

APPROVED

**TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF SEPTEMBER 24, 2009**

REGULAR HEARING

Vice Chairman Ned Lizotte called the Loudon Zoning Board of Adjustment meeting of September 24, 2009 to order at 7:00 p.m. at the Loudon Community Building.

ROLL CALL:

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

Jon Huntington was appointed to sit as a voting member in the absence of Dave Powelson.

ACCEPTANCE OF MINUTES:

Regular Hearing – Jim Venne made a motion to approve the minutes of August 27, 2009; seconded by Howard Pearl. All were in favor.

PUBLIC HEARINGS:

#09-19, Huckleberry Heating Oils, LLC – Special Exception for Storage Tanks, Map 11, Lot 34. Abutters were notified; none were present. Applicants David and Tracy Huckins were present. Mr. Huckins explained that they own the business located on Chichester Road. He said they are proposing to install two 30,000 gallon aboveground propane tanks. Mr. Huckins explained the layout of the property, pointing out existing gasoline and oil tank locations. He informed the Board that he will be removing the underground gasoline tanks due to updates in regulations that would be cost prohibitive for what they realize from the sale of the product. Mr. Huckins said that the entire area of tanks will be fenced.

Jon Huntington asked how long the Huckins have owned the business. Mr. Huckins said they have operated the business since 2001, purchasing it in 2002 from Ray Cummings. In reviewing the application, it was noted that the applicant did not anticipate any impact on traffic. It was asked how this could be if they were adding another product. Mr. Huckins said they have 24/7 key card service at the pumps and that will be discontinued with the removal of the gasoline tanks, thus actually decreasing the traffic. Mr. Huckins was asked if they will continue to carry diesel at the site. He said they were not sure but they probably would not. Mr. Huntington asked if the facility was in compliance with all requirements, noting that he has viewed the property and felt it could be neater. He also said that he did not feel much effort was put into the application. Mr. Huckins said that the facility was just inspected by the State and they are in complete compliance. He explained that he did spend a good amount of time reviewing the town's

regulations and felt that his answers on the application were appropriate as most of the points did not pertain to this request.

George Saunderson asked about the permitted distance between the tanks and buildings. Mr. Huckins explained the codes that are in place, noting that it is a national code. Howard Pearl said that he was disappointed in the amount of information on the application. Mr. Huckins again explained that he felt that most of the points did not apply to this request and they had spent considerable time going over the application and regulations. Ned Lizotte asked if the fire chief has seen the request. Donna informed the Board that the fire chief receives the same packet of information that the members receive. Mr. Huckins said that Chief Burr has seen the plans and has signed off on the project.

After reviewing the request and application responses, Vice Chairman Lizotte closed the hearing to the public and opened it to the Board for decision. **Roy Merrill made a motion to approve the special exception application for two 30,000 gallon aboveground propane storage tanks; seconded by George Saunderson.** Mr. Saunderson said that he would like a site walk as he is not familiar with the area and the layout. He said he would like Chief Burr there as well. Howard Pearl said that he felt this would be an improvement to the site, particularly environmentally since they will be removing the gasoline tanks. Mr. Saunderson said that he felt it had the potential to improve the site. Mr. Pearl said that it would appear that the traffic will be decreased. Jim Venne said that he has no problem with the request. Roy Merrill asked the applicants how a site walk delay would affect their plans. Mrs. Huckins explained that they still have to go to the Planning Board and would like not to delay. She said another month before the ZBA would mean they could not go to the Planning Board until November, and, not knowing how long they might be before the Planning Board, they could be delayed enough to be into winter before beginning work. George Saunderson asked why they were not before the ZBA in June instead of pressing the board now. Mr. Huckins said they are not pressing the board and explained that they had to get the plans done by the engineer to know it would meet all of the criteria before coming to the ZBA. He said they got the fire department approval on the plans.

Discussion continued about doing a site visit. Because there were no other hearings on the agenda it was suggested that the site visit be done as part of this hearing. Vice Chairman Lizotte recessed the meeting so that the board members and applicants could view the proposed location of the storage tanks. The group left the Community Building at 7:28 p.m. and returned at 7:42 p.m. Vice Chairman Lizotte reconvened the meeting. There were no further questions. Mr. Lizotte gave an overview of the application and motion. **A roll vote was taken: Jon Huntington – Yes; George Saunderson – Yes; Ned Lizotte – Yes; Roy Merrill – Yes; Howard Pearl – Yes Unanimous - PASSED**

BOARD DISCUSSION:

Tombarello request – A letter was received from George Tombarello, explaining that he has purchased substantial acreage since being before the ZBA in March of 2008 for an appeal of an administrative decision. Because of the increased acreage Mr. Tombarello has purchased more equipment for use in managing his forestry and wildlife projects. In

his letter, Mr. Tombarello explained that he went to the building department for a permit to construct a carriage shed to be used for the storage of his smaller equipment. Mr. Tombarello stated in his letter that Mr. Fiske wanted the approval of the ZBA before granting the permit “since it was the board that granted the last building”. Mr. Tombarello said that he could not be at this meeting as he is attending a forestry course. Board members reviewed the Zoning Ordinance and unanimously agreed that there was no reason for the request to come before the board. It was agreed that the building falls under Section 204.2 L and is an accessory use to Section 204.2 K, as found with the original building. The members agreed that the same criteria (no electricity, no septic, etc) would apply as with the original decision. For advisory purposes, George Saunderson made a motion to agree to the use; seconded by Roy Merrill. All were in favor.

Workforce Housing – Donna informed the members that a sub-committee would be meeting to begin work on zoning amendments relative to the new workforce housing law that goes into effect on January 1, 2010. The Planning Board chairman instructed Donna to see if any ZBA members were interested in sitting on the committee and what would work best for a meeting schedule. The members discussed the new legislation and voiced their thoughts and concerns. Ned Lizotte said that he would be interested in the process. Roy Merrill said that he would probably be attending the meetings but did not want to commit.

ADJOURNMENT:

Jon Huntington made a motion to adjourn the meeting at 8:12 p.m.; seconded by Howard Pearl. All were in favor.

Respectfully submitted,

Donna White
Administrative Assistant