

TOWN OF HOLDERNESS
Zoning Board of Adjustment
Meeting Minutes December 13, 2022

Members Present:

Bob Maloney, Chair, Bill Zurhellen, Kristen Fuller, Eric Macleish, Bryan Sweeney

Members Not Present: Judith Ruhm, Robin Dorff

Staff Present: Land Use Assistant, Lucinda M. Hannus

Others Present: Don Brandin, Mark Bryan, Barry StCyr, Richard Hodges

CALL TO ORDER:

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

The chairman asked for a motion to move alternate Bryan Sweeney up to member status for these hearings.

Motion made by K. Fuller

Second – B. Zurhellen

Passed 4 – Yes 0 - No

New Applications: **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 stated she was an abutter to the property and was recusing herself from this hearing.

Chairman Maloney stated to applicant he has the right to request to have a hearing with all 5 members in attendance. Applicant would like to proceed with members currently in attendance.

B. Maloney asked if the existing septic system had failed?

D. Brandin stated that he did not know, the status that there are multiple systems on the property, two cabins are having problems with one shared system that needs to be pumped out weekly. They would like to get started in the spring to replace and build a common system for all the twelve cabins on this 1 ½ acre lot. They plan to move away from other shoreland setbacks and there is no other room to install this new system than the place on the proposed plans within the town setback.

B. Maloney would like to see this hearing be continued until next month so that applicant can provide expert testimony from his designer as to the failure status of the existing systems and to the limited placement options on the property.

M. Bryan stated that this was the best design in such a limited space.

B. Zurhellen asked that they obtain a letter at least from their designer stating in his best professional judgement that this is the only solution and the existing conditions on the lot constitute their hardship.

Case #476-11-22 was continued until January 10, 2023 by agreement of the applicants.

Case #477-11-22 Application submitted by N. Sandwich Consulting for Richard Hodges, for a 20-foot variance to the domestic water supply setback and a 37-foot variance from a wetland setback from Article 400.8.2 and a 15-foot variance to a rear property line setback Article 400.8.1.1 of the Holderness Zoning Ordinance to replace an existing septic system at 34 Hodges Road, Tax Map 245-007-000.

Steve Danielovich, Principal of N. Sandwich Consulting presented testimony as to the application for the Hodges property. The existing system was likely built in 1958, it is still functioning but is antiquated. Going forward the Hodges would like to do an addition to their home and NHDES because of the age of the system and the proximity to wetlands and the lake will require an updated system on this 3.73-acre lot.

B. Maloney asked if there was any other location on the lot?

S. Danielovich stated there was not, they have the Squam Lake setback, a wetlands setback and a jurisdictional wetlands setback which overlap. The addition would increase the volume of the structure but no increase in load to the septic system, using the existing footprint. (Expanding upwards)

Mr. Hodges stated that they may require a variance for their expansion as the wetland setback goes through the existing house.

B. Maloney asked if this was a system that needed to be replaced?

S. Danielovich stated that it is very close to the existing well and may fail due to its age. Feels it should be replaced.

B. Maloney reviewed the five criteria for granting a variance. Board members had no concerns on the first four.

B. Maloney stated that the fifth criteria a hardship could be next week should the system fail.

S. Danielovich stated that he tried to abide by all the setbacks, can meet the state setbacks, but can't meet the town setbacks. The leach field is further away from the well, further away from the lake, maximizing the setback to wetlands but needs a 15' variance to the town's side setback.

Motion to approve the applicant's request for a 37-foot variance from Article 400.8.2 and a 15-foot variance from Article 400.8.1.1 of the zoning ordinance to permit the construction of a "Replacement Sewage Disposal System" as per the plans submitted by N. Sandwich Consulting for the Hodges Revocable Trust for this hearing.

Motion: E. Macleish

Seconded: B. Sweeney

Discussion: None

Motion Passes: 5-Yes 0 – No

Continuation of Hearing 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.

B. StCyr restated that he relied on information he got from "town personnel" that the setback was only 25 feet and that his hardship was that this location was the only suitable area on his property to construct the shed.

B. Maloney stated that he had spoken to the Town Administrator who confirmed that the town set back was and has been 35 feet for many years prior to his installing the foundation. That the board needed to make a decision based on what has been presented. He and the board members felt that the application was:

1. Not Contrary to the public interest.
2. Spirit of Ordinance being observed may be a problem.
Applicant stated he thought the setback was 25' and had conformed to that at the time
3. Substantial justice could be justified
4. Values of surrounding properties are not diminished was not an issue

K. Fuller stated that when looking at the hardship criteria that money or cost could not be considered a hardship.

B. Zurhellen asked if the applicant had had any conversation with the abutting property owner, The Holderness School as to the ability to acquire lands to meet the setback and if not, maybe the applicant could pursue that avenue.

5. Unnecessary hardship has not been met.

Motion: "To deny Case#474-09-14, B. StCyr' 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.

Motion: B. Zurhellen

Second: B. Sweeney

Discussion: None

Motion Passes: 3-Yes 1-No

The chairman stated that the election of officers was due and that he would like to remain chairman.

E. Macleish made a motion to appoint B. Maloney as the Chairman of the Zoning Board of Adjustment. B. Sweeney seconded the motion, all in favor, motion passed.

APPROVAL OF MINUTES:

Motion: "To approve the minutes of November 8, 2022 as written"

Motion: Bill Zurhellen

Second: Kristen Fuller

Discussion: None

Motion Passes: 4-Yes 0-No 1 - Abstain

L. Hannus asked to address the board to discuss the proposed changes to the zoning ordinance and map that need to be made to correct the discrepancies between various town map documents and the descriptions in the ordinance.

Board members thanked Ms. Hannus for the work she has completed to date to address and correct these issues.

The chairman closed the meeting at 7:20.

Next meeting: January 10, 2023

ADJOURNMENT:

At 7:20 P.M. the following motion was made:

MOTION: "To adjourn."

Motion: E. McLeish

Second: B. Sweeney

Discussion: None

Motion Passes: 5-Yes 0-No

Respectfully submitted,

Lucinda M. Hannus
Land Use Assistant