

Town of Epsom

**Zoning Board of Adjustment
8/5/09**

In Attendance: Glenn Horner, Chairman; Rick Belanger, Vice Chairman; George Carlson; Mark Riedel (Alternate); John Dodge, Planning Board Liaison; Darlene Phelps, Recording Secretary

Not In Attendance: Pam Hoyt-Denison (Alternate); Keith Cota, Selectman's Representative; Alan Quimby

Also In Attendance: Peter Arvanitis; Joe Wichert; Brenda Roukey; Yong Zhon; Joe Herman; Cornelia Unger; Walter Unger; Bob Charest; Albert Yeaton Jr.; Chris Anderson; Vichelle Naugle; Jay Hickey

7:00

Glenn called the meeting to order and the minutes of 7/15/09 were reviewed. Rick Belanger made a motion to approve the minutes as amended. John Dodge seconded the motion. All in favor.

Glenn reviewed the procedure for the meeting and introduced the members of the board.

Case 2009-05 (Digitex International USA, Inc.) – Yong Zhou of Digitex International USA, Inc. has applied for a Special Exception in accordance with Article II, Section C. [Table of Uses] Part 31 [Research offices or establishments devoted to research and development activities] to permit the establishment of a small business engaged in the consulting and design of digital printing systems. The property is located on the Suncook Valley Highway (Rte. 28) in the Residential/Commercial Zoning District and is identified on Epsom Tax Map U-08 as Lot 102 (Unit D4).

Glenn noted that this Public Hearing was properly published & posted and all abutters were notified by certified mail and all green cards have been received back with the exception of Marden Farms II Condo Assoc (Gerald Duford, Treasurer), and Stephen & Ellen Destefano.

Joe Wichert spoke on behalf of Digitex, who wishes to occupy Unit # D4 at Marden Farms II, they assemble subsystems & components. This requires a Special Exception due to it being a manufacturing use. Although this is manufacturing, this is on a very small scale. They have 4 employees with the potential of 5 employees; and receive their packages by Fed-Ex and UPS, in small boxes. Joe feels this is a use that fits the area well as far as use of the unit, septic loading, parking, not much pedestrian traffic, etc. Business hours are 8-5, but could possibly be working 6 AM – 8 PM. Rick asked about the amount of ink they use. Mr. stated that it's minimal printing, because it's just testing, not actual printing. George asked if they will be soldering these pieces, they responded that they mostly do hot-press soldering, which the solder is already part of the item, it is just heated up. They do some ultra-sonic cleaning, which is water and a cleaner similar to dishwashing liquid, which removes skin oil from the items, and then would be discarded through the septic system. There is no noise generated.

Joe requested that we do not require Planning Board Non-Residential Site Plan Review. Glenn replied that under Article II (A) Zones: that states all businesses that obtain a Special Exception or Variance must obtain Site Plan Approval from the Planning Board. Jay stated that a request can be put before the Planning Board to waive the Site Plan Review.

Glenn asked if anyone from the public has any comments in favor or in opposition to this Special Exception. Jay suggested that if there are any air quality issues, they should be required to install an air purification system to remedy the problem.

Rick made a motion to close the public hearing. George 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.

Question 7: All members answered yes.

Question 8: All members answered yes.

Question 9: All members answered yes.

John made a motion to approve Special exception with the following 5 conditions:

1. Hazardous chemicals and materials shall be stored and disposed of using "Best Management Practices" and be in compliance with applicable State and Federal regulations.
2. Noise generating processes shall be performed in a fully enclosed building so as to limit noise from impacting on the adjacent residential area.
3. Hours of operation shall be from 6 a.m. to 8 p.m., Monday through Saturday.
4. The number of employees shall not exceed six (6).
5. If air quality is determined to be negatively affected such that it exceeds state or federal air quality limits established at the time of testing, an air handling system shall be installed to restore air quality to within those limits.

Rick seconded the motion. All in favor.

7:40 PM Case 2006-06 (Unger) - Walter M. Unger 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 conversion of a portion of an existing garage into a single-family residence on a lot containing .918 acres (2 acres required) with 50 feet of public road frontage (200 feet required). The property is located on Black Hall Road within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map U-4 as Lot 22.

Glenn noted that this Public Hearing was properly published & posted and all abutters were notified by certified mail and all green cards have been received back with the exception of Sherry Tasker & Bear Island Realty.

Mr. Unger stated he has a four stall garage 48' x 38' has electricity, sheetrock, water & insulation; basically everything but a bathroom. He would install a septic system. He wishes to convert it to a ranch-style home with a 2-car garage, and his son will occupy it. He intends to make it handicap accessible. The access is by a Right of Way, with no frontage on Black Hall Road. Mr. Unger stated that this would improve the property. There is an oil tank buried out back, (thought to be 1000 gallons) which Mr. Unger said would be removed – as it was emptied a couple years ago. John Dodge stated that the soil around the tank would need to be tested at the time the tank is removed.

Glenn asked if any members of the board have any further questions. Being none, Glenn asked if any members of the public are in support of the variance. Glenn asked if any abutters are in opposition. Albert Yeaton stated that when this garage was built, it was stated that there was not to be any residence built on the property. He also noted that this is way below the required minimum of 2 acres. Brenda Roukey said she spoke to Bill Jasak (who built the garage) and he stated that when he came before the Zoning Board in February 2000, he was denied having a residence on the property; that the garage was to be used for storage only.

Jay said that he looked through the minutes in the office from February 2000 and couldn't find anything.

Rick said he remembers that this lot was subdivided by Bob Cutter for a garage to be built, and that it was used for antique car storage. Rick said he did some research on this property and was unable to come up with any minutes or notes about the property. Peter Arvanitis said the building was built in 1987 or 1988. A discussion ensued about the prior owners of the property, and the properties around it. Peter stated that he believes this lot was created prior to zoning, and the only way to know for sure how it was created is to do a title search.

Glenn asked if aside from the technicality of whether it can be used as a residence, if any abutters have an issue with it being converted to a home. Brenda Roukey replied that she would like to go on record saying that she's not fully opposed to the application, however she likes to see consistency – and since Bill Jasak applied for the same thing, and was denied – she thinks perhaps the decision should stand. She stated that there are issues of traffic, pets, kids, etc.; however she understands that people would like the full use of their property. Mr. Unger stated that if he does not get his Variance, then he will be selling the property and it will be used somehow, and he said the use may be more undesirable than a single family residence.

Rick stated that this property currently has a use – and it's being used.

Jay stated that it would be very relevant to do more research on this before making a decision.

John made a motion to continue this to August 19. Rick seconded the motion. All in favor.

Glenn stated that this will be the only notice provided to the public.

8:30 PM Glenn stated that the BOS is in agreement with the ZBA final decision on the KingsTowne Mobile Home Park application.

8:35 PM Mark made a motion to adjourn. George seconded the motion. All in favor.