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Sandown Planning Board  
Minutes  
April 16, 2013

**Date:** April 16, 2013

**Place:** Sandown Town Hall

**Members Present:** Matthew Russell -Vice Chairman, Ernie Brown, Matthew Brown, Steve Meisner, Ed Mencis

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

**Absent:** Mark Traeger – Chairman, Jim Carroll, Hans Nicolaisen – Selectman’s Liaison

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

**Review of 3/5/13 Minutes**

Change the date from March 5, 2011 to March 5, 2013

**MOTION:** Mr. Mencis made a motion to approve the 3/5/13 minutes as amended. Mr. Ernie Brown seconded the motion. Mr. Mencis, Mr. Ernie Brown and Mr. Russell voted in favor. Mr. Meisner and Mr. Matthew Brown abstained. The motion passed.

**Review of 3/21/13 Minutes**

Change the date from March 21, 2011 to March 21, 2013

**MOTION:** Mr. Ernie Brown made a motion to approve the 3/21/13 minutes as amended. Mr. Meisner seconded the motion. Members voted in favor. Mr. Mencis abstained. The motion passed.

**Correspondence**

The Board received a note from RPC regarding their dues.

**MOTION:** Mr. Mencis made a motion to pay Rockingham Planning Commission the sum of \$5,651.00 for the annual dues for the 2014 fiscal year. Mr. Matthew Brown seconded the motion. All members voted in favor. The motion passed.

NH DES Drinking Water and Groundwater Bureau Newsletter

Flyer from CAI Technologies for Precision Mapping and Geospatial Solutions

Invitation to the DES Annual Drinking Water Source Protection Conference on May 1<sup>st</sup>.

Letter from Diane Gorrow regarding notice from the court to submit scheduling stipulation for the Town of Sandown vs. Peter Holmes

**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**

46 **Drive, Jana Circle and Patricia Circle in order to create a total of six (6) parcels to**  
47 **be identified on Map 17 as Lots 3-32, 3-33, 3-34, 3-40, 3-50 & 3-51 and fronting on**  
48 **the same streets.**

49 *Mr. James Lavelle from Lavelle Associates was present*

50

51 Mr. Lavelle noted they received the state subdivision approval. They also received a  
52 letter from Chief Tapley noting his department is satisfied with the dry hydrant installed.  
53 Mr. Russell read the letter into the minutes.

54

55 \_\_\_\_\_

56

57 April 9, 2013

58

59 Dear Sirs

60

61 After review and testing of the hydrant located on Meghan drive in Hillside Estates the  
62 Sandown Fire Department is satisfied with the location and functionality of the fire pond  
63 and hydrant. This pond meets the expectations of the fire suppression needs for this phase  
64 of the development. We thank all who were involved with making this happen.

65

66 Sincerely

67

68 Wilfred A. Tapley

69 Fire Chief

70 Town of Sandown

71 603-887-4806

72

73 \_\_\_\_\_

74

75 Mr. Keach reviewed the final drawings from Mr. Lavelle. He distributed a memo dated  
76 April 16, 2013. He noted that comment two had already been satisfied. He questioned if  
77 the Board received a waiver request for Section 9.23 of Sandown's Subdivision  
78 Regulations. Ms. Cairns thought they received that at the last meeting, but didn't have a  
79 copy present.

80

81 Mr. Russell questioned the location of the fire pond. He thought that the location on  
82 Meghan Drive (M17 L3-19) was a delineated wetland and had a wetland crossing under  
83 the road.

84

85 Mr. Keach noted that it used to be a beaver pond and a CUP was obtained to build the  
86 culvert crossing.

87

88 Mr. Russell questioned if a CUP or a dredge and fill permit was obtained for the work  
89 done in the wetlands to install the pipe for the fire hydrant.

90

91 Mr. Keach felt because there was no fill or alteration of the terrain, that a CUP was likely  
92 not needed, but a wetlands permit would be required.

93

94 Mr. Russell noted that he consulted with Gerry Miller, the town's Wetlands Scientist,  
95 who indicated a wetlands permit would be required.

96

97 Mr. Keach noted that since the fire chief caused the hydrant to be installed, they would  
98 qualify for a permit by notification, which could be applied for after the work is done.

99 Mr. Russell indicated that he was disappointed that no one was contacted at the  
100 Conservation Commission to review the project and that permits weren't pulled ahead of  
101 time.

102

103 Mr. Lavelle indicated that his office had no knowledge of the project and the Fire Chief  
104 and the applicant completed the work. Mr. Lavelle felt most of the depth was obtained on  
105 what was previously dry ground.

106

107 Mr. Russell noted that Mr. Carey and Mr. Miller from the Conservation Commission  
108 where not aware of the project and confirmed they were not contacted regarding the  
109 project, but would like to look at the area in question.

110

111 Mr. Keach indicated that because the work was done in the wetland, they would need a  
112 permit. There is a provision that if working with the fire department, they would qualify  
113 for a permit by notification. He also indicated that he wasn't aware of the project until he  
114 got the letter from Chief Tapley. He recommended that the project be referred to the  
115 Conservation Commission to see if a permit is required.

116

117 Mr. Russell noted that given Mr. Vilella's history, he should have known the permits  
118 were required and should have made more of an effort to get the proper permits. He  
119 stated that he was happy that the work was done and is in favor of the project, and  
120 benefits from it since his home is close by, but noted they still needed to follow the rules.

121

122 Mr. Matthew Brown noted he wasn't concerned about the wetland and didn't feel the  
123 project should be delayed because of it. He also felt that the past should not be brought  
124 into the current case.

125

126 Mr. Ernie Brown noted that Mr. Vilella was trying to appease the Fire Chief, but still  
127 should have gotten the permit.

128

129 Mr. Russell reiterated that he has no issues with the pond, but has issues with the fact that  
130 they never got a permit. There was no discussion with the Board about the location  
131 otherwise it may have been flagged earlier.

132

133 Mr. Keach noted he was confident that an after-the-fact wetlands permit would be  
134 granted for the project since a town official gave the direction. He noted the parcel  
135 affected is across the street, so the project could not be held up. He noted that the soil  
136 type needed to be identified to determine if a CUP is necessary.

137

138 Mr. Keach also noted that since Mr. Villella does not currently own M17 L3-19, the  
139 Board should refer the property owner to go to the Conservation Commission. The  
140 applicant for the wetland permit could be the homeowner or the agent, which could be the  
141 Sandown Fire Department. He clarified that if it were a 600 series soil a CUP would be  
142 required.

143

144 Mr. Lavelle noted that Mr. Villella was directed by the Board to work with the Fire Chief  
145 and satisfied the Chief's requirements. He requested that the board vote on the project  
146 that night. He would work with Chief Tapley and the homeowner to determine who needs  
147 to apply for the permit.

148

149 Mr. Russell questioned if the landowner was aware that they should grant an easement to  
150 the town for access to the water. Mr. Lavelle confirmed an easement was not granted yet.  
151 Mr. Villella noted that the homeowner gave him a letter approving the hydrant, but  
152 doesn't believe the town has an easement to cross his property.

153

154 Mr. Ernie Brown noted that it would be in the best interest of the homeowner to grant that  
155 easement to take the liability off of him. He felt that there were a few loose ends that  
156 needed to be wrapped up, but they should not be tied in with the subdivision approval.

157

158 Ms. Cairns retrieved the waiver request, which was submitted on February 19, 2013.  
159 The request indicated in lieu of on-site recreation, they would like to give a \$1,000  
160 donation to the Town of Sandown Recreation Commission Revolving Fund.

161

162 **MOTION:** Mr. Mencis made a motion to accept the waiver request for Subdivision  
163 Regulation 9.23 and accept the \$1,000 donation to the Town of Sandown Recreation  
164 Commission Revolving Fund. Mr. Ernie Brown seconded the motion. Members voted  
165 unanimously in favor. The motion passed.

166

167 Mr. Keach asked Mr. Lavelle if the monuments were installed. Mr. Lavelle confirmed  
168 they were.

169

170 Ms. Cairns confirmed the PREA account had a positive balance.

171

172 Mr. Meisner questioned if Chief Tapley was aware that an easement needed to be  
173 obtained on the property and asked the Board if the conditional approval wasn't 100%  
174 satisfied, did they still want to move forward?

175

176 Mr. Keach noted that the easement topic is a separate conversation that needed to happen  
177 with the Chief. Mr. Meisner questioned if something happened in regards to the easement  
178 would there be an issue? Mr. Keach noted that the effected parcel is not part of the  
179 application.

180

181 Mr. Meisner noted that he was looking out for the town, right now and in the future. He  
182 felt that if the conditional approval hinged on fire protection, then that issue needed to be  
183 resolved and the easement needed to be in place before they approved the project.

184

185 Mr. Lavelle noted that the location of the hydrant is on town property.

186

187 Mr. Matthew Brown questioned if the landowner needed to grant the easement. The  
188 board agreed it would be in their best interest to do so.

189

190 Mr. Keach clarified that they would want one for two reasons: the landowner will not  
191 always own that property and unless the easement is recorded at the Registry of Deeds,  
192 the fire department only has verbal permission, which is revocable. The second issue is  
193 liability. If someone was injured there, there could be an issue for the homeowner.

194

195 Mr. Keach clarified that there were three things that needed to happen for the fire pond.

196

1. An application should be filed with the wetlands bureau for an after the fact  
197 wetlands permit

198

2. If it is very poorly drained soil, the ordinance does not permit an absence of a  
199 CUP. It needs to be determined if one is necessary.

200

3. The town should obtain an easement from the current landowner to operate and  
201 maintain the pond that was installed. The hydrant was installed on a public right  
202 of way, which is fine.

203

204 He understood Mr. Meisner's point but the parcel in question is not before the board for  
205 approval. The board needs to decide how to move forward.

206

207 Mr. Russell asked if there would be a major hardship to Mr. Villella if the approval were  
208 put off for another month until all proper documents were in hand. Mr. Villella noted that  
209 he needed approval that night and the plans recorded as soon as possible.

210

211 Mr. Ernie Brown questioned if they could tie the easement for the fire pond to approval  
212 of the next phase of the subdivision to ensure the easement is obtained.

213

214 Mr. Keach noted that the Board could put a condition on the approval that stipulates no  
215 further building permits should be issued until this matter is resolved to the Board's  
216 satisfaction. They could stipulate that they receive all necessary DES permits, a CUP if  
217 required and an easement from the owner of Map 17, Lot 3-19. He added that he would  
218 recommend that course of action; otherwise the town would have no leverage.

219

220 Mr. Villella noted that would be unacceptable to hold up the building of those lots. He  
221 did what the town asked and is looking for approval and wanted the Board to vote that  
222 night. He added that he feels Mr. Russell should recuse himself from further discussion.

223

224 Mr. Keach suggested that since the application adds only one new lot that the condition  
225 be applied to only the new parcel added.

226

227 Mr. Villella added that the plans would have been approved if Chief Tapley didn't want  
228 fire protection. He did not want any of his lots to be tied up. He feels he did everything  
229 that the Chief and Planning Board asked him to do.

230

231 Mr. Ernie Brown asked Mr. Villella if it was another builder that owned the lot. Mr.  
232 Villella confirmed it was and he would speak with him tomorrow.

233

234 **MOTION:** Mr. Mencis made a motion to approve the lot line adjustment of five (5)  
235 existing parcels; identified on Map 17 as Lots 3-32, 3-33, 3-34, 3-50 & 3-51 and fronting  
236 on Meghan Drive, Jana Circle and Patricia Circle in order to create a total of six (6)  
237 parcels to be identified on Map 17 as Lots 3-32, 3-33, 3-34, 3-40, 3-50 & 3-51 and  
238 fronting on the same streets with the condition to maintain a positive PREA account. Mr.  
239 Matthew Brown seconded the motion.

240

241 *Discussion:*

242 Mr. Meisner noted that if the Fire Chief was aware that they needed to get an easement  
243 and was comfortable moving forward without it, then he would vote in favor. He was not  
244 as concerned about the permits.

245

246 Mr. Russell noted that he did not feel it was unreasonable for the documentation to be  
247 brought before the Board before the mylar was signed. He indicated that he would not  
248 sign the mylar.

249

250 Mr. Ernie Brown asked Mr. Lavelle if he would work on getting the proper permits and  
251 he agreed he would. He also asked Mr. Villella if he would get the easement and he  
252 agreed he would.

253

254 Mr. Mencis, Mr. Ernie Brown and Mr. Matthew Brown voted in favor. Mr. Russell and  
255 Mr. Meisner opposed. The motion passed.

256

257 Members discussed who should sign the mylar if Mr. Russell wouldn't. Members agreed  
258 that Mr. Traeger would need to sign it when he returned.

259

260 Ms. Cairns retrieved a copy of the Board's By-laws.

261

262 Mr. Russell noted in the By-laws under rule 12.0 – *Signing of the Plats* that they should  
263 be signed at a duly noted public meeting and they should be signed by two officers.

264

265 Mr. Matthew Brown felt he could make a motion to override the chair and appoint  
266 someone else to sign the mylars that evening.

267

268 **MOTION:** Mr. Matthew Brown made a motion to override the Chairman and sign the  
269 mylars that evening. Mr. Mencis seconded the motion.

270

271 *Discussion:*

272 Mr. Matthew Brown felt that since Mr. Russell refused to sign the mylars even though  
273 the Board approved the plans, that he could make a motion to override him, it was at the  
274 discretion of the Board.

275

276 Mr. Keach reminded the Board that two officers would need to sign the mylars.  
277 Members read the By-laws, which state that an officer is Chairman, Vice Chairman and  
278 Secretary. The Board noted they do not have a Secretary. Members discussed whether  
279 they could appoint a Secretary that evening. Mr. Keach felt it wouldn't be inappropriate  
280 to do so in the middle of a hearing.

281

282 Mr. Russell noted he would entertain a compromise and would sign the mylars if they  
283 received documentation stating they would obtain the proper DES permits, CUP if  
284 necessary, and an easement. He would sign the mylars, but they would not go to the  
285 Registry of Deeds until the office received that documentation.

286

287 Mr. Mencis rescinded his second to the motion.

288

289 Mr. Mencis questioned how long it would take to get the easement. Mr. Lavelle though it  
290 would take a day or two.

291

292 Mr. Russell stated that if they got the easement, he would sign the mylars.

293

294 Mr. Villella noted he would get it to the office by Thursday.

295

296 **MOTION:** Mr. Mencis made a motion to authorize the Chairman and Vice Chairman to  
297 sign the mylars outside of a public meeting in order to execute the plan once the easement  
298 for the fire pond was received by the Administrative Assistant, Andrea Cairns. Mr. Ernie  
299 Brown seconded the motion. All members voted unanimously in favor. The motion  
300 passed.

301

302 Mr. Matthew Brown requested to review the bylaws and procedures at the next meeting.  
303 All members agreed that would be appropriate.

304

### 305 **James Lavelle and Gary Barnes – Discussion Regarding Vantage Point**

306 Mr. Lavelle noted that the plans were a previously approved 55+ subdivision. Mr. Barnes  
307 wanted to rework the project but with single-family homes. Mr. Lavelle noted it would be  
308 an open space development. Mr. Lavelle indicated the two proposed roads, one being  
309 3,000 feet long to the cul-de-sac He explained that they planned on adding a gated fire  
310 access halfway down that road. There was no connectivity between the two roads.

311

312 Mr. Mencis asked if the Fire Chief had reviewed the plans yet. Mr. Lavelle noted that he  
313 hasn't but the subdivision would be on a water system, the two wells produce 75 gallons  
314 per minute, and he didn't feel adding fire suppression in the subdivision would be a  
315 problem.

316

317 Mr. Lavelle noted that between the two proposed roads there was a large slope, so to  
318 connect the two roads, it would be difficult and would result in large grades and would  
319 result in tremendous cuts into the landscape.

320

321 Mr. Keach noted that the proposed plans would require two waivers. He noted that the  
322 current proposed subdivision would not be in compliance with subdivision regulations  
323 because of the proposed length of the cul-de-sac. He suggested instead, connecting the  
324 two roads through lot 25, which would create connectivity within the subdivision and  
325 would alleviate the 3,200 ft. cul-de-sac which he would have a hard time recommending.

326

327 Members discussed different approaches to the road. Mr. Lavelle noted that Mr. Keach  
328 made a suggestion that might work for them. Mr. Keach noted by connecting those two  
329 roads they would be equalizing traffic flow.

330

331 Mr. Barnes noted that he would like to do the project in phases and asked if he would  
332 need to build the roads first and how he would cut up the property to phase the project.  
333 Mr. Keach noted that developers phase projects all the time and that wouldn't be an issue.  
334 He noted that Mr. Barnes would need to bring the road to subgrade to lay the pipe for  
335 water and fire protection and he would need to rough in the roads to do that anyway. Mr.  
336 Keach made suggestions on how to lay out the road to accommodate phasing. He noted  
337 that the Board created the OSD ordinance to give developers flexibility and that Mr.  
338 Barnes should take advantage of the flexibility a conventional subdivision doesn't allow  
339 for.

340

#### 341 **Julie LaBranche – Rockingham Planning Commission – Master Plan**

342 Ms. LaBranche noted that the plan was to have the Board review the existing Future Land  
343 Use chapter, specifically the recommendations section, to see if there were any that could  
344 be eliminated or added. She noted she was scheduled for the May 7<sup>th</sup> meeting and they  
345 could discuss the chapter in more length at that meeting.

346

347 Mr. Russell noted he wanted Mr. Traeger to be present for the conversation. Ms.  
348 LaBranche noted that the grant money would only take her through the end of June. She  
349 noted they could focus on the Future Land use chapter on May 7<sup>th</sup> and discuss the  
350 Community Facilities, Recreation and Housing chapters on May 21<sup>st</sup>.

351

352 She suggested that the Board read through the chapter and think about it for the next  
353 meeting. She asked that they really think through the idea of the downtown village and if  
354 they were still in favor, explore the feasibility of doing that.

355

356 She suggested since the Open Space Development ordinance is not often utilized that  
357 they could possibly create incentives for creating them such as giving points for energy  
358 efficient developments.

359

360 Mr. Keach suggested that the building permit limitation be taken out since they will  
361 likely not need to do that since the school systems are adequate. He also suggested taking  
362 out the mandatory phasing item since Sandown's rural location helps limit development.



363

364 Ms. LaBranche suggested that members go through the chapter and bring suggestions to  
365 the next meeting.

366

367 **PREA Account**

368 Ms. Cairns explained that there was money left in the PREA account for the  
369 Holmes/Bassett project and they needed to make a motion to return the funds.

370

371 **MOTION:** Mr. Mencis made a motion to return the sum of \$175.50 to Arlene Bassett  
372 out of their PREA account. Mr. Ernie Brown seconded the motion. Members voted  
373 unanimously in favor. The motion passed.

374

375 **Sub-Accounting Report**

376 Ms. Cairns noted she receives a statement of sub accounts every month from the bank  
377 and needed clarification from the Board as to what the money was for. Mr. Keach noted  
378 he could work with Ms. Cairns to review the various accounts.

379

380 **Engineer's Report**

381 Mr. Keach noted they might see plans for another section of Meghan Drive. He noted that  
382 a road bond needed to be put in place before development on Hillside Drive began and  
383 that there was a signed and recorded development agreement for that.

384

385 Mr. Mencis requested that Ms. Cairns email a copy of the By-laws to the Board for  
386 review at the next meeting.

387

388 **MOTION:** Mr. Mencis made a motion to adjourn. Mr. Ernie Brown seconded the  
389 motion. All members voted unanimously in favor. The motion passed. MEETING  
390 ADJOURNED at 9:53 p.m.

391

392 Respectfully Submitted,

393 

394 Andrea Cairns