

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

5 **Date:** December 16, 2014

6 **Place:** Sandown Town Hall

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

10 **Also Present:** Town Engineer - Steve Keach

11  
12 **Review of the 12/2/14 Minutes**

13 L155 change “102” to “121”

14  
15 **MOTION:** Mr. Traeger made a motion to approve the 12/2/14 minutes as amended. Mr.  
16 Russell seconded the motion. Members voted in favor. Mr. Martin abstained. The motion  
17 passed.

18  
19 **Public Hearing for review of amendments to the Sandown Subdivision Regulations.**  
20 **These amendments are for the purpose of adding fire protection requirements for**  
21 **major subdivisions.**

22  
23 *Chief Tapley and Deputy Chief Giangregorio were present to answer any questions.*

24  
25 Mr. Russell asked if Chief Tapley had reviewed the final draft and the changes they made at  
26 their last meeting. Chief Tapley had reviewed them. He noted in terms of the concrete cistern,  
27 he consulted with other towns and found they have a higher failure rate and would prefer not  
28 to use them. Mr. Russell noted that if there was any pushback from developers they had the  
29 option in there to discuss materials with the fire chief.

30  
31 Mr. Brown noted that he had a conversation with Tim Lavelle and they discussed the fact that  
32 it was a big expense for a three or four lot subdivision, but they are being given alternatives.

33  
34 Chief Tapley noted that the issue of fire suppression became apparent when they were  
35 reviewing the town and found a large subdivision in the driest part of town with no water to  
36 utilize on the Sandown or Chester side. When a large subdivision is planned they really need  
37 a plan for fire suppression. The town doesn't have hydrants so we need to put water sources  
38 and dry hydrants in to take care of all these areas. He did highlight a few areas that would be  
39 good for hydrants and his goal is to install one per year.

40  
41 Ms. Bucu stepped in to the meeting.

42  
43 There was no input from the public.

44  
45 Mr. Russell questioned if they had a solution for Hillside Estates? Chief Tapley noted they  
46 didn't have a solution yet, but thought the board could enforce the original condition of

47 approval. Members felt that the chief had to be the one to enforce it. Chief Tapley will speak  
48 with Ms. Cairns to follow-up.

49

50 **MOTION:** Mr. Traeger made a motion to approve the amendments to the Sandown  
51 Subdivision Regulations, sections 8.6.1, 9.6-9.6.3.2, for the purposes of adding fire  
52 suppression requirements for major subdivisions. Mr. Martin seconded the motion. All  
53 members voted in favor. The motion passed.

54

55 **Public Hearing for review of amendments to the Sandown Site Plan Regulations. These**  
56 **amendments are for the purpose of adding fire protection requirements for non-**  
57 **residential or multi-family sites.**

58

59 Mr. Brown reviewed the changes. Chief Tapley noted that each commercial property will be  
60 different and will be treated accordingly. They will go by NFPA code and will base their  
61 recommendations on the type of business and building.

62

63 Mr. Russell noted that for the subdivision regulations they added a statement saying that they  
64 would need a unanimous vote by the chief and deputy chiefs reviewing the plans. He  
65 questioned if site plans would be the same. Chief Tapley confirmed it would, they would  
66 require a unanimous vote.

67

68 Mr. Traeger noted he likes that there is no question and no surprises for developers. They  
69 now know upfront what will be expected from them.

70

71 There was no input from the public.

72

73 **MOTION:** Mr. Mencis made a motion to move the amendments to the Sandown Site Plan  
74 Regulations for fire suppression to the ballot. Mr. Martin seconded the motion. All members  
75 voted in favor.

76

77 Mr. Traeger suggested Ms. Cairns speak with Attorney Gorrow regarding Hillside Estates.  
78 Chief Tapley will speak with the fire marshal as well. Mr. Meisner suggested he speak with  
79 Ms. Cairns and get the exact details on the timing.

80

81 **Public Hearing pursuant to RSA 675:3 for consideration of the following amendments**  
82 **to the Zoning Ordinance:**

83

84 **Amendment 1 - To amend the text of Article 1, Part B—Wetland Conservation District,**  
85 **Section 3C.** The intent of this amendment is removing criteria that are not relevant to the  
86 Conditional Use Permit.

87

88 Members discussed amendment number one and had no changes.

89

90 There was no public in attendance.

91

92 **MOTION:** Mr. Russell made a motion to move the amendment to Article 1, Part B—  
93 Wetland Conservation District, Section 3C to the ballot. Mr. Traeger seconded the motion.  
94 All members voted in favor. The motion passed.

95 **Amendment 2 - To amend the text of Article V, Section 5 – Accessory Apartment,**  
96 **Section E, 7a.** The intent of this amendment is to clarify that the updated system does not  
97 need to be installed in order to meet the criteria.

98 Members discussed to make sure they all understood the intent of the amendment.

99 There was no public in attendance.

100

101 **MOTION:** Mr. Mencis made a motion to move the amendment to Article V, Section 5 –  
102 Accessory Apartment, Section E, 7a. to the ballot. Mr. Traeger seconded the motion. All  
103 members voted in favor. The motion passed.

104

105 **Amendment 3 - To amend the text of Article V, Section 5 – Accessory Apartment,**  
106 **Section E, 8 to read:** Separate controls for heating, cooling and electrical service shall be  
107 accessible in each unit to meet local code requirements.

108

109 Members discussed to make sure they all understood the intent of the amendment.

110

111 There was no public in attendance.

112

113 **MOTION:** Mr. Traeger made a motion to move the amendment to Article V, Section 5 –  
114 Accessory Apartment, Section E, 8 to the ballot. Mr. Mencis seconded the motion. All  
115 members voted in favor. The motion passed.

116

117 **Amendment 4 - To amend the text of Article II, Part A – General Regulations-All**  
118 **Zones, Section 11B.** The intent of this amendment is to modify the text of the Zoning  
119 Ordinance to make a variance valid for two years, to be consistent with statutory  
120 requirements of RSA 674:33, I-a.

121

122 Mr. Brown explained it is something the state did and it is in the applicants favor.

123 There was no public in attendance.

124

125 Mr. Russell questioned if work needed to be started or completed within the two year period.  
126 Mr. Meisner noted in his opinion, the building permit is only good for a year, so they would  
127 need to reapply for another building permit if it wasn't completed in a year. In regards to the  
128 variance, you just need to act on the variance to keep it valid; the project doesn't need to be  
129 complete.

130

131 **MOTION:** Mr. Russell made a motion to move the amendment to Article II, Part A –  
132 General Regulations-All Zones, Section 11B to the ballot. Mr. Martin seconded the motion.  
133 All members voted in favor. The motion passed.

134

135 **Other Business**

136 Mr. Brown noted that Mr. Lavelle has a client that would like to take an approved  
137 subdivision from 55+ and rework it to make it a single-family subdivision. He wanted to poll  
138 the board and see if they had any objections to discussing it under new business. Mr. Brown  
139 spoke to Ms. Blaisdell and Ms. Gulla and they didn't feel there would be anything wrong

140 with discussing it under other business noting the Selectmen do it often. The board didn't  
141 object to having the discussion.

142

143 Mr. Lavelle reviewed the project. He noted his client, Mr. McCarthy, had an approved  
144 subdivision plan with the road layout and 26 duplexes that were to be 55+. Mr. McCarthy  
145 gained approval, started building the infrastructure with all the drainage structures, drainage  
146 ponds and swales, wells and water lines and then stopped work when the economy went  
147 down. Given the significant amount of site work done, Mr. McCarthy would like to keep the  
148 infrastructure the same, lose one building, and go to 25 single-family homes under the open  
149 space development ordinance. There are no foundations in for the homes. The development  
150 will be on a community well. The dredge and fill and alteration of terrain permits have  
151 expired, so they will need to be renewed. They are not ready to bring the plans back to the  
152 planning board; they just wanted to get a feel from the board on the feasibility of doing the  
153 project.

154

155 Mr. Russell noted it was originally proposed as a private road and asked if it would  
156 eventually be a town road. Mr. Lavelle noted that was the plan. Mr. Russell noted there is a  
157 substantial bridge at the wetland crossing. Mr. Lavelle noted they will look at that and  
158 possibly think about installing something similar to the culvert on Wells Village Road.

159

160 Mr. Keach joined the meeting. He met with Mr. Lavelle and was up to speed on the project.

161

162 Mr. Keach noted that Mr. Lavelle would need to develop a new plan regarding density to  
163 comply with the open space ordinance.

164

165 Mr. Russell noted the bridge was requested as a wildlife corridor. Mr. Lavelle noted they had  
166 chosen that spot because it was a break in the wetlands. Mr. Keach noted he is confident that  
167 if they proposed something similar to the Wells Village culvert, it would be better.

168

169 Mr. Traeger noted with the 55+ development, they would have no impact on the school costs;  
170 a revised development would be adding children and increased expenses for schools.

171

172 Mr. Martin noted that given the last conversation they just had, they would need to add some  
173 fire suppression system into the plans. Mr. Lavelle noted the plans would go before the Chief  
174 for review. Members discussed a potential pond that could have a dry hydrant that the chief  
175 was already looking into.

176

177 Mr. Lavelle noted he was just there to get a general feel from the board on the idea of the  
178 project.

179

180 Mr. Meisner questioned if they could meet the frontage requirements. Mr. Lavelle confirmed  
181 they would.

182

183 Members discussed having some connectivity between that neighborhood and Mr. Barnes'  
184 neighborhood; even if the road was just on paper. Mr. Lavelle noted he didn't disagree with  
185 that, it would solve the issue of having to put in an additional outlet road. Mr. Keach would  
186 encourage that connectivity for the future as well.

187

188 Mr. Lavelle questioned the recreation requirement and if there were any thoughts on that.  
189 Members suggested he come up with a plan with Mr. McCarthy and bring it forward with the  
190 application.

191

192 Mr. Russell questioned if it was Mr. McCarthy's intent to develop or sell the property Mr.  
193 Lavelle felt it could go either way. He is currently planning on developing it himself.

194

195 **Discussion Regarding Maria Lane**

196 Mr. Martin noted he is an abutter and confirmed that they were just discussing the project,  
197 not reviewing the plans, so he didn't need to step down from the conversation.

198

199 Mr. Keach noted that the plan was recorded at the registry, but one of the conditions of  
200 approval that they no longer comply with is maintaining an active surety. Ms. Cairns  
201 contacted Pentucket Bank to confirm whether the surety was still active and Pentucket Bank  
202 confirmed that it was no longer active. Ms. Cairns questioned Mr. Keach to determine if they  
203 should begin the subdivision approval revocation process. Mr. Keach noted as a practical  
204 matter, there may be an issue to do a full revocation because of the Genest property. That lot  
205 was conveyed legally and by revoking subdivision approval, they would make that parcel  
206 non-compliant.

207

208 Mr. Keach added there is no surety to build the road which creates a dilemma. Un-dedicating  
209 the road is an option and as a matter of law, the Genests would continue to have the right to  
210 pass over the property they are currently using to access their home. Revoking the approval  
211 in part would effectively make the remaining lots unbuildable. He would recommend  
212 notifying the current owner acknowledging that they are no longer in compliance with their  
213 subdivision approval and instruct them to put in a proper surety; doing that will just reinstate  
214 the original approval. Construction costs for building roads haven't changed so the surety is  
215 going to be the same. Restoring the status quo, doesn't clean up the mess because it's no  
216 longer financially viable to build the road given real estate values. Members agreed the bond  
217 should be reinstated.

218

219 Mr. Keach added that the way irrevocable letters of credit are written, they are written so that  
220 it couldn't be discharged without the board's approval. He would like to see how it was  
221 written to see if it was properly discharged. If it was not properly discharged, then they can  
222 demand that the bank reinstate it. Just because someone didn't pay their premium, doesn't  
223 mean it can be discharged.

224

225 **MOTION:** Mr. Traeger made a motion to contact Mr. Maroney and request that he put a  
226 surety in place within 60-days to comply with the original subdivision approval for Maria  
227 Lane and to send Mr. Keach a copy of the original irrevocable letter of credit to review. Mr.  
228 Mencis seconded the motion.

229

230 *Discussion:* Mr. Russell noted he feels that it was probably a mistake to approve the  
231 subdivision in the first place. Mr. Keach agreed, but noted the statute didn't give the board  
232 the authority no too. If someone wants to do something and it's within statute, the board can't  
233 really deny them.

234

235 Mr. Keach noted if Mr. Maroney fails to reinstate the surety, then the board could move  
236 forward with partial revocation. He recommended the letter should be sent by certified mail,  
237 regular mail and to the mortgage company.

238  
239 Mr. Brown added if Mr. Maroney could get the other property owner to agree to split the  
240 property, then you could just split the lots and go to the zoning board and get a variance for  
241 the frontage and the issue would be taken care of.

242  
243 Members voted in favor. Mr. Martin abstained. The motion passed.

244  
245 Mr. Lavelle brought the mylars for the convenience store, but they didn't have a marker to  
246 sign them.


247  
248 **MOTION:** Mr. Mencis made a motion to allow the chairman and vice chairman to sign the  
249 mylars for Neel Realty Trust outside of a meeting. Mr. Traeger seconded the motion. All  
250 members voted in favor. The motion passed.

251  
252 **Town Engineer Report**

253 Mr. Keach noted that he spoke with the engineer for the Autumn Hills project on Odell Road.  
254 He noted Charlie Zilch was hired to convert the approved 55+ subdivision into single-family  
255 homes that are not age restrictive and his hoping to utilize the existing infrastructure and  
256 comply with the open space development ordinance. Those revised plans will likely be  
257 coming in February or March.

258  
259 **MOTION:** Mr. Russell made a motion to adjourn. Mr. Mencis seconded the motion. All  
260 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at  
261 9:00 p.m.

262  
263 Respectfully Submitted,

264   
265 Andrea Cairns