

**TOWN OF EPPING, NEW HAMPSHIRE****ZONING BOARD OF ADJUSTMENT****Wednesday January 14, 2009**

**PRESENT**: Paul Spidle, Dave Mylott, Ron Nowe, Paul Brown, Bob Jordan; Alternate Patrick Pagnani; Secretary Phyllis McDonough.

**CALL TO ORDER**: Chairman Spidle called the meeting to order at 7:00 P.M.

**WILLIAM & PAMELA PACIONE FOR AN APPEAL FROM AN ADMINISTRATIVE DECISION**

– Chairman Spidle read notice of the application by William & Pamela Pacione. Applicant is requesting an extension from a Variance granted on November 9, 2005 to remove a barn from their property at 43 Prescott Road, in the Rural Residential Zone as seen on (Tax 022 Map – Lot 048-001). Abutters present: Rene Archambault.

Bill Pacione came before the Board to discuss a request for an extension on the variance he received in 2005. He explained the new construction began in July 2006 and completed in November 2006 at which time the horses were brought into the new barn. In spring of 2007 he began inquiring into dismantling the old barn to salvage roof rafters and wind planks on the decking as opposed to the demolition. He explained the only interest was from J & L Construction who stated he could start the demonstration in the fall/winter when his construction business slowed down. Pacione reminded the Board that the winter of 2007 & 2008 was very snowy which did not provide an opportunity for him to do the work, and in the winter of 2008 J & L Construction informed him they could not afford to hire a crew for the project. Pacione explained he has since received two estimates in the amount of approximately \$5,000 to have the work done.

Pacione explained due to hard economic times he delayed the demolition, although has every intention to tear the old barn down. He explained he was not present at the time of the granting of the variance and questioned why there was nothing in the condition on when to tear the old barn down. Chairman Spidle explained the Board is in agreement on the application for the variance where it reads that granting the variance would be of benefit and on that question it was stated that the barn would be taken down and that was taken into consideration when the decision to grant the variance by the Board as it was one of the five criteria. The Chairman asked Mr. Pacione if he had a target date to take the barn down. Mr. Pacione stated they were looking for a five year extension. Chairman Spidle stated he did not feel five more years to tear the barn down was acceptable.

Chairman Spidle asked the building inspector if he inspected the barn, and if he thought there was a safety hazard. Kramer stated he had seen it from the outside, but has not been on the inside and stated the roof is in disrepair.

Chairman Spidle asked Kramer if he issued an order to tear it down. Kramer stated he did after receiving a complaint and spoke with Mrs. Pacione for a resolution. Chairman Spidle asked Kramer what he would consider a reasonable time to tear the barn down. Kramer stated he thought the time he gave them was reasonable when he spoke to the Pacione's in August and gave them to November.

Mylott questioned Kramer what his interpretation was when he looked at the minutes. Kramer stated three

years this hadn't been done and thought it to be an oversight. He stated he pushed harder when the Pacione's decided to come before the Board for the extension.

Jordan asked Mr. Pacione what his feeling is on the structure. Mr. Pacione explained the structure is solid as a rock although the roof leaks. Mr. Pacione stated he did not feel it in danger of falling down.

Abutter Archembault stated he has no problem with the barn being up. He explained his background in building and informed the board that after being in the building he could see that the building is sound, and there is no danger of it falling down.

Brown stated he is in favor of extending the request to take down the barn to 2 ½ years. Chairman Spidle explained his thoughts would be a year to take it down.

Nowe stated the situation he sees is this variance was issued with the intention of the barn being torn down and to allow more time is setting a precedent.

Mylott explained he was on the Board with this application and never considered adding the time as a condition as part of the variance as it was obvious with the way the application was written. He explained he does not want to set a precedent and realizes times are tough and feels the Board should work at an extension for the Pacione's if there is not a safety hazard. Mylott stated the Board does need to state conditions in approval so there are not issues in the future.

Jordan stated with all the room on the land even if something happened with the old barn it would not effect any of the other structures, and is not opposed to give more time with 2 ½ years being more reasonable.

Chairman Spidle asked if there were penalties if the condition is not met. Kramer explained the law as written, the first day is \$275 every day thereafter is \$550.

Kramer explained he is enforcing the Board's decision, and would like a specific date put in the conditions on when the structure is to be torn down.

Mylott moved, Jordan seconded the motion to accept the appeal to the Administrative decision by adding an addition to the Variance granted November 2005 to extend the time to remove the previous barn to November 30, 2010, with all proper permits being applied for by the applicant. The motion carried to accept the appeal, 4 to – 1 with Nowe voting against the motion.

**MINUTES OF 12/22/08 FOR APPROVAL** – Mylott moved, Jordan seconded the motion to approve the minutes as amended. The motion carried unanimously.

**MINUTES OF 12/03/08 FOR SIGNATURE** – The minutes were duly signed.

**ADJOURNMENT**: Jordan moved, Chairman Spidle seconded the motion to adjourn the meeting at 7:45 pm. The motion carried unanimously.

Respectfully submitted,

Phyllis McDonough,  
Zoning Board of Adjustment Secretary

**APPROVAL NOTIFICATION: January 14, 2009 - Minutes of December 22, 2008 were approved as amended. Minutes of December 3, 2008 were duly signed duly signed.**

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**Paul Spidle**

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**Dave Mylott**

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**Bob Jordan**

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**Ron Nowe**

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**Paul Brown**