

**Town of Sandown
Zoning Board of Adjustment
Minutes 11/19/15**

- Meeting Date:** November 19, 2015
- Type of Meeting:** Public Hearing
- Method of Notification:** Public Posting - Sandown Town Hall, Sandown Post Office, Sandown Website, *Eagle Tribune*
- Meeting Location:** Sandown Town Hall
- Members present:** Chairman - Steve Meisner, Vice Chairman - Christopher True, Brian St. Amand, Curt Sweet, Chris Longchamps – Alternate
- Members absent:** Dave Ardolino, Tom Tombarello –Selectmen’s Liaison

Opening: Mr. Meisner opened the meeting at 7:03 p.m.

Mr. Longchamps was appointed in place of Mr. Ardolino.

Case #01 – M3 L38 – Public hearing for the property located at 33 Showell Pond Road and identified on Map 3 Lot 38. An application submitted by James and Christine Buckley requesting a variance from Article II, Part B, Section 3B to allow two new building lots with no frontage on a Class V town road.

Mr. Buckley presented the application. He noted the plans that were presented were done by Lavelle & Associates but Charlie Zilch from SEC Associates will be working with him if the project proceeds and may have input throughout the meeting.

Mr. Buckley noted that they purchased the 23 acre property in 2001. They are hoping to create two lots for their children. The variance is because the new lots would not have frontage on a class V town road. He understands and supports the intent and purpose of the regulation which is to maintain reasonable growth and ensure the health, safety and welfare of the town. They do not feel their request goes against any of the goals of the ordinance and wouldn’t alter the character of the neighborhood. The lots would likely only be visible to one home. They would have the same emergency access that they have now. They would be fairly large lots that are larger than the minimum lot size and larger than most lots on Showell Pond Road. Mr. Buckley doesn’t feel it would diminish the property values because of the size of the lots. The neighborhood started out as camps and summer homes. The majority of the homes have been converted to year-round homes. If they did get the variance they understand they would need to meet all other zoning regulations moving forward. He feels it might help to have additional able-bodied homeowners for maintenance and improvements of the road. He’s not looking to make a profit by selling the lots, he just wants to provide two house lots for his children.

Mr. Meisner questioned if Showell Pond Road was a private road or a class VI road? Mr. Buckley wasn’t sure but was always under the impression it was a private road.

47 Mr. True questioned if the house lots would border the pond. Mr. Buckley noted they
48 wouldn't and showed Mr. True the plans where the homes would be.

49
50 Mr. Longchamps clarified that the road going to the homes would actually be a 50'
51 ROW over the existing driveway, with a hammerhead at the end for emergency vehicle
52 turnaround. Mr. Buckley confirmed that was accurate. Mr. Buckley added that the Town
53 Engineer made the suggestion to present it that way. Chief Tapley also reviewed the
54 plans and confirmed the proposed turnaround was adequate and fire trucks could use it.

55
56 Mr. Buckley noted their original deed has their property broken up into three lots, but
57 have since been aggregated into one lot. He wasn't sure when that happened, but their
58 property is currently only one lot.

59
60 Mr. Meisner noted all the variance questions had been answered, a copy of Mr. Buckley's
61 application will be in the town files.

62
63 Mr. Meisner noted that RSA 674:41 addresses the erection of buildings on Class VI
64 roads. The RSA requires that before a building permit is issued, a deed addendum which
65 releases the town of liability and maintenance to the road must be recorded at the registry
66 of deeds.

67
68 Mr. True had concerns that if a fire truck or rescue vehicle were to go down that road and
69 get damaged, the town would be required to pay the damages to the truck.

70
71 Mr. Meisner noted the fire department would need to make a judgment call as to whether
72 or not they could get down the road safely. The Buckley's will provide a deed addendum
73 releasing the town of liability so the homeowners of those properties can't sue the town if
74 safety/rescue vehicles couldn't get down there.

75
76 Mr. Sweet added that the fire chief would weigh-in on that when he reviewed the plans
77 and gave his approval.

78
79 Mr. Meisner noted that isn't within the perimeters of the zoning board. The applicant
80 would be going to the planning board where that would be addressed.

81
82 Mr. Meisner opened the meeting to the public.

83
84 *Fred Riley – 4 Showell Pond Road*

85 Mr. Riley noted he has been living there over 50 years. He's been hauled out of there by
86 ambulance, had a chimney fire and all safety vehicles have gotten in there with no issues.
87 Mr. Riley feels that Mr. Buckley has improved the road tremendously since he has lived
88 there. He feels Mr. Buckley has been an asset to the neighborhood and he would like to
89 see young help come into the neighborhood. He is in favor of the proposed project.

90
91 *Annette Titorenko - 3 Showell Pond Road*

92 Ms. Titorenko lives at the beginning of the road. Her family has owned property on
93 Showell Pond since before WWII. She wanted to review the plans because she hadn't

94 seen what they were proposing. She added that her family owns the first portion of
95 Showell Pond Road, all the homeowners have a ROW to go down the road to their
96 homes.

97
98 Ms. Tina Buckley noted that their children already own land with frontage along Showell
99 Pond Road.

100

101 Mr. Meisner closed the hearing to the public.

102

103 **MOTION:** Mr. St. Amand made a motion to approve the application submitted by James
104 and Christine Buckley for the property located at 33 Showell Pond Road, identified on
105 Map 3 Lot 38, requesting a variance from Article II, Part B, Section 3B to allow two new
106 building lots with no frontage on a Class V town road with the condition that they record
107 at the registry of deeds a deed addendum and agreement of release of liability.

108

109 Mr. True seconded the motion. All members voted in favor. The motion passed 5-0-0.

110

111 Mr. Meisner noted for the applicant that according to RSA 677:2 there was a 30-day
112 appeals timeframe.

113

114 Charlie Zilch noted that the lots were created without soil based lot sizing so they may be
115 adjusted slightly and asked if the board was ok if the lots ended up being slightly
116 different than what is currently presented in the plans.

117

118 Mr. Meisner noted that if they do change, he would like them to provide new plans for
119 the file so there is no confusion later on. He added that he would hope they would get
120 bigger instead of smaller.

121

122 **Other Business**

123 Mr. Meisner noted that Ms. Green formally resigned from the board.

124

125 **Review of the 7/30/15 Minutes**

126 **MOTION:** Mr. True made a motion to accept the 7/30/15 minutes as amended. Mr.
127 Longchamps seconded the motion. Members voted in favor. Mr. St. Amand, Mr. Sweet
128 and Mr. Longchamps abstained. The motion passed.

129

130 **Review of the 10/29/15 Minutes**

131 **MOTION:** Mr. St. Amand made a motion to accept the 10/29/15 minutes as amended.
132 Mr. True seconded the motion. Members voted in favor. Mr. Meisner and Mr. Sweet. The
133 motion passed.

134

135 **Review of Applications**

136 *An application submitted by Ben and Cindy Levine, 29 Brown Ave. M29 L6 requesting a*
137 *variance from Article III, Part ID to permit the construction of a 26x47, 3 stall garage*
138 *and storage area with finished exercise space above.*

139

140 Mr. True and Mr. St. Amand reviewed the abutters list. Mr. Meisner confirmed the
141 application fee and abutters envelopes were provided.

142
143 Mr. Meisner noted the variance questions were answered and the application appeared
144 complete.

145
146 **MOTION:** Mr. Longchamps made a motion to accept the application submitted by Ben
147 and Cindy Levine, 29 Brown Ave., M29 L6 requesting a variance from Article III, Part 1
148 D to permit the construction of a 26x47, 3 stall garage and storage area with finished
149 exercise space above. Mr. St. Amand seconded the motion. All members voted in favor.
150 The motion passed.

151
152 *An application submitted by David Valance for 323 Main Street, M10 L38 requesting a*
153 *variance from Article V, Section 5 to permit a 1,080 sq. ft commercial space to be*
154 *converted into a two bedroom residential dwelling or office space.*

155
156 Mr. True and Mr. St. Amand reviewed the abutters list. Mr. Meisner confirmed the
157 application fee and abutters envelopes were provided.

158
159 Mr. Meisner noted the variance questions were answered and the application appeared
160 complete.

161
162 Mr. Meisner questioned if they were asking for a variance from the correct section of the
163 zoning ordinance. The board discussed and agreed the appropriate request should be for a
164 variance from Article I, Part D, Section 2.

165
166 **MOTION:** Mr. Longchamps made a motion to accept the application submitted by
167 David Valance for 323 Main Street, M10 L38 requesting a variance from Article V,
168 Section 5 to permit a 1,080 sq. ft commercial space to be converted into a two bedroom
169 residential dwelling or office space with the condition that the application is updated to
170 the correct zoning ordinance reference before the public hearing to be held on December
171 17, 2015. Mr. St. Amand seconded the motion. All members voted in favor. The motion
172 passed.

173
174 **MOTION:** Mr. St. Amand made a motion to adjourn. Mr. Longchamps seconded the
175 motion. All members voted in favor. The motion passed. Meeting adjourned at
176 approximately 8:30 p.m.

177
178 Respectfully submitted,



179 Andrea Cairns
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