

**Town of Sandown  
Zoning Board of Adjustment  
Minutes 1/30/14**

**Meeting Date:** January 30, 2014  
**Type of Meeting:** Meeting  
**Method of Notification:** Public Posting - Sandown Town Hall, Sandown Post Office,  
Sandown Website  
**Meeting Location:** Sandown Town Hall  
**Members present:** Chairman - Steve Meisner, Dave Ardolino, Christopher True,  
Curt Sweet, Donna Green  
**Absent:** Tom Tombarello – Selectman’s Liaison,

**Opening:** Mr. Meisner opened the meeting at 7:11p.m.

**Review of the 10/29/13 Minutes**

**MOTION:** Mr. True made a motion to approve the 10/29/13 minutes as written. Mr. Ardolino seconded the motion. Members voted in favor. Mr. Sweet and Ms. Green abstained. The motion passed.

**7:15 – Joe Gordon discussion regarding the Police Station**

Chief Gordon explained that they were exploring the option of purchasing 460 Main Street as the new site for the new police station. He noted they explored the option of purchasing the property in 2007 when it was for sale, but they didn’t have any money to purchase it. He noted when Patricia Brown purchased the property she completely renovated the building and put in a new septic and leach field.

Mr. Meisner noted Ms. Brown received a variance to carve off the one-acre lot in the front of the building.

Chief Gordon noted the septic system is more than adequate for the proposed usage. They had a home inspection and found the septic tank was never serviced, so Ms. Brown agreed to take care of that. The inspection report from the home inspector found a small amount of rot in the sill between the front door and window to the right. They are gutting the building so they will be able to take care of that. Other than those minor items, there is nothing wrong with the building.

Chief Gordon noted there was public concern that the lot was not able to have commercial only and had to maintain some sort of residential use. The listing states the property is commercial/residential. The chief noted the town attorney felt the town did not always have to follow the same zoning. Ms. Cairns found RSA 674:54 – Government Land Uses which states that the town does not need to adhere to local zoning and planning regulations when a property is being used for governmental purposes. Ms. Cairns confirmed with the Local Government Center that RSA applied to this situation. Chief Gordon noted the RSA states that they do still need to comply with state building

47 and safety codes. He noted he was before the board to make sure they didn't see any  
48 other issues. Mr. True agreed that after reading that RSA it was pretty clear that they  
49 were able to move forward.

50

51 Mr. Meisner noted that he does still need to comply with RSA 155-A:5-a which outlines  
52 accessibility standards for public buildings. Chief Gordon noted that the architect would  
53 take the plans from the original site and transfer them to the new building so all handicap  
54 accessibility and fire safety issues would be addressed.

55

56 Ms. Green suggested that it would be a good practice to have a site plan review with the  
57 planning board, although it wouldn't be binding, but they might bring some things up that  
58 he might not think about. She noted a site plan is specific to commercial development and  
59 the planning board would look at the site as a whole, including landscaping. Chief  
60 Gordon noted he is going to meet with them next week.

61

62 Mr. Sweet questioned if the well was updated. Chief Gordon noted that it was updated  
63 when Ms. Brown purchased the property.

64

65 Mr. Meisner asked if they had any plans to combine the two lots back to one large lot.  
66 Chief Gordon wasn't sure what they would do.

67

68 Mr. Sweet asked how large the 460 Main Street parcel was. Chief Gordon noted it was  
69 approximately 5.2 acres, very similar in size to the original site. Mr. Sweet questioned  
70 how large the structure is going to be. Chief Gordon noted they would primarily be using  
71 the first floor with the potential of adding a training room and conference room upstairs  
72 as well as adding a garage.

73

74 Ms. Green questioned if they could ever use the upstairs space for other town offices.  
75 Chief Gordon wasn't sure what the potential use might be down the road. Ms. Green  
76 questioned if the building would be wired and ready to accept a modern office. Chief  
77 Gordon noted they weren't planning on renovating the entire upstairs right now. They  
78 were keeping the bathroom and kitchen as is.

79

80 Chief Gordon noted he wanted to speak with the Zoning Board in case they had a case  
81 that might have precedence and cause problems down the line. Mr. Meisner noted with  
82 zoning, there is no precedence, every case is different.

83

84 Chief Gordon feels the better choice is moving to 460 Main Street (Plan B). He noted it  
85 would save approximately \$160,000-170,000 by changing to that site. He's noted the  
86 warrant is asking for an additional \$125,873 to complete Plan B for a total of \$871,036.  
87 The other warrant is asking for \$285,806 to move forward with the original site (Plan A)  
88 which would bring the total cost of Plan A to \$1,030,969.

89

90 Chief Gordon noted Plan B would basically be a new building since they are replacing  
91 the siding and roof and gutting the first floor. They would also be adding a garage. They  
92 are going to get everything they wanted in the proposed building from Plan A at the Plan

93 B site, plus some additional square footage and he feels that the property is much better  
94 suited for a police station. He also noted Plan B would be completed in 6-8 months where  
95 Plan A would be over a year to complete.

96  
97 Mr. Meisner noted he had some concerns about whether the building would be vacated at  
98 the time of closing. Chief Gordon noted if the warrant article passes, they have an April  
99 15<sup>th</sup> closing so Ms. Brown would have March 12-April 15 to get the tenants out and if  
100 needed they could extend the closing to May 30<sup>th</sup> if they needed to go to court for  
101 eviction.

102  
103 Chief Gordon noted they are hoping to have volunteers help gut the building so the  
104 builder will have an open floor plan to start the building, which will save some money.

105  
106 The board didn't have any concerns with the proposed project.

107  
108 Ms. Green questioned what kind of sign they would have. Chief Gordon noted he hasn't  
109 thought that far yet. He just wants to get approval first.

110  
111 The Chief thanked the Board for their help and input.

112

### 113 **Review of Bylaws**

114 Mr. Meisner noted they already went through the bylaws once at the 10/29/13 meeting.

115

116 Ms. Green noted she worked from the revised copy and did have some revisions to  
117 suggest. Her revisions are as follows:

118

119 Ms. Green asked if the Board checked the RSA references as well as the references to  
120 specific articles of the Sandown Zoning Ordinance to make sure they are still valid. Mr.  
121 Meisner noted he did verify those.

122

#### 123 ***I. Purpose & Authority, B:***

124

125 *These Bylaws and Rules of Procedures are adopted under the authority of New*  
126 *Hampshire Revised Statutes Annotated, Chapter 676:1 as amended, and the Zoning*  
127 *Ordinance and map of the Town of Sandown, New Hampshire.*

128

129 Ms. Green she suggested it should read "with reference to the Sandown Zoning  
130 Ordinance and the Tax Map of the Town of Sandown, New Hampshire."

131

132 Mr. Meisner suggested it should read "official" map. Ms. Green questioned if the official  
133 town map is updated regularly. Members discussed and agreed it should read, "tax map"  
134 and it should read "Sandown Zoning Ordinance."

135

#### 136 ***II. ZBA Member Terms & Duties, B. Alternates:***

137

138 Ms. Green questioned if they should add how alternates are selected to vote. In some  
139 contentious boards, the Chairman may favor one alternate over the other. It might be a  
140 good idea to spell out who serves and when.

141  
142 Mr. Sweet noted they've never had an issue because they've never had more than one  
143 alternate. Mr. Meisner noted that usually the alternates are always voting members  
144 because there isn't usually a full board. He suggested they might want to revisit the issue  
145 if they ever have several alternates. Members agreed not to change the language.

146

147 ***II. ZBA Member Terms & Duties, C. Officers of the Board, 1:***

148

149 *Change to:* The Chairman conducts hearings and meetings, acts as official spokesman for  
150 the Board, and designates alternates as voting members when deemed appropriate.”

151

152 ***III. Application Process, B. Filing of Application, 2:***

153

154 *Change to:* “All forms and revisions prescribed thereto shall be adopted by resolution of  
155 the Board as described in Article XI and are considered attachments to and thus part of  
156 these Bylaws and Rules of Procedure.”

157

158 ***III. Application Process, B. Filing of Application, 2, c:***

159

160 *Change to:* “Informational Sheet”

161

162 ***III. Application Process, C. Information required with Application (provided by the***  
163 ***applicant), 1:***

164

165 *“However, an application submitted with insufficient context and supportive*  
166 *documentation will be denied.”*

167

168 Ms. Green questioned if the application would be denied or if the hearing would be  
169 denied, noting they are two separate things.

170

171 Mr. Sweet noted if they don't fill the application out correctly, the Board wouldn't hear  
172 the case.

173

174 Ms. Green clarified that what they are really saying is that the hearing would not be held.  
175 She questioned how many times the Board could deny a person's application.

176

177 Mr. Meisner noted they are bound to accept the application, but if it isn't complete, they  
178 are bound to reject the application. The applicant can fix and resubmit it. He noted they  
179 would be denying the application, not the case.

180

181 Members agreed to keep the language as written.

182

183 **III. Application Process, C. Information required with Application (provided by the**  
184 **applicant), 1:**

185  
186 *“Since a prescriptive list of elements tailored to each type of case may be inadequate or*  
187 *misleading, the Board requires that applicants adequately describe who owns the*  
188 *property, where it is located, and to give an adequate description of it that is relevant to*  
189 *the case.”*

190  
191 Ms. Green questioned the phrase “adequate description of it that is relevant to the case.”  
192 Asking if “it” should be changed to “property”. Mr. Meisner noted “it” covers everything  
193 since it is not always involving property, it could be referring to dimensional  
194 requirements or an appeal.

195  
196 Members agreed to keep the language as written.

197  
198 **III. Application Process, C. Information required with Application (provided by the**  
199 **applicant), 1:**

200  
201 *The applicant must also describe what the proposed use is and the relationship to the*  
202 *property, including sketches, plot plans, pictures construction plans, etc., and must*  
203 *explain why the proposed use requires an appeal to the Board of Adjustment.*

204  
205 Ms. Green questioned the word “sketches”. Mr. Meisner noted that they do accept  
206 sketches and noted an instance when they did.

207  
208 Mr. Sweet asked if she didn’t like that it stated “must”. Donna agreed she didn’t like that.

209  
210 Members agreed to keep the language as written.

211  
212 **III. Application Process, C. Information required with Application (provided by the**  
213 **applicant), 2:**

214  
215 Ms. Green noted “e.g.” should always be followed by a semicolon and asked that to be  
216 fixed that throughout.

217  
218 **III. Application Process, D, 4, a, ii:**

219  
220 Change to: “If verification is obtained but the information is not provided by the  
221 scheduled meeting, the application will be considered to have been abandoned.”

222  
223 **III. Application Process, D, 4, b:**

224  
225 *The Board may vote to deny the application, in which case the applicant must be notified*  
226 *by the Chairman in writing explaining the discrepancies.*

227

228 Ms. Green though the phrase “by the Chairman in writing explaining the discrepancies”  
229 could be read as the applicant would have to write to the Chairman vs. the Chairman  
230 writing to the applicant.

231

232 Members discussed, but didn’t agree there was an issue with the wording and agreed to  
233 keep the language as written.

234

235 **VI Quorum and Disqualification –**

236

237 Ms. Green questioned if they should add that Board members must conform to the Town  
238 Code of Ethics.

239

240 Members didn’t feel they needed to add that.

241

242 **VII. Meetings—Order of Business & Procedures, C, 8:**

243

244 *The Board reserves the right to rescind the granting of any appeal, should it come to the*  
245 *attention of the Board that an applicant and/or agent misrepresented a material fact*  
246 *which led the Board to grant their appeal.*

247

248 Ms. Green questioned the reasons why they would rescind something and asked if the  
249 Board received new information that they didn’t know prior to the decision, could they  
250 rescind their decision.

251

252 Mr. Meisner noted they have to go by what is given to them. They aren’t out to play  
253 detectives after the case. You as a board have the responsibility to check something you  
254 don’t feel is correct and under the RSA of the zoning board you have the right to ask for  
255 that during the hearing.

256

257 Ms. Green questioned if it was possible to revisit the case if they found out something  
258 important. Mr. Meisner did not believe the Board could appeal or rescind their decisions  
259 on their own. The Board is supposed to be educated enough and have enough material at  
260 their disposal to make an educated decision and they are supposed to stand by that  
261 decision.

262

263 Ms. Green asked if there was an RSA that stated they couldn’t appeal their own  
264 decisions. Mr. Sweet thought if there was new information brought to them they could.

265

266 **VII. Meetings—Order of Business & Procedures, C, 9, k:**

267 Ms. Green questioned if a decision could be deferred outside of the 14 days. Mr. Meisner  
268 noted they couldn’t defer their decision over and over. There is a timeframe they need to  
269 make a decision within.

270

271 Ms. Green noted that sometimes the decision is to defer the decision. This sentence is  
272 holding the Board to a decision within 14 days of a hearing and in practice they don’t  
273 always do that.

274

275 Mr. Sweet noted that an applicant could continue a meeting or withdraw their application  
276 to get more information and the Board would encourage that.

277

278 Mr. Meisner noted when the Board defers their decision, they aren't supposed to allow  
279 the applicant to present more information. If they want to do that, they need to ask for a  
280 continuance. When they come back to state their decision, the hearing is closed to the  
281 public.

282

283 Members agreed to keep the language as written.

284

285

286 **VII. Meetings—Order of Business & Procedures, D:**

287

288 Change to: "Decisions on appeals under consideration from prior meetings (e.g.,  
289 continuances or tabled cases)—applicable elements of the above case hearing process  
290 will be followed."

291

292 **VIII – Notice of Decision and Meeting Minutes, B:**

293

294 Change to: "The notification of decision will include the same information as the notice  
295 of hearing as well as stating the decision reached and the right of any aggrieved parties to  
296 file a motion for rehearing (if applicable). If the appeal is denied or deferred, the notice  
297 shall include the reasons therefore."

298

299 **VIII – Notice of Decision and Meeting Minutes, D:**

300 Ms. Green questioned if they should add that the minutes should be posted to the town  
301 website as well.

302

303 Mr. Meisner wasn't sure who would be the person putting them on the website in the  
304 future and noted concern it may not always be done in a reliable and timely manner. The  
305 Board could lose a case because someone may not post them in time and the Board  
306 wasn't following their own bylaws. He felt posting on the website could be a courtesy,  
307 but not requirement.

308

309 Members agreed to keep the language as written.

310

311 **X. – Finances, C:**

312

313 Change to: "The basis for fees includes administrative costs associated with generating  
314 legal notices and abutter letters, stuffing envelopes, trips to Post Office and Town Hall  
315 for posting (if applicable), meeting minutes and records preparation, publishing costs for  
316 legal notices, seminar/training costs for Board members and alternates, and  
317 administrative staff, books and reference materials."

318 **X. – Finances, D, 2:**

319

320 Change to: “Abutter fee (for each abutter): \$5, plus postage”

321

322 **MOTION:** Mr. True made a motion to approve the changes made to the bylaws on  
323 10/29/13. Mr. Ardolino seconded the motion.

324

325 *Discussion:* Mr. Sweet asked if they should add to the 10/29/13 minutes that Ms. Green  
326 was absent. Members agreed that needed to be done.

327

328 Ms. Green requested they add to the motion to include the changes made that meeting.

329

330 Mr. True amended his motion to include the changes made at that meeting. Mr. Ardolino  
331 seconded the amended motion. All members voted in favor. The motion passed.

332

333 **MOTION:** Ms. Green made a motion to revisit the 10/29/13 minutes. Mr. Ardolino  
334 seconded the motion. All members voted in favor. The motion passed.

335

336 **MOTION:** Ms. Green made a motion to amend the minutes of 10/29/13 to add that  
337 Donna Green was absent. Mr. Ardolino seconded the motion. All members voted in  
338 favor. The motion passed.

339

340 **Correspondence**

341 *Town & Country Magazines*

342

343 Email from Mr. True requesting that he be reappointed to the ZBA for a three-year term.

344

345 **MOTION:** Ms. Green made a motion recommending to the Board of Selectmen that  
346 Chris True be reappointed for a three-year term starting in March 2014. Mr. Ardolino  
347 seconded the motion. Members voted in favor. Mr. True abstained. The motion passed.

348

349 **Other Business**

350 Mr. Meisner noted that Lauren Cairns was the Vice Chairman and is no longer on the  
351 board so they need to appoint a new Vice Chairman.

352

353 Mr. Meisner asked Mr. Sweet if he was interested since he is the senior member. Mr.  
354 Sweet was not interested in the position.

355

356 Mr. Meisner asked Mr. True if he would be interested in being Vice Chairman. Mr. True  
357 noted he would accept the position, but would be interested in attending a class to learn  
358 what was involved in running a meeting. Mr. Meisner noted he could put together a one  
359 or two page sheet for him with instructions. Mr. Sweet noted that all Board members  
360 generally help out during the meeting.

361

362 **MOTION:** Mr. Sweet made a motion to appoint Chris True as Vice Chairman. Mr.  
363 Ardolino seconded the motion. All members voted unanimously in favor.



364

365 **MOTION:** Mr. Sweet made a motion to adjourn. Ms. Green seconded the motion. All  
366 members voted in favor. The motion passed. Meeting adjourned at 8:50 p.m.

367

368 Respectfully Submitted,



369

370 Andrea Cairns