

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

Wednesday March 18, 2015

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG

EASTERN PROPANE & OIL, INC. – Vice Chairman Vallone read notice for a Variance concerning Article 3 Schedule 1. Parcel is located at 37 Shirking Road (Tax Map 035 – Lot 004) located in the Industrial Commercial Zone. Abutters present: Jerome Jean Trustee.

Dennis Gagnon representing Eastern Propane & Oil, Inc. came before the Board with the proposal. He explained the site as it is now contains two, 30,000 gallon storage tanks, and the proposal is to add one 30,000 gallon storage tank. He explained he met with Deputy Fire Chief Bruce Chapman and submitted a letter from Chapman and also a letter from the State Fire Marshall's office both stating the applicants have met all the State of NH safety requirements and the NFPA storage requirements. Gagnon informed the board the fenced in area and the tree lined area will stay as is, and the tank in question will run parallel to the other two tanks approximately 36 feet off the property line where a 50 foot setback is required.

Gagnon presented the plan showing the two existing tanks, and the one closest to Route 101 is the proposed tank.

Vice Chairman Vallone asked why the tank needed to be where they're proposing with all the land they have. Gagnon explained by keeping the space wide open it will leave room for the trucks that enter and exit the property safely.

Bodge asked the distance from where the existing tank is up to the driveway area at Shirking. Jodi Amegedon explained it's approximately 80 feet. Bodge questioned why it couldn't go in another area on the site. Gagnon explained where it would minimize the turnaround for the trucks

Jodi Ameden also with Eastern Propane explained the total distance is 14 feet from the tank and another 10+ feet with the extension, so if there are 8 feet, 25 feet is lost with the radius for the trucks.

Gagnon explained the proposal for the placement of the tank will be safer and the more room in the front the more room for trucks. Gagnon also noted that having the third tank in the proposed location they would not have to relocate the pumps, stanchions, meters, filling risers or the unloading risers and could interconnect the piping.

Vice Chairman Vallone noted the only two options are closer to 101 or closer to Shirking Road. Gagnon noted, ideally, most fire departments want them lined up vertically.

MacLaren noted there's nothing stopping it from going head to head. Bodge stated it would not be in violation of the NFPA.

MacLaren inquired if in the future more than three tanks will be on the property. Gagnon stated he doesn't see that happening in the near future.

Vice Chairman Vallone asked what the distance is from the highway to the existing tank, and asked if they spoke with DOT about this. Gagnon explained as far as the code goes because it's not a buildable property line they could put the tank right on the property line NFPA regulations because it's a 50 foot setback. Gagnon stated he's not exactly sure on how far back from the highway.

Howard stated there is a buildable area, but if they can't get structures and can't get equipment in there safely then that has would be a concern.

Bodge noted the code does not say the tanks have to be lined up.

Gagnon explained the experience of bringing trucks in and out to give them room or you would have to move all the stanchions that pipe back to the pumps, and this way everything stays the way it is now and looking to put the tank in the back and instead of the setback for 50 feet looking for a 15 foot Variance.

Sullivan asked if the existing tanks are not 50 feet off and the new tank. Gagnon stated the setback is for 50 feet, and are looking for 15 feet for relief. Sullivan asked if the tree line will stay the same. Howard stated they would and is there property. Sullivan stated the letter from the State he felt was contradictory, and wished they would have taken a stand.

Abutter Jerome Jean stated he has no problems with the proposal, although is not comfortable with the traffic flow.

Gagnon addressed the five criteria given to the Board:

The variance is not contrary to the public interest:

This is an existing propane facility and needs to be increased to serve the public.

The spirit of the ordinance is observed:

The proposed location for the container is the safest.

Substantial justice is done:

This would increase propane supply to the community.

The values of surrounding properties are not diminished:

No impact on the abutting property as this is one of two existing propane facilities on Shirking Road.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

Relocation of the tank 50 feet from the property line would require additional expense and time to reconstruct, and Eastern would not be able to load and off load during the process.

Howard advised given the two locations with the fencing or to have to tear down trees, and seeing the site has been there for 20 years, and this proposal is for making it safer with the location for vehicles, and with the Fire Department and the State's correspondence that they feel this is the best location.

The Board addressed the five criteria:

The variance is not contrary to the public interest:

The Board has no comments

The spirit of the ordinance is observed:

Bodge stated it is not observed noting the tank can be put it in another location. Sullivan and MacLaren and Vice Chairman Vallone have no problem that the spirit is observed.

Substantial justice is done:

The Board as a whole agreed substantial justice is done. Sullivan stated this is a fair way to treat the situation.

The values of surrounding properties are not diminished:

The Board as a whole agreed surrounding properties are not diminished.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

Bodge stated the only hardship he sees is financial. MacLaren agreed.

Howard explained the application is before the board for either the tank put closer to Route 101 or come for a variance and be put closer to Shirking Road. Bodge and MacLaren agreed the tanks can be located on the site so as to not cause financial hardship.

Sullivan moved, Vice Chairman Vallone seconded the motion to approve the application with the condition that the existing tree line stays as is. Sullivan and Vice Chairman Vallone voted in favor of the Variance, Bodge and MacLaren voted against the Variance. The motion failed 2 – 2.

Howard explained to Gagnon the appeal process.

MINUTES OF FEBRUARY 18, 2015 APPROVAL – These minutes will be discussed at the next meeting.

MINUTES OF JANUARY 21, 2014 FOR SIGNATURE – The minutes of were duly signed.

ADJOURNMENT: Bodge moved, MacLaren seconded the motion to adjourn at 8:10 PM. The motion carried unanimously.

APPROVAL NOTIFICATION: March 18, 2015 - Minutes of February 21, 2015 will be discussed at the next meeting. Minutes of January 21, 2015 were duly signed.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary

Mark Vallone

Joe Bodge

Donald MacLaren

Kim Sullivan