

TOWN OF LOUDON  
LOUDON, NEW HAMPSHIRE  
PLANNING BOARD MINUTES  
NOVEMBER 17, 2011

**Meeting called to order at 7:08 p.m. by Chairman Tom Dow.**

**Attendance:**

Steve Jackson, Henry Huntington, Tom Moore, Chairman Tom Dow, Vice Chairman Stan Prescott, Bob Cole, Alternate Jeff Green, Ex-Officio Dustin Bowles  
Bill Gabler represented the Conservation Commission.

**Acceptance of Minutes:**

October 20, 2011 Meeting – **Henry Huntington moved to accept the minutes as written; seconded by Bob Cole. All were in favor.**

**Discussion:**

Wayne Thistle, Map 12/Lot 41-1, Thistle Hill Road & Wiggins Road – Mr. Thistle explained that he received approval for this lot in a minor subdivision in 2006 and that it was agreed at that time that the driveway would be off Wiggins Road. A stipulation of the approval was that there was to be no paving of Wiggins Road. Mr. Thistle stated that he has built a unit on the lot and would like to pave 160' x 10' of Wiggins Road to the unit. He said he has to maintain that section of the road either way so would prefer that it be paved.

Chairman Dow said that he does feel that this is a good idea, noting that others will want to pave Class VI roads for driveways. Steve Jackson asked if the driveway permit was off Wiggins Road. Mr. Thistle said he believes it is off Thistle Hill Road because the property is numbered as 22 Thistle Hill Road per 9-1-1. He said the reason that the access is from Wiggins Road is to avoid having to do a wetland crossing off Thistle Hill Road. The Board agreed that they were not in favor of overturning the approval's stipulation of no paving of Wiggins Road.

**Old Business:**

**New Business:**

#11-15, H. Wayne Thistle - Lot Line Adjustment, in the RR District, Map 25, Lots 23, 23-2 and 23-4. Steve Jackson recused himself from this matter due to a working relationship with the applicant. Jeff Green was appointed as a voting member. Abutters Kristine & Michael Imondi of 29 Young's Hill Road, Ronald & Jenene Hersey of 35 Young's Hill Road, Marilyn Dubuc of 4 Young's Hill Road, Leighton & Jean Cleverly of 49 Young's Hill Road, Weldon & Patricia Lloyd of 56 Young's Hill Road, and Glenn &

Regina Whitney of 28 Young's Hill Road were present. Web Stout of FWS Land Surveying represented the applicant.

Mr. Stout explained the location of these lots, noting that they are at the end of the proposed road, and the purpose of the application is to change a few lot lines. He pointed out that Lot 23 has 250' of road frontage, showing the existing lines. In showing the proposed line, Mr. Stout explained that they would be adding 50' of frontage to Lot 23-2 and acreage to over 3 acres to allow the option of putting a duplex on the lot. He noted that Lot 23 already has that option. Mr. Stout said that the adjustments would make Lot 23-4 a little larger than approved. He said that Lot 23-2 currently has 2 acres and would have 3.1 +/- after the adjustment. He noted that Lot 23 has a stipulation that was placed on it at the time of subdivision that there can be no further subdivision of the lot.

Ronald Hersey asked about the addition of area to Lot 23-2. Mr. Stout said it was 102' wide at the far end and 470' long. Glenn Whitney said this change allows for a bigger house, if a duplex, on the same area as before the adjustment because the 'leg' does not change the building area. Regina Whitney said she thought the original subdivision was approved as single family homes. Weldon Lloyd said when the subdivision was approved the no further development was based on density. He said a duplex increases the density. Mr. Stout pointed out that there are four lots there currently. He stated that Lot 23 could easily have a duplex and this adjustment would mean only one more family. Mike Imondi said that he is a new owner and was not notified of this hearing. He asked if there will be a duplex on Lot 23-2 which abuts his lot. Mr. Thistle said it would not necessarily be a duplex and if it was he builds quality buildings, not something cheap. He said a duplex would not be any more bedrooms than a four bedroom home as each unit would have two bedrooms. He explained that permits are based on sewage, noting that there would be no difference as it is determined by the number of bedrooms.

Ronald Hersey asked if the Board received a letter from Earl Tuson. Chairman Dow stated that they did and he read the letter for the record (is part of permanent file in office). Glenn Whitney asked about making Lot 23-2 more rectangular rather than the long skinny 'leg'. Mr. Stout said that would take away buildable area of Lot 23. He pointed out wetlands on Lot 23 and noted that the edge of the lot is needed for buildable area. Mr. Whitney stated that the additional acreage being proposed for Lot 23-2 is non-usable and it is just to add acreage. Wayne Thistle said that he had a wetland permit in 2005 for a driveway crossing on Lot 23. He pointed out that the driveway is already in and that is why they did not go over more with the proposed line change.

Jenene Hersey said the last time Mr. Thistle built a house there was a water problem created on their property. She said because of that trees dropped on a neighbor's septic system. Mr. Thistle stated that the Hersey lot was always wet.

Glenn Whitney asked if this was considered a legal hearing since Mr. Imondi was not notified. It was explained that the former owner of Mr. Imondi's lot was notified and the notification of receipt of the letter by that owner was received by the office. The closing on the property was October 28, 2011 and the assessing records showed the former owner at the time of abutter notification. Mr. Whitney continued to question if this was legal. The Board agreed to send a certified notice to the Imondis.

Mr. Lloyd said he thinks this adjustment is out of character for the area and he is opposed to the application. Kevin Ingerson of 310 Young's Hill Road asked what zone

the property is considered to be. Mr. Stout said it is Rural Residential. There was discussion of the other side of the road being AFP. Mr. Ingerson asked if the subdivision down the road could be adjusted for duplexes. It was explained that the subdivision being referred to is an Open Space subdivision where the lots are of reduced size and could not be changed.

Chairman Dow closed the hearing to the public and opened it to the Board only. Mr. Dow asked Mr. Thistle why he would not put a duplex on Lot 23 rather than change Lot 23-2. Mr. Thistle said it is a matter of economics and likes the option of being able to build a duplex. He said the lots are there now, noting that there are other lots around town that he would consider to be gerrymandered. Tom Moore said he feels the Board has done well at avoiding gerrymandered lots and he would like to see subdivisions done and stay as approved, not moving lines five years later. Henry Huntington said he agreed with Mr. Tuson's point. He said it was a different subdivision at the time, was done properly at the time, and he feels this is pushing the envelope. Jeff Green spoke about Mr. Tuson's reference to the lot not being radial. He said it would be more radial with the lot line adjustment where the driveway is on the side of Lot 23. Mr. Green said the three acres is pushing the envelope because the expanded coverage is just to create a lot large enough for a duplex. It was stated that the adjustment is trying to meet zoning requirements for a duplex lot but the question is how much of a stretch this would be as the extra acreage down the side is the biggest issue.

**Tom Moore moved to accept the application as complete and move to public hearing; seconded by Bob Cole. All were in favor.**

**Stan Prescott made a motion to move this application to next month so that the new abutter can be notified; seconded by Tom Moore.** Wayne Thistle said if the Board is not going to approve the application there is no sense wasting his time nor the Board's by carrying this to next month. He said he would withdraw the application. Mr. Thistle was asked to submit this request in writing to the office.

Steve Jackson returned to the Board.

#11-14, Loudon-Penguin Real Estate Holdings – Minor Site Development, in the C/I District, Map 49, Lot 115. Abutter James Rhoads was present. Jeff Green recused himself from the Board for this matter. Matt Moore of Matthew Moore Civil Engineering, PLLC represented the applicants. Also present were applicant Walid Kairouz, architect Mark Stewart and Bill Hanson.

Mr. Moore explained that an initial package was submitted to make the filing deadline and they have been working on the plans since then. He presented revised plans and submitted a waiver request for soils as the area was all previously disturbed. Mr. Moore pointed out that the right front corner of the building had been a compressor area. He stated that they are going to the ZBA as they want to square up the building, making it more functional. He said they are moving the fuel tanks further off the boundary line as they are in the way of renovations. Mr. Moore said there would be a four fuel tank island, one being diesel, added to the site. He said he figured the turning radiuses; calculations were reviewed.

Mr. Moore said that the site would be paved and drainage would sheet to the back corner. Where the site goes from paved to gravel the groundwater would recharge.

There will be drywells to gather runoff from the roof. Mr. Moore pointed out the flow of traffic, noting that there is a possible drive-thru proposed at the left rear of the building. He stated that the applicant would get an easement from the abutting business owner to allow traffic to travel between the buildings from the drive-thru. Mr. Moore said they would put an island by the existing entrance to hinder foot traffic. He said a hedge would be put on the island.

Mr. Moore spoke about the septic system. He said there is a 5' seasonal high water table. There is an existing grease trap at the back of the building which will be brought up to code and will have a 3,000 gallon tank. Steve Jackson asked about water going to the wetland if the site is paved from the edge of the building to the edge of the parking lot. Mr. Moore said there would be a grassed area at the edge, explaining that the water cleans as it filters into the ground. Mr. Jackson asked if this is acceptable in the buffer.

Chairman Dow asked the abutters if they had any comments. Mr. Rhoads said that he has seen all of the plans and is good with the proposal. Mr. Dow asked how the parking was calculated. Mr. Moore said that he considered the store, deli space, and spaces at the fuel pumps which came out to 44; he got 37 when doing the plan. Mr. Dow asked if this accommodates employee parking. Mr. Moore explained that it is based on the square footage of the building. Henry Huntington asked if the calculations were shown on the plans. Mr. Moore said they were not and do not have to be if not going over the 25% increase mentioned in Section 500 of the Zoning Ordinance. Mr. Moore said the existing square footage is 6,193 and the proposed square footage would be 7,722 or an increase of 24.67%.

Bill Gabler said the Conservation Commission has some serious concerns with the wetlands around this site. He said the sheet runoff from the area of the pumps without significant remediation is a concern. Mr. Gabler said he would ask for the condition of significant border due to the hydrocarbons runoff. Mr. Moore stated that the State considers gravel that is driven on as impervious area. Mr. Gabler said there is no containment planned. Henry Huntington asked if the plan meets the regulations. Mr. Gabler said he was not sure it does as he is not an expert on the subject. He said they do not have facts to say it fails but do have serious reservations. Steve Jackson read from Section 301 and asked if they should be going to the ZBA for a special exception on the buffer. Stan Prescott pointed out that the tanks were closer to the highway and they are proposed to be moved closer to the wetlands. Mark Stewart stated that the tanks need to be designed and permitted by the State and must meet all regulations of other stations. He said the tanks and spill containments will be scrutinized in the State's review. Stan Prescott said the Board relies on the Conservation Commission to do the best they can. He suggested that Dan Geiger be consulted on the matter. Mr. Stewart said the applicants will work with any parties involved and would be glad to meet with the Conservation Commission. Mr. Gabler said their next meeting is scheduled for December 5<sup>th</sup> at 6:00 p.m. The parties will make the necessary contacts.

Steve Jackson asked if any changes were mentioned for the right-of-way at the recent Route 106 expansion meeting. Dustin Bowles said it was explained that they could move to one side or the other if need be. Mr. Moore said the parking lot could be left gravel if alright with the Board, noting that he put it as paved due to the regulations.

Tom Moore asked if there would be perimeter drains or if the runoff would all sheet. Mr. M. Moore said that it would all sheet, which DOT does as well.

Stan Prescott asked if it was felt that the drive-thru window is a good idea. He said he feels it is a poor choice to have it between the two buildings, suggesting that it could exit straight behind Rhoads out to Shaker Road. He said there are great concerns safety-wise. It was noted that the area behind Rhoads is close to wetlands. The boundary plan was reviewed. Tom Dow said the drive-thru will not work due to congestion and safety concerns. He said he feels people will park closest to the door and create confusion. He said he also feels that people will pull out through there if parked at the rear of the building. Dustin Bowles asked if the intent is to have both fuel islands. Mr. Moore said it was. Mark Stewart stated that this is a good site, with good sight distances, and this is an opportunity to diversify.

There was discussion about eliminating the existing entrance and adding a new one at the side of the building by the parking lot. This would be accessible from the parking lot and new pump island. The proposed new entrance at the right front of the building would be accessible from the existing pump island. It was recommended that the applicant consider another way to get off the lot without coming between the buildings. Mr. Rhoads said he had no problem with them exiting there as it is a long blank side of his building and of no use to him. He said more traffic by his door is better for business. Discussion continued about the lot's congestion and the Board's concerns.

Mr. Kairouz said the same customers will be using the facility so there would be no increase in traffic. Bob Cole said the concern is not so much the number of cars but where they are. He said even with new doors he would still have concerns. Jeff Green said that moving the entrance changes the pattern and would create new habits. Tom Dow went over the existing traffic pattern and congestion. Tom Moore said the property may not support a drive-thru. He asked about delivery areas. Mr. Kairouz explained how different vendors would access the building.

It was agreed that the wetlands and safety concerns of the drive-thru window require further discussion. **Steve Jackson made a motion to continue the application to the meeting of December 15, 2011 at 7:00 p.m. at the Community Building; seconded by Stan Prescott. All were in favor.** There will be no further notification.

#11-16, Debra Rattee and David & Gloria Woetzel – Lot Line Adjustment, in the RR District, Map 47, Lot 44 and Map 38, Lot 7. Steve Jackson and Jeff Green recused themselves from this matter. Abutter Barbara Cameron was present.

**Stan Prescott moved to accept the application as complete and move to public hearing; seconded by Bob Cole. All were in favor.** Jeff Green of J L Green Enterprises represented the applicants. Mr. Green explained the location of the two large parcels on School Street. He said Map 47, Lot 44 has 184.2 acres and Map 38, Lot 7 has 167.5 acres. He showed the existing lines, explaining that this will be an equal area swap, creating new straight lines. Stan Prescott noted that the abutters need to be shown on the plan. Mr. Green will make this correction. He explained that Mr. Woetzel recently purchased his piece from Ms. Rattee and requested that the lines be straightened out.

Chairman Dow read a waiver request for Section 14.4.4, allowing a scale of 1"=200' rather than 1"=50'. **Henry Huntington moved to grant the waiver; seconded by Tom Moore. All were in favor.** Chairman Dow read a waiver request for Section

14.4.8, allowing just the areas to be transferred to be surveyed. Stan Prescott said that the whole piece should be shown on the plan. Mr. Green will add this to the final plan. **Tom Moore moved to grant the waiver; seconded by Bob Cole. All were in favor.**

**Henry Huntington made a motion to approve the application; seconded by Stan Prescott with the abutters and a tax map of the whole parcel to be shown on the plan. All were in favor.**

#### **Board Discussion:**

Zoning workshop – A workshop was scheduled for December 8, 2011 at 6:00 p.m.

Frank Merrill – Donna reported that the road plans and construction estimate have been sent to the town's engineer. There is nothing to review at this time with regard to setting a bond. The maintenance agreement has been reviewed by town counsel and is being revised by Mr. Merrill.

Eric Woodman – A deed was recently received by the Selectmen's office that reverses parts of a lot line adjustment that was done by Mr. Woodman and other parties on Chichester Road. A letter was sent by the Planning office asking Mr. Woodman to address the matter. Jeff Green explained that the lot line adjustment was done and Mr. Woodman built a house. The land swap was done with the abutter and then the abutter could not get a release from his mortgage holder on the property so the area was transferred back in this deed. Mr. Green said that this is a title issue and they are working on cleaning it up. He said he will come to the next meeting with an explanation. There was discussion about Mr. Woodman's lot now being non-conforming because it does not have the 50' of road frontage that is needed for it to be considered a buildable lot.

Len LaPadula – A call was received by the Planning office from a realtor who is working with Mr. LaPadula to list his property on Young's Hill Road. The inquiry was about reversing the subdivision approval from 2006 and questioning what would become of the 45.2 acres deeded to the town as part of that Open Space subdivision approval. Town counsel has been contacted and the selectmen have reviewed the request. Further investigation will be done to determine if the selectmen have the authority to sell land. This may have to go before the voters in March.

#### **Report of the ZBA:**

There is an application for a reduced side setback on Berry Road and two special exceptions (reduced setbacks and fuel tank over 500 gallons) and a variance (amount of impermeable coverage) for the Beanstalk Store.

#### **Report of the Board of Permit:**

Stan Prescott reported there was no meeting this month.

#### **Adjournment:**

A motion to adjourn at 10:23 p.m. was made by Stan Prescott; seconded by Henry Huntington. All were in favor.

Submitted by,

Donna White  
Administrative Assistant