

Town of Epsom

**Zoning Board of Adjustment
6/16/09**

In attendance: Glenn Horner, Chairman; Rick Belanger, Vice Chairman; George Carlson; Alan Quimby; Mark Riedel (Alternate); Pam Hoyt-Denison (Alternate); John Dodge, Planning Board Liaison; Jay Hickey; Keith Cota, Selectman's Representative; Darlene Phelps, Recording Secretary

Also in attendance: Paul Zarnowski; Sted Holton; Keith Cota; Anne Zimmerman

7:00 PM Glenn called the meeting to order and introduced the members of the board, and explained that Mark Riedel will be sitting in during this meeting, since he has been present for all previous hearings. The minutes of 5/20/09 were reviewed. Alan made a motion to approve the minutes as written. George seconded the motion. Glenn noted one correction. All in favor.

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.

A meeting took place between the Glenn, Rick, Tony Soltani and the BOS and they agreed on the following conditions as a counter proposal:

1. The area along the Suncook River will remain undeveloped with no septic tanks, buildings or vehicles.
2. Create 7 lots on Queen Street to replace those lost along the Suncook River.
3. Add 3 additional lots along Queen Street
4. Reserve 1 additional lot on Queen Street for potential replacement of Lot 13 which remains on along the Suncook River.
5. Maintain the Club House on the current lot.
6. Maintain the berm on the south side (Griggs property) or replace with a similar buffer.
7. Extend Queen Street to King Street to provide another access down back.

Anne Zimmerman has countered our offer, which is to add a portion of Lot #4 as a 5th lot. She also stated that when Lot 13 becomes vacant, that lot will become green space. Also there would not be a 12th CO until lot 13 becomes vacant.

Rick asked about extra vehicles, campers, boats, etc. that were previously parked up near Route 28, and where would they be parked. Rick said right now these items are parked in empty lots (potential green area). Sted Holton said all of those vehicles will be moved. They had to give all residents a place to put these items temporarily, but they will be moved off site. Rick stated they will always need a place to put these things – and where will they go? Glenn asked if they will need a place to store any equipment, and Sted stated no – they have no need for storage there – as all equipment is stored at Holiday Acres in Allentown. Rick asked if they HAD to park a boat or camper, where it would go – Sted replied there is room in the parking lot by the clubhouse for an occasional boat or camper.

Rick asked about setbacks. Sted & Anne both replied that the setback requirement is 20'. Rick stated that Lot #13 is currently for sale, but Anne said the asking price is \$30K. Anne replied that if the price went down to a reasonable amount the park would purchase it.

Alan asked if there is any agreement with the Fire Dept. on Lot #13. Anne replied that they cannot force the resident on Lot #13 to leave – and his lot didn't flood. (However Alan did state that rescuers had to go through flood waters to get to that lot.) Alan expressed his concern about Town liability if there is another flood. There was a brief discussion about the liability to the town. A discussion ensued about assessing a "fee" to be applied to Lot #13 to help cover costs if a rescue is necessary. Anne replied that she feels it is unfair to single that property out – this is someone's home.

Keith stated that if there is another flood that requires a rescue to that home on Lot #13 – our rescue personnel will do everything possible to complete the rescue, and he hopes that homeowner recognizes the risk that he is placing on himself as well as the rescue personnel. He also wanted to be sure that if the owner of Lot #13 wanted to replace his home with a new one, it would not be placed on that lot. Anne replied that he does not have rights to that particular lot, so they could restrict the placement of a replacement home. Sted stated that the owner of Lot #13 has purchased a new home & is not living on that Lot #13 anymore – it's just the empty home. Keith also asked if those homeowners in the flood zone are required to carry flood insurance. Sted replied that most did not qualify for flood insurance due to the age of the home.

Keith said that he presented this counter offer at the BOS meeting last night & the BOS is supportive of their counter offer. This will still need Planning Board approval, and he suggested that the setbacks are noted clearly in the conditions placed on our decision.

Rick and Alan asked about further development – and want to be sure there will not be more development. Rick is very disappointed that the BOS supports the additional lot request. Anne stated that the decision will be recorded stating that there is to be no further development. Keith really stressed that although some members may feel strongly about the 12th lot, everyone needs to realize that without this agreement, they have the right to replace those homes on the existing lots. And in the interest of public safety, the BOS urges the ZBA to agree to this counter offer.

George asked if there is any requirement for them to keep the clubhouse. Jay replied that they must have a clubhouse.

George made a motion to approve the following agreement.

1. **Create 7 Lots on Queens Lane to replace those lost along the Suncook River.**
2. **The area along the Suncook River will remain undeveloped green space for passive recreation and contain no septic tanks, buildings, vehicles or any other general storage materials.**
3. **Add 4 additional lots along Queens Lane.**
4. **Reserve 1 additional lot on the south end of Kings Town Road for potential replacement of Lot 13 which remains adjacent to the Suncook River.**
5. **The existing mobile home unit on Lot 13 must remain as is and not be replaced. In addition, Lot 13 shall become part of the undeveloped green space should residency be discontinued on the lot.**
6. **New lots created are to be as shown on the "12 Lot Concept Plan" submitted by the applicant to the Zoning Board at the 6/16/09 meeting. In addition, the final plan for these lots shall receive Planning Board approval and be recorded at the Merrimack County Registry of Deeds.**
7. **Maintain the Club House on the current lot.**
8. **Extend Queens Lane to King Street to provide another access to the back (easterly) end of the property.**

Alan seconded the motion.

Discussion: George asked what will happen if we do not approve the 4 additional lots. Glenn replied that it would be up to the applicant to decide how to proceed. However if we do approve this, then they move forward to the Planning Board. Alan & George voted in favor. Rick, Mark & Glenn voted no. Motion failed.

George made a motion to approve the following agreement.

1. **Create 7 Lots on Queens Lane to replace those lost along the Suncook River.**
2. **The area along the Suncook River will remain undeveloped green space for passive recreation and contain no septic tanks, buildings, vehicles or any other general storage materials.**
3. **Add 3 additional lots along Queens Lane.**
4. **Reserve 1 additional lot on Queens Lane for potential replacement of Lot 13 which remains adjacent to the Suncook River.**
5. **The existing mobile home unit on Lot 13 must remain as is and not be replaced. In addition, Lot 13 shall revert to undeveloped green space should residency be discontinued on the lot.**
6. **New lots created are to be as shown on the original "Concept Plan" submitted to the Zoning Board previously numbered 6 through 15 with Lot 5 as the "replacement" lot. In addition, the final plan for these lots shall receive Planning Board approval and be recorded at the Merrimack County Registry of Deeds.**
7. **Maintain the Club House on the current lot.**
8. **Extend Queens Lane to King Street to provide another access to the back (easterly) end of the property.**

Rick seconded the motion. All in favor.

Mark made a motion to continue this discussion to Wednesday, July 15 at 7:00 PM.
Alan seconded the motion. All in favor.

8:45 PM Old/New Business

Glenn stated he received a call from an abutter who was not notified of the Jaworski case, because the wrong mailing address was used on his certified letter. The abutter was not aware of the hearing until after the 30 day appeal period had passed. There was a discussion about who should be checking the addresses – as the burden is on the applicant.

8:50 PM Alan made a motion to adjourn. George seconded the motion. All in favor.