

**TOWN OF HOLDERNESS
PLANNING BOARD
Tuesday,
May 21, 2019 6:30PM**

MINUTES

CALL TO ORDER: R. Snelling called the meeting to order at 6:32.

ROLL CALL OF MEMBERS:

Members Present: Robert Snelling, Chairman; Carl Lehner, Vice Chairman, Donna Bunnell, Secretary; Angi Francesco, Member; Peter Francesco, Ex-Officio

Member Not Present: Ronald Huntoon, Member; Louis Pare, Member;

Staff Present: Linda Levy, Land Use Board Assistant

Others Present: David Moore, David Driscoll

APPROVAL OF MINUTES: The draft of the minutes of the April 16, 2019 were reviewed with suggested edits.

Motion: "To accept the minutes as amended."

Motion: D. Bunnell

Second: A. Francesco

Discussion: None

Motion Passes: 5-yes 0-no 0-absention 2-absent

NEW APPLICATIONS:

Case 19-4-10: Property owner Squam Lakes Conservation Society of US Rt. 3, tax maps 241-043-000 and 241-044-000, request a lot merger so that lot 241-043-000 (2.55 acres) merges with lot 241-044-000 (1.8 acres) to create one lot equaling 4.35 acres.

- No one from the Squam Lakes Conservation Society was present. The application will be listed under Continued Applications for the June 18 meeting.

CONTINUED APPLICATIONS: None

OTHER BUSINESS:

1. Conceptual design conversation with David Moore and David Driscoll regarding Unit A of Squam Lakes Recreational Camp Resort Condominium.
 - Previous consultation was during the June 19, 2018 Planning Board Meeting.
 - The conversion at that time included discussion of existing spaces within the building located at 991 US Rt 3 for use as multi-family dwelling and a suggestion that Mr. Moore return for additional consultation when the planning process was further along.
 - The site is developed, buildings are already in place and occupied. The project has no demonstrable effect on site.
 - The only change will be a covered exterior staircase structure of 200 square feet
 - They are seeking clarity regarding application information.

- R. Snelling: Anything we discuss here tonight is not binding for either party.
- D. Moore: A year ago I came to the board to get some direction for the concept to take the existing buildings on Squam Lakeside Farm and converting use of the space into dwellings, a multi-family dwelling. Based on that input, Dave and I worked up a design to address the elements of site plan review. This is what we've come up with so far and we wanted to share that with you. Our intention is to make application next month.
- R. Snelling: How many units are planned?
- D. Moore: 7 dwelling units. One, 3 bedroom; four, 2 bedroom; and two, 1 bedroom
- D. Bunnell: Are these permanent residences or for vacation purposes?
- D. Moore: They are apartments. I want to find good tenants. The current tenants have been there about 12 years and now have year-round people who use it as a 2nd home, but they rent it on a year-round basis.
- R. Snelling: Will this have 3 levels? Is the lower level the same as the main level?
- D. Moore: No, if you walk into the back of the building, you will be walking into the main level. If you walk into the front of the building, you'll walk into the lower level.
- R. Snelling: Can the existing septic system handle the apartments?
- D. Moore: There are 2 existing septic systems. One of those would need to be upgraded.
- R. Snelling: That's one of the things that we'd want to see approval for – septic system capacity.
- D. Moore: Would it be normal to grant an approval subject to an approved septic system?
- R. Snelling: Yes, it would be a conditional approval.
- D. Moore: Part of the reason that I'm here is to help me understand how to navigate this so that I get to the point that this is approvable, and now I can invest in the engineering for the septic and whatever building plans I need.
- R. Snelling: We discourage you from coming back with 3, 4, or 5 conditions. Our preference would be to see the final plan. Is there parking for the apartments?
- D. Driscoll showed the parking places. There are 14 parking spaces required for the residents.
- D. Moore: It is primarily behind the building. The office space, mercantile space and boat slips are in the front.
- R. Snelling: Are the boat slips associated with the apartments?
- D. Moore: Not necessarily. In the previous approvals we had to show adequate parking for 10 slips across the street. So, 15 of the spaces are relative to the 10 slips that are across the street.
- R. Snelling: OK. I thought those slips were associated with the campground.
- D. Moore: The moorings are for the campers.
- R. Snelling: What about the number of boats being stored in front of the building? Where does that fit in? Is that a separate operation? What is the plan for that?
- D. Moore: We have 15 parking spaces dedicated to the slips. In the winter time the slips are not being used and the people who own the boats are looking for a place to park them. It would make sense to me that that space would be well used in the winter to store those boats.
- R. Snelling: So those boats are for people living in the apartments.

- D. Moore: Not necessarily. It's for whoever has use of the slip. Each slip has 1.5 parking places under the ordinance.
- R. Snelling: So, the boat slips are separate from the apartments?
- D. Bunnell: It could increase the number of boats that are down there, correct?
- D. Driscoll: No, there are only so many slips, so someone would have to leave.
- D. Moore: We can't increase the number of slips.
- R. Snelling: Will there be additional lighting for safety?
- D. Moore: We thought we'd reduce the amount of lighting because it is going to be residential.
- R. Snelling: If you are going to put in new lights in the parking area, we'd like to see "down-looking" lighting. I suspect you are not going to put in any additional signage.
- D. Moore: No, we're not.
- R. Snelling: Beyond septic approve and parking, I don't see a lot of issues.
- A. Francesco: At one point this was tied into the campground that is now a condo association. Is this separate from all of that?
- D. Moore: It has a separate map and lot number. It is a unit within the condo, however the condo documents specifically says that Unit A is treated differently than the rest of the campground.
- A. Francesco: Ok, but currently it is one contiguous piece of land?
- D. Moore: That's a good question, because it does have a separate map number.
- A. Francesco: Does every other condo lot have its own map number?
- P. Francesco: Do you get 2 separate tax bills?
- D. Moore: I get a separate tax bill for this and one for the waterfront.
- A. Francesco: So, the regulations on the condo lots that say that no one can be a resident of the Town of Holderness do not apply to this lot?
- D. Moore: Correct.
- A. Francesco: That's what I'm making sure of, that we're not going to get into a situation where you have these condo documents and a lawyer is reviewing something and someone goes to purchase it and says, oh no, you can't be a resident. So, I want to prevent that because this is a reasonable use.
- D. Moore: I have a question. In the condo documents, in the previous decisions, there are 4 dwelling units on the property as a whole including the campground. It says that should anyone want any additional dwelling units, that it would require subdivision approval. I'm stumped by that. I don't see any requirement in the ordinances. On the other hand, a multi-family dwelling is allowed in the zone. So, I am confused by that and before we get too far, I'd like to have a....
- D. Bunnell: 4 dwellings?
- D. Moore: 4 on the property that are referenced in the condo documents from a previous decision.
- D. Driscoll: It was from the Planning Board.
- D. Moore: This is relative to the condo conversion of the entire parcel.
- A. Francesco: Because 2 of the 4 units are in this space (pointing to drawing), so it would have to go through subdivision approval.
- D. Moore: It says, "Specifically, there shall not be more than 119 campsites on the property. The four existing dwelling units on the property is the maximum permitted in the absence of further subdivision of the property." (see attached Item #2 of Planning

Board Notice of Decision for Squam Lakes Recreational Camping Park – Condominium Conversion, dated 1/17/08)

- D. Driscoll: I read that as meaning you would need additional site plan review because you wouldn't be subdividing the property. All we're doing is exchanging uses, no additional construction, no increase impact.
- P. Francesco: Let me ask about septic again. I know you've calculated for the restaurant. What have you calculated for the numbers of bedrooms offsetting numbers of gpd for the restaurant?
- D. Moore: We have 2 systems that serve this lot. One larger system that currently serves the restaurant portion of the building is 110 gallons. At 150/bedroom, we will add 8 bedrooms...
- D. Driscoll: The system would have to be upgraded by 900 gpd, or something like that.
- D. Moore: The office space and the mercantile space have not been taken into account (about 100 sq. ft.).
- P. Francesco: I think this may be where you hit a stumbling block. How many lots are on this septic system?
- D. Moore: None of the campsites.
- P. Francesco: And, you'll be coming in with a plan to show how many gpd are there now and how many gpd will be there after upgrade? You are redesigning the leach field and tanks as well?
- D. Moore: That's why we're coming in now. If we aren't able to meet approvals, then the show stops there.
- R. Snelling: Where would the septic systems be or where are they currently?
- D. Moore: The existing system is underneath the parking lot. It will require 1300 gpd.
- P. Francesco: I'm concerned about parking. Apartments need parking and the boat rental business. Are you going to give up a boat from your rental business if someone in the apartment has a boat?
- D. Moore: Yes, that is consistent with my plan to manage less in the involved day-to-day operations. I am moving towards being a landlord and no longer having a restaurant or renting boats. This is consistent with the vision the Planning Board and Zoning Board came up with; to make this area residential. We are zoned residential. The restaurant was nonconforming use.
- R. Snelling: I'm in a quandary about item #2 for existing dwelling units. It says that the dwelling units are equivalent to one of the 119 campsites. Is that what it is saying?
- D. Driscoll: I think so.
- R. Snelling: My guess that they were expecting an additional structure, not a conversion, but you can't tell. I would suggest that we might ask you to go to the ZBA to be excused from having to subdivide the property by doing an internal modification to an existing building.
- A. Francesco: Is there a reason that this can't be subdivided completely off of the other property (the campground units)?
- D. Moore: We went through a lot to go through the condo conversion.
- D. Driscoll: There is an emergency access easement.
- A. Francesco: A lot of those issues get solved if this is a completely separate property.
- R. Snelling: That's a good suggestion, we might want to make you do that. You might want to consider hiring a lawyer and doing a subdivision, pulling this out of the condo.

- A. Francesco: If this is its own condo, that eliminates 90% of my concerns with this whole concept of change of use on one section of a condo.
- D. Moore: In the condo documents, this is Unit A. The campground is Units 1-119. The condo documents say that the uses are very different, the rules do not extend to Unit A, only to the extent that Unit A pays 1-unit share of assessment to the condominium. Unit A is solely responsible to its septic system. It is not shared with the other camping units.
- R. Snelling: Except this one statement infers that the use of Unit A is restricted by the condo structure.
- D. Moore: Is it possible that the motivation behind the language was that for the purposes of individual conveyance? We were not looking to individually convey these apartments. The building as a whole is going to be multi-family unit.
- A. Francesco: Once it is a multi-family unit you could condo those units and sell them.
- D. Moore: That provision is outlined in the condo documents as a subsequent subdivision. Besides conveyance of the individual units, why would you do that? It's very costly.
- D. Bunnell: Is this going to open up anything for the campground?
- A. Francesco: I don't think so. To make it clean...
- D. Bunnell: I just want to make sure that by doing any of this, it does not open things up for the campsites.
- A. Francesco: I would like to see the rest of the condo documents to see what's in there.
- P. Francesco: Does Unit A have enough density to support this number of dwellings on its own?
- D. Moore: Under the zoning ordinance, it does. We are way below 35% for lot coverage. It has 4.99 acres.
- R. Snelling: Those are the numbers that we'd want to see on the site plan. I think you need to talk to a lawyer about item #2 here. Without it, it doesn't make sense for internal modification and change of use of an existing building. You're not changing land usage. When they are talking about subdivision of a property, what property are they talking about, subdivision of Unit A or breaking Unit A off the larger piece of property?
- D. Moore: The remedy that you see is through the ZBA?
- R. Snelling: One remedy is what Angi suggested; to subdivide Unit A away from the rest of the complex. The other would be to go to the ZBA, but it isn't a zoning issue, it is the conditions of the condominium.
- A. Francesco: That's how I interpret that. Find the source material.
- R. Snelling: You need to bring to us an interpretation to that item.
- A. Francesco: That will inform us how to proceed.
- D. Moore: Looking for some guidance, where does that requirement for that basis reside and where in the ordinance are the written rules?
- A. Francesco: It is not an ordinance because this was a special case of converting to a campground that would not be open year-round.
- R. Snelling: In terms of our zoning ordinance, there is no reason to subdivide to put in these units.
- A. Francesco: Except for this document that allowed the first condo to happen.
- D. Moore: Is this germane to a building permit?
- R. Snelling: No

- D. Moore: At what point during the approval process does the Town have the authority to make a decision?
- A. Francesco: This is a Planning Board issue.
- P. Francesco: I recommend that you come in with a written request that we would take to the Municipal Association saying that we're not sure about this, that they would recommend we take it to Town Counsel at your expense.
- D. Bunnell: This is a legal issue because of the [Planning Board] document. We don't have an issue with it.
- A. Francesco: The easiest, simplest thing to do is come in next month for a subdivision on the lot. We have to adhere to the legal decisions that were previously made.
- D. Moore: If we submitted an application for what we are trying to do, it would be denied because of the previous decision?
- D. Bunnell: Until we find out the legalities on it.
- A. Francesco: You need to subdivide Unit A from the 119 campgrounds. There cannot be more than 4 dwelling units without subdividing the property.
- D. Bunnell: What would be the hardship to you to subdivide this?
- D. Moore: I anticipate legal expense.
- R. Snelling: Do you own the entire property?
- D. Moore: I own Unit A and a couple of the rental units.
- R. Snelling: If you own Unit A...
- D. Driscoll: It has its own map and lot number, 239-050. Everything else is 239-049 with a number after it – 001, 002, etc.
- R. Snelling: Angi's suggestion is a good one, subdivide the condo property into 2 properties. If you don't do that, I'd have to consult with Town Counsel. This is a legal issue.
- D. Bunnell: It may be the only way.
- R. Snelling: I interpret this to mean that if you want to subdivide you could put in more dwelling units.
- D. Moore: How does this get resolved?
- R. Snelling: What was subdivided originally?
- D. Moore: Unit A plus 119 campsites
- D. Bunnell: You need to separate from the condos.
- A. Francesco: According to the Town's tax maps, you are correct, you subdivided. Besides that, you are in a legally binding condo situation. This is a State issue.
- D. Moore: Unit A stands alone. If I talk to Counsel, will the board be willing to accept my lawyer's opinion? Can we do the application at the same time?
- A. Francesco: It could all be done at the same meeting. If you came and had everything we need to see, it would be conditional on review of Town Counsel.

2. Road Policy

- R. Snelling: My intent is to see if the Board felt comfortable suggesting to the Select Board that we have a set of road standards.
- P. Francesco: Did you find one buried in the ordinances?
- R. Snelling: Yes. One issue is Lane Rd. It is a private road. If more houses go in, it is not a subdivision, they might want the Town to assume that road. We don't have a road standard. The thought is that we would have a set of road standards. We would modify

standards based on subdivision road standards. It is based on traffic. A model clearly defines the Town's responsibility for oversight. My thought was not to suggest the Gilford standards, but develop a set from the model. Kevin looked at State and town standards, and thought the Gilford standards were pretty good, with some changes. I think urging the Town to come up with a set of road standards is a good thing to do.

- P. Francesco: I can't comment and will abstain from the vote as the Select Board representative. I am in favor of a road standard.
- R. Snelling: We should leave it up to the Select Board to ask Kevin to develop standards or ask an engineer.
- A. Francesco: Are we as the Planning Board asking the Select Board to do something? I feel like we are giving them an order.
- R. Snelling/L. Levy shared that Michael asked Kevin to present road standards to the Planning Board. Then the Planning Board would suggest to the Select Board to develop/adopt road standards.
- A. Francesco: I didn't want the Select Board to think this is exactly what we like, we are not rubbing stamping the Gilford road standards.

Motion: "To recommend to the Select Board that the Town develop a set of road standards."

Motion: R. Snelling

Second: C. Lehner

Discussion: None

Motion Passes: 4-yes 0-no 1-absention 2-absent

3. Conservation Commission Master Plan sub-committee

- R. Snelling: 80-90% is descriptive, and what we value as natural resources. The important segment is what recommendations do we want to make that we value. I suggest we defer this discussion to be able answer those recommendations.
- A. Francesco: This can become a legal leg to stand on to maintain the Town's character and to preserve the natural resources.
- R. Snelling: Conversely, if we don't have it in the Master Plan, then we can't use it to make decisions.
- A. Francesco: We took out references that didn't have bearing on natural resources.
- R. Snelling: It will be put on the June agenda.
- A. Francesco: The Board can add more recommendations.
- R. Snelling: It would be worthwhile having someone from the committee here to address this Board.
- P. Francesco will ask Roger LaRochelle to come to the July 16 meeting (2 members of the Board will not be at the Planning Board meeting).
- L. Levy: Relative to the map referenced on page 4, there is nothing on the website.
- A. Francesco: We will get them so that you can put them on the website.

4. Proposed changes to the flood hazard and 300/400 zoning ordinances

- R. Snelling: You have the next set of ordinance changes, Section 300/400 Proposed Changes. Most are clarifications of the ordinances. 400.12.3 isn't written correctly. The first sentence in the old version of the ordinance is still part of the new ordinance.
- A. Francesco: 400.2.1.1. seems very different – the old vs. the new

- R. Snelling explained that this is an ordinance for Special Events and read the ordinances before that one.
- P. Francesco: Do we have a definition of Special Events? He provided an example and thought that the ordinances should be more specific.
- R. Snelling: I encourage you to read through these and understand the context of each change.

Motion: "To approve the suggested changes to the 300/400 Proposed Changes."

Motion: R. Snelling

Second: C. Lehner

Discussion: None

Motion Passes: 5-yes 0-no 0-absention 2-absent

5. Next Meeting - Tuesday, June 18, 2019 at 6:30PM

CORRESPONDENCE: None

ADJOURNMENT: At 8:25 the following motion was made.

Motion: "To adjourn."

Motion: B. Snelling

Second: A. Francesco

Discussion: None

Motion Passes: 5-yes 0-no 0-absention 2-absent

Respectfully submitted,

Linda S. Levy
Land Use Boards Assistant