

Selectmen's Meeting Minutes

Tuesday, October 10, 2006

Present: Selectman Bowles and Ives. Selectman Maxfield was not present.

Also present: Deputy Fire Chief Rick Wright, Police Chief, Code Enforcement/Compliance Officer Bob Fiske, Planning Board member Bob Ordway, and ZBA Chairman David Powelson.

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

- I. Selectman Ives moved to approve the Selectmen's Meeting Minutes of Tuesday, October 3, 2006 as presented. Seconded by Chairman Bowles. All in favor. Motion carried.
- II. Chairman Bowles opened the Board of Permit.
 - a. David Powelson discussed the idea of allowing property owners to put in their septic system and foundation prior to the building permit being issued. Discussion ensued regarding the Town of Barnstead having a system in place for this type of situation and it appears to be working very well. Chairman Bowles and Selectman Ives both agreed that they did not have a problem with allowing the septic and foundation, however, it would probably be difficult to enforce and keep track of. Bob Fiske stated that he thought it was a very bad idea to allow this before the building permit was in the property owner's hands. He suggested that the Town consider, at Town Meeting, to change the dates from January to December to July to June. Mr. Fiske stated that by allowing "structures" to be in place prior to the building permit issuance creates problems with enforcement. Discussion ensued regarding accessory buildings being built prior to the residential structure. Chairman Bowles discussed the building permit waiting list versus not having a waiting list and people being able to apply for a permit at anytime during the year and having their one-year timeframe start when the permit is picked-up. He said with the waiting list in place and people having to pickup their building permit in January, their one-year timeframe starts in January. Mr. Fiske stated that there is nothing in the Zoning Ordinance allowing for the septic and foundation to be in place prior to the building permit. Discussion ensued regarding considering an amendment to the Zoning Ordinance during the Zoning Workshops this Fall.
 - b. Mr. Fiske discussed the building permit issue for Michael Harris. He stated that Mr. Harris misrepresented himself at the time he made the request for the accessory structure. Chairman Bowles stated the representation was that Mr. Harris would build his garage and that he would apply for a 2006 building permit for the residential structure.

Now it appears that he did not do what he agreed to do. Mr. Fiske said Mr. Harris had all of his paperwork in order to build both the house and garage but wanted to begin building the garage before he had the building permit. He went on to say that, he told Mr. Harris that he would not be allowed to start prior to the issuance of the building permit, but that he would bring the issue up to the Board of Permit for their consideration. Mr. Fiske said that Board of Permit made the decision to allow Mr. Harris to build the garage prior to the building permit issuance based on the representation that Mr. Harris would follow through with the proper process. It was discussed that the garage became the house over night. That Mr. Harris had initially built the structure as a garage, and then converted it into a house. Mr. Harris applied for a building permit for a new residence as well as for the garage. Mr. Fiske stated that Mr. Harris has built a one bay garage and has subsequently decided to turn it into a residence. He said that it does meet the 920 square feet required by the Zoning Ordinance for a residential structure. Selectman Ives asked if the building meets codes. Mr. Fiske stated it does. The Board discussed the fact that if Mr. Harris sells the residence within one year he may be subject to a fine. The Board stated while they are not happy with this situation, Mr. Fiske should proceed as though it were a residential structure based on this conversation.

- c. Mr. Fiske discussed impact fees for the Villages at Loudon. Discussion ensued regarding the Zoning Ordinance relative to the impact fees. Mr. Fiske asked if the impact fee were to be imposed per unit or the entire project. The Board agreed that it should be per unit. Mr. Fiske asked if he was all set with collecting the \$456.00 per unit as determined by the Planning Board. Chairman Bowles discussed the dates the application was completed and accepted by the Planning Board relative to being able to impose the impact fees. Mr. Fiske asked if the property owner is required to pave the 300 feet of the road to bring it up to Town Standards, do they still get the \$456.00 per unit impact fee imposed. Chairman Bowles stated yes, as it was a condition of their approval. Mr. Fiske asked about the construction bond for this project. Chairman Bowles stated he would have to review the Planning Board minutes relative to the road. Discussion ensued regarding the 300 feet of paved sidewalk required by the Planning Board approval as well as the construction bond for the road.
- d. Mr. Fiske discussed Debora Rattees notice of decision relative to a lot line adjustment. He discussed the requirement by the Planning Board that Ms. Rattee apply for a building permit for a residential structure to go with the accessory structure. Mr. Fiske stated he felt it was more of a subdivision than a lot line adjustment. He said he can not issue a building permit on that lot with the accessory structure because it does not have a recorded deed, the plan is not recorded because the stipulation is that Ms. Rattee has to obtain a building permit or be put

on the chronological building permit list in order for the plan to be recorded. Mr. Fiske also said that Ms. Rattee wants to have the frontage on Rainbow Drive. The Board stated the only way Ms. Rattee could use the frontage on Rainbow Drive was if she brought that portion of Rainbow Drive up to Town Standards. Mr. Fiske stated he was asking the Board to make the decision that Ms. Rattee could get on the chronological building permit list for 2008 so that the plan could be recorded. He also advised the Board that Ms. Rattee is on the building permit list for 2007 for other building projects and is planning on coming before the ZBA to ask that she be allowed to switch one of her 2007 building permits with the one for 2008. Discussion ensued regarding what has taken place to date with the lot line or subdivision that Ms. Rattee has gone before the Planning Board for. Mr. Fiske stated Ms. Rattee has signed that she would be residing in the home for at least one year on two separate building permit applications, which cannot happen. Roy Merrill discussed Ms. Rattee applying for a resident permit for 2007 and one for 2008 and asked if it was because she would have to be on the 2009 building permit list if she applied as a contractor. He said it did not seem right to give one person two residential permits. Mr. Fiske said he felt that the first thing Ms. Rattee needed to do was to go back to Planning and get approval for the road frontage on Rainbow Drive but she would lose the 2008 permit. Ms. Rattee could go before the ZBA and ask to have the 2007 permit switched to this lot. The Board members stated that this was a subdivision, not a lot line adjustment as there was one lot, and now there are two.

- e. David Powelson discussed a special exception application for Lovejoy Road. He stated the ZBA tabled the application and advised the applicant to go back to the Planning Board for further review. Mr. Powelson said that he had discussed this issue with Town Counsel and asked if the Board wanted to discuss this in an executive session. Chairman Bowles asked if there was a specific question that needed to be addressed. Mr. Powelson said he felt there was. Chairman Bowles said that he felt it should be tabled at this time and that he would contact Town Counsel to get clarification as to how to proceed. Chairman Bowles said that if this needs to be addressed in an executive session, the Board members would be contacted.
- f. Mr. Powelson discussed a house on Bee Hole Road relative to in-law apartments and extra kitchens. He said it is being marketed as a house with two apartments, which does not follow Loudon's Zoning. Mr. Powelson asked what constitutes a kitchen. Discussion ensued regarding kitchens. Mr. Fiske stated the issue with this property is that there were never any permits issued for the additional kitchens in this house. He said he felt that the additional sinks and stoves should be removed from the home. Mr. Fiske stated that the in-law apartment has been voted on at Town Meeting and the Town voted to no longer

allow this use. Mr. Powelson stated the property owner came before the ZBA requesting a variance to allow the kitchens; however, the ZBA decided to table the discussion until they could do more research. Mr. Fiske said he did not know why the variance wasn't denied. He said that no one has gotten any permit to make it conforming and it bothered him to know that it was tabled and the whole thing is going to be a moot issue. Mr. Powelson said that it will be discussed at next months meeting as the property owner wants to come back requesting to turn the property into a bed and breakfast. The Board members said they felt it does not qualify as a bed and breakfast. Selectman Ives said that the main issue is the property owner never took out the proper permits to do the work to begin with. Mr. Fiske said even if she had applied for the permit, it would have been denied. The Board agreed that this would be on hold until the ZBA was able to do more research.

- g. Chairman Bowles discussed the property on Route 106 owned by Mr. Hyatt relative to the race weekend trash. He stated that this is the second year in a row where there was still trash left behind from race weekend. Chairman Bowles said he felt the parking permit should be pulled and they will no longer be allowed to park cars. Mr. Fiske said that there are three or four parking permits that need to be reviewed and discussed prior to issuance. Roy Merrill stated he felt that this was three strikes against the landowner as the first year he parked cars without a parking permit. The Board agreed that they would review the parking permit issues.

Chairman Bowles closed the Board of Permit and reopened the Selectmen's Meeting.

- III. The Board met with Police Chief, Code Enforcement Officer Bob Fiske.
 - a. Mr. Fiske discussed the demolition bond for Marilyn and Elmer Green. Chairman Bowles stated the building has been demolished and the bond can be released.
 - b. Chairman Bowles stated for the record that one pistol permit was submitted for signature and approval.

- IV. The Board met with Deputy Chief Rick Wright.
 - a. Deputy Chief Wright stated he had a letter for the Board from Chief Burr announcing the promotion of Captain Robert Bottcher to the position of Deputy Fire Chief. Mr. Bottcher has been with the Fire Department for 20 years and has a lot of experience.
 - b. Deputy Chief Wright provided two applications for reappointment of Deputy Wardens for Bob Wilcox and Dick Wright. Selectman Ives moved to reappoint Robert Wilcox, 203 Old Shaker Road, Loudon and Richard E. Wright, 242 North Village Road, Loudon as Deputy Wardens. Seconded by Chairman Bowles. All in favor. Motion carried.

- V. The Board met with Steve Bennett of the Solid Waste Recycling Committee regarding Loudon's Guaranteed Annual Tonnage figures.
- a. Mr. Bennett discussed the current GAT and stated that the Town is currently on target. He discussed the recycling credit that the Town has received in the past years and stated that beginning next year, there is no longer a credit for the recycling tonnage. Mr. Bennett said that if the GAT were over the established figures, the Town would be paying the \$41.00 per ton, as the two-tier payment system is no longer in place. He stated that based on his calculations he initially would have suggested the GAT be changed to 3900 Ton, but now he is thinking it should be lower. Mr. Bennett discussed the budget figures relative to having to pay any tonnage over or under the GAT figure. It was discussed that if the Town delivers under the GAT, they still have to pay the \$41.00 per ton and if we go over the GAT, it will be \$41.00 per ton. Mr. Bennett advised the Board that electronic recycling should begin soon which will also reduce the tonnage. The Board agreed to drop the GAT to the 3900 Ton and would include funds in the Transfer Station budget for any overage costs. Mr. Bennett discussed the electronic recycling that begins July 2007.
- VI. The Board began their review of weekly correspondence.
- a. Selectman Ives moved to sign the contract with Boston Lightning Rod Company to install lightning rods at the Town Hall/Freewill Baptist Church building in the amount of \$3,440.00, of which the Loudon Center Freewill Baptist Church would pay half. Seconded by Chairman Bowles. All in favor. Motion carried.
 - b. The Board received a request from Wayne Thistle to hold a public hearing for his petition to layout his new road. Mr. Thistle has requested the Board consider naming the new road, Thistle Hill Road. The Board agreed to hold the public hearing on Tuesday, October 31, 2006.
 - c. The Board received a request from Loudon Youth Athletic Association to install playground equipment at Landry Memorial Field on Staniels Road. The Board will look into the liability issues and let LYAA know their decision.
 - d. The Board received the work schedule for Cross Brook Road from CPM Constructors.
 - e. The Board received an e-mail from Judy Houston regarding Berry Road. The Board will look into where the funds will come from for the dredging of the pond.
 - f. The Board advised Office Manager Jean Lee to draft a letter to Treasurer Melanie Kiley regarding the release of the bond for Marilyn and Elmer Green for the Board to sign.
 - g. The Board received a letter from Superintendent Michael Martin regarding the October 25, 2006 meeting with the School Board.

- h. The Board received a letter from Comcast regarding re-designing their monthly billing statement.
- i. The Board received a regional impact notice from the Town of Belmont regarding a balloon test for a cell tower.
- j. Selectman Ives moved to appoint Brenda M. Pearl to fill the vacancy in the Trustee of the Trust Funds, term to expire March 10, 2009. Seconded by Chairman Bowles. Discussion ensued regarding the RSA that states the appointment is to fill the term, not the next election cycle. All in favor. Motion carried.

Selectman Ives moved to adjourn the meeting at 8:27 PM. Seconded by Chairman Bowles. All in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Dustin J. Bowles, Chairman

Roger A. Maxfield, Selectman

Steven R. Ives, Selectman