

TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF
DECEMBER 28, 2006

REGULAR HEARING

Chairman Dave Powelson called the Loudon Zoning Board of Adjustment meeting on December 28, 2006 to order at 7:30 PM at the Loudon Community Building.

ROLL CALL:

The following members were present: Dave Powelson, Chairman; Roy Maxfield, Vice Chairman; Ned Lizotte, Roy Merrill, George Saunderson, and alternates Jon Huntington and Howard Pearl.

I. ACCEPTANCE OF THE NOVEMBER 30, 2006 MINUTES:

Ned Lizotte made a motion to accept the minutes as written. Roy Maxfield seconded the motion. There was no discussion. All were in favor.

II. PUBLIC HEARINGS:

Case # 06-22, DJP Realty Trust – Special Exception for Reduced Setback & Variance for steep slopes, Map 12, Lot 4. Written request was received from applicant's attorney to continue to January 25, 2007. This is the only notification.

Case # 06-23, Matthew Raimer – Special Exception for Reduced Side & Rear Setbacks, Map 51, Lot 43. Abutters have been notified. Mr. Raimer presented a map showing the parcel, the location of the house, and the proposed location of a two car garage. He went through the entire application and explained the need for reduced setbacks. Roy Maxfield asked why the garage was proposed for the location shown as compared to another spot on the property. Mr. Raimer said it is due to the slope of the lot and the location of the driveway, a propane tank and the leachfield. Roy Merrill said he is familiar with the lot and explained that the proposed location is the best buildable area. He said the front area of the piece is wet and the septic system is on the other side of the house so this is the only real option. Chairman Powelson asked if there were any questions from the Board. Hearing none, he asked if there was anyone from the public who would like to speak in favor of or against the application. Hearing none, the chairman reviewed the purpose of the application and closed the hearing; to be brought up under Unfinished Business.

III. UNFINISHED BUSINESS

Case # 06-23, Matthew Raimer – Special Exception for Reduced Side & Rear Setbacks, Map 51, Lot 43. The request is to reduce the side setback to 28' and the rear setback to 18'. **Roy Maxfield made a motion to approve the application. George Saunderson seconded the motion.** Ned Lizotte asked if it was felt there should be a site walk of this property. Roy Merrill gave further detail of the lot, explaining that it has a wetlands crossing, it is basically level in that corner, drainage is not going to affect the neighbor, and this garage would be parallel to the neighbor's septic system so would not block anything. Mr. Lizotte said he was satisfied with that explanation. **The chairman called for a roll vote.**

George Saunderson – Yes; Roy Merrill – Yes; Dave Powelson – Yes; Roy Maxfield – Yes; Ned Lizotte – Yes. Unanimous; application approved.

IV. DISCUSSION:

Steve Jackson – request for building permit extension – Mr. Jackson submitted this request on behalf of Ken and Christine Eldred. He explained that the Eldreds have recently purchased a property with a 2006 building permit and at the same time listed their current residence for sale with Mr. Jackson. Due to the change in the real estate market they have not been able to sell their property as of yet. He explained that the building of the new residence hinges on the sale of their current property; therefore, they are asking for an extension of the 2006 building permit. Roy Maxfield stated that the Board generally grants an extension of 6 or 7 months and asked what the Eldreds are asking for. Mr. Jackson stated they would like a year and explained the cycle of the market. Ned Lizotte stated that the Board had just done one for 7 months and wasn't sure it is wise to do a blanket 12 months. He suggested giving the Eldreds 7 months and the opportunity to come back if need be. Roy Maxfield felt this made sense. Dave Powelson said he pretty much agreed with Mr. Lizotte but wasn't sure they could promise a new extension because there could be a change in Board members by the time that came around. There was discussion of the building season and selling cycle. Steve Jackson stated he would like to have 8 months. There was discussion about the policy of requests from homeowners as compared to contractors. Roy Maxfield said he thought a year would be fair, there is proof of good intentions in this case, and he would go with Mr. Lizotte's 7 months if that is what the majority felt. George Saunderson said he would agree there is a good faith effort on the part of the Eldreds and asked if the Board should grant the 8 months that Mr. Jackson requested. Ned Lizotte stated he felt that would be reasonable. **Mr. Lizotte made a motion to approve the building permit extension for 8 months, saying the applicant can come back if need be. Roy Maxfield seconded the motion.** Roy Merrill recused himself from voting. Jon Huntington was asked to be a voting member on this matter. Chairman Powelson called for a roll vote. **Jon Huntington – Yes; George Saunderson – Yes; Dave Powelson – Yes; Roy Maxfield – Yes; Ned Lizotte – Yes. Unanimous, building permit extension of 8 months approved.** Roy Merrill returned to the Board.

Roy Buttrick – Mr. Buttrick explained that he has purchased two lots on Route 106 and is being taxed full commercial for both. He said the back of the lots are zoned as AFP and he would like it all designated as C/I. Dave Powelson said the Board can declare the entire property as C/I by special exception per S 201.4 D. There was discussion about the setbacks being 100' from both roads (Route 106 and Lower Ridge Road), the need to consider the steep slopes, the purpose behind the request, and how best to accomplish this. Based on the 60/40 rule of S 201.4 D, Mr. Buttrick was advised to file an application for special exception.

Septic Disposal Solutions (SDS) – Paul Johnson introduced partners Darlene Johnson and Bill Gosse and property owner David Moody. Darlene Johnson explained the proposed septage treatment facility and that they have been to the Planning Board for conceptual review and subsequently referred to the ZBA for a special exception to do processing. She said they would also like a clarification of the zoning of the lot which is Map 40, Lot 7. Roy Maxfield asked how much area this facility would need. Mrs. Johnson said it would be approximately 100' x 200'. Ned Lizotte stated that he went to the lot for a better visual of the property and he asked where on the property this facility would be set. Mrs. Johnson said it would be at the bottom of the bowl, would be enclosed and not visible from the road. Mr. Johnson explained that the process separates the solids from the liquid and both will be

leaving the site. There was discussion about the process of composting the solids and tanks for the liquid. Mrs. Johnson explained that the processed solids will be classified as an unregulated product and can be used as fertilizer in yard work. She also stated that they have vendors lined up for the composting and others with interest in the liquid as fertilizer high in nutrient. Roy Maxfield said he understood that this company has an operation in Pittsfield. Mr. Gosse explained the set up and process that they have operated at the Pittsfield Treatment Plant for four years. He informed the Board that there is a tour for the Planning and Zoning Boards set for Saturday, January 6th immediately following the PB's site walk of another property. It was asked what the daily capacity of the facility would be. Mrs. Johnson said it would be 20,000 gallons a day but wouldn't always see that, particularly in the winter months. Dave Powelson asked about the current process of dumping into the lagoon where the septage sits and the liquid either seeps into the ground or evaporates. Mrs. Johnson explained the lagoon process and how the solids remain onsite until the lagoon is dredged for reclamation. Mr. Maxfield stated that one concern he has is getting rid of the material, saying this sounds like a better situation than the current lagoons. He said if he were to go along with this proposal it would be contingent that the material leave Loudon or the facility be shut down. Mrs. Johnson said she wouldn't want it contingent that it all has to leave Loudon as some local vendors/farmers may want to use the product which is classified as a Class A product. Ned Lizotte stated that he has spoken with someone at NH DES and they spoke very favorably about this process, saying it was cutting edge technology, and got a good report of SDS's track record with the Pittsfield operation. There was discussion about SDS having a lease with the property owner, the DES permit runs for 10 years, the question of potential odors from the facility, what would become of the town lagoons, and various other related matters. Mr. Gosse explained that the whole process is done inside the enclosed building, saying there will be no objectionable odor and the end product is a clean, safe product. Mr. Gosse and the Johnsons encouraged the Board to attend the tour of the Pittsfield facility for a firsthand view, saying that the Loudon site would be even higher tech than their Pittsfield site. Jon Huntington asked about state testing. Mr. Gosse explained that the facility would be very regulated in the design and process as well as testing of the products once operational. Roy Maxfield said he feels this would come under special exception for processing. He said the Board could regulate with DES to get a good representation from the applicant about the process and the product, and what is going to happen to the product and hold them accountable for that sort of thing. He said the Board cannot put a time limit on this but can say if the plant closes or there is no market for the product then the operation ceases. Mrs. Johnson verified that they would be applying for a special exception under S206.3 F and they need clarification if the site is entirely commercial. Howard Pearl asked why there is a site plan on file for the property if it is not C/I. There was discussion of the grandfathering of commercial use and the fact that the property can't be used as RR because of its location to the dump and lagoons so it can't be subdivided nor can wells be put on the property. Roy Merrill said there is a town easement with a 1000' well radius on this property. Mrs. Johnson asked if the 60/40 rule would work on this property. Dave Powelson said he didn't see that it could be done because the 60% appears to be more RR. Mr. Moody stated he has paid taxes based on being C/I for the 10 years that he has owned it and does not understand how that can be if it is not zoned C/I. Roy Maxfield said he thinks it is commercial, thinks it is grandfathered as commercial, and if someone down the road fought it as RR he would disagree. Mrs. Johnson pointed out that the dump property is not shown as all C/I either, part of that is listed as RR. Mr. Maxfield said the whole area is commercial and they could propose a zoning change as the ZBA. It would be recommended as a housekeeping maneuver to make it all commercial because it always has been commercial. Mr. Gosse asked if it is possible to apply to the ZBA for a special exception prior to this going to the town. It was suggested that they wait until the change of zoning is in the works.

Steep Slopes - Roy Merrill said that he has some concerns of the steep slope discussions for Zoning Ordinance changes at recent work sessions. He referred to the suggested exemption of 2500 sf and said he would like to see the ordinance go back to 25% slope which is the same as what the state uses and would be much simpler. He said that would prevent having to deal with square footage exemptions and exceptions. It was stated that the ZBA can go back to the Planning Board with recommendations. Dave Powelson said he feels they are headed in the right direction with special exceptions. There was discussion of a variety of ways to manage steep slopes.

Rule adoption – There was discussion about the proposed rule to address a reasonable time for an appeal of an administrative decision. **Roy Maxfield made a motion to approve the rule to state that 'an appeal of an administrative decision must be filed within forty-five (45) days of the decision'.** **George Saunderson seconded the motion. All were in favor.** The rule will be placed in the ZBA Rules of Procedure.

VII. ADJOURNMENT:

Jon Huntington made a motion to adjourn the meeting at 9:45pm, seconded by George Saunderson; all were in favor.

Respectfully submitted,

Donna White, Secretary