

**TOWN OF EPSOM  
ZONING BOARD OF ADJUSTMENT MEETING  
Epsom Town Offices Meeting Room  
October 19, 2022, 7:00PM**

**PRESENT**

Glenn Horner, Chair  
Ryan Kehoe, Vice Chair  
Andrew Ramsdell, Member  
Gary Kitson, Member  
Prescott Towle, Member

**ALSO PRESENT**

Jennifer Riel, Recording Secretary  
Brian Douglas, applicant  
Louis Natsis, applicant  
Georgia Natsis  
Virginia Drew, Board of Selectmen Representative  
Brianna Douglas  
Alyssa Douglas  
Austin Knightley  
Scott Frankiewicz, New Hampshire Land Consultants

**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 August 17, 2022 – The minutes were reviewed. **Mr. Kitson made a motion to approve the minutes as amended. Mr. Kehoe seconded the motion. Motion passed, 4-0-1.** Mr. Ramsdell abstained.

**Case 2022-06 (Douglas – Var.)** - *Brian Douglas has applied for a Variance to Article III, Section G, Paragraph 1.b to permit a subdivision which creates a lot with no public road frontage (200' required). The property is located on Old Turnpike Road within the Residential/Agricultural Zoning District and is identified on Epsom Tax Map U2 as Lot 2.*

Chair Horner read the public notice into the record. He confirmed the public notice was advertised at the Town Offices, post office and published in *The Concord Monitor*. He confirmed certified letters were sent to abutters and all return receipts were received.

Chair Horner opened the public hearing at 7:09PM.

Mr. Douglas stated he currently has 5.79 acres on Old Turnpike Road and White Birch Lane; his driveway has always been on a private road which has an easement for such. Mr. Douglas stated he wants to divide the lot in approximately half so there would be an approved lot next to Old Turnpike Road. He stated he would build a smaller house on the remaining lot; there would be access to it from White Birch Lane; due to steep inclines from Old Turnpike Road, access is not possible without a great deal of excavation. Mr. Douglas stated the driveway has been used for 22 years and established in 1969; he noted none of his abutting neighbors have driveway access on a publicly maintained road. He stated by dividing his property as proposed, there is an existing driveway for use; frontage on Old Turnpike Road would not benefit him or the Town in anyway. He stated there is no danger to the public with the current driveway being used. Mr. Douglas stated some trees have been taken down for access to the proposed second lot; he noted it is quite steep but will be graded down some. Mr. Douglas stated it makes the most sense to divide the property as proposed to make the most of his property; he stated his daughter and son-in-law will live in his current home and he will build a new home on the newly created lot. Mr. Douglas stated he consulted with his abutters and there are no objections.

Chair Horner asked if there is a road association. Mr. Douglas stated Mr. Rick Belanger was the previous owner of the road and maintained it; he stated he has discussed the proposal with the new owner of the private road and there are no concerns or objections to the proposal. Chair Horner suggested a reconfiguration which would allow access from Old Turnpike Road, and would also make the lot conforming with road frontage and acreage. Chair Horner stated no variance would be needed with this proposal. Mr. Douglas reviewed the reconfiguration and stated he has no opposition to the proposal. Chair Horner explained the next step will be for Mr. Douglas to go to the Planning Board for the subdivision approval.

Brianna Douglas asked what the “spirit” of the ordinance is for the 200’ frontage. Chair Horner stated the spirit is there to provide access to a Town maintained road; he stated it may not be rational for the usage, but the intent is to not create a situation where there is no frontage; he explained the ordinance is also considered whether it’s an unnecessary hardship and, in this case, there is configuration which allows frontage.

Austin Knightley, Mr. Douglas’ son-in-law, stated they would like to be able to purchase the new lot being created by Mr. Douglas; he stated he wants to be able to raise a family in a small town like Epsom.

Alyssa Douglas, Mr. Douglas’ daughter, stated she is in favor of the proposal; she stated she grew up in Epsom and wants to be able to share the small town experience with her future children as well as be near to her father.

**Mr. Kitson made a motion to continue the public hearing to November 16, 2022. Mr. Kehoe seconded the motion. Motion passed, 5-0-0.**

*Case 2022-07 (Natsis Properties, LLC – SE) - Louis Natsis has applied for a Special Exception per Article II [Zones and Districts], Section C [Table of Uses], Number 3, [Eating and Drinking Establishments] to open a commercial restaurant. A restaurant (Louie’s Pizza) had previously operated at this location however no record of a prior approval could be found. The*

*property is located on Dover Road (Rte. 4) within the Residential/Commercial Zoning District and is identified on Epsom Tax Map U-1 as Lot 17-2.*

Chair Horner read the public notice into the record. He confirmed the public notice was advertised at the Town Offices, post office and published in *The Concord Monitor*. He confirmed certified letters were sent to abutters and return receipts were received.

Chair Horner opened the public hearing at 7:59PM.

Scott Frankiewicz, New Hampshire Land Consultants, representative for the property owners, stated at the direction of the past Building Inspector, they were instructed to come for a special exception due to the business being closed more than a year. Chair Horner asked if a citation was provided for that direction; he stated the only instance for the one-year limitation is when a lot is nonconforming however this lot is conforming. Chair Horner stated information was presented which indicates the business was approved when the ordinances were different; he stated at this point it seems to be appropriate to go with a Special Exception in order for the business to move forward.

Mr. Frankiewicz stated the business was in operation for 30 years; shut down in 2018 for family issues and then due to COVID, remained closed. He stated the septic and well are approved by the State of New Hampshire and was functioning with no issues when closed in 2018.

Mr. Frankiewicz stated approval will allow the owners to reopen a long time business in town; it will not change the character of the area as there was previously a business for 30 years; the site is appropriate for the proposed use. The plan is to reopen the business as it operated in the past; property values will not be impacted but it can become a thriving business as it once was. The restaurant was open for many years with no unreasonable traffic or hazard and that won't change with reopening; proper facilities are in place currently and no issues are anticipated with reopening the restaurant. The proposed use meets all requirements of the State with the well and septic.

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

Chair Horner asked the hours of operation. Mr. Natsis stated the hours will be 11:00AM to 8:00PM; he stated they plan to have a family friendly business; limited beer and wine will be available. There won't be a bar area.

**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. Kitson motioned to approve the request for a Special Exception per Article II [Zones and Districts], Section C [Table of Uses], Number 3, [Eating and Drinking Establishments] to open a commercial restaurant. The property is located on Dover Road (Rte. 4) within the Residential/Commercial Zoning District and is identified on Epsom Tax Map U-1 as Lot 17-2. Mr. Kehoe seconded the motion. Motion passed, 5-0-0.**

**ADJOURN**

Chair Horner adjourned the meeting at 8:35PM.

Respectfully Submitted,

*Jennifer Riel*

Jennifer Riel, Recording Secretary