

TOWN OF HOLDERNESS
Planning Board Meeting Minutes: May 18, 2021

A. Francesco called the meeting held via Zoom to order at 6:30PM.

A. Francesco stated the meeting was being held under Emergency Order 12 issued by the Governor of New Hampshire pursuant to Executive Order 2020-04 and RSA 91A that authorizes the Holderness Planning Board to hold the Public Hearing remotely via Zoom.

ROLL CALL OF MEMBERS:

Members Present: Angi Francesco, Vice Chairman Janet Cocchiaro, Alternate
 Carl Lehner, Member Ronald Huntoon, Member Bill Nesheim, Member
 Louis Pare, Member Peter Francesco, Ex-Officio
Staff Present: E. Mardin, Fire Chief N. Decoteau, Landuse Board Assistant

Others Present:

George Howard	Alan Barnard	Amy Sharp	Jason Sharpe	Anna Falby
Anne Levin	Anne Packard	Austine Howard	Bonnie Hunt	Bob Maloney
Bryan Sweeney	Cici Cyr	Dan Falby	Cindy O'Leary	Cole Brooker
Chris Salomon	Dee Hopper	Bruce Falby	Gemini Meeh	Hally Sheely
Herb Brown	Janice Keown	Jesse Friedman	Joy Bacon	Kevin Frank
Loren Valentine	Luke Hurley	Margi Bogdanow	Michael Bogdanow	Martha Brooks
Mimzie Ulher	Nancy Isikoff	Regina Nadeau	Roger Larochelle	Kathy Weymouth
Thomas Hopper	Tim Gray	William Lenderking	Yvonne VanGessel	Alex Ray
Kevin French				

ELECTION OF OFFICERS:

P. Francesco nominated A. Francesco as Chair and requested C. Lehner remain as interim secretary.

P. Francesco requested the Vice Chair and Secretary be nominated/elected at a future meeting.

P. Francesco recognized newly appointed members, B. Nesheim and J. Cocchiaro.

MOTION: "To appoint Angi Francesco as Chairperson of the Planning Board for a term of one year."

Motion: P. Francesco

Second: B. Nesheim

Discussion: None

Motion passes: 7 – Yes 0 - No

APPROVAL OF MINUTES:

MOTION: "To approve the minutes of April 20, 2021 as presented."

Motion: C. Lehner

Second: R. Huntoon

Discussion: None

Motion Passed: 7 – Yes 0 - No

A. Francesco stated the structure of the meeting will be as follows:

- The Public Hearing will be opened.
- The Applicant will present the proposal.
- The Board will ask questions
- The Board will determine if the application is complete
- Members of the public will have an opportunity to ask questions – and those wishing to do so should send the Admin Assistant a request to do so via the "chat" feature.

A. Francesco opened the Public Hearing for the following Case at 6:40pm

Case #21-05-05: Application submitted by Surveyor Alan Barnard and Attorney Regina A. Nadeau as agents for property owners George W. Howard III and Austine R. Howard to subdivide 2 lots located on Lane Road and Coxboro Road in the Rural Residential and General Residential Districts identified as Tax Map 246-034-000 and 247-064-000 into 4 lots with acreages of 15.17 acres, 13.27 acres, 13.31 acres and 13.4 acres.

R. Nadeau, attorney with Normandin, Cheeney & O’Neil, stated she represents the applicants, George and Austine Howard.

R. Nadeau provided the following information:

- The Howards own approximately 55 acres with frontage on Coxboro Road and Lane Road
- The proposal is to use the combined 55 acres in the two existing lots to create 2 new lots resulting in a total of 4 lots where there are now 2.
- All the lots will be at least 13 acres
- Least amount of density to minimize impact
- Received the comments submitted by abutters
- Retained Gove Environmental Services to assist in addressing the issues of steep slopes, drainage, potential impact of septic systems, the potential impact of private wells and the request for an Environmental Impact Study and Hydrology Study

Alan Barnard presented the following information:

- A plan was presented with 25% slope areas shaded
- The 25% slope areas are not included in the “usable area” lot calculations
- Lot 1 15.17 acres with frontage on Lane Road
- Lot 2, 13.28 acres with no existing frontage and access via proposed private road
- Lot 3, 13.31 acres with adequate frontage on Coxboro Road to comply with Zoning
- Lot 4, 13.4 acres with adequate frontage on Coxboro Road to comply with Zoning
- Lots 2,3 and 4 will have access via the proposed private road
- 60’ x 40’ building sites were included on the plan for each of the 4 lots
- Building sites are located at the top of the ridge approximately 2200ft. from White Oak Pond
- Run off will be directed more towards the other slope rather than the Coxboro Road side
- An aerial map of the site was shared showing the old logging road coming off Lane Road that accesses the site.
- Wetland area and culverts on Coxboro Road were identified on the plan
- A T-type turnaround using the driveways is planned to accommodate Fire truck access
- Well sites shown on the plan
- Deed restrictions prohibit further subdivision after this proposal

Fire Chief, E. Mardin, interrupted the presentation prior to signing off the meeting to respond to an active fire and stated she met with Alan Barnard and the proposed layout of the road and T-type turnaround is acceptable to her as it will provide adequate access for the fire department apparatus.

Alan Barnard continued to provide the following information:

- Road Agent, K. Colburn, was consulted regarding the location of the private road coming off Lane Road.
- Road Agent recommends a paved apron at the junction with Lane Road
- The private road is proposed to be a gravel road which will reduce the amount of impervious surface of the proposal
- The amount of usable land with the areas of wetlands and steep slopes deducted:

	Total Area	Wetlands	Steep	Suitable Area
Lot 1	15.17 acres	3,465 SF	146,510 SF	11.72 acres
Lot 2	13.28 acres	14,472 SF	318,884 SF	5.63 acres
Lot 3	13.31 acres	19,646 SF	295,838 SF	6.07 acres
Lot 4	13.4 acres	3,111 SF	379,438 SF	4.62 acres

- Sewage loading per day for a 4-bedroom home is estimated at 600 gallons per day, which each lot is capable of handling
- NH DES regulations would allow for 40 townhouses to be located on the parcels being developed
- Setbacks for septic and well locations from the property line and wet areas are easily met.
- Development is planned for the backside of the ridge that levels out and is the furthest away from Coxboro Road and White Oak Pond.

Luke Hurley, Gove Environmental Services, provided the following information:

- Reviewed the 6-page Gove Environmental Services, Inc. report dated May 17, 2021
- Performed a full wetland delineation on site and found 2 wetland areas on the Coxboro Road side and 1 area on the Lane Road side as well as one intermittent stream and no vernal pools.
- The best site access is to use the existing old logging road off Lane Road
- Using Coxboro Road frontage for access would cause more disruption to the environment, create more impervious surface and be more costly than using the Lane Road access.
- The majority of any run-off created by improving the lots will drain off to the Lane Road side and travel approximately a mile and a half before reaching a wetland area.
- The amount of water drawn by four new homes would not have an impact on the aquifer and wells in the surrounding area.

A. Francesco asked the Board members for questions/comments.

C. Lehner asked how the proposal ensures storm water runoff will not be greater after development.

A. Barnard stated both the State and Town have regulations to ensure storm water runoff is addressed.

A. Barnard stated it is included in the Building Permit process when development is proposed within the steep slope areas of each individual lot.

- A. Barnard stated:
1. a drainage/storm water runoff plan will be part of the road construction
 2. ditches will be rip-rapped and armored
 3. slopes will be kept properly vegetated.

J. Cocchiaro asked about the site lines at the junction of the access road and Lane Road.

A. Barnard stated the Road Agent reviewed the site and was satisfied with the sight lines.

A. Barnard stated the Road Agent requested a paved apron at the junction of Lane Road and noted there is a culvert in place to direct the water under the road.

B. Nesheim asked if test pits have been dug and if they are noted on the updated plan presented at the meeting,

A. Barnard stated test pits have not been done due to the size of the lots, but will do so if requested.

A. Francesco noted because Lot 4 has less than 5 acres of usable area it will require a test pit.

A. Barnard stated the State regulations would not require a test pit for Lot 4.

A. Barnard clarified that the State calculates usable area differently than the Town does.

A. Barnard stated if the Board requests test pits be done they will be.

J. Cocchiaro asked about the location and impact of the ledge on the parcel.

A. Barnard stated there is minor ledge exposure at the top of the ridge as well as several mature trees.

A. Barnard stated much of the ledge outcropping is deducted from the usable area of each parcel.

L. Hurley added that the soils, tree growth and lack of major ledge outcropping at the top of the ridge contribute to making that area a potential area for development that will support septic systems.

P. Francesco asked about timber harvesting prior to site development.

A. Barnard stated no de-forestation is planned by the current owner.

A. Barnard stated when/if the lots are sold each owner will have to comply with the Town regulations regarding cutting on steep slope areas for a view.

B. Nesheim asked what the slopes of the proposed driveways would be.

A. Barnard stated not over 12% per the Town regulations.

A. Francesco asked about the grades of the road.

A. Barnard referred to the following waiver request as submitted with the application:

"Request to waive the surface treatment requirement for pavement to allow the 18' wide traveled way to remain gravel, and to allow some areas of the road grade to be 12% to more nearly conform to the natural ground and to reduce cuts and slopes. As there will only be 4 total lots using the private road, we feel it to be more in keeping with the rural atmosphere by having said private road gravel. The junction with Lane Road will be a maximum of 3 % grade as required. The turnaround to be a "L" or "T" shape instead of a Cul-De-Sac."

A. Barnard stated they have asked for a waiver to include areas on the road with a grade up to 12% and will design the road in detail once the waiver is granted/denied.

P. Francesco stated he is not sure the Planning Board has the authority to waive the requirement that any area greater than a 7% slope be paved.

R. Nadeau stated the Holderness Subdivision Regulations do grant the Planning Board the authority to waive the surface treatment requirements and added any requirement can be waived with or without a specific provision to do so.

R. Nadeau stated that the proposal follows an existing roadway which is encouraged by other Town regulations making this a good proposal for the granting of the waiver.

R. Nadeau stated paving the road would add to the impervious area of the proposal and paving does not make sense in this circumstance given the rural nature of the area and the fact that only 4 homes will be using it.

A. Francesco asked if the Board considers the application is complete and if additional information will be requested.

B. Nesheim stated he would like to see physical copies of the maps shared at the meeting and have time to review/digest the information.

B. Nesheim stated he would like to see the areas where septic systems can be supported.

P. Francesco suggested the Board could determine the application is complete, request more information and continue the Public Hearing.

J. Cocchiaro stated she needs to see more information on the layout/slopes of the roadway being proposed.

C. Lehner stated the building site locations were shared for the first time and the location of septic systems is not shown – and he would like time to review the information shared and more information regarding the location of the septic systems/leech areas as well as cross sections of the proposed road.

A. Barnard stated the checklist items for subdivision application has been satisfied and the application can be considered complete.

R. Nadeau agreed that providing the items on the application checklist is what is required to determine the completeness of the application and that other information can be requested as part of the "give and take" after acceptance of the application.

J. Cocchiaro stated checklist item J. *Unusual topographical features* was shown for the first time on a plan shared at the meeting.

P. Francesco asked if a road profile has been submitted.

A. Barnard stated a road profile is not on the checklist and has not been submitted yet.

MOTION: "To accept as complete the application for Case #21-05-05: Application submitted by Surveyor Alan Barnard and Attorney Regina A. Nadeau as agents for property owners George W. Howard III and Austine R. Howard to subdivide 2 lots located on Lane Road and Coxboro Road in the Rural Residential and General Residential Districts identified as Tax Map 246-034-000 and 247-064-000 into 4 lots with acreages of 15.17 acres, 13.27 acres, 13.31 acres and 13.4 acres."

Motion: B. Nesheim

Second: J. Cocchiaro

Discussion: The Board will request more information.

Motion Passed: 6 – Yes 0 – No (R. Huntoon not present at time of vote)

A. Francesco itemized the additional information requested as follows:

- Hard copies of the information presented at the meeting
- Specifically, a topographical map designating the slope areas less than 15% grade, areas between 15% and 25% grade and areas above 25% grade
- Road profile and contours of proposed roadway
- The potential driveway locations should be shown to demonstrate access is possible
- Septic test pits and potential septic locations to verify each lot can be developed per state standard
- Grades of the slope of the proposed roadway to service the 4 lots

A. Barnard asked for a time frame for delivery of the additional information.

It was agreed that the Board likes to have documentation a minimum of 2 week in advance of a meeting.

A. Barnard stated the Road Profile and test pit results would likely take longer to generate but could be provided to the Board a couple days prior to the meeting.

A. Francesco asked about doing a site visit to walk the property.

A. Barnard stated he will be available to assist the Board in doing a site visit.

It was determined that the Planning Board will post public notice to hold a site visit at 2:00pm on Monday, June 14, 2021.

Members of the Public will be able to attend as it is a public meeting.

The Conservation Commission members will be invited to attend.

The meeting point will be the junction of Lane Road and the proposed private road.

A. Francesco opened the meeting for public comment and stated letters submitted to the Board have been delivered to the applicant and Board members.

A. Francesco asked that comments be limited to a length of 1 -2 minutes per individual to accommodate the 40+ people logged into the meeting.

N. Isikoff stated the following concerns:

- Dismayed to receive just this morning or this evening the Gove Environmental Report, delineation of steep slopes, and location of building envelopes
- Planning Board needs to address concerns in letter from WOPWA
- Request the Conservation Commission weigh in on the proposal
- Request for an independent study on the impact to White Oak Pond
- David MacLane states the location rather than the size of a project can determine the need for an impact study
- Independent peer review of the Gove Environmental Services report be done
- No soil and erosion plan has been presented
- Concerned regarding R. Nadeau's comment that any provision of the Subdivision Regulations could be waived
- Waiver can't be granted to a road that is gravel and over 7%
- A specific road plan is necessary
- Disagrees that the location of the proposed road follows "an existing roadway"
- Requested a hydrology study and/or environmental impact statement

A. Francesco stated the list of additional information requested may be added to as the application process moves forward.

C. Cyr stated the following concerns:

- Believes the application is incomplete
- Hydrological study and watershed study should be done

- Glad for the site visit
- Consideration should be given to adding restrictive covenants that would require development be done in a way respectful and protective of the land
- Run off from lot 2 and 4 will travel toward the Coxboro Road side
- A wetland exists off Coxboro Road not delineated on the plan – it has a spring and vernal pools
- Provisions for run-off were not included on the plan
- Water sources come from bedrock and perennial springs – and one is located on the Howard property with another spring located adjacent to the Howard property provides her water source

D. Falby stated the following concerns:

- The building sites indicated for Lot 2 and Lot 4 should be reviewed and verified that they are the best location to be developed
- Restrictive covenants could require the building sites be moved further west, away from the steep slopes on the Coxboro Road side
- Information satisfying subdivision regulation 8.12 was not provided (erosion and sediment control)

A. Lovett stated the following concerns:

- It was implied access from Lane Road was allowed but failed to mention the deed restriction that prohibits access from Coxboro Road for any of the land in the proposal.
- Asked the Planning Board to review/research other deed restrictions that may be in place.

A. Francesco noted that deed restrictions are typically civil matters not dealt with by the Town.

W. Lenderking stated the following concerns:

- How far are the building sites from the large wetland that drains into White Oak Pond?

L. Hurley stated the distance runoff will travel from the top of the site down the Lane Road side to White Oak Pond is approximately 1.5 miles and that the wetland area that drains into White Oak Pond is approximately 1.0 miles from the top of the slope.

K. Weymouth stated the following concerns:

- “Was this area originally logged? – I am not aware of that. I believe that the Lane property access road was recently cut open and 3 culverts were put in – Was this approved by the Town?”
- She questioned the term “established road”.
- Asked if the property owners were given permission to put the logging road in 2-3 years ago.

P. Francesco reviewed the history of Lane Road and indicated it is a Town Road and parcels with frontage on Lane Road can use Lane Road as the point of access for their lot.

A. Francesco stated she did not know the history of the logging road.

A. Barnard stated the logging road is shown on a plan dated in the 1990’s – which demonstrates it existed 30 years ago.

A. Francesco asked if there was any further comment from the public. None heard.

B. Nesheim stated given the plan submitted identifies wetland areas, it is reasonable to ask the Conservation Commission to comment on the proposal.

J. Cocchiaro stated a number of people have asked for a hydrological study and have raised concerns that provisions for runoff should be included.

J. Cocchiaro asked how the Board was going to deal with those two issues.

R. Nadeau stated the scope of a hydrological study and environmental impact study can include a wide range of level of review, with some costing over a million dollars; and although the applicant is not unsympathetic to the concerns raised, a broad scale environmental impact study/assessment is usually done for larger scale developments with higher potential for wetland impact.

A. Barnard stated that only 2 new lots are being created, and he has never seen requests for hydrological and/or environmental studies be performed for this type of subdivision in his experience.

A. Barnard asked that the Board wait to make a determination on what studies should/should not be requested until after the site visit and after the review of the additional information requested.

A. Francesco stated the Board could wait until after the site visit to determine if further studies will be necessary.

B. Nesheim stated the Conservation Commission comments may prove valuable as well.

B. Nesheim stated he may ask for more information on the soil and erosion plan as the application process moves forward.

MOTION: “To continue Case #21-05-05: Application submitted by Surveyor Alan Barnard and Attorney Regina A. Nadeau as agents for property owners George W. Howard III and Austine R. Howard to subdivide 2 lots located on Lane Road and Coxboro Road in the Rural Residential and General Residential Districts identified as Tax Map 246-034-000 and 247-064-000 into 4 lots with acreages of 15.17 acres, 13.27 acres, 13.31 acres and 13.4 acres to June 15, 2021 at 6:30pm.”

Motion: B. Nesheim

Second: C. Lehner

Discussion: The application is to be continued to the next scheduled Planning Board meeting.

Motion Passed: 6 – Yes 0 – No (R. Huntoon not present at time of vote)

A. Francesco allowed a 2-minute break before opening the Public Hearing at 8:25pm for the next application as follows:

Case #21-05-06: Application submitted by Kevin French as agent for property owners Alexander L. Ray and Cristopher & Chelsea Salomon for a Boundary Line Adjustment on property identified as Tax Map 222-016-000 and 222-016-001 located at 27 Evans Road and Beede Road in the Rural Residential District.

K. French presented the Boundary Line Adjustment Plan and provided the following information:

- The proposal adds a 9.29 acre tract to Tax Map 222-016-001 from Tax Map 222-016-000.
- 222-016-001 has access via a 50ft existing woods road
- the resulting acreages are 34.55 acres for 222-016-000 and 119.29 acres for 222-016-001

J. Cocchiaro asked if 222-016-000 has frontage on Beede Road.

K. French stated the access before and after the proposed boundary line adjustment is via a 50ft existing woods road.

P. Francesco confirmed that the application is complete.

MOTION: “To accept the application for Case #21-05-06: Application submitted by Kevin French as agent for property owners Alexander L. Ray and Cristopher & Chelsea Salomon for a Boundary Line Adjustment on property identified as Tax Map 222-016-000 and 222-016-001 located at 27 Evans Road and Beede Road in the Rural Residential District as complete.”

Motion: J. Cocchiaro

Second: C. Lehner

Discussion:

Motion Passed: 6 – Yes 0 – No (R. Huntoon not present at time of vote)

Bill Nesheim asked if the new lot could be further subdivided.

A. Francesco stated that question would be considered when/if the lot was being considered for subdivision.

No questions from the Public were heard.

MOTION: “To approve the application for Case #21-05-06: Application submitted by Kevin French as agent for property owners Alexander L. Ray and Cristopher & Chelsea Salomon for a Boundary Line Adjustment on property identified as Tax Map 222-016-000 and 222-016-001 located at 27 Evans Road and Beede Road in the Rural Residential District.”

Motion: B. Nesheim

Second: J. Cocchiaro

Discussion: Plan used: A Boundary Line Adjustment Between Alexander L. Ray – Trustee, Alexander L. Ray 1999 Rev. Trust Tax Map 222 Lot 16 and Cristopher D. Salomon Tax Map 222 Lot 16-1 dated April 2021 prepared by French Land Services Inc.

Motion Passed: 6 – Yes 0 – No (R. Huntoon not present at time of vote)

A. Francesco opened the Public Hearing at 8:40pm for the next application as follows:

Case #21-05-07: Application submitted by Keven French as agent for property owned by Alexander L. Ray, Trustee, LHFTSF Trust, to subdivide property located on Beede Road in the Rural Residential District identified as Tax Map 222-014-000 into 4 lots of 5 acres or greater.

K. French presented the plan and provided the following information:

- 4 lots are being created
 - Lot 1 is 5.004 acres with frontage on Beede Road
 - Lot 2 is 16.516 acres with frontage on Beede Road
 - Lot 3 is 12.167 acres with frontage on Beede Road
 - Lot 4 is 26.598 acres with access via a 50ft. right-of-way off Beede Road
- The Road Agent reviewed and approved the proposed location of the 3 driveways off Beede Road and the 50ft. right-of-way
- A green area easement will be created for a major portion of the property which is intended to keep the existing open field areas
- each parcel has a building area designated on the plan (with Lot 2 have two areas designated)
- portions of proposed lots 1,2, and 3 will be included in the green area easement

C. Lehner stated the topography was not labeled on the map.

K. French stated the topography lines shown on the plan are at 2ft. intervals.

K. French apologized for not having that available on the plan as it was an unintended oversight not to have the labeling feature turned on.

A. Francesco asked if any of the lots are required to show test pit locations.

K. French confirmed that all the lots are over 5 acres.

J. Cocchiaro asked how the field will be maintained.

K. French stated the property owner on the other side of Beede Road has horses that will continue to use the existing field area for pasture and that the property owner also keeps it mowed – this process has worked for the last 10-15 years.

MOTION: “To accept the application for Case #21-05-07: Application submitted by Keven French as agent for property owned by Alexander L. Ray, Trustee, LHFTSF Trust, to subdivide property located on Beede Road in the Rural Residential District identified as Tax Map 222-014-000 into 4 lots of 5 acres or greater as complete.”

Motion: C. Lehner

Second: B. Nesheim

Discussion: None

Motion Passed: 6 – Yes 0 – No (R. Huntoon not present at time of vote)

No questions from the public were heard.

B. Nesheim asked if the owners of Lot 2 will be allowed to build a road/driveway if they chose to build in the area designated in the southeast part of that parcel.

K. French indicated that there is an existing field road down to that site and that the owners of Lot 2 would be allowed to build a driveway to that site.

MOTION: “To approve the application for Case #21-05-07: Application submitted by Keven French as agent for property owned by Alexander L. Ray, Trustee, LHFTSF Trust, to subdivide property located on Beede Road in the Rural Residential District identified as Tax Map 222-014-000 into 4 lots of 5 acres or greater.”

Motion: B Nesheim

Second: C. Lehner

Discussion: Plan used: A Subdivision for LHFTSF Realty Trust, Alexander L. Ray – Trustee Beede Road Tax Map 222 Lot 14 dated March 2020 prepared by French Land Services Inc.

Motion Passed: 6 – Yes 0 – No (R. Huntoon not present at time of vote)

OTHER BUSINESS:

P. Francesco clarified that new member B. Nesheim was appointed for a term of 2-years to complete the term vacated by D. Bunnell and J. Cocchiaro was appointed to a term of 3 years.

A. Francesco asked the Board regarding moving the start time of the regular Planning Board to 5:30pm.

The consensus of the Board was that starting at 5:30 would allow time for the Board to conduct board business prior to beginning Public Hearings.

A brief discussion followed regarding the option to continue Zoom/in-person/hybrid meetings.

C. O’Leary stated the zoom meetings have allowed/encouraged public participation in Town government.

MOTION: “To change the start time of the regular Planning Board meetings to 5:30PM.”

Motion: C. Lehner

Second: J. Cocchiaro

Discussion: In the future, consideration may be given to a 5:00pm start time.

Motion Passed: 6 – Yes 0 – No (R. Huntoon not present at time of vote)

ADJOURNMENT:

At 8:50pm the following motion was made:

MOTION: “To adjourn.”

Motion: R. Huntoon

Second: P. Francesco

Discussion: None

Motion Passed: 6 – Yes 0 – No (R. Huntoon not present at time of vote)

Respectfully submitted,

Nancy Decoteau, Land Use Boards Assistant