

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

APPROVED

PLANNING BOARD MINUTES
OF JUNE 19, 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, Gary Tasker, Henry Huntington, Ex-Officio Dustin Bowles, and Alternates Bob Ordway and Jeff Green. Julie Robinson was present to represent the Conservation Commission.

Acceptance of Minutes:

May 15, 2008 Regular Meeting **Henry Huntington made a motion to approve the minutes as written; seconded by Tom Moore. All were in favor.**

June 4, 2008 Land Development Regulations Work Session **Steve Jackson made a motion to approve the minutes as written; seconded by Stan Prescott. All were in favor.**

Public Hearing on Land Development Regulations:

Chairman Dow opened the public hearing at 7:07 p.m. Draft copies of the regulations and a summary of the proposed changes were handed out to members of the public. Mr. Dow stated that most of the changes were to bring the regulations into conformity with the wording of the Zoning Ordinance and to create consistency throughout the regulations. He noted that there was a change in the road width on the road profile page and that there was a change in the turn-around section as well. Steve Jackson thanked Donna for her comprehensive review of the regulations and the revision work done over the last year.

Don Boyer asked who gets the six copies of plans required in Article 12. Donna explained that the plans are for the Board, code enforcement, and fire department to review. There were no further questions from the public. **Gary Tasker made a motion to close the hearing to the public and open it to the Board only; seconded by Stan Prescott. All were in favor.** There was brief discussion about the changes, mostly 'housekeeping'. **Gary Tasker made a motion to approve the changes as written; seconded by Tom Moore. All were in favor.**

Discussion:

Del Gilbert – Steve Smith of Steve Smith & Associates spoke on behalf of Mr. Gilbert. He introduced Roy Creley of Lakes Region Environmental. Mr. Smith stated that he is working on a refueling facility for Del Gilbert & Sons. He handed out some basic conceptual plans for the proposed facility to be placed on one of Mr. Gilbert's properties on Shaker Road, Map 49, Lots 123 & 124. Mr. Smith said that a gas filling station seems to be the closest use permitted, noting that this facility would only be used by Del Gilbert vehicles.

Mr. Smith asked the Board if this would be considered a commercial or industrial use, stating that he has to have that determination so that he knows what size lot is needed and which of these lots is best suited for the project. He stated that they would have to go to the Zoning

Board for special exceptions for the tank sizes and use. Mr. Smith noted that he did not see anything about aquifers in the regulations or Zoning Ordinance. He stated that this facility would be for ethanol, diesel and gas, and he discussed the plan to create E85. Mr. Smith stated that there are wetlands that would have to be mapped. He said that the facility would have to be designed and approved to state standards.

Mr. Smith asked if he should come to the Board with a layout first or go right to the Zoning Board. Gary Tasker said that the Zoning Board should be first. Stan Prescott agreed. Mr. Prescott pointed out the definitions of commercial and industrial in the Land Development Regulations. Gary Tasker asked if there would be a building on the lot. Mr. Smith said there would be a canopy for the filling area, a small building for mechanical, and tanks underground. Mr. Tasker asked if this would be a 24-hour operation. Mr. Gilbert said it would only be used during the normal hours of work. Mr. Tasker said that the Board would be looking for information on lighting, the direction of travel, security, hours, and other items noted in the regulations.

Mr. Smith said they would have an environmental engineer working on the project. Gary Tasker asked how far this facility is from the business location. Mr. Smith said the main location is on Route 107 in Laconia. Roy Creley stated that this facility would be similar to a state highway garage with a canopy and a couple of gas pumps. It was stated that the lights could be minimal, the canopy covers the pumps from the weather, and there would be a small building for tank monitoring. Mr. Creley pointed out that the state's rules on this type of facility are some of the strongest in the country. He stated that DES reviews the designs which have to be certified by engineers and he talked of the state's setback requirements for such facilities. Mr. Creley explained that the tanks are steel inside and fiberglass outside. He said that they have to be compatible with the product, noting that the piping is also double-walled and it is all monitored. He said that the system has to be inspected annually.

Stan Prescott asked about the well situation. He said a gas station has to be 500' and he asked how this facility would comply. Mr. Creley said that he was not sure and that he has to look at the regulations and layout. He said it is a very safe system, safer than fuel and diesel. Mr. Prescott asked which of the lots was preferable. Mr. Creley said they would look at both for turning radius, lighting, security, and other criteria. Julie Robinson asked what Mr. Smith meant by E85. Mr. Creley said that it is fuel consisting of 85% ethanol and 15% gas. He said it would be injected in the underground tanks, is very safe, and the state is very interested in the project. Mr. Creley said that the mixing is done internally and that there would be no aboveground, external mixing. Scott Maltzie, also representing Mr. Gilbert, stated that this would be the second ethanol facility in New England. He explained that special flexible fuel vehicles (FFV) are needed in order to use E85. Stan Prescott asked to clarify that there would be gas, ethanol, and diesel onsite. Mr. Creley stated that the ethanol is turned into E85. He said that there would be two 12,000 gallon tanks and one 5,000 gallon tank, all underground which is safer. Tom Moore asked if the piping would be double-walled. Mr. Creley said that it would be and that it was Teflon interior surface.

Tom Dow asked about the traffic flow. Mr. Gilbert stated that he has seven tractors and trailers and eight 10-wheelers. He said that they have facilities in Tamworth, Laconia, and Hooksett. Mr. Gilbert said that all of their pickups are FFV. He said they would be using a tanker to fill vehicles at the business locations so that would hold down the traffic at the Loudon facility. Bob Ordway asked about the availability of the ethanol. Mr. Gilbert said that there are two locations to get it, one in New York and one in New Hampshire.

There was Board discussion about this being a commercial or industrial use. Each member individually stated that they felt it would be a commercial use. Mr. Gilbert was advised to go to the Zoning Board for the required approvals.

Don Boyer – Mr. Boyer explained that he has an option to purchase property currently owned by Debra Rattee, Map 47, Lot 44. He said that there is a small right-of-way that comes out onto School Street. Mr. Boyer said if he purchases the property his intent would be to upgrade Rainbow Drive to town specifications with a turn-around at the end. He said that he would like the Board's opinion of upgrading a private road to town specs, noting that he would be doing the drainage, paving, and other requirements. Julie Robinson asked what the intent was for the big piece. Mr. Boyer stated that he would create four lots on the front of the parcel on Rainbow Drive and then build another road to the remainder of the parcel. Mike Labonte said that this would be a positive improvement for the town with regard to emergency situations. Bob Ordway agreed, saying that it would be good overall to have the road upgraded.

Tom Dow said that the subdivision has to have frontage on a town road so Mr. Boyer would have to bring the road up to town specs first. Jeff Green asked about the length of the road and if it goes to the Concord line. Mr. Boyer said it was 1600'. Tom Dow asked if it goes all the way through. Mr. Boyer said it goes to his current property in Concord. He said he would need a variance for the lot size on the pond side of the road or the deal would not go through. There was discussion of the terrain and future plans for the parcel. Tom Dow said that Mr. Boyer should see about the variance before doing anything more with the Planning Board. He said that the length of the road would be one thing to look at. There was discussion of the road going through to Concord which Mr. Boyer explained cannot be done. Stan Prescott said that it would appear that the road is about a mile long and that Mr. Boyer should consider a loop road. Chairman Dow asked the Board's thoughts on how Mr. Boyer should proceed. Gary Tasker said that Mr. Boyer should go to the Zoning Board before much more effort is put into the project. He said that he would not be in agreement with a mile-long road so a loop road should be considered. Bob Ordway said that it would be good to have Rainbow Drive improved.

Old Business:

Application # 08-06, CVAD, LLC – Major Site Development, Located on Route 106 in the C/I District. Map 1, Lot 49. Chairman Dow read a request from Tony Marcotte that this application be tabled for one month so that they have time to address the town engineer's comments. **Gary Tasker made a motion to continue this application to July 17, 2008, 7:00 p.m. at the Community Building; seconded by Dustin Bowles. All were in favor.** There will be no further notice.

Application # 08-07, DJP Realty Trust – Major Subdivision, Located on Bee Hole Road, in the RR District. Map 12, Lot 4. Chairman Dow read a request from Web Stout that this application be tabled for month so that they have time to address the town engineer's comments. **Steve Jackson made a motion to continue this application to July 17, 2008, 7:00 p.m. at the Community Building; seconded by Stan Prescott.** There will be no further notice.

New Business:

Application #08-10, New England Flower Farms, LLC – Site Development, Located on Pleasant Street in the RR District, Map 6, Lot 3. Henry Huntington recused himself from this case. Bob Ordway was appointed as a voting member. Jeff Green of JLG Enterprises represented the applicant. Abutter Wes Jones was present. **Tom Moore made a motion to accept the application as complete and move to public hearing; seconded by Steve Jackson. All were in favor.**

Mr. Green gave an overview of the plan. He said they are proposing to add a small building, 42' x 108', to an existing greenhouse. Mr. Green stated that there would be no ground or slope work done and that this would look just like the existing greenhouse. He said there would be no outside lighting and that all existing grades would remain. Mr. Green said that access would be through the existing greenhouse. He said that he has recalculated the lot coverage and the addition of the building puts them at 9.15% coverage of the lot, still under the 10% that is allowed.

Tom Dow asked if there would be any effect on traffic flow. Mr. Green said that there would not because this is only for plant research such as new types of plants and how they react to fertilizers and growing conditions. Mr. Dow asked if there would be any chemical mixing. Henry Huntington stated that there would be nothing different in this building than what is already done onsite. He said that they need to continue to improve the products, grow and produce better products, and that nothing is to be sold out of this building as it is all research and development. Gary Tasker asked why the jog in that corner of the existing greenhouse was left initially. Mr. Green pointed out a section that was previously added for a production area and explained that the area was not brought across the full width of the existing greenhouse at that time. Mr. Huntington explained that they have a new person doing research and development and they feel this would be a perfect use of that corner.

Gary Tasker stated that the fire chief submitted a letter to the Board with some questions. Mr. Huntington said that one of the items in the letter was a request for engineered plans which he has and will show to the chief. He said another question was about chemicals and that there will be no chemicals involved.

Wes Jones said that the concern of himself and others on the road was an increase of traffic and fan noise. He said that they now hear trucks start and leave in the early morning. Mr. Jones said that he has talked with Henry Huntington about the loudspeakers at the facility. He said that they are still hearing that noise, even on weekends. Mr. Jones said that they can also hear the fans in the large greenhouse and trucks on nights and weekends.

Stan Prescott stated that the size of the building should be put on the plan. Mr. Green said that he would make that correction. Chairman Dow closed the hearing to the public and opened it to the Board only. Gary Tasker addressed the fire chief's letter with reference to the chief's comment about him approving all plans before this construction can begin.. Tom Dow said that he feels the Board could approve the plans if they chose to because they have been told by the applicant that they have the engineered plans and there will be no chemicals or anything different from the existing operations. He said that the fire chief would be given the same information and could review the plans before the building permit is issued.

Gary Tasker made a motion to approve the site development as presented; seconded by Steve Jackson. Dustin Bowles said that the Board seems to be alright with the fire chief's letter but Mr. Huntington needs to address the letter directly with the chief as well. Stan Prescott advised Mr. Huntington to write a response to the fire chief and copy the Planning Board. **All were in favor.**

Henry Huntington returned to the Board. Bob Ordway returned to the position of Alternate. Jeff Green returned to the table.

Application # 08-11, NH Motor Speedway (NHMS) – Site Development, Located on Route 106, in the C/R District. Map 61, Lot 5. Mark Sargent of Richard Bartlett & Associates represented the applicants. No abutters were present. Steve Jackson and Dustin Bowles recused themselves from this case. Bob Ordway was appointed to be a voting member in Mr. Jackson's

place. **Tom Moore made a motion to accept this application as complete and move to public hearing; seconded by Henry Huntington. All were in favor.**

Mark Sargent gave an overview of the project which is to place a 52' x 28' modular building to be used as a bank next to the main office building. He said that the water and electricity will be run from the main building and there is a self-contained holding tank below the building for sanitary disposal. Mr. Sargent said that this would be a temporary placement to be used this year for the two major race events. Tom Dow asked to clarify that it was for this racing season only. Mr. Sargent said it would be specific to those two major events. Tom Moore asked if it was to be moved at the end of the season. Mr. Sargent said that it would be moved. He said the Board will probably see something permanent at some point because the applicants are doing a whole master plan.

Stan Prescott asked what permitted use this would fall under. Mike Labonte said that he is confused with the town laws with regard to permits, citing an individual being able to put up a building without having to come before the Board. He asked why NHMS has to come to the Board for a temporary building. Chairman Dow said that the Board and town wants to see everything as it progresses and it is part of maintaining the working relationship between the track and the town. He pointed out that commercial development is different from personal building. Bob Ordway said it is also about keeping the site plan current. Tom Dow said it is important for the fire and police departments to know what is on the site as well. Henry Huntington said it is all part of site development. Mark Sargent said he did not look at the uses. He said they were told by Chief Fiske that it would be alright, they just had to see the Board. Henry Huntington asked if this building is for attendees or company usage. Mr. Sargent said that he believed it was for the company's use but was not told. Steve Jackson explained the bank system that will be used. He said this building would not be open to the public.

Chairman Dow closed the hearing to the public and opened it to the Board only. He stated that this is for a temporary building to be used for this season. Stan Prescott asked if they know when the building will be taken out. Mr. Sargent said that he understood that it is for this season only. Mr. Prescott asked the Board if they should put a sunset on it. Jeff Green said they could do that or have the applicants come back for renewal approval. There was brief discussion on how to set a timeframe of the temporary structure.

Chairman Dow read a request for a waiver of site specific soil mapping. **A motion to grant the waiver was made by Bob Ordway; seconded by Gary Tasker. All were in favor.** Chairman Dow read a request for a waiver of elevation drawings prepared by an architect. **A motion to grant the waiver was made by Henry Huntington; seconded by Gary Tasker. All were in favor.**

There was no further discussion. **Tom Moore made a motion to approve the request for a temporary building for one year as presented; seconded by Bob Ordway. All were in favor.**

Dustin Bowles and Steve Jackson returned to the Board.

Board Discussion:

Wellington Lane – Attorney Mayer wrote a letter to Mr. Aversa about the guardrail that needed to be installed. Mr. Aversa had the work done. Stan Prescott, Tom Dow, and Dustin Bowles each went to look at the guardrail and each feels that the guardrail was not extended to the point that was agreed upon. There was discussion as to where the guardrail was to end (closer to the nearest driveway), the liability that remains, and how best to address the matter. Donna was

asked to have Tony Puntin do a site visit, inspect the guardrail in relation to past discussions, and provide comments back to the Board.

Donna informed the Board that she received a call from a homeowner on Wellington Lane about an issue with his driveway. The homeowner has filled in the drainage swale at the front of his property because the water was washing out his driveway. Upon investigation it was determined that a culvert should have been installed at the time that the driveway was constructed. The homeowner will correct the swale to its original design and approach Mr. Aversa about the culvert.

Gravel Pits – Donna asked the Board who has jurisdiction over gravel pits. There was discussion of how these sites have been handled in the past and that the Selectmen’s office seems to oversee them. Donna will continue to review 155-E to determine the Board’s role with regard to gravel pits.

CNHRPC – Steve Jackson reported that he attended a recent CNHRPC meeting. He presented hand-outs from the new transportation commissioner, paperwork on SB 342 which is a workforce housing bill that needs to be looked at closely, a copy of the comprehensive shoreland protection act that becomes effective 7/1/08, and a list of services and fees for CNHRPC.

Report of the ZBA:

Donna reported that there are seven applications on this month’s agenda, all of them being for special exceptions for reduced setbacks.

Report of the Board of Permit:

Stan Prescott reported that the group discussed four hawker & peddler permits, the landscaping and lights at the new VOA site due to concerns of abutters, a request to condominiumize a property on Hardy Road, the new race track sign which was determined to be a code enforcement matter that needs to be addressed, a safety issue on Mudgett Hill Road, and the withdrawal of an application for a boarding house by Geraldine Gowlis and inspection of that property by Bob Fiske. Mr. Fiske will follow up with subsequent inspections to ensure that the additional kitchens are permanently removed.

Adjournment:

A motion to adjourn at 9:34 p.m. was made by Gary Tasker; seconded by Henry Huntington. All were in favor.

Respectfully submitted,

Donna White