

TOWN OF HOLDERNESS
PLANNING BOARD
Tuesday,
August 20, 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; Carl Lehner, Vice Chairman; Donna Bunnell, Secretary; Angi Francesco, Member; Ronald Huntoon, Member; Louis Pare, Member; Peter Francesco, Ex-Officio
Staff Present: Linda Levy, Land Use Board Assistant; Michael Capone, Town Administrator
Others Present: Drew MacDermott, Tony LeMenager. Jack McCormack, Suzanne Gaulocher, David Driscoll, Kate Smarz, Sean Smarz, Anne Lovett, Steve Woodsum, Cindy O'Leary, Michael O'Leary, Jim Bacon, Phillip Bowen, Steve Morgan, Paul Nightingale, Donna Crisostamo, Margaret Mumford, Ted Vansant, Steven Devoe

APPROVAL OF MINUTES: The draft of the minutes of the July 16, 2019 were reviewed and edited.

Motion: "To accept the minutes as edited."

Motion: C. Lehner

Second: D. Bunnell

Discussion: None

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

R. Snelling: Asked that the audience identify themselves when they get up to speak.

CONTINUED APPLICATIONS:

NEW APPLICATIONS:

Case #19-07-13: Application submitted by Jack McCormack as Agent for Squam Lakeside Farms (David Moore) who owns property located at 99 US Rt. 3, tax map 239-050-000, requests a site plan review to convert the restaurant into one residential unit; add two residential units on main and upper levels of barn; convert one residential unit to two residential units; raise one side of the roof of Building B to match the other side of the roof, located in the General Residential District, in accordance with the Town of Holderness Site Plan Regulations.

J. McCormack: Introduced the agent and the property owner.

Motion: "To accept the application."

Motion: A. Francesco

Second: R. Huntoon

Discussion: None

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

R. Snelling opened the hearing at 6:36.

J. McCormack: Reviewed the history of the property. The plan was filed at Grafton County as #13671. It showed all 119 units and Unit A (4.98 acres). Unit A is a mixed-use lot (residential, commercial). The Declaration of Condominium's final version was reviewed and approved by the Planning Board. It is part of the AG filing for condominium. It is all the same document. That order including Exhibit D in Jan. 17, 2008 was incorporated into that provision. It says, "that there shall not be more than 119 campsites on the property. The 4 existing dwelling units on the property is the maximum permitted in the absence of further subdivision of the property". Normally dwelling units are not created by subdivision. What we are proposing is not a subdivision. The board probably meant to say that you can't have any more condo units without subdividing.

R. Snelling: Explained his interpretation of this confusion. Was a subdivision created for Unit A as a portion of the condo units or as a lot?

J. McCormack: The condo is 120 units, 119 campsites and Unit A.

R. Snelling: Unit A is a separate lot, a legal lot. If you wanted to put another dwelling, you'd have to subdivide because we only allow 1 dwelling on a lot. You are not adding another dwelling, you are planning to add additional dwelling units to existing structures. It is very confusing.

J. McCormack: Do you have questions on the merits of the application.

D. Moore: He summarized the plan. We are going to take the existing buildings and in place of the restaurant and the open space in the buildings, we propose to put in 7 dwelling units. We would maintain an office space and a small store where we do boat rentals. The parking in front of the restaurant would become a lawn. Specifically, we plan to put in 1, 3-bedroom apartment; 4, 2-bedroom apartments; and 2, 1-bedroom apartments. The gable end will face the lake. In the smaller building they are going to duplicate the gable end. The septic for the larger building is adequate to support the apartments. The smaller septic needs a new septic design. In our previous conversations, he understood that a conditional approval could be granted subject to an approved septic for that 2nd building.

R. Snelling: We would want to see documentation that the septic for the 1st building is adequate for the change of use as well as documentation for the other septic system.

D. Moore: We can do that.

C. Lehner: Clarify the building with the cupola is Building B, right? They are not labeled on the plans. In A, you currently have 1, 2-bedroom apartments and you are going to 4, 2-bedroom apartments, right?

D. Moore: Correct. There will be a 2-bedroom underneath the existing and 2 here (pointing to the plan).

C. Lehner: The septic for Building A needs to be larger than the one that is there now.

D. Moore: No, it is a 1900 gal. septic system designed for the restaurant. We would get an updated inspection and approval.

C. Lehner: In Building B, you are going from 1, 3-bedroom to 2, 1-bedroom, correct?

D. Moore: Correct, and an office space. That will require a new septic. We could not go forward without approval for a new septic design.

R. Huntoon: If you have 7 new apartments, that could mean 14 new cars, right? Do you have a place to put them?

D. Moore: There are 2 existing apartments, so we are adding 5 apartments. We do have a plan showing adequate parking. Keep in mind the restaurant parking is going away in favor of a green space in front of the parking. We have plenty of parking spaces. There are 15 spaces dedicated to the slips in the marina. In the off season, we park the boats on those spots.

R. Snelling: We require 2 spaces for each unit, you need 10 available spaces.

D. Moore: We'll have 14 total spaces.

R. Snelling: Questions from the board?

A. Francesco: Asked D. Moore to show where each of the units will be on the plans.

D. Bunnell: I think we need to see 14 spaces above and beyond boat storage.

D. Moore showed the spaces on the plan.

P. Francesco: Are you changing the gable end to facilitate the construction 2-bedroom apartment?

D. Moore: Yes.

P. Francesco: What is the height from the ground to the ridge?

D. Moore: It is no higher than the existing, less than 35'.

A. Francesco: In our early discussions, in the first subdivision, the condo unit owners cannot become residents. I went through the condo documents. Unit A is held to the standards of the Town of Holderness. You are ok to tell those renters that they can declare residency.

R. Snelling: Any questions from the audience?

S. Smarz: Will the road behind the existing restaurant still be in use for the campground?

D. Moore: That road is for emergency access only. Yes, it will remain.

J. Bacon: We have an easement for golf carts. Is that still in the plans?

D. Driscoll: It will remain.

J. McCormack: Your easement rights are paramount.

J. Bacon: What is the plan for the water supply?

D. Moore: We currently draw water from the association through a common water supply. We will continue to do so.

J. Bacon: Will you have to prove to the Board that there are sufficient gallons per minute to do that? I'm concerned that there is not enough water supply.

D. Moore: That might need to be done.

J. McCormack: The restaurant is coming out. My take would be that if it doesn't work, we'd drill a well. There is plenty of space to drill for a well.

P. Bowman: Clarification about the road – did you reply to the road behind the barn?

D. Moore: Was your question behind the barn?

J. Bacon: Yes

D. Moore: That road will continue to be in use for the campground.

R. Snelling: Any other questions for the board. Hearing none, he closed the public hearing at 7:00.

A. Francesco: As other applicants have brought to us; we need current septic requirements showing what they currently are and what it will be. I'd like to see those calculations.

R. Snelling: That is approved by the State, we don't make that decision. Septic systems require State certifications.

Motion: "To approve the application with the condition that they receive certification for the existing and the new septic systems."

Motion: C. Lehner

Second: A. Francesco

Discussion: No further discussion

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

Case #19-07-14: Application submitted by Barrington Power, LLC as Agent to the Holderness School located on NH Rt. 175, tax map 225-047-000 and 225-048-000, requests a site plan review to install a 450Kw solar array (and associated components) and remove the existing foundation and a portion of

the existing gravel driveway, located in the General Residential District, in accordance with the Town of Holderness Site Plan Regulations.

T. Vansant: Introduced his team from the Holderness School and Horizon Engineering.

Motion: "To accept the application."

Motion: R. Snelling

Second: D. Bunnell

Discussion: None

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

R. Snelling opened the public hearing at 7:05 asking T. Vansant to introduce the project.

T. Vansant: We are proposing a 450kW solar array on the plot that currently had on house on it, across from the football field, between 175A and 175. All equipment meets that setbacks. It will be 8-10' high at its tallest, roughly 30' apart, facing south. The only place people will be able to see it is when driving by, there is a steep drop off so it will not be able to be seen in Plymouth. It will be somewhat visible from the Holderness School campus, which is preferable and part of the design.

C. Lehner: The drawing shows 20' between rows.

T. Vansant: Total distance from front to front is 30', there will be 20' of space between the rows for mowing and maintenance:

C. Lehner: Where will the cars that currently use that space for football games park?

T. LeMenager: We use that as overflow parking. I don't have an immediate answer for where they will go. We are in the initial phases of an athletics project that will include parking for athletic contests. We acknowledge we have to figure that out.

R. Snelling: The maximum lot coverage is 10.6%. How did you calculate that? There are 3 ways to calculate coverage in the literature. One is the sum of the areas of the panels. Another would be sum of the vertical projection of the panels (the rain shadow). The third way is the area of the outer perimeter (what would be seen from a mile away).

D. MacDermott: The vertical projection of the panels.

R. Snelling: I didn't understand, "the overall impervious ground cover has a net reduction of approx. 11,735 sq.ft, 96%. 96% of what?

D. MacDermott: The ground cover includes impervious areas (gravel driveways, foundation). We plan to remove the foundation and most of the driveway.

R. Snelling: The new impervious ground cover is 96% of what is there now, right?

D. MacDermott: It is a 96% reduction of the impervious area.

R. Huntoon: Your overall coverage is reduced. What was it before?

D. MacDermott: It was 15,000 sq.ft.

R. Huntoon: How will you get the power under the road?

T. LeMenager showed the Board on the plans how it will go under Rt. 175A.

R. Huntoon: How is the Co-op with this?

T. LeMenager: They are supportive of solar.

R. Snelling: Do we have permission from the State to go under the road?

T. Vansant: The permit is pending and we should have it in 3 days.

R. Snelling: Have they figured out who owns the road?

T. Vansant: That could take years!

R. Snelling: Any other questions from the board? The audience?

S. Gaulocher: I am curious about the trees.

T. Vansant: A small amount will be cut down, 600' will remain between this lot and your parcel. He showed her where the trees will be cut on the plan.

R. Snelling: Any other questions? Hearing none, he closed the public hearing at 7:16.

R. Huntoon: We still have to discuss whether they are in a zone that they can do this in, right?

R. Snelling: There has been discussion with legal counsel. If we looked at the lot all by itself, the ordinance is silent. We haven't instituted regulations. Under State statutes, if a use is not specified as an allowed use, then it is not allowed. On the surface if we were looking at this lot in isolation, it would not be an allowed use. However, this lot is under current use, it is an integral part of the school. The school is an allowed use in a residential area. This then becomes an ancillary structure to the primary use, which is the school. That's the concept that we need to look at. There is also a State law that encourages zoning decisions to give some deference to solar and solar energy and not to use zoning to prevent solar development capabilities.

Motion: "To accept the proposal."

Motion: C. Lehner

Second: A. Francesco

Discussion: No further discussion

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

OTHER BUSINESS:

1. Betsy's Park – Conceptual Design (Michael O'Leary/Anne Lovett)

M. O'Leary gave the Board an idea of their plans. They are setting up a 501C3 and purchasing the White Oak Motel.

R. Snelling: Reminded everyone that anything that is said is non-binding on either side.

M. O'Leary: We want to turn the property into a park that will incorporate some playground and sitting areas. The plan is to remove several of the cabins and abandon the septic systems.

A. Lovett: We look at it as a nice way to memorialize Betsy. It will have a dual purpose, in that it is a conservation project, turning it back to a more naturalized state; planting trees, responsibly abandoning the tanks, taking away some of the cottages, the accompanying septic tanks would be taken out and brushed. The leach fields are up higher. If they are excess, we would abandon that. We know that there are certain things that are happening on that property now; the washing machines dump out onto the lawn. We intend to be very responsible owners. Squam Lakes Conservation Society is being very helpful to us. They are acting as the agent so we can get tax deductible donations from supporters. The closing is October 1st. My husband Steve is the major fundraiser. We are in the process of hiring landscape architects so that we have a master plan for what best to do with the property. We want a naturalized playground with naturalized materials. We want walking trails, a fitness circuit for adults. Currently the idea is to leave the motel building and the 4 cottages next to the motel building. The non-for profits are very interested in intern housing. The Science Center, in particular is very interested in having interns year-round. They have never been able to do that because their intern cottage is not insulated. One of the concerns is that we don't want to be an attractive nuisance. We would anticipate that in the 3-bedroom owners house we would have a care-taker living there year-round. Interns would also provide some bodies on the activity at night, in particular. We have not worked out all of the details in who gets to use it.

While we would love to have it open to everyone, we don't want it to be the place where people say to go there to swim. We've met with the White Oak Pond Watershed Association with our preliminary plans and they are happy that we're saying, low key, no amplified music.

M. O'Leary: Part of the reason that we are coming before you, is to see if you think that anything we're doing raises any flags, or if we may be required to get demolition permits.

C. Lehner: Normally the first question we ask after septic is parking. Is there enough parking?

M. O'Leary: There is a lot of parking, more than what we would need. One of the ways we could control impact is to limit the number of spaces we design.

R. Huntoon: You can probably get rid of that pool.

A. Lovett: Yes, that is the plan.

R. Snelling: How many rooms are in the currently motel?

A. Lovett: A dozen that you see from the road and then another 10 cottages near the pond. Most of those would go away. That is the perfect place to put a playground.

R. Snelling: Cottages are different than motel. What is in the motel room?

A. Lovett: A room and a bathroom.

R. Snelling: So, there is no kitchenette. These won't be apartment units. Will there be any centralized food service or a common kitchen for residents?

A. Lovett: We haven't figured that out. There are kitchen units in the cottages. Maybe a kitchen would have to be in one of those cottages. We want to make it a viable place for the interns to live.

D. Bunnell: Those places would never be open to the public to stay?

R. Huntoon: Who is going to have control or way to put a stop to things you don't like?

A. Lovett: One thing that we've thought about, and haven't fully vetted yet, is initially, use of the park would be open from the watershed towns. So, if they have a beach permit or dump sticker, they're good. It will be clearly posted. We want it to be open and welcoming, but not an attractive nuisance. We are trying to figure out how to control it, yet allow as many people as it can stand.

D. Bunnell: My concern is whether the beach will be open to the public.

R. Snelling: That is the one issue that you may have to do some homework on. Under the Shoreline Water Quality Protection Act, the State "shall issue permits as necessary and consistent with purposes of this chapter"; basically any facilities on the shoreland. I've tried to find out what kind of permit would be required for a beach on private property that has public access. No one had an immediate answer. My guess is that you will probably need to go to the State and find out what kind of permit you will need and what kind of use they would allow on a private beach, but open to the public, in some way. One question is what kind of beach you'd need.

A. Lovett: We are not anticipating altering the shoreline, not cutting, but adding trees.

R. Snelling: You design the place to accommodate x number of people, would there be any regulatory constraints on the use of the beach?

A. Francesco: There is already implied access by the number of units that are there, assume 2 people/unit; it is implied access of 60-70 people on any given day.

R. Snelling: Those people are a controlled group, there are rules and regulations that govern them. If it was open to the public and had a capacity of x people, who manages that?

A. Lovett: If you look at the SLA (Bowman and Moon Islands), there were permits for anything they had to do with all of those beaches. That's really unlimited access with all of the people who can pull up with their boats.

R. Snelling: That is still different. It is going to be recreational use. I am just raising the issue. I can give you the name of the person you might want to talk to.

M. O'Leary: The other question is, if we want to rebuild a cottage, do you get a permit before you demolish it or talk about maintaining a building to make a restroom?

R. Snelling: It is a change of use. If you took a cottage down and made it into a restroom facility, that brings up questions of additional septic (maybe). We'd probably want to see a Site Plan for that.

P. Francesco: That is up to the Compliance Officer. This is a tremendous opportunity to have a very busy commercial entity disappear and go back to much reduced use. Since it is a change of use, would they need to come in with a site plan review?

R. Snelling: Yes.

A. Lovett: And the change of use is from motel rooms to the interns?

R. Snelling: It is going to turn into a recreational area (playground, beach, walking trails). The motel structure is going to be there, that wouldn't be a change of use. It would be a rooming house, call it what you want.

M. O'Leary: It has been a recreation area for 45 years. People did recreational activities there under the umbrella of the motel.

R. Huntoon: I don't see a change of use if you still use the motel as a motel, just fewer cottages. It might a change in volume in some of the things that you have.

A. Francesco: How many acres is the property?

A. Lovett: 8

P. Francesco: Shape?

A. Lovett: It is unusual shape.

P. Francesco: If the landscapers read our zoning ordinance, that will probably answer a lot of your questions before you come back here for a site plan review.

A. Lovett: Yes.

R. Snelling: I would still argue that this will require a site plan review to create a public record of taking a motel commercial business and turning it into a public/private recreation area. I can't see any roadblocks. It is more of creating a record.

A. Lovett: We have met with the neighbors. Bob Haskell owns the piece under Conservation and he is happy to allow some trails on that Conservation Easement. It is great for the pond, the Town, it will be a nice gathering place.

A. Francesco: Understanding the life of interns, I would strongly advise against trying to house people without cooking facilities. You may consider our cluster development regulations. You might be able, as a change of use, to move one of the kitchens to the motel facility. Consider restricting things on the property. Look at Prescott Farms for natural places for kids. Another thing to think about is your future income. If you are housing interns for free you might want to come up with a nominal charge system to generate income for the property.

A. Lovett: We've made it clear to people that they would be covering costs.

R. Snelling: You might want to look into the Bridge House; they have rooms with a common kitchen area. The microwaves are in the common kitchen. If you have microwaves and refrigerators in the rooms, that opens up the possibility that there could be cooking in the rooms.

2. Public hearing on the Flood Hazard and 300/400 Zoning Ordinances

R. Snelling opened the public hearing at 8:04. There was no one in attendance for this part of the meeting.

The public hearing was closed at 8:05.

Motion: "To accept the Flood Hazard and 300/400 Zoning Ordinances."

Motion: D. Bunnell

Second: R. Huntoon

Discussion: None

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

3. Continued discussion of the Conservation Commission Master Plan (continued to September 17, 2019)

R. Snelling: This is not a priority, we are not on a tight schedule to get this done.

4. Discussion on the proposed changes to Zoning Ordinance Sections 400, 500, 1000 and 1100 that were distributed at the May meeting (continued to September 17, 2019)
5. Discussion of the proposed changes to Zoning Ordinance Sections 550, 575, and 600 for review at the August meeting (continued to September 17, 2019)

R. Snelling suggested that we have a separate meeting to discuss these changes. After discussion, it was agreed that the Board would meet at 5:30 on Sept. 17th (the next Planning Board meeting). Members suggested that everyone review the changes (Linda will resend them with updated dates listed on the top) so that everyone will be ready to discuss each ordinance and go through the ones with no issues quickly and spend time with those where there is more of an issue.

6. Next Meeting - Tuesday, September 17, 2019 at 6:30PM

CORRESPONDENCE: None

ADJOURNMENT: At 8:08 the following motion was made.

Motion: "To adjourn."

Motion: A. Francesco

Second: D. Bunnell

Discussion: None

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

Respectfully submitted,



Linda S. Levy

Land Use Boards Assistant