

ZBA  
Town of Epsom  
**Zoning Board of Adjustment**  
**10/03/18**

**In Attendance:** Glenn Horner, Chairman; George Carlson, Vice Chairman; Andrew Ramsdell, Member; Mike Hoisington, Planning Board Rep; Alan Quimby, Member; Mike Bussiere, Alternate; Leann Fuller, Recording Secretary

**Not In Attendance:** Gary Kitson, Alternate

**Also in Attendance:** Virginia Drew, Selectman; Jay Hickey, Zoning Compliance Officer; Peter Arvanitis; Suzanne Walsh, Tom Walsh, Derek Lavin, Michael Saucier, Adam Towne, Matthew Little, Joe Downey, Antoni Thel

**7:00 PM** Glenn called the meeting to order and introduced the members of the board.

The minutes of 09/05/18 were reviewed.

***Mike H. made a motion to approve the 09/05/18 meeting minutes as amended.  
Alan seconded the motion. All in favor.***

Glenn reviewed the procedure for the meeting.

**Case 2018-09 (Cobblestone Properties – SE)** - Adam Towne, on behalf of Cobblestone Properties, has applied for a special exception, as required by Article II, Section C, Table of Uses numbers 5 and 10, to establish an automotive sales and repair business. The property is located on Gauthier Drive within the Residential/ Commercial Zoning District and is identified on Epsom Tax Map U8, Lot 82-6.

Glenn advised that this public hearing was published in the Concord Monitor, posted at the Town Office & the Post Office and all abutters were notified by Certified Mail. All certified receipts were received back with the exception of Cobblestone Properties, GSD Properties Inc., William & Maryann Zirngiebel and Kezar RE Management, LLC.

Matthew Little introduced himself as the business owner and tenant for Unit C. His current business is Global Partners and he is expanding into shipping vehicles. He has filed his business with the State of NH. The business is called New Hampshire Motorsports. Both businesses will function together.

Glenn mentioned that the key to this proposal is the sales will be marketed remotely. This is more of an internet sales business and will not be marketed on location.

Matthew mentioned that his products are kept in the warehouse and the vehicles will be parked out back. There will be no sales to the public. There will be photographing, detailing, prepping and repairing of the vehicles but not open to the public.

George Carlson asked if Matthew would be buying from others.

Matthew said that he would be acquiring vehicles from auctions and private parties. He will be getting them locally.

Alan Quimby asked if when they are at his business location are they already sold?

Matthew answered yes. Occasionally, some people will fly in and look at the vehicles.

Glenn asked if there would be any repairs outside the building.

Matthew said there would be no outdoor repairs.

Glenn mentioned that minor repairs are ok outside. The other business that will be presented tonight plans on having hours of 9-5, Glenn asked if those hours would work for Matthew.

Matthew said that he must cover 37 ½ hours per the State.

Glenn asked about hazardous material and how it would be disposed of.

Matthew has contracted with Casella to dispose of any waste.

George asked if there would be any outside parking.

Matthew said there are no lines painted yet but the parking in front of the unit has a minimum of 3-4 spaces. On the side of the property, there is about 25-30 spaces shared between all 7 units in the property. Behind the property also has a large area. There will be about 6 vehicles at a time.

Mike Hoisington asked Matthew how far he is from Tim's.

Matthew said it is about 1,035 feet.

Glenn mentioned that there was a discussion that it is 1,023 feet as the crow flies from Tim's property.

Andrew Ramsdell asked if there were any floor drains in the units.

Matthew said no.

Andrew asked what it will look like for storage or inventory behind the units.

Matthew said that everything will be inside for the most part. Some things would be outside. It could be upwards of 6 units at the busiest time. Units means vehicles, no shipping containers. All the other items are kept in the office and upstairs. 12 units would be the max units behind the building.

Mike H. asked how many units were shipped out last year.

Matthew said this is a new venture but the projection is 8 units a month. He is currently the only employee at the moment but he will have a mechanic on board part time.

Mike Bussiere asked how shipping was handled.

Matthew stated that he would be shipping interstate via a multicar carrier or enclosed carrier. The merchandise going to South America are shipped by boxes and taken to a shipping facility such as UPS, FedEx or USPS. There is minimal impact. He would receive merchandise by UPS or FedEx. No 18 wheelers would be delivering or shipping.

Glenn mentioned that the Planning Board had already approved this for businesses therefore there would be no need for non-residential site plan review.

Adam Towne stated that when this was approved, it was explained what it would be. It became an opinion to bring it into ZBA.

***Glenn opened the public hearing for public comment at 7:30pm.***

There were no comments from the public.

***Mike H. motioned to close the public hearing at 7:35pm, seconded by Alan. All in favor.***

The checklist was reviewed:

- Question 1. All members answered yes.
- Question 2. All members answered yes.
- Question 3. All members answered yes.
- Question 4. All members answered yes.
- Question 5. All members answered yes.
- Question 6. All members answered yes.
- Question 7. All members answered yes.
- Question 8. All members answered yes.
- Question 9. All members answered yes.

***Mike H. made a motion to conditionally approve the Special Exception submitted by Adam Towne, on behalf of Cobblestone Properties of Epsom, LLC to establish an automotive sales and repair business on Gauthier Drive in Unit 2, seconded by Alan. Motion passed.***

The special exception was approved with the following conditions:

1. All vehicles stored and staged for sale shall be marketed to a remote customer base and not sold locally in a traditional car lot fashion.
2. All vehicle repairs, except for minor maintenance (e.g. wiper replacement), shall be performed inside of a building.
3. Business hours shall be limited to 9 am to 5 pm Monday thru Saturday.
4. Hazardous materials shall be stored and disposed of using Best Management Practices.
5. All vehicle parts and components will be stored within a building.
6. Up to twelve (12) vehicles may be stored on the lot outside of a building

**Case 2018-10 (Cobblestone Properties – SE)** - Adam Towne, on behalf of Cobblestone Properties, has applied for a special exception, as required by Article II, Section C, Table of Uses number 10, to establish an automotive repair business. The

property is located on Gauthier Drive within the Residential/ Commercial Zoning District and is identified on Epsom Tax Map U8, Lot 82-6.

Glenn advised that this public hearing was published in the Concord Monitor, posted at the Town Office & the Post Office and all abutters were notified by Certified Mail. All certified receipts were received back with the exception of Cobblestone Properties, GSD Properties Inc., William & Maryann Zirngiebel and Kezar RE Management, LLC.

Derek Lavin, owner of Calculated Chaos, LLC and Mike Saucier, owner of MJS Electrical Services, spoke about Calculated Chaos, LLC. Derek specializes in repairs for GM products. Mike would be using part of the unit for storage of electrical products.

Derek specializes in tuning and performances of mostly late model Corvettes. Derek discussed that he had a chassis dynamometer, which are rollers above the ground, to assist with horsepower and torque improvements. The cradle style dyno is above ground and the noise factor is based on each car. Each dyno pull lasts about 10 seconds and it is about 20-30 minutes in between each dyno pull. Currently, this is on part time so it would be from 4-8pm on weeknights and 9-5 on Saturdays for now until Derek can do it full time, then the hours will be 9-5pm. This business is located in Unit H, which is the last unit.

Glenn asked if there would be acoustical changes to the building that would help. Glenn also asked if there was a certain decibel level?

Derek mentioned that it varies, one you may hear and one you may not. Derek does not work on diesels.

Mike Bussiere asked if there was anything next to that unit and Derek stated that there is nothing aside from the woods in the back.

Mike Saucier mentioned that all the cars are street legal cars.

Glenn asked how far away Granny Howe Road is and Adam Towne said it is about 350 feet.

Mike Busierre asked if there is a noise ordinance in Epsom and Glenn stated that there is only a nuisance ordinance.

Derek mentioned there are ways to deaden the sound, including closing the door if necessary with different vent options. If someone complains, he will try to work with them.

Glenn mentioned that the owner will attempt to make all necessary means to minimize noise coming from the unit.

***Glenn opened the public hearing for public comment at 7:55pm.***

Jay stated that another item to deaden the noise is to put some hemlocks up to help as it will echo. Jay would try to work with the complainant and business owner.

***Mike H. motioned to close the public hearing at 8pm, seconded by Alan. All in favor.***

The checklist was reviewed:

Question 1. All members answered yes.  
 Question 2. All members answered yes.  
 Question 3. All members answered yes.  
 Question 4. All members answered yes.  
 Question 5. All members answered yes.  
 Question 6. All members answered yes.  
 Question 7. All members answered yes.  
 Question 8. All members answered yes.  
 Question 9. All members answered yes.

***Mike H. made a motion to conditionally approve the Special Exception submitted by Adam Towne, on behalf of Cobblestone Properties of Epsom, LLC to establish an automotive repair business on Gauthier Drive, Unit H, seconded by Alan. Vote was 4-1, Andrew opposed as he does not believe the hours and nuisance issues can be enforced.***

The special exception was approved with the following conditions:

1. All vehicle repairs except for minor maintenance (e.g. wiper replacement) shall be performed inside of a building.
2. There shall be no vehicle sales conducted on the premises by this business.
3. Current business hours shall be limited to 4 pm to 8 pm Monday thru Friday and 9 am to 5 pm on Saturday. Business hours in the future will transition to and remain 9 am to 5 pm Monday to Saturday.
4. Hazardous materials shall be stored and disposed of using Best Management Practices.
5. All vehicle parts and components will be stored within a building.
6. The business owner shall work with the community to minimize the generation of noise disturbance when requested.

**Case 2018-11 (McKechnie – SE)** - Robert McKechnie has applied for a special exception, as required by Article III, Section G, Paragraph G.1.e.viii, to create an accessory dwelling unit in an addition recently added on to a single family residence. The property is located on Rte. 28S (Suncook Valley Highway) within the Residential/Light Commercial Zoning District and is identified on Epsom Tax Map U12, Lot 8-5

Glenn advised that this public hearing was published in the Concord Monitor, posted at the Town Office & the Post Office and all abutters were notified by Certified Mail. All certified receipts were received back with the exception of Stewart and William Yeaton.

Robert McKechnie gave some background. In 2014, he came in and filed to build an addition for his aunt to move in. He received the application and also turned in drawings on what was being built. It was built, completed, and he received a Certificate of Occupancy. It wasn't until they went to sell the house and discovered that this should

have gone through ZBA. The owner decided to have Avitar do an assessment. It was an ADU and it was not put on the tax card properly. The Mortgage company went through and found it was not a legal ADU. He came in to do everything right but it did not work.

Glenn discussed that the new ADU ordinance which is very specific on what can be done. The ADU's went from family members only to now anybody can live in them. The only caveat is the owner has to be in either the main home or the ADU. That happened somewhere between 2014 and now. It is quite likely Robert got caught up in the switch. This ADU is 540 square feet with a door in between and adequate water supply and septic. The Septic Approval number is CA1996004787, it has a 1250 gallon tank for a 3 bedroom home.

***Glenn opened the public hearing for public comment at 8:35pm.***

Joe Downey was in favor.

Glenn stated that in 2014, an accessory dwelling could not have any kitchen facilities. In 2016, the state said there was not enough housing and they came up with the ADU. Towns could make it by right or by Special Exception. Before that, the Town denied them. People could have been creating a two family home.

Joe asked where this fell through and why this didn't happen to begin with.

Glenn couldn't vouch for what the error was.

Suzanne Walsh, Realtor: What Bob and Sharon did is a model of what should be done. It is a 1 bedroom, and the quality of work is very nice. She has been into several that have ADU's, there's is very nice. He did very well.

There were no comments opposed.

Jay Hickey said the permit was for a 18x30 addition, there was no mention of an ADU on it. That was built and constructed by the town.

Robert mentioned that the only inspection done was the Fire department came out for life safety.

Jay said that the Town found out there was an addition when the assessor called and asked if it was a legal ADU.

Robert stated that it was their doing to bring the assessor in. This ordeal delayed his house, the buyers house and the house they are buying by a week. They are currently living in an empty house.

***Andrew motioned to close public hearing at 8:45pm, seconded by Mike H. All in favor.***

The checklist was reviewed:

- Question 1. All members answered yes.
- Question 2. All members answered yes.
- Question 3. All members answered yes.
- Question 4. All members answered yes.

Question 5. All members answered yes.  
Question 6. All members answered yes.  
Question 7. All members answered yes.  
Question 8. All members answered yes.  
Question 9. All members answered yes.

***Mike H. made a motion to conditionally approve the Special Exception submitted by Robert McKechnie to create an Accessory Dwelling Unit, seconded by Alan. All in favor.***

The Special Exception was approved with the following conditions:

1. The primary residence shall be limited to 2 bedrooms and the ADU shall be limited to 1 bedroom to stay within the capacity of the installed septic system.

**Other business:**

1. Amendment to the Rules and Procedures

Glenn read the amendment:

“Appeals from an administrative decision shall be filed by application to the board within 30 days of the ZCO decision or as determined the majority of the board.”

***Andrew made a motion to approve the amendment to the Rules and Procedures, seconded by Mike H. All in favor.***

Virginia Drew spoke about the inventory forms as they are very unpopular for Epsom. The former chair of the Selectman put his opinion of the forms on social media. If this was anticipated, they could have got ahead of it. At this point, Virginia does not think it will be a positive thing for the town. People do not understand what they are.

Conservation Commission.

There will be a joint Planning Board, Zoning Board and Economic Development meeting on November 14<sup>th</sup>. It will be a good meeting to explain all the processes.

Mike Hoisington asked Jay how comfortable he feels signing the Certificates of Occupancy since he does not do any of the inspections. The Fire Department only does a life safety inspection.

***Andrew made a motion to adjourn at 9:35pm, seconded by George. All in favor.***