

TOWN OF LOUDON  
LOUDON, NEW HAMPSHIRE  
PLANNING BOARD MINUTES  
JUNE 16, 2011

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

**Attendance:**

Steve Jackson, Henry Huntington, Vice Chairman Stan Prescott, Bob Cole, Alternate Jeff Green, Ex-Officio Dustin Bowles

Jeff Green was appointed as a voting member in the absence of Tom Moore.

Bob Butler represented the Conservation Commission.

Lieutenant John Reese represented the Fire Department.

**Acceptance of Minutes:**

May 19, 2011 Meeting – **Bob Cole moved to accept the minutes as written; seconded by Jeff Green. All were in favor.**

May 25, 2011 Site Visit – **Henry Huntington moved to accept the minutes as written; seconded by Bob Cole. All were in favor.**

June 13, 2011 Site Visit – **Steve Jackson moved to accept the minutes as written; seconded by Bob Cole. All were in favor.**

**Discussions:**

Dean & Linda VanNorden – Mr. VanNorden stated that they have lived on Chichester Road near DeCato Sand & Gravel for many years. He presented pictures of the DeCato site that he took in April and voiced his displeasure with the amount of cutting that was done on the property. Mr. VanNorden said that they have not met the new owner and he does not feel this is a good way to come into an established neighborhood. He asked the Board about the hours of operation for the business, noting that they are running on Sundays. Mr. VanNorden stated that he feels the new owner could have left a buffer zone when doing the cutting. Vice Chairman Prescott stated that the office has researched the files and no set hours of operation were found for the business. Jeff Green recused himself from the Board, stating that the new owners are his clients and he would like to address some of Mr. VanNorden's concerns. Mr. Green explained that the owners worked with a forester and logger when doing the cutting. He said that the large trees were removed as part of the project. He explained that the cleared area and loosened soils would make those trees more susceptible to being blown down in strong winds. Mr. Green said that the new owners are working to clean up the lot. He said the loader and truck that have always been in view are now behind the garage. Mr. Green suggested that the VanNordens go see the new owners.

Mr. VanNorden stated that there should be an ordinance. Bob Cole pointed out that the owner of the business is working on weekends to get things cleaned up and

establish a professional business, as most new owners would do with any type of business. Discussion continued about Mr. VanNorden's concerns. Larry Hemphill stated that the logging operation showed little or no social conscience to the neighborhood.

NHMS – paintball arena – Tom Blanchette, Director of Operations, explained that they were sent to the Board by the Board of Permit to discuss a proposal to have a paintball arena in operation during the three major events. He said they are trying to keep guests busy during the evening hours, noting that the go-karts have been proving to do very well at entertaining guests. Mr. Blanchette stated that the fire department took the arena specs to the fire marshal for review. He said the arena inflates and has flame retardant certificates and mesh that stops the paintballs; there will be emergency personnel in the area, eight players at a time, and it will be set up on gravel. Supporting literature was handed out to Board members. Mr. Blanchette noted that they have addressed Chief Fiske's concern about the loss of parking where the arena would be located. He showed on a diagram that sixty spaces would be affected and then he showed another area onsite that would accommodate those sixty cars. Lieutenant Reese stated that the fire department will inspect for place of assembly safety once the unit is set up. He informed the Board that the chief did meet with the fire marshal. Lieutenant Reese said that the department is neither for or against the proposal; they will inspect once it is up.

Steve Jackson asked about the 10' x 20' storage unit that is proposed to be onsite for a ninety-day window. Chris Bova of NHMS stated that this would be a POD where related equipment would be stored in between races. Tom Blanchette stated that they are not yet sure if the arena would be operating during the Indy event. Stan Prescott mentioned his concern would be of future expansion. He explained the process used by the Board of Permit. Mr. Blanchette pointed out the aerial views that show the entire area. Mr. Prescott said that the plan should have a cover sheet with NHMS and the date on it so that there would be no question on the plan. Steve Jackson said, based on the Board of Permit explanation, he was in agreement with the plan as presented. Dustin Bowles said that the Board needs to keep an eye on expansion. He said it is good to keep the patrons busy and he is alright with the proposal. Bob Cole stated that he was alright with the plan. Henry Huntington said that it needs to be decided what is permanent and what is not. He said he felt it was alright to do this. Steve Jackson and Jeff Green were both in agreement with the proposal.

The Code Enforcement office will be notified of the Board's position on the matter, agreeing that it does not need to go back to Board of Permit.

There was discussion about the need to have policies in place for such requests, all agreeing that this is not something that comes up very often. Tom Blanchette stated that he would have staff at any work sessions if that opportunity is presented.

Peter Schauer – bond reduction – Tony Merullo represented Mr. Schauer as he was not able to get back to town for the meeting. Mr. Merullo explained that the work at the end of Cross Brook Road has been completed up to the 1 ½" top coat and 3" of 1 ½" crushed gravel around the edges of the pavement. He pointed out that estimates for the remaining materials and work have been submitted by Mr. Schauer. Mr. Merullo said that the road is complete and it has been inspected by the engineers. The estimates and Tony Puntin's comments on the requested amount were reviewed. Steve Jackson made a motion to

reduce the bond from \$40,000.00 to \$10,148.00 (remaining costs) with an additional \$2,029.60 contingency (per Section 24.2 of the Land Development Regulations) to equal \$12,177.60; seconded by Bob Cole. All were in favor.

**Old Business:**

#11-06, Kara Realty for Powerscreen New England – Site Development, in the C/I District, Map 1, Lot 65. Property owner Frank Merrill was present. There were no abutters present. Tim Bernier of T F Bernier, Inc. represented the applicant.

Mr. Bernier went through the proposal for a 4,600 sf building for retail sales and assembly of crushing and screening equipment. He said that a question on the use was satisfied via Bob Fiske. Mr. Bernier noted that the only change to the plans was the cul-de-sac which was done as the preferred option of the road agent. He said the cul-de-sac will be paved in the center.

Mr. Bernier stated that the road/right-of-way has been researched. He presented a copy of the 2003 approval for the subdivision with four lots at the end of the road. Mr. Bernier said that the first section of the right-of-way was created in 2000. He pointed out on plans that there was a 60' wide access easement that was reserved in deed when sold to Red Roof Inn. Mr. Bernier stated that this was also included in the Bollinger deeds at the time of their project. He said no rights were found for Z-1 and Alden Moore will contact Z-1 to sign a new deed. Mr. Bernier noted that the road is required as the second access for the Red Roof Inn. He said they are working on getting the access into the title records. Mr. Bernier stated that the applicant plans to construct the cul-de-sac and finish the road as part of this project even though it is not his responsibility. It was noted that the Red Roof Inn currently maintains the road from Staniels Road to their second entrance and Mr. Merrill will maintain the rest to get to his site.

A construction cost estimate was submitted to be used in calculating the road bond. Some changes will be made to account for the binding course that is already in place on part of the road. Mr. Bernier will revise the estimate and submit it to the office. He said they are asking for a conditional approval. Steve Jackson asked Dustin Bowles about the process of the town taking the road. Mr. Bowles said that it would generally be deeded to the Town. Tim Bernier explained the process. There was brief discussion about the town taking the road, it being a commercial area, and the taxes that are received from the commercial lots.

Vice Chairman Prescott read a memo from Code Enforcement Officer Fiske, noting a question about crushing demonstrations being done onsite. Frank Merrill stated that the equipment may be started up but there will be no crushing done there. He said there will be demonstrations of the equipment at his pit from time to time.

Steve Jackson asked if the cul-de-sac is entirely on the Merrill lot. Mr. Bernier said that the original design for the right-of-way included the cul-de-sac so there is an easement in place. There was discussion about the length of the road, the building, and landscaping. Lieutenant Reese stated that the fire department will want to see structural plans when available and will do a walk-through of the building at the time of construction. It was noted that the cul-de-sac is pitched 2% from right to left for drainage purposes. Mr. Bernier was asked to label the parking lot and driveway typical. Stan

Prescott stated that the roadway typical should be shown as well as the applicant will be completing the road as part of this project.

Steve Jackson stated that the applicant has addressed the Board's concerns from last month. **Mr. Jackson made a motion to approve the application based on the following conditions: 1) receipt of Z-1 deed; 2) new roadway typical showing on plan; 3) 2" binder and 1 1/2" wearing courses; and 4) revised construction estimate; seconded by Bob Cole.** It was pointed out that the Land Development Regulations require a maintenance agreement (Section 23.3). **Steve Jackson amended his motion to include a maintenance agreement; Bob Cole seconded the amended motion.** The applicant was instructed to draw up a maintenance agreement and get it to the Board of Selectmen for review by town counsel. **All were in favor.**

#11-07, Rymes Restaurant – Change of Use, in the C/I District, Map 60, Lot 30. John Rymes and Janice Bonenfant were present for Rymes. There were no abutters present. Mr. Rymes stated that he purchased this property about fifteen years ago and that the building was used for a small sandwich shop prior to him owning it. He said the building served as the Rymes office at one point and he would now like to put it back into service as it was in the past. Mr. Rymes explained that it would be primarily take-out service and would have five or six tables. He has had a new septic design done; this was presented to the Board for review. He went over the new plan for the property. John Reese stated that the fire department will review the business once it is set up. He said they are alright with the use and will inspect before the certificate of occupancy is issued. Lieutenant Reese will provide a confirmation letter to the Planning office.

Jeff Green stated that the plan is a great improvement over what the applicant presented in initial discussions. **Henry Huntington moved to accept the application as complete and move to public hearing; seconded by Bob Cole. All were in favor.**

There was discussion about the parking and the proposed location of the new septic system. John Rymes said that the building is about forty years old and needs upgrades, which will be done before it is operational. He stated that they have reviewed everything with regard to the requirements. Stan Prescott asked if this would be a year-round business. Mr. Rymes said that it would. **Jeff Green made a motion to approve the plan as presented; seconded by Henry Huntington. All were in favor.**

### **New Business:**

#11-09, Joanne Sanborn – Lot Line Adjustment, in the AFP District, Map 44, Lot 8 and Map 53, Lot 2. A letter to withdraw this application was received from Mark Sargent of Richard D Bartlett and Associates who represented the applicant.

#11-12, Kendall Gay – Minor Subdivision, in the RR District, Map 21, Lot 24. There were no abutters present. Jeff Green stepped down from the Board as he is the applicant's representative.

Mr. Green explained the location of the parcel, showing that part is south of Wiggins Road where the existing house is located and part is north of Wiggins Road. He stated that they have applied to the Zoning Board for a variance because the proposed lot with the house would be 1.324 acres and the newly created lot would be 6.625 acres with

148.15' of road frontage. He noted that the new lot would also have 707' of frontage on a Class VI road. Mr. Green stated that the subdivision would create two lots separated by the road. He explained that the front portion of the bigger lot meets all of the requirements for buildable area.

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

Stan Prescott asked about the width of Wiggins Road. Mr. Green said that it varies but is 33' in this area. There was discussion about the history of the lots with Mr. Green pointing out what were previously known as Tract 1 and Tract 2. Steve Jackson asked about the location of the driveway for the new lot. Mr. Green said that it would be off Wiggins Road just as the existing driveway does. The group discussed possible future widening of Wiggins Road, making an approval conditional upon ZBA approval, and the proposed location of a house on the new lot. Mr. Green presented a possible change to the plan that would allow an easement for future widening of Wiggins Road.

**Bob Cole made a motion to approve the application based on the following conditions: 1) ZBA approval must be received; 2) State subdivision approval; and 3) the agreed-upon 50' width for future widening of Wiggins Road; seconded by Steve Jackson. All were in favor.**

#11-11 Debra Rattee – Minor Subdivision, in the RR District, Map 47, Lot 44. Jeff Green of J L Green Enterprises represented the applicant. Abutter Paula Wells was present. Mr. Green explained the location of this property at School Street and Rainbow Drive. He stated that the purpose is to create a separate lot on the pond which would be a recreational, non-buildable lot. He noted that he has made some changes to the plan since the application was submitted and the revised plan does not include Rainbow Drive so the new lot would be 4.2 acres. Mr. Green said this project is in progress as he is still researching some boundary lines.

Mrs. Wells asked if the right-of-way would remain. Dustin Bowles said that it is the Board's job to be sure that the easement is maintained wide enough. Steve Jackson stated that leaving the road with the large parcel makes more sense. Stan Prescott pointed out that a variance would be needed since the new lot would not have the proper frontage. Discussion continued about the history of the property, Mrs. Wells' concerns, and changes that might be made to the plan. It was agreed that Mr. Green would continue to work on the Wells' boundary lines, the 33' foot frontage would need a variance, the new lot is to be designated as a non-buildable lot, the road width is to be verified, and State subdivision approval will be needed if the new lot is less than five acres.

**Steve Jackson moved to continue application #11-11 to the meeting of July 21, 2011 at 7:00 p.m. in the Community Building; seconded by Bob Cole. All were in favor.** There will be no further notification.

#11-10, Matthew & Patricia Smith – Lot Line Adjustment, in the RR District, Map 24, Lots 13 & 15. There were no abutters present. Jeff Green of J L Green Enterprises represented the applicants.

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

Mr. Green explained the location of the properties on Pleasant Street Extension. There are two houses, both owned by the applicants. One lot currently has 34.35 acres and the other has 5.673 acres. After the adjustment the lots will be 38.05 acres and 2.00 acres. Mr. Green explained that the boundary line currently goes through a barn. He said this adjustment would take that line and move it around the barn, enlarging the grazing area. Stan Prescott noted that the corner of a garage will be in the new setback. Mr. Green explained that the garage is currently spanning the property line and in the setback, and this adjustment would make the lot more conforming. He said there is a 1979 easement to have the garage in that location. Mr. Prescott said the line could be adjusted with little problem. Roy Merrill informed the Board that the ZBA recently gave a verbal approval to Web Stout for a similar situation on Wales Bridge Road where the lot line adjustment made non-conforming lots more conforming.

**Bob Cole made a motion to approve the application as presented; seconded by Henry Huntington.** Mr. Cole said the lot line adjustment is simple and cleans up the lines and garage matter. Steve Jackson mentioned that it would have been nice if the boundary line could have followed the stone wall. **All were in favor.**

#### **Board Discussion:**

Parking Permits – Donna informed the Board that two parking plans have recently been reviewed by the fire department and both need some changes but will be complete in time for the first race. At the recent Board of Permit meeting it was agreed that letters of notice that parking will not be permitted should be sent to those parking permit holders who have not responded to the update request. The Planning Board agreed; Donna will issue those letters next week.

Robert Saunders – Donna informed the Board that she received a call from Mr. Saunders, an engineer who was formerly with The Louis Berger Group. Mr. Saunders is now working independently and wanted the Board to know of his interest to work with the Town. There was brief discussion about engineering options. Dustin Bowles noted that Section 25 of the Land Development Regulations addresses independent reviews.

#### **Report of the ZBA:**

There is a variance application for Kendall Gay on the agenda. Two applications for AAM Builders have been tabled until July.

#### **Report of the Board of Permit:**

Stan Prescott reported that the following were covered at the meeting: 1) permits for Brookside Mall, two COW towers at Sunnyside Maples, raffle for the Loudon Food Pantry (permit fee waived), and Z-1 Express; 2) paintball arena at NHMS; 3) holiday light show at NHMS; 4) vendor and daytime parking at Rymes; and 5) memo from Donna White regarding status of parking permits and the need to secure someone to do the lot inspections.

**Adjournment:**

A motion to adjourn at 10:30 p.m. was made by Steve Jackson; seconded by Dustin Bowles. All were in favor.

Submitted by,

Donna White  
Administrative Assistant