

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

Wednesday May 31, 2017

PRESENT: Charlie Goodspeed, Mark Vallone, Kim Sullivan, Don MacLaren; 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

MATTHEW JENSEN – Chairman Goodspeed read notice for Variance regarding Article 2, Section 7.2 Lot Dimensions and Setback Requirements for frontage (a reduction of the current minimum of frontage from 20 feet to 125 feet). Parcel is located 94 & 78 Blake Road, Tax Map 020 – Lots 013 & 015 located in the Rural Residential Zone. Abutters present: Joseph & Maureen Grise, and Lester Houston.

Matthew Jensen came before the board to explain the proposal. He stated he has two existing lots and would like to turn it into three. He advised he sent the abutters copies of the plan of the before and after. He noted he has the acreage for the proposal, just not the frontage.

Jensen addressed the five criteria:

1. Variance not contrary to the public interest –

Jensen explained the proposal doesn't contradict the spirit of the rural residential ordinance. He noted the lots exceed the 88,000 square feet with lot 1 being 2.19 acres, Lot 2 – 4.63 acres Lot 3 – 3.99 acres.

2. Spirit of the ordinance is observed –

Jensen stated access to the properties is defined, uncluttered and safe.

3. Justice is done –

Jensen explained the odd shaped lots were created years ago and are not the best use of the property with today's zoning.

4. Surrounding properties are not diminished –

Jensen stated surrounding properties will go up in value with this request.

5. Unnecessary hardship –

Jensen explained this property has the acreage, but lacks frontage. He noted the properties potential for developing has been diminished with the westerly abutter being held under the action of a conservation easement.

Chairman Goodspeed questioned if there were going to be two driveways on Lot 1. Jensen stated he would like to create an impertinent driveway with an impertinent easement, and would occasionally use the driveway that's already there. Jensen explained the pertinent easement will be deeded so it would be carried with the deeds and will be the one that will be shown to the Planning Board.

Sullivan inquired who is living on Lot 1. Jensen stated he lives there and the main house is rented. Sullivan asked who is currently using the 30-foot right-of-way. Jensen stated he uses them all. Jensen stated there is an in-law apartment over the garage will it be abandoned. Jensen stated he won't be abandoning it. Sullivan asked how the lot was created with the 30-foot frontage. Howard stated it was an existing lot of record that a lot line adjustment was done for more acreage, shown on plan # 27974.

Sullivan asked about the conservation easement to the west that is owed by the South East Land Trust. Jensen stated that is down near the graveyard on Folsom Mill. Sullivan asked that there's no access to Jensen's land to the SELT. Jensen stated that's correct and that's what dampened his foresight in the property to come back. He stated he wants to do the best of what he can with the property.

Sullivan questioned if the original driveway to the Woods property is used? Jensen stated that's still used and goes through Mr. Houston's property.

Sullivan asked about the right-of-way to Houston's on the original plan. Mr. Houston stated he is at 76 the right-of-way that goes through is at 78. Houston explained his concern is there is no way to enforce who is to come up and down that area and because everything is tied together there he has concerns. Sullivan questioned Houston if his preference would if granted the variance would be to abandon the right-of-way. Houston explained for access although there's power lines that should have access to.

Jensen explained he has to provide NHCO-op access to the power lines. The easement is for ingress and egress, and he has to maintain the right-of-way.

MacLaren stated that would be up to the utilities company to get to any lines that may be down.

Vallone added after looking at two of the criteria he would have a problem voting yes, one being the value of surrounding properties will not diminish, and substantial justice also needs to be addressed.

Houston asked Jensen if the properties are already conforming lots or non-conforming. Jensen stated they do conform as they are grandfathered. Howard stated one lot is conforming, one is legal non-conforming, and if the subdivision goes through all the lots will be non-conforming.

Abutter Maureen Grise stated she doesn't understand what is going on with all the driveways. Jensen stated it's just a private driveway. Grise stated she has no objections.

The board addressed the five criteria and came to an agreement on the motion.

MacLaren moved Chairman Goodspeed seconded the motion to approve the Variance with either Lot 3 or Lot 2 to be 200 feet, and the other lot will be 50 feet; the easement from Mr. Houston's

property will be a utility maintenance easement as required with no through traffic. The motion carried unanimously.

KEITH ENNIS – Chairman Goodspeed read notice for a Variance concerning Article III – Schedule II, to allow a residential use as a permitted use in the Industrial Commercial Zone. Parcel is located at 6 Indian River Road (Tax Map 038 – Lot 017) located in the Industrial Commercial Zone. There were no abutters present.

Keith Ennis came before the board with the proposal and addressed the five criteria:

1. Variance not contrary to the public interest –

Ennis stated the properties surrounding this site are primarily used as residential

2. Spirit of the ordinance is observed –

Ennis explained although this is commercial property, he is looking to have it owner occupied residential.

Chairman Goodspeed mentioned the vehicles out in front of the property makes it look cluttered and asked if the property would be cleaned. Ennis explained they are moving things from one business to this business and would be cleaning up the site.

3. Justice is done –

Ennis explained to use as residential, owner occupied would provide security for the business.

4. Surrounding properties are not diminished –

Ennis reiterated the surrounding property is residential.

5. Unnecessary hardship –

Ennis stated it would be difficult to own two separate properties.

Sullivan inquired what happened back in 2014 when Ennis came in for Planning Board approval. Howard explained that was to put the building out back and to change it from a repossession business to an auto repair and inspection business. Sullivan asked if there were any stipulations for this site not look like a junk yard. Ennis explained they still haven't been able to move the vehicles out back because of all the materials from the construction.

Sullivan inquired if the house is going to be converted and finished upstairs for residential use. Ennis explained the backside already has the kitchen and bathroom and will be used as residential.

MacLaren questioned if this would be a dual use does it mean can't be used as a business and rent out the apartment. Howard explained the Board could add a stipulation to the application that it shall be owner occupied. Howard also stated when the property is sold, the Board could also add that the applicant would have to come back and have the Variance relinquished.

The Board addressed the five criteria and came to an agreement on the motion.

MacLaren moved Sullivan seconded the motion to approve the Variance with the condition that it be one owner occupied and the Variance shall be relinquished before selling the residence. The motion carried unanimously.

MINUTES OF MAY 3, 2017 FOR APPROVAL – Vallone moved, MacLaren seconded the motion to approve the minutes. The motion carried unanimously.

PREVIOUSLY APPROVED MINUTES OF DECEMBER 16, 2016 & MAY 5, 2017 FOR SIGNATURE – the minutes were duly signed.

ADJOURNMENT – Vallone moved, MacLaren seconded the motion to adjourn at 7:30pm.

APPROVAL NOTIFICATION: May 31, 2017 - Minutes of May 5, 2017 were approved. Minutes of December 12, 2016 & April 5, 2017 were duly signed.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary