
Fracestown Zoning Board of Adjustment
Meeting Minutes

The Zoning Board of Adjustment met Thursday, February 8, 2018, at 7:30 p.m., to hear a Special Exception Request and a Variance request, both by Thomas Hoey, Trustee. Mr. Hoey seeks relief to construct a driveway to service a residential structure, with said driveway partially within the Wetlands and Vernal Pool Conservation District and partially within the Steep Slope District. Present were Silas Little, Scot Heath, Sue Jonas, Ralph Lavalley, Cindy St. Jean, and alternate members Kevin Pobst and Marcia Tripp. Mr. Little recused himself from the case(s) and left the meeting. Board members hearing the case were Scot Heath, Sue Jonas, Ralph Lavalley, Cindy St. Jean, and Kevin Pobst.

Public Hearing called to order at 7:38 p.m. Others in attendance included Mr. and Mrs. Eby, Mr. and Mrs. Barbalotto, Abigail Arnold, Henry Kunhardt, John Kendall, and Larry Ames.

Attorney Amy Manziel, Soil Scientist Chris Guida, and property owner Thomas Hoey presented the applications and related plan. Presentation and discussion included the four variances granted in 2005, including one for a driveway across steep slopes. The driveway as previously approved does not meet town driveway regulations and a driveway permit could not be issued, resulting in the need for redesign and a new variance. Mr. Kunhardt pointed out the driveway as now proposed doesn't conform with town driveway regulations either, but could with minor revisions. The applicant agreed to make the necessary changes. The applicant went before the Planning Board in the fall of 2017. The Planning Board requested additions be made to the plan/legend, which had not been made to the plan presented at this hearing. The applicant agreed to add the requested additions. A letter from the Fracestown Conservation Commission regarding the applications was read into the record. Said letter recommended soil disturbance/stump removal be kept to the minimum necessary; that native shrubs and trees be re-established within 50 feet of the wetland where possible and natural growth maintained; and there be some sort of oversight to ensure proper erosion control is in place before construction and maintained during construction; and that all other conditions are met. Mr. Barbalotto and Mr. Eby each made statements expressing concern over the previous clear-cutting which had taken place on the property. Further discussion centered around the wetland to be impacted not being high functioning; previous clear-cutting represented a violation of the previously

approved variance and restorative measures need to be taken; and the plan being presented is an improvement over the previously approved plan.

Upon closing the Public Hearing portion of the meeting the board began deliberation. The Board voted 5-0 to grant the Special Exception subject to the conditions noted in the Notice of Decision. The Board discussed the five criteria to grant a variance. The Board found the application not to be contrary to the public interest, as the property is a lot of record with noted physical limitations, and the application represents an improvement over a previously approved variance; the spirit of the ordinance is observed as conditions attached to the approval address issues of public interest; substantial justice is done as to deny the application could deem the property to be of little economic use, and the public interest can still be addressed; values of surrounding properties are not at risk; and that literal enforcement of the ordinance would result in an unnecessary hardship as no reasonable alternates exist. The Board voted 5-0 to grant the Variance subject to the conditions noted in the Notice of Decision.

Meeting adjourned 9:52 p.m.

February 12, 2018

Scot D. Heath

NOTICE OF DECISION

The Francestown Zoning Board of Adjustment met Thursday, February 8, 2018, at 7:30 p.m. to consider the application of Thomas Hoey, Trustee, 800 Poor Farm Road, Tax Map 9, Lot 17-2, for a Special Exception of Article 2-A.2, Section 2.4 of the Francestown Zoning Ordinance to construct a private driveway in the Wetlands and Vernal Pool Overlay District. The Zoning Board of Adjustment voted unanimously to grant the Special Exception with the following conditions:

1. Contingent upon obtaining Planning Board approval;
2. contingent upon driveway profile and plan being in conformance with town driveway regulations (section IV-design standards);
3. soil disturbance/stump removal be kept to the minimum necessary;
4. native shrubs and trees shall be re-established within 50 feet of the wetland and natural growth shall be maintained (with exception to the driveway itself);
5. driveway cannot be paved; and
6. there be professional oversight of the construction of the proposed improvements by a professional engineer, to be approved by the Zoning Board of Adjustment and/or the Planning Board.

Date: February 12, 2018

Scot D. Heath

For the Town of Francestown
Zoning Board of Adjustment

Any person aggrieved by the decision of the Zoning Board of Adjustment has thirty (30) days from the date of the hearing in which to file a request for a rehearing.

NOTICE OF DECISION

The Francestown Zoning Board of Adjustment met Thursday, February 8, 2018, at 7:30 p.m. to consider the application of Thomas Hoey, Trustee, 800 Poor Farm Road, Tax Map 9, Lot 17-2, for a Variance of Article 2-A.3, Section 3.5 of the Francestown Zoning Ordinance to construct a driveway to serve a residential structure crossing an area within the Steep Slope District. The Zoning Board of Adjustment voted unanimously to grant the Variance with the following conditions:

1. Contingent upon obtaining Planning Board approval;
2. contingent upon driveway profile and plan being in conformance with town driveway regulations (section IV-design standards);
3. soil disturbance/stump removal be kept to the minimum necessary;
4. native shrubs and trees shall be re-established within 50 feet of the wetland and natural growth shall be maintained (with exception to the driveway itself);
5. driveway cannot be paved; and
6. there be professional oversight of the construction of the proposed improvements by a professional engineer, to be approved by the Zoning Board of Adjustment and/or the Planning Board.

Furthermore, the board voted unanimously Variance Numbers 1, 2, and 3 as previously granted/approved in 2005 remain in effect.

Date: February 12, 2018

Scot D. Heath,

For the Town of Francestown
Zoning Board of Adjustment

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