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**TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE**

**PLANNING BOARD MINUTES
OF NOVEMBER 17, 2005**

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

II. ATTENDANCE:

Tom Dow, Vice Chairman; Dustin Bowles, Ex-Officio; Bob Ordway, Tom Moore, Stanley Prescott and alternates Clem Lyon and Jason Masse were present. Chairman Gary Tasker 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 representative Bob Butler was present.

Fire Department representative James McNeil was present.

III. ACCEPTANCE OF MINUTES:

October 20, 2005 Public Session. Dustin Bowles made a motion to accept the minutes with one change to page 1, line 5 of Nathan Sanel's discussion. Change "DES" to "the Conservation Commission". Seconded by Stanley Prescott. All were in favor.

October 24, 2005 Open-space subcommittee. Stanley Prescott made a motion to accept the minutes as written. Seconded by Clem Lyon. All were in favor.

IV. DISCUSSIONS:

1. Wildwood Sanctuary – Raymond Shea from Sandford Surveying represented the developer. Mr. Shea stated the Zoning Board requested letters from the Planning Board, Conservation Commission and Health Officer concerning the special exception for wetland impacts. Tom Dow stated the Planning Board, Zoning Board, and Conservation Commission representatives were out on a site walk last week and the Planning Board has a letter from the Conservation Commission. Bob Butler stated the Conservation Commission has three concerns; some of the wetlands were not adequately flagged, lot #5 has no access except through either a wetland or the 75' wetland buffer, and the elevations relied on Ariel photography and were incorrect. Mr. Butler also stated the wetlands on lot 5 & 6 show they are not contiguous on the plans and during the site walk it was seen that they are contiguous. Mr. Shea stated they have revised some of the mapping in light of these deficiencies. Developer Len Lepadula stated they are currently seeking a special exception for the wetlands crossing and can either go back to the ZBA for the issues with lot #5 or take lot #5 off the plans at a later date. Mr. Shea stated Peter Schauer delineated the wetlands; there are areas out there that appear to be wetlands but are wet due to the recent rains. Stanley Prescott stated Dan Geiger and Wildwoods agent should get together and discuss these issues, including the topo problems. Mr. Prescott added the Board would expect lot five to be done by hand in cases like these. Mr. Lepadula stated they have redone the lot by hand as a result of the sitewalk. Mr. Shea stated they have compiled this information in the last two days and have not had time to put it together yet. Mr. Prescott stated you indicated there will be a 15" or 18"

pipe at one of the crossings and he is not sure if that will be sufficient. Mr. Shea stated they have done a preliminary drainage study and if they need a bigger pipe they will install one. Mr. Lepadula stated the Conservation Commission will give a letter to the ZBA too; the Planning Board is only saying they have seen the plan and are aware of it. Mr. Butler stated the Conservation Commission will be meeting with Mr. Shea on December 13. Mr. Dow stated the Planning Board secretary can put a letter together stating the Planning Board is aware of the wetland crossings and what the developer is doing. Dustin Bowles stated the developer should not leave any questions open with this road design and cross all his t's.

2. Dan Aversa/Gary Vermette – Mr. Aversa and Mr. Vermette were not present.

V. CONCEPTUAL CONSULTATION:

1. Northern Design Precast, Inc., Major Site Development, Located on 51 International Drive, in the C/I District. Map 50, Lot 24. Jesse Thompson stated they are proposing an addition to the back of the building adding 3,840 square feet and 51 more parking spaces. Mr. Thompson stated since the plant has been built in 1999 they have been producing at capacity and could use more manufacturing space. Mr. Thompson added they do not need extra parking spaces but the regulations require that many. Mr. Thompson stated the roof line would match the existing building and the parking spaces will be on dirt. Mr. Thompson stated they are not adding any new jobs they have 30 employees with 20-22 cars in the parking lot. Tom Dow stated this is a major site development and there are many requirements, most are already shown on the plan. Mr. Dow added they would like to see the design of the building and emergency access to the building; a representative from the fire department should review the plans.

VI. OLD BUSINESS:

1. Application # 05-25, Michael Minery, Minor Subdivision, Located on Route 129, in the RR District. Map 30, Lot 26. No abutters were present. Mr. Minery stated he would like to continue with his original plan. Tom Dow stated the Board has received a memo stating the ZBA did not like the plan and felt the original way Mr. Minery had presented it was what it should be. Mr. Minery stated he has received State subdivision approval. Tom Moore 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. Dow read a waiver request from section 23.6(e) for the lot lines. Stanley Prescott asked how the section of the regulations pertaining to non-conforming lots effect the lots Mr. Minery owns. Mr. Prescott stated Mr. Minery owns two adjoining non-conforming lots now. Tom Moore stated this is two existing structures, not placing new structures on the lot. Mr. Prescott stated he does not want the Board to say they didn't really read it, and then say they didn't understand it and there is a problem. Dustin Bowles stated even if Mr. Minery combines the two lots it does not change the two houses in the front. Mr. Prescott read section 601.1 in the Zoning Ordinance and stated based on the ordinance he would have to vote no tonight. Mr. Prescott stated it is noting personal and he understands where Mr. Minery is coming from but the Board should go by the Zoning rules. Roy Merrill stated the ZBA suggested Mr. Minery straighten out his lot lines by removing one house but he did not like that idea. Mr. Merrill stated Mr. Minery was creating two non-conforming lots with his plan. Mr. Minery asked what harm will subdividing these lots cause. Mr. Prescott replied if Mr. Minery sold the back lot, no one could build a house on it. Mr. Dow asked if the back lot is a lot of record with a right-of-way. Mr. Minery stated it

is not a specified right-of-way on the deed. Mr. Minery stated he has read the non-conforming section and feels his lots are legal. Bob Ordway stated the back lot needs a 50' access described in the deed. Mr. Prescott stated if the back lot was in separate ownership there would be no problem. Mr. Merrill stated the ordinance was changed to say 50' of road frontage, not a right-of-way, to create a new lot he needs 50' of frontage. Mr. Ordway stated the intent of the ordinance was to have 50' of access and he would research the ordinance. Dustin Bowles asked if the back lot has deeded access to it. Mr. Minery stated no, at one point all these lots were one lot. Mr. Dow stated the initial intent here is to subdivide the front lot. Mr. Prescott stated the back lot is non-conforming because it does not have any frontage and the front lot is non-conforming because it has two houses on it, so the ordinance states they have to be combined into one lot. Mr. Bowles stated he is not sure if it is the Planning Boards place to make a ruling on the back lot being non-conforming, the Board should be ruling on the subdivision. Mr. Ordway stated State Legislation recommended these regulations and the Town has been ignoring it. Mr. Ordway stated we have a ZBA so people can get variances. Mr. Merrill stated the ZBA was willing to work with Mr. Minery with one non-conforming lot but Mr. Minery wanted two non-conforming lots. Mr. Moore stated the Board would want to see deeded right-of-ways to the back lots. Mr. Bowles stated Mr. Ordway should research the ordinance and get back to Mr. Minery. Mr. Prescott stated the Board should talk to the Town Attorney concerning the issues. 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. Dustin Bowles made a motion to continue this hearing. Seconded by Tom Moore. All were in favor. This application will be heard on December 15, 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. No abutters were present. Tom Dow stated the applicant requested to continue earlier this evening. Dustin Bowles made a motion to continue this hearing. Seconded by Jason Masse. All were in favor. This application will be heard on December 15, 2005, at 7:00 pm, at this facility. This is the only notice.

VII. BOARD DISCUSSIONS:

1. Letter to Alvin Davis – Stanley Prescott stated the Board discussed with Colin Cabot that the area deeded to the Town needs to be surveyed; we need a plan, the area needs to be marked on the ground with monuments, and blazed and painted in the field. Mr. Prescott stated the Conservation Commissions letter needs to be more detailed than it is now, the Conservation Commission agreed they should not accept any land they cannot identify in the field. Mr. Prescott added Mr. Davis has not submitted a signed copy of his covenants to the office yet. Tom Dow stated there is also a note about holding building permits or certificate of occupancy to ensure these conditions are met. Tom Moore stated why not hold an ace in the hole; this hasn't been a smooth subdivision. Mr. Prescott stated the issue of the land was a condition of approval and needs to be resolved ASAP; his plan has already been recorded and should not have been until he met all these conditions. Mr. Dow stated the Conservation Commission needs to submit their letter to the Planning Board office as soon as possible and Mr. Prescott can make sure this gets taken care of.
2. Capitol Improvements Program – Bob Ordway stated they had an initial meeting and David Rice, Jeff Burr, Chris Berry, Bob Fiske, Tom Moore and Roger Maxfield attended.

Mr. Ordway stated they had a lot of discussion but is not sure they went anywhere with it. Mr. Ordway stated the committee updated the dates on some line items. Tom Moore stated the committee only finished half of the agenda and everybody left. Mr. Ordway stated it takes several meetings to get through the revisions and updates. Mr. Moore stated the financial data needs to be updated and voted on by the December 15, 2005 Planning Board meeting. Mr. Moore suggested adding another meeting to work on this. A CIP meeting is set for November 30, 2005 at 8:00am in the community building.

3. Report of the Zoning Board of Adjustment - Tammy Davis reported that the Board has three public hearings on the agenda, Wildwood Sanctuary is asking for a special exception to impact the wetlands; James Drolet is asking for a special exception for a home occupation and Russell Pearl is asking for a special exception for a home occupation. Ms. Davis reported there are two appeals from administrative decisions that need to be considered for hearings and three discussions on the agenda.
4. Report of the Board of Permit – Bob Ordway stated there was one discussion about a letter from Robert Blake. Mr. Ordway stated Mr. Blake is concerned about the use of a right-of-way next to his property on Chichester Road. Mr. Ordway stated Bob Fiske felt the owners could use their right-of-way if they wished.
5. Tom Dow stated there is a lot on Lower Ridge Road where a garage is being built without a residence on the property. Bob Ordway stated this has been done before; if there is a building permit the accessory building can start before hand. Mr. Ordway stated a bond can be placed on the property so if the residence is not built, the accessory building can be removed by the Town. Stanley Prescott stated he knows several people who have been told they could build out buildings ahead of time. Dustin Bowles stated these issues can be addressed at the zoning workshops so provisions can be added to the regulations for these situations.
6. Dan Aversa/Gary Vermette – Stanley Prescott stated he was on a site walk with Dustin Bowles, Roy Merrill, Dave Rice and Tony Puntin. Mr. Prescott stated it appears they have not used on site materials other than out of the stockpiles. Mr. Prescott stated the slope from the end of the guardrail to approximately station 13 does not meet the plan; if they are not going to make it meet the plan they need to extend the guardrail or have them fix it to the plan. Mr. Prescott stated Tony Puntin came up with some figures and the office added some items that were missed and came up with \$74,800 cost for work to be completed. Mr. Prescott stated a 15% maintenance bond will be \$69,556.51; there has been discussion about not giving the maintenance bond amount back. Dustin Bowles stated we are not starting a maintenance bond but want to make sure the funds are there when a maintenance bond is needed. Tom Moore stated the Board should retain \$144,356.51, to cover a maintenance bond in the future and for the cost of work to be completed, releasing \$55,643.49. Tom Moore made a motion to reduce the letter of credit by \$55,643.49. Seconded by Stanley Prescott. All in favor. The Board reviewed the road plan in regards to the grading. Dustin Bowles stated where the grade has not been met should be brought up to the plan design of 4:1. The Board agreed. A copy of Tony Puntin's letter will be forwarded to the developers.
7. Tom Dow stated Dan Geiger has visited National PowerSports and conducted a site review.

8. Tom Dow stated the Planning Board received a letter from Brewster Bartlett concerning site construction on Berry Road. Stanley Prescott stated the building is on a 25% slope and the driveway exits on Range Road on a curve. Dustin Bowles stated if a stop sign is put on Range Road the Town has to maintain it. Roy Merrill stated the change to driveways in the zoning workshop did not include slopes on the whole driveway and this should be addressed. Mr. Merrill stated driveways should have a flat area near the road. Mr. Dow stated the next Zoning Workshop is scheduled for December 6, 2005 at 6:30pm in the Fire Department meeting room. James McNeil stated the fire department would like to address mandatory sprinklers for residences at the next workshop. The Board discussed the need for sprinklers. Mr. Prescott suggested the Fire Department put their issues in writing and submit them to the office before the next zoning workshop.

VIII. ADJOURNMENT:

A motion to adjourn was made by Bob Ordway at 9:44pm, seconded by Dustin Bowles. All were in favor.

Respectfully submitted,

Tammy Davis
Secretary