

Danville Zoning Board of Adjustment
April 18, 2015
8:00 am
Site Walk

Members present: Chris Stafford-chairman, Jason Holder, Curt Springer, Janet Denison-clerk

Others Present: Gordon Smith, Charlie Zilch, James Gove, Gary Spaulding
Present from Carsten Springer, Chip Current, Roger Whitehouse, Dave Caillouette, Bobby Loree, Maureen Paulini, Josh Horns

Case #2015-2 regarding the variance for Gordon Smith and Maureen Smith of 5 Red Pine Road, known as Tax Map and Lot 3-90-11 from Zoning Ordinance Articles: VI.A, VIII.D, and VIII.E.2. This is in order to allow a lot of 1.82 acres to be created, have existing structures within 75 feet of poorly and very poorly drained soil, and to have a lot with .72 acres of upland soil and 60% poorly and very poorly drained soil.

Charlie Zilch introduced James Gove as the soil scientist and Gary Spaulding who will speak about the proposed septic system. Chris explained to the group there are three variances sought for the property. The group is here to understand the distance to the leach bed and wetland boundaries.

Mr. Zilch said the lot line adjustment afforded the property owners enough frontage for a two-lot subdivision but there is not enough upland soil per the Zoning Ordinance to support a subdivision.

The current septic system was installed in 2004. It is an elgin system, approved by the state. It does not meet the local setback requirements. It was approved for one bathroom, 30 students at the school using 300 gallons per day. Showers were not approved per the plan. Mr. Smith said there have never been problems with the system.

The state granted approval for the subdivision based on a stone and pipe system loading requirements. Clean Solutions, the new proposed system, has been around since 1992. Mr. Spaulding explained how this new system works. Two clear jars were presented, one having clear liquid and the other with murky liquid inside. He explained that the clear liquid is typical outflow from their system while the other is from other traditional systems. Homeowners with a Clean Solutions system must have their systems inspected every two years. If an inspection date has been missed, they are notified by the company to schedule an inspection.

Carsten asked for clarification regarding maintenance. It was explained by Mr. Spaulding that this system has more mechanical parts to it. The media is in the second chamber. The media isn't destroyed unless something is introduced to it to kill it. In that case, new media is infused to revitalize the system. A traditional stone and pipe system is more forgiving as it has no mechanical parts or media. However, it needs to be pumped frequently.

Mr. Spaulding said the system ceases to be aeriated if the compressor is turned off. If the power is out for a significant length of time (a few months), an odor is noticeable. Meanwhile,

discharge into the leach field is similar to the stone and pipe system. The Town of Rye requires reports for homes that have this type of system.

Mr. Spaulding also said the system can fail in one of three ways: idiocy on the homeowner's part, the compressor diffuser fails, or the maintenance schedule is ignored.

Carsten said many people are reluctant with new technology when the old is "tried and true." He said he feels the two main differences between this and the old systems are the overall design and how the waste is digested. The field is smaller for the Clean Solutions system. A small dispersal field is still required.

Mr. Spaulding said every system, regardless of type, can experience what he calls creeping failure. Effluent builds up over time and needs to be removed. The Clean Solutions system is more costly. All tanks are sealed on the inside and may require the outside seams be sealed after the soil type is tested. The new system will meet all of the state setbacks.

Wetlands have not been flagged yet and it is unclear where the tank is located precisely.

The Letter of Map Amendment was discussed briefly. The structure was taken out of the flood zone. It was noted that flood maps often may indicate one thing; direct knowledge of the land because you live on it often indicates something else.

Jim Gove explained that compacted gravel, which comprises most of the area around the barn, acts as an impervious surface. He looked at the property, noted the streams and wetlands around the barn, and designed berms and swales to mitigate the runoff. He recommends removing all of the compacted gravel and soil, replacing it with loam and seed. He stated the current conditions, allowing water to sheet across the property directly into the wetlands, is not good. Approximately 6500 square feet of compacted soil will be removed.

There was a short discussion about the driveway. It is unknown if there is state permission for a driveway off of Colby Road. It is also unclear if one would be permitted with the line of sight afforded along that stretch of road. Mr. Smith said he did speak with someone at the state but that conversation yielded no conclusions about a curb cut. It was mentioned that a new owner could put a driveway in anywhere.

It was noted that our Zoning Ordinance states a half acre lot of contiguous land is sufficient for a system and can function as if it were on a one acre lot. Carsten said there are a lot of environmental issues here.

The shed that is built onto the back of the building was noted as being approximately 10x32. Mr. Smith would like to remove it and the shed that is near the subject structure. It was noted that it is within the wetland buffer. It is unknown if a building permit was issued for it.

Mr. Smith explained he liked the exterior look of the building with the fake barn doors facing the street. The concern was expressed that it will not look like a typical residence.

Chris said having multiple articles for which you're seeking a variance is more difficult to approve. Mr. Smith said the neighbor to the north east is willing to sell some acreage but at a

high price. Mr. Smith is aware that if he had the total four acres required per zoning, this would eliminate one of the items of which he is seeking a variance. However the acreage would be wetlands, not contributing to the overall upland soil needed.

Around 9:00 Chip Current, Bobby Loree, and Maureen Paolini left.

The group walked around the corner to the residence on Red Pine Road. It was noted there is another shed within the wetland buffer, serving the main residence. A shed serving the barn is also in the wetland buffer. Mr. Smith there were two sheds. If the lot were divided as shown on the plan, this shed would be on the property with Colby Road frontage.

Curt explained that the two structures are separated by an intermittent stream. If the lot were subdivided as shown on the plan, the wetland would still separate the lots and the house on Red Pine would probably use a portion of the lot that actually belongs to the structure on Colby Road. He asked Mr. Zilch to recalculate the numbers based on the physical boundary of this stream.

Carsten noted, and confirmed with Mr. Gove, the wetland delineation is inaccurate as shown on the plans. Mr. Gove said he will redo this, testing the soils types, etc. The wetlands will also be flagged. Noting the inaccuracy, the proposed swales cannot be put in as planned.

The survey is presumed to accurately state the amount of acreage.

It was agreed to meet on May 12th at 7:30pm in the Town Hall to continue the discussion.

Respectfully submitted,

Janet S. Denison-clerk