



Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, July 25, 2023 at 6:30pm
Town Hall, 231 Atlantic Avenue
North Hampton, NH 03862

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8 These Minutes were prepared as a reasonable summary of the essential content of the Meeting, not as a
9 transcription. All exhibits mentioned, or incorporated by reference, in these Minutes are a part of the official Case
10 Record and available for inspection at the Town Offices.

11
12 **In attendance:** Robin Reid, Chair; Bill Clifford, Vice Chair; Members Larry Miller, Mark Janos, and Phelps
13 Fullerton; Alternate Members Charles Hoyt and Jonathan Howe; and Recording Secretary Rick Milner.

14
15 **I. Preliminary Matters.**

16 Chair Reid called the meeting to order at 6:35pm.

17
18 Ms. Reid presented the minutes of the June 27, 2023 meeting.

19 **Mr. Janos moved that the ZBA accept the minutes of the June 27, 2023 meeting as written. Second by**
20 **Mr. Fullerton. The vote was 4-0-1 in favor of the motion with Mr. Miller abstaining.**

21
22 **II. New Business.**

23 **1. Case #23:06 – Applicants: Corinne Baldwin and Colin Cabral, 9 River Road, North Hampton, NH**
24 **03862.** The Applicants request a variance from Section 203.1 Yard and Lot Requirements of the Town of
25 North Hampton Zoning Ordinance to allow replacement of a septic system with a raised leach field
26 within the front and side yard lot line structure setbacks. Property Owners: Corinne Baldwin and Colin
27 Cabral, 9 River Road, North Hampton, NH 03862; Property Location: 9 River Road, North Hampton, NH
28 03862; M/L: 006-155-000; Zoning District: R-2 Medium Density District.

29
30 In attendance for this application:

31 Colin Cabral, property owner; Micah Denner, septic system designer.

32 All potential witnesses were sworn in.

33
34 Mr. Denner addressed the Board. Mr. Denner presented a septic system design plan for the non-
35 conforming, 0.40 acre property at 9 River Road. The proposed plan included the following items:
36 a. septic system rated for a four bedroom home with a raised leach field contained within a mound that
37 rises four feet above the current grade of the land at the front southeasterly corner of the property, one
38 pre-treatment tank, and two effluent separator tanks,
39 b. wetlands boundaries on and adjacent to the property,
40 c. the slope of the mound beginning 66 feet from the wetlands boundary at its closest point, and
41 d. the slope of the mound beginning immediately adjacent to the easterly front lot line and southerly
42 side lot line.

43
44 Mr. Denner stated that the applicant is requesting approval of a variance for installation of the raised
45 leach field mound structure immediately adjacent to the easterly front lot line and southerly side lot line
46 where structure setback distances of 35 feet (front yard lot line) and 30 feet (side yard lot line) are

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RSA 91A:2,II. They will not be finalized until approved by majority vote of the Zoning Board of Adjustment.

47 required by the zoning ordinance. The installation of the new septic system is necessitated by the failure
48 of the current, older septic system on the property. Mr. Denner explained that the proposed septic
49 system location is the only location on the lot that is not entirely covered by the Town's wetlands buffer
50 zone. The location and design for the proposed septic system meet State of New Hampshire regulations.

51
52 Mr. Denner explained that the home currently has three bedrooms. The applicants are installing a septic
53 system rated for four bedrooms based on the applicants' future plans to add another bedroom to the
54 home. The proposed septic system design plan has received an approval from the Town's professional
55 septic system design consultant at the Rockingham County Conservation District and a wetlands buffer
56 zone conditional use permit approval from the Town of North Hampton Planning Board.

57
58 Mr. Denner addressed the five criteria identified in the State of NH RSA's for granting a variance.
59 a. Granting the variance will not be contrary to the public interest in that the subject lot is an older lot of
60 record that does not conform to present day regulations. The proposed septic system design plan meets
61 State of New Hampshire regulations. Moving the proposed septic system away from the property lines
62 would locate the system too close to the existing home. The fill used for the system would run up to the
63 side of the existing home.

64 b and c. The spirit of the ordinance is observed and substantial justice is done in that there is no other
65 location for placement of the proposed septic system on the property that will meet Town setback
66 requirements due to the pre-existing, non-conforming size of the property and location of the adjacent
67 wetlands. The proposed location is as far away from the wetlands as possible.

68 d. The values of surrounding properties are not diminished in that the new septic system will improve
69 the conditions on the property. Other houses in the neighborhood also have septic systems with raised
70 leach fields contained within mounds.

71 e. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship in that
72 the propose septic system is a replacement for a failed septic system. The proposed design plan is
73 required to meet State of New Hampshire regulations. If the variance is not granted, the existing failed
74 septic system will have adverse effects on the environment in the neighborhood if it is not replaced
75 promptly.

76
77 Mr. Fullerton noted for the record that the design plan incorrectly indicates the required structure
78 setback distance as 25 feet. The plan should indicate 35 feet for the front yard lot line setback distance
79 and 30 feet for the side yard lot line setback distance.

80
81 Mr. Fullerton asked Mr. Denner to explain the local and state wetlands setback requirements and how
82 the septic system must be designed and located as proposed.

83
84 Mr. Denner indicated the green highlighted area, on a sheet submitted with the application,
85 which depicted the only area on the property that substantially meets both and state local regulations.
86 Mr. Denner also explained how the high water table on the property necessitated the raised leach field.

87
88 Mr. Fullerton stated that he agrees that the proposed location for the new septic system is the only
89 feasible location on the property for placement of the system. Also, the septic system must have a
90 raised leach field contained within a mound as proposed due to the high water table in the River Road
91 neighborhood.

92
93 Mr. Fullerton asked Mr. Denner to explain how the undersized 9 River Road lot satisfied the State of
94 New Hampshire septic system lot loading land area requirements.

95 Mr. Denner explained that the State allows an easement to be placed on an adjacent lot in order to
96 obtain enough land area to satisfy the septic system design specifications required by the State's
97 regulations. The applicants own the lot that abuts the rear of the 9 River Road property. Land area from
98 the rear abutting lot will be used to satisfy the State regulations.
99

100 Ms. Reid asked if there is any difference in the size of a septic system rated for the existing three
101 bedrooms as compared to a system rated for the proposed four bedrooms within the home.
102

103 Mr. Denner stated that the septic system design would be the same for either the existing three
104 bedroom layout or the proposed four bedroom layout of the 9 River Road home. The footprint area of a
105 septic system is affected more by the changes in present day codes than the increase in the number of
106 bedrooms. Septic tank volumes and leach field areas are essentially the same for two, three, or four
107 bedroom septic system designs.
108

109 Mr. Miller asked if the failed septic system would be removed from the property.
110

111 Mr. Denner stated that the State allows for the older septic system to remain in the ground if the new
112 system is placed in another location as proposed by the submitted plan. The old septic system will be
113 disconnected from the home and crushed to remove any void spaces in the ground.
114

115 Ms. Reid asked if there were any public comments.
116

117 Mr. Milner read a letter from abutter Robert Wright. Mr. Wright explained the water drainage issues in
118 the River Road neighborhood. Mr. Wright expressed his concern that the proposed septic system meets
119 all health requirements and codes.
120

121 Mr. Denner explained that the proposed septic system uses modern, pre-treatment technology that
122 cleans the effluent before it is dispersed to the ground through the leach field. The proposed system,
123 approved by the State of New Hampshire, is a step above more standard technologies and creates a very
124 clean effluent.
125

126 Mr. Fullerton stated his opinion that the technology used in the proposed system is more
127 environmentally sound than standard septic system designs.
128

129 Mr. Clifford asked if the proposed septic system would minimize contamination of the nearby Little River
130 watershed area.
131

132 Mr. Denner stated that the pre-treatment technology to be used in the proposed septic system has
133 proven to enhance the water quality in other locations throughout the State of New Hampshire.
134

135 Abutter Brian Holtham addressed the Board. Mr. Holtham stated that he was the owner of the southerly
136 abutting property. The proposed raised leach field mound structure will be located immediately next to
137 the property line that his property shares with the 9 River Road property. Mr. Holtham stated his
138 opinion that the raised leach field mound would be unsightly and will lower his property value and
139 property values of other lots in the neighborhood.
140

141 Mr. Holtham also stated his opinion as a professional engineer that there may be other high tech
142 options for the proposed septic system design that may eliminate the need for a mound or enable

143 re-locating the septic system away from the road and his lot. He suggested that the plan be re-evaluated
144 to see if other options are available for the septic system design.

145
146 Mr. Denner stated that, due to the high water table in the neighborhood, there is no location on the
147 property or septic system design that would eliminate the need for a raised leach field contained within
148 a mound.

149
150 Ms. Reid noted that she observed two or three other properties in the River Road neighborhood which
151 have raised leach fields contained within a mound.

152
153 Ms. Reid closed the public hearing at 7:31pm.

154
155 Mr. Fullerton stated that the proposed pre-treatment and dual settling tank septic system design is a
156 great improvement upon the older septic system to create as clean an effluent as possible prior to
157 infiltration into the ground.

158
159 Mr. Janos suggested that the applicant consider some sort of screening method to disguise the features
160 of the septic system so close to the road.

161
162 Mr. Miller stated that the present conditions associated with the failed septic system must be corrected.
163 The applicant's plan is the best location and design option based on the local and state requirements
164 and the constricted space available on the property.

165
166 Ms. Reid stated that she recognizes that the proposed mound is not aesthetically pleasing. However, the
167 features associated with the proposed septic system are necessary due to the conditions of the
168 environment in the River Road neighborhood. Also, since the proposed expansion from three to four
169 bedrooms does not increase the land area needed for the septic system, she is in favor of granting the
170 variance.

171
172 **Mr. Fullerton moved that the Zoning Board of Adjustment grant a variance from Town of North**
173 **Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow placement of a septic**
174 **system with a raised leach field within the front and side yard lot line structure setbacks as**
175 **represented in the application presented to the Board. Second by Mr. Clifford. The vote was**
176 **unanimous in favor of the motion (5-0).**

177
178 **III. Other Business.**

179 Ms. Reid suggested that Board consider reviewing the type of information to be included with an
180 application submittal at a future meeting.

181
182 **Mr. Janos moved to adjourn the meeting at 7:49pm. Second by Mr. Fullerton. The vote was**
183 **unanimous in favor of the motion (5-0).**

184
185 Respectfully submitted,

186
187
188
189 Rick Milner, Recording Secretary