

ZONING BOARD OF ADJUSTMENT MEETING
JANUARY 21, 2016

PRESENT: Wendy Juchnevics-Freeman, David Lage, Marianne Graham, Stanford Long, Edwin Somero, Joanne Meshna

The meeting was called to order at 7:00 p.m. at the Town Office.

Clayton and Eva Kuusisto – Public hearing for a variance application:

The applicants own lot 8/72, 22 Walsh Road, a 1 acre lot. A variance application was submitted from Article XII.A. of the Zoning Ordinance to allow replacement of a failed septic system within the 75 foot setback to wetlands.

The house is a one bedroom home. The Kuusistos are a family of two adults and four children. The existing system does not have a leachfield. There is a 1,000 gallon concrete tank that leaks and discharges effluent from the tank through a pipe directly into the wetlands. The pipe is broken so effluent is discharging directly over the ground within 50 feet of their well and the wetlands. The State setback for a leachfield from a well is 75 feet so a state waiver for the leachfield to be greater than 50 feet but less than 75 feet to the well will be requested.

Sharon Monahan from Site Succor Design LLC explained the sewage disposal system design plan is for a two bedroom house. There is an existing 1,000 gallon tank which will be abandoned and crushed. A 1,250 gallon tank is proposed. Eventually a new well will be built. Mr. Kuusisto added in a few years he may build a new house.

The five criteria for granting the variance application were reviewed:

- 1) The proposed use would not be contrary to the public interest – the current system does not exist and the tank is leaking. Mr. Kuusisto talked to his neighbors and there was no concern and support for a new system.
- 2) The use is not contrary to the spirit of the ordinance - the current septic system is failed and in order to have a properly functioning system it will require waivers due to the lay of the land on the lot.
- 3) Granting the variance would do substantial justice – the current system is failed and leaking sewage onto the lawn causing a health hazard for children of the household and a nuisance to the neighborhood. It is also flowing across the lawn and into the wetlands.
- 4) The proposed use would not diminish property values – property values will potentially increase.
- 5) Literal enforcement of the ordinance would result in unnecessary hardship to the owner...- it was determined by the septic designer that this is the best place on the property. There is no option to place a system on the property without waivers due to setbacks. The property is surrounded by wetlands and the drilled well is in the center of the property. Sharon added the

State's priority is they tend to grant waivers to wetlands before they grant a waiver for a well. The leachfield and the septic tank are downstream from the drinking water well.

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

Marianne stated it was a good idea to have a good working septic system and members agreed. She liked the way the applicant came up with a reasonable solution. David added it was difficult with all the wetlands on a one acre lot.

David made a motion to approve the variance application for locating the septic system within the setback requirement from the wetlands. Stan seconded the motion and it passed unanimously.

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Joanne Meshna
Town Administrator