

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

APPROVED

PLANNING BOARD MINUTES
OF OCTOBER 16, 2008

Meeting called to order at 7:10 p.m. by Chairman Tom Dow.

Attendance:

Chairman Tom Dow, Vice Chairman Stan Prescott, Gary Tasker, Henry Huntington, Steve Jackson, Tom Moore, Ex-Officio Dustin Bowles, and Alternates Bob Ordway and Jeff Green. Fire Chief Jeff Burr and Conservation Commission representative Julie Robinson were present.

Acceptance of Minutes:

September 18, 2008 Regular Meeting Tom Dow pointed out an error on page 1 under NHMS which should read "Canterbury Planning Board members Tyson Miller and Jim Snyder *were present.*" Tom Moore asked that a clarification be made on page 3, last line under NHMS. Mr. Moore said that it should read "Tom Moore said they have a good thing going, and in keeping the lines of communication open they could all grow together." **Steve Jackson made a motion to accept the minutes with those changes; seconded by Dustin Bowles. All were in favor.**

Discussion:

Dave Larrabee – Mr. Larrabee stated that he has come back to the Board to again discuss doing a lot line adjustment between his property and an abutting piece. He said that the cost of doing the survey is his concern as it seems excessive for changing a line. Mr. Larrabee said that he and his neighbor each have forty acres, and they would like to draw a line up the middle, continuing the center line that is currently between them. He explained that they have estimates ranging from \$7,000 to \$15,000 which he feels is more than they should have to pay. Mr. Larrabee said that it was suggested to him that he have a compass and tape survey done, noting that the Registry has told him that they are alright with whatever is required by the town. He said he is asking the Board to agree to allow the compass and tape survey.

Steve Jackson asked how the land is being cut. Mr. Larrabee pointed out the pieces on the tax map and explained the proposal. He said he is guessing that it would entail about 100 yards. Jeff Green asked if the estimates were to do one lot or two lots. Mr. Larrabee said they were for both lots. Stan Prescott referred to the NH Land Surveyors Administrative Rules, stating that he is not in favor of the request based on those standards. Jeff Green said that he would not recommend the compass and tape as it would not be as accurate and could be short. He suggested that they show at least the parcel being transferred at the 1:10,000 closure required by the Land Development Regulations. Mr. Green said they could add and subtract that parcel from the deeds, knowing that section would be accurate.

Bob Ordway asked if this has been surveyed before. Mr. Larrabee said that PSNH had surveyed it previously. Mr. Ordway said that he did not see any point to resurveying when the surveyors could look at that survey, noting that it could not be used if not 1:10,000. Roy Merrill stated that the Mr. Prescott had asked for a similar waiver for an applicant on Presby Lane. Stan Prescott said that they had taken 100 acres off 200-300 acre piece in that case and he felt that the rules were different at that time. Steve Jackson pointed out that the Land Development Regulations are a guide, asking if the Board can grant relief from those guidelines or if they can only give Mr. Larrabee direction. Tom Dow said that he would think that Mr. Larrabee would want to protect himself and have an accurate survey. Tony Merullo said that there could be

development potential of there was sufficient road frontage. Mr. Larrabee said that each parcel has 360' of frontage. Mr. Merullo said that the potential is diminished without the frontage. Mr. Prescott stated that the potential is there as the applicant could do a road. Jeff Green talked about the tax map showing walls and a fence on three sides of the parcel. He said his concern would be the middle line of about 1400'. Mr. Green said that it was his opinion that the piece being sold and transferred needs to be accurately surveyed to today's standards. Tom Dow said that they could establish the corners and the new line of the portion to be transferred. Stan Prescott said that he would be alright with that. Jeff Green said that he felt that would be the minimum that the Board should go with. Mr. Dow said it would be in the Mr. Larrabee's own interest by doing the section to be transferred to meet the requirements. Board members were in agreement.

Tony Merullo – Steve Jackson stepped down from the table. Mr. Merullo said that he would like to discuss the cistern that is required for lots on School Street. He explained that the new owner of one of the lots will be ready for a certificate of occupancy in another couple of weeks. He said that he would be accepting delivery of the cistern on October 28, 2008 and will be responsible for its installation. Mr. Merullo explained that they have begun to clear and excavate the cistern location. Mr. Merullo said that Map 38, Lot 8-6 has no conditions for the certificate of occupancy because it was a previous subdivision. He asked the Board if they would consider transferring the requirement of the cistern from Lot 8-4 to Lot 8-6.

Tom Dow asked how long it would be before the cistern is operational once delivered. Mr. Merullo said it would be about one month for installation and approval. Mr. Dow said that he would be more in favor of allowing the certificate prior to the installation of the cistern than transferring lots if the fire department was in agreement. Bob Ordway asked when the owners plan to move into the house. Mr. Merullo said that they are scheduled to move in October 26th. He stated that they will ask for the inspection for the certificate next week. Mr. Merullo said that he is committed to the cistern, the work has been started, and the location has been viewed by the fire department and road agent. Chief Burr said that they have talked, noting that the work has been started and Mr. Merullo has a letter of the order and delivery from the company. There was brief discussion and the Board was in agreement to allow the certificate of occupancy to be issued prior to the completion of the cistern which is to be by the end of November. Tom Dow said that the Board would want a letter with the anticipated date of operation and the fire department's signature. Donna is to notify Code Enforcement of the decision.

Conceptual Consultation:

New Hampshire Motor Speedway – The chairman explained that this is conceptual only, to give the Board an idea of proposed work, and there are no decisions to be made at this time. Steve Jackson and Dustin Bowles stepped down from the table. Mark Sargent of Richard Bartlett and Associates represented NHMS. John Zudell and Jerry Gappens of NHMS, Tracy Tarr of Stony Ridge Environmental, and Chris Adams and Tim Andrews of Nobis Engineering were present. Mr. Sargent stated that they have made application to the State for a site specific permit, explaining that the plan is to do some culverting of the stream running infield and in the rear of the grandstands area. He said that they are meeting with the federal and state agencies as well as the Conservation Commission. Mr. Sargent said they have not filed the wetlands application as of this time. He said that it would probably be January or February before they receive their permits and file a formal application with the Board. Mr. Sargent noted that they also have to go to the Zoning Board.

Chris Adams explained that the plan is to remove open water areas and improve the safety on the inside of the track. He said that there is just under two acres of wetland impact,

explaining each area of the project. Gary Tasker asked if they are required to relocate the wetland. Tracy Tarr stated that they are doing a mitigation package which will include restoration and preservation. She said that they will present their proposals to DES and once approved, they will present the final package to the Planning Board. Henry Huntington asked if it would be a 1:1 mitigation. Ms. Tarr said that there are different levels of impact, thus different ratios. She explained that the stream rules are in draft form with DES at this point so she could not say for sure what the final plan may be. Mr. Adams said that they have been asked to give a menu of options and the authorities will select pieces to complete the package.

Mr. Tasker spoke about the water control system as it enters the Speedway from Route 106. He asked if the vegetation and trees in that area are going to be removed. Mr. Adams said that a number of trees will be removed to fill the open channel. Mr. Tasker asked if they are located as the green barrier between the Speedway and Route 106. Mr. Adams explained that they are a separate tree line from the barrier. Mr. Tasker asked if there was a plan to replace that vegetation. Mr. Adams explained that they have not got to that point yet. Henry Huntington asked about the paving in green areas. John Zudell explained that some of the work will be done to improve the hospitality area where there would be grass lots with tents and paved walkways. Mr. Tasker said that there is a certain amount of vegetation between Route 106 and the parking lots and the back of the stands. He noted that there has been a lot of clearing in the State right-of-way. Mr. Tasker said that the Board had asked that that area be left and he is concerned that the green space is slowly being cut down. He said if they are stripping 500' of green space he would want to see replacement. Chris Adams said that they will do a landscape plan.

Julie Robinson said that the brook was compromised twenty years ago. She said that Cindy from the track has talked to the Conservation Commission. Mrs. Robinson said that the Commission would like to see them look to the local conservation commission for input. Polly Touzin asked if there is a plan to use permeable pavement. Mr. Adams said that they do not at this point, noting that there is not a lot of pavement, amounting to only 1100 sf. He said that the model shows that there is not a huge impact and he explained the Vortechs system. Mr. Adams said that the plan is to widen the entrance drive to allow more room for the traffic pattern. John Zudell explained that the entrance is now five lanes down to three and back to five. He said the plan is to widen the area where there are currently three lanes. Jerry Gappens said that this consultation is a step in opening the communications between the track and the town as discussed at last month's meeting. Mark Sargent stated that he would not consider this project to be of regional impact. Jeff Burr noted that this system and proposal would produce cleaner water coming out of the infield.

Steve Jackson and Dustin Bowles returned to the table.

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 until the November meeting. Alteration of Terrain and Shoreland Protection permits have been received. The applicants are now waiting for the NHDOT permit due to significant delays in their approval process. Tom Moore noted that the DOT position is vacant which would explain the delay. **Gary Tasker made a motion to move this application to the meeting of November 20, 2008 at 7:00 pm at the Community Building; seconded by Henry Huntington. All were in favor.** There will be no further notification.

New Business:

Application #08-16, Peter & Margaret Schauer – Minor Subdivision, Located on Cross Brook Road in the RR District. Map 12, Lot 44. Abutters Michael and Nancy Cutler were present. Jeff Green stepped down from the table. Mr. Green, of J L Green Enterprises, represented the applicants. He explained that this is a minor subdivision of a 32 acre parcel with an existing house and 200’ of frontage at the end of Cross Brook Road. Mr. Green pointed out the buildable area of the proposed lots, noting that they meet the wetland and slope requirements. He stated that he has proposed 175’ of road with a hammerhead in order to gain the necessary frontage for each lot. The plan is to divide the parcel into two lots, one being 15.6 acres and the other being 16.4 acres. Mr. Green said that the hammerhead gives them the frontage, has a turnaround to one side, and would not be used as a driveway. He asked for input from the Board, noting that there is plenty of acreage and buildable area, more than 200’ of frontage on each lot, and that the owners would set up a maintenance agreement as the hammerhead would remain private. Tom Dow said that this is a formal application so Mr. Green was actually looking for an approval more than direction. Mr. Green said that he was looking for input in order to go to the engineer. Gary Tasker asked the reason for the hammerhead rather than extending the road. Dustin Bowles said that they cannot go straight in 175’ so would need a turn-around.

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

There was discussion on the frontage calculations. Gary Tasker asked why they could not move the cul-de-sac. Mr. Green said that the expense was the major reason, noting that they would have to move it way up and then setbacks would become an issue. Dustin Bowles said this design opens up a big precedent by extending off a cul-de-sac but does understand the purpose. Stan Prescott said that he felt it is beyond the spirit of the Ordinance. Mr. Green asked if it would be different, more in line, if the cul-de-sac was moved. Mr. Bowles said his concern would be that people would be adding another hammerhead here and there.

Mr. Green said that he understood the concern but does work for the client. He presented a second option of an oblong cul-de-sac, extending the road by 175’. Dustin Bowles asked what they would be looking at for run-off. Mr. Green said that there would be a little more drainage on the inside of the cul-de-sac. He said he was told it would handle it since the configuration changes and lessens the impact. Mr. Green said that he will go to an engineer with this option for specifics.

Steve Jackson asked how this affects the buildable area. Mr. Green said that it would have minimal impact. Stan Prescott asked Mr. Green to color up the 20% slopes for the next meeting. Tom Moore noted that it looks like the cul-de-sac would have to be hourglass shaped due to the way that it connects to the property. Jeff Green stated that he had word from the owner that the parcels would be labeled that there could be no further subdivision beyond this one.

Chairman Dow closed the hearing to the public and opened it to the Board only. Henry Huntington said that he is in favor of the extension but not the hammerhead. Most Board members were in agreement. Dustin Bowles said that they will face this time and time again and that he prefers the loop. Tom Dow stated that this is a recently completed subdivision that was appealing at the time with its big lots. He said this appears to be undoing the original intent of the subdivision. Jeff Green said that this parcel is the biggest in the subdivision and would still be large lots. He said that the plan meets the standards other than the frontage which can be created. Stan Prescott said that he would rather see a standard cul-de-sac and would agree with Mr. Dow’s thoughts on the intent of the original subdivision. Tom Moore said they may see some benefit to the town with the larger cul-de-sac since the road agent does not like hammerheads.

Henry Huntington made a motion to continue this application to the meeting of November 20, 2008 at 7:00 pm in the Community Building; seconded by Stan Prescott. All were in favor. There will no further notification.

Jeff Green returned to the table.

Discussion:

Don Boyer – Steve Jackson stepped down from the table. Mr. Boyer said that he would like to address Map 46, Lot 44 with the Board. He said that he had a meeting with the wetlands board the day before and got bad news today. He said that the wetlands have been delineated by Dan Geiger and they have found that 75% of the southern frontage on Rainbow Drive is wet. Mr. Boyer pointed out that Mark Sargent has colored up the 75' buffer that the town has, noting that the State does not have a buffer requirement. Mr. Boyer said that he is asking the Board to waive the 75' buffer in order to obtain at least three lots on Rainbow Drive. He pointed out different areas on the plan. Mr. Boyer said that he would have to create a common drive to get to the 'upland' that is not wet. Tom Dow stated that it would then be a private drive. Mr. Boyer said that the Ordinance allows subdivisions on a private road. Dustin Bowles said that he thought it was getting too creative and that the area is wet, no matter what kind of summer there may be. There was discussion about the steep slopes, the Board's jurisdiction, and concerns. Mr. Boyer said that he would be willing to do a lot of improvement to Rainbow Drive but it would not be feasible to bring the whole thing to town standards.

The chairman asked for the consensus of the Board. It was felt that this would be a Zoning issue. Mark Sargent asked about the issue of a common drive off a private drive. Chief Burr said that it is preferred not to go with three houses on a common drive. He said that it becomes a problem with 911. Stan Prescott said that he is not sure that the Board wants to compound the mess that is already there. There was discussion about accessing the upper portion of the parcel, it being a private drive, and the possible options. Dustin Bowles said that subdivisions cannot be done on private roads. Mr. Boyer stated that it is permitted in the ordinance. He said he would like to get at least two lots on the upland and would pave down Rainbow Drive 2000-3000', up to town specs but would not go beyond that. It was clarified that the Land Development Regulations, which are only guidelines, address subdivisions on private roads, not the Zoning Ordinance. Stan Prescott said that he did not think the proposal would be in the best interest of the town. Discussion continued with Gary Tasker, Henry Huntington, Dustin Bowles, Jeff Green, and Tom Moore agreeing with Mr. Prescott's thoughts.

Board Discussion:

John George – Foster Road. Chairman Dow stated that Mr. George has contacted the office with concerns of drainage problems at his property. Mr. Dow said that he met with MDP Development's engineer Tony Marcotte, Stan Prescott, and Dave Rice earlier in the day to review the situation. The consensus of the group was that Mr. George could narrow his driveway which is currently 60-65' in width, create a small berm and do some grading to keep the water from entering the property. Stan Prescott said that the end of the flair should be 30' per the road agent. He said that he and Steve Jackson had viewed the property with the approved plans on the previous day. Mr. Prescott said that a drainage system, such as a sump pump, could be installed by the garage to collect any water that collects there in the winter. He explained what was done by Heffron, the developer at the time of construction. Roy Merrill noted that there was a Cape Cod berm everywhere but in front of Mr. George's property. He said he would agree that the driveway could be narrowed down a little and some minor changes made by Mr. George.

Steve Jackson said that it appears that the catch basins are where they are supposed to be and the berm may even be a little higher than on the plan. He said that he cannot see any blame on the part of the developer.

Donna told the Board that water at the back of the property appeared to be of concern to Mr. George. The Board agreed that it is not a Planning Board issue. The chairman stated that Tony Marcotte had told the group earlier that day that Heffron tried to work with Mr. George to no avail and then when the new owners took over he started on them. Mr. Dow stated that the new owners had added a berm and trees to keep the view blocked between the Villages and Mr. George's property. He said that there is probably less water going to the property now than prior to the construction. It was suggested that Mr. George could have a drainage study of his property done. The Board agreed that this is a civil matter and there is nothing more that the Board can do.

Dan Aversa, Loudon Woods Estates – The Board received construction estimates and a letter requesting a bond amount from Mr. Aversa. The request is for the new road being built off Bee Hole Road as well as the off-site improvements of the intersection of Bee Hole and Chichester Road. Mr. Aversa gave a figure of \$215,865 for outstanding work to be done on the two projects. A memo from Tony Puntin of The Louis Berger Group noted that the estimate appeared to be mostly complete and accurate but he would recommend adding \$10,000 for placement of the gravel shoulder and general clean-up. The Board, noting Section 24.1 of the Land Development Regulations, set the bond amount at \$250,000.

It was noted that some of the material being used as a base for the new road may be inadequate due to a number of large rocks. There was discussion about the material and how the matter should be addressed now rather than when problems arise in the future. It was agreed that testing of the material should be done. Donna will arrange this with the contractor and engineer.

Alvin Davis, Memory Lane – The Board received a letter requesting a reduction in the road bond for Memory Lane. It was agreed that a site visit will be done with the contractor and engineer before considering the request. Donna will submit the request to Tony Puntin for his review prior to doing an onsite visit.

Report of the ZBA: There are three building permit extension requests, two special exceptions for Del Gilbert (one for tanks and one for a filling station), a variance to amend the age requirement for the Villages at Loudon, and a special exception for PSNH work in wetlands areas.

Report of the Board of Permit: Stan Prescott reported that there was no Board of Permit this month.

Adjournment: A motion to adjourn at 9:45 p.m. was made by Dustin Bowles; seconded by Tom Moore. All were in favor.

Respectfully submitted,

Donna White