

**TOWN OF NEW HAMPTON  
ZONING BOARD of ADJUSTMENT  
MEETING MINUTES  
NEW HAMPTON TOWN OFFICE  
NEW HAMPTON, NH 03256**

August 1, 2018

**MEMBERS PRESENT:**

Regular members: Ms. Erlen, Mr. Hofling, Mr. Hays, Mr. Orvis, Mr. Karnis.

Alternate members: Mr. Hofling and Mr. Livernois

**OTHERS PRESENT:**

There were none.

**CALL TO ORDER:**

Ms. Karnis called the meeting to order at 7:02 pm.

**PUBLIC HEARING:**

*Deborah Finch of 133 Waukewan Road, Tax Map U-11 Lot #5, for a Special Exception under Article V, Section D.1 of the New Hampton Zoning Ordinance.*

Applicant Mr. Wesley Hays was present.

The town received a certified letter from Ms. Finch appointing Mr. Hays to represent her in this evening's hearing.

Ms. Karnis notified Mr. Hays that there was not a full board (4 members at this time) at this meeting. She made him aware that if he would like to have a full board for this meeting they could reschedule. Ms. Karnis advised Mr. Hays that the absence of a full board was not reason for appeal of a decision. Mr. Hays stated he would like to move forward.

Ms. Karnis read the Public Hearing Notice that was sent out to all abutters on 7/18/2018 that advised that *he applicant, Wes Hays, has requested a Public Hearing in accordance with RDA 676:7, for a Special Exception. The Special Exception is under Article V, Section D.1 of the New Hampton Zoning Ordinance. The applicants' proposal is to construct a septic system within the 20-foot setback of property line; the proposed location of the leach field being 6 feet from the side setback. A Special Exception may be granted by the Zoning Board of Adjustment for septic systems on substandard size lot with a setback no less than 10 feet from a property line, unless the NHDS grants a waiver to reduce the setback further, in which case the Zoning Board of Adjustment may consider reducing the setback to be consistent with NHDES allowable setback.*

*The property belonging to Deborah Finch is located at 133 Waukewan Road, Tax Map U-11, Lot #5, in the General Residential, Agricultural and Rural District and the Waukewan Watershed Overlay District.*

Ms. Karnis stated that Mrs. Lucas reports no written or verbal response to the notice.

Alternate member, Mr. Livernois arrived after read of the notice, making a full board present.

Mr. Hays reviewed his application and septic plans with the board members. Mr. Hays stated he spoke with Mr. Evans of WM Evans

Engineering who stated that the state would rather have a septic system closer to a boundary line than to have a septic system within a well radius. This is the only location on the whole lot to provide a new leach field and prevent negative impact on the well, the lake or the abutter's property.

They have submitted a waiver, depending on what the ZBA decides. The vented system will be hidden behind the garage. They discussed that it is gravity fed system, the age of the old septic and leach field, and how the system works.

There was a question raised regarding the property lines and markers. Mr. Hays stated there were some issues regarding the exact location of the property lines. Mr. Hays stated there are two markers and that they used the markers closest to Ms. Finch's residence. He stated Ames has done a survey to correct this issue and they used those two markers. Mr. Hays stated Mr. Evans is not a licensed surveyor so he cannot say for sure. The two original markers were placed by licensed surveyors.

Mr. Hofling asked if Mr. Hays was working on a 6' setback vs. a 10' setback. Mr. Hays stated that was correct and that the other end is 7'. Ms. Karnis stated the towns zoning setback was 20', they could apply for a special exception to have it up to 10' from the line. Since the applicants are requesting to go within that 10 foot setback, they would need to be granted approval by DES; to which Mr. Hays stated they have applied for it. Mr. Orvis asked if the ZBA could give an approval before DES does. Ms. Karnis stated yes, it could be a condition.

Ms. Erler asked what the current system is using; Mr. Hays explained there was a leaching tank with a couple of pipes that ran down the back of the yard. The previous owner didn't know where the system was located and had a well drilled about 6' away from the system.

Ms. Karnis raised the question regarding why the system couldn't be located in various locations on the property. Mr. Hays explained how the well radius was an issue, as well as, the age of the property. He also reviewed the abutter's property limitations on drilling a well due to the substandard size of the lot.

Ms. Karnis asked if there was a well release from this abutter, Mr. Hays stated no, just that they received the same notice the other abutters received and he helped Mr. Evans determine the property line.

Hearing was closed and the members went into deliberations.

Members reviewed the criteria for a Special Exception:

**The specific site is an appropriate location for such use:** The applicant wrote *"This is the best and only location on lot to support a new leach field and prevent negative impact to the well, the lake or the abutting property."*

Ms. Karnis advised they were coming out of deliberations to ask a question about the possibility of an abutter wanting to drill a well in the

future and the location of their septic and type of system they have. Mr. Hays explained that the abutter's property draws water from the lake currently and due to the size of the lot they wouldn't be able to drill on that property due to the well radius but they do own another property across the road which they could drill on if they so choose.

Ms. Karnis brought the hearing back in to deliberations once discussion was completed.

The board agreed the site was appropriate and better than what is existing currently.

**There is adequate area for safe and sanitary sewage disposal:** The applicant wrote "*Yes, in the location as designed on plan*". The board agreed.

**The use will not adversely affect the adjacent area:** The applicant wrote "*Location of proposed leach field has no adverse effect on adjacent area*". The consensus from the board was that it would be an improvement, that the only issue would be the abutter but that it "wouldn't make his situation any worse" and "if he's getting water out of the lake, he will appreciate a better septic next door".

**There will be no nuisance or hazard created:** The applicant wrote "*No, it is a standard residential septic system which meets the state required with the exception of the setback requirements*". The consensus from the members was no, it would help prevent a hazard from possible leaking of a leach field.

**Adequate and appropriate facility will be provided for the proper operations of the proposed use:** The applicant wrote "*Yes, the septic system will meet the state DES requirements with the exception of the setback requirements for which the property owner shall obtain a waiver*". The consensus from the members was yes, but they need to obtain a waiver from DES.

**The use will not impair the aesthetic values exhibited by the surrounding neighborhood:** The applicant wrote "*No, as it is an improvement to the surrounding neighborhood and the lake environment.*" The members agreed only adding that the vent might be an eye-sore but the owner is trying to hide it behind the garage.

**The building, parking or driveway area will not exceed 50% of the lot. The applicant wrote** "*it is not applicable to this.*" The members did not discuss this question from the application.

Ms. Karnis asked if there were any certain conditions that were wanted to be discussed by the members.

Mr. Livernios suggested:

- 1) The applicant and/ or owner obtain all necessary permits from the state, including the waiver for the setback requirements.
- 2) The system is built accordance with the specifications as set forth in the plans.

Ms. Erler made a motion to accept the conditions suggested by Mr. Livernios, Mr. Hofling seconded the motion.  
Vote was unanimous.

Mr. Hays he would submit the forms and once he received them he would bring in copies to the Selectmen's office.

Ms. Karnis told Mr. Hays that there would be a typed notice sent to him with all the conditions that were applicable.

**MINUTES:**

There was no vote on minutes as they appeared incomplete with a portion cut off.

**CORRESPONDENCE:**

There was none.

**OTHER BUSINESS:**

There was none.

**ADJOURNMENT:**

Ms. Erler made a motion to adjourn at 7:32pm, Mr. Hofling seconded.  
Vote was unanimous.

*Respectfully submitted:  
Robi Tyrrell*

DRAFT