

TOWN OF HOLDERNESS
Zoning Board of Adjustment
Meeting Minutes July 12, 2022

Members Present:

Bill Zurhellen, Vice Chairman Bryan Sweeney, Alternate
Judith Ruhm, Member

Members Not Present: Bob Maloney, Kristen Fuller, Eric Macleish

Staff Present: Land Use Assistant, Lucinda M. Hannus

Others Present: Robin Dorff, Alternate, Ira Clark, Smith & Vasant Arch., Robert Lamb, Lewis Andrew
Muttu Agent for Randolph Currier, Randolph Currier

CALL TO ORDER:

The meeting was called to order at 6:20 P.M.

APPROVAL OF MINUTES:

Motion: "To approve the minutes of April 12, 2021 as written"

Motion: J. Ruhm

Second: B. Sweeney

Discussion: None

Motion Passes: 3-Yes 0-No

New Applications: **Case 468-06-14:** Application submitted by Ira Clark, Smith & Vasant Architects on behalf of Robert C. Lamb Jr. for property identified as Tax Map 235-023-000 located at 54 Howard Road in the General Residential District for a Variance from Section 700.2.1.2 to allow the reconstruction on 24 sf of ground outside of a non-conforming structure's existing footprint.

Mr. Zurhellen appointed alternate member, Bryan Sweeney as a voting member for this hearing.

Mr. Zurhellen inquired of the Land Use Assistant whether the application was complete and all notices and other notifications had been properly posted. The Land Use Assistant answered in the affirmative.

Ira Clark, introduced himself as the agent for Robert Lamb and the architect on the project. Explained that the existing structure is a 1930's camp that was built entirely within the 50' shoreland setback and also the southern 35' property line setback and that the structure was clearly non-conforming. The plan is to vacate 24 sf of structure at the lake edge and increase 24 sf of structure within the shoreland setback to connect to the proposed bedroom/family room/entry addition outside of the shoreland setback. There is no planned change of use, this will remain a seasonal single-family dwelling. That the plan as presented will reduce the bedrooms from four to three and convert the structure to a single level rather than the existing two-story structure. The plan as presented will also remove an existing impervious deck along the southern side of the house.

Mr. Clark stated that the plan as presented reduces the non-conformity and that the profile, and removal of the deck will more nearly conform to the zoning requirements and is in the spirit of the ordinance.

Mr. Zurhellen asked if a denial of the variance would create a hardship for the applicant?

Mr. Clark responded that it would, the interior connection to the addition and the replaced structure is thru this additional 24 sf and by not creating an awkward void between the two structures it would simplify construction and be less maintenance.

Mr. Zurhellen cited section 700.2.1.2 although there is no expansion in sf it is beyond the existing footprint.

Mr. Clark responded that he felt it was not an expansion that they were moving back from the lake and it was an incremental improvement.

Mr. Zurhellen noted that the ZBA had received a letter from an abutter (Copy in file) that they had a concern with the location of a compressor.

Mr. Clark responded that they will relocate the compressor in response to the abutter's concerns.

J. Ruhm stated the request was to move sf outside of the existing footprint, however they were reducing a two story to a one-story structure.

B. Sweeney had no questions but stated that this was sort of horse trading, moving farther away and would become unusable space if not allowed.

Ira Clark stated that NH DES would allow expansion to the back of the structure.

Mr. Lamb stated that they responded in writing to the abutter, that the camp has an existing holding tank and they would be replacing the septic system and trying to do the right thing.

There being no further questions from the Board, and no abutters present to comment, Mr. Zurhellen accepted the application as complete and closed the public hearing at 6:35 PM.

The Board then reviewed each of the five criteria required to obtain a variance.

1. The variance would not be contrary to the public interest. The Board voted 3-0 in support of that fact.
2. The spirit of the ordinance is observed. The Board voted 3-0 in support of this fact.
3. Substantial justice is done: The Board voted 3-0 in support of this fact.
4. The value of surrounding properties are not diminished. The Board voted 3-0 in support of this fact.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. The Board voted 3-0 in support of this fact.

MOTION: "To approve the variance requested for Case 468-06-14": Application submitted by Ira Clark, Smith & Vasant Architects on behalf of Robert C. Lamb Jr. for property identified as Tax Map 235-023-000 located

at 54 Howard Road in the General Residential District for a Variance from Section 700.2.1.2 to allow the reconstruction on 24 sf of ground outside of a non-conforming structure's existing footprint.

Motion: J. Ruhm

Second: B. Sweeney

Motion Passed: 3 – Yes 0 – No

New Applications: **Case 469-06-20:** Application submitted by Lewis A. Muttu on behalf of Randolph Currier for property identified as Tax Map 251-018-000 located at 84 East Holderness Road in the General and Rural Residential Districts for a Special Exception to allow use of the property as a multiuse facility/property as an event venue as permitted in Section 300.4.1.2 and 300.4.2.2.

Mr. Zurhellen appointed alternate member, Bryan Sweeney as a voting member for this hearing.

Mr. Zurhellen inquired of the Land Use Assistant whether the application was complete and all notices and other notifications had been properly posted. The Land Use Assistant answered in the affirmative.

Mr. Muttu addressed the board describing that the property was a massive piece of land, split between the General Residential and Rural Residence Districts and that most of the cleared area is outside of existing wetlands. They have previously applied for and received special use permits in 2021 for the Vintage Bazaar and the Road Tour. They plan to hold local and family private weddings up and around the barn. They provide trash pick-up, porta potties and fresh water. The events are catered by outside caterers and if a tent is needed, they obtain fire department inspections and approvals. They are requesting the special exception in order to have more regular events, they would like to improve the grounds, that the property is currently under agricultural use and they would like to "pretty it up"

B. Sweeney asked what future events are planned.

Mr. Muttu responded that the road tour is scheduled and a retreat and they had received a special event permit for these from the Select Board.

Mr. Muttu explained the road tour to the members and the retreat yoga event indicating that there would be food trucks at the conclusion of the road tour and meals, meditation and "glamping" in bell tents at the retreat.

J. Ruhm inquired as to impact from or to traffic.

Mr. Muttu responded that for the previous vintage bazaar they had over 2000 attendees over the two days, that officers were stationed at the entrance and there were no adverse incidents.

B. Sweeney asked if there would be any impacts to White Oak Pond from their activities.

Mr. Muttu responded no, that the activities are within the cleared areas that abut the wetlands.

Mr. Zurhellen asked if there were any plans to expand

Mr. Muttly responded in the negative.

Mr. Zurhellen introduced a letter received from an abutter (Copy in file) who expressed three concerns:

1 – If granted the special exception does this give the property carte blanche approval to negatively impact the environment, site and neighborhood?

2 – What impacts will the change in use have on White Oak Pond, wetlands, Lamb Brook and the Squam Lake watershed?

3- Will unpermitted activities be regulated and can impacts be reversed.

Mr. Muttly responded stating that the activities are not close to any abutters, that they are held within the heartland of the property and there is no negative impacts. He further stated that Mr. Currier currently owns over 40% of the surrounding properties and that they do not allow any offsite or on street parking.

Mr. Zurhellen stated that the Planning Board will have site plan review of this proposal.

Mr. Muttly stated that they have already gone through this once already and got a sense from the abutters that they were ok with this use. The weddings are private events.

Mr. Zurhellen cited section 700.1 of the zoning ordinance in regards to an obnoxious use is prohibited.

J. Ruhm asked if there were any concerts planned?

Mr. Muttly responded that if a concert is entertained that they will comply with a 10 pm noise clause, that no music would be outside the barn and they would stay within the noise ordinance.

B. Sweeney stated he had general environmental concerns with White Oak Pond and the Squam Lake watershed.

Mr. Currier responded that it was $\frac{3}{4}$ of a mile to White Oak Pond.

Mr. Sweeney asked if they plan to have continued use of the property without a break between events?

Mr. Currier responded that they had an event with 100 people 2 -3 weeks apart. They were still able to hay the field within three weeks of the event.

Mr. Muttly responded that it was not their intention to bring a level of multiple concurring large events. The space within the GR district is what is used for small events and referred to the two maps they submitted indicating the areas for small and large events.

Mr. Zurhellen asked about the current or proposed use of the cabins that were moved onto the property.

Mr. Currier responded that one cabin is currently ready to be transported off site and that the other two are being used for storage. He stated that it was not cost effective to use as dwellings.

There being no further questions from the Board, and no abutters present to comment, Mr. Zurhellen accepted the application as complete and closed the public hearing at 7:10 PM.

J. Ruhm asked why they needed a special exception if they have obtained special event permits.

Mr. Zurhellen explained the requirement for multi events on the same property requires the special exception.

The chairman reviewed the application for a special exception and queried the board on items 1- 7 for their concurrence with the applicant's statements of justification. All members were in concurrence with each of those statements.

Additional input was provided by Mr. Muttu or Mr. Currier as follows:

- 1- No additional comments
- 2- No additional comments
- 3- Additional landscaping proposed to improve land
- 4- 1000 people with no issues
- 5- No additional comments
- 6- No additional comments
- 7- Road capacity - Mr. Muttu stated that 100-200 people did not require any police details. Mr. Zurhellen asked at what level would they think would need support? Mr. Muttu responded at the level of the Vintage Bazaar or more. Mr. Zurhellen stated that if it became a nuisance that they would be in violation of the special exception. Mr. Sweeney asked if this could be enforced. Mr. Zurhellen and the land use assistant responded that as with all zoning violations the town's compliance officer and others would enforce the town's regulations.

MOTION: "To Grant the Special Exception requested for Case 469-06-20 conditioned upon adhering to all the provisions and restrictions of the zoning ordinance as they pertain to a Special Exception of a Multi Use Facilities/Property and obtaining site plan approval from the Planning Board": Application submitted by Lewis A. Muttu on behalf of Randolph Currier for property identified as Tax Map 251-018-000 located at 84 East Holderness Road in the General and Rural Residential Districts for a Special Exception to allow use of the property as a multiuse facility/property as an event venue as permitted in Section 300.4.1.2 and 300.4.2.2.

Motion: J. Ruhm

Second: B. Sweeney

Motion Passed: 3 – Yes 0 – No

MEETINGS:

Next meeting: August 9, 2022

ADJOURNMENT:

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

MOTION: "To adjourn."

Motion: J. Ruhm

Second: B. Sweeney

Discussion: None

Motion Passes: 3-Yes 0-No

Respectfully submitted,

Lucinda M. Hannus
Land Use Assistant