

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
June 2nd, 2022**

**PRESENT:** Wendy Juchnevics-Freeman, Walker Farrey, Vice Chairman; David Lage; Susan Mallett, Secretary

Also in attendance: Applicants, Ed Estola representing himself; Dean Bertram and Gary Albee represented by Sharon Monahan. The meeting was called to order at the Town Office at 7:00 p.m.

**SUBMISSION OF APPLICATIONS:**

**Dean Bertram, 18 Poor Farm Road, Map 8 Lot 15B**

*Application for Variance of setback for driveway*

Sharon Monahan represented Mr. Bertram, and reviewed the application for the Board. He would like to request a variance from Article XII Section A of the Zoning Ordinance to permit setback to be 12' instead of 20' from property line.

David made a MOTION to accept the application as complete, Walker SECONDED the motion, and all were in agreement.

The Hearing will be July 7<sup>th</sup>, 2022 at 7:05pm

**PUBLIC HEARINGS:**

**Gary Albee, 97 Main St, Map 12 Lot 18**

*Hearing for Variance of septic setback*

Sharon Monahan represented Gary Albee. She reviewed the application and maps, and explained there is a crushed septic tank already there. The proposed septic tank is 52' from poorly drained soils and the proposed leach field is >56' from poorly drained soils. They don't want to do a pump system that would send it uphill on the back of property. They want it to be gravity from the house. The house currently is a 4 bedroom home, they would like to eventually add 2 more bedrooms so they are designing for a 6 bedroom septic system.

Discussion regarding the placement and why alternate placement is not an option. Wendy and David offered up some alternate solutions. Wendy asked if they wanted more time to reassess and see if there are other options. Sharon was not in favor of this, she feels the gravity option is better than pump. Sharon did suggest a site visit, feeling it might be helpful for the Board to see the terrain, rather than relying on the map solely.

Wendy again asked can it be moved, even 20'. She asks that Sharon revisit the design and maximize the movement away from the setbacks and wetlands. She is concerned that any pollution/contamination could affect other wells in the area.

Suggestion was made again to continue the hearing to allow the design be revisited and get the septic setback increased.

David MOTIONED to continue the Hearing to July 7<sup>th</sup> at 7:20, Walker SECONDED, and all were in favor.

**Edward Estola, 44 Poor Farm Road, Map 8 Lot 16-A**

*Hearing for a Special Exception to allow an in-law apartment in the main home*

Mr. Estola reviewed his Special Exception application to allow a studio apartment in his basement. Wendy questioned if this hearing was necessary in the rural area. After a review of the ordinances, it was confirmed that is a requirement if the apartment is in the main home. Mr. Estola clarified some items that the Board had question about including where the exits were and parking for the tenant.

The five criteria were reviewed next:

*1) The proposed use would not be contrary to the public interest because:*

Location – the driveway will be continued to the back of the house with 2 spaces for tenant parking. There is a row of trees providing privacy between the home and neighbors home.

*2) The use is not contrary to the spirit of the ordinance because:*

No adverse effect – there is no concern for adverse effects.

*3) Granting the variance would do substantial justice because:*

No nuisance or hazards – there is plenty of off street parking, privacy screen of trees between Mr. Estola's house and the neighbors.

*4) The proposed use would not diminish property values because:*

Adequate facilities – Will have a studio kitchen and bathroom, septic system is sufficient to handle the addition.

\*Wendy notes approval with the condition that the building inspector agrees that it meets code, concern with the egress in case of emergency or fire specifically.

*5) Literal enforcement of the ordinance would result in unnecessary hardship to the owner because the following special conditions of the property distinguish it from other properties in the area:*

Master plan – nothing out of line with master plan.

David made a MOTION to accept the Special Exception with the verification from Building Inspector that the proper code for egress is used. Walker SECONDED the motion, and all were in agreement.

**OLD/NEW BUSINESS:**

Minutes were reviewed. David motioned to accept the minutes for May meeting, Walker seconded the motion, and all were in favor.

Also, Board members signed the letter of thanks for Jim Coffey.

A MOTION to adjourn was made by Mr. Lage, and Mr. Farrey SECONDED the motion, all were in favor.

Respectfully Submitted,  
Susan Mallett