

ZONING BOARD OF ADJUSTMENT MEETING  
MARCH 1, 2018

PRESENT: Wendy Juchnevics-Freeman, Chairman, David Lage, Walker Farrey, Edwin Somero, Lori Rautiola  
ABSENT: Stanford Long

The meeting was called to order at the Town Office at 7 p.m. Lori was appointed to fill the vacancy of Stan Long.

7:00 p.m. Mr. Marshall Cain, 27 Middle Prattt Pond Road: Mr. Cain is in the process of applying for a Dealership License through the State of NH and the State has requested permission from the Town to do so. Mr. Cain stated he is currently a registered business with the State and conducting the business out of his home. Wendy responded this would not be considered a traditional home occupation and will require a special exception. Mr. Cain stated nothing will change with his hobby shop. Wendy mentioned that will be good news for the public hearing. Wendy explained the process for the special exception and Mr. Cain was given the application to complete. Wendy noted to include a site plan with the application. The question was asked if the application was completed now would the Board accept the application at the end of the meeting tonight. David stated that would be possible.

7:15 p.m. Mr. Kenneth Lehtonen II– Public Hearing for a variance application: Mr. Kenneth Lehtonen II owns 559 Turnpike Road, lot 11/122. A variance application was submitted to permit a replacement of a septic system within the 20' setback requirement. Mr. Chris Guida was present to represent Mr. Lehtonen. Mr. Guida stated the new septic will be a replacement for the current failed system and is proposed to be in the same location; however, this system would be larger, adding the lot is very restricted. The material there is mostly silt and clay which will be removed and filled with 4-5 feet of septic sand. Mr. Guida noted the system will be 10.2 feet away from the side setback which meets State requirements and 6 feet away from the road. The applicant has requested a waiver for relief from the State. David questioned the distance from the right-of-way to the system and remembered the last applicant coming before the Board with a distance that was much closer than what was proposed here. Wendy agreed with David that the right-of-way was further in towards the system. She explained her concerns come from the previous owner that came before the Board years ago and could not fit a five bedroom system inside the right-of-way and the house. Wendy added normally you would not need a full land survey but since the land is so tight to the setbacks and right-of-way, the Board will most likely request a survey of the property.

Mr. Guida stated the system is an over-sized system consisting of 330 linear feet. There are other options for the system; however, this location is the same location as the existing one and the area behind the house is wet and would not be his first choice for a system. Mr. Guida noted the applicant would most likely have to put a barrier around the leach field to prevent someone accidentally driving over it and the pavement will be removed as well so there is less temptation to park near it. Wendy stated her only question was the boundaries and making sure they get surveyed. The Board discussed whether or not to postpone the deliberations until next month. Mr. Guida mentioned the State had some questions regarding the number of bedrooms in the house. Wendy added the previous owner had the same issues. Additionally, the apartment was never permitted by the Town which is how the State got involved.

Wendy continued stating she would like to reach an agreement where there is a new septic system so the neighbor's yard doesn't get polluted, and this property becomes taxable again. David suggested the applicant have the apartment inspected by the Building Inspector since it was never permitted. Mr. Guida questioned what the Board would like to see on the survey as far as the right-of-way and Wendy responded the survey of property showing the right-of-way, and having the building inspected and approved by the Building Inspector/Code Enforcement Officer are the town factors needed.

Abutters were asked to speak: Mr. Thomas Carron, 563 Turnpike Road, stated the reason the last system failed was because someone drove over it with a loader. His concern was the sewage not being contained and leaching down into the water table which feeds his well. Mr. Guida explained the presby enviro-septic systems are known to treat the effluents very well. This is another reason the applicant chose this type of field because it is a smaller field with better treatment in a smaller area. Wendy asked Mr. Carron what the status was on his well today and he responded he does not use the water from the well except to flush the toilet; and added the last water test showed coliform in the water. Since the last system failed Mr. Carron has been living off bottled water and was told he would have to replace all the water lines because the E.coli was so bad. He also stated he would like to see the building being useful to someone.

Walker made a motion to continue the submission. Edwin seconded the motion and it passed unanimously. The submission was scheduled to April 5, 2018 at 7:00 p.m.

7:30 p.m. Mr. Walter Saari-submission of a variance application (continued): Mr. Saari owns Lot 8/57, 40 Finn Hill Drive. A variance application is requested from Article XIII D.1. of the Zoning Ordinance to allow a backlot on his property where the road frontage is short by about 2.5 feet. A variance is also requested from Article X.D. of the Zoning Ordinance to allow dredging and filling within the wetland conservation district for the purpose of constructing a driveway to access the proposed backlot. Mr. Saari distributed a map showing the wetlands, proposed backlot and driveway and mentioned there is currently a 20 foot culvert there. Wendy stated the variance for the wetlands will need to show a more detailed plan showing where the culvert will be and how much wetland will be impacted. Wendy suggested the applicant fill out another variance application for the wetland crossing and submit to Lori by Thursday, March 8, 2018.

David made a motion to accept the application conditional upon the submission of a second application being submitted by March 8, 2018. Walker seconded the motion and it passed unanimously. The public hearing was scheduled for April 5, 2018 at 7:30 p.m.

8:15 p.m. Marshall Cain returned with his special exception application. Mr. Cain showed a map of his property with the location of the garage. He stated there will not be any more traffic coming into his hobby shop. His restoration work is mostly antique cars and they will be kept inside the garage most of the time. Wendy felt the application was incomplete and suggested Mr. Cain fill in the application and get the abutters list and submit at the next meeting. Mr. Cain was scheduled for April 5, 2018 at 7:00 p.m.

The minutes of the February 1, 2018 meeting were reviewed. David made a motion to approve the minutes as written. Walker seconded the motion and it passed unanimously.

The meeting adjourned at 9 p.m.

Respectfully submitted,

Lori Rautiola,