

TOWN OF LOUDON  
LOUDON, NEW HAMPSHIRE

**APPROVED**

PLANNING BOARD MINUTES  
OF NOVEMBER 20, 2008

**Meeting called to order at 7:15 p.m. by Chairman Tom Dow.**

**Attendance:**

Chairman Tom Dow, Henry Huntington, Steve Jackson, Tom Moore, Ex-Officio Dustin Bowles, and Alternate Jeff Green. Jeff Green was appointed as a voting member. Conservation Commission representative Jess Storey was present.

**Acceptance of Minutes:**

October 16, 2008 Regular Meeting **Henry Huntington made a motion to accept the minutes as presented; seconded by Dustin Bowles. All were in favor.**

October 23, 2008 Site Visit – Loudon Woods Estates **Dustin Bowles made a motion to accept the minutes as presented; seconded by Tom Dow. Motion carried.**

October 23, 2008 Site Visit – Memory Lane **Dustin Bowles made a motion to accept the minutes as presented; seconded by Tom Dow. Motion carried.**

October 16, 2008 Zoning Ordinance Workshop Tom Moore noted that there was no mention of the handout of Bow's regulations of recreational property that he passed out at the workshop. He asked that it be added to the minutes. **Steve Jackson made a motion to accept the minutes with that addition; seconded by Jeff Green. All were in favor.**

**Discussion:**

Alvin Davis – Mr. Davis has requested a reduction in the construction bond for Memory Lane. The consensus of the Board is to wait for the town engineer's comments before making a decision on the request.

Len Lapadula – Mr. Lapadula stated that he has been talking with builders about his subdivision on Young's Hill Road and all have said that the construction costs are way out of line, making the per lot cost prohibitive. He said that the town had a two year waiting list for building permits when the subdivision was approved and the conditions were placed on the approval. Mr. Lapadula said that he is looking for ways to get the project started. He said that he is working with Mike Bean who is good with engineering and he would like to have the new road looked at again. Mr. Lapadula said that it would be the same quality and the same center line and lots, at less cost with some engineering changes to the swales and flares for example.

Dustin Bowles said that he could see a problem because the road has already been designed and engineered and seen by the town engineer. He said that Mr. Lapadula would still have to have a road plan and have it reviewed. Mr. Lapadula said that he would like to look at it with Mike Bean, the town engineer and Board. Mr. Bowles said that the engineer has to see it on paper. Steve Jackson said that Mr. Lapadula has the right to submit an application for a revised subdivision. Mr. Lapadula said that he could sit down with the plans and discuss proposed changes. Mr. Bowles said that Mr. Lapadula would have to cover the costs of review with the

town engineer but he has no problem with him doing that. Donna was asked to let Tony Puntin know that Mr. Lapidula will be calling.

Mr. Lapidula said that he would like to address the off-site improvements and impact fees. He said that the agreement was to do 2800' of improvements to Young's Hill Road. He said it is his understanding that the town can only charge one or the other of the improvements or impact fees. He asked if the town has a Capital Improvement Plan. It was stated that the town does have a CIP. Mr. Lapidula pointed out that the economy at the time of approval was much different. There was a discussion of impact fees, the three impact districts in Loudon, and that the fees are not specific to a particular road but to the district it is in. Mr. Lapidula said that he is asking to reduce the off-site improvements by the amount of the impact fees. He said that there is nothing that he can do at this time because of costs, noting that no builders are willing to touch it and that the subdivision is of no benefit to the town as it is right now.

Mr. Lapidula talked of the rational nexus which came out to \$71,000 when done at the time of his application. Steve Jackson said that the approval was before he was on the Board but he would gather that agreeing to do the off-site improvements made the subdivision more appealing and helped with the approval. Dustin Bowles said that he can understand that times have changed since the approval a couple of years ago. Mr. Lapidula said that something being done on the project is better than nothing. Tom Dow reminded the Board of all that took place on another subdivision in town where the applicants struggled to get the project going. He said that the Board stood their ground on the approval and conditions of the road. Mr. Lapidula said that one of his concerns is with having to lose his state permits if nothing happens. He said he has already extended the wetlands permit once because of the building permit waiting list. He said that he would have to have the project all re-engineered if he loses the permits.

Steve Jackson pointed out Section 11.7 of the Land Development Regulations as an option to Mr. Lapidula. There was discussion about options and the changes in the market. Mr. Lapidula said that cutting the off-site improvements in half to 1400' would be better than zero. He said that 1400' would be in keeping with the rational nexus and still be a substantial offering to the Town. He said that reduction might be enough to allow him to get started.

Tom Dow said that the first step might be to meet with Mike Bean and Tony Puntin to see if changes would be feasible. He said it would be opening a big precedent. Dustin Bowles said that Mr. Lapidula could look at the new road, would have to meet all regulations, get some drainage ideas, and would not lose anything by investigating. He said that an agreement is an agreement. Mr. Lapidula said that he is trying to come up with something that works for both him and the Town. Mr. Bowles suggested that Mr. Lapidula go back to the state about the permits and work with Mr. Bean and Mr. Puntin.

### **Old Business:**

**Application # 08-06, CVAD, LLC** – Major Site Development, Located on Route 106 in the C/I District. Map 1, Lot 49. There were no abutters present. Chairman Dow read a request from the applicant to table this application because they have received further comments from DOT. Steve Jackson said that he feels that the applicant should re-notify abutters because of several requests to table the application. Others agreed. There was discussion about the Board's policy with regard to re-notifying abutters. Chairman Dow read a note from the applicant which stated that they would re-notify abutters once they have the DOT permit in hand. **Henry Huntington made a motion to continue this application with abutter re-notification once the DOT permit has been received by the applicant ; seconded by Dustin Bowles. All were in favor.**

**Application #08-16, Peter & Margaret Schauer** – Minor Subdivision, Located on Cross Brook Road in the RR District. Map 12, Lot 44. Jeff Green recused himself to represent the applicants. There were no abutters present. Mr. Green presented a request to continue the application to the December meeting as they are waiting for plans from their engineer. **Tom Moore made a motion to continue this application to December 18, 2008, 7:00 pm at the Community Building; seconded by Steve Jackson. All were in favor.** There will be no further notification.

Jeff Green returned to the table.

**Board Discussion:**

Memory Lane cistern – Chairman Dow said that it was noted at the site visit of Memory Lane that the ground around the cistern was not suitable for truck access. Chief Burr was contacted and he went to the site, subsequently submitting a letter and pictures to the Board. Mr. Dow read the letter to the Board. It was noted that Mr. Davis reported on his bond reduction request that the matter has been taken care of, and Roy Merrill confirmed that material has been placed and compacted in that area since the site visit.

Impact fees – Donna asked for clarification on how impact fees are assessed and by whom and discussed the process that has been followed to date. There was discussion on the requirements of the ordinance, how the process could be improved, and how that should happen. It was agreed that any lots approved after the adoption of the impact fee ordinance on October 7, 2004 and lots of record prior to October 7, 2000 would be subject to impact fees. A letter to the effect will be sent to the appropriate departments. It was also agreed that there should be a meeting about impact fees with Code Enforcement, the Board of Selectmen, and the Planning Board.

Road & Development Law – Steve Jackson handed out copies of a publication that he recently came across. He said that he found the information very helpful and feels it would be beneficial to the Board members.

Right to Know Law – Donna gave each of the Board members a handout from the Land Use Legislation 2008 publication on how to determine whether the Right to Know Law applies.

**Report of the ZBA:** There are four building permit extension requests, two special exceptions for Del Gilbert (one for tanks and one for a filling station), and a variance to amend the age requirement for the Villages at Loudon on the November agenda.

**Report of the Board of Permit:** There was no Board of Permit this month.

**Adjournment:** A motion to adjourn at 8:37 p.m. was made by Steve Jackson; seconded by Dustin Bowles. All were in favor.

**Respectfully submitted,**

**Donna White**