

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

**Wednesday March 27, 2019**

**PRESENT:** Don MacLaren, Kim Sullivan, Charlie Goodspeed, Rob Eldridge, Matt McNeely, Planner Brittany Howard.

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**POLKA DOT HOUSING, LLC** – Chairman MacLaren read notice for seven variances concerning article 2.7.3, 6.10.3.b, c, d, e, f & g. Parcel is located at 232 Main Street, Tax Map 022 – Lot 058 located in the High Density Residential & Rural Residential Zone.

Chairman MacLaren stated that the applicant will go through one variance at a time. Each variance will be voted on separately and be opened to the public separately.

Joe Coronati from Jones and Beach representing Polka Dot Housing LLC opened with a brief overview of the site. He explained the site next door at 242 Main Street which the new application will be connecting through with a shared driveway and infrastructure. They will not be proposing any new curb cuts. The site is split zoned, the front is in the high-density residential zone and the rear is in the rural residential zone. The site is going to 7 variances:

- Permitted Uses (Article 2.7.3) to allow multi-family in the Rural Residential Zone.
- Parcel Density (Article 6.10.3.b) for 22 total units on 1.48 acres.
- Driveway and Parking Setback (Article 6.10.3.e) to allow the driveway and parking within 50' of the property line. The lots will not be merged the property lines will stay.
- Outdoor Activities (Article 6.10.3.g) to provide less than 600 square feet per dwelling unit. There are lawn areas provided on this parcel and on the adjacent property.
- Minimum Frontage (Article 6.10.3.c) which requires 1.5 times the frontage for the zone. The existing parcel has 87.75' of frontage, however, the frontage doesn't provide access to the proposed 20-unit building. The abutted multi-family property provides access to this proposed building.
- Building Setbacks (Article 6.10.3.d) for the 50' setback from all property lines. The rear setback is the only setback where this separation is not met and the rear abutter is the school. The building does meet the front and side setback.
- Parking Requirements (Article 6.10.3.1) for 2.5 parking spaces per unit. The total parking requirement for these two parcels is 90 parking spaces and we are providing 85 parking spaces. We have seen that only about half of the parking spaces are utilized on the 12-unit building based on the current residents. Therefore, we feel that this is more than adequate parking.

Coronati stated that the proposed building will not be a rectangle. It will be similar to the building next door. The determined the size for this building by looking at the lay out of the building on 242 Main Street. The building will be smaller than shown on the plan which would be submitted as part of the Planning Board review. The Board then reviewed an aerial photo for parking layout and snow removal. The school parking lot is in the rear and there are three abutters that will be able to see the building.

#### Criteria for Variances for Permitted Uses – Multi-family in the Rural Residential Zone

**The variance will not be contrary to the public interest because:** High Density developments are needed in the close proximity to the downtown where densities are increased. This site has access to water and sewer and the school is the rear abutter. Many of the surrounding buildings are multi-family and this type of housing is needed within the community as evidenced by the Workforce Housing Ordinance. This development will provide the public with rental housing near the downtown. The site already has a 2-family dwelling located on it and the development would be in the rear of the site and accessed through the existing driveway on 242 Main Street. This also provides needed rental units within the Town as this type of housing is limited to just a couple of developments. The downtown is the most desirable place for rental units. This is the section of the Town that has water and sewer utilities and if not in the downtown, then where would the Town prefer this necessary type of housing?

**The spirit of the ordinance is observed because:** This property is partially located in the High-Density Residential Zone and the property currently has a duplex and a large rear upland portion that fits the proposed use. The Spirit of the ordinance is to keep these residential properties residentially used and consistent with the neighboring properties. The visual impacts are minimal from Main Street since the building is located 240' from main street and will have a fence and retaining wall to separate it from the abutting property on Map 22, Lot 59 (Grace Lavoie property). The retaining wall is already constructed, this section of the site sits above Main Street and the Lavoie property so it can be buffered.

**Substantial justice is done because:** The Town has supported dense residential developments near this site in the past (Stonybrook Apartments, 242 Main Street and Ladd's Lane). The downtown businesses survive on local residents supporting their stores and restaurants. By increasing the number of residents in the downtown, that supports a vibrant scene of businesses, stores, commercial tax revenue and affordable housing. Having additional types of housing developments within Epping will help keep youth, single people, older residents and people that don't want to maintain a house and yard in the Town so they don't have to move away. With the numerous retail jobs and commercial businesses in Epping, it is imperative to provide housing for this workforce.

The current ordinance is flawed as it only allows workforce housing in the Industrial Commercial zone with Town Water and Sewer. There are very limited areas in Town that meet these criteria and the density is too low to make it cost effective to construct rental units that the

general workforce can afford. Most of the lots in the downtown are too small to add more units. This lot is unique because it does have the space to construct this proposed development.

**The values surrounding properties are not diminished because:** The abutting property to the south (Grace Lavoie) is a multi-family rental property with residential and commercial units and with parking in the within their 50' rear setback. There will be a fence on top of the existing retaining wall to provide visual separation from the headlights of parking spaces and the building. Our site is located at a higher elevation and therefore the fence will obstruct the visual aspect from the ground level completely. The backs of the homes on Prospect Street will also be blocked with a new stockade fence to reduce the visual impacts. These homes are more affected by the access to the school facility and have large volume of traffic, students, school buses and noise. The impact by a multi-family development within a multi-family area of Town will not affect their property value.

**Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:** The use is allowed in the High-Density zone and the density is a factor of the lot size, therefore this becomes a question of the size of the parcel. The use fits the lot size and the access is provide through the existing driveway. Therefore, the hardship is that the lot size is more than sufficient to provide the necessary space for all the amenities; however, the ordinance requires more land area then we have. The density for 242 Main Street is 1 unit per 5,163 square feet, Stonebrook Apartments is 1 unit per 3,350 square feet. The proposed density is close to the Stonybrook sizing.

Reducing the density increases the cost per unit and therefore provides a financial hardship to the owner. The goal is to provide reasonably market priced rental units in the downtown area of Epping, with fewer units, it becomes nearly impossible to construct units in the same price range.

Chairman Maclaren asked how much rent would be for the unit. Coronati stated \$1,400 - \$1,800. There was then some discussion about workforces hosing and Epping's need. This project would not be considered workforce housing but reasonable rate housing.

Chairman MacLaren opened the meeting to the public.

Abutter Grave Lavoie, 236 and 240 Main Street, spoke about how her property is completely surrounded by this new project. People coming on her property, all the cars coming and going, the noise from the dumpsters. All the trees have been removed and the site is much higher than it used to be so there are issues with drainage and slope. The driveway is starting to change shape. Water that use to stay on the property and is now flooding the basement. There were issues with the first project with work and construction hours. There are concerns with building up to the property. And that this Board needs to take into consideration that granted variances affect abutters and neighborhoods. Chairman MacLaren stated that some of the issues are Planning Board issues.

Howard then read an email from a resident at Robin Clements 232 Main Street in support of the project.

Chairman MacLaren closed the meeting to the public.

Goodspeed stated that he has issued with 20 units being proposed. There is also a water moratorium on any new connections. This lot does not have enough area for a well. A discussion about water and sewer connections as well as the time frame for the town to add a treatment facility and allow new connections. There was also a discussion about variance expirations and Planning Board decision time lines.

Sullivan stated it is not in the public interest. If the property was entirely zoned high density residential it would be allowed six units and the application is for 22 units vs 6, over 300% more than what is allowed on the property. It should be built where it is allowed by zoning and does not require seven variances.

Chairman MacLaren opened it to the Board to go through the five criteria.

Sullivan motioned McNeely seconded that we not approve that the variance will not be contrary to the public interest. Chairman MacLaren opened it for discussion.

Chairman MacLaren stated that because it is in the rural residential zone and the encroachment is not in the public interest. Goodspeed didn't feel that it is in the public interest because of the lack of water. Sullivan has concerns with the size of the development and the change it will have on the neighborhood. Eldridge stated that there is a lack of homes and rentals in the area and something should be done. McNeely has concerns with the density.

Motion passed 4-1.

Coronati withdrew the application with no prejudice. They will come back with a different plan and at a different time. The Board's concerns are valid. The Board accepted.

**REORGANIZATION** - Goodspeed motioned McNeely seconded for MacLaren to be the chairman. Goodspeed motioned McNeely seconded for Sullivan to be vice chairman. MacLaren motioned McNeely seconded for Phyllis McDonough to be the Board secretary.

**MINUTES OF FEBRUARY 20, 2019 FOR APPROVAL** – Eldridge moved Goodspeed seconded the motion to approve the minutes. The motion passed 4-0-1.

**MINUTES OF JANUARY 30, 2019 FOR SIGNATURE** – the minutes of January 30, 2019 were duly signed.

**OTHER BUSINESS** – Chair MacLaren would like to review the rules of procedure to include ex parte communication. He will send out a draft for review.

**ADJOURNMENT** – Goodspeed moved Sullivan seconded the motion to adjourn at 7:08pm. The motion carried unanimously.

Respectfully submitted,

Brittany Howard  
Town Planner/Code Enforcement Officer

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Don MacLaren

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Rob Eldridge

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Kim Sullivan

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Matt McNeely

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Charlie Goodspeed