

APPROVED

**TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF JANUARY 28, 2010**

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

ROLL CALL

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

ACCEPTANCE OF MINUTES

Regular Hearing – **Roy Merrill made a motion to approve the minutes of December 28, 2009; seconded by Ned Lizotte. All were in favor.**

Site Visit – **George Saunderson made a motion to approve the minutes of a site visit done on January 9, 2010; seconded by Roy Merrill. All were in favor.**

DISCUSSIONS

Joe Bohi, building permit extension – Mr. Bohi submitted a letter requesting an extension of building permit #09-17. Mr. Bohi said he believes the permit was issued in late January 2009. Roy Merrill said he does not see any reason not to approve the extension as several others have been granted due to economic changes. Ned Lizotte said it seems the economy will be this way for a while and he feels this is a reasonable request. **Roy Merrill made a motion to grant approval for a one year extension; seconded by Ned Lizotte. All were in favor.**

PUBLIC HEARINGS

#09-22, Brenda Clark – Special Exception for Reduced Setback, Map 22, Lot 48. Abutters were notified; none were present. Chairman Powelson explained that a site visit was done earlier in the month and he gave an overview of the project and request. Ms. Clark submitted a follow-up letter and drawing with the specific setback reduction outlined. The request is to reduce the side setback to the north from 30' to 5' by the wetland. Ms. Clark explained that the proposed driveway would be moved over away from the boundary as it got further into the property and beyond the wetland area.

Chairman Powelson went through the points of the application with Ms. Clark. The application was amended to include Section 301.5 because of the wetland. There were no questions from the Board and no questions from the public. The chairman closed the hearing; the Board took up the matter for deliberation.

Howard Pearl made a motion to reduce the side setback from 30' to 5' in order to go around the wetland; with the driveway to curve back in when appropriate based on the drawing submitted; 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

#Z10-1 & #Z10-2, Michael Milligan – Special Exception for Reduced Setbacks & Special Exception for Used Auto Sales, Map 20, Lot 58. Abutters Ron Lane (for his parents) and Matt Smith (MSPS Realty) were present. Howard Pearl noted that the answers on both applications appear to be the same; he suggested that they be heard together and voted separately. Tim Bernier represented the applicant. It was stated that Jay Canney would be operating the facility if approved.

Mr. Bernier explained that one of the requests is to permit retail sales of used cars. He showed the location and frontages on the three roads (Route 106, South Village, and Wales Bridge). Because this is in the C/I District there is a 100' front setback required for buildings. Mr. Bernier stated that the setback requirement really restricts the buildable area of the lot. He said they are requesting reductions as follows: Route 106 side to 60' and South Village Road side to 30'. Mr. Bernier said it is 80' from the Wales Bridge Road side to the building. Mr. Bernier pointed out that the right-of-way line is 100' from the edge of the Route 106 pavement. Given that fact, the building would then be 160' back from Route 106. He explained that the State has drainage in the right-of-way of South Village Road and the closest edge of pavement is 43'. Mr. Bernier pointed out that the building is 80' from the boundary so this would make it approximately 110' from the pavement. He noted that the parcel has a boundary with the residential zone so there would be a 60' setback required in that area. Mr. Bernier said they are asking that the 60' buffer be reduced to the standard 30' in this case. He pointed out that the residence is quite a distance away and that there is an existing tree line in that area. Mr. Bernier stated that they meet the requirements for parking.

Mr. Bernier explained that retail sales are a permitted use in the C/I district. He said the request for a special exception is for vehicle repair on the vehicles to be sold. This would include such things as brakes, exhaust systems, and other repairs needed to make the car saleable. Mr. Bernier said they would not necessarily be open to the public as that is not the intent of the use.

Dave Powelson asked for a building description. Mr. Milligan said it would be 35' x 55' with two overhead doors on the Wales Bridge end, one overhead door on the Dunkin Donuts side, and the office facing Route 106. There was discussion of the roof pitch, the height of the building, and that vinyl siding would be used on the building.

Howard Pearl asked if their intent is to repair cars to sell only; not to advertise for repairs. Mr. Milligan explained that they have to have a 1200 sf building in order to be licensed by the State. Mr. Canney said that is the requirement in order to do State stickers and 20-day plates. George Saunderson asked the applicant if he would be upset if the Board attached a stipulation that they can only work on cars owned to sell. He said they would have to come back to the Board if that changed. Mr. Canney said that he would be in agreement with a stipulation. He noted that he would want to be able to work on a car that was sold there if it has an issue and the buyer comes back with it.

Ned Lizotte asked about lighting. Mr. Milligan said it would be down lighting, something similar to Dunkin Donuts, so that it would not shine onto abutting properties. Mr. Lizotte asked about hours of operation. Mr. Canney said they would be 9 a.m. to 6 p.m., six days a week. Ron Lane asked if the intersection is currently lit. Ned Lizotte

said that there is lighting at the intersection. Mr. Lane pointed out that the owner would want the property lit for security.

Chairman Powelson went through the application with Mr. Bernier. There was discussion of the trees and growth currently on the lot. Mr. Lane noted that the visibility from 106 will not be that good and that the State will not allow any more trees to be cut. Roy Merrill asked if there is any access left between Dunkin Donuts and this lot. Mr. Lane explained that his family used to own the parcel and there was an access because there was only a curb cut where Dunkin Donuts is located. He said that access is now blocked.

Chairman Powelson asked if there were any questions from the Board. There were none. He asked if there were any abutters who wished to speak in favor of the applications. Ron Lane said that he is in favor. He said his personal experience with the applicant has been that Mr. Milligan does good work and he feels this would be a good addition to the area. Mr. Lane said that Mr. Milligan runs a class operation and he knows Mr. Canney's work and reputation. Ned Lizotte asked Mr. Smith what services he offers at his business on the other side of Route 106. Mr. Smith said he does complete auto repair. He said he has been assured by the applicant and Mr. Canney that this proposal is not a complete repair operation that would cut into his business. Mr. Lizotte said it seems to be a good fit. Mr. Smith said there are seven shops in town but no auto sales other than junk to salvage yards.

The chairman asked if there was anyone who wished to speak against the applications. There was not. He asked if the Board felt that a site visit should be done. Roy Merrill said this parcel can be seen when going by and he did not feel a site visit was necessary. George Saunderson said that he would agree, noting that there were no neighbors in attendance with concerns. Mr. Merrill said that the Planning Board would handle other issues discussed tonight; the only concern tonight is the setbacks. Howard Pearl said the use seems to fit the lot well.

Chairman Powelson closed the hearing; the board took up the matter for deliberation. He gave an overview of application #Z10-1 for reduced setbacks. **Roy Merrill made a motion to approve application #Z10-1 with the following conditions: front setback reduced from 100' to 60'; side setback reduced from 100' to 30'; and the residential buffer reduced from 60' to 30'; 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**

The chairman gave an overview of application #Z10-2 for used auto sales. Ned Lizotte said that he would want to put a stipulation of hours on the approval. He asked if 9 a.m. to 6 p.m. was agreeable. Howard Pearl asked if 8 a.m. to 7 p.m. would be more reasonable. Mr. Canney said either would be fine. Mr. Lizotte asked if it should be Monday through Saturday. Mr. Pearl noted that there is no one here to speak against the application and he did not feel there is any reason to restrict Sundays. There was discussion of hours. Howard Pearl clarified that repairs would only be done on vehicles sold on the lot. Ron Lane asked what would happen if Mr. Canney wanted to service those cars after being sold. The board was alright with that. **Howard Pearl made a motion to approve the application with the following conditions: 1) hours of operation to be 8 a.m. to 7 p.m. 2) can only service cars that are to be or have been sold from this lot; 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

BOARD DISCUSSION

Jim Venne asked if the format of the application for special exceptions is mandated by law. He said some of the questions are redundant and many do not apply to most situations. The chairman explained that the questions are set up by the criteria in the Zoning Ordinance and he thought the standard comes from the State. Mr. Venne suggested that this be looked at to see if they can be simplified for the applicant and the Board. Donna will research the matter.

ADJOURNMENT

Howard Pearl made a motion to adjourn the meeting at 8:07 p.m.; seconded by Ned Lizotte. All were in favor.

Respectfully submitted,

Donna White
Administrative Assistant