

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

COPY

PLANNING BOARD MINUTES
OF MARCH 15, 2007

Meeting called to order at 7:00 PM by Chairman Tom Dow.

Attendance:

Vice Chairman Stanley Prescott, Bob Ordway, Chairman Tom Dow, Gary Tasker, Henry Huntington, Ex-Officio Dustin Bowles, and alternate Steve Jackson were present. Dan Geiger was present to represent the Conservation Commission. Steve Jackson was appointed as a voting member in the absence of Tom Moore.

Acceptance of Minutes:

February 15, 2007 Public Hearing. Gary Tasker said he had thought last month was Bob Ordway's last meeting when he recognized Mr. Ordway for his many years of service. As it turns out, Mr. Ordway is in office until after town meeting so tonight is his last official meeting. Mr. Tasker stated that his sentiments of last month stand true. Dustin Bowles concurred. ***Henry Huntington made a motion to accept the minutes as presented, seconded by Gary Tasker. All were in favor.***

Discussions:

- 1. Lorraine Duprez-**Mrs. Duprez handed the Board a letter from herself and another from her realtor. She explained that she is at this meeting to discuss the 4th lot of her 2006 subdivision that is to be deeded to the town for conservation purposes. Mrs. Duprez stated that she is asking the town or Conservation Commission to be responsible for taking the land out of current use. She said she feels donating the lot of almost five acres is generous enough and does not feel she should also have to pay the land use change fee. Mrs. Duprez said there is a total of ten acres and the lot that is being donated is a little less than five acres. Mrs. Duprez said once this lot is signed over, the whole parcel has to come out of current use. Dustin Bowles said the current use question would have to go before the Board of Selectmen and/or town counsel. He said the letter would be sufficient at this point but a written request may have to come to the Board of Selectmen later on. Mrs. Duprez asked to address the road improvements required of her as part of the subdivision. She said the cost of the improvements makes the sale of the lots prohibitive. Steve Jackson said he could attest to the difficulty of selling the lots if road improvements have to be done. Mrs. Duprez noted that there is a house on Bear Hill Road with an illegal driveway that will cost her more money for drainage. Gary Tasker said the Planning Board is not in the business of helping developers make money and feels the Board cannot back up on their decision. He said the owner could possibly void the subdivision, have one lot, and not have to do road improvements. Stan Prescott stated that the Board had tried to convince Mrs. Duprez to do one lot initially and let the buyer subdivide the piece. Mrs. Duprez said she already has building permits. Joanie Andrews, realtor for Mrs. Duprez, stated that the Duprezs are not developers. She said the road has always been a town maintained road and asked if the Duprezs could possibly widen the

road but not pave it. She again stressed they are not developers. Tom Dow suggested that they could sell to a developer. Ms. Andrews said the road cost is prohibitive. Mrs. Duprez asked if a developer would get through easier and not have to do the full improvement. Dustin Bowles said anyone who owned the property would have to go with the same plan that was approved. Mrs. Duprez said the Board gave Joe Bohi all sorts of waivers and stated that it is better to work with people than to butt heads. She said what she is required to do to the road is ridiculous. She stated that she is being required to take care of everything that is wrong with Bear Hill Road, including things that have been problems for years and the town has never taken care of it. Bob Ordway said there has been no new development on the road in years but would think it safe to say that there will be more development in the future. Mrs. Duprez said she would want to leave the road dirt if it was up to her. Bob Ordway asked Mrs. Duprez how she would feel about bringing the road to gravel standards, to be paved in the future. He said they have made that concession on other roads in the past. Mrs. Duprez said she would agree to that and that Joe Bohi has agreed to help do that. Dustin Bowles stated that the road has not been upgraded by the town because they are limited by the stone walls. Mrs. Duprez said she had no idea how much it was going to cost to do the road when she did the subdivision and noted that costs are going up all the time. Chairman Dow said the Board will take Mrs. Duprez's request under advisement and get back to her.

2. **Mike Minery**-Chairman Dow reported that Mr. Minery will be going before the Board of Permit as his request is not a Planning Board matter.

Old Business:

1. **Application # 07-02, Loudon Woods Estates** – Major Subdivision, Located on Chichester Road, in the RR District. Map 2, Lot 23. Bob Ordway recused himself from this matter as he is an abutter of the property. Peter Holden of Holden Engineering presented the plan on behalf of the property owners, Dan Aversa, Gary Vermette and Joseph Bohi. Mr. Holden gave an overview of the project and presented a plan for cistern location. The plan included three options (red, blue and green) and listed the number of lots covered by each location. He stated that they would go with the location on the new road because it covers 13 lots. He noted that there are three lots on Bee Hole from the first phase of this project that have been sold. He said it would be difficult to go to the new owners and now require sprinkler systems in those homes. Mr. Holden stated that the chosen location would leave five lots to be sprinklered with four on Chichester Road and the last one on Bee Hole (away from Chichester Road). Gary Tasker asked how to note this on the previous approval. Dan Aversa stated that all five of the previously approved lots have now been sold. Mr. Holden said that would change the whole plan and they would now have to go with the 'red' location on Bee Hole Road. He said the other lots would be noted that they are to be sprinklered. Gary Tasker asked about the access road to the back land. Mr. Holden said he felt a site walk was needed as it is Mr. Aversa's belief that it would be a road to nowhere. Gary Tasker verified that the applicant has given room to widen the town right-of-way. Mr. Holden explained that there is approximately 40' on their side of Bee Hole Road. Mr. Tasker asked the Board if they felt they should have the developer do something to improve the Bee Hole and Chichester Road intersection, noting the approach onto Chichester Road being dangerous, or if they feel that the land for the right-of-way is sufficient. Dustin

Bowles noted that they are adding the traffic of 14 lots to the intersection. Gary Tasker suggested the Board look at it on the site walk. Tom Dow asked if the location of the maintenance pad was changed. Mr. Holden said he did not do that or any drainage changes until he has answers on other items. Gary Tasker asked about the timing of this application since it has been accepted as complete. He noted that the applicant will probably have to ask for an extension. Tom Dow asked about the 20% slope not being highlighted. Mr. Holden said he did not address that yet. Dustin Bowles asked if the road would be staked out for the site walk. Mr. Holden said it would. Dan Geiger asked if the vehicle maintenance pad has been moved. Mr. Holden said it has not been addressed yet. A site walk will be done on Thursday, March 29th at 4:00pm. *Stan Prescott made a motion to continue this hearing to April 19, 2007 at 7:00pm at the Community Building; seconded by Dustin Bowles. All were in favor. This will be the only notification.*

Bob Ordway returned to the Board.

New Business:

1. **Application # 07-03, Septic Disposal Solutions**-Major Site Development, Located on Dump Road, in the C/I District. Map 40, Lot 7. Abutters Mark and Sherrel Sandoe were present. Bill Gosse, member of Septic Disposal Solutions (SDS), represented SDS. SDS members Paul & Darlene Johnson and Jennifer McCourt of McCourt Engineering were also present. Mr. Gosse said they are in the position of DES waiting for Planning Board approval and vice versa. He reported that SDS will go before DES on March 16th and the ZBA on March 22nd.

Mr. Gosse introduced the company and said this project will be on land owned by David Moody. He gave an overview of the project and reported that they have met with the fire and police departments and he has a letter of the departments' recommendations. Mr. Gosse said that all products were found to be safe and MSDS sheets are available and have been reviewed. Jennifer McCourt gave an overview of the site and explained that there are multiple commercial entities currently on the property of 30.89 acres. She noted that as of March 13th the entire lot is now zoned as C/I. Ms. McCourt said that the site had been investigated for wetlands and it was found that there are none. She said a site specific soil survey report was turned in with the application and there is no 100 year flood plain on this property. Ms. McCourt noted that the applicants were going to the ZBA the following week for a use special exception. She stated that this is a self-contained dewatering facility that will set quite a way back from Route 106, noting that there is quite a bit of vegetation in the area. She noted that the total addition to the property would be just over 1% coverage, far less than permitted by town regulations. Chairman Dow asked if this facility would be in the area that says wood processing on the existing conditions map. Ms. McCourt said that was correct, noting there is a 24' elevation difference from the road to the site area. She gave an overview of the building. She said there will be no leachfield on site and all processing will be done inside. Ms. McCourt pointed out an existing well and pump, saying there will be piping to this new facility. There will be a 2' x 2' directional sign by the entrance. Ms. McCourt pointed out the travel direction of the site, noting there is one-way truck traffic.

Ms. McCourt outlined the waiver requests as follows:

- 1) Lighting plan: this facility is not open to the public; downcast door lighting is shown on the plan; police department requested that the lights be on sensors. Gary Tasker said there was no need for this waiver as this is as was requested by the Board last month. Ms. McCourt said they would withdraw that waiver request.
- 2) Landscaping: because of the location and nature of this property it is requested that existing trees be left; not have to add landscaping. Tom Dow said a site walk should be scheduled and this can be seen at that time.
- 3) Utility plan: because of the scale of the plan there is enough room to show everything on one plan. Tom Dow said that should be fine.

Gary Tasker reviewed the list of items that SDS was asked to address after the February meeting. 1) roadways have been shown; 2) other operations on the site; Ms. McCourt pointed these out on the plan; 3) traffic flow has been shown; 4) building design has been given; 5) drainage; Ms. McCourt said the snow storage areas shown on the plan are the low points of the property and all runoff would flow to those areas; she noted that soil specific test results showed satisfactory drainage conditions; 7) lighting has been addressed; 8) fire department approval has been received; 9) security has been addressed; 10) stop sign; will be added to the plan; 11) access onto Dump Road; Bill Gosse noted that there was discussion last month about not changing the angle because of visibility and sight distance.

Mr. Tasker stated that he feels this is a good area and a good project but wonders how many projects can keep being put down there and what the regulations may be. Ms. McCourt stated that she does not see how many uses are permitted on a site in the regulations. She said she feels if new uses are compatible then there is no problem, and if not compatible then the Board says no to that project. Ms. McCourt said the current uses are still flowing well and working well together. Tom Dow stated that they have to look at permanent structures as that becomes a different issue and is creating an industrial park on one piece of land. Ms. McCourt said they would have to look at the full site and the demand on the land. She said this plan is for a generic building that could be used for most any business with its loading dock, easy access and other features. Mr. Dow said they are thinking beyond this project when there could be a possible subdivision down the road. He said he feels it is important to lay it out accordingly. Steve Jackson said the only restriction is the impermeable area. He suggested setting aside another piece of area as a buffer, noting commercial uses require two acres and industrial uses require five acres. Henry Huntington asked if the Board should have plans showing uses beyond this project. Ms. McCourt said SDS is leasing, not buying, this property and it is hard to predict future use.

Tom Dow said this is a good spot for this project and other activities already there. He said if it goes beyond this he would want to see engineered plans. Dustin Bowles noted that this is not directed at SDS but needs to be watched for future development. Stan Prescott said if this is considered to be industrial perhaps they should set aside five acres for this project. David Moody stated that he cannot subdivide the lot because of the groundwater management zone of the abutting town property. He noted that if future buildings were proposed they would have to come back to the Board anyway. Tom Dow asked if there is more that the Board would want them to do at this time. Stan Prescott said there are multiple uses there now and it would be good to get the area organized. He wondered if they need to have their own space. Dustin Bowles said there was nobody on the Board that denies that they

have let all of the different businesses to go in there but now they are seeing permanent structures going in and have to plan accordingly. He said it is the job of the Board to plan for future development. Stan Prescott asked how much land is being leased for this project. David Moody said it depends on the approval. Bill Gosse said what SDS has proposed is the footprint that they sit on and the area that will be utilized, basically the 'bowl' area of the site. Ms. McCourt said it is approximately two acres. There was lengthy discussion about the best way to plan the area, eventual industrial park development, designating particular sized areas for each business, and clustering or spreading businesses out. Bob Ordway said this does not become a problem until other permanent structures are considered. Tom Dow agreed. David Moody said he also agreed and knows he would have to bring in a full site plan at that time. Stan Prescott said this is not the first permanent building on the property as there is a scale house there. Roy Merrill said he would agree with Stan Prescott in that this is an industrial use that needs five acres. He suggested designating five acres for this project so that future development could be planned around that. Bob Ordway said they might not want it that way the next time. Roy Merrill said it should be planned out as to where it goes. Tom Dow said they have an engineer that has done that for them. Roy Merrill noted that there are overlapping businesses now and he feels this could be avoided by designating five acres for each business. Bill Gosse said they are governed by DES setbacks and they have made sure that this location meets all of those setbacks which was a determining factor for SDS. He stated that this is a 4800 SF building on concrete and is not something they are going to pick up and move. Mr. Gosse said that once they have established that location, future businesses would have to work around them no matter what Mr. Moody chooses to do with the property. He said SDS will still have to meet those setbacks to property lines.

Mark Sandoe asked about the business. Mr. Gosse explained the company and proposal. Steve Jackson stated that the Board did a tour of the Pittsfield facility and suggested that the abutters could get a view of that for better understanding. Mr. Gosse said he would have to check with the plant operator. Gary Tasker said it is his feeling that if the owner wants an industrial park down there with multiple uses then maybe that is the plan that they should present first; however, to keep this project going, as he feels it is a good project, they need to draw a line around this project of the required five acres. He said any additional operations down there would trigger a site development plan for the entire site. Mr. Gosse asked to clarify that Mr. Tasker is looking for a plan to have a five acre designated area shown. Mr. Tasker said that was correct and within that five acres be able to meet the criteria that the land, parking, and slopes can support the project. Jeff Green, a surveyor, said that what he is hearing is not necessarily good for the town or the lots. He stated that the Board is looking at trying to create lots that the regulations do not say have to be created. Mr. Green said he understands the five acre issue and if it comes to a point where the property is subdivided and lots are being created then acreage and road frontage, etc would have to be considered. He stated where the applicant is proposing to put the building would be a little more difficult to do that. He said the Board is asking that it be designated that nothing else can be there yet other things are already in there. Mr. Green noted that other than structures that belong to and are operated by Dave Moody, there are no other permanent structures on the property at this time. He said this would be the first permanent structure that would be leased to someone by the owner, reminding the Board that they are looking at buildings owned by the person

who owns the lot and leased to a company. He said he sees no problem with a building being approved on a lot without a specific area around it other than area needed. Mr. Green stated that there is 30 acres of land and it is for that use. He pointed out that the next time something is proposed that would be the point where the Board could ask how the next building fits and if it is leased or owned because that situation then creates a set of problems. He said at this time no problem is being created and he feels this is only causing problems for the landowner. He pointed out that this is not in the middle of the lot; it is off to the side which is the best location since there are already lagoon setbacks there and nobody else would want to develop there. Mr. Green said he feels the Board is asking the landowner and applicant to do way more than is needed for a project of this size. He suggested that a statement could go on the plan about any further development would have to go through the full site plan review. Gary Tasker said Mr. Green had convinced him. Dustin Bowles said this is not the first time that the issue of site plans has come up on this property so he wants to be sure that statement is on the plans. Chairman Dow said he would agree with Mr. Green and that was why he had brought up the point to begin with. He said if there were any future developments then the Board has a whole set of rules to go by and his point was to bring that to the attention of everyone involved. Mr. Dow said that was as far as the Board needed to go with this and asked to schedule a site walk of the property. The site walk was scheduled for Thursday, March 29, 2007 at 5:30pm. Abutters were informed that they are welcome to attend.

Stan Prescott asked the applicants what their special exception to the ZBA was for. Mr. Gosse said it was for processing. Mr. Prescott asked if they have addressed bulk storage with the ZBA. Mr. Gosse said they did not feel that section applied. Mr. Prescott said they should look at 'other storage tanks'.

Gary Tasker made a motion to continue this application to April 19, 2007, 7:00pm at the Community Building; seconded by Henry Huntington. All were in favor. This will be the only notification.

- 2. Application # 07-04, Debra Rattee**-Major Subdivision, Located on School Street, in the RR District. Map 38, Lot 7. Mark Sargent, of Richard Bartlett & Associates, presented the plan on behalf of Ms. Rattee. Mark Chamberlain was present to represent Ms. Rattee and abutter Barbara Cameron was present. Mr. Sargent said they have not yet received state subdivision or wetland approvals. He gave an overview of the proposal for five new lots and the remaining lot as 165 acres. He noted that they are requesting a waiver on depicting the wetlands on the remaining acreage. Mr. Sargent pointed out two areas where they have left accesses to the rear of the property as they will be coming back in the future for further development.

Henry Huntington asked about the triangle piece of land in the corner of the plan. Mr. Sargent said all of Ms. Rattee's will eventually be merged, saying the triangle was related to a lot line adjustment done in 2006. Mr. Huntington asked about the back line at the right of way. Mr. Sargent said that was not meant to be there and he will clarify that as such. Steve Jackson asked if there is ample frontage left for the remaining acreage. Mr. Sargent said there is and he pointed this out on the plans. Henry Huntington asked how things are set for drainage easements in this area. Mr. Sargent said they used the same theory as they used on the other side of the road which was basically 40' off the existing setback of the travelway. Dustin Bowles noted that in Mr. Sargent's opening comments he referred to the buildable area as one acre. Mr. Sargent agreed that it should have been one and a half acres. Dustin

Bowles asked about the width of the tip of the triangular piece. Mr. Sargent measured and said it is approximately ten feet. Dustin Bowles said the Board has to watch these numbers to be sure there is proper access and would like to see that area addressed. Mr. Sargent noted the request. Stan Prescott stated that the steep slopes need to be highlighted. Mr. Sargent noted the request. Steve Jackson mentioned that an ordinance on corner lots passed on Tuesday's ballot, and he asked if this pertained to paper roads. There was discussion about future access roads, easements, and corner lots. Mr. Sargent noted the new ordinance. Dan Geiger asked about the access points to the new lots. Mr. Sargent pointed them out on the plan. He asked how the Board feels about the waiver on the wetlands of the remaining acreage. Dan Geiger said that at some point the Corps of Engineers or EPA is going to ask for 200' to the nearest development for vernal pools. He thought maybe the whole lot did not need to be done but would like to see wetlands delineated within 200' of the development. Gary Tasker asked if there is a shared driveway and if there is a driveway easement for more driveways in the future. Mark Sargent said Lots 4 and 5 at this time are on a shared access that would become a road in the future. Tom Dow said the fire department will not like the shared driveway because it confuses 9-1-1 numbering.

Stan Prescott asked when they would be developing the remainder of the piece. Mark Chamberlain said it depends on many things but probably a year. Dustin Bowles asked if the 50' right-of-way is for future access. Mr. Sargent said that was correct. Dustin Bowles said he feels the Board should be considering those lots as corner lots. Donna will send a copy of the new ordinance to Mark Sargent. Tom Dow asked about cisterns. Mr. Sargent said an easement was previously provided across the street and asked if that one would qualify for this development. All agreed that it might if it was there. Gary Tasker said if they were going off that one then it would have to be constructed. Tom Dow said they would need a letter from the fire department. Stan Prescott said if anything further is to be done with this parcel the Board will want to see plans for the total remainder. There was discussion of future development and exaction and impact fees.

Stan Prescott asked about the sight distance at the top of the hill by Lot 1. Mr. Sargent said that it meets the requirements. Mr. Prescott said they need radiuses on the corners. Mr. Sargent noted that radiuses are needed on the corners of the 50' right-of-way. Tom Dow mentioned that there was a recreation trail to the top of Oak Hill that is marked as a proposed driveway. He asked if there was any way of maintaining or re-routing that trail. Mr. Sargent said he would address the following: fire department and cistern; access point and 200' of frontage; 50' setbacks on corner lots; recreation trail; wetlands within 200' of development; and steep slopes highlighted.

Barbara Cameron asked how long the applicant would have to wait to build on these new lots. Steve Jackson explained the building permit process and current growth management ordinance. It was thought to be 2009/10 at the earliest.

A site walk will be scheduled for a date after the next meeting. ***Stan Prescott made a motion to continue this hearing until April 19, 2007 at 7:00pm at the Community Building; seconded by Dustin Bowles. All were in favor. This will be the only notification.***

Board Discussion:

The Board discussed the Duprez subdivision. The consensus of the Board was: they had initially suggested subdividing the house off and selling the remaining lot without having to upgrade the road; the applicant got away from installing the culvert by giving Lot 4 to the town; the applicant could erase the lots and sell as one big piece. It was agreed that this has been discussed many times, the decision was made at the time of approval, and that decision stays. A letter will be sent to Mrs. Duprez to inform her that the initial approval stands and that the deed for Lot 4 needs to be handled in the immediate future.

Chairman Dow said that the Board needs an additional representative to the Board of Permit. Henry Huntington agreed to serve in that capacity. The chairman stated that an additional representative to CNHRPC is also needed. Election of officers will be done at the April meeting.

Report of the ZBA:

There two applications before the ZBA this month. One is for a special exception for reduced setbacks on Clearview Drive and the other is for a special exception for processing use on Dump Road. There is also an appeal of an administrative decision filed by Michael Harris.

Report of the Board of Permit:

Board of Permit was moved to March 20th due to voting held on March 13th.

Adjournment:

A motion to adjourn at 10:00pm was made by Gary Tasker; seconded by Dustin Bowles. All were in favor.

Respectfully submitted,

Donna White