

APPROVED

**TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF APRIL 23, 2009**

REGULAR HEARING

Chairman Dave Powelson called the Loudon Zoning Board of Adjustment meeting of April 23, 2009 to order at 7:00 p.m. at the Loudon Community Building.

ROLL CALL:

The following members were present: Chairman Dave Powelson, Howard Pearl, Roy Merrill, Vice Chairman Ned Lizotte, George Saunderson, and Alternates Jim Venne and Jon Huntington.

ACCEPTANCE OF MINUTES:

Regular Hearing – **Ned Lizotte made a motion to approve the minutes of March 26, 2009; seconded by George Saunderson. All were in favor.**

PUBLIC HEARINGS:

Case # 09-07, PSNH – Special Exception for Wetland Area Impact, Map 22, Lot 13. Abutter Rodrick Murray was present. David Still represented PSNH. Mr. Still handed out pictures and details on the regulators that are to be relocated as part of the line project. He explained that the relocation of the regulators is necessary to complete the project of line upgrades from the Oak Hill substation to the Loudon substation. The regulators are no longer needed on that section of line. Mr. Still reviewed the former application heard by the ZBA on the major part of the upgrade and explained the purpose of the regulators. He said the regulators are needed between the new substation and Chichester and PSNH has to have street access to them. Mr. Still stated that PSNH has looked at various options, this location seeming to have the most reasonable combination of factors (proximity/access/environmental conditions) of all looked at. They have applied for a State wetlands permit.

Mr. Still went through the points of the application. There was discussion of other locations in the area, how far off the road the regulators would be placed, and if these would be relocated again when this section of the line is upgraded. Mr. Still said that a line change could take place in the next couple of years and these regulators could move but he is hesitant to say for sure. Several points of the Zoning Ordinance were discussed: front/corner setbacks, notification of other boards and departments within the town, and the need for all permits before coming to the ZBA. Mr. Still said that the paperwork is in the State's hands at this point. He gave the dates of the work schedule, saying that they hope to have the new line in service for June 1, 2009. He said the process of relocating the regulators would take about a week. There was discussion of the size and height of the regulators.

Chairman Powelson asked if there were any abutters who wished to speak in favor of the application. Hearing none, he asked if there were any who wished to speak against the application. Mr. Murray said that he just purchased the property that these regulators will be on. He stated that the location will be in clear view of his home and he would prefer not to be looking at these. Mr. Murray asked if they might be put on property about 200 yards west of this location on Souther Lane. It was noted that it was a driveway that Mr. Murray was referring to, not a town road. George Saunderson asked if PSNH has done some type of quick growing screen when running into something like this. Mr. Still said that they do not as a rule do mitigation, only clean up after a project. He said there were just not any good locations for the regulators. Jon Huntington asked what the objection was to the Souther location. Mr. Still said that PSNH did not look at that piece for wetlands. He said they would have to acquire easement rights for access, noting that it would be a tougher access. Ned Lizotte asked about the area across the road from the proposed location. Mr. Still said that there are more wetlands. Mr. Murray said that he was looking at other areas without a visual impact on someone. He said he could live with these regulators if he knew they would be moved in a couple of years.

Chairman Powelson asked the Board if they felt a site review was needed. Roy Merrill said he would like to see the Bear Hill site. Howard Pearl asked Mr. Still why they were against dirt roads. Mr. Still explained that they try to find locations on paved roads for general access and reliability purposes. He said this allows for a quicker, safer response. He said the Bear Hill site was discussed with the department that makes the decisions and it was not an option. Dave Powelson asked Mr. Murray if there was a better spot on his property than the one proposed. Mr. Murray said there was not. Mr. Powelson asked Mr. Still how likely it was that this would be less than a ten year installation. Mr. Still said to go on the assumption that the regulators would not be moving, noting that this is not his area of expertise or decision-making. He explained the system of lines and upgrades, based on growth and budget. Howard Pearl said that he did not feel that seeing the site would make a difference. George Saunderson said that he would agree. He said he would take PSNH at their word that they have reviewed options and chosen the best spot, noting that the Board is not in the position to redesign a power grid. Roy Merrill said that he was not sure that the Bear Hill site isn't better but is also not sure that the Board has the right to tell them where to put the regulators. Ned Lizotte said that he is not unaffected by Mr. Murray's situation. He said that power lines and cell towers have to be, PSNH has the option of doing it, and the Board really does not have any good alternative.

Chairman Powelson closed the hearing to the public and opened it to the Board for decision. **Howard Pearl made a motion to approve the application contingent upon PSNH receiving State wetlands and Army Corps of Engineer permits; seconded by Ned Lizotte.** The chairman reviewed the points of the application, with the Board responding as follows: 1) yes; 2) Howard Pearl said this is not ideal but they are required to do due diligence to locate with the lowest impact; yes; 3) yes; 4) yes; 5) yes; 6) yes; 7) yes. **A roll vote was taken: George Saunderson – Yes; Ned Lizotte – Yes; Dave Powelson – Yes; Roy Merrill – reluctantly Yes; Howard Pearl – Yes. Unanimous – PASSED**

Case #09-08 and Case #09-09, BDJ Real Estate, LLC – Special Exception for Reduced Front Setback, Map 1, Lots 57 & 58. There are two separate applications that were discussed simultaneously, voted on separately. Jeff Green of J L Green Enterprises represented the owners. There were no abutters present. Mr. Green handed out plans showing the proposed setbacks, shoreland protection limits, and wetland buffers. He explained that they are trying to reduce the front setback for commercial buildings to house contractor services and professional offices. Mr. Green pointed out that there is a 60' State drainage easement between the lots, noting that a lot line adjustment was approved by the Planning Board the previous week. He said they will have to do a shoreline protection application with the State. Mr. Green explained that they are trying to get everything moved forward away from the river, wetlands, and special flood hazard zone. He said the 100' setbacks really minimize the use of the lots and they would like to have the setbacks reduced to 50'.

Mr. Green stated that they would like to get some parking in front of the building so would like the front setback reduced to 10' for parking. He said they are trying to use the site as it is rather than have to fill or impact wetlands. He showed conceptual designs for buildings. Dave Powelson asked if the intent is to build as wide as the lot will allow. Owner Bob Bollinger said that was correct and that they would build a two-story wood structure, similar on both lots. The Board reviewed the proposed driveway, parking and building area. Mr. Green said that they have to work around the State easement. George Saunderson said that he had no problem with the 50' setback for buildings but was not sure about the reduction for parking. Roy Merrill said they have to look at the possibilities, noting that there is a 60' right-of-way now.

Jeff Green went through the points of the applications. Ned Lizotte asked what the minimum they would be able to work with would be. Mr. Green said 10', noting that less of a reduction would mean they would have to push the building back. There was discussion of other special exceptions granted for setback reductions. Jon Huntington asked if septic systems would fit on the lots. Mr. Green talked about the regulations and requirements of wetlands and shoreline protection. George Saunderson stated that he did not see anything about parking setbacks on the applications. Howard Pearl asked if parking could be added or if it would have to be a separate application. There was discussion about how best to handle the situation. It was pointed out that the application asked for reduction of the front setbacks from 100' to 50'. Mr. Pearl said that he was not comfortable doing both reductions on one application since it was submitted and noticed as that specific reduction. All were in agreement.

Case #09-08: Roy Merrill made a motion to approve a reduced front setback for buildings from 100' to 50'; seconded by Ned Lizotte. Howard Pearl said that the reduction makes good sense for the lot and it protects wetlands. George Saunderson said that he would concur as the reduction moves things away from the river. **A roll vote was taken: George Saunderson – Yes; Ned Lizotte – Yes; Dave Powelson – Yes; Roy Merrill – Yes; Howard Pearl – Yes. Unanimous - PASSED**

Case #09-09: Ned Lizotte made a motion to approve a reduced front setback for buildings from 100' to 50'; seconded by Howard Pearl. A roll vote was taken: George Saunderson – Yes; Ned Lizotte – Yes; Dave Powelson – Yes; Roy Merrill – Yes; Howard Pearl – Yes. Unanimous - PASSED

DISCUSSION:

McCullen – building permit extension – A letter requesting a one year extension on a building permit was received from Robert and Joyce McCullen. The applicants were not present. Donna explained that the letter was received by the Selectmen’s office and forwarded to her so there was no knowledge of the applicants’ situation other than that stated in their letter. After brief discussion the Board agreed to make a decision rather than delay the request another month in hopes that the applicants might be present. **Ned Lizotte made a motion to extend building permit #08-059 by one year; seconded by Roy Merrill. All were in favor.**

ADJOURNMENT:

Jon Huntington made a motion to adjourn the meeting at 8:45 p.m.; seconded by Howard Pearl. All were in favor.

Respectfully submitted,

Donna White
Administrative Assistant