

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

COPY

PLANNING BOARD MINUTES
OF JANUARY 17, 2008

Meeting called to order at 7:20 p.m. by Chairman Tom Dow.

Attendance:

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

Selectman Roger Maxfield was present.

Acceptance of Minutes:

December 20, 2007 GMO Presentation *Henry Huntington made a motion to approve the minutes; seconded by Dustin Bowles. All were in favor.*

December 20, 2007 Regular Meeting *Dustin Bowles made a motion to approve the minutes; seconded by Tom Moore. All were in favor.*

December 20, 2007 Zoning Workshop *Tom Moore made a motion to approve the minutes; seconded by Dustin Bowles. All were in favor.*

Old Business:

1. **Application # 07-04, Debra Rattee**-Major Subdivision, Located on School Street, in the RR District. Map 38, Lot 7. Steve Jackson recused himself from the case due to a business relationship with the applicant. Alternate Jeff Green was appointed as a voting member. There were no abutters present. Mark Sargent of Richard Bartlett & Associates submitted the state subdivision approval number. *Tom Moore made a motion to accept the application as complete and move to the public hearing; seconded by Stan Prescott. All were in favor.*

Mr. Sargent explained that this application began as six lots and is now three lots. He said that the process was held up for a wetlands permit for a driveway crossing on one of the lots. Mr. Sargent said that they had asked for a waiver of the full acreage delineation but were denied by DES. He said they went 200' past the property with the wetlands delineation at the request of the Conservation Commission. Mr. Sargent pointed out the changes to the plan, noting that the area that had the proposed wetland crossing has been incorporated into Lot 3. He said that the new plan has Lot 1 at 2.54 acres, Lot 2 at 4.06 acres, and Lot 3 at 5.54 acres. He pointed out that they have left a strip between Lots 1 and 2 for a future roadway and used 50' setbacks on the corner lots as instructed by the Board. Mr. Sargent stated that they have the required frontage on the remaining piece, have state subdivision approval, and have had a site walk with the Board. Tom Dow asked if the area to the east of these lots is still part of the main lot. Mr. Sargent said that was correct. Gary Tasker asked if this is four lots. Mr. Sargent said there are three new lots. Mr. Tasker asked if sprinklers and water supply have been discussed in previous meetings. Mr. Sargent said that when this was first discussed as six lots the fire department agreed to sprinklers. He said that it is now three lots and does not fall under the cistern requirement. Gary Tasker asked about driveway locations and Mr. Sargent pointed them out. Mr. Tasker asked if the recreational trail was relocated. Mr. Sargent

explained that it is currently in the location of the driveway to Lot 1. He said that the applicant is willing to talk with the snowmobile club about relocating the trail. Mr. Tasker asked why they had to combine lots. Mr. Sargent said that DES wanted the full 179 acres delineated. Stan Prescott asked if there are any wetland violations on the property. Mr. Sargent said there are not on this piece. Chairman Dow closed the hearing to the public and opened it to the Board only.

Mr. Sargent said that there are two waivers requested on this application. Dustin Bowles said that there has been some discussion of a steep banking by one of the driveways. Mr. Sargent said that the ZBA required some improvement to the banking to be done at the time of the construction of the driveway.

Chairman Dow read the first waiver for the natural and man-made features. Mr. Sargent said that this had been discussed with the Conservation Commission and they had requested that the plan go at least 200' past the proposed property line. He said that has been done. ***Henry Huntington made a motion to approve waiver #1; seconded by Jeff Green. All were in favor.***

Chairman Dow read the second waiver for sufficient data to determine the location, bearing and length of all lines. Mr. Sargent explained that they have surveyed the front and down the sides but have not done the metes and bounds at the rear. ***Stan Prescott made a motion to approve waiver #2; seconded by Dustin Bowles. All were in favor.***

Stan Prescott asked when the applicant anticipates to continue with this property. Mr. Sargent said it would probably be 2009 before they would be coming back. He said they would do a concept of the remainder and it would probably be some sort of cluster development.

Henry Huntington made a motion to approve application #07-04. It was noted that the number of lots have changed since the application was initially submitted. Henry Huntington changed his motion to approve application #07-04 as amended; seconded by Jeff Green. Gary Tasker asked if they should say as amended to three lots. There was discussion that the application had not been accepted until this meeting so it did not need to be amended. Henry Huntington said that he would change back to his motion to approve the application. Gary Tasker asked how many lots are on the application. Donna said that the fees for an application are based on the number of lots and this one was submitted as six lots. Mr. Tasker said that would mean that the Board would be approving six lots if it is stated that they are approving the application. Henry Huntington said they would be approving the current plan so should revise the application. Mr. Sargent revised the application to four lots. Henry Huntington made a motion to approve amended application #07-04; seconded by Jeff Green.

Stan Prescott asked about the matter of the cistern. There was discussion about the cistern to go in across the street. Mr. Sargent said that he has a letter from the fire department that sprinklers would be acceptable. He said he could put a note on the plans as he had originally done. The letter from the fire department was noted in the minutes of June 2007. Stan Prescott said that not all are in favor of sprinklers. There was discussion about the requirement for sprinklers or the cistern within 1000 feet of the property, when the cistern would have to be in place (when building permit pulled or before CO issued), and the need to have something in writing on the plans. Tom Dow stated that a note on the plan that says the houses will have sprinkler systems would meet the regulations. Henry Huntington asked if the application could be approved conditional that the note is on the plan and that the letter is submitted to the Board. Stan Prescott said that he would rather see the cistern than sprinklered houses. Chairman Dow said that they could have

Mr. Sargent submit a letter stating that the applicant would participate in the cistern across the street or sprinkler the houses. Mr. Prescott said he would be in agreement with that. Mr. Sargent said that he had discussed this with his client and she would like to have the option. He said that he has the letter from the fire department and has no problem with putting a note on the plans. The wording of the note was discussed. It was stated that it would have to be determined if they would use the cistern or sprinklers by the time of the issuance of the building permits. ***Henry Huntington made a motion to approve the application as amended conditional upon a note regarding fire suppression be put on the plan and a letter from the fire department be submitted to the Planning office; seconded by Jeff Green. All were in favor.***

Steve Jackson returned to the table.

New Business:

- 1. Application #07-18, Loudon Woods Estates, LLC**-Amended Subdivision Plan, Located on Chichester & Bee Hole Roads, in the RR District. Map 2, Lot 23. Dan Aversa explained that he would like to take the notes about removing the existing buildings off the approved subdivision plan. Gary Tasker recused himself as an abutter. Alternate Jeff Green was appointed as a voting member.

Chairman Dow explained that Mr. Aversa will be going to the ZBA for a reduced setback. He said once that approval is granted he would then sign the agreement to remove the notes. Henry Huntington said that the Board could vote to remove the notes subject to ZBA approval. Stan Prescott said that Mr. Aversa would need to know that the property has to meet setbacks if the house was to be torn down and rebuilt. Jeff Green said he would like to state for the record that he was under the understanding that Mr. Aversa had to get a special exception or do a lot line adjustment. He said that he does not think that a special exception should be granted because this is not a grandfathered lot as it was a newly created lot as part of the subdivision. He said that Mr. Aversa was given the option of a lot line adjustment or special exception. Mr. Green said he feels that it should be a lot line adjustment. Mr. Aversa said he would have done a lot line adjustment but had sold the new abutting lot to a new individual and that person does not want to do a lot line adjustment but was alright with the reduced setback.

Henry Huntington said that the Board sent Mr. Aversa away with a message last month and he came back as instructed. Tom Dow asked if the Board wanted to vote on it before he signed the agreement. Stan Prescott said that the Board has an application to act on. ***Henry Huntington made a motion to accept the application and move to public hearing; seconded by Tom Moore. All were in favor.*** Chairman Dow said that Mr. Aversa brought the application in based on what he was told last month. He explained that there would be the same type of agreement signed as was done with the note about being able to sell lots on Chichester and Bee Hole Roads. Mr. Dow said he is proposing that Mr. Aversa go to the ZBA for a special exception and as long as the ZBA approves that there is no reason for Mr. Aversa to come back next month. Jeff Green said that he does not agree. He said that he does not feel that the Board told him *if* he got the special exception but that they told him to do a lot line adjustment or get a special exception. Mr. Dow said the Board could vote that it is contingent upon the special exception. He said if the special exception is denied then the agreement does not get signed and Mr. Aversa would have to do a lot line adjustment. There was discussion about the best way to handle the application and situation. Dan Aversa said that this was discussed at the last

meeting and it was decided that there would have to be a public hearing. He said he was asked to come back for a public hearing, of which abutters were notified, and he has applied to the ZBA as directed.

Chairman Dow closed the hearing to the public and opened it to the Board only. He asked if there were any other thoughts on how this was to be handled because he wanted to make sure everyone was on the same page so they were not misleading anyone. Dustin Bowles said that the Board was misled because the original subdivision plan said that those buildings would be removed, not maybe, and that is what the approval was based on. He said the Board is now being bombarded with this and being backed into a corner to help clean up the mess because someone wants to buy the property and keep the house. Mr. Bowles said that the ZBA has the free will of looking at the situation as a new subdivision and not have to grant an exception which would bring it back to a lot line adjustment or taking the house down. Tom Moore said that he would agree and feels that it would be tough to sell this as a hardship. Henry Huntington said that the minutes pretty clearly say that the Board's feeling was if Mr. Aversa got a special exception, the Board would approve the change. Jeff Green said that Mr. Aversa did not come back with either option, therefore he has not met the options. Henry Huntington said that a motion could be made as contingent upon ZBA approval which is exactly what the Board said they would do. He said the motion could be made or they could have Mr. Aversa come back next month. Steve Jackson said that the Board is involved because the applicant needs the plan changed by taking off a note. He said an approval could be contingent upon the special exception and if that condition is not met then there is no approval.

Steve Jackson made a motion to approve this application with the condition that they receive approval for the special exception from the ZBA; seconded by Henry Huntington. Stan Prescott said that several years ago the Board discussed conditional approvals. Henry Huntington said that he agreed, however, he feels that it would be appropriate to do it when it is a minor issue such as a note change. Tom Moore asked to bring it to a vote. *Chairman Dow called for the vote which was three ayes and three nays. The chairman said that he would be in favor of the approval, making the vote 4 to 3. Majority approves motion.*

Gary Tasker returned to the table.

2. **Application #08-01, Richard G & Joan A Malfait and Melvin W & Dorothy A Mulkhey** – Lot Line Adjustment, Located on Lovejoy Road, in the Village District. Map 29, Lots 69 & 70. There were no abutters present. Stan Prescott recused himself as the agent for the applicants. Alternate Jeff Green was appointed as a voting member. Mr. Prescott stated that this adjustment takes 905 SF from the Malfait property and puts it with the Mulkhey property. He explained that the bound for the property has been in the middle of the driveway for years and the owners want to make the adjustment so that all lines are clear. Jeff Green noted that the square footage of the lots should be on the plan. Mr. Prescott said that he would add that information. *Tom Moore made a motion to accept the application as complete and move to public hearing; seconded by Henry Huntington. All were in favor.* Hearing no questions from the public, the chairman closed the hearing to the public and opened it to the Board only. The Board reviewed the plan and there was no further discussion. *Gary Tasker made a motion to approve the lot line adjustment with the square footage added; seconded by Tom Moore. All were in favor.*

Stan Prescott returned to the table.

Board Discussion:

Stan Prescott said that he has been working on cul-de-sac designs for the Land Development Regulations. He said that the cul-de-sac requirements seem fine and that it is the approach that is the problem. He showed the members different designs and said that he would get them to Donna to use in the updated LDR.

Tom Dow said that he has been the Board's representative to the Board of Permit for 8 years and he would like to step down from that duty. He said he would like someone to volunteer to take the position or he will appoint someone. Henry Huntington said he is supposed to be the second person to the Board of Permit but has not been able to attend many of the meetings. Steve Jackson asked what the commitment would be. Mr. Dow explained that the Board of Permit meets once a month, usually for ½ hour at the most. Dustin Bowles said the Board of Permit is important because all of the town boards and departments discuss and decide on the best way to handle some situations. Mr. Dow said that he will continue in the position through March.

Report of the ZBA:

Donna reported that there is a request for a building permit extension, an application for a reduced setback, an application for a major home occupation, an application for a special exception for a wetland crossing for a driveway, and discussion on an illegal apartment.

Report of the Board of Permit:

Chairman Dow reported that there was no Board of Permit meeting this month.

Adjournment:

A motion to adjourn at 8:45 p.m. was made by Steve Jackson; seconded by Henry Huntington. All were in favor.

Respectfully submitted,

Donna White