

Town of Epsom
Zoning Board of Adjustment
4/15/09

In attendance: Glenn Horner, Chairman; George Carlson, Vice Chairman; Rick Belanger; Alan Quimby; Mark Riedel; Pam Hoyt-Denison (Alternate); John Dodge; Darlene Phelps, Recording Secretary;

Not In attendance: Keith Cota, Selectman's Representative

Also in attendance: Linda McGraw; Roger McGraw; David Bradley; Suzanne Kolas; David Kolas; Deborah Barton; Jan Jaworski; Leon Jaworski; Joe Wichert; Peter Arvanitis; Gordon Snyder

7:00 PM Glenn opened the meeting, and introduced the members of the board. John Dodge is sitting in on this meeting tonight as the new liaison to the Planning Board. The minutes of 3/18/09 were reviewed. George made a motion to approve the minutes as amended. Alan seconded the motion. All in favor.

Case 2009-03 (Jaworski) Leon J. Jaworski has applied for a variance to Article III, Section G. [Residential Single and Multi-Family Residence Requirements], Subsection 1.b [Building Lots] to permit the construction of a single-family residence on a lot containing 1 acre (2 acres required). The property is located on New Rye Road within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map R-2 as Lot 56.

Glenn stated that all abutters have been notified of tonight's Public Hearing by certified mail, and all return receipts have been received with the exception of Evelyn Wead and Gary Little. The hearing was properly posted in two public places & was published in the Concord Monitor.

Atty. Gordon Snyder approached the board with an Affidavit and Release of Leon J Jaworski Trustee of the Joseph Jaworski 2001 Revocable Trust. The applicant will have the plan recorded at the MCRD and then will provide the signed Affidavit with the plan number recorded to Jay Hickey, before Jay will issue the building permit.

Ricky made a motion to close the public hearing. Alan seconded the motion. All in favor.

George made a motion to grant the variance with the following conditions:

- 1. An affidavit pertaining to the future establishment of property interest in the abutting lot, previously thought to be owned by the applicant and currently listed on Town Tax Map R-2 as Lot 56-1, shall be agreed to and signed by the applicant. The intent being to either merge Lot 56-1 with the applicant's Lot 56 at some future time or to restrict Lot 56-1 as a non-building lot for any and all future owners. A copy of this affidavit shall be included in Tax Map R-2, Lot 56 and Tax Map R-2, Lot 56-1 Town Property records.**
- 2. A copy of the affidavit as described above, along with the "Record of Decision" for Case 2009-3, shall be recorded at the Merrimack County**

Registry of Deeds in Concord, NH with reference to the property's deed. A copy of the recorded documents shall be provided with application for Zoning Compliance (Building) Permit for the single family residence.

Mark seconded the motion. All in favor.

7:25 PM

Case 2009-04 (Kolias) David Kolias has applied for a variance to Article III, Section G. [Residential Single and Multi-Family Residence Requirements], Subsection 1.b [Building Lots] to permit the construction of a single-family residence on a lot with 145 feet of public road frontage (200 feet required). The property is located on Range Road within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map R-10 as Lot 8.

Glenn stated that all abutters have been notified of tonight's Public Hearing by certified mail, and all return receipts have been received. The hearing was properly posted in two public places & was published in the Concord Monitor.

Rick is an abutter and so will recuse himself from this public hearing. Pam will be sitting in for Rick.

David Kolias stated that there is only 145' frontage on the Class V portion of the road, but has 189 acres.

David stated that he spoke to Gordon Ellis and Gordon has indicated that he would rather see the driveway built about 200' – 300' farther up the road, off of the Class VI portion of the road, in order to better handle the water runoff. A letter to this effect was sent to the BOS on March 18. Suzanne Kolias stated that she called the Town Office to discuss the letter & was told by the lady who answered the phone that it is up to the Zoning Board. The ZBA feels that there was a misunderstanding of that information. There was a brief discussion about whether or not a driveway can be built off of a Class VI road.

Roger McGraw stated that there is already a drainage issue on that road and there isn't even a driveway there yet.

Glenn asked about a dotted line shown on his tax map. Deborah Barton, an abutter and David stated it is an old logging road, which is in very poor condition.

Jay Hickey stated that the Selectmen are the only ones who can make the decision to allow a driveway to be built on a Class VI road. Rick, Alan, Mark & Peter Arvanitis stated that a driveway cannot be built on a Class VI road.

Glenn asked if there are any members of the public in favor of the application. Deborah Barton, Roger McGraw and Rick Belanger, all abutters, are all in favor of allowing a single family home to be built on this property. Peter Arvanitis asked if there will only be one single family home – Glenn replied that the application before us is for one single family home, and will be recorded as such at MCRD.

Glenn asked if there are any abutters opposed and there are none.

The driveway if built off of the Class V road will be about 1000' long. Alan suggested that the Fire Department should be consulted about the driveway being that long, and a letter stating their support of that be received before issuing the variance.

Alan made a motion to close the public hearing. Pam seconded the motion. All in favor.

The checklist was reviewed.

Question 1 – All members answered yes.
Question 2 – All members answered yes.
Question 3 – All members answered yes.
Question 4 – All members answered yes.
Question 5 – All members answered yes.
Question 6 – All members answered yes.

There was a brief discussion about whether the applicant should be required to consult with Fire Department.

Alan made a motion to approve the variance with the following condition:

1. **A copy of the “Record of Decision” for Case 2009-4 shall be recorded at the Merrimack County Registry of Deeds in Concord, NH with reference to the property’s deed. A copy of the recorded document shall be provided with application for Zoning Compliance (Building) Permit for the single family residence.**

Mark seconded the motion. All in favor.

Rick rejoined the board.

8:05 PM

Case 2009-01 (Kings Towne) – James Bianco Jr., representing Kings Towne Mobile Home Park (MHP) L.P., has applied for reconsideration of a prior court settlement pertaining to the development of the MHP which was reached, in part, with Zoning Board of Adjustment approval. Changes to the MHP being sought are as follows:

- **Conversion of seven former residential lots along the Suncook River to non-residential space.**
- **Conversion of non-residential green space on the southwest corner of the MHP to thirteen new residential lots.**
- **Relocation of the existing club house to create one additional residential lot on the club house site.**

The net effect of these changes will be to increase the total number of residential sites in the MHP by seven. Kings Towne MHP is located on the Suncook Valley Highway (Rte 28) and is identified on Epsom Tax Map U16 as Lot 17.

Tony Soltani has provided his opinion by letter to Glenn that he fully supports the ZBA decision to reduce the number of lots. Kings Towne is standing by their desire to have the full number of lots they requested. Kings Towne has requested that we continue this to our next meeting.

Rick made a motion to continue this hearing to May 20, 2009. Mark seconded the motion. All in favor.

8:10 PM Old / New Business

George’s term is up on May 31, 2009, and Glenn wanted to ensure that George would like to remain on the board. George would like to remain on the board.

John Dodge is our new Planning Board liaison, so discussion ensued about John becoming a full time member. There is a maximum of 5 full members allowed on this

board. Mark Riedel expressed his desire to step back to an Alternate position, to allow John to be a full member. Glenn will notify Barbara Clark of the changes taking place on the board.

8:20 PM Alan made a motion to adjourn. Rick seconded the motion. All in favor.