

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

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PLANNING BOARD MINUTES
OF AUGUST 17, 2006

Meeting called to order at 7:00 PM by Chairman Tom Dow.

Attendance:

Chairman Tom Dow, Bob Ordway, Gary Tasker, Henry Huntington, Tom Moore, alternate Jason Masse, and Ex-Officio Dustin Bowles were present. Vice Chairman Stanley Prescott was not present. Jason Masse will be a voting member in the absence of Mr. Prescott. Julie Robinson was present to represent the Conservation Commission.

Acceptance of Minutes:

July 20, 2006 Public Hearing. *Bob Ordway made a motion to approve the minutes as printed and to put them on file. Seconded by Gary Tasker. All were in favor.*

July 26, 2006 Site Walk. *Tom Moore made a motion to approve the minutes of the Dunkin Donuts site walk. Seconded by Henry Huntington. All were in favor.*

Discussions:

Joanne Fontaine – Wildlife Rehab Facility at 7140 Oak Hill Road – Ms. Fontaine gave the location of the proposed facility and explained there is an existing house on the property and that this would be a separate facility for a wildlife center with no living quarters. Ms. Fontaine asked the Board what they would want from her to make this happen. Gary Tasker suggested that Ms. Fontaine might want to go to the ZBA to be sure that this facility would be permitted. Bob Ordway asked why it would have to go to the ZBA since it appears to be a permitted use, referring to Section 204 (K). Ms. Fontaine asked how close this building could be to the existing house. There was discussion and then it was suggested that she do a site plan showing how she wants it to be laid out. Tom Dow asked if this would be just one more building. Ms. Fontaine explained that she would like to have the building rather than having the wildlife in cages out in the elements. Julie Robinson asked Ms. Fontaine if she was aware that the state has guidelines she is to follow with regard to cage sizes and the animals served, etc. Ms. Fontaine said she is already licensed to do this type of work. Ms. Robinson suggested Ms. Fontaine might want to have that information available to the Board as well. Dustin Bowles asked to clarify that this is for animal rehab. Tom Dow asked if this would be a veterinary hospital. Ms. Fontaine said it would not be a veterinary hospital, only a wildlife rehab facility. Some of the more serious cases would have to be sent to a different facility if extensive care was needed. Bob Ordway asked Ms. Fontaine if she plans to do this alone. She said there would be a Board of Directors and volunteers as she plans to file for 501 non-profit status. Tom Moore asked if this would include exotic birds or animals. Ms. Fontaine said it would be native wildlife only. Ms. Fontaine was advised to file the necessary paperwork to get on the next agenda.

Old Business:

1. **Application # 05-11, Wildwood Sanctuary Association, Inc.** – Major Subdivision, Located on Young's Hill Road, in the AFP District. Map 34, Lot 2. There were no abutters present. Ray Shea of Sandford Survey and owner Len LaPadula were present to

present this project. Tom Dow stated for the record that this application has not yet been accepted as complete. Mr. Shea explained that they have the dredge & fill permit and once the Site Specific has been approved the state Subdivision Bureau will release the subdivision approval. He said the state is currently working on April 16th applications and theirs was submitted on May 16th so it should be reviewed in the near future. This subdivision's road review report was received today from town engineer Tony Puntin. The Board and Mr. Shea briefly reviewed and discussed the report. Mr. Shea presented a road plan for the length of Young's Hill Road that will be addressed as part of this project. He explained pieces of the plan, saying this puts in plan form what was in memo form at the last meeting. This road plan has not been submitted to Louis Berger. Bob Ordway asked if the road improvements would start at Clough Hill Road. Mr. Shea said it reads from where the pavement is at this time. Dustin Bowles said the regulations state that the improvements have to start at the property line. Len LaPadula said they are doing 2800' and that he'd like to be able to do the whole thing but isn't in the position to do that. Bob Ordway said the plan looks like it starts at Clough Hill Road and asked for further clarification. It was explained that the work will be from the property line to 600' in from Clough Hill Road. Mr. Ordway asked Mr. Bowles if the town will do the rest of the road. Mr. Bowles said it depends on the timeliness since they would have to get it prepared for town meeting to raise and appropriate the funds to do the remaining 600'. Mr. Ordway suggested that perhaps Mr. LaPadula's contractors could give a bid for the rest of the road and the town could cover the cost of that section. Mr. Bowles asked Mr. LaPadula what his anticipated timeframe might be. Mr. LaPadula said he is in no rush and can be flexible. Tom Dow stated that building permits are currently out to 2009. Ray Shea said he will send a copy of the road improvement plan to Louis Berger. There was brief discussion about the report of Louis Berger with regard to lot sizes. Julie Robinson said the Conservation Commission was very pleased with the work done by the applicant in his efforts to make the best use of the property with the least impact. Tom Moore asked Mr. Shea if Young's Hill Road would be brought up to the regulations. Mr. Shea said it will be brought to Class V standards. Chairman Dow closed the meeting to the public and opened it to the Board only. Tom Dow clarified that they are waiting for the site specific permit. Mr. Shea said it will be tight if they get it in a month. Mr. Dow asked Mr. Shea and Mr. LaPadula to review the report of Louis Berger and address those items. He also asked that they notify the office by the Monday prior to the next meeting if they do not have the site specific permit and will not attend that meeting. Mr. Shea asked if the road plan should be submitted directly to Louis Berger or the planning office. He was told to submit to Louis Berger, cc the Planning Board. *Gary Tasker made a motion to continue this application to the meeting of September 21st. Seconded by Dustin Bowles. There was no further discussion. All were in favor. This is the only notice.*

2. **Application # 06-07, William Taranovich**, - Minor Subdivision, Located on Bee Hole Road, in the RR District. Map 21, Lot 23. There were no abutters present. Applicant Dan Aversa reported that he has been before the ZBA for the special exception which was denied. He said the ZBA does not like shared driveways. Mr. Aversa stated that in the regulations driveways have been removed from the definition of a structure. He told the Board of his frustration with the ZBA, feeling they did not address the 30' side setback issue. Mr. Aversa reported that the ZBA suggested he access this lot from Wiggins Road, and he asked what would be involved to do that. Tom Dow said the regulations do not allow site development on Class VI roads. Mr. Aversa said Peter Schauer and Dave

Dolan both explained at recent meetings that the proposed plan has the least impact on the wetlands, again mentioning driveways being removed from the definitions which should mean he doesn't have to have ZBA approval. Dustin Bowles asked if this plan involves 20% slopes. Mr. Aversa said it does on the edge. Mr. Bowles asked again if getting this driveway in means disturbing a 20% slope. Mr. Aversa said he feels this has all been discussed at prior meetings. Tom Dow stated that the regulations do not allow driveways through side setbacks without special exception. Mr. Bowles said he feels that Mr. Aversa also had to go before the ZBA to obtain approval to go through the 20% slope. Mr. Aversa said the reason they had to go back to the side setbacks was because they weren't sure if driveways are structures so that was the only reason they had to go to the ZBA. Mr. Ordway said there was no question on the Board's part about driveways not being structures. Mr. Aversa said that is why he was sent to the ZBA. Mr. Dow stated that was not correct and referred to setbacks on page 12 of the ZO, referring to driveways crossing front setbacks and the possibility of reducing side setbacks for a driveway by special exception. Mr. Aversa understood that to mean driveways could cross side setbacks. Tom Moore said the idea is to keep headlights out of neighbor's windows. Tom Dow said Mr. Aversa has gone to the ZBA and they recognized there was an issue and voted not to let him cross the side setback. Mr. Aversa said the ZBA didn't discuss the side setback at all; they kept going to what people felt rather than the regulations. Mr. Aversa told of the ZBA meeting, explaining how upset he was with their handling of the matter. Bob Ordway said he attended the ZBA meeting and was also confused. He said he doesn't think the discussion ever got on track. Mr. Aversa said he kept asking the ZBA to go back to the issue during that hearing. Dustin Bowles said it sounded like the ZBA was not happy with the plan so suggested another option. Mr. Aversa stated that the ZBA said Wiggins Road was another alternative because it was less of an impact. He said he has hired a soil scientist and an engineer/surveyor who have both stated this option would cause far greater impact on the wetlands. Bob Ordway said that is what DES will say as well. Mr. Aversa showed the Wiggins Road area on the plan, saying it was very wet and steep. Mr. Bowles said they have to support the Zoning Ordinance with the Planning Regulations, and it would appear that the ZBA is saying they would rather see the applicant go with the Wiggins Road option rather than put the shared driveway through a steep slope. Mr. Aversa said they will still see steep slopes. Mr. Bowles stated that Wiggins Road is a Class VI road that is already on the tax maps as a road and in essence it appears that the ZBA feels an upgrade to that road is the better way to go. Mr. Aversa said that could be an interpretation of the ZBA decision but that would be impacting the wetlands more. Mr. Bowles said it is his personal opinion that the Board cannot approve the subdivision because they still have to address the 20% slope. Mr. Aversa said it is not that steep and when the PB walked the site he said comments were that the 20% issue relates more to subdivision roads than driveways. Bob Ordway asked where in the regulations it was decided that they would address driveways in the same context as traveled roads. Mr. Bowles stated that zoning is law, citing Section 207.5, and it is up to the Board to see to it that it is followed. He also said if the town votes to change the regulations, the Board is to enforce them. Mr. Aversa said he recalls that the main concern of slopes is life safety and the roll out area of a driveway. This is a long driveway, ends flat and has plenty of roll out distance. He said if driveways were to be allowed in the 20% slope this is the kind of driveway you would want. Bob Ordway said he is not convinced that driveways fall within the definitions. Mr. Bowles referred to section 207.5 once again, citing setback regulations. Mr. Ordway said he is not talking about setbacks, and he said the ZBA never addressed setbacks, they just got off on a

tangent about other things. He said he does not feel the Board is in the business of regulating driveways. Mr. Bowles said the Board is in the position of regulating steep slopes and if infringing on steep slopes then they have to address it. Discussion ensued about driveways in Wellington Way and issues that the town engineer had with those in the slopes. Mr. Aversa said there is only one driveway that is steep and doesn't want people painting a picture of them being horribly steep driveways. Julie Robinson said the concerns with steep slopes are erosion and sedimentation. She cited the development on Chichester Road where every rain washes out the slope, saying this is her concern when disturbing slopes so close to wetlands. Ms. Robinson stated this was a large part of consideration when working on the regulations in the first place. Mr. Bowles stated this plan takes a 20% slope down to 8%, saying this is a pretty good cut and there is no assurance it will be stabilized. Tom Moore questioned if Mr. Aversa wasn't subdividing but simply applied for a building permit would the town allow him to build up top and put in a driveway. Mr. Bowles said that would be a different issue. Bob Ordway said it bothers him that the Planning Board is involved in regulating driveways and he would like to see them get out of it. Mr. Bowles said the town engineer has advised the town that such things need to be watched carefully as the town changes its regulations and more subdivisions and driveways are brought before the Board. Chairman Dow stated the Board could debate this at length but the fact remains that the ZBA made the decision that the driveway cannot cross side setbacks and he doesn't believe this Board can overturn that decision. Mr. Aversa asked what the ZBA was supposed to be deciding on, was it whether or not he could cross the 30' setback. Mr. Dow said it was whatever the application was for and whether it was accepted, approved or denied. Mr. Aversa said it was to get this shared driveway to pass through the little 30' setback on two lots and it was denied and the ZBA wants him to access the lot from Wiggins Road. It was stated that this board cannot change that decision. There was discussion about shared driveways. Mr. Bowles said 911 does not like shared driveways and they are not encouraged. Mr. Aversa asked what he has to do to make Wiggins Road meet driveway standards. The chairman said it cannot be done. He said the road would have to be upgraded to town standards to allow for any site development. Mr. Aversa said it appears that his only option is to appeal the ZBA decision. Mr. Bowles asked if this application should be continued. Mr. Aversa said he will go back to the ZBA one more time. ***Gary Tasker made a motion to continue this application to the meeting of September 21st. Seconded by Jason Masse. All were in favor. It was noted that the next ZBA meeting is after September 21st therefore this application will not be reheard until the October meeting. This is the only notice. Mr. Aversa was asked to put something in writing asking that the application be continued until after the September 28th ZBA meeting.***

- 3. Application # 06-20, Skip Fern Management**, Site Plan Review for Dunkin Donuts, Located on Route 106, in the C/I District. Map 20, Lot 75. There were no abutters present. Skip Sagris reviewed the proposal with the Board. He presented pictures and specs of the parking area lights that will be used. He also showed the Board a sample of the material to be used for the panel on the façade and pictures of a local Dunkin Donuts to show the color to be used for that 18" panel. Mr. Sagris presented a landscape plan, also showing pictures of a local DD's patio area, explaining that the block would be a different color and there will be three picnic tables in that area. Gary Tasker said he feels the landscape plan is fine and made a couple of comments on the legend. It was asked where the new parking lot lights will go. Mr. Sagris pointed out the four locations, explaining that there is currently a pole at the back corner with a light that is leased from

PSNH. That light will go away. Gary Tasker asked if the drainage plan has been accepted by the state. Mr. Sagris said that Brown Engineering is handling all of that and he explained that he has chosen to go beyond the required drainage specs just to avoid any future flooding problems. Mr. Tasker asked if the driveway and new parking lot would be paved. Mr. Sagris said they will be grinding down the existing pavement and redo that and the new area so it will all be the same color when done. Tom Moore stated a concern of the approach to the property, citing visibility issues if large vehicles are pulling in. Mr. Sagris explained that the approach is by state design and parameters. Henry Huntington asked if the stop sign would still be at the exit of the property. Mr. Sagris said the sign would remain. Mr. Moore described the scenario he has seen with patrons pulling onto 106 when their visibility is blocked by a large vehicle pulling into the parking lot. Mr. Sagris said he has been given permission to limb the trees up 20' and hopes that may help improve sight distance. Tom Dow asked if Mr. Sagris would be re-grading for water shed. Mr. Sagris said re-grading would be done on both sides of the driveway and there would be stone on both sides to promote the flow of runoff. Mr. Tasker asked Mr. Sagris about a note to trim trees behind the fence at the back of the property. Mr. Sagris explained he would be trimming the branches that are hanging over the fence. Chairman Dow closed the meeting to the public and opened it to the Board only. There was no further discussion. ***Gary Tasker made a motion to approve the application as submitted. Seconded by Bob Ordway. All were in favor.***

New Business:

- 1. Application # 06-23, New England Flower Farm/Pleasant View Gardens, Site Plan Review for Production Greenhouse, Located on Pleasant Street, in the RR District. Map 6, Lot 3.** There were no abutters present. Henry Huntington stepped down from the Board as an involved party. Tim Bernier presented the plan on behalf of the Huntingtons. Mr. Bernier gave an overview of the previously approved plan for this property, stating the first half of the project has been done. Mr. Bernier said this application is an amendment to add another half bay for additional production space. ***Gary Tasker made a motion to accept this application as complete and move to public hearing. Seconded by Dustin Bowles. All were in favor.*** Mr. Bernier explained that they are requesting the same waivers as were requested and granted on the previous application. Mr. Bernier was asked to outline the waivers being requested. He was also asked to put these waivers in writing to the Planning office. Chairman Dow suggested that the Board address the waivers as one. Tom Moore asked to clarify that this is just an addition to the building and there are no extra lights, etc being added to the site. This was confirmed. ***Gary Tasker made a motion to approve the waivers as read. Seconded by Tom Moore. All were in favor.*** There was discussion about what would be grown and the timeframe of the project. Henry Huntington explained that some production is done in the current greenhouse and they want to move the production equipment out of the greenhouse, keeping that greenhouse growing area cleaner and more sanitized. Tom Dow mentioned the title of the plan being 'amended grading plan', saying this is more like an addition. Mr. Dow said it should be site plan or addition. Mr. Bernier explained that he used a page out of the original set of plans that best showed the building being discussed at a scale that was reproducible. In the original set of plans that was the grading plan. Mr. Dow asked that the title be changed so that the record is clear. Mr. Bernier pointed out that Note #1 on the plan always explains the most current change, this one explaining the addition of the half bay. Tom Moore asked for clarification on page numbers and missing pages. Mr. Bernier explained that he did not submit small copies of all of the pages of the main plan

because they would be extremely difficult to read due to the scale of the plans. *Gary Tasker made a motion to approve the application as presented. Seconded by Jason Masse. All were in favor.* Henry Huntington returned to the Board.

Board Discussion:

- a . Hanson property on Bee Hole Road – The town has recently been deeded an easement on this property to improve visibility. The stone wall has been moved back into the property. Mr. Hanson asked Jean Lee if the setbacks are now figured from the property line or the new stone wall, and Mrs. Lee asked the secretary to get a ruling from the Board. Board discussion determined the setbacks would be figured from the property line, and depending on the type of easement, that could be the original lines or the new line depicted on the map.
- b . Kendall Gay property – Both the town assessor and the town counsel have stated that this lot on Bee Hole Road is one lot, regardless of Wiggins Road dividing it. Web Stout has been advised as such so he can complete the plans for the recently approved subdivision of Chester Gay’s property.
- c . A letter was received from Eastern Propane outlining a proposal to install a 2,000 gallon diesel storage tank at their facility. They will go before the ZBA on August 24th and are asking if they are required to also come before the Planning Board. They will be advised that they must present a revised site plan to the PB if the ZBA approves the larger tank.
- d . There was discussion about the road bond for Alvin Davis’s ‘Kinkade Haven’. His proposal to have the town take a mortgage against his commercial property was not accepted because this is not a form of bonding that is permitted by the Zoning Ordinance or Land Development Regulations.
- e . Dustin Bowles said the town must be careful when it comes to setting a bond, saying it must be calculated to include cost increases between the time it is set and the time the actual construction is done.
- f . It was asked that the secretary send post cards to Board members as special meeting reminders. Julie Robinson asked to be informed of any meetings held to work on regulation updates.

Report of the ZBA:

There are two special exception applications before the ZBA. One is for reduced front setback to build a deck on a house with an existing enclosed porch and the other is for the installation of a 2,000 gallon diesel above-ground storage tank. Dee Dee Maratea has asked to speak with the ZBA about an extension.

Report of the Board of Permit:

Road bonds, particularly mortgages held as bonds, were discussed. Also discussed was the planned update of the Land Development Regulations with the help of Central NH Regional Planning Commission. This update would make the Regulations more uniform to the Zoning Ordinance.

A motion to adjourn at 8:50pm was made by Gary Tasker. Seconded by Dustin Bowles. All were in favor.

**Respectfully submitted,
Donna White**

