

1 Sandown Planning Board  
2 Minutes  
3 December 6, 2016  
4

5 **Date:** December 6, 2016

6 **Place:** Sandown Town Hall

7 **Members Present:** Ernie Brown – *Chairman*, Doug Martin – *Vice Chairman*, Ed Mencis -  
8 *Secretary*, Steven Meisner, Mark Traeger, Terry Treanor - *Ex Officio*, John White, Matthew  
9 Russell – *Alternate*

10 **Members Absent:** Erik Dykeman, Lisa Butler – *Alternate*

11 **Also Present:** Steve Keach—*Town Engineer*  
12

13 **Opening:** Mr. Brown opened the meeting at 7:00 p.m.  
14

15 **Approval of the 11/15/16 Minutes**

16 **MOTION:** Mr. Traeger made a motion to accept the 10/18/16 minutes as amended. Mr. Mencis  
17 seconded the motion. Members voted in favor. Mr. Traeger and Mr. Meisner abstained. The  
18 motion passed.

19 **Approval of the 11/22/16 Minutes**

20 **MOTION:** Mr. Traeger made a motion to accept the 11/22/16 minutes as amended. Mr. Mencis  
21 seconded the motion. Members voted in favor. Mr. Martin and Mr. White abstained. The motion  
22 passed.  
23

24 **Correspondence**

- 25 • Inspection reports from Keach Nordstrom for Showell Pond Road (Buckley)
- 26 • Legal notice for cell tower public hearing in Hampstead
- 27 • Invitation to the grand opening of the new worship center at St. Matthews to be held on  
28 December 18, 2016
- 29 • Inspection reports from Keach Nordstrom for Wells Village Estates
- 30 • Copy of a letter the board sent to Timberland Regional School District requesting  
31 information for the impact fee study
- 32 • Legal notice for cell tower public hearing in Windham
- 33 • Legal notice for public hearing in Danville regarding Cotton Farm apartments
- 34 • Town & City magazine  
35

36 Mr. Treanor joined the meeting at 7:15 p.m.  
37

38 **Julie LaBranche, Rockingham Planning Commission**

39 Ms. LaBranche noted that the new MS4 permit has not been released yet. She added that new  
40 precipitation data for 50 and 100 year storms has been released that may impact how towns and  
41 developers design infrastructure.  
42

43 Ms. LaBranche questioned what the board was hoping to achieve by updating the stormwater  
44 regulations within the subdivision regulations.

45 Mr. Traeger noted he would like to keep stormwater from leaving the property.

46  
47 Mr. Russell believes enforcement and follow-up is an issue, especially for developments that are  
48 phased. Infrastructure sits idle and catch-basins fill and silt fencing falls down and there is no  
49 enforcement built in to the process.

50  
51 Ms. LaBranche questioned if there were designs the board finds positive or if they prefer open  
52 vs. closed drainage?

53  
54 Mr. Brown preferred open drainage so it is easier to maintain and it's more affordable. Mr.  
55 Mencis agreed.

56  
57 Ms. LaBranche questioned what they were looking for as an outcome for the new regulations.

58  
59 Mr. Brown noted they were hoping to comply with the new MS4 permit. He added that a lot of  
60 development has happened and the property that remains are challenging parcels with more  
61 ledge. They cannot do as much underground. Ms. LaBranche noted the state has a wide variety  
62 of options including: low impact development, infiltration chambers, gravel wetlands. Many are  
63 site specific. Mr. Traeger added that leaving as much vegetative buffer as possible is the cheapest  
64 option for developers.

65  
66 Ms. LaBranche added that she will bring forward some of the requirements for MS4 compliancy.  
67 There are pollutant standards that they will need to meet. They will also need to map stormwater  
68 infrastructure and come up with a sampling protocol; identify hot spots and sample near those.  
69 They will likely need to hire a firm to do annual sampling. The EPA will want to see a dedicated  
70 effort to improve their results and show that new development will not further contribute to any  
71 issues. She added they may want to update septic regulations requiring annual septic inspections  
72 around sensitive areas which would require beefing up zoning requirements. They will need to  
73 look at Showell Pond and start doing some outreach efforts in that area. Overall, they will need  
74 to understand where existing and proposed contributions to the MS4 system are going and they  
75 need to create standards that will not allow water from a new development to contribute.

76  
77 Mr. Martin noted that some states require any properties that are foreclosed on to get a certificate  
78 of occupancy before residents move back in so they can bring all septic systems up to code. The  
79 town may want to consider something like that.

80  
81 Ms. LaBranche noted they would need to set a threshold for when stormwater regulations would  
82 apply. Alteration of Terrain permits apply when over an acre is disturbed. The town would want  
83 to capture the majority of possible development; they may want to consider anything over 5,000  
84 sq. ft. of disturbance. They can include a waiver for those under 5,000 sq. ft if they meet certain  
85 criteria. They can also include a management plan as part of any development that needs to get  
86 recorded; maintenance and periodic inspections would need to be built into that plan.

87  
88 The new permit will require reporting of specific stormwater data. That information can be  
89 included with every application that is submitted. The engineers do the calculations already, it's  
90 just a matter of requiring they report that information.

91  
92 For the next meeting, Ms. LaBranche will review the site plan regulations. She will also put  
93 together sample language for data collection to be implemented into the subdivision regulations.  
94

95 Ms. LaBranche noted that for 2017, RPC would be offering an \$8,000 grant to support a  
96 municipality in identifying drainage systems and sampling protocols.  
97

#### 98 **Potential Zoning Amendments – Non-Conforming Lots**

99 Mr. Russell asked Mr. Meisner if, in his opinion, the proposed language would help define how  
100 to manage non-conforming lots in the future. Mr. Meisner felt it did do that. The Zoning Board  
101 has had several cases over the last year for non-conforming lots. The new regulations would  
102 define how they should be handled.  
103

104 Mr. Martin suggested they add language to put the burden of proof on the property owner and  
105 also require that an abstract be done by an attorney to certify that the lot has not changed since  
106 1956. The board agreed that would be appropriate. Ms. Cairns will have Attorney Gorrow draft  
107 language for that addition.  
108

#### 109 **Other Business**

110 The board received a memo from Keach Nordstrom recommending a partial release of a  
111 performance guarantee held for Wells Village Estates on behalf of Kasher Corporation.  
112

113 **MOTION:** Mr. Traeger made a motion to partially release \$45,786.50 from the Irrevocable  
114 Letter of Credit held on behalf of Kasher Corporation for Wells Village Estates retaining an  
115 amount of \$136,713.50 for full and final completion of the remaining work. Mr. Mencis  
116 seconded the motion. All members voted in favor. The motion passed.  
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119

120 Mr. Russell requested that in the future, any decision for a non-standard meeting be made and  
121 voted on in a public meeting. The board should not get in the habit of holding special meetings,  
122 and should treat every applicant the same. Mr. Meisner noted that the Zoning Board makes  
123 exceptions if there are health or safety issues (e.g.; failed septic system). Mr. Brown believes the  
124 board is there to do public business and if they can make accommodations to move projects  
125 along, they should.  
126

127 **MOTION:** Mr. Mencis made a motion to adjourn. Mr. Martin seconded the motion. All  
128 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at 9:20  
129 p.m.

130 Respectfully Submitted,

131 

132 Andrea Cairns