

TOWN OF LOUDON  
LOUDON, NEW HAMPSHIRE

PLANNING BOARD MINUTES  
OF DECEMBER 8, 2008

**2009 ZONING ORDINANCE WORKSHOP**

**Meeting called to order at 6:00 p.m. by Chairman Tom Dow.**

**Attendance:**

Planning Board – Chairman Tom Dow, Tom Moore, Gary Tasker, Steve Jackson, Vice Chairman Stan Prescott, Ex-Officio Dustin Bowles, Alternate Jeff Green

Zoning Board – Chairman Dave Powelson, Vice Chairman Ned Lizotte, Roy Merrill, George Saunderson, Howard Pearl, and Alternates Jim Venne and Jon Huntington

Small Wind Energy Sub-Committee - Earl Tuson

Fire Department – Chief Jeff Burr

**Discussions:**

Small Wind Energy Systems (SWES) – George Saunderson reported that the Small Wind Energy sub-committee has met and made a few more small changes on the proposed ordinance. He said that he spoke with the town attorney about making the systems permitted uses by special exception. Mr. Saunderson reported that the attorney said that there is not enough case law to know if the special exception is the best way to go but he does not see any real reason not to make them a special exception. Mr. Saunderson explained that applicants would go to the ZBA for a special exception and then to the building inspector after that.

Mr. Saunderson said that the sub-committee recommends striking “Approved Wind Generators” from Section D of the proposed ordinance. He explained that they want residents to be able to build their own systems and not be regulated by lists of approved manufacturers or models. Jeff Green asked if the systems would still be reviewed for sound levels. Dave Powelson said it may be harder to prove sound levels beforehand if not an approved product. There was discussion on possible compliance issues and how those would be handled.

Mr. Saunderson said that the sub-committee also recommends striking “Code Compliance” from Section D of the proposed ordinance. There was discussion of which building code is used in Loudon.

Jon Huntington asked what the difference is between a small system and a large system. There was discussion about the definition of a small wind energy system. George Saunderson said that there does not appear to be any reason that a property owner could not put up more than one tower for onsite consumption. Dave Powelson asked if that would still be defined as a small wind energy system. Steve Jackson asked if a Planning Board site plan would be required. Stan Prescott stated that the ZBA is the mainstay of the process.

Mr. Saunderson stated that the sub-committee recommended that wording throughout the proposed ordinance be changed from 'building inspector' to the 'ZBA'. There was discussion about the wording being based on the way that the law is written. Mr. Saunderson will check with the town attorney about making those changes.

It was agreed to strike the "Approved Wind Generators" portion of Section D. Mr. Saunderson asked if the group was in agreement with making the systems permitted by special exception. Gary Tasker said that he would like abutters to be able to speak at a public hearing. Tom Moore said that they could see how it works and make adjustments in the future if needed. The majority was in favor; Jeff Green was opposed, saying that it is a duplication if they have to go through the ZBA and building inspector.

Mr. Saunderson said that the sub-committee decided to leave the sound levels as originally worded at 60 decibels at the property line. The use will have to be added to the Zoning Ordinance as permitted by special exception in the appropriate zones. That will appear on the ballot, along with the SWES ordinance itself.

Steep Slopes – Ned Lizotte explained that he would like to amend Section 302.2 to read (changes in bold italics): "***Steep Slope District is defined as all areas within which there is an elevation change of 25 feet or more AND the average slope is 25% or greater. This ordinance shall apply where the proposed site disturbance is greater than 25,000 square feet.*** Steep slopes and other topographic features shall be determined based on an actual field survey by a licensed land surveyor in conjunction with appropriate USGS maps or other mapping resources. The methodology and resources used in defining the topographic features of the site shall be duly cited on the plan. Contour lines shall be shown with two-foot intervals. All slopes in excess of ***twenty-five percent (25%)*** shall be highlighted on any plan submitted for review by the Planning Board, Zoning Board of Adjustment, and Conservation Commission."

Section 302.1 will be amended to reflect the change from 20% to 25%. After discussion, Dustin Bowles moved to go to the voters with the proposal and let them decide.

Signs – Steve Jackson said that he feels that changing some of the definitions as he submitted at the last workshop would be the best way to clarify the sign ordinance. Dave Powelson asked if it would also entail changing the different kinds of signs permitted. Tom Moore said that there are some holes in the current definitions that need to be closed. Mr. Jackson said that he would suggest leaving the ordinance as written and just add or clarify definitions. He said that he is against restricting certain sign types to only one zone and that he feels the ordinance should apply to the whole commercial district. Gary Tasker said that the town can have a very attractive commercial zone without these flashing signs. Mr. Jackson said that he is not proposing flashing signs. He said he is not proposing anything more than the ordinance currently allows, just redefining certain types of signs. Mr. Jackson said the definition changes are not going to cause Route 106 to light up. Discussion continued about the proposed changes. Mr. Jackson will submit his proposed changes in a format for presentation and decision at the next workshop.

Reduced Setbacks in the C/R District – Dave Powelson pointed out that special exceptions for reduced setbacks are allowed in all districts but the C/R District. He said that he felt this was an oversight at the time that the district was created. Howard Pearl explained the case where the track had sought a variance to encroach into the front setback in order to construct a vestibule on the main building. Donna said that she has talked with Bob Ordway and Roy Maxfield, both of whom worked on the creation of the district, and neither knew of any reason that they would not have allowed a special exception for a reduced setback as is done in every other district. It was agreed that this could be done as a housekeeping measure on the ballot.

Non-conforming Lots of Record – There were a couple of questions on the wording of Mr. Ordway’s proposed change. Because he was not present at the workshop, this matter will be discussed further at the next workshop.

Wetlands - Dave Powelson said that the requirements of Section 301.5 and 302.4 can be a little awkward. He explained that most applicants would go through the Planning Board for a sense of their plan and then go to the Zoning Board for special exceptions for wetlands and steep slopes. He said that those sections of the Ordinance require the ZBA to give thirty days notice to the Planning Board, Conservation Commission, and Health Officer for review and comment. Mr. Powelson pointed out that the requirement is more than the regular meeting cycle and that the applicants have quite often already been to the Planning Board and Conservation Commission. There was discussion about reducing the number of days or eliminating the thirty day notice. After discussion, it was agreed to leave those sections as currently written and make applicants aware of the requirement at the time of submitting their applications.

The next Zoning Ordinance workshop will be held at 5:30 pm on December 18, 2008 prior to the regular Planning Board meeting.

**Adjournment:**

The work session ended at 7:55 p.m.

**Respectfully submitted,**

**Donna White**