

APPROVED

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

PLANNING BOARD MINUTES
MAY 20, 2010

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

Attendance:

Steve Jackson, Vice Chairman Stan Prescott, Chairman Tom Dow, Bob Cole, Alternates Bob Ordway and Jeff Green, Ex-Officio Steve Ives

Bob Ordway was appointed as a voting member in the absence of Tom Moore and Jeff Green was appointed as a voting member in the absence of Henry Huntington.

Dan Geiger represented the Conservation Commission.

Acceptance of Minutes:

April 15, 2010 Regular Meeting – **Bob Ordway made a motion to accept the minutes as presented; seconded by Bob Cole. All were in favor.**

Old Business:

#10-05, New Hampshire Motor Speedway – Amended Site Plan (original application #14-97), Route 106, in the C/R District, Map 61, Lot 5. No abutters were present. Jim Bassett was present on behalf of the Canterbury Board of Selectmen. Jim Snyder of the Canterbury Planning Board was also present. Jerry Gappens spoke on behalf of the track. He stated that he had been before the Board two months ago to give a recap of the 2010 Sno-Bowl. Mr. Gappens said they would like the option to host the event again and have filed this formal application as directed.

Chairman Dow explained that the application was accepted at the March meeting and it was determined at that time to be a Development of Regional Impact. Surrounding communities and Central N H Regional Planning were notified of the application and public hearing. Jack Earle stated that the Bee Hole Beavers snowmobile club had a sled at this year's event for fire department use. He said he saw a lot of families there and there need to be more family sports events in the area. Mr. Earle encouraged the Board to approve the application. He said the noise was not bad at this year's event.

Jim Bassett thanked the Board for considering this application to be of regional impact. He said the application contained minimal information and assumed there would be a presentation by the applicant. Jerry Gappens said that he would be willing to answer any questions. Mr. Bassett noted that the application identifies the parcel as 438 acres; he asked if that includes the oval. Mark Sargent, also representing NHMS, stated that it includes the oval and the 'Moore' lot. Mr. Bassett asked if the event would be held in the same location as the 2010 event. Mr. Gappens said that is the plan at this point. He said turns one and two of the oval have been considered but that is still being discussed. He said the grandstands could buffer the PA system which was the only item brought up

after this year's event. He said that location would allow them to use the infrastructure that is in place (seating and bathrooms) and there would be no need for them to put up snow fence, noting that the snow fence did not allow for totally secure areas at this year's event.

Mr. Bassett stated that the oval is a lot closer to Canterbury and the residents concerned. He said that the noise issue was not significant this year where the event was located. Mr. Bassett said the Canterbury selectmen would ask to reassess the noise levels if the event is moved to the oval area. He said the selectmen's main concern is the agreement that there would be no racing between November and April. He pointed out that the Planning Board voted to go with one event and then re-assess. He said the snowmobile traffic was not really realized due to the lack of snow. Mr. Bassett said there could be additional issues of noise next year if the weather was different.

Mr. Bassett asked what amendment to the site plan is being sought. Chairman Dow explained that they are asking to run an event between October 31 and April 1 which is a stipulation of the 1999 agreement. Mr. Bassett asked if this would be for 2011 only as noted on the application. Jerry Gappens said they are looking for 2011 only with this application. By obtaining this approval they will be able to go out for sponsors and begin the necessary advertising and coordination. Jim Snyder asked to clarify if November 15th, as an example, would be approved if amended as proposed. Mr. Gappens said it is not their intent to take advantage of anything, explaining that this application is for a one-time event for 2011 only. He said they are not sure which weekend it would happen as they have to look at the snowmobile circuit schedules. Mr. Snyder said his only concern is that once approved changes are made and run with the property. Chairman Dow said they are looking at a snowmobile event and the application is specific to that. Mr. Gappens said they had a very positive first time event, with positive calls and emails from Canterbury and Loudon residents. He said it was well received and the location is a great venue for snowmobile enthusiasts.

Hearing no further input from the public, Chairman Dow closed the hearing to the public and opened it to the Board only.

Stan Prescott said he would like to hear from the Canterbury Planning Board member and Selectmen's representative for feedback. Jim Bassett said he was most aware of the noise which was not a significant issue this year. He said he was not sure if there were any complaints. Mr. Bassett said that moving the event closer to the oval is a concern. He said traffic was not an issue due to the lack of snow. Tom Dow said there was a similar event at the dog track in Belmont two weeks before the Loudon event. He asked if Canterbury had any feedback from that event since 25% of the machines probably came through Canterbury. Mr. Bassett said he was not aware of any feedback.

Chairman Dow said there were good comments that came into the Planning Board office and no negative expressions. He said the event seemed to go well and traffic did not seem to be an issue. He talked with Bob Fiske who said there were no problems. Steve Jackson said this hearing was publicly noticed and abutting communities were notified. He said the lack of attendance of those notified is a good testament that there no concerns. Chairman Dow read letters received from the City of Concord and Central NH Regional Planning Commission. Neither letter cited any concerns. Chairman Dow read several waivers for items on the application checklist.

- 1) Item #9, site specific: **Stan Prescott moved to grant the waiver; seconded by Steve Ives. All were in favor.**
- 2) Item #13, drainage: **Jeff Green moved to grant the waiver; seconded by Bob Cole. All were in favor.**
- 3) Item #14, utilities: **Steve Ives moved to grant the waiver; seconded by Stan Prescott. All were in favor.**
- 4) Item #16, flood plan: **Bob Ordway moved to grant the waiver; seconded by Bob Cole. All were in favor.**

Tom Dow asked if the event would be scheduled for the same times as this year. Jerry Gappens said it would be the same timeframe, a daytime event. It was clarified that although the application reads February 19 – 27, 2011 it is intended to be one of the two weekends, not the entire week. Jerry Gappens said it would be nice if they could have a window of date options to work with so that they can coordinate this event around other similar events. Mr. Gappens said that competitors were allowed to camp in a secure area at this year's event and he would like it specified that the same can be done in 2011. Bob Ordway asked if they are far enough into the planning to know if they are leaning toward the oval or parking lot. Mr. Gappens said he is afraid of messing up the track but would like the more secure area for the event. He said they are still evaluating the area, noting that it is only 400-500 yards closer to Canterbury.

Bob Ordway moved to approve the application for a two-day snowmobile event. Steve Ives said he would second the motion with the addition of the January 15 to February 28, 2011 window. Mr. Ordway was in agreement with the addition to his motion. Tom Dow noted that the motion should include permitting competitor camping. Mr. Ordway was in agreement with that as well. **Mr. Ordway's motion would then read: to approve the application for a two-day snowmobile event to be held between January 15 and February 28, 2011, allowing competitors to camp onsite in a secure area; seconded by Steve Ives. All were in favor.**

New Business:

#10-06, Peter Johnson – Change of Use, Staniels Road, in the C/I District, Map 1, Lot 58, Units 3 & 4. Abutter Jack Earle was present. Mr. Johnson explained that he is asking for a change of use to automotive services. He said he went to the ZBA for a special exception for the use and was granted approval.

Stan Prescott moved to accept this application as complete and move to a public hearing; seconded by Steve Ives. All were in favor.

Mr. Johnson explained that this building was approved for contractor storage and offices. He said he wanted to be able to have an auto shop and was told by Bob Bollinger that this would be an approved use. Mr. Johnson said he has since had to go to the ZBA and done extensive work at the request of the fire department to make the units fire rated. A letter from Firefighter John Reese was submitted as part of the file. Mr. Johnson said that waste fluid storage will be addressed through contracts with Clean Harbors. He said that John Reese will be inspecting the two units once construction is complete and then routinely after occupancy.

Chairman Dow stated that Mr. Johnson has the ZBA and fire department approvals that he was asked to get. Dan Geiger asked if he has a shoreland protection permit or if

he needs a waiver from the State. There was discussion about the location of the units in the building and their proximity to the shoreland protection area. Mr. Geiger voiced his concern of having automotive fluids within that area. It was determined that these two units are not within the zone. Jeff Green explained that each unit is individually owned and Mr. Johnson is only changing the use of these two units. He said the use is not impacting the lot itself. Steve Jackson asked if the approved uses are allowed within the shoreland protection zone. Chairman Dow said they were. Dan Geiger explained the limits of what can be done in the 150' and 250' zones.

Jack Earle asked what kind of work will be done in these units. Mr. Johnson said it would be light automotive work and storage in one unit and a diagnostics machine in the second unit. Mr. Earle voiced his concerns about the noise of the diagnostics machine and process. He said the machine would probably run between 5,000 and 7,000 rpm. Mr. Johnson said it runs at 5,000 rpm. Mr. Earle said his concerns are the noise and hours. Mr. Johnson said the door will be closed at all times when the machine is being used. He said the unit is designed to control the noise. He said he would not operate the machine on Sundays, nights, or early mornings. Mr. Johnson explained the soundproofing system used. It was noted that the ZBA did not set any hours of operation based on other businesses in the area and the district. Mr. Johnson said this is part time for him as he has an electrical contracting business as his prime business. He said there is low use of the machine and he would be doing one car a day at most.

Chairman Dow closed the hearing to the public and opened it to the Board only. He stated that Mr. Johnson has done what was asked and he seems willing to work with the neighbor if there are concerns. Mr. Earle said that the Red Roof Inn could be a concern if the machine was too loud. He said 8:00 at night was not acceptable. Mr. Johnson said he understood Mr. Earle's concerns and pointed out that he does not start the machine before 9:00 a.m. at his present location. He guaranteed Mr. Earle that he would not hear the machine because of the sound-deadening material on the door and the machine's location within the unit. He said he does not work on race cars. There was discussion about the uses of the units to either side of the unit with the diagnostics machine. **Steve Jackson moved to approve the application as presented with the diagnostics machine use limited to Monday through Friday from 8:00 a.m. to 5:00 p.m. and Saturday from 9:00 a.m. to 2:00 p.m.; seconded by Stan Prescott. All were in favor.**

Discussion:

NHMS, Map 51, Lot 18 – Mark Sargent, Jerry Gappens, and John Zudell were present. Mr. Zudell said that the matter of having seasonal workers' campers onsite was brought up at the Board of Permit meeting two weeks ago. He said research shows some limitations on the property on Gues Meadow Road. Mr. Zudell explained that they have asked for a permit to demolish the house that was on the property and level the area. He said the campers are used by workers such as plumbers, electricians, and HVAC people who are onsite before and during race events. Jerry Gappens said the property had a home that was in disrepair. He explained that Bob Bahre had laborers come down from Maine through the years and allowed them to stay in campers on the property because of the cost of rooms. Mr. Gappens said the area became a catch-all and they would like to

clean it up but still offer laborers the opportunity to stay onsite. He said it was not the proper use in the past and they want to correct that for hardship cases. Mr. Gappens said these are for short-term stay.

Mark Sargent showed a 1995 plan that was presented when Mr. Howell lived across the street. He explained that a lot of stipulations were put on the property because of Mr. Howell's demands. Mr. Bahre subsequently bought the Howell property. Mr. Sargent pointed out that the grading plan that he has prepared is about the same as the one done at that time. He said Mr. Bahre allowed some to stay in the old house and some campers were brought in as well. Mr. Sargent said the Speedway is proposing to get rid of the old house, clean up the lot, and formalize the configuration that the campers would be in. Steve Jackson asked what kinds of restrictions were put on the property at the time mentioned by Mr. Sargent. Mr. Sargent explained the restrictions of where the campers could go (upper 16 acres in the quarry area), buffers left to accommodate Mr. Howell, and others made to meet Mr. Howell's demands.

Chairman Dow stated that he and Donna have done a lot of research on this parcel as well as all of the pieces owned by the Speedway. Stan Prescott said that the Board has been criticized because they have not pushed to have everything brought into account. He said the track representatives have shown that this parcel was used in the past for a similar use. Tom Dow noted that the lot is in the RR District. There was lengthy discussion of the various lots owned by the Speedway, which are RR, C/I, and C/R, permitted uses, and other related matters. Chairman Dow said given that this lot has been used for that purpose and that they are not changing the roadway he feels they can continue with the project. He said some options would be that the lot could be merged with the abutting parcel which is in the C/R District or a site plan could be done after as an as-built. He said this would clean up the lot and the concern. Steve Ives said that the steps are important to get it on record. Steve Jackson referred to Section 201.4D of the Zoning Ordinance, noting that it relates to C/I District parcels and the bigger lot that this lot could be merged to is in the C/R District. He said the 1996 application for this lot was classified as RR and approved and there have been no issues since then.

Chairman Dow read a memo from Code Enforcement Officer Fiske. Stan Prescott said that Mr. Fiske needs to be aware of the file and history of this parcel. Mark Sargent pointed out that temporary camping is allowed on residential lots. Tom Dow said that overnight camping was allowed on the Mancini lot per the 1996 approval. Mr. Sargent said the only reason this area of the lot was excluded was because of the Howell residence across the street at the time.

Continental Paving, Map 1, Lots 3 & 5 – Rick Charbonneau of Continental Paving came to the meeting at the request of the Board due to a change of ownership on two gravel pit properties. Mr. Charbonneau explained that he and his brother bought Concord Sand & Gravel which had gravel pits in Loudon and Pembroke. He said they will continue to operate the Loudon pit as it has been. He said this is a family business with a quarry in Litchfield and Londonderry and asphalt plants in Hudson, Londonderry, and Litchfield. Steve Ives asked if they would be doing anything with the property near the ball fields on Staniels Road (Map 1, Lot 56). Mr. Charbonneau said they would be reclaiming that lot. He said there will be no change noticed and they are not expanding the Loudon parcels. He said they plan to expand in Pembroke once they go to the Pembroke Planning Board.

Bob Cole noted that Jack Earle had stated earlier in the meeting that Concord Sand & Gravel has been very accommodating of neighbors. Mr. Charbonneau said they operate fairly and neighbors will receive the same consideration.

Peter Schauer bond request, Map 12, Lot 44– Jeff Green stepped down from the Board to represent Mr. Schauer. It was noted that there is no bond in place at this time as Mr. Schauer has been doing work on his land to reduce the amount required for a bond. The original road construction cost estimate was \$63,817.50. Paperwork submitted shows \$33,381.25 completed with a balance to be completed figured at \$30,436.25. This estimate was sent to The Louis Berger Group for review and comment.

Stan Prescott said he reviewed the estimates and agreed with the Louis Berger comments which would set the work to be completed and any potential overruns at \$40,000. Mr. Green said it is difficult to do an estimate. He said a lot has been done on the private portion of the project and Mr. Schauer is preparing to get a bond to finish the road. Mr. Green said that \$40,000 is not much difference and he feels his client would be agreeable with that figure. **Stan Prescott moved to set the bond amount at \$40,000; seconded by Bob Cole. All were in favor.**

Mr. Green returned to the Board.

Board Discussion:

Parking permit review – Chairman Dow stated that parking permits and overnight camping were discussed at the last meeting and at Board of Permit as well. He said the Board has to come to some conclusion. Mr. Dow said that he is in favor of allowing RVs to park in these lots, with fire department review and no compensation to the landowner. He said it is not his intention to fill the lots with campers for compensation, noting that the Zoning Ordinance allows overnight camping at residences. Steve Ives said he feels the Board should put limitations on allowing the resident to park cars but not RVs. He said if they want to park RVs then there should be no cars. Steve Jackson said there is to be no compensation for camping. Steve Ives said he does not want to see campers all over town. Tom Dow again stated that this can be done now per the Zoning Ordinance. Mr. Ives said friends could camp in your yard but there cannot be thirty over the weekend. He asked where the water and septic would go. He said if it is not allowed then there are no issues. Steve Jackson said this should be allowed if it is in the Zoning Ordinance. Mr. Ives again said he would not want thirty campers on a lot. Mr. Dow said there can be no compensation so nobody would park that many. Jeff Green stated that family and friends can be there. Steve Jackson said he is against compensation for campers at private residences but it is not right to take away the option of having family and friends come for the races. The chairman suggested that the landowner have a letter from a local hauler to pump the campers and have an annual permit fee. The fire department was to figure what it would cost to have someone do inspections at the lots with parking permits but nothing has been received as of this date. Mr. Dow said that it would be important to have the permit holders update their maps and to have them onsite to be checked. Steve Ives said these lots should be operated as a business with the regulations set in place. Steve Jackson suggested that each permit holder be asked if they intend to have overnight parking/campers and show these on their plans. Mr. Dow said

they know that there are some now and he feels this is not the time to tell them that they cannot have campers in their yards. He said this has to get decided for next year. Steve Ives said a letter should go out before the end of the year. Tom Dow said that the Board could review a few permits at a time. Stan Prescott said this was discussed last month. He suggested that the Board look at this year's cases and have the worst ones come in first. Items noted at the April meeting will be added to the permits.

Hazard Mitigation Plan update – Donna reported that she has been asked to be the Coordinator of the update of the town's Hazard Mitigation Plan and would like a member of the Board to sit on the Committee. Bob Cole said he would serve on the Committee.

Report of the ZBA:

Donna reported that there are no applications before the Board this month.

Report of the Board of Permit:

Stan Prescott reported that Hawkers and Peddlers permits were approved for Rymes vendors, Dudley's, and a COW tower for A T & T at Sunnyside Maples. He said there was discussion about allowing a day care at the Church of the Nazarene.

Mr. Prescott said that letters have been received from neighbors of Boar's Tavern. Horseshoe pits have been installed within the outdoor seating area which is in violation of the Planning Board's approval. Mr. Prescott said that the neighbors have complaints about the language being used in that area. Steve Jackson asked if the fence has been moved. Stan Prescott said another fence was put up but the area was not increased. He read from the approval given by the Board for the outdoor seating area. Mr. Prescott said that the tavern windows are sometimes open and the neighbor cited loud music as a problem as well as swearing at the pits. Steve Jackson pointed out that things went fine with the outdoor seating area as approved for two or three years. He said the addition of the pits seemed to create some issues. Chairman Dow stated that the pits are not the only issue. The letter received from the abutter addresses foul language, noise and odor of vehicles 'smoking their tires' in the parking lot, and loud music inside the tavern. It was agreed that the tavern owner should come before the Board if changes are wanted in the outdoor seating area conditions. There was lengthy discussion of the role of the Board with regard to enforcement. It was agreed that the code enforcement/police department has to address any complaints filed. These complaints should be documented and brought to the attention of the Board, as noted in the outdoor seating area approval, if found to be valid complaints related to that area of the business.

Mr. Prescott said that the NHMS campers were discussed. He said Verizon would have a COW tower at NHMS and it was his understanding that someone was to bring this information to the Board. Donna will look into this.

Adjournment: A motion to adjourn at 9:13 p.m. was made by Steve Jackson; seconded by Stan Prescott. All were in favor.

Respectfully submitted,

Donna White, Administrative Assistant