Town of Sandown 1 **Zoning Board of Adjustment** 2 **Minutes 3/26/15** 3 4 5 6 **Meeting Date:** March 26, 2015 7 **Type of Meeting: Public Hearing** 8 Method of Notification: Public Posting - Sandown Town Hall, Sandown Post Office, 9 Sandown Website, Tri-Town Times 10 Sandown Town Hall **Meeting Location: Members present:** Chairman - Steve Meisner, Vice Chairman - Christopher True, 11 12 Dave Ardolino, Brian St. Amand, Curt Sweet, Donna Green -13 Alternate, Chris Longchamps - Alternate, Tom Tombarello -14 Selectmen's Liaison 15 16 **Opening:** Mr. Meisner opened the meeting at 7:04 p.m. 17 18 Mr. Meisner was going to sit in and run the meeting, but Mr. Longchamps was appointed 19 as a voting member for the hearing. 20 21 Public Hearing - Case #01 – M29 L53 – The property is located at 6 Second Street 22 and identified on Map 29 Lot 53. An application submitted by Dan Dillon 23 requesting a variance from Article II, Part A, Section 15 to permit the installation of 24 a replacement septic system closer than 75' from wells and wetlands. 25 26 Tim Lavelle was present to represent Dan Dillon. 27 28 Mr. Lavelle reviewed the application. He noted the property is 0.19 acres and backs up to 29 a large wetland that connects to Phillips Pond. The property is located off North Shore 30 Road. The properties on both sides have wells by the road so there isn't enough room to 31 put a septic system between the well and the road to meet the wetland setback. They 32 placed it as far back as they could. 33 34 Mr. Lavelle noted they were able to achieve the 50' wetland setback that the state 35 requires but they are too close to an off-site well and also their own on-site well to meet 36 the town setback requirements. What they are proposing is better than the existing 37 situation which is much deeper in the ground and closer to the wetlands. They are using 38 the EnviroSeptic Tubes which is a much better system and why the state allows them to 39 go closer to the water tables. This system treats the effluent better and uses a much 40 smaller footprint. The other option is a holding tank which is not a good option. 41 42 Mr. Tombarello questioned if the home was sold or if the applicant was living there. He 43 had concerns because the applicant did their own electric work which is permitted in New 44 Hampshire but only if they are going to live in the home. Mr. Dillon ensured Mr. 45 Tombarello that their intention was not to sell the home, but Mr. Tombarello thinks it was sold. Mr. Lavelle did not know whether the home had been sold. 46

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- 48 Ms. Green found several notes on the septic plans that were not relevant and needed to be
- 49 changed. Mr. Lavelle noted they were boiler plate notes, some the state required. He
- would remove those that weren't relevant. He noted that the plans were reviewed by the
- Health Inspector, but had not been sent to the state yet. The town needs to approve them
- before they are sent off to the state.

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Mr. Meisner questioned if they met the setbacks to the well for M29 L55. Mr. Lavelle confirmed they did.

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- 57 Mr. St. Amand questioned what existed currently for a septic system. Mr. Lavelle noted
- 58 they are guessing that it is a 50 gallon drum type of system, but is basically unknown.
- They know there are two pipes that go out of the corners of the home, but they do not
- know what they lead to.

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- Mr. St. Amand questioned if they would remove what is there. Mr. Lavelle noted they would leave the leach field, which is what the state prefers, but would need to remove the
- tank to have room for the new system.

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66 Mr. Lavelle read the criteria questions.

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1. The variance will not be contrary to the public interest because: The new system willbe an upgrade to the existing situation.

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2. The spirit of the ordinance is observed because: The system is designed as far from wetlands and wells.

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3. Substantial justice is done because: The surface waters (wetlands) will be protected by installing a modern system.

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4. The values of surrounding properties will not be diminished because: The upgrade will protect ground water, etc., and increase the value of the property.

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

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The "Special Conditions" of this property that distinguish it from other properties in the area are as follows: The property is small and with the locations of existing wells it leaves no other area for the septic area.

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(A) Owing to the special conditions of the property, set forth above, that distinguish it from other properties in the area:

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(i) No fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to

92		the property because: The strict adherence of the ordinance would render
93		the existing dwelling unusable.
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95	(ii)	The proposed use is a reasonable one because: The setbacks are being
96		adhered to as much as possible and upgrading a failed system with a
97		modern system.
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99		estioned if a different option was better than having a septic system so close
100		ls. Mr. Meisner noted that a holding tank system is not a better option.
101		y have alarms to warn people when they needed to be pumped, the alarms
102		off and ignored. If the tank fills, you have effluent flooding out and going
103		d. Mr. Lavelle noted that the state considers them a last resort. They do
104		meowner to sign a contract stating they would pump the system and they
105		o submit pumping receipts yearly. He added that with the modern septic
106	systems 50 18	s adequate protection.
107	Ma Andalina	avectioned how the shotten felt. Mr. I evalle noted they were informed/sent
108		questioned how the abutter felt. Mr. Lavelle noted they were informed/sent
109 110		ter. Likely they are happy it is an improvement over what is currently there, ches even more on their well.
111	willen eneroad	thes even more on their wen.
111	Mr Maisnar	closed the hearing to the applicant.
113	Wir. Wiersher	closed the hearing to the applicant.
113	There was no	public in attendance.
115	There was no	paone in attendance.
116	MOTION: M	Ir. True made a motion to approve Case #01 – M29 L53 for the property
117		econd Street and identified on Map 29 Lot 53. An application submitted by
118		questing a variance from Article II, Part A, Section 15 to permit the
119		Ta replacement septic system closer than 75' from wells and wetlands. Mr.
120		onded the motion. All members voted in favor. The motion passed.
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122	Mr. Meisner i	noted for the applicant that there was a 30-day appeals timeframe.
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124	Review of Ap	pplications
125	Review the ap	oplication for M5 L7-6-1, L7-6-2 located at 58 Tenney Road requesting a
126		Article II, Part B, Section 3B to permit two lots each having 100' of
127	frontage when	re 200' is required.
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129		Mr. Ardolino reviewed the abutters list and determined they were correct,
130	there were en	velopes and postage also included. The application fees have also been paid.
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132	Mr. Lavelle in	nformed the board about the existing subdivision approval.
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134		Ir. Ardolino made a motion to accept the application for M5 L7-6-1, L7-6-2
135	• •	variance from Article II, Part B, Section 3B to permit two lots each having
136		ge where 200' is required, to be heard at the April meeting. Mr. St. Amand
137	seconded the	motion. All members voted in favor. The motion passed.

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141	Review of the application for M3 L10 located at 142 Main Street requesting a special
142	exception for an accessory apartment.
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144 145	Mr. True and Mr. Longchamps reviewed the abutters list and determined they were correct, there were envelopes and postage also included. The application fees have also
146	been paid.
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148	Mr. Lavelle gave an overview of the application for the board.
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150	MOTION: Mr. St. Amand made a motion to accept the application for M3 L10 located
151	at 142 Main Street requesting a special exception for an accessory apartment, to be heard
152	at the April meeting. Mr. Ardolino seconded the motion. All members vote in favor. The
153	motion passed.
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155	Review of 2/26/15 Minutes
156	MOTION: Mr. True made a motion to accept the 2/26/15 minutes as written. Mr. St.
157	Amand seconded the motion. All members voted in favor. The motion passed.
158	NOTITON ACCOUNT.
159	MOTION: Mr. Ardolino made a motion to adjourn. Mr. Longchamps seconded the
160	motion. All members voted in favor. The motion passed. Meeting adjourned at
161	approximately 8:15 p.m.
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163	Respectfully Submitted,
164	Chares & Claims
164 165	Andrea Cairns