

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

APPROVED

PLANNING BOARD MINUTES
OF APRIL 16, 2009

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 Alternate Jeff Green

The Conservation Commission was represented by Julie Robinson.

Acceptance of Minutes:

March 19, 2009 Regular Meeting – **Steve Jackson made a motion to accept the minutes as presented; seconded by Dustin Bowles. All were in favor.**

March 19, 2009 Workforce housing presentation – **Dustin Bowles made a motion to accept the minutes as presented; seconded by Tom Moore. All were in favor.**

March 21, 2009 NHMS site visit – **Stan Prescott made a motion to accept the minutes as presented; seconded by Gary Tasker. All were in favor.**

Discussion:

Leonard LaPadula – Mr. LaPadula came in to discuss multiple topics relative to his subdivision on Young's Hill Road. He said he would like to coordinate the off-site improvements with the Town. Dustin Bowles said that the Town's portion of the project would have to go on the warrant at next year's town meeting and the funds would not be available until July 1, 2010 once approved. There was discussion about Mr. LaPadula doing the road improvements and the Town doing the paving, the timing so that the improvements were not lost if not paved right away, and how best to coordinate the timing of the work. Mr. Bowles said the Selectmen would absolutely place the project on the warrant. He said he does not have great concerns about the article passing as it would be a huge improvement to the road and section of town.

Mr. LaPadula presented different proposals on how to accomplish the off-site improvements. Stan Prescott said an agreement is an agreement and he feels that the original agreement of the subdivision approval should stand. Dustin Bowles said that the selectmen should be in the loop of discussions with the road agent, contractor, and Mr. LaPadula. There was discussion about Mr. LaPadula's request to reduce the bonding of the off-site improvements. Because the work may not begin for another year it was agreed that the Board was not comfortable reducing the bond at this point.

Mr. LaPadula asked for a concession to tie the \$10,000 fee to be paid to the Conservation Commission to the Occupancy Permits for each lot. He said that he met with the Conservation Commission. Julie Robinson said it is a nightmare to defer the fee to homeowners and has not worked in other instances. She explained that the \$10,000 is to monitor the conservation land in perpetuity. There was discussion on how the fees could be handled. Julie will put the matter on the Conservation Commission's May agenda.

Mr. LaPadula stated that he spoke with a land use attorney and found that the Planning Board did not follow the protocol of discussing the assessment of impact fees during the meetings on this subdivision. Steve Jackson said that he feels that the Zoning Ordinance gives notice of impact fees. Tom Moore read from Section 803 of the Zoning Ordinance with regard to impact fees. Chairman Dow read from the applicant's notice of decision where it stated that the lots were subject to impact fees. The Board reviewed town counsel's response of November 2008 with regard to the impact fees and off-site improvements on this approval. Mr. LaPadula stated that he was unaware of the impact fees until talking with other developers. He said that he would not have agreed to the full 2800' of off-site improvements had he known he would have the impact fees as well. He said he has given the Town forty-seven acres, gave the off-site improvements, and \$10,000 to the Conservation Commission. Mr. LaPadula said that the economy is considerably different since those agreements were made and he is trying to adjust things to phase the project and make it economically viable. He said he is not backing out on anything. Gary Tasker said that he feels comfortable leaving the impact fees in place. He said the applicant would not have got the approval without that agreement as the subdivision would have been premature and scattered. Dustin Bowles stated that the applicant got ten lots instead of nine. Tom Dow stated that the applicant was allowed to bring the road to Class V standards without having to pave it. Mr. Tasker said that Mr. LaPadula may have to wait until the economy improves. Mr. LaPadula stated that he would have to do the wetlands work or lose his permits.

Mr. LaPadula discussed phasing the new road of the subdivision. He said the first phase would be to the first lot which he would build his own house on or sell. The second phase would include the cistern or fire pond. Tom Dow said that the road would not have to be paved in the first phase if Mr. LaPadula lived on the first lot as it would be a driveway. Steve Jackson referred to minutes from May of 2008 with regard to discussion at that time. There was discussion about a cistern or fire pond being needed before anything else was done beyond the first lot. The Board reviewed a proposed contract that was submitted by Mr. LaPadula. It was agreed that the Board had nothing to do with the contract but did feel that the proposed phasing is in order.

Old Business:

#09-02, N H Motor Speedway – Major Site Plan Review, Located on Route 106, in the C/R District, Map 61, Lot 5. Steve Jackson and Dustin Bowles recused themselves from this case due to business relationships with the track. Mr. Bowles said that he would however answer any questions that may pertain to the Town's involvement in the project. Jeff Green was appointed as a voting member for this case. There were no abutters present.

Mark Sargent of Richard Bartlett & Associates represented the applicant. Also present were John Zudell from NHMS, Cindy Balcius of Stoney Ridge Environmental, and Naomi Praul of Nobis Engineering. Chairman Dow stated the application has not yet been accepted as complete and that the Alteration of Terrain permit was received today.

Mr. Sargent stated that they went over the details of the project at the March meeting. He explained that they went to the Zoning Board last month and got a special exception approval, contingent on the receipt of the wetlands permit. Mr. Sargent handed out plans that showed the areas outside the wetlands where they would like to work until receiving the wetlands permit. He said that they would like to request a conditional approval so that the work can be started. It is expected that they will receive the wetlands permit within the next two weeks. Mr. Sargent explained that they are working with several agencies and the Conservation Commission to get the project pulled together.

Cindy Balcius explained that they got a request for more information a week ago and they met with the State that same day. She said that they met again a couple of days ago and were on the phone yesterday, finalizing changes. They submitted a revised packet today and are looking at the State permit at the beginning of next week. Ms. Balcius explained that they met with Fish & Game who will hold the easement on the conservation land that is being purchased and the Town will own the land. She said that they met with the Army Corps of Engineers yesterday to discuss the structure type at the Gues Meadow crossing and once the State issues the wetlands permit the Army Corps of Engineers will issue theirs.

Mr. Sargent said that he knows that the Board is not in the habit of giving conditional approvals but they are very close to getting the required permits and the construction sequence is critical to the June race. Gary Tasker asked what they would be able to do without the wetlands permit. Naomi Praul pointed out the area within the track infield where the lines of pipe would be installed. She explained that this section could be done with the water as it is today. She said that all other areas have wetland impacts and could not be touched until the permit is received. Mr. Tasker asked to clarify that they are asking for a conditional approval for the whole project and starting the infield now. John Zudell explained that they would like to have the project done by the first or second week of June as they would have finishing items after that to complete before the June 28th race. Mark Sargent said if they were to come back next month it would only be to bring in the permit. Tom Moore asked if the changes that are being worked on with the State are going to show on the plans. Ms. Balcius explained that the only change is the culvert type at the Gues Meadow crossing. She said the change would be to indicate the change in culvert.

Mr. Sargent stated that NHMS is important to the Town and the State and they do not usually ask for exceptions. Stan Prescott said conditional approvals are not something that the Board likes to do. Chairman Dow pointed out that the regulations allow the Board to give conditional approvals. Julie Robinson stated that the applicants have worked hard with the Conservation Commission, which is greatly appreciated by the Commission. Tom Dow said that he was convinced at the site walk that this is an important project. He said the quality of water will be greatly improved and the site walk was very informative. Tom Moore stated that this is a unique situation.

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

Hearing no further input from the public, Chairman Dow closed the hearing to the public and opened it to the Board only. There was discussion of the conservation land, where they are in the process of the purchase, and the location of the parcel.

Gary Tasker made a motion to approve the application conditionally based on the receipt of the State wetlands permit and revised drawings; seconded by Henry Huntington. There was discussion about the approval including wording about the infield work. **Gary Tasker amended his motion to include that the work on the infield not affected by the wetlands permit is permitted to commence at this time; Henry Huntington seconded the amended motion. All were in favor.**

Dustin Bowles returned to the Board.

#09-03 AAM Builders/Peter & Gary, LLC – Minor Subdivision, Located on School Street, in the RR District, Map 38, Lot 8. Tony Merullo represented Peter & Gary, LLC. There were no abutters present.

Mr. Merullo showed a plan that included lots that were previously subdivided from this parcel as well as a concept for the remaining seventy-six acres. He noted that Section 23.6.2 A

of the Land Development Regulations allows for a sketch of proposed property development. He said that the plan that he is showing is what was used the last time a build-out was requested for this parcel, with the only change being this new subdivided lot. Mr. Merullo said that he was not sure of the motive of the request at last month's meeting but he believes it was to show that there is sufficient area for a right-of-way and buildable areas. Gary Tasker asked what was proposed beyond the hammerhead. Mr. Merullo said there are marginal soils and wetlands beyond that point. Mr. Tasker said that the plan was fine with him. All were in agreement with the concept being acceptable.

Mr. Merullo said that he was asked to change the configuration of the lot with the lot being shown at the scale of 1" = 50' and the remainder of the parcel at 1" = 200'. He showed the plan done with those scales, noting that it was an unusual request. Jeff Green said that one of the reasons for the request was that this lot has a lot more wet than seen on other lots and that they could not see everything. He said this would not be a precedent for every plan but it does make the detail clearer. Stan Prescott said that the plan does what was wanted.

Mr. Merullo pointed out that the dimensions of the cistern easement were added as requested. Tom Dow noted that an arrow should be added from the cistern easement note to the lot. Mr. Merullo said that the lot calculation was shown in the lot synopsis. He pointed out that an arrow to the proposed lot was corrected as requested. Stan Prescott asked that the arrowhead be larger. Henry Huntington asked about the wetlands and slopes calculations. Mr. Merullo said that he could show them on revised plans. Mr. Huntington pointed out that the shape of the lot is different on the location map. Mr. Merullo said that he would have this corrected. Julie Robinson noted that the vicinity map shows Lovejoy Road rather than School Street. This will be corrected. Mr. Merullo said that they have applied for a driveway permit and that the location has been approved by the Town. Stan Prescott said that the note about the driveway being built to regulations should include 'Town of Loudon'.

Chairman Dow closed the hearing to the public and opened it to the Board only. It was noted that an arrow should be added to the note about pins to be set. Mr. Merullo said that all of the changes are typographical and can be cleaned up. He asked if the application could be approved with those corrections to be made. Jeff Green said they should be able to move forward if those items are noted for correction and are verified before the plans are signed. **Tom Moore made a motion to approve the subdivision with typographical corrections as noted; seconded by Jeff Green. All were in favor.** There was discussion as to how long Mr. Merullo had to make the corrections and submit the plans. He said that he would have the revised plans to the office within two weeks.

Steve Jackson returned to the Board. Jeff Green stepped down to the Alternate position.

New Business:

#09-04, BDJ Real Estate, LLC – Lot Line Adjustment, Located on Staniels Road, in the C/I District, Map 1, Lots 57 & 58. Abutters Randy and Carole Cummings were present. Jeff Green of J L Green Enterprises represented the applicant. He explained the location of the properties and the adjustment of boundary lines. Mr. Green said that the adjustment would make the lots more usable. He explained that there is a 60' wide State drainage easement between the two lots, with more of the easement on Lot 57 than Lot 58. He said that the proposed line would be 10' to the lower side of the easement, moving to the center of the easement. This would put the easement into the setbacks of both lots and gives 40' more of usable area. Mr. Green stated that Lot 57 currently has 2.623 acres and would have 2.267 acres after the adjustment and Lot 58 currently has 3.238 acres and would have 3.593 acres after the adjustment.

Stan Prescott asked if there was a book and page for the drainage easement. Mr. Green said that he has the information and would add it to the plan. Mr. Prescott said that the shoreline protection area should be shown. Mr. Green said that would have nothing to do with a lot line adjustment. He said when the lots go to site plan review he would show all of that information. Mr. Green stated that they are going to the Zoning Board for reduced front setbacks in order to pull any proposed buildings forward on the lots. Larry Hemphill asked about the intended use of the two lots. Mr. Green said that they are commercial lots and there were no specific plans at this time. He explained that there would be another application for site plan once the owners had something in mind.

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

Steve Jackson stated that the application meets what is required in Article 14 of the Land Development Regulations. Stan Prescott said that he felt that it should include the shoreline protection limits and have the deed reference added. **Steve Jackson made a motion to approve the lot line adjustment with the addition of the shoreline protection limits depicted; seconded by Tom Moore. All were in favor.**

Jeff Green gave a brief overview of the future plans of the lots. He explained that the 250' shoreline protection line comes close to the front of the lots. They will go to the Zoning Board for reduced front setbacks in order to bring the buildings to the front of the lots, with parking behind. Mr. Green said that the owners were considering retail or small contractors in the areas. He said the new State regulations have made the lots more difficult to use. Bob Bollinger, owner of the lots, said that they are thinking of something to get small contractors out of home offices or build small professional offices. He said if there is no market for the proposed buildings they will not build.

#09-05, First Church of the Nazarene – Parking Permit, Located on Staniels Road in the C/I District, Map 1, Lot 53. There were no abutters present. Jeff Green of J L Green Enterprises represented the applicant. He explained that they are doing this as a parking permit for overflow parking at the church. He said he does not see this as a site plan. Mr. Green explained the location and plan for the lot.

Gary Tasker said that he was not sure this plan is what the parking permit was designed for. Stan Prescott said that he agreed and feels this is an improper use for a parking permit. Dustin Bowles said that he felt it was stretching the purpose of the parking permit. Mr. Green said that a business in town might have a one-day event and use their property for overflow parking. He did not see this as any different than that scenario. He said they are not doing any dirt work on the lot. Tom Dow said that fire lanes and how the lot is laid out are important. He said that he felt it should be a site plan review. Mr. Green said that the church went through a full site review and this lot would be instead of parking on Staniels Road. Henry Huntington asked if there is access from the church. Mr. Green said that it is steep and they would build a staircase to the lower lot. He said that they have submitted for a driveway permit. Gary Tasker asked if the fire department has commented on the plan. Mr. Green said that he has a letter from the fire department and one from the police department. He said they were not proposing to mark the parking spaces as they do not expect to see many cars on the lot.

Gary Tasker asked if there would be porta-potties. Mr. Green said that they have facilities at the church. Mr. Tasker said that the parking permit regulations have to be followed. Henry Huntington asked how often the lot would be used. Mr. Green said they felt it would be a couple of times each year, such as with Easter and Christmas overflow.

Steve Jackson asked how this would be considered a permitted use in Zoning as it is only a parking lot with no business or use on it. Henry Huntington said that it will only be used once

or twice a year, maybe for a big wedding. He suggested giving them permission to use the lot and if it gets out of hand then a letter could be sent. Stan Prescott pointed out that accessory uses are permitted as noted in Section 206.2 L on page 20 of the Zoning Ordinance. He said his biggest concern is the need to designate the driveway as he has seen where people have driven in and out of the lot at different spots. Mr. Green stated that the road agent wants the apron paved and the edge fixed where Z-1 traffic cuts around the island. It was agreed that the driveway needs to meet the current regulations.

Dustin Bowles said that this is not truly a parking permit. There was discussion of the requirements of a parking permit. Jeff Green stated that they could put signs up that the lot is for church use only. Henry Huntington said that the apron has to be paved and made so they cannot access the lot in any other way. After discussion the Board agreed that the applicant should get the driveway permit, build the driveway to specifications, and use the lot wisely. Board members agreed that there was no need to take action on this application.

Old Business:

#08-06, CVAD, LLC – Major Site Development, Located on Route 106 in the C/I District, Map 1, Lot 49. Abutters were re-notified due to the lapse of time since the matter was last discussed. There were no abutters present. Chairman Dow noted that all State permits are now in order on this application. **Tom Moore made a motion to accept the application as complete and move to a public hearing; seconded by Stan Prescott. All were in favor.**

Tony Marcotte explained that they are hoping to start the driveway construction soon. He said that the DOT permit requires them to restripe for a left-turn lane and add a right-turn lane. The right-turn lane has been lengthened and they will be continuing the left-turn lane to the new Staniels Road. He noted that a section of the old Staniels Road was discontinued at Town Meeting so CVAD now owns half of that. Mr. Marcotte said that they may reduce the retaining wall on that end of the parcel and can now remove the pavement of the old road in order to better manage stormwater runoff. There was discussion on how the discontinued road gets divided and put on the abutting parcels. Mr. Marcotte will make the change on the plans. They have to show that they own the land in order to remove the pavement.

Steve Jackson reviewed minutes from May 2008. All of the items noted at that time have been addressed. There was discussion on permeable pavement. Henry Huntington asked about the section of old Staniels Road that was discontinued. Mr. Marcotte explained that it was discontinued from Route 106 to the upper edge of this lot's lower driveway. He will show the new property line on revised plans. There was discussion about the fire cistern. It was noted that there is a letter from the fire department in the file, stating that there will be a 20,000 gallon cistern. There was discussion of the landscape plans. Gary Tasker said that they took care of the plant sizes, noting that it is always good to have more. There was discussion on the proposed sign. Mr. Marcotte pointed out the proposed sign location, noting that it would be lit from the ground. He will add a note that the sign will be externally lit. It was noted that the maximum size allowed is 72 sq. ft.

Mr. Marcotte stated that they would like to start the driveway, striping, and turning lane in May. He explained that they do not have any tenants so will not start building at this point. Items to be addressed on revised plans are: show the new boundary line as a result of the discontinuation of Staniels Road; note about the sign lighting; all references to the fire cistern to be shown as 20,000 gallons. Larry Hemphill suggested putting a berm where the pavement will be removed from the old section of Staniels Road. Mr. Marcotte said that would have to be coordinated with the State as they own the other half of the discontinued section.

Gary Tasker made a motion to approve the application with the changes on the plan; seconded by Steve Jackson. All were in favor.

Board Discussion:

- a. Chairman Dow read a letter from the fire department with regard to the cistern on School Street. Dustin Bowles said this cistern is a mess. Jeff Green said that Mr. Merullo stated at a previous meeting that he would be completing the work in May once the frost was gone and the ground was drier.
- b. Chairman Dow read a letter from the fire department with regard to the cistern on Memory Lane. Dustin Bowles will see Code Enforcement Officer Bob Fiske about this matter.
- c. CNHRPC – Donna received a letter about the process to be used for the appointment of representatives to the planning commission. Steve Jackson is interested in remaining a representative. Donna was asked to see if any members of the Zoning Board are interested in being a representative as well.
- d. CIP – Stan is interested in being on the sub-committee. This will be discussed further at a future meeting.
- e. Workforce housing – There was brief discussion as to what will be entailed in addressing new legislation relative to the subject. This will be discussed further at a future meeting.

Conceptual Review:

Jeff Green gave a brief overview of a project that he has been asked to do for Eric Woodman on Chichester Road. The Board agreed that there would be a number of concerns to be addressed.

Report of the ZBA:

Donna reported that there is a special exception for a wetlands impact to relocate PSNH regulators from Lovejoy Road to Bee Hole Road, two special exceptions for reduced front setbacks on the Staniels Road lots discussed earlier this evening, and a building permit extension.

Report of the Board of Permit:

Stan Prescott reported that the following were discussed:

- a. MDP Development – place construction trailer with an advertisement on Route 106 lot during construction; it was agreed to allow the trailer once construction started.
- b. Four Hawkers & Peddlers
- c. NHMS – agreed to allow go-carts on the apron by Big Apple from June 26-28, 10 a.m. to 10 p.m.; see how it goes and then decide about the September race
- d. Earl Tuson – Board of Permit agreed to a certain size sign a couple of months ago; Mr. Tuson asked for reconsideration; Board stayed with initial decision; can be appealed to ZBA
- e. Map 40/Lot 24 – question was if this is a buildable lot; agreed that it is but the paper street would have to be brought up to gravel standards.

Adjournment: A motion to adjourn at 10:24 p.m. was made by Dustin Bowles; seconded by Gary Tasker. All were in favor.

Respectfully submitted,

Donna White