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**Sandown Planning Board
Minutes
December 4, 2012**

Date: December 4, 2012
Place: Sandown Town Hall
Members Present: Mark Traeger – Chair, Matt Russell – Vice Chair, Steve Meisner, Ed Mencis, Matthew Brown, Ernie Brown, James Carroll
Members Absent: James Devine - Ex-Officio
Also Present: Andrea Cairns – Recording Secretary, Steve Keach – Town Engineer

Opening: Mr. Traeger opened the meeting at 7:05 p.m.

Review of 11/13/12 Minutes

MOTION: Mr. Russell made a motion to accept the 11/13/12 minutes as written. Mr. Mencis seconded the motion. All members voted in favor.

Mr. Russell followed up on the expired variance for the Albert Lake subdivision. Mr. Keach noted that he spoke with Mr. Hatch and he would be following-up with ZBA to re-apply for a new variance.

Correspondence

The Board received a copy of *Town & City Magazine*

Mr. Traeger and Mr. Mencis reviewed the LGC conference which they both attended.

Members discussed GIS Mapping and whether the software would be useful to the town.

Mr. Traeger noted that they received a matching grant from RPC to finish the Master Plan work. The Board received an invoice for the first \$1,500. The Board received another \$2,000 which will be paid upon completion of the work. With the grant and matching funds, there is a total of \$7,000 to complete the plan.

The Board received documents from the Attorney which were filed with the court for the Peter Holmes access easement.

The Board received a notice from Town of Danville ZBA regarding public hearing for condominiums.

Discussion Regarding Warrant Articles

Amendment 1: amend Article I, Part B, to delete the “Wetland Conservation District” ordinance in its entirety and replace it with the “Wetland and Surface Waters Conservation District” ordinance.

Mr. Keach reviewed the proposed amendments. He noted that section 4 B is a new section:

47

48 *B. In the case of those parcels of land created as the result of any subdivision approval granted*
49 *by the Sandown Planning Board between March ??, 1984 and March 12, 2013, the*
50 *boundaries of The Wetland and Surface Waters Conservation District stipulated in*
51 *Paragraphs A.1 through A.3 above shall specifically exclude all land situated within the*
52 *specified “50 foot Buffer” provided: (1) the approved subdivision plat has been properly*
53 *recorded at the Rockingham County Registry of Deeds; and (2) a Certificate of Occupancy*
54 *has been issued by the Town of Sandown permitting occupancy of a principal residential or*
55 *non-residential structure or building on the premises prior to March 13, 2013.*

56

57 He noted that the question marks should be changed to read “March 13, 1984.”

58

59 Mr. Keach explained that with the new regulation, any existing property would not be
60 affected by the change. He further explained that as long as a certificate of occupancy has
61 been issued, nothing would change for them. If there was a lot created, but hasn't been
62 built upon, they would not be excluded from the new regulations.

63

64 Mr. Keach also noted that wetlands smaller than 10,000 sq. ft. wouldn't be included
65 because they wouldn't be part of the district.

66

67 Mr. Mencis questioned if those around the lakes would be grandfathered. Mr. Traeger
68 explained that they are already regulated by the shoreland protection act and the new
69 ordinance isn't going any stricter than that.

70

71 Mr. Keach reviewed Section 6 – Permitted Uses:

72 *SECTION 6 - PERMITTED USES*

73 *The following uses shall be permitted by right within the Wetland and Surface Waters*
74 *Conservation District:*

75 *A. Passive recreation such as hiking, fishing, hunting on foot, and boating.*

76 *B. Wildlife or fisheries management.*

77 *C. Scientific research and educational activities.*

78 *D. Parks, natural and conservation areas, and open space areas.*

79 *E. Agriculture and agricultural uses, as defined under RSA 21-34-a. consistent with best*
80 *management practices published by the NH Department of Agriculture, Markets and Food.*

81 *F. Tree farming, silviculture, forestry, and forest management consistent with best management*
82 *practices published by the NH Department of Resources and Economic Development and*
83 *UNH Cooperative Extension.*

84 *G. Replacement or repair of existing septic systems or water wells, which are confirmed to be in*
85 *failure, which may be situated within 75 feet of Surface Waters of the State, Wetlands or*
86 *Vernal Pools, including: well heads; water lines; septic tanks; sewer lines; leach fields; and*
87 *basal areas provided: (1) the septic system or well requiring replacement or repair was*

88 *situated within the District prior to the adoption of this Article; (2) prior to replacement or*
89 *repair, the person seeking to undertake the replacement or repair has obtained all applicable*
90 *State and local construction approvals and permits; and (3) the replacement or repair will*
91 *not expand the intensity of use of the Structure(s) it is intended to serve.*

92 *H. Water wells, except for Large Water Withdrawal Wells as defined under the New Hampshire*
93 *Code of Administrative Rules.*

94 *I. Repair and maintenance of existing: above and below ground public and private utility*
95 *transmission lines and appurtenant facilities; Water Dependent Structures, streets, roads,*
96 *and other public and private ways, including driveways and trails; bridges; culverts, storm*
97 *drains, and storm water management facilities.*

98 *All uses not specifically identified as a Permitted or Conditional Use under the terms and*
99 *conditions of this Article shall be deemed to be a Prohibited Use within the Wetland and Surface*
100 *Waters Conservation District.*

101

102 **MOTION:** Mr. Mencis made a motion to move the document, as amended, to a public
103 hearing be held on the first date available. Mr. Russell seconded the motion.

104

105 *Discussion:* Mr. Ernie Brown questioned the special use permit and conditional use
106 permit section. He asked how you could grant a permit to increase a structure within the
107 conservation district and not encroach on the wetland.

108

109 Mr. Keach explained that a Special Use Permit is for a structure that is already non-
110 conforming. He noted you wouldn't be able to increase the extent of encroachment on the
111 wetland but explained that if the homeowner had a corner of their house within 37' from
112 a wetland, they could fill the remaining space so the entire structure is 37' from the
113 wetland, but they could not go any closer. If they were to go closer, they would need to
114 get a variance.

115 Mr. Ernie Brown also questioned Section G under Section 10 - Conditional Use Permit
116 Applications Procedures, which reads:

117 *G. Prior to making a decision in regard to the possible approval of any Conditional Use*
118 *Permit application, the Planning Board shall afford the Conservation Commission an*
119 *opportunity to provide written comment on the application and shall not approve any*
120 *such application without receipt of a favorable recommendation from the Conservation*
121 *Commission.*

122 Mr. Brown expressed concern over that statement explaining that if the Conservation
123 Commission doesn't approve of the project, then the Planning Board can't approve it. He felt it
124 took the power away from the Planning Board and that they should have final say.

125 Mr. Russell noted that the Conservation Commission is an important reference for
126 conservation issues.

127

128 Mr. Mencis rescinded his motion.

129

130 Mr. Mencis agreed with Mr. Brown, that the Planning Board should have final say since
131 they are an elected board and the Conservation Commission is an advisory board.

132
133 Members continued to discuss the language of the section. Some members felt that “shall
134 not approve” was too strong and gave the Planning Board no authority.

135
136 Mr. Russell noted that most developers who go before Conservation will normally go
137 along with their recommendations or requirements. Mr. Mencis questioned what would
138 happen if there was no longer a conservation commission or the board couldn’t get
139 quorum.

140
141 Mr. Traeger noted that Conservation is another set of eyes looking at plans and they often
142 bring up issues that the Planning Board doesn’t look for or know about.

143
144 Mr. Meisner suggested that simply stating that a letter needed to be received from
145 Conservation could be appropriate. The Planning Board would still get their input and it
146 would be a reference to make a judgment call on. Mr. Ernie Brown noted that if an
147 unfavorable letter was received, the developer could go back to planning to resolve any
148 issues; it would get the board involved instead of the builder working it out with
149 Conservation. Mr. Traeger noted that the benefit of the builder working directly with
150 Conservation is that the issues are resolved prior to them coming to the Planning Board.

151
152 Mr. Keach reviewed the changes to be made:
153 Section 4, Paragraph B – replace the question marks with “March 13, 1984” and the final
154 sentence the date to change to “March 12.”

155
156 Section 10, Paragraph G – change “shall” to “may” so it reads “may not approve.”

157
158 **MOTION:** Mr. Mencis made a motion to move the document, as amended, to a public
159 hearing to be held on the first date available. Mr. Matthew Brown seconded the motion.
160 Members voted in favor. Mr. Russell opposed. The motion passed.

161
162 **Amendment 2:** To amend the text of Article VIII – Section 8.A to specify any impact fee
163 assessed by the Planning Board under the authority of that Section shall be “collected at the time
164 a certificate of occupancy is issued”, rather than “prior to the time of building permit issuance” as
165 presently written. The intent of this amendment is to modify the text of the Zoning Ordinance for
166 consistency with statutory requirements of RSA 674:21, V(d).

167
168 **MOTION:** Mr. Russell made a motion to move Zoning Amendment II to a public
169 hearing. Mr. Meisner seconded the motion. No discussion. All members voted in favor.
170 The motion passed.

171
172 **Changes to Subdivision Regulations**

173 Members discussed application fee changes to the Subdivision Regulations. Ms. Cairns
174 noted that many of the fees were outdated and weren’t covering costs. Changes are as
175 follows:

176

177 Abutter letters change from \$5 to \$10
178 Engineering Review Costs changes from \$300 and \$500 to \$1,000 for all
179 Advertising/Posting costs changes from \$75 to \$200
180 Recording Fees change from \$25 per sheet to \$40 per sheet

181
182 Section 17: type of development: change from “cluster” to “open space”

183
184 **MOTION:** Mr. Mencis made a motion to move forward all the amendments to the
185 subdivision regulations. Mr. Russell seconded the motion. Members vote unanimously in
186 favor. The motion passed.

187
188 Members discussed Zoning Amendment number 3 noting that the fee needed to reflect the actual
189 cost.

190
191 **Amendment 3:** To amend the text of Article II-Part C-Section 6 to read: “There shall be a fee of
192 \$35.00 for the issuance of a driveway permit and for each on-site inspection required pursuant to
193 Sections 1 and 2 of this Article II-Part C.”

194
195 **MOTION:** Mr. Russell made a motion to move the amendment to a public hearing to be
196 held on the first date available. Mr. Mencis seconded the motion. Members voted in
197 favor. The motion passed.

198
199 **Engineer’s Report**

200 Mr. Keach noted that Tim Lavelle send him an advanced copy of the Janco plans to
201 review. Mr. Meisner noted that their variance has run out and they would need to re-
202 apply.

203
204 **Adjournment**

205 Mr. Mencis made a motion to adjourn. Mr. Russell seconded the motion. The Board voted
206 unanimously in the affirmative. MEETING ADJOURNED AT 8:54 p.m.

207
208 Respectfully submitted,



209 Andrea Cairns, Recording Secretary
210