

**TOWN OF HOLDERNESS
Zoning Board of Adjustment**

Regular Meeting Minutes March 12, 2019

Members Present: Robert Maloney, Chairman; Bill Zurhellen, Member; Kristen Fuller, Member; Jude Ruhm, Member

Members Absent: Eric Macleish, Member

Staff Present: Linda Levy, Land Use Boards Assistant

Others Present: Nicholas Wallner, Virginia Connor, Tom Dussault, David Driscoll

CALL TO ORDER:

The meeting was called to order at 6:15 P.M. A roll call of the members was taken and a quorum was present.

APPROVAL OF MINUTES: February 12, 2019

MOTION: "To approve the minutes of the February 12, 2019 meeting as written."

Motion: B. Zurhellen

Second: K. Fuller

Discussion: None

Motion Passed: 4 – Yes, 0 – No

B. Maloney stated there was a 4-member board, telling those in attendance that they had the option of delaying their hearing until the board had all 5 members in attendance. All those in attendance acknowledged that they understood.

Continued PUBLIC HEARINGS: Continued from February 12, 2019

Case #428-02-19: Application submitted by Thomas Duffield as agent for Frank Jones for the property located at 180 Shephard Hill Rd. identified as Tax Map #241-018-000 in the General Residential District, Town of Holderness, for Variances to the degree necessary from Article 400.8.2 (Minimum Septic Setback) and the installation of an upgraded septic system.

B. Maloney opened the hearing at 6:20 by asking L. Levy if the application was complete and if there were any issues related to regional impact.

L. Levy stated that the application was complete and knew of no regional impacts.

B. Maloney asked Mr. Duffield to begin his presentation and if the septic replacement was an emergency.

T. Duffield replied no and added that the current system never had state or town approval. The well did not meet the standards but had been previously approved by the ZBA, but not the septic. He needed town approval before going to the state for that approval. He shared that the owners were decreasing the

number of bedrooms from 3 to 2 to get state approval. The septic will be in a similar location (pointed to site plan) and that it is being placed to meet the setback requirements as close as possible.

B. Maloney asked if the septic could be located anywhere else on the property that would not involve variances.

T. Duffield replied that it cannot.

B. Maloney read the five criteria for the variance request that was submitted by Mr. Duffield and Mr. Jones. After each criterion were read, he asked the members of the board for comments. No one had any comments or further questions. B. Maloney asked if there were any comments from the public in attendance or if L. Levy had heard from any of the abutters. No comments or questions were raised.

MOTION: "To approve the request for the variance."

Motion: B. Zurhellen

Second: K. Fuller

Discussion: None

Motion Passed: 4 – Yes, 0 – No

B. Maloney closed the hearing on the Jones case at 6:25 and subsequently opened the hearing on the Connor case.

Case #429-02-19: Application submitted by Thomas Duffield as agent for Virginia Connor for the property located at 565 US Rt. 3. identified as Tax Map #241-122-000 in the General Residential District, Town of Holderness, for Variances to the degree necessary from Article 400.8.1 and 400.8.2 (Minimum Septic Setback) and the installation of an upgraded septic system.

B. Maloney asked Mr. Duffield to begin his presentation.

T. Duffield shared that the current septic system is old with a slowing percolation rate. There will be no changes to the house.

B. Maloney asked about the location of the current septic.

T. Duffield said that the new septic will be an Enviroseptic tank, placing the new tank in the same place as the old tank but at 3' above the water table instead of 4'.

B. Maloney asked if this was the best place for the tank's location.

T. Duffield said yes, it is away from the well. The septic could not be grandfathered.

B. Zurhellen questioned the variances and asked if the tank could be placed 2' closer to one side of the property to make it more compliant.

T. Duffield said that the grading and drainage of the land falls off and placing the tank in that location would require more fill. The placement as shown on the site plan is better environmentally.

B. Zurhellen said that if the septic stayed within the topography it could move closer to the driveway slightly.

T. Duffield said that just off the driveway there is some drainage that collects and goes down. For a 2' variance there, he stated that he'd rather put it where it is better environmentally.

B Maloney asked about the 2nd variance.

B. Zurhellen said that he sees 2' to the side line and then sees an 11' variance at the bottom, but he's not sure what that refers to.

B. Maloney shared that one variance (8.1.1) was for the well and the other variance (8.2) was for the septic.

B. Zurhellen asked about the well wondering why it was grandfathered.

T. Duffield shared that when P. Francesco was Chair of the ZBA, the well was approved and is now considered to be grandfathered. The interpretation from the town was that we needed a variance for the septic.

B. Maloney wanted to know if M. Capone had seen the septic plans.

T. Duffield said yes.

L. Levy showed the board the communication from M. Capone to T. Duffield and F. Jones that listed the reasons for the septic plan denial as well as the specific variances that would need to be requested.

B. Maloney announced that the board should deal with the well first. If M. Capone feels that a variance is needed for the well, then we don't have to research this any further, and simply find a way to approve it.

J. Ruhm asked where the septic on the adjoining property was and if that septic would be affected by the well.

T. Duffield said the abutter's septic is not within the well radius area.

B. Maloney listed the variance criteria and asked if the board or the public had any problems or comments with any of the requests.

N. Wallner as an abutter spoke in favor of the application listing all 5 criteria required for approval. He thanked the board for letting him speak.

B. Maloney shared that he feels the board's job is to turn down application requests only when they are contrary to the ZBA rules. He closed the public session at 6.37.

MOTION: "To accept the requested variances for the well and the new septic system."

Motion: K. Fuller

Second: B. Zurhellen

Discussion: None

Motion Passed: 4 – Yes, 0 – No

NEW APPLICATIONS: Case #431-03-19: Application submitted by David Driscoll as agent for Rockywold Deephaven Camps located on Bacon Rd. identified as Tax Map #218-009-000 in the General Residential

District, Town of Holderness, for Variances to the degree necessary from Article 400.8.2 (Minimum Septic Setback) and the replacement and upgrade of the septic system. Disposal area and other collection components were installed under prior approvals.

B. Maloney opened the hearing at 6:38 and asked the applicant to begin his presentation.

D. Driscoll explained the project, the placement of the septic tanks, and why they needed to be replaced.

B. Maloney needed clarification on the number of septic systems.

D. Driscoll clarified that it is one system for multiple camps. There are no kitchens in any of the camps. The system will serve 14 camps. He walked the board through the placement of each part of the system by pointing to the various parts of the septic on the site plan that he had submitted. He shared the history of the system design. One of the systems was rebuilt recently to stay ahead of the problems. The system uses gravity mains. Because the water table is now higher than when the septic system was put in, the new tanks will be placed on top of the existing tanks. Removing those tanks is not feasible because of the water levels. Some of the camps will be taken off the main and a new pump station will be installed.

B. Zurhellen asked for clarification of the location of the existing tanks.

D. Driscoll provided clarification.

B. Zurhellen wanted to know if the well was off the lake and shared that he has no problem with the project as long as the tanks are sealed.

D. Driscoll confirmed that the tanks would be sealed.

B. Maloney asked L. Levy if there were any issues raised by any of the abutters.

L. Levy replied that no abutter had raised any issues.

B. Zurhellen wondered if the pumping system would work when the ground was frozen when no one was there because the camps were seasonal.

D. Driscoll said that they are closed for 14 weeks.

B. Zurhellen wanted to know how far under the ground the tanks would be, saying that he had a concern that the tanks would be empty in cold temperatures. Would they be subject to heating then freezing and repeated cycles? He wanted to be sure that 30 years from now that they would not crack and leak.

D. Driscoll shared that Rockywold is active in taking care of the system.

B. Zurhellen remembered that a liner could be used to prevent cracking.

D. Driscoll said that the tanks are generally left full and covered with hay to keep the heat in the tank.

B. Zurhellen shared that the seasonal tanks had more problems because they are not generating heat.

D. Driscoll said there is an ambient component even if they are not in use if they are sealed and covered.

B. Maloney noted there is no one from the public in attendance and that there are no issues with abutters. He reviewed the 5 variance criteria as described on the variance request. He asked the board if they had any issues with any of those requests.

B. Zurhellen commented that in a pump-up system, if it fails, it pumps down.

D. Driscoll pointed out that there is a check valve so that it can overcome the chamber and will have an alarm if there is an issue. Rockywold will have generator capabilities and they have 24/7 maintenance staff who can deal with this type of issue.

B. Zurhellen asked that a copy of that contingency plan be filed so that there is a record.

D. Driscoll will send that plan to L. Levy.

MOTION: “To approve the variance request with the note that the contingency plan be filed with their records in the Town Hall.”

Motion: J. Ruhm

Second: B. Zurhellen

Discussion: None

Motion Passed: 4 – Yes, 0 – No

OTHER BUSINESS:

K. Fuller wanted to know if the board was going to attend the planning and zoning conference.

B. Maloney said that he was not going, but that it was well worth it. The town will pay for it.

ADJOURNMENT:

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

MOTION: “To adjourn.”

Motion: K. Fuller

Second: J. Ruhm

Discussion: None

Motion Passed: 4– Yes, 0 – No

Respectfully submitted,

Linda Levy
Land Use Boards Assistant