

Planning Board  
Minutes  
January 2, 2024

**Date:** 1/2/2024

**Place:** Sandown Town Hall

**Members Present:** John White, Chairman - George Grivas - Ernie Brown, Ed Mencis, Alice Major (for Jon Sheats, Alternate), Tom Tombarello, Selectman, Tom Perkins, Coordinator. Jenn Rowden RPC

**Members Absent:** Jon Sheats, Doug Martin (alt), Tricia Edris

**Opening:** Mr. White called the meeting to order at 6:30 p.m.

**Pledge of Allegiance**

**Review of Minutes.**

Mr. White tabled the review of minutes due to waiting public and minutes being 14 pages long.

**Continued Public hearing at Sandown Town Hall 320 Main Street, for the Sandown Planning Board to consider amendment to the Sandown Zoning Ordinance for the March 2024 Town Meeting.**

**The proposed amendment, if approved, will remove and add new language to replace the existing Article 1, Part B, "Wetland Conservation District" ordinance and replace the Ordinance. The intent of this amendment is to increase protection of surface water resources and wetlands, and to clarify regulations for administrative and legal purposes.**

Presenting: Jenn Rowland Rockingham Planning Commission

Ms. Rowden again reviewed the Proposed Wetland Amendments which is available to review on the Town's Website and attached to the Public Hearing Notice. This time pointing out language clarifications which are indicated in green print. This updated document is available on the Planning Page of the Town Website.

40 Ms. Rowden then indicated that she would get the water quality report she  
41 was citing available on the website (done 1/4/24). At the conclusion of the  
42 update, Mr. White asked if any members of the Planning Board had anything  
43 to add.

44  
45 Mr. Grivas stated that since the last meeting, he had reviewed the Town's  
46 Master Plan in depth, particularly on the issue involving wetland  
47 preservation. He cited pages 60,67,73,88, and 90 specifically which in  
48 summary all indicated that wetland preservation is encouraged by the  
49 Town's residents.

50  
51 Mr. Tombarello stated that regarding enforcement, no cases have come  
52 before the Board of Selectmen in his time on the Board.

53  
54 Ms. Rowden explained that enforcement is a last resort and never the  
55 primary goal.

56  
57 Mr. White interjected that much effort has been spent to ensure that the  
58 ordinance changes are not overly restrictive. In support of that, the CUP was  
59 modified to grant relief without having to go before both ZBA and the  
60 Planning Boards.

61  
62 Now, being 7:12pm, Mr. White opened the meeting to the public. Seeing  
63 the amount of public present, Mr. White advised the audience that only  
64 residents and property owners would be permitted to speak. Mr. White  
65 pointed out the midnight adjournment of the previous meeting.

66  
67 Mr. James Lavelle, 11 Powder House Rd. Mr. Lavelle stated that he first  
68 built in Sandown in 1977. Since then, DES has increased their regulations.  
69 He further stated that State regulations should suffice.

70  
71 Mr. Ben Sharp, 11 Snow Lane stated that he was in full agreement with 100'  
72 setbacks and that the issue has been debated enough. Let the people vote.

73  
74 At this time a debate between Mr. White and audience members took place  
75 asking guest speakers to be allowed to address the Board. Mr. White again  
76 explained that due to the number of speakers, only residents or property  
77 owners would be allowed to address the Board.

78

79 Mr. Knuuttunen, 49 Pine Ridge Rd, Sandown Conservation Commission.  
80 Mr. Knuuttunen also encouraged reading of the Master Plan especially to  
81 special interest groups. He advised that local schools now must have their  
82 drinking water tested quarterly due to failed water tests in the recent past.

83  
84 Mr. Ken Sweet, 12 & 24 Eames Way. Leave the ordinance alone, there are  
85 already State Regulations that cover this.

86  
87 Ms. Rowden advised that the State Regulations do not have any setbacks.

88  
89 Mr. Sean Tiney, 12 Lexington Dr. Mr. Tiney supports better regulations, but  
90 concerned about 100' expansion and ability to mitigate.

91  
92 Mr. White explained that similar to now with the ZBA and filing a Variance,  
93 it would become before the Planning Board and filing a CUP (Condition use  
94 permit.)

95  
96 Mr. Tiney then stated he would be ok with 50' but not ok with more.

97  
98 Mr. Richard Drowne, 10 Phillips Rd. 22 years of good water quality,  
99 opposed to setbacks. This Issue is becoming a 5<sup>th</sup> amendment problem.

100  
101 Mr. Bryan Tammany, 2 Cranberry Meadow Rd. Mr. Tammany asked for  
102 examples of this working elsewhere? Area's around critical wetlands have  
103 not changed very much.

104  
105 Ms. Rowden answered that Buffers on the Bay was a good website to  
106 reference.

107  
108 Ms. Kim Lavoie was not in favor of any changes.

109  
110 Ms. Major- Permitted uses clarification: Existing situations may remain.

111  
112 Mr. Scott Bassett, 464 Main St. Mr. Bassett wanted to point out that due to  
113 well complexity, the bad water they are experiencing could be coming from  
114 1000 miles away.

115  
116 Ms. Katherine Maloney, 40 Hawkewood Rd. Ms. Maloney stated that she  
117 has similar concerns. Her property is up against wetlands. She purchased

the land with the idea of 50' setbacks. This change could drastically reduce her property value.

Kristin McClary, 53 Meghan Dr. Ms. McClary has a similar situation with her land. She has been involved in water testing in similar towns. She supports the Ordinance revision as is. Sandown is behind the times regulation wise. Piping in water is very expensive. All water is eventually connected.

Mr. Ken Sweet, 12 & 24 Eames Way. Mr. Sweet asked about repairing his 1.2 mile long driveway. I can repair it, but not widen it anywhere without getting a CUP? Jenn- correct.

Mr. Chris Tammany, 14 Cranberry Meadow Rd. Mr. Tammany explained that he is a 3<sup>rd</sup> generation resident of Sandown. He spoke to the piping in water to different communities. Mr. Tammany pointed out that in each case, it was incident related. Whether a gas leak from a fueling station or firefighting foam, it was not due to wetland setbacks. Additionally, existing land will be limited by this. There should be compensation for it. Mr. Lavelle said it best, and my profession has nothing to do with it.

Mr. White clarified that this proposal is meant to go before the voters. The timelines are dictated by the State.

Fred Daley, 16 Rangeway Ave. Mr. Daley asked to have minutes amended from the previous Planning Board meeting. Additionally, Mr. Daley apologized to Ms. Rowden if he was rude to her in any way at the previous meeting. Further, Mr. Daley pointed out that although there is a proposed avenue of relief, it is not certain. Conditional Use Permits may be granted, but not shall. Using the wetland that I abut. 4 properties will be affected. Wetland 28 as an example has a culvert draining Sandown North into the wetlands. So, these buffers will not be an aid to water quality due to breeches. This is an unobtainable goal. As we continue to use toxic chemicals, we are doing far more harm. As for the Master Plan, it was primarily produced by Rockingham Planning Commission and put in a draw. The Report to go along with the wetland maps still is not present. This process has gone the way it did the last time. The stated objective is not going to be met.

Ms. Norma Drowne, 10 Phillips Rd. Asked Ms. Rowden about the number of public meetings. Ms. Rowden explained the process. Ms. Drowne also asked why grandfather is not on good term to use. Ms. Rowden explained it is just not a good legal practice. Finally, Ms. Drowne stated that she believes this is a taking and she stands with the people that want no change.

Mr. Logan Nicolaisen, 219 Freemont Rd 4<sup>th</sup> generation and now property cant be expanded upon. The process feels very rushed along.

Mr. Tim Robinson, Snow Lane, Conservation Commission. Mr. Robinson explained this was months of reading and education to get to this point. We are only 2 of a large number of communities who have done nothing to prevent water damage. Mr. Robinson encouraged residents to come to meetings more often and participate in the process from the beginning if so passionate about topic.

Mr. White closed the meeting to public comment at 9:11 p.m. He again reminded people that the timeline is dictated by the State and that this process has been going on for a year. Mr White then polled the Board Members again.

Mr. Tombarello not supportive of 100-75' and will be no vote.

Mr. Mencis would support 50'. 75-100 is too much.

Mr. White supports the science of 98' or 100' however, since the Chairman of Conservation, in an attempt to compromise recommended 75' & 50' will support the same.

Mr. Brown is not supportive due to the impact on people's property rights.

Ms. Major is supportive of 75' & 50'

Mr. Grivas is also supporting 75' & 50'

Mr. White called for a motion to modify the existing ordinance to reflect a change from 100' and 75' wetland setbacks to reflect a reduction to 75 foot critical and 50-foot non critical wetland setbacks.

Discussion regarding having 2 proposals go forward, concluding that the Board will stick with one.

Ms. Major moved to modify the existing ordinance to reflect a change from 100' and 75' wetland setbacks to reflect a reduction to 75 foot critical and 50-foot non-critical wetland setbacks and keeping the 25' vernal pool

198 setback. Mr. Grivas seconded the motion. All in favor - 3 in favor 3  
199 opposed. Motion fails.

200  
201 Mr. Mencis moved to modify the existing ordinance to reflect a change from  
202 100' and 75' wetland setbacks to reflect a reduction to 50 foot critical and  
203 50-foot non-critical wetland setbacks and keeping the 25' vernal pool  
204 setback, with accepting recommendations proposed by Ms. Rowden.  
205 Mr. White seconded the motion. All in favor 2-2-2 motion failed.

206  
207 Mr. Grivas asked about the ability to revote the previous motion.

208  
209 Mr. Mencis again moved to modify the existing ordinance to reflect a  
210 change from 100' and 75' wetland setbacks to reflect a reduction to 50 foot  
211 critical and 50-foot non-critical wetland setbacks and keeping the 25' vernal  
212 pool setback, with accepting recommendations proposed by Ms. Rowden.  
213 Mr. White seconded the motion. All in favor 3 supported the motion 3 were  
214 opposed. The motion failed.

215  
216 Discussion about reducing to 25-foot setback. Mr. White called for a 5  
217 minute recess.

218  
219 After the recess, Mr. White called the meeting back to order.

220  
221 MOTION:

222 Mr. Mencis again moved to modify the existing ordinance to reflect a  
223 change from 100' and 75' wetland setbacks to reflect a reduction to 50 foot  
224 critical and 50-foot non-critical wetland setbacks and keeping the 25' vernal  
225 pool setback, with accepting recommendations proposed by Ms. Rowden.  
226 Mr. Grivas seconded the motion. All in favor 4 opposed 2 Motion approved.

227  
228 Motion

229 Mr. Mencis moved to move the issue to the January 16<sup>th</sup> meeting @ 6:30pm.  
230 Mr. Tombarello seconded. All in favor 6-0-0

231  
232 Mr. White moved to accept the annual report as written.

233  
234 Motion to accept annual report as written by Ms. Major and seconded by Mr.  
235 Mencis. All in favor 6-0-0

237 Motion to adjourn the meeting by Mr. Mencis, seconded by Mr. Tombarello.  
238 All in favor 6-0-0

239

240 Respectfully submitted,

241

242 Thomas C. Perkins