

**TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF JULY 23, 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.

Bill Lake represented the Fire Department.

ACCEPTANCE OF MINUTES

Regular Hearing – **Ned Lizotte made a motion to accept the minutes of June 25, 2015 as presented; seconded by Earl Tuson. All were in favor.**

Site Walk – **Earl Tuson made a motion to approve the minutes of the June 29, 2015 site walk as written; seconded by George Saunderson. All were in favor.**

DISCUSSIONS

American Legion – Gary Tasker, Vice Commander of Post #88, spoke on behalf of the Legion. He stated that they have purchased the old police station on Village Road with the hope of having the American Legion there. He said it wasn't until after the purchase that it was discovered that the Zoning Ordinance does not permit the use in the Village District. Mr. Tasker said they are looking for some direction from the Board, maybe as a variance or maybe put it on the ballot for an amendment. He said several people wonder if it was maybe an oversight when the Zoning Ordinance was done as the use is permitted in the RR District. Mr. Tasker said the Legion had planned to see the Planning Board for parking and realized it's not permitted. The process of doing an amendment was discussed. There was also discussion on a variance being the quickest solution but hardship would have to be proven. Mr. Tasker said they will discuss it as a group and decide the best option.

PUBLIC HEARINGS

Application #Z15-08 Variance for coverage area , #Z15-09 Variance for dredging & filling of wetland , #Z15-10 Variance for work in the wetland buffer , and #Z15-11 Variance for steep slope , New England Flower Farms – Map 50, Lot 6, C/I & RR Districts. There were no abutters present. Applicant Henry Huntington was present. Tim Bernier of T F Bernier, Inc. represented the applicant.

The chairman stated that the Board went through the points of the applications at the last meeting and have done a site review. Tim Bernier reported that they have met with the Conservation Commission; they were very positive about the project. He said there will be one addition to the plan as it was realized that they will need bulk storage for CO2; they will apply for that special exception for the August meeting.

Z15-08 – Howard Pearl made a motion to approve the application as presented; seconded by Roy Merrill. Mr. Pearl said the applicant has done a good job laying out an excellent use of this property, including mitigation and conservation measures. Charlie Aznive said he feels it would improve the property. **A roll vote was taken: Howard Pearl – yes; Roy Merrill – yes; Dave Powelson – yes; Ned Lizotte – yes; Earl Tuson – yes. Unanimous – PASSED**

Z15-09 – **Howard Pearl made a motion to approve the application; seconded by Earl Tuson.** There was no discussion. **A roll vote was taken: Howard Pearl – yes; Roy Merrill – yes; Dave Powelson – yes; Ned Lizotte – yes; Earl Tuson – yes. Unanimous – PASSED**

Z15-10 – **Roy Merrill made a motion to approve the application; seconded by Earl Tuson.** There was no discussion. **A roll vote was taken: Howard Pearl – yes; Roy Merrill – yes; Dave Powelson – yes; Ned Lizotte – yes; Earl Tuson – yes. Unanimous – PASSED**

Z15-11 – Howard Pearl said he is not sure this application is even necessary but he sees why they are addressing the slope area. **Howard Pearl made a motion to approve the application; seconded by Roy Merrill.** There was no discussion. **A roll vote was taken: Earl Tuson – yes; Ned Lizotte – yes; Dave Powelson – yes; Roy Merrill – yes; Howard Pearl – yes. Unanimous – PASSED**

Application #Z12, TTD, LLC – Special Exception for Reduction/Crossing of Side Setbacks, Map 25, Lots 5-4 & 5-5, RR District. Earl Tuson recused himself from this matter. Abutters Alice and Earl Tuson were present. Applicant/owner Ray Dumont presented the application.

Mr. Dumont explained the location of the lots on Route 129, part of a subdivision on Pittsfield Road and Route 129. He said the proposal is to have a shared driveway for the two lots, thus the driveway will be in the side setbacks. He showed a map of the lots, pointing out the proposed location and split of the driveways. He said the State suggested the shared driveway when out looking at his other driveways. The chairman asked Bill Lake if there were any concerns from the fire department. Mr. Lake said they do not normally recommend shared driveways as they add confusion in the event of an emergency if they are not properly numbered/clearly distinguished. He presented information on the State's 9-1-1 addressing standards. Mr. Lake said the department cannot really say no if the Zoning Ordinance refers to two houses on a driveway. (208.4 C)

The chairman went through the points of the application with the applicant. Mr. Dumont agreed that he could put signs up to designate the number for each lot. Roy Merrill said a shared driveway certainly eliminates a driveway, but he wants to see it pitched the right way per the Zoning Ordinance since the other driveway along there is not. Mr. Dumont stated that the driveway is done per the State permit. Mr. Merrill said he wants it done per the Town specs.

Point #4: Charlie Aznive said he feels the properties will not have full value because of the shared driveway. Mr. Dumont said he would agree; the deeds would state the portion to have shared maintenance (generally the first 20'). The chairman asked if there were any questions from the Board. Hearing none, he asked if any abutters wished to speak in favor of the application. Hearing none, he asked if any abutters wished to speak against the application. Earl Tuson said he is against the application. He asked if the applicant has applied to the Planning Board for an amended subdivision since he is changing the driveway locations. Mr. Dumont said he has not. Mr. Tuson read from the Land Development Regulations regarding revisions. Mr. Dumont asked if a revision was really necessary for moving a driveway. Mr. Tuson went on to speak about problems with the driveway on Lot 5-3 last spring. He also said that he paced off the location of the proposed shared driveway and feels it is over the property line toward Lot 5-5. Mr. Tuson addressed point 3, saying he is concerned about the steep slope. He said drainage concerns were raised at Planning Board meetings during the subdivision process. Mr. Tuson addressed point 5, saying there are concerns of drainage on a steep hill and possible icing in the road. Mr. Tuson addressed point 6, saying there could be detrimental effect due to more water from this driveway, thus less filtration before getting to the pond. He referred to the Planning Board handbook (page 314, driveway regulations, RSA 236:13). Mr. Tuson said he would like to get the State's input on the proposed location as he feels it has been shifted more than the State is aware. Charlie Aznive stated that he noticed some runoff in the area this past winter. Roy Merrill asked Mr. Dumont to show the Board the boundary pin. Mr. Dumont said he cannot find it. Mr. Tuson stated that it disappeared when the driveway was put in. Mr. Dumont stated that was not true. Ned Lizotte suggested doing a site walk to look at the pitch and lot line. Mr. Dumont said the house on Lot 5-4 has been sold and he cannot wait a month.

Alice Tuson spoke about the option of revocation of a Planning Board approval. There was discussion of a shared driveway on the Pittsfield Road side of this subdivision. Mr. Dumont said that driveway was part of the original approval. It was noted that the ZBA never addressed that shared driveway. After further discussion of concerns and timeframes, Mr. Dumont said he would like to withdraw the application and he will go to the State for the individual driveway permits he had in the beginning.

Earl Tuson returned to the table.

Application #Z15-13, COPART – Special Exception for Automotive Uses (on-line auction/storage), Map 40, Lot 7, CI District. Abutters Tim & Jennifer Jones were present. Property owner David Moody was present. COPART representative Larry Stripling was present. Web Stout of FWS Land Surveying presented the application. Howard Pearl stated that he would have to leave the meeting shortly; Charlie Aznive was appointed to be a voting member for this application.

Mr. Stripling explained the location and proposed use in review of the discussion at last month's meeting. He said they currently have a lot in Webster which is not workable because of traffic and road limitations. Mr. Stripling explained that they handle cars owned by insurance companies, rental companies, and some dealers. He said they are titled cars when they come in and are legally titled when they go out. The salvage title designates that the car needs to be inspected for road worthiness before it can be registered since it has been in an accident. He said the company has 160+/- facilities worldwide and they have never had any environmental issues.

Mr. Stout went through the points of the application. He said he feels this best fits under automotive use. He said they will have to go to the State for an Alteration of Terrain permit, and he feels the State will like the proposal as the parcel will be reclaimed. Howard Pearl asked if the storage yard would be impervious. Mr. Stripling explained that it would be stone. He showed the pads that are used if any drips are discovered. He also presented the EPA clean-up program that they use. Roy Merrill asked if the gas tanks are drained. Mr. Stripling said the vehicles do not belong to COPART so nothing is touched. He explained that the vehicles are held in a towing/storage location for five to seven days before they come to COPART. He said if the car had been hit and there were any leaks, the fluids would most likely have drained at those locations. Mr. Stripling said the company has been in business for forty years and they have no monitoring requirements because there have been no environmental issues.

Roy Merrill asked if the property will be subdivided. Mr. Stripling said COPART will buy the entire piece. Mr. Merrill asked if the other businesses that are down there now will go away. Web Stout stated that was correct; only COPART will be on the property. Mr. Stripling said the normal hours of operation are 7:00 a.m. to 5:30 p.m. He said there may be times when their crew has to go in on weekends to clear snow, etc but they are not open for business on weekends. Mr. Stripling said when a vehicle first comes in, pictures are taken; the vehicle is placed in the fenced lot and sold through an on-line auction. He said nobody comes to the lot to see or buy the vehicles. Mr. Stripling said approximately 25% of the vehicles are going overseas. He stated that they use local sub-haulers to bring the vehicles in rather than run their own trucks. He said buyers are responsible for their own transport. Roy Merrill asked how long the vehicles stay after being auctioned. Mr. Stripling said the buyer is charged \$20 per day after seven days; most leave within a matter of days. The vehicles are there a maximum of ninety days; the processing of titles is what determines the timeframe.

The chairman asked if the abutters had any questions. Mr. Jones stated that their questions were answered during the presentation.

Ned Lizotte made a motion to approve the application as submitted; seconded by Charlie Aznive. George Saunderson stated that he and Stan Prescott looked at the Webster location. He said it is a very clean operation. Mr. Saunderson asked if Saturday restrictions should be part of the approval. Earl Tuson stated that it was explained at the last meeting that there could

be Saturday activity if winter conditions called for it. **Ned Lizotte amended his motion to include that there will be no customer hours on Saturday and Sunday. Earl Tuson seconded the amendment. All were in favor of the amendment. A roll vote was taken on the amended motion: Charlie Aznive – yes; Earl Tuson – yes; Ned Lizotte – yes; Dave Powelson – yes; Roy Merrill – yes. Unanimous - PASSED**

BOARD DISCUSSION

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