

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 5th 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

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

120
121 Kristin McClary, 53 Meghan Dr. Ms. McClary has a similar situation with
122 her land. She has been involved in water testing in similar towns. She
123 supports the Ordinance revision as is. Sandown is behind the times
124 regulation wise. Piping in water is very expensive. All water is eventually
125 connected.

126
127 Mr. Ken Sweet, 12 & 24 Eames Way. Mr. Sweet asked about repairing his
128 1.2 mile long driveway. I can repair it, but not widen it anywhere without
129 getting a CUP? Jenn- correct.

130
131 Mr. Chris Tammany, 14 Cranberry Meadow Rd. Mr. Tammany explained
132 that he is a 3rd generation resident of Sandown. He spoke to the piping in
133 water to different communities. Mr. Tammany pointed out that in each case,
134 it was incident related. Whether a gas leak from a fueling station or
135 firefighting foam, it was not due to wetland setbacks.
136 Additionally, existing land will be limited by this. There should be
137 compensation for it. Mr. Lavelle said it best, and my profession has nothing
138 to do with it.

139
140 Mr. White clarified that this proposal is meant to go before the voters. The
141 timelines are dictated by the State.

142
143 Fred Daley, 16 Rangeway Ave. Mr. Daley asked to have minutes amended
144 from the previous Planning Board meeting. Additionally, Mr. Daley
145 apologized to Ms. Rowden if he was rude to her in any way at the previous
146 meeting. Further, Mr. Daley pointed out that although there is a proposed
147 avenue of relief, it is not certain. Conditional Use Permits may be granted,
148 but not shall. Using the wetland that I abut. 4 properties will be affected.
149 Wetland 28 as an example has a culvert draining Sandown North into the
150 wetlands. So, these buffers will not be an aid to water quality due to
151 breeches. This is an unobtainable goal. As we continue to use toxic
152 chemicals, we are doing far more harm. As for the Master Plan, it was
153 primarily produced by Rockingham Planning Commission and put in a draw.
154 The Report to go along with the wetland maps still is not present. This
155 process has gone the way it did the last time. The stated objective is not
156 going to be met.

157

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

163

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

166

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

173

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

178

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

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

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

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

185 Ms. Major is supportive of 75' & 50'

186 Mr. Grivas is also supporting 75' & 50'

187

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

191

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

194

195 Ms. Major moved to modify the existing ordinance to reflect a change from
196 100' and 75' wetland setbacks to reflect a reduction to 75 foot critical and
197 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 pool
212 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 pool
225 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 16th 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

236

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