

**TOWN OF HOLDERNESS**  
**Planning Board**  
**Meeting Minutes: September 15, 2020**

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

**ROLL CALL OF MEMBERS:**

Members Present:

Robert Snelling, Chairman	Angi Francesco, Vice Chairman	Donna Bunnell, Secretary
Ronald Huntoon, Member	Carl Lehner, Member	Louis Pare, Member
Peter Francesco, Ex-Officio	Janet Cocchiaro, Alternate ( <i>non-voting</i> )	

*Note: D. Bunnell and J. Cocchiaro indicated they were not alone.*

Staff Present: Nancy Decoteau, Landuse Board Assistant

Others Present:

Phillip Bennett	Martha Hanlon Brooks	Margie Bogdanow	Michael Bogdanow
Herb Brown	Maureen Clifford	Peter Desloge	Steve Desloge
Steven Cohen	David Dolan	Kevin Frank	Tim Gray
Phillip Hastings	Nancy Isikoff	Steve Jackson	Annette Lamb
Maureen Lamb	Deanna Lussier	Bill Nesheim	Fran Parisi
Richard W. Peterson	Bret Saul	Eugenia L. West	Kelli INN as GP

**APPROVAL OF MINUTES:** August 18, 2020

**MOTION: "To approve the minutes of August 18, 2020 as amended."**

Motion: C. Lehner

Second: D. Bunnell

Discussion: A. Francesco asked that her statement during the Informational discussion with G. Reynolds regarding any Site Plan Application submitted needing to comply with current Holderness Zoning Regulations be added.

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

**CONTINUED APPLICATIONS:**

B. Snelling opened the Public Hearing for the following continued case at 6:36pm:

**Case #19-08-18:** (con't from 8/18/2020) Application submitted by Fran Parisi as agent for Revocable Trustees Peter W. Harris, Harriet R. Harris and Henry Pratt Upham Harris III of Old Mountain Rd., tax map 220-004-000, request a site plan review to install a cell tower by Vertex Tower Assets, LLC, located in the Rural Residential District, in accordance with the Town of Holderness Site Plan Regulations.

F. Parisi stated he submitted a letter dated September 15, 2020 via email which Withdraws Without Prejudice Case # 19-08-18: the Cell Tower application filed for Tax Map 220-004-000.

F. Parisi stated there are several more months of engineering and regulatory process ahead of them before construction can begin.

B. Snelling closed the Public Hearing for Case 19-08-18 at 6:42pm.

## NEW APPLICATIONS:

B. Snelling stated the next two applications are for a Boundary Line Adjustment and then a Subdivision for one of the parcels affected by the Boundary Line Adjustment.

B. Snelling stated the Board will first consider the following Boundary Line Adjustment Application:

***Case #20-9-8: Application submitted by David M. Dolan, LLS as agent for the Robert & Lili Young Revocable Family Trust for a Boundary Line Adjustment on property owned by Robert M. Young, Trustee of the Robert & Lili Young Revocable Family Trust identified as Tax Map 246-017-000 located at 75 Coxboro Road and Tax Map 246-018-000 located at 85 Coxboro Road in the General Residential District, in accordance with the Town of Holderness Subdivision Regulations.***

D. Dolan of David M. Dolan Associates, P.C. presented the application.

D. Dolan stated 3 parcels of land will be moved between Tax Map 246-017-000 and 246-018-000;

- Parcel A: 2.99ac from 246-017-000 to 246-018-000
- Parcel B: a 50ft. wide strip from 246-017-000 to 246-018-000
- Parcel C: 7.4 ac from 246-018-000 to 246-017-000

D. Dolan stated lot 246-017-000 goes from 11.19 ac to 17.23 ac, gains 50 ft. wide access via Coxboro Road and gains 480ft. of shore frontage.

D. Dolan stated lot 246-018-000 is reduced from 44.01ac to 37.97ac.

B. Snelling asked why the wetlands were not delineated for Lot 17.

D. Dolan responded that the Subdivision Application deals with creating 3 lots from 246-018-000 so the wetlands were delineated for that lot.

D. Dolan stated that the Boundary Line Adjustment increases the size of 246-017-000 by about 6 acres so they did not delineate the wetlands on that lot.

C. Lehner pointed out that the math doesn't add up correctly.

B. Snelling stated the acreage calculations in the application did not add up correctly.

D. Dolan stated he will review and correct the errors.

C. Lehner stated that the Board did not receive a topographical map.

It was determined that N. Decoteau failed to deliver the topographical map to the Board members although D. Dolan had submitted it with the Subdivision application.

B. Snelling stated the topographical map is important to have when considering the Subdivision Application in order to determine if it is a buildable lot.

D. Dolan was able to present the topographical map by screen sharing it for the Board.

B. Snelling suggested the topographical information is not as critical to the Boundary Line Adjustment.

**MOTION: "To accept the Application submitted by David M. Dolan, LLS as agent for the Robert & Lili Young Revocable Family Trust for a Boundary Line Adjustment on property owned by Robert M. Young, Trustee of the Robert & Lili Young Revocable Family Trust identified as Tax Map 246-017-000 located at 75 Coxboro Road and Tax Map 246-018-000 located at 85 Coxboro Road in the General Residential District as complete."**

Motion: B. Snelling

Second: A. Francesco

Discussion: A member of the public asked if there was an option for the public to comment. B. Snelling stated after the application is considered as complete and the public hearing is open there will be opportunity for the public to comment.

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

B. Snelling opened the Public Hearing for Case # 20-9-8 at 7:09pm.

A. Francesco stated the Boundary Line Adjustment provides deeded access to Coxboro Road for lot 246-017-000 and increases the overall size of the lot without creating an overly misshapen parcel.

C. Lehner asked if the Board would require correction of the mathematical errors.

B. Snelling indicated that the Board could require that as a condition of approval.

B. Snelling opened the Public Hearing to input from those present.

A. Young introduced himself as a representative of the Young family who has spent many summers on lot 246-017-000 enjoying the quality and character of the area.

A. Young stated that the family has every intention of moving forward with the Boundary Line Adjustment and Subdivision by doing things carefully and correctly.

A. Young stated that proposing the filling of wetlands is not their intent.

D. Dolan noted the well and a garage on the northerly corner of lot 246-018-000 are within the 35ft setback.

D. Dolan stated the garage will be torn down and that the northerly boundary line needs to be reconfigured to keep the well from being in the setback.

D. Dolan stated the options would be:

1. for the well to be part of 246-017-000 and granting an easement to lot 246-018-00 for the well, or
2. reduce the width of the 50ft. access to keep the well in lot 246-018-000 and grant an easement for access to Coxboro Road to lot 246-012-000.

to drill a new well in another location on lot 246-018-000

B. Snelling suggested the Public Hearing should be continued to allow the applicant to determine how to deal with the well on lot 246-018-000

A. Young asked if wetlands delineation for 246-017-000 would be required for the Board to approve the Boundary Line Adjustment.

B. Snelling stated that the wetlands delineation for 246-017-000 is not necessary for the Board to make a decision on the Boundary Line Adjustment.

A. Francesco summarized that an updated plan showing the proposed lot lines (after adjusting for the well on 246-018-000) and having the math corrected on the acreages is what the Board is looking for.

A. Francesco stated that because Parcel A (a portion of lot 246-017-000 without wetland delineation) is being added to lot 246-018-000 which is to become part of a 12-acre lot with an existing home on it, having the wetlands delineated isn't as important in this situation.

**MOTION: "To continue Case# 20-9-8 to October 20, 2020 with the understanding a plan will be provided which solves the problems with the Boundary Line Adjustment and conforms to the current Zoning Regulations."**

Motion: A. Francesco

Second: B. Snelling

Discussion:

Motion Passes: 6-yes 1-no (R. Huntoon) 0-abstention 0-absent

B. Snelling closed the Public Hearing on Case# 20-9-8 at 7:40pm.

B. Snelling opened discussion on the following application:

*Case #20-9-9: Application submitted by David M. Dolan, LLS as agent for the Robert & Lili Young Revocable Family Trust for a 3-Lot Subdivision on property owned by Robert M. Young, Trustee of the Robert & Lili Young Revocable Family Trust identified as Tax Map 246-018-000 located at 85 Coxboro Road in the General Residential District, in accordance with the Town of Holderness Subdivision Regulations.*

D. Dolan presented the Subdivision Application as a 3-lot subdivision of 246-018-000 as follows:

Lot 1: 12.43ac parcel, with an existing home and frontage on Coxboro Road.

Lot 2: 13.32ac parcel, undeveloped, frontage on Coxboro Road

Lot 3: 12.3ac parcel, undeveloped, frontage on Coxboro Road, waterfrontage on White Oak Pond

D. Dolan stated there is a well located on Lot 2 for which abutting parcel 246-019-000 has deeded rights to use. D. Dolan indicated that the location of the water line from the well to parcel 246-019-000 can be identified in better detail on the plan given the concern expressed about the continued use of the well.

D. Dolan stated a High Intensity Soil Survey was done on the property and each parcel meets the requirements of the current regulations.

D. Dolan stated test pits were done on each lot.

D. Dolan stated that Lot 2 and Lot 3 have buildable areas and acceptable driveway locations off of Coxboro Road.

**MOTION: "To accept the Application submitted by David M. Dolan, LLS as agent for the Robert & Lili Young Revocable Family Trust for a 3-Lot Subdivision on property owned by Robert M. Young, Trustee of the Robert & Lili Young Revocable Family Trust identified as Tax Map 246-018-000 located at 85 Coxboro Road in the General Residential District as complete."**

Motion: B. Snelling

Second: R. Huntoon

Discussion: None

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

B. Snelling opened the Public Hearing for Case # 20-9-9 at 7:44pm.

B. Snelling asked if Lot 2 had slopes greater than 25%.

D. Dolan responded that there are no slopes greater than 25% on Lot 2.

A. Francesco stated the application included all the soil and slopes data for each parcel and that each parcel is shown to meet the requirements.

B. Snelling reminded that the Steep Slopes apply to any areas with slopes over 15%.

B. Snelling expressed concern regarding the buildable area for Lot 3.

B. Snelling stated that the portion of Lot 3 adjacent to Coxboro Road is roughly one acre in size, but is reduced to about 10,000sq ft. once the setbacks are taken into consideration.

B. Snelling stated he is pointing out the fact that Lot 3 can be buildable without having to cross over the wetlands to get to the larger portion of Lot 3.

B. Snelling stated that the larger portion of Lot 3 would be a desirable location to build a home but that it would require state permits to cross a wetlands area.

B. Snelling stated that if crossing a wetlands area to access the buildable site was the only option then obtaining proper state permitting would need to be a condition of approval for Lot 3.

B. Snelling summarized that because the smaller portion of Lot 3 adjacent to Coxboro Road is buildable the state permitting to cross the wetlands is not an issue in considering approving the Subdivision.

B. Snelling read the language from the deed relative to the spring on Lot 2 as follows:

*“together with the right to draw water by means of a pipe or otherwise from a certain spring on said land now or formerly of Hawkins, enough for ordinary use for one house and the right to dig build and keep in repair waterworks for said purpose at any future time provided however that said guarantee, Frank L. Smith, his heirs, successors or assigns shall forever build and repair all the portioned fence around the land thereby conveyed”.*

B. Snelling expressed his concern that if approved the owners of Lot 2 would have to continue the agreement for parcel 246-019-000 to draw water from the well, and the owners of Lot 3 would have to allow the waterline from the well to continue to cross Lot 3.

B. Snelling asked how the subdivision plan included protection for access to the well and to maintain the pipeline from the spring to Lot 246-019-000.

D. Dolan stated that a note on the plan can be added to identify the rights to draw from the well and that the location of the waterline can be identified better on the plan.

P. Francesco noted that protective covenants and easements on a deed are a civil matter and not in the Planning Board purview.

B. Snelling stated that the location of the waterline could make the portion of Lot 3 adjacent to Coxboro Road non-buildable.

C. Lehner asked if a waterline is considered a structure.

P. Francesco stated that a waterline is not a structure and does not fall under the setback regulation.

K. Frank, owner of lot 246-019-000, stated prior to 1990 the waterline went through the wetlands so it could be strictly a gravity feed line.

K. Frank stated in 1990, prior to the Young's purchase of 246-018-000, he constructed a waterline from the spring running parallel to Coxboro Road and buried it 4.5 - 5ft. deep.

K. Frank indicated the buried waterline would be where the proposed driveway is shown on the plan and that the waterline may also cross under the southeast portion of the buildable area shown on the plan.

K. Frank stated his opinion that approval of the subdivision would cause an abutter to have to enter into a civil matter and asked the town to consider their liability (if any) in the matter.

K. Frank stated his concern that the Board consider the potential complexities of the application and not take action on it until it is thoroughly investigated.

P. Francesco asked about the waterline shown above line on the plan.

K. Frank stated that the above ground waterline shown on the plan has not been in use since 1990.

A. Francesco asked if there is a location on Lot 246-019-000 to support a well.

K. Frank stated that there is another well on Lot 246-019-000 which serves the house.

K. Frank stated the spring serves the rental house and is gravity fed so it keeps running during electrical outages.

K. Frank stated the spring provides better water than the other well on Lot 246-019-000 does.

C. Lehner asked if K. Frank would consider providing a right-of-way access to the larger portion of Lot 3 through his property.

K. Frank said he would not consider providing access through his lot to the larger portion of Lot .3

A. Francesco stated that the Board may want to continue the Public Hearing to allow time for the Board to consult with Town Council, and the applicant to show the location of the waterline on the plan.

D. Dolan expressed his willingness to work with K. Frank to accurately depict the location of the waterline.

A. Francesco stated the applicant may want to consider moving the boundary line between Lot 2 and Lot 3 so that the well would be located on Lot 3.

**MOTION: "To continue Case# 20-9-9 to October 20, 2020 with the understanding the Planning Board will seek legal council and the applicant will present a surveyed location of the waterline."**

Motion: B. Snelling

Second: A. Francesco

Discussion: None

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

P. Francesco asked if K. Frank had tested the water from the spring and the water from the other well on Lot 246-019-000.

K. Frank stated he does not have water tests but that the water from the well on Lot 246-019-000 leaves manganese deposits and the water from the spring does not.

B. Snelling closed the Public Hearing for Case # 20-9-9 at 8:29pm.

#### **OTHER BUSINESS:**

1. Lot Merger: King, Scott & Ellen / Tax Map 245-045-000 & 245-046-000

**MOTION: "To approve the Lot Merger of property owned by Scott & Ellen King identified as Tax Map 245-045-000 & 245-046-000."**

Motion: B. Snelling

Second: A. Francesco

Discussion: B. Snelling stated the lots are located off Butternut Lane.

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

2. Continued (from 8/15/2020 meeting) discussion on Ordinance 400.6.4.3.

B. Nesheim provided a Sign Brightness Discussion slide presentation with the following information:

Goal: Update Holderness Zoning Ordinance to provide reasonable limits on nighttime brightness of signs, particularly signs using new internal lighting technologies.

#### **Terms Regarding Measuring Light**

##### **1. Luminous Flux:**

- Total light emitted by a source per unit time
- Units: “lumen” (lm)
- 1 lm = 1cd\* Square radian
- 1 wax candle = 1cd =12.57 lm
- 60 w incandescent light = 800lm
- low beam headlights = 700lm
- high beam headlights = 1200lm

## 2. Luminous Intensity

- Luminous power per unit solid angle emitted by a point light source
- Units: “candela” (cd)
- Light of 1 wax candle = 1cd

## 3. Illuminance

- Total luminous flux incident on a surface per unit area
- Units: “lux” (lx)
- Measured by photo light meters
- Common levels: Full daylight= 10,000 lx, overcast = 1,000 lx, full moon = 0.1 lx

## 4. Luminance

- The amount of light emitted or reflected from a given area.
- Units: cd/m<sup>2</sup> (or “nit”)
- Ambient night roadway = 1 cd/m<sup>2</sup>
- Floodlit building, monument: 2 cd/m<sup>2</sup>
- Typical movie theater screen = 50 cd/m<sup>2</sup>
- Floodlit billboard = 60 – 100 cd/m<sup>2</sup>
- Internally illuminated convenience store sign: 100-150 cd/m<sup>2</sup>
- Average cloudy sky= 2,000 cd/m<sup>2</sup>
- Solar disk at horizon= 600,000 cd/m<sup>2</sup>

Current Holderness regulations cover total light emission, not “brightness” as noted in Section 550.2 Outdoor Lighting Design.

Brightness limits in other towns include the following:

- Portsmouth: 500 nits for internally illuminated, 50 foot-candles for externally illuminated
- Laconia: 500 nits for internally illuminated, 50 foot-candles for externally illuminated
- Merrimack: 500 nits
- Hooksett: 500 nits
- Chichester: 500 nits

The following towns prohibit internally illuminated signs: Conway, Alton, Hopkinton, Henniker, Concord (residential districts only), Lee, New Hampton and Moultonborough (village center district only)

Industrial Recommendations:

Overly bright signs are recognized as a road hazard to drivers.

Recommended maximum brightness for internally illuminated signs are as follows:

- US Sign Council Foundation: 700 cd/m<sup>2</sup>
- Illuminating Engineering Society of North America: 500 cd/m<sup>2</sup> day, 125 cd/m<sup>2</sup> night

- Outdoor Advertising Association: 300-350 cd/m<sup>2</sup>
- International Dark Sky Association (2019): 80 cd/m<sup>2</sup> city business districts, 40 cd/m<sup>2</sup> light commercial, 20 cd/m<sup>2</sup> residential and 0 cd/m<sup>2</sup> rural.

#### Local Signs Brightness Levels:

- Cruise Mt Washington sign in Meredith = <40 cd/m<sup>2</sup>
- Paquette sign with Current Temperature panel in Center Harbor >100 cd/m<sup>2</sup> at times
- Boulders sign in Holderness < 40 cd/m<sup>2</sup>
- Holderness The Manor sign <40 cd/m<sup>2</sup>
- Holderness Walter's Basin sign <40 cd/m<sup>2</sup>
- Approaching Plymouth Irving sign and Citgo sign > 100 cd/m<sup>2</sup>

B. Nesheim presented the following language to update Section 400.6 of the Zoning Ordinance:

#### Add the highlighted section:

The purpose of this article is to provide standards for the size and treatment of *signs* within the various zoning districts to protect against the detrimental impact on the visual character of the community and on transportation safety **in a manner that complements the Town's natural environment and historic character.** *Signs* should be consistent with the goals of the Master Plan. (3/10, 3/2020)

#### Add the following definition:

**Luminosity:** a measure of the perceived brightness of a lit object. For the purposes of the Ordinance the values used shall be the manufacturers rated maximum nightie luminosity of an internally lit sign when available, or the measured average luminosity of the lit area of the sign otherwise, in units of candelas per square meter (cd/m<sup>2</sup>)

#### Replace 400.6.4.3 (Illumination) with the following 2 sub sections:

400.6.4.3.1: Illumination Times. In all districts, *signs* may be illuminated only between the hours of 7:00 a.m. and 10:00 p.m., or during the hours that the premises are open to the public. Non-commercial *signs* such as residential nameplate, *road*, directional, and government *signs* may remain illuminated. (3/2020).

400.6.4.3.2: Illumination Brightness. Any illumination of signs must comply with the Outdoor Lighting Design criteria of section 550.2. In addition, sign luminosity between dusk and dawn must not exceed 100 cd/m<sup>2</sup> in the Commercial District (CD), 40 cd/m<sup>2</sup> in the General Residential District or 20 cd/m<sup>2</sup> in the Rural Residential District.

#### Add new section 400.6.7 to specifically address signs in the village:

**400.6.7: Village Area of the Commercial District.** In keeping with its historic character, no digital signs, electronic message centers (EMCs), electronic billboards, Neon, LED or similar internally illuminated signs shall be permitted in the Village section of the Commercial District.

After a discussion regarding the proposed changes to the Zoning Ordinance the following motion was made:

**MOTION: "To approve the proposed update to Section 400.6 with the language as presented and to hold a Public Hearing on it."**

Motion: A. Francesco

Second: D. Bunnell

Discussion: The Board members thanked B. Nesheim for his work on updating Section 400.6

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

B. Snelling reminded the members that the next meeting is Tuesday, October 20, 2020 at 6:30PM.

**CORRESPONDENCE:**

B. Snelling reviewed the following two items of correspondence:

1. Notice of Public Hearing: Cell tower Thornton Planning Board 9/17/2020
2. Lucas Environmental: Section 106 Comment process

**ADJOURNMENT:**

At 9:27pm the following motions was made:

**MOTION: "To adjourn."**

Motion: B. Snelling

Second: A. Francesco

Discussion: None

Motion Passes: 6-yes 0-no 0-abstention 1-absent (P. Francesco stepped away at 9:17pm)

Respectfully submitted,

Nancy Decoteau, Land Use Boards Assistant