

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE
PLANNING BOARD MINUTES
FEBRUARY 19, 2015

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

Attendance:

George Saunderson, Tom Moore, Tom Dow, Stan Prescott, Bob Cole, Ex-Officio Dustin Bowles, and Alternates Bob Ordway and Alice Tuson

Bob Ordway was appointed as a voting member in the absence of Henry Huntington.

Acceptance of Minutes:

January 15, 2015 CIP & Zoning Amendments Public Hearing – **Bob Cole made a motion to accept the minutes as written; seconded by Stan Prescott. All were in favor.**

January 15, 2015 Regular Meeting – **Bob Cole made a motion to accept the minutes as written; seconded by George Saunderson. All were in favor.**

Discussion:

CNHRPC Master Plan update – Mike Tardiff and Sam Durfee were present to talk with the Board about the ongoing revision of the Master Plan. Mr. Tardiff informed the group that he spoke with Mrs. Masterson at the elementary school, and she agreed that the fifth graders would be a good group to talk with about the future of Loudon. He will meet with the students in the near future; he will get the date to Donna. Mike said they will meet with Young at Heart in a couple of weeks. Sam has a draft of the Community Facilities chapter. Katie Nelson is putting together some demographic details. He said they want to connect with at least one more group and/or perhaps have another community visioning session on a weeknight. Mike said the Energy Committee will meet soon; Joanne will follow up with Donna early next week. He said they can start tying some things together, moving toward a late summer completion. Mike said they would like to meet with the Board for a 45-60 minute session next month. Once the agenda is set it will be decided if this meeting will be before or after the regular meeting. Sam handed out copies of the draft chapter. He said he took the 2001 format and updated it with new information, including information received from Donna. Mike said it would be good to put together a sub-committee for the Community Facilities chapter.

Old Business:

Application #14-12, Debra Rattee – Minor Subdivision in the RR District, Map 46, Lot 35. Abutters Warren & Paula Wells, Greg Wells, and Joe Eggleston were present. Jeff Green represented the applicant.

Chairman Dow reminded the Board that last month it was decided to have CNHRPC review the subdivision plan. He explained that the applicant decided she did not want to pay the cost of the review. He asked Mr. Green if he had anything new to discuss with the Board. Mr. Green said he understood that the Board got a letter from the applicant; he said he would like the letter read for the minutes. The chairman read the letter from Deb Rattee and then asked Mr. Green if there was anything else. Mr. Green said someone was supposed to be here to help present but that person was unable to be here due to personal issues. He said he would like to ask for a continuance. Stan Prescott asked Mr. Green why the applicant did not want to pay the \$500 to have the plan reviewed. Mr. Green said counsel said she should not have to pay for a review of a one-

lot subdivision. Mr. Prescott said, referring to a comment in Ms. Rattee's letter, he did not understand what part of the matter Mr. Green did not get to address. Mr. Green said he was not allowed to address the entire thing (comments submitted by an abutter). Mr. Prescott said it was decided to send the plan to CNHRPC for review and then meet with Mr. Green to go over the results. He stated that there is an RSA that gives the Board the right to deny an application if an applicant does not want to participate in such requirements. He said the Board wanted to discuss it altogether, and he would like them to abide with the Board's request. Mr. Green said he cannot do that as it is in the hands of counsel. He said he did not like the way it was going to be reviewed and he voiced that at the last meeting. Bob Cole read from the minutes that Jeff Green would talk with the applicant about the review and get back to Donna. He said he does not feel anyone was cut off from discussion as Mr. Green is claiming. Paula Wells said she recalls Mr. Green saying he did not see any issues from Joe Eggleston's comments. Chairman Dow stated that the Board wanted to be sure they had good clear information to use in their decision, and they felt an outside review was the best avenue. Joe Eggleston stated that the written comments given to the Board were verbatim of his presentation at last month's meeting. Tom Moore, referring to the January minutes, said Paula Wells asked about the lot's frontage. He asked if the frontage is understood and where the required frontage is found. He reviewed a copy of the plan. Jeff Green stated that the applicant owns the road and the new lot frontage is on Rainbow Drive.

The chairman said the Board has to decide if they will continue the hearing or act on the application. Tom Moore asked what sense there is in continuing if the Board is not getting the outside review and good solid guidance to be sure not to make a mistake. He suggested denying the request to continue. Stan Prescott said they would need to deny the application. George Saunderson said they could continue if they urged Mr. Green to convince his applicant to pay for the review. Bob Ordway asked Mr. Green if his client is open-minded about the review. Mr. Green said the applicant has been more than fair with the Town on previous matters. He said counsel is the one to be convinced, repeating that they are being advised not to do the review. Stan Prescott said he would be in favor of continuing only under the condition that the plan goes to CNHRPC and then discussed as requested last month. Tom Dow said if the application is continued they would be addressed by the attorney at the next meeting and they still might not have the review. He noted that this is a very different type of plan, citing the private road and many unusual parts, so he would want to have a full review to guide the Board. He said he has never seen anything like this plan and is definitely behind a CNHRPC review. Mr. Dow said the Board has asked for it once and the applicant decided she did not want to pay. He asked Board members if they ask again or deny the application. Dustin Bowles said Board members have the responsibility to do as they see fit. He said there are a lot of gray areas and he still wants a review. He said an attorney can come in and tell the Board what they are doing wrong but they still do not have good answers to their questions on frontage, etc. He said there are a lot of unanswered questions.

Bob Ordway said the Board has decided on an independent review and he would not object to waiting if the review was certain. He said he would be more comfortable if Mr. Green was waiting on an engineer, etc. rather than an attorney. He asked Mr. Green if he has a feeling of the direction of the attorney. Mr. Green said he is not even sure of the issues; the attorney would have to address the matter. Mr. Ordway stated that an independent review would resolve the issues/questions. Mr. Green said he left the last meeting very confused. He said he had two meetings with no problems and then an abutter read a thirteen page letter and he was not allowed to address the comments. He said he has more confidence in the Board than any third party. Mr. Green said he is asking for a continuance, and he will speak with his client and do the best he can. Mr. Eggleston asked what Mr. Green will be discussing with his client if he feels there aren't any issues. Tom Dow said the situation is too wide open with the way the road is laid; he said he has never seen a plan like this and that is why the Board wanted the review. Dustin Bowles noted that CNHRPC helps the Board with its Land Development Regulations and other documents, so he feels they know our town and has faith in their ability. Stan Prescott said he would like to see Mr. Green go to his client. He suggested the Board could do something conditional that if the review does not happen within the next thirty days then it would be denied.

George Saunderson made a motion to continue the project for a month contingent upon going to CNHRPC for review; failing that, the project will be denied. Several members suggested additions/revisions to the motion. Mr. Saunderson withdrew his motion. **Stan Prescott made a motion a) to continue the**

application contingent upon the plan going to CNHRPC for review at the applicant's expense, b) the applicant will have until March 5, 2015 to have engaged CNHRPC to do the review, and c) if the applicant has not done so by March 5, 2015 then the application is denied; seconded by George Saunderson. There was no further discussion. All were in favor. Chairman Dow reminded abutters that they could call Donna at the office for updates. The next meeting is scheduled for March 19, 2015 at 7:00 p.m. in the Community Building. There will be no further notification.

Board Discussion:

Donna asked about coverage to explain zoning amendments on the day of voting. She would typically be there all day but is now in the Code Enforcement office during the first half of the day. It was agreed that the Board would like her to be at the Town Hall the entire day; she will notify Code Enforcement.

Report of the ZBA:

This month's agenda includes an appeal from an administrative decision on Loudon Ridge Road (letter to withdraw received this date) and an application for a rehearing/appeal on Chichester Road.

Report of the Board of Permit:

Stan Prescott reported that there was no meeting this month.

Adjournment:

Alice Tuson made a motion to adjourn at 8:16 p.m.; seconded by Bob Cole. All were in favor.

Submitted by,

Donna White
Administrative Assistant