

## **ATKINSON ZONING BOARD OF ADJUSTMENT**

**21 Academy Avenue**

**Atkinson, New Hampshire 03811**

**Public Hearing Meeting Town Hall**

**Wednesday, August 10, 2022**

### **Members Present**

Glenn Saba, Chair

Bob Connors, Vice Chair (not present)

Kevin Wade

Arthur Leondires

Scott Sullivan

### **Others Present**

Karen Wemmelmann, Recorder

James M. Lavelle, James M. Lavelle Assoc.

### **Workshop 7:00 PM**

### **Approval of Minutes:**

**Member Wade made a motion to approve the minutes of the July 13, 2022 meeting as amended. The motion was seconded by Member Sullivan. All members of the Atkinson Zoning Board of Adjustment present voted in favor. Vote: 4/0/0. The vote is unanimous.**

**Correspondence:** none

**Call to Order:** Chair Glenn Saba called the meeting to order Wednesday, August 10, 2022 at 7:30 PM.

### **Public Hearing – 7:30 P.M.**

Chair Saba informed the audience that there would be one public hearing continued from 5/11/22 and 7/13/22.

- 1. Application by Leonard & Catherine Traub for Special Exception under Article VII Section 700:2 to allow conversion of a seasonal home to year-round status on property located at 12 Hemlock Heights Rd. Map 22 Lot 95, in the RR3 Zone.**

***Continued from 5/11/22 and 7/13/22***

### **Abutters:**

John Pomer, Susan C. Collette, Budzyna 2016 Trust (Gail S. Budzyna and Nicole M. DiFramco TTEEs), Marjorie Vendetti, Catherine L. and Leonard Traub (present), Gorrow, Lorraine D. Rev Trust (Diane Gorrow TTE), Palmegiano, Carol Rev Trust (Carol Palmegiano TTE), Davies Family Rev Trust (Adam W. and Robin A Davies TTEEs), Samantha Stenbeck and Kevin Choinski, Hemlock Heights c/o Diane Gorr

Chair Saba requested that the applicants come before the Board.

Chair Saba explained that the application is a special exception and it would be granted by right if the criteria are met. At the last meeting there were questions regarding the laundry. However, the concern of the Board is the disposal system.

Mr. James Lavelle, Land Surveyor and Licensed Septic Designer, came before the Board to represent the applicants. He explained that Mr. Timothy Lavelle, also a Licensed Septic Designer, designed the proposed septic system.

Mr. James Lavelle presented the Board with the first item in the packet; approvals from the Atkinson Health Inspector for the septic system. The Health Inspector also witnessed a test pit on site prior to approval of the septic system. His approval is necessary before the septic design can be submitted to the State.

The second item in the packet is State approval for the septic system on the lot and the third item is the plan. Please note on the plan that it says "sanitary disposal system for year round conversion". Mr. Lavelle explained that the proposed septic design is a sanitary system approved for year round conversion by the State of New Hampshire after it was approved by Mike Dorman, the Atkinson Health Inspector.

Mr. Lavelle also stated that other issues were with egress and access and those are code issues. The proposed dwelling will have to be built to code.

Chair Saba informed Mr. Lavelle that the Board did not have the information he just presented to them at the last meeting.

Chair Saba asked the Board if there were any questions.

Chair Saba explained that seasonal conversion is a special exception and criteria need to be met. Chair Saba read from Article VII 700:2

700:2 A change in the status of a dwelling from a seasonal, recreational, or secondary home to a home which is intended to be used as a primary or year-round dwelling shall be considered a change in the use of the existing building according to the building code of the Town of Atkinson and shall require upgrading to state and local water supply and sewage disposal regulations in effect at the time of such change in status.

Chair Saba questioned Mr. Lavelle as to the water supply. Mr. Lavelle explained that there is a drilled well on site.

Before any permits for structural alteration or change in use are issued by the Building Inspector and the Health Officer, a special exception from the Board of Adjustment shall be obtained, the granting of which shall include, but not be limited to, compliance with the following requirements:

a. A review by the Health Officer.

Mr. Lavelle has presented the Board with a review by the Health Officer.

b. Compliance with Sections WS300 of Atkinson's Water Supply and Sewage Disposal Regulations.

Mr. Lavelle informed Chair Saba that Atkinson Water Supply and Sewage Disposal Regulations are the same as the State regulations. A copy of State approval of the septic conversion was included in the packet given by Mr. Lavelle to the Board.

c. Written consent by the New Hampshire Water Supply and Pollution Control Commission (NHWSPCC).

Chair Saba asked the Board members if there were any questions.

Member Sullivan explained that he was new to the process and stated he had some questions.

Member Sullivan asked about the water supply and asked if there were water tests and if the well is potable. Chair Saba informed him that the Board has a plan showing a well and storage system. The Board also has an approval and design by a licensed land surveyor stating it has been installed and approved. Whether or not it is potable will be an issue when the permit is requested. This is an issue for the Building Inspector but it would be to their benefit. A well is there and that is the jurisdiction of the Zoning Board.

Member Wade explained that he is also new to the process. Chair Saba informed him that the Board has a plan and an approval for construction. He asked if there were an approval for operation. The system has not been installed. The applicants believed that approval for the design was necessary first. The inspector reviewed the test pit. The design was done to comply with all regulations by the Town and the State and it was approved. He does not believe the system has to be built before it can be approved.

Chair Saba explained that in the past the septic was installed and then approved. Mr. Lavelle explained that it is just like any other site in Town, the plan is approved and then the septic is installed.

Chair Saba explained that it is different because the property is already built.

Mr. Lavelle informed him that the existing system was not adequate for year round conversion but the new system will be adequate for year round use. Mr. Traub stated that it would be installed within a few months. Ms. Traub stated that she believed that approval for year-round conversion would be needed before the septic system was installed.

Chair Saba explained that this is a special exception granted by right if the criteria are met. The applicant has an approval for a septic system. In order to be fully converted the system has to be built and approved for operation and the residence has to meet today's codes.

Mr. Lavelle stated that this would be similar to the Building Inspector inspecting a house as construction progresses. When the system is installed, the health officer will do a bed bottom inspection first, then the system will be installed and the State will inspect to ensure it was installed properly.

Chair Saba agreed. Chair Saba asked the Board if there were more questions. He stated that all criteria have been met and requested a motion.

**Member Leondires made a motion to approve the Application by Leonard & Catherine Traub for Special Exception under Article VII Section 700:2 to allow conversion of a**

**seasonal home to year-round status on property located at 12 Hemlock Heights Rd. Map 22 Lot 95, in the RR3 Zone. (*Continued from 5/11/22 and 7/13/22*) with the understanding that the septic system will be built and the owners will have code enforcement and life safety sign off for compliance. Member Sullivan seconded the motion. All members present voted in favor. Vote: 4/0/0. Unanimous.**

**Member Leondires made a motion to close the public hearing. Member Wade seconded the motion. All members of the Atkinson Zoning Board of Adjustment voted in favor. Vote: 4/0/0. Unanimous.**

**Member Leondires made a motion to adjourn the August 10, 2022 meeting of the Atkinson Zoning Board of Adjustment at 7:42 PM. Member Sullivan seconded the motion. All members of the Atkinson Zoning Board of Adjustment voted in favor. Vote: 4/0/0. Unanimous.**

The meeting was adjourned at 7:42 PM. The next meeting of the Atkinson Zoning Board of Adjustment will be September 14, 2022.