

**PUBLIC HEARING AND BUSINESS MEETING**

**A. Call to Order - 7:00 PM:** Chairman Berkowitz called the meeting to order.

**B. Roll Call:** E. Berkowitz, Chairman; R. McDermott, Vice Chairman;  
M. Caruso, B. Richards, P. Young, Members; L. Ruest, Secretary;  
R. Vigneau, Building Inspector  
Not Present: R. Foster, Alternate Member

**C. Review Of The Minutes Of The Previous Meeting:**

**MOTION:** To approve the minutes of the February meeting as written.

**MOTION:** R. McDermott  
**SECOND:** P. Young  
**4 in Favor, 1 Abstention, Passes**

**D. Organizational Meeting**

E. Berkowitz reported that the Board would reorganize following the public hearing portion of the agenda.

1. Nomination of Chairman:

**MOTION:** To nominate and elect E. Berkowitz as Chairman for 2004-2005.

**MOTION:** R. McDermott  
**SECOND:** P. Young  
**4 in Favor, 1 Opposed, Passes**

2. Nomination of Vice Chairman:

**MOTION:** To nominate and elect R. McDermott as Vice Chairman 2004-2005.

**MOTION:** P. Young  
**SECOND:** M. Caruso  
**4 in Favor, 1 Abstention, Passes**

**E. Public Hearings**

1. **Case 04-03:** Application from **Watson/NH** for Variances to the terms of the Building Code, Sections 7.1312 and 7.1313 and to the Zoning Ordinance, Article III, Section 8.4.2 and that these terms be waived to permit replacement of the septic system. (130 Lafayette Road, Map 8, Lot 55)

Anne (Tocky) Bailobrzkeski of Stockton Services and Diane Alexander, Property Manager for H. A. Mapes (owner of Watson/NH) were present. Tocky displayed and presented a septic design for review. The system is not in failure now but could be soon. A second review through M.

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Cuomo resulted in a suggestion of an alternative technology (Harold Davis system) which provides pre-treatment and a smaller leach field. A letter outlining approval has been received from M. Cuomo. Following discussion of the existing system versus the proposed, Tocky indicated that the new system is a more purified system than that in place today.

Discussion was opened to abutters and members of the public. No abutters were present and no comments were heard. M. Caruso inquired as to elevations and was told that the elevation would be raised to the height of the existing concrete pad and no higher. Responding to B. Richards, Tocky stated that no grease will go to the system from food preparation. It was noted that it is state code to have a grease trap in conjunction with the use of a grill. Tocky indicated that she would remove the note referencing the grill from the plan as renovations do not include a grill. Board members agreed that a grease trap would be a condition of approval if the renovations include a 3-bay sink. D. Alexander stated that the planned upgrade of the property will meet state codes.

Hearing no further comments or questions, E. Berkowitz closed the public hearing.

**MOTION:** To approve the application from **Watson/NH** for Variances to the terms of the Building Code, Sections 7.1312 and 7.1313 and that these terms be waived to permit replacement of the septic system. (130 Lafayette Road, Map 8, Lot 55)

**MOTION:** B. Richards  
**SECOND:** P. Young  
**Unanimous**

The five criteria for granting a variance were reviewed at this time with reference to the request for variance to the terms of Article III, Section 8.4.2, prohibited uses in the wetland conservation district.

1. No diminution in value of surrounding properties will be suffered. 5 Agreed
2. Granting the permit would be of benefit to the public interest. 5 Agreed
3. Denial of the permit would result in unnecessary hardship to the owner seeking it. 5 Agreed.
4. Granting the permit would do substantial justice. 5 Agreed.
5. The use would not be contrary to the spirit of the ordinance. 5 Agreed.

**MOTION:** To approve the application from **Watson/NH** for Variances to the terms of Zoning Ordinance, Article III, Section 8.4.2 and that these terms be waived to permit replacement of the septic system. (130 Lafayette Road, Map 8, Lot 55)

**MOTION:** P. Young  
**SECOND:** R. McDermott  
**Unanimous**

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- 2. Case 04-04:** Application from **Paul Nason** for Variances to the terms of the Building Code, Sections 7.1312 and 7.132 and that these terms be waived to permit replacement of a failed septic system that does not meet the 20,000 sq ft and seasonal high water table requirements. (299 Exeter Road Map 6 Lot 43)

P. Young stepped down as an abutter. Four voting members remained. J. Shepard of NH Soil Consultants and P. Nason were present. P. Nason agreed to proceed with four voting members.

J. Shepard displayed and presented the plan for a replacement septic system. He noted that the applicant has an 80,000 square foot lot, a 100-year old house and a dry well in failure. He is applying for a permit for a replacement system for a four-bedroom house.

Two issues were raised by M. Cuomo regarding the test pits. Following review of the test pit results, J. Shepard stated that the 5,000 area meets all requirements, however, of the 20,000 square foot reserve area; there is only 6,900 square feet available. This relates to the request for the first variance. M. Cuomo has recommended approval of this request.

The second request, Building Code Section 7.132, was reviewed at this time. J. Shepard explained that the applicant cannot request a variance to state requirements until the town has approved.

J. Shepard reviewed a number of options within the limited area that the system could be placed (blue highlighting) There is also the option to replace in kind. The request is to allow the design of a system that would be 27 inches above the water table; state standards require 48 inches. By allowing the design of a system at 27", the entire area will be filled and graded two feet. Otherwise, fill would be required for a four-foot mound with an effluent pump. J. Shepard stated he felt the state would grant this waiver given the fact that there is no expansion.

Discussion was opened to questions of the Board. In response to R. Vigneau, J. Shepard explained the perc rate and indicated this plan is good with excellent soil; not too fast and not too slow. E. Berkowitz inquired as to a proposed apartment. P. Nason stated it was considered but the idea was later abandoned.

Discussion was opened to abutters and members of the public. No comments were heard. Two letters from M. Cuomo were acknowledged for the record. E. Berkowitz closed the public hearing.

**MOTION:** To grant the request for variance to the terms of the Building Code, Sections 7.1312 and 7.132 and that these terms be waived to permit replacement of a failed septic system that does not meet the 20,000 sq ft and seasonal high water table requirements. (299 Exeter Road Map 6 Lot 43)

**MOTION: R. McDermott  
SECOND: B. Richards  
4 in Favor, Passes**

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P. Young resumed her seat on the Board.

- 3. Case 04-05:** Application from **Nathaniel Underwood** for a Variance to the terms of the Zoning Ordinance, Article III, Section 3.1 to permit allowance of a one time home show in Zone 'A'. (64 Drinkwater Road Map 1 Lot 66-1)

Chris Fennel was present on behalf of the applicant. A letter of authorization was acknowledged for the record. C. Fennel informed the Board that he is proposing a one-time variance to hold a designer show house. The house will be divided into separate rooms for bidding and remodeling. Designers will do work at the property from June 15 to September 15 with about 10 to 18 people working between 9:00 a.m. and 5:00 p.m. The property will then be opened to the public for viewing from September 17 to October 15.

Concern with traffic as well as the open foundation for the garage was noted. R. Vigneau stated that if this request is approved, the open foundation would need to be covered to restrict people from this area. The applicant would also be working under a building permit and inspection schedule.

C. Fennel stated that the owner cannot afford to remodel at this time and the home is sitting vacant. The show house is planned to be done in partnership with AIDS Response, who will receive all proceeds from the public. Parking for the public will be available on open land area of the property as well as along Starvish Lane. It is felt that 50-75 cars can be parked on site. The developer of Starvish Lane has given his permission with respect to parking. No parking will be allowed on Drinkwater Road. Up to 100 people are anticipated a day. Signs will meet town ordinance requirements.

It was noted that the applicant will still need to apply for site plan review with the Planning Board. Hearing no further questions of the Board and given that no abutters or members of the public were present, E. Berkowitz closed the public hearing.

The five criteria for granting a variance were reviewed at this time.

1. No diminution in value of surrounding properties will be suffered. 5 Agreed
2. Granting the permit would be of benefit to the public interest. 5 Agreed – for charity and improvement of the property.
3. Denial of the permit would result in unnecessary hardship to the owner seeking it. 5 Disagreed – no hardship.
4. Granting the permit would do substantial justice. 4 Agreed, 1 Uncertain.
5. The use would not be contrary to the spirit of the ordinance. 5 Agreed.

**MOTION:** To grant the applicant's request for a Variance to the terms of the Zoning Ordinance, Article III, Section 3.1 to permit allowance of a one time home show (from 9/17/04 through 10/15/04) in Zone 'A' at 64 Drinkwater Road, Map 1, Lot 66-1, with the understanding that this one-time home show does not set a precedent for future home shows. All future requests will

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have to stand on their own merits. No extension of this time period will be granted.

**MOTION: M. Caruso**  
**SECOND: R. McDermott**  
**5 in Favor, Passes**

**F. Other Business:**

E. Berkowitz acknowledged receipt of an Order of Notice from the Rockingham Superior Court, Docket #04-E-0109, Joel Hirsch, Richard and Elaine Winn versus Town of Hampton Falls Board of Adjustment.

**G. Comments or Questions from the Floor:** No comments or questions were heard at this time.

**H. Adjournment**

**MOTION:** To adjourn the meeting at 8:05 p.m.

**MOTION: R. McDermott**  
**SECOND: E. Berkowitz**  
**Unanimous**