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Planning Board
Minutes
March 19, 2024

Date: 03/19/2024

Place: Sandown Town Hall

Members Present: John White, Chairman - George Grivas, Tom Tombarello, Matthew Devine, Tom Perkins, Coordinator. Steve Keach, Town Engineer.

Members Absent: Alice Major, Doug Martin, Ernie Brown

Opening: Mr. White opened the meeting at 6:35 pm

Mr. White led the membership with Pledge of Allegiance.

Mr. White tabled administrative items on the agenda until the end of the meeting.

Continued Public Hearing for a Site Plan Review submitted by James Lavelle and Associates on behalf of their client, Martin Auger. The subject property is located at Bobcat Way and is identified as Tax Map 2 Lot 33-1

Ryan Lavelle presenting. Brief overview of delays with project. Mr. Lavelle advised the Fire Chief to sign off on the Fire Engineering Study. Mr. Lavelle then referenced Mr. Keach’s letter dated March 19th of this year and the additional work still required prior to conditional approval is sought.

Mr. Keach reviewed his report echoing that this is a work in progress and does have some significant grading issues to be resolved. He recommended a master grading plan.

After a brief description of the project so far for Mr. Devine, Mr. Lavelle asked for the hearing to be continued until April 16th. The Board approved.

39 **Continued Public Hearing for an Excavation Application submitted by**
40 **Civil Design Consultants, Inc. on behalf of their client Hasago LLC. The**
41 **subject property is located at 2 Showell Pond Road also identified as**
42 **Tax Map 2, Lot 34 (Brief Update)**

43

44 Mr. Busby updated the Board that he believes they are one step closer to
45 moving forward and anticipates the wetland issues resolved by next month's
46 meeting. The Board continued the hearing until April 16th.

47

48 **Public Hearing for Subdivision of Land Application submitted by SEC**
49 **on behalf of their client Phillip A Busby. The subject property is**
50 **located on Cross Road and is also identified as Tax Map 19 Lot 19-1.**
51 **Public Hearing for a Conditional Use Permit submitted by SEC on**
52 **behalf of their client Phillip A Busby. The subject property is located**
53 **on Cross Road and is also identified as Tax Map 19 Lot 19-1.**

54

55 Mr. Bill Hall presenting from SEC Associates.

56

57 This is a subdivision application and conditional use permit request for a
58 proposal for an Open Space, Single Family Residential Condominium
59 Development.

60

61 **Location:**

62 This is a proposal that involves a single parcel of land identified as tax map
63 19 lot 19-1. The property contains 20.19 acres and is bounded on the East by
64 Cross Road and on the south, west and north by several existing single
65 family developments. Frontage/access to the site is in several segments. The
66 first and northerly most frontage/access is a 50' wide right of way,
67 approximately 400' long located between tax lots 19-10 & 11. This right of
68 way contains 99.11' of frontage at Cross Road. The second frontage/access
69 is south of the northerly right of way and is another 50' wide right of way
70 approximately 400' long between tax lots 19-5 & 6. This right of way
71 contains 100.8' of frontage at Cross Road. The third frontage segment is
72 south of both right of ways and is a "tail" between tax lots 19-4-6 & 19-5.
73 This segment contains 1.31' of frontage at Cross Road. All totaled, there is
74 201.22' of frontage. The property is bisected by an Eversource Electric
75 easement that is 320' wide and runs west/east.

76

77 **Property History:**

78 In 2006 a subdivision application was submitted by the new owners for a
79 conventional residential subdivision consisting of two single family lots and
80 two duplex lots to be accessed via a 50' wide public right of way entering
81 through the northerly right of way. This proposed 24' wide roadway
82 terminated at a cul-de-sac approximately 1,000' in from Cross Road.
83 Wetlands were proposed to be impacted by the roadway construction. Two
84 State approvals were required for that project and were both issued. The
85 approvals included an NHDES Wetlands permit (#2006-02002) for the
86 roadway and an NHDES subdivision approval (#2006007645) for the four
87 proposed lots. The application was conditionally approved by the Planning
88 Board in early 2007 but the development was never constructed.

89

90 **Existing Conditions:**

91 Currently the property is undeveloped. A portion of the site was logged
92 several years ago and is now covered by new growth, the remaining land is
93 wooded throughout. The majority of the site is downslope from Cross Road
94 and contains a mix of flat, moderate and steep slopes. Soils range from well
95 drained to moderately well drained within the uplands and poorly to very
96 poorly drained within the wetlands. There are some areas of ledge present
97 but the majority of the area tested showed no restriction within the test pit
98 profile. The wetlands (updated for this application) were delineated by
99 Timothy Ferwerda and are as shown on the submitted plans. There are two
100 notable complexes on the site. The smaller of the two is located at the
101 northeast corner of the property where the 50' right of way enters the site.
102 This wetland complex is comprised of poorly and very poorly drained soils
103 and runs to the north off site. There are no vernal pools within this complex
104 on the site. The second complex is a much larger complex and is located
105 south of the Eversource easement and at the end of the southerly 50' right of
106 way. This wetland complex is comprised of poorly and very poorly drained
107 soils. Within this complex is a large vernal pool. The vernal pool has been
108 categorized by Timothy Ferwerda and his report is included with this
109 application.

110

111 A wildlife study has been performed by Michael Seekamp on the property.
112 The wildlife study includes the documentation and description of wetland
113 habitat on the site and is included with the application. Additionally, we
114 have submitted a request to NHB for review. The review revealed the
115 potential for occurrences of Blandings turtles. (NHB 22-1060) Review of the
116 NH Wildlife action plan for the property shows that the site is neither
117 considered highest ranked habitat nor supporting habitat.

118

Current Proposal:

120 This brings us to the current proposal, Phil A. Busby, now owner, would like
121 to apply the Open Space ordinance to this site and propose a zero lot line,
122 condominium style, single family residential development. To qualify for an
123 open space development a variance was granted to allow the segmented
124 frontage to satisfy the frontage requirement. Access would be similar to the
125 previous 2006 conventional proposal, constructing a roadway through the
126 northerly 50' wide right of way. This right of way was chosen over the other
127 right of way located to the south due to the amount of roadway and wetland
128 impact that would be necessary to utilize the southern access. The new
129 proposed roadway to be known as Camden Court, will commence at Cross
130 Road, carry through the northerly right of way and terminate at a cul-de-sac
131 well north of the Eversource easement. The total length is approximately
132 850' to the cul-de-sac and will be considered a private roadway. Eight 3
133 bedroom single family dwellings are proposed along the roadway. All of the
134 proposed homes will be served by either individual or shared sewage
135 disposal systems and one shared well. The yield plan, necessary for
136 determining the projects density, allowed for six 4 bedroom homes. Again, a
137 variance was granted to allow the total yield of 24 bedrooms to be spread
138 amongst eight 3 bedroom dwellings. This is a condominium style
139 development with zero lot lines. Instead of lot areas, limited common areas
140 are proposed around each unit. All of the development including the
141 roadway, homes, and limited common areas are clustered at the north end of
142 the property. This allows all of the remaining property to be utilized as open
143 space. The total area of the open space is 14.79 acres representing 73% of
144 the entire site. This exceeds the area required by the ordinance of a
145 minimum of 33% (6.73 ac) of the total lot be dedicated open space. A 50'
146 wide landscape buffer surrounds the project as well.

147

Roadway and Drainage Design

149 As noted, one new 850-FT± private roadway is proposed to serve the 8
150 single-family units. The roadway has been designed to utilize bituminous
151 cape cod berms and a closed drainage system in lieu of roadside swales,
152 consistent with the Alternative Cross-Section for the Construction of Streets.
153 The Roadway has been designed with a 20' paved width terminating in a
154 cul-de-sac with an outside pavement radius of 50'. This roadway design
155 allows the roadway to be constructed without the use of retaining walls and
156 minimizes wetland impacts on the site to the minimum needed for
157 construction. A turnout is proposed on the southern side of the roadway

158 between stations 5+50 and 6+50 to allow for construction of a 30,000-gallon
159 fire cistern.

160 The closed drainage system is proposed in order to minimize, cuts, fills, and
161 wetland alterations on the site. Runoff will be collected in the gutter line of
162 the roadway and collected in a series of catch basins. Runoff from the
163 entrance to station 5+67 is directed to a lined detention pond, where
164 stormwater runoff is treated prior to discharge to a wetland complex. Runoff
165 from station 5+67 to the end of the roadway is directed to a lined detention
166 pond for treatment and is then directed to an infiltration pond where runoff is
167 further treated and infiltrated into the ground. This design results in a
168 decrease of peak rates of runoff from the site, as illustrated in further detail
169 in the drainage report. Proper erosion control is proposed throughout and
170 will be in place prior to, during and after construction until all disturbed
171 areas are thoroughly stabilized.

172

173 **Wetland Impact Area**

174 Proposed Camden Court will impact one unavoidable wetland. This wetland
175 is located where the 50' right of way enters the northerly end of the tract
176 area between roadway stations 3+75+/- and 4+75+/- . The impact was kept to
177 a minimum by utilizing the narrowest roadway width allowable, designing a
178 curbed layout and keeping roadway height as low as possible. The wetland
179 proposed to be impacted is at the southerly limit of a wetland complex and
180 consists mostly of poorly drained soils with a small inclusion of very poorly
181 drained soils. All together wetland impact totals 7,500 sf. for this crossing.

182

183 **Additional Permitting:**

184 In all, there are three state permits required, NHDES Wetlands permit,
185 NHDES Alteration of Terrain and NHDES Subdivision Approval. At the
186 local level approvals will be required by the Planning Board as well as the
187 Conservation Commission. In addition the Department of Public Works,
188 Police Department and Fire Department will be reviewing the application as
189 well. All required permits will be prepared and submitted in support of the
190 project.

191

192 Mr. Keach, in a memo dated 02/20/24 related the following:

193

194 At your request we have completed a technical review of an initial submittal
195 of project plans and supporting information submitted to your Board by or
196 on behalf of the applicant in the subject matter. To date we acknowledge

197 receipt of copies of the following documents which were the subject of our
198 review:

- 199 • A letter of intent dated January 10, 2024.
- 200 • An Application for Subdivision approval, with attachments, dated January
201 08, 2024.
- 202 • A Conditional Use Permit Application, with attachments, dated January 08,
203 2024.
- 204 • A Town of Sandown Driveway Permit Application dated January 10, 2024.
- 205 • Copies of various NHDES project permit applications.
- 206 • A draft of a document entitled “Declaration of Open Space Development,
207 Covenants and Restrictions of Cross Point, Sandown, New Hampshire”.
- 208 • Project plans (15 drawings) dated December 27, 2023.

209 Based upon our careful consideration and review of the cited information we
210 offer the following comments and recommendations at this time:

211 **General Comments**

- 212 1. As currently presented it appears this proposal will necessitate receipt of
213 the following state agency permits: (a) NHDES Subdivision Approval; (b) a
214 NHDES Alteration of Terrain Permit; (c) a NHDES Wetlands Permit; and
215 (d) NHDES Water Supply Bureau Approval. As always, we recommend all
216 required state agency permits be received prior to or as a condition of any
217 approval ultimately granted by your Board; and each resulting permit be
218 referenced in the form of a note on the Cover Sheet to the final project plans.
- 219 2. In addition to the various State project permits specified above, the
220 applicant must also receive a local Driveway Permit from the Public Works
221 Department for construction of planned private road access to Cross Road.
- 222 3. We recommend any approval granted to this application be conditional
223 upon the applicant’s submittal of a performance guarantee, in an amount and
224 form acceptable to your Board, to serve as a financial guarantee for
225 implementation and maintenance of required erosion controls throughout the
226 course of construction; site restoration in the event of abandonment; and full
227 and final completion of any off-site public improvements.
- 228 4. As acknowledged above, the applicant has submitted a draft Declaration
229 of Condominium document. We recommend this draft be forwarded to
230 Town Counsel for consideration and review to confirm its content satisfies
231 applicable requirements of Article II – Part D – Section 7 of the Zoning
232 Ordinance.

233

234 Mr. Keach, after further reviewing his report, advised that the plan is good,
235 clean, and complete and that he is comfortable recommending the Board
236 accept jurisdiction.

237 Mr. Grivas asked several questions about the conservation report. Mr. Hall
238 was given a copy of Conservation Commission letter and report.

239

240 **Mr. White made a MOTION to take Cross Point under jurisdiction.**

241 **Mr. Tombarello seconded the motion. Vote 4-0-0**

242

243 Mr. Busby, owner of Cross Point, addressed the Board and advised that 14
244 acres or so will eventually be given to the Conservation Commission.

245 Whatever cutting that has occurred on the land was done by the previous
246 owner.

247 Public Input:

248 Tom Duff from 25 Cricket Lane asked some questions of Mr. Hall and Mr.
249 Busby related to the plans.

250 Mr. White continued the hearing until April 16th and recommended a
251 meeting with the Conservation Commission prior to that date.

252

253 **Vote to release Sandlot Sports, 33 Sandlot Way from its Bond for**
254 **installation of fire suppression equipment. Sign off from Fire Chief &**
255 **Town Engineer.**

256 Mr. Keach reviewed his memo and combined with the Fire Chiefs memo
257 recommended the release of the Sandlot Bond.

258

259 **MOTION**

260 Mr. White moved to release the Bond currently held for Sandlot Way. Mr.
261 Tombarello seconded. Vote 4-0-0

262

263 **Discussion regarding Rockingham Planning Commission appointment**

264

265 Mr. White advised of open positions and asked public to contact the Town if
266 any interest.

267

268 **MOTION**

269

270 Mr. Tombarello moved To pay dues for RPC **\$6,843** for 2024. Mr. Grivas
271 seconded. Vote 4-0-0.

272

273 **MOTION**

274

275 **Board approved 4-0-0 to continue with/ refile with RPC HOP grant**
276 **program. By Mr. White seconded by Mr. Tombarello.**

277

278 **Mr. Daley letter:**

279

280 **Mr. White read a letter into the record at the request of Resident Fred**
281 **Daley:**

282

283 *March 18, 2024*

284

285 *Mr. John White, Chairman*286 *Sandown Planning Board*287 *Town of Sandown*288 *320 Main Street*289 *Sandown, NH 038873*

290

291 *Dear Mr. White,*

292

293 *Unfortunately, I will not be able to attend the board's meeting tomorrow night. Instead, I*
294 *respectfully ask that you read this letter to the board to express my concerns and that it be entered*
295 *as part of the meeting minutes.*

296

297 *My concern regards the board's handling of meeting minutes. Over the years since the Petition*
298 *Warrant Article to send written information to residents was ignored, I have reviewed Planning*
299 *Board minutes to see if the recent wetland ordinance would come back to the table. The review*
300 *was just focused on the term wetlands.*

301

302 *Last year in 2023, I was remiss in my review by not reviewing the January to March minutes. My*
303 *review from April to October did not find any reference to the wetland ordinance amendment.*
304 *There were no minutes online for November to review. On December 5th, I received a phone call*
305 *informing me of a public meeting on December 19th to discuss Zoning Amendment 1.*

306

307 *Surprised, I went back over the 2023 minutes this time including January to March. I learned the*
308 *issue was raised as an information item from the Conservation Commission expressing their hope*
309 *to work on an amendment, a workshop would be held later and Planning Board members were*
310 *encouraged to attend any Conservation Commission meetings when speakers would be present.*

311

312 *As such, even if I had read the January to March minutes and the remaining ones until October*
313 *the last one available online, I still would not have known about 2 formal combined meetings of*
314 *members of the Planning Board and Conservation Commission held on the issue. No minutes*
315 *from April to October referenced anything, not who attended nor updates for the other Planning*
316 *Board members. If not for the phone call, I may have missed the public hearing on December*
317 *19th.*

318

319 *The expectation is that residents need to keep themselves informed on town matters. The most*
320 *practical way to do that is to review meeting minutes. Therefore, in my opinion, it is essential that*
321 *an accurate record be maintained.*

322

323 *My earlier comments raise issue with accuracy of minutes and unfortunately, I have a concern*
324 *with the accuracy of the December 19th minutes. Line 387 includes the word "ratified". At the*

325 *January 2nd meeting, with some resistance, I clarified that I did not use the word ratified but*
326 *rather the word “ignored”. I was even contacted after the meeting to confirm my correction*
327 *which I did. The correction is not yet reflected in the public record. On January 16, 2024 the*
328 *December 19, 2023 and January 2, 2024 minutes were approved as amended. However, there is*
329 *no reference to what was amended.*

330

331 *The December 19th minutes online still include the word ratified and not ignored. The minutes of*
332 *January 2nd do not reflect the correction. So, the accuracy of the record is in question. Add to this*
333 *that the minutes of January, August and October 2023 were not reviewed at all, also questions the*
334 *accuracy of the record.*

335 *March 18, 2024*

336 *Page Two*

337

338

339 *Another issue I would raise is the lack of information in the minutes. One example is the*
340 *December 19th minutes. On line 320 I asked a question to explain the differences between the now*
341 *called “critical wetlands” and the previous Tier Level 1-4 wetlands. The answer to the question*
342 *was that Tier Level 1-3 wetlands were now identified as critical. This answer was not stated in the*
343 *minutes.*

344

345 *Why is this important? When reviewing Planning Board minutes there are no references to the*
346 *issue. When I read in December the October 12th Conservation Commission/Planning Board*
347 *minutes posted on the commission’s webpage, it states on line 67 that only Tier 1 wetlands would*
348 *be subject to a 100-foot buffer. Based on that, because I abut a Tier 2 wetland, I would not be*
349 *subject to the 100 – foot buffer. However, the correct answer is Tier 2 would also be subject to the*
350 *100-foot requirement and that would have a major impact to my property. Accuracy and detail*
351 *are important not only to help residents understand the issues and the impacts on them, but also*
352 *to provide a clear and accurate record to rely on in the event the town faces legal actions.*

353

354 *Keeping a written record is a difficult task. One thing that I feel may make it more difficult is the*
355 *apparent practice to table minutes to a future meeting and in some cases the minutes were not*
356 *reviewed at all. I realize that at times minutes cannot be reviewed because of a lack of a quorum*
357 *and the review is postponed. Also, there are times when the present quorum does not include*
358 *individuals who participated in the meeting be reviewed due to the unfortunate need to use*
359 *alternates to achieve a quorum. Otherwise, the minutes should be reviewed and posted as*
360 *approved. One suggestion I would make to expedite the process would be for members to review*
361 *the minutes before the meeting and then at the meeting point out any changes that may be needed.*
362 *A member who cannot be present at the up-coming meeting could send their comments*
363 *beforehand to the Chairman.*

364

365 *In my opinion, one of the most important tasks to complete each meeting is the setting of the*
366 *public record. The length of the minutes, the number of agenda items or that people may be*
367 *waiting to address another issue do not take precedent. I would also point out the Planning*
368 *Board’s By-Laws stipulate the second item of the agenda is the approval of minutes. Frankly, the*
369 *Planning Board should follow its rules as a regulatory board.*

370

371 *To conclude, keeping an accurate, detailed set of minutes is difficult. Fortunately, today through*
372 *the Cable Committee the tools to record the meetings are available. As the saying goes, a picture*
373 *is worth a thousand words. Although, it is my understanding that Town’s practice is to over write*
374 *tapes once minutes have been posted. I would advocate from a risk management perspective that*
375 *those tapes be kept until the statute of limitation on the matters covered by those minutes has*

376 *passed. The tapes would be a far better defense of the issue than written minutes and today's*
377 *technology allows us to store this data in a very small amount of space at a very low cost.*

378

379 *Thank you for your time and attention to this matter. If you have any questions or concerns,*
380 *please contact me.*

381

382 *Respectfully,*

383

384 *Fred T. Daley*

385 *16 Rangeway Avenue*

386

387 Board Members discussed their agreements and disagreements regarding the
388 letter and overall recording practices. All involved agreed to work on
389 improvement.

390

391 **Approval - Contiguous Lot/Voluntary Merger – 76/78 Hampstead Rd.**

392 Mr. Keach explained the merger and its reasoning for tax purposes.

393 Mr. Tombarello moved to approve the merger. Mr. Grivas seconded the

394 motion. Vote 4-0-0 Mr. White signed the document.

395

396 **Board to review dismissal without prejudice policy.**

397 The Board and Engineer reviewed, discussed and table the policy
398 to be further reviewed at another date.

399

400 **Review of Minutes:**

401 **2/20 accepted as written**

402 **1/16 minutes accepted as amended.**

403

404 **Election of Officers**

405 Mr. Tombarello nominated Mr. White to remain as Chairman and Mr.

406 Brown to remain as Vice Chairman. Mr. Grivas seconded the nomination.

407 Vote 3-0-1

408

409 Mr. Tombarello nominated Mr. Devine as Secretary. Mr. White seconded
410 the nomination.

411

412 Mr. Grivas made a motion to appoint Mr. Martin to open position on the

413 Board until 2025. Mr. Tombarello seconded the motion. Vote 4-0-0

414

415 Mr. Perkins to post another opening on Board to the public.

416

417 **Motion**
418 **Approval of mylar signature for Vantage Point pending change from**
419 **Lantern Lane to Lantern Drive. By Mr. Tombarello. Seconded by Mr.**
420 **White. Vote 4-0-0**

421

422

423 **MOTION**

424 Mr. Grivas made a motion to adjourn. Mr. Tombarello seconded the motion.

425 All in favor 4-0-0 motion passed.

426

427

428 Respectfully Submitted,

429

430 Thomas C. Perkins