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**Sandown Planning Board
Minutes
September 17, 2013**

Date: September 17, 2013

Place: Sandown Town Hall

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

Also Present: Andrea Cairns - Recording Secretary

Absent: Mark Traeger – Chairman, Steve Meisner, Steve Keach – Town Engineer

Opening: Mr. Russell opened the meeting at 7:07 p.m.

Review of the 9/3/13 Minutes

L54 add “number” so it reads “number four”

MOTION: Mr. Mencis made a motion to approve the 9/3/13 minutes as amended. Mr. M. Brown seconded. Members voted in favor. Mr. Nicolaisen abstained. The motion passed.

Correspondence

Copy of the Wetlands Permit application submitted by Michael and Lisa Olesen for M12 L2-1 for a driveway crossing.

Town & City Magazine

7:15 p.m. – Discussion regarding road bonds for Valerie Way, Tenney Road, Fremont Road and Hale True Road

Mr. Russell spoke with Mr. Keach regarding Valerie Way. Mr. Keach recommended sending Steve Chabot and Mr. Genuardo to see what needed to be done and what the costs would be. If their assessment comes in fairly clean and they can get the work done this fall, they will move forward with that. The Board agreed that would be a good idea.

MOTION: Mr. Mencis made a motion call the bond for Tenney Road Subdivision (plan number D-26892) in the amount of \$7,608.27 plus accrued interest to the date of release. Mr. Nicolaisen seconded the motion. All members voted in favor. The motion passed.

MOTION: Mr. Mencis made a motion to call the bond for the Fremont Road Subdivision (plan number D-34289) in the amount of \$8,678.61 plus accrued interest to the date of release. Mr. Nicolaisen seconded the motion. All members voted in favor. The motion passed.

MOTION: Mr. Mencis made a motion to call the bond for Hale True Road and North Road Subdivision (plan number D-31974) in the amount of \$6,808.59 plus accrued

46 interest to the date of release. Mr. Nicolaisen seconded the motion. All members voted in
47 favor. The motion passed.

48

49 **Other Business**

50 **Review of the Mylars for St. Matthew's United Methodist Church**

51 Dan Johnson, Plaistow Consultants presented the mylars.

52

53 Mr. Russell read Mr. Keach's 9/16/13 letter stating his approval of the final plans.

54

55 There was also a letter dated 8/26/13 from the fire chief stating he reviewed and approved
56 the plans for fire protection.

57

58 Mr. Russell and Mr. Brown signed the mylars.

59

60 **Review of the Mylars for Hersey Road Development**

61 Mr. Russell read the letter from Mr. Keach dated 9/12/13. The letter addressed
62 outstanding issues that needed to be corrected before the mylars were signed.

63

64 Mr. Keach requested that the wetlands scientist sign and stamp pages 1-7. Only one of
65 the pages was stamped. Mr. Russell noted he would contact Mr. Keach and confirm that
66 all pages needed to be signed and stamped.

67

68 The Board agreed that condition should be satisfied before the mylars were signed.

69

70 **MOTION:** Mr. Mencis made a motion to sign the mylars for the lot line adjustments
71 involving Land of Hersey Road Development Group (Map 7, Lot 19; Map 8, Lot 14 and
72 Map 11, Lot 13) and the Land of the Town of Sandown (Map 7, Lot 17-18) providing
73 that sheets 1-7 be stamped and signed by a certified wetlands scientist as requested by the
74 town engineer. Mr. M. Brown seconded the motion. The Board voted in favor. Mr.
75 Nicolaisen abstained. The motion passed.

76

77 The Board agreed Mr. Russell, Mr. Traeger and Mr. Brown could sign the mylars in the
78 office.

79

80 Mr. Russell will follow-up with Mr. Keach.

81

82 **Other Business**

83 Mr. Nicolaisen noted that the fire chief came to the Selectmen's meeting with a CUP
84 application that he prepared for the fire hydrant on Meghan Drive. Chief Tapley was
85 asking for a waiver of the application fees which go to the town since he was the
86 applicant. The Selectmen were unsure if they could waive the fees and thought they
87 should discuss the issue with the Planning Board. The Selectmen also weren't sure if it
88 should be the fire chief who should be applying.

89

90 Mr. Russell does not believe the fire chief would have jurisdiction over a piece of
91 property that the town doesn't own and also does not believe it was the chief that

92 committed the violation. He applauds the chief's efforts in trying to move forward and
93 put the issue to rest. Mr. Russell is also unsure if the Planning Board could waive the
94 fees. He had some concerns that they would be setting a precedent.

95
96 Mr. Tombarello, Chairman of the Board of Selectmen, joined the meeting.

97
98 Mr. Tombarello noted he was unsure because it was an unusual situation. The Selectmen
99 would only waive the fees if it was approved by the Planning Board and if the Planning
100 Board accepted the application submitted by the Fire Chief. He noted if the Board
101 determined that another party needed to submit the application, then the town wouldn't
102 waive the fee.

103
104 Mr. Russell doesn't understand why the developer who created the violation isn't paying
105 for the fees. He noted the developer paid for the state fees for the state wetlands permit,
106 but won't pay for the town fees.

107
108 Mr. M. Brown asked if the selectmen were leaning one way or the other.

109
110 Mr. Tombarello noted the fire chief believes he told the developer to put the hydrant in
111 and believes he is responsible for the complication it has created. He is submitting the
112 application hoping to clear up the situation. The Selectmen were caught off guard and
113 were unaware the Fire Chief was coming to the meeting.

114
115 Mr. Russell noted the Chief shouldn't feel responsible because he wasn't responsible.
116 The request was made to the developer to put in some kind of fire protection for the
117 neighborhood and communication stopped there. The Planning Board wasn't even aware
118 that the pond was going in until after the work was completed. If the Board had known,
119 they would have flagged the development as having to get the proper permits.

120
121 Mr. Russell believes they should never have signed the mylars until they had all this in
122 place. There was pressure from the board that they be signed and because they were
123 signed, they no longer have any leverage. Mr. Russell reiterated he believes it is the
124 responsibility of the builder who created the violation to pay the fees and submit the
125 application.

126
127 Mr. Mencis questioned if the fire chief could even be the applicant.

128
129 Mr. Russell didn't believe he could be the applicant if the town doesn't own the property.
130 The Board discussed the issue and agreed the chief could be the agent. Mr. Nicolaisen
131 questioned if it should be the current owner of the home that should submit the
132 application. Mr. Russell believes that anyone could be the agent for the landowner. He
133 just doesn't think the town should be waiving the fees.

134
135 Mr. Tombarello asked if the builder was willing to pay the application fees which are
136 approximately \$950, would the issue be done and over with? Mr. Russell noted that as far
137 as the town is concerned it would be done and over with. He also noted that Conservation

138 has already stated they would make a favorable recommendation. There may be a few
139 minor things that need to be cleaned up at the site in terms of erosion control.

140

141 Members discussed the PREA account and the minimum balance. Ms. Cairns noted that
142 the PREA account had a \$0 balance and Mr. Villella was not willing to add money to
143 maintain a positive balance. Mr. M. Brown questioned what the balance of the PREA
144 account needed to be. The Board noted there wasn't a specific amount required, the
145 conditions of approval stated it needed a positive balance. Members agreed that needed to
146 be addressed in the subdivision regulations.

147

148 Mr. Mencis noted that the cleanest way for this to be addressed is for the applicant to pay
149 the \$250 application fee and put money in the PREA account. He didn't think the Board
150 could waive the fees.

151

152 Mr. Russell suggested the Board of Selectmen send a letter to the developer to have him
153 keep a positive PREA account.

154

155 Mr. M. Brown request that the applicant come to the next meeting to have a discussion.

156 Mr. Mencis agreed that would be a good idea. Mr. Russell disagreed and believes they
157 should have the Selectmen send a letter. The consensus of the Board was to invite Mr.
158 Villella to the next meeting.

159

160 Mr. Nicolaisen asked what they should do with the application and suggested having the
161 chief remain as the agent, but have the developer pay the fees. Mr. Russell noted that was
162 appropriate.

163

164 **MOTION:** Mr. Mencis made a motion to adjourn. Mr. M. Brown seconded the motion.
165 The Board voted unanimously in favor. The motion passed. MEETING ADJOURNED at
166 8:36 p.m.

167

168 Respectfully submitted,



169

170 Andrea Cairns, Recording Secretary