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**Sandown Planning Board
Minutes
January 7, 2014**

Date: January 7, 2014

Place: Sandown Town Hall

Members Present: Mark Traeger – Chairman, Matt Russell -Vice Chairman,
Steven Meisner, Ed Mencis, Ernie Brown, Matthew Brown

Also Present: Recording Secretary - Andrea Cairns

Absent: Hans Nicolaisen – Ex Officio, Town Engineer - Steve Keach

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

Correspondence

Letter from James M. Lavelle Associates stating that all monuments have been set for the Amy Newton project.

Letter from the Conservation Commission giving a favorable recommendation for the CUP for the PSNH project.

Inspection Report from Keach Nordstrom for Valerie Way.

Review of 12/3/13 Minutes

MOTION: Mr. Russell made a motion accepting the minutes of 12/3/13 as written. Mr. E. Brown seconded the motion. Members voted in favor. Mr. M. Brown and Mr. Meisner abstained. The motion passed.

Public hearing for review of a Conditional Use Permit application to permit the thermal update of the existing 115kV H141 and R193 transmission lines. The application was submitted by PSNH. The entire project is within the existing right-of-way and is identified on Sandown Tax Maps 13, 17, 18, 19 and 20.

Presenting the application:

Tracy Tarr - GZA GeoEnvironmental, Inc.

Sandra Gagne – Public Service of New Hampshire

Laura Gaines - Public Service of New Hampshire

Ms. Tarr gave an overview of the project. She noted a thermal upgrade is needed because when the demand on a line increases, the lines heat up and sag. Federal regulations require the lines be a certain distance from the ground. In order to accommodate the sag, they need to increase the height of the lines. They are modifying poles in Sandown and they are also upgrading the splices where the lines connect. They are only performing 10 structure changes. There is no permanent impact to the wetlands. When they are in wetlands they will use matting to cross, resulting in little impaction to the wetland. When

45 the matting is removed the entire area is to be seeded and mulched to restore the area.
46 Most of the wetlands are maintained wetlands so there is no cutting of forested areas.

47
48 Ms. Gaines explained that ISO New England is charged with looking at the entire region
49 to forecast demand for the region. They run models to determine if one line went out, are
50 other lines capable of handling the increased demand. Their models determined the lines
51 needed to be upgraded. This was one of several improvement projects PSNH was urged
52 to take care of. They have several other upgrades within the state they are also working
53 on.

54
55 Mr. Russell asked how much of a percentage increase are they predicting. Ms. Gaines
56 noted the lines are capable of handling 100-140 degrees centigrade.

57
58 Mr. Russell questioned if all the wetlands have been flagged already. Ms. Tarr noted they
59 have. She also noted the during of the work will be short and will happen in the fall to
60 decrease the impact on any rare species.

61
62 Mr. Mencis questioned what the project would cost and if customers would be footing the
63 bill. Ms. Gagne noted it is a regionalized cost, so it will not be directly reflected in only
64 the Sandown customer bill. Ms. Gaines noted it is an innovative way to have more load
65 on the line instead of having to rebuild the entire line. It will make the system more
66 reliable. Ms. Gagne noted eventually it does work its way into the bill, but rather than be
67 a local fee it is a regionalized cost because the entire region relies on it. Sandown will not
68 be the only area to pay those costs.

69
70 Mr. Mencis questioned why all electric companies that buy electricity from PSNH aren't
71 given the same rate. Ms. Gagne noted all of the electric providers buy from the market
72 and they bid on the electricity at different prices. They take a certain amount of risk in
73 buying that portion of the market. She noted she is not versed on the topic and
74 encouraged anyone who wants a clear answer to contact the customer service department
75 at PSNH.

76
77 Mr. Russell asked if they had an NHDES Permit.

78
79 Ms. Tarr noted they have an approved shoreland permit and the wetlands permit is
80 pending but they do have an application on file. She also noted the Conservation
81 Commission and the Town Engineer both gave favorable reviews.

82
83 Mr. Traeger noted at the last Exeter River Advisory Committee meeting he attended, he
84 found out that Danville was requesting their wetland access be permanent instead of
85 temporary. Their logic behind that request is that the ATV traffic creates larger and larger
86 impacts around the wetlands. If they had a permanent crossing, people might stay on the
87 road and impact the wetlands less. If an individual wanted to talk to you about changing
88 an impact into a permanent one, could they talk to you about that?

89

90 Ms. Gagne noted that in working with NHDES they try and minimize impacts as much as
91 possible. They would not put in a permanent crossing unless they absolutely had to.

92
93 Ms. Tarr noted they would have to fence in a wetland to guide them to stay on the
94 permanent crossing because even if they did create a permanent crossing, ATVs prefer
95 mud and would still likely go into the wetlands.

96
97 Ms. Gagne also noted they do not want to encourage ATV traffic. Most of their lines are
98 on easements and on any property they own, they don't allow ATVs on their property.

99
100 Mr. Russell recused himself because he is an abutter.

101
102 Ms. Tarr noted there were a couple of requests on the engineering review letter that she
103 wanted to address. One request suggested the town have a third party to monitor erosion
104 control. She noted PSNH does extensive monitoring on an almost daily basis and she is
105 the one to do that monitoring. She felt that she was already the third party monitoring, so
106 to have an additional person would be overkill. She noted they would be happy to provide
107 reports to the town of their findings.

108
109 Mr. Traeger noted the town has a wetland scientist on staff and asked if he would be able
110 to go on-site. Ms. Tarr noted he would be more than welcome to go on site.

111
112 Ms. Tarr noted that Mr. Keach's letter also recommended that PSNH provide a surety.
113 Ms. Gagne noted they could do that, but she would need to know the bond amount. She
114 noted they don't usually have to do that for maintenance projects. She added they are a
115 regulated utility and are going to do what they promise to do.

116
117 Ms. Tarr noted the difference in the project is that the town isn't going to take over the
118 maintenance of a line the way they would if it was a road.

119
120 Mr. M. Brown thought it seemed redundant. They are coming to us saying they want to
121 upgrade their equipment. It wouldn't make sense for them to not finish it.

122
123 Members agreed a surety was not needed.

124
125 *Nick Souza – 206 Fremont Road*

126 Mr. Souza asked if they weren't able to obtain the CUP, did PSNH have a plan B for the
127 line. Ms. Gagne noted they would appeal any decisions and ask for reconsideration.

128
129 Mr. Souza also asked how long the upgrade was projected to work for? Ms. Gagne
130 wasn't sure of the timeframe on that. Ms. Gaines noted that ISO does the forecasting on
131 what they expect the demand to be and they continually reassess that.

132
133 Mr. Souza noted there is a proposed energy project for most of the state of NH. Is that
134 going to make it so they would have to come in and do more work? Ms. Gaines noted

135 that this project has been identified as one that has to be addressed. It is not dependent on
136 the Northern Pass, it needs to be done regardless of that project.

137

138 Mr. Russell noted they are only here to look at potential wetlands issues. It has nothing to
139 do with the work being done. It really is just about wetland impacts.

140

141 Ms. Tarr noted they had a letter from the Conservation Commission stating they gave a
142 favorable recommendation for the CUP.

143

144 **MOTION:** Mr. Mencis made a motion to conditionally approve the Conditional Use
145 Permit application to permit the thermal update of the existing 115kV H141 and R193
146 transmission lines for the application submitted by PSNH. The entire project is within the
147 existing right-of-way and is identified on Sandown Tax Maps 13, 17, 18, 19 and 20.

148

149 *The following conditions apply:*

- 150 • Receipt of the NHDES Wetlands Permit
- 151 • Maintain positive PREA Account

152

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

154

155 Mr. Russell came back to the meeting.

156

157 **Public hearing for review of a Conditional Use Permit application for a fire pond**
158 **submitted by the Sandown Fire Department. The subject property is identified on**
159 **M17, L3-21 and is located on Meghan Drive.**

160

161 Mr. Jim Lavelle presented the application and reviewed the updated plans. He noted he
162 was there on behalf of the Sandown Fire Department. He is not representing them, but
163 stated his office would present the application.

164

165 Mr. Lavelle noted they recently received a letter from NHDES denying the application.
166 They can appeal that and are in the process of doing that. They have a separate entity
167 presenting that appeal to NHDES and they understand any approval would be subject to
168 NHDES approval.

169

170 Mr. Lavelle reviewed a letter from the Conservation Commission giving a favorable
171 recommendation for the CUP.

172

173 Mr. Lavelle noted when the pond first went in, they were skeptical of the location,
174 especially what would happen in the summer. He went out to the site and found there was
175 water there all summer and there was a lot of aquatic life there. The feeling is that the fire
176 pond was needed in the subdivision and the developer and the fire chief chose the
177 location and it seems to be working well.

178

179 Mr. Traeger noted it sounds like the NHDES application was denied mostly because of
180 administrative issues.

181

182 Mr. Russell noted that the state still has Tiffany Lee Homes as the owner. He asked Mr.
183 Lavelle if he was representing the landowner. Mr. Lavelle noted he was not. Mr. Russell
184 noted there is a landowner who owns the property that the pond is on, who may or may
185 not know their property is in violation with NHDES. Mr. Lavelle noted he doesn't not
186 know if the current owner is aware of that.

187

188 Mr. Russell noted when the mylars for this project were before the board, he was opposed
189 to signing them. He is bringing that up again because the Board shouldn't be doing
190 business like that again. They need to have all permits in place so they don't have any
191 ambiguities. He does not want that situation to happen again.

192

193 Mr. Lavelle noted he wasn't aware the signing of those mylars was contingent upon this
194 pond at all. Mr. Russell noted they were, it was part of the subdivision requirement that a
195 fire pond be put in.

196

197 Mr. Traeger noted they have a CUP application with an NHDES permit that has been
198 denied. He asked the Board if they wanted to wait until they had NHDES approval before
199 moving forward.

200

201 Mr. E. Brown asked Mr. Lavelle if he felt they could achieve what the state wants then to
202 do. Mr. Lavelle noted they have an outside consultant who is familiar with the DES
203 process and is helping them prepare the revised application. He has been told it is very
204 doable.

205

206 Mr. Traeger questioned given the history and to avoid any more issues, should we wait
207 until everything is lined up? The Board and Mr. Lavelle agreed to push the hearing to
208 March 4, 2014 and wait to have the NHDES Wetlands Permit in hand.

209

210 **Public Hearing pursuant to RSA 675:3 for consideration of the following**
211 **amendment to the Zoning Ordinance:**

212 **Amendment 1: To amend the text of Article II-Part C-Section 6 to read: "There**
213 **shall be a fee for the issuance of a driveway permit and for each on-site inspection**
214 **required pursuant to Sections 1 and 2 of this Article II. The Board of Selectmen**
215 **shall adopt and maintain a schedule of such fees, which shall be available to the**
216 **public at the Sandown Town Offices."**

217

218 *There was no public in attendance to discuss this amendment.*

219

220 **MOTION:** Mr. Russell made a motion to move Amendment 1 to read as stated to the
221 ballot in March. Mr. Mencis seconded the motion.

222

223 There was no discussion.

224

225 Members voted in favor. Mr. E. Brown abstained. The motion passed.

226

227 **Public Hearing pursuant to RSA 675:3 for consideration of the following**
228 **amendment to the Zoning Ordinance:**
229 **Amendment 2: To delete the text of Article II-Part A, General Regulations-All**
230 **Zones, Section 18-In Home Occupation Ordinance in its entirety and replace it with**
231 **a new Article II-Part A, General Regulations-All Zones, Section 18-In Home**
232 **Occupation Ordinance. A copy of the complete text of Zoning Amendment 2 is**
233 **available for review in the Town Clerk's Office during regular business hours or**
234 **you may view it at www.sandown.us.**

235

236 Mr. Mencis asked if there was any grandfathering. Mr. Meisner noted there would be
237 grandfathering. They are regulated by the zoning ordinance at the place and time of their
238 approval and whatever conditions are given during their approval.

239

240 Mr. Meisner noted there was one issue under Section F. It stated that a special exception
241 is required in certain situations. He noted there is no special exception in our local zoning
242 ordinance for in-home occupations so it would need to be changed to a "variance is
243 required in certain cases." No one would ever be able to get a special exception because
244 no special exception exists.

245

246 Mr. Meisner also had concerns about Section E, which listed the acceptable trades. He
247 noted he could think of many businesses that currently exist that don't fall into those
248 categories. Mr. Russell noted they tried to keep it as general as possible. Mr. Meisner
249 noted when things aren't specifically spelled out, is when they typically have issues. Mr.
250 Russell noted they tried to make it as flexible as possible without excluding any
251 reasonable viable home business.

252

253 Mr. Traeger noted that sections 2-13 are trying to reduce the impact to neighbors. The
254 Board's intent is not so much what you are doing, but how you are going to impact.

255

256 Mr. Meisner questioned if people come in and they aren't on the list, will there be issues.

257

258 Mr. Traeger questioned how they could make a more inclusive list.

259

260 Mr. Meisner noted that if there was no list of professions and just the list of criteria, it
261 would be easier on the building inspector. It seems like every 5-10 years in-home
262 business changes and it creates confusion.

263

264 Mr. Russell asked Mr. Meisner if he was suggesting to remove the last sentence of
265 number 1 and the list? Members agreed they weren't opposed to that and weren't sure
266 how to make it an all-inclusive list without leaving something out.

267

268 Mr. Meisner noted he has confidence in our building inspector to look at the criteria and
269 make a decision from there.

270

271 Mr. E. Brown agreed it was appropriate to remove the list. He asked Mr. Meisner if he
272 felt the gross area of 25% was appropriate and questioned if people typically needed

273 more space than that. Mr. Meisner noted he doesn't feel that number is unreasonable and
274 it seems to be working.

275

276 Mr. Russell questioned if they were all in agreement that they would strike the last
277 sentence and remove the list. All members agreed.

278

279 *Brian and Cynthia St. Amand – 2 Rowell Lane*

280 Mr. St. Amand noted their concern was that every building on the site could now be used
281 in the 25% calculation. Even a large barn on the property could be used. They felt if it
282 was just limited to a person's home, it would just be office space. Mr. E. Brown noted a
283 lawnmower maintenance person is going to use his garage, not his living room.

284

285 Mr. Meisner noted they would have all the other restrictions to abide by, even if they
286 have 4,000 sq. ft. of buildings and could use 1,000 sq. ft., they still have to meet all other
287 restrictions, and so the type and size of the business would still be limited.

288

289 Mr. St. Amand noted that if someone purchased lawnmowers to repair and resell, they are
290 technically now their property so he could potentially put those outside. Once that person
291 owns them, they can put them in the yard. There are a lot of cans of worms that could be
292 opened. He lives in a cul-de-sac and he didn't expect to live next to a large business.

293

294 Mr. M. Brown noted if someone is going to put 1,000 lawnmowers in their yard, they are
295 going to do it regardless. As a Board, we can set perimeters to try and prevent that as
296 much as possible. If someone is going to put junk in their yard, they are going to do it
297 regardless of their business.

298

299 Mr. St. Amand feels that people should be able to run a business out of their home, but
300 had other concerns. He noted the proposed amendment states the business shouldn't
301 change the outside appearance of the building, but they are allowed to have a sign.

302

303 Mr. Meisner noted right now, you can put a sign in front of your house. Mr. St. Amand
304 noted that wasn't for a business. Mr. Mencis felt that business should be able to put up a
305 sign.

306

307 Ms. St. Amand noted, what if you have 10 homes in a neighborhood with businesses, you
308 could potentially have signs on every home and that could take away from the residential
309 feel of the neighborhood. You say you want to keep it residential, but policing it is non-
310 existent; one or two cars for a business is impossible to police. If the neighbors are
311 unhappy they have to be the ones to complain and that creates tension. She questioned
312 how they could change the regulations to allow more, when the town can't police what is
313 already there.

314

315 Mr. St. Amand noted they allow for one car per employee and one customer. Is that an
316 additional car every 15 minutes? Every half hour? There are no restrictions on how many
317 customers they can have per day. They also felt the ordinance should be more clear on
318 how many hours a day can a business be open or how many days per week.

319

320 Mr. Meisner asked if they preferred the old ordinance better than this one. The St.
321 Amands noted they preferred the current ordinance.

322

323 Mr. St. Amand noted currently there is no follow-up in town to see if businesses are
324 reapplying every year for a new permit.

325

326 Mr. M. Brown noted it seems like if someone wants to violate the rules, the Board can
327 make all the rules they want and they are going to do it anyway.

328

329 Mr. St. Amand noted they hoped they could get the help they needed from code
330 enforcement but they didn't.

331

332 Ms. St. Amand noted the Board is opening up the regulations and the town can't enforce
333 the ones that already exist. Are other neighbors going to have the same issues they are
334 having.

335

336 Ms. St. Amand noted you could be talking about hundreds of cars that are now going
337 through a neighborhood. If you have an accountant with 150 clients, you are going to
338 notice 150 cars going by your house every day.

339

340 Mr. Meisner suggested maybe stating that in-home businesses couldn't be allowed on
341 non-through streets

342

343 Mr. Traeger suggested they could specify ASHTOW standards

344

345 Mr. Meisner noted regardless of what you put down in the regulations, you are infringing
346 on someone's rights.

347

348 Ms. St. Amand noted there is also a safety issue. You know what cars belong and what
349 cars don't in your neighborhood. If a lot of strange cars are coming in and out of your
350 neighborhood, it becomes harder to watch out for your neighborhood.

351

352 Mr. and Mrs. St. Amand thanked the Board for listening to their concerns; they hoped the
353 board would take the time to have more discussion. They noted they've been through a
354 lot and wanted to avoid that for someone else.

355

356 Mr. Meisner noted that before the current ordinance was created, an applicant used to
357 have to go before the board and neighbors would have an opportunity to speak their
358 mind. Now you are having the building inspector do it. It's a lot of responsibility for one
359 person. The neighbors should have some input.

360

361 Mr. Traeger noted he agrees with their concerns about traffic. Mr. Meisner noted that is
362 why he suggested non-through roads. Most of the issues he's seen have been on cul-de-
363 sacs.

364

365 Ms. St. Amand noted on non-through streets, it would double the traffic because they
366 have to go by your home twice. Mr. St. Amand noted people who don't live in your town,
367 don't respect it as much. They don't respect speed limits.

368
369 Mr. Meisner noted local zoning in general provides hours of operation for all business in
370 town. He also noted that currently, there are no occupancy permits in the town of
371 Sandown for an office in the business zone.

372
373 Mr. M. Brown questioned how they could limit traffic. The St. Amands suggested
374 limiting the business and specify only a certain number of cars per day.

375
376 Mr. Traeger suggested stating customer traffic should not exceed 25% of daily traffic on
377 the road, which the business is located. You could monitor it by doing a count during
378 business hours. Mr. Meisner noted that could get complicated and overwhelm the
379 building inspector.

380
381 Mr. Mencis felt it is pretty simplified. He doesn't want to take rights away from anyone.

382
383 Mr. Meisner noted if they did limit it to through streets, someone who didn't meet that
384 requirement would have the opportunity to go through the variance process. History tells
385 us it is the non-through streets where the problems with traffic come in.

386
387 Mr. M. Brown noted he lives in a cul-de-sac and he's torn as to whether he would want
388 additional cars coming through the neighborhood but on the other hand he would also
389 want the opportunity to run a business in his home if he wants to.

390
391 Mr. Meisner suggested they could also put in a special exception section for in-home
392 business and take the permitting process away from the building inspector and have the
393 applicant go through a hearing. That way abutters would be notified.

394
395 Members discussed pushing the amendment off until next year so they would have more
396 opportunity to discuss.

397
398 Mr. E. Brown questioned what they were trying to correct in the first place.

399
400 Mr. Meisner noted he brought it up because they have been having issues with people
401 wanting home occupations but they didn't qualify.

402
403 Mr. E. Brown noted where the town doesn't have much commercial property, he wanted
404 the opportunity to allow people to run a business out of their home, and especially with
405 the economy the way it is.

406
407 Mr. Russell noted he thought they were creating a limited opportunity for businesses.

408
409 Mr. Meisner suggested they could do one version where they go to the building inspector,
410 which wouldn't allow for any traffic or employees, then take the other criteria and create

411 a special exception section so they would go before the board. He felt they could spend
412 more time next year really exploring options.

413
414 Mr. Russell noted he appreciated Mr. Meisner's input because he has a different
415 perspective being on the zoning board.

416
417 Mr. Meisner noted he would like to see the building inspector have a lot more input on it
418 as well.

419
420 Members agreed to table the discussion to next year.

421
422 Mr. E. Brown noted it would be nice to hear from someone who has a business and what
423 they would like to see.

424
425 **MOTION:** Mr. Traeger made a motion to table the proposed zoning amendment 2 for
426 another year for more discussion. Mr. Mencis seconded the motion. All members voted in
427 favor. The motion passed.

428
429 **Other Business**

430 Ms. Cairns noted they received a letter from James M. Lavelle stating that the
431 monuments for the Amy Newton project have been placed so that bond could be released.

432
433 **MOTION:** Mr. Mencis made a motion to release in full the surety held for the Amy L.
434 and Jeffrey Newton. Mr. M. Brown seconded the motion. All members voted in favor.
435 The motion passed.

436
437 **MOTION:** Mr. M. Brown made a motion to adjourn. Mr. Mencis seconded the motion.
438 All members voted unanimously in favor. The motion passed. MEETING ADJOURNED
439 at 9:03 p.m.

440
441 Respectfully Submitted,



442
443 Andrea Cairns