

**TOWN OF LOUDON  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF MAY 22, 2014**

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, Ned Lizotte, Earl Tuson, and alternate George Saunderson.

Charlie Aznive attended as an observer/potential alternate member.

**ACCEPTANCE OF MINUTES**

**Regular Hearing – Earl Tuson moved to accept the minutes of April 24, 2014 as written; seconded by Roy Merrill. All were in favor.**

**PUBLIC HEARING**

Application #Z14-04, N H Motor Speedway – Special Exception for Wetland Impact, CR District, Map 61, Lot 5 on Route 106 N. There were no abutters present. Cindy Balcius of Stoney Ridge Environmental and Naomi Praul of Nobis Engineering represented the applicant.

Ms. Balcius gave an overview of the previous wetlands project that was done about five years ago. She explained that there had been an existing dam that was installed in 1994 to provide flood storage. The dam was taken out during the last project so it became more of a flow-through stream. That change shrunk the size of the wetland by a little. There will be an impact of 54,888 sf with this project. Ms. Balcius pointed out that the triangle wetland that is being addressed with this application has split usable areas of parking that are used for function and display areas. She said there is currently no storm water treatment in this area, but this will now be provided before discharging into the Gues Meadow Brook. Ms. Balcius pointed out that there are several areas around the track that are in conservation so cannot be used; this is the only usable area for expansion.

Ms. Balcius explained that any impact over 10,000 sf has to supply mitigation in fee, conservation, or create a wetland. She stated that they are looking at a conservation piece of thirty-seven acres on Bumfagon Road. The Cote property has 2000' on the Bumfagon Brook; there would be a wooded buffer along most of that. She said they met with the Conservation Commission and they were in support of the proposal. Ms. Balcius explained that a similar process would be done as they did in 2009. The property would be purchased by the track, deeded to the town, and NH Fish & Game would hold the easement. The proposal has to be reviewed by NH Fish & Game, DES wetlands bureau, and federal agencies. George Saunderson reported that the Conservation Commission representative at last week's Planning Board meeting informed them that the Commission is very much in favor of this project. Mr. Butler told the Planning Board that the Cote piece is good for this purpose, the track area is already very compromised, and this is a good project.

Ms. Praul gave an overview of the previous project, pointing out two 42" pipes that run through the infield to the brook. She explained that this proposal would extend those pipes to the end of the triangle area and that the area will be brought up to the existing area grade. There will be about four acres of more porous pavement when done. She stated that the area is a giant bowl, like a collection bowl, where rainwater will sheet off the surrounding paved lots.

Ned Lizotte asked about the location of the project on a photo displayed in the meeting area. Ms. Balcius explained that the function and value has decreased since the previous project and the dam was removed. She said the system is fragmented but there are other areas for any species that may have been there. Mr. Lizotte asked if the pavement would be the same product used at UNH. Ms. Praul said it would be,

pointing out a display area at the track that has porous pavement. She said this new area will not be compromised with sand and salt as it will not be maintained during the winter.

Chairman Powelson asked if there were any abutters wishing to speak in favor of or against the application. There were none. Jeff Green asked about the drifting demo that was mentioned earlier in the presentation. Ms. Praul explained that the winter driving/drifting class would not be done in this area. The chairman asked the members if they were alright with George's report for the Conservation Commission. All said they were. He asked if a site visit would be needed. It was agreed that there was no need for a site visit. The hearing was closed to the public.

**Howard Pearl moved to approve the application pending permits that are needed; seconded by Ned Lizotte.** Roy Merrill said it only makes sense to close that area in and improve the flow. Howard Pearl said the applicant's track record has been good with positive changes. **A roll vote was taken: Howard Pearl – yes; Roy Merrill – yes; Dave Powelson – yes; Ned Lizotte – yes; Earl Tuson – yes. Unanimous - APPROVED**

Application #Z14-05, Karen Mossman Revocable Trust – Special Exception to leave structure/business on separate lot, RR District, Map 51, Lot 24 on Clough Hill Road. There were no abutters present. Applicants Karen and Bob Mossman were present. Jeff Green represented the applicants.

Mr. Green explained that this property is the location of Interstate Concrete and the applicants' home on Clough Hill Road. He said they are looking at dividing the property, leaving twelve acres with the business area and two acres with the house, garage, and pool. This would make it a stand-alone business. Mr. Green said it is a town approved business. Earl Tuson asked what was approved. Mr. Green said a site plan for an office, garage, and storage was approved in 1997. He explained that there was an existing garage and they added the shop and office. He said the business was there prior to zoning and the expansion was approved by the town. It was stated that they initially ran the business out of the house.

Dave Powelson asked if they could meet all the setbacks if subdividing. Mr. Green said he has not done a plan yet; he only did this design to demonstrate the possibility. Earl Tuson asked for the total frontage. Mr. Green said it is 400'. He explained a case on Chichester Road which he feels is similar. In that instance there was an existing business and the property owner went before the ZBA to allow him to build a house on the lot.

Dave Powelson said he is not sure the special exception process allows what is being requested. Mr. Green referred to Section 204.3 I of the Zoning Ordinance. Mr. Powelson said they currently have one lot that is non-commercial/non-residential combined, and they want to make it two lots. He said he does not object to the concept but needs to know it can be done. Earl Tuson said the intent of the ordinance would be not to permit that business in this district. Mr. Green stated that there are many businesses in the RR District. He read from the Ordinance. Dave Powelson referred to section 602.2 relative to non-conforming building or use. Earl Tuson said they are not changing the use or building; it would be the same exact situation where they already have mixed use. Roy Merrill said someone could put up a house on that lot since it is residential.

Howard Pearl noted that the frontage does not show 400'. Mr. Green pointed out a tiny piece at the corner on a bend. He said the frontage has been verified. The chairman asked Mr. Green to go through the points of the application. Mr. Powelson then asked if there were any questions from the public or Board. There were none.

Howard Pearl said the Ordinance does not say you can do this but also does not say you cannot. Mr. Powelson explained that it is a permissive ordinance in that it states what can be done. Earl Tuson, in looking at the intent of the ordinance, asked where stand-alone businesses are listed. He said if a home and business are there the owner has a different interest than if just a business is there. He said right now ownership is common. There was discussion of one lot versus two lots and the potential to put a home on the lot with the business. Howard Pearl said the key to remember is this is a grandfathered business which gives it some rights. Ned Lizotte said a lot has changed since the business was started. Earl Tuson said expansion would be limited today to 25%. Dave Powelson noted that they can make special conditions on approval.

**Roy Merrill made a motion to approve as presented; seconded by Howard Pearl.** Ned Lizotte asked if there were any special conditions that should be attached. Mr. Pearl said he does not see any reason to do that. Earl Tuson said he does not feel this is compatible with the intent of the Ordinance. Charlie Aznive

asked Mr. Tuson if he is thinking down the road that a different business could be a problem to abutters. Mr. Tuson said the RR District does not support stand-alone businesses. He said those are encouraged in the C/I District, not RR. Howard Pearl said the point is valid but this is a grandfathered business which is non-conforming and always has been. Ned Lizotte said someone could buy the lot and build a house on it. The chairman said they could discuss putting conditions on to address Mr. Tuson's concern. Mr. Tuson said it is already in Zoning under Section 602.1. Dave Powelson asked if the business is still operational. Mr. Green said it is operational. When asked if there are trucks in and out and employees on a daily basis, Mr. Green said there are, it is not an abandoned use.

**A role vote was taken: Howard Pearl – yes; Roy Merrill – yes; Dave Powelson – yes; Ned Lizotte – yes; Earl Tuson – no. 4 – yes; 1 – no; Majority vote – APPROVED**

### **BOARD DISCUSSION**

Dave Powelson brought up a matter on Pittsfield Road. He said one party spoke with him and is not happy about a neighbor raising pigs, goats, chickens, and a horse on a two + acre lot. He said another party spoke with Earl Tuson about the matter. Board members discussed that farming is permitted in the RR District. It was suggested to the parties that they talk with Code Enforcement/Health Office or try mediation. Earl Tuson said the owner had an inspector from the State who said there is no run-off. He said the owner seems to be trying to take some steps in correcting the odor issue. It was suggested that he contact the NH Agricultural Mediation Program and to use best management practices. It was agreed that this does not involve the ZBA but was brought up as simply informational.

The Board talked with Mr. Aznive about being an alternate member. **Howard Pearl made a motion to appoint Charles Aznive to fill the remainder of Jim Venne's term as an alternate member through March 2015; seconded by Ned Lizotte. All were in favor.**

### **ADJOURNMENT**

Ned Lizotte made a motion to adjourn the meeting at 8:25 p.m.; seconded by Earl Tuson. All were in favor.

Submitted by,

Donna White  
Administrative Assistant