

**Town of Sandown  
Zoning Board of Adjustment  
Minutes 5/26/16**

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- Meeting Date:** May 26, 2016
- 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, Dave Ardolino
- Members absent:** Curt Sweet, Chris Longchamps – Alternate, Jim Devine –Selectmen’s Liaison

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

**Case #01 – M27 L3-1, 38 Main Street – An application submitted by Richard Towne requesting a variance from Article II, Part B, Section 3B to allow the construction of a dwelling on a property with no frontage on a town approved roadway.**

Tim Lavelle and Richard Towne presented the application.

Mr. Meisner explained the process for the public.

Mr. Meisner made the applicant aware that they did not have a full board. Mr. Towne opted to continue the hearing.

Mr. Lavelle gave a history of the project. The address is 38 Main St. even though it doesn’t have any frontage on Main. St. It fronts on Angle Drive. Angle Drive does not exist except for on paper. Originally it was four lots but the town combined the lots a long time ago. Angle Drive was never constructed. The lots were sold with the rights to access them for building through an easement. The state of NH took the deed to the property under Angle Drive, Beach and portion of another lot for access to their dam. The dam is actually located off a lot on Trues Parkway. They submitted shoreland permits to the state and received approval. It doesn’t abut Angle Pond, but is within the 250 ft. protection area. They submitted a septic design which was also approved and they have a driveway permit to construct a driveway on Rt. 121A which is a state road.

40 When Mr. Towne started cutting the trees along the ROW the Dam Bureau took exception to it  
41 and raised several concerns and put a cease and desist on all work. Those issues have since been  
42 resolved and submitted a letter from the Dam Bureau with the resolutions.

43  
44 The driveway will be about 18' of construction, but only a 14' wide driveway to the structure in  
45 the back. The Dam Bureau wanted to make sure they weren't hauling out gravel or minerals—  
46 there are none there to haul out so they aren't proposing to do so. The driveway is pretty close to  
47 being complete. They conceded to the states survey and are going with their property lines.

48  
49 For the shoreland permitting, they require gutters for the roof to outlet into drywalls to treat the  
50 impervious surface water before it gets to the lake. They also wanted to make sure they weren't  
51 going to cut trees down towards the water, but they don't own any property near the water so  
52 there is no possibility of that.

53  
54 Mr. Meisner passed around the letter from DES to the public so they could read it.

55  
56 Mr. Lavelle read the five criteria into the record.

57  
58 Mr. True wanted to know more about what the ROW will look like. Tim noted the homeowner  
59 will take care of it and will plow it like it's his own. Mr. Towne noted it would be paved. Mr.  
60 Lavelle noted it would be 14' wide so two cars can pass, but it will all appear to be one  
61 driveway. There would be no cul-de-sac, the driveway will go right to the home. The total  
62 driveway will be under 300'.

63  
64 Mr. Meisner opened the meeting to the public.

65  
66 *Dick Kenney, 55 Trues Parkway*

67 Mr. Kenney noted the dam is on his property and the state goes across his property to access it.  
68 He questioned if they would be installing access for the state to use if they need to do work on  
69 the dam. Mr. Weber from the Dam Bureau told him that there was a leak on that side of the dam.  
70 Mr. Kenney has concerns about the state bringing in equipment over his property since his well  
71 is located right there.

72  
73 Mr. Lavelle noted all they have cleared is the roadway. The state does not want them to clear  
74 anymore than that. The state just wants to make sure they can continue over the driveway to their  
75 land. They have been involved in the construction of the driveway and have some conditions.

76  
77 Mr. Kenney questioned the safety of the driveway and asked what the site line distances were.  
78 Mr. Lavelle noted they have met the line of site and the state issued them a permit. Mr. Meisner

79 noted he had similar concerns and has to assume the state addressed that. It is unfortunately not  
80 this board's purview.

81

82 Mr. Kenney questioned if the town could submit to lower the speed limit there—from Lakeview  
83 to Pillsbury—as it is curvy and dangerous? Mr. Meisner noted that would be the town Public  
84 Works Director and the state that would do that. This board has no authority to do that.

85

86 Mr. Kenney noted they haven't put silt fencing or hay bales in for erosion control. Mr. Meisner  
87 noted the erosion control is the building department's purview. Mr. Lavelle noted there is erosion  
88 control on the plans, but all work was asked to stop. He conceded they should have installed silt  
89 fences and they will.

90

91 *Frank Blatnik, 36 Main St.*

92 Mr. Blatnik noted that putting a house there substantially changes the character of his yard and  
93 he will have problems selling his property down the line. The house will look right into his yard.

94

95 Mr. Blatnik's second issue was runoff. The home and driveway will be at the high point of the  
96 property. Any runoff from the driveway will go across his land and his well is right there. If they  
97 salt the driveway or wash cars, it's all going to drain into his well which is a dug well and  
98 susceptible to drainage water contamination. Mr. Lavelle noted that the state is looking at that  
99 drainage.

100

101 Mr. Blatnik noted that was his main concern. If they lose their well, they are done. Mr. Lavelle  
102 noted that if the well is contaminated by this person's driveway, it is protected because it was put  
103 in prior to 1989 and he would have recourse. Mr. Lavelle added they have submitted a plan to  
104 shoreland protection to show the runoff direction and avoid just that. Mr. Meisner questioned if  
105 the state was going to allow them to have runoff. Mr. Lavelle noted there are ditches and grass  
106 line swales that will be installed to treat that runoff. Mr. Meisner noted that NHDES does not  
107 allow homeowners to send runoff across state property. They have very stringent regulations and  
108 are getting even stricter about that. He can't guarantee it, but he cannot imagine the state would  
109 allow that water to run across their property without stormwater management and treatment. Mr.  
110 Lavelle noted that is why they wanted ditch lines on either side of the driveway to collect the  
111 runoff. They are treating it as a mini road. Mr. Meisner suggested that Mr. Blatnik have his water  
112 tested now and then again so there is data to compare if there is ever a question.

113

114 *David Seager, 40 Main St.*

115 Mr. Seager has an issue with the survey. He put an addition on his home and had his property  
116 surveyed. When Mr. Towne had the property surveyed, they removed pins. Mr. Seager doesn't  
117 feel the pins have been replaced properly.

118

119 Mr. Seager added that the state issued the driveway permit before they even proved ownership of  
120 the property. Mr. Meisner noted the permits are between the state and the applicant. This board  
121 has no authority over that.

122

123 Mr. Seager added if there is no legal frontage, whether it is grandfathered or not, they should  
124 comply with all state regulations. There is a safety issue on the road.

125

126 *Michelle Seager, 40 Main St.*

127 Ms. Seager wants to know when the lots came up for sale. She never saw a sign that they were  
128 for sale. Mr. Meisner didn't know that, but added that the four lots were merged sometime in the  
129 1980s.

130

131 Mr. Seager thought some of the land was theirs. Mr. Meisner noted things like that happen often  
132 and suggested they refer to their deed which should state exactly where the lot lines are. You  
133 have the right to have your lot surveyed. If it is incorrect, you can take them to court.

134

135 Mr. Ardolino noted he has concerns about Mr. Blatnik's well. Mr. Lavelle noted because of  
136 when that well was installed, he is protected and has recourse. They don't want to ruin his well  
137 and will protect it as best they can. The plan directs the water past his well. They will submit the  
138 new driveway plans to the town to keep in the folder. Mr. Blatnik noted there is nowhere else for  
139 the water to go. Mr. Lavelle noted the driveway will be pitched both ways. There is about 7' of  
140 the water on his side, but the rest will go the other way. Mr. Lavelle offered to deliver a copy of  
141 the driveway plan to Mr. Blatnik.

142

143 Mr. True asked if the state was directing where the runoff would go. Mr. Lavelle noted that yes,  
144 they have input, but regular construction convention also dictates that. They don't want to create  
145 a water problem for anyone.

146

147 Mr. Meisner noted his concern is how it will look to surrounding houses. In this case, he doesn't  
148 feel the homes will be highly impacted since it is a fairly large lot. The board can't ask them to  
149 plant trees as a buffer since it is state land. As much as he would like to block the house, he can't  
150 because they don't have jurisdiction. That homeowner may want to plant trees back there  
151 themselves.

152

153 Mr. True noted he is always concerned about preventing a person from using their property. It  
154 would have to be an extreme case where the town has the need to prevent someone from using  
155 their property. He understands the concerns about having a house within view of your house  
156 when it was previously woods. It is private property though and people have a right to  
157 reasonably develop their property. He doesn't think seeing a house from another property will

158 diminish their property value. He doesn't see anything in the application that tells him they don't  
159 qualify for the variance.

160

161 **MOTION:** Mr. True made a motion to grant the variance from Article II, Part B, Section 3B  
162 submitted by Richard Towne to allow the construction of a dwelling on a property with no  
163 frontage on a town approved roadway with the condition that they receive state approval for the  
164 driveway plan. Mr. St. Amand seconded the motion. All members voted in favor. The motion  
165 passed 4-0.

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

168 **Case #02 - M4 L18-8, 15 Morrison Lane – An application submitted by Jeffrey**  
169 **Saltalamacchia Jr. requesting a special exception in accordance with Article V, Section 5 to**  
170 **permit an accessory apartment.**

171 Jeff and Daniel Saltalamacchia presented the application. Mr. J. Saltalamacchia submitted the  
172 floor plans and the septic plans. He noted they weren't able to get anything on file earlier  
173 because they didn't get them until that day.

174

175 Mr. Meisner noted they only had four board members and could postpone the hearing if they  
176 wanted to try for a full board. Mr. J. Saltalamacchia wanted to continue. He felt his packet was  
177 complete and well within the special exception.

178

179 Mr. J. Saltalamacchia noted at the end of February his grandfather had a stroke, so they want to  
180 move him back locally in case he needs care. They are looking to put an addition to the back of  
181 the home. The front of the home will look exactly the same; there is no change at all to the front.

182

183 Mr. St. Amand questioned if the apartment was smaller than the footprint of the house. Mr. J.  
184 Saltalamacchia noted that Todd Wallace did the plans and went off the regulations when he  
185 created the addition. Mr. J. Saltalamacchia reviewed the plans for the board.

186

187 Mr. Meisner reviewed the criteria with Mr. Saltalamacchia.

188

189 The board didn't have any questions or concerns.

190

191 Mr. Meisner opened the meeting to the abutters.

192

193 *Pam Morrison Gaudreau, 19 Morrison Lane*

194 The existing home is very close to the lot line and wanted to make sure they met all the setbacks  
195 which it looks like they do. She had no concerns at all and is in favor of the project.

196

197 *204 Colby Rd. Danville, Ed and Sally Trout*

198 They had concerns about the rear setback. Mr. J. Saltalamacchia noted they would be well over  
199 100' from their property line. Mr. and Mrs. Trout noted they had previous issues with an abutter  
200 putting stumps and debris on their property. Mr. J. Saltalamacchia noted the addition is going  
201 where their backyard is and they have no clearing to do.

202

203 Mr. Meisner closed the hearing to the public.

204

205 **MOTION:** Mr. Meisner made a motion to GRANT the special exception for an application  
206 submitted by Jeffrey Saltalamacchia Jr. requesting a special exception in accordance with Article  
207 V, Section 5 to permit an accessory apartment. Mr. St. Amand seconded the motion. All  
208 members voted in favor. The motion passed 4-0.

209

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

## 212 **Review of applications**

213 **M25 L67, 10 Steele Drive** – An application submitted by Ronald and Sharon Frick requesting a  
214 special exception in accordance with Article V, Section 6 to permit the conversion of a seasonal  
215 to full-time occupancy.

216 The board reviewed the application and abutters list and considered it complete.

217 **MOTION:** Mr. True made a motion to accept the application submitted by Ronald and Sharon  
218 Frick requesting a special exception in accordance with Article V, Section 6 to permit the  
219 conversion of a seasonal to full-time occupancy. Mr. Ardolino seconded the motion. All  
220 members voted in favor. The motion passed 4-0.

221 **M27 L71, 5 East Lane** – An application submitted by Debra Bretton requesting a variance from  
222 Article II, Part B, Section 3.C.1 to allow the conversion of a residential structure from seasonal  
223 to full-time occupancy which does not meet the minimum receiving soil and receiving layer  
224 requirements for non-sewered lots.

225 The board reviewed the application and abutters list and considered it complete.

226 **MOTION:** Mr. True made a motion to accept the submitted by Debra Bretton requesting a  
227 variance from Article II, Part B, Section 3.C.1 to allow the conversion of a residential structure  
228 from seasonal to full-time occupancy which does not meet the minimum receiving soil and  
229 receiving layer requirements for non-sewered lots. Mr. St. Amand seconded the motion. All  
230 members voted in favor. The motion passed 4-0.

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233 **MOTION:** Mr. St. Amand made a motion to adjourn. Mr. Ardolino seconded the motion. All members  
234 voted in favor. The motion passed. Meeting adjourned at approximately 9:11 p.m.

235 Respectfully submitted,

236 

237 Andrea Cairns