

**TOWN OF EPSOM
ZONING BOARD OF ADJUSTMENT MEETING
Epsom Central School Cafeteria, 282 Black Hall Road, Epsom, New Hampshire
January 3, 2024, 6:30 PM**

PRESENT

Glenn Horner, Chair
Jason Johnson, Member
Gary Kitson, Member
Roger Rheume, Alternate Member
Gary Matteson, Alternate Member
Lyla Boyajian, Alternate Member

ALSO PRESENT

Jennifer Riel, Recording Secretary
Justin Guth, Zoning Compliance Officer
Bob McKechnie, resident
Meadow Wysocki, resident
Virginia Drew, Board of Selectman Representative
Clark Patterson, applicant
Joe Coronati, Jones and Beach Engineers
James Lanoue, abutter
Mike Shumway, abutter

CALL TO ORDER

Chair Horner called the meeting to order at 6:30 PM.

Introductions were made of the Board members. Chair Horner asked Mr. Rheume and Mr. Matteson to sit on the Board as full members for this meeting.

APPROVAL OF MINUTES

Meeting of December 20, 2023 – Edits were made. **MOTION: To approve the minutes as amended. Motion by Mr. Kitson. Second by Mr. Matteson. Motion passed unanimously**

Case 2023-16 (Patterson – SE) - Sam Patterson, of Sam Patterson Real Estate Development, LLC has applied for a Special Exception, as required by Article II, Section C, Table of Uses #23, to construct a 36,000 ft² self-storage facility on approximately 4 acres of a 61 acre lot. The property is located on Dover Road within the Residential/ Commercial Zoning District and is identified on Epsom Tax Map U6, Lot 12. Public testimony will be considered in determining if sufficient evidence has been submitted to justify granting this zoning appeal.

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, the Town website, and the Post Office; certified letters were sent to abutters. Receipts were received from all abutters with the exception of Christopher Larson and Marriion Gage.

Chair Horner opened the public hearing at 6:40 PM.

Joe Coronati, Jones and Beach Engineers, representative for the applicant, stated this lot is currently vacant and has 260 feet of frontage on Dover Road and a couple thousand feet of frontage on Granny Howe Road; the lot is mixed with woodlands and wetlands. He presented maps and plans showing the lot and proposed development; he stated the proposal is for unheated storage units, all accessible from the outside. There will be a total of 36,000 square feet of storage space between all the single-story, prefabricated units. He stated there are some wetlands on the property which makes the property difficult to site for development. Mr. Coronati stated the beginning of the pavement area will be 312 feet back from Route 4; there will be a single curb cut from Route 4; there will be a sign at Route 4 and the property will be gated and fenced for security purposes. A NH DES Wetland and Alteration of Terrain permits will be required; NH DOT will also look at the traffic impact. It was confirmed that Granny Howe Road is a Class VI Road but there is adequate frontage on Route 4 for the development.

It was noted that a Site Plan would be recommended to the Planning Board.

Mr. Rheume asked if there would be any fire detectors. Mr. Coronati stated that is not typical for these types of structures; there is no heat, no electricity or utilities.

Mr. Johnson asked about details of the kiosk at the entrance. Mr. Coronati stated it will be unmanned, about 4 by 4 feet in size. Mr. Patterson stated most customers will use their phones for access. He also explained there are many rules for the types of items and products which can be stored in the units; no hazardous materials are permitted and there is no electricity in the units. There will be no plumbing on site so no need for a septic system.

Chair Horner asked about security. Mr. Patterson stated there will be security cameras and a gate at the entrance. There will also be security lighting; the lighting will be shining down. Mr. Patterson stated at their other facilities they have motion detection lighting. He stated there won't be any lighting around the outside perimeter of the buildings.

Mr. Johnson asked about the retention ponds and if those could be used by the Fire Department. Mr. Coronati stated those are quite far from the buildings but there is a possibility the Fire Department will require ponds or a cistern.

Mr. Rheume asked if there would be any privacy fencing. Mr. Coronati stated there are none proposed currently and explained the abutting properties to the east and west are residential, but the buildings have been designed and situated to shield the views.

Mr. Coronati went through the Special Exception Criteria: a complete plan has been submitted; the requested use is an essential one as the demand for elf storage remains high in this area; the requested use will sit back from Route 4 and will not be directly along the road way and provide a visual buffer; the use is low impact; the site is best suited for a business that does not need frontage on Route 4 which is impacted because of the wetlands; storage facilities are one of the lowest impact commercial uses that could go on this property; there are residential abutters with

larger parcels; there are many commercial properties that abut the property and have commercial businesses on them; the area is mixed use.

Mr. Johnson asked if the units will be built on or off site. Mr. Coronati stated they will be assembled on site.

Chair Horner opened the hearing to input from the public in favor of the application. None were indicated.

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

James Lanoue, abutter, stated he has several concerns including about the lighting; he would like to see a berm or privacy fencing to maintain the privacy he has had at his property since he bought it many years ago. He stated he has been considering selling his property and his realtor advised that property values could be diminished by as much as 35%. Mr. Lanoue questioned why there wouldn't be any bathrooms and thinks there should be one on site. He stated he is very concerned about the view from his back deck that will be looking directly at the units.

Mr. Coronati stated the fencing and landscaping are items that will be considered by the Planning Board, but they are happy to look towards the site from Mr. Lanoue's property. He stated they won't do all the design work until they know approvals can be obtained from the Town, but he doesn't see why they can't do things to buffer the single story development. Mr. Coronati stated this is a mixed zone so it's tough with residential and commercial uses being allowed; he stated there are many commercial permitted uses. He stated it's consistent with what is in the area, noting there is a storage facility across the road on Route 4.

Mr. Lanoue asked the hours of operation. Chair Horner stated that will be covered by the Planning Board. Mr. Patterson stated typically they offer open access.

Mike Shumway, abutter, stated he is concerned about lighting and fencing. Mr. Coronati stated all those details will be done for the Planning Board.

Ms. Boyajian asked if there is any data or information about how the other storage facilities in the area impact property values. Chair Horner stated they consider the evidence presented by the applicants or abutters.

Chair Horner suggested they discuss proposed conditions for approval. Mr. Matteson stated the use is permitted by Special Exception and doesn't believe conditions should be necessary. Chair Horner noted conditions have been placed on Special Exceptions for decades and presented advice from Town Counsel in support of placing conditions.

MOTION: To close the public hearing. Motion by Mr. Johnson. Second by Mr. Rheume. Motion passed unanimously.

The public hearing was closed at 7:37 PM.

Chair Horner asked the Board if they have any questions about property values. Mr. Johnson stated the residential property abuts commercial property and they need to compare the other options for commercial development; he stated as far as the possibilities go, the proposed business has minimal impact, and he doesn't see an issue. Mr. Matteson stated there are other adjacent properties which are zoned commercial and also operating businesses.

Findings of Fact

1. All Special Exception criteria have been adequately addressed by the applicant's representatives;
2. Based on the low impact nature of the business and that other similar businesses are currently located in the immediate area, there will be no diminution in surrounding property values;
3. Abutters concerns will be addressed by approval conditions including specific recommendations to the Planning Board.

The Board went through the Special Exception Worksheet.

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 Sam Patterson, of Sam Patterson Real Estate Development, LLC as required by Article II, Section C, Table of Uses #23, to construct a 36,000 square foot self-storage facility on approximately 4 acres of a 61 acre lot. The property is located on Dover Road within the Residential/ Commercial Zoning District and is identified on Epsom Tax Map U6, Lot 12, with the following conditions:

1. *All buildings shall be constructed and maintained a minimum of 50 feet from existing wetlands as defined by the New Hampshire Department of Environmental Services;*
2. *The impact of driveway construction on existing wetlands shall be reviewed and approved by the New Hampshire Department of Environmental Services. The approval to include obtaining an alteration of terrain permit as necessary;*
3. *The facility access driveway off Dover Road shall be reviewed and approved by the New Hampshire Department of Transportation;*
4. *Natural vegetation shall be retained, to the maximum extent practical, during and following development of the property;*
5. *The following abutter's concerns are recommended to be addressed as a part of the Non-Residential Site Plan review:*
 - a. *Fencing of the facility;*
 - b. *Downward directional and motion sensing lighting;*
 - c. *A privacy berm/screening of east and west neighboring properties to further minimize impact on the existing residential dwellings;*
6. *In accordance with Epsom Zoning Ordinance Article III.I, the property owner/applicant shall comply with these Ordinances and the Town of Epsom Site Plan Regulations to the satisfaction of the Planning Board;*
7. *All representations for the intended use by the applicant's representatives presented during the public hearing, and included in the minutes, are included in this decision of approval.*

Motion by Mr. Johnson. Second by Mr. Rheaume. Motion passed unanimously.

OTHER

The Board discussed setting up a meeting with Town Counsel prior to the public hearing of January 17.

The Board discussed whether conditions can be placed on approvals of Special Exceptions. Mr. Johnson stated he would like to see more information that shows statutory authority which gives the Board ability to do so. Mr. Matteson suggested the New Hampshire Municipal Association

may be able to provide more guidance. Chair Horner stated a letter was received from Town Counsel on December 27, 2023 in response to the question of whether conditions can be placed on Special Exception approvals; the response indicated conditions can be placed but must be relative to the criteria. He went on to discuss , in detail, the importance of setting conditions in decisions as outlined in the NH Department of Business and Economic Affairs Zoning Board Handbook.

The meeting was adjourned at 8:30 PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary