

**EPSOM BOARD OF ADJUSTMENT**  
**1598 Dover Road, Epsom, NH**  
**RECORD OF DECISION**

**Zoning Appeal:** Case 2023-14 (Clark – Var.)  
**Applicant & Owner:** Addison Clark  
**Tax Map:** U19   **Lot:** 52  
**Zoning District:** Residential/ Agricultural Zone

Notice is hereby given that the appeal submitted by Addison Clark for a Variance (pursuant to NH RSA 674:33 V based on physical disability) to Article III, Section B [Pre-Existing, Non-Conforming Uses], Paragraph B.4 [Change and Expansion of Use] and Paragraph 7 [Pre-Existing Non-Conforming Seasonal Dwellings] to permit the use of a seasonal dwelling as a year round residence was **approved** by unanimous vote of the Zoning Board of Adjustment at the Public Hearing held on Wednesday, November 1, 2023. The property is located on Chestnut Pond Road (private) within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map U-19 as Lot 52.

**Findings of Fact:**

1. At .17 acres, the lot is the smallest in the Chestnut pond development and is less than 10% of the current zoning ordinance minimum of 2 acres for a building lot.
2. The lot has 100' of private road frontage, 0' of public road frontage.
3. The lot is at the very end of the town road, within 30 ft. of the lot, providing more assurance of accessibility than other seasonal dwellings on the private roads.
4. The property has an approved and functioning septic system and well.
5. Approval is not contrary to the Public Interest and consistent with the spirit of the ordinance by virtue of the fact that it is located in close proximity of the town road providing assured access year round.
6. No evidence has been found that property values will be diminished due to a temporary establishment of year round residency on this lot.
7. Approval would provide substantial justice to the applicant who would be able to utilize his only home for year round residency without any noticeable impact to the town.
8. The applicant is a qualified disabled individual (veteran) and is therefore eligible for a disability variance.
9. The hardship criteria is waived due to this being a disability variance.

The variance was approved with the following condition:

1. Approval is for year round use by Addison Clark provided he has title to the property and remains the primary resident at the property. When Addison Clark no longer holds title or no longer resides at the property, Tax Map U-19 as Lot 52 shall revert to seasonal use only.

Zoning Appeal Case 2023-14 (Clark – Var.)  
RECORD OF DECISION (Cont.)



Glenn A. Horner, Chairman  
Zoning Board of Adjustment  
Date: November 2, 2023

*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: Addison Clark, 72 Raymond Road, Nottingham, NH 03290  
Epsom Board of Selectmen  
Epsom Planning Board Chair  
Epsom Zoning Compliance Officer  
Epsom Town Clerk  
File Case 2023-14 (Clark – Var.)