

## **ZONING BOARD OF ADJUSTMENT**

**FEBRUARY 5, 2013**

## **MEMORIAL BUILDING**

**7:00 P.M.**

The following are to be considered draft minutes only until approved by the Board at their next meeting.

Present: Bill Sullivan (Chairperson), Gene Hayes, Susan Chiarella, Bryan O'Day, Kathy Richardson, and alternates, George McCusker and Cynthia Hayes.

Also Present: Suzanne and William Keller, Billy Huntoon

Bill called the meeting to order at 7:00 p.m.

### **Review of December minutes:**

2<sup>nd</sup> paragraph under Discussion of Zoning regulation. Second sentence, replace the words Special Exception with Article 8 section 8.10-8.13. Corrected sentence will then read. "However, she does feel that the way that Article 8 section 8.10-8.13 is written is a little confusing. Bill made a motion to approve and second by Susan Chiarella, and unanimously approved.

**Keller Hearing:** Bill opened the hearing with introductions of the Board. Charlie Hirschberg represented the Kellers' and addressed the board. He explained that they are looking for a variance for their septic system as it sits within the 660' buffer of McDaniel's Marsh. He said that a proposed house would be within the 660' buffer and would meet all the required setbacks. The proposed plan is for a four bedroom house. He explained that they had delineated all the wetlands on the property and the soils are decent. He explained that they have filed a driveway permit, but have not heard anything yet. There board reviewed the plans and was some discussion. They discussed certain conditions that would have to be met if they approved the variance. Gene raised the question if there would be any provisions of a failed system. Charlie explained that if a system fails it is replaced by removing contaminated soils and fill with new soil. The proposed system is an Enviro-Septic. The leech field will be located as shown on the plan presented before the board. It will be no closer than shown on the plan. Bill raised the question as to if he thinks a site-walk is necessary. The board unanimously did not feel it was necessary as the plan was well put together. The board then went into deliberations. They referred to the application itself to make sure all criteria has been met an as follows.

- 1.) Ok
- 2.) Ok
- 3.) Ok
- 4.) Ok
- 5.) Refer back to #3
  - A. Ok
  - B. Ok

The board agreed that there were no facts to dispute in the application.

A variance was granted as follows:

The board is granting a variance to allow for the construction of a septic system as shown on the plan presented at the hearing dated 01.17.13 by CLD Consulting Engineers, in which no part of the system is to be closer to the Wetlands buffer of McDaniel's marsh than 626.6 feet. This decision grants a variance of 33.4 feet from the required 660' buffer of McDaniel's Marsh. Conditions are as follows:

1. The system should be installed with minimal disturbance using all protective measures a shown on the plan presented.
2. The system installed should be an "Enviro-septic" or better.

A notice of decision will be typed and signed.

**Review of Rules of procedure:** Susan Chiarella wanted it to be noted that this is the second time the Board has reviews page 5 sections 5 letter d of the ordinance, and all was in favor.

Meeting adjourned at 8:15 p.m.

Minutes submitted by,

Susan Abair.