

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

Wednesday May 2, 2018

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG

VANDY LEIGH/MARION MENGERT – Chairman MacLaren read notice for a Variance concerning Article 19 – Section Sign Table. Parcel is located at 218 Main Street (Tax Map 022 – Lot 055) located in the High Density Residential Zone. Abutters present:

Vandy Leigh came before the Board with the proposal. She stated in keeping with the Zoning Board decision for her business in the High Density Residential, where the Board granted the Special Exception that her future parking lot all the traffic come into the lot to use Prospect Street. She explained her concern is when people come down Main Street they'll go to Academy and turn there. She stated she would like a sign that shows to go down Main Street to take a left onto Prospect. She stated in this district, they only allow signs on the building but there's no room for that sign because the turret is there.

Goodspeed asked if the sign will be facing the road and seen from both sides. Leigh responded it will be seen from both sides of Main Street.

Leigh addressed the 5 criteria:

- 1) **Will not be contrary to the public interest** - Board explained what the interest is and is trying to preserve.
- 2) **Spirit of the ordinance is observed** – She is striving to effectively address the boards concerns about excess traffic.
- 3) **Substantial Justice will be done providing the** – Providing lit signage will allow residents to find the business and parking lot on Prospect Street.
- 4) **Values of surrounding properties are not diminished** – Signage in this area is not unusual.
- 5) **Provisions of the ordinance would result in an unnecessary hardship** – The buildings turret prevents signage from being hung on the building itself.

Sullivan asked what type of sign is being requested and what size. Leigh explained she is looking to have what is allowed in the West Epping District which is 15 feet high, 20 square feet, similar to what's at the Rec Center; a wood sign then at the bottom to change what's happening and a light to shine at night for night business. Sullivan asked about the sign on Prospect Street.

Leigh explained there would be an arrow showing where to turn on Prospect. Sullivan suggested sign with an arrow where to park on Prospect should be adequate.

Goodspeed questioned if the tree on the corner is coming down. Leigh explained it's not coming down. She stated the Town is doing sidewalks along her site so that will depend along Academy and Main. Goodspeed stated there's a short distance on Main Street with two signs may be overkill. He stated he is not happy with two signs in the residential area.

Vallone inquired if Leigh consulted with the Town Planner on the placement of the signs. Leigh stated it will have to go whatever the ordinance says. Howard explained for free standing signs the setback is 10 feet from the center line.

Chairman MacLaren stated he feels the property is too small for two signs and thinks a small sign with an arrow would be fine. Howard explained this zone does not allow free standing signs, although the Site Plan regulations, if you have a corner lot, you are allowed two free standing signs.

Bodge suggested a single lit sign on Main Street and a small sign on Prospect showing the entrance. Leigh stated a small sign on Prospect would be good to show parking.

Chairman MacLaren asked about the lighting. Howard stated she doesn't see an issue as long as it's on a light switch and off when not open.

Joe Ellis, representing abutter Warren Trefethen is concerned with the lighting and asked that it shines down. He also questioned a curb cut. Howard explained there will be a Planning Board meeting that these questions will be addressed.

Sullivan moved Vallone seconded the motion to grant the variance for a sign, 16 square feet in size on the corner of Main and Academy with boxed lighting, and a smaller sign on Prospect and Main. Chairman MacLaren moved to amend the motion Bodge seconded to also include the second, smaller sign is no greater than eight (8) square feet. The motion carried unanimously.

BLACK BIRCH DEVELOPMENT GROUP, LLC – Chairman MacLaren read notice for a continued hearing on a Special Exception concerning Article 2 – Section 6.5 for multi-family housing. Parcel is located at Delaney Road (Tax Map 023 – Lot 176) located in the Residential Zone. Abutters present: Town of Epping.

Attorney Wyskiel noted for the record the letter from March 2 that addressed the Special Exception which seeks the multi-family units requested. He also reminded the Board of the calculations he passed out to the Board at the last hearing. He explained Norway Plains Engineering was the engineering firm that drew up the site plan that was approved by the Planning Board approximately a year ago for a two lot subdivision. He explained the letter shows a total of wetlands and total lot area, and subtracting the wetlands area from the total area he has a total of 541,192 square feet which in the density requirements allows multi-family in the

residential zones to a limitation of one unit per 40,000 square feet and by that calculation it's allowed 13.5 units, the applicant is seeking 10 units.

Attorney Wyskiel explained the applicant is seeking to do two buildings, each with five dwelling units, ten in total.

Attorney Wyskiel reiterated what Sullivan questioned the dimensions and Sullivan stated the dwelling dimensions didn't size up for this zone, which led to the continuance of the meeting. Sullivan also requested information on elevations showing condominium building design and dimensions; floor plans; information concerning surrounding property values, information concerning proposed condominium values. He stated the reason that information was sought is because under Article 13 of the Zoning ordinance the criteria for a special exception are set out in 13.2 are addressed briefly in Attorney Wyskiel's letter, issues of public safety, health and welfare were discussed and compatibility with the adjoining development and the proposed character of the development for which the variance was discussed.

Attorney Wyskiel introduced other members involved with the application: Black Birch members Steven Kniaz, and Tom Boisvert, builder of the LLC; Russ Smith from KW Keller Williams Realty, who will present a series of slides to address the issues of the information requested. Also, Lieutenant Paul St. Cyr from the Epping Fire Department to discuss the driveway.

The proposal is for three buildings, two with four units, one with two units. He explained there is a proposed elevation and stated each building will be serviced with its own well and septic; there will be a private drive coming in to service that; in speaking with Lieutenant St. Cyr thought the best way to bring the driveway in. He spoke about Bodge's concern and the distinction between streets and private driveways. This private driveway will be built by the Town's regulations and a street by definition is a public way and noted Bodge's concern that the two are different by definition.

Realtor Russ Smith came before the board to address the neighborhood assessments, assessment averages, and comparable condo assessments.

Tom Boisvert addressed the proposal for building design. He explained the layout is for 1,656 square feet building with a 24x24 attached two-car garage, three bedrooms and two-and-a-half baths. He showed the elevation of the buildings. Boisvert explained the living space is 1,656 square feet, the 576 square feet is a two-car garage.

Boisvert explained they met with St. Cyr to discuss the driveway and decided to do a 24-foot driveway with a two-foot shoulders on each side. He showed a loop that will come back into the driveways, and a cistern on site and each unit will be sprinkled.

Vallone spoke about the assessments that will be compatible and will fit in with surrounding properties. Russ Smith agreed and stated the goal is not to detract from the neighborhood.

Bodge asked St. Cyr about the driveway cut off Delaney Road if there's going to be a flare out and is thought put into the end of driveway for fire equipment to pull in and out. St. Cyr stated that is the reason for the design to go with the 24-foot width. St. Cyr also explained the cistern will be when you're coming into the loop and out of the way.

Russ Smith noted the questions by the abutters and their concern with buildings going up behind their properties. Smith showed aerial photos of all the properties.

Chairman MacLaren and the Board addressed the 5 criteria.

1. "That the use is so designed, located and proposed" "public health, safety and welfare and convenience will be protected." The Board had no comments.

2. "That the use will be compatible with adjoining development and the proposed character of the zone"

Bodge stated the fact that the abutters have no concerns say that they feel it is compatible.

Vallone stated there is plenty of information to show it fits in.

Kim doesn't believe it to be compatible with the surrounding properties.

3. "That adequate loading and off-street parking is provided" There was a typo showing 20 inches, which, in fact is 20 feet. Sullivan stated he is more concerned with the traffic on Delaney with additional 10 families. He also stated he is concerned with pulling in and out of this site and if there will be a stop sign.

Howard explained Planning Board will require a stop sign at the end of their driveway, and for 911 purposes their driveway will have a road and name.

Goodspeed stated he is concerned with the percent of the wetlands and the runoff.

Attorney Wyskiel noted through the Planning Board process the materials will be discussed.

4. The use The Board had no comments.

5. "That if the applicant for a special exception agrees as a condition of the special exception" "to obtain Planning Board approval prior to applying for a building permit." The Board had no comments.

6 & 7 do not apply.

Howard advised the Board the only stipulation to be added the prior recorded subdivision was approved, and now if the Site Plan is approved, the Subdivision will be abandoned.

Vallone moved Bodge seconded the motion to approve the Special Exception for multi-family contingent on the Site Plan approval being conditional on the abandonment of the recorded Subdivision and previously granted variance. The motion carried 4 to 1 passed; Sullivan voting against the Special Exception.

CORRESPONDENCE FROM JOHN DOLD – REQUEST TO SERVE AS ALTERNATE

Dold gave a brief history of his involvement with different Boards while living in Exeter. Bodge moved Vallone seconded the motion to appoint John Dold to serve on the Board as an Alternate for a one (1) year term. The motion carried unanimously.

MINUTES OF MARCH 28, 2018 FOR APPROVAL – Bodge moved Goodspeed seconded the motion to approve the minutes. The motion carried unanimously.

MINUTES OF FEBRUARY 28, 2018 FOR SIGNATURE – The minutes of February 28, 2018 were duly signed.

ADJOURNMENT – Bodge moved Vallone seconded the motion to adjourn at 7:30pm.

APPROVAL NOTIFICATION: May 2, 2018 - Minutes of March 28, 2018 were approved. Minutes of February 28, 2018 were duly signed.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary