

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

COPY

PLANNING BOARD MINUTES
OF NOVEMBER 15, 2007

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

Attendance:

Chairman Tom Dow, Tom Moore, Steve Jackson, Stan Prescott, Henry Huntington, Ex-Officio Dustin Bowles, and Alternates Bob Ordway and Jeff Green were present.

Alternate Bob Ordway was appointed to sit in the absence of member Gary Tasker.

Colin Cabot was in attendance for the Conservation Commission and Chief Jeff Burr for the Fire Department.

Acceptance of Minutes:

October 18, 2007 Public Hearing *Tom Moore made a motion to approve the minutes; seconded by Dustin Bowles. All were in favor.*

October 29, 2007 Work Session *Dustin Bowles made a motion to approve the minutes; seconded by Stan Prescott. All were in favor.*

November 10, 2007 Site Walk *Stan Prescott made a motion to approve the minutes; seconded by Tom Moore. All were in favor.*

Discussions:

Tony Merullo – request for bond reduction Steve Jackson recused himself. Jeff Green was appointed to be a voting member for this case. Mr. Merullo stated that he is requesting that the Board approve the reduction of his construction bond from \$129,000 to \$49,300. He explained the work that has been done on the road to this point. He said that he will take down a few more trees and level an area that was noted during the recent site walk. An estimate for the final paving was submitted with an additional 20% buffer figured in. Stan Prescott asked if the additional 20% would be enough. Mr. Merullo said that he felt it would be as the estimate is based on 2008 pricing which is already higher than what he just paid for the recent course. He said by adding even more he feels it should be more than enough. Mr. Merullo said that the crushed gravel is done but he is leaving the numbers in the request as an additional buffer. Tom Moore asked about the distance to be paved. Mr. Merullo said it would be 2000 linear feet, 20 feet wide and 1 inch thick. A memo was received from Tony Puntin, the town's engineer, stating that he has reviewed the bond reduction request and concurs with the estimated percents complete and overall cost to complete.

Henry Huntington said, based on the site walk and Mr. Puntin's comments, he would make a motion to reduce the bond to the total of \$49,300. Jeff Green seconded the motion. Dustin Bowles said that he was not opposed to reducing the bond but feels there are a couple of small issues with the project and he would not want to see it too low to fix those issues. He said he would like to see the total amended to \$55,000 to cover unforeseen expenses. Tony Merullo asked how Mr. Bowles came up with the \$55,000 figure. He went back over the list of remaining percentages that he submitted, noting that some of the items were already done but he had left the figures in the estimate as a buffer. Mr. Bowles said that he understood that but he is concerned with the 'soft' spot in the road and that it could cost more to fix if it is determined to be a problem in the spring. *Henry Huntington said that he would amend his motion and move to reduce the bond to a total of \$55,000.* Jeff Green said that he was unable to attend the site

walk and asked if others who did attend were in agreement with the concern and amendment. Tom Moore said there is one course over the spot now and he explained what they saw when on the site walk. *Jeff Green said that he would second the amendment to \$55,000.* Mr. Merullo said that he will be back to reduce the figure by all of the work that has been done, which he has left in this figure as a buffer. *Chairman Dow stated that the motion is to reduce the bond to \$55,000. All were in favor.*

Steve Jackson returned to the table.

Wayne Thistle – request for bond reduction Due to a family emergency, Mr. Thistle was not able to attend this meeting. Per the letter submitted by Mr. Thistle, he is requesting that his construction bond be reduced from \$35,000 to \$17,500. Also submitted was an estimate of \$15,600 for the top coat of Thistle Hill Road. Dustin Bowles said that he felt that the Board should do a site visit. Steve Jackson said that he would agree. A site walk was scheduled for December 15, 2007. Tony Merullo asked that the Board visit Creekwater Lane on the same date. The Board agreed to visit Creekwater Lane at 8:00 a.m. and then Thistle Hill Road immediately after. Mr. Thistle will be notified of the site visit, and the bond reduction request will be tabled until the December 20, 2007 meeting.

Conceptual Reviews:

Cross Brook Road Subdivision - Jeff Green of JLG Enterprises spoke on behalf of clients with property on Cross Brook Road at Map 12, Lots 43 and 44. He stated that the clients have two lots at the end of the road, each with an existing house. They are proposing to do a private road of 280' and subdivide the two lots into four. Mr. Green said that the plan would be to have family members build on the new lots. He said that they would have to do a lot line adjustment to get the required frontage for one of the lots. Mr. Green said he would like to know if the Board would be agreeable to a 280' private road with a turn-around. He said there was also the option of extending Cross Brook Road and the cul-de-sac further into these two lots. He explained the layout of the lots, showed wetlands, and the buildable areas, noting that there are not steep slopes or wetlands in those areas. There was discussion of this being and staying a private road, the frontage of the lots, and lot sizes. Mr. Green said that the road would stay private if it is in the deeds as such. He said that the road would be built to town standards and have maintenance agreements. Dustin Bowles said he felt this proposal was getting creative. Mr. Green said that they could ask to extend the road but was not sure what difference that would make. Mr. Bowles said that the town would be more comfortable if it was made a public road so that there were no problems in the future. Stan Prescott mentioned that there is another area in town where there are maintenance issues and residents want the town to accept the road. He said there are all kinds of obstacles with that road and he would not want to see another similar situation. Mr. Green asked if this plan is something that the Board would allow, whether it be private or the town accept it as public, or if they would rather take out the cul-de-sac and move it. Tom Dow asked if there would be adequate frontage if the cul-de-sac was moved. Mr. Green said that it would be sufficient.

Steve Jackson asked for the reason that the original subdivision stopped where it did. It was noted that the land beyond that point is wet and has slopes. Henry Huntington asked why the clients want to do this as a private road. Mr. Green said that it is for privacy and that both parties felt it was an ideal situation. Fire Chief Burr said that house numbering could be a problem, noting that there would have to be a new road name and numbers. He said he felt it would be easier to extend the road. Mr. Green said that a private road would mean that there would be no maintenance costs to the town and there would be two more taxable houses in town.

Roy Merrill asked if there would still be sufficient setbacks if the road was extended. Mr. Green said there would be and he explained the layout. Dustin Bowles said that he still leans toward extending the road and the need to consider future owners of the properties. Tom Dow said he is not in favor of a private road. Steve Jackson stated that a 280' road along the abutter's line would make that one sub-dividable as well. Mr. Green said that would not be the case because the road would be private and the abutter would not be able to access or subdivide that property from the private road. He talked of different options. Bob Ordway asked if this could eventually come down through to the Sliva property on Bee Hole Road. Mr. Green said the area is too wet and steep to come straight out. He noted that they might be able to go along the property line with less impact. There was brief discussion of connecting to the Bohi property on Bee Hole Road.

Mr. Green said he would come back to the Board with a road design if the Board would be open to looking at it. Dustin Bowles said that a teardrop is preferable. Mr. Green was advised to come in with a couple of options.

Route 129 Subdivision – Jeff Green of JLG Enterprises spoke on behalf of clients with property on Route 129 at Map 15, Lots 9 and 11. Mr. Green explained that there is a total of 150 acres on the two lots and this proposal is for a 39 lot subdivision. He said that he has done some preliminary work and some topography. Mr. Green explained that there is wetland at the front of the property so it would be 1000' back to the first lot. He pointed out the wet areas as taken from aerial shots. Mr. Green said if the road length was allowed they could easily do 39 lots. He said that there is very little slope on the property. He noted that the property has a road curb cut for 48 or 49 lots on Route 129. Mr. Green said that there would be approximately 7500' road length. Stan Prescott said that he feels this is premature and that a 7500' dead end road is a concern. Henry Huntington said that if this road was to come out anywhere, it would probably have to be on Pleasant Street. Roy Merrill said that the area to the west of these parcels is high and dry and could be a way to come back out to Route 129. There was discussion of the length of the road, other dead-end roads in town, and what is allowed in the regulations. Dustin Bowles said he feels the road length would be defeating the purpose of the regulations. Mr. Green pointed out that other projects with long roads have received waivers. Stan Prescott said that they have to look at how much of a burden it is going to put on the town. Dustin Bowles said the impact of that many lots would impact a lot of things. Tom Moore pointed out that there could be a 2000' road with houses stacked on both sides and that this longer road could have less houses and impact. Mr. Prescott said if they could get out to another road, with no dead-end, it would be more acceptable.

Mr. Green stated that this would be done in phases, noting that the impact would not be any more than if it was three separate projects on three separate roads. Steve Jackson pointed out that the Land Development Regulations allow 1000' roads. He said he felt that they would have to look closely at the purpose and intent of that regulation. Mr. Green said that the first phase would be 3200' with 15 lots. There was discussion of what would be economically feasible for the developers with regard to road length and the number of lots.

Mr. Green said that they could leave an easement to another property. He pointed out that there are two proposed and that there could be another one or two. Mr. Green said that they could access another road through those with potential development. Stan Prescott said that there was discussion at a recent CNHRPC meeting about there being too many dead-end roads and the issues caused in emergency situations. Steve Jackson asked what the Board's feeling might be on having Mr. Green draw up the first 2600'. Tom Dow said that would be consistent with what has been done in the past. He said that they would be setting precedent if they allowed the 7500' road, noting that they would be opening up to every piece of property in town. Mr.

Dow said they could go part way and then another developer may possibly want to continue with another nearby parcel. Mr. Green asked the Board for feedback on what to come back with. Steve Jackson said he would suggest that Mr. Green come back with a reasonable road length based on other subdivisions in town. Tom Dow said to come back with a couple of options after talking with the developers.

Old Business:

1. **Application # 07-03, Septic Disposal Solutions**-Major Site Development, Located on Dump Road, in the C/I District. Map 40, Lot 7. Jennifer McCourt of McCourt Engineering spoke on behalf of the applicants. Mrs. McCourt showed a drawing of Dump Road and gave the existing conditions of the road as submitted in a recent memo to the Board. She said the road width ranges from 30' at the end to 18' at the gate to the town property. Mrs. McCourt explained the traffic count that was done in July and the report that was submitted to the Board. She said that the average daily traffic count for the road is 569, the average daily count for the Moody property is 108, and the average daily count to the town property is 419. Mrs. McCourt said that this project would add 14, on the high side, vehicles per day to the Moody property count. She pointed out that the total count calls for 20' of pavement according the NH DOT guides that were submitted with the report.

Mrs. McCourt explained her recommendations as submitted to the Board. Those recommendations were that the Dump Road pavement be widened from the Town property gates to the first set of catch basins to 20' and the shoulders remain at 5' and that a stop sign be installed at the entrance of the Moody property. Mrs. McCourt said that she is not proposing that her client do the widening, she is simply reporting her findings and recommendations. Roy Merrill asked why the count was not done with one tube across Dump Road and the other across the Moody entrance. Mrs. McCourt explained the margin of error due to stop and go traffic on the road at busier times of the transfer station. Dave Moody said that the count cannot be done accurately on gravel.

Mrs. McCourt showed the Board new plans, pointing out the containment berm and that she changed the label. She said as part of the DES process they have changed the way that some of the piping will be handled. She said that she has labeled all of the tanks, sizes, and construction, noting that the 1000 gallon tanks are no longer hooked together. Mrs. McCourt stated that DES asked them to go through and separate out the piping more on the plans. She showed how she has done the separate layers of each part of the process.

Steve Jackson asked if a recent request from DES for more information has been addressed. Darlene Johnson said that they have about completed their response which is due to DES on November 19th.

There was discussion on the approach and apron at the entrance to this site. Stan Prescott said that they have provided what the Board asked for. He said that the traffic count shows that the road is not sufficient for the traffic on the road and that something needs to be done. Dave Moody said that something needs to be done because of all of the new houses in town and all of the traffic to the dump. He said that impact fees collected from those new houses are to be used for impacted roads and at this point Dump Road is not to standard. Mr. Prescott said that he is not disagreeing but the applicants have a proposed development and part of the process is if something is deficient and needs to be fixed, the Board expects it to be part of the project. Mrs. McCourt pointed out that that would be true if incidental to the project itself. She said that the project itself is not causing the need for the road to be widened to 20'. Mr. Prescott said it would be a

question of if they wanted the development or not, and if they did then they would have to participate. Dave Moody said that the town has been talking of resurfacing Dump Road for ten years. Roy Buttrick said that the impact fees were designed to offset the impact of development, noting that Dump Road is one of major impact and that it has not been improved with all of the new building in town. Mr. Prescott said that an 18-wheeler is worth 250 trips of a regular car. Mrs. McCourt said that she feels it is more a question of if the road was built to proper standards, noting that the life expectancy of a road is 15 to 20 years and this one is older than that. Mr. Prescott said that he is not saying that the town should not do something and that the road probably should have been resurfaced 10 years ago. Mr. Moody said that he does not feel that it is up to his site to cover all the costs of that. Mr. Prescott said that when the application comes in this could be discussed further. Mr. Moody asked if he was incorrect in that the impact fees from all of the new houses are to fix the impacted roads. Mr. Prescott said that impact fees cannot be used for maintenance. Darlene Johnson said that the traffic study has proven that the traffic on Dump Road at the gateway exceeds the measure of 18'. Mrs. McCourt said that the additional two feet of pavement would be capital improvement, not maintenance. Mrs. Johnson said that is based on the traffic that the road is seeing beyond the corner of Dave Moody's site. Tom Moore said that impact fees are a little more complicated and are broken down by zone. Mrs. Johnson said that the fact is that the road sees more traffic by the town's people than the road is designed for in width. She asked why, if they were to add 14 more vehicles for a fraction of the road that is less than 20', it would be up to the Moody site to widen the road. Chairman Dow said that the Board has not said that yet. Mrs. Johnson said that was what she understood Mr. Prescott to be saying. Chairman Dow said that what Mr. Prescott might be saying is that the matter will be discussed when the formal application is heard, reminding everyone that no decision is binding at this point.

Henry Huntington asked what the court date is for the ZBA matter. Mrs. Johnson said that it is set for December 10th. There was brief discussion about how long that process may take. Chairman Dow said that they will probably have to re-notify abutters when ready to present their formal application. ***Henry Huntington made a motion to table this application to December 20, 2007 at 7:00 p.m. at the Community Building; seconded by Dustin Bowles. All were in favor. There will be no further 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 explained that he does not yet have state approval as the wetland delineation has been delayed due to unforeseen circumstances. He asked that this be continued to the next meeting. ***Bob Ordway made a motion to continue this application to December 20, 2007 at 7:00 p.m. at the Community Building; seconded by Henry Huntington. All were in favor. This will be the only notification.***
3. **Application # 07-10, Peter & Gary, LLC** – Minor Subdivision, Located on School Street, in the RR District. Map 38, Lot 8. Steve Jackson recused himself. Jeff Green was appointed to be a voting member for this case. ***Dustin Bowles made a motion to accept this application as complete and move to public hearing; seconded by Stan Prescott. All were in favor.*** Mark Sargent of Richard Bartlett & Associates reviewed what has been discussed and done to this point. He reported that they now have state subdivision approval.

There was discussion of the location of this lot and the recreation trail that goes through the property. Henry Huntington asked if the cistern issue on the applicant's previous subdivision has been worked out. Mr. Sargent explained that his client had asked the Board to amend the plans to have sprinklers but was denied. He showed the location of the cistern easement on the main piece. He said that the discussion at last month's meeting was that this lot would not be part of that subdivision.

Chairman Dow read the following waiver requests:

- a. Scale equal or less than 1"=50'—the plat prepared for subdivision is at a scale of 1"=100' due to the size of the parcel. ***Motion to approve the waiver made by Bob Ordway; seconded by Stan Prescott. All in favor.***
- b. Natural and manmade features—the features on the proposed lot are depicted, the applicant is requesting a waiver be granted for the remaining lot. ***Motion to approve the waiver made by Henry Huntington; seconded by Jeff Green. All in favor.***
- c. Existing contours—contours at a two foot interval are depicted for the proposed lot, the applicant is requesting a waiver for the remaining portion of the property. ***Motion to approve the waiver made by Jeff Green; seconded by Bob Ordway. All in favor.***
- d. Wetlands—the wetlands on the proposed lot and within 75' of the proposed lot lines have been delineated, the applicant is requesting a waiver for the remaining portion of the property. ***Motion to approve the waiver made by Henry Huntington; seconded by Tom Moore. All in favor.***

There was discussion about the recreational trail. Mr. Sargent said that if there is an easement on the property that would take away the state insurance program. He explained that if there was an easement, the property owner could not get insurance coverage because of the related liability of the trail. Stan Prescott said that a note of the trail should be shown. Tony Merullo said that he has an equitable interest in the property which will eventually be private property and he would not want to give easements for the trail.

Jeff Burr asked if this lot is being tied to the others with the cistern. Mr. Merullo said that there is a building permit on this lot and there were no conditions for a cistern at the time of the issuance of the permit. He said that he would not think that conditions can be placed on a permit after it was issued. He reported that two lots of the previous subdivision have been sold and that funds have been put in escrow for the cistern. Mr. Merullo explained the potential plans for those two lots and pointed out that there would be no certificates of occupancy issued without the cistern in place. He said that the cistern would probably be done in a year. Mr. Burr was satisfied with Mr. Merullo's explanation.

Henry Huntington made a motion to approve the application for a minor subdivision; seconded by Dustin Bowles. All were in favor.

Steve Jackson returned to the table.

New Business:

1. **Application #07-17, Huckleberry Heating Oils, LLC** – Major Site Development, Located on Chichester Road, in the C/I District. Map 11, Lot 34. There were no abutters present. Tracy Huckins explained that they are proposing to build a garage onsite for their heating oil trucks and that they want to get them in under cover before snow. She

said that they are under the permissible numbers for impermeable area and that there are no setback issues. Tom Dow pointed out that there is no change of use on the property and it is a commercial lot. Mrs. Huckins said that this will be a 2720 SF wood-framed building with five bays. She said that it will be similar style of the other buildings on the property.

Tom Moore made a motion to accept the application as complete and move to public hearing; seconded by Steve Jackson. All were in favor.

Fire Chief Burr said that he has looked at the plans and site and can access the building from three sides. He stated that he had asked Mrs. Huckins to see a civil engineer or fire protection engineer for review of the plans. He said that he received a letter from Mrs. Huckins' fire protection engineer the day before. Chief Burr said that the plan was also sent to the fire marshal. He reported that the engineer could not find anything to prohibit the storage of trucks in this building. Mrs. Huckins explained that Chief Burr had raised the question of combustible liquid in the building. She said that her fire protection engineer's findings were that a building with combustible liquid can be classified to a high hazard with the exception of if the combustible liquid is in a closed system, which this would be. She said there would be no dispensing or transfer of product, they would be closed systems, parked. Mrs. Huckins said that the fire marshal's office has verbally concurred and that she is supposed to have a letter from them next week. She said that she hoped that the engineer's findings would satisfy the Board. Chief Burr said that his mind is pretty much at ease with the findings. He said that if the use changed from storage to maintenance then there would be different codes and criteria. It was noted that a change of use would have to come before the Board. The Board agreed that it would be specific in the written decision about this being a building for the storage of the oil trucks. Chief Burr said that he thought it could be a conditional approval at this point based on the receipt of the fire marshal's response rather than having the applicant come back in a month.

Chairman Dow closed the hearing to the public and opened it to the Board only. He read the following waiver requests:

- a. Section 13.6.11—We request a waiver for submitted elevation drawings prepared by a licensed architect. Due to the simplicity of the structure, it would not be feasible to incur such an expense if not necessary. ***Motion to grant the waiver made by Henry Huntington; seconded by Tom Moore. All in favor.***
- b. Section 13.6.24—We request a waiver for an Erosion and Drainage Plan as we are not disrupting the lay of the land or adding any new roadways. The proposed building would be built on an existing parking area. ***Motion to grant the waiver made by Steve Jackson; seconded by Dustin Bowles. All in favor.***
- c. Section 13.6.25—We request a waiver for a Stormwater Management Plan as we are not disrupting the lay of the land or adding any new roadways. The proposed building would be built on an existing parking area. ***Motion to grant the waiver made by Henry Huntington; seconded by Bob Ordway. All in favor.***
- d. Section 13.6.27—We request a waiver for a Landscaping Plan as we will have pavement up to and around the sides of the proposed building. ***Motion to grant the waiver made by Dustin Bowles; seconded by Steve Jackson. All in favor.***

- e. Section 13.6.28—We request a waiver for a Utilities Plan as we will not be bringing in any new utilities to the existing site. *Motion to grant the waiver made by Tom Moore; seconded by Bob Ordway. All in favor.*

Tom Dow said that he thought that the Board could consider a conditional approval in this case where they are not talking about a lot of land being subdivided and lots being sold before the conditions are met. Dustin Bowles said that they have the fire department assurance, one condition that has been met, as well as the engineer's findings. Tom Moore said that they should be sure that it is documented as a storage building for the record.

Tom Moore made a motion to conditionally approve this application for a major site development as a storage building for vehicles and not as a maintenance facility, pending the approval of the fire marshal; seconded by Dustin Bowles. All were in favor.

Board Discussion:

Steve Jackson reported that he and Stan Prescott attended a recent seminar on bridges at CNHRPC. He handed out a summary of the seminar.

Stan Prescott reported on the recent CIP work session. He said that the Board will have to conduct a public hearing once all changes are finalized. He said that the town needs to do a little more with capital reserve fund appropriations.

Henry Huntington asked bond reductions. Discussion ensued about it being part of the Board's function.

Tom Dow announced that there will be a public hearing at DOT on December 7th at 9:00 a.m. with regard to the property at Staniels Road and Route 106. The hearing is on accessing Route 106.

Donna read notices of upcoming seminars and a regional impact notice from Andover.

It was noted that Dan Aversa submitted a Scrivener's Affidavit for the changes to the notes on the Loudon Woods subdivision approval. The Board agreed that they would prefer that revised plans be submitted.

Report of the ZBA:

Donna reported that there are no public hearings scheduled for this month's ZBA meeting.

There are four requests for building permit extensions, for a total of six permits, one from 2006 with partial work done and five from 2007 that have not been started. There may also be discussion with a resident on a matter with their driveway.

Report of the Board of Permit:

Chairman Dow reported that a letter has been received from residents of Greenview Drive with reference to drainage concerns. It was decided at the Board of Permit meeting that he would write a response letter.

Work Session:

A work session to review the proposed changes/update of the Land Development Regulations was scheduled for Monday, November 26, 2007, 6:00 p.m.

Adjournment:

A motion to adjourn at 10:20 p.m. was made by Henry Huntington; seconded by Stan Prescott. All were in favor.

Respectfully submitted,

Donna White