

**EPSOM BOARD OF ADJUSTMENT**  
**PO BOX 10, EPSOM, NEW HAMPSHIRE 03234**  
**RECORD OF DECISION**

**Zoning Appeal Case:** 2022-01 (Mercuri – SE &Var.)  
**Applicant:** Benjamin Mercuri  
**Owner:** Sunrise View Leasing, LLC  
**Tax Map:** U-05   **Lot:** 83  
**Zoning District:** Residential/Light Commercial

Notice is hereby given that the appeal submitted by Benjamin Mercuri for a **Variance** to Article III.G.3 [Multi-Family Residences with three or more units], Paragraph c [Minimum lot size and overall density] and Paragraph d [Frontage] to permit the construction of two (2) town houses, each containing six (6) units, for a total of twelve (12) units [maximum of one unit allowed] on a 2.67 acre lot [6 acres minimum required] with 219 feet of road frontage [minimum 300 feet required] was **denied** by unanimous vote of the Zoning Board of Adjustment at the Public Hearing held on Wednesday, March 2, 2022. The property is located on Dover Road within the Residential/Light Commercial Zoning District and is identified on Epsom Tax Map U-05 as Lot 83.

The variance was denied for the following reasons:

1. The number of units proposed is an order of magnitude greater than that allowed on a property of this size. Even if it were cut in half, it would still be many times that currently allowed by statute. As such, it is inconsistent with the spirit of the ordinance and contrary to the public interest as currently expressed in the ordinances.
2. Approval of this significantly over sized project could set a precedent for similar projects on other undersized lots resulting in a substantial injustice to the town with regard to zoning ordinance compliance.
3. Observed special conditions of this lot, including the creation of traffic concerns over access and egress due to the adjacent traffic light, septic impact on the adjacent town water supply wells and incompatibility with other adjacent historic structures do not qualify as conditions which would satisfy the unnecessary hardship criteria.
4. As to the unnecessary hardship itself, multifamily housing is permitted by Special Exception on every conforming lot in this town. This should at least mitigate to some extent any hardship created in the process of finding an alternative location suitable for this type of project.

Note: A Special Exception was included in this appeal. However, having failed to meet the criteria necessary for Variance approval, the Special Exception portion of this case has become inexpedient to decide at this time.

Zoning Appeal Case 2022-01 (Mercuri – SE &Var.)  
RECORD OF DECISION (Cont.)



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Glenn A. Horner, Chairman  
Zoning Board of Adjustment  
Date: March 2, 2022

*Note: Any person affected has the right to appeal this decision and/or conditions of the approval. If you wish to appeal the decision, or any conditions contained herein, you must act within a thirty (30) day period beginning with the next working day after the Zoning Board of Adjustment meeting when the decision was made. The first step in the appeal process is to apply to the board of adjustment for a rehearing. The motion for a rehearing must set forth all the grounds on which you will base your appeal.*

cc: Sunrise View Leasing, LLC, 2 Sunset Lane, Deerfield, NH 03037  
Benjamin Mercuri, 30 Temple Street, Suite 504, Nashua, NH 03060  
Epsom Board of Selectmen  
Epsom Planning Board Chair  
Epsom Zoning Compliance Officer  
Epsom Town Clerk  
File Case 2022-01 (Mercuri – SE &Var.)