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**Sandown Planning Board
Minutes
August 20, 2013**

Date: August 20, 2013

Place: Sandown Town Hall

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

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

Absent: Mark Traeger – Chairman, Ed Mencis

Opening: Mr. Russell opened the meeting at 7:06 p.m.

Review of 7/16/13 Minutes

MOTION: Mr. Meisner made a motion to approve the 7/16/13 minutes as written. Mr. Matthew Brown seconded the motion. All members voted in favor. Mr. Nicolaisen abstained. The motion passed.

Correspondence

A letter from Cornerstone Survey Associates regarding an issue with Mr. Celeste’s bond. The bond was held for on-site recreation facilities and they would like those funds returned. Mr. Celeste was responding to a letter sent by the Planning Board in regards to his road bond. There was some confusion over which funds the board was calling. Ms. Cairns spoke with both Mr. Celeste and Mr. Hatch to clarify that he had two accounts and the recreation funds were not in question.

Mr. Keach clarified why those funds were held for recreation. He noted that when he got approval, the Planning Board asked him to put \$6,000 into a cash bond for the purposes of his recreation donation which was clearly stated on the Notice of Decision. He doesn’t feel they could return that money unless the Board had a compliance hearing. Mr. Celeste filed the waiver request. He further noted it wasn’t an impact fee, so the town was not compelled to use it in a certain span of time. He suggested they could return the interest.

Mr. Russell suggested they should send a letter explaining the situation with a copy of the original waiver request.

The Board received an email from Donna Green regarding suggested minimum design standards for streets in a rural area from the NH DOT. Mr. Russell suggested they review it at the next meeting.

The Board received an email from Jim Carroll who was an alternate on the Board. He has resigned as a board member.

The Source newsletter from NH DES Drinking Water Source Protection.

46 An email from RPC with a schedule for the regional master plan update regional
47 conversations. The closest meeting will be held at the Plaistow Library on 9/23/13 from
48 6:00-8:00p.m.

49
50 Brochure for the Sandown Firefighters Memorial Fund.

51
52 NH Business Guide for Complying with Drinking Water Rules.

53
54 **Public hearing for review of an application for a Major Subdivision submitted by Virginia**
55 **Morris for a five lot subdivision. The subject property is identified on Map 5 as Lot 3 and is**
56 **located at Walnut Hill Road (Route 121) and Chase Road.**

57 Mr. Tim Lavelle presented the application.

58
59 Mr. Lavelle noted that the last meeting was a design review and not much has changed on
60 the plans. He noted that they were originally proposing to have a shared driveway so
61 there would be only one dredge and fill area but conservation recommended they split the
62 driveway. The total area of fill for the driveway is only 1,500 sq. ft which is well below
63 the minimum impact of 3,000 sq. ft. They have received wetland permits, subdivision
64 approval and state driveway permits.

65
66 Mr. Lavelle noted the Town of Hampstead also has to sign off on the subdivision because
67 she owns 7.26 acres in Hampstead. They will appear before them next month. The reason
68 they have to go to Hampstead is because they chose to ignore the municipal boundaries in
69 order to keep the land in current use, so part of the land involved in the subdivision is in
70 Hampstead.

71
72 Mr. Lavelle noted he doesn't have the official curb cuts from the state but indicated they
73 have well over 400 ft. of site line for the driveways.

74
75 Mr. Keach reviewed his letter dated August 19, 2013.

76
77 Mr. Keach noted that by definition this subdivision is a major subdivision, but does not
78 have any regional impact. The Board needed to formally address that.

79
80 **MOTION:** Mr. Ernie Brown made a motion stating the board found the application for a
81 Major Subdivision submitted by Virginia Morris for a five lot subdivision for the property
82 identified on Map 5 as Lot 3, located at Walnut Hill Road (Route 121) and Chase Road does not
83 constitute a development of regional impact. Mr. Nicolaisen seconded the motion. All
84 members voted unanimously in favor the motion passed.

85
86 Mr. Keach noted that in accordance with RSA 674:53 the board must inquire in writing to
87 Hampstead Planning Board asking for input. Ms. Cairns did and they did not reply. He
88 then noted any approval given must be conditional upon approval from the Hampstead
89 Planning Board. On the plans there are two approval blocks and must be signed by both
90 boards in order to be recorded.

91
92 Mr. Keach noted they will need to apply for a CUP.

93

94 Mr. Lavelle noted they were submitting a waiver request for section 9.23 of the Sandown
95 Subdivision regulations requiring on-site recreation. They would like to propose a \$1,000
96 donation to the Sandown Recreation Revolving Fund. They have always allowed their
97 fields to be used for dog walking and sledding and plan to continue that and feel that
98 should satisfy the on-site recreation requirement.

99

100 Mr. Meisner questioned if our regulations stated that a donation needed to be made for
101 each lot. Mr. E. Brown noted there was no set donation amount listed in the regulations
102 and that it was a donation, not a requirement.

103

104 Mr. Lavelle noted that since the lots were 2.5 acres they would provide partial recreation
105 because they are bigger than the minimum.

106

107 Mr. Russell noted he doesn't recall hearing a lot size representing its own on-site
108 recreation.

109

110 Mr. Lavelle noted the rest of the property would still be open for use. Mrs. Morris allows
111 people up there daily on cemetery road and the fields to the east and will continue to do
112 so.

113

114 Mr. M. Brown felt if it is going to be presented as a town recreation area, it should be
115 noted as such and posted. The town should be aware that land is available. He's been in
116 town for 25 years and didn't know about it.

117

118 Mr. Lavelle noted it is available to the neighborhood, but doesn't feel they want to post it
119 to the entire town.

120

121 Mr. Russell noted the way recreation has worked in some of the other subdivisions is that
122 it is meant for those homes and not the entire town.

123

124 Mr. Lavelle noted that it's only four street lots. There is no place to put on-site recreation
125 for those lots and feels it is a reasonable request.

126

127 Mr. Nicolaisen understands not wanting to post it as the Sandown sledding hill.

128

129 **MOTION:** Mr. E. Brown made a motion to accept the waiver request for subdivision
130 regulation 9.23 and accept the \$1,000 donation to the Sandown Recreation Revolving
131 Fund in lieu of on-site recreation. Mr. Nicolaisen seconded the motion. Members vote in
132 favor. Mr. Meisner opposed. The motion passed.

133

134 Mr. Lavelle noted that DOT requires 400 ft. for site-line on driveways. The proposed
135 driveways exceed that and are closer to 900 ft.

136

137 Mr. Keach requested to see construction detail on the proposed headwall for the
138 driveway.

139

140 Mr. Keach recommended they ask for a waiver to subdivision regulation 9.19. The road
141 was rebuilt in 2011 and he doesn't want them compromising the work that the town did.

142 Mr. Lavelle read the waiver request.

143

144 **MOTION:** Mr. E. Brown made a motion to accept the waiver request for section 9.19 of
145 the Sandown Subdivision regulations. Mr. M. Brown seconded the motion. All members
146 voted in favor. The motion passed.

147

148 Members discussed the proposed headwall.

149

150 *Joan O'Connell – 29 Walnut Hill Road*

151 Ms. O'Connell asked if the Conservation Commission approved the subdivision in
152 writing. Ms. Cairns confirmed they will send a letter with their approval.

153

154 Ms. O'Connell asked how many variances were filed in order to make this happen. Mr.
155 Keach noted there were no variances applied for. He noted they granted two waivers, one
156 of which he recommended.

157

158 Ms. O'Connell asked what happened if property values went down and/or her well went
159 dry. Her concern is that there hasn't been any consideration to the value and impact to the
160 adjacent properties and to the wildlife that is part of that property. She also noted that she
161 doesn't get delivery of mail from the Town of Hampstead for safety reasons because the
162 road is dangerous. She owns an antique home and doesn't want to see homes go in across
163 from her. She feels it will be a serious impact on her quality of life. She wanted it to go
164 on the record and feels it will negatively impact her.

165

166 Mr. Russell questioned why she gets mail from Hampstead but lives in Sandown. Ms.
167 O'Connell explained that they would not allow her to have a mailbox at her driveway
168 because it is unsafe and the post office will not deliver mail there. Members discussed the
169 issue.

170

171 Mr. Russell noted that many people on the Board have been impacted in a similar way
172 where they have homes and large subdivisions going in across from them.

173

174 Ms. O'Connell felt that at the last meeting their input was not listened to and felt that they
175 were treated rudely and disrespectfully.

176

177 Mr. M. Brown questioned what rules she felt the Board wasn't following. Ms. O'Connell
178 noted that a variance is a rule and when they grant variances, they aren't following the
179 rules. She had to follow the regulations when she made improvements to her home.

180

181 Mr. Keach reiterated that there were no variances requested or granted with that
182 application. He noted that when they went through the design phase, because of input
183 they received at that meeting, the applicant decided to abandon an additional waiver
184 request they had planned to ask for. So the input made a difference. Mr. Keach requested

185 one of the waivers to protect the work the town did and the other waiver was for
186 recreation. Those two waivers are the only bit of relief the applicant has requested and
187 been granted.

188

189 Mr. Keach noted in terms of her property value, while her concerns are real; the Board is
190 not able to consider that when acting upon an application. The subdivision regulations
191 and NH planning and zoning laws were created to create uniformity and consistency and
192 protect property values. In terms of potential damage to her well, he was not aware of the
193 need to do any bedrock removal and blasting which is the most common threat to a well.
194 He noted any blasting contractors are compelled to be insured and licensed. They have to
195 do a pre-blast survey within a 500 ft. radius. If there was an area that was damaged, they
196 would be required to cover those repairs. Mr. Lavelle confirmed they likely wouldn't
197 have to do any blasting for bedrock. Mr. Lavelle agreed to putting in a condition that
198 there would be no blasting. Ms. O'Connell appreciated that, but her concerns were more
199 about the well radius and her well running dry.

200

201 Mr. Keach noted that they had a 75 foot well radius that had to be respected. No one
202 could advance into that radius without her permission. He noted that 75 foot buffer was
203 determined by the state to allow a buffer and help protect well production. Mr. Lavelle
204 confirmed there was more than adequate distance from abutter's wells. Ms. O'Connell
205 questioned what would happen if her well ran dry. Mr. Keach noted there was nothing the
206 Board could do for that. He noted no one can give her absolute assurance. In this
207 particular instance, the proposal meets and exceeds applicable state and local
208 requirements.

209

210 Ms. O'Connell felt she needed to express her concerns and appreciates the Board's time.
211 Mr. Russell thanked her for coming in and suggested that she join a board. They are
212 always looking for people concerned about the town and by being on a board could have
213 more input in how things are being done.

214

215 **MOTION:** Mr. E. Brown made a motion to accept for jurisdiction the application
216 submitted for a Major Subdivision submitted by Virginia Morris for a five lot subdivision
217 identified on Map 5 as Lot 3 and located at Walnut Hill Road (Route 121) and Chase Road.
218 Mr. Nicolaisen seconded the motion. All members voted in favor. The motion passed.

219

220 Mr. Lavelle confirmed the Conservation Commission did approve the application for a
221 CUP.

222

223 **MOTION:** Mr. E. Brown made a motion to accept and approve the application for a
224 Conditional Use Permit, pending receipt of a letter from the Conservation Commission.
225 Mr. Nicolaisen seconded the motion. All members voted in favor. The motion passed.

226

227 Members discussed the conditions of approval.

228

229 Members took a five minute recess.

230

231 **MOTION:** Mr. E. Brown made a motion to approve the application for a major subdivision
232 submitted by Virginia Morris for a five (5) lot subdivision. The property is shown on Sandown
233 Tax Map 5 as Lot 3 and is located at Walnut Hill Road (Route 121) and Chase Road with the
234 following conditions:

235

- 236 1. Receipt of subdivision approval from the Town of Hampstead
- 237 2. Receipt of NHDES subdivision approval.
- 238 3. Receipt of NHDOT driveway permits for Lots 3-4 and 3-5.
- 239 4. Add a note acknowledging issuance of a conditional use permit for wetland impacts
240 necessary for construction of driveway access to lots 3-4 and 3-5.
- 241 5. Add a note to final plat acknowledging the Sandown Planning Board granted waivers to
242 the requirements of Section 9.23 (Recreation) and 9.19 (shoulder improvements) on 8-20-
243 13; and applicant agrees to make a voluntary contribution to the Sandown Recreation
244 Commission's Revolving Fund in the amount of \$1,000 in lieu of constructing on-site
245 recreational facilities payable at the time of signature and recording official plat, as well as
246 acknowledgement that area residents will continue to enjoy the opportunity to utilize
247 portions of Map 5, Lot 3 for passive recreation.
- 248 6. Receipt of correspondence from a licensed land surveyor certifying all boundary
249 monuments shown on the final plat have been installed prior to signature and recording of
250 the final plat.
- 251 7. Receipt of correspondence from the Town Engineer acknowledging those technical matters
252 described in correspondence dated August 19, 2013 have been satisfactorily resolved.
- 253 8. Applicant shall maintain a positive PREA account balance.

254

255 Mr. M. Brown seconded the motion. All members voted in favor. The motion passed.

256

257 **Discussion Regarding Meghan Drive/Penacook Road Fire Hydrant.**

258 Mr. Russell noted they received a letter from Mr. Miller regarding his review of the
259 dredge and fill application that was sent to DES. Mr. Lavelle confirmed he received a
260 copy of that letter. He will wait until he receives feedback from Eban Lewis from DES
261 and address both twice.

262

263 Mr. Keach questioned whether they intended on seeking a CUP. Mr. Lavelle noted he has
264 not been retained to apply for a CUP because they have not been told it is required.

265

266 Mr. Russell noted he was at the last conservation meeting and understood from the
267 conversation that an after-the-fact CUP is required.

268

269 Mr. Lavelle noted that a note to that effect needs to come from an official board other
270 than the Conservation Commission since the Conservation Commission is strictly
271 advisory.

272

273 Mr. Russell noted we will make it clear a CUP is required. Mr. Keach noted that if a CUP
274 was required and not obtained, there is a zoning violation. They have two choices, apply
275 for an after the fact CUP or obtain a variance to Article 1, Part B. He has seen the site,
276 and it is opinion that a CUP is needed. He would encourage the responsible party to apply
277 for a CUP and get this done with. Mr. Keach suggested that Mr. Lavelle take the message
278 to his clients. Mr. Lavelle noted he would speak with them.

279

280 Mr. Russell asked what the Board's options were if they don't get a response. Mr. Keach
281 suggested sending a letter to the property owner advising them there is a zoning
282 ordinance violation on the premises with the absence of a CUP with perhaps a copy sent
283 to the other parties involved.

284

285 Mr. Keach noted that in the event an application is not forthcoming under Article 12 of
286 the zoning ordinance, the Board of Selectmen is the ultimate enforcement entity. In the
287 event that an application for a CUP is not forthcoming, this board would have no other
288 option to refer the violation to the Selectman for enforcement of the provisions of the
289 ordinance.

290

291 **Review of Budget**

292 Mr. Russell suggested that they increase the payroll item by 2% for a performance raise.
293 All members agreed that was appropriate.

294

295 Members agreed to add \$500 to the legal line since it has gone over the past two years.

296

297 Members agreed to increase mileage to \$150.

298

299 Members agreed to increase the Consulting to \$7500.

300

301 **MOTION:** Mr. Ernie Brown made a motion to adjourn. Mr. Matthew Brown seconded
302 the motion. The Board voted unanimously in favor. The motion passed. MEETING
303 ADJOURNED at 9:38 p.m.

304

305 Respectfully submitted,



306

307 Andrea Cairns, Recording Secretary