

**ZONING BOARD OF ADJUSTMENT
SEPTEMBER 28, 2006**

**7:00 PM
TOWN HALL**

PUBLIC HEARING AND BUSINESS MEETING

Call to Order - 7:00 PM: Chairman McDermott called the meeting to order at 7:02 p.m.

Roll Call: R. McDermott, Chairman; C. Leto, Vice Chairman; A. Dittami, S. Volpone, Jr.,
Members; P. Robart, Alternate Member
NOT PRESENT: P. Young, Member; J. Henebry, Alternate Member

P. Robart was designated a voting member.

Review Of The Minutes Of The Previous Meeting (July 27, 2006)

MOTION: To approve the minutes of the July meeting as written.

MOTION: A. DITTAMI
SECOND: S. VOLPONE
3 IN FAVOR, 2 ABSTENTIONS, PASSES

D. Public Hearings:

1. **Case #06-04:** Application from **Linda Finkle** 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 5 Woodlawn Avenue (Map 8, Lot 3).

Don Graves and Linda Finkle were present. D. Graves referred the Board to information presented as part of the application and explained that existing conditions at this property do not meet certain criteria as required by the Town of Hampton Falls.

He is proposing an Enviro septic system, a system provided by Presby Environmental Septic and approved by the State of New Hampshire. He provided the Board with information relating to this system as compared to a pipe and stone system.

Relief needed relates to the separation to high water table and to ledge. The proposed system will be a new system in a new location. A letter has been received from the Rockingham County Conservation District supporting this request for local relief in order to forward the plan to the State.

In response to A. Dittami, D. Graves reported that the existing tank is to be filled with sand and that the proposed system is better for the environment than the existing system currently in place. Hearing no further comments or questions of the Board, R. McDermott opened discussion to abutters and members of the public. Hearing none, he closed the public hearing.

It was found that enforcement of the regulations would do manifest injustice in that the proposed system is better for the environment than the existing system, that to allow a failed system would be contrary to the spirit and purpose of the building codes, and that it would be contrary to the public interest to prohibit the homeowner from improving the waste water system.

PUBLIC HEARING AND BUSINESS MEETING

MOTION: To approve the request from **Linda Finkle** 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 5 Woodlawn Avenue (Map 8, Lot 3) with the conditions that documentation regarding the Enviro septic system be provided for the file and that the bed bottom be no closer than three feet to seasonal high water table.

MOTION: **A. DITTAMI**

SECOND: **C. LETO**

UNANIMOUS

2. **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).

Zoning Board of Adjustment Attorney Mark Beliveau joined the meeting at this time. Attorney Craig Solomon and his client, Suzanne Veilleux, were present. R. McDermott stepped down from this hearing as he is a member of the Planning Board. This left four voting members representing a quorum with Vice Chairman C. Leto presiding.

Attorney Craig Solomon interjected at this time and indicated that he was not willing to proceed with four members and requested a five member Board. Based on this, this application is continued to the October 26 meeting.

R. McDermott resumed as Chairman.

3. **Case #06-06:** Application from **Scott Blood** for Special Exception as provided for in Article XI, Section 3.3.6, to allow commercial vehicles and materials on property located at 21 Stard Road (Map 2, Lot 1-1).

R. McDermott reported that reports of improper or lack of notice have been received from abutters to this property. Based on this, the hearing cannot be heard until such time as proper notice is made.

The applicant, Scott Blood, had also hand-delivered a letter on September 25, 2006, indicating he would be requesting withdrawal of this application. Neither Scott Blood, nor a representative, was present at this meeting. Also, payment (in accordance with RSA 676:7 IV) has not been received for the application fees.

Abutters to this property expressed frustration with this matter. They were told that an attempt would be made to re-notice the application for next month's meeting on October 26, 2006.

E. Other Business:

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1. OEP Fall Planning and Zoning Conference – Saturday, October 28, 2006: Registration forms were provided to Board members.

F. Comments or Questions from the Floor

G. Adjournment

MOTION: To adjourn the meeting at 7:25 p.m.

MOTION: A. DITTAMI

SECOND: S. VOLPONE

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