

**TOWN OF HOLDERNESS**  
**Zoning Board of Adjustment**  
**Meeting Minutes February 14, 2023**

**Members Present:**

Bob Maloney, Chair, Bill Zurhellen, Kristen Fuller, Bryan Sweeney, Robin Dorff and Jude Ruhm.

**Members Not Present:** Eric McLeish

**Staff Present:** Town Administrator, Michael Capone

**Others Present:** Don Brandin, Mark Bryan, Kent Brown, Joe Wyatt

**CALL TO ORDER:**

The meeting was called to order at 6:14 P.M.

Chairman Maloney led those present in the Pledge of Allegiance

**APPROVAL OF MINUTES:**

**Motion: “To approve the minutes of December 13, 2022 as written”**

Motion: B. Zurhellen

Second: R. Dorff

Discussion: None

Motion Passes: 6-Yes            0-No

**Old Business:** Continuations: **Case #476-11-22** Application submitted by Don Brandin for Mark Bryan, Perkins Cabins, for a 25-foot variance to the side setback to Article 400.8.1.1 of the Holderness Zoning Ordinance to replace an existing septic system at 16 Perkins Lane, Tax Map 102-061-000 within the side setback.

K. Fuller restated she was an abutter to the property and was recusing herself from this continued hearing.

The chairman asked for a motion to move alternates Bryan Sweeney and Robin Dorff up to member status for this hearing.

Motion made by J. Ruhm

Second – B. Zurhellen

Passed 3 – Yes 0 - No

Chairman Maloney asked if the applicant had obtained the information requested by the Board at the last hearing relative to the status of the existing systems.

D. Brandin stated that he had obtained a report from Rowell’s Septic Service that indicates the systems are in failure. Copies of the report were provided to the Board members. The two proposed systems would provide sufficient capacity for eleven of the twelve units. The twelfth unit, an existing year-round home, has a working system of its own.

Chairman Maloney asked if there was other information the applicant wished to provide. Mr. Brandin replied there was not.

Chairman Maloney asked if the Board members had any additional questions. There were none.

Chairman Maloney asked for any additional questions or comments from abutters or the public. There were none.

Chairman Maloney closed the public hearing at 6:20.

The Board began their deliberation by reviewing the 5 criteria for a variance. They were in agreement that all of the criteria had been met.

**Motion: to approve the applicants request for a 25-foot variance to the side setback from Article 400.8.1.1 of the Holderness Zoning Ordinance to permit the construction of a “replacement sewage disposal system” as per the plans submitted by Brown Engineering for Perkins Cabins “MKSLHLD” and “MGMK”.**

Motion: J. Ruhm

Second: B. Zurhellen

Discussion: None

Motion Passes: 5-Yes 0-No

**Other Business:** The Town Administrator mentioned that an application for an appeal of the Zoning Boards December 13, 2022 decision to deny Case#474-09-14, B. St Cyr’s application for a 6 1/2 -foot variance from Article 400.8.1.1 in order to construct a shed on a non-conforming foundation since all five criteria for a variance have not been satisfied by the testimony and documentation submitted by the applicant.

The application for appeal was received on January 30, 2023 which is past the 30-day window allowed under RSA 672:2 and as such the Board cannot consider the appeal.

**Motion: to dismiss the appeal filed for case #474-09-14 as untimely as it was received beyond the 30-day appeal period.**

Motion: R. Dorff

Second: B. Zurhellen

Discussion: None

Motion Passes: 5-Yes 0-No

R. Dorff asked if there were other options available to the applicant should he wish to follow up. The Town Administrator mentioned that the applicant could consider relocating the structure elsewhere on the property so that it meets the setback, procuring additional land from an abutter to provide the necessary relief from the setback, submitting a materially different variance application that addresses the reasons your original application was denied, or filing an appeal in superior court of the dismissal of the request for rehearing.

**Next meeting:** March 14, 2023

The Town Administrator mentioned that one application had been received to date for the March 14, 2023 hearing date. February 15, 2023 was the deadline to receive applications. The hearing would have to be held in the Public Safety meeting room at 922 US Route 3 as the Town Hall is being used for voting on that day.

Chairman Maloney asked if a list of phone numbers and email addresses for all Board members could be made available.

**ADJOURNMENT:**

At 6:26 P.M. the following motion was made:

MOTION: "To adjourn."

Motion: B. Sweeney

Second: R. Dorff

Discussion: None

Motion Passes: 6-Yes            0-No

Respectfully submitted,

Michael R. Capone  
Town Administrator