

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE
PLANNING BOARD MINUTES
JANUARY 16, 2014

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

Attendance:

Chairman Tom Dow, George Saunderson, Tom Moore, Bob Cole, Alternate Bob Ordway, Ex-Officio Dustin Bowles

Acceptance of Minutes:

December 19, 2013 Regular Meeting – **Bob Ordway moved that the minutes be accepted as read and placed on file; seconded by George Saunderson. All were in favor.**

November 30, 2013 Site Visit – **Tom Moore made a motion to approve the Lovejoy Farm site walk minutes; seconded by Bob Cole. All were in favor.**

New Business:

Application #14-01, Bumfagon, LLC – Lot Line Adjustment on Bumfagon Road in the AFP District, Map 52, Lots 5 & 5-1. Tom Dow stated that he is a direct abutter and would be recusing himself from the Board. He appointed Bob Cole to take over as chairman. Tom Moore said he is also an abutter and recused himself from the Board. Web Stout of FWS Land Surveying represented the applicant.

Mr. Stout presented a new plan to Board members, noting that the lot numbers were reversed on the original plan. He explained the location of the property and the history of a subdivision done in 2006 where approximately twelve acres was cut from the main lot. Mr. Stout explained that this lot line adjustment is due to a settlement agreement among the owners of the property. He pointed out that Lot 5 would have 400' of frontage and 5.058 acres after the adjustment. Lot 5-1 would have 746' of frontage and 239 acres. Mr. Stout stated that Lot 5 is over five acres so there would be no need for State approval.

Acting chairman Bob Cole asked if there were any abutters wishing to speak on the application. Joe Bohi stated that he is one of the owners of the property and was just notified of this meeting forty-eight hours ago. He said he wanted the lot line closer to the septic system (marked with an X on the plan) as there is a retention area there. Mr. Bohi said it needs to be on Lot 5-1 as an area for water when a road is put through that area; otherwise an easement on Lot 5 would be necessary. Mr. Stout checked the elevations in the area pointed out by Mr. Bohi and explained that there is a 2' difference in contour. He said it is not showing a depression but a knob. Mr. Stout said he could flag the line if need be. Mr. Bohi asked if the leach field was State approved. Mr. Stout said he did not find an approval. Mr. Bohi said he saw this plan three years ago; he did not like it then and does not like it now.

Mark Plantier stated that he is another owner. He said the smaller lot should be five acres, not 5.058. He said he was not notified of this hearing just as he was not notified when the subdivision was done. Mr. Plantier said he is opposed to this proposal.

Acting chairman Cole said if the lot line was flagged the parties could view it and discuss their concerns. Mr. Stout said he can flag the line and have Mr. Bohi and Mr. Plantier look at it. He explained that the frontage and acreage has to stay in order to meet zoning requirements. Abutter Tom Dow asked how Mr. Stout determined the proposed configuration. Mr. Stout explained how the lot was initially configured at the time of the subdivision, based on the wetlands. He said the back line of the lot is the only line being changed from the subdivision lines. Mr. Stout stated that he is not sure of the exact location of the septic system without digging so would not want to put the line too close. He explained that the wetland gets much larger out behind this lot. Mr. Dow said he likes that the proposal stays with the walls.

Abutters William and Linda Cote of Map 53, Lot 22 stated that the property at Map 53, Lot 24 sold within the last month and they weren't sure if the new owners were notified of this hearing. Donna explained that names and addresses are verified at the time of mailing, and if the town had not received the new deed at that time then the mailing would go to the owner on record.

Hearing no further comments from the public, Mr. Cole closed the hearing to the public and opened it to the Board only.

Dustin Bowles asked Bob Cole if he was thinking this is more of a civil matter based on his recommendation earlier. Mr. Cole said he was thinking that it would be best that the parties look at the proposal, come to an agreement, and come back to the Board. He said Mr. Stout offered to flag the line. George Saunderson asked if it was confirmed that everyone was notified that should have been. Donna said all notifications were correctly done.

George Saunderson made a motion to continue this hearing for a month to allow time for the parties to come to an agreement; seconded by Bob Ordway. All were in favor. The hearing will be continued to February 20, 2014 at 7:00 p.m. in the Community Building. There will be no further notification.

Bob Cole stepped down from the role of Chairman; Tom Dow and Tom Moore returned to the Board.

Board Discussion:

Mills plan wording – Donna explained that the Board had approved a subdivision/lot line adjustment for the Mills property on Old Shaker Road last fall. One condition of approval was that wording relative to the lot numbers be added to the plan. Web Stout submitted proposed wording for approval. The Board reviewed the wording and agreed that it would satisfy the condition.

Nichols ZBA application – Donna explained that the Board approved a lot line adjustment for the Nichols property on Loudon Ridge Road last fall. The Nichols have since discovered that the area where they want to build their new home is within the wetland buffer so will be going to the ZBA next week for a variance. Web Stout explained that most people would consider the buffer from the edge of the pond but it is actually calculated from the edge of the wetland. He pointed out the various markings on a plan that he has created, including the edge of the wetland, the 25' no touch section, and the 50' natural wetland buffer. He said he had Peter Schauer delineate the wetland. Mr. Stout discussed some of the findings when that delineation was done. He said they met with the Conservation Commission on January 6th and he has since created a plan that shows

where the Nichols want to put the house, where the Conservation Commission would like the house, and a third position that would be a compromise of the first two. He pointed out that the septic system would be in the natural buffer as well, which is permitted by the state. Mr. Stout explained that the Nichols want a one floor home with a walk-out and no long driveway to maintain as this is to be their retirement home. He said the house location would still allow access to the back of the property and their tree farm.

George Saunderson stated that he has been there and this is an ideal layout for the property. He said the Nichols are stewards of the land and have done everything by the book with regard to permits and management of the property. After brief discussion, it was agreed that the Board has no real issue with the proposal going before the ZBA.

Capital Improvement Program – The final committee meeting is scheduled for Wednesday, January 22nd. Once the committee finalizes and approves the revision Donna will get the final draft to Board members for review. A public hearing on the CIP revision will be scheduled for next month.

Report of the ZBA:

There is an application for a variance on this month's ZBA agenda.

Report of the Board of Permit:

Dustin Bowles reported the following:

1. Charity runs at the track at the end of September; will go from the track to the State capital. He said there were concerns of tying up Route 106 every weekend during the summer.
2. Timberman Triathlon – this ties up traffic at a standstill because of the bikes; it was agreed to let it go again this year but take a hard look at it for the future.
3. There was discussion about doing fingerprinting and background checks for Hawker & Peddler permits as part of FBI enforcement. Selectman Krieger is looking into the matter.

Zoning Amendment Public Hearing:

Because there was nobody present for this public hearing it was moved from the beginning of the meeting to this point on the agenda. Chairman Dow announced the purpose of the hearing and read the proposed zoning amendment as follows:

Are you in favor of adoption of Amendment 2014-1 proposed and recommended by the Planning Board for the Loudon Zoning Ordinance as follows: Amend Appendix – Definitions – Replace the term “Contiguous Area” with “Contiguous Buildable Area” and add “The main residence and accessory buildings shall be located in the Contiguous Buildable Area” to the definition and amend all other sections of the Zoning Ordinance that reference the term “Contiguous Area” or “Buildable Area” to read “Contiguous Buildable Area”.

Reason: The purpose of the amendment is to make the new phrase “Contiguous Buildable Area” consistent throughout the Zoning Ordinance.

The chairman asked if there was anyone in the audience wishing to speak in favor of or against the amendment. Hearing none, he closed the hearing to the public and opened it to the Board only. There was brief discussion about the wording; Donna reported that town counsel has reviewed the amendment. **George Saunderson made a motion to approve the proposed amendment to be placed on the ballot; seconded by Bob Cole. All were in favor.**

Adjournment:

Dustin Bowles made a motion to adjourn at 7:55 p.m.; seconded by Tom Moore. All were in favor.

Submitted by,

Donna White
Administrative Assistant