

**TOWN OF HOLDERNESS**  
**Zoning Board of Adjustment**  
**Regular Meeting Minutes February 9, 2021**

**Members Present:**

Bob Maloney, Chairman	Kristen Fuller, Member	Judith Ruhm, Member;
Bill Zurhellen, Member	Eric Macleish, Member	Bryan Sweeney, Alternate
Robert Dorff, Alternate		

**Staff Present:** Nancy Decoteau, Landuse Board Assistant

**Others Present:** C. Boldt C. Chu M. Kramer D. Ames

**CALL TO ORDER:**

The meeting was held via Zoom.

Those participating in the Zoom meeting were informed the meeting was being recorded for the purpose of producing the meeting minutes.

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

B. Maloney noted 5 members were present.

**PLEDGE OF ALLEGIANCE:**

B. Maloney led the Pledge of Allegiance.

**APPROVAL OF MINUTES:** January 12, 2021

**Motion: "To approve the minutes of January 12, 2021 as presented."**

Motion: K. Fuller

Second: J. Ruhm

Discussion: None

Motion Passes: 4-YES 0-No 1 – Abstention (E. MacLeish was not present Jan 12, 2021)

**CONTINUED PUBLIC HEARINGS:** None

**NEW APPLICATIONS:**

B. Maloney stated the following application would be considered:

**Case 459-02-09:** Application submitted Christopher L. Boldt, Esq. as agent for Mark Kramer and Catherine Chu, Trustees of the Kramer Chu Family Trust, owners of property identified as Tax Map 241-036-000 located at 16 Grapevine Cove Road in the General Residential District for a Variance from Section 400.8.1(right-of-way setback), 400.8.1.1(property line setback), 400.8.2(septic tank and leach field setbacks) and to the extent applicable Section 700.2.1 to allow the replacement of an existing septic tank with a State approved engineered septic system within setback areas.

B. Maloney opened the Public Hearing for Case 459-02-09 at 6:17pm.

C. Boldt, Esq., representing applicants C. Chu and M. Kramer, gave a brief presentation which included the following information:

- C. Boldt referred to the following plan during his presentation:  
*Sewage Disposal System for Kramer Chu Family Trust, Tax Map #241, Lot #36,  
 16 Grapevine Cove Road, Holderness, NH      Dated November 16, 2020  
 Designed by: Ames Associates, LLC / 164 NH Rt. 25 / Meredith, NH 03253*
- D. Ames, septic designer for the proposed plan joined the meeting via telephone.
- The existing holding tank system was approved in 1977.
- No leach field is associated with the current septic system.
- The existing structure on the parcel will not change in any way.
- NH DES approval eCA2021020312 has been granted for the proposed plan.
- The existing holding tank will be removed and the new tank will be placed in approximately the same location.
- The narrative submitted with the application reviews in detail how each of the 5 criteria for a Variance are met.

B. Maloney asked if the current system is failing.

C. Boldt noted that it is a 43-year-old system which uses only a holding tank that has to be pumped regularly and that the condition of the holding tank is unknown.

B. Maloney stated the following correspondence was received from abutter H. Sanderson 42 Grapevine Road; Tax Map 241-033-000 as follows:

*Board Members,*

*Today I received notice of a Feb 9 hearing on a request from Kramer/Chu for a septic variance on 16 Grapevine Cove Rd. This property abuts a woodland I own, long protected from development. It is my belief that a brook on my land right behind this house would be seriously impacted if a variance is allowed.*

*(1) For over 60 years 1 or 2 people -seasonal- lived in a dwelling on a very small lot; now 5 people want to use the house year-round.*

*(2) The brook right behind the house varies from nearly dry to overflowing; even in dry 2020 there was variation. Most important, this brook flows through our woods into a prime wetland.*

*Thank you for considering these facts.*

*Respectfully,*

*Mrs. Hildegard Sanderson*

C. Boldt stated the proposed plan shows the wetland in the rear of the parcel and every effort was made to design a system as far away from the wetland area as possible.

C. Boldt stated that a family of 5 (three young children) live in the residence and that the proposed system is designed accordingly.

C. Boldt stated that the structure is not changing.

J. Ruhm stated that NH DES has issued an approval for construction and would not have done so if there was a concern about the brook/wetlands.

Hearing no other input from the public, B. Maloney closed the Public Hearing at 6: 40PM and the Board entered into deliberation.

B. Maloney led the Board in a review of the 5 criteria:

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.

B. Maloney stated given the size of the parcel and the location of the parcel that the proposed Sewage Disposal System is designed in the best way possible.

**MOTION: "To approve the variances requested for Case 459-02-09: Application submitted Christopher L. Boldt, Esq. as agent for Mark Kramer and Catherine Chu, Trustees of the Kramer Chu Family Trust, owners of property identified as Tax Map 241-036-000 located at 16 Grapevine Cove Road in the General Residential District for a Variance from Section 400.8.1(right-of-way setback), 400.8.1.1(property line setback), 400.8.2(septic tank and leach field setbacks) and to the extent applicable Section 700.2.1 to allow the replacement of an existing septic tank with a State approved engineered septic system within setback areas.**

Motion: E. MacLeish

Second: K. Fuller

Discussion: Septic Plan referenced:

Sewage Disposal System for Kramer Chu Family Trust,

Tax Map #241, Lot #36,

16 Grapevine Cove Road, Holderness, NH

Dated November 16, 2020

Designed by: Ames Associates, LLC / 164 NH Rt 25 / Meredith, NH 03253

Motion Passed: 5 – Yes 0 – No

#### **OTHER BUSINESS:**

Detached ADU's / Memo from Planning Board Chairman:

B. Maloney referred to the following memo from Planning Board Chairman, B. Snelling:

*Robert Maloney, Chairman - Holderness ZBA*

*RE: Zoning Amendment to address detached Accessory Dwelling Units (ADUs)*

*Robert,*

*I am responding on behalf of the Planning Board relative to your email of 12/14/20 expressing uncertainty about the allowability of "detached" ADUs and requesting that the Planning Board consider amending the Zoning Ordinance to address requirements/criteria for detached ADUs.*

*First, with respect to allowability under section 400.24 of the current zoning ordinance, even though not explicitly disallowed; detached ADUs are not allowed. Our ordinance is legally considered a “permissive” document. This means that it defines what is allowed. Since detached ADUs are not explicitly permitted, they are not allowed. The Board feels that there is no ambiguity about that.*

*How did we get to this point? We have a long-standing ordinance element (300.4.1.7 (2)) which permits only one single-family dwelling unit on a lot. However, this restriction was pre-empted in 2017 by RSA 674:72 which requires towns to permit “attached” ADUs, with the discretion to also allow detached ADUs. After thorough discussion and public hearings, the Planning Board recommended, and the Town subsequently approved, allowing only “attached” ADU’s as an exception to our single dwelling per lot policy in order to comply with RSA 674:72.*

*With respect to considering an amendment to our ordinance to allow detached ADUs, the Board considered this at its 2/2/21 public meeting. The Board concluded that there is no compelling justification the revise our policy. We remain supportive of limiting ADUs to those attached to a primary dwelling as expressed in 400.24 as an exception to our one single dwelling per lot policy.*

*I am open to discuss this with you at any time.*

*Robert Snelling, Chair - Holderness Planning Board.*

After a discussion regarding the issue of Detached ADU’s the Zoning Board agreed to request a joint meeting with the Planning Board.

E. MacLeish asked if regulation of political signs can be on the agenda as well.

**ADJOURNMENT:**

At 6:50 P.M. the following motion was made:

**MOTION: “To adjourn.”**

Motion: E. MacLeish

Second: Fuller

Discussion: None

Motion Passed: 5 – Yes 0 – No

Respectfully submitted,

Nancy Decoteau  
Administrative Assistant