

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE
PLANNING BOARD MINUTES
SEPTEMBER 16, 2010

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

Attendance:

Chairman Tom Dow, Tom Moore, Vice Chairman Stanley Prescott, Bob Cole, Alternate Jeff Green, Ex-Officio Steve Ives

Jeff Green was appointed as a voting member in the absence of Steve Jackson. Henry Huntington and Alternate Bob Ordway were also absent.

John Reese represented the Fire Department.

Acceptance of Minutes:

August 19, 2010 Meeting – **Bob Cole made a motion to approve the minutes as presented; seconded by Tom Moore. All were in favor.**

September 9, 2010 Site Visit – **Tom Moore made a motion to approve the minutes of the site visit; seconded by Steve Ives. All were in favor.**

Discussion:

Peter Dumont – Mr. Dumont is the owner of property at Map 66, Lot 4 on Route 106. He explained that NH Picket Fences previously leased the property but has gone out of business. Due to the poor economy, Mr. Dumont has been unable to find a new tenant or sell the property. He stated that he would like to be able to store campers and boats at the property over the winter as a way of bringing in some income to offset the costs associated with the property. He said the stored units would be within the fenced area and this would be for the winter months only. There would be no customer traffic or hours of operation. Board members agreed that there would be nothing to show on a plan but felt that a paper trail is needed. John Reese said that he would want to check the regulations but does not foresee any problems with the proposal. Mr. Dumont said that he would keep the lot plowed out and could give a gate key to the fire department. It was agreed that Mr. Dumont should file a change of use application.

Tony Merullo – Mr. Merullo explained that his sister owns two parcels on Hardy Road, Map 19, Lot 11 and 13, which she purchased as building lots from Roy Buttrick in 2004. He said that Mr. Buttrick previously operated a gravel pit operation on the lots. Mr. Merullo presented the board with a letter that was submitted to the town by Mr. Buttrick in 1991 per RSA 155-E:2. He gave the status of the lots and the estimated available material on them. Mr. Merullo said the intention was to build houses on the two lots. He explained that there was some gravel there that had exposed faces, piles of gravel, etc. which he had a use for. Mr. Merullo said he felt he could kill two birds with one stone by cleaning up the lot, removing remnants of an excavation, reclaiming the land, and

developing and selling as building lots. He said he has researched 155-E permits since receiving correspondence from Mary Pinkham-Langer of the State's Department of Revenue Administration. Mr. Merullo said he felt he was cleaning up an old pit but now knows he was supposed to file intents to excavate. He stated that he feels what was done is an exception to 155-E as incidental to construction as taken from the reference handbook. Mr. Merullo said that Mr. Buttrick had estimated the remaining material to be about 40,000 yards. He explained that it is not his intention to excavate to operate as a pit. He said he has removed approximately 7,000 yards of material from the properties. Mr. Merullo spoke about permits he got for the two parcels, planning board responsibilities, Master Plan reference, and the site visit done by the board. He said he has sorted materials on the property and has been trying to be conscientious and clean up the lots. Mr. Merullo said he would have been going into the 40,000 yards listed by Mr. Buttrick if he had intended to operate as a commercial pit. Chairman Dow stated that Mr. Merullo has been very clear of his intentions and what has been done on the lots. Bob Cole said he did not see a commercial operation when viewing the lots. He said the issue appears to be failure to file intents and pay two cents per yard. Mr. Merullo said he has subsequently filed the intents. He said he would estimate that the reclamation is about half done since buying the lots six years ago, noting that three of those years were good and three were not due to the economy. He said he figures it could be another six to eight years before the reclamation is complete. Chairman Dow asked to verify that Mr. Merullo does not plan to go into new material but plans to level the area viewed. Mr. Merullo said that Lot 11 is pretty much done and Lot 13 still has to be done. He talked about an area on Lot 13 that has been stripped and exposed. Bob Cole asked if there is a plan for the lot with elevations and how much is to be removed. Mr. Merullo said he has a septic plan but not an excavation plan. Discussion continued about this work being incidental to construction. Mr. Merullo stated that he never intended to develop the properties as a gravel pit, only to clean them up to be used as house lots.

New Business:

Application #10-11, Russell L Pearl & Michael J Martel – Major Subdivision, RR District, Map 52, Lot 11. Jeff Green recused himself from the Board. Abutters Charles Rand, Ryan Knowlton, Elizabeth Knowlton, and Roy Merrill were present. Applicants Pearl and Martel were present. Jeff Green of J L Green Enterprises represented the applicants. State subdivision approval has not been received so this application is not considered to be complete at this time.

Mr. Green explained that he has put the plan on three sheets due to the amount of detail involved. Sheet 1 shows the subdivision plan, sheet 2 shows topography, and sheet 3 shows site specific soils. He explained that this is a 31.03 acre parcel on Lower Ridge Road and abuts Taylor Haynes Road. The proposal is to create five new lots. Mr. Green pointed out that Academy Brook is the line at the rear of the property. He gave the proposed acreage and frontage of each lot. He noted that Lot 2 also has frontage on Taylor Haynes Road. Mr. Green showed the buildable area on each lot, noting that test pits have been done and proposed wells are shown. He pointed out the wetlands and wetland buffers, explaining that there is a section that goes down through Lot 2 to Taylor Haynes Road. Mr. Green explained that Academy Brook puts this property into the

shoreland protection zone; he pointed out those lines and noted that all of the lots have some portion in the shoreland protection zone.

Mr. Green explained that a portion of this property is within the flood zone. He pointed out how it closely follows the flood line, noting that none of the buildable areas are in flood areas. He showed that there is some steepness toward the back, down to the brook and wet area. Mr. Green stated that site specific soils were done by a soils scientist. He said that the access to Lot 2 would be from Taylor Haynes Road rather than cross a wetland or they could do a joint driveway if the Board agreed.

Tom Dow asked if there is room for a driveway in the setback of Lot 2. Mr. Green said there is if they stay close to the wall. Mr. Dow said he would like to see the parcel as the plan does not do it justice. Mr. Green said that everything shown meets the regulations. Steve Ives asked if they are going to the ZBA for a special exception on the driveway. Mr. Green said they are not at this time as they would like the Planning Board's input. Tom Dow said the problem of access could be solved by combining Lots 1 and 2.

Abutter Ryan Knowlton said that he would oppose the driveway on Lot 1, saying that it is not an existing driveway as noted on the plan but a trail that was cut to a camper that was on the lot. Elizabeth Knowlton stated that she tried to buy a lot on Taylor Haynes Road but could not build on it because it was a Class VI road. There was discussion about Class VI waivers and insurance coverage. Mr. Knowlton said that there is a seasonal stream that would cross three of the lots but does not seem to be showing. He also noted that the riverbed is about 6" higher because of some logging that was previously done on the lot and this needs to be cleaned up. Mr. Green pointed out that the stream is shown as part of the wetland with a 75' buffer. Mrs. Knowlton asked when the test pits were done. Mr. Green said they were done on May 11, 2010 and explained that the test pits show the types of soils, seasonal high water mark, and water level at the time. Mr. Knowlton noted that the proper markers are shown except at the corner of his lot that abuts this parcel. Mr. Green explained that there is already an existing marker at the corner of the existing lot and he has shown markers to be set.

Firefighter Reese stated that shared driveways are no longer acceptable by 9-1-1 unless they are on a blind corner or some other extenuating circumstance applies. Stan Prescott asked if there are any steep slopes on the parcel. Mr. Green showed the slopes at the bottom of Lot 2 and Lot 5 into Lot 6. Mr. Prescott said that the plan should show how much is in each lot. He asked if a shoreland protection permit is needed. Mr. Green said it is not needed for subdivision purposes. Tom Dow asked if they have met with the Conservation Commission. Mr. Green said they have not at this point but do plan to. Mr. Dow said the Board would be looking for their input. There was discussion of combining Lots 1 and 2 and the shape of the lots. Ryan Knowlton asked if the house on Lot 2 would be in the area where a trailer previously sat. Mr. Green said they do not have a proposed house location at this time.

A site visit was scheduled for Tuesday, September 28, 2010 at 4:00 p.m. It was pointed out that the plans should have steep slopes noted and the applicant is to see the Conservation Commission. The application will be continued to October 21, 2010, 7:00 p.m. at the Community Building. There will be no further notification.

Board Discussion:

Plourde letter – Copies of a letter recently received from Mary Pinkham-Langer with regard to the Plourde pit on South Village Road were handed out to Board members. Board members reviewed and discussed the letter, pictures and map of the property. Stan Prescott and Bob Cole will work with Donna to gather further information.

Parking permit review – The selectmen will hold a public hearing to establish an annual renewal fee for daytime parking permits after this month's race. A letter with a checklist of items to be submitted will be drafted and sent to each permit holder. A deadline for return of the required paperwork will be set. Once the material is received it will be reviewed and the applicants will be scheduled to come in to meet with the Board.

Excavation regulations – Bob Cole and Stan Prescott will be the sub-committee to work on getting the Town's regulations in order.

Zoning amendments – Chairman Dow reminded members to be thinking about any changes that might need to be made to the Zoning Ordinance. Workshops will be scheduled to begin in the next couple of months.

Report of the ZBA:

Donna reported that there is one application for special exception for a preschool in a home on Route 129.

Report of the Board of Permit:

Stan Prescott said that there was one hawker & peddler permit for a Blue Storm Sports can drive.

Adjournment:

A motion to adjourn at 9:15 p.m. was made by Stan Prescott; seconded by Tom Moore. All were in favor.

Submitted by,

Donna White
Administrative Assistant