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**TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE**

**PLANNING BOARD MINUTES
OF FEBRUARY 16, 2006**

I. MEETING CALLED TO ORDER AT 7:00 P.M.

II. ATTENDANCE:

Gary Tasker, Chairman; Tom Dow, Vice Chairman; Bob Ordway, Henry Huntington and alternates Clem Lyon and Jason Masse were present. Stanley Prescott, Tom Moore and Ex-Officio Dustin Bowles were not present. Alternates Clem Lyon and Jason Masse will be voting members. No Selectman's representative was present.

Conservation Commission representative Julie Robinson was present.

Fire Department representative James McNeil was present.

III. ACCEPTANCE OF MINUTES:

January 19, 2006 Public Hearing. Clem Lyon made a motion to accept the minutes as written. Seconded by Bob Ordway. All were in favor.

January 23, 2006 Zoning Workshop. Tom Dow made a motion to accept the minutes as written. Seconded by Henry Huntington. All were in favor.

IV. DISCUSSIONS:

1. Dan Aversa was not present. The Board stated they would give him some time to arrive.
2. Volunteers of America – Julia Wilcox from Volunteers of America and Tony Marcotte from Bedford Design Consultants presented the project. Ms. Wilcox stated this is a 33 unit affordable senior housing project located off South Village Road on Map 20, Lot 9. Mr. Marcotte stated they have changed the location of the project since the last time they came before the Board because the previous site made it difficult to place the wells; they have moved the site one lot to the South. Mr. Marcotte stated in November of 2005 NH DES changed the requirements for wells and made it possible to have one well, the previous site had two wells. Mr. Marcotte stated they have already received a variance for the number of units under one roof and the Zoning Board has had a straw pole indicating they would be in favor of a parcel size variance for the 8 acre lot. Mr. Marcotte stated there has been a request to have a place for the Town van for community shuttles; this is shown on the plan as a garage with two doors, one for the van and the other for maintenance equipment. Mr. Marcotte stated they have also agreed to provide a small office for the department that runs the van. Mr. Marcotte stated the plan has been modified some to move the driveway away from the abutter's lot line and parking has changed so the headlights do not shine into abutting houses; also, they are proposing a row of hedges to buffer the abutting property from the parking lot. Mr. Marcotte stated the 100 year floodplain is shown as zone A and is not elevation based. Bob Ordway stated they should be back next month for formal site plan review. Mr. Marcotte stated they did test pitting today and met with NH DES subsurface regarding

the septic and they are moving fairly quickly; the only group they haven't seen yet is NH site specific. Gary Tasker stated they will need to submit a landscape plan separate from any other plan and it should address screening and both sides of the driveway. Mr. Marcotte stated yes they will and they anticipate there will not be much buffer saved along the Merrill line and behind the building. Mr. Tasker stated they will be looking for evergreen screening, trees that are going to grow substantial; a landscape architect will know what to do. Mr. Marcotte stated they have a junior landscape architect on board. Julie Robinson asked if the construction will stay out of the 100' buffer. Mr. Marcotte stated yes, most of the project will be out of the 150' buffer, the septic system may go into the 150' buffer but the structures are outside of it. Mr. Tasker stated the Board will want a full lighting report, especially where it abuts a neighborhood area. Mr. Tasker stated sidewalks in the Village need to be addressed with every new applicant. Mr. Marcotte stated they can extend a sidewalk down to the road. Mr. Tasker asked if Mr. Marcotte sees a need to widen Village Road. Mr. Marcotte stated he does not see the need with the traffic volume created from this type of development. Mr. Tasker stated this area can be addressed with the road agent. Mr. Marcotte stated they anticipate being back next month with a full site plan if they have their state permits. James McNeil asked if there is a fire protection plan. Ms. Wilcox stated they are sprinkling the building and can get the plans to the fire department. Mr. Marcotte stated they did not see a need to put a driveway all around the building; the building lends itself to having significant access around most of it. Mr. Marcotte stated if fire access becomes an issue the dumpster can be moved and that area made into a driveway. Mr. Marcotte stated the foundation corner is 28' from the lot line and there is a 2' overhang. Mr. Tasker stated they should address landscaping along the property line except for areas where access is needed. Mr. Ordway stated they intend to park the John O. Cate Memorial Van in the maintenance building. Mr. Marcotte stated the building is 30' x 30' with the intent of putting an office in there. Mr. Ordway stated the Town has a warrant article for March Town Meeting to construct a building for the van and that building is a little larger than this. Ms. Wilcox stated the Town could give them those dimensions. Mr. Marcotte stated half the building would be for the van and half for the Volunteers of America. Brenda Pearl stated because of the warrant article she wanted to know if this was a sure thing so she would know how to vote at town meeting. Mr. Marcotte stated it is a sure thing as long as the project goes forward with all the approvals. Mr. Tasker stated the warrant article could go back on next year if this project did not work out. Mr. Tasker asked if this is the color scheme they plan to use. Ms. Wilcox stated yes, the building has wood siding, brick fascia and cedar shakes. Mr. Marcotte stated the back is all siding and there is a French drain around the building, no gutters. Mr. Marcotte stated there will be stormwater treatment but no detention because they are in the Soucook River watershed. Mr. Tasker asked if there were any questions from the public. There were none. Mr. Tasker asked if there were any questions from the Board. Tom Dow stated he would like to emphasize that they are on the property lines everywhere. Ms. Wilcox stated they have contacted the abutters and are considering their thoughts. Mr. Marcotte stated they are trying to stay away from the 150' buffer as per the Master Plan and that is the trade off. Henry Huntington asked what the elevation change is from the parking area to the abutting houses. Mr. Marcotte stated it is pretty level and the majority of the landscaping will go to these abutters and the Merrill piece. Mr. Dow asked if a berm could be an option here. Mr. Marcotte stated it could be, the only thing is it would limit the size of the trees. Mr. Tasker stated it could be a low berm with 6'-8' trees and would improve the aesthetics of the whole area.

3. John George – Mr. George stated he is looking for clarification on the Foster Road project; he is confused about the buffer and never knew they would build so close to his property. Mr. Tasker stated the only way to really know if they are cutting is to contact code enforcement. Mr. George stated he has talked to Mr. Fiske. Mr. Tasker stated Mr. Fiske can handle it and if it is still an issue then he can come to the Board. Mr. George stated that is why he is here. Mr. Tasker asked if there is a 50' no cut buffer. Tammy Davis stated it is a setback line. Julie Robinson asked if this is from a wetland. Mr. Tasker stated it is a property line. Mr. Tasker asked if there were any stipulations made about cutting during the site plan review. Mr. George stated he attended one meeting that was postponed and never received notice of another meeting. Mr. Tasker stated the only notice is given at the meeting. Mr. George showed the Board the approved site plans. Mr. Tasker stated the landscape plan shows existing trees, but if there are no stipulations made during the meeting that there is not going to be any cutting they can cut up to the property line. Mr. George stated the original plan showed a 50' no cut line and then this plan came through. Mr. Tasker stated the landscape plan shows heavy plantings along this line. Mr. Tasker stated he is sure Mr. George can talk to the person doing the landscaping. Mr. George stated he has already talked to them and they are going to work together to get it right. Mr. Tasker stated if there is a plan on file that shows there is a no cut line they can look into this and Ms. Davis can check the minutes.

V. CONCEPTUAL CONSULTATION:

1. Merrimack Valley School District – Fred Reagan stated they have submitted lighting and landscape plans since they were here last. Mr. Reagan stated there are 11 light poles in the parking lot, 3 in the parental drop off and pick up area that are 14' tall, 7 in the major parking lot and one out back at the end of the gym are 20' tall; they all have reflectors so the light shines directly down. Mr. Reagan stated as you head out towards School Street there is really no light. Mr. Tasker stated the abutter had concerns about the lights. Mr. Reagan stated these lights will be just like Penacook Elementary School's. Mr. Reagan submitted specifications on the lights and stated there will be 8 wall mounted lights at the entrance. Mr. Reagan stated there will be 117 parking spaces; they do not plan to use the upper parking lot anymore and are not sure what they are going to do with it yet. Mr. Tasker asked what landscaping is on the property line. Mr. Reagan stated there is nothing right now, originally the road was going to be closer and now there is about 10' between the property line and the road. Mr. Tasker stated it needs some sort of screening and he will leave it up to them. Mr. Reagan stated they used a chain-link fence with green slates at Penacook Elementary. Mr. Tasker stated something should be done to be good neighbors so headlights don't shine into the back of the houses. Mr. Reagan stated they will plan on bringing a fence to the end of the turning circle and some trees near the road. Mr. Reagan presented a guide to the trees being planted. Mr. Tasker stated he thinks the Board is happy with the lighting, and the landscaping plan only needs screening by the house. Mr. Reagan stated he will drop off a revised plan at the office for the Board to review. Mr. Tasker asked if there were any questions from the public or Board. There were none.

VI. OLD BUSINESS:

1. Application # 05-11, Wildwood Sanctuary Association, Inc. – Major Subdivision, Located on Youngs Hill Road, in the AFP District. Map 34, Lot 2. No abutters were present. Gary Tasker stated the applicant has requested to continue to await the outcome of March elections on the proposed zoning amendments. Henry Huntington made a motion to

continue this hearing. Seconded by Tom Dow. All were in favor. This application will be heard on March 16, 2006, at 7:00 pm, at this facility. This is the only notice.

James McNeil asked how long the Board will wait for Mr. Aversa. Mr. Tasker asked if Mr. Aversa knew he was first tonight. Tammy Davis stated yes. Mr. Tasker stated the Board will give him a few more minutes.

2. Application # 06-01, Walter Lampron, Major Subdivision, Located on Clough Hill Road & Route 129, in the RR District. Map 23, Lot 16. No abutters were present. Steven C. Luger Licensed Land Surveyor presented the application. Mr. Luger stated at the last meeting they presented a subdivision with a 2.07 acre lot and a 7.82 acre lot leaving 96 acres remaining. Mr. Luger stated after the last meeting they added note #7 referring to the wetland buffers. Mr. Luger stated they are looking for approval tonight if possible. Mr. Tasker asked if there were any questions or comments from the public. There were none. The hearing was closed to the public and open to the Board only. Julia Robinson stated she assumes they are going to build on lot 23-16-2; is there any assurance they will not stockpile material in the wetland buffer zone. Mr. Luger stated he does not know if he can assure this and stated he thought this was a function of the building inspector. Ms. Robinson stated she would like it noted they should not use that buffer zone as a stockpiling area; the 7 acre lot is a huge peak wetland. Mr. Tasker stated it will be noted in the minutes. Mr. Tasker asked if there were questions from the Board. Henry Huntington stated he recalled a comment about a driveway and the neighbor's lot. Mr. Luger stated the neighbor's house is back in a wooded area and they have shifted their driveway to the edge of their lot; the neighbors are also at a much higher elevation. Clem Lyon stated he does not think there will be much of a problem. Bob Ordway made a motion to approve the application as presented. Seconded by Clem Lyon. All were in favor.
3. Application # 06-02, Judith Merrow Trust, Major Subdivision, Located on Flagg, Wyman & Old Shaker Roads, in the RR District. Map 48, Lot 5. No abutters were present. Chris Bofinger from P.C. Bofinger Land Surveying, PLLC represented the applicant. Mr. Bofinger stated this 3 lot subdivision meets current zoning and subdivision regulations. Mr. Bofinger stated they have added note #9 to clarify the wetland buffers and added note #6 with the State subdivision number. Mr. Bofinger stated he has labeled the contour lines and as pointed out at the last meeting he had mislabeled Lot 134 and has fixed that. Mr. Tasker asked if there were any questions or comments from the public. There were none. The hearing was closed to the public and open to the Board only. Jason Masse asked if note #9 could be read. Mr. Bofinger stated it says the first 25' of buffer from edges of wetland shall be left undisturbed, dead, diseased or fallen trees may be removed only if they are considered to be unsafe; the remaining 50' of buffer may be selectively cut as outlined in the Shoreland Protection Act. Julie Robinson asked how lot #1 is going to be accessed. Mr. Bofinger stated the Shoreland Protection Act is 50% of the basal area and a 12' driveway will fit between the side setback and the 25' no cut line. Henry Huntington made a motion to approve the application as presented. Seconded by Jason Masse. All were in favor.
4. Application # 06-03, Peter & Gary LLC, Major Subdivision, Located on School Street, in the RR District. Map 38, Lot 8. Abutter Russell Pearl was present. Mark Sargent from Richard D. Bartlett & Associates represented the applicant. Mr. Sargent stated he apologizes for missing last months meeting. Mr. Sargent stated almost a year ago they were here and had issues with logging in the wetlands; since that time they have

subdivided off two lots in May and split one of those lots in two again in October. Mr. Sargent stated he has a letter from the wetlands bureau stating all issues have been resolved; included in this packet is a wetlands permit for this project. Mr. Sargent stated this project is for a 96.18 acre parcel creating three new lots and one remainder parcel; proposing two driveways, one is a shared driveway for lots 2 & 3. Mr. Sargent stated there is a 7.04 acre lot with 3.44 acres buildable, a 3.04 acre lot with 2.23 acres buildable and a 3.23 acre lot with 2.78 acres buildable. Mr. Sargent stated they do have their permits for crossing the wetlands for the driveways and have State subdivision approval. Mr. Sargent stated they have three waiver requests. Julie Robinson asked if the shared driveway goes into the wetland buffer. Mr. Sargent stated it crosses over one wetland and borders along the back wetland. Tom Dow inquired to the area previously deeded to the Town for the widening of School Street. Mr. Sargent stated that was part of the first subdivision and reflects on this plan. Tom Dow made a motion to accept this application as complete and move directly to a public hearing. Seconded by Bob Ordway. All were in favor. Mr. Dow asked if the recreational trail is on the plan. Mr. Sargent stated yes. James McNeil stated this is four lots and read the fire department requirements to the applicant. Mr. Dow asked where the closest water supply is. Mr. McNeil stated in the Village and his recommendation would be a cistern here. Bob Ordway asked where the water to fill a cistern comes from. Mr. McNeil stated a 10,000 gallon tanker truck can come fill it, the developer is responsible to fill it originally. Mr. McNeil stated he would like to see a 30,000 gallon cistern here. Ms. Robinson stated she thought the Board was trying to get away from just delineating the topography on each lot and show the whole overview instead. Mr. Tasker stated the regulations call for the whole lot and they ask for a waiver if they want to just do each lot. Henry Huntington asked what the intent is for the rest of the lot. Mr. Sargent stated originally the owner was interested in lying out the entire lot but because of what has happened the whole tract is for sale now. Mr. Tasker asked if there were any questions or comments from the public. There were none. The hearing was closed to the public and open to the Board only. Mr. Tasker read the first waiver request for a scale of 1"=100' due to the size of the parcel. Bob Ordway made a motion to approve a waiver for the scale. Seconded by Clem Lyon. All were in favor. Mr. Tasker read the second waiver request for natural and man-made features, they are depicted on the proposed three lots, and the applicant is requesting a waiver for the remaining lot. Henry Huntington made a motion to approve a waiver of the natural and man-made features. Seconded by Bob Ordway. All were in favor. Mr. Tasker read the waiver request for lot 2, it slightly exceeds the width to depth ratio and was configured to extend to a rear property line. Mr. Huntington asked if the Board requested the line extend to the back of the property. Mr. Sargent stated originally they all extended back but the Board asked we don't do that; on this one lot though it made sense. Henry Huntington made a motion to approve the waiver for the width to depth ratio. Seconded by Tom Dow. All were in favor. Mr. Tasker stated the cistern needs to be addressed next month. Tom Dow made a motion to continue this hearing. Seconded by Jason Masse. All were in favor. This application will be heard on March 16, 2006, at 7:00 pm, at this facility. This is the only notice.

Bob Ordway stepped down from the Board.

5. Application # 06-04, Land of Colleen Sliva, Minor Subdivision, Located on Bee Hole Road, in the RR District. Map 3, Lot 6. Abutter Bob Ordway was present. Web Stout from FWS Land Surveying represented the applicant. Mr. Stout stated they have received subdivision approval. Tom Dow made a motion to accept this application as complete and move directly to a public hearing. Seconded by Henry Huntington. All were

in favor. Mr. Stout stated he has added notes to the wetlands setbacks with a no cut on the 25' and 50% of the basal area on the 75'; he has also added the line types to the legend. Mr. Tasker stated the original lot is a large parcel. Mr. Stout stated it is approximately 26 acres and has the required frontage for one more lot. Mr. Tasker asked if there were any questions or comments from the public. There were none. The hearing was closed to the public and open to the Board only. Henry Huntington stated the subdivision was pretty straight forward. Clem Lyon made a motion to approve the application as presented. Seconded by Henry Huntington. All were in favor.

Bob Ordway returned to the Board.

6. Application # 06-05, H. Wayne Thistle, Lot Line Adjustment & Major Subdivision, Located on Young's Hill Road, in the RR District. Map 25, Lots 11 & 23. Abutters Jenene Hersey, Glen Whitney, Earl Tuson and David Trow were present. Web Stout from FWS Land Surveying represented the applicant. Tom Dow made a motion to accept this application as complete and move directly to a public hearing. Seconded by Jason Masse. All were in favor. Mr. Stout stated this is off Young's Hill Road and is a lot line adjustment/subdivision creating 4 lots with 2 acre minimums and one 24 acre lot. Mr. Stout stated they got State subdivision approval for the whole project, they needed to get subdivision approval for the existing house because the lines had changed. Mr. Stout stated they have consent from the Conservation Commission to cross a wetland for a driveway in the last lot. Mr. Stout stated he has not spoken to the fire department but he believes the houses will be sprinkled. Mr. Tasker stated the Board will need a note. Mr. Stout stated Mr. Thistle has met with the road agent and is going to pave up to Route 129; Mr. Thistle is going to work in conjunction with the road agent. Mr. Stout stated they are going to improve the approach to the intersection. Clem Lyon asked if this is a scenic road. Mr. Stout stated it is not, the road agent stated he would like to see the road at 19' or 20' feet wide. Mr. Tasker stated he would like to tie down exactly what is going to happen out there; if abutters have questions we have something to address it with. Mr. Stout stated he will get something from the road agent; Mr. Thistle is going to replace a culvert along the road that is in disrepair. Julie Robinson stated they met with Mr. Thistle and agreed to put a stipulation in the deed for the large parcel that it would have a development easement; there will only be one house on the 24 acre lot. Mr. Stout stated Mr. Tuson had concerns with wetlands and the buffers will reflect the actual path of the wetland. Mr. Stout pointed the areas effected on the plan. Mr. Stout stated the trees in these buffers will be protected. Mr. Stout showed areas that are not in the buffer zones. Mr. Tasker asked about the driveway on the lot next to Young's Hill Road. Mr. Stout stated the 911 address has been issued; the driveway has been moved westerly about 20'. Mr. Stout stated the road is not in yet and Mr. Thistle has a permit to build a house now. Henry Huntington asked why the driveway cannot come out where the proposed road will be. Mr. Stout stated because of 911 and if he did, it would be the wrong address; 911 addresses are measured every 50'. Mr. Stout stated he can see what would happen to the address if the driveway is changed. Tom Dow stated once the driveway is placed it will remain there. Mr. Stout stated the house is also facing Young's Hill Road with the garage on the opposite side of the proposed road. Glen Whitney stated the proposed road is already being used, why can't they use it for this driveway too. Mr. Whitney stated he can change the 911 address the house is not even built yet. Mr. Stout stated this is the plan Mr. Thistle has. Mr. Whitney stated his house is already close to the road, this will create two outlets onto Young's Hill Road. Jenene Hersey asked if the house will be like the other houses in the neighborhood. Mr. Tasker stated that is not up to the planning board to say, it is up to the developer to decide. Mr. Stout

stated Mr. Thistle stipulated he was going to do his best to maintain the integrity of the neighborhood here. Mr. Tasker stated it seems the concern is which way the house is going to point, if all the other concerns have been addressed, if Mr. Thistle is willing to spin the house and have the driveway come out on that road, if that solves a lot of issues for the neighborhood it might be in his best interest. Mr. Tasker stated this is not within the Planning Boards power to tell a developer which way to spin his house, especially if he already has a driveway permit. Mr. Tasker stated it does make sense, the least amount of traffic and entrance and exits you have is safer. Mr. Stout stated there is the issue of 911 and if the Town will have a problem with a driveway coming down a right of way. Mr. Tasker stated the Board would not have a problem, you would come in on the road and turn off the road where it would become his driveway at some point. Mr. Huntington stated he would not have a problem with that. Mr. Tuson asked if there are any restrictions on how close a driveway can be from an intersection. Mr. Stout stated the proposed driveway is 170' from the intersection. Mr. Tuson stated he would like to see the trees on his property line stay. Mr. Dow stated the Board said on the original subdivision they were going to leave the trees on the road alone. Mr. Stout stated there was one tree along the road and they did leave it. Mr. Tasker stated the Board would like a feed back from Mr. Thistle on this. Mr. Stout stated the previously subdivided lot is done being developed and there is about 35' on the other lot not in a wetland buffer. Mr. Tuson stated he would like to see this area. Mr. Stout stated he will get Mr. Tuson a copy of the plan. Ms. Hersey stated she would like the tree line on her boundary to be left and does not want the house next to her swung around so the whole back yard of the house faces her. Mr. Tasker asked to see if the developer would put a no cut along this property line. Mr. Tuson asked if the easement on the back property would prohibit subdividing it off and say selling it to the neighboring property. Ms. Robinson stated it would just limit further development on that property, if he wanted to sell it off he could, the easement language would go with the land. Mr. Tasker asked if there were any questions or comments from the public. There were none. Mr. Tasker closed the hearing to the public and opened it to the Board only. Mr. Huntington inquired about fire protection. Mr. Stout stated it will be sprinkled and he will get a letter. Mr. Huntington stated there is concern by the neighbor about the road where they will be paving, will there be very little disturbance along the edges to the road in that area. Mr. Stout stated there may be widening of 1' on either side and that will probably be just ditching and gravel, the road bed is not going to get built up. Mr. Stout stated all the houses are pretty close to the road and the road agent is probably very sensitive to that. Mr. Dow asked if they were able to utilize any of the stone walls. Mr. Stout stated they did the best they could, it was tough, not really. Henry Huntington made a motion to continue this hearing. Seconded by Tom Dow. All were in favor. This application will be heard on March 16, 2006, at 7:00 pm, at this facility. This is the only notice.

VII. NEW BUSINESS:

1. Application # 06-06, George & Lorraine Duprez, Major Subdivision, Located on Bear Hill Road, in the RR District. Map 22, Lot 32-1. No abutters were present. Tom Dow made a motion to accept this application as complete and move directly to a public hearing. Seconded by Bob Ordway. All were in favor. Mr. Stout stated this started as a 5 lot subdivision, after the culvert issues Ms. Duprez decided what was best for the Town and deeded the last lot to the Town. Mr. Stout stated the front lot with the house was subdivided out and the rest of the project had been in limbo. Mr. Stout stated the note on the last lot stipulates it is not for residential use and will stay on the plan; note #9 says lot 32-4 is to be sold to the Town of Loudon for Conservation purposes, no residential use is

allowed. Mr. Tasker stated is that sold or given. Mr. Stout stated given, he can change the word to donated in the note. Mr. Stout stated they are still going forward with the improvements to Bear Hill Road; the cross hatched area is to be deeded to the Town for future widening of the road. Clem Lyon stated the culvert will stay the same. Mr. Stout stated the box culvert would cost about \$125,000; the Duprez's spoke to the Conservation Commission and they are very pleased as are the Duprez's with what is happening. Julie Robinson stated DES asked for the box culvert because of the Blanding turtle which is a species of concern. Ms. Robinson stated the turtle is just an indicator species and Bear Hill Road is a very rich wetland with a diversity of wildlife. Ms. Robinson stated this piece is a jewel for the Town and they appreciate it. Mr. Stout stated they are using the same road design and can cross hatch out the area that is not going to be built or put a note on the approved set of drawings. Mr. Tasker asked if the road has to be built before issuance of the building permit or the CO. Jason Masse stated it is the CO. Henry Huntington stated the Board will want a performance bond for that road. Tom Dow stated there is a time table associated with that. Mr. Tasker stated the performance bond would have to be maintained and if she decides not to develop she still has to maintain the bond. Mr. Tasker stated the bond needs to be posted before recording the plan. Mr. Stout asked how long the plan is good for until it has to be recorded. Mr. Tasker stated the office will look at this and get back to Mr. Stout. Mr. Stout asked if it is okay to cross hatch out the area on the road plan that is not going to be used. Mr. Dow stated yes, just reference a station on the plan where it is going to end. Mr. Tasker asked if there were any questions or comments from the public. There were none. Mr. Tasker stated the town engineer will need to review a cost estimate for the road so we know how much is needed for a bond. Mr. Stout asked if the road has to be completed before the building permit or the CO. Mr. Tasker stated the Board settled on CO and unless they find out otherwise it will be the CO. Mr. Tasker closed the hearing to the public and opened it to the Board only. Mr. Stout stated he will bring in a few sets of engineering drawings. Mr. Dow asked if there are any fire department issues. Mr. Huntington stated they should speak to the fire department before next month. Henry Huntington made a motion to continue this hearing. Seconded by Tom Dow. All were in favor. This application will be heard on March 16, 2006, at 7:00 pm, at this facility. This is the only notice.

VIII. BOARD DISCUSSIONS:

1. Lot Merger – ESMI, Map 50, Lots 1-1 & 1-2. The Board members signed the lot merger.
2. Alvin Davis – Mr. Tasker stated the Board received a letter from Mr. Davis; the town attorney has reviewed the letter and wrote back to us with his thoughts. Mr. Tasker stated he is looking for comments, does the Conservation Commission have comments. Julie Robinson stated she thinks things could have been handled a little bit differently. Ms. Robinson stated speaking for the Conservation Commission she would like them to take over the property, she does not want to see the land divided among the land owners because you lose the whole point of open space. Ms. Robinson stated as far as the monitoring fee, she would like to see how it can be incorporated in future developments but she thinks we are stuck here and have to take it on after reading what the attorney said. Ms. Robinson stated she would like to see some way to monitor these properties and they cannot do it as a volunteer board; they need to think about that for the future. Bob Ordway stated Mr. Davis states as each home of the subdivision is built and transferred a donation will be made in the new homeowner's name but not to the Town, not the Conservation Commission. Mr. Davis stated it can go to the library or the

John O. Cate Memorial fund. Mr. Ordway stated that will not accomplish much. Mr. Davis stated he feels those are valid things which benefit his town. Mr. Ordway stated there is no question to that; it would make more sense for the town to establish a trust fund to maintain these public lands and a donation should be made there. Mr. Ordway stated this is not the time to get vindictive about it. Mr. Davis stated he has been torn up about this; the minutes of the meeting were changed and that is what this is all about; that has not been correct yet either. Mr. Ordway stated it does translate into dollars to oversee and supervise this open space. Mr. Davis stated half of our current use payments go towards the Conservation Commission. Julie Robinson stated it is for purchasing more land and this day in age, knowing how expensive land is, they have to save up a long time to acquire any. Ms. Robinson stated she thinks this has been a really good learning experience and from here on out they will not be pushed to do things quicker than they should and they will listen to the regulations that they have. Ms. Robinson stated she will take responsibility and she missed the 150' buffer along the abutting properties and it hurts the people that live there. Mr. Davis stated road frontage is excluded. Ms. Robinson stated the new zoning regulations should be a good thing for the Town. Mr. Tasker stated he thinks the attorney is suggesting that because they do not have anything about the money in the regulations, it is hard for us to ask him for that and this might be one thing Mr. Davis is not happy with. Mr. Davis stated he is not happy that he met the conditions and Mr. Prescott went back and amended the minutes from the meeting before and added a fifth condition that was never there. Mr. Davis stated he agreed in his letter as far as the ownership but stated there would not be any maintenance. Mr. Davis stated he does not understand the timing. Mr. Tasker stated Mr. Davis' offer of item A, \$500 towards some area other than the Conservation Commission, makes more sense to go for management of any space in Town that needs monitoring or maintenance. Mr. Tasker stated he is willing to change and rethink the Conservation Commissions requirements and maybe do a little bit of both, what is suggested in A but have the \$500 set up in a trust fund set up for maintenance of Town properties, any Town property. Mr. Ordway stated that was his suggestion and the Board heard the response. Mr. Tasker stated he thinks the Board can make the determination of what to do, he does not like the feeling of being told what to do. Mr. Tasker stated the best interest of the Town is what the Board is here for. Clem Lyon asked if this would set a precedent. Mr. Tasker stated if the new regulations pass they will be asked to do this, which is how they are designed. Mr. Tasker stated this is the first situation like this. Ms. Robinson stated she would like to know how the Board feels about the ownership of the land. Mr. Lyon stated it should come to the Town and not to long in the future we will need somebody to help with the Conservation Commission. Ms. Robinson stated they met with someone this week. Mr. Ordway stated it is not a trust fund but rather a capital reserve fund the developers of open space will be asked to contribute to and this is Town wide. Tom Dow stated this is the same kind of thing the Board would explain to someone else based on the new regulations that have been passed; that they are going to be contributing to this fund and the Board would state the same reasons that they are now. Mr. Dow stated that is what is meant by the trade off, by not having to build a road for 2-5 acre lots there is a cost savings realized by the developer and that is the bases behind open space and the trade off with it. Mr. Dow stated he agrees with Mr. Tasker and Mr. Ordway what is the appropriate way to spend the generous money the developer is willing to give towards each lot as it is sold. Ms. Robinson stated they really do need that fund for not only monitoring but enforcement. Mr. Dow stated there is a substantial amount of money that is being saved on these developments and he does not think they are asking for too much. Mr. Tasker stated item #3 in their letter states property to be deeded over to the Town shall be surveyed and marked in its entirety;

mylar original shall be submitted to the Planning Board office with a statement that monuments are set; granite bounds are preferable with a minimum of four foot long capped #10 rebar, and all lines shall be blazed and painted. Mr. Tasker stated he believes this is part of the regulations. Mr. Davis stated it was not because of the size of the parcel and especially because the back part of the property is entirely wet. Mr. Tasker asked if there is part of the property that cannot be reached. Mr. Davis stated it is worthless to granite bound and it is just a matter of wasting money. Mr. Tasker stated the Town needs to know what it is going to get. Mr. Davis stated there are markings and surveys around it. Mr. Dow asked if the corners are all pinned down. Mr. Davis stated yes and it has been totally surveyed. Mr. Dow asked if it is halfway there now. Mr. Davis stated yes except for the back of the swamp. Mr. Tasker stated except for the swamp it is reasonable to expect the rest of the property. Mr. Davis stated the lots he created around it are all marked and pinned and the back is a line through the swamp. Ms. Robinson stated her point is in order to take ownership of that property they have to have it marked on their maps. Mr. Davis stated the corner on the west end is in. Mr. Ordway stated we are looking for a means for somebody to review the property once in a while; if we have corners someone can strike an electronic line from corner to corner with a GPS devise. Mr. Ordway stated he does not think anybody would have a problem finding the land in question on the ground with the survey work that has been done; he does want to question Mr. Davis' willingness to contribute \$500 per lot to help take care of this land. Mr. Ordway stated he is a great supporter of the John O. Cate van but the Town supports this and likewise the library. Mr. Davis stated if they had a donation it would be less money out of the taxes and it does benefit the Town. Mr. Ordway stated of course any money in the general fund benefits the Town but the Board is in the land use business and people contributing to people in the land use effort, or are willing to contribute money to the good of the Town, should direct it to improving the land use effort. Mr. Ordway stated he does not think this is the time to be vindictive about this, if you are willing to make a contribution then the contribution should go to a capital reserve fund for money such as this; Mr. Davis may be the first but not the last one to make a contribution. Mr. Tasker asked what Mr. Ordway suggests for #3. Mr. Ordway stated if he has a survey anybody can take that and find the land. Mr. Davis stated that is on the plan for this subdivision and the survey for the 12 acre and 5 acre lot plans. Ms. Robinson asked if this language will be on the deed. Mr. Davis stated that is the metes and bounds and when he writes a deed he will take the survey plan and do a metes and bounds; it will also reference any plans that were used to determine that. Mr. Ordway stated the Town will be getting a deed with metes and bounds. Mr. Tasker asked about the blazing, the Conservation Commission could do it themselves. Ms. Robinson stated they have done that before. Mr. Tasker stated he is willing to make a motion to amend the conditions from November 23. The Board discussed trust funds versus capital reserve funds and edited the wording of the condition. Gary Tasker made a motion to amend the conditions in the letter of November 23, 2005 from the Town of Loudon to Alvin R. Davis III to read, 1. The Town of Loudon to take possession of the open space land as shown on its recorded plan with no further delineation of the open space land on the ground. Mr. Alvin R. Davis III will draft the Deed. As each home of the subdivision is built and transferred, a donation will be made in the new homeowner's name to a Capital Reserve Fund to be established for the purpose of maintenance and monitoring of Town owned property in the amount of \$500.00 for each lot. Seconded by Bob Ordway. All in favor. Mr. Tasker stated the office will draft a letter to Mr. Davis in a timely fashion and it should be copied to the Selectmen and Conservation Commission.

3. Report of the ZBA – Tammy Davis stated the Volunteers of America are on the agenda for a variance to be on an 8 acre parcel instead of the required 10 acres.
4. Report of the Board of Permit – Tom Dow stated there was one hawkers and peddlers permit for a couple selling fresh seafood at Sunnyside Maples during the summer months on the weekends.
5. Alvin Davis – Mr. Davis stated he wants to revisit his letter; if he is going to consider what the Board has changed he would like the Board to consider re-amending the minutes for July 21, 2005. Mr. Davis stated it is clear they were changed and it is not in the tapes. Mr. Tasker stated he feels that was brought up, maybe in that meeting but he cannot confirm or deny it; it was definitely brought up through this conversation going through this whole procedure at one time or another. Mr. Tasker stated he cannot say when but it was brought up at some point. Mr. Davis stated not at either of his meetings, he combed the minutes and really believed maybe he missed it but it was not there. Mr. Tasker stated he will poll the Board. Mr. Ordway stated he missed a couple of meetings. Mr. Davis stated he got conditional approval in July with four conditions, Mr. Prescott made a motion to amend the minutes adding a fifth condition to meet with the Conservation Commission in the August meeting which he was not invited to and was only told about afterwards. Mr. Tasker stated the Board sat here not knowing what to do with that land and the Conservation Commission was doing the research and seemed to know what was going on with open space; at that meeting or maybe the site walk the Board talked about how to handle it and was not comfortable; so with the help of the Conservation Commission they would come up with a way of how to handle the ownership of that property. Mr. Tasker stated those were the discussions. Ms. Robinson stated the Conservation Commission was given the charge to find out what other towns and entities were charging for monitoring and she thought it was discussed at one of these meetings but she can't pull out of her head which one. Ms. Robinson stated obviously it was discussed or they would not have been given the charge to go out and do that. Mr. Davis stated he believes it was discussed afterwards. Mr. Tasker stated the issue was either to drag Mr. Davis back for another month or maybe two, or talk with the Conservation Commission, give Mr. Davis the subdivision and Mr. Davis and the Conservation Commission work it out. Mr. Davis stated he would have remembered it and would have done it. Mr. Tasker stated he can ask the Board how they feel about rescinding it. Mr. Tasker stated he thinks there was enough background and discussion about working with the Conservation Commission, the Board could prove there was enough work between the Board and the Conservation Commission to ask him to go to the Conservation Commission to straighten it out. Mr. Davis stated the way it was done by changing the meeting minutes was wrong and he wants this tape saved as well. Mr. Davis stated if someone called him after the fact to meet with the Conservation Commission he would have; not changing the meeting minutes and then holding it over his head. Mr. Tasker stated yes and you agreed to do it, he has a letter. Mr. Davis stated he does not understand where a lot of things came from or how it happened. Mr. Tasker stated hopefully it got worked out and hopefully to Mr. Davis' satisfaction, to the Boards satisfaction and we met in the middle tonight. Mr. Davis stated he apologizes or fixes it when he does something wrong and this is about more than the money. Bob Ordway asked how would the Board do that. Mr. Davis stated the same way they amended the minutes, re-amend them; review the tapes again. Mr. Davis stated he is drawing a line and is going to stand on principle. Mr. Ordway stated these tapes have already been reviewed. Mr. Ordway stated he would be willing to make a motion to undo this if the tapes don't confirm that the judgment was made. Mr. Tasker stated it is too late to go

back and address the tapes before that month and he believes the issue was discussed but it may not have been discussed that month. Mr. Davis asked if the June tapes have been destroyed. Mr. Tasker stated if they are not asked to be kept they are destroyed. Mr. Ordway stated he is not sure how to word the motion to rescind the action. Mr. Davis stated it is not necessary to rescind but to re-amend to concur with the tape. Ms. Robinson asked if it will change anything by taking it out, in order to appease Mr. Davis remove it and go on. Mr. Davis left the meeting. Mr. Tasker stated the Board can continue and make the motion. No motion was made.

IX. ADJOURNMENT:

A motion to adjourn was made by Jason Masse at 10:42pm, seconded by Gary Tasker. All were in favor.

Respectfully submitted,

Tammy Davis
Secretary