

Selectmen's Meeting Minutes

Tuesday, October 18, 2005

Present: Selectman Maxfield, Bowles, and Little.

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

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

- I. Selectman Little moved to approve the Selectmen's Meeting Minutes of Tuesday, October 11, 2005 as presented. Seconded by Selectman Bowles. All in favor. Motion carried.
- II. The Board met with Police Chief, Code Enforcement/Compliance Officer Bob Fiske.
 - a. Mr. Fiske discussed a Certificate of Occupancy for the new house built on Tax Map #028, Lot #011. He stated this house has frontage on the new road built by Wellington Way Properties which has not yet been named or accepted. Mr. Fiske was advised by Fire Chief Jeff Burr and Road Agent David Rice the house number for this property will be #11 when a street name is chosen. Mr. Fiske stated the first coat of pavement is down and the owner is waiting for the C.O. Mr. Fiske stated he understood that the only thing the owner needs to complete is the asphalt apron for the driveway. Chief Burr stated the house number was given but due to the new road not having a name yet, there is no way to finish providing the address. He stated the Town has to name the road, send the information to the Post Office for their review, then to E-911 and until such time as that has taken place, no real address can be given. Mr. Fiske stated until the address is given, the owner cannot move into her new home. Chairman Maxfield stated the Selectmen, by law, are the ones who name roads and they don't like to be pushed into naming them, but he thought they could use Wellington Way, Road, Street or Drive. Discussion ensued regarding if it should be a Road, Street, Lane, or Drive. Selectman Little asked what the impact would be to name the road before it is accepted by the Town. Chief Burr stated it doesn't have to be accepted as a Town Road to name the road based on what he has researched. The Selectmen would have to accept the name, not the road itself. That would provide the address in an emergency situation. Mr. Fiske stated he didn't care if the road was named at this point; he just wanted everyone to be aware of the certificate of occupancy. He stated he could have the property owner sign a waiver advising the road has not

been named and making her aware there could be a complication with 911 during an emergency. Mr. Fiske stated he didn't think the Town should be pushed into naming the road until it is finished due to all the legalities. Chief Burr stated when the owner goes to get her telephone hooked up the phone company is going to have a problem with there being no street address. Selectman Little asked what the timeframe would be to get it all through. Chief Burr stated he wasn't sure. Chairman Maxfield stated if no one had a problem with it then he would suggest it be called Wellington Lane. Selectman Bowles stated he felt Mr. Fiske was looking for approval to issue the Certificate of Occupancy and he personally had an issue with the driveway. He stated the regulations call for a longer apron and he feels now is the opportunity to have it addressed. Mr. Rice stated if they pave the driveway it will be flat three feet in. Selectman Bowles stated the regulations need to be addressed relative to driveway issues. Chairman Maxfield stated he had no problem with the approval for the Certificate of Occupancy. Selectman Little asked about any liability if a Certificate of Occupancy were issued to a residence with the potential for an issue with 911 response in an emergency. Mr. Fiske said he would ask the owner to sign a waiver knowing it would be a short period of time before the road is named. Selectman Bowles stated the only way he would support the Certificate of Occupancy would be if a waiver is signed. Chairman Maxfield moved to name the road Wellington Lane. Selectman Bowles asked whose responsibility it was to apply for the name of the road. Mr. Fiske stated the Selectmen have said they were not going to accept the road until the majority of the houses were built. Chairman Maxfield said by law the Selectmen are the ones who name the roads and they do not need any authority from anybody. Selectman Bowles stated that is not what he is asking. He said somebody has to tell the Post Office if that is the name that is chosen. Selectman Little stated he would second the motion so that it could be discussed even though it was already in discussion before the second had been made. Selectman Little asked if this would get the ball in motion as far as the Post Office and 911 were concerned. He said if they do not take any action now then everything remains in limbo so by naming the road now things will move forward and will be in an appropriate position. Chairman Maxfield stated naming the road had nothing to do with the steepness of the driveway. Selectman Bowles stated that is not his question, he wanted to know who would be responsible to move forward, who calls 911 or the Post Office, who fills out any applications. Chairman Maxfield stated it becomes a legal named road for the Town of Loudon. Chief Burr stated Office Manager Jean Lee had contacted the Post Office in the past. Chairman Maxfield stated that it would be Mrs. Lee. All in favor. Motion carried.

- b. Mr. Fiske discussed the request by the property owners of Tax Map #026, Lot #017 to pour the concrete pad for a barn. The owners have a building permit for January 2006 but are asking to have the pad poured before winter. Chairman Maxfield stated Loudon does not allow out buildings on a lot without a home. Mr. Fiske stated Mr. Cole has a building permit for 2006 and the Board had allowed Michael Harris to do the same thing. Selectman Little asked if Mr. Cole does have a building permit or is getting a building permit. Mr. Fiske said Mr. Cole is on the 2006 list but will not have the permit in hand until January 2, 2006. Selectman Little stated he felt if it were a 2006 building permit then they should build in 2006. Discussion ensued regarding Michael Harris's garage being built before he had the actual permit in hand. Selectman Bowles stated the Zoning Regulations clearly state there cannot be an accessory building on a lot without a primary residence. He stated the only way he would agree to allowing this to be built would be if a bond was put in place. Selectman Bowles stated he feels Mr. Cole would, in good faith, build the house once the 2006 building permit is released; however, he feels the Board needs to take a step back and at least require a bond. Selectman Little stated that the Zoning Ordinance states very clearly there is to be no accessory structure before a primary residence is built. He stated the Town's people voted on the Zoning Ordinance and feels the Board is required to abide by it.
- c. Mr. Fiske asked if the Board had reached their decision on the Building Permit extension request by D. Maratea. Selectman Little stated Tax Map #58, Lot #18 was suppose to have the house set today, but he has concerns regarding Tax Map #58, Lot #21. He asked when the Building Permit was issued for this lot. Mr. Fiske stated it will be one year at the end of December. Discussion regarding lot numbers ensued. Selectman Little stated his concerns for this lot were that nothing had been touched on it nor does it meet the criteria of the Zoning Ordinance for an extension of the Building Permit. He stated he has no problem with extending Tax Map #58, Lot #20 as there is a cellar hole/foundation. Selectman Little also stated his concerns for the driveway on Tax Map #58, Lot #18 have been addressed and while he feels it is not a perfect situation, the contractor has agreed to take down the steepness as far as he can. Roy Merrill questioned the lot that had a fire many years ago. Discussion ensued regarding zoning issues. Selectman Little stated he sensed that everyone felt if the Selectmen did not extend the Building Permit for this lot they were declaring it un-buildable, which they are not. They are saying that since it does not meet the criteria set by zoning, they are just denying the extension of the permit and Ms. Maratea could reapply. Mr. Fiske provided information included in Minutes relative to this lot as well as information regarding a lot line adjustment/lot merger and the ZBA Special Exception relative to setbacks. Selectman Little moved to

extend the Building Permit for Tax Map #58, Lot #20 for D. Maratea for a period of one year. Seconded by Selectman Maxfield. Selectman Bowles asked if there was a foundation on this site for certain. Chief Burr stated there is old concrete there. Majority vote in favor. Motion carried.

- III. Chairman Maxfield opened the Public Hearing to adopt the 2005 Hazard Mitigation Plan for the Town of Loudon.
- a. Chairman Maxfield read the Public Hearing notice for those present. Stephanie Alexander and Colleen Lynch from CNHRPC were present. Mrs. Alexander stated a Public Input Meeting had been held previously. Chairman Maxfield read the introduction to the Hazard Mitigation Plan as prepared by CNHRPC. He went on to acknowledge the following individuals who participated in the Loudon Hazard Mitigation Advisory Committee: Jeff Burr – Loudon Fire Chief, David Rice – Loudon Road Agent, Dave Girard – Loudon Police Department, Robert Ordway – Loudon Town Historian, Stanley Prescott – Loudon Planning Board, and Roger Maxfield – Loudon Board of Selectmen. The following individuals from CNHRPC contributed to the Hazard Mitigation plan: Stephanie Alexander Principal Planner, Steven Lopez Assistant Planner, Eric Casey Summer Intern 2005, and Colleen Lynch Assistant Planner. Other individuals who contributed to the Plan were: Leonard Boudrias – Loudon Highway Department, William Lake – Loudon Fire Department, and Catherine Sleeper – Loudon Fire Department. Chairman Maxfield stated there are copies of the Plan at the Town Office and Maxfield Public Library for review.
- b. Chairman Maxfield stated the Committee had three specific objectives which were:
1. To reduce the risk of damage to life and property due to flooding of the Soucook River and ponds and streams of the Town.
- Chairman Maxfield discussed the current issues with the flooding of the Soucook River and the closing of the dam on two different occasions. He went on to say streams flooded over and some roads in Town were closed due to weather conditions. Chairman Maxfield stated the natural gas line runs underneath the bridge and it was being hit with heavy water. He stated by the adoption of the Hazard Mitigation Plan the Town would be eligible for State and Federal Hazard Funding. Chairman Maxfield also stated he has gotten a call from FEMA and they have asked the Town to keep track of all the man-hours, gravel, and other resources used during the flooding. Mrs. Alexander stated that with the research the Committee did there are a series of actions the Town can undertake to help offset any potential damages based on different hazards or different sites that were identified as vulnerable. Chairman Maxfield thanked those

who worked on the project for their time. Chairman Maxfield asked for comments from the audience. Hearing none, he closed the Public Hearing to the audience. Selectman Little moved to adopt the Town of Loudon Hazard Mitigation Plan of 2005 as presented and printed. Seconded by Selectman Bowles. All in favor. Motion carried. Chairman Maxfield read the Certificate of Adoption into the record.

- IV. The Board met with Fire Chief Jeff Burr.
- a. Chief Burr reminded the Board that he was waiting for their decision on the HazMat pay so that he could finish up with this issue.
 - b. Chief Burr stated he had not heard back from the two insulation contractors. Chairman Maxfield stated the Board would like him to hold some of the items he had questions about until Selectmen's Meetings as there have been some items that have been discussed out side of the Selectmen's Meetings and the Board feels it would be in the best interest to discuss them at the Meeting. He stated if there is something pressing that cannot wait until the Meeting, then that was fine, but as a general rule, they would like it to wait until the Meeting.
- V. The Board met with Road Agent David Rice.
- a. Mr. Rice stated the Highway Crew was busy working on the areas in Town damaged by the recent weather issues. Chairman Maxfield reminded Mr. Rice about keeping track of the resources used for cleanup efforts after the storms. Chairman Maxfield commended all the Departments for a fantastic job done over the past two weeks relative to the storms.
 - b. Mr. Rice stated he has a part time employee at the Transfer Station he would like to see get a raise. Discussion ensued regarding current pay rate and his length of employment with the Town. Selectman Little moved to accept the recommendation of Road Agent David Rice to increase Ivan Stevens rate of pay from \$9.93 to \$10.50 per hour. Seconded by Selectman Bowles. All in favor. Motion carried. Chairman Maxfield stated the new rate of pay will begin with the next pay date.
 - c. Selectman Little stated he spoke with Road Agent David Rice regarding the new Wellington Lane road. He stated that he has concerns regarding the way ground cover is laid as well as the sedimentation coming down the hill into the catch pond, into the culvert, and into the neighbor's field. Mr. Rice stated the contractor has agreed to place fill in the problem area so the water will run in a different location. Discussion ensued regarding seeding of the banking and the rain washing out the area. Selectman Little asked about what appears to be Lot #04. Mr. Rice discussed the driveway as well as his discussion with Planning Board Chairman Gary Tasker requesting that beginning in 2006, the driveways will be required to have a 6 foot apron and the apron will be at the same tilt or angle as the 2% grade of

the road, away from the road, and it cannot be higher than the road. He stated this will keep the ice from running into the road as well as the plow wings taking off the end of the driveways because the driveways are higher than the road.

- VI. The Board met with Alma Lane to discuss the Milfoil issue on Rocky Pond.
- a. Mrs. Lane introduced Mike Delloiacono, President of Rocky Pond Association and President-Elect Wayne Doucette. Mr. Delloiacono provided the Board with information regarding Milfoil at Rocky Pond. Mr. Delloiacono stated in the past Loudon had contributed along with the Town's of Canterbury and Gilmanton and the State of NH contributed 50% of the funds. Last year the State of NH contributed 50% and Rocky Pond Association contributed the other 50%. Mr. Delloiacono stated there are approximately 89% of the property owners on Rocky Pond active in the Association. He went on to say the Association is asking the Town of Loudon to again help contribute to the Milfoil problem and also stated they would like to see the Town put a line item in the budget for future issues of Milfoil with all areas in Loudon, not just Rocky Pond. Chairman Maxfield discussed the letter sent to Canterbury back in 2003 stating that Loudon would pay 1/3 or \$400.00; however, there was a subsequent letter received from Mr. Delloiacono stating the amount they wanted Loudon to contribute had increased to \$1,800.00, which Loudon did not pay. Chairman Maxfield stated he had asked a member of the Conservation Commission to be at tonight's meeting as he thought the Conservation Commission could possibly assist with this issue. Stan Prescott stated Clough Pond Association had been working on keeping the Milfoil out of Clough Pond and he understood that Rocky Pond was infested with it and was trying to eradicate it. Chairman Maxfield asked if Mr. Delloiacono was talking about just Rocky Pond. Mr. Delloiacono stated that his discussion tonight was about Rocky Pond, but that sometime down the road, he would like to discuss a fund being setup to monitor and treat all ponds in Loudon. He stated Rocky Pond has plans to monitor the boat ramp through the NH Lakes Association. Mr. Delloiacono stated the Milfoil problem at Rocky Pond was huge. He said 20 acres was treated this past summer and by the end of the summer it was coming back. Chairman Maxfield stated the Selectmen could make a recommendation that the Conservation Commission put in a Warrant Article for a new budget line. Selectman Little asked what the total acreage of Rocky Pond was. Mr. Delloiacono stated approximately 100 acres and discussed the boat launch. Mr. Prescott stated Clough Pond Association received \$500.00 from the Conservation Commission for the Milfoil issue last year, which was used in conjunction with State funds. Chairman Maxfield discussed that there were seven or so properties in Loudon. Discussion ensued regarding Milfoil treatment types as well as how the pond was

contaminated. Chairman Maxfield asked what the cost was for treating the pond. Mr. Delloiacono stated the figures ranged from \$6,500.00 to \$8,500.00. Mr. Delloiacono stated the Association can only come up with 50% of the funds and they would be asking the Towns of Loudon, Gilmanton, and Canterbury to contribute 1/3 each of the remaining funds needed. He went on to say it is their hope the Town's will set up funds to assist with this issue in the future. Discussion ensued regarding there being approximately forty homes on Rocky Pond as well as the results of this discussion with the Selectmen of Canterbury. Chairman Maxfield suggested Mr. Delloiacono meet with Conservation Commission Chairman Julie Robinson regarding this issue and the Selectmen will meet with Mrs. Robinson to find out what the Conservation Commission recommends. Mrs. Lane stated the residents of Rocky Pond are very careful regarding the Milfoil issue; however, the problem appears to be the unrestricted access to a boat ramp which has been difficult to control. Ron Lane stated the residents of Rocky Pond probably would not have a problem with paying all the costs associated with the Milfoil if it were closed to the public; however, since the State has posted it for public fishing and the boat ramp is not closed, they feel they should not have to pay for the whole cost of the project. It was discussed that there are sufficient notices posted advising of the Milfoil issue. Chairman Maxfield asked when the treatment would take place. Mr. Delloiacono stated May or June is typically when it would be treated. He also explained the permitting process and stated that a deposit would need to be in place along with the permit application by the end of this year or the first of next year. Mr. Lane stated he had spoken with Dan Geiger of the Conservation Commission and Mr. Geiger had advised him he would discuss this issue at the next Conservation Meeting.

- VII. The Board began their review of weekly correspondence.
- a. The Board was reminded of the Tax Rate appointment scheduled for Thursday, October 20, 2005 at 1:00 PM.
 - b. Chairman Maxfield stated the Building Study Committee had met with Architect Kurt Lauer regarding the Town Office Building project. He stated there were no bids received for the Town Office Building project and the Committee voted to have Chairman Maxfield request an additional \$500.00 to pay Mr. Lauer for his services in preparing the information and contacting five Commercial Contractors. Chairman Maxfield moved to authorize the Town to withdraw \$500.00 from the Town Office Building Capital Reserve Fund for the purpose of paying Architect Kurt Lauer for his services. Seconded for discussion purposes by Selectman Little. Selectman Little stated \$4,000.00 was authorized for Architectural services, the project has gone out to bid on one occasion for solicited bids, received no returns

on it, and he feels that no additional money should be spent unless it is brought before the voters at Town Meeting. Chairman Maxfield stated if the money is not approved then the Committee can not move forward with the new Town Office Building. Ray Cummings stated he felt the Selectmen should approve the additional \$500.00 as that will give more specific figures to bring to the voters at Town Meeting. Chairman Maxfield stated Mr. Lauer has drawn up two sets of plans for the proposed Town Office Building and if the additional funding is not available and additional bids are not received, Mr. Lauer will provide the Committee with projected figures based on the square footage costs. He stated one of the options the Committee had was to get the figures and bring them to Town Meeting. He stated he feels the Town Office Building Capital Reserve Fund needs to be increased to either \$100,000.00 or \$150,000.00 per year as a new building is needed. Selectman Bowles asked what the Town would be getting for the additional \$500.00. Chairman Maxfield stated the \$500.00 was to pay for Mr. Lauer's services to put the information out to bid to five contractors in hopes of getting back real figures, if the Selectmen do not agree to the \$500.00 Mr. Lauer will take the two proposed plans and try and come up with projected costs based on square footage. Discussion ensued regarding bids, building size, and projected costs. Selectman Little discussed his concerns regarding the additional money. He stated that no one submitted a bid the first time the information went out on an unfunded project and doesn't see a lot of response if it went out again. Ray Cummings stated he felt it would be a shame if the Board didn't approve the money. The motion was defeated by a two to one vote.

- c. The Board received printing quotes for the printing of the newly adopted and amended Safety Policy. Selectman Little moved to approve the printing of 100 copies of the Town of Loudon Safety Policy by Town and Country Reprographics at a cost of \$433.00. Seconded by Selectman Bowles. All in favor. Motion carried.
- d. The Board reviewed the budget memo that went out to Department Heads and Committee Chairmen. Chairman Maxfield stated the deadline for Department Heads and Committee Chairmen to submit their proposed budgets is November 21, 2005. The Selectmen will setup meetings to review the proposed budgets with the Department Heads and Committee Chairmen after that date.
- e. Chairman Maxfield stated the Town has received the FEMA grant monies for last winter's storm. The Board advised Mrs. Lee to schedule a public hearing to accept the grant money.
- f. Selectman Bowles discussed an issue on the October Planning Board agenda relative to Wellington Properties requesting a reduction in their road bond. He stated as the Ex-Efficio he wanted to know what the rest of the Board thought regarding any additional reduction to the road construction bond. Discussion ensued regarding water problems,

loam and silt washing down into the detention pond and not wanting to have the bond reduced to where there is not enough money to cover problem areas as they arise. Chairman Maxfield stated he felt Selectman Bowles should recommend not reducing the bond. Selectman Little agreed.

- g. The Board discussed the inspection scheduled for October 28, 2005 at 10:30 AM with Kathryn Deely for the Recreation Area relative to the Grant. Chairman Maxfield stated he asked if the Town could buy the grant out at any point. Ms. Deely advised him there is a possibility if the Town wanted to do it. Discussion ensued regarding the inspection.
- h. Roy Merrill asked if anyone had checked into blowing out the lines of the sprinkler system at the Staniels Road ball field. Mr. Rice will be contacted to see if this has been taken care of.
- i. Selectman Little stated for the record he feels Loudon is in need of a new administrative building and he feels it probably won't be that far in the future. Chairman Maxfield stated when everyone gets together and supports one project then they will go for it. He went on to say there is some creative funding out there.
- j. Mr. John Plummer thanked the Board for getting the glass cleaned up on the side of Route 106 and Loudon Ridge Road from an accident as it was a hazard. He asked who is responsible to clean up the glass and debris after an accident. The Board stated it was the wrecker company's responsibility. Discussion ensued.
- k. Mr. Plummer asked if the Board felt the funding for the Rocky Pond Milfoil issue should be based on proportion/fair share basis. Chairman Maxfield agreed. Discussion ensued.

Selectman Bowles moved to adjourn the meeting at 8:30 PM. Seconded by Selectman Little. All in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Roger A. Maxfield, Chairman

Dustin J. Bowles, Selectman

David M. Little, Selectman