

APPROVED

**TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF JUNE 24, 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 Alternates Jim Venne and Earl Tuson

John Reese represented the fire department.

ACCEPTANCE OF MINUTES

Regular Hearing – Ned Lizotte made a motion to approve the minutes of April 22, 2010 as presented; seconded by Jim Venne. All were in favor.

PUBLIC HEARINGS

Z10-07, N H Motor Speedway – Special Exception for Campground/Camping Park, Map 51, Lot 18, Gues Meadow Road

Z10-08, N H Motor Speedway – Variance for Campground Criteria, Map 51, Lot 18, Gues Meadow Road

Mark Sargent of Richard Bartlett and Associates represented the applicants. John Zudell was present for NHMS. Abutter James Staples was present. It was agreed that the applications would be discussed together and voted on separately.

Mr. Sargent gave an overview of the location of the parcel and its history. He explained that the proposed use is a campground for seasonal workers during the race season. This would include plumbers, electricians, HVAC, and other maintenance workers who stay onsite in preparation of the events and for emergencies during events. Mr. Bartlett said it is mainly for the two major events, with some there all season. He said there are sixty-four sites planned. They would be 25' x 45'. There would be a 25' wide lane off Gil Rogers Highway that would exit off Gues Meadow Road. Twenty-one of the sites would have electricity/water/sewer, twenty-four would have water only, and the rest would have electricity only.

Mr. Sargent explained that the variance request addresses some of the criteria of S503.2 of the Zoning Ordinance. The requirement of the Zoning Ordinance is 2500 sf per site; they are proposing sites of 25' x 45' or 1125 sf. Mr. Sargent said that the camping sites would not be the required 150' from the road or property line, noting that this is not a public campground which is what the Zoning Ordinance would be addressing for quiet and privacy. He said this lot is a total of thirty-two acres with approximately fourteen of the acres used as existing parking areas. The campground is proposed for the remaining eighteen acres. Mr. Sargent noted that this would not leave the open space required by the Zoning Ordinance. Chairman Powelson asked how much of the track's property is under easements. Mr. Sargent said that there are approximately four hundred acres in easements.

Mr. Sargent went through the points of the special exception application. He showed the plan with the individual sites. It was noted that the NFPA code states that no more than 75% of each lot is to be occupied; Mr. Sargent said these sites have been designed so that only 43% of each site will be occupied. The chairman asked the Board if there were any questions. Howard Pearl noted that on #5 Mr. Sargent said that this use has existed; he asked where the campers have been located. John Zudell pointed out the area where most of the campers have been used, near the maintenance building, and other locations around track property where there are other campers for workers. Mr. Pearl asked what the old spots will be used for. Mr. Zudell said those spaces would be used for regular parking. He said this plan will clean up various areas, with all campers in one spot. Mr. Pearl asked if the campers would be owned by the track or individuals who would be keeping them at the track. Mr. Zudell said that the individual contractors would have their own units. Dave Powelson noted that it was mentioned that some would be there for race week and some for the whole season. Mr. Zudell said that the area would be full twice a year and the remaining time there would be approximately twenty campers in the area. George Saunderson asked how many campers are currently scattered over the property for this use. Mr. Zudell said there are approximately forty. Mr. Saunderson asked how many sites are being proposed. Mr. Zudell said they are proposing sixty-four sites. Mr. Saunderson said that less of a variance would be needed if they stayed with spaces for the existing forty campers. Mark Sargent said that forty does not cover what is needed now. He said there have been forty in the past but they need more to accommodate all of the workers. Roy Merrill said if they had forty in this area the other twenty would be elsewhere. He said they are trying to put all of the workers in one location. John Zudell pointed out that they are currently spread out in multiple areas. Ned Lizotte asked if they have the same capacity during bike week. Mr. Zudell said it is nothing close, with approximately 5,000 attendees. He explained that this area is to accommodate all of the workers that make the behind the scenes work: HVAC, elevator, plumbing, electrical, maintenance, etc. Roy Merrill asked if they are looking at sixty-four campers two times a year and the rest of the summer there would be twenty to twenty-five. Mr. Zudell said that was correct. He said this is very similar to the use that the lot was experiencing; they are asking for formal approval. Mr. Zudell said that the campers have been rigged with power and water in various manners over the years and they want to do this right. Jim Venne stated that this would be a location for the trades-people to stay when not working. Mr. Zudell said that was correct, this would be a place for them to shower, sleep and eat.

Mr. Sargent went through the points of the variance application. George Saunderson asked if they would charge the workers for the campsite. Mr. Zudell said they would not be charging. He said this is a place for them to lay their head while working for NHMS. Mr. Saunderson asked if Mr. Zudell would have a problem if granted with limits such as June 15 through September 15. Mr. Zudell said he definitely would have a problem with those limits since the September race is September 26th. Jim Venne said he cannot see placing any time limits on the request as they wouldn't need the campground area outside of the race season. Mr. Saunderson suggested June through the end of September. Roy Merrill asked if April through October or November would be reasonable. Mr. Zudell said that April 1st through October 31st is the season. Chairman Powelson said this seems in keeping with race week where there are people everywhere

and there are fewer during the rest of the season. Howard Pearl asked if it should be worded that there will be no compensation. He said that would eliminate the question of this being a public campground, making it more like dormitory housing. Mr. Pearl said this use is not really qualified as camping if they are not renting spaces. He said it is more like organized housing space. Roy Merrill said there are people with forty or fifty friends camping on a private lot and he does not see the difference. Mr. Pearl said this is not a traditional campground but a necessary support item. Earl Tuson noted that OSHA oversees dormitory housing for agricultural workers and he urged the applicants to watch those requirements as well. Dave Powelson noted that dormitory housing is permitted in the RR District. Howard Pearl said this could be considered an accessory use if the parcel was zoned C/R. Mark Sargent pointed out that the zoning boundary splits the lot so that a small portion is C/R and the rest is RR. George Saunderson asked about the number of sites with the various amenities. Mr. Sargent reviewed the numbers given earlier in his presentation. Mr. Saunderson asked if the number was because of the size of the septic system. Mr. Zudell spoke about the existing system on the lot and that there would be a dump station. He noted that there would also be service by water and septic trucks that rove the properties.

Chairman Powelson asked if there were any abutters wishing to speak in favor of the application. Hearing none, he asked if there were any abutters wishing to speak against the application. Mr. Staples said that he is the only residential abutter to this property and he does not feel this will be a very pleasant use near his house. He said he feels this would be injurious to the neighborhood, noting that it would not be for just the race week but the weeks before and after an event also. Mr. Staples stated that the house that was previously on this lot was more than 400' from his line, not 20' like some of the campers, and there were trees along the wall and near the house. He said there would be sixty-five people camping between his line and the location of the old house. Mr. Staples said the workers will be at their campsites more than spectators who are there to watch the races. He said there would be increased traffic volume as the forty sites are currently scattered over the property. He said he will hear the people in the campground. Mr. Staples said that he is the only abutter but speaks for the public. He said he did not mind the old house or the storage on this lot but does mind this proposed use. Mr. Staples stated with the abandoned house and storage there was no smoke, music, or cars. He said he wrote to Mr. Bahre in 2004 because of damage to his garden and yard, possibly done by workers camping in that area. Mr. Staples said the spirit of the ordinance is to protect the abutter, not the person asking for the variance. He said the five hundred acres of conservation easements is irrelevant. He feels that the use will diminish the value of his property, noting that occasional storage on the lot was alright. Mr. Staples asked if there are other areas that this use could go and if this lot is already approved for camping. He said he would prefer not to have to look at it. Mr. Staples said there are no provisions made for an abutter on the plan and he feels it is not reasonable for him, his peace of mind or property value. Mr. Staples recommended putting the campground elsewhere, where they might not need a variance.

Howard Pearl asked about the conservation areas. John Zudell showed the various areas on an overview map of all NHMS property. There was discussion on the history of this lot and many of the other track lots.

George Saunderson asked if the septic and water are already installed. Mr. Zudell said that there is existing water, septic, and power on the lot. Mr. Saunderson asked if they have improved the septic system. Mr. Zudell said that DES has approved the water system and septic for twenty hook-ups. Mr. Saunderson asked if they had no permit yet but did the work. Roy Merrill stated that Mancini had a system on this lot previously. John Zudell said they have DES approvals and did put in some piping. Roy Merrill said there were no changes to the system, just piping for campers. Chairman Powelson read from a letter of intention from John Zudell to Bob Fiske. Mr. Zudell said that the Planning Board recently gave approval for grading only.

Mr. Staples showed the Board some pictures of the area from last September, noting that the grade has been changed significantly where the old house had been. Mr. Merrill explained that they had the approval for the grading. It was noted that the area looks better with the work that has been done. Howard Pearl asked Mr. Staples how far it is from the wall to his house. Mr. Staples said it is approximately two hundred feet. He said he cannot see there from his house; he might be able to see the tops of the campers. Mr. Staples said he can see the campers coming in on Gil Rogers from his garden. Mr. Pearl asked Mr. Staples if the past campers bothered him. Mr. Staples said they were not as close to the line and were not long term. He said he has not stayed home for the races for ten years. Mr. Pearl asked how they would bother him if he is not home. Mr. Staples said the campers are not there just for the races, they are long term. He stated that his house has been broken into three times in the last few years. Roy Merrill asked John Zudell if those staying longer would be further from the property line, based on the hook-ups. Mr. Zudell said the ones closest to Mr. Staples would be the ones coming in the week before, not long term.

John Reese asked what was referenced for codes when designing the campground. He said NFPA 1194, chapter five, has the breakdown of what is required for design. John Zudell asked what codes were used for the existing sites over the years. He said there are 5,000 +/- campsites that are 16' wide and 60' long, that two occupy and there are no buffers, no setbacks, and no water/sewer/electric. He said they have improved that situation greatly with better lanes and spacing. Mr. Reese said that is overnight parking, not a campground. He reviewed the regulations. Mr. Zudell stated that this proposed area is not for the public. He said this area would efficiently put in a certain number of people. John Reese pointed out that dormitory housing would have to meet the same criteria as year-round and it would be the same here. He said this falls into the same criteria as Cascade Park and Rocky Road. Roy Merrill said it would make sense that having sewer and electric is better than no sewer and electric. Mr. Reese said he agreed but they have to meet code. He said if this is not overnight parking but a campground then they should reference 1194 in design to see if they can meet the requirements with this lot.

Chairman Powelson asked if there were any other questions from the public. He stated that the applicant may have a hurdle with the fire department code that this Board cannot help with. He said if they study the code they could figure out how it applies to this proposal. The chairman said as a Board they cannot approve something contrary to NFPA. Roy Merrill asked if it could be put that they have to meet NFPA code as a condition. Chairman Powelson said if the Board thinks that all is complete they could have that as a condition. He said if something at the site would have to change that

would meet the NFPA and have a smaller impact on the abutter than the Board might look at it more favorably. George Saunderson suggested that the applications be tabled and a site walk might be in order where there are a lot of unanswered questions with regard to the fire codes and setbacks and there is an unhappy abutter. Howard Pearl explained to John Zudell that there are some pretty valid concerns and the Board needs to be fair to the abutter. He said it would be helpful to the Board and would give the applicant time to look at the code. Mr. Saunderson said when looking long term at this project a month is not a long time. Roy Merrill said they have to go to the Planning Board to finish the process and this puts it out two months if tabled. There was discussion of the applicant's schedule, meeting cycles, and the possibility of a conditional approval from the Planning Board.

A site visit was scheduled for June 28th at 6:00 p.m., meeting at the Gues Meadow Road lot. John Reese said that he will have someone there from the fire department. **George Saunderson moved to continue the application to next month, with a site walk Monday night to get a better handle on the matter; seconded by Howard Pearl. All were in favor.** The meeting will be held on July 22, 2010 at 7:00 p.m. in the Community Building. There will be no further notification.

Z10-05, New England Flower Farms, LLC – Special Exception for Tank Height, Map 6, Lot 3, Pleasant Street

Z10-06, New England Flower Farms, LLC – Variance for Stack Height, Map 6, Lot 3, Pleasant Street

Henry and Jonathan Huntington were present as applicants. Wes Jones was present as an abutter. Tim Bernier of T F Bernier represented the applicants. He explained the proposal for a co-generation plant with wood-fired boilers as a renewable energy source. Mr. Bernier said there are special conditions that would require a large storage tank to hold water. This is associated with the demands and volume of the facility. He said the tank would be 49' high on a concrete slab; therefore they are asking for a special exception to allow 50' in height. Mr. Bernier stated that the entire property consists of ninety-three acres and he gave an overview of the property. He stated that the boiler building would have a stack and DES sets the height of the stack through a study. Mr. Bernier said the stack would be 65' or lower. He pointed out that the building will be built into a banking so the stack begins 6' lower than the tank.

Mr. Bernier went through the points of the special exception application. He then went through the points of the variance application. He said that the stack would have a 37" diameter and a maximum height of 65'. Mr. Bernier noted that the stack will barely be visible from the road due to the elevations of the property. He said the stack is not inconsistent with other tall uses that are permitted without a variance.

Ned Lizotte asked about the existing boiler locations and clarified where this new facility would be located. Chairman Powelson asked if there were any questions from the Board. There were none. He then asked if there were any abutters wishing to speak in favor of the application. Wes Jones said that he is in favor of the wood boiler as it is a great system and there would be no smoke. He said that he currently hears the first truck of the day at about 4:20 a.m. and wondered if the trucks delivering the wood chips would be coming in during the day or night and how many to expect. Mr. Bernier said this was discussed last week at the Planning meeting where it was noted that the chips will be

replacing oil. Henry Huntington said that they receive three or four tractor trailer loads of oil in a week during the peak of the season. He said they receive a tractor trailer of chips a day at their Pembroke facility and he would estimate Loudon at about nine or ten a week. Mr. Huntington said that the loggers work Monday through Friday so most would only deliver Monday through Friday. He said they will use the boiler year-round with higher use in December, January, and February where they might have ten or eleven trucks a week. Roy Merrill asked if they would have any objection to saying there could be no night delivery. Mr. Huntington said they would be in agreement with that but he would not want to limit weekends. There was discussion of what would be reasonable hours.

Roy Merrill made a motion to approve the special exception application (Z10-05) for a water tower as presented; seconded by Ned Lizotte. Mr. Lizotte said that the earlier analogy of the silos by Mr. Bernier was a good one for the location considering other tall structures in the area. Chairman Powelson asked the Board if they felt they agreed with all seven statements of the application. All agreed. **A roll vote was taken: Howard Pearl – Yes; Roy Merrill – Yes; Dave Powelson – Yes; Ned Lizotte – Yes; George Saunderson – Yes Unanimous – PASSED**

Ned Lizotte made a motion to approve the variance for stack height (Z10-06) with wood chip delivery seven days a week from 7 a.m. to 7 p.m.; seconded by Roy Merrill. The chairman asked if the Board felt that each section was met. All did. **A roll vote was taken: Howard Pearl – Yes; Roy Merrill – Yes; Dave Powelson – Yes; Ned Lizotte – Yes; George Saunderson – Yes Unanimous - PASSED**

BOARD DISCUSSION

Chairman Powelson explained that Jonathan Huntington and Earl Tuson were approved as alternates at the April meeting. Because the alternate position terms are to be staggered, just as regular member terms, Earl will have a one year term, Jonathan a two year term, and Jim Venne a three year term. Jonathan Huntington is to see the town clerk to be sworn in.

Chairman Powelson said that there had been a question in the office last month about extending an expired building permit. He said the resident apparently decided to get a new permit rather than wait until this meeting to request that extension. There was discussion on permit extensions and that this might be a good topic for zoning amendment meetings later in the year.

The chairman noted that all Board members received a copy of a letter from John Reese with regard to the fire department's review process of planning and zoning applications. There was a brief discussion of the process with Mr. Reese.

ADJOURNMENT

Ned Lizotte made a motion to adjourn the meeting at 9:02 p.m.; seconded by Roy Merrill. All were in favor.

Submitted by,

Donna White
Administrative Assistant