

Loudon Zoning Board of Adjustment  
Meeting Minutes  
October 27, 2016

**Present:**

Chairman Ned Lizotte, Howard Pearl, Roy Merrill, Earl Tuson, Charlie Aznive and alternate George Saunderson

**Minutes:** Mr. Tuson made a motion to accept the draft minutes from the July meeting. Mr. Pearl seconded motion, all in favor.

**Discussions:**

- **Best Septic** – Paul and Darlene Johnson approached the Zoning Board to discuss a property they are looking to purchase on the corner of Shaker Brook Road and Shaker Road. The property will be future home to their business Best Septic LLC and the site plan has been done and approved by the Planning Board. On the property there is currently 3 fuel grade tanks that the Johnsons are looking to use, 1 will be used for collecting rain water and 2 for temporary septic storage. The property currently has 2 special exceptions from 2008 that were obtained by Del Gilbert, one being bulk storage and the other is to allow a gas filling station. The Johnson's approached the Board to ask if the special exception for bulk storage would stay with the property. Mr. Pearl stated that the bulk storage stays with the land so they do not have to submit any applications. Mr. Saunderson stated that the Planning Board approved the site plan and thought this was a good idea. Mr. Pearl said if the Planning Board approved the site plan and the special exception still stands so there should be no zoning issues. Mr. Tuson asked how big the tanks are. Mrs. Johnson said all 3 tanks will hold 29,000 gallons but 1 will be collecting rain water. Mr. Merrill said at the planning board meeting there were several abutters that had issues with septic storage. Mr. Lizotte said the bulk storage approval is fine but they would need to have a change of use application so there is clarification of the use of the property. Mr. Saunderson asked if we should collect another application fee. Mr. Merrill said it is to notify abutters so yes they would have to pay the application fee.
- **Beth Kingsley**- Mrs. Kingsley approached the Zoning Board after going to the Planning Board meeting last week. The Kingsley's are looking to purchase a piece of property that needs to be subdivided but does not have the required 400 feet of road frontage. Currently the property has 239.9 total acres, the Kingsley's are looking to purchase 50 acres with only 69 feet of road frontage. The Kingsley's asked the Planning Board last week if there is any way to go about this subdivision without the required road frontage. Once subdivided parcel 1 will have 69 feet and parcel 2 will have a little over 400 feet. The planning Board sent the Kingsley's to Zoning to check about a variance as they would require a road to be built to town specs. Mrs. Kingsley said they are hoping to not have to build a road due to cost and they would like to leave the land untouched as much as possible. Mr. Pearl asked if they had gotten quotes on how much this road will cost. Mr. Kingsley said they have not yet gotten pricing. Mr. Pearl did not think allowing them to just put in a driveway and create a non conforming lot was a good idea. Mr. Saunderson said the planning board also talked about requiring it to not be subdivided again and only having that one house on it. Mr. Lizotte said it is only one house and would be more like a driveway and would make sense to allow a variance instead of the road. Mr. Pearl was not in

agreement to create a non conforming lot. Mr. Tuson told the Kingsley's that variances are difficult to get and they would need to prove a hardship.

## Public Hearings:

- Application #Z-16-15, Racing History Preservation Group– Special Exception for installation of 1000 gallon propane tank, CI District, Map 51, Lot 19-1. Dick Berggren approached the board on behalf of the museum to discuss allowing a 1000 gallon propane tank on the property, no abutters were present. Mr. Saunderson mentioned that the planning board has discussed allowing 1000 gallon tanks in the upcoming zoning amendment workshops. Mr. Berggren read the application. Mr. Tuson pointed out there a page was missing with several questions that needed to be answered. Mr. Tuson read the questions to Mr. Berggren. **Mr. Pearl made a motion to approve the application on the condition Mr. Berggren provides the missing page with signature, Mr. Tuson seconded the motion. A roll call was taken. Charlie Aznive- yes, Earl Tuson-yes Ned Lizotte-yes, Roy Merrill-yes, Howard Pearl-yes. Unanimous – APPROVED.**
- Application #Z-16-16, David Little –Special Exception for reduced side setback, RR District, Map 21, Lot 64. Mr. & Mrs. Little presented the application, no abutters were present. Mr. Little said just a corner of the driveway is not within the required 30 foot setback and they are looking for a 15 foot reduced setback. Mr. Little said the lay of the land limited where they could put the driveway and garage. Mr. Lizotte asked the questions listed on the application and Mr. Little answered. **Mr. Merrill made a motion to accept the application. Mr. Pearl seconded the motion. A roll call was taken. Charlie Aznive-yes, Earl Tuson- yes, Ned Lizotte-yes, Roy Merrill-yes, Howard Pearl- yes. Unanimous – APPROVED.**
- Application #Z-16-17, Jason Rule- Special Exception for a Major Home Occupation. Jason Rule presented the application; Alich Kingsbury, Jay Hall and Clark Page an abutter was present. Mr. Rule is in process of purchasing a property located at 721 Loudon Ridge Road and runs a construction company that will run out of the property. There is only 1 employee, a bookkeeper that will be working inside an office in the house 2 or 3 days a week and construction workers are working off site. Realtor Alich Kingsbury was also in the audience and showed pictures of the property to the Board. Jay Hall currently owns the property and they are due to close in 4 days. Mr. Lizotte asked for abutters to speak. Abutter Clark Page had no issues with this. Mr. Hall said the office is about 18 x 21. Mr. Lizotte asked if there was ample parking space for equipment. Mr. Rule said there is plenty of parking space. Mr. Lizotte asked the questions from the application and Mr. Rule answered. Mr. Pearl asked if the board should put any special conditions on the business about employees and vehicles. Mr. Tuson said in the ordinance there are restrictions and Mr. Rule should become familiar with the Zoning Ordinance and the limitations on his business. **Mr. Merrill made a motion to accept the application. Mr. Tuson seconded the motion. A roll call was taken. Charlie Aznive- yes, Earl Tuson- yes Ned Lizotte-yes, Roy Merrill-yes, Howard Pearl- yes. Unanimous – APPROVED.**
- Application #Z16-18, Steven Kosusko- Special Exception for reduced side setback of 10 feet, AFP district, Map 36, Lot 6. Mr. Kosusko approached the board to discuss getting a reduced setback of 10 feet to build a 18 X 24 1 ½ story storage barn. Mr. Kosusko was at the planning board meeting last week and got an approved lot line adjustment. The property is small at only .44 acres. Mr. Lizotte asked the questions from the application and Mr. Kosusko answered. **Mr. Pearl made a motion to**

**accept the application. Mr. Tuson seconded the motion. A roll call was taken. Charlie Aznive- yes, Earl Tuson-yes, Ned Lizotte-yes, Roy Merrill-yes, Howard Pearl- yes. Unanimous – APPROVED.**

**Board Discussion:** Vice Chairman Lizotte spoke about the recent passing of Chairman Powelson. Mr. Saunderson made a nomination that Mr. Lizotte act as Chairman for the remainder to the term; seconded by Mr. Aznive; all were in favor. Mr. Merrill made a nomination for Mr. Pearl to serve as Vice Chairman for the remainder of the term; seconded by Mr. Saunderson; all were in favor. Mr. Saunderson made a motion for Mr. Aznive to move from an alternate to full member; seconded by Mr. Pearl; all were in favor.

Mr. Lizotte brought up the discussion about the upcoming zoning amendments that Planning Board will be holding and asked the board if there are any amendments the board is interested bringing to the attention of the Planning Board. Mr. Tuson brought up the setbacks and questioned if they should be reduced. Mr. Pearl said that keeping this will give the board some authority because some of the properties will not allow a reduced setback where others can.

Mr. Merrill asked about the upcoming amendment on accessory dwelling units. Mr. Merrill asked if the board members could see this proposed amendment. Mr. Saunderson said it was drafted and sent to the lawyer and there will be workshops held. Mr. Saunderson also asked the board members to think about amendment changes and get them in writing to the Planning Board.

Mr. Merrill spoke about the Best Septic discussion. Mr. Merrill stated the septic storage isn't in the zoning ordinance. Mr. Pearl said that it passed in the planning board meeting so there should be no need to come to zoning. Mr. Lizotte said yes there should be a change of use as it was fueling station and now will be septic storage. Mr. Pearl said they came in asking about bulk storage and the answer is the bulk storage is all set. Mr. Lizotte pointed out there were two special exceptions on the land prior; one was bulk storage and one was fueling station. It should be changed to septic storage. Mr. Pearl questioned who holds responsibility it is to speak about an application that was done in planning and sent to zoning. Mr. Saunderson is on both boards and is available to speak about anything concerning about a planning decision. Mr. Pearl said they need to form a clear line of communication in the case Mr. Saunderson cannot attend a meeting. Mr. Aznive said these things will come up in the future at times. The Board made a clear decision that Best Septic will need a change of use application.

### **Adjournment:**

**Mr. Aznive moved to adjourn the meeting at 9:20 pm; seconded by Mr. Saunderson. All were in favor.**

Submitted by,  
Danielle Bosco  
Administrative Assistant