

PUBLIC HEARING AND BUSINESS MEETING

A. Call to Order - 7:00 PM: Chairman McDermott called the meeting to order at 7:05 p.m.

B. Roll Call: R. McDermott, Chairman; A. Dittami, S. Volpone, Jr., P. Young, Members; P. Robart, Alternate Member; K. Kelley, Building Inspector/Code Enforcement Officer; L. A. Ruest, Secretary
Not Present: C. Leto, Vice Chairman; J. Henebry

P. Robart was designated a voting member for this meeting.

C. Public Hearings:

1. Case #06-05: Application from **Suzanne Veilleux** for an Appeal from an Administrative Decision of the Planning Board wherein it is alleged that an error has been made in the decision of August 22, 2006 to grant a permit in relation to Article III, Section 8.5, of the Zoning Ordinance (reference Planning Board Case #06-06-01). *Continued to January meeting at the applicant's request.*

Chairman McDermott acknowledged receipt of a letter dated January 25, 2007, received from Attorney Craig N. Salomon requesting continuance of this application to the Board's February 22 meeting on behalf of the applicant.

2. Case #07-01: Application from **Soo Jin Stickney** for relief from Building Code Sections 7.1312 and 7.1314 to permit the replacement of an existing failed septic system with a new system at property located at 12 Glenwood Road (Map 8, Lot 14).

Soo Jin Stickney and Jed Shepard of NH Soil Consultants were present. No abutters were present. J. Shepard referred the Board to the plan submitted with the application and distributed photographs of the property. He noted that the property was developed into a subdivision in the mid-1960s in lots of approximately one-half acre. The applicant home was built in 1970.

J. Shepard reviewed the results of tests pits as well as the existing locations of the house and septic. Richard Bond of the Conservation District witnessed the test pits. Relief is sought to the requirements for depth to bedrock, septic reserve area (have 13,000 of the 20,000 and 3,000 of the 5,000 square feet required) and seasonal high water table (can meet 3' to water table). J. Shepard added that the proposed design will have a noticeable mound.

Discussion was opened to questions of the Board. In response to P. Robart, J. Shepard reported that the house inspection conducted at the time of the property transfer was not a very reliable test for septic and at the time, all was reported okay. J. Shepard reviewed the proper way to test to establish the status of a septic system. He stated that he was not sure what type of system is currently in the ground, but that the proposal is a modern system that meets setback requirements. J. Shepard explained the reason for the proposed location in that there is ledge on the property in the area of what's believed to be the existing leach field. In response to S. Volpone, J. Shepard reported that the distance above water table has no bearing on the life expectancy of a septic system.

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Hearing no further questions of the Board, R. McDermott opened discussion to members of the public. Hearing none, he closed the public hearing.

- Enforcement of these regulations would do manifest injustice.

A. Dittami noted that this is a failed system on a non-conforming lot. There are not a lot of options given the soil conditions and the level of bedrock. Denying the request would deny the use of the property.

- Enforcement of these regulations would be contrary to the spirit and purpose of the building codes.

A. Dittami stated that if the Board was to hold the applicant to the regulations, and doing so perpetuates or creates unhealthy conditions, it would be contrary to the purpose of the building code.

- Enforcement of these regulations would be contrary to the public interest.

A. Dittami stated that to not grant relief, with a proposal for a legal system, would be contrary to the public interest.

MOTION: To approve the application from **Soo Jin Stickney** for relief from Building Code Sections 7.1312 and 7.1314 to permit the replacement of an existing failed septic system with a new system at property located at 12 Glenwood Road (Map 8, Lot 14) with the following conditions:

1. That all of the construction on the new septic system be in accordance with the plan submitted with the application as presented tonight.
2. That any and all variances, as approved, be shown on the final plan.

MOTION: A. DITTAMI
SECOND: S. VOLPONE, JR.
UNANIMOUS

Review Of The Minutes Of The Previous Meeting

MOTION: To approve the minutes of the December 21, 2006, meeting as written.

MOTION: A. DITTAMI
SECOND: P. ROBART
4 IN FAVOR, 1 ABSTENTION, PASSES

The Board acknowledged receipt of a thank you letter from Charles Graham on behalf of the Seacoast Academy request for variance and made the following motion.

MOTION: To attach a copy of the thank you letter from Charles Graham on behalf of Seacoast Academy with the minutes of this meeting kept on file by the Town Clerk.

**BOARD OF ADJUSTMENT
JANUARY 25, 2007**

**7:00 PM
TOWN HALL**

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SECOND: R. MCDERMOTT
UNANIMOUS**

E. Other Business:

No other business was discussed at this time.

F. Comments or Questions from the Floor

No comments or questions were heard at this time.

G. Adjournment

MOTION: To adjourn the meeting at 7:40 p.m.

**MOTION: P. ROBART
SECOND: P. YOUNG
UNANIMOUS**

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