

**TOWN OF LOUDON  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF JUNE 23, 2011**

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, and Alternates Jim Venne and Jonathan Huntington

Jonathan Huntington was appointed to be a voting member in the absence of George Saunderson.

**ACCEPTANCE OF MINUTES**

Regular Hearing – **Howard Pearl made a motion to accept the minutes of May 26, 2011 as presented; seconded by Jim Venne. All were in favor.**

Site Visit – Ashland – **Jon Huntington made a motion to accept the Ashland site visit minutes of June 2, 2011; seconded by Jim Venne. All were in favor.**

Site Visit – Merullo/AAM Builders – **Jim Venne made a motion to accept the Merullo site visit minutes of June 2, 2011; seconded by Roy Merrill. All were in favor.**

**PUBLIC HEARING**

Z11-02 & Z11-03, AAM Builders – Special Exception for Reduced Setback and Special Exception for Wetland Crossing, Map 42, Lot 19, RR District, Clough Hill Road  
Chairman Powelson stated that this hearing was continued from the June 2, 2011 site visit. He read a letter from Tony Merullo asking to continue these applications to July 28, 2011 due to a real estate contract on the property and the possibility that the special exceptions may not be necessary. **Roy Merrill moved to continue the two applications to the meeting of July 28, 2011, 7:00 p.m. at the Community Building; seconded by Howard Pearl. All were in favor.** There will be no further notification.

Z11-04, Kendall Gay – Variance for reduced acreage and reduced frontage, Map 21, Lot 24, RR District, Bee Hole Road. Mr. Gay was present. There were no abutters present. Jeff Green of J L Green Enterprises represented the applicant. Mr. Green submitted a revised plan based on changes requested by the Planning Board at their June 16, 2011 meeting.

Mr. Green explained the location of the property, stating that it is currently one lot with the Class VI Wiggins Road cutting through the middle of the property. He showed that there is an existing house, garage and barn on the 1.282 acre south side of Wiggins Road and a barn on the 6.562 acre north side of Wiggins Road. Mr. Green stated that no State subdivision approval is needed for the north lot as it is over five acres. He outlined the history of the lot, explaining that the majority of the north side was added to the existing lot in 2006. Mr. Green stated that they are requesting the variance to allow for

reduced acreage on the south side and reduced frontage on the north side. He informed the Board that the Planning Board granted a conditional approval based on the ZBA approval and making the 33' Wiggins Road right-of-way 50' to allow for future widening. This is the change that he created on the new plan.

Mr. Green explained that the Bee Hole Road frontage on the north side would be 145.31'. He said there is frontage on Wiggins Road. He pointed out that he has put a note on the plan regarding the barn on the north side. He said the barn is to stay and any future development on Wiggins Road would require the developer to move the barn. There was discussion of the proposed location of a future house on the north side, the buildable area of that lot, and pictures that were presented showing the existing layout.

Dave Powelson had a question about the new property line on the north going through the barn. Mr. Green explained the ownership and rights associated with right-of-ways. Mr. Powelson asked about the condition that the barn will be moved if someone wants to develop and improve Wiggins Road. Mr. Green said that he did not want to affect the barn and the Planning Board wanted the line changed for future widening. He said he felt it should be paid for and done by whoever wanted to develop. Mr. Powelson said that he could see that this could be a problem in the future. Ned Lizotte asked how much trouble it might be to move the buildings. Mr. Green explained that the applicant is trying to sell the piece on the south side so would not want to disturb the buildings on that side. He said the pole barn on the north side would be the easiest to move.

Jim Venne had a question of access to other lots on Wiggins Road. Mr. Green pointed out that they would be accessed from the Route 129 end of Wiggins. Jon Huntington said that it does not make good sense to put a line through a barn or building. The applicant stated that he could change the barn if need be. Roy Merrill asked about removing the note from the plan. Mr. Gay said he would be in agreement with that.

Chairman Powelson went through the points of the application with Mr. Green. Mr. Powelson said he does not see any real issue with the way they are proposing two lots. Ned Lizotte asked if someone would have to buy the road if they bought a piece beyond this to develop. Mr. Green explained that they would have the right to pass. Mr. Lizotte had several questions about moving the barn, cutting down the barn size, and at what point this comes about if there was future development. He said he could see an issue for resolution of the barn issue. Roy Merrill said that a note could be made to move the barn if the road is upgraded. Jon Huntington said that the barn is an issue, repeating his concern of approving with a line going through a building. Howard Pearl stated that there is no issue now; there would be if the road was improved. He asked what would be acceptable language on the plan. Ned Lizotte stated that subdividing the lot makes sense but wondered how to make it better without creating a new issue. Jeff Green explained that they are expanding the right-of-way per the Planning Board and that creates the new line that goes through the barn. He said his client does not want to lose the barn and would like to leave it as is until such time that the road might be upgraded. Roy Merrill said if someone decides to upgrade the road then the applicant would have to decide what to do with the barn. Chairman Powelson said if the applicant is in agreement with that then the issue would be addressed. Mr. Merrill said the Planning Board is allowing for future widening just in case of future need but no one is asking for the applicant to take the barn down. Chairman Powelson closed the hearing to the public.

**Roy Merrill made a motion to approve the application with the rewording of the note regarding the barn; seconded by Ned Lizotte.** Mr. Lizotte said he wanted to ensure that there are no issues with the barn going forward. Dave Powelson stated that this approval seems nominally in keeping with the rural character of some non-conforming lots in town. **A roll vote was taken: Jonathan Huntington – No; Ned Lizotte – Yes; Dave Powelson – Yes; Roy Merrill – Yes; Howard Pearl – Yes. Yes -4; No – 1; Majority in the affirmative. APPROVED**

### **ADJOURNMENT**

Jon Huntington made a motion to adjourn the meeting at 7:50 p.m.; seconded by Howard Pearl. All were in favor.

Submitted by,

Donna White  
Administrative Assistant