

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

Wednesday March 23, 2016

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG

HENRY DEBOER – Chairman Goodspeed read notice of a hearing for a Variance concerning Article 2, Section 1.3 Permitted Uses to operate a food truck. Parcel is located at 337 Calef Highway (Tax Map 023 – Lot 099) located in the Highway Commercial Zone. Abutter present: Edward Warren.

Henry DeBoer and his friend Shirley came before the Board with the proposal. DeBoer explained he has lived at this address for 30 years. He informed the Board his daughter currently lives in the upstairs apartment and is in the process of buying a house. He explained when this happens the upstairs will be turned into office space for Epping Well & Pump. DeBoer explained the proposal is for a food truck called “The Food Shack”, on the property making this a 3rd use; and after his daughter moves this will become a 2nd use on the property. DeBoer explained the food truck will be out back and will only be seasonal, if granted, from May to October.

Howard explained the Board can add a stipulation that no lease of the food truck can happen in the future.

Shirley presented photos to the Board showing the food truck which is completely self-contained; she has all licenses, has been inspected, and is insured, and explained this is a business that her mom once shared with her.

DeBoer explained the water and sewer requirement is that water comes from a public water supply. He noted there is a 50 gallon tank on the truck that will be filled from his residence and assured there will be no waste spilled onto the property.

Sullivan questioned how this business will be inspected. DeBoer explained the State has different inspections they do on this type of business. Sullivan asked if there will be any tables to sit at. Shirley noted if they are allowed to have tables they will be out back, other than that it’s a take-out business

Bodge asked DeBoer if he would have a problem with it being contingent upon ownership occupied. Henry replied he has no problem.

Abutter Ed Warren, owner of Napa, stated he has no issues at all, and if there were any problems he could go to Henry.

Chairman Goodspeed asked about the entrance to both properties if parking was a problem and would it affect Napa. Warren stated there has never been an issue and if one does come up he and DeBoer will discuss the issue.

Coronati read the five criteria: There were no questions or comments.

MacLaren moved, Bodge seconded the motion to approve the Variance for a 3rd use – a food truck, where the applicant owns the property, operates the current business located on the site, and would be a part of the food truck business. Any future owners would have to maintain this ownership structure. The motion carried unanimously.

TUCK REALTY CORPORATION – Chairman Goodspeed read notice for two Variance's concerning Article: 1.2 Lot Size of 87,120 Square Feet and Frontage of 200 feet, and Article 1.2 Front Setback of 75 feet. Parcel is located at 276 Calef Highway (Tax Map 030 – Lot 042) located in the Highway Commercial Zone and a small portion in the Industrial Commercial Zone. Abutters present: Telly's Realty, Britini Busfield.

Joe Coronati with Jones and Beach, and Mike Garrepy with Tuck Realty came before the Board with the proposal for a fully commercial 40 acres that boarder about 3,000 feet of frontage on the Lamprey River, and quite a bit of frontage on Route 125. He explained the access for the property is only one location that has to be across from Exeter Hospital access. He reminded the Board there's a middle turning lane which is the only spot to get a curb cut through DOT.

Coronati explained he will address the size and frontage request located next to the Telly's plaza and will be selling some land to Telly's, about 18,000 square feet for parking. He explained this will increase the Telly's site to almost a two acre lot. Coronati explained on the lot next to Telly's is lot one (1) where they have a user they would like to purchase to put a stand-alone car wash and not become a condominium ownership. He explained lot two (2) is over two acres with required frontage with no tenant at this time. He explained lot one (1) will be able to connect to sewer and water. Coronati stated this is similar to other lots in town.

Vallone asked what the frontage is of lot two. Coronati stated 327 feet with the requirement of 200 feet.

Coronati explained they are planning on submitting to the Planning Board for their next meeting for the commercial uses alone Route 125.

Vallone asked about a right-of-way on the plan. Coronati explained this will be a private road that provides frontage to the lots.

Garrepy explained the car wash will be a small user of this property and fits the lot. He explained Telly's lot will become more conforming. Bodge explained one of his concerns is

moving north from the WalMart site and more businesses coming in, the Towns people are expecting a certain rural look and are expecting the Board to uphold their wishes.

Five criteria: Coronati read the five criteria for the record. There were no comments.

Chairman Goodspeed stated his concern is if the car wash were not to succeed, what options would there be for other commercial businesses. Coronati stated he feels there are plenty when looking at the Taco Bell lot size and those types of business. Bodge noted to watch any traffic getting in and out at the Taco Bell is a fiasco. Garrepy stated something like a bank could go on that lot size.

Coronati explained this lot will have a shared access to Telly's and the main road, unlike Taco Bell and those businesses.

MacLaren asked how this lot will be accessed. Coronati explained there will be an access from Telly's parking lot, and a parallel road running along Route 125, and another curb cut across from the Hospital entrance.

MacLaren stated he does not feel the Board should be looking at what if the car wash doesn't make it. He stated he's hearing there's a specific owner that doesn't want to be a part of a condominium and need to look at that.

Bodge noted that the fifth criteria can't be considered a financial hardship. Garrepy stated it's not financial hardship, it's a financing hardship.

Garrepy explained the car wash lot has frontage on 125 and on proposed driveway.

Sullivan questioned if DOT states there can only be one entrance on Route 125 and if using Telly's, isn't this circumventing what DOT has allowed. Garrepy explained this parcel already has an easement through the Telly's property and actually allowing Telly's to access this property which creates a better access management. Sullivan stated he just doesn't want to see this all end up looking like 125 in Plaistow.

Garrepy asked if he could poll the board on the plan regarding Article 1.2 Lot Size of 87,120 Square Feet and Frontage of 200 feet and if the Board is looking at voting against this then he would withdraw this request. He stated the plan can be modified the frontage to comply but can't modify the lot size.

Bodge stated he has an issue with the frontage and take a lot of residents not happy because of the Boards allowing this type of lot size go forward and would be voting against this variance.

Vallone advised this request should be withdrawn.

MacLaren agreed it should be withdrawn because of frontage.

Sullivan and Chairman Goodspeed agreed.

Garrepy stated they are withdrawing the request for 1st variance from Article 1.2 Lot Size of 87,120 Square Feet and Frontage of 200 feet.

Coronati explained the proposed 2nd Variance is on the south side is to have three-story climate controlled indoor storage facility to the right of Telly's. He explained from Route 125 there's a wetland and this lot is over 6 acres and meets the frontage and lot size. From 125 there's an outlet with DOT drainage and outlets, a major drain line and enters wetlands and goes into the lamprey. He explained behind this site is surrounded by a wetlands and road that has to be in that location because of the curb cut from Exeter hospital. He explained the tenant that will be on that site would like a 25,000 square foot building. He explained there's a self-imposed setback from the private road. He stated this building can't be moved in any direction, will have a sprinkler system, and will have low traffic. Coronati explained there will be an office with one employee, and will have an elevator on the side of the building. He explained they are before the board for the setback from the internal road, not 125.

Bodge stated his concern is if fill were brought in with blacktop brought in and being very close to the river.

Howard asked with the size of this being 44 acres, of those 44 acres how much is actually useable. Coronati stated approximately half.

Five criteria: Coronati read the five criteria for the record. There were no comments.

Howard advised, similar to the Goodrich site, and since this lot has not been created yet, the Board should make the motion contingent for lot three (3) and not for the entire lot and if the lot changes shape it would have to come back before the Board.

Bodge moved, Vallone seconded the motion based on the plan before the board on lot three (3) for the setback Variance of fifty-nine feet vs the seventy-five feet. The motion carried unanimously.

REORGANIZATION

CHAIRMAN - Bodge moved, MacLaren seconded the motion to appoint Goodspeed as Chairman. The motion carried unanimously.

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

SECRETARY – Bodge moved, Chairman Goodspeed seconded the motion to appoint McDonough as Secretary to the Board. The motion carried unanimously.

MINUTES OF JANUARY 6, 2016 FOR APPROVAL – Bodge moved, Sullivan seconded the motion to approve the minutes. The motion carried.

MINUTES OF NOVEMBER 24, 2015 FOR SIGNATURE – The minutes were duly signed.

ADJOURNMENT – Bodge moved, MacLaren seconded the motion to adjourn at 8:50 PM. The motion carried unanimously.

APPROVAL NOTIFICATION: March 23, 2016 - Minutes of January 6, 2016 were approved. Minutes of November 24, 2015 were duly signed.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary