

Loudon Zoning Board of Adjustment
Regular Meeting Minutes
November 30, 2023

Chairman Earl Tuson called the meeting to order at 7:00 p.m.

Attendance: Alternate Ned Lizotte, Vice Chair Todd Phelps, Peter Pitman, Chairman Earl Tuson, Charlie Aznive, Alvin See, Alternate Steve Ives,

Acceptance of Minutes:

October 26, 2023, Regular Meeting Minutes:

Peter Pitman made a motion to accept the October 2023 Regular Meeting Minutes as written. The motion was seconded by Alvin See. All in favor, the motion carried; the minutes were approved as written.

November 6, 2023, Bell Site Walk Minutes

Peter Pitman made a motion to accept the November 6, 2023, Bell Site Walk Minutes as written. The motion was seconded by Charlie Aznive. All in favor, the motion carried; the minutes were approved as written.

The Zoning Board hears appeals for rehearings, special exceptions, variances, and administrative appeals. They need to be filed within a timely basis within 45 days of an action. For further information, applicants can see the Loudon Zoning Ordinance, the RSAs, or can stop by the Zoning Office and talk to Lindsey during business hours.

Public Hearings:

Old Business –

Application #Z23-31 Bell – Map 42 Lot 36 – Special Exception to allow for a wetland buffer impacts

New Business –

Application #Z23-33 Bell – Map 42 Lot 36 – Special Exception to allow a reduced side setback for a driveway

Application #Z23-34 Bell – Map 42 Lot 36 – Special Exception to allow for a reduced side setback for a proposed structure

The Board heard the Old Business application #Z23-31 for Bell in addition to the two newly submitted applications, #Z23-33 and #Z23-34, for the same applicant and property.

Alvin See made a motion that Applications #Z23-31, #Z23-33, and #Z23-34 did not constitute a Development of Regional Impact. The motion was seconded by Peter Pitman. All in favor, the motion carried; Applications #Z23-31, #Z23-33, and #Z23-34 were not a Development of Regional Impact.

Luke Wenrich, the agent for the applicant, presented to the Board. There were no abutters present. He explained that the proposed structure would have the same existing setback as the structure on the property. The driveway would need to be extended to accommodate parking for

a camper. Charlie Aznive asked whether the setback for the driveway would be 1' for the entire length of the driveway. Luke Wenrich answered that it would not be in the wetland according to the markers flagged by the wetland scientist. The Board and applicant discussed the wetland buffer impacts of the extended length of the proposed driveway. Charlie Aznive had concerns regarding snow being cleared off the driveway onto the neighbor's property. Luke Wenrich answered that there was a plan for drainage to avoid water concerns and to avoid runoff into the abutter's parcel. There was a plan for a retaining wall to be built to turn into the lower garage. Chairman Earl Tuson asked the Board if they were comfortable moving forward hearing the applications with the drawings as provided even though they were incomplete and only showed pencil markings for changes. Alternate Steve Ives said that application #Z23-31 said that the wetland buffer impacts did not include driveways; Vice Chair Todd Phelps said they have allowed applicants to amend their applications in the past.

The Board reviewed the points of Application #Z23-31. A Special Exception was requested from Article III Section 301.6 to allow the building of a proposed addition within 75' of the wetland setbacks at 46'. The Special Exception would avoid injurious or detrimental effects on the neighborhood because the addition would serve to increase property value and the aesthetic of the property. If the exception was granted, the wetlands would be undisturbed, and the impact would be minimal. There would be no increase in municipal demands or traffic volume as a result of the Special Exception. During construction and occupancy, the wetland would be undisturbed and there will be no potential adverse impacts. There will be no impact on Loudon's groundwater resources.

The Board reviewed the points of Application #Z23-33. A Special Exception was requested from Article II Section 204.5 to allow a reduced side setback to 20' for a proposed structure. The proposed structure would have gutters directing water and runoff onto the owner's parcel. The proposed structure would increase the abutting property values and will develop the lot further. The request is consistent with comparable applicable setbacks of developed adjacent properties because they are of similar lot size and setbacks based on the year built. There will be no additional impacts.

The Board reviewed the points of Application #Z23-34. A Special Exception was requested from Article II Section 204.5 to allow the extension of the driveway that will fall within the 30' setback requirement; the applicant was requesting a reduction to 1' from the property line and a continuation of 110' of the driveway. The applicant answered that it was not applicable for the special exception to avoid injurious or detrimental effects on the neighborhood, it was not applicable that any additional demands on municipal services may or will occur, it was not applicable that there would be an increased traffic volume, it was not applicable that there would be an impact on the natural environment, and it was not applicable that the special exception would have an impact on groundwater resources. The reduction in the setback would not unreasonably diminish the light, air, and space between properties because it would be a continuation of the existing setback, the existing grade of the driveway would be reduced and would move the runoff onto the back of the existing property.

The Board discussed the wetland buffer impact for the extension of the driveway. The Board discussed how far into the buffer the driveway will go. Luke Wenrich said that the wetland scientist had not marked anything in that area even though the drawing appeared to show an

impact. Chairman Earl Tuson asked Luke Wenrich if he would like the Board to move forward with the drawings as presented. Luke Wenrich answered he wanted to move forward. Chairman Earl Tuson closed the public hearing at 7:39 and opened Board deliberations. Charlie Aznive said he was concerned about the snow on the driveway. Vice Chair Todd Phelps said he was more concerned about the reduction of the side setback to 1' than any of the wetland impacts. The Board discussed the wetland buffer impacts. Alternate Steve Ives said they didn't really have accurate drawings to show the plan. Chairman Earl Tuson said that the drawings go into the file for the record. Alternate Steve Ives said that the addition wasn't really the issue, and that the driveway was more of a concern. The Board agreed there were issues with water with the plan presented.

Alvin See made a motion to deny application #Z23-31 because the application and documentation do not show how the wetland buffer would be protected during construction. Vice Chair Todd Phelps suggested that they could say it was incomplete because the drawings did not have dimensions and there was an overall lack of mitigation measures. Chairman Earl Tuson said that the dimensions are on the drawing as presented for the structure and the application does say structure. The driveway was not included. He said that question 4 was not adequately addressed to determine the impact that granting the Special Exception would have on the natural environment and how potential adverse impacts would be avoided. **Alvin See resaid the motion. He made a motion to deny application #Z23-31 based on insufficient information in the response to question 4 and associated drawings to show how construction within the wetland buffer would protect the buffer from construction impacts and/or provide for mitigation. The motion was seconded by Charlie Aznive. Roll call vote: Vice Chair Todd Phelps – yes, Peter Pitman – no, Chairman Earl Tuson – yes, Charlie Aznive – yes, Alvin See – yes. The majority vote carried. Application #Z23-31 was denied. Vice Chair Todd Phelps made a motion to approve Application #Z23-33 as presented. The motion was seconded by Alvin See. Roll call vote: Alvin See – yes, Charlie Aznive – yes, Chairman Earl Tuson – yes, Peter Pitman – yes, Vice Chair Todd Phelps – yes. All in favor, the motion carried. Application #Z23-33 was approved.**

Chairman Earl Tuson said that the drawings presented to the Board do not show the driveway extension or anything about the proposed retaining wall. Alvin See said that the driveway would be 1' from the neighbor's property. Chairman Earl Tuson said that if the driveway was more complete, they would understand. Charlie Aznive said it could be injurious in the future to the neighbors to the east. Vice Chair Todd Phelps said that the space between the properties would be diminished because of the driveway. Chairman Earl Tuson said that the denial of Z23-31 would restrict the length of the driveway. The Board discussed previous driveway setback exceptions in the town. **Vice Chair Todd Phelps made a motion to deny Application #Z23-34 because question 2 is not answered, question 3 is not answered sufficiently, and the reduced setback questions 1, 3, 6, and 7 are not answered sufficiently. The motion was seconded by Alvin See. Roll Call Vote: Vice Chair Todd Phelps – yes, Peter Pitman – yes, Chairman Earl Tuson – yes, Charlie Aznive – yes, Alvin See – yes. The motion carried. Application #Z23-34 was denied.**

Application #Z23-32 McNeil – Map 39 Lot 10 – Variance

Applicant Stacey McNeil was present. There were no abutters present.

Alvin See made a motion that Application #Z23-32 did not constitute a Development of Regional Impact. The motion was seconded by Peter Pitman. All in favor, the motion carried; Application #Z23-32 was not a Development of Regional Impact.

Stacey McNeil explained that she owns a 2-family on Lovejoy. There is a sugar shack on the property, and she wanted to find a way to make it useful. She was hoping to make it an ADU. Because the property was already a 2-family, she would need a variance to allow an ADU.

Alternate Ned Lizotte asked about the condition of the sugar shack. Stacey McNeil explained that they removed part because it fell in. IT needs a new roof and reinforcement to be livable.

Chairman Earl Tuson asked if the Board would be interested in a site walk. Peter Pitman asked for the dimensions of the sugar shack. Stacey McNeil said she thought it was a 24' x 30' but she will measure it. There is existing water and electricity. Chairman Earl Tuson said they would need information about the septic capacity.

Peter Pitman made a motion to continue Application #Z23-32 to a site walk on Monday, December 11, 2023, at 3:00. The motion was seconded by Alvin See. All in favor, the motion carried.

Application #Z23-35 Benevento Companies – Map 50 Lot 26 – Special Exception to allow a concrete processing facility

The applicant's agent, Jeff Green, was present. There were no abutters. The application was to propose a concrete processing facility on International Drive. There would be 6 trucks running daily. All the mixing would be completed in the trucks that were self-contained. They would be filling the trucks at this site, and there would be no crushing. There would be paved driveways.

Vice Chair Todd Phelps made a motion that Application #Z23-35 did not constitute a Development of Regional Impact. The motion was seconded by Peter Pitman. All in favor, the motion carried; Application #Z23-35 was not a Development of Regional Impact.

Chairman Earl Tuson asked about the traffic demands. Jeff Green said there would be maybe 4 trucks per week from 106 onto International Drive but they were still determining the number. It was clarified that the raw material would come in off 106 and the aggregate would come in through the backside.

The Board reviewed the points of the application. A Special Exception was requested from Article II Section 206.3 (F) to allow a concrete processing facility. There would be no detrimental effects on the neighborhood as the site is on a private road used for commercial/industrial purposes. There will only be the normal municipal services as expected on any developed lot and no special needs would occur. There would be a limited impact on roads. There would be no adverse effects on the natural environment. There would be minimal effects on groundwater as the plant uses the recycling of all water used in the process. Jeff Green said that they will need to go to the Planning Board for site plan approval with the septic.

Chairman Earl Tuson closed the public hearing at 8:27 and opened Board deliberations. **Vice Chair Todd Phelps made a motion to approve Application #Z23-35 as presented. The motion was seconded by Charlie Aznive. Roll call vote: Alvin See – yes, Charlie Aznive – yes, Chairman Earl Tuson – yes, Peter Pitman – yes, Vice Chair Todd Phelps – yes. The motion carried; Application #Z23-35 was approved.**

Board Discussion & Correspondence:

Letter from Code Enforcement re: Map 22 Lot 19

The Board took the letter under advisement.

N/A as a Response

Vice Chair Todd Phelps shared his concern about applicants answering N/A on the applications when an answer was needed. Charlie Aznive said that N/A can be an answer. Chairman Earl Tuson said that the Board receives applications and take action. They are allowed to deny the application if there is no compelling testimony. He said that the drawings and applications need to be complete. The law states that the Boards needs to accept applications.

Roland Durloo of Lovering Ave

Mr. Durloo was still in the audience at the conclusion of the meeting. The Board asked him if he had something to speak about. He said he was not a direct abutter of the Benevento lot, but he wanted to share his concerns about the dust control on the site. The Board encouraged him to be present when the application went through Planning for site development.

Adjournment:

Charlie Aznive made a motion to adjourn the meeting at 8:43 PM. Peter Pitman seconded the motion. All in favor. The meeting adjourned at 8:43 PM.

Respectfully Submitted,
Lindsey Roy, Administrative Assistant