

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.

51 Mr. Manning noted the state bumped up the requirements making a 1,250 size tank the
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

64 2. **If the variance were granted, the spirit of the ordinance would be observed**
65 **because:** The new system will help protect groundwater on the applicant's lot or
66 well as abutting lots. New system will protect health and welfare of the public.

66

67 3. **Granting the variance would do substantial justice because:** More treatment
68 will be provided with the new system than the existing failed system. Granting of
69 a variance would not be contrary to the spirit and intent of the ordinance.

69

70 4. **If the variance were granted, the values of the surrounding properties would**
71 **not be diminished:** Existing failed system already exists. A new treatment system
72 will improve the value of the surrounding properties in that it will remedy the
73 existing situation for the better.

73

74 5. **Unnecessary hardship**

75

76 **A. Owing to special conditions of the property that distinguish it**

77 **from other properties in the area, denial of the variance would**

78 **result in unnecessary hardship because:**

79

80 i. **No fair and substantial relationship exists between the general**
81 **public purposes of the ordinance provision and the specific**
82 **application of that provision to the property because:**
83 special conditions of the property distinguish it from other
84 properties in town. Lot was created in 1955, pre-Sandown
85 zoning with regards to septic systems.

83

84 ii. **The proposed use is a reasonable one because:** It is replacing an
85 existing failed system that currently does not meet zoning
86 requirements. No lesser treatment will occur as a result of
87 granting the variance.

87

88 **B. Explain how, if the criteria in subparagraph (A) are not**
89 **established, an unnecessary hardship will be deemed to exist if,**
90 **and only if, owing to special conditions of the property that**
91 **distinguish it from other properties in the area, the property**
92 **cannot be reasonably used in strict conformance with the**
93 **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

113 Ms. Green questioned if this was the only option since they needed to acquire two
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
123 septic system.
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 Ms. Andrea Cairns will do the notice of decision for Mr. Manning.

140

141 Mr. Meisner asked the Board to fill out the voting sheets.

142

143 Mr. Martin was brought in as a voting member.

144

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.

153

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.

158

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

164 **MOTION:** Mr. Meisner made a motion to nominate Mr. Richardson as Vice Chairman.
165 Ms. Green seconded the motion. Members voted in favor. Mr. Richardson abstained. The
166 motion passed.

167

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

172 Respectfully submitted,



173

174 Andrea Cairns, Recording Secretary