

**TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF AUGUST 27, 2015**

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

ROLL CALL

The following members were present: Howard Pearl, Roy Merrill, Dave Powelson, Ned Lizotte, Earl Tuson, and alternates Charlie Aznive and George Saunderson. Deputy Chief Bill Lake and Chief Rick Wright represented the Fire Department.

ACCEPTANCE OF MINUTES

Regular Hearing – **Ned Lizotte made a motion to accept the minutes of July 23, 2015 as presented; seconded by Howard Pearl. All were in favor.**

DISCUSSIONS

Adam Bousquet – Mr. Bousquet explained that he is trying to start an auto repair shop at 430B Lower Ridge Road (M53/L11) and recently got a card from Bob Fiske stating that he needs a permit to operate a business there. He said he is renting a garage from John Hoagland, the owner of the property. Dave Powelson pointed out that this parcel is in the AFP District; he reviewed the Zoning Ordinance for permitted uses and uses allowed by special exception. Auto repair shops are not listed. Roy Merrill asked Jeff Green, in the audience, if there was ever a garage there. Mr. Green explained the uses of the properties when his father and grandfather owned it and the abutting parcel. He said this garage was for the storage of trucks. Mr. Bousquet stated that he is planning to do repair of cars and trucks; he is a licensed inspector and has applied for an inspection station. He is just waiting for the state to inspect the building to make sure he has all the necessary equipment. Howard Pearl said this is clearly not a permitted use or allowed by special exception; the only option would be a variance. The Board discussed the property's history, the proposed use, and the owner's use of it for antique auto restoration but not open to the public. Mr. Bousquet was given an application for a variance and advised to review the Zoning Ordinance and talk with Donna at the office if he has any questions.

PUBLIC HEARINGS

Application #Z15-14, Miles Smith Farm - Variance for sign – Map 49, Lot 67, C/I District. Howard Pearl recused himself from this case because of business connections with the applicant; Charlie Aznive was appointed as a voting member. Carol Soule explained that she got approval a few years ago to have a sign on the other side of Route 106. She said that land is being sold and they were asked to remove the sign. Ms. Soule said Arthur Austin offered space for the sign on this lot. She said she met with DOT earlier today and has a provisional approval based on the ZBA's approval. Ms. Soule said the sign will be in the trees and low because of the terrain; Mr. Austin has approved some clearing. The 8' height of the sign will be below road level; she said she would like to ask for approval to have the posts taller so the sign would be 8' at road level, probably about 20'. Charlie Aznive asked if the extended height would change anything with the state. Ms. Soule said it would not. The chairman went through the points of the application with Ms. Soule. Letters were received from abutters Chagnon and NH DOT. Several other parties submitted letters of support as well.

Chairman Powelson asked if there were any questions from the Board. Roy Merrill asked why this would be a variance. Earl Tuson said it would be because of the size, referring to Section 501.6. He said a farming sign is smaller than what is being requested, just as seen in 2012 when a variance was granted for the initial placement. Ned Lizotte noted that this is simply a lateral move of the sign. Charlie Aznive agreed, but with a height adjustment to compensate for the lower terrain.

Resident Anna Carlson said she feels it would be a hardship to have the sign and then have it taken away. Arthur Austin, as owner of the property, said there will be no different impact in going from one side of the road to the other, just taller posts. Deanna Tranfaglia said it is a beautiful sign and it makes sense to have it on the same side of the road as the farm. Cindy Shea, president of the Ag Commission, said she is totally supportive. Chris Koufos, vice president of the Ag Commission, said he supports the application because it is important to keep the rural farming heritage alive in Loudon.

Earl Tuson said these questions have been seen by the Board before and this does not seem substantially different. He said the height is important for visibility but 20' seems awfully high. He said it is important to provide distinction of the sign from the ground. He noted that Mr. Arthur feels the drop in terrain is about 6' as compared to 10' as mentioned by the applicant. He said he does not have a problem with the request as long as the sign stays at the same elevation as the current location. **Roy Merrill made a motion to approve the application as presented; seconded by Ned Lizotte. A roll vote was taken: Roy Merrill – yes; Dave Powelson – yes; Ned Lizotte – yes; Earl Tuson – yes; Charlie Aznive – yes. Unanimous - APPROVED**

Howard Pearl returned to the table.

Application #Z15-15 and Z15-16, Racing History Preservation Group – Variance for a museum and Special Exception for driveway in side setback, Map 51, Lot 19, C/I District. Dick Berggren represented the applicant; Jerry Gappens and John Zudell represented NHMS.

Z15-15 - Mr. Berggren explained that his group wants to build a motorsport museum to share the history of racing in New England. They will lease a parcel of land from NHMS, just north of the Shell station. It was noted that this is the best location because of the frontage and visibility as compared to other NHMS areas. Mr. Berggren gave an overview of the proposal, stating that the building would house cars, trophies, helmets, suits, and other memorabilia. He read from the Zoning Ordinance with regard to the purpose of the C/I District.

The chairman went through the points of the Variance application with Mr. Berggren. Jerry Gappens said he has followed the process from the beginning, and the group has worked hard to research other facilities. Mr. Gappens said Bruton Smith, owner of NHMS and other tracks, is in support of the proposal. He said this will be a first class facility, and it speaks well for the relationship of the town and track that the group chose Loudon over Epping and other places in New England. Ned Lizotte asked Mr. Berggren what he is envisioning as compared to other auto museums. He spoke of several he has visited and asked if this one would be similar. Mr. Berggren spoke about several museums he has been to across the country. He said the building will be simple as compared to some fine art museums but it will have 'wow' factor. Dave Powelson asked how big the museum will be. Mr. Berggren said it will initially be a little less than 10,000 sf. He said it will depend from there on the response seen and finances; it will be no more than 20,000 sf in the end. He said it will be educational as it will cover the entire history of New England racing. They hope to have school groups visit, introducing younger people to the sport. Jerry Gappens spoke about other educational collaborations NHMS has with area facilities and groups.

Chairman Powelson read a letter from NH DOT as an abutter; there were no concerns with the proposed use. **Howard Pearl made a motion to approve the Variance as presented; seconded by Ned Lizotte.** Earl Tuson noted that the subdivision of the lot has not taken place yet. He asked what lot this approval would be for. Mr. Berggren said an area of 2.5 acres is being proposed and will go before the Planning Board in September. Mr. Tuson said he just wants to be sure that the

Variance carries over once the Planning Board does the subdivision. **A roll vote was taken: Earl Tuson – yes; Ned Lizotte – yes; Dave Powelson – yes; Roy Merrill – yes; Howard Pearl – yes. Unanimous - APPROVED**

Z15-16 – Dave Powelson asked if the area will be fenced. Mr. Berggren said they are not sure at this point; they are looking at different options and considering traffic control. The reason for the driveway being in the side setback is to move traffic from the parking lot in the front of the building to the rear parking lot. Its placement allows room for future expansion of the building. The chairman went through the points of the application with Mr. Berggren. He asked if there were any questions from the Board; hearing none, he asked if there were any questions from the audience. There were none. **Ned Lizotte made a motion to approve the application as submitted; seconded by Howard Pearl. A roll vote was taken: Howard Pearl – yes; Roy Merrill – yes; Dave Powelson – yes; Ned Lizotte – yes; Earl Tuson – yes. Unanimous – APPROVED**

Mr. Berggren informed the Board that his group plans to have a groundbreaking ceremony on September 25th at 2:00 p.m. and all are invited to attend.

Application #Z15-17, ABJEH Realty (formerly known as N E Flower Farms) – Special Exception for 30,000 gallon storage tank, Map 50, Lot 6, C/I District. Jonathan Crowdes from T F Bernier Inc. represented the applicant. There were no abutters present.

Mr. Crowdes explained that this is an application to allow a 30,000 gallon holding tank for CO₂. It will be on a concrete pad next to the building. He showed the layout of the proposed building and tank location. Mr. Crowdes said the tank will be installed by Linde, a large company that handles gases and the engineering of such tanks. Roy Merrill asked the fire department representatives if they have any concerns. Bill Lake said he took the proposal to the state fire marshal's office for review. He explained that they have a program that can do a model with details of the effects of a mock release. He said it was determined that the air mixture would not really be an issue at the closest area of habitation, being International Drive or residences in the area of Flintlock apartments. Mr. Lake said they would want detection and alarm systems, both inside and outside. The inside system would allow employees time to get out of the building and the outside system would warn people not to go near the area. Roy Merrill said if the Board approves this application it should be worded that the fire department would have to approve the tank's installation. There were several questions raised that Mr. Crowdes could not answer without gathering more information from Tim Bernier or Henry Huntington, both who could not be here tonight. **Ned Lizotte made a motion to continue the hearing until September 24th at 7:00 p.m. in the Community Building; seconded by Earl Tuson. All were in favor.** There will be no further notification.

Application #Z15-18, Jeffrey Green – Special Exception for Reduced Front Setback, Map 39, Lot 21, RR District. Mr. Green represented the Lazos family, owners of the property. Abutter Betty Barton was present.

Mr. Green explained the location of this triangular lot at North Village and Lesmerises Road. He said there is an existing house on the property, and the owners want to remove that one and replace it with a new home. Mr. Green pointed out that the current house is almost 100% in the front setback on the Village Road side, a very wet area. He said he has done the topo and a new septic design; the lot goes uphill toward the Lesmerises Road side. Mr. Green said this application is to allow one portion of the new house to be 36' from Lesmerises Road in order to get it out of the wet area. He said it meets all other setbacks. They will be keeping the existing driveway off North Village Road.

Chairman Powelson went through the points of the application with Mr. Green. He asked if there were any questions from the Board; hearing none, he asked if there were any questions from abutters. Betty Barton stated that water from this lot came across the road and washed out a culvert by her house. She talked of the flooding that occurred and how the water went around her house.

Ms. Barton spoke at length about her concerns of future flooding from that side of the road. Mr. Green explained what he knew of the water source and said any work on this lot would not add drainage issues. He said moving the house would probably eliminate a big part of the problem. Howard Pearl stated that they cannot fix the problem but they can be sure this project does not make it any worse. It was agreed that if the water came from a basement drain this project would probably reduce the impact. **Ned Lizotte made a motion to approve the application as presented; seconded by Earl Tuson. A roll vote was taken: Howard Pearl – yes; Roy Merrill – yes; Dave Powelson – yes; Ned Lizotte – yes; Earl Tuson – yes. Unanimous – APPROVED**

ADJOURNMENT

Howard Pearl made a motion to adjourn the meeting at 8:50 p.m.; seconded by Earl Tuson. All were in favor.

Submitted by,

Donna White
Administrative Assistant