

**APPROVED**

**TOWN OF LOUDON  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF MAY 28, 2009**

**REGULAR HEARING**

Chairman Dave Powelson called the Loudon Zoning Board of Adjustment meeting of May 28, 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 – **Howard Pearl made a motion to approve the minutes of April 23, 2009; seconded by Ned Lizotte. All were in favor.**

**DISCUSSION:**

Gary Brooks / Intreza Designs – Mr. Brooks explained that he has moved his business from the plaza on Route 106 to a property on Chichester Road. He said that he spoke with Bob Fiske about a sign permit and was told that there is only one sign permitted per property. Mr. Brooks explained that there are two parcels at the new location with one joint driveway. He showed the Board a layout of the two parcels and his proposed sign. Mr. Brooks said that the sign currently at the entrance of the properties is older and the owner of that sign does not want to redo the sign at this time. Mr. Brooks said he does not want to compromise the existing sign by adding any weight to it or the pole.

Ned Lizotte said that he feels there is an opportunity for some relief due to this being two separate properties. It was noted that Mr. Brooks is renting on the Huckleberry property and that the grandfathered Loudon Garage sign is actually on the Huckleberry side of the driveway. Howard Pearl said that he reads the rules as Mr. Brooks could put a sign on the property of his business. There was discussion of the two parcels, the joint driveway, the current sign location, and size of Mr. Brooks' proposed sign. Howard Pearl said that he sees no problem as long as Mr. Brooks stays within the regulations with regard to size. All Board members agreed. Mr. Brooks was advised that he still has to go to Mr. Fiske for a sign permit.

**PUBLIC HEARINGS:**

Case #09-10 and Case #09-11, BDJ Real Estate, LLC – Special Exception for Reduced Front Setback for Parking and Reduced Setback for Joint Driveway, 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, flood hazard zone, and wetland buffers. He showed the outline of the buildable area of the lots, explaining that they are trying to maximize the use of the lots. Mr. Green stated that they were granted reduced front setbacks for buildings at last month's meeting and they are now asking for 10' setbacks for parking at the front of the lots. He said they are also asking for side setback reductions to allow a joint driveway at the boundary line between the lots. Chairman Powelson read from a letter that was received from NH DOT as an abutter to this property. The letter states that there can be no increase in water flow into their right-of-way. It was noted by the Board that Staniels Road is a town road. Mr. Green explained that the drainage easement that was held by the State has been turned over to the town according to Tim Landry at the State shed. He spoke about the drainage, culvert, and the proposed driveway location based on the boundary line of the two lots being the most level area of frontage.

Jon Huntington asked how many cars would be anticipated. Mr. Green said that the uses have not yet been determined so it would be difficult to estimate. Roy Merrill noted that the driveway will be almost as wide as the road and the driveway will handle the cars if the road does. Mr. Lizotte clarified that this would be 20' from the edge of the tar, not 10' from the front of parked cars and then the road. Mr. Green said that was correct. Roy Merrill asked if it is a 50' or 60' right-of-way. Mr. Green said that it is a 60' right-of-way.

Mr. Green went through the points of the application. Jon Huntington asked how they plan to take care of the runoff. Mr. Green said they would probably have a retention pond. He said they have not designed anything yet. He explained how they are moving everything forward on the lots. Roy Merrill said that the State put all the drainage down there and that the water was not there naturally. Mr. Green explained the shoreland protection limits.

Dave Powelson said that the only thing that might be an issue is the points dealing with consistency with other setbacks. George Saunderson mentioned that the two houses below these lots on Staniels Road are well set back. Jeff Green said that was correct. He noted that he has a 60' side setback where these lots are in the C/I District next to RR District parcels. Mr. Green said that there really is nothing in the area that has requested relief of this nature or that is comparable. Ned Lizotte said they are dealing with an odd situation where there is really nothing to compare these lots to. Howard Pearl said it is a unique situation with several problems on the lots. He said that the joint driveway is the best plan based on the topography of the two lots. There was discussion of locating a driveway at the southern end of Lot 58. Mr. Green said that the request is for the reduction of side setbacks to 0' for one joint driveway.

Hearing no further discussion or questions from the public, the chairman closed the hearing to the public.

**Case #09-10: Ned Lizotte made a motion to approve a front setback reduction from 30' to 10' for parking and the reduction of setbacks between Lots 57 & 58 to 0' for the purpose of a joint driveway; 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**

**Case #09-11: Howard Pearl made a motion to approve a front setback reduction from 30' to 10' for parking and the reduction of setbacks between Lots 58**

**& 57 to 0' for the purpose of a joint driveway; seconded by Ned Lizotte. A roll vote was taken: George Saunderson – Yes; Ned Lizotte – Yes; Dave Powelson – Yes; Roy Merrill – Yes; Howard Pearl – Yes. Unanimous – PASSED**

#09-12, Del Gilbert & Son Block Co – Special Exception for Reduced Front Setback, Map 49, Lot 124. Del Gilbert and abutters Florence Dudley and Michael Corbett were present. Peter Howard of Steven J Smith & Associates presented the application on behalf of Mr. Gilbert. Mr. Howard gave an overview of the business and the proposed fleet fueling facility where they would have diesel, gasoline, and E85. He explained the plan, noting the circular drive around the canopy. Mr. Howard said that the reduced setback being requested would be for a 12' x 20' building off Shaker Brook Park Road. The building would house a toilet and be a storage building for the chemical to be used by the fire department to create foam in the event of a fire. Mr. Howard said that the building was originally in the island but the fire department does not want to be too close to the fire so the building and water source were moved closer to the road and gate. He pointed out the six 5,000 gallon tanks that will create the fire cistern. The hydrant to the cistern will be outside the gate, directly across from the chemical storage building. This creates the safest access and means of protection.

Ned Lizotte noted that there is no longer an access on Shaker Road. Mr. Howard said that it was previously pointed out to them that the access had to be on the lesser traveled road so the Shaker Road entrance was eliminated. He said the circular drive will minimize vehicle lights on the neighbors and will avoid having trucks backing up, eliminating the sound of back-up alarms. Mr. Howard said that the building would be outside the gate with a Knox box. Roy Merrill asked Mr. Gilbert if he had any objections to the fire department using the cistern for neighboring properties. Mr. Gilbert said he absolutely did not have any objections to that, noting that it has been discussed at length with the fire department.

Peter Howard went through the points of the application. He said that they have received conditional approval from the State for the tank system. He said that they have done a drainage study for the site development with the Planning Board. Mr. Howard noted that they will be improving the property by loaming and seeding. They have a State approved septic plan and because there will be under 100,000 sf of disturbed area there is no Alteration of Terrain required.

Jon Huntington stated that people who were at the hearings when this project was first proposed would be very happy with the changes that have been made to the plan. Howard Pearl said that they have done a great job laying out the lot. He said that the application was very complete and the plan is well done. Abutter Michael Corbett said that he likes the layout better. He said he did not care for the idea of having a fueling station across from his house, and still does not, but he is happy with the buffer that is being proposed, acknowledging that it was his own doing to purchase a house across from C/I district property. Mr. Corbett said that the additional buffer trees will help cut the light from the canopy. Ned Lizotte stated that this plan is a big departure from the first proposal and creates a minimal impact on the area.

Mr. Howard suggested that Mr. Corbett check with his insurance company about possible savings due to the 30,000 gallon cistern across the street. Mr. Corbett spoke about his concern of his property values going down because of the facility. Ned Lizotte

said that there just is not a case for that theory. He said that there are many things in the area that have become part of life, cell towers being an example, that do not have the negative affect that was once realized. Mr. Lizotte said that Mr. Gilbert has done a great job accommodating the neighbors. Mr. Corbett said that he appreciated the hours and number of trucks that were limited in previous approvals.

Hearing no further questions from abutters or the public, the chairman closed the hearing to the public. **Ned Lizotte made a motion to approve the application as submitted; seconded by Howard Pearl.** Mr. Pearl said that the applicant has done a great job addressing the concerns of the abutters and working with the fire department. He said he feels the facility will be an asset to the town. Peter Howard said that it would be a source of revenue and the cistern is a great asset. **A roll vote was taken: George Saunderson – Yes; Ned Lizotte – Yes; Dave Powelson – Yes; Roy Merrill – Yes; Howard Pearl – Yes. Unanimous - PASSED**

#### **BOARD DISCUSSION:**

CNHRPC representative – None of the Board members are available to be a representative.

Sanborn Mills Inc – A letter was received from Colin Cabot about the project to restore the grist mill on the Sanborn Mills property. The Board members agreed that an application for a special exception for reduced setbacks must be submitted.

Workforce housing – There was brief discussion about the legislation that was passed last year. A sub-committee will be formed by the Planning Board once more information is received. Zoning Board members will be kept informed so that they may participate.

#### **ADJOURNMENT:**

Jon Huntington made a motion to adjourn the meeting at 8:55 p.m.; seconded by Howard Pearl. All were in favor.

Respectfully submitted,

Donna White  
Administrative Assistant