



**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, August 23, 2011 at 6:30pm
Town Hall**

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8 These minutes were prepared as a reasonable summary of the essential content of the meeting, not as a
9 transcription. All exhibits mentioned in these minutes are a part of the Town Record.

10
11 **Attendance**

12
13 **Members present:** Michele Peckham, Vice Chair; David Buber, George Lagassa, and Phelps Fullerton

14
15 **Members absent:** Robert B. Field, Jr., Chair

16
17 **Alternates present:** Robert Landman

18
19 **Staff present:** Richard Mabey, Code Enforcement Officer/Building Inspector, and Wendy Chase,
20 Recording Secretary.

21
22 **Preliminary Matters; Procedure; Swearing in of Witnesses; Recording Secretary Report**

23
24 Ms. Peckham called the Meeting to order at 6:30pm.

25
26 Ms. Peckham seated Mr. Landman for Mr. Field.

27
28 Introduction of Members and Alternates – Ms. Peckham introduced Members and an Alternate
29 Member of the Board present (stated above).

30
31 Pledge of Allegiance – Ms. Peckham invited the Board Members and those in attendance to rise for a
32 Pledge of Allegiance.

33
34 Recording Secretary Report – Ms. Chase reported that the August 23, 2011 Agenda was properly posted
35 on August 5, 2011 at the Library, Town Clerk's Office, Town Office and Town website. Note: The Agenda
36 was not published in the newspaper because there were no "new" Cases before the Board.

37
38 Swearing in of Witnesses – There were no new Witnesses to be sworn in.

39
40 **Prior Meeting Minutes (draft) – July 26, 2011.**

41
42 The Board reviewed the July 26, 2011 "draft" Minutes, and revised by the Chair.

43

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44 Mr. Fullerton made an amendment to the paragraph beginning at line 159, when asked for his opinion
45 on a septic system question, that it state that he is not a septic design expert.

46

47 **The Board approved the July 26, 2011 as amended (4 in favor, 0 opposed and 1 abstention). Mr.**
48 **Landman abstained.**

49

50 **Unfinished Business**

51

52 **Case #2011:04 – John Normand, 75 South Road, North Hampton, NH. Property location: 75 South**
53 **Road, North Hampton; M/L 008-109-000; zoning district R-1.** The Applicant requests a Special
54 Exception under Article V, Section 513 – Accessory Apartment to allow a one (1) bedroom accessory
55 apartment above the existing attached garage. Property owner: John Normand, 75 South Road, North
56 Hampton, NH. This case is continued from the July 26, 2011 Meeting to allow the Applicant to provide
57 additional information concerning the present and proposed Septic System configuration as requested
58 by the Board.

59

60 In attendance for this application:

61 John Normand, Owner/Applicant

62

63 Mr. Normand submitted a septic design plan prepared by Stockton Services, dated August 19, 2011. He
64 commented that, according to State Law, he does not need to install the new system unless the current
65 system fails.

66

67 The Board was in receipt of a letter from the Building Inspector, Richard Mabey, certifying that the
68 septic design meets the State requirements.

69

70 Discussion ensued on what the appropriate size of the septic tank should be to support the existing four
71 (4) bedroom home along with the proposed one (1) bedroom apartment. Mr. Normand's current septic
72 system includes a 1,000-gallon septic tank. Mr. Mabey explained that it is common practice that septic
73 systems are "overdesigned" because it is impossible to gauge the actual "usage" that takes place. Mr.
74 Mabey said that Mr. Normand has shown that the septic system is adequate and does not need to be
75 replaced unless it fails; he referred to Subdivision and Individual Sewage Disposal System Design Rules,
76 ENV-Wq-1003.22 Replacement of Systems in Failure; Pumping Required.

77

78 Mr. Buber referred to Section 513.7 and commented that the septic system has to be in place before the
79 Board could grant the Special Exception, he read a portion of Section 513.7 into the record: *The owner*
80 *shall provide evidence to the Building Inspector that septic facilities are adequate for both units*
81 *according to the standards of the Town and the N.H. Water Supply Control Division.*

82

83 Mr. Mabey said that the Applicant did provide "evidence" in the form of the new septic design plan. He
84 said the State Rules on Septic Systems provides that in order to do an expansion, like the Applicant's
85 proposal, they must provide a plan showing that it can be possible.

86

87 Mr. Peckham said that the way the Ordinance is written, it appears that the new septic system should
88 be in the ground "right now" to support the four (4) bedroom home, and that is what the Board is
89 "grappling" with.

90

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91 Mr. Fullerton referred to the current NH DES subsurface requirements he had printed out off of their
92 website earlier. He said that the requirements have changed since the Applicant's house was built, and
93 the current requirement for a four (4) bedroom home is a minimum tank capacity of 1,250 gallons and
94 should be increased by 250 gallons per each additional bedroom.

95
96 Mr. Buber referred to the July 26, 2011 Meeting Minutes where Chairman Field suggested what
97 evidence Mr. Normand would need to present for this Meeting. (1) Verification from Stockton Services
98 (septic design company) certifying that the existing "septic system" is adequate to support the current
99 residence and proposed addition and (2) if Mr. Mabey agrees with Stockton Services, he will then
100 indicate such approval in writing to the ZBA. Mr. Buber said that the Board is in receipt of neither, and
101 he had expected the information be submitted by the Applicant this evening.

102
103 Ms. Peckham said that she understood that differently. She said that the current septic system is
104 adequate to support a four (4) bedroom house according to the "old" State septic standards; it is the
105 proposal of the one (1) bedroom apartment that changes that fact.

106
107 Mr. Lagassa suggested that if the Board grants the Special Exception, rather than basing the approval on
108 the condition that the new septic system is installed if the current system fails; base it on the number of
109 occupants living in the house.

110
111 Mr. Landman said that that type of condition would not be enforceable, because there would no way of
112 knowing how many occupants would be living at the house at any given time.

113
114 Mr. Lagassa suggested "tying" it into the deed somehow.

115
116 Ms. Peckham commented that the "Decision Letter" is recorded at the Registry of Deeds.

117
118 Mr. Buber read from the DES list Mr. Fullerton provided. Based on gallon capacity, the base amount of
119 gallons per residence is 300 gallons plus 150 gallons for each bedroom over two (2). A four (4) bedroom
120 home would require 600 gallons, so theoretically, adding another bedroom would raise it another 150
121 gallons totaling 750 gallon.

122
123 Mr. Normand currently has a 1,000 gallon septic tank.

124
125 Ms. Peckham said that she would rather base the adequacy of the septic system on the gallon capacity
126 of the tank rather than the number of occupants living in the house.

127
128 Mr. Normand was asked about his current leach field. He said that based on the septic designer the
129 content of the soil is ideal for the septic system. He said that the size of his field is 20' x 40'.

130
131 Mr. Landman is familiar with the area and said that it is mostly gravel and drains very well.

132
133 Mr. Fullerton commented that the new system design submitted by the Applicant is designed to handle
134 825 gallons per day with a 2,000 gallon tank.

135
136 Mr. Normand stated that he has his septic system pumped out every two (2) years and is due to have it
137 pumped this year.

138

139 Mr. Mabey said that he is satisfied that criterion 513.7 has been met.

140

141 Mr. Fullerton voiced concerns over the fact that a Special Exception goes with the deed, and the
142 possibility of a large family someday occupying the home.

143

144 Ms. Peckham said that it has been determined that the current septic is not being used to its full
145 capacity and there is adequate capacity left to accommodate more occupants.

146

147 Mr. Fullerton said that if he built a five (5) bedroom house today, he would be required by the State to
148 install a 1,500 gallon tank.

149

150 Ms. Peckham said that Mr. Mabey has certified that the current septic system is adequate for the four
151 (4) bedroom house plus the proposed one (1) bedroom apartment.

152

153 The Board addressed each of the criteria under Section 513 – Accessory Apartment:

154

155 **Section 513 – Accessory Apartment**

156 **513.1 The property must conform to the dimensional requirements of a single-family lot.**

157 The Board agreed that the evidence was provided in the form of an older site plan.

158

159 **513.2 The existing dwelling must have existed prior to the adoption of this ordinance.**

160

161 The Ordinance was adopted in 1990 and the house was built in 1977. The Board agreed this criterion
162 has been satisfied.

163

164 **513.3 The apartment must be contained within the existing single-family dwelling.**

165 The Board agreed that the testimony provided proved that the apartment is contained within the single-
166 family dwelling; the garage and house are attached by a breezeway.

167 **513.4 The dwelling to which an accessory apartment is added must be owner-occupied and a
168 minimum of 2,000 square feet in total floor area.**

169 The evidence provided by the Applicant shows that the main dwelling will be owner occupied and the
170 house is 3,500 square feet.

171 **513.5 The size of the apartment shall be between 400 and 800 square feet.**

172 The evidence states that the apartment will not exceed 800 square feet.

173 **513.6 No more than two (2) bedrooms are permitted in the accessory apartment.**

174 The Applicant testified that the apartment will have only one (1) bedroom.

175 **513.7 The owner shall provide evidence to the Building Inspector that septic facilities are adequate for
176 both units according to the standards of the Town and the N.H. Water Supply and Pollution Control**

177 **Division. If deemed necessary by the Building Inspector, such evidence shall be in the form of the**
178 **certification by a State of N.H. licensed septic system designer. The Building Inspector shall indicate**
179 **his approval in writing to the Zoning Board of Adjustment.**

180 The Board agreed that Section 513.7 has been satisfied for reasons stated above.

181 **513.8 The apartment shall be designed so that the appearance of the building remains that of a single-**
182 **family dwelling. Any new entrance shall be located on the side or rear of the building.**

183 The Plans show that the entrance and stairway leading to it will be in the rear of the building.

184 **Mr. Landman Moved and Mr. Lagassa seconded the Motion to approve the Special Exception Article**
185 **V, Section 513 – Accessory Apartment, and that the septic plan and the letter from the Building**
186 **Inspector, Mr. Mabey, be made part of the approval and recorded at the Rockingham County Registry**
187 **of Deeds.**

188 **The vote was unanimous in favor of the Motion (5-0).**

189 Ms. Peckham reminded Mr. Normand of the thirty (30) day appeal period.

190 **Other Business**

191 Ethics Committee Report – Mr. Lagassa reported that the Committee is close to completing a final draft
192 of the Code of Ethics, and believes that copies will be distributed to the Board and Committee Members
193 for their review very soon.

194 Miscellaneous – Mr. Lagassa informed the Board that he attended the Select Board Meeting where the
195 “Runnymede Project” proposal was discussed. He explained that the “Runnymede Project” is not the
196 “Runnymede Stables” located on Atlantic Avenue. He said that he believes the “Runnymede Project” to
197 be a long-term goal to turn the farm at 19 Maple Road into an artist studio and residence for Artists.
198 They also plan to have an organic farm and sell the produce to local restaurants. He said that they were
199 proposing to have a concert with five (5) bands and B.Y.O.B. at the farm to raise money on August 20th
200 and August 26th, which was denied by the Select Board. He said he attended the Meeting as a
201 concerned Abutter because it was clearly a commercial use in a residential zone. The Select Board was
202 concerned with safety issues. Mr. Wilson commented, at the Meeting, that there is a draft “Large
203 Assembly” Ordinance that Mr. Wilson suggested the Zoning Board consider, and give some thought to
204 whether or not the ZBA should have some jurisdiction over some of those issues. Mr. Lagassa said that,
205 in principle, the notion of having commercial ventures in the residential zone should be done very
206 cautiously and the “bar” should be set high.

207 Administrative Services Agreement (draft) - Mr. Buber informed the Board that he and Mr. Field will be
208 meeting with Mr. Wilson and Mr. Fournier, on Monday August 29, 2011 at 3:00pm to discuss the draft
209 Administrative Services Agreement.

210

211 Possible Zoning Ordinance changes and possible Joint Meeting with the Select Board and Planning
212 Board-The Board agreed to “table” this discussion to the September 27, 2011 Meeting.

213 **Mr. Buber Moved and Mr. Fullerton seconded the Motion to adjourn the Meeting at 7:34pm.**

214

215 **The vote was unanimous in favor of the Motion (5-0).**

216

217 Respectfully submitted,

218

219 Wendy V. Chase

220 Recording Secretary

221

222 **Approved September 27, 2011**