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**Sandown Planning Board
Minutes
July 18, 2017**

Date: July 18, 2017

Place: Sandown Town Hall

Members Present: Ernie Brown – *Chairman*, Erik Dykeman – *Vice Chairman*,
Ed Mencis – *Secretary*, Steve Meisner, John White, Bruce Cleveland – *Ex Officio*,
Matthew Russell – *Alternate*

Members Absent: Bill Greene, Doug Martin – *Alternate*, Mark Traeger – *Alternate*

Also Present: Steve Keach – *Town Engineer*, Andrea Cairns – *Administrative Assistant*

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

Mr. Russell was seated for Mr. Greene.

Bruce Mayberry – School Impact Fee Study

Mr. Bruce Mayberry from BCM Planning was present to review the findings of his impact fee study. He reviewed a history of when the last impact fee studies were performing noting the original was done in 1997 and the last one was done in 2002.

A first draft of the study was completed in January and at that time the board approached the Timberlane Regional School District (TRSD) to see if they could obtain the additional data that would help make the study more complete. Through persistence, the TRSD provided the data that Mr. Mayberry requested, which was enrollment by address so they could match it to the tax files. The numbers didn't change significantly from his assumptions, but the data was important to support those numbers.

He is recommending a simplified fee schedule with a flat fee for each type of unit. He did provide a second alternative but that alternative is more closely linked to specific capital improvement projects.

Mr. Mayberry reviewed the data. He found that since the last impact fee study was done, there were 676 housing units built, which represents 29% of all housing units in Sandown and contains 39% of all school enrollments.

He also noted that the town does not currently assess a fee on accessory dwelling units. If the board does want to assess a fee, there is a procedure to adopt one. The fee can be done on a per unit basis or a fee based on the square footage of the unit. If the board did decide to assess it on the square footage, he would recommend placing a cap on the fee. The units don't generate more kids as they get larger; there is a place where that would tail off.

Mr. Mayberry did an assessment of Sandown's existing impact fee ordinance and made some recommendations on changes.

46

47 The current debt that the fees are currently going towards will be fully amortized in 2019.
48 The town could assume there will be other capital projects and as long as there is
49 adequate capacity at the schools so in his opinion, the town can continue to assess an
50 impact fee.

51

52 The fees didn't change all that much. The dollar value per school has gone up, but the
53 number of students attending school has gone down. The recommended fees are as
54 follows: Single family detached - \$4,559; Attached and 2 or more family - \$2,567;
55 Manufactured housing - \$2,530; Accessory dwelling unit - \$1,550.

56

57 Alternative 2 reflects a proposal from the school dated 2009, which proposed larger
58 square footage per students and a new middle school and high school. It presumes a plan
59 of action that may not happen. He provided those figures as an alternative, but did not
60 recommend moving forward with them. Those fees are as follows: Single family
61 detached - \$5,088; Attached and 2 or more family - \$2,559; Manufactured housing -
62 \$2,757; Accessory dwelling unit - \$1,730.

63

64 Mr. Russell questioned why the board wouldn't automatically chose alternative two,
65 which are higher fees. Mr. Mayberry noted that it is always better to site existing
66 conditions instead of something that might happen. Mr. Russell noted that they've seen a
67 steady increase in their taxes and can anticipate there will be more demand on Sandown
68 specifically.

69

70 Mr. White questioned if they could adopt one fee structure, but change that fee structure
71 if in two years, the TRSD moves forward with a large capital project. Mr. Mayberry
72 noted they could change their fees. If there was a large capital project, they could just
73 recalculate the fees based on the new plans, and wouldn't have to go through the entire
74 methodology again. Currently, there is more housing, but enrollments are not increasing
75 like they used to.

76

77 Mr. Keach added that the fee schedule is part of the subdivision regulations and could be
78 modified by a public hearing at any time.

79

80 Mr. Mayberry added that in terms of accessory dwelling units (ADU), the board would
81 need to consider whether they fit into the "new development" definition. On average,
82 there is about a 1/3 increase in school enrollment on the site with the construction of an
83 accessory dwelling unit. He found that ratio to be true in Salem and Manchester. If the
84 board believes an ADU constitutes new development, then they should be consistent and
85 there should be a fee assessed. The only housing type that should get a full exemption is
86 age restricted housing.

87

88 Mr. Keach stated the report is about equity among the assessment and housing type. If the
89 board chose to incorporate a waiver process for accessory dwelling units, that would
90 break the equity for those that don't have the benefit of an exemption and it would put the
91 town at risk.

92 Mr. Meisner suggested they could assess an impact fee on an apartment with two
93 bedrooms or more since the impact on schools for a one bedroom is likely minimal.

94
95 Mr. Mayberry noted there is likely some precedence in doing that and it could be
96 legitimate criteria for a waiver. He suggested they could also set parameters on size
97 (under 500 sq. ft) and/or number of bedrooms. He generally doesn't recommend bedroom
98 based fees because you don't know what the homeowner will use as a bedroom or add
99 later.

100
101 Mr. Meisner thought that might make one bedrooms more appealing.

102
103 Mr. Brown wanted to keep things simple. He would prefer not to assess an impact fee on
104 ADUs. He believed most accessory apartments were built for aging parents to live in. Mr.
105 Meisner added that may be true, but eventually there will be turnover and they will
106 become rentals. He would estimate more than half the accessory dwelling units in
107 Sandown are rentals. Two bedroom apartments will likely have children.

108
109 Mr. Mayberry noted there is rationale to charge two separate fees, but you would lose
110 equity. Someone may argue that a one-bedroom townhouse or one-bedroom single family
111 home should be assessed the same as a one-bedroom apartment.

112
113 Mr. Keach suggested they keep it simple. The fee is small enough that he does not
114 believe anyone would change their mind because of it.

115
116 The Board thanked Mr. Mayberry for his hard word. They would put the topic on a future
117 agenda to review and discuss further.

118
119 **Continued public hearing for review of an application submitted by Barbara Finch**
120 **for a minor subdivision. The property is located at 31 Main Street and identified on**
121 **Map 27 as Lot 104. The application proposes to subdivide the original parcel into**
122 **two lots.**

123
124 **Continued public hearing for review of a Conditional Use Permit application for the**
125 **same subject parcel. The application proposes to cross a forested wetland for a**
126 **driveway in order to access the buildable area of the lot.**

127
128 Tim Lavelle presented the plans.

129
130 Mr. Lavelle noted they received the dredge and fill permit and the driveway permits for
131 both driveways. They also received conditional approval from the Town of Danville. He
132 has a letter from the Sandown Conservation Commission with their favorable
133 recommendation of the Conditional Use Permit.

134
135 Mr. Russell questioned if the Conservation Commission looked at the woods road and the
136 drainage. The woods road doesn't allow any flow under it and he questioned if they could
137 address that.

138

139 Mr. Lavelle noted that water does go through now and he would have concerns about
140 disturbing additional wetlands to do that.

141

142 Mr. Brown contacted Mr. Keach to look at that issue specifically since it was raised by an
143 abutter with concerns. Mr. Keach noted that the construction of one home will not change
144 the condition of the water. He would prefer to leave it alone. There is not a problem today
145 and he would have concerns that if it was disturbed, they would create problems by
146 allowing water to go through the road.

147

148 Mr. Keach reviewed his letter dated June 14, 2017.

149

150 Mr. Lavelle presented a waiver request for section 9.23 of the Sandown Subdivision
151 Regulations requiring on-site recreation. In lieu of on-site recreation, they would like to
152 donate \$1,000 to the Sandown Recreation Revolving Fund.

153

154 **MOTION:** Mr. Russell made a motion to conditionally approve an application for a
155 Conditional Use Permit submitted by Barbara Finch. The subject property is located at 31
156 Main Street and identified on Map 27 as Lot 104. The following condition applies:

- 157 • Prior to the issuance of a Certificate of Occupancy, the building inspector will
158 inspect the driveway construction to make sure it is built in accordance to the
159 plans as presented.

160

161 *Discussion:* Mr. Keach noted a note regarding the condition will need to be added to the
162 plans prior to recording.

163

164 Mr. Mencis seconded the motion. The board voted unanimously in favor. The motion
165 carried.

166

167 **MOTION:** Mr. Mencis made a motion to accept the waiver request for section 9.23 of
168 the subdivision regulations requesting to make a \$1,000 donation to the Sandown
169 Recreation Revolving Fund in lieu of on-site recreation. Mr. Dykeman seconded the
170 motion.

171

172 *Discussion:* Mr. Cleveland questioned how that dollar amount was determined. The
173 Board noted the applicant determines the dollar amount.

174

175 The board voted unanimously in favor. The motion carried.

176

177 Mr. Lavelle noted all the monuments have been set and provided a certification stating
178 that.

179

180 There was no public present.

181

- 182 **MOTION:** Mr. Mencis made a motion to conditionally approve an application for a
183 minor subdivision submitted by Barbara Finch. The subject property is located at 31
184 Main Street and identified on Map 27 as Lot 104. The following conditions apply:
- 185 • Receipt of NHDES Subdivision approval
 - 186 • Final plans to be approved and signed by the Danville Planning Board
 - 187 • Add notes to the final plan acknowledging (a) CUP approval; (b) any waivers
188 granted by the Planning Board; and (c) all state permits issued
 - 189 • Receipt of written confirmation from a licensed land surveyor certifying all
190 boundary monuments specified as “to be set” on the plat were in face installed
 - 191 • Receipt of correspondence from Town Engineer acknowledging all comments and
192 recommendations offered in his letter report of June 14, 2017 have been
193 satisfactorily addressed
 - 194 • Maintenance of a positive PREA account balance
- 195

196 Mr. Dykeman seconded the motion. The board voted unanimously in favor. The motion
197 carried.

198

199 **Public hearing for review of an application submitted by DJV Properties, LLC and**
200 **St. Matthew’s UMC Trustees for a lot line adjustment. The properties are located at**
201 **323 & 327 Main Street and identified as Map 10 Lots 38 and 38-1. The intent of the**
202 **application is to seek approval to adjust the lot line(s) between the two properties**
203 **for the purpose of creating additional room on the northerly side of the existing**
204 **restaurant on Lot 38 for an anticipated building addition to be used for takeout ice**
205 **cream service.**

206

207 Charlie Zilch from SEC Associates and David Valance of DJV Properties, LLC were
208 present.

209

210 Mr. Zilch presented the application. He noted they are proposing a lot line adjustment
211 between the two lots. One lot is 5.13 acres with 400’ of frontage; the other lot is 1.85
212 acres with 200’ of frontage.

213

214 **MOTION:** Mr. Mencis made a motion to accept for jurisdiction an application submitted
215 by DJV Properties, LLC and St. Matthew’s UMC Trustees for a lot line adjustment.
216 The properties are located at 323 & 327 Main Street and identified as Map 10 Lots 38
217 and 38-1. Mr. Dykeman seconded the motion. The board voted unanimously in favor.
218 The motion carried.

219

220 Mr. Zilch added that the existing lot has a two-family apartment building, Bruschetti’s
221 Pizza and a small apartment behind it. There are two septic systems and a community
222 well. There are currently two accesses to the property, both with NHDOT permits. The
223 church’s lot is undeveloped but has a gravel parking area with access off of 121A.

224

225 They are anticipating adding a 30’ x 30’ ice cream shop and are hoping to adjust the lot
226 lines to make room for additional parking. They will share the parking with St.

227 Matthew's Church and will have easements to allow that. They will also need an
228 easement for the well radius that they will be installing to serve the expanded business.

229

230 Mr. Meisner noted he is an abutter to the church property across the street and questioned
231 if the applicant wanted him to step down. Mr. Valance was comfortable moving forward
232 with Mr. Meisner seated.

233

234 Mr. Zilch noted the lot line adjustment was not an equal area exchange, but did not create
235 any non-conformities. There would be no adjustment to the frontages.

236

237 Mr. Keach reviewed his letter dated July 12, 2017.

238

239 Mr. Keach noted the plat will define the easements. The easements would benefit the
240 protective well radius for 323 Main Street and a reciprocal easement would allow the
241 church to utilize the new access to the parking lot which eliminates an awkward curb but
242 and allow church members to cross the street at a location with better visibility. Mr.
243 Keach and the board received a copy of the draft easement agreement and it looks good.
244 The easement agreement should be recorded with the lot line adjustment, not the site plan
245 since the lot line adjustment plans set up the easements.

246

247 **MOTION:** Mr. Mencis made a motion to conditionally approve an application submitted
248 by DJV Properties, LLC and St. Matthew's UMC Trustees for a lot line adjustment. The
249 properties are located at 323 & 327 Main Street and identified as Map 10 Lots 38 and
250 38-1. The following conditions apply:

251

- Receipt of written confirmation from licensed land surveyor that all boundary monuments specified as "to be set" have in fact been installed per approved project plan

252

- Maintenance of a positive PREA account balance

253

- Recordation of final executed draft of easement agreement by and between DJV Properties, LLC and St. Matthew's UMC Trustees of even date with the final plat

254

255

256

257

258

Mr. Russell seconded the motion. The board voted unanimously in favor. The motion

259

carried.

260

261 **Public hearing for review of an application submitted by DJV Properties, LLC for**
262 **an amended site plan. The property is located at 323 Main Street and identified on**
263 **Map 10 as Lot 38. The application proposes a 900 sq. ft. addition to service as a**
264 **takeout ice cream shop; upgraded and/or replaced leach field; new well; and**
265 **reconfigured parking area.**

266

267

MOTION: Mr. Mencis made a motion to accept for jurisdiction an application submitted
268 by DJV Properties, LLC for an amended site plan. The property is located at 323 Main
269 Street and identified on Map 10 as Lot 38. Mr. Russell seconded the motion. The board
270 voted unanimously in favor. The motion carried.

271

272 Mr. Zilch noted the site plan is for a mix of residential and commercial uses. The
273 previous owners received site plan approval in 2004 for both the businesses and the
274 home. They are proposing a 30' x 30' one floor ice cream shop with both sit down and
275 takeout service on the North side of the pizza shop. There will be approximately 16
276 indoor seats and additional space outside for seating. They expect on average 50
277 customers per day.

278

279 They currently have two septic systems—one for the apartments and one for the pizza
280 shop. That will not change, but they will upgrade the system for the pizza shop and
281 increase the leach field size to accommodate the ice cream shop.

282

283 They will separate the water supplies and add a new well to the back of the property to
284 service the pizza shop, ice cream shop and one apartment.

285

286 They are proposing additional parking. It will come through the existing access, drop
287 down the hill to the gravel parking area below. They will add 17 parking spaces. The
288 existing parking lot will remain in use, but they will lose 2-3 spots to allow for the new
289 access.

290

291 They will address the drainage for the existing parking lot and will add drainage
292 measures for the additional lot. It will sheet flow across the lot to the end of the lot to a
293 grass treatment swale. They will add a gravel access driveway around the existing
294 building to the barn in the back.

295

296 They also have a new septic plan for the apartment building should that system fail.

297

298 The project will require a new NHDOT driveway permit since they are making changes
299 to the access.

300

301 They are requesting two waivers—the first for the high intensity soil mapping; the other
302 is for landscaping. They have no plans to change the existing landscaping.

303

304 Mr. Russell questioned if there is a lighting requirement. Mr. Zilch noted they were not
305 planning on adding any additional lights for parking. Mr. Keach noted they will add a
306 note to the plans, that if they ever decide to add lighting, they need to comply with the
307 dark sky ordinance.

308

309 Mr. Cleveland questioned if they would light the stairs for safety. Mr. Valance noted he
310 had not considered that but would look into it. He added that the existing street light
311 illuminates the entire parking lot.

312

313 **MOTION:** Mr. Mencis made a motion to waive Section IV.B.9 of the Sandown Site Plan
314 Review Regulation requiring high intensity soil mapping. Mr. Brown seconded the
315 motion. The board voted unanimously in favor. The motion carried.

316

317 **MOTION:** Mr. Mencis made a motion to waive Section V.J & VI.B.2 of the Sandown
318 Site Plan Regulations requiring additional landscaping. Mr. Brown seconded the motion.

319

320 *Discussion:* Mr. Zilch questioned if Mr. Valance did change the landscaping whether he
321 would be required to come back to the board for approval. The Board noted they would
322 not.

323

324 The board voted unanimously in favor. The motion carried.

325

326 Mr. Keach reviewed his letter dated July 18, 2017.

327

328 Mr. Keach noted the lot line adjustment and easement would need to be recorded before
329 the site plan.

330

331 Mr. Meisner questioned if there was enough parking for the square footage of the
332 business. Mr. Keach noted there was, but that was why it is important for the easement
333 agreement to be recorded prior to the site plan being recorded. The parking is contingent
334 upon that. There is also a termination clause in the easement that it could only by
335 modified by both parties. The site plan is being approved on the notion there would be 31
336 spaces provided. If that changed, the site plan would lose its validity and an amended site
337 plan would need to be provided.

338

339 Mr. White questioned if the application was in compliance with the stormwater
340 regulations they have been working on to comply with the MS4 permit. Mr. Keach noted
341 it is close to meeting those regulations. The project does not require an Alteration of
342 Terrain permit, but the design criteria used would meet those requirements. The site plan
343 regulations they have been working on, use the Alteration of Terrain requirements as its
344 base. Because those regulations have not yet been adopted, the application is not required
345 to comply.

346

347 **MOTION:** Mr. Mencis made a motion to conditionally approve an application submitted
348 by DJV Properties, LLC for an amended site plan. The property is located at 323 Main
349 Street and identified on Map 10 as Lot 38. The following conditions apply:

350

- Receipt of all required state project permits, including:

351

- An updated NHDOT Driveway Permit

352

- NHDES construction approvals for septic systems "A" and "B"

353

- NHDES non-community water supply system approval

354

- Approval, signature and recording of a proposed lot line adjustment plan
involving lots 10-38 and 10-38-1

355

- Receipt of recorded deed copies demonstrating conveyance of land and easements
identified on final lot line adjustment plan

356

- Addition of notes to final plat acknowledging any waivers granted by the
Planning Board

357

358

- Receipt of correspondence from Town Engineer acknowledging that all
comments and recommendations offered in his correspondence of July 18, 2017
have been satisfactorily addressed

359

360

361

362

- 363 • Maintenance of a positive PREA account balance
- 364 • Receipt of a favorable report from the Sandown Fire Department

365

366 Mr. Russell seconded the motion. The board voted unanimously in favor. The motion
367 carried.

368

369 **Other Business**

370 The mylars for the Piccirreli application were not ready to be signed.

371

372 The board reviewed and signed the mylars for the Espinola application.

373

374 **Review of the 6/6/17 Minutes**

375 **MOTION:** Mr. Cleveland made a motion to approve the 6/6/17 minutes as written. Mr.
376 Meisner seconded the motion. Mr. Brown, Mr. Russell and Mr. Mencis abstained. The
377 motion carried.

378

379 **Review of the 6/20/17 Minutes**

380 **MOTION:** Mr. Mencis made a motion to approve the 6/20/17 minutes as written. Mr.
381 Russell seconded the motion. Mr. Dykeman and Mr. White abstained. The motion
382 carried.

383

384 **Correspondence**

- 385 • Small water system workshop
- 386 • Cliff Sinnott from RPC retiring and his retirement party will be on July 28th
- 387 • *Town & City Magazine*

388

389 **MOTION:** Mr. Russell made a motion to adjourn. Mr. Mencis seconded the motion. All
390 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at
391 9:45 p.m.

392

393 Respectfully Submitted,

394



395

Andrea Cairns