

October 31, 2017

APPROVED AS WRITTEN 11/27/2017

Case # 490

Mark Howard, Bob Theve, Alicia Gettman, Amy Stockman and Tom Swift were present.

The Grady Villages Trust, 86 GWH seek a variance concerning IV 4.2, XII12.5.3.A and XII 12.5.2.

Mark gave the particulars of the hearing, they will decide on the variance first and then do the Special exception.

Jack Parsons and abutter Jon Truebe present.

Jim Rines, White Mountain Engineering, presenting. Applicant proposes to construct a modest 20' x 26' dwelling, which will have a roof overhang of 1' into the rear setback. Also to allow the septic tank within 50' of poorly drained soils. Also a special exception for temporary and permanent impact to poorly drained soils.

The overhang would be in the setback by 1' to the rear of the property, road side. The structure itself is compliant. The septic system will be a clean solution system which introduces air to treat the effluent. The tank will be 58.2' from the surface water which is 16.8' encroachment into the 75' setback. The tank would be totally sealed. The driveway, retaining walls, sewage disposal system and grading will not change the character of the neighborhood.

The property has an existing dock and a driveway and taxed as a buildable lot. It will have to get a Shoreland Impact permit. State approved sewage disposal system. Construction of the home will eliminate access to the waterfront which will eliminate risk of solvents leaking into the ground near the lake. The request will not be contrary to the public interest.

Rines felt the spirit of the ordinance would be observed because it would not threaten the public health, safety or welfare of the Town.

Granting the variance would do substantial justice because if not allowed it would be a greater loss to the owner than any gain to the public.

The surrounding property values would probably increase because of the improvement of this lot by landscaping etc.

Denial would result in an unnecessary hardship. It is an existing small triangular lot. The 1' roof overhang will not be noticed by any lay person. The State approved Clean Solution sewage system will improve surface water and groundwater quality compared to surrounding systems. It is a reasonable use.

Mark noted that the structure itself meets setback.

The tank is a sealed tank registered at the Registry of Deeds so any future owner would be aware of it. Tom asked about follow up for the system. Rines explained that there is a mandatory annual maintenance inspection submitted to the State.

Page 2

He was asked how deep is the retaining wall and why? Probably frost level and it is to keep grading etc. from going into the wetlands.

Bob asked about the elevation to the rear of the property. The lake is 504.32' the rear of the property is 512' to 514'. 506' is the 100 year flood elevation. He was asked about foundation of the dwelling. Probably a frost wall no design yet for dwelling. This is the first step for permitting. A process!

Bob asked about septic in flood plain. With the sealed tank etc. it would be permitted. Bob also concerned about site distance onto 109. Rines said it would meet site distance. Existing driveway now, they would have to get a DOT permit for a change of use. There is enough room to turn around so as not to back out onto 109.

Jon Truebe noted that the creek is very shallow now and would not want more effluent into the creek. There are now lily pads and cat nine tails growing which were not there before.

Rines showed where the well is planned on the property. He felt there would be less runoff towards the lake once the dwelling is put in.

Alicia asked about the tank? under the driveway? Yes. A concrete tank, It would be serviced by/with a man hole cover.

No other comments. The board discussed the five points.

#1 Contrary to public interest. The zoning allows for dwelling and sewage disposal.

# 2 Spirit observed: Yes, no violation.

# 3 Substantial justice: It's only/best place on the lot for a structure.

# 4 Values diminished: With annual maintenance/inspection of the disposal system and lot improvement will improve surrounding values.

# 5 Hardship: It a reasonable use of this small pre- existing lot. No other place to put a structure.

Tom made motion to grant variances. Bob 2<sup>nd</sup>. All in favor.

Board continued with the special exception XII 12.5.2

Jim Rines explained that there would be 101' of impact in poorly drained soils and 370' temporary impact in poorly drained soils while construction is under way. There is no other conflict.

The 101' is for about 5' around the dwelling. The 370' temporary is while construction is going on.

There is no hazard to the public or adjacent properties.

No detriment to property values or any characteristic changes in the neighborhood. It would probably improve property values. The dwelling will block off any access by an auto to the lake and that prevents "stuff" going into the lake.

Traffic hazard: It's a single family home should not be any problem. Will be getting a permit from DOT for driveway.

No demand on municipal services.

No increase in storm water runoff. There would be no impact on any adjacent properties.

Alicia asked if the 5' was enough? Jim replied it's not ideal but with advice from Shoreland Protection people, they would allow the 5'. There are at least 4 applications to State Departments for permits. This is the first.

No other questions.

Board went through the 6 questions.

# 1 permitted by ordinance: Yes with Special exception.

# 2 Hazard; None

#3 Values: No detriment.

# 4 Traffic hazard: No.

# 5 Demand on municipal services: None

#6 Storm water runoff: None, it would be managed.

Bob made motion the grant special exception. Alicia 2<sup>nd</sup>. All in favor.

Hearing adjourned.

Minutes of Case # 489. Mark made motion to approve as written. Alicia 2<sup>nd</sup>. All in favor.

Meeting adjourned

Jackie Rollins, Secretary