

1 Sandown Planning Board
2 Minutes
3 June 17, 2014
4

5 **Date:** June 17, 2014

6 **Place:** Sandown Town Hall

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

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

10 **Absent:** Mark Traeger
11

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

14 Ms. Butler was appointed in Mr. Traeger's position as a voting member.
15

16 **Review of the 6/3/14 Minutes**

17 L196 add “in Mr. Russell’s opinion”

18 L217 change “he” to “something that was not deserved”

19 **MOTION:** Mr. Russell made a motion to accept the 6/3/14 minutes as amended. Mr. Meisner
20 seconded the motion. Mr. Martin and Mr. Mencis abstained. The motion passed.
21

22 **Continued Public hearing for review of a minor subdivision application submitted by**
23 **Nordic Lincoln Realty Trust. The property is shown on Sandown Tax Map 22, Lot 55 and is**
24 **located at 56 North Road, Sandown, NH. The application proposes to subdivide the existing**
25 **26.8 acre lot into three lots.**
26

27 Mr. Mencis and Mr. Meisner stepped down.
28

29 *Mr. Kevin Hatch, Cornerstone Survey Associates presented the application.*
30

31 Mr. Hatch gave a brief overview of the project and noted that Mr. Keach reviewed the plans and
32 had minor changes to be made. He noted the Chester Planning Board would need to sign the plans
33 before being recorded.
34

35 Mr. Keach reviewed his letter dated June 16, 2014. He would like the Chester Planning Board
36 signature on the plans prior to the Sandown Planning Board signing of the mylars.
37

38 Mr. Mencis needs to sign the plan as the owner.
39

40 The Board needs to receive an installation of monumentation letter from Mr. Hatch or a notation
41 on the plan that they’ve been set. Mr. Hatch indicated that he would deliver that letter with the
42 mylars.
43

44 Mr. Keach noted in addition, Mr. Mencis needed to sign the plans, they needed to be stamped and
45 the DES subdivision approval needs to be indicated.
46

47 Mr. Russell clarified if they were doing two separate approvals. Mr. Keach noted they would
48 review it as a single application since one application hinged on the approval of the other.

49 Mr. Russell questioned why they need frontage on North Road if they will access the property
50 from the graveled access road. Mr. Hatch noted that he has never tried to get a lot approved that
51 didn't have some kind of road frontage. Mr. Keach noted RSA 674:41 requires that in order to be
52 eligible for a building permit a lot has to have frontage on the road giving access to it. It cannot
53 be through an easement.

54

55 Mr. Martin added that if they didn't have that 50 ft road frontage, they would be creating a land-
56 locked parcel which isn't legal.

57

58 Mr. Martin confirmed that the intended use of the lots was residential. Mr. Hatch confirmed they
59 would be used as residential lots.

60

61 **MOTION:** Mr. Russell made a motion to conditionally approve the application for a minor
62 subdivision submitted by Nordic Lincoln Realty Trust. The property is shown on Sandown Tax
63 Map 22, Lot 55 and is located at 56 North Road, Sandown, NH. The application proposes to
64 subdivide the existing 26.8 acre lot into three lots. Mr. S. Brown seconded the motion.

65

66 *The following conditions to apply:*

67

- 68 • Receipt of Chester Planning Board Approval and signature of final plat.
- 69 • Receipt of correspondence from a licensed land surveyor acknowledging all boundary
70 monuments noted as "to be set" on the plan have in fact been set.
- 71 • Receipt of confirmation from town engineer that comments and recommendations
72 contained in his correspondence dated June 16, 2014 have been satisfactorily addressed.
- 73 • Maintenance of positive PREA account balance.

74

75 All members voted in favor. The motion passed.

76

77 Mr. Meisner and Mr. Mencis stepped back in.

78

79 **Review of the Conditional Use Permit (CUP) Regulations**

80 Mr. Russell informed the board that Gerry Miller the town's Wetland Scientist is retiring and
81 leaving the Conservation Commission. He felt that was relevant because previously the board
82 discussed removing the RCCD review as a requirement for the CUP. He noted concern about
83 taking that out if they need to rely on RCCD in the future.

84

85 Mr. Keach assumed that Conservation would be replacing Mr. Miller. Mr. Russell suggested they
86 table any decisions about changing anything until they know for sure. He noted Mr. Miller has
87 done an excellent job and thought it might be difficult to find someone with his qualifications.

88

89 Mr. Meisner noted there was confusion on item number 3 which states "application or approval
90 from the State Wetlands Board". He suggested they change it to read "application and approval
91 from the State Wetlands Board."

92

93 Mr. Keach noted that anything the applicant would need a CUP for would ultimately need
94 approval from the state as well. If the Board is ready to vote on the CUP before the wetlands
95 permit is received they would approve it conditionally.

96

97 Mr. Meisner noted there should be something to indicate in the regulations that they should
98 approve it that way if necessary. He noted, otherwise, if the applicant requests a CUP and the

99 Board grants it without the condition of state approval, realistically they can get a CUP without
100 state approval. Mr. Russell agreed changing “or” to “and” would make sense so the language is
101 clear.

102

103 Mr. S. Brown suggested, if you have to submit an application and you can’t get CUP approval
104 without the state wetlands approval, the language should just say approval from the state wetlands
105 bureau is required.

106

107 Mr. Keach suggested they could combine items “1 – Dredging, filling or crossing shall have
108 minimal impact;” and “2. There is no other logical placement.” Mr. Russell had concerns with
109 that because Conservation looks at the application from a wetlands perspective. They may not
110 know that the other potential option is a cistern if there is no other logical placement. So they
111 could grant the CUP not knowing that there is a more logical placement to solve the issue.

112

113 Mr. Keach noted that most of the time CUPs are for road crossings and driveways.

114

115 Mr. Keach felt at the very least, items “1 – Dredging, filling or crossing shall have minimal
116 impact;” and “4. Demonstration that this proposal best utilizes the property” should be combined
117 since they are redundant. They speak to avoidance and minimization and are part of the state code
118 so that language should remain in there. He felt item “8 – Receipt of a favorable report from
119 Rockingham Country Conservation District (RCCD)” should be removed. If Conservation and
120 the Town Engineer are reviewing the application, having a third part review it is redundant. He
121 noted they should keep it local. Conservation has had the benefit of a professional that works for
122 them. As a consultant for the town, you are more aware of the local landscape and ordinances.
123 Anyone from RCCD would look at it academically, as an impact apart from the bigger picture.
124 He doesn’t see any value in that and feels it is additional time and expense for the applicant.

125

126 Mr. Keach felt items 9-12 are holdovers from when the application was a special exception and
127 the applicant had to go to ZBA. He would like to see the criteria compressed to five or six points.

128

129 Mr. Russell noted they’ve seen DES change quite a bit and for a long time, they got very little
130 support from them. He noted right now, there is a lot of strength in Conservation, but that may
131 change. He didn’t want to discount RCCD before looking into them as a worthwhile option. If
132 they aren’t viable, then that’s different.

133

134 Mr. Keach recommended the board solicit input from Conservation on the criteria. Mr. Martin
135 suggested they run it by ZBA as well and draft a letter inviting input from both boards by
136 September. Members agreed Conservation feedback would be important.

137

138 Mr. Russell questioned how they could grant an after-the-fact CUP. Item “F. - Any wetlands
139 altered in violation of this Ordinance shall be restored at the expense of the landowner(s)” states
140 what needs to happen if there is a violation. He noted issuing after-the-fact permits encourages
141 bad behavior.

142

143 Members agreed they would like to invite Conservation and Zoning to the meeting to discuss.

144

145 **Other Business**

146 Mr. Mencis noted they are supposed to sign mylars at public meetings. He questioned if Chester
147 signed his mylars on Monday or Tuesday, could they have a special meeting to get the mylars
148 signed so they don’t lose any more time.

149

150 Mr. Keach noted the board could authorize the mylars to be signed outside a public forum.

151

152 Mr. Meisner noted that the variance has a 30-day appeals timeframe and asked if they mylars
153 could be signed before those 30 days expire. Mr. Keach noted they could be.

154

155 Mr. Martin questioned how they would know all the conditions have been met. Mr. Keach noted
156 that Mr. Hatch would send a final set of plans to Mr. Keach and Ms. Cairns for review. Mr.
157 Keach would write a final review letter giving his approval that the mylars be signed.

158

159 **MOTION:** Mr. S Brown made a motion to allow Mr. E. Brown and Mr. Russell to sign the
160 mylars outside of a meeting. Ms. Butler seconded the motion.

161

162 *Discussion:* Mr. Russell requested that they sign them at the same time so they can review the
163 plans together.

164

165 Members voted in favor. Mr. Mencis abstained. The motion passed.

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168

169 Mr. Martin noted that he received several questions on the sign at All Japanese Auto and whether
170 or not it was legal. He was informed that they did receive a variance for the sign.

171

172

173 **MOTION:** Mr. Russell made a motion to adjourn. Mr. Mencis seconded the motion. All
174 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at
175 8:17 p.m.

176

177 Respectfully Submitted,

178 

179 Andrea Cairns