TOWN OF WILTON

ZONING BOARD OF ADJUSTMENT

May 8, 1996

VOTING BOARD: Chairperson Neil Faiman; member Jim Tuttle; alternate members Joanna Eckstrom and Bob Spears.

CLERK: Diane Nilsson

AGENDA: Thomas G. Belt - Variance
High Mowing School - Variance

Mr. Faiman called the meeting to order at 7:37 p.m. and explained that only four Board members were present, and both applicants had the choice of postponing their hearing to a time when five members might be present. Both applicants chose to go ahead with their hearings.

Case #5/8/96-2 BELT

Thomas G. Belt, Lot D-044, 275 Burns Hill Road, in the Residential/Agricultural District, requested a variance to the terms of Section 6.2.4 of the Wilton Zoning Ordinance to permit the construction of a garage addition less than 35' from a side lot line.

Mr. Belt explained that he wanted to add on to his garage, stating that the only place he can do it will make the garage then 25' from the road instead of the required 35'. He also stated that no part of the garage will be visible from the road. Mr. Tuttle, who is familiar with the property, stated that Mr. Belt is very limited as to where he can put the addition.

MOTION: Mr. Tuttle moved to grant the variance as presented, seconded by Ms. Eckstrom, with all in favor.

Mr. Faiman stated that Mr. Belt will receive notification of approval in the mail. He further stated that the selectmen, any party to the action or proceedings, or any person affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before May 28, 1996 and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:22)

The Board then adopted the applicant's reasons as the Board's criteria for approval. (See file).

Case #5/8/96-1 HIGH MOWING SCHOOL

High Mowing School, Lot F-130, Abbot Hill Road, in the Residential/Agricultural District, requested a variance to the terms of Section 4.2.1 (b,c) of the Wilton Zoning Ordinance, to permit the construction of a waste treatment system in and adjacent to an area of poorly drained soil.

Vice Chairman of the Board of Trustees of High Mowing School, Robert Todd represented the school and explained that the campus is divided into two parts, north and south. The south campus needs a new septic system, and all the soil downgradient from that part of campus is poorly drained soil.
Tom Varney, the engineer who will design the system, explained that the proposal is to build an innovative septic system, called a constructed wetland water treatment plant, which is a sub-surface two-cell flow system using wetland plants in a man-made wetland to aid in sewage treatment. He further stated that innovative systems such as this have only been allowed in the State of N.H. for the last two years.

Mr. Todd continued and stated that the only visible part of the system will be the vegetation. The two cells will be 20' X 60' each and the entire area will be fenced. It will be an all gravity system using no pumps. He noted that the State will have to approve the project as well as the ZBA. He further explained that the system requires monitering. Students at High Mowing will do the testing and send the results to the State. There may be a public benefit to using this system because it treats waste water to a greater degree than a conventional system and should improve the ground water quality. He added that the State requires the school to have an approved design for a conventional back-up system, which would be located farther away. would be larger and would require a pump.

Mr. Faiman asked Mr. Varney to explain why this innovative system would not pose the types of problems that the zoning ordinance is trying to prevent by not allowing septic systems in poorly drained soil areas. Mr. Varney answered that this system, although new to NH, has been successful all over the country. The water that comes out of the system is clear with much reduction of nutrients such as nitrogen and phosphorus compared to water leaving a conventional leechfield.

Mr. Faiman then asked what the characteristics are of water leaving a conventional leechfield system. Mr. Varney responded by drawing a comparison chart:

	Nitrogen	Biochemical Oxygen Demand (BOD)	Suspended Solids (Phos)
Conventional:	40 Mg/liter	100 Mg/liter	75 Mg. liter
Constr. Wtlnd:	10 Mg/liter	10 Mg/liter	10 Mg. liter

Mr. Todd then showed the Board photos of another CWS in NH. The Board then discussed dimensions, specifications, types of plants used etc.

Mr. Faiman stated that he needs to hear that an expert in the field such as Mr. Varney, is testifying that the aforementioned figures for the constructed wetland will be met. If the Board can rely on those numbers, then he would consider this a reasonable thing to do.
Mr. Todd stated that the quarterly testing of the water leaving the system will prove whether or not the system is meeting the expectations shown in the chart. If it does not meet the expectations, then High Mowing may have to construct the back-up system.
Mr. Faiman stated that the Board needs to know that better water quality, than in a conventional system, will come out of this system in order to allow it to be built in and adjacent to an area of poorly drained soil. He further stated that it seems reasonable that the Board is looking at a proposal for a system which accomplishes the goal which the ordinance intends in a different fashion. To say that HM must do exactly what the ordinance says would be an unnessary hardship in this case. The ordinance requires something which is made unnessary by the technology being proposed. So, as Mr. Todd said, the system will be monitered to see that it is achieving the results that it is intended to achieve. He further felt that approval should be contingent on the results of that monitering. The question is how to specify the desired results.
Mr. Todd explained that the quarterly testing will involve comparing water gathered at the beginning of the system and at the end.
Peter Hopkins, grounds supervisor and Board member of HM, suggested that HM be required by the ZBA to have a commercial lab test the water every 6 months for two years and the report sent to the Town, to verify that the system is working according to the specifications required.

Mr. Faiman asked for a specification drawing of the monitering wells plan, to show how testing will work. Mr. Varney complied and drew up and signed the plan.

MOTION: Mr. Tuttle moved to approve the installation of a constructed wastewater treatment system, of a design to be approved by the State Dept. of Environmental Services, in the area mapped as poorly drained soils, downslope from the High Mowing School subject to: requirements that the system, consisting of two treatment cells, each at least 20' X 60' with monitering wells 35' and 75' downslope from the system, will be sampled and tested quarterly by the school and quarterly for the first year and every six months in the second year by a commercial lab, the results to be sent to the Wilton Building Inspector, and to achieve standards of no more than 20 mg. per liter nitrate, 50 mg. per liter BOD and 40 mg. per liter suspended solids. The motion was seconded by Mr. Spear with all in favor.

Mr. Faiman stated that High Mowing will receive a notification of approval in the mail. He further stated that the selectmen, any party to the action or proceedings, or any person affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before May, 28, 1996 and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:22)

FINDINGS OF FACT:

The Board has heard and accepted expert testimony that the system in question will have significantly better output water quality than would a conventional system in the same situation and therefore the necessity for the setback requirement, which is associated with a conventional system, is not applicable here.

CRITERIA:

The Board adopted the applicant's reasons as the Board's criteria for approval. (See attached)

OTHER BUSINESS

MINUTES - March 13, 1996

MOTION: Mr. Tuttle moved to approve the 3/13/96 minutes as written, seconded by Mr. Spear with all in favor.

The meeting was adjourned at 9:10 p.m.

ATTEST,

Diane Nilsson

Diane Nilsson, Clerk

Posted: May 15, 1996

BOARD'S CRITERIA FOR APPROVAL

HIGH MOWING SCHOOL
CASE # 5/8/96-1

1. No diminution of surrounding Property Values:
   a. No change in use
   b. 1500' downslope to PL
   c. Vegetation and fence are only visible components
   d. Impacts on aesthetics and nuisance are conditions causing diminution of prop. values, neither will result here.

2. Granting the permit will be of benefit to the public interest:
   a. education function will be served, student monitoring
   b. innovation can provide a model for use in other situations
   c. potential to improve waste water treatment and improve ground water quality.
   d. no burden is being placed on the public by this use.

3. Granting the permit will do substantial justice:
   a. This variance would be a benefit to the applicant and there appears to be no loss to the public good,
   b. In fact there may be a public benefit in the opportunity to improve ground water quality.

4. The spirit and intent of the ordinance:
   a. We believe the wetland cons. dist. provisions are intended to protect ground water and surface water and ~~were~~ written before innovative technology was allowed by the state and in common use.
   b. The proposed technology treats waste water to a greater degree than conventional systems before discharging to groundwater.
   c. A back-up system in a different location, meeting all ZBL provisions, will be designed and approved. This will be an Eljen-Indrain system.
   d. The "wetlands" in adjacent area is not a wetland providing the functions usually atributed to wetlands, in fact the area is functioning more as an upland (hayfield + forest).

5. Unnecessary hardship

a. Most of the land area down-grade from school is in the Wet. Cons. Dist.

b. The innovative treatment system would provide learning opportunity that would not otherwise be facilitated

c. denial of the variance greatly complicates the process of improving the waste disposal from the school facility