

**TOWN OF EPPING, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT MEETING
Epping Town Hall
MINUTES March 27, 2024**

PRESENT: Brian Reed, Kevin Martin, Cassandra Hojaboom, John Horne, Jason Follansbee; Planner Amanda Nolan.

CALL TO ORDER: Chairman Reed called the meeting to order at 6:00p.

PLEDGE OF ALLEGIANCE TO THE FLAG

FREDERICK HORNE – Chairman Reed read notice requesting a Variance from Article 6 Section 6.13 Accessory Dwelling Unit. The proposal is for the construction of a one-bedroom, 448 square foot apartment, attached to the rear of the existing auto garage. The parcel is located at 394 Pleasant Street, Map 026 Lot 008 in the Residential Zone.

John Horne recused himself from the hearing.

Frederick Horne, representing his father John Horne, explained he is looking to build a 448 square foot apartment dwelling off the back of the body shop that will be owner occupied. There will be a fire door going from the accessory dwelling but would have no access to the upstairs apartment, and no access to the dwelling apartment from the garage.

Frederick Horne addressed the Variance criteria. The responses for the variance criteria are attached with the file.

Chairman Reed opened and closed the public hearing.

The Board deliberated on the Variance request before taking a vote:

1. **Public Interest** – Chairman Reed stated this request, after listening to the applicant's explanation, will not affect public interest; the board agreed.
2. **Spirit of the Ordinance is observed** – Chairman Reed stated they already have a variance on the addition right next to it so he doesn't see any issues with this request.
3. **Substantial Justice** – No comment
4. **Diminishes Property** – No comment
5. **Hardship** – No Comment

Hojaboom moved Chairman Reed seconded to approve the Variance to allow the no-owner occupied as well as meeting all other requirement and requesting 448 square feet instead of the required 450 square feet. The motion carried unanimously.

JOSEPH MOYNIHAN – Chairman Reed read notice requesting Variances from Article 6.14.2.a Auto Dealerships. The proposal is for the inclusion of a small auto dealership on site with the existing residence. The parcel is located at 257 Exeter Road, Map 038 Lot 002 in the Industrial Commercial Zone.

Moynihan came before the board to explain his request. He stated to obtain a dealer's license for an auto dealership, he would need to receive a variance. He explained he is looking to sell eight to twelve vehicles a month auto dealership is relief from that to include in the Industrial Commercial zone.

Martin questioned if this request is for sales only no mechanics. Moynihan responded that is correct, all mechanics will be done off site, only sales will happen on site.

Horne asked Moynihan if he's done anything with the state as far as the application. Moynihan stated he put in a bond but not the application until he has the okay from the town.

Chairman Reed opened and closed the public hearing.

The Board deliberated on the Variance request before taking a vote:

1. **Public Interest** – Martin stated he does not see any issues. Hojaboom stated this request fits with other uses in the area.
2. **Spirit of the Ordinance is observed** – Chairman Reed looking for relief. Hojaboom asked the only difference to the property will be cars parked. Moynihan responded that is correct.
3. **Substantial Justice** – No Comment
4. **Diminishes Property** – Martin stated something like this would bring value to surrounding properties.
5. **Hardship** – No Comment

Martin moved Hojaboom seconded the motion to approve the Variance with the stipulation that the applicant go to the Planning Board for Site Plan. The motion carried unanimously.

JOHN OBER – Chairman Reed read notice requesting Variances from Article 6.10.3.b Parcel Density; Article 6.10.3.c Minimum Frontage; Article 6.10.3.d Building Setbacks; and Article 6.10.3.e Driveway and parking setbacks. The proposal is for the construction of four (4) units of multi-family housing, which includes two (2) duplexes with a two-story design and shared driveway. The parcel is located at 37 Depot Road, Map 27 Lot 176 in the West Epping Business District Zone.

Hojaboom recused herself from the hearing.

Page Libbey from Jones & Beach came before the Board with the request. She explained the existing conditions with a single-family home at the north eastern corner of the property. She explained the plan is to tear down the existing house and construct two duplexes.

Libbey explained this zone allows multi family, but because of the calculations for multifamily, it would not allow four units, therefore the reason for the density variance. She explained what is required from the density is that the septic will fit and will have wooded buffers around the edge of the property from all the abutters. This site is serviced by town water and will be contingent to tying into town water for the two duplexes.

Libbey explained the reason for the frontage and setbacks is because there is a requirement for multifamily developments have 150 percent of the required frontage in the zone, as well as the parking variance. She explained this is an existing lot of record.

Paige Libbey addressed the Variance criteria and applicant's comments. The responses for the variance criteria are attached with the file.

Abutter Mark Cyr how close to the property line will the house be. Libby explained on the north side 21.5 feet and on the south side 19.8 feet. Cyr asked if these would be for sale. Libbey stated they will be rental units.

Abutter Jessie Allen stated his concerns is stuffing four duplexes into a small site. He stated the rentals in that area are down the road, this area are all single homes.

Abutter from 37 Depot Road stated the biggest problem is the density but two duplexes area too much for that property and then have to allow for 10 vehicles, and the lot is only 4700 sq. ft. He stated this request is not close to meeting the requirement for a buildable lot. The frontage is not even close for a single-family house, and there will be too much traffic.

Abutter from 33 Depot Road his concern is more traffic.

Abutter from 31 Depot Road explained her concern is safety with the amount of cars with the four units, would support a single-family home but does not support the four variances.

Abutter from 31 Depot Road during this what the plans will look like, will they take the trees, will there be a fence around the site and does the septic hurt the abutting properties.

Libbey explained they will go to the Planning Board for a site plan. She explained each of the units have garages proposing 12 spaces, 3 spaces per unit and 2-bedroom units. With the traffic it's one way in and out, it's not an intense use. Frontage 300 feet required, there's 193 feet the reason for a frontage requirement. She explained the drainage, grading and tree planting would need a site plan.

Abutter from 31 Depot Road will the leech field be looked at in the planning phase. The response was yes, that will be looked at during Site Plan review.

Abutter Jessie Allen questioned if there have there been other projects like this that have been approved in such a small location that needs so many variances.

Chairman Reed opened the public hearing.

The Board deliberated on the Variance request before taking a vote:

- 1. Public Interest – No Comment**
- 2. Spirit of the Ordinance is observed – Martin it is allowed in the district and they have added everything that is needed.**
- 3. Substantial Justice – Chairman Reed noted the applicant has done their due diligence**
- 4. Diminishes Property – Martin stated he does not see that this would affect any properties on the road.**
- 5. Hardship – Horne noted the property is a little tight but has no issues.**

Martin moved Follansbee seconded the motion to approve Article 6.10.3.b Parcel Density Variance. The motion carried Unanimously.

Martin moved Chairman Reed seconded the motion to approve Article 6.10.3.c Minimum Frontage. The motion carried unanimously.

Martin moved Follansbee seconded the motion to approve Article 6.10.3.d Building Setbacks. The motion carried motion carried 3-0; Horne opposed.

Martin moved Horne seconded the motion to approve Article 6.10.3.e Driveway and parking setbacks. The motion carried unanimously.

MINUTES OF FEBRUARY 28, 2024 FOR APPROVAL AND SIGNATURE -- Martin moved Horne seconded the motion to approve and sign the minutes. The motion carried 4-0.

REORGANIZATION (Chairman/Vice Chairman & Secretary)

Martin moved Hojaboom seconded the motion to approve Brian Reed to sit as Chairman. The motion carried.

Chairman Reed moved Hojaboom seconded the motion to approve Kevin Martin to sit as Vice Chairman. The motion carried

Chairman Reed moved Martin seconded the motion to approve Phyllis McDonough to sit as Zoning Board Secretary. The motion carried

ADJOURNMENT – Martin moved Hojaboom seconded the motion to adjourn at 7:05 pm. The motion carried unanimously.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary

Minutes were taken from home, while tuned into ETV

Brian Reed

Kevin Martin

Casandra Hojaboom

John Horne

Jason Follansbee