

# EPSOM BOARD OF ADJUSTMENT

1598 Dover Road, Epsom

## RECORD OF DECISION

**Zoning Appeal:** Case 2023-06 (Topik – AA)

**Applicant & Owner:** Robert Topik

**Tax Map:** R01    **Lot:** 30-26

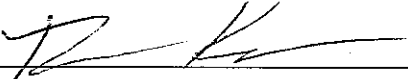
**Zoning District:** Residential/ Agricultural Zone

Notice is hereby given that the administrative appeal submitted by Robert Topik et al. seeking to overturn the Planning Board's May 10, 2023 decision that a proposed Federal Firearms Licensed gun and sporting goods business was permitted as a home occupation in the Residential/Agricultural Zone was **denied** by a vote of 4-1 by the Zoning Board of Adjustment at the Public Hearing held on Wednesday, August 30, 2023. The property is located on Lena Lane within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map R01 as Lot 30-26.

**Vote:** Motion to deny Mr. Topik's appeal and affirm the Planning Board's decision that the proposed use is a home occupation. Motion made by: Jason Johnson Seconded: Andrew Ramsdell. All in favor – 4. All opposed – 1. Abstentions – 0.

### Findings of fact:

1. The business falls within the scope of what a home occupation is trying to achieve within the spirit of the ordinance.
2. It won't negatively impact the neighborhood in terms of traffic.
3. There is a limit of one customer per week to the property.
4. The majority of the business will take place on the Internet and is reasonable.
5. Based on the testimony of the ZCO, the conditions of the Planning Board are enforceable.
6. There will be limited inventory stored on the premises.
7. There will be limited sales out of the premise.
8. There will be limited manufacturing on the premises.
9. The business is considered a service.
10. Article K allows residents home occupations where the purpose of the ordinance to maintain non-commercial character is upheld.
11. It is a secondary use to the property as a residence.



Ryan Kehoe, Vice Chairman  
Zoning Board of Adjustment  
Date: August 30, 2023

Zoning Appeal Case 2023-06 (Topik – AA)  
RECORD OF DECISION (Cont.)

*Note: Any person affected has the right to appeal this decision and/or conditions of the approval. 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. You must apply within a thirty (30) day period beginning with the next working day after the Zoning Board of Adjustment meeting when the decision was made.*

cc: Robert Topik, 46 Lena Lane, Epsom, NH 03234  
Epsom Board of Selectmen  
Epsom Planning Board Chair  
Epsom Zoning Compliance Officer  
Epsom Town Clerk  
File Case 2023-08-1 (Var. & SE)