

TOWN OF LOUDON, NEW HAMPSHIRE

COPY

PLANNING BOARD MINUTES  
OF JANUARY 18, 2007

2007 ZONING ORDINANCE PUBLIC HEARING

**1. Meeting called to order at 6:00 PM by Chairman Tom Dow.**

**2. Attendance:**

Planning Board – Chairman Tom Dow, Vice Chairman Stanley Prescott, Tom Moore, Gary Tasker, Bob Ordway, ex-officio Dustin Bowles, alternates Steve Jackson and Jason Masse

Zoning Board – Chairman Dave Powelson, Roy Merrill

Conservation Commission – Julie Robinson

**3. Minutes of December 21, 2006 workshop:**

Gary Tasker made a motion to accept the minutes as presented. Dustin Bowles seconded the motion. All were in favor.

**4. Proposed Zoning Ordinance Amendments:**

Amendment 2007-1-Chairman Dow read the proposed amendment and reason for the amendment. There were no questions from the public and no discussion from the Board. ***Stan Prescott made a motion to approve the amendment for the ballot; seconded by Gary Tasker. All were in favor.***

Amendment 2007-2-Chairman Dow read the proposed amendment and reason for the amendment. There were no questions from the public and no discussion from the Board. ***Bob Ordway made a motion to approve the amendment for the ballot; seconded by Dustin Bowles. All were in favor.***

Amendment 2007-3-Chairman Dow read the proposed amendment and reason for the amendment. There were no questions from the public and no discussion from the Board. ***Gary Tasker made a motion to approve the amendment for the ballot; seconded by Stan Prescott. All were in favor.***

Amendment 2007-4-Chairman Dow read the proposed amendment and reason for the amendment. There were no questions from the public. Steve Jackson asked if the wording of the 2<sup>nd</sup> line of the ordinance should be changed as well because it reads ‘appointments’ and these are no longer appointed positions. There was discussion about wording options so that this reads properly and clearly. ***Gary Tasker made a motion to amend the amendment to include changing the ordinance wording from ‘appointments occur annually’ to ‘two members are elected annually’. Dustin Bowles seconded the motion. All were in favor of the change to the amendment. Gary Tasker made a motion to approve amendment 2007-4 as amended for the ballot; seconded by Tom Moore. All were in favor.*** If passed, the ordinance would then read:

700.1 Membership-The Board shall consist of five (5) members elected by the voters, each to be *elected* for three (3) years. The terms shall be arranged so that no more than two (2) *members are elected annually*. No person holding the office of Selectman shall serve on this Board.

Amendment 2007-5-Chairman Dow read the proposed amendment and reason for the amendment. There were no questions from the public. Bob Ordway suggested that this addition to the list of permitted uses be given the identification letter 'M' which is unused due to a deletion of that item in a previous year. ***Bob Ordway made a motion to approve the amendment for the ballot; seconded by Dustin Bowles. All were in favor.***

Amendment 2007-6-Chairman Dow read the proposed amendment and reason for the amendment. There were no questions from the public and no discussion from the Board. ***Dustin Bowles made a motion to approve the amendment ballot; seconded by Bob Ordway. All were in favor.***

Amendment 2007-7-Chairman Dow read the proposed amendment and reason for the amendment. George Page asked if there is a list of accepted accessory buildings. Dave Powelson pointed out the definition of accessory building on page 88 of the Zoning Ordinance. Mr. Page said he is concerned that people will be putting up garages and other accessory buildings without officials knowing. There was discussion of getting on the building permit list, the intent behind this amendment, and possible loopholes. ***Tom Moore made a motion to approve the amendment for the ballot; seconded by Gary Tasker. All were in favor.***

Amendment 2007-8-Chairman Dow read the proposed amendment and reason for the amendment. Friedrich Moeckel asked to address amendments 2007-8 and 2007-9 because both sections refer to the Army Corps of Engineers. Mr. Moeckel said he is concerned by the requirement's added costs to a developer and asked what the rationale was behind this. Gary Tasker stated that he feels the Board is hesitant to make an approval without the review of engineers and the state as this is not in the area of knowledge of most Board members. Stan Prescott stated that an applicant is required to have a wetland crossing permit prior to coming to the Board. Mr. Moeckel said his concern is the economic commitment on the part of the applicant and the potential for denial after spending that kind of money. He suggested that the ordinance could read that these requirements are subject to approval. Stan Prescott said the Board is here to protect the town. Mr. Moeckel said it would be better if a property owner could get a conditional approval and then to the state with the Board's blessing. Bob Ordway stated that the state imposes other requirements and sometimes complicates the process as they may be nothing like the Board had in mind. There were no further questions from the public therefore the chairman closed the hearing to the public and opened it to the Board only. There was no further discussion. ***Gary Tasker made a motion to approve amendment 2007-8 for the ballot; seconded by Stan Prescott. All were in favor.***

Amendment 2007-9-Chairman Dow read the proposed amendment and reason for the amendment. Tom Moore said it is important to note that there were no Special Exceptions allowed before so this opens it for the development of back land. Roy Merrill said he is asking one more time to go back to the 25% slope that was used in the past. Julie Robinson asked if this amendment doesn't allow development of steeper slopes through a Special Exception. Tony Merullo said this infers steep slopes and he does not think 20% is steep. He asked where the 10,000sf figure came from. Tom Dow said the 10,000sf is figured to allow for a driveway. There was discussion of how the figure was calculated and the various discussions held at workshops leading to this public hearing. Stan Prescott said it had gone from 25% to 20% by the

vote of the town last year, explaining that this amendment makes it so people can use their property for a driveway and grants some relief. Bob Ordway stated that Julie Robinson's point was correct about being able to ask for a Special Exception, whereas it has been 20% with no exceptions. Tony Merullo asked where the Wetlands Bureau and Army Corps of Engineers come in, saying he is not aware of wetlands in steep slope areas. Julie Robinson stated that cutting into that slope could affect abutting wetlands. Hearing no further questions from the public, the chairman closed the hearing to the public and opened it to the Board only. There was no further discussion. ***Stan Prescott made a motion to approve the amendment for the ballot; seconded by Tom Moore. Dustin Bowles was opposed to the motion; all others were in favor.***

Amendment 2007-10-Chairman Dow read the proposed amendment and the reason for the amendment. Roy Merrill said if the Board is keeping steep slopes at 20% then they need to adhere to it. Dave Powelson said that septic systems are being proposed as a permitted use. Mr. Merrill said that the state allows 25% and feels the town should as well. He said he feels the town is forcing all development onto flatter pieces of land and property owners' rights are being limited because small slopes make their land unusable. Mr. Merrill said he had submitted a request to go back to the 25% as stated in the Land Development Regulations. Gary Tasker suggested that the Board act on amendments 10 through 13 and then discuss Mr. Merrill's proposed amendment. Hearing no further questions from the public, the chairman closed the hearing to the public and opened it to the Board only. There was no further discussion from the Board. ***Gary Tasker made a motion to approve amendment 2007-10 for the ballot; seconded by Dustin Bowles. All were in favor.***

Amendment 2007-11-Chairman Dow read the proposed amendment and reason for the amendment. There were no questions from the public. Stan Prescott noted that the amendment should refer to Section 302.3 rather than 302.4. There was no further discussion. ***Dustin Bowles made a motion to accept the amendment, with the noted correction, for the ballot; seconded by Tom Moore. All were in favor.***

Amendment 2007-12-Chairman Dow read the proposed amendment and the reason for the amendment. Julie Robinson explained that this amendment has made the wetlands section consistent with the correct RSA, better defined, and also adds the buffer to the district. She said the conservation commission has removed the Shoreland Protection Act reference, and she explained minor changes throughout the ordinance to clean it up and make it clearer. There was discussion about the changes and it was agreed that they have made the ordinance less confusing. Tony Merullo referred to Section 301.6.2, asking what might be an example of a wetland less than 2,000 square feet. Mrs. Robinson explained that would be a very big vernal pool and gave an example of an area in town. Steve Jackson referred to Section 301.3 and asked if it is practical to specify the methods to be used by a certified wetland scientist and if this would limit it to a select group of scientists. Julie said that anyone delineating wetlands should be certified to these standards. Tony Merullo asked where the standards come from. Mrs. Robinson said the commission is trying to make it as clear as possible. There was discussion about specifying methods to be used. Dustin Bowles read Section 301.3 from the current Zoning Ordinance. Mrs. Robinson said she would be alright with simply requiring the mapping be done by a NH Certified Wetland Scientist who could put their stamp on the plan. ***It was agreed to drop the specific methods from the amendment so that Section 301.3 would read: Mapping: Wetlands shall be determined and delineated on an individual parcel basis by a NH Certified Wetland Scientist.*** Hearing no further questions from the public, the chairman closed the hearing to the public and opened it to the Board only. There was no further discussion from the Board. ***Gary***

***Tasker made a motion to approve amendment 2007-12, as amended, for the ballot; seconded by Dustin Bowles. All were in favor.***

***Amendment 2007-13***-Chairman Dow read the proposed amendment and the reason for the amendment. Hearing no questions from the public, the chairman closed the hearing to the public and opened it to the Board only. There was discussion of slope steepness, the size of the area affected, and the relief that this amendment gives. ***Bob Ordway made a motion to approve the amendment for the ballot; seconded by Tom Moore. All were in favor.***

Chairman Dow explained that the next four proposed amendments were not on the public notice for this hearing because of submission deadlines. He stated that there will be a public hearing on February 1, 2007 at 6:00PM to discuss Amendments 2007-14 through 2007-17.

The chairman stated that this might be the time to return to the discussion of steep slopes if anyone wished to. Roy Merrill stated that he would like to see the slope go back to 25%. Steve Jackson asked if a new ordinance would be created. There was discussion on the timeframe required for posting of hearings, the deadline for petitions being December 13<sup>th</sup>. Bob Ordway said the steep slope topic has been addressed at previous workshops and because of posting deadlines may have to wait until next year for further discussion and change.

Chairman Dow reminded everyone that the next public hearing would be on February 1<sup>st</sup> at 6:00PM at this location. Gary Tasker made a motion to close the public hearing at 7:27PM; seconded by Tom Moore. All were in favor.

**Respectfully submitted,**

**Donna White**