

**TOWN OF HOLDERNESS
PLANNING BOARD
Tuesday,
March 19, 2019 6:30PM**

MINUTES

CALL TO ORDER: R. Snelling called the meeting to order at 6:30.

ROLL CALL OF MEMBERS:

Members Present: Robert Snelling, Chairman; Donna Bunnell, Secretary; Angi Francesco, Member; Ronald Huntoon, Member; Carl Lehner, Vice Chairman, Louis Pare, Member; Woodie Laverack, Ex-Officio

Staff Present: Linda Levy, Land Use Board Assistant

Others Present: Frank Yerkes, Rebecca Hanson (from the SLA), James (JB) Currell

APPROVAL OF MINUTES: The draft of the minutes of the February 19, 2019 were reviewed with suggested edits.

Motion: "To accept the minutes as amended."

Motion: C. Lehner

Second: R. Huntoon

Discussion: None

Motion Passes: 7-yes 0-no 0-absention 0-absent

NEW APPLICATIONS:

Case #19-1-4: Application submitted by Frank Yerkes as Agent for James Alvord Jr. et., al. Request for Boundary Line Adjustment between properties located at 22 and 24 Alvord Rd., identified as tax map 236-044-000 and the adjacent property identified as tax map 236-050-000. The adjustment will add .11 acre to lot 236-044-000 from lot 236-050-000 and add .43 acre to 236-050-000 from 236-044-000 located in the General Residential District, in accordance with the Town of Holderness Subdivision Regulations.

- R. Snelling: Opened the hearing at 6:40.
- F. Yerkes: I am here representing James Alvord with a boundary line adjustment proposal. The plan shows that the existing lot line runs through the existing cottage. The owner was considering moving the cottage, but now has elected to not move the cottage and wants to correct the boundary line from moving through the cottage. The cottage was moved from across the lake in the 1950's and has been in that location for decades. We are not proposing to do any construction. The only thing that they are going to do is block off the existing Gravel Dr. connecting to Alvord Rd. The cottage is historically a rental, the family uses the other cottage. I don't know much about the septic system. It has a concrete tank. It probably pre-dates subdivision regulations, probably installed around 1967. There is nothing on file in Concord.
- R. Snelling: Is access to the land through the Woods Rd.?
- F. Yerkes: There are currently 2 accesses, Alvord Rd. and Gravel Dr.

- R. Huntoon: Why is the new line placed where it is?
- F. Yerkes: There are 6 family members interested in the property, and that's where they told me to place it.
- A. Francesco: The line is 35' from the house?
- F. Yerkes: Yes
- R. Snelling: Gravel Rd. will be abandoned? And Woods Rd. becomes the main access?
- F. Yerkes: Yes
- R. Snelling: Any other questions on the application?

Motion: "To accept the application."

Motion: A. Francesco

Second: W. Laverack

Discussion: None

Motion Passes: 7-yes 0-no 0-absention 0-absent

- R. Snelling: Any questions on the proposal?
- A. Francesco: This proposal will add 1 more home that has access off Glen Cove Rd. Does that mean that Glen Cove Rd. to that point has to be brought up to our subdivision standards?
- R. Snelling: I thought access was off Woods Rd.
- A. Francesco: It was, but now they are proposing ...
- F. Yerkes: It was, the Woods Rd. is used as a driveway.
- A. Francesco: But there is a proposed driveway accessing the property from Glen Cove Rd., which is a private road.
- D. Bunnell: Yes
- R. Snelling: The 3 leach fields next to Glen Cove Rd – what do they connect to?
- F. Yerkes: The current Alvord's grandfather gave several waterfront lots an easement to have leach fields on his property. There are actually 4 of them.
- R. Snelling: Angi, you are right, there are more than 3 homes, so that would make it a subdivision and that road should meet the subdivision requirements. So, there are 2 entrances. One off of Alvord Rd. and one off of Glen Cove Rd. Is that right?
- F. Yerkes: There are 2 entrances. One labeled Woods Rd., which is a misnomer because it is used as a driveway. Then the one to be abandoned, Gravel Rd. There are 2 accesses to the cottage. I have been instructed to put in a proposed driveway so that they'd have the option of connecting to Glen Cove.
- R. Huntoon: They're not asking for that proposed driveway now, are you?
- F. Yerkes: Well, it's on the plan. But if the consensus is to withdraw it, it can be withdrawn.
- D. Bunnell: So, Gravel Rd. is going to be abandoned and you're going to add one over here (pointed to "Proposed Driveway" on site plan).
- F. Yerkes: Correct
- R. Huntoon: That means that you would not come onto Woods Rd. from the Alvord driveway, or would there be 2 ways to come onto that property?
- F. Yerkes: There would be 2 ways. The Alvord children have an interest in this property.
- R. Snelling: There is only 1 home to be served off that driveway, so it is a driveway. It is a driveway with 2 entrances.

- F. Yerkes: We can abandon one of them if that is the Board's pleasure.
- R. Snelling: I'm not aware of any constraints that says you can't have a 2nd access point. If there is only 1 home being served, it is just a driveway with 2 access points. It is not a problem.
- R. Huntoon: The only thing that would come up is if we have any standards that say how the driveway is built.
- C. Lehner: How many houses are served by the current Glen Cove Rd.?
- F. Yerkes: Five
- D. Bunnell: So that would put a 6th on that road.
- R. Huntoon: The proposal would not put any more houses on it.
- A. Francesco: They're not having a house, they're just changing access to that house.
- R. Snelling: These are legitimate questions about the Glen Cove Rd. and what standards it should meet, but that's not what we're discussing tonight. Any other questions? Any one in the audience have an issue? (No issues were raised.)

Motion: "To approve the boundary line adjustment."

Motion: C. Lehner

Second: R. Huntoon

Discussion: None

Motion Passes: 7-yes 0-no 0-absention 0-absent

Case #19-2-5: Application submitted by Frank Yerkes as Agent for James B. Currell, Jr. who owns property at 159 NH Rt. 113, identified as tax map 236-034-000, to subdivide the property into three lots (lot 1 will be 11.8 acres, lot 2 will be 9.57 acres and has an existing house, lot 3 will be 5.94) located in the General and Rural Residential Districts, in accordance with the Town of Holderness Subdivision Regulations.

- R. Snelling: Opened the hearing at 6:50.
- Fr. Yerkes: I am representing JB Currell. The plan is proposing turning 1 lot (27.3 acres) into 3 good size lots (11.8, 9.57 and 5.94 acres, respectively). We are required to get a driveway permit from District 3, and that has been submitted and is pending. There is an existing driveway where we are proposing the access to be and there is an existing house and garage and septic system. I did request a waiver because we are proposing 3 lots on a private 50' right-of-way. The ordinance only allows 2. It has its own frontage on Rt. 113. NHDOT will only issue 1 driveway cut for this property.
- R. Snelling: This will become 3 dwellings supported by 1 driveway. That's a subdivision and must meet the subdivision road standards so you'd have to go to the ZBA to get a waiver.
- F. Yerkes: Even though lot 3 has its own frontage on Rt. 113?
- D. Bunnell: You'd still have to use that driveway though.
- F. Yerkes: Let me present a hypothetical. Suppose we built the first 150' of this road to town standards. Then lot 3 would have 150' of frontage on a town road. Lot 2 would be served by a 50' right-of-way.
- A. Francesco: If you brought the piece of the road on just lot 3 up to the subdivision standards, then yes, lots 1 and 2 are accessed by private drive, that is acceptable. Only on lot 3, would you have to meet the subdivision standards.
- F. Yerkes: I was talking about a town road.

- A. Francesco: This wouldn't be a town road.
- R. Snelling: I see 2 questions here. We have 3 potential dwelling lots. By definition that's a subdivision. A subdivision has to meet town road standards, not half the subdivision. I would say the road up to the boundary line of lot 1 would have to meet town standards. The proposal shows driveways coming into a driveway. You have 2 driveways and depending on where you have a driveway coming into lot 1, you'd have a 3rd driveway coming into this road.
- F. Yerkes: But there are lots of town roads that don't meet the town standards.
- R. Snelling: I'm trying to list the regulations as they exist today. There are 2 parts. You've created a subdivision and by having 3 lots served by 1 access, by virtue of it being a subdivision, even if it's private, it has to meet the subdivision standards.
- A. Francesco: If it was just going to be 2 lots, we would allow just a driveway to serve 2 dwellings. It only has to meet town standards up to lot 2 and then it could be a driveway to lots 1 and 2.
- R. Snelling: Right now, there is no proposal to put a house on lot 1 so we can approve subdividing the lots, but if you want to put a house on lot 1, you're going to have to come back to us for subdivision approval, which will require that this road meet the subdivision standards.
- J. Currell: Lot 3 probably won't get a house built on it. Lot 1 and lot 2 will have houses. Does that change anything.
- R. Snelling: It doesn't for me.
- A. Francesco: I still see it as 2 dwellings accessed by 1 driveway.
- C. Lehner: If there were no lot 1, then by definition there could only be 2 houses on a driveway.
- R. Snelling: I would not be opposed to subdividing the property into 3 separate lots. If you are going to put a dwelling on lot 1, I would agree, that you're ok. If you are going to put a dwelling on lot 1 and lot 3, it is now a subdivision and the road all the way up to the driveway of lot 1 would have to meet the town standards.
- J. Currell: I am trying to preserve that driveway. The driveway is already able to support fire trucks. I had a brush fire and the fire trucks got up there.
- R. Snelling: What about the state not approving 2 adjacent driveways? I'm thinking of the right-of-way that goes up into the SLA property. Has that been resolved?
- F. Yerkes: This property was subdivided back in the 1990's and a family member that kept the lot in the back gave it to the SLA. It is conservation land. Yes, they have a 50' access, but they also have a 25' access at the other end of the property. Neither of which is used.
- R. Snelling: The property could be forested.
- R. Hanson: We would not want to see the right-of-way disappear.
- J. Currell: I'll keep it clear.
- R. Snelling: There was an issue with the DOT about having 2 accesses adjacent at one point, wasn't there? Do you have approval for that access point?
- F. Yerkes: The application is pending.
- R. Snelling: What about the road that comes down off lot 32. What is going to happen to that?
- F. Yerkes: It doesn't exist. There are 3 building sites (pointing to the sites on the site plan and septic sites)

Motion: "To accept the application."

Motion: R. Snelling

Second: R. Huntoon

Discussion: None

Motion Passes: 7-yes 0-no 0-absention 0-absent

- R. Snelling: We can go ahead and address the subdivision of the property. However, there would be a provision that as these lots are developed, you are going to have to come back to address the road situation.
- F. Yerkes: OK
- R. Huntoon: I wonder, if we accept it as a subdivision, does that mean that we give them permission to do what they need to do for the road?
- R. Snelling: I struggle with this and how to resolve this. Subdivision can be a verb – when you are going to develop it. Then there is the subdivision map – where the homes are going to be, the septic systems, etc. The road is part of that approval. If you have 3 or more dwellings on 1 road way, it has to meet certain road standards.
- F. Yerkes: To build a road to town standards, you are not getting a return on the standards.
- R. Snelling: We have road standards to meet health and safety.
- A. Francesco: According to the subdivision regulations a driveway in 4.6 says that up to a driveway where lot 3 ends, that can still be a driveway that can access not more than 2 lots. There is also 6.1.3, which says there is potential for waivers. The road can't go upwards of 12% and for a subdivision under 8 lots, it can be a minimum width road front of 18'.
- R. Snelling: They can get a waiver for that.
- A. Francesco: We, the Board, can grant that.
- R. Snelling: Waivers are for hardships.
- A. Francesco: If we were talking about 12 lots, I'd have a much bigger issue.
- L. Pare: Do we need Kevin's opinion?
- R. Snelling: I don't think so.
- F. Yerkes asked for a break to talk with JB Currell.
- R. Snelling: By definition, this is a subdivision. It has 3 lots and has to meet the driveway standards. If it was a 2-lot subdivision, the road would not have to meet the town standards. If you want to withdraw this and if you decide that you do not want to subdivide lots 2 and 3, you do not have to do anything about the driveway. If you create a 3rd lot, it is a subdivision and has to meet minimal town standards.
- J. Currell: Is the standard an 18' wide road with whatever base the town says has to be under it.
- A. Francesco: The travel way needs to be 18' or 20', and no more than 12% grade.
- J. Currell: And that has to be up to lot 2?
- A. Francesco: No
- J. Currell: It has to go to lot 1?
- D. Bunnell: Yes. What is the grade going up to lot 2?
- J. Currell: It is flat. It is steep going up to this house. There are groves of trees on the road and I did not want to cut the trees down in there. But if that is the town standard.... Who writes the town standards?
- R. Snelling: They are written over decades. This Board will write the standard.

- J. Currell: If I sell the house I am living in now with lot 3, and I build another house on lot 1, and somebody comes in and says I want to split it, are you going to force them to build a road up to town standard?
- R. Snelling: Yes. Any other questions from the Board. The only issue I see is the road.
- R. Huntoon: Can we approve it with the stipulation that when lot 1 is developed the road is brought up to standards?
- R. Snelling: We could do that.
- R. Huntoon: You cannot put anything on lot 3 without bringing the road up to standards.
- R. Snelling: Do you still want to divide this into 3 lots? I like your idea that we approve this subdivision with the proviso that when lot 3 is developed, the road has to meet subdivision standards.
- A. Francesco: It does not matter which lot gets developed. The conversation happens when a 3rd dwelling is built. Right now, we are talking about subdividing 1 lot with a house into 3 lots, 2 of which will be buildable lots.
- R. Snelling: It would have to be a condition.
- F. Yerkes: You would have to put that on the plan because it is going to be recorded. There is another possibility. We have had conversation with an abutter who may be interested in lot 3 for protection and doing a boundary line adjustment. So, there may never be anything built on lot 3.
- A. Francesco: I disagree with there being any conditions put on this. It is a subdivision and when building permits are submitted, that triggers the conversation.
- R. Hanson shared the SLA's concern about environmental issues and water quality. We want to protect the town. They would like to see the driveway brought up to code.
- J. Currell shared his background in Melvin Village and wants to protect the land.
- A. Francesco: Are you comfortable with the condition?
- J. Currell: Within your regulations as they are presently written.
- R. Snelling: If we approve this tonight, you'd have to abide by the current road standards. The town is contemplating creating road standards for the town. The standards may be stricter later.
- J. Currell: If I decide to build houses on lot 1 and 3, I would have to come back to the Planning Board. I would be asked if the road was up to town standards and that's when I have to address the road standards. Is that correct?
- A. Francesco: Yes
- R. Snelling: Is there any other discussion from the audience?

Motion: "To accept the subdivision with the condition that once a 3rd dwelling is developed, Mr. Currell will have to meet the subdivision road standards."

Motion: R. Huntoon

Second: R. Snelling

Discussion: None

Motion Passes: 5-yes 2-no 0-absention 0-absent

CONTINUED APPLICATIONS: None

OTHER BUSINESS:

1. Roads Policy discussion – Tabled until the April meeting
2. Conservation Commission Master Plan – Tabled until the April meeting
3. Flood Plain zoning ordinances
 - R. Snelling: You received a copy of what we're proposing. The essence will be to make our flood zone the same as the federal flood zone under FEMA. Along with changing a lot of the wording to make it more readable, we could upgrade the readability of the current standard and not change the spatial definition of our flood zone. The sub-committee thought there was a logic to it; asking why are there 2 official flood zones in the same town? The only area that this will affect are the lower fields at the Holderness School. I met with the Holderness people to confirm that there are no issues as long as they could build a storage shed for athletic or field maintenance equipment. They would have to meet the same building standard whether we made this change or not. The standard says they cannot put any dwellings on that property, which they have no intention of doing, but if they put something else on that property, they would have to meet the FEMA standards. Those are building standards, not zoning standards, other than defining the area that it applies to.
 - A. Francesco: What is the point? If it impacts one building owner who is not going to put a dwelling on it right now, why would we bother to make a change for the sake of making change?
 - R. Snelling: It evolved from what we currently have as being totally uninterpretable. We have the Holderness Flood Hazard Area, which is the line between I-93 and the Pemigewasset River. Then we have what we called, the Development District, which is basically the FEMA Flood District. Questions arose wondering what is the difference between the FEMA Flood District and our flood districts and why are they different. Why are their 2 areas of potential flooding? I suspect the criteria for the Holderness Flood Hazard District was anecdotal. But the FEMA 1-in-100-year flood analysis is based on historical data and using models. It would extend under the underpass and flood the other side of I-93. So, it was a response to the question why have 2 defined flood areas.
 - W. Laverack: The issue I have with this is that FEMA admits that their maps are incorrect. So, that suggests both are incorrect or the one that we have is more correct than the FEMA one. I don't see the point of adopting something that even FEMA says is incorrect.
 - R. Snelling: There is uncertainty. They use historical data and models. When using models, assumptions are made. That causes uncertainty. Are their flood maps absolutely accurate? No, they are not. But they are based on logic, a set of data. We can't say that there is never going to have flooding outside our defined flood zones.
 - W. Laverack: The mechanics of the flood zones are incorrect because they mismanaged the numbers for Mad River and Baker River. That was their own admission at the Steering Committee for the ALLWell Center. They had to move buildings because of it. The only way to go around it, according to FEMA, was somebody else was going to have to pay for it. Am I right, Linda? Were you at that?
 - L. Levy: I was at some of those meetings. What they say that is not correct is not what our maps show. Our maps are really showing what the historical data has proven; where it floods, when it floods. So, not worrying about what FEMA does, our maps show that the flood plain or land is accurate for what we know.
 - W. Laverack: I agree.

- L. Levy: Whether we adopt it from FEMA or not, our discussions were based on ideas because of insurance, not how they are plotting their maps.
- L. Pare: Was the state environmental department involved in that too?
- R. Snelling: They are involved, but it is a federal program.
- R. Huntoon: It seems to me that if we have a flood area that is bigger than FEMA's, then it would behoove us to get them to change theirs. People go in there and think they're insured by the federal government and then FEMA tells them, we don't have anything for you.
- R. Snelling: It is the other way around; our area is not bigger. We are totally contained within the FEMA flood area. The FEMA area is more expansive area than the Holderness area.
- A. Francesco: What is the area that you are proposing that we change? The Holderness School's lower fields are currently zoned as what?
- R. Snelling: I can't remember if it is General or Rural Residential.
- L. Levy: Some is General and some is Residential.
- A. Francesco: You are proposing that it becomes part of the flood district? What is that called?
- R. Snelling: It would become a part of the Holderness Flood Hazard District.
- A. Francesco: Does that prevent building a dwelling?
- R. Snelling: Yes.
- A. Francesco: I don't agree with that because FEMA says that you can build a dwelling in there, you just have to conform to their standards. I disagree with eliminating the potential to build. I don't see the necessity to change things.
- R. Snelling: By that argument, why not remove the restriction of the area west of I-93?
- R. Huntoon: If you want to build there, you just have to go by the rules.
- A. Francesco: If they wanted to build a new home, they would have to conform to the new standards. I don't see the sake of making the change for the sake of making the change. I don't think it is going to have any impact on building anywhere and I don't see the necessity. I understand cleaning up the language.
- R. Snelling: We can clean up the language without changing the development district to the FEMA insurance flood language. This is a pretty significant item. I'd like to hear from others.
- W. Laverack: I agree with Angi. We don't need to readopt anything. I don't see the need for it. I don't want to wrap my arms around FEMA stuff.
- L. Pare: I like what you said, Angi. The parking lot [at the ice arena] is always flooded this time of year.
- C. Lehner: I believe that we ought to respect the flood waters and try to define them as best we can and prevent people from building in the flood zone. The fact that FEMA allows people to build in inappropriate places and will pay for people to rebuild their house more than once, I find that ludicrous. And, therefore, I'm reluctant to go all the way with FEMA standards and say, if they allow it, then we should. It doesn't make a lot of sense. I'm not sure that what we have is the best interpretation of the flood hazard zone, but I prefer that than some arbitrary notion of what that might be.
- R. Huntoon: The more we let people make their own decision on all this stuff, the better I like. I don't think it is our job to let people build here or not, but there needs to be a point where the individual person has to make the decision. If we start making decisions to protect people, it is not our business.
- C. Lehner: I think it is worth reminding yourself that the reason that people have insurance from the federal government is because private industry will not sell that insurance. They know it is a bad deal. Therefore, people who get FEMA flood insurance are being subsidized by tax payers.
- R. Huntoon: I agree. We have to tell people that it is on your dime.

- A. Francesco: I think the point here is that we are talking about a piece of property that is highly unlikely that anybody is going to try to build on. We are talking about a regulation for one piece of property. I am against making sweeping regulations that are going to affect one property owner or two people. At the same time, if this board decides that we have to protect anything from dwellings from being built, I will agree.
- R. Snelling: You may want to table this because there is a small strip of land that goes all the way up to Campton that is within the FEMA area. It is not within our district. If we made our district the same as FEMA, in theory, you might be able to build a home under the FEMA regulations. If we made it the same as ours, we wouldn't allow a home from being built.
- A. Francesco: If you wanted to separate it from FEMA standards and just talk about land in Holderness that frequently floods, I have a much easier time having that conversation.
- R. Snelling: What is frequently. The typical criteria for a 30-year mortgage, is you have a 30% chance of being flooded.
- D. Bunnell: It seems to be flooding more frequently.
- R. Huntoon: The fact is that it is flooding more. There is nothing physical to make it flood more; nothing upstream, nothing downstream. We didn't put in an abutment or houses that caused it. It has nothing to do with the area that we consider our flood zone.
- D. Bunnell: It's the weather.
- R. Snelling: It's the weather and development.
- L. Levy: It's actually down stream. The problem is when the ice flows back up.
- D. Bunnell: I'm torn. I kind of agree with Angi, but I agree with Carl. I think it is wrong to allow someone to build in an area that continually floods and everyone has to pay for it.
- R. Snelling: We pay for it in a couple of ways. Who has the responsibility to pay for the health and safety of the people who live in the flood zone? The Town of Holderness. When River St. floods, the Town of Holderness has to rescue these people. So, it potentially has a direct financial impact on the town. Angi is right. The Holderness School has no plans of letting go of that property. They have use for it and the change wouldn't make any difference to them. They would still have to meet FEMA standards for anything they would want to use it for.
- R. Huntoon: I thought Earl said something about River St., about not allowing people to live there. We wouldn't make any rules about that, but it was a dumb idea to live there.
- R. Snelling: We would not allow a new home, but we can't stop them from rebuilding from flooding. They would have to meet FEMA standards to do that. We could prepare another version of this so you could see exactly what it would look like if we didn't change the definitions of the flood area. We'd have clarifications and restructuring, and have a version without changing the flood area definition. You would have to take a look at that as well.
- The Board agreed with that idea.
- R. Snelling: Angi, where are we on the master plan?
- A. Francesco: I have to take out the track changes and put it into a pdf.
- R. Snelling: I got some feedback after the Town Meeting about the zoning ordinance changes. The number of changes that you saw this year is nothing compared to all the changes we are considering over the next year. Should we try to deal with all of this over the next year? The majority of items do not change the essence of the ordinance, they are clarifications and consistencies. Maybe I should talk with our attorneys about getting some kind of blanket approval so that there would be one item on the warrant like, "do you authorize the Planning Board to change all of these meaningless things". There might be ordinances related to the flood zone, junkyards, and signs.

- R. Huntoon: How would you tell the voters that you want them to agree with us? Because we think it is a good idea?
- C. Lehner: That's what we do now!
- A. Francesco: Maybe we should do this in blocks instead of one sweeping change to prevent blanket disapproval. Make a proposal like, "these are the following changes to the _____ ordinances".
- R. Snelling: There may be places where we use "street" rather than "road", so you have X number of changes to make. I will see if we can get permission to consolidate. We can make spelling changes. We have 2-3 substantive issues as well. We've made good progress.
- A. Francesco: This is Woodie's last meeting with us. Woodie is leaving the Board. The Board thanked him for his service.
- W. Laverack: Peter Francesco will be replacing me on the Planning Board as ex-officio from the Select Board.

CORRESPONDENCE: None

ADJOURNMENT: At 8:30 the following motion was made.

Motion: "To adjourn."

Motion: C. Lehner

Second: A. Francesco

Discussion: None

Motion Passes: 7-yes 0-no 0-absention 0-absent

Respectfully submitted,

Linda S. Levy
Land Use Boards Assistant