

**COPY**

**TOWN OF LOUDON  
LOUDON, NEW HAMPSHIRE**

**PLANNING BOARD MINUTES  
OF OCTOBER 20, 2005**

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

**II. ATTENDANCE:**

Gary Tasker, Chairman; Tom Dow, Vice Chairman; Dustin Bowles, Ex-Officio; Bob Ordway, Henry Huntington, Tom Moore, Stanley Prescott and alternate Jason Masse were present. Alternate Clem Lyon was not present.

Conservation Commission representative Colin Cabot was present.

Fire Department representative James McNeil was present.

**III. ACCEPTANCE OF MINUTES:**

September 12, 2005 Open-space subcommittee. Tom Dow made a motion to accept the minutes as written. Seconded by Dustin Bowles. All were in favor.

September 19, 2005 Open-space subcommittee. Henry Huntington made a motion to accept the minutes as written. Seconded by Tom Moore. All were in favor.

September 26, 2005 Open-space subcommittee. Stanley Prescott made a motion to accept the minutes as written. Seconded by Tom Dow. All were in favor.

September 15, 2005 Public Session. Bob Ordway made a motion to accept the minutes as written. Seconded by Dustin Bowles. All were in favor.

October 3, 2005 Public Hearing. Dustin Bowles made a motion to accept the minutes as written. Seconded by Tom Dow. All were in favor.

**IV. DISCUSSIONS:**

1. Nathan Sanel – Mr. Sanel stated he owns National Powersports next to the beanstalk and was asked to come in for his one year review to discuss the difference between sales and repairs. Stanley Prescott stated last year he suggested Mr. Sanel get a container for the solutions where he washes his bikes. Mr. Sanel stated the Board asked for the Conservation Commission to come out and look at the operation but no one ever came. Mr. Sanel stated he uses biodegradable soap and Simple Green for degreasing. Mr. Sanel stated he investigated containment units and did not find a system to configure at this location. Mr. Sanel stated he thought he was okay based on the volume of bikes he is doing. Bob Ordway stated after the bikes are degreased there are petroleum byproducts washed away. Mr. Sanel stated bikes are not comparable to cars but there is a small amount on the chains. Mr. Sanel stated he misunderstood and thought he was here to see if he could do repairs. Mr. Ordway stated he recalled Mr. Sanel was going to investigate whether what he was doing constituted a pollution situation. Mr. Sanel stated there was a man from DES who said he would contact him but he never did; he did look into the cost of a containment system. Mr. Prescott stated he thought Mr. Sanel could build something to put a bike onto and the water would run into. Mr. Prescott added it would be easier to build something and he doesn't think it is at the point where DES should get involved. Mr. Prescott stated he thought the

Conservation Commission should look at the operation. Gary Tasker stated the Board would like a letter from the Conservation Commission by next month and the Board will get back to Mr. Sanel. Mr. Sanel stated he would like to advertise repair work to his customers; he was approved for light service work and would like to do more. Mr. Tasker stated he did not recall this issue and read the minutes from October 25, 2004. Mr. Tasker stated those minutes do not open this up for a discussion about repairs. Henry Huntington stated Mr. Sanel could do repairs if he gets a special exception from the ZBA. Mr. Huntington added the Planning Board can only allow retail sales and does not have the power to authorize full repair work. Mr. Tasker stated Mr. Sanel needs to apply to the ZBA if he wants to do a repair shop and the Conservation Commission will be in touch with him.

2. Dan Aversa/Gary Vermette – Gary Tasker stated they are looking for more money released on their letter of credit. Mr. Vermette stated last time the Board wanted test results to review and now they have submitted them. Mr. Tasker stated he spoke with the Town Engineer and discussed that they were looking to reduce the letter of credit by even more money than originally asked. Mr. Tasker stated this is too short of notice to have the Town Engineer go out and review the road. Mr. Vermette stated he thought the Board had already reviewed the results and if they have not he would like to set up a time with the Town Engineer and Planning Board to look at a substantial reduction, down to \$21,110 next month for work completed. Mr. Vermette stated there are two areas of concern he would like the Board to be aware of. The first is up the road on lot 15, it bleeds out and Mr. Vermette is talking with the road builder about putting some rip rap up there. The second is run off onto the property next door; Mr. Vermette is taking care of the problem. Dustin Bowles stated there are a lot of driveways that are going to add to all of this, most of the projects have been flat in the past. Mr. Vermette stated he would like to reduce the letter of credit but leave an amount the town is secure with. Henry Huntington asked when it became the Planning Board's job to regulate these bonds; the Board will end up sitting at meetings to regulate bonds. Mr. Bowles stated the Planning Board sets the bond but this is the first time he knows of that we have been asked to reduce a bond. Mr. Huntington stated he did not know why the Board was doing something different, at this point the remaining letter of credit should go until the road is complete. Mr. Bowles stated the hot top should not have been placed until the compaction test results came back. Stanley Prescott stated the letter of credit should remain in place and then be replaced with a maintenance bond when the road is accepted by the Town. Roy Merrill asked the Board if there is a regulation stating a certain percentage of the houses have to be built before a road can be accepted as complete. Bob Ordway stated this becomes difficult now with permits 5-7 years out to complete a project. Dan Aversa stated he has to pay double for the road; he has to back the letter of credit and pay the road engineer. Mr. Aversa asked the Board why the Town Engineer comes out and gives a percentage of completion if the Board does not release these funds. Mr. Prescott stated the issue is if the Board releases x amount and later requires x plus amount, the money will not be there anymore. Mr. Ordway stated they chose to secure with a letter of credit versus a bond but he is personally comfortable with reducing the letter of credit. Mr. Ordway asked what would have to happen for the Board to want to recall the bond. Mr. Prescott stated 25-30 years ago a contractor came in and put up a bond for \$30,000 and walked away. Mr. Ordway stated there were issues with the insurance company on that road. Mr. Tasker stated he is willing to do two things, look over the test results and talk to the Town Engineer about them, and talk to the Town Attorney concerning the Town's liability with the letter of credit. Mr. Tasker stated he will put Mr. Aversa and Mr. Vermette on for a discussion next month.

3. Rick Page – Mr. Page stated he is considering purchasing property on the corner of Route 106 and Loudon Ridge Road, Map 65, Lot 6, for a cabinet shop. Mr. Page asked what the requirements are for this type of operation. Gary Tasker stated the Land Development Regulations in the office have the specifications for a commercial building; you will be required to have lighting, paving, landscaping. Mr. Tasker stated the Fire Department has to review the plan. Mr. Tasker stated he has no problem with the look of the building but would like to know what it is made of. Mr. Tasker stated there may be some things Mr. Page could ask for a waiver from; these will not be paving, lighting or landscaping.

## **V. CONCEPTUAL CONSULTATION:**

1. Loudon Elementary School, Major Site Development, Located on School Street, in the Village District. Map 29, Lots 14. Fred Reagan, Facilities Director for Merrimack Valley School District, George Turner from Banwell Architects and Brian Vincent from Nobis Engineering presented the application. James McNeil presented a letter from the Fire Department stating they will have an ongoing review with this project. Mr. Vincent stated this is an expansion project of the existing elementary school in Loudon. Mr. Vincent stated there is a proposed gym, 90 new parking spaces including handicap accessible spaces, new parent/student drop off area on the north section of the building and a bus/student drop off area on the south section of the building; two way traffic in and out with one way traffic down parent drop off and bus drop off loops. Mr. Vincent stated they are eliminating 200' long section of pavement along the south edge of School Street and putting in a memorial facility; we are maintaining a section of pavement there for fire access. Mr. Vincent stated they are using a series of catch basins along with curbing to catch the water and there is no increase in drainage off the site. Mr. Vincent stated the new building is 13,800sq.ft. with an outside area for students to congregate prior to entering into class. Mr. Vincent stated the existing septic system is more than efficient to meet the needs of this building. Mr. Vincent stated this addition is not to accommodate more students but to meet the needs of the current ones. Mr. Vincent stated this project will require DES site specific permit for drainage and MPDES for erosion control. Tom Dow asked where snow removal/storage will be. Mr. Reagan stated they will have to haul some out 2-3 times per year and pointed out areas for storage. Mr. Reagan stated they will do something to eliminate problems with water run off on the east side. Mr. Tasker stated lighting is going to be important with abutters and would like to see specifications on lights used. Mr. Reagan stated they had this issue at the Penacook site and are going to use cut off lighting. Mr. Tasker stated the school is here as a courtesy and not required to get planning board approval as a municipal project. Mr. Tasker asked if they will come back if the Board has concerns. Mr. Reagan stated yes. Mr. Dow asked if they see this building being added onto anymore. Mr. Reagan stated 20 years down the road and 10 years down the road are two different things; long range, depending on what Loudon does since it has 34% of the school district population, we have bought other property. Mr. Reagan stated if Loudon voters wish in 10-15 years the building can be built onto. Mr. Reagan stated all the parking will be on site now, the upper parking lot will only be for overflow during large events and they may even put a gate on the upper lot. Mr. Vincent stated there are no plans to make a right-of-way to Old Concord Road. Mr. Tasker stated he would like a more complete landscaping plan submitted. Mr. Turner stated a lot of this addition is to enhance the safety of the students. Mr. Turner stated the gymnasium can be locked off and used as a community center; the old multipurpose room will be used as a cafeteria. Mr. Turner stated the

second floor has two classrooms and an art room; the construction is type 2B which is non-combustible, steel frame. Mr. Turner stated the sprinkler system will have a 20,000 gallon storage tank with a diesel pump. Mr. Turner stated the tank will be on the east side with a stem pipe the fire department can tap into in case of a community fire. Mr. Turner stated the exterior will tie into the previous additions with brick and concrete. Mr. Reagan stated 600-700 people can fit into the gymnasium, 250 in the bleachers and the rest sitting on the floor. Mr. Tasker asked them to come back if they have any changes and to bring the lighting and landscaping plan with them. Henry Huntington asked what the time frame for completion is. Mr. Vincent stated it is going to bid mid-December, opening bid January 20 and start construction in March; it will take 10-12 months to complete.

2. Debra Rattee - Tracey Sweeney from Richard Bartlett & Associates presented the subdivision on School Street and Rainbow Drive, Map 46, Lot 39. Mark Chamberlain represented the applicant. Mr. Sweeney stated Rainbow Drive, a private road, passes over and across the property. Mr. Sweeney stated they are looking for guidance in regards to regulation 23.3, subdivisions accessing or extending existing private roads; what would be required of the road to subdivide the property around Rainbow Drive. Mr. Chamberlain stated it would be a small scale operation, 1-2 lots on the south side of the pond and cutting off ten acres around the existing house. Bob Ordway asked who maintains the road. Mr. Chamberlain stated a small association. Dustin Bowles stated they would have to bring the road up to Town standards to subdivide. Stanley Prescott added you have to have road frontage to subdivide. Mr. Chamberlain asked if this standard applies for one lot or up to 20 lots. Mr. Bowles stated a private road is different, it has to be up to Town standards or it is like subdividing in the middle of the woods. Mr. Tasker stated Town Council told him 2-3 months ago Loudon should not do subdivisions on private roads. Mr. Chamberlain asked if he could call Planning Board members with questions later on. Mr. Tasker stated if they have specific black and white questions about the regulations the office can answer them.

## **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. Gary Tasker read a continuance request from the applicant. Henry Huntington made a motion to continue this hearing. Seconded by Tom Dow. All were in favor. This application will be heard on November 17, 2005, at 7:00 pm, at this facility. This is the only notice.
2. Application # 05-26, Patrick Picardi, Minor Subdivision, Located on School Street, in the RR District. Map 38, Lot 8. No abutters were present. Tracey Sweeney from Richard Bartlett & Associates presented the application. Mr. Sweeney stated he has a letter from DES stating the restoration work has been completed. Mr. Tasker stated there were no other issues with this property. Mr. Tasker 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 asked if the remaining area of the original parcel has been addressed and corrected. Mr. Sweeney stated DES specifically focused in on this area. Tom Dow stated Julie Robinson would not approve until she got the letter from DES. Colin Cabot stated he does not remember if the Conservation Commission discussed this. Tom Moore made a motion to approve this application. Seconded by Bob Ordway. All were in favor.

3. 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. Raymond Shea from Sandford Surveying presented the application. Len Lepadula stated this is his first development, he started a year ago wanting to do the right thing. Mr. Lepadula stated it has been a learning experience for both him and the Board with open space but now he is going with a conventional subdivision and would like direction from the Board. Gary Tasker stated the biggest issue is the road and Mr. Lepadula does need clear direction and to leave here with information to make clear decisions. Mr. Shea stated this is a nine lot conventional subdivision with a 2,300' road. Mr. Shea stated wetland impacts are a little less than 3,000sq.ft. for a road crossing. Mr. Shea stated they are going before the ZBA for a special exception for the wetland impacts. Mr. Tasker stated his concern is the upgrade of Young's Hill Road to Clough Hill Road and the Board has to be consistent with what they have asked other developers to do in the past. Mr. Tasker stated the developer is willing to put in 20% of what it costs to upgrade the road and he feels it needs 100% upgrade to Clough Hill Road. The Board discussed what has been done to roads with previous developments. Mr. Lepadula stated he was thinking of 20% for all of Young's Hill Road but it could be different for only doing Clough Hill Road to this development on Young's Hill Road. Mr. Tasker asked what the developer thinks his obligation for the road is. Mr. Lepadula stated that is up to the Town; if the Town wants to pave he feels he is obligated to pave from the site to Clough Hill Road because the traffic study says that is the way 80% of the traffic goes. Tom Moore stated gravel roads are high maintenance for the Town and he suggests paving. Tom McCue stated the Town does asses an impact fees from these lots. Dustin Bowles stated this fee goes towards all the roads in that area. Tom Dow stated the Bumfagon swamp area past the development should not be overlooked because it is a problem spot. Mr. Tasker stated he would like to see the road brought up to town standards from the site to Clough Hill Road and address problem spots in the road. Bob Ordway agreed the road should be paved. Stanley Prescott and Tom Moore agreed. Dustin Bowles stated he is concerned with the existing passage through this property to the town land. Mr. Lepadula stated maybe they can reroute the passage to impact less house lots. Mr. Tasker stated he would like to see a larger cul-de-sac than the regulations call for. Mr. Bowles stated steep driveways will require wider aprons. Mr. Prescott stated the driveway on lot 5 cannot come into the side setback. Mr. Tasker 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. Henry Huntington made a motion to continue this hearing. Seconded by Dustin Bowles. All were in favor. This application will be heard on November 17, 2005, at 7:00 pm, at this facility. This is the only notice. Mr. Tasker requested the developer notify the office when the road is pinned so the Board can schedule a sitewalk.

## **VII. NEW BUSINESS:**

1. Application # 05-29, Fox Pond Plaza – Minor Subdivision, Located on Routes 129 & 106, in the C/I District. Map 21, Lot 16. No abutters were present. Dustin Bowles made a motion to accept this application as complete and move directly to a public hearing. Seconded by Tom Dow. All were in favor. Attorney Tom McCue presented the application. Mr. McCue stated in May the Board approved a minor subdivision of this land they are back tonight seeking approval for an amended plan. Mr. McCue stated there are no changes to metes and bounds or lot configuration. Mr. McCue stated they took off a common well with a 155' radius; the buyer will install his own well. Mr. McCue stated two test pits have been removed because the buyer will be doing his own septic.

Mr. McCue stated the 180' x 240' buildable area block has been repositioned to a better location. Mr. McCue stated they have added the metes and bounds for the 30' common driveway. Mr. McCue stated this is a cleaner plan for when the buyer comes in for a site plan. Mr. Tasker 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 asked how the driveway is going to be described; currently there is only a center line. Mr. McCue stated this can be addressed during site plan review. Mr. Prescott stated this is for when a buyer purchases Lot 16A he knows where his access is. Mr. Prescott stated the Board asked Mr. Cummings to add this to the plan last month. Bob Ordway made a motion to approve this application with the condition the plan notes the distances for the access points north and south along Route 106 and Route 129. Seconded by Henry Huntington. One against. Majority rules. Application approved.

2. Application # 05-30, Debra Rattee – Lot Line Adjustment, Located on School Street & Batchelder Road, in the RR District. Map 38, Lots 26 & 8. 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. Tracey Sweeney from Richard Bartlett & Associates presented the application. Mark Chamberlain represented the applicant. Mr. Sweeney stated the lot is 19.98 acres; the intent is to annex 1.89 acres to Ms. Rattee's son on the corner of Batchelder and School Streets. Mr. Sweeney stated this will increase Matthew Rattee's lot to 3.8 acres and deed 8.5' strip of land along Batchelder Road to the Town. Mr. Sweeney stated they are also proposing to subdivide 3.45 acres off the end on Batchelder Road to create a new lot. Stanley Prescott stated a good portion of Lot 1 is in the flood zone. Mr. Sweeney stated page 52 of the regulations allows development in floodplains. Mr. Tasker asked if there were any questions or comments from the public. Roy Merrill asked if this is creating a subdivision on a road not up to town standards. Mr. Chamberlain stated Ms. Rattee has no plans to develop the field lot any further; she intends to protect the field and give her son some more acreage. Bob Ordway stated some cases it does not make sense to bring a road up to standards. Mr. Tasker asked if there were any more questions or comments from the public on the lot line adjustment. There were none. The hearing was closed to the public and open to the Board only. Tom Moore made a motion to approve this application. Seconded by Henry Huntington. All were in favor.
3. Application # 05-31, Debra Rattee – Minor Subdivision, Located on Batchelder Road, in the RR District. Map 38, Lot 8. No abutters were present. Henry Huntington made a motion to accept this application as complete and move directly to a public hearing. Seconded by Tom Dow. All were in favor. Tracey Sweeney from Richard Bartlett & Associates presented the application. Mark Chamberlain represented the applicant. Stanley Prescott stated he feels the Board should think about building in a floodplain very seriously in light of all the problems recently in the western part of the State. Mr. Sweeney stated he feels there is enough buildable area to construct outside of the floodplain. Mr. Sweeney stated there is a 40' x 40' area within the setbacks to build on. Mr. Prescott stated the regulations say the Board shall review that applications comply with regulations that he has no knowledge of. Mr. Prescott added how can we vote on something when we have no knowledge of some RSA on federal regulations. Mr. Sweeney stated the buyer can build in the floodplain if they wish and the building department is responsible for making them adhere to floodplain regulations. Mr. Prescott asked if they have read the Federal regulation. Mr. Sweeney stated they have and are treating it like a FEMA regulation. Mr. Tasker asked if there were any questions or comments from the public. John Plummer asked if the lot has septic approval. Mr.

Sweeney stated they have State subdivision approval and when they go for a building permit the septic design is reviewed. Mr. Tasker added State subdivision approval means the State has reviewed the lot and feels there is enough room to put a septic system. The hearing was closed to the public and open to the Board only. Bob Ordway made a motion to approve this application. Seconded by Tom Dow. In favor: Tom Moore, Bob Ordway, Tom Dow, and Henry Huntington. Against: Dustin Bowles and Stanley Prescott (should not be approving things in the flood zone). Majority rules. Application approved.

#### **VIII. BOARD DISCUSSIONS:**

1. Open Space Sub Committee – Tom Dow stated they have received letters from Town Council Bart Mayer and CNHRPC both indicating changes be taken up as zoning amendments first. Mr. Dow stated we should set up the first zoning meeting. Mr. Tasker stated the Town Council feels based on the problems with the current regulations the Board doesn't have the authority to adopt the regulation changes at this time. Bob Ordway stated the regulation changes stand now as not accepted. Mr. Dow added that Lucy St.John from CNHRPC has a lot of questions on the intention of each regulation. Mr. Tasker made a motion to consider the approval of the open space regulations last month rescinded. Dustin Bowles Seconded. All in favor. Open Space regulation approval rescinded. Mr. Tasker suggested the committee keep meeting and set these regulations into amendments for the first zoning workshop. Mr. Dow stated the committee needs to be certain which regulations are zoning amendments and which ones are land development. Mr. Prescott stated the committee can look at which regulations conflict with current zoning and those are the zoning regulations that need changing. Mr. Bowles stated Lucy St.John was hired to work on the impact fee, the Board pays an annual fee to CNHRPC and is allowed so much help and then we pay for work above that amount. Mr. Tasker stated he would like the presence of the Zoning Board at the zoning workshop. The open space subcommittee will hold a workshop Monday, October 24, 2005 at 6:30pm in the Community Building. A zoning workshop will be held Monday, November 14, 2005 at 6:30pm in the Public Library.
2. CIP Sub Committee Appointments – Gary Tasker stated the Capital Improvement Program was adopted on January 17, 2002. The scope of the CIP is usually six years. In determining priorities for the six-year period, some projects will not be included in the CIP. Additionally, priorities may change over time due to changing conditions. For these reasons, the CIP should be updated annually. Completed projects should be deleted; the status of pending projects examined, and new projects should be added. So in preparation, a committee will be appointed to produce a new revised, updated CIP. Mr. Tasker made a motion to appoint the following persons to the Capital Improvements Program Subcommittee of the Planning Board, effective October 20, 2005: Board of Selectmen (Ex-Officio Planning Board) Dustin Bowles; Budget Committee (Selectman) David Little; At Large (Selectman) Roger Maxfield; Loudon Police Chief Bob Fiske; Loudon Fire Chief Jeff Burr; Loudon Road Agent Dave Rice; School Board Member Chris Berry; Planning Board Member Bob Ordway; and Planning Board Member Tom Moore. Seconded by Tom Dow. All in favor.
3. Conservation Commission – Colin Cabot stated the Conservation Commission has recommendations on Chip Davis' open space land for Kinkade Haven. Tom Dow asked if Mr. Davis has responded. Tammy Davis stated Julie Robinson wants the Board to discuss it first. Mr. Cabot stated the figure was derived from what the Land Trust, State

programs and the Forestry Society changes and is totally in line with what other organizations are doing. Gary Tasker stated Bart Mayer's letter is a recommendation to the Board. Mr. Tasker requested Mr. Davis be notified and have him appear before the Board at the next meeting. Mr. Dow asked if the Board needs to see Mr. Davis or could we just send him a letter. Stanley Prescott asked about Mr. Davis' covenant. Mr. Tasker stated they are on file at the office and Mr. Prescott may review them anytime. Dustin Bowles stated the Board should send Mr. Davis the recommendations and he will come back if he wants to. Mr. Prescott asked if this amount will be sufficient twenty years from now. Mr. Cabot replied if it is invested yes, it takes one day of work a year to monitor; costing \$300 to \$500. Mr. Prescott stated this area has not been surveyed, how does the Conservation Commission know where they are. Mr. Bowles stated when he turns the land over it has to be surveyed. Roy Merrill stated the letter from the Conservation Commission should say surveyed as a part of the condition. Mr. Tasker asked Mr. Cabot to revise the letter.

4. 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 and Michael Minery has a variance request for smaller frontage requirements and Dale and Signa Watts are asking for a special exception for a reduced side setback.
5. Report of the Board of Permit - Tom Dow reported they discussed Lorraine Duprez's existing house on Bear Hill Road. Mr. Dow stated the Duprez's deeded a 10' swatch of land to the Town and now her front setback is 42' instead of 50'. Mr. Dow stated the Board of Permit wants to get a letter from ZBA Chairman, Roy Maxfield to sign off on the setback. Mr. Dow reported Bob Fiske received a letter from ESMI about trucks arriving before 7am. Mr. Dow stated ESMI was trying to be proactive about the situation.

#### **IX. ADJOURNMENT:**

A motion to adjourn was made by Gary Tasker at 11:06 pm, seconded by Tom Moore. All were in favor.

Respectfully submitted,

Tammy Davis  
Secretary