

**TOWN OF EPSOM  
PLANNING BOARD  
SEPTEMBER 8, 2010**

**In Attendance:** Philip Demeritt, Chairman; Deirdre Davis, Vice Chairperson; John Dodge; John Keane; Keith Cota, Selectman's Representative; Jay Hickey

**Not in Attendance:** Sharon Burnston; Norm Gentry, Alternate

**Other Attendees:** Sandy Boulanger; Bill Boulanger; Ken Rudolph; Attorney John Cronin; Joe Wichert; Dan Mullin; Dave Fiorentino; Ken Smith; Lee Adams; Andrew Walton; Joan Hazlett; Stephen Creed; Carol Creed; Marc Warren; Cameron Hebert; Rick Belanger

**6:30 PM Administrative Session**

**a. Minutes**

The minutes of August 25, 2010 were reviewed and amended.

**John Keane motioned to accept the minutes of August 25, 2010 as amended, Jay seconded the motion. The motion passed.**

**b. Mail**

Notice for a guidebook from Central New Hampshire Regional Planning Commission to address requirements for meeting the Workforce Housing Challenge.

**Betsy motioned to purchase the guidebook, Dee seconded the motion. The motion passed.**

Bill – Verizon for Cell Phone

**John Keane motioned to pay the cell phone bill, Dee seconded the motion. The motion passed.**

Ken Rudolph has submitted a request to vend food items at Care Pharmacy. Phil noted he had to go before the ZBA and once approved by them would have to return to them.

**c. Committee Reports**

No Committee Reports. John will pick up the applications on Friday and schedule interviews for the end of the month.

Phil noted the informationals would be switched with the Propane Filling Station being heard before the Autosmith Informational.

**7:00 PM – Public Hearing – Lot Line Adjustment – Cameron X. Hebert (96 Towle Pasture Road) & Jeffrey C & Rachel D. Eames (14 Deer Lane) – Tax Map U 10, Lot 10A and Tax Map U 10, Lot 10-7**

**Jay motioned to open the public hearing with John D. seconding the motion. The motion passed.**

Dan Mullin, Bartlett Associates, presented the plans as representative for Cameron Hebert. Land is being added to Map U10, Lot 10-7 to conform to have enough land to continue the duplex on the property. Jay noted Mr. and Mrs. Eames had gone to the ZBA and were denied a variance for a duplex on the property due to not meeting the acreage requirement.

Stephen Creed noted it was a single family neighborhood with single family homes. They are not in favor of the change of this property to a duplex. Jay noted the ZBA denied the variance. If it meets the guidelines the Planning Board would have to approve the application. He noted the prior owners had approval for an in-law apartment with the person living in the apartment needing to be a relative. If this is approved the lot size would be acceptable for a 2-family home. Phil noted if the remaining lots did not meet the criteria for a 2-family they would not be allowed.

Mr. Creed noted the notice indicated they could come and give testimony, asking if it would be considered. Phil noted it would be, but if everything is in accordance with regulations the Board would have to approve the application.

Mr. Creed asked the criteria used to make a decision. Phil noted the Board used the zoning and subdivision regulations. Mr. Creed asked his recourse if it was approved, Jay thought they could appeal to the ZBA.

Mr. Creed presented a letter from Mr. and Mrs. Scott Fowler. Phil noted it was not signed, but read the letter for the record. They are not in favor of the conversion of the property to a 2-family home. Mr. Creed also gave a letter he had written for the record.

Joan Hazlett questioned the road frontage of the lot; Dan explained the frontage of the Eames lot.

Phil questioned the steep slopes with Dan pointing out the areas of steep slopes.

Discussion occurred that the lots were developed for single family homes and this area was the third phase of the development. Phil noted, after checking the tax maps, that most lots in the neighborhood were 2 acres +/- with 3 lots being approximately 8 or more acres, one has duplexes on it. Phil noted most of the other lots would not be large enough to have a duplex without a variance.

Mrs. Hazlett noted all the lots have been sold. Discussion occurred that someone could purchase a vacant lot to merge with an existing home to create a lot large enough to have a duplex.

The road and frontage of the Eames property was reviewed.

Dee noted the issue of the land sale met the Town regulations and the duplex was a different issue. She noted they could remove the duplex, subdivide the property if both lots met the regulations and construct a second house on the new lot.

Mr. Creed asked if either the Heberts or Eames were present. Mr. Hebert noted he was. Mr. Creed asked if Mr. Hebert had asked the Eames the intent of the purchase of the land, Mr. Hebert had not asked Mrs. Eames the intent of the purchase.

Mrs. Hazlett asked if Mrs. Eames was a licensed realtor, Mr. Hebert indicated she was.

**Jay motioned to close the public hearing, John D. seconded the motion. The motion passed.**

John D. noted the lots met the criteria for a lot line adjustment. Jay reviewed the zoning regulations and noted all regulations were being met. We would have to have a good reason to deny. He noted the circumstances of the previous owner and felt the situation would be stable now. Dee was concerned if they would subdivide the property in the future, noting the lot line adjustment is our concern today. John K. agreed with Dee, they are here for a property line adjustment. Phil agreed with Dee as to no further subdivision of the property.

**Jay motioned to approve the boundary line adjustment with the condition it is noted on the plan there is no further subdivision of the Eames lot, Dee seconded the motion. The motion passed.**

Phil noted they had to pay all fees and get a Mylar to the office.

**7:44 PM: Informational – Propane Filling Station – New Age Development, LLC (Sandy & William Boulanger) – Tax Map U5, Lot 84 – 1782 Dover Road**

Mr. Boulanger discussed the current use of the existing propane tank, for heat of the building. They plan to use it for a café in the future also. The only addition would be for a filling station that would require a 4 X 8 building. Phil asked if they had talked to the Fire Department, Mr. Boulanger has met with the Captain. Concrete barriers will be used as requested by the Fire Department. Mr. Boulanger gave Phil a revised site plan; he noted filling vehicles and other uses for the propane (filling tanks for gas grills, etc.)

John K. asked about lighting, Mr. Boulanger noted the lighting for the area. Mr. Boulanger noted there is room for approximately 20 to 21 additional parking spaces in the rear.

Jay noted the Planning Board would have to decide if they would like another public hearing. He suggested just an updated site plan with a letter from the Fire Department. Consensus no public hearing would be required. Jay noted the site is expanding as the building uses are expanded.

Phil noted at this time the Board is satisfied with the current plan. The Board consensus is a letter from the Fire Department saying the uses are approved. Further expansion of uses of the site may be required in the future.

**Jay motioned to approve the site plan for the propane filling station with the condition of a letter of approval from the Fire Department and barriers put in place, John K. seconded the motion. The motion passed.**

The Board took a short break.

**Informational – Request for Additional Autos – Kenneth Smith & Lee Adams – Tax Map U3, Lot 23 – 96 Old Turnpike Road**

Phil noted Mr. Smith was here to increase the number of cars. Attorney Cronin noted they wanted to increase the number to 76 in the front and keep 10 in back by the house. He noted they would like to have the cars not for sale not included in the count, or the motor home. Attorney Cronin noted there were 6 abutters present with none being against the proposal.

Joe Wichert reviewed the plan with the spaces being laid out with spots 7 X 20. Ken and his employees would be moving the vehicles. The aisle would be 24 feet wide. The spaces for customer parking would remain 9 X 20. The layout would include 40 spaces in the front, 32 in the back and the remaining as parallel parking.

Dee asked if there was any guardrail or stripping, Joe noted there was none. Attorney Cronin noted he did an informal count of other lots in Town ( M & M Ford, Tim's Truck Center, Route 4 Motors) and gave the count of the various lots. The locations of the lots were discussed. Jay noted it would be nice to have the relationship between the areas being used for parking cars vs. other areas of the lot.

Phil noted Mr. Smith did pay his fine and all taxes are current.

Discussion occurred that the front lot was engineered for water to run to a swale at the rear of the parking and not towards Route 4.

Marc Warren, an abutter, has followed this since the beginning and thinks it's important the Town note all abutters present are in favor of this. When the property was converted to commercial we were given to understand there would be limited mechanical. One concern is the amount of mechanical work being conducted on the site. The amount of waste material, tires, etc. is another concern. Three weekends ago, there were 16 cars, four not on the asphalt, in the back, he assumed they were headed downstairs. As the business grows there will be more and more commercial impact on the property. He concern is the impact on his property. He would like to have this blocked off in some way so he does not have to see or hear it. He does not want to get into a daily, weekly report, but the consequences of the road are the impacts on the back. His request is the Town make every consideration of the neighbors in the area and getting this blocked off. If the property is not sufficient for what Mr. Smith wants to do then perhaps he needs to go somewhere else.

Jay has done some inspections and the vehicle issue on the upper lot is enforceable with a solid number. Without this it would be a nightmare. Since Ken was fined Jay has checked and they have been over the number 10. Enforcement needs to be addressed so it is workable. Regarding the automobile repairs, there were two bays with people repairing vehicles. Jay reviewed the ZBA decision when the business was approved in May 6, 1999. No approval was given for repairs. The Planning Board approval was for light repair, changing a light bulb, etc. Jay had several minutes and approvals attached with the applications. The repairs being completed is an issue that needs to be addressed before the Planning Board moves forward with the site plan update. The Board may not look at this without Mr. Smith going before the ZBA.

Attorney Cronin disagreed with the interpretation. He noted the repairs could be completed for the vehicles for sale. Phil quoted from minutes that no repairs would be done.

Rick Belanger stated it was his opinion Ken should be allowed to have 10 more vehicles down front and three more in the back. He had brought it up at the meeting and would like to reiterate it should be a finite amount of vehicles, whatever that should be. Regarding the repairs, he remembered Ken saying he would be doing light repairs and brake jobs, but sending out heavy repairs. Rick thinks it should be allowed to have certain servicing, within certain hours. He thinks there should be a system and if there is a violation then Ken should lose the rights to a vehicle, one for each violation.

Dave Fiorentino noted inspection of vehicles includes mechanical work. He is just fixing his own cars to sell them; it is within the spirit of the first approval. If I drive in and Ken has the limit and Jay comes to count cars then he is over the limit. It has to be loose.

Mr. Warren noted the questions regarding the mechanical work were discussed at length. Mr. Warren does not want to see or hear it.

Ms. Adams noted the two people they have are mainly detail people. She does not hear them in the house with her television on.

Joe noted the original application asked for 75 cars below and 20 on top. Joe does not know how the Board came up with 60, Phil noted how they did, based on opening doors, etc. Joe noted if Ken is running his business and he says he can use 7-feet per car then that should be allowed.

Dee's understanding was all the cars were to be on the asphalt, if you had a barrier around it how many cars could you park. Joe reiterated how the spots were drawn up and noted even if there was a barrier he could put the same number. Dee noted one of the main concerns was wetlands. Joe felt there was only one spot of wetlands. Joe asked for a feeling from the Board as to the number of cars. Phil did not have an issue with the number of cars as long as Ken played by the rules, not using the State's right of way, keeping the cars on the asphalt, etc. Ken has been very liberal with what has been written with the ZBA and Planning Board approvals.

Joe noted what they hoped for is the Board being comfortable with increasing the number of cars. Phil felt if they could get everything straightened out he did not have a problem with increasing the number of cars.

Ms. Adams asked why they needed to have a public meeting when the previous owners did not. Phil noted because there are abutters here for and against and there were none present in the past or now for the other presentation.

John K. asked Mr. Smith how he felt about a compromise in the number of vehicles. Ken noted he is workable, but this is where he would like to be. John K. is pro-business, but wants to make sure the abutters are satisfied. Dee is concerned with keeping the cars on the asphalt; it is not the number of cars, but following the rules. Jay does not have a problem with the number; he thinks it should be phased, incremental increases, 6 cars with no issues occurring, then 5 more cars.

Rick noted a barrier was discussed with Mr. Smith not wanting one as the cars could not be seen.

Joe asked for clarification if they had to return to the ZBA for clarification. Phil noted the ZBA approval was for the selling of cars.

Jay requested Attorney Cronin address in a letter the repairs issue and Jay would take it to Attorney Soltani.

Phil noted a public hearing would be scheduled for October 13. Jay suggested a site visit. This was scheduled for September 19<sup>th</sup> at 9:00 AM.

**Old/New Business**

Dee would like to have the administrative session closed to the public. It was discussed the Board could schedule a non-public meeting or recess. A non-public meeting would have to be posted.

**John D. motioned to adjourn, John K. seconded the motion. The motion passed.**

Phil adjourned the meeting at 9:14 PM.

Respectfully submitted,

Betsy Bosiak  
Recording Secretary