

**TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE**

**PLANNING BOARD MINUTES
OF May 19, 2005**

I. MEETING CALLED TO ORDER AT 7:00 P.M.

II. ATTENDANCE:

Tom Dow, Vice Chairman; Bob Ordway; Stanley Prescott; Tom Moore; Dustin Bowles, Ex-Officio; alternates Jason Masse and Clem Lyon were present. Gary Tasker, Chairman and Henry Huntington were not present. Alternate Clem Lyon will be a voting member to replace Gary Tasker and alternate Jason Masse will be a voting member to replace Henry Huntington. Tom Dow will act as Chairman.

Conservation Commission representatives Julie Robinson and Dan Geiger were present.

III. ACCEPTANCE OF MINUTES:

April 21, 2005 Public Session – Clem Lyon made a motion to accept the minutes as written. Seconded by Jason Masse. All were in favor.

IV. DISCUSSIONS:

1. Shawn Cross, the General Manager of Atlas, came in to discuss a site plan for a retail outlet for fireworks on the old VFW lot, located on Route 106 North, Map 60, Lot 32. Jim Bruss from Bruss Construction represented Atlas. Mr. Bruss stated the building will be around 4,000-4,800 square feet and have 30 parking spaces, two of which are handicap spaces. Mr. Bruss stated the lot is a level gravel area and the building will be setback 100' from Rt. 106; the existing building will be demolished. Mr. Bruss stated they are looking to build a large New England cape style building with wood siding and a cupola; there will be a 3,000sq.ft. retail sales area, two handicap bathrooms, an office and a storage room. Mr. Cross added that due to NH State laws they cannot have a two story building. Clem Lyon asked if this was a year round business. Mr. Cross replied the height of the season is May 1 to December 31, and they usually close for three months. Mr. Cross added the building is required to have a full fledged fire suppressant system. Bob Ordway asked if Atlas has other stores in New Hampshire. Mr. Cross replied there are stores in Belmont, Newport, Rindge, Londonderry and Hinsdale. Mr. Ordway inquired if this site will look a lot like the Belmont store. Mr. Cross replied it is and asked if this idea was alright with the Board. Mr. Ordway stated this is a permitted use and a site plan will be required. Mr. Cross added Atlas is known for having very clean stores.

2. Web Stout from FWS Land Surveying represented George and Lorraine Duprez. Mr. Stout stated the applicants needed a wetland permit to complete their subdivision application. Mr. Stout added they met at the site with Peter Schauer, the Town's road agent, the project engineer, representatives from NH Fish & Game Department, and NHDES, and have been told they need to build a bridge under Bear Hill Road to protect Blanding turtles in the area. Mr. Stout added to do this will drastically change the cost of the construction and DES will not allow the proposed plan for the road. Dan Geiger stated the procedure for a wetland permit is to do an identification of any rare or endangered species; this should have shown up sooner and the conservation commission was unaware this was a hot spot for these turtles. Mr. Geiger added this species will not traverse through enclosed structures and thus need an open bottom structure. Lorraine Duprez stated she owns the land and not the culvert and wants someone on the Board to state this is a safe culvert. Tom Dow stated this plan was all part of widening the road and if it wasn't included it wouldn't get done; that doesn't mean it is safe or adequate, I am not qualified to answer that. Stanley Prescott asked if the applicant has talked to the Selectman. Dustin Bowles stated he is just one Selectman but this is the first he is hearing of it. Tom Moore asked the conservation commission if there is money to help build a new culvert to protect these turtles. Julie Robinson stated the non-game department of fish & game is in charge of these turtles and she can find out. Wanda Follansbee asked if the current culvert is allowing the turtles through. Mr. Stout replied no. Bob Ordway asked were the safety concern for the culvert was coming from. Ms. Duprez stated she is not going to develop the land but is concerned with the safety of the road with the existing culvert. Raymond Cummings added Lee Eddins designed that culvert and at the time it was sufficient. Mr. Bowles added he could address the issue at the Selectmen's meeting. Mr. Geiger stated the NH Fish & Game and NH Dept. of Environmental Services have to be convinced that the laws concerning State threatened species are being followed. Mr. Bowles added the Board cannot approve the subdivision without widening the road and there needs to be a resolution to this. Tom Dow stated the Board will get some guidelines from Fish & Game and the Selectman and then respond to the applicant.
3. Web Stout from FWS Land Surveying represented Joe Bohi for a five lot open-space subdivision off of Bee Hole Road. Mr. Stout added the lot is about 19 acres, lot 1 will be cut off as a regular lot and lots 2 thru 5 will be 30,000sq.ft. – 83,300sq.ft. Stanley Prescott asked if there are any wetlands on the lots. Mr. Stout replied in back of lot 4, but the front of the lot supports 30,000sq.ft. of contiguous area. Bob Ordway asked if each of the smaller lots support a well and septic system. Mr. Stout replied yes. Tom Dow asked how much land will become open-space. Mr. Stout replied 54% of the area is open-space including steep slopes and wetlands. Dustin Bowles asked what the frontage on lot 2 is. Mr. Stout replied 20'; because they are on a cul-de-sac they do not have frontage requirements. Mr. Dow asked how many lots would fit in a traditional subdivision. Mr. Stout stated one lot because there is not enough road frontage. Mr. Dow asked how many lots would fit if you put in a town road. Mr. Stout stated five

maybe six lots. Alvin Davis stated he has been to the Board for four months now with an open-space subdivision and it is his thought that open-space is a vehicle to benefit the town's people; he would like the Board to look at opening this space to the Town. Mr. Dow stated after the Board approves the first open-space development they will be setting a precedent for all developments to follow. Julie Robinson asked if the access road meets the 75' setback from the pond. Mr. Stout replied this is an existing road and culvert already and they are within the setback for this man-made pond. Mr. Ordway asked the Conservation Commission if they have any thought for the land in the common area. Ms. Robinson replied they are stumped with this issue, the land will need to be monitored and they do not have the man power for that. Dan Geiger stated they would be interested in open-space common land that abuts conservation land. Dustin Bowles stated the Zoning Ordinance refers to the Planning Board regulations regarding lot frontage; the Land Use Regulations then state frontage requirements to be reduced to ½. Mr. Dow asked when the Board will like to do a site walk. Mr. Stout added he would like to look at the lot frontages some more before the Board does a site walk.

V. CONCEPTUAL CONSULTATION:

1. Andy Knowlton – Lot Line Adjustment, Berry Road, Map 58, Lots 47 & 46. Mr. Knowlton stated these two lots encompass three tracts of land; tract 3 is on the south side of Berry Road and tracts 1 & 2 are cut by Berry Road with the majority of the tracts to the North of Berry Road. Mr. Knowlton stated he would like to move the lot line for tracts 1, 2 & 3 to Berry Road. Mr. Knowlton stated tract 1 has a house and tract 3 has the septic; he would like to sell tract 1 and put a septic on it, keep tract 3 to build on for himself, and use tract 2 as a right-of-way for tract 3 to access Clough Pond. Tom Moore stated the applicant is cleaning up the lot lines. Dustin Bowles asked how big tract 1 will be after the adjustment. Mr. Knowlton stated 7/10 of an acre. Clem Lyon inquired how big tract 3 will be. Mr. Knowlton replied 1.5 acres. Tom Dow stated the Board will need surveyed plans with a lot line adjustment application. Mr. Knowlton stated after the lot line adjustment tracts 3 & 2 will be lot 46 and tract 1 will be lot 47.

VI. DESIGN REVIEW:

1. Application #05-03, Land of Moser & Duprey – Major Subdivision, Located on Currier and Clough Hill Roads, in the RR district. Map 42, Lot 7. Abutters David & Cheryl King, Mary Boucher, Joe Neal, Donald Vance, Judith & Peter Barry, Richard & Wanda Follansbee, John Lafirira, Rory Kingsbury, Matt Benton, Ann Paquin, Joe Brown, Dan Garcia, and Janet Brown. Alvin R. Davis III represented the applicants. Mr. Davis stated he has no new plans for today. Mr. Davis stated this 32 lot open-space subdivision will preserve over 100 acres of land. Mr. Davis added NHDES will not allow a roadway off Clough Hill Road since there is a better route; there are too many wetland crossings. Mr. Davis stated he would still like to do a site walk even before the roadway review. Mr. Dow asked if there

were any questions or comments from the public pertaining to new information. Wanda Follansbee asked the Board for clarification on how the road study will be done, who will do it and what their qualifications will be. Mr. Dow replied the study will be done by an engineering firm at the applicant's expense and reviewed by the Town engineer. Matt Benton stated he felt the applicant was getting ahead of himself because in order to improve Currier Road it has to go to Town vote and this has not happened yet. Joe Brown requested a copy of the NHDES letter and asked what can be done on the open-space land and who can use it. Mr. Brown added he does not want to see people abuse the property. Mr. Brown stated as an abutter he does not want hunters pointing riffles at his windows, picnickers leaving trash on his property or snowmobiles riding through his property. Mr. Davis stated his thought with public land is that some things are limited by what is allowable and the rest of it is enforcement. Mr. Dow added the regulations state that the Board will decide what is in the best interest of the neighborhood and the town. Tom Moore stated it will depend on who has authorization over the open land and the rules will be the responsibility of the governing board. Dustin Bowles asked if the property was in current use with recreation on that land. Mr. Davis stated yes. The hearing was closed to the public and open to the Board only. Tom Dow stated the Board is coming to a stalemate and they need to see something on the road; the Board needs engineering studies on the road. Mr. Dow added the Board knows that road cannot handle the current traffic and until the Board sees plans which can handle the increased traffic the Board can go no further. Mr. Dow also stated any development to Currier Road needs to be approved at a town meeting because it is a scenic road. Mr. Dow asked the Board if they all agreed. The Board concurred. Tom Moore made a motion to continue this hearing. Seconded by Dustin Bowles. All were in favor. This application will be heard on June 16, 2005, at 7:00 pm, at this facility. This is the only notice.

2. Application # 05-11, Wildwood Sanctuary Association, Inc. – Major Subdivision, Located on Youngs Hill Road, in the AFP District. Map 34, Lot 2. Tom Dow read a continuance request from the applicant. Tom Moore made a motion to continue this hearing. Seconded by Jason Masse. All were in favor. This application will be heard on June 16, 2005, at 7:00 pm, at this facility. This is the only notice.

VII. OLD BUSINESS:

1. Application # 05-02, Villages at Loudon, Major Subdivision & Major Site Development, Located on Foster Road, in the RR District. Map 29, Lot 7. Tom Dow read a continuance request from the applicant. Dustin Bowles made a motion to continue this hearing. Seconded by Jason Masse. All were in favor. This application will be heard on June 16, 2005, at 7:00 pm, at this facility. This is the only notice.
2. Application # 05-10, Peter & Gary LLC, Major Subdivision, Located on School Street and Batchelder Roads, in the RR District. Map 38, Lot 8. No Abutters were

present. Mark Sargent from Richard D. Bartlett & Associates represented the applicant. Stanley Prescott made a motion to accept this application as complete and move directly to a public hearing. Seconded by Bob Ordway. All were in favor. Mr. Sargent stated the subdivision was for 6 lots, now it is for 3 lots; one 19.98 acre lot on Batchelder Road, one 5.63 acre lot and the remaining lot 96.18 acre lot on School Street. Mr. Sargent added they have added the easement on School Street. Mr. Sargent stated they are asking for two waivers, one for the scale of the plan and the other pertaining to natural features on the large remaining lot. Julie Robinson stated the Conservation Commission took a site walk and the wetlands have been disturbed and a vernal pool has been destroyed; they have also received a letter from NH Fish & Game concerning the Blanding turtle in this area asking for 100' setbacks. Mr. Sargent stated the wetland violations were due to logging not development and they are dealing with these issues on a State level. Peter McGrath stated they removed the three extra lots after the wetland issues came up because they now have to deal with DES. Tom Dow stated when these three lots come back to the Planning Board they will have to take a look at them. Tom McCue stated he represents the party looking to purchase the 20 acre lot and she is planning to leave it as a field. Dan Geiger stated that the vernal pool is over 200' by 30' and is not a small area; the Conservation Commission is not a police force, DES handles that, and they are disappointed with what happened here. Mr. McGrath stated he has talked with a wetland scientist and they disagree that it cannot be fixed. Stanley Prescott suggested the Conservation Commission look at the 5 acre lot. Dustin Bowles asked if DES has looked at the 5 acre lot. Ms. Robinson stated they could not make the site walk but she has notified them. Peter McGrath stated the buyers do not want to delay this process any further. Mr. McCue stated it seems the concern is with the known violations and they are being handled at the State level; the Board can approve the 3 lots as a land issue. Mr. Prescott stated since there are wetland issues there could be issues with the 5 acre lot and the setbacks need to be shown on the plan. Ms. Robinson stated Fish & Game would like 100' setbacks. Mr. Sargent stated this is just a request. Mr. McGrath stated subdivision approval will not change what will happen with DES. Mr. Geiger stated DES is handling this issue with the owner and his wetland scientist. Tom Moore asked if the existing snowmobile trail is noted on the plan. Mr. Sargent stated no. Mr. Dow asked if there were any questions or comments from the public. There were none. The hearing was closed to the public and open to the Board only. Stanley Prescott made a motion to approve the application with the following conditions; 1) a note be put on the plan stating there is an existing recreational trail through the property. 2) the wetlands on the 5 acre lot need to show the 75' buffer. Seconded by Bob Ordway. All were in favor.

VIII. NEW BUSINESS:

1. Application # 05-13, Kezar Real Estate Management, LLC, Excavation Permit/Site Plan, Located on Ricker Road, in the C/I District. Map 1, Lot 4. No Abutters were present. Stanley Prescott made a motion to accept this application

as complete and move directly to a public hearing. Seconded by Dustin Bowles. All were in favor. David Kezar stated he is amending his 155-E to extend the excavation and reclamation for five years; the current 155-E expires on July 26, 2006. Mr. Kezar stated he has purchased the property from Ralph Langevin and needs more time to finish the existing plans. Tom Dow read a letter received from the Town of Pembroke Planning Board concerning the Town marker; is it still there, clearly identified and in place? Mr. Kezar stated the original granite marker has been concreted in place by the previous owner. Mr. Dow stated Planning Board secretary Tammy Davis has reviewed this application with the State for completeness. Mr. Kezar stated he has submitted his letter to the State for his site specific permit. Dustin Bowles asked if there is a bond in place. Mr. Kezar replied he has posted \$5,000, which was the original amount asked of Mr. Langevin. Mr. Bowles stated this does not seem to be much. Stanley Prescott asked if all the plans including a reclamation plan are in place. Mr. Kezar replied they were all done by the original owner by T.F. Bernier and he is following those plans. Tom Moore asked how much excavation has been done. Mr. Kezar stated it is half way done; the property was a mess when he took it over but more than half the junk is gone now. Tom McCue stated it is a good sign that abutter Mr. Berwick is pleased considering the amount of litigation he has had with the property in the past and Mr. Kezar still has to get a site specific permit with the State and that will encompass a lot. Mr. Dow asked if there were any questions or comments from the public. There were none. The hearing was closed to the public and open to the Board only. Mr. Moore asked if the Town has any complaints. Mr. Bowles stated no. Mr. Moore asked if the plan was to have the junk cleared out by the end of the year. Mr. Kezar stated it is a slow process but hopes to be done by next spring. Tom Moore made a motion to approve the application to extend the 155-E permit for another 5 years to May 19, 2010. Seconded by Stanley Prescott. All were in favor.

2. Application # 05-14, Jack Walters & Joseph Strazzeri, Lot Line Adjustment, Located on Ricker Road, in the RR District. Map 1, Lots 59 & 60. Abutter Shirley Waters was present. Mark Sargent from Richard D. Bartlett & Associates represented the applicants. Bob Ordway made a motion to accept this application as complete and move directly to a public hearing. Seconded by Dustin Bowles. All were in favor. Mr. Sargent stated the lots have existing houses on them and the purpose is to add a garage on lot 59 within the setback requirements. Mr. Sargent stated lot 60 is 2.71 acres and lot 59 is 2.81 acres; both will retain the same acreage after the lot line adjustment. Dustin Bowles asked how far the lot line is being moved. Mr. Sargent stated 45-50 feet in front and then straightened in the back. Mr. Bowles asked if the applicant could have gone to zoning for a special exception. Mr. Sargent stated they did this because it was discussed with Mr. Walters and the builder at the time the lot was purchased. Mr. Dow asked if there were any questions or comments from the public. There were none. The hearing was closed to the public and open to the Board only. Bob Ordway made a motion to approve the application. Seconded by Clem Lyon. One opposed. Motion passed.

3. Re-open Application # 05-10, Peter & Gary LLC, Major Subdivision, Located on School Street and Batchelder Roads, in the RR District. Map 38, Lot 8. No Abutters were present. Mark Sargent from Richard D. Bartlett & Associates represented the applicant. Tom Dow stated since no abutters were present the Board will re-open this application to discuss the waiver requests. Mr. Dow read the first waiver request asking the scale equal 1"=100' due to the size of the parcel. Stanley Prescott made a motion to approve the waiver request. Seconded by Dustin Bowles. All were in favor. Mr. Dow read the second waiver request asking for the natural and man-made features not be shown on the large remaining lot and only the wetlands be depicted on the 20 acre lot. Dustin Bowles made a motion to approve the waiver request. Seconded by Tom Moore. All were in favor.
4. Application # 05-15, Michael Minery, Major Site Plan, Located on Route 129, in the RR District. Map 30, Lot 26. Mr. Minery stated he is not finished with his site plans at this time. Tom Moore made a motion to continue this hearing. Seconded by Dustin Bowles. All were in favor. This application will be heard on June 16, 2005, at 7:00 pm, at this facility. This is the only notice.
5. Application # 05-16, Marshall, Choroszy and Merullo, Lot Line Adjustment, Located on Clough Pond Road, in the RR District. Map 58, Lots 141, 13 & 98. Abutters David & Annette Case and John & Lois Choroszy were present. Anthony Merullo of AAM Builders represented the applicants. Dustin Bowles made a motion to accept this application as complete and move directly to a public hearing. Seconded by Stanley Prescott. All were in favor. Mr. Merullo stated the lot line adjustment will make the boundary line on lot 141 a straight line from lot 13 to lot 98 and will discard the old right-of-way between lots 13 and 98; 5,890sq.ft. will be annexed to lot 13 and 7,600sq.ft. will be annexed to lot 98. Mr. Merullo stated lot 141 will be 2.98 acres after the adjustment and is accessed from the new subdivision road. Mr. Merullo added that lots 13 and 98 are already non-conforming lots and this will make them a little more conforming. Tom McCue asked where these lots are on Clough Pond Road. Mr. Merullo stated across from Berry Road. Mr. Dow asked if there were any questions or comments from the public. There were none. The hearing was closed to the public and open to the Board only. Tom Moore made a motion to approve the application. Seconded by Jason Masse. All were in favor.
6. Application # 05-17, Denyse Merullo & Sceptre Custom Homes, Lot Line Adjustment, Located on Shaker Road, in the RR District. Map 58, Lots 10 & 140. Abutters David & Annette Case and John & Lois Choroszy were present. Anthony Merullo of AAM Builders represented the applicant. Tom Moore made a motion to accept this application as complete and move directly to a public hearing. Seconded by Dustin Bowles. All were in favor. Mr. Merullo stated this lot line adjustment is down by Shaker Road and the Canterbury town line. Mr. Merullo stated the intent is to move the boundary between lots 10 and 140 south

to Pickard Brook. Mr. Merullo stated there is limited access to lot 140 and this will open up the frontage for the back of the lot. Tom Dow asked if there were any questions from the Conservation Commission. There were none. Mr. Dow asked if there were any questions or comments from the public. There were none. The hearing was closed to the public and open to the Board only. Clem Lyon made a motion to approve the application. Seconded by Jason Masse. All were in favor.

7. Application # 05-18, Sceptre Custom Homes, Minor Subdivision, Located on Shaker Road, in the RR District. Map 58, Lot 140. No abutters were present. Anthony Merullo of AAM Builders represented the applicant. Dustin Bowles made a motion to accept this application as complete and move directly to a public hearing. Seconded by Stanley Prescott. All were in favor. Mr. Merullo stated he has state subdivision approval, there are no wetlands and the lot is 2.12 acres. Mr. Merullo stated there is 317.07' of road frontage with a 1.7 contiguous acre buildable area. Mr. Dow asked if there were any questions or comments from the public. There were none. The hearing was closed to the public and open to the Board only. Tom Dow stated Mr. Merullo asked to adjust the lot line on the previous application because there was limited access to the site and now he is taking away that access. Mr. Merullo replied this lot has steep slopes on the back of the lot and is therefore no good to access the back of the lot from here. Dustin Bowles asked about the wood road on the lot. Mr. Merullo stated it is on the back of the lot and if there is to be further subdivision of the land it will be noted. Jason Masse made a motion to approve the application. Seconded by Clem Lyon. All were in favor.
8. Application # 05-19, Fox Pond Plaza, Minor Subdivision, Located on Route 106 & Route 129, in the C/I District. Map 21, Lot 16. Abutter Debra Zarges was present. Attorney Tom McCue represented the applicant. Dustin Bowles made a motion to accept this application as complete and move directly to a public hearing. Seconded by Jason Masse. All were in favor. Mr. McCue stated this is a new two lot subdivision to replace the previous three lot subdivision the Board had been reviewing. Mr. McCue stated the new lot will be 7.51 acres and the existing lot with the bank, tavern, and other buildings will be 5.52 acres. Mr. McCue stated they no longer need state subdivision approval and both parcels will have access to Rt.129 & Rt.106. Mr. McCue stated they are looking for a waiver on the lot configuration regulations due to the irregular shape of the lot to begin with. Debra Zarges asked if someone was interested in the new lot and what is going to be built on the new lot. Dustin Bowles stated this is a subdivision application and not a site plan application. Mr. McCue stated the allowable uses are defined by the Zoning Ordinance and the Planning Board will be notified when the land is redeveloped. Ms. Zarges stated her concern that once the land is subdivided she will not be notified as an abutter anymore. Tom Dow stated the Planning Board agendas are posted in the Concord Monitor and around town. Mr. Dow asked if there were any questions or comments from the public. There were none. The hearing was closed to the public and open to the Board only. Mr. Dow read a letter from the Fire Department concerning fire lanes on the new

access road. Mr. McCue stated this is an issue for site plan review. Mr. Bowles stated the issue is in the minutes so it can be reviewed when the new lot comes to site plan review. Mr. McCue stated the waiver request is for section 23.61 (e), the length to width ratio requirement. Dustin Bowles made a motion to approve the waiver. Seconded by Jason Masse. One opposed. Motion passed. Bob Ordway made a motion to approve the application. Seconded by Tom Moore. All were in favor.

IX. BOARD DISCUSSIONS:

1. Report of the Zoning Board of Adjustment: - Tammy Davis reported that the Board has two new public hearings, Michael Paquin is applying for a special exception for a reduced setback and Brandon Dunham and Timothy Bailey are applying for a special exception for a reduced setback. Ms. Davis stated the Board has three unfinished business cases they have done site walks on and will now continue: Michael LaBonte, major home occupation; Gerald & Linda Purington, major home occupation; and Peter Schauer, major home occupation.

4. Report of the Board of Permit: - Tom Dow reported that the Board issued three hawker's & peddler's applications; one was for LYAA for banners on the fence as advertisement to raise proceeds and one was for the Smoke Shack LLC on Route 106 on the left hand side by Staniels Road. Mr. Dow stated they discussed Colin Cabot's property on Sanborn Road; Mr. Cabot is going to put in a blacksmith shop and educate people about it. Mr. Dow stated they discussed the Village District expansion from 2000 with the Colby properties. Mr. Dow stated they determined that the Town tax maps are accurate in their locations of the Commercial District and both the Colby properties are in the Commercial District. Bob Ordway stated he has discussed this issue with Roy Maxfield and he will look at these maps with Mr. Maxfield. Mr. Ordway stated the Zoning Board took a vote to put the Colby properties in the Village District and this needed to be done by a town vote instead.

X. ADJOURNMENT:

A motion to adjourn was made by Dustin Bowles at 10:21 pm, seconded by Jason Masse. All were in favor.

Respectfully submitted,

Tammy Davis
Secretary