

HOLLIS PLANNING BOARD MINUTES

October 17th, 2017

“Final”

PLANNING BOARD MEMBERS PRESENT: Cathy Hoffman – Chairman, Doug Cleveland – Vice Chairman, Rick Hardy, Chet Rogers and David Petry, Ex-Officio for Selectmen, Alternate; Jeff Peters;

ABSENT: Brian Stelmack & Dan Turcott; Alternates Bill Moseley and Ben Ming

STAFF PRESENT: Mark Fougere, Town Planner; Wendy Trimble, Assistant Planner

1. CALL TO ORDER:

C. Hoffman, Chairman called the meeting to order at 7 pm. J. Peters was appointed to vote on behalf of B. Stelmack.

2. APPROVAL OF PLANNING BOARD MINUTES:

D. Cleveland made a motion to approve Planning Board Minutes August 15th 2017 and Site walk minutes of August 15th 2017. J. Peters seconded. All in favor none opposed. C. Hoffman, C. Rogers and D. Petry abstained.

D. Petry made a motion to approve Planning Board Minutes September 19th 2017 as amended. J. Peters seconded. All in favor none opposed. D. Cleveland abstained.

3. DISCUSSION AND STAFF BRIEFING:

- a. Agenda additions and deletions – none.
- b. Committee Reports – none
- c. Staff Report – none
- d. Regional Impact – none

4. Signature of Plan:

File #2814 – 30 Ash Street (Map 53 Lot 11), site plan amendment, remove driveway, extend sidewalk and add landscaping. Applicant: Charlie Morgan: Swamp Frogs LLC, Zoned Agricultural Business & Historic Overlay District.

D. Cleveland made a motion to authorize the Chairman to sign plan #2814 once all conditions have been met. D. Petry seconded. All in favor none opposed.

PB2017-015 – Map 13 Lot 68-5, 68-6, 68-7, 68-8, 68-9, 68-10 & 68-11 Dow and Depot Road. Amendment to the stormwater design for the approved Woods Subdivision relative to lots along Dow Road and Depot Road. Application Owner Elizabeth J. Woods Rev. Trust, Zoned R & A Residential Agricultural.

J. Peters made a motion to authorize the Chairman to sign plan PB2017-015 once all conditions have been met. D. Cleveland seconded. All in favor none opposed.

5. Board Discussion

42 **Potential Zoning Amendments:**

43 M. Fougere introduced the following amendments in italics as potential ideas of an ongoing
44 list kept during the year by staff, and it also includes a few ideas from the Building
45 Department. These ideas are for discussion by the Planning Board tonight.

46 **1. *Industrial Zone: allow for the outside storage of materials associated***
47 ***with the operation of a business, include loam and other earth***
48 ***materials.***

49 Recently we have had a number of applications for the storage of earth materials on sites,
50 and in general the storage of materials for the operating of businesses. It is not uncommon
51 for businesses to store bulk materials outside rather than inside a building. This is not
52 processing of materials such a sifting or crushing, just storage.

53
54 J. Peters asked if would include chemicals, and M. Fougere explained that there are very
55 specific processes and regulations for the storage of chemicals. D. Petry asked if we
56 addressed processing anywhere else. M. Fougere stated we allow processing in a gravel pit.
57 R. Hardy suggested having a more expansive list of materials that are allowed to be stored
58 outside and to be specific in stating 'no processing'.
59

60 D. Petry agreed with R. Hardy that if we had more language then it would make more sense.
61 C. Rogers asked if it would exclude building materials, such as lumber. M. Fougere said we
62 allow lumber yards but that would be part of a list, however there is confusion in the
63 ordinance as in part it asks for inside storage. We do have provisions in our regulations for
64 screening, and as we are referring to the industrial zone there are only two areas in Hollis
65 for this.

66
67 **2. *Industrial Zone and Agriculture/Business zones: Allow public and***
68 ***private schools and day care providers. Schools are presently allowed***
69 ***in the R/A zone by special exception. Schools and nursery schools are***
70 ***allowed in the Town Center zone by special exception. Day care centers***
71 ***are allowed in the Commercial zone.***

72 M. Fougere explained we have had a number of applicants wanting to locate in the
73 Industrial Zone, both on Proctor Hill Road and Clinton Drive. We have a couple of daycares
74 in the town center which are typically not allowed. J. Peters asked if it is to decide where
75 they are allowed and where they are not allowed. C. Hoffman stated they are currently not
76 allowed in the Industrial zone or the Agriculture/Business zones. R. Hardy asked if it would
77 be affected by the Adult Entertainment ordinance that is in the Industrial zone. D. Petry
78 asked to check the language to see if they cannot be located near a school. M. Fougere said
79 he would check the language with this ordinance and also Medical Marijuana locations. We
80 allow schools in the A&R zone but not the A&B zone. C. Hoffman is not sure about allowing
81 in the Industrial zone but we should look at the A&B zone. R. Hardy asked how much
82 industrial activity goes on in the industrial zones, and that it could be a prime spot for the
83 daycare close to a workforce. Maybe we should just look at A&B.

84
85 **3. *FARM STAND: An Agricultural Enterprise which displays and sells***
86 ***agricultural products raised, produced and processed on the premises,***

and which may include a Structure(s) used in the operation. All Farm Stands Structures must be set back at least 35 feet from the adjacent Public Road and have adequate off street parking. A Farm Stand shall remain an Agricultural Enterprise and shall not be considered a commercial use, provided that at least 35% of the products sales in dollar volume are attributable to products produced on the farm or farms of the stand owner. Owners of Farm Stands, based upon review by town staff, may be required to obtain site plan review approval from the Planning Board.

Clarify what type of building can be a farm stand. Can a farmer use a portion of their home, barn or the garage? Does the “stand” need to be a separate building or tent only?

M. Fougere explained that recently we have had a few issues that we need clarity on. What is a farm stand? It is ok if someone wants to use a part of their home to sell goods is that allowed, if they want to use their garage or a three season porch? Or does it have to be a separate building. If they have a barn can they use that as a Farm Stand or does it have to be a pop up tent or a shed. R. Hardy asked why we have to define it as it has more to do with size and traffic. Once they meet the safety requirements then it comes to traffic impact. That would be one of the key things rather than if it is in a porch, garage or tent. Historically most things that happen in a town would happen in a residence. C. Hoffman stated that now we have a zoning ordinance that treats in home businesses, how would you allow a farm stand to be in a portion of the home? It seems they would have to go to the zoning board because you are not allowed to sell things from your home even with a home business. M. Fougere explained that under our home business you cannot have a retail store. However we have carved out an exception of business that if it is an agricultural business, you can sell agricultural products. It is not considered a home business it comes under the umbrella of agriculture. It was discussed to change the percentage of the farm produce from 35%-65%. Staff will check if this can be considered. W. Trimble questioned if a farm stand was allowed in a porch, and the seasonal crops stopped during winter, how the town would police what the products being sold. R. Hardy suggested that seasonal will become a thing of the past with technology, and all year round greenhouses, and have a farm stand all winter long. C. Hoffman thought that farm stands were small detached structures to sell farm produce from. She questioned if we consider yearlong sales from inside your house then that becomes a home business? D. Petry asked if we only allow temporary structures of a certain size. C. Hoffman said they could be permanent structures but they would not be operational. D. Petry suggested this is where we need to be careful as they will either use existing structures on their property or they will construct another one. D. Cleveland stated the word structure needs to be defined. What is a structure, is a house, a porch, a shed, a tent. What is acceptable what is not acceptable? D. Petry asked M. Fougere to check if other towns have similar language for farm stands. M. Fougere added that if the intent is to not allow the ‘porch’, for example, then it would be better to state this clearly in the ordinance, to avoid applicants coming before the Planning Board only to be told they are not allowed. R. Hardy suggested we consider changing the percentage of the products sold from 35% and 65% to something else, maybe flip it. This may help abutters. Maybe also consider limiting the size of the

structure. C. Hoffman asked what was the consensus of having a separate building or using a portion of the house? Some are ok with it being part of the house and some are not. If the percentage figures could change that might help allow it be part of the house. It was suggested if it part of the house then they are more likely to have limited parking. It was suggested if it part of the house they go to the ZBA, this would give them an option of putting up a tent or small structure, otherwise if part of house go to ZBA as a Special exception as this will document it, and force people to consider if they want to really do this, highlighting if it will turn into a home business verses a farm stand.

- 4. Section XIV Sign Ordinance: Remove reference to Administrative Board in Sections N, Q, S and T and replace with Building Inspector/Code Enforcement Officer. These were missed with last year's amendment.**

This a cleaning up administration areas that were missed last year.

- 5. Section XV Rural Character Preservation Ordinance: Relocate Section 6. Erosion Control to Subdivision and Site Plan Regulations. Don't understand nexus of these requirements to "rural character", most drainage requirements in Regulations.**

In the Rural Character Ordinance, there is a section relating to erosion control. This came up during a recent review, and Dennis LaBombard doesn't remember why there is a section in the Rural Character, and it should be moved into our Site and Subdivision Regulations because if it becomes unnecessary then the Planning Board can grant a waiver. D. Petry asked to look back a see what the reason was that it was put in there. Look back in the minutes from 2004.

- 6. From Building Dept. - Section XIV Sign Ordinance: Amend Section N. Agriculture Signs to reduce the size of allowed signs from 20 square feet to something smaller, 15 or 10 square feet.**

This has been raised to maybe add dimension requirements to a agricultural sign to avoid large/long variations. D. Petry asked us to ask the Agricultural Commission to get their opinion on this.

- 7. From Building Dept. - Section VIII Definitions: Structure and or building: Last year the Board amended this definition to state that for small structures 120 square feet or less no building permit is required. This has created a number of enforcement issues with residents installing sheds within setbacks. The Building Department would like to amend this section to either require a permit or at a minimum, require the submittal of a land use form to show where the shed is going to be placed and what the setback to the property line are for that lot.**

The change in the ordinance has created a few enforcement issues. D. Petry suggested going back to the original size. The other suggestion was from the Building Department, for structures under 120 square feet, the resident will complete an application, plot plan showing placement of shed with a fee of \$15.00 and the building inspector will inspect to verify setback requirements. R. Hardy suggested returning it to original way as the building inspector still has to visit the site. W. Trimble explained they would not have to submit plans of structure, just the placement on the lot.

8. From the Building Dept. – Amend Section IV Enforcement and Administration, J. to clarify that a building permit is valid for one year and if the project is not completed the permit must be renewed, which would provide approval for one more year.

M. Fougere explained that as it stand now it is valid for two years and it can be extended. The building department reached out to other communities and found that most only last for one year, and then they renew it for a small fee.

Other Business

Farm Stand check list

M. Fougere explained that during the Dow Road discussion, staff had signed off on the Farm Stand and at a meeting the Selectmen Representative stated that it was only approved for one year and that it will need to be brought back to the Planning Board next year. Now there is this confusion on the final decision. R. Hardy asked if it was part of the ordinance that we only approve for one year. M. Fougere stated no it is not. R. Hardy stated that he doesn't know why we are talking about this unless we wanted to change the whole ordinance. There was no vote made, no one stood up and made a motion for this to be reconsidered, so his interpretation is that the farm stand is there and it has been approved by staff, Chairman and other departments and that will be remain until anything changes with the application. D. Petry stated that the Selectman made promises he could not keep. The application approval is based on details given and it is treated like a site plan, so once an approval is given, if anything changes then the applicant will have to submit another application. If nothing changes then the proposal is effective forever. D. Petry explained there is an expectation that the abutters think this application will have to come back next year. The Planning board needs to make a decision for the record that the applicant will be required to come back or not. If not then the abutters will need to be told. C. Hoffman suggested that if they expand they will need to come back and if they do not expand then they are ok to keep operating. D. Petry suggested that the Code Enforcement officer will need do spot inspections to make sure they are sticking to the conditions set. D. Petry stated he will speak with the other Selectmen and explain to him the conversation tonight at the meeting with Planning Board members, and ask him to communicate that back to the abutters.

224 Following the approval by staff, R. Hardy made a motion that approvals by staff do not
225 need to be revisited on a yearly basis unless there is a change from the original
226 application. D. Cleveland seconded. All in favor none opposed.
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230 **Rules of Procedure**

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232 C. Hoffman asked the Planning Board Members to read the Rules of Procedure to make
233 everyone understand the importance of recusing themselves from applications should
234 they have a vested interest in an application before the board. This is very important.

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236 M. Fougere added that this document has not been updated since 1997. C. Hoffman
237 added that the Rules of Procedure will be being updated and if anyone has anything to
238 add to these changes then to let Wendy know.

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240 C. Rogers made a non-debatable motion to adjourn. J. Peters seconded. All in favor
241 none opposed.

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243 The meeting was adjourned at 8:15 PM

244

245 Respectively submitted by,

246 Wendy Trimble

247 Assistant Planner

Town of Hollis, NH