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**Sandown Planning Board  
Minutes  
September 18, 2012**

**Date:** September 18, 2012

**Place:** Sandown Town Hall

**Members Present:** Matt Russell – Vice Chair, Steve Meisner, Ed Mencis, Ernie Brown

**Members Absent:** Mark Traeger – Chair, Matthew Brown, James Devine - Ex-Officio

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

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

**Approval of 7/17/12 Minutes**

Mr. Mencis asked for clarification on new septic laws which were reviewed at the 7/17/12 meeting. Mr. Keach explained the new law.

**MOTION:** Mr. Mencis made a motion to approve the 7/17/12 minutes as written. Mr. Brown seconded the motion. All members voted in favor. Mr. Meisner abstained. The motion passed.

**Approval of 8/21/12 Minutes**

**MOTION:** Mr. Mencis made a motion to approve the 8/21/12 minutes as written. Mr. Meisner seconded the motion. All members voted in favor. The motion passed.

**New Member**

Mr. Russell read a letter from Mr. James Carroll to the Planning Board sent on September 11, 2012 indicating his interest in becoming a member.

Mr. Russell welcomed and thanked Mr. Carroll for his interest.

Mr. Carroll told the board about his background.

The Board noted that Mr. Carroll would be an alternate and explained the responsibilities of the position.

Mr. Russell noted that there were classes and lectures available for him to attend and made him aware of the various resources available in the Planning office.

**MOTION:** Mr. Mencis made a motion to appoint James Carroll as an alternate for a three-year term to the Sandown Planning Board. Mr. Meisner seconded the motion. All members voted in favor. The motion passed.

**Kelly Green Subdivision**

Mr. Keach gave an overview of where the project stood and read an email he sent to the Board.

46 Mr. Keach then reviewed the letter dated September 18, 2012 which cited the conditions  
47 that have or have not been fulfilled to date. Mr. Keach summarized that he felt the plans  
48 were ready to be signed and recorded.

49  
50 Mr. Russell questioned if a developer could have two plans recorded. Mr. Keach noted  
51 they could, but the previously recorded plans have zero perfected conditional approvals.

52  
53 Mr. Keach noted that the one condition that remained to be fulfilled was Condition #3  
54 relating to the performance guarantee. He noted that Lewis Builders, the new owners,  
55 would be posting the performance guarantee.

56  
57 Mr. Russell suggested it might be a nice idea for a representative from Lewis Builders to  
58 come before the board and introduce themselves. Mr. Keach noted he would recommend  
59 it.

60  
61 Mr. Keach noted that Lewis builders would likely be making one change to the plans.  
62 They own Hampstead Water Company and would like to extend water through the  
63 development instead of using individual wells. Mr. Mencis suggested it might be a good  
64 idea to install hydrants. Mr. Keach noted those systems can't always deliver the water  
65 pressure needed, but it was something they could investigate. He noted since they are a  
66 public utility, that change might give them cause to come before the board formally.

67  
68 Mr. Keach reviewed his notes on the 22-unit open space development. He noted that in  
69 order for the apartments to be converted into condominiums, they would need Planning  
70 Board approval since it would be considered an act of subdividing.

71  
72 Mr. Keach noted that Mr. Camm would be bringing final plans and mylars to the  
73 Planning office before the next meeting. He noted once the sale closes, they would be  
74 receiving a surety from Lewis Builders.

75  
76 Mr. Keach gave the Planning Board the original documentation.

77  
78 Mr. Russell requested that the Board have a copy of Mr. Keach's letter when the mylars  
79 were reviewed so the Board could go through line by line to make sure everything is in  
80 order.

81  
82 **Impact Fees**

83 Mr. Keach gave a brief overview of impact fees and reviewed the significant changes SB  
84 291 made to the maintenance and reporting of the fees collected.

85  
86 Mr. Keach explained that the changes came about as a court action taken against the town  
87 of Londonderry. The town cannot collect fees for roadway improvements that are not  
88 classified as town roads. Londonderry was collecting fees for roadways they shouldn't  
89 have been collecting for. They now need to pay back a significant amount of those fees.  
90 That case was the nexus for the changes in the statute.

91

92 Mr. Keach reviewed the areas of RSA 674:21 that changed:

93

94 It changed section V. adding the word “municipal” road systems.

95 (k) this is a new section

96 (l) this is a new section. This section means there will be more information required in  
97 the town’s annual report. The town would now need to treat the money collected as a  
98 ledger instead of reporting the total amount collected.

99

100 Mr. Keach noted the statute is directed to the Planning Board, so the liability would be  
101 with the town if the impact fees were not paid out within the appropriate timeframe. He  
102 noted up until now, there has been no accountability from Timberlane School District to  
103 show the town how they spend the funds.

104

105 Ms. Cairns noted that the Board already compiles the ledger information. Mr. Keach  
106 indicated that the school report will now need to be completed. He also indicated that the  
107 law came into effect on May 29, 2012 so it is in effect now.

108

109 Mr. Keach recommended that this issue be brought to the attention of the Selectman. Mr.  
110 Mencis noted that the Selectmen have been trying to get this information for years.

111

112 Mr. Mencis asked why there was the six-year timeframe. Mr. Keach explained that the  
113 collection and expenditure is supposed to be tied to a CIP (Capital Improvement Plan)  
114 which works on the same timeframe.

115

116 Mr. Keach suggested that it be brought to the attention of the Board of Selectman. He  
117 noted the auditor’s report to the Board of Selectman and would need to make sure this  
118 information is reconciled.

119

120 Mr. Carroll questioned if it was optional to collect impact fees. Mr. Keach noted it was  
121 optional for the town to pass the zoning ordinance to collect them.

122

123 Ms. Cairns will follow-up with Ms. Blaisdell. If the Board of Selectman is not aware,  
124 then she will draft a memo explaining the changes noting that the Planning Board is  
125 concerned about the changes and they feel the Board of Selectmen should take the lead  
126 step in contacting the school system.

127

128 Mr. Brown asked how often the town reviews the impact fees to determine if they are  
129 collecting an appropriate amount. Mr. Keach explained that it is tied to CIP projects and  
130 if there is a large project the town is trying to raise funds for, they can increase the impact  
131 fees by that amount. He noted the reason the Planning Board manages the fees is because  
132 they are a part of the zoning ordinance. He noted the last time the fees were changed was  
133 because Timberlane School District recommended an increase.

134

135 Mr. Mencis suggested that Ms. Cairns call other towns within the Timberlane School  
136 District to find out what their impact fees were.

137

138 **Wellhead Protection Ordinance**

139 Mr. Russell noted that he would like to look into the issue a little more, to fully  
140 understand it. He noted he would be open to having a representative from DES to discuss  
141 how wellhead protection affects the town of Sandown where a significant portion of the  
142 wells are individual wells and not municipal wells.

143

144 Mr. Keach reviewed the map and noted that the geography of Sandown is largely  
145 bedrock. He stated that he was not aware of anything that would approximate what he  
146 would consider an aquifer, other than a small pocket along the Exeter River. He also  
147 noted that Sandown doesn't have commercial or industrial areas with high concentrations  
148 of areas that could contaminate.

149

150 He noted that it could warrant some conversation with the Conservation Commission, but  
151 it is not critical given the bedrock of Sandown.

152

153 **Other Business**

154 The Board received a letter from Attorney Gorrow regarding the ongoing issue at Phillips  
155 Pond Estates in regards to fire protection. The letter was dated September 17, 2012, Mr.  
156 Russell read the letter.

157

158 Mr. Keach reviewed his suggested changes:

159 *Item number 6:* He noted it was true today, but was not discussed back then. He said the  
160 cistern was an option, but it is not a fact that the former chief would have required the  
161 cistern.

162

163 Mr. Russell questioned if Mr. Holmes did not own waterfront property, would a cistern  
164 have been required? Mr. Keach stated that it was not discussed, so we don't know the  
165 answer to that. He noted that not all subdivisions were required to supply a cistern.

166

167 Mr. Keach suggested that #6 read: For a 25-lot subdivision, Peter Holmes was required to  
168 provide an adequate source of water to be available for fire fighting with determination of  
169 adequacy provided by the Sandown Fire Department

170

171 Mr. Meisner suggested referencing the Subdivision Regulations from 2006.

172

173 Mr. Keach suggested adding "in order to satisfy the requirements of XX in the Sandown  
174 Subdivision Regulations."

175

176 *Item number 15:* Mr. Keach noted that it is a fact, but the wording is unclear. He noted  
177 they acquired more than the lots, they acquired the subdivision. He suggested that  
178 Attorney Gorrow review the deed through which River Bank conveyed the property to JH  
179 Chase stating exactly what they conveyed and insert the deed language into item number  
180 15.

181

182 *Item number 20:* Mr. Keach suggested changing to “There are no water sources available  
183 for fire fighting within the vicinity of Phillips Pond Estates.” He felt the word “miles”  
184 was too ambiguous and may raise questions in court as to how many miles exactly.

185

186 Mr. Keach felt there should be some kind pleading for their case and some analysis at the  
187 end of the document. Currently there is no argument, simply a stating of the facts. He  
188 noted there is nothing that states the problem that this has created and nothing that would  
189 compel a judge to draw a conclusion as to what this means to the town and the  
190 homeowners. It doesn’t speak to the fact that Mr. Holmes bargained this access and failed  
191 to deliver the end result. He profited to some extent as a result of that equity.

192

193 He relied on the approval given and the commitment made by Chief Bassett to gain his  
194 approval and he did sell a few lots. He did benefit from the approval from Chief Bassett.  
195 He would not have been able to sell any lots without that approval from Chief Bassett.

196

197 Mr. Russell questioned how the Board could approach Attorney Gorrow and tell her that  
198 what she has isn’t enough. Mr. Keach suggested that in the letter sent by Ms. Cairns, she  
199 note that the Board questioned why there was no argument and no synthesis to explain  
200 what this means to the town and the residents as far as liability.

201

202 The Board agreed that Mr. Mencis should be the one to sign the petition since he was on  
203 the Board at the time. Mr. Mencis agreed to sign it. The Board agreed they would review  
204 a final draft of the petition before Mr. Mencis signed it.

205

### 206 **Adjournment**

207 Mr. Mencis made a motion to adjourn. Mr. Meisner seconded. The Board voted  
208 unanimously in the affirmative. MEETING ADJOURNED AT 9:11 p.m.

209

210 Respectfully submitted,

211



212 Andrea Cairns, Recording Secretary