

Selectmen's Meeting Minutes

Tuesday, May 10, 2005

Present: Selectman Kardaseski, Bowles and Maxfield.

Also present: Planning Board members Bob Ordway and Tom Dow, ZBA member David Powelson, Police Chief/Code Enforcement Officer Bob Fiske and Fire Chief Jeff Burr. Planning Board Chairman Gary Tasker was in the audience.

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

- I. Selectman Maxfield moved to approve the Selectmen's Meeting Minutes of Tuesday, May 3, 2005 as presented. Seconded by Selectman Bowles. All in favor. Motion carried.
- II. Chairman Kardaseski opened the Board of Permit.
 - a. Bob Fiske presented three Hawker's and Peddler's applications. The first is for Dudley's Ice Cream. Mr. Fiske stated all paperwork is in order. The only change is to add a 20-foot by 15-foot swath parallel to Clough Hill Road. The second is for the Landry Memorial Ball Field. This application is for LYAA and they are asking for fifteen banner spaces of 3-feet by 5-feet. There will be no alcohol or tobacco products advertised. The banners will be lined up along the fence. Mr. Fiske stated that as in the past two years, there is a request to waive the fees as this is for LYAA. Selectman Bowles moved to waive the fees for LYAA for the banners on the fences at the Robert L. Landry Sr. Memorial Ball Field on Staniels Road. Seconded by Selectman Maxfield. All in favor. Motion carried. The third application is for the Smoke Shack Southern Barbeque, LLC., which is on Heffron Material's property on Route 106 South. State of NH DOT has determined the driveway access for this property and all requirements have been met. Mr. Fiske has requested a schedule of operating times from Mr. and Mrs. Davis as the State will only allow Mr. and Mrs. Davis to operate 96 hours per month. Mr. Fiske stated all insurance paperwork is in order, as well as the State Hawker and Peddler's permit. Mr. Fiske provided photos of the equipment used for this site. He said Mr. and Mrs. Davis have requested the dates of this permit be from May to December. Mr. Fiske also stated the Davis's will not be operating at this site during major race weekends as they have a commitment at the racetrack during those events, so this site will not be operational during those heavy traffic times. Mr. Ray Cummings inquired why a site plan review was not required for this site when it was going to be required if Mr. and Mrs. Davis were to lease space at

Fox Pond Plaza. Selectman Bowles stated he felt the difference was between a business and a Hawker and Peddler's permit. Discussion ensued regarding whether refrigeration is available on site. Mr. Davis explained that there is a refrigerator and freezer on site and perishables are removed at closing. Chief Burr stated he would like to perform an inspection. Discussion ensued regarding the previous owners intentions for that parcel and what requirements had been placed on it. Tom Dow inquired about lighting. Mr. Davis said there would be no lighting issues. Chairman Kardaseski stated her only concern was for traffic issues. The Board agreed to approve this Hawker and Peddler's permit.

- b. Bob Fiske discussed Colin Cabot's property relative to constructing two sheds. Mr. Cabot's property is part of the LCHIP program under current use. The Board discussed the current use status and agreed the portion of land Mr. Cabot wants to construct the two sheds on is not in violation of the LCHIP land. Discussion ensued regarding if requiring a site plan was necessary as well as the issue of Mr. Cabot wanting to utilize the two sheds for educational purposes. The Board agreed Mr. Cabot should go before the Planning Board for a discussion.
- c. Chairman Kardaseski stated she had spoken with Attorney Mayer regarding the village district zoning amendment in 2000, as well as the Zoning Board meeting of March 2005. Attorney Mayer's opinion regarding Mr. Colby's property on Route 129 was if the boundary between commercial versus village district was very clear, with no doubt where the lines were, the Zoning Board could not arbitrarily change a lot from one district to another. He advised Chairman Kardaseski they would have to bring the change before Town Meeting; however, if it were a gray area and the boundary was not clear, the Zoning Board could make the decision as to what district the lot should be in. Attorney Mayer advised Chairman Kardaseski it appears when Mr. Towle purchased his property it was purchased as commercial property. Therefore, it should be considered commercial property. Discussion ensued regarding both properties. Bob Ordway stated, based on history, both Colby properties and Mr. Towle's property are in the commercial district. Mr. Powelson stated the Zoning Board minutes of Thursday, March 24, 2005 reflect the decision of the Zoning Board to classify Tax Map #30, Lot #20 and #21 as village district. Mr. Powelson stated the Zoning Board felt Mr. Towle's property was in the commercial district. He stated the Zoning Board based their decision on the Colby properties by the set of tax maps they had, they did not have the set of maps that Bob Ordway was referring to now. Discussion continued.

Chairman Kardaseski closed the Board of Permit and reconvened the Selectmen's Meeting.

- III. The Board met with Patricia Trow, Mr. and Mrs. Wayne Thistle and Chief Bob Fiske to discuss complaints received from Mrs. Trow.
- a. Mrs. Trow stated she was in attendance to discuss the noise issues she has with Mr. Thistle starting construction early in the morning. She stated it startles her daughter awake and her daughter has medical issues. Mrs. Trow also stated she feels Chief Fiske has been rude to her during several conversations she has had with him regarding the complaints against Mr. Thistle's construction. Chief Fiske stated he takes exception to what Mrs. Trow said about him swearing at her and being rude. He also stated he has been at the construction site while Mrs. Trow was on the phone with Chief Fiske's secretary complaining about the noise and there was no noise. Chief Fiske has spoken with Mr. Thistle regarding Mrs. Trow's complaints and feels that as long as Mr. Thistle is not breaking any State laws or Town ordinances, there is no reason to arrest him. Mr. Thistle stated he had spoken with Mr. Trow originally when he had first purchased the property and was agreeable to starting work later in the morning. Mr. Thistle stated Mr. Trow appeared to be happy with the arrangement; however, within fifteen minutes of their conversation Mr. Trow filed a complaint with the Police Department. Mr. Thistle decided after that he would begin his workday at 7:00 AM. Chairman Kardaseski stated this conversation would have to be put on hold until after the scheduled appointments.
- IV. The Board met with Dan Geiger and Julie Robinson of the Conservation Commission regarding Mr. Geiger's reappointment.
- a. Chairman Kardaseski stated she and Selectman Bowles had a few questions, which she had spoken with Julie Robinson about and it appeared that the issues had been resolved. Mr. Geiger asked what the issues were. Chairman Kardaseski stated she felt it was a general impression that Mr. Geiger was unwilling to work with people or to give in a little on some things. She said one item in particular was an issue with a tree. Chairman Kardaseski stated the Conservation Commission in Loudon can advise on items such as wetlands issues but do not have the authority to tell a property owner what they can do with their trees. Mr. Geiger stated that under RSA 36, which establishes Conservation Commissions, it states Conservation commissions are to advise on natural resources and since this was a 150 year old tree which has survived through natural disasters, he felt it was important enough to ask Mr. Thistle if he could try and save the tree. Selectman Bowles stated he would like to see Mr. Geiger be a little more flexible. He stated the Conservation Commission has always done a wonderful job and appreciates what they do for the Town. Julie Robinson states she feels sometimes the Conservation Commission needs to be strong and the Conservation Commission knows that it is an advisory board. Mr. Geiger stated if there were any

projects he has been part of that needs clarification, or if the Selectmen have any questions or issues he would be more than happy to talk about them and clarify anything if needed. Selectman Maxfield stated he has no problems with Mr. Geiger and hopes he keeps up the good work. Chairman Kardaseski stated she felt the Board would be reappointing Mr. Geiger to the Conservation Commission and they just wanted a chance to sit down and talk with him. Selectman Maxfield moved to appoint Dan Geiger to the Conservation Commission for a term of one year. Seconded by Selectman Bowles. All in favor. Motion carried. Julie Robinson asked if the appointment was supposed to be for a one year or three year appointment. The Board reviewed the terms for Conservation Commission members and agreed it should be a three year appointment. Selectman Maxfield moved to amend the original motion to appoint Dan Geiger for a term of three years instead of a one year term. Seconded by Selectman Bowles. All in favor. Amendment carried. Planning Board Chairman Gary Tasker thanked the Selectmen for reappointing Mr. Geiger to the Conservation Commission stating Mr. Geiger has been a great asset to the Conservation Commission and stated he has been very professional.

- V. The Board continued their discussion regarding Mrs. Trow's complaints against Mr. Thistle and his construction. Discussion ensued. The Board agreed that Mr. Thistle has the right to start construction at 7:00 AM as is stated in the Zoning Ordinance book. Discussion ensued regarding starting a few minutes after 7:00 AM. The Board discussed sending Mrs. Trow a letter stating since Mr. Thistle has not broken any Town ordinances, and continues to follow those ordinances, there is nothing the Board can do.
- VI. The Board met with Tax Collector Helen McNeil regarding past due taxes on Tax Map #060, Lot #025. Discussion ensued.
- VII. The Board met with Ken Bean regarding the replacement of a mobile home on Tax Map #060, Lot #025.
 - a. Mr. Bean stated he replaced a former mobile home with a newer mobile home. He showed the Board a picture of what has been removed. Chairman Kardaseski stated the mobile home had been moved illegally, as there was no mobile home release and the taxes were not paid in full. She advised Mr. Bean the Board will not allow the newer mobile home to be placed on the lot until taxes have been paid based on RSA 8:2-a. Mr. Bean reviewed his outstanding taxes with the Selectmen and was advised he needed a "paid in full" receipt signed by the Tax Collector to also include the Spring 2005 taxes before the Board will allow another mobile home to be placed on the lot. Mrs. McNeil inquired about the issue of having two mobile homes on the same lot. The Board stated this is a grandfathered lot. Mr.

Bean said he would pay the taxes and get back to the Selectmen once that was settled.

- VIII. The Board met with Police Chief/Code Enforcement Office Bob Fiske.
- a. Mr. Fiske and Tax Collector Helen McNeil discussed the issue of mobile homes being moved in and out of the mobile home parks without the proper mobile home release, paid taxes and building permits in place. Mrs. McNeil will be sending out reminder letters to the three mobile home parks regarding this issue.
 - b. Chairman Kardaseski stated for the record three pistol permits were submitted for signature and approval.
 - c. Mr. Fiske provided a copy of a letter he received from a property owner on Greenview Drive regarding a driveway issue. Discussion ensued regarding the driveway being loamed and the owner states there are reflectors at the end of the driveway. The Board discussed that a driveway should look like a driveway, not like part of your lawn. Tim Landry stated RSA 236 is relative to driveways. Mr. Fiske will research that RSA.
 - d. Chairman Kardaseski stated she had spoken with Bob Fiske about Michael Harris' letters regarding NHIS. Mr. Fiske stated per the Minutes of the January 21, 1999 Planning Board Meeting, the agreement is that there is to be a minimum of 60 muffled events, and this year the calendar shows 112 muffled events. Chairman Kardaseski will draft a letter to Mr. Harris.
- IX. The Board began their review of weekly correspondence.
- a. Chairman Kardaseski stated at last week's meeting the Board set a policy regarding current use that cannot be in place as it goes against the State Statute. Chairman Kardaseski moved to rescind the policy of last week regarding land use change tax. Seconded by Selectman Bowles. All in favor. Motion carried.
 - b. The Board received copies of the agreement with Keystone Roofing. The agreement is 1/3 of the payment due when they arrive with the balance to be paid upon completion of the project. Selectman Bowles moved to authorize the Chairman to sign an estimate with Keystone Roofing for a sum not to exceed \$23,000.00 to strip and dispose of old material and to install a 24 gauge standing seam roof on the Community Building. Seconded by Selectman Maxfield. All in favor. Motion carried.
 - c. The Board received a copy of a check of unanticipated revenue from the State of NH for work completed on the statewide voter database.
 - d. The Board received a copy of a check from Primex for return of contribution on worker's comp insurance in the amount of \$3,177.20.
 - e. The Board received information from Jim Leonard regarding his deed referencing Old Voted Road. The Board will forward this information to Attorney Mayer for review.

- f. Selectman Maxfield moved to approve two petition and pole licenses from PSNH, pole #64352. Seconded by Selectman Bowles. All in favor. Motion carried.

Selectman Maxfield moved to adjourn at 8:47 PM. Seconded by Selectman Bowles. All in favor. Motion carried.

THE LOUDON BOARD OF SELECTMEN

Deborah A. Kardaseski, Chairman

Dustin J. Bowles, Selectman

Roger A. Maxfield, Selectman