

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

Wednesday January 22, 2020

CONVENE: 6:00 P.M.

PRESENT: Don MacLaren, Kim Sullivan, Rob Eldridge, Matt McNeely; Alternate Robert Blanchette; Planner Brittany Howard; Secretary Phyllis McDonough.

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

PLEDGE OF ALLEGIANCE TO THE FLAG

SOUTHEAST LAND TRUST – Chairman MacLaren read notice for a Special Exception to permit a dual use, concerning Article 2 Section 4, and a Variance to allow two principal structures on their organization’s property, concerning Article 2, Section 2.8. Parcel is located at 245 North River Rd. Tax Map 011 – Lot 014 located in the Residential Commercial Zone. Abutters present: Kelly Butler and Bruce McPhee.

Brian Hart, Executive Director and Jeff Clifford from Atlas Engineering came before the Board with the proposal.

The Board and the applicant addressed the criteria and applicants’ comments for a Special Exception.

1. That the use is so designed, located and proposed to be operated so that the public health, safety, welfare and convenience will be protected. See file for applicants’ responses.

Blanchette questioned if the driveway will be large enough for two-way traffic to pass. Hart stated with the 22-foot requirement it will be large enough.

2. That the use will be compatible with adjoining development and the proposed character of the zone where it is to be forwarded. See file for applicants’ responses.

There were no comments from the Board.

3. That adequate off-street parking and loading is provided. Ingress and egress are so designed as to cause minimum interference with traffic on abutting streets. See file for applicants’ responses.

There were no comments from the Board.

4. That the use conforms with all applicable regulations governing the zone where located, except as may otherwise be determined for large-scale development. See file for applicants’ responses.

There were no comments from the Board.

5. That the applicant for a special Exception agrees as a condition of the Special Exception to obtain Planning Board approval of the site plan. See file for applicants’ responses.

There were no comments from the Board.

6. That the applicant for a Special Exception is for the expansion of a Non-Conforming use the granting of such exception will not adversely affect abutting or nearby property values, and that the Non-Conforming Use is not hazardous by its nature. See file for applicants' responses.

There were no comments from the Board.

7. For a Dual Use related to the Special Exception, an added use must be a Permitted Use in the zone. See file for applicants' responses.

Sullivan asked why they couldn't just subdivide the property for the uses. Hart explained the subdivision would be problematic making for an odd shape lot and they are not trying to sell the farm house.

Abutter Kelly Butler addressed the water problem on her property. Hart explained they have been in touch with Butler and will work with her on this issue.

Abutter McPhee addressed the water problem, stating that is his only concern and happy that SELT will be working with the abutters

McNeely moved Blanchette seconded the motion to approve the Special Exception. The motion carried unanimously.

The Board and the applicant addressed the criteria and applicants' comments for the Variance:

1. The variance will not be contrary to the public interest because: See file for applicants' responses.

There were no comments from the Board.

2. The spirit of the ordinance is observed because: See file for applicants' responses.

Blanchette questioned the parking for both sites. Howard explained the Planning Board approved the parking for both the residence and business.

McNeely asked what is meant by unique circumstances of the subject property. Hart explained the unique circumstances are the building, being the only one, he believes, in the Town of Epping on the state registry, and the fact that the vast majority is already restricted from development with the conservation easement. So, for those two reasons shows the uniqueness.

3. Substantial justice is done because: See file for applicants' responses.

There were no comments from the Board.

4. The value of surrounding properties are not diminished because: See file for applicants' responses.

There were no comments from the Board.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship: See file for applicants' responses.

Sullivan questioned if it is going to be a residence or an office and residence. Hart explained the intent is two units upstairs and downstairs residential. He explained it could, in the future downstairs could become an office.

McNeely noted what NH Supreme Court has stated that an applicant has to prove the property is burdened by the zoning restriction. He stated that this property could be subdivided and work within the boundaries. He stated he understands with the uniqueness of this property why the request for the Variance.

McNeely moved Eldridge seconded the motion to approve the request for Variance. The motion carried unanimously.

OCEAN BREEZE RV – Chairman MacLaren read notice for a Variance concerning Article III Section, Schedule II, to be used as an RV/Motor-home dealership. Parcel is located at 75 Exeter Road, Tax Map 030 – Lot 075 located in the Industrial/Commercial Zone. There were no abutters present.

Attorney Jay Skully representing Ocean Breeze RV, came before the Board to explain the proposal. He stated the applicant(s) would like to move their RV business from Hampton to Epping, primarily for sales and storage of RV and motor homes. He stated the structure already on site will be used for office space. Attorney Skully explained traditional maintenance will be performed on the units, there will be no vehicle engine or other service will be done that will have any risk of adverse environmental impact on the site.

The Board and the attorney addressed the criteria and applicants' comments for the Variance:

1. The variance will not be contrary to the public interest because: See file for applicants' responses.

Blanchette asked if a dealership could be involved that would do repairs that would risk the environment of the site. Attorney Skully explained the Board impose a restriction, if approved, that would provide the applicant or future owner to have to come back before the Board.

2. The spirit of the ordinance is observed because: See file for applicants' responses.

No comments from the Board.

3. Substantial justice is done because: See file for applicants' responses.

No comments from the Board.

4. The value of surrounding properties are not diminished because: See file for applicants' responses.

No comments from the Board.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship: See file for applicants' responses.

Chairman MacLaren inquired if the applicant if there was any effort to go to the Planning Board to try and put this on the ballot for the zone. Attorney Skully said they did not.

Eldridge how many vehicles will be on the property. Attorney Skully explained the front lot will be a small display; the house will be an office, although no idea at this time how many RV's will be on site.

Keith from Ocean Breeze stated there are 80 units on their property in North Hampton.

Blanchette questioned if there will be any problems with large vehicles on that road. Howard explained that is a state road, and will be addressed by the state.

Blanchette moved Sullivan seconded the motion to approve the Variance with conditions that it will be limited to minor repairs; there will be no hazardous material stored on site as well as no engine work. If the applicant would like to modify this approval they would have to come back before the Board. The motion carried 3 – 2. Chairman MacLaren and Eldridge voting against the Variance.

MINUTES OF OCTOBER 30, 2019 FOR APPROVAL & SIGNATURE – McNeely moved Blanchette seconded the motion to approve and sign the minutes of October 20, 2019. The motion carried.

ADJOURNMENT – Eldridge moved Blanchette seconded the motion to adjourn at 7:00 pm. The motion carried unanimously.

APPROVAL NOTIFICATION: January 22, 2020 - Minutes of October 30, 2019 were approved and duly signed.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary

Don MacLaren

Kim Sullivan

Rob Eldridge

Matt McNeely

Robert Blanchette