met with Chief Tapley in 2011 to discuss the gravel driveway and stated at that meeting that
51 he was willing to put the driveway in. Mr. Villella also noted that over the past 4-6 weeks he
52 had been trying to contact Mr. Holmes to gain access to the property, but has not been able to
53 connect with him. He did finally speak with him over the phone and Mr. Holmes stated he
54 would not grant Mr. Villella access to his property.

55

56 Mr. Villella did not feel that the development wasn't in compliance since the cistern or access
57 road never made it on to the deeded plans.

58

59 Mr. Russell noted that item number seven on the August 17, 2006 Notice of Decision was
60 that a final approval letter needed to be received from the Sandown Fire Department. The
61 Board received a letter from Chief Bassett on October 12, 2006 stating that "a graveled
62 access road to Phillip's Pond would be acceptable... Therefore a cistern or other means of
63 water supply will not be required." Mr. Russell felt, in his opinion, that if the access road is
64 not feasible, the alternate, as inferred in the letter, would be a cistern. Mr. Villella noted that
65 he did not create the subdivision, he only owned 20 lots and currently only has one lot
66 remaining to be sold. He was willing to put in the access road, but didn't feel he was solely
67 responsible for the cistern.

68

69 Mr. Meisner asked who owned the road, the town, the bank or Mr. Villella. Mr. Villella was
70 not sure who owned the road, but noted that he did agree to pave it. Mr. Meisner noted that
71 under the terms of the Sandown Zoning Ordinance, if something was required at the time the
72 subdivision was approved, even if the property changes hands several times, the current
73 owner of the property is bound by the original conditions of approval.

74

75 Mr. Keach joined the meeting.

76

77 Mr. Meisner asked Mr. Keach if he knew the status of the road. Mr. Keach clarified that the
78 road is dedicated to the town, but has yet to be a publicly accepted road. He noted that when
79 he reviewed the deed that JH Chase acquired, JH Chase does own the property under the
80 road.

81

82 Mr. Keach noted, in his opinion, that Mr. Holmes made a commitment to the town to provide
83 certain rights. He questioned whether the town, from a legal perspective, could compel Mr.
84 Holmes to keep his word. Mr. Keach recommended it might be appropriate for the town to
85 consult council to see if the Board could enforce the provisions of the original approval. Mr.
86 Holmes accepted an approval of his subdivision with the understanding that access to water
87 for firefighting would go through his property. He still owns that property.

88

89 Mr. Keach noted that the reason there may be continued obligation on the part of Mr. Holmes
90 is because he accepted the approval. If it weren't for the letter from Chief Bassett, the
91 approval wouldn't have happened and the plan would not have been recorded. Mr. Keach
92 felt, in his opinion, it would be worth exploring whether or not the town can legally enforce
93 his original commitment.

94

95 Mr. Villella stated that he was willing to put in the fire road; he just needed to get permission
96 from Mr. Holmes to do so.

97

98 Mr. Keach again recommended that the board consult with council to see if there is any legal
99 recourse since Mr. Holmes still owns the property that was to be encumbered by the
100 easement. Mr. Meisner agreed.

101

102 Mr. Mencis suggested having Mr. Keach present it to the town attorney. Ms. Cairns can have
103 the attorney contact Mr. Keach.

104

105 Mr. Keach noted that even though there is no notation on the plans for that condition, at the
106 time there was an understanding conveyed to the Board that there would be an easement to
107 access the pond. There was no condition put on the plans because the condition was to
108 receive a letter from the fire chief, which they did.

109

110 **MOTION:** Mr. Brown made a motion to send to town council a question regarding the
111 Phillips Pond Estates easement through the property on Map 6, Lot 11 which would grant the
112 town access to the water through Peter Holmes' property which was granted at the time of
113 approval in the August 15, 2006 notice of decision.

114

115 *Discussion:* Mr. Mencis suggested that Chief Tapley, Mr. Villella and Mr. Holmes get
116 together to discuss the issue. He suggested since they were together, maybe they could go
117 talk to Mr. Holmes that evening. If they do connect with Mr. Holmes, he asked them to stop
118 back to the meeting to let the Board know where the issue stood before they consult legal
119 council.

120

121 Mr. Villella and Chief Tapley agreed to try and meet with Mr. Holmes that evening.

122

123 Mr. Brown rescinded the motion until further information is gained.

124

125 **7:45 – Review of Mylars for Hoyt Estates.**

126 Mr. Russell read a letter the Board received from Mr. Keach on June 12, 2012. The letter
127 stated that he felt all requested changes had been made to the plans and that everything was
128 in order for plan signature.

129

130 Mr. Russell read a letter the Board received from Mr. Zilch on May 30, 2012 noting that
131 changes were made regarding the small unmapped wetland at the driveway entrance to lot 25
132 and that he adjusted the plans as necessary. The letter noted where the changes had been
133 made on the plans.

134

135 Mr. Keach reviewed the letter he sent the Board on March 13, 2012 with recommendations
136 for approval.

137

138 Mr. Devine joined the meeting.

139

140 Mr. Russell signed the mylars.

141

142 **Appointment of a New Member – Matthew Brown**

143 Mr. Matthew Brown, 42 Phillips Pond Drive and his wife were in attendance.

144

145 Mr. Brown told the Board about himself and that he was interested in getting involved in the
146 community. Mr. Mencis and Mr. Russell thanked him for being there and for volunteering for
147 service.

148

149 **MOTION:** Mr. Mencis made a motion to appoint Matthew Brown as a member of the
150 Sandown Planning Board for a term that would expire March 2013. Mr. Meisner seconded
151 the motion. Mr. Mencis asked for public input, no public was in attendance. The Board voted
152 unanimously in favor. The motion passed.

153

154 Board members signed the appointment sheet. Mr. Devine swore in Mr. Brown.

155

156 **Discussion Regarding HUD Funding for the Regional Master Plan**

157 Mr. Russell noted that on June 14, 2012, the Board submitted a grant application to gain
158 funding for the master plan. The grant was requesting \$13,323.75 which would be used to
159 work on the land use chapter of the master plan.

160

161 This item will be placed on the agenda for next month to get an update.

162

163 **Phillips Pond Estates Discussion Continued**

164 Mr. Villella and Chief Tapley returned from a discussion with Mr. Holmes. They noted Mr.
165 Holmes was not expecting a meeting so he was not prepared to discuss the issue. They agreed
166 that Mr. Villella would contact Mr. Holmes the next morning at 9:00 to discuss. After that
167 call, Mr. Villella would contact Ms. Cairns and Chief Tapley to report the results of that call.

168

169 **MOTION:** Mr. Brown made a motion to send to town council a question regarding the
170 Phillips Pond Estates easement through the property on Map 6, Lot 11 which would grant the
171 town access to the water through Peter Holmes' property which was granted at the time of
172 approval in the August 15, 2006 notice of decision. Mr. Mencis seconded the motion. The
173 Board voted unanimously in favor. The motion passed.

174

175 Ms. Cairns will contact the lawyer and have her contact Mr. Keach. Mr. Keach will forward
176 an email with the outcome of his call and distribute it to the Board and Chief Tapley.

177

178 This item will be put on the next agenda for further discussion. Ms. Cairns will contact Chief
179 Tapley and Mr. Villella if they need to attend the meeting.

180

181 Mr. Mencis noted he appreciated that Chief Tapley and Mr. Villella went down to try and
182 communicate with Mr. Holmes.

183

184 **Master Plan Status**

185 The board updated Matthew Brown on the master plan.

186

187 Ms. Cairns updated the board on the status of the master plan in terms of budget and what
188 work remained to be done.

189

190 The Master Plan will be put on the agenda for the next meeting. The Board will discuss the
191 budget as well.

192

193

194 **Town Engineers Report**

195 Mr. Keach updated the Board on Waterford Village Estates. He noted that he met with Gary
196 Barnes on April 17, 2012. At that point, Mr. Barnes still needed to complete the recreation
197 area that would include a gazebo, playground, basketball court and picnic tables. In May,
198 some homeowners contacted Mr. Keach inquiring about the status of that recreation area. Mr.
199 Barnes then completed the recreation area. Mr. Keach has not inspected the area yet. When
200 he does, he will come to the Board with a recommendation to release the surety. Mr. Keach
201 wants to make sure that grass is growing before the final release of that surety. Once that is
202 complete, the subdivision will be 100% complete. He noted that in his opinion, Mr. Barnes
203 did an excellent job and the project looks fantastic.

204

205 Mr. Mencis suggested taking some trees down on North Road to widen the road a bit. Mr.
206 Keach suggested that Mr. Mencis talk to Mr. Genualdo about that. Mr. Keach gave an
207 overview of the work they would be doing on North Road.

208

209 **Regional Master Plan**

210 Mr. Russell noted that a few months ago, the Board agreed to have Mr. Traeger sign a letter
211 agreeing to be involved in the regional master plan initiative. Mr. Russell noted he had a few
212 concerns over what it actually means to be involved and what are the town requirements for
213 being part of the project. He has done some research and found some information that he is
214 concerned about. He suggested the Board re-read the documentation that was distributed. Mr.
215 Russell is going to make an effort to find out more about the project. Mr. Russell had
216 concerns that Sandown's needs are different from larger towns like Derry and Nashua. He
217 also noted concern that it might force the town into making amendments to zoning and
218 subdivision regulations.

219

220 This will be an item on the agenda for next month to discuss further.

221

222 **MOTION:** Mr. Mencis made a motion to adjourn. Mr. Meisner seconded the motion. The
223 Board voted unanimously in the affirmative. The motion passed. MEETING ADJOURNED
224 AT 8:59 p.m.

225

226 Respectfully submitted,

227



228

Andrea Cairns, Recording Secretary