

**TOWN OF EPSOM
ZONING BOARD OF ADJUSTMENT MEETING
Epsom Town Offices Meeting Room
November 23, 2022, 6:30PM**

PRESENT

Glenn Horner, Zoning Board of Adjustment Chair
Alan Quimby, Zoning Board of Adjustment Member
Gary Kitson, Zoning Board of Adjustment Member
Prescott Towle, Zoning Board of Adjustment Member
Ryan Kehoe, Zoning Board of Adjustment Vice Chair
Andrew Ramsdell, Zoning Board of Adjustment Member

ALSO PRESENT

Jennifer Riel, Recording Secretary
Kathy DesRoches, Planning Board Chair
Bob McKechnie, Planning Board Vice Chair
Cheryl Gilpatrick, Planning Board, Board of Selectmen Representative
David Goulet, Planning Board Member
Dan McGuire, Planning Board Member
Miriam Cahill-Yeaton, Planning Board Member
Betsy Bosiak, Planning Board Member
Sean Heichlinger, Planning Board, Alternate Member
Brian Douglas, applicant
Virginia Drew, Board of Selectmen Representative
Brianna Douglas
Alyssa Douglas
Austin Knightley

CALL TO ORDER

APPROVAL OF MINUTES

Meeting of November 16, 2022 – No edits were made. **Mr. Towle motioned to approve. Mr. Kitson seconded. Mr. Kehoe abstained; Mr. Ramsdell abstained.**

Case 2022-06 (Douglas – Var.) [Continuance] - 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 reopened the public hearing at 7:10PM. He stated after the discussions by the Planning Board, the Planning Board by consensus is not in favor of the proposed subdivision. Mr. Kehoe stated that will create a hardship for the applicant.

Mr. Kitson stated he thinks this will set a bad precedent. Mr. Towle and Mr. Ramsdell agreed. Mr. Ramsdell stated he thinks there could be plans presented that would be acceptable to the Planning Board as well but it may be costly.

Chair Horner stated the applicant indicated at the last public hearing that the lot monument markers are costly and would be a hardship with the numerous points. Mr. Ramsdell stated he believes the lot can be divided to meet the Town requirements, but the downside might be the costs and access for the applicant, but it can be confirmed.

Mr. Douglas stated the Board seem to have a lot of concern about precedent however that has already been set; he outlined the numerous lots on White Birch Lane including a variance granted in 2009. Chair Horner stated that lot was for a business to be allowed in an illegally built house. He stated the Planning Board doesn't want an irregular lot but if the Zoning Board denies the variances, the Planning Board would have to approve the subdivision.

Mr. Douglas stated it has been established that White Birch Lane is in better condition than many other Town roads; he stated emergency vehicles will be able to access as needed and the road is well maintained for the businesses that exist on the road. He stated he has it in writing from the Road Agent, the Fire Captain and the owner of the private road, that there are no concerns with using the second driveway as access to the second lot. He stated his lot has never had access from Old Turnpike Road; he stated it seems the Town is making it difficult for him to use his property on the premise that they don't want to set precedent however, precedent has already been set with variances granted after zoning ordinance were established. He reiterated the frontage on Old Turnpike Road is no use to him and access across it is a hardship. He stated there is a need for housing in Epsom and he considered an accessory dwelling unit but that is not allowed by the Town either. Mr. Douglas stated they should be thinking about how to allow new houses in Town. Mr. Kehoe stated these decisions will last and they want to come to a mutual agreement.

Ms. Gilpatrick stated it was suggested that this opens it up to other private roads being developed; he stated those applicants would also have to prove hardship while this is a unique case. She stated it was indicated by Mr. Horner earlier that a variance was not granted because a hardship was not proven. Ms. Gilpatrick stated the Planning Board has now created a hardship which should be considered for the applicant. She stated each case has to be considered individually.

Mr. McKechnie stated they are running out of homes and young families are having a hard time getting homes; he stated any way they can find to expand, should be considered. He stated he understands the apprehension by granting variances, but each case has to be individualized and they need to do what is right for the Town, conforming to the regulations but also look at getting more homes and land for young people.

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

Mr. Douglas stated he has discussed this with many people in Town and no one understands the challenges being faced between the two boards; he stated it doesn't seem like a hard thing to grant what he is requesting, noting there is adequate acreage and adequate frontage.

Chair Horner closed the public hearing at 7:35PM.

Discussion - Variance to Article III, Section G, Paragraph 1.b

A. The variance will not be contrary to the public interest. YES

B. The variance is consistent with the spirit of the ordinance. YES

C. By granting the variance, substantial justice is done. YES

D. The proposed use will not diminish the value of surrounding properties. YES

E. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. For purposes of this criteria, "unnecessary hardship" means that, either: YES

Either: F.(1) Owing to special conditions of the property that distinguish it from other properties in the area: • No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and • The proposed use is a reasonable one. YES

Or: F.(2) Owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. NO

Mr. Quimby motioned to approve the request for a variance for Case 2022-06 (Douglas – Var.) [Continuance] - 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 with the following condition:

- 1. The approval is for construction of a single family residence only.**

Mr. Kitson seconded the motion. Motion passed, 6-0-0.

ADJOURN

Chair Horner adjourned the meeting at 7:40PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary