

DRAFT, SUBJECT TO REVIEW, CORRECTION AND APPROVAL

DUNBARTON ZONING BOARD OF ADJUSTMENT

MONDAY, JANUARY 13, 2014

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 Trottier presiding. The following members were present:

John Trottier, 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
Jeff Crosby, Road Agent
Kyle Parker, Building Inspector

Members of the Public:

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

John Trottier, 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, December 9, 2013

MOTION:

David Nault made a motion that the Dunbarton Zoning Board of Adjustment approve the minutes of the previous meeting of Monday, December 9, 2013 . Wayne Bracy seconded the motion. The motion passed unanimously.

7:00 P.M. - CONTINUED 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 DUNBATON 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

Steven Zanella , representing the applicant Deanna Raymond, appeared before the Board along with Michael P. Seraikas, Septic System Designer, and Keith Brady, K. P. Brady Construction.

An updated map of the proposal was presented to the Board showing the new location of the proposed septic system. M. Seraikas noted that they were able to move the location of the proposed septic system 91' from the Wetlands Conservation District instead of the originally proposed 86'.

John Trottier, Chairman, stated that he had drawn a red line on the plan showing the exact location of the 125 ' setback from the Wetlands Conservation District for the Board. He also verified with the Septic System Designer that the Wetlands Conservation District boundary had been located according to soil types, etc. as requested by the Board at the previous meeting.

John Trottier, Chairman, also noted for the record, that the Board received the following information and detail as requested at the previous meeting as follows:

- 1. Full size Certified Plot Plans, no photo copies, for this meeting.**
- 2. Accurate floor plan.**

At this point in the discussion, it was asked why there was not a floor plan for the first floor also. The applicant stated that he felt the board was interested only in the additional bedrooms which are on the second floor.

Applicant stated that what was originally used as a bedroom on the first floor, they are planning to use as an office and not a bedroom.

- 3. The applicants have amended their comments so they do not involve financial hardship as this is not a criteria for Substantial Justice.**

4. The plan now shows the disturbed area and the tree line as requested by the Board.

The applicant stated that they plan on installing the septic system as part of the total reconstruction process of the building. The Board noted one of their conditions would be that they will not be able to obtain a Certificate of Occupancy until the Septic System is completely installed and working, etc.

At this point in the meeting, John Trottier, Chairman, asked the applicant to address the criteria necessary for the granting of a Variance and he read the following responses:

1. *The variance will not be contrary to public interest because based on the new septic design, the new system would overlap the existing system and would provide better treatment than the system currently in place.*
2. *The spirit of the ordinance is observed because the new design would overlap the existing system. If the existing system were to fail for any reason, even replacing it with a system matching in size would encroach on the 125' setback since the system precedes the ordinance.*
3. *Substantial justice would be done because the new septic design would provide better treatment than the system currently in place, offering greater protection for the wetlands.*
4. *The values of surrounding properties are not diminished because the addition of another bedroom will increase the value of the existing property, thus raising the overall property value in the area. In order to complete this renovation, a new septic design is required to address any issues that may result in the increased load on the current system. This new septic design overlaps the current septic system.*
5. *The general public purpose of the ordinance is to provide protection for the wetlands located new/on the property by not encroaching on the wetlands. The new design would overlap the existing system, which is already in violation of the ordinance. If the existing system were to fail for any reason, even replacing it with a system matching in size would encroach on the 125' setback since the system precedes the ordinance. The enlarged system will not encroach any more than the current system does and provide better treatment and offer greater protection for the wetlands.*

The proposed use is a reasonable one because the proposed septic design overlaps the location of the current septic system. It would be no closer to the wetlands than the present system and would provide better treatment than the current system. Also, no previously undisturbed forest areas will be affected.

John Trottier stated that the replacement of the existing septic system to a four bedroom system can be a condition of the approval.

The applicant stated that they had intended to put the new septic system in place and it will be done simultaneously with all the other construction. They are moving forward with the new septic system.

Abutters: (notified by Certified Mail)

Steve/Karen Cohen - Not Present
Gregory and Kelly Herr - Not Present

Public Comment:

Jeff Crosby stated he had no comments.

There was no other public comment.

Board Discussion:

All members of the Zoning Board agreed with the updated plan and septic design and approved of the fact that the applicants would be putting in the new septic system as part of the construction process.

John Trottier stated the following members would be voting on this application this evening:

John Trottier
David Nault
Alison Vallieres
Dan DalPra
Wayne Bracy

MOTION:

Dan DalPra made a motion that the Dunbarton Zoning Board of Adjustment approve the request from Deanna Raymond (B4-03-01) for 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". Approval is given to amend this condition to allow for a maximum of four bedrooms which will require the existing septic system to be enlarged at her property located at 1175 Black Brook Road in the Low Density District in Dunbarton, NH. Alison Vallieres seconded the motion. The motion passed unanimously.

MOTION:

Dan DalPra made a motion that the Dunbarton Zoning Board of Adjustment approve the request from Deanna Raymond (B4-03-01) for 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 Wetland Conservation District to accommodate an additional bedroom at her property located at 1175 Black Brook Road in the Low Density District in Dunbarton, NH subject to the following conditions:

- 1. That the new septic system as presented this evening be constructed and operational prior to an Occupancy Permit is issued.*
- 2. That the Site Plan be resubmitted showing the 125 foot Wetlands Conservation setback.*
- 3. That the septic system is for a maximum of four (4) bedrooms and no other septic system construction will take place to enlarge the septic system.*

David Nault seconded the motion. The motion passed unanimously.

There being no further business, the meeting adjourned with the following motion:

MOTION:

Mike Kaminski made a motion that the meeting adjourn at 7:45 p.m. The motion was seconded and passed unanimously.

Respectfully submitted,

Alison R. Vallieres, Secretary