

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

**Wednesday April 5, 2017**

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

**CALL TO ORDER:** Chairman Goodspeed called the meeting to order at 6:00 P.M.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**DAVID LONG** – Chairman Goodspeed read notice for a Special Exception concerning Article VI - Section VI, Non-Conforming Structures. Parcel is located at 37 Water Street (Tax Map 029 – Lot 215) located in the Central Business District. There were no abutters present:

David Long explained the garage on his property was burned down and is requesting to go from the original slab 10' x 10' to 20' x 20' with a second-floor gambrel garage for storage.

Bodge asked if this will be kept as a residential use. Long stated it would.

Sullivan questioned why it's non-conforming. Howard explained because it's too close to the property line and if he was to rebuild it in the old footprint but because of wanting to expand this need to come before the board. Sullivan asked if neighbors were okay with this. Long stated they were fine with it and Howard explained one of the abutters stopped by the office and has no problem with the request. Sullivan asked what size lot is. Long stated roughly a quarter of an acre.

Bodge moved Vallone seconded the motion to grant the Special Exception to add on to his non-conforming structure to build a 20 x 20 garage. The motion carried unanimously.

**CREATIVE HOUSING CONSULTANTS** – Chairman Goodspeed read notice for a Variance concerning Article III – Schedule II, Permitted Use. Parcel is located at 190 Exeter Road (Tax Map 038 – Lot 010) located in the Industrial Commercial Zone. There were no abutters present.

Attorney Paul English representing the applicant, came before the Board. He stated he does not feel a Variance is needed. He explained his client purchased this property on 2/1/17 and based on determination by the code enforcement officer permits were denied stating that the non-conforming use was discontinued, which he objects to. Attorney English went on to say that Bank of America owned the parcel that had been fully vacated, although there's nothing in the file stating that the property has been vacant, and stated this property was maintained over this period. Attorney English referred to a letter dated December 2012 sent by Dennis Pelletier to Bank of American regarding trash at this property. He explained this property was shown to his client with all utilities still on, and at all times the property was maintained and taxes were paid.

Sullivan asked when this property was granted a non-conforming use Industrial Commercial Zone. Howard stated in either 2005 or 2006 when the zone changed the residential was not allowed, no longer a permitted use in the zone making it non-conforming.

Vallone asked when the property was foreclosed upon. Howard explained it was foreclosed in 2012, and the individual vacated the premises in either December 2012 or January 2013, which is four years this past January.

Sullivan asked if this will be sold as a residential. Attorney responded it will be used for residential and stated this is not a commercial site.

Chairman Goodspeed read the five criteria for discussion:

**1. The variance will not be contrary to the public interest because:**

Attorney English responded that this is surrounded by similar properties of the same use.

**2. The spirit of the ordinance is observed because:**

Attorney English responded had an opportunity to read the town's ordinances that differs from other towns. the purpose of zoning is to limit the enlargement of non-conforming uses, the purpose is to protect what's here and establish growth and a denial of this would do neither so the ordinance would be observed by granting the variance.

**3. Substantial justice is done because:**

Attorney English responded to allow the land owner use the property for the use and no negative impact to surrounding properties.

**4. The values surrounding properties are not diminished because:**

Attorney English responded would allow for a tax increase on the property.

Bodge stated he walked the property and as of now the improvements are substantial

**5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:**

Attorney English responded that changing this to an industrial or commercial use would be a huge undertaking. He noted the oddity of the lot is a hardship.

Bodge added it is an unnecessary hardship if used as a commercial lot.

Bodge moved Vallone seconded the motion to grant the Variance to allow continuation of the non-conforming residential use with commercial use of the garage, and any new commercial use would have to be go before the Planning Board. The motion carried unanimously.

**DICK FISHER AND JOSHUA PARENTEAU** – Chairman Goodspeed read notice for an Appeal of the Administrative Decision to allow a second residence on Map 026 – Lot 002, because the Town already shows two residences on the lot. Parcel is located on (Tax Map 026 – Lot 002) located in the Residential Zone. There were no abutters present.

Chairman Goodspeed offered for the record a document dated June 9, 1999 states “no other dwelling on the property for security”, and after looking at the map and the deeds specified property lines or the lines through the river there has been no change in the property and still comes out to the same location to the stone wall. He advised Fisher if there's been no change in the deed, Fisher would have to defend this argument.

Dick Fisher came before the Board with his proposal. He explained Page Pasture was always owned by Fisher and never a second mobile home put on it. He explained there's a series of survey's where the match lines got confused with property lines. He stated there are two stone walls and the one closest to page pasture is the correct.

A very lengthy discussion ensued on boundary lines, and the Board agreed before going any further on this application to ask for guidance from Attorney LaPointe. The Board also agreed that Fisher would need to have a survey done on this property.

Chairman Goodspeed directed Howard to contact Attorney LaPointe for clarity on the boundary lines.

Vallone, Bodge seconded the motion to continue to 4/27. The motion carried unanimously.

**REORGANIZATION** – The Board agreed to reorganize at the next meeting when there's a full board.

**MINUTES OF DECEMBER 21, 2016 FOR APPROVAL** – Bodge moved Sullivan seconded the motion to approve the minutes. The motion carried unanimously.

**PREVIOUSLY APPROVED MINUTES OF NOVEMBER 30, 2016 FOR SIGNATURE** – the minutes were duly signed.

**ADJOURNMENT** – Vallone moved, Bodge seconded the motion to adjourn at 6:30pm.

**APPROVAL NOTIFICATION: April 5, 2017 - Minutes of December 21, 2016 were approved. Minutes of November 30, 2016 were duly signed.**

Respectfully submitted,

Phyllis McDonough,  
Zoning Board of Adjustment Secretary

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Charlie Goodspeed

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Mark Vallone

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Kim Sullivan

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Joe Bodge