



## Town of Hollis

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### HOLLIS PLANNING BOARD MINUTES

December 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, V. Mills, B. Ming, C. Rogers.

**1. CALL TO ORDER – 7:00 PM.** B. Moseley led the group in the Pledge of Allegiance.

B. Moseley stated that due to absences at this meeting, R. Hardy and M. Leavitt will both be voting.

**2. APPROVAL OF PLANNING BOARD MINUTES:**

November 21, 2023: **Motion to approve** – motioned by R. Hardy, seconded by J. Mook; D. Cleveland abstained. Motion passed.

December 2, 2023 Site Walk, Proctor Hill Estates: **Motion to approve** – motioned by D. Cleveland, seconded by M. Leavitt; R. Hardy abstained. Motion passed.

**3. DISCUSSION AND STAFF BRIEFING:**

a. Agenda Additions and Deletions: K. Anderson had an update, stating that he was going to repost the potential zoning amendments for public comment. This is due to an RSA that states that they need to be posted prominently on the website; ours had been a couple of clicks away. B. Moseley stated that, therefore, we will have public comment on the proposals tonight, and another public comment at the Board's meeting January 16, 2024.

b. Committee Reports: none.

c. Staff Reports:

B. Moseley stated that there was a request for a re-hearing on Case PB2023:007; under State statute, the Planning Board cannot re-hear a case.

K. Anderson stated that he has included the dates for the Planning Board's 2024 meetings in the Board members' packets; those will be posted online.

**Motion to accept the 2024 meeting dates** – motioned by D. Cleveland, seconded by D. Petry; motion passed unanimously.

- d. Regional Impact: K. Anderson stated that there is an amendment to an already approved plan on Howe Drive in Amherst, NH for a 24,000 square foot commercial building. He does not yet see any issues with it, but will look at it further. The meeting regarding the plan will be conducted on January 3<sup>rd</sup>, 2024, at 7pm, at the Amherst Town Hall.

#### 4. SIGNATURE OF PLANS:

**PB2023:016 – Chamberlain lot line adjustment.** K. Anderson stated that the plan is ready for signature. All conditions have been met.

**Motion to approve signature** – motioned by R. Hardy, seconded by D. Cleveland; motion passed unanimously.

**PB2023:017: Merrill Lane plan amendment.** K. Anderson stated that this plan is also ready for signature. He and R. Hardy have met with the consultant's landscape architects, and they came up with a solution to the landscaping. All conditions have been met.

**Motion to approve signature** – motioned by D. Cleveland, seconded by J. Mook; motion passed unanimously.

#### 5. CASES:

- a. **File PB2023:012 – Design Review:** New residential subdivision for 35 new residential homes on a new road connecting Deacon Lane and Proctor Hill (Route 130). Owners: Raisanen Homes Elite, LLC., Applicant: Fieldstone Land Consultants, PLLC., Map 17 Lots 5, 8 & 9, Zoned: Rural Lands (RL). **Public Comment.**

B. Moseley stated that because this is such a big project, we will have a public hearing at this meeting and another public hearing further into the Design Review process once all the studies have come in. There was a concern about the site walk being legal; B. Moseley read his and Staff's reply to that concern: "The Planning Board reviewed the Raisanen Homes Elite application on November 21<sup>st</sup>, and abutters were notified as required by RSA 676:4. The Board reviewed a plat submitted to the Board, and during that meeting the Board announced that they would be conducting a site walk on December 2<sup>nd</sup> at 9am, giving notice to the public of that future meeting of the Board. As there would be quorum of Planning Board members at the site walk, as required by the Right to Know Law, the site walk was posted, including the time and place of the meeting. The site walk is part of the application review process, and is a public meeting, not a public hearing. A public hearing on the noted application will be held on December 19<sup>th</sup>, and abutters will be notified by certified mail. A site walk provides Planning Board members with an opportunity to review the site in detail. The public is invited to attend, but it is not a hearing for abutters to make comments. A public hearing needs to be held in a place where the public can easily access the hearing, such as the community room at Town Hall. Not all members of the public can easily hike through the woods, over rocks and wetlands, for two hours, and because of those access concerns a site walk cannot be considered or qualify as a public hearing. The Town of Milford, knowing that a site walk is an extension of public hearing, was incorrect."

K. Anderson stated that this is a continuation of the Design Review application for a major subdivision of parcel Map 17, Lots 5, 8, and 9, consisting of 133 acres. Proposed are 35 single-family homes. Access is connected between Proctor Hill and Deacon Lane. The Planning Board discussed density at the November 21<sup>st</sup> meeting, and a site walk was conducted on December 2<sup>nd</sup>. Both a conventional

subdivision plan and an open space development plan (HOSPD) have been submitted for comment this evening from the Board and from the public. K. Anderson is hoping that by the end of this meeting the Board will have a direction in which they want to go, which they can point out for the Applicant.

B. Moseley added that, in this early stage of Design Review, should the Board provide a direction to the Applicant by the end of this meeting, it always subject to change. The Applicant will still need to go before the Conservation Commission. There are still many factors to consider – that is why it is in Design Review, and it will probably be in Design Review for a number of meetings.

Applicant: Chad Brannon, Civil Engineer with Fieldstone Land Consultants, for Raisanen Homes Elite, LLC. Stated that at their last meeting before the Board, November 21<sup>st</sup>, they presented a conventional yield plan for this project, which he believes everyone agreed, at this point, does support up to 35 lots. They then proceeded to conduct a site walk in early December to review the property. In giving a brief overview of the project, C. Brannon stated that the subject properties do combine for a total area of 133.67 acres. The property has 827 linear feet of frontage along Proctor Hill Road (NH Rt. 130), and has 100 linear feet of frontage along Deacon Lane. All of these properties are situated in the Rural Land Zone, which has a minimum conventional lot size requirement of two acres, with 200 feet of road frontage. The back lot standards, which we reviewed at the last meeting, are 20 feet of frontage with a minimum of four acres. The local regulations require that all proposals which contemplate major subdivisions have to be presented to the Planning Board through the HOSPD regulations. The regulations go on to state that the number of dwelling units permitted in a HOSPD shall be no greater than the number of units that would be possible if the parent parcel was wholly subdivided in a conventional manner without any open space area set aside. This evening, they have been asked to present the HOSPD subdivision option; in touching upon the conventional layout first, C. Brannon stated that the conventional layout plan yielded 35 lots, and required the construction of 7430 linear feet of road. That total length of road is broken into three sections: there is the 3600 foot through-road which connects Proctor Hill Road with Deacon Lane, and then there are two spur roads that would come off of that proposed roadway. All of those roads met the requirements and design criteria, but did result in a total road length of 7430 linear feet, and also resulted in a total wetland impact of about 14,760 square feet.

C. Brannon stated that, in looking at the HOSPD layout, there are some similarities. The through-road of 3600 foot connecting Proctor Hill Road with Deacon Lane is essentially the same, but they have reduced the total length of roadway from there. They are still depicting 35 units, but the total length of roadway would be 4640 linear feet, including a 1039 foot spur road. That's a reduction of just under 2800 linear feet of roadway, which would reduce the footprint of overall development and impact. The HOSPD regulations require a minimum of one acre in size for a conventional frontage lot, and that conventional frontage lot has to have a minimum of 100 feet of road frontage. Each lot still supports the building area of either a 160 foot diameter circle, or a 100 x 200 foot rectangle, which is depicted, on the plan, for each lot. Each lot needs to have a contiguous acre of acceptable land. The back lots within a HOSPD development shall be two acres in size, minimum, with 20 feet of frontage, and shall have one and a half acres of contiguous acceptable land. These reduced requirements allow them to consolidate and cluster the layout. With this HOSPD plan, they would anticipate a total wetland impact of about 6430 square feet. On top of that, the HOSPD open space style does require some land preservation; this plan depicts 73.4 acres of land that would be set aside as open space for permanent land preservation, which, ultimately, helps to increase buffering to perimeter properties, allows for passive recreation areas, wildlife protection, and things of that nature. They believe that the HOSPD layout they are presenting meets all of the Town regulations. To the west, this property borders Beaver Brook – a fair amount of the open space would be adjacent to and contiguous with Beaver Brook.

C. Brannon stated that they have engaged a wildlife consultant who is actively preparing the wildlife report for this project. In initial review, the wildlife consultant confirmed that a HOSPD layout would be most beneficial for wildlife corridors and habitat.

153 B. Moseley asked if the Applicant has gotten on the Conservation Commission's calendar, as yet. C.  
154 Brannon stated that they have not, because, as discussed at the site walk, they thought it would  
155 beneficial for the Planning Board to first outline a plan forward so that the Applicant would be able to  
156 attend a Conservation Commission meeting with their wildlife consultant and discuss the proposal.  
157

158 D. Petry had a couple of points to clarify with Staff. Although the Applicant has submitted a  
159 conventional layout of 35 units, the Board has not agreed to that yet: so it is an incorrect statement for  
160 the Applicant to say that at the last meeting the Board agreed to 35 lots. Staff concurred, and pointed  
161 out that the proposal is for "up to" 35 lots. D. Petry further asked whether either of the two submittals  
162 require a special exception. K. Anderson stated that yes, both plans do, for wetlands – which is a whole  
163 other process through the Zoning Board of Adjustment. D. Petry said that that should have been stated  
164 in the Applicant's presentation.  
165

166 D. Petry stated that the other concern he has, on which he wants the Applicant to work with Staff, is  
167 that he is extremely concerned about the entrance onto Route 130. It is a huge safety issue, and he  
168 doesn't know if this project should get too far without input from State DOT. He doesn't know how  
169 they can make that intersection safe, with the road conditions, the speed limit, and the incline on that  
170 road – and this whole project hinges on entering and exiting that side. B. Moseley agreed, particularly  
171 considering winter conditions.  
172

173 J. Mook also supported D. Petry's comments regarding safety.  
174

175 C. Brannon replied that they have contracted with Jason Plourde at VHB, who will be the traffic  
176 consultant for this project. As part of this lengthy permitting process, they will also be engaging with  
177 DOT, and will have to secure a curb cut along Rt. 130. Those concerns and details will be determined  
178 and addressed.  
179

180 D. Petry stated that it needs to be done sooner rather than later. If DOT does not approve a curb cut, the  
181 Applicant will have to make drastic changes to the plan.  
182

183 C. Brannon replied that they have to be at a certain point with a project in order to address such an issue  
184 with DOT. Specifically, they have to agree on a plan that they can present as part of a permit  
185 application.  
186

### 187 **Public Hearing.** 188

189 Abutter: Mark Johnson, 34. Deacon Lane. Stated that he has a concern about the proposed entrance  
190 onto Deacon Lane. This development is proposing 35 new houses; there are about 24 or 25 houses  
191 currently on Deacon Lane, so now there would be approximately 60 homes accessing through Deacon  
192 Lane. Everyone on the site walk saw that the intersection with Proctor Hill is extremely dangerous;  
193 even if the Applicant gets DOT approval, he believes that the vast majority of homeowners will use  
194 Deacon Lane as an entrance and exit. They don't need a traffic study to understand that going from 24  
195 homes to 60 is going to more than double the traffic on Deacon Lane. This has been a quiet, cul de sac  
196 neighborhood for 30 years, and now the traffic will be more than doubled. That would be very unfair to  
197 the current residents, especially on the lower part of Deacon Lane. One course of action that the Board  
198 could take would be to require that the entrance/exit onto Deacon Lane be for emergency only, with a  
199 sign and a gate. For plowing in the winter they could leave the gate open, with the sign in place – for at  
200 least nine months out of the year, then, it would be gated and closed. That would force Proctor Hill to  
201 be the appropriate entrance and exit for these 35 new homes, rather than Deacon Lane, which is a cul de  
202 sac. He has seen such gated, emergency-only exits and entrances to new developments in other towns,  
203 and Hollis could certainly make that a requirement of this development.  
204

205 Abutter: Jim Usseglio, 44 Deacon Lane. Stated that he echoed M. Johnson's statements, and wanted to  
206 reiterate the safety concerns raised at the first public hearing regarding this major subdivision,

particularly coming off Deacon Lane. He would encourage the Board to drive up and down Deacon Lane several times to appreciate the slope and curves of the road, and the intersection at Rocky Pond Road. Imagine what that would look like with construction trucks driving up and down that hill, first building a new road, and then with up to 35 new houses, ending up with a connecting road between Proctor Hill and Deacon Lane. He would encourage the Board to find a better and safer solution that reflects well on all parties involved: perhaps something like the current HOSPD plan, but with a turn-around road, removing lots 1-3, so that access onto Deacon Lane would not be needed. That would also avoid a wetland crossing.

Abutter: Thomas Burton, 16 Deacon Lane. Stated that safety on both ends of the proposed development is one of his major concerns. Another major concern of his is that he is the abutter on the southern part of the property under discussion, which goes from Deacon Lane all the way up to Rt. 130. The boundary line along the stone wall is extremely steep. There are at least three or four tributaries that come down off of that hill. He is concerned about septic, and chemicals from lawn treatment emptying onto his property and into the brook, which is part of Beaver Brook.

Abutter: Jennifer Parker Cash, 137 Proctor Hill Road. Stated that she is unable to find one iota of goodness in this development proposal. First, we have one of nature's endangered treasures, the Blanding's turtle, living on this land, and as good stewards of this land all the powers of Staff and of this Board should be used to protect it. Second, Proctor Hill is a very dangerous and busy road which has already claimed lives. Adding any more traffic to it will only create more danger. Thirdly, adding homes, lights, and roads disguised as driveways behind her home and her neighbors' homes will not enhance the rural look of Hollis but detract from it. Furthermore, the actions taken by this Planning Board regarding this proposed development will set the precedent for the future wish-lists of all developers.

Abutter: Ed Carballo, 26 Deacon Lane. Stated that he has video clips that he took today – for the first time in the three years that he has lived there, he has flooding on his driveway. He has three culverts on his property; just the Applicant's clearing of trees, alone, has created a problem that didn't exist prior. He is concerned about flooding in his basement. He is concerned that he cannot access his house via his driveway because it's under water. One of his culverts feeds from the Applicant's property through a rock wall that is three feet high, and he has video of the water surpassing the height of that rock wall. That's how much water is coming down – and that is just from the removal of trees, no other construction at this point. His second concern is the Blanding's turtles. He has had six of them in his yard since the trees were cleared. He submitted photos to NH Game and Wildlife, and they confirmed the species. As his last point, he stated that, as the parent of school-aged children, of which there are many on Deacon Lane, there are no sidewalks or streetlights, and it is a safety issue to put in 35 new homes that will be using Deacon Lane as the primary entrance and exit for everything. It's clear that they will not use Rt. 130 if they can use Deacon Lane. Regardless of where the cut is, the turn is too dangerous. And all of that traffic would be going by his house, day and night.

Abutter: Sarah Helfgott, 30 Deacon Lane. Stated that she agrees with all the concerns of the previous speakers. She is speaking as the mother of two small children, who live directly where the proposed road would be. They moved to the quiet cul de sac for the rural experience. They did not move there to become a corner lot. She has a three-year-old and a seven-year-old, and will be bussing for a long time. An additional concern of hers is that their well, at over 600 feet deep, has a very slow recovery rate. In adding 35 new homes tapping into the water supply, what is going to happen to the wells of the existing homeowners? Another concern is with the school system. Their school bus stop is at the bottom of Deacon Lane. In nice weather they walk there, and despite having no sidewalks she doesn't have to worry about anything because it's a quiet cul de sac. That would change. She would like her children to be able to continue to walk to the bus stop, themselves, as they get older, but she could not let them if their street becomes a thoroughfare for a large development. The proposed number of homes would also impact bussing itself, which is already severely short in this Town. She is concerned about how this would impact the elementary, middle, and high schools, as time goes on. She feels that it is really

important to think about the future of Hollis, and the children who are going to continue to live and grow here, when we consider putting in 35 new million-dollar homes.

Abutter: Donna Duffy, 83 Deacon Lane. Stated that she agrees with what the previous speakers have said. Asked whether the Board has thought about what this is going to do to the Town water supply. The well for the Town water supply is at the end of Deacon Lane, right across the street. Businesses using that supply have had to close due to running out of water. The previous speaker brought up the issue of the schools, and the bus situation. Currently, going to the bottom of the hill to try to leave the area at a time when the busses will be coming to pick up or drop off children, there is a line of waiting cars on each side of Deacon Lane. It's already a nightmare for drivers, hoping that you won't hit a child jumping out of any given car. In adding 35 more homes, with as many more cars sitting at the bottom of the hill, someone is likely to get hurt. In making a left-hand turn from Deacon Lane, one has to pull way out in order to see oncoming traffic.

Abutter: Winnie Crouse, 131 Proctor Hill Road. Stated that she seconds the points made by her neighbor, J. Parker Cash. She had wanted to ask about a study regarding the amount of traffic on this road – such a study was already alluded to at this meeting, so she assumes that it will be well covered. It's crazy, on that hill. She lives at the top of the hill, and takes her life in her hands every time she leaves her driveway not just because of the amount of traffic, but because of the speeding, in both directions. She does not see how adding another 35-70 cars entering, on that hill, could ever be considered safe. One of the many other big issues is the impact on this huge area of natural environment. It's natural beauty, but also a critical environment for wildlife habitat. It's the responsibility of all Townspeople, in every position, to protect it. Safety of people and protection of the environment are the two issues that she addresses.

Joe Garruba, 28 Winchester Drive. Stated that he is here tonight speaking on behalf of himself. He has three topics to cover relative to the HOSPD plan submitted on 12/5, and the conventional plan dated 10/20, by the Applicant. He requests that the meeting minutes reflect that he submitted a report on 11/15, and he wants that included in the official record. Regarding the concerns raised in the 11/15 letter, he requested that the Board have the Applicant respond in writing to the following concerns which were raised in his report of November 15<sup>th</sup>. The report raises concerns which have not been addressed by the Applicant, and are relative to the determination of density for this project. Is it too much to ask that the developer address these questions raised regarding the compliance of the proposal? He thinks residents need to understand the rationale that is used to justify the submitted plans, and that they are compliant. This is a job for the Applicant, not the Town or Town Staff. Specifically, the intersection of road A and C requires a 3% grade within 100 feet of all of the intersections. Again, the intersection of road C and D requires a 3% grade on all of the legs of those intersections. And here's a few lots that he believes have compliance issues and must – the language is 'must', in the ordinance – be compliant. So, lots 23, 24, and 25 seem to have issues. Lot 24 claims frontage on the end of a hammerhead; lot 25 claims frontage on the end of a hammerhead; and lot 23 is drawn in a contrived, irregular shape. So, his ask here is to have the Applicant submit a response in writing that explains why they believe the plans they have submitted are compliant. If this is going to be accepted, we'd like to know why. Regarding density, allowable, on the conventional plan set, he thanks D. Petry for his point about the special exception. C. Brannon quoted some of the ordinance, and J. Garruba wants to quote a little bit of it, too: 'the number of dwelling units permitted in a HOSPD shall be no greater than the number of units that would be possible if the parent parcel were wholly subdivided in a conventional manner'. It later goes on to say 'For the purposes of determining the number of HOSPD lots, each conceptual conventional lot must meet the requirements of a buildable lot as defined in the Hollis Zoning Ordinance, and meet all other applicable requirements of the Zoning Ordinance and land subdivision regulations'. The plans submitted are not achievable without obtaining a special exception from the Zoning Board due to the amount of wetland disturbance. In addition, there are concerns with several of the proposed lots' compliance. The Planning Board is not empowered to grant a special exception. Therefore, in order to see how many units could be permitted in a conventional subdivision, the Applicant must either obtain a special exception from the ZBA, or submit plans for a conventional

development that do not disturb so much wetland that they require a special exception. If the Planning Board allows the construction of extra units in this manner, that would otherwise not be possible without obtaining that special exception, it will reduce the chance that this project could be developed without needing to access Deacon Lane. So he requests that the Planning Board require the Applicant to submit a compliant conventional development without the use of waivers, or special exceptions, as required by our ordinance.

Joe Aubin, 59 Deacon Lane. Stated that he wanted to echo some of his neighbors' concerns regarding safety on both of the entrances to this development, as well as mention that he has also witnessed a few different rare species, which he has reported, including Blanding's turtles, up on his end of Deacon Lane. He also has a big concern about erosion, especially given the storm we just had, and all the slopes involved on this lot. He thinks that, going forward, there are a lot of potential issues both for what this disturbance could do, as well as for safety in a lot of the bigger storms that we've been having. Well water is also a concern for him; his home is up pretty high, so their well already has to go deep. Finally, he echoes J. Garruba's concerns about how everything was established, and whether this is the right number of units to establish. If they need a special exception, he would like to understand that, as well.

Joe Connelly, 14 Sawmill Road; Chair of the Hollis Conservation Commission. Stated that before the Applicant presented, he wrote down three items that came to mind. The Conservation Commission has not yet discussed this in earnest. The three items of his concern were addressed by the Applicant, and he is glad that they are thinking about the same things. First was the wetland crossing. On the site walk it wasn't a particularly wet day or weekend, but there was a good amount of water running across that first entry point. The second item was the wildlife habitat, as many of the residents have noted. There are some interesting species on this lot. A wildlife study is something that the Conservation Commission almost always asks for. Finally, we cannot forget about Beaver Brook. Beaver Brook is a tremendous asset to Hollis. The beauty of Beaver Brook complements the beauty of Hollis, and the interests of the Conservation Commission very much align with the interests of Beaver Brook.

Applicant rebuttal: Chad Brannon, Civil Engineer with Fieldstone Land Consultants, for Raisanen Homes Elite, LLC.

B. Moseley pointed out that one of the most common points from the public hearing was a concern about well water.

C. Brannon stated that the Board has outlined studies that will be needed to address various concerns, and that they look forward to addressing the concerns with those reports. This project will require a lot of oversight from the State end. The DOT will look at the intersection with Rt. 130, and that is something that the Applicant plans on hitting head-on as early as they can. The project will require a NH Department of Environmental Services Alteration of Terrain permit, which will deal with stormwater mitigation, evaluating the appropriate design for storms, erosion and sedimentation controls, and that will become part of the Design Review process. The Board has already outlined that they need a stormwater management report. In order to design the site and provide those details, the Applicant needs to know what plan they are going forward with. In order to do a stormwater management report, they need to know whether it will be a HOSPD layout or a conventional design. They understand that this is a fluid review process, and that there will be comments along the way, but they still do need that direction.

C. Brannon stated that as it pertains to the zoning ordinance, these plans meet the zoning. Period. A special exception is a permitted use by right. If they fall under the category of a special exception, that means that what they are proposing is permitted. It's no different than any other open space development, or any other subdivision they've done that has gone through the same process. They have never been required to secure a special exception in order for this Board to make a determination on a conventional yield plan versus a HOSPD, because those crossings are permitted by right. He believes

that many sections of the ordinance address that. The one stipulation which Staff picked up on and was fairly critical about is that you cannot propose an impact of greater than 20,000 square feet. That is not permitted in the regulations. It is a special exception up to that threshold. This plan, this proposal, meets that. Frontage has always been allowed on the end of hammerheads – it's a right of way, it's legal frontage, there are no exceptions or other definitions of which he is aware within the ordinance that does not allow frontage along and around a hammerhead. It's a Town right of way. All of these lots, conventional or HOSPD, meet all of the criteria. All of them: buildable area, setbacks, contiguous acceptable area. If you meet all of the criteria, it's a viable lot. That's the way this Board has handled that all the way up to this point. He is not aware of any other issues. He was not aware of any report that was submitted to the Board, but at the same time he did have a chance to review the lots that were questioned, and he does believe that they do meet all of the criteria.

C. Brannon further stated that he appreciates all of the feedback – this is an important part of the process, and they look forward to commencing the studies and providing a lot more detail for consideration in addressing many of the concerns that are being raised. They do hope that this evening the Board will make a decision regarding one plan or the other; he thinks it's clear that if the public is concerned about wildlife, that is one of the goals and objectives of the HOSPD plan. He also thinks that the Board has a duty to go with a HOSPD, unless they make a determination that for some reason this site is not adequate for that type of development. He thanks everyone for their time, and is happy to answer any questions that the Board may have.

#### **Public Hearing Closed.**

B. Moseley asked for comments and direction from the Board as to which plan they are leaning toward.

R. Hardy asked whether Staff has any concerns about any of the proposed lots not meeting the requirements at this time. K. Anderson replied that no, he does not.

J. Mook stated that, having gone on the site walk, it's obvious that this is a beautiful piece of land to which they should try to minimize damage. She thinks that the HOSPD plan is the best chance of preserving what we can. She does wish that there were fewer proposed houses, and perhaps through the process, and with the studies, we can find ways to legitimately cut down the density of this development.

D. Cleveland concurred with J. Mook. A HOSPD is the better of the two choices.

R. Hardy stated that the HOSPD definitely would not have as much of an impact on the landscape, habitats, and natural features of the area.

D. Petry agreed with the Board members' statements. He does reserve the right to change his mind, pending what comes out as we move through the process. B. Moseley added that they all do – it's non-binding at this point. D. Petry stated that it is presumptuous of the Applicant to think that they automatically get a special exception. They could get a special exception with conditions; it's not a slam-dunk at the ZBA. There will be discussion, there, and whatever the ZBA provides for conditions could change the project. The other thing that he is extremely concerned about, which two of the abutters discussed, is that you cannot have any increase or decrease in flow, pre- and post-development. He wants to know what is going to take place, here, regarding erosion control down by Deacon Lane. Additionally, this all pre-supposes a curb-cut approval on Proctor Hill Road, from the DOT.

M. Fougere stated that in the past, for another project in Town, they have reached out to DOT and they've sent an official down to look at the site to give a preliminary idea even though the traffic study is not done. The DOT is understaffed right now, but it wouldn't hurt to reach out to the Director, and see if they could send someone to visit with us and discuss the site at this stage.

B. Moseley agreed that that would be very helpful for the public as well as for the Board; the proposed intersection is tenuous at best. K. Anderson confirmed that Staff will reach out to the DOT.

D. Petry added the comment that he sees a lot of new people here, at this meeting, and a lot of people who have moved onto Deacon Lane. He reminded the public that this Board takes an oath to be fair and impartial, and to not make a decision on a project until they are asked to vote on it. We are in the Design Review stage; things can change – this is not the final submittal, or the final application. He would caution regarding stern comments addressed to the Board. The Board members have to look at all of the evidence, and in the end make a fair and impartial decision. They take all of the public’s comments into consideration. The Board is not the enemy – they are here to protect the Town, and to protect the residents. The Applicant has a right to develop the parcel that they own. There are obligations under the RSA to allow people to develop land. The only way to not develop this site is to buy it from the Applicant.

M. Leavitt stated that from where we are now, in these early stages, he believes the HOSPD is the way to go. There are a lot of questions to which we have to start getting answers.

The Board in general was in concurrence with going forward with a HOSPD design. B. Moseley stated that their vote would be non-binding in a sense; we are still early in the Design Review phase of the project, but we need to give the Applicant direction so that they can proceed and gather the appropriate information.

**Motion for the project to proceed with the HOSPD configuration, realizing that we are still early in Design Review, and that things change** – motioned by D. Cleveland, seconded by M. Leavitt; motion passed unanimously.

B. Moseley stated for the Applicant that the Board is requiring every study except for hazardous waste.

D. Cleveland stated that on the site walk the Board reviewed all of the proposed roads for the project, including those that may now be abandoned because of the HOSPD choice – and they have all already been cleared. What would be the plan regarding the cleared area that may no longer be developed? Will that now be restored?

C. Brannon replied that the majority of the area that was cleared is the through-road and the spur-roads. Certainly, mother nature does a good job of filling things in, and that is something that we can talk about with a future submission. They will discuss this with the land owner, and with some of their professional staff, including the wildlife consultant, see what their thoughts are, and get back to the Board.

C. Brannon requested to continue the Design Review application to the Board’s next meeting, January 16<sup>th</sup>, 2024 – he is hopeful that they will have the wildlife study by then and perhaps be able to have their wildlife professional attend that meeting.

**Motion to continue File PB2023:012 Design Review to the Board’s next meeting, January 16<sup>th</sup>, 2024** – motioned by D. Cleveland, seconded by R. Hardy; motion passed unanimously.

M. Fougere asked Conservation Commission Chair J. Connelly when they will next be meeting. J. Connelly stated that while the Conservation Commission will be meeting on January 17<sup>th</sup>, they already have a loaded agenda for that meeting and it would be better if they could meet the Applicant at the Conservation Commission’s February meeting.

- b. **File PB2023-018 – Lot Line Relocation:** Applicant is proposing to adjust the common lot lines between two parcels of land located at Silver Lake Road. Owner & Applicant: The Depaulis Family

Revocable Trust, Map 52 Lots 19 & 20, Zoned: Agricultural & Business (AB). **Application acceptance and public comment.**

K. Anderson stated that the application is for a simple lot line adjustment; there would be an exchange of land of about 7.5 acres, subtracting from Lot 19 and adding to Lot 20. There are no improvements with this; this is simply a lot line adjustment. In line with that, there are two waivers being requested: one is a check-list item, regarding wells and septic systems within 200 feet. In the past, this is something that we have not deemed necessary for a waiver, but he would leave it up to the Board to determine that. The second requested waiver is for site-specific soils on the larger parcel – again, there is no proposed development. Other than that, the application is complete and ready for the Board’s review.

Applicant: Rob Degan, surveyor with S&H Land Services, with Debra Depaulis, Owner. Stated that they are looking to do a lot line adjustment between two properties. Lot 19, 8 Silver Lake Road, is currently about 9.5 acres; Lot 20, 9 Proctor Hill Road, is currently about 3 acres. Most of the lot is orchards. 9 Proctor Hill would then have all of the orchard land, and 8 Silver Lake would be left with two acres, including the house and barn that are currently on the property. 9 Proctor Hill, for which they are requesting the waivers, already has a new house, septic system, and well on the property. They did have soils mapped on Lot 19, for the proposed remaining two acres, and the soils are all good. The soil scientist did not find anything that would be poorly drained, and there are no wetlands to speak of. They already have State subdivision approval, and the lot will still support a septic system.

**Motion to accept the application** – motioned by D. Petry, seconded by J. Mook; motion passed unanimously.

Per a question from D. Petry, R. Degan stated that the current acreage of Lot 20 is 3.058 acres. It would become 10.6 acres, with a total of about 450 feet of frontage. D. Petry asked what the long-term plan is, as this is probably just step one.

D. Depaulis stated that the long-term plan is conservation of the orchard. D. Petry asked whether that would be a note added to the application, and/or whether they would stipulate that there would be no further subdivision – because the resulting parcel could potentially support two four-acre back lots.

R. Degan asked whether there was any reason to deny a future subdivision; D. Petry stated that at this point he is just asking questions.

B. Moseley asked whether the Applicant would have any issue with adding such a note to the plan – that there be no further subdivision.

D. Depaulis responded that she feels her answer would be very sarcastic. She thinks that she is trying to do something good, in preserving the orchard, and being treated this way does not make her feel good. So, she doesn’t want to be sarcastic.

D. Petry stated that he does not mean his questions to be confrontational; he has sat through several meetings in which applicants have done a similar adjustment, and then come back later. If there is no plan for further subdivision, that’s great.

B. Moseley asked to confirm that in fact the plan is conservation.

D. Depaulis answered that right now, her plan is to put all of the orchard on one lot, so that it is easier to present for conservation efforts.

M. Fougere noted that a couple of years ago the Applicant bought an 18-lot subdivision that was approved by this Board, and came before the Board to discontinue the subdivision and instead consolidate the lots to turn it into one piece of property.

**Public Hearing.**

Abutter: Alex Crosby, 45 Proctor Hill Road. Stated that this he thinks this application is pretty straightforward and simple, and that he has no objection to the plan.

**Public Hearing Closed.**

B. Moseley asked Staff to review the two waivers on the application. K. Anderson stated that the first waiver request is a checklist item, for locating existing wells and septic systems within 200 feet of the property. He personally does not see any need for this; they are both already developed properties. They have determined this to not be a waiver, previously, and he would prefer to be consistent, but it is up to the Board.

Per a question from J. Mook, K. Anderson clarified that if the Board agrees that we're not going to consider this a waiver, he'd like to just ignore it – they've done that previously. In Staff's opinion, it should not be a waiver; it was simply presented as such.

B. Moseley stated that he has no issue on going with Staff's position, and negating this requirement. The Board was in general agreement.

D. Petry pointed out that if we're going to do that, we need to put N/A on the checklist, with explanation, so that this doesn't keep coming up. B. Moseley and Staff concurred.

K. Anderson stated that the second waiver is for site-specific soils on the new Lot 20. There is no need to do site-specific soils when you're making the lot bigger. He is in agreement that this is technically a waiver item.

J. Mook asked whether there would be soil typing done in the future, if the lot is subdivided; Staff answered yes. This waiver would only be for this application, this current situation.

**Motion to grant the waiver** – motioned by D. Petry, seconded by D. Cleveland; motion passed unanimously.

K. Anderson stated that the Applicant submitted a request to have the 30-day review signed outside of the meeting. B. Moseley asked whether the Applicant understood the ramifications of the 30-day review; R. Degan answered yes. B. Moseley stated that the Board has done this before; the consequences fall upon the Applicant.

**Motion to approve signing outside of the meeting the Applicant's waiving of the 30-day appeal period** – motioned by D. Cleveland, seconded by M. Leavitt; motion passed unanimously.

K. Anderson stated that Staff's one recommended condition on the application is that the bounds be installed or bonded prior to recording.

**Motion to approve File PB2023:018, with the recommended condition** – motioned by D. Petry, seconded by J. Mook; motion passed unanimously.

- c. **File PB2023-019 – Subdivision Amendment:** The intent of this application is to divide the existing Unit #7 at Hollis Village Market Place in half. The halves of the building will be designated as units

7A + 7B. Owner & Applicant: 5 HVM, LLC., Map 52 Lots 31 & 7, Zoned: Agricultural & Business (AB). **Application acceptance and public comment.**

K. Anderson stated that this is another straightforward application. As the Board is aware, Hollis Village Market Place is made up of a number of different units. In this case, one of the units is going to be condominium-ized, and come under two owners. In this circumstance, there are no land improvements being done, there are no exterior improvements being done – nothing is being done other than the recording of the dividing line between Unit A and Unit B, and that will go into the waiver request, which is pretty much from Section 5, which talks about existing conditions. The application is complete. He is agreeable to the waiver, but interested to hear the Board’s discussion.

**Motion to accept the application** – motioned by J. Mook, seconded by D. Cleveland; motion passed unanimously.

Applicant: Attorney Tom Hildreth, 15 Broad Street, representing the Owner, 5 HVM, LLC. Stated that this is a technical subdivision of ownership. The building, Unit 7, is already a single condominium unit today. By virtue of the subdivision it will become two units, 7A and 7B. There will be no change to the way the building sits, or looks, or is used, or is divided. The two long-term tenants would rather be owners than renters. The current owner is amenable to facilitating that, and subdivision is required to make that possible.

D. Petry pointed out that there are a couple of common areas – so there isn’t a partition right down the middle. T. Hildreth replied that exactly the walls that are there today are going to be there tomorrow. There will be limited common areas with respect to both 7A and 7B. There is a foyer in the front, a common bathroom in the back, and a front porch under the eave. Each unit also has a bathroom within it.

Per a question from K. Anderson, T. Hildreth confirmed that the waiver request for Section 5 is that they are asking to not have to survey and collect further detailed information.

#### **Public Hearing.**

There were no speakers on this application.

#### **Public Hearing Closed.**

Per a question from B. Moseley, K. Anderson confirmed that this application is mostly an administrative process.

**Motion to grant the waiver** – motioned by R. Hardy, seconded by D. Cleveland; motion passed unanimously.

K. Anderson stated that Staff has no conditions to place on the application.

**Motion to approve File PB2023:019** – motioned by R. Hardy, seconded by M. Leavitt; motion passed unanimously.

## **6. OTHER BUSINESS:**

### **a. Proposed Zoning Amendments.**

B. Moseley stated that at this meeting the Board is going to hold the first public hearing concerning the proposed zoning amendments that were discussed at the Board’s last meeting; after that, they need

to set a public hearing for the petition zoning ordinance change that has come through. All public hearings tonight will be temporarily closed, and re-opened for further comment at the next meeting – as mentioned at the start of tonight’s meeting, above.

1. M. Fougere stated that the first amendment is to Section XX Hollis Open Space Planned Development (HOSPD) requirements. This particular change is to clarify a paragraph within the regulation – paragraph 5, under Density. Staff believes that these changes will help clarify the layout of a HOSPD, and how many lots are allowed.

**Public Hearing.**

There were no speakers on this proposed amendment.

**Public Hearing Closed.**

2. M. Fougere stated that the second amendment has to do with Enforcement and Administration. As discussed at the last meeting, Staff is recommending an addition to this section that states “No building permit(s) shall be issued for a property with an outstanding Zoning, Site Plan Regulation, and/or Subdivision Regulation violation(s).”

**Public Hearing.**

Joe Garruba, 28 Winchester Drive. Stated that he takes no position on this amendment, but he believes that the amendment list has a duplication of this language in both the #2 spot, and the #6 spot. He would ask that anything that gets posted removes the duplication.

**Public Hearing Closed.**

3. M. Fougere stated that the third amendment is to Section XI: Overlay Zoning Districts, paragraph c. Wetland Conservation Overlay Zone (WCO), and two paragraphs within it. The purpose of this amendment is to clarify the review of wetland buffer disturbance and to reduce the impacts on wetland buffers.

**Public Hearing.**

There were no speakers on this proposed amendment.

**Public Hearing Closed.**

4. M. Fougere stated that the fourth amendment has to do with a change to the definition of a temporary structure. The purpose of this amendment is to align the definition of a temporary structure to the current version of the International Building Code. This was a direct request from our Building Inspector.

D. Petry asked whether this change would mean that if it is a temporary structure under 400 square feet, it would no longer need a permit. K. Anderson confirmed that yes, that would be the case. D. Petry asked why we would put a minimum square footage into this. He referenced all of the temporary garage structures that started to get put up all over Town.

K. Anderson agreed with D. Petry, but added that the 400 square foot figure comes from the Building Code, which we are trying to match. D. Petry stated that the way this is written, it means that if someone puts up a temporary structure under 400 square feet they do not need a permit. K. Anderson agreed that that is a very good point.

691 R. Hardy stated that he understood that one did need a permit for any temporary structure, or tent,  
692 if it is up for more than seven days – you need a permit; this amendment is in regard to specifically  
693 needing a building permit. His understanding is that this is administrated by the Building  
694 Inspector, as opposed to the Building Department.  
695

696 D. Petry and B. Moseley concurred with R. Hardy’s summation. D. Petry and Staff agreed that  
697 they need to get clarification from the Building Inspector. We do not want to create a new  
698 loophole.  
699

700 R. Hardy asked hypothetically whether, if he wants to put up a tent for one or two days for a  
701 business event, such as a wedding, this amendment would mean that he has to get it inspected  
702 prior to use. Staff concurred that yes, that’s what this says. R. Hardy asked whether the Building  
703 Inspector is going to be available seven days a week to do these inspections.  
704

705 M. Fougere stated that right now, all temporary structures are supposed to get a building permit. D.  
706 Petry pointed out that that is certainly not happening.  
707

708 B. Moseley asked what is the definition of a temporary structure; K. Anderson pointed out that the  
709 definition will be different in our zoning ordinance than it is in the building code. D. Petry stated  
710 that we need to fix that at the same time.  
711

712 B. Moseley requested that Staff reach out to the Building Inspector, and have her attend the  
713 Board’s next meeting to help answer these questions. He asked whether, if following that next  
714 meeting and discussion, they need to re-write the proposed amendment substantially, there will be  
715 enough time to post it and have another public hearing on the proposal. M. Fougere stated that we  
716 would have to take care of it in January, as everything has to be finalized in early February.  
717

718 M. Fougere stated that the Building Inspector’s memo regarding the proposed amendment says  
719 that “any event tent erected on public or private property shall comply with applicable revisions of  
720 the State Building Code and State Fire Code.” That’s what is driving this. The current State Code  
721 requires a permit for temporary structures over 120 square feet; New Hampshire amended this  
722 section to allow for temporary structures that cover an area of 400 square feet or greater.  
723

724 K. Anderson pointed out that the issue is that you can put sides on most of these tents, which act as  
725 walls and eliminate access points.  
726

727 R. Hardy added that it’s a safety issue to put up a tent without sides – if there is wind, tables can  
728 blow over.  
729

730 J. Mook asked about the time period of seven days; if it were four days, it would get you over a  
731 weekend. She’s considering families who just want to have a weekend party.  
732

733 M. Fougere stated that the Building Inspector’s memo says that “currently Hollis’s definition,  
734 according to the zoning ordinance, of temporary structures, omits the requirement for a permit for  
735 any tent that is placed for a period of seven days or less. This violates NH RSA 155:a.2, item 5.”  
736

737 It was further pointed out that enforcement is going to be another issue.  
738

### 739 **Public Hearing.**

740  
741 Joe Garruba, 28 Winchester Drive. Stated that it sounds like there is some important information  
742 to understand, including a memo from the Building Inspector, and reference to a State RSA. If  
743 that could be made available, it would make the next public hearing more valuable.  
744

**Public Hearing Closed.**

5. M. Fougere stated that the fifth amendment has to do with amendments to the Floodplain Overlay Zone. These are being requested by the Federal Government. All the floodplain areas are being remapped by FEMA. They are asking that the floodplain regulations be amended to reflect new language. If we do not comply with this, anyone who is in the floodplain will not be able to get insurance. The recommended amendments are minor in nature; it's not extensive.

**Public Hearing.**

Joe Garruba, 28 Winchester Drive. Stated that there is a change to base flood elevation, replacing the term '100 year storm', and he missed the concept of whatever the change is to 'flood opening' – but he would ask that if there is any information that supports the details of what specifically these changes mean to us, any documentation, he would like to get a copy of it.

**Public Hearing Closed.**

6. M. Fougere stated that the sixth proposed amendment is a recommendation from the ZBA, which has to do with amending Section IX: General Provisions, K. Accessory Dwelling Units (ADUs). Right now, ADUs require a special exception. They are recommending that it become a use allowed by right. The ZBA approves these on a regular basis; most of the time it's for Hollis residents' parents. All applications are reviewed by Staff, and at this point in time it's something that the ZBA feels should be moving forward as an allowed use by right.

**Public Hearing.**

Joe Garruba, 28 Winchester Drive. Stated the document that went out had a different proposed sixth amendment listed.

K. Anderson stated that his copy of the amendment proposals, and the copies that went out, are the revised version. J. Garruba is referring to the old version – which is what is linked to today's Planning Board agenda, on the Town website. K. Anderson will check all the links.

D. Petry stated that it's all a moot point, as we will be talking about it again at the public hearing in January.

J. Garruba stated that in regard to ADUs, there is legislation at the State this year which is coming down to change ADUs and our authority relating to them. He thinks it's HB1291, and it would be good to study that before the next public hearing. His understanding of it is that it allows an attached ADU by right, and it allows a 1000 square foot detached ADU, in essence a second house. We have to be careful about putting this amendment through at our local level, when something very dramatic is going on at the State level.

**Public Hearing Closed.**

M. Fougere thanked J. Garruba, and added that Staff found out about the mentioned amendment today; it is HB1291, it has not been heard yet, and is in the very early stages. It's going to mandate that towns allow the ability to put in two accessory dwelling units, not just one – one has to be attached, but one can be detached.

D. Petry asked if the proposed State amendment has any septic system requirements that go along with it. K. Anderson replied that you can't add the bedrooms if your lot can't do it. D. Petry stated that there are some protections in place, then. K. Anderson said, though, that he doubts a two acre lot couldn't meet this.

M. Fougere stated that he can get the Board copies of HB1291. It does say that communities can require additional land, but it can only be a half acre. Currently, if you have a detached ADU in Hollis, you have to have a four acre lot. If this was to pass, the most that we could require would be to go from two acres to two and a half.

D. Petry stated that they would also have to meet all the setback requirements, and all the other regulations, so there are some protections. However, and it's important for people to understand this, this is why you cannot make our ordinances so restrictive that we're going to lose in court, and lose the two acre minimum. If we lose the two acre minimum, and go to something less, this kind of thing is going to get worse.

M. Fougere stated that the proposal still has to go through the House vetting process, and then it has to go through the Senate, and if it gets beyond that process it will have to be signed by the Governor. This will not take effect until July 2025, if it were to pass – which means that we would be able to address it at next year's Town Meeting. There have been no public hearings on the proposal. It's going to be very controversial, as it doesn't just reflect Hollis: it's State-wide. The first hearing is in early January.

J. Mook stated that this is perhaps a result of the housing shortage, and nursing home shortage.

M. Fougere stated that it was actually brought up last year, in another bill, and that got killed.

7. M. Fougere stated that the seventh proposal is an amendment to the solar energy system section of our regulations. Right now the maximum height of a ground mounted solar system shall be 10 feet; this amendment goes to 15 feet. There is a provision in our regulations that allows for a waiver, and we have had a number of applicants request a waiver to go above 10 feet. This amendment would allow them to be able to go, by right, 15 feet above the ground.

K. Anderson added that regardless, we've always enforced buffering – trees, landscape, visibility.

J. Mook asked whether, if this change is made, applicants would still need to go through a process that would allow us to vet the plans. The answer was yes – the Board would still look very heavily at each application. J. Mook asked whether we would have the right to deny an application at 15 feet, but say that they could do it at 12 feet. B. Moseley replied that he thinks the Board approaches the question more from the standpoint of how visible a proposed array would be.

K. Anderson added that we get a request for a waiver for height almost every time we have a ground mounted solar application. It comes down to the fact that you can't physically construct it and make it work at 10 feet.

D. Petry asked how many more applications for ground mounted solar arrays are going to come in if we make this change. K. Anderson stated that he didn't think there is going to be an increase because of this. B. Moseley stated that the Board looks more at screening than they do at height.

M. Fougere stated that there was a case that came in for which screening wasn't going to be adequate, and the Board was concerned enough about it that it actually was denied. Visual impact is the primary concern.

D. Cleveland asked why 15 feet is the new proposed height, rather than 12 or 13. K. Anderson answered that it was recommended to us by the Energy Committee. M. Leavitt, who is on the Energy Committee, stated that it's based on geometrical mathematics, and the preferred angle of the systems.

**Public Hearing.**

Joe Garruba, 28 Winchester Drive. Asked to confirm that this is a one-character change, changing the 0 to the 5. The Board confirmed that that is correct.

**Public Hearing Closed.**

**Motion to continue all zoning ordinance change proposals to the Board's next meeting, 16 January, 2024, which will include another public hearing on all the proposals, and the Board's vote on whether each proposal goes to ballot** – motioned by D. Petry, seconded by M. Leavitt; motion passed unanimously.

**b. Date for public hearing concerning the petition zoning ordinance change that was submitted.**

B. Moseley suggested the date of the Board's next meeting, January 16<sup>th</sup>. The Board cannot require any changes on the petition; they will just have a vote as to whether or not they support it.

**Motion to set January 16, 2024 as the date for the public hearing on the petition zoning ordinance change** – motioned by J. Mook, seconded by D. Cleveland; motion passed unanimously.

**ADJOURNMENT:**

**Motion to adjourn at 9:19pm** – motioned by D. Cleveland, seconded by J. Mook; 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.