

1 Sandown Planning Board
2 Minutes
3 January 7, 2020
4

5 **Date:** January 7, 2020

6 **Place:** Sandown Town Hall

7 **Members Present:** Ernie Brown- Chairman, Ed Mencis- Secretary, Bill Gannon, Tricia
8 Edris, Bruce Cleveland- Ex-Officio, Steve Keach- Town Engineer

9
10 **Members Absent:** John White – Vice Chair, Leo Reynolds

11
12 **Opening:**

13
14 Mr. Brown opened the meeting at 7:05 p.m.

15 Mr. Brown led the Pledge of Allegiance.

16 Mr. Brown performed roll call.

17
18 **Public hearing for review of a lot line adjustment application submitted by Vinz**
19 **LLC. The property is shown on Sandown Tax Map 7, Lot 5-6 and is located at 226**
20 **Main Street, Sandown, NH.**

21
22 **MOTION**

23 Mr. Brown made a motion to accept this plan into their jurisdiction. Mr. Mencis
24 seconded. All in favor. The motion passed.

25
26 Mr. Keach approached the board to present the plan. The two plots of land are owned by
27 different entities. Map 7, Lot 5-6 contains the winery and parking and Map 7, Lot 5 is
28 their house lot. Mr. Keach explained the intent of the application is nothing more than to
29 adjust the line of these two parcels, so the .28 acres in question goes from the parcel
30 where the house sits to the part where the winery is located. There is an existing
31 foundation there. Mr. Keach does not know the building status but assumes it will be
32 some sort of accessory building to the winery. He said there are no zoning issues or state
33 permits involved.

34
35 Mr. Keach sent a letter report to the board with minor recommendations for the plan.

36
37 Mr. Cleveland asked why the section “Conservation District Review Authorization Form
38 signed” of the application had a check mark and a question mark next to it. Mr. Keach
39 said that is an old form.

40
41 Ms. Edris wanted to clarify that there is no request to build anything, just a request to
42 move the lot line. Mr. Keach said that is correct. He is presuming the intent is to
43 eventually put a building there.
44

45 Jim Lavelle joined the meeting at 7:15 p.m. He passed out an updated plan that included
46 some of Mr. Keach's suggestions.

47

48 **MOTION**

49 Mr. Mencis made a motion to approve the plan for a lot line adjustment for VINZ L.L.C.
50 and ZNZ Realty Trust Trustee James W. Zanello between Map 7, Lot 5-6 and Map 7, Lot
51 5 pending the following criteria listed by our town engineer:

52

- 53 1. Receipt of letter from town engineer acknowledging all comments and
54 recommendations offered in his letter report of January 3, 2020 have been
55 satisfactorily resolved.
- 56 2. Receipt of correspondence from licensed land surveyor acknowledging all
57 boundary monuments specified as "to be set" on final plat have been installed.
- 58 3. Maintenance of a positive PREA account balance.

59

60 Mr. Gannon seconded the motion. All in favor. The motion passed.

61

62 **Review of the 12/3/2019 Minutes**

63

64 **MOTION**

65 Mr. Brown made a motion to approve the minutes as written. Mr. Gannon seconded.
66 Mr. Mencis abstained. All others in favor. The motion passed.

67

68 **Correspondence**

69

- 70 • **Letter from Sandown Conservation Commission offering a favorable
71 recommendation to the Planning Board regarding the Vantage Point
72 Conditional Use Permit Application for an Open Space Development on
73 Wells Village Road identified on Map 9 as Lot 14.**
- 74 • **Town and Country Magazines for January and February**

74

75 **Compliance hearing for confirmation of fulfillment of conditions of approval for the
76 'Vantage Point' Open Space Development located on Wells Village Road and
77 identified on Map 9 as Lot 14. Conditional approval for this 44-lot single family
78 residential open space development was granted by the Planning Board on January
79 16, 2018.**

80

81 Mr. Keach said, for the benefit of the public, this is the compliance hearing for Vantage
82 Point. They have made progress. There were 11 conditions that needed to be met and
83 everything is near in order except for two matters that relate to each other. The open
84 issues are two outstanding state project permits both from DES. Mr. Keach
85 recommended continuing the compliance meeting to the second meeting in February. It
86 was decided to continue the Vantage Point compliance hearing to Tuesday, February 18,
87 2020.

88

89 Mr. Brown asked Mr. Keach about adding a timeline as to when conditions of approval
90 must be met by, so they do not drag on too long. Mr. Keach said going forward, when

91 recommending conditions, he can add some form of reasonable timeframe of when those
92 conditions should be met. Mr. Cleveland suggested to ask the applicant to create the
93 timeline so they can own it.

94

95 **Old Business**

96

97 Mr. Brown was looking through some old notes and came across a voluntary lot merger
98 that the board had tabled and never went back to. The following is an excerpt from the
99 September 17, 2019 minutes regarding the matter:

100

101 Ms. Tapley sent the lot merger application over to Steve Keach for review. Mr.
102 Keach reviewed the application, and all appears to be in order and Mr. Keach sees
103 no reason why the Board should not approve the Notice of Voluntary Lot Merger
104 as presented. Mr. Keach also noted that under RSA 674:39-a, II includes a provision
105 which reads in part:

106 “if there is any mortgage on any of the lots (to be merged), the applicant shall give
107 written notice to each mortgage holder at the time of submission of the application.
108 The written consent of each mortgage holder shall be required as a condition of
109 approval of the merger, and shall be recorded with the notice of merge...”

110 After Mr. Keach’s online review of public records on file at the RCRD suggests the
111 subject premises remains subject to a mortgage previously given to Bank of
112 America, N.A. by the Marazzi’s in 2005. On that basis Mr. Keach recommend that
113 the Marazzi’s get contacted in order to advise them of the existence of the cited
114 statutory requirement and inquire as to whether appropriate notice has been giving
115 to current mortgage holder(s). Mr. Keach does not see any reason why the Planning
116 Board should not approve the merger as requested, Mr. Keach does recommend
117 that the Marazzi’s produce evidence of “written consent of each mortgage holder”
118 prior to Mr. Brown signing the Notice of Voluntary Merger. Again, as statue
119 requires, written consent of any mortgage holder(s) must ultimately be recorded at
120 the RCRD together with the executed Notice of Voluntary Lot Merger.

121

122 Ms. Tapley did contact the Marazzi’s after receiving the application and Mr.
123 Keach’s recommendations and let them know the Planning Board needs to see the
124 written consent from the mortgage holders. Ms. Tapley has not received anything
125 from the Marazzi’s or the mortgage holders.

126

127 The Board agreed to table the Lot Merger until the Marazzi’s, or the mortgage
128 holders have sent over a letter regarding the lot merger to the October 15th meeting.

129

130 It was decided Ms. Ortins should contact the applicants to apologize for the delay and ask
131 if they still want to proceed.

132

133 **New Business**

134

135 Ms. Ortins asked the board to review the rough draft of the Planning Board’s section of
136 the Town Report. The board offered minor suggestions.

137

138 **Adjournment**

139 Mr. Brown made a motion to the adjourn. Mr. Mencis seconded. All in favor. The
140 motion passed. Meeting ADJOURNED at 8:00 p.m.

141

142 Respectfully Submitted,

143

144 Christy Ortins