

TOWN OF HOLDERNESS
Zoning Board of Adjustment
Meeting Minutes July 13, 2021

Members Present:

Bob Maloney, Chairman Bill Zurhellen, Member Eric Macleish, Member
Bryan Sweeney, Alternate Judith Ruhm, Member

Members Not Present: Kristen Fuller, Member Robert Dorff, Alternate

Staff Present: Nancy Decoteau, Landuse Board Assistant

Others Present: Thomas J. Stepp Bruce Allen Heather Allen Millicent Mason

CALL TO ORDER:

The meeting was called to order at 6:15 P.M.

B. Maloney noted the location of the meeting was changed to the Fire Department instead of the Town Hall.

PLEDGE OF ALLEGIANCE:

B. Maloney led the pledge of allegiance.

B. Maloney appointed B. Sweeney to fill the absence of member K. Fuller.

APPROVAL OF MINUTES:

Motion: "To approve the minutes of May 11, 2021 as presented."

Motion: B. Zurhellen

Second: J. Ruhm

Discussion: None

Motion Passes: 5-YES 0-No

B. Maloney stated that a 5-member board was in place for the meeting.

NEW APPLICATIONS

B. Maloney introduced the following new application:

Case 463-07-13: Application submitted by Thomas J. Stepp for property identified as Tax Map 236-070-000 located at 58 Kesumpe Point Road in the General Residential District for a Variance from Section 400.8.1.1 to allow the location of a new septic system within the setback.

B. Maloney opened the Public Hearing at 6:18pm.

T. Stepp reviewed how the application meets the 5 criteria for a Variance as follows:

1. It is not contrary to the public interest.

The existing pipe-and-stone leach field under the driveway is 49 years old, is only 110' from the lake and can only handle moderate dosing each day. The new proposed design would move the leach field to 220' from the lake and concrete chamber design is far superior to the old design from 1972. The distance from the proposed leach field to any of the abutters' wells would be greater than 250'.

2. It is consistent with the spirit of the ordinance.

The existing “troublesome” leach field is only 75’ from the well and is within a few feet of the property line. The new system respects the 125’ well radius of the property’s well, and will be located 250’ from any of the abutters’ wells and moves the leach field to a much safer location in regard to potential contamination of the lake.

3. Substantial justice is done.

Because the lot tapers considerably to the northeast toward Kesumpe Point Road, the only place on the lot which respects the 125’ well radius and places the leach field a safe distance from the lake is out near the road where the 35’ setback cannot be met.

4. There will be no diminution of property values.

Avoiding possible future septic failure and moving the leach field much farther from the lake and a neighbor’s house can only be beneficial. Many properties along Kesumpe Point Road have over the years relocated the septic systems close to the road and away from the lake and their houses. The proposed system does the same.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because conditions of the property distinguish it from other properties in the area so that the property can’t be reasonably used without the granting of the requested variances.

Because the northeast end of the lot is so narrow, there is no place on the lot which can satisfy both the 125’ well radius and the 35’ setback requirements. The old existing leach field under the driveway cannot handle a normal household dosage. We want to correct the problem by brining the septic system up-to-date before the existing system is in failure.

B. Maloney asked if there were questions/comments from the Board.

The board members did not have further questions for the applicant.

B. Maloney asked if there were comments/concerns from the public.

B. Allen stated he is an abutter and is in favor of the proposal.

H. Allen stated she is also in favor of the application.

M. Mason stated she is an abutter and is in favor of the application.

T. Stepp noted that abutter, B. Hendrick submitted a letter in support of the proposal.

B. Maloney closed the public hearing at 6:25pm

B. Maloney led the Board in a review of the five criteria for a Variance.

1. It is not contrary to the public interest.

All 5 members of the Board indicated their agreement.

2. It is consistent with the spirit of the ordinance.

All 5 members of the Board indicated their agreement.

3. Substantial justice is done.

All 5 members of the Board indicated their agreement.

4. There will be no diminution of property values.

All 5 members of the Board indicated their agreement.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because conditions of the property distinguish it from other properties in the area so that the property can’t be reasonably used without the granting of the requested variances.

All 5 members of the Board indicated their agreement.

MOTION: “To approve the variances requested for Case 463-07-13: Application submitted by Thomas J. Stepp for property identified as Tax Map 236-070-000 located at 58 Kesumpe Point Road in the General Residential District for a Variance from Section 400.8.1.1 to allow the location of a new septic system within the setback.”

Motion: W. Zurhellen

Second: E. MacLeish

Discussion:

Plans referenced: Effluent Disposal System, Tax Map 236- Lot 70, GR General Residential zone, Thomas J. Stepp, 58 Kesumpe Point Road Holderness, NH

Motion Passed: 5 – Yes 0 – No

OTHER BUSINESS:

Next meeting: August 10, 2021

N. Decoteau stated that the Planning Board will be having a discussion regarding zoning amendments at their July 20, 2021 meeting regarding the following topics:

1. Solar Collection Systems
2. Fireworks
3. Seasonal Conversion

ADJOURNMENT:

At 6:35P.M. the following motion was made:

MOTION: “To adjourn.”

Motion: B. Zurhellen

Second: e. MacLeish

Discussion: None

Motion Passes: 5-YES 0-No

Respectfully submitted,

Nancy Decoteau
Administrative Assistant