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**Sandown Planning Board
Minutes
June 18, 2013**

Date: June 18, 2013

Place: Site Walk at 218 Fremont Road, Regular Meeting at Sandown Town Hall

Members Present: Matthew Russell -Vice Chairman, Ernie Brown, Steve Meisner, Ed Mencis, Hans Nicolaisen – Ex-Officio

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

Absent: Mark Traeger – Chairman, Matthew Brown, Jim Carroll

6:15 p.m. – Site walk regarding an application for a Major Subdivision submitted by Rebecca Janco for a four lot Open Space Development. The subject property is identified on Map 20 as Lot 3 and is located at 218 Fremont Road.

Members Present: Ernie Brown, Matthew Russell, Hans Nicolaisen

Also Present: Steve Keach, Andrea Cairns, Tim Lavelle

Mr. Lavelle noted for the Board that a Dredge and Fill permit was filed for the Hillside Estates fire pond. Ms. Cairns noted that she spoke with the Conservation Commission regarding Mr. Miller going to the site to determine if a CUP was needed. Mr. Miller noted that if a Dredge and Fill permit is needed, then a CUP is also. Mr. Miller had concerns about going to the site if there weren't sufficient funds in the PREA account. Mr. Miller also noted he needed permission from the property owner to go onto the property. Mr. Lavelle gave Mr. Miller permission to go on the property. Mr. Lavelle will also speak with Mr. Villella to make sure he is up to date with his PREA account.

Mr. Lavelle reviewed the plans for the Board noting the driveway and wetlands along the driveway. Members walked the driveway and Mr. Lavelle pointed out the location of the lots. Members were satisfied with what they saw.

Site walk concluded at 6:35 p.m.

Opening: Mr. Russell opened the meeting at 7:03 p.m.

Approval of 5/21/13 Minutes

L33 remove word "comfortable" and state "not going to read it"

L173 Add case information for Virginia Morris

MOTION: Mr. Nicolaisen made a motion to accept the 5/21/13 minutes as amended. Mr. Meisner seconded the meeting. All members voted in favor. The motion passed.

Correspondence

46 The Board received:

47

48 Letter from the State of NH DOT regarding a driveway permit for 624 Main Street in
49 Sandown. Permit was approving a temporary logging access road.

50

51 Memo from Lynne Blaisdell to Mr. Traeger regarding Rockingham Planning
52 Commission (RPC) appointment. The Selectman made a motion to approve Mark
53 pending recommendation by the Planning Board. Mr. Russell noted Mr. Traeger has
54 represented the town as an RPC representative for several years and has done an excellent
55 job.

56

57 **MOTION:** Mr. Meisner made a motion to appoint Mr. Traeger as an RPC representative.
58 Mr. Ernie Brown seconded the motion. The Board voted unanimously in favor. The
59 motion passed.

60

61 Mr. Russell made the public aware that there are two other open seats and they could
62 come see Ms. Cairns or Ms. Blaisdell if they are interested.

63

64 Letter from Diane Gorrow regarding Town of Sandown vs. Holmes

65

66 Vacation request form from Andrea Cairns. The Board approved it.

67

68 Memo from Ms. Blaisdell to Erica Olsen regarding reactivating a dormant account.

69

70 Chester Planning Board regarding a public hearing for a 3-lot subdivision.

71

72 Hampstead Planning Board public hearing notice for a site plan and commercial building
73 with 10 commercial condo units at 15 Owen's Court.

74

75 **7:20 – Review of an application for a Major Subdivision submitted by Rebecca**
76 **Janco for a four lot Open Space Development. The subject property is identified on**
77 **Map 20 as Lot 3 and is located at 218 Fremont Road.**

78

79 Mr. Tim Lavelle was present.

80

81 Mr. Meisner stepped down from the case because he heard the case for ZBA. Mr.
82 Nicolaisen stepped down because he is an abutter.

83

84 Mr. Lavelle noted he made changes to the driveway from the previous plans that were
85 presented at the last meeting. He noted they intend on making it a private road and
86 propose to name it Newton's Way. Mr. Lavelle met with the fire chief who made
87 suggested changes for the turnaround which will now be a hammerhead style. Mr.
88 Lavelle also noted that his office met with the Conservation Commission who made
89 additional drainage suggestions. He feels they can incorporate all comments and
90 suggestions into the final plans and feel they are ready to close the design review so they
91 can submit final plans for the next hearing.

92

93 Mr. Keach noted the main reason design review was left open was to allow Mr. Lavelle
94 the chance to discuss the plans with Chief Tapley which he did. The proposal is pretty
95 straight-forward and he didn't see any reason to keep design review open and feels it
96 would be appropriate for Mr. Lavelle to submit an application for final review.

97

98 Mr. Russell questioned if they would require a letter from Chief Tapley noting his
99 approval. Mr. Keach noted that would be a condition of approval for final approval. Mr.
100 Lavelle noted he would request that before final submittal.

101

102 Mr. Keach questioned if Chief Tapley asked for fire protection at the site. Mr. Lavelle
103 noted he didn't because of the proximity to the Exeter River. Mr. Lavelle noted he is also
104 going to have the chief review the road name to make sure it is E911 compliant.

105

106 **MOTION:** Mr. Ernie Brown made a motion to end design review for M20 L3 located at
107 218 Fremont Road. Mr. Russell seconded the motion. The Board voted unanimously in
108 favor. The motion passed.

109

110 Mr. Meisner and Mr. Nicolaisen stepped back in.

111

112 **7:45 – Discussion regarding the addition of fire suppression language into the**
113 **Sandown Subdivision Regulations.**

114

115 The Board reviewed a previous memo submitted by Mr. Keach and the draft language
116 provided by Chief Tapley.

117

118 Mr. Keach noted the intent of adding language into the regulations is to provide the
119 Board with measures for fire protection through the planning process.

120

121 Mr. Keach noted the language he put into his memo was to allow the Board the authority
122 to have the chief review applications. He noted the Chief went further and drafted
123 specific language he wanted to add to the regulations.

124

125 Mr. Keach cited RSA 674:39, which states that when a subdivision is approved and
126 becomes vested, it becomes insulated to other changes for a period of time. He
127 questioned if it would be more appropriate to have the changes added to the zoning
128 ordinance instead of the subdivision regulations. If they were added to the zoning
129 ordinance, they would affect every lot that hasn't been built on yet. If they were added to
130 subdivision regulations, the changes would only apply to those lots that are approved
131 after the date of adoption because of the vesting statute. He noted it depends on what the
132 Chief's intent is for adding the regulations.

133

134 Mr. Keach also noted concern with sprinkler systems being a requirement. He noted that
135 in 2011, legislation regarding RSA 674:36 prohibiting towns from adopting regulations
136 which require sprinkler systems. Even though the chief is presenting it as an option and
137 not a requirement, is it lawful if they adopted the language?

138

139 Mr. Russell questioned what if a cistern is physically not an option? Mr. Keach noted he
140 doesn't feel there are too many places in town that one wouldn't be possible.

141

142 Mr. Keach reiterated that because of 674:36 it precludes towns to require sprinklers and it
143 would be dangerous to require it even if it was only an option. You don't want people
144 developing legal cases because of your regulations.

145

146 Mr. Keach noted there were three options: add the language to the subdivision
147 regulations; add the language to the zoning ordinance; or create a municipal ordinance
148 that is not part of either the zoning or subdivision regulations. He noted it really comes
149 down to expedience and the intent of the chief. If the changes go into zoning, they would
150 need to be voted on in March. If the changes went into the Subdivision Regulations, they
151 would be put in by the Board right away.

152

153 Mr. Russell questioned if they should ask the Chief to come to the next meeting and
154 wondered if he knew about the statute.

155

156 Mr. Keach noted that he would be most concerned if sprinklers were the first option. If
157 they were to change cisterns to the first option, sprinklers would become voluntary. He
158 noted sprinklers are extremely valuable to a fire department like Sandown's because they
159 buy response time and save lives.

160

161 Mr. Meisner questioned where the Chief got the language and noted the Chief has the
162 authority to require things under NFPA. Mr. Meisner also noted he feels they need
163 standards to create a level playing field and that surrounding towns are all over the place
164 in terms of fire suppression.

165

166 Mr. Nicolaisen noted that he feels the people should vote on it if it's going to affect
167 single-family dwellings. He noted it's another added cost to building a new home and we
168 keep making more rules for people to follow.

169

170 Members agreed that Chief Tapley should attend the next meeting to explain where he
171 wants the regulations to go. He should also bring all the fire engineers with him since
172 they all have to give input when reviewing subdivisions.

173

174 **Review of Road Bond sub accounting fund**

175 Ms. Cairns gave the Board an update on the Road Bond account. She reviewed the
176 outstanding accounts. She explained that she spoke with Paul Sanderson at LGC who
177 stated the town could not just take the funds even though they made the road
178 improvements. The Board needed to go through the process of calling the bonds.

179

180 *Jonathon Longley*

181 Mr. Keach noted his office did contact him on numerous times to make the shoulder
182 improvements. Mr. Longley did do most of the shoulder improvements but not all of
183 them. He feels the Board should call the bond.

184

185 *Vincent Celeste*

186 Mr. Celeste was supposed to do something with the hump in the road. He found out it
187 was ledge and didn't continue because of the timing. Mr. Keach feels that Mr. Celeste
188 intended to get back to the work at some point, but never did. He noted since the
189 improvements have been made, they don't want him doing any further work out there. He
190 recommended they go through the process of calling the bond.

191

192 He also suggested calling the bond for Ryan Norman.

193

194 Ms. Cairns found correspondence from 1993 where the Board attempted to get Lawrence
195 Academy to make the road improvements and the Selectman made a motion to call the
196 bond and allow the road agent to move forward with making the improvements, but the
197 money was never transferred. Mr. Keach noted that money should go back into the
198 general fund since that is where the money was taken from to do the improvements.

199

200 Mr. Keach noted that Mr. Celeste still has lots left in that development. The Board could
201 give him his money back and ask him to put in a drainage easement on one of his lots
202 near 121A in an area that regularly floods.

203

204 The Board agreed Ms. Cairns should contact Attorney Gorrow to determine where the
205 funds should go if they did call the bonds.

206

207 **Chairman's Report**

208 Mr. Russell noted the Board sent a letter to Tiffany Lee Homes and the Conservation
209 Commission regarding the wetlands permit and CUP for the fire pond at Hillside Estates.
210 He explained for the members who were not present at the site walk that Mr. Miller noted
211 that if a Dredge and Fill permit is needed, then a CUP is also. Mr. Miller had concerns
212 about going to the site if there weren't sufficient funds in the PREA account. Mr. Miller
213 also noted he needed permission from the property owner to go onto the property which
214 he got from Mr. Lavelle.

215

216 **Town Engineer's Report**

217 Mr. Keach noted that he spoke with Joe Menard from Benchmark Engineering who is
218 working with Bank of New England regarding Valerie Way. He is analyzing the lots to
219 determine if there is a good market for small industrial buildings. He is going to do some
220 conceptual work. Mr. Keach noted for him that the town would like to see the road
221 completed and there was approximately \$15,000 worth of paving to be done.

222

223 **Liaison's Report**

224 Mr. Nicolaisen noted that at the Selectman's meeting, Ms. Blaisdell presented
225 information for GIS mapping services. The service would integrate the tax map with the
226 tax cards and other USGS maps to create an on-line interactive mapping system. The
227 initial cost would be \$2,500. The Selectman would like to see if Planning and
228 Conservation could help split the initial set-up costs. Members agreed they would like to
229 see more information, possibly a presentation by the company. They noted they could
230 likely find the funds in their budget.

231

232 **MOTION:** Mr. Ernie Brown made a motion to adjourn. Mr. Mencis seconded the
233 motion. The Board voted unanimously in favor. The motion passed. MEETING
234 ADJOURNED at 8:45 p.m.

235

236 Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Andrea Cairns".

237

238 Andrea Cairns, Recording Secretary

239