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**Sandown Planning Board
Minutes
September 1, 2015**

Date: September 1, 2015

Place: Sandown Town Hall

Members Present: Ernie Brown - Chairman, Matt Russell -Vice Chairman, Ed Mencis - Secretary, Doug Martin, Steven Meisner, Erik Dykeman – Alternate, Lisa Butler – Alternate, Terry Treanor - Ex Officio

Members Absent: Mark Traeger

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

Opening: Mr. Brown opened the meeting at 7:00 p.m.

Ms. Butler was appointed in place of Mr. Traeger. Mr. Dykeman was appointed for Mr. Mencis.

Review of the 8/18/15 Minutes

MOTION: Mr. Russell made a motion to accept the 8/18/15 minutes as written. Mr. Martin seconded the motion. Members voted in favor. Ms. Butler and Mr. Treanor abstained. The motion passed.

Correspondence

- Letter from attorney, reviewed the homeowners declaration for Wells Village Estates
- Grant opportunity Community Development Finance Authority
- Danville Planning board public hearing for Cotton Farm
- Letter from attorney regarding legislative changes
- Town & Country Magazine

Public Hearing for review of a Conditional Use Permit application submitted by the Kasher Corporation to permit the substitution of a standard 48 inch culvert in place of the originally approved concrete bridge structure. The subject property is located on Wells Village Road and is identified on Map 13, Lot 1.

Jim Lavelle from Lavelle Associates presented the application.

Mr. Lavelle gave a history of the project. He reviewed the proposed crossing. He noted they had been to the conservation commission and they gave the project their blessing.

Mr. Russell noted when the development was originally approved, the crossing was supposed to be a bridge and the idea behind that was to limit the wetlands impact. Mr. Russell questioned if the culvert would do the same.

45 Mr. Keach reviewed the July 7, 2015 letter provided by Bruce Gilday, the town's
46 Wetland Scientist. In that letter, Mr. Gilday indicated that the previous DES wetlands
47 permit was for 4,711 sq. ft of wetland impact. The proposed application before the board
48 was only 2,350 sq. ft. of impact, so the culvert will reduce the impact. The original
49 proposal for the bridge was state influenced.

50

51 Mr. Keach reviewed his letter dated September 1, 2015. He noted concern over the
52 vertical geometry of the culvert. He would support the application only if it was modified
53 so the two intersections matched existing grade and there was no fill situation. He feels it
54 will further reduce the total area of impact and take the resulting impact to well below
55 2,000 sq. ft.

56

57 They need to receive receipt of the DES wetlands permit. They also need to receive a
58 performance guarantee which would be part of the larger surety for the overall project.

59

60 Mr. Keach takes no objection to the CUP as long as the conditions stated were satisfied.

61

62 There was no public comment.

63

64 **MOTION:** Mr. Russell made a motion to grant the Conditional Use Permit submitted by
65 the Kasher Corporation to permit the substitution of a standard 48 inch culvert in place of
66 the originally approved concrete bridge structure. The subject property is located on
67 Wells Village Road and is identified on Map 13, Lot 1.

68

69 The following conditions to apply:

70

- Revise the drawings to set both the northerly and southerly culvert invert elevations at or about existing channel grade thus eliminating the need to place artificial fill in the existing channel to the north or south of the proposed headwalls. In addition, the final project plans should specify existing stone is to be harvested from that portion of the existing steam channel to be filled at the proposed roadway crossing and reserved for use in stabilizing limited lengths of existing stream channel beyond the proposed headwalls which may be disturbed during the work.

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- Receipt of a NHDES Wetlands Permit
- Receipt of a performance guarantee in and amount and form acceptable to the town

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82

Ms. Butler seconded the motion.

83

84

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86

87

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89

90

Discussion: Mr. Martin questioned if the material being used would be from on-site or if additional material would be brought in. Mr. Keach noted they will bring in some material to use for the bed of the pipe and will need crushed stone around it. They haven't discussed how the headwalls would be used, but they will likely be backfilled with sand. The majority of the road will use materials from the site. He feels the embankments will all be native to the site.

91 Mr. Martin questioned if vegetation would fill in the area. Mr. Keach noted the
92 embankment will be loamed and seeded and would look like any other embankment.

93

94 Members voted in favor. Mr. Treanor abstained. The motion passed.

95

96 Mr. Mencis joined the meeting. Mr. Dykeman would step back to being an alternate.

97

98 **Continued public Hearing for review of an application for a major subdivision**
99 **submitted by the Kasher Corporation for a 25-lot open space development. The**
100 **subject property is located on Wells Village Road and is identified on Map 13, Lot 1.**
101 **The proposal is to amend a previous approval for a 26-unit over 55 development.**

102

103 *Jim Lavelle from Lavelle Associates presented the application.*

104

105 Mr. Keach received the revised plans very late and did not have enough time to fully
106 review the plans for tonight. There has been substantial progress made from his previous
107 letter of report.

108

109 Mr. Lavelle showed the recreation proposal. They had originally discussed putting the
110 parking lot at the end of the road to the subdivision. In speaking with conservation they
111 decided to put the parking lot on the town forest property so people wouldn't need to
112 cross the road. They would need to remove some trees to address site lines. They were
113 proposing that this would be their recreation contribution. They are also planning to put
114 in a kiosk.

115

116 Mr. Lavelle noted the plan also now shows the fire access easement. They also expanded
117 the ROW in the area of the cemetery to give them the protection the cemetery trustees
118 requested.

119

120 Mr. Keach recommended that the applicant ask for a continuance since he wasn't able to
121 fully review the plans. One item he was able to review was the yield plan. He had asked
122 Mr. Tim Lavelle to do a yield plan to confirm that the density was in accordance with the
123 open space development ordinance. He is satisfied that the 25 lots conform to the
124 requirements.

125

126 Mr. Keach noted that most of his comments in his July 21, 2015 letter dealt with
127 demonstrating the OSD ordinance. The items he didn't have time to fully review were the
128 engineering drawings that show the road, drainage and utility construction. Those items
129 will remain largely the same, but it will now be a town road, so he needs to make sure it
130 meets public road standards.

131

132 Mr. Brown noted they were hoping to get some closure to the fire easement and invited
133 the fire chief to the meeting, but he was unable to attend because the fire department
134 received a call.

135

136 Mr. Brown also noted that the homeowners' documents also need to be updated
137 according to town council and the road name "Pond View" needed to be changed to
138 something without "pond" per a request from the fire chief.

139

140 Mr. Brown asked the board their feelings toward having the parking area serve as the
141 recreation requirement. Mr. Lavelle noted they originally had planned to build a
142 clubhouse in accordance with the elderly housing ordinance. He added that the developer
143 wants to be fair. Mr. Mencis felt it was a terrific idea.

144

145 Mr. Martin noted he was happy the parking lot wasn't going to be adjacent to the
146 cemetery which was in one of the original proposals. He questioned what the purpose of
147 the recreation requirement was and whether it should benefit the community. He thought
148 they were supposed to give families living in that neighborhood something to use and
149 enjoy.

150

151 Mr. Mencis noted that in the past, they've used the monetary donations to upgrade town
152 recreation areas. He noted Waterford Village Estates has a small playground area, but it
153 has to be maintained by the neighborhood and it needs to be insured. It becomes a
154 maintenance issue. Mr. Lavelle added that over the years, rather than having recreation
155 within the subdivision, the requirement became more of what can you contribute to the
156 town's recreation facilities—playgrounds within neighborhoods generally don't get used.

157

158 Mr. Russell questioned if the drainage easement was calculated into the open space and
159 would there need to be some maintenance of it. Mr. Keach noted it was part of the open
160 space and there would need to be long-term maintenance that the town would be
161 responsible for.

162

163 Mr. Keach noted that when section 9.23 of the subdivision regulations pertaining to the
164 recreation requirement was written, they didn't have an open space developing ordinance.
165 Each resident in the development owns an equal share of that land. They can collectively
166 choose to do whatever they want with that land.

167

168 Mr. Fran McCarthy joined the meeting.

169

170 Mr. Martin questioned if there was a big difference in road requirements from what was
171 originally proposed and what it needs to be now. Mr. Keach noted that in terms of a code
172 perspective, no. If it was being designed from scratch, it could be narrower but because
173 all the closed drainage is in, it will stay the same.

174

175 Mr. Brown questioned if the proposed parking lot would satisfy the recreation
176 requirement. Mr. Meisner questioned if recreation should have some input on the
177 proposal. Mr. Keach noted it was up to the applicant to decide what they wanted to do.

178

179 Mr. Meisner questioned if there was supposed to be a plan made for the emergency
180 access road. Mr. Keach noted that the easement was added to the drawing but until we

181 hear more from Chief Tapley, we are at a disadvantage. It is up to Chief Tapley, Mr. &
182 Mrs. Bishop and Mr. McCarthy do determine what condition is acceptable.

183

184 Mr. Bishop noted he couldn't speak for Chief Tapley, but thought they determined that
185 the chief didn't require any formal improvements to his driveway.

186

187 Mr. Meisner questioned if it was going to be gravel, paved and if the town would need to
188 plow it? Mr. Keach noted the chief preferred it to be gravel and the fire department
189 would take care of winter maintenance. Mr. Brown added that the chief indicated to him
190 that he wouldn't be using it for vehicles it would be used for foot traffic only.

191

192 Mr. Meisner noted to try and plow what is there would be impossible. Mr. Keach noted it
193 would have to be surfaced. We need to yield to the three parties closest to it and have
194 them come back with what they want and get it on the drawings.

195

196 Mr. Brown suggested they get approval from conservation on the plans for the parking
197 lot. He didn't feel they needed to get input from recreation and it should be up to the
198 applicant to decide what he wanted to do in terms of recreation. Mr. Keach suggested the
199 applicant put together a brief proposal of what he feels would satisfy those requirements.

200

201 Mr. Keach is going to meet with Tim Lavelle and go over his suggested changes. He
202 didn't have time to write his review letter. They will try and reconcile the plans and have
203 a final recommendation letter written. He wants the next round of edits a week before the
204 meeting.

205

206 The public hearing will be continued to September 15, 2015.

207

208 **Public hearing for review of an application for a minor subdivision submitted by**
209 **Premiere Realty Trust and Edmund and Sheila Genest Jr. The subject property is**
210 **located at 58 Tenney Road and identified on Map 5, Lot 7-6, 7-6-1, 7-6-2. The**
211 **proposal is to consolidate lots 5-7-6, 5-7-6-1 and 5-7-6-2 and then to subdivide the**
212 **consolidated lot into two single family building lots.**

213

214 Mr. Brown, Mr. Martin, and Mr. Meisner all recused themselves for this portion of the
215 meeting.

216

217 Mr. Dykeman will step back in and take Mr. Brown's seat.

218

219 Mr. Lavelle reviewed the history of the project and the new configuration of the lots.

220

221 Mr. Russell clarified the driveway placements. Mr. Lavelle noted there will be two
222 driveway cuts on Tenney road. They are unsure if they will be together or if the existing
223 one is staying where it is.

224

225 Mr. Mencis noted these plans resolve an outstanding issue for the town.

226

227 Mr. Keach reviewed his letter dated September 1, 2015. He noted by recording the plan
228 for the original subdivision in 2006, Maria Lane is a dedicated public way. At the present
229 time, the public has rights over that platted street right-of-way. In order for that to be
230 released, the applicant needs to make a petition to the selectmen to release that, they will
231 conduct a public hearing and declare the right of way vacated. That will be very
232 important to get taken care of. Any approval should be conditional upon that occurring.

233

234 Mr. Keach recommended that the applicant request a waiver for road shoulder
235 improvements required by the original approval. Tenney Road has since been rebuilt, so
236 those improvements are not needed.

237

238 At the January 17, 2006 hearing when the application was approved, the applicant
239 satisfied the requirements dealing with recreation by offering a voluntary contribution of
240 \$1,000 per lot and the board accepted that. Given that they are down to one buildable lot,
241 he feels they should request an identical waiver implicit to the prior application.

242

243 **MOTION:** Mr. Mencis made a motion to accept the application for a minor subdivision
244 submitted by Premiere Realty Trust and Edmund and Sheila Genest Jr. for the subject
245 property located at 58 Tenney Road and identified on Map 5, Lot 7-6, 7-6-1, 7-6-2 for
246 jurisdiction. Mr. Dykeman seconded the motion. All members voted in favor. The motion
247 passed.

248

249 Mr. Lavelle submitted a waiver request for the terms and conditions of section 9.23 of the
250 Sandown subdivision regulations related to subdivision recreation facilities in lieu of a
251 \$1,000 donation to the Sandown Recreation Revolving Fund for the newly created lot.

252

253 **MOTION:** Mr. Mencis made a motion to accept the waiver request for section 9.23 of
254 the Sandown subdivision regulations related to subdivision recreation facilities in lieu of
255 a \$1,000 donation to the Sandown Recreation Revolving Fund for the newly created lot.
256 Mr. Treanor seconded the motion. All members voted in favor. The motion passed.

257

258 Mr. Lavelle submitted a waiver request for the requirement of section 9.19 of the
259 Sandown subdivision regulations which requires the excavation and reconstruction of
260 existing roadway shoulders as the Town of Sandown has already performed the
261 reconstruction of Tenney Road.

262

263 **MOTION:** Mr. Mencis made a motion to accept the waiver request for the requirement
264 of section 9.19 of the Sandown subdivision regulations which requires the excavation and
265 reconstruction of existing roadway shoulders as the Town of Sandown has already
266 performed the reconstruction of Tenney Road. Mr. Treanor seconded the motion. All
267 members voted in favor. The motion passed.

268

269 *Doug Martin, 5 Tenney Farm Road*

270 Mr. Martin would like the board to consider the proposal to utilize the existing driveway.
271 It was not presented that way to the zoning board. The existing driveway does not meet
272 site line requirements. The reason Maria Lane was moved to the proposed location was to

273 meet site distances. They proposed to ZBA that that driveway would be moved to the
274 edge of Maria Lane. He would like to see and review what was proposed and reviewed
275 by ZBA a few months ago. He would also like the old driveway restored so it goes back
276 to the original condition.

277

278 Mr. Lavelle noted the 15' driveway easement noted on the plans was intended for a
279 shared driveway.

280

281 Mr. Keach noted that the Genest's driveway was in construction mode. Had Maria Lane
282 been built, their driveway would be off the cul-de-sac. When they rebuilt Tenney Road,
283 they did some grading with anticipation of the driveway. When Tim Lavelle was drawing
284 the plan, the idea was for one curb cut to be on Tenney Road at that location of the
285 driveway easement. At that location, you can achieve 200' of site distance. Mr. Keach
286 asked that they perfect that and get a driveway permit to prove they can achieve proper
287 site lines. He also thinks that the restoration of the existing driveway should be included
288 in the approval to cause that work to be done.

289

290 Mr. Mencis questioned who would be responsible for the expense of that restoration? Mr.
291 Keach noted the Genests were co-applicants.

292

293 Mr. Meisner noted the applicant came before ZBA for an area variance. Their application
294 was for frontage. It had nothing to do with the lot configuration. They assured the board
295 that both lots would meet town standards in size. ZBA did not address the placement of
296 the driveways.

297

298 Mr. Martin noted during his visit with ZBA there was a lot of conversation about the
299 building envelope for the proposed lot. Mr. Lavelle agreed to move the house away from
300 the abutter's property line and he would like for that to be addressed.

301

302 Mr. Keach noted one of the conditions of the ZBA is that the dwelling built on the new
303 lot has to be a minimum of 500' off Tenney road and have a 30' voluntary setback as
304 indicated on the plans submitted.

305

306 Mr. Lavelle noted although he doesn't know why they should have a more restrictive
307 setback than anyone else in town, looking at the lot and where they want the house to go,
308 he doesn't feel that a 50' setback would be a problem.

309

310 *Richard and Season McIver, 72 Tenney Road*

311 The McIvers expressed frustration over the home going in and questioned if they had any
312 say over where the home would be built. The board noted the applicant agreed to the
313 voluntary 50' buffer, but they didn't have any say over what kind of home was built.

314

315 **MOTION:** Mr. Mencis made a motion to approve the application for a minor subdivision
316 submitted by Premiere Realty Trust and Edmund and Sheila Genest Jr. for the property is
317 located at 58 Tenney Road and identified on Map 5, Lot 7-6, 7-6-1, 7-6-2.

318

319 The following conditions to apply:

- 320 • Applicant petition the Board of Selectmen for release of the Maria Lane right of
- 321 way and the Board of Selectmen release Maria Lane right of way from public
- 322 servitude per RSA 231:52
- 323 • Receipt of amended NHDES subdivision approval for lot 7-6-2
- 324 • Acknowledge waivers granted on final plat
- 325 • Receipt of correspondence from town engineer acknowledging comments
- 326 and recommendations offered in his letter report of 9/1/15 have been
- 327 satisfactorily resolved
- 328 • Maintain positive PREA account
- 329 • Construct one or more driveway aprons at Tenney Road for the platted lots at
- 330 location(s) determined appropriate by the Sandown Director of Public Works and
- 331 restoration of existing driveway surface to the Genest home at any location(s)
- 332 abandoned prior to issuance of certificate of occupancy for future dwelling on
- 333 lot 7-6-2
- 334 • Increase westerly yard setback on lot 7-6-2 to 50 ft. as volunteered by applicant

335

336 Mr. Treanor seconded the motion. All members voted in favor. The motion passed.

337

338 Mr. Brown, Mr. Martin and Mr. Meisner stepped back in.

339

340 **Budget**

341 The board agreed to wait for the next meeting to discuss the budget.

342

343 **Engineer Report**

344 Mr. Keach noted Autumn Hills will likely be sending plans soon for approval.

345

346 **MOTION:** Mr. Russell made a motion to adjourn. Mr. Mencis seconded the motion. All

347 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at

348 9:25 p.m.

349

350 Respectfully Submitted,

351 

352 Andrea Cairns