

**DRAFT MINUTES**  
**NEW DURHAM ZONING BOARD OF**  
**ADJUSTMENT**  
**OCTOBER 14, 2009**

Chairperson Terry Jarvis called the meeting to order at 7:04 PM.

**Roll Call:** Larry Prelli (Chair), Bill McGrew, Helen Wellman

**Others Present:** Paul Gelinias, Paul Harvey abutter

**Minutes of September 19:** Board members made the following corrections:

Page 1, Paragraph 5 of Somers section, and 2nd line: replace “tow car” with “two car”

Bill McGrew moved to accept the minutes of September 9 as amended. Helen Wellman seconded. Approved unanimously with no abstentions.

**Peter Dodson and Carol Spangler:** An application by Peter Dodson and Carol Spangler for a Variance to Allow Construction of a Septic System within one (1) foot of the property line instead of the required 10' on property located on 21 North Shore Road Road, (Tax Map 39, Lot 4).

Chair Larry Prelli told the applicants that there are only 3 members of the Zoning Board present at this meeting, and any application requires 3 affirmative votes to pass. He noted that any applicant is entitled to a hearing with a full board of 5 members. Paul Gelinias, representing the applicant said they would go ahead with their request with 3 members.

Mr. Prelli asked the applicants, members of the public, and members of the Board if anyone felt that one of the board members might have a conflict of interest, or the appearance of a conflict of interest in this case. Bill McGrew noted that he had a social acquaintance with Paul Harvey, an abutter, but he did not think it would affect his decisions. No other concerns were expressed.

Paul Gelinias presented the application on behalf of Mr. Dodson and Ms. Spengler. The property has a summer cottage that was built about 1930 and was badly damaged in the July, 2008 tornado. They have a purchase and sale agreement with David Harvey that is contingent on the requested variance. Mr. Harvey wants to rebuild the cottage in the same footprint as the old cottage. The current septic system was installed at about the same time as the cottage was built and does not come close to meeting current standards. It is located 45' from the waterline.

The layout of the lot creates significant difficulty in placing a septic system. The lot is a small peninsula that has lake frontage on two sides. The third side of the lot is part lakefront and part wetlands. There is only one spot that has a few feet of elevation above the lake and is also 75' from the waterline and wetlands. That location is immediately abutting the property line with the rear abutter in a location that is currently a graveled parking spot.

The proposed septic design will not require the removal of any trees and the finished grades of the septic system will be the same as the current grade. The abutting lot, owned by Mr. Paul Harvey lies upslope from the septic site. The lowest part of the new system will be 2' above the water level. The proposed system is a new environmental design which is many times cleaner than the existing system. The limitation is that the system will lie 1' from the property line instead of the 10' required by the New Durham Zoning Ordinance in Section IV.F.1.a.

Chair Prelli opened the issue to questions from Board members. Bill McGrew asked Paul Harvey if the of the subject property is completed would that make him the abutter to the subject property which would be owned by his son. Mr. Harvey agreed. Mr. McGrew pointed out no other parties would be affected and Mr. Paul Harvey has indicated his agreement with the plan.

Mr. McGrew asked if the abutter to the left of the property (looking from the lakefront) has a well on his property. Mr. Harvey said that lot gets its water directly from the lake. Mr. McGrew said he felt the proposal would be a major improvement over the current situation.

Helen Wellman asked about the lot abutting the right side of the subject property. Bill McGrew said he knew the area and if there is a house on that lot it is at the point furthest away from the applicant lot.

Larry Prelli said his questions had been answered in response to other Board members' questions. He added that his primary concern had been the potential health hazard of two septic systems being so close to each other, but he was satisfied that NHDES had considered that in giving their approval to the septic application.

Mr. Prelli asked if the abutters had any questions. They had none.

David Allen asked if the camp had been in use until the tornado. Yes. Since the tornado? No. He confirmed that the approved septic system was for two bedrooms, and that the replacement home would be limited to two bedrooms. Mr. Harvey agreed. Mrs. Harvey said they might want a third bedroom in the future. Mr. Allen noted that at the time they wanted to do that the Zoning Board would have to take it up as a separate question.

**Bill McGrew moved to approve a a Variance to Allow Construction of a Septic System within one (1) foot of the property line instead of the required 10' on**

**property located on 21 North Shore Road Road, (Tax Map 39, Lot 4) as shown in the materials submitted by the applicant. Helen Wellman seconded.**

Mr. McGrew said his big question in a situation like this is will the proposal be doing public good and in particular will it benefit Merrymeeting Lake? He thinks this plan absolutely will do that. A modern, well designed septic system is always better than something built in 1930 without regulations. In addition, the abutter is present and approves of the plan. Finally, the proposed location is the only reasonable place on lot.

Helen Wellman added that denying the application would create a significant health hazard and hardship for the applicants.

Larry Prelli agreed and added that the new system at 75' from the water line would be 30' further back than the current system at 45'.

**Mr. McGrew's motion to approve was adopted unanimously with no abstentions.**

Larry Prelli asked if there was any other new business. David Allen said a second application had been posted in the notice for the meeting but it was incomplete. The applicants were working to get the additional information and it will be ready for board review soon.

Bill McGrew moved to adjourn at 8:10 PM. Larry Prelli seconded. Approved unanimously with no abstentions.

Respectfully submitted,

David Allen  
Land Use Administrative Assistant

DRAFT!!!