

1 Sandown Planning Board
2 Minutes
3 November 13, 2012
4

5 **Date:** November 13, 2012

6 **Place:** Sandown Town Hall

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

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

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11 **Opening:** Mr. Traeger opened the meeting at 7:01 p.m.
12

13 **Review of 10/16/12 Minutes**

14 **MOTION:** Mr. Russell made a motion to approve the 10/16/12 minutes as amended. Mr. Mencis
15 seconded the motion. Members voted in favor. Mr. Traeger abstained. The motion passed.
16

17 **Correspondence**

18 Mr. Traeger reviewed an invitation to the RPC annual conference.
19

20 The Board received inspection reports from Keach Nordstrom.
21

22 Mr. Traeger reviewed an opportunity for a grant from the regional economic development center.
23

24 **7:08 – Public Hearing for review of a Lot Line Adjustment and Minor Subdivision**

25 **Application submitted by Holmes Estate, c/o Arlene Bassett for a two-lot subdivision. The**
26 **property is shown on Map 18, Lots 2 and 2-2, North Main Street and Royal Range Road.**
27

28 Mr. Kevin Hatch, a licensed land surveyor from Cornerstone Survey Associates, Inc. presented
29 the application.
30

31 He noted they were proposing taking the two existing lots and creating one additional lot which
32 would have frontage on Royal Range Road. The new lot would be a single-family residential lot.
33 The change would leave the farmhouse with 12 +/- acres and change Mr. Scott Bassett's lot to
34 almost 15 acres.
35

36 Mr. Keach noted that Mr. Hatch dropped off revised plans to his office earlier in the week. The
37 project qualified as a minor subdivision because it was only creating one new building lot. He
38 noted the state subdivision approval for the new lot had been received. He reviewed his letter
39 dated November 13, 2012 with his comments and what changes still needed to be addressed.
40

41 **MOTION:** Mr. Mencis made a motion to accept the application for jurisdiction. Mr. Russell
42 seconded the motion. Members voted unanimously in favor. The motion passed.
43

44 Mr. Traeger asked if the piece of land that stretched behind the back of the lots has been
45 surveyed. Mr. Hatch confirmed he did survey the property and noted that not all of the property is
46 in the water. Mr. Traeger asked if it was monumented and Mr. Hatch noted that some was and
47 some wasn't.
48

49 Mr. Traeger confirmed if there was a culvert on lot 2-3. Mr. Hatch noted there were two 48" box
50 culverts.

51

52 Mr. Traeger suggested there should be monumentation on the lot that abuts the recreation
53 building. Mr. Hatch noted there is and that it gets removed by vandals.

54

55 *Mr. Bruce Robinson - 19 Hunt Pond Road*

56 Mr. Robinson submitted paperwork regarding the strip of land behind the lots that run to Hunt
57 Pond. He noted that beavers have built dams which expanded the pond and questioned what
58 happens to that land that is now underwater, does the property line move?

59

60 Mr. Keach noted that the property stays the same whether or not the water expands or contracts.

61

62 Mr. Meisner agreed and added that the pond is privately owned property, even under the water.

63 Mr. Hatch added that if it were a public water body, the state would become owner.

64

65 *John Vaccarezza - 83 Royal Range*

66 Mr. Vaccarezza had concerns that the water drains down the road from 87 Royal Range and
67 wanted to know if that would be addressed. Mr. Hatch noted that the road agent would likely
68 require a driveway culvert so the water would continue down the road and not stop at the property
69 and the driveway permit was required before they started building.

70

71 Mr. Hatch submitted a waiver request from subdivision regulation 9.23 requiring on-site
72 recreation facilities. His request proposed a donation of \$1,000 toward a public recreation facility.
73 The Board suggested he change that language to say "toward the Sandown Recreation Revolving
74 Fund."

75

76 **MOTION:** Mr. Mencis made a motion to accept the waiver request for a donation of \$1,000 to
77 the Sandown Recreation Revolving Fund. Mr. Russell seconded the motion. Members voted
78 unanimously in favor. The motion passed.

79

80 **MOTION:** Mr. Mencis made a motion to approve the proposed subdivision for the property
81 shown on Map 18, Lots 2 and 2-2, North Main Street and Royal Range Road with the following
82 conditions:

83

- 84 1) Amend text of Note #12 on sheet 1 of 5 to acknowledge: (a) Waiver of requirements of
85 Section 9.23 of land subdivision control regulations granted by Sandown Planning Board
86 on 11/13/12; and (b) Voluntary contribution of \$1,000.00 is to be made to the Town of
87 Sandown Recreation Commission's Revolving Fund at the time of issuance of a
88 certificate of occupancy for lot 2-3.
- 89 2) Receipt of final review letter from the Town Engineer acknowledging all comments and
90 recommendations offered in his letter report dated 11/13/12 have been satisfactorily
91 addressed.
- 92 3) Maintain positive PREA account balance.
- 93 4) Receipt of certification from licensed land surveyor acknowledging all boundary
94 monuments identified as "set" or "to be set" have in fact been installed.

95

96 Mr. Devine seconded the motion.

97

98 *Discussion:* Mr. Russell questioned the portion of the wet area that was taken out of current use.
99 Mr. Hatch noted that property will be added to lot 18-2-2 to meet the 10 acre current use
100 requirement.

101
102 Members voted unanimously in favor. The motion passed.

103
104 **7:45 p.m. - Public Hearing for review of a Minor Subdivision Application submitted by**
105 **Albert Lake for a two-lot subdivision. The property is shown on Map 2, Lot 6-4, located at**
106 **174 Hampstead Road.**

107
108 Mr. Meisner stepped down because he heard the case when it came before the Zoning Board.

109
110 Mr. Carroll was appointed in his seat.

111
112 Mr. Kevin Hatch, a licensed land surveyor from Cornerstone Survey Associates, Inc. presented
113 the application.

114
115 Mr. Hatch noted they were looking to subdivide a 2.35 acre lot, 1,000 feet from the lake. They
116 received a variance from the ZBA for the lot configuration and the 130' feet of frontage. A
117 condition of the variance was a required 75' building setback from the neighbor's property as
118 added protection which was indicated on the plans.

119
120 Mr. Hatch submitted revised plans to Mr. Keach on November 12th which addressed Mr. Keach's
121 notes from his November 1st letter to the planning board. Mr. Keach reviewed both the November
122 1st letter and his November 13th letter addressing the changes made and outstanding items.

123
124 Mr. Keach stated that the application was complete and recommended approval.

125
126 **MOTION:** Mr. Mencis made a motion to accept the application for jurisdiction. Mr. Brown
127 seconded. Members voted unanimously in favor. The motion passed.

128
129 Mr. Carroll questioned why the ZBA required the 75' setback. Mr. Hatch explained that it
130 protected the neighbors so the new owner couldn't build a house right next to them. He also noted
131 that the 75' setback would be included on the deed.

132
133 *Judy LaPort – 163 Little Mill Road.*

134 Ms. LaPort questioned if the setback included sheds or garages. Mr. Keach noted that it meant
135 any building they would need a permit for. Mr. Hatch confirmed that statement and reiterated the
136 setback would be on the deed.

137
138 Mr. Traeger asked if the Board could see a copy of the deed language.

139
140 Ms. LaPort questioned if there were wetlands behind the property. Mr. Hatch confirmed there
141 were none.

142
143 Mr. Hatch submitted a waiver request from Subdivision Regulation 9.23 and proposed that they
144 donate \$1,000 to the Sandown Recreation Revolving Fund.

145
146 **MOTION:** Mr. Mencis made a motion to accept the waiver request. Mr. Matthew Brown
147 seconded the motion. Members voted unanimously in favor. The motion passed.

148

149 **MOTION:** Mr. Mencis makes motion to approve a two-lot subdivision shown on Map 2, Lot 6-
150 4, located at 174 Hampstead Road with the following conditions:

151

152 1) Amend text of Note #15 on sheet 1 of 3 to acknowledge (a) waiver of section 9.23 of the
153 Land Subdivision Control Regulations granted by the Planning Board on 11/13/12; and
154 (b) Voluntary contribution of \$1,000.00 is to be made to the Town of Sandown
155 Recreation Commission's Revolving Fund at the time of issuance of the certificate of
156 occupancy.

157 2) Maintain positive PREA account balance

158 3) Receipt of final letter report from the Town Engineer acknowledging all comments and
159 recommendations offered in his correspondence of 11/13/12 have been satisfactorily
160 addressed.

161 4) Receipt of certification from licensed land surveyor indicating that all boundary
162 monuments shown on the final plat have been installed

163 5) Receipt of deed restriction language relating to the proposed 75' minimum setback in a
164 form acceptable to the Planning Board.

165

166 Mr. Russell requested that a copy of the deed restriction language be sent to the LaPorts and the
167 owner on the other side of the property. Mr. Keach noted they have created three sets of balance
168 already – on the plans, on the deed and copies going to the two abutters. Mr. Keach reminded the
169 board that the deed restriction doesn't exist until the lot is sold. If Mr. Lake never sold the lot, he
170 could build a house on the new lot and isn't held to those restrictions. By putting the restriction
171 on the plans, the Board takes that right away from Mr. Lake since it is now a condition of
172 approval.

173

174 Mr. Ernie Brown seconded the motion. The motion passes unanimously.

175

176 Mr. Meisner stepped back in.

177

178 **Proposed Warrant Articles**

179 Mr. Traeger reviewed the proposed wetlands ordinance. He noted that the ordinance is the same
180 from 2010, but he added language to page 2, section 4 which stated that the ordinance is only for
181 new construction. He also removed references to the West Environmental Consultants study.

182

183 Mr. Keach noted that right now, the way the ordinance is written, every wetland is given the same
184 restrictions regardless of the size. With the new ordinance the impact would be reduced for the
185 homeowner that has less than a ¼ acre of wetlands. He also noted that he would like to see the
186 language regarding vernal pools kept in since the NHDES protects vernal pools so he would like
187 the state and local ordinance to be consistent.

188

189 Mr. Keach noted that the special use permit is used only for wetlands and is specifically designed
190 for the homeowner. Currently the homeowner would have to get a variance which holds to a
191 much higher standard. With the new ordinance, the homeowner would have recourse that would
192 not require a variance. The homeowner now has two options; if the special permit was denied by
193 the planning board, the homeowner could go to the ZBA and get a variance.

194

195 Mr. Matt Brown questioned if you could put lawn right up to a small wetland. Mr. Keach noted
196 that you could.

197

198 Mr. Traeger and Mr. Keach will draft revised language to circulate for the next meeting.

199

200 Mr. Keach will revise language to change Article 8, Section 8.A. The language needs to change
201 from building permit to certificate of occupancy.

202

203 **Phillips Pond Estates**

204 Attorney Clark requested a small meeting with a representative from the Planning Board, Mr.
205 Vilella and Mr. Holmes to negotiate payment for the easement.

206

207 Mr. Russell noted his concern about only one or two members going to negotiate something that
208 the Board has nothing to do with. He feels a quorum should be present at any meeting where a
209 decision is made on the behalf of the town. He also felt that the Board asked Attorney Gorrow to
210 file the petition and feels she needs to move forward with that.

211

212 Mr. Meisner felt that someone from the Board could go and be a representative at the meeting,
213 but not say or add anything. Mr. Devine agreed that it wouldn't hurt to have a meeting.

214

215 The Board felt that they do not want to attend the meeting and simply have Attorney Gorrow file
216 the petition with the court so the case can move forward.

217

218 **Millwoods – Christopher Drive**

219 Mr. Howard sent a letter to the Board requesting a release of the surety. Mr. Keach confirmed that
220 he is 100% complete on his obligations to the town and recommended a full release.

221

222 **MOTION:** Mr. Mencis made a motion to release the surety in full held by the town for Skipper
223 Land Development. Mr. Devine seconded the motion. Members voted unanimously in favor.

224

225 **Town Engineer Report**

226 Mr. Keach reviewed the inspection reports received by the Board for Mill Pine.

227

228 **Albert Lake Subdivision Continued**

229 Mr. Meisner noted that the variance Mr. Lake received for the property that was just approved,
230 was in 2009 and is no longer valid. Mr. Keach will give Mr. Hatch a call to inform him so he can
231 get on the ZBA agenda.

232

233 The Board agreed that it is something that they should have asked about before granting approval.

234

235 **Adjournment**

236 Mr. Devine made a motion to adjourn. Mr. Matt Brown seconded the motion. The Board voted
237 unanimously in the affirmative. MEETING ADJOURNED AT 9:47 p.m.

238

239 Respectfully submitted,

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241 Andrea Cairns, Recording Secretary

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