

1 Sandown Planning Board
2 Minutes
3 January 3, 2017
4

5 **Date:** January 3, 2017

6 **Place:** Sandown Town Hall

7 **Members Present:** Ernie Brown – *Chairman*, Ed Mencis - *Secretary*, Steven Meisner, Mark
8 Traeger, John White, Erik Dykeman – *Alternate*, Matthew Russell – *Alternate*

9 **Members Absent:** Doug Martin – *Vice Chairman*, Terry Treanor - *Ex Officio*,
10 Lisa Butler – *Alternate*

11 **Also Present:** Andrea Cairns – *Administrative Assistant*
12

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

15 Mr. Russell was seated for Mr. Martin.
16

17 **Approval of the 12/20/16 Minutes**

18 **MOTION:** Mr. Traeger made a motion to accept the 12/20/16 minutes as amended. Mr. Mencis
19 seconded the motion. Members voted in favor. The motion passed.

20 **Correspondence**

- 21 • Subdivision approval for Mallard Lane
- 22 • Legal notice for 145’ monopole going on Chester Road in Fremont
- 23 • Information from RPC regarding state long-range infrastructure needs
24

25 **Proposed Zoning Amendments**

26 **Z-1 Are you in favor of the adoption of Amendment Z-1 as proposed by the Planning**
27 **Board for the Town of Sandown Zoning Ordinance as follows:**
28

29 To amend Article II, Part D, Open Space Development; Section 5 – Maximum Permitted
30 Residential Density, to read: “Multi-family dwelling units shall not contain more than two-
31 bedrooms.”
32

33 *The proposed amendment revises the maximum number of bedrooms allowed in a*
34 *multi-family dwelling unit from three-bedrooms to two-bedrooms.*
35

36 **MOTION:** Mr. Russell made a motion to move Z-1 to the ballot with a recommendation by the
37 Planning Board. Mr. Mencis seconded the motion. All members voted in favor. The motion
38 passed 6-0.

39 **Z-2 Are you in favor of the adoption of Amendment Z-2 as proposed by the Planning**
40 **Board for the Town of Sandown Zoning Ordinance as follows:**
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42 To delete the text of Article V, Section 5 – Accessory Apartment Ordinance, in its
43 entirety and replace it with a new Article V, Section 5 – Accessory Dwelling Unit
44 Ordinance.

45 *The intent of this amendment is to modify the text of the Zoning Ordinance to comply with*
46 *new state legislation.*

47 **MOTION:** Mr. Mencis made a motion to move Z-2 to the ballot with a recommendation by the
48 Planning Board. Mr. Traeger seconded the motion. All members voted in favor. The motion
49 passed 6-0.

50 **Z-3 Are you in favor of the adoption of Amendment Z-3 as proposed by the Planning**
51 **Board for the Town of Sandown Zoning Ordinance as follows:**

52 *Amendment 3:* To delete the text of Article III, Part C – Signs, in its entirety and replace
53 it with a new Article III, Part C.

54 *The intent of this amendment is to modify the text of the Zoning Ordinance to comply with*
55 *new state legislation.*

56 **MOTION:** Mr. Mencis made a motion to move Z-3 to the ballot with a recommendation by the
57 Planning Board. Mr. Russell seconded the motion. All members voted in favor. The motion
58 passed 6-0.

59 **Z-4 Are you in favor of the adoption of Amendment Z-4 as proposed by the Planning**
60 **Board for the Town of Sandown Zoning Ordinance as follows:**

61 *Amendment 4:* To delete the text of Article II, Part A – General Regulations-All Zones;
62 Section 13 dealing with non-conforming uses and replace it with a new Article II, Part A,
63 Section 13.

64 *The intent of this amendment is to establish uniform guidelines for what is allowed when*
65 *building on pre-existing, non-conforming lots of record.*

66 Mr. Russell suggested adding “prior to the adoption of the original Zoning Ordinance on March
67 13, 1956 or prior to the effective date of lot size or frontage amendments affecting the
68 conformity of the lot.” to help clarify the explanation since that is what the proposed ordinance
69 states. The board agreed that would be appropriate.

70
71 **MOTION:** Mr. Mencis made a motion to move Z-4 to the ballot with a recommendation by the
72 Planning Board with the change to the explanation. Mr. Traeger seconded the motion. All
73 members voted in favor. The motion passed 6-0.

74
75 **Continued public hearing for review of an application submitted by Montana Realty Trust**
76 **for a minor subdivision. The application proposes to subdivide the subject parcel into two**
77 **lots. The subject parcel is located on Abby Lane and Pheasant Run Drive and identified as**
78 **Map 18, Lot 1.**

79 Mr. Villella presented the updated plans. He reviewed the letter dated 12/17/2016 submitted by
80 Keach Nordstrom.

81
82 Mr. Villella noted they received their subdivision approval, they did submit an application for a
83 driveway permit, the plans were signed and stamped by Tim Ferwerda, the applicant signed the
84 cover sheet, the monuments have been set and a letter stating that was provided and the house
85 number was put on page three of the plans.

86
87 Ms. Cairns noted they had not yet received a letter from the Fire Chief with his approval. Chief
88 Tapley had no concerns with the application and is aware he needs to submit that letter.

89
90 Mr. Villella provided a waiver request for section 9.23 of the Sandown Subdivision Regulations.
91 In lieu of on-site recreation he proposed a \$500 donation to the Recreation Revolving Fund. Mr.
92 Mencis felt that was appropriate.

93
94 **MOTION:** Mr. Mencis made a motion to accept the waiver request for section 9.23 of the
95 Sandown Subdivision Regulations in lieu of on-site recreation the applicant proposed a \$500
96 donation to the Recreation Revolving Fund for Map 18, Lot 1-3. Mr. Brown seconded the
97 motion.

98
99 *Discussion:* Mr. White questioned if there was a standard donation amount. Mr. Traeger noted
100 they generally make a \$1,000 donation. He added they really should schedule a meeting with
101 Recreation so they can standardize the requirement.

102
103 Members voted in favor 5-0-1. Mr. Meisner abstained. The motion passed.

104
105 Mr. Russell noted he had concerns about the foundation already being on the lot. Normally, the
106 lot is approved before any work is done on it; they are giving him an after-the-fact approval. He
107 added that he believed the orientation of the house was different than what was indicated on the
108 plans and had concerns about that. He stressed that was not the way the board should work.

109
110 Mr. Villella noted the foundation met all the setbacks. It was built on lot 18-1 which is a 100 acre
111 lot; they are just sectioning off 3 acres.

112
113 Mr. Brown noted it was no different than someone with an existing home, subdividing a building
114 lot off their property.

115
116 Mr. Meisner noted he had similar concerns, but it was explained to him that the foundation
117 permit was issued on a legal lot. They would not get their permit from Mr. Bogosh if it didn't
118 meet the setbacks. Mr. Russell noted the home is within a foot of the actual wetland setback.

119
120 Mr. Jim Lavelle joined the meeting. He noted that he certified the orientation and location of the
121 foundation. It is close to the wetlands, but meets the setbacks. Tim Ferwerda is generally very
122 conservative and he signed and stamped the plans.

123

124 **MOTION:** Mr. Mencis made a motion to conditionally approve the application submitted by
125 Montana Realty Trust for a minor subdivision for the subject parcel located on Abby Lane and
126 Pheasant Run Drive and identified as Map 18, Lot 1 with the following conditions:

- 127 • Receipt of correspondence from the Sandown Fire Department approving
128 the application
- 129 • Maintain positive PREA account balance

130

131 Mr. Brown seconded the motion. Members voted in favor 5-0-1. Mr. Russell abstained. The
132 motion passed.

133

134 **Other Business**

135 Mr. White noted that his original concern about the open space development multi-family
136 housing projects was the negative impact they may have on the community in terms of added
137 strain on services and the school system. He questioned if there was anything they could do to
138 stop a development if the board felt it may negatively impact the town.

139

140 Mr. Traeger noted they cannot stop a development if it meets the town's regulations. The Zoning
141 Ordinance is their main tool to control how the town grows but they need to stay within state
142 statutes. Mr. Meisner added that the foundation of the Zoning Ordinance is to protect the health,
143 safety and well-being of the town.

144

145 Mr. Russell noted if the applicant meets the town and state criteria, there is very little the board
146 or the Selectmen could do. Mr. Traeger noted there are templates for innovative zoning that they
147 could look at to address some of his concerns.

148

149 **MOTION:** Mr. Traeger made a motion to adjourn. Mr. Mencis seconded the motion. All
150 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at 8:15
151 p.m.

152

153 Respectfully Submitted,

154 

155 Andrea Cairns