

1 Sandown Planning Board
2 Minutes
3 July 17, 2012
4

5 **Date:** July 17, 2012

6 **Place:** Sandown Town Hall

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

9 **Absent:** Steve Meisner, Steve Keach – Town Engineer

10 **Also Present:** Andrea Cairns – Recording Secretary

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12 **Opening:** Mr. Russell opened the meeting at 7:08 p.m.

13
14 **Approval of 6/19/12 Minutes**

15 L115 change to Mr. Mencis

16
17 **MOTION:** Mr. Mencis made a motion to accept the 6/19/12 minutes as amended. Mr.
18 Brown seconded the motion. The Board voted in favor. Mr. Traeger abstained. The motion
19 passed.

20
21 **Correspondence**

22 The Board received a cd from the Regional Economic Development Center containing the
23 2012 Comprehensive Economic Development Strategy.

24
25 LGC is looking for nominations for the 25th Annual Municipal Volunteer Award.

26
27 The Board received a postcard regarding LCGs Annual Convention on November 14th and
28 15th.

29
30 The ZBA of Danville sent a legal notice regarding a public hearing.

31
32 The Board received an email from Mr. Doug Martin regarding HB1415, a new septic law.

33
34 The Board also received a copy of *Town & City* Magazine.

35
36 **Discussion Regarding Phillips Pond Estates Fire Protection**

37 Mr. Traeger noted the Board had correspondence with the town attorney and received a letter
38 advising them on how to proceed. Mr. Traeger also spoke with Mr. Keach before the meeting
39 and he agreed with the attorney. The town attorney felt the town could file an action against
40 Mr. Holmes for specific performance to provide an access easement to Phillips Pond for fire
41 safety over his property as required by the August 15, 2006 Planning Board approval.

42
43 Mr. Brown informed the Board that he spoke to Mr. Holmes directly. Mr. Brown noted that
44 Mr. Holmes feels that once he lost the property to the bank, his obligation was null and void.
45 Mr. Brown noted that Mr. Holmes was unhappy with how the bank handled the situation. Mr.
46 Brown also noted that Mr. Holmes was open to granting an easement, but wants
47 compensation for it. Mr. Brown invited Mr. Holmes to attend the meeting, but Mr. Holmes

48 declined. Mr. Brown told Mr. Holmes that the Board would like to have an open dialogue,
49 but Mr. Holmes would prefer to have his lawyer handle the situation.

50

51 Mr. Russell thanked Mr. Brown for having that conversation with Mr. Holmes. Mr. Russell
52 reiterated his opinion that originally, Mr. Holmes had the option to put in a cistern and that
53 option is still available.

54

55 Mr. Mencis asked Mr. Brown if he felt it would help the situation if Mr. Villella spoke with
56 Mr. Holmes again. Mr. Brown was unsure if it would make a difference, but felt that if they
57 could speak and work out an agreement, it would be better to expedite the situation. Mr.
58 Russell questioned if the Board could facilitate an off-site meeting if they didn't have a
59 quorum. Mr. Mencis noted they did need to have a quorum for any off-site meeting.

60

61 Mr. Brown clarified that the bank called the loan and did not give Mr. Holmes time to make
62 up the payments. Mr. Traeger questioned if the Board had discussed the bank's roll in the
63 situation. Mr. Russell noted they did not because they did not have any of the details. Mr.
64 Mencis noted that the bank Mr. Holmes was working with has since gone bankrupt.

65

66 Mr. Brown suggested the Board have the town attorney contact Mr. Holmes' attorney per Mr.
67 Holmes' request.

68

69 Mr. Traeger questioned if they should have the town attorney put together a letter to Mr.
70 Holmes. Mr. Russell noted concern with the town attorney sending a letter since it may
71 suggest the town might have some culpability in the case and suggested that the argument is
72 between the developer and the previous land owner so maybe Mr. Villella should contact
73 him. Mr. Traeger noted the commitment of the easement was made to the town. Mr. Mencis
74 also noted that the town approved the development, so the town would be the arbitrators to
75 make sure that easement is taken care of.

76

77 Mr. Traeger concluded that the town attorney would call Mr. Holmes' attorney and follow-up
78 with a letter if needed. Mr. Mencis suggested that if the attorney is going to follow-up with a
79 phone call, then the Board should send a letter to Mr. Holmes informing him that the town
80 has followed-up, per his request. Mr. Traeger concluded that they would like to see the
81 situation brought to an amicable conclusion.

82

83 **Community Grant Program**

84 Mr. Traeger noted that the Board did not receive the NH Community Planning Grant. Mr.
85 Traeger reviewed the letter the Board received which outlined the projects that did receive
86 grants. He noted the committee was looking for more early action projects vs. master plan
87 projects.

88

89 Mr. Russell did not feel the towns that were awarded grant money had projects that were
90 dramatically different from what they were asking for. Mr. Traeger noted they were invited to
91 resubmit an application for the second round which would be in 2013.

92

93 **NH Sustainable Communities Regional Planning**

94 Mr. Russell noted that the regional planning program they are being asked to participate in is
95 funded by HUD. His biggest issue with the program is that it seems to be a large federally
96 funded money grab. He noted there are groups being funded by the project that have nothing

97 to do with planning, including: Healthy Eating Activity Living Organization, Family
98 Assistance Advisory Council, the Conservation Law Foundation and other NH Charitable
99 Organizations. He is concerned because it is not clear why the town should participate and
100 what strings are going to be attached to participating.

101

102 Mr. Traeger noted that Windham went through an extensive exercise to gain more
103 information on the project and ultimately they signed up to participate. He handed out a
104 memo that RPC sent out that was in response to some of the recurring concerns that many
105 people have. The memo directly responded to those concerns. He also noted that the money
106 is already granted and the project is moving forward. Sandown could choose not to
107 participate, but will not have a say in the planning or be a part of the steering committee.

108

109 Mr. Russell wanted everyone to read all the documentation associated with the project and be
110 informed before the town signed-up for the project. He noted ultimately the Selectman would
111 make the decision whether to participate or not. He noted he would be willing to listen if
112 someone from RPC wanted to come in and make a case for how the project can support
113 Sandown. Mr. Mencis agreed he would be open to having RPC attend a meeting.

114

115 Mr. Traeger encouraged everyone to read the memo from RPC and reiterated that they can
116 take advantage of the work that would be done and apply it to Sandown. If they don't
117 participate, then they don't have a say in the planning.

118

119 **Master Plan – Budget**

120 Ms. Cairns reviewed an outline of each chapter noting that most chapters only needed minor
121 statistical updating but the Current and Future Land Use chapter has not been started and
122 required a substantial amount of work. She noted in order to have Ms. LaBranche from RPC
123 complete the remaining chapters, it would be approximately \$2,500 for the smaller chapters
124 and \$4,000-5,000 to do a bare bones Current and Future Land Use chapter.

125

126 Mr. Traeger suggested that some of the tasks to be completed were not difficult and Ms.
127 Cairns could do the statistical updating during her normal working hours. That way they
128 would save money to be able to have Ms. LaBranche do the tasks they really needed her to
129 complete.

130

131 Mr. Russell noted that they are not mandated to have the master plan completed until 2015
132 and feels there is no rush to complete it now. He suggested adding a line item in the budget
133 so they could complete it gradually over the next few years. Mr. Traeger noted they could
134 adopt the chapters that are almost done and continue to update the larger chapters. He would
135 like to continue to work on the document so the work they've done to that point isn't lost.

136

137 Mr. Devine joined the meeting.

138

139 The Board agreed it would be appropriate for Ms. Cairns to work on the document.

140

141 **PREA Accounts**

142 Ms. Cairns gave the Board an update on the PREA accounts. She noted there was one
143 account that still had not submitted payment despite several letters notifying the homeowner.
144 Mr. Traeger asked how the Board could proceed. Mr. Russell suggested sending the owner a
145 letter informing them the subdivision is no longer compliant and unless payment is received

146 within 30 days, the Board would need to revoke approval. Mr. Mencis suggested they be
147 given the opportunity to come before the Board and plead their case if they are unable to
148 make the payment.

149

150 The Board also agreed Mr. Sherwood should be given a copy of the letter so he does not
151 issue a building permit for the property.

152

153 **Other Business**

154 Mr. Menics asked when the budget meeting was and suggested submitting the same budget
155 from last year. He also offered to attend the meeting with the Chair.

156

157 **MOTION:** Mr. Mencis made a motion to adjourn. Mr. Russell seconded the motion. The
158 Board voted unanimously in the affirmative. The motion passed. MEETING ADJOURNED
159 AT 8:15 p.m.

160

161 Respectfully submitted,

162



163

Andrea Cairns, Recording Secretary