

TOWN OF EPPING, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT

Wednesday June 30, 2010

PRESENT: Dave Mylott, Mike Yergeau, Mark Vallone, Philip Gamache; Alternate Kim Sullivan; Planner Brittany Howard; Secretary Phyllis McDonough.

CALL TO ORDER: Chairman Mylott called the meeting to order at 7:00 P.M., and appointed Sullivan to sit for Silva.

JOEL SHRUT – Chairman Mylott read notice to amend a variance granted on September 28, 2005. Parcel is located at Elm Street as seen on (Tax Map 023 – Lot 021-001) in the High Density Residential Zone. Abutters present: Rita Poliquin, Sally Gagnon.

Chairman Mylott explained this is an administrative decision to correct an error in the motion that was made in 2005, as there is inconsistency in the language.

Sullivan asked if it is returned back what shows on the plans doesn't have to be built. Chairman Mylott stated that is correct, and in this case the applicant is not asking for a variance only a correction.

Edgar Roberts representing Shrut came before the Board and explained Shrut is looking for a correction in what should have read in the minutes which is the Variance concerning Article II, Section 7 to relax the dimensional requirements for Rural Residential Zone to include 20,000 square feet per dwelling unit.

Chairman Mylott explained this is an application that was before the Board on September 28, 2005 and approved 3 – 2. He explained the parcel covered two different zones, asked for a Variance for Article II, Section 7 for density in the zone. After the application approved the construction never took place. The Chairman explained the applicant wants to proceed in building on that piece of land and the town recognized the wording is incorrect and doesn't grant the relief. Chairman Mylott stated the application is before the board to get the relief that he thought was granted back in 2005.

Howard met with Shrut and went over the minutes in those minutes it talked about subdividing off the house. She stated Shrut wants the back section that's rural residential to have the relief to allow for the greater density; the front section was already High Density Residential. Howard explained the motion put in place allowed for the High Density Residential to have the area variance of the density that he wanted, not the back section that he needed it for.

Abutter Sally Gagnon stated she understood the property behind her was Rural not High Density Residential. She stated she never thought when she bought the farm house that a lot of building of more than a single family home could go in. Chairman Mylott explained the property came before the board and they gave relief for that property. He explained that was already granted, but the applicant believes there was an administrative mistake on the notice and needs that corrected so he can go forward.

Abutter Rita Poliquin stated she would have a problem if this property is built on. The Board explained if anything is going to be done on this property it would go before the Planning Board, and what is before the Board is to look at the wording that would need to be corrected.

Chairman Mylott read the motion from minutes of the meeting on 9/28/05, page 6 that read:

The motion was amended to read:

- “Fisher moved, Mylott seconded the motion to grant the Variance concerning Article 2 Section 7 to relax the dimensional requirements for High Density Residential zone to include 20,000 sq. ft. per dwelling unit. The motion passed 3 – to – 2, with Dwyer and LaChance voting against the approval”.

Chairman Mylott explained the problem with the wording is Article II Section 7 is a part of the zoning ordinance which breaks down the different zones within Epping to define what is allowed in the zone. The Chairman explained Article 2, Section 7 is the Rural Residential Zone where this section of the property is in which is correct in the motion that was made. The second part of the motion, “to relax the dimensional requirements for High Density Residential zone” is where the mistake was made; the wording should have been Rural Residential Zone. The High Density Residential zone is Article 2, Section 5 which was not what was being talked about and already allows 20,000 square feet per unit.

Sullivan explained the 20,000 square feet is an area that is larger than many lots in town.

Gamache moved, Sullivan seconded the motion to correct the Variance language approved in 2005 to eliminate the words High Density Residential zone and to read Rural Residential. The motion carried unanimously.

Chairman Mylott explained this will need to go to the Planning Board before anything can be built on this property.

MINUTES OF APRIL 28, 2010 FOR APPROVAL – Gamache moved, Yergeau seconded the motion to approve the minutes. The motion carried unanimously.

MINUTES OF MARCH 3, 2010 FOR SIGNATURE – The minutes of March 3, 2010 were duly signed.

MINUTES OF APRIL 7, 2010 FOR SIGNATURE – The minutes of April 7, 2010 were duly signed.

ADJOURNMENT: Vallone moved, Gamache seconded the motion to adjourn at 7:30 pm. The motion carried unanimously.

APPROVAL NOTIFICATION: June 30, 2010 - Minutes of April 28, 2010 were approved. Minutes of March 3 & April 7, 2010 were duly signed.

Respectfully submitted,

Phyllis McDonough,
Zoning Board of Adjustment Secretary

Dave Mylott

Kim Sullivan

Mike Yergeau

Mark Vallone

Philip Gamache