

RECEIVED
Town of Durham

Please send this form with Plot Plan and List of Abutters to the Town of Durham, 15 Newmarket Rd., Durham, NH 03824, Attn: Zoning Board of Adjustment.

APR 17 2013

Appeal for Applicant

Planning, Assessing,
Zoning & Code Enforcement
State of New Hampshire

Strafford, SS \$249. pd.
4/17
check #
1353

To: Zoning Board of Adjustment, Town of Durham NH 03824

Name of Applicant: Susan J. Faretra/Faretra Septic Design, LLC

Address: 181 Gile Road, Nottingham, NH Phone # 603-659-6556

Owner of Property Concerned: Steven & Alison Kalvelage

(If same as above, write "Same")

Address: 2 Cedar Point Road, Durham, NH

(If same as above, write "Same")

Location of Property: 2 Cedar Point Road

(Street & Number, Subdivision and Lot number)

Description of Property (Give Tax Map number, length of frontage, side and rear lines and other pertinent descriptive information) Tax Map 12, Lot 2-8; triangular

shaped lot, F=189'x S=53'x R=156'; .15 acres; existing two

bedroom year round home w/ well and septic system on Little Bay

Fill in Section 1, 2, 3 or 4 below as appropriate. Do not fill in more than one section. This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate sheets if the space provided is inadequate.

SECTION 1: APPEAL FROM AN ADMINISTRATIVE DECISION

Appeal must be filed no later than 30 days from the date of the original decision.

Relating to the interpretation and enforcement of the provision of the Zoning Ordinance.

Decision of the enforcement officer to be reviewed: _____
Number _____ Date _____

Article _____ Section _____ of the Zoning Ordinance in question.

SECTION 2: APPLICATION FOR SPECIAL EXCEPTION

Description of proposed use showing justification for a Special Exception as specified in the Zoning Ordinance Article _____ Section _____

SECTION 3: APPLICATION FOR EQUITABLE WAIVER

The undersigned hereby requests an Equitable Waiver of Dimensional Requirements as provided in RSA 674:33-A of the New Hampshire Planning and Land Use Regulations.

Please give a brief description of the situation: _____

SECTION 4: APPLICATION FOR A VARIANCE

STANDARD OF REVIEW: The New Hampshire Legislature has declared that each of the following conditions must be found in order for a variance to be legally granted. Prior to seeking a variance, the property owner must have been DENIED a building permit by the Building Inspector or approval by the Planning Board.

1. No decrease in value of surrounding properties would be suffered;
2. Granting the variance would not be contrary to the public interest;
3. Denial of the variance would result in unnecessary hardship to the owner seeking it;
4. By granting the variance substantial justice would be done;
5. The use must not be contrary to the spirit and intent of the ordinance.

A Variance is requested from Article XII _____ Section 175.40^{SA} and XIV 175.74B1
 Ordinance to permit the replacement of an old substandard septic
system with a new aerobic pretreatment sewage disposal system.
The new system will be located at the front property line,
where a 30' setback is required and 12' to the tidal water
of Little Bay, where 125' is required.

Facts supporting this request:

1. No decrease in value of surrounding properties would be suffered because:

The surrounding property will not be impacted by this
small project other than minor traffic to the site during
construction. The new system will protect water quality.

This home and the neighboring homes are on wells.

2. Granting the variance would not be contrary to the public interest because:

The apparent impact to the property will be a small rise
in the land on the side of the home and will not interfere
with the aesthetic interests of the general public.

The Effluent disposal area is specifically designed to be low profile.

Current law requires the existence of unnecessary hardship for the granting of any variance, whether that is for a use not allowed in a particular zone or a deviation from a dimensional requirement.

3(A). Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- a. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

and

- b. the proposed use is a reasonable one because:

Or

3(B). Owing to special conditions of the property that distinguishes it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

This is a small existing lot of record. Strict adherence to the Ordinance setbacks would prohibit a new septic system of any kind to be built on this property, therefore, when and if the existing system should fail, the home would be unusable.

4. By granting the variance substantial justice would be done because:

It would perpetuate the current use of this two bedroom home and allow a substantial upgrade of it's waste water disposal system.

5. The use will not be contrary to the spirit and intent of the ordinance because:

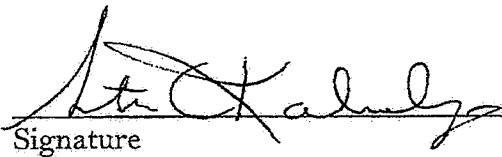
The replacement of an old, substandard septic system with a State Approved Aerobic Pre-Treatment system benefits the health, safety and well being of the general public by providing a substantially cleaner wastewater from this home.

LETTER OF AUTHORIZATION

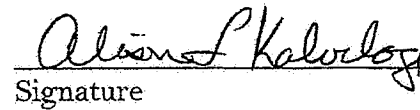
November 19, 2012

Re: Town of Durham and NHDES Permitting Applications
Replacement Residential Subsurface Sewage Disposal System
Steven C. and Alison F. Kalvelage
2 Cedar Point Road, Durham, NH
Tax Map 12, Lot 2-8

We, Steven C. and Alison F. Kalvelage, owners of the property referenced, authorize Susan J. Faretra, Faretra Septic Design, LLC to be our agent in matters concerning the Town of Durham and NHDES permitting for the Replacement Residential Subsurface Sewage Disposal System Design for our property.


Signature

11/19/2012
Date


Signature

11/19/2012
Date

Faretra Septic Design, LLC
181 Gile Road
Nottingham, NH 03290

Office: 603.659.6556
Cell: 603.793.6530
sjfaretra@comcast.net

April 16, 2013

Durham Zoning Board of Adjustment
Town of Durham
15 Newmarket Road
Durham, NH 03824-2898

Re: Variance Request
Replacement Residential Subsurface Sewage Disposal System
Steven and Alison Kalvelage Property
2 Cedar Point Road, Durham, NH
Tax Map 12, Lot 2-8

Dear Board of Adjustment:

This letter transmits an Application for a Variance of Zoning Ordinance Sections 175-54 for setbacks to property lines; and 175-74.B.1 Septic setbacks in the Shoreland Protection District. The 2 variances are needed to construct a replacement sewage disposal system.

Existing conditions of this property include a 2-bedroom year round home, on-site well and on-site substandard septic system on a 0.15 acre lot within the Shoreland Protection Overlay District.

The proposed replacement system will employ one of the best available technologies: An Aerobic Pretreatment system which will, via a pump, discharge highly treated effluent to a drip dispersal effluent disposal area (EDA). The proposed Effluent Disposal System is located in the only suitable area of the lot and utilizes a pretreatment tank that exceeds NSF 245 Certification for Nitrogen reduction (68% N reduction where NSF 245 certification requires at least 50%).

The Effluent Disposal System will be located in the existing lawn.

- The Effluent Dispersal Area will be located up to the front property line, with a small area of fill just over the property line and within the 66' Town Road Right of Way.
- The Effluent Disposal System is within the 125 Shoreland Buffer, with the Effluent Disposal Area 12' from the reference line of Little Bay and the Tank 30' from the reference line.

The Town of Durham Engineer has supplied a letter of support to allow fill from the EDA to slightly encroach into the Town of Durham Right of Way (letter dated 11/2/12 attached).

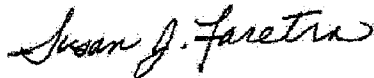
We have received both NHDES Wetlands Bureau and Subsurface Bureau Approvals.

The following points support this application:

1. The proposed impact is needed to provide a new, modern means of disposing of wastewater from the existing residence. No increase of loading is proposed.
2. Utilizing an Aerobic Pretreatment system allows for a considerably cleaner effluent and a smaller footprint than a traditional stone and pipe system, therefore minimizing impact. Dispersal area is slightly larger than the minimum required by the manufacturer and was designed in as a safety buffer.
3. No wetlands or surface water is proposed to be impacted.
4. The project is within a previously developed area.
5. The apparent impact to the property will be a small rise in the land on the side of the home and will not interfere with the aesthetic interests of the general public. The EDA is specifically designed to be low profile.
6. The replacement of an old, substandard septic system with a State Approved Aerobic Pre-Treatment system benefits the health, safety and well being of the general public by providing a substantially cleaner wastewater from this home.
7. Proper erosion control and stabilization of the disturbed area will protect the surface waters from erosion and sedimentation during and after construction.
8. The proposed system should have a positive effect on the salt marsh or surface water by improving the wastewater quality from this home.
9. The surrounding property will not be impacted by this small project other than minor traffic to the site during construction.

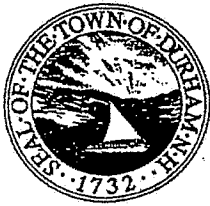
Please contact me if you have any questions if you have any questions or concerns regarding this application.

Sincerely,



Susan J. Faretra
NH Subsurface Systems Designer #946

Cc: Steven and Alison Kalvelage



DEPARTMENT OF PUBLIC WORKS
TOWN OF DURHAM
100 STONE QUARRY DRIVE
DURHAM, NH 03824
603/868-5578
FAX 603/868-8063

November 2, 2012

Susan J. Faretra
Faretra Septic Design, LLC
181 Gile Road
Nottingham, NH 03290

SUBJECT: Septic System Upgrade - 2 Cedar Point Road
Durham, NH

Dear Ms. Faretra,

Thank you for providing the design plans and meeting with me to explain the details of the subject project. I discussed the project with the Director of Public Works Michael Lynch, and we both conclude that the proposed encroachment in the Town's right-of-way by the slope fill along the northeast edge of the leach field will have minimal impact along what is an extremely wide right-of-way. And therefore, the Town will not require the owner to obtain an easement for the proposed fill slope in the Town's right-of-way on the condition that the grade modifications allow for free and unobstructed drainage of stormwater and snow melt away from Cedar Point Road and the associated right-of-way.

Please keep me posted as you move forward with the project and let me know if and when you need a letter in support of the project for your Zoning Board request for a setback variance.

Sincerely,

David Cedarholm, P.E.
Town Engineer

cc: Michael Lynch, Director of Public Works
Thomas Johnson, Code Enforcement Officer (via email)



SANDPIPER ENVIRONMENTAL SERVICES, LLC.

April 23, 2012

Steven & Alison Kalvelage
2 Cedar Point Road
Durham, NH 03824

**Re: Wetland Delineation
Tax Map 12, Lot 2-8
2 Cedar Point Road
Durham, New Hampshire**

Dear Steven & Alison:

This letter reports the completion of a wetland delineation on the above referenced property on April 12, 2012. The purpose of the delineation is to assess options for a replacement septic system. The lot contains an existing single family dwelling, an associated accessory structure, a dock, and a paved driveway. The site is located on the southwestern side of Cedar Point Road, to the south of Piscataqua Road (NH Route 4), and to the north of Little Bay.

The wetland delineation was conducted in accordance with the 1987 United States Army Corp of Engineers Wetlands Delineation Manual technical report Y-87-1 using the Routine Determinations Method, as required by the New Hampshire Department of Environmental Services Wetland Bureau.

The wetland delineation complies with the poorly drained and very poorly drained soil criteria as defined in SSSNNE Special Publication No. 1 "High Intensity Soil Map of New Hampshire Standards" dated April 2008. Wetland soils also meet hydric soil criterion II, V, VI and XI as defined in "Field Indicators for Identifying Hydric Soils in New England", Version 3, April 2004.

Wetland boundaries are witnessed in the field with fluorescent pink flagging tape, labeled with an alpha numeric system as follows:

A1-A5 stop (freshwater wetland/poorly drained)

PO Box 964 Rochester, NH 03866 603.841.0393 sandpiperenv@metrocast.net



The highest observable tide line (HOTL) was delineated and survey located at the time when lot features were being located to design the replacement septic system. As a result, wetland flags were not placed in the field to depict the HOTL, however the boundary was located for placement on the site plan.

According to the "Classification of Wetlands and Deepwater Habitats of the United States" (USFWS December 1979) the wetland delineated by flagged line "A" would be classified as a palustrine scrub-shrub broad leaved deciduous wetland system that is seasonally flooded and or saturated (PSS1E). The wetland delineated by the HOTL would be classified as an estuarine intertidal emergent persistent wetland system that is regularly flooded by tides (E2EM1N).

The plant species located in or adjacent to the wetlands include but are not limited to red maple (*Acer rubrum*), black cherry (*Prunus serotina*), saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow grass (*Spartina patens*), multiflora rose (*Rosa multiflora*), seaside goldenrod (*Solidago sempervirens*), and poison ivy (*Toxicodendron radicans*).

The site was also examined for the presence of vernal pools. There were no vernal pool indicators observed on the site at the time of the delineation.

The HOTL identifies the boundary of saltmarsh areas adjacent to the property. This line also delineates the boundary of very poorly drained soils. The saltmarsh boundary was determined by a dominance of vegetation that typically grows in soils inundated by saltwater, the presence of sulfidic materials within the soil profile, and the presence of very poorly drained soils.

Please contact me if you have any questions or if I can be of further assistance.

Sincerely,

Steven D. Riker
Certified Wetland Scientist #219
Sandpiper Environmental Services, LLC.

Cc: Susan J. Faretra-Faretra Septic Design, LLC

PO Box 964 Rochester, NH 03866 603.841.0393 sandpiperenv@metrocast.net

APPROVAL FOR CONSTRUCTION

CA2013111844

N.H. DEPARTMENT OF ENVIRONMENTAL SERVICES
SUBSURFACE SYSTEMS BUREAU
P.O. BOX 95, 29 HAZEN DRIVE, CONCORD, NH 03302-0095

CA2013111844

APPROVAL NO.

THE PLANS AND SPECIFICATIONS FOR SEWAGE OR WASTE DISPOSAL SYSTEM SUBMITTED FOR:

12/18/BL 2

OWNER: ALISON/STEVEN KALVELAGE
2 CEDAR POINT RD
DURHAM NH 03824

Map No./Lot No.: PRE67
Subd. Appvl. No.:
Subd. Name: STRAFFORD
County: 1950
Registry Book No.: 789
Registry Page No.:
Probate Docket No.: 0
(If Applicable)

COPY SENT TO: BUILDING INSPECTOR
15 NEWMARKET RD
DURHAM NH 03824-5571

Type of System: 2 BR
300 GPD
DURHAM

Town/City Location: 2 CEDAR POINT ROAD

BY APPLICANT: PERMIT NO. 00946

Street Location:

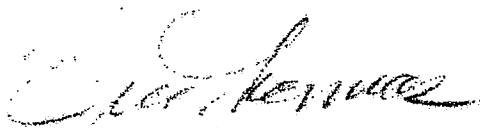
SUSAN J FARETRA
181 GLE RD
NOTTINGHAM NH 03290

Subsurface waste disposal systems must be operated and maintained in a manner so as to prevent nuisance or health hazard due to system failure. (RSA 485-A:37)

It is unlawful to discharge any hazardous chemicals or substances into subsurface waste disposal systems. Included are paints, thinners, gasoline and chlorinated hydrocarbon solvents such as TCE, sometimes used to clean failed septic systems and auto parts. (Env-Ws 1503.04)

ADVISE YOUR CONTRACTOR OF REQUIRED CHANGES IN PLANS AS INDICATED BELOW CONDITIONS

1. WAIVERS GRANTED - THIS APPROVAL IS GRANTED ONLY TO IMPROVE AN EXISTING SITUATION.
2. ALL ACTIVITIES SHALL BE IN ACCORDANCE WITH THE SHORELAND WATER QUALITY PROTECTION ACT, RSA 483-B. THE OWNER IS RESPONSIBLE FOR OBTAINING ANY SHORELAND PERMIT THAT MAY BE REQUIRED PER RSA 483-B, FOR CONSTRUCTION, EXCAVATION OR FILL THAT WILL OCCUR WITHIN THE PROTECTED SHORELAND.
3. THIS PERMIT IS FOR THE RECONSTRUCTION OF THE SEPTIC SYSTEM ONLY, ANY REPAIR OR REPLACEMENT OF THE STRUCTURE SHALL NOT INCREASE THE EXISTING FOOTPRINT OR OUTSIDE DIMENSIONS.
4. ADDRESS ENV-WQ 1008.04(c).



ERIC J THOMAS

02/20/2013

Approved this date: _____

By: _____
N.H. Department of Environmental Services Staff

Date amended: _____

Amended by: _____ (OVER)

REVISED 8/01

201204390

APPLICANT'S



The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner



February 7, 2013

Alison and Steven Kalvelage
2 Cedar Point Road
Durham, NH 03824

RE: NHDES Wetlands File # 2012-03058, Kalvelage, 2 Cedar Point Road, Durham Tax Map/Lot# 12 / 8, Block 2

Dear Alison and Steven Kalvelage:

Attached please find Wetlands Permit # 2012-03058 to impact a total of 4,486 square feet in the developed upland tidal buffer zone for the replacement of a sewage disposal system.

The decision to approve this application was based on the following findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b), projects that involve work within 50 feet of a saltmarsh that do not meet the criteria of Env-Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing sewage disposal system is substandard and needs to be replaced.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The location of the new sewage disposal system is the only suitable area of the lot.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. NH Natural Heritage Bureau ("NHB") has record of a species of concern in the project vicinity, but NHB does not expect impacts to the species by the project.
5. The Durham Conservation Commission did not submit comments to DES.

Any party may apply for reconsideration with respect to any matter determined in this action within 30 days from the date of this letter. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to DES when the decision was made. DES may grant reconsideration if, in its opinion, good reason is provided in the motion.

Your permit must be signed, and a copy must be posted in a prominent location on site during construction.

If you have any questions, please contact our office at (603) 271-2147.

Sincerely,

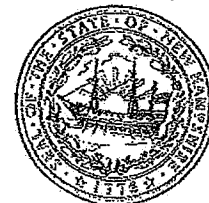
David Price
East Region Compliance Inspector
DES Wetlands Bureau

cc: Durham Conservation Commission
Durham Municipal Clerk
Durham Town Engineer



The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner



WETLANDS AND NON-SITE SPECIFIC PERMIT 2012-03058

Permittee: Alison and Steven Kalvelage, 2 Cedar Point Road, Durham, NH 03824
Project Location: 2 Cedar Point Road, Durham
Durham Tax Map/Lot No. 12 / 8
Waterbody: Great Bay

APPROVAL DATE: 02/07/2013

EXPIRATION DATE: 02/07/2018

Based upon review of the above referenced application, in accordance with RSA 482-A and RSA 485-A:17, a Wetlands Permit and Non-Site Specific Permit was issued. This permit shall not be considered valid unless signed as specified below.

PERMIT DESCRIPTION: Impact a total of 4,486 square feet in the developed upland tidal buffer zone for the replacement of a sewage disposal system.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with plans by Faretra Septic Design, LLC dated 11/19/2012, as received by the NH Department of Environmental Services (DES) on 11/21/2012.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
8. Faulty equipment shall be repaired prior to entering jurisdictional areas.
9. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
10. All refueling of equipment shall occur outside of surface waters or wetlands.

GENERAL CONDITIONS THAT APPLY TO ALL DES WETLANDS PERMITS:

1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;

Zoning Board Application

For: Steven C. and Alison F. Kalvelage

Site: 2 Cedar Point Road, Durham, NH

April 16, 2013

Tax Map 12, Lot 2-8 and Abutters

Owner:

Tax Map 12, Lot 2-8

Steven C. and Alison F. Kalvelage

2 Cedar Point Road

Durham, NH 03824

Applicant:

Susan J. Faretra

Faretra Septic Design, LLC

181 Gile Road

Nottingham, NH 03290

Wetland Scientist:

Steven Riker

Sandpiper Environmental Services LLC

PO Box 1634

Dover, NH 03821

Direct Abutter:

Tax Map 12, Lot 3-3 (Picataqua Road)

Gerald L. & Dorothy K. Smith Irrevocable Trust

593 New Boston Road

Bedford, NH 03110

Across Street:

Tax Map 12, Lot 2-7 (3 Cedar Point Road)

Michael C. Mullins

180 Piscataqua Road

Durham, NH 03824

Across Rte 4

Tax Map 12, Lot 2-4 (233 Piscataqua Road)

Samuel and Carol Mick

PO Box 763

Durham, NH 03824

Tax Map 12, Lot 2-6 (5 Cedar Point Road)

John Simonds

5 Cedar Point Road

Durham, NH 03824

Photo Log

For: Steven and Alison Kalvelage
Site: 2 Cedar Point Road, Durham, NH
Tax Map 12, Lot 2-8 Photos: April 12, 2012

Page 1 of 2



1. Looking northwesterly from corner of lot at seawall at existing structures and proposed sewage disposal area. Note: The grade stakes are on the property line.



2. Looking southeasterly from corner of lot at seawall toward shed and salt marsh area.

Photo Log

For: Steven and Alison Kalvelage
Site: 2 Cedar Point Road, Durham, NH
Tax Map 12, Lot 2-8 Photos: April 12, 2012

Page 2 of 2



3. Looking northerly from shed toward proposed sewage disposal system area and intersection of Cedar Point Road and Route 4.



4. Looking southwesterly from Double Maple (Bench Mark Tree) past test pit toward Little Bay.