

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

MINUTES

Wednesday August 5, 2020

Zoom Meeting

<https://us02web.zoom.us/j/89946599303?pwd=N25ibmJ4SGRoSElHYWhTNIJtbU5aZz09>

Meeting ID: 899 4659 9303

Password: 312093

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CONVENE: 6:00 P.M.

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

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

PISCASSIC REAL PROPERTY LIM PARTNERSHIP – Planner Brittany Howard read notice for two Special Exceptions concerning Article II Section 4.5 and Article II Section 5.5 – Dual Use/Multi Family. Parcel is located at 75 Railroad Ave., Tax Map 029 – Lot 237 located in the Central Business & High-Density Residential Zone. Abutters present: Joelle Case, Donna Jackson & Gregory Keefe. Penny Watson and Elfriede Shaw.

Wayne Morrill explained the proposal is for a dual use on the site at 75 Railroad Ave. He stated currently there is a brick building and over the years there have been a couple of additions, one being in the rear which was a metal building and a large portion of the metal building is on the south side of the property. Morrill referred to a plan showing a zone line that goes through the building which puts it in two zones; High Density Residential and Central Business. Morrill explained the primary use is a commercial use of the property. Morrill stated they are looking to do modifications to the building and remove both the rear the middle of the building and a small portion to the south and have the brick building remain as commercial uses. He explained in the back where the metal building was, they are looking to repurpose the back to have four (4) residential units and where the metal building exists, they will go to the Planning Board to ask for six (6) duplex units; almost identical to where the abutter is currently moving forward with on their development. Morrill explained the six (6) duplex units will be accessed by the road that will go in on that abutting subdivision, the curb cuts will remain in the back corner by the Holy Grail and shift the existing curb cut on Railroad Ave. He explained there will be a gravel gated access for the fire department use, and showed all green space around the units. Why they are maintaining the portions is for the fire suppression system.

Morrill read responses for a Variance, which was not how the hearing was noticed and corrected that addressing the criteria for a Special Exception, which is what the proposal was noticed for.

Morrill and the Board addressed the questions and answers 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.** Morrill showed the existing driveway and existing pavement and an emergency-controlled access, landscaped island, and a new drainage system that will be done.
2. **That the use will be compatible with adjoining development and the proposed character of the zone where it is to be forwarded.** There will be more residential added onto the property. He explained the commercial building is entirely in the commercial zone.
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. Morrill showed a wide-open gravel lot that will be paved to be a parking lot with a new driveway onto Railroad Ave. All the parking for the duplexes is in front of the building and the residential parking in the rear.
4. **That the use conforms with all applicable regulations governing the zone where located, except as may otherwise be determined for large-scale development.** Both uses are allowed in the two zones.
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.** If approved, next step would be to go to the Planning Board for their approval.
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.** Both uses are allowed in both zones.
7. **For a Dual Use related to the Special Exception, an added use must be a Permitted Use in the zone.** Morrill stated this is why the request is before the Board.

Morrill stated that all public services will have to be on board with this proposal. Howard noted that a Technical Review meeting would need to be scheduled, and that this proposal would have to go before water & sewer.

Blanchette questioned if there will be business condos. Morrill stated it will be similar to what is there now. Blanchette noted that the Board needs to concern itself with addressing question #1 having to do with traffic. Blanchette stated his concern is with the traffic from commercial businesses. Chairman MacLaren explained they have the commercial space already; this is about the residential and the commercial space has been reduced. Blanchette stated 13.2 speaks about traffic and the board should be concerned about this.

Howard noted what she's taking from the discussion is, that this development, even though they are reducing the number of commercial projects and are increasing residential, if there's a use that goes into that commercial that is used during the day that there would be more traffic on Railroad Ave. which will lower the convenience of the existing neighborhood. Blanchette agreed.

McNeely stated on granting this Dual Use Special Exception and having to take into account safety and what's being presented causes that concern.

Sullivan stated he has concerns with the intersection of Railroad Ave. and Main Street which is already a bad corner. Morrill stated with the removal of the commercial uses from the site would reduce the trips.

Howard explained that the Water & Sewer Department, along with Public Works recently put in an RFP to work on the drainage and infrastructure on Railroad Ave. She wasn't sure if looking at that corner would be part of what would be looked at.

The Chairman opened to the meeting to the public.

Abutter Penny Watson stated she has issue with rodents once any demolition is done and asked if there will be some sort of prevention so the rodents aren't running ramped. Murray stated they will hire an exterminator prior to any demolition which will be part of the Planning Board application. Watson asked about the tree line will that be removed and if privacy fencing will go up. Morrill explained that will be handled at Planning Board application.

Abutters Kevin Casper and Donna Keith asked if this goes onto where the cul-de-sac is. Morrill stated that is correct. Casper asked if the drainage will go toward Railroad Ave. Morrill stated drainage has not been addressed but will be at time of the Planning Board hearing. Casper asked if he will still be able to use his gate to the trail. Murray stated he has no problem with that.

Morrill suggested that Murray and the neighbors meet to discuss this proposal. Murray agreed.

Abutter Joelle Case stated she has no concerns and likes the proposal.

There was a 30 second pause for residents to call in.

The Chairman closed the public session.

McNeely moved MacLaren seconded the motion to approve the Special Exception approved conditionally on an enhanced buffer between the new proposal and the existing residential use, and hiring an exterminator before any demolition is done on site. **Roll Call Vote; Eldridge, McNeely, Blanchette and Chairman MacLaren all voting aye. Sullivan voting nay.**

ERIK BENSON – Planner Brittany Howard read notice for a Variance concerning Article II Section 6.2 Lot Dimensions and Setback requirements, to construct a two-car garage. Parcel is

located at 31 Woodlands Drive Tax Map 023 – Lot 131 located in the Residential Zone.
Abutters present: James & Madeline Gatto.

Erik Benson presented his proposal to the Board to construct a garage to build a two-car garage. Setback a foot from the house and side setback about 16 feet.

Benson and the Board addressed the 5 criteria:

1. **The variance will not be contrary to the public interest because:** The Board had no questions or comments.
2. **The spirit of the ordinance is observed because:** The Board had no questions or comments.
3. **Substantial justice is done because:** The Board had no questions or comments.
4. **The values surrounding properties are not diminished because:** Blanchette questioned what the normal setback is. Benson stated 25 feet in that zone.
5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:** Eldridge noted that the applicant could still build a single stall garage, and doesn't feel a single stall would be practical.

McNeely stated this is in a cluster development and is already restricted. He asked what is the normal setback. Howard stated on a regular lot is 25 feet. She stated the 50-foot setback is a building setback not a property line setback. McNeely advised this has to be taken into account is to look at existing properties, and by forcing the existing ordinance is unfair. Benson explained there are other residences that have the exact building structure with a two-car garage. It's not uncommon in that neighborhood.

The Chairman opened to the meeting to the public.

Abutter James Gatto stated this lot abuts his property and has no objection.

Howard read a letter from the McKenzie's stating they have no concerns with the proposal.

The Chairman closed the public hearing.

There was a 30 second pause for residents to call in.

Eldridge asked Benson if the property has been surveyed. Benson stated he based it off the survey that was done when he bought the house.

Sullivan moved Blanchette seconded to approve the Variance. **Roll Call Vote; Sullivan, Blanchette, and Chairman MacLaren all voting aye. Eldridge and McNeely voting nay.**

LISA & DONALD FOGG – Planner Brittany Howard read notice for a Variance concerning Article 6 Supplementary Regulations for Certain Uses, Section 6.12 Existing Lots of Record, to construct a garage. Parcel is located at 11 Cate Street Tax Map 022 – Lot 094 located in the High-Density Residential Zone. There were no abutters present.

Sullivan recused himself.

Lisa Fogg presented her proposal to the Board to construct a garage on her property at 11 Cate Street. She explained the idea is to put it against the fence on the right side of the property. Fogg explained they looked at putting it against the existing barn but would cut off access to the back yard. Fogg explained they would like to reduce the setback from 10 feet to five feet to have enough space to be able to turn around.

Fogg and the Board addressed the five criteria:

- 1. The variance will not be contrary to the public interest because:** The Board had no questions or comments.
- 2. The spirit of the ordinance is observed because:** The Board had no questions or comments.
- 3. Substantial justice is done because:** The Board had no questions or comments.
- 4. The values surrounding properties are not diminished because:** The Board had no questions or comments.
- 5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:** Blanchette is the hardship in order to fit the garage is because the garage is so large. Fogg stated that is correct. Howard explained if there's a full-size truck it would be impossible to put it into the garage.

The Chairman opened to the meeting to the public.

There was a 30 second pause for residents to call in.

The Chairman closed the public hearing.

McNeely informed the Board he looked at existing properties in that area and doesn't see anything odd with this request.

McNeely moved Eldridge seconded the motion to approve the five-foot Variance. **Roll Call Vote; Eldridge, McNeely, Blanchette and Chairman MacLaren all voting aye.**

MINUTES OF JULY 1, 2020 FOR APPROVAL & SIGNATURE – Blanchette moved Eldridge seconded the motion to approve the minutes. **Roll Call Vote; Sullivan, Eldridge, McNeely, Blanchette and Chairman MacLaren all voting aye.**

Chairman MacLaren moved Eldridge seconded the motion to have the secretary, McDonough to sign the minutes. **Roll Call Vote; Sullivan, Eldridge, McNeely, Blanchette and Chairman MacLaren all voting aye.**

RULES OF PROCEDURE FOR APPROVAL – Blanchette moved McNeely seconded the motion to approve the Rules of Procedure. **Roll Call Vote; Sullivan, Eldridge, McNeely, Blanchette and Chairman MacLaren all voting aye.**

REORGANIZATION – McNeely motioned Eldridge seconded for MacLaren to sit as Chairman. McNeely motioned Chairman MacLaren seconded for Sullivan to sit as Vice Chairman. Blanchette motioned McNeely seconded for Phyllis McDonough to continue as Zoning Board Secretary.

Roll call; McNeely, Blanchette, Eldridge, Sullivan and Chairman MacLaren all voting aye on the reorganization.

ADJOURNMENT – McNeely moved Eldridge seconded the motion to adjourn at 7:25 pm. **Roll call; McNeely, Blanchette, Eldridge, Sullivan and Chairman MacLaren all voting aye.**

APPROVAL NOTIFICATION: August 5, 2020 - Minutes of July 1, 2020 were approved and signed by McDonough for the members.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary

Don MacLaren

Kim Sullivan

Rob Eldridge

Matt McNeely

Robert Blanchette