

Sullivan Zoning Board of Adjustment
Public Hearing
8/30/22

Present:

Board Members: Richard Hotchkiss (Chair), Laura Lewandowski, Stephen Parker, Roger Sweet, Bob Switzer, BJ Wahl (Clerk)

Public: Wendy Pelletier (Agent for the Applicants), Leslie Casey (Planning Board), Ann Sweet, Kathy and John Woodbury (abutters), Barb and Don Arguin (abutters)

- Rick called the public hearing on the Kirkpatrick property, located on South Road and owned by Lara and Scott Kirkpatrick, to order at 7:02 pm.
- Wendy detailed the problem of putting a septic system on this property, which is largely classified as wetlands. The septic designer, Nate Levesque, feels that the only place to put it is near the front of the property and they ask for a variance, as this would be 75 feet from the drainage ditch and its surrounding wetlands that crosses the property, not the 100 feet that the Town ordinances require.
- Laura asked what the pipe on the property was and Wendy replied that it was a culvert built by John Bolles before the property was sold.
- Roger stated that he had real problems with changing the standards. Wendy replied that this property was approved as a subdivision and building lot by the Planning Board.
- Stephen asked how this would affect the abutters. Wendy stated that the State asks for a 75 foot setback and Sullivan wants 100 feet. She said that the septic system will not affect the health and safety of the abutters, and that adhering to the Sullivan setback would make this lot unbuildable. Wendy feels that the Kirkpatricks purchased a building lot, not a woodlot, and that it was approved.
- Bob asked if there could be leach field design changes that would allow for a different siting of the septic system. Wendy said that a Fuji system wouldn't work because of the required setbacks and the wetlands.
- Rick asked if a soil scientist had delineated the boundaries of the wetlands and said that hydric soil, hydric plants, and water defines a wetland. Wendy stated that the septic designer has delineated the wetlands boundaries. Rick said that he has problems because the Sullivan ordinances require 100 feet from the septic system to the wetlands and 50 feet from any structures. Even if the Board approved a 25 foot reduction in the setback, it might actually turn out to be 20 or 15 feet. Wendy stated that that is ok. She also didn't feel that the Board had the right to ask for building plans.
- Roger asked if the well could be moved. Wendy said it would cost \$20,000 to do so and that they would be applying for an easement to allow the existing well. John Bolles, the former property owner who owns the adjacent property, will approve that.
- Rick stated that over 100 NH towns have stricter septic system rules than the State's rules, and that 120 towns also have wetlands ordinances, like Sullivan.
- Rick thinks that there is plenty of room for a more modern septic system design, such as an Enviro Septic design, which could be lined up in a space only 5 feet wide. If the septic system designer could do a redesign of the system then the property wouldn't need a variance from the ordinances.
- Rick stated that he doesn't think the Board has enough information to make a judgment.

- Roger asked again if the building couldn't be built in the back of the property and Wendy replied no as it is a standing wetland.
- Don Arguin stated that the ditch which crosses the property, created by John Bolles, really helps to drain his property.
- BJ asked what the harm would be in granting the owners the 25 foot variance, and that lots of existing town properties were already grandfathered in with similar situations.
- Rick stated that the Board has two options, to continue the discussion at a later date with more information, or to bring it to a vote now.
- Roger moved that we ask for more information and continue at a later date. This was seconded by Bob and unanimously approved.
- Rick asked for the following additional information:
 - A copy of the current septic design
 - A copy of a new proposed septic design that honors the front roadside setback and maximizes the distance from the wetlands
 - The written easement deed from John Bolles on the well radius
 - A digital copy of the data listed above
- Stephen wanted to know how the Town and the State differ for setbacks. Rick stated that these were 100 vs 75 feet setbacks from wetland boundaries for the septic systems and 50 feet for the structures.
- Roger asked about the urgency of getting the lot approved for building. Wendy said that the owners had been locked into a mortgage at a much lower rate but that that has now gone up.
- Don Arguin said that putting a septic system or foundation on this property might impact the water drainage on his property.
- Wendy said that the perc test result was 12 minutes per inch. Rick said that that is poorly drained soil. Also, there is only 2.5 feet to ledge.
- Rick asked for a digital copy of the septic design sheet.
- Wendy asked for a time for the continuance and the Board decided on September 20th to continue this hearing.
- Ann Sweet asked if hiring a wetlands scientist would be advisable. Wendy replied that the septic designer qualifies as such.
- Roger wants to do a site walk and Wendy will find out if this is ok.
- Rick will send out the Board's requirements in a letter.
- Rick made a motion to continue the meeting until September 20th, seconded by Stephen, and the meeting was adjourned at 7:55 until then.

Respectfully submitted,
BJ Wahl, Clerk