

**TOWN OF HOLDERNESS
Zoning Board of Adjustment
Meeting Minutes September 12, 2023**

Members Present:

Bob Maloney, Chair, Bill Zurhellen, Vice Chair, Kristen Fuller, Eric McLeish, and Bryan Sweeney and Robin Dorff, Alternates.

Members Not Present: Jude Ruhm

Staff Present: Lucinda M. Hannus, Land Use Assistant

Others Present: John McCormack, Kent Smith, Chris Haub for Holderness Harbor, LLC, Deb Hamel, Anthony Mahoney, VHB and Jeremy Fenner, Eversource

CALL TO ORDER:

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

Chair Mahoney elevated Robin Dorff to full member status for this meeting.

APPROVAL OF MINUTES:

Motion: "To approve the minutes of August 8, 2023 as submitted"

Motion: R. Dorff

Second: K. Fuller

Discussion: None

Motion Passes: 5-Yes 0-No

OLD BUSINESS: Case#480-05-22 Continuation of the application as submitted by Kevin French as agent for Holderness Harbor LLC, for a variance from Section 300.4.1.1 of the Holderness Zoning Ordinance to construct and operate a seasonal boat storage facility as detailed on the plan entitled "A Site Plan for Holderness Harbor LLC" by French Land Services Inc. Surveyed December 2022, located at 24 NH Route 175, Tax Map 239-041-000.

John McCormack as agent for Holderness Harbor, LLC requested that this case be tabled at this time to be recalled if needed after hearing the applicant's new appeal for a special exception.

NEW APPLICATIONS: Case # 484-08-14 Application as submitted by John McCormick as agent for Holderness Harbor LLC, for a Special Exception Article 900 of the Holderness Zoning Ordinance to construct and operate a seasonal boat storage facility as detailed on the plan entitled "A Site Plan for Holderness Harbor LLC" by French Land Services Inc. Surveyed December 2022, located at 24 NH Route 175, Tax Map 239-041-000.

E. McLeish stated for the record that he has a professional relationship with the agent but does not feel there is any conflict. J. McCormack agreed.

J. McCormack indicated that there is detailed supporting documentation within his application for a special exception and that he would like it to become part of the official record. He represents Holderness Harbor, LLC which owns two properties, the marina proper on Squam Lake and the parcel they would like to build and operate a boat storage facility with office space. This property is not waterfront but should be considered as an extension of the marina on Route 3 that is waterfront. The marina is located about a mile away. Atty. McCormack continued by stating that "dry" marinas are becoming more prevalent than they were when the zoning ordinance first defined a marina and requiring that it be located waterfront. The existing marina has a growing need for additional boat storage to service an expanding valet boat service. Currently these boats are taking up valuable customer parking spots in an already congested town center.

B. Maloney asked if this will be limited to storage only.

J. McCormack respond in the affirmative, small office space but no repairs or mechanical work to be preformed on this site and willing to commit to that stipulation. This would not be a full-fledged marina but is the same entity as Holderness Harbor in that they are owned by the same LLC. Willing to stipulate that the special exception will carry with common ownership forever linked with the waterfront marina.

E. McLeish questioned whether or not the board had the ability to grant a special exception as it is not defined as such in the ordinance.

J. McCormack offered that when the use "Marina" was defined what was the intent, it should be considered as a fluid document and was it truly meant to be only allowed if it was waterfront. This use would expand the tax base in town, is in the appropriate location, compatible to the neighborhood, will improve property values by improving the structures, will cause no nuisance and has suitable existing infrastructure.

The board and applicant discussed the definition of a multi-use property and how that would or would not apply in this case. Consensus was that it would not fit that definition.

E. McLeish stated that the board should consider current, common-sense evaluation of the ordinance.

B. Sweeney asked if they were going to meet the maximum building height of 35'?

J. McCormack stated they would comply with this requirement.

The chair opened it up to the public for comment.

Deb Hamel, abutter to the north of this parcel stated she was neutral at this point but concerned with where the building will be located on the lot and how it will affect her views. Concerned with the height, she can currently see the existing boats and trailers that are there now.

B. Sweeney asked if the current boat silhouettes depicted on the plan will remain in the setback once the building is constructed?

B. Maloney stated he felt that they should not be located in the setback.

K. Smith indicated that yes because of the ledge to the rear and the existing level areas on the property are on the left and right of the proposed structure they will utilize these areas for outdoor storage as shown on the plans.

E. McLeish asked if they would be willing to limit the number of boats stored outdoors?

C. Haub stated that a dozen or so would be needed to be kept outside of the building.

E. McLeish stated that they will need planning board site plan review.

Deb Hamel reiterated here concerns with the height of the building.

E. McLeish stated a house could be 35' tall and built there by right.

D. Hamel agreed but it would be a different look residential vs commercial.

E. McLeish made a motion to “approve the application request for a special exception to allow the construction of a boat storage facility with associated office space with the conditions that no more than twelve (12) boats are stored outside, that the building is limited to a height of 35' maximum, that the special exception runs concurrently with common ownership of the waterfront portion of the marina and all other requirements of section 300.4.1.2 of the Holderness Zoning ordinance are adhered to.”

R. Dorff seconded the motion

Motion passed 5 – Yes 0 – No

J. McCormack withdrew his variance application for Case # 480-05-22.

Case # 485-08-10 Application submitted by VHB agent for PSNH – Eversource requesting a special exception under Section 900.1 and Sections 300.4, 300.5 and 300.6 of the Town of Holderness Zoning District for the 343 Distribution Line Structure Replacement Project within the Pemigewasset River Overlay District and the Flood Hazard District.

A. Mahoney from VHB as agent for Eversource and PSNH explained the need to replace a single transmission line pole that is located in the town’s Pemi River Overlay District and the Special Flood Hazard District which requires a special exception per section 900.1 of the Holderness zoning ordinance. This will allow for temporary impacts in order to replace the wooden structure with a weathered steel structure approximately 10' away and 10' higher to meet industry standards. They plan on using tracked equipment to limit the impact using proper BMPs and will restore to preconstruction conditions upon completion.

B. Mahoney not hearing any comments or questions closed the public hearing.

R. Dorff made a motion to approve the special exception request as submitted by the applicant.

B. Zurhellen seconded the motion

Motion passed 5 – Yes 0 – No

Ken and Tracy Wood of 53 Kesumpe Point Road asked to speak to the board about their plans to expand on an existing dwelling that does not currently meet the 35' setback.

E. McLeish advised them to submit their plans to the land use office for a building permit, it will be reviewed by the compliance officer and a determination will be made if it is permissible. If it is not then they can decide if they would like to seek a variance from the zoning board.

Other Business: None

Next meeting: October 10, 2023

ADJOURNMENT:

The chair asked for a motion to adjourn

Motion: B. Zurhellen

Second: R. Dorff

Discussion: None

Motion Passes: 5-Yes 0-No

Meeting adjourned at 7:25 pm

Respectfully submitted,

Lucinda M. Hannus
Land Use Assistant