

**TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF DECEMBER 22, 2011**

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

ROLL CALL

The following members were present: Chairman Dave Powelson, Howard Pearl, Roy Merrill and Alternates Jim Venne, Earl Tuson, and Jonathan Huntington. Jim Venne was appointed as a voting member in the absence of George Saunderson. Earl Tuson was appointed as a voting member in the absence of Ned Lizotte. Jonathan Huntington was appointed as a voting member in place of Roy Merrill because Mr. Merrill was not in attendance at the last meeting or site visit regarding an item on this evening's agenda.

ACCEPTANCE OF MINUTES

Regular Hearing – Jonathan Huntington made a motion to approve the minutes of November 28, 2011 as presented; seconded by Howard Pearl. All were in favor.

Site Visit – Jim Venne made a motion to accept the minutes of the Beanstalk site visit on December 2, 2011; seconded by Howard Pearl. All were in favor.

PUBLIC HEARING

Z11-10, Z11-11, and Z11-12, Loudon-Penguin Real Estate Holdings – Special Exception for Reduced Front & Side Setbacks, Variance for Impermeable Coverage, and Special Exception for Storage Tank over 500 Gallons, C/I District, Map 49, Lot 115 on Route 106. Matt Moore of Matthew Moore Civil Engineering, PLLC represented the applicants. Also present was applicant Walid Kairouz. There were no abutters present.

Mr. Moore explained that they have met with the Conservation Commission to discuss the project and the Commission's concerns. He pointed out that the drive-through window has been relocated to the back of the building so that traffic will not pass between the buildings as originally planned. Mr. Moore stated that the concrete pad of the new fuel island is considered as tanks and the Conservation Commission was concerned about the edge of the pad being in the 75' wetland buffer. He pointed out that the island has been slid over so it is out of the buffer. Mr. Moore said that there was discussion at the Commission's meeting about the amount of gravel area and paved area. He noted that he has done gravel parking spaces at the back edge of the lot. Mr. Moore said that Mr. Kairouz would like to see brick pavers used in that area. He spoke about putting a swale at the edge of the lot and about runoff. Handouts on Snout Structures were given to Board members for review. These are used inside catch basins to prevent the exit of floating debris and oil. Mr. Moore explained changes he has made since meeting with the Conservation Commission.

Dave Powelson asked if the changes affect the percentage of impermeable surface. Mr. Moore said the changes reduce the impermeable coverage from 56.9% to

51.6%. He submitted an amended application to address that change. Mr. Moore showed the flow of traffic and the chart he did to show the turning radius of the lot. Roy Merrill asked why traffic cannot travel right behind Rhoads Motorsports. Mr. Moore explained that a State map showed a right-of-way in that area but Jeff Green has researched the area and there is no right-of-way. Jeff Green stated that he spoke with Mr. Rhoads about going around the building but it is not an option. The property to the west of Rhoads is owned by someone else and they are not interested in having traffic using that route.

Matt Moore spoke about drainage to capture water coming off the roof. Dave Powelson asked if the proposed changes affect the setbacks requested on the original application. Mr. Moore said the front and side setback request remain the same. He said the new location of the fuel farm does affect the rear setback and would require a reduced setback to 6.7'. A corrected application was submitted.

Chairman Powelson asked if there were any questions from the Board. Howard Pearl stated that the changes improve the impermeable coverage. It was noted that there are three new tanks being installed, two replacing older tanks and one being for the addition of diesel. There will be a 12,000 and a 10,000 gallon tank for gas and an 8,000 gallon tank for diesel. Mr. Moore stated that this brings the station up to current code.

Jim Venne said that doubling traffic to the drive-through, in and out, could be a problem. He said going between the buildings might be better, although that route also presents concerns. Roy Merrill asked how moving the fuel platform away from the 75' buffer affects the plan. Mr. Moore showed the different pattern that tractor trailers will have to use when filling the tanks and pointed out that a few parking spaces were lost. He noted that the new entrance to the store is planned for the end of the building instead of the front as shown on the original plans. Mr. Moore stated that the old set of pumps will remain.

Chairman Powelson closed the hearing to the public and opened it to the Board for discussion.

Application #Z11-12, Special Exception for Storage Tank over 500 Gallons –
Howard Pearl made a motion to approve the application for three new tanks over 500 gallons with the amended setbacks; seconded by Jonathan Huntington. A roll vote was taken: Earl Tuson – yes; Jonathan Huntington – yes; Dave Powelson – yes; Howard Pearl – yes; Jim Venne – yes. Unanimous – APPROVED Dave Powelson stated that these would be newer, safer tanks and not a huge increase in gallonage. Howard Pearl said this is a tough lot to work with and they have done a good job to accommodate the concerns.

Application #Z11-10, Special Exception for Reduced Setbacks – Chairman Powelson pointed out that the revised application requests setback reductions of 31.1' for the building, 6.7' for the fuel tanks and pumps, and 9.8' for the existing setback between buildings. **Howard Pearl made a motion to grant a reduced front setback for the building to 31.1', reduced setback to the tanks and fuel island of 6.7', and a reduced side setback of 9.8' as presented; seconded by Earl Tuson.** Dave Powelson said the request seems to fit an awkward lot. **A roll vote was taken: Earl Tuson – yes; Jonathan Huntington – yes; Dave Powelson – yes; Howard Pearl – yes; Jim Venne – yes. Unanimous – APPROVED**

Application #Z11-11, Variance for Impermeable Coverage – It was noted that the revised application is requesting to permit 51.6% coverage versus the 50% permitted.

Howard Pearl made a motion to approve the application to permit 51.6% versus 50%; seconded by Jim Venne. Mr. Pearl stated that they have done a great job with the Conservation Commission to get this to an acceptable format for the boards and owner. **A roll vote was taken: Earl Tuson – yes; Jonathan Huntington – yes; Dave Powelson – yes; Howard Pearl – yes; Jim Venne – yes. Unanimous – APPROVED**

Application #Z11-13, David & Louise Osborne – Variance for Reduced Acreage – Chairman Powelson read a request from the applicants to table this matter to the January 26, 2012 meeting. Additional time is needed to research new legislation regarding restoring involuntarily merged lots. **Howard Pearl made a motion to continue the application to January 26, 2012 at 7:00 p.m. in the Community Building; seconded by Jonathan Huntington. All were in favor.** There will be no further notification.

BOARD DISCUSSION

Jeff Green – Mr. Green spoke with the Board about a lot line adjustment that was done by Eric Woodman and others in 2009. One party's bank will not release a strip of land so a deed was done to reverse parts of the lot line adjustment. This now has to be corrected as the recorded lot line adjustment plan cannot be changed simply through a new deed. Mr. Green explained that the reversal took away a 50' strip of land that Mr. Woodman needed to have as frontage in order to have a buildable lot. He said that Mr. Woodman owns a 25' strip through a purchase at the time of the lot line adjustment. Mr. Green asked if the Board would consider a variance for reduced frontage, allowing Mr. Woodman to use the 25' strip. It was noted that Mr. Woodman has already built a house on the property and there was discussion of the release of the land for the conveyance of the lot line adjustment. It was agreed that seeking a variance was the best option.

ADJOURNMENT

Jon Huntington made a motion to adjourn the meeting at 8:00 p.m.; seconded by Howard Pearl. All were in favor.

Submitted by,

Donna White
Administrative Assistant