

Loudon Zoning Board of Adjustment  
Meeting Minutes  
August 23, 2018

**Present:**

Chairman Ned Lizotte, Vice Chairman Howard Pearl, Earl Tuson, Roy Merrill, Charlie Aznive and alternates Peter Pitman and Dennis Jakubowski

**Minutes:**

**Regular Hearing July 26, 2018- Mr. Tuson made a motion to approve the minutes as presented. Mr. Pearl seconded the motion; All in favor. APPROVED.**

**Discussions:**

None

**Public Hearings:**

**Mr. Merrill recused himself. Chairman Lizotte appointed Mr. Pitman a voting member.**

**Application #Z18-13 John Johnson-Special Exception for the removal of gravel materials, Map 2 Lot 21, R/R**

**District-** Surveyor Jeff Green presented the application, abutter Phillip Brown was present in the audience. Mr. Green said the parcel is 95 acres located on Ricker Road. Mr. Green said he is looking at about 30-40 acres of land that they can remove gravel from due to many wetland setbacks on the property. Mr. Green said this is the first step in the process of creating a gravel pit and they have to go to the Planning Board for a Site Plan and to the State for approval. Phillip Brown an abutter said he is concerned about the wildlife that lives in the wetlands. Mr. Green said at this time the wetlands haven't been studied but that will be part of the process. Mr. Green said they will not be working in the wetlands and will have setbacks of 50 feet. Mr. Tuson said the Town requires a 75 ft wetland setback. Chairman Lizotte asked Mr. Green to mark out where he would like to excavate. Mr. Green explained that he must maintain 25 foot setbacks from abutters with up to 50 foot setbacks if the abutter has any issues with the excavation. Mr. Green said due to setbacks they may only be looking at 25-28 acres of excavating. Mr. Green said they have talked about doing test pits to see exactly what the land has to offer. Mr. Brown said years ago he approached the property owner about pooling our resources together and approaching the National Resources Conservation Service to create a Conservation Easement. Mr. Green said he will talk with his client about this. Mr. Brown asked if the material will be taken off property with the correct permits. Mr. Green said yes and it will be taken out Ricker Road. Mr. Brown questioned which direction they will take out of Ricker Road. Mr. Green said that depends on which direction they are heading. Mr. Brown said Ricker Road is in rough shape so he has concern about further damage to the road. Chairman Lizotte said that is more of Planning Board issues that they will touch base on when it goes to the Site Plan. Mr. Tuson said the Special Exception does ask about traffic so it is something the Board needs to look at. Chairman Lizotte questioned if the Conservation Commission would become involved at the Planning Board level. Mr. Green said not necessarily but at the State level they would. Chairman Lizotte asked when the discussion between the abutter and the client would take place about a conservation easement. Mr. Green said he will address that immediately in case his client wants to go in that direction they won't be taking any further steps for the gravel pit. Mr. Tuson told Mr. Brown to also talk with the Conservation Commission in

Town to see what guidance they can provide. Mr. Brown said he is a retired science teacher and thinks a project like this would be good to include the Merrimack Valley School District and possibly setting up a class for students. Chairman Lizotte went through the application and the Board had some discussion. Mr. Jakubowski questioned how this would not cause detrimental effects to the neighborhood. Mr. Green said he feels that if he follows rules and guidelines set by the Town and State that he will not cause detrimental effects to the neighborhood. Chairman Lizotte read a letter from abutter Gerald Verville whom has concern about the damage to the road. Mr. Green said this abutter is directly across the street from this parcel. Mr. Green said he can't speak on road repair but he expects when he goes to Planning Board that they will have him fix the entrance in front of his parcel. Chairman Lizotte said this is more of something that will be dealt with at Planning Board. Mr. Tuson said the question is on the Zoning Board application how this will not cause detrimental affects to the neighborhood so this is a Zoning Board issue. Mr. Green said he only sees damage to the entry and exit to the parcel and is fine with something being put in the decision that it must be repaired. Mr. Green said having trucks on the road makes it impossible to avoid some kind of detrimental effect. Mr. Tuson said the Town has truck traffic going out several ways but nothing currently in this area. Chairman Lizotte said all of the work is being done inside the property so the only detrimental effect on the area is the entry and exit to the property. Chairman Lizotte asked about hours of operation. Mr. Green said they haven't discussed details of operating hours but they are looking at Monday-Friday with similar business hours of other gravel pits. Chairman Lizotte questioned what hours Fillmore's runs. Mr. Green said they run from 7-4 so they can get the gravel loaded and off the property before the jobs are done. Mr. Tuson said with 20 trucks per day how long does he expect this project to take. Mr. Green said he had put on the application 20 trucks per day but doesn't feel this operation will be that large and may only have 2-3 trucks per day. Mr. Green said if they get a good job they could have up to 20 trucks a day and the project may take 10 years. Mr. Green said until they do test pits they don't know exactly what type of material they will be working with. Mr. Pearl asked about having a crusher on site. Mr. Green said if they have a crusher it would be temporary where someone comes in and crushes for a few days and then leaves. Mr. Green said the operation won't be as large scale as Fillmores. Mr. Pearl said if they get a deal with Fillmore's they may come in and deplete it quickly and the Board should be careful about setting a limit of trucks. Mr. Tuson estimated it is about 50,000 yards per acre and if you use a 16 yard truck its 3,000 truck loads per acre with a total of about 75,000 truck loads roughly. Mr. Green questioned if the Board doesn't want to put any restriction on the trucks or set a number of trucks and come back if they need more. Mr. Tuson said although all abutters were notified the question of how this operation affects the neighborhood still stands because the entire neighborhood was not notified and there are a lot of residential homes. Mr. Tuson asked about an alternative to the entry and exit point on the parcel by going through an abutting property. Mr. Pearl said he believes there is no way due to steep slopes and wetlands. Mr. Tuson said depending on which way they enter and exit the property they will pass 20 homes in one direction and 40 homes in the other. Chairman Lizotte questioned how this gravel pit would be any different than any other gravel pits such as Fillmore or Decato. Mr. Tuson said Fillmore's doesn't pass 20-40 residential homes and Decato's was in place before Zoning was present. Mr. Green said about 5 years ago he received permission for 80 acres to remove gravel. Mr. Tuson said those residents were already aware of truck traffic, this area will be new truck traffic. Chairman Lizotte said there was truck traffic in the area and abutters were notified. Chairman Lizotte said his main concern is addressing the abutter directly across the street who wrote a letter and if they are willing to repair the road in front of the entry then he is alright with it. Mr. Pearl said since its fairly flat he doesn't see a lot of breaking but has concern of tearing up the road at the entry point. Mr. Green said they can put signage that says no jake braking. Mr. Tuson said this neighborhood needs to make sure it doesn't have detrimental effects. Mr. Pearl asked if gravel pits are forced to put up a road bond. Mr. Green said not necessarily. Mr. Pearl said there is no way to completely avoid detrimental effects.

Mr. Pearl questioned limiting the amount of trucks. Mr. Tuson said if this Board sets a limit on trucks then it moves on to the Planning Board and everything goes smoothly the applicant can always come back to the Board to ask for more trucks but this is a good starting point. Chairman Lizotte revised question two to state the road entrance be repaired to Town Specs during and after so as not to cause problems to abutting neighbors and preserve access to abutters property. Chairman Lizotte changed question 5 to state operating hours of Monday-Friday, hours of 7:00am-4:00pm and up to 50 trucks per day. **Mr. Pearl made a motion to approve the application under the following conditions: Maximum 50 trucks per day, operating hours of 7-4, Monday-Friday and road entrance be repaired to Town Specs during and after so as not to cause problems to abutting neighbors and preserve access to abutters property. Mr. Pearl seconded; All were in favor. APPROVED.**

### **Board Discussion:**

None

### **Adjournment:**

**Mr. Pitman moved to adjourn the meeting at 8:28 pm; seconded by Mr. Aznive. All were in favor.**

Submitted by,  
Danielle Bosco  
Administrative Assistant