

These minutes were approved at the October 11, 2011 meeting.

**Durham Zoning Board
Tuesday August 9, 2011
Durham Town Hall - Council Chambers
MINUTES
7:00P.M.**

MEMBERS PRESENT: Chair Robbi Woodburn; Vice Chair Ruth Davis; Secretary Sean Starkey; Carden Welsh; Jerry Gottsacker; alternate Kathy Bubar

MEMBERS ABSENT: alternate Edmund Harvey

OTHERS PRESENT Tom Johnson, Director of Zoning, Building Codes & Health
Victoria Parmele, Minutes taker

I. Approval of Agenda

Chair Woodburn called the meeting to order at 7:00 pm.

Sean Starkey MOVED to approve the Agenda. Jerry Gottsacker SECONDED the motion, and it PASSED unanimously 5-0.

II. Public Hearings

- A. CONTINUED PUBLIC HEARING** on a petition submitted by William F. Getchell, Durham, New Hampshire for an **APPLICATION FOR VARIANCES** from Article XII, Section 175-54, Article XIII, Section 175-59(A)(2) and Article XIV, Section 175-74(A&B) of the Durham Zoning Ordinance to allow the redevelopment of the primary residence, accessory buildings and septic within the wetland, shoreland and property setbacks. The property involved is shown on Tax Map 20, Lot 12-1, is located at 295 Durham Point Road, and is in the Residence C Zoning District.

Mr. Starkey noted that there had been a site walk of the property that day.

Chair Woodburn said Board members had walked the site, and said she believe they understood what was happening with the property. She said they had seen the location for the septic system, and where the addition would be.

Mr. Getchell provided background on the proposed redevelopment of the residence and the upgrade to the existing septic system, and why the variances were needed. He noted that there was a 30 ft minimum front yard setback requirement, and said the existing barn was 12 feet from the westerly property boundary. He said the goal was to tear down the existing house and build a new house in the location shown. He said given the shoreland setbacks required, and the fact that financing required that the new house be built before the old one

could be destroyed, as well as to make effective use of the barn, the proposed location was the best that could be done on the lot. He said the PSNH easement further restricted the possible locations of construction.

He read from his application in terms of how the 5 variance criteria were met for the first variance being requested, from Section 175-54. He said the new proposed house would be energy efficient and in better condition than the existing house, so the property's value would increase, which he said should increase rather than diminish the value of surrounding properties. He also said the construction would be further away from the property line than the existing barn.

Mr. Getchell said the variance would not be contrary to the public interest, stating that the nearest neighbors' dwellings were located in excess of 300 ft from the proposed construction.

He said denial of the variance would result in an unnecessary hardship. He said the property had a great deal of vertical contouring, as predominantly a hill rising up from Little Bay, and he also said there was a great deal of shoreland setback because of the "Hidden Cove" situated to the north, and Little Bay situated to the east. In addition, he said there was a 100 ft easement to PSNH running through the middle of the best buildable portion of the property.

Mr. Getchell said these and other factors combined to create only one solution, which required the variance, and said otherwise, he would be unable to improve his property to a condition that would allow a family to dwell there, which constituted an unnecessary hardship peculiar to his property.

He said substantial justice would be done in granting the variance, because the barn already existed 12 feet from the property line, and allowing the existing barn to remain and the living conditions of the dwelling to be improved would enhance the value of surrounding properties.

Mr. Getchell said granting the variance would not be contrary to the spirit and intent of the Ordinance, because the use of the property would remain residential, and extremely rural due to a conservation easement on the Valena/Rollins property, which shared the boundary in question. He noted again that the nearest neighbors' dwellings were in excess of 300 ft from the proposed construction.

Mr. Getchell next reviewed his second variance request, to allow a septic system upgrade from a two bedroom to five bedroom capacity. He explained that the existing leach field was within the 125 ft setback from "Hidden Cove". He said a Clean Solutions three stage system was proposed, utilizing the current leach field, which would increase the system capacity to a maximum of five bedrooms.

He reviewed how the variance criteria were met. He said the new active digestion septic system would reduce nitrogen and organics loading, which would reduce nutrient loading on

the Little Bay estuary. He said this would positively impact the estuary and increase the value of surrounding properties.

He said granting the variance would not be contrary to the public interest, noting the proximity of the leach field to the estuary, so the health of the estuary ecosystem was of primary concern. He said the design upgrade would reduce organic and nitrogen compounds being introduced into the estuary.

Mr. Getchell said denial of the variance would be an unnecessary hardship, referring again to the great degree of vertical contouring, and shoreland setback on the property. He said he couldn't utilize any other location to put a sufficiently large leach field, and said expansion of the current leach field was prohibitive due to setback issues. He said these factors combined to create only one solution, which required the variance. He said if the variance wasn't granted, he would be unable to improve his property to a condition that would allow a family to live there.

He said substantial justice would be done in granting the variance, by allowing the existing leach field to remain and be utilized in a manner that would improve the living conditions of the estuary, while also enhancing the estuary environmentally.

Mr. Getchell said granting the variance would not be contrary to the spirit and intent of the Ordinance, which was in keeping with the public interest and the maintenance of the natural environment of the Little Bay estuary. He noted again that the design for the septic system was an upgrade in capacity, with a reduction in organic and nitrogen compounds introduced into the estuary.

Mr. Welsh asked why the leachfield couldn't be put anywhere else on the property.

Mr. Starkey described the site, and provided details on why there appeared to be no other place else on the site to put the septic system.

Chair Woodburn noted that the existing location for the septic system, where the upgraded system was proposed, was already disturbed land.

Ms. Davis said that at the site walk, there was discussion on the size of the leach field.

Chair Woodburn said there would be an expansion of the volume and size of the residence. She said it wasn't noticed to the public that there was more than a setback issue with the application. She said the existing building was 900 sf, and it would be replaced with a 2,000 sf building, which was more than the percentage increase that was allowed. She said a variance was therefore needed for this.

She said that along with the setback issues, the Board could talk about the volume/size issue at this meeting, but she said the Board would then talk about that issue again at the next meeting.

There was discussion about the proposed new building, and location for the driveway. It was noted that it would be a private road, so the applicant could put it where he wanted.

Chair Woodburn went through the numbers indicating that what was proposed was well over the 15% increase in footprint and 30% increase in volume that was allowed without a variance. She said the height of the proposed building wasn't known, so there was no indication to the Board what volume was proposed. She asked Mr. Getchell to provide those numbers for the next meeting.

Chair Woodburn asked if there were any members of the public who wished to speak concerning the application. There was no response.

Sean Starkey MOVED to close the Public Hearing. Carden Welsh SECONDED the motion, and it PASSED unanimously 5-0.

Mr. Johnson suggested that the Board continue the deliberations on the application to the next meeting. He said in this way, Mr. Getchell could amend the application and it could then be re-noticed to include the volume and footprint variance. He said the Board could then deliberate the whole case.

There was discussion about how to do this so that the applicant wouldn't have to pay another fee. Mr. Johnson said the application had to be re-noticed to include the additional variance, which involved extra fees.

Mr. Starkey said by continuing the deliberations to the next meeting, this at least avoided having to have a whole new application, so the fees would be less.

The Board agreed to do initial deliberations on the variance requests before them that evening.

Concerning the first variance request regarding the setback issue, Mr. Starkey said he had no problem with what was proposed.

Mr. Gottsacker agreed.

Ms. Davis said if the new house wasn't connected to the barn, they wouldn't even be concerned.

Mr. Welsh said he too was ok with approving this variance.

Chair Woodburn said the applicant's response concerning how the variance criteria were met was spot on.

Mr. Gottsacker added that the site walk had really demonstrated the need for the variance in that there weren't any alternatives.

Concerning the variance request for the septic system, Mr. Gottsacker said what was proposed was an elegant solution, because a high performance septic system was being run into a smaller, existing leach field.

Mr. Starkey said his only concern was that if the current leach field wasn't big enough and had to be expanded on, the ZBA would have to see it.

Mr. Gottsacker said if the applicant didn't get approval from the State, he would have to come back.

Chair Woodburn said there should be a condition of approval that if the State required a change to the leach field, the Board would need to see it again.

Mr. Starkey said other than that, he agreed that the variance criteria were met, and that it was better that the location for the septic system would not be moved.

Mr. Welsh said if there was a way to move it, that would be better, but said he understood that this couldn't be done.

Sean Starkey MOVED to continue the public hearing on a petition submitted by William F. Getchell, Durham, New Hampshire for an APPLICATION FOR VARIANCES from Article XII, Section 175-54, Article XIII, Section 175-59(A)(2) and Article XIV, Section 175-74(A&B) of the Durham Zoning Ordinance to allow the redevelopment of the primary residence, accessory buildings and septic within the wetland, shoreland and property setbacks. The property involved is shown on Tax Map 20, Lot 12-1, is located at 295 Durham Point Road, and is in the Residence C Zoning District. Carden Welsh SECONDED the motion, and it PASSED unanimously 5-0.

- B. PUBLIC HEARING** on a petition submitted by Todd Cote, Trinity Construction, Manchester, New Hampshire on behalf of the Brian & Elizabeth Kirby, Durham, New Hampshire for an **APPLICATION FOR VARIANCE** from Article XII, Section 175-54 of the Durham Zoning Ordinance to permit the construction of a screen porch within the sideyard setback. The property involved is shown on Tax Map 14, Lot 1-9, is located at 197 Wednesday Hill Road and is in the Rural Zoning District.

Mr. Cote spoke for the applicant. He explained that the applicants had an existing 14 ft by 20 ft deck, which to his knowledge, was in compliance. He said when the building permit application for the proposed porch was reviewed, it was found that the side setback wasn't met, and that the existing deck didn't have a permit. He noted that a tax card dating back to 1976 showed the deck. He said the porch that was proposed wouldn't increase in size beyond the current deck.

Mr. Gottsacker asked if the current deck was structurally sound, and Mr. Cote said the framing was adequate, but the footings weren't, so he had included redoing the footings in the building permit application.

Mr. Starkey determined that the footprint for the porch would remain the same as the existing deck.

There was discussion that setback requirement was 50 ft, and it was noted that the house itself didn't meet that requirement.

Ms. Davis said she hadn't driven by the property, and asked how close the abutting house was.

Mr. Cote said there were trees and a field, and a stone wall, but no abutting building nearby. He said the nearest house was quite a ways off to the left.

Mr. Gottsacker said he assumed that if any abutters were concerned about the variance application, they would have indicated this.

Mr. Welsh determined that the roof for the deck would have asphalt shingles. He asked if it would be guttered, and Mr. Cote said there weren't plans to do gutters.

Chair Woodburn noted that the house wasn't near any wetlands.

Mr. Gottsacker said he believed a drip strip would be required.

Mr. Johnson noted that the roof line wasn't on the setback sides, and was parallel with the front of the house.

Chair Woodburn asked if there were any members of the public who wished to speak for or against the application. There was no response.

Sean Starkey MOVED to close the Public Hearing. Jerry Gottsacker SECONDED the motion, and it PASSED unanimously 5-0.

Chair Woodburn read through how the variance criteria were met, as stated in the application. It said the construction of a screened porch would be in alignment with the use of a single family residence, so no decrease in the value of surrounding properties would be suffered if the variance was granted.

Chair Woodburn said while the deck wasn't necessarily properly permitted, it had been there for a long time. She also said the addition of the roof to the deck wouldn't negatively impact the adjacent property.

Mr. Welsh said if it was located in a closer neighborhood, the screened in porch could be disturbing to neighborhood.

Mr. Starkey said what the applicant proposed would still technically be a two season room.

Mr. Welsh said in this instance, he didn't believe there would be a decrease in the value of surrounding properties, because there weren't any nearby.

Mr. Johnson said if this was in different, smaller neighborhood, the setbacks would be 10 ft or 20 ft, and the applicant wouldn't be here.

Ms. Davis said if there was a home 50 ft back on the adjacent property, she would look at this application differently.

Mr. Gottsacker said the Board would be looking to see if the abutters objected or not.

The application said granting the variance would not be contrary to the public interest because the screened porch would not pose a health or safety hazard to the public.

Chair Woodburn said due to the nature of this lot, and that structures weren't nearby, she didn't think granting the variance was contrary to the public interest. Other Board members agreed.

Concerning the hardship criterion, the application said the proposed screened porch utilized the existing layout and construction of the house and deck, and said to build it in a different location would add cost to the homeowner.

Mr. Starkey said there was an existing deck there, and the applicants wouldn't be disturbing anything by putting up screens on the sides, and a roof over it.

Mr. Welsh said this was a very open area.

Chair Woodburn said this went to the special conditions of the property. She also said in this instance, there was an existing deck. She noted that the applicants said the proposed use was reasonable because it had suited the construction layout of the house prior to at least 1976.

The application said by granting the variance, substantial justice would be done because there would be an outdoor gathering space to enjoy, and the existing deck would be legalized. Chair Woodburn said that was the right answer.

The application said the proposed structure would not be contrary to the spirit and intent of the Ordinance because there was ample distance between it and the property line. Board members said this point was well taken. Ms. Davis said there was ample open space for the porch.

Board members agreed that all five variance criteria were met.

Sean Starkey MOVED to approve the Application for Variance from Article XII, Section 175-54 of the Durham Zoning Ordinance to permit the construction of a

screen porch within the sideyard setback. The property involved is shown on Tax Map 14, Lot 1-9, is located at 197 Wednesday Hill Road and is in the Rural Zoning District. Jerry Gottsacker SECONDED the motion, and it PASSED unanimously 5-0.

- C. **PUBLIC HEARING** on a petition submitted by Bruce M. & Sarah Flannery, Durham, New Hampshire for an **APPLICATION FOR VARIANCES** from Article XII, Section 175-54 and Article XIII, Section 175-59 of the Durham Zoning Ordinance to allow for the construction of a garage addition with a 2nd story apartment and septic system in the wetlands and building setbacks. The property involved is shown on Tax Map 14, Lot 26-0, is located at 64 Wiswall Road, and is in the Rural Zoning District.

Mr. Flannery spoke to the Board. He said the original intent was to replace the barn at the end of the driveway, and it was found that placing it back where it originally was would be in poorly drained soils. He said the request was modified so that the barn would be attached to the house sideways, and as tight as possible, which would keep the footprint as small as possible, and keep it outside of the poorly drained soils.

He said there was currently an Enviroseptic septic system, which was about 5 years old. He said they were proposing a 3.5 bedroom system, which involved expanding the existing leach field by about 5 ft toward the road, and putting in a larger septic tank, under the driveway. He said they were trying to stay within the scope of allowable uses, and to be as minimally invasive of poorly drained soils as possible.

There was discussion that the wetland setback in this zone was 125 ft.

Chair Woodburn said usually on the drawings provided by applicants, the setback from the poorly drained soils was shown so the ZBA could see how much of the existing structure was in the wetland buffer, and what was being impacted.

Mr. Johnson said the septic setback was 125 ft, and the structure setback was 100 ft.

Chair Woodburn said her measurements indicated that all of the house, and everything was in the buffer.

There was discussion about the plans provided by the applicant, with Mr. Gottsacker stating that it wasn't a formal survey so they didn't really know where the setbacks were.

Chair Woodburn asked if a soil scientist had done the survey.

Mr. Flannery said a soil scientist had come to the property and re-confirmed the wetland boundary. He explained that the land in question had been in continuous use in agriculture. He said it was dry ground but was poorly drained soils.

Mr. Gottsacker said this was a septic plan that had been provided, and said the question was the accuracy of the survey.

There was discussion.

Mr. Johnson said all that was needed for the State septic system design application was the septic designer's design, with the wetland delineation by the soils scientist.

Mr. Gottsacker noted that there were two parts to the variance. He said the plans the applicant had provided were great for the septic system variance, but asked about the other variance.

Mr. Johnson said if this were a new house lot, the septic designer would show where the proposed house would go. He said in this case, there was something built that they could measure off of.

Chair Woodburn said she was fine with it. She said the measurements indicated that everything but the corner of the house was in the wetland setback. She also said the expansion of the system was as far away as it was going to get.

Mr. Gottsacker said accuracy was therefore not an issue. He said he was fine with it if other Board members were.

There was further discussion on wetlands delineation, and what was involved with this. There was discussion on how a farm field could be wetland soils.

Chair Woodburn noted that construction of a retaining wall was proposed, against the end of the new garage addition, and Mr. Flannery provided details on this.

Chair Woodburn said the driveway would mean that automobile use would be really close to the poorly drained soils. She noted that there could be oil/gas leaks, which was a reason for having a wetland buffer. There was discussion.

Mr. Welsh asked if the driveway area would be impervious, and Mr. Flannery said no. He said it would be an extension of the current driveway, which was crushed stone.

There was discussion that the Enviroseptic system was 5 years old.

Mr. Flannery went through how the variance criteria were met with the application. He said no decrease in the value of surrounding properties would be suffered if the variance was granted because it would allow a sympathetic addition to the house, and was an allowed use in the district.

He said granting the variance would not be contrary to the public interest because the use and size proposed were within the allowed uses in the district, and would add to the tax base.

He said denying the variance would be a hardship. He said the current house was not within the current setback requirements due to age, and location on the property. He said the

proposed use was reasonable because it was an allowed use and structure in the rural district, and was sympathetic to the lot, land and neighborhood.

Mr. Flannery said in granting the variance, substantial justice would be done because it would allow them to keep their options open for their eventual retirement, and would help continue their 30 years of residence in Durham.

He said granting the variance would not be contrary to the spirit and intent of the Ordinance because it would have the least impact on the land, based on using the current location of the house and driveway. He said this would prevent encroachment on the abutters and would be the least disruptive to the land. He said he was really boxed in, in terms of where he could put things.

Chair Woodburn asked about the acreage, and Mr. Flannery said it was somewhere between 2.2 and 2.8 acres.

Chair Woodburn said she didn't know the proposed layout of the house, and she apologized for not having gone by the house. She said a question was whether there was a way to get the proposed garage and the driveway connection out of the buffer. She suggested a possible alternative location at the front of the property, which would be out of the front yard setback and out of the wetland setback, and asked if Mr. Flannery had considered it.

Mr. Flannery said he hadn't considered this, and said it wouldn't be very sympathetic to the building. He said he wasn't saying it couldn't be done.

Mr. Starkey asked what the apartment over the garage was for, and Mr. Flannery said it wouldn't be for income, and would be helpful to have someone stay there so they could get away. Mr. Starkey noted that it was an allowed use, and said a lot of garages had apartments to them.

Mr. Johnson noted that there was a fabric covered storage structure on the property, which was about 25 ft from the pavement, not the property line. He noted a ZBA case from Durham currently going to the NH Supreme Court on this issue, and said it might or might not be a structure depending on how the case went. He said he had discussed this with Mr. Flannery, and said the reason he was mentioning the issue was that he didn't want someone coming to the ZBA two years from now saying the Board had approved this when the addition was built.

Chair Woodburn asked if there were any members of the public who wished to speak for or against the application.

Bob Grover said he lived across the street, and said the land on the Flannery's property was always called a field, not a wetland. He spoke in some detail on this, and also said he gave the Flannerys credit for making these improvements to their home.

Jerry Gottsacker MOVED to close the public hearing. Sean Starkey SECONDED the

motion, and it PASSED unanimously 5-0.

Ms. Davis noted the Capstone variance application, and that a wetland survey was done to see which portions of wetland were the most valuable. She said that was a possible way to think about this situation.

Chair Woodburn said it was also important to look at the size of the wetland, and what it connected to. She said the Board didn't have that information. She said the septic system was already there, and wasn't that big, and said it didn't bother her. She said the owners must have gotten a variance for it in 2005. But she said putting the structure and associated garage in the proposed location made her uncomfortable without seeing the site.

There was further discussion.

Mr. Flannery said the soil scientist had confirmed the wetland boundary, and also said this was land that had been used as a farm for 150 years. He said it was poorly drained, but had been in use for a long time.

Chair Woodburn said she had the sense that Board members would like to do a site walk. She said it would be helpful to have the soil scientist there, or a narrative describing the values of the wetlands, their size, whether they connected to any waterways, whether there were wildlife, etc. She said this would be helpful.

Mr. Welsh said if this was a true wetland, that connected to the river, the Board would probably deny the variance. He said it would be interesting to see exactly what it was, and to see a broader map of the area.

Ms. Davis noted that with the Capstone application, the scientist went through criteria in order to determine the value of some wetlands on their property. She said the results had made the Board more comfortable with the development proposed.

Jerry Gottsacker MOVED to continue the Flannery Application for Variances from Article XII, Section 175-54 and Article XIII, Section 175-59 of the Durham Zoning Ordinance to allow for the construction of a garage addition with a 2nd story apartment and septic system in the wetlands and building setbacks, and to schedule a site walk for 6 pm on September 13th. Sean Starkey SECONDED the motion, and it PASSED unanimously 5-0.

- D. PUBLIC HEARING** on a petition submitted by David E. Hills, Durham, New Hampshire for an **APPLICATION FOR SPECIAL EXCEPTION** from Article XXIV, Section 175-139 of the Durham Zoning Ordinance to allow for the location of a leach field. The property involved is shown on Tax Map 11, Lot 22-3, is located at 35 Piscataqua Road, and is in the Residence C Zoning District.

Jerry Gottsacker MOVED to continue the Hills Application to the next meeting. Sean

Starkey SECONDED the motion, and it PASSED unanimously 5-0.

- E. PUBLIC HEARING** on a petition submitted by Fredric W. & Lynn Ellsworth, Madbury, New Hampshire for an **APPLICATION FOR VARIANCE** from Article XII, Section 175-54 and Article XIII, Section 175-65(F) of the Durham Zoning Ordinance to permit the construction of a septic system within the wetland and building setbacks. The property involved is shown on Tax Map 11, Lot 20-3, is located at 81 Piscataqua Road and is in the Residence C Zoning District.

Mr. Ellsworth spoke before the Board, and explained that the two variances concerned not meeting the wetland and building setbacks in order to construction the septic system. He explained that the existing system had failed, and said they proposed to replace it with a septic system that was of the latest technology,

He provided details on the existing system, noting that there were two tanks and two leach fields, one of which was in failure, and the other which was showing signs of failure. He said what was proposed was to replace both with a Clean Solutions six bedroom septic design. He said with the design, they would keep the two tanks, tee those into the new settling tank, and then pump the effluent to a new leach field.

He said the State would like to see them not reusing the existing tank, and instead put in a new 2500 gallon septic and settling tank in the front. He said the existing septic tanks would be abandoned in place,

Chair Woodburn said she lived near the property.

There was discussion that if the variances were granted, they would be based on the design accepted by the State.

Mr. Johnson said the State was questioning the legal number of bedrooms.

Mr. Ellsworth said the State was looking for validation that the dwelling was a six bedroom duplex prior to 1967. He said this would be difficult to prove.

There was discussion. Chair Woodburn said if this couldn't be proved, the State would probably pressure the applicant to downsize the system, which wouldn't impact the environment as much. She said the property was surrounded by a lot of wetlands, which drained into Johnson's Creek and the Oyster River.

Mr. Ellsworth provided details on the site issues.

Chair Woodburn said the system was proposed in the only location it could be put. There was discussion about this, and on the Clean Solutions septic system.

Chair Woodburn said whatever the State would permit would be better than what was

there now.

Mr. Johnson said his understanding was that the State wanted something from the Town on the history of the property.

Mr. Ellsworth said the symmetry of the layout of the building showed that it was a duplex, and said it was never a single family house. He said the way they were split also spoke to the number of bedrooms in each.

Mr. Starkey said he could see that there would be no other place to put the leach field.

Chair Woodburn summarized that all the variance criteria were met. She noted that there were no members of the present who wished to speak.

Jerry Gottsacker MOVED to close the public hearing. Sean Starkey SECONDED the motion, and it PASSED unanimously 5-0.

Mr. Welsh asked if this was the best system that could be used. There was discussion.

Mr. Gottsacker said it was really the State that was making the decision. He also said Chair Woodburn's point concerning the house itself and the number of bedrooms in it was a good one, in that the State was looking to minimize impacts on the environment.

Board members agreed that all five variance criteria were met.

Jerry Gottsacker MOVED to grant the Application for Variance from Article XII, Section 175-54 and Article XIII, Section 175-65(F) of the Durham Zoning Ordinance to permit the construction of a septic system within the wetland and building setbacks, as approved by NHDES. The property involved is shown on Tax Map 11, Lot 20-3, is located at 81 Piscataqua Road and is in the Residence C Zoning District. Sean Starkey SECONDED the motion, and it PASSED unanimously 5-0.

III. Approval of Minutes

June 14, 2011

Page 19, 4th full paragraph, should read "Chair Woodburn said hearing the opinion from the engineer on the short life of the Enviroseptic systems was dismaying to the ZBA."

There was discussion by the Board on the Environseptic systems, which the Board had been allowing in sensitive areas. Chair Woodburn said they were great for as long as they lasted. She suggested that the Board could include conditions that said these systems needed to be inspected etc.

Mr. Johnson said if there was enough land, stone and pipe systems were the way to go.

He said the Clean Solutions system was a newer technology, and owners were obligated to maintain them on a certain schedule.

Chair Woodburn said it might be a good idea for the ZBA to have a workshop, where the Town Engineer and some septic engineers could come in to discuss this issue. She said they perhaps could also ask the NH Office of Energy and Planning to do a workshop on this.

Mr. Johnson said a NHDES person could perhaps do a workshop in Durham. There was further discussion, and Board members agreed this was a good idea.

Mr. Johnson said he would try to schedule something as part of a regular ZBA meeting, depending on how many cases there were on the Agenda.

Jerry Gottsacker MOVED to approve the June 14, 2011 Minutes, as amended. Sean Starkey SECONDED the motion, and it PASSED unanimously 5-0.

IV. Other Business

A.

B. Next Regular Meeting of the Board: ****September 13, 2011**

V. Adjournment

There was discussion about the fact that the appeal to the ZBA's decision on the Barrett application was going to the Supreme Court.

Mr. Johnson also noted that concerning the recent Sakowski application, the Board had been given the leeway to schedule the request for rehearing of that application for September. He noted that this process was separate from the current Zoning change proposal being considered by the Town Council, which had resulted from the variance application.

Ms. Davis said she liked the idea of having a workshop on septic systems, and said she thought this would ultimately shorten ZBA meetings. She suggested that there perhaps should also be a workshop on wetlands issues.

Mr. Johnson said hopefully the person lined up for the septic system workshop could also speak about wetland issues. He said Planning Board and Conservation Commission members could be invited, along with members of the public, and said it could be scheduled for early in the meeting. Board members agreed this was a good idea.

Sean Starkey MOVED to adjourn the meeting. Jerry Gottsacker SECONDED the motion, and it PASSED unanimously 5-0.

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Adjournment at 8:45 pm.

Victoria Parmele, Minutes taker

Sean Starkey, Secretary