

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

MINUTES

Wednesday October 14, 2020

Zoom Meeting

<https://us02web.zoom.us/j/89002602981?pwd=Q1RudEp1NVQwMUVKMm9wRXJ4bzcwZz09>

Meeting ID: 890 0260 2981

Passcode: 879662

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CONVENE: 6:00 P.M.

PRESENT: 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. This meeting was also available through Zoom for Business.

JASON DECLERCQ – Vice Chairman Sullivan read notice for a Variance concerning Article 2, Section 3.2 Lot Dimension and Setback Requirements. Parcel is located at 1 Norris Court Tax Map 027 – Lot 036 located in the West Epping Business District. Abutters: McCuskers.

McNeely called for point of order as there was not a full board Mr. DeClercq was given the opportunity to proceed with the hearing or wait for a full board to decide on the application. DeClercq agreed to move forward on his application with a four-member Board

Vice Chairman Sullivan read correspondence, regarding the application, from Howard, dated September 28, 2020. Howard explained this application is for a side and rear setback relief to build a garage on the property ten feet from the back of the property.

DeClercq explained his proposal is to build a 24x26 post framed building garage on the only flat area of his property which will be closer than the 25-foot setback. He explained the building will be on the east side of his house. He will be using the garage for storage for his equipment to keep it secure. He stated with the easement in the back yard, he has very limited space to do this.

DeClercq and the Board addressed the five criteria.

1. The variance will not be contrary to the public interest – DeClercq, noted this request does not change the character of the neighborhood.

2. **The spirit of the ordinance is observed** - DeClercq, noted this request will not crowd or block light or air.

3. **Substantial justice is done** - DeClercq, noted this request the general public will not gain anything from a denial.

4. **The values surrounding properties are not diminished** - DeClercq, noted this request the structure would improve curb appeal.

5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship** - DeClercq noted this request there is no other option available on the lot to build a structure due to the property slopes and is a corner lot, also the right-of-way of the utility lines, makes the requested are the only area to put this garage.

McNeely noted there's a utility right-of-way on the property from the tax map that shows the right-of-way which bisects the property and asked if there are there any legal restrictions of the building within ten feet of the right-of-way. DeClercq explained he was instructed by the electric company to keep 50 feet on both sides of the center line clear, therefore he can't build back in the area where the pool is. McNeely questioned if the pool is ok. DeClercq stated the pool is ok. McNeely asked about the chicken coop and wind mill are on the right-of-way. DeClercq responded as long as the utility company can get through and keep the trees trimmed by the chicken coop, they have no issues with it.

Howard asked if the chicken coop is on a foundation. DeClercq stated it's a temporary building.

Eldridge asked DeClercq if he was familiar with the easement when they bought the property. DeClercq stated he was familiar with the easement although he was not aware that it restricted him. Eldridge asked DeClercq if he spoke to the utility company about putting a structure down by the easement. DeClercq responded he did not speak with the utility company about putting the structure down there. He explained it didn't seem feasible to access up front.

McNeely asked if a line is drawn 25 feet from the east boundary that leaves 47 feet between the boundary and the house and a 25-foot setback and the structure is only 26 feet wide why is maintaining the 25-foot buffer an option. DeClercq stated there is a 12x16 addition on the house that takes up 12 feet and then 12 feet from that starts the septic system the structure would have to be on the back side of the septic system, which it was causes it to be only 10 feet.

Blanchette asked is there enough room in front of the septic system. DeClercq responded that's the leach field and septic cover the rest of the yard and the house and the property line. Blanchette asked to get to the garage would you drive over the leach field. DeClercq explained stated he would not go through the driveway and would go over the lawn at the property line and make a driving path to the garage, separate from the driveway that's there now.

Howard stated two driveways are allowed with enough frontage and the driveway would have to be at least 10 feet from his property line.

Vice Chairman Sullivan opened the public hearing.

Abutter McCusker stated they have no problem with the request.

Eldredge moved Blanchette seconded the motion to deny the variance. The motion carried 4-0 to deny the Variance.

The Board sated they would like something from the utility company that they have no issues with this plan, and also something from the abutter on the east side of the property.

MINUTES OF AUGUST 5, 2020 FOR APPROVAL & SIGNATURE – Blanchette moved Sullivan seconded the motion to approve the minutes as written. The motion carried.

CORRESPONDENCE FROM RYAN CYGAN TO SERVE AS ALTERNATE – Ryan Cygan will be at the next meeting.

APPROVAL OF 2021 BUDGET – Blanchette moved Eldridge seconded the motion to approve the 2021 budget. The motion carried.

ADJOURNMENT – McNeely moved Eldridge seconded the motion to adjourn at 6:45 pm.

APPROVAL NOTIFICATION: October 14, 2020 - Minutes of August 5, 2020 were approved and signed.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary

Kim Sullivan

Robert Blanchette

Rob Eldridge

Matt McNeely