



Town of Hollis

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HOLLIS PLANNING BOARD MINUTES

September 19, 2023 – 7:00 PM Meeting - Town Hall Meeting Room

MEMBERS OF THE PLANNING BOARD: Bill Moseley, Chair; Doug Cleveland, Vice Chair; Julie Mook; Benjamin Ming; Virginia Mills; Jeffrey Peters; David Petry, Ex-Officio for the Selectmen; Alternate Members: Chet Rogers; Richard Hardy; Mike Leavitt.

STAFF: Kevin Anderson, Town Planner & Environmental Coordinator; Mark Fougere, Planning Consultant.

ABSENT: J. Peters.

1. CALL TO ORDER – 7:00 PM.^[SEP] B. Moseley led the group in the Pledge of Allegiance.

B. Moseley stated that File PB2023-012 and File PB2023-013, originally on the agenda for this meeting, will not be heard tonight.

B. Moseley recognized that this is Constitution Week. We are thankful to have that document to govern our country.

B. Moseley stated that R. Hardy will be voting in place of J. Peters at this meeting.

2. APPROVAL OF PLANNING BOARD MINUTES:

August 15, 2023: **Motion to approve** – motioned by J. Mook, seconded by D. Cleveland; V. Mills and B. Ming abstained. Motion passed.

3. DISCUSSION AND STAFF BRIEFING:

- a. Agenda Additions and Deletions: K. Anderson reiterated that File PB2023-012 and File PB2023-013 will not be heard at this meeting.
- b. Committee Reports: none.
- c. Staff Reports: none.
- d. Regional Impact: none.

4. SIGNATURE OF PLANS: None.

46 **5. CASES:**

- 47
- 48 a. **File PB2023:007 – Final Review:** Proposed consolidation of 5 lots totaling 18.43 acres to be re-
- 49 subdivided into a 5-lot residential subdivision. The proposed minor subdivision will be accessed off a
- 50 new 682 linear foot road. Located at the corner of Silver Lake Road and Ames Road, Owners; James
- 51 R. Seely, James V. Prieto & Silver Lake Flea Market LLC., Applicant: Purple Elephant Development
- 52 LLC., Map 46 Lots 6, 7, 8, 9 & 10, Zoned, Agricultural and Business & Residential and Agricultural.
- 53 **Continued from August 15, 2023, public comment closed.**
- 54

55 K. Anderson stated that this application was originally accepted on June 20, 2023; the Applicant has

56 submitted revised plan sets dated August 28. A letter from CJM, the trash clean up company, has been

57 submitted to Board members. Eight letters from abutters, and one from a Town resident, have also been

58 submitted to the Board. This project abuts an undeveloped parcel; per our zoning ordinance, the ROW

59 has been extended for future access.

60

61 There have been some trash-removal notes added to the plan set, noted as Note 7, 12, and 13, on Sheet

62 5.

63

64 Construction Note 2 addresses construction standards; all work will be done in accordance with Town

65 standards as well as DOT standards.

66

67 Staff has consulted with the Building Inspector with regard to demolition standards. Staff was informed

68 that these structures will require a demolition permit, and the Building Department has an established

69 procedure for this.

70

71 The Fire Department has reviewed the application in depth, and had some minor comments on the

72 cistern piping. There was also a question about easement; K. Anderson believes that these comments

73 can be addressed administratively.

74

75 Staff had a Microsoft Teams meeting with John Magee, biologist from NH Fish and Game – he is the

76 Certified Fisheries Professional Program Supervisor, Inland Fisheries Division. The project was

77 discussed in detail, with topics including the buffer, fertilizer, and pesticides. Upstream and

78 downstream potential development was also brought up. J. Magee was very satisfied with the Town's

79 100 foot wetlands buffer, and had no recommendations for restrictions. There was general consensus

80 that this project was going to be an improvement to the parcel.

81

82 Issues that K. Anderson suggested the Board discuss:

- 83
 - Determine if the letter submitted by CJM is sufficient to address the Board's concerns from the
 - 84 last meeting.
 - 85 • Does the Board need further information from DES regarding Witches Brook?
 - 86 • Are there any additional requirements or restrictions that the Board would like to add?
 - 87 • Is the Board satisfied with the extended ROW that is shown on the plan?
 - 88 • Does the revised landscaping plan satisfy the Board?
 - 89 • Do the construction and demolition notes satisfy the Board?
- 90

91 Applicant: Pete Madsen, Project Engineer at Keach-Nordstrom Associates, Bedford, NH, joined by

92 Matt Peterson, Senior Project Engineer at Keach-Nordstrom Associates, for Purple Elephant

93 Development LLC. Stated that he concurs with K. Anderson's summary of the project at this point.

94 Stated that the cistern location had been modified, and that the Fire Chief is reviewing it. The right of

95 way issue has been addressed and the ROW extended, so there are no longer any waivers being

96 requested on this plan. The landscaping plan was revised based on R. Hardy's suggestions – they

97 undulated the proposed trees. The memo from CJM Outdoor Services has been submitted, detailing the

98 debris removal process and where the debris was properly disposed of. There are just a few minor

99 comments from Staff that they are working through.

100
101 B. Moseley asked whether there are any plan notes that there be no disturbance within the 100 foot
102 wetland buffer. K. Anderson replied that there are no notes specific to that; our 100 foot buffer allows
103 for some work to be done within it, as is typical. B. Moseley stated that as the area is so sensitive, he
104 would like to hear what the Board would think about adding such a note.
105
106 P. Madsen stated that the Applicant would not have any concerns with adding a note specifying that the
107 100 foot wetland buffer be a Do Not Disturb buffer.
108
109 M. Fougere added that there will be wetland buffer signs extended along the area, as well.
110
111 R. Hardy pointed out that the Applicant unfortunately had not been able to reach out to Fish and Game
112 themselves, which he finds amazing, so Staff had to. Since Fish and Game were not able to comment
113 on whether they thought that there should be any cutting at all in the wetland area, he proposes that that
114 be left a totally natural, totally undisturbed area.
115
116 P. Madsen stated that he was actually able to reach out to John Magee from Fish and Game, and had
117 email correspondence back and forth with him. R. Hardy stated that the Applicant has stated that
118 before, but the Board still hasn't seen it.
119
120 K. Anderson agreed that the buffer will remain as a Do Not Disturb area. That will be listed as a
121 condition of approval, too, so that it will be in multiple locations.
122
123 D. Petry asked whether there was a buffer line delineated on the plan; K. Anderson answered that yes
124 there is, with signs noted on the plan. K. Anderson pointed out that some of the 100 foot buffer
125 delineated line is within a graveled area, so it will have to be slowly revegetated.
126
127 V. Mills asked whether all the debris removal is complete, and whether Staff has looked at it and
128 approved it.
129
130 K. Anderson stated that, per the Board's last discussion, a letter from the trash removal company was
131 submitted to the Board. He himself was not present for the trash removal, and has not walked the site
132 for review – which would be out of his jurisdiction.
133
134 J. Mook stated that she would like someone with the appropriate experience to walk the site, and
135 confirm that it has been cleared correctly for the environment that it is. Right now we're just taking the
136 word of the people who did the job. She would feel more comfortable if someone with environmental
137 credentials gave us confirmation that everything has been dealt with properly.
138
139 K. Anderson stated that he is capable of walking the site, but, given the nature of the situation, believes
140 that it should be done by a third, outside, party, not affiliated with the Town. He does not know what
141 sort of credentials the Board would be looking for.
142
143 J. Mook stated that she was hoping that John Magee would physically visit the site and take a look – he
144 did not, so that leaves a void in our knowledge. K. Anderson pointed out that J. Magee is a fisheries
145 expert, who would not deal with the buffer itself. The buffer is the Town's responsibility; there should
146 not be any trash there, and the Board has asked for it to be cleaned up. A letter has been submitted by
147 the clean-up company on their own letterhead, which fact carries some weight. If there is additional
148 information or further inspection to be done, he strongly believes that it should be done by another,
149 outside company, and should not be Town affiliated.
150
151 B. Ming asked if the concern is visible trash; J. Mook stated that she would like review by someone
152 who understands the environmental impact of the trash being there to take a look: is the removal of the
153 trash complete and satisfactory to protect the brook? What if there's a TV buried in there? We don't

really know, and haven't verified, that this has been cleaned up to the standards that our Town would want it to be. Unless we do that, there may continue to be issues and questions.

P. Madsen stated that Chris Danforth, their wetland scientist, was the one who identified the trash in the wetlands in the first place. He is more than capable of going back out and verifying that the trash removal has been done accordingly and that the buffer has been restored. If the Board is interested in that, C. Danforth is certainly a qualified professional. He is a licensed, certified wetland scientist.

D. Petry and B. Moseley suggested that we get a separate letter, stamped by Chris Danforth. P. Madsen agreed to coordinate with C. Danforth to view the site, review the state of the trash removal, and to send a stamped letter to the Board.

B. Ming stated that the possibility of buried trash has been previously pointed out, and suggested that a note be added to the plan that if any buried trash is discovered at a later point, that will pull them out of compliance. B. Moseley stated that he doesn't know how that could be regulated or dealt with.

K. Anderson stated that it is tricky, as any such debris would be in the buffer – which we are now creating as a non-disturbance buffer.

B. Moseley pointed out that it is a Catch-22. If Chris Danforth, a licensed professional, is going out to take a look, he is not going to risk his license. He will understand that this is a sensitive project. D. Petry concurred.

C. Rogers asked, in light of the abutters' submitted letters, what the abutters' general opinions are. K. Anderson stated that Board members have had a chance to read the letters, which include comments going back to the site walk, comments about drainage, comments about trash, comments about the wetland edge, comments concerned with lighting and headlights.

B. Moseley asked if, in Staff's opinion, there are any comments that need to be further investigated. K. Anderson replied that he believes the stressing of all the additional notes on the plan set has been to satisfy the comments.

J. Mook stated that she was unsettled by the letter, signed by all abutters, that stated that they were never invited to attend where the Owner said that he invited them. She doesn't know what can be done about that, if anything.

P. Madsen stated that no formal invitation was extended; they were doing work on the property, abutters were curious, and the Owner invited them to take a look.

D. Cleveland stated that we do have the letter from CJM confirming that all the trash was cleaned up, so they must be on record as verifying that fact. If Chris Danforth additionally verifies it, and sends the Board an official letter, there should be enough documentation to put that issue to bed.

R. Hardy stated that since there seem to be a lot of things that have slipped through the cracks in this whole project, starting with the soil tests for the test pits, he would feel more confident if a member of our Staff was present to see what C. Danforth's inspection process is, at that time. A lot of this wasn't inspected by the Town at all.

P. Madsen agreed that they will coordinate appropriately with Staff.

D. Petry asked if R. Hardy was ok with the revised landscape plan. R. Hardy replied that the revisions are not what the Board asked them to do. They asked the Applicant to group the plants and vary the setbacks. It's very easy on a computer to just group six and stamp them down the edge of the road, which is pretty much what they've done. He would not say that it meets the intent of the Rural

Character Ordinance. Secondly, there was a comment from an abutter about evergreens versus a fence, etc., and what will happen if the plantings die in two years; the fact is that it will all be bonded, and if that happens they will have to be replaced. K. Anderson confirmed that there will be a three-year bond. R. Hardy stated that the terrain needs a little help in interpretation regarding the Hollis ordinances, in his opinion.

M. Fougere stated that it would be best if, if the file is approved at this meeting, the terrain planner/landscape architect meet with R. Hardy as a condition so that there is no miscommunication. R. Hardy agreed, and suggested that they meet in the Town Hall office so that K. Anderson and M. Fougere may also be present.

D. Petry stated that J. Mook had already brought up concerns he was going to mention; he also would definitely like to see the notes mentioned by K. Anderson on the plan.

M. Fougere stated that right now the wetland buffer is basically a sandy bed along that area, and it should be seeded with some kind of conservation mix to stabilize it – that should be added as note. P. Madsen agreed.

R. Hardy asked if the Applicant would request specs for the amount of loam, because the area is all sand and is being highly compacted. K. Anderson also wondered if revegetation of the buffer should be incorporated into the overall landscaping discussion meeting – if several professionals discuss it together, we're likely to get a better result.

J. Mook stated that many of the questions that have come up seem to be more engineer-oriented, and not necessarily things that can be answered now. Isn't this a lengthy process, with many of the details, such as drainage, being part of the review going forward? K. Anderson agreed: there will be a lot of future oversight, including preconstruction meetings, and assigned inspectors onsite. He pointed out that an important note is that they will follow not only the Town of Hollis's criteria, but also those of the DOT – which are far more stringent and detailed.

B. Moseley summarized the conditions discussed: the 100 foot wetland buffer have Do Not Disturb status, complete with appropriate signage; a wetland scientist review the site with a member of Staff present, and send a stamped letter regarding their inspection to the Board; have the project's landscape architect liaison with R. Hardy; add a note as appropriate about seeding with a conservation mix; address the Fire Department's concerns relative to the cistern. R. Hardy asked to confirm that the wetland area would be strictly no-cut, period – nothing in the wetland, nothing in the buffer. M. Fougere agreed that that would be a note added to the plan. B. Moseley added the condition – from the edge of the 100 foot buffer all the way through, there is to be no disturbance.

M. Fougere mentioned that the Applicant has received subdivision approval from the DES, and they have received a permit from the DOT.

K. Anderson stated that he wants to make sure that everyone is satisfied with the trash issue, once the letter from the wetland scientist is received. D. Petry stated that that will depend on what the letter says. B. Moseley stated that he doesn't believe a person who has to get certification from the State of New Hampshire as a wetland scientist would put his license on the line for something like this. M. Fougere stated that if the wetland scientist raises issues or concerns, they will have to be addressed.

D. Petry stated that there are enough open questions that the Board should request an extension to the next meeting. He does not want to do a conditional approval with this many open items. The Board generally concurred.

P. Madsen agreed that the Applicant was willing to grant another 30 day extension.

Motion to extend File PB2023:007 to the Planning Board's next meeting, Tuesday, October 17 –
motioned by D. Petry, seconded by B. Ming; motion passed unanimously.

6. OTHER BUSINESS:

B. Moseley pointed out in terms of the October meeting that we are in zoning ordinance change season, and may need to additionally meet on the first Tuesday of the following month. He will not be able to attend the October meeting, so D. Cleveland will be acting as Chair.

ADJOURNMENT:

Motion to adjourn at 7:35pm – motioned by D. Petry, seconded by D. Cleveland; motion passed unanimously.

Respectfully submitted,
Aurelia Perry,
Recording Secretary.

NOTE: Any person with a disability who wishes to attend this public meeting and who needs to be provided with reasonable accommodation, please call the Town Hall (465-2209) at least 72 hours in advance so that arrangements can be made.