



**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, March 26, 2024 at 6:30pm
Town Hall, 231 Atlantic Avenue**

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

In attendance: Robin Reid, Chair; Members Larry Miller, Phelps Fullerton, and Jonathan Howe; Alternate Members Charles Hoyt and Deborah Sillay; and Recording Secretary Rick Milner.

I. Preliminary Matters.

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

Mr. Hoyt seated for Mr. Janos.

II. Organizational Meeting of the Board.

1. Election of Chair and Vice Chair.

Mr. Miller nominated Robin Reid to serve as Chair for a one year term. No other nominations were made. The vote was unanimous in favor of the nomination (5-0).

Mr. Howe nominated Phelps Fullerton to serve as Vice Chair for a one year term. No other nominations were made. The vote was unanimous in favor of the nomination (5-0).

III. Other Business.

1. Ms. Reid presented the minutes of the January 23, 2024 meeting.

Mr. Miller moved that the ZBA accept the minutes of the January 23, 2024 meeting as written. Second by Mr. Fullerton. The vote was 4-0-1 in favor of the motion with Ms. Reid abstaining.

2. Ms. Reid presented a request from Bill Clifford to be appointed as an alternate member of the ZBA. Mr. Fullerton and Mr. Miller stated that Mr. Clifford would be a good candidate for an alternate member position due to his previous experience as a regular member and Vice Chair of the Board.

Mr. Fullerton moved that the ZBA appoint Bill Clifford to a three year term as an Alternate Member of the ZBA. Second by Mr. Miller. The vote was unanimous in favor of the motion (5-0).

IV. New Business.

Case #24:02 – Applicants: Corinne Baldwin and Colin Cabral, 9 River Road, North Hampton, NH 03862.

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

Disclaimer – these minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91A:2,II. They will not be finalized until approved by majority vote of the Zoning Board of Adjustment.

46 In attendance for this application:

47 Colin Cabral, property owner; Jason Robidoux, septic system designer.

48 All potential witnesses sworn in.

49
50 Mr. Robidoux addressed the Board. Mr. Robidoux presented a septic system design plan for the non-
51 conforming, 0.40 acre property at 9 River Road. The applicant is presenting a revised septic system plan
52 to replace the plan previously approved on July 25, 2023. The applicant has found that the required
53 improvements to properly install the previously approved septic system design are cost prohibitive. The
54 new plan proposes to install the new septic system on the same side of the home as the current failed
55 septic system rather than on the opposite side of the property. The revised plan included the following
56 items:

- 57 a. septic system rated for a three bedroom home with a raised leach field contained within a mound
- 58 that rises four feet above the current grade of the land at the rear northwesterly corner of the property,
- 59 one pre-treatment tank with three chambers, and two effluent separator tanks,
- 60 b. wetlands boundaries on and adjacent to the property,
- 61 c. the slope of the mound beginning 13 feet from the wetlands boundary at its closest point, and
- 62 d. the slope of the mound beginning five feet from the northerly side lot line.

63
64 Mr. Robidoux stated that the applicant is requesting approval of a variance for installation of the raised
65 leach field mound structure five feet from the northerly side yard lot line where a distance of 30 feet is
66 required by the zoning ordinance regulations. The installation of the new septic system is necessitated
67 by the failure of the current, 1950's era septic system on the property. Mr. Robidoux explained that the
68 proposed septic system location is necessitated by the constraints imposed by the small, non-
69 conforming lot size and the location of the home, driveway, accessory structures, and existing septic
70 system utility connections within the home. The proposed location of the raised leach field mound
71 structure has been granted a Conditional Use Permit by the Planning Board due to its location within the
72 wetlands structure setback.

73
74 Mr. Robidoux stated that the addition of a three chamber pre-treatment unit in the septic system design
75 plan which incorporates modern aerobic and bio-kinetic techniques will enhance the removal of
76 wastewater contaminants and produce a cleaner effluent for dispersal into the ground. The enhanced
77 features of the design plan reduce the disturbed area associated with the proposed septic system
78 installation by 75 percent as compared to other current technologies.

79
80 Mr. Robidoux addressed the five criteria identified in the State of NH RSA's for granting a variance.

- 81 a. Granting the variance will not be contrary to the public interest in that the lot is an old lot of record
- 82 that is not conforming to current regulations. The septic system design location meets State of New
- 83 Hampshire standards. Moving the system to other locations will cause a financial burden on the
- 84 homeowner. There is no other viable location option due to required construction logistics.
- 85 b. The spirit of the ordinance is observed in that no other location will meet all Town setback distances.
- 86 The septic system will be replaced in kind.
- 87 c. Substantial justice is done in that the non-conforming 0.43 acre lot is within the norm for the River
- 88 Road neighborhood. The proposed septic system is designed with an advanced, modern pretreatment
- 89 unit to filter sewage and produce a cleaner effluent.
- 90 d. The values of the surrounding properties are not diminished in that the proposed septic system will
- 91 improve the existing condition of the property and the improve the quality of the effluent dispersed into
- 92 the local area. Other properties in the neighborhood have raised leach field mounds.

e. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship in that that the proposed septic system will replace a failed septic system and will exceed state standards. If the proposal is not granted a variance, then the existing failed septic system will have a detrimental effect on the environment in the neighborhood.

Mr. Miller asked how the proposed septic system design is different than the system proposed in July 2023.

Mr. Robidoux explained that the previously proposed septic system was designed to handle the addition of a bedroom in the existing home. The applicant found that construction logistics for the increased size and new location of the septic system were not feasible and too costly. The applicant decided not to add a bedroom and install a septic system only for the existing three bedrooms in the home on the same side of the home as the current septic system.

Ms. Reid noted that the proposed site plan does not indicate the correct Town of North Hampton lot line structure setback distances. She suggested that, if the application was approved, a condition be included that the site plan be amended to indicate the correct lot line structure setback distances.

Mr. Fullerton stated that the proposed system will be beneficial to the neighborhood by dispersing a cleaner effluent into an area with poorly drained soils. Mr. Fullerton asked for confirmation that the enhanced technology of the proposed septic system will allow for a smaller area of impact created by the installed leach field.

Mr. Robidoux confirmed that the enhanced technology of the proposed septic system will allow for a smaller area of impact created by the installed leach field.

Mr. Howe asked for clarification regarding necessary inspections of the proposed septic system.

Mr. Robidoux responded that the proposed septic system should be inspected on a yearly basis to ensure proper operation. After a few years, inspections may be conducted on a bi-annual basis.

Ms. Reid closed the public hearing at 7:01pm.

Mr. Miller moved that the Zoning Board of Adjustment grant a variance from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow placement of a septic system with a raised leach field within the side yard lot line structure setback as represented in the application and plans presented to the Board subject to the following condition:

1. The Applicant shall submit an amended site plan set that indicates the correct Town of North Hampton Zoning Ordinance front, side, and rear yard lot line setbacks for a principal structure on all relevant pages of the plan set prior to installation of the proposed septic system at 9 River Road. Second by Mr. Fullerton. The vote was unanimous in favor of the motion (5-0).

Mr. Howe moved to adjourn the meeting at 7:05pm. Second by Mr. Fullerton. The vote was unanimous in favor of the motion (5-0).

Respectfully submitted,

Rick Milner, Recording Secretary