

ZBA
Town of Epsom
Zoning Board of Adjustment
10/16/2019

In Attendance: Glenn Horner, Chairman; George Carlson, Vice Chairman; Alan Quimby, Member; Mike Hoisington, Planning Board Rep; Gary Kitson, Alternate; Mike Bussiere, Alternate; Leann Fuller, Recording Secretary

Not In Attendance: Andrew Ramsdell, Member

Also in Attendance: Keith and Debra Burgess, John Lane, Cheryl Gilpatrick and Virginia Drew

7:00 PM Glenn called the meeting to order and introduced the members of the board.

The minutes of 10/02/19 were reviewed.

Alan Quimby made a motion to approve the 10/02/19 meeting minutes as amended. George Carlson seconded the motion. Motion passed unanimously.

Glenn reviewed the case and meeting procedures.

Case 2019-08 (Dube – SE) [Continuance] - Ian and Melilotus Dube have applied for a special exception, as required by Article III, Section G, Paragraph 1.e.viii, to create an accessory dwelling unit in an existing single-family residence. The property is located on New Orchard Road within the Residential/ Agricultural Zoning District and is identified on Epsom Tax Map R-11, Lot 15.

Glenn advised that this public hearing was posted at the Town Office & the Post Office and all abutters were notified of the continuance at the previous meeting.

On Monday, Glenn received an e-mail from Donna at the Town Office stating that Ian and Melilotus Dube have withdrawn their application for a Special Exception.

Gary Kitson made a motion to accept the withdrawal of Case 2019-08, seconded by Mike Hoisington. Motion passed unanimously.

Glenn Horner did state that he spoke with Ben Frost regarding the bill that was presented with Case 2019-08 and it did to go to Committee and some of the items in the bill that were relevant to DES were extracted and some minor modifications were done. However, the bill itself never went anywhere.

Case 2019-11 (Burgess – Var.) [Continuance] - Keith and Debra Burgess have applied for a variance to Article III, Section B [Pre-Existing, Non-Conforming Uses], Paragraph 4 [Change and Expansion of Use] and Paragraph 7 [Pre-Existing Non-Conforming Seasonal Dwellings], to permit the use of a lake front seasonal dwelling as a year round residence on a non-conforming lot containing .21 acres with no public road frontage. The property is located on Sleepy Hollow Lane (private) within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map U-01 as Lot 95.

Glenn advised that this public hearing was posted at the Town Office & the Post Office and all abutters were notified of the continuance at the previous meeting.

Glenn Horner summed up what the board requested from the Burgess' at the last meeting. Those items included the septic plan that was installed in 1985 as well as a report that it was inspected 5 years ago when they purchased the property. The board also requested something from DES stating that the system is suitable for year round residence.

Keith and Debra Burgess visited DES on Monday and spoke with a septic reviewer. They reviewed the plan and submitted a written letter signed by a DES employee that there is no mention of this septic system being for seasonal use only. The septic plan was approved in 1983. The Burgess' also delivered the official stamped version of the septic plan, the approval for construction and operation along with the inspection report completed when the home was purchased. The Burgess' did request a letter written on letterhead but was told they do not do that.

George Carlson stated that he did not see any problem with the system, it is a chamber system which is easy to replace if necessary. Alan Quimby stated that the applicant did everything that the board asked of him.

Glenn Horner mentioned that the board is already aware of the road situation and that there is a road association. This property is located right at the fork in the road which is one of the better locations. Glenn is requesting from the application that they sign a waiver of liability that the selectman will sign as well to recognize that if there is any issue with emergency services getting to the property due to the road, the Town is not liable. Glenn will e-mail that Waiver of Liability over to the Burgess'.

Glenn opened the public hearing for public comment at 7:23pm.

John Lane, 15 Sleepy Hollow, is in favor of the application.

Mike Hoisington motioned to close the public hearing at 7:25pm, seconded by Alan Quimby. Motion passed unanimously.

The Variance Checklist was reviewed:

Question 1: All answered yes.

Question 2: All answered yes.

Question 3: All answered yes.

Question 4: All answered yes.

Question 5: All answered yes.

Question 6: All answered yes (F.1) no (F.2).

Gary Kitson made a motion to approve Case 2019-11 (Burgess – Var.) [Continuance] - Keith and Debra Burgess have applied for a variance to Article III, Section B [Pre-Existing, Non-Conforming Uses], Paragraph 4 [Change and Expansion of Use] and Paragraph 7 [Pre-Existing Non-Conforming Seasonal Dwellings], to permit the use of a lake front seasonal dwelling as a year round residence on a non-conforming lot containing .21 acres with no public road frontage. The property is located on Sleepy Hollow Lane (private) within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map U-01 as Lot 95, seconded by Mike Hoisington. Motion passed unanimously.

The Variance was approved with the following conditions:

1. The single family residence shall be limited to 2 bedrooms.
2. A waiver of liability for expanded use of the property on a private road shall be completed with the Town. The final version of this waiver shall then be recorded at the Merrimack County Registry of Deeds. Verification of the recorded waiver shall be provided to the Zoning Compliance Officer prior to issuance of a year round occupancy permit.

***Alan Quimby made a motion to adjourn at 7:40pm, seconded by Mike Bussiere.
Motion passed unanimously.***

FINAL