

1 Sandown Planning Board
2 Minutes
3 May 5, 2015
4

5 **Date:** May 5, 2015

6 **Place:** Sandown Town Hall

7 **Members Present:** Ernie Brown - Chairman, Matt Russell -Vice Chairman, Ed Mencis –
8 Secretary, Doug Martin, Terry Treanor – Ex Officio

9 **Members Absent:** Mark Traeger, Steven Meisner, Lisa Butler – Alternate,
10 Town Engineer - Steve Keach

11
12 **Opening:** Mr. Brown opened the meeting at 7:14 p.m.

13
14 Mr. Brown noted the board is looking for alternates. If anyone is interested contact the board.

15
16 **Review of the 4/21/15 Minutes**

17 L49/50 change “Mr. Russell confirmed” to “asked for confirmation”

18 **MOTION:** Mr. Russell made a motion to accept the 4/21/15 minutes as amended. Mr. Treanor
19 seconded the motion. Members voted in favor. The motion passed.

20
21 **Julie LaBranche – Rockingham Planning Commission**

22 Mr. Mencis wondered if they were doing the right thing and making the regulations less
23 restrictive. Ms. LaBranche felt they were proceeding the right way by having both “visible” and
24 “invisible” businesses. Mr. Russell felt they were eliminating any ambiguity.

25
26 Mr. Treanor didn’t see how the town would benefit from a person working in their home. The
27 town won’t gain any more in tax revenue from an in-home business. He would have an issue if a
28 body shop opened up in front of his home.

29
30 Mr. Martin noted they are making Sandown uniform with other communities in order to give
31 someone the ability to open up a business in a residential neighborhood. That’s the intent.

32
33 Ms. LaBranche reviewed the changes she made from input at the last meeting. She added in a
34 definition of in-home occupation. She noted the board could either make the regulations a Special
35 Exception or a Conditional Use Permit (CUP). Ms. Cairns explained the difference—a
36 Conditional Use Permit allows for some flexibility, a Special Exception doesn’t allow for any
37 grey area, they either qualify or they don’t.

38
39 Ms. LaBranche suggested if the board goes with the Conditional Use Permit option, she would
40 suggest they set maximums for certain things so it’s not left completely wide open.

41
42 Mr. Martin noted a special exception remains with a property forever. Does a CUP act the same
43 way? Could the board restrict a Conditional Use Permit to apply to the owner and not the
44 property?

45
46 Ms. LaBranche suggested making it a condition of approval that it is only for that owner. The
47 process with the board is a good step to go through and a new owner may not understand the
48 process or limitations on the business.

49

50 Mr. Mencis questioned if the RSA allowed them to do that.

51

52 Mr. Russell noted with a CUP application, they are required to have Conservation, RCCD and the
53 Town Engineer review the application.

54

55 Ms. LaBranche noted those requirements are in the Subdivision Regulations and wouldn't apply
56 to that application. She added they set specific numbers so that the line between an in-home
57 occupation and a commercial business was drawn which sets very specific parameters around
58 what an in-home business should be.

59

60 Mr. Russell felt the idea of setting those standards, then allowing flexibility by going with a CUP
61 goes against the spirit of what they are trying to do.

62

63 Mr. Brown noted they had talked about regulations for cul-de-sacs vs. connector roads like
64 Fremont and Main Street where more traffic won't make a difference. Ms. LaBranche noted that
65 was captured in the proposed regulations.

66

67 *Ms. LaBranche continued to review the changes:*68 She added in "F" to allow review by the fire department, police department and any other
69 municipal department to have input on the application.

70

71 Mr. Treanor questioned "F,3" which would allow a tenant to operate the business. His concern
72 was giving the owner the ability to sublease the business. If they are a tenant at will, then the
73 owner has the ability to manage the business. If the business is leased, then there is no control for
74 the owner to regulate what lessee does in the space.

75

76 Mr. Mencis noted that they have built in provisions that would stop any activity that wasn't
77 allowed. Permits need to be renewed annually and if there are any violations, the permit could be
78 revoked.

79

80 Ms. LaBranche noted they originally put the word tenant in there so if there was a person renting
81 an accessory apartment, that person had the opportunity to run a business in the home.

82

83 Mr. Treanor suggested there should be a stipulation that if they are going to rent the business out,
84 then the new owner would need to come to the town to transfer ownership of the business.

85

86 Ms. LaBranche noted the regulations state the in-home occupation permit expires when there is a
87 change in ownership or a different person conducting the business. They will need to come back
88 and re-file a new application.

89

90 Mr. Martin suggested they make the owner of the property, the owner of the business.

91

92 Members agreed striking the wording "tenant with the owner's permission" but keeping the
93 language about the business not being transferrable.

94

95 E-3 - remove the word tenant

96 F-3 - remove the word tenant. Also remove the property owner must reside at the property since
97 that isn't relevant anymore.

98

99 *F-15-d - limiting the number of customers at any period of time during the hours of operation.*

100 Ms. LaBranche noted they didn't come to a decision last time, so it needs to be discussed. If you
101 do put a limit on it, they could go for a variance. She added it's about traffic. You need to have
102 space large enough for all those cars and added people. It's limiting what should be allowed in an
103 in-home business.

104
105 The board discussed eliminating "d" and reviewing it on a case-by-case basis and not limiting
106 customers at any period during the hours of operation.

107
108 Mr. Brown added they will have a public hearing for the public to weigh-in on how they feel
109 about that.

110
111 Members discussed limiting customer parking to four.

112
113 Ms. LaBranche will get the changes to the board to review at their next meeting.

114

115 **Business Zone**

116 Mr. Martin felt there are certain sections of 121A that would be good to have the business zone
117 expanded to include. He suggested finishing up in-home occupation and spending the next work
118 session discussing the business zone. The board agreed.

119

120 At the next workshop Julie will bring a map with her to look at identifying parcels that might be
121 good candidates for commercial zoning. It will help give them a blueprint for moving forward.

122

123 **MS4 Discussion**

124 Ms. LaBranche gave the board an overview of the work that had been accomplished during the
125 sub-committee meetings. She noted she did an audit of the existing MS4 permit and gave
126 suggestions for improvement.

127

128 Ms. LaBranche circulated a memo outlining some of the key items the planning board needed to
129 address and would ultimately be responsible for managing and reporting when the new permit
130 arrives.

131

132 Ms. LaBranche suggested they needed to create a map to determine what drainage, culverts and
133 inlets drain into the MS4 area.

134

135 Mr. Russell noted the town has a problem with enforcement and asked if they would get any kind
136 of support from DES. Ms. LaBranche noted they wouldn't and the town would be solely
137 responsible for the enforcement. She added they could potentially fund the management through a
138 stormwater utility (fee). Once you create a mapping system to see who's contributing to the issue,
139 they are charged x amount of dollars for acres of impervious surface coverage. The incentive is, if
140 someone doesn't want to pay the fee, they implement BMP's to prevent runoff or clean the water
141 before it's discharged and they get credited for that work.

142

143 Ms. LaBranche would like to try and update the subdivision regulations and site plan regulations.
144 She added there is some grant money to help with that.

145

146 Mr. Martin added that the majority of the MS4 area is already developed. Mr. Russell questioned
147 how do they address that issue since the developer is out of the picture? Does it become the
148 requirement of the individual land owner?

149

150 Ms. LaBranche noted there is a PREP grant that the town could apply for that would help pay for
151 some of the measures they need to take. She could prepare the application for the town as part of
152 this project.

153

154 Ms. LaBranche also gave the board some information on the WISE grant that the town is going to
155 be part of. That project will also assist the town in developing tools they will need.

156

157 **Other Business**

158 The board received a request for a voluntary lot merger that needed to be approved and signed.

159

160 **MOTION:** Mr. Mencis made a motion to approve the voluntary lot-line merger for M26 L47 and
161 M26 L48 located at 43 Holts Point Road. Mr. Treanor seconded the motion. All members voted
162 in favor. Mr. Russell abstained. The motion passed.

163

164 Ms. Cairns gave the board an update on impact fees. She spoke with Bruce Mayberry, the original
165 consultant who did the impact fee study. Mr. Mayberry explained the difficulty he was having
166 getting necessary information from the school district to complete the study for Danville. He
167 recommended they wait on moving forward until they can get any issues with the school district
168 worked out. He did not feel that they needed to wait for the completion of the school CIP. He did
169 feel it was important to wait until the withdrawal study was complete and Sandown knew if they
170 were staying in the district. He suggested touching base again in the fall to see where things
171 stood.

172

173 **MOTION:** Mr. Mencis made a motion to adjourn. Mr. Martin seconded the motion. All members
174 voted unanimously in favor. The motion passed. MEETING ADJOURNED at
175 9:41 p.m.

176

177 Respectfully Submitted,

178



179

Andrea Cairns