

Accepted by ZBA _____
Date: _____
Case #: _____

JAN 02 REC'D 2024

Amt Pd / Chk # \$486.00 / #199-\$91.00
Date: 1-2-24
Rec'd By: MP

~~SELECTMEN'S OFFICE~~
EPSOM ZONING BOARD OF ADJUSTMENT
TOWN OF EPSOM, NEW HAMPSHIRE 03234

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

This appeal is for property recorded at the Merrimack County Registry of Deeds in Book(s) # 3842

Page(s) # 2690 and is identified on Epsom Tax Map #: 419 Lot #: 46 Sub-lot #: _____

1. Name of present property owner: NVK Land Trust
(and principal officer if business): _____

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

3. Telephone #: 603-340-6557 Email nterry@alterryplumbing.com

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

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

Build a single family home with attached garage for primary residence.

6. **USE:** What is the proposed use for your **PLAN**, or how is the existing use of your property affected:
single family personal residence; wooded lot would be used to build primary residence.

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

ADMIN. APPEAL (Complete Sect. 1)

SPECIAL EXCEPTION (Complete Sect. 2)

VARIANCE (Complete Sect. 3)

EQUITABLE WAIVER (Complete Sect. 4)

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

SECTION 1 – APPEAL FROM AN ADMINISTRATIVE DECISION

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

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

SECTION 2 – SPECIAL EXCEPTION APPEAL

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

SECTION 3 – VARIANCE APPEAL

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

SECTION 4 – EQUITABLE WAIVER APPEAL

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

SECTION 5 – SPECIAL USE PERMIT APPEAL

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

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

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

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

APPLICANT:  DATE: 1/2/24

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

Section 3 Variance Questions:

1. Granting the variance would not be contrary to the public interest because: _____

Lot would be developed+ value would increase tax base.

2. If the variance were granted, the spirit of the ordinance would be observed because: _____

Lot is only 4 inches from being a buildable lot and providing a primary residence.

3. Granting the variance would do substantial justice because: _____

It would increase tax base on the lot while providing primary residence to start family.

4. If the variance were granted, the values of the surrounding properties would not be diminished because: _____

Building a house will increase lot value, should increase surrounding lots.

5. Unnecessary Hardship

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

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

If not granted over 4" and being on private road, this will cause the potential buyer to continue to look for land elsewhere.

-and-

ii. The proposed use is a reasonable one because: _____

it will provide residency and additional taxes to the town.

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

Per town it is an undevelopable lot. New buyer doesnt want land to be undeveloped he is looking establish primary residence.



200 feet Abutters List Report

Epsom, NH
January 02, 2024

Nicholas Terry
1308 Old Mammoth
Rd.
Manchester, NH
03104

7X13 = \$91.00

Subject Property:

Parcel Number: 000U19-000046-000000
CAMA Number: 000U19-000046-000000
Property Address: CHESTNUT POND ROAD

Mailing Address: NOVAK, MICHAEL, TRUSTEE NVK LAND TRUST
67 DALE STREET
LUDLOW, MA 01056

Abutters:

Parcel Number: 000R15-000021-000000
CAMA Number: 000R15-000021-000000
Property Address: NORTH EAST ROAD

Mailing Address: JOHNSON, JEANNE E JOHNSON, R
294 YE OLDE CANTEBURY ROAD
NORTHWOOD, NH 03261

Parcel Number: 000U19-000025-000000
CAMA Number: 000U19-000025-000000
Property Address: 161 CHESTNUT POND ROAD

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

Parcel Number: 000U19-000026-000000
CAMA Number: 000U19-000026-000000
Property Address: 173 CHESTNUT POND ROAD

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

Parcel Number: 000U19-000045-000000
CAMA Number: 000U19-000045-000000
Property Address: CHESTNUT POND ROAD

Mailing Address: LILLEY, CAMERON L AND GINA C
196 CHESTNUT POND ROAD
EPSOM, NH 03234

Parcel Number: 000U19-000047-000000
CAMA Number: 000U19-000047-000000
Property Address: CHESTNUT POND ROAD

Mailing Address: IUDICE, STEVEN & JANELLE (TRUS THE
J&S IUDICE TRUST
168 CHESTNUT POND ROAD
EPSOM, NH 03234

Parcel Number: 000U19-000048-000000
CAMA Number: 000U19-000048-000000
Property Address: 168 CHESTNUT POND ROAD

Mailing Address: IUDICE, STEVEN & JANELLE (TRUS THE
J&S IUDICE TRUST
168 CHESTNUT POND ROAD
EPSOM, NH 03234



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