

**TOWN OF HOLDERNESS
Zoning Board of Adjustment**

Regular Meeting Minutes, December 10, 2019

Members Present: Robert Maloney, Chairman; Bill Zurhellen, Member; Kristen Fuller, Member; Jude Ruhm, Member

Members Not Present: Eric MacLeish, Member

Staff Present: Linda Levy, Land Use Boards Assistant

Others Present: Regina Nadeau, Chris Boldt, Sara Lewis, Anne Field, Alice Field, Walter Field, Nick Lechley, Patrick Kane, Matt Barnard, Alan Barnard, Dustin Hart, Joe Wyatt

CALL TO ORDER: The meeting was called to order at 6:15 P.M. A roll call of the members was taken and a quorum was present.

APPROVAL OF MINUTES: November 12, 2019

MOTION: "To approve the minutes of the November 12, 2019 meeting as amended."

Motion: K. Fuller

Second: J. Ruhm

Discussion: None

Motion Passed: 4 – Yes, 0 – No, 1 – Absent, 0 – Abstain

Case #446-09-23: Application submitted by Corey Giroux as agent for the Squam Lakes Recreational Camp Resort Condominium Association located at 1013 US Rt. 3 identified as Tax Map #239-049-000 in the General Residential District, Town of Holderness, for an appeal of the Planning Board's August 20, 2019 decision to allow the conversion of Unit A into residential units.

Attorney Giroux submitted a request to continue the case to the February 2020 meeting "to permit the parties the opportunity to explore settlement of the matter without resort to a determination by the ZBA." The continuance was granted.

4. Continued PUBLIC HEARINGS:

Case #439-07-10: Application submitted by Regina Nadeau as agent for Anthony J. Abbiati, Trustee of The Bluebird Realty Trust for property located at 71 Finisterre Rd. identified as Tax Map #235-009-000 in the Rural Residential District, Town of Holderness, for Variances to the degree necessary from Articles 400.8.1.1 and 400.8.1.2 (Minimum Side Setback and Wetlands Setback) for the installation of a septic system, and dimension changes for the previously submitted cottage and shed variances.

The public hearing was opened at 6:18.

R. Nadeau introduced the members of the team who would be presenting the case.

N. Lechley explained the goal of the revised plan as well as the abutters' concerns.

A. Barnard explained the relocation of the distribution box (on the property owner's other property); the variances requests (for the leach field and the septic); that there will not be any noise from the system (the effluent pump will be underground and insulated).

Questions from the Board: is there any other spot that could take the system that won't need setbacks? (no); where will the pipe for the distribution box run? (under the road and from the utility shed to the septic); what are the legal issues for running under the road?, have you gotten easements from the property owners? (we need Board approval before going to DES, then we will have easements recorded; the Field's deed is 4' from the road); are the roads already eased? (that is not completely known; the road will be improved after the distribution box installation; the underground lines will not interfere with the easements; the pipes meet high rated standards so that they can be driven over, they are made out of PVC).

A. Barnard: the existing barn that will become the utility shed; it is on the property line and will be reconstructed in a reduced footprint with reduced volume and height and will be 3.4' from the property line. The well is being placed 5.3' from the boundary line to move away from the road to Camp Finisterre. The cottage is moving 5' instead of the original request of 10'; the ridgeline is lower than the original request; there will be more visibility for the abutters on the lake side, with no visibility change on the other side; the chimney is relocated to the south side of the cottage.

K. Fuller: what is going in the utility shed that requires septic? (the heating system, the hot water and the laundry).

P. Kane compared the cottage changes from the previous application to the proposed plan; the ridge height will be 12.6' instead of 18'; the square footage of the floor and the interior walls (the walls will be 10' in height); the total square footage is reduced from the existing cottage.

Questions from the Board: what is the distance between the two buildings? (110'); what is the fuel source? (that has not yet been determined); will this now be a year-round home? (yes); will the utility shed be used as a garage? (no); the water table is 36" on this property, how will that be affected by the winter freeze? (everything will be sealed).

R. Nadeau went through each of the variance requests stating that the property is on a small building envelope; the septic system will need to be replaced very soon so will require a new system. She went on to talk about the two parts of the hardship in RSA 674:33 (1 – special conditions of the property that distinguish it from other properties in the area. 2 – the property cannot be used in conformance with the ordinance). With each variance request for the septic, well, utility building, and cottage, she spoke to the 5 criteria (all pieces are within the setbacks, there will be a net decrease in non-conformity improving the situation, Bluebird Realty Trust has worked closely with the abutters to find solutions to the proposed plans so there will be no adverse impact on the neighbors)

C. Boldt representing Michel/Lewis shared that they are generally supportive of the proposals. He cited two conditions that he hoped the Board would approve (1 – DES approval for the septic, 2 – require that the chain link fence be removed along the property line between Bluebird Realty and Michel/Lewis)

R. Nadeau said that the fence was placed there for construction and it was not their intent to keep the fence once the construction was completed, but they didn't want to give up their right to have a fence or landscaping.

Further conversation between the Board and R. Nadeau related to the fence acknowledged that Bluebird Realty could place a fence on the property at a later date, but the construction fence would be removed once construction was completed.

The public hearing closed at 8:00.

B. Maloney shared that he cannot find fault with any of the requests, they all were positive solutions; the septic will be in the best location according to the Barnard's. He went through each of the variance criteria, asking the Board for comments, concerns and questions. None were raised.

MOTION: "To approve all of the variance requests with the following conditions:"

1. DES approval of the septic system plans
2. The construction chain link fence is removed when the construction is completed
3. The construction not deviate from the submitted plans dated November 13, 2019 and that the Town has the right to inspect the property at the conclusion of the construction to ensure compliance.

Motion: B. Zurhellen

Second: J. Ruhm

Discussion: No further discussion

Motion Passed: 4 – Yes, 0 – No, 1 – Absent, 0 – Abstain

5. OTHER BUSINESS:

Changes to Zoning Ordinance definitions (changes highlighted in gray):

Guest House & Bunk House: add to the definition to make the definition more clear

Old: are distinguished from a dwelling unit by being limited to sleeping facilities with no plumbing. These structures shall not be used to satisfy the residency requirement.

New: are distinguished from a dwelling unit by being limited to sleeping facilities with no plumbing, and therefore cannot be used as independent living. These structures shall not be used to satisfy the residency requirement.

Lodging: (1) change the heading from Motels to Lodging; (2) add to the definition to make it more clear

Old: A building which contains accommodations with or without kitchens, primarily provided to transient guests and offered to the public for compensation.

New: A building which contains accommodations such as, but not limited to, motels, bed & breakfasts, and hotels, with or without kitchens, primarily provided to transient guests and offered to the public for compensation. These accommodations shall not be used to satisfy the residency requirement.

All suggestions were approved and will be sent to the Planning Board.

ADJOURNMENT:

At 8:15 P.M. the following motion was made:

MOTION: "To adjourn."

Motion: K. Fuller

Second: J. Ruhm

Discussion: None

Motion Passed: 4 – Yes, 0 – No, 1 – Absent

Respectfully submitted,

Linda Levy
Land Use Boards Assistant