

APPROVED

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE
PLANNING BOARD MINUTES
MAY 19, 2011

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

Attendance:

Chairman Tom Dow, Tom Moore, Steve Jackson, Henry Huntington, Bob Cole,
Alternate Jeff Green, Ex-Officio Dustin Bowles
Jeff Green was appointed as a voting member in the absence of Stan Prescott.
Bob Butler represented the Conservation Commission.
Firefighter John Reese represented the Fire Department.

Acceptance of Minutes:

April 21, 2011 Meeting – **Henry Huntington moved to accept the minutes as written; seconded by Bob Cole. All were in favor.**

Discussions:

Dan Geiger for Loudon Country Club – Owner Bill Leombruno, Sr. was present. Mr. Geiger, Oak Hill Environmental Services, explained that he was working with Mr. Leombruno on a tree thinning project near the entrance to the golf course. An explanation of the project and pictures of the location were presented to Board members. Mr. Geiger explained that the thinning is being done for safety, security, and maintenance purposes. He spoke about direct runoff from Route 106 to a treatment swale. Mr. Geiger noted that this project is not a significant impact to the wetland area. He informed the Board that the Conservation Commission did a field review when asked for guidance and the Commission voted to approve the recommendation to proceed with the project. Mr. Geiger stated that he will oversee the project, saying that trees will be marked for a selective thinning. He said this area will be away from the State right-of-way. Mr. Leombruno stated that he has talked with Bob Fiske about the project. After brief discussion the Board agreed that this is a good project and they have no concerns.

Steve Jackson, Loudon Marketplace – Mr. Jackson stepped down from the Board to discuss this matter. He reported that he met with the Board of Permit two weeks ago and was advised to go to the Planning Board for review. He explained that his plan is to create Loudon Marketplace – Farm & Flea at 610 Route 106 (formerly referred to as Landry's field where the cell tower is). Mr. Jackson said that this market would be open on Saturdays only, from 7 am to 3 pm, from Memorial Day weekend through Labor Day weekend. He presented the Board with a plan of the proposed layout of vendors and parking, showing the entrance to the lot from Route 106 and the exit from the lot onto Industrial Drive. Mr. Jackson said that he feels this would be a great event for the Town

of Loudon, bringing the community together and providing a venue for people to sell their wares. He carries a \$2,000,000 insurance policy made out to the Town of Loudon and has a comprehensive set of rules and regulations for vendors. Mr. Jackson explained that the parking plan is designed to Loudon's Zoning Ordinance and has been reviewed with the fire and police departments. When asked about customer parking for the number of prospective vendors (111 vendor spaces) Mr. Jackson explained that there would be rotating traffic as people come in, walk around, then leave. He noted that vendors will park their vehicles at their vendor space. Mr. Jackson was asked if he planned to be open on race weekends. He stated that he wants to be open on those days and he feels that the close of the market will be in between races so there should be no problem with traffic. He explained that nothing will be left onsite at the end of the day other than a storage container and the porta-potties. He said he is talking with Dudley's about doing the concessions and those trailers would be gone at the end of the day as well. Mr. Jackson stated that he will have trash barrels onsite and he will go to the dump with those at the end of each day.

Tom Dow stated that the Board of Permit asked for letters from the police and fire departments. A memo from Chief Fiske was read, addressing the race weekends. Mr. Jackson stated that he has considered the race traffic when planning. Mr. Dow said he was concerned with the speed of traffic in the breakdown lane and people leaving this lot having to cross a double lane of traffic. Dustin Bowles stated that there was discussion at the Board of Permit about Mr. Jackson being shut down or hiring an officer if there were any issues on the race weekends.

Henry Huntington asked why this is not being done as a site development. Mr. Jackson said there are no permanent buildings and it is being considered a special event. Mr. Huntington voiced concerns about traffic, snow fence, abutter notification, and the impact this event could have. Jeff Green pointed out that this project does not fit the site development regulations. He said there is no ground work being done, the police department is alright with the proposal with the addition of snow fence along Route 106, everything comes and goes on the same day, there is already a driveway off Route 106, and the plan provides an entrance and exit. Dustin Bowles explained that the discussion at Board of Permit was to keep the review uniform, have the police and fire departments review the layout, and have a plan on file. Mr. Jackson said that he has had very positive feedback from local businesses and feels this will be a good community event. He explained that there will be no comparison to other flea markets where vendor booths stay week after week. Jeff Green said he feels this will take time to grow and does not see this as a monster. Mr. Huntington voiced concerns about the large build-out presented and it becoming a monster in the future.

Chairman Dow asked if this should be tried for a season and reviewed for changes at the end of the season. Mr. Huntington stated that he would want nothing left on this land. There was brief discussion about previous approvals for the use of the lot. Jeff Green noted that a site plan would not change anything as there is nothing permanent in this proposal. Bob Cole stated that it is a permitted use. Mr. Jackson stated that he has talked with Jim Barnes of Eastern and is working with them for LP for the concessions, and that he has talked with Loudon Country Club who is interested in having vendor space. He said they are both abutters. Mr. Jackson stated that he will not be broadcasting music, he will be onsite at all times, and he will have a 4 x 8 acrylic sign for the season

only. Jeff Green suggested allowing Mr. Jackson to try this for a month and review at the next meeting. Dustin Bowles said he was in agreement with the plan, noting that the Board of Permit was in agreement as long as the Planning Board was. Bob Cole said that he was in agreement. Henry Huntington said he is against the proposal but would feel that a review at the end of the season would be more appropriate as a month is not enough to judge race weekends and it will take a while to build. Firefighter Reese stated that the fire department is in agreement as planned, noting that the parking is per the town's regulations. He will provide a letter to the office.

Wayne Thistle, Michael Cutler – Cross Brook Road re-construction – Chairman Dow explained that Mr. Thistle and Mr. Cutler went to a recent selectmen's meeting and were referred to the Planning Board. He stated that the Schauer subdivision was approved two years ago, the road re-construction design was approved by the town's engineer, the bond is in place, and the work has recently been done. Mr. Cutler stated that he went to every Planning Board meeting when the application was first submitted but it was tabled each month. He said he went to Florida for the winter and when he got home found that the plan had been approved. Mr. Cutler explained to the Board that the re-design of the cul-de-sac has changed the entrance of his driveway. Mr. Thistle pointed out some concerns with the way that the re-construction was done. He said that Mr. Schauer and his contractor, Tony Merullo, have assured him that the work has been done to plan. Mr. Thistle agreed that the plan was followed but did feel that some changes should have been discussed with the engineer when the end result was seen.

Chairman Dow said that the Planning Board did their job by giving notice of the application and conducting public hearings so he was curious as to why the selectmen sent this to the Planning Board. Dustin Bowles stated that it was a Planning Board approval so the selectmen felt it should go back to that board. He said that he spoke with Stan Prescott about this and Mr. Prescott suggested that a site visit be done. He explained that he went to the location and it did appear that some grades were missing. Mr. Cutler stated that he wants what he originally had when his driveway was first done. Mr. Thistle said that he spoke with Tony Merullo and Peter Schauer a couple of weeks earlier about his concerns. He noted that the water is not traveling right and this will create problems. Jeff Green, surveyor for the subdivision, stated that the culvert in the driveway is on Mr. Cutler's property. He said he spoke with Mr. Cutler after a meeting and told him to call if he had any concerns. Mr. Green said he never got a call nor did the engineer. Mr. Green said that they were told that they could not change the culvert as it was not in the town right-of-way. He said the engineer worked with them and they gave an easement, reversing the drainage from the Cutler culvert to Mr. Schauer's property. Mr. Green said that they collected runoff from the center of the cul-de-sac across to the existing drainage easement and extended that drainage pipe. He said they had to carry the road grade and since the original approval the regulations changed, requiring the driveway to pitch -2% off the road. Mr. Green said the culvert could not be replaced so they had to go over it. It was agreed to conduct a site visit on Wednesday, May 25th at 4:00 p.m. The town engineer will be notified.

New Business:

#11-05, Michelle Rule & Charles Glidden – Lot Line Adjustment, in the C/I District, Map 11, Lots 10 & 11. Web Stout of FWS Land Surveying represented the applicants. There were no abutters present. **Tom Moore made a motion to accept the application as complete and move to public hearing; seconded by Henry Huntington. All were in favor.**

Mr. Stout explained the location of the two properties. He said that he surveyed the Glidden property in 2002 and it was discovered at that time that some things were not on the property based on the survey lines. Mr. Stout said there has since been legal action and the parties are trying to resolve this to avoid court. He showed the existing line and the proposed line which has been agreed to by both parties. Mr. Stout noted that this would create an even exchange of area. He said this puts buildings and structures on the right lots. Steve Jackson noted that leaving the well on the wrong property would create a problem with the sale of the property. Mr. Stout gave the history of the two lots, explaining that one family lived on both lots with the well serving both. When asked about the distance between the house on Lot 11 and the new line Mr. Stout stated that it is 8' as compared to previously being over the line.

Bob Cole made a motion to approve the lot line adjustment as presented; seconded by Steve Jackson. All were in favor.

#11-06, Kara Realty for Powerscreen New England – Site Development, in the C/I District, Map 1, Lot 65. Property owner Frank Merrill and abutter Richard Homsy were present. Tim Bernier of T F Bernier, Inc. represented the applicant. **Tom Moore moved to accept the application as complete and move to public hearing; seconded by Henry Huntington. All were in favor.**

Mr. Bernier stated that the proposal is to construct a 96' x 48' (4,608 sf) building for retail sales and the assembly of crushing and screening equipment. He pointed out that this is on the access road behind Z-1 and the Red Roof Inn. In reviewing the plan Mr. Bernier stated that there will be two employees, however he has designed the parking for additional spaces in the future. There will be eight spaces at this point and the future area will be loamed and seeded for now. Mr. Bernier explained that there would be a gravel area behind the building where equipment would be stored for sale or rental. He stated that he received Shoreland Protection approval earlier today and the septic plan has been approved.

Bob Butler noted that this lot is very steep at the back and asked about an erosion plan. Mr. Bernier explained that the parcel is now disturbed and will be stabilized with this development. Tom Dow stated that Alden Moore did the subdivision that included this lot. He asked about the ownership and status of the road. There was lengthy discussion about how the deeds of various parcels on the access road read with regard to passage and ownership. Frank Merrill will speak with Alden Moore about this matter.

Frank Merrill explained that Powerscreen New England deals with screeners and crushers of all sizes. He said that he has dealt with the company for years and that they just got the franchise for this area. Mr. Merrill said that the company assembles the units for sale but might also rent some out. Richard Homsy asked if there would be a service area. Mr. Merrill said that the building would be for assembly, sales, and rental. Bob

Cole stated that there would not be a lot of traffic as this is not a high action industry. Tim Bernier pointed out that they have a landscaping plan and this development will be cleaning up the lot. Steve Jackson asked if they would be changing the grade of the property. Mr. Bernier said that they have swapped the grades around so that the front area drains forward to minimize the impact and to stay away from the Shoreland Protection area. He stated that there will be no grading close to the river.

Henry Huntington stated that the plan looks good and he is glad to see development of the lot. He said he feels this is a good use of the property. Jeff Green noted that this is a dead end road. He asked about signage. Mr. Bernier said that a double chevron could be added at the end of the road. Tom Moore stated that a cul-de-sac is preferred over a hammerhead by the road agent.

It was noted that assembly is a use permitted by special exception by the ZBA. Mr. Bernier was advised to get a ruling on this from code enforcement. He will also research the road status.

Steve Jackson made a motion to continue this application to June 16th at 7:00 p.m. at the Community Building; seconded by Tom Moore. All were in favor. There will be no further notification.

#11-07, Rymes Restaurant – Change of Use, in the C/I District, Map 60, Lot 30. Chuck Cosseboom represented Rymes as John Rymes was out of state. There were no abutters present. Mr. Cosseboom explained that the vacant building on this property has been used for multiple businesses, the last being an office for Rymes. He said the proposal is for a twenty seat restaurant. Mr. Cosseboom submitted plans that showed both of the Rymes properties including the convenience store, this vacant building, vendor spaces for race events, and other features. He stated that they are negotiating with a couple of people to operate the restaurant which would be year-round with eight to ten tables. The restaurant would be the food vendor for race events instead of having a vendor in the parking lot. Mr. Cosseboom stated that a septic system is being designed, they have to meet fire codes, a sign is still in place on the property, the building will be remodeled, and parking locations are shown on the plan. It was noted that the plan submitted is not sufficient for this application. It applies to the directive of the Board of Permit to show the buildings and layout of the property during race events but is not specific enough to this change of use. The Board reviewed with Mr. Cosseboom what is required on a site plan for this type of change. He will work with their surveyor to get a more complete plan. **Henry Huntington moved to continue this application to June 16th at 7:00 p.m. at the Community Building; seconded by Bob Cole. All were in favor.**

#11-08, NHMS – Site Plan, in the C/R District, Map 61, Lot 5. John Zudell represented NHMS. There were no abutters present. **Henry Huntington made a motion to accept the application as complete and move to public hearing; seconded by Bob Cole. All were in favor.**

Mr. Zudell explained that this is to add the water storage tank discussed at the last meeting. He submitted stamped drawings as asked at that meeting. Henry Huntington stated that the applicant has submitted what was asked of them. Jeff Green stated that this is not what is required and is not a good plan. He pointed out that there is no approval block and one inclusive waiver request was submitted rather than separate ones.

Chairman Dow reviewed the minutes of the last meeting and found that the Board asked for the addition of the tank on an existing site plan which is what has been done. Mr. Green said his concerns of where the water would go if there was a problem with the tank was not addressed. He said they have not shown the parking area, where the water would go, or berms to address safety concerns. He said this plan is not what he expected.

Bob Cole asked if this tank will be in a gravel area. Mr. Zudell said that the whole area is gravel. There was discussion about the location and Mr. Green's concerns. Mr. Zudell said that their insurance company has not voiced any concerns of this sort. He said the same type of tank is used in NV and CA, all on hills with similar layouts, some near the fault line in CA. Mr. Zudell said this tank is not a lot different from the tank that is currently on the property. He said there is a perimeter fence around the tanks, spectator parking is in this area only twice a year, and they are adding the tank for the assurance of water at race time. Mr. Green said he is not against what they are doing but feels they should meet the same regulations as others. Henry Huntington said that he feels they did what was asked and he would recommend voting on the waiver and application.

Chairman Dow read the waiver request. **Tom Moore made a motion to grant the waiver to allow a scale of 1" = 200'; seconded by Bob Cole. All were in favor.**

Henry Huntington made a motion to approve the application as presented; seconded by Bob Cole. All were in favor.

Old Business:

#11-03, Debra Rattee – Major Subdivision, in the RR District, Map 38, Lot 27. Steve Jackson and Jeff Green recused themselves from this matter. Jeff Green of J L Green Enterprises represented the applicant. Mr. Green stated that State subdivision has not yet been received due to the reconfiguration of the lots after the last meeting. **Bob Cole made a motion to accept the application as complete and move to public hearing; seconded by Henry Huntington. All were in favor.**

Mr. Green stated that this application came in with four lots in March and then last month they came in with a one lot subdivision for Mike Milligan. He said this plan is now for two new lots, leaving the middle previously proposed lot as part of the remaining land. Mr. Green has researched the PSNH easement and is now showing the poles offset in the right-of-way. He said both lots meet the regulations and the plan shows the 75' wetland buffer. Mr. Green pointed out the 10' strip along Batchelder Road that is to be deeded to the Town of Loudon. He reviewed the changes from the original plan to this one. Dustin Bowles asked about upgrading Batchelder Road. Tom Dow pointed out that other subdivisions in the area, Dragonfly and Memory Lane as examples, were not required to do any offsite improvements. He said this application is for only two lots this time and that others added extra traffic as well. Mr. Dow noted that the applicant has given 10' on both sides of Batchelder Road as well as the corner of Batchelder and School Street. Tom Moore pointed out that the applicant has been a good supporter of the recreation trail which is a huge part of the trail system. Mr. Green said he had the note of the trail on the original plan and will move it to this revised plan. Roy Merrill spoke about work he had to do on Lesmerises Road when he did two lots there. Tom Dow said he was trying to find a balance.

Henry Huntington recommended that Batchelder Road be brought up to gravel standards. Jeff Green said that he originally designed the subdivision expecting to be asked what the open area would be used for so he used the full frontage; then he was told to get rid of a lot and provide future access for a road so he did. He said he also shifted the lots, is giving the strip along Batchelder, the trail, and the corner as asked. Dustin Bowles said the potential is there for nine houses. Steve Jackson, as the applicant's realtor, said that they would withdraw the offer of the 10' strip, the trail and corner, and put in a Memory Lane type subdivision as it would not be feasible to sell two lots and do the upgrade. He said they could move over to develop on the School Street frontage and there would be no improvement. Mr. Jackson said that the applicant has no intent to do anything with the field. Jeff Green said that the applicant gave up all that was asked. He stated that the drainage issue on Batchelder Road is on the other side of the road from this property. Mr. Green said that the applicant has no intention in the near future to ask for more and these lots are not going to have an impact on Batchelder Road.

Bob Butler addressed the lot next to the river. He noted the buildable area, the required setbacks, and buffer. He said it looks very tight and suggested moving the line to widen this lot. Mr. Green explained that his client wants to leave the middle area as a lot and have future access as asked by the Board. He said that the lot referred to by Mr. Butler is more than ample for building. Steve Jackson reviewed the concerns mentioned at the previous meeting and said that all have been addressed.

Chairman Dow read a waiver request for Section 12.4.9. **Henry Huntington made a motion to grant the waiver; seconded by Bob Cole. All were in favor.**

Chairman Dow read a waiver request for Section 12.4.10. **Henry Huntington made a motion to grant the waiver; seconded by Tom Moore. All were in favor.**

Chairman Dow read a waiver request for Section 12.4.11. **Tom Moore made a motion to grant the waiver; seconded by Henry Huntington. All were in favor.**

Roy Merrill said he did not feel it is asking a lot to bring the road up to 6" of crushed gravel and widen the road a bit. **Henry Huntington made a motion to approve the subdivision pending State subdivision approval, the existing road from School Street to the end of the subdivision being brought up to gravel standards and proper ditching to the road agent's discretion, and the showing of the recreation trail on the plan; seconded by Tom Moore.** Dustin Bowles said he was not sure of the width between walls on Batchelder. Jeff Green said it is 33'. Mr. Bowles said he would want to be sure there is enough width. Tom Moore said the upgrade could be the best fit without getting into the walls. It was agreed to have the road agent look at the situation and decide what is needed to bring the road to the gravel level of the roadway typical. **All were in favor.**

John Reese noted that the original plan had sprinklers per the regulations for subdivisions of four or more lots. He said that it should be addressed how to handle situations like this when one or two lots are done now, one or two more later on, and even more in the future. He said this seems to be a way to skirt the regulations.

Board Discussion:

Parking Permits – Donna informed the Board that Bob Fiske has learned that there will be no shuttle buses during the Indy race and for that reason he would like to see the

daytime parking permits limited to the two NASCAR races only. It was noted that there are a couple of lots near the track that do not depend on the buses. After brief discussion it was agreed to leave the permits as the “racing season”. Tom Dow will talk with Bob Fiske about this.

Report of the ZBA:

There two applications for AAM Builders on the agenda. One application is for a reduced side setback and the other is for a wetland crossing. There is also a building permit extension request.

Report of the Board of Permit:

Tom Dow attended the Board of Permit in Stan Prescott’s absence. He said there were two hawkker and peddler permit requests, one for Steve Jackson and one for Rymes. Both were referred to the Planning Board. Boar’s Tavern was also discussed, and a ten-day suspension of the outdoor seating area was issued because of complaints from an abutter.

Adjournment:

A motion to adjourn at 11:00 p.m. was made by Tom Moore; seconded by Henry Huntington. All were in favor.

Submitted by,

Donna White
Administrative Assistant