

TOWN OF LOUDON  
LOUDON, NEW HAMPSHIRE

**COPY**

PLANNING BOARD MINUTES  
OF MARCH 20, 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, Ex-Officio Dustin Bowles, and Alternates Bob Ordway and Jeff Green were present. Bob Ordway was appointed as a voting member in the absence of Gary Tasker.

**Acceptance of Minutes:**

February 21, 2008 Regular Meeting *Tom Moore made a motion to approve the minutes as written; seconded by Henry Huntington. All were in favor.*

Chairman Tom Dow congratulated Stan Prescott and Gary Tasker on their recent re-election to the Board.

**Election of Officers:**

**Chairman** *Henry Huntington nominated Tom Dow as Chairman for the ensuing year; seconded by Dustin Bowles. All were in favor.*

**Vice Chairman** *Dustin Bowles nominated Stan Prescott as Vice Chairman for the ensuing year; seconded by Bob Ordway. All were in favor.*

**Old Business:**

1. **Application #08-02, K D RED Enterprises** – Lot Line Adjustment, Located on Route 129, in the Rural Residential District. Map 15, Lots 9 & 11. Abutter Cynthia Rogers was present. Jeff Green of JLG Enterprises represented the applicants. Mr. Green gave an overview of the project and pointed out some changes he made after the Board's review at the last meeting. He said that he lessened the curve of the access area and verified the exact measurements of the narrowest point which is at 70'. Mr. Green said that he wanted to leave the smaller lot more usable with better buildable area so did not want to make significant changes to that line.

There was discussion of the required width of the right-of-way, setbacks, the purpose of the lot line adjustment, and the need to label the amount of buildable area. Henry Huntington asked about the boundary line at Route 129 and options to gain more width in the access area of Lot 11. Mr. Green explained that he did not want to deduct from the frontage of the larger lot because of future plans, whether it be a road or driveway. He said that he is trying to maintain the buildable area of Lot 9 but could adjust the width by another two feet if necessary. Tom Dow asked if they would lose any area by doing that. Mr. Green stated that he would have to make it up from the back of the parcel. Discussion continued about the 40' distance that narrows to 70' and if the right-of-way could be widened to 12'. Mr. Green said that he would have to reconfigure the buildable area if the access goes much wider. Dustin Bowles said that he would rather have seen a little more width rather than the bare minimum. Mr. Green said that there are two driveway permits, one for an existing driveway on the smaller lot and a

permit for the larger lot. He said that the additional 15' of frontage on the larger lot helps meet the setbacks. Mr. Bowles asked if the driveway for the smaller lot would come out onto the new road if and when constructed. Mr. Green said that the State would more than likely want the driveway to go to the new road if it is created and that a note could be put into the deed addressing that matter. Mr. Bowles asked if they are still meeting the side setback with the current driveway permit and moving the lot line. Mr. Green said that it is no worse than it was. He said that the driveway entrance is set but the angle would have to be changed to stay out of the setback. Mr. Green said that part of the intent is to keep the woods road on one lot whereas it is now crossing the line two times.

Chairman Dow asked if there were any questions from abutters or the public. Hearing none, he closed the hearing to the public and opened it to the Board only.

Steve Jackson asked if it would be appropriate to ask for the 12' and give an approval conditional upon that change so as not to hold up the applicants for another month. Stan Prescott said that he is not concerned about the 10' or 12' but would like to see an agreement put in the deed that the Lot 9 driveway would enter onto the new road if constructed. Mr. Green said that he could put that on the plan and it would then go in the deed. Tom Moore asked about the State's concern of sight distance. Mr. Green said that it is not an issue at this time but if the Lot 11 driveway becomes a road and it becomes an issue, the State might require changes to Route 129. He said the sight distance is met for the driveway permits. Stan Prescott asked if there are copies of the permits in the file. Mr. Green said that he would get them to the office and read that the only conditions were 12" reinforced concrete culvert and gravel aprons 30' into each site.

***Stan Prescott made a motion as a condition of this approval of Lot 9 on Map 15 if any further subdivision is to take place on Map 15, Lot 11 the driveway for Map 15, Lot 9 shall come off the new road, the existing driveway of Lot 9 is to be discontinued, and shall be included in the deed; seconded by Dustin Bowles.***

Discussion continued about widening the access. Bob Ordway said that he was not sure it would be fair to ask them to compromise the design if it meets zoning. Mr. Green explained that the road is intended to follow the boundary line for the least wetland impact and he is trying to keep the lot as maximized as possible. He said it is currently only a right-of-way line. Stan Prescott said that he would amend his motion to include 12' width if all were in agreement. Mr. Ordway said that he would not be in favor because it already meets the specs and he is not sure it would be proper to ask them to compromise the design to go beyond the regulations. He said Mr. Green appeared resistant to changing the width. Mr. Green said that he would prefer not to make the change but could if that was the only way to get the project done. He then agreed to widen the access to 12' and there was no need to amend the motion. Tom Moore recused himself from the vote. ***All voting members were in favor. PASSED***

Jeff Green returned to the table.

2. **Application #08-03, Loudon Woods Estates** – Lot Line Adjustment, Located on Chichester Road, in the Rural Residential District Map 2, Lots 23-11 & 23-12. There were no abutters present. Dave Collier of Richard Bartlett & Associates represented the applicants. When asked if there was a letter from Mr. Bohi, Sr. to be submitted, Mr. Collier explained that he was acting in the absence of Mark Sargent and was not aware that he was to have brought that letter. He stated that he would get it faxed to the office.

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

explained the purpose of the application and outlined the existing area of the two lots. He stated that 2659 SF would be taken from Lot 11 and given to the front of Lot 12 and then the reverse would be done at the back. He said that adjustment brings the buildings on Lot 12 into conformance and meets the setbacks as well as the frontage requirements. There was discussion about the existing driveway of Lot 12. Stan Prescott said that there should be a note on the plan that the driveway will be discontinued. Mr. Collier pointed out that there is a note on the plan. Mr. Prescott said that it should be noted that the existing driveway will terminate at the side setback of Lot 11. Tom Dow asked if there was any timeframe of putting in the new driveway. Dan Aversa said that the existing driveway would be used until building is planned for Lot 11 but it would probably be this summer that the new driveway would be done. There was discussion on the existing power and its relocation. Mr. Prescott said that needs to be noted on these plans as shown on the subdivision plan.

Steve Jackson asked if the notes about removing the existing buildings need to be removed. Dustin Bowles stated that is the reason that this application is before the Board. He said that the applicant had to get a special exception for reduced setback or do the lot line adjustment in order to keep the existing buildings. Stan Prescott said that anything on the original plan needs to be addressed on this plan as well. It was stated that this plan would supersede the original plan so the notes would be taken care of. Dave Collier said that he would put notes on the lot line adjustment plan about the termination of the driveway and the poles and power being removed and relocated.

Chairman Dow asked if there were any questions from the public. Hearing none, he closed the hearing to the public and opened it to the Board only. Dustin Bowles asked if the applicant has received driveway permits. Mr. Collier said that they have to meet with the road agent for the propose driveway on Lot 12. Mr. Aversa said that he has to meet with the road agent before getting the building permit for Lot 11.

***Henry Huntington made a motion to approve the lot line adjustment with the addition of the notes to discontinue the driveway on Lot 11 at the setback and the utility poles moved, and the driveway permits approved.*** Jeff Green asked where the driveway was proposed on the original subdivision plans, saying if that was approved there should be no problem here. There was discussion of the driveway locations and regulations. ***Mr. Huntington changed his motion as follows: to approve the lot line adjustment with the addition of the notes to discontinue the driveway on Lot 11 at the setback and the utility poles moved, and that the proposed driveway will be located in the same spot as on the original subdivision approval; seconded by Bob Ordway. All were in favor. PASSED***

#### **New Business:**

There was none.

#### **Board Discussion:**

Land Development Regulations – Stan Prescott is working on updating the Roadway and Turn-Around pages. Surety - There was discussion on maintenance sureties, maintenance and repairs, amount to be left as 10-15%, and if they should be held before or after the town's acceptance of the road. Responses from Bart Mayer and Tony Puntin, the surety wording of the 1990 LDR, and the wording proposed during the work sessions over the last few months were reviewed. Bob Ordway suggested referring to maintenance as 'structural' maintenance to differentiate

between such things as snowplowing and repair of the road due to washout. Roy Merrill suggested that the surety not be allowed to drop below 15% of the original performance surety and have it transition from a performance surety right into a maintenance surety. Stan Prescott said that it should be written that it is the owner's responsibility to maintain the road until it is accepted by the town. Bob Ordway said that he liked Mr. Mayer's idea of dividing the maintenance and construction and leaving 15%. He said that would eliminate the need for the second bond. Stan Prescott said that something is needed to address the structural aspect of it. Henry Huntington suggested the following wording: 1) There will be a performance surety on the road. 2) Once the performance surety reaches the value of 15% of the original amount it becomes a maintenance surety that could cover snowplowing, structural maintenance and repairs. 3) Once the road is accepted as a town road, the 15% maintenance surety will be in place for structural maintenance and repair for five years. All were in agreement.

Lot Merger – A lot merger application was presented for signature. The Board said that the merger could not be done as the lots are on opposite sides of the road, not contiguous. Donna said that the owner applied for the merger on the advice of the assessor and she will discuss the situation with the assessor.

Boar's Tavern – Chairman Dow said that he spoke with Chief Fiske about the tavern's outdoor seating area permit with regard to the need for an annual review. He said that Mr. Fiske was in agreement that there was no need to continue the annual review because there have been no infractions. The conditions of the original notice of decision were read and the Board agreed to remove #1 and #2, both referencing the annual review and notification of abutters. A new notice will be sent to the operators, selectmen, fire, and code enforcement offices.

Appointment of Representatives – Stan Prescott said that he would like to step down from CNHRPC; Steve Jackson said that he would continue as the Board's representative to CNHRPC. Stan Prescott said that he would be willing to be the Board's representative to the Board of Permit. Tom Dow, Bob Ordway, and Stan Prescott will be representatives on the CIP sub-committee. Mr. Prescott stated that he did not want to continue as the chairman of that sub-committee.

Review of FEMA Maps – The Board reviewed updated maps that have been created for the modernization of the flood hazard maps. Notes were made on areas that need to be labeled or corrected and will be given to Chief Fiske as the town's coordinator of the program.

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

Donna reported that there is an appeal of an administrative decision and an application for a major home occupation on the agenda for this month, both continued from the previous month..

#### **Report of the Board of Permit:**

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

#### **Adjournment:**

A motion to adjourn at 9:15 p.m. was made by Henry Huntington; seconded by Tom Moore. All were in favor.

**Respectfully submitted,**

**Donna White**