

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

Wednesday March 19, 2014

PRESENT: Dave Mylott, Joe Bodge, Mark Vallone, Charlie Goodspeed; Alternate Kim Sullivan; Secretary Phyllis McDonough; Planner Brittany Howard.

CALL TO ORDER: Chairman Mylott called the meeting to order at 7:00 P.M., and appointed Sullivan to sit as a voting member.

PLEDGE OF ALLEGIANCE TO THE FLAG

LETTER OF RESIGNATION FROM MIKE YERGEAU – Chairman Mylott read letter of resignation from Yergeau.

Chairman Mylott moved, Vallone seconded the motion to accept the letter of resignation from Mike Yergeau, and thanked Mike for his dedication and time to the Board and Town.

REORGANIZATION – Chairman Mylott welcomed Goodspeed to the Board.

CHAIRMAN – Vallone moved, Bodge seconded the motion to appoint Mylott to sit as Chairman. The motion carried.

VICE CHAIRMAN – Sullivan moved, Bodge seconded the motion to appoint Vallone to sit as Vice Chairman. The motion carried.

SECRETARY – Bodge moved, Vallone seconded the motion to appoint Phyllis McDonough to sit as secretary. The motion carried unanimously.

LANGDON CONSTRUCTION – Chairman Mylott read notice for a Variance concerning Article 2, Section 5.2 & 7.2 to subdivide one lot into two lots. Parcel is located at Elm Street (Tax Map 023 – Lot 021-001) located in the Rural Residential/High Density Residential Zone. Abutters present: Vaughn Cloutier representing Cloutier Pine & Pond LLC.

Attorney Bernie Pelech representing Langdon Construction came before the Board with the proposal for two lots and noted the zoning line runs between the Rural Residential Zone and the High Density Residential Zone. Pelech explained the minimum lot size for the High Density is 20,000 square feet and 88,000 square feet for Rural Residential. Pelech explained the proposal is two lots which will have a common driveway leading to both lots. He stated the application needs relief from Article 2, Section 5.2 & 7.2 for a Variance for the lot size because both of the lots exist in both zones with part of a lot in the Rural Residential the other Variance is for a frontage in the High Density Residential which requires 100 feet of frontage.

Attorney Pelech explained the applicant's reasons for the five criteria:

The Variance will not be contrary – Pelech noted the characteristics of the neighborhood will not be changed, and the health, safety and welfare will not be threatened.

Spirit of the ordinance – Pelech reiterated his response to the first criteria.

Substantial justice – Pelech stated the hardship on the owner is not outweighed for any public benefit if the variance is denied.

Values of surrounding properties – Pelech stated new homes will enhance values in the area.

Unnecessary hardship – Pelech explained the parcel is in two zones with limited frontage resulting in unnecessary hardship and the deed regulations on the proposed lot two creates special conditions.

Chairman Mylott noted the applicant is requesting relief on lot frontage from 50 feet and minimum lot size for lot one which is approximately 28,000 square feet and lot two exceeds the required minimum.

Goodspeed questioned if there is room for the well and septic. Langdon explained water and sewer is located right out front of the site and stated there is plenty of room on the lots. Langdon explained he has already met with Water & Sewer and stated there is plenty of water for the site.

Sullivan asked how large the lot is if the non-buildable is taken away. Attorney Pelech stated it's close to 50,000 square feet. Sullivan questioned the size of the driveway. Langdon explained it's an existing right-of-way not a driveway, and the plan is to bring the driveway along the property line between the two lots.

Abutter Vaughn Cloutier stated his main concern is the runoff and potential flooding and polluting the pond at Pine & Pond and then eventually will go into the Lamprey River. He stated his other concern is how the applicant came up with the acreage of 2.71 acres with a deed restriction. Cloutier asked if this is still part of the lot even though it's not buildable. Chairman Mylott explained it is still considered part of the lot even though it's not buildable. Cloutier then asked with the 2.71 acres that is usable and this is in the Rural Residential Residential with option one, option two is in the High Density Residential and asked if the applicant is using the whole lot line that separates option one from option two because this is in two different zones and it appears the application is to combine the two and that's something that can't be done. Chairman Mylott explained the lot itself is in both and the reason the application is before the Board is because it can't be declared one or the other and have to apply the rules with the most restrictive. The Chairman stated if it was only in the High Density they wouldn't need a Variance and because part of it is in Rural Residential they are asking for relief. Cloutier asked if that's rezoning. Chairman Mylott stated it is not. Howard explained you can't declare in High Density Residential.

Bodge asked how far it from property of Lot 2 to the pond. Langdon explained the runoff has to go through the depth of three rows of homes, and added that the buffer zone is 175 to 200 feet to the rear of Pine & Pond's property line which was created by the property owner. Langdon responded in regards to combining Rural Residential area with the High Density Residential area, showing on the plan that where a house could be built in the High Density Residential but feels this would not be appropriate for the neighborhood, and explained the reason why the application is before the Board for the relief.

Bodge stated he sees a hardship on this site and advised putting the house in front would diminish property values. Bodge stated overall this is a good looking design.

Abutter Noreen Cloutier asked how many bedrooms will go in these two homes. Langdon stated three or four. Have many Variances or requests come before the Board such as this or will this Variance, if granted, set a precedent. Howard stated she believes this is the only one that she's aware of.

The Board went over the 5 criteria:

The Variance will not be contrary – Sullivan stated he does not feel this violates the ordinance. The Board agreed.

Spirit of the ordinance – Chairman Mylott noted this keeps High Density from Rural Residential, and all around it is more High Density.

Substantial justice – Chairman Mylott stated with the line in two zones is a hardship and makes it a unique property.

Values of surrounding properties – The Board agreed it will not make properties diminish; this plan keeps property values as they are.

Unnecessary hardship – Chairman Mylott noted they wouldn't be able to build other than bring it all the way up to the front.

Bodge moved, Vallone seconded the motion to approve the Variance for lot frontage of 50 feet for lot one and two and minimum lot size for lot one. The motion carried unanimously.

MINUTES OF JANUARY 22, 2014 FOR APPROVAL – Vallone moved, Chairman Mylott seconded the motion. The motion carried.

MINUTES OF MAY 14, 2013 FOR SIGNATURE – The minutes of May 14, 2013 were duly signed.

RULES OF PROCEDURE – The Rules of Procedure will be discussed at the next meeting.

UPDATED ZONING ORDINANCES – The Board was given the updated zoning ordinances that were voted on in March.

APPROVAL OF INVOICE - PAYMENT TO DTC FOR \$66.00 ON DISCUSSION WITH BRITANY – Chairman Mylott moved, Sullivan seconded the motion to approve payment to DTC for \$66.00. The motion carried unanimously.

ADJOURNMENT: Sullivan moved, Bodge seconded the motion to adjourn at 8:00 PM. The motion carried unanimously.

APPROVAL NOTIFICATION: March 19, 2014 - Minutes of January 22, 2014 were approved. Minutes of May 14, 2013 were duly signed were duly signed.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary