

TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF
DECEMBER 27, 2007
REGULAR HEARING

Chairman Dave Powelson called the Loudon Zoning Board of Adjustment meeting of December 27, 2007 to order at 7:00 P.M. at the Loudon Community Building.

ROLL CALL:

The following members were present: Howard Pearl, Roy Merrill, Chairman Dave Powelson, Vice Chairman Ned Lizotte, and Alternate Jim Venne.

Jim Venne was appointed to sit as a voting member in the absence of member George Saunderson.

I. ACCEPTANCE OF MINUTES:

Regular Hearing ***Ned Lizotte made a motion to approve the minutes of November 29, 2007; seconded by Dave Powelson. All were in favor.***

Site Walk ***Ned Lizotte made a motion to approve the minutes of the December 1, 2007 site walk; seconded by Roy Merrill. All were in favor.***

II. DISCUSSION:

Dan Aversa & Gary Vermette – Building Permit Extension Mr. Aversa explained that this permit is for Map 11, Lot 91. He said that they have a customer that is trying to buy the lot but hasn't been able to sell their current home so building could not begin on this lot. He said that there has been some site work done at the lot. ***Jim Venne made a motion to extend building permit #07-006 for one year; seconded by Howard Pearl.*** Mr. Pearl said that this appears to be a similar situation as the Board has seen in recent months and is relative to the housing market. ***All were in favor.***

Joseph Bohi – Building Permit Extension Mr. Bohi asked for a one year extension due to the slow real estate market. ***Howard Pearl made a motion to extend building permit #07-018 for one year; seconded by Ned Lizotte. All were in favor.***

III. PUBLIC HEARINGS:

Case # 07-17, Andrew & Debra Knowlton – Variance to allow 6' @ 2% pitch from edge of road in lieu of 12' because of slope of lot, Map 58, Lot 46. Mr. Knowlton explained that the driveway was built at the 6' length as the original driveway permit was granted. He said that their contractor, Dennis Moore, was to ask the road agent if work requested by the Board as a result of the site walk could be held off until spring. The work is to bring the road and driveway to levels that would allow the driveway to slope away from the road. Ned Lizotte asked if Mr. Moore had said why he did not do the work. Mrs. Knowlton said that his concern was putting fill on frozen ground and then having a soft mess on warmer days. Mr. Knowlton said that Mr. Moore had offered to put up a \$1,000 bond if necessary to guarantee that the work would be done in the spring, and he said that they could give personal references of their integrity if needed. Roy Merrill said that he received a call from Steve Jackson earlier today and that Mr.

Jackson asked if the driveway is within the 30' side setback. Mr. Knowlton said that it is not within the setback as they made sure of that when laying out the driveway.

Mr. Knowlton went through the points of the application. Chairman Powelson said the Board would have to agree with the five criteria in order to approve the variance. Ned Lizotte said that he thought the work was going to be done before this meeting, and he asked if the Board should wait to act until the work is done. Jim Venne asked if the driveway approval is needed in order to get a certificate of occupancy. Mr. Knowlton said that they cannot get their construction loan converted to a regular mortgage without the certificate of occupancy and the driveway approval is needed before that can be issued. Dave Powelson said that there would be a hardship in trying to reach the 12' length. He stated that it would appear that the road agent and the Board thinks that 6' would suffice. Jim Venne said that 12' seems not to work with this property. He said that he is not convinced, however, that the road has packed that much that it has changed the slope as stated by Mrs. Knowlton. Mr. Knowlton stated that they will be paving the driveway once done. Ned Lizotte said that at the site walk it was pretty much agreed that Mr. Moore would do the work and the Board was alright with that. Mrs. Knowlton said that the day after the site walk got very cold and then there was a storm the day after that. She said that Mr. Moore and Mr. Rice agreed that the work should wait until spring. There was discussion about the work to be done and the hardship created by not being able to receive a certificate of occupancy.

There were no abutters present to speak in favor of or against the application. Mrs. Knowlton said that the Board of Selectmen were talking about the driveway since July but she and her husband were not notified of a problem until October. She said that Mr. Rice and Mr. Moore had talked and agreed that the 6' length was sufficient. Chairman Powelson stated that the applicants have offered a bond but he is not sure that the Board can set that. Jim Venne said that he would like to have it stated in the decision that all work is to be completed by May 1, 2008. Howard Pearl and Roy Merrill said that they thought June 1, 2008 might be better to ensure getting past spring thaw conditions. Mr. Knowlton said that he would like it to be based on the posting of roads. There was discussion about how to set up the bond and Donna suggested that the \$1,000 could be held in escrow by the Selectmen's office rather than dealing with a bond.

Chairman Powelson closed the hearing to the public; to be brought up under Unfinished Business.

Case # 07-18, Jason & Amanda Masse – Special Exception for wetland crossing, Map 59, Lot 5. Mr. Masse stated that he has done a site walk with the Conservation Commission and had a couple of subsequent meetings with them. He said that they were to get a letter to the Board with their comments and recommendations. Mr. Masse said that this lot is on the Class VI portion of Beck Road and is part of the Chesley Trust. He said the Mr. Chesley was his wife's grandfather and they would like to keep the land in the family and use it for their personal residence, not for development. He explained the location and the lot, noting that they are trying to access the buildable area. Mr. Masse said he would do selective cutting, all utilities would be underground, and the driveway would be constructed in a manner to create the least impact to the natural surroundings.

Ned Lizotte asked about a colored section on the plan that Mr. Masse displayed. Mr. Masse explained that it is a steep slope district. He said that there would be slight cut and fill and the area is within the limits at approximately 1000 sf. Mr. Masse went through the points of the application. Chairman Powelson said that Mr. Masse has covered the points pretty well and explained the plan clearly. He asked if there were any abutters present who wished to speak in favor of or against the application. Abutter Paul Perry said that he had no opposition to the plan.

Roy Merrill said that he does not feel that the Board needs to do a site walk if the Conservation Commission has looked at the property and will be sending their findings to the

Board. Mr. Masse said that there is no state permit required for this project and that is why he contacted the Conservation Commission so early on. Howard Pearl asked Mr. Masse if he plans to do the work next year. Mr. Masse said if he gets the Board's approval he would then go through with the purchase of the property and get on the building permit list.

Ned Lizotte made a motion to continue this application to the January meeting so that the Board will have the Conservation Commission's response before making a decision; seconded by Jim Venne. All were in favor. The application will be continued to January 24, 2008, 7:00 p.m. at the Community Building. There will be no further notification.

IV. UNFINISHED BUSINESS:

Case # 07-17, Andrew & Debra Knowlton – Variance to allow 6' @ 2% pitch from edge of road in lieu of 12' because of slope of lot, Map 58, Lot 46. ***Dave Powelson made a motion to approve the application for a variance as presented with \$1,000 to be provided by the applicant and held in escrow by the town against completion of the driveway by June 1, 2008; seconded by Howard Pearl.*** Jim Venne asked if this approval would release them to get their certificate of occupancy. Chairman Powelson said the approval would make them legal with the Zoning Ordinance but it would be up to Code Enforcement to decide if all criteria has been met for the certificate of occupancy. Howard Pearl said that this corrects a situation that needed to be corrected. ***A roll vote was taken: Jim Venne – Yes; Howard Pearl – Yes; Roy Merrill – Yes; Dave Powelson – Yes; Ned Lizotte – Yes. Unanimous – APPROVED***

The applicants are to notify the Zoning office once the work is done so that the Board can do a site walk to ensure that the driveway meets zoning requirements. Upon acceptance by the Board and road agent, the escrow funds will be released.

V. BOARD DISCUSSION:

Donna informed the Board that she received suggested zoning changes from George Saunderson and has been instructed by the Planning Board chairman to get the Zoning Board's thoughts before submitting the information to the Planning Board for discussion. Mr. Saunderson would like to have the front setback in the RR and AFP districts increased from 50' to 75' and the frontage in the RR district increased from 200' to 250'. After discussing the pros and cons of each change, the Board agreed that the current ordinance is sufficient.

Ned Lizotte said that he would like to have the steep slope percentage changed from 20% back to 25%. He explained the reasoning behind the change and the Board agreed that they would be in favor of this change.

VI. ADJOURNMENT:

Ned Lizotte made a motion to adjourn the meeting at 8:25 p.m., seconded by Howard Pearl. All were in favor.

Respectfully submitted,

Donna White
Administrative Assistant