

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

Monday November 17, 2014

PRESENT: Dave Mylott, Joe Bodge, Mark Vallone, Charlie Goodspeed, Fred Horne; Alternate Kim Sullivan; 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

ROB WILICH, NORTH ATLANTIC FIREWOOD, LLC – for a Variance concerning Article 2, Section 6.3. Parcel is located at 70 Depot Road (Tax Map 034 – Lot 047) located in the Residential Zone.

Chairman Mylott read notice of a hearing for a Variance by Rob Wilich, North Atlantic Firewood, LLC. Abutters present: Lori Brown, Jane Kennedy.

Joe Coronati came before the Board to explain the proposal. He noted this property was declared a commercial property, which is a 15 acre parcel. North Atlantic has purchased 70 Depot Road which is the former McIntyre house, and would like to rezone the back of the property which is currently residential, to a commercial industrial use. Coronati explained everything to the west of Depot Road is in the West Epping Business District, and explained there's a part of the property is already commercial. Coronati stated the applicant is looking to create a commercial area for the lot, which is separated from the residential uses, and advised the existing McIntyre house will stay and the entrance will be share with the proposed business.

Chairman Mylott questioned if they are talking about subdividing the lot. Coronati explained if the Variance is approved they will go for a Lot Line Adjustment to take the back of the property and merge it in with the Nowe property and the use would be commercial and the house will remain on a separate lot to be used residential.

Coronati addressed the five criteria which is a part of, and filed with the application.

Chairman Mylott asked about if merging the two lots together will allow the applicant to expand. Coronati explained expanding the business and in the future could be used differently, but as of now will be used as a wood burning business.

Sullivan asked that the Nowe property McIntyre will remain residential property, and Nowe's current residence will remain residential. Coronati stated they will remain residential. Coronati explained the business processes logs into fire wood to sell. The business has already been through the Planning Board process.

Goodspeed asked how far the kilns will be from the power/gas line. Coronati stated approximately 300 feet.

Chairman Mylott read a letter into the record from the West Epping Water Company.

Abutter Lori Brown stated her issues are that the business is very loud and stated they are starting before the operating hours on Sunday mornings. Howard asked Brown when she has a problem with the business starting too early to phone the Police Department so she can have documentation to address the issue.

Abutter Jane Kennedy asked if the McIntyre house will remain residential until such time other plans come forward, and if they sell will the variance go with the property. Chairman Mylott informed Kennedy that the variance does go with the property and will not make the whole property commercial. Coronati explained there will be a significant tree buffer and the commercial part will be back 300 feet off the road.

A question was presented regarding the aquifer. Howard explained during the Site Plan process a plan is shown on the wetlands that would have to have a run off so not to effect an aquifer

The Board addressed the five criteria:

The Variance will not be contrary to the public interest – Vallone stated he feels this to be the best interest, to split the property. Chairman Mylott agreed.

The spirit of the ordinance is observed – Chairman Mylott stated because of business is commercial property in front within the scope.

Substantial justice is done – Bodge stated justice is done by pushing commercial to the back and all residential to the front.

The values of the surrounding properties are not diminished – Bodge noted with the stipulation it won't.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship – Vallone stated it can't go east because of wetlands which would be a hardship.

Vallone moved, Bodge seconded the motion to approve of the variance contingent on approval from the Planning Board for the Lot Line Adjustment and the commercial business being at the rear lot. The motion carried unanimously.

WARDMER, INC. – for a Variance concerning Article 4, Section 4.2 to permit a site plan within 100' of the centerline of Calef Highway. Parcel is located at 57 Main Street & Calef Highway (Tax Map 029 – Lots 208 & 209) located in the Central Business Zone.

Chairman Mylott read notice of a hearing for a Variance by Wardmer, Inc. Abutters present: NM Cook, Mike Fecteau.

Joe Coronati came before the Board to explain the proposal for the site of the Granary. He explained the owners of the property have two parcels, the Granary and a strip of the railroad bed. He explained the proposal that has been approved by the Planning Board is an Aroma Joe's and are looking for a variance for a front setback. He explained the centerline off Route 125 is 100 feet from the centerline, which would make this lot undevelopable. He explained the proposed building is just under 800 square feet, and the building is just over 69 feet from the centerline of 125.

Coronati explained they will keep two parcels, the Granary lot will remain, which is conforming and the second lot, an L-shaped lot and the tail of the property is being sold to the Fecteau's. All the lots will still be conforming and will still have the Granary lot, the Aroma Joe's lot and the third parcel merged with the Fecteau's site.

Goodspeed questioned that it's residential behind this site. Coronati explained this is an existing lot of record and will have a six foot fence buffer.

Sullivan asked if the State has any problem with this business being on the corner of 125 and the traffic. Coronati explained the traffic issue is that the morning traffic that comes down on 125 and explained the Planning Board required signs to show where to exit.

Abutter John Boucher asked about lighting. Coronati explained he will give a set of plans to the abutter.

Coronati and the Board addressed the five criteria:

The values of the surrounding properties are not diminished – The board had no comments.

The Variance will not be contrary to the public interest – The board had no comments.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship – The board had no comments.

Substantial justice is done – The board had no comments.

The spirit of the ordinance is observed - The board had no comments.

Goodspeed moved, Bodge seconded the motion to approve the variance to permit a site plan within 100' of the centerline of Calef Highway. The motion carried unanimously.

ROBERT GOODRICH, W.S. GOODRICH, INC. – for a Variance concerning Article 3.7.11 & Schedule I, Section Industrial/Commercial Zone Commercial Area (Lot Dimensions &

Setback Requirements). Parcel is located at 99 Calef Highway (Tax Map 029 – Lot 281) located in the Industrial Commercial Zone.

Chairman Mylott read notice of a hearing for a Variance by Robert Goodrich. Abutter present: Raymond Brown.

Joe Coronati came before the Board to explain the proposal. He explained the first time the application was before the Board was subdivision off the lot that is the Cumberland lot. The second time before the Board was for the back lot proposed for commercial use. He explained they are now left with the lot in front has the existing building on it and are now proposing two commercial uses that the buildings fit with the setbacks and the lot sizes. Coronati explained the development of the property doesn't change and are looking to create two lots and being sold so they can be owned by the businesses that purchase the lots. Coronati explained this will help the banks finance, and are looking to move forward with the proposed four-bay quick lube that will own it.

Goodspeed asked if the quick lube lot meets the setbacks. Coronati explained it does meet all setbacks and access will be on the one entrance where the Goodrich entrance is now. Coronati explained there is a common access in the back and no rear access to Lowe's.

Bodge asked Coronati to explain what he meant about the lot sizes across the street being similar. Coronati explained the Quick Lube is approximately $\frac{1}{2}$ an acre and the bank is $\frac{3}{4}$ of an acre, both being larger than the old Cumberland and the lot that the Eppi Center is approximately an acre.

Chairman Mylott looked at the proposal which will be lot size, lot area, from three acres to .75 acres, and lot width from 200 feet to 190 feet. Coronati both the lot size, lot width and side setback on the south lot relief five feet off the building, vs the twenty-five feet requirement. Chairman Mylott asked if all the other setbacks are being met. Coronati noted the front setbacks, the side setbacks and the banks side and front setbacks are all being met.

Vallone asked if the back lot that will be three businesses if it's a condominium. Coronati explained the back lot is now one building with three uses owned by one developer.

Running into the hardship is a land owner who is not a big landowner and it's difficult to not sell outright when it comes to getting financing with the bank.

Abutter Raymond Brown explained his concerns. He asked how close the Jiffy Lube will be to his land, and also asked about the lighting. Coronati advised, 70 feet to his property line. Coronati explained the lights will be sweeping away from his house and will not be affected by the lights.

Chairman Mylott noted he has no concern with the businesses, but has a problem with the first time was to divide the site into four lots and take a conforming lot and cut a piece off of it and made a non-conforming lot. The Chairman stated the application is for even two less

conforming lots and cutting it up smaller and smaller and then to now cut it in half again and create more problems. The Chairman explained this Board cannot correct the ordinance and doesn't feel this should be before the Board for a third time, and does not see this request is right because the board has already granted relief.

Goodrich explained the main goal was to sell the company and the site how it was. He stated Cumberland approached him, and his intention was not to do this proposal from the beginning only to use it as one parcel. He stated this is going to require him to tear down the building he just had built, is not what he was looking to do.

Graham explained there are hardships and there are unnecessary hardships. He noted this is an unnecessary hardship.

Howard explained the Planning Board had talked about going to two acres and decided to stay with the three acres, so the zone it requires lot width and not lot frontage, and also the lot does allow for condos so that this type of proposal can be done.

Bodge stated his concern is the reality is this came before the board for four lots, so it was originally in the plan for this site. He asked if the Board will be setting a precedent.

Coronati and the Board addressed the five criteria:

The values of the surrounding properties are not diminished – Sullivan stated there was a time it was said that Route 125 won't become Plaistow and now sees that we are. He stated it's critical of the Planning Board that they have approved this site, and commented that Route 125 is premier part of Epping and should demand the right type of investment. Sullivan stated when three acre zoning was set up there was a purpose, and he does not see this proposal as meeting the five criteria.

The Variance will not be contrary to the public interest – Bodge does not see the public interest in this, while it's not detrimental to the public interest he does not see it not being detrimental.

Coronati stated it will still look like two buildings when driving by.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship – Chairman Mylott stated he has a hard time and understands the economic conditions, and stated economic conditions aren't placed on there by the property. He stated that same issue could be the same for anyone. He stated it's not the land that's creating the hardship.

Coronati stated this is on Route 125 and the other developments are small, other than the Lowe's site and feels it's considerable if it's going to be the best use for the area and not change the use of the land.

Substantial justice is done – The Board had no comments.

The Variance will not be contrary to the public interest – The Board had no comments.

Chairman Mylott he has a problem stating the relief is so substantial because relief was already granted to create non-conforming lots. Even if there is a disagreement with three acres, it's not consistent with the ordinance.

Goodspeed felt differently than the Chairman and stated there are small businesses at the Weiner site.

Graham explained he feels this would be a very different application if it were a stand-alone lot, and stated it's a little unique from a precedent stand point, and explained this lands right to meeting the zoning is larger than the site it represents.

Howard reminded the Board they are is looking to create two non-conforming lots.

Chairman Mylott explained this board has to follow the law and no matter who the applicant there is zoning ordinances in place.

Goodspeed moved, Vallone seconded the motion to grant the Variance for Lot Dimensions for the lot width of 188 feet and 119 feet, Side Setback on the southern lot of five feet. The motion carried 4 – 1. Chairman Mylott voted against the request.

MINUTES OF APRIL 15, 2014 FOR APPROVAL – Vallone moved, Bodge seconded the motion to approve the minutes. The motion carried unanimously.

MINUTES OF MARCH 19, 2014 FOR SIGNATURE – The minutes were duly signed.

ADJOURNMENT: Vallone moved, Bodge seconded the motion to adjourn at 9:30 PM. The motion carried unanimously.

APPROVAL NOTIFICATION: November 17, 2014 - Minutes of April 15, 2014 were approved. Minutes of March 19, 2014 were duly signed.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary