

ZONING BOARD OF ADJUSTMENT MEETING
MAY 5, 2016

PRESENT: Wendy Juchnevics-Freeman, Chairman, Walker Farrey, Edwin Somero, Joanne Meshna

Walker and Joanne were appointed as members for this evening's meeting.

Richard and Marily Gullede – Public hearing for a variance application:

The applicants own lot 12/19, 110 Main Street, and have a failed septic system. An application for a variance to Articles XII.A and XII.K. of the Zoning Ordinance was submitted to allow construction of a new septic system within the side setback and within the wetlands setback.

Mr. William Jordan of Drain Pro was present to discuss the application. The system will be within 36 feet of a wetland area and 13.5 feet of a side setback. The current tank will remain and is a 1,500 gallon tank. Mr. Jordan stated the existing septic system is located too low in the ground and will be raised up two feet. Also, the venting system is not working and that will be replaced. A well release has been requested from the State. The failed system is being pumped weekly. There is a lot of wetlands on the property making it difficult to locate the system and the new system will be in the same place as the existing one.

The five criteria for granting the variance were reviewed:

- 1) The proposed use would not be contrary to the public interest – Granting the variance would be in the public interest since it provides for proper treatment of sewage effluent and, as such, promotes the public health, safety and general welfare of the community.
- 2) The use is not contrary to the spirit of the ordinance – It is not contrary to the spirit of the ordinance since the septic system provides pretreatment of effluent and thus enhanced wastewater quality before entering the soil.
- 3) Granting the variance would do substantial justice – Substantial justice will be done since it provides a functioning septic system that adheres to State and Town regulations.
- 4) The proposed use would not diminish property values – It would enhance rather than diminish because the land would not have effluent ponding on the surface and odors will be eliminated contributing to a beneficial environment.
- 5) Literal enforcement of the ordinance would result in unnecessary hardship...- Literal enforcement of the ordinance would necessitate withdrawal of the occupancy permit since the home would not have a functioning septic system.
 - a) No fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to the property – No relationship exists.

- b) The proposed use is a reasonable one – Not granting the variance would necessitate removal of the occupancy permit as the house would not have a septic system.

Edwin made a motion to close the public hearing and enter into deliberations. Walker seconded the motion and it passed unanimously.

The Board was in agreement that all criteria had been addressed and met.

Edwin made a motion to approve the variance application. Walker seconded the motion and it passed unanimously.

The meeting adjourned at 7:20 p.m.

Respectfully submitted,

Joanne Meshna
Town Administrator