



THE TOWN OF SULLIVAN, NH

Office of the Zoning Board of Adjustment
Centre Street, PO Box 110 Sullivan, NH 03445 Voice 603-847-3316 e-mail
sullivantownclerk@myfairpoint.com

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18/November/2022

Kimberly & Nils Ahlberg
8 River St.
Alstead, NH 03602

Subject: Your Application for a Variance on lot 006-022-001

Reference: Public Hearing held 17/November/2022

Dear Kimberly & Nils,

At last night's Public Hearing and by your application, you requested relief from two specific setback or "buffer zone" requirements of the Sullivan Community Planning Ordinance (CPO) the specific sections of the CPO are as follows:

Article II, Section E, which incorporates the Wetlands Conservation District Ordinance of 2004. The Wetlands Conservation District Ordinance, Special Provision 1 prohibits the septic tank and leach field within 100 ft of the edge of a wetland

Article III, Section C., Paragraph 11, requires a minimum setback of 100 ft for the septic tanks and leach fields from the edge of a wetland.

Note: As used in this letter, "leach field" is synonymous with "Effluent Disposal Area" (EDA) as defined in NH Code of Administrative Rules Env-Wq 1000. The EDA also includes the fill extensions (Env-Eq 1002.24 & Env-Eq 1002.27).

There are three (3) identified wetlands, from which the septic tank and/or the leach field are located within the 100 foot Buffer Zone. The relief being sought is to reduce these required "buffer Zone" distances from 100 feet down to 75 feet. A 75 foot "buffer Zone" is the minimum distance from a septic tank and/or leach field to the edge of a wetland allowed by the State of New Hampshire

Following significant discussions, a motion was made and seconded to vote on providing a conditional approval of the variance request. The Voting began on each of the five (5) Statutory Requirements necessary to approve a Variance:

1. The variance is not contrary to the public interest.
2. The spirit of the ordinance is observed.
3. Substantial justice is done.
4. The values of surrounding properties are not diminished.
5. Literal enforcement of the ordinance would result in unnecessary hardship.

All five (5) of the listed requirements were voted to be in the affirmative; therefore, the Variance was approved conditionally as follows:

VARIANCE APPROVALS:

1. CPO Article II, Section E, The 100 ft setback requirement for a septic tank and a leach field from the edge of a wetland as specified in the Wetlands Conservation District Ordinance has been reduced to the State of NH minimum of 75 ft.
2. CPO Article III, Section C., Paragraph 11: The 100 ft setback requirement for a septic tank and a leach field from the edge of a wetland as specified in this paragraph has been reduced to the State of NH minimum of 75 ft.



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CONDITIONS of the VARIANCE APPROVAL:

- 1.0 The Septic Plan shall be updated to include the following information
 - 1.1 The current septic plan identifies two 'bench marks" (BM#1 & BM#2). The updated plan must include accurate dimensional measurements from these bench marks to the two southerly corners of the EDA (leach field). This adds four (4) dimensions to the plan.
 - 1.2 The current plan shows the well in a location where its protective radius crosses the property line. The updated plan must show the well in a location where the 75 foot protective radius (150 foot diameter) is contained completely within the property boundaries.
 - 1.3 The current plan shows a shed which is located in violation of the CPO setbacks and the Wetlands Conservation District Ordinance "Buffer Zone" for structures in two places. On the updated septic plan, identify an area to which the shed will be relocated which does not violate any of the CPO Boundary setbacks or the 50 foot Buffer Zone from the edge of any wetlands.
 - 1.4 A digital copy of the updated septic plan in .pdf format will be provided to the Sullivan ZBA for review and approval.
- 2.0 CPO Article II, Section E,: The 50 ft buffer zone (setback) requirement for structures (house, garage, deck, shed, porch, etc. and portions thereof), from the edge of a wetland as specified in the Wetlands Conservation District Ordinance remains in place and will be honored.
- 3.0 All other setbacks and requirements specified in the Sullivan NH CPO and any other setback specified in the incorporated sections of Article II will continue to be in force and be honored.
- 4.0. When the well is installed, the 75 foot protective radius (150 foot diameter) must be contained completely within the property boundaries.
- 5.0 The shed, currently crossing the 50 foot setback line from the south westerly boundary line, will be relocated to an area which will violate no setbacks or buffers and is shown on the updated septic plan. The Shed must be relocated before 30/September/2023.
- 6.0 The Sullivan NH ZBA clearly states that this variance was granted with some reluctance in that this approval would not be interpreted as a precedent in future variance requests. The lot or parcel for which this variance is approved is unique in its shape, topography, features and conditions.

Conditions 1.0 thru 1.4 must be met before this variance becomes valid. Conditions 2.0 thru 5.0 must be met during construction to maintain the validity of this this variance

Richard M Hotchkiss

Chairman, Sullivan NH ZBA

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