

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

COPY

PLANNING BOARD MINUTES
OF NOVEMBER 16, 2006

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

Attendance:

Vice Chairman Stanley Prescott, Tom Moore, Bob Ordway, Chairman Tom Dow, Jason Masse and Ex-Officio Dustin Bowles were present. Bob Butler was present to represent the Conservation Commission.

Acceptance of Minutes:

October 19, 2006 Public Hearing. ***Bob Ordway made a motion to accept the minutes as presented, seconded by Dustin Bowles.*** Chairman Dow asked the Board to refer to page 5 of the minutes, the last motion of the Thistle application. There was discussion about the intent of the motion with regard to the waiver to have a driveway on a Class VI road. It was noted that the tape and secretary's notes appeared to include the waiver as part of the notes to be added to the plans. Web Stout brought this to the secretary's attention as this is not typically a note that has to be recorded on the plan. The Board agreed that since the plan has already been recorded without the mention of the waiver there was no need to have it included and the plan re-recorded. It was agreed that it would be acceptable to have the waiver mentioned in the records and be made known to the code enforcement officer. ***Stanley Prescott made a motion to correct the minutes to reflect what has happened to clarify the plan and that the code enforcement officer will be notified if someone should use Wiggins Road as a driveway they will have to sign a Class VI waiver. Seconded by Dustin Bowles. All were in favor of the correction.*** Chairman Dow repeated the motion to accept the minutes which have now been corrected. ***All were in favor.***

October 25, 2006 Site Walk. ***Dustin Bowles made a motion to accept the site walk minutes as presented, seconded by Tom Moore. There was no discussion. All were in favor.***

Discussions:

1. **Charter School** – Beth McClure reported she has spoken with Ed Murdough of the NH Department of Education, school buildings division, about the location of the proposed school. Ms. McClure said she had informed the Planning office that Mr. Murdough referred her to RSA-674:54, Governmental Land Uses, a copy of which all Board members received in their information packets. She explained that there are no limits where a charter school can go and stated that she would certainly work with the Board but location is not a limitation. Colleen Sliva presented the Board with information on the proposed school. Chairman Dow asked if there were any questions or comments from the Board. Bob Ordway stated he is not sure that any action of the Board is necessary at this time. Ms. McClure offered contact information for Ed Murdough as 271-2037. Mrs. Sliva stated if they come to an agreement with the property owner they would then come to the Board for site plan review. There was brief discussion about the

school being private or public, who decides which Loudon students are accepted, and busing of the students.

2. **Landmark Church** – The building department advised Paul Courchesne of the church to speak with the Board about some proposed work to be done at the church. Mr. Courchesne was not present.

Old Business:

1. **Application # 05-11, Wildwood Sanctuary Association, Inc.** – Major Subdivision, Located on Young's Hill Road, in the AFP District. Map 34, Lot 2. There were no abutters present. Owner Len LaPadula and Ray Shea of Sandford Engineering were present. Chairman Dow stated that the only thing the Board had been waiting for from Mr. LaPadula was the agreement that addresses off-site work and the deed of the conservation piece. He said the agreement has been received, reviewed and approved by town counsel. Mr. LaPadula asked to address a concern voiced by Stanley Prescott at the last meeting with regard to the boulders and work being proposed for a neighboring front yard. He said he has reviewed this with Mr. Shea and found that if anything is needed at all it would be 2-3 feet, not boulders and boulders. Mr. Prescott said he is alright with that and appreciated Mr. LaPadula getting back to him. ***Tom Moore made a motion to approve the application. Seconded by Bob Ordway. All were in favor.*** Mr. LaPadula was thanked for his patience and cooperation through the lengthy process of the application. **APPLICATION FOR MAJOR SUBDIVISION APPROVED.**
2. **Application # 06-25, Patricia Perkins** – Minor Subdivision, Located on Route 129, in the RR District. Map 15, Lot 5. The applicant was present. There were no abutters present. Chairman Dow stated that all permits are now in hand...driveway, wetlands, and subdivision. ***Dustin Bowles made a motion to accept the application as complete and move to public hearing. Seconded by Stanley Prescott. All were in favor.*** Chairman Dow reviewed the application to date. There was no discussion. ***Stanley Prescott made a motion to approve the application. Seconded by Dustin Bowles. All were in favor.*** **APPLICATION FOR MINOR SUBDIVISION APPROVED.**

New Business:

1. **Application # 06-31, DJP Realty Trust & J K Mulliken & Sons Homes, LLC** – Lot Line Adjustment, Located on Bee Hole Road, in the RR District. Map 12, Lots 4 & 30. Web Stout of FWS Land Surveying represented the applicants. Abutter Holly Dunlea was present. Mr. Stout stated that this application is a result of the site walk of this property done on September 27, 2006. He said that the Heberts (abutters) had concerns of where the road was, as did the Board. He explained that this is an even swap of land with a triangular piece being annexed to the larger parcel and a piece about 18 feet wide being added to the smaller piece. Stanley Prescott asked if there would be problems with the road due to the steep slopes. Mr. Stout said the lot line adjustment would allow the road to come in and swing to the left. There would be a small percentage of steep slopes encountered but not enough to make things worse and this will be addressed when the applicant goes to ZBA later in the month. Friedrich Moeckel, representing the applicant, informed the Board that the applicant has filed for a special exception and variance by the ZBA. He showed the steep slopes in the cul-de-sac and explained that the way the

lots are configured most of Lot 2's frontage is consumed by steep slopes next to the road. Mr. Moeckel stated in order to avoid having to cross steep slopes, it is proposed to put the driveway along the border of Lot 1. He showed the buildable portion of Lot 2, saying you have to cross some steep slopes to get there, otherwise nothing can be done with the property. Mr. Moeckel said one small portion of the proposed driveway would encroach upon the steep slopes. He told the Board that by the time the applicant gets to the ZBA he would have drainage remedies and mitigations set up to avoid issues with the steep slopes, mainly erosion. Mr. Moeckel said they will be going to ZBA for driveway in the steep slope and setbacks and that is a zoning decision. He said tonight is about a minor lot line adjustment at the request of the Heberts, saying if not for their request the applicant would not be here tonight. Stanley Prescott stated that Bee Hole Road has not been accepted by the town. Shane Stewart, representing the applicant, said he has spoken with Bonnie Theriault at the Selectmen's office and Fire Chief Burr about this matter. He said the dry hydrant has been done and accepted by the fire department. A petition to accept the road has been drafted. ***Bob Ordway made a motion to approve the application. Seconded by Jason Masse. There was no further discussion. All were in favor.*** **APPLICATION FOR LOT LINE ADJUSTMENT APPROVED.**

2. **Application # 06-32, Evangia Decato** – Major Subdivision, Located on Chichester Road, in the RR District. Map 2, Lot 27. There was no one present for this application; Chairman Dow stated they would move on to other business and act on the application later in the meeting.

Board Discussion:

1. The secretary reminded Board members of the zoning work session that is scheduled for Monday, November 20th, 6pm at the fire station.
2. Chairman Dow addressed the agreement with Central NH Regional Planning to review and update the Land Development Regulations. He stated that \$2,000 has been sent to CNHRPC toward the \$4,000 project but he is not seeing a lot of action. Mr. Dow asked the Board how they felt about terminating the agreement with CNHRPC and having someone from town do the work. Stanley Prescott stated that he does not have a problem with that. Jason Masse asked if the town would get the \$2,000 back. This will be verified by the secretary. Tom Dow suggested that the Board could have Brenda Pearl do the project. Bob Ordway asked if a contract should be prepared with Mrs. Pearl. It was agreed that there would definitely be a contract. It was said that Mrs. Pearl will be at Monday's work session. There was discussion about the best way to handle the vote to terminate the present agreement with CNHRPC and create an agreement with Brenda Pearl. ***Chairman Dow announced that the discussion will be continued to Monday, November 20, 2006 at 6pm at the fire station. This will be the only notice.***
3. The secretary reported that Dan Aversa had called the planning office to request a reduction in his Wellington Properties letter of credit. A timeline of the project and copy of the letter of credit was given to each Board member. Stanley Prescott asked about a maintenance bond on the property. Dustin Bowles stated that the town has been advised in the past not to lower any bonds below the amount of the maintenance bond. He said there are pending issues on the property that have never been addressed, such as the detention pond being 1/3 full of muck, guardrails and the steep slope issue. The secretary

read a letter from DBU Construction that Mr. Aversa faxed to the planning office. The letter states that there is no problem with the slope and that it meets the 4:1 requirement. Roy Merrill reminded the Board that a year or so ago they approved the 4:1 slope and not extend the guardrail. He said nothing has been done on that matter by the developer. Chairman Dow read Mr. Aversa's note that says the cistern is complete. Dustin Bowles said the cistern is not on the schedule of values and not under road bonding so is a moot point. Tom Moore suggested that another site walk of the property might be needed. Dustin Bowles asked what Mr. Aversa has in escrow with the town. The secretary said the most recent paperwork in the file (12/05) shows there is \$590 left in the budget. She will verify this with the Selectmen's office. Dustin Bowles said Louis Berger Group should be notified and a request put in for them to go out and verify the slope at Mr. Aversa's expense. The secretary will make that contact. ***Dustin Bowles made a motion to contact the town engineer for an evaluation of the property and send a letter to Mr. Aversa telling him of this evaluation being done at his expense. Seconded by Stanley Prescott. All were in favor.*** A site walk was scheduled for Saturday, November 18, 2006 at 7:00am. Dustin Bowles noted that Mr. Aversa's letter of credit expired on September 30, 2006 and this now jeopardizes zoning and Mr. Aversa's approval. The Board directed the secretary to notify code enforcement officer Bob Fiske of this lapse in the bond and that no other certificates of occupancy are to be given until this bond issue is resolved.

New Business (continued from earlier in the meeting):

Application # 06-32, Evangia Decato – Major Subdivision, Located on Chichester Road, in the RR District. Map 2, Lot 27. Jeff Green of JLG Enterprises represented the applicant. Abutter Roy Merrill was present. Mr. Green stated that this is an 82 acre lot of which they are taking two lots from, each lot 2 acres with 200' of frontage. He said they are waiting for the state subdivision approval. Chairman Dow asked if there were any questions or comments from the public. Hearing none, he closed the hearing to public and opened it to the Board only. Stanley Prescott asked what the future intentions might be for the remainder of the parcel. Mr. Green stated that the applicant wants two lots to sell, using that income to pay her taxes for the next ten years. He said he was told there was no further subdividing planned. Mr. Green pointed out that there is a small bog to the side of these lots, measuring about 5 acres. Dustin Bowles asked about the setbacks for the bog area. Mr. Green said he would add them to the plan. Tom Moore asked about the roads that go through the property. Mr. Green said they are old logging roads now used as ATV trails. Bob Ordway asked if the corners are marked. Mr. Green stated there are stakes and flagging, and he explained the location of the property to the Board. Mr. Ordway suggested the Board could find it when on the site walk of the Aversa property. Chairman Dow asked Mr. Green to notify the applicant that the Board might walk by on Saturday. There was discussion of the requested waivers which were: a) Section 7.1 - consider as minor subdivision and b) Article 19 – storm water management plan. Stanley Prescott said they need a waiver for not surveying the whole lot. Mr. Green said it was all previously surveyed, although not by him, so wasn't aware that the waiver was needed. He will address that at the next meeting. ***Jason Masse made a motion to continue this application to the meeting of December 21, 2006 at 7:00pm at this facility. Seconded by Dustin Bowles. All were in favor. This will be the only notification.***

Board Discussion (continued):

4. The Board received a letter from Alvin Davis III that addressed the deed and road bonds for his subdivision on Lovejoy Road. Chairman Dow stated that the Board had amended the July 2005 Board minutes back in May 2006 as Mr. Davis had requested. He said the minutes are a matter of public record and Mr. Davis was present at the meeting where the minutes were amended; therefore, he isn't sure what more Mr. Davis is asking for. Mr. Davis agreed that the Board did amend the minutes but feels the amended minutes should have come back before the Board for review and approval. Dustin Bowles stated that town counsel has advised that by making the motion to amend the minutes there is a paper trail back to the original minutes. Mr. Davis asked if there is any way that someone requesting July 2005 minutes would know of the change. The secretary said a copy of the May 2006 minutes showing the motion could be attached to the July 2005 original minutes. Mr. Davis pointed out that deeding the conservation piece to the town was not a condition on the notice of decision. Chairman Dow stated it was a condition of approval of a subdivision. Discussion about the correction of the minutes and deed continued. Mr. Davis said he has been waiting for the minutes to be corrected. Mr. Dow asked Mr. Davis if he is now satisfied that the minutes have been properly corrected. Mr. Davis said he was in agreement and wanted to clarify that the Board agrees that he has met all conditions of his approval. It was agreed that Mr. Davis has satisfied the conditions of his approval. Tom Dow asked Mr. Davis if he will now take care of the deed. Mr. Davis told the Board he would, as stated in his letter the deed will be handled within ten days of the correction of the minutes. Chairman Dow addressed the next part of Mr. Davis's letter. Mr. Davis stated that the only requirement with regard to a road bond was that a note that states no lot can be sold until a bond is in place was to be placed on the approved plans and he said that was done. Dustin Bowles said he was not sure why this is in the letter. Mr. Davis said the matter had been discussed at the last Planning Board meeting and he wanted to address it. Mr. Bowles said it probably was asked if the 'Wellington note' was on the plan. The secretary said it came up because Mr. Davis had been to the Board of Selectmen about placing a bond in the form of a mortgage on his commercial property. That was not accepted so Mr. Davis then went to the Planning Board to discuss the bond matter. The Planning Board denied the mortgage as it was not an acceptable form of surety. She said nothing more had been done on the bond matter and according to the road procedures no work can begin without this bond being in place. There was discussion about the road procedures and the 'Wellington note' which has been used in lieu of a bond because of the waiting period for building permits. Dustin Bowles stated that a developer can do anything they want on a road as long as there is an escrow account set up with the town and inspections are done as required.
5. The Board was reminded that 2007 budgets are due by November 27, 2006.
6. There was a notice of public hearing from the town of Pembroke. The hearing for a wireless tower is on November 28, 2006.
7. 2007 zoning dates were read:

Report of the ZBA:

There are two applications before the ZBA. One is for a special exception for a reduced front setback on Goshen Drive and the other is for a special exception for reduced setbacks and a variance for steep slopes on Bee Hole Road. There is also a request for a building permit extension.

Report of the Board of Permit:

Tom Dow reported on the November Board of Permit meeting.

1. There was a letter from Chip Davis with regard to the old police station on South Village Road. This has been renovated and the owner wants to sell it as a residence. There was discussion about the change of use.
2. There was a letter from a resident asking to swap a 2007 building permit from one lot to another.
3. There was a memo from the ZBA addressing Davis subdivision on Lovejoy and Bachelder Roads. It was felt this is a moot point since the ZBA has ruled on the application. Ned Lizotte asked the chairman to read the memo aloud. (attached) Chairman Dow read the memo and then asked if anyone wished to address or discuss the matters on the memo. Dustin Bowles said this has been a learning curve and the Board has done better on subsequent open space subdivisions. Chairman Dow said after the Davis case the Board spent a lot of time addressing open space subdivisions for an update to the 2006 Zoning Ordinance. Ned Lizotte said up to 2006 the regulations were foggy but he feels the 2006 Ordinance hammers out things out in a tangible, logical direction. He said previously the checks and balances were missing and the application was inconsistent in terms of how it was promoted by the developer. Mr. Lizotte said it should not be the Board's job to watch the check and balances; that is up to the developer. He said the Board was not given all or accurate information. Tom Dow said the Board was never told that the applicant had a building permit for the parcel. There was brief discussion about open space subdivision changes and that they now have to do design review before anything else.
4. Maratea driveway on Barry Road: The selectmen made an agreement with Ms. Maratea and are holding to it. They are not releasing the bond.
5. Chairman Dow reported that there was a DOT public hearing after the Board of Permit meeting. This hearing was to address changes that will be made to the lights at Route 106 & 129 as well as pedestrian traffic.

A motion to adjourn at 8:45pm was made by Tom Moore; seconded by Stanley Prescott. All were in favor.

Respectfully submitted,

Donna White