

Selectmen's Meeting Minutes

Tuesday, December 9, 2008

**Present: Selectmen Ives and Bowles. Selectman Maxfield was not present.
Also present: Road Agent David Rice, Police Chief, Code Enforcement/Compliance Officer Bob Fiske, Planning Board member Stanley Prescott, and ZBA Chairman Dave Powelson.**

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

- I. Selectman Bowles moved to accept the Selectmen's Meeting Minutes of Tuesday, December 2, 2008 as presented. Seconded by Chairman Ives. Majority vote in favor. Motion carried.
Selectman Bowles moved to approve the Budget Work Session of Friday, December 5, 2008 as presented. Seconded by Chairman Ives. Majority vote in favor. Motion carried.
- II. Chairman Ives opened the Board of Permit.
 - a. Bob Fiske stated that the large sign at NHMS will be turned off at 8:30 PM and will be back on at 6:30 AM. He said he felt the Track has taken the initiative to shut off the sign during those hours without direction from the town. Mr. Fiske said that the Track has agreed to post town functions on the sign and noted that they advertised the Police Department Blood Drive. He said he felt that the Track was keeping close connections with the town boards.
 - b. Bob Fiske discussed the review of subdivisions relative to changes and amendments to subdivisions and the difficulty in keeping track of those changes. He reviewed six subdivisions relative to requirements, conditions, and changes. Mr. Fiske discussed the need to adjust the notice of decision and notations on plans to make them more detailed and easier to track. He discussed subdivisions that have gone to the Zoning Board for variances and special exceptions, which then alter the Planning Board approvals of the subdivision. Mr. Fiske discussed that when the decisions are made to have conditions, special exceptions, or variances on a subdivision, there is nothing that states who would be following up on the issues. He said when it comes to steep slopes; there is nothing that says the Town Engineer, the Road Agent, and the Code Enforcement/Building Inspector would be the one who has to follow up on the problems. Mr. Fiske said there are a lot of questions that are not clearly defined. Stan Prescott said that the Planning Board Secretary is available to assist with the information and if she is unable to provide the answers, then Mr. Fiske should go directly to the Planning Board. Selectman Bowles said there are many

times when a developer with a subdivision comes in before the Planning Board with ridiculous changes and come back and ask for more changes. He said he felt that when a plan is amended a copy of that plan should be forwarded to the Building Department. Mr. Prescott agreed. Discussion ensued regarding the notice of decision and if it should be recorded at the Registry of Deeds when the approved plan is recorded. Mr. Prescott said he felt that the Fire Chief, Road Agent, Selectmen, and Building Inspector should all have copies of the preliminary and final plans for their review. Mr. Fiske discussed the subdivision approval for Len Lapadula on Youngs Hill Road relative to the conditions of cistern installation and road upgrades prior to selling the lots. He stated if Mr. Lapadula wants to build his own house on that property he does not have to follow those conditions and asked why Mr. Lapadula is not required to get a special exception or variance in an effort to keep track of the approvals. Mr. Prescott stated that the way this was handled was because if someone owns a lot they are entitled to one building permit to build their house without any requirement for upgrades. He said that due to the economic times, the Board felt that the one house was allowable. Mr. Fiske asked what if Mr. Lapadula did not build the one house. Mr. Prescott said that Mr. Lapadula could not do anything else. Mr. Fiske said the paperwork states Mr. Lapadula could build on the first lot, not any lot. Mr. Prescott said he did not feel that was the Board's intent. Mr. Fiske said that was his point, that the notices of decision, minutes, and the plans are not clearly stated, that it is left to interpretation, and not everyone will have the same one. Selectman Bowles stated that he did not think that the Planning Board could require developers to go before the ZBA because it is not in the regulations to do so. Discussion ensued regarding interpretation and when houses are built on the "mother lot" and then create issues when houses are built on the subdivision lots, as has happened in the past. Mr. Fiske stated he felt that when developers come in with their subdivision plans the boards need to be sure the developers follow the regulations and the requirements set by the boards. Selectman Bowles said that the developers come in and follow the regulations, but they have found ways to be creative with those regulations. Mr. Fiske stated that there have been instances where the developers sell lots to individuals within the corporation in order to circumvent the regulations and to get around the laws. He said that with all the changes it makes it difficult to track Impact Fees. Mr. Fiske said his office does not usually get the property transfers until two months after they have been recorded at the Registry of Deeds, which makes it hard to collect on the Impact Fees as well. Mr. Prescott said with seven individuals on the Planning Board you have seven different ideas and interpretations. Mr. Fiske discussed the issue with conditions and contingencies being allowed back in the 1990's and how difficult it was to track back then. He said

he is afraid that it is starting all over again. Mr. Prescott said he personally feels that the boards should be holding the developers to the regulations. He said he feels that Mr. Fiske should meet with the Planning Board to discuss these issues with the entire board. Mr. Prescott said that he doesn't agree with continuing the applications without additional notification to the abutters. It was stated that the lines of communication need to be opened. Discussion ensued regarding the Impact Fee and looking at changing from an Impact Fee to a straight Building Permit Fee. Mr. Fiske said he would meet with the Planning Board in January.

- c. Dave Powelson stated that Denise Leclerc has inquired about changing the approved commercial business portion of her property back to an apartment. He stated that the minutes showing the approval for the commercial space for the dog grooming business state that the approval would mean that the property would not be able to go back to a fourth apartment. Selectman Bowles stated he remembered that when the approval was granted, with it being in the Village District, the property could not go back to being a fourth apartment. Mr. Powelson said he agreed. He stated a four family residence is not a permitted use in the Village District but a three family residence is. Discussion ensued. Mr. Powelson will follow up on this issue.

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

- III. The Selectmen met with Mark Cogswell of Country Hill Road regarding a drainage issue.
 - a. The Selectmen reviewed photos taken of Mr. Cogswell's property showing drainage and water issues. Mr. Cogswell stated that the Town had gone out a few months ago and dug a swale which has diverted water onto his leach field. Mr. Rice stated that the Town had gone out to Country Hill Road and opened the ditching on the side of the road. He stated that the road is higher in some portions of the road and after they dug out the sand that had accumulated; the water is not running down the side of the road. Mr. Cogswell reviewed the photographs. He stated that he put in a culvert approximately six years ago and had not been having any issues until the Highway Crew dug out the ditch. Mr. Cogswell said that he has owned the property for approximately fourteen years and had never had any problems. Mr. Cogswell asked if the Town could dig the area to pick up with his culvert to see if the water would be diverted through his culvert. Chairman Ives asked if the water could be diverted back over. Mr. Rice said that they could fill the area back in. He said he did not feel they could dig any further in the area or they would get too close to the asphalt. Mr. Rice said the Highway Crew did not intentionally divert the water to the back of Mr. Cogswell's property; they were just cleaning out the ditches. He said that the material from the ditch was

placed further up the road to fill a portion of the ditch. Discussion ensued regarding the culverts being upgraded. Chairman Ives asked if the ditch could be filled back in to let the water run over the top to go into Mr. Cogswell's culvert. Mr. Rice said he could place material back in the ditch. He said he would get to it as soon as possible. Discussion ensued regarding looking at this issue again in the spring if needed.

- IV. The Board met with Road Agent David Rice.
 - a. Mr. Rice stated that the Highway Crew was still working on screening sand. Chairman Ives stated that there have been complaints regarding the amount of sand being used on the roads so far this season. Mr. Rice said that the Highway Crew had already been out three times sanding so far and have not had to go back out and plow so the sand is building up. Selectman Bowles asked if Mr. Rice had an idea of how much sand was being placed per mile. Mr. Rice said he would have to figure it out, but it does appear that it is a lot more than is required. He said they try to put the same amount of sand down everywhere. Chairman Ives said he is looking at the cost of putting the sand down in the winter as well as the cost of sweeping it back up in the spring. Chairman Ives said he does not want unsafe roads; he is looking to follow recommended standards. Chairman Ives said the town could follow the state standards such as so many pounds per mile. Mr. Rice said the town can't follow those standards because we do not have as much traffic as the state roads. Selectman Bowles said the town has to find a happy medium. Mr. Rice said he understands what the Selectmen are saying but he has not put anymore sand down this year, per event, than he has in the past. He said the amount of salt per load is less than what the state uses. Discussion ensued regarding ways that could cut down the amount of sand used while still keeping the roads safe and reduce the amount of spring cleanup.

- V. The Board met with Police Chief, Code Enforcement/Compliance Officer Bob Fiske.
 - a. Mr. Fiske stated that the Police Department Blood Drive was the largest event they have had so far. He said there were 127 donors this year.
 - b. Chairman Ives stated for the record that one pistol permit was submitted for signature and approval.

- VI. Selectman Bowles moved to accept the temporary resignation of Deirdre Littlefield as Deputy Tax Collector for a period of ninety days, effective December 9, 2008. Seconded by Chairman Ives. Majority vote in favor. Motion carried. Selectman Bowles moved to appoint Dorothy Mulkhey as Deputy Tax Collector effective December 15, 2008 with the appointment to

expire on March 15, 2009. Seconded by Chairman Ives. Majority vote in favor. Motion carried.

- VII. Chairman Ives stated the Selectmen have reviewed the bids received for the Town Report printing contract. He stated that there were two bids received from companies in Massachusetts that initially appear to be lower bids; however, there are hidden costs within the information submitted. Chairman Ives went on to say that Evan's Printing and RC Brayshaw are from the Concord area. Selectman Bowles moved to accept the printing bid from Evan's Printing for 1,500 copies of the Town Report at a total cost of \$5,585.00. Seconded by Chairman Ives. Majority vote in favor. Motion carried.
- VIII. The Board began their review of weekly correspondence.
- a. The Board received expenditure reports for review.
 - b. The Board received copies of the revised petition to accept Wellington Lane as a town road as well as the engineer's inspection report for review. Selectman Bowles moved to take the petition to accept Wellington Lane as a town road under advisement. Seconded by Chairman Ives. Majority vote in favor. Motion carried.
 - c. The Board received copies of the decision from LGC Property Liability on Mrs. Gamble's claim for damages for review.
 - d. The Board received copies of a notice from Department of Safety on major disaster declaration and meeting scheduled for December 12, 2008.
 - e. The Board received copies of the December 8, 2008 zoning workshop minutes for review.
 - f. The Board received notification that the public hearing for the Merrimack Valley School District budget is tentatively set for Tuesday, January 27, 2009.
- IX. The Board met with Stanley Prescott III to discuss his assessment of his property on Lovejoy Road.
- a. Mr. Prescott stated that an assessor had reviewed his property last spring and wrote on the assessment card "no change". He said last fall he removed the carport and the assessing company did not make the adjustment. The Selectmen advised Mr. Prescott to file an abatement and speak with Contract Assessor Dave Wiley to address this issue.
- X. The Board met with Rick Latham to discuss property on Route 106.
- a. Mr. Latham discussed an option of donating a portion of the property of which he is co-owner to build a Town Office Building. He stated he was not sure of all the details but discussed the need to have the well and septic be able to support any buildings that might be built on the parcel. Discussion ensued regarding the entrance and exit from Route 106 as well as a deeded right-of-way through Fox Pond Plaza.

Chairman Ives stated that there would need to be additional information and discussions on this subject. He stated he was hesitant to take commercial property off the tax rolls. Mr. Latham said he felt it may make the surrounding properties more valuable which could increase the tax rolls. Chairman Ives said the Board would have to do some research and would get back to Mr. Latham once they find out some information. Discussion ensued regarding acceptance of property and steps that would need to take place to move this forward.

- XI. The Board recognized John Plummer from the audience.
- a. Mr. Plummer asked about the status of the Beede Electronic property and the School District's pursuit of purchasing the property. Selectman Bowles said that there is another meeting scheduled for January. He discussed that the general consensus is that the Selectmen from the district towns are totally against purchasing the property due to the contamination issues. Discussion ensued.

Selectman Bowles moved to adjourn at 8:04 PM. Seconded by Chairman Ives. Majority vote in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Steven R. Ives, Chairman

Dustin J. Bowles, Selectman

Roger A. Maxfield, Selectman