

**TOWN OF HOLDERNESS**  
**Planning Board Meeting Minutes: September 20, 2022**

Angi Francesco called the meeting to order at 5:30 PM

**ROLL CALL OF MEMBERS:**

Members Present: Angi Francesco, Chair, Bill Nesheim, Vice Chair, Clayton Titus, Member, Carl Lehner, Member, and Peter Francesco, Ex-Officio

Also Present: Lucinda Hannus, Land Use Assistant, Kevin French, Hack McCormack, Allen Howe

**APPROVAL OF MINUTES: August 16, 2022**

Angi Francesco asked for any corrections to the minutes.

C. Lehner provided the following corrections

The vote count should be 7 – yes rather than 6 since seven members in attendance voted on each item in the affirmative

Page 2 add “as complete” to the motion to accept the application

Page 3 remove the word “was” before encourages on line 2

Page 3 the word “to” should be “too” on the last line

Page 4 and other locations Air B & B should be changed to “Airbnb”

A. Francesco requested that the abbreviation for Short Term Rentals be corrected to read “STR”

**MOTION: “To approve the minutes of August 16, 2022 as amended correcting items as noted above”**

Motion: Carl Lehner

Second: Bill Nesheim

Discussion: None

Motion Passed: 5–Yes    0– No

**NEW BUSINESS**

A hearing was advertised and abutters were notified by certified mail for:

**Case# 2022-08-23 - Stanley & Karen Graton, William Greene and Angela Howe Gaudet’s application for an Informational Review for property Map 239-012-000 and 239-012-001 in order to record plan of land indicating properties are two separate parcels as has been historically assessed and taxed.**

Kevin French began speaking to the application explaining the request before the board.

L. Hannus, Land Use Assistant advised the board that she had inquired of counsel for clarity on several questions with regards to this application paraphrasing counsel’s response indicating that separate lots on a Town tax map does not have any effect on the zoning status of a lot. That the plan had been signed by the planning board and recorded with no records of any appeals was proof that the plan was properly approved by that Board. Lastly that it would seem that the most appropriate way forward would be for the property owners to apply for subdivision approval.

Attorney Jack McCormack for the applicant discussed the status of the hearing as informational at this point, they were there to provide information to the board but he did not feel subdivision was appropriate. He would request that the board reconsider the conditions on the plan.

Peter Francisco asked if this was the proper place to bring back to the Planning Board?

J. McCormack responded that the deeds did not include the conditions and that they have been ignored for over 40 years.

P. Francesco responded that the board did not get involved with what is written in deeds.

L. Hannus read the minutes of the 10/27/1983 Planning Board to the board. "Since the subdivided land will become part of the adjoining properties, no new lots will be created."

J. McCormack responded then it should have been a boundary adjustment not a subdivision, this confusion has set the stage for this informational meeting. He requested copies of the minutes and counsel's opinion.

P. Francesco asked what is the problem with the subdivision process?

J. McCormack responded, why, what do we apply for, maybe this is both an adjustment and a subdivision.

B. Nesheim asked if tax lot 239-012-000 preceded zoning and was a legal non-conforming lot due to lack of required frontage?

K. French responded that it was created prior to this 1983 subdivision.

P. Francesco asked if tax bills had been paid separately.

J. McCormack responded at times, Mr. Howell owned both, then each party has a ½ interest in each tax parcel.

A. Francesco asked if the deed spoke to two lots.

J. McCormack responded that in 2011 the deed conveys Tract I and Tract II

C. Lehner inquired as to who cares about the outcome of any decision on this application?

J. McCormack responded that the current ownership arrangement is not working well, and is awkward.

K. French indicated to the board that the natural topography of the properties separates the lots. That you can not get from one to the other, they are used separately. There is no physical reason to combine the two lots. He did not know what the original purpose was to begin with. That the lots had been treated separately for 40 years and that they want to clarify and solidify that status.

J. McCormack stated he did not know the reason for the original notation on the plans.

C. Lehner stated it could have been for family reasons, negotiations between members and may have had nothing to do with real estate.

J. McCormack stated he did not think it was the family that required this condition.

P. Francesco and B. Nesheim would like to look at the 1983 decision, the town's counsel input, the septic approval records.

J. McCormack stated that this meeting had provided great feedback and that they would move forward with a more formal presentation.

Allen Howe an abutter asked to address the board. He is the owner of an adjacent tax lot 239-018 and in his mind, they are two lots. He presented a copy of the original plan to the board. The conditions muddy the waters and stated that my uncle Robert had livestock on my grandmother Amelia's farm. To access the farm more directly, Robert wanted to go from his house through lot 239-012-001 to tend the animals, rather than drive up Route 175 around to Howe Road, that it was a matter of convenience at the time; that the opportunity to appeal the conditions had expired and that they should be preserved as created. If they merge the lots into one then it would violate the previous approval.

P. Francesco asked if there were any objectors in the audience.

William Greene stated he did object, he is listed on the plan as an owner there have been family issues, that he has been paying the taxes on both lots and had been told it could never be subdivided. He asked that the board thoroughly check things out.

P. Francesco stated that the board will take a look at town records, take under advisement and then go from there.

A. Howe stated that he never saw anything requiring conditions be on the deeds. Corrective deeds in 2011 had conditions in terms to ownership did and then they were dropped again.

B. Nesheim asked if that wasn't outside of the boards' responsibilities?

A. Howe asked where are conditions presented, people don't know what they are.

J. McCormack stated he had never seen Planning Board conditions on any deed, but recorded by reference and could be multiple conditions.

A. Francesco stated that based on the presentation, it was highly informational, that it would be prudent to reconvene at another time after more information has been gathered and to provide more opportunity for town counsel to review and become more versed in the application.

B. Nesheim stated that the board and town have some homework to do.

A. Francesco requested that the applicant send copies of the deeds to the town for their review.

J. McCormack stated they would do all they could do to be prepared for next month but not sure if that is possible but will keep the board informed.

**Motion “to continue this hearing until next month or later”**

Motion: Bill Nesheim

Second: Carl Lehner

Discussion: None

Motion Passed: 5–Yes    0– No

**CORRESPONDENCE**

The chair read a letter from Christine Renzi expressing her interest in becoming a member of a town board.

P. Francesco responded that the select board had also been contacted and the matter taken under advisement.

A. Francesco mentioned the notice received from the Town of Wolfeboro regarding a cell tower application in their town and a letter from F.E.M.A. regarding review of town flood plain ordinances.

**OTHER BUSINESS**

B. Maloney introduced himself and member B. Zurhellen and alternate member Robin Dorff of the Town’s Zoning Board of Adjustment and thanked the board for their invitation to speak to the board members regarding zoning ordinance amendments. He requested the board keep the ZBA in the loop going forward on any recommended changes that may be made to the Town’s Zoning Ordinance and their desire to be included in the discussions prior to it reaching the town meeting voting stage. He continued by stating that they had some issue with square footage versus volume of expansion trying to decipher what was the intention of the board and how to apply to some unique situations. He further stated that the hardship issue was the most difficult part of their decision-making process.

B. Zurhellen did not feel that there were any really pressing items that need to be changed in the ordinance.

R. Dorff indicated that they had difficulty with what makes up pre-existing living space especially as it applies to outdoor space and porches.

L. Hannus submitted the timeline for zoning amendments.

There were multiple discussion relating to ADUs, work force housing and that the existing ordinance requirements seem to be practical and reasonable.

A. Francesco mentioned that she had requests to extend the commercial district along the north side of RT 3.

B. Nesheim inquired as to the process

A. Francesco responded that they create a draft of the changes, discuss and have conversations about the change, use the land-use assistant as a channel of communication between boards.

C. Lehner is not convinced that the town does not have a work force housing problem and felt that there was no vibrant well organized enforcement mechanism in the town.

B. Zurhellen stated that there is no way to go back afterwards and see if the project was in compliance. He would like to see some change made to address this concern.

P. Francesco said Assessor's plans could be checked and that currently there is no requirement for a Certificate of Occupancy.

The Chair asked if there were any other comments or questions or new business from the board members. There being none, the chair asked for a motion to adjourn.

**ADJOURNMENT:**

At 7:05 PM, the following motion was made.

**MOTION: "To adjourn."**

Motion: B. Nesheim

Second: C. Titus

Discussion: None

Motion Passed: 5–Yes    0– No

Respectfully submitted,

Lucinda Hannus  
Land Use Assistant