

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

APPROVED

PLANNING BOARD MINUTES
OF MARCH 19, 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, Ex-Officio Dustin Bowles, Alternates Bob Ordway and Jeff Green

Bob Ordway was appointed as a voting member in the absence of Gary Tasker.
Jeff Green was appointed as a voting member in the absence of Henry Huntington.

The Conservation Commission was represented by Bob Butler.

Acceptance of Minutes:

February 19, 2009 Regular Meeting – **Tom Moore made a motion to accept the minutes as presented; seconded by Stan Prescott. All were in favor.**

Discussion:

Dan DeHart – Impact Fee – Mr. DeHart stated that he was not aware of an impact fee being due on his property until the builder went for the Certificate of Occupancy (CO). Chairman Dow explained to the Board where the lot is located and the date of the subdivision. Builder Tony Merullo said that the notice of the building permit did state that an impact fee would be due but that notice went to the then property owner and the information was not transferred. He said the fee was not on the actual building permit. Mr. Merullo said that Mr. DeHart felt that the fee was developer related, not the builder or home buyer. Tom Dow said that the information was on the notice of the building permit. Mr. Merullo said that he had just seen a copy of that letter when he went for the CO. Tom Moore asked if it is the Board's job to decide who pays the fee. Dustin Bowles said that it is between the parties involved. Tom Dow said this should have been part of the negotiations, and though he appreciates Mr. DeHart's situation, it should be worked out with the builder. Dustin Bowles said it is not in the Board's hands to resolve the matter caused by a lack of communication. Mr. Merullo asked the purpose of the impact fee. The chairman explained that information on impact fees is available at the Planning Office. Mr. DeHart stated that the fee should be on the building permit so that people are aware of it upfront.

Leonard LaPadula – Fire Pond vs. Cistern – Mr. LaPadula said that he has been trying to find ways to reduce costs at his subdivision on Young's Hill Road. He said one thought would be to change from having a cistern to a fire pond. Mr. LaPadula said that the fire department is in agreement with a fire pond as long as he meets the regulations and gets all of the necessary State permits. Steve Jackson asked where the fire pond would be located. Mr. LaPadula said that it would be halfway down the new road, on the right, opposite where the cistern was proposed. He said he has to have an engineer look at the area to know for sure if that would be the best location. Stan Prescott said that Mr. LaPadula would have to come back with revised subdivision plans. Mr. LaPadula said that he would work with his engineer and the town

regulations but wanted to be sure that the Board was agreeable before pursuing the idea. It was agreed that the Board would not be opposed to a fire pond as long as all regulations were met.

Kim Call – Wiggins Road – Ms. Call explained that she would like to subdivide her ten acres on Wiggins Road so that her son could have a lot for a home in the future. She asked what would be required with regard to the road improvement. There was discussion of the Land Development Regulations that outline what is needed to subdivide and the criteria for road improvement. Ms. Call spoke of the culvert that is needed at the end of Wiggins where it meets Route 129 and asked who to see about the culvert work. She was directed to see Tim Landry at the State shed or contact District 3 in Gilford. There was discussion about the Bee Hole end of Wiggins Road where the property owner has blocked access. Ms. Call and others asking about the situation were advised to see the selectmen about the matter.

Conceptual Review:

Fortier – Mark DeGrace of Holden Engineering spoke on behalf of Hermel Fortier about Map 28, Lot 12, a 95-100 acre parcel on Oak Hill Road. Mr. DeGrace stated that there is an existing house and septic system on this parcel. He explained how they have provided frontage for Mr. Fortier's daughter's house to create a separate lot from the large piece. Mr. DeGrace asked if the Board is flexible about leaving the road gravel. Chairman Dow said that the Board likes to stay with the standards. Mr. DeGrace said that the purpose of the subdivision would be to create that one lot and the owner would like to hold off on paving until there is further development. Mr. Fortier stated that he would keep the road private. Mr. DeGrace said that they are looking for some flexibility to leave the road finish for later on. There was discussion about the intent and the proposed layout. Stan Prescott said that he did not feel it would be in the best interest of the Town to allow the road to be gravel. Dustin Bowles said that the problem is setting a precedence, referring to private roads and maintenance problems. Tom Moore said that they are not in control of future sales of lots and the road not being paved could be a problem later on. Steve Jackson referred to Section 23.2 of the Land Development Regulations. Discussion continued about potential problems with not keeping the road to the regulations.

Mark DeGrace asked if the Board would be agreeable to doing the road to the standards, less the pavement, if the owner was willing to post a bond. Chairman Dow stated that the Land Development Regulations require engineered drawings and a bond. Mr. DeGrace said that the owner would provide the road to Town standards, minus the paving. He asked if the Board was agreeable with the layout, noting that they have met the two acre minimum and frontage requirements. Steve Jackson asked if the proposed road is running along the property line. There was discussion of the road location and the required width, setbacks for the abutting property, and other related items. Stan Prescott stated that they need to see some topography on the abutting lot for drainage purposes. Mr. DeGrace was advised to show buildings on the abutting lot and meet the Land Development Regulations.

Old Business:

Application #08-16, Peter & Margaret Schauer – Minor Subdivision, Located on Cross Brook Road in the RR District. Map 12, Lot 44. Jeff Green stepped down from the Board. Jeff Green of J L Green Enterprises represented the applicants. There were no abutters present. Mr. Green gave an overview of the plan and showed changes made on the revised plans, per comments from the Board at the February meeting. He said that he noted 25% slopes after the zoning amendment that was passed on the ballot earlier this month. Dustin Bowles said that changes could not be made to the plan after it was accepted as complete. There was discussion. Mr.

Green stated that he is still showing the 20% slopes in the buildable area and that he only put the 25% slopes to show their location. The consensus of the Board was to remove the 25% markings. Mr. Green stated that monuments have been set, with rebar at the corners for now. Per note #10, the rebar is to be changed to granite bounds. Note #9 reads that the lot may not be further subdivided unless and until Cross Brook Road is extended to intersect with another existing Town maintained road. Tom Dow said that the intent is for the road to stop there, not continue through. There was discussion about the spirit of the original subdivision and it was agreed that the majority of the Board did not like the added wording to the note about no further subdivision of the lot. Steve Jackson said that he was in agreement with the note as written. Stan Prescott said he was not. Mr. Green said that the note was worded to be beneficial to the Town because they have been trying to reduce the number of dead-end roads. Mr. Jackson said that no further subdivision would affect a lot of landowners in the area and he does not like the restriction. Mr. Green explained the slopes and wetlands of this piece. He said if property owners below this piece wanted to bring the road in from the other end the note would give that option to all of the abutters. Bob Ordway stated that he liked the way that the note was written. Dustin Bowles said that he felt the note should go with the Board's suggestion from last month. Discussion continued about how to word the note about further subdivision. Bob Ordway said he would vote to leave it as Mr. Green has it worded. Dustin Bowles said he would vote to change it back to what the Board wanted. Steve Jackson said he would leave it as currently worded. Stan Prescott and Tom Moore said they would like to see it changed back to the Board's original intent.

Mr. Green showed the driveway profile that he did at Mr. Prescott's request last month. Mr. Prescott said that the profile looked good. Mr. Green said that he met with the road agent about the drainage easement and has a letter from Mr. Rice stating that the easement is acceptable.

Mr. Green explained the construction estimate that was submitted to the Louis Berger Group (LBG) for review and comment. The initial estimate was for a total of \$58,154.25 which included the 10% buffer amount. Robert Saunders of LBG reviewed the estimate and had some comments, which Mr. Green addressed. Mr. Green changed the estimate to include four headwalls as pointed out by Mr. Saunders. He said that his engineer does not recommend the rip rap that was suggested by Mr. Saunders. Mr. Green pointed out that there is currently a grass swale. He said that Dave Rice does not like rip rap as it is harder to maintain and clean. Mr. Green said that he had the engineer look at the material prices and has made some adjustments. The revised construction estimate is \$70,199.25, which includes the 10% buffer amount. Mr. Green said that the revised estimate meets all of the comments of LBG. He said the only change not made was the rip rap. Mr. Green noted that the drainage has been split so it will be less than before.

Chairman Dow closed the hearing to the public and opened it to the Board only. Stan Prescott stated that the estimate is just that, an estimate. Tom Moore said that the only matter remaining is the rip rap. Tom Dow said that Mr. Green has talked with Dave Rice and that there will not be a lot of flow. Stan Prescott said that he would agree. He said the road plan needs to be cleaned up. Tom Dow said that Mr. Green has to change the slope designation, fix note #9, and let his engineer know to clean up RP-1. Steve Jackson noted that there was a letter received from an abutter. The chairman said that a note would be made of the letter and the letter added to the file.

Tom Moore made a motion to approve the subdivision with the conditions that note #9 be modified, the 20% slope line be cleaned up, and RP-1 of the road plans be cleaned up; seconded by Stan Prescott. All were in favor.

Jeff Green returned to the Board.

#09-01, Sceptre Custom Homes – Minor Subdivision, Located on School Street in the RR District. Map 38, Lot 7-3. Tony Merullo represented the owner. There were no abutters present. Steve Jackson recused himself from this application. Mr. Merullo stated that he further investigated the culvert matter that was discussed at the last meeting and found that Fish & Game guidelines dictate the size and placement of a culvert and it is enforced by DES. He said that note #9 was added to address the location of the cistern and he has a letter from the fire chief with regard to the cistern being operational. The retaining wall will be constructed in the spring and the connector pipe will be extended at that time.

Chairman Dow stated that the new lot would be subject to an impact fee. Dustin Bowles said that the driveway needs to meet the Town's standards. He said he is not asking that it be put on the plan, just that it needs to be addressed. The chairman closed the hearing to the public and opened it to the Board only. **Tom Moore made a motion to approve the subdivision as presented with the new lot subject to an impact fee, the driveway built correctly, and the wetland scientist and surveyor stamps on the final plans; seconded by Jeff Green. All were in favor.**

New Business:

#09-02, N H Motor Speedway – Major Site Plan Review, Located on Route 106, in the C/R District, Map 61, Lot 5. Dustin Bowles said that he would recuse himself from any votes on this application but would be speaking for the Board of Selectmen. Abutter David Pritchard was present. Also present were Tyson Miller of the Canterbury Planning Board and Hillary Nelson who was appointed by the Canterbury Board of Selectmen to attend the hearing.

Chairman Dow said that the first order of business would be to decide if this application would be of regional impact. He said his own thought would be that it would be because of the flow of water and it would be worth sending out a few notices. Stan Prescott asked if the Board could vote on this question since the application was not yet accepted. Mark Sargent stated that it was his opinion that the application is not of regional impact since the majority of the work will be done in the infield, there are no new seats or traffic. He said the water flows in and out of the property now and that is not changing. Bob Ordway said that he would agree with Mr. Sargent. Other Board members agreed. Donna reported that Jim Snyder of the Canterbury Planning Board had called the office and in the discussion he stated that he did not feel the project was of regional impact. After brief discussion the Board agreed that there is no regional impact with this application.

Mark Sargent of Richard Bartlett & Associates represented the applicant. Also present were Jerry Gappens, John Zudell, Cindy Balcius, Naomi Praul, and Tim Andrews. Mr. Sargent stated that they have made application to the State for site specific and wetlands permits. He said they have met numerous times with state and federal agencies. Mr. Sargent said they expect to get the permits soon and would like to get started on the construction as soon as possible. He said they have an ambitious construction schedule and would like to have the infield work completed by the June 28th race.

Mr. Sargent explained the project. He said there are four areas that they will be focusing on: 1) where Gues Meadow Road enters the facility; 2) infield; 3) access road behind the Concord grandstands; and 4) where Gues Meadow Brook crosses Gues Meadow Road. Mr. Sargent said the purpose of the project is to increase the functionality of the corporate area and the infield area. They will be reducing some flooding and providing better pedestrian access along the back of the Concord grandstands. He said that they hope to have their site specific permit within the next couple of weeks and would like permission to work on those areas only at this time.

Naomi Praul of Nobis Engineering explained the drainage and stormwater flow portion of the project. She pointed out where all of the underground piping would be and the areas that would be filled and grassed. She explained that they replaced the Vortex system that was discussed at the conceptual consultation with water quality units. There will be three chamber systems that were recommended by the DES Alteration of Terrain Bureau and will serve better in this application. Ms. Praul explained that the system will separate the flow of the brook and stormwater runoff. She said they will be removing the weir to alleviate flooding in two parking lots and culverting across a driveway. Ms. Praul said that they have to provide additional flood storage area down at Gues Meadow Road. The additional storage area will be offsetting the storage area previously used at the upper area. She said they will be upgrading the existing culvert at Gues Meadow Road.

Cindy Balcius of Stoney Ridge Environmental explained that there would be a total of 85,246 sf of wetland impact, with 17,792 sf being temporary impact. She said the main impact is in the oval where 70% is already disturbed or man-made wetland. Ms. Balcius explained that they will be providing treatment of the flow, noting the enclosed culvert that separates the water from the iron of the ground, which was of concern. She said the weir removal is being done at the recommendation of NH Fish & Game, the EPA, and US Fish & Wildlife.

Ms. Balcius said part of the project is to widen Gues Meadow Road for Homeland Security as emergency egress. She said they are creating floodplain with natural flora. Ms. Balcius pointed out that there will be a fairly large conservation easement as part of the mitigation. She said they will be protecting 6,031 linear feet of stream and have a 54 acre deed restriction on another section of a parcel. Ms. Balcius said there will be a 62.37 acre permanent protection and upland buffer. She stated that the Loudon Conservation Commission has been very helpful in locating lands for conservation. They are hoping to have NH Fish & Game hold the easement. Tom Dow asked where the conservation easement is located. Ms. Balcius pointed out that the easement is on Taylor Haines Road.

Tyson Miller asked what effect the culvert at the upper end of the project would have on the Canterbury side of Route 106. Naomi Praul stated that they are not touching anything within the DOT right-of-way. She said they are picking it up at that point.

Tom Dow asked if Gues Meadow Road is being widened. Mark Sargent said that it is not at this time. He said they are replacing the culvert that falls on Speedway property. John Zudell said that he was told that a former owner of property in that area put the pipe in to be able to access his property. Mr. Sargent said that some upgrades were needed as part of the Homeland Security plan and the road gives the buses an easier way to get in and out. He said that Gil Rogers has talked to the selectmen about paving the apron at the end of the road where it meets Route 106. Stan Prescott asked if the road is subject to gates and bars. Tom Moore said that it is subject to gates and bars.

Tom Dow said that he knows that they are anxious to get started on the project. Mark Sargent said that this is their big project for 2009 and it is important to have it ready. He said they have a short construction season and would like to get started sooner than later. He explained that they would like to start the areas in the site specific only when they receive that permit, not in the wetland areas. He pointed out the upland areas and explained that there is a lot of material to be hauled in.

Jeff Green asked if there is a way to show a phased plan. Naomi Praul said that they could give the Board a plan that highlights the areas. Tom Dow said that he understands what they are trying to do, noting that they have been working with the state and federal agencies right along. Bob Ordway asked if a site walk should be scheduled. Chairman Dow said that it would be a good idea and that the ZBA should be included since they will be seeing a wetlands application at their next meeting. Bob Butler stated that the Conservation Commission had an

onsite presentation last fall and has gone over all of the plans. He said the Commission is comfortable with the mitigation plan and feels it has been worked out very well. Bob Ordway asked if the corporation owns the Taylor Haines piece. Mr. Sargent stated that they have a purchase and sale agreement on the parcel.

A site visit was scheduled for Saturday, March 21st at 8:00 a.m.; members should meet at the main office at the track.

ZBA Chairman Dave Powelson spoke about the application submitted by NHMS that the ZBA will be reviewing at their next meeting. He said that the Zoning Ordinance Wetlands Overlay District outlines what is permitted and prohibited in the district. He noted that filling and excavating are prohibited activities. Mr. Powelson said that it is permissible to fill to cross to usable land. He noted that he does not object to the project, he is just not sure that it fits the Zoning Ordinance.

Stan Prescott made a motion to continue the application to April 16, 2009, 7:00 p.m. at the Community Building; seconded by Bob Ordway. All were in favor. There will be no further notification.

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. Abutters Kristin Anderson and Jeffery Zerbinopoulos were present.

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

Mr. Merullo explained that the proposed plan was to create a 4.06 acre lot out of the 80+ acres. He said there is adequate road frontage of 400+’ and no wetland on the proposed lot. Mr. Merullo pointed out the 1.51 acres of contiguous buildable area, using 25% slopes in the lot calculation. Stan Prescott noted that there is 617’ of frontage left on the remaining piece. He said that he is concerned that they are taking the frontage off. Mr. Merullo said that they have shown a proposal for the rear acreage in the past. He said there would be a road to go out back, depending on the wetland. Dustin Bowles said that he was not sure that the previous build-out had a road. Mr. Prescott said that the Board needs to see it. He said the owners need to make it so it can connect to other lots. There was discussion on cul-de-sacs. Mr. Bowles said that the Board wants to see a concept of build-out. Mr. Prescott said that it needs to be somewhat realistic, based on some topography. There was discussion of what the Board is expecting. Mr. Merullo pointed out that he cannot do anything with other people’s property. He said the Board closed the door to further subdivision and road continuation on another case earlier in this meeting and now they want a concept to put a road through for further subdivision. Stan Prescott said they are totally different matters. Mr. Merullo stated that the Board is sending a mixed message. Tom Dow said that he does not feel this is the same type of property as discussed earlier in the meeting.

Stan Prescott said that the plan should show the dimensions of the cistern easement. Tom Dow asked if the calculations of the buildable area are on the plan. Mr. Merullo pointed out the proposed lot wording. He explained that they have applied for a driveway permit and have reviewed the location with the road agent.

Hearing no questions from the public, Chairman Dow closed the hearing to the public and opened it to the Board only. Stan Prescott said that the lot itself should be blown up to 1” = 50’ so that it would be easier to read. Jeff Green said that they could make it one page with the lot shown as 1”=50’ and the rest shown as 1”=200’. Mr. Merullo is to provide the following for the next meeting: dimensions of cistern easement; build-out concept; lot calculation block; driveway location; correct the proposed lot arrow; lot blown up to 1”=50’.

Tom Moore made a motion to continue this application to April 16, 2009, 7:00 p.m. at the Community Building; seconded by Stan Prescott. All were in favor. There will be no further notification.

Steve Jackson returned to the Board.

Board Discussion:

- a. Donna reminded the Board of the wetlands application that will be heard by the ZBA at the March 26th meeting. The Board had no comments to submit to the ZBA.
- b. The Board was informed of regional impact notices received from Weare and Goffstown.
- c. A letter was received from Five Rivers Conservation Trust with regard to the Bronnenberg property on Pittsfield Road. It was agreed that there is no reason for Mr. Bronnenberg to see the Planning Board.
- d. Correspondence was received from CNHRPC in reference to this year's traffic count. There was discussion of using previous counts to determine what roads should be addressed for improvements. Dustin Bowles spoke about plans that the selectmen have with regard to road improvements and the availability of impact fees for the projects.
- e. A memo on residential fire sprinkler requirements was received from Fire Chief Burr. The Board felt that the outline should be handed out with building permits for new construction requiring residential sprinkler systems.
- f. The Zoning Ordinance has been updated with the amendments that were passed earlier this month. Copies will be available within the next week. Donna made a couple of changes to steep slope references in the Land Development Regulations so that they are the same as in the Zoning Ordinance. Dustin Bowles said he was not sure that the changes to the LDR could be made without a public hearing. Chairman Dow stated that the changes were a result of a vote of the town and were minor definition changes therefore he did not feel that a public hearing was needed.

Election of Officers:

Dustin Bowles made a motion to leave the Chairman and Vice Chairman as they currently stand; seconded by Steve Jackson. All were in favor.

Report of the ZBA: Donna reported that there are four applications for special exception on this month's agenda. One application is for a home occupation on Bee Hole Road; one is for wetlands impact at the track; one is to change from one non-conforming use to another non-conforming use on S. Village Road; and one is for steep slopes which will be withdrawn as a result of the recent amendment.

Report of the Board of Permit: There was no Board of Permit in March.

Adjournment: A motion to adjourn at 10:30 p.m. was made by Dustin Bowles; seconded by Bob Ordway. All were in favor.

Respectfully submitted,

Donna White