ZBA

#### Town of Epsom

**Zoning Board of Adjustment**

**4/4/18**

**In Attendance:** Glenn Horner, Chairman; George Carlson, Vice Chairman; Alan Quimby; Mike Hoisington; Gary Kitson, Alternate; Andrew Ramsdell, Alternate, Darlene Phelps, Recording Secretary

**Not In Attendance:** Ricky Belanger

**Also in Attendance:** Dave Harris; Virginia Drew, Selectman; Vicky McAtee; Jeff Eaton; Julie Ward; Lawrence Ward

**7:00 PM** Glenn called the meeting to order and introduced the members of the board. The minutes of 3/21 were reviewed. Gary made a motion to approve as amended. Alan seconded the motion. All in favor.

Glenn reviewed the procedure for the meeting.

The members voting on this case will be Glenn, George, Alan, Mike & Gary

**Case 2018-02 (Marcoux – SE) - David Marcoux, on behalf of White Mountain Cable Construction LLC., has applied for a special exception, as required by Article II, Section C [Table of Uses], Part 10 [Motor Vehicle Repairs], to permit motor vehicle inspections of all vehicles currently being serviced on site. The property is located on Dover Road within the Residential/Commercial Zoning District and is identified on Epsom Tax Map U-6, Lot 8-1.**

Glenn said he did some research and found the application and the decision from 1985 which permitted repair of their CATV vehicles.

Dave Harris was sworn in. Dave provided a letter from WMC granting permission for him to discuss this application on behalf of WMC.

Glenn said the State requires a sign to be placed by the main road saying they are a licensed inspection station. Glenn asked how they will handle requests by the general public for a state inspection. Dave responded they will advise that inspection fees are $200; that should dissuade requests from the general public.

Granting this variance will permit state inspections to be done on vehicles owned by Communications Construction Group, NexGen and White Mountain Cable which are all owned by Dycom Industries.

Glenn asked if there are any members of the public that would like to provide comment on this application. There are none.

Mike made a motion to close the hearing. Alan seconded the motion. 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.

Gary made a motion to approve the application with the following condition:

**The vehicle repair/inspection portion of the business may service and inspect vehicles owned by White Mountain Cable Construction LLC, Communications Construction Group LLC and NexGen Communications LLC as well as all other businesses owned by parent company, Dycom Industries.**

Alan seconded the motion. All in favor.

**7:22 PM**

**Case 2018-04 (McAtee – SE & Var) - Vicky McAtee has applied for a special exception, as required by Article III, Section G, Paragraph 1.e.viii, and a variance to Article III, Section G, Paragraph 1.e.iv to construct an 896 sq. ft. accessory dwelling unit (maximum 750 sq. ft. allowed) which will be attached to an existing single-family residence. The property is located on Leighton Brook Drive within the Residential/ Agricultural Zoning District and is identified on Epsom Tax Map U10 as Lot 67.**

The members voting on this case will be Glenn, George, Alan, Mike & Andrew.

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 Gary Marston and Bruce Berry.

Jeff Eaton is the person who is building the ADU for Vicky McAtee, and he was sworn in. He advised that they have secured a temporary driveway permit from the Epsom Road Agent. He said the size is 837 square feet when measured inside the walls. Jeff explained that the additional square footage is needed to build a hallway and back door for second egress. He noted the difficulty in trying to fit a kitchen, bathroom, laundry, etc. in 750 square feet.

Jeff stated that all setback requirements are met. The existing house is 32’ from main road, and the ADU will be 36’ from the road. (While the setback requirement is 50’ it allows for it to be the same as the line of existing neighborhood buildings).

Jeff said the state regulations determine living space as not being hallways, bathrooms or closets, but our ordinances do not have much of an explanation. Also, Jeff noted the confusion between the state minimum and town maximum. Board discussion and a bit of online research found no evidence of “living space”. The only state requirement with regard to the square footage area is that a town cannot require the ADU to be less than 750 Square Feet.

Glenn advised that the applicant will need to answer the criteria questions in order to show that they meet the criteria to allow for the larger size ADU. Gary noted that a special condition of the property could be the extra space needed to build a hallway with a 2nd egress, as this could be considered a safety issue. Glenn and Mike feel the ADU can be designed so that a doorway can be put somewhere else for the 2nd egress.

George & Gary also noted that this property should not be compared to larger lots, since it is part of an old subdivision and was a legal lot when it was created.

Jeff explained that this is only 87 square feet larger than the ordinance allows; and the current house has 3 bedrooms, one is being removed and there will be one in the ADU – so no increase in bedrooms on this property.

Glenn asked if there are any members in favor of the application. Lawrence Ward was sworn in – he lives directly across the street from Vicky McAtee. He is in favor of granting the variance and feels the addition will balance out the building on the property.

Glenn asked if any members of the audience would like to speak in opposition – there are none.

Glenn asked if any members of the audience would like to provide comment.

Julie Ward said as a person who lives with her aging mother, she can attest to how important it is to have the extra space and while Vicky’s parents may be walking now, that may not always be the case, and it would be very good to have room to make the area handicapped accessible if necessary.

There was a great deal of discussion amongst the board about the minimum/maximum size of the ADU and how our ordinance matches up with the state regulations. There was also discussion regarding interpretation about the connecting wall, and whether the construction of the breezeway is considered an addition to the main house or part of the ADU.

Glenn advised that we have a few options of how to proceed at this point:

1 – We can continue the public hearing so that the applicant can complete the criteria questions and be prepared at a future meeting.

2 – The variance can be withdrawn and we can vote on the special exception.

3 – A Zoning Board member plans to propose a revision to the current ordinance, and they can wait until next year to see if that will serve them better and allow for a larger expansion.

The applicant does not wish to wait until next year, and they do not want to withdraw their application at this time. The applicants requested a continuance to give them time to work on a redesign and also to speak to Jay about other options.

Alan made a motion to continue to April 18. Andrew seconded the motion. All in favor.

**8:30 PM Old/New Business**

There was a brief discussion with Virginia Drew about town inventory cards. This board finds them to be a very valuable resource and stressed to her how useful they are and they would like to see them come back. Virginia suggested this board present their request to the Board of Selectmen.

**8:45 PM** Andrew made a motion to adjourn. Mike seconded the motion. All in favor.