

**TOWN OF EPSOM
ZONING BOARD OF ADJUSTMENT MEETING
Epsom Public Library, Epsom, New Hampshire
September 6, 2023, 7:00 PM**

PRESENT

Glenn Horner, Chair
Ryan Kehoe, Vice Chair
Alan Quimby, Member
Prescott Towle, Alternate Member
Jason Johnson, Alternate Member

ALSO PRESENT

Jennifer Riel, Recording Secretary
Virginia Drew, Board of Selectman Representative
Justin Guth, Zoning Compliance Officer
Denise Badger, applicant
Malcom Dean, applicant
Colleen Dean
Ralph Dean
Sherry Dean
Rob Topik, resident

CALL TO ORDER

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

Introductions were made of the Board members present. Vice Chair Kehoe asked Mr. Johnson and Mr. Towle to sit on the Board as full members for this meeting.

APPROVAL OF MINUTES

Meeting of August 30, 2023 – Edits were made.

MOTION: To approve the minutes as amended. Motion by Mr. Towle. Second by Mr. Quimby. Motion passed, 4-0-0.

PUBLIC HEARING Case 2023-10 (Dean - SE) – *Malcom Dean has applied for a Special Exception, as required by Article III, Section G, Paragraph 1.e.vii, to convert an existing 2 car garage attached to a single family residence into an accessory dwelling unit (ADU). The property is located on Ridgewood Circle within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map U04 as Lot 43-13.*

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 and the Post Office; certified letters were sent to abutters and all receipts were returned.

Chair Horner opened the public hearing at 7:08 PM.

Dean Malcom stated they want to turn the existing two-car garage into an accessory dwelling unit for his parents; he stated they currently spend the winters in Florida but plan to live here during the summer. Chair Horner explained the unit does not necessarily need to be occupied by family members. The Board reviewed the plans presented. Chair Horner asked for clarification of the plans with regard to the dimensions. Mr. Malcom stated the new garage which they propose to add to replace the existing garage space, would be offset which would allow access through a hallway to the existing house. Vice Kehoe noted there need to be approved plans on file for a larger septic system, in the event the current system fails; he stated the current home has three bedrooms, and a four-bedroom design is needed.

Mr. Guth confirmed the current system was approved in 1982 and was a three-bedroom design.

Chair Horner went through the application checklist and confirmed the plans for the building as well as the parking meet the criteria for an ADU; however, plans are needed for a new and larger septic plan, approved by the State of NH DES. Chair Horner outlined the septic system requirements per the Ordinance and NH RSA 485-A and confirmed that NH DES-approved plans for an additional bedroom septic system is required.

It was noted the property is on the Town water supply so a review by the Water Commission is needed.

Chair Horner opened the hearing to input from abutters in favor of the proposal. None was indicated.

Chair Horner opened the hearing to input from abutters in opposition of the proposal. None was indicated.

Chair Horner opened the hearing to input from the public. None were indicated.

The public hearing was closed at 7:28 PM.

The Board went through the Special Exception Checklist:

Special Exception Discussion

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**

MOTION: To grant the request for a Special Exception for – Malcom Dean has applied for a Special Exception, as required by Article III, Section G, Paragraph 1.e.vii, to convert an existing 2-car garage attached to a single-family residence into an accessory dwelling unit (ADU). The property is located on Ridgewood Circle within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map U04 as Lot 43-13, with the following conditions:

1. A new septic system design, 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 Zoning Compliance Permit for construction of the ADU.

2. Following construction of the ADU, the existing septic system may continue to be used. Should the existing system fail, or otherwise need to be repaired, it shall be replaced by the newly designed and approved septic system.

3. The Village Water District (Kevin Reeves, Chair) shall be contacted to determine what steps need to be taken to accommodate the additional town water usage by the ADU.

Motion by Mr. Quimby. Second by Mr. Towle. Motion passed 5-0-0.

PUBLIC HEARING – Case 2023-09 (Badger - SE) - Denise Badger has applied for a Special Exception, as required by Article III, Section G, Paragraph 1.e.vii, to include an accessory dwelling unit (ADU) in an existing single-family residence. The property is located on Lord's

Mill Road within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map U01 as Lot 14.

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 and the Post Office; certified letters were sent to abutters and all except two receipts were returned: Charles and Phillip Yeaton, Ronald and Lynn Blaise.

Denise Badger, applicant, stated she wants to change part of her existing house to an ADU; she stated it will only involve moving and adding some doors, as well as windows; there won't be any additional structure built. She confirmed she has a three-bedroom septic design and Mr. Guth confirmed its on file with the town as well. Ms. Badger confirmed there will not be any bedrooms added but will only be making changes to the floor plan. She stated she would occupy one side and plans to rent the other side. The Board reviewed the plans presented; it was confirmed the existing house is three bedrooms and it will remain three bedrooms.

Chair Horner opened the hearing to input from abutters in favor of the proposal. None was indicated.

Chair Horner opened the hearing to input from abutters in opposition to the proposal. None was indicated.

Chair Horner opened the hearing to input from the public. None were indicated.

The public hearing was closed at 7:49 PM.

The Board went through the Special Exception Checklist:

Special Exception Discussion

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**

MOTION: To grant the request for a Special Exception for Case 2023-09 (Badger - SE) - Denise Badger has applied for a Special Exception, as required by Article III, Section G, Paragraph 1.e.vii, to include an accessory dwelling unit (ADU) in an existing single-family residence. The property is located on Lord's Mill Road within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map U01 as Lot 14 with the following condition:

- *All ADU requirements contained in the Epsom Zoning Ordinances, including owner occupancy, shall be observed and adhered to by the property owner.*

Motion by Vice Chair Kehoe. Second by Mr. Quimby. Motion passed 5-0-0.

Other

Chair Horner stated he attended the recent Economic Development Committee meeting and there was discussion about ensuring the Planning Board and Zoning Board of Adjustment to work together on current issues. He stated Vincent Pagano, from the Central New Hampshire Regional Planning Commission offered to come to a ZBA meeting to explain the concepts of the committee as well as the economic revitalization zones.

ADJOURN: Motion by Mr. Johnson. Second by Mr. Quimby. Motion passed, 5-0-0.

The meeting was adjourned at 8:19 PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary