

**TOWN OF EAST KINGSTON, NEW HAMPSHIRE  
ZONING BOARD OF ADJUSTMENT MEETING MINUTES**

June 22, 2004

**AGENDA**

7:30 Peter E. Swinerton  
Frank R. Ouellette (2004-02)  
6 Cove Road  
MBL# 2-1-32

**Members attending:** Chairman John V. Daly, David A. Ciardelli, Norman J. Freeman

**Alternate members:** Nathaniel B. Rowell, Edward A. Cardone, Catherine Belcher

**Absent:** Richard E. Cook

**Others attending:** Vernon Dingman representing Peter E. Swinerton and Frank R. Ouellette

Chairman Daly opened the meeting of the East Kingston Zoning Board of Adjustment at the East Kingston Town hall at 7:30PM to consider an application seeking a variance from the terms of Article VII Section D(6) asking that the said terms be waived to permit a septic system 10 feet from lot lines.

Mr. Vernon Dingman appeared representing the applicants, Peter E. Swinerton and Frank R. Ouellette. Mr. Peter E. Swinerton and Mr. Frank R. Ouellette were also in attendance.

Mr. Daly opened the hearing and noted that the applicants are seeking a variance from the terms of Article VII Section D(6) of the General Provisions requesting that the terms be waived to permit a septic system 10 feet from lot lines where 20 feet is required.

Mr. Daly explained the procedures stating that the applicant will have the opportunity of stating their case. He stated that after that, the Board will ask any questions and then the hearing will be opened to abutters. He added that at the end the applicants will be allowed to rebut anything in disagreement and then the Board will discuss the matter. Mr. Daly asked that any questions be addressed to the Chairman and not to individual Board members.

Mr. Dingman presented the plans for the lot. He stated that this lot is near Pow Wow Pond and there are a lot of smaller lots. He stated that this lot has water near the back so to meet all of the wetland setback and criteria, he had to go to the State minimums of 10 feet setbacks in the front corner of the property. He added that this was done to give the physical entities of the lot the best application for septic setbacks. He stated that the further the septic can be placed from any potential hydric soil the better it is healthwise.

Mr. Dingman stated that this meets the State design requirements, but not the Town of East Kingston requirements.

Mr. Dingman stated that the system is a two-bedroom, 300 gallon per day capacity and has a thousand gallon septic tank. He stated that the test pit was witnessed by Kory Skalecki, the town building inspector. He stated that the lot is vacant.

Mr. Daly stated that the Town ordinance requires a minimum size leech field shall accommodate a three-bedroom dwelling. Mr. Dingman stated that the State parameters for this size lot would not grant anything greater than a two-bedroom.

Mr. Riley stated that it was his understanding that the Town requirement refers to the field itself, not the structure.

Mr. Dingman stated that he was trying to apply what the State will permit on a grandfathered lot. Mr. Riley stated that it could be enlarged on a lateral basis. Mr. Dingman stated that that could be done to enlarge it to a three-bedroom size, but by State standards he is only allowed to request a two-bedroom approval because of the lot size.

Mrs. Belcher stated her concerns. She asked Mr. Dingman to point out the location of the abutters' septic systems. She stated that she counted five variances that would be required in order to put a structure and a septic system on the property. She listed them as: 1) lot size, it's a pre-existing, non-conforming lot; 2) road frontage; 3) building setbacks have to be 30 feet from the front and 25 from the rear property line; 4) two-bedroom septic leech field and the Town requires a three-bedroom minimum.

Mrs. Belcher stated that the septic system has to be no closer than 75 feet from very poorly drained (hydric A) or 50 feet from poorly drained (hydric B) and buildings, roads, driveways, etc. shall not be closer than 30 feet to very poorly drained 15 feet from poorly drained. Mr. Dingman stated that they can change the size of the house.

Mrs. Belcher asked what the dimensions were. Mr. Dingman stated that it was a 24X40 ranch and could be changed to a 22X34 cape. It's a two bedroom starter home. Mrs. Belcher stated that it could not be added onto. Mr. Daly asked if there had ever been any building on the property, to which Mr. Dingman said not to his knowledge. He added that there is no visible physical evidence other than a little bit of a gravel parking area used by a neighbor.

Mr. Daly stated that the only way the property would be grandfathered is if there was a previous dwelling there which had not been abandoned.

Mr. Dingman asked if they could request a continuance. Mrs. Belcher stated that they would have to reapply.

Mrs. Belcher read from a letter to the applicants from the building inspector, "the two-bedroom house would not meet the setback requirements of the East Kingston Zoning Ordinance".

Mr. Dingman stated that they are there to see what the Town will allow for some use of this property. He stated that the reason he placed the system in that particular place was to limit the impact to any abutters.

Mr. Daly stated that his recommendation is that the applicants start over. Mr. Dingman asked for a little guidance in reapplying. He said he could make the system a three-bedroom. Mr. Dingman stated that it would be an elevated field, about 1 ½ feet above the original grade.

Discussion ensued regarding different ways to accommodate the septic, parking, house, etc. Mr. Dingman stated that he is not aware of any site plan showing all the dimensions. He stated that there is the original subdivision plan from the 1920's when the lots were created. He added that there is an old pencil sketch at the Registry of Deeds when all the lots were created.

Mr. Dingman thanked the Board for their input and the applicants asked to withdraw their application. The Board consented to that on the understanding that they would file a new, more complete application.

Mr. Daly closed the hearing.

The meeting adjourned at 9:05PM

Respectfully submitted,

Helen M. Lonek  
Recording Secretary