

TOWN OF HOLDERNESS
Zoning Board of Adjustment
Meeting Minutes May 11, 2021

Members Present:

Bob Maloney, Chairman	Kristen Fuller, Member	Bill Zurhellen, Member
Bryan Sweeney, Alternate	Robert Dorff, Alternate	

Members Not Present: Judith Ruhm, Member Eric Macleish, Member

Staff Present: Nancy Decoteau, Landuse Board Assistant E. Mardin, Fire Chief

Others Present: Chris Boldt, Esq. Deborah Adams George Adams

Sarah Hoodlet	Jeremy Belanger	Aubre Williams	Matthew Daughdrill
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CALL TO ORDER:

The meeting was held via Zoom.

Those participating in the Zoom meeting were informed the meeting was being recorded for the purpose of producing the meeting minutes.

The meeting was called to order at 6:15 P.M.

B. Maloney appointed B. Sweeney to sit for absent member J. Ruhm.

PLEDGE OF ALLEGIANCE:

B. Maloney led the pledge of allegiance.

APPROVAL OF MINUTES:

Motion: "To approve the minutes of April 13, 2021 as presented."

Motion: K. Fuller

Second: B. Zurhellen

Discussion: None

Motion Passes: 4-YES 0-No (R. Dorff had not logged in to the meeting)

B. Maloney appointed R. Dorff to sit for absent member E. MacLeish.

B. Maloney stated that a 5-member board was in place for the meeting.

NEW APPLICATIONS

B. Maloney introduced the following new application:

Case 461-05-11: Application submitted by Christopher L. Boldt, Esq. as agent for property owner Adams-Squam Oi, LLC, George Adams, Manager for property identified as Tax Map 232-006-000 located at 23 Preston Road Boulderwood Trust Unit #9 in the General Residential District for Variances to the degree necessary from Section 400.8.1.1(property line setback), Section 400.8.1.2(shoreland setback) and Section 700.2.1.2 (expansion of non-conforming structure)to allow the relocation and expansion of a National Register listed historic residence to a location more nearly conforming but still within the side and shoreline setback areas.

Attorney Christopher Boldt, agent for the applicant, made a presentation which included the following:

- The narrative submitted with the application provides the details of the proposed project

- The Boulderwood Trust consists of individually owned units on a single 48-acre parcel
- Boulderwood Trust has been in existence since the 1930's
- The Trust owns the land – all owners of the structures belong to the Trust.
- Exhibit A shows the existing home, shed, waterfront setback, and property line setback.
- The existing structure is non-conforming
- Abutters to the side where the structure is inside the setback have submitted a letter in support of the proposal.
- Trees, boulders, ledge and age of the structure were all given consideration in proposing the best possible proposal.
- Exhibit B shows the proposed new structure with most of the new structure being outside of the waterfront setback area.
- Not living space above the garage.
- The foundation shown is not for a full foundation but rather a crawl space.
- Sheet A.1.2 /Exhibit C shows the aerial comparison between existing and proposed
- There is significant tree cover – to include a 24" red pine on site.
- The National Historic Registry and the Boulderwood Trust encourage preserving existing landscape
- The Boulderwood Trust has approved the proposal
- The matrix of no-conforming square footage shows
 1. a net increase in the footprint in the side setback of 341.13 SF
 2. a net increase of living space in the side setback of 338.15SF
 3. a net decrease of footprint in the shoreland setback of 574.11SF
 4. a net decrease of living area in the shoreland setback of 1065.44SF
- Two state permits will be necessary for the proposal and can be included as conditions of approval
 1. NH DES Shoreland permit
 2. NH DES approved septic system
- The narrative submitted with the application was referenced to show how the 5 criteria are met
- The special conditions of this property include:
 1. The location within Boulderwood Trust
 2. Structure built in the 1930's within 2 ft. of the side setback
 3. Structure built in the 1930's within the waterfront setback
 4. Tree cover, geology, topography of the site
 5. On the National Registry which emphasizes preservation of the natural setting

B. Maloney asked if there was further comment from the public.

G. Adams stated they are now permanent residents of Holderness and the structure is not winterized, which is why a crawl space is being added underneath – as the structure currently sits on the ground.

E. Mardin, Fire Chief, stated her concern regarding the cement bridge used to access the property.

E. Mardin stated the bridge is too small to allow the fire trucks to safely get across.

B. Maloney stated that a genuine safety concern exists but that the burden of repairing/upgrading the bridge should not be the sole responsibility of the applicants but rather of the Boulderwood Trust.

The applicants agreed to include B. Maloney and E. Mardin in a discussion with the Board of the Boulderwood Trust at their meeting this summer.

B. Maloney asked if members of the Board had questions/comments.

B. Maloney asked if the ZBA should be concerned that approving a variance for one application will necessarily set a precedent that will require other applications be approved.

C. Boldt responded that case shows that each Variance application is unique and that the approval for a Variance in Case A is not a binding precedent requiring approval of a Variance for Case B.

B. Maloney asked if the local Historical organization requirements are being met.

C. Boldt stated that the National Registry requirements can be a condition of approval but that to his knowledge there is not a local historic organization that would have requirements

K. Fuller asked if the proposal could be done any other way so that the structure is fully conforming within the setbacks.

C. Boldt stated it would not be possible to do without a more complicated maneuver of the structure and a significant clear cutting of the site.

B. Sweeney stated that the reduction of non-conformity in the waterfront and the letter of support from the one abutter who would most affected is significant to the application.

R. Dorff stated his agreement with B. Sweeney and agreed the bridge issue should be brought to the Boulderwood Trust.

B. Maloney closed the Public Hearing at 6:35pm and began deliberations.

B. Maloney led the Board in a review of the five criteria for a Variance.

1. It is not contrary to the public interest.

All 5 members of the Board indicated their agreement.

2. It is consistent with the spirit of the ordinance.

All 5 members of the Board indicated their agreement.

3. Substantial justice is done.

All 5 members of the Board indicated their agreement.

4. There will be no diminution of property values.

All 5 members of the Board indicated their agreement.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because conditions of the property distinguish it from other properties in the area so that the property can't be reasonably used without the granting of the requested variances.

All 5 members of the Board indicated their agreement.

MOTION: "To approve the variances requested as listed on the plans for Case 461-05-11: Application submitted by Christopher L. Boldt, Esq. as agent for property owner Adams-Squam Oi, LLC, George Adams, Manager for property identified as Tax Map 232-006-000 located at 23 Preston Road Boulderwood Trust Unit #9 in the General Residential District for Variances to the degree necessary from Section 400.8.1.1(property line setback), Section 400.8.1.2(shoreland setback) and Section 700.2.1.2 (expansion of non-conforming structure)to allow the relocation and expansion of a National Register listed historic residence to a location more nearly conforming but still within the side and shoreline setback areas with the following conditions:

1. NH DES Shoreland Impact Permit be obtained

2. NH DES Septic approval be obtained

3. All necessary requirements of the National Registry be met

Motion: B. Maloney

Second: K. Fuller

Discussion:

The Applicant agreed to include E. Mardin, Fire Chief and B. Maloney, ZBA Chairman, in a discussion with the Boulderwood Trust board regarding the safety concerns and possible improvement of the bridge used to access the property.

Plans referenced:

1. Exhibit A: Existing Conditions Plan / Tax Map 232 Lot 6 / 23 Preston Road prepared by Brown Engineering LLC and French Land Services, Inc. dated 3-22-2021
2. Exhibit B: Proposed Plan / Tax Map 232 Lot 6 / 23 Preston Road prepared by Brown Engineering LLC and French Land Services, Inc. dated 3-22-2021
3. Exhibit C: Schematic Design Proposed Site Plan prepared by Christopher P. Williams Architects, PLLC sheet AS1.1

Motion Passed: 5 – Yes 0 – No

B. Maloney introduced the following application:

Case 462-05-11: *Application submitted by Nicholas Golon, PE/TF Moran, Inc. as agent for property owner Eversource Energy for property identified as Tax Map 210-008-002 located at 1386 NH Rt 175 in the Rural Residential District for a Variance from Section 300.4.2.3 to allow a maximum lot coverage not to exceed 26 percent where 15 percent is allowable.*

B. Maloney opened the Public Hearing at 6:45pm.

J. Bellanger presented the project with a brief presentation that included the following:

- S. Hoodlet does community outreach for Eversource projects and will be in communication with the Town during the project.
- The project is to add a Synchronous Condenser to the site off NH Rt 175
- A Synchronous Condenser aids in preventing power outages due to surges in the system
- The substation yard will be expanded 168ft x 125 ft. to accommodate the condenser and associated equipment, foundation and fencing.
- Permitting and Engineering for the project will begin early 2021 with the completion of the project expected by the end of 2022 – with no interruption of service.
- Eversource Project Information Line is 1-888-926-5334
- Lot coverage calculations included areas covered with gravel and pavement.
- Site Plan Review Application will be submitted to the Holderness Planning Board
- NH Alteration of Terrain permit will be applied for. (original AoT obtained in 2012)
- The narrative submitted with the application included how each of the 5 criteria are met.
- Special conditions of the property include the existing use as an electrical substation, the size and geometry of the parcel and the proximity of the parcel to existing transmission lines.

B. Maloney asked if there were comments/concerns from the public.

B. Maloney asked if there were comments/concerns from Board members.

B. Maloney closed the public hearing at 6:58pm

B. Maloney led the Board in a review of the five criteria for a Variance.

1. It is not contrary to the public interest.

All 5 members of the Board indicated their agreement.

2. It is consistent with the spirit of the ordinance.

All 5 members of the Board indicated their agreement.

3. Substantial justice is done.

All 5 members of the Board indicated their agreement.

4. There will be no diminution of property values.

All 5 members of the Board indicated their agreement.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because conditions of the property distinguish it from other properties in the area so that the property can't be reasonably used without the granting of the requested variances.

All 5 members of the Board indicated their agreement.

MOTION: "To approve the variances requested as listed on the plans for Case 462-05-11: Application submitted by Nicholas Golon, PE/TF Moran, Inc. as agent for property owner Eversource Energy for property identified as Tax Map 210-008-002 located at 1386 NH Rt 175 in the Rural Residential District for a Variance from Section 300.4.2.3 to allow a maximum lot coverage not to exceed 26 percent where 15 percent is allowable.

Motion: B. Maloney

Second: W. Zurhellen

Discussion:

Plans referenced:

1. Topographic Existing Conditions Plan - Huckins Hill Substation, 1386 NH Rt 175 Holderness, NH
Prepared by TFM dated April 2, 2021

2. Zoning Site Layout Plan - Huckins Hill SS Expansion, Prepared by TFM dated April 13, 2021

Motion Passed: 5 – Yes 0 – No

OTHER BUSINESS:

Next meeting: June 8, 2021

The Board determined to elect officers at the June meeting.

ADJOURNMENT:

At 7:15 P.M. the following motion was made:

MOTION: "To adjourn."

Motion: B. Sweeney

Second: R. Dorff

Discussion: None

Motion Passes: 5-YES 0-No

Respectfully submitted,

Nancy Decoteau
Administrative Assistant