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**Sandown Planning Board  
Minutes  
October 15, 2013**

**Date:** October 15, 2013

**Place:** Sandown Town Hall

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

**Also Present:** Andrea Cairns - Recording Secretary

**Absent:** Mark Traeger – Chairman

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

**Review of 10/1/13 Minutes**

**MOTION:** Mr. Nicolaisen made a motion to accept the 10/1/13 minutes as written. Mr. Meisner seconded the motion. Members voted in favor. Mr. M. Brown abstained. The motion passed.

Mr. Mencis joined the meeting at 7:10

**Correspondence**

DES Source newsletter

October 9, 2013 letter from Chief Tapley noting his approval for the Rebecca Janco subdivision.

Estimate from James Lavelle & Associates regarding monuments for Valerie Way/MCC Northwoods.

Email to Andrea Cairns from Jackie Fitzgerald Boyd in regards to Mr. Villella

**Discussion of possible motion to pursue revocation of an application under RSA 676:4-a I(c) for Hillside Estates. The properties are located on Meghan Drive, Jana Circle and Patricia Circle and identified on Map 17 as Lots 3-32, 3-33, 3-34, 3-40, 3-50 & 3-51**

Mr. Russell noted that Mr. Villella did bring in a check for his PREA account. He stated that there is no longer an issue under that agenda item since the PREA account is now current, but an issue with the CUP still remains for those lots.

Mr. Russell asked Mr. Keach if there is a violation with the absence of a CUP. Mr. Keach noted the issue on the agenda was in regards to the lack of a condition of approval to maintain a positive PREA account which is separate from the CUP. He noted that the

45 CUP is a zoning issue and would be handled as any zoning violation would. They could  
46 not pursue revocation for that issue.

47

48 Mr. Russell asked what the quickest and easiest measure of resolving the issue was so the  
49 Board could move forward. Mr. Keach noted that the provisions of the Zoning Ordinance  
50 cause the Board of Selectmen have the authority to remedy any zoning violation.

51

52 Mr. Meisner asked if anyone had any information regarding the progress of a CUP  
53 application. The Board did not have any information. Ms. Cairns reminded the Board that  
54 they received an application submitted by Chief Tapley, but no one has stepped forward  
55 to pay the fees associated with the application.

56

57 Mr. Russell requested they put the issue of the CUP on the agenda to discuss at the next  
58 meeting.

59

### 60 **Discussion Regarding Potential Zoning Amendments**

#### 61 ***Minimum Balance for PREA Accounts***

62 Mr. Keach noted that adding in language to clarify the minimum balance for a PREA  
63 account would be under the Subdivision Regulations and Site Plan Regulations and  
64 would not be a zoning amendment.

65

#### 66 ***Driveway Permit***

67 Last year the Board attempted to clarify the language of the driveway permit (Article II,  
68 Part C – Driveway Regulations-All Zones, Section 6). The regulation states there is a fee  
69 of \$20.00 for the issuance of a driveway permit. The fee is actually \$35. It was suggested  
70 that they take any reference of a fee out. Mr. Keach noted that the Selectmen establish a  
71 fee schedule, so taking the fee out is a good suggestion. He would work with Ms. Cairns  
72 to draft appropriate language for review at the next meeting. He suggested using the same  
73 language that is used under building permits.

74

#### 75 ***Language Encouraging a Village Center***

76 Mr. Keach passed around a packet that he prepared for the town of Danville in 2007.  
77 RPC hired Mr. Keach and a colleague to prepare language to create a village district in  
78 the Town of Danville. Danville wanted to create the opportunity for commerce and create  
79 the potential for other types of housing. Their ordinance stated the objectives which were  
80 statements from their master plan.

81

82 Mr. Keach reviewed the permitted uses through a site plan. They allowed for the  
83 conversion of buildings for uses such as: apartments, retail, professional offices, medical  
84 offices, banks, personal services, restaurants, bakeries, cafes, funeral homes, fraternal  
85 membership clubs, inns and bed and breakfasts and churches, education and day care  
86 facilities, nursing homes, governmental uses of land and buildings and animal hospitals.

87

88 Currently in Sandown's business district there is no ability to do multi-family dwellings  
89 and adaptive uses.

90

91 Mr. Keach noted they added several restrictions as well such as no drive-thru windows,  
92 or no outdoor storage of goods. Some of their restrictions were to limit the mixed use in  
93 terms of sizes of buildings.

94  
95 Mr. Keach didn't feel Sandown needs to create a new district, but could possibly expand  
96 on the commercial district that already exists. He doesn't see anything wrong with having  
97 mixed uses in a village district area. Everyone wants to preserve the rural character and  
98 often that means having shops on the bottom with living areas on the top floors. He noted  
99 what everyone thinks of as the quintessential downtown area is no longer feasible with  
100 modern zoning.

101  
102 Mr. Meisner noted that he tried to bring in a commercial building onto one of his  
103 properties and had a traffic study done on Route 121A. He noted there isn't enough  
104 traffic to encourage businesses.

105  
106 Mr. Keach noted that it's just the idea to create opportunity.

107  
108 Mr. Meisner noted that our main street is fully developed with homes. He also noted that  
109 he could get more in rent for residential than he could for an office building. He feels our  
110 current zoning is already reasonable.

111  
112 Mr. Meisner clarified that the business district actually starts at the town hall and ends  
113 right around Pheasant Run Drive. Mr. Keach suggested they possibly take a look at the  
114 map and see if that business district should be extended towards Hampstead.

115  
116 Mr. Meisner noted there are no vacant lots available to develop for business and many of  
117 the lots are small because they are on the lake.

118  
119 Mr. Keach noted that the Town of Deerfield did something similar 10 years ago and have  
120 has some small changes towards a village district. He noted that most of the businesses in  
121 Sandown have been successful and have been there for a long time. He questioned if they  
122 wanted to create opportunity for change down the line.

123  
124 Mr. Russell noted he would have a hard time considering fuel stations for environmental  
125 reasons with the proximity to the lakes.

126  
127 Mr. Keach suggested they look at Danville's list of permitted uses. He also asked them to  
128 think about the next time they drive out of town to spend money, where are they going  
129 and would they want to bring that type of business into town.

130  
131 Mr. Russell summarized that the board should think about the extension of the business  
132 zone as well as any potential uses.

133  
134 ***In-Home Occupation***

135 Ms. Cairns explained the reasoning for having this discussion, noting that ZBA has  
136 received several inquiries from residents wanting to put a business in their home. The

137 biggest hurdle for them is that they cannot have any foot traffic under the current zoning.  
138 She gave an example of a tax accountant who wouldn't have more than one person at her  
139 home at a time, but wasn't able to run that kind of business under the current zoning.

140

141 Mr. Meisner noted that ZBA deals with people wanting a variance for in-home  
142 occupation. They have to spend a considerable amount of time and money and every time  
143 it is in regards to certain criteria. They usually get caught up on criteria number 3 (the in-  
144 home occupation shall be carried on by the resident/owners or tenants, with the owner's  
145 permission, and employ no others; 9 (the use shall not create additional pedestrian or  
146 vehicular traffic); or 12 (the in-home occupation shall not involve the use of commercial  
147 vehicles for delivery of materials to or from the premises, which is not consistent with  
148 normal residential activities). He suggested loosening up those items slightly.

149

150 Mr. Mencis suggesting addressing all of them, citing that they should be able to have a  
151 small sign on their mailbox. Mr. Meisner noted they could under the sign ordinance.

152

153 Mr. M. Brown suggested making simple changes such as "no more than two cars at a  
154 time."

155

156 Mr. Meisner noted it would help the public and give them more opportunities.

157

158 Mr. Russell noted that he supports the change but questioned who would enforce it. Mr.  
159 Meisner noted that would fall under code enforcement.

160

161 Mr. Mencis noted that in the past, parking has become an issue. As long as there is  
162 suitable off-street parking so no one was parking on the street and creating safety issues.

163

164 Mr. Keach read through the Town of Derry's regulations and they had a residential  
165 district that could apply to Sandown.

166

167 Mr. Keach suggested that Ms. Cairns could put together some language and present it at  
168 the next meeting. Mr. Meisner noted that he liked the language he saw in Derry.

169

170 Mr. Nicolaisen questioned what the difference is if someone was working from home and  
171 someone was running parts of their business from their home. Why do some need to get a  
172 permit and others don't. Members agreed that should be clarified.

173

#### 174 *Duplexes*

175 Mr. E. Brown raised the issue at a previous meeting. He questioned why they needed  
176 extra frontage simply to add an extra bedroom.

177

178 Mr. Keach noted that the OSD ordinance allows for only 1.5 acres of land for a four  
179 bedroom home. If you are taking care of two families instead of one, the well and septic  
180 needs to accommodate the home and land needs. DES website states it only needs to be  
181 1.5 times the lot size. Why would duplexes require more than that for the same amount of  
182 bedrooms?

183

184 Mr. Meisner noted that he wouldn't have a problem changing the ordinance, but thought  
185 it was created so that duplexes weren't everywhere. People don't like to see homes with  
186 two front doors.

187

188 Mr. Keach noted under the current zoning, a building lot would need to be created  
189 specifically for a duplex.

190

191 Mr. Meisner noted that item C (the proposed duplex dwelling must not bring about any  
192 detriment to the property values in the vicinity) is a real grey area and really hard to  
193 dispute. An abutter could come in with a realtor and use that as ammunition against the  
194 applicant.

195

196 Mr. Keach noted they could make the language similar to the business district.

197

### 198 *Wetlands Ordinance*

199 Mr. Keach noted that without going to the extreme, there is some housekeeping that  
200 needs to be done with the town's wetland ordinance so it is consistent with state law. He  
201 stated that distances and setbacks can stay the same, but they should eliminate references  
202 that the state has more clearly defined. It needs to be more compatible with what an  
203 applicant needs to do anyway under state law. Sooner or later that ordinance is going to  
204 get the town in trouble. Currently the ordinance enables people to do things that are fully  
205 compliant in Sandown, but in violation with state law. Mr. Keach noted the definition of  
206 a wetland has change significantly. He suggested preserving 80% of the ordinance, but  
207 updating some of the language.

208

209 Mr. Mencis questioned what could go wrong if someone submitted plans. Mr. Keach  
210 explained that certain items the town requires aren't valid anymore. For example, he  
211 noted that the ordinance states the plans will be reviewed by RCCD, but the person that  
212 held that position at RCCD retired three years ago and wasn't replaced so plans no longer  
213 go to RCCD. He noted the local consultant pool knows how the board does business, but  
214 someone else could get us in trouble because we aren't even complying with our own  
215 regulations.

216

217 Mr. E. Brown felt that as long as no setbacks were changing and it was simply just  
218 wording to make us comply with the state, he would be comfortable moving forward with  
219 it. Mr. Mencis agreed.

220

221 Mr. Meisner thought that if there was a discrepancy, the more stringent standard would  
222 apply. Mr. Keach noted that would be the case. Mr. Meisner noted he would support  
223 making changes as long as there wasn't a lot that was changing.

224

225 Mr. Keach noted that the Board had to support the changes. Otherwise there was no  
226 reason in exploring it.

227

228 Mr. Nicolaisen, Mr. M. Brown and Mr. Russell all supported making minor changes to  
229 the ordinance as long as there were no changes made to setbacks.

230

231 Mr. Russell suggested putting the topic on the agenda for the next meeting.

232

233 **Other Business**

234 Mr. Mencis suggested that all the boards be trained in CPR and how to use the  
235 defibrillators. The fire department puts on the training. To have the knowledge would be  
236 a great asset to the town. Mr. Mencis will look into setting up a class through the fire  
237 department.

238

239 ***MCC Northwoods***

240 The Board received an estimate from James Lavelle and Associates for completing the  
241 monumentation on Valerie Way. The estimate was for \$3,750 requiring a deposit of  
242 \$1,250.

243

244 Mr. Keach noted that they have identified that the funds to complete the project are now  
245 available. There are two contractors that need to be hired with the proceeds of the surety  
246 to finish the job. They need to hire a land surveyor to set the monuments. Lavelle and  
247 Associates was the surveyor on record and could do the project most efficiently and cost  
248 effectively.

249

250 Mr. Keach noted they also need to hire a contractor to install the top coat on the road. It is  
251 in remarkably good shape because it sees no traffic and isn't plowed in the winter. Busby  
252 Construction has given an estimate to finish the work to pave, bring the shoulders up,  
253 remove some vegetation, install the stop sign and get the work done this fall. Busby has  
254 agreed to hold the same unit prices for the town.

255

256 Mr. Keach noted the proceeds are in another account and suggested the Board vote to  
257 authorize the treasurer to take those funds and transfer them to the PREA account and  
258 authorize Ms. Cairns to pay invoices so they can move forward with the completion of  
259 the project. Any money not used will have to be refunded, most likely to the bank that  
260 deposited the money.

261

262 Mr. Meisner asked if they were calling the surety. Mr. Keach explained they already  
263 called the surety which is why they have the funds for the project.

264

265 **MOTION:** Mr. Mencis made a motion to transfer the surety presently held by the town  
266 treasurer on behalf of MCC Northwoods for the completion of Valerie Way to the PREA  
267 account and authorize the Chairman to pay all bills related to this project which includes  
268 setting the monuments, road improvements and fees incurred by the town engineer  
269 overseeing this project. Mr. M. Brown seconded the motion. Members voted  
270 unanimously in favor. The motion passed.

271

272

273 Mr. Russell noted he attended the Municipal Law Lecture in Derry regarding Conflicts of  
274 Interest and Ethical Considerations for Land Use Boards. He is trying to find the  
275 materials to circulate and would recommend that everyone review the materials because  
276 there are some ethical issues on the board that people should know about. He noted that  
277 Ms. Donna Green attended a separate lecture and will circulate those materials as well.  
278

279 ***Road Bond Subaccount***

280 Ms. Cairns noted that there was one additional road bond account that could be  
281 transferred to the general fund. The Lawrence Academy bond had been called back in  
282 1993, but the funds were never transferred.  
283

284 **MOTION:** Mr. Mencis make a motion to transfer the balance of the Lawrence Academy  
285 road bond to the general fund. Mr. M. Brown seconded the motion. All members voted  
286 unanimously in favor. The motion passed.  
287

288 ***Stipulation Order***

289 Ms. Cairns noted that an agreement was reached in the Phillips Pond Estates access  
290 easement case. Mr. Holmes agreed to grant the easement to allow the fire department to  
291 access the pond and build a landing area for their equipment.  
292

293 Mr. Keach noted that one of the issues was Mr. Holmes was concerned about the town  
294 obtaining the proper wetlands permits. Mr. Keach provided a letter noted that no local or  
295 DES permits were required. He noted a shoreland permit may be required, but there are  
296 exemptions for certain improvements and this may qualify for an exemption because it is  
297 facilitating emergency vehicles. If a permit is required, the town will require JH Chase to  
298 obtain that permit.  
299

300 Mr. Russell questioned if the Board needed to approve the final work. Mr. Keach noted  
301 their final approval would come in the form of a bond release. Mr. Keach noted he would  
302 contact Mr. Villella to tell him he could complete the work.  
303

304 **MOTION:** Mr. Mencis made a motion to adjourn. Mr. Brown seconded the motion. All members  
305 voted unanimously in favor. The motion passed. MEETING ADJOURNED at 9:00 p.m.  
306

307 Respectfully Submitted,



308 Andrea Cairns  
309