## Call to Order – 7:00 p.m.: Chairman Deleire called the meeting to order at 7:12 p.m.

## Roll Call: J. Deleire, Chairman; F. Perry, P. Young, Members; P. Robart, Alternate Member; K. Kelley, Building Inspector; L. Ruest; Administrative Assistant

**Not Present:** D. French, Vice Chairman; A. Dittami, Member; T. Parker, Alternate Member

P. Robart was designated a voting member for this meeting; four voting members present.

**C. Public Hearings**

**Case # 11-02** (cross reference Case #11-01): Application from **Diamond Star Properties, LLC** requesting Relief from the Building Code Section(s) 7.1.1.1( c ) to permit construction of a leach field at less than 48 inches above seasonal high water table, and relief from the Building Code Section 7.1.1.2 to permit a septic reserve area less than 5000 S.F. The applicant also requests a Variance to the terms of Article III, Section 5.4.2 and asks that said terms be waived to permit a drainage structure and well within 10 feet of a property line in Zone B on property located at 94 Lafayette Rd. (Map 8 Lot 41)

Alden Beauchemin of Keyland Enterprises, Engineer Dick Wood and Diamond Star Properties Partner Jim Wieczorek were present. This hearing was continued from the May meeting in order to allow time for the Town Engineer (Jones and Beach Engineers) to review the application documents and respond to specific questions raised by the Zoning Board of Adjustment. A letter of response dated June 14 and revised to June 22 was received and reviewed by the Board.

A. Beauchemin reported that he has submitted revised application document forms relating to the requests as outlined above as he used the wrong forms with the submission of the application. These updated forms as well as the revised letter from Jones and Beach Engineers were reviewed by the Board.

Referring to the revised Jones and Beach Engineers letter, specifically, item number six, A. Beauchemin stated the matter is now a moot point as it has been decided to proceed with a replacement septic system abandoning the plan to utilize the existing system. A new septic system will be installed along with a new well which addresses the issues raised by the ZBA.. A. Beauchemin stated that this decision was based on a discussion with the Building Inspector. He offered R. Wood’s assistance should there be any technical questions of the Board.

J. Deleire acknowledged the applicant’s plan to move forward with the septic plan and other improvements of a new well and drainage along the parking area and asked if the Board had any questions or comments. Hearing done, he opened discussion to abutters and members of the public. No abutters were present and no comments were heard at this time. J. Deleire closed the public hearing.

**MOTION:** To approve the applicant’s request for relief from Building Code Section 7.1.1.1(c) to permit construction of a leach field at less than 48 inches above seasonal high water table and relief from Section 7.1.1.2 to permit a septic reserve area less than 5,000 square feet with the following conditions:

1. That all three proposed improvements (septic, well and drainage) take place contemporaneously.

**MOTION: J. DELEIRE**

**SECOND: P. ROBART**

* **Supporting comments of how enforcement of these regulations would do manifest injustice:** Due to the size of the lot and placement of the proposed construction (septic, well and drainage), regulations would do manifest injustice.
* **Supporting comments of how enforcement of these regulations would be contrary to the spirit and purpose of the building codes:** With steep slopes caused by limited area, denial of relief would be contrary to the spirit and purpose.
* **Supporting comments of how enforcement of these regulations would be contrary to the public interest:** Once again, the steep slopes may cause an unsafe condition that would be contrary to public interest.

**VOTE: UNANIMOUS**

**MOTION:** To grant a variance to the terms of Article III, Section 5.4.2 to permit a drainage structure and well within 10 feet of a property line in Zone B on property located at 94 Lafayette Road (Map 8 Lot 41) with the following condition:

1. That all three proposed improvements (septic, well and drainage) take place contemporaneously.

**MOTION: J. DELEIRE**

**SECOND: F. PERRY**

J. Deleire provided support for the five criteria as follows:

1. Granting of the variance would allow the lot to conform to NH Department of Environmental Services regulations.
2. The underground structure will provide necessary contained run-off.
3. These actions will provide protection to abutting properties.
4. Greater environmental protection will be afforded to abutting properties.
5. This small lot will benefit from the proposed changes.

**VOTE: UNANIMOUS**

1. **Review of Minutes of the Previous Meeting (February and April and May)**

L. Ruest explained that there are no longer enough members of the ZBA available to act on finalizing the minutes of the February meeting. These minutes will remain on file with the Town in draft form.

**MOTION:** That the February 24, 2011 ZBA minutes remain in draft form due to lack of membership to act.

**MOTION: J. DELEIRE**

**SECOND: P. ROBART**

**UNANIMOUS**

A document will be maintained on file with the Town Clerk outlining that although a meeting was called for April 26, 2011, there was no quorum.

**MOTION:** To approve the minutes of the May 24 meeting as written.

**MOTION: J. DELEIRE**

**SECOND: F. PERRY**

**3 IN FAVOR, 1 ABSTENTION, PASSES**

###### E. Other Business:

P. Robart asked Building Inspector K. Kelley whether a septic system is required to be installed as discussed with Case #11-02. K. Kelley stated that, in his opinion, a septic system is required to be installed when there is a use change. He stated that the Department of Environmental Services employee (Deseve) provided this direction, however, did not get back to him. K. Kelley added that he obtained State documentation with regard to clarifying this issue. He reviewed what he understands to be the procedure with the Board and added that he took a stand as Health Officer to require that this septic system be installed.

## F. Comments or Questions from the Floor: No comments or questions were heard at this time.

**G. Adjournment**

**MOTION:** To adjourn the meeting at 7:27 p.m.

**MOTION: J. DELEIRE**

**SECOND: P. YOUNG**

**UNANIMOUS**