

**TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF APRIL 26, 2012**

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

ROLL CALL

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

ACCEPTANCE OF MINUTES

Regular Hearing – **Ned Lizotte made a motion to approve the minutes of March 22, 2012 as presented; seconded by Roy Merrill. All were in favor.** There was discussion about holding the audio recording of the March meeting for a couple of months; the Board was in agreement not to destroy that recording at this time.

DISCUSSION

Matt Moulton – Mr. Moulton explained that he would like to start a trash disposal/recycling service for the residents of the town. He said he would operate from his residence on Lovejoy Road but would not be keeping anything onsite other than his truck and trailer. Mr. Moulton explained that he would like to promote recycling and offer this service to others in town. Dave Powelson said it would appear that this is someone who owns a truck but would not be working at home. Mr. Moulton said he would do this service on the days that the transfer station is open. Mr. Powelson clarified that this would be a service business to others at their homes and Mr. Moulton would not be leaving the truck full of trash. Mr. Moulton explained that he would have barrels on the trailer for separating recyclable items. After brief discussion, the Board agreed that there was no reason for Mr. Moulton to come before them with an application. Roy Merrill suggested that Mr. Moulton speak with Bob Fiske to see if a business permit would be required.

PUBLIC HEARING

Application #Z12-03, New England Flower Farms – A letter to withdraw this application was received from Tim Bernier of T F Bernier, Inc., the applicant's agent. **Roy Merrill made a motion to accept the request to withdraw the application; seconded by Ned Lizotte. All were in favor.**

Application #Z12-06, Lois Choroszy – Special Exception for Reduced Setback, RR District, Map 58, Lot 98, Clough Pond Road. There were no abutters present.

Mrs. Choroszy explained that this lot is next to where she currently lives. The proposed access, which has been a driveway for some time on the vacant lot, would be in the side setback. She said they would like to make it the official driveway to the house that they plan to build on the lot. Chairman Powelson went through the points of the application with the applicant. The Board viewed the septic/site plan that was submitted. Donna White reported that she spoke with the road agent and he is alright with the

location of the driveway. Ned Lizotte stated that there is a home next door and this driveway would be close to that line. He said when the applicant sells their current home this driveway location could be a concern to the new owner. He suggested that a site visit be done. Dave Powelson agreed that it might be best to look at the location. A site visit was scheduled for May 1st at 5:00 p.m. **Roy Merrill made a motion to continue this hearing to the site visit and then to the May 24, 2012 meeting; seconded by George Saunderson. All were in favor.**

Applications #Z12-07 and #Z12-08, New Hampshire Motor Speedway – Special Exception for a Campground and Variance for Campground Criteria, C/R District, Map 52, Lot 15, Lower Ridge Road. Tom Blanchette represented NHMS. He gave an overview of the request to create a tent camping area in an ongoing effort to prevent fans from putting up tents in parking lots and along the Gil Rogers Highway. Mr. Blanchette said that they have their own security, as well as other enforcement agencies, moving these campers out of those areas but they aren't always successful as they just relocate to another area. He said it was discovered during a search for a missing person that there is a lot of human waste in the woods and there have been non-permitted campfires here and there. Mr. Blanchette said that Saturday nights of the major race events is when they have the biggest problem. He said they found sixty-eight tents last year. They are trying to fix the problem by creating an area for tent campers. Mr. Blanchette said there would be a fee to tent but it would not be enough to cover the extra cost to NHMS for additional security, porta-potties, etc. He said that Lot S7 is the lot that they are proposing to use for this purpose. The lot has been used for daytime parking on Sundays and the loss of those spaces would be offset elsewhere. Mr. Blanchette stated that their vendor has recommended 15-20 toilets for the area and a portable shower trailer would be located in Lot S6. He pointed out that this area would also be close to the fire department staging area. Mr. Blanchette spoke about the town's Zoning Ordinance and different State regulations that he and others have researched. He said the State regulations are not clear in this situation. The proposed layout has been reworked after talking with Lt. Reese of the fire department. Mr. Blanchette said he has also been working with Chief Wright with regard to site size and roadways width and turning radius. The original plan was for 147 spaces but has been reduced to 131 with the changes. Mr. Blanchette said they want to provide the services but simply to avoid the issue of the tents popping up all over the track's properties. He said the various site regulations that have been researched have ranged from 360 sf to 2500 sf, based on seasonal campgrounds. Mr. Blanchette pointed out that this request would be for two weekends per year.

Ned Lizotte asked how many nights would be involved. Mr. Blanchette said twelve maximum (should the Indy race be held), eight at this point. He noted that the Board granted reduced space sizes for the S10 campground for seasonal workers. Mr. Lizotte stated that this is a custom problem, specific to this property. Chief Wright said that he has done some research of RSA 216-I which lists an exception for motor sport events. George Saunderson asked Chief Wright if he is comfortable with the proposed layout with regard to fire safety. The chief said he is comfortable with the intent of getting the tents into one area for better control. He stated that the department issues a blanket permit for campfires, following State forestry specs for category 1 fires. He said this area is sandy and is no worse than where the RV campers are located. Roy Merrill

said a worse problem is the lighting off of floating objects that go everywhere and could cause fires. Chief Wright and Mr. Blanchette both acknowledged that those objects are a very big concern. Mr. Blanchette said they are addressing those through their camping packets and security, as well as not allowing the sale of such objects on the property. Chief Wright said they just want to be sure any fires are in a sandy area. He said the portable toilets would address the health concerns. The chief noted that they have addressed the lane width and turning radius as requested.

Roy Merrill said he has no problem with the applications if the fire department is alright with the proposal. Ned Lizotte said he feels the request is workable with the unique situation of the limited number of days and having met the fire department's requirements. Chief Wright said he would ask that it be authorized for a year and then reviewed. Chairman Powelson stated that, if granting, the approval is considered to be permanent and runs with the land. Roy Merrill said he felt it could be reviewed in a year. Ned Lizotte asked if there was any way to get the Board of Selectmen to authorize trying it for a year. Mr. Blanchette stated that NHMS is not doing this to make money, only to fix a problem for fire, health, safety, and security reasons. George Saunderson asked why the application is for twenty-one days if they are talking about eight to twelve days. Mr. Blanchette said he used what is in the overnight parking regulations (camping definition) and stayed consistent for clarity. Earl Tuson stated that the applicant could come back if the Board gave approval for eight days and they found they needed more if the third event was added. Mr. Saunderson said he was fine with twelve days. Ned Lizotte recommended just going with what is on the application if it is workable. Discussion continued about the best way to manage the number of days allowed to use the area for tent camping.

Chairman Powelson went through the points of the applications with Mr. Blanchette. Discussion was opened on the special exception application. Chief Wright spoke about the proposed 12' x 30' spaces and his concern of campers inviting a bunch of people over for partying. He said he would not want to see tents any larger than that. Mr. Blanchette said they considered the average tent size of 12' x 12' and the length of the average vehicle when determining the size. Roy Merrill mentioned that the fans could always get multiple sites and that it might be difficult to control. Discussion was opened on the variance application. There were no questions from the Board or the public.

Ned Lizotte made a motion to approve the application for special exception, #Z12-07; seconded by Roy Merrill. A roll vote was taken: Jim Venne – yes; Roy Merrill – yes; Dave Powelson – yes; Ned Lizotte – yes; George Saunderson – yes. Unanimous – APPROVED

Roy Merrill moved to approve the variance, #Z12-08, as presented; seconded by Ned Lizotte. Dave Powelson stated that it seems the applicants are trying to cure a problem specific to the track and it is a noble attempt. A roll vote was taken: George Saunderson – yes; Ned Lizotte – yes; Dave Powelson – yes; Roy Merrill – yes; Jim Venne – yes. Unanimous – APPROVED

Application #Z12-09, Joseph Maynard for B & D Harvey Realty Trust – Mr. Maynard, of Benchmark Engineering, represented the applicants. Abutters Alma and Ron Lane were present. Bill Megrath and Suzanne Megrath Harlow represented their mother, Betty Megrath, who is an abutter. Applicants Brian and Donna Harvey were also present.

Mr. Maynard explained that the existing home on this property was built in the early 1980s. He said the family would like to raze that house and build a new larger home for their retirement. He pointed out that the footprint would be 18' off one side of the lot and 29' off the other side. Mr. Maynard indicated the location of the new septic system that will be installed. He said the driveway will stay where it is, as will the existing drilled well and private boat access. The plan of the site with the new house, an area for parking, and the new septic was reviewed by the Board.

Chairman Powelson went through the points of the application with Mr. Maynard. He asked if there were any questions from the Board. Earl Tuson asked about the percentage of impervious coverage. Mr. Maynard said it is about 36% now and would be slightly less when done as the new will be going over existing impermeable areas. Roy Merrill recommended doing a site visit. George Saunderson asked how much bigger the new house would be compared to the existing house. Mr. Maynard said the existing house is about 1600 sf and the new house would be about 2700 sf. He said they would be just under 10% building coverage and the impervious coverage would be as existing because the new would be built over some existing.

Abutter Ron Lane asked if they are changing the footprint. Mr. Maynard pointed out the existing and proposed footprints. Earl Tuson asked if the boat access would be around the side of the house. Mr. Maynard reviewed the area on the plan. A letter from abutter Betty Megrath was received by certified mail earlier in the week. Mr. Maynard addressed the three questions in the letter with Mrs. Megrath's son and daughter. He said they will work with the neighbors to mitigate any concerns. There was discussion about the boat access, if it is public or private, and if it would be considered a driveway in the side setback. The Board agreed that it is not a driveway as they would just be going over their lawn to get the boat to the water.

A site visit was scheduled for May 1st at 5:30 p.m., to be flexible based on the site visit set earlier in this meeting. Mr. Maynard asked the Board if they had any concerns that he should address before he submits the shoreline protection application to the State. He said the applicants would like to get started. The Board agreed that they would have a good sense of the situation after Tuesday's site visit. **Ned Lizotte made a motion to table the application to the site visit and then to the May 24th meeting; seconded by George Saunderson. All were in favor.**

BOARD DISCUSSION

Chairman Powelson informed the members that he and Donna have each spoken with Jon Huntington about continuing as an alternate. He said that Jon indicated to Donna that he was going to step down after being on the board for many years but when Jon called him he wasn't sure that Jon was completely decided. It was agreed not to act on appointing an alternate until sure of Jon's intentions.

ADJOURNMENT

Jim Venne made a motion to adjourn the meeting at 8:51 p.m.; seconded by Ned Lizotte. All were in favor.

Submitted by,

Donna White
Administrative Assistant