

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Sandown Planning Board
Minutes
February 19, 2013

Date: February 19, 2011

Place: Sandown Town Hall

Members Present: Chairman Mark Traeger, Steven Meisner, Ed Mencis, Ernie Brown, Matthew Brown, James Devine – Ex-Officio

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

Absent: Matt Russell -Vice Chairman, Jim Carroll

Opening: Mr. Traeger opened the meeting at 7:09 p.m.

Review of 2/5/13 Minutes

MOTION: Mr. Mencis made a motion to accept the minutes as written. Mr. Ernie Brown seconded the motion. All members voted in favor. Mr. Matthew Brown abstained.

7:15 - Montana Realty Trust, which proposes to adjust the lines of five (5) existing parcels; identified on Map 17 as Lots 3-32, 3-33, 3-34, 3-50 & 3-51 and fronting on Meghan Drive, Jana Circle and Patricia Circle in order to create a total of six (6) parcels to be identified on Map 17 as Lots 3-32, 3-33, 3-34, 3-40, 3-50 & 3-51 and fronting on the same streets.

Tim Lavelle, James Lavelle & Associates presented the application.

Mr. Lavelle handed out revised plans which reflected the changes in the letter from Keach-Nordstrom, Inc., dated February 18, 2013. He then reviewed the plans. He noted when they originally subdivided the property they had a different road layout. The area of the new lot was in the middle of a proposed roadway. Now that the configuration of the road is different, they are able to use that lot. They have done test pits.

He noted that Meghan Drive from Jana Circle to the west is a town approved road. Meghan Drive to the East of Jana Circle is base coat only and not town approved yet. Patricia Way and Abby Lane are platted out but have yet to be constructed. The new lot is on the existing paved road.

Mr. Keach noted the changes were pretty straight-forward and he reviewed his letter.

Mr. Keach reviewed comment number four under the General Comments section. That comment addressed the existing development agreement. Four of the lots are located in Phase IVA and two of the lots are located in Phase IVB. The lots located in IVB cannot have building permits issued until the roads are built. That development agreement also vests the development so any changes in zoning will not apply to this development.

Mr. Traeger questioned the DES approval. Mr. Lavelle noted it is pending for the lots less than five acres. Mr. Traeger questioned what DES was reviewing. Mr. Lavelle noted they

46 have to review the test pits. Even though they only added one lot, they need to review all
47 the lots again. Mr. Lavelle spoke with them today and they indicated they don't have any
48 issues with the plans and they should get approval soon.

49

50 Mr. Traeger noted the Board received a letter from the Fire Chief stating all subdivisions
51 must be reviewed and approved by the fire chief before the Planning Board approves
52 them.

53

54 Mr. Lavelle noted that they are only creating one new lot and doesn't feel a cistern or dry
55 hydrant would be warranted.

56

57 Mr. Lavelle noted they are exploring the idea of putting a dry hydrant on Abby Lane into
58 Hunt Pond. He also noted they were never asked for any fire suppression in the Meghan's
59 Way subdivision by the previous fire chief. Mr. Lavelle also noted that the subdivision is
60 under the development agreement, so to come in and create the need for a cistern for one
61 lot is unwarranted.

62

63 Chief Tapley joined the meeting.

64

65 Chief Tapley does not feel it is feasible, after reviewing the site, to put a dry hydrant at
66 their proposed location on Hunt Pond. Mr. Lavelle agreed that the original area they
67 spoke about was not going to work, but they are exploring other areas.

68

69 Mr. Lavelle noted that many of the lots in the Jana Circle area are no longer owned by
70 Mr. Villella.

71

72 Chief Tapley noted the former chief didn't require a cistern for Hillside estates. Now that
73 they are reopening the subdivision to add the additional lot, they are reopening the entire
74 plan and he can now ask for fire protection. They need access to water for that end of the
75 development. He needs a cistern off of Meghan Drive.

76

77 Mr. Mencis asked if what he was saying was legal and questioned if town council should
78 be consulted. He questioned if the Board could proceed if the Fire Chief stated they
79 couldn't. Mr. Keach noted that the Board has the final authority over whether the lots get
80 created. Chief Tapley has the authority under his codes to prevent the issuance of a
81 building permit or certificate of occupancy. He felt Chief Tapley was correct in saying
82 once the development is reopened, he can request changes.

83

84 Mr. Keach encouraged the applicant to meet with the chief. He noted that a future phase
85 for the development is in the works. Once that phase is under review, they would have
86 the opportunity to add a source of water to that end of the development. He doesn't feel
87 there is urgency because the lots on the undeveloped road cannot be built on yet.

88

89 Mr. Keach also added that it would be a reasonable compromise to tie the fire protection
90 to the development of phase 4B. One lot is not going to pay for a cistern and it would

91 make no economic sense to create the additional lot if they have to pay for the cistern.
92 The cost of the cistern would be approximately \$75,000.

93
94 Chief Tapley noted it's a life safety point. Developers need to have a plan to protect the
95 homeowners.

96
97 Mr. Keach suggested that Chief Tapley, Mr. Villella and Mr. Lavelle sit down and
98 discuss the issue and come to a solution. Chief Tapley noted they spoke a few weeks ago
99 and he thought he would have the opportunity to discuss it again, but they never came
100 back with revised plans.

101
102 Mr. Lavelle noted they understand the need for it and agree it's necessary. They aren't
103 saying no.

104
105 Mr. Keach recommended that the Board should accept the application and table approval
106 until there is a consensus between the applicant and Chief Tapley.

107
108 Mr. Meisner questioned if they were looking for something on Meghan Drive. He
109 indicated a lot where there would be enough frontage to put in a cistern.

110
111 Mr. Traeger invited the public up to speak, no one had any input.

112
113 **MOTION:** Mr. Mencis made a motion to accept the application for jurisdiction. Mr.
114 Matthew Brown seconded the motion.

115
116 *Discussion:* Mr. Traeger clarified they were accepting the plan for review. They will not
117 vote to approve the plans until the three parties agree on a plan and it would be next
118 month before they could have the opportunity to approve the plans.

119
120 All members voted in favor. The motion passed.

121
122 Mr. Keach noted they need to address the issue of recreation. Mr. Lavelle noted they
123 would like to request a waiver to Section 9.23 of the Subdivision Regulations pertaining
124 to on-site recreation. They would like to voluntarily donate \$1,000 to the Sandown
125 Recreation Commission Revolving Fund.

126
127 Mr. Jim Devine joined the meeting.

128
129 **7:45 – Hersey Road Development Group, proposes to adjust the lines between Map**
130 **7 Lot 19, Map 8 Lot 14 and Map 11 Lot 13 (owned by Hersey Development Group),**
131 **and Map 7 Lot 17-18 (owned by the Town of Sandown) to create a total of four**
132 **parcels with frontage on Hersey Road, Odell Road and Snow Lane.**

133 *Tim Peloquin from Promised Land Survey, licensed land surveyor, presented the*
134 *application*

135

136 Mr. Peloquin reviewed the history of the property. He reminded the Board that there is an
137 approved 142 unit, 55+ development approved for the parcel. He noted the Drowne's
138 entered into negotiations with Natural Resources Conservation Service (NRCS) and are
139 in the process of securing a 202 acre conservation easement. He noted the Drowne's also
140 entered into negotiations with the Sandown Conservation Commission to secure an 83
141 acre parcel of land within the larger parcel. The Drowne's are looking to secure three
142 building lots as part of their concession to creating the conservation land. They are
143 creating two 6-acre buildable lots along Hersey Road and one building lot at the end of
144 Snow Lane. There will be four lots of record. Mr. Peloquin will work with assessing to
145 figure out the final parcel numbers.

146

147 Mr. Keach reviewed his letter dated February 18, 2013. He noted that they may need to
148 gain a variance for the two lots on Hersey Road. Mr. Traeger noted that the Selectmen
149 voted last year saying they were comfortable with the two lots.

150

151 Mr. Keach noted that he fully supports the proposal, but not everyone may feel that way.
152 He has an obligation to the town to keep things appeal proof. He also wants to protect the
153 Drowne's if they were trying to sell one of those lots he wouldn't want there to be any
154 issues. He feels they are technically subdividing; what is proposed to be fronted on
155 Hersey Road is becoming two lots and they would need minimum frontage requirements.

156

157 Mr. Peloquin noted that they would go ahead and apply for the variance if they needed to.

158

159 Mr. Keach noted that because of the nature of the proposal, one of the conditions should
160 be to go get a variance before the chairman signs the plans. The Board typically doesn't
161 do that, but they could in this instance.

162

163 Mr. Peloquin indicated they would appreciate the board's endorsement.

164

165 Mr. Keach noted that the Board of Selectmen have to authorize the building inspector to
166 issue a building permit on a class VI road. The Planning Board has the opportunity to
167 advise them that they support the plans.

168

169 Mr. Meisner suggested that the Board also send a note to ZBA stating their approval.

170

171 Mr. Traeger questioned if they would need to have the Fire Chief review the application.

172

173 Mr. Peloquin noted he would meet with the chief.

174

175 Mr. Traeger invited the public up to speak, no one had any input.

176

177 Mr. Traeger made the public aware of a presentation he is hosting for DES regarding
178 stormwater management for homeowners. They will talk a little about the new MS4
179 guidelines. The presentation would be Wednesday, February 20, 2013, 7:00 p.m. at the
180 Town Hall.

181

182 **MOTION:** Mr. Mencis made motion to accept the application with the following
183 conditions:

- 184 1. Receipt of correspondence from the Town Engineer confirming matters contained
185 in his letter report of February 18, 2013 have been satisfactorily addressed.
- 186 2. Maintain a positive PREA account balance.
- 187 3. Receipt of written confirmation from the licensed land surveyor that all boundary
188 monuments specified as “to be set” or required for fulfillment of section 9.11 of
189 the Subdivision Regulations have in face been installed.
- 190 4. Receipt of a variance from the terms and conditions of Article II, Part B, Section
191 3.B of the Sandown Zoning Regulations.
- 192 5. Written confirmation from the Sandown Fire Department that the proposal
193 satisfies applicable code requirements.

194
195 Mr. Devine seconded the motion. Members voted in favor. Mr. Meisner abstained and
196 noted for the record he had no input in the discussion. The motion passed.

197
198 Mr. Keach noted for the Board that they should send a letter to the Board of Selectman
199 recommending the building of two lots on a class VI road. He felt it would be appropriate
200 to send that letter when the final plans are signed.

201
202 **MOTION:** Mr. Mencis made a motion to send a letter to the Board of Selectmen
203 recommending the building of two lots on a class VI road. Mr. Ernie Brown seconded the
204 motion. Members voted in favor. Mr. Meisner abstained. The motion passed.

205
206 **Review mylars for a Minor Subdivision Application submitted by Albert Lake for a two-lot**
207 **subdivision. The property is shown on Map 2, Lot 6-4, located at 174 Hampstead Road.**

208
209 Mr. Meisner stepped down because he sat on the case for the Zoning Board.

210
211 Mr. Keach reviewed his letter of approval dated February 6, 2013.

212
213 Mr. Keach reminded the Board that the warranty deed conveyed the 75’ setback. That
214 setback is also written on the plans.

215
216 Mr. Meisner made the board aware that there is a 30-day appeals process for the variance
217 which has not lapsed yet for this particular case. If you are going to vote, it should be
218 contingent on the 30 days running out.

219
220 Mr. Traeger felt the Board should wait until after that date to sign the plans. Mr. Mencis
221 felt the Board could give Mr. Traeger the authority to sign the plans outside of the
222 meeting since they were reviewed as a group.

223
224 **MOTION:** Mr. Mencis made a motion to authorize Mr. Traeger to sign the mylars
225 outside of a public meeting and the plans should not be recorded until March 3, 2013. Mr.
226 Ernie Brown seconded the motion. All members voted in favor. The motion passed.

227
228 Mr. Meisner stepped back in.

229

230 **Correspondence**

231 A Newsletter from the American Planning Association

232

233 Letter from the City of Concord Planning Board notifying them of items going into
234 Concord.

235

236 **Town Engineer**

237 Mr. Keach noted that regarding the correspondence they received from the Fire Chief, the
238 Board should support him, but they should be reminded that his authority is derived from
239 code and the RSA that gives this board authority to review subdivisions and site plans is a
240 separate thing. Fire safety is something that needs to be considered, but if it is going to be
241 the policy of this board to require an applicant to have formal reviews by the Fire Chief,
242 they need to amend the subdivision and site plan regulations to do that. Currently, fire
243 protection is not in the regulations. The applicant needs fair warning that they will need
244 to gain his approval as part of the application process.

245

246 Mr. Traeger agreed that they should put guidelines in the regulations.

247

248 Mr. Keach noted they could make that change at any time; they did not need to wait for a
249 town vote. He has language he can borrow from other towns.

250

251 Members agreed to discuss the amendments at the second meeting in March.

252

253 **Adjournment**

254 Mr. Mencis made a motion to adjourn. Mr. Ernie Brown seconded the motion. The Board
255 voted unanimously in the affirmative. MEETING ADJOURNED AT 8:58 p.m.

256

257 Respectfully submitted,

258



259 Andrea Cairns, Recording Secretary