

TOWN OF LOUDON  
LOUDON, NEW HAMPSHIRE  
PLANNING BOARD MINUTES  
JANUARY 15, 2015

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

**Attendance:**

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

Bob Ordway and Alice Tuson were appointed as voting members in the absence of Tom Moore and Henry Huntington.

**Acceptance of Minutes:**

December 18, 2014 Regular Meeting – **Bob Cole made a motion to accept the minutes as written; seconded by Dustin Bowles. All were in favor.**

December 18, 2014 Zoning Workshop – **Dustin Bowles made a motion to accept the minutes as presented; seconded by Bob Cole. All were in favor.**

December 29, 2014 Zoning Workshop – **Dustin Bowles made a motion to accept the minutes as presented; seconded by George Saunderson. All were in favor.**

January 3, 2015 Rattee Site Visit – **Dustin Bowles made a motion to accept the minutes as presented; seconded by George Saunderson. All were in favor.**

January 12, 2015 Zoning Workshop – **Bob Ordway made a motion to accept the minutes as presented; seconded by Stan Prescott. 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 and Mr. Durfee met with Donna to discuss the Community Facilities chapter. Donna has pulled together information from department heads, Sam met with the library, and Mike is working on broadband, utilities, and public services. They are ready to bring in an updated version of equipment lists, etc. and would like to attend the next Planning Board meeting. Mike said Joanne Cassulo will be working on the energy chapter; he asked for three names for that sub-committee to run over the next six to eight weeks. Bob Cole, Bob Ordway, and George Saunderson volunteered. Mike said he would like to do some small scale visioning over the next few weeks and would like someone from the Board to work with them. He said he hopes to be working with the PTA, fifth graders, and Young at Heart. Mike said he could see the update being finished by the end of summer. Stan Prescott told Mike that he could probably get on the March agenda for Young at Heart; Mike has the contact info. Mike will get dates for the small sessions to Donna and see if anyone is interested and available.

Sheldon Cassady, M33, L6 – Mr. Cassady explained that he has recently purchased the property from his sister. He is renting the house to a friend right now but is thinking he would like to live out there as well so came to discuss the possibility of subdividing the land. There are just over sixty acres with frontage on Pleasant Street Extension (Class VI) and a 50' access in off Young's Hill Road. Mr. Cassady said he talked with the road agent before doing some repair to the road to make it passable. He said the 50' access on Young's Hill Road is an owned access, not a right-of-way/easement. The Board reviewed the parcel (which has sections on four

different tax maps) and discussed the 50' access on Young's Hill Road. It was felt that the lot was approved for one home since it does have 50' of owned frontage on the Class V road. Per the subdivision regulations, the Class VI road would have to be upgraded if the lot was subdivided. It was suggested that Mr. Cassady could talk with the ZBA at their next meeting to see if there were any other options with regard to using the 50' access for a new lot.

### **Old Business:**

Application #14-12, Debra Rattee – Minor Subdivision in the RR District, Map 46, Lot 35. Abutters Warren & Paula Wells, Greg Wells, Kevin Wells, Sarah Dalrymple, Sherry Blanchard, Joe Eggleston, Laura Jarmoc, Patricia & Donald Vanwormer, Michael & Susan Mavris, and Robert Mann were present. Jeff Green represented the applicant. Mr. Green explained that this is a 19.55 acre lot that they are re-subdividing into a two acre lot and a lot with the remaining 17.55 acres. He stated that the wetlands have been delineated, the access for the existing lot/house is on Rainbow Drive, and the access to the new lot would be via a 33' access on School Street owned by the applicant. Mr. Green said he added some notes to Sheet 2, one being the DES approval number, one being a note for M46/L35 to join a road association maintenance agreement if one exists or is created, and one being a note for M46/L35-1 to join a road association maintenance agreement if the access to the lot ends up on Rainbow Drive. Mr. Green said he reached out to find out what is in place currently and was told there is nothing, to mind his own business as it is a private road and the Town of Loudon has no right to tell them what to do. He said his only option at that point was to add the two notes. Mr. Green said the deeds would have the same language about joining in an agreement. Bob Cole moved to accept the application as complete and move to public hearing; seconded by Stan Prescott. All were in favor.

George Saunderson asked if would be correct that this is the last subdivision of this parcel. Mr. Green said he could not say that but did say there could be nothing more in this particular area. Abutter Sherry Blanchard asked who Mr. Green spoke to about the road, noting that they do have an association and it is not up to one person. Mr. Green said Sarah Dalrymple gave him her number at the last meeting, saying she is the current 'road agent'. He said he called Ms. Dalrymple and she questioned why he was calling her, telling him there is no agreement in place. He said he also spoke to a gentleman by the name of Bernie, a previous 'road agent', and was told Rainbow Drive is a private road and the town has no business out there. Mr. Green said he understood that there was a meeting of the Rainbow Drive Co-op, but he could not get any minutes or other information about it. Mrs. Blanchard said she started the Co-op in 1976, residents agreed to contribute to the road maintenance, several have been 'road agent' and her files were given to Bernie. She had copies of bills and minutes if the Board was interested in seeing them. Mr. Mann has owned on the road almost as long as the Blanchards. He said it is recognized as a private road and everyone does chip in. Mr. Green said he feels he did his due diligence by calling the people he was told to call. He said this lot is the only one that will be required to participate. He said he was told that letters were put in everyone's mailboxes, but Ms. Rattee did not receive one, and he could not get a copy of that letter. Sarah Dalrymple stated that she and Bernie do the 'road agent' job together. She said she could not figure out why the Board of Selectmen wants the particulars about the association. The chairman explained that the Board is trying to help the residents out as the day will come when the current owner does not own the road. He said it would be better to have something in place. Mr. Dow said the Board heard testimony last month about road concerns so they instructed Mr. Green to approach the group and work on an agreement. He said Mr. Green attempted to do as asked and everyone is now put in an awkward position. Mrs. Blanchard stated that there was a meeting at the Wells' house and there was a good showing of residents. She said the road maintenance agreement was discussed and she is shocked to hear what Mr. Green was told. She said she is concerned that the right-of-way (ROW) is owned by Ms. Rattee but not maintained. Mr. Green explained that the road is land in-fee, not a ROW. He said the Wells family owned it originally and it was sold off. He spoke about the 33' easement that was given to cross, maintain, bring power in, etc. He explained that Ms. Rattee did not want to keep the road but the buyer of the 180 acre piece did not want it so it was not included in that piece. Mr. Green said he has been told by his client that he could give the road to the Co-op if there is a way to do it as she does not want it.

Abutter Joe Eggleston stated that he has lived at 31 Sunset for twenty years. He has done a complete review of the 2012 subdivision and 2014 lot line adjustment done by Ms. Rattee. He read from prepared notes, outlining questions, inconsistencies, and concerns. (A copy of the notes was submitted for the file.)

Stan Prescott said he was curious as to why the rest of the abutters have not said anything. Warren Wells said it has all been covered by others. He did note that Ms. Rattee's property has always been part of the ROW/Rainbow Drive, and he wonders why it is not separate. Mr. Green explained that it is a strip of land owned in-fee. He said the deed included everything that was not sold off from the original parcel. He clarified that it is not a ROW but an easement for people to cross over her land. He said twenty plus people use it and he considers it a public way. Mr. Green noted that they are expanding the easement to 50' at the first part of the road for better maintenance. He said the strip has to be attached to something; it cannot just be a floating strip of land. Mr. Wells asked, in the event it was deeded to someone else's property, if that would eliminate abutters. He said it would seem to be more of a benefit to not have it deeded to someone else. Bob Mann said there have been implications by someone connected with the so-called association of a desire to maintain control of the current easement. He said there are probably as many opinions on that as there are residents on the road. Mr. Mann said he does not think the Board should assume any kind of consensus of residents on that at all. He said he is not aware of any formal agreement and for forty years it has been the default position that the residents get together once a year to discuss maintenance and related costs. Mr. Mann said there has been an informal agreement as to who would plow and what the costs would be per household, etc. but there is no formal association. He said he knows the issue of the maintenance of Rainbow Drive is not the Board's issue to resolve. Mr. Mann said most of them are here because there were implications that the Planning Board was going to be involved in the formation of a maintenance agreement. Tom Dow said the Board heard about the road conditions and encouraged the group to get together with some sort of agreement. Sherry Blanchard asked what is done for the Hardy Road Village District. Dustin Bowles explained that the district has their association fees assessed on their members' tax bills.

Mrs. Blanchard said residents tried to have their mailboxes taken off School Street onto Rainbow Drive. She said the post office was in support for the safety of the mailperson and residents, but Ms. Rattee was not in favor. Donald Vanwormer asked if his driveway is a ROW or easement or owned by Deb Rattee. Tom Dow said the plan reads that it is owned by Deb Rattee. Mr. Vanwormer said his deed reads that it is a ROW. Stan Prescott reviewed Mr. Vanwormer's deed, noting that it says for ingress and egress meaning they can drive in and out. Mr. Vanwormer asked where it ends and if it extends onto the lot on the plan. Warren Wells showed a 2008 plan done by Richard Bartlett & Associates with the ROW going right back to the back of the lot. Jeff Green said the piece was given for access. There was discussion about how the access was represented on various plans. Paula Wells stated that the frontage continues to be a question, asking if pieces can be added together to get the required frontage.

The chairman closed the hearing to the public and opened it to the Board only. Stan Prescott said he needs to sit down with the notes provided by Joe Eggleston and the plans to which he referred. He said he wants to read them and digest his concerns. Jeff Green asked what concerns were raised as he did not hear any. He said he does not feel there should be discussion behind closed doors. It was noted that the Board has the right to review the notes, not in a closed meeting but on their own time. Dustin Bowles said he is confused by several items. There were several questions about how the frontage was created, the 33' width of passage creating Rainbow Drive, and where Mr. Green considers the frontage for the area on the other side of Rainbow. The Board reviewed the lines. Tom Dow suggested that maybe the plan should be reviewed by the town's engineer for an independent review and professional opinion. Mr. Eggleston said he would leave his marked-up plan. Board members agreed to have the plan reviewed at the applicant's expense per the Land Development Regulations. Mr. Green said he would withdraw the application before having it sent to an engineer. George Saunderson said he feels the matter should be continued for a month as they need time to review the notes and further review the plan. There was discussion about meeting with Mr. Green and Mr. Eggleston so he could explain his comments. It was then suggested that the plan be reviewed by CNHRPC at the client's expense. Mr. Green said he cannot authorize payment without talking with his client; he will talk with her and get back to Donna. **Stan Prescott made a motion to send the plan to CNHRPC for review and have a work session**

**after receiving their review, as well as Joe Eggleston's information, before having another public hearing; seconded by George Saunderson. All were in favor.** Donna will get an estimate from CNHRPC to Jeff Green. The hearing will be continued on February 19, 2015 at 7:00 p.m. in the Community Building. There will be no further notification.

**Board Discussion:**

The Agriculture Commission has asked to have one or more Planning Board members attend one of their meetings to talk about the Master Plan with regard to agriculture in Loudon. It was agreed that it would be preferable for their group to come to the Planning Board. Donna will invite them to an upcoming meeting.

Tom Dow spoke about information received on a course on Planning and Zoning Laws in New Hampshire. It will be held on five consecutive Mondays, starting on March 9<sup>th</sup>. Donna will get the details out to the Board.

**Report of the ZBA:**

This month's agenda includes a special exception for fuel storage tanks on Chichester Road and an appeal from an administrative decision on Loudon Ridge Road.

**Report of the Board of Permit:**

Stan Prescott reported that there was discussion on M42/L14, Ledgeview Greenhouses. The owners want to add a house to the property and there was some concern about being able to do so without subdividing the lot. The group's consensus was that it is a 10.79 acre lot and it can be done without subdividing as both uses are allowed in the district.

**Adjournment:**

Dustin Bowles made a motion to adjourn at 9:10 p.m.; seconded by Bob Cole. All were in favor.

Submitted by,

Donna White  
Administrative Assistant