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**Sandown Planning Board
Minutes
October 1, 2013**

Date: October 1, 2013

Place: Sandown Town Hall

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

Also Present: Andrea Cairns - Recording Secretary

Absent: Mark Traeger – Chairman, Matthew Brown – Secretary

Opening: Mr. Russell opened the meeting at 7:05 p.m.

Review of 9/17/13 Minutes

L90 – change to “does not believe” and “nor did the chief”
Change “feel” to “believe” throughout

MOTION: Mr. Mencis made a motion to approve the 9/17/13 minutes as amended. Mr. Nicolaisen seconded the motion. Members voted in favor. Mr. Meisner abstained. The motion passed.

Correspondence

Community Development Finance Authority regarding planning grant opportunities. Mr. Russell asked if we could email a copy to Mr. Traeger.

7:15 p.m. – Public hearing for review of a Conditional Use Permit application to permit dredge and fill of jurisdictional wetlands to allow for the construction of a driveway. The application was submitted by Michael and Lisa Oleson and the subject property is identified on Map 12 as Lot 2-1 and is located on Odell Road.

Charlie Zilch from SEC Associates presented the application.

Mr. Zilch noted they created the subdivision about a year ago and the lot is currently undeveloped. There is an approved septic design. They would like to have access to the back of the property and have the site approved for a barn. There is a small wetland where the proposed driveway crossing would go. They are proposing an 18” culvert. The total dredge and fill would be about 500 ft. so it is a minimum expedited permit.

Mr. Zilch noted that the Conservation Commission signed off on the application and it has been sent to the Wetlands Bureau. He expects to have approval in the next few weeks from the Wetlands Bureau.

Mr. Keach stated that it conforms to the Sandown Zoning Ordinance. He reviewed his letter dated October 1, 2013. He noted the ordinance requires written confirmation from

45 the Town Engineer. It was a well put together application and he recommended they
46 approve it.

47

48 **MOTION:** Mr. Mencis made a motion to approve the application for a Conditional Use
49 Permit for the construction of a driveway submitted by Michael and Lisa Oleson and the
50 subject property is identified on Map 12 as Lot 2-1 and is located on Odell Road. Mr. E.
51 Brown seconded the motion. All members voted in favor. Mr. Nicolaisen abstained. The
52 motion passed.

53

54 **7:45 – Public hearing for Review of an application for a Major Subdivision**
55 **submitted by Rebecca Janco for a four lot Open Space Development. The subject**
56 **property is identified on Map 20 as Lot 3 and is located at 218 Fremont Road.**

57

58 *Mr. James Lavelle, Lavelle and Associates presented the application.*

59

60 Mr. Lavelle reviewed the proposal and all changes made to the plans. He noted that all
61 state approvals are in hand.

62

63 The proposed street is going to be called Newton's Way and it will be a private road.
64 There is an existing culvert, but it will be replaced and enlarged. There will be 120 sq. ft
65 of total impact to the area. They went to the Conservation Commission and gained
66 approval.

67

68 Mr. Russell noted that when the Board did an on-site visit, Mr. Keach made a suggestion
69 for relocation of Newton's way. Mr. Keach explained, along the right side of the road
70 they proposed a deep ditch line that would require a fair amount of excavation. They
71 changed the way that was handled based on his recommendation and there will be far less
72 disturbance to the land and will require less maintenance. Mr. Lavelle noted they took
73 Mr. Keach's suggestions into consideration and came up with a new design.

74

75 Mr. Russell noted there was also a suggestion regarding the turnaround. Mr. Lavelle
76 noted they did not have a formal letter of approval, but the Fire Chief did review the
77 design and stated his approval.

78

79 Mr. Meisner asked when they received their zoning approval. Mr. Lavelle noted they
80 received that on January 31, 2013 so it has not yet expired. Mr. Keach noted the
81 subdivision needs to be approved within one year of the Variance being granted.

82

83 Mr. Meisner stepped down because he sat on the Zoning Board for that hearing.

84

85 Mr. Keach reviewed his memo dated October 1, 2013. He noted they received all their
86 permits and reminded Mr. Lavelle to see Mr. Genuardo for a driveway permit.

87

88 Mr. Keach noted that it is a private road and therefore under RSA 674:41 I(d), lots are
89 eligible for building permits, but prior to the issuance of those permits, the Selectmen
90 have to authorize the issuance of those permits. It requires the owner to register a letter at

91 the Registry of Deeds stating they will maintain the road and the town will not hold any
92 liability.

93

94 Mr. Keach noted there will need to be a surety put in place if they want to record the plan
95 prior to construction of the road.

96

97 Mr. Keach noted they received a wetlands permit and they will need to submit a CUP
98 application.

99

100 Mr. Keach noted that there was something astray with note 16 on the plans. He ran his
101 own numbers and the numbers don't work. He will speak to Tim Lavelle about that so
102 they can tighten up the language of the note.

103

104 Mr. Keach noted because it is an OSD, they need to submit homeowner's association
105 documents. Once submitted, Ms. Cairns will forward that document to counsel to make
106 sure the language is acceptable to the town.

107

108 Mr. Keach didn't receive a copy of the application form, but thinks they might ask for a
109 waiver for section 9.23 of the Sandown Subdivision Regulations, since it is a family
110 subdivision.

111

112 Mr. Keach noted erosion control language needs to be addressed on the plans.

113

114 Mr. Keach reviewed in detail his notes on the roadway design. He would like Tim
115 Lavelle to call him to address some of the unusual situations because it is going to be a
116 private road. Having a 10% grade will be one. The hammerhead will be another and some
117 items regarding the vertical geometry. Our standards are for true town roads; in this case,
118 it is unusual because family members are the future residents. There will never be more
119 than four houses served by the road. They will likely ask for several waivers regarding
120 the road.

121

122 Mr. Keach feels the board can accept the application for formal consideration, but there
123 needs to be additional action taken on the application before it is approved. He noted they
124 can continue the hearing so they can get a full list of waiver requests, formal confirmation
125 from Chief Tapley and submit a CUP application.

126

127 Mr. Nicolaisen asked if the road really needed a stop sign. Mr. Keach noted it does
128 because it is a road, not a driveway.

129

130 **MOTION:** Mr. Mencis made a motion to accept the application for jurisdiction for a
131 Major Subdivision submitted by Rebecca Janco for a four lot Open Space Development.
132 The subject property is identified on Map 20 as Lot 3 and is located at 218 Fremont
133 Road. Mr. E. Brown seconded the motion.

134

135 Mr. Russell asked the public if they had any input. There was none.

136

137 Mr. E. Brown, Mr. Russell, and Mr. Mencis voted in favor. Mr. Nicolaisen abstained.
138 The Board voted in favor. The motion passed.

139
140 Mr. Lavelle thanked Mr. Keach for his effort. He asked if they could continue the hearing
141 to the November 5, 2013 meeting.

142
143 Mr. Russell confirmed that the hearing would be continued to November 5, 2013.

144

145 **Other Business**

146 *Review mylars for a Major Subdivision submitted by Virginia Morris for a five lot*
147 *subdivision. The subject property is identified on Map 5 as Lot 3 and is located at*
148 *Walnut Hill Road (Route 121) and Chase Road.*

149

150 Mr. Keach reviewed his letter dated October 1, 2013.

151

152 Mr. Lavelle presented a \$1,000 check for recreation.

153

154 There was only one officer present to sign the mylars.

155

156 **MOTION:** Mr. Mencis made a motion to approve the mylars submitted by Virginia
157 Morris for a five lot subdivision. The subject property is identified on Map 5 as Lot 3 and
158 is located at Walnut Hill Road (Route 121) and Chase Road; and for the Chairman, Vice
159 Chairman and/or Secretary to sign the mylars outside of the meeting. Mr. E. Brown
160 seconded the motion. All members voted in favor. The motion passed.

161

162 Mr. Russell signed the mylars.

163

164 **PREA Accounts**

165 Mr. Russell asked Mr. Keach to discuss PREA accounts and the minimum requirements.

166

167 Mr. Keach noted there has always been a condition of approval that until the project is
168 complete and constructed that the applicant maintain a positive PREA account.

169

170 Mr. Russell noted there was confusion over the minimum dollar amount that needed to be
171 in a PREA account to be considered positive and that that potentially an applicant could
172 have \$1 in their account and that could be considered positive. Mr. Keach noted that
173 technically that could be, but as soon as an invoice comes in, a phone call needs to be
174 made and if the funds aren't forthcoming, there is an issue.

175

176 Mr. Mencis suggested they could have a minimum balance of \$500. Mr. Keach noted
177 they could do that as a matter of policy

178

179 Mr. Russell noted most times there isn't an issue, but right now we do have an issue.

180

181 Mr. Keach discussed RSA 676:4-a (c) which states if you fail to meet a condition of
182 approval, then an application can be revoked in whole or part. You have to hold a public

183 hearing and notify abutters. You should notice the first mortgagee as well. He has never
184 seen it done for a few \$100, but has seen it done.

185

186 Mr. Keach would support a minimum balance if it was a reasonable amount. He doesn't
187 want to create cash flow issues for the developer/applicant. Having their money tied up,
188 is not completely fair to that person. He felt \$500 was a fair amount.

189

190 Mr. Russell proposed that they move forward and hold a public hearing at their next
191 meeting to get the situation resolved. Mr. Keach asked Mr. Russell if he was suggesting
192 they hold a revocation hearing for an applicant they are presently having an issue with.
193 Mr. Russell confirmed that was what he was suggesting.

194

195 Mr. Keach noted that under RSA 676:4-a I(c), this situation would qualify. He noted that
196 the condition which states they must keep a positive PREA account balance runs the life
197 of the project. Under RSA 676:4-a, they shall give notice to all abutters and should
198 include the Board's reason for revocation. He noted the hearing should be 30 days after
199 the postmark of the notices to provide time for the applicant to remedy the situation.

200

201 Mr. Mencis noted that the applicant was going to come before the Board and he
202 suggested waiting until that happens. Mr. Russell questioned what he would be coming
203 before the Board for. Mr. Mencis noted that the applicant's school of thought may be
204 wrong and they can educate that person at that time.

205

206 Mr. Russell noted they are not a new developer and someone well-versed with the
207 Subdivision Regulations.

208

209 Mr. Nicolaisen noted that they should begin the process of holding a public hearing.
210 When, or if, the applicant comes in to discuss the issue with the Board is irrelevant.

211

212 Mr. Meisner noted they don't have a positive PREA account balance, so they should
213 move forward. If they keep putting it off, then it won't be resolved.

214

215 Mr. E. Brown agreed they needed to move forward.

216

217 Mr. Meisner questioned what the language of the motion should be. Members discussed.

218

219 Mr. Keach noted they would need to notify all abutters provided at the time of the
220 application, plus any owners of the lots created and all first mortgagees.

221

222 Mr. E. Brown asked if keeping a positive PREA account was a condition of approval.
223 Ms. Cairns confirmed, it was the only condition of approval and clearly stated on the
224 Notice of Decision.

225

226 Mr. E. Brown asked who paid for the postage. Mr. Keach confirmed the town did.

227

228 Mr. Keach suggested taking the time to formulate a proper motion and wait until the next
229 meeting to move forward.

230

231 Mr. Nicolaisen agreed he would like to wait until the proper motion was crafted so they
232 didn't do anything wrong.

233

234 Members agreed to put the item on the agenda for next week as "discussion of possible
235 motion to pursue revocation of application under RSA676:4-a, include the subdivision
236 information as well as the plan number."

237

238 **Engineers Report**

239 Mr. Keach noted that last Wednesday he was in town and had a pre-construction
240 conference with St. Matthew's church. Their goal is to get the foundation on the ground
241 and get the building enclosed before winter. They are not going to attempt to open the
242 site for the winter. They want to work inside of the building for the winter. There will be
243 little to no clearing of the lot until the spring. He noted they will use the material that
244 comes out of the ground when they put the foundation in to create a staging area for the
245 construction trailer so they aren't occupying their existing lot. He noted that Bob Bogosh,
246 the Building Inspector, was also on-site.

247

248 Mr. Keach noted that he, Mr. Genuardo, and Mr. Chabot walked Valerie Way. It doesn't
249 appear that street monuments and bounds have been completely set. Mr. Lavelle believes
250 some of them have been and he will give them a quote to finish the job. Busby
251 Construction will give them a quote to finish the road. In two weeks he will be able to
252 report actual numbers.

253

254 Finally, there has been some discussion with Mr. Traeger about the adequacy of erosion
255 control on house lots in town. Mr. Traeger suggested Mr. Keach and Mr. Bogosh get
256 together. Mr. Bogosh was unclear as to how much authority he had to direct people to
257 take care of the situation. Mr. Keach clarified that he did have full authority to enforce
258 such measures. Mr. Keach suggested that Mr. Mencis and Mr. Bogosh work together to
259 keep track of erosion control.

260

261 Mr. Keach noted there are some lots on Riverbend/Montana Drive that have some erosion
262 issues. Mr. Villella stopped by while they were there. Mr. Keach noted when there is
263 erosion across an accepted road, he has an issue and that is the case on those two lots. He
264 was given assurances that the situation would be corrected and would stop by to make
265 sure they were taken care of.

266

267 Mr. Russell noted that a lot on Jana Circle was also having issues.

268

269 Mr. Keach noted that Mr. Bogosh wouldn't be aware of development agreements relative
270 to phasing. In order to make sure there are no building permits issued on phases that need
271 release given by the Planning Board, he will print out the phasing plan and highlight the
272 lots they can't give building permits to, and give that to Mr. Bogosh.

273

274 Mr. Keach noted that the Selectmen should discuss MCC Northwoods and lift the
275 moratorium on building permits. Bank of New England still believes that they can't sell
276 those lots so they should be given notice that they now can.

277

278 **Selectmen's Liaison**

279 Mr. Nicolaisen suggested they hold correspondence until the end of the meeting when
280 people are sitting in the audience waiting to be heard. The Board agreed.

281

282 **MOTION:** Mr. Nicolaisen made a motion to adjourn. Mr. Mencis seconded the motion.
283 The Board voted unanimously in favor. The motion passed. MEETING ADJOURNED at
284 8:53 p.m.

285

286 Respectfully submitted,



287

288 Andrea Cairns, Recording Secretary