

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

5 **Date:** August 21, 2011

6 **Place:** Sandown Town Hall

7 **Members Present:** Matt Russell -Vice Chairman, Steven Meisner, Ed Mencis, Ernie
8 Brown

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

10 **Absent:** Chairman Mark Traeger, Matthew Brown, James Devine – Ex-Officio

11
12 **Opening:** Mr. Russell opened the meeting at 7:08 p.m.
13

14 Mr. Mencis stated that the Board’s thoughts and prayers go out to Augusta family and
15 LeBlance family in regards to the accident that happened over the weekend.
16

17 Mr. Russell recognized Mr. Mencis who was nominated for the 2012 Citizen of the Year
18 and thanked him for all that he does in the community and for the Planning Board.
19

20 **Correspondence**

21 Mr. Russell noted the Board received an email from Lynne Blaisdell regarding Phillips
22 Pond Estates Fire Protection. The email stated that the Board of Selectman would like an
23 update on the situation.
24

25 The Board received a notice in regards to the NH Right to Know Law training session
26 being held by the Danville Board of Selectman. The training session will be held at the
27 Danville Community Center, September 19, 2012 at 7:00 p.m. Members need to RSVP
28 through the Selectman’s office. Mr. Mencis noted that he would like to attend.
29

30 The Board received a flyer regarding the LGC Municipal Law Lecture Series. Lectures
31 happen throughout September at various locations. Mr. Russell noted they did have
32 money in the budget if anyone was interested in attending.
33

34 Mr. Russell read an email received by the NH Department of Environmental Services
35 Water Division regarding a pre-application for a grant program they are sponsoring. The
36 grant is to help towns who wish to implement zoning amendments for Wellhead
37 protection areas. Mr. Keach clarified that a “public” water supply would be any source
38 with 15 or more connections. Mr. Keach noted that there is a map that is part of an
39 Aquifer Protection Plan that was completed by DES. He recommended that the Board
40 obtain a copy of the map to review and determine if Sandown would be in need of such
41 zoning regulations.
42

43 **Phillips Pond Estates Fire Protection**

44 Ms. Cairns gave the Board an update on the situation. She noted that per the Board’s
45 request, Attorney Gorrow contacted Mr. Stephen Clark, Mr. Holmes’ attorney. Mr. Clark

46 indicated that Mr. Holmes is seeking compensation for the easement. Mr. Holmes has
47 concerns that Mr. Villella would not get the proper permits from DES when clearing the
48 brush and putting in the access road. Mr. Holmes also has concerns that the fire
49 department would use it as a training area. Attorney Gorrow recommended that Mr.
50 Villella contact Attorney Clark to negotiate a price for the easement. Ms. Cairns noted
51 that Mr. Villella expressed that he did try and contact Attorney Clark, but did not receive
52 calls back.

53

54 Mr. Keach reviewed the letter that Attorney Gorrow sent to the Planning Board in July
55 which stated that she did believe the town could pursue legal action against Mr. Holmes
56 to compel him to grant the town the easement for access to the pond for fire safety. Mr.
57 Keach reviewed the recorded plans and indicated for the Board where the access road
58 would go. Mr. Keach feels that Mr. Holmes should be compelled to honor the
59 commitments he made.

60

61 Mr. Keach recommended to the Board that they pursue having Attorney Gorrow file the
62 necessary paperwork to compel Mr. Holmes to honor his commitment. Mr. Mencis
63 agreed. Mr. Mencis asked if they could go after Mr. Holmes for the legal costs associated
64 with this case. Mr. Keach did not feel they could.

65

66 Mr. Keach noted he had a lot of paperwork available if Attorney Gorrow needed it.

67

68 Mr. Brown distributed a copy of the minutes where the topic was originally discussed. He
69 noted the minutes don't give a lot of information.

70

71 **MOTION:** Mr. Mencis made a motion for Attorney Gorrow to pursue action to compel
72 Mr. Holmes to grant the town the easement and would like the Board of Selectman
73 notified of this decision. Mr. Brown seconded the motion.

74

75 *Discussion:* Mr. Mencis hopes that once Mr. Holmes's attorney is served the paperwork,
76 he will advise his client not to pursue it. Mr. Russell hoped that eventually Mr. Holmes
77 would see it is a good thing for the town and his neighborhood.

78

79 The Board voted in the affirmative. Mr. Meisner abstained. The motion passed.

80

81 **PREA Accounts**

82 Ms. Cairns noted that Ms. Patricia Brown now has a positive balance.

83

84 Ms. Cairns noted that Mr. Villella was contacted regarding invoices received from Mr.
85 Keach regarding Phillips Pond Estates and indicated he was not willing to pay those
86 invoices. Mr. Mencis asked if the Board could relay those charges to Mr. Holmes since
87 he is the reason that bill was incurred.

88

89 Mr. Keach suggested that the Board draft a letter to Mr. Villella stating that he is
90 obligated to keeping his PREA account current under the conditions of approval for the
91 subdivision. If he does not satisfy those conditions, the Planning Board has the right

92 under NH Law to remedy the situation. He also recommended the letter state that he
93 needs to pay the invoices by September 18, 2012, the time of the next meeting.

94

95 **Surety Release for Twitchell's Way**

96 Mr. Brown recused himself.

97

98 Mr. Keach noted there has been significant work done on the road. He noted that Steve
99 Chabot was very happy with the outcome of the road and all that needs to be completed is
100 the topcoat and the gravel on the shoulders. Mr. Keach distributed a letter indicating he
101 recommended that the Board release \$18,565.20 with a remaining bond value of
102 \$46,072.80.

103

104 **MOTION:** Mr. Mencis made a motion recommending a partial release of \$18,565.20
105 with a remaining bond value of \$46,072.80 for Twitchell's Way. Mr. Meisner seconded
106 the motion.

107

108 *Discussion:* Mr. Mencis noted that he liked the way Mr. Keach prepared the report.

109

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

111

112 **Surety Release for Waterford Village Estates (M19 L24, 24-2 & 40)**

113 Mr. Keach handed out and reviewed a letter with his recommendation. He gave a history
114 of the property. He noted that Mr. Barnes completed the work on the recreation area
115 within the development. He noted that the Board held \$44,647.20 for the completion of
116 the recreation area and recommended that the full value of the surety be released. He
117 noted that the surety was available through a letter of credit on behalf of Ten Powder
118 Realty and recommended that Ms. Cairns create correspondence with the bank to release
119 the surety so it gets closed out properly.

120

121 Mr. Russell noted that he stopped by to see the recreation area and questioned what the
122 hydrant was for. Mr. Keach noted it was for watering the grass in that area and was off
123 the common well. Mr. Russell also noted that the basketball hoop was missing. Mr.
124 Keach acknowledged that and explained it was because someone took the hoop down and
125 Mr. Barnes did promise that he would put the hoop back up.

126

127 The Board agreed that the neighborhood looked very nice. Mr. Keach noted there were
128 approximately 8-10 lots remaining to be built.

129

130 **MOTION:** Mr. Mencis made a motion to release letter of credit 18923 for Waterford
131 Village Estates in reference to the August 21, 2012 letter submitted by Keach-Nordstrom,
132 in the amount of \$44,647.20 currently being held by the Town of Sandown on behalf of
133 Ten Powder Realty. The Planning Board would send correspondence to Enterprise Bank
134 notifying them.

135

136 *Discussion:* Mr. Keach noted that Mr. Barnes would stop by the office.

137

138 Mr. Brown seconded the motion. The Board voted unanimously in the affirmative. The
139 motion passed.

140

141 **Planning Board Budget**

142 The Board agreed to defer the budget discussion to the next meeting on September 4,
143 2012 in hopes that Mr. Traeger could be present.

144

145 **Other business**

146 Mr. Russell noted that the surety spreadsheet seemed to be in order. All sureties were in
147 good standing except for Riverbend and MCC Northwoods. Mr. Keach clarified that
148 MCC Northwoods still has a ban on building permits and Riverbend will submit a surety
149 when construction commences on Phase IV.

150

151 **Town Engineer's Report**

152 Mr. Keach noted that KDRM – Kelly Green has been sold to Lewis Builders. He noted
153 that he received a call regarding the sale and that he received an envelop of revised plans
154 which addressed the conditions of approval. He noted they were waiting on one state
155 permit. He anticipated that they would be in a position to submit final mylars to be signed
156 by the end of September. He noted that Lewis Builders would be posting the surety.

157

158 He suggested that KDRM go on the next agenda for discussion.

159

160 **Adjournment**

161 Mr. Mencis made a motion to adjourn. Mr. Brown seconded. The Board voted
162 unanimously in the affirmative. MEETING ADJOURNED AT 8:28 p.m.

163

164 Respectfully submitted,

165 Andrea Cairns, Recording Secretary