

**TOWN OF HOLDERNESS
PLANNING BOARD
Tuesday,
December 18, 2018 6:30PM**

MINUTES

CALL TO ORDER: R. Snelling called the meeting to order at 6:29.

ROLL CALL OF MEMBERS:

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

Members Not Present: Angi Francesco, Member

Staff Present: Linda Levy, Landuse Board Assistant

Others Present: William Zurhellen, John March, Lee Smith, John LeMay, Christine Houghton, Steven Devoe, Phillip Bowen, Edith Hamersma, Peter Hamersma

APPROVAL OF MINUTES: The draft of the November 27, 2018 minutes were reviewed.

Motion: "To accept the minutes as amended."

Motion: D. Bunnell

Second: R. Huntoon

Discussion: None

Motion Passes: 6-yes 0-no 0-absention 1-absent

NEW APPLICATIONS:

Case #18-11-20: Application submitted by John March as Agent for Peter Hamersma. Request for Boundary Line Adjustment between property located at 100 White Ash Rd., identified as tax map 247-068-000, and the adjacent property identified as tax map 247-067-000, by adding .18 acre to lot 247-068-000 from lot 247-067-000, located in the Rural Residential District, in accordance with the Town of Holderness Subdivision Regulations.

Application Discussion:

- J. March: The property is on the southern end of White Ash Rd, lot 7. Peter's sister Gail owns lot 8. The land was purchased in '82-'83. The house and septic are shown here. When they drilled the well, it made more sense to build it on the sister's property to share a common driveway and common well.
- P. Hamersma: That never really materialized. She never built. Now she is looking to put the property on the market. We need to get the driveway and the well back on our lot.
- J. March: We structured a little piece to be conveyed from Gail to Peter and his wife, which has the well and access to the well and part of the driveway. We tried to make it as small and simple piece of property. Normally I like to do reciprocal conveyances where there is no net gain or loss, but it didn't make sense to do that, in this case.
- R. Snelling: The driveway is between the well and the house, right?
- J. March: Yes. This would put the driveway and well in this spot and still leave 77' of road frontage on lot 8. It would be about the same steepage as Peter's driveway. We did a

topographical study to make sure we could get up there and a proposed septic for whoever decides to build on lot 8.

- R. Snelling: Any questions on the application? If not, I'll accept a motion to accept the application.

Motion: "To accept the application."

Motion: C. Lehner

Second: D. Bunnell

Discussion: None

Motion Passes: 6-yes 0-no 0-absention 1-absent

Proposal Discussion:

- R. Snelling: The only issue I see, and we have the discretion, since it is a cul-de-sac, would be the 150' frontage. This leaves the second lot with 77' of frontage. We have the authority to waive the 150' frontage should we choose. I don't see any other issues.
- C. Lehner: As I look at this, it looks like you are moving 72' to Peter, now it is exactly 150'.
- J. March: Yes
- R. Huntoon: There is nothing about the lot that would make it difficult to build?
- J. March: Nothing that I can see. The driveway is about the same steepness.
- R. Snelling: Any other questions/comments? Any comments from the audience? Is Gail here? She has no issues?
- P. Hamersma: No.
- R. Snelling: I'll accept a motion.

Motion: "To accept the boundary line adjustment."

Motion: R. Huntoon

Second: D. Bunnell

Discussion: We recognize that they are non-conforming to the 150' frontage, but we have the authority to approve it.

Motion Passes: 6-yes 0-no 0-absention 1-absent

CONTINUED APPLICATIONS: None

OTHER BUSINESS:

1. Discussion regarding the potential adoption of road standards (Kevin Coburn)
 - See Gilford Road Policy circulated at the October 16 meeting
 - Kevin will present at the January meeting.
2. Discussion with Lee Smith from Squam Lake Recreational Camp regarding changes to the "season use" terms.
 - Refer to letter from Lee Smith and Grafton County Superior Court decision circulated at the November 27 meeting
 - R. Snelling: reviewed the concept of an Informal Discussion by reading the following into the record:
"This is a preliminary conceptual consultation. It shall be limited to a description of the proposal and shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting

requirements during final consideration. Such consultation shall not bind either the applicant or the Board. Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability or types of development and proposals under the master plan. Such discussion may occur without the necessity of giving formal public notice as required under Section 5.10, but such discussion may occur only at formal meetings of the Board.” Understand?

- L. Smith: Yes. I am one of the owners of the Squam Lakes Recreation Camp. I have the board with me tonight. Phil Bowen is the Chair.
- P. Bowen introduced the board.
- L. Smith: I am here to ask the board to modify the requirement of having to close for 6 weeks per year.
- P. Bowen: We would like to modify that to only have 2-3 weeks of closure.
- L. Smith: We recognize that we are a recreational campground (he read the definition of a recreational campground from the ordinances). We are not asking for residency. We are asking to reduce the closure period. We get no municipal services, we benefit the local economy, we want no change to the campground. We would like to have 2 closure periods of 5 days each. We would like the water requirement that it is turned off from October 25 to April 25 removed.
- R. Snelling: You have to comply with the Grafton County Superior Court order and the decisions made by the town from previous meetings.
- R. Huntoon: What assurances can you give us that the owners will not want to be full-time residents and that you will want to bury the water lines to protect them from freezing?
- P. Bowen: We would need to dig each of those lines. That would cost a lot of money and would be difficult to do.
- L. Smith: Right now, we are bound to those dates because of the frost.
- R. Snelling: By changing to a week or two, you would essentially be a year-round facility, not a seasonal recreation facility.
- P. Bowen: We would to delay turning off the water by the October deadline and not turn it on until mid-March.
- R. Snelling: When people come up in the winter, where do they get their water?
- P. Bowen: There are 4 facilities in the pool/spa building.
- R. Snelling: Are you aware that that building needs to be closed except for 150 days?
- P. Bowen: No
- R. Snelling: The minutes from the 9/17/98 Planning Board meeting states that the structure cannot be used for more than 150 days/year. The town’s concern is that they did not want a trailer park. The conditions are there to protect the town against having nothing more than a seasonal recreation facility. What you are asking would make the facility year-round.
- L. Smith: We want to use it the same way we do now.
- P. Bowen: We want to change the closure period requirement to 10 days.
- L. Smith: We would prevent it from becoming a trailer park and still allow the few that want to use it.

- D. Bunnell: I am concerned about the future, about the people who would come up.
- R. Huntoon: I can sympathize. I don't want to see the town give up any of its control while still giving you what you want, but future people will want different things. There are rules that you have to follow.
- L. Smith: What is it that you want?
- R. Huntoon: No trailer park. Right now, you have no setbacks. We need to know how you will keep track of who is there and for how long, come up with a plan.
- L. Smith: The restrictions would be the same.
- P. Bowen: We didn't know that the pool building has to close down.
- R. Snelling: It is in the 9/17/98 minutes.
- D. Bunnell: Just because you didn't know it, doesn't mean you can change what was written in black and white.
- R. Snelling: You have to comply with the May 2000 court order.
- L. Smith: That closure wasn't part of that order.
- R. Snelling: It was a separate action from a site plan review. You say you want to move forward. What does that mean? Do you want to encourage people to come up?
- P. Bowen: To me, moving forward means to be able to use the facilities more, but not establish residency. Even the 10-11 places that have water, they are not here year-round.
- D. Bunnell: What if someone else buys it?
- P. Bowen: They won't have water.
- L. Smith: We could encourage more use.
- R. Snelling: That changes the nature of the facility. The restrictions are there to maintain a seasonal recreation facility. You have all but 6 weeks, 6 months of water, all of that was put in to ensure seasonal use. You are asking to eliminate all of those restrictions. If moving forward involves having more people using the camp for winter activities, how many people can you handle with the number of bathrooms that you have?
- P. Bowen: I don't know. The septic was designed for 1.3 million gallons per year.
- R. Snelling: Can 100 people fit into the existing toilets?
- L. Smith: Right now, we have to fill the toilets with water that we bring in. When we leave, we put anti-freeze in the toilets.
- R. Huntoon: We have to approach this as a worst-case scenario.
- L. Smith: Why is that a bad thing? What is the impact? There are no municipal services needed.
- R. Huntoon: That is not true.
- D. Bunnell: What if someone has a heart attack?
- C. Lehner: Regardless of what happens now, what about 100 years from now, what about climate change? What you do may be irrelevant now, we are making decisions for the future.
- L. Smith: The water is a minor thing. We could consider withdrawing it.
- L. Pare: I disagree that there are no municipal services needed. You get police, fire and medical whenever that is needed.
- L. Smith: You're right.
- W. Laverack: How did the pool building 150 days fall through the crack?
- R. Snelling: My feeling is that this is a court decision. Our notice of decision is based on the court's decision, restrictions were from the court. My feeling is that it would be

inappropriate to overturn it. If we approve a change of use from seasonal to year-round, it opens it up to the restrictions of the original intention. We would need a formal hearing. If you want to pursue this, you need to come back with a change of use proposal. We would want to see a plan. Ask for a waiver of the requirements.

- R. Huntoon: Your change times are reasonable, but there is no stop gap to make sure that it continues to be seasonal use.
 - D. Bunnell: I don't support the 10-day idea.
 - W. Laverack: It would no longer be seasonal.
 - R. Snelling: What happened to the requirement that you submit water meter readings to the town?
 - P. Bowen: The mice have chewed through the wires so we don't have those readings.
 - R. Snelling: It is a requirement! You would have to ensure the town that there would be less than 6 months residence. Who would monitor that?
 - P. Bowen: There is no way of monitoring it.
 - R. Snelling: You need to go to the court first.
 - L. Smith: We are asking if the board is willing to support relief of the restrictions.
 - R. Snelling: This will require a hearing. You need a plan that addresses all of the things that we've talked about so that it could be part of the public record. Submit it as a change of use.
 - P. Bowen: Would there be a red flag if I tried to establish residency?
 - L. Levy: The town requires 2 documents that list your residence. You take that to the town clerk. She checks the residence listing to make sure it is a year-round residence.
 - R. Snelling: Do you understand? You need to bring a plan to change the use. I suggest that you get legal counsel to look into the court decision and the spa restrictions. That is the procedural way to get to the board.
 - L. Smith: We are not changing the use.
 - D. Bunnell: You are changing the use. You need to put in an application for a site plan review. Other ordinances could kick in.
 - L. Smith: Can't we just request a waiver?
 - R. Snelling: No, we need to see a plan. I would hire counsel.
3. Public hearing on proposed zoning ordinance changes agreed on at November 27th meeting.
- See Proposed Changes to the Zoning Ordinances reviewed at the November 27 meeting.
 - R. Snelling: We reviewed the changes to the ordinances at our November meeting. We need to vote on them at the town meeting. We will discuss them tonight in an open hearing.
 - R. Snelling went through each of the proposals explaining them and opening discussion on each one. All proposals were accepted as written.
- Motion: "To accept the 17 proposals as written."**
- Motion: R. Huntoon
- Second: D. Bunnell
- Discussion: None
- Motion Passes: 6-yes 0-no 0-absention 1-absent
4. R. Snelling attended the public hearing in Plymouth regarding Market Basket. The proposal passed.

5. R. Snelling shared that he attended a joint Planning Board/Zoning Board meeting in Ashland regarding the Yoga studio on Owl Brook Rd because of the regional impact. The request was denied because of parking. She will be coming to our board with a site plan to have a parking lot on the Holderness side of her lot.

6. Next Meeting - Tuesday, January 15, 2018 at 6:30PM

CORRESPONDENCE: None

ADJOURNMENT: At 8:32 the following motion was made.

Motion: "To adjourn."

Motion: R. Huntoon

Second: D. Bunnell

Discussion: None

Motion Passes: 6-yes 0-no 0-absention 1-absent