

Selectmen's Meeting Minutes

Tuesday, December 13, 2005

Present: Selectman Maxfield, Bowles, and Little.

Also present: Road Agent David Rice, Planning Board member Bob Ordway, ZBA Chairman Roy Maxfield, Planning Board Vice-Chairman Tom Dow, ZBA member David Powelson, 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 6, 2005 as presented. Seconded by Selectman Little. All in favor. Motion carried.
- II. Chairman Maxfield opened the Board of Permit.
 - a. Bob Ordway discussed the merging of non-conforming lots. Roy Maxfield said it had been discussed years ago to have landowners merge their non-conforming lots together; however, the boards have not required it. Mr. Ordway stated he felt if the Town were going to pursue this as a requirement, they should seek advice from Town Counsel. Discussion ensued regarding the current Zoning Ordinance and State RSA's.
 - b. Bob Ordway discussed accessory buildings. He stated he had read the Selectmen's Meeting Minutes of Tuesday, October 18, 2005 relative to the discussion of an accessory structure being built prior to the primary residence. Mr. Ordway said due to the Growth Management Ordinance, landowners might have to wait a few months to a few years in order to build their new homes. He stated some landowners want to build an accessory structure to house their building materials in and the Board has stated in the minutes, it is not allowed. Mr. Ordway stated that is not the way the Ordinance reads. He stated he feels the boards need to address this issue and have a unified decision. Mr. Ordway said he personally has no problem with the landowner building an accessory structure before the primary residence is built as long as they have been placed on the building permit list. Roy Maxfield stated the Zoning Board has set precedence with not allowing accessory buildings without a primary building, they have so ruled. That becomes law once they have so ruled. Mr. Roy Maxfield stated he does not want accessory buildings without a primary building at all. Mr. Ordway stated if someone wanted to fight this in court he thinks they would win because the ordinance does not say they are not

allowed to do it. Mr. Ordway also stated just because someone has an opinion does not constitute is as a law. Mr. Roy Maxfield stated it is not an opinion, it is a ruling and the landowner is welcome to proceed. Mr. Ordway stated he is trying to settle the issue. Selectman Bowles stated he recalled a subdivision on Mudgett Hill being denied due to an accessory structure being left vacant on one parcel of the subdivision. He stated the Planning Board would not allow for the subdivision until a building permit was obtained for the new residence. Mr. Ordway stated it is not in the ordinance. Tom Dow asked why there is currently a garage being built on Lower Ridge Road without a primary residence. Selectman Bowles stated the previous Board of Selectmen approved the request to build the garage on Lower Ridge Road. Mr. Roy Maxfield stated he does not want to see accessory structures on lots without the primary residence. Selectman Bowles stated he does not have a problem with accessory structures if the landowner has a building permit for January and the accessory structure is built in November or December of the preceding year. Discussion ensued regarding people not following through on building the primary residence once the accessory structure is in place. Selectman Little stated the Legislative Body voted in the Zoning Ordinance and he feels they need to be adhered to. Mr. Roy Maxfield stated he would possibly agree to allow an accessory structure if the landowner had a building permit in place. Discussion ensued regarding the property on Lower Ridge Road the possible requirement of posting a bond, requiring a letter of intent, who would authorize the letter of intent, and if it applies to developers as well as residents. The Board agreed Bob Fiske would handle the letter of intent for accessory use structures.

- c. Chairman Maxfield stated Roger Farwell had contacted Planning/Zoning Secretary Tammy Davis regarding Doug Daniels operating a business out of his home on Foster Road. The Board was provided with a copy of the letter Mr. Farwell had submitted back in March of 2005 regarding his concerns for the property owned by Mr. Daniels. Mr. Roy Maxfield stated Mr. Daniels went before the Zoning Board and the building use was denied. Mr. Roy Maxfield stated the home occupation was never approved and Mr. Daniels never came before the Board again. Mr. Roy Maxfield stated the Zoning Ordinance has been expanded since Mr. Daniels was in to see the Board. Bob Fiske discussed the history of the circumstances between Mr. Farwell and Mr. Daniels. He stated that currently there is no business going on. Mr. Daniels currently does not have employees come to his residence. Mr. Fiske stated this is going to be an ongoing situation between Mr. Daniels and Mr. Farwell. Discussion ensued regarding the lighting ordinance. Mr. Roy Maxfield stated this has been reported to the Compliance Officer.

- d. The Board discussed a building permit extension from Mr. Carlton Sawyer. Mr. Roy Maxfield stated he contacted Town Counsel regarding building permit extensions. Mr. Roy Maxfield said he feels the applicant should be directed to see the Zoning Board of Adjustment and the ZBA should review these requests on a case-by-case basis. Selectman Little stated unless a foundation is in place within that building permit year and at that time, the Board of Selectmen can grant the building permit extension. Mr. Roy Maxfield agreed. Mr. Powelson asked if the Selectmen needed to deny the request and have the applicant appeal to the ZBA. Mr. Roy Maxfield stated that would also be fine if that were what the Board wanted to happen. Selectman Little asked how the Boards felt about proposing a change in the Zoning Ordinance to allow a citizen, not developers, to have a little more leeway in doing this. Mr. Fiske stated he felt no building permit should ever be extended for more than one year. Discussion ensued regarding enforcement issues and each request being determined on a case-by-case basis. The Board discussed the meaning of estoppel as quoted in Mr. Sawyer's letter. Mr. Roy Maxfield stated if the Board granted someone an extension then decided to reverse their position it is not allowed and they would have to go back to their original decision. He said things need to be reviewed on a case-by-case basis.
 - e. Chairman Maxfield closed the Board of Permit. Selectman Bowles advised Mrs. Lee to have Mr. Sawyer go to the ZBA for a building permit extension.
- III. The Board met with Police Chief, Code Enforcement/Compliance Officer Bob Fiske.
- a. Mr. Fiske discussed the Homeland Security Grant award. Discussion ensued regarding which line the funds would come from. Mr. Fiske will contact Office Manager Jean Lee to discuss the money flow.
- IV. The Board met with Road Agent Davie Rice.
- a. Mr. Rice stated he did not have anything new to report.
- V. Chairman Maxfield read the public notice for the request for sealed Town Report bids.
- a. Chairman Maxfield stated the Board had received two bids as follows:
 - 1. Bridge and Byron Printing of 45 South State Street, Concord, NH. Their bid is in the amount of \$6,021.00.
 - 2. Evans Printing of 276 North State Street, Concord NH. Their bid is in the amount of \$6,170.00.
- Chairman Maxfield stated the Town has utilized Evans Printing in the past. Selectman Little stated the bid from Bridge and Byron Printing

does not have specific pricing on design layout, typesetting and scans, whereas Evans Printing does. Selectman Little stated there is no actual bottom line figure with the bid from Bridge and Byron Printing. Selectman Little moved to award Evans Printing the bid for the Loudon 2005 Annual Town Report. Two thousand books at a cost of \$6,170.00. Seconded by Selectman Bowles. All in favor. Motion carried.

- VI. The Board began their review of weekly correspondence.
 - a. The Board received a response from Attorney Mayer regarding the Winter Inclement Weather policy.
 - b. The Board discussed road acceptance in Town and reviewed a response from Town Counsel regarding Greenview Drive.
 - c. The Board received a copy of a letter from FEMA accepting the Hazard Mitigation Plan.
 - d. The Board reviewed the revised Merrimack Valley School District assessment for 2005 – 2006. Selectman Bowles stated the change is from \$6,717,980.00 to \$5,859,520.00.
 - e. Mr. Fiske stated he had spoken with Office Manager Jean Lee regarding the in and out account relative to the grant money. Mr. Fiske stated the Board needed to schedule a public hearing to accept the grant money. The Board agreed to hold a public hearing on Wednesday, December 28, 2005 at 11:00 AM to accept Department of Homeland Security Grant monies in excess of \$5,000.00.
 - f. Selectman Little moved to forward past due ambulance bills account #31752 in the amount of \$645.02 and account #30813 in the amount of \$65.35 to collections. Seconded by Selectman Bowles. All in favor. Motion carried.
 - g. The Board received a letter from Comcast regarding their yearly achievements.

- VII. The Board discussed the Terry Drive road/driveway issue.
 - a. Chairman Maxfield stated he felt the Board was going to approve a gravel road/gravel driveway, Class VI Road with a waiver, a 50-foot wide turnaround/20-foot hammerhead. Selectman Bowles stated it was a gravel road, not a driveway. Chairman Maxfield discussed a letter that had been previously drafted regarding this area. Selectman Bowles stated this road should be subject to the same requirements as Hilltop Drive. He stated in order to get a building permit the road has to be brought up to Town minimum road standards as specified in attached information, from the beginning of the road to the limits of the lot that you are building on. A bond or security in the amount to cover the cost of such construction along with the amount sufficient to cover periodic inspection by the Town Engineering Firm is required before the building permit will be issued. Selectman Bowles stated that is exactly what was required for Hilltop Drive. Discussion ensued

regarding what was required of other Class VI Road's, waivers, and bonds. Selectman Bowles stated he felt Mr. Pearl should be required to bring the road up to gravel standards at 28 feet with a turnaround on his lot. Discussion ensued regarding road size and requirements. Chairman Maxfield stated the Board has accepted many Class VI Road waivers but they have not required bonds to be in place in the past. Mr. Pearl stated he felt he should be required to bring the road up to today's gravel standards and use the current requirement for the width of the road. Discussion ensued regarding the requirements for the width of the road as well as what Mr. Pearl thought he could put in place. Selectman Little moved to allow a road as reflected on page 64 of the Land Development Regulations of 2003, gravel road shall be 20 feet wide with 4-foot shoulders type B 65 foot into lot from centerline the turnaround width will be 14 feet wide. Seconded by Selectman Bowles. All in favor. Motion carried.

Selectman Bowles moved to adjourn at 8:01 PM. Seconded by Selectman Little. All in favor. Motion carried.

THE LOUDON BOARD OF SELECTMEN

Roger A. Maxfield, Chairman

Dustin J. Bowles, Selectman

David M. Little, Selectman