

Findings of Fact - Martell

FINDINGS OF FACT

BOARD OF ADJUSTMENT, TOWN OF FRANCESTOWN

At the hearing held on October 13, 2011 at 7:30 p.m. at the Town Offices, lower level, concerning a request by Martell Retail Enterprises, Inc. for a variance to Article III, Section 1.1 of the zoning ordinance to permit the expansion of a non-conforming use in the Village District beyond the 20% allowed by the ordinance on property located at 74 Main Street, Map 13, Lot 19, the Board made the following findings of fact:

- No evidence of diminution in value to abutting properties. No abutters opposed.
- No evidence the private loss is offset by public gain. Substantial justice is done by the grant of the requested relief.
- The public interest is satisfied by the demonstration of adequate facilities for the proposed expansion and the significant role the store plays within the community.
- The spirit of the ordinance is met as the ordinance allows expansion of non-conforming uses.
- An unnecessary hardship is established by the applicant as the ordinance's provision in its application to the property does not relate fairly and reasonably to the general public purpose of the ordinance and there is no substantial relationship between the public purpose of the ordinance and the application to 74 Main Street. The history of use, the role in the community, the size of the building and the provision for adequate facilities demonstrate the elements of hardship. The proposed expansion is reasonable on all the facts and circumstances.

The Board unanimously agreed to these findings.

17 October 2011

Silas Little for the Board

NOD - Martell

NOTICE OF DECISION

FRANCESTOWN ZONING BOARD OF ADJUSTMENT

CASE NO.2011-V-2

APPLICATION OF MARTELL RETAIL ENTERPRISES, INC.

You are hereby notified that the Zoning Board of Adjustment granted the request of Martell Retail Enterprises, Inc for a variance to Article III, Section 1.1 to permit the expansion of a non conforming use at 74 Main Street to a total floor area of 3753 square feet, as set forth in the Site Development Plan Materials , vide,

Frozen food storage 210 sq. ft.

Frozen food storage/shipping 195 sq. ft.

Production assembly 238 sq. ft.

Kitchen 247 sq. ft.

Dry storage 130 sq. ft.

Office space 180 sq. ft.

Retail/display space 234 sq. ft.

Frozen food storage 299 sq. ft.

The areas stated above are from the application and are an increase over the established area of non-conforming use of 2022 sq. ft. The areas listed include a previous expansion of 20 % as allowed by the ordinance.

The variance is granted subject to the following conditions:

- Compliance with Francestown Fire Department letter of 15 August 2011.
- Expansion is limited to areas set forth in the application and the totals set above.
- The use is limited to general store retail sales, food preparation for wholesale and retail sales, and food storage.
- No deliveries or pick-ups, excluding newspapers, before 6 a.m. and/or after 7 p.m. Monday through Sunday.
- Hours of operation shall be per application, 6 a.m. to 7 p.m. Monday to Saturday, 8 a.m. to 5 p.m. Sunday.
- Written confirmation from TF Moran Inc and NHDES (Robert Tardiff, P.E.) that the apartment was included in the daily demand calculations for the septic system.

The Board voted 5-0 in favor of the decision with the conditions stated above.

17 October 2011

Silas Little, Chair

Any party aggrieved, the applicant, or the Board of Selectmen has a right to appeal the decision under NHRSA Chapter 677 Section 2 by making a request for rehearing within thirty days of the date of decision, 13 October 2011.

NOD - Montgomery

Zoning Board of Adjustment Francestown, NH 03043

NOTICE OF DECISION

At a hearing Friday, August 26, 2011, the Francestown Zoning Board of Adjustment, 5 in favor and 0 opposed, granted the Variance application of Ann Montgomery for Map 19, Lot 16, 1202 Pleasant Pond Road for relief from Article II-A, Sections 2-A.2.5(a)(1) and A.6.4(1) of the Francestown Zoning Ordinance to construct a septic system as shown on the plan "Sewage Disposal System Design Plan for Existing 2 Bedroom Cottage" last revised May 20, 2011, revised June 15, 2011 for ZBA, and prepared by Shannon Monahan, Lic. #1455, Septic System Designer as the same may be amended only as required by NH DES. The Board upon review found that the five criteria for a Variance were met and by a vote of 5-0 granted the aforementioned Variance subject to the following conditions:

1. The decision be reflected in a recordable covenant to the Town prepared by Ann Montgomery, or her attorney, approved by the Town and recorded at the Hillsborough County Registry of Deeds,
2. The septic system shall be for only seasonal use of the cottage,
3. No dishwasher and no garbage disposal shall be used in the cottage on Map 19, Lot 16
4. The septic system shall be for the cottage on Map 19, Lot 16 only,
5. The septic system shall be constructed as shown on the plan first referenced above, and.
6. A Septic System Easement without Covenants granting permission to install, maintain and repair an underground septic line and septic leach field (not septic tank) on property identified as Map 19, Lot 15 shall be recorded at the Hillsborough Registry of Deeds with a copy submitted to the Town and the Zoning Board of Adjustment

Charles M. Pyle, III
Vice Chairman, Zoning Board of Adjustment
August 26, 2010

Case: 11-V-1

NOTICE: ANY PERSON AGGRIEVED BY THE DECISION OF THE BOARD MAY REQUEST A REHEARING WITHIN THIRTY (30) DAYS UNDER THE PROVISIONS OF THE NEW HAMPSHIRE REVISED STATUTES ANNOTATED CHAPTER 677, SECTION 2, TO WHICH STATUTE ATTENTION IS DIRECTED FOR FURTHER REQUIREMENTS.

Notice of Decision - Crotched Mountain Golf Club

FRANCESTOWN ZONING BOARD OF ADJUSTMENT

NOTICE OF DECISION

You are hereby notified that the Zoning Board of Adjustment at public hearing on December 8, 2011 grants the request of Crotched Mountain Golf Club, LLC (Map 7, Lot 22) for a special exception under Article VII, Sections 7.1.2 and 7.10.1 to construct a colonial style, wood framed addition to the existing restaurant to be used as a function hall.

By a vote of 5-0 the Board finds that the criteria set forth in Sections 7.1.2 (a-g) and 7.10.1 of the Frankestown Zoning Ordinance have been met and approves the plan, submitted to the Board and identified as "Site Plan, Proposed Function Hall Facility", dated August 16, 2011 and prepared by RJB Engineering, Concord NH.

Approval is subject to the applicant meeting Section 7.1.2(f) (compliance with the life-safety code) and 7.1.2(g) (site plan approval by the Planning Board). In addition, this special exception is granted subject to the following condition:

- Best Management Practices will be utilized with respect to erosion and siltation control along the "seasonal drain", identified as such on the above referenced plans. Also there shall be no disturbance of the area outside the stone retaining wall to the point where it meets the new foundation. See also Plan Note #9.

Charles M. Pyle III
Vice Chairman, Frankestown Board of Adjustment
December 8, 2011

Case: 2011-SE-1