

TOWN OF LOUDON  
LOUDON, NEW HAMPSHIRE

**APPROVED**

PLANNING BOARD MINUTES  
OF OCTOBER 15, 2009

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

**Attendance:**

Chairman Tom Dow, Tom Moore, Steve Jackson, Vice Chairman Stanley Prescott, Henry Huntington, Alternates Bob Ordway and Jeff Green, and Ex-Officio Steve Ives

Bill Gabler represented the Conservation Commission.

Jeff Green was appointed as a voting member in the absence of Gary Tasker.

**Acceptance of Minutes:**

September 17, 2009 Regular Meeting – **Tom Moore made a motion to approve the minutes as presented; seconded by Jeff Green. All were in favor.**

September 30, 2009 NHMS Site Visit – **Jeff Green made a motion to approve the minutes as presented; seconded by Steve Ives. All were in favor.**

**Discussion:**

Dan Aversa/Loudon Woods Estates – Mr. Aversa submitted a request for a reduction in the letter of credit held on the Loudon Woods Estates subdivision and off-site improvements. The original request was to reduce the letter of credit from \$250,000 to \$48,196.50, the amount needed to complete the roadwork. After review by Tony Puntin of Louis Berger Group the amount to be left for the remaining work was amended to \$60,000. The Selectboard had reviewed Mr. Aversa's question of having to leave a maintenance surety on the off-site improvements portion of the project. They determined that they want \$60,000 held for the completion of the off-site improvements and the maintenance surety. There was lengthy discussion of the work to be completed, the estimates for that work, the percentage to be held, and the need for the letter of credit to be broken into two parts once the work is completed. When the time comes the maintenance surety for the subdivision would be held for five years whereas the maintenance surety for the off-site improvements would be held for one year. Steve Jackson referred to Section 24.2 and Section 24.6 of the Land Development Regulations. The Board agreed that the letter of credit should cover the cost plus twenty percent of the remaining work as well as enough to cover the maintenance sureties. **Steve Jackson made a motion to reduce the surety from \$250,000 to \$100,000; seconded by Tom Moore. There was no further discussion. All were in favor.**

**Old Business:**

There was no old business.

## **New Business:**

**#09-13, Villages at Loudon** – Amended Site Plan, Located on Foster Road, in the RR District, Map 29, Lot 7. Tony Marcotte represented the applicants. Abutters Mike Marchand (Leonida Edwards) and Janet Darling were present. Mr. Marcotte handed out copies of three house designs and gave an overview of each. He explained that the first design is the same as the houses that are currently at the Villages but would have actual dormers as compared to false dormers like on the current houses and a usable loft area of 450 sf on the second floor. He said there would be no difference seen from the outside. Mr. Marcotte said that the second design is a colonial style and would have a total of 1,983 sf. He said there would be some unfinished area over the garage and 715 sf of usable area on the second floor. Mr. Marcotte explained the locations of the different phases of development. He said that some of these homes could be placed at different phases. The third design was specific to a request from Bob Bollinger for a larger home. That design was for 3600 sf of living space and the only place for that particular house would be in phase 3. Mr. Marcotte explained that they are unable to do walk-out basements on most of the houses in phase 3; therefore a two-story home would give the owner more aboveground living area with more daylight. He stated that all houses would still have only two bedrooms. Mr. Marcotte said they are open to suggestions on the placement of the larger houses.

Steve Jackson asked if it was a concession at the time of approval of the subdivision to have only one story houses or if it was a condition of approval. Mr. Marcotte said it was not a condition of the approval. He explained that the original owner had asked to design one hundred units. Mr. Marcotte said that he stated in those initial meetings that they would work with the code enforcement office if they wanted to do anything different from the plans shown at those meetings. He explained that this project was subsequently bought by MDP Development. Mr. Marcotte said that sales have been slow but there has been some renewed interest this fall and the owners would like to offer a variety of styles to meet the interests. Mr. Jackson asked if it was a condition of the approval by the Board. Mr. Marcotte explained that he had said at that time if they did anything different than discussed they would go to the code enforcement officer for interpretation and approval. He said the footprint is restricted by the required setbacks. Mr. Marcotte said that it was felt an extra floor would be better if they cannot have a walk-out basement.

Chairman Dow gave an overview of the request to the public. Mr. Marchand asked if it had been stated that they would still be two bedroom homes. Mr. Marcotte explained that there is a two bedroom limit on the development. He said the age restriction would also be the same as initially required. Carol Hall, a resident of the Villages, asked if phases 4 and 5 would have walk-out basements. Mr. Marcotte said most of them would. He said that the houses in phase 2 do not have walk-outs and almost none in phase 3 have walk-outs. Ms. Hall asked about the 3600 sf design. Mr. Marcotte explained that it was a request from one individual. There was brief discussion about the sizes of the homes currently in the development and the proposed designs. Mary George asked if she had heard correctly that there could be homes of 3000 sf. Mr. Marcotte stated that they had one request for a house of that size.

Jeff Green pointed out that there is a difference between square footage and a footprint. He said there would not be a lot of difference in the footprints, just extra living space, if a second story was added. Maureen Baldini, a resident of the Villages, submitted a letter with some residents' concerns, the primary being the 3600 sf house. She said the two story homes will look like those that are there but the big one is too big for the area. She said they feel there should be continuity, noting that the two-story designs are not the concern, but bigger homes are a concern. Ora George said he is concerned with the way the housing market is and he does not feel that

65+ year old people like having a second floor. He said he feels these houses could be turned into duplexes and they are not right for elderly residents.

Hearing no further input, Chairman Dow closed the hearing to the public and opened it to the Board only. Steve Jackson asked if there was any size restriction on the approved site plan. Mr. Dow stated that there was not. Steve Ives said he thought the homes were to be 1400 to 1600 sf. The chairman explained the spirit of the development. Mr. Ives said there has to be some limit. Chairman Dow reviewed the points on the letter submitted by the residents. Henry Huntington asked if the applicants are asking for three separate approvals. Mr. Marcotte said that he understands that the 3000 sf design is a lot different from the intent but the others are very similar to what is already in place. He said they are willing to consider the designs individually.

Henry Huntington said it would appear from what he had heard is that the main concern of the residents of the Villages is the big house. He said in looking at the other designs they would not appear to be out of place and the footprint would not be bad. Mr. Huntington said they might add character and variety to the development. He said he had no problem with the two smaller designs, and he feels it would help the developer and still be within the spirit of the development. Steve Jackson asked if they would specify a particular phase and he asked how many more can be built in the current phase. Tony Marcotte said they already have ten or eleven foundations in phase 2 that would be used. Mr. Jackson said that he would agree with Mr. Huntington. He asked if they should specify which style and where it could go. Steve Ives asked if they were saying if a house has a walk-out basement there could be no second floor. Mr. Jackson said that was not his intent and that he was talking about in the area of the current houses. He said his concern would be putting two story homes in the area of the current homes.

Jeff Green said that the design and footprint are the most important factors. He said the larger houses are the problem. Mr. Green said they have to be careful of a square footage limit because that could be telling them that they cannot use the basement if it is a two-story house. Tom Dow said that they do not want to dictate which house and where. He said he feels there should be some type of limit. Mr. Green said it would be better to limit them to a maximum size since the square footage is a variable depending on how the different floors are finished. Bob Ordway asked at what point they would want to build the big house. Mr. Marcotte said they would build bigger homes as people request them, noting that they are limited to phases 2 and 3 because the roads are not built in the other areas. He noted that the plans submitted are 35' x 50'. They would then have five styles of houses to offer. Stan Prescott said he would be in agreement if they kept the same footprint and added a second floor. He said he went on a tour at the Villages. Mr. Prescott stated that people of that age do not want to do stairs, noting that he has 1150 sf at his home and feels that is fully adequate for two people. He said he is not in favor of two-story houses. Bob Ordway asked Mr. Prescott if he did not favor the smaller two-story design. Mr. Prescott said he was alright with the first plan shown this evening as it is the same design as the existing houses that have false dormers.

Steve Jackson said that he does believe there is a market for senior housing with a second floor. He noted some of the requests have included wanting a study, TV room, and space for heirlooms. He gave some examples of senior housing in the Concord area that has two-story accommodations. Mr. Jackson talked of ways to define the square footage such as finished or aboveground living space. He said if just the footprint is used he could see additional square footage built into the footprint through creativity. Mr. Jackson said his personal opinion would be an approval to allow a second story not exceeding 1983 sf, not counting the basement. Steve Ives said that Mr. Marcotte is asking for these designs and that would be the limiting factor. He noted that they have three designs now and this would add two more. Mr. Ives said he felt this

would maintain the character of the area. Tom Dow said he would vote for the first design but did not feel the other two designs were what were intended for the development.

Jeff Green suggested voting on the individual designs. Henry Huntington said the Board did not approve the other three designs. He asked how it would work if approving these. He said he agreed with Mr. Jackson about livable square footage holding the footprint. He said they could allow 1983 sf to 2000 sf and not dictate the design. He said dictating the designs would really be holding them restrictive and all the houses would look just alike. **Henry Huntington made a motion to allow up to 1983 sf of aboveground living space.** Jeff Green asked if that meant they can double the size of a single story home, creating sprawl. There was discussion about how best to limit the size and word the motion. Mr. Huntington amended his motion to include: **with the footprint not to exceed 35' x 50'.** Jeff Green seconded the motion as amended. Stan Prescott said he feels that is too large. **A roll vote was taken: Jeff Green – Yes; Steve Jackson – Yes; Tom Moore – No; Stan Prescott – No; Henry Huntington – Yes; Steve Ives – No; Chairman Tom Dow – No (Yes – 3; No – 4)**

Tom Dow said he would be more in agreement if it was not such a big foundation. Stan Prescott said that what is there now does not have a finished upstairs. He said that space could be used for a second floor for an additional 450 sf. Steve Jackson asked if Mr. Prescott meant to dictate the style of home. Mr. Prescott said that was not his intent, they could have a story and a half. **Stan Prescott made a motion to allow 1788 sf of aboveground living space with a foundation not to exceed 35' x 50; seconded by Steve Ives.** Jeff Green asked where the difference would be. Mr. Prescott said it would be in the second story. Mr. Green pointed out that this was 300 sf less but it is not saying there could be no second story. Mr. Prescott said there wouldn't be a second story. He amended his motion by adding the following: **and not to be more than a story and a half.** Steve Jackson asked Steve Ives if he was alright with the original motion made by Mr. Huntington but with less square footage. Mr. Ives said that was correct. There was no second to the motion; motion dead.

**Henry Huntington made a motion to approve homes with 1788 sf of aboveground living space and a maximum footprint of 35' x 50'; seconded by Steve Jackson. Majority vote in favor; Stan Prescott opposed.**

**#09-14, Huckleberry Heating Oils, LLC** – Amended Site Plan, Located on Chichester Road, in the C/I District, Map 11, Lot 34. There were no abutters present. David and Tracy Huckins presented their application. Mr. Huckins explained the project and location of the two 30,000 gallon propane tanks that they propose to install at their facility. He stated that the underground gasoline tanks are out of service and will be removed in the near future. Steve Ives asked if they would continue selling diesel. Mr. Huckins said that they would no longer have the diesel available because it is not feasible for them to upgrade to what the State wants. He said all of those tanks are to be removed. Mr. Huckins said that they will be removing almost 600 sf of permeable space with the removal of the building that houses the tank monitors. He pointed out where the footings and cradle for the tanks will sit.

Tom Dow noted that the traffic will be decreased with the removal of the gas pumps. Mr. Huckins said that they had a fire safety analysis done and the fire chief has reviewed the project. Steve Ives asked how far the tanks would be from Route 106. Chairman Dow asked if the applicants have been to the Zoning Board. Mr. Huckins said they had received a special exception from the ZBA for the size of the propane storage tanks. He said the tanks would be approximately 100' from Route 106. He explained that the safety analysis shows all of the distance requirements and their project meets the required distances. Mr. Huckins stated that all propane facilities are to be fenced, gated, and locked when unattended. He noted that propane trucks cannot be parked inside.

Jeff Green pointed out that the plans show the tanks 18' from the property line which would put them within the side setback. Mr. Huckins stated that the ZBA did a site visit and nothing was said at that time about the setbacks. A discussion ensued about needing a special exception for reduced setbacks. Mr. Huckins said that the tanks can be pulled back onto the property more. Tom Dow suggested that the tanks could be turned at more of an angle to get them out of the setback. Polly Touzin asked if the tanks would be visible from Route 106. Mr. Huckins said that they have to cut all of the vegetation away from the area so they would probably be visible in the winter. Steve Jackson asked if the control box is on an abutting property. Mr. Huckins said it is mislabeled and he pointed out the correct location. He said the wiring is underground and he will have this corrected on the plans. Steve Jackson asked the purpose of the monitoring wells. Mr. Huckins explained that they were required after an earlier problem on the property prior to them owning it. Tracy Huckins stated that the wells can be removed because tests have been clear for the required number of years.

Bill Gabler asked if there would be any clearing or grading done for the placement of the tanks. Mr. Huckins said a few trees would be removed. Mr. Gabler noted that a waiver request was received for the drainage and erosion report. He asked that this not be granted. Henry Huntington said trees may not need to be cut and stumped if the tanks are pulled from the setback. Mr. Huckins said turning the tanks brings them more onto the pavement that is there. Mr. Gabler said this is not an issue if they are not disturbing the soil.

Steve Jackson asked about the proposed fence. Mr. Huckins said it would be an 8' security fence and there would be some lights. Bob Ordway asked if they would be filling small LP tanks. Mr. Huckins said they would not, as they do not want the traffic. Stan Prescott asked what they would be using for lights. Mr. Huckins said they would use downcast lights and there would be 24/7 security cameras. He said they would be similar to what is there not on the island. The group looked at pictures that were submitted. Mr. Prescott said that he was alright with them as they appear to be shoebox cutoffs.

Henry Huntington asked about state permitting. Mr. Huckins said there is not state permitting with propane. Mike Labonte stated that there were propane tanks at this site in the past and it seems an appropriate place for them. There was discussion about items that were missing from the site plan. The applicants will have the necessary changes made on the plans and on a waiver that was submitted. **Henry Huntington made a motion to continue this hearing to the meeting of November 19, 2009 at 7:00 p.m. in the Community Building; seconded by Steve Ives. All were in favor.** There will be no further notification.

Bob Ordway left the meeting at this point.

**#09-15, Hermel Fortier** – Major Subdivision, Located on Oak Hill Road, in the RR District, Map 28, Lot 12. Abutters Gerard and Leslie Bergevin were present. Jason Hill of Holden Engineering represented the applicant. Mr. Hill explained that they had been before the Board for conceptual consultation earlier in the year and that the object is to subdivide the existing house from the 100 acre parcel. He stated that a new road has to be created in order to get the required frontage, pointing out that this creates a new lot at the front of the property and a lot for the existing house. Mr. Hill said the remaining 96 +/- acres will remain open. He pointed out that there would be a temporary hammerhead turn-around per the regulations. Mr. Hill said that they are asking for five waivers: 1) site specific soil survey; 2) boundary survey; 3) topography on the 96 +/- acres that will preserved as open space at this time; 4) underground utilities (Mr. Hill stated that the proposed work will not disturb existing overhead utilities); and 5) maximum length of tangent section of the roadway (submitted to the Board at the meeting).

Mr. Hill said that the new lot being created at the front of the property is flat with good soils. He said that the State subdivision approval is pending and he expects to receive that within a week to ten days. There is an existing permitted system on Lot 2, the location of the existing house. Mr. Hill stated that they are not proposing anything for the remainder of the lot. He reviewed the proposed road, designed to town standards. He pointed out the length of the ditch line, explaining that stormwater would be captured in a closed system and flow into a detention pond. He said an easement is shown for the maintenance of the pond.

Chairman Dow stated that they are lacking the subdivision approval to be considered complete. Mr. Hill said comments from Louis Berger were received that afternoon. He said he does not anticipate any concern with addressing the comments. Mr. Hill said that a sight distance profile will be submitted and they could look at alternatives in addressing the comment by the town engineer. Steve Ives pointed out that the proposed road ends before 200' of road frontage on Lot 12-02. Mr. Hill said that there is plenty of room so they could extend the pavement further. There was discussion of points of measurement. The plan has to be revised so that the lot has the 200' of road frontage that is required.

Steve Jackson asked about the fuel tank that is depicted on the plans. Mr. Hill said that it is an aboveground LP tank that is used by the existing house. Tom Dow noted that the 180' x 240' lot configuration needs to be shown on the plan. Stan Prescott asked if there is a typical for the wall. Mr. Hill said it would be a 3' high stonewall. He noted that it would be a gravity wall. Mr. Hill said he would add something on the wall to the plans.

Mr. Bergevin asked about the drainage on the new road and where the water would flow. Mr. Hill said that it would flow into the ditching and basins, then into the new pond and down into the woods, not onto Oak Hill Road. Chairman Dow noted that a 3% pitch is shown headed toward Oak Hill Road. He stated that the road agent has been to look at the site and did comment that this area has to be carefully managed so that no water flows onto Oak Hill Road. Mr. Hill explained that they are picking up the road drainage with the ditching and basins. Stan Prescott asked why they are removing the culvert at the end of the existing driveway. Mr. Hill said they are picking up the stormwater into the basin so the culvert will no longer be necessary. He said there is a 50' to 100' section that is positive off Oak Hill Road and this will be intercepted with the drainage system. Tom Moore noted that the metes and bounds need to be identified. Mr. Hill said they would be rebar and/or stone bounds and he will add them to the plan after making other changes. Bill Gabler asked if he understood correctly that the remaining acreage is to be preserved as open space. Mr. Hill explained that there is no plan to develop the remaining land at this time. Mr. Gabler said it needs to be surveyed if it is to be open space conservation land.

Chairman Dow suggested that Mr. Hill review Section 23.1.10 with regard to grades. Mr. Hill asked how the town interprets flat. Mr. Dow said it should be flat enough so that water does not go onto Oak Hill Road and so cars can stop and not slide onto Oak Hill Road. Mr. Hill said there has to be some kind of leniency with topography. He said this somewhat counteracts what the intentions are and it is his opinion that 3% or less is pretty flat. He said this can be demonstrated in the drainage report. Stan Prescott urged Mr. Hill to work within the first part of 23.1.10.

The chairman asked if the group thought a site visit should be scheduled. It was agreed that a site visit would be done on Tuesday, October 20<sup>th</sup> at 4:00 p.m. Mr. Hill said that he will flag the lot corners, roadway, and turn-around. Jeff Green asked if a conceptual build out would be required where this is a temporary turn-around. He noted that the detention pond is shown at the end of the turn-around and he wondered about future continuation of the road. Mr. Hill said that there is no plan at this time for any further subdivision. Tom Dow said that it has been asked that any new subdivision road names be decided prior to the recording of the plans. He

told Mr. Hill that road names should be submitted to the Selectboard for verification and approval.

**Stan Prescott made a motion to continue this hearing, with all comments and notes addressed, until the meeting of November 19, 2009 at 7:00 p.m. in the Community Building; seconded by Tom Moore. All were in favor.** There will be no further notification.

**#09-16, NH Motor Speedway** – Amended Site Plan, Located on Route 106, in the C/R District, Map 61, Lot 5. There were no abutters present. Steve Jackson recused himself from this case. John Zudell spoke on behalf of NHMS. He introduced NHMS Communications Director Fred Neergard, Steve Swift, construction manager out of Charlotte, Mark Sargent of Richard Bartlett and Associates, Tim Andrews of Nobis Engineering. Mr. Zudell showed pictures of existing structures at this location as well as the proposed camper shower/restroom. He said the structure has been designed for a snow load of 70 #/sf. Mr. Zudell said they have plans that have been signed by a structural engineer. Stan Prescott asked if this building would be on a slab. Mr. Zudell said there would be a 4' frost wall. He pointed out the two existing buildings, a restroom and a concession, noting that they are 800 sf each. He said the proposed camper shower/restroom is 3950 sf. Tom Dow asked about the septic system. Tim Andrews said there is currently a 4000 gallon tank. He explained that the leach bed was installed in 1990 and was designed for up to 2700 gallons per day. He said the loading for black water from this proposed structure would be 2100 gallons per day. Mr. Andrews said the gray water disposal has not yet been determined. John Zudell said this building will replace two or three of the six portable shower units now used. He said they will use what is available. Mr. Zudell said it would be alright if they have to haul the gray water offsite or they could use dose loading. The chairman asked if they have anything from the State at this point. Mr. Andrews said they do not have anything at this time.

Steve Ives asked how they propose to heat the water. Mr. Zudell said they would have a 1000 gallon LP tank, as is now used for the existing structure. Steve Swift stated that they had three 1000 gallon tanks in another facility and they found that one is sufficient. Mr. Zudell said that a Rinnai hot water heater would be installed. He said they would not be keeping a boiler hot for the whole season. He noted that there would be a wall that allows them to close off a portion of the building during events with less in attendance. Polly Touzin asked where the gray water would be going. Mr. Zudell said it would be hauled to the Loudon lagoon. He explained that black water from other areas of the track is hauled to Haverhill. Steve Swift explained that it is stored in a tanker and then hauled off. Steve Ives asked why it has to go to the town's lagoon. He said he does not want to overload the lagoon. Tim Andrews noted that the gray water has a lower pH so actually helps with the treatment of black water that is dumped at the lagoon by septic haulers. John Zudell said they are taking out 24 units and adding 28 so the net difference is not that much more. Mr. Ives said they are taking down 1600 sf and putting up 3900 sf. He said the Board received a memo from the code enforcement officer who has concerns that they are increasing their structures but are not adding any parking. There was brief discussion about parking. Stan Prescott asked how many showers are in the existing building. Mr. Zudell said there are five that would be coming out. Steve Swift pointed out that the new building would have less water usage because of newer equipment and different type of system.

Tom Dow said that information on the septic is needed for the file. Stan Prescott asked if they had said they are working with the State. Mr. Andrews said they are assessing the options, looking at what is most feasible. Mr. Zudell said that mechanical, electrical, and plumbing drawings would be submitted to the office. There was discussion about the septic options and it was agreed that they are on the right track.

**Henry Huntington made a motion to accept this application as complete and move to public hearing; seconded by Jeff Green. All were in favor.**

Chairman Dow stated that several waiver requests were submitted with this application.

- 1) Waiver requested for Section 13.5.9: **Motion to grant the waiver made by Tom Moore; seconded by Stan Prescott. All were in favor.**
- 2) Waiver requested for Section 13.6.15: **Motion to grant the waiver made by Henry Huntington; seconded by Stan Prescott.** Steve Ives said he would like to see a layout of utilities. Jeff Green said the layout in that area should be shown. John Zudell said it would be on the site plan. Mr. Huntington said this is for the entire site. He noted that they are showing the existing that are now around that area. Tom Moore asked about the septic system. It was noted that the septic is not part of this section. Jeff Green said he would want to see what is now there and the general area of where it will be. Stan Prescott said to focus on this area. Mark Sargent said the site plan will be of this general area. **Henry Huntington amended the motion to read as follows: show the existing and proposed utilities for this specific project area on the site plan and waive the requirement for the remainder of the site; Stan Prescott seconded the amendment to the motion. All were in favor.**
- 3) Waiver requested for Section 13.6.27: Steve Swift stated that there would be a 10' concrete apron all around the proposed structure and it would not usually be landscaped. John Zudell showed the design with the proposed pavement surrounding the building. **Motion to grant the waiver made by Henry Huntington; seconded by Steve Ives. All were in favor.**
- 4) Waiver requested for Section 13.6.28: John Zudell stated that this will be on the site plan. He withdrew the waiver request.

John Zudell said that they generally get a structural approval and then submit the engineering plans for final approval at the next meeting. Stan Prescott explained the process used in Loudon. Jeff Green said that utility plans should show the layout and how they are tying in with this building. Tom Dow said that the Board has seen by the photographs that the project is specific to that little area. There was discussion about potential weather conditions and construction times. Steve Ives said that he does not want to treat the track any different than others. Stan Prescott said that the Board has to look out for the best interest of the town and that he did not feel that a month would make a big difference. Mr. Zudell said the critical part of the project is getting the structure up and putting a roof on. He noted that this is a replacement of an existing use. Stan Prescott said the proposed building is substantially larger.

Tom Moore asked about the septic system that is currently used at this location. Tim Andrews said the system was installed in 1990 and has been maintained and monitored since that time. He said the treatment has been appropriate for what has been there and is sufficient for the black water. He said they are looking at the gray water. Mark Sargent noted that the system is not used eight months out of the year and that the entire site handles several million gallons a day. Tim Andrews said the overall discharge is under the permitted amount. Jeff Green said he did not feel the application was complete enough to approve at this meeting. Tom Dow said the septic system is the question. Tom Moore said that reference points of the building's location should be shown. Tim Andrews showed the group an 'as-built' of the chambered septic system that measures 48' x 80'. Mr. Zudell said that they are replacing five showers and trough urinals that had water running all the time with this more efficient structure. Mr. Andrews said they may not have to do anything with the septic system if they are hauling the gray water offsite. He said metered pumping and a container system were some options.

Henry Huntington said he would be inclined to approve with some conditions. He said the question is on the bigger picture. Mr. Huntington said that the track owners must have some sort of overall master plan for the facility. He said it would be nice to know what that might be so the Board is not getting a rush request each month. Mr. Zudell said he wishes that there was but Mr. Smith 'shoots from the hip'. Mr. Neergard said that Mr. Smith has a thought or plan and goes forward with it and the result is something to be proud of. Steve Swift asked if the approval could be done in pieces so the structure could be started. Henry Huntington said that they would want the whole package. Mike Labonte asked if that process could be revised in next year's zoning amendments. He suggested that they might be able to allow the structure only and then approve the rest at a later date. There was discussion about the tracking of conditional approvals, building practices, what is considered a complete application, and when the necessary revisions could be submitted.

Jeff Green said he did not feel that the application is complete. **Steve Ives made a motion to continue this hearing to November 19, 2009; seconded by Jeff Green.** It was noted that the measurements of where the building is to be located and septic and utility information are needed. John Zudell stated that the project cannot be done this fall if they have to wait. Steve Ives said that he knows this is a great facility but they cannot use the building until next season anyway. There was discussion about holding a special meeting in the next week or two and the posting/notification requirements. Stan Prescott said he was alright with a special meeting but stressed to the representatives to come in better prepared in the future. John Zudell said that a full time building department like other states have would be nice to have here. He said it is probably not realistic. Tom Dow said something from the State is needed in writing with regard to the septic system. Tim Andrews said that they could agree that the gray water will be held in a storage tank and hauled offsite, noting that this could be amended later on if need be. He said the septic system is known to be sufficient for the black water. Mr. Andrews said that something could be added to the plan to note the containerization. Tom Dow asked if DES is in agreement with that. Mr. Andrews said that they would be as it is seen as storage and hauling offsite. Mr. Dow said that a letter of that intent is needed.

It was stated that there was a motion on the floor. Steve Ives said he would move to continue; seconded by Jeff Green. There was discussion about the need to continue to a date certain and what options were available. Tom Moore suggested that it might be easiest to give a conditional approval where they have the septic calculations, know that there is an approved septic system onsite, the gray water will be hauled offsite, and the missing corner measurements can be added to the plan. Henry Huntington said he felt that holding a special meeting would be harder to justify than a conditional approval. He pointed out that the Board has given approvals with conditions. Donna said that approvals with revisions to plans have been made and the chairman reviews the plans to be sure all revisions have been made before he signs them. Tom Moore said that the chairman has the authority to determine if all conditions have been met and if he does not like the plans then he would not sign them. **Steve Ives withdrew his motion; Jeff Green withdrew his second.**

**Henry Huntington made a motion to approve the application with the conditions of having a plan for the septic management, utilities plan, and reference measurements of where the building will be located submitted on or with the final plan; seconded by Tom Moore. A voice vote was inconclusive; a roll vote was taken: Jeff Green – No; Tom Moore – Yes; Stan Prescott – No; Henry Huntington – Yes; Steve Ives – Yes (Yes – 3; No – 2)**

It was noted that all of the above information should be on the final site plan. The mechanical and electrical plans would be something that is submitted to the building/code enforcement office.

**Board Discussion:**

- 1) Capital Improvements Program (CIP) – Stan Prescott reported that the CIP sub-committee met recently and there were no new projects submitted. Donna will update the schedule and tables within the book.
- 2) Zoning Workshops – A workshop was scheduled for November 5, 2009 at 5:30 p.m. to begin the process of reviewing the Zoning Ordinance and address any amendments that might be submitted.
- 3) Sureties – Jeff Green pointed out that some developers construct their new road without a bond so Section 24.6.1 might need to be reviewed.

**Report of the ZBA:**

Donna reported that there are no applications before the ZBA this month.

**Report of the Board of Permit:**

Stan Prescott did not attend the Board of Permit. Steve Ives reported that discussions were held about an upcoming event sponsored by the Jackson Team and the relocation of the grist mill at Sanborn Mills.

**Adjournment:** A motion to adjourn at 11:50 p.m. was made by Henry Huntington; seconded by Jeff Green. All were in favor.

**Respectfully submitted,**

**Donna White**