

TOWN OF EPPING, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT MEETING
Epping Town Hall
MINUTES April 19, 2023

PRESENT: Brian Reed, Kevin Martin, Cassandra Hojaboom, John Horne; Alternates Max Miller and Don MacLaren; Planner Casey Wolfe; Secretary Phyllis McDonough.

CALL TO ORDER: Chairman Reed called the meeting to order at 6:00pm, and appointed Miller to sit as a voting member, and MacLaren to sit as a voting member. Martin moved Horne seconded the motion to sit in as a voting member. The motion carried.

46 MARTIN ROAD, LLC – Variance under Article 3 Section 3.8.A.7.d of the Zoning Ordinance to permit the installation and use of a septic system for a multi-family development. The parcel is located on 46 Martin Road in the Industrial Commercial Zone. Tax Map 036, Lot 023.

Hojaboom recused herself.

MacLaren moved Chairman Reed seconded the motion to continue the hearing to May 17 for discussion. The motion carried unanimously.

MacLaren gave an opening presentation about his desire to see more information provided by the Applicant to suggest that they have taken preliminary steps to inform themselves on the feasibility of accomplishing on-site septic as part of this development, and what affects said septic system would have on the underlying aquifer and the surrounding communities. He and other Board members did not feel that they had been provided enough in their packets or within the standing public record to have the knowledgebase necessary to take action on the variance request at this meeting.

Martin questioned if the applicants should the board hear what they're proposing first. MacLaren explained he felt it's best to have one meeting with all the information. Martin responded to MacLaren questioned if he was looking for an environmental impact.

Wolfe stated it is customary to allow the applicant to give a brief presentation, and recommends this.

MacLaren asked the applicant if there's more information that hasn't been provided in the packets that the board received for this hearing. Attorney Manzelli responded yes, that their information cross references what's been given previously, regarding environmental characteristics of the well and the aquifer that the board has previously received.

Attorney Manzelli stated the is a Use Variance multifamily workforce project is required to have a town connection sewer, which is not available and that is the hardship that they are looking for relief from that requirement. She stated if the board were to approve this request, they are in no way permits the applicant to go forward to construct a septic, it only allows for the next step to move forward with their own septic and not the town's septic.

Turner with Bohler Engineering and Attorney Amy Manzelli continued with a brief review of the project. Turner stated they have an agreement with the town to provide water and sewer, it's a written document that they've entered with the water & sewer commission, which was approved before the new treatment

plant was installed and came on line. They have since come to understand that the new treatment plant is experiencing some significant challenges in its operation and the commitment cannot be honored for somewhere up to three years. In consideration an alternative method needs to be looked at. The request is to allow a septic system be installed.

Dave McClain hydrogeologist explained on the septic system he understands will be temporary system, approximately 22,000 gallons per day a ground and at that date what will be required by DES is called a water discharge permit which is a very involved study; it takes a lot of time and effort to design to negotiate a permit. McLain informed the board this extensive study would not be ready in the time for the continuance given for the next hearing.

MacLaren responded the board is just not sure what to ask the applicant so will have to pull some more information at get back to the applicant.

Martin asked how many units this will be for. Turner responded approximately 130 to 140 units. Martin stated that would most likely be 3X's the largest septic system the town has.

Attorney Manzelli wanted to make sure the boards position is clear, the request that the Board is making exceeds the board's jurisdiction to require the applicant for a Use Variance to provide an environmental impact assessment study, to provide mitigation, to design this septic system. To determine if the variance criteria are satisfied to have onsite septic versus town septic.

MacLaren disagree and referred to the first criteria of a variance – is the variance contrary to the public interest – it's a 22,000 gallon a day septic on an aquifer. With that he is not asking for a full-blown study, only asking for more information.

Chairman Reed asked MacLaren if he feels the board should get back to the applicant on what exactly the members are looking for to have them back on the agenda in May.

MacLaren responded he feels the board has the right to ask for more information.

Chairman Reed stated he's not comfortable with the board making a decision when they don't have the full knowledge as it's not fair to the applicant nor the Town.

Wolfe reiterated she does not agree with their approach and if the members have questions, they should feel free to ask the applicant.

Chairman Reed informed the applicant if there are any questions the members have, they will be given to the applicant in a timely fashion through the planner.

MICHAEL FECTEAU – Chairman Reed read notice of a Variance under Article 6.10 Section 6.1.c.i.3 of the Zoning Ordinance to permit a duplex on a lot with an area of 19,219 S.F. whereas 30,000 S.F. is required in the Central Business District. The parcel is located on 48 Church Street in the Central Business District. Tax Map 029, Lot 196.

Chairman Reed welcomed Hojaboom back to her voting seat.

Michael Fecteau came before the Board with the request for a variance. He explained he purchased his late aunt's home and purchased a piece of land that is at the corner of Church Street extension and Main

Street, which is a half-acre lot. Fecteau explained his plan is to pick the house up on a new foundation at the end of the street, add a three-car attached garage and a second unit 1,080 square feet above the garage.

**The Board and Fecteau addressed the criteria and applicant's comments for the Variances.
The responses for the five criteria are attached with the file.**

Chairman Reed opened the public hearing.

Mark Vallone spoke on the request. He explained his mother lived in that house sold concerned about the house being torn down and moving closer to Main Street won't be a major change. Vallone noted Fecteau does nice work, and is in favor of the request.

Susan McGeough stated she remembers the whole field would freeze as there is a very high-water table on that site and is happy the house won't be torn down. She stated this will be an asset to the neighborhood as everything around there is multi-family.

Chairman Reed closed the public hearing.

Hojaboom asked what is the plan for the new empty lot. Fecteau stated when water and sewer is available, he will look at how to market it.

The Board addressed the five criteria before taking a vote:

1. The Board had no comment
2. Chairman Reed stated it is commercial but appropriate; there are existing houses. The Board agreed.
3. Hojaboom noted homework was on the home itself, also no issues from abutters. The Board agreed.
4. Chairman Reed noted that most of the property on the road is Fecteau's.
5. The Board had no comment

Martin moved Hojaboom seconded the motion to approve the Variance under Article 6.10 Section 6.1.c.i.3 of the Zoning Ordinance to permit a duplex on a lot with an area of 19,219 square feet, whereas 30,000 square feet is required in the Central Business District. The motion unanimously.

IBEW 104 OSHE – Chairman Reed read notice of a Variance under Article 3 Section- Schedule 1 of the Zoning Ordinance, to permit utility poles and towers for electrical line worker training of up to 50' in height where 35' buildings (40' with architectural details) is permitted. The parcel is located on Fresh River Road in the Industrial Commercial Zone. Tax Map 029, Lot 283-005.

Rob Graham and Attorney Baum Came before the board, and Ryan Demeritt from IBEW came before the Board for a variance for the height of utility poles. Graham explained the applicant has been before the Planning Board and received approval for construction of the building and to include a training area to train linemen for electrical work on utility poles.

Graham explained the variance is for the height of the poles that are 50 feet in height, making them taller than the maximum height allowed; there are five poles approved for that 100,000 square foot building that will be phased and expanded over time. Located these poles on the interior of the site to keep away from the public, this is to teach how to put poles in the ground.

Relief for the five poles which exceeds the height.

Attorney Baum addressed the criteria and applicant's comments for the Variances. The responses for the five criteria are attached with the file.

Ryan Demeritt the structures that are now in Barrington will be disassembled and brought to the Epping site.

Chairman Reed opened the public hearing. As there were no questions or comments the Chairman closed the public hearing.

Hojaboom inquired how far this site is from the water tower. Graham stated approximately 2,000 feet and will have no affect

The Board addressed the five criteria before taking a vote:

As the Board had no comments, the Chairman called for a motion.

Martin moved Hojaboom seconded the motion to approve the Variance under Article 3 Section- Schedule 1 of the Zoning Ordinance, to permit utility poles and towers for electrical line worker training of up to 50' in height where 35' buildings (40' with architectural details) is permitted. The motion carried unanimously.

BRADLEY TREE & LANDSCAPE – Chairman Reed read notice of a Variance under Article 3 Section- Schedule II of the Zoning Ordinance, property to be used for processing of firewood. The parcel is located on Shirking Road in the Industrial Commercial Zone, Tax Map 036, Lot 005-002.

Paige Libby from Jones & Beach came before the Board for a variance request. She explained this site is in the Industrial Commercial Zone a three-acre lot. She explained this is a tree company the owner would like to open a fire wood processing facility on this site.

Libby explained there will be asphalt are that will be for the owner's equipment. There will be a three-sided fabric structure for parking area small structure on a foundation.

Libby explained the reason a variance is needed is because this use is outdoors, although it is an allowed use.

Libby addressed the criteria and applicant's comments for the Variances. The responses for the five criteria are attached with the file.

Martin questioned if this business is not permitted. Wolfe explained when looking at the ordinance she looks at the list of allowed uses. Wolfe stated the first thing listed is manufacturing, when reviewing the meaning in our ordinance of manufacturing being done in a closed building.

Hojaboom noted there should be a time limit on the operation as it is outdoors, such as hours of operation.

Chairman Reed opened the public hearing.

Mary Hosel stated her only concern would be the noise and asked what is the time frame and do they operation year-round.

Chairman Reed closed the public hearing

The Board addressed the five criteria before taking a vote:

Hojaboom responded to the first criteria. She stated as long as it has specific hours of operation she's fine with the business.

As there were no further comments, the Chairman called for a motion.

Hojaboom moved Horne seconded the motion to approve with conditions set by the planning board, and establish hours of operation. The motion carried unanimously.

LAURA CHOPELAS – Chairman Reed read notice of a For an ADU -Variance under Article 3 Section- Schedule II (Permitted Uses) of the Zoning Ordinance, and a Variance under Section 6.13 (Accessory Dwelling Unit) of the Zoning Ordinance. The parcel is located on 117 Exeter Road in the Industrial Commercial Zone, Tax Map 030, Lot 068.

Paige Libby and Laura Chopelas came before the Board. Libby explained this is an existing non-conforming use, a single-family home in the Industrial Commercial Zone. The property is on well and septic construct detached ADU property is over six acres. Looking for a permitted use variance, and for the ADU to be detached.

Libby addressed the criteria and applicant's comments for the Variances. The responses for the five criteria are attached with the file.

Chairman Reed opened the public hearing. As there were no questions or comments the Chairman closed the public hearing.

The Chairman stated the members will discuss the legal non-conforming use and if the board grants that request, the second variance would be for the detached dwelling.

The Board addressed the five criteria for the non-conforming use before taking a vote:

As the Board had no comments, the Chairman called for a motion.

Hojaboom moved Miller seconded the motion to approve the Variance under Article 3 Section- Schedule II (Permitted Uses). The motion carried unanimously.

The Board addressed the five criteria for the ADU before taking a vote:

As the Board had no comments, the Chairman called for a motion.

Hojaboom moved Miller seconded the motion to approve the Variance under Section 6.13 (Accessory Dwelling Unit). The motion carried unanimously.

PROMPTO, INC. – Chairman Reed read notice of a Variance under Article 2 Section 1.2 (Lot Coverage); Variance under Article 2 Section 1.2 (Side Setback); Article 2 Section 1.2 (Front Setback);

Article 2 Section 1.2 (Rear Setback) of the Zoning Ordinance. The parcel is located on 121 Calef Highway in the Industrial Commercial Zone. Tax Map 029, Lot 278.

Barry Gier from Jones & Beach, from Prompto Kevin King and Michael Harrison came before the Board currently there is real estate office on the property.

Gier explained the intent is to construct a 16,500 square foot building for oil changes and parking. The existing lot has a buildable area within the setbacks approximately 137 sq. ft which is not enough. The four variances are from the same Article 2 section 1.2, the first is to exceed the maximum coverage, the second variance is to allow the building with the side setback, the third variance is to allow the building with the front setback and the fourth variance is to allow the building with the rear setback

Gier explained they are proposing a three-bay oil change because of the size of the property. The applicant stated they would do as much landscaping as possible, but with the size of the site they are very limited.

Gier addressed the criteria and applicant's comments for the Variances. The responses for the five criteria are attached with the file.

Martin reminded the application at the last meeting they stated they would do landscaping and not have it all asphalt.

Martin asked if this plan has been before the Planning Board. Gier stated it has not. The application needed dimensional relief before going before the planning board.

Chairman Reed opened the public hearing.

Abutter Deanne West 48 Jannell Court stated there is a white fence that is owned by the real estate agent, is between her property and this property, stated her concerns have to do with buffering for her privacy. She asked the applicant what will be done for her privacy. Gier stated they are not trying to change the property lines. Gier stated they will put up a fence between her property and this property.

King explained they don't work any later than 5:00pm and no work done on Sunday. He noted this will all be discussed at the planning board meeting.

Chairman Reed closed the public hearing.

The Board addressed the five criteria for the Lot Coverage, side setback, front setback and rear setback before taking a vote:

Martin noted the first variance is for 72 ½% coverage of the lot, King stated it is currently at 52%, lot coverage is an issue, grandfathered in a 52%

Hojaboom moved Miller seconded the motion to approve the lot coverage with conditions established by the Planning Board. The motion carried 4-1-0, Martin against the approval.

Hojaboom moved Miller seconded the motion to approve with conditions the 25' side setback and to meet with the Planning Board on the conditions. The motion carried unanimously.

Hojaboom moved Miller seconded the motion to approve with conditions closer to the road as long as the applicant is meeting with Planning Board on the conditions 100-foot front setback. The motion carried unanimously.

Hojaboom moved Horne seconded the motion to approve with conditions 50-foot rear setback. The motion carried unanimously.

MINUTES OF APRIL 5, 2023 FOR APPROVAL & SIGNATURE – Hojaboom moved Martin seconded the motion to approve and sign the minutes. The motion carried.

ADJOURNMENT – Martin moved Hojaboom seconded the motion to adjourn at 8:15 pm. The motion carried unanimously.

APPROVAL NOTIFICATION: April 19, 2023 - Minutes of April 5, 2023 were approved & signed.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary

Brian Reed

Kevin Martin

John Horne

Cassandra Hojaboom