



Ariana McQuarrie, Esq.
Licensed in NH and MA

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February 29, 2024

Glenn A. Horner, Chairman
Epsom Zoning Board of Adjustment
1598 Dover Road
Epsom, New Hampshire 03234

Re: **Case No. 2024-01 Request for Rehearing**

Dear Mr. Horner:

Our office represents Michael Novak, Trustee of NVK Land Trust and owner of Tax Map U19 Lot 46 by deed recorded at the Merrimack County Registry of Deeds at Book 3842, Page 2690.

Please see the attached letter and supporting documents in support of our request for a rehearing related to the February 1, 2024, denial of a variance associated with case number 2024-01. If you have any questions, please feel free to contact me. Thank you.

Very truly yours,

Ariana McQuarrie, Esq.

AJM/dc

Main Office
4 Park Street, Concord NH 03301
Other Locations
Keene, NH | Portsmouth, NH | Bedford, NH

Epsom Zoning Board of Adjustment Request for Rehearing

Received by _____

Date Received _____

Office Use Only

Case Information

A. Original Case Number: 2024-01

B. Date of Decision by the ZBA: 2/1/2024

The 30 day window period within which a motion for rehearing is submitted will be counted in calendar days beginning with the day following the date of the ZBA made its decision.

Requestor

In order to submit a Request for Rehearing, a person must have standing to challenge the ZBA's decision.

You are [check one]

The original applicant

The owner of the property

The Epsom Select Board

An abutter

A party directly affected the ZBA decision other than the abutter. If you check this box, please explain how you are directly affected by this decision:

Please provide:

Your name Michael Novak

Mailing address c/o NVK Land Investors 67 Dale Street Ludlow, MA 01056

Email address nvklandinvestors@gmail.com Phone # 413-364-7748

Rehearing Request

I am requesting that the ZBA reconsider: [check one]

Its approval of the appeal

Its denial of the appeal

The conditions, restrictions, or modifications imposed by the appeal decision

The Requester must set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable.

See attached Request for Rehearing prepared by Ariana McQuarrie, Esq.

Attach additional documentation if necessary.

Please Note: When a Request for Rehearing is received, the ZBA must meet within 30 days to consider the request and decide to grant or deny the request. This is a public meeting subject to the minimum posting requirements of the Right-to-Know Law and no formal notice is required to either the applicant or abutters and no public testimony will be taken. If the ZBA decides to grant the request, a new public hearing is scheduled with the corresponding posting requirements. The Requester will then be required to submit an updated abutters listing along with abutter and application fees. If the ZBA decides to deny the request they must inform the Requester that the rehearing was denied and the Requester then has 30 days to challenge that decision by appealing to the Superior Court or the Housing Appeals Board.



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February 29, 2024

Via In-hand delivery to Epsom Town Hall and email to assessing@epsomnh.org
Glenn A. Horner, Chairman
Epsom Zoning Board of Adjustment
1598 Dover Road
Epsom, New Hampshire 03234

Re: Rehearing Request - Case No. 2024-01, Tax Map U19 Lot 46

Dear Chairman Horner:

Our office represents Michael Novak, Trustee of NVK Land Trust and owner of real property by deed recorded at the Merrimack County Registry of Deeds at Book 3842, Page 2690. The deed references the parcel as Lot 17 on the Chestnut Pond Subdivision Plan, now identified on the Town of Epsom Tax Map as U19 Lot 46 (“the Property”).

I am writing to request, pursuant to RSA 677:2-3, that the Zoning Board of Adjustment rehear the application for a variance to Article III, Section G, subsection 1(b) of the Epsom Zoning Ordinance. Specifically, we are requesting a rehearing to allow the Board to consider additional evidence that was unavailable to the Board at the time of the January 31, 2024 hearing. Should the Board rehear this matter, we will present an appraisal report from James Scrivens, a certified Residential Appraiser licensed in the State of New Hampshire, and other information from abutters concerning matters related to considerations unique to the Property and how it is uniquely situated on Chestnut Pond Road that distinguish it from other properties in that area. Additional evidence referenced also derives from an extensive review of documents received from the town pertaining to similar requests from other properties situated on Chestnut Pond Road.

Much of the discussion at the Board’s January 31, 2024, meeting focused on a variance request relative to the Property twenty-four (24) years ago. The additional evidence for the Board’s consideration demonstrates that circumstances surrounding the Property have changed since the variance request at that time. Not only has a private maintenance agreement pertaining to maintenance of Chestnut Pond Road been established since then, but in 2019, the legislature adopted RSA 231:81-a related to the maintenance of private roads. RSA 231-81-a statutorily

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mandates that residents of a private road who enjoy a common benefit must contribute equitably to the cost of maintenance of said road. Moreover, according to a conversation on February 27, 2024, Captain Joel French of the Epsom Fire Department informed my client that he has no concerns with the safety or travelability of the private portion of Chestnut Pond Road. Once Captain French was informed that the Property was approximately 1,200 feet into the private portion of the road, he stated that this portion of the road is “the best part of the road” and he has no concerns with accessibility given where my client’s property is situated on Chestnut Pond Road. The additional evidence that we wish to present for the Board’s consideration is highly relevant to the Zoning Board of Adjustment’s consideration and ultimate determination pursuant to RSA 674:33, I (2) (a)-(e).

As an initial matter a building permit for the Property should be granted as a matter of right, without the need for any variance from the Epsom Zoning Ordinance pursuant to RSA 674:41, I (b)(2). The Property is shown on a subdivision plan entitled “Chestnut Pond Subdivision Plan, Epsom, NH” (hereinafter, “the Plan”) approved by the Epsom Planning Board on December 27, 1973, and filed the following day with the Merrimack County Registry of Deeds as Plan No. 3476. Such approval authority was granted to the Epsom Planning Board in the enactment of the Town of Epsom subdivision regulations effective April 21, 1973.

The Property is depicted on the Plan approved by the Epsom Planning Board in 1973 with frontage on a street, Chestnut Pond Road. As Chestnut Pond Road is neither a private easement or right-of-way, the Property is depicted on “a street on a subdivision plat approved by the planning board” pursuant to RSA 674:41, I (b)(2). Section III of RSA 674:41 specifies that RSA 674:41 “**supersedes** any **less stringent** local ordinance, code or regulation, and no existing lot or tract of land shall be exempted from the provisions of this section except in accordance with the procedures expressly set forth in this section.” (Emphasis added). The Property fits squarely within the definition of RSA 674:41, I (b)(2), and at the time of the subdivision, the Epsom Planning Board had authority to regulate subdivisions pursuant to RSA 674:35. The Epsom Zoning Ordinance does not contain any clearly defined more stringent local ordinance.

The Epsom Zoning Ordinance fails to define the term “Building Lot.” Article III, Section G, subsection 1(b) states in part that “Building lots shall contain a minimum of two (2) acres per dwelling unit with a minimum of two hundred (200) feet of frontage on a public road.” The word “Lot” is defined in the Epsom Zoning Ordinance as “A parcel of land occupied or capable of being occupied for conforming land uses as permitted by this Ordinance.” The term “building” modifies the definition of “lot” and necessitates an applicant to read additional language into the ordinance to arrive at a meaning that does not appear on the face of the ordinance itself. The undefined, overbroad, and arbitrary section of the ordinance pertaining to “building” lots cannot constitute a “more stringent” local ordinance. The Property is therefore buildable as a matter of right, without the need for any variance, because RSA 674:41 “supersedes any less stringent local ordinance” and the Property fits squarely within the parameters of RSA 674:41, I (b)(2).

A review of records received from the town in response to a request for information pursuant to RSA 91-A reveals that many homes on Chestnut Pond Road were granted building permits for single-family residences apparently without the need for a variance. Upon information and belief, twenty-five (25) of the thirty (30) total subdivided lots currently contain a livable structure. My client is one of only five owners of the remaining five vacant lots that have yet to exercise its right to build. However, should the Board’s interpretation of the undefined term

“building lot” requires that the Property requires a variance to Article III, Section G, subsection 1(b) of the Epsom Zoning Ordinance for the lot to become “buildable,” the consideration of the additional evidence will establish support for all considerations pursuant to RSA 674:33, I (2) (a)-(e) for the following reasons.

1) The variance will not be contrary to the public interest;

At the January 31, 2024 hearing, the Board expressed concern that town emergency vehicles may have issue with accessing the road and concluded for this reason, that granting the variance is not in the public’s interest. As noted by the Board at the hearing, a prior owner of the Property sought a variance in 2000 that was ultimately denied by the Board. A review of town documents revealed that in 2003, after the original denial of a variance to this Property, the then Fire Chief was contacted and expressed no concern about the difficulty of traveling Chestnut Pond Road. On February 27, 2024 Captain Joel French of the Epsom Fire and Rescue Department informed my client that he has no concerns with the safety or travelability of the private portion of Chestnut Pond Road. Once Captain French was informed that the Property was approximately 1,200 feet into the private portion of the road, he stated that this portion of the road is “the best part of the road” and reiterated that he has no concerns. Additionally, any concerns surrounding access for town emergency vehicles can easily be alleviated by the town’s option to implement permitting requirements such as a waiver of liability pursuant to RSA 674:41, I (d) (2)-(3).

At the time of the first variance request in 2000, the Board heard from several abutting property owners who expressed their unwillingness to support a variance at that time out of concern for growth in the neighborhood. Unlike the neighborhood sentiment twenty-four years ago, several abutters have expressed support for a variance of the Property. At the January 31, 2024 hearing, abutter Martha Chase stated that she “would love to have a house and family on this lot.” Since the hearing, several other abutters have expressed their support for a variance because it is in the best interest of the public. In the past year, the New Hampshire legislature has been in search of solutions to address the devastating housing shortage across the State. In a recent article published by the New Hampshire Municipal Association, one solution noted that “many communities are examining their land use regulations” as “overly restrictive zoning and other land use regulations adopted over the past 30 years have contributed to the housing shortage.” The article notes that “zoning can be a powerful tool to leverage land use to ensure housing is affordable and available for state’s workforce and others that contribute to vibrant, thriving communities.” Sarah Wrightsman, *Is Your Community Talking about Housing?*, <https://www.nhmunicipal.org/town-city-article/your-community-talking-about-housing>. The State’s initiative to address the housing crisis can be addressed at the local level, and it is certainly within the public’s interest to ensure that housing is affordable and available.

If the Board grants a rehearing for the consideration of additional evidence, it could consider an additional abutter and local realtor, Cameron Lilly. Mr. Lilly expressed his concern that many of the properties on Chestnut Pond Road have fallen into disrepair over the last seven years. Mr. Lilly opined that many of those property owners are discouraged from repairing their homes due to Board’s opposition to certain usage of those parcels in their highest and best use, leading to a gradual degradation of the overall appearance of the neighborhood. Granting the variance not only will contribute to the town’s tax revenue, but it will also substantially benefit the property values and aesthetics of the neighborhood. It would also assist the previously established road association because another member would be required to contribute equitably

to the ongoing maintenance of Chestnut Pond Road. Road Association dues are regularly collected by the president of the Chestnut Pond Road Association, Tim Sult.

2) The spirit of the ordinance is observed;

When the Epsom Planning Board approved the subdivision that created the Property in 1973, it is apparent that the Board considered that the homes shown on the subdivision plan were to be constructed for residential use. The deed covenants contained within the subdivision plan, as approved by the Epsom Planning Board, outline that “no dwelling shall be used for other than single family residence.” These covenants are also incorporated by reference in my client’s deed. Granting the variance would not contribute to scattered and premature development as twenty-five of the thirty subdivided lots already contain livable structures, some being full-time single-family residences. According to town records, Chestnut Pond Road has eleven other year-round single-family residences and fourteen livable camps. It is unclear from both a review of town records and the Epsom Zoning Ordinance how long individuals are permitted to “reside” in their “seasonal” camps. Many residents in “seasonal” camp properties have mailing addresses at their properties, suggesting permanent use. The “seasonal” properties on Chestnut Pond Road contain electric, heat, and hot water and are not distinguishable in size and/or appearance from the properties that are “year-round.” A review of the historical ordinances and comparison with the current Epsom Zoning Ordinance reveals that requirements with respect to frontage have not changed since 1973. Many if not all the properties were constructed after 1973. In fact, it would be contrary to the spirit of the ordinance for a variance not to be granted to allow the Property to be built upon and used for a single-family residence, like most of the other lots it is surrounded by.

3) Substantial justice is done;

An outright denial of a variance for the Property, without any reasonable attempt to consider certain conditions that could easily be implemented in the process of obtaining a building permit constitutes a taking of over 10 acres of property. The statutory language authorizes a zoning board of appeals to attach reasonable conditions to variances granted “so that the spirit of the ordinance shall be observed and substantial justice done.” *Healey v. Town of New Durham Zoning Bd. of Adjustment*, 140 N.H. 232, 665 A.2d 360, 1995 N.H. LEXIS 132 (N.H. 1995). The Board must consider the unique characteristics of the Property without prejudice and comparison to other town decisions. Given the deed covenants to the Property allow only for use as a single-family residence, substantial justice requires that a variance is granted so that the Property can be used. Without a variance, the Property has no other use. As explained below, the Property has unique characteristics and substantial justice would be done in granting a variance.

4) Values of surrounding properties are not diminished; and

If the Board decides to rehear this matter, it will be presented with additional evidence relevant to the values of surrounding properties that was not available for consideration at the January 31, 2024 variance hearing. A detailed appraisal report authored by James Scrivens, a certified Residential Appraiser licensed in the State of New Hampshire, opines that based on his analysis of the Property, development of the Property on Chestnut Pond Road would not adversely impact the value of surrounding properties. A letter by abutter and local realtor, Cameron Lilley, is of the same opinion. Mr. Lilley opines that granting the variance would benefit the neighborhood’s aesthetic and increase property values of surrounding properties.

5) Literal enforcement of the ordinance would result in an unnecessary hardship—owing to the special conditions of the property that distinguish it from other properties in the area.

The Property is distinguished from many other properties in the area, including those which have unsuccessfully sought variances on Chestnut Pond Road. The Property is significantly larger than most, containing over 10 acres of land. The large footprint of the Property allows for the town to implement additional requirements related to permitted building that smaller parcels may not have the option to consider. Upon information and belief, the Property at one time was granted septic approval; other properties situated on Chestnut Pond apparently required multiple waivers from the State of New Hampshire to achieve the same. If the Property is denied a variance, over 10 acres of property will be completely unusable for its intended purpose for anyone seeking to establish a residence on it.

Moreover, the neighborhood sentiment surrounding expansion is demonstrably different now than it was twenty-four years ago. Evidence demonstrates that Chestnut Pond Road must be significantly different physically, at least as it relates to the area in front of the Property in question. When the prior owner of the Property was before the Zoning Board of Adjustment twenty-four years ago seeking a variance, ZBA minutes dated August 10, 2000, note that Chestnut Pond Road consisted “primarily of dirt” and was approximately “15 to 20 feet wide.” The Board should consider additional evidence considering that Chestnut Pond Road, at least with respect to this specific property, has considerably changed since it was last observed. A detailed appraisal report authored by James Scrivens, a certified Residential Appraiser licensed in the State of New Hampshire notes that the width of the road in front of the Property is approximately 25 feet in width and comprised of “graded gravel.”

In 2000, the Board also noted that there was no private maintenance agreement in place for the maintenance of the road. Since that meeting, an Association has been formed, and RSA 231-81-a has been enacted that statutorily mandates equitable contribution of maintenance costs amongst residents of a private road. The appraisal report also depicts the driveway to the lot demonstrating that the road in front of the Property and cleared driveway area are very wide and could encompass a wider turn around while still leaving significant room for a building envelope. An additional letter of support from abutter Janelle Iudice demonstrates important details of the width of Chestnut Pond Road. The Property is situated along a portion of Chestnut Pond Road that is wider than the portion of the road that abuts many other properties along the road. Ms. Iudice’s letter also opines that large trucks can access the Property without issue.

Due to the special conditions of this Property, a denial of a variance would amount to an unnecessary hardship to its owner. The appraisal also notes that this Property is marketable and not encumbered by any easements or encroachments. The highest and best use of the property was determined to be for a single-family residence, if development is permitted. Additionally, a video created by Hoverbound Drones in December 2023 depicting the Property and Chestnut Pond Road demonstrates that the road is in excellent shape and is easily traveled by large trucks and remains plowed in the winter. Notably, in contrast to the town’s concerns surrounding town vehicles and an access outlined in the Record of Decision, three years after the variance request in 2000, town documents reveal that the Epsom Fire Chief was contacted and expressed no concern for accessing Chestnut Pond Road. Currently, the Epsom Fire and Rescue Department has no concerns with

safety and accessibility to the Property because it is situated on “the best part of the road,” even though it is approximately 1,200 feet from a public road. An abutter letter from Janelle Iudice corroborates the information received from Captain French by outlining that the Property is located on the wider portion of Chestnut Pond Road and that various large trucks have no issue traveling in this area. Undoubtedly, a denial of a variance would result in an unnecessary hardship. The location, size, and characteristics of the Property are special in nature and distinguish it from many other properties on Chestnut Pond Road. Literal enforcement of the ordinance would result in an unnecessary hardship to the property owner.

If you have any questions, please do not hesitate to contact me.

Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ariana McQuarrie". The signature is fluid and cursive, with the first name being the most prominent.

Ariana McQuarrie, Esq.

AJM/ma
Enclosures
cc: Michael Novak



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2. Chestnut Pond Subdivision Plan – Recorded December 28, 1973
3. Town of Epsom Zoning Board of Adjustment Meeting Minutes – January 31, 2024
4. Record of Decision – February 1, 2024
5. Lot 46 Chestnut Pond Road Appraisal – February 15, 2024
6. Drone video – See enclosed USB (<https://www.youtube.com/watch?v=42oUziMDG3Y>)
7. Cam Lilley Abutter Letter
8. Janelle Iudice Abutter Letter
9. Variance Denial Dated July 2000
10. Town of Epsom Property Card Information
11. Town of Epsom, NH Zoning Ordinance
12. Is Your Community Talking About Housing? – NHMA Article
13. Town of Epsom Zoning Board of Adjustment Meeting Minutes – June 4, 2003
14. Chestnut Pond Road Association Fees
15. August 16, 1973, Second Hearing on Zoning Ordinance Change
16. Road Maintenance Agreement

Main Office

4 Park Street, Concord NH 03301

Other Locations

Keene, NH | Portsmouth, NH | Bedford, NH

Return to:
Michael Novak, Trustee
The NVK Land Trust
67 Dale Street
Ludlow, MA 01056

\$1,050

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Darcy J. Murphy, Trustee of the Jolly Family Revocable Trust of 2022, a New Hampshire trust u/d/t October 7, 2022, of 354 Boston Road, Chelmsford, MA 01824, for consideration paid, grants to Michael Novak, Trustee of the NVK Land Trust, of 67 Dale Street, Ludlow, MA 01056, with WARRANTY COVENANTS:

A certain tract or parcel of land with any buildings thereon in the Town of Epsom, County of Merrimack, State, of New Hampshire, being Lot 17 consisting of ten (10) acres of land, more or less, as shown on a certain plan entitled "Chestnut Pond Subdivision Plan, Epsom, New Hampshire," the metes and bounds for Lot 17 as shown on said Plan being incorporated by reference herein, said Plan being prepared by James H. Neil Co, Inc., and recorded in the Merrimack County Registry of Deeds as Plan #3476 in Plan File 2.

Subject to Current Use Taxation by the Town of Epsom, dated May 26, 2012, originally taxed under Leander Jolly, recorded in the Merrimack County Registry of Deeds in Book 3306, Page 808.

Meaning and intending to describe and convey the same premises conveyed to Leander N. Jolly, Christine C. Jolly, and Darcy J. Murphy, Trustees of the Jolly Family Revocable Trust of 2022, a New Hampshire trust u/d/t October 7, 2022 by deed of Leander N. Jolly dated October 7, 2022, recorded in the Merrimack County Registry of Deeds in Book 3808, Page 1798.

This property is vacant, undeveloped land not subject to homestead rights or interests. It was vacant, undeveloped land not subject to homestead rights or interests on the date of aforesaid conveyance by deed of Leander N. Jolly dated October 7, 2022, recorded in said Registry of Deeds in Book 3808, Page 1798.

TRUSTEE'S CERTIFICATE

The undersigned trustee as Trustee under the Jolly Family Revocable Trust of 2022 created by Leander N. Jolly and Christine C. Jolly as grantors under trust agreement dated October 7, 2022, and thereto has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the trustee for a conveyance thereof.

Executed this 15 day of November, 2023.

The Jolly Family Revocable Trust of 2022, a
New Hampshire trust u/d/t October 7, 2022

MCRD

By: Darcy J. Murphy
Darcy J. Murphy, Trustee

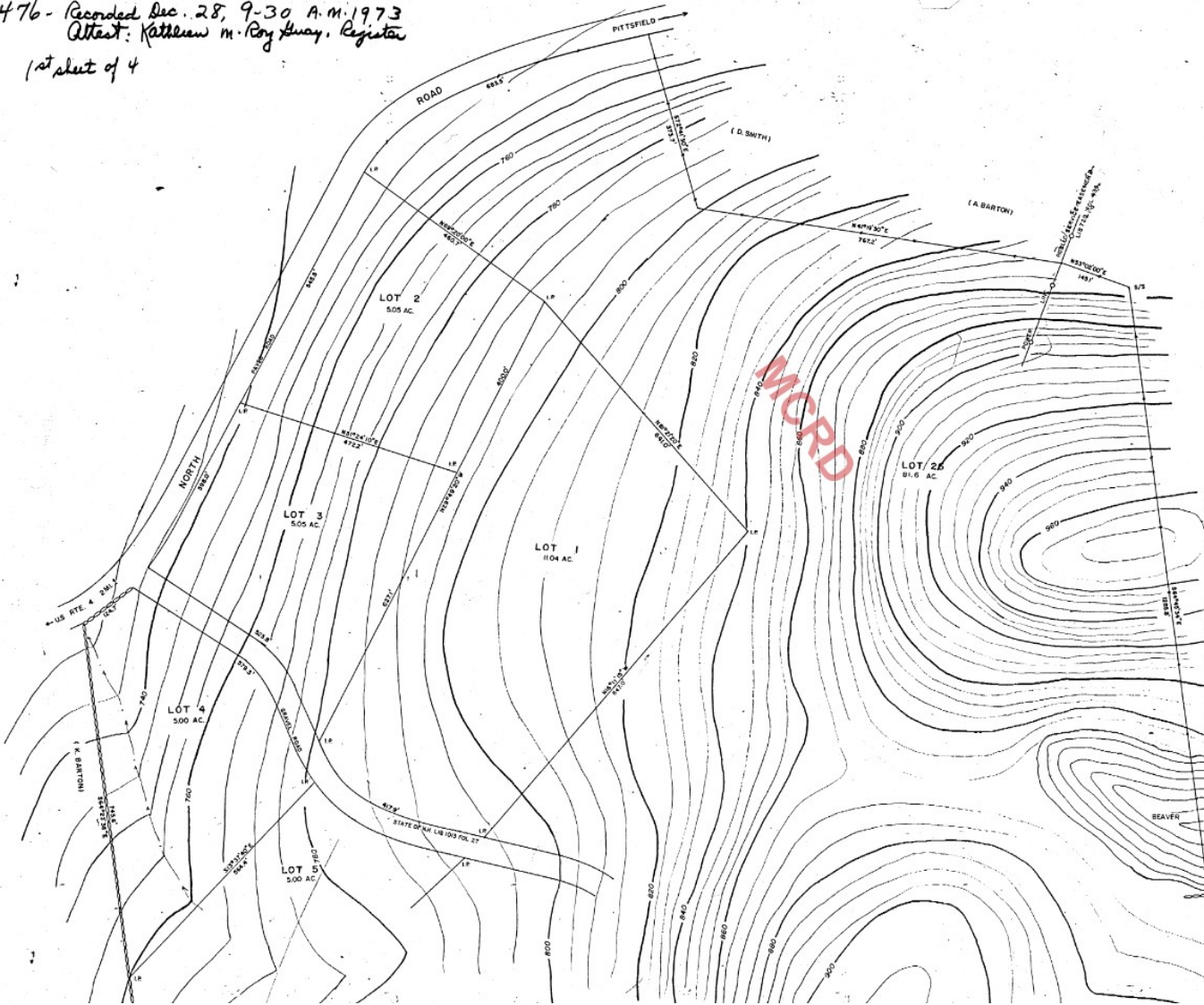
State of New Hampshire
County of Hillsborough

The foregoing instrument was acknowledged before me on this 15 day of November, 2023 by Darcy J. Murphy, Trustee of the Jolly Family Revocable Trust of 2022, a New Hampshire trust u/d/t October 7, 2022.

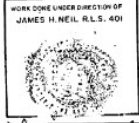


Sarah A.F. Glover
Notary Public/Attorney-at-Law
Commission expiration:

3476 - Recorded Dec. 28, 9-30 A.M. 1973
 Attest: Kathleen M. Coy, Survey, Registrar
 1st sheet of 4



1. NO DWELLING SHALL BE USED FOR OTHER THAN SINGLE FAMILY RESIDENCE.
2. NO DWELLING SHALL BE BUILT WHICH CONTAINS LESS THAN 300 HUNDRED (300) SQ FEET OF SPACE, EXCLUSIVE OF GARAGE, NOR SHALL BE CONSTRUCTED OF OVER TWO STORES IN HEIGHT.
3. NO GUEST HUT TYPE STRUCTURES, SHACKS, TENTS, METAL BUILDINGS, TRAILER OR MOBILE HOMES SHALL BE ERECTED OR PLACED ON THE CONVEYED LOT, METAL TOOL SHEDS AND GARAGES EXCEPTED.
4. NO BUILDINGS SHALL BE USED FOR THE MANUFACTURE OR SALE OF MERCHANDISE OR FOR OTHER COMMERCIAL PURPOSES.
5. THAT PORTION OF THE ROAD SHOWN ON SAID PLAN WHICH LEADS FROM THE PUBLIC ACCESS ON CHESTNUT POND TO ITS TERMINATION POINT SHALL BE PRIVATELY MAINTAINED AND SHALL NOT BE SUBJECT TO TOWN ACCEPTANCE AT TOWN MEETING UNLESS IT SHALL FIRST MEET THE STANDARDS AS SET FORTH IN THE EPSOM SUBDIVISION REGULATIONS.
6. THE OWNER OF THE LOT HEREIN CONVEYED SHALL, IN CONJUNCTION WITH ALL OTHER OWNERS OF THE LOTS COVERED IN THE SUBDIVISION, FORM AN ASSOCIATION WHICH SHALL HAVE AS ITS PRIMARY PURPOSE THE MAINTENANCE OF THE AREA MARKED "PRIVATE BEACH" ON THE ABOVE PLAN AND OF THEIR PORTION OF THE ROAD MENTIONED IN (5). THE ASSOCIATION MAY IN THEIR DISCRETION PROMULGATE SUCH RULES AND REGULATIONS AS THEY DEEM NECESSARY IN ORDER TO PROMOTE THE HEALTH AND SAFETY OF ALL THOSE PERSONS ENTITLED TO USE THE PRIVATE BEACH AND ROAD.



James H. Neil

CHESTNUT POND SUBDIVISION PLAN
EPSOM, N.H.

SCALE: 1"=100' SURVEY: TRANSIT & TAPE
 PLAN NO. 0255 SHEET NO. 1 DATE: 9/26/73
 SURVEYED & DRAWN BY: CLOSURE 1/5/73
 JAMES H. NEIL CO. INC.
 BOX 224
 CLAREMONT, N.H.

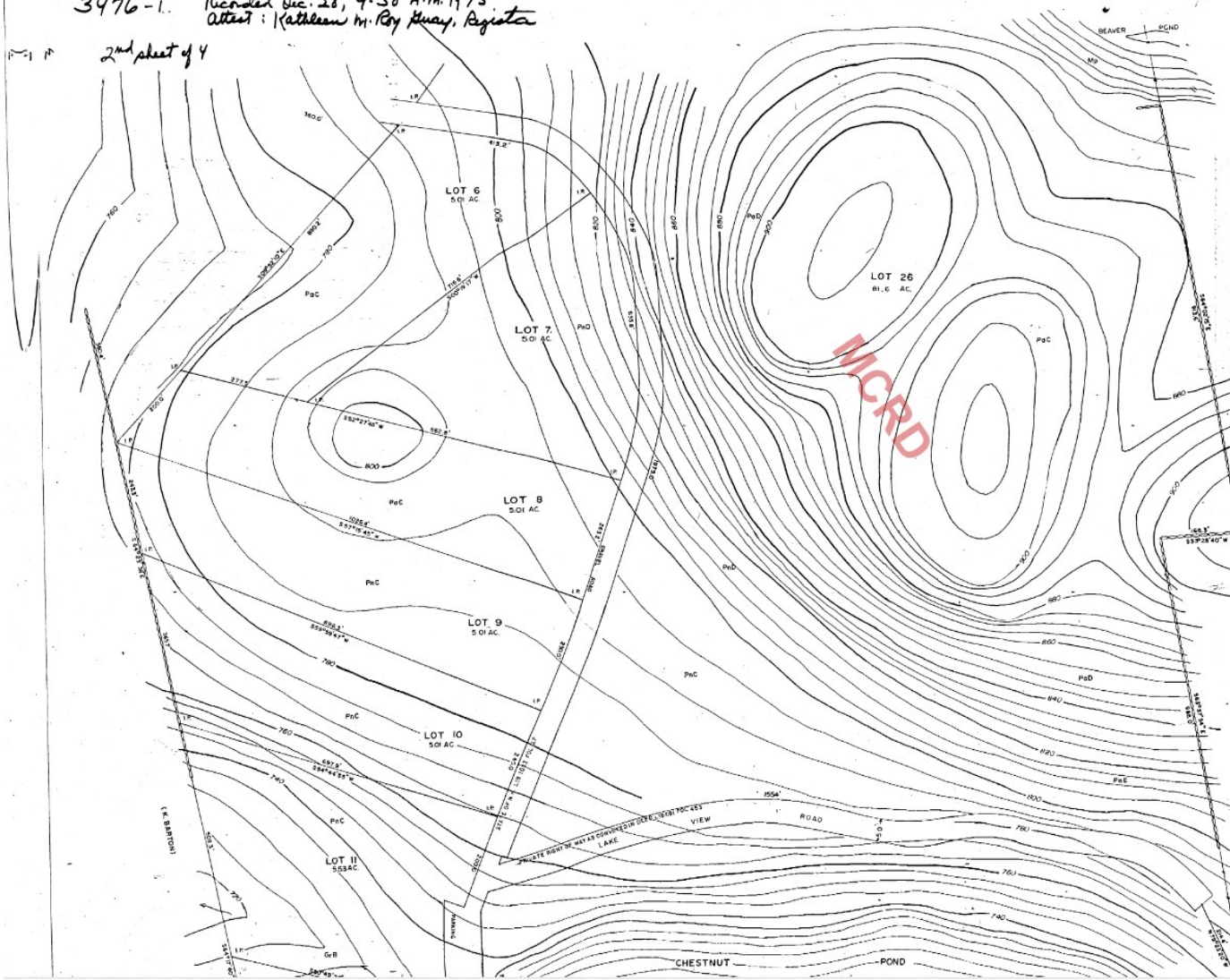
PROPERTY OF:
 LAND AUCTION BUREAU
 211 CONGRESS ST.
 BOSTON, MASS.

EPSOM PLANNING BOARD APPROVAL
James H. Neil CHAIRMAN
 DATE: 12/20/73



3476-1. Recorded Dec. 28, 9-30 A.M. 1973
 Attest: Kathleen M. Gray, Registrar

2nd sheet of 4



DEED COVENANTS

- NO DWELLING SHALL BE USED FOR OTHER THAN SINGLE FAMILY RESIDENCE
- NO DWELLING SHALL BE BUILT WHICH CONTAINS LESS THAN SIX HUNDRED (600) SQ. FEET OF FLOOR, EXCLUDING OF GARAGE, NOR SHALL BE CONSTRUCTED OF OVER TWO STORIES IN HEIGHT.
- NO QUONSET HUT TYPE STRUCTURES, SHEDS, TENTS, METAL BUILDINGS, TRAILER OR MOBILE HOMES SHALL BE ERECTED OR PLACED ON THE CONVEYED LOT, METAL TOWER SHELTERS AND GARAGES EXCEPTED.
- NO BUILDINGS SHALL BE USED FOR THE MANUFACTURE OR SALE OF MERCHANDISE OR FOR OTHER COMMERCIAL PURPOSES.
- THAT PORTION OF THE ROAD SHOWN ON SAID PLAN WHICH LEADS FROM THE PUBLIC ACCESS ON CHESTNUT POND TO ITS TERMINATION POINT SHALL BE PRIVATELY MAINTAINED AND SHALL NOT BE SUBJECT TO TOWN ACCEPTANCE AT TOWN MEETING UNLESS IT SHALL FIRST MEET THE STANDARDS AS SET FORTH IN THE EPSOM SUBDIVISION REGULATIONS.
- THE OWNER OF THE LOT HEREIN CONVEYED SHALL, IN CONJUNCTION WITH ALL OTHER OWNERS OF THE LOTS CONVEYED IN THE SUBDIVISION, FORM AN ASSOCIATION WHICH SHALL HAVE AS ITS PRIMARY PURPOSE THE MAINTENANCE OF THE AREA NAMED "PRIVATE BEACH" ON THE ABOVE PLAN AND OF THAT PORTION OF THE ROAD MENTIONED IN (5). THE ASSOCIATION MAY IN THEIR DISCRETION PROMULGATE SUCH RULES AND REGULATIONS AS THEY DEEM NECESSARY IN ORDER TO PROMOTE THE HEALTH AND SAFETY OF ALL THOSE PERSONS ENTITLED TO USE THE PRIVATE BEACH AND ROAD.

SOIL SYMBOLS
 G8-BLOUDESTON VERY STONY SANDY LOAM, 3 TO 8 PERCENT SLOPE
 M8-MUCK AND REAT
 P8C-PAXTON LOAM, 8 TO 15 PERCENT SLOPE
 P8D-PAXTON LOAM, 15 TO 25 PERCENT SLOPE
 P8E-PAXTON VERY STONY LOAM, 8 TO 15 PERCENT SLOPE
 P8F-PAXTON VERY STONY LOAM, 15 TO 25 PERCENT SLOPE
 P8G-PAXTON VERY STONY LOAM, 25 TO 60 PERCENT SLOPE

WORK DONE UNDER DIRECTION OF
 JAMES H. NEIL R.L.S. 401

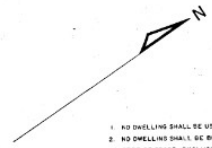
CHESTNUT POND SUBDIVISION PLAN
EPSOM, N.H.

SCALE: 1"=100' SURVEY: TRANSIT & TAPE
 PLAN NO. 0255 SHEET NO. 2 DATE: 9/26/73
 SURVEYED & DRAWN BY: CLOSURE 11/5/72
 JAMES H. NEIL CO. INC.
 BOX 224
 CLAREMONT, N.H.

PROPERTY OF:
 LAND AUCTION BUREAU
 211 CONGRESS ST.
 BOSTON, MASS.

EPSOM PLANNING BOARD APPROVAL
 [Signature]
 COMMISSIONER
 DATE: 10/20/73
 [Signature]

3476-2. Recorded Dec. 28, 9:30 A.M. 1973
 Cdeed: Kathleen M. Roy, May, Register
 3rd sheet of 4



DEED COVENANTS

1. NO DWELLING SHALL BE USED FOR OTHER THAN SINGLE FAMILY RESIDENCE.
 2. NO DWELLING SHALL BE BUILT WHICH CONTAINS LESS THAN SIX HUNDRED (600) SQ. FEET OF SPACE, EXCLUSIVE OF GARAGE, NOR SHALL BE CONSTRUCTED OF OVER TWO STORIES IN HEIGHT.
 3. NO QUINCEY-HUT TYPE STRUCTURES, SHEDS, TENTS, METAL BUILDINGS, TRAILER OR MOBILE HOMES SHALL BE ERECTED OR PLACED ON THE CONVEYED LOT, METAL TOOL SHEDS AND GARAGES EXCEPTED.
 4. NO BUILDINGS SHALL BE USED FOR THE MANUFACTURE OR SALE OF MERCHANDISE OR FOR OTHER COMMERCIAL PURPOSES.
 5. THAT PORTION OF THE ROAD SHOWN ON SAID PLAN WHICH LEADS FROM THE PUBLIC ACCESS ON CHESTNUT POND TO ITS TERMINATION POINT SHALL BE PRIVATELY MAINTAINED AND SHALL NOT BE SUBJECT TO TOWN ACCEPTANCE AT TOWN MEETING UNLESS IT SHALL FIRST MEET THE STANDARDS AS SET FORTH IN THE EPSOM SUBDIVISION REGULATIONS.
 6. THE OWNER OF THE LOT HEREIN CONVEYED SHALL, IN CONJUNCTION WITH ALL OTHER OWNERS OF THE LOTS CONVEYED IN THE SUBDIVISION, FORM AN ASSOCIATION WHICH SHALL HAVE AS ITS PRIMARY PURPOSE THE MAINTENANCE OF THE AREA MARKED "PRIVATE ROAD" ON THE ABOVE PLAN AND OF THEIR PORTION OF THE ROAD MENTIONED IN (5). THE ASSOCIATION MAY IN THEIR DISCRETION PROMULGATE SUCH RULES AND REGULATIONS AS THEY DEEM NECESSARY IN ORDER TO PROMOTE THE HEALTH AND SAFETY OF ALL THOSE PERSONS ENTITLED TO USE SAID PRIVATE LEACH AND ROAD.
- NOTE: LAND AUCTION BUREAU WILL RETAIN DIMENSION OF THE RIGHT OF WAY UNTIL AN ASSOCIATION OF LAND OWNERS IS FORMED, AT WHICH TIME THE ROAD WILL BE CONVEYED TO THE ASSOCIATION.

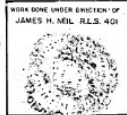


CHESTNUT POND SUBDIVISION PLAN
EPSOM, N.H.

SCALE: 1"=100' SURVEY: TRANSIT & TAPE
 PLAN NO. 0255 SHEET NO. 3 DATE: 9/26/73
 SURVEYED & DRAWN BY: CLOSURE 1/5/73
 JAMES H. NEIL CO. INC.
 BOX 224
 CLAREMONT, N.H.

PROPERTY OF:
 LAND AUCTION BUREAU
 211 CONGRESS ST.
 BOSTON, MASS.

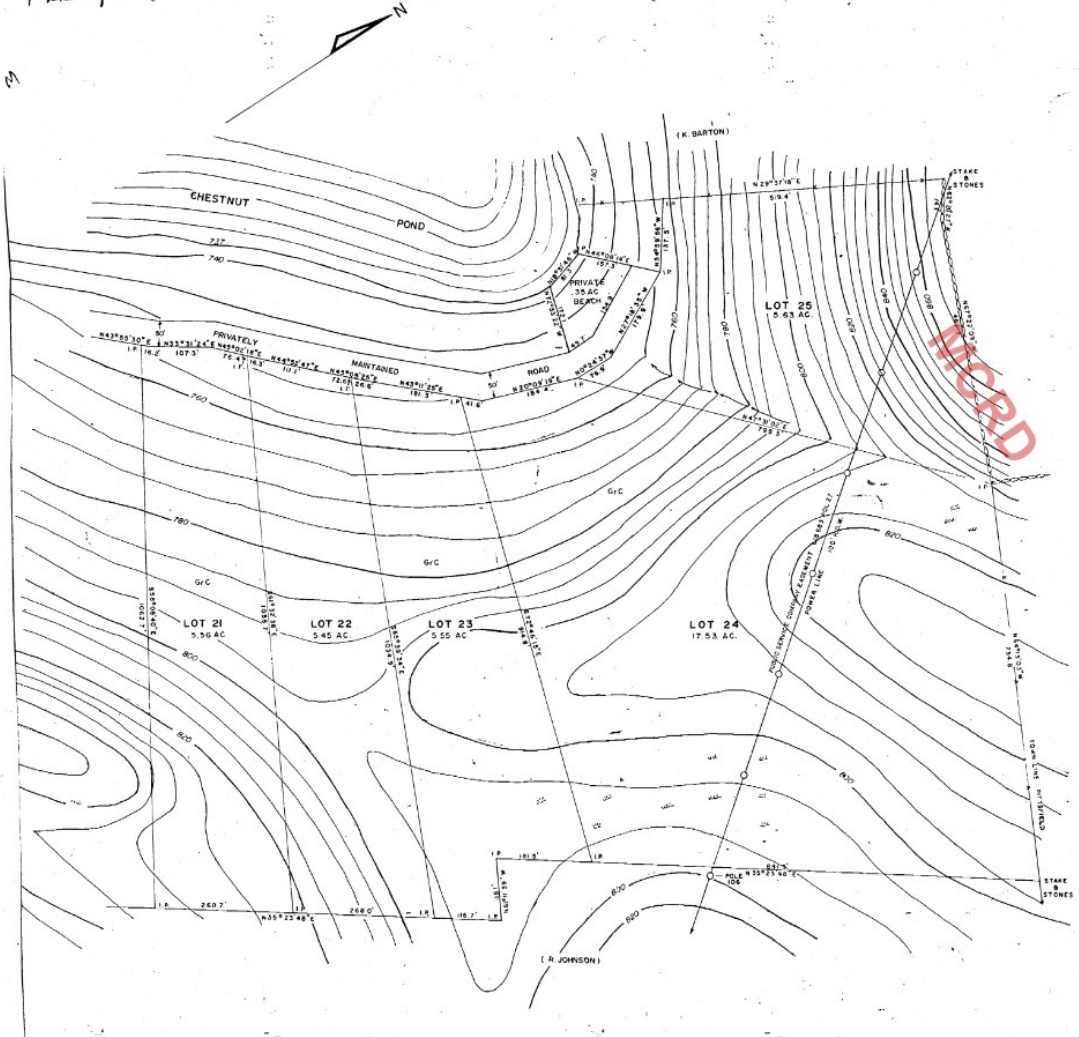
EPSOM PLANNING BOARD APPROVAL
[Signature]
 10/12/73
 DATE



SOIL SYMBOLS
 1" = 100' HORIZONTAL SCALE
 1" = 10' VERTICAL SCALE

3476-3 Recorded Dec. 28, 9-30 A.M. 1973
 Attest: Kathleen M. Roy Esq., Register

4th sheet of 4



DEED COVENANTS

- NO DWELLING SHALL BE USED FOR OTHER THAN SINGLE FAMILY RESIDENCE.
- NO DWELLING SHALL BE BUILT IF WHEN CONTAINS LESS THAN 800 SQ FEET OF SPACE, EXCLUSIVE OF GARAGE, NOR SHALL IT BE CONSTRUCTED OF OVER TWO STORIES IN HEIGHT.
- NO GROUND, HUT TYPE STRUCTURES, SHACKS, TENTS, METAL BUILDINGS, TRAILERS OR MOBILE HOMES SHALL BE ERECTED ON PLACES ON CONVEYED LOT, METAL TOOL SHEDS AND GARAGES EXCEPTED.
- NO BUILDINGS SHALL BE USED FOR THE MANUFACTURE OR SALE OF MERCHANDISE OR FOR OTHER COMMERCIAL PURPOSES.
- THAT PORTION OF THE ROAD SHOWN ON SAID PLAN WHICH LEADS FROM THE PUBLIC ACCESS ON CHESTNUT POND TO ITS TERMINATION POINT SHALL BE PRIVATELY MAINTAINED AND SHALL NOT BE SUBJECT TO TOWN ACCEPTANCE AT TOWN MEETING UNLESS IT SHALL FIRST MEET THE STANDARDS AS SET FORTH IN THE EPSOM SUBDIVISION REGULATIONS.
- THE OWNER OF THE LOT HEREIN CONVEYED SHALL, IN CONJUNCTION WITH ALL OTHER OWNERS OF THE LOTS CONVEYED IN THE SUBDIVISION, FORM AN ASSOCIATION WHICH SHALL HAVE AS ITS PRIMARY PURPOSE THE MAINTENANCE OF THE AREA MARKED "PRIVATE BEACH" ON THE ABOVE PLAN AND OF THAT PORTION OF THE ROAD MENTIONED IN (5). THE ASSOCIATION MAY IN THEIR DISCRETION PROMULGATE SUCH RULES AND REGULATIONS AS THEY DEEM NECESSARY IN ORDER TO PROMOTE THE HEALTH AND SAFETY OF ALL THOSE PERSONS ENTITLED TO USE THE PRIVATE BEACH AND ROAD.

NOTE: LAND AUCTION BUREAU WILL RETAIN OWNERSHIP OF THE RIGHT OF WAY UNTIL AN ASSOCIATION OF LOT OWNERS IS FORMED, AT WHICH TIME THE ROAD WILL BE CONVEYED TO THE ASSOCIATION.

SOIL SYMBOL
 G/C - GLOUCESTER VERY STONY SANDY LOAM, 8 TO 15 PERCENT SLOPE



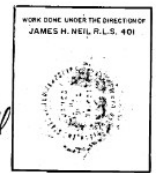
CHESTNUT POND SUBDIVISION PLAN
EPSOM, N. H.

SCALE: 1"=100' SURVEY: TRANSIT & TAPE
 PLAN NO. 0255 SHEET NO. 4 DATE: 9/26/73
 SURVEYED & DRAWN BY: CLOSURE 175732
 JAMES H NEIL CO. INC.
 BOX 224
 CLAREMONT, N. H.

PROPERTY OF:
 LAND AUCTION BUREAU
 211 CONGRESS ST.
 BOSTON, MASS.

EPSOM PLANNING BOARD APPROVAL
[Signature]
 CLERK
 DATE: 10/26/73
[Signature]

James H. Neil



**TOWN OF EPSOM
ZONING BOARD OF ADJUSTMENT
Epsom Library, 1606 Dover Road, Epsom, New Hampshire
January 31, 2024, 6:30 PM**

PRESENT

Glenn Horner, Chair
Jason Johnson, Member
Alan Quimby, Member
Lisa Thorne, Member
Lyla Boyajian, Alternate Member
Gary Matteson, Alternate Member
Andrew Ramsdell, Alternate Member
Roger Rheume, Alternate Member

ALSO PRESENT

Jennifer Riel, Recording Secretary
Justin Guth, Zoning Compliance Officer
Virginia Drew, Board of Selectmen Representative
Nicholas Terry, applicant
Michael Terry
Bob McKechnie, resident
Martha Chase, resident
Michele Cloutier, resident
Janelle Judice, abutter

CALL TO ORDER

Chair Horner called the meeting to order at 6:35 PM.

Introductions were made of the Board members. Chair Horner asked Ms. Boyajian to sit on the Board as a voting member in Mr. Kitson's absence.

APPROVAL OF MINUTES

Meeting of January 17, 2024 – Edits were made. **MOTION: To approve the minutes as amended. Motion by Mr. Quimby. Second by Mr. Johnson. Motion passed unanimously.**

Case 2024-01 (Terry – Var.) - *Nicholas Terry has applied for a variance to Article III, Section G [Residential Single and Multi-Family Residence Requirements], paragraph 1 [Single Family Requirements] b. [Building Lots] to build a single family residence on a pre-existing lot with no public road frontage (200 feet required). 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 46. Public testimony will be considered in determining if sufficient evidence has been submitted to justify granting this zoning appeal.*

Chair Horner read the public notice into the record. It was confirmed the public notice was published in *The Concord Monitor*, posted at the Town Offices, the Town website, and the Post

Office; certified letters were sent to abutters. Receipts were received from all abutters with the exception of Martha Chase and Michele Cloutier.

Chair Horner stated a variance was denied in 2000 for this property; he stated per the advice of Town Counsel, per the *Fisher v. Dover* case, once variances are decided and not appealed within 30 days are considered de- facto law. However, the hardship criteria changed in 2010 so the case must be heard.

Chair Horner opened the public hearing at 6:44 PM.

Nicholas Terry, applicant, stated if the variance is granted, he intends to build a single family home on the property. He stated a variance is needed as there is 199.6 feet of road frontage on a private road and is less than the required 200 feet on a public road.

Chair Horner stated he emailed additional evidence from the property owner to Board members for review prior to the hearing. He confirmed the property owner has authorized the application for a variance by Mr. Terry, a potential purchaser of the property.

Michael Terry stated when they looked at the property that is currently for sale, nothing was ever brought to their attention in regard to the need for a variance as well as a previous denial. He stated none of the history of the property was disclosed. He stated Mr. Terry is just looking to build a single family home and establish a family in Epsom.

Chair Horner explained the history of the property which has revolved around concerns about building and developing other lots on this private road. Mr. Matteson stated houses have to be built on a public road to ensure that the Town services can access the property.

Mr. Terry asked why this information isn't included in the listing. Mr. Ramsdell stated it is up to the realtor to disclose the information but also due diligence for the purchaser.

Mr. Johnson explained if the applicant wants to proceed, the Board will consider the variance criteria; he stated if the applicant presents their case and criteria is met, it could be approved. Chair Horner agreed that in unique circumstances a variance can be approved.

Chair Horner noted evidence was presented indicating construction of other homes on the private road and noted most were constructed prior to the ordinance change, with the exception of a single family home in 2015 which has significantly less road frontage and acreage than required. He expressed concern that this construction was done without the necessary town approvals.

Chair Horner opened the hearing to input from the public in favor of the application.

Janelle Judice, abutter, stated she is in favor of the application. She stated large trucks go down the road frequently and doesn't see there being a problem with access. Mr. Johnson asked her opinion on the crowding in the area. Ms. Judice stated she doesn't see this single family home causing an issue on this lot. Ms. Boyajian noted the lot is 10 acres and questioned if crowding would be a problem with a lot that is double the minimum lot size. Mr. Johnson stated they also

have to consider the character of the neighborhood and wants to know how residents would feel about the development of the area.

Martha Chase, abutter, stated there is a large watershed issue which was the reason for the variance denial years ago. She stated she would love to have a house and family on this lot but wants to ensure the pond is protected through the development process. She stated multiple houses have been approved over the last few years and it will all have an impact on the pond. Ms. Chase stated she is working as a volunteer with a lake association to monitor the pond and reiterated they need to consider the impact of the watershed into the pond.

Chair Horner opened the hearing to input from the public in opposition to the application. None was indicated.

Chair Horner noted the reason for denial of the variance request in 2000 was due to the lot being on a private road and concerns for the health and safety of the neighborhood. Mr. Matteson stated it creates an extreme liability to the Town to grant a variance; he stated a private road can be legally gated or blocked by the road owner.

MOTION: To close the public hearing. Motion by Ms. Thorne. Second by Mr. Johnson. Motion passed unanimously.

The public hearing closed at 7:14 PM.

Findings of Fact:

1. This same variance appeal was previously denied in Case 2000-11 primarily due to inadequate access over a private road. It is being reheard due to the 2010 change in the variance hardship criteria.
2. No significant upgrades to the private road have been done since that denial.
3. Current road conditions consist of a narrow width with poor surface conditions including untreated ice.
4. This area contains a series of small camps on substandard lots which are seasonally used and do not require winter season access when road conditions are impacted by ice and snow.
5. The Town's position that year-round use of these seasonal camps should not be permitted was taken to the Supreme Court and was based primarily on the fact that there was inadequate access over the private portion of Chestnut Pond Road, especially in the winter.
6. Other similar variances requesting residences with no public road frontage have been denied by this Board, more recently in Case 2021-05 (Sunset Drive), and Case 2017-12 (Old Mtn Rd.) due to access concerns.

The Board went through the Variance Discussion worksheet.

*A: The variance will not be contrary to the public interest. **NO***

*B. The variance is consistent with the spirit of the ordinance. **NO***

C. *By granting the variance, substantial justice is done. YES*

D. *The proposed use will not diminish the value of surrounding properties. NO*

E. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. For purposes of this criteria, “unnecessary hardship” means that, either: NO*

Either: F.(1) Owing to special conditions of the property that distinguish it from other properties in the area: • 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; and • The proposed use is a reasonable one. NO

Or: F.(2) 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. NO

MOTION: To deny the request for a variance to Article III, Section G.1.b for the property located at Epsom Tax Map U-19 as Lot 46 for the following reasons:

- 1. The variance unduly and in a marked degree conflicts with the ordinance requiring 200’ of frontage on a public road. Not only does this property have no public road frontage, it is over 1000’ from a public road. Further, the access/egress to the property has remained a narrow travel width, dead- end road with inferior surface conditions since the previous denial of the same variance for this property. Such a marked deviation from the expectations of the ordinance would unduly burden Town emergency services, as well as occupants/visitors with increased risk to safety and welfare.*
- 2. The variance is inconsistent with the spirit of the ordinance by creating premature and scattered development with inadequate access and would have a cumulative impact of encouraging similar development on the many other properties in town without public road frontage.*
- 3. No special conditions of the property are found which would make the denial an unnecessary hardship to the owner. On the contrary, land accessed by unimproved non-public roads is quite common in the residential/agricultural zone. For this reason, the expectation of the ordinance is that safe and adequately maintained access is provided prior to allowing new residential habitation.*
- 4. Hardship is also mitigated by the fact that this property was denied a similar variance in 2000 and, based on no change to access for which it was denied, the expectation of “reasonable use” of this property should have been established 24 years ago.*

Motion by Mr. Quimby. Second by Ms. Thorne. Motion passed unanimously.

Other

Ms. Drew stated the Board of Selectmen have a public posted meeting at the nursing home property to look at the public space that is being offered for use by the Town boards and committees.

The meeting was adjourned at 7:43 PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary

APPROVED

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

Zoning Appeal: Case 2024-01 (Terry – Var.)
Applicant: Nicholas Terry
Owner: NVK Land Trust
Tax Map: U19 **Lot:** 46
Zoning District: Residential/ Agricultural Zone

Notice is hereby given that the appeal submitted by Nicholas Terry for a **Variance** to Article III, Section G [Residential Single and Multi-Family Residence Requirements], paragraph 1 [Single Family Requirements] b. [Building Lots] to build a single family residence on a pre-existing lot with no public road frontage (200 feet required) was **denied** by unanimous vote of the Zoning Board of Adjustment at the Public Hearing held on Wednesday, January 31, 2024. 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 46.

Findings of Fact:

1. This same variance appeal was previously denied in Case 2000-11 primarily due to inadequate access over a private road. It is being reheard due to the 2010 change in the variance hardship criteria.
2. No significant upgrades to the private road have been done since that denial.
3. Current road conditions consist of a narrow width with poor surface conditions including untreated ice.
4. This area contains a series of small camps on substandard lots which are seasonally used and do not require winter season access when road conditions are impacted by ice and snow.
5. The Town's position that year-round use of these seasonal camps should not be permitted was taken to the Supreme Court and was based primarily on the fact that there was inadequate access over the private portion of Chestnut Pond Road, especially in the winter.
6. Other similar variances requesting residences with no public road frontage have been denied by this Board, more recently in Case 2021-05 (Sunset Drive), and Case 2017-12 (Old Mtn Rd.) due to access concerns.

The variance is denied for the following reasons:

1. The variance unduly and in a marked degree conflicts with the ordinance requiring 200' of frontage on a public road. Not only does this property have no public road frontage, it is over 1000' from a public road. Further, the access/egress to the property has remained a narrow travel width, dead-end road with inferior surface conditions since the previous denial of the

Zoning Appeal Case 2024-01 (Terry – Var.)
RECORD OF DECISION (Cont.)

same variance for this property. Such a marked deviation from the expectations of the ordinance would unduly burden Town emergency services, as well as occupants/visitors with increased risk to safety and welfare.

2. The variance is inconsistent with the spirit of the ordinance by creating premature and scattered development with inadequate access and would have a cumulative impact of encouraging similar development on the many other properties in town without public road frontage.
3. No special conditions of the property are found which would make the denial an unnecessary hardship to the owner. On the contrary, land accessed by unimproved non-public roads is quite common in the residential/agricultural zone. For this reason, the expectation of the ordinance is that safe and adequately maintained access is provided prior to allowing new residential habitation.
4. Hardship is also mitigated by the fact that this property was denied a similar variance in 2000 and, based on no change to access for which it was denied, the expectation of “reasonable use” of this property should have been established 24 years ago.



Glenn A. Horner, Chairman
Zoning Board of Adjustment
Date: February 1, 2024

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: Michael Novak, Trustee NVK Land Trust, 67 Dale Street, Ludlow, MA 01056
Nicholas Terry, 1308 Old Mammoth Road, Manchester, NH 03104
Epsom Board of Selectmen
Epsom Planning Board Chair
Epsom Zoning Compliance Officer
Epsom Town Clerk
File Case 2024-01 (Terry - Var.)

APPRAISAL OF REAL PROPERTY



LOCATED AT

Lot 46 Chestnut Pond Rd
Epsom, NH 03234

Book 3842 page 2690, all rights assumed to have conveyed

FOR

None

OPINION OF VALUE

138,500

AS OF

02/15/2024

BY

James Scrivens

1929 Harpswell Neck Rd
Harpswell, ME 04079
(207) 504-3378

jimscrivens@jimscrivens.com

Borrower	None		File No.	02152401	
Property Address	Lot 46 Chestnut Pond Rd				
City	Epsom	County	Merrimack	State	NH Zip Code 03234
Lender/Client	None				

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LAND APPRAISAL REPORT

File No.: 02152401

Property Address: **Lot 46 Chestnut Pond Rd** City: **Epsom** State: **NH** Zip Code: **03234**
 County: **Merrimack** Legal Description: **Book 3842 page 2690, all rights assumed to have conveyed**

Assessor's Parcel #: **Map U19 Lot 46** Tax Year: **2023** R.E. Taxes: \$ **17.99** Special Assessments: \$
 Market Area Name: **Town of Epsom/Chichester/Northwood** Map Reference: **18180** Census Tract: **0340.00**
 Current Owner of Record: **Michael Novak** Borrower (if applicable): **None**
 Project Type (if applicable): PUD De Minimis PUD Other (describe) HOA: \$ **200** per year per month
 Are there any existing improvements to the property? No Yes If Yes, indicate current occupancy: Owner Tenant Vacant Not habitable
 If Yes, give a brief description: **A driveway cut and driveway from the road to a cleared building site has been cleared and graded. The lot itself slopes from rear to front and appears to have adequate drainage. Line of sight appears to be unimpeded by curves or vegetation. The frontage of the lot is approximately 5" short of the zone requirement of 200', see attached zoning regs and special exception guidelines.**

The purpose of this appraisal is to develop an opinion of: Market Value (as defined), or other type of value (describe) **See Addendum**
 This report reflects the following value (if not Current, see comments): Current (the Inspection Date is the Effective Date) Retrospective Prospective
 Property Rights Appraised: Fee Simple Leasehold Leased Fee Other (describe)
 Intended Use: **The opinion of value developed is used as a tool to determine if the development of the subject property due to its being on a privately maintained road would adversely impact the value of surrounding properties.**
 Intended User(s) (by name or type): **Michael Novak and his assigns.**

Client: **Michael Novak** Address: **49 S Main St, Suite 203, Concord, NH 03301**
 Appraiser: **James Scrivens** Address: **1929 Harpswell Neck Rd, Harpswell, ME 04079**

Characteristics		Predominant Occupancy	One-Unit Housing	Present Land Use	Change in Land Use
Location: <input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input checked="" type="checkbox"/> Rural	<input type="checkbox"/> Over 75% <input checked="" type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%	<input checked="" type="checkbox"/> Owner 95 <input type="checkbox"/> Tenant 5 <input checked="" type="checkbox"/> Vacant (0-5%) <input type="checkbox"/> Vacant (>5%)	PRICE AGE (yrs) \$000 72 Low 1 940 High 250 452 Pred 50	One-Unit 75 % 2-4 Unit % Multi-Unit % Comm'l % Vacant 25 %	<input type="checkbox"/> Not Likely <input type="checkbox"/> Likely * <input checked="" type="checkbox"/> In Process * * To: residential
Growth rate: <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow	<input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining				
Property values: <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining	<input type="checkbox"/> In Balance <input type="checkbox"/> Over Supply				
Demand/Supply: <input checked="" type="checkbox"/> Shortage <input type="checkbox"/> In Balance <input type="checkbox"/> Over Supply					
Marketing time: <input checked="" type="checkbox"/> Under 3 Mos. <input type="checkbox"/> 3-6 Mos. <input type="checkbox"/> Over 6 Mos.					

Factors Affecting Marketability											
Item	Good	Average	Fair	Poor	N/A	Item	Good	Average	Fair	Poor	N/A
Employment Stability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Police and Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequacy of Public Transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Appearance of Properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreational Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Market Area Comments: **The subject property lies in a pond access subdivision where the lots tend to not meet current zoning requirements for frontage and/or lot size regulations. There is a wide variance of building styles and in quality of construction with some of the developed lots having owner built seasonal "camps" from the 1950's as well as more modern larger homes built to national building code, the most recent was built on a non conforming grandfathered lot in 2017. The majority of lots along the road do not meet current zoning requirements due to a lack of adequate lot size or frontage. Older homes in the subdivision are being renovated or replaced as the process of gentrification takes place. The property lies on a privately maintained road that has a voluntary \$200 annual maintenance fee for homeowners and there is a pond access point in proximity to the subject. Employment and services are readily available via car along the route 4 commuting corridor west to Concord and east to Portsmouth/Dover. Private well and septic are typical to this market where public services are not available. Private roads are not uncommon in this market and are readily accepted by the market.**

Dimensions: **196.6' Frontage, see attached plat map for dimensions** Site Area: **10.27 Acres**
 Zoning Classification: **Rural/Agricultural** Description: **The RA zone requires a 2 acre minimum lot size and 200' frontage**

Do present improvements comply with existing zoning requirements? Yes No No Improvements
 Uses allowed under current zoning: **The subject property is approximately 5" short of meeting current zoning regulation, see attached zoning ordinances regarding dimensional requirements and the ordinance regarding grandfathered lots and the special exception process.**

Are CC&Rs applicable? Yes No Unknown Have the documents been reviewed? Yes No Ground Rent (if applicable) \$ /

Comments:
 Highest & Best Use as improved: Present use, or Other use (explain) **The subjects current use as a vacant lot is an appropriate interim use until such time as residential development is made.**

Actual Use as of Effective Date: **Vacant** Use as appraised in this report: **Vacant**
 Summary of Highest & Best Use: **See attached addenda.**

Utilities	Public	Other	Provider/Description	Off-site Improvements	Type	Public	Private	Frontage
Electricity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Street	Street	Private	<input type="checkbox"/>	<input checked="" type="checkbox"/>	199.6'
Gas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Prop Avail	Width	Approx 25'			Sloping to front
Water	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Priv Needed	Surface	Graded Gravel			10.27 ac
Sanitary Sewer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Priv Needed	Curb/Gutter	None	<input type="checkbox"/>	<input type="checkbox"/>	Shape rectangular, not adverse
Storm Sewer	<input type="checkbox"/>	<input type="checkbox"/>	None	Sidewalk	None	<input type="checkbox"/>	<input type="checkbox"/>	Drainage Appears to be adequate
Telephone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Street	Street Lights	None	<input type="checkbox"/>	<input type="checkbox"/>	View N; Woods;
Multimedia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Street	Alley	None	<input type="checkbox"/>	<input type="checkbox"/>	

Other site elements: Inside Lot Corner Lot Cul de Sac Underground Utilities Other (describe)
 FEMA Spec'l Flood Hazard Area Yes No FEMA Flood Zone **X** FEMA Map # **33013C0581E** FEMA Map Date **04/19/2010**

Site Comments: **See attached addenda.**



LAND APPRAISAL REPORT

File No.: 02152401

My research did did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Data Source(s): **NERENMLS/Town Records**

1st Prior Subject Sale/Transfer: _____ Analysis of sale/transfer history and/or any current agreement of sale/listing: **The subject was purchased by the current owner on 11/16/2023 for 70000 and re listed for sale. No further details are available. The comparable sales used have not transferred in the prior year unless so noted.**

Date: **11/16/2023**

Price: **70,000**

Source(s): **NERENMLS/Assessor Records**

2nd Prior Subject Sale/Transfer: _____

Date: _____

Price: _____

Source(s): _____

FEATURE	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3	
Address	46 Chestnut Pond Rd Epsom, NH 03234	14 Berry Ln Lots 13 Epsom, NH 03234	3 Corson Dr Northwood, NH 03261	15 Spruce Cove Rd # 1 Northwood, NH 03261	
Proximity to Subject		0.88 miles S	5.01 miles E	2.14 miles SE	
Sale Price	\$ 124,995	\$ 185,000	\$ 125,000	\$ 105,000	
Price/ Acre	\$ 12,170.89	\$ 6,555.63	\$ 12,019.23	\$ 101,941.75	
Data Source(s)	NERENMLS4977988	NERENMLS4960579;DOM 3	NERENMLS4902454;DOM 492	NERENMLS4968623;DOM 73	
Verification Source(s)	Assessor Records	Assessor Records	Assessor Records	Assessor Records	
VALUE ADJUSTMENT	DESCRIPTION	DESCRIPTION	+(-) \$ Adjust	DESCRIPTION	+(-) \$ Adjust
Sales or Financing	Active	Conventional	0	Cash	0
Concessions	Listing	0	0	0	0
Date of Sale/Time	N/A	s01/24;c07/23	0	s08/23;c07/23	0
Rights Appraised	Fee Simple	Fee Simple	Fee Simple	Fee Simple	
Location	N;Res; Prvt Rd;	N;Res; Prvt Rd;	N;Res; Prvt Rd;	N;Res;Prvt Bsy Rd;	+5,000
Site Area (in Acres)	10.27	28.22	-27,000	10.4	0
Other	Drive Installed	None	-10,000	Shed	+5,000
Other	Bldg Site Clrd	None	-10,000	None	+10,000
Original List Price	179000	185000	0	137900	0
List to Sales Price Ratio	N/A	1.00	0	0.91	0
Net Adjustment (Total, in \$)		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -47,000	<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 15,000	<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 33,500	
Adjusted Sale Price (in \$)		\$ 138,000	\$ 140,000	\$ 138,500	
Summary of Sales Comparison Approach	See Addendum				

PROJECT INFORMATION FOR PUDs (if applicable) The Subject is part of a Planned Unit Development.

Legal Name of Project: _____

Describe common elements and recreational facilities: _____

Indicated Value by: Sales Comparison Approach \$ **138,500**

Final Reconciliation **See attached addenda.**

This appraisal is made "as is", or subject to the following conditions: **See attached addenda.**

This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.

Based upon an inspection of the subject property, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is:

\$ **138,500**, as of: **02/15/2024**, which is the effective date of this appraisal.

If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.

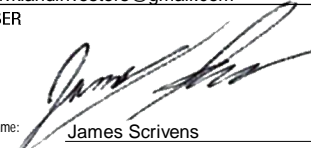
A true and complete copy of this report contains **46** pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report, which contains the following attached exhibits:

Limiting cond./Certifications Narrative Addendum Location Map(s) Flood Addendum Additional Sales

Photo Addenda Parcel Map Hypothetical Conditions Extraordinary Assumptions

Client Contact: **Michael Novak** Client Name: **Michael Novak**

E-Mail: **nvklandinvestors@gmail.com** Address: **49 S Main St, Suite 203, Concord, NH 03301**

APPRAISER:  **James Scrivens**

Supervisory or Co-Appraiser Name: _____

Company: _____

Phone: **(207) 504-3378** Fax: _____

E-Mail: **jimscrivens@jimscrivens.com**

Date of Report (Signature): **02/23/2024**

License or Certification #: **NHCR-793** State: **NH**

Designation: **Certified Residential Appraiser**

Expiration Date of License or Certification: **10/31/2025**

Inspection of Subject: Did Inspect Did Not Inspect (Desktop)

Date of Inspection: **02/15/2024**

Supervisory or Co-Appraiser Name: _____

Company: _____

Phone: _____ Fax: _____

E-Mail: _____

Date of Report (Signature): _____

License or Certification #: _____ State: _____

Designation: _____

Expiration Date of License or Certification: _____

Inspection of Subject: Did Inspect Did Not Inspect

Date of Inspection: _____



Subject Land Photo Page

Borrower	None						
Property Address	Lot 46 Chestnut Pond Rd						
City	Epsom	County	Merrimack	State	NH	Zip Code	03234
Lender/Client	None						



Subject Frontage

46 Chestnut Pond Rd
 Sales Price 124,995
 Date of Sale N/A
 Site Area 10.27
 Location N;Res; Prvt Rd;
 Other Drive Installed
 Other Bldg Site Clrd
 Original List Price 179000
 List to Sales Price Ratio N/A



Subject Frontage



Driveway Cut

Subject Land Photo Page

Borrower	None				
Property Address	Lot 46 Chestnut Pond Rd				
City	Epsom	County	Merrimack	State	NH Zip Code 03234
Lender/Client	None				



Driveway to Cldr Lot

46 Chestnut Pond Rd
Sales Price 124,995
Date of Sale N/A
Site Area 10.27
Location N;Res; Prvt Rd;
Other Drive Installed
Other Bldg Site Cldr
Original List Price 179000
List to Sales Price Ratio N/A



Driveway to Cldr Lot



Cleared Bldg Envelope

Subject Land Photo Page

Borrower	None				
Property Address	Lot 46 Chestnut Pond Rd				
City	Epsom	County	Merrimack	State	NH Zip Code 03234
Lender/Client	None				



Subdivision Entrance

46 Chestnut Pond Rd
 Sales Price 124,995
 Date of Sale N/A
 Site Area 10.27
 Location N;Res; Prvt Rd;
 Other Drive Installed
 Other Bldg Site Clrd
 Original List Price 179000
 List to Sales Price Ratio N/A



Chestnut Pond Access



Lot Interior

TOTAL
 LISTING COUNT: 53
 DAYS ON MARKET: 686
 HIGH LOW AVG MED
 LIST PRICE: \$1,750,000 \$20,000 \$230,013 \$158,000
 SOLD PRICE: \$290,000 \$20,000 \$157,750 \$139,500
 TOTAL PRICE: \$12,190,695
 \$5,048,000

Pic	Count	Pics	Status	MLS #	Property Type	Address	City	State	County	Price	Date - MLS List	Acres	Zoning	Listing Office - Name	List Agent - Name	DOM	Date - Closed	Road Frontage Length
1	16		CL	4897637	Land	00 Long Pond Road	Northwood	NH	NH-Rockingham	\$20,000	2/10/2022	0.28	Rural	KW Coastal and Lakes & Brad Mountains Realty	Stephens	15	3/14/2022	60
2	1		CL	4907057	Land	M125 L31 & 32 Big Buck Road	Northwood	NH	NH-Rockingham	\$20,000	4/27/2022	0.34	RURAL	Great Island Realty LLC	Kaitlin Whitcher	0	4/27/2022	
3	3		PE	4981844	Land	Long Pond Road	Northwood	NH	NH-Rockingham	\$20,000	1/10/2024	0.28	RURAL	BHHS Verani Wolfeboro	Nicole Shamlian	34		60
4	16		PE	4983943	Land	99 Shore Drive	Northwood	NH	NH-Rockingham	\$42,500	2/3/2024	1.75	1FRES WTR ACS	REMAX Home Sweet Home	Lisa Lentz	6		100
5	1		CL	4940959	Land	Lot 23 Overlook Road	Northwood	NH	NH-Rockingham	\$65,000	1/17/2023	0.57	rural	No MLS Listing Office	No MLS Listing Agent	0	1/17/2023	123
6	5		CL	4813741	Land	00 First NH Turnpike	Northwood	NH	NH-Rockingham	\$70,000	6/29/2020	2.81	RURAL	Keller Williams Gateway Realty/ Salem	Deanna Paddock	686	5/27/2022	
7	4		A	4976241	Land	Lot 18 Rochester Road	Northwood	NH	NH-Rockingham	\$89,900	10/31/2023	0.47	RURAL	Welcome Home Realty	Judi Anthony	111		216
8	11		A	4963469	Land	84 Lake Shore Drive	Northwood	NH	NH-Rockingham	\$89,900	7/31/2023	0.28	RURAL	Profound New England Real Estate	Kaitlin Whitcher	203		205
9	30		CL	4917681	Land	00 Tasker Shore Drive	Northwood	NH	NH-Rockingham	\$90,000	6/24/2022	3.39	Rural	BHHS Verani Belmont	Jon Delmar	134	12/5/2022	996
10	5		CL	4979247	Land	00 Kaime Road	Chichester	NH	NH-Merrimack	\$103,300	12/3/2023	3.40	RA	CHANDLER & DIMASI REALTY GROUP, LLC	Kim DiMasi	9	1/18/2024	280
11	13		CL	4938059	Land	Map 9 Lot 12 Perry Brook Road	Chichester	NH	NH-Merrimack	\$105,000	11/30/2022	10.25	Rural/ Agricultural	RE/MAX 360 By The Lake - Alton	Don Roberts	137	5/5/2023	626
12	20		CL	4968623	Land	000 Spruce Cove Road	Northwood	NH	NH-Rockingham	\$105,000	9/5/2023	1.03	R	The Gove Group Real Estate, LLC	Evan M Young	73	1/9/2024	305
13	1		A	4972749	Land	20 Quimby Drive	Northwood	NH	NH-Rockingham	\$105,000	10/4/2023	1.30	Residential	Century 21 Cardinal	Holly Ann Countie	138		200
14	1		A	4972750	Land	21 Quimby Drive	Northwood	NH	NH-Rockingham	\$105,000	10/4/2023	1.20	Residential	Century 21 Cardinal	Holly Ann Countie	138		200
15	2		CL	4903629	Land	000 Old Mountain Road	Northwood	NH	NH-Rockingham	\$115,000	4/4/2022	14.10	rural	BHHS Verani Seacoast	Courtney L Daigle	23	5/11/2022	153
16	2		CL	4952627	Land	0 Swamp Road	Epsom	NH	NH-Merrimack	\$120,000	5/15/2023	5.03	Res/Agr	Keeler Family Realtors	Jeff Keeler	1	7/25/2023	200
17	6		A	4939739	Land	000 Long Pond Road	Northwood	NH	NH-Rockingham	\$124,900	12/29/2022	0.37	res	Welcome Home Realty	Judi Anthony	417		60
18	30		A	4977988	Land	Chestnut Pond Road	Epsom	NH	NH-Merrimack	\$124,995	11/16/2023	10.27	Residential/ Agricultural	Lake Farm Realty	Nicholas Repp	95		199
19	9		CL	4902454	Land	Lot 3 Corson Drive	Northwood	NH	NH-Rockingham	\$125,000	3/25/2022	10.40	Rural	EXP Realty	Sandy Briggs-Kelley	492	8/31/2023	
20	6		A	4967543	Land	46 Upper Camp Road	Northwood	NH	NH-Rockingham	\$125,000	8/28/2023	0.71	residential	Venture Real Estate, Inc.	Loren O'Neil	175		240
21	13		CL	4954545	Land	6 Pleasant View Avenue	Northwood	NH	NH-Rockingham	\$126,000	5/26/2023	0.15	Rural	Coldwell Banker Hobin Realty LLC	Ross Hobin	24	7/18/2023	95
22	2		CL	4951890	Land	Map 219 Lot 6-3 Ridge Road	Northwood	NH	NH-Rockingham	\$127,500	5/9/2023	5.00	RURAL	Heigis Real Estate LLC.	Heather Heigis	134	12/11/2023	350

Pic	Count	Pics	Status	MLS #	Property Type	Address	City	State	County	Price	Date - MLS List	Acres	Zoning	Office - Office Name	Agent - Agent Name	DOM	Grid Date - Closed	Print my?...	Road Frontage Length
23	40		A	4978142	Land	M216 L76 First NH Turnpike	Northwood	NH	NH-Rockingham	\$130,000	11/17/2023	11.00	RURAL	EXP Realty	Orion T Moquin	94			
24	4		CL	4969402	Land	34-A Short Falls Road	Chichester	NH	NH-Merrimack	\$130,000	9/11/2023	2.60	RES	Century 21 NE Group	Casey DeStefano	85	1/12/2024		403
25	12		CL	4908545	Land	TBD 1st NH Turnpike	Northwood	NH	NH-Rockingham	\$135,000	5/6/2022	4.15	Rural	Bean Group / Portsmouth	Luke Stillwagon	62	9/15/2022		490
26	17		CL	4978649	Land	Map 106 Lot 4-1 Bow Lake Road	Northwood	NH	NH-Rockingham	\$139,000	11/27/2023	2.18	RURAL	Profound New England Real Estate	Kaitlin Whitcher	8	12/15/2023		153
27	32		CL	4908987	Land	200 Winding Hill Road	Northwood	NH	NH-Rockingham	\$140,000	5/10/2022	6.34	RURAL	Red Post Realty	James Russ	19	7/7/2022		
28	7		CL	4975139	Land	Map 4 Lot 114 Highland Drive	Chichester	NH	NH-Merrimack	\$148,000	10/22/2023	2.50	RA	Coldwell Banker LIFESTYLES - Concord	Rachel Dethomas	2	12/8/2023		682
29	9		PE	4967529	Land	43 Upper Camp Road	Northwood	NH	NH-Rockingham	\$150,000	8/28/2023	1.50	Residential	Venture Real Estate, Inc.	Loren O'Neil	64			172
30	8		A	4967531	Land	44 Upper Camp Road	Northwood	NH	NH-Rockingham	\$158,000	8/28/2023	1.80	residential	Venture Real Estate, Inc.	Loren O'Neil	175			156
31	16		PE	4947157	Land	721 1st NH Turnpike	Northwood	NH	NH-Rockingham	\$170,000	3/30/2023	4.90	Rural	Leading Edge Real Estate	Christopher Carnevale	5			315
32	1		CL	4900044	Land	115 Blakes Hill Road	Northwood	NH	NH-Rockingham	\$175,000	3/7/2022	3.79	Rural	Coldwell Banker Realty Bedford NH	Blaise B Blouin	5	4/4/2022		165
33	3		CL	4960579	Land	Lots 13 & 14 Berry Lane	Epsom	NH	NH-Merrimack	\$185,000	7/10/2023	28.22	RES/AG	Century 21 NE Group	Peter Arvanitis	3	1/12/2024		50
34	1		A	4976847	Land	Deerfield Road	Northwood	NH	NH-Rockingham	\$189,900	11/3/2023	1.80	Residential	Teamwork Realty	Lisa D'Aoust	108			400
35	5		CL	4955120	Land	00 Jeffrey Drive	Northwood	NH	NH-Rockingham	\$189,900	6/1/2023	2.50	Rural	Welcome Home Realty	Judi Anthony	123	11/13/2023		405
36	8		CL	4958846	Land	0 Meadow Lark Lane	Epsom	NH	NH-Merrimack	\$191,000	6/26/2023	11.97	Residential	Remax Capital Realty and Remax Coastal Living	Rachel D Eames	4	7/27/2023		200
37	17		CL	4950914	Land	87 Bear Hill Road	Chichester	NH	NH-Merrimack	\$200,000	5/2/2023	23.60	RA	The Gove Group Real Estate, LLC	Laura Pouliot	2	5/31/2023		597
38	1		CL	4881938	Land	0 Durgin Road	Chichester	NH	NH-Merrimack	\$210,000	9/10/2021	59.80	RA	Redfin Corporation	Melinda Callahan-Evans	563	5/5/2023		
39	11		AUC	4980175	Land	0 Dover Road	Chichester	NH	NH-Merrimack	\$224,900	12/14/2023	18.60	Rural Agricultural	EXP Realty	Becky Hildreth	39			50
40	1		CL	4978984	Land	87 Bear Hill Road	Chichester	NH	NH-Merrimack	\$229,900	11/30/2023	23.60	Rural/Agg	BHHS Verani Seacoast	Cato G Magnon	0	11/30/2023		597
41	2		CL	4915947	Land	Map 231 lot24-2 Green Street	Northwood	NH	NH-Rockingham	\$230,000	6/16/2022	51.95	Rural	Heigis Real Estate LLC.	Heather Heigis	0	6/16/2022		100
42	30		CL	4924987	Land	115 Blakes Hill Road	Northwood	NH	NH-Rockingham	\$230,900	8/11/2022	3.79	Rural	Coldwell Banker Realty Bedford NH	Blaise B Blouin	2	9/2/2022		165
43	13		CL	4900671	Land	End of Corson Drive	Northwood	NH	NH-Rockingham	\$245,000	3/12/2022	117.76	Residential	Great Island Realty LLC	Kaitlin Whitcher	205	10/31/2022		
44	14		CL	4918323	Land	King Road	Chichester	NH	NH-Merrimack	\$255,000	6/30/2022	32.00	Residential	Keller Williams Realty-Metropolitan	Amber L Tomlin	48	9/16/2022		574
45	1		CL	4898400	Land	95 Harmony Road	Northwood	NH	NH-Rockingham	\$260,000	2/17/2022	39.00	rural	Heigis Real Estate LLC.	Dakota Newman	3	4/25/2022		172
46	3		CL	4861195	Land	R13 New Orchard Road	Epsom	NH	NH-Merrimack	\$272,500	5/17/2021	116.36	Residential	Remax Capital Realty and Remax	Rachel D Eames	296	5/16/2022		251

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TOTAL

HIGH LOW AVG MED
 DAYS ON MARKET: 214 0 23 8

LIST PRICE: HIGH LOW AVERAGE
 \$950,000 \$60,000 \$443,398 \$415,000 \$17,292,550
 SOLD PRICE: \$940,000 \$72,000 \$451,537 \$422,000 \$15,803,800

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Pics	Status	Date - Closed	Price - Closed	MLS #	Property Type	Address	City	State	County	Date - MLS List	Price	SqFt - Apx Fin Above Grade	Bedrooms - Total	Baths - Total	SqFtTotFn	Lot Size Acres	DOM	List Agent Name	PicCount	Listing Office - Office Name	Unit/Lot #
1	CL	11/17/2023	\$72,000	4972327	Single Family	36 NH Route 107	Epsom	NH	NH-Merrimack	10/1/2023	\$72,000	1,176	3	1	1,176	0.42	3	Jennifer Nolin	1	RE/MAX 360 By The Lake - Alton	
2	CL	10/2/2023	\$109,400	4957446	Single Family	86 Goboro Road	Epsom	NH	NH-Merrimack	6/16/2023	\$109,400	1,650	3	1	1,650	2.72	11	Kris LaBrake	17	Keller Williams Realty Metro-Concord	
3	CL	5/18/2023	\$110,000	4934269	Single Family	1495 Dover Road	Epsom	NH	NH-Merrimack	10/19/2022	\$110,000	0	5	3	0	1.20	152	Kelley Patterson	4	KW Coastal and Lakes & Mountains Realty/ Rochester	
4	AUC			4984444	Single Family	92 Windymere Drive	Epsom	NH	NH-Merrimack	2/8/2024	\$175,000	947	2	1	947	0.06	1	Lila A Mohammed	33	Kara & Co. Realty LLC	
5	CL	7/10/2023	\$285,000	4955331	Single Family	304 North Road	Epsom	NH	NH-Merrimack	6/1/2023	\$285,000	2,430	2	1	2,430	2.37	5	Tammy Amcott	40	Farms & Barns Real Estate LLC	
6	CL	9/22/2023	\$305,000	4961195	Single Family	132 Chestnut Pond Road	Epsom	NH	NH-Merrimack	7/13/2023	\$305,000	912	2	1	912	0.17	25	Cameron L Lilley	36	Coldwell Banker Realty Bedford NH	
7	CL	12/19/2023	\$325,000	4975700	Single Family	1580 Dover Road	Epsom	NH	NH-Merrimack	10/26/2023	\$325,000	1,500	3	1	1,500	0.19	20	Rachel D Eames	40	Remax Capital Realty and Remax Coastal Living	
8	CL	3/20/2023	\$327,000	4943157	Single Family	22 Briar Wood Drive	Epsom	NH	NH-Merrimack	2/14/2023	\$327,000	1,212	3	1	1,212	0.91	7	Cameron L Lilley	21	Coldwell Banker Realty Bedford NH	
9	CL	6/30/2023	\$335,000	4956418	Single Family	329 Black Hall Road	Epsom	NH	NH-Merrimack	6/8/2023	\$335,000	1,000	3	1	1,000	0.68	8	Lisa Marie Doherty	39	EXP Realty	
10	CL	1/16/2024	\$335,000	4977875	Single Family	34 Wendler Drive	Epsom	NH	NH-Merrimack	11/15/2023	\$335,000	1,494	3	2	1,494	1.00	6	Team Marion Sharich	38	BHG Masello Concord	
11	CL	10/13/2023	\$340,000	4968752	Single Family	245 Black Hall Road	Epsom	NH	NH-Merrimack	9/6/2023	\$340,000	1,092	3	1	1,092	5.00	8	Terry Riel	40	Century 21 NE Group	
12	CL	9/29/2023	\$362,000	4959323	Single Family	51 Ox Lane	Epsom	NH	NH-Merrimack	6/29/2023	\$362,000	1,064	4	2	2,128	1.80	6	April Dunn	34	April Dunn & Associates LLC	
13	CL	6/30/2023	\$370,000	4952703	Single Family	126 Black Hall Road	Epsom	NH	NH-Merrimack	5/15/2023	\$370,000	1,688	3	2	1,688	1.30	8	Brandi W Keeler	37	Angelview Realty, LLC	
14	CL	11/7/2023	\$382,500	4973517	Single Family	50 Samuel Drive	Epsom	NH	NH-Merrimack	10/10/2023	\$382,500	1,508	3	2	1,508	9.14	4	Rachel D Eames	33	Remax Capital Realty and Remax Coastal Living	
15	A			4962212	Single Family	17 Goboro Road	Epsom	NH	NH-Merrimack	7/20/2023	\$385,000	4,616	3	3	4,616	0.27	214	Michael Whitney	18	KW Coastal and Lakes & Mountains Realty	
16	CL	3/20/2023	\$399,900	4946109	Single Family	242 Lockes Hill Road	Epsom	NH	NH-Merrimack	3/20/2023	\$399,900	1,189	3	2	2,127	3.37	0	Cameron L Lilley	1	Coldwell Banker Realty Bedford NH	
17	CL	11/9/2023	\$405,500	4971632	Single Family	370 River Road	Epsom	NH	NH-Merrimack	9/26/2023	\$405,500	1,512	3	2	1,512	4.44	12	Sandy Briggs-Kelley	40	EXP Realty	
18	CL	5/24/2023	\$408,000	4947908	Single Family	78 Center Hill Road	Epsom	NH	NH-Merrimack	4/7/2023	\$408,000	2,055	3	3	2,055	6.89	3	Rachel D Eames	31	Remax Capital Realty and Remax Coastal Living	
19	CL	5/25/2023	\$420,000	4948122	Single Family	38 North Pembroke Road	Epsom	NH	NH-Merrimack	4/10/2023	\$420,000	1,232	2	3	2,132	2.10	9	Team Tringali	39	Keller Williams Realty Metro-Londonderry	
20	CL	12/15/2023	\$422,000	4975768	Single Family	43 Range Road	Epsom	NH	NH-Merrimack	10/27/2023	\$422,000	1,200	3	2	1,608	4.12	7	Linda Thibodeau	38	Duston Ledy Real Estate	
21	CL	6/23/2023	\$440,000	4946764	Single Family	55 Lords Mill Road	Epsom	NH	NH-Merrimack	3/28/2023	\$440,000	1,764	3	2	1,764	2.03	7	Donna Muehlen	30	Your Real Estate Company by Prof LLC	
22	CL	12/1/2023	\$450,000	4975873	Single Family	241 New Rye Road	Epsom	NH	NH-Merrimack	10/27/2023	\$450,000	2,050	3	2	2,050	1.98	2	Rachel D Eames	40	Remax Capital Realty and Remax	

1 of 2

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Pics	Status	Date - Closed	Price - Closed	MLS #	Property Type	Address	City	State	County	Date - MLS List	Price	SqFt Apx Fin Above Grade	Bedrooms - Total	Baths - Total	SqFtTot	Lot Size Acres	DOM	List Agent Name	PicCount	Listing Office - Name	Unit / Lot #
23	CL	11/17/2023	\$475,000	4970837	Single Family	1112 Short Falls Road	Epsom	NH	Merrimack	9/20/2023	\$475,000	1,856	2	2	1,856	23.00	5	Suzanne Walsh	34	Living Century 21 NE Group	
24	CL	9/22/2023	\$490,000	4961237	Single Family	205 Copperline Road	Epsom	NH	Merrimack	7/13/2023	\$490,000	1,853	3	2	1,853	1.45	6	Kimberly Wade	36	The Aland Realty Group	
25	CL	5/22/2023	\$496,500	4948319	Single Family	89 Windymere Drive	Epsom	NH	Merrimack	4/12/2023	\$496,500	2,243	3	3	2,243	1.00	5	Angel Boyd	40	Angelview Realty, LLC	
26	CL	8/31/2023	\$500,000	4957202	Single Family	16 Lake View Road	Epsom	NH	Merrimack	6/15/2023	\$500,000	1,509	2	2	2,535	0.34	55	Tina Heaney	40	Keller Williams Realty Metro-Concord	
27	A			4981184	Single Family	11 Deer Lane	Epsom	NH	Merrimack	1/2/2024	\$515,000	1,692	4	2	2,394	2.37	48	Susan Locantore	40	Roche Realty Group	
28	CL	11/14/2023	\$520,000	4963740	Single Family	1015 Highland Drive	Epsom	NH	Merrimack	8/2/2023	\$520,000	1,926	4	2	1,926	2.06	70	Darrin Forehand	32	Keller Williams Realty Metro-Concord	
29	CL	7/19/2023	\$525,000	4957700	Single Family	130 North Pembroke Road	Epsom	NH	Merrimack	6/19/2023	\$525,000	1,942	3	2	1,942	2.25	17	Linda M Manter	35	Manter Realty, LLC	
30	CL	6/30/2023	\$562,000	4951974	Single Family	99 Copperline Drive	Epsom	NH	Merrimack	5/10/2023	\$562,000	3,100	3	3	3,100	1.20	5	Dylan E Tooch	38	New Space Real Estate, LLC	
31	CL	12/7/2023	\$580,000	4977181	Single Family	135 Swamp Road	Epsom	NH	Merrimack	11/8/2023	\$580,000	3,160	5	3	3,160	11.45	22	Tia Brunault	35	KSRJ Signature Realty Group	
32	CL	8/21/2023	\$585,000	4956417	Single Family	206 Lords Mill Road	Epsom	NH	Merrimack	6/8/2023	\$585,000	2,500	4	3	2,500	7.60	12	Dawn Smith	28	Keller Williams Realty-Metropolitan	
33	PE			4979797	Single Family	57 Sherburne Hill Road	Epsom	NH	Merrimack	12/8/2023	\$624,900	2,320	4	2	2,320	89.58	53	Diane Darling	31	Coldwell Banker Realty Portsmouth NH	
34	CL	12/15/2023	\$675,000	4975325	Single Family	83 Windsor Road	Epsom	NH	Merrimack	10/24/2023	\$675,000	2,229	4	3	2,826	2.35	20	Megan Higgins Croteau	40	KW Coastal and Lakes & Mountains Realty	
35	CL	2/8/2024	\$690,000	4979252	Single Family	138 Old Town Rd Extension	Epsom	NH	Merrimack	12/3/2023	\$690,000	2,626	4	3	2,626	3.37	9	Jason Massicotte	33	EXP Realty	
36	CL	6/14/2023	\$700,000	4948947	Single Family	83 Windsor Road	Epsom	NH	Merrimack	4/17/2023	\$700,000	3,250	4	3	3,250	2.43	18	Donald Waldron	37	Century 21 McLennan & Co	
37	CL	8/24/2023	\$725,000	4957830	Single Family	30 Nash Lane	Epsom	NH	Merrimack	6/19/2023	\$725,000	2,196	3	2	2,196	29.38	22	Jeff Keeler	37	Keeler Family Realtors	
38	CL	6/5/2023	\$737,000	4948569	Single Family	43 Sleepy Hollow Lane	Epsom	NH	Merrimack	4/13/2023	\$737,000	1,111	2	3	1,511	0.21	4	Brian Jolicoeur	40	NH 1 Realty LLC	
39	CL	6/13/2023	\$940,000	4949169	Single Family	44 McEvoy Lane	Epsom	NH	Merrimack	4/18/2023	\$940,000	3,622	3	3	3,622	18.24	28	David M Lovlien	40	Keeler Family Realtors	

199.6' F



Property Card: CHESTNUT POND ROAD
Town of Epsom, NH

<p>NO PHOTO AVAILABLE</p>	<p>Parcel ID: 000U19-000046-000000 PID: 000U19000046000000</p> <p>Owner: NOVAK, MICHAEL, TRUSTEE Co-Owner: NVK LAND TRUST Mailing Address: 67 DALE STREET LUDLOW, MA 01056</p>
<p style="text-align: center;">General Information</p> <p>Map: 000U19 Lot: 000046 Sub: 000000</p> <p>Land Use: UNMNGD PINE Zone: R/A CHESTNUT POND Land Area in Acres: 10.27 Current Use: Y Neighborhood: N-C Frontage: 0 Waterfront: 1 View Factor: N</p>	<p style="text-align: center;">Assessed Value</p> <p>Land: \$701 Buildings: \$0 Extra Features: \$0 Total: \$701</p> <hr/> <p style="text-align: center;">Sale History</p> <p>Book/Page: 3842-2690 Sale Date: 11/16/2023 Sale Price: \$70,000</p>
<p style="text-align: center;">Building Details</p> <p>Model Description: Total Gross Area: 0 Year Built: 0 Building Grade: Stories:</p>	<p>Condition: Depreciation: 0 No. Bedrooms: 0 No. Baths: 0 Adj Bas: 0</p>

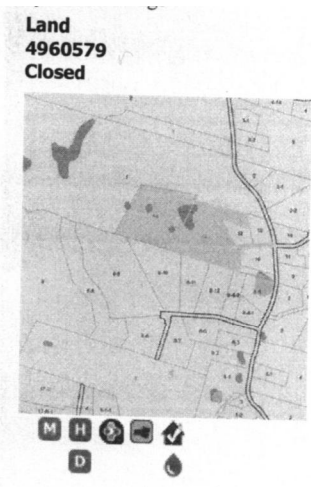


This information is believed to be correct but is subject to change and is not warranted.

2/16/2024

Page 1 of 1

Property Information - Epsom, NH



Land
4960579
Closed

Lots 13 & 14 Berry Lane
Epsom NH 03234
Unit/Lot #

Listed: 7/10/2023 **\$185,000**
Closed: 1/12/2024 **\$185,000**
DOM: 3

County NH-Merrimack
Vill/Dst/Loc
Zoning RES/AG
Lot Size Acres 28.22
Lot - Sqft 1,229,263
Price Per Acre \$6,555.63
Taxes TBD No
Tax - Gross Amount \$89.00
Tax Year 2022
Waterfront Property No
Water View No
Water Body Access No

Road Frontage Yes
Road Frontage Length 50
Surveyed Yes
Surveyed By

Water Body Name
Water Body Type
Water Frontage Length
Waterfront Property Rights
Water Body Restrictions

ROW - Parcel Access
ROW - Length
ROW - Width
ROW to other Parcel
Total Lots 2
Total Leases
OpenSpc %

Delayed Showing No
Date - Initial Showings Begin

Directions Route 4 to North Road, take left onto Berry Lane (across the street from Ox Lane)

Remarks - Public Looking for land to build your estate on? Check out these two lots in Epsom totaling over 28 acres. Lot has 50' of road frontage on North Road.

Development / Subdivision

LOT/LOCATION

Pole Number
Permit Number
Roads Dead End, Paved, Private, Privately Maintained

Lot Description Country Setting, Secluded, Wooded

Area Description Rural

School - District Epsom
School - Elementary Epsom Central School
School - Middle/Jr Epsom Central School
School - High Pembroke Academy

UTILITIES

Utilities None
Water Drilled Well, Private
Sewer None, On-Site Septic Needed
Electric At Street

Fuel Company
Electric Company
Cable Company
Phone Company

Deed - Recorded Type Warranty
Deeds - Total
Deed - Book 3691
Deed - Page 2852
Plan Survey Number
Property ID

PUBLIC RECORDS

Map R10
Block 0
Lot 13 & 14
SPAN#

Tax Class
Tax Rate
Current Use Yes
Land Gains
Assessment Amount
Assessment Year
Assessments - Special

DISCLOSURES

Fee
Fee 2
Fee 3

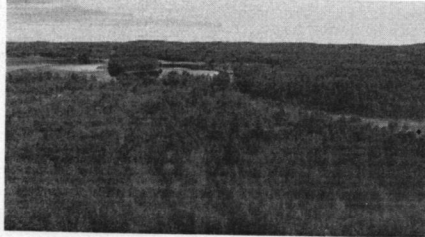
OpenStreetMap

Note: Report includes internal fields <https://www.paragonreels.com/ParagonLS/Reports/Report.html?listin...>

Land
4902454
Closed

Lot 3 Corson Drive
Northwood
Unit/Lot #

Listed: 3/25/2022 **\$137,900**
Closed: 8/31/2023 **\$125,000**
DOM: 492



County NH-Rockingham
VillDStLoc
Zoning Rural
Lot Size Acres 10.40
Lot - Sqft 453,024
Price Per Acre \$12,019.23
Taxes TBD No
Tax - Gross Amount \$275.00
Tax Year 2021
Waterfront Property
Water View
Water Body Access Yes

Road Frontage TBD
Road Frontage Length
Surveyed Unknown
Surveyed By

ROW - Parcel Access Yes
ROW - Length 1100
ROW - Width 50
ROW to other Parcel
Total Lots 1
Total Leases
OpenSpC %

Water Body Name Bow Lake

Delayed Showing No
Date - Initial Showings Begin

Water Body Type Lake
Water Frontage Length
Water Access Details Beach Access, Municipal Residents Only, Shared-Private
Waterfront Property Rights



Property Panorama VTour

Directions Route 4 to Bow Lake Road, 2-1/2 miles on left is Corson Drive, Land is to the end of the road to the right and a trail to the left out to the shed.

Remarks - Public Beautiful 10.4 acre lot with a 16 x 20 shed. There is a row to it but may need variance to build. Mary Waldron Beach for town residents is walking distance for you to enjoy the beautiful sandy beach on Bow Lake. There is also a boat launch located next to the beach for easy access onto the lake with your watercraft. This land allows you the enjoyment of all that nature has to offer and it has access to one of the major snowmobile routes. Have all this privacy but yet you are just minutes away to Route 4. Easy commute to Concord and Portsmouth. Consult Town for requirements for building. Agents see non-public remarks.

Development / Subdivision

LOT/LOCATION

Lot Description Country Setting, Lake Access, Lakes, Secluded, Trail/Near Trail, Wooded, Beach Access

Pole Number
Permit Number

Roads Dead End, Gravel, Easement/ROW, Privately Maintained

Area Description In Town, Near Paths, Near Snowmobile Trails, Neighborhood, Rural

School - District Northwood Sch Dst SAU 44
School - Elementary Northwood Elementary School
School - Middle/Jr Northwood Elementary School
School - High Coe Brown-Northwood Acad

UTILITIES

Utilities None
Water On-Site Well Needed
Sewer On-Site Septic Needed
Electric None

Fuel Company
Electric Company
Cable Company
Phone Company

Deed - Recorded Type Quit Claim
Deeds - Total
Deed - Book 6287
Deed - Page 2816
Plan Survey Number
Property ID

Map 208
Block 0
Lot 3
SPAN#

PUBLIC RECORDS

Tax Class
Tax Rate 15.47
Current Use Unknown
Land Gains
Assessment Amount
Assessment Year
Assessments - Special

DISCLOSURES

Fee
Fee 2
Fee 3

Spreadsheet Page 4902454 Lot 3 Corson Drive https://neren.paragonreals.com/ParagonLS/Reports/ReportPrivateListin...

DISCLOSURES Continued

Foreclosed/Bank-Owned/REO No
Monthly Lease Amount
Possession At Closing
Flood Zone Unknown
Easements Yes
Covenants Unknown
Resort No

Financing-Current
Financing-Possible Opt
Auction
Date - Auction
Auction Time
Auctioneer Name
Auctioneer License Number
Auction Price Determd By

Items Excluded
Land Restrictions Easement/ROW
Documents Available Deed, Property Disclosure, Right-Of-Way (ROW), Tax Map

REMARKS -- OWNER/OCCUPANT -- SHOWING INSTRUCTIONS

Remarks - Non-Public Corson Drive is a private road and there is a rope across the road entrance to the property, make sure to put it back up when you leave. There is no access to the shed at this time. Consult town for requirements for building. Please call Showing Time 800-746-9464 to schedule appointments.

Remarks - Intra-Firm

Showing Instructions ShowingTime 800-746-9464
Showing Service Showing Time

COMPENSATION
Buyer Agency 2.50
Buyer Agency Type %
SubAgency 0.00
SubAgency Type %
NonAgency Facilitator 1.00
NonAgency Facilitator Type %
Transactional Broker
Transactional Broker Type
Compensation Based On Gross Sales Price
See Non-Public Remarks Yes

Input of Owner Name I have written permission to submit name
Owner Name Dodge
Owner Phone
Occupant Name
Occupant Phone
Management Company
Management Company Phone

LISTING & CLOSING INFORMATION

Listing Office - Office Name EXP Realty
Listing Office - Phone Number Off: 888-398-7062
Listing Office - Phone Number 2
List Agent - Agent Name Sandy Briggs-Kelley
List Agent - Phone Number Cell: 603-848-4578
List Agent - E-mail sandi637@gmail.com
List Team - Team Name
List Team - Phone Number 1
List Team - Team Email 1
Co List Agent - Agent Name
Co List Agent - Phone Number
Co List Agent - E-mail
Alternate Contact - Agent Name
Alternate Contact - Phone Number
Selling Office - Office Name EXP Realty
Selling Office - Phone Number Off: 888-398-7062
Selling Office - E-mail nh.broker@exprealty.net
Selling Agent - Agent Name Kristy A Tobine
Selling Agent - Phone Number Cell: 603-236-6547
Selling Agent - E-mail kristytobine@starkeyrealty.com
Sell Team - Team Name
Sell Team - Phone Number 1
Sell Team - Team Email 1
Co Selling Office - Office Name and Phone
Co Selling Agent - Agent Name and Phone

Date - MLS List 3/25/2022
Date - Expiration
Date - Active Under Contr 7/30/2023
Date - Pending
Date - Withdrawn
Date - Terminated
Date - Closed 8/31/2023
Anticipated Closing Date
Listed in other Prop Type No
Primary MLS#
Comp Only No
Comp Type
Listing Type Exclusive Right
Listing Service Full Service
Designated/Apptd. Agency Yes
Variable Commission No
Short Sale No
Price - Original \$137,900

Concessions No Comment

Financing-Buyer Cash

Concession - Amount
Concession - Comments
Appraisal Complete No
Appraisal Type
Appraiser
Appraiser Phone
Appraiser Email
Buyer Name
Residence
Title Company

Contingencies

My Info: James Scrivens - Phone: 603-470-6061

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Land
4968623
Closed

000 Spruce Cove Road
Northwood
Unit/Lot #

NH 03261

Listed: 9/5/2023
Closed: 1/9/2024
DOM: 73

\$105,000
\$105,000



County NH-Rockingham
Vill/Dst/Loc
Zoning R
Lot Size Acres 1.03
Lot - Sqft 44,867
Price Per Acre \$101,941.75
Taxes TBD No
Tax - Gross Amount \$1,613.00
Tax Year 2022
Waterfront Property
Water View
Water Body Access
Water Body Name
Water Body Type
Water Frontage Length
Waterfront Property Rights
Water Body Restrictions

Road Frontage Yes
Road Frontage Length 305
Surveyed Yes
Surveyed By Blaisdell

ROW - Parcel Access
ROW - Length
ROW - Width
ROW to other Parcel
Total Lots
Total Leases
OpenSpc %

Delayed Showing No
Date - Initial Showings Begin

Directions Rt 4 to Spruce Cove Road. Proposed drive way is just before the first house on the right. To the right of a telephone pole set off the road.

Remarks - Public Land with a view of Northwood Lake!!! Situated on the beginning of a private road sits a lot with plenty to offer. A level building area exists above the lake, giving several spots to relax and watch the sun rise or set. A survey has been completed, and a 3 bedroom septic has already been approved. Ready for your forever home, or a weekend retreat for the whole family. Fifteen minutes to Concord, thirty five minutes to Portsmouth, and just over an hour to Boston. This land also gives you access to the prestigious Northwood School District, including Coe Brown Academy. Easy location, sought after school district, lake view, affordable price. Come see what this land can offer you. Schedule your showing today.

Development / Subdivision

LOT/LOCATION

Pole Number
Permit Number
Roads Private

Lot Description Corner, Lake View, Level, Water View

Area Description In Town

School - District Northwood Sch Dst SAU 44
School - Elementary Northwood Elementary School
School - Middle/Jr Northwood Elementary School
School - High Coe Brown-Northwood Acad

Utilities None
Water None
Sewer None
Electric At Street

UTILITIES
Fuel Company
Electric Company
Cable Company
Phone Company

Deed - Recorded Type Warranty
Deeds - Total
Deed - Book 5414
Deed - Page 83
Plan Survey Number
Property ID

Map 107
Block 000
Lot 15-1
SPAN#

PUBLIC RECORDS

Tax Class
Tax Rate
Current Use No
Land Gains
Assessment Amount
Assessment Year
Assessments - Special

Fee \$500.00
Fee 2
Fee 3

Yearly
Fee Includes Other, Plowing

DISCLOSURES

https://neren.paragonrels.com/ParagonLS/Reports/ReportActiveListin...

Foreclosed/Bank-Owned/REO No
Monthly Lease Amount

Flood Zone Unknown
Easements
Covenants No
Resort No

DISCLOSURES Continued

Financing-Current
Financing-Possible Opt

Auction No
Date - Auction
Auction Time

Auctioneer Name
Auctioneer License Number
Auction Price Determind By

Items Excluded

REMARKS -- OWNER/OCCUPANT -- SHOWING INSTRUCTIONS

Remarks - Non-Public Buyer or buyers agent to perform their own due diligence. Approved septic on file. Lot is clearly flagged. Proposed driveway is just before the first home on the rights driveway, To the right of a telephone pole that is set off the road.

Remarks - Intra-Firm

COMPENSATION

Buyer Agency 2.00
Buyer Agency Type %
SubAgency 0.00
SubAgency Type %
NonAgency Facilitator 2.00
NonAgency Facilitator Type %
Transactional Broker
Transactional Broker Type
Compensation Based On Net Sales Price
See Non-Public Remarks No

Showing Instructions Assisted Showings Reqrd, Call List Agent, Text List Agent
Showing Service

Input of Owner Name I have written permission to submit name
Owner Name Blaisdell

Owner Phone
Occupant Name
Occupant Phone

Management Company
Management Company Phone

LISTING & CLOSING INFORMATION

Listing Office - Office Name
Listing Office - Phone Number
Listing Office - Phone Number 2
List Agent - Agent Name
List Agent - Phone Number
List Agent - E-mail
List Team - Team Name
List Team - Phone Number 1
List Team - Team Email 1
Co List Agent - Agent Name
Co List Agent - Phone Number
Co List Agent - E-mail

The Gove Group Real Estate, LLC
Off: 603-778-6400
Fax: 603-772-4786
Evan M Young
Phone: 603-475-5574
eyoung@thegovegroup.com

Date - MLS List 9/5/2023
Date - Expiration
Date - Active Under Contr
Date - Pending 11/17/2023
Date - Withdrawn
Date - Terminated
Date - Closed 1/9/2024
Anticipated Closing Date

Alternate Contact - Agent Name
Alternate Contact - Phone Number

Rebecca S Saunders

Selling Office - Office Name
Selling Office - Phone Number
Selling Office - E-mail

BHG Masiello Manchester
Off: 603-657-3200
manchester@masiello.com

Selling Agent - Agent Name
Selling Agent - Phone Number
Selling Agent - E-mail

Laurie Norton Team
Off: 603-657-3200
LaurieANorton@comcast.net

Listed in other Prop Type No
Primary MLS#
Comp Only No
Comp Type
Listing Type Exclusive Right
Listing Service Full Service
Designated /Apptd. Agency No
Variable Commission No
Short Sale No
Price - Original \$120,000

Sell Team - Team Name
Sell Team - Phone Number 1
Sell Team - Team Email 1

Co Selling Office - Office Name and Phone
Co Selling Agent - Agent Name and Phone

Concessions No Comment

Concession - Amount
Concession - Comments

Financing-Buyer Cash

Appraisal Complete No
Appraisal Type
Appraiser

Contingencies

Appraiser Phone
Appraiser Email
Buyer Name
Residence
Title Company

My Info: James Scrivens - Phone: 603-470-6061

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note: report includes internal fields
<https://www.paragonreels.com/ParagonLS/Reports/Report.html?listin...>

Land
4952627
Closed

0 Swamp Road
Epsom
NH 03234
Unit/Lot #

Listed: 5/15/2023 **\$110,000**
Closed: 7/25/2023 **\$120,000**
DOM: 1



County NH-Merrimack
VillDstLoc
Zoning Res/Agr
Lot Size Acres 5.03
Lot - Sqft 219,107
Price Per Acre \$23,856.86
Taxes TBD Yes
Tax - Gross Amount
Tax Year
Waterfront Property
Water View
Water Body Access
Water Body Name
Water Body Type
Water Frontage Length
Waterfront Property Rights
Water Body Restrictions

Road Frontage Yes
Road Frontage Length 200
Surveyed Yes
Surveyed By Wichert LLS., Inc

ROW - Parcel Access
ROW - Length
ROW - Width
ROW to other Parcel
Total Lots
Total Leases
OpenSpc %

Delayed Showing No
Date - Initial Showings Begin

Directions

Remarks - Public Wooded building lot in country setting with easy access to Concord and Manchester. First portion of driveway and culvert in place. Property is in current use and buyer will be responsible for current use fee. Owner is licensed real estate agent.

Development / Subdivision

LOT/LOCATION

Lot Description Country Setting, Level, Wooded

Pole Number
Permit Number
Roads Paved, Public

School - District Epsom
School - Elementary Epsom Central School
School - Middle/Jr Epsom Central School
School - High Pembroke Academy

Suitable Use Residential

Utilities Cable - Available, Telephone Available
Water On-Site Well Needed
Sewer On-Site Septic Needed
Electric At Street

UTILITIES

Fuel Company
Electric Company
Cable Company Breezeline
Phone Company

Deed - Recorded Type Quit Claim
Deeds - Total
Deed - Book 3721
Deed - Page 2415
Plan Survey Number
Property ID

Map R2
Block 47
Lot 5
SPAN#

PUBLIC RECORDS

Tax Class
Tax Rate
Current Use Yes
Land Gains
Assessment Amount
Assessment Year
Assessments - Special

DISCLOSURES

Fee
Fee 2
Fee 3

Spreadsheet Page 4952627 0 Swamp Road https://neren.paragonrels.com/ParagonLS/Reports/ReportView?listin...

Foreclosed/Bank-Owned/REO No
Monthly Lease Amount

Flood Zone Unknown
Easements
Covenants No
Resort No

DISCLOSURES Continued

Financing-Current
Financing-Possible Opt
Auction
Date - Auction
Auction Time
Auctioneer Name
Auctioneer License Number
Auction Price Determnd By

Items Excluded
Documents Available Deed, Driveway Permit, Property Disclosure, Survey, Tax Map

REMARKS -- OWNER/OCCUPANT -- SHOWING INSTRUCTIONS

Remarks - Non-Public
Remarks - Intra-Firm

Showing Instructions Call List Agent, Flagged, Pins, Sign on Property
Showing Service None

Input of Owner Name I have written permission to submit name
Owner Name Jeffrey and Catherine Keeler Rev Trust of 2021
Owner Phone
Occupant Name
Occupant Phone
Management Company
Management Company Phone

COMPENSATION

Buyer Agency 2.00
Buyer Agency Type %
SubAgency 0.00
SubAgency Type %
NonAgency Facilitator 2.00
NonAgency Facilitator Type %
Transactional Broker
Transactional Broker Type
Compensation Based On Net Sales Price
See Non-Public Remarks No

LISTING & CLOSING INFORMATION

Listing Office - Office Name Keeler Family Realtors
Listing Office - Phone Number Off: 603-225-3353
Listing Office - Phone Number 2 Fax: 603-224-4151
List Agent - Agent Name Jeff Keeler
List Agent - Phone Number Cell: 603-848-0474
List Agent - E-mail jeff52755@aol.com
List Team - Team Name
List Team - Phone Number 1
List Team - Team Email 1
Co List Agent - Agent Name
Co List Agent - Phone Number
Co List Agent - E-mail
Alternate Contact - Agent Name
Alternate Contact - Phone Number
Selling Office - Office Name Coldwell Banker Classic Realty
Selling Office - Phone Number Off: 603-647-5718
Selling Office - E-mail jason@cbcrealty.com
Selling Agent - Agent Name Jay Lafore
Selling Agent - Phone Number Cell: 603-860-5718
Selling Agent - E-mail jay@cbcrealty.com
Sell Team - Team Name
Sell Team - Phone Number 1
Sell Team - Team Email 1
Co Selling Office - Office Name and Phone
Co Selling Agent - Agent Name and Phone
Concessions No
Concession - Amount
Concession - Comments
Appraisal Complete No
Appraisal Type
Appraiser
Appraiser Phone
Appraiser Email
Buyer Name
Residence
Title Company

Date - MLS List 5/15/2023
Date - Expiration
Date - Active Under Contr
Date - Pending 5/16/2023
Date - Withdrawn
Date - Terminated
Date - Closed 7/25/2023
Anticipated Closing Date
Listed in other Prop Type No
Primary MLS#
Comp Only No
Comp Type
Listing Type Exclusive Right
Listing Service Full Service
Designated/ Apptd. Agency No
Variable Commission No
Short Sale No
Price - Original \$110,000

Financing-Buyer Cash

Contingencies

My Info: James Scrivens - Phone: 603-470-6061

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Land
4967543
Active



note: report includes internal fields
www.paragonreels.com/ParagonLS/Reports/Report.html?listin...

46 Upper Camp Road
Northwood NH 03261
Unit/Lot # 46

Listed: 8/28/2023 **\$125,000**

Closed:
DOM: 175

County NH-Rockingham
VillDstLoc
Zoning residential
Lot Size Acres 0.71
Lot - Sqft 30,928
Price Per Acre \$176,056.34
Taxes TBD No
Tax - Gross Amount \$601.00
Tax Year 2023
Waterfront Property
Water View
Water Body Access Yes

Road Frontage Yes
Road Frontage Length 240
Surveyed Yes
Surveyed By Chris Berry Survey

Water Body Name Lucas Pond

ROW - Parcel Access
ROW - Length
ROW - Width
ROW to other Parcel
Total Lots
Total Leases
OpenSp %

Water Body Type Pond
Water Frontage Length
Water Access Details Beach Access, Shared-Private
Waterfront Property Rights
Water Body Restrictions Unknown

Delayed Showing No
Date - Initial Showings Begin

Directions Rt 4 in Northwood, Turn onto Rt 43, go about 1 mile, turn left onto Lucas Pond Road, turn right onto Upper Camp Rd, 4th lot on the left (corner lot).

Remarks - Public Beautiful 0.71 acre lot with deeded rights to 3 beaches on Lucas Pond. Just minutes from all the amenities that Northwood has to offer. Great location for commuting less than a mile from Rt43, Rt4 and Rt 154 but still secluded. Lot has a gradual slope, nice size and shape. Lot 46 has a state approved 3 bedroom septic design and a 3 bedroom, 2 bath building permit and has been surveyed in 2023. No wetlands. Temporary electrical work -order already submitted. It's ready to go to build your dream house.

Development / Subdivision

LOT/LOCATION

Lot Description Corner, Lake Access, Level, Wooded, Beach Access

Pole Number

Permit Number
Roads Gravel, Private

School - District Coe-Brown Northwood Academy
School - Elementary Northwood Elementary School
School - Middle/Jr
School - High

UTILITIES

Utilities None
Water None
Sewer None, Septic Design Available
Electric None

Fuel Company
Electric Company
Cable Company
Phone Company

Deed - Recorded Type Quit Claim
Deeds - Total
Deed - Book 6476
Deed - Page 608
Plan Survey Number
Property ID

PUBLIC RECORDS

Map 244
Block 0
Lot 46
SPAN#

Tax Class
Tax Rate
Current Use No
Land Gains
Assessment Amount
Assessment Year
Assessments - Special

DISCLOSURES

Fee
Fee 2
Fee 3

40 Upper Camp Road https://neren.paragonrels.com/ParagonLS/Reports/Report...
 1207373 7/19/2023

Foreclosed/Bank-Owned/REO No
Monthly Lease Amount
Flood Zone No
Easements
Covenants Unknown
Resort No

DISCLOSURES Continued

Financing-Current
Financing-Possible Opt
Auction No
Date - Auction
Auction Time
Auctioneer Name
Auctioneer License Number
Auction Price Determnd By

Items Excluded camper

REMARKS -- OWNER/OCCUPANT -- SHOWING INSTRUCTIONS
Remarks - Non-Public On the tax map this is lot 46 which is lot 54/54A on the original subdivision.
Remarks - Intra-Firm

COMPENSATION
Buyer Agency 2.00
Buyer Agency Type %
SubAgency 2.00
SubAgency Type %
NonAgency Facilitator 2.00
NonAgency Facilitator Type %
Transactional Broker
Transactional Broker Type
Compensation Based On Net Sales Price
See Non-Public Remarks No

Showing Instructions Text List Agent
Showing Service

Input of Owner Name I have written permission to withhold name
Owner Name
Owner Phone
Occupant Name
Occupant Phone
Management Company
Management Company Phone

LISTING & CLOSING INFORMATION

Listing Office - Office Name
Listing Office - Phone Number
Listing Office - Phone Number 2
List Agent - Agent Name
List Agent - Phone Number
List Agent - E-mail
List Team - Team Name
List Team - Phone Number 1
List Team - Team Email 1
Co List Agent - Agent Name
Co List Agent - Phone Number
Co List Agent - E-mail
Alternate Contact - Agent Name
Alternate Contact - Phone Number
Selling Office - Office Name
Selling Office - Phone Number
Selling Office - E-mail
Selling Agent - Agent Name
Selling Agent - Phone Number
Selling Agent - E-mail
Sell Team - Team Name
Sell Team - Phone Number 1
Sell Team - Team Email 1
Co Selling Office - Office Name and Phone
Co Selling Agent - Agent Name and Phone
Concessions
Concession - Amount
Concession - Comments
Appraisal Complete
Appraisal Type
Appraiser
Appraiser Phone
Appraiser Email
Buyer Name
Residence
Title Company

Venture Real Estate, Inc.
 Off: 617-340-9770
 Loren O'Neil
 Cell: 603-817-3028
 lorenoneil.nh@gmail.com

Date - MLS List 8/28/2023
Date - Expiration
Date - Active Under Contr
Date - Pending
Date - Withdrawn
Date - Terminated
Date - Closed
Anticipated Closing Date
Listed in other Prop Type No
Primary MLS#
Comp Only No
Comp Type
Listing Type Exclusive Agency
Listing Service Full Service
Designated /Apptd. Agency No
Variable Commission No
Short Sale No
Price - Original \$125,000

Financing-Buyer

Contingencies

My Info: James Scrivens - Phone: 603-470-6061

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Spreadsheet Page 28 AM

Residential **Single Family**
4961195
Closed

Note: Report includes internal fields
132 Chestnut Pond Road
Epsom NH 03234
Unit/Lot #

Listed: 7/13/2023 \$299,900
Closed: 9/22/2023 \$305,000
DOM: 25



County NH-Merrimack
Vill/Dst/Loc
Year Built 1946
Style Cape
Color green
Total Stories 1.5
Taxes TBD No
TaxGrosAmt \$3,152.00
Tax Year 2022
Tax Year Notes

Rooms - Total 5
Bedrooms - Total 2
Baths - Total 1
Baths - Full 1
Baths - 3/4 0
Baths - 1/2 0
Baths - 1/4 0
SqFt-Apx Total Finished 912
SqFt-Apx Total 912
Lot Size Acres 0.17
Lot - Sqft 7,405
Footprint

Delayed Showing No
Date - Showings Begin



Property Panorama VTour

Directions From Route 202 (Dover Road), Head North on North Road for 3 miles, take a right on Chestnut Pond Road, house is .5 miles up Chestnut Pond Road on the right across from the boat launch.

Remarks - Public Take time away from the hustle and bustle at this quaint pond side retreat. This charmer is located just steps away from the shoreline of Chestnut Pond in beautiful Epsom NH. Head out on the kayaks in the summer to enjoy the scenery or enjoy an icy wonderland in the winter. This cute cabin sports gleaming knotty wide pine floors, natural wood highlights, exposed beams and features a beautiful stone hearth fireplace. The main level has bright windows that look out towards the pond, eat-in kitchen and a full bath. Upstairs you will find two bedrooms adorned with gorgeous wood floors, natural light and airy skylights. The property has been extensively renovated with newer roof, insulation, windows, septic, as well as structural supports. Nothing left to do but kick back and enjoy peace and quiet.

STRUCTURE

Construction Status Existing
Rehab Needed No
Construction Wood Frame
Foundation Post/Piers
Exterior Vinyl Siding
Roof Shingle - Architectural
Basement No
Basement Access Type
Basement Description Crawl Space, Insulated
Garage No
Garage Capacity
Garage Type

Estimated Completion Date

SqFt-Apx Fin Above Grade 912
List \$/SqFt Fin ABV Grade \$328.84
SqFt-Apx Fin AG Source Assessor
SqFt-Apx Unfn Above Grade 0
SqFt-Apx Unfn AG Source Assessor
SqFt-Apx Fin Below Grade 0
List \$/SqFt Fin Below Grade
SqFt-Apx Fin BG Source Assessor
List \$/SqFt Fin Total \$328.84
SqFt-Apx Unfn Below Grade 0
SqFt-Apx Unfn BG Source Assessor
SqFt-Apx Tot Below Grade
SqFt-Apx Tot BG Source

ROOMS	DIMS. / LVL	ROOMS	DIMS. / LVL
Bedroom	2		
Bedroom	2		
Kitchen - Eat-in	1		
Living Room	1		
Bath - Full	1		

Deed - Recorded Type Warranty
Deeds - Total
Deed - Book 2421
Deed - Page 492
Deed 2 - Book
Deed 2 - Page
Plan Survey Number
Property ID 2506
Zoning R/A CH

PUBLIC RECORDS

Map 000U19
Block 00000
Lot 00052

SPAN#
Tax Class
Tax Rate
Current Use No
Land Gains

Assessment Year
Assessment Amount
Assessments - Special

LOT & LOCATION

Development / Subdivision Chestnut Pond
Owned Land
Common Land Acres
Roads Association, Dead End, Gravel, Private, Privately Maintained
Road Frontage Yes
Road Frontage Length 100
ROW - Length
ROW - Width
ROW - Parcel Access
ROW to other Parcel
Surveyed Unknown

School - District Epsom
School - Elementary Epsom Central School
School - Middle/Jr Epsom Central School
School - High Pembroke Academy

Lot Description Beach Access, Country Setting, Lake Access, Secluded, Stream, Subdivision, Water View, Wooded
Area Description Near Paths, Near Snowmobile Trails, Neighborhood, Rural, Near ATV Trail
Suitable Use Recreation

Waterfront Property No
Water View Yes
Water Body Access Yes

Water Body Name Chestnut Pond

Water Body Type Pond
Water Frontage Length
Water Access Details Indirect, Not Adjoining, Right of Way, Shared-Private
Waterfront Property Rights
Water Body Restrictions Unknown

4961195 132 Chestnut Pond Road

https://neren.paragonreals.com/ParagonLS/Reports/Report.aspx?listin...

Heating Mini Split
Heat Fuel Gas - LP/Bottle
Water Heater Electric
Cooling None
Water Drilled Well
Sewer Septic
Electric 100 Amp

UTILITIES

Utilities High Speed Intrnt -ATSite

Fuel Company
Electric Company
Cable Company Breezline
Phone Company

Features - Exterior Boat Launch, Deck, Fence - Partial, Natural Shade, Shed,
Windows - Double Pane
Driveway Gravel
Parking Driveway, Off Street
Flooring Hardwood
Features - Interior Cathedral Ceiling, Draperies, Fireplace - Wood, Fireplaces - 1
, Furnished, Hearth, Natural Light, Natural Woodwork

FEATURES

Appliances Refrigerator, Stove - Electric
Features - Accessibility 1st Floor Full Bathroom, 1st Floor Hrd Surfce Flr, Hard
Surface Flooring

Condo Name
Building Number
Units Per Building
Condo Limited Common Area
Condo Fees
Association Amenities

CONDO -- MOBILE -- AUCTION INFO

Auction No
Date - Auction
Auction Time
Auctioneer Name
Auctioneer License Number
Auction Price Determd By

Beach Rights, Boat Launch, Docks, Snow
Removal

Mobile Park Name
Mobile Make
Mobile Model Name
MobileSer#

Mobile Anchor
Mobile Co-Op
Mobile Park Approval
Mobile Must Move

DISCLOSURES

Fee
Fee 2
Fee 3

Flood Zone Unknown
Seasonal Yes
Easements Yes
Covenants Unknown
Resort

Foreclosed/Bank-Owned/REO No
Planned Urban Developmt
Rented

Rental Amount
Items Excluded Gold Chair, Roll-top desk, sofa
Documents Available Deed, Property Disclosure

Timeshare/Fract. Ownrshp No
T/F Ownership Amount
T/F Ownership Type

Power Production Type
Power Production Ownership
Mount Type
Mount Location
Power Production Size
Power Production Year Install
Power Production Annual
Power Production Annual Status
Power Production Verification Source

POWER PRODUCTION

Power Production Type 2
Power Production Ownership 2
Mount Type 2
Mount Location 2
Power Production Size 2
Power Production Year Install 2
Power Production Annual 2
Power Production Annual Status 2
Power Production Verification Source 2

HOME PERFORMANCE INDICATORS

Green Verificatn Body 2
Green Verificatn Progrm 2
Green Verificatn Year 2
Green Verificatn Rating 2
Green Verificatn Metric 2
Green Verificatn Status 2
Green Verification Source 2
Green Verificatn NewCon 2
Green Verificatn URL 2

Green Verification Body
Green Verification Progrm
Green Verification Year
Green Verification Rating
Green Verification Metric
Green Verification Status
Green Verification Source
Green Verification NewCon
Green Verification URL

Green Verificatn Body 3
Green Verificatn Progrm 3
Green Verificatn Year 3
Green Verificatn Rating 3
Green Verificatn Metric 3
Green Verificatn Status 3
Green Verification Source 3
Green Verificatn NewCon 3
Green Verificatn URL 3

4961195 132 Chestnut Pond Road

https://neren.paragonreals.com/ParagonLS/Reports/Report.aspx?listing...

REMARKS -- OWNER/OCCUPANT -- SHOWING INSTRUCTIONS

Remarks - Non-Public Septic is located on a deeded right of way. Seller prefers to sell the home furnished. Seller is pumping septic and testing water prior to sale those receipts/records will be disclosed at the time of the sale. The road has an association that "requests" a \$200 road maintenance contribution annually. It is not mandatory.

Remarks - Intra-Firm

Showing Instructions Combo Lockbox, ShowingTime 800-746-9464, Sign on Property, Single Broker Showing, Vacant
Showing Service Showing Time

Input of Owner Name I have written permission to withhold name
Owner Name
Owner Phone
Occupant Type
Occupant Name
Occupant Phone
Management Company
Management Company Phone

LISTING & CLOSING INFORMATION

Listing Office - Office Name
Listing Office - Phone Number
Listing Office - Phone Number 2
List Agent - Agent Name and Phone
List Agent - Phone Number
List Agent - E-mail
List Team - Team Name
List Team - Phone Number 1
List Team - Team Email 1
Co List Agent - Agent Name and Phone
Co List Agent - Phone Number
Co List Agent - E-mail
Alternate Contact - Agent Name
Alternate Contact - Phone Number
Alternate Contact - E-mail
Selling Office - Office Name
Selling Office - Phone Number
Selling Office - E-mail
Selling Agent - Agent Name
Selling Agent - Phone Number
Selling Agent - E-mail
Sell Team - Team Name
Sell Team - Phone Number 1
Co Selling Office - Office Name and Phone
Co Selling Agent - Agent Name and Phone

Coldwell Banker Realty Bedford NH
 Off: 603-471-0777
 Fax: 603-471-0914
 Cameron L Lilley - Cell: 603-370-7852
 Cell: 603-370-7852
 CamsellsNH@gmail.com

RE/MAX Shoreline
 Off: 603-431-1111
 mailroom@nhshoreline.com
 Beverly Brooks
 Cell: 603-770-7039
 bevbrooks333@yahoo.com

COMPENSATION
Buyer Agency 2.00
Buyer Agency Type %
SubAgency
SubAgency Type
NonAgency Facilitator 2.00
NonAgency Facilitator Type %
Transactional Broker
Transactional Broker Type
Compensation Based On Gross Sales Price
See Non-Public Remarks Yes

Date - MLS List 7/13/2023
Date - Expiration
Date - Active Under Contr 8/7/2023
Date - Pending
Date - Withdrawn
Date - Terminated
Date - Closed 9/22/2023
Anticipated Closing Date

Listed in other Prop Type No
Primary MLS#
Comp Only No
Comp Type
Listing Type Exclusive Agency
Listing Service Full Service
Designated/Apptd. Agency Yes
Variable Commission No
Short Sale No
Price - Original \$299,900

Concessions No Comment
Concession - Amount
Concession - Comments
Appraisal Complete Yes
Appraisal Type In Person
Appraiser John McQuade
Appraiser Phone 603-647-4111
Appraiser Email
Buyer Name
Residence
Title Company

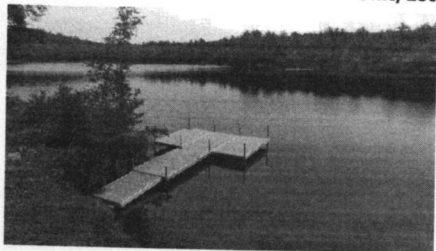
Financing-Buyer Conventional

Contingencies

My Info: James Scrivens - Phone: 603-470-6061

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Residential **Single Family**
4957202
Closed



note: Report includes internal fields [ren.paragonre.com/ParagonLS/Reports/Report.html?distin...](https://www.ren.paragonre.com/ParagonLS/Reports/Report.html?distin...)
16 Lake View Road
Epsom **NH 03234**
Unit/Lot #

County NH-Merrimack
VillDstLoc
Year Built 1952
Style Cape
Color White
Total Stories 1
Taxes TBD No
TaxGrosAmt \$6,024.00
Tax Year 2022
Tax Year Notes

Listed: 6/15/2023 **\$549,000**
Closed: 8/31/2023 **\$500,000**
DOM: 55
Rooms - Total 9
Bedrooms - Total 2
Baths - Total 2
Baths - Full 2
Baths - 3/4 0
Baths - 1/2 0
Baths - 1/4 0
SqFt-Apx Total Finished 2,535
SqFt-Apx Total 3,018
Lot Size Acres 0.34
Lot - Sqft 14,810
Footprint

Delayed Showing Yes
Date - Showings Begin 6/17/2023

Directions Take I-93 N, NH-101 E/State Rte 101 E, NH-43 N and NH-107 N to North Road in Epsom 39 min (30.0 mi) Continue on North Road. Drive to Lk Vw Rd 6 min (2.7 mi) 16 Lk Vw Rd



Unbranded Tour URL 1
 Unbranded Tour URL 2
 Property Panorama VTour

Remarks - Public WELCOME to your home on Chestnut Pond. This beautiful Cape home has been recently updated throughout. Full farmer's porch greets you in front of the home. Entryway laundry with washer and dryer. Bright kitchen with loads of cabinet space and counters. Spacious dining room flows effortlessly into the sunroom where you can take in gorgeous views of the water. Guest bedroom/office/den also on the 1st floor. Highly sought after 1st floor primary suite with views, full bath and walk-in cedar lined closet. Basement is finished with large family room. You'll find an additional large bedroom with cedar lined closet. Full sized bath in basement also. Walk out the french doors to the patio and down the small slope to your large dock and Chestnut Pond. Home has water filtration system and pulls water from the pond. New septic system, thermopane windows and doors. Close to both Concord and the Seacoast. Delayed showings.

Construction Status Existing
Rehab Needed No
Construction Timber Frame
Foundation Below Frost Line, Concrete, Poured Concrete
Exterior Vinyl Siding
Roof Shingle - Asphalt
Basement Yes
Basement Access Type Walk-up
Basement Description Concrete, Daylight, Finished, Full, Insulated, Stairs - Interior, Storage Space, Walkout, Interior Access, Exterior Access, Stairs - Basement
Garage No
Garage Capacity
Garage Type

STRUCTURE
Estimated Completion Date

SqFt-Apx Fin Above Grade 1,509
List \$/SqFt Fin ABV Grade \$363.82
SqFt-Apx Fin AG Source Public Records
SqFt-Apx Unfn Above Grade 0
SqFt-Apx Unfn AG Source Estimated
SqFt-Apx Fin Below Grade 1,026
List \$/SqFt Fin Below Grade \$535.09
SqFt-Apx Fin BG Source Estimated
List \$/SqFt Fin Total \$216.57
SqFt-Apx Unfn Below Grade 483
SqFt-Apx Unfn BG Source Estimated
SqFt-Apx Tot Below Grade
SqFt-Apx Tot BG Source

ROOMS	DIMS. / LVL
Primary BR Suite	1
Bedroom	B
Office/Study	1
Dining Room	1
Family Room	B
Laundry Room	1
Sunroom	1
Kitchen	1

ROOMS	DIMS. / LVL
-------	-------------

Deed - Recorded Type Quit Claim
Deeds - Total
Deed - Book 3603
Deed - Page 2335
Deed 2 - Book
Deed 2 - Page
Plan Survey Number
Property ID
Zoning R/A Chestnut Pond

PUBLIC RECORDS
Map U19
Block 18
Lot 000
SPAN#
Tax Class
Tax Rate 23.84
Current Use
Land Gains

Assessment Year 2022
Assessment Amount \$250,600
Assessments - Special

Development / Subdivision
Owned Land Yes
Common Land Acres

LOT & LOCATION
School - District Epsom
School - Elementary Epsom Central School
School - Middle/Jr Epsom Central School
School - High Pembroke Academy

Waterfront Property Yes
Water View Yes
Water Body Access Yes

Roads Association, Private, Unpaved, Privately Maintained
Road Frontage TBD
Road Frontage Length
ROW - Length
ROW - Width
ROW - Parcel Access
ROW to other Parcel
Surveyed Unknown

Lot Description Country Setting, Pond, Pond Frontage, Pond Site, Sloping, View, Water View, Waterfront
Area Description Other, Rural
Suitable Use Residential

Water Body Name Chestnut Pond
Water Body Type Pond
Water Frontage Length
Water Access Details Directly Adjoining, Dock Access
Waterfront Property Rights Exclusively Owned
Water Body Restrictions Unknown

1507466 40 LAKE VIEW ROAD

https://neren.paragonrels.com/ParagonLS/Reports/Report.aspx?listin...

Heating Baseboard, Hot Water
Heat Fuel Gas - LP/Bottle
Water Heater Electric
Cooling None
Water Lake/Pond
Sewer 1000 Gallon, Leach Field - On-Site
Electric 200 Amp

UTILITIES

Utilities Cable - At Site, Gas - LP/Bottle, Internet - Cable

Fuel Company
Electric Company
Cable Company
Phone Company

Features - Exterior Natural Shade, Patio, Porch, Private Dock, Shed, Storage
Driveway Crushed Stone, Dirt
Parking Off Street, On-Site, Parking Spaces 1 - 10, Parking Spaces 4, Unpaved
Flooring Ceramic Tile, Combination, Laminate
Features - Interior Attic - Hatch/Skuttle, Cedar Closet, Ceiling Fan, Dining Area, Primary BR w/ BA, Natural Light, Natural Woodwork, Security Door(s), Storage - Indoor, Walk-in Closet, Laundry - 1st Floor

FEATURES

Appliances Dryer, Range Hood, Range - Gas, Refrigerator, Washer

Condo Name
Building Number
Units Per Building
Condo Limited Common Area
Condo Fees

CONDO -- MOBILE -- AUCTION INFO

Auction No
Date - Auction
Auction Time
Auctioneer Name
Auctioneer License Number
Auction Price Determined By

Mobile Park Name
Mobile Make
Mobile Model Name
MobileSer#

Mobile Anchor
Mobile Co-Op
Mobile Park Approval
Mobile Must Move

Fee \$75.00 Yearly Fee Includes Other
Fee 2
Fee 3

DISCLOSURES

Foreclosed/Bank-Owned/REO No
Planned Urban Developmt
Rented
Rental Amount
Items Excluded
Documents Available Deed, Property Disclosure, Tax Map

Possession At Closing
Flood Zone Unknown
Seasonal No
Easements Unknown
Covenants No
Resort

Timeshare/Fract. Ownrshp No
T/F Ownership Amount
T/F Ownership Type

Power Production Type
Power Production Ownership
Mount Type
Mount Location
Power Production Size
Power Production Year Install
Power Production Annual
Power Production Annual Status
Power Production Verification Source

POWER PRODUCTION

Power Production Type 2
Power Production Ownership 2
Mount Type 2
Mount Location 2
Power Production Size 2
Power Production Year Install 2
Power Production Annual 2
Power Production Annual Status 2
Power Production Verification Source 2

Green Verification Body
Green Verification Program
Green Verification Year
Green Verification Rating
Green Verification Metric
Green Verification Status
Green Verification Source
Green Verification NewCon
Green Verification URL

HOME PERFORMANCE INDICATORS

Green Verificatn Body 2
Green Verificatn Program 2
Green Verificatn Year 2
Green Verificatn Rating 2
Green Verificatn Metric 2
Green Verificatn Status 2
Green Verification Source 2
Green Verificatn NewCon 2
Green Verificatn URL 2

Green Verificatn Body 3
Green Verificatn Program 3
Green Verificatn Year 3
Green Verificatn Rating 3
Green Verificatn Metric 3
Green Verificatn Status 3
Green Verification Source 3
Green Verificatn NewCon 3
Green Verificatn URL 3

4957202 16 Lake View Road

https://neren.paragonreals.com/ParagonLS/Reports/ReportmyListing...

REMARKS -- OWNER/OCCUPANT -- SHOWING INSTRUCTIONS

Remarks - Non-Public Compensation based on net to seller at close of transaction. BUYER and BUYER AGENT to do own due diligence. Showings begin at open house Saturday, June 17; 11a - 1p. All showings to be scheduled via SHOWINGTIME. Water filtration system, water is pulled from pond. \$75 a year road maintenance fee. Included: Dining Table and Hutch 2 Rocking Chairs on front Porch Rocking Chair downstairs bedroom Refrigerator Wood for house project

COMPENSATION

Buyer Agency 2.00
Buyer Agency Type %
SubAgency 0.00
SubAgency Type %
NonAgency Facilitator 2.00
NonAgency Facilitator Type %
Transactional Broker
Transactional Broker Type
Compensation Based On Net Sales Price
See Non-Public Remarks No

Remarks - Intra-Firm

Showing Instructions 24 Hour Notice, Assisted Showings Reqrd, Call List Agent, ShowingTime 800-746-9464

Showing Service Showing Time

Input of Owner Name I have written permission to submit name

Owner Name Boucher
Owner Phone
Occupant Type
Occupant Name
Occupant Phone
Management Company
Management Company Phone

LISTING & CLOSING INFORMATION

Listing Office - Office Name
Listing Office - Phone Number
Listing Office - Phone Number 2
List Agent - Agent Name and Phone
List Agent - Phone Number
List Agent - E-mail
List Team - Team Name
List Team - Phone Number 1
List Team - Team Email 1
Co List Agent - Agent Name and Phone
Co List Agent - Phone Number
Co List Agent - E-mail
Alternate Contact - Agent Name
Alternate Contact - Phone Number
Alternate Contact - E-mail
Selling Office - Office Name
Selling Office - Phone Number
Selling Office - E-mail
Selling Agent - Agent Name
Selling Agent - Phone Number
Selling Agent - E-mail
Sell Team - Team Name
Sell Team - Phone Number 1
Co Selling Office - Office Name and Phone
Co Selling Agent - Agent Name and Phone

Keller Williams Realty Metro-Concord
 Off: 603-226-2220
 Fax: 603-828-2246
 Tina Heaney - Cell: 603-393-4605
 Cell: 603-393-4605
 tina@heaney-homes.com
 Heaney Homes
 6: 603-393-4605
 tina@heaney-homes.com

Date - MLS List 6/15/2023
Date - Expiration
Date - Active Under Contr 8/9/2023
Date - Pending 8/9/2023
Date - Withdrawn
Date - Terminated
Date - Closed 8/31/2023
Anticipated Closing Date

Listed in other Prop Type No
Primary MLS#
Comp Only No
Comp Type
Listing Type Exclusive Right
Listing Service Full Service
Designated/Apptd. Agency Yes
Variable Commission No
Short Sale No
Price - Original \$600,000

BHG Masiello Manchester
 Off: 603-657-3200
 manchester@masiello.com
 Susan Tillery
 Cell: 603-682-8409
 susan.tillery@comcast.net

Concessions No Comment
Concession - Amount
Concession - Comments
Appraisal Complete No
Appraisal Type
Appraiser
Appraiser Phone
Appraiser Email
Buyer Name
Residence
Title Company

Financing-Buyer Cash

Contingencies

My Info: James Scrivens - Phone: 603-470-6061

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Borrower	None				
Property Address	Lot 46 Chestnut Pond Rd				
City	Epsom	County	Merrimack	State	NH Zip Code 03234
Lender/Client	None				

Residential Single Family **43 Sleepy Hollow Lane** **Epsom NH 03234** **Listed: 4/13/2023 \$647,000** **Closed: 6/5/2023 \$737,000** **DOM: 4**



County NH-Merrimack
VillDstLoc
Year Built 1984
Style Raised Ranch
Color Gray
Total Stories 1
Taxes TBD No
TaxGrosAmt \$5,915.00
Tax Year 2022
Tax Year Notes

Rooms - Total 5
Bedrooms - Total 2
Baths - Total 3
Baths - Full 1
Baths - 3/4 1
Baths - 1/2 1
Baths - 1/4 0
SqFt-Apx Total Finished 1,511
SqFt-Apx Total 1,777
Lot Size Acres 0.21
Lot - Sqft 9,148
Footprint 24x40

Delayed Showing No
Date - Showings Begin

Directions Route 107 to Sleepy Hollow Lane. When you come to the bend in the road the property is straight ahead.



Unbranded Tour URL 1 Property Panorama VTour

Remarks - Public You're going to fall in love! Just in time for summer Northwood Lake year round two bedroom, three bath raised ranch. Steps away you'll enjoy the hundred feet off water frontage with new dock. This home has been transformed. When you enter the home you'll notice the abundance of natural light and wondrous lake views. The finishes of this home are top quality. Fully renovated from the studs in. New electrical, plumbing, heating, insulation and whole house generator. Paved driveway. Partially finished full walk-out basement. Come take a look, you won't be disappointed. Showings start at the open house Saturday 4/15 from 10-12 & Sunday 4/16 from 11-1.

Construction Status Existing
Rehab Needed No
Construction Wood Frame
Foundation Concrete
Exterior Vinyl Siding
Roof Shingle - Asphalt
Basement Yes
Basement Access Type Walkout
Basement Description Concrete, Concrete Floor, Daylight, Full, Insulated, Partially Finished, Stairs - Interior, Walkout,
Stairs - Basement
Garage No
Garage Capacity
Garage Type

STRUCTURE

Estimated Completion Date

SqFt-Apx Fin Above Grade 1,111
List \$/SqFt Fin ABV Grade \$582.36
SqFt-Apx Fin AG Source Assessor
SqFt-Apx Unfn Above Grade 0
SqFt-Apx Unfn AG Source
SqFt-Apx Fin Below Grade 400
List \$/SqFt Fin Below Grade \$1,617.50
SqFt-Apx Fin BG Source Measured
List \$/SqFt Fin Total \$428.19
SqFt-Apx Unfn Below Grade 266
SqFt-Apx Unfn BG Source Measured
SqFt-Apx Tot Below Grade
SqFt-Apx Tot BG Source

ROOMS DIMS. / LVL ROOMS DIMS. / LVL

Deed - Recorded Type Warranty
Deeds - Total
Deed - Book 3415
Deed - Page 1084
Deed 2 - Book
Deed 2 - Page
Plan Survey Number
Property ID
Zoning Res.

PUBLIC RECORDS

Map U01
Block 0
Lot 95
SPAN#
Tax Class
Tax Rate
Current Use
Land Gains

Development / Subdivision
Owned Land
Common Land Acres

LOT & LOCATION
School - District Epsom
School - Elementary Epsom Central School
School - Middle/Jr Epsom Central School
School - High Pembroke Academy

Assessment Year
Assessment Amount
Assessments - Special

Waterfront Property Yes
Water View
Water Body Access

Roads Gravel, Private, Privately Maintained
Road Frontage Yes
Road Frontage Length 100

Lot Description Country Setting, Lake Frontage, Level, Waterfront

Water Body Name Northwood Lake

ROW - Length
ROW - Width
ROW - Parcel Access
ROW to other Parcel
Surveyed Unknown

Water Body Type Lake
Water Frontage Length 115
Waterfront Property Rights Exclusively Owned
Water Body Restrictions Unknown

Borrower	None				
Property Address	Lot 46 Chestnut Pond Rd				
City	Epsom	County	Merrimack	State	NH Zip Code 03234
Lender/Client	None				

<https://neren.paragonreals.com/ParagonLS/Reports/Report.mvc?listin...>

Heating Baseboard, Hot Water, Multi Zone, Radiant Floor, Mini Split
Heat Fuel Gas - LP/Bottle
Water Heater Gas - LP/Bottle, On Demand
Cooling Multi Zone, Mini Split
Water Drilled Well
Sewer 1000 Gallon, Concrete, Leach Field
Electric 200 Amp, Circuit Breaker(s), Generator

UTILITIES

Utilities Cable - At Site, Gas - LP/Bottle, High Speed
 Intrmt -AtSite

Fuel Company
Electric Company
Cable Company
Phone Company

Features - Exterior Docks, Deck, Shed
Driveway Paved
Parking Parking Spaces 4
Flooring Laminate, Vinyl, Vinyl Plank
Features - Interior Blinds, Cathedral Ceiling, Ceiling Fan, Kitchen Island,
 Lighting - LED, Primary BR w/ BA, Natural Light, Window Treatment, Laundry - 1st
 Floor

FEATURES

Appliances Dishwasher - Energy Star, Dryer, Microwave, Range - Electric,
 Refrigerator, Washer, Vented Exhaust Fan
Equipment Smoke Detectr-HrdWrdw/Bat, Generator - Standby

Condo Name
Building Number
Units Per Building
Condo Limited Common Area
Condo Fees

CONDO -- MOBILE -- AUCTION INFO

Auction No
Date - Auction
Auction Time
Auctioneer Name
Auctioneer License Number
Auction Price Determd By

Mobile Park Name
Mobile Make
Mobile Model Name
MobileSer#

Mobile Anchor
Mobile Co-Op
Mobile Park Approval
Mobile Must Move

DISCLOSURES

Fee
Fee 2
Fee 3
Foreclosed/Bank-Owned/REO No
Planned Urban Developmt
Rented
Rental Amount
Items Excluded
Documents Available Deed, Property Disclosure, Site Investigations

Flood Zone Unknown
Seasonal No
Easements
Covenants Unknown
Resort

Timeshare/Fract. Ownrshp No
T/F Ownership Amount
T/F Ownership Type

POWER PRODUCTION

Power Production Type
Power Production Ownership
Mount Type
Mount Location
Power Production Size
Power Production Year Install
Power Production Annual
Power Production Annual Status
Power Production Verification Source

Power Production Type 2
Power Production Ownership 2
Mount Type 2
Mount Location 2
Power Production Size 2
Power Production Year Install 2
Power Production Annual 2
Power Production Annual Status 2
Power Production Verification Source 2

HOME PERFORMANCE INDICATORS

Green Verification Body
Green Verification Progrm
Green Verification Year
Green Verification Rating
Green Verification Metric
Green Verification Status
Green Verification Source
Green Verification NewCon
Green Verification URL

Green Verificatn Body 2
Green Verificatn Progrm 2
Green Verificatn Year 2
Green Verificatn Rating 2
Green Verificatn Metric 2
Green Verificatn Status 2
Green Verification Source 2
Green Verificatn NewCon 2
Green Verificatn URL 2

Green Verificatn Body 3
Green Verificatn Progrm 3
Green Verificatn Year 3
Green Verificatn Rating 3
Green Verificatn Metric 3
Green Verificatn Status 3
Green Verification Source 3
Green Verificatn NewCon 3
Green Verificatn URL 3

Borrower	None				
Property Address	Lot 46 Chestnut Pond Rd				
City	Epsom	County	Merrimack	State	NH Zip Code 03234
Lender/Client	None				

4948569 43 Sleepy Hollow Lane
<https://neren.paragonreals.com/ParagonLS/Reports/Report.mvc?listin...>

REMARKS -- OWNER/OCCUPANT -- SHOWING INSTRUCTIONS
Remarks - Non-Public Measurements are approximate and should be verified by buyers/ buyers agent. All showing are Assisted. Sellers reserve the rest to accept an offer at any time. Showings begin April 15, 2023 at Open House 10-12 and April 16, 2023 from 11-1.

COMPENSATION
 Buyer Agency 2.00
 Buyer Agency Type %
 SubAgency
 SubAgency Type
 NonAgency Facilitator
 NonAgency Facilitator Type
 Transactional Broker
 Transactional Broker Type
 Compensation Based On Net Sales Price
 See Non-Public Remarks No

Remarks - Intra-Firm

Showing Instructions Assisted Showings Reqrd, Call List Broker, See Remarks - Non-Public, Email Listing Agent
Showing Service None

Input of Owner Name I have written permission to withhold name
Owner Name
Owner Phone
Occupant Type
Occupant Name
Occupant Phone
Management Company
Management Company Phone

LISTING & CLOSING INFORMATION

Listing Office - Office Name NH 1 Realty LLC
Listing Office - Phone Number Off: 603-249-6333
Listing Office - Phone Number 2
List Agent - Agent Name and Phone Brian Jolicoeur - Cell: 603-496-1470
List Agent - Phone Number Cell: 603-496-1470
List Agent - E-mail brian@nh1realtyllc.com
List Team - Team Name
List Team - Phone Number 1
List Team - Team Email 1
Co List Agent - Agent Name and Phone
Co List Agent - Phone Number
Co List Agent - E-mail
Alternate Contact - Agent Name
Alternate Contact - Phone Number
Alternate Contact - E-mail
Selling Office - Office Name KW Coastal and Lakes & Mountains Realty
Selling Office - Phone Number Off: 603-610-8500
Selling Office - E-mail klrw463@kw.com
Selling Agent - Agent Name James Hasenfus
Selling Agent - Phone Number Cell: 603-781-6812
Selling Agent - E-mail JamieHasenfus@gmail.com
Sell Team - Team Name
Sell Team - Phone Number 1
Co Selling Office - Office Name and Phone
Co Selling Agent - Agent Name and Phone

Date - MLS List 4/13/2023
Date - Expiration
Date - Active Under Contr
Date - Pending 4/17/2023
Date - Withdrawn
Date - Terminated
Date - Closed 6/5/2023
Anticipated Closing Date

Listed in other Prop Type No
Primary MLS#
Comp Only No
Comp Type
Listing Type Exclusive Right
Listing Service Full Service
Designated/ Apptd. Agency No
Variable Commission No
Short Sale No
Price - Original \$647,000

Concessions No Comment
Concession - Amount
Concession - Comments
Appraisal Complete Yes
Appraisal Type In Person
Appraiser Mark McKeon
Appraiser Phone 603-759-1854
Appraiser Email
Buyer Name
Residence
Title Company

Financing-Buyer Conventional

Contingencies

My Info: James Scrivens - Phone: 603-470-6061

Subject to errors, omissions, prior sale, change or withdrawal without notice. Users are advised to independently verify all information. The agency referenced may or may not be the listing agency for this property. PrimeMLS is not the source of information presented in this listing. Copyright 2024 PrimeMLS.

1. The Town of Epsom shall be divided into three (3) zones for the purposes of these ordinances:
 - a. Residential/Agricultural zone (R/A)
 - b. Residential/Commercial zone (R/C)
 - c. Residential/Light Commercial zone (RLC)
2. All lots shall contain a minimum of two (2) acres with two hundred (200) feet of frontage on a Class V, or higher class, road. In case of an arc, the frontage shall be measured as the chord of the arc. These ordinances specifically designate the uses or activities permitted in each zone. All building or structures, in all zones, shall be set back no less than fifty (50) feet from "wetlands" as defined by the New Hampshire Department of Environmental Services."

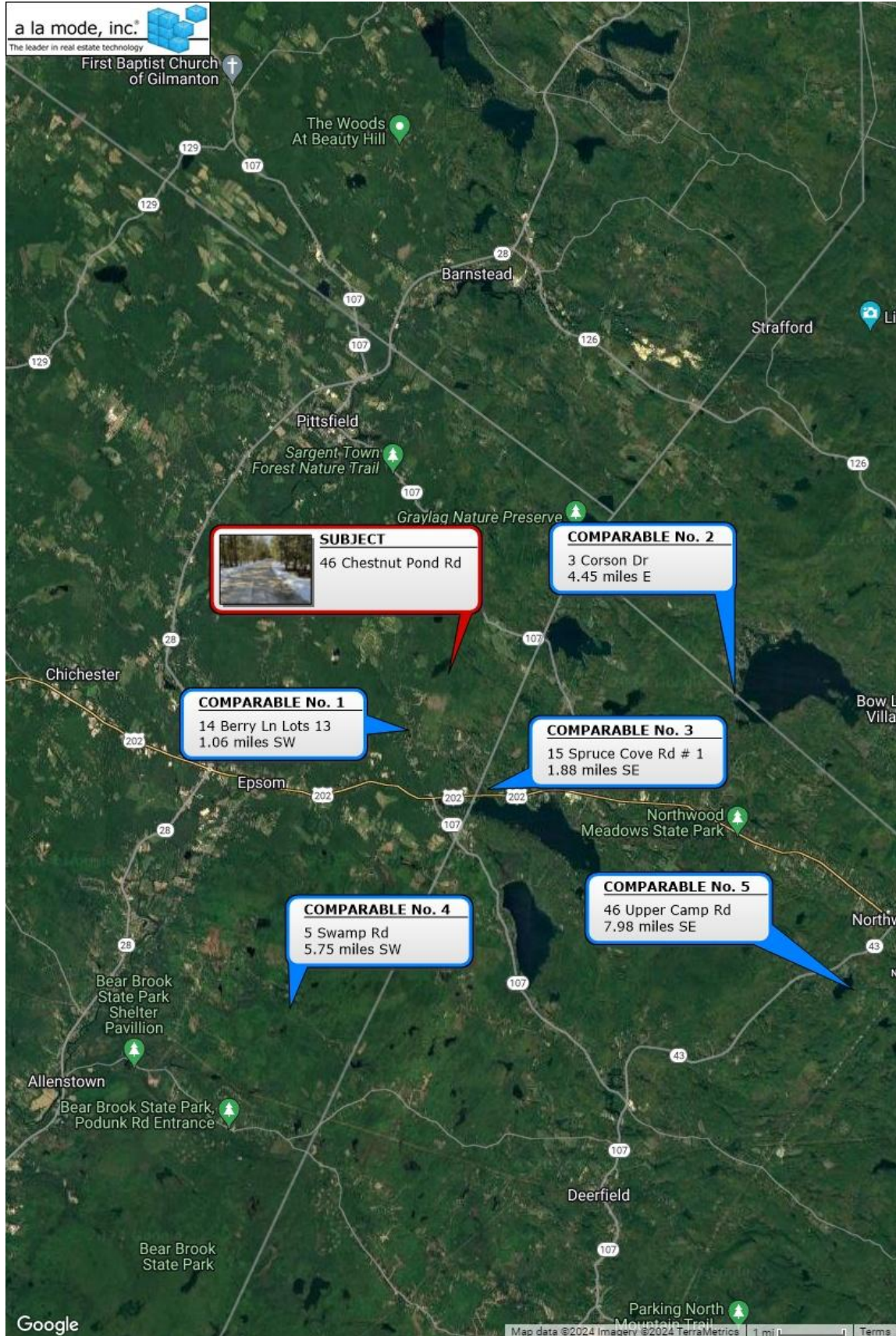
Special Exception (# iv below) Requirement

Borrower	None						
Property Address	Lot 46 Chestnut Pond Rd						
City	Epsom	County	Merrimack	State	NH	Zip Code	03234
Lender/Client	None						

- b. Under the following circumstances the use or proposed use shall be subject to a special exception from the specific restriction enumerated and not a variance:
- i. all uses so designated by an “S” in the list of principal uses within these Ordinances.
 - ii. as expressly permitted under Article III, Section M.6, Paragraph 2, relative to signs and signage.
 - iii. from the applicable minimum acreage requirement where the pre- existing parcel of land and the proposed use meet all other requirements; and the parcel contains no less than one-half (1/2) of the acreage required at the time of the proposed use. This Section shall expire without any further action on March 15, 2008. All such proposed uses not completed before that date shall then require a variance, regardless of whether or when a permit has issued.
 - iv. from the applicable minimum frontage requirement, where the pre- existing parcel of land and the proposed use meet all other requirements, and the frontage is no less than one-half (1/2) of the linear length which is required under these Ordinances at the time of the proposed use. This Section shall expire on March 15, 2008. All proposed uses not completed before that date shall then require a variance, regardless of whether or when a permit has issued.

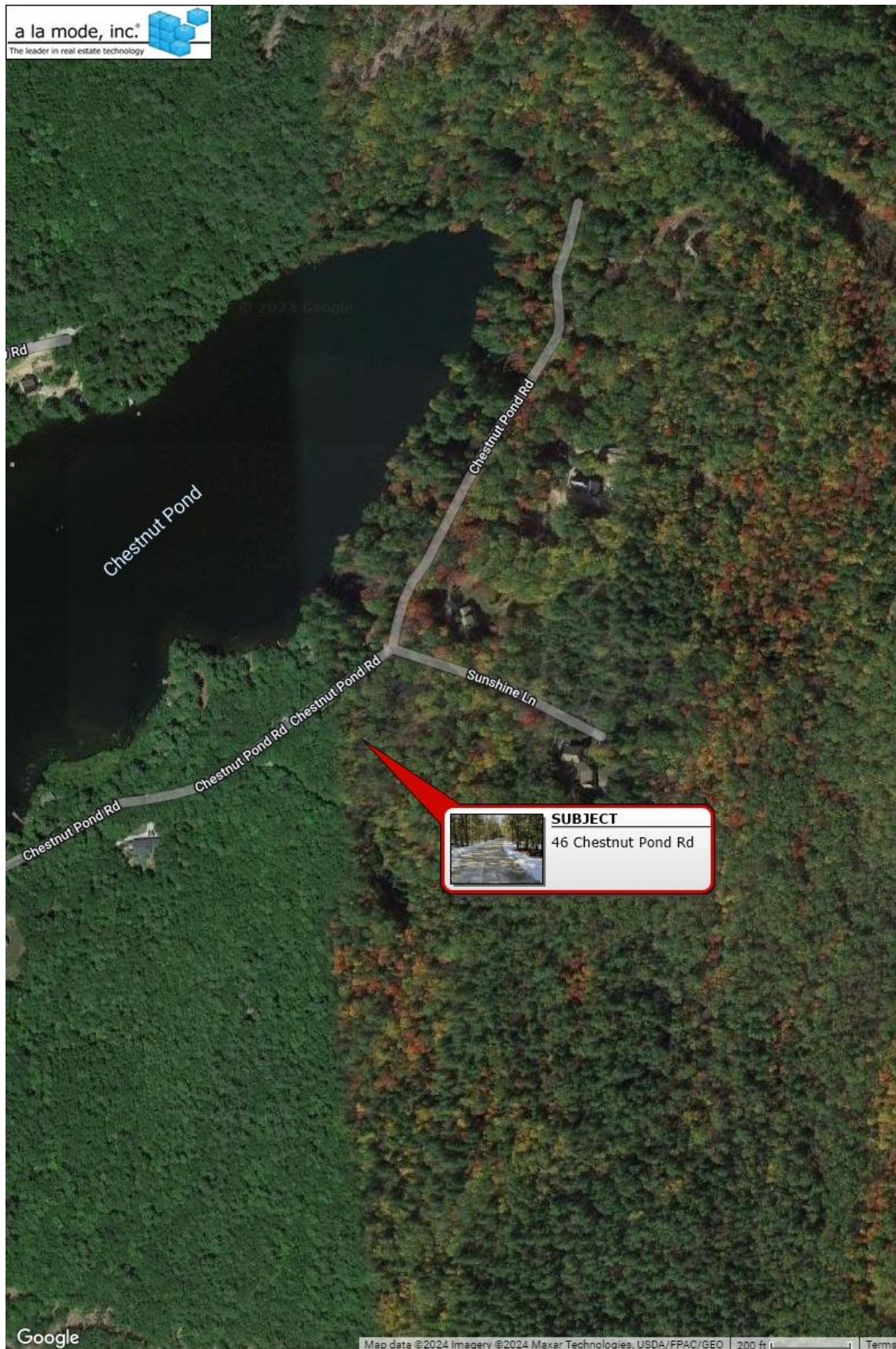
Location Map

Borrower	None				
Property Address	Lot 46 Chestnut Pond Rd				
City	Epsom	County	Merrimack	State	NH
Lender/Client	None				
				Zip Code	03234



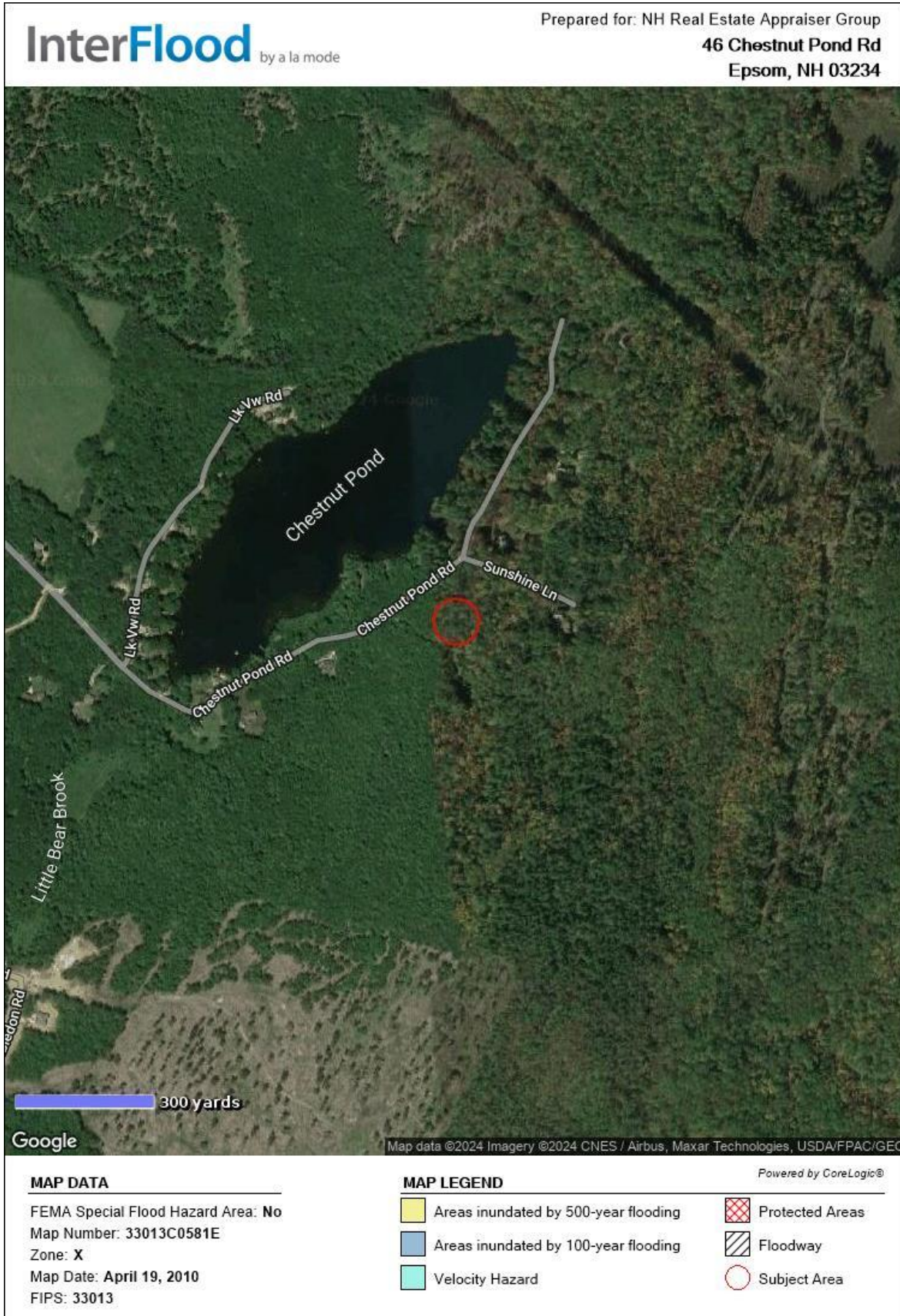
Location Map

Borrower	None						
Property Address	Lot 46 Chestnut Pond Rd						
City	Epsom	County	Merrimack	State	NH	Zip Code	03234
Lender/Client	None						



Flood Map

Borrower	None				
Property Address	Lot 46 Chestnut Pond Rd				
City	Epsom	County	Merrimack	State	NH
Lender/Client	None				
				Zip Code	03234



Tax Map



Supplemental Addendum

File No. 02152401

Borrower	None				
Property Address	Lot 46 Chestnut Pond Rd				
City	Epsom	County	Merrimack	State	NH
				Zip Code	03234
Lender/Client	None				

• **Land: Site Comments**

The subject property lies in the a zoning district known as the Rural/Agricultural district, where frontage and lot size requirements are a minimum of 200' frontage with at least a 2 acre lot size, as such it is a legal non conforming lot and can not be further subdivided. Based on the appraisers limited experience in the matter, there does not appear to be an issue with line of sight distances for the already installed driveway cut. The lot itself has a graded drive cleared to a building site envelope, the interior of the lot is a mixed species/age timberland. No adverse easements or encroachments were noted and the subject is considered to be readily marketable. The appraiser is not trained in real estate law and takes no responsibility for any legal matters including ownership or lot line placement.

• **GP Land: Site Description - Summary of Highest & Best Use**

Highest and Best Use analysis summary-
 The Fifth Edition of The Dictionary of Real Estate Appraisal by the Appraisal Institute defines highest and best use as: The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible and that results in the highest value. In this case, the subject is a legally permissible use based on its current zoning (or is a legal non conforming use). The lot size, shape and land-to-building ratio allow the present structure and indicate a good utilization of the improvements. Based on current market conditions, the existing structure as a single family residence is its financially feasible and maximally productive use. The highest and best use, as if vacant, would be to construct a single family residence.

Non-adjusted Qualitative factors: some items present in the subject property are considered Qualitative and are considered to have value, but are not adjusted in the grid. They are not numerically adjusted because the appraiser normally cannot make a direct comparison of those items to comparable properties used in this report because comparable properties have not been closely observed by the appraiser. Third party comments about comparables may not be totally accurate. Qualitative factors include but are not limited to differences in custom cabinetry, counter surface materials, flooring materials, finish trim, unique wall surfaces, upgraded fixtures, specialized electronic or media wiring, exterior siding materials, paints or stains, upgraded roofing, extensive landscaping, driveway surfaces, etc. The non-adjusted Qualitative factors are included in the Quality and Condition ratings on the grid. The reconciliation provides a way for Qualitative factors to affect the final Opinion of Market Value.

RECONSIDERATION OF VALUE

The requirements of a Reconsideration of Value are very specific in that the appraiser can only be requested to review appropriate comparable sales. Upon submission of any alternate sales for a Reconsideration of Value, the lender must include a summary of why these sales are superior to the ones chosen for the report. Sales that are chosen by an AVM or simply for their sale price in a "Reconsideration of Value" request are not considered to be appropriate comparable sales and will not be addressed

INTENDED USER

The Intended User of this appraisal report is the named client only. The Intended Use is to evaluate the property that is the subject of this appraisal for a valuation and impact analysis, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form, and Definition of Market Value. No additional Intended Users are identified by the appraiser.

OPINION OF MARKET VALUE / ESTIMATED MARKET VALUE

Please note that any reference in this appraisal report to the term "estimated market value" should be considered to mean "opinion of market value" in accordance with the guidance provided by the Uniform Standards for Professional Appraisal Practice (USPAP).

The value opinion arrived at in this report is based on market value, as defined in "The Appraisal of Real Estate" as developed by the American Institute of Real Estate Appraisers, the most probable price, as of a specific date, in cash or terms equivalent...for which the specified property rights should sell after a reasonable exposure period in a competitive market, with the buyer and seller under no duress.

• **Land: Final Reconciliation**

The sales approach has been weighted with the generally less reliable cost approach disregarded, lacking any value contributory improvements to the lot, the income approach was not developed as vacant land is not typically rented and there is no rental data available with which to develop a GRM. Some sales are over 1 mile in proximity to the subject, but lie in areas featuring similar influences and values. Sales may be over 6 months in sales date, no adjustments are made for date of sale due to the stable nature of values in the area. Lot size is adjusted at \$1500 per acre, \$10000 for driveway installation, \$10000 for building site clearing, \$5000/shed, \$5000/Septic Design, \$5000/Building Permit.

The appraiser selected several land sales able to bracket the subjects primary value influences and especially, its private road location. A 4th similar comparable sale was added with public road features and there was no discernible market reaction to the private versus public road maintenance difference. A listing of a similar property with private road access was included for reference only.

The appraiser noted several newer homes in the subject subdivision along the same road that had legal non conforming lots as well many older homes of lower than typical quality on legal non conforming lots. That the homes on the road are well received by the market is apparent as a non zoning compliant home sale on 9/22/2023, 132 Chestnut Pond Rd, was purchased (305000) over list price after only 25 days of exposure. Additional home sales on private roads on legal non conforming grandfathered lots were noted in the subject town on 16 Lakeview Rd. sold 8/31/23 for 500000 after 55 days of exposure and 43 Sleepy Hollow Ln (737000) on 6/5/23 after 4 days of exposure. 43 Sleepy Hollow was actually the second highest priced sale in the subject town. The sales prices and short exposure periods are indicative of homes on private roads having legal non conforming lots evoke market responses no different than public road conforming lot sales. The development of the subject lot with a modern building code compliant year round home would have no adverse impact on surrounding homes values and would contribute to the upward value trend resulting from the gentrification process as older home are replaced.

• **GP Land: Reconciliation - Conditions of Appraisal**

This appraisal is completed "as is". The appraiser considers, but does not rely upon a system of weighted averages as well as bracketing and matched pairs analysis to develop a value conclusion, weighted returns were 23.24, 28.57, 20.66 and 27.53 in percentages respectively and is derived from the ratio between the unadjusted and adjusted sales prices of the comparables.

Borrower	None						
Property Address	Lot 46 Chestnut Pond Rd						
City	Epsom	County	Merrimack	State	NH	Zip Code	03234
Lender/Client	None						

APPRAISAL SCOPE OF WORK FOR THIS ASSIGNMENT

Research - For this assignment, the appraiser performed extensive research of publicly available information regarding the subject property as well as comparable and potentially comparable sales. Information relied upon to complete this assignment was obtained from two or more of the following data sources: local multiple listing service, on-line data services, assessor records, local building department data, local brokers, exterior inspection of comparable sales, buyers and / or sellers involved in the associated transactions. In the event the appraiser uncovered conflicting information within the above data sources, the appraiser hereby states that the information utilized in this report is the information the appraiser believes to be correct.

Inspection -The inspection of the subject property involved my personal physical inspection of the property from the street and a cursory inspection the interior of the lot.

The inspection accomplished for this appraisal assignment as described above was performed strictly for valuation purposes. Only readily observable conditions that may potentially impact the appraiser's opinion of value / marketability of the subject property have been addressed in this report. It should be noted that the appraiser is not a qualified professional home inspector / construction expert / environmental expert and assumes no responsibility for potentially detrimental structural or environmental conditions which may exist at the subject property. Should a user of this appraisal report be aware of such potentially detrimental conditions, then a qualified expert in the area of concern should be contracted by the user to research such condition and render an opinion to the user.

Analysis - The opinion of market value presented in this report is based upon my inspection of the subject property, as described above, complemented by the appraiser's personal knowledge and experience in the local market. The appraiser's conclusions assume a good and marketable title. Unless specifically stated differently in this report, the appraiser is not aware of any matters of a legal nature that could impact the appraiser's opinion of market value for the subject property stated herein. Any user of this appraisal report is hereby informed that the appraiser has no legal education or experience, and is not qualified to uncover potential issues of a legal nature. It is strongly recommended that a user of this appraisal report obtain any legal advice believed to be necessary from a qualified attorney.

LIMITATIONS OF APPRAISER LIABILITY, LIABILITY TO POTENTIAL BUYERS, SELLERS, LOAN APPLICANTS-OTHER THIRD PARTIES

This appraisal report (including any data, estimate of market value, certification and statement) is being performed exclusively for the benefit of, and at the request of the named client. Said appraisal and estimate of market value is rendered exclusively for the protection of and use of the client in a variance application process. This appraisal and estimate of market value shall not be utilized or relied upon by any buyer, seller, loan applicant or any other third party not specifically permitted by law, and no contract shall be deemed to exist between said individuals and the appraiser.

Assumptions, Limiting Conditions & Scope of Work

File No.: 02152401

Property Address: Lot 46 Chestnut Pond Rd	City: Epsom	State: NH	Zip Code: 03234
Client: Michael Novak	Address: 49 S Main St, Suite 203, Concord, NH 03301		
Appraiser: James Scrivens	Address: 1929 Harpswell Neck Rd, Harpswell, ME 04079		

STATEMENT OF ASSUMPTIONS & LIMITING CONDITIONS

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- The appraiser may have provided a plat and/or parcel map in the appraisal report to assist the reader in visualizing the lot size, shape, and/or orientation. The appraiser has not made a survey of the subject property.
- If so indicated, the appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- The appraiser has noted in the appraisal report any adverse conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property, or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property, or adverse environmental conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
- An appraiser's client is the party (or parties) who engage an appraiser in a specific assignment. Any other party acquiring this report from the client does not become a party to the appraiser-client relationship. Any persons receiving this appraisal report because of disclosure requirements applicable to the appraiser's client do not become intended users of this report unless specifically identified by the client at the time of the assignment.
- The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public, through advertising, public relations, news, sales, or by means of any other media, or by its inclusion in a private or public database. Possession of this report or any copy thereof does not carry with it the right of publication.
- Forecasts of effective demand for the highest and best use or the best fitting and most appropriate use were based on the best available data concerning the market and are subject to conditions of economic uncertainty about the future.

The Scope of Work is the type and extent of research and analyses performed in an appraisal assignment that is required to produce credible assignment results, given the nature of the appraisal problem, the specific requirements of the intended user(s) and the intended use of the appraisal report. Reliance upon this report, regardless of how acquired, by any party or for any use, other than those specified in this report by the Appraiser, is prohibited. The Opinion of Value that is the conclusion of this report is credible only within the context of the Scope of Work, Effective Date, the Date of Report, the Intended User(s), the Intended Use, the stated Assumptions and Limiting Conditions, any Hypothetical Conditions and/or Extraordinary Assumptions, and the Type of Value, as defined herein. The appraiser, appraisal firm, and related parties assume no obligation, liability, or accountability, and will not be responsible for any unauthorized use of this report or its conclusions.

Additional Comments (Scope of Work, Extraordinary Assumptions, Hypothetical Conditions, etc.):

Certifications & Definitions

File No.: 02152401

Property Address: Lot 46 Chestnut Pond Rd	City: Epsom	State: NH	Zip Code: 03234
Client: Michael Novak	Address: 49 S Main St, Suite 203, Concord, NH 03301		
Appraiser: James Scrivens	Address: 1929 Harpswell Neck Rd, Harpswell, ME 04079		

APPRAISER'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The credibility of this report, for the stated use by the stated user(s), of the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I did not base, either partially or completely, my analysis and/or the opinion of value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property, or of the present owners or occupants of the properties in the vicinity of the subject property.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification.


Additional Certifications:

DEFINITION OF MARKET VALUE *:

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

* This definition is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, dated October 27, 1994.

Client Contact: Michael Novak	Client Name: Michael Novak
E-Mail: nvklandinvestors@gmail.com	Address: 49 S Main St, Suite 203, Concord, NH 03301
APPRAISER	SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)
	
Appraiser Name: James Scrivens	Supervisory or Co-Appraiser Name: _____
Company: _____	Company: _____
Phone: (207) 504-3378 Fax: _____	Phone: _____ Fax: _____
E-Mail: jimscrivens@jimscrivens.com	E-Mail: _____
Date Report Signed: 02/23/2024	Date Report Signed: _____
License or Certification #: NHCR-793 State: NH	License or Certification #: _____ State: _____
Designation: Certified Residential Appraiser	Designation: _____
Expiration Date of License or Certification: 10/31/2025	Expiration Date of License or Certification: _____
Inspection of Subject: <input checked="" type="checkbox"/> Did Inspect <input type="checkbox"/> Did Not Inspect (Desktop)	Inspection of Subject: <input type="checkbox"/> Did Inspect <input type="checkbox"/> Did Not Inspect
Date of Inspection: 02/15/2024	Date of Inspection: _____

SIGNATURES



Assumptions, Limiting Conditions & Scope of Work

File No.: 02152401

Property Address: Lot 46 Chestnut Pond Rd	City: Epsom	State: NH	Zip Code: 03234
Client: Michael Novak	Address: 49 S Main St, Suite 203, Concord, NH 03301		
Appraiser: James Scrivens	Address: 1929 Harpswell Neck Rd, Harpswell, ME 04079		

STATEMENT OF ASSUMPTIONS & LIMITING CONDITIONS

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- The appraiser may have provided a sketch in the appraisal report to show approximate dimensions of the improvements, and any such sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size. Unless otherwise indicated, a Land Survey was not performed.
- If so indicated, the appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- If the cost approach is included in this appraisal, the appraiser has estimated the value of the land in the cost approach at its highest and best use, and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used. Unless otherwise specifically indicated, the cost approach value is not an insurance value, and should not be used as such.
- The appraiser has noted in the appraisal report any adverse conditions (including, but not limited to, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property, or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property, or adverse environmental conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
- If this appraisal is indicated as subject to satisfactory completion, repairs, or alterations, the appraiser has based his or her appraisal report and valuation conclusion on the assumption that completion of the improvements will be performed in a workmanlike manner.
- An appraiser's client is the party (or parties) who engage an appraiser in a specific assignment. Any other party acquiring this report from the client does not become a party to the appraiser-client relationship. Any persons receiving this appraisal report because of disclosure requirements applicable to the appraiser's client do not become intended users of this report unless specifically identified by the client at the time of the assignment.
- The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public, through advertising, public relations, news, sales, or by means of any other media, or by its inclusion in a private or public database.
- An appraisal of real property is not a 'home inspection' and should not be construed as such. As part of the valuation process, the appraiser performs a non-invasive visual inventory that is not intended to reveal defects or detrimental conditions that are not readily apparent. The presence of such conditions or defects could adversely affect the appraiser's opinion of value. Clients with concerns about such potential negative factors are encouraged to engage the appropriate type of expert to investigate.

The Scope of Work is the type and extent of research and analyses performed in an appraisal assignment that is required to produce credible assignment results, given the nature of the appraisal problem, the specific requirements of the intended user(s) and the intended use of the appraisal report. Reliance upon this report, regardless of how acquired, by any party or for any use, other than those specified in this report by the Appraiser, is prohibited. The Opinion of Value that is the conclusion of this report is credible only within the context of the Scope of Work, Effective Date, the Date of Report, the Intended User(s), the Intended Use, the stated Assumptions and Limiting Conditions, any Hypothetical Conditions and/or Extraordinary Assumptions, and the Type of Value, as defined herein. The appraiser, appraisal firm, and related parties assume no obligation, liability, or accountability, and will not be responsible for any unauthorized use of this report or its conclusions.

Under USPAP Standards Rule 2-2(b), this is a Restricted Appraisal Report, and is intended only for the use of the client and any other named intended user(s). The users of this report must clearly understand that the report may not contain supporting rationale for all of the opinions and conclusions set forth in the report.

In developing this appraisal, the appraiser has incorporated only the Sales Comparison Approach. The appraiser has excluded the Cost and Income Approaches to Value, due to being inapplicable given the limited scope of the appraisal. The appraiser has determined that this appraisal process is not so limited that the results of the assignment are no longer credible, and the client agrees that the limited scope of analysis is appropriate given the intended use.

Additional Comments (Scope of Work, Extraordinary Assumptions, Hypothetical Conditions, etc.):

Certifications

File No.: 02152401

Property Address: Lot 46 Chestnut Pond Rd	City: Epsom	State: NH	Zip Code: 03234
Client: Michael Novak	Address: 49 S Main St, Suite 203, Concord, NH 03301		
Appraiser: James Scrivens	Address: 1929 Harpswell Neck Rd, Harpswell, ME 04079		

APPRAISER'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The credibility of this report, for the stated use by the stated user(s), of the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I did not base, either partially or completely, my analysis and/or the opinion of value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property, or of the present owners or occupants of the properties in the vicinity of the subject property.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification.

Additional Certifications:


DEFINITION OF MARKET VALUE *:

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

* This definition is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, dated October 27, 1994.

Client Contact: Michael Novak	Client Name: Michael Novak
E-Mail: nvklandinvestors@gmail.com	Address: 49 S Main St, Suite 203, Concord, NH 03301

SIGNATURES	 Appraiser Name: James Scrivens Company: _____ Phone: (207) 504-3378 Fax: _____ E-Mail: jimscrivens@jimscrivens.com Date Report Signed: 02/23/2024 License or Certification #: NHCR-793 State: NH Designation: Certified Residential Appraiser Expiration Date of License or Certification: 10/31/2025 Inspection of Subject: <input checked="" type="checkbox"/> Interior & Exterior <input checked="" type="checkbox"/> Exterior Only <input type="checkbox"/> None Date of Inspection: 02/15/2024	SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable) Supervisory or Co-Appraiser Name: _____ Company: _____ Phone: _____ Fax: _____ E-Mail: _____ Date Report Signed: _____ License or Certification #: _____ State: _____ Designation: _____ Expiration Date of License or Certification: _____ Inspection of Subject: <input type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None Date of Inspection: _____
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State of New Hampshire



Real Estate Appraisers Board

Authorized as
Certified Residential Appraiser

Issued To
JAMES A SCRIVENS

License Number: NHCR-793

Active

Issue Date: 01/30/2008

Expiration Date: 10/31/2025

INVOICE

FROM:
 James Scrivens
 1929 Harpswell Neck Rd
 Harpswell , ME 04079
 Telephone Number: (207) 504-3378 Fax Number:

INVOICE NUMBER	
02152401	
DATES	
Invoice Date:	02/19/2024
Due Date:	Upon Receipt
REFERENCE	
Internal Order #:	02152401
Lender Case #:	02152401
Client File #:	02152401
FHA/VA Case #:	
Main File # on form:	02152401
Other File # on form:	
Federal Tax ID:	
Employer ID:	

TO:
 Michael Novak
 Michael Novak
 ,
 E-Mail: nvklandinvestors@gmail.com
 Telephone Number: (413) 364 7748 Fax Number:
 Alternate Number:

DESCRIPTION

Lender: None Client: Michael Novak
 Purchaser/Borrower: None
 Property Address: Lot 46 Chestnut Pond Rd
 City: Epsom
 County: Merrimack State: NH Zip: 03234
 Legal Description: Book 3842 page 2690, all rights assumed to have conveyed

FEES **AMOUNT**

Land Appraisal	500.00
SUBTOTAL	
	500.00

PAYMENTS **AMOUNT**

Check #:	Date:	Description:	
Check #:	Date:	Description:	
Check #:	Date:	Description:	
SUBTOTAL			0.00
TOTAL DUE			\$ 500.00

Please see USB for Drone video

Cameron Lilley
196 Chestnut Pond Road
Epsom, NH 03234

Coldwell Banker Realty
166 Route 101
Bedford, NH 03110

Epsom NH ZBA,

As a resident, abutter, and local realtor I felt it was important to weigh in on the application to develop the lot known as Map U19-Lot 00046. For the record, I am in favor of approving a variance as well as any special exceptions required by the Zoning Board to allow this parcel of land to be developed. It has come to my attention over the past 7 years as a resident of Chestnut Pond Road that many of the properties located on the private section of the Chestnut Pond Division have begun to fall into disrepair. Many of the owners have held back on repairs due to the Zoning Board's opposition to usage of those parcels in their highest and best form. This has led to a gradual degradation of the overall appearance of our neighborhood.

The subject property meets many of the requirements for minimum lot size, setbacks and required road frontage. As a resident of Chestnut Pond engaged in the real estate industry, I'm of the opinion that this improvement will substantially benefit the property values and aesthetics of our neighborhood without any negative impact to abutters. In addition, this would aid our road association by having another resident to contribute to repairs and funding of the resident managed section.

In conclusion, it is my opinion that the development of this lot meets the spirit of the ordinances set forth by the Zoning Board of Adjustments and should be approved without further delay.

Sincerely,

Cameron Lilley

Caroline Dolan

From: Mike Novak <nvklandinvestors@gmail.com>
Sent: Friday, February 23, 2024 8:39 AM
To: Ariana McQuarrie
Subject: Fwd: Chestnut Pond Road - Lot 46

Good morning,

One of the abutters sent an email to me and the town.

Please see below:

----- Forwarded message -----

From: Janelle Iudice <janelleiudice@gmail.com>
Date: Fri, Feb 23, 2024 at 8:30 AM
Subject: Chestnut Pond Road - Lot 46
To: assessing@epsomnh.org <assessing@epsomnh.org>
Cc: nvklandinvestors@gmail.com <nvklandinvestors@gmail.com>

Hello Megan –

Per our discussion, please distribute the email below as appropriate.

Best,

Janelle

To Whom it May Concern,

I am writing in response to a decision made by the Epsom Board of Adjustment regarding the request to build a single-family home on a 10-acre lot on Chestnut Pond Rd (Tax Map U19, Lot 46, Case 2024-01)

As an abutter to the property, I am in favor of allowing the build of a single family assuming that there are considerations to impact of pond quality (during and post build) as noted by other area residents.

A few things to consider:

- One of the issues cited was the width of the road. While the road is narrow, it is more narrow at the end of the road than at the beginning. The lot at the core of this discussion is at the beginning third of the roads
- The Chairman also noted untreated ice. I think that was a point in time assessment that should not be applied as a blanket statement
- While the road does have many 3 season camps that have waterfront, it also includes year round single family dwellings on 10+ acre lots on the opposite side of the street
- There are many large trucks that use the road (tree company truck, garbage trucks, oil trucks...) without issue. While I do agree that turning around a large fire truck may be a challenge.

My opinion is the board should try to work with owner of land to come up with compromise and viable solution that meets both the land owner and town needs. A few suggestions are allowing for a three season build to avoid the ice, mandating a circular driveway so large trucks can reverse direction easily or perhaps the owner and town work together to come up with a solution to address road quality up and to his property.

Regards,

Janelle Iudice

168 Chestnut Pond

Epsom, NH 03234

Sent from [Mail](#) for Windows

--

Mike Novak

NVK Land Investors

(413) 287-7299

<https://www.linkedin.com/in/nvkland/>





Mike Novak <nvklandinvestors@gmail.com>
to assessing ▾

12:19 PM (2 hours ago) ☆ 😊 ↶ ⋮

Hi Megan,

Would you be able to provide me with the following documents?

- Application for variance that was denied for my property in year 2000
- Meeting minutes from that hearing
- Record of decision from that hearing

Thank you!

...



assessing@epsomnh.org
to me ▾

3:00 PM (7 minutes ago) ☆ 😊 ↶ ⋮

Hello Mike,

I've done some digging and came up with the requested documents. It looks like the applicant for this case also requested a rehearing, so I've included that information as well. Please let me know if there is anything else I can provide. Thank you and have a good day.

...

Kind regards,

Megan Rheume

Township Public Hearing
August 10, 2000
(8:00 pm)

Accepted by: K. E. Lita
Chair/Sec. of ZBA
Date: 7/18/00

Amount Paid 117.00
Check: #572
Rec'd by: BJP
Date: 7-13-00
Case No: 2000-11

EPSOM ZONING BOARD OF ADJUSTMENT
Town of Epsom, New Hampshire 03234 - 0010
PO BOX 10

APPLICATION FOR APPEAL TO THE EPSOM ZONING BOARD OF ADJUSTMENT

This property is recorded at the Merrimack County Registry of Deeds in Book(s)# _____, Page(s)# _____

PLEASE PRINT OR TYPE ALL INFORMATION CLEARLY Map No. U-19 Lot No. 46

- Name of present property owner: Michael J Langlois
(and principal officer if business name): _____
- Mailing address: 843 High st 14B Candia NH. Telephone (603) 483-0989
- Name of applicant (if different, note both property owner and applicant must be present at public hearing): _____

Mailing Address: _____ Telephone: _____

- Sketch map showing exact road location of property on last page.
- On separate sheet list **all** abutters to this property. Abutter is any person whose property is located in N.H. and is 200 feet from the boundry lines, across the street or stream from land under consideration by the ZBA.
- Statements and/or sketches explaining exactly what you plan to do.
(Give length of frontage, side and rear lines) -- Use back page for sketches.

- Proposed use, or existing use affected _____

- This application is for a **VARIANCE** **SPECIAL EXCEPTION** _____ **APPEAL** _____
- Have you read and are you aware of the conditions necessary for a special exception or variance?
YES **NO** _____

After completing the other side, return this application with application fee of 75.00 plus 7.00 per abutter, **including yourself**. You will be notified of a hearing date by certified mail.

Incomplete and/or vague answers constitute an incomplete application as does omission of application fee, and your application will not be scheduled for public hearing.

TOWN OF EPSOM, NEW HAMPSHIRE

Board of Adjustment

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 to be reviewed: _____

_____ Number _____ Date _____ Article _____ Section _____

of zoning ordinance in question: _____

SECTION 2, not H.S.

APPLICATION FOR A SPECIAL EXCEPTION

Description of proposed use showing justification for a special exception as specified in the zoning ordinance article _____ section _____

Spoke w/ Mr. Langlois, variance request to G.1.(b), due to frontage not on public street (private Rd) and frontage of 179 ft. vs. 200 ft. KAC:ta 7/18/00

SECTION 3

APPLICATION FOR VARIANCE

A variance is requested from article III section G.1.b of the zoning ordinance to permit _____

building a single family residence

FACTS SUPPORTING THIS REQUEST:

1. The proposed use would not diminish surrounding property value because see attached

2. Granting the variance would be of benefit to the public interest because: see attached

3. Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property that distinguish it from other properties similarly zoned: see attached

4. Granting the variance would do substantial justice because: see attached

5. The use is not contrary to the spirit of the ordinance because: see attached

NOTE: This application is not acceptable unless all required statements have been made and any additional information is supplied on a separate sheet, if the space provided is inadequate.

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the zoning ordinance and constitutes an unnecessary hardship:

APPLICANT Michael Langlois DATE 7-1-2000

TOWN OF EPSOM, NEW HAMPSHIRE
Board of Adjustment

FACT SHEET

To help appellants and others, appearing before the Epsom Zoning Board of Adjustment.

1. Your Zoning Board of Adjustment, in a sense, is like a court. All testimony may be taken under oath, although in general, Board proceedings are informal. You are not required to be represented by an attorney, but in many cases, legal counsel can be helpful. Any appeals from its decisions are heard by Superior Court.

2. If the Zoning Inspector has refused to issue a building permit to you, there are three bases on which you may appeal his decision to the Zoning Board of Adjustment.

- A) That he/she was in error, and that you were entitled to a permit as a matter of right.
- B) For a special exception, which is one of the specific types of buildings or uses listed by the Zoning Ordinance, you must present facts on which the Board can base a decision. In such an appeal, you should study the ordinance and find what type of evidence is necessary to "make a case" for an exception. (In general the application should show the size of any building, the type of construction, a drawing or sketch of the proposed building, a plot plan showing location of building on lot and showing driveways, parking, etc.).
- C) For a variance, which most zoning appeals comprise, you must first prove a hardship. **Financial hardship is not enough.** It must be some condition peculiar to your property which makes it different from other property in the same general neighborhood. You must prove that the permit, if granted, would not be contrary to the public interest or injurious to your neighbors. You must prove that substantial justice will be done, if a permit is issued, and that the spirit and intent of the Zoning Ordinance will continue to be observed.

3. A \$60.00 fee payable to the Town of Epsom is required, plus \$4.00 per abutter.

4. All abutters names and addresses within 200' of the property lines shall be furnished by the applicant.

Michael J. Langlois

FACTS SUPPORTING REQUEST FOR VARIANCE

1. *The proposed use would not diminish surrounding property value because:*

The proposed use would enhance the property value. The variance seeks to put a home on an empty lot, which would improve the area. The variance would make the subject property worth more, as well as appreciate the values of the abutters' homes and the neighborhood.

2. *Granting the variance would be of benefit to the public interest because:*

The proposed use makes the best use of the land. A septic system has already been approved. By granting this variance, the property would be in the same nature as surrounding properties. The owner purchased this property to build a home. A denial of the variance would take away the use of this land for the owner.

3. *Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property that distinguish it from other properties similarly zoned:*

The only use for this property is for a single family home. There is no other reasonable use for this property. Denial of the variance, in essence, would be a taking of the property and rendering it useless. This would be a hardship to the owner.

4. *Granting the variance would do substantial justice because:*

Many other property owners in that area have obtained variances. They have been similarly situated, and the Board has seen fit to grant said variances.

5. *The use is not contrary to the spirit of the ordinance because:*

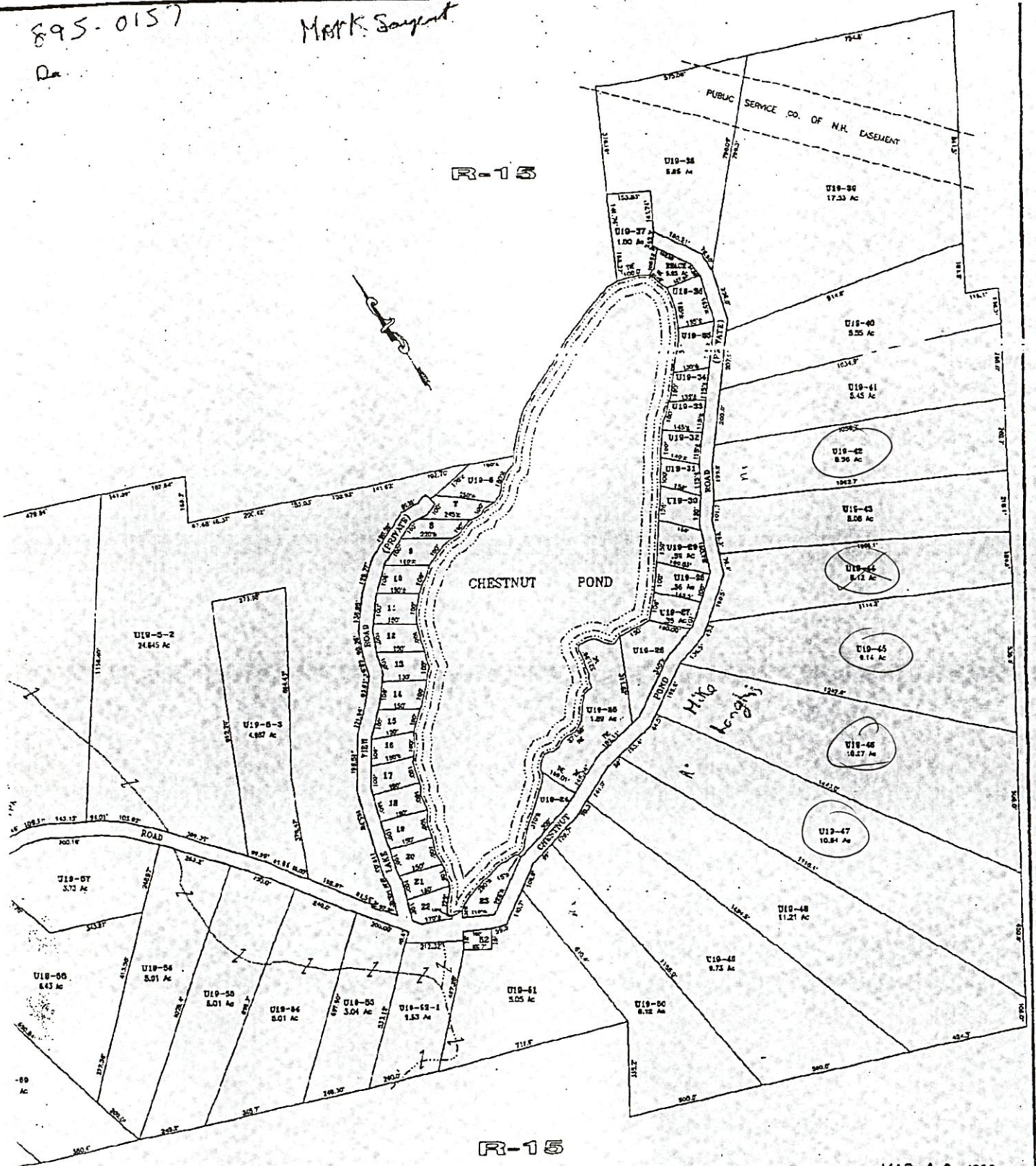
The area of the property is very residential with many small homes on the water and many homes in the area where the variance is being requested. The requested variance would be consistent with the use of other properties in the area.

895-0157

Mark Sargent

Da.

R-15



MAR 12 1998

R-15

<p>PROPERTY MAP</p> <h1>EPSOM</h1> <p>NEW HAMPSHIRE</p>	<p>LEGEND</p> <ul style="list-style-type: none"> --- Trade --- Match line --- Stream --- Int. stream --- Service --- Sewer 	<p>Prepared by</p> <p>DOLLARD ASSOCIATES</p> <p>125 DOLLARD ROAD EPSOM, NH 03025-4234 (603) 443-0048</p>	<h1>U-19</h1>
		<p>Date of original map: 1980</p> <p>Date of latest rev: February 07, 1998</p> <p>File: U-19.dwg</p> <p>Scale: 1"=100'</p>	

TOWN OF EPSOM
ZONING BOARD OF ADJUSTMENT

AUGUST 31, 2000

In attendance were Keith Cota, Frank Catanese, Rob Berry & Glenn Horner
Larry Caraway , Gordon Ellis & Robert Poole were not present.

7:06 p.m. The board reviewed the minutes of 8/10/00. Due to numerous changes, the minutes will be revised and forwarded to board members for acceptance at the next meeting.

7:16 p.m. Case 00-12 Tax Map # R10-14 Berry Lane, Epsom.
Mr. John P Rodgers representing John and Martha Woodworth request a variance to Article III, Section G 1 b. no access on a public roadway.

Keith introduced board members and requested that the applicant present their case.

No one came forward and it was determined that the applicant was not present. Frank telephoned the number provided on the application and got an answering machine. Based on the application, the phone number for a John Rodgers from Manchester was located in the phone book and the number called. The line was busy but after a second attempt contact was made and the person stated that John Rodgers was no longer at that number.

With abutters in attendance for the public hearing it was determined that the case should go forward to receive comment.

Keith presented the application and reasons for it as written. The case was opened to the public for discussion.

Peggy Elsnau (40 Samuel Drive) stated that she was concerned with the suitability of the proposed road for fire protection.

Marianne Munjone (52 Samuel Drive) stated that she was concerned with effects of another septic system above the beaver pond in the adjacent conservation easement.

Keith explained that prior to building , a septic system would have to be approved by the State of New Hampshire to ensure water quality protection.

Marianne Munjone then expressed her concern for the location of the actual home.

Keith noted that the map provided was a hand drawn sketch on a copy of the tax map from which little could be determined.

Mary Elsna (50 Samuel Drive) asked if this request means that the road will be improved.

Keith responded that the applicant would need to address this more specifically but the application does state that it would be brought up to standards.

Mary Elsna stated that she was concerned with the road and wondered why a variance for the property hadn't been needed previously.

Frank stated that the zoning board had been involved with the lots beyond the end of Berry Lane before.

Marianne Munjone stated that she has 19 acres and cannot subdivide her property. She wondered if this lot could be subdivided.

Keith stated that the board can place conditions on the land as a part of variance approval including that a lot not be subdivided.

Marianne Munjone stated that she would request that this be a condition in this case.

Frank noted that when Ms. Munjone bought her property she did so knowing that it could not be subdivided. The owner of this property had no such restriction placed their property at the time of purchase. He went on to say that he has concerns however about this variance.

Kim Trask (Penacook, NH) asked Frank what his concerns were in this case.

Frank stated that his primary concern was access to the lot and potential for lawsuits against the town. Also there was a "no shared driveway" ordinance in town which would be applicable in this case since a private road serving multiple lots is essentially a shared driveway. He would want to have some assurance from the residents on this road that they would cooperate in it's maintenance.

Keith asked if there was any more comments on this case. Being none the board closed the hearing at 7:35.

Frank made a motion to deny based on insufficient evidence to support appropriate emergency access or agreement for joint maintenance of the private road. He asked if there were any additional reasons for denial to be added to his motion.

Keith added that unnecessary hardship for the land had not been established and that granting of the variance was not in the best interest of the public.

Rob seconded the motion. Passed unanimously.

8:00 Case 00-11 Tax Map #U19-46 - Chestnut Pond Rd. Mr. Langlois requests a

variance to Article III Section G 1 (b) no road frontage on a public road; continuation from meeting held 8/10/00.

Mr. Langlois and his attorney from the previous meeting (Mr. Kennedy) were not in attendance. Several residents from the area were present.

Keith reviewed the basic application and the case for approval as expressed by the applicant. He then reviewed the concerns expressed by abutters from the last meeting including the safety of the private road and increasing algae in Chestnut pond due to increased residences. He stated that most of the abutters were not in favor of the application. However, he did note that the applicant had an approved septic design for the lot. He concluded, that based on testimony from the public and an inspection of the area, problems have developed due to past growth. Most significantly, increased use of the private road has exceeded it's capacity to adequately serve the residents. He stated that continuing to allow for growth in the area without road improvements would not be in the best interest of the town. He recommended that the residents in the area work towards this end by petitioning the town with the goal of making it a town maintained road. The cost could be prorated to the abutters.

Frank performed some thumbnail calculations and stated that it would be approximately \$2500/yr for each of the 19 residents on the road.

Rob agreed with the inadequacy of the road stating that he once lived on it and has personal knowledge of the dangers. He felt that the current road maintenance scheme was too informal making it not proportional to the users and therefore unfair. He stated that the bottom line here was there was no way the road needed another house in it's current condition.

Glenn stated that the recent Town vote against needed repairs on North Road, which also provides access to the Chestnut pond area indicates public sentiment against expansion in that area.

Frank made a motion to deny the application because:

1. It was not in the best interest of the town.
2. The roadway was unsafe due to width, condition and the difficulty for emergency access.
3. The applicant had not pursued all avenues available to bring the road into compliance (i.e. conversion to a public road).

Rob seconded the motion. Passed unanimously.

8:20 Keith made a motion to adjourn. Frank seconded the motion . Passed unanimously.

Respectfully submitted - Glenn Horner

TOWN OF EPSOM
ZONING BOARD OF ADJUSTMENT

AUGUST 10, 2000

In attendance were: Keith Cota, Frank Catanese, Rob Berry, Gordon Ellis, Larry Caraway, & Glenn Horner. Robert Poole was not present.

7:03 p.m. Frank Catanese made a motion to accept the minutes of 7/27/00. Larry Caraway seconded the motion. The motion passed unanimously.

7:05 p.m. Case 2000-10 Tax Map #U01, Lots 26 & 52 - Lake Road-Epsom.

Mrs. Roberta Furst requests a variance to Article III, Section G 1(b) - no access on a public roadway & Article III, Section G 1(c) - reduced setback requirements for sides and front. It was noted that all green abutter cards were returned.

Mrs. Furst addressed the Board, she stated that she is a summer resident looking to retire in Epsom and build a home for year round occupation. Mrs. Furst stated she tried to buy the lot located to the north of her lot to create a larger lot for building a house, but was not successful. She presented a plan showing the properties in question. Mrs. Furst wishes to build a single family structure that is approximately 30 ft in width requiring encroachments into the side setbacks. The building needs to be a minimum of 50 ft. from the lake thus encroaching into the front set back by 35 ft. for a total set back of 15 ft. from Lake Rd. and 10 ft. setback on either side property lines. Thus Mrs. Furst is seeking the variances.

Keith Cota noted the total acreage of the lake side property is 0.13 of an acre and currently has 49.99 ft. of frontage plus another 20' along the adjacent pump house section. Mrs. Furst explained that she also owns the lot across the street, Tax Map Lot 52 (which is Lot 69 on survey map) and this is where the septic system will be placed and a perk test has been completed for the septic design by WG Howard of Bow, NH. The septic design is currently a the State awaiting approval. The septic system will be on the Tax Map Lot 52 across Lake road, which is only 25' to 30' wide in some spots, and made of dirt and some pavement.

Keith C. asked what was the intent use of the lot (Lot 26)? Mrs. Furst stated to build a small 2 bedroom home for her retirement. Glenn H. asked how she will deal with the relative steepness of the lot? Mrs. Furst stated she will need to build retaining wall with stairs to access the lake. Glenn H. asked when Mrs. Furst purchased the lots? Mrs. Furst answered she acquired the lots in 1993 and actually bought the 2 lots as one piece. Keith C. asked what Mrs. Furst intends to do with Lot 52 across the street (Survey map # 68 & 69)? Mrs. Furst stated that she would intend to sell it after the new house is constructed, but she would retain the rights to the septic. Keith asked what hardship restricted her

from rebuilding on Lot 52 (Survey lot 68 & 69); a bigger lot with an existing seasonal home on it? Mrs. Furst stated for health reasons she desires to have easier and improved means to access the Lake.

The meeting is open to abutters for input:

Mr. Lambert (abutter) stated he would like to know what is going to be built before he is satisfied with this. Mr. Lambert may soon need to replace his septic system and expressed concern with her placement of her well to serve the property and what restrictions this may place on his property. At this point there was a discussion regarding protective radius for wells and septic fields and the potential legal encroachments it may place on small non-conforming size lots like the ones in question.

Mr. Angelone (abutter) stated he has a concern for the potential sight restriction over the Lake that a house on Lot 52 may have on his property. Currently he noted that they enjoy a nice view of the lake and does not want to have it blocked by a new home. Frank C. inquired with Mrs. Furst if she have given any thoughts to removing the current home from the larger lot (Lot 52) and legally combining the three lots into one. Mrs. Furst answered that she would be willingly to do this if that permits the Board to grant approval. Some discussion focused as to the ownership of the road and whether a legal easement exists for access to the properties along Lake Road. The abutters in attendance noted that they are not aware of any legal descriptions in the property deeds, it is an access that has always existed. Mr. Lambert noted that he and his son does the general summer and winter maintenance of the private road as there is no association formed by the property owners. Keith C. asked approximately how far is this property from Rte 4? Mr. Lambert responded that he believes it is property approximately 500-600 feet. Keith C. asked within this distance along Lake Road how wide is the general right of way and width of the road? Mr. Angelone responded that the right of way is undefined but the width of the road is less than 16 feet.

Keith C. asked the applicant if she had any further evidence she would like to submit to the Board? Mrs. Furst indicated that she has no further information. The Board closed the hearing at 8:20 PM. Gordon E. asked to be recused as he owns property that abuts Mrs. Furst's lot 52 (survey map 68 & 69). K. Cota recused him and requested Glenn H. to sit in on the case in the absents of Gordon E. K. Cota stated that no further evidence can be submitted and the Board will deliberate to determine if granting of a variance is appropriate in this request.

The Board proceeded to go through the checklist for granting a variance. Frank motion to grant the variance with the following conditions:

1. A lot line adjustment to combine U1-26 & U1-52 into one parcel;
2. An engineered plan be presented to the Planning Board for the new structure;
3. Prior to the issuance of a building permit for construction of the new building on the lake frontage, the existing camp structure on Lot 52 (survey plan lots 68 & 69) be demolish.

Rob B. seconded the motion. The Board members deliberated the pros and cons associated with granting the variance under the motion. The Board members voted as

following: Rob B. and Frank C. voted in favor, Glenn H. and Larry C. voted in opposition. Chairman Keith C. voted not in favor. Motion did not pass (3 to 2 against.)

Glenn H. made a motion to deny the variance because of the limited size of the lot (Lot 26), the public's interest would not be served, and no evidence has been provided to justify the hardship. Larry C. seconded the motion. Glenn H. and Larry C. voted in favor, Rob B. and Frank C. voted in opposition. Chairman Keith C. voted in favor. Motion passed (3 to 2 in favor).

K. Cota noted that a Board letter will be going out that outlines the denial and explained that the applicant and/or abutters can appeal the decision of the Board within twenty days, but it would have to be based upon new evidence that might sway the Board's original decision.

At 9:15 PM the Board proceeded to open the Public Hearing for Case 2000-11 (Variance) for property identified on Tax Map U19 as Lot 46 (Chestnut Pond Road).

Mr. Langlois requests a variance to Article III, Section G 1 (b) - no access on a public roadway. It was noted that all abutter certified notice cards were returned. Mr. Langlois Attorney, Mr. Kennedy, will represent the case for him. Mr. Kennedy indicated that his client desires to build a single family home on his property which consist of 10.27 acres. He noted that the septic has been designed and approved by the State. Mr. Kennedy proceeded to note the use would be consistent with the existing neighborhoods, that there was no other use for the property and by not granting a variance it would value this property useless. Mr. Kennedy noted the reasons to support the issuance of the variance are written in the application.

Keith C. asked if a septic plan is available for evidence. Mr. Kennedy indicated that no plan is available but the State septic approval number is CA-1999-015708. Glenn H. asked if there trees on the property that could be cut? Mr. Kennedy indicated that there are trees on the property that could be cleared and harvested. Keith C. asked if there was an association formed by the neighborhood to cover the general maintenance of the private road? Mr. Kennedy answered that there was no association that they are aware of. Keith C. asked what is the surface of the road, the general width and how far is the property from the Class V Town Road section? Mr. Kennedy answered that the road consist primarily of "dirt," is approximately 15 to 20 feet wide and the property is six lots down form the Class V section (approximately 1000 feet). Keith C. asked if the applicant plans on building a single family home for year round use? Mr. Kennedy replied "yes."

Glenn H. asked when did Mr. Langlois purchase the property and did he know that he needed a variance to build on it and whether Mr. Kennedy researched any other granted variances in the neighborhood? Mr. Kennedy indicated that Mr. Langlois was told by a neighbor of the variance requirements after he has purchased the property and that he did not research how many other neighborhood parcels had prior variances granted to them.

Keith C. asked if Mr. Langlois has considered upgrading the road to Town Road standards

Mr. Kennedy replied that it would be too expensive and that was not an option.

At 9:37 PM, the Board opened the Public Hearing for testimony from the abutters and others. He asked for input from abutters in favor.

Martha Chase (abutter) asked standards would have to be met to permit the road to be a public roadway and who has the authority to approve the road as Town Road. Keith C. explained that the standards as adopted by the Planning Board would have to be met and the Selectmen have the authority to bring this to the Town voters for approval. It could also be done by petition to the Selectmen (during prescribed time prior to annual meeting), however without the road being brought up to Town standards, it would most likely not be supported by the Board of Selectmen.

Chris Porter (abutter) inquired as to when the ordinance was adopted that required public road access? Keith C. noted that the ordinance was adopted since 1969

Robert Kroll (abutter) indicated that he has spent many hours in fixing and maintaining the private road through voluntary financial support from some of the property owners along the road. He noted that the condition of the road is generally a dirt and no effective support material, the winter maintenance is difficult which renders the road unpassable during certain winter ice storms complicated by the runoff and poor drainageways along the private road section. Mr. Kroll also pointed out that the pond has been experiencing water quality problems which may be contributed to the heavy camp and residential use in the area.

June Chase (abutter) is concerned with the existing driveways creating run-off that run to the lake which creates algae in the lake from phosphates etc. She expressed concern for Mr. Langlois's new driveway and the run-off it has created across her property to the lake. Keith C. explained that the Town has no authority over location of driveways on a private roads. The Town Road Agent only has authority over Town Roads and can include conditions in his permit as to how drainage will be handled at the new driveway location.

Bob Waller (abutter) expressed his concerns for run-off during construction and the potential impact caused by blasting-some houses on stilts. Keith C. noted that if a contractor is hired to build the new house and it requires the use of charges then it is regulated by State regulations. Should damage to surrounding properties be attributed to the construction of the new home, then it would be up to the damaged property to bring a suit against the owner and his contractor.

Mrs. Porter (abutter) noted that her home was built 1986 and since that time a number of other homes have come into existence. She expressed her concerned with additional new homes and the impact it will have on the lake and its algae and bacteria levels.

Mr. Sult (abutter) expressed his concern as to the additional development will cause to the roadway condition as he noted that it is already over used. He noted that the width of the road causes difficulties for the safety of kids, general traffic flow and snow removal.

Mr. Kroll (abutter) presented a letter from his neighbors and he proceeded to read Mr. & Mrs. Groleaus' letter (Keith C. entered the letter into the file as evidence). The letter stated that the Groleaus are against additional residential development along this section and if they had known that it could be permitted then they would have purchased that

parcel.

Mr. Kennedy (attorney for Langlois) stated that Mr. Langlois found out about the need for a variance at the time his purchase. He noted that if Mr. Langlois choose to clear-cut the trees (as an alternative to building a home) that may have a worse affect on the pond and the abutters. He noted that building a home would not diminish the value of the property. The discussion went on about the number of seasonal homes verses year-round homes and the burden of the traffic.

Mrs. Chase (abutter) asked if the Board can require an environmental study to determine the impact the development will have on the lake and neighborhood? Keith C. noted that it is not up to the Board to present what type of evidence that needs to be submitted for appeal, but it is up to the applicant or abutters to undertake it if they so chose. Glenn H. noted that the Town's Conservation Commission may be able to assist with a limited environmental study if presented to them.

Mrs. Kroll (abutter) inquired if the Board could place conditions on the construction of Mr. Langlois for the driveway? Keith C. noted that the Board has the authority to place reasonable conditions on the approval of an appeal including the construction of the driveway and roadway to the property.

Mr. Kennedy (attorney) explained that this is a classic hardship case to the property owner and that the alternative is to clear cut the trees etc. which would be worse. He future noted that past allowances for construction of homes and transfer of seasonal homes to year round use along this private road should be considered in granting approval of the appeal. Keith C. cautioned that the past practice by the Town is not an issue for this Board as each case is handled on its own merits. He noted that evidence could most likely be shown that the past Town administrators may have erred in permitting development along this private road.

Keith C. asked Mr. Kennedy if his client has any further evidence they wish to submit. Mr. Kennedy indicated that they have no further evidence or information to present.

At 10:30 PM Frank C. motioned to close the Public Hearing. Larry seconded the motion. No discussion. Passed unanimously.

Frank C. made a motion to continue this Public Hearing on Thursday, August 31, 2000 at approximately 8:00 PM (after Case 2000-12) at the Town Office. Gordon E. seconded the motion. No discussion. Passed unanimously. Keith C. advised the applicant and abutters that the meeting will reconvene as noted and that this was their notice.

Rob B. made a motion to adjourn. Larry C. seconded the motion. Passed unanimously.

Respectfully submitted

Judith DeWitt, Secretary
Zoning Board of Adjustment

TOWN OF EPSOM
ZONING BOARD OF ADJUSTMENT

OCTOBER 19, 2000

In attendance were: Keith Cota, Frank Catanese, Glen Horner and Rob Berry. Larry Caraway, Robert Poole and Gordon Ellis were not present.

The Board reviewed the minutes of 8/10/00. Frank Catanese made a motion to accept the minutes as presented. The motion was seconded by Glen Horner. Passed unanimously.

The Board reviewed the minutes of 8/31/00. Frank Catanese made a motion to accept as presented. The motion was seconded by Glen Horner. Passed unanimously.

Case 2000-11 (V) U19 lot 46-Mike Langlois (Owner)-Attorney Carrel-Appeal.

Attorney Carrel is representing Mr. Langlois in this appeal, he has stated that he also owns land on this road-U19 lot 52. Mr. Carrel stated that the road is over-used, he stated that there is a road association to maintain the road and some of the deeds reflect the association will maintain the road. Then Mr. Carrel stated the road association has not been established. Mr. Carrel questioned if the road association was formed would the ZBA grant the variance? Mr. Carrel stated that at least three (3) homes have been built after 1987, some much closer to the pond. Mr. Carrel stated that there is a water quality issue, but if Mr. Langlois builds his home to specification then there would not be an issue with the pond. He also stated that the fisherman and the boats cause more of a problem. Mr. Carrel stated that they have new evidence to present, such as there has been a meeting regarding the road association and those people have been maintaining the road all along. K. Cota questioned the possibility of the association being formed if there is a re-hearing. There was a discussion regarding other variances and or other homes that were built on Chestnut Pond. G. Horner asked why the applicant was not present at the last meeting? Mr. Langlois stated that he wasn't aware of the date of that hearing. K. Cota stated that finding other variances or the forming of an association might not change the decision. If Mr. Langlois can bring the three- (3) reasons for the denial up to standards then the Board may grant the variance. There was a discussion regarding the upgrade of the road and the association. F. Catanese stated we could deny you now or give you an extension of 3-6 months to see if you can satisfy the three- (3) conditions, which would you prefer? Mr. Langlois would like to have the extension. F. Catanese stated I would motion to re-hear the case in 4 months, (with the option to have an additional 3 months if they are not finished.) If we do not hear from them, the case is denied. F. Catanese motioned to grant the re-hearing conditioned upon submission of appropriate application fees and updated abutter's list by 2/28/01. If an extension is needed the Board will permit a one-time extension to 5/31/01. This is based on new evidence with only one extension. R. Berry seconded the motion. The motion carried.

Case 2000-12-(V) R10-14- Mr. Woodworth- Mike Brooks of DeWolfe Realty. Mr. Brooks of DeWolfe Realty told the Board that the only evidence he had to present was the letter from Mr. & Mrs. Woodworth, the Board was sent a copy of the same letter. F. Catanese made a motion to deny the re-hearing based on the fact that Mr. Brooks had no new evidence. G. Horner seconded the motion. The motion carried.

Motion to adjourn by Frank Catanese. G. Horner seconded the motion. Passed unanimously.

Respectfully submitted,

Judith DeWitt, Secretary
Zoning Board of Adjustment

BACKUS, MEYER, SOLOMON, ROOD & BRANCH

ATTORNEYS AT LAW

116 LOWELL STREET

P.O. Box 516

MANCHESTER, NH 03105-0516

(603) 668-7272

FAX (603) 668-0730

September 18, 2000

Keith A. Cota, Chairman *KAC 9/24/00*
Zoning Board of Adjustment
Town of Epsom
PO Box 10
Epsom, NH 03234

RE: Michael Langlois Case #2000-11 (VAR)

Dear Mr. Cota:

Please accept this letter as a motion for re-hearing of the denial of the variance requested by Mr. Langlois as to property situated on Chestnut Pond Road, known as Map U-19, Lot 46. The requested variance pursuant to Article III, Section G, Subsection 1(b) was denied September 1, 2000.

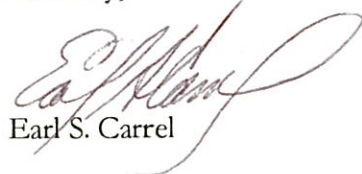
It is the appellant's contention that the granting of the variance would be in the best public interest of the Town of Epsom, that although the existing private road known as Chestnut Pond Road is narrow, it is, in fact, safe for emergency access and in the past the town has granted variances and/or building permits for numerous homes on the private section of Chestnut Pond Road. Furthermore, upgrading the road to bring it into full compliance with town standards is impractical in that excessive amounts of land considered to be private would have to be obtained in order to establish the necessary width of the road.

The ZBA decision does not address the issue of whether a Chestnut Pond Road homeowners association or road association would be sufficient to provide for maintenance of the roadway which would enable a variance to be granted.

✓ In order to assist me in preparation for the re-hearing, it is requested that the minutes of the September 1, 2000 ZBA meeting be provide to me.

Thank you for your attention to this matter.

Sincerely,


Earl S. Carrel

ESC/rla

cc: Mr. & Mrs. Michael Langlois

*done 9/2/00 JD
gave Mr Langlois
Copies of min of 8/10 & 8/31*

Copy.

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

October 20, 2000

Mr. Earl S. Carrel
Backus, Meyer, Solomon, Rood & Branch
116 Lowell Street, PO Box 516
Manchester, NH 03105-0516

Dear Mr. Carrel:

RE: Request for Reconsideration of Appeal Decision
Case 2000-11 (Var.) – Chestnut Pond Road (Private)
Michael J. Langlois

I wish to inform you that the Board took action on your September 18, 2000 letter, which requested the Board to reconsider the Board's denial for Case 2000-11 based upon new evidence. The Board reviewed your request at its public meeting of October 19, 2000. Your motion for a rehearing is based upon new evidence as to the formation of a Neighborhood Association and examples of past issuance of variances and building permits along this private road.

As allowed by State law (RSA 677:2), the Board has granted your motion for a rehearing. The granting of a rehearing is conditioned upon your client submitting appropriate application, fees and updated abutter's list by February 28, 2001. The Board will permit a one-time extension to May 31, 2001 for formal application if the request is made in writing to the Board Chairman prior to February 28, 2001. Should your client not submit formal reapplication by the timeline stated, the Board's original decision will continue to legally remain in force.

The reason behind the extended time period is to permit you and your client, Mr. Michael Langlois, sufficient time to gather the new evidence as outlined by your motion for a rehearing. We can certainly proceed to a rehearing prior to February 28th if you are ready.

Mr. Earl Carrel
October 20, 2000
Page 2

By granting your request for a rehearing, the Board is only acknowledging that the new evidence, as you outlined, is in the opinion of the Board worthy of a rehearing. By taking this action, it permits you and your client to submit the new evidence at a formal public hearing after notification is made to your neighbors and general public in accordance to our rules and regulations. After weighing all the evidence and public testimony, the Board will, once again, come to a decision on the Mr. Langlois' variance appeal.

Sincerely,

Keith A. Cota, Chairman
Board of Adjustment

cc: Michael J. Langlois, Applicant; 843 High Street, Candia, NH 03034
June Chase, Abutter; 2 Fort Hill Road, Nottingham, NH 03290
Chris Porter, Abutter; 168 Chestnut Pond Road, Epsom, NH 03234
Bob Waller, Abutter; 5 Lookout Terrace, Lynnfield, MA 01940
Tim Sult, Abutter; 236 Chestnut Pond Road, Epsom, NH 03234
Robert Kroll, Abutter; 198 Chestnut Pond Road, Epsom, NH 03234
Chairman, Epsom Board of Selectmen
Chairman, Epsom Planning Board
Epsom Town Clerk
Epsom Zoning Compliance Officer
Epsom Zoning Board Members
Case 2000-11 (VAR.) File

EPSOM BOARD OF ADJUSTMENT
PO BOX 10
EPSOM, NEW HAMPSHIRE 03234

March 26, 2001

Mr. Earl S. Carrel
Backus, Meyer, Solomon, Rood & Branch
116 Lowell Street, PO Box 516
Manchester, NH 03105-0516

Dear Mr. Carrel:

RE: Case 2000-11 (Var.) – Michael J. Langlois

On October 19, 2000 the Board of Adjustment reviewed your letter for reconsideration of the Board's original denial and requesting of a rehearing for Mr. Langlois' Variance Case 2000-11. We defined the conditions for granting a rehearing in our October 20, 2000 letter and outlined a specific timeline for the rehearing process. This timeline did require your client to submit a re-application with appropriate fees and updated abutter's list by February 28, 2001 or he would forfeit his rights to the rehearing. The Board did allow a one-time extension to May 31, 2001 for the formal re-application only if the request is made in writing to the Board Chairman prior to February 28, 2001. No such request was received.

As a result of your client not fulfilling the requirements outlined by the Board's letter, Mr. Langlois has forfeited his rights for a rehearing of Case 2000-11. The Board's original decision remains in effect and the Board's file for Case 2000-11 is now closed.

Mr. Langlois will be required to submit a new application for variance should he wish to pursue the construction of a residential building on his property located on the private section of Chestnut Pond Road. The burden of proof for the issuance of a variance will be his responsibility to prove and address.

Sincerely,



Keith A. Cota, Chairman
Board of Adjustment

KAC/kac


cc: Michael J. Langlois, Applicant; 843 High Street, Candia, NH 03034
Chairman, Epsom Board of Selectmen
Epsom Zoning Compliance Officer
Epsom Zoning Board Members
Case 2000-11 (VAR.) File

**TOWN OF EPSOM
ZONING BOARD OF ADJUSTMENT
NOTICE OF HEARING DECISION**

CASE NO: 2000-11 (VAR)

You are hereby notified the *Variance* appeal requested by Michael J. Langlois to Article III, Section G, Subsection 1(b) of the Epsom Zoning Regulations to permit construction of a residential structure Lot 46 on Tax Map U-19 that has no frontage on a publicly maintained road (private road, known as Chestnut Pond Road) has been **DENIED** at the August 31, 2000 public hearing by unanimous vote of the members of the Zoning Board of Adjustment due to the following reasons:

- The granting of the variance would not be in the best public interest of the Town;
- The existing private accessway via Chestnut Pond Road is not considered safe due to the narrow width, surface condition and difficulty for emergency access;
- The applicant failed to pursue all available avenues to be bring the roadway up to full compliance with Town standards (i.e.: seek upgrade and conversion to publicly maintained roadway).


Chairman, Zoning Board of
Adjustment
Date: September 1, 2000

Note: Any person affected has the right to appeal this decision and /or conditions of the approval. If you wish to appeal, you must act within a twenty (20) day period beginning with the next working day after the hearing date. The necessary first step, before any appeal can be taken to Superior Court, 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: Michael J. Langlois, Applicant, 843 High Street, Candia, NH 03034
June Chase, Abutter, 2 Fort Hill Road, Nottingham, NH 03290
Chris Porter, Abutter, 168 Chestnut Pond Road, Epsom, NH 03234
Bob Waller, Abutter, 5 Lookout Terrace, Lynnfield, MA 01940
Tim Sult, Abutter, 236 Chestnut Pond Road, Epsom, NH 03234
Robert Kroll, Abutter, 198 Chestnut Pond Road, Epsom, NH 03234
Chairman, Epsom Board of Selectmen
Chairman, Epsom Planning Board
Epsom Town Clerk
Epsom Zoning Compliance Officer
Epsom Zoning Board Members
Case 2000-11 (VAR) File

WORK SHEET STATEMENT OF REASONS

Case number 2000-11

Date 8-31-00

Petition for variance of III G-1b setbacks on public RD
for property located at Map U19 Lot 46 on the following road
in the Town of Epsom Chestnut Pond (Private RD) Langlois

I. The Zoning Board of Adjustment (ZBA) has the power to authorize a VARIANCE from the terms of the Epsom Zoning Ordinance which:

1. will not be contrary to the public interest ;
2. if, owing to special conditions, a literal enforcement of the provision of the ordinance will result in unnecessary hardship;
3. the spirit of the ordinance shall be observed;
4. substantial justice will be served (RSA 674:33(I)(b)).

II. The purpose of the variance is to provide a speedy and adequate remedy in cases where exceptional conditions or exceptional environmental restrictions require a waiver of the strict letter of the zoning ordinance without sacrifice to its spirit or purpose.

III. Grounds for **Unnecessary Hardship** exist when an ordinance effectively prevents the owner from making reasonable use of the land. It is the uniqueness of the "land" causing the plight that is the criterion for hardship, not the uniqueness of the plight of the owner. The hardship **must** relate to the "land" rather than to the circumstances of the land owner. Financial hardship does not alone warrant a VARIANCE, but if it is unduly oppressive because conditions of the "property" distinguish it from other properties similarly restricted, it may constitute hardship. To warrant the granting of a VARIANCE based upon hardship, there **must** be something special about the property to distinguish it from other land in the same area with respect to its suitability for the use intended by the ordinance.

IV. The ZBA has the power to attach reasonable conditions to the granting of a VARIANCE.

V. The ZBA shall state in writing in sufficient detail the reasons as to the granting or denial of a VARIANCE with particular reference to the standards or conditions applicable. The ZBA may grant a VARIANCE from the zoning ordinances **only** if **all** the following conditions apply:

1. The proposed use will result in no diminution in the surrounding Yes No property values.

Comments: _____

2. The granting of the variance would be of benefit to the public interest. Yes No

Comments: _____

3. Denial of the appeal would result in unnecessary hardship to the owner due to the special conditions of the land. Yes No

Comments: _____

4. By granting the variance substantial justice would be done. Yes No

Comments: _____

5. The intended use of this property by the owner will be within the spirits of the ordinance. Yes No

Comments: _____

Date: 8-31-00

Signed By: 

WORK SHEET STATEMENT OF REASONS

Case number 2000-11

Date 8/31/00

Petition for variance of 3G
for property located at Map 019 Lot 46 on the following road
in the Town of Epsom: Chestnut port Rd. (Private)

Michael Langlois

I. The Zoning Board of Adjustment (ZBA) has the power to authorize a VARIANCE from the terms of the Epsom Zoning Ordinance which:

1. will not be contrary to the public interest ;
2. if, owing to special conditions, a literal enforcement of the provision of the ordinance will result in unnecessary hardship;
3. the spirit of the ordinance shall be observed;
4. substantial justice will be served (RSA 674:33(I)(b)).

II. The purpose of the variance is to provide a speedy and adequate remedy in cases where exceptional conditions or exceptional environmental restrictions require a waiver of the strict letter of the zoning ordinance without sacrifice to its spirit or purpose.

III. Grounds for **Unnecessary Hardship** exist when an ordinance effectively prevents the owner from making reasonable use of the land. It is the uniqueness of the "land" causing the plight that is the criterion for hardship, not the uniqueness of the plight of the owner. The hardship **must** relate to the "land" rather than to the circumstances of the land owner. Financial hardship does not alone warrant a VARIANCE, but if it is unduly oppressive because conditions of the "property" distinguish it from other properties similarly restricted, it may constitute hardship. To warrant the granting of a VARIANCE based upon hardship, there **must** be something special about the property to distinguish it from other land in the same area with respect to its suitability for the use intended by the ordinance.

IV. The ZBA has the power to attach reasonable conditions to the granting of a VARIANCE.

V. The ZBA shall state in writing in sufficient detail the reasons as to the granting or denial of a VARIANCE with particular reference to the standards or conditions applicable. The ZBA may grant a VARIANCE from the zoning ordinances **only if all** the following conditions apply:

1. The proposed use will result in no diminution in the surrounding property values. Yes No

Comments: _____

2. The granting of the variance would be of benefit to the public interest. Yes No

Comments: _____

3. Denial of the appeal would result in unnecessary hardship to the owner due to the special conditions of the land. Yes No

Comments: _____

4. By granting the variance substantial justice would be done. Yes No

Comments: _____

5. The intended use of this property by the owner will be within the spirits of the ordinance. Yes No

Comments: _____

Date: 8/31/00

Signed By: 

WORK SHEET STATEMENT OF REASONS

Case number 2000-11 (VAR)

Date 8/15/00

Petition for variance of Art. III, Section 51(b) Private Rd. / 1997^g
for property located at Map U19 Lot 46 on the following road
in the Town of Epsom Chetnut Pond Road. (Private).

Michael Langlois

I. The Zoning Board of Adjustment (ZBA) has the power to authorize a VARIANCE from the terms of the Epsom Zoning Ordinance which:

1. will not be contrary to the public interest ;
2. if, owing to special conditions, a literal enforcement of the provision of the ordinance will result in unnecessary hardship;
3. the spirit of the ordinance shall be observed;
4. substantial justice will be served (RSA 674:33(I)(b)).

II. The purpose of the variance is to provide a speedy and adequate remedy in cases where exceptional conditions or exceptional environmental restrictions require a waiver of the strict letter of the zoning ordinance without sacrifice to its spirit or purpose.

III. Grounds for **Unnecessary Hardship** exist when an ordinance effectively prevents the owner from making reasonable use of the land. It is the uniqueness of the "land" causing the plight that is the criterion for hardship, not the uniqueness of the plight of the owner. The hardship **must** relate to the "land" rather than to the circumstances of the land owner. Financial hardship does not alone warrant a VARIANCE, but if it is unduly oppressive because conditions of the "property" distinguish it from other properties similarly restricted, it may constitute hardship. To warrant the granting of a VARIANCE based upon hardship, there **must** be something special about the property to distinguish it from other land in the same area with respect to its suitability for the use intended by the ordinance.

IV. The ZBA has the power to attach reasonable conditions to the granting of a VARIANCE.

V. The ZBA shall state in writing in sufficient detail the reasons as to the granting or denial of a VARIANCE with particular reference to the standards or conditions applicable. The ZBA may grant a VARIANCE from the zoning ordinances **only** if **all** the following conditions apply:

1. The proposed use will result in no diminution in the surrounding property values. Yes - No

Comments: _____

2. The granting of the variance would be of benefit to the public interest. Yes No

Comments: ^{Each} V Public access, zoning access

3. Denial of the appeal would result in unnecessary hardship to the owner due to the special conditions of the land. Yes No

Comments: _____

4. By granting the variance substantial justice would be done. Yes No

Comments: _____

5. The intended use of this property by the owner will be within the spirits of the ordinance. Yes No

Comments: _____

Date: 8/31/00

Signed By: [Signature]

WORK SHEET
STATEMENT OF REASONS

RWB 8/31/00

Case number 2000-11 (VAR)

Date 8/31/00

Petition for variance of Art. III, Section 51(b) Private Rd. / 1997
for property located at Map U19 Lot 46 on the following road
in the Town of Epsom Chastnut Pond Road. (PRIVATE ROAD)
Michael Langlois

I. The Zoning Board of Adjustment (ZBA) has the power to authorize a VARIANCE from the terms of the Epsom Zoning Ordinance which:

1. will not be contrary to the public interest ;
2. if, owing to special conditions, a literal enforcement of the provision of the ordinance will result in unnecessary hardship;
3. the spirit of the ordinance shall be observed;
4. substantial justice will be served (RSA 674:33(I)(b)).

II. The purpose of the variance is to provide a speedy and adequate remedy in cases where exceptional conditions or exceptional environmental restrictions require a waiver of the strict letter of the zoning ordinance without sacrifice to its spirit or purpose.

III. Grounds for **Unnecessary Hardship** exist when an ordinance effectively prevents the owner from making reasonable use of the land. It is the uniqueness of the "land" causing the plight that is the criterion for hardship, not the uniqueness of the plight of the owner. The hardship **must** relate to the "land" rather than to the circumstances of the land owner. Financial hardship does not alone warrant a VARIANCE, but if it is unduly oppressive because conditions of the "property" distinguish it from other properties similarly restricted, it may constitute hardship. To warrant the granting of a VARIANCE based upon hardship, there **must** be something special about the property to distinguish it from other land in the same area with respect to its suitability for the use intended by the ordinance.

IV. The ZBA has the power to attach reasonable conditions to the granting of a VARIANCE.

RWB 8/31/00

V. The ZBA shall state in writing in sufficient detail the reasons as to the granting or denial of a VARIANCE with particular reference to the standards or conditions applicable. The ZBA may grant a VARIANCE from the zoning ordinances **only** if **all** the following conditions apply:

- 1. The proposed use will result in no diminution in the surrounding Yes - No property values.

Comments: _____

- 2. The granting of the variance would be of benefit to the public interest. Yes No

Comments: _____

- 3. Denial of the appeal would result in unnecessary hardship to the owner due to the special conditions of the land. Yes No

Comments: _____

- 4. By granting the variance substantial justice would be done. Yes No

Comments: _____

- 5. The intended use of this property by the owner will be within the spirits of the ordinance. Yes No

Comments: But is on private road 1000' from
Class V road.

Date: 8/31/00

Signed By: Robert W. Berry

- Nbr. setback from
- Safety on roadway width & condition & difficulty for access.
- Applicant has not pursued all avenues available in order to be in compliance e.g. converting to public roadway.

Lot Number	Year Built	Structure Size SQFT	Description	Lot Size	Status	Comment
Lot 23	2023	1,888	CONVENTION	0.39	Year-round	
Lot 24	1975	957	RASD RANCH	0.66	Year-round	
Lot 25	1937	820	CAMP	1.89	Seasonal	
Lot 26	1950	600	CAMP	1.3	Seasonal	
Lot 27	1950	584	CAMP	0.36	Seasonal	
Lot 28	1946	660	CAMP	0.38	Seasonal	
Lot 29	2015	1,344	CONVENTION	0.59	Year-round	
Lot 30	1950	771	CAMP	0.41	Seasonal	
Lot 31	2023	480	CAMP	0.35	Seasonal	
Lot 32	1960	675	RANCH	0.34	Year-round	
Lot 33	1952	714	CAMP	0.34	Seasonal	Mailing address same
Lot 34	1958	685	CAMP	0.31	Seasonal	Mailing address same
Lot 35	1950	1,392	CAMP	0.47	Seasonal	
Lot 36	1950	760	CAMP	0.48	Seasonal	
Lot 37	1974	890	RASD RANCH	1	Year-round	
Lot 38	1979	720	CAMP	5.95	Seasonal	Mailing address same
Lot 39	1993	538	CAMP	17.53	Seasonal	Mailing address same
Lot 40	1970	768	CAMP	5.55	Seasonal	Mailing address same
Lot 41	1986	1,960	CAPE	5.45	Year-round	
Lot 42			LAND ONLY	5.56	Owned by abutter	Same owner as Lot 41
Lot 43	1977	1,648	CONVENTION	5.08	Year-round	
Lot 44	1990	3,447	CONTEMP	3.96	Year-round	
Lot 45			LAND ONLY	10.3	Owned by abutter	Same owner as Lot 44
Lot 46			LAND ONLY	10.27	My Lot	
Lot 47			LAND ONLY	10.54	Owned by abutter	Same owner as Lot 48
Lot 48	1988	1,808	SPLIT LEVEL	11.21	Year-round	
Lot 49			LAND ONLY	9.73	Owned by abutter	Same owner as Lot 24
Lot 50	1988	1,908	CAPE	6.12	Year-round	
Lot 51	1988	2,496	CONVENTION	5.05	Year-round	
Lot 52	1946	912	CAMP	0.17	Seasonal	



Property Card: 139 CHESTNUT POND ROAD

Town of Epsom, NH



Parcel ID: 000U19-000023-000000
PID: 000U19000023000000

Owner: ROGERS, CHRISTOPHER E,
Co-Owner: TRUSTEE
Mailing Address: ROGERS, GAIL M, TRUSTEE
64 CONSTANCE STREET
BEDFORD, NH 03110

General Information

Map: 000U19
Lot: 000023
Sub: 000000

Land Use: 1F RES WTRFRNT
Zone: R/A CHESTNUT POND
Land Area in Acres: 0.39
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Assessed Value

Land: \$187,200
Buildings: \$165,400
Extra Features: \$21,500
Total: \$374,100

Sale History

Book/Page: 3554-127
Sale Date: 4/28/2017
Sale Price: \$0

Building Details

Model Description: CONVENTION
Total Gross Area: 1888
Year Built: 2023
Building Grade: AVG-10
Stories: 1.50 STORY FRAME

Condition: AVERAGE
Depreciation: 0
No. Bedrooms: 3
No. Baths: 3
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 157 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000024-000000
PID: 000U19000024000000

Owner: SEIDENBERG, ANDREW LEE,
Co-Owner: TRUSTE
Mailing Address: SEIDENBERG, AMY LEE,
TRUSTEE
157 CHESTNUT POND ROAD
EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000024
Sub: 000000

Land Use: 2F RES WTRFRNT
Zone: R/A CHESTNUT POND
Land Area in Acres: 0.66
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$182,300
Buildings: \$190,700
Extra Features: \$16,100
Total: \$389,100

Sale History

Book/Page: 3840-1499
Sale Date: 10/19/2023
Sale Price: \$0

Building Details

Model Description: RASD RANCH
Total Gross Area: 957
Year Built: 1975
Building Grade: AVG
Stories: 1.50 STORY FRAME

Condition: AVERAGE
Depreciation: 0
No. Bedrooms: 3
No. Baths: 2
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 161 CHESTNUT POND ROAD
 Town of Epsom, NH



Parcel ID: 000U19-000025-000000
PID: 000U19000025000000

Owner: CHESTNUT POND CABIN, LLC
Co-Owner:
Mailing Address: 2 CAPITAL PLAZA 5TH FLOOR
 PO BOX 1137
 CONCORD, NH 03302

General Information

Assessed Value

Map: 000U19
Lot: 000025
Sub: 000000

Land Use: 1F RES WTRFRNT
Zone: R/A CHESTNUT POND
Land Area in Acres: 1.89
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$225,700
Buildings: \$36,500
Extra Features: \$7,900
Total: \$270,100

Sale History

Book/Page: 3802-790
Sale Date: 8/12/2022
Sale Price: \$307,600

Building Details

Model Description: CAMP
Total Gross Area: 820
Year Built: 1937
Building Grade: AVG-40
Stories: 1.00 STORY FRAME

Condition: GOOD
Depreciation: 0
No. Bedrooms: 2
No. Baths: 1
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 173 CHESTNUT POND ROAD
 Town of Epsom, NH



Parcel ID: 000U19-000026-000000
PID: 000U19000026000000

Owner: CHASE, MARTHA A
Co-Owner: CLOUTIER, MICHELE J
Mailing Address: PO BOX 918
 DURHAM, NH 03824

General Information		Assessed Value	
<p>Map: 000U19 Lot: 000026 Sub: 000000</p> <p>Land Use: 1F RES WTRFRNT Zone: R/A CHESTNUT POND Land Area in Acres: 1.3 Current Use: N Neighborhood: N-C Frontage: 0 Waterfront: 1 View Factor: N</p>		<p>Land: \$143,900 Buildings: \$44,000 Extra Features: \$0 Total: \$187,900</p>	
		Sale History	
		<p>Book/Page: 3741-1478 Sale Date: 5/28/2021 Sale Price: \$2,666</p>	
Building Details			
<p>Model Description: CAMP Total Gross Area: 600 Year Built: 1950 Building Grade: AVG-20 Stories: 1.00 STORY FRAME</p>		<p>Condition: AVERAGE Depreciation: 0 No. Bedrooms: 2 No. Baths: 1 Adj Bas: 0</p>	



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 181 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000027-000000
PID: 000U19000027000000

Owner: ARSENEAU, SR., BARRY -
Co-Owner: TRUSTEE
Mailing Address: ARSENEAU, BETH M. - TRUSTEE
45 MOOSE POND TERRACE
HOOKSETT, NH 03106

General Information

Assessed Value

Map: 000U19
Lot: 000027
Sub: 000000

Land Use: 1F RES WTRFRNT
Zone: R/A CHESTNUT POND
Land Area in Acres: 0.36
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$132,100
Buildings: \$56,800
Extra Features: \$1,000
Total: \$189,900

Sale History

Book/Page: 3060-60
Sale Date: 4/18/2008
Sale Price: \$90,000

Building Details

Model Description: CAMP
Total Gross Area: 584
Year Built: 1950
Building Grade: AVG-20
Stories: 1.00 STORY FRAME

Condition: GOOD
Depreciation: 0
No. Bedrooms: 2
No. Baths: 1
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 191 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000028-000000
PID: 000U19000028000000

Owner: ARSENEAU, SR., BARRY -
Co-Owner: TRUSTEE
Mailing Address: ARSENEAU, BETH M. - TRUSTEE
45 MOOSE POND TERRACE
HOOKSETT, NH 03106

General Information

Assessed Value

Map: 000U19
Lot: 000028
Sub: 000000

Land Use: 1F RES WTRFRNT
Zone: R/A CHESTNUT POND
Land Area in Acres: 0.38
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$130,000
Buildings: \$45,300
Extra Features: \$3,100
Total: \$178,400

Sale History

Book/Page: -
Sale Date: 12:00:00 AM
Sale Price:

Building Details

Model Description: CAMP
Total Gross Area: 660
Year Built: 1946
Building Grade: AVG-30
Stories: 1.00 STORY FRAME

Condition: GOOD
Depreciation: 0
No. Bedrooms: 1
No. Baths: 1
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 195 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000029-000000
PID: 000U19000029000000

Owner: STAM, CRAIG A
Co-Owner:
Mailing Address: 195 CHESTNUT POND ROAD
EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000029
Sub: 000000

Land Use: 1F RES WTRFRNT
Zone: R/A CHESTNUT POND
Land Area in Acres: 0.59
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$134,200
Buildings: \$137,500
Extra Features: \$9,800
Total: \$281,500

Sale History

Book/Page: 3450-1656
Sale Date: 8/6/2014
Sale Price: \$90,000

Building Details

Model Description: CONVENTION
Total Gross Area: 1344
Year Built: 2015
Building Grade: AVG+10
Stories: 2.00 STORY FRAME

Condition: AVERAGE
Depreciation: 0
No. Bedrooms: 2
No. Baths: 2
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 197 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000030-000000
PID: 000U19000030000000

Owner: ARNOLDY, JOHN, JR.
Co-Owner: ARNOLDY, ROBIN L.
Mailing Address: PO BOX 242
EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000030
Sub: 000000

Land Use: 1F RES WTRFRNT
Zone: R/A CHESTNUT POND
Land Area in Acres: 0.41
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$135,300
Buildings: \$55,000
Extra Features: \$3,200
Total: \$193,500

Sale History

Book/Page: 3632-712
Sale Date: 6/3/2019
Sale Price: \$55,000

Building Details

Model Description: CAMP
Total Gross Area: 771
Year Built: 1950
Building Grade: AVG-20
Stories: 1.00 STORY FRAME

Condition: AVERAGE
Depreciation: 0
No. Bedrooms: 3
No. Baths: 1
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 207 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000031-000000
PID: 000U19000031000000

Owner: BOISVERT, ROBERT R
Co-Owner: BOISVERT, JANE E
Mailing Address: 24 SOUTH GRAY COURT
MANCHESTER, NH 03103

General Information

Map: 000U19
Lot: 000031
Sub: 000000

Land Use: 1F RES WTRFRNT
Zone: R/A CHESTNUT POND
Land Area in Acres: 0.35
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Assessed Value

Land: \$139,100
Buildings: \$71,900
Extra Features: \$5,900
Total: \$216,900

Sale History

Book/Page: 3764-1444
Sale Date: 10/19/2021
Sale Price: \$275,000

Building Details

Model Description: CAMP
Total Gross Area: 480
Year Built: 2023
Building Grade: AVG
Stories: 1.50 STORY FRAME

Condition: AVERAGE
Depreciation: 0
No. Bedrooms: 2
No. Baths: 1
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 211 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000032-000000
PID: 000U19000032000000

Owner: DENNISON, DANIEL J.
Co-Owner:
Mailing Address: 211 CHESTNUT POND ROAD
EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000032
Sub: 000000

Land Use: 1F RES WTRFRNT
Zone: R/A CHESTNUT POND
Land Area in Acres: 0.34
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$132,100
Buildings: \$66,100
Extra Features: \$6,200
Total: \$204,400

Sale History

Book/Page: 3611-1242
Sale Date: 10/15/2018
Sale Price: \$0

Building Details

Model Description: RANCH
Total Gross Area: 675
Year Built: 1960
Building Grade: AVG-10
Stories: 1.00 STORY FRAME

Condition: AVERAGE
Depreciation: 0
No. Bedrooms: 1
No. Baths: 1
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 217 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000033-000000
PID: 000U19000033000000

Owner: MORRISON, CLAUDIA & FRANCIS
Co-Owner: L
Mailing Address: J. MAXWELL & T. DALEY
217 CHESTNUT POND ROAD
EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000033
Sub: 000000

Land Use: 1F RES WTRFRNT
Zone: R/A CHESTNUT POND
Land Area in Acres: 0.34
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$134,500
Buildings: \$46,500
Extra Features: \$5,800
Total: \$186,800

Sale History

Book/Page: 3439-600
Sale Date: 5/12/2014
Sale Price: \$1

Building Details

Model Description: CAMP
Total Gross Area: 714
Year Built: 1952
Building Grade: AVG-30
Stories: 1.00 STORY FRAME

Condition: AVERAGE
Depreciation: 0
No. Bedrooms: 1
No. Baths: 1
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 219 CHESTNUT POND ROAD
 Town of Epsom, NH



Parcel ID: 000U19-000034-000000
PID: 000U19000034000000

Owner: DOBBINS, DANIEL N
Co-Owner: DOBBINS, NANCY W
Mailing Address: 219 CHESTNUT POND RD
 EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000034
Sub: 000000

Land Use: 1F RES WTRFRNT
Zone: R/A CHESTNUT POND
Land Area in Acres: 0.31
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$129,300
Buildings: \$71,600
Extra Features: \$300
Total: \$201,200

Sale History

Book/Page: 3077-1007
Sale Date: 7/16/2008
Sale Price: \$170,000

Building Details

Model Description: CAMP
Total Gross Area: 685
Year Built: 1958
Building Grade: AVG-10
Stories: 1.00 STORY FRAME

Condition: VERY GOOD
Depreciation: 0
No. Bedrooms: 1
No. Baths: 1
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 221 CHESTNUT POND ROAD
 Town of Epsom, NH



Parcel ID: 000U19-000035-000000
PID: 000U19000035000000

Owner: NOYES, DAVID
Co-Owner: NOYES, CHARLENE
Mailing Address: PO BOX 33
 CONCORD, NH 03302

General Information

Assessed Value

Map: 000U19
Lot: 000035
Sub: 000000

Land Use: 1F RES WTRFRNT
Zone: R/A CHESTNUT POND
Land Area in Acres: 0.47
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$133,400
Buildings: \$91,800
Extra Features: \$800
Total: \$226,000

Sale History

Book/Page: 3026-483
Sale Date: 10/23/2007
Sale Price: \$184,900

Building Details

Model Description: CAMP
Total Gross Area: 1392
Year Built: 1950
Building Grade: AVG-10
Stories: 2.00 STORY FRAME

Condition: AVERAGE
Depreciation: 0
No. Bedrooms: 2
No. Baths: 1
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 227 CHESTNUT POND ROAD
 Town of Epsom, NH



Parcel ID: 000U19-000036-000000
PID: 000U19000036000000

Owner: FILTEAU, THEODORE L
Co-Owner: FILTEAU, JANCIE A
Mailing Address: 2500 MYSTIC VALLEY PARKWAY
 UNIT 903
 MEDFORD, MA 02155

General Information		Assessed Value	
<p>Map: 000U19 Lot: 000036 Sub: 000000</p> <p>Land Use: 1F RES WTRFRNT Zone: R/A CHESTNUT POND Land Area in Acres: 0.48 Current Use: N Neighborhood: N-C Frontage: 0 Waterfront: 1 View Factor: N</p>		<p>Land: \$138,700 Buildings: \$61,700 Extra Features: \$4,600 Total: \$205,000</p>	
		Sale History	
		<p>Book/Page: - Sale Date: 12:00:00 AM Sale Price:</p>	
Building Details			
<p>Model Description: CAMP Total Gross Area: 760 Year Built: 1950 Building Grade: AVG-20 Stories: 1.00 STORY FRAME</p>		<p>Condition: AVERAGE Depreciation: 0 No. Bedrooms: 2 No. Baths: 1 Adj Bas: 0</p>	



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 246 CHESTNUT POND ROAD
 Town of Epsom, NH



Parcel ID: 000U19-000037-000000
PID: 000U19000037000000

Owner: SULT, BARBARA
Co-Owner:
Mailing Address: 246 CHESTNUT POND ROAD
 EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000037
Sub: 000000

Land Use: 1F RES WTRFRNT
Zone: R/A CHESTNUT POND
Land Area in Acres: 1
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$139,000
Buildings: \$90,500
Extra Features: \$6,900
Total: \$236,400

Sale History

Book/Page: 2934-715
Sale Date: 10/10/2006
Sale Price: \$0

Building Details

Model Description: RASD RANCH
Total Gross Area: 890
Year Built: 1974
Building Grade: AVG
Stories: 1.00 STORY FRAME

Condition: GOOD
Depreciation: 0
No. Bedrooms: 2
No. Baths: 1
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 236 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000038-000000
PID: 000U19000038000000

Owner: POIRIER, JACOB HENRY
Co-Owner:
Mailing Address: 236 CHESTNUT POND ROAD
EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000038
Sub: 000000

Land Use: 1F RES WTR ACS
Zone: R/A CHESTNUT POND
Land Area in Acres: 5.95
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$77,400
Buildings: \$68,800
Extra Features: \$2,700
Total: \$148,900

Sale History

Book/Page: 3803-1043
Sale Date: 8/24/2022
Sale Price: \$190,000

Building Details

Model Description: CAMP
Total Gross Area: 720
Year Built: 1979
Building Grade: AVG-10
Stories: 1.50 STORY FRAME

Condition: AVERAGE
Depreciation: 0
No. Bedrooms: 2
No. Baths: 1
Adj Bas: 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Property Card: 224 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000039-000000
PID: 000U19000039000000

Owner: KITCHEN JESSE A
Co-Owner:
Mailing Address: 224 CHESTNUT POND ROAD
EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000039
Sub: 000000

Land Use: 1F RES WTR ACS
Zone: R/A CHESTNUT POND
Land Area in Acres: 17.53
Current Use: Y
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$72,681
Buildings: \$120,800
Extra Features: \$5,000
Total: \$198,481

Sale History

Book/Page: 3563-2949
Sale Date: 7/21/2017
Sale Price: \$228,000

Building Details

Model Description: CAMP
Total Gross Area: 538
Year Built: 1993
Building Grade: AVG-20
Stories: 1.00 STORY FRAME

Condition: AVERAGE
Depreciation: 0
No. Bedrooms: 2
No. Baths: 1
Adj Bas: 0



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This information is believed to be correct but is subject to change and is not warranted.



Property Card: 218 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000040-000000
PID: 000U19000040000000

Owner: HABERSHAW, JARED
Co-Owner:
Mailing Address: 218 CHESTNUT POND ROAD
EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000040
Sub: 000000

Land Use: 1F RES WTR ACS
Zone: R/A CHESTNUT POND
Land Area in Acres: 5.55
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$78,900
Buildings: \$69,100
Extra Features: \$1,600
Total: \$149,600

Sale History

Book/Page: -
Sale Date: 6/11/2020
Sale Price: \$245,000

Building Details

Model Description: CAMP
Total Gross Area: 768
Year Built: 1970
Building Grade: AVG-10
Stories: 1.00 STORY FRAME

Condition: GOOD
Depreciation: 0
No. Bedrooms: 2
No. Baths: 1
Adj Bas: 0



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This information is believed to be correct but is subject to change and is not warranted.



Property Card: 206 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000041-000000
PID: 000U19000041000000

Owner: PELLETIER, SHAWN
Co-Owner: PELLETIER, TAMMY
Mailing Address: 206 CHESTNUT POND RD
EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000041
Sub: 000000

Land Use: 1F RES WTR ACS
Zone: R/A CHESTNUT POND
Land Area in Acres: 5.45
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$78,800
Buildings: \$175,900
Extra Features: \$14,700
Total: \$269,400

Sale History

Book/Page: 2717-213
Sale Date: 11/1/2004
Sale Price: \$249,500

Building Details

Model Description: CAPE
Total Gross Area: 1960
Year Built: 1986
Building Grade: AVG+10
Stories: 1.50 STORY FRAME

Condition: AVERAGE
Depreciation: 0
No. Bedrooms: 4
No. Baths: 2
Adj Bas: 0



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Property Card: 206 CHESTNUT POND ROAD
 Town of Epsom, NH

NO PHOTO
 AVAILABLE

Parcel ID: 000U19-000042-000000
PID: 000U19000042000000

Owner: PELLETIER, SHAWN
Co-Owner: PELLETIER, TAMMY
Mailing Address: 206 CHESTNUT POND RD
 EPSOM, NH 03234

General Information

Map: 000U19
Lot: 000042
Sub: 000000

Land Use: 1F RES WTR ACS
Zone: R/A CHESTNUT POND
Land Area in Acres: 5.56
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Assessed Value

Land: \$60,800
Buildings: \$0
Extra Features: \$0
Total: \$60,800

Sale History

Book/Page: 2717-213
Sale Date: 11/1/2004
Sale Price: \$249,500

Building Details

Model Description:
Total Gross Area: 0
Year Built: 0
Building Grade:
Stories:

Condition:
Depreciation: 0
No. Bedrooms: 0
No. Baths: 0
Adj Bas: 0



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This information is believed to be correct but is subject to change and is not warranted.



Property Card: 198 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000043-000000
PID: 000U19000043000000

Owner: GALVIN, JOSEPH W., JR.
Co-Owner: GALVIN, AMANDA
Mailing Address: 198 CHESTNUT POND ROAD
EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000043
Sub: 000000

Land Use: 1F RES WTR ACS
Zone: R/A CHESTNUT POND
Land Area in Acres: 5.08
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$81,700
Buildings: \$170,300
Extra Features: \$11,700
Total: \$263,700

Sale History

Book/Page: 3608-1001
Sale Date: 9/17/2018
Sale Price: \$275,000

Building Details

Model Description: CONVENTION
Total Gross Area: 1648
Year Built: 1977
Building Grade: AVG+10
Stories: 1.50 STORY FRAME

Condition: GOOD
Depreciation: 0
No. Bedrooms: 3
No. Baths: 2
Adj Bas: 0



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This information is believed to be correct but is subject to change and is not warranted.



Property Card: 196 CHESTNUT POND ROAD
 Town of Epsom, NH



Parcel ID: 000U19-000044-000000
PID: 000U19000044000000

Owner: LILLEY, CAMERON L AND GINA C
Co-Owner:
Mailing Address: 196 CHESTNUT POND ROAD
 EPSOM, NH 03234

General Information		Assessed Value	
Map: 000U19 Lot: 000044 Sub: 000000 Land Use: 1F RES WTR ACS Zone: R/A CHESTNUT POND Land Area in Acres: 3.96 Current Use: Y Neighborhood: N-C Frontage: 0 Waterfront: 1 View Factor: N	Land: \$66,613 Buildings: \$310,300 Extra Features: \$1,700 Total: \$378,613		
		Sale History	
		Book/Page: 3567-2470 Sale Date: 8/25/2017 Sale Price: \$277,500	
Building Details			
Model Description: CONTEMP Total Gross Area: 3447 Year Built: 1990 Building Grade: AVG+10 Stories: 2.00 STORY FRAME		Condition: GOOD Depreciation: 0 No. Bedrooms: 3 No. Baths: 2 Adj Bas: 0	



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Property Card: CHESTNUT POND ROAD
Town of Epsom, NH

NO PHOTO
AVAILABLE

Parcel ID: 000U19-000045-000000
PID: 000U19000045000000

Owner: LILLEY, CAMERON L AND GINA C
Co-Owner:
Mailing Address: 196 CHESTNUT POND ROAD
EPSOM, NH 03234

General Information

Map: 000U19
Lot: 000045
Sub: 000000

Land Use: UNMNGD HARDWD
Zone: R/A CHESTNUT POND
Land Area in Acres: 10.3
Current Use: Y
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Assessed Value

Land: \$589
Buildings: \$0
Extra Features: \$0
Total: \$589

Sale History

Book/Page: 3567-2470
Sale Date: 8/25/2017
Sale Price: \$0

Building Details

Model Description:
Total Gross Area: 0
Year Built: 0
Building Grade:
Stories:

Condition:
Depreciation: 0
No. Bedrooms: 0
No. Baths: 0
Adj Bas: 0



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Property Card: CHESTNUT POND ROAD
Town of Epsom, NH

NO PHOTO
AVAILABLE

Parcel ID: 000U19-000046-000000
PID: 000U19000046000000

Owner: NOVAK, MICHAEL, TRUSTEE
Co-Owner: NVK LAND TRUST
Mailing Address: 67 DALE STREET
LUDLOW, MA 01056

General Information

Map: 000U19
Lot: 000046
Sub: 000000

Land Use: UNMNGD PINE
Zone: R/A CHESTNUT POND
Land Area in Acres: 10.27
Current Use: Y
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Assessed Value

Land: \$701
Buildings: \$0
Extra Features: \$0
Total: \$701

Sale History

Book/Page: 3842-2690
Sale Date: 11/16/2023
Sale Price: \$70,000

Building Details

Model Description:
Total Gross Area: 0
Year Built: 0
Building Grade:
Stories:

Condition:
Depreciation: 0
No. Bedrooms: 0
No. Baths: 0
Adj Bas: 0



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Property Card: CHESTNUT POND ROAD
Town of Epsom, NH

NO PHOTO
AVAILABLE

Parcel ID: 000U19-000047-000000
PID: 000U19000047000000

Owner: IUDICE, STEVEN & JANELLE
Co-Owner: (TRUS
Mailing Address: THE J&S IUDICE TRUST
168 CHESTNUT POND ROAD
EPSOM, NH 03234

General Information

Map: 000U19
Lot: 000047
Sub: 000000

Land Use: UNMNGD HARDWD
Zone: R/A CHESTNUT POND
Land Area in Acres: 10.54
Current Use: Y
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Assessed Value

Land: \$593
Buildings: \$0
Extra Features: \$0
Total: \$593

Sale History

Book/Page: 3729-768
Sale Date: 3/19/2021
Sale Price: \$0

Building Details

Model Description:
Total Gross Area: 0
Year Built: 0
Building Grade:
Stories:

Condition:
Depreciation: 0
No. Bedrooms: 0
No. Baths: 0
Adj Bas: 0



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Property Card: 168 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000048-000000
PID: 000U19000048000000

Owner: IUDICE, STEVEN & JANELLE
Co-Owner: (TRUS
Mailing Address: THE J&S IUDICE TRUST
168 CHESTNUT POND ROAD
EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000048
Sub: 000000

Land Use: 1F RES WTR ACS
Zone: R/A CHESTNUT POND
Land Area in Acres: 11.21
Current Use: Y
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$67,860
Buildings: \$227,300
Extra Features: \$6,000
Total: \$301,160

Sale History

Book/Page: 3729-770
Sale Date: 3/19/2021
Sale Price: \$0

Building Details

Model Description: SPLIT LEVEL
Total Gross Area: 1808
Year Built: 1988
Building Grade: AVG+10
Stories: 1.00 STORY FRAME

Condition: AVERAGE
Depreciation: 0
No. Bedrooms: 3
No. Baths: 2
Adj Bas: 0



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Property Card: CHESTNUT POND ROAD
Town of Epsom, NH

	<p>Parcel ID: 000U19-000049-000000 PID: 000U19000049000000</p> <p>Owner: SEIDENBERG, ANDREW LEE, Co-Owner: TRUSTE Mailing Address: SEIDENBERG, AMY LEE, TRUSTEE 157 CHESTNUT POND ROAD EPSOM, NH 03234</p>
General Information	Assessed Value
<p>Map: 000U19 Lot: 000049 Sub: 000000</p> <p>Land Use: 1F RES WTR ACS Zone: R/A CHESTNUT POND Land Area in Acres: 9.73 Current Use: N Neighborhood: N-C Frontage: 0 Waterfront: 1 View Factor: N</p>	<p>Land: \$72,900 Buildings: \$0 Extra Features: \$1,400 Total: \$74,300</p>
	Sale History
	<p>Book/Page: 3840-1499 Sale Date: 10/19/2023 Sale Price: \$0</p>
Building Details	
<p>Model Description: Total Gross Area: 0 Year Built: 0 Building Grade: Stories:</p>	<p>Condition: Depreciation: 0 No. Bedrooms: 0 No. Baths: 0 Adj Bas: 0</p>



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Property Card: 142 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000050-000000
PID: 000U19000050000000

Owner: BLADES, CATHERINE ANNE,
Co-Owner: TRUSTE
Mailing Address: BEAURIVAGE, RICHARD L,
TRUSTEE
142 CHESTNUT POND ROAD
EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000050
Sub: 000000

Land Use: 1F RES WTR ACS
Zone: R/A CHESTNUT POND
Land Area in Acres: 6.12
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$89,600
Buildings: \$178,900
Extra Features: \$19,300
Total: \$287,800

Sale History

Book/Page: 3844-161
Sale Date: 12/1/2023
Sale Price: \$0

Building Details

Model Description: CAPE
Total Gross Area: 1908
Year Built: 1988
Building Grade: AVG+10
Stories: 1.75 STORY FRAME

Condition: GOOD
Depreciation: 0
No. Bedrooms: 3
No. Baths: 2.5
Adj Bas: 0



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This information is believed to be correct but is subject to change and is not warranted.



Property Card: 136 CHESTNUT POND ROAD
Town of Epsom, NH



Parcel ID: 000U19-000051-000000
PID: 000U19000051000000

Owner: BEANE, JEFFREY A
Co-Owner:
Mailing Address: 136 CHESTNUT POND ROAD
EPSOM, NH 03234

General Information

Assessed Value

Map: 000U19
Lot: 000051
Sub: 000000

Land Use: 1F RES WTR ACS
Zone: R/A CHESTNUT POND
Land Area in Acres: 5.05
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$81,600
Buildings: \$189,400
Extra Features: \$2,100
Total: \$273,100

Sale History

Book/Page: 3794-663
Sale Date: 6/3/2022
Sale Price: \$405,000

Building Details

Model Description: CONVENTION
Total Gross Area: 2496
Year Built: 1988
Building Grade: AVG
Stories: 2.00 STORY FRAME

Condition: GOOD
Depreciation: 0
No. Bedrooms: 4
No. Baths: 3.5
Adj Bas: 0



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This information is believed to be correct but is subject to change and is not warranted.



Property Card: 132 CHESTNUT POND ROAD
 Town of Epsom, NH



Parcel ID: 000U19-000052-000000
PID: 000U19000052000000

Owner: CLARK, ADDISON T
Co-Owner:
Mailing Address: 72 RAYMOND RD
 NOTTINGHAM, NH 03290

General Information

Assessed Value

Map: 000U19
Lot: 000052
Sub: 000000

Land Use: 1F RES WTR ACS
Zone: R/A CHESTNUT POND
Land Area in Acres: 0.17
Current Use: N
Neighborhood: N-C
Frontage: 0
Waterfront: 1
View Factor: N

Land: \$64,700
Buildings: \$63,400
Extra Features: \$4,100
Total: \$132,200

Sale History

Book/Page: 3838-1515
Sale Date: 9/27/2023
Sale Price: \$305,000

Building Details

Model Description: CAMP
Total Gross Area: 912
Year Built: 1946
Building Grade: AVG-20
Stories: 1.50 STORY FRAME

Condition: GOOD
Depreciation: 0
No. Bedrooms: 2
No. Baths: 1
Adj Bas: 0



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TOWN OF EPSOM, NEW HAMPSHIRE

ZONING ORDINANCE

Revised – April 2023

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**TOWN OF EPSOM
ZONING ORDINANCE**

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ARTICLE I**A. Preamble.**

In order to retain the beauty and rural atmosphere of the Town of Epsom, New Hampshire, to protect property values, to conserve natural resources, to encourage the most appropriate use of land throughout the municipality and to promote health, safety, morals, order, convenience, peace, prosperity, and general welfare of its inhabitants, the following Ordinance is hereby enacted by the said Town, pursuant to the authority conferred by New Hampshire Revised Statutes, Annotated, 1955, Chapter 31, Sections 60 through 89 and as amended.

B. Applicability. This Ordinance shall apply to:

1. All buildings or structures erected, reconstructed, altered, enlarged, or relocated after the effective date of this Ordinance,
2. The use of any building, structure, or land which is substantially different from its use prior to the effective date of this Ordinance, and
3. Any land which is subdivided after the effective date of this Ordinance. RSA 674:19.

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ARTICLE II ZONES AND DISTRICTS**A. Zones.**

1. The Town of Epsom shall be divided into three (3) zones for the purposes of these Ordinances:
 - a. Residential/Agricultural Zone (R/A)
 - b. Residential/Commercial Zone (R/C)
 - c. Residential/Light Commercial Zone (RLC)
2. All lots shall contain a minimum of two (2) acres with two hundred (200) feet of frontage on a Class V, or higher class, road. In case of an arc, the frontage shall be measured as the chord of the arc. These Ordinances specifically designate the uses or activities permitted in each zone. All buildings or structures, in all zones, shall be set back no less than fifty (50) feet from “wetlands” as defined by the New Hampshire Department of Environmental Services.
3. All newly created businesses or expanding existing businesses; to include those approved through a special exception or a variance; shall be required to obtain a Site Plan review approval from the Planning Board.
4. Lots which are split by zoning use boundary lines shall be considered as keeping distinct zoning identities for that portion of the lot in each zone. Variances shall be necessary to extend uses across zoning use boundary lines that would not otherwise be allowed.

B. Purpose and Location of Zones.**1. Residential/Commercial Zone.****a. Purpose.**

The purpose of this Zone is to contain residential as well as commercial establishment as permitted by, and subject to conditions imposed under, these Ordinances and the table of uses.

b. Location. This Zone shall include:

- i. Route 4 west of the Epsom Traffic Circle, Route 4 east of Center Hill Road and Route 28 south of the Epsom Traffic Circle to a line perpendicular to Route 28 at the southern boundary of tax map and lot U-11-25. The Zone shall be on both sides of the roads enumerated; excluding the southerly side of Route 4, from Cass Road to NH Route 107, which is consistent with Article II, Section B.3.b, shall be in the Residential Agricultural Zone, and will have a depth of five hundred (500) feet from the edge of the public right of way.

- ii. The area bound as follows: beginning at the point of the junction of Route 28 (north of Circle) and Chichester Town line; and running along the Chichester Town line to its point of junction with U.S. Route 4; thence running east along Route 4 to the Epsom Traffic Circle; then turning and running north along Route 28 to the point of beginning. The Zone shall be enumerated and will have a depth of five hundred (500) feet from the edge of the public right of way of the Easterly sideline of Route 28.
- iii. The area bound as follows: beginning at a point at the northerly junction of Route 28 and Elkins Road, thence running in a line parallel to that of Route 4, to the point of intercepting the Chichester town line; thence turning northerly along the Chichester line to the point of intersecting Route 4; thence turning and running along Route 4 to the Epsom Traffic Circle; thence turning southwesterly and running along Route 28 to the point of beginning.
- c. Areas which are within the One Hundred Year Flood Plain shall be exempt from inclusion in the Zone. No refuse shall be stored on a permanent basis outside of commercial structures. Inventory may be stored outside if it is orderly, is not noxious, and is consistent with the surrounding landscape. Trailers and other temporary external structures intended for the storage of refuse and inventory beyond what is normal and customary are prohibited. (See Table of Uses on Page 6 for permitted uses.)

2. Residential/Light Commercial Zone.

a. Purpose.

This Zone is intended to foster light commercial uses that are compatible with the residential use and will promote the preservation of the historic structures; and to instill the atmosphere of the business center of the Town.

b. Location.

This Zone shall contain the area on both sides of Route 4 to a depth of five hundred (500) feet from the edge of the public roadway, beginning at the intersection of the Suncook River and Route 4 running easterly to a line drawn perpendicular to Route 4 across the same road from the western point of its intersection with Center Hill Road. Also, the area along Route 28 South of the boundary of the Residential/Commercial Zone to the Pembroke town line. This Zone shall include the area to a distance of five hundred (500) feet from the edge of Route 28 to the west and the westerly shore of the Suncook River to the east.

c. Uses.

Subject to restrictions and requirements enumerated within these Ordinances the following uses shall be permitted in this Zone:

- i. Single and multiple family residential dwelling.

- ii. No more than one (1) five thousand (5,000) gross square feet commercial building on each lot to include, but not limited to retail shops, antique shops, gift shops, flower shops and other business selling merchandise directly to the consumers and professional offices including medical, dental, chiropractic, physical therapy, real estate, insurance, legal services and counseling.
- iii. Other uses permitted by these Ordinances, subject to conditions and restrictions imposed therein.
- d. Areas which are within the One Hundred Year Flood Plain shall be exempt from inclusion in the Zone. No refuse shall be stored on a permanent basis outside of commercial structures. Inventory may be stored outside if it is orderly, is not noxious, and is consistent with the surrounding landscape. Trailers and other temporary external structures intended for the storage of refuse and inventory beyond what is normal and customary are prohibited. (See Table of Uses on Page 6 for permitted uses.)

3. Residential/Agricultural Zone.

a. Purpose.

This Zone is intended primarily for residential and agricultural use, while preserving the rural atmosphere of the community.

b. Location.

The Residential/Agricultural Zone shall consist of all land not within the Residential/Commercial Zones or Residential/Light Commercial Zones.

c. Uses.

Subject to the restrictions and requirements enumerated in these Ordinances, the following uses shall be permitted in this Zone:

- i. Single and multiple family residential dwellings.
- ii. Agricultural uses as defined in the Glossary of Terms of these Ordinances.

4. Groundwater Protection District Purpose and Boundaries.

a. Purpose.

The purpose of this ordinance is, in the interest of the public health, safety, and general welfare, to preserve, maintain, and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater. The purpose is to be accomplished by regulating land uses which could contribute pollutants to designated wells and/or stratified drift aquifers identified as being needed for present and/or future public water supply.

b. Boundaries.

i. District Boundaries.

The Groundwater Protection District shall be an overlay district as depicted on a map entitled Epsom Groundwater Protection District as prepared by Central New Hampshire Regional Planning Commission (CNHRPC) and dated March 8, 2021, and filed at the Epsom Town Clerk's Office. See also Appendix C.

ii. Disputed Boundaries. When the actual boundary of the Groundwater Protection District is in dispute by any landowner or abutter affected by said boundary, the Planning Board, at the landowner/abutter's expense and request, may engage the services of a professional geologist, hydrologist, or hydrogeologist to prepare a report addressing the location and extent of the aquifer and recharge area relative to the property in question. Geology testing required by the Planning Board for review of boundary disputes shall be conducted at the owner/abutter's expense in accordance with a scope of work determined by a consultant hired by the Town, but paid for by the owner/abutter. This report shall include but not be limited to the following:

- a. A two-foot interval topographic layout prepared by a registered land surveyor of the subdivision and/or area to be developed;
- b. A site-specific soils map of the subdivision and/or area to be developed prepared by a soils scientist qualified in hydrologic studies including a written report of his/her on-site field inspection and test boring data;
- c. The Groundwater Protection District boundary shall be overlaid on the plat and the newly proposed boundary location shall be indicated on the same plat by a broken line;
- d. Evidence derived from a pumping test(s) or a sufficient number of test borings, test pits, observation wells and groundwater elevations to clearly demonstrate that the area in question does not meet the definition of aquifer or recharge area; and
- e. When the area in question is the Wellhead Protection Area, evidence shall also comply with guidelines published by NHDES for Phase II delineations of public water systems in order to determine the contribution zone of any portion of a municipal water supply that lies beneath the subject parcel.

iii. Additional mapping, hydrogeologic reports or information which becomes available as a result of recent or on-going scientific investigations of the locations and extent of aquifers performed by the U.S. Geological Survey, New Hampshire State agencies or boards, the Town of Epsom or agents of any of the above. The Planning Board, under the advisement of the Conservation Commission, shall have the authority to adjust the boundary or area designation of the Groundwater Resource Conservation District based upon any findings or reports submitted under this section.

C. Table of Uses

Residential/Agricultural, for Residential/Commercial and for Residential/Light Commercial Zones.

	LIST OF PRINCIPAL USES	ZONE:		
		<u>R/A</u>	<u>R/C</u>	<u>RLC</u>
	Retail and Service Uses			
1.	Retail establishment selling principally convenience goods including, but not limited to food, drugs, and proprietary goods.	S	P	P/P
2.	Retail establishment selling and/or renting general merchandise, including, but not limited to, dry goods, apparel and accessories, furniture and home furnishings, home equipment, small wares, and hardware, and including discount and limited price variety stores.	N	P	P/P
2.a.	Cannabis Dispensary	N	S	N
2.b.	Sexually Oriented Businesses.	N	S	N
3.	Eating and drinking places not including drive-in establishments.	N	S	S
4.	Drive-in eating establishments.	N	S	S
5.	Establishments selling and /or renting new or used motorized vehicles or heavy equipment meeting state inspection standards, where applicable, to include automobiles, recreational vehicles, motorcycles, boats, snowmobiles, and accessories thereto.	N	S	N
6.	Personal and consumer service establishment.	N	P	P
7.	Funeral establishment.	N	P	P
8.	Membership club.	S	S	S
9.	Professional and business offices and services.	S	P	P
10.	Automotive and heavy equipment repair, automotive and heavy equipment service station or garage (not including a junkyard or open storage of abandoned or other vehicles).	N	S	N
11.	Miscellaneous business repair service.	N	S	S

12.	Motion picture establishment, indoor.	N	S	S
13.	Other amusement or recreation service outdoor, including camping grounds.	S	S	S
13a.	Sports Facility – Indoor and Outdoor	N	S	N
13b.	Bed and Breakfasts.	P**	P	P
13c.	Hotels, Motels, Inns, Resorts.	S	P	P
13d.	Short Term-Rentals.	S	S	S
14.	Communications and television towers.	P/P	P/P	P/P
15.	Planned business development.	N	SU	SU
16.	Construction of drainage facilities other than essential services or damming up or relocating any watercourse, waterbody, or wetlands.	N	S	N
17a.	Single Family Residence (one unit).	P	P	P
17b.	Single Family Accessory Dwelling.	S	S	S
18.	Two Family Residence (two units).	P	P	P
19a.	Multi-Family Residence (three units or more).	S	S	S
19b.	Elderly Multi-Family Apartment Residences (three or more dwelling units).	S	S	S
20.	Conversion of existing structures to Multi-Family uses (three units or more).	S	S	S
21.	Cluster Residential Developments.	SU	SU	SU
22.	Religious Organizations	P	P	P

	Wholesale, Transportation, and Industrial Uses	<u>R/A</u>	<u>R/C</u>	<u>RLC</u>
23.	Self-Storage Facility.	N	S	N
24.	Removal of sand, gravel, loam, quarry, or other raw material.	S	S	S
25.	Processing, treating, and storage of raw materials including operations appurtenant to the taking; such as grading, drying, sorting, crushing, grinding, and milling operations.	N	S	N
26.	Retail sale of gardening, landscaping and horticultural supplies directly to the consumer of the products.	N	P	P
27.	Construction industry including suppliers.	N	S	N
28.	Manufacturing.	N	S	N
29.	Laundry or dry-cleaning plant.	N	S	N
30.	Motor freight terminal and warehousing.	N	N	N
31.	Bus passenger terminal.	N	S	S
32.	Wholesale, trade, and distribution.	N	S	N
33.	Open storage of finished goods, or construction equipment and structure for storing such equipment.	N	S	N
34.	Research offices or establishments devoted to research and development activities:			
	a. Principal use.	N	S	S
	b. Accessory use.	N	S	S
35.	Junkyards.	SU	SU	N

	Accessory Uses	ZONE:		
		R/A	R/C	R/LC
36.	Home Occupation.	P	P	P
37.	Day Care.	S*	P	P
38.	Elementary, Middle and High Schools.	S	S	S
39.	Churches.	S	P	P
40.	Kennels & Boarding Facilities.	P	P	P
41.	Brewery	N	S	N

*Special Exception required for Day Care that provides services for ten (10) or more children.

**Special Exception required for Bed & Breakfasts with more than four rental bedrooms, with or without shared lavatory facilities, in the Residential/Agricultural Zone.

KEY:

- N = None Allowed
- P = Permitted
- S = Permitted w/Special Exception
- P/P = Partially Permitted Subject to Restrictions
- SU = Special Usage Permit

D. Motorized vehicles sale facilities.

1. In addition to other restrictions imposed in these Ordinances no “motorized vehicle sale establishment or facility” as defined herein may be permitted within one thousand (1000) feet of another such facility or establishment.
2. “Motorized vehicle sale establishment or facility” shall mean any enterprise engaged in the sale of new or used motorized vehicles, to include heavy equipment, automobiles, truck, motorcycles, boats, recreational vehicles, snowmobiles and accessories, where such vehicles conform to state inspection requirement, if any.

E. Manufactured Housing.

In addition to other regulations and requirements applicable under these Ordinances, no manufactured housing unit or mobile home may be placed in, constructed on, or attached to, any land located in Epsom unless the said unit was originally manufactured within ten (10) years immediately preceding the completion of the placement of the unit upon any such land. The date of the manufacture shall be the date indicated on the certificate of origin or certificate of title issued by the manufacturer.

This Section, however, shall not prohibit or prohibit the removal and reinstallation of manufactured housing units over ten (10) years old from a site within Epsom or another site within Epsom; so long as the unit was put to a permitted and authorized use at its former location; and will not be put to the same use which is permitted and authorized at its new location.

F. Groundwater Protection District – Authority, Applicability, Uses, etc.

1. Authority.

The Town of Epsom hereby adopts this ordinance pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II relative to innovative land use controls.

2. Applicability.

The ordinance applies to all new or expanded uses in the Groundwater Protection District, except for those uses exempt under Section 5 (Exemptions) of this Chapter.

3. Existing Non-Conforming Uses.

Existing Non-Conforming Uses may continue without expanding or changing to another non-conforming use.

4. Permitted Uses.

All uses permitted by right or allowed by special exceptions in the underlying district are permitted in Groundwater Protection District unless they are Prohibited Uses or Conditional Uses.

5. Exempted Uses.

The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements.

- a. Any private residence is exempt;
- b. Any business or facility where regulated substances are stored in containers with a capacity of less than five gallons;
- c. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection and secondary containment in place;
- d. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle;
- e. Temporary storage of construction materials on a site where they are to be used within the site development project within six months of their deposit on site;
- f. The sale, transportation, and use of pesticides;
- g. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401.03 (b)(1) and 501.01(b);

- h. Underground storage tank systems and aboveground systems that are in compliance with applicable state rules.

6. Prohibited Uses.

The following uses are prohibited in the groundwater Protection District:

- a. The development or operation of hazardous water disposal facility as defined under RSA 147-A;
- b. The development or operation of a solid waste landfill;
- c. The outdoor storage of road salt or other deicing chemicals in bulk;
- d. The development or operation of a junkyard;
- e. The development or operation of a snow dump;
- f. Biosolids processing/disposal/mixing;
- g. The development or operation of a petroleum bulk plant or terminal;
- h. Floor drains without oil and water separation.

In the event a prohibited use is granted a variance from the Epsom Zoning Board of Adjustment, a Conditional Use Permit must be obtained from the Planning Board in accordance with the provisions of this Article.

7. Conditional Uses.

The Planning Board may grant a conditional use permit for a use which is otherwise permitted within the underlying district, if the permitted use is involved in one or more of the following:

- a. The development or operation of gas stations.
- b. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time.
- c. Any use that will render impervious more than 15% or 2,500 SQ feet of any lot, whichever is greater.
- d. Any activities that involve blasting of bedrock.
- e. Any use listed as prohibited in this Article that receives a variance from the Epsom Zoning Board of Adjustment.

8. Conditional Use Permit Requirements.

In accordance with RSA 674:21, Innovative Land Use Controls, the Planning Board is authorized to issue Conditional Use Permits (CUP) for Conditional Uses within the Aquifer Protection Overlay District in the following manner:

- a. A completed application shall consist of the following:
 - i. A completed Conditional Use Permit application.
 - ii. Fees as defined by the Board of Selectmen and as described on the Conditional Use Permit application described herein.
 - iii. A project narrative describing the proposal and providing evidence demonstrating compliance with all of the required Conditional Use Permit Elements as described below.
 - iv. Plans project narrative describing the proposal and providing evidence demonstrating compliance with all of the required Conditional Use Permit Elements as described below.
 - v. Any other elements or studies that may be requested by the Planning Board.
- b. Application Process:
 - i. Applications may be processed individually or with a concurrent Site Plan, Subdivision, or Excavation Application, as applicable.
 - ii. A Conditional Use Permit shall be considered at a public hearing of the Planning Board following due notice of such hearing and following a determination by the Board that the application is complete. The board shall follow the application process as prescribed in the Epsom Site Plan Regulations.
 - iii. A Conditional Use Permit shall be issued by the Planning Board only if all of the following Conditional Use Permit Elements, in the opinion of the Board, have been demonstrated to be true:
 - a. That the proposed use complies with the use and dimensional requirements of the underlying zone;
 - b. That a Spill Prevention, Control, and Countermeasure Plan (SPCC) has been approved by the Fire Chief who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods, or fires that may cause large releases of regulated substances. The Town may consult third party entities at the expense of the applicant to ensure compliance;
 - c. That the potential contaminant(s) are as far from open water, wetlands, and stormwater elements as possible;

- d. That stormwater management elements comply with current NHDES/NHDOT design requirements;
- e. That temporary erosion control measures are shown on the plan, that their maintenance is clearly described, and that they comply with current NHDES/NHDOT design requirements;
- f. That regulated substances are stored in double-walled, contained containers and comply with current NHDES/NHDOT design requirements;
- g. That all other regulated substances are stored sealed containers with secondary containment;
- h. That ALL regulated substances are secured;
- i. That ALL regulated substances will be visually monitored on a regular basis;
- j. That all transfer locations for regulated substances are clearly indicated on the plans in a lighted area over an impervious surface; and,
- k. No regulated substance will be exposed to rainwater or other elements that may result in washing them into open water, wetlands, and stormwater elements.

9. Relationship Between State and Local Requirements.

Where both the State and municipality have existing requirements the more stringent shall govern.

1. Enforcement Procedures/Penalties.

Any violation of the requirements of this ordinance shall be subject to enforcement penalties detailed in RSA 485-C:16 and RSA 676:17 and RSA 676:17-a.

2. Saving Clause.

If any of the provisions of this ordinance is found to be unenforceable, such provision shall be considered separable and should not be construed to invalidate the remainder of the ordinance.

3. Effective Date.

This ordinance shall be effective upon adoption by the legislative body.

4. Definitions:

The following defined terms shall apply to the administration of this Article:

- a. **Aquifer:** A geologic formation composed of sand or gravel that contains significant amounts of potentially recoverable water.
- b. **Bulk Plant or Terminal, Petroleum:** That portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline tank car, tank vehicle, portable tank, or container.
- c. **Groundwater:** Subsurface water that occurs beneath the water table in soils and geologic formations:
- d. **Gas Station:** That portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purposes of retail sale of gasoline.
- e. **Impervious Surface:** A surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Earthen, wooden, or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them, are not considered impervious surfaces.
- f. **Junkyard:** An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automotive recycling yard. The word does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126.
- g. **Outdoor:** Storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.
- h. **Public Water Supply/Public Water System:** A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, under RSA 485:1-a.
- i. **Regulated Substance:** Petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-05 edition, excluding the following substances: (1) ammonia, (2) sodium hypochlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure.
- j. **Secondary Containment:** A structure such as a berm or dike with an impervious surface which is adequate to hold at least 110 percent of the volume of the largest regulated-substances container that will be stored there.

- k. **Sow Dump:** For the purposes of this ordinance, a location where snow, which is cleared from roadways and/or motor vehicle parking areas, is placed for disposal.
- l. **Stratified Drift Aquifer:** A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including sand and/or gravel, which contains sufficient saturated permeable material to yield useable quantities of water to wells.
- m. **Surface Water:** Streams, lakes, and ponds, including marshes, wetlands, water-courses, second order streams or higher, and other bodies of water, natural or artificial.
- n. **Wellhead Protection Area:** The surface and subsurface area surrounding a water-supply well or wellfield that supplies a community public water system, through which groundwater and contaminants could potentially migrate to reach the water well or wellfield.

ARTICLE III GENERAL PROVISIONS

A. Air and Water Pollution.

No land use will be permitted which violates existing state and federal water and air pollution regulations.

B. Pre-Existing, Non-Conforming Uses.

1. General.

The Epsom Zoning Ordinances generally are applicable to and regulate the creation, subdivision, alternation of parcels located in Epsom, and the use to which any lands may be put.

2. Pre-Existing Lots.

All lots or parcels of land which existed prior to enactment of these Ordinances in September 1969 may continue to exist and be subject to ownership and conveyance as distinct lots. Any lot or lots subdivided after September 15, 1969 may continue to exist and be subject to ownership and conveyance as distinct lots, provided, however, that any such lot was approved by the Planning Board, and

- a. conformed to the lot size and frontage requirement in effect at the time of such approval, or
- b. a special exception or variance, whichever appropriate, was obtained from the Epsom Zoning Board of Adjustment.

3. Pre-Existing Uses.

- a. A pre-existing use shall mean a specific and distinct use which:
 - i. was commenced, initiated, or constructed legally and in conformity with all local and state laws in effect at the time of commencement, and
 - ii. has continued since its lawful inception, and
 - iii. has not been substantially changed or enlarged since the lawful commencement of the use;
- b. All such pre-existing non-conforming uses shall be permitted to be continued indefinitely and be exempt from the restrictions imposed by these Ordinances subsequent to their commencement, unless:
 - i. the specific use has ceased for any one-year (1) period, or

- ii. the specific use has substantially changed or enlarged, or
- iii. the specific use is of such nature, which constitutes a hazard to public health and safety, or has become a nuisance.

At which time, all restrictions of these Ordinances shall become applicable and the pre-existing use must conform to all applicable provisions of these Ordinances to include frontage, acreage, setback; side, front and rear yard; height and density.

4. Change and Expansion of Use.

As delineated in subsection 3 above, subject to the following provisions, a pre-existing, non-conforming use may not substantially change nor enlarge. In determining whether any change or proposed change constitutes “substantial” to be prohibited under these Ordinances the determining authority shall consider factors including but not limited to:

- a. The nature of the use, whether residential, commercial, industrial, or otherwise.
- b. The actual size of any enlargement in relation to the original pre-existing use.
- c. The impact of the enlargement or change on the surrounding neighborhood, roads, municipal resources, and the environment.
- d. Whether the enlargement or change is violative of any provision of these Ordinances in effect at the time and if so the actual number and the substance of each provision which may be violated.

5. Continued Use.

- a. Repairs and maintenance which merely preserve but not enlarge or change a pre-existing, non-conforming use shall be permitted and shall not constitute a substantial change or enlargement.
- b. A pre-existing, non-conforming use as defined by these Ordinances may be enlarged by no more than twenty-five percent (25%) in proportion to the originally protected and vested pre-existing, non-conforming use. Such enlargement in area usage shall not constitute substantial enlargement or change unless such enlargement would be violative of further protective Ordinances.
 - i. Example: If a residential dwelling was containing one thousand (1,000) square feet of living space constructed on a substandard lot before September 15, 1969 and has been in continued use, then the dwelling may be enlarged by an addition of two hundred fifty (250) square feet of living space, unless such enlargement would be violative of an independent restriction such as the side-yard or height requirements.

c. Acts of God.

If any pre-existing, non-conforming use is terminated by an act of God such as fire or flood, such terminated use may be rebuilt or restored substantially to its original nature so long as such restoration or reconstruction is completed within one (1) year of the termination or destruction. The said term may be extended to two (2) years upon a showing of necessity and hardship including financial hardship. The extension may be granted by the Zoning Compliance Officer whose decision is subject to administrative appeal to the Zoning Board of Adjustment.

d. Mobile Home existing on single lots of record with less than two (2) acres.

- i. Removal of a mobile home on a single lot of record, not to include mobile home parks, when done with the intent of replacing the same, shall not constitute a cessation or termination of the pre-existing use.
- ii. The replacement dwelling can be either a mobile home, modular home, or a home built entirely on-site.
- iii. A replacement dwelling shall not render the property more nonconforming, nor shall the square footage of its living area be more than 25% larger than the existing mobile home and any living areas defined in iv below. A Zoning Compliance Permit must be approved before the mobile home is removed to preserve the rights of the protected and vested pre-existing, non-conforming use, and to confirm the size allowable to be replaced.
- iv. The determination of size of the existing mobile home shall not include existing outbuildings or attachments such as, but not limited to, porches or decks, but rather only include the original manufacturer's square foot area of the mobile home and any heated living space added to the mobile home.
- v. The mobile home must be replaced with a newer mobile home manufactured no more than ten (10) years from the date of installation.
- vi. No person shall reside in a temporary structure on the premises during replacement of the structure unless the original mobile home is damaged by fire or other disaster. This is permitted per RSA 674:32, II, for which the owner may live in a mobile home while a home is under construction, and the period of such occupancy shall expire in 12 months from the placement of such structure or upon the issuance of a certificate of occupancy, whichever occurs first.

6. Relief.

- a. Unless specifically provided otherwise in this Section, any use or proposed use which may be inconsistent with or violate any provision of these Ordinances shall require a variance from the Epsom Zoning Board of Adjustment under the procedure and standards described in Article VI.E.

- b. Under the following circumstances the use or proposed use shall be subject to a special exception from the specific restriction enumerated and not a variance:
- i. all uses so designated by an “S” in the list of principal uses within these Ordinances.
 - ii. as expressly permitted under Article III, Section M.6, Paragraph 2, relative to signs and signage.
 - iii. from the applicable minimum acreage requirement where the pre- existing parcel of land and the proposed use meet all other requirements; and the parcel contains no less than one-half (1/2) of the acreage required at the time of the proposed use. This Section shall expire without any further action on March 15, 2008. All such proposed uses not completed before that date shall then require a variance, regardless of whether or when a permit has issued.
 - iv. from the applicable minimum frontage requirement, where the pre- existing parcel of land and the proposed use meet all other requirements, and the frontage is no less than one-half (1/2) of the linear length which is required under these Ordinances at the time of the proposed use. This Section shall expire on March 15, 2008. All proposed uses not completed before that date shall then require a variance, regardless of whether or when a permit has issued.
- c. Prohibition.

Neither the Epsom Zoning Board of Adjustment nor the Planning Board may authorize the creation of new non-conforming lots nor approve a new non-conforming use without the requirement of a variance. The exceptions enumerated in Subsections iii and iv above are only applicable to bona fide pre-existing lots.

7. Pre-existing Non-Conforming Seasonal Dwellings.

- a. Purpose and Intent.

The purpose of this Section is to acknowledge the existence of non-conforming seasonal dwellings, which uses, predate the original adoption of these Ordinances in 1969. It is further the purpose of this Section to permit the continued use of these non-conforming dwellings within the parameters enumerated within Article III, Section B; while limiting the pre-existing use to their continuous, uninterrupted and unenlarged seasonal nature. It shall be the explicit policy of these Ordinances to regard temporal expansion of a seasonal use to a year-round use as a “substantial” change as defined in Section B.4. This Section shall have no effect on conforming uses, seasonal or otherwise.

- b. Seasonal Dwelling.

For purposes of this section only, a “seasonal dwelling” is a structure that is designed to be used or is actually used for temporary residential use for less than six (6) months per year, or primarily for a specific or distinct season. This term includes, but is not limited to, lake house, hunting or snowmobile lodges or camps, summer camps or lodges.

c. Scope of Use.

All pre-existing non-conforming seasonal uses shall be allowed to be used to the same temporal extent as they have been used on a continuous and uninterrupted basis until abandoned or discharged. The burden shall be on the property owner to establish the season or periods of the year which the use has existed. In the absence of evidence to the contrary, seasonal summer use shall be presumed to be May 15 through October 30; and seasonal winter use October 15 through March 1, of each calendar year.

d. Permitted and Prohibited Use.

It is in the interest of public safety, health of the inhabitants, and furtherance of the Master Plan of the Town of Epsom to strive toward uniformity of the application of these Ordinances to all dwellings within the Town. To this end, pre-existing and non-conforming seasonal uses shall be allowed to be used to the temporal extent presumed under subsection c above, or actually established through evidence by the property owner, whichever may be greater. Any greater temporal use than permitted under this Section shall constitute substantial change and prohibited unless relief is granted under Section 6, above.

C. Ruins.

No owner or occupant of any land shall permit any ruins caused by fire, explosion, flood, storm, or other acts of God to be left unfinished or incomplete, thereon, but shall complete or remove the same within twelve (12) months of date of occurrence except when there is property in court litigation, completion or removal shall take place within one (1) year after settlement of such court action.

D. Junkyards.

1. Purpose and Intent.

The purpose of this Ordinance shall be to establish guidelines for the control and licensing of junkyards as required by RSA 236:115, and to delineate the policy and procedure for enforcement of these guidelines. As further described elsewhere in this Section, establishing and siting of a junkyard shall require license from the Board of Selectmen, a Special Use Permit from the Zoning Board of Adjustment, and Non-Residential Site Plan Review by the Planning Board. It is the intent of this Ordinance to support and encourage the reuse and recycling of materials wherever practicable.

2. Definition.

In addition to the definition set forth in RSA 236:112 (except for the number of unregistered vehicles allowed in volume or bulk) "Junkyard" means an establishment or place of business which is maintained, operated, or used for outdoor storing, keeping, buying, selling, or bartering junk, or for the maintenance or operation of any outdoor automobile graveyard. This definition includes scrap metal processors, auto wrecking yards, salvage yards, scrap yards, auto recycling yards, used auto parts yards, and temporary storage of automobile

bodies and parts awaiting disposal as a normal part of a business operation when the business will continually have similar such materials located on the premises.

This definition includes garbage dumps, sanitary landfills, and transfer stations that maintain outside storage. The definition does not include highway, or temporary operations, including, but not limited to, loading or crushing junk for processing or removal, and outdoor storage not to exceed thirty (30) days, unless specifically permitted by additional state licensing (such as dealer or repair licensing).

This definition does not include the keeping or storage of up to two (2) unregistered and uninspected automobiles (notwithstanding RSA 236:112) or the equivalent volume or bulk in other materials such as scrap metal, used machinery, and the like for private use as long as such use is not related to any off-site business pursuit or other junkyard establishment as otherwise defined in this Section, and further provided that the storage and placement of such private use junk is orderly and compact, and does not constitute a nuisance.

3. Application to Board of Selectmen (pursuant to RSA 236:115).

Application to operate a junkyard shall be made to the Board of Selectmen and including the following:

- a. The name, address, and telephone number of the individual or entity applying, naming the manager and corporate officers, if applicable,
- b. Whether or not the application is the result of a proposed transfer of ownership of an existing junkyard,
- c. Location of the junkyard, including a description of the land, a detailed sketch plan showing property lines and the limits of the junk storage area,
- d. Description of the type of operation and proof of legal ownership or right to use the property for the license period,
- e. A certificate signed by the applicant attesting that all provisions of state law have been or will be complied with before the location is used as a junkyard, and
- f. Payment by April first of the annual Salvage License Fee as allowed by most current State Statue.

The Selectmen shall take in to account the suitability of the applicant with reference to his ability to comply with the fencing requirements or other reasonable regulations or conditions imposed by the Zoning Board of Adjustment or Planning Board concerning the proposed junkyard, or any record of convictions for any type of larceny or receiving stolen goods, and to any other matter within this Section. (See RSA 236:117).

4. Licenses (pursuant to RSA 236:115).

A Salvage License shall not be issued by the Board of Selectmen unless:

- a. A Public Hearing with appropriate notice to abutters has been held by the Zoning Board of Adjustment and a Special Use Permit has been granted pursuant to Paragraph "5" below.
 - b. A Public Hearing with appropriate notice to abutters has been held by the Planning Board and Non-Residential Site Plan Review approval has been granted.
 - c. License approval shall be noted as personal to the applicant (a person or persons, or specifically named officers of a corporation) for a specific location. Licenses shall be neither assignable nor transferable. Upon proposed change of ownership, the prospective owner shall make application for a new Salvage License (RSA 236:117).
 - d. License approval shall constitute permission to inspect the junkyard premises provided that written or verbal notice be given at least five (5) days prior to inspection. Junkyards shall be inspected annually prior to renewal of license, or as deemed necessary.
5. Special Use Permit.

The Zoning Board of Adjustment may grant a Special Use Permit for operation of a junkyard on land in or in proximity to the Residential/Commercial Zone. Current state law (RSA 236:96, 236:118) requires junkyards to be more than one thousand (1,000) feet from Interstate and Federal Primary Aid System Highways, more than six hundred sixty (660) feet from Class I, II, and III highway right-of- ways, and more than three hundred (300) feet from Class IV, V, and VI highway rights-of-way, and current Epsom Zoning Ordinances limit the Residential/ Commercial Zone to a depth of five hundred (500) feet from Routes 4 and 28. The purpose of this Section is to resolve the conflict between state law and the boundary of the Residential/ Commercial Zone. This Section establishes that a Special Use Permit may be granted for the operation of a junkyard outside of, but in proximity to, the Residential/ Commercial Zone to comply with state and local law. In granting a Special Use Permit, the Zoning Board of Adjustment shall take into account and may set specific conditions relative to the following:

- a. Location Requirements. (RSA 236:118)

The Zoning Board of Adjustment shall hear the applicant and all other persons wishing to be heard on the application and take into account the nature and development of the surrounding property such as proximity to schools, churches, hospitals, public buildings, or other places of public gatherings; and whether or not the use of the proposed location can be reasonably prevented from affecting the public health, safety, or morals by reason of offensive or unhealthy odors, smoke, discharges, or other causes. The Board shall also take into account the clean, wholesome, attractive environment of the Town by considering whether or not the use of this location can be reasonably prevented from having a demonstrable effect thereon. In considering this, the Board may consider collectively the type of road servicing the junkyard or from which the junkyard may be seen, the natural or artificial barriers protecting the junkyard from view, the proximity of the proposed junkyard to established tourist and recreation areas or main access routes thereto, as well as the reasonable availability of other sites for the junkyard.

b. General Operating Requirements.

Junkyards are required to comply with the most current New Hampshire Department of Environmental Service's Green Yards Program Manual of Practice, also known as the Best Management Practices for Salvage Yards.

6. Site Plan Review.

The applicant shall apply to the Planning Board which may grant approval by the terms of the Town of Epsom Site Plan Regulations. Requirements established by the Planning Board may become specific conditions of operation granted by the Zoning Board of Adjustment in that Board's granting of a Special Use Permit.

7. Enforcement by Zoning Compliance Officer.

Violations of this Section may be determined by methods including, but not limited to, the following:

- a. Inspection.
- b. Admissions by the owner or operator.
- c. Information from other agencies.
- d. Information from third parties.

In addition to other legal remedies to citizens, a complainant may petition the Board of Selectmen to enforce the terms of this Section by a majority of abutters to a property that allegedly constitutes a junkyard, or by petition of any twenty- five (25) voters of the Town of Epsom. The Selectmen shall notify the alleged junkyard operator and provide him an opportunity to describe and explain his situation at a public meeting and propose and implement remedial action. This opportunity to describe and explain should be exercised before, but is not a necessary precondition to, implementation of zoning compliance enforcement procedures.

Each day that any junkyard remains in violation of this Section or applicable statutes shall constitute a separate violation, and penalties and sanctions be administered as written elsewhere in this Ordinance.

8. General Requirements.

No person may operate a junkyard, nor may any owner of land allow another to operate a junkyard contrary to the restrictions of the Epsom Junkyard Ordinance, or without first obtaining the required approval and permits.

No person may, nor may any owner of land allow another to store or keep more than two (2) unregistered or uninspected vehicles within a lot of land without first obtaining the required permits and approvals under these Ordinances.

9. Applicability of Junkyard Ordinance.

- a. All provisions of these Ordinances have been and remain applicable to all junkyards which commenced operation after September 15, 1969.
- b. Pre-existing, non-conforming junkyards. Any other part of these Ordinances to the contrary notwithstanding, on April 1, 2001, all provisions of these Ordinances including licensing and approval requirement shall be applicable to all pre-existing, non-conforming junkyards which were in lawful operation as of the original enactment of these Ordinances in 1969, and have continued unexpanded, uninterrupted operation up to the passage of this Ordinance; and those junkyards failing to obtain compliance by April 1, 2001 shall cease to operate.

E. Sanitary Protection.

All sanitary systems shall be constructed and maintained in accordance with standards set and enforced by the New Hampshire State Department of Health and the New Hampshire Department of Environmental Services.

F. Yard Sales.

Yard sales as defined by these Ordinances are permitted with the R/A, R/C and RLC Zones without the necessity of any permits or fees. Outdoor sales or sale activities which are conducted for more than six (6) days in any calendar year on the same lot of land are not yard sales but are seasonal, retail, wholesale or storage facilities or enterprises, as the context may permit which shall be subject to the regulations and restrictions embodied in these Ordinances to include a non-residential Site Plan review.

G. Residential Single and Multi-Family Residence Requirements.

1. Single-Family Residences.

a. Location.

Single-family residences may be located in the R/A, R/C and RLC Zones.

b. Building Lots.

Building lots shall contain a minimum of two (2) acres per dwelling unit with a minimum of two hundred (200) feet of frontage on a public road. In the case of an arc, the frontage shall be measured as the chord of the arc. All building lots shall contain at least one-acre of contiguous buildable land, which is the area occurring within the property lines of a parcel or lot, excluding: setbacks, wetlands, natural or artificial channels through which water flows, ponds, public waters below the ordinary high-water mark, easements for pipelines and utility transmission lines, and land with slopes no greater than twenty-five percent (25%). Each lot may accommodate one dwelling structure with usual accessory buildings. No building or structure shall exceed two and one half (2½) stories in height.

c. Setback from Property Lines.

Every new building or structure shall be set back from the frontage property line not less than fifty (50) feet or such distance as shall conform to the line of existing buildings on adjacent property. All new buildings or structures shall be set back no less than fifteen (15) feet from the side and not less than twenty (20) feet from the rear property line.

d. Replaced by Article II, Section A (2) 3-14-06 (Reserved for future use).

e. Single-Family Accessory Dwelling Unit (ADU):

- i. One ADU may be constructed within or attached to a single-family residential unit.
- ii. Either the single-family residential unit, or the ADU, shall remain occupied by the owner of the property as his/her principal place of residence.
- iii. The ADU may not contain more than two (2) bedrooms. The maximum number of occupants per bedroom shall be limited consistent with policy adopted by the U.S. Department of Housing and Urban Development.
- iv. An ADU shall be incidental to the primary use of the property as a single-family residence and shall not occupy more than eight hundred fifty (850) square feet within or adjacent to the single-family residence.
- v. At least one (1) interior door must connect both units. This interior door may remain locked.
- vi. Adequate parking shall be made available for occupants of the ADU to ensure off street parking.
- vii. Prior to conversion of a single-family residence, or the construction of an ADU, the owner shall obtain a special exception as outlined in Article VI.E.5.
- viii. Make provision for adequate water supply and sewage disposal service as required by RSA 674:72, V.
- ix. A minimum of one off-street parking space for each ADU.
- x. The lot on which an ADU shall be located will not be required to meet additional lot area requirements, frontage, space limitations, or other controls beyond that required for the existing single-family dwelling.

2. Two-Family Residences.

Two-family residences (duplexes) are permitted in the R/A and R/C Zones. All requirements for two-family residences are the same as for single family residences, except that the minimum lot size shall be four (4) acres for a two- family residence.

3. Multi-Family Residences with Three or More Units.

a. Purpose and Intent.

- i. The provisions relating to multi-family housing are established to preserve open space, promote affordable housing, and provide for the efficient use of land and utilities. In addition to other requirements contained in Article VI.E.5, Special Exceptions, the following requirements shall apply to all multi-family housing seeking a special exception pursuant to Article VI.
- ii. A “Multi-Family” residence or any derivative thereof shall mean a single structure containing no less than three (3) but no more than ten (10) residential dwellings therein.

b. Location.

Multi-family residences may be located in the R/A, R/C or RLC Zones.

c. Minimum Lot Size and Overall Density.

The minimum lot size for multi-family housing shall be at least six (6) acres. The maximum number of residential units permitted shall be determined by permitting one and one-half (1½) times the number of residential lots created for a conventional subdivision.

d. Frontage.

All multi-family residences shall maintain a minimum of three hundred (300) feet of frontage on a Class V or better public road. In the case of an arc, the frontage shall be measured as the chord of the arc.

e. Building Requirements.

All new buildings or structures shall be set back no less than seventy-five (75) feet from the side and rear property lines, and not less than seventy-five (75) feet from the property line fronting the public road. Each lot may accommodate more than one (1) residence structure. Each residence structure shall not exceed ten (10) dwelling units per structure. Each dwelling unit shall provide a minimum of four hundred (400) square feet per single bedroom unit and five hundred (500) square feet per two- (2) bedroom unit. All residence structures shall maintain a minimum spacing of one hundred (100) feet between structures and shall not exceed two and one-half (2½) stories.

f. Multi-Unit Ratio.

In those districts where multi-unit dwellings of three (3) or more units are allowed, the ration of area of unimproved land to the total area of living area, including all habitable floor area, driveways, parking lots, and carports shall not be less than fifteen to one (15:1).

g. Buffer.

A buffer area shall be of sufficient width to provide privacy and noise protection but shall not be less than the setbacks otherwise required in this Section. The buffer shall provide and maintain a strip of nativized plantings along and with the buffer area.

h. Sewage Disposal.

On-site sewage disposal must meet or exceed the requirements of the New Hampshire Department of Environmental Services in effect at the time of approval to assure that the site can sustain sewage disposal indefinitely. A replacement sewage disposal site shall be located and reserved on the property for multi-family developments of more than three (3) units.

i. Access Drives and Parking Lot Requirements.

All access driveways and parking lots for multi-family residences shall be maintained by the owners. There shall be provided off-street, on-site parking areas to allow one and one-half (1½) spaces for each one (1) bedroom dwelling unit with an additional half (1/2) space for each additional bedroom in the dwelling unit. All parking areas, including driveways that contain more than ten (10) parking spaces shall be paved. There shall be adequate provision for drainage and snow removal. Parking spaces shall be arranged so as not to necessitate the backing up of automobiles onto any street or driveway.

j. Non-Residential Site Plan Review.

Multi-family developments of three (3) or more dwelling units shall conform to procedural and plan requirements of the Town of Epsom Site Plan Regulations of the Planning Board.

4. Conversions of Existing Structures into Multi-Family Residences.

Multi-family residences of three (3) or more dwelling units which are created from existing structures must conform to the requirements of these Ordinances and regulations.

5. Elderly Multi-Family Apartment Residences with Three (3) or More Units.

a. Definition.

Elderly multi-family apartment residences mean a residential apartment building(s) for three (3) or more dwelling units designed for and occupied exclusively by elderly persons and owned by a New Hampshire non-profit corporation pursuant to RSA 292 and exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code. Elderly persons mean single persons who are at least sixty-two (62) years of age; or a person who is at least sixty-two (62) years of age and his or her spouse; or the surviving spouse of a person at least sixty-two (62) years of age if the spouse was living in the unit at the time of the person's death; or persons who are at least sixty-two (62) years of age and an essential caregiver as determined by a licensed physician's certification.

b. Purpose and Intent.

The provisions relating to elderly multi-family apartment residences are established to preserve open space, promote affordable housing for the elderly, and provide for the efficient use of land and utilities consistent with the needs of the elderly population age sixty-two (62) and over. In addition to other requirements contained in Article VI.E.5, Special Exceptions, the following requirements shall apply to all elderly multi-family apartment residences seeking a special exception pursuant to Article VI:

c. Location.

Elderly multi-family apartment residences may be located in the R/A, R/C or RLC Zones.

d. Minimum Lot Size and Overall Density.

The minimum lot size for elderly multi-family apartment residences shall be at least fifteen (15) acres. The maximum number of residential units permitted shall be determined by permitting one (1) bedroom dwelling unit per ten thousand (10,000) square feet of buildable land or one (1) two- (2) bedroom dwelling unit per twelve thousand five hundred (12,500) square feet of land, or fifty (50) units, whichever is lesser.

e. Frontage.

All elderly multi-family apartment residences shall maintain a minimum of one thousand (1,000) feet of frontage on a state-maintained road. In the case of an arc, the frontage shall be measured as the chord of the arc.

f. Building Requirements.

All new buildings or structures shall be set back not less than seventy-five (75) feet from the side and rear property lines, and not less than seventy-five (75) feet from the property line fronting the public road. Each lot may accommodate more than one (1) residence structure. Each residence structure shall not exceed ten (10) dwelling units per structure. Each dwelling unit shall provide a minimum of four hundred (400) square feet per single bedroom unit and five hundred (500) square feet per two- (2) bedroom unit. All residence structures shall maintain a minimum spacing of twenty-five (25) feet between structures and shall not exceed two and one-half (2½) stories.

g. Multi-Unit Ratio.

In those districts where elderly multi-unit apartment dwellings of three (3) or more units are allowed, the ratio of area of unimproved land to the total area of living area, including all habitable floor area, driveways, parking lots, and carports shall not be less than ten to one (10:1).

h. Buffer.

A buffer area shall be of sufficient width to provide privacy and noise protection but shall not be less than the setbacks otherwise required in this Section. The buffer shall provide and maintain a strip of nativized plantings along and within the buffer area.

i. Sewage Disposal.

On-site sewage disposal must meet or exceed the requirements of the New Hampshire Department of Environmental Services in effect at the time of approval to assure that the site can sustain sewage disposal indefinitely. A replacement sewage disposal site shall be located and reserved on the property for elderly multi-family developments of more than three (3) units.

j. Access Drives and Parking Lot Requirements.

All access driveways and parking lots for elderly multi-family apartment residences shall be maintained by the owners. There shall be provided off-street, on-site parking areas to allow one (1) space for each one- (1) bedroom dwelling unit with an additional half (1/2) space for each additional bedroom in the dwelling unit. All parking areas, including driveways, shall be paved. There shall be adequate provision for drainage and snow removal. Parking spaces shall be arranged so as not to necessitate the backing up of automobiles onto any street or driveway.

k. Non-Residential Site Plan Review.

Elderly multi-family apartment developments of three (3) or more dwelling units shall conform to procedural and plan requirements of the Town of Epsom Site Plan Regulations of the Planning Board.

H. Cluster Residential Developments.

1. Purpose and Intent.

The purpose of a Cluster Residential Development is to encourage the preservation of open space for agricultural, recreational, and scenic use; to encourage flexibility in design for residential development by permitting single family residences to be grouped on lots of reduced dimensions to allow for a more economic provision of street and utility systems; and to establish living areas within the Town that provide for a balance of community needs. A Cluster Residential Development shall be subject to the granting of a Special Use Permit by the Planning Board in accordance with RSA 674:21.

2. Location.

Cluster Residential Developments may be allowed in the R/A, R/C and RLC Zones.

3. Tract and Lot Size.

The Cluster Residential Development tract to be subdivided shall be at least fifteen (15) acres. Individual lots within the tract may be reduced by as much as one-half (1/2) of the lot size required by the conventional zoning.

4. Frontage.

The Cluster Residential Development tract to be subdivided shall have enough frontage on a Class V Road or better to allow for a dedicated right-of-way of sufficient width to construct an access road adequate to carry the expected traffic load as outlined in the Town of Epsom Subdivision Regulations. Frontage of the lots within the tract may be reduced by as much as one-half (1/2) of the frontage required by conventional zoning.

5. Overall Density and Common Land.

The number of residential lots permitted in a Cluster Residential Development shall be determined by permitting that same number of lots as for a conventional subdivision. The amount of common land in the cluster residential development shall be the amount saved by the reduction in sizes of the residential lots; except that at least thirty percent (30%) of the development shall be common land, exclusive of land set aside for road rights-of-way, parking areas or utilities.

6. Common Land Management.

Ownership and maintenance to the required common land in a Cluster Residential Development must be determined and legally established prior to granting of a Special Use Permit by the Planning Board to ensure the permanent protection of this common land from development. This may include, but not be limited to, such instruments as a Homeowners' Association, or Conservation Trust, or management by a private, non-profit organization.

7. Sewage Disposal.

Individual lots within the Cluster Residential Subdivision that are proposed to be smaller than allowed by conventional zoning shall provide plans approved for subdivision by the New Hampshire Department of Environmental Services. Share or common septic systems are allowed.

8. Special Use Permit.

Application for a Special Use Permit for a Cluster Residential Development shall be made to the Planning Board as allowed by RSA 674:21. The Planning Board shall consider all relevant aspects of the Town of Epsom Subdivision Regulations in granting such a Special Use Permit. Variances to this Section may be granted by the Zoning Board of Adjustment upon appeal by the provisions of Article VI.E.4, of this Ordinance.

I. Business.

For the purpose of the placement of permitted business and businesses granted by special exception, all businesses shall comply with these Ordinances and the Town of Epsom Site Plan Regulations to the satisfaction of the Planning Board.

1. General Business.

a. Location.

Businesses may be located in the R/C and RLC Zones as listed by the Table of Uses (Article II, Section C). Certain businesses may be located in the Residential/Agricultural Zone with a special exception by the Zoning Board of Adjustment.

b. Building Lots.

Building lots shall contain a minimum of two (2) acres per commercial lot with a minimum of two hundred (200) feet of frontage on a public road. In the case of an arc, the frontage shall be measured as the chord of the arc. Each lot may accommodate more than one (1) business structure but the gross first floor area of the building(s) to the total tract area shall not exceed a ratio of one to three (1:3). Each lot may accommodate more than one (1) structure of which may be a one-family residence dwelling; provided, however, that the total area of all buildings, including such residential dwelling, to the total area of the tract shall not exceed a ratio of one to three (1:3) (thirty-three and one-third percent (33.3%)). Twenty percent (20%) of the total tract area shall be landscaped or native vegetation and shall not be hard surface. No building(s) or structure(s) shall exceed two and one-half (2½) stories in height.

c. Setback from Property Line.

Every new building(s) or structure(s) shall be setback from the front property line (right-of-way) not less than fifty (50) feet, from the side property line not less than fifteen (15) feet, and the rear property line not less than twenty (20) feet.

d. Sewage Disposal.

Each lot shall provide a septic system approved by the New Hampshire Department of Environmental Services for the business uses for the tract of land.

e. Access Drive and Parking Requirements.

All access driveways and parking lots shall be maintained by the owner(s). Adequate parking must be provided off-street. The development may be served by one (1) parking lot or individual parking lots serving groups of buildings.

f. All businesses shall conform to procedural and plan requirements of the Town of Epsom Site Plan Regulations of the Planning Board.

g. No manufactured units, or any manufactured units designed to permanently house

businesses shall be installed on any parcel of land on a permanent basis. To install such a unit on any parcel for a period of more than sixty (60) days during any calendar year shall constitute permanent installation.

For the purposes of this Ordinance, “manufactured unit” means any structure on a permanent chassis, transportable in one (1) or more sections which in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length or when erected on site is three hundred twenty (320) square feet or more and which is built and designed to house a business enterprise, or designed to be used as a dwelling but converted to accommodate a business enterprise with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein.

This definition does not include pre-site-built units as defined in RSA 674:31-A whether intended to be used by a business enterprise or intended to be used for housing but converted to accommodate a business enterprise.

This Ordinance does not prohibit the use or placement of temporary construction trailers which may be placed on a site during the progress of construction for a period not to exceed one hundred eighty (180) consecutive days.

2. Planned Business Developments.

a. Purpose and Intent.

The provisions relating to Planned Business Developments are intended to encourage the efficient and unobtrusive placement of non-residential buildings to allow flexibility and variety in commercial development with the prescribed limits. The density of the tract as a whole will be increased compared to the density achieved by conventional regulations; however, a percentage of the tract must be reserved as undeveloped common land. A Planned Business Development shall be subject to the granting of a Special Use Permit by the Planning Board in accordance with RSA 674:21.

b. Location.

Planned Business Developments may be allowed in the R/C and RLC Zones.

c. Tract and Lot Size.

The Planned Business Development tract to be subdivided shall be at least five (5) acres in size. Individual lots within the tract may be reduced by as much as one-half (1/2) of the lot size required by the conventional zoning.

d. Frontage.

The Planned Business Development tract to be subdivided shall have at least four hundred (400) feet of frontage on a Class V or better public road. This requirement may be reduced if there are no buildings in the development which front on the public road.

Frontage of individual lots within the tract may be reduced by as much as one-half (1/2) of the frontage required by the conventional zoning.

e. Building Requirements.

Contiguous groupings of buildings may be allowed where such groupings adequately provide for the safety and convenience of the users (such as fire protection, accessibility, snow removal) and are consistent with the intent of this Section.

f. Coverage Ratio.

The ratio of the gross floor area of the building(s) to the total tract area shall not exceed two to one (2:1). Ten percent (10%) of the total tract area shall be set aside as common land. Ten percent (10%) of each individual lot within the tract shall be landscaped or native growth and shall not be hard surfaced.

g. Sewage Disposal.

Individual lots within the tract that are proposed to be smaller than allowed by conventional zoning shall provide septic plans approved for subdivision by the New Hampshire Department of Environmental Services. Shared or common septic systems are allowed.

h. Access Drives and Parking Lot Requirements.

All access driveways and parking lots shall be maintained by owner(s). Adequate parking must be provided off street. The development may be served by one (1) common parking area or individual parking areas serving groups of buildings. Internal roads may be dedicated to the Town where access to individual lots, length of roadway, or future access to abutting land indicates such a need.

i. Special Use Permit.

Application for a Special Use Permit for a Planned Business Development shall be made to the Planning Board as allowed by RSA 674:21. The Planning Board shall seek to combine all relevant aspects of the Town of Epsom Subdivision Regulations and Town of Epsom Site Plan Regulations in granting such a Special Use Permit. Variances to this Section may be granted by the Zoning Board of Adjustment upon appeal by the provision of Article VI.E.4, of this Ordinance.

3. Seasonal (Intermittent) Business(es).

- a. Intermittent business(es) that operate during seasonal buying seasons and which utilize portable, temporary structures, and/or vehicles shall be allowed to operate in the Residential/Commercial Zone on business properties that have an approved Non-Residential Site Plan with the Planning Board provided that prior to its operation the intermittent business is granted approval by the Planning Board based on a review of the approved Site Plan for compatibility with the existing business use, and that a seasonal permit is obtained from the Zoning Compliance Officer.

Seasonal business(es) that wish to operate on a property that does not have an approved Non-Residential Site Plan with the Planning Board shall comply with the Non-Residential Site Plan Regulations to the satisfaction of the Planning Board and obtain a seasonal permit from the Zoning Compliance Officer.

- b. Seasonal business(es) may operate within the Residential/Agricultural Zone provided that a special exception is obtained from the Zoning Board of Adjustment, compliance with the Town of Epsom Site Plan Regulations with the Planning Board, and a permit is issued by the Zoning Compliance Officer.
- c. Any seasonal business in operation without a valid permit from the Zoning Compliance Officer will be in violation of these Ordinances and be subjected to the fines and enforcement as described within the Ordinances.

J. Agricultural.

Farming, including dairying, livestock and poultry raising, horticulture, truck farming and other agricultural enterprises and the sale of the products realized from farming is permitted.

K. Home Occupations.

1. Residences may be used to house home occupations as defined under this Ordinance. It is the purpose and intent of this Ordinance to maintain the non-commercial character of the Residential/Agricultural Zone while permitting secondary business uses by a resident proprietor.
2. Home occupation shall mean such use which is not the primary use, but is secondary, accessory, and incidental to that of a residential dwelling; and
 - a. No more than two (2) persons may be employed or occupied in furtherance of the occupation or business at any one (1) location at any given time, excluding the one (1) resident proprietor.
 - b. Reasonably adequate lighting, parking and means of access and egress shall be provided to accommodate the particular type of operation.
 - c. Hours of operation shall be limited to no earlier than 8:00 a.m. and not later than 8:00 p.m., unless otherwise permitted by the Planning Board; no excessive noise, odors and smoke may be emitted so as to disturb the residential character of the surrounding area.
3. Consistent with this Ordinance, the resident proprietor may park one (1) vehicle and store tools and equipment necessary to perform an off-site service occupation, provided that the resident proprietor is regularly engaged in the occupation and further provided that the tools and equipment are stored indoors or in an operational, registered, and inspected vehicle and such use does not alter the character of the use as that of a residential dwelling.

4. A Non-Residential Site Plan Review shall be required to operate a home occupation. The applicant shall apply to the Planning Board which may grant or deny approval pursuant to the Town of Epsom Site Plan Regulations.
5. After a Site Plan has been approved by the Planning Board a permit must be obtained from the Zoning Compliance Officer before the use of any land within the Town as a home occupation. No person may operate, nor cause to be operated a business in the residential area without first obtaining a permit to do so as a home occupation, or without having first obtained other approval or permit necessary for the lawful operation of such business. Each day of violation of this Ordinance shall constitute a separate violation. Exemption or exceptions claimed to the application of this Ordinance shall constitute affirmative defenses.
6. All pre-existing home occupations which:
 - a. commenced operation legally and in conformity with all local and state regulations, and
 - b. have been in continuous operation since the lawful commencement of the use and up to the effective date of this Ordinance, and
 - c. have not substantially changed or enlarged the operation since the commencement of the use,shall be exempt from the new restrictions of this Ordinance, including that of a permit requirement and shall be governed by the 1995 Ordinance unless:
 - a. the business or occupation ceases to be in continuous operation for any one-year (1) period, or
 - b. the business or occupation has substantially changed or enlarged, or
 - c. the business or occupation is engaged in conduct which is hazardous to public health and safety or has become a nuisance.

At which time all restrictions of this Ordinance shall become applicable.

7. The Planning Board, consistent with its procedural rules, shall develop forms for application for a home occupation and a home occupation permit. The administrative decisions of the Zoning Compliance Officer may be appealed to the Zoning Board of Adjustment, consistent with New Hampshire law.

L. Campgrounds.

1. Purpose and Intent.

It is the purpose of this Ordinance to allow and promote the operation of recreational campgrounds within the Town which are for the recreation and temporary accommodation of visitors. It is also the intent of this Ordinance to discourage and prohibit the use of

campgrounds for purposes other than temporary and recreational. Campsites located with campgrounds do not meet the local and state requirement for single-family dwellings, such as lot size, frontage, setback, sewage disposal and water source. The use of a campsite as a residential dwelling devastates the environment, adversely impacts the surrounding property, is contrary to the rural character of the Town, and is unseemly. This illegal use over uses sewage disposal systems not designed for such intensive usage and constitutes a hazard against public health and safety. The illegal occupancies area strain on the Town's treasury budget and services intended for lawful residents.

2. Permitted Zones.

Campgrounds are permitted in the R/A, R/C and RLC Zones only after Non- Residential Site Plan Review by the Planning Board and the issuance of a special exception from the Zoning Board of Adjustment.

3. Definition.

“Campground” or “recreational campground” or “recreational camping park” shall mean any parcel of land on which two (2) or more campsites are occupied or are intended to temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency. “Campsites” shall mean a parcel of land in a recreational campground or camping park for the placement of a tent or a recreational vehicle for the exclusive use of its occupants.

4. Recreational or Temporary.

To determine whether an occupant of a campsite is recreational and temporary in nature, as opposed to residential and permanent, the following criteria, among other factors, may be considered:

- a. Whether any occupant of the site presently resides at the site with the intent to so reside within the foreseeable future.
- b. Whether any occupant of the site is attending a school, college, university or trade school, or is registered to attend at an institution which is within a commuting distance of the campground.
- c. Whether any occupant of the site is employed or contracted to work at a location within a commuting distance of the campground.
- d. Whether the occupation of the site is only on weekends and holidays or continues throughout the week.
- e. The number of days in any given three hundred sixty (360) days period which an occupant of the site actually resides at a site and receives mail at the campground.
- f. Actual outdoor recreational activities undertaken by the occupants of a site.

5. Conditions for Prima Facie.

Any of the following conditions shall constitute prima facie evidence that a site at a campground is being used for permanent residential purposes and not temporary, recreational uses:

- a. If any occupant of a campsite at any campground runs for or occupies public office relying on his residential address at the campground.
- b. If any occupant of a campsite at any campground registers to vote as a resident of the Town relying on his residential address at the campground.
- c. If any occupant of a campsite at any campground:
 - i. registers a vehicle in Epsom, or
 - ii. obtains a driver's license relying on his residential address at the campground, or
 - iii. applies for a license or permit of any kind from any state, local or federal agency relying on his residential address at the campground.
- d. If any occupant of any campsite at any campground receives, claims eligibility for or applies to receive any federal, state or local benefit, entitlement, assistance, grant, loan or award relying on his residential address at the campground, or disclosing the campground as his address.
- e. If any occupant of a campsite at any campground attends or enrolls to attend Epsom public schools (including Pembroke Academy) relying on his residential address at the campground.
- f. If any occupant of a campsite at any campground files any action at any court or enters into any contract or attempts to enter into any contract relying on his residential address at the campground or disclosing the campground as his address.
- g. If any occupant of a campsite at any campground does not have, keep or maintain a primary dwelling for his use and as his residence at the time of his occupation of the campsite.

6. Occupation of Campsites.

No person who owns, manages or has charge of any campground may allow, or cause to be allowed, the occupation of any campsite at a campground contrary to this Ordinance, nor allow any person to reside at a campsite within a campground for other than recreational and temporary purposes. No person may operate a campground in Epsom, without the necessary permits and approvals, nor contrary to or in breach of any conditions imposed as a part of such approvals. No person may occupy a campsite in Epsom for other than temporary and recreational purposes. Exemptions or exceptions to this Ordinance shall be affirmative.

7. Application of Restrictions.

The provisions of this Ordinance attempt to clarify and accommodate the application of the restrictions imposed on campgrounds. This Ordinance is intended to and shall apply to all pre-existing campgrounds in operation as of March 1996, except to the extent a Site Plan Review or a special exception shall not be required of a pre-existing campground which:

- a. commenced its operation legally and in conformity with all local and state regulations, and
- b. has been in continuous operation since the lawful commencement of the use and up to the effective date of this Ordinance, and
- c. has not substantially changed or enlarged the operation since the commencement of the use.

Such campgrounds shall be exempted from the new restrictions of this Ordinance and shall be governed by the 1995 Ordinance, unless:

- i. the business or occupation ceases to be in continuous operation for any (1) one-year period, or
- iii. the business or occupation has substantially changed or enlarged, or
- iii. the business or occupation is engaged in conduct which is hazardous to public health and safety or has become a nuisance.

At which time, all restrictions of this Ordinance shall become applicable.

M. Signs.

1. Sizes.

Allowable farms, businesses, professions, or service industries shall be permitted no more than two (2) signs, each not exceeding a total of fifty (50) square feet. The permitted sign area may be comprised of a permanent changeable letter sign or permanently imprinted sign in whole or in any combination thereof, so long as the total area of each sign does not exceed fifty (50) square feet. Each face of a sign constitutes a sign. This Section does not pertain to home occupations which are governed by Subsection "a".

- a. Signs for home occupation businesses shall not exceed one (1) sign (1 or 2 sided) totaling no more than eight (8) square feet in area.
- b. Internally lit signs will be allowed only within the Commercial Zone. Neon tubular glass, flashing, digital or animated electric signs shall not be permitted.
- c. Internally lit signs are only allowed on the business premises. Signs lighted by exterior sources will be permitted provided the lights illuminate only the sign.

2. Temporary Signs.

A temporary sign is a sign erected for limited time-use, including banner signs. No temporary sign shall be placed on any property without first obtaining a temporary sign permit. All owners of the property shall sign the temporary sign permit. A temporary sign permit application must be completed by the applicant and approved by the Town prior to erecting any temporary sign. A temporary sign permit shall be granted for a period of ninety (90) calendar days and may be renewed for one additional thirty (30) day period in a calendar year. RSA 236:88 shall apply to all applications for temporary signs.

- a. The following shall be considered temporary signs, which do not need a permit:
 - i. Incidental signs directing and guiding traffic that do not exceed two (2) square feet each.
- b. Conditions for placement and granting of temporary signs:
 - i. A temporary sign may not extend into the public right-of-way.
 - ii. Only one (1) on-site temporary sign may be located on a parcel at any given time.
 - iii. A temporary sign must not create a potential hazard to vehicle or pedestrian traffic.
 - iv. A temporary sign must not obstruct the view of any portion of a traffic control device or signal.
 - v. A temporary sign must not impede or interfere with the repair or maintenance work of the Town or abutting property owner.
 - vi. A temporary sign must be self-supporting and must not be attached to any Town property such as fences, benches, bus shelters, trees, light poles or traffic signal poles.
 - vii. Roof-mounted temporary signs are not allowed in any zoning district.
 - viii. No temporary sign shall exceed sixteen (16) square feet in area.
 - ix. Doubled faced temporary signs may be permitted but each face shall count as a single sign.

- x. Temporary signs may not be illuminated or include any lighting which may distract vehicular or pedestrian traffic or cause glare or other light pollution.
- c. Granting and Removal of Temporary Signs.
- i. A sign for which the permit was secured shall be removed within twenty-four (24) hours of the expiration of the permit.
 - ii. A temporary sign shall be granted for a period of thirty (30) calendar days and may be renewed for an additional thirty (30) days in a calendar year.
 - iii. The Town may enter upon the private property in order to remove a temporary sign which has not been removed by the time specified in the permit.
 - iv. The Town shall not be responsible for the loss or damage to any temporary sign removed by the Town. The Town will retain any temporary sign removed under these provisions for a period of three (3) calendar days during which time the sign may be reclaimed, after such time the sign will be disposed of by the Town at the expense of the applicant.
 - v. If the Town had to remove the temporary sign, the owner of the property shall reimburse the Town for all labor and equipment cost necessary to remove such sign.
 - vi. No additional temporary sign permit will be issued for the property until such fees are paid.

3. Off-Premises Signs.

Off-premises signs are permitted only in a commercial zone. Off-premises signs are also permitted in the R/A, RLC and R/C Zones, subject to all state and federal regulations.

- a. A permit from the Selectmen is required for off premises signs along with the signature of the landowner granting permission to erect the sign.
- b. A maximum of two (2) off premises signs, each face no larger than six (6) square feet, with each face constituting one (1) sign, shall be permitted.

4. Additional Size Requirements.

In those instances where the number of permitted businesses, professions or service enterprises on a given lot is greater than two (2), that lot shall have only one (1) collective two (2) faced free standing sign. The total sign area for such a collective sign shall be one hundred (100) square feet in total. In accordance with other parts of this Section, one (1) changeable letter two (2) face sign up to thirty-two (32) square feet per face may be allowed when permanently mounted with the one (1) collective sign, provided that its area is counted toward the total allowable area of one hundred (100) square feet.

5. Mounted Signs.

In addition to signs allowed elsewhere in this Section, signs that are up to thirty-six (36) square feet (twice that usually allowed for a single sign) may be mounted directly on the building, provided that such signs do not protrude more than one (1) foot from the walls or above the ridgeline of the building.

6. Height Requirements.

No freestanding signs whether on or off the premises shall exceed sixteen (16) feet in height. The height for the purposes of this subsection shall be measured from the highest point of the sign or the structure containing the sign, whichever is higher. Sign sizes shall be measured by the face of the sign, not to exceed the allowable square footage of the sign within the appropriate subsection of this Ordinance. Signposts and/or decorative displays shall not exceed one (1) foot on either side of sign and not more than three (3) feet on the top.

7. Sign Removal.

Any permitted farm, business, professional or service enterprise which has ceased to operate for a period of at least one (1) year shall forthwith remove all signs along with any and all associated structures and materials which may have been erected on or off of its premises. Such removal shall occur no more than thirteen (13) months after the cessation of the business or professional enterprise. Signs which shall remain after the designated time period shall constitute a nuisance under these Ordinances, but subject to removal by the proper authority and the cost of the removal shall be taxable to the owner of the parcel or the parcels of the land which may contain such signs.

8. Copy Substitutions.

The copy on any commercial sign may be substituted with noncommercial copy.

9. Town, State or Federal Signs.

Official Town, State or Federal signs, including traffic control devices, are considered government speech and shall be exempt from this Section.

10. Validity of Provisions.

The invalidity of any provision of this Ordinance shall not affect the validity of any of the provisions. If any Section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding will not affect or impair any other Section clause, provision, or portion of this Ordinance.

N. Special Provisions.

1. Hazardous Waste.

In order to maintain the health, safety, and welfare of the Town, the storage, disposal, burying or dumping of any hazardous wastes within the limits of the Town are prohibited.

- a. For the purpose of this Section “hazardous waste” is defined as any solid, liquid or contained gaseous waste, or any combination of these wastes, which because of either quantity, concentration, or physical, chemical or infectious characteristics may cause or contribute to any increase in mortality, or an increase in irreversible or incapacitating reversible illness, or pose a present or potential threat to human health or the environment when improperly treated, stored, disposed of or otherwise mismanaged.
- b. Hazardous wastes are also those wastes identified as hazardous by the State of New Hampshire using the criteria established under RSA 147-A:2, VII. They include, but are not limited to toxins, corrosives, ignitables, irritants, strong sensitizers or that which generate pressure through decomposition, heat, or other means.
- c. Controlled usage and storage for personal or private use of such hazardous wastes shall be permitted upon the obtaining of a permit from the Board of Selectmen after obtaining a permit from the State of New Hampshire RSA 147-A:4. Controlled usage and storage shall not include the sale or use of such hazardous wastes by the public or by other than the person to whom such permit is issued.
- d. Violations of the Ordinance shall be punishable by a fine of One Hundred Dollars (\$100) for each day the offense continues.

2. Regulation of Excavations.

The excavation of soil, loam, sand, gravel, or ledge, except for the lawful activities as permitted under this chapter, shall be allowed in the Town only upon application to the Board of Selectmen for a permit and the fulfillment of the requirements delineated under New Hampshire RSA 155-E, to the satisfaction of the Planning Board.

O. Religious Organizations.

Religious Organizations are permitted in all Zones and subject to a site plan review, to ensure compliance with the Ordinance’s regulations of height of the structure, yard size, lot area, setbacks, open space, and building coverage requirements.

P. Hotels, Motels, Inns, Resorts, Bed & Breakfasts.

1. Definition.

Hotels, motels, inns, and resorts (hotels, collectively) shall mean a building or group of buildings which contain and offer overnight accommodations for transient, non-resident occupancy. This definition does not include bed and breakfast establishments. Bed & breakfasts are similar, but smaller establishments (usually in single family dwellings) that also provide guests with incidental, limited food service. Bed & Breakfasts with more than four rental bedrooms are considered to be hotels.

2. Purpose.

Tourism is an important element of local economy. This Ordinance seeks to encourage land use consistent with promoting tourism. This Ordinance permits the construction of hotels to accommodate the tourists, visitors, and business travelers. This Ordinance specifically discourages and prohibits the use of any hotel unit as a permanent dwelling or residential quarters. Such uses are subject to the regulations established for multi-family residential dwellings of Article III.G.3.

3. Permitted Zones.

Hotels are permitted in the RLC and R/C Zones subject to a Site Plan Review by the Planning Board. Hotels are permitted in the Residential/Agricultural Zone subject to a Site Plan Review by the Planning Board and a special exception from the Zoning Board of Adjustment. Bed & Breakfasts are permitted in all zones and are subject to a Site Plan Review by the Planning Board.

4. Conditions and Restrictions.

The Planning Board during the Site Plan Review process may impose permanent conditions and restrictions concerning the number of units, number of guests accommodated, number of units which may have any cooking or kitchenette facilities or any other conditions which may ensure the facility will continue to be used for the exclusive purposes which it has been authorized to operate.

5. Keepers' Quarters.

The owner, manager, caretaker, or keeper of any hotel and his/her family may reside within the hotel's grounds on a year-round permanent basis in quarters designated for such purpose so long as the keeper's quarters are approved by the Planning Board for such use. Bed & Breakfasts are not subject to these restrictions.

6. Prohibition.

Except as otherwise permitted in Section 5, above, no person who owns, manages or has charge of any hotel or Bed & Breakfast may allow, or cause to be allowed the occupation of any unit within a hotel or Bed & Breakfast contrary to this Ordinance nor allow any person to reside within a hotel or Bed & Breakfast for other than recreational, temporary, or transient purposes, nor allow a person to primarily or permanently reside in a hotel or Bed & Breakfast. No person may operate a hotel or Bed & Breakfast in Epsom without the applicable approval nor in violation of any conditions-imposed incident to such approvals. No person may reside in a hotel or Bed & Breakfast in Epsom for other than temporary purposes.

7. Recreational or Temporary.

To determine whether an occupation of a hotel or Bed & Breakfast is recreational and temporary in nature, as opposed to residential and permanent, the criteria delineated in Article III.L.4, and III.L.5, shall be effective and operative with the necessary changes to apply the same to hotels and hotel rooms or Bed & Breakfast.

8. Applicability of Restrictions.

All restrictions and requirements generally applicable to business enterprises under Article III.I, shall be applicable to hotels.

Q. Manufactured Housing.

1. Purpose.

It is the intent of this Ordinance to provide regulations over existing, replacement and new manufactured housing within the Town. Specifically, it is the intention that lawfully existing manufactured housing as of the time of this Ordinance be continued until abandoned. It is further the intention of this Ordinance to limit future manufactured housing to manufactured housing parks, and to ensure that the ratio of manufactured homes to single family residences be adjusted proportionately to the average ratio in other towns throughout the state while providing adequate low- and moderate-income housing within Epsom.

2. Definitions.

a. "Manufactured Housing".

Consistent with RSA 674:31 "...manufactured housing" means any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing as defined in this Section shall not include pre-site-built housing

as defined in RSA 674:31-a.” Any reference in these Ordinances to “manufacturing homes” or “mobile homes” shall be deemed a reference to “manufactured housing”.

b. “Manufactured Housing Park.”

A “manufactured housing park” shall have the same meaning as set forth in RSA 205-A:1, II being “any parcel of land under single or common ownership or control which contains or is designed, laid out or adapted to accommodate 2 or more manufactured houses,” and shall further incorporate all terms, conditions and further requirements imposed by these Ordinances. Any parcel of land used for storage for display of manufactured housing shall not be considered a “manufactured housing park” but shall not be deemed permitted unless otherwise in compliance with all the provisions of these Ordinances.

c. “Individual Lot Manufactured Housing.”

Any manufactured home situated upon a single residential building lot shall for the purposes of this Ordinance be defined as “individual lot manufactured housing”.

d. “Manufactured Housing Subdivision.”

Any subdivision dedicated and approved for manufactured housing only shall for the purposes of this Ordinance be defined as a “manufactured housing subdivision”.

3. Prohibitions.

a. “Individual Lot Manufactured Housing.”

As of the effective date of this Ordinance, no “individual lot manufactured housing” shall be permitted.

b. “Manufactured Housing Subdivisions.”

As of the effective date of this Ordinance, no “Manufactured housing subdivisions” shall be permitted.

4. Manufactured Housing Parks.

a. As of the effective date of this Ordinance, no manufactured housing shall be placed, constructed, or occupied except as provided in these Ordinances.

b. As of the effective date of this Ordinance, “manufactured housing parks” shall only be permitted in the R/A and R/C Zones.

c. Reporting Requirement.

The owner (or designee) of every manufactured housing park shall on or before June 1st of each year file a report with the Epsom Board of Selectmen which shall contain the following:

- i. A description of the manufactured housing unit occupying each site along with the site designation by number or other lettering system. This shall include the serial number of the unit.
- ii. Name and address of the owner of the manufactured housing unit.
- iii. The date that the unit was placed on the site.

This Section shall apply to all manufactured housing parks including pre-existing parks.

d. No new “manufactured housing parks” shall be permitted without first obtaining the following:

- i. A “Certificate of Compliance” from the Zoning Compliance Officer.
- ii. Site plan approval from the Planning Board in accordance with the governing laws and any Town of Epsom Site Plan Regulations adopted by the Town of Epsom or hereafter amended or adopted.
- iii. A special exception in accordance with Article VI.E.5, of these Zoning Ordinances.

e. No new “manufactured housing parks” nor any expansion to any “manufactured housing parks” existing as of the effective date of this Ordinance shall be permitted if the lots, sections or manufactured homes proposed therein, when added to all other manufactured housing units then existing within the Town, divided by the total number or housing units then existing in the Town result in a number greater than the “benchmark” defined herein. The “benchmark” shall be the most recent available ratio resulting by dividing the total number of the manufactured housing units into the total number of housing units for the entire Central New Hampshire Region as maintained by the Central New Hampshire Regional Planning Commission or the successor to its duties.

Illustration: $(a+b)/c=X$, $d/e=Y$, X may NOT exceed Y:

- a= Total number of manufactured housing units in Epsom at the time of application.
- b= The number of manufactured housing units proposed to be constructed in the application.
- c= Total number of housing units in Epsom at the time of the application.
- d= Total number of manufactured housing units in the Central New Hampshire Region as maintained by the CNHRPC.
- e= Total number of housing units in the Central New Hampshire Region as maintained by the CNHRPC.

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- f. No “manufactured housing park” shall be less than twelve (12) acres and no such park shall contain less than four (4) manufactured homes. Notwithstanding the definition of manufactured housing in Section 2.a, above, no manufactured home shall be located in Epsom, or transferred from any lot or parcel to any other lot or parcel in Epsom, if containing less than seven hundred eighty (780) square feet of interior.
 - g. All piping for water, sewage and utilities shall, from the point of exit from any manufactured home, be constructed, located, and maintained underground.
 - h. Conservation easements and natural open spaces shall be encouraged in all manufactured housing parks, such that each lot or section therein is given reasonable access to such area. Each “manufactured housing park” shall provide adequate fire protection and planning.
 - i. No manufactured home, pre-existing or hereafter created, may be altered, enlarged, improved or rehabilitated, or replaced without first obtaining a permit consistent with Article VI.
 - j. The owner of each “manufactured housing park”, whether pre-existing or hereafter created, shall maintain a register, available for inspection by the Zoning Compliance Officer, which register shall include the following information:
 - i. The name and permanent address of the owner of each manufactured home.
 - ii. The name of each occupant of any such manufactured home, if different.
 - iii. The make, serial number, year of manufacture, and dimensions of each manufactured home.
 - iv. The lot or identification number for each or section within the manufactured housing park.
 - v. The date of placement or construction of each manufactured home.
 - k. Each “manufactured housing park” owner shall have prepared a Site Plan for the entire tract, prepared by a registered professional engineer or registered land surveyor. Said Site Plan shall show and locate each manufactured home, roadway, permanent building, buffer zone, common area, lot or section, or other structures or conditions within said park.

5. Conditions of Operation.

Every owner of each “manufactured housing park” hereafter created shall comply with every condition imposed by Epsom Land Use Boards and shall operate only within parameters of the Site Plan approved and within these Ordinances. Every owner of each pre-existing manufactured housing shall comply with all restrictions then applicable either by then-existing Ordinances, plans, agreements, decrees, or orders in addition to those conditions specifically made applicable to pre-existing parks by these Ordinances.

6. Non-Conforming Uses.

Pre-existing, non-conforming manufactured housing parks shall operate subject to the provisions of Article III.B.3, 4, 5, and 6, of these Ordinances as they may be applicable. Any manufactured housing which is placed or constructed on any site shall, however, be required to obtain a Zoning Compliance Permit and a Certificate of Occupancy as delineated under Article VI, regardless of whether such unit is being placed on a new site or a pre-existing site.

R. Telecommunication Towers.

1. Purpose and Intent.

This Ordinance is enacted in order to establish general guidelines for the sighting of telecommunication towers and antennas and to enhance and fulfill the following goals:

- a. Preserve the authority of the Town to regulate and to provide for reasonable opportunities for the sighting of telecommunication facilities while ensuring that telecommunication provider's service remains effective and efficient.
- b. Reduce or eliminate adverse impacts such facilities may create. Adverse impacts may include, but are not limited to impacts on aesthetics, impacts on environmentally sensitive areas, impacts to historically significant locations, impacts on flight corridors, reduction in property values, and health and safety concerns.
- c. Provide for co-location and minimal impact sighting options through an assessment of technology, current locational options, future location availability, innovative sighting techniques, and sighting possibilities beyond the geographic boundaries of the Town.
- d. Permit the construction of new towers only where all other reasonable alternatives have been exhausted, and to encourage the owners and users of towers and antennas to configure them in a manner that minimizes visual impacts of said structures.
- e. Require antenna co-location on existing tower structures through cooperation and agreements between providers.
- f. Provide for documentation of scheduling of recurring maintenance and safety inspections for all telecommunications facilities and appurtenances.
- g. Provide for the demolition and removal of abandoned facilities. Provide a procedure for the Town to remove abandoned towers to provide for the health and safety of citizens.
- h. Provide for the removal or upgrade of technologically outmoded facilities.

2. Location.

Telecommunication facilities shall be allowed in accordance with the following:

- a. Permitted, subject to a special exception, in the Commercial Zone and the land surrounding the Commercial Zone up to a distance of one thousand (1,000) feet to the nearest point falling within the Commercial Zone provided, however, that no such structure may be placed on any point south of the Commercial Zone boundary of Route 28 south of Epsom Circle.
- b. In other areas within the Town, only as a co-location on pre-existing towers, antennas, and alternative tower structures.

3. Definitions.

- a. **Act** – The Communications Act of 1934, as it has been amended from time to time, including the Telecommunications Act of 1996, and shall include future amendments to the Communications Act of 1934.
- b. **Affiliate** – When used in relation to an operator, another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator’s principal partners, shareholders, or owners of some other ownership interest, and when used in relation to the municipality, any agency, board, authority or political subdivision affiliated with the municipality or other person in which the municipality has legal or financial interest.
- c. **Alternative Tower Structure** – Man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also *Stealth Facility*).
- d. **Analog Technology** – Replicates and amplifies voice messages as they are carried from the transmitting antenna to the receiving antenna.
- e. **Antenna** – Any exterior apparatus designed for telephonic, radio, or television communications through sending and/or receiving of electromagnetic waves.
- f. **Antenna Height** – The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and the lowest grades shall be used in calculating the antenna height.
- g. **Antenna Support Structure** – Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

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- h. **Applicant** – A person who applies for a wireless facility sighting. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, or architect.
 - i. **Broadcast** – To transmit information over the airwaves to two (2) or more receiving devices simultaneously. Information can be transmitted over local television or radio stations, satellite systems, or wireless data communications networks.
 - j. **Cell Site** – A tract or parcel of land that contains a cellular communication antenna, its support structure, accessory building(s), and parking, and may include other uses associated with an ancillary to cellular communications transmission.
 - k. **Cellular Service** – A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmission sites called cell sites, either to the public switched network or to other mobile cellular phones.
 - l. **Cellular Telecommunications** – A commercial Low Power Mobile Radio Service licensed by the Federal Communications Commission (FCC) to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.
 - m. **Cellular Telecommunications Facility** – A cellular telecommunications facility consists of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
 - n. **Co-location** – Locating wireless communications equipment from more than one (1) provider on a single site.
 - o. **Common Carrier** – An entity licensed by the FCC or a state agency to supply local and/or long-distance telecommunications services to the general public at established and stated prices.
 - p. **Communication Tower** – A guyed, monopole, or self-supporting tower constructed as a free-standing structure or in association with a building, other permanent structure, or equipment, containing one (1) or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.
 - q. **Communications Facility** – A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequencies signals. Communications facilities include structures or towers and accessory buildings.
 - r. **Communications Transmission System or Communications System** – A wired communication transmission system, open video system, or wireless communications transmission system regulated by these regulations.

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- s. **Comprehensive or Master Plan** – The current adopted Comprehensive/Master Plan of the municipality.
 - t. **C.O.W.'s – Cells on Wheels**, see *Temporary Wireless Communication Facility*.
 - u. **Digital Technology** – Technology that covers voice and data messages into digits that represent sound intensities at specific points of time and data content.
 - v. **Directional Antenna** – An antenna or array of antennas designed to concentrate a radio signal in a particular area.
 - w. **Dish Antenna** – A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.
 - x. **ESMR** – Enhanced Specialized Mobile Radio.
 - y. **FAA** – The Federal Aviation Administration.
 - z. **FCC** – The Federal Communications Commission.
 - aa. **Frequency** – The number of cycles completed each second by a sound wave, measured in hertz (Hz).
 - bb. **Governing Authority** – The Epsom Board of Selectmen.
 - cc. **Grade** – The lowest point of elevation of the finished surface of the grounds, paving, or sidewalk within the area between the structure and the property line, or when the property line is more than five (5) feet from the structure, between the structure and a line five (5) feet from the structure.
 - dd. **Guyed Tower** – A communication tower that is supported in whole or in part by guy wires and ground anchors.
 - ee. **Lattice Tower** – A guyed or self-supporting three (3) or four (4) sided, open, steel frame structure used to support telecommunications equipment.
 - ff. **License** – The rights and obligations extended by the municipality to an operator to own, construct, maintain, and operate its system within the boundaries of the municipality for the sole purpose of providing services to persons or areas outside the municipality.
 - gg. **MHZ** – Megahertz or 1,000,000 Hz.
 - hh. **Micro Cell** – A lower power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve.

- ii. **Microwave** – Electromagnetic radiation with frequencies higher than one thousand (1000) MHz, highly directional signal used to transmit radio frequencies from point to point at a relatively low power level.
- jj. **Microwave Antenna** – A disk-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.
- kk. **Monopole Tower** – A communication tower consisting of a single pole, constructed without guy wires and ground anchors.
- ll. **Omnidirectional Antenna** – An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it was designed.
- mm. **Owner** – The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the office of the Tax Collector. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment record, but who presents to the municipality a copy of a deed or contract of sale showing date of sale or potential sale.
- nn. **Personal Communications Services or PCS** – Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. Such mobile technology promises to allow each consumer the same telephone number where he or she goes. Also known as Personal Communication Network (PCN).
- oo. **Pre-existing Towers and Antennas** – Any tower or antenna for which a permit has been issued prior to the effective date of these regulations and is exempt from the requirements of these regulations so long as the towers or antennas are not modified or changed.
- pp. **Public Property** – Any real property, easement, air space or other interest in real estate, including a street, owned by or controlled by the Town or any other governmental unit.
- qq. **Roof and/or Building Mount Facility** – A low power mobile radio service telecommunications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or building face.
- rr. **Scenic View** – A scenic view is a view that may be framed, wide angle, or panoramic and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway or path. A view may be to a faraway object such as a mountain or of a nearby object.
- ss. **Self-Storage Facility** – Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such a facility for the purpose of storing and removing personal property.
- tt. **Self-Support Tower** – A communication tower that is constructed without guy wires and ground anchors.

- uu. **Spectrum** – Relating to any transmissions or reception of electromagnetic waves.
- vv. **Stealth Facility** – Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas; building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. (See also *Alternative Tower Structures*).
- ww. **System** – The communications transmission system operated by a service provider in the municipality.
- xx. **Telecommunications** – The transmission, between and among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- vv. **Temporary Wireless Communication Facility** – Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference where a majority of people attending are wireless users.
- zz. **Tower** – Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.
- aaa. **Wireless Communication Facility** – An all-encompassing definition; any towers, poles, antennas, or other structures intended for use in connection with transmission or receipt of radio and television signals, or any other spectrum-based transmissions/receptions.
- bbb. **Whip Antenna** – An antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than six (6) inches in diameter and measure up to eighteen (18) inches in height. Also called omnidirectional, stick or pipe antennas.
- ccc. **View Corridor** – A view corridor is a three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, which would resident in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include 360-degree perspectives. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights may be limited in order to protect the view.

4. Telecommunication Facilities Procedural Requirements.

- a. A scaled plan in accordance with Non-Residential Site Review Regulations shall be submitted to the Planning Board including the following additional information: a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent land uses (up to 200 feet away), and any other information deemed necessary by the Planning Board.
- b. Written proof that the proposed use/facility complies with FCC regulations on radio frequency (RF) exposure guidelines and the FAA regulations on tower lighting requirements shall be submitted to the Planning Board.
- c. The applicant shall submit written proof that any evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA submission of the EA or EIS to the Board prior to the beginning of the federal thirty (30) day comment period, and the Town's site review process, shall become part of the application requirements. The applicants shall submit copies of any EIS or EA documents no later than ten (10) days before the submission of any such documents to FCC for final approval.
- d. Each applicant for an antenna and/or tower shall provide to the Planning Board an inventory of its existing towers that are within the jurisdiction of the Town and those within two (2) miles of the boarder thereof, including specific information about the location, height, and design of each tower, as well as economic and technological feasibility for co-location on the inventoried towers. The Planning Board may share such information with other applicants applying for approvals or Special Exemption Permits under this Ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence shall consist of one (1) or more of the following:

- i. Substantial evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements, provided that a description of the geographic area required is also submitted.
- ii. Substantial evidence that existing towers are not of sufficient height to meet the applicant's engineering requirements and why.
- iii. Substantial evidence that the existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

- iv. Substantial evidence that applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - v. Substantial evidence that the fees, costs, or contractual provisions required by the owner in order to share the existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - vi. Substantial evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.
 - vii. Information on the number of sites for wireless telecommunication facilities each provider will require.
 - viii. Information on sites outside of the Town that are being considered.
 - ix. Information on how future technology may reduce or eliminate the need for tall antenna sites.
 - x. Information on how the siting of a wireless telecommunication facility will affect the ability to allow a competitor's antennas on the same property.
 - xi. Information of whether any or all of the wireless telecommunications carriers providing service to central New Hampshire use the system known as cable micro-call integrator/headed interface converter ("CMI/HIC") which utilizes cable television lines and small transceivers mounted on utility poles to communicate with wireless telephones.
 - xii. Information on whether there are any such carriers using CMI/HIC in surrounding cities and towns.
 - xiii. Information on whether it is feasible for carriers to locate base station equipment underground.
- e. The applicant proposing to build a new tower shall submit an agreement with the Town that allows for the maximum allowance for co-location upon the new structure. Such statement shall become a condition to any approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the Town and grounds for a denial.

- f. The applicant shall submit the engineering information detailing the size and coverage required for the facility location. The Planning Board may have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with RSA 676:4, I (g).
- g. Each applicant for a tower, monopole or alternative structure shall submit a design certified by a competent engineer that the structure has been engineered to accommodate the maximum number and type of all compatible telecommunication media antenna.

5. General Regulations.

- a. All wireless communication facilities shall require a building permit.

Additional requirements are as follows:

- i. Existing Structures.

Epsom encourages the placement of wireless communication facilities on existing towers or on existing structures so long as such placement is consistent with the purposes and standards of these regulations. A new or updated Site Plan approved by the Planning Board shall be required if a new antenna or other facilities are installed on an existing tower or on or in an existing structure, other than a street-side utility pole, so long as the height of that tower or structure is not increased. Nothing in these Ordinances prohibits the placement or construction of more than one (1) tower on the same parcel of land.

- ii. Reconstruction of Existing Structures.

Towers in existence prior to the adoption of these regulations may be reconstructed in kind with an updated Site Plan, so long as there is not increase in height, so long as the reconstruction will not result in increased visual or environmental impact, and so long as there is not expansion or substantial modification of ancillary facilities or driveways. If additional ancillary facilities are needed or if other site modifications are required, the project shall require a new Site Plan approval. If reconstruction will result in an increase in height or a significant modification of the appearance or type of tower, then a full approval as mandated for new facilities under these Ordinances shall be required.

- iii. Street-Side Utility Poles.

Street-side utility poles are those poles, which are located in or within twenty-five (25) feet of a road right-of-way. The placement of new wireless telecommunication facilities on existing street-side utility poles will require a new approval under these Ordinances. Antennas that can be incorporated into existing freestanding streetlights or utility poles shall only require Site Plan approval by the Planning Board.

iv. Construction of New Towers.

The construction of new towers for telecommunication facilities is discouraged except where and when no reasonable alternative exists, and such projects shall require a full approval as mandated under these Ordinances and must comply with the provisions of these regulations. These regulations incorporate the Epsom Town of Epsom Site Plan Regulations, to the degree those standards do not conflict with the provisions of these regulations, in which case these regulations shall prevail.

v. Regional Notification.

In accordance with the regional notification requirements of RSA 12-K:7, the applicant shall pay for notification to communities within a twenty (20) mile radius of the site when the construction of a new tower or when increasing height of an existing tower. For the purposes of these regulations, it shall always be assumed that the adjacent Towns of Allenstown, Pembroke, Chichester, Pittsfield, Northwood and Deerfield could be visually affected, and that unless specifically determined by the Planning Board to not be necessary, each of those towns will be notified by the Planning Board at the applicant's expense.

6. Dimensional Requirements.

a. Height.

It is the intent of these regulations that wireless communication facilities shall not have urbanizing effect upon the rural visual character of Epsom. For that reason, the maximum height of new wireless facilities shall not exceed twenty (20) feet above the average surrounding tree canopy height as measured within a two hundred (200) feet radii of the proposed facility location. Nor shall the height exceed ninety (90) feet.

The Planning Board shall have the authority to grant exceptions to the height limitations. The Planning Board may require a lower height than the maximum allowed if, in its judgment, such lower height is necessary at the proposed location to protect the rural and visual character of adjacent properties and the community as a whole. The Planning Board may also, on a case-by-case basis, allow any increase in height of wireless telecommunication facilities to an upper limit of one hundred ninety (190) feet, with the following restrictions:

- i. No telecommunication tower or facility shall exceed ninety (90) feet unless it is surrounded by mature trees that will be protected by easement or other means to assure dense natural screening.
- ii. The Planning Board must make written findings of fact as to why the increase in height is in the best interest of the community and why the increased height will not harm the visual quality and character of adjacent properties and the community as a whole. It is the presumption of this Ordinance that heights greater than ninety (90) feet tend to be a disruptive visual element in the Epsom landscape, and that the Planning Board will not normally allow a greater height.

b. Height on Existing Structures.

The height of existing structures may, by Site Plan approval from the Planning Board, be increased to accommodate wireless communication facilities if the facility is camouflaged, so long as the facility is, in the judgment of the Planning Board, in scale and proportion to the existing structure.

c. Antenna Types.

Any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount.

A larger diameter antenna array may be permitted after a finding by the Planning Board that the visual impacts of a larger antenna array are negligible.

d. Setback.

All wireless communication facility buildings shall meet the setback requirements of the underlying zone in which they are to be located.

e. Safety Zone.

All wireless communication facilities towers shall have a safety zone sufficient, in the judgment of the Planning Board, to protect the public and adjacent properties from either a structural collapse or from wind-blown ice. Unless the applicant provides convincing evidence to the contrary, the base of any telecommunication facility shall be set back from all property lines a distance equal to its height. The Planning Board may require a greater setback distance to address wind-blown ice.

7. Design Standard.

a. Engineering Certification.

Wireless communication facilities will require plans certified by a New Hampshire licensed structural engineer. Prior to the issuance of a Certificate of Occupancy, the Zoning Board Compliance Officer shall be provided with a written certification from a qualified New Hampshire licensed engineer, at the expense of the applicant, that the facilities have been constructed and installed in accordance with the approved plans and that the facility is operating in compliance with its federal license.

b. Visual Appearance.

i. All wireless communication facilities shall be camouflaged to the greatest extent possible, using compatible building materials and colors, screening, camouflage techniques, with native species landscaping and/or placement within trees. Existing on-site vegetation shall be preserved to the maximum extent possible.

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- ii. Every wireless communication facility must blend into its surroundings as much as possible. Each application for wireless communication facilities must demonstrate that there will be minimal visual impact. A photo-realistic simulation and an on-site Crane Test shall normally be required for all new towers and may be required for other new wireless communication facilities.
 - iii. The color of equipment sheds should blend in with their surroundings, to be determined by the Board on a case-by-case basis. Landscaping or screening shall normally be required for equipment sheds and may be required for other components of a wireless communication facility.
 - iv. All ground-mounted personal wireless service facilities shall be surrounded by a buffer of dense tree growth that extends continuously for a minimum distance of one hundred fifty (150) feet from the mount, security barrier, or designated clear area for access to equipment, whichever is greatest and screens views of the facility in all directions. These trees must be existing on the subject property, planted on the site, or be within a landscape easement on an adjoining site.

The Planning Board shall have the authority to decrease, relocate or alter the required buffer based on site conditions. The one hundred fifty (150) feet for vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease.

The easement or lease shall specify that the trees within the buffer shall not be removed or topped unless the trees are dead or dying and present a hazard to persons or property.

- v. Communication towers shall normally not be approved in open fields, even if disguised as flag poles. When possible, wireless communication facilities should be placed within existing buildings or structures so as to hide or camouflage them. In rural portions of the Town where existing structures may not exist for camouflaging, the placement of the towers and associated facilities within permanently wooded areas is encouraged so that native species of trees can provide natural camouflage.

The Town shall require some form of easement or some other means of assuring that an adequate buffer of trees is maintained until the tower is removed. Facilities shall not be located within two hundred (200) feet of a crest, ridge line, or summit, except that the Planning Board may allow sitting in a minor crest or ridge line if the Board concludes that such sitting will have minimal off-site visual impact and will otherwise meet the purposes of this Ordinance.

- vi. Any telecommunications facility located on or within a historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building. Any alterations made to accommodate wireless communication facilities within or on a historic structure must be fully reversible unless otherwise approved by the Planning Board.

c. Equipment Shelters.

Whenever possible, equipment shall be located within existing structures or in underground vaults. When required to be above ground, equipment shelters shall be of materials and colors that blend into the surrounding landscape, and shall be screened, unless otherwise approved by the Planning Board, behind an effective year-round buffer equal to the height of the proposed building.

d. Lighting.

Wireless communication towers and antennas shall not be lighted, except as specifically required by the Federal Aviation Administration (FAA). Lighting of equipment structures or other associated facilities is discouraged and shall not be visible beyond the property line. All utility wiring to the facility shall be underground, unless otherwise approved by the Planning Board.

e. Signage.

Signage shall be limited to an identification of the property and owner and warning of dangers. All signage must comply with the Town's sign regulations.

f. Security Fencing.

Unless otherwise specified by the Planning Board, fencing shall be provided to prevent access, except by authorized personnel. This will normally be a locked wall fence, or berm that completely seals off the facility from unauthorized entry or trespass. The appearance of this fencing should blend into the existing setting of the site. Silver-colored galvanized fencing will not normally be accepted.

g. Emissions.

- i. All wireless communication facilities must comply with the Radio Frequency Radiation (RFR) standards of the Federal Communications Commission (FCC), and the Town may require periodic inspections by a qualified engineer, at the applicant's expense, to assure compliance with FCC guidelines.
- ii. No antenna will be permitted in a location where it will interfere with existing transmittal or reception of radio, television, audio, video, electronic, microwave or other signals.
- iii. The applicant must specifically demonstrate to the satisfaction of the Town that the proposed emissions will not interfere with Town's Communications (Police, Fire and Public Works).

h. Federal Requirements.

All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations with six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna, as abandoned, at the owner's expense through the execution of the posted security.

i. Building Codes-Safety Standards.

To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to person or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within thirty (30) days, such action shall constitute abandonment and grounds for the removal of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.

j. Certification of Safety Standards and Continued Need.

The owner of a tower or antenna shall provide an annual certification to the Zoning Compliance Officer verifying compliance with building codes and safety standards. The certification shall also verify that the structure is still needed for the operation of the owner's network. Said certification shall be submitted to the Zoning Compliance Officer prior to December 31st of each year. Failure to submit an annual certification shall constitute abandonment and be grounds for removal.

8. Exemptions.

a. Government Use.

Antennas or towers owned, performing Federal, State, County or Town functions, or otherwise controlled by the respective governments shall be exempt from the requirements of this Telecommunications Facility Ordinance.

b. Amateur Radio, Receive-Only Antennas.

This Ordinance shall not govern any tower or the installation of any antenna that is less than seventy (70) feet in height and is owned and operated by a federally licensed amateur or citizens band station operator and/or is used exclusively for receive-only antennas. This Section adopts the provisions and limitations as referenced in RSA 674:16, IV.

c. Essential Services and Public Utilities.

Henceforth, from the date of adoption of this Ordinance, telecommunications facilities shall not be considered as infrastructure, essential services, or public utilities, as defined or used elsewhere in the laws or Ordinances and regulations. Siting for telecommunications facilities shall be considered a use of land is addressed by this Ordinance.

9. Bonding and Security and Insurance.

Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the tower is abandoned, and the tower owner is incapable and unwilling to remove the tower. Bonding and surety shall be consistent with the provisions of the Subdivision Regulations. Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering casualty and liability.

10. Removal of Abandoned Antennas and Towers.

Any antenna or tower that is not operated for a continuous period of twelve (12) months or is no longer needed for the operation of the network shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned structure within ninety (90) days of receipt of a declaration of abandonment from the Zoning Compliance Officer notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within ninety (90) days, the Town may execute the security and have the tower removed. If there are two (2) or more users of a single tower, this provision shall not become effective until users cease using the tower.

S. Kennels and Animal Boarding Facilities.

Kennels and animal boarding facilities shall be permitted in all zones, subject to a Site Plan review approval and so long as such facilities operate humanely and in sanitary conditions consistent with all current applicable laws and regulations. Such facilities may not operate so as to create a public or private nuisance.

T. Small Wind Energy Systems.

1. Purpose.

This small wind energy systems Ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1, III-a. The purpose of this Ordinance is to accommodate one (1) small wind energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this Ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

2. Definitions.

- a. **Blade Height**. The vertical distance from ground level to the tip of the wind generator blade when it is at its lowest point.
- b. **Meteorological Tower (Met Tower)**. Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this Ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.
- c. **Modification**. Any change to the small wind energy system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.
- d. **Net Metering**. The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.
- e. **Power Grid**. The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.
- f. **Shadow Flicker**. The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.
- g. **Small Wind Energy System**. A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.
- h. **System Height**. The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

- i. **Tower**. The monopole, guyed monopole or lattice structure that supports a wind generator.
- j. **Tower Height**. The height above grade of the fixed portion of the tower, excluding the wind generator.
- k. **Wind Generator**. The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

3. Procedures for Review.

a. Building Permit.

Small wind energy systems and met towers are an accessory use permitted in all zoning districts where structures of any sort are allowed. No small wind energy system or met tower shall be erected, constructed, or installed without first receiving a building permit from the Zoning Compliance Officer.

b. Application.

Applications submitted to the Zoning Compliance Officer shall contain a Site Plan with the following information:

- i. Property lines and physical dimensions of the applicant's property.
- ii. Location, dimensions, and types of existing major structures on the property.
- iii. Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
- iv. Tower foundation blueprints or drawings.
- v. Tower blueprints or drawings.
- vi. Setback requirements as outlined in this Ordinance.
- vii. The right-of-way of any public road that is contiguous with the property.
- viii. Any overhead utility lines.
- ix. Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.
- x. Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.
- xi. Sound level analysis prepared by the wind generator manufacturer or a qualified engineer.

- xii. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.
- xiii. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
- xiv. List of abutters to the applicant's property.

c. Abutter and Regional Notification.

In accordance with RSA 674:66, the Zoning Compliance Officer shall notify all abutters and the local governing body by certified mail, upon application for a building permit to construct a small wind energy system. The public will be afforded 30 days to submit comments to the Zoning Compliance Officer prior to the issuance of the building permit. The Zoning Compliance Officer shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Zoning Compliance Officer shall follow the procedures set forth in RSA 36:57, IV.

d. Application for temporary Met Towers shall provide the following information.

- i.. Location on property,
- ii. Estimated time to be in place,
- iii. Tower description, and
- iv. Abutter list.

4. Standard.

a. The Zoning Compliance Officer shall evaluate the application for compliance with the following standards:

i. Setbacks.

The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads, or nearest point on the foundation of an occupied building.

Minimum Setback Requirements

Occupied Buildings on Participating Landowner Property	Minimum Setback Requirements	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

aa. Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.

bb. Guy wires used to support the tower are exempt from the small wind energy system setback requirements.

ii. Tower.

The maximum tower height shall be restricted to 35 feet above the tree canopy within 300 feet of the small wind energy system. In no situation shall the tower height exceed 150 feet.

iii. Blade.

The minimum blade height shall be no less than 18 feet.

iv. Sound Level.

The small wind energy system shall not exceed 60 decibels using the A scale (dba), as measured at the site property line, except during short-term events such as severe windstorms and utility outages.

v. Shadow Flicker.

Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

vi. Signs.

All signs including flags, streamers, and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.

vii. Code Compliance.

The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

viii. Aviation.

The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations, including but not limited to, Title 14 of the Code of Federal Regulations (14CFR) Part 77, Subpart B, regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-B and RSA 424:5.

ix. Visual Impacts.

It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this Section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.

- aa. The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.
- bb. The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white, or gray.
- cc. A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

x. Approved Wind Generators.

The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by Underwriters Laboratories (UL), or a similar list approved by the state of New Hampshire, if available.

xi. Utility Connection.

If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.

xii. Access.

The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

xiii. Clearing.

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and Ordinances.

xiv. Foundation.

The tower's foundation shall be constructed according to the manufacturer's recommendation or as designed by a New Hampshire licensed professional engineer.

xv. Batteries.

Any battery installation shall be inspected by the fire department for safety prior to use.

5. Abandonment.

- a. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the zoning compliance offices by certified US mail of the proposed date of abandonment or discontinuation of operation.
- b. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Zoning Compliance Officer. "Physically remove" shall include, but not be limited to:
 - i. Removal of the wind generator and tower and related above-grade structures.
 - ii. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.
- c. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous twelve (12)-month period. After the twelve (12) months of inoperability, the Zoning Compliance

Officer may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. After review of the information provided by the owner, the Zoning Compliance Officer shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the zoning compliance officer shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

- d. If the owner fails to respond to the Notice of Abandonment or if, after review by the zoning compliance office, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense with three (3) months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the zoning compliance office may pursue legal action to have the small wind energy system removed at the owner's expense.

6. Violation.

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this Ordinance. Small wind energy systems installed prior to the adoption of this Ordinance are exempt from this Ordinance except when modifications are proposed to the small wind energy system.

7. Penalties.

Any person who fails to comply with any provision of this Ordinance or a building permit issued pursuant to this Ordinance shall be subject to enforcement and penalties as allowed by RSA 676:17.

U. Short Term Rentals.

1. Purpose.

The use of short-term rentals is regulated to preserve the traditional character of residential neighborhoods that can be negatively impacted by this type of use and to help preserve the quality and quantity of the housing stock for year-round residential use.

2. Definition.

A dwelling unit, where transient lodging may be provided for compensation for short stays (no less than two (2) and no more than thirty (30) consecutive nights), and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, rooming/boarding/lodging house, or a bed-breakfast.

3. Application for Special Exception:

Short-term rentals are permitted in all zones by special exception as either primary or accessory use of the property. In addition to the general special exception criteria found in Article VI.D.5, the following criteria must also be met.

- a. Prior to submitting an application for a special exception, the owner must arrange for and complete a safety inspection by the Fire Department and shall submit the inspection report as part of the application. The inspection shall be limited to determining that the following minimum safety requirements are met:
 - i. Functional Smoke and CO detectors must be installed in areas defined by the State of New Hampshire's adopted version of the National Fire Protection Association codes and standards.
 - ii. Windows and doors functioning as the primary and secondary means of egress shall conform to the current adopted Life Safety Code requirements for One (1) and Two (2)-Family Dwellings.
 - iii. No basement space shall be used as sleeping areas unless there are properly sized egress windows and/or doors.
 - iv. A functional fire extinguisher shall be visibly installed in any kitchen area.
 - v. Safety concerns reported by lodgers or abutters may require additional inspection(s) by the Fire Department,
- b. Parking. All short-term rentals shall provide a minimum of one parking space per bedroom plus one extra space. On-street overnight parking shall not be allowed.
- c. All dwellings must be on a Class V Road or better.

4. Pre-Existing Short-Term Rentals.

- a. For a dwelling to be considered a pre-existing short-term rental the owner must provide short-term rental documentation prior to April 1, 2023, such as evidence of payment of State Meals & Rooms Tax or a filing of Form CD-100 (Meals and Rentals Request to Update or Change License) to the State of New Hampshire, Department of Revenue Administration, in order to continue to operate without the need for a Special Exception Application.
- b. All pre-existing dwellings must have a safety inspection by the Town of Epsom Fire Department consisting of the items outlined in Section 3A, i through v, as listed above.
- c. Must provide documentation to the Town from a Septic System Evaluator licensed by the State of New Hampshire indicating a working septic system exists that is suitable for the occupancy of the dwelling.
- d. Must provide documentation to the Town that potable water exists.

5. General Requirements. The following regulations shall apply to all short-term rentals:

- a. If the property is determined to be a seasonal dwelling it may only be available for rental for no more than seven (7) months of the year.
- b. The maximum occupancy of the short-term rental shall be two persons per bedroom. Notice of the occupancy limits shall be prominently displayed in the short-term rental unit.
- c. All owners of short-term rentals shall, by June 1 of each year, submit documentation to the town demonstrating that the septic tank is pumped annually.
- d. All owners of short-term rentals shall provide a place for renters to deposit their trash and shall arrange for trash to be removed from the property at least weekly. Owners shall further assure that all properties be maintained and kept clean of debris.
- e. All owners of short-term rentals shall prominently post notice in the rental that Epsom is a residential town and that respectful behavior by the renters is expected, including complying with all rules established by the town and the owner, and
- f. All owners of short-term rentals shall file a statement with the town clerk that provides the name, address, and telephone number of a person within the state who is authorized to and responsible for addressing issues which arise at the property, and who is authorized to accept service of process for any legal proceeding brought against the owner relating to the short-term rental.

ARTICLE IV FLOOD PLAIN DEVELOPMENT

In Accordance with the Minimum Requirements of Section 60.3(d) of the National Flood Insurance Program Regulations

A. General Provisions.

This Ordinance adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Epsom Floodplain Development Ordinance. The regulations in this Ordinance shall overlay and supplement the regulations in the Town of Epsom Zoning Ordinance and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this Ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other Ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations in this Ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its “Flood Insurance Study for the County of Merrimack, New Hampshire”, dated April 19, 2010, together with the associated Flood Insurance Rate Maps dated April 19, 2010, which are declared to be a part of this Ordinance and are hereby incorporated by reference.

B. Statement of Purpose.

The purpose of this Article is to minimize public losses due to flood conditions in specific areas by:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, heights, or velocities.
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel flood waters.
4. Controlling filling, grading, dredging, and other developments which may increase flood damage.
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards in other areas.

C. Definition of Terms.

The following definitions shall apply only to this Floodplain Development Ordinance and shall not be affected by the provisions of any other Ordinance of the Town of Epsom.

1. **Area of Special Flood Hazard** is the land in the floodplain within the Town subject to a one percent (1%) or greater chance of flooding in any given year. The area is designated as Zone A and AE on the Flood Insurance Rate Map.
2. **Accessory Structure** means a small, detached structure that is incidental and insubordinate to the principal structure.
3. **Base Flood** means a flood having a one percent (1%) chance of being equaled or exceeded in any given year.
4. **Basement** means any area of a building having its floor subgrade on all sides.
5. **Building** – see *Structure*.
6. **Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation or storage of equipment or materials.
7. **FEMA** means the Federal Emergency Management Agency.
8. **Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land area from:
 - a. the overflow of inland or tidal waters.
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
9. **Flood Elevation Study** means an examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood-related erosion hazards.
10. **Flood Insurance Rate Map (FIRM)** means an official map incorporated with this Ordinance on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town.
11. **Flood Insurance Study** – see *Flood Elevation Study*.
12. **Floodplain or Flood-Prone Area** means any land area susceptible to being inundated by water from any source (see definition of “Flooding”).

13. **Flood Proofing** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.
14. **Floodway** – see “Regulatory Floodway.”
15. **Functionally Dependent Use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.
16. **Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
17. **Historic Structure** means any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
 - b. Certified or preliminarily determined by the Secretary of the Interior as contribution to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior, or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
18. **Lowest Floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lower floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
19. **Manufactured Home** means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) days. This includes manufactured homes located in a manufactured home park or subdivision.

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20. ***Manufactured Home Park or Subdivision*** means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
21. ***Mean Sea Level*** means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
22. ***New Construction*** means, for the purposes of determining insurance rates, structures for which the start of construction "commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. The floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
23. ***100-Year Flood*** – see ***Base Flood***.
24. ***Recreational Vehicle*** is defined as:
- a. built on a single chassis,
 - b. four hundred (400) square feet or less when measured at the largest horizontal projection,
 - c. designed to be self-propelled or permanently towable by a light duty truck, and
 - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
25. ***Regulatory Floodway*** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
26. ***Special Flood Hazard Area*** means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on a FIRM as Zone A, AO, AH, A1-A30, AE, A99, AR, AR/AE, AR/AO, AR-A1-30, AR/A, V, VE, or V1-V30. (See – "Area of Special Flood Hazard").
27. ***Structure*** means for floodplain management purposes a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

28. ***Start of Construction*** includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of pikes, the construction of columns, or any work beyond the state of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.
29. ***Substantial Damage*** means damages of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
30. ***Substantial Improvement*** means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should equal:
- a. the appraised value prior to the start of the initial repair or improvement, or
 - b. in the cause of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

31. ***Violation*** means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Article IV, Sections D.3.a.iii; D.3.a.iv; D.3.d; D.3.e.ii.bb; or is presumed to be in violation until such times as that documentation is provided.
32. ***Water Surface Elevation*** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

D. Administration.

1. Establishment of Development Permit.

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a Development Permit shall be made on forms furnished by the Selectmen.

2. Designation of the Selectmen/Zoning Compliance Officer (ZCO).

The Selectmen/ZCO is hereby appointed to administer and implement this Ordinance by granting or denying Development Permit applications in accordance with its provisions.

3. Duties and Responsibilities of the Selectmen/ZCO.

The duties of the Selectmen/ZCO shall include, but not be limited to:

- a. Review Permit Applications.
 - i. Review all Development Permits to determine that the permit requirements of this Ordinance have been satisfied.
 - ii. Review all Development Permits to determine that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 - iii. Review, prior to issuing building permits, all Development Permits to insure that along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other developments are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge. In Zone A, the Selectmen/ZCO shall obtain, review and reasonably utilize any floodway data available from federal, state or other sources as criteria for requiring that development meet the floodway requirements of this Section.
 - iv. Review, prior to issuing building permits, all Development Permits to insure that until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

b. Review Permit Applications.

The Selectmen/ZCO shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

- i. be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- ii. be constructed with materials resistant to flood damage,
- iii. be constructed by methods and practices that minimize flood damage, and
- iv. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

c. Review Location of Water and Septic Systems.

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Selectmen/ZCO with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

d. Ensure that applicants for Development Permits for all new or substantially improved structures located in Zones A, and AE, furnish the following information to the Selectmen/ZCO:

- i. the as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement,
- ii. if the structure has been flood-proofed, the as-built elevation (in relation to NGVD) to which the structure was flood-proofed, and
- iii. any certification of flood proofing.

The Selectmen/ZCO shall maintain for public inspection and shall furnish such information upon request.

- e. Determine flood elevation and maintain the following general requirements:
 - i. In special flood hazard areas, the Selectmen/ZCO shall determine the 100-year flood elevation in the following order of precedence according to the data available:
 - aa. In Zones AE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
 - bb. In Zone A, the Selectmen/ZCO shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e., subdivisions, site approval).
 - ii. Selectmen/ZCO's 100-year flood elevation determination will be used as criteria for requiring in Zones A and AE that:
 - aa. all new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood elevation.
 - bb. all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level; or together with attendant utility and sanitary facilities, shall:
 - (i.) be flood-proofed so that below the 100-year flood elevation the structure is watertight with walls substantially impermeable to the passage of water,
 - (ii.) have structural components capable of resisting hydrostatic and hydrodynamic loads that effects of buoyancy, and
 - (iii.) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section.
 - cc. all manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

- dd. for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
 - (i.) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage,
 - (ii.) the area is not a basement, and
 - (iii.) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- ee. no encroachments, including fill, new construction, substantial improvements, and other development shall result in any net increase of flood elevation in a special flood hazard area and a net decrease of flood elevation is encouraged.
- ff. the applicant shall submit to the Selectmen/ZCO certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
- gg. maintained for public inspection all records pertaining to the provisions of this Ordinance.
- f. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Selectmen/ZCO, in addition to the copies required by the RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Selectmen/ZCO, including notice of all scheduled hearings before the Wetlands Bureau.

4. Recreational Vehicles within Zones A and A/E

All recreational vehicles placed on sites within Zones A and AE shall either:

- a. be on the site for fewer than one hundred eighty (180) consecutive days,
- b. be fully licensed and ready for highway use, or

- c. meets all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” in Paragraph (c)(6) of Section 60.3.

5. Exemptions.

Accessory Structures, as defined in Section C, located within Zones A or AE, shall be exempt from the elevation criteria required in Section D.3.e.ii,aa, above, of all other requirements of Section D, if all the following requirements are met. Accessory Structures shall:

- a. be 150 square feet or less,
- b. have unfinished interiors and not be used for human habitation,
- c. have hydraulic openings in at least two (2) different walls of the accessory structure,
- d. be firmly anchored to resist flotation, collapse, and lateral movement, which may result in damage to other structures,
- e. be located outside the floodway,
- f. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure, and
- g. have mechanical and utility equipment elevated above base flood elevation or dry flood proofed. Electrical service will have only ground fault interrupt electrical outlets. The electrical service disconnect shall be located above the base flood elevation and when possible, outside the Special Flood Hazard Area.

E. Variances and Appeals.

1. Statutory Authority.

Any order, requirement, decision or determination of the Selectmen/ZCO made under this Ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

2. Additional Requirements for Variance upon Appeal.

If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, the applicant shall have the burden of showing in addition to the usual variance standards under state law:

- a. that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

- b. that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
- c. that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Zoning Board of Adjustment Notification to Applicant.

The Zoning Board of Adjustment shall notify the applicant in writing that:

- a. the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
- b. such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

4. Records and Reporting.

The community shall:

- a. maintain a record of all variance actions, including their justification for their issuance; and
- b. report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

5. Additional Considerations.

The Board of Adjustment may, on an appeal, grant a variance from the provisions of this Ordinance, in accordance with Article VI.E.4.a, while observing the additional considerations for Floodplains contained in Article IV.E.2.

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ARTICLE V BOARD OF ADJUSTMENT**A. Appointments.**

The Board of Selectmen shall appoint a Zoning Board of Adjustment as provided under New Hampshire law; and shall appoint up to five (5) persons to serve as alternates as the need may arise.

B. Appeals.

Any person aggrieved by any decision under the Ordinance made by any administrative officer of the Town may appeal to the Zoning Board of Adjustment as provided in RSA 676:5.

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ARTICLE VI ADMINISTRATION AND ENFORCEMENT

A. Zoning Compliance Permit.

1. Written Application.

A written application for a Zoning Compliance Permit must be filed by the owner, or his agent, or lessee with written consent of the owner. Until a Zoning Compliance Permit has been obtained from the Zoning Compliance Officer, none of the following shall be commenced:

- a. The erection or use of any new building, exterior sign, other structure, or addition to any existing building or structure.
- b. Any use of premises, which is not provided for in this Ordinance, including, but not limited to, a change in the nature of the use of any building or premises to a non-conforming use for any lawful prior use, the expansion of any existing lawful non-conforming use, or any change in lot size or shape which would result in a violation of area or dimensional requirements.

2. Application for a Zoning Compliance Permit.

Application for a Zoning Compliance Permit shall be upon an appropriate form to be prescribed by the Town and shall be accompanied by:

- a. Plans, drawn to scale, showing the actual shape, dimensions, and location of the lot to be used, of existing buildings upon it, of alterations proposed for existing buildings, and of proposed new buildings.
- b. Information as to the existing and extended use of each building, lot, or part thereof, as to the number of families, lodgers, or other occupants which any building upon the premises is designed to accommodate.

3. Review of Zoning Compliance Permit.

The Zoning Compliance Officer shall determine whether an application for permit is in compliance with a permitted use as defined in the Ordinance. If the Zoning Compliance Officer determines that it is, the application for permit shall be approved and the Zoning Compliance Officer shall act upon any application within thirty (30) days after it has been filed.

4. Issuance of a Zoning Compliance Permit.

Issuance of a Zoning Compliance Permit pursuant to this Ordinance constitutes approval by the Town of the proposed use only under the requirements of this Zoning Ordinance.

5. Certificate of Compliance Requirement.

The Zoning Compliance Officer shall not issue a Zoning Compliance Permit until the applicant has received a Certificate of Compliance in accordance with the New Hampshire Energy Code from the Governor's Council on Energy.

6. Expiration and Extension of Permit.

A Zoning Compliance Permit shall become void if construction is not begun within twelve (12) months from the date of issuance. Permits may be extended once for no more than an additional twelve (12) months by the Zoning Compliance Officer on receipt of a written request for extension at least fourteen (14) days prior to the expiration of the original permit.

7. Transfer of Permit.

No Zoning Compliance Permit issued shall be transferable to a subsequent owner.

8. Zoning Compliance Permit Issue Date

On approval by the Board of Adjustment of a variance or special exception, the Zoning Compliance Officer shall issue a Zoning Compliance Permit as of the date of approval of the Board.

B. Certificates of Occupancy.

1. Unlawful Occupancy.

It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure, or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure after the effective date of this regulation, until a Certificate of Occupancy is issued by the Zoning Compliance Officer stating that the proposed use of the structure or land conforms to the requirements of these regulations. A Certificate of Occupancy shall not be needed for the normal repair or redecorating of structures.

2. Application Submission.

Applications for a Certificate of Occupancy shall be made to the Zoning Compliance Officer on forms provided by them for that purpose, by the owner, his agent, or lessee.

3. Zoning Compliance Officer Review of Use.

Prior to the issuance of any Certificate of Occupancy, the Zoning Compliance Officer shall ensure that the proposed use of the structure or land conforms to the requirements of the Zoning Ordinances.

4. Fee.

The fee for a Certificate of Occupancy shall be established by the Selectmen. Said fee shall accompany each application for a Certificate of Occupancy.

C. Zoning Compliance Officer.

1. Description.

The administrative and enforcement officer for this Ordinance shall be known as the Zoning Compliance Officer who shall be appointed by the Board of Selectmen. The Zoning Compliance Officer shall administer the Zoning Ordinance literally and shall not have the power to permit any use of and/or buildings which is not in conformance with this Ordinance.

2. Authority.

The Zoning Compliance Officer may withhold the issuance of a Zoning Compliance Permit or a Certificate of Occupancy when he/she determines that the issuance of such permit is contrary to the public good or against the general welfare. The determination of the Zoning Compliance Officer may be appealed to the Zoning Board of Adjustment as provided under New Hampshire law.

D. Enforcement and Penalty.

1. This Ordinance shall be enforced by the Zoning Compliance Officer if any building or use of land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or use in violation of this Ordinance. The Zoning Compliance Officer shall institute, in the name of the Town, any appropriate action, injunction, or other proceeding to prevent in or about the premises any act, conduct, business, or use constituting a violation.
2.
 - a. No owner of any land, or any person managing or controlling any land may allow or cause the use of any land contrary to the provisions of these Ordinances; nor in violation of any conditions imposed by the Planning Board or Epsom Zoning Board of Adjustment.
 - b. No person may put any land to any use contrary to the provisions of these Ordinances; or in violation of any conditions imposed by the Planning Board or Epsom Zoning Board of Adjustment.
 - c. An exemption or exception from the restrictions, requirements or provisions of these Ordinances shall be an affirmative defense.
 - d. A person who violates any provision of these Ordinances may be fined up to the limits allowed by RSA 676.

E. Board of Adjustment.

1. Statutory Authority.

There shall be a Board of Adjustment as provided by the statutes (RSA 673:1, IV) of the State of New Hampshire, whose members and alternates shall be appointed by the Board of Selectmen.

2. Powers of the Board.

The Board of Adjustment shall have the following powers, as well as any other power conferred upon such Board by the Statutes of the State of New Hampshire:

- a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Compliance Officer in enforcement of this Ordinance.
- b. To hear and decide special exceptions to the terms of this Ordinance.
- c. To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed, and substantial justice done. In so doing, the Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and community.
- d. In exercising the above-mentioned powers, the Board of Adjustment may, in conformity with the powers granted to it under RSA 674:33, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and to that end shall have all the powers of the Zoning Compliance Officer from whom the appeal is taken.
- e. The concurring vote of three (3) members of the Board shall be necessary to reverse any action of the Zoning Compliance Officer or to decide in favor of the applicant on any matter with which the Board is required to pass under this Ordinance.

3. Rules Governing Proceedings.

- a. All appeals and applications to the Board of Adjustment shall be in writing, on forms prescribed by that Board.
- b. Whenever a notice of appeal is filed, the Board of Adjustment shall hold a public hearing and notice shall be given as follows:

The applicant and all the abutters shall be notified of the hearing by certified mail, return receipt requested, stating the time and place of the hearing, and such notice shall be given not less than five (5) days before the date fixed for the hearing of the appeal. A public notice of the hearing shall be placed in a newspaper of general circulation in the Town not less than five (5) days before the hearing of the appeal. The public hearing shall be held within forty-five (45) days of the receipt of the notice of appeal. Any person may appear in person or by agent or attorney at the hearing of an appeal.

The cost of advertising and mailing shall be payable by the applicant prior to the required public hearing.

The Zoning Compliance Officer, the Planning Board and the Board of Selectmen shall be notified of the public hearing and may appear and be heard. In those proceedings before the Board of Adjustment, at which the Planning Board submits its recommendations, such recommendations shall be in the same format as that used by the Board of Adjustment in reporting its decision. The Board of Adjustment shall state in writing in sufficient detail its reason for granting or denying an appeal.

- c. The Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Adjustment and the Selectmen's Office and shall be a public record.

4. Variances.

- a. The Board of Adjustment may, on an appeal, grant a variance from the provisions of this Ordinance, provided it conforms to the provisions of RSA 674:33 and if all the following criteria are determined to be true:
 - (1) The variance will not be contrary to the public interest,
 - (2) The spirit of the ordinance is observed,
 - (3) Substantial justice is done,
 - (4) The values of surrounding properties are not diminished; and
 - (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. For the purpose of evaluating this criterion, the meaning of "unnecessary hardship" is either one of the following subparagraphs:
 - i. Owing to special conditions of the property that distinguish it from other properties in the area:
 - 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; and
 - The proposed use is a reasonable one.

- ii. 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.
- b. In authorizing a variance, the Board of Adjustment may attach such conditions and safeguards, as it deems necessary to protect the neighborhood and the community. See 9, below.

5. Special Exceptions.

- a. The Zoning Board of Adjustment shall have the power to hear and decide on application for special exceptions as specifically granted by this Ordinance. In applying for a special exception, the applicant need not demonstrate hardship since the basis for the action is of general benefit to the Town as a whole. In granting a special exception, the Board with due regard to the nature and condition of all adjacent land, structures and uses, shall find all the following general conditions to be fulfilled:
 - i. A complete plan for the proposed development shall be submitted with the application showing the location of all buildings, parking areas, access, open space, landscaping and any other pertinent information.
 - ii. The requested use is essential or desirable to the public convenience and general welfare.
 - iii. The requested use will not impair the integrity or character of the immediate area or adjoining areas.
 - iv. That the specific site is an appropriate location for the proposed use and the proposed use will not be detrimental to the health, morals, or general welfare of the immediate or adjoining areas.
 - v. That no factual evidence is found that property value in the area will be adversely affected by such use.
 - vi. That no undue traffic, nuisance, or unreasonable hazard will result.
 - vii. That adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use.
 - viii. That all valid objections presented at the public hearing are given full consideration.
 - ix. That the proposed use has an adequate water supply and sewage system and meets all applicable requirements of the State.

6. Other Requirements.

The granting of any appeal by the Board shall not exempt the applicant from any portion of this Ordinance not specifically ruled upon by the Board or specifically set forth as exception in this particular case from a provision of this Ordinance. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure, or lot, or change any required limitations or special conditions imposed by the Board in authorizing a special exception or variance without appealing to the Board as a new case over which the Board shall have complete administrative power to deny, approve or modify.

7. Public Hearing.

The Board shall within forty-five (45) days hold the hearing of an appeal and before any hearing is given either on an appeal or an application for variance or special exception of the Zoning Ordinance, notice shall be given to all the abutting owners or their representatives of interest as recorded in the office by the Board of Selectmen, either in hand or by notice sent by registered mail and also notice in a newspaper of general circulation. Said notice shall be sent or delivered in hand and published at least five (5) calendar days before the date and time of meeting. If the notices are sent by mail, they shall be mailed to the last known address of the abutting owners or representatives of interest if on record aforesaid.

The costs of notices shall be paid by the appellant or applicant to the Board. Said costs shall be paid before the notices can be sent and placed in the paper and action taken by the Board on any appeal or application for variance or special exception.

8. Decisions.

- a. Per RSA 674:33, VIII, upon receipt of any application for action pursuant to this section, the zoning board of adjustment shall begin formal consideration and shall approve or disapprove such application within ninety (90) days of the date of receipt, provided that the applicant may waive this requirement and consent to such extension as may be mutually agreeable. If the Zoning Board of Adjustment determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension, the board may, in its discretion, deny the application without prejudice, in which case the applicant may submit a new application for the same or substantially similar request for relief.
- b. In accordance with RSA 676:3 II, following the public hearing of an appeal, the Board's written decision shall be made available for public inspection within five (5) business days of such vote.
- c. If the application is approved with conditions, the Board shall include in the written decision a detailed description of all conditions necessary to obtain final approval. Additionally, the applicant, owner of the property, Selectmen, Planning Board and Zoning Compliance Officer shall be notified of the decision.

- d. The Board shall include in its written decision, the reason for the denial or approval, including “finding of fact” supporting the Board's decision, as well as any conditions noted during the approval by the Board.

9. Time Limits.

In accordance with RSA 674:33, I-a (a), variances and special exceptions shall be valid if exercised within two (2) years from the date of the final approval or extended by the Zoning Board of Adjustment for good cause, provided that no such variance or special exception shall expire within six (6) months after the resolution of a planning application filed in reliance on the variance or special exception.

10. Fees.

The fee for any permit issued under this Ordinance shall be established by the Board of Selectmen.

F. Driveways

A driveway permit shall be issued by the Road Agent before any new use or expanded use which utilizes any Town road, excluding state highways. A driveway permit shall be obtained before any construction of any driveway. Decisions regarding the issuance of a driveway permit, by the Road Agent, shall be appealable to the Planning Board in accordance with the public hearing procedure. A single driveway may service more than a single lot only if:

1. sufficient evidence is presented to assure that the driveway will remain open and adequately maintained for use by each lot to be served, as well as, all emergency vehicles, and
2. the proposed driveway is consistent with the general character and appearance of its surroundings.

ARTICLE VII CONFLICTING PROVISIONS

When the regulations made under the authority hereof differ from those prescribed by any statute, Ordinance or other regulations, the provision which imposes the greater restriction or higher standard shall govern.

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ARTICLE VIII SEXUALLY ORIENTED BUSINESSES

A. Purpose and Intent.

It is the purpose of this Article to establish reasonable and uniform regulations to prevent the concentration of sexually orientated businesses within the Town of Epsom; and it is the intent to promote the health, safety and general welfare of the citizens of the Town; and it is the intent of this Article that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of sexually orientated businesses; and the provisions of this amendment have neither the purpose nor the effect of imposing limitation or restriction on the content of any communicative materials, including sexually oriented materials; and it is not the intent nor effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; and neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material.

B. Definitions of Sexually Oriented Business.

A sexually oriented business is any place of business at which any of the following activities is conducted:

1. Adult Bookstore or Adult Video Store.

A business that devotes more than fifteen percent (15%) of the total displace, shelf, rack, table, stand or floor area, utilized for the display and sale of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videos cassettes, slides, tapes, records, CD-ROMS other forms of visual or audio representations which meet the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571-B:1; or
- b. Instruments, devises or paraphernalia which are designed for use in connection with “sexual conduct” as defined in RSA 571-B:1, other than birth control devises. **AN ADULT BOOKSTORE OR ADULT VIDEO STORE DOES NOT INCLUDE AN ESTABLISHMENT THAT SELLS BOOKS OR PERIODICALS AS AN INCIDENTAL OR ACCESSORY PART OF ITS PRINCIPAL STOCK AND TRADE AND DOES NOT DEVOTE MORE THAN FIFTEEN PERCENT (15%) OF THE TOTAL FLOOR AREA OF THE ESTABLISHMENT TO THE SALE OF BOOKS AND PERIODICALS.**

2. Adult Motion Picture Theater.

An establishment with a capacity of five (5) or more persons, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which meets the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571-B:1, for observation by patrons. For subsections c, d, e, f, and g, a “substantial portion of the total presentation time” shall mean the presentation of films or shows described above for viewing on more than seven (7) days within any thirty (30) consecutive day period.

3. Adult Motion Picture Arcade.

Any place to which the public is permitted or invited wherein coin or slug- operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time in which a substantial portion of the total presentation time of the images so displayed is devoted to the showing of material which meets the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571-B:1.

4. Adult Drive-In Theater.

An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration to persons in motor vehicles or on outdoor seats, in which a substantial portion of the total presentation time being presented for observation by patrons is devoted to the showing of material which meets the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571-B:1.

5. Adult Cabaret.

A nightclub, bar, restaurant, or similar establishment which during a substantial portion of the total presentation time features live performances which meet the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571-B:1 and/or feature films, motion pictures, video cassettes, slides or other photographic reproductions, a substantial portion of the total presentation time of which is devoted to showing of material which meets the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571-B:1.

6. Adult Motel

A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed circuit television, transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis upon the depiction or description of materials which meets the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571-B:1.

7. Adult Theater.

A theater, concert hall, auditorium, or similar establishment either indoor or outdoor in nature, which for any form of consideration regularly features live performances, a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis on activities which meet the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571-B:1.

C. Allowed Locations and Location Restrictions of Sexually Oriented Businesses.

1. Sexually oriented businesses, as defined above shall be permitted only in the Residential/Commercial (R/C) Zone by special exception, provided that all other regulations, requirements, and restrictions for the zone in which the sexually oriented business is to be located are met, and no sexually oriented business shall be permitted within fifteen hundred (1500) feet of another existing sexually oriented business or one for which a building permit has been applied for.
2. No sexually oriented business shall be permitted within seven hundred fifty (750) feet of any residence, apartment, or manufactured housing.
3. No sexually oriented business shall be permitted within seven hundred fifty (750) feet of any church, place of worship, parish house, convent, public, parochial, or private school, kindergarten, state approved day care center or public sports/recreation parks, and no sexually oriented business shall be permitted within seven hundred fifty (750) feet of the Town boundaries.
4. No sexually oriented business shall be permitted within fifteen hundred (1500) feet of another existing sexually oriented business on the date of the passage of this amendment; and no sexually oriented business shall be permitted within a building, premise, structure or other facility that contains a sexually oriented business as defined in Article VIII, Section B.

D. Measure of Distance.

The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures from the closest exterior structural wall or temporary or permanent physical divider between each business.

E. Additional Reasonable Regulations.

The Planning Board is empowered hereunder to review and approve permit applications for sexually oriented businesses and impose reasonable restrictions for buffering, outdoor lighting, parking, adequate ingress and egress from the site off of and onto public roads, pedestrian movement, and to provide for appropriate landscaping and building aesthetics in the Town of Epsom Site Plan Regulations and to avoid site development layout which may result in negative environmental impacts.

F. Special Exception Required.

Every sexually oriented business as defined under this Ordinance, proposed to be operated, constructed, or erected with the R/C Zone and meeting the further restrictions imposed under this Ordinance shall require a special exception from the Epsom Zoning Board of Adjustment.

G. Severability.

The invalidity of any Section or provision of this Article shall not invalidate any other Section or provision thereof.

ARTICLE IX AMENDMENT

The provisions of this Ordinance may be amended or changed at any special Town Meeting by a majority of the voters present as provided by public law.

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ARTICLE X EFFECTIVE

A. This Ordinance shall take effect upon its passage.

B. Severability.

Should any Section, part, portion, or Article of these Ordinances be deemed illegal, unconstitutional, or otherwise unenforceable by a court or tribunal of competent jurisdiction, all other parts, portions, Sections, or Articles shall be severed and thereby remain in full force and effect.

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ARTICLE XI GROWTH MANAGEMENT

A. Authority.

This Section of the Zoning Ordinance is enacted in accordance with RSA 674:22.

B. Purpose.

The purpose of the Growth Management Article of the Zoning Ordinance is as follows:

1. Manage orderly growth in Epsom in coordination with the Master Plan and Capital Improvements Program.
2. Determine, monitor, evaluate and establish a rate of residential growth in the Town that does not unreasonably interfere with the Town's capacity for planned, orderly, and reasonable expansion of its services to accommodate such growth.
3. Provide a temporary mechanism when municipal services are strained or overloaded to reduce the rate of residential growth to allow the Town time to correct any deficiencies that have developed.

C. Findings.

The Town hereby finds that:

1. Population.

Epsom's population grew from 4,021 in 2000 (U.S. Census) to 4,680 in 2015 (NH Office of Energy & Planning estimate), an increase of 659 or 16.4% over the sixteen (16) year period.

2. Building Permits.

The number of residential building permits issued in Epsom has been relatively steady since 2010. There were eighteen (18) permits issued in 2010, fifteen (15) issued in 2011, twelve (12) issued in 2012, fourteen (14) issued in 2013, thirteen (13) issued in 2014, eighteen (18) issued in 2015, and seven (7) issued in 2016. In comparison fifty-two (52) were issued in 2000 and fifty-seven (57) were issued in 2001.

3. Master Plan.

The 2010 Epsom Master Plan Update contains the following recommendation: *Continue to monitor population growth to ensure that the Town is growing in proportion to abutting communities and consider extending the Growth Management Ordinance at Town Meeting.*

4. Operating Expenditures.

Municipal operating expenditures increased from \$1,349,045 to \$3,205,316 between 2000 and 2015. This was an increase of \$1,856,271 or 137% over the period. Annual school expenditures increased by \$4,761,495 over the same period, from \$4,275,236 to \$9,036,731.

5. School.

According to the *Feasibility Study for Epsom Central School*, the school “is presently utilized beyond its functional capacity.” Additionally, “most ‘core’ spaces are overcrowded, and some have been eliminated to accommodate the increased number of students and teaching methodology.”

D. Application.

1. This Section applies to building permits for new residential dwelling units, as well as repair, replacement, reconstruction, or alteration of any existing seasonal dwelling units if the proposed work will convert the unit for year-round occupation.
2. This Ordinance does not apply to non-residential building permits for expansion or alteration of existing year-round residential units and their ancillary structures.
3. For the purpose of this Ordinance, one (1) building permit shall be required for each dwelling unit (e.g., one permit for a single-family home, two permits for a duplex, etc.)

E. Indicators of Growth Impact.

The Town of Epsom hereby determines that the presence of any of the following conditions constitutes an indicator of growth. Abutting communities are Allenstown, Chichester, Deerfield, Northwood, Pembroke, and Pittsfield.

1. The annual percent increase in building permits for dwelling units in Epsom for the past calendar year exceeds the same combined average of the six (6) abutting communities.
2. The number of public students enrolled or projected for the coming year at the Epsom Central School exceeds ninety percent (90%) of its stated capacity as stated by the Epsom School Board.
3. The annual full value tax rate of Epsom, as reported by the New Hampshire Department of Revenue Administration, exceeds the combined average rate of the six (6) abutting communities for the most recent reporting year.
4. The number of dwelling units of all projects combined for which approval is being sought and the plans have been accepted by the Planning Board, at any time of reporting, if approved could result in conditions defined by either Section E.1, 2, or 3, above.

F. Administration.

1. Data.

The baseline data for developing housing unit counts in Epsom and in the six (6) abutting communities in the 2000 U.S. Census Summary Tape File 1. Building permits issued by each community are to be used in the Planning Board's annual reporting as described in Section F.2, below.

2. Annual Reporting.

The Planning Board at its first regular February meeting each year will report on the number of building permits issued for the previous calendar year for all residential dwelling units in Epsom and the six (6) abutting communities. In addition, the Planning Board will report on the overall annual average percent increase in residential dwelling units (based upon building permits issued) for the six (6) abutting communities, as well as Epsom, for the previous calendar year. The Planning Board shall also prepare the analysis of building permit data as required in Section H.1, below.

In addition, the Planning Board shall report on the status, as appropriate, of any permit limitations currently in place.

All reports prepared by the Planning Board relative to growth management shall remain on file at the Town Office for as long as the reports are in effect.

3. Indicator of Growth Declaration.

The planning Board may, at any time, issue an Indicator of Growth Declaration if it has determined that any of the conditions in Section E exist. In the case of this determination, the Planning Board shall make appropriate findings of fact and notify the Board of Selectmen, the Zoning Compliance Officer, and the general public of that finding by posting a notice in two (2) public places and publishing the notice in a newspaper of general circulation in Epsom.

4. Interim Permit Limitation.

Once an Indicator of Growth Declaration is issued, no building permits as described in Sections D.1, D.2, and D.3, may be approved by the Zoning Compliance Officer until after the hearing in Section G.1, is held and a decision is issued by the Planning Board, as described in Section G.2, below.

G. Procedures for Permit Limitations.

Following an Indicator of Growth Declaration and formal notification of the declaration as described in Section F.3, the following procedures will be observed:

1. Notice of Permit Limitation.

The Planning Board will publish a Notice of Permit Limitation that delineates the number of permits that will be allowed as calculated in Section H.1. This notice may be combined with the Indicator of Growth Declaration. The Notice of Permit Limitation will also describe the date and location of a public hearing to seek input from the general public. All notices shall be in conformity with the requirements of RSA 675:7.

2. Determination of Action.

After the public hearing in Section G.1, the Planning Board shall deliberate and decide whether the Notice of Permit Limitation should be confirmed or not confirmed and issue its decision. Any decision shall be issued within fifteen (15) days of the issuance of a Notice of Permit Limitation. A confirmed Notice of Permit Limitation shall remain in effect until rescinded by the Planning Board.

3. Annual Review.

The operation of this Article shall be reviewed by the Planning Board at its first regular February meeting each year to ensure that the annual maximum growth rate has not become inconsistent with Epsom's responsibility and capability of planning, developing and implements the necessary municipal systems and facilities to serve the growing Town and to ensure that Epsom is assuming its fair share of housing growth.

If it is deemed by the Planning Board that a Notice of Permit Limitation shall be rescinded, the Planning Board shall prepare a Declaration of Growth Indicator, provide appropriate notice of such finding, hold a public hearing and issue a decision following the same process as outlined in Sections G.1, G.2, and H.3.

H. Equitable Allocation of Available Permits.

1. Allowable Number of Permits

Upon publishing a Notice of Permit Limitation and its confirmation by the Planning Board, the number of building permits available for the calendar year for the Town of Epsom shall be determined by multiplying the previous year's overall average percent increase in building permits in the six (6) towns abutting the Town by the Town's housing unit base at the conclusion of the immediate past calendar year. This number shall be rounded up to the next whole number.

The allowable number of building permits available per year shall not be greater than either:

- a. the average number of permits issued in Epsom over the previous five (5) years, or
- b. the average number of permits issued in the six (6) abutting towns over the previous five (5) years.

All numbers shall be rounded up to the next whole number.

2. Distribution of Permits.

To ensure equitable distribution of available permits, no partnership, corporation, or other legal entity or its related or affiliated entities, or in the case of real persons, their immediate relatives or persons associated in business, may receive more than twenty percent (20%) of the permits, or permits for seven (7) units whichever is less, available during any given calendar year.

3. Approved Lots.

In order to be complete, building permit applications must be for lots approved by the Planning Board and registered in the Merrimack County Registry of Deeds. Lots must meet all applicable state and local regulations.

4. Percentage of Available Permits.

Twenty percent (20%) of the available permits shall be reserved for owners of single lots, that are not part of a subdivision of three (3) lots or more and are not created within one (1) year from the date of the building permit application.

5. Expiration of Permits.

Permits issued shall lapse and be returned to the pool of available permits if construction on the dwelling has not begun within one (1) year. Site preparation work shall not be considered construction. The validity of a permit issued under this paragraph may be renewed in the same manner and under the same terms defined in Article VI.A.6.

6. Permit Availability.

In the event that more permits are requested than are available, the earlier application shall prevail based upon the date and time of receipt of the completed application at the Town Office. The Zoning Compliance Officer may maintain a waiting list in the event that another permit becomes available during that calendar year, or it can apply to the next calendar year. The waiting list shall not extend beyond the next calendar year.

7. Permit Carry Forward.

In the event that any available permits for the year are not issued, they shall be carried forward and applied to only the following year's available permits. No more than fifty percent (50%) of a previous year's permits may be carried forward to the next year.

I. Exceptions.

1. Elderly Housing.

Proposals for elderly housing may be excluded from this Article upon a finding by the Planning Board that the proposed project does provide such housing and provided said

proposed housing complies in all other regards to the Epsom Zoning Ordinance and other applicable regulations.

2. Damage, Destruction, and Demolition.

In the event of damage, destruction or demolition of any dwelling, the dwelling may be rebuilt, provided that construction is started within one (1) year of its damage, destruction or demolition and construction is completed within two (2) years.

3. Planning Board Review of Permit Count.

In each September and December in a period of Notice of Permit Limitation, the Planning Board shall review the number of permits issued to date during that calendar year, determine the number of available permits and consider the issuance of additional permits (within the available permits) to applicants that had previously received their maximum number of permits as calculated in Section H.2.

J. Sunset.

This Ordinance shall expire at the Annual Town Meeting in 2022 unless re-adopted at that meeting. The Planning Board shall make recommendations as to the necessity and desirability of re-adopting this Ordinance prior to said Annual Town Meeting.

GLOSSARY

Certain words contained in this Ordinance shall be defined as follows:

Accessory Building or Use: A building or use subordinate and customarily incidental to the main building or use on the same lot.

Accessory Dwelling Unit (ADU): A residential living unit that is within or attached to a single-family residential dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Agriculture, farm, farming: Shall have the same meaning as those contained in RSA 21:34-a, as amended on July 6, 1999 to be effective on September 4, 1999.

Appeal: Required in writing to amend or overturn a decision relative to enforcement of this Ordinance.

Bed and Breakfast Facility: Shall mean a business which offers temporary overnight accommodation and incidental limited food service to its guests. This does not include group homes, boarding houses, hotels, motels, or other places that offer public accommodations.

Brewery: A building or establishment for brewing beer or other malt liquors.

Cannabis Dispensary: A facility where cannabis products, or devices for the therapeutic and/or recreational use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale.

Certificate of Occupancy: Certificate indicating completion of a structure and conformance to the Zoning Ordinance for any structure. Approval required by the Zoning Compliance Officer.

Community Water: A water system, serving two (2) or more dwellings, which is not maintained by a municipality.

Day Care Center: Care of children for either a full day or any portion thereof, whether or not the service is described as day nursery, nursery school, kindergarten, child development, and day care or by any other name for which services are regularly provided for three (3) or more unrelated children.

Dwelling: Any structure which is designed and actually used for the purpose of human habitation and overnight accommodation by humans.

Dwelling Unit: One (1) room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, living, sanitary and sleeping facilities.

Elderly Housing: Any dwelling which is designed for, actually occupied, and used as domiciliary or residence exclusively by persons who have attained the age of 62 years.

Home Occupation: Use of a dwelling by the resident owner or tenant for a customary home occupation such as dressmaking, hairdressing, home day care, teaching, or the offices for real estate, insurance, engineer, doctor (other than veterinarian), dentist, architect, lawyer, or other recognized profession similar in scope and impact.

Lot: A parcel of land occupied or capable of being occupied for conforming land uses as permitted by this Ordinance.

N.H. Energy Code of 1979: The implementation of State Law RSA Chapter 155-D. “Energy Conservation in New Buildings”.

Non-Conforming Use: Any lawful use of a building, structure, or land existing at the effective date of the regulations but not conforming to them.

Public Road: A public road is a Class V Road or better, maintained at the expense of the Town or State on a year-round basis.

Religious Organization: Any church, body of communicants, or group that gathers in common membership for regular worship and religious observances whose identity and mission are derived from a religious or spiritual tradition, and operates as registered or unregistered, nonprofit, and voluntary entities.

Residence, Dwelling: A structure that is designed or used as a dwelling place for no more than two (2) families.

Residence, One-Family: A detached or free-standing residence other than a mobile home designed for and occupied by one (1) family only.

Residence, Two-Family: A residential building designed for or occupied by two (2) families living independently of each other in individual attached dwelling units.

Residence, Multi-Family: A residential building designed for three (3) or more dwelling units and/or occupied by three (3) or more families.

Seasonal Dwelling: A structure that is designed to be used or is actually used for residential use for less than six (6) cumulative months in a given year (184 days), which is not the domicile of the owner or any other individual.

Sanitary System: Individual waste and sewage disposal system.

Short-Term Rentals: A dwelling unit, where transient lodging may be provided for compensation for short stays (no less than two (2) and no more than thirty (30) consecutive nights), and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, rooming/boarding/lodging house, or a bed and breakfast.

Sports Facility - Indoor and Outdoor: An indoor or outdoor areas of sports pavilions, stadiums, gymnasiums, boxing arenas, swimming pools, roller and ice rinks, billiard halls, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise or participate in athletic competition.

Structure: Any on-site built, or prefabricated built, building attached to the land by physical means or for the purposes of sever disposal, utility access or otherwise, designed to or actually used to accommodate any purpose to include human habitation, storage, domestic animal habitation but not to include anything less than 16 square feet.

Travel Trailer or Tenting and Camping Trailer: A vehicular portable structure designed to be used as a temporary dwelling.

Yard Sales: A sale whereby the owner or the occupant of the premises offers for sale new, used or pre-owned items. Yard sales include neighborhood yard sales. Such sale or offer for sale may be conducted and take place for up to six (6) days in any calendar year on any single lot of land. The placement of any two (2) individual items to include motor vehicles on any lot of land with the intent to sell the same or offer to sell the same shall not be construed as a yard sale but is nevertheless a permitted activity for an unlimited number of days so long as it is not in violation of any other Ordinances. Automobile dealers as defined by New Hampshire Statutes, however, may not offer for sale, display or actually sell any vehicles on any lots other than the sites approved by the Planning Board as part of a Site Plan review.

Yard Setbacks: Distance from nearest point of building to front, side, or rear property lines.

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APPENDIX A: ZONING INDEX OF ACTIVITIES REQUIRING PERMITS

Reference List of zoning activities that require a permit or license from the Town:

Board of Selectmen (BOS)
Board of Adjustment (BOA)
Zoning Compliance Officer (ZCO)
Planning Board (PB)

	<u>Document Type</u>	<u>Administrative Official</u>
a)	Junkyard Permit (Salvage Permit) (Special Use Permit) (Site Plan Review)	BOS BOA PB
b)	Building Permit (Zoning Compliance Permit)	ZCO
c)	Driveway Permit	Road Agent
d)	Cluster Development (Special Use Permit)	PB
e)	Planned Business Developments (Special Use Permit)	PB
f)	Seasonal Business Permit	ZCO
g)	Sign Permit (Permanent) Temporary Sign Permit Off Premise Sign Permit	ZCO ZCO BOS
h)	Hazardous Waste Permit	BOS
i)	Excavation Permit	BOS
j)	Development Permit (Flood Plain)	BOS & ZCO
k)	Certificate of Occupancy	ZCO
l)	Site Plan Review	PB
m)	Home Occupation Permit	PB

TOWN OF EPSOM ZONING ORDINANCE

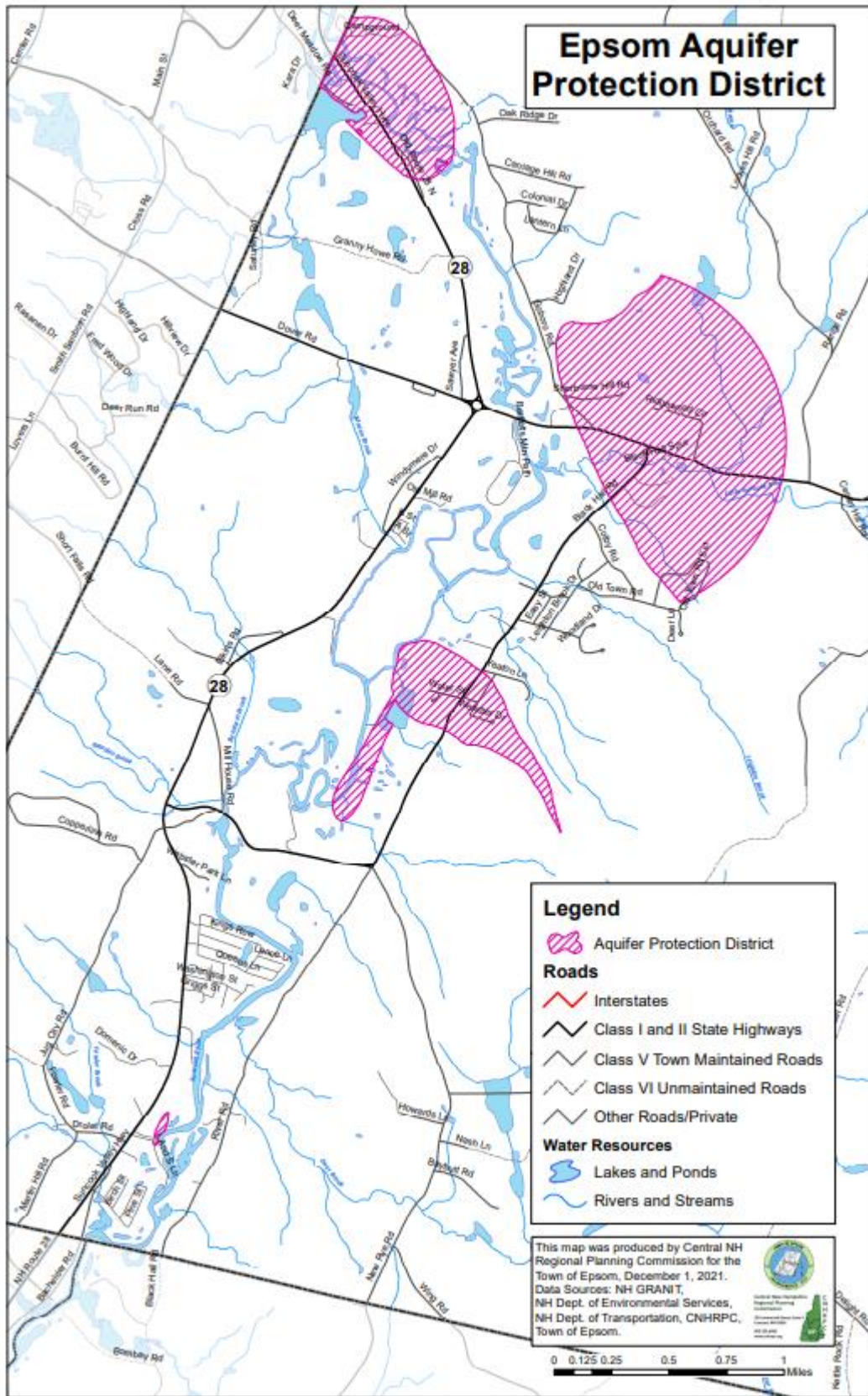
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TOWN OF EPSOM ZONING ORDINANCE

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APPENDIX C

AQUIFER PROTECTION MAP



TOWN OF EPSOM ZONING ORDINANCE

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TOWN OF EPSOM ZONING ORDINANCE

SCHEDULE OF AMENDMENTS, APPROVALS, ADOPTIONS, DELETIONS & REPEALS

Effective Date	Action Taken	Section or Article Change
09/15/69	Approval	Original Ordinance
02/1973	Amendment	Article III, Section B, Pre-Existing Non-Conforming lots Article III, Section F, Mobile Homes Article III, Section G, Minimum Lot Size
08/01/78	Adoption	Article IV, Flood Damage Prevention
03/11/80	Adoption	Article III, Section L, Special Provisions
02/06/81	Adoption	Article VI, Administration and Enforcement
03/08/85	Adoption	Article II, Section B, Residential/Commercial Zone
03/12/85	Amendment	Article III, Section F, Mobile Homes, Mobile Home Parks
03/10/87	Amendments	Article II, Section B (1), Residential/Commercial Zone (Purpose) Article II, Section B (4.e), List of Principal Uses (Auto Sales) Article III, Section K (3), Signs
03/14/89	Amendment	Article III, Section G, Residential Single and Multi-Family Resident Requirements
	Adoptions	Article III, Section I, Planned Business Developments Article III, Section M, Cluster Residential Housing Glossary
	Deletion	Article III, Section F, Mobile Home and Camping, and Tenting Park
03/10/90	Amendment	Article IV, Flood Damage Protection
03/15/91	Amendments	Article I, Section B, Applicability Article II, Section E, Compliance Permits Article III, Section D, Junkyards Article III, Section K, Home Occupations
03/10/92	Amendments	Article II, Section D, Table of Uses Article III, Section L, Other Business Article III, Section M, Signs
	Deletion	Article III, Section I (3), Seasonal (Intermittent) Business
03/09/93	Amendments	Article II, Section B, Residential/Commercial Use Article II, Section D, Table of Uses Article III, Section M, Signs Article VI, Section D, Enforcement and Penalty Glossary
03/08/94	Amendment	Article III, Section D (b), Junkyards

TOWN OF EPSOM ZONING ORDINANCE

03/14/95	Amendments	Article II, Section B (1), Residential/Commercial Zone Article III, Section M (6), Signs
03/12/96	Amendments	Article II, Section D (2.a), Table of Uses, Add Sexually Oriented Businesses Article II, Section D (19.a), Table of Uses, Add Elderly Multi-Family Apartments Article III, Section D (h), Junkyards; General Requirement-Permit Article III, Section D (I), Junkyards; Applicability of Ordinance Article III, Section G (5), Elderly Multi-Family Apartment Residences with Three or More Units Article III, Section K, Home Occupation Article III, Section L, Campgrounds Article III, Section M, Signs Article VI, Section D (2), Enforcement and Penalties Article VIII, Sexually Oriented Businesses
03/11/97	Amendments	Article II, Section D (13.a), Table of Uses, Add Bed & Breakfasts Glossary
03/11/98	Amendments	Article II, Section F, Manufactured Housing Article III, Section B, Pre-Existing Non-Conforming Uses Article III, Section C, Ruins Article III, Section M (1.a), Signs Article III, Section O, Churches Article III, Section P, Hotels, Motels, Inns, Resorts Article V, Section A, Appointments; revised. Article VI, Section C (2), Zoning Compliance Inspector Article VI, Section F, Driveways
	Deletions	Article II, Section C, Pre-Existing Non-Conforming Lots Article III, Section G (1.d), Variances for Frontage Regulations Article III, Section M (1.e), Signs
03/09/99	Amendments	Article II, Section F, Manufactured Housing Article III, Section D (h), Junkyards Article III, Section D (b), Junkyards Article III, Section F, Section Yard Sales Article III, Section G (3), Multi-Family Residences Article III, Section I (1.b), Building Lots Glossary of Terms, Add Yard Sales
03/14/00	Amendments	Article III, Section G (1.c), Single Family Residences Article III, Section I (1.c), Business
	Repealed	Article III, Section G, Preamble
	Adoptions	Article III, Section Q, Manufactured Housing Article III, Section R, Telecommunication Towers

TOWN OF EPSOM ZONING ORDINANCE

03/14/01	Amendments	Article III, Section I (1.g), Manufactured Units Article III, Section R & E (1.a), General Regulations
	Adoptions	Article II, Section D (5), Principal Uses Article II, Section D (10), Principal Uses Article II, Section E, Motorized Vehicle Sale Facilities Article III, Section K (2.i), Improved Area Article III, Section K (2.iv), Hours of Operation Article III, Section M (1.a), Farms Article III, Section M (1.c), Signs Article III, Section M (2), Farms Article III, Section M (3), Farms Article III, Section M (6), Farms Article III, Section M (7), Business or Professional Enterprise Article III, Section R & D (4), Wireless Communication Article VI, Section D (2.iv), Fines Glossary of Terms, Add Agriculture, Farm, Farming
	Repealed	Article III, Section Q (7), Expiration
03/12/02	Adoptions	Article II, Zones and Districts Article IV, Section C (23.a), Recreational Vehicle, defined Article IV, Section D (4), Recreational Vehicle Article II, Section D, Table of Uses (23.a), Gardening Retail Sale
	Repealed	Article VI, Section E (4.a), Variances Article IV, Section A, Flood Zone (date)
03/11/03	Amendments	Article III, Section M (3), General Provisions Article VIII, Section B (1.a) Sexually Oriented Business
	Adoptions	Article X, Section B, Severability Article XI, Section A-K, Growth Management Ordinances
03/09/04	Amendment	Article VI, Section F, Driveways
03/08/05	Amendment	Article XI, Section H (5), Growth Management Ordinance Article XI, Section H (1), Growth Management Ordinance Article II, Section B (2.b), Residential/Light Commercial Article III, Section G (1.d), Wetlands Set Back
	Adoption	Article III, Section G (1.e), Single Family Accessory Dwelling
03/14/06	Amendments	Article II, Section B (2.c.ii & iii) Light Comm/Residential Zone use Article II, Section a (2) Wetlands Set Back
	Adoption	Article III, Section S, Kennels & Animal Boarding Facilities
03/13/07	Amendments	Glossary, Public Road/Lot/Structure/Dwelling/Elderly Housing Article III, Section I (1.b), Building Lots Article III, Section Q (4.e), Illustration Article XI, Section J, Sunset
	Adoption	Article III, Section B 7, Pre-Existing non-conforming seasonal dwellings

TOWN OF EPSOM ZONING ORDINANCE

03/11/08	Amendments	Article III, - Section D (5) (b) General Operating Requirements Article III – Section M. Signs 1.c Article III – Section M. Signs 1.d Article III – Section M. Signs 7 Article IV – Section C Definitions of Terms Article IV – Section D Administration (3)(a)(iii), (iv), (d), I, (f). Article IV – Section D Administration (4)
03/10/09	Amendment	Article III – Section D 3.f Junkyard Fees
	Adoption	Article III – Section T Small Wind Energy Systems
03/09/10	Amendment	Article IV Flood Damage Protection
	Adoptions	Article II – Section C 13.a Bed & Breakfast Article III – Section P Hotels, Motels, Inns, Resorts, B & B's
03/08/2011	Amendments	Article II – Section B 1 b-iii Zones & Districts Article II – Section C 2 & 5 Table of Uses Article VI – Section E 5 iii & iv Administration and Enforcement
3/13/2012	Amendments	Article II – Section B 1 b I Zones & Districts Article III – Section G e Single Family Accessory Dwelling Article III – Section M 8 Signs Article IV – Section C Definition of Terms, Accessory Structures Article IV – Section D Administration, Accessory Structures Article VI – Section F Driveways Article XI – Section J Sunset (2017)
3/12/2013	Amendment	Article III – Section M 5 Signs
3/11/2014	Amendments	Article III – Section M 1, b Signs Article III – Section M 3, b (ix) Signs Article VI – Section D 2 (d) Enforcement & Penalty
03/14/2017	Amendments	Article III.G.1.e, II., C.17.b and Glossary RE: “Accessory Dwelling Unit”. (Entirety) Article VI.A.1 reference RSA 31:70 (repealed) Article XI – Growth Ordinance Article III – M Sign Ordinance (entirety)
03/14/2018	Amendment	Article III, Section G,1e – ADU provisions
3/12/2019	Amendments	Article III Section G 1 e ii ADU provisions Article III Section G 1 e iv ADU provisions Article I Section C Table of Uses Article I Section B 3 RSA674:19
3/10/2020	Amendments	Ordinances Article III Section G 1 e vi and ix ADU provisions Article III Section G 1 e viii ADU provisions Article III Section G 1 e xi ADU provisions (Section G 1 e I thru xi were renumbered when vi was removed) Article III Section M 6, Signs

TOWN OF EPSOM ZONING ORDINANCE

<p>April 2021</p>	<p>N/A</p>	<p>Non-Substantive Changes: Added Table of Contents, corrected Statutes that were no longer in affect or referenced improperly, corrected typos, punctuation, and miscellaneous corrections to numbering sequences where numbers were missing, etc. Formatting for margins and paragraphs, and page breaks also inserted.</p>
<p>April 2022</p>	<p>Amendments</p>	<p>Article I.C Table of Uses: Brewery, Cannabis Dispensary, and Sports Facility Article III.G.1.b. Contiguous buildable acre Article III.M.2. Banner Signs Article III.M.4. Sq footage of signs for more than one business</p>
	<p>Adoption</p>	<p>Adoption of Groundwater Protection District: Article II.B.4. & Article II.F. Appendix C. Aquifer Protection Map</p>
<p>April 2023</p>	<p>Amendments</p>	<p>Article III.B.5.d Mobile Home Replacement on Single Lots of Record Article III.B.7.b Seasonal Dwelling Article III.O Revise Religious Organizations allowance per Legislative change. Article III.U. Short Term Rentals Article VI.E. 8 Decisions, per Legislative Change</p>
	<p>Adoption</p>	<p>Table of Uses - Added Religious Organizations Table of Uses - Added Short-Term Rentals Article VI.E.9 Time Limits Glossary - Definition of Religious Organization Glossary - Definition of Seasonal Dwelling Glossary - Definition of Short-Term Rental</p>

[HomeResources & PublicationsTown & City Magazine](#)

Is Your Community Talking about Housing?

Sarah Wrightsman, Community Engagement Coordinator, NH Housing

The information contained in this article is not intended as legal advice and may no longer be accurate due to changes in the law. Consult NHMA's legal services or your municipal attorney.

Across the state, folks are talking about the impact of New Hampshire's housing crisis. Renters are struggling to compete for the small number of available units, prospective homebuyers are being priced out of the market, young people are unable to put down roots, older residents are stuck in too-large homes, and employers are challenged to recruit and retain a qualified workforce. The effects of the housing market touch all of us.



A Very Low Inventory of Rental and For-sale Homes

According to New Hampshire Housing’s 2022 Residential Rental Cost Survey, the median gross rent in New Hampshire for 2-bedroom units is \$1,584 per month. That is a 25.8% increase over the past five years. With a vacancy rate of 0.3%, even if you can afford the median rent of a 2-bedroom unit, it will be a challenge to find one available. (A vacancy rate of 5% is considered a balanced market for tenants and landlords.)

Supply has not kept up with demand. New Hampshire faces a shortage of many thousands of homes needed to balance current supply with demand, and we’ll need many thousands more to accommodate future population growth.

On the for-sale side, prices continue to rise due to the lack of inventory and high demand. Looking at the market between January and September 2022, the median purchase prices for all homes was \$400,000 and for new homes, it was about \$615,000, according to data from The Warren Group, filtered and analyzed by New Hampshire Housing.

Seeking Solutions

New Hampshire communities are talking about what they can do to address the lack of housing available to Granite Staters. Many communities are examining their land use regulations. Overly restrictive zoning and other land use regulations adopted over the past 30 years have contributed to the housing shortage. At the local level, zoning can be a powerful tool to leverage land use to ensure housing is affordable and available for state’s workforce and others that contribute to vibrant, thriving communities.



Grants to Help Municipalities Expand Housing Opportunities

Housing Opportunity Planning (HOP) Grants are available to municipalities to hire consultants to work toward regulatory change. As part of Governor Sununu’s \$100 million InvestNH initiative, \$5 million was allocated to a grant program to analyze and update land use regulations to help increase housing development opportunities. The NH Department of Business and Economic Affairs contracted with New Hampshire Housing to administer this program.

Cities and towns can use these grants to study barriers to housing affordability in their zoning ordinances and other land use regulations, identify potential changes to regulations, and/or establish or update regulations in response to those findings.

HOP grant opportunities are available as follows:

Phase One: Needs Analysis and Planning Grants may be used to examine and understand housing, income, and demographic data, including housing market costs, housing units needed to meet future expected growth in a municipality and the region, and the affordability of a municipality's housing for all income ranges. These needs analyses should be complementary to the [regional planning commission's regional housing needs assessment](#). Phase one grants may also be used to revise or create sections of the master plan that are related to housing.

Communities may apply for up to \$25,000 for this phase. Applications will be accepted and awarded on a rolling basis until January 27, 2023 or when funds are exhausted, whichever occurs first. Awards will typically be made within 30 days of submission of a completed application.

Phase Two: Regulatory Audit Grants may be used to audit the municipality's land use regulations and make recommendations for changes to promote housing development. Regulations to be evaluated may include, but are not limited to, zoning, subdivision regulations, site plan regulations, any provisions adopted under RSA 674:21 that are related to or impact housing development, local building codes, and local tax incentives, including RSA 79-E.

The audits may be structured to do any of the following tasks (these tasks are intended to be illustrative, not exclusive):

- Identify barriers to housing development that may exist in standards or processes;
- Identify outdated regulatory schemes;
- Specify changes to existing regulations;
- Identify opportunities for new regulations;
- Cross-reference different regulations to ensure that they are not in conflict.

Communities may apply for up to \$50,000 for this phase. Applications will be accepted and awarded on a rolling basis until June 30, 2023 or when funds are exhausted, whichever occurs first. Awards will typically be made within 30 days of submissions of a completed application.

Phase Three: Regulatory Development Grants may be used to create new regulations or revise existing regulations with the stated primary goal of increasing the supply of housing in the community.

Communities may apply for up to \$100,000 for this phase. Applications will be accepted and awarded on a rolling basis until November 15, 2023 or when funds are exhausted, whichever occurs first. Awards will typically be made within 30 days of submissions of a completed application.

Municipalities may hire consultants using a competitive process or they may choose a consultant from a list of pre-qualified consultants, which will include their regional planning commission. This list can be found at www.NHHOPgrants.org.

Because we recognize each community is different and may be at different places in their housing conversations, municipalities may apply for whichever stage is best suited to their needs. Municipalities may also apply for more than phase at a time; for example, conducting the needs analysis and planning and regulatory audit phases simultaneously before moving on to regulatory development. Prior to applying, municipalities are invited to share their ideas with the Steering Committee by sending a concept paper or idea to info@NHHOPgrants.org.

Housing Academy

Community engagement is a critical component of this work, and participation in Housing Academy is a key benefit of this grant program. Developed by UNH Cooperative Extension, Housing Academy will provide education and community engagement training to all recipients of HOP grant funding. The program will support grantees as they develop their community engagement strategies.

In addition, grantees are encouraged to recruit up to three volunteers from the community to participate in Housing Academy, further broadening the municipality's capacity to engage the community. Awardees are invited to provide community volunteers with a stipend for their participation.

Housing Academy will include webinars and online materials, in-person gatherings at New Hampshire Housing's office in Bedford and place-based

training in various communities around the state. Community engagement techniques and tools will be taught so participants can develop and implement an engagement plan in their city or town. There will be opportunities for communities to share best practices and challenges and to learn from each other.

More information about Housing Academy, including key dates for the program, can be found at NHHOPGrants.org/housing-academy.



How Do We Talk About Housing?

A key first step to solving the housing crisis is conversation. Many communities struggle with how to bring their community together to have a meaningful and engaging conversation about housing. To support communities as they work through these challenges, New Hampshire Housing produced *How Do We Talk About Housing: A Guide to Community Engagement and Grassroots Advocacy*. This guide outlines a bottom-up, nine-step process accessible to anyone interested in facilitating a movement toward more inclusionary zoning practices in their community. The process begins with building relationships through conversation.

Recognizing housing commissions, committees, and task forces as a valuable vehicle for these community conversations, New Hampshire Housing has updated its *Housing Commissions in New Hampshire: A Guide for Municipalities*. It offers guidance to localities interested in harnessing the power of engaged citizen volunteers in conversations about housing.

Both of these resources are available online at [NHHousing.org/publications](https://www.nhhousing.org/publications). Many more resources like these will be available through Housing Academy, which will equip communities with the tools needed to tackle the housing crisis at the local level.

Conclusion

Municipalities interested in applying for a HOP grant are encouraged to reach out to the steering committee to discuss their idea prior to submitting. Visit www.nhhopgrants.org for more information and to apply. The steering committee can be reached at info@nhhopgrants.org.

For municipalities that aren't quite ready to apply for a HOP grant, New Hampshire Housing has mini grants available to support housing education and advocacy efforts of local government. These grants can be used for technical assistance to explore housing-friendly land use regulations and may also be used to research the feasibility of starting a local or regional housing advocacy initiative. Find out more about New Hampshire Housing's other grant programs at [NHHousing.org/grant-opportunities](https://www.nhhousing.org/grant-opportunities).



Communities that are engaged in discussions about housing at the local level are also encouraged to talk with their regional planning commission or regional housing coalition. Regional housing coalitions that serve various communities around the state include the Workforce Housing Coalition of the Greater Seacoast, the Mount Washington Valley Housing Coalition, and Vital Communities, which serves the Upper Valley. For information about groups working on housing-related issues around the state, go to NHHousing.org/housing-partners.

The housing shortage is a complex issue with many different solutions that should be tailored to the community's needs. With the help of HOP grants, community leaders can begin to work to address the housing shortage by engaging with their citizens to determine the best outcome in their city or town. Solving the housing crisis ensures that our children will raise their children here, our businesses will flourish, and our communities will remain vibrant with attractive housing and new neighbors that will help to carry on New Hampshire traditions.

Sarah Wrightsman is the Community Engagement Coordinator with New Hampshire Housing. She may be reached by phone at 603.310.9345 or via email at swrightsman@nhhfa.org

Article Topics:

[affordable housing](#)

[best practices](#)

[new hampshire housing finance authority](#)

[workforce housing](#)

7/11/03

**TOWN OF EPSOM
ZONING BOARD OF ADJUSTMENT**

June 4, 2003

In attendance: Keith Cota, Chairman; Frank Catanese, Vice-Chair; Glenn Horner; Mark Riedel; Michele Bachelder, Secretary

Absent: David Goulet

Keith opened the meeting at 7:05 p.m.

Mark made a motion to nominate Keith as Chairman.

Glenn seconded the motion.

Motion approved.

Mark made a motion to nominate Frank as Vice-Chairman.

Glenn seconded the motion.

Motion approved.

Frank made a motion to nominate Dave as Secretary.

Mark seconded the motion.

Motion approved.

Minutes - 5/28/03

Frank made a motion to accept the minutes as present.

Mark seconded the motion.

Motion approved.

Minutes - 5/7/03

Glenn made a motion to accept the minutes as presented.

Mark seconded the motion.

Motion approved.

Public meeting - Jean Hartsell

Case 2003-02 – Request by Attorney Andrew Sullivan for “Rehearing of Variance Denial” for Jean Hartsell to Article III, Section G [Residential Single and Multi-Family Residential Requirements] of the Epsom Zoning Regulations. Applicant proposed to develop two single-family units on property located along a private road [Chestnut Pond Road]. The property is identified by Epsom Tax map U-19 as Lot 39.

Keith explained the background of this matter. A public hearing on April 16, 2003 resulted in a denial of the variance requested.

Attorney Andrew Sullivan appeared on behalf of Ms. Hartsell. The applicant was also present.

Attorney Sullivan presented the following new evidence to be considered for reconsideration with discussion on each point:

1. Town emergency personnel had been contacted, with the Fire Chief expressing no concern about the difficulty traveling that road.
2. A proposed Road Maintenance Agreement had been drafted.
3. Proposed liability agreement.

A letter from Attorney Sullivan was presented to the Board outlining their argument.

Ms. Hartsell is requesting time to pursue this matter further.

Discussion ensued regarding the abutters who were present at the public hearing in April and their desire not to bring the road up to Town standards.

The septic issue was then discussed. Attorney Sullivan was not aware that the septic was an issue. Ms. Hartsell was aware however. The necessary paperwork regarding the septic system or systems on the property has not been obtained.

Options were discussed. If the reconsideration is not granted then Ms. Hartsell can reapply at a later date once more information is obtained. In the meantime, the Selectmen can shut down one of the structures on the property.

Discussion ensued regarding the definition of a two-family unit.

Frank made a motion to approve the request for a rehearing based upon receipt of the application and abutters fees. This request must be made by the close of business on December 4, 2003, allowing Ms. Hartsell six months to obtain the appropriate information needed for a rehearing. If the application is not provided before December 4, 2003 she will forfeit her right for a rehearing.

Glenn seconded the motion.

Motion approved.

6-4-03

Rd Assoc. dues

Seasonal : \$ 250.

Year round : \$ 350.

Pay by Oct. 1st

Pay to Tim Sult

Leave in Rd. Assoc.
mailbox

Tim's # 603-738-7391

30 July 1973

PUBLIC NOTICE

PUBLIC HEARING:

Place; Epsom Town Hall
Time: 7:30 PM
Date Thursday August 16, 1973

Second Hearing on Zoning Ordinance Changes.

Epsom Planning Board

Hans Wendler
Chairman

PROPOSED AMENDMENTS TO THE EPSOM ZONING ORDINANCES

1. In the Glossary redefine residence-dwelling as follows: A structure that is designed or used as a dwelling place for no more than two families.
2. Replace Article 3, Section G with the following: Building lots shall contain a minimum of two (2) acres per family unit with a minimum of 200 feet frontage on a public road. In the case of an arc the frontage shall be measured as the cord of the arc. Every new building or structure shall be set back from the property line not less than 30 feet or such distance as shall conform to the line of existing buildings on adjacent property. All new buildings or structures shall be set back not less than 15 feet from the side and not less than 20 feet from the rear property line. Each lot may accommodate one dwelling structure with usual accessory buildings. No building or structure shall exceed 2-1/2 stories in height.
3. Add the following Section K to Article 3: Signs - Allowable businesses, professions or service enterprises shall be permitted one outdoor advertising sign, not to total over 18 square feet in area. Signs pertaining to the lease, sale or use of a lot or building on which placed shall be allowed providing such sign does not exceed 4 square feet in area for each sign. No other outdoor advertising media shall be permitted. No neon, tubular glass or privately owned flashing or animated electric signs shall be permitted. Signs lighted by exterior sources will be permitted provided the lights are so arranged to illuminate only the sign. No off premise signs will be permitted.
4. Add new subsection to Article 3, Section F 1: (a) The Board of Adjustment shall be empowered to grant temporary variances to any person having lost his dwelling as a result of fire or other natural cause to place a mobile home on his property. Such a variance shall be granted only for a six month period and only to such persons who evidence an intent to rebuild the dwelling destroyed by fire or other natural cause. This Section shall also apply to any person evidencing an intent to construct his own home in the first instance, but in this case it will be required that a foundation for the dwelling must be in place before a mobile home may be moved to the site. Such a variance may be extended by the Board of Adjustment for an additional six months upon evidence of satisfactory and realistic progress of the construction. No persons other than those named in the variance shall be permitted to use such a mobile home. Whoever violates the provisions of the variance shall be penalized upon conviction by a fine not exceeding \$10.00 per day to be computed from the first day of the violation. Each day of violation shall constitute a new and separate violation. All such variances granted by the Board of Adjustment shall be reported to the Planning Board and the Zoning Inspector.

5. Add new subsection to Article 3, Section F 1: The Board of Adjustment shall be empowered to grant variances to permit land to accommodate a mobile home in case of physical or financial hardship for Epsom residents owning such land for at least ten years and being of at least 62 years of age. After public hearing with notice to all interested persons, the Board of Adjustment shall determine if strict enforcement of the zoning ordinance with respect to the placing of mobile homes on land outside mobile home parks will cause a physical or financial hardship. For purposes of this subparagraph the term physical or financial hardship shall include physical disability due to sickness, age or injury and inability to support oneself due to sickness, age or injury. The Board of Adjustment must determine prior to the granting of a variance that the applicant has no reasonable alternative. The applicant must comply with all other terms of this ordinance. No persons other than those named in the variance shall be permitted to use such a mobile home. The Board of Adjustment may require that arrangement for the removal be made as part of the variance to insure that the mobile home is removed when it is no longer used by those people named in the variance. Whoever violates the provisions of the variance shall be penalized upon conviction by a fine not exceeding \$10.00 per day to be computed from the first day of the violation. Each day of violation shall constitute a new and separate violation. All such variances granted by the Board of Adjustment shall be reported to the Planning Board and the Zoning Inspector.
6. Add new subsection to Article 3, Section F 1: The Board of Adjustment shall be empowered to grant variances in cases of signs.
7. Add new subsection to Article 3, Section F 1: The Board of Adjustment is empowered to grant variances to individual lot owners where the frontage does not meet the necessary requirements or where lots are accessible via right-of-ways, provided that the lots meet all other zoning requirements and that the right-of-ways do not create an illegal lot size in the lot from which they are taken. The lot from which a right-of-way is taken must be of sufficient size to meet all zoning requirements after the right-of-way is removed.
8. Add the following sentence to Article 5, Section E: For purposes of this Section the period of violation shall begin 20 days after the Zoning Inspector issues a notice of violation and shall continue until the violation is abated. Each day of violation shall constitute a new and separate violation.
9. No loam, clay, sand, gravel, forming a part of the real estate of the Town of Epsom shall be removed from the town without obtaining written consent of the Board of Adjustment, which may be given only after a public hearing, duly posted. The Board of Adjustment shall make arrangements for the surrounding area, that the effects of the removal shall not create an erosion problem for abutters, and that the area be restored to a natural state blending with the surrounding areas, and other arrangements it deems necessary for the welfare of the town.

State of New Hampshire

Recording fee: \$25.00
Use black print or type.

Form NP-1
RSA 292:2

ARTICLES OF AGREEMENT OF A NEW HAMPSHIRE NONPROFIT CORPORATION

THE UNDERSIGNED, being persons of lawful age, associate under the provisions of the New Hampshire Revised Statutes Annotated, Chapter 292 by the following articles:

FIRST: The name of the corporation shall be the Chestnut Pond Road Maintenance Association

SECOND: The object for which this corporation is established is:

Year-round maintenance of the private portion of Chestnut Pond Road in Epsom, New Hampshire, including snow removal.

THIRD: The provisions for establishing membership and participation in the corporation are:

Membership is open to all property owners on the private portion of Chestnut Pond Road, their successors and assigns. Road maintenance and snow removal expenses will be divided equally between all participating property owner households. As membership and monetary contributions to the maintenance and snow removal fund are not mandatory, the number of participating property owner households may vary from year to year, along with the amount of the per-household contribution. The Association will recognize in-kind contributions of labor, equipment, and materials as meeting the definition of active participation.

FOURTH: The provisions for disposition of the corporate assets in the event of dissolution of the corporation including the prioritization of rights of shareholders and members to corporate assets are:

Any assets are to be distributed evenly to the participating property owners who have actively contributed to the road maintenance and snow removal fund.

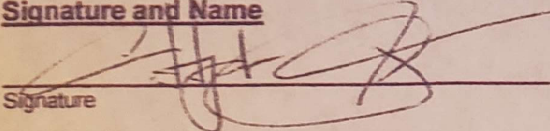
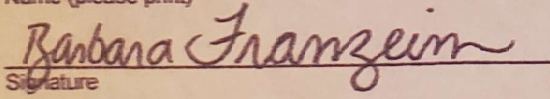
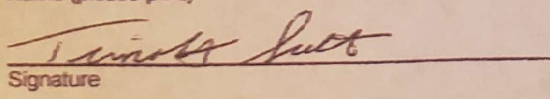
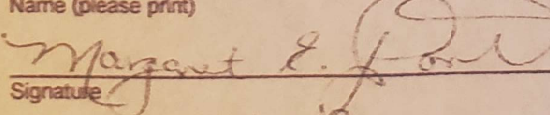
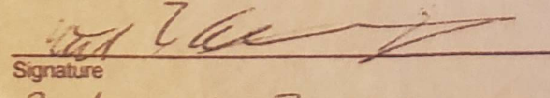
SIXTH: The amount of capital stock, if any, or the number of shares or membership certificates, if any, and provisions for retirement, reacquisition and redemption of those shares or certificates are:

None.

SEVENTH: Provision eliminating or limiting the personal liability of a director, an officer or both, to the corporation or its shareholders for monetary damages for breach of fiduciary duty as a director, an officer or both is (Note 1) _____

No director, officer, or association member shall be personally liable to the corporation or its members.

EIGHTH: Signatures and post office address of each of the persons associating together to form the corporation: (Note 2)

<u>Signature and Name</u>	<u>Post Office Address</u>
1.  Signature Christopher J. Porter Name (please print)	168 Chestnut Pond Rd. Street Epsom, NH 03234 City/Town State Zip
2.  Signature BARBARA FRANZEIM Name (please print)	236 CHESTNUT POND RD Street EPSOM, NH 03234 City/Town State Zip
3.  Signature Tim R. Sult Name (please print)	236 CHESTNUT POND RD Street EPSOM, NH 03234 City/Town State Zip
4.  Signature Margaret E. Porter Name (please print)	168 Chestnut Pond Rd Street Epsom NH 03234 City/Town State Zip
5.  Signature RICHARD L. BEAURIVAGE Name (please print)	142 CHESTNUT POND RD Street EPSOM NH 03234 City/Town State Zip

Notes: 1. If no provision eliminating or limiting personal liability, insert "NONE".

2. At least five signatures are required.