

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

APPROVED

PLANNING BOARD MINUTES
OF MAY 15, 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 Alternate Bob Ordway.
Colin Cabot was present to represent the Conservation Commission.
Alternate Bob Ordway was appointed as a voting member in the absence of Gary Tasker.

Acceptance of Minutes:

April 17, 2008 Regular Meeting *Tom Moore made a motion to approve the minutes as written; seconded by Henry Huntington. All were in favor.*

May 14, 2008 Site Walk *Dustin Bowles made a motion to approve the minutes as written; seconded by Bob Ordway. All were in favor.*

Discussion:

Tony Merullo – Steve Jackson recused himself from this discussion. Mr. Merullo of AAM Builders, Inc. read his request for reduction of the construction bond held on Creekwater Lane (Map 58, Lot 10). He said he has an estimate of \$30,335 from Advanced Paving to complete the final paving topcoat and crushed gravel to fill the 1 ½” x 4’ shoulder. In his letter, Mr. Merullo wrote “that the Board is trying to set a standard percentage of 15% above and beyond the cost to complete, to cover the miscellaneous repairs. To use these figures, the amount of the bond should be reduced to $\$30,335.00 \times 15\% = \$4,550.00$ and then, added to $\$30,335.00$ for a total of $\$34,885.00$.” His request is to reduce the bond to that amount. His letter also addressed Section 703.1 (1990 Land Development Regulations). Mr. Merullo read from his letter “to require this 15% of the original bond to remain at this time would be inappropriate.”

Chairman Dow asked if the estimate for paving is up to date. Mr. Merullo said that the estimate is based on pricing as of 6/1/08 at \$71 per ton. Mr. Dow pointed out that the estimate is dated 11/6/07. Mr. Merullo said that it must be a typographical error because the estimate had been updated and sent to him the day before. He said that the estimate that he had received in November was at \$65 per ton and it would appear that the company did not change the date when updating the cost.

Henry Huntington asked what the bond figure is currently. Donna reported that the bond was reduced from \$129,500 to \$55,000 in November of 2007. Mr. Huntington asked if the Board concurred with the work that is left to be done. It was stated that the Board is in agreement with Mr. Merullo’s statement of work to be done. Mr. Merullo addressed an area at approximately station 13+00 in the road. He said that there was a soft spot there last fall and that someone drove on it, leaving a ridge in the pavement. This will be marked during final pavement and filled level. Mr. Merullo referred to the discussion at the site visit about maintenance bonds and the section noted in his letter. He said that there is a little area that the grass is not taking, less than 100’ in the ditch line and slope, and that he has decided to reseed

that area. He said that he does not have a final paving date as he has not decided if he will let it go another year. He said he would prefer to wait so that the final coat is not damaged during future development. Mr. Merullo referred to Tony Puntin's memo in which he agrees with the \$30,000 estimate and suggests \$2,000 for miscellaneous items. Mr. Merullo said he is suggesting \$34,885 as noted and calculated in his letter. Bob Ordway pointed out that Mr. Merullo might not have enough to do the top coat if he waits another year and the costs increase. Mr. Merullo said that he would propose to do the final paving this summer if that is a concern.

Henry Huntington made a motion, based on Tony Puntin's recommendation of \$30,335, adding \$2,000 for miscellaneous items and the additional 15%, to reduce the bond to \$37,185.25. Dustin Bowles suggested rounding the figure to \$37,200. Mr. Merullo asked the purpose of the 15% added onto the bond. Mr. Huntington said the additional amount would cover the work if it does not get done in August and the asphalt goes up in cost. Mr. Merullo asked if Mr. Puntin's \$2,000 for miscellaneous items would cover that. He pointed out that he does not find anything in the regulations about the 15% and does not understand what it is for. Tom Dow explained that it is an insurance policy for the town's interest, citing examples such as price escalation, securing of bond, or finishing the job if need be. Mr. Merullo pointed out that Mr. Puntin has added \$2,000 for miscellaneous needs. Mr. Huntington stated that Mr. Puntin's memo includes an additional \$2,000 for miscellaneous clean-up, loam/seed, and erosion control. He said that the 15% is cushion insurance for the town. Mr. Merullo said that he understood. **Mr. Huntington amended his motion to a figure of \$37,200; seconded by Tom Moore.** There was no further discussion. **All were in favor.**

Mr. Merullo also asked about impact fees. He stated that this subdivision was approved 10/21/04 and the impact fee ordinance was approved on 10/7/04. Mr. Merullo asked if the vested date would be the date of acceptance of the application or the date of subdivision approval. Tom Moore, chairman of the impact fee committee at the time of adoption, stated that it would go by the date that the application was accepted as complete.

Steve Jackson returned to the Board.

Colin Cabot – Mr. Cabot stated that he would like to address the letter that he submitted to the Board about doing an addition on his home and the future use of the property at 7097 Sanborn Road. He gave an overview of the proposed renovations to the house and the workshops that he currently offers. Mr. Cabot explained his desire to expand upon the workshops, the state's requirement to have a commercial kitchen when serving attendees of the workshops, and other aspects of the farm. He stated that the current building is about 30' from the right of way and he understands that he would have to go to the ZBA before doing the proposed porch. Stan Prescott asked what is considered to be the current permitted use. Mr. Cabot said that the property is in the AFP District and is considered to be a home with the land used for farming and forestry. Steve Jackson asked what would change. Mr. Cabot said that they have been doing farming, forestry, and traditional crafts of the past. He said that they would like to increase the number and size of the workshops. There was discussion of creating a historic district and bringing it to the voters on the town warrant in March. Mr. Cabot will be talking with the ZBA at their next meeting and he will begin researching options.

Andy Sanborn – Mr. Sanborn explained that he owns property at 13 Mudgett Hill Road, the former dance hall. He said that he would like to have the zoning changed from commercial to residential. Mr. Sanborn stated that he bought the property with no intent to operate a commercial business, explaining that he wanted it for storage of his personal belongings and for

a place to work on his vehicles and equipment. Tom Dow asked if the Sanborns were making it their residence. Mr. Sanborn said that was not out of the realm of things and at this time they only stay there on occasion if working on projects. Section 202.1 of the Zoning Ordinance was reviewed and it was determined that this would be a matter for the ZBA as a variance or the owners could petition to have the property redistricted on the ballot in March.

Leonard Lapadula – Mr. Lapadula said that he is probably a year away from doing anything on his approved Young’s Hill Road subdivision. He said that he cannot do the whole road and then build homes so he would like to phase the lots. Mr. Lapadula said he would propose to do the first three lots and 700’ of the new road, which he would get to the same standard as he would get Young’s Hill Road. He said he would then do the next three or four lots and cistern, with the remaining lots after that. Mr. Lapadula said he would see this being a three or four year process. Dustin Bowles said that the cistern would have to be in before any occupancy permits would be given. Steve Jackson asked where the cistern would be placed. Mr. Lapadula said that the cistern is located at about the 1300’ point of the new road. Dustin Bowles said that he personally would not make an exception to allow the first three houses without the cistern. Steve Jackson asked if Mr. Lapadula could put sprinklers in the first three houses and then do the cistern at that point of development. Mr. Bowles said that Mr. Lapadula would have to do a revised plan if changes were made. Mr. Jackson suggested that Mr. Lapadula look at doing sprinklers and the cistern.. Mr. Lapadula said that there is a significant amount of improvement being done. He talked of doing partial improvements on Young’s Hill Road initially and be able to go further with the new road and cistern. Discussion included the need for a turn-around if the new road was phased in and communications between Mr. Lapadula and the selectmen about timeframe of Young’s Hill Road improvements.

Old Business:

Application # 04-12, Wayne Thistle – Subdivision Waivers, Located on Thistle Hill Road, in the RR District. Map 12, Lots 41/38/53. Abutters were notified; none were present. Chairman Dow stated that there are two waivers to be considered on the subdivision that was approved in 2004. He read the first waiver for Section 23.1 to allow the proposed road to be approved at a length of 1798.95’ +/- **Motion to approve the waiver was made by Tom Moore; seconded by Bob Ordway.** There was no discussion. **All were in favor.** Chairman Dow read the second waiver for Section 23.1 to allow the proposed road to have overhead utilities. Stan Prescott asked if the guy wire at the cul-de-sac was corrected. Mr. Thistle said that PSNH will move the guy wire out of the shoulder. **Motion to approve the waiver was made by Henry Huntington; seconded by Steve Jackson.** There was no further discussion. **All were in favor.**

Tom Dow stated that the owner of one of the lots on this road did not get the information that a sprinkler system was required in the house that is being built. Wayne Thistle said there was miscommunication and the information did not get put on the purchase and sale agreement. He noted that this information should be on the building permits and he has since talked with the building department and notes were made on permits for the other lots on the road. Mr. Thistle said that he noticed that the system was not planned for, brought it to Bob Fiske’s attention, and it has since been done.

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. Abutter Ron Bresciani was present. Chairman Dow stated that this application has not been accepted as complete.

Mr. Marcotte explained the changes on the revised plans that were submitted since the last meeting. He reviewed the following: **1)** a packet on pervious pavement; **2)** a picture of a retaining wall similar to what is planned; **3)** the landscaping concerns; **4)** the 20% slopes on the overall site, some natural, some created by fill (going to the ZBA for variance); **5)** the profile of the driveway which was determined to be correctly shown (going to ZBA for driveway in side setback); **6)** the sidewalk cross section, extends 5' or 6' outside of the covered area; **7)** abutter screening (had 2-tiered retaining wall, was a question of winter water so they removed retaining wall which kicks it out to a 3:1 slope, they put in underground pipes to infiltrate the water; added planting to the slope for additional buffer, addresses the concerns of detention pond in the winter); **8)** 2-3' high x 3-4' wide concrete blocks that look like rock for the retaining walls; **9)** neighbor's house is now shown on the existing conditions plan; **10)** shoreland protection line is shown; **11)** description of landscaping at end of building; **12)** snow storage areas are shaded.

Mr. Marcotte said that they will be going to the ZBA about the parking spaces. He said that he brought a conceptual plan before this Board and went by the Master Plan when designing this site as asked by the Board. He said the parking regulations are geared toward the typical strip mall. Mr. Merullo said that the Master Plan asks for buildings and uses that are not typical of this type of site and that they are doing what they were asked to do when designing the site. He referred to several sections and findings of the Master Plan with regard to grades and parking, terraced development and reduced visual impact, noting that most of the parking for this site occurs behind the building. He also referred to sections that address the architectural elements of buildings, noting that he has shown the Board the proposed color schemes and sloped roof that would match what the Master Plan is looking for. Mr. Marcotte referred to a report written by G2 +1 in February of 2004 that recommended changes that have not yet appeared in the Zoning Ordinance but that he used as guidance for this project with regard to parking. He discussed the types of users anticipated based on the size of the units and the calculations used for the septic design. Mr. Marcotte stated that they anticipate going to have that section of Staniels Road discontinued. He said that would give them more area and they could come back and modify the plan with regard to parking.

Mr. Marcotte said that he would ask the Board to allow the start of work on the site with regard to fill. He explained that they would like to start construction this year, noting that they have a turning lane proposed, the driveway is in the works, and the site specific has been filed. Mr. Marcotte asked if the Selectmen had approved the removal of the pavement on the upper section of Staniels Road as discussed at the previous meeting. He said that would reduce the amount of runoff, which is currently a concern to the abutter, by getting the water back into the ground. Dustin Bowles said that the question had not been addressed with the Selectmen and stated that the developer would have to find a way to stabilize the area. Mr. Marcotte said that they would remove the pavement and some material, include the area in their drainage plan, create a pond to capture the runoff, and there would be a temporary sedimentation station. Steve Jackson asked if they had heard anything from DOT. Mr. Marcotte said they have not. He said rip rap has been placed at the lower entrance where they have a temporary driveway permit from the town, the silt fencing is up, they have the EPA permit and are doing regular inspections per that permit, and the DOT paperwork has been submitted.

Mr. Marcotte said that they have not submitted subsurface plans yet as they are waiting to be sure that there are no major building changes before doing so. Steve Jackson asked if they have talked with the fire department. Mr. Marcotte said they have not. He said they turned the

cistern and have included a detail plan. He noted that they also added a second dumpster location. Mr. Marcotte said he would like the application to be considered as complete.

Chairman Dow asked the Board if they felt a set of plans and the drainage report should be sent to the town engineer for review and comment. Mr. Marcotte pointed out that site specific would be looking at that as well. He said that he could meet with Tony Puntin if he or the Board would like him to. Steve Jackson pointed out that parking spaces were added by the overhead doors. Mr. Marcotte said that was additional parking for employees of those units. He said that they considered that some contractors will be in and out and not using parking spaces all day.

Tom Moore asked if signage had been addressed. Mr. Marcotte explained the main sign and its location on the plans. He pointed out that each unit would have a sign that meets the ordinance. Henry Huntington asked how high the retaining walls would be. Mr. Marcotte said that they would be 10' or less. Mr. Huntington asked if they tie back into the slope. Mr. Marcotte stated that the walls are specifically designed for the site, explaining the process and that the design would be specific to the manufacturer. Tom Dow asked if the walls would be stepped. Mr. Marcotte said that they would be and are shown on the grading plan. He explained that there would be one wall of approximately 9', a 10' flat section, and a wall of approximately 10', blending into the ground at the end. He noted that there is a 14' elevation difference between the two parking levels.

Mr. Bresciani said that his concern is runoff from the property. Mr. Marcotte said that site specific will determine if the plan meets the needs of the land and be sure that there would be no impact to the abutters. He reviewed the plan for pervious pavement, the underground filtration pipes, the depth to groundwater on the site (nearly 10'), and how the first 4' of soils clean any runoff so any toxins would not reach the groundwater on this site.

Chairman Dow stated that a letter from the fire department will be needed and that the plans will be sent to the town engineer for review. Dustin Bowles asked how close this plan comes to the 50% impervious limit. Mr. Marcotte said by definition of impervious it would be about 20%. He said it would be closer to 50% if the permeable pavement is counted as impervious. Chairman Dow stated that the applicant has asked to start bringing in material and leveling. The Board agreed that would be permissible as long as they receive site specific approval before any work is done. A copy of the approval is to be submitted to the Planning office and to Code Enforcement. Mr. Bresciani said that he wants a water tanker onsite to keep the dust down. He asked about hours of construction, saying that he previously spoke with Chief Fiske and was told 7 a.m. to 5 p.m. It was agreed that no equipment should be operating prior to 7 a.m.

Stan Prescott made a motion to continue this application to June 19, 2008, 7:00 p.m. at the Community Building; seconded by Dustin Bowles. All were in favor. There will be no further notice.

New Business:

Application # 08-07, DJP Realty Trust – Major Subdivision, Located on Bee Hole Road, in the RR District. Map 12, Lot 4. Abutters have been notified; none were present. Gary Spaulding of G R Spaulding Design Consultants spoke on behalf of the applicant as Web Stout, applicant's surveyor, was unable to attend. Subdivision approval has not yet been received; therefore, this application is not complete.

Mr. Spaulding stated that this application is for a three lot subdivision (Lot 1-3.28 acres, Lot 2-6.5 acres, and Lot 3-3.95 acres) with a remainder of 37.3 acres. He gave an overview of the proposed layout, explaining that there are two stonewalls that they are trying to maintain at the entrance to the property. He said that there would be 120' of granite curb at both sides of the

entrance with a grass panel between the curbing and the walls. Mr. Spaulding stated that the road is proposed at 1250' and that there is a waiver request for the length of the road. ZBA approvals have been granted for a variance to allow a driveway in the steep slope district, a special exception for reduced setback for a driveway, and a special exception for a road in the wetlands conservation district. Mr. Spaulding stated that the maximum slope of the road is 5% and there would be one catch basin. He stated that they have wetlands approval, no site specific is required, and they will have the stormwater permit before construction begins.

Steve Jackson asked what was intended for the remainder of the parcel. Joe Bohi (owner) said that there would be future subdivision of the lower end of the parcel. Tom Dow asked if there would be underground utilities. Mr. Spaulding said there would be and that a note was on the subdivision plan addressing that. Shane Stewart stated that there is a fire pond on the remaining piece. Tom Dow asked if there would be a guardrail on the back side of the cul-de-sac. Mr. Spaulding said the only guardrail would be at the wetland crossing. Stan Prescott pointed out that there should be cross sections of the road in the plans.

Steve Jackson stated that waivers have been given in the past for delineation of an entire parcel but the Board has asked for 200' from the subdivision line to be done. He asked if the Board felt that needs to be considered on this application. Joe Bohi stated that the entire parcel has been delineated in the past, at least once, and he is not sure of the future plan for the remainder. Shane Stewart stated that this is a very complicated piece of land that would require crossing the brook and a culvert, making it an expensive and complicated project. Stan Prescott noted that there is no wetland scientist stamp on the plans. Chairman Dow stated that this application needs subdivision approval, wetland scientist's stamp, and that the road length waiver request would be addressed once comments are received from the town engineer. Donna will get the engineer's comments to Mr. Spaulding and Mr. Stout when received in the office. Waivers will be needed for the delineation and contours of the remainder of the parcel.

This application will be continued to the meeting of June 19, 2008, 7:00 pm at the Community Building. There will be no further notice.

Application # 08-08, NH Motor Speedway (NHMS) – Site Development, Located on Route 106, in the C/R District. Map 61, Lot 5. Abutters Charles and Jacqueline Eckhardt were present. Jim Snyder was present as an abutter of close proximity to the project for the purposes of receiving testimony. Mr. Snyder stated that he is the chairman of the Canterbury Planning Board and that he recuses himself from all matters involving NHMS as he was a plaintiff of the original case against the track. He asked if this application would be considered to be of regional impact. Mark Sargent of Richard Bartlett & Associates, Steve Hennigar of Gilbane Building, and NHMS General Manager Jerry Gappens were present.

Mark Sargent gave an overview of the project which is to replace an existing building that has been used as the traffic office during race events. Mr. Sargent stated that the new building will be set back so that it meets the 100' front setback. There will be a retaining wall that tapers from 9' down to ground level. Stan Prescott asked about the 50' piece of land to the side of this parcel. Mr. Sargent explained that it was an old access to the former Tilcon area. Mr. Prescott asked where the setback is on that side. Mr. Sargent pointed out that the setback is at the front of the maintenance building. He reviewed the new structure and other changes such as relocating the dumpster/compactor and the propane station. Henry Huntington asked if the dumpster is permitted to be in the side setback. Mr. Sargent said that waste disposal systems are allowed in building setbacks, asking if this might qualify under Section 208.5 of the Ordinance. There was discussion of the location of the septic and the dumpster. Tom Dow asked if the building would be on a slab or foundation. Steve Hennigar stated that the building would be a modular that will be blocked and skirted. Mark Sargent stated that they need something for the

upcoming race season and this suits the need. He said it may be there for several seasons. Mr. Gappens stated that the owners are trying to come in with a first class manner, noting that the area is unsightly right now and they are cleaning it up since it is prime highway viewing. He said that it is currently not the presentation that the owners want to project. Mr. Gappens said that one reason that they are going with the modular is that it could be moved if the road is widened in the future. He pointed out that the building is used for races only, not on a daily basis.

Stan Prescott asked the Board if it felt this application should be considered as one of regional impact. It was agreed that this project does not have a regional impact. **Henry Huntington made a motion to accept the application as complete and move to public hearing; seconded by Stan Prescott. All were in favor.**

Jim Snyder said that he would agree that this is not a regional impact case. He said that the track has to be viewed in general as regional impact and that he anticipates that they will be back. He asked how the Board would determine the threshold of regional impact. Stan Prescott said an increase in parking or seats would be cause. Mr. Snyder said that he felt that noise, traffic, and hours of operation would be cause. Henry Huntington said that he would agree and that they would have to go by the regulations.

Chairman Dow closed the hearing to the public and opened it to the Board only. Dustin Bowles and Steve Jackson recused themselves from the remainder of the matter.

Chairman Dow read a request for a waiver of site specific soil mapping. **A motion to grant the waiver was made by Stan Prescott; seconded by Henry Huntington. All were in favor.** Chairman Dow read a request for a waiver of elevation drawings prepared by an architect. Henry Huntington asked what the modular would look like if it is not the one pictured in the application packet. Mark Sargent said that it would be similar, would be trimmed with a pitched roof, pleasing to the eye and site. Steve Hennigar said that it would be white vinyl with black shutters and have an 85 lb snow load roof. **A motion to grant the waiver was made by Henry Huntington; seconded by Tom Moore. All were in favor.**

There was no further discussion. **Tom Moore made a motion to approve the application for site plan as presented; seconded by Bob Ordway. All were in favor.**

Dustin Bowles and Steve Jackson returned to the Board.

Board Discussion:

Land Development Regulations – Because of the time, it was decided to hold the review of the LDRs at another time. A meeting date will be set and members will be notified. Bob Ordway pointed out that the roadway typical on page 71 and the table on page 52 should be corrected to be consistent with regard to lane width.

John George – Tom Dow said that he had gone to investigate Mr. George's concern from last month's meeting about water from the Villages project coming onto his property. He said there is significant runoff from Foster Road toward Mr. George's yard. Mr. Dow viewed the retaining wall at the back of Mr. George's property and has to look at the approved plan for verification of property lines and wall location. Dustin Bowles is to look at the area.

Wellington Way – A memo was received from town engineer Tony Puntin with regard to the guardrail that has yet to be installed/corrected. Mr. Puntin pointed out that this should be considered a safety hazard and recommended that the town seek final resolution as soon as possible. Options of having the town attorney write a letter to the owners, holding occupancy

permits, and calling the bond were discussed. The Board agreed that Donna should contact the town attorney and have him write a letter to the owners.

CNHRPC – The selectmen received a letter from CNHRPC for appointment of representatives. The letter was given to Donna for nominations. There was discussion about the conflict of schedules for the CNHRPC and Planning Board meetings always being the same dates. Donna will convey this conflict to CNHRPC.

Report of the ZBA:

Donna reported that there are six applications on this month's agenda. There are three special exceptions for reduced setbacks, one special exception for a boarding house/bed & breakfast, one variance for steep slopes, and one variance for parking space requirements.

Report of the Board of Permit:

Stan Prescott reported that the group discussed one hawker & peddler permit, Thistle Hill Road electrical hook up, Colin Cabot's letter/project, and the Lavoie pond which was determined to be a civil matter.

Adjournment:

A motion to adjourn at 11:00 p.m. was made by Henry Huntington; seconded by Tom Moore. All were in favor.

Respectfully submitted,

Donna White