

1 Sandown Planning Board
2 Minutes
3 April 1, 2014
4

5 **Date:** April 1, 2014

6 **Place:** Sandown Town Hall

7 **Members Present:** Mark Traeger – Chairman, Matt Russell -Vice Chairman,
8 Steven Meisner, Ed Mencis, Ernie Brown, Doug Martin, Steve Brown – Ex Officio

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

10
11 **Opening:** Mr. Traeger opened the meeting at 7:06 p.m.
12

13 **Approval of the 3/18/14 Minutes**

14 L108 add “such as” in front of Steve Keach and Gerry Miller

15 **MOTION:** Mr. Mencis made a motion to approve the 3/18/14 minutes as amended. Mr.
16 E. Brown seconded the motion. Mr. Traeger and Mr. S. Brown abstained. The motion
17 passed.
18

19 **Correspondence**

20 Invitation from DES to the annual drinking water source protection conference
21

22 Annual report from Rockingham County Conservation District. Mr. Traeger noted that
23 Sandown benefited from the work that RCCD does on the Porter property. They put in
24 gates and culverts on the property.
25

26 A letter from DES notifying the Board that the wetland permits for Meghan Drive was
27 denied. DES is asking that everything be removed by May 26th and restored to the
28 original condition. Mr. Traeger noted that Chief Tapley has discussed the issue with DES.
29 It is now a matter between the state and Boemark Construction. Mr. Martin asked how
30 they enforce it. Mr. Traeger noted the letter references that the Attorney General will be
31 notified of the violation.
32

33 Mr. Russell questioned, while it isn't in the Planning Board's jurisdiction in terms of
34 resolving the issue, do they have a subdivision that is no longer in compliance? Mr.
35 Keach didn't feel they did, but needed to do a bit of research. He noted the piece of
36 property that the pond is on, is outside the area of the lot line adjustments. He will do
37 some research to determine if the lot line adjustment application was approved without
38 the benefit of fire protection. It will depend on how the conditions were worded.
39

40 Mr. Russell asked if there was anything the town could do so the issue wouldn't drag out
41 any longer. Mr. Keach noted, what is in the board's immediate purview is the need for
42 fire protection and the lot line adjustment approval. If this order is allowed to stand
43 without some sort of resolution, and the pond does have to disappear, then that will need
44 to be considered on how it will impact the lots approved by that lot line adjustment.
45

46 Mr. Russell asked if they should find out what the developers plans are before the May
47 26th deadline. Mr. Keach didn't feel the board had the authority to do that. The matter is
48 between DES and the builder. There isn't an opportunity for intervention.

49

50 Mr. Traeger noted the topic wasn't on the agenda for that evening, just part of our
51 correspondence, if the Board wants to discuss the issue further they should put it on their
52 agenda for another night.

53

54 Mr. Mencis asked if DES took into consideration that they want to tear something out
55 that is in place for life and safety, what is their thought process on doing that? All those
56 people should be notified. Mr. Traeger noted they lived there before the fire pond; it
57 didn't come into existence until May or June. He noted that Chief Tapley has been in
58 contact with DES.

59

60 Mr. E. Brown questioned if there was a permit issued for the culvert when the original
61 subdivision was approved. Mr. Keach noted there were a series of wetland crossings that
62 were permitted, but the construction of the fire pond was not part of those. The culvert
63 that is there was permitted. Mr. E. Brown questioned how the wetland could be labeled as
64 a vernal pool if there is water flowing out and a culvert is needed. Mr. Traeger noted it
65 may have been a vernal pool before the work was done, but the construction changed the
66 nature of the wetland. He also noted that had the normal review process taken place, they
67 could have determined if it was in fact a vernal pool before the fire pond was put in.

68

69 Mr. Keach noted that if there is a linkage to the text in the conditions of approval
70 regarding suitable fire protection, then the board will need to revisit the issue and find an
71 alternate means to rectify the situation. He noted it is certainly an asset to the fire
72 department. Eban Lewis from DES is obligated under the code of administrative rules
73 and statutes to write that letter. If people had put as much energy into proper planning
74 and going about things in a right path then this entire thing could have been avoided. As a
75 result, Chief Tapley is at risk of losing a resource that was desperately needed.

76

77 **Appointment of Officers**

78 **MOTION:** Mr. Mencis made a motion to appoint Mr. Ernie Brown as Chairman.

79

80 *Discussion:* Mr. Mencis added that he felt a change of pace would be nice. Mr. E. Brown
81 agreed to take the position if the board agreed.

82

83 Mr. Russell seconded the motion.

84

85 Mr. Russell, Mr. Meisner, Mr. Mencis and Mr. S. Brown voted in favor. Mr. E. Brown
86 abstained. Mr. Traeger and Mr. Martin opposed. The motion passed.

87

88 **MOTION:** Mr. S. Brown made a motion to appoint Mr. Mencis for Vice Chair. Mr. E.
89 Brown seconded the motion. Mr. S. Brown, Mr. E. Brown and Mr. Mencis voted in
90 favor. Mr. Russell, Mr. Traeger, Mr. Meisner and Mr. Martin opposed. The motion failed.

91

92 **MOTION:** Mr. Mencis made a motion to nominate Mr. Martin as Vice Chair. Mr.
93 Martin noted he would not be comfortable since he is a new member of the board.

94
95 **MOTION:** Mr. Meisner nominated Mr. Russell as Vice Chair. Mr. Traeger seconded the
96 motion. Mr. Mencis, Mr. Traeger, Mr. Meisner, Mr. E. Brown and Mr. Martin voted in
97 favor. Mr. S. Brown opposed. Mr. Russell abstained. The motion passed.

98
99 **MOTION:** Mr. Traeger nominated Mr. Mencis as Secretary. Mr. Meisner seconded the
100 motion. All members voted in favor. The motion passed.

101
102 **Discussion with Potential Alternate Member**

103 The board received a letter from Lisa Butler requesting to be considered for an alternate
104 position.

105
106 Mr. S. Brown noted the board's bylaws state they can have up to five alternates. The
107 board wasn't aware of that. Mr. S. Brown questioned how the board would assign
108 alternates if there were several present at a meeting. Mr. E. Brown noted that in the past,
109 when he served as alternate, they would take turns at each meeting.

110
111 Mr. Traeger noted the board hasn't visited their bylaws in a long time and it might be
112 something to address.

113
114 **MOTION:** Mr. Mencis made a motion to appoint Ms. Butler as an alternate expiring
115 March of 2015.

116
117 *Discussion:* Ms. Butler was present at the meeting. She noted she had the time and feels
118 she would have something to add to the board.

119
120 Mr. Russell seconded the motion.

121
122 All members voted in favor.

123
124 Ms. Butler questioned in order to meet, does the board just need to make quorum or do
125 they always have to have seven members present. Members noted they only need a
126 quorum, which is four members. Mr. Keach noted that the only position that can't be
127 filled with an alternate is the Ex-Officio.

128
129 **Discuss 2014 Goals**

130 Mr. Traeger noted that there is a lot of talk about reducing taxes in town. He feels it
131 would be great to bring in new business and would love to see the board work on the
132 town's commercial business zone to make it more attractive to someone willing to invest
133 in Sandown. Mr. Traeger added they can't convince someone to come in, but they can
134 make it more attractive.

135
136 Mr. Mencis suggested they could expand the current business zone and make it go the
137 entire length of 121A.

138

139 Mr. Traeger also noted he would like to discuss the in-home occupation zoning
140 ordinance.

141

142 Mr. Martin noted there is an opportunity for improvement with the wording of the
143 ordinance. Mr. Traeger agreed they should do their best to make it as clear as possible to
144 the applicants.

145

146 Mr. Keach noted that they paved the road at the industrial subdivision just before the
147 snow came. They will be going to the Selectmen soon to recommend that they accept the
148 road. He noted the owners of those eight properties should be notified that the road has
149 been paved. Mr. Keach also noted that the Selectmen put a cease and desist on building
150 because of the road. He recommended that the board send a letter to the Selectmen and
151 the building inspector stating the moratorium is no longer required. The Board agreed a
152 letter should also be sent to the owners of the lots on Valerie Way.

153

154 Mr. S. Brown questioned where the commercial zone in Sandown was. Keach explained
155 the location—a portion of Main Street from Town Hall to Pheasant Run Drive and
156 Owen's Court. Mr. Keach noted that Busby may potentially be a great location for
157 industrial use when the pit is exhausted.

158

159 Mr. Traeger noted he would also like to see the subdivision regulations and zoning
160 ordinances cleaned up and added the fire chief has asked us to put in fire suppression
161 language. That way people can make an upfront decision about whether they want to
162 come to Sandown.

163

164 Mr. Martin suggested also looking at the bylaws to make sure they are updated.

165

166 **Discussion regarding potential subdivision regulation amendments**

167 Ms. Cairns updated the board on the two PREA accounts. She noted there was still
168 question as to whether the town would pay the Keach Nordstrom invoice for Phillips
169 Pond Estates or if they should pursue having the developer pay for it. Mr. Russell asked
170 Mr. Keach if they could use the \$5,000 bond that is in place to pay for that invoice. Mr.
171 Keach noted they could not because that wasn't the reason the surety was given.

172

173 Mr. Keach noted the sum of \$5,000 is more than sufficient to put in the driveway. He
174 noted that his office will follow-up and make sure that the driveway gets put in.

175

176 Mr. Russell asked if they could hold the surety until the PREA account was brought up-
177 to-date. Mr. Keach noted they could do that.

178

179 Mr. Russell asked when they could expect the work to be done. Mr. Keach noted as soon
180 as the weather cooperates. Mr. Russell asked if they, as a board, could set a date to revisit
181 the issue. Mr. Keach noted the first meeting in June would be reasonable.

182

183 Mr. Meisner suggested sending a letter to the developer with a copy to Chief Tapley. Mr.
184 Russell wasn't suggesting they push the issue, but wanted it more as a reminder for the
185 board to make sure it happened.

186

187 Mr. Keach noted the project was on their active Sandown list and his office would likely
188 touch base with the developer within the next 10 days.

189

190 Mr. Traeger suggested revisiting the issue in May, sending a letter to the developer
191 reminding him the court case was settled in November and they have a \$5,000 surety that
192 will be released when the work is done. The board agreed that would be appropriate.

193

194 Mr. Traeger noted when the board approves subdivisions, they add in a condition stating
195 that the developer must keep a positive PREA account balance. He suggested they change
196 the regulations and put in specific markers/rules for the board and developer to follow.
197 He suggested they tie the PREA account balance to the building permit and occupancy
198 permit process. If they don't have money in their PREA account, the application is
199 incomplete and won't be heard; at the back end of the process, they can't move forward
200 with permits until there is money in their account. Mr. Keach noted that is how Pelham
201 does it and it works out very well for them. Mr. Traeger noted he liked the idea because
202 they get trained in the beginning if they are a new applicant and there are some triggers
203 that have a smaller financial impact to remind them they need to put money in the
204 account. He added that it's less punitive than us asking for months then having to pull
205 their subdivision approval.

206

207 Mr. Russell questioned if it required action from the board. Mr. Keach noted it didn't.

208

209 Mr. E. Brown questioned if they should have language about a minimum balance in the
210 regulations.

211

212 Mr. Keach noted in Pelham, he does an estimate before the project begins and that is
213 what the developer gives for the initial PREA account payment. If there are funds left
214 over, they are used for the inspection process. He noted the development community
215 doesn't have a negative reaction to that. The value added is that the engineers who are
216 trying to facilitate a positive outcome don't have to wait to be paid.

217

218 Mr. Martin questioned if permits are currently being issued when they are having this
219 problem. The board confirmed they were. He noted the board needed to put some kind of
220 net under us so as a board we have administrative power to stop handing out permits.

221

222 Mr. Traeger liked that if they don't have a positive PREA account, they can't get permits
223 or make progress on the subdivision.

224

225 Mr. Keach and Ms. Cairns will work on language based on Pelham's system.

226

227 Mr. Martin suggested reviewing that language at the next meeting. The Board agreed that
228 would be appropriate.

229

230 Mr. E. Brown felt for the invoice that was outstanding for the Philips Pond subdivision,
231 that the town should be the ones to pay the invoice since the town initiated the lawsuit.

232 Mr. Keach agreed.

233

234 **MOTION:** Mr. Traeger made a motion to pay the \$527.75 invoice from Keach
235 Nordstrom out of the consulting line item. Mr. Mencis seconded the motion. Members
236 voted in favor. Mr. Russell opposed. The motion passed.

237

238 **MOTION:** Mr. Mencis made a motion to adjourn. Mr. Russell seconded the motion. All
239 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at
240 8:32 p.m.

241

242 Respectfully Submitted,



243

244 Andrea Cairns