

MINUTES - ZONING BOARD OF ADJUSTMENT

The Francestown Zoning Board of Adjustment met October 11, 2018 at the Town Hall at 730 p.m. to consider the application of Carl Henry Hardwick, III for a variance. Present at the hearing were board members Ralph LaVallee, Scot Heath, Sue Jonas, Cindy St. Jean, and Silas Little, sat for the application.

Earl Sandford presented the application. Mr. Sandford explained that the existing leach field shown on the accompanying plan is in failure. The purpose of the variance application is to establish new leach field areas on the new Map 8, Lot 16 containing 5.734 acres. The variance is required as after the reconfiguration, the new Map 8, Lot 119 will only have 105.13 feet of frontage. The Francestown Zoning Ordinance requires 300 feet of frontage. Other avenues to accomplish the relocation of the septic system were stated by Mr. Sandford as explored and not acceptable. The plan presented to the Board of Adjustment is the plan agreed to by Mr. Hardwick. Mr. Perry also addressed the Board on behalf of Mountain Maintenance concerning the dire straights experienced by the several condominium developments and other users of the existing septic system. The area proposed meets the qualifications for a new septic system. Mr. Hardwick does not want to own the land on which the replacement septic system is installed.

The Board waived actual reading of the application by Mr. Sandford. The Board explained the application had been circulated to the members and that he did not need to read the application out loud.

Several members of the different condominium associations having the benefit of use of the septic system and the need for it to be replaced also addressed the Board on the emergency. These were Donna Rauh, Jane Pickett as well as other persons speaking from the audience without identification.

Scott Heath reports to the extent that the Conservation Commission was concerned with this. They recommended that the Board treat favorably the application for a variance.

Kay Anderson addressed the Board and confirmed that the septic systems were in dire failure and that continued use of those systems would require pumping. Ms. Anderson alluded also to the long delay by Mountain Maintenance in addressing the issues.

No person spoke in opposition.

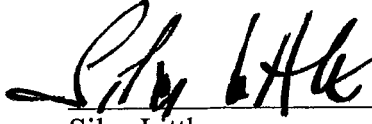
The Board closed the hearing to public participation and proceeded to deliberations. The Board found as articulated in the letter with the application, that the criteria of public interest, substantial justice, being in spirit of the ordinance, and no diminution in value of surrounding properties were met. On the issue of hardship, the Board considered this application to be unique in that the failure of septic system servicing the condominium development and other properties and the necessity of replacing that septic system constitute special conditions that distinguished this application from other properties in the area and that strict conformity with the ordinance would not be reasonable in that no additional buildable lot is created (existing Map 8 Lot 119 of record is not buildable without special application) and that the use of the proposed new Map 8, Lot 16-2 will be reasonable in light of the restrictions as proposed:

1. Map 8 Lot 16-2 shall be owned by the condominium developments needing it for a septic system location and the Declaration of Condominium Use shall be amended to add that parcel to those condominium developments. Where a user is not part of the condominium development, that user shall receive an easement for the use of the septic system, and
2. Map 8 Lot 16-2 as reconfigured containing 5.734 acres shall contain no structure or building on it other than as may be necessary for the septic systems to be located on the lot.

The Board voted 5-0 to grant the variance as stated above and upon the conditions expressly stated. A review in six (6) months shall occur to determine whether the amendment to the Declaration of Condominium Use has been recorded.

Respectfully submitted,

Date: 15 Oct 2018



Silas Little