

**TOWN OF HOLDERNESS**  
**Zoning Board of Adjustment**  
**Meeting Minutes August 9, 2022**

**Members Present:**

Bob Maloney, Chair, Bill Zurhellen, Vice Chairman, Eric Macleish, Member, Bryan Sweeney, Alternate

**Members Not Present:** Kristen Fuller, Judith Ruhm, Robin Dorff

**Staff Present:** Land Use Assistant, Lucinda M. Hannus

**Others Present:** Nicole Waldman, Tristan Solomon, John Reese, Wendy Lepore, and Mike Persson

**CALL TO ORDER:**

The meeting was called to order at 6:20 P.M.

Mr. Maloney appointed alternate member, Bryan Sweeney as a voting member for these hearings.

Mr. Maloney advised the applicants that there were only four members available tonight to review and vote on their proposal and asked if they would like to continue the hearing with only the members present. Both applicants responded in the affirmative.

**APPROVAL OF MINUTES:**

**Motion: "To approve the minutes of July 12, 2021 as written"**

Motion: Bill Zurhellen

Second: Eric Macleish

Discussion: None

Motion Passes: 4-Yes                      0-No

New Applications: **Case 470-06-30:** Application submitted by Tristan Solomon on behalf of Deborah Mardin for property identified as Tax Map 237-026-000 located at 230 NH RT 175 in the General Residential District for a Variance from Section 400.8.1.1 to build a structure within the 35' side property line set back.

Mr. Solomon addressed the board and explained that he would like to build a large shed, pole-barn on his property and that the only location that is suitable for this would require a variance to the side setback requirements. The rest of the property is very wooded with steep slopes and ledge.

E. Macleish asked the applicant if the property was owned by his mother; did they live there full time and for how long?

Mr. Solomon responded yes that his mother owned the property, that they live there full time and have for about 2 years ago.

E. Macleish stated that he is not personally against what they want to do but wants to know what the uniqueness of this property is to support the hardship element for a variance.

Mr. Solomon responded that the property changes 100' in elevation in around 200' of distance and has ledge and boulders. That 25 feet is the farthest they can setback from the property line and that they want to build a 20' x 25' one side open pole barn to house cars and equipment.

B. Maloney stated that the board should go look at the property to observe personally the uniqueness of this application so as to not set a precedent for others seeking similar relief.

B. Zurhellen stated that the board can make an exception if it is truly a hardship and that viewing the property is warranted and would assist in making the decision as to the degree of hardship.

E. Macleish would like to know how other properties are different from this one.

B. Maloney stated that it would be a good idea to table the application at this time and to schedule a site visit.

E. Macleish asked if there had been any objections from any of his neighbors?

Mr. Solomon responded no, that his immediate neighbor had submitted a letter in support of his request for a variance.

Landuse Assistant Lucinda Hannus submitted a copy of an email received from Eleanor Mardin and Linda Levy, adjacent property owners indicating their support for a variance.

B. Sweeney asked how much and how large is the ledge?

Mr. Solomon responded that there is about 8' of ledge out of the ground.

**MOTION: "To table the variance requested for Case 470-06-30 until next month to allow the members to do a site visit of the property":** Application submitted by Tristan Solomon on behalf of Deborah Mardin for property identified as Tax Map 237-026-000 located at 230 NH RT 175 in the General Residential District for a Variance from Section 400.8.1.1 to build a structure within the 35' side property line set back.

Motion: B. Maloney

Second: B. Zurhellen

Motion Passed: 4 – Yes 0 – No

B. Maloney requested the Landuse Assistant to coordinate a site visit between the board and the property owner(s) / agents.

New Applications: **Case 471-07-13:** Application submitted by John Reese Jr. and Wendy Lepore for property identified as Tax Map 236-13-000 located at 69 Mount Fayal Road in the Rural Residential District for a Variance from Section 400.8.1.1 to build a structure within the 35' side property line set back.

Mike Persson introduced himself as a friend of the applicant and an attorney in Laconia and that he would be making the presentation to the board. He stated that the property owners would like to build a foyer, a set of stairs and a 2-car garage. Mr. Persson made reference to several of the photos in the application package which showed the uniqueness and steep slopes of the property. He stated that the only practical place to construct the garage is to the right of the existing house which will require a setback variance from the property line. Mr. Persson made reference to exhibit 2 in the package which illustrates a brook to the left of the home along with an existing logging road to the rear property which is in a conservation easement and will never be developed. That there is no other level area other than the driveway on the right.

E. Macleish asked when did they purchase this property and were they aware at that time what the limitations might be for expansion.

J. Reese responded that they purchased the property last July following an intense very quick offer and sale. That they did not have a lot of time to research the property before purchasing due to competition with other buyers.

M. Persson stated that the property has two R.O.W.s and two brooks on it.

E. Macleish referred to the Governor's Island case where there was reasonable use of the land without the variance and that there are a lot of properties that have water, unusual slopes why then is this property different?

M. Persson replied because of the steep slopes, off side placement of the existing house and the odd shape of the lot.

Wendy Lepore stated that that they bought the house in July and didn't realize that during the winter because of the location of the driveway it becomes very slippery, that it freezes and melts becoming a sheet of ice and the cars slide towards the drop off where the unused R.O.W. is.

B. Mahoney stated that they have the same problem as the previous applicant. He would like to see more details as to the topography and how this property is distinguishable from others in

the area. Would like more information to see why there is no other place on the property to place the garage.

B. Sweeney would like more information as to the steepness of the slopes on their property versus others that may have more flat areas to build.

B. Zurhellen asked where the septic and well were located.

M. Persson showed their locations to the board and stated that the proposed location for the garage is the only reasonable place to locate it.

Members and the owner discussed that there were 5 or 6 other houses on Range Road which have the same restraints and that the access road used to be an old cattle road.

M. Persson requested that the matter be tabled so that the board could make a site visit.

**MOTION: “To Table the variance requested for Case 471-07-13 until next month to allow the members to do a site visit of the property”:** Application submitted by John Reese Jr. and Wendy Lepore for property identified as Tax Map 236-13-000 located at 69 Mount Fayal Road in the Rural Residential District for a Variance from Section 400.8.1.1 to build a structure within the 35’ side property line set

Motion: B. Zurhellen

Second: B. Sweeney

Motion Passed: 4 – Yes 0 – No

**Correspondence:** Extension request on variance from Vertex Cell Tower Case # 452-05-20.

L. Hannus, LUA provided background on delays in receiving NH DES approval for their site alterations and how this has delayed the start of construction necessitating an extension request.

B. Maloney stated that this tower is critical to improving service to the town.

**MOTION: “To Grant an Extension on the variance requested for Case 452-05-20 until January 31, 2023.”**

**MOTION: “To Grant Extension.”**

Motion: B. Zurhellen

Second: B. Sweeney

Discussion: None

Motion Passes: 4-Yes            0-No

## **OTHER BUSINESS: Election of Officers**

B. Maloney stated he would like to remain as Chairman for another year and that the board should appoint a vice chair. He indicated that since two of the members were not present this evening that they should delay the election of officers until September when all board members could be present.

## **MEETINGS:**

The vice chair requested that we attempt to and schedule joint meetings with the planning board for projects and discussions that review the same proposals.

Next meeting: September 13, 2022 will be held at the **Public Safety Building** due to a conflict with Primary Elections at Town Hall.

The October 11, 2022 meeting will also need to be held at the **Public Safety Building** due to a conflict with a Select Board meeting at Town Hall.

## **ADJOURNMENT:**

At 7:00 P.M. the following motion was made:

### **MOTION: "To adjourn."**

Motion: E. Macleish

Second: B. Sweeney

Discussion: None

Motion Passes: 4-Yes                      0-No

Respectfully submitted,

Lucinda M. Hannus  
Land Use Assistant