

**TOWN OF LOUDON  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF NOVEMBER 28, 2011**

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

**ROLL CALL**

The following members were present: George Saunderson, Ned Lizotte, Chairman Dave Powelson, Howard Pearl, and Alternates Jim Venne, Earl Tuson, and Jonathan Huntington. Jim Venne was appointed as a voting member in the absence of Roy Merrill.

**ACCEPTANCE OF MINUTES**

**Regular Hearing – Howard Pearl made a motion to approve the minutes of October 27, 2011 as presented; seconded by Jon Huntington. All were in favor.**

**PUBLIC HEARING**

Z11-08, Scott Chase – Special Exception for Reduced Setback, RR District, Map 58, Lot 42, Berry Road. Scott Pike represented Mr. Chase. There were no abutters present. The Board reviewed the sketch that was submitted by the applicant. Chairman Powelson went through the points of the application with Mr. Pike. Ned Lizotte stated that the sketch shows that the proposed deck is not coming out any further than the house. Mr. Pike explained that the deck will be inside the footprint of the current porch. Hearing no further questions or comments, the chairman closed the hearing to the public and opened it to the Board for a decision. **Ned Lizotte made a motion to approve the application with the side setback reduced from 30’ to 25’; seconded by Howard Pearl.** Dave Powelson said this seems to be fitting for the neighborhood which consists of many small properties that have this same issue. **A roll vote was taken: George Saunderson – Yes; Ned Lizotte – Yes; Dave Powelson – Yes; Howard Pearl – Yes; Jim Venne – Yes. Unanimous – APPROVED**

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 were applicant Walid Kairouz, architect Mark Stewart and Bill Hanson. Abutter James Rhoads, his son, and grandson were present.

Mr. Moore explained that the reduced setbacks are the front which is 31.1’ vs. the required 100’ and the side by Rhoads which is 9.8’ vs. the required 30’. He said the rear setback is 57.4’ which meets regulations. Mr. Moore showed the current location of the underground fuel tanks, pointing out that they cross the State right-of-way. He explained that they are installing new tanks, showing the proposed location, by moving them back and squaring them to the property line. He pointed out the gravel area which goes to the tree line at the rear of the store and explained that this area is to be better organized. He

has done turning radiuses and determined that the fire department can get around the building and trucks will have no trouble when entering or exiting the new diesel pumps. Mr. Moore said the regulations call for parking areas to be paved so that is what they have proposed; however, the Conservation Commission has some concerns with runoff into the wet area. Mr. Moore will meet with the Conservation Commission at their December 5<sup>th</sup> meeting. He said the entire area may not be paved depending on the Commission's recommendation. There will be no trees cut and the plan organizes an area that is currently being used. He pointed out that there will be a new entrance to the building and the current fuel canopy will remain. The proposed fuel canopy will have gas and diesel. Mr. Moore explained where the existing septic system has been determined to be located at the rear of the building. He said he wants to get a conforming system onto the property, pointing out the well radius that he is working with for the location of the system and fuel tanks. It was stated that there will be tanks for a total of 30,000 gallons of gasoline and 8,000 gallons of diesel.

Dave Powelson asked about the setbacks from the new canopy, existing canopy, and tanks to the right-of-way. Mr. Moore said that the concrete pad of the new canopy would be 9', the existing canopy is 6', and the tanks would be 7' to the ROW. It was stated that the timeframe for the project would probably be in the spring. It was asked if the edge of the new canopy would be located in the wetland buffer. Mr. Moore showed the 25' wetlands line and the outer edge of the additional 50' of the wetland buffer. The canopy is at the outer edge of the buffer.

Ned Lizotte stated that he felt a site walk is needed. He said they are talking about improving the site but he would like to see the actual layout. Mr. Stewart and Mr. Hanson presented a slide show of the site, outlining the existing and proposed layout. Dave Powelson noted that additional reduced setbacks would be needed for the new canopy, the new corner of the building, and the tanks.

Mr. Moore went through the points of application #Z11-10. Howard Pearl, on point #9) added that the fuel tanks are being moved out of the NHDOT right-of-way as well as the parking. Jon Huntington asked if DOT will get involved at all. Mr. Moore said they will not as the project is not affecting the ROW. Mr. Pearl asked if the proposed drive-through window would push traffic in front of Rhoads store. He said it could be challenging to go out through the canopy area. Mr. Moore said it is hard to know where people would go out, probably going to the light depending on which way they are going. He showed the proposed island with a hedge near the existing entrance door. Mr. Moore said this was proposed as a means to prevent patrons from leaving the store and cutting directly across the exit of the drive-through.

Mr. Moore went through the points of application #Z11-11 explaining that this is for a variance to allow 56.5% impermeable coverage vs. the 50% allowed. During the review of the application he stated that there would be less runoff with the renovations. He explained that this is due to existing drains and the proposed addition of a couple of drywells to collect the roof runoff, getting it into the ground and recharging the system.

Mr. Moore went through the points of application #Z11-12 for the placement of a new diesel tank. There were no questions from the Board. Mr. Rhoads had no questions or concerns with the plan. Ned Lizotte asked that a site visit be scheduled. It was agreed to visit the location on Friday, December 2<sup>nd</sup> at 4:00 p.m. **Ned Lizotte made a motion to continue the hearing to the site walk and then to the December 22<sup>nd</sup> meeting, 7:00**

**p.m. at the Community Building; seconded by Howard Pearl. All were in favor.**  
There will be no further notification.

### **BOARD DISCUSSION**

A call was received in the office from a resident with concerns about an abutting property being set up as a residential facility for mental health clients. This matter was discussed with Lt. Reese of the fire department who stated that an inspection of the home was done earlier that day as required by the State. He said it is a single family home that was purchased as an expansion of a facility in Chichester where brain injury clients reside. The code enforcement office has been consulted with and will get back to the zoning office if there are any concerns. The ZBA members discussed the use of the house and agreed that it is an acceptable use as it is a residence in a residential district. It was also agreed that the residents would qualify under the definition of 'family' as outlined in the Zoning Ordinance. The caller will be notified of this.

### **ADJOURNMENT**

Jon Huntington made a motion to adjourn the meeting at 8:23 p.m.; seconded by Howard Pearl. All were in favor.

Submitted by,

Donna White  
Administrative Assistant