

TOWN OF LOUDON  
LOUDON, NEW HAMPSHIRE

**COPY**

PLANNING BOARD MINUTES  
OF OCTOBER 18, 2007

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

**Attendance:**

Chairman Tom Dow, Tom Moore, Steve Jackson, Gary Tasker, Ex-Officio Dustin Bowles, and Alternate Bob Ordway were present.

Alternate Bob Ordway was appointed to sit in the absence of member Henry Huntington.

**Acceptance of Minutes:**

August 16, 2007 Public Hearing Tom Dow stated that these minutes were held over from the last meeting so that a reference could be confirmed. Donna reported that she checked the tape and found that the minutes reflected what was on the tape. *Dustin Bowles made a motion to approve the minutes; seconded by Steve Jackson. All were in favor.*

September 20, 2007 Public Hearing *Steve Jackson made a motion to approve the minutes; seconded by Dustin Bowles. All were in favor.*

September 24, 2007 Work Session Steve Jackson noted that he was at the meeting, having arrived after attendance was taken. *Tom Moore made a motion to approve the minutes with the addition of Steve Jackson being in attendance; seconded by Dustin Bowles. All were in favor.*

**Discussions:**

Dave & Tracy Huckins—Huckleberry Heating Oil – Mr. Huckins said that they are proposing to build a 68' x 40' garage to store their delivery trucks. He explained that the current storage location has been sold and the trucks have to be moved in the next couple of weeks. Gary Tasker advised Mr. Huckins to be sure he reads and meets all the criteria of a major site development before submitting his application and coming before the Board next month. It was suggested that Mr. Huckins have Chief Burr review the plan and get a letter for the Board. Mr. Huckins said that he would also get a letter from Bob Fiske. Mr. Huckins was advised to include lighting, parking, and turn areas. Hours of operation will not change from the current usage. Signs, flooring, and venting were discussed. It was felt that Board members are familiar with the parcel so there is no need for a site visit. Mr. Huckins stated that there will be no fencing, no plumbing, no office, only heat and electricity. Side setbacks were discussed and it was noted that the area of the parcel where the building will be located requires a 30' side setback because the abutting parcel at that point is considered to be commercial as compared to the front of the lot directly off Chichester Road which is residential.

Tony Merullo – Mr. Merullo reported that they have completed the base course of pavement. He said that he would like to set a site visit and then would be requesting a bond reduction at the next meeting. He said he would have the bond calculation available for the Board at the time of the site visit. Mr. Merullo said the road has been inspected and tested. He reported that the base course, gravel, sub-base, and crushed base have all passed inspection. He said that inspectors were there during the paving process. Gary Tasker asked about the soft spot that is mentioned in

Tony Puntin's inspection report. Mr. Merullo said that it is an area in the middle of the road that is about the size of a table. He said that it was puddled in that spot at the time of paving and there had been discussion of not paving that area but it was decided to pave the entire section and watch that spot for heaving. A site visit was scheduled for November 10, 2007 at 8:00 a.m. Chairman Dow asked that a set of approved plans be available at the site visit.

Dan Aversa—Wellington Lane – Mr. Aversa stated that he has addressed items on a punch list from last fall and has submitted as-built plans as requested by the Board. Tom Dow asked if Wellington Lane was discussed at the construction meeting held last week with Tony Puntin. Mr. Aversa said that it was and he stated that he is not asking for final acceptance of the road, simply a reduction in the bond. He said that he has an estimate of \$32,500 for the final paving and has allowed \$6,000 for contingencies. Mr. Aversa said that he felt that \$38,500 would be sufficient to complete the project and for the bond amount. He said that they would do the final paving mid-summer 2008 and then ask the town to accept the road. Tom Dow asked if the guardrail will be extended. Mr. Aversa said that his engineer feels that the slope and guardrail are satisfactory. He said if it is determined that the slope is steeper than 4:1 then he would extend the guardrail. Mr. Dow said he thought it had been agreed upon in the past. Mr. Aversa said that his engineer is doing an as built and is talking with Tony Puntin about the slope. Gary Vermette said that the town could hold a little more for that in case it comes to that. There was discussion of the need for a maintenance bond once the road is complete and the final paving done. Chairman Dow pointed out that the road will not be accepted if there is no maintenance bond in place.

Steve Jackson referred to Mr. Aversa's note on the request for Letter-of-Credit reduction page that Tony Puntin has recently viewed the site and seen all the work done. He asked if Mr. Puntin agreed. Donna referred the Board to an email of October 16<sup>th</sup> from Tony Puntin that was handed out at the beginning of the meeting. Steve Jackson referred to Tony Puntin's concerns as outlined in a December 2006 memo. Mr. Aversa said that part of the \$6,000 contingency is to cover those concerns. He said that he talked with his engineer, Tom True, who said that extending the guardrail would be alright if there is a need but it would be a safety concern if not needed. Dustin Bowles pointed out that the guardrail was not completed right. He said that there are bolts missing on the sweep section. He also pointed out that there are other areas that have not been constructed correctly and these need to be addressed on the as-built plans. There was discussion on as-built plans and it was stated that they must show everything that has been done.

Gary Tasker asked Mr. Aversa if he wanted to do the guardrail. Mr. Aversa said he would have to take care of it if the slope is more than 4:1. Mr. Tasker questioned if Mr. Aversa was saying that he would do the guardrail only if the slope was more than 4:1. Mr. Aversa asked why there would be need to do it otherwise. Mr. Tasker said it looks like it must need it. Tom Dow said that he is convinced that it is needed. Tom Moore said that the guardrail could end up too close to the road and suggested that the slope could be put to 4:1 instead of extending the guardrail. Mr. Aversa said that he would agree to do the extension of the guardrail. Steve Jackson asked if the prices on the calculation sheet have been adjusted to reflect current prices as suggested in a recent memo from Tony Puntin. Mr. Aversa said that they have been adjusted. Steve Jackson said that he would be comfortable with reducing the bond by \$100,000 to \$44,356.51. Dustin Bowles said that he would not recommend going below \$75,000-80,000. Mr. Aversa said that the subdivision has held up well and that he has been waiting for this reduction for a year. He said that \$75,000-80,000 was not acceptable. There was further discussion of an amount that would be satisfactory to the town. ***Bob Ordway made a motion to reduce the bond by \$94,356.51 to a balance of \$50,000; seconded by Gary Tasker. YES –***

**Steve Jackson, Tom Moore, Tom Dow, Gary Tasker, Bob Ordway NO – Dustin Bowles**  
**Majority vote - PASSED**

**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. Chairman Dow read a letter from the applicant requesting to be continued to the next meeting. *Steve Jackson made a motion to continue this application to November 15, 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. Chairman Dow read a request from the applicant's representative to table until the November meeting because they are still waiting for state wetlands approval. Tom Moore asked how many times this has been tabled. Donna said that this is the fourth time. Mark Sargent of Richard Bartlett & Associates explained that DES has asked for additional wetlands delineation and that Peter Schauer is working with DES on that matter. *Bob Ordway made a motion to continue this application to November 15, 2007 at 7:00 p.m. at the Community Building; seconded by Tom Moore.* Chairman Dow asked if the Board felt there was need to re-notify abutters. Bob Ordway said he thought it would be acceptable to give them one more month. Dustin Bowles said he would agree to that but if it has to continue into December, he felt there should be re-notification. *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. Mark Sargent of Richard Bartlett & Associates reviewed what has been discussed and done to this point. He showed conceptual future development and stated that they still have not received state subdivision approval. He said they are ready to receive the approval which is waiting for wetlands bureau review and approval. Mr. Sargent said that he hopes to have the approval in the next week. He said that Mr. McGrath has a buyer for this property and would like to close in November.

Dustin Bowles asked about the status of the cistern on the applicants' previous subdivision. Mr. Sargent said that they had tried to have it changed to sprinklers but the Board had denied that change so they will do the cistern. He said that the new owner may ask for a different location for the cistern. Tom Dow said that Mr. Sargent has done a build out as requested by the Board. He asked if any of the formerly approved lots have been sold. Mr. Sargent said that they have not. Dustin Bowles pointed out that there can be no certificates of occupancy until the cistern is in place. Tom Dow asked if that would be the same for this lot. Mr. Sargent said that he was not sure that this lot would be under that same approval. Dustin Bowles said that he would feel that it would mean no certificate on the original subdivision and this one as well. Tony Merullo asked how the cistern could be part of the building permit conditions, noting that this lot has a building permit without any cistern requirement. Mr. Bowles asked if the building permit was issued before the former subdivision. Mr. Merullo said that it was and he explained the timeline of the actions on the parcels. Tom Dow asked if the building permit is on the whole lot. Mr. Merullo said that it is a 2007 permit for the entire parcel. Mr. Merullo spoke about the 2009 building permits on the three previously approved

lots, noting that two may move to 2008. He said that it would then be eminent that the cistern would be put in next year and pointed out that the requirements of those two eastern lots would be that no certificates would be issued if there was no cistern. Mr. Merullo said that the fire chief convinced him that it is better to have a cistern during the building process since it is more likely to have a fire when building than once occupied. Donna was asked to check on when the building permit for this lot was applied for as compared to the approval of the subdivision of the other three lots.

Chairman Dow outlined the waivers that are being requested relative to plat scale, man-made features, contours, and wetlands. He asked if the Board wanted to act on the waiver request at this time. Dustin Bowles said that he would rather wait and not do a conditional approval. He said that he would rather have everything in hand before taking any action. Mr. Dow said that he agreed with Mr. Bowles. Tom Moore said he would like to see a little more detail on the plans.

Chairman Dow closed the hearing to the public and opened it to the Board only. Dustin Bowles said that he would recommend holding off on taking any action on the waivers. ***Mr. Bowles made a motion to continue this application to November 15, 2007 at 7:00 p.m. at the Community Building; seconded by Tom Moore. All were in favor. There will be no further notification.***

Steve Jackson returned to the table.

#### **New Business:**

1. **Application # 07-15, Universal Grace Church and George Tombarello** – Lot Line Adjustment, Located on Bear Hill Road, in the RR District. Map 4, Lots 12 & 13. Web Stout of FWS Land Surveying represented the applicants. There were no abutters present. Mr. Stout stated that this is the site where the Board did a site walk in April and he gave an overview of the parcels. He said that this lot line adjustment provides a 50'+ strip to connect to the back lot and road frontage for that lot. Mr. Stout pointed out that they are proposing a 30' wide access to the lot through the current driveway of the property owned by Universal Grace Church. He stated that this is a simple lot line adjustment and no new lots are being created. The Board reviewed the plans, comparing them to the notes of the April site visit. Mr. Stout said this is giving two pieces of landlocked property road frontage and access. Steve Jackson referred to Section 601 of the Zoning Ordinance, stating that the intent of this lot line adjustment is to make the back parcel a buildable lot. He asked about the driveway easement. Mr. Stout said that he has shown it as 30' wide and that a lawyer would draft the wording.

***Tom Moore made a motion to accept the application as complete and move to public hearing; seconded by Dustin Bowles. All were in favor.*** There was no further discussion. Chairman Dow closed the hearing to the public and opened it to the Board only. ***Dustin Bowles made a motion to approve the lot line adjustment as presented; seconded by Gary Tasker. All were in favor. PASSED***

2. **Application # 07-16, Loudon Woods Estates** – Amended Subdivision Plan, Located on Bee Hole and Chichester Roads, in the RR District. Map 2, Lot 23. Bob Ordway recused himself as he is an abutter to this parcel. Dan Aversa said that he would like to have the 'Wellington' note that was placed on the approved plans for this recent subdivision amended so that he is able to sell the lots that are not located on the new subdivision road. He said that there would be two lots on Bee Hole and four lots on Chichester. He

noted that Lot 12 is the lot with an existing house. Steve Jackson asked if they plan to leave the house. Mr. Aversa said he is not sure but he wants to sell it either way. Chairman Dow noted that the house is not in setbacks so it is not creating a non-conforming lot.

*Dustin Bowles made a motion to accept this application as complete and move to public hearing; seconded by Steve Jackson. All were in favor.* Steve Jackson said that he did not think that the intent of the 'Wellington' note was to include the lots on Bee Hole and Chichester Roads. He asked if those lots would have sprinklers. Mr. Aversa said that one of the Bee Hole lots might be within reach of the cistern but the others were required to have sprinklers. Board members agreed that a new approval and new plans would have to reference the amended subdivision plan. Mr. Aversa was advised that he would have to submit amended plans with the amended note.

*Steve Jackson made a motion to approve application # 07-16 for an amended subdivision plan with two notes added to the plan; seconded by Tom Moore. All were in favor.* Dan Aversa stated that his attorney said this could have been avoided with a warranty deed that had a stipulation that no building permit would be pulled until the binder coat was in place. There was brief discussion.

Bob Ordway returned to the table.

#### **Board Discussion:**

Chairman Dow announced that there would be an on-site meeting at the VOA site (South Village Road) on October 24, 2007 at 11:00 a.m. He explained that there is some question as to whether there is supposed to be a cistern at that location. Bob Ordway said he felt that the Board and town should learn something from this as it appears that the matter slipped through the cracks. He said that the sprinkler system used in the building meets code and, although he would like to see a cistern, he is not sure that the right way to get it is by way of an oversight. Mr. Ordway said that the budget is already set and the cistern costs would have to come out of the building budget. He said a question would be if the cistern is required or not and that everyone should know that sprinklers are for life safety.

Chairman Dow reported that Hancock Associates and MDP Realty have submitted a flood study plan with the elevations shown on it as requested by the Board. An acknowledgement letter will be sent to MDP Realty.

Chairman Dow said that there have been some drainage concerns on the first section of Greenview Drive raised by some residents and that Donna has been researching the matter. He reported that no drainage plans have been located at this point. There was brief discussion about the first phase of the road development, the fact that Greenview Drive is a private road, and that there really is nothing more that can be done if possible sources have been exhausted in the search for plans.

#### **Report of the ZBA:**

Donna reported that there is one application for a special exception for a reduced setback and two requests for building permit extensions, one being a developer, on this month's ZBA agenda.

**Report of the Board of Permit:**

Chairman Dow reported that two family dwellings, the Growth Management Ordinance study, and VOA cistern matter were discussed at this month's Board of Permit. He said that \$500 would be taken from the Planning Board budget and \$500 from the ZBA budget to be used toward the cost of the GMO study.

Work Session – A work session to review the proposed changes/update of the Land Development Regulations is scheduled for Monday, October 22, 2007, 6:00 p.m. at the town office.

**Adjournment:**

A motion to adjourn at 9:17 p.m. was made by Dustin Bowles; seconded by Gary Tasker. All were in favor.

**Respectfully submitted,**

**Donna White**