1	Town of Sandown		
2	Zoning Board of Adjustment		
3	Minutes 6/21/12		
4		141114405 0/21/12	
5 6 7 8	Meeting Date: Type of Meeting: Method of Notification:	June 21, 2012 Public Hearing Public Posting - Sandown Town Hall, Sandown Post Office,	
9 10 11 12	Meeting Location: Members present:	Sandown Website, <i>Eagle Tribune</i> Sandown Town Hall Chairman Steve Meisner, Lauren Cairns, Doug Martin, BJ Richardson, Donna Green	
13 14 15	Also Present: Absent:	Andrea Cairns - Recording Secretary Curt Sweet, Steve Brown – Selectman's Liaison	
16 17 18	Opening: Mr. Meisner op	pened the meeting at 7:03 p.m.	
19 20 21	Mr. Meisner stated that M voting member.	Is. Green would be sitting in for Mr. Sweet and would act as a	
22 23 24 25	Case # 062112-01 – Map 29, Lot 25, located at 2 Indian Hill Road Joshua Manning is requesting a variance from Article II Part A, Section 16B-1 of the Sandown Zoning Ordinance to install a septic system with less than required setbacks from the existing on-site well.		
26 27 28	Present was Mr. Joshua Manning, Points North Design Group.		
29 30 31 32	Mr. Meisner advised Mr. Manning that a full board was not present and he had the opportunity to request a postponement until a full board could be present. Mr. Manning did not want to postpone the hearing.		
33 34 35 36 37	Mr. Manning explained that the home is an existing 2-bedroom home with an existing septic system that has failed. The proposed location for the new system is the most suitable location. Mr. Manning noted they do not want to encroach on the abutters well at the back of the lot and on the side of the lot they would be too close to the road.		
38 39 40	Mr. Richardson asked what the distance was from the proposed septic to the abutters well. Mr. Manning stated that it was outside the well radius, approximately 100'.		
41 42 43	-	f there were houses across the street. Mr. Manning noted there stem would not be within those well radiuses.	
44 45 46	it would be a 1,250 gallon	nning to interpret the plans for her. Mr. Manning explained that a tank, which would go in the same location of the existing tank. 40' leach field. They would excavate along the sewer line to put	

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47 in a new line. The house is higher than the leach field, so it will slope downwards. There 48 are existing trees that will be removed. 49 50 Mr. Meisner asked why they were using a 1,250 gallon tank for a two bedroom home. Mr. Manning noted the state bumped up the requirements making a 1,250 size tank the 51 52 minimum size required for any 2-3 bedroom home. 53 54 Ms. Green asked what an artesian well was and Mr. Manning clarified the difference and 55 noted the homeowners well is approximately 400' deep. 56 57 Mr. Manning read his responses to the five application questions for the record: 58 59 1. Granting the variance would not be contrary to the public interest: This 60 replacement system will meet State of NH requirements and will help protect the 61 health and welfare of the public. It is an improvement over the existing failed 62 system. 63 2. If the variance were granted, the spirit of the ordinance would be observed because: The new system will help protect groundwater on the applicant's lot or 64 well as abutting lots. New system will protect health and welfare of the public. 65 3. Granting the variance would do substantial justice because: More treatment 66 will be provided with the new system than the existing failed system. Granting of 67 a variance would not be contrary to the spirit and intent of the ordinance. 68 69 4. If the variance were granted, the values of the surrounding properties would 70 **not be diminished:** Existing failed system already exists. A new treatment system 71 will improve the value of the surrounding properties in that it will remedy the 72 existing situation for the better. 5. Unnecessary hardship 73 A. Owing to special conditions of the property that distinguish it 74 75 from other properties in the area, denial of the variance would 76 result in unnecessary hardship because: No fair and substantial relationship exists between the general 77 78 public purposes of the ordinance provision and the specific application of that provision to the property because: 79 80 special conditions of the property distinguish it from other properties in town. Lot was created in 1955, pre-Sandown 81 zoning with regards to septic systems. 82 ii. The proposed use is a reasonable one because: It is replacing an 83 existing failed system that currently does not meet zoning 84 85 requirements. No lesser treatment will occur as a result of granting the variance. 86 B. Explain how, if the criteria in subparagraph (A) are not 87 88 established, an unnecessary hardship will be deemed to exist if, and only if, owning to special conditions of the property that 89 distinguish it from other properties in the area, the property 90

cannot be reasonably used in strict conformance with the

ordinance, and a variance is therefore necessary to enable a

93 **reasonable use of it:** There is no other suitable location to replace the 94 existing failed system on this lot. Due to topography and abutters well 95 locations. 96 97 Mr. Martin joined the meeting but did not participate in the hearing. 98 99 Mr. Richardson asked Mr. Manning if the existing tank was in the same location, if it had 100 a leach field and if they were going to recover any of that area. Mr. Manning noted the 101 existing system had a seepage pit which is what was failing. Mr. Chuck Ashford from 102 Dependable Construction, who was also present at the hearing, noted they would not 103 recover any of that area. 104 105 Ms. Lauren Cairns questioned the distance from the septic tank to the homeowners well, 106 Mr. Manning noted it was 43.58'. Ms. Green asked why the tank didn't need to be a 107 certain distance from the well. Mr. Manning noted the state required a 50' setback from 108 the tank to the homeowners well, and that they would be applying for a waiver. He noted 109 they will also get a state waiver for the 75' required state setback from the homeowners 110 well to the leach field. Mr. Manning noted that once they receive the town waiver, they 111 will apply for the two state waivers. Mr. Meisner explained the approval process. 112 Ms. Green questioned if this was the only option since they needed to acquire two 113 114 waivers from the state. She questioned how often septic tanks leak and contaminate well 115 water and asked if they could install a holding tank outside the 75' setback instead of a 116 leach field. Mr. Manning noted the state would only allow a holding tank on properties 117 where they could not fit a leach field. 118 119 Mr. Richardson noted that there would be greater concern of contaminating the well if it 120 were a dug well. In this case, it is an artesian well; most go through bedrock and are 121 encased. In his opinion, the chances of polluting an artesian well are very small. By 122 having a new leach field, more of the waste would be contained and treated within the septic system. 123 124 125 There was no public in attendance. Mr. Meisner closed the hearing to public input at 126 7:24. 127 128 There was no additional discussion among the board. 129 130 **MOTION:** Mr. Richardson made a motion to approve the application for Case #062112-131 01 requesting a variance from Article II Part A, Section 16B-1 of the Sandown Zoning 132 Ordinance to install a septic system with less than required setbacks from the existing on-133 site well. Ms. Lauren Cairns seconded the motion. There was no discussion. The Board 134 voted unanimously in favor. The motion passed. 135 136 Mr. Meisner explained to Mr. Manning that there is a 30 day appeals process where a 137 new hearing could be granted if any new information was brought to the Board. 138

139 140	Ms. Andrea Cairns will do the notice of decision for Mr. Manning.		
141	Mr. Meisner asked the Board to fill out the voting sheets.		
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143	Mr. Martin was brought in as a voting member.		
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145	Review of the 5/31/12 Minutes		
146	L65 change engineer to designer		
147	L68 add Andrea		
148	L75 include the date		
149			
150	MOTION: Mr. Martin made a motion to accept the 5/31/12 minutes as amended. Ms.		
151	Lauren Cairns seconded the motion. Members voted in favor, Mr. Richardson abstained.		
152	The motion passed.		
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154	Ms. Green noted that the applicant originally came in with the wrong type of application		
155	and questioned what would have happened if it weren't corrected before the meeting. Mr.		
156	Meisner noted they would likely still have reviewed the application, making sure the		
157	correct application would be submitted.		
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159	Officer Elections		
160	MOTION: Mr. Martin made a motion to nominate Mr. Meisner as Chairman. Mr.		
161	Richardson seconded the motion. Members voted in favor, Mr. Meisner abstained. The		
162	motion passed.		
163	MOTION. Mr. Maisney made a motion to nominate Mr. Dichardson as Vice Chairman		
164	MOTION: Mr. Meisner made a motion to nominate Mr. Richardson as Vice Chairman.		
165 166	Ms. Green seconded the motion. Members voted in favor. Mr. Richardson abstained. The		
167	motion passed.		
168	MOTION: Mr. Meisner made a motion to adjourn. Mr. Richardson seconded the motion.		
169	The Board voted unanimously in favor. The motion passed. MEETING ADJOURNED at		
170	7:44 p.m.		
171	7. 44 p.m.		
172	Respectfully submitted,		
	Chares & Pains		
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174	Andrea Cairns, Recording Secretary		