

**TOWN OF LOUDON  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF JUNE 25, 2015**

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

**ROLL CALL**

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

**ACCEPTANCE OF MINUTES**

Regular Hearing – **Ned Lizotte made a motion to accept the minutes of May 28, 2015 as presented; seconded by George Saunderson. All were in favor.**

**DISCUSSIONS**

Larry Stripling, Copart – Mr. Stripling, property manager for Copart, explained that the worldwide company works with insurance companies, storing and online auctioning wrecked vehicles. He said they operate under a used auto dealer license. They are looking for a site to replace their current Webster, NH site and feel they have an ideal possibility on Route 106, the Moody pit, off Dump Road. Web Stout of FWS Land Surveying is working with Copart. Mr. Stout handed out some information on state RSAs regarding junkyards, licensing, etc. He explained that this would be a holding lot. They do no dismantling of the vehicles; cars are sold by online auction only and bidders must be a registered member with Copart in order to bid. He said they spoke with the Planning Board last week and were directed to see the ZBA for clarification of the use. Mr. Stout explained that junkyards and salvage yards require big setbacks (660' and 1000') which would affect the use of this property. He said this pit is lower than Route 106 and there is a nice buffer there already. He said Copart never owns the vehicles; they come in with a title and go out with a salvage title to the new owner. Mr. Stout explained that salvage in this case means the vehicle has been in a wreck and has to be thoroughly inspected before it can be registered. He said no fluids are removed; the vehicles go to a receiving pad where they are checked for leaks and then moved with a loader to a space in the lot. George Saunderson stated that he and Stan Prescott went to the Copart site in Webster and found it to be super clean and just as represented at the Planning Board meeting. He said it is very well organized, and he feels it would be a great business for the proposed area. Mr. Saunderson explained that they take pictures of the vehicles, post them on their auction website, and sales are by online auction only. He said nothing is removed from the vehicles. They found the hours of operation to be Monday through Friday. Larry Stripling explained that they might have to run on a weekend in severe weather conditions because of the increase in wrecks. Mr. Stripling said they would be willing to stipulate in their deed that there would be no salvage, etc. He explained that they have had no EPA issues; he handed out their clean up manual. He showed pictures of their Hartford, CT lot that has been in operation since 1973. Mr. Stripling encouraged the Board to call any town where they have other facilities for references. He said they are not required to do any water monitoring. Mr. Stripling said Copart has 161 facilities in the US, some in the UK, Canada, Dubai, and China. He said the vehicles are in and out, on the lot a maximum of 90 days, usually an average of 60 days. He said the count is higher in the winter due to more wrecks. Mr. Stripling explained that the reason they want to leave Webster is because of the spring road closings and other road restrictions (Concord roads posted to no trucks). He said fire lanes are maintained on the lot; if there are more cars than

room for they would go to another of their lots. Board members discussed various uses (retail sales, warehousing, junkyard, etc) and how this may fall within the Zoning Ordinance. Dave Powelson said it might be best to fit it in as a special exception which would require a formal hearing and abutter notification. Joe Brown asked if there is any guarantee that the vehicles would be gone in 90 days. Mr. Stripling said they are gone; they do not hold anything beyond that. Mr. Stout asked if this might fit under 206.3 B, automotive uses. He said if it is considered a junkyard by the town it would kick in the state regulations. Ned Lizotte stated that this is one of those uses that the Board has not seen before so it is hard to fit in the Ordinance. It was mentioned that it might fit under 206.3 E since they are storing vehicles. Mr. Stripling said they cannot sell cars without a dealer's license even if approved as a junkyard. He said the vehicles do not sit there like in a junkyard. No public is allowed on the site; they are retailing online only so they would need to be approved as a used car dealer as well.

## **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. Abutters Bill & Sandy Leombruno (Loudon Country Club) and Joe Brown were present. Applicant Henry Huntington was present. Tim Bernier of T F Bernier, Inc. represented the applicant.

Mr. Bernier explained that this property is on Route 106, opposite the Loudon Country Club, and currently owned by Manchester Sand & Gravel. He said the proposal is for a new greenhouse where the company will grow lettuce greens to sell to grocery stores. Mr. Bernier stated that the parcel is seventy-six acres and is currently a gravel operation. In reviewing the Town's regulations, Mr. Bernier said he found that they are not current with environmental standards so he found several points that will be issues with this proposal, thus the four variance applications. He said the area coverage is one issue because the lot falls partially in the C/I District and partially in the RR District. The use is permitted in both districts but the RR District only allows 10% building coverage. Mr. Bernier said the 2001 Master Plan shows that the parcel should all be commercial. He said the first variance is requesting that the entire lot be considered commercial. They will have 21.4% building coverage (25% permitted in commercial) and 22.7% total impervious (50% permitted in commercial) with the majority being building. Mr. Bernier spoke about other factors of the Master Plan with regard to commercial nodes, this parcel being partially in one of the nodes. He said this parcel is surrounded by commercial properties, pointing out International Drive. He said the gravel pit is an industrial use; he showed the area approved for mining. He said it is likely there would be minimal use of the RR portion for RR purposes.

Mr. Bernier went through application #Z15-08. He said the Master Plan talks about Open Space, noting that they are recognizing some on this parcel which abuts two conservation easements held by Fish & Game. It has frontage on Soucook River. They have approached Fish & Game about a thirty-one acre conservation area to offset the wetland impact, including 2000' on the river. Mr. Bernier said this eliminates mining along the river; he feels this is all within the spirit and intent of the Zoning Ordinance. He said the thirty-one acres would be a buffer between the use and the Brown property. Mr. Bernier said this is a unique piece of property.

Chairman Powelson asked if there was anyone wishing to speak in favor of or against the application. Bill Leombruno, representing the Loudon Country Club, said they are in favor of the proposal and feel it is a great use of the land. The chairman said he would like to review all four applications and then vote on them separately.

Mr. Bernier spoke about #Z15-09. He said he saw another case that got a special exception for wetland impact/filling but could not see how it really fit so is asking for a variance. He explained the layers of silt/sand/gravel from years of lakes/erosion. He said there is some groundwater that stays on the surface long enough to be considered a jurisdictional wetland, also noting that there was

once a lined pond that was dredged by a farmer. Mr. Bernier said there are 1.2 acres of jurisdictional wetland. They have met with the state and did an evaluation of functions and values. He said the gravel and recharge are the prime functions. Mr. Bernier said if it is not developed it would be mined all around the wetland and wildlife habitat would be destroyed. He said the state felt it was a reasonable request and falls under mitigation rules. He said they will need an Alteration of Terrain permit because there will be fifteen acres of impervious coverage. They will be constructing a large retention pond to recharge groundwater.

Mr. Bernier went through application #Z15-09. He said what they are doing conforms to all eight points of the purposes of the Wetlands Conservation District; he went through each of the points. Howard Pearl asked about their water usage. Henry Huntington said they will be recycling the water once the system is charged; it is not a continual withdrawal. Mr. Bernier stated that an area of the conservation easement would be restored as reptile habitat. The dredge and fill area will be replaced with a new wetland area. Dave Powelson asked if Mr. Bernier is saying that they will not be excavating any more material but material will be used on site to level the property for the building. Mr. Bernier said that was correct. It was noted that the Planning Board did not have any concerns but felt a joint site walk was needed. The Conservation Commission was at that meeting also; they will review the project on July 6<sup>th</sup>. The Board scheduled a site walk for Monday, June 29, 2015 at 5:00 p.m., meeting at the site. Donna will notify the Planning Board, Conservation Commission, and ZBA members not present tonight.

Mr. Bernier spoke about #Z15-10. He pointed out that there is a ditch along the existing driveway, probably for culvert and snow runoff, that creates a wet area. He also noted that the existing gravel pit has been mined right to the edge of the wetland. That has to be reclaimed so they will be working in the buffer to restore and vegetate, making it more compliant. Some of the area will be left open for wildlife habitat. Mr. Bernier went through application #Z15-10.

Mr. Bernier spoke about #Z15-11. He said they will eliminate the slope as part of the grading for the building but applied just in case. He said the slope is in the area that would have been mined. It is all on this parcel so will not affect any other property. Earl Tuson asked what percentage of slope would be created in other areas. Mr. Bernier said it would be 3:1 by the driveway and outside that would be 2:1. He explained the state slope process/regulations. Mr. Bernier went through application #Z-15-11.

**Howard Pearl made a motion to continue to the site walk on June 29, 2015 at 5:00 p.m. and then to the next meeting on July 23, 2015 at 7:00 p.m. at the Community Building; seconded by Earl Tuson. All were in favor.** There will be no further notification.

## **BOARD DISCUSSION**

### **ADJOURNMENT**

Ned Lizotte made a motion to adjourn the meeting at 8:53 p.m.; seconded by Howard Pearl. All were in favor.

Submitted by,

Donna White  
Administrative Assistant