

Accepted by ZBA _____

Date: _____

Case #: _____

Amt Pd / Chk # N/A - Ndfcr - Town error.
Date: 8-3-2023
Rec'd By: (MP)

RECEIVED

EPSOM ZONING BOARD OF ADJUSTMENT
TOWN OF EPSOM, NEW HAMPSHIRE 03234

AUG 03 2023

**APPLICATION FOR APPEAL TO THE EPSOM ZONING BOARD OF ADJUSTMENT
(PLEASE PRINT OR TYPE ALL INFORMATION CLEARLY)**

SELECTMEN'S OFFICE

This appeal is for property recorded at the [Merrimack County Registry of Deeds](#) in Book(s) # 3445

Page(s) # 791 and is identified on [Epsom Tax Map](#) #: U08 Lot #: 80 Sub-lot #: 4

1. Name of present property owner: Christopher Gagne
(and principal officer if business): _____

2. Name of applicant (N/A if the same as owner; if different; both applicant and property owner must be present at public hearing or a signed statement from the owner must be provided authorizing the applicant's appeal):

3. Telephone #: 603-566-2662 Email christopher_gagne@yahoo.com

4. On separate sheet list all abutters to this property. An abutter is any person whose property is located in N.H. and is within 200 feet of your property's boundary lines. The applicant is also considered an abutter and should be included (see [ZBA Fee Schedule](#)). [How to Find Abutters](#).

5. **PLAN:** Explain exactly what you plan to build and/or do. Use additional sheets for sketches (include project location on lot with dimensions including all lot dimensions where applicable)

Build a 32x40 attached 3 car garage with an 850 sq ft ADU above. The garage is located within the 50' wetlands setback and therefore I am requesting a variance along with the special exception required for the ADU.

Reference Case 2023-08

6. **USE:** What is the proposed use for your **PLAN**, or how is the existing use of your property affected:
The ADU will be occupied by my aging mother and will not change the existing use of my property.

7. This application is for a (check all that apply):

ADMIN. APPEAL (Complete Sect. 1)

SPECIAL EXCEPTION (Complete Sect. 2)

VARIANCE (Complete Sect. 3)

EQUITABLE WAIVER (Complete Sect. 4)

SPECIAL USE PERMIT (JUNK YARD) (Complete Sect. 5)

SECTION 1 – APPEAL FROM AN ADMINISTRATIVE DECISION

(Relating to the interpretation and enforcement of the provisions of the [zoning ordinance](#).)

Decision of the enforcement officer related to zoning ordinance article(s) _____ section(s) _____ and Applicant's opposing interpretation of this ordinance (incl. applicable correspondence, use additional sheets as necessary):

SECTION 2 – SPECIAL EXCEPTION APPEAL

A Special Exception is requested per article(s) VI section(s) E 5 of the [zoning ordinance](#) to permit the proposed use detailed in paragraphs 5 (PLAN) and 6 (USE) of this application. Complete Section 2 questions related to the Zoning Board's Special Exception checklist on page 3.

SECTION 3 – VARIANCE APPEAL

A Variance is requested to deviate from article(s) II section(s) A 2 of the [zoning ordinance](#) to permit the proposed use detailed in paragraphs 5 (PLAN) and 6 (USE) of this application. Complete Section 3 questions related to the Zoning Board's Variance checklist on page 4.

SECTION 4 – EQUITABLE WAIVER APPEAL

An Equitable Waiver of Dimensional Requirements is requested to deviate from article(s) _____ section(s) _____ of the [zoning ordinance](#) to permit the proposed use detailed in 5 (PLAN) and 6 (USE) of this application. Complete Section 4 questions related to the requirements of an Equitable Waiver on page 5.

SECTION 5 – SPECIAL USE PERMIT APPEAL

A Special Use Permit, as specified in article III, section D.5 of the [zoning ordinance](#) is requested to permit the proposed junk yard detailed in paragraphs 5 (PLAN) and 6 (USE) of this application. Complete Section 5 questions related to the requirements for a junk yard on page 6.

Information on page 7 is provided to assist you with understanding the zoning process and completing this application. It is not necessary to submit application pages which do not apply to your case. Sign and date below following completion of the application.

This application is not acceptable unless it is complete, accurate and all information necessary to fully understand and advertise your request has been submitted. Use additional sheets as necessary

The undersigned alleges that the information provided on this application is true and accurate to the best of their knowledge.

APPLICANT: _____ DATE: 3 Aug 23

Section 2 Special Exception Questions:

1. A complete plan for the proposed project has been submitted showing location of all buildings, parking areas, access, open space, landscaping and any other pertinent information. Detail should be commensurate with size and complexity.

Yes _____, No _____ If No, explain why _____

2. How is the requested use essential or desirable to the public convenience or general welfare?

The requested ADU has no impact on the public convenience or general welfare.

3. Why will the requested use not impair the integrity or character of the immediate or adjoining areas?

The requested ADU is above the 3 car garage and will not impair the integrity or character of the adjoining area.

4. How do you ensure that this specific site is an appropriate location for the proposed use and will not be detrimental to the health, morals or general welfare of the immediate or adjoining areas?

The 3 car garage is attached to my house and the ADU is above the garage.

5. Why will the property values in the area not be adversely affected by the requested use?

The attached garage and ADU should have no adverse impact on the property values in the area

6. How will you ensure that no undue traffic, nuisance or unreasonable hazard will result because of the requested use?

The ADU will add one additional car to my property that will not cause undue traffic.

7. How do you ensure that adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use?

The garage and ADU are attached to my primary residence and I will provide adequate facilities

8. What evidence do you have, and can provide as evidence, that the proposed use has an adequate water supply and sewerage system and meets all applicable requirements of the State?

Our well has adequate water and the septic design will be completed per the ordinance to account for the additional bedroom in the event that the system ever fails.

Note: The Board will address all of these questions and must be satisfied with both written and verbal responses heard at the Public Hearing prior to approving all Special Exceptions.

Section 3 Variance Questions:

1. Granting the variance would not be contrary to the public interest because: The 3 car garage and ADU are well within the property set backs of my lot and we are not building in the defined wetlands.

2. If the variance were granted, the spirit of the ordinance would be observed because: The drainage area along the side of the property that was defined as wetlands is at least 20' from where the garage is built and the wetlands are not being disturbed.

3. Granting the variance would do substantial justice because: The garage is already built within the 50' setback based on a previously issued permit.

4. If the variance were granted, the values of the surrounding properties would not be diminished because: The garage being located within the 50' setback should have no impact on the value of the surrounding properties

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

The drainage ditch identified as wetlands is still preserved even with the garage located within the setback.

-and-

ii. The proposed use is a reasonable one because:

The garage is no built within the wetlands and did not disturb the wetlands.

b. Explain how, if the criteria in subparagraph 5(a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

The garage is already built within the 50' wetlands setback based on previously issued permit which clearly defined the location.

Note: The Board will address all of these questions and must be satisfied with both written and verbal responses heard at the Public Hearing prior to approving all variances.

Section 4 Equitable Waiver Questions:

1. Does the request involve a dimensional requirement, not a use restrictions? yes no

Note: Question 1 must be checked "yes" and the Board must be satisfied with both written and verbal responses heard at the Public Hearing prior to approving all equitable waivers from dimensional requirement appeals.

2. Explain how the violation has existed for 10 years or more with no enforcement action, including no written notice, being commenced by the town: _____

- or -

Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser.

- and -

How the violation was not an outcome of ignorance of the law or bad faith but resulted from a good faith error in measurement or calculation: _____

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area: _____

4. Explain how the cost of correction far outweighs any public benefit to be gained: _____



200 feet Abutters List Report

Epsom, NH
August 03, 2023

Subject Property:

Parcel Number: 000U08-000080-000004
CAMA Number: 000U08-000080-000004
Property Address: 158 GOBORO ROAD

Mailing Address: GAGNE, CHRISTOPHER E ADAMS-
GAGNE, KERI
158 GOBORO ROAD
EPSOM, NH 03234

Abutters:

Parcel Number: 000U08-000008-000001
CAMA Number: 000U08-000008-000001
Property Address: 185&7 GOBORO ROAD

Mailing Address: BOWEN, MICHAEL BOWEN, RENEE E.
185/187 GOBOBO ROAD
EPSOM, NH 03234

Parcel Number: 000U08-000008-0001-2
CAMA Number: 000U08-000008-0001-2
Property Address: 159 GOBORO ROAD

Mailing Address: AVERY, HARVEY H. AVERY, BARBARA
J.
159 GOBORO ROAD
EPSOM, NH 03234

Parcel Number: 000U08-000008-0001-3
CAMA Number: 000U08-000008-0001-3
Property Address: 149 GOBORO ROAD

Mailing Address: APGAR, MATTHEW D APGAR, MONICA
A
149 GOBORO ROAD
EPSOM, NH 03234

Parcel Number: 000U08-000080-000001
CAMA Number: 000U08-000080-000001
Property Address: 1015 HIGHLAND DRIVE

Mailing Address: RIIS, BRIAN E, TRUSTEE RIIS, SANDRA
J, TRUSTEE
1015 HIGHLAND DRIVE
EPSOM, NH 03234

Parcel Number: 000U08-000080-000002
CAMA Number: 000U08-000080-000002
Property Address: 148 GOBORO ROAD

Mailing Address: DECONTO, STEVEN DECONTO,
REBECCA
148 GOBORO ROAD
EPSOM, NH 03234

Parcel Number: 000U08-000080-000003
CAMA Number: 000U08-000080-000003
Property Address: 150 GOBORO ROAD

Mailing Address: WEBB, JAMES WEBB, RENEE
150 GOBORO ROAD
EPSOM, NH 03234

Parcel Number: 000U08-000080-000005
CAMA Number: 000U08-000080-000005
Property Address: 162 GOBORO ROAD

Mailing Address: WHITCOMB, DAVID R PEPER, DONNA
M
162 GOBORO ROAD
EPSOM, NH 03234

Parcel Number: 000U08-000080-000006
CAMA Number: 000U08-000080-000006
Property Address: 184 GOBORO ROAD

Mailing Address: GRACELANDS, LLC
38 MOLLY LN
PITTSFIELD, NH 03263

Parcel Number: 000U08-000080-000008
CAMA Number: 000U08-000080-000008
Property Address: GOBORO ROAD

Mailing Address: GRACELANDS, LLC
38 MOLLY LN
PITTSFIELD, NH 03263



www.cai-tech.com

8/3/2023

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