

Selectmen's Meeting Minutes

Tuesday, January 10, 2006

Present: Selectman Maxfield, Bowles, and Little.

Also present: Road Agent David Rice and Police Chief, Code Enforcement /Compliance Officer Bob Fiske.

Chairman Maxfield called the meeting to order at 6:30 PM.

- I. Selectman Bowles moved to approve the Selectmen's Meeting Minutes of Tuesday, December 20, 2005 as presented. Seconded by Selectman Little. All in favor. Motion carried. Selectman Little moved to approve the Public Hearing Minutes of Wednesday, December 28, 2005. Seconded by Selectman Bowles. All in favor. Motion carried.
- II. Chairman Maxfield explained that the Town of Loudon Welfare Assistance Guideline has been updated to address the changes for shelter, food, and utility costs. Selectman Little moved to approve the changes to the Town of Loudon Welfare Assistance Guidelines effective January 10, 2006. Seconded by Selectman Bowles. All in favor. Motion carried.
- III. The Board met with Police Chief, Code Enforcement/Compliance Officer Bob Fiske.
 - a. Chief Fiske presented three pistol permits for approval and signature. Chairman Maxfield sated for the record that the three pistol permits were approved.
 - b. Chief Fiske provided the Board with quotes from Municipal Pest Management and Dragon Mosquito Control for budgeting purposes regarding EEE and West Nile Virus. Selectman Little stated there is a Warrant Article to be included for the 2006 Town Warrant.
- IV. The Board met with Road Agent David Rice.
 - a. Mr. Rice advised the Board the truck repairs have been taken care of and the truck that was not working is back in service.
 - b. Mr. Rice discussed the vacancy in the Highway Department.
- V. The Board met with Polly Touzin and Clough Pond residents regarding safety issues on Berry Road.
 - a. Ms. Touzin stated she had talked with the Road Agent, Police Chief, and Planning Board members regarding Dee Dee Maratea's property on Berry Road. Ms. Touzin stated the steep driveway is a major safety concern. She went on to say that in December, there was a period of

heavy rain, which then froze approximately two to three feet out into the road. Ms. Touzin advised the Board that Andy Chapman from DES had also witnessed this. Ms. Touzin stated the drainage from this property is muddy and is going into the stream, which is a pollution problem. She said she understood the drainage issue is something that is being worked on. Ms. Touzin stated the lots being built on are substandard according to Loudon's Zoning laws, the lots should have been combined so only one house could have been built there. She stated that she, DES, and the Loudon Conservation Commission feel the house should have never gone up there. Ms. Touzin stated she was here to ask the Board to reconsider what is going on and to get back to her with a plan on what the Board is going to do about the situation. Ms. Touzin stated there is already a foundation in place for the second house, she does not know what is going to happen with the septic, shared driveways are not something that the Town wants, and she would like to see a cease and desist order in place. Ms. Touzin stated she would like to have the Selectmen get back to her within the next two weeks and she would be willing to come to the Selectmen's Meeting on January 24, 2006. She stated she felt a big mistake has been made and it needs to be addressed. George Page stated people driving in that area cannot see. Mr. David Pelissier stated he agreed. Chairman Maxfield stated the Planning Board has approved the subdivision; the Fire Department and the Road Agent have approved the law of the roadway. He stated he has spoken with DES and the Town Engineer who are working with the Town to start enforcing RSA 236:13 VI. Chairman Maxfield stated the Board has a letter for Bob Fiske instructing him to contact Ms. Maratea and advise her she will be required to install an adequate drainage system from her driveway on her property to the Town's catch basin at the northeast entrance of Berry Road before any Certificate of Occupancy will be issued to either home. Chairman Maxfield discussed some of the efforts undertaken to ease the drainage problems in this area. Discussion ensued regarding shared driveways in Town. It was stated that in order for someone to have a shared driveway they would now need to get approval from the Zoning Board. It was discussed that a deep catch basin would help with the drainage and the issue of silt going into the brook was discussed. Selectman Bowles stated that by putting in catch basins with deeper sumps it might help filter some of the silt. Selectman Little stated many of the issues that have been brought up were issues that came from old rules that were in place. He stated driveway permits are issued differently now with both the Fire Chief and Road Agent reviewing the location. Selectman Little stated Ms. Maratea was forced to rush putting in the foundation by December 31, 2005 or she would lose her building permit, which is part of the Zoning Ordinance. Ms. Touzin asked about substandard lots that were supposed to be combined. Bob Fiske stated there has been an ongoing

discussion regarding combining lots. He stated all the paperwork has been in a satisfactory matter for Ms. Maratea's property. Mr. Fiske stated Andy Chapman has an issue regarding a septic system being installed on one of the properties. Mr. Fiske stated he felt the Town would not be getting involved in an issue between two State entities. He went on to say that, Water Supply & Pollution gave an approved septic system for both lots independently and if Mr. Chapman has an issue he needs to take it up with Water Supply & Pollution. Chairman Maxfield discussed his conversation with Mr. Chapman. He asked Ms. Touzin what she wanted in writing from the Selectmen. Ms. Touzin stated she wanted a cease and desist on the second house and she wanted the driveway fixed before someone gets hurt. Discussion ensued regarding other driveways on the road. Selectman Little stated that due to the fact Ms. Maratea obtained her building permit legitimately and has followed the requirements to get her extensions, he feels the Town cannot issue a cease and desist order. He stated the Town can look at issues and advise Ms. Maratea before she can get her Certificate of Occupancy, she needs to complete certain requirements to deal with the safety issues, silt issues, etc. Selectman Little stated there have been a couple of instances where the Fire Department has gone to the property to do an inspection and the ambulance had a difficult time getting up the driveway. He stated he hopes the people looking to purchase those homes realize there is an issue with the driveways and for emergency response, there could be some problems. Ms. Touzin stated she feels the Town should deal with this issue and it should not be up to the buyer to have to find out if the fire truck can or cannot make it up the driveway. She went on to say that she felt the Town should not allow Ms. Maratea to build the second house due to the safety issues and that the lots are all in her name under a trust. Selectman Bowles stated as long as those lots are in two different names and are recorded the Town cannot force Ms. Maratea to combine the lots. Ms. Touzin stated she felt the Town should not be putting lives in jeopardy because of a name issue. She went on to say she knows the Selectmen work hard and she does not like being nasty but she is frustrated. Selectman Little stated he could understand her frustration, as the Board has also been frustrated; however, since the permits have already been issued it is going to be a legal nightmare for the Town. Chairman Maxfield stated with the different Board's in Town approving applications and permits the Selectmen have to enforce the various decisions of the Town Boards. George Page asked about the other two lots Ms. Maratea has on the other side of the road. Chairman Maxfield stated the Zoning Board had granted Ms. Maratea permission to combine the septic system for those lots on the other side of the road. Selectman Little stated there had originally been three lots, one of them has been combined and now there are two lots on that side of the road. He went on to say Ms. Maratea has been

through the Shore Line Protection, gone to the State, gotten all permits that were necessary, gotten an approved septic plan, and the only caveat that sits there is her building permit is contingent upon her building on that same exact footprint as the old house was. Mr. Page stated Ms. Maratea had 18-months to rebuild on the footprint, now she had to follow the standards today. He also asked where the driveway would go. Selectman Bowles stated Ms. Maratea has a building permit for that lot. The 18-months have expired. Bob Fiske stated Ms. Maratea could build within the 18-months in the same footprint without obtaining a new building permit. Ms. Maratea has obtained a brand new building permit, which she has all of the required permits for. He stated everyone needs to understand there are two lots up there and they have been taxable buildable lots and whether the fire department or police department has been up there and looked at it they are going to have to deal with it the best way they can. They are aware of the situation, it is no different from a Class VI road, and he doesn't feel it is within the Town's right to hold the property owner of a Class VI road if he's owned that property for 30-years to tell him he can't build on it. Mr. Fiske went on to say it is not up to the Selectmen, the Road Agent, Fire Chief, or the Code Enforcement Officer if they don't plow that in the winter and the ambulance can't get to it, it is not the Town's problem. Ms. Touzin stated those are not buildable lots. Mr. Fiske stated Water Supply & Pollution gave them a septic plan approval, which makes it a buildable lot. Ms. Touzin asked if the septic system was going to be a shared one. Mr. Fiske stated the ones on the paved side were not, but the lower ones were. Selectman Little stated it was at the Zoning Board meetings when the objections should have been addressed. Ms. Touzin stated she had shared her concerns with DES and the Conservation Commission. Chairman Maxfield talked about the BTLA decision for the land value of Ms. Maratea's property. He gave a brief history of Berry Road. Mr. Page asked if the Board could do anything about the visibility issue for the driveway. Selectman Little stated there might be some requirements attached prior to issuance of the Certificate of Occupancy. Chairman Maxfield stated it is difficult to attach stipulations to the building permit/CO issuance. Mr. Fiske stated he felt the stipulations and requirements should have been addressed when Ms. Maratea went for her special exceptions. Ms. Touzin stated she was still not satisfied with this situation. Selectman Little advised those present there is a proposed zoning amendment changing the slopes from 25% to 15%. Selectman Bowles stated these lots were lots of record and they have to be dealt with in the best way that can be done. Selectman Little stated he feels people need to be more aware of items on agenda's for the various boards so that their concerns can be dealt with at the time of permitting, as once an approval is in place it is very difficult to make changes later. He stated the agenda's are posted at the Town

Office Building, Library, Transfer Station, Bean Stalk Store, and the Ivory Rose. Ms. Touzin stated she feels Loudon has a lot of hardworking people looking out for the Town however in this situation she feels like she was unprotected, unrepresented, endangered, and she is very disappointed.

- VI. The Board began their review of weekly correspondence.
 - a. Chairman Maxfield stated the Town Office Building Committee meeting has been scheduled for Monday, January 16, 2006 at 7:00 PM.
 - b. Chairman Maxfield stated currently there are only 4 proposed Warrant Articles for the 2006 Town Meeting.
 - c. Chairman Maxfield reviewed revision #4 of the proposed budget and stated the current proposed increase is 1.40% over last year's budget.
 - d. The Board received a memo from Bob Fiske regarding outstanding driveway permits.
 - e. The Board received a memo from Fire Chief Jeff Burr regarding sprinkler systems for houses in Wellington Lane development.
 - f. Chairman Maxfield discussed House Bill 1212 regarding the removal of mobile homes from mobile parks without the taxes being paid by either the unit owner or park owner. He stated State Representative Roy Maxfield has gone to the Chairman of the committee regarding HB 1212 and this bill has been killed.
 - g. Discussion ensued regarding sprinkler systems in new developments and whether or not they may someday be required.
 - h. The Board received information regarding letters of intent on Hazard Mitigation Grant applications.

- VII. Chairman Maxfield opened the public hearing on the Winter and Inclement Weather Policy and Priorities and for acceptance of FEMA Flood Disaster Grant Funds in excess of \$5,000.00.
 - a. Chairman Maxfield read the public notice for those present.
 - b. Chairman Maxfield read RSA 231:92a. Road Agent David Rice stated the Town's Insurance representative brought up the policy, which is part of the Hazardous Mitigation Program. He stated this policy gives the procedures the Town will follow in case there are questions from residents in Town. Mr. Rice stated while there is a line that states the Highway Department will begin plowing when there is three inches of snow, there will be areas that have less than three inches as well as areas that may have more than three inches of snow on the ground before the plow reaches its destination. He stated it takes roughly 4 1/2 hours to plow one route with one truck. Mr. Rice went on to say that if one truck goes down for mechanical issues all of the other routes will have approximately one extra hour added on to plow a portion of the route that lost a truck. He stated there are six plow routes. Chairman Maxfield stated the plowing priority list states paved roads will be plowed first, followed by bus routes, and then gravel roads.

- c. Raymond Cummings stated he felt on page one, section three-A the wording was not correct. Mr. Rice stated this policy as written has been reviewed by Town Counsel and has been recommended as written. Selectman Little moved to accept the Town of Loudon Winter and Inclement Weather Policy and Priorities effective January 10, 2006. Seconded by Selectman Bowles. Selectman Little stated this is something that has been recommended by the Property Liability Trust and Town Counsel. All in favor. Motion carried.
- d. Chairman Maxfield stated the Town has applied for the FEMA Flood Disaster Relief Funds in the amount of \$27,173.07 and have received the funds for this grant. Selectman Little moved to accept the funds. Seconded by Selectman Bowles. Chairman Maxfield stated the damage was to Lovejoy Road, Old Shaker Road, Beck Road, and Currier Road. Hearing no comment from the audience. All in favor. Motion carried.

Chairman Maxfield closed the public hearing.

- VIII. The Board continued with their review of weekly correspondence.
 - a. The Board received information from the Secretary of State regarding the statewide Voter Registration program. David Rice stated the voting booths from the Town Hall need to be cleaned up due to the fire.
 - b. The Board received an announcement from DRA regarding the new auditor for Loudon. Chairman Maxfield stated the new auditor is Jeannie Sams.
 - c. The Board received the January Planning Board agenda, December 6, 2005 Zoning Ordinance Workshop minutes, December Planning Board minutes, and the December 19, 2005 Zoning Ordinance Workshop minutes.
 - d. The Board received a copy of the easement deed from George Duprez for Bear Hill Road.
 - e. The Board received the October and December Cate Van meeting minutes.
 - f. The Board received a notice of the EEE and West Nile Virus briefing at Concord Hospital on January 31, 2006.
 - g. The Board received information from Sherry Brooks regarding Van Transportation Grants. The Cate Van Committee has been forwarded a copy of this information.
 - h. The Board received the November monthly report from ESMI.
 - i. The Board received the Annual Report from Northeast Resource Recovery Association.
 - j. The Board discussed the draft letter regarding Ms. Maratea's driveway and drainage issues. Selectman Bowles stated he felt the Board needed to try to rectify any issues as soon as possible. Discussion ensued regarding recommendations from Andy Chapman of DES. David Rice stated if the Town does not advise Ms. Maratea that she is

responsible to fix the problems, DES will mandate the Town to fix the problems at a cost to the Town as well as fine the Town. Mr. Rice stated the State is trying to work with the Town to have these issues addressed. Chairman Maxfield stated felt the draft letter to Ms. Maratea should be reviewed by Town Counsel for comment. Selectman Little stated he felt the question needed to be answered by Attorney Mayer as to what authority the Selectmen have regarding enforcement of these issues.

- IX. The Board met with Raymond Cummings to discuss the Town Office Building Study Committee's plans.
- a. Mr. Cummings stated the next meeting for the Town Office Building Study Committee would be Monday, January 16, 2006. He asked the Board if they would consider using some of the money from the Unreserved Fund Balance to help fund the new Town Office Building. Chairman Maxfield discussed the fact that DRA would like the Selectmen to maintain at least 5% in the Unreserved Fund Balance for emergencies. They have said they would agree to go as low as 4%; however, they would not suggest going any lower. Chairman Maxfield went on to discuss the overlay account and issues that could arise if the Unreserved Fund Balance was depleted. He stated \$200,000.00 was used to reduce this year's taxes. Mr. Cummings stated he is not advocating taking all of the money out of the Unreserved Fund Balance; he would like to see the Selectmen utilize \$500,000.00 leaving \$146,000.00 until the end of June when any new balance would be added to the Unreserved Fund Balance. Chairman Maxfield stated he thought the Town Office Building Study Committee was not going forward to this Town Meeting with a plan. Mr. Cummings stated the Committee members wanted more information to work with. He gave the Board a brief overview of figures that he had for different possibilities for the new Town Office Building. The Capital Improvements Plan was discussed regarding the figures included for possible renovations of the current Town Office Building. Mr. Cummings discussed his findings for options of building new on the current site as well as building on a different site. The housing for the Cate Van was discussed as well as the Town Office Building Capital Reserve Fund. Chairman Maxfield stated he was the Chair of the Town Office Building Study Committee this past year and gave a brief summary of its progress. He stated he feels the Committee has no intentions of going to Town Meeting this year with a proposal to build a new Town Office Building. He thinks they may come in with information that says here is a proposal and costs to build on this site, and here is a proposal to build on another site. Discussion ensued regarding issues with building on the current site. Selectman Little stated he thought it would be better to put money away and work on finding another site. Discussion ensued regarding the Merrill

property and Foster Road as well as what would happen to the Office staff during renovation/construction. Chairman Maxfield stated he has a couple of letters for the Building Study Committee for Monday night's meeting. Discussion ensued. Selectman Little stated regardless of what might happen with a new Town Office Building the current building needs to be repaired. Mr. Cummings stated he felt if a new building were to pass at Town Meeting, he did not feel the Selectmen should spend any money on the current site. Discussion resumed regarding the Capital Reserve and Unreserved Fund Balance. Selectman Little stated he feels that from all the discussion they are all in agreement that the current location is not the best site for the new Town Office Building to be built. Mr. Cummings agreed.

Selectman Little moved to adjourn the meeting at 8:35 PM. Seconded by Selectman Bowles. All in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Roger A. Maxfield, Chairman

Dustin J. Bowles, Selectman

David M. Little, Selectman