

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

Wednesday March 28, 2018

PRESENT: Charlie Goodspeed, Joe Bodge, Don MacLaren, 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

BLACK BIRCH DEVELOPMENT GROUP, LLC – Chairman Goodspeed read notice for a Special Exception concerning Article 2 – Section 6.5 for multi-family housing. Parcel is located at Delaney Road (Tax Map 023 – Lot 176) located in the Residential Zone. Abutters present: Kevin Kelley and Rodney Gagne.

Attorney Wyskiel came before the Board to explain the proposal. He reminded the Board this site was approved by the Planning and Zoning Board as a two-lot subdivision which a duplex can be built on each lot. Attorney Wyskiel stated after assessing the market and speaking with Howard and looking over the ordinances it shows multi-family housing is allowed by Special Exception on a single lot, as long as there is density limitation of one unit per 40,000 square feet of land exclusive of wetlands.

Attorney Wyskiel stated the critical point is what is the amount of developable land and presented the calculations to the board, stating they meet the density requirement. Attorney Wyskiel explained the location of the site that has a tree buffer and showed on a plan the two structures with five units each that will be set back and not seen from Delaney Road.

MacLaren asked with this application coming before the board for the Special Exception the variance for road frontage that was granted last year would be abandoned? Attorney Wyskiel stated they would do that providing they are approved for the Special Exception and approved for the Site Plan before the Planning Board. Attorney Wyskiel stated that condition could be added if granted the Special Exception.

Bodge noted the applicant is asking for a variance that gives a development which the town said is illegal, and not allowed on a dead-end road, off a dead-end road. He stated there are still 10 residences on a dead-end road, off a dead-end road and has concerns with approving something that he sees as a development.

Attorney Wyskiel responded with the previous request to approve a road for lots with single family homes on each lot, that road had to be built to sustain the amount of frontage for each lot and now they are using the text from the zoning ordinance; there is a private driveway for parking area that is an allowed use by special exception.

Bodge stated this does not fit in that neighborhood because it's an apartment complex in amongst single family homes.

Attorney Wyskiel stated these units are not apartments, and when they go before the Planning Board for site plan approval they will also be requesting a subdivision for these units be condominiums.

Bodge stated if they are condominiums then it will become a road, and not a driveway.

MacLaren asked for clarification from Howard on the change from a driveway to a road for the condos. Howard explained it's not technically a subdivision, they're not creating frontage it's just for creating ownership so they don't have to have 200 feet of frontage for condos it's just a way to create ownership. She explained the driveway would have to be created to make frontage for single family house lots and would have to be built to town standards. She stated this would be a private way that doesn't have to be built to town standards and wouldn't be taken over by the town, also the fire department would have to be involved. MacLaren asked as far as the classification of this being a development compared to multi family homes, does it turn it into a development being a private road for two separate structures. Howard explained it gets away from the dead end off of a dead end because it's not a street.

Howard explained the reason the Planning Board denied their application was because it was a road off of a road, this is no longer a road; it's somewhat of a loophole.

Attorney Wyskiel asked to address the concept this is a "loophole" and stated this is not a loophole, it's allowed by the regulations.

Bodge has concerns and spoke of a similar situation off Route 27, ten units originally where ten condos were owned where the association went bankrupt and the area was run down, as there was no money to maintain the anything and property abutting this went down. The grounds keeping was not maintained because they didn't have enough ownership to chip in. He stated there were huge pot holes that weren't taken care of.

Attorney Wyskiel responded the argument of the condo going bankrupt could happen to any type of subdivision. Bodge stated the bank then comes in and takes it over.

Maclaren addressed the reasons given whether or not the condo association could go bankrupt is not the Boards purview.

Abutter Kevin Kelley 33 Delaney Road reiterated what Attorney Wyskiel stated, "this is an approved use in the regulations". Kelley stated if this was an approved use, with the approval of this Board, the application would not have to be before the Board. He stated he was not opposed to single family homes but is concerned with the idea of condos that will bring down the value of his home. Kelley stated this is not consistent with the neighborhood and is very concerned with multifamily units.

Chairman Goodspeed asked Howard what the requirements will be for the driveway/road. Howard explained the road has a 50-foot right-of-way, pavement is 24 to 26 feet wide of on a road, the gravel will be different for a driveway and the town engineer reviews, shoulders are different, and it can have 1200 feet on a single point access.

Sullivan questioned how many levels these units are. Tom Boisvert stated they will be two stories, two car garage or oversize garage, similar to a ranch. He explained each unit is just under 1700 square feet, 250 feet long, 50 per unit, and 38 feet wide.

Bodge reiterated, definitely not fitting in with the characteristic neighborhood. Boisvert stated these are townhouses, high quality.

The Board addressed the criteria for Special Exception:

1. "That the use is so designed, located and proposed" "public health, safety and welfare and convenience will be protected."

MacLaren noted there will be a stipulation with the fire department, and Planning Board for safety reasons.

Sullivan stated he does not feel putting in 10 families with families is a different characterization and feels safety is a big concern.

2. "That the use will be compatible with adjoining development and the proposed character of the zone"

MacLaren reminded the board that two duplexes were approved. He stated he feels if these units were right on the road he would have concerns but they are set back he doesn't see them bringing down property values.

Bodge stated there's not a single place on that road that even comes close to that size building with one driveway, and noted he not have concerns with the duplexes.

Attorney Wyskiel responded these two structures will be set way back behind trees. He spoke of the mobile home park at the corner of Delaney that should be taken into consideration.

Abutter Rodney Gagney stated he shares Kelley's views. He spoke about the trailer park at the corner of Delaney and stated once onto Delaney down in this area is all single-family homes. He said when these units are done he will be able to see them from his home. Gagney agreed these are totally out of character with the neighborhood and is not in favor of the request.

MacLaren concurred with the argument that these units aren't sitting right on the road.

Chairman Goodspeed asked when the last house was built in that area. Sullivan stated two years ago. Kelley added the board also approved a doggie day care in that area.

MacLaren asked Howard her feelings on the compatibility of this request. Howard explained there is a subdivision with single family homes that's off a dead-end street, and then off of the main road which also has frontage on Delaney there is a mobile home park which is multiple homes on a lot.

3. "That adequate loading and off-street parking is provided"

Bodge stated he sees nothing that gives the board any indication that's any thoughts been put into this for the exception requested. He stated the board has been told there's a private drive to handle ten families, dumping onto a small road.

Attorney Wyskiel stated the density limitation requirement that's in the criteria for 40,000 square feet adequately accommodates all the units. He explained it's routine to seek the use allowance first.

Maclaren offered a suggestion to table this hearing until the board is given more detailed information.

Howard stated it's not unusual for an application to come before this board without engineering.

Bodge stated he's not looking for stamped engineer drawings.

MacLaren recommended the board not make their decision on Bodge's reasoning and suggested tabling the application to a later date for more detailed information.

Chairman Goodspeed stated if the Board agrees on tabling the application, he would like to identify the parameters that the board feels they need for information. The Board agreed.

Chairman Goodspeed advised the applicant on what the Board will look for, for the next hearing:

Information on public health, safety and welfare - more data on the safety with the traffic on Delaney and Coffin and safety on the private drive. More in depth information on the septic systems.

Information on compatibility with adjoining development – is the request for special exception improving the economic value on the properties.

Information if the use conforms with all applicable regulations governing the zone for a large-scale development. The Chairman stated the applicant has gone over this but would like to hear more at next hearing.

Contact the fire department for the width of the road.

Sullivan stated he would like to see elevations.

4. The use – has been discussed.

5. “That if the applicant for a special exception agrees as a condition of the special exception”
..... “to obtain Planning Board approval prior to applying for a building permit.”

6 & 7 do not apply.

Kelley explained he drives by the mobile home park he can't see from his home but feels this project will affect his property values. There are no multi-family homes in this area.

MacLaren moved Bodge seconded the motion to table the application until the applicant can address the items requested by the Board and continued the hearing to May 2. The motion carried unanimously.

REORGANIZATION

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

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

MINUTES OF FEBRUARY 28, 2018 FOR APPROVAL – Sullivan moved Bodge seconded the motion to approve the minutes. The motion carried unanimously.

MINUTES OF DECEMBER 19, 2017 FOR SIGNATURE – The Minutes of December 19, 2017 were duly signed.

ADJOURNMENT – Bodge moved, Goodspeed seconded the motion to adjourn at 7:30pm.

APPROVAL NOTIFICATION: March 28, 2018 - Minutes of February 28, 2018 were approved. Minutes of December 19, 2017 were duly signed.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary

Charlie Goodspeed

Kim Sullivan

Don MacLaren

Joe Bodge