

**Town of Sandown  
Zoning Board of Adjustment  
Minutes 6/19/14**

**Meeting Date:** June 19, 2014  
**Type of Meeting:** Public Hearing  
**Method of Notification:** Public Posting - Sandown Town Hall, Sandown Post Office,  
Sandown Website, Eagle Tribune  
**Meeting Location:** Sandown Town Hall  
**Members present:** Chairman - Steve Meisner, Christopher True – Vice Chairman,  
Brian St. Amand, Dave Ardolino  
**Absent:** Donna Green, Curt Sweet,  
Hans Nicolaisen – Selectmen’s Liaison

**Opening:** Mr. Meisner opened the meeting at 7:01 p.m.

**Public Hearing for Case #1 -- M29L43. The property is located at 34 North Shore Road and is identified on Map 29 as Lot 43. An application submitted by Patricia L. Rivers requesting a variance from Article II, Part A, Section 15 to allow the installation of a replacement septic system closer than 75’ from wells and surface water.**

Mr. Meisner noted for the applicant that the board only had four members present which meant she needed three votes to pass the variance. They had the right to postpone the hearing to another time when there could be a full board. Ms. Rivers opted to continue.

*James Lavelle, licensed land surveyor and licensed septic designer presented the application.*

Mr. Meisner explained the process for the public.

Mr. Lavelle noted the list of waivers was on the plans. The existing system is partially under the building and towards the lake. They are doing their best to meet all the setbacks. The proposed system is an improvement from what is there. The only other alternative which they would have tried is a clean solution system. The tank required for that system is quite large and wouldn’t fit on the property.

Mr. Lavelle reviewed the application and his answers to the questions.

1. ***The variance will not be contrary to the public interest because:*** The new system will be an upgrade to the existing situation.
2. ***The spirit of the ordinance is observed because:*** Setbacks are being adhered to as much as possible and upgrading a failed system.
3. ***Substantial justice is done because:*** The surface waters will be protected by installing a modern system.
4. ***The values of surrounding properties will not be diminished because:*** The upgrade will increase the value of the subject property therefore increase the values of the surrounding properties.

51 **5. Literal enforcement of the provisions of the ordinance would result in an**  
52 **unnecessary hardship because: Use (A) or (B).**

53  
54 **The “special conditions” of this property that distinguish it from other properties in**  
55 **the area are as follows:** The small property and location of existing abutting well leaves  
56 no other septic area.

57  
58 **(A) Owing to special conditions of the property that distinguish it from other**  
59 **properties in the area, denial of the variance would result in unnecessary hardship**  
60 **because:**

- 61  
62 (i) **No fair and substantial relationship exists between the general public**  
63 **purposes of the ordinance and the specific application of that**  
64 **provision to the property because:** The strict adherence of the  
65 ordinance would render this property unusable for modern septic  
66 requirements.  
67 (ii) **The proposed use is a reasonable one because:** The use is reasonable  
68 because it allows for a modern septic system installation with a new  
69 leach field 75’ from surface water.  
70

71 Mr. Lavelle noted the Enviroseptic System is what is being installed and is one of the newer types  
72 of systems that they’ve been using. The old system was closer to the abutter across the right-of-  
73 way, but further away from the abutter to the other side. The new system is further from the lake.  
74

75 Mr. True clarified where the old system was. He asked if the old system failed and Mr. Lavelle  
76 confirmed it did. Mr. True questioned if the health inspector inspected the system. Ms. Rivers  
77 noted he did not.  
78

79 Mr. St. Amand questioned if there was a leach field. Ms. Rivers confirmed there is a very small  
80 one.  
81

82 Mr. Meisner noted there was an additional section that they should add to their variance request  
83 that also pertained to septic systems –Article I, Part B, Section 4-1. That section includes the 75’  
84 from any wetland which they would qualify for since they are within the shoreland protection  
85 area.  
86

87 Mr. Lavelle noted they have not received state approval yet, but they meet the 50’ setback that the  
88 state requires from a well.  
89

90 Mr. Lavelle noted the system was for a two-bedroom home. Mr. Meisner reviewed the tax card to  
91 see if it existed on the tax card as a three-bedroom, which it did. Ms. Rivers confirmed she  
92 converted one of the bedrooms to a closet. Mr. Meisner suggested she speak with the assessor to  
93 have that changed to make it a legal two-bedroom home.  
94

95 Mr. Meisner opened the hearing to the public.  
96

97 *Barbara Cameron, 36 North Shore Road*

98 Ms. Cameron noted she is the home across from the boat launch. Ms. Cameron noted that Mr.  
99 Mencis had been to the property. Mr. Lavelle noted he was there to witness the test pits. He  
100 would review the plans and inspect the system during installation.  
101

102 Ms. Cameron had concerns about the safety of her well and wanted more information on the type  
103 of system that was being installed. Mr. Lavelle noted that the system was newer and further away  
104 from her well than the previous system. Mr. Lavelle explained the kind of system it was.

105

106 There was no other public present.

107

108 Mr. Meisner closed the hearing to the public.

109

110 The applicant had no additional input.

111

112 Mr. Meisner closed the hearing to the applicant.

113

114 Mr. True questioned if Mr. Mencis would be present when the old system was removed. Mr.  
115 Lavelle didn't believe he needed to be present for that, but wouldn't have an issue if the board  
116 wanted to make that a condition of approval.

117

118 Mr. Mencis noted that because it is in the shoreland protection area, the state would also be  
119 inspecting it. Mr. True had concerns about contaminated soil remaining. Mr. Meisner noted the  
120 state would monitor that.

121

122 Mr. Meisner feels any step made to protect the abutters is a step in the right direction. He is happy  
123 she is doing the right thing and putting a new system in.

124

125 Mr. Ardolino agrees--anything that helps protect the environment and ground water is an  
126 improvement.

127

128 **MOTION:** Mr. True made a motion to conditionally approve the variance for the application  
129 submitted by Patricia L. Rivers requesting a variance from Article II, Part A, Section 15 and  
130 Article I, Part B, Section 4-1 to allow the installation of a replacement septic system (as per plan  
131 submitted by James Lavelle and Associates dated 6/10/14), closer than 75' from wells and surface  
132 water. The property is located at 34 North Shore road and identified as Map 29, Lot 43. The  
133 following condition shall apply:

134

- 135 • The old tank shall be removed

136

137 Mr. Ardolino seconded the motion. Members voted unanimously in favor. The variance was  
138 granted with a 4-0-0 vote.

139

140 Mr. Meisner reminded the applicant that there was a 30-day appeals timeframe.

141

142 **MOTION:** Mr. Ardolino made a motion to adjourn. Mr. St. Amand seconded the motion. All  
143 members voted in favor. The motion passed. Meeting adjourned at approximately 7:51 p.m.

144

145 Respectfully Submitted,

146



147

Andrea Cairns