

ZBA
Town of Epsom
Zoning Board of Adjustment
04/03/2019

In Attendance: Glenn Horner, Chairman; George Carlson, Vice Chairman; Mike Bussiere, Alternate; Gary Kitson, Alternate; Mike Hoisington, Planning Board Rep; Leann Fuller, Recording Secretary

Not In Attendance: Andrew Ramsdell, Member; Alan Quimby, Member

Also in Attendance: Cheryl Gilpatrick, Selectman; Virginia Drew, Selectman; Denise Bickford; Eric Dumont; Len Gilman

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

The minutes of 03/06/19 were reviewed.

Gary made a motion to approve the 03/06/19 meeting minutes as amended. Mike H. seconded the motion. All in favor.

Glenn reviewed the case and meeting procedures.

Case 2019-02 (Bickford - Variance) - Denise Bickford has applied for a variance to Article III, Section G.1.c to permit the construction of a garage within the 50 foot setback from the frontage property line. The property is located on Old Turnpike Road within the Residential/Commercial Zone and is identified by Epsom Tax Map U-03 as Lot 21-1.

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.

Denise Bickford spoke to a drawing done by Eric Dumont. The proposal is to build a garage 25'-30' from the road side of the stone wall on Ms. Bickford's property. There are no other locations on the property available to build the garage as it is sloped towards the back and there is a culvert that has a lot of water from behind the residence that goes into the back part of the land. The stone wall borders the complete front of the property.

Glenn asked where the septic was on the property and Ms. Bickford stated that it is on the other side of the house so there will be not interference. The house is located about 60' from the stone wall.

The Variance checklist was discussed. In this case, there is an unnecessary hardship due to the property topography. This would add to surrounding property values and this would be substantial justice because the town will get the taxes and Ms. Bickford gets her garage. Glenn clarified that the ordinance does say 50' or within the line of other houses on the road. Some are closer than 50' on that road.

Glenn opened the public hearing for public comment at 7:15pm.

Len Gilman bought his property in 1979. He lives directly across the street from Ms. Bickford. This property is unique in another way as the State right of way is wider in that area because from Cass Road Ext. towards Northwood there is a septic system for the

rest area and from Cass Road up there is a 175' right of way for the State. Ms. Bickford's lot is narrower than others. Mr. Gilman has no issue with how close she builds to the stone wall. He did ask if this would be built on the original lot where the house is or the separate lot. The board clarified that according to the deed, this is one lot consisting of 4 acres. Mr. Gilman's only concern is that this will not include an additional residence.

Eric Dumont did state that there would be storage upstairs in the garage but that would be about it.

Gary motioned to close the public hearing at 7:22pm, seconded by Mike B. Motion passed.

The Variance Checklist was reviewed:

- Question 1: All answered yes.
- Question 2: All answered yes.
- Question 3: All answered yes.
- Question 4: All answered yes.
- Question 5: All answered yes.
- Question 6: All answered no.

Mike H. made a motion to conditionally approve Case 2019-02 (Bickford - Variance) - Denise Bickford has applied for a variance to Article III, Section G.1.c to permit the construction of a garage within the 50 foot setback from the frontage property line. The property is located on Old Turnpike Road within the Residential/Commercial Zone and is identified by Epsom Tax Map U-03 as Lot 21-1, seconded by Gary. Motion passed.

The Variance was approved with the following conditions:

1. The proposed new garage shall be built such that no portion of the building is closer than 25' from the frontage property line established by the stone wall bordering Old Turnpike Road;
2. There shall be no residential occupancy of the new garage.

Other business:

Jay Hickey spoke about a previous case. Mr. Jabour is past his 30 day appeal period. Jay has received calls from neighbors that they were back living there. Jay has visited the residence at 10:00pm and 5:00am. He did have to tell Mr. Jabour's son and his family that they could not stay there. Glenn clarified that the Board stated that they could not live there 7 days a week. However, it is their home; the board does not want to deter people from using their property. This property is a seasonal residence and cannot be lived in year round. Glenn stated that Jay has the authority to make the call on off season visits and to speak with Mr. Jabour and reiterate that it is a seasonal residence only. If Mr. Jabour chooses to, he can come to the board for an Administrative Appeal.

George Carlson asked Jay if he felt there was any threat when he went out there and Jay said no. Mike Bussiere asked if any fines have been issued for this and Jay stated there has not been.

Reminder: The Spring 2019 Planning and Zoning Conference will be held on Saturday, June 1st, 2019 at the Grappone Conference Center in Concord, NH.

Gary made a motion to adjourn at 7:48pm, seconded by Mike B. Motion passed.

FINAL