

COPY

TOWN OF LOUDON  
LOUDON, NEW HAMPSHIRE

PLANNING BOARD  
PUBLIC HEARING  
MINUTES OF OCTOBER 3, 2005

I. MEETING CALLED TO ORDER AT 6:40 P.M.

II. ATTENDANCE:

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

Roy Merrill, Open Space Committee and Zoning Board of Adjustment representative, was present.

Pauline Touzin, Open Space Committee representative, was present.

III. DISCUSSIONS:

Gary Tasker stated the Open Space Committee has been working for the last two months and has revised the open space subdivision requirements for the Land Development Regulations. Mr. Tasker stated as long as there are no major changes to the content of the proposed regulations tonight they could be approved as early as the next Planning Board meeting. Mr. Tasker stated that Town Council will review these regulations. Mr. Tasker turned the meeting over to Tom Dow to discuss the changes to the regulations. Tom Dow, Open Space Committee Chairman, stated these changes are to Section 23.8 Special Requirements for Open Space Subdivisions. Mr. Dow read regulation #1, "An open space development may not have anymore lots than would be allowed in a standard subdivision as per Zoning and Land Development Regulations." Mr. Tasker asked if this pertains to the AFP District as well. Mr. Dow stated yes and read #2, "Special Setbacks: In order to appropriately buffer open space subdivision lots from abutting properties, there shall be a commonly owned buffer of not less than 150 feet in width between the clustered lots in an open space subdivision and all boundaries of abutting properties." Mr. Tasker asked if this includes along roads. Mr. Dow stated yes. Dustin Bowles added abutters are defined in the book and it states roads and bodies of water are exempt. Mr. Tasker asked where the 150' setback starts. Mr. Bowles stated at the subdivision property line. Mr. Dow read #3, "Clustering: The lots in an open space subdivision shall be arranged in a clustered, closely grouped manner, acceptable to the Planning Board. There shall be no more than 6 house lots in a cluster and

a minimum of 225 feet of undisturbed land between clusters.” Mr. Dow read #4.A, “*Parcel Size*: Open space subdivision is not permitted on parcels less than 100 acres in area. A minimum of 66% of the parcel is to become permanently designated “open space,” of which two thirds must be farmland, forestland, or inactive farmland (wildlife habitat). No more than 25% of the total parcel can be wetlands or slopes greater than 15%.” Bob Ordway asked if a developer has a large parcel and more than 25% of that parcel is wetland and steep slopes, can he subdivide that area off if he still has 100 acres he can use for the subdivision. Mr. Ordway stated otherwise the land is useless. Roy Merrill stated the 25% would have to be in the right place and accessible or it couldn’t be done. Pauline Touzin stated regulation #1 would come into play and not every parcel can be good for open space development. Mr. Ordway stated in this hypothetical lot the developer might do a standard subdivision but the Board might prefer an open space development; it seems there ought to be an escape clause here. Mr. Bowles stated somewhere the Board has to draw a line and each application will have to be reviewed individually. Mr. Tasker stated the applicant could ask for a waiver. Mr. Merrill stated he does not agree that steep slopes do not make for good building lots; if 1 acre is flat and the rest of the lot is steep and not good for anything else, provided there is enough for a house it makes good use of the land. Mr. Merrill stated it will be hard to find 100 acres without less than 25% steep slopes and maybe slopes not greater than 20% is a compromise. Ms. Touzin stated the zoning book says 15%. Mr. Tasker stated zoning is the law and the Board needs to make the regulations match-up. Mr. Merrill stated zoning says it must consist of slopes in excess of 15% and this can’t be right. Mr. Bowles stated this will have to be fixed. The Board agreed to keep the regulations as proposed. Mr. Dow read #4.B, “*Lot Sizes and Frontages*: Lot sizes and frontage requirements shall be permitted to be reduced to one-half (1/2) of the lot area as required by zoning, provided that adequate area for on-site sewage disposal and water service is provided, well radius to be contained within the lot lines.” Mr. Dow stated and add, “and in no zone less than 125’ of frontage.” The Board all agreed to the addition. Mr. Dow read #4.C, “Setbacks will remain the same as per zoning.” Mr. Dow read #4.D, “The Planning Board reserves the right to consider smaller plots of land if through discussion it is determined there is significant areas to preserve.” Mr. Dow read #5, “The laying out of reduced size/frontage lots along existing road frontages, while preserving backland areas as “preserved areas,” does not, *per se*, constitute open space.” Mr. Dow read #6, “*Locations of Preserved Areas*: Areas to be preserved in open space subdivisions must be integrally related to the subdivision plan as a whole, with priority given to farmland, farm fields and inactive farm lands. At least two-thirds of the area to be preserved must consist of any combination of the following critical resources: (1) Agricultural or inactive agricultural land. (2) Land within 200 feet of wetlands.” Mr. Tasker asked what was meant by within 200 feet of wetlands. Mr. Merrill stated areas around ponds and brooks are valuable and should be preserved. Tom Dow stated the words, “at least two-thirds of,” should be removed so it can not be misconstrued with #4.A. The Board agreed with the change. Mr. Dow read #7, “*Ownership of Common Areas*: Methods of ownership

and control of common open space shall be one of the following two options: Dividing the assessed value of the common land by the number of house lots in the subdivision with a separate bill for each interest in common land with conservation easement or the Town takes ownership of open space property. In either case a monitoring and management fund shall be given to the Town in the amount of \$100/acre or a \$10,000.00 minimum. Final decision of ownership shall be approved by the Planning Board." Mr. Bowles stated it should read, "...a separate **tax** bill for each interest...". The Board agreed. Mr. Dow stated a lot of thought went into this regulation. Mr. Tasker stated he liked having the two options. Mr. Dow read #8, "Deed Restrictions: The area to be preserved shall be so defined on the subdivision plan and shall be made subject to a deed restriction which shall thereafter prohibit further subdivision of the preserved area or use of it for purposes other than originally designated." Mr. Dow read #9, "Access: The Planning Board may require public easements through the preserved area." Mr. Tasker asked if a conservation easement was for public use. Mr. Merrill stated a conservation easement is not necessarily a public easement. Mr. Tasker stated it should read "must" not "may". Mr. Merrill stated this was for things like trails and roadways. Mr. Ordway stated "may" leaves it open to Planning Board review. The Board agreed to leave it as it was written. Mr. Dow read #10, "All utilities shall be placed underground." Mr. Dow read #11, "Entire parcel to be surveyed and monumented, blazed and painted." Ms. Touzin stated it should read, "entire parcel **shall** be surveyed..." to be grammatically correct. The Board agreed. Mr. Dow read #12, "Covenants subject to Planning Board approval." Ms. Touzin stated it should read, "covenants **are** subject to Planning Board approval," to be grammatically correct. The Board agreed. Mr. Dow read #13, "Open-space area – Not to be developed or used as staging area during construction." Mr. Tasker asked if there were any questions or comments from the public. Mr. Merrill asked the Board if they could approve these pending review by Town Council. Mr. Ordway stated he felt they could or they could take the vote at the Planning Board meeting in a couple of weeks. Mr. Merrill stated if you wait until the Planning Board meeting you will have to go through this again for people who missed tonight meeting. Marcia Flynn stated she is here because the Wildwood Sanctuary open space subdivision applicant was lead to believe he was on the right track and has invested time and money into his efforts. Ms. Flynn asked the Board if they could put an effective date on the regulations so not to effect something that is already in the works. Mr. Bowles stated the RSA's state once a public hearing notice is posted, the changes are in effect from that day forward. Mr. Ordway stated Wildwood Sanctuary does not have an accepted application yet and are still in the discussion stage. Ms. Flynn stated she represents the sellers and it is hard to explain to the sellers what is happening. Ms. Flynn stated obviously the applicant does not have a 100 acre lot. Mr. Bowles stated the Board has left a provision for that in the regulations and if the applicant comes forward and presents to the Board that they are a reasonable critical resources to be preserved, then the Planning Board reserves the right to hear that application. Mr. Tasker asked if Ms. Flynn has reason to believe the applicant is considering open space the way it was presented. Ms. Flynn stated

that was obviously the way they were headed. Mr. Tasker asked if Ms. Flynn has spoken to the developer. Ms. Flynn stated she has not spoken with him. Mr. Dow stated the developer has spoken with Julie Robinson and is planning to come back with a conventional subdivision. Mr. Dow stated the developer can still come back with an open space subdivision if he wishes. Ms. Flynn asked how many other applicants are working on open space developments. Mr. Dow stated there are no other applications. Mr. Bowles stated the Board had to get a handle on the regulations before applications start coming before the Board at a steady rate. Ms. Flynn stated when the Board talks to Town Council instead of making it in effect now it would make sense to have it effective hence so people are aware the changes are coming. Mr. Ordway asked how far out Ms. Flynn would like this. Mr. Ordway stated when you change the regulations someone will always get caught and the Board needs to have compassion to ease people out of this. Mr. Ordway stated the Board has left the possibility to make concessions in the regulations. Mr. Tasker added if the regulations are passed tonight there are provisions for Wildwood to come and present their case. The hearing was closed to the public and open to the Board only. Tom Dow made a motion to accept the revised Land Development Regulations, Section 23.8, Special Requirements for Open Space Subdivisions with the minor changes from tonight and the condition Town Council does not have substantive changes. Seconded by Henry Huntington. All were in favor.

#### **IV. ADJOURNMENT:**

A motion to adjourn was made by Gary Tasker at 7:40 pm, seconded by Bob Ordway. All were in favor.

Respectfully submitted,

Tammy Davis  
Secretary

Land Development Regulations.

**Section 23.8 Special Requirements for Open Space Subdivisions**

The following standards shall apply to all open space subdivisions:

1. An open space development may not have anymore lots than would be allowed in a standard subdivision as per Zoning and Land Development Regulations.
2. Special Setbacks: In order to appropriately buffer open space subdivision lots from abutting properties, there shall be a commonly owned buffer of not less than 150 feet in width between the clustered lots in an open space subdivision and all boundaries of abutting properties.
3. Clustering: The lots in an open space subdivision shall be arranged in a clustered, closely grouped manner, acceptable to the Planning Board. There shall be no more than 6 house lots in a cluster and a minimum of 225 feet of undisturbed land between clusters.
4. Acreage and lot requirements:
  - A. Parcel Size: Open space subdivision is not permitted on parcels less than 100 acres in area. A minimum of 66% of the parcel is to become permanently designated "open space," of which two thirds must be farmland, forestland, or inactive farmland (wildlife habitat). No more than 25% of the total parcel can be wetlands or slopes greater than 15%.
  - B. Lot Sizes and Frontages: Lot sizes and frontage requirements shall be permitted to be reduced to one-half (1/2) of the lot area as required by zoning, provided that adequate area for on-site sewage disposal and water service is provided, well radius to be contained within the lot lines and in no zone less than 125' of frontage.
  - C. Setbacks will remain the same as per zoning.
  - D. The Planning Board reserves the right to consider smaller plots of land if through discussion it is determined there is significant areas to preserve.
5. The laying out of reduced size/frontage lots along existing road frontages, while preserving backland areas as "preserved areas," does not, *per se*, constitute open space.
6. Locations of Preserved Areas: Areas to be preserved in open space subdivisions must be integrally related to the subdivision plan as a whole, with priority given to farmland, farm fields and inactive farm lands. The area to be preserved must consist of any combination of the following critical resources:

- (1) Agricultural or inactive agricultural land.
- (2) Land within 200 feet of wetlands.

7. Ownership of Common Areas: Methods of ownership and control of common open space shall be one of the following two options: Dividing the assessed value of the common land by the number of house lots in the subdivision with a separate tax bill for each interest in common land with conservation easement or the Town takes ownership of open space property. In either case a monitoring and management fund shall be given to the Town in the amount of \$100/acre or a \$10,000.00 minimum. Final decision of ownership shall be approved by the Planning Board.
8. Deed Restrictions: The area to be preserved shall be so defined on the subdivision plan and shall be made subject to a deed restriction which shall thereafter prohibit further subdivision of the preserved area or use of it for purposes other than originally designated.
9. Access: The Planning Board may require public easements through the preserved area.
10. All utilities shall be placed underground.
11. Entire parcel shall be surveyed and monumented, blazed and painted.
12. Covenants are subject to Planning Board approval.
13. Open-space area – Not to be developed or used as staging area during construction.