

Town of Epsom
Zoning Board of Adjustment
5/20/09

In attendance: Glenn Horner, Chairman; George Carlson, Vice Chairman; Rick Belanger; Alan Quimby; Mark Riedel (Alternate); John Dodge; Darlene Phelps, Recording Secretary; Keith Cota, Selectman's Representative

Not In attendance: Pam Hoyt-Denison (Alternate)

Also in attendance: Jay Hickey; Eric Reeves; Tara Brassaw; Kevin Reeves

7:03 PM Glenn called the meeting to order, introduced the members of the board & explained the procedure for the meeting. Glenn stated that Mark Riedel will be sitting in for both hearings tonight, as they are both continuances and Mark was here for the previous hearings.

Case 2009-02 (Reeves) CONTINUED Eric J. Reeves has applied for a variance to Article III, Section G [Residential Single and Multifamily Residence Requirements], Subsection 3 [Multi-Family Residences with Three or More Units] to permit the conversion of a detached garage into an additional residence on the property. The property is located on Black Hall Road within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map U-13 as Lot 44.

Since the last hearing, one additional Certified Return Receipt has been received from Mark Berube; This leaves the only abutter who has not received his notice is Robert Allen Russell. Glenn gave a brief history of the application.

Eric stated that many years ago there was a residence there and it was an approved residence. In 1998 he replaced the residence with a smaller building. Eric stated there was an occupancy permit at one time for a 14 x 70 mobile home and that is why there is a state approved 2 bedroom septic system on the property. Rick asked if a one year time period had passed when it wasn't used as a residence. Eric stated yes – a year probably had passed, and Rick stated he would have lost his grandfathered rights. Jay said the occupancy permit that was issued on that property by Al Bickford (the previous Zoning Compliance Officer) was issued illegally, and that is what brought this property before the ZBA several years ago. Eric said he would like to keep the garage as is – and have the ability to let someone stay there on a temporary basis. Eric said at some point he might want to live down there permanently, and wonders if he'd be able to do so simply by subdividing. Glenn said he will have to comply with zoning at that time.

Alan made a motion to close the public hearing. Mark 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.

Mark made a motion to approve the application with the following conditions:

1. The intended use of the residence is as a guest quarters. Occupancy by guests shall be intermittent over time. The owner of the property is responsible to notify the

- Zoning Compliance officer of the arrival and departure of all guests. Occupancy by the same individual for 6 months or more, as determined by the Zoning Compliance Officer, shall be considered prima facie evidence of conversion to a permanent residence. Should permanent residency be established, the property shall be subdivided such that it is in full compliance with all Zoning Regulations in affect at the time the conversion to permanent residency takes place.
2. The property owner shall receive no payment or other compensation for use as a guest residence.
 3. The residence shall be restricted to a single bedroom.
 4. Occupants of the residence shall not include school age children.
 5. The subsurface disposal system (septic) design shall be approved through the New Hampshire Department of Environmental Services and verification of approval provided with application for Zoning Compliance (Occupancy) Permit.
 6. The "Record of Decision" for Case 2009-2 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 also be provided with application for Zoning Compliance (Occupancy) Permit for the single family residence.

George seconded the motion. All in favor.

7:35 PM Case 2009-01 (Kings Towne) CONTINUED – 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.

The applicant is not here, however Keith said their attorney has been in touch with our attorney and they would like to rebuild their clubhouse on the same lot it's currently on and also want one more lot than what this board agreed on. They are currently making improvements to the park and will very soon need to bring this to a final decision. Keith urged this board to continue this public hearing to allow them as many opportunities as possible to have dialog with this board. The board would like Glenn send them a letter informing them that a decision will be made at our next meeting.

There was a discussion about the conditions to be placed on the approval.

Mark made a motion to continue to Tuesday, June 16, 2009. Rick seconded the motion. All in favor.

Old / New Business

Mark recused himself.

Alan made a motion to appoint Glenn as Chairman for the year, and Rick as Vice Chairman, and Pam as back-up recording secretary. George seconded the motion. All in favor.

8:00 PM Alan made a motion to adjourn. Rick seconded the motion. All in favor.