

APPROVED

**TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF DECEMBER 23, 2010**

Chairman Dave Powelson called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Chairman Dave Powelson, Roy Merrill, George Saunderson, and Alternate Jon Huntington

Jon Huntington was appointed as a voting member in the absence of Howard Pearl and Ned Lizotte.

ACCEPTANCE OF MINUTES

Regular Hearing – **Roy Merrill made a motion to accept the minutes of November 29, 2010 as presented; seconded by George Saunderson. All were in favor.**

Site Visit – **Roy Merrill made a motion to accept the minutes of the site visit on December 4, 2010; seconded by George Saunderson. All were in favor.** It was noted that Mr. Merrill was the only member present at this meeting who attended the site visit. Mr. Saunderson did a site visit individually and was in agreement with the minutes.

PUBLIC HEARINGS

Z10-12 & Z10-13, Faith Community Bible Church – Special Exception for Reduced Setbacks & Variance for Impermeable Coverage, Map 39, Lot 29, North Village Road. There were no abutters present. Rodney Phillips spoke on behalf of the church.

Chairman Powelson informed Mr. Phillips that there would only be four voting members for this case. He gave Mr. Phillips the option to continue the application to another meeting where there might be a full board. Mr. Phillips stated that he was alright with four members hearing the case.

There was brief discussion of the site visit that was done at this property on December 4, 2010. Roy Merrill was the only board member present this evening that was on that scheduled walk. George Saunderson and Dave Powelson stated that they did individual visits to the property. Mr. Merrill said that they had looked at drainage and areas of concern to the abutters. He said that all were satisfied and no issues were raised. Drainage had been a concern and it was determined that this would not affect the neighbor at all.

Chairman Powelson closed the hearing on Application #Z10-12 to the public and opened it to the board for discussion and decision. **George Saunderson made a motion to approve the special exception for reduced setbacks as presented; seconded by Jon Huntington.** There was no further discussion. **A roll vote was taken: Roy Merrill – Yes; Dave Powelson – Yes; George Saunderson – Yes; Jon Huntington – Yes. Unanimous – APPROVED**

Chairman Powelson closed the hearing on Application #Z10-13 to the public and opened it to the board for discussion and decision. **Roy Merrill made a motion to approve the application as presented; seconded by George Saunderson.** Dave Powelson stated that the difference between the 50% allowed and 52.59% being

requested is fairly small and the soils at this property are fairly permeable. Roy Merrill said there are good draining soils and this project is not going to affect anything. **A roll vote was taken: Roy Merrill – Yes; Dave Powelson – Yes; George Saunderson – Yes; Jon Huntington – Yes. Unanimous – APPROVED**

Z10-14, Evangia DeCato – Special Exception for Gravel Pit Operation, Map 2, Lot 27, Chichester Road. Jeff Green of J L Green Enterprises represented the applicant. Abutter David Gilbert was present. Mr. Green explained that this involves two lots, Map 11, Lot 12 and Map 2, Lot 27. The main gravel pit operation is on Map 11, Lot 12 but has extended onto Map 2, Lot 27. He pointed out the layout and explained where the operation had gone over the property line. He noted that the two lots were merged with a voluntary lot merger at last week's Planning Board meeting and this merger has been recorded with the registry. Bruce Marshall introduced himself as a buyer of these properties. He explained how it was discovered that the excavation had gone onto the adjacent parcel and how he wants to be sure everything is in order prior to the closing on the purchase next week. There was discussion of the original area of excavation. Mr. Marshall stated that he has a 1979 aerial shot of the properties that shows the excavation was over the line even at that point. He told the board that he will be doing a reclamation plan and putting a bond on the parcel. Discussion continued about the town records that do not specify a map and lot for the original area of excavation, the depth of the current pit area, and the process that will be followed to bring the new lot into compliance (Alteration of Terrain, Planning Board, and any other required permits). There was also discussion about Map 2, Lot 27 being in Current Use and that a land use change tax will be assessed once all records are updated.

Chairman Powelson and Mr. Green went through the points of the application. Mr. Powelson asked about steep slopes. Mr. Green said that there are some and they would come into the Planning Board process. He said the owners will have to do an Alteration of Terrain through the State and full plans for site plan review. Mr. Green pointed out that the steepest are toward the river. Roy Merrill stated that he is an abutter through the Maurice Merrill parcel so will be recusing himself from voting. He said that he felt a site visit would be good. Jon Huntington asked about a wet area. Mr. Green explained that topography is going to be done for the Alteration of Terrain and the Planning Board site plan. He pointed out that there is a bog on this parcel and the required buffers will be adhered to. Mr. Green said the State would be involved in the process. Dave Powelson noted that wetlands are covered in the Zoning Ordinance, saying that would have to be followed as well. He said that might limit the area of excavation.

Bruce Marshall said that they will be continuing the operation as it has been and will bring the operation into full conformance. He said prior records did not contain details of the exact area and they have now defined a footprint with this survey. Jon Huntington asked if they were saying they cannot do anything until all plans and permits are in place even if this application is approved. Mr. Marshall said that they could not go outside the footprint without everything being in compliance with current regulations. Jeff Green said they cannot do anything more than the three acres that has already been expanded until a bond, reclamation plan, and Alteration of Terrain are in place. Mr. Marshall said they could do forestry on the parcel but could not excavate. He said he just

wants to be sure everything is in conformance before the closing on the purchase. Dave Powelson said they are looking to buy this property for a future gravel pit up to eighty acres, then reclaim the areas. He noted that there is an existing well-established operation and he does not see a lot of problem with the request. George Saunderson said he felt a site walk was needed and he was not sure that waiting another month would hurt anything. Mr. Marshall said waiting could create a sizable disaster for him. He said he is on the Bow Planning Board and he wants to get off on the right foot with Loudon's boards but would prefer not to be delayed a full month. Mr. Marshall explained the process that has led to this point, noting that the expansion was just recently realized after doing the survey. Mr. Marshall said that prior to the survey being done the town records and two State agencies had informed him that the operation was all legal. Discussion continued about doing a site visit, the process still to be done once the sale is completed, and how best to proceed with this application.

Chairman Powelson asked if there were any abutters in favor of this application. Mr. Gilbert said what he is hearing seems reasonable, noting that the next phase would bring additional details. He recommended that the Board grant the special exception. Donna reported that abutter Pat Bigwood called the office earlier in the day and said that she and her husband were in favor of the application. Roy Merrill said he would reserve comment. There were no other abutter comments.

The chairman stated that there is significant concern by George Saunderson who would prefer to see what happens before it happens. Mr. Saunderson said he feels that Mr. Marshall will do a fine job with the operation but the Board has a history of site visits and he feels that one is warranted in this situation. Jon Huntington stated that no abutters are upset with the proposed use, this is an existing business, and he sees no reason to wait. There was continued discussion about doing a site visit and the process beyond this application.

Jon Huntington made a motion to approve the application as presented; seconded by Dave Powelson. Mr. Powelson noted that this approval is for a gravel pit operation on the combined lots of Map 2, Lot 27 and Map 11, Lot 12 (to be known as Map 11, Lot 12) that will meet all requirements of special conditions. **A roll vote was taken: Jon Huntington – Yes; George Saunderson – Yes; Dave Powelson – Yes. Unanimous – APPROVED** Mr. Marshall offered to do a site walk with Board members at their convenience.

BOARD DISCUSSION

A letter was received from Bruce Yeaton with regard to Sanborn Road. Donna will distribute copies to Board members.

ADJOURNMENT

Jon Huntington made a motion to adjourn the meeting at 8:35 p.m.; seconded by George Saunderson. All were in favor.

Submitted by,

Donna White
Administrative Assistant