

**TOWN OF EPPING, NEW HAMPSHIRE  
ZONING BOARD OF ADJUSTMENT MEETING  
Epping Town Hall  
MINUTES June 21, 2023**

**PRESENT:** Brian Reed, Kevin Martin, John Horne; John Scully; Alternate Max Miller; Planner Casey Wolfe;

Secretary Phyllis McDonough took minutes via ETV.

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

Chairman Reed moved Martin seconded the motion to appoint Miller to sit in for Hojaboom. The motion carried unanimously.

**REQUEST FOR REHEARING BROUGHT BY 46 MARTIN RD. LLC** - Chairman Reed opened the meeting, regarding the variance application from the Epping Zoning Ordinance Section 3.8-A(7)(d) to permit temporary on-site septic system for the first phase, approximately 140 units, of the 315-unit multi-family, workforce housing community ("Application") known as the Residences at Epping Station ("Project").

Martin addressed the reasons brought by the applicant:

**1. The Board unlawfully and unreasonably excluded workforce housing law:**

Martin expressed his opinion on the reason because this is workforce housing, does not mean the applicant can "walk all over our zoning ordinances." Martin stated the board does take into considerations certain perspectives on that and does not feel it was unreasonable.

Miller stated workforce housing is not a "silver bullet to the zoning laws."

Chairman Reed stated the Board has approved workforce housing on a different project and does not feel this board has overlooked workforce housing.

**2. The Board Unlawfully and Unreasonably Deprived Applicant of a Public Hearing on April 19, 2023:**

Martin stated he felt the applicant was trying to receive the variance without any information on the fact that other variances were approved, and does not see that as unreasonable to ask and is the reason for continuation of the hearing.

Scully stated he does not understand why this reason is of depriving the applicant of a public hearing is even listed.

**3. The Board Exhibited an Unlawful and Unreasonable Lack of Diligence:**

Martin stated this goes back to number 2, the fact that the applicant came for the variance to be approved based on the fact that other variances were approved.

#### **4. The Board Unlawfully and Unreasonably Found the Variance Would not be in the Public Interest:**

Martin noted he does not feel any of the statements made were unreasonable having to do with the potential danger that could cause in the aquifer protection district.

Martin explained he is standing at his decision made at the previous hearing, and does not see a reason to have a rehearing.

Chairman Reed acknowledged three emails opposed for this project. The emails are part of the file.

Martin moved Miller seconded the motion to deny the request for rehearing. The motion carried unanimously, to deny the request.

**REQUEST FOR EXTENSION OF VARIANCES 46 MARTIN ROAD LLC** – Chairman Reed opened the meeting regarding the requests on the following variances:

1. Variance for density granted March 30, 2022;
2. Variance for on-site water granted March 30, 2022;
3. Variance for height (53 feet) granted April 19, 2022;
4. Variance for lot coverage granted April 19, 2022;
5. Variance for density granted May 25, 2022;
6. Variance for habitable stories (three) granted by builder's remedy by the Housing Appeals Board December 5, 2022; and
7. Special exception to allow multifamily residential in the Aquifer Protection District granted April, 19, 2022.

Martin asked if it would be possible to table the request for the extension for another month. He stated there is another member who is not at the meeting for input. Wolfe explained it isn't appropriate to table for the reason of a member not being present.

Wolfe explained the length of a variance to be acted upon is two years. The applicant is requesting a two-year extension, which would give them time to act upon it to the year 2024.

A discussion ensued for the density variance.

Martin explained he believes it's too early to grant the extension.

Miller explained with the landscaping in zones in southeast New Hampshire seems to be changing, he doesn't feel giving them four years of legal freedom, personally does not think it's a good idea.

Scully agreed with the statements made by Martin and Miller.

Miller moved Horne seconded the motion to **deny** the request for the extension on:

1. Variance for density granted March 30, 2022. The motion carried unanimously to **deny** the request on the density.

Miller stated he would be open to vote on the remaining requests as a group. The Board agreed.

Miller moved Martin seconded the motion to **deny** requests for the Variance extensions for the following:

2. Variance for on-site water granted March 30, 2022;
3. Variance for height (53 feet) granted April 19, 2022;
4. Variance for lot coverage granted April 19, 2022;
5. Variance for density granted May 25, 2022;
6. Variance for habitable stories (three) granted by builder's remedy by the Housing Appeals Board December 5, 2022; and
7. Special exception to allow multifamily residential in the Aquifer Protection District granted April, 19, 2022.

The motion carried unanimously to **deny** the requests two (2) through seven (7).

Martin explained his reason for the denial he feels they're requesting too much time. Miller noted he understood what Martin was trying to express. He stated it seems too much of the grandfathered period on the variances they already have. He stated he just believes four years from now is too far to look, especially with the rate of development going on in town.

**MINUTES OF MAY 17, 2023 FOR APPROVAL & SIGNATURE** – Chairman Reed moved Martin seconded the motion to approve and sign the minutes of May 17, 2023. The motion carried 4-0-1. Miller abstained.

**ADJOURNMENT** – Martin moved Miller seconded the motion to adjourn at 6:25 pm. The motion carried unanimously.

**APPROVAL NOTIFICATION: June 21, 2023** - Minutes of May 17, 2023 were approved & signed.

Respectfully submitted,

Phyllis McDonough,  
Zoning Board of Adjustment Secretary

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Brian Reed

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Kevin Martin

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John Horne

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John Scully

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Max Miller