

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

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PLANNING BOARD MINUTES
OF APRIL 17, 2008

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

Attendance:

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

Julie Robinson was present to represent the Conservation Commission.

Acceptance of Minutes:

March 20, 2008 Regular Meeting *Steve Jackson made a motion to approve the minutes as written; seconded by Dustin Bowles. All were in favor.*

March 27, 2008 Special Meeting *Stanley Prescott made a motion to approve the minutes as written; seconded by Steve Jackson. All were in favor.*

April 16, 2008 Site Walk *Tom Moore made a motion to approve the minutes as written; seconded by Dustin Bowles. All were in favor.*

Discussion:

Derek York – Mr. York stated that he has 10 acres with 348' of frontage on Bee Hole Road. He said that he would like to divide the parcel and would like to know if there is a way to do it without the required frontage. There was brief discussion and Mr. York was told that the only way to divide the parcel would be to put in a road to town specs, creating the required frontage on the new road.

Harry MacLauchlan – Mr. MacLauchlan stated that he is planning to turn his car wash into something else. He outlined various options and asked the Board for feedback. There was discussion of uses permitted by the Zoning Ordinance and the fact that there are already multiple uses on the property. Mr. MacLauchlan is to contact the Planning office for review of his current approvals and for the paperwork to do the change of use.

Attorney Andrew Sullivan – Steve Jackson explained that he invited Mr. Sullivan to address the Board on the subject of creating a condominium (condex) from a duplex. This was discussed at the last meeting and there were several questions about the process. Mr. Sullivan handed out copies of RSA 356-B:5 from the Condominium Act and explained the process generally followed to create a condominium of an existing property. He stated that this is a form of ownership, not use, and thus cannot be denied if the property is already used as a duplex. Mr. Sullivan covered the four points (as built site plan, as built floor plan, declaration, and by-laws) of the process, explaining each. He said that each owner owns the inside area of the dwelling and the land and maintenance are shared. Mr. Sullivan pointed out sections of the town's regulations that pertain to this matter and clarified the process for the Board members.

Wayne Thistle – A site walk was done at Thistle Hill Road the day prior to this meeting. Mr. Thistle said that he will need a waiver for the road length. Tom Moore said that it is a process that needs to be done, adding that they all knew the road length and missed it during the subdivision review and subsequent approval. Dustin Bowles said that Mr. Thistle would need a waiver on the power lines as well. Tom Dow said that this would need to be done as a public hearing according to town counsel. He stated that some issues at the site were noted and discussed. Mr. Thistle said that he has talked with PSNH about moving the guy wire that is in the shoulder. He talked of the cul-de-sac and why it was designed and constructed as it was. He said that he can divert the water off to the side of the cul-de-sac if preferred. Mr. Thistle said that the driveway in question was done by the landowner and that he had talked with Dave Rice about ways to get the driveway pitched back. There was discussion of the road review process. The Board will meet to discuss and set up procedures.

Steve Jackson asked if easements should be put in place for the slopes in the event of erosion and the need for repair or maintenance. Mr. Thistle explained that he had stabilized the slopes for the winter but was not done with the construction. There was discussion of easements in addition to the town's 50'. Mr. Thistle pointed out that most of the lots have been sold and he asked if he would have to go back to each of the owners for easements. There was discussion of standard agreements used by the town. Stan Prescott said that there is a catch basin in the 4' shoulder at the bottom of the hill. Mr. Thistle said that he would bring the road plan to the next meeting, stating that the road was built to plan. He asked if the site walk minutes would serve as the punch list that was mentioned at the site walk. It was agreed that the minutes covered all items of concern.

Steve Reddy, Zetland Homes – Mr. Reddy stated that he owns Map 39, Lot 85 and explained that there is a new home on the property. He said the property has recently been sold and at the closing the title company determined that the driveway of the abutting property was a town road. Mr. Reddy explained that the title company wanted a letter from Bob Fiske which he got. In that letter Mr. Fiske stated that the structure currently meets the setback requirements but if a road was constructed in the future the house would have to meet the new standard of 50' for a corner lot setback. Mr. Reddy said he also got an affidavit from Web Stout saying that the side setback on the lot should have been 30' on the most recent plan but was inadvertently shown as 50'. Tom Dow asked when the building permit was issued. Mr. Reddy said that the foundation was done in 2005. Mr. Dow pointed out that the corner lot ordinance was adopted in 2007. Steve Jackson also pointed out that the access is not a road right now, it is a 50' right-of-way. Roy Merrill said that the original subdivision was approved with 30' side setbacks and that they put the foundation in by that.

There was discussion of Bob Fiske issuing a corrected letter and Mr. Reddy said that the title company would not accept that as they view his initial letter as a matter of record. Mr. Reddy said that the attorney at the title company would accept a letter from the Planning Board that would confirm: 1) the access to the abutting property is not a town road; 2) this property meets the current setback requirements; and 3) this property would not be affected should a road ever be built on the abutting property. There was discussion of the request, the timeframe, and verifying the original subdivision as recorded. Tom Dow will talk with Bob Fiske about the matter.

Old Business:

There was none.

New Business:

Application # 08-06, CVAD, LLC – Major Site Development, Located on Route 106, in the C/I District. Map 1, Lot 49. Tony Marcotte spoke on behalf of Concord Ventures Area Development. Abutters Ron Bresciani and Joanna Breen (Manna Business Enterprises) were present. It was determined that the application is not complete as the applicant does not yet have state approvals. Mr. Marcotte explained that there have been some changes in the state’s site specific process and that it is now preferable that applicants go through the town review process and make any revisions prior to submitting to the state. It was agreed that this meeting was for discussion and review only.

Mr. Marcotte explained the proposed plan of one building as compared to the conceptual designs that were brought before the Board a few months earlier. He said that they have met with DOT and that a traffic impact assessment has been submitted with the application. Mr. Marcotte stated that a right hand turn lane would be proposed. He discussed the proposed infiltration system and pervious pavement, noting that DES is making some changes and with this application they have tried to meet some of those upcoming specifications. He said that they could remove the pavement of the old Staniels Road if the Board wanted them to, thus preventing some runoff. Mr. Marcotte said that DOT is backlogged by three to four months and site specific by about one month. He pointed out the proposed cistern location, parking, and drainage. He said that they will have an architect working with them and they will work with the fire department. Tom Dow asked that the Planning office be copied on all fire department communications. Mr. Marcotte said that he would personally be handling the communications and would be sure that the office is kept informed.

Ms. Breen asked how many units were proposed. Mr. Marcotte said it would depend on the uses but would be a maximum of thirteen on the ground level and thirteen at the lower level that would be accessible at the rear of the building. He said the building has been designed so that it allows for a variety of types of businesses, noting that the ground level units could be single units of 20’ widths or in multiples and the lower level would be thirteen 20’ x 100’ units.

Mr. Bresciani asked about the proposed water retention area and where the water would go in the winter. Mr. Marcotte stated that there will be some infiltration in the winter, noting that a lot of water will be captured with the pervious pavement and bio-retention areas. He said that could have pipes from the bottom of the area into the slopes below the frost line so that any water would infiltrate. Mr. Bresciani said that there will be increased traffic on Staniels Road. Ms. Breen asked what would happen to Staniels Road. There was discussion about that section being closed but has not been discontinued by the town. There was also discussion about the elevations of the lower parking area compared to the abutting property, a buffer screen at the lower property line, and lighting.

Gary Tasker asked Mr. Marcotte to get information about the pervious pavement to the Board. He said he is not sure that he likes the cistern being in the front of the building but that decision would be up to the fire department. Mr. Tasker asked about the height and material of the retaining walls. Mr. Marcotte said they would be 8-10’ and the type of material would be provided by the manufacturing source that engineers the plan. He said that he will get alternatives for the Board to review. Mr. Tasker asked if the sidewalk at the front of the building would be raised. Mr. Marcotte said that it would be a covered walkway with a landscape strip between the walk and pavement. Mr. Tasker asked that a sketch of the walkway be provided.

Mr. Tasker addressed the landscape plan and said that he would like to see some items increased in size. He said that the landscape strip should be planted a little heavier as well. Mr. Tasker stated that the applicant has presented a nice looking building. He said he is not sure that bio-retention is the best way to go. Mr. Marcotte said that they looked at stormwater treatment

and might be able to supplement outside the bio-retention system. Mr. Tasker asked if there is rip-rap shown at the parking lot edges. Mr. Marcotte explained that it would be bark mulch in the bio-retention areas and that he would clarify that on the plans. Mr. Tasker asked for a buffer screen at the bottom driveway for the abutter. He asked what would be done with the slopes between the guardrails and the lower parking lot. Mr. Marcotte said it would be loamed and seeded with a slope mixture. Mr. Tasker asked that the areas at the ends of the building be identified. He said if the tar is removed from Staniels Road something would have to be done for stormwater management. Tom Dow said that they would have to check with the selectmen to be sure that the pavement can be removed.

Mr. Tasker asked about the roofing material and that details be submitted to the Board. Mr. Marcotte said that they are still working on the roof and there may be changes. Mr. Tasker said that he liked the roofline look. Mr. Marcotte said that he could bring in pictures of a similar existing building. Mr. Tasker asked about the dumpster area. There was discussion that the area may not be big enough to support the entire building. Mr. Marcotte will look at this.

Tom Dow asked about the construction of the stairs between the parking lots. Mr. Marcotte said he was not sure at this point and that they would have the wall design people help with that. The location and design of the chambered septic system was explained. Paul Johnson stated that there would have to be a grease tank if there was going to be any food places in the building. Mr. Marcotte said they will have internal grease separators.

Henry Huntington stated that the proposed pavement is pervious but wondered how it would be used in the calculation of lot coverage and if the lot would meet the requirements. Mr. Marcotte said that the design meets the 50% restriction if the pavement was counted as impermeable. Tom Dow asked about the parking calculation of 135 required but 101 proposed. Mr. Marcotte said it was listed that way because they looked at theoretical uses since they do not yet know what types of businesses will be in the building. He said that the ordinance makes it difficult to calculate parking because there is such a variety of uses with each requiring different calculations. Mr. Marcotte said that the 135 spaces was figured as the maximum number based on the possible use requirements. Stan Prescott said that he thought the calculations needed to be revised. He asked what came of the meeting with DOT. Mr. Marcotte said that a traffic study was done but they do not have anything back from DOT yet.

Tom Moore asked about the snow storage area on the lower level. Mr. Marcotte said with the septic and tiered levels they would have bring the snow to other areas. Stan Prescott said that the driveway appeared to be in the setback. Mr. Marcotte said that the driveway location is not definite at this point but that there are provisions in the Zoning Ordinance for reduced setbacks. He asked if the ZBA is generally favorable about such requests. Roy Merrill said that the ZBA would probably look upon it favorably.

Stan Prescott asked if they meet the turning radius at the back of the building. Mr. Marcotte said that he believed it did but will look at it again to verify. Tom Dow asked about the 15" flared end sections that are shown on the grading/utility plan. He noted that it empties onto Staniels Road. Mr. Marcotte said it is what is there now and explained the existing state drainage. Tom Dow asked if the plans should be sent to the town engineer for review. Stan Prescott said that they should wait for changes to be made before having them reviewed.

Ron Bresciani asked how much fill would be brought in and how they would control the dust. Mr. Marcotte said that 30,000 yards would be needed and they would control the dust with water. Stan Prescott asked that the abutters house location, topo in the lower area, shoreland protection buffer, contours and profiles be looked at and/or shown on the plans.

The following are to be reviewed for the next meeting: fire department communications, renaming Staniels Road, sidewalk, removal of pavement on Staniels Road (Board of Selectmen), heavier landscape in the front, bark mulch at front, stairs, walls, details on pervious pavement,

refigure parking, entrance/setback, add house to plan, line distance to river, slopes, turning radius, dumpster area, profile of road, cistern location, sign, identify areas at end of building, snow storage, and roof.

Board Discussion:

Parking Permit application/packet – The Board agreed that revisions to the packet submitted by Donna were acceptable. It was asked if both the checklist and the list of items to be submitted were necessary. Members agreed that the two lists could be combined into one and approved the changes.

John George – Donna stated that Mr. George came to the office with pictures of slopes at the rear of his property and questions about work being done at the Villages at Loudon. The Board discussed the matter and Tom Dow said that he would talk with Bob Fiske looking into the situation.

Inspection process – Steve Jackson handed out an outline of a suggested scheduling of new road inspections that he created after the Thistle Hill Road site walk. There was lengthy discussion of the inspection process, the need to look at other engineering firms, a better check and balance system, and ways to ensure that new roadways are constructed to town standards.

Report of the ZBA:

Donna reported that there are two applications for special exceptions for reduced setbacks, one on Lovejoy and one on Route 129, and one variance for a special exception for reduced setbacks at the track. She explained that the variance is being requested because there are no provisions in the C/R District for special exceptions to the setbacks.

Report of the Board of Permit:

Stan Prescott reported that the group discussed three hawkers & peddlers permits, one business permit, Thistle Hill Road, the building permit ordinance, and a sign at Villages at Loudon.

Adjournment:

A motion to adjourn at 10:40 p.m. was made by Henry Huntington; seconded by Tom Moore. All were in favor.

Respectfully submitted,

Donna White