

1 Sandown Planning Board  
2 Minutes  
3 May 20, 2014  
4

5 **Date:** May 20, 2014

6 **Place:** Sandown Town Hall

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

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

10 **Absent:** Ed Mencis - Secretary, Mark Traeger, Lisa Butler – Alternate

11  
12 **Opening:** Mr. E. Brown opened the meeting at 7:10 p.m.  
13

14 **Review of the 5/6/14 Minutes**

15 **MOTION:** Mr. S. Brown made a motion to accept the 5/6/14 minutes as written. Mr. Martin  
16 seconded the motion. Members voted in favor. Mr. Martin, Mr. Meisner and Mr. Russell  
17 abstained. The motion passed.  
18

19 **Correspondence**

20 Letter from Ms. Blaisdell that the Selectmen lifted the moratorium on building permits for  
21 Valerie Way.  
22

23 Legal notice from the Atkinson Planning Board regarding a public hearing for an AT&T  
24 project.  
25

26 Profit and Loss statement  
27

28 **7:15 p.m. – Continued public hearing for review of a Conditional Use Permit**  
29 **application for a fire pond submitted by the Sandown Fire Department. The subject**  
30 **property is identified on M17, L3-21 and is located on Meghan Drive.**  
31

32 *Tim Lavelle was present to discuss the application.*  
33

34 Mr. Lavelle noted he was there for a conditional use permit for the fire pond on Meghan  
35 Drive. They submitted an after-the-fact permit to the wetlands board. The letter dated March  
36 26, 2014 from DES denied the application and asked for the pipe to be removed, but they  
37 didn't ask them to do anything different with the pond. He was asking for the CUP for the  
38 pond because the state isn't asking for anything different. They feel they've met the  
39 requirements for the CUP for the pond.  
40

41 Mr. Lavelle noted they have a letter dated 11/26/14 from the Conservation Commission  
42 giving their favorable recommendation with four conditions of approval. Those items have  
43 been addressed on the plans; there is no loam and seeding necessary since it is grown in; and  
44 all the vegetation around the pond has been established and the slopes are fine.  
45

46 Mr. Lavelle noted there has been some discussion back and forth with DES. The letter dated  
47 March 26, 2014 asked them to remove the standpipe. Unless they get a letter stating any  
48 different, Mr. Villella has been advised by his attorney to remove the standpipe, but the pond  
49 will remain. They would like the conditional use permit for the work done in the wetlands.  
50

51 Mr. Russell questioned why they would be asking for a CUP, if DES doesn't issue the  
52 permit, the town couldn't issue the CUP. Mr. Lavelle noted that there was work done in the  
53 wetlands and that was what they were seeking a CUP for. He felt all the CUP requirements  
54 had been met. Mr. Russell noted that the state has been clear they are not going to issue the  
55 permit. Mr. Lavelle asked if he needed a CUP for the pond.

56 Mr. Meisner questioned who had Mr. Lavelle file the CUP. Mr. Lavelle noted it was the  
57 Planning Board that asked him to file an application on behalf of the fire department. Mr.  
58 Meisner asked if Mr. Keach reviewed the application. Mr. Lavelle noted that he did and gave  
59 a favorable recommendation for the CUP.  
60

61 Mr. E. Brown noted he spoke with Mr. Keach and he advised the Board to approve the  
62 application with the condition that they receive DES approval.  
63

64 Mr. Lavelle noted that the letter from DES did not ask for the pond to be altered. There  
65 would be no need to change the CUP application/request because DES is asking for them to  
66 pull out the standpipe and restore that area. According to DES, they have allowed the pond  
67 stay as it is.  
68

69 Mr. Russell noted that Section 3, Part F of the CUP requirements stated that any wetlands  
70 altered shall be restored by the expense of the landowner. He noted they have alterations of a  
71 wetland in violation of the ordinance. He doesn't feel they can issue the permit until  
72 restoration has been completed.  
73

74 Mr. Meisner noted that DES was asking for other items besides the removal of the standpipe.  
75 Mr. Lavelle noted those have all been taken care of.  
76

77 Mr. Russell reminded the board that there is now no fire protection in the development,  
78 which was a factor in their approval of the lot line adjustment.  
79

80 Mr. E. Brown read the CUP regulations—item number three read they must have an  
81 application or approval from DES. Mr. Russell noted that item number 3 was not fulfilled.  
82 They did not have DES approval. Members discussed whether just submitting the application  
83 was enough to fulfill that condition. Mr. Lavelle noted the application was denied but is  
84 being actively appealed.  
85

86 Mr. Meisner questioned if Mr. Lavelle could give the board a copy of that letter of appeal  
87 that was sent to DES. Mr. Lavelle will give them a copy. Mr. Lavelle noted that the standpipe  
88 needed to be removed within a few days and if they don't receive approval on that appeal, the  
89 standpipe would be removed.  
90

91 Mr. Lavelle questioned if the DES approval doesn't come through is the Board saying he  
92 doesn't need a CUP? Mr. Meisner felt the property was in violation. Mr. Lavelle questioned  
93 what the remedy would be. Mr. Meisner noted it would be whatever the state orders them to  
94 do.

95

96 Mr. Lavelle asked what his remedy is for the pond. The state says to leave the pond and the  
97 Planning Board won't give him a CUP for the pond—either he doesn't need a CUP or he  
98 needs to do what the denial letter states.

99

100 Mr. Russell noted that the pond was already there. They just made it a little bigger.

101

102 Mr. Meisner suggested they continue the hearing until Mr. Keach could be there to advise  
103 them on what they needed to do. Mr. E. Brown noted that Mr. Keach advised them to  
104 approve the pond with the condition that they receive DES approval.

105

106 Mr. Lavelle noted he is likely going to get a denial from DES. He agrees things were done  
107 wrong, but he was there to clear up the town violation.

108

109 **MOTION:** Mr. Meisner made a motion to approve the application for a Conditional Use  
110 Permit submitted by the Sandown Fire Department for a fire pond. The project is identified  
111 on Sandown Tax Map 17, Lots 3-21 and is located on Meghan Drive.

112

113 The following conditions apply:

114

- Receipt of NHDES Wetlands Permit
- Receipt of appeal letter submitted to DES by the applicant

115

116

117

Mr. S. Brown seconded the motion.

118

119

Mr. E. Brown, Mr. Meisner, Mr. S. Brown voted in favor. Mr. Martin and Mr. Russell

120

opposed. The motion passed.

121

122

### **8:00 – Review of the in-home occupation zoning ordinance**

123

124

Mr. Meisner noted he came up with the idea that they leave the existing in-home occupation  
125 ordinance exactly the same and add in a special exception section into the zoning regulations.  
126 He discussed adding that only certain roads would be included such as: Hampstead, Odell,  
127 Little Mill, Main Street—roads that may not notice the increased traffic.

128

129

Mr. Russell noted he liked the idea of the abutters being notified. He questioned if that would  
130 happen yearly, when the permit was approved. Mr. Meisner noted it would only be once, but  
131 added that if there were complaints they could lose their permit.

132

133

Mr. Martin liked the idea of the special exception.

134

135

Mr. Meisner thought they should leave the in-home occupation ordinance exactly the same  
136 since it seems to be working well, but by adding in the special exception option, it allows  
137 them to develop their business a bit more. If they outgrew the special exception regulation,  
138 then it was likely time to move the business to a commercial zone.

139

140

Mr. S. Brown questioned why they would try to limit it to certain streets and just leave it up  
141 to the building inspector to determine. Mr. Meisner noted they didn't want any grey area and  
142 felt that cul-de-sacs would be more impacted by additional traffic than Main Street.

143

144 Mr. Russell asked if they could write it in a way that was very black and white. Mr. Meisner  
145 noted they could do their best and to make it work, there would need to be a lot of restrictions  
146 and require a lot of information from that person. It would almost feel like more of a site plan  
147 application.

148

149 Mr. Martin felt they needed to have better definitions for in-home occupation, commercial  
150 and industrial. Mr. Meisner agreed.

151

152 Mr. Russell questioned if it would make sense to bring in Rockingham Planning Commission  
153 (RPC) to assist in coming up with the ordinance. Mr. Meisner felt that was a great idea.

154 Members agreed. Ms. Cairns would follow up with RPC and determine if that was something  
155 they could help with.

156

157 Mr. Meisner would make up a list of criteria to consider, for example: parking, area of the  
158 property, number of employees, etc.

159

160 Mr. Martin felt that Mr. Bogosh should be present for the discussions.

161

162 **Business District**

163 Mr. E. Brown felt the board should think about expanding the business zone. Mr. Martin  
164 thought that RPC could help guide them on that as well to determine what they have and how  
165 they could better utilize it.

166

167 **Other Business**

168 The Board agreed their summer schedule would be as follows:

169 July 1, 2014

170 August 5, 2014

171

172 They would not hold work sessions unless needed.

173

174 Members agreed it would be appropriate to have RPC meet with them in September.

175

176 **MOTION:** Mr. Russell made a motion to adjourn. Mr. Martin seconded the motion. All  
177 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at  
178 8:52 p.m.

179

180 Respectfully Submitted,



181

182 Andrea Cairns