

**TOWN OF EPSOM  
ZONING BOARD OF ADJUSTMENT MEETING  
Old Meetinghouse, 1596 Dover Road, Epsom  
April 5, 2023, 7:00PM**

**PRESENT**

Glenn Horner, Chair  
Ryan Kehoe, Vice Chair  
Andrew Ramsdell, Member  
Gary Kitson, Member  
Alan Quimby, Member  
Lisa Thorne, Alternate Member  
Jason Johnson, Alternate Member

Prescott Towle, Member – excused absence

**ALSO PRESENT**

Jennifer Riel, Recording Secretary  
Virginia Drew, Board of Selectman Representative  
Justin Guth, Assistant Zoning Compliance Officer  
Gary Pagano, applicant  
Ricky Patel, applicant  
Joseph Wichert, representative for applicant  
Betty Anne Audet, resident  
Tom Lambert, resident  
Lyla Boylan

**CALL TO ORDER**

Chair Horner called the meeting to order at 7:00PM.

Introductions were made of the Board members present.

**APPROVAL OF MINUTES**

Meeting of December 21, 2022 – Edits were made. **Mr. Quimby made a motion to approve the minutes as amended. Mr. Kehoe seconded the motion. Motion passed, 4-0-1.** Mr. Kitson abstained.

***Case 2023-01 (Pagano – SE) - Gary Pagano has applied for a Special Exception, as required by Article III, Section G, Paragraph 1.e.vii, to construct an accessory dwelling unit (ADU) in the attached 2 car garage. The property is located on Griffin Road within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map R9 as Lot 53-7.***

Chair Horner confirmed abutters were notified and the public notice posted at the Town Offices, Post Office and in *The Concord Monitor*. He stated only two of the eight certified mail receipts

were received; the following were not received: David Stewart, Town of Epsom, Christopher Simpson, Joseph Wichert , and Daniel O'Donnell.

The public notice was read into the record.

Chair Horner opened the public hearing at 7:10PM.

Joseph Wichert, representative for the applicant, stated he is working with the applicant for land surveying and septic design. He noted there was a type on the application and the correction was made. Mr. Wichert stated the parcel is 5.5 acres, the applicant's residence with an attached garage, are on the property. The intent is to convert the garage into an accessory dwelling unit for Mr. Pagano's mother-in-law who is aging and wants to be closer to family members. He stated down the road, Mr. Pagano may move in to the ADU if needed. Mr. Wichert stated the property is zoned residential/agricultural and ADUs are permitted by right, with a special exception. The ADU would be 480 square feet and a single bedroom; the only change to the exterior of the building will be the removal of the garage doors and filled with windows. There is a gravel parking area near the garage. Mr. Wichert stated a permit was obtained for a new garage, but construction has not been started. He stated per the criteria for an ADU, the design will allow for the applicant's mother-in-law to have a safe place to live. He stated the use will not impair the neighborhood and the only physical change is closing off the two west side garage doors and there won't be an affect to the neighborhood. He stated property values in the area will not be affected; he stated typically when an ADU is added, there is an increase in the value of the property and does not bring down the value of surrounding properties. Mr. Wichert stated the primary use is the residence, that is not changing, and, in this instance, there won't be an increase in traffic as the proposed resident does not drive. He stated the proposed used doesn't require additional facilities; he stated the ADU will have a septic system which they will apply for a permit with the NH DES after receipt of a special exception. He stated a design has been done to allow for the additional bedroom but there is no problem with the existing system; he confirmed the existing system is a NH DES approved system.

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

Lisa Thorne, abutter, stated they are in support of the proposal.

David Stewart, abutter, stated he is also in support of the proposal.

Ellen O'Donnell, abutter, stated she is in support of the proposal.

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

Chair Horner closed the public hearing at 7:28PM.

**Mr. Kitson motioned to close the hearing. Mr. Kehoe seconded the motion. Motion passed, 5-0-0.**

### ***Discussion – Special Exception***

*After reviewing the petition, hearing all of the evidence and taking into consideration the personal knowledge of the property in question, the general conditions of a special exception are evaluated as follows:*

- 1. A complete plan for the proposed development shall be submitted showing location of all buildings, parking areas, access, open space, landscaping and any other pertinent information. Such plan has been submitted to the satisfaction of the board. YES*
- 2. The requested use is essential or desirable to the public convenience or general welfare. YES*
- 3. The requested use will not impair the integrity or character of the immediate or adjoining areas. YES*
- 4. The 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. YES*
- 5. No factual evidence is found that property values in the area will be adversely effected by such use. YES*
- 6. No undue traffic, nuisance or unreasonable hazard will result because of the requested use. YES*
- 7. Adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use. YES*
- 8. All valid objections presented at the public hearing are given full consideration. YES*
- 9. The proposed use has an adequate water supply and sewerage system, and meets all applicable requirements of the State. YES*

**Mr. Kehoe motioned to approve the request for a Special Exception per Article III, Section G, Paragraph 1.e.vii, to construct an accessory dwelling unit (ADU) in the attached 2 car garage. The property is located on Griffin Road within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map R9 as Lot 53-7, based on both the proposal's adherence to the Single Family ADU zoning ordinance and verification that the written responses contained in the appeal application, and supported by testimony, satisfy the requirements for a Special Exception, with the following conditions:**

- All ADU requirements contained in the Epsom Zoning Ordinances shall be observed and adhered to by the property owner.*
- The new septic system design intended to accommodate the additional loading of the ADU shall be approved through the New Hampshire Department of*

***Environmental Services and the approval verified by the Zoning Compliance Officer prior to issuing a building permit for the ADU.***

- ***Following construction of the ADU, the existing septic system may continue to be utilized. Should the existing system fail, or otherwise need to be repaired, it shall be replaced by the new septic system designed and approved through NH DES.***

**Mr. Quimby seconded the motion. Motion passed, 5-0-0.**

***Case 2023-02 (Patel – Var) - Vipulkumar (Ricky) Patel, has applied for a Variance to Article III, Section M (Signs), paragraphs 1 (Size) and 1b (lighting) to permit a 15.5 sq. ft. sign, a portion of which is digital (digital signs are not permitted). The property is located on Dover Road (Rte 4) within the Residential/Commercial Zone and is identified by Epsom Tax Map U-5 as Lot 29.***

Chair Horner confirmed abutters were notified and the public notice posted at the Town Offices, Post Office and in *The Concord Monitor*. He stated certified mail receipts were not received back from 901 Suncook LLC, Larrabee Commons, Tro Property 1 LLC, James Alexander, CFUA Realty Trust, and AVL Epsom.

The public notice was read into the record.

Chair Horner opened the public hearing at 7:40PM.

Mr. Patel stated they are removing the old, manual change sign, which was 32” by 70” and the new sign is about 20.5 square inches smaller. He stated the new sign will be easier to see and more attractive. He stated the new sign will not be as bright as the existing; it will only be the sign itself instead of the whole area; the intent is to protect the public from flashing and moving displays and this sign will not flash or move. Mr. Patel stated the square footage is being reduced; it will be a non-glare LED light which is 75% less bright than the existing sign with a clearer image and the existing sign needs replacement due to its age. He stated the proposed use is reasonable as there are similar signs in the area.

Chair Horner confirmed the new sign has already been installed. Mr. Patel confirmed it was installed in October; he explained he asked the sign installer to pull the permit, but he was not aware a variance was needed until he was informed by the Zoning Compliance Officer about a month ago.

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

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

Betty Anne Audet, abutter, stated the sign is very bright and it is lit up 24 hours a day; she stated it shines right into her home and all you seen coming down the hill is the big red sign. It was noted the previous sign was fluorescent and there was no problem with. Mr. Ramsdell questioned

if the light could be dimmed or shut down when the pumps are closed. Mr. Patel stated he could have the lights shut off during closed hours and he will ask the sign installer if it can be dimmed. Chair Horner stated that per the application, there are less lumens being emitted. Mr. Patel stated his sign is similar to the other signs in the area and dimmer; he stated the company, Watchfire, is a well-known company in the sign industry for gas stations. He stated the colors cannot be changed and confirmed the information doesn't change but will do what he can to lower the intensity if possible.

David Stewart, resident, suggested asking the sign company information regarding industry standards for brightness.

Mr. Ramsdell suggested the location or direction of the sign could be changed, however, the problem is that its already been installed.

Mr. Guth suggested continuing the hearing so he can work with Mr. Patel and the sign company to try to work out the concerns by the abutter; he stated he believes any limitations on lumens at this point is a bad idea. He suggested that for the time being, Mr. Patel shut the sign off when the business is closed. The Board agreed.

**Mr. Kitson motioned to continue the public hearing for Case #2023-02 to May 3, 2023, 7:00PM. Mr. Kehoe seconded the motion. Motion passed, 5-0-0.**

#### **ADJOURN**

Chair Horner adjourned the meeting at 8:30PM.

Respectfully Submitted,



Jennifer Riel, Recording Secretary