

**TOWN OF HOLDERNESS**  
**Planning Board**  
**Meeting Minutes: August 21, 2018**

B. Snelling called the meeting to order at 6:30PM.

Michael introduced Linda as the new Land Use Board Assistant. She will work 20-24 hours/week.

**ROLL CALL OF MEMBERS:**

Members Present: Bob Snelling, Chairman, Carl Lehner, Vice Chairman, Louis Pare, Member, Angi Francesco, Member, Donna Bunnell, Member, Woodie Laverack, Ex Officio

**Members Not Present:** Ron Huntoon, Member

**Staff Present:** M. Capone, Town Administrator, Linda Levy, Land Use Board Assistant

**Others Present:** Rob Haskell, Curry Place Cottages, John March, Mountain Mapping, Jack McCormack, Attorney for Samyn/D'Elia, Kristen Fuller, Kevin Barrett, Dave Martin, Ken Evans, Rebecca Hanson, Frank Yerkes, Ward D'Elia, Barbara Currier, Iain McLeod, Chris Boldt

**APPROVAL OF MINUTES:** The Draft minutes of May 17, 2018 were reviewed. C. Lehner suggested spelling/typo edits to the minutes.

**Motion: "To accept the minutes as amended."**

Motion: L. Pare

Second: A. Francesco

Discussion: None

Motion Passes 6-yes 0-no 1 absent

**NEW APPLICATIONS:**

**PUBLIC HEARINGS: Case #18-07-04:** Application submitted by John March as Agent for Curry Place Cottages LLC for Site Plan review of property located at 850 US Route 3, identified as tax map 102-004-000, located in the Commercial District, in accordance with the Town of Holderness Site Plan Regulations.

***Application Discussion:***

- R. Haskell quickly summarized Phase One building construction and renovation. Phase II is the commercial space, putting all the commercial tenants in the center building, expanding the building from 2000 sq. ft. to 3700 sq. ft. There will be expansion off the front and back, a medical office will move to the second floor, the realtor will be on the first floor and there will be room for other tenants in the future. Asked if there were any questions.
- D. Bunnell: Will there be a need for more parking spaces?
- R. Haskell: A parking space explanation page was circulated to the board. Phase I needs 4 spaces, phase II needs 6 more. The total number of spaces needed will not change, but there will be some new spaces added.
- R. Snelling: Where will the new parking spaces be?
- R. Haskell: Showed where the new spaces will be.
- R. Snelling pointed out the proposed relocation of the septic tank. It meets the setback.
- C. Lehner: Does this project affect the shore frontage?
- R. Snelling: No, this proposal does not deal with shore frontage.

**Motion: "To accept the application for consideration by the Board."**

Motion: R. Snelling

Second: D. Bunnell

Discussion: None

Motion Passes 6-yes 0-no 1 absent

***Proposal Discussion:***

- R. Snelling: Asked about the septic fields I and II; will there be any increase in the number of users? A summary of septic loading was provided.
- R. Haskell: There will be the same number of users as there is now.
- R. Snelling: There will be no increase in capacity?
- R. Haskell: The design can handle what is being proposed. Septic will not be affected. It can handle 20 employees, now there are 12-13.

***Motion: "To approve the proposal for construction and renovation."***

Motion: C. Lehner

Second: W. Laverack

Discussion: None

Motion Passes 6-yes 0-no 1 absent

(R. Snelling: Is there an easement to the Historical Society to guarantee access? R. Haskell: The town has first refusal if the building is sold. He will provide easement documents to have for the formal record.)

**Case #18-07-05:** Application submitted by Frank Yerkes as Agent for John J. and Annacarin E. Barry who own property at 74 Mountain Ivy Lane identified as tax map 235-030-000 to annex 2.62 acres to be conveyed from tax map parcel 235-029-000 owned by, Kevin F. Barrett, Trustee, Barrett Family Trust, for a Boundary Line Adjustment to those properties located in the General Residential District, in accordance with the Town of Holderness Subdivision Regulations.

***Application Discussion:***

- F. Yerkes: Explained the lot line adjustment. Parcel A is 3570 sq. ft., remaining on Barry parcel will be 1.40 acres. Barrett land is currently 2.54 acres, after adjustment it will be 2.62. Access to both parcels is Mountain Ivy Lane.
- R. Snelling: What is the other gravel road that comes down?
- F. Yerkes: It is an old woods road that is not in use.
- R. Snelling: Does the property line adjustment have anything to do with the road?
- F. Yerkes: No.
- R. Snelling: Is there any issue of any kind?
- F. Yerkes: The land behind the 2 properties is conservation land.

***Motion: "To accept the application as presented."***

Motion: D. Bunnell

Second: R. Snelling

Discussion: None

Motion Passes 6-yes 0-no 1 absent

***Proposal Discussion:***

- C. Lehner: What is the purpose of the property line adjustment?
- K. Barrett: There is a driveway on the back of the Barry property that goes to my garage. Barry is selling his property and at his suggestion, I should transfer the property over in order to clean up this issue.

***Motion: "To approve the boundary line proposal."***

Motion: C. Lehner

Second: D. Bunnell

Discussion: None

Motion Passes 6-yes 0-no 1 absent

**Case #18-07-07:** Application submitted by Ward D'Elia and Cristopher Salomon who seek approval for the sale of the Holderness Inn and ground lease of the premises at 6 Central House Rd identified as tax map 236-001-000 to

those properties located in the Commercial District, in accordance with the Town of Holderness Subdivision Regulations.

***Application Discussion:***

- J. McCormack: Summarized the purpose of the proposal. He started with a history and the reason for the lease of the property to D'Elia. The Science Center wants to keep the property intact, but is willing to do something creative. It needs upkeep and maintenance, but is expensive. They have negotiated a long term ground lease for the building (the Center leases the land, D'Elia will own the building). The lease gives them rights to the driveway, the well, the septic, etc. They want to make the building a mixed use space. The first two floors will be used for the business for the architects and other tenants. The third floor will be a condominium. All alterations are happening in the building, no alterations to the land. We were here in January to present the plans for information. In NH, the attorney general must approve the plans for a non-profit. They have met with the AG and they can't do anything until they approve. They are presenting to the board for approval for change in use so they can get approval from the AG.

***Motion: "To approve the application."***

Motion: A. Francesco

Second: W. Laverack

Discussion: None

Motion Passes 5-yes 0-no 1 absent 1 abstention (C. Lehner is a Science Center board member)

***Proposal Discussion:***

- R. Snelling: Are you tying into the existing septic system or putting in a new septic system?
- W. D'Elia: We have a designer and test pits were very positive and we are waiting for approval of this application before getting the go ahead to design and submit the design to the state.

Snelling: That would be a condition of the approval. So, it will be a new septic system, yes?

D'Elia: It will be a new system for the entire building located under the parking lot.

Snelling: Will there be enough parking for the building uses and the Kirkwood Gardens or other events?

D'Elia: The Center needs space for 3 cars especially on Thursday. We will need space 8 or 9 cars.

Snelling: There is potentially 3 or more cars for tenants. With the apartment, there is a need for 15-18 parking spaces.

D'Elia: There are 27 parking spaces available.

McCormack: We have discussed this with the Science Center and have agreed to add more if needed.

Snelling: Does the Science Center feel comfortable with this?

McLeod: Yes, we have discussed it and we are comfortable with it.

Snelling: Is there going to be a formal easement for the business and condo residents to get to the property?

McCormack: Not an easement, per say. This is a lease. Every lease has the same rights; to pass through the property, to park cars.

Snelling: Where will the trash go? Where is access to the building?

D'Elia: Trash will be in the screened mechanical unit. Access will be in the back

Snelling: How many bedrooms will be in the condo?

D'Elia: There are 3 bedrooms upstairs.

Snelling: Will there be changes to the outside of the building?

D'Elia: Carpentry repair, painting, changing the windows, signs, and deck lighting.

***Motion: "To approve the application for the lease-owned agreement with the Science Center, with the condition of septic approval from NHDES."***

Motion: W. Laverack

Second: A. Francesco

Discussion: A. Francesco: To be clear, we will not require any additional subdivision.

Motion Passes 5-yes 0-no 1 absent 1 abstention

**CONTINUED APPLICATIONS:** None

**OTHER BUSINESS:**

**Master Plan Natural Resources:**

*Discussion:*

- R. Snelling: Angie, is there anything new on the master plan work?
- Francesco: There is nothing new. Still waiting for recommendations from the Planning Board and where we, as a town, should go next. Members of the board should continue to do that and what those ideas might be. We're also waiting for the Conservation Commission to look through everything. They meet in September.

Capone: It is on their agenda.

- Francesco: We think recommendations will come from the Conservation Commission and we, as a Planning Board, can look through those recommendations again, realizing that because it is the Natural Resources chapter, we have to make sure that we have recommendations in there that will help guide the town for the next 10 years or so, and if necessary, those recommendations and the things in that chapter can be used as a defense of sorts if we were to strike down for instance, a 100 unit development. We could say it would dramatically change the character of the town, it would impact the natural resources. That might otherwise comply to the zoning regulations, but if we had recommendations to maintain and protect the natural resources, that is the basis we can use going forward.

Snelling: When does the Conservation Commission meet?

- M. Capone/L. Levy: September 11<sup>th</sup>
- R. Snelling: Our next meeting is being pushed back a week until September 25<sup>th</sup>. Do you think we might be able to have another round by the 25<sup>th</sup> of September?

Francesco: We're going to look at what the Conservation Commission has.

Snelling: So, you'll have 2 weeks to digest that. Is that enough time?

Francesco: By we, I mean the Planning Board?

Snelling: Well, you have to look at it first.

Francesco: The committee, Conservation Commission and the Planning Board should work together to develop the recommendations. The committee is not going to convene until after both the Planning Board and the Conservation Commission have given up recommendations.

Snelling: This board will receive recommendations from the Conservation Commission to react and to come to some agreement between us and then to incorporate those in.

- One other item. We have a new counsel and Michael, in consultation with me, thought it might be a good idea to have a new set of eyes look at our ordinances and identify whether there are any issues that we might opt to address. As you know, the ordinances have been developed over time, over decades, different boards. At 22 pages of recommendations there is a lot of stuff that is identified that we might want to address. We haven't worked out exactly the process for doing this. If we meet with counsel it is a consultation, not a formal public meeting. We probably need to do that to get clarification about what Counsel meant about what they're saying. A lot of what's in here is definitions, lack of clarity of definitions, conflicts in definitions, in some cases, some things that we haven't

addressed, in some cases, some things that we've addressed that we don't need to address. It is a mixed bag. I haven't waded through this whole thing yet.

Bunnell: Can you forward that to us?

Inelling: Not yet.

Capone: I need to check with Counsel on how we distribute the information.

Inelling: There is a lot of stuff. There have been a lot of issues that have come up. This is probably a worthwhile exercise to go through, so when we get through the natural resources exercise we can devote a good amount of focus over the next 6 months or more on this. To discuss the schedule, if we make change, not just clerical changes, we have to go before the town meeting and have it voted on and that has to be done by November to January (M. Capone). I don't expect that we will get a lot done by this next cycle, but we might be able to address some of the simpler issues and get some of this on the ballot for March. We clearly won't get it all done for this next voting round. You might make note of any particular things that you've identified in your time on the board with respect to understanding the motive behind the regulation and the definitions of certain things. We may want to add some things to this as we move along. It is a lot to digest and will mean a significant amount of homework for the Board.

Bunnell: Who is the new counsel?

- M. Capone: Three months ago, the Select Board put out a Request for Proposal to a number of Municipal law firms and chose Gardner, Fulton and Waugh. I have some previous experience with them and can attest to their abilities.

#### **Other Business:**

- M. Capone: Someone contacted me wanting to build an in-law apartment over the garage that is not attached to the house. This would make 2 dwellings. He brought up the option of a cluster. I want to get a sense from the board if this would be a cluster development.

Francesco: I have to go back and read the actual definition of a cluster, but I don't think that meets it and the actual definition of the ADU. We don't do in-law apartments, we do ADU's and there has to be an interior door connecting door between the living spaces.

Capone: The owner wants to build it as a cluster.

Inelling: It is not a cluster, it doesn't meet the definition of a cluster.

Francesco: If counsel suggests change to the ordinances, will it affect the Master Plan?

Inelling: I don't think it will. The Master Plan is broad; this is small, it is different.

**NEXT MEETING:** TUESDAY, September 25, 2018 beginning at 6:30PM

NOTE: The change to the 3<sup>rd</sup> Tuesday is to accommodate vacation schedules.

The deadline for applications remains August 22, 2018

**ADJOURNMENT:** At 7:16PM the following motion was made:

***Motion: "To adjourn."***

Motion: A. Francesco

Second: W. Laverack

Discussion: None

Motion Passes: 6 - Yes, 0 - No, 1 - Absent

Respectfully Submitted,

Linda Levy

Land Use Boards Assistant