

TOWN OF HOLDERNESS
Planning Board
Meeting Minutes: October 20, 2016

Members Present:

Earl Hansen, Chairman	Robert Snelling, Vice Chairman	Peter Francesco, Ex-Officio
Donna Bunnell, Member	Carl Lehner, Secretary	Ronald Huntoon, Member

Members not present: Joey Tuveson, Member

Staff Present: N. Decoteau, Admin Assistant

Others Present: Patrick Wood, Jennifer Smith, Bryan Bailey, Laura Livingston, Daniel Ellis, Michael Fogg, Stephanie Fogg, Maureen Clifford and David Sanborn.

CALL TO ORDER:

Chairman E. Hansen called the meeting to order at 6:31 P.M.

ROLL CALL:

N. Decoteau called the roll. A quorum was present.

APPROVAL OF MINUTES:

MOTION: "To approve the Planning Board meeting minutes of September 15, 2016 as presented."

Motion: E. Hansen

Second: D. Bunnell

Discussion: None

Motion Passes: 5 - Yes 0 - No P. Francesco abstained

NEW APPLICATIONS:

Case #2016-06, Laura Livingston: Subdivision application submitted by Bryan L. Bailey, LLS for property located at 541 US Rt. 3, identified as Tax Map 241-120-000 owned by Laura Livingston located in the General Residential Zoning District, in accordance with the Town of Holderness Subdivision Regulations.

E. Hansen opened the Public Hearing at 6:40 P. M.

Board members noted they had reviewed the application.

E. Hansen noted the applicant submitted a written request for the following waiver as identified on the Site Plan Checklist:

1. High intensity soil type map: the USDA – NRCS date is reasonable and the original lot is already developed and the new lot is 2.1 acres which is over the 1.0 acre minimum for the zone.

MOTION: "To grant Case #2016-06: Laura Livingston: Subdivision application submitted by Bryan L. Bailey, LLS for property located at 541 US Rt. 3, identified as Tax Map 241-120-000 owned by Laura Livingston located in the General Residential Zoning District the waiver requested."

Motion: E. Hansen

Second: R. Huntoon

Discussion: None
Motion Passes: 6 - Yes 0 - No

MOTION: "To accept the application identified as Case #2016-06: Laura Livingston: Subdivision application submitted by Bryan L. Bailey, LLS for property located at 541 US Rt. 3, identified as Tax Map 241-120-000 owned by Laura Livingston located in the General Residential Zoning District as complete."

Motion: E. Hansen
Second: D. Bunnell
Discussion: None
Motion Passes: 6 - Yes 0 - No

- B. Bailey presented the application as shown on the plan titled "*Subdivision Plan, Land of Laura Livingston, Land located at 541 US Route 3*".
- B. Bailey stated that there is an existing residence on the 2.5 ac parcel with frontage on NH Rt. 3
- B. Bailey stated the 2.1ac parcel will have frontage on Shepard Hill Road and its own driveway.
- B. Bailey stated parcel 241-120-000 has a deeded easement to use the shared driveway on parcel 241-120-000 and that it will continue after the subdivision.
- B. Bailey stated that the NH Subdivision of Land approval number is eSA2106091301.

- P. Francesco noted that the protective well radius for the Town of Holderness is 125' rather than the 75' shown on the plan.
- B. Bailey stated the plan will be updated to reflect the 125'.

Attorney P. Wood stated that the applicant requests the Public Hearing be continued to the November meeting to allow for research to be performed on the "no further subdivision" language in the deed for the property found while doing research on the proposal.
After some discussion, it was determined that the public hearing would be continued.

Hearing no further public input, E. Hansen closed the public hearing at 6:55 P. M.

MOTION: "To continue the Site Plan Application identified as Case #2016-06: Laura Livingston: Subdivision application submitted by Bryan L. Bailey, LLS for property located at 541 US Rt. 3, identified as Tax Map 241-120-000 owned by Laura Livingston located in the General Residential Zoning District to 6:30pm on Thursday, November 17, 2016."

Motion: E. Hansen
Second: C. Lehner
Discussion: None
Motion Passes: 6 - Yes 0 - No

Case #2016-07: William B. & Bonnie L. Webb: Boundary Line Adjustment application submitted by Ames Associates for property located at US Rt. 3 and Sebec Road, identified as Tax Map 239-044-000, 239-045-000 and 239-046-000 owned by William B. & Bonnie L. Webb located in the General Residential Zoning District, in accordance with the Town of Holderness Subdivision Regulations.

E. Hansen opened the Public Hearing at 7:05 P. M.

E. Hansen noted the applicant submitted a written request for the following waivers as identified on the Site Plan Checklist:

1. Provide topography per Section VIII 8.13 (3-J, 3-P, 3-Q, 3-R): 1990 subdivision plan provided shows the topography of the 3 lots under consideration, the lots are relatively large, it would cause undue financial hardship and registries prefer topographic information to be kept at the local level.
2. Provide high intensity soil survey per Section IV, 6.8, 14 (3-S, 3-U, 9 and 10): Proposal does not change existing density, the lots are relatively large and it would cause undue financial hardship.

MOTION: "To grant Case #2016-07: William B. & Bonnie L. Webb: Boundary Line Adjustment application submitted by Ames Associates for property located at US Rt. 3 and Sebec Road, identified as Tax Map 239-044-000, 239-045-000 and 239-046-000 owned by William B. & Bonnie L. Webb located in the General Residential Zoning District the waivers requested."

Motion: E. Hansen

Second: R. Huntoon

Discussion: None

Motion Passes: 6 - Yes 0 - No

MOTION: "To accept the application identified as Case #2016-07: William B. & Bonnie L. Webb: Boundary Line Adjustment application submitted by Ames Associates for property located at US Rt. 3 and Sebec Road, identified as Tax Map 239-044-000, 239-045-000 and 239-046-000 owned by William B. & Bonnie L. Webb located in the General Residential Zoning District as complete."

Motion: E. Hansen

Second: C. Lehner

Discussion: None

Motion Passes: 6 - Yes 0 - No

D. Ellis presented the application on behalf of the property owners and stated that the proposal consists of altering the two interior boundary lines of three abutting parcels as shown on the plan titled "*Boundary Line Adjustment Plan for William B. Webb*".

D. Ellis stated the following changes are proposed:

- Parcel 239-044-000 will be changed from 12.02 acres to 7.23 acres with 4.79 acres moving to parcel 239-045-000.
- Parcel 239-046-000 will be changed from 26.87 acres to 25.32 acres with 1.55 acres moving to parcel 239-045-000.
- Parcel 239-045-000, will be changed from 12.11 acres to 18.46 acres due to the addition of the 6.34 acres.

P. Francesco asked if the beginning of Sebec Road is built to handle servicing three lots.

D. Ellis stated that the first approximately 150' of Sebec Road provides access for parcel 239-047-000 and for the 50' right-of-way that serves parcel 239-045-000 and 239-046-000.

D. Ellis added that the 50' right-of-way will be extended roughly 200' to access parcel 239-046-000 at the updated boundary line.

E. Hansen asked if there was any input from the public.

J. Smith stated she was attending the public hearing on behalf of her mother, June Graton Meitz, who is the owner of abutting parcel 239-039-000 and asked what impact there would be to that property.

D. Ellis stated that parcel 239-039-000 currently abuts parcels 239-044-000 and 239-045-000 and after the boundary line adjustment it will no longer abut 239-044-000.

D. Ellis stated that the owner plans to construct a single family residence on parcel 239-045-000.

D. Ellis showed J. Smith where the 50' right-of-way provides access to parcels 239-045-000 and 239-046-000 and noted that it does not impact her mother's parcel 239-039-000.

Hearing no further public input, E. Hansen closed the public hearing at 7:25 P. M.

MOTION: "To approve the Site Plan Application identified as Case #2016-07: William B. & Bonnie L. Webb: Boundary Line Adjustment application submitted by Ames Associates for property located at US Rt. 3 and Sebec Road, identified as Tax Map 239-044-000, 239-045-000 and 239-046-000 owned by William B. & Bonnie L. Webb located in the General Residential Zoning District with the following condition:

- **A new current use map be submitted to the Board of Selectmen within 30 days of date of this approval".**

Motion: E. Hansen

Second: C. Lehner

Discussion: None

Motion Passes: 6 - Yes 0 - No

OTHER BUSINESS:

1. Bed & Breakfast – Definition Clarification

M. Clifford of Maxfield Real Estate stated she has a client who wants to know if a Bed & Breakfast falls under the definition of Lodging Motels and Rental Units and thus be an allowed use in the General Residential Zone.

E. Hansen stated the definition of Motel-Lodging is "A building which contains accommodations with or without kitchens, primarily provided to transient guests and offered to the public for compensation".

E. Hansen stated in his opinion a Bed & Breakfast falls under that definition and the other Planning Board members indicated their agreement.

E. Hansen stated that the Bed & Breakfast would need to get Site Plan Approval from the Planning Board.

E. Hansen stated that the board may want to consider adding Bed & Breakfast to the definition.

2. Huckins Hill Road

D. Sanborn stated he lives on Huckins Hill Road and noticed on an agenda that a "Request for a Building Permit on a Class VI Road – Huckins Hill Road" was going to be discussed.

D. Sanborn stated he was interested in the issue because in order for him to obtain a building permit for his current residence he had to make substantial improvements to Huckins Hill Road.

P. Francesco stated that the Board of Selectmen had Huckins Hill Road on their agenda for the October 17, 2016 meeting.

P. Francesco stated the Planning Board renders an opinion regarding issuing building permits on a Class VI road to the Board of Selectmen and that the Board of Selectmen is the authoritative body for roads.

E. Hansen stated that a driveway can serve only two parcels and that if/when a third home is to be built on a driveway it is generally the case that the driveway must be brought up to a certain standard prior to a building permit being issued for the third house.

E. Hansen stated that there is currently no application before the Planning Board for any development on Huckins Hill Road and that if an application is submitted for consideration the abutters are sent certified notice of the Public Hearing for the application.

3. FY 2017-2018 Budget Request:

The board reviewed the budget line items and made the following budget request for FY 17-18:

4191-110 Regular Positions:	Town Administrator sets the wage line
1491-370 Training:	Level fund at \$ 400.00
4191-371 Travel:	Level fund at \$ 200.00
4191-390 Other Professional Services:	Level fund at \$ 300.00
4191-510 Adv. / Public Notices:	Level fund at \$ 250.00
4191-560 Dues & Subscriptions:	Level fund at \$3100.00
4191-620 Office Supplies:	Level fund at \$ 100.00
4191-625 Postage:	Level fund at \$ 500.00
4191670 Books & Periodicals:	Level fund at \$ 250.00

E. Hansen summarized by stating that other than a possible change in the wage line the Planning Board is not requesting any increase in their budget line items for FY 17-18.

4. Follow up on "Woods Road" Discussion:

E. Hansen updated the members regarding the question raised at the Planning Board meeting on September 15, 2016 as to what would be the process to allow an additional home to use "Woods Road" to access the property instead of continuing to use a shared driveway.

E. Hansen stated that "Woods Road" is a driveway off Mt Prospect Road identified as Woods Road.

E. Hansen stated that "Woods Road" is a driveway servicing three homes established prior to the adoption of the Zoning Ordinance and noted that it was given the name "Woods Road" per E911 criteria.

E. Hansen stated the lot requesting to make "Woods Road" their access was created after the adoption of the Zoning Ordinance therefore it could not be created with access on the driveway that is "Woods Road" as zoning does not allow four homes to be serviced by a single driveway.

E. Hansen added that as a result, the lot was created with deeded access via a shared driveway through another parcel.

E. Hansen stated that in order for the lot to change access from the shared driveway to "Woods Road" the portion of "Woods Road" from the parcel to Mt. Prospect Road would need to be improved to a certain standard which would be determined by the Board of Selectmen.

5. Discussion of Accessory Dwelling Units (ADU's)

E. Hansen stated that during the last legislative session a new law was created regarding Accessory Dwelling Units (ADU's) under RSA674:71 - : 73 and that it takes effect June 1, 2017 which allows the town time to revise the Zoning Ordinance at the annual meeting.

The Board members discussed draft language regarding Accessory Dwelling Units to be considered for a proposed amendment to the Zoning Ordinance as follows:

- A. ADD Definition: Duplex – A structure used for residential purposes and consisting of two dwelling units with a common wall.

- B. ADD Definition: Accessory Dwelling Unit (or "ADU") - A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

- C. ADD ADU's as Special Exceptions in zones GR, RR, & CD

- D. ADD ZO section 900.4 ADU provisions:
 - a. Maximum size of ADU 900 square feet
 - b. At least one parking space must be provided for ADU
 - c. Only one (1) ADU allowed per dwelling
 - d. The owner must demonstrate that one of the units is their principal place of residence.
 - e. Adequate provisions for sewage disposal and water supply must be shown in accordance with state law.
 - f. The ADU must be in compliance with RSA 485-A:38
 - g. The ADU must provide an interior door between the principal dwelling unit and the ADU per RSA 642:72
 - h. The ADU must have an independent means of ingress and egress, or shall have ingress and egress through a common space such as a shared hallway to an exterior door.

After a brief initial discussion regarding ADU's the Board members agreed to remove the criteria that the owner must demonstrate that one of the units is their principal place of residence.

The Board members agreed to review the draft language and discuss it at the next meeting along with formalizing any other proposed zoning changes.

ADJOURNMENT: At 7:55 P.M. the following motion was made:

MOTION: "To adjourn."

Motion: R. Huntoon

Second: C. Lehner

Discussion: None

Motion Passes: 6 - Yes, 0 - No

Respectfully Submitted,

Nancy Decoteau

Admin Assistant – Land Use

