

**TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF JULY 25, 2013**

Chairman Dave Powelson called the meeting at the Arthur Colby Safety Complex to order at 7:10 p.m. The meeting location was changed due to the anticipated number of attendees.

ROLL CALL

The following members were present: Chairman Dave Powelson, Howard Pearl, Roy Merrill, Earl Tuson, and alternates Jim Venne and George Saunderson.

Chairman Powelson thanked Fire Chief Wright and his department for making the station available at short notice. The chairman asked that cell phones be turned off during the hearing and explained the procedures of the hearing as follows: 1) the applicant will present the application, 2) abutters will have the first opportunity to address questions to the Board, 3) anyone wishing to speak is asked to sign-in at the front table so correct spellings are available for the record, 4) anyone wishing to speak is to use the microphone at the front of the room, identifying themselves for the record, 5) questions/comments are to be addressed to the Board; they in turn will address the applicant.

ACCEPTANCE OF MINUTES

Regular Hearing – Howard Pearl made a motion to approve the minutes of June 27, 2013 as written; seconded by Earl Tuson. All were in favor.

PUBLIC HEARING

Application #Z13-16, Open Hands Resource Center – Special Exception for Boarding House, RR District, Map 39, Lot 10 on Lovejoy Road. John Moretto, OHRC director, explained the request for a special exception for 268 Lovejoy Road based on Zoning Ordinance Section 204.3B for a boarding house. He said this would be temporary, transitional housing for up to twelve men. He said he would expect the number to build up to twelve over time, not open the doors with that many. Mr. Moretto stated that he and his family would reside in the main house and the carriage house would be used for housing the others. He said that there was a neighborhood meeting a couple of weeks ago, and he thanked the neighbors for the opportunity to attend and address their concerns. Mr. Moretto clarified the following: this is not going to be a homeless shelter or institutional facility; there will not be predatory sexual offenders; would not be those in need of consistent psychiatric care or people with a history of aggressive behavior; it would not be a hangout; there will be no sign other than the existing Lovejoy Farm sign; the property will not appear any different from any other residence; the men will be living there with him and his family; and they will work with the men to become self-sustaining. He said the project would be to restore Lovejoy Farm as a historic landmark and restore the farm to a working farm.

Mr. Moretto said there would be strict rules, criminal record checks, random drug testing and searches as requested by him, curfews, and lights-out rules. He said he knows

more about these people than neighbors would know about those who stayed at the bed and breakfast or their own neighbors. Mr. Moretto stated that he was asked at the June ZBA meeting if he would consider a PILOT (payment in lieu of taxes) since they are a 501C(3) organization. He said they would be willing to discuss this with town officials.

Mr. Moretto said they will work to restore the buildings on the property which would have a positive effect in cleaning up the neighborhood. He said there would be no changes of parking or setbacks and there would be no additional services needed any more than with other families. Mr. Moretto said there could be a slight increase in traffic as boarders are taken for job searches, to places of employment, etc. He said some homeless sleep in their car so there could be boarders with their own transportation. He said transportation would vary depending on the number of boarders, the availability of vehicles, and other factors. Mr. Moretto said there would be no negative environmental impact with the approval. He noted that he saw two signs on the lawn at the recent neighborhood meeting, one was Support Our Troops and the other was God Bless America. Mr. Moretto said many of the men who would be staying at the boarding house are veterans, real people in need of real help.

George Saunderson asked Mr. Moretto if he has met with the fire chief. Mr. Moretto said he has talked with Lt. John Reese about the project and will be talking with a fire engineer. Howard Pearl noted that the Ordinance says boarding houses are not to be for more than six units. He asked if the men would be sharing rooms. Mr. Moretto said they would as the rooms are spacious enough for two each. Mr. Pearl asked if the men would be receiving mail there. Mr. Moretto said that would be his assumption. Earl Tuson asked about the property's wastewater system. Mr. Moretto said the realtor and previous owners have said they have no real idea what is there.

Chairman Powelson asked if there were any abutters wishing to speak in favor of the application. Robert Berger of 255 Lovejoy Road said the community needs to do this for those who are less fortunate than themselves. He said there are a lot of veterans who have a hard time adjusting to the demands of life upon return from service. Mr. Berger said he feels this would be a worthwhile project as long as done with good planning.

Chairman Powelson asked if there were any abutters wishing to speak against the application. Jon LeBrun of 267 Lovejoy Road read from a prepared statement (copy submitted for the file). There were no questions from the Board. Stacey McNeil of 284 Lovejoy Road read a petition that was signed by 184 people; the petition and signature pages were submitted for the file. Mrs. McNeil read a personal statement with her concerns and related statistics. Cheryl LeBrun of 267 Lovejoy Road said the signs mentioned by Mr. Moretto are on their lawn, noting that she served as an RN in the Army. She said she knows about veterans having mental health issues, physical issues, and PTSD. Mrs. LeBrun said these people need professional help, not just friends and God. She said if they cannot function and need help, they need professional care, not this type of facility.

Rich LeBlanc of 259 Lovejoy Road said he feels the application is incomplete. He said he feels this should be considered as a home occupation as Mr. Moretto would be running this as a business. He said the men would have a contract, would have to work on the farm with room and board as payment. Mr. LeBlanc stated that a home occupation can only have up to three employees. He said this would be more like a multi-family situation and is not fitting for a rural residential area. Mr. LeBlanc said they would need

additional parking spaces, would have to have workers' compensation coverage, and there could be a water issue for the neighbors, not knowing how much water is in the ground.

Jim McNeil of 284 Lovejoy Road read a personal statement. He said the Board has control of this situation. If the Board approves the application it would be Mr. Moretto who decides who will live there, not the ZBA, and that scares him. Dena Rae of 246 Lovejoy Road said this facility does not belong in the Town of Loudon. She stated that she is a single mother of two young girls and approval of this proposal could make her and her daughters homeless if she had to move and could not sell her house.

Chairman Powelson asked if anyone from the public wished to speak. James Spencer of 7192 School Street said he was homeless for two years. He said he is a veteran and had a hard time accepting help and was too proud. He said he got back on his feet in seven years and didn't use drugs or alcohol or his physical condition as excuses. He said he is now a disabled veteran, pays his taxes, and should have the right to say who lives in town. Mr. Spencer said he did it himself and got no help as a veteran.

Lorrie Dale stated that she is the director of McKenna House in Concord and lived in Loudon at one time. She said she supports this project for a working farm which is not a shelter, and Mr. Moretto has a good plan to make it work. Ms. Dale noted that there are seven registered sex offenders in Loudon, five of whom live within a short distance from Lovejoy Farm. She said many who are homeless want to give back not just a hand-out. Ms. Dale said her kids and grandkids come to her shelter which is a safe place for the homeless to lay their head and have support. She said there could be homeless sitting amongst those in the audience and she would dare say the public would not know they were homeless. Ms. Dale asked anyone in the audience who is homeless to stand; about a dozen people stood up.

Ben Fleury of 365 Lovejoy Road said he and his wife just moved to Loudon and they would not have bought there if they knew this type of facility would be allowed in town. Karen Bast of Memory Lane said she had questions about the farming aspect of the proposal. She said she would assume it would be vegetables, not animals or trees. She said she also had other concerns. John Moretto said he would hope to see the farm become self-sustaining with beef, pork, chicken, and vegetables. He said this would be done with a unified group, not just himself. He said the OHRC board and churches in the area with resources/knowledge would participate in the farming aspect. When asked how many OHRC board members there are, Mr. Moretto said there are nine on the board.

Karen Troon of 114 Lovejoy Road said that social services are not available in Loudon. She said people from Loudon pay their taxes and would have to pick up the taxes for this property. She told Mr. Moretto that he has no education to work with these people and he cannot guarantee the church will be there if something happens and restraint, etc is needed. Mr. Moretto said because these men are less fortunate it seems to automatically make them criminals, sex offenders, etc. He explained that the homeless population in the Concord area is varied and includes people from all aspects of life with a range of needs, and one group cannot meet all of those needs. Mr. Moretto said OHRC would take a tiny portion of that population, with no sex offender issues just individuals trying to do their best, wanting to better themselves. He said this has nothing to do with Concord's recent attempt to move the homeless as suggested by someone earlier in the

meeting. He said many of the homeless that are seen are not from Concord, noting it is a regional problem and there are homeless in Loudon.

Lisa Laughlin of 185 Old Shaker Road stated that Mr. Moretto is asking residents to trust his judgment. She said the proposal has incompatibilities with zoning. Mrs. Laughlin said she does not doubt that Mr. Moretto has good intentions but he has not provided enough information for the application to be complete. Mary Ann Steele of 637 Loudon Ridge Road said the meeting has been debating a homeless shelter for twelve men but has missed the basic point of whether this applicant is entitled to a boarding house. She said this is not a treatment facility but is a business and it does not meet the definition of a boarding house.

Rebecca Curley, current resident of McKenna House, spoke in support of the proposal. She said she lived in Bristol for many years, becoming a heroin addict three years ago, has children and PTSD. Ms. Curley said Mr. Moretto is offering people who want to contribute a safe place to get back on their feet. She said he is not going to put his family in danger. Rich LeBlanc referred to Section 502.2 relative to home occupations and said he would be fighting this even if not for a homeless shelter as this is a residential neighborhood and not the place for a business.

David Colby stated that he has worked with different populations for thirty years and knows what kind of criteria Mr. Moretto would have to meet for this type of facility. He said he wishes Mr. Moretto well to meet all of the legal requirements. Mr. Colby said these people have human rights and he would support this project if it was near him. He ended by saying that it is much easier to correct homelessness than narrow-mindedness. A homeless woman said she was sorry that people are afraid and ashamed of the homeless. She said it is sad as they are human too. Norman Boyer said he can appreciate the homeless but it is up to the gentleman to meet the criteria of the ordinance. He said this meeting should not be extended to hear concerns, etc but it should stick to the application and move forward.

Lorrie Dale, in response to concerns that this facility does not meet the definition of a boarding house, stated that Concord issues a boarding house permit for a temporary emergency shelter. Fred Roy of Goshen Drive asked how the homeless people who stood up got to the meeting, if they drove or if they live in Loudon. He said there are buildings open in Concord that would be more suitable for this type of facility. He said he does not fear the proposal, he just does not understand why Loudon. Karen Lawrance of Willow Terrace said she and her husband are friends with the Morettos and that Mr. Moretto is a man of integrity. She read a personal statement of support.

Doug Cole of North Village Road said this is a secular meeting, not a church, and Loudon residents should not be shamed for their concerns. He said he has not seen good accountability and this would not be a boarding house because if it was there would be no need to have drug testing and curfews. Ernie Kilman of Lovering Avenue said the town has an opportunity by supporting this project. He read a personal statement and submitted a copy for the file. Becky Herrmann of Old Shaker Road said she has four small kids and has concerns with this type of facility in town. She said it would be 1.2 miles from the elementary school and these men would have to pass the school to go to the store.

Larry Hemphill of Staniels Road stated that he has lived in Loudon for 28 years, coming from Contocook where his business wasn't wanted because of 'snob zoning'.

Mr. Hemphill said he is concerned because the homeless are being branded. He said many of them could have jobs and it is not fair to categorize these people. He explained that he was homeless for two months due to a fire and it was not fun having to depend on others for shelter and the necessities. Mr. Hemphill stated that he works with families with children to find homes and they are very carefully screened. He said he is on the board of the Coalition to End Homelessness. Mr. Hemphill told Mr. Moretto he would gladly serve on the OHRC board if they had no members from Loudon.

Terri Moore of Pine Ridge Road said she has lived in town all her life. She said she has raised three children and has taken in homeless with the understanding that they could stay rent-free for up to three months. Ms. Moore said those staying with her would have to work, save, and get an apartment. She said she had no idea who most of these people were, sometimes people known by friends or acquaintances. She stated that last year in the winter she took in a family of five that had been living in their car. She said these people are nothing to be afraid of and most are willing to do what they have to in order to get out of a rut.

Stacey McNeil stated that she is not afraid of the homeless, noting that her parents brought them into their house but that was their choice. She said the neighbors do not have that ability. She said she is scared of their tendencies, not the people. She said there would be nobody there to help with those tendencies and the area suffers if they choose not to abide by the rules. Larry Hemphill said neighbors could have ten children and five goats; there is no choice. He said other neighbors could have two dozen chickens; there is no choice. Mr. Hemphill said when homeless find a place that takes you in, teaching you love and work ethics, what better could you ask. He said he hires a homeless person who lives in their car to do odd jobs that he can no longer do himself. He said not every person will be a good candidate for this home but he trusts John Moretto explicitly.

Ben Fleury stated that Mr. Moretto would be running his masonry business out of this house as well. Maureen Amell of 138 Lovejoy Road said she is concerned about the added tax burden. Robert Berger stated the property would also be tax exempt if a church bought it for a parsonage. A homeless woman stated that she is a senior citizen with seven grandchildren. She said the homeless are loving people and she would move with her grandchildren next door to and support this type of facility.

Tim Laughlin of Old Shaker Road asked the Board to bring the meeting back to the zoning issue. He said he feels the applicant is not meeting the zoning rules. Mary Ann Steele said the appropriate thing to do is to meet with the Planning Board to change the zoning for a homeless shelter. She said this is not a church meeting and urged the Board to keep to the zoning matter.

Howard Pearl made a motion to go through the points of the application; seconded by Earl Tuson. All were in favor. There was a young lady waiting at the microphone to speak; Chairman Powelson allowed her to continue. The young lady explained that she is John Moretto's sixteen year old daughter and she, her sister, and one year old niece would be living at this property. She said her father is a trustworthy man and she is not afraid to live at the home as she trusts her dad and knows he will make everything ok.

Chairman Powelson went through the points of the application with Mr. Moretto. Howard Pearl stated that many residents have spoken with compelling points. He said if

this was Mr. Moretto's home and he was inviting one in that would be different but this proposal is for twelve men and a much larger scale. He asked Mr. Moretto what he could offer to ensure safety of the neighborhood. Mr. Moretto stated that he was asked at the neighborhood meeting why he didn't just buy the property and do this. He said that is not how he does things and realizes anyone could have. He said he understands the concerns but not every homeless or person in need is a criminal. He said he is asking the Board to allow these people to stay with him and his family. Mr. Moretto said he is asking for up to twelve because it fits but it is up to the Board if it feels less would be more appropriate.

Howard Pearl asked who would be in charge, supervising the farm, etc. Mr. Moretto said they have resources, people who will help and oversee the project. He said the farming aspect is designed to give the men something to do and it will be as large as it needs to be to stay busy when not working or job searching. Roy Merrill asked how they would get twelve out looking for jobs. Mr. Moretto explained that most job searches are done online these days. He said some have transportation as they may be living in their cars. He said they would make arrangements and it would vary, being an in-house thing to be coordinated. Mr. Merrill asked how they would get them all to work if all are employed. Mr. Moretto said they would have to coordinate with those who have cars, have drop-off and pick-up times/locations, etc. He said this would be a progressive facility so once a man was established with a job and income, and had saved some money, they would transition out to their own place.

Jim Venne asked what they plan to do about the well and septic. Mr. Moretto said the septic system shows no signs of failure. Dave Powelson noted that a neighbor said the system was approved for a three bedroom house and four units in the carriage house. Mr. Moretto said he was not able to get that information from the seller. Jon LeBrun said he went to the DES website and got the information.

Chairman Powelson returned to the points of the application with Mr. Moretto. Howard Pearl stated that the resources that were mentioned coming to help would impact the traffic. Mr. Moretto said they are not talking a large scale operation and any anticipated extra traffic would be slight at best. Roy Merrill said the applicant has good intentions but he has to convince the Board how this meets boarding house definition. Mr. Moretto said the City of Concord sees the McKenna House as a boarding house, a place where people stay temporarily. Howard Pearl said if the men are to receive mail there then it would not be temporary, that would make them residents not boarders. Mr. Moretto said getting mail as a homeless person is an issue. He said their center in Concord accepts mail for homeless and it would seem sensible that these men could receive mail at the Loudon address. Mr. Pearl said it appears more like multi-family housing. The chairman returned to the points of the application.

Jon LeBrun said the applicant has offered no proof, he has just asked residents to trust him. He said a traffic study should be done, they need to know the impact of seventeen people on the septic system, and no proof has been given that there won't be a need for additional municipal services. Mr. LeBrun stated that the burden of persuasion is on the applicant and he has presented no studies or reports.

Chairman Powelson closed the hearing to the public and opened it to the Board only. **Howard Pearl made a motion to deny the application on the grounds that it does not meet points 1, 2, or 3 on the application as presented; seconded by Earl Tuson.** Mr. Pearl thanked everyone for coming. He said the hearing helped get info into

the open, acknowledging compassion for the goal and that there is a lot of need. He said he does not think the application as presented convinces on all points. Mr. Pearl said the opinions of the abutters brought up some very valid points and maybe the applicant could have clarified things a little better. George Saunderson said the applicant's heart is in the right place and there is a problem with homelessness but he just cannot see it in this neighborhood. Earl Tuson stated that the application is for a special exception for a boarding house. He said an old title, alms house, would be more fitting but is not addressed in zoning. He said a temporary for-profit facility does not seem to meet the definition of boarding house. Mr. Tuson said the Board might have been better able to determine the use if they had specific answers on question #2. He said farming is permitted but he is not sure they could keep twelve adult males busy on that size farm. He said there was not enough information on how concerns would be met.

Roy Merrill said there is no real place for this in zoning where it is not really a boarding house. He explained that it is the Board's responsibility to look out for the public. Mr. Merrill said he does not think the applicant has a security situation in place, transportation could be a problem, it is not as easy as they might think and they cannot always depend on others. Jim Venne commended the applicant for his intentions but feels he has not met the burden of proof.

Chairman Powelson appointed George Saunderson to be a voting member in the absence of Ned Lizotte. He went through the points with the Board: 1) *did not meet*; 2) *did not meet*; 3) *several felt this did not meet*; Roy Merrill said the septic does not worry him as it could be upgraded; 4) *did not meet*; 5) Earl Tuson-no estimate of traffic volume; Howard Pearl-recognizes there will be some; George Saunderson-some increase; *meets*; 6) no concerns; *meets*; 7) no concerns; *meets*. **Howard Pearl amended his motion to read 'to deny the application on the grounds that it does not meet points 1, 2, 3, or 4 on the application as presented'; Earl Tuson seconded the amended motion. A roll vote was taken: George Saunderson – yes; Earl Tuson – yes; Dave Powelson – yes; Roy Merrill – Yes; Howard Pearl – yes. Unanimous - DENIED**

The meeting was adjourned at 9:45 p.m. and moved to the Community Building for the remaining items on the agenda so the Fire Department could put their vehicles back in. The meeting reconvened at 9:57 p.m.

Application #Z13-14, James Rood (Subway) – Special Exception for Sign, C/I District, Map 49, Lot 115 on Route 106. There were no abutters present.

Mr. Rood explained that he has a Subway franchise at Loudon Mart on Route 106. He said this special exception is for a sign on the end of the facility to the right of the two glass doors. Chairman Powelson noted that the matter initially went to Board of Permit and was referred to the ZBA. Mr. Rood said instead of having 60 sf of signage in one space he wants to split it for better visibility. He said he worked out the legal work between Subway and the property owner for the additional sign. A letter from owner Walid Kairouz was received, allowing Subway to apply for another sign.

Chairman Powelson went through the points of the application with the applicant. It was stated that there would be a 30 sf sign on the front of the building and another 30 sf sign on the side of the building. Donna stated that Bob Fiske referred the applicant to the section of the Zoning Ordinance listed on the application. There were no questions from

the public or the Board. Roy Merrill said it is a pretty straightforward request. **Roy Merrill made a motion to approve the application; seconded by Howard Pearl.** Jim Venne was appointed as a voting member in the absence of Ned Lizotte. **A roll vote was taken: Jim Venne – yes; Howard Pearl – Yes; Roy Merrill – yes; Dave Powelson – yes; Earl Tuson – yes. Unanimous - APPROVED**

Application #Z13-15, Paul & Mary Nichols – Special Exception for Reduced Side Setback, AFP District, Map 66, Lot 8 on Loudon Ridge Road. There were no abutters present.

Mr. and Mrs. Nichols explained their intent to build a house on the adjacent lot which they also own. They said they will be reducing the acreage of this lot with a lot line adjustment but before that they had to see the ZBA for a reduced side setback for the existing driveway. The plan is to move the line 30' to allow access to their tree farm. The adjusted line would be right at the existing driveway. Mr. Nichols said they had road agent Dave Rice look at the area and it was agreed that leaving the existing driveway in place would be preferable because it provides a good line of sight. Chairman Powelson went through the points of the application with the applicants. Howard Pearl said he would recommend reducing the side setback to not less than 5' so snow can be plowed and not be put onto the other lot. The applicants said they would be in agreement. There were no questions from the public or the Board.

Howard Pearl made a motion to approve the reduced side setback to 5'; seconded by Roy Merrill. George Saunderson said it was a straightforward matter. **A roll vote was taken: Earl Tuson – yes; Dave Powelson – yes; Roy Merrill – yes; Howard Pearl – yes; Jim Venne – yes. Unanimous – APPROVED**

Application #Z13-17, Troy Ellis – Special Exception for Reduced Front Setback, RR District, Map 22, Lot 5 on Bear Hill Road. There were no abutters present. George Saunderson was appointed as a voting member for this case.

Mr. Ellis explained that they would like to put a porch on the end of their house, squaring it off with the front of the house. He said the front door is too close to the road and is a safety issue with the kids running out that door so he added a door at the side of the house. Mr. Ellis pointed out on his sketch that the porch would be between the house and garage. Chairman Powelson went through the points of the application with the applicant. There were no questions from the public or Board. **Earl Tuson made a motion to approve the application with the front setback reduced to 5'; seconded by Roy Merrill. A roll vote was taken: George Saunderson – yes; Earl Tuson – yes; Dave Powelson – yes; Roy Merrill – yes; Howard Pearl – yes. Unanimous - APPROVED**

ADJOURNMENT

Howard Pearl made a motion to adjourn the meeting at 10:32 p.m.; seconded by Jim Venne. All were in favor.

Submitted by,

Donna White, Administrative Assistant