

DRAFT, SUBJECT TO REVIEW, CORRECTION AND APPROVAL

DUNBARTON ZONING BOARD OF ADJUSTMENT

MONDAY, DECEMBER 9, 2013

DUNBARTON TOWN OFFICES – 7:00 P.M.

The regular monthly meeting of the Dunbarton Zoning Board was held at the above time, date and place with Chairman John Trotter presiding. The following members were present:

John Trotter, Chairman
David Nault, Vice-Chairman
Alison Vallieres, Secretary
Dan DalPra
Wayne Bracy
Michael Kaminski, Alternate

Other Town Officials:

Kelly Dearborn-Luce, Building, Planning and Zoning Department

Members of the Public:

Steven Zanella , representing the applicant Deanna Raymond
Michael P. Seraikas, Septic System Designer
Keith Brady, K. P. Brady Construction

John Trotter, Chairman, called the meeting to order at 7:00 p.m.

Meeting Posting:

The Chairman verified with the Secretary that the meeting notice had been posted in two public places throughout the Town and published in the Concord Monitor for one day. In addition, the notice was posted on the Dunbarton Web Page.

APPROVAL OF PREVIOUS MEETING MINUTES - MONDAY, SEPTEMBER 9, 2013

At this point in the meeting, Mike Kaminski stated he would like to amend the minutes of the Monday, September 9, 2013 meeting as follows:

Page 2, Board Discussion , Mike Kaminski's comment should read as follows:

"Mike Kaminski stated the plan didn't reflect any options for placement of the garage on the other side of the house. "

MOTION:

Dan DalPra made a motion that the Dunbarton Zoning Board of Adjustment approve the minutes of the previous meeting of Monday, September 9, 2013 as amended above. David Nault seconded the motion. The motion passed unanimously.

7:00 PM - PUBLIC HEARING –DEANNA RAYMOND (B4-03-01) REQUESTS:

1) AN AMENDMENT TO A PREVIOUSLY GRANTED VARIANCE DATED 8/11/2003 TO GARY KING TO ARTICLE 4, SECTION B. DIMENSIONAL REGULATIONS OF THE DUNBARTON ZONING ORDINANCE WHICH INCLUDED A CONDITION “THAT THE PROPOSED ADDITION BE FOR LIVING SPACE ONLY AND NO ADDITIONAL BATHROOM SPACE SO THERE WILL BE NO ADDITIONAL LOAD ON THE SEPTIC SYSTEM”. APPLICANT WISHES TO AMEND THIS CONDITION TO ACCOMMODATE AN ADDITIONAL BEDROOM WHICH WILL INCREASE THE EXISTING SEPTIC SYSTEM.

2) APPLICANT ALSO REQUESTS A VARIANCE TO ARTICLE 5, WETLANDS CONSERVATION DISTRICT, F. 2 TO ALLOW HER TO INSTALL A NEW SEPTIC SYSTEM CLOSER THAN THE REQUIRED 125 FEET FROM THE WETLANDS CONSERVATION DISTRICT TO ACCOMMODATE AN ADDITIONAL BEDROOM AT HER PROPERTY LOCATED AT 1175 BLACK BROOK ROAD IN THE LOW DENSITY DISTRICT IN DUNBARTON, NH

Steve Zanella, representing the applicant Deanna Raymond, appeared before the Zoning Board of Adjustment to explain the request for the Amended Variance and Variance as follows:

1. Trying to get an Amended Variance to allow them to build a space above the 24' x 24' addition to use as bedroom space.
2. Realizing that increasing the number of bedrooms would affect the septic system, we needed to add to the septic system. We would be using the same location of the existing septic system. This is the reason for the second Variance.
3. The property was purchased from the bank with a condition that we increase the value of the property. We looked at it to see if there were any issues.
4. Noted there was a Variance for Wetlands Setbacks but it was noted in the Variance that the addition be only used for living space and no additional bathroom space so there will be no additional load on the septic system.
5. The new septic design will show that a septic system can be put in that will serve the four bedrooms. It was noted that the existing septic system was built in 1977 which is before 1990 when the Wetlands Conservation District was created. The new septic system will be within the 125 Wetlands Conservation District. This is the reason for the Variance.

Board Discussion:

Members of the Board expressed concerns about not putting the new septic system in now and waiting for the old one to fail. They felt the old septic system should be replaced now during the construction process before putting in more bedrooms.

It was noted that the present system had failed at one point and had repairs done to it. The former owner did not have the money to replace the system at that time.

Once all the construction is completed and the added bedrooms are in, there is no guarantee that the new septic system will be installed in the event of failure. It was noted there are no nearby neighbors to be aware of failure, etc.

It was noted for the record that there was no delineation line for the 125 foot Wetlands Conservation District on the plan to determine how far the structure and/or septic system was from the Wetlands Conservation District. This is important to the Board in order to make a decision.

The Board asked if the septic system could be moved to the front of the property. Mr. Seraikas noted that it could but that would also need a Variance because it would be closer than 50 feet from the lot line.

John Trotter, Chairman, stated that the Wetlands Conservation District is determined by Soils Types as noted in the Ordinance.

Michael Seraikas, Septic System Designer, stated one of the critical conditions is that the lot has to meet sewer loading capacities which dictates how many gallons you can put in the ground. He stated he calculated the loading based upon the soil type and it meets or exceeds the loading capacity for the four bedroom house. The proposed septic system is in approximately the same area as the existing. We are not disturbing anything new. It is 86 feet from the Wetland Conservation District. He stated if they put in the new septic system now it will drive up the cost of the repairs for the applicant. Stated by the time the effluents are coming out of the septic system, they are 99% treated.

Dan DalPra stated "How can I approve anything without seeing the whole picture. We don't know what the building looks like inside. There is no plan for the addition. They say it could be four bedrooms or possibly five. Where are the bedrooms? We haven't seen anything. The proposed septic system would not meet loading for five bedrooms. What you have is what you get."

Keith Brady, K. P. Brady Construction, stated he did not have plans for the house. There was an addition put on ten years ago and they are putting a second floor onto the addition.

Steven Zanella stated they plan on putting four bedrooms on the second floor. When they looked at the house, it looked like there was a bedroom on the first floor also. It was listed as a three bedroom home. We would make the downstairs living space and not have a bedroom downstairs. We are adding two bedrooms, making it a total of four bedrooms.

Mike Seraikas stated the new system meets State setbacks. The new septic plan would be ready to go in the event of a failure. Stated he inspected the existing system and it looked good. The rocks were clean, etc. Typically, they do have failure before replacing the septic system.

Stated the proposed system is not a "pumped" system but if they moved it to the front of the property, it would have to be a pumped system.

Steve Zanella stated that they had to go through the bank to show them that we were going to increase the value of the property. If one of the requirements is that we have to replace the existing septic system, we would have to go back to the bank to see if we could get more money.

Stated that we were told that as long as we have a septic design in place that we did not have to put it in at this time, only in the event of failure. This is why we paid to have the design done.

Dan DalPra asked if the stairs were going to be removed. The applicant stated yes they were going to be taken out. Dan DalPra stated he wanted to make sure they weren't going to be putting a deck on.

John Trotter, Chairman, noted the following with regard to the request:

1. The Board requires a more accurate plan (Certified Plot Plan) showing the Wetlands Conservation District clearly delineated. The Wetlands Conservation District is determined by Wetlands Soils types.
2. The Board requires full size Certified Plot Plans, not photo copies, etc.
3. Need an accurate floor plan showing the existing floor plan and the new floor plan.
3. In your notes regarding answers to questions regarding criteria for the granting of a Variance, the Hardship requirement does not involve financial hardship. You should amend your statement regarding Substantial Justice and/or hardship. Noted that there are two parts to the Hardship Criteria.
4. Should show Construction area showing disturbed area and where is the tree line?

Board members asked the following questions:

1. What is the status of the existing 1,000 gallon concrete septic tank? Can you even replace septic tanks?
2. What about nitrates? You say the effluent is 99% pure. What about the rest of the effluent?
3. Consensus of the Board was that they felt the septic system should be replaced now and not wait until failure.

M. Seriska asked if the Board would consider allowing them to only replace the septic tank and not the entire system.

At this point in the meeting, the following motion was made:

MOTION:

Mike Kaminski made a motion that the Request for an Amended Variance and a Variance from Deanna Raymond be continued until the applicant has sufficient information to appear before the Board. Wayne Bracy seconded the motion. The motion passed unanimously.

There being no further business, the meeting adjourned at 8:10 p.m.

Respectfully submitted,
Alison R. Vallieres, Secretary

