

1 Sandown Planning Board
2 Minutes
3 September 16, 2014
4

5 **Date:** September 16, 2014

6 **Place:** Sandown Town Hall

7 **Members Present:** Ernie Brown - Chairman, Ed Mencis – Secretary, Mark Traeger, Doug
8 Martin, Lisa Butler – Alternate, Town Engineer - Steve Keach

9 **Also Present:** Recording Secretary - Andrea Cairns

10 **Absent:** Matt Russell -Vice Chairman, Steven Meisner, Steve Brown – Ex Officio

11
12 **Opening:** Mr. Brown opened the meeting at 7:09 p.m.

13
14 **Review of the 8/19/14 Minutes**

15 Deferred to next meeting.

16
17 **Review of the 9/2/14 Minutes**

18 **MOTION:** Mr. Traeger made a motion to approve the 9/2/14 minutes as written. Mr
19 Mencis seconded the motion. Members voted in favor. Ms. Butler abstained. The motion
20 passed.

21
22 **Correspondence**

23 Ms. Gorrow sent an email regarding the temporary stipulation placed on Peter Holmes’
24 property until the easement for the dry hydrant was recorded. Attorney Gorrow noted
25 that Mr. Holmes’ attorney was requesting a release of that stipulation since the easement
26 had been recorded. Attorney Gorrow had no issue with releasing it even though they
27 hydrant wasn’t installed yet.

28
29 **MOTION:** Mr. Mencis made a motion to release the temporary stipulation placed
30 against Peter Holmes’ property located at 66 Phillips Pond Drive, identified as Map 6,
31 Lot 11. Mr. Traeger seconded the motion. All members voted in favor. The motion
32 passed.

33
34 Mr. Keach noted that the Board should make sure the work on the driveway happened
35 soon so that the surety could be released. JH Chase is just installing gravel along the
36 driveway to secure the surface of the driveway for fire trucks to easily gain access. The
37 town is responsible for installing the hydrant. Ms. Cairns noted that she still needed to get
38 written permission from Mr. Holmes for the work to be done.

39
40 **Other Business**

41 Mr. Brown noted that Ms. Cairns had requested to have three additional hours per week.
42 He noted that there is room in the budget for that change. He noted that the Selectmen
43 approved the change and that Ms. Blaisdell recommended the board make a formal
44 motion to record the change.
45

46 **MOTION:** Mr. Traeger made a motion to add three hours per week to Ms. Cairns'
47 schedule for a total of 14 hours per week of office hours. Ms. Butler seconded the
48 motion. All members voted in favor. The motion passed.

49

50 **Review of Zoning Ordinance Changes**

51 *Conditional Use Permit*

52 Ms. Cairns noted that both the Conservation Commission and the Zoning Board were
53 agreeable to the proposed changes.

54

55 Mr. Traeger noted that Mr. Miller is retiring and they are in the process of hiring a new
56 person. The Conservation Commission talked about making sure there was some
57 language that included the review whether that was the town's wetland scientist or
58 RCCD, but didn't feel that both needed to review the application. He added that RCCD
59 does have a wetland scientist on staff to do those reviews if there is ever a time that the
60 town does not have a wetland scientist on staff.

61

62 Members discussed item #3 which states "application or approval from the wetlands
63 board." The word "or" was in question and the board discussed whether that needed to
64 be changed to "and." Mr. Keach noted that historically, the board has always made the
65 decision conditional on receiving approval from the state. He doesn't feel it is necessary
66 to change the wording.

67

68 Mr. Treager felt that by having an approved CUP from the town and going through the
69 Conservation review before having an approved permit from the state would probably
70 eliminate the possibility of after-the-fact permit applications and changes. The town does
71 often make recommendations for change. If they already had state approval when those
72 recommendations were made, it would force the applicant to have to go back to the state
73 and amend their application if the town made changes to the project. It also may take
74 some of the flexibility away from the town in terms of making suggestions since the state
75 has first approval.

76

77 The Board agreed to keep the language as is.

78

79 Ms. Cairns noted that Ms. Green had concerns about removing items 9-12 which were
80 items that remained from when the application was a special exception. Mr. Keach felt
81 that items 9-12 are more zoning oriented and more appropriate for use driven
82 applications. The nature of the CUP application requires the boards to look at the
83 property and insure the best use. Mr. Martin didn't feel a CUP would change the value or
84 the use of a property and felt it would be fine to remove those items.

85

86 **MOTION:** Mr. Traeger made a motion to remove items 9-12 from Article I, Part B –
87 Wetland Conservation District, Section 3C and move those changes to a public hearing at
88 a date to be determined. Mr. Mencis seconded the motion.

89

90 *Discussion:* Mr. Martin confirmed that they were leaving item 3 as is. The board agreed
91 they would leave it as is.

92

93 All members voted in favor. The motion passed.

94

95 **Accessory Apartment**

96 Ms. Cairns noted that the zoning board had questions over specific items. The first was
97 Article V, Section 5 – Accessory Apartment, Section E, 7a – The septic system shall meet
98 the NH Water Supply and Pollution Control Division requirements for the combined use.
99 The zoning board in the past has always read that to mean they only needed an approved
100 septic plan to show the property could sustain the upgraded system if the current one
101 were to fail. The new ZBA board members questioned how it read and felt it could mean
102 that the new system needed to be installed. The ZBA was hoping the planning board
103 could clarify the language.

104

105 Mr. Keach suggested the following change to the language:

106 “Demonstration of NHDES subsurface systems bureau construction approval for an on-
107 site subsurface sewage disposal system capable of accommodating the combined
108 wastewater discharge from the principle dwelling unit as well as the planned accessory
109 apartment.” He noted the change states it has to be designed and approved, but not
110 installed.

111

112 Mr. Martin noted that was always the intent. The system that was in there could still
113 function, but if it didn’t, the land could sustain the upgraded system.

114

115 Ms. Cairns noted there was another question regarding Section E, 8 – Separate controls
116 for heating, cooling and electrical service shall be accessible in each unit. The electrical
117 inspector had come to a meeting stating that he would like to see separate meters installed
118 for new apartments. The reason being is that if the electricity for the main home was
119 turned off, the smoke detectors in the apartment would still work. Ms. Cairns noted that
120 Mr. Tombarello was willing to come to the next meeting to discuss the changes he would
121 like to see. He was going to do some research and see what other towns had in their
122 regulations.

123

124 Mr. Keach suggested they remove it completely and just defer to building code because
125 he feels that addresses the issue. He’s not sure it is in ZBAs purview. Let the electric
126 inspector control that aspect of the apartment since they need to get electric permits
127 anyway.

128

129 Ms. Butler questioned what the amendment from 2006 was and whether they were taking
130 out something they just added in?

131

132 Members feel they should move them separately. And move 7a to a public hearing and
133 leave this item for further discussion.

134

135 **MOTION:** Mr. Mencis made a motion to move the following amendment to Article V,
136 Section 5 – Accessory Apartment, Section E, 7a to a public hearing at a date to be
137 determined: “demonstration of NHDES subsurface systems bureau construction approval
138 for an on-site subsurface sewage disposal system capable of accommodating the
139 combined wastewater discharge from the principle dwelling unit as well as the planned

140 accessory apartment.” Mr. Martin seconded the motion. All members voted in favor. The
141 motion passed.

142

143 Members agree Mr. Tombarello should come to the next work session.

144

145 **Elderly Housing**

146 Mr. E. Brown explained they had a resident come before the board looking for the
147 Planning Board to give her permissions to have her daughter temporarily live with her in
148 a 55+ community. Mr. Keach made the board aware of the Fair Housing Act stating that
149 only 80% of the population had to be 55+ and the board was questioning whether they
150 needed to make any changes in their ordinance to reflect that.

151

152 Mr. Keach noted he doesn't feel there is anything wrong with the ordinance, there is
153 something wrong with the covenants that are more restrictive than the fair housing act. He
154 noted you cannot have anything more restrictive than the fair housing act.

155

156 Mr. Traeger noted that in the covenants it states the town is supposed to do a census of
157 the population living there. He questioned if they should still be doing that. Mr. Keach
158 noted that the board doesn't have an obligation to enforce it, but they have the right to
159 enforce it if they chose to. If it turns out that someone not of the appropriate age is living
160 there, it would be up to the association to take care of that, not the board. Mr. Keach
161 added if the association adopts covenants on a property that are more restrictive than the
162 fair housing act, it is their risk to do so and enforce it if they do so choose. The town's
163 zoning ordinance references the fair housing act which is an 80/20 rule.

164

165 The board agreed to keep the ordinance as is.

166

167 **In Home Occupation**

168 Mr. Traeger noted that he put in the grant proposal to RPC to have them help with the in-
169 home occupation and business zone changes. He noted they would come to some
170 workshops and help them determine what could be changed.

171

172 Mr. Keach noted that he thought they could create an A plus district for homes that are
173 more commerce oriented. It would be an overlay district. You could identify specific
174 properties by map and lot number instead of creating an entire zone. They could add in
175 properties that already have businesses.

176

177 Mr. Martin noted the people that are coming into town are more like construction
178 companies and paving companies not necessarily adding services.

179

180 The board agreed it would be helpful to have RPC help on this task.

181

182 **Variance Timeframe**

183 Ms. Cairns noted that the current ordinance needs to be changed from one year to two-
184 year expiration for variances since the state changed their regulations.

185

186 **MOTION:** Mr. Martin made a motion to move the amendment to Article II, Part A –
187 General Regulations-All Zones, Section 11B to a public hearing at a date to be
188 determined. The amendment is as follows:

189

190 Any variance or special exception granted by the board of adjustment is valid for two
191 years from date of notification after which it becomes null and void unless utilized. If
192 utilized, it survives with the property.

193

194 Mr. Traeger seconded the motion. All members voted in favor. The motion passed.

195

196 **Engineers Report**

197 Mr. Keach made the board aware that the Wells Village Road bridge repair has started
198 and will be completed in another month.

199

200 **MOTION:** Mr. Mencis made a motion to adjourn. Mr. Traeger seconded the motion. All
201 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at
202 8:49 p.m.

203

204 Respectfully Submitted,

205



206

Andrea Cairns