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**Sandown Planning Board
Minutes
December 2, 2014**

Date: December 2, 2014

Place: Sandown Town Hall

Members Present: Ernie Brown - Chairman, Matt Russell -Vice Chairman, Ed Mencis – Secretary, Steven Meisner, Mark Traeger

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

Absent: Cynthia Bucu – Ex Officio, Doug Martin, Lisa Butler – Alternate

Opening: Mr. Brown opened the meeting at 7:07 p.m.

Review of the 11/18/14 Minutes

L185 change “could” to “couldn’t”

MOTION: Mr. Traeger made a motion to approve the 11/18/14 minutes as amended. Mr. Mencis seconded the motion. Members voted in favor. Mr. Traeger abstained. The motion passed.

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

Mr. Lavelle presented a plan to propose a 6’ addition on the right hand end of the convenience store. They met with an engineer from NHDOT to resolve the driveway issue and the plan reflects a small island at the center of the existing entrance. They also have two 50’ entrances and two additional islands restricting the flow into the site.

Mr. Lavelle noted that William O’Donnell from NHDOT observed the traffic on Monday morning as the site exists currently to determine how the island may restrict traffic flow and see if it would cause more issues than not having it. Mr. O’Donnell will control the construction, size and shape of the island. He has not made it clear as to what he will require. On the plan it is 10’ long and 4’ wide.

Mr. Lavelle noted the only other addition to the plan is the amount of impervious site coverage based on the new pavement location. The current coverage is 71.4% with the increase of the 6’ addition it brings it up to 72.6%. Those percentages didn’t take into consideration putting the islands back in, but those are in the state ROW so they likely wouldn’t be included in the calculation. So the percentage of impervious surface meets the town’s requirement of being under 75%.

Mr. Lavelle added that there would be no changes in lighting or hours of operation on the site.

46

47 Mr. Russell questioned if NHDOT's intention was to have one opening be the entrance
48 and one the exit, or if they would both be used for entering and exiting. Mr. Lavelle noted
49 that NHDOT indicated the entrances would be used for both exiting and entering. Mr.
50 O'Donnell was going to watch the situation to see what might happen if an island was put
51 in. Mr. O'Donnell didn't give a clear answer as to what they would require because he
52 wanted to watch the situation, but did indicate they may allow the store to keep the
53 parking lot the way it exists now if that was the safest option.

54

55 Mr. Keach noted the existing condition has been that way for a very long time. If there
56 was any sort of barrier/island it would be dangerous and was likely the reason it was
57 removed once before. He knows Bill O'Donnell very well and feels he will make a fair
58 decision, even if it means allowing a driveway that doesn't conform to their requirements
59 if that is what the best option is.

60

61 Mr. Lavelle noted what is drawn on the plans meets NHDOT requirements.

62

63 Mr. Brown opened the meeting up to the public. There was no comment from the public.

64

65 **MOTION:** Mr. Mencis made a motion to approve the application for an amended site
66 plan submitted by Neel Realty Trust for the property shown on Sandown Tax Map 10,
67 Lot 34, located at 335 Main Street. The application proposes to put a 6' addition on the
68 existing convenience store. Mr. Traeger seconded the motion. All members voted in
69 favor. The motion passed.

70

71 **Old Business**

72 Mr. Lavelle wanted to know what the status was of the Maria Lane subdivision. Ms.
73 Cairns has contacted Pentucket Bank and they are researching whether or not the bond is
74 still in good standing.

75

76 Mr. Keach understood why they didn't want to build a road for two homes. He suggested
77 Mr. Lavelle reconfigure the plans so there were only two lots—one of which would need
78 a variance for not having enough frontage. Mr. Lavelle explained that the owner of the
79 other home doesn't want to reconfigure his lot and gain any acreage.

80

81 Mr. Brown noted it wasn't on the agenda for discussion and encouraged Mr. Lavelle to
82 contact Mr. Keach to work on another option.

83

84 Mr. Meisner joined the meeting. He sat out because he was an abutter.

85

86 **Julie LaBranche, Rockingham Planning Commission**

87 Ms. LaBranche reviewed the work tasks outlined in the grant contract. The tasks include
88 in-home occupation zoning ordinance, business zone district zoning, and pollution
89 tracking strategies and methods to meet the EPA MS4 permit requirements.

90

91 Ms. LaBranche wanted to discuss how we wanted to do the work, possibly forming
92 subcommittees. She has another standing planning board meeting on the third Tuesday of
93 each month so she would only be able to attend one meeting per month from January-
94 June when the grant runs out. She felt it might be a good idea to invite town staff that
95 works on the MS4 permit to join in the pollution tracking discussions (e.g.; Paula Gulla,
96 Artie Genuardo). Mr. Traeger noted those subcommittees could possibly meet during the
97 day and report back to the board.

98
99 Mr. Russell felt the subcommittees are a good idea. He added the board has discussed in-
100 home business quite a bit and every time they think they have reached a good point,
101 someone brings up something and they end up back at the beginning. He felt they needed
102 guidance.

103
104 Mr. Traeger noted the intent was to encourage business in Town. There is a lot of
105 movement for in-home business, but how do we allow that without creating a burden on
106 our neighbors. In terms of the business district, he asked how Sandown can be more
107 innovative and attract businesses into town.

108
109 Members felt the current regulations are too restrictive. Mr. Mencis noted that businesses
110 have to be creative in order to stay in town. Mr. Traeger noted they have to be sensitive
111 because they have one business in a cul-de-sac neighborhood that has caused a lot of
112 problems and they don't want to create that same situation again.

113
114 Mr. Meisner noted that he has discussed the current regulations with the building
115 inspector and in his opinion he feels it's worked well. He proposed keeping those the
116 same, but adding a second tier by creating a special exception to loosen the regulations on
117 busier streets. He noted by making it a special exception, abutters would still be notified
118 and allowed to weigh-in on the application.

119
120 Ms. LaBranche noted there are ways to control the intensity of the business without being
121 too restrictive. She added that she worked with the town of East Kingston to completely
122 revamp their ordinance.

123
124 Mr. Meisner noted he saw a statistic that Sandown had the highest population of in-home
125 businesses in southern NH.

126
127 Mr. Keach noted that there are a fair number of trades people in town (e.g.; electricians,
128 plumbers, etc.). The current ordinance is not bad, but could be better at capturing what
129 people need. Mr. Keach feels like the business district could be more of a village theme.

130
131 Mr. Brown added that they also discussed having mixed use in the business zone—
132 businesses on the first floor and apartments on the second floor.

133
134 Mr. Traeger noted the current business district goes towards the north end of town, but
135 they are seeing more businesses heading towards the south, so maybe they need to extend
136 the business district that direction.

137

138 Mr. Keach noted that Windham has a neighborhood commercial district that could apply
139 to Sandown. You don't want to impart non-residential use on any given property, but
140 have it happen at an appropriate scale so it doesn't take over a neighborhood. You could
141 also add mixed uses so it could be residential and commercial.

142

143 Mr. Mencis noted there is a lot of vacant land heading towards toward Chester near North
144 Road that has good potential for commercial use.

145

146 Mr. Traeger noted we are competing with other towns for business. Sandown can't
147 compete with Route 111 in terms of traffic volume, but we can be more attractive when
148 compared to other towns like Danville because of density.

149

150 Mr. Meisner questioned if she would want the same people on each committee or the
151 same people to address all three issues. Ms. LaBranche felt they could address in-home
152 occupation and the business district zoning during meetings. The pollution tracking items
153 should probably be done during the day with town staff.

154

155 Mr. Mencis mentioned Route 121 as another area of Sandown that people forget about.
156 Mr. Traeger noted that section of road is being made into a scenic byway. Ms. LaBranche
157 will look into it and see if there are any restrictions in terms of commercial zoning. She
158 thought it would just restrict things like removal of stone walls and historic buildings.

159

160 Ms. LaBranche noted when expanding the business district, sites still need to comply
161 with site plan regulations. So there will be some sites that just by the nature of the lot will
162 not comply and meet those regulations. RPC will do an analysis to determine which lots
163 could be commercially developed in Sandown.

164

165 Ms. LaBranche will also review the minutes from past discussions.

166

167 Members discussed the sign ordinance and whether or not it would need to be addressed.

168 Mr. Meisner felt the current ordinance was good as is.

169

170 Ms. LaBranche noted that the downside to expanding your business district is that you
171 may be creating competition for those businesses that already exist. She also added that
172 by allowing the intensity of the in-home business to change, a home business may be
173 more attractive than going through site plan approval, so you are losing the added value
174 of a commercial business because there would be no additional tax value to in-home
175 occupations.

176

177 Ms. LaBranche noted that you can put regulations on noise, smells, hazardous conditions,
178 etc. and keep a residential feel to the business without specifically naming the types of
179 businesses that would be allowed.

180

181 Mr. Russell questioned how they could enforce compliance. Mr. Meisner added that their
182 code enforcement officer is the same person as the building inspector and only works

183 part-time. Ms. LaBranche noted the town has to be committed to some kind of
184 compliance. You could possibly do random home inspections. The board may need to
185 reconsider changing the in-home occupation if the town doesn't have enough support to
186 monitor compliance. Mr. Mencis noted the town has a full-time fire chief that aids in
187 code enforcement.

188

189 Mr. Meisner noted that in Sandown's business district, if a business moves out and a new
190 business moves in, there is no occupancy permit, or safety check to make sure that new
191 business is in compliance with code. That is something they should look into adding.

192

193 Ms. LaBranche noted in terms of the MS4 district, Sandown is considered rural, but still
194 part of the MS4 area. You don't have the infrastructure that larger towns do, so there are
195 only a few ways where you can comply with the permit. Julie reviewed some areas that
196 may apply: green infrastructure/low impact development, impaired waters and total
197 maximum daily loads, polluted runoff, sediments, source water protection, stormwater,
198 NHDES permit program, and watershed management.

199

200 Ms. LaBranche noted there are tracking strategies that can be implemented. You can
201 require certain tracking statistics on site plan applications to help you gain those statistics
202 that will need to be reported on the MS4 permit. They want you to track conversion and
203 impervious surfaces. Mr. Traeger was hoping Sandown could get that set up ahead of
204 time so it's in place when the permit changes.

205

206 Mr. Traeger noted there is someone on Phillips Pond that would be interested in joining
207 the committee since water quality of Phillips Pond is an on-going issue.

208

209 Ms. LaBranche added that RPC could start doing some drainage analysis to give
210 Sandown geographic areas to look for in terms of problems. The educational component
211 is a large part of the new program to raise awareness of where the problems are.

212

213 Mr. Brown questioned if they could go back and revisit older roads that have issues with
214 drainage. Even if those roads complied with standards when they were built, drainage
215 solutions degrade over time.

216

217 Mr. Keach noted that Mr. Genuardo has done a great job of replacing rotted drain pipes
218 throughout town and adding headwalls to direct runoff. The roads that have been rebuilt
219 since 2008, have vegetated ditch lines vs. dirt.

220

221 Mr. Traeger questioned if flagging those areas is something they could do in pollution
222 tracking; rain gardens are good for a few years, but no one goes back and checks on
223 them. Mr. Keach noted the problem with rain gardens is that you don't always have the
224 ROW on the older roads to install them.

225

226 Mr. Brown noted the money for the road improvements wasn't appropriated last year. If
227 we could get some federal, state or grant money to do that, we can address the issues. Mr.

228 Traeger noted there is federal grant money to put the infrastructure in, but on-going we
229 need to make sure it gets put in the budget.

230

231 Ms. LaBranche noted she doesn't feel the tracking is overly complicated. We can put
232 some of the administrative items in place and do some of the initial inventory. EPA wants
233 to see that you've increased awareness and are reaching out if there are obvious problems
234 to give options for correcting troubled areas. There may be an opportunity to get
235 pollution modeling done in the town through UNH.

236

237 Ms. LaBranche will send a list of times when she is available to meet to start scheduling
238 subcommittee meetings.

239

240 She will try and create a map of where the existing businesses are currently so we can get
241 a sense of where the district might need to be expanded. She will also make some
242 revisions and suggestions to the existing ordinance and will bring some good examples of
243 other towns' ordinances.

244

245 **MOTION:** Mr. Traeger made a motion to sign the agreement for professional planning
246 assistance provided by Rockingham Planning Commission which will use \$4,000 in
247 matching funds through RPC's targeted block grant program to assist the Planning Board
248 with in-home occupation zoning, business district zoning and pollution tracking strategies
249 and methods. Mr. Russell seconded the motion.

250

251 *Discussion:* Mr. Mencis added that it is for funds from 2014 and 2015 budgets.

252

253 All members voted in favor. The motion passed.

254

255 Mr. Brown signed the contract.

256

257 **Correspondence**

258 Letter from RPC regarding the Regional Master Plan. Mr. Traeger noted there were some
259 listening sessions over the last 2-3 years. The regional master plan will get rolled in with
260 all the others and will become part of the state's overall master plan.

261

262 **MOTION:** Mr. Russell made a motion to adjourn. Mr. Mencis seconded the motion. All
263 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at
264 9:02 p.m.

265

266 Respectfully Submitted,

267 

268 Andrea Cairns