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**Sandown Planning Board  
Minutes  
October 16, 2012**

**Date:** October 16, 2012

**Place:** Sandown Town Hall

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

**Members Absent:** Mark Traeger – Chair, James Carroll

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

**Opening:** Mr. Russell opened the meeting at 7:04 p.m.

The Board had a moment of silence in remembrance of Chief Irving Bassett.

**Review of 10/2/12 Minutes**

101 – change to “clean up the end of Wilkele Road that bisects the recreation trail.”

**MOTION:** Mr. Mencis made a motion to approve the 10/2/12 minutes as amended. Mr. Meisner seconded the motion. Members voted in favor. Mr. Ernie Brown abstained. The motion passed.

**Correspondence**

Mr. Russell reviewed the correspondence.

The Board received two invitations for the Piscataqua River Estuaries Partnership Conference on December 7, 2012

The Board received an email from Lynn Blaisdell, on October 16<sup>th</sup> regarding impact fees noting the town is going to submit \$138,389.38 for payment this year. Mr. Russell asked Mr. Devine if he is confident that the town will get details of how the money has been and is going to be spent. Mr. Devine noted that the town sent the funds with the details the town was required to provide and that the town has requested information back as to how the funds would be allocated. He noted that it will be up to the auditors to determine if the town has met their obligation in reporting.

Mr. Keach noted that the town did need to receive that information and it was the town’s requirement to report how the funds were spent, not the school district.

The Board received a brochure on the NH Local Government Annual Conference. Mr. Mencis and Mr. Traeger expressed interest in attending.

**Impact Fee Refund/When Fees are Collected**

45 Mr. Keach noted that under Article 8, Section 8:A, the impact fees are collected at the  
46 time a building permit is issued. The state statutes have changed to say that they fees  
47 should be assessed at the time a certificate of occupancy is issued. He noted that a  
48 warrant article would need to be created to make the change. He noted at the next  
49 meeting, they would be discussing potential zoning ordinance changes and he would  
50 present new language for this issue.

51

52 Mr. Russell read an email from Lynn Blaisdell regarding an email she received from  
53 Dick Kearney of 29 Hawkewood Road. The email was requesting a refund of an impact  
54 fee and recreation fee he paid when he pulled a building permit. He noted that the house  
55 was never built and the building permit has expired.

56

57 Mr. Devine noted that the Selectman voted to give him the rebate with interest.

58

59 Mr. Keach noted that the funds should be returned.

60

61 **MOTION:** Mr. Mencis made a motion to advise the Selectmen that the Planning Board  
62 is in concurrence with returning the sum of \$4,511 with interest to Mr. Dick Kearney of  
63 29 Hawkewood Road. Mr. Ernie Brown seconded the motion.

64

65 *Discussion:* Mr. Meisner clarified that the amount in the motion was in fact the amount  
66 that needed to be refunded. Mr. Keach confirmed that it was.

67

68 The Board voted in favor. Mr. Devine abstained. The motion passed.

69

#### 70 **Administrative Assistant Report**

71 Ms. Cairns noted that the Selectmen have two potential changes to the Zoning Ordinance  
72 and asked the Board what the procedure would be to move those changes forward. Mr.  
73 Keach noted that the Selectmen could petition the Board, but didn't recommend that  
74 approach. He suggested that Mr. Devine, as the Selectman liaison, present the  
75 information to the Board and the Planning Board could then take the amendments  
76 through their normal process.

77

#### 78 **New Business**

79 The Board received a letter from Attorney Gorrow regarding the petition they would be  
80 filing against Mr. Peter Holmes in regards to Phillips Pond Estates. The letter stated that  
81 they were giving Mr. Holmes until October 19, 2012 to respond before filing the petition  
82 with the court.

83

84 The Board also received a letter from Keach Nordstrom Associates in regards to the  
85 completion of Phillips Pond Road recommending a partial release of the letter of credit  
86 and retaining \$5,000 to complete the improvements to the graveled access road to the  
87 pond for fire protection.

88

89 Mr. Russell noted he would entertain a motion to hold off on the bond release until the  
90 Board receives a judgment on the petition.

91

92 Mr. Keach noted that Mr. Genuardo and Mr. Chabot did a final walkthrough and that the  
93 road was in excellent condition. He noted that after careful consideration, both he and  
94 Mr. Chabot decided to hold back \$5,000 of the bond, which they considered an ample  
95 amount for Mr. Villella to do the improvements needed to the access road once they  
96 receive permission to go on the property.

97

98 Mr. Matthew Brown questioned why they were holding any money back if the access  
99 road was not Mr. Villella's responsibility to put in. Mr. Keach clarified that Mr. Villella  
100 is responsible for completing that graveled access.

101

102 Mr. Russell questioned what would happen if the judge determined that Mr. Holmes  
103 would be eligible for compensation for the easement and if that fee was larger than the  
104 \$5,000? The Board agreed that the bond money could not be used for that purpose.

105

106 Mr. Russell invited Chief Tapley to the discussion. Chief Tapley stated that there are  
107 currently 25 houses without fire protection, the situation should never have happened, but  
108 someone needs to get water access or provide a cistern.

109

110 Mr. Mencis asked Chief Tapley if there was a fire, could he still access the property. He  
111 noted he could, but it would be more difficult.

112

113 Mr. Russell questioned if there was any other place that could be used for access to the  
114 pond. Mr. Villella noted there wasn't any other property that would be suitable.

115

116 Mr. Mencis questioned if \$5,000 was an excessive amount to hold. Mr. Keach noted that  
117 he does not feel it is too large an amount to retain.

118

119 Mr. Meisner questioned if there was going to be a gate at the end. Chief Tapley stated  
120 that there would not be.

121

122 Mr. Russell invited Mr. Villella to the table. Mr. Villella noted that he was asking for the  
123 full bond to be released. He stated that litigation could take a long time. He said that  
124 when and if the situation is taken care of, he would be more than willing to take care of  
125 putting in the access. He noted that he gave Chief Irving Bassett his word and would  
126 stand by that.

127

128 Mr. Keach felt that he would be remise in his responsibilities to the town to recommend  
129 full release of the surety.

130

131 **MOTION:** Mr. Mencis made a motion to release \$222,638.06 leaving a balance of  
132 \$5,000 to complete the fire department requirements dated October 12, 2006. Mr.  
133 Meisner seconded the motion. The Board voted unanimously in favor. The motion  
134 passed.

135

136 **MOTION:** Mr. Mencis made a motion to review releasing the remaining \$5,000 in 180  
137 days.

138  
139 *Discussion:* Mr. Meisner noted that the developer typically makes the request to release  
140 the funds. Mr. Russell agreed that the Board could inform Mr. Villella that he could  
141 submit a letter the Board requesting release of those funds.

142  
143 **MOTION:** Mr. Matthew Brown made a motion to release the entire \$5,000 at this time.  
144 Mr. Mencis seconded.

145  
146 *Discussion:* Mr. Mencis felt that the Board needed to keep the money and it was not an  
147 unreasonable amount of money to hold back.

148  
149 Mr. Devine, Mr. Ernie Brown, Mr. Mencis and Mr. Meisner opposed the motion. The  
150 motion failed.

151  
152 Mr. Mencis rescinded his motion.

153  
154 **Adjournment**

155 Mr. Devine made a motion to adjourn. Mr. Ernie Brown seconded the motion. The Board  
156 voted unanimously in the affirmative. MEETING ADJOURNED AT 8:16 p.m.

157  
158 Respectfully submitted,



159 Andrea Cairns, Recording Secretary  
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