

**TOWN OF LOUDON  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF MAY 28, 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, and alternates George Saunderson and Charlie Aznive.

**ACCEPTANCE OF MINUTES**

Regular Hearing – **George Saunderson made a motion to accept the minutes of April 23, 2015 as presented; seconded by Charlie Aznive. All were in favor.**

**DISCUSSIONS**

Greg Colarusso, Currier Hill Farm – Mr. Colarusso received a letter from Code Enforcement about the wedding/event venue operated at the farm; he was told to speak with the ZBA about the use. The chairman stated that Miranda Milano was in last month for the same thing, noting that she had her own wedding at her farm and now wants to do this as a side business. Mr. Colarusso stated that his daughter's wedding was at their farm and it is a great setting for such events. Mr. Powelson said the Board could not find where it fits in the Zoning Ordinance. He spoke about a business of this sort needing rainy weather provisions for parking, sanitary facilities, etc., and he is not sure they have a clear answer. He explained that the Ordinance is a permissive ordinance; if it is not in the Ordinance, it is not allowed. Mr. Colarusso again spoke about the farm being the perfect spot for rural country weddings that so many are hoping to do recently. Charlie Aznive noted that it could be changed with an amendment. Mr. Powelson told Mr. Colarusso that he could speak with Planning Board members to see if they would sponsor the change as an amendment to be put on the ballot in March. He spoke about a variance, noting that a hardship is needed for that to be granted. Mr. Colarusso asked about permits, similar to those issued to residents for race parking. Mr. Powelson said Mr. Colarusso could talk with the Board of Selectmen to see if they would see these functions as special events. Mr. Colarusso said the event would not be seen from the road, and they have plenty of off-road parking. Charlie Aznive said he feels they have to find a way to make changes. Howard Pearl referred to a section of the Ordinance relative to non-commercial, non-residential uses and suggested this might apply in these situations. Some thought it would definitely be a commercial use. Roy Merrill said it needs to be looked at for next year's amendments. Mr. Colarusso asked if the best option would be to see the Board of Selectmen. Mr. Powelson said he thought that was the best avenue and see what they have to say. Howard Pearl suggested it could apply under Section 205.3A of the Zoning Ordinance. There was discussion about the application process and the possibility of being discussed at the Board of Permit meeting.

**PUBLIC HEARINGS**

Application #Z15-05, Edward Heaney – Special Exception for Reduced Setback, Map 20, Lot 8. There were no abutters present. Charlie Aznive and George Saunderson were appointed as voting members in the absence of Earl Tuson and Ned Lizotte. Chairman Powelson went through the points of the application with Mr. Heaney. Mr. Heaney explained that he has recently planted sixty trees in the yard. He showed on the plan where he would like to place the shed versus where it would be

without the special exception. George Saunderson noted that the Board routinely is willing to go with a 50% setback reduction; he asked the applicant if 7' would do almost as well as the requested 4'. Mr. Heaney said he would like to keep the back yard as open as possible, noting that it is a very narrow lot, and he would like to keep the shed out of the way. Howard Pearl asked him if he would be comfortable with a 7' setback, thinking that it may not always be Mr. Heaney and the current neighbor dealing with the location. Mr. Heaney said he has talked with the abutter and it was agreed that the 4' location would help block light from the VOA parking lot. The chairman asked if there were any questions from the Board or public; there were none. He asked if the Board was ok without a field review. Howard Pearl said the aerial picture shows a clear picture. **Howard Pearl moved to approve the application as presented with the southern side setback reduced to 4'; seconded by George Saunderson. A roll vote was taken: Charlie Aznive – yes; Dave Powelson – yes; Roy Merrill – yes; Howard Pearl – yes; George Saunderson – yes. Unanimous - PASSED**

Application #Z15-06, Richard Emmons, Kim Stevenson – Special Exception for Reduced Setback, Map 44, Lot 8. Abutter Kathy Thibodeau was present. Mr. Emmons explained that they were in last month for a special exception for a wetland crossing, which was granted. During that review it was realized that the driveway will fall within the side setback. Board members reviewed the plan with regard to the setbacks and the 75' wetland setback. Mr. Emmons talked with Ms. Thibodeau about the plan, the driveway location, and wanting to access the buildable area to build their home. Ms. Thibodeau said her concern is of cars that are in and out on the Sanborn side of her property, traffic on Kenney Road, and now cars in and out on this side. Mr. Emmons said it would be just him and Ms. Stevenson living there so there will not be a lot of traffic.

Chairman Powelson went through the points of the application with Kim Stevenson. He pointed out that they are asking to crowd the side setbacks on points six and seven as a means of better protecting the wetland area. All agreed. Kathy Thibodeau asked why they did not make a shared driveway with Joanne Sanborn. It was explained that Mrs. Sanborn does not own the property at the beginning of her driveway; she has the right to pass over Mr. Epp's property. Ms. Thibodeau said she feels the special exception will have an adverse effect on her property. Howard Pearl stated that the Board has to consider the least impact when reviewing the application. Dave Powelson noted that Joanne Sanborn's driveway is closer to the applicants' lot line than this request. (Ned Lizotte arrived at this point in the meeting.)

The chairman asked if there were any questions from the Board. Ned Lizotte asked how close they want to be to the line. Mr. Powelson said it varies from 11' at the corner pin to 15' at the rear of the Thibodeau property to 20' at the wetland crossing. Howard Pearl stated that this has been a challenging property from the beginning. He said changes have been made over the years in trying to make the best of the situation. Dave Powelson asked Ms. Thibodeau if she would want more trees planted as a buffer. Ms. Thibodeau said that would not be necessary, unless maybe some up by her house where the driveway passes. Mr. Emmons said he would work with Ms. Thibodeau to help buffer her from the driveway.

**Howard Pearl made a motion to approve the application to allow a 10' setback at the area of the corner pin and to follow according to the Wetland Impact Plan dated March 9, 2015; seconded by Charlie Aznive. A roll vote was taken: George Saunderson – yes; Howard Pearl – yes; Roy Merrill – yes; Dave Powelson – yes; Charlie Aznive – yes. Unanimous – PASSED**

Application #Z15-07, D S Cole Growers – Variance for Coverage Area, Map 39, Lot 13. There were no abutters present. Ned Lizotte was appointed to be a voting member; Charlie Aznive returned to an alternate position. Applicant Doug Cole and Mark Sargent of Richard Bartlett & Associates were present. Mr. Sargent reviewed the existing conditions plan with the Board. He stated the proposal is to construct a 41,462 sf addition on an area that was gravel parking and storage area. He pointed out that they would push the parking over some to make up for what is lost with the addition. Mr. Sargent said the building coverage is now 12.9% and would go to 16.4% with the addition. He said the

impervious coverage is now 24.5% and would go to 31.8% of the lot. Mr. Sargent noted that functionality is key to the operation, comparing it to an assembly line. He said this addition would continue the loop and is a better solution than having to relocate the entire business.

There was discussion of leaving some of another Cole parcel permeable, encumbering that portion. It was noted that a 50' strip leading to a parcel owned by another party is between this piece and the next piece in D S Cole ownership. Ned Lizotte spoke of his site visit. He said the 50' strip creates difficulty and this plan works best for the operation. The chairman went through the points of the application with Mark Sargent. It was agreed that an encumbrance of another area could be done until not needed or the Zoning Ordinance is changed. The chairman asked if there were any questions from the Board. Howard Pearl stated that Mr. Cole runs a top-notch business and after visiting, he has a good understanding of the process. George Saunderson agreed. Mr. Pearl said he wants to see the business be successful and grow in town. Charlie Aznive said there is no point in zoning squeezing someone out of town.

**Howard Pearl made a motion to approve the application with the understanding that the applicant will make provisions to encumber sufficient land to bring the coverage to 12.9% building and 24.5% impervious; seconded by Ned Lizotte.** Dave Powelson asked why he would not go with the required 10% and 20%. Roy Merrill said he feels there is sufficient land to encumber enough to make the coverage 10% and 20% so it complies. Mr. Pearl said the existing plan shows coverage of 12.9% and 24.5%, and he does not feel they should go back beyond that approval, particularly not knowing what the requirements might have been at that time. **A roll vote was taken: George Saunderson – yes; Howard Pearl – yes; Roy Merrill – no; Dave Powelson – no; Ned Lizotte – yes. Yes - 3; No – 2. PASSED** It was agreed that the Board would like to see stakes in the ground and/or a plan with the encumbered area.

## **BOARD DISCUSSION**

Inquiry re: Map 51, Lot 16 – A realtor has inquired about this parcel, explaining that the owners want to list it for sale. The tax card has a note that states the lot is not buildable. The realtor would like the Board's opinion, based on the possibility of getting a septic system approved by the state. It was noted that the lot has a cemetery easement on it and that there is some runoff across the parcel. The owners at one time worked with the Town when the Town wanted to straighten the section of Lower Ridge. Also included with the realtor's email was a letter from the Town's assessors granting the owners an abatement which was based upon the limitations of the lot, making it non-buildable. Dave Powelson referred to Section 601 of the Zoning Ordinance at one point. It was then agreed that the owners had applied for an abatement due to the restrictions and being non-buildable, receiving a reduced assessment based on those restrictions since 2004.

## **ADJOURNMENT**

Howard Pearl made a motion to adjourn the meeting at 8:55 p.m.; seconded by Ned Lizotte. All were in favor.

Submitted by,

Donna White  
Administrative Assistant