

APPROVED

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

PLANNING BOARD MINUTES
FEBRUARY 18, 2010

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

Attendance:

Chairman Tom Dow, Steve Jackson, Tom Moore, Gary Tasker, Alternates Jeff Green and Bob Ordway, and Ex-Officio Steve Ives

Henry Huntington and Stan Prescott were absent. Bob Ordway was appointed as a voting member for this meeting.

Julie Robinson represented the Conservation Commission and John Reese represented the Fire Department.

Acceptance of Minutes:

December 17, 2009 Regular Meeting – Chairman Dow reminded Board members that the minutes were not acted on at the last meeting as there was a question of what was discussed about camping during the NHMS Sno-Bowl. The tapes were reviewed and the findings were noted at the end of the January 21, 2010 minutes. **Tom Moore made a motion to approve the minutes of December 17, 2009 as presented; seconded by Steve Ives. All were in favor.**

January 21, 2010 Regular Meeting – **Tom Moore made a motion to accept and approve the minutes of January 21, 2010 as presented; seconded by Steve Jackson. All were in favor.**

Discussion:

Pete Johnson – Mr. Johnson asked about permitted uses at the Bollinger commercial building on Staniels Road. He is interested in two units, one for his electrical business and one for an automotive diagnostics business with light auto repair. Mr. Johnson stated that he has spoken with Firefighter Reese about the diagnostic business meeting the code approved for the building. Mr. Reese said that the diagnostic part of the business would be acceptable; the auto repair fire codes are being reviewed with the fire marshal's office at this time. He said the auto repair unit may have to be upgraded from one hour to two hour suppression. Mr. Johnson was advised that the automotive use would have to go before the Zoning Board and a change of use application would have to be filed with the Planning Board because his proposed use is not one that was included in the condominium approval.

Jason Hill – Fortier subdivision – Jason Hill of Holden Engineering informed the Board that Mr. Fortier would like to make a line change on the subdivision that was

conditionally approved in November 2009. He said the final plans have not been submitted because one of the conditions was that a bond be in place before they could be recorded. Mr. Hill said that Mr. Fortier would like to make the line change so that the existing stonewall becomes the lot line at the southerly side of Lot 2 where there is an existing house. The easterly lot line would be shifted 10' to maintain the lot size. There would be no change in frontage. He said he would like to make this change and submit it with the final plan set.

Tom Moore said that he likes the idea and it works out well when using a stonewall for a lot line. Steve Jackson said he would agree but wondered if this is the proper way to change a conditional approval. Mr. Hill said the plan was approved with a bond needed and some minor note changes. Chairman Dow said that the plan was approved as presented. Jeff Green said that he feels this should be done as an amended plan with abutters re-notified due to the time lapse. He said this would have been done as a lot line adjustment if the subdivision had already been recorded. Mr. Jackson said that the Board has brought others back for minor changes to plans in the past and he feels that is the way to handle this change. Gary Tasker said that he likes it done clean and by the usual process. He said it seems simple but it is best to do it right. Mr. Hill said he had hoped to avoid additional costs to the landowner, noting that it is a simple change. Tom Dow said it is best to follow the process, agreeing that it was approved other than a couple of notes. Mr. Hill was advised to submit an application and plans for an amended subdivision plan. Abutters are to be re-notified.

Old Business:

#09-14, Huckleberry Heating Oils, LLC – Amended Site Plan, Located on Chichester Road in the C/I District, Map 11, Lot 34 (carryover from 11/19/09) Jeff Green of J L Green Enterprises represented the applicants. Abutters were re-notified; none were present. Mr. Green gave an overview of the conditional approval that was given in November. One condition was that a letter of approval be submitted by the fire department. Mr. Green explained that the fire department requested a cistern after that approval was granted. A revised plan has been done to show the location and details of the cistern that was agreed to by the applicants. Underground fuel tanks will be removed and that location will be used for the cistern. Mr. Green pointed out that it will be 80' from the propane tank to the draft pipe of the cistern. He said the fire department would like it further away. He explained that he is trying to meet the setbacks and not tear up the pavement that serves both businesses on this property.

Applicant Dave Huckins said that the fire analysis that they had done calls for 7,500 gallons yet the fire department is asking for a 15,000 gallon cistern. He said he has agreed to that at a substantial cost to himself. Mr. Huckins said that he has asked several times for the calculations of how the fire department arrived at the size but nothing has been received. He said the hole from the removal of the tanks is the perfect spot but the fire department wants the cistern in the middle of the parking lot. He said he prefers not to put it there. Mr. Huckins noted that this would be his tank at his cost but for the benefit of the town. He said that 20' does not seem enough of a substantial difference to have to put it in the parking lot. Bob Ordway asked if the fire department gave an

explanation for the extra 20'. Mr. Huckins said they did not, adding that there is no code for this.

Steve Jackson asked when they found out that the fire department wanted the 100'. Jeff Green said that they just learned a day or two ago that the fire department wanted the 100 foot distance. He said that it was his understanding that John Reese has a letter to submit and may have a reason to offer. Firefighter Reese said that the letter is based on 100'. He said he found out just prior to the meeting that the plans show 80'. Mr. Reese said the 100' is from the draft point to the nearest point of the propane tank. He said they discussed the potential tank location and the areas were marked out. He said it was his understanding that they could get the 100' without impacting setbacks. Mr. Reese said they want to be the maximum distance from a potential hazard and 20' could be the difference between minor injury and death. He said they would like more than 100' but it is not practical at this location. Mr. Reese said that the 15,000 gallon requirement was based on the fact that they are a volunteer fire department with three men on staff. He said Loudon is a bedroom community and getting all of their apparatus out in ten minutes will not happen. He explained that they looked at mutual aid options and cannot guarantee the coverage recommended in the fire analysis.

Steve Jackson said this is not a discussion of the 15,000 gallons as Mr. Huckins has agreed to do the cistern. He asked if there is another location that they could put the fill nozzle. John Reese said the absolute maximum would be 30' for suction. There was discussion of the tank, drafting, and distances. Jeff Green said the owner would like to see it at 80' and the fire department would like to see it at 100'. He said extending it into the parking lot means extra cost and excavation, as well as having draft/fill pipes in the middle of a throughway. Gary Tasker asked where the traffic flow would go. Mr. Green pointed out that the flow would go around the back side of the existing garage or by the propane tanks. Mr. Huckins said that it seems unreasonable to require that it be put in the middle of a parking lot. He said there is no code that dictates the cistern placement; this is personal preference.

Chairman Dow closed the hearing to the public and opened it to the Board only. He said it would appear that the Board will not get the letter if the owner does not do the 100'. John Reese said that he would have to go back to the chief. Mr. Huckins said that the condition was to get a letter. He said the letter was for a cistern and it was never said how far it had to be from the tanks as there is no code for this. Gary Tasker said that the Planning Board is the governing body in this case, not the fire department. He said it would be his recommendation to get the letter from the fire department, take it under the board's best judgment, and make a ruling on this. Steve Ives said he would have to follow the recommendations of the fire department as life safety is paramount. He said this came up a couple of months ago and it sounds like it was practically pulled together last week. Mr. Ives said all of this should have been resolved before the application was filed. Jeff Green said that it was the request of the applicant to come back to the Board to get direction as this has been going back and forth between the 80' and 100'.

Bob Ordway said this seems pretty arbitrary with regard to the request for 100'. John Reese said he could not make a final decision tonight and did not want to submit the letter that is based on 100' if that is not what is approved by the Board tonight. He said he would have to go back to the chief. Steve Jackson said that the Board looks to the Conservation Commission and fire department for recommendations. He said that the

fire department made a recommendation and he agrees that it appears to be arbitrary. Mr. Jackson said that he was disturbed that the fire department did not have anyone with authority here tonight so that the Board would have to send the applicants away once again without a final approval. He said he understands Mr. Ives comment about life safety but there does not appear to be any life safety issue here and there is no life safety code for this situation. Mr. Jackson said that 100' or more would be nice but 80' works. He said he does not feel that this would be a fire department approval but more of a recommendation. Chairman Dow said that the recommendation was that they put a cistern in and they are doing that. Steve Jackson said that the applicant has been generous in agreeing to the 15,000 gallon cistern and asked if the cistern would be used for other areas. Mr. Reese said, due to the location, that it would be used mostly for those businesses but would be used for other local structures if necessary.

Gary Tasker said he would like to ask the fire department to submit the letter as part of the records. He said Mr. Reese should be bound to submit the letter. Mr. Reese explained that the letter does not match the plans as it states 'no closer than 100'. After brief discussion Mr. Reese submitted the letter to the Board. Steve Ives said the letter would then be on the record as the fire department's recommendation.

Bob Ordway asked if the 15,000 gallon requirement is based on fire code. John Reese explained that the analysis recommended 750 gallons per minute for ten minutes. He said the 15,000 gallon request is not arbitrary but was based on the number of staff in town, the distance others would have to travel to get to the scene, how long it would take to get the rest there, and to give one truck twice as much time to keep the tanks cool and mitigate the hazard until help arrived. Dave Huckins said that they asked several times in writing and verbally and never received an explanation; he said that is irrelevant at this point as he has agreed to do the 15,000 gallon cistern. Mr. Ordway suggested that the 7,500 gallon option would allow different placement of the cistern tanks and maybe alleviate some of the concerns. Mr. Reese said they cannot guarantee the coverage or water supply to control a potential hazard with only 7,500 gallons. He said that the State recommended 30,000 to cover all structures at the site but the department did not go with that as they felt it was not fair to hold Mr. Huckins responsible for all of the structures. Mr. Ordway said they are asking for more water than is recommended and an arbitrary distance. He said the board has to walk the line between what is required and cooperating with the applicants. Discussion continued between Mr. Reese and Mr. Ordway about what is required, what is preferred, what is acceptable, and what the process has been to this point.

Gary Tasker asked if the fire department looked at the change of traffic flow and safety concerns that would be created by putting the cistern in the throughway. Mr. Reese said they did not realize that it would impact the traffic. He said based on the proposed tank location and visual measurements it did not appear to be in the parking lot. Mr. Tasker said that it could create problems with the daily traffic flow and safety. Mr. Reese said they would have to look at the design of bollards for safety. Mr. Tasker asked Mr. Green what the traffic flow change would do. Mr. Green said it would put traffic around the back of the garage or squeeze by trucks that could be at the tanks. He said traffic leaving the garage area could be blocked. Mr. Green said the discussion at the onsite meeting was that pushing it to 100' would meet setbacks but it was said that it would be in the parking area. Bob Ordway asked if the area for the pipes and bollards

have to be accounted for. He said they might need a more elaborate barrier system if placed in the travel way. Mr. Green said it would go in the island area that is already existing as proposed; 80' allows the stand pipes and barriers in the island area.

Tom Moore said the confusion seems to be about the 100'. Jeff Green explained what was said onsite with regard to the 80' vs 100'. He said that it was marked out at 79.5' during the meeting onsite; this showed that there would be an impact on the pavement. He said Mr. Huckins was very adamant with the fire department that he was not interested in putting this out into the pavement. Mr. Green said that his comments at the site were that the maximum distance to meet all setback requirements would be 100'; beyond that they would be into the parking, setbacks, or middle of the driveway. He said when the fire department left that meeting they would not make a recommendation, saying that they had to discuss it. Mr. Green said the department then came back with the 100' requirement. He said it was made clear with paint marks that the additional 20' would be in the pavement.

Gary Tasker asked what the procedure would be at this point. It was clarified that this is a continuation of an application that was previously conditionally approved, the condition being that a letter be received from the fire department. There was discussion of the fire department's recommendation, the fact that the plan was originally approved without a cistern, the cistern being required by the fire department after the fact, and options for approval.

Gary Tasker said that he appreciates the fire department's participation and what has been offered for information and knowledge. He said it would be his opinion that they are swapping one safety issue for another. Mr. Tasker said that Mr. Huckins has gone over and above by agreeing to 15,000 gallons when 7,500 gallons was recommended in the fire analysis. **Gary Tasker made a motion to approve the amended site plan as drawn at 80' with a 15,000 gallon cistern; seconded by Bob Ordway.**

Steve Jackson said that he appreciates the fire department's position and has taken it into consideration. He encouraged the fire department to work with applicants more closely and to take the initiative to get involved earlier in the process. Mr. Jackson said these applicants have taken a beating and the board does not want to do this again. He said it works best if all work together on these projects. Tom Dow said that he agreed and he understands that Mr. Reese is the messenger. Mr. Dow said it would be better for everyone if the departments are involved sooner so that everyone knows what is expected. Steve Ives said that he appreciated Mr. Reese being in attendance and for keeping his calm demeanor throughout the meeting. He said he was disappointed that the chief was not present to make decisions. Chairman Dow repeated the motion. **All were in favor.**

New Business:

#10-01, Joanne Sanborn – Lot Line Adjustment, Located on Kenney Road in the RR District, Map 53, Lot 2 and Map 44, Lot 8 Steve Jackson recused himself due to a business relationship with the applicant. Jeff Green was appointed as a voting member for this case. Abutter Dana Locke was present.

Tom Moore made a motion to accept the application as complete and move to a public hearing; seconded by Gary Tasker. All were in favor. Mitch Cummings of Richard Bartlett and Associates represented the applicant. Mr. Cummings explained the location of the two parcels and pointed out the existing barn, garage, and house. The current lot line splits the barn and garage from the house lot; this adjustment is to put all of the buildings on one lot.

Tom Moore said the plan brings the lot into conformance, adding that it looks simple. Tom Dow said the plan is a good clean up of the lines and puts everything on one lot. Steve Ives asked if there are separate accesses to Kenney Road. Mr. Cummings showed and explained the two accesses.

Chairman Dow read a waiver request that was submitted. The request was to allow a scale of 1" = 60' rather than 1" = 50'. Jeff Green noted that the plan is at 1" = 200'. The request was written by Mark Sargent of Richard Bartlett and Associates. Mr. Sargent was unable to be at this meeting. Dave Collier of Richard Bartlett and Associates was present and amended the waiver letter to read 1" = 200'. Chairman Dow read the revised waiver request. **Bob Ordway made a motion to grant the waiver as revised; seconded by Steve Ives. All were in favor.** Chairman Dow read a note that was received from abutter Edwin Epp saying that he had no objections to the proposal.

There was no further discussion. **Tom Moore made a motion to approve the application; seconded by Jeff Green. All were in favor.**

Steve Jackson returned to the table.

#10-02, Russell & Jennifer Stratton – Major Subdivision, Located on Batchelder Road in the RR District, Map 38, Lot 8-1 Abutters Russ and Brenda Pearl were present. Chairman Dow read a letter from Dave Collier of Richard Bartlett and Associates to table the application until the March meeting. **Tom Moore made a motion to continue the application to March 18, 2010 at 7:00 p.m. in the Community Building; seconded by Gary Tasker. All were in favor.** This will be the only notification.

Board Discussion:

Donna reported that Joe Bohi was in the office to inquire about the release of his lot on Bee Hole Road that is part of the development agreement for Loudon Woods Estates. Mr. Bohi would like to build on and sell the lot this spring but cannot do anything until the restriction of the off-site improvements being completed is removed. The Board agreed that the majority of the improvements have been done other than the final pavement. There was brief discussion about the timeframe within which Mr. Aversa would complete the pavement portion of the improvements and conditions that could be placed on the release. It was agreed to release Map 2, Lot 23-13 (seen as Lot 8 on the subdivision plans and development agreement) from the development agreement. Chairman Dow will put this in a letter.

Firefighter Reese said that Chief Burr asked him to address a matter with the Board. It was brought to the Board's attention that there have been several overnight campers at the John Storrs property during race weekends. Mr. Reese said that the chief would like

to know if the campers are permitted as part of the parking permit held by Mr. Storrs. There was discussion about how many campers, if they are paying customers or family and/or friends, and the best way to address the question. Gary Tasker said that Mr. Storrs should come in for site development just as with any others who have permits for camping. It was agreed that this would apply to any residents who permit overnight camping at their parking lots during race events. Chairman Dow will look into this matter.

Report of the ZBA:

Donna reported that there are no applications before the ZBA this month.

Report of the Board of Permit:

Steve Ives reported that there was nothing for Board of Permit this month.

Adjournment: A motion to adjourn at 8:33 p.m. was made by Gary Tasker; seconded by Bob Ordway. All were in favor.

Respectfully submitted,

Donna White
Administrative Assistant