

1 Sandown Planning Board
2 Minutes
3 November 18, 2014
4

5 **Date:** November 18, 2014

6 **Place:** Sandown Town Hall

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

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

10 **Absent:** Mark Traeger, Town Engineer - Steve Keach
11

12
13 **Opening:** Mr. Brown opened the meeting at 7:12 p.m.
14

15 Lisa Butler was appointed for Mark Traeger.
16

17 **Review of the 10/21/14 Minutes**

18 L157 add “Chief Tapley”

19 L187 add “Chief Tapley”
20

21 **MOTION:** Mr. Russell made a motion to approve the 10/7/14 minutes as amended. Mr. Mencis
22 seconded the motion. Members voted in favor. Ms. Butler abstained. The motion passed.
23

24 **Public hearing for review of an amended site plan application submitted by Neel Realty**
25 **Trust. The property is shown on Sandown Tax Map 10, Lot 34 and is located at 335 Main**
26 **Street. The application proposes to put a 6’ addition on the existing convenience store.**
27

28 Mr. Meisner sat out because he is an abutter.
29

30 James Lavelle reviewed the application and noted they have proposed a 6’ addition on the right
31 end of the existing building to house a walk-in cooler on that end of the store. There are no other
32 changes to the site, signing, lighting or parking.
33

34 He noted that there was an issue with the entrance brought forward by the state. The current
35 configuration of the parking lot does not comply with the existing driveway permit issued by the
36 state. Mr. Lavelle provided copies of the original configuration of the entrance when it was
37 approved by the state in 2000. The site plan showed two entrances/exits with an island in the
38 middle in front of the porch—parking was off to the sides and not in front of the building.
39

40 Mr. Lavelle noted that it was originally constructed per the plans, but over time, the island was
41 removed because people were driving over the grass area and parking on it. He noted that the way
42 the store operates today, it is much easier without the island and it is easier to plow. If the state
43 deems that the island needs to be put back in, then they will need to comply, but he feels it would
44 be more confusing.
45

46 Mr. Mencis noted there haven’t been any accidents there that he knows of and feels the island
47 could create more confusion.
48

49 Mr. Lavelle noted the state is trying to protect a rule that they have in place. If it is necessary to
50 comply with that to get approval, then they will.

51

52 Mr. Mencis feels it is up to the state to enforce and has nothing to do with the planning board.

53

54 Mr. Lavelle respectfully asked that the board approve the plan without the state issue.

55

56 **MOTION:** Mr. Mencis made a motion to accept the amended site plan application submitted by
57 Neel Realty Trust for jurisdiction. The property is shown on Sandown Tax Map 10, Lot 34 and is
58 located at 335 Main Street. Mr. Martin seconded the motion. All members voted in favor. The
59 motion passed.

60

61 Mr. Lavelle also submitted for the file a profile of 121A and site distances, noting there were no
62 issues.

63

64 Mr. Mencis felt it is out of the board's purview since it is a state highway.

65

66 Mr. Russell questioned the placement of the well which is indicated on the plans as being inside
67 the building envelope and asked if that was the case. Mr. Lavelle noted it was. Mr. Russell asked
68 if there would be a foundation placed on the well. Mr. Lavelle noted it would be adjacent to the
69 well. Mr. Warren Preston, the contractor noted the addition would be on footings, not a
70 foundation.

71

72 Mr. Brown noted that the parking lot has been that way as long as he could remember. He
73 questioned how they could park in front of the building with an island there.

74

75 Mr. Martin noted it won't match code for parking spots and turn-around distance. They would
76 lose four parking spots if they had to put the curb there.

77

78 Mr. Russell noted on the original plan that the parking was supposed to be on the sides and none
79 on the front.

80

81 Mr. Brown opened the meeting up to the public.

82

83 *Mr. Steven Meisner, 17 Brown Ave.*

84 Mr. Meisner owns property across the street from the store and submitted a letter outlining his
85 concerns.

86

87 Mr. Meisner's two concerns were: the driveway entrance not being in compliance with the state;
88 and the property may be in violation of Article 5, Part E5 which states that they couldn't have
89 more than 75% of lot coverage.

90

91 Mr. Lavelle has not computed the lot (impervious surface) coverage. He feels an evaluation needs
92 to be done in order for it to be confirmed.

93

94 Mr. Meisner noted that six months after the island was removed, a truck with a trailer backed out
95 of the parking lot and caused an accident. The car involved crashed into a rock wall near his
96 home and would have hit the house if that wall wasn't there. The island was there for 4-5 years
97 and no permit was given to remove the island. When they paved over the island, they added a
98 large chunk of pavement where there used to be gravel. He is guessing it added 100-200 sq. ft. of

99 pavement to the existing lot. That additional coverage, plus the addition to the building may put
100 them over the 75% lot coverage limit.

101

102 Mr. Meisner added that the driveway is the state's purview, but it is the board's purview when
103 reviewing the site plans to make sure they are in compliance.

104

105 Mr. Russell questioned what the width of the island needed to be. Could they put in a smaller
106 island so they could retain parking in the front of the building? Mr. Lavelle didn't think that it
107 needed to be that big. Mr. Russell questioned if they could propose an island that doesn't need to
108 be 20' wide, but keeps people from backing out onto 121A.

109

110 Mr. Lavelle noted they could try and configure it to keep those parking spots.

111

112 Mr. Russell agreed with Mr. Meisner that it doesn't make sense for them as a board not to
113 consider the safety issue.

114

115 Mr. Lavelle noted they may need to ask for a waiver of the percentage of the lot coverage. Mr.
116 Meisner wasn't sure if it wasn't in compliance, but noted it was very close.

117

118 Mr. Meisner noted that he has no issue with the addition; his main concerns are the zoning in
119 regard to the lot coverage and the safety of the parking in front. He would be fine with a foot
120 wide island if that's all that's needed; a simple guardrail could be enough if the state would be ok
121 with that.

122

123 Mr. Lavelle noted with the amount of space for parking, there is no reason to back out onto 121A.

124

125 Mr. Lavelle questioned if anyone had an issue with the paving if it was over 75%.

126

127 Mr. Brown noted he doesn't have an issue with that, but if the driveway isn't safe, and we can do
128 something about it then they should.

129

130 Mr. Lavelle suggested they present the board with a plan showing the driveway conforming with
131 the initial driveway application but with a skinnier island.

132

133 Mr. Brown noted the board was hoping it could be a quick application and the owner could get
134 out with minimal expense. The board wants to encourage businesses in town, but they received a
135 letter from the state stating it is a safety issue. He didn't feel the board should approve the
136 application knowing that.

137

138 Mr. Mencis noted they should get a waiver for the 75% lot coverage. Mr. Meisner noted they
139 couldn't get a waiver; they would need to get a variance or remove some of the pavement.

140

141 Mr. Lavelle requested a continuance to the December 2, 2014 meeting so they had a chance to
142 resolve all the issues. The board agreed to continue the hearing to that date.

143

144 *Warren Preston – contractor for the project*

145 Mr. Preston felt the island would be more of a hazard especially if someone was bringing a trailer
146 into the parking area. Mr. Russell agreed trailers would be an issue, but it is the state that is
147 mandating it.

148

149 Mr. Brown noted if the board approved it when an issue was brought up by the state, and there
150 was an accident, then it wouldn't look good. There is a safety issue that was brought to our
151 attention and we can't approve something that was not designed the way it was originally
152 approved.

153

154 **Jim Lavelle – Discussion Regarding Maria Lane**

155 Mr. Meisner stepped in and Mr. Martin stepped down because he is an abutter.

156

157 Mr. Lavelle noted it was an approved and recorded subdivision in 2007. There is an existing
158 home at the back of the property. The road has never been constructed. He has a client that wants
159 to purchase the property and build one house near Lot 7-6-2. He doesn't want to build a road.
160 What he would like to do is purchase it and give the town what is show as Maria Lane and give
161 the town lot 7-6-1 as recreation/or conservation land.

162

163 Ms. Cairns noted that when she last researched the property, there was an irrevocable line of
164 credit for the bond and the subdivision approval was still valid. The Planning Board never
165 released the bond but more research would need to be done.

166

167 Mr. Lavelle noted there is approximately 160' of road frontage so they thought they would need
168 to get a variance.

169

170 Mr. Meisner noted there have been cases where the zoning board has given variances for
171 insufficient frontage. There is always the opportunity to try that avenue; the land is there.

172

173 Mr. Lavelle noted they approached Mr. Jenness the owner of the adjacent home and suggested
174 they split the property into two lots and each have approximately 100' of frontage, but Mr.
175 Jenness wasn't interested in more land and didn't want to change what he had and increase his
176 taxes. He clarified that the property had frontage on a bonded road. If they take that road away,
177 then there is no road frontage, that property would only have a right-of-way.

178

179 Mr. Russell recalled significant opposition by the abutters to the original subdivision when the
180 subdivision was originally approved.

181

182 Mr. Lavelle noted they need to have the status of the bond researched and talk to the selectmen
183 about whether or not they want some property out there.

184

185 Mr. Russell noted he couldn't speak for the current Conservation Commission, but in the past
186 they generally didn't want small parcels like that which didn't connect to larger parcels of open
187 space.

188

189 Mr. Martin noted it was a really big road to have to construct for only two homes. He added there
190 is a long history with the development and the family.

191

192 Mr. Lavelle added that he felt it would be better not to construct the road and add more
193 infrastructure for the town to maintain and plow.

194

195 Ms. Cairns will research the status of the bond.

196

197 **Review of Subdivision Regulations and Site Plan Regulations**

198 Ms. Cairns noted that Chief Tapley didn't want pre-cast concrete to be an option.

199

200 Mr. Russell questioned if polyethylene and fiberglass would be more costly than the concrete.
201 Mr. Brown felt it could be more that 20-30% more because of the cistern itself and the back-fill
202 material.
203
204 Mr. Russell questioned if a developer decided to push back on that, how much authority does the
205 Board have to enforce it? There may be people who will have issues with the cost.
206
207 Mr. Martin noted if it was treated concrete it could add to the longevity.
208
209 Mr. Brown noted with the concrete, they typically come in sections and it is the gasket that leaks.
210 He did a 15,000 gallon one that was two pieces and the gasket to hold it together was tongue and
211 groove. They also put material around the gasket to seal it before they put it together. It has a
212 gauge to show water levels and it doesn't seem to lose water. He does think there was a warranty,
213 but isn't sure for how long. The manufacturer installed the cistern. The fiberglass and
214 polyethylene cisterns are one piece and don't have a gasket.
215
216 Mr. Meisner noted the gasket will fail at some point.
217
218 Mr. Martin noted any time we raise the bar on development costs we are going to get pushback.
219
220 Members felt that option "d) other materials" could allow for some flexibility and allow the chief
221 to approve concrete if possible.
222
223 **MOTION:** Mr. Russell made a motion to remove precast concrete as an option. Mr. Martin
224 seconded that motion. All members voted in favor. The motion passed.
225
226 **MOTION:** Mr. Russell made a motion to move the amended subdivision regulations to a public
227 hearing to be held on December 16, 2014. Mr. Mencis seconded the motion. All members voted
228 in favor. The motion passed.
229
230 Ms. Buco left the meeting at 8:30 p.m.
231
232 **Site Plan Regulations**
233 Mr. Meisner questioned if they should add in a timeframe for the fire chief to review
234 applications—30 days.
235
236 Mr. Russell suggested putting in wording about a timeframe and run it by the chief and see if he
237 has an issue with it.
238
239 Mr. Martin feels like they could put "in a timely manner" and that would be sufficient.
240
241 Mr. Russell felt they should stay away from the grey area and put in a specific timeframe.
242
243 Mr. Martin noted he doesn't object to adding "30 days" but he's fine with it the way it is.
244
245 **MOTION:** Mr. Mencis made a motion to add the words "review letter within 30-days."
246
247 The board discussed whether they would need to postpone the hearing to add in new language.
248 The board decided it was not necessary to add in the timeframe.
249
250 Mr. Mencis rescinded his motion.

251

252 **MOTION:** Russell made a motion to move the amendments to the Sandown Site Plan
253 Regulations to a public hearing on December 16, 2014. Mr. Mencis seconded the motion. All
254 members vote in favor.

255

256 Ms. Cairns noted they approved all the amendments to the Zoning Ordinance already; they just
257 needed to move them to a public hearing.

258

259 **MOTION:** Mr. Russell made a motion to move zoning amendments 1-4 to a public hearing on
260 December 16, 2014, as written. Mr. Mencis seconded the motion. All members voted in favor.
261 The motion passed.

262

263 **Chairman's Report**

264 The board received a letter from the Sandown Fire Department stating they were satisfied with
265 the work done by JH Chase at 66 Phillips Pond Drive to prepare the driveway for the dry hydrant.
266 Mr. Brown spoke with Mr. Holmes and he is also satisfied with the work done.

267

268 **MOTION:** Mr. Mencis made a motion to release the \$5,000 bond being held for JH Chase for
269 Phillips Pond Estates fire suppression. Mr. Martin seconded the motion. All members voted in
270 favor. The motion passed.

271

272 **Correspondence**

273 Construction monitoring reports for the PSNH H1N1 project. Mr. Russell walks it often and feels
274 they have done an excellent job with erosion control and wetland protection.

275

276 Town & Country Magazine

277

278 Municipal Law Lecture Series

279

280 The Source Newsletter

281

282 **MOTION:** Mr. Martin made a motion to adjourn. Mr. Russell seconded the motion. All members
283 voted unanimously in favor. The motion passed. MEETING ADJOURNED at
284 9:02 p.m.

285

286 Respectfully Submitted,

287



288

Andrea Cairns