

**TOWN OF EPPING, NEW HAMPSHIRE  
ZONING BOARD OF ADJUSTMENT MEETING**

**Wednesday July 19, 2017**

**PRESENT:** Charlie Goodspeed, Mark Vallone, Joe Bodge, Kim Sullivan, Don MacLaren; Planner Brittany Howard; Secretary Phyllis McDonough.

**CALL TO ORDER:** Chairman Goodspeed called the meeting to order at 6:00 P.M.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**PEEKA HOLDING, LLC** – Chairman Goodspeed read notice for a Special Exception concerning Article 6 – Section 6.5, to develop a parcel of land under the multi-family housing use regulations. Parcel is located at 65 Fremont Road (Tax Map 035 – Lot 025) located in the Residential Zone. Abutters present:

Dave Leach from Civil construction came before the Board to explain the proposal on this site is to leave the existing home and the remaining land to have multi-family homes.

Chairman Goodspeed asked for a breakdown of the site. Leach explained the original parcel was 30.367, there will be a 22.7-acre parcel and the existing home on a 7.67-acre parcel of that 22 acres there 480,000 square feet of uplands which allows for 12 units - 6 duplex buildings on that land and meet the size requirements under the special exception. He stated they met in technical review with Howard and other department heads. Chairman Goodspeed asked what each building contains and the wells and septic systems. Leach explained there will be six duplex buildings each will have two units with three bedrooms; each unit will have their own septic with two wells at the back of the lot that will provide water for all units. Leach stated they will have to meet the town and DES requirements.

Chairman Goodspeed asked about the square footage of each unit. Leach stated approximately 1500 feet. The Chairman asked about parking. Leach stated there will be three parking spaces per unit. Chairman Goodspeed asked how large the right of way for the private drive. Leach stated 18 feet of pavement and an eight-foot shoulder.

Sullivan asked if there will be any separate lots. Leach stated people will be buying the unit. Leach stated there will be a condo association and they will have rights to the common land. Sullivan asked about the private drive instead of putting in a town road. Leach explained it's better way to serve the units than to put in a road that the town would have to take it over and maintain it. Sullivan asked if any land is in conservation. Leach stated there is not.

Bodge asked what the time schedule is on building these units. Howard stated although this would be a planning board question, the planning board will require the road would have to be

paved before any CO's could be given, and the developer would be responsible and money would have to be put into an account until this is done.

The Board along with the applicant address the seven criteria for the Special Exception. There were no questions or comments.

Abutter Neal Matthews, 64 Fremont Road, concern is about the water and the testing that was done previously. Howard showed Matthews a plan of the project, Matthews stated he could see there will not be a problem and thanked the Board.

Sullivan moved, Bodge seconded the motion to approve the Special Exception. The motion carried unanimously.

**REQUEST FOR REHEARING** – Chairman Goodspeed read notice of a request for Rehearing by Matthew Jensen regarding the Zoning Boards decision of May 31, 2017, because: (a) the relief granted by the Board on May 31, 2017 is not the relief requested in his application; and (b) requiring he release his deeded access through the Houston property does not further the purpose of the ordinance. Property is located at 78 & 94 Blake Road (Tax Map 20 – Lots 013 & 015) in the Rural Residential Zone & (Tax Map 23 – Lot 180) in the Rural Residential Zone.

Chairman Goodspeed noted at the meeting of May 31, 2017 the Board discussed regarding a right-of-way that crosses the adjoining property of Mr. Houston and that that right-of-way must be maintained and open because it has access for the power company to maintain those power lines. Chairman Goodspeed stated he spent hours trying to contact the power company to confirm if that had to be left open to the public. The Chairman stated he received ‘that’s a good idea’, but never had confirmation and noted if the two parties wanted to make an agreement by the two parties to put a gate across that road and a lock box could be put on that gate so the power company could get to their lines in case of an emergency. Chairman Goodspeed noted, at this time, he had not received confirmation on that idea. The issue relative to that agreement he felt could be solved by both parties and does not believe the board over extended the request that further study be done on evaluating a reasonable solution to that.

Chairman Goodspeed explained the second item was the request for a non-conforming frontage for the two lots. The board required one lot to meet frontage requirements; the second lot would be non-conforming. He explained the assignments were a 200-foot frontage on one of the properties meeting all the requirements, the Board then agreed on one exception to allow a 50-foot frontage on the second lot.

Chairman Goodspeed noted with this he sees Jensen is not in full agreement on the Board’s decision, stating he feels the Board followed and minimized the number of non-conforming items for this requests by subdividing the frontage, and feels the Board’s decision was appropriate.

Vallone stated he has two issues, one being the board made a unanimous decision on the application. He referred to a letter from Jensen’s attorney which brings up the issue of working

out a deal with Mr. Houston saying it's not in the Board's authority. Vallone stated where it could possibly effect property values it certainly falls within the board's authority. Vallone addressed the 200 feet stating the Board observed the spirit of the ordinance and followed the five criteria by saying the Board wanted at least one conforming frontage and that does not support the applicant's argument.

Sullivan stated he didn't feel Jensen had an issue with the one lot and the 200-foot frontage and the remaining lot with 50 feet. Howard stated she thought the relief granted by the board was not what he requested in his application because he requested 125 feet and 125 and the Board granted 50 feet. Sullivan stated he thought Jensen was okay with the decision as long as he had the two lots and using a common driveway, as long as where the boundary was, that he was okay the decision. Sullivan noted he concurs with Vallone and the Chairman that the Board made no errors, and in his position the request for a rehearing should be denied, and if forced to have a rehearing the Board could deny the request all together.

Bodge noted he was not at the May 31<sup>st</sup> meeting but did review the minutes and application that came before the Board, and had concerns with the initial application on the two non-conforming lots, and thought the Board's decision was better than his views on it. Bodge stated on the decision of what the board made he does not see a reason to rehear.

MacLaren stated as far as his reasoning for removing the use of the driveway is it now creates three driveways being able to go to all the properties and would diminish property values. He stated as far as utility company and agreements with them, he feels it's not of the Board's concerns. He stated he was concerned with the traffic in front of the abutters lot and would not have been in favor of three non-conforming lots.

MacLaren moved Vallone seconded the motion to deny the request for the rehearing. The motion carried unanimously.

**MINUTES OF MAY 31, 2017 FOR APPROVAL** – Vallone moved Bodge seconded the motion to approve the minutes as amended. The motion carried.

**PREVIOUSLY APPROVED MINUTES OF MAY 3, 2017 FOR SIGNATURE** – The minutes of May 3, 2017 were duly signed.

**ADJOURNMENT** – Bodge moved, Vallone seconded the motion to adjourn at 6:40pm.

**APPROVAL NOTIFICATION: July 19, 2017 - Minutes of May 31, 2017 were approved. Minutes of May 3, 2017 were duly signed.**

Respectfully submitted,

Phyllis McDonough,  
Zoning Board of Adjustment Secretary