

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

Wednesday January 22, 2014

PRESENT: Dave Mylott, Philip Gamache, Mike Yergeau, Mark Vallone; Secretary Phyllis McDonough; Planner Brittany Howard.

CALL TO ORDER: Chairman Mylott called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG:

SIGNATURES REQUIRED – Alternate appointment slip for Kim Sullivan. The appointment slip was duly signed.

CRAIG & JENNIFER HACKETT -- Chairman Mylott read a notice for a Variance concerning Article 9, Section 9.2 & 9.3, Riverbank Protection Area. Parcel is located at 24 Lamprey Village Drive (Tax Map 029 – Lot 068) located in the Residential Zone.

Chairman Mylott read notice of a Variance by Craig & Jennifer Hackett. The Chairman explained the applicant has the option to be heard without a full board. The applicant agreed to go forward with the application.

Builder Todd Cote, representing the Hackett's came before the board to explain the proposal. He explained the Hackett's are requesting to build a two-story addition to the back of their house, which is currently a deck that would be taken down. He stated the Riverbank Protection calls for 150 foot setback and the addition would bring the structure to 136 feet to from the river's edge. Cote stated they will maintain the spir it of the riverbank protection and will not cause any negative impact.

Cote explained his reasons for the five criteria:

The Variance will not be contrary – He explained the impact is only a matter of a few feet, 136 feet from the river's edge and will be maintained.

Spirit of the ordinance – He explained the proposed additional structure will not cause any contaminants to the water.

Substantial justice – He explained the proposed addition will allow additional space for the homeowners with their growing family without impacting the surrounding environment.

Values of surrounding properties – He explained the values are not diminished and will increase the value of the house and surrounding homes with the proposed deck.

Unnecessary hardship – He explained the proposed addition works better financially for the homeowners and allows the addition to coordinate with the existing house layout.

Vallone asked when the house was built. Hackett stated 1992. Vallone asked why it makes more sense doing the addition to the back of the house and not the side. Hackett explained if they were to add to the side of the house the masonry work would have to be taken down and would have a financial impact.

Mrs. Hackett explained aesthetically it would look strange and would appear to be too close to the house and the grade of the lawn on the other side drops off and looks best in the back and would be the most eye appealing look. She explained they would like to stay in the house and have it work for the family and not have to move. She stated there is a community septic and well system.

Gamache asked if the addition adds how many people can live in the house. Mrs. Hackett responded it would not.

Chairman Mylott referred that shows the property line for the proposed new addition, and asked is that parallel to the river the relief of the corner deck is equal to the addition. Cote stated that is correct. Chairman Mylott explained the applicant is looking for 136 feet in a zone that required 150 feet. Cote stated that is correct. And the Second floor will have a second bath. Cote noted that is correct, and explained the plumbing will be tied into the existing house. Mylott questioned if anything will go into the ground. Cote stated nothing will be going into the ground.

Gamache moved, Yergeau seconded the motion to accept the appeal as submitted, and advised the Variance shall be acted on within two years per State Law. The motion carried unanimously.

FREDERICK HORNE -- Chairman Mylott read a notice for a Variance concerning Article 2, Section 6. Parcel is located at 396 Pleasant Street (Tax Map 026 – Lot 009) located in the Residential Zone.

Chairman Mylott read notice of a Variance by Frederick Horne. The Chairman explained the applicant has the option to be heard without a full board. The applicant agreed to go forward with the application.

Fred Horne, son of John Horne came before the board to explain the proposal is to obtain a dealership license to get into dealership auctions and eventually obtained a dealership plate.

Horned explained his reasons for the five criteria:

The Variance will not be contrary – Horne explained his father kept pride in the operation is clean and will not cause an eyesore to the public, and added that the business has been on the site for the past 30 years.

Spirit of the ordinance – Horne explained although the business is in a residential zone, it is close to the West Epping business district and is a high flow traffic road.

Substantial justice – Horne stated by allowing the variance the business will be able to remain at this location.

Values of surrounding properties – Horne explained the site has always been kept up, as it will continue. He explained there is a fenced in area and ample parking behind the garage.

Unnecessary hardship – Horne explained with the downturn of the economy the business has been difficult and by not being able to maintain a dealer's license they wouldn't be able to attend dealer auctions and would not be able to obtain dealer plates which would make it difficult to buy and sell.

Horne explained they will be using this as a supplement, and to buy and sell cars a dealership plate is needed. Gamache inquired how the site will remain residential with more vehicles. Horne explained he does not expect the site to get crowded and will keep a clean operation. Gamache asked if there are any plans for signage. Horne responded stated there are no plans for a sign at this time.

Howard explained if the operation was to change the applicant would have to come before the Planning Board.

Gamache moved, Yergeau seconded the motion to accept the appeal as submitted, and advised the Variance shall be acted on within two-and-a-half years per State Law. The motion carried unanimously.

LANGDON CONSTRUCTION – Chairman Mylott read a notice for a Variance regarding Article 7, Section 7. Parcel is located at Elm Street (Tax Map 023 – Lot 021-001) located in the Rural Residential/High Density Residential Zone.

Chairman Mylott read notice of a Variance by Langdon Construction, LLC. Abutters present:

Attorney Pelech representing Langdon Const. and Mr. Shrutt, came before the board to explain the proposal. He also noted that the application will proceed without a full Board. He showed the property being high density residential and rural residential. He stated the property is 2.71 acres and has a conservation restriction on the back part. He informed the board the lot was created in 2006 by a subdivision approved by the Planning Board and at that time the lot that is owned by the Gagnon's was created.

Attorney Pelech stated looking at the five criteria it does meet all the lots are over 20,000 square feet which is the minimum lot size in High Density Residential and the zone line runs through the property. He explained the applicant would like to put a roadway in and to subdivide the property into four lots and in order to do that the variance is needed because all the lots are in the Rural Residential zone which require 80,000 square feet.

Attorney Pelech went over the 5 criteria:

The Variance will not be contrary – Public health safety will not be threatened if granted.

Spirit of the ordinance – Lots will be comparable to the lots in the area.

Substantial justice - The hardship on the owner is not outweighed by any public benefit very appropriate use of the land and compares to what is already there.

Values of surrounding properties – will be consistent with the neighborhood.

Unnecessary hardship – this parcel is surrounded by High Density Residential, and Rural Residential coupled with the conservation does create quite a hardship.

Attorney Pelech showed a map of a proposed private roadway and it's shown in its largest required size and if the variance is granted a waiver would be asked for from the Planning Board to reduce the width of the roads to make the lots a bit larger.

Vallone asked the size of the parcel. Attorney Pelech stated 96,500 square feet.

Gamache asked as far as size and frontage none of the proposed lots fit under Rural Residential not High Density Residential. Attorney Pelech noted that is correct.

Paul Langdon explained he met with Water & Sewer and informed the board both are available for this property. He explained if he is able to get waivers to build a Town road to Town specs to make it smaller, the frontage would only improve on the lots.

Chairman Mylott questioned if the application is approved, would he be able to build on the lots without additional relief. Attorney Pelech stated it won't need any other variances.

Gamache asked if the variance is approved the zoning would not be changed, the remaining of the Rural Residential zoning requirements would stay in place. Attorney Pelech stated that is correct.

Chairman Mylott opened the meeting to the public.

Abutter Gagnon informed the Board when the property was subdivided was a two family home, it was said at that time that the home could only be a single family, and would not allow it to stay a two family. She stated she has 150 feet of road frontage and half acre of land. She stated she feels it's unacceptable to allow the parcel to be changed. She explained she has no objection to this property being built on, but does have an objection to three houses being built behind and one beside her property and also has objection with the road running under her bedroom window. Gagnon stated she does see this changing the characteristics of the neighborhood.

Paul Langdon explained there is a current variance right behind this property for 170 units, and stated this property is currently surrounded by High Density.

Chairman Mylott stated his only concern is trying to build too much in a not ideal location. Yergeau stated he feels this is a great plan for what it because of the High Density Residential and Rural Residential split. He stated he feels the proposal goes with the neighborhood, and noted that the mobile home park has more impact.

Vallone questioned where the justice is for Mrs. Gagnon. He stated between Pine & Pond and this property there is a good buffer and gives an open space. Vallone stated he feels the hardship part is the owner of the property has the right to build on the property but is having a hard time supporting four homes.

Yergeau explained the lots are pretty much the same footage as the lots on Elm Street.

The Board reviewed the five criteria:

The Variance will not be contrary to the public interest – Gamache feels this is contrary to the public interest, because it changes the existing properties lifestyle. Chairman Mylott explained as far as public interest there is high residential areas around this parcel.

Langdon stated the residence was created with the regulations, so it's not contrary it's in coordination with surrounding properties. Was part of this original property and the Planning Board granted the subdivision approval with the lot size.

Yergeau stated there is a 25 foot easement right next to the property.

Vallone stated he does not feel this is contrary to the public interest.

Spirit of the ordinance – Chairman Mylott stated this is a challenge with the two different zones.

Substantial justice – The Board agreed this is difficult looking at justice for the property owner and justice for the abutter.

Values of surrounding properties are not diminished – Gamache feels it will diminish the value of Gagnon's property. Yergeau By putting the same lot size with a comparable house, does not see surrounding properties diminishing. Vallone stated with a road going right next to Gagnon's property he does feel it will diminish property values.

Langdon stated right now according to the regulations a house could go right behind Gagnon's property.

Unnecessary hardship – Chairman Mylott advised with how limited is the property owner to being able to build and with the restriction on that property it needs relief and the two zones is a

hardship in itself. Chairman Mylott also stated he feels the proposal is better than what has been before the Board previously.

Chairman Mylott advised the Board to keep in mind they are being asked to grant the size to allow four units, and the Planning Board would be responsible for the design.

Langdon explained they will work with Ms. Gagnon and the Planning Board on screening and landscaping.

Yergeau moved to approve the Variance with the 2½ year stipulation. Chairman Mylott seconded the motion to support the Variance to allow the four units. The motion tied 2-2 with Yergeau and Chairman Mylott for the Variance and Vallone and Gamache against the request for Variance. Therefore the motion did not carry.

MINUTES OF MAY 14, 2013 FOR APPROVAL – Vallone moved, Gamache seconded the motion to approve the minutes. The motion carried unanimously.

MINUTES OF JANUARY 30, 2013 FOR SIGNATURE – The minutes of January 30, 2013 were duly signed.

REQUEST FOR ALTERNATE – JENNIFER OBER – Chairman Mylott moved, Gamache seconded the motion to appoint Jennifer Ober for a one year term. The motion carried unanimously.

ADJOURNMENT: Vallone moved, Gamache seconded the motion to adjourn at 8:35 PM. The motion carried unanimously.

APPROVAL NOTIFICATION: January 22, 2014 - Minutes of May 14, 2013 were approved. Minutes of January 30, 2013 were duly signed.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary