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**Sandown Planning Board
Minutes
December 3, 2013**

Date: December 3, 2013

Place: Sandown Town Hall

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

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

Absent: Matthew Brown – Secretary, Steve Meisner

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

Approval of 11/5/13 Minutes

MOTION: Mr. Mencis made a motion to approve the 11/5/13 minutes as amended. Mr. Russell seconded the motion. All members voted in favor. The motion passed.

L209 add “how sensitive the area just above the Exeter River is...”

Correspondence

Notice of project of regional impact for the placement of a cellular tower in Deerfield.

Letter from Michelle Short notifying the Board that PSNH applied for a wetland permit for maintenance work they are doing.

Town & Country Magazine

Pamphlets from Granite State Future regarding a project trying to develop a master plan in NH.

7:15 p.m. - In accordance with RSA 674:4, the Sandown Planning Board will hold a public hearing for adoption of the proposed Master Plan.

There was no public in attendance.

The Board agreed they had no additional changes to make.

The Board discussed whether they were obligated to distribute copies to the town. The Board felt they should have a few copies available at Town Meeting with a sign-up sheet for people to request printed copies.

The Board agreed copies should be sent to all the departments that had input into the document including the Board of Selectmen, Fire Chief, Police Chief and Library. A thank you note should be sent to all parties that had helped with the creation of the document, including Fred Daley.

47

48 **MOTION:** Mr. Russell made a motion to accept the master plan as written. Mr. Mencis
49 seconded the motion. All members voted unanimously in favor. The motion passed.

50

51 **7:30 p.m. - Public hearing for Review of an application for a Major Subdivision submitted**
52 **by Rebecca Janco for a four lot Open Space Development. The subject property is identified**
53 **on Map 20 as Lot 3 and is located at 218 Fremont Road.**

54

55 *Jim Lavelle presented the application. There was no public in attendance.*

56

57 Mr. Lavelle noted they were seeking conditional approval pending approval of the condo
58 documents that the town attorney needs to approve. Mr. Lavelle noted the ones that were
59 drawn up were similar to Waterford Village Estates so he wasn't sure why she was
60 unhappy with them. Mr. Keach noted that Waterford Village Estates was approved as a
61 cluster development which is different from an Open Space Development.

62

63 Mr. Lavelle noted they had three waiver requests. One regarding the recreation donation
64 and two regarding the grading and configuration of the road.

65

66 Mr. Keach read through his letter dated December 3, 2013 which outlined his comments
67 on the most recent plans submitted.

68

69 Mr. Keach addressed comment three which stated that the applicant needs to provide a
70 hold harmless statement that is signed and recorded at the registry that relieves the town
71 of any liability since the road will be private. He noted that needs to be provided before
72 any building permits are issued and it should be recorded at the same time as the plans so
73 there is never an issue.

74

75 Mr. Lavelle read the recreation waiver request regarding Subdivision Regulation 9.23.
76 The letter indicated that the proposed subdivision will provide passive recreation through
77 the open space, a barn and a picnic area. They would like to give a \$250 donation per
78 newly created lot (four in total) in lieu of creating additional on-site recreation.

79

80 Mr. Nicolaisen felt at some point, the Board needs to find more uniformity in how they
81 grant waivers for this particular regulation. He was required to donate \$1,000 per lot or
82 cut walking trails along the river. He was comfortable with their suggested donation, but
83 felt the regulations should indicate a set donation amount so it is consistent.

84

85 Mr. Lavelle felt this property is different because of the open space available and it is a
86 small subdivision – they are only creating three lots.

87

88 Mr. Traeger noted the open space and picnic area is for the benefit of the subdivision
89 which is likely the intent of the ordinance.

90

91 Mr. Russell noted it is unique because it is a private way and not a town road. If it was a
92 town road he may feel a little different.

93

94 **MOTION:** Mr. Mencis made a motion to approve the waiver request for Subdivision
95 Regulation 9.23 requiring on-site recreation and instead accept a donation of \$250 per lot.
96 Mr. E. Brown seconded the motion.

97
98 *Discussion:* Mr. Nicolaisen wanted to bring up another fact that even though it is a
99 private way, there are families moving into that neighborhood with children who are
100 going to be playing on the town fields which the recreation development money helps
101 support.

102
103 All members voted in favor. Mr. Nicolaisen and Mr. Russell abstained. The motion
104 passed.

105
106 Mr. Lavelle read their second waiver request for Subdivision Regulation 9.22 table of
107 geometric design of streets to allow the proposed roadway to have a grade of 10% and a
108 modified k value.

109
110 Mr. Traeger noted that higher grade was encouraged by Conservation to lessen the cut
111 into the ground and decrease run-off.

112
113 Mr. Russell questioned why even though it is a private road, it's still subject to the same
114 requirements as a town road. Mr. Keach noted the regulations are to encourage safety and
115 adequacy and they were written in such a way that any road needs to comply.

116
117 **MOTION:** Mr. Russell made a motion to accept the waiver request to Subdivision
118 Regulation 9.22 to allow a 10% grade and use a modified k value. Mr. Mencis seconded
119 the motion. Mr. Nicolaisen abstained. The motion passed.

120
121 Mr. Traeger noted Mr. Nicolaisen was abstaining because he had a different personal
122 relationship with the applicant than the rest of the Board. Mr. Nicolaisen confirmed that
123 was correct.

124
125 Mr. Lavelle read their waiver request for subdivision regulation 9.24 to terminate the
126 proposed road in a hammerhead turnaround instead of a cul-de-sac. This is for less
127 disturbance in the area and it is approved by the fire department.

128
129 **MOTION:** Mr. Mencis made a motion to accept the waiver request for Subdivision
130 Regulation 9.24 to allow a hammerhead at the end of the road as approved by the fire
131 chief. Mr. Russell seconded the motion. All members voted in favor. Mr. Nicolaisen
132 abstained. The motion passed.

133
134 Mr. Keach noted that if the applicant wants to record the plan prior to building the road,
135 she would need to post a bond. If she wanted to build the road prior to recording the plat
136 she could just do a topcoat.

137

138 Mr. Traeger questioned why they would need to bond the road if it is a private road. Mr.
139 Lavelle noted that the plans have been scrutinized so that the road could be built
140 correctly, so why not bond it and make sure it is built to their standards.

141

142 Mr. Keach noted he thought they should handle it the way they normally do by having
143 her submit a bond prior to recording the plat and if she wanted to do something different,
144 she could come back to the board.

145

146 Mr. Keach noted that by having them add in note 12 on the plans (a requirement by the
147 State of NH) which states it will not be made a public way—they are insuring that the
148 intended dedication of the road cannot be changed and it will be a private road.

149

150 Mr. Keach read through his suggested conditions of approval.

151

152 **MOTION:** Mr. E. Brown made a motion to conditionally approve a Major Subdivision
153 application submitted by Rebecca Janco for a four lot Open Space Development. The
154 subject property is identified on Map 20 as Lot 3 and is located at 218 Fremont Road.

155

156 The following conditions shall apply:

157

- 158 1. Receipt of local driveway permit for proposed access to Fremont Road from
159 Director of Public Works.
- 160 2. Satisfy the requirements of RSA 674:41, I(d) relative to the issuance of building
161 permits on lots accessed by a private road and recording of acknowledgment of
162 limits of municipal responsibility and liability of even date with final plat.
- 163 3. Provide a performance guarantee, in an amount and form acceptable to the
164 Planning Board, to serve as a financial guarantee for successful completion of the
165 proposed private way and related infrastructure.
- 166 4. Receipt of correspondence from town counsel acknowledging her approval of final
167 draft of homeowner's association documents and recording of final draft of
168 documents of even date with final plat.
- 169 5. Receipt of correspondence from town engineer acknowledging all comments and
170 recommendations cited in his letter report of 12/3/13 have been satisfactorily
171 resolved.
- 172 6. Add note(s) to final plan acknowledging each waiver granted by Planning Board.
- 173 7. Maintain positive PREA account balance for duration of project.

174

175 Mr. Mencis seconded the motion. Members voted in favor. Mr. Nicolaisen abstained. The
176 motion passed.

177

178 **Proposed Changes to Zoning Amendments**

179

180 *Driveway Permit*

181 The change to the driveway permit was to remove the reference to a specific fee since the
182 Board of Selectmen is the one to determine that fee according to their fee schedule.

183

184 Mr. E. Brown feels there shouldn't be a fee at all. The road agent is full-time and receives
185 a salary and he should be receiving an additional fee for doing that work.

186

187 Mr. Nicolaisen noted that money comes back into the general fund which helps pay him
188 to do his job and pays for his time to do that inspection.

189

190 **MOTION:** Mr. Mencis made a motion to move forward with the driveway permit
191 zoning amendment as written and to post it for a public hearing. Mr. Russell seconded the
192 motion. Members voted in favor. Mr. E. Brown opposed. The motion passed.

193

194 *In-Home Occupation*

195

196 Mr. Traeger noted he was fine with having business in homes as long as he doesn't know
197 they are there.

198

199 Mr. Keach questioned if hairdresser or barber should be added. Members felt that could
200 be considered under Artist.

201

202 Under item 9 the Board wanted to remove "permit required by planning board."

203

204 Members discussed item 14 which stated "The in-home occupation shall not involve the
205 use of commercial vehicles for delivery of materials to or from the premises, which is not
206 consistent with normal residential activities." Members discussed what could be
207 considered "normal."

208

209 Mr. Keach noted any of the businesses listed aren't likely going to require commercial
210 vehicles coming in and out. Any vehicle they use as their personal vehicle shouldn't be
211 considered such as box trucks, paint vans, etc.

212

213 **MOTION:** Mr. Russell made a motion to remove item number 14 entirely. Mr. Mencis
214 seconded the motion.

215

216 *Discussion:* Mr. Russell feels the limitations we have on the business will eliminate the
217 need to have number 14 in there.

218

219 All members voted in favor. The motion passed.

220

221 Mr. Keach noted that item number 15 which stated that the business must not conflict
222 with any covenants in place. He noted that sounds harmless, but if you have deeds and
223 covenants, that would bring the municipality into that issue and it shouldn't.

224

225 **MOTION:** Mr. Nicolaisen made a motion to strike item number 15 entirely. Mr. Mencis
226 seconded. All members voted in favor. The motion passed.

227

228 Mr. E. Brown questioned item 1 which stated the "use shall not exceed a maximum of
229 25% of the gross floor area of the existing structure." He questioned whether a garage

230 should be considered in that 25% and asked if only the home was considered or a
231 combination of all buildings on the property. If we are going to include tradesman or
232 craftsman, they may want to be in a garage or barn.

233

234 Mr. Keach suggested changing it to say “25% of the total gross floor area of all existing
235 structures.”

236

237 The following changes were made to keep consistency in language:

238

239 E. 1. “business in her/his home”

240 2. change to “structures” and “the total space shall not exceed a maximum of 25% of the
241 total gross floor area of all existing structures.”

242 5. change to “on a residential property”

243 6. change “dwelling unit” to “of a building”

244 7. change to “outside of a building.”

245

246 **MOTION:** Mr. Mencis made a motion to move forward with the proposed in-home
247 occupation zoning amendment as amended and to post it for a public hearing. Mr. Russell
248 seconded the motion.

249

250 *Discussion:*

251 The following change should also be made:

252 Under E. 1 it should read: A permit for an in-home occupation may be granted by the
253 Building Department...at his/her home”.

254

255 All members voted in favor. The motion passed.

256

257 **Engineer’s Report**

258 Mr. Keach noted that Valerie Way has been paved. He and Mr. Genualdo will do a site
259 walk for final review. The Board received an invoice for the work, but Mr. Keach would
260 like for Mr. Traeger to hold off on approving it until they do their final walk-through. He
261 noted they would be doing that on 12/9/13 at approximately 9:30 a.m. if anyone on the
262 Board wanted to join them.

263

264 **MOTION:** Mr. Mencis made a motion to adjourn. Mr. Russell seconded the motion. All
265 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at
266 9:16 p.m.

267

268 Respectfully Submitted,



269

270 Andrea Cairns