

**TOWN OF LOUDON, NEW HAMPSHIRE**

**COPY**

**PLANNING BOARD MINUTES  
OF JANUARY 17, 2008**

**2008 ZONING ORDINANCE PUBLIC HEARING**

**1. Meeting called to order at 6:00 PM by Chairman Tom Dow.**

**2. Attendance:**

Planning Board – Chairman Tom Dow, Vice Chairman Stanley Prescott, Tom Moore, Gary Tasker, Henry Huntington, Steve Jackson, ex-officio Dustin Bowles, alternate Jeff Green

Zoning Board – Dave Powelson, George Saunderson, Ned Lizotte, alternate Jim Venne

Board of Selectmen – Roger Maxfield

**3. Proposed Zoning Ordinance Amendments:**

Amendment 2008-1 - Chairman Dow read the proposed amendment and reason for the amendment. Henry Huntington asked if there would be explanations available to voters. Gary Tasker asked if there might be some way to simplify the wording of the amendment so that voters would know what the article was about. It was explained that there would be hand-outs available, signs, explanations posted in the town hall lobby, and Donna would be on-site to answer questions. ***Dustin Bowles made a motion to approve the amendment for the ballot; seconded by Henry Huntington. All were in favor.***

Amendment 2008-2 - Chairman Dow read the proposed amendment and reason for the amendment. There were no questions from the public and no discussion from the Board. ***Gary Tasker made a motion to approve the amendment for the ballot; seconded by Stanley Prescott. All were in favor.***

Amendment 2008-3 - Chairman Dow read the proposed amendment and reason for the amendment. Stan Prescott said that he feels this should be dated and refer to who did the study. Tom Moore said that the Board had a lot of discussion about the Growth Management Ordinance (GMO) at the last meeting and he is comfortable with the recommended changes. George Saunderson asked how close the estimate of 2,010 dwellings is to the actual count. Consultant Jerry Coogan said that it is within one or two of the actual number of dwellings. Roger Maxfield explained that the selectmen provide a list of the number of dwellings to OEP. Mr. Coogan said that he used data from a list of information from the office of state planning and added the number of 2007 building permits to arrive at the estimate. Gary Tasker asked about the expiration date of the GMO. Mr. Coogan explained that the GMO is intended to be temporary yet has been in effect for twenty years. He said that the GMO is supposed to be reviewed regularly and putting a date on the GMO forces a review. Tom Moore asked if it should say to be reviewed annually or bi-annually. There was discussion and it was agreed that that could be decided at the time of the next review. Mr. Coogan said that this revision puts the town in better legal standing with the GMO. Resident Earl Tuson stated that the goal of the GMO is to control spikes in growth yet the carry-over of unused permits may be creating spikes. Mr. Coogan

explained that the Planning Board had discussed that and had agreed to cap the carry-over to 25% and for one year only so there would not be an accumulation of carry-over permits. **Henry Huntington made a motion to amend the amendment to read “Replace the current Growth Management Ordinance language with proposed Growth Management Ordinance language dated January 17, 2008 as prepared by Gerald Coogan as a result of a comprehensive growth study” and to approve the amendment for the ballot; seconded by Tom Moore. All were in favor.** Henry Huntington asked that a note be put on the explanation sheet for voters to see the Growth Management Ordinance for full text.

Amendment 2008-4 - Chairman Dow explained that this amendment came in after the Board’s workshops. He said that there will probably be some discussion on the proposed amendment. The chairman stated that the Board could have another workshop and public hearing if needed or they could vote not to put the amendment on the ballot. Gary Tasker said that the boards have discussed steep slopes several times over the years. Dustin Bowles agreed that there have been a lot of discussions about the subject. Mr. Tasker said he thought it had been discussed to great length. Henry Huntington suggested that they could move on with the other amendments and discuss this at the end if time permitted. All were in agreement to act on this later in the hearing.

Amendment 2008-5 - Chairman Dow read the proposed amendment and reason for the amendment. There were no questions from the public and no discussion from the Board. **Stan Prescott made a motion to approve the amendment for the ballot; seconded by Gary Tasker. All were in favor.**

Amendment 2008-6-Chairman Dow read the proposed amendment and reason for the amendment. Dave Powelson explained that this ordinance currently appears in five places and is written in three ways. He explained the events that lead to this amendment. Steve Jackson asked to clarify that this amendment permits the types of storage listed and allows others by special exception. Mr. Powelson said that was correct. Gary Tasker asked if ‘etc’ in item 6 might be too general. Tom Moore asked if non-flammable or non-hazardous might be used. Mr. Tasker said that the examples listed are fine but he would suggest dropping the ‘etc’. Stan Prescott referred to the last statement of the amendment and asked if ‘may’ should be replaced by ‘shall’. Tom Dow pointed out that the current ordinance uses ‘may’. Henry Huntington suggested that ‘must’ be used instead of ‘shall’. Mr. Prescott said that it could be left as ‘may’. There was discussion about septic tanks and that item 4 specifies for septage generated on the lot. Resident Mike Labonte asked if this was for any septic tanks and how it would affect a future development by Paul Johnson. Dave Powelson said that is what brought this subject up because they were proposing to have tanks for 100,000 gallons of processed and unprocessed septage. He said that the ZBA had ruled that storage tanks needed a special exception. Mr. Labonte said that he could see the concern with oil, lp gas, and other hazardous materials but does not think that processing septage is hazardous. Mr. Powelson pointed out that as the ordinance is written now all tanks other than those storing heating oil/diesel, propane or gasoline need review. He said they are trying to open it up to allow tanks such as those necessary for septic systems or fire fighting. Mr. Labonte asked if a cistern has to have a special exception. Mr. Powelson said it does not. He explained that they are trying to have a little closer look at something that they might consider to be hazardous. Mr. Powelson said that 100,000 gallons of septage or running a small processing plant with 1,000 gallons of paint thinner might be something to look at a little closer. Chairman Dow said, in answer to Mr. Labonte’s question, that this is not being built to put a stop to the SDS project. Resident Dave Moody said this is being put in to make them have to have special exceptions for the tanks. Steve Jackson said it is loosening the ordinance to allow more permitted uses. Jeff Green said that there had been a question of interpretation of the ordinance

and a flaw was pointed out in the current ordinance. He said this amendment is trying to correct that issue by stating the permitted uses. Mr. Green said it had recently been interpreted that no tanks over 500 gallons would be permitted without a special exception and this amendment allows certain things. Tom Dow pointed out that some of the new homes are having two 275 gallon oil tanks installed. He asked if that would require a special exception. There was discussion of tank sizes and uses. Henry Huntington asked if item 5 should be clarified to say irrigation rather than just on-site use. There was discussion and it was agreed to leave it as proposed. Steve Jackson asked if consideration was given to the tank size for food storage. Discussion ensued. Tom Dow asked if there should be a change to bulk heating oil. Jeff Green said that it is fairly common to use two tanks. Tom Moore asked if it should be changed to 600 gallons. Discussion ensued about tank sizes and where to draw the line. Henry Huntington said that he would propose to leave fuel as it is proposed. Mike Labonte asked if that includes household and diesel and how much can be on one lot. There was discussion on the purpose of the ordinance, multiple tanks on one site, and what would need special exceptions. Jeff Green asked if heating oil and diesel should be two separate items. Dave Powelson said that what is proposed to be allowed is the same as currently allowed plus it would allow the other tanks as listed. Steve Jackson said that he would like to go back to Mr. Green's question of separating heating oil and diesel. Mr. Green said that he feels they should be listed separately with each up to 500 gallons. ***Steve Jackson made a motion to amend the amendment by separating heating oil and diesel to 500 gallons each, renumbering the items, and removing 'etc' from the current item 6, and to approve the amendment for the ballot; seconded by Henry Huntington. All were in favor.***

At 7:00 p.m. Chairman Dow asked if the Board wanted to continue the public hearing and delay the start of the regular Planning Board meeting or close the hearing at that time. ***Gary Tasker made a motion to extend the public hearing and delay the start of the Planning Board meeting; seconded by Tom Moore. All were in favor.***

Amendment 2008-7 - Chairman Dow read the proposed amendment and reason for the amendment. Tom Moore said that the driveway changes were discussed at last month's meeting and he was comfortable with the changes. ***Tom Moore made a motion to approve the amendment for the ballot; seconded by Dustin Bowles. All were in favor.***

Amendment 2008-8 - Chairman Dow read the proposed amendment and reason for the amendment. Gary Tasker asked if the town has accepted the NFPA life safety code. Chairman Dow said that the amendment references the NFPA codes as used by the state. ***Henry Huntington made a motion to approve the amendment for the ballot; seconded by Dustin Bowles. All were in favor.***

Amendment 2008-4 – Chairman Dow read the proposed amendment and reason for the amendment. Ned Lizotte said that he had to make a motion last year for a variance for a steep slope situation. He said that the town used 25% for 20 years and this is only the second year at 20%. Mr. Lizotte said that there was never an issue at 25% but there have been since the change to 20%. He said that the VOA building had to have fill brought in because that was over 20% but was not caught by the Planning Board. Mr. Lizotte said that he feels this change will alleviate future issues. Tom Dow asked how many cases the ZBA has heard for steep slopes. Mr. Lizotte said they have had one but would not have had to hear that if the 25% was used for steep slopes. Gary Tasker said that one does not seem like a lot. Mr. Lizotte said that was true but there are other areas in town that could be affected. He cited Wellington Lane as an example that the Planning Board did not catch and mentioned property on Foster Road and Deb Rattee's

parcel on School Street. He said he sees this as an ongoing concern. Chairman Dow said that there have been several discussions on this subject, noting that the Conservation Commission would like 15% and that it had been agreed to go to 20%. He said there were valid reasons, such as conservation and shore land protection, considered for the 20%. Mr. Lizotte said that disqualifies an awful lot of land in town. He said that 25% gives enough leeway not to have to use up all of the open field area in town for development. Mr. Lizotte said that 25% has worked for 20 years and they are only now seeing problems. Tom Dow said that one case does not seem to be a problem. Gary Tasker asked if any developers have brought up problems with the percentage. Stan Prescott said that it seemed to be a fair, equitable solution when changed to 20%. He noted that the area with the guardrail on Wellington Lane is a 4:1 slope and is not usable. Jeff Green said that the difference is if using it or counting it as usable. He said that the state recognizes 25%. Dustin Bowles said that 10,000 SF can be used per last year's change. He said that he is not in favor of 20% and thinks that 25% is reasonable. He said that they saw different examples and it is not just developers but also people who want to use their land to build their home. He said the town will have to address it at some point because of the terrain in town. Ned Lizotte used the Bohi piece on Bee Hole as an example. He said using 25% gets parcels out of wetland and farmland and would be less of a compliance issue. Gary Tasker asked when the ordinance was changed. It was stated that the change last year permitted impact for driveways. Mr. Tasker said that he does not think that one year is enough to know if right or wrong. He said he feels that they should give the ZBA a chance to see if there are other problems and see if they hear from developers. Mr. Tasker said he would like to have it stand for another year and address it then. Mr. Lizotte said that Mr. Green represents the engineering side and that addressing it in one more year only adds to the cost of development projects. He said that he would like to address it now and grant some relief. **Gary Tasker made a motion to remove amendment 2008-4 from this year's ballot consideration; seconded by Stan Prescott. A roll vote was taken: Dustin Bowles-No; Henry Huntington-No; Gary Tasker-Yes; Stan Prescott-Yes; Tom Moore-Yes; Steve Jackson-No; Tom Dow-Yes. Yes-4; No-3 Majority approves motion.**

Amendments 2008-5 through 2008-8 will be renumbered accordingly based on the removal of amendment 2008-4.

The public hearing was closed at 7:20 p.m.

**Respectfully submitted,**

**Donna White**