

**TOWN OF EPSOM
ZONING BOARD OF ADJUSTMENT MEETING
Epsom Central School, Epsom, New Hampshire
August 2, 2023, 7:00 PM**

PRESENT

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

ALSO PRESENT

Jennifer Riel, Recording Secretary
Virginia Drew, Board of Selectman Representative
Justin Guth, Zoning Compliance Officer
Meadow Wysocki
Christopher Gagne, applicant
Mariam Cahill-Yeaton
Norm Yeaton
Steven Rhodes, applicant
Patricia Rhodes, applicant
Shawn Dunphy, Esq.
Rob Topik
Mike Keeler
Karen Keeler
Harvey Avery
Barbara Avery
Keri Adams-Gagne

CALL TO ORDER

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

Introductions were made of the Board members present.

Chair Horner turned over the meeting to Vice Chair Kehoe.

Vice Chair Kehoe asked Mr. Johnson and Mr. Ramsdell to sit on the Board for this case.

Case 2023-08 (Gagne-SE) - *Christopher Gagne has applied for a Special Exception, as required by Article III, Section G, Paragraph 1.e.vii, to construct an overhead accessory dwelling unit (ADU) in the attached 3 car garage. The property is located on Goboro Road within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map U08 as*

Lot 80-4. Public testimony will be considered in determining if sufficient evidence has been submitted to justify granting this zoning appeal.

Vice Chair Kehoe confirmed public notices were posted at the Town Offices, Post Office, and published in *The Concord Monitor*; all abutters were notified by certified letters. Return receipts were not returned from the Webbs.

The public notice was read into the record.

Vice Chair Kehoe opened the public hearing at 7:05 PM.

Christopher Gagne, applicant, stated he received a permit a year ago to build a garage with an accessory dwelling unit; he stated he misunderstood the renewal deadline and was informed at that time he needs a Special Exception. Mr. Gagne confirmed the structure is conforming; it meets the setbacks and is not encroaching on nearby wetlands.

Chair Horner asked if the wetlands were discussed with the Zoning Compliance Officer. Mr. Gagne stated a runoff between his lot and a neighboring lot was found by the surveyor; after discussing this with the State of New Hampshire Department of Environmental Services, there is no issue as it is not wetlands but a drainage runoff. He stated when the weather is dry, its only a grassy area. Mr. Gagne stated everyone agreed at that time that there are no concerns with the Zoning Compliance Officer; he stated he did all he could to comply with the rules. Mr. Ramsdell asked if there is any documentation from NH DES. Mr. Gagne stated there is not but he can obtain it.

Justin Guth, Zoning Compliance Officer, stated he didn't talk to Scott Lacroix regarding this case and he did some research when Mr. Gagne came in to renew the permit. He stated he reviewed the site and rearranged some items on the plan to keep the ADU within the square footage limits. Mr. Guth stated when he was on site, the runoff area was bone dry; it is only wet when it rains. Mr. Gagne stated a wetland scientist has walked the lot and marked the wetlands which are not in this area. Mr. Guth stated Mr. Gagne has done everything he is supposed to and the mistakes were made by the previous ZCO; he stated he does not see an issue with the garage or the ADU and it will not have any effect on abutting properties. He confirmed this is very far from the abutting property line and nowhere near the wetlands on the property.

Chair Horner noted the ordinance requires that any building be set back 50 feet from any wetlands per NH DES; he suggested a variance is needed in this instance. Mr. Gagne stated he did everything by the rules when he originally obtained the building permit; he stated the garage is now built where he was told he could do so.

The Board discussed if the ADU or the garage is within the wetland setback. Chair Horner stated he believes a public hearing needs to be re-advertised for a variance; he clarified this should be at no cost to the applicant. Mr. Guth clarified the Variance would be needed prior to a Special Exception.

After discussion, the Board agreed to have the applicant withdraw the application and have a new public hearing with both the Variance and Special Exception. The applicant agreed.

MOTION: To close the public hearing. Motion by Ms. Thorne. Second by Mr. Ramsdell. Motion passed 6-0-0.

Mr. Kitson joined the meeting at 7:25 PM.

Chair Horner recused himself from the following case.

Case 2023-06 (Topik-AA) – *Attorneys Bisson and Dunphy, on behalf of Steve and Patricia Rhodes, have requested the Board of Adjustment reconsider its July 5, 2023 decision to overturn the Planning Board's May 10, 2023 decision that a proposed Federal Firearms Licensed gun and sporting goods business was permitted as a home occupation in the Residential/Agricultural Zone in accordance with the Epsom Zoning Ordinances. The property is located on Lena Lane within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map R01 Lot 30-26. Public testimony will not be taken during deliberation of this rehearing request.*

Vice Chair Kehoe stated the members deliberating this case would be Mr. Ramsdell, Mr. Kitson, Vice Chair Kehoe, Mr. Johnson, and Ms. Thorne.

The Board reviewed the request to rehear Case 2023-06.

Vice Chair Kehoe stated the reasons for rehearing are not strong, particularly with incorrect accusations such as Ms. Riel lying during the case. He stated Ms. Riel did not make any comments during the case. Vice Chair Kehoe stated there was an accusation that there was a predetermined decision and on that item, he believes it would be fair to the public to rehear the case.

MOTION: To grant the request to rehear Case 2023-006. Motion by Vice Chair Kehoe. Second by Mr. Ramsdell. Motion passed 5-0-0.

APPROVAL OF MINUTES

Meeting of July 5, 2023 – Edits were made.

MOTION: To approve the minutes as amended. Motion by Mr. Kitson. Second by Ms. Thorne. Motion passed 5-0-0.

Vice Chair Kehoe stated the rehearing for Case 2023-wat06 will be held August 30, 2023 at 7:00 PM at the Epsom Central School cafeteria.

ADJOURN

Vice Chair Kehoe adjourned the meeting at 7:35 PM.

Respectfully Submitted,

Jennifer Riel
Jennifer Riel, Recording Secretary