

MINUTES

Fracesttown Zoning Board of Adjustment met Thursday, June 13, 2013 at 7:30 p.m. at the Town Offices, 27 Main Street, Fracesttown, NH. The Board heard the application of the David A Jonas Revocable Trust for a variance from the provisions of Article II A, Section 2-A.5 to permit the construction of a leach field and a septic tank less than 100 feet from the wetland boundary.

Present were Janet Hicks, Tom Lowery, Scot Heath, Mike Jones and Silas Little. Susannah Jonas and Charles M. Pyle recused themselves. Janet Hicks and Scot Heath, alternates, sat in their place.

Silas Little disclosed to the Board and those persons present that he was personally acquainted with David Jonas and Susannah Jonas and knew Mr. Guida and had, in fact, represented Mr. Guida's prior employer, Meridian Land Services. Silas Little also disclosed that he had previously represented by David Jonas and Susannah Jonas, although he was not presently their attorney in any open matters. Silas Little felt that he was not disqualified, but that if persons took exception to his sitting on the application, he would recuse himself. No person present expressed opposition.

The Board determined this application for a variance had no regional impact.

Both Mr. Jonas and Mr. Guida explained the conditions found at the site and the reason for the variance. There is an existing septic system, leach field and tank. The leach field is in failure. Both the existing leach field and the tank are within 75 feet of the wetlands. The purpose of the request for a variance is to replace the existing system in a location that meets the State requirements of 75 feet separation from wetlands. A Presby system is proposed which results in a reduced bed area and the system would not be expanded beyond its present one (1) bedroom capacity. The new

system would, both with respect to the tank and the location of the field, be further away from the wetlands than the old system. Site constraints of steep slope, location of well, location of wetland boundary, unsatisfactory soils and encroachment of the wetlands closer to the flat area on the site as one moves north from the cabin all dictate the present location.

Mr. Guida addressed the five (5) criteria for a variance. Summarized they are as follows:

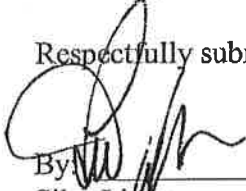
1. The replacement of this system which functions better and provides greater separation from the wetlands serves the public interest. The system proposed meets all State requirements.
2. The spirit of the ordinance is observed in that the wetlands protected by this replacement system which is at a greater separation from the wetlands boundary.
3. Substantial justice is accomplished in that both an existing situation which raises the potential of future issues is rectified and the site proposed is the only workable and feasible site.
4. Surrounding properties are not affected in any fashion by this variance and in fact, correction of a potential problem may be viewed as an incremental benefit to the surrounding properties.
5. Hardship is sustained because this is an existing dwelling on a site that has severe constraints with respect to the location of the septic system, the proposal is reasonable and the specification of the ordinance will not result in the accomplishment of the general purposes of the ordinance protecting wetlands.

Mr. Heath reported the Conservation Commission met on Monday, June 3, 203 with Mr. Jonas and did not express any concerns with the plan.

The meeting was closed to further public participation. The Board was polled as to whether the Board was in favor of the variance. The Board is unanimously in favor of the variance. The

Board unanimously found that each of the criteria as outlined in these minutes was met by the Applicant. The Board granted the variance for the location of the septic system as shown on the plan prepared by Fieldstone Land Consultants, PLLC "Proposed Sewage Disposal System Plan Tax Map 6, Lot 26 (#273 Ferson Road) Frankestown, New Hampshire Land of David A. Jonas Rev. Trust Plan Prepared for JCL Septic P O Box 478 Bennington NH 03440" dated May 22, 2013 and stamped by Christopher A. Guida NH License designer of Subsurface Disposal Systems.

Respectfully submitted,


By: _____
Silas Little
for the Board