

## MINUTES

The Francestown Zoning Board of Adjustment met July 12, 2018 at the Town Hall at 730 p.m. Present at the hearing were board members Ralph LaVallee, Scot Heath, Marcy Tripp, Sue Jonas, Cindy St. Jean, and Silas Little, board members, and Joshua Pelton, Sara Pelton, Mark Momenee and Tabatha Momenee.

Mr. William Gregory had contacted the Town Office and indicated that he would not be going forward with his Application for a Special Exception. After discussion, the Board decided that the application would be considered withdrawn without prejudice and Mr. Gregory can resubmit as a new application. Mr. Gregory explained the reason for the withdrawal is the failure to buy out his ex-spouse, Dr. Peggy Gregory.

The Board then resumed consideration of the two (2) requested variances submitted by Mr. and Mrs. Pelton and Mr. and Mrs. Momenee.

Mr. Pelton spoke to the Application for a Variance to allow a structure closer than 100 feet from the center line of Russell Station Road. He indicated he spoke to Steve Morrissey, his neighbor who was also present. Mr. Momenee pointed out Pat Nelson has a structure that is closer to the road than the setback provisions permit. She had previously received a variance. The proposed structure at the northeast corner of the lot cannot be moved back further on account of the septic system being on that side of the house. The proposed location is about 50 feet to the center line of the road.

Other than Mr. Morrissey, no abutters appeared. After Mr. Pelton's presentation, the public portion of the hearing was closed and the Board proceeded to deliberations. For consideration of this application, the Board consisted of Scot Heath, Ralph LaVallee, Cindy St. Jean, Marcy Tripp and Silas Little. Of the five (5) criteria, a majority of the Board members felt that the grant of the

variance is not contrary to the public interest (3-2), the spirit of the ordinance was observed (3-2), substantial justice was served (3-2) and the value of surrounding properties would not be diminished (5-0). On the issue of unnecessary hardship, as the structure could be located on the lot to the west of the existing residence and meet the setback requirements, the Board felt the requirement of hardship was not met since there were no distinguishing features to the property ~~from~~ that separated that from other properties in Town. The variance was denied.

On the application of Mr. and Mrs. Momenee, the Board was in receipt of a report from the Conservation Commission. The Conservation Commission recommended, if the Board considered granting approval, that the following conditions be imposed:

1. That excavation work/disturbed area on the wetland side of the building be limited to only that minimally required;
2. No excavated materials to be dumped or stored within the slope leading to the wetlands and if possible to be removed from the 100-foot setback;
3. During construction, erosion control measures, such as silt fence or hay bales, be used to prevent erosion into the wetlands from the disturbed areas.

The Commission further requested that upon completion of construction, an additional buffer strip of native vegetation be planted on the slope or near the top of the slope to minimize impacts from the runoff.

The same members of the Board considered the Momenee application. The Board accepted with approval the report of the Conservation Commission and proceeded to discuss the Momenee application. The Board noted the configuration of the seasonal water courses, and the specific site conditions in the immediate vicinity to the house. There will be no water in the garage and no living


space. The ridge line is to be perpendicular to the wetlands' boundary. The seasonal nature of the water course was emphasized and the fact that it is dry now.

After discussion, the Board voted unanimously to grant the variance on the conditions expressed above finding that there was no diminution in value of surrounding properties; the application met the spirit; achieved substantial justice; and was not contrary to public interest. The specific lot and the impact of the seasonal water courses constituted the hardship which, with the conditions imposed, accomplishes the objectives of the ordinance making the proposed use reasonable.

Date:

17 July 2018

Respectfully submitted,

  
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Silas Little