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**Sandown Planning Board  
Minutes  
December 26, 2012**

**Date:** December 26, 2012

**Place:** Sandown Town Hall

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

**Members Absent:** James Devine - Ex-Officio, Matthew Brown, Steve Keach – Town Engineer

**Also Present:** Andrea Cairns – Recording Secretary

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

Mr. Traeger appointed James Carroll to sit in for Matthew Brown.

**Review of 12/4/12 Minutes**

L198 remove “Mr. Russell opposed.”

**MOTION:** Mr. Russell made a motion to accept the 12/4/12 minutes as amended. Mr. Mencis seconded the motion. Members voted unanimously in favor. The motion passed.

**Correspondence**

The Board received a notice of decision from Danville for an appeal from an administrative decision. Mr. Meisner explained the notice of decision and the case that it referred to.

The Board received a notice of a public hearing for Derry about an addition to their cellular tower.

The Recreation Commission notified the Board that they refunded the \$1,000 recreation fee to Mr. Kearney.

Keach Nordstrom Associates sent an improvement guarantee worksheet for Odell Rd. Ms. Cairns will email the Board materials to refresh them of the case.

The Board received a Wetlands Permit Application notification for rebuilding a retaining wall on Angle Pond. The case will go to conservation.

**7:15 p.m. - Public Hearing pursuant to RSA 675:3 for consideration of the following amendment to the Zoning Ordinance:**

**Amendment 1:** To amend Article I - Part B by deleting the “Wetland Conservation District” ordinance in its entirety and replacing it with the “Wetland and Surface Waters Conservation District” ordinance. The full text of the proposed “Wetland and Surface

46 Waters Conservation District” ordinance is on file and available for public inspection at  
47 the office of the Sandown Planning Board.

48

49 The Board reviewed the document and had no discussion.

50

51 *7:18 - Mr. Traeger opened it up to the general public.*

52 *Richard Kearney, 29 Hawkewood Road*

53 Mr. Kearney has a 3-lot subdivision across the street. In 2000, he paid for engineering  
54 and did substantial road shoulder improvements. He sold two lots and has one lot left. He  
55 made several improvements which include a 500’ driveway to the building site; installed  
56 electricity to the site; have a septic design approved by the town and the state; and did  
57 extensive site work. He noted that they filled up to the wetlands and loomed and seeded  
58 the area. He didn’t disturb the wetlands and feels he is very conscious of what he does  
59 around the wetlands. Mr. Kearney felt that the new regulations would devalue his  
60 property and take away his property rights. He questioned why the Board is changing the  
61 regulations only for new construction going forward and didn’t feel it was fair.

62

63 He stated that he felt road salt is more of an issue and suggested that the Conservation  
64 Commission do testing of soil to convince people that they don’t need chemicals on their  
65 lawns.

66

67 He questioned the change on vernal pools. Members explained that the buffer changed.

68

69 He asked the planning board to reconsider the ordinance.

70

71 He asked where the 1984 cutoff came from, since the ordinance didn’t affect those who  
72 built before 1984. Mr. Traeger explained that there were no wetland restrictions before  
73 then.

74

75 Mr. Kearney noted that when he builds the house, the new homeowner will not be under  
76 the same rules that other people are subject to and that will devalue his property. Mr.  
77 Meisner noted that it didn’t change where he could put the house. Mr. Kearney noted that  
78 it would restrict the backyard.

79

80 Mr. Russell and Mr. Traeger asked Mr. Kearney, what specifically he was concerned  
81 about not being able to do in the yard. Mr. Kearney thought he wouldn’t be able to put in  
82 an above ground pool. Mr. Russell noted that the new homeowner could, but would need  
83 to get a conditional use permit. Mr. Russell read through the conditional use section and  
84 noted that it wasn’t saying he couldn’t do anything. The permit simply asks that if you  
85 want to do something within the wetland district, you come before the planning board  
86 and conservation board.

87

88 Mr. Kearney questioned why they wouldn’t make the new regulations effective for the  
89 entire town. Mr. Traeger responded that it didn’t pass last time they tried that. Mr.  
90 Russell noted that they’ve had a lot of discussion about the topic and put a lot of time and  
91 effort into finding something that will help the town.

92

93 Mr. Kearney questioned whether the vernal pool setback went away after the new  
94 ordinance was passed. Mr. Traeger noted that it did not and vernal pools would have the  
95 same setback as wetlands.

96

97 Mr. Kearney questioned if the Board ran the new regulations through town council to see  
98 if it was legal to have the regulation apply only to certain properties. Mr. Traeger noted  
99 they did not.

100

101 Mr. Meisner noted that a lot of regulations change and they needed to be good for the  
102 general public. He noted that the new regulations would affect some of his own  
103 properties, but still felt that it needed to go out to the voters to decide.

104

105 Mr. Ernie Brown agreed he doesn't like putting restrictions on properties, but felt they  
106 found a compromise.

107

108 Mr. Mencis thanked Mr. Kearney for coming in and expressing his opinion.

109

110 **MOTION:** Mr. Mencis made a motion to move Amendment 1, as written, to the 2013  
111 ballot. Mr. Carroll seconded the motion.

112

113 *Discussion:* Members agreed they were happy to have the discussion and noted there will  
114 always be people on both sides of the argument.

115

116 Members voted unanimously in favor. The motion passed.

117

118 **8:25 p.m. - Public Hearing pursuant to RSA 675:3 for consideration of the following**  
119 **amendment to the Zoning Ordinance:**

120

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

127

128 Mr. Traeger noted the amendment would put the town in-line with legislative changes in  
129 congress so our regulations would reflect those of the state.

130

131 No public was in attendance.

132

133 **MOTION:** Mr. Russell made a motion to move Amendment 2, as written, to the 2013  
134 ballot. Mr. Mencis seconded the motion. Members voted unanimously in favor. The  
135 motion passed.

136

137 **8:30 p.m. - Public Hearing pursuant to RSA 675:3 for consideration of the following**  
138 **amendment to the Zoning Ordinance:**

139

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

143

144 Mr. Carroll suggested that the language be changed so that the specific fee wasn’t listed,  
145 but refer them to the list of fees so that the regulations didn’t need to change every time  
146 the fee changed.

147

148 Members agreed that it should be specific and the fee should be listed.

149

150 **MOTION:** Mr. Russell made a motion to move Amendment 3, as written, to the 2013  
151 ballot. Mr. Mencis seconded the motion.

152

153 *Discussion:* Mr. Meisner questioned if since the fee wasn’t really changing, they were  
154 essentially fixing a typo, if they needed to have a warrant article to change it. Members  
155 felt they did need to do it through a warrant article.

156

157 Members voted unanimously in favor. The motion passed.

158

159 **Adjournment**

160 Mr. Mencis made a motion to adjourn. Mr. Russell seconded the motion. The Board  
161 voted unanimously in the affirmative. MEETING ADJOURNED AT 8:38 p.m.

162

163 Respectfully submitted,

164



165

Andrea Cairns, Recording Secretary