

**TOWN OF HOLDERNESS
Zoning Board of Adjustment**

Regular Meeting Minutes, October 8, 2019

Members Present: Robert Maloney, Chairman; Bill Zurhellen, Member; Kristen Fuller, Member; Jude Ruhm, Member; Eric MacLeish, Member

Staff Present: Linda Levy, Land Use Boards Assistant

Others Present: Joe Wyatt, Julie Fagan, Stephen Tower, Christopher Salomon, Regina Nadeau, Christopher Boldt, Anne Lovett, Gordan Cormack, Seth Burnell, Frank Stevens, Patty O’Neill

CALL TO ORDER:

The meeting was called to order at 6:15 P.M. A roll call of the members was taken and a quorum was present.

APPROVAL OF MINUTES: September 10, 2019

MOTION: “To approve the minutes of the September 10, 2019 meeting as amended.”

Motion: B. Zurhellen

Second: K. Fuller

Discussion: None

Motion Passed: 5 – Yes, 0 – No, 0 – Absent, 0 – Abstain

Case #443-09-10: Application submitted by Judith L. Ruhm & Joseph I. Wyatt for property located at 263 Shepard Hill Rd. identified as Tax Map #241-111-000 in the General Residential District, Town of Holderness, for a Variance to the degree necessary from Article 300.4.2.8 (Addition of 400 sq.ft. of living space in a non-conforming lot).

The public hearing was opened at 6:16. Jude Ruhm excused herself to present her case.

J. Ruhm introduced the case describing the addition (living room, bedroom, bathroom, no kitchen; intended living space for elderly mother; handicap friendly; entry ramp into the house; septic will support the second bedroom). Questions were asked about the location of the house relative to the setbacks (the house is within the setbacks), when the mother would be living there (year-round), if she would be willing to make the space a full ADU by adding a kitchen (yes). Concern was raised about the precedent this might set if the case was approved. The Board agreed that each case would be weighted on its own merit. B. Maloney shared that he is friends with J. Ruhm and will excuse himself if necessary (J. Ruhm state she is fine with B. Maloney having a vote).

The public hearing closed at 6:29.

MOTION: “To approve the variance as requested with the provision that the addition meet the requirements of an ADU.”

Motion: K. Fuller

Second: E. MacLeish

Discussion: None

Motion Passed: 4 – Yes, 0 – No, 0 – Absent, 1 – Abstain

Case #444-09-11: Application submitted by Stephen B. Tower as agent for David & Julie M. Fagan for property located at 11 Hob Nob Ln. identified as Tax Map # 224-043-000 in the General Residential District, Town of Holderness, for a Variance to the degree necessary from Article 400.8.1.1 (Leach field and septic tank setback requirements).

The public hearing was opened at 6:30.

J. Fagan and S. Tower introduced the case stating that the septic and leach field had failed and that there were not a lot of other places to put the system (one corner of the system would be 26' from the street). Questions were asked if this was an emergency (yes). B. Maloney acknowledged that the Board had read and understood the 5 criteria.

The public hearing was closed at 6:36.

MOTION: "To approve the variance as requested."

Motion: E. MacLeish

Second: J. Ruhm

Discussion: None

Motion Passed: 5 – Yes, 0 – No, 0 – Absent, 0 – Abstain

Case #445-09-11: Application submitted by Seth Burnell, LLS as agent for LW Properties NH, LLC for property located at 101 Cromwell Point Rd. identified as Tax Map #241-050-000 in the General Residential District, Town of Holderness for a Variance to the degree necessary from Article 500.4.5 (Reconstruction of an existing residential driveway with a grade which exceeds 12%).

The public hearing was opened at 6:37.

E. MacLeish shared that he is friends with the property owners and is able to be unbiased relative to this case.

A. Lovett introduced the case describing the slope of the driveway and the difficulty getting to the house during the winter (the last 200' going toward the house are very steep) and shared that the individual who plows the driveway in the winter needs to use salt (she would prefer to not use that much salt close to the water). Questions were asked about the percentage of the grade of the driveway (it ranges from 15% to 22%, with everything except the 200' closest to the house ranging from 15-17%); the grade of the last 200' once the project is completed (approx. 15%); if it was feasible to get it the maximum of 12% (no), what the hardship is (difficulty for emergency vehicles to get to the house and the environmental impact of the salt on the lake).

The public hearing was closed at 7:46.

MOTION: "To approve the variance as requested."

Motion: B. Zurhellen

Second: J. Ruhm
Discussion: None
Motion Passed: 5 – Yes, 0 – No, 0 – Absent, 0 – Abstain

4. Continued PUBLIC HEARINGS:

Case #440-07-10: Application submitted by Christopher Salomon as agent for Gabrielle Crandall for property located at 65 Kesumpe Point Rd. identified as Tax Map #236-063-000 in the General Residential District, Town of Holderness, for a Variance to the degree necessary from Article 700.2 (Reconstruction of a non-conforming dwelling outside existing footprint).

The public hearing was opened at 6:47.

B. Maloney stated that he had received letters from 3 abutters who could not be in attendance.

C. Salomon introduced the case reviewing the plans that had been submitted (reconstructing the house, moving it back from the shore to be compliant with the shoreland setback, minimizing the non-conformity to both side setbacks while still being non-conforming, the total square footage in the new house is 1 sq.ft. less than the existing house). Questions were raised about other cases that had successfully been granted a variance for this type of project (none could be cited); the hardship (currently there is no direct access into the home, the reconstruction would include that access and the house would now be less non-conforming); staying within the conforming part of the property (there is 12' of conformity from both side setbacks); if that amount of space was considered a hardship/do other lots in that area have similar setback hardships (this lot is different from the other nearby lots).

At this point, B. Maloney read from one of the abutter letters stating, "...the homeowner knew when she purchased the home that there were limitations to the lot. It is only recently that Ms. Crandall has decided for this home to be her year-round dwelling." After further discussion of not meeting the hardship criteria, B. Maloney asked the agent for the applicant if he wanted to withdraw the application or allow the Board to vote. C. Salomon withdrew the application.

The public hearing was closed at 7:04

5. OTHER BUSINESS:

Case #439-07-10: Request submitted by Regina Nadeau as agent for the Bluebird Realty Trust for a continuance to the November meeting. Request submitted by Christopher Boldt as agent for the Bluebird Realty Trust abutters for a continuance to the December meeting. Attorney Nadeau agreed to the December meeting continuance.

MOTION: To approve the continuance of this case to December.

Motion: B. Zurhellen
Second: K. Fuller
Discussion: None
Motion Passed: 5 – Yes, 0 – No, 0 – Absent

Case #446-09-23: Request submitted by Jack McCormack as agent for the Squam Lakeside Farm Inc. for a continuance to the December meeting. The attorney for Squam Lakes Recreational Camp Resort Condominium Association has agreed to the continuance.

MOTION: To approve the continuance of this case to December.

Motion: B. Maloney

Second: E. MacLeish

Discussion: None

Motion Passed: 5 – Yes, 0 – No, 0 – Absent

ADJOURNMENT:

At 7:15 P.M. the following motion was made:

MOTION: "To adjourn."

Motion: B. Maloney

Second: B. Zurhellen

Discussion: None

Motion Passed: 5 – Yes, 0 – No, 0 – Absent

Respectfully submitted,

Linda Levy
Land Use Boards Assistant