

**TOWN OF HOLDERNESS**  
**Zoning Board of Adjustment**  
**Meeting Minutes November 8, 2022**

**Members Present:**

Bob Maloney, Chair, Bill Zurhellen, Kristen Fuller, Robin Dorff

**Members Not Present:** Judith Ruhm, Bryan Sweeney, Eric Macleish

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

**Others Present:** Barry StCyr, Steven Wicksman and Frederick Heath

**CALL TO ORDER:**

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

B. Maloney introduced a guest, Katie Campbell and her mother Julie Burns who were here this evening to observe a town meeting as part of Katie's honors class civics project. That she had recently interviewed the chairman and will be writing a paper about the experience. The chair asked her to make a presentation to the board at their next meeting in December.

The chairman asked for a motion to move alternate Robin Dorff up to member status for these hearings.

Motion made by K. Fuller

Second – B. Zurhellen

Passed 4 – Yes 0 - No

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. All applicants responded in the affirmative.

**APPROVAL OF MINUTES:**

**Motion: "To approve the minutes of August 12, 2022 as written"**

Motion: Bill Zurhellen

Second: Kristen Fuller

Discussion: None

Motion Passes: 4-Yes            0-No

**APPROVAL OF MINUTES:**

**Motion: "To approve the minutes of September 13, 2022 as written"**

Motion: Kristen Fuller

Second: Bill Zurhellen

Discussion: None

Motion Passes: 4-Yes                      0-No

New Applications: **Case #474-09-14:** Application submitted by Barry StCyr, for a variance of 6 ½ feet to Article 400.8.1.1 of the Holderness Zoning Ordinance to construct a 12' x 16' storage shed on an existing non-conforming foundation at 1106 NH Rt. 175, Tax Map 212-015-000 within the side property setback.

The applicant Barry StCyr stated that he wanted to construct a shed on an existing foundation that was built in 2019. He stated that he had communicated with the town (person unknown) and was told that he did not need a building permit for just the foundation and the setback was 25 feet from the property line. When applying for the permit to construct the shed he was told that he needed to be 35 feet from the property line not 25 feet. He bought the property in 2013.

B. Mahoney stated that the 35 foot setback has been in place for a long time. And asked the applicant to provide justification to the variance criteria.

1. Not Contrary to the public interest.  
Applicant read his statement from his application
2. Spirit of Ordinance is observed.  
Applicant stated he thought the setback was 25' and had conformed to that at the time
3. Substantial justice  
Applicant read statement form application
4. Values of surrounding properties are not diminished.  
Applicant read statement from application
5. Unnecessary hardship

The chairman asked what is so unique about this property. The applicant responded that when you take away the land associated with the 35' setback you diminish the buildable area of an one-acre lot by about half. Due to the location of his house, the septic system and the driveway it does not leave a lot of room for a garage.

K. Fuller asked if the garage could be relocated and meet the setbacks.

B. StCyr stated not now that the foundation is already in.

R. Dorff stated it would be a financial hardship to tear up the foundation.

B. Maloney stated that they did not want to set a precedent.

K. Fuller stated that you can't consider the cost and that the foundation and garage could have been placed on the property at a location that meets the setbacks.

B. Maloney stated he would like to defer a decision on this case until next month to give the chairman an opportunity to have a conversation with the Town Administrator regarding the wrong setback and building permit information. The applicant agreed to table.

**Motion: “To table Case#474-09-14 until December 13, 2022”**

Motion: Robin Dorff

Second: Kristen Fuller

Discussion: None

Motion Passes: 4-Yes                      0-No

**Case #475-10-07:** Application submitted by Steven Wicksman, for a variance of 5’ to the rear setback and 30’ to the side setback to Article 400.8.1.1 of the Holderness Zoning Ordinance to construct a freestanding garage next to an existing house at 23 White Oak Pond Road, Tax Map 246-001-000 within the side and rear property setback.

The applicant Steven Wicksman explained to the board that his family has owned the property for 60 years. His father deeded the lot to him about 30 years ago. He built the house on the property about 15 years ago. He considers himself a resident of Holderness although currently also living in NY and upon his wife retirement moving to NH permanently. Mr. Wicksman continued his presentation by making statements as to the reasons for wanting to locate the garage to the side of the house, claiming there is a weather phenomenon with wind that causes very tall and mostly dead pine trees on the opposite side of White Oak Pond Road to be blown down into his side yard. He is concerned about potential damage to the garage. The applicant presented a video record of the trees and the house location.

K. Fuller asked if it could be attached to the porch?

B. Maloney stated that the lot appears to be large enough and because it is a brand-new structure the proposed location is not a hardship and the 30-foot variance requested is a big exception.

S. Wicksman stated he could put it to the side of the house but he is worried about the trees falling and damaging the garage. He also is concerned with losing power since the power lines are also under the trees.

R. Dorff suggested that he speak to the power company about removing the trees.

B. Maloney asked the applicant to consider an alternative location.

B. Zurhellen asked how if garage is located behind the house how would that interfere with his views.

S. Wicksman asked the board if a site visit might help clarify things?

R. Dorff stated that yes, that would be helpful, and reiterated that the applicant should speak with the power company about the trees.

Chairman Maloney summarized the letter received from F. Heath an abutter. F. Heath stated that the garage at the proposed location would interfere with his sunset and woodland views from his property. His letter is made part of the case file record.

Chairman Maloney summarized the letter received from another abutter, B. Ireland regarding their objections to the proposed location. Their letter is part of the case file record.

B. Maloney stated that he would like to visit the site on Friday, November 11, 2022 at 11:00 am and requested the land use assistant notify the board members.

**MOTION: "To table the variance request for Case# 475-10-07 until a site visit could be made by Zoning Board members"**

Motion: B. Zurhellen

Second: Kristen Fuller

Discussion: None

Motion Passes: 4-Yes                      0-No

The chairman stated that the election of officers will be delayed until a full quorum is present and that he would like to remain char for another year unless there are objections to that from the members.

The chairman closed the meeting at 7:15.

Next meeting: December 13, 2022

**ADJOURNMENT:**

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

**MOTION: "To adjourn."**

Motion: K. Fuller

Second: B. Zurhellen

Discussion: None

Motion Passes: 4-Yes                      0-No

Respectfully submitted,

Lucinda M. Hannus  
Land Use Assistant