

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE
PLANNING BOARD MINUTES
JUNE 18, 2015

Meeting called to order at 7:00 p.m. by Vice Chairman Stanley Prescott.

Attendance:

George Saunderson, Henry Huntington, Stan Prescott, Bob Cole, Ex-Officio Dustin Bowles, and Alternate Alice Tuson

Julie Robinson represented the Conservation Commission.

Alice Tuson was appointed to be a voting member in the absence of Tom Moore.

Acceptance of Minutes:

May 21, 2015 Regular Meeting – **Henry Huntington made a motion to accept the minutes as written; seconded by Bob Cole. All were in favor.**

Discussion:

Liberty Utilities gas line project – Andy Nadeau of Horizons Engineering, Andy Bernier of Liberty Utilities, and Nikki Roy of Sanborn Head Engineering were present to discuss the proposed project. Mr. Nadeau stated that he has met with the Board of Selectmen and then attended a Board of Permit meeting to explain the proposal. He said his group was in a route evaluation study at that time. Stan Prescott noted that a letter from the Board was sent to Mr. Nadeau expressing the Board's preference of going up Route 106. Mr. Nadeau gave an overview of the expansion of the line through Loudon, saying that several routes have been looked at. He said the Conservation Commission and Board of Selectmen expressed some concerns. His group has come to the conclusion that the most probable route will be up Route 106. Mr. Nadeau said they met with DOT last week; they are now moving on to a preliminary conceptual. He said they may need to leave the 106 corridor at times because of environmental challenges. Henry Huntington asked how they will be communicating with the town, either through the Planning Board or Board of Selectmen. Mr. Nadeau said that is up to the town, noting it will probably be a year-long permitting process. Andy Bernier explained that the existing line is at 200# of pressure to get to Laconia. The plan is to expand the line size from Josiah Bartlett Road to the Shaker/Old Shaker area. He said the existing line will be de-rated so will be cheaper for users to connect. Mr. Nadeau said he will communicate with the Planning office via email and come back to update the Board in another three months.

Copart – Larry Stripling, property manager for Copart, explained that this is a worldwide company that services insurance companies when vehicles are wrecked. He said the vehicle goes to towing and storage; if it is determined that it is not feasible to fix the vehicle then Copart picks it up and brings it to their yard. Mr. Stripling said the vehicle comes in with a title and goes out with a title. He stated that they are currently operating out of Webster but have found that the location is not ideal for their needs because of spring road postings and other road restrictions. He said they need a location with better access and feel that the Moody property on Dump Road would be ideal. Mr. Stripling handed out a booklet that details the business. He said they operate as a used car dealer, not a salvage yard. The vehicles are onsite between forty-five and ninety days. They are sold by the insurance company through an internet auction run by Copart, the middleman auctioneer; there are no live auctions. Mr. Stripling said their next closed yard is in Billerica, MA. The company has been in business for thirty-five years and never had an environmental issue. Web Stout of FWS Land Surveying showed an existing conditions plan with topography of the Moody pit. He said there are twelve acres more or less and the wetlands have been delineated. There would be 2200-2800 vehicles at the storage

facility. Mr. Stout said the main question is about the use and where it fits in zoning. He spoke about the set-up at the Webster location, noting how well organized and clean it is. The Board was invited to look at the Webster facility at any time. It was stated that the EPA said that no water monitoring is needed at the facility.

Stan Prescott said the use may fall under salvage yard. Mr. Stripling said salvage yards fall under completely different setbacks per the State and those would make it prohibitive on this lot. He said each state has different licensing, and in NH everything is done under a used car dealer license even though the vehicles go out with a salvage title. Dustin Bowles noted that they are not stripping the vehicles or selling parts which would be salvage. Mr. Stripling stated that they looked at a site in Chichester; Chichester's attorney considered the use as a used car dealer. Joe Austin stated that he is under the impression that junkyards crush, dismantle, and sell parts; that is not what these people do, they have a storage yard. After brief discussion it was agreed that this should go to the ZBA for their input. Donna will put them on next week's agenda.

New Business:

Application #15-02, Debra Rattee & Jack and Jane Hummel – Lot Line Adjustment, Map 46, Lots 35 & 39, RR District. Abutters Paula & Warren Wells, Joe Eggleston, Sarah Dalrymple, and Donald & Patricia Vanwormer were present. Surveyor Jeff Green represented the applicants.

Mr. Green stated that the Hummel lot is currently 9.9 acres. Through this adjustment, 7.8 acres of the Rattee lot would be added to the Hummel lot, giving them 17.71 acres. He pointed out that the Hummels would then have all of the land on the east side of Rainbow Drive and Ms. Rattee would own Rainbow Drive and the parcel to the west. He said this is the best use of the land and it cleans up several questions. Alice Tuson said she does not feel this is a lot line adjustment as Mr. Green is showing boundary lines along both sides of Rainbow Drive. Mr. Green explained the new line is the new Hummel boundary. Mrs. Tuson said she feels the owner is disowning Rainbow Drive by bounding it and it looks more like a subdivision. Mr. Green said the solid line is because of the new boundary for the Hummel parcel. Henry Huntington asked if Rainbow Drive is becoming its own parcel. Mr. Green said it is not; it is a 33' easement for all owners to use. He said he could make the line on the Rattee side dashed if preferable and that Ms. Rattee will still own Rainbow Drive. Dustin Bowles said this plan would leave no way of getting a 50' width in the future. Mr. Green stated that residents on the road did not want the wider width at the last meeting where this was discussed so they went back to the original width. He pointed out the strip that is going with the Hummel parcel. There was discussion about not being able to get the 50' width from the Wells property and beyond.

Stan Prescott noted that the Hummel parcel could be divided in the future and there needs to be a road maintenance agreement in place. Mr. Green read note #7 with reference to M46/L39 joining an association if that lot was ever accessed from Rainbow. He said the lot has a PSNH right-of-way and beaver pond and would have to go to the Planning Board for further subdivision. Alice Tuson referred to the definition of frontage on page 111 of the Zoning Ordinance. Mr. Green stated that frontage for L35 is on Rainbow Drive, as approved by the Town when he merged the lots. Stan Prescott asked if they are considering a 50' width. Mr. Green said they spoke about this before and due to the residents' concerns he went to the agreed upon width at the time of development. Mr. Prescott said that Mr. Bowles feels it is in the best interest of the town. Mr. Green said he is not going to consider the 50' width; he is weighing the options of those he represents. Bob Cole asked to clarify that Rainbow Drive is a 33' existing private road. Mr. Green said that was correct. Abutter Joe Eggleston spoke about the 50' width being possible by the Hummel lot. He suggested this would become a corner lot and the frontage would be on the more traveled road, School Street, so wondered about future subdivision. Mr. Green referred to a plan done for Raney in 1988. The frontage was on Rainbow Drive. He said this is still the same lot and frontage. He said he feels he took care of the Board's concerns by the Hummels taking this piece. Abutter Warren Wells said he has an old map done by Bartlett and it shows 50' ROW from School Street to the power line. Mr. Green stated that it was not a recorded plan.

Vice Chairman Prescott closed the hearing to the public and opened it to the Board only. **Henry Huntington moved to accept the application as complete; seconded by Bob Cole. All were in favor.** Dustin Bowles stated that it is the Board's job to gear things for the future and this would be the ideal time to ask for the 50' ROW. Henry Huntington said he agreed, noting that the points made by Mr. Green all make sense and

the 50' really cleans it up. Mr. Green said if the Board requests the 50' he would go back and do it. Mr. Huntington said his opinion is that it makes sense to have the 50' ROW. George Saunderson said he concurred as it makes things clearer. Mr. Prescott asked if there were any other concerns. It was noted that the line on the Rattee side of Rainbow is to be dashed lines and that the acreage for Rainbow Drive is to be included in the acreage for M46, L35. Dustin Bowles said he feels this is the time to secure 50' from the Wells property to School Street as it gives room to make a better road in the future. Bob Cole said he understands that was the purpose of the 50' in the first place. **Bob Cole made a motion to approve the lot line adjustment with the 50' right-of-way and change of the westerly line to dashed rather than solid; seconded by Henry Huntington. All were in favor.**

Application #15-03, Debra Rattee – Minor Subdivision, Map 46, Lot 35, RR District. Abutters Paula & Warren Wells, Joe Eggleston, and Patricia and Donald Vanwormer were present. Jeff Green represented the applicant.

Mr. Green explained that there will be a revision to the acreage for this plan due to the adjustment of the ROW as part of the approval of the lot line adjustment. He stated that the first house on the right on Rainbow (formerly known as the Fields property) was five acres and it was merged with Ms. Rattee's lot. He said she now wants to separate 2.01 acres off with the existing house. The second lot would be 7.06 acres with a 33' strip of land off School Street, frontage on Rainbow Drive, easements for Lots 16 and 18, and 374' +/- of pond frontage. Mr. Green said the driveway for this lot would be off School Street as a shared driveway. He has state subdivision approval for the lot with the house; the second lot is over five acres so does not need state approval. Mr. Green said he has listed the acreage for Rainbow Drive as 2.631 acres; this will go up slightly with the adjustment of the ROW. He said he has designated an area that covers Rainbow Drive because they would like to turn it into a road association so it can be controlled by the people who are using it, rather than just one person. Alice Tuson said the edge of the wetland delineation has changed from the plan six months ago. Mr. Green said the December 2014 plan was conceptual and the wetland had not been delineated.

Bob Cole moved to accept the application as complete and move to public hearing; seconded by George Saunderson. All were in favor.

Warren Wells said the issue of frontage was to go to an engineer for review at the last meeting held on this matter. He said this plan does not seem a lot different and he wondered if it would be sent out for review. Joe Eggleston asked if this might be considered a major subdivision with Rainbow Drive being separated and a third lot. He referred to notes about a road association and went over several pieces of history referring to if/when the road would be upgraded. There was lengthy discussion about Section 23.3 of the Land Development Regulations. Bob Cole said he feels this plan fits 23.3 perfectly. He said they have notes about joining Rainbow Drive road maintenance agreement. Jeff Green said he defined the road with the potential of an association being formed. Bruce Marshall said he told Mr. Green to show the road outlined in bold due to past concerns of defining the road. He said he understands the request to have dashed lines on the Rattee side of the road. Mr. Marshall said he looked at old deeds and the road width is the same in every deed. He said the ROW is to pass to access individual lots, done before subdivision regulations. He said these are grandfathered conditions of a grandfathered private road. He said they provided information on the road so owners can create an association, each having one lot share in the association. He clarified that the acreage shown for Rainbow Drive will be part of M46, L35-1.

Stan Prescott said the septic system for the Vanwormer house is not shown. He said he feels it should be as he feels it is over the property line. Mr. Vanwormer said the ROW by his house goes straight through the proposed house location. Mr. Green stated that the plan being referred to was a Bartlett plan. Mr. Vanwormer said he is not sure why a ROW would be done with no terminus. Mr. Green said that Sunset Drive was the same way. He spoke about the Raney parcels and how the area has been developed. Mr. Vanwormer said his leachfield is right on the property line. Mr. Green said he spoke with abutter Raney about relocating the driveway but it did not work out. Warren Wells noted that there is a wash on the Raney lot that could make that option difficult. Mr. Green said he looked at that. Stan Prescott noted that the 180 x 240 box is not shown on either lot. Mr. Green will correct this. Henry Huntington asked if the well radius will be adjusted because of the Vanwormer septic system location. Mr. Green said the well radius will be based on where the new septic

will be located. Mr. Huntington clarified that the acreage should be changed because Rainbow Drive is not a separate lot. He asked if any more driveways are being added to Rainbow Drive at this point. Mr. Green said there are not. He said he will add the registry numbers of the lot line adjustment to this plan once that plan is recorded.

Stan Prescott noted that Section 23.3.2 states that a maintenance agreement shall accompany a plan at Merrimack County Registry of Deeds. Mr. Green presented a draft agreement for the Rattee lots. Bruce Marshall said he has researched maintenance agreements recorded by the town; this draft is based on others for private roads. It was agreed that the draft agreement should be forwarded to town counsel for review. Warren Wells asked how residents figure into the agreement and if they are obligated. Mr. Prescott said they are under no obligation; however, if anyone chooses to subdivide parcels on the road they would need to participate. He said the last time this group was before the Board it was said there is an association and then it was said there isn't an association so the Board backed away. Dustin Bowles said they can't force the issue but it would be nice if the owners were to get together, get along, and try to develop an association. Mr. Wells asked to what extent Mr. Green is doing that. Mr. Green said he has defined the road and noted that any new lots are to join a road association. He said if people on the road want to get something formalized this draft is a format to start with. Mr. Green will correct the plan to read Map 46, not Map 36. Mr. Marshall said he did find on a couple of deeds that there was a requirement to maintain the road for fire safety. It was noted that there are two Note #7; this will be corrected. It was also noted that there is no north arrow on the plan. Joe Eggleston said the Board had previously entertained outside review, and he still feels there are concerns of the corner lot and conformity.

Vice Chairman Prescott closed the hearing to the public and opened it to the Board only. Dustin Bowles said a lot of concerns from before have been addressed. It was asked if Ms. Rattee would have access to the pond along Rainbow. Mr. Green said she would and pointed out the small area. Stan Prescott said the specifics of the easements for Lots 16 and 18 should be shown. Mr. Green said they are driveways. Bruce Marshall clarified the easements and said they should be shown as driveways. Dustin Bowles asked to clarify that they are not subdividing the road. Mr. Green said that was correct; they are combining that acreage back into M46, L35-1. George Saunderson asked if it would be safe to assume there will be no further subdivision of the lot. Mr. Green said he could not say for sure but with the wet area the potential is slim. Stan Prescott asked about the building and non-buildable areas table. Mr. Green will add that to the plan. **Henry Huntington made a motion to continue this application to the meeting of July 16, 2015 to allow the correction of the list of items** (dashed line, acreage of 46/35-1, recorded number of LLA to be added, correct map number, change note to #8, north arrow, driveways on lots 16 and 18, add 180 x 240 boxes, and buildable/non-buildable table needed) **and have the town attorney review the road maintenance agreement; seconded by George Saunderson.** All were in favor. The meeting is scheduled for 7:00 p.m. in the Community Building; there will be no further notification.

Application #15-04, New England Flower Farms – Major Site Development, Map 50, Lot 6, CI/RR Districts. Henry Huntington and Bob Cole recused themselves from this case. There were no abutters present. Tim Bernier represented the applicant. Mr. Bernier explained the location of the site on Route 106, currently owned by Manchester Sand & Gravel. He said there are forty-three acres of the parcel that were permitted to mine in 1998; eighteen acres have already been mined. Mr. Bernier explained the boundaries, setbacks, and wetland areas when going over the existing conditions plan. He said the proposal is for fifteen acres of greenhouse, packing, storage, and shipping. This will be done in multiple phases. Mr. Bernier stated that the company will grow salad greens for grocery stores. He noted that the parcel is in both the CI District and the RR District; the use is permitted in both zones. Mr. Bernier noted that the RR District has very strict building coverage limits so they will be going to the ZBA next week. He showed the current driveway, explaining that this will be adjusted so less steep.

Mr. Bernier explained that they have to have a transient public water supply based on the number of employees; there is a dedicated area for the well. He said the site will all be at one grade. There will be a closed drainage system with a grass swale and retention area for groundwater recharge. Mr. Bernier pointed out

a preserved area for possible future building, perhaps a biomass facility. He said the site will be serviced by natural gas and PSNH for power. Irrigation water will come from a separate well. Mr. Bernier explained that there are some wetlands in the middle of the property/gravel pit. He talked about there being a lake there at one point; over time a tiered shape was created. He said it is great drainage but the water pops out of the hillside. Mr. Bernier said a farmer had dug a hole and lined it for a pond at some point. He isn't sure what material was used for the lining but does know it is right next to some great sand. Mr. Bernier said there will be 1.28 acres of wetland impact which requires mitigation with the state because of the loss of value. He said very little function and value was found; they have met with the state. Mr. Bernier said the applicants will not really be using the land along the river so they thought they could create a conservation easement of thirty-one acres. They have talked with Fish & Game and they are very interested in being able to combine and other easements in the area. Mr. Bernier said the EPA is not so excited about the proposal. He said the applicants have proposed that they would stop mining on the parcel which leaves a large amount of material in the ground; the EPA is in agreement with that proposal.

Mr. Bernier noted that the town's regulations do not really allow wetland impacts for development purposes so they will need a variance for the impact. He said he read of a case that was before the ZBA for NHMS where they went for a special exception and received approval. He said he feels this plan is mitigating the impact very well. He said the applicant is seeking three other variances, even though they are not sure they need all of them. Mr. Bernier stated that the Zoning Ordinance requires the Planning Board's input on wetland matters. He said there is a steep slope area of about one half acre; it is completely contained on this parcel. He noted that this area would go away with the current mining license. Mr. Bernier said this proposal removes the area but to build there the Ordinance would require a variance. Stan Prescott spoke about them mitigating the problem upfront with the conservation easement. George Saunderson stated that they are making a trade with the conservation easement. Julie Robinson asked who would hold the property if Fish & Game is to hold the easement. Henry Huntington stated that New England Flower Farms would hold the property. There was discussion of the conservation area mitigation.

Mr. Bernier explained that the third variance addresses the building density. He said this lot has 19 acres in the CI District and 57 in the RR District. If the entire parcel was in CI they would not need the variance because their coverages would meet the CI limits. Mr. Bernier said the Zoning Ordinance is in keeping with the intent of the Master Plan so he went to the Master Plan. The Master Plan shows the whole lot as commercial. Mr. Bernier said this project fits well on the piece based on the Master Plan. Stan Prescott spoke briefly about the applicant's timeframe and this being a prime piece to be added to the commercial zone. Mr. Bernier noted that the parcel would be mined if this project does not go through.

The fourth variance addresses .21 acres of filling in the wetland buffer. Mr. Bernier said it is strictly associated with the construction of the building. He said they have to close the gravel pit per the state so they will have to do work in the buffer, which is existing open gravel pit. Mr. Bernier said they went on a site walk with Fish & Game and discussed an area to be closed for wildlife habitat. He said a wildlife management plan may be done, leaving some open area rather than level, loam, and seed it all.

George Saunderson asked about the well for irrigation. Mr. Bernier explained that it would be a groundwater well. He said the greenhouse will be a hydroponic system, using the water over and over, with 55,000 gallons per day as the peak. Mr. Saunderson suggested that a joint site walk be done with this board, the Conservation Commission, and Zoning Board. George Saunderson made a motion to continue this hearing to July 16, 2015; seconded by Dustin Bowles. All were in favor. The meeting will be held at 7:00 p.m. at the Community Building; there will be no further notification.

Bob Cole and Henry Huntington returned to the table.

Board Discussion:

Central N H Trailers - Mark Akerstrom reminded the Board that he spoke with them a couple of months ago about his trailer sales business on the Mossman property on Route 106. He said he felt he had a good direction

as to where he was going but is not as clear now. He asked what would be required if he stayed on the current property. It was agreed that a full site development plan would be required and that the Land Development Regulations outline what is required. Stan Prescott said the Board likes to stay in the rural character when considering new development. Mr. Akerstrom had several questions with regard to lighting, pavement, etc. The Board urged Mr. Akerstrom to work with a surveyor or engineer who is familiar with the process and could help answer some of those questions. It was agreed that a major site development plan is needed on this lot or another he is considering. Mr. Akerstrom was told he could come back with a conceptual plan once he has more of a concrete plan.

Report of the ZBA:

There are four variance applications for New England Flower Farms on this month's agenda.

Report of the Board of Permit:

Stan Prescott reported that there were three events for NHMS as part of bike week. There was some concern about one letter listing music until 11:00 p.m. when it should be 10:00 p.m. Mr. Prescott said another item addressed Jack Shaver having a permit to take his trash truck home but the property has become a mess. It was agreed it is a code enforcement issue; a cease and desist order will be issued.

Adjournment:

Henry Huntington made a motion to adjourn at 10:37 p.m.; seconded by Alice Tuson. All were in favor.

Submitted by,

Donna White
Administrative Assistant