

Accepted by ZBA _____

Date: _____

Case #: _____

Amt Pd / Chk # Credit Card \$621.03

Date: 3/12/2024

Rec'd By: Megan

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

RECEIVED

MAR 14 2024

APPLICATION FOR APPEAL TO THE EPSOM ZONING BOARD OF ADJUSTMENT

(PLEASE PRINT OR TYPE ALL INFORMATION CLEARLY)

EPSOM SELECT BOARD

This appeal is for property recorded at the [Merrimack County Registry of Deeds](#) in Book(s) # 3491

Page(s) # 2676 and is identified on [Epsom Tax Map](#) #: U-14 Lot #: 30 Sub-lot #: _____

1. Name of present property owner: Sunrise View Leasing LLC

(and principal officer if business): Krist and Wendy Nelson

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):
same

3. Telephone #: 603-303-6150 Email Kristnelson@metrocast.net

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](#). See Megan

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)

See attached

6. USE: What is the proposed use for your PLAN, or how is the existing use of your property affected:

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) II (2) section(s) C (#196) 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) III (3) section(s) G (Subsection 5) 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: Kristi Olsen + Wendy Nelson DATE: 3/12/24

Please see attached sheet w/answers

Section 2 Special Exception Questions:

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

Yes , No If No, explain why _____

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

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

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

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

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

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

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

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:

See attached

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

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

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

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

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:

-and-

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

- 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:

Sunrise Meadow 55+ Community- 1168 Short Falls Rd.

Currently: 6 single level buildings with 4 apts in each building- (2 one-bedroom, 2 two-bedroom.) – Total of 24 apartments.

1 Community building with storage, laundry, a community room and maintenance garage.

Total acres used for buildings, roads and parking: 1.9 acres.

Septic .17 acres

Total land used: 2.07 acres.

Density Calculations:

23.94 ac. Total land

- 5.24 ac. Wetlands

-2.79 ac. Flood plan

-1.19 ac. Slopes >20%

Net Area 14.72 acres

Current 2.07 acres

12.65 ac. Available

Min. open space 10:1

12.65 acres: 1.27 acres

1.27 acres available for 3 additional buildings with 4 units in each. (Same as current buildings)

Square footage of 3 buildings: 8,568 sq ft

Laundry/storage building: 1920 sq ft

Parking and Driveways: 15,000 sq ft

Total 25,488 sq. ft. (.58 acres)

Sunrise Meadow- 1168 Short Falls Rd.

Application for Appeal

#5 Plan:

Sunrise Meadow, a 55+ community currently has 24 residences on our 23.94 acre property. We would like to add 12 additional units to meet the demand of people seeking this type of housing. We propose 3 additional buildings, similar to the other 6 that are currently on our property. They would consist of 4 units in each building for residents who are 55 or older. These units will be situated on the right side of the pond, in a row, with a separate building for laundry and storage.

#6 Use:

We propose to build 12 additional units to help meet the demand for 55+ residents in Epsom. There will be minimal impact on the existing use of our property. There are no additional entrances required, as the new residents will be using the current entrance/exit. No additional signs are needed at the road. There will be minimal noise since the property is surrounded by a berm of trees. Our density calculations show a remaining 12.65 acres available. With the 10:1 minimum open space ratio, that leaves 1.27 acres for the new buildings. Our calculations show approximately .58 acres will be used for buildings, parking and driveways. (See attached sheet).

Special Exception Questions

#2 We have a waiting list and our current community is full. People like our community because it has a small-town feel. There are no stairs nor multi-level buildings. They can park outside their door and there are plenty of safe places to walk. Many young adults from Epsom call us looking for a place for their parents to live near them. Several older adults from the area call us because they plan on selling their place and want to rent nearby.

#3 There are tree buffer areas around the entire property and berms with pine trees between our property and the neighbors' houses. It is difficult to even see our community from Short Falls Rd. We also have a large lot (23.94 acres) with more than the required open space.

#4 Our current community and the people who live there are testaments that the community is an asset to the area. One of our residents told us that we saved his

Sunrise Meadow- 1168 Short Falls Rd.

life. That this community brought his joy back out for living. Our existing community is quiet, clean and a peaceful place to live. This is exactly what we plan for our additional units.

#5 Since we have built our initial community, property values in the surrounding area have only increased. Our family does all the maintenance, landscaping and plowing/shoveling. We keep the property well maintained.

#6 There will only be 12 additional units. Most of our current units only have one car. Our lease rules will help prevent hazards and nuisances.

#7 We currently have a maintenance barn and plan on adding another area for maintenance equipment in the new storage / laundry building. The new buildings will have its own State approved septic systems.

#8 We have approval from the Epsom Water District for the additional water usage on the town's water system. We will be submitting a plan with state approval for our 2 septic systems.

We are asking the board to allow the same variances and special exception granted to Sunrise View Leasing LLC, recorded 7/21/2016 and change condition #1 to allow an additional 6 two-bedroom apartments and 6 one-bedroom apartments (3 buildings) and one laundry/storage building.

We are seeking a variance from the Town of Epsom's Zoning ordinances requiring 1000 ft. of road frontage on a state-maintained road.

- 1.) Granting the variance would not be contrary to the public interest because we are providing a service to people in town that need a comfortable and affordable place to live as they age. We currently have a waiting list for these units.
- 2.) If the variance were granted, the spirit of the ordinance would be observed because this community will not alter the essential character of the neighborhood because it will be set back over 300 ft. from the road and surrounded by a meadow and trees.
- 3.) Granting the variance would do substantial justice because we are fulfilling a desire for people to stay in their town or live near their children as they age. We are also creating additional tax revenue for Epsom.
- 4.) If this variance were granted the values of the surrounding properties would not be diminished because this will continue to be a clean, quiet community. Since we have built this community the property values have only increased.

5.) a.)

i. We feel that denying these additional units would create unnecessary hardship because we would not be able to build additional units yet we have plenty of available land to do so. It could also create unnecessary hardship for the elderly people who are hoping to stay in town or live near their children.

ii. This proposed use is a reasonable one because people who are familiar with our property know what to expect: a quiet, clean, well maintained, rural community. We also have an additional 12.65 acres and with the minimum open space 10:1 ratio, we have at least 1.27 acres for development. Our proposed building will only occupy approximately .58 of these acres.

b.) We are unable to change the road frontage and it was already approved as is. This is the minimal variance we can request. We already have 622 ft. of road frontage, almost two-thirds of frontage in this ordinance. Other 55+ units in town only have 190 ft. of road frontage. There have not been any problems or complaints. We feel our initial variance should follow the property.



200 feet Abutters List Report

Epsom, NH
March 12, 2024

16 x \$13.00 = \$603.00 ←
↳ 208 + 395 =

Subject Property:

Parcel Number: 000U14-000030-000000
CAMA Number: 000U14-000030-000000
Property Address: 1168 SHORT FALLS ROAD

Mailing Address: SUNRISE VIEW LEASING, LLC
2 SUNSET LANE
DEERFIELD, NH 03037

Abutters:

Parcel Number: 000U14-000023-000000
CAMA Number: 000U14-000023-000000
Property Address: RIVER ROAD

Mailing Address: YEATON FAMILY LND PRESERVATION
AND MANAGEMENT TRUST
546 SUNCOOK VALLEY HWY
EPSOM, NH 03234

Parcel Number: 000U14-000023-000001
CAMA Number: 000U14-000023-000001
Property Address: RIVER ROAD

Mailing Address: YEATON FAMILY LND PRESERVATION
AND MANAGEMENT TRUST
546 SUNCOOK VALLEY HWY
EPSOM, NH 03234

Parcel Number: 000U14-000024-000000
CAMA Number: 000U14-000024-000000
Property Address: 50 RIVER ROAD

Mailing Address: GELINAS FAMILY TRUST CLAIRE
RACINE, TRUSTEE
80 RIDGEWOOD CIRCLE
EPSOM, NH 03234

Parcel Number: 000U14-000025-000000
CAMA Number: 000U14-000025-000000
Property Address: 38 RIVER ROAD

Mailing Address: MASSICOTTE, JASON E MASSICOTTE,
BONNIE J.
38 RIVER ROAD
EPSOM, NH 03234

Parcel Number: 000U14-000026-000000
CAMA Number: 000U14-000026-000000
Property Address: 18 RIVER ROAD

Mailing Address: MASSEY JENNIFER LYNN MASSEY
PHILIP E
18 RIVER ROAD
EPSOM, NH 03234

Parcel Number: 000U14-000028-000000
CAMA Number: 000U14-000028-000000
Property Address: SHORT FALLS ROAD

Mailing Address: EPSOM, TOWN OF
1598 DOVER ROAD
EPSOM, NH 03234

Parcel Number: 000U14-000028-00000A
CAMA Number: 000U14-000028-00000A
Property Address: SHORT FALLS ROAD

Mailing Address: NEW HAMPSHIRE, STATE OF
P.O. BOX 483
CONCORD, NH 03302

Parcel Number: 000U14-000028-00000B
CAMA Number: 000U14-000028-00000B
Property Address: SHORT FALLS ROAD

Mailing Address: EVERGREEN LODGE #53
P.O. BOX 505
EPSOM, NH 03234

Parcel Number: 000U14-000029-000000
CAMA Number: 000U14-000029-000000
Property Address: 1180 SHORT FALLS ROAD

Mailing Address: PETERS, MARK D, CO-TRUSTEE
PETERS, LYNETTE C, CO-TRUSTEE
1180 SHORT FALLS RD.
EPSOM, NH 03234

Parcel Number: 000U14-000031-000000
CAMA Number: 000U14-000031-000000
Property Address: 1152 SHORT FALLS ROAD

Mailing Address: THE DEBORAH A WEAD TRUST OF 20
1152 SHORT FALLS ROAD
EPSOM, NH 03234



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200 feet Abutters List Report

Epsom, NH
March 12, 2024

Parcel Number: 000U14-000032-000000
CAMA Number: 000U14-000032-000000
Property Address: SHORT FALLS ROAD

Mailing Address: YEATON, MICHAEL F ET AL
1103 SHORT FALLS ROAD
EPSOM, NH 03234

Parcel Number: 000U14-000032-000001
CAMA Number: 000U14-000032-000001
Property Address: 1147 SHORT FALLS ROAD

Mailing Address: WARNER, STEVEN J
1147 SHORT FALLS ROAD
EPSOM, NH 03234

Parcel Number: 000U15-000001-000000
CAMA Number: 000U15-000001-000000
Property Address: 1142 SHORT FALLS ROAD

Mailing Address: MERRILL, STEVE A (DECEASED)
MERRILL, AMY B
1142 SHORT FALLS ROAD
EPSOM, NH 03234

Parcel Number: 000U15-000002-000000
CAMA Number: 000U15-000002-000000
Property Address: 1140 SHORT FALLS ROAD

Mailing Address: BRIGGS, MELISSA A
1140 SHORT FALLS ROAD
EPSOM, NH 03234

Parcel Number: 000U15-000004-00000A
CAMA Number: 000U15-000004-00000A
Property Address: SHORT FALLS ROAD

Mailing Address: BRIGGS, MARYANN C., TRUSTEE THE
MARYANN C BRIGGS REVOCABLE
1136 SHORT FALLS ROAD
EPSOM, NH 03234

Parcel Number: 000U15-000033-000000
CAMA Number: 000U15-000033-000000
Property Address: 1141 SHORT FALLS ROAD

Mailing Address: WATSON, PARK D WATSON, VICKI L
1141 SHORT FALLS ROAD
EPSOM, NH 03234



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3/12/2024

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