

HOLLIS PLANNING BOARD MINUTES

September 19th, 2017

“Final”

PLANNING BOARD MEMBERS PRESENT: Cathy Hoffman – Chairman, Rick Hardy, Brian Stelmack, Chet Rogers and David Petry, Ex-Officio for Selectmen, Alternates; Bill Moseley and Jeff Peters;

ABSENT: Doug Cleveland – Vice Chairman & Dan Turcott; Alternate 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. B. Moseley was appointed to vote on behalf of D. Turcott and J. Peters was appointed to vote on behalf of D. Cleveland.

2. APPROVAL OF PLANNING BOARD MINUTES:

C. Hoffman tabled the approval of Planning Board Minutes August 15th 2017 to October due to an insufficient number of Planning Board Members who were at that meeting.

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:

PB2017-007 – 46 Laurel Hill Road (Map45-18) Hollis & 27 Mossman Road (Map57-7) Milford, Patrick Boyle, Amber Pursel and Yvonne & Gerard Ouellette, lot line relocation and two lot subdivision creating one new back lot.

D. Petry made a motion to authorize the Chairman to sign plan PB2017-007, once all conditions have been met. B. Stelmack seconded. All in favor none opposed.

5. PB2017-015: Major Subdivision – Amendment: Proposed amendment to the storm water design for the approved Woods Subdivision relative to lots along Depot and Dow Road, Applicant/owner: Elizabeth J. Woods Rev. Trust, Map 13 Lots 68-5, 68-6, 68-7, 68-8, 68-9, 68-10 & 68-11, Dow and Depot Road, Zoned R & A Residential Agriculture. A.A. 8-15-17, Tabled from Aug. 15, 2017.

M. Fougere explained that this application was a proposed amendment to a major subdivision application for proposed amendment to the storm water design for Depot and Dow. It was tabled from August 15th 2017. Town engineer, Dennis LaBombard had reviewed this application and had responded. We have received a letter from D. LaBombard dated September 15th 2017 and he has reviewed all the plans and changes for this project. He feels that the changes are adequate if not better than the previous design that was approved before. He approves all the changes and it meets with the Town's requirements.

Kevin Anderson, Meridian Land Services, here to present the continuation of the Woods Subdivision application from the August 15th Planning Board Meeting. He explained it was tabled so they could further address D. LaBombard comments, which are solely related to

48 drainage concerns. He suggested going over a few things as a number of Planning Board
49 Members had missed the August meeting. He stated to the Board that this was an approved
50 subdivision, and this is a plan amendment. They are amending a drainage design, as the
51 previous drainage design was done in accordance to State requirements Alteration of
52 Terrain, which does not apply as he has had confirmation that this does not apply. This
53 design drastically reduces the amount of disturbance associated with the drainage design.
54 They have redesigned it working with Dennis LaBombard, to meet the Towns standards,
55 and as his letter indicates it meets all his concerns, further adding it is a better design in the
56 end. K. Anderson went on to refresh the previous meeting, where it was mentioned to
57 eliminate a further swale along the southern properties that abut Eastman Lane. He
58 reiterated that this swale would not be eliminated and will be per plan per the previous
59 design.

60 C. Hoffman asked the Board members if they had any questions or comments. No one had.
61 M. Fougere listed conditions to include submittal of plans and easement documents.

62 D. Petry made a motion to approve with conditions as M. Fougere stated, application
63 PB2017-015 with comments as amended. B. Moseley seconded. All in favor none opposed.

64 **6.PB2017-017: Minor Subdivision: Proposed Lot consolidation and subdivision of an**
65 **existing 8.13 acre lot into two lots, Applicant/owner Crimson Properties, LLC, Map 10**
66 **Lot 16 (Hollis) and Map D Lot 69 (Nashua), 1095 West Hollis Street, Zoned R**
67 **Recreation (Hollis) and R30 Suburban Residence (Nashua). These properties lie in**
68 **both Hollis and Nashua. Application Acceptance and Public Hearing.**
69

70 M. Fougere explained this proposal involves the consolidation of two adjoining lots and
71 subdividing the lot into two four acre back lots. This 8.13 acre site lies along the Nashua
72 River and is partially split by the Hollis-Nashua town line. The new lots will be 4 and 4.13
73 acres in size, proper Building area is provided and all zoning requirements have been met.
74 Approval from both Hollis and Nashua Planning Boards will be necessary. As the site
75 adjoins the River, a Shoreline Permit will be required; the rules relative to development
76 within 250 feet of the Nashua River, limit tree clearance, along with other regulations.
77 There are no wetland crossings involved to develop the homes and the test pits have already
78 been carried out by town inspector. These lots are set 700-800 feet deep off West Hollis
79 Street, the homes will be well off the road, and he asked the Board if they had any concerns
80 regarding Rural Character, but these lots are very deep and nothing will be seen from West
81 Hollis Street.
82

83 M. Fougere recommendations of conditions should the board be inclined to accept include;

- 84 • All lot bounds along the common boundary shall be set prior to plan recording.
- 85 • State Subdivision approval is required.
- 86 • A permit from Shoreline shall be required as part of a building permit application as both
- 87 building sites lie within 250 feet of the Nashua River
- 88 • Owners signature shall be added to the plan
- 89 • Remove note 17 from sheet 2 it is not applicable to this application
- 90 • Does the site contain an old septic tank? If so, it should be demolished or removed.
- 91 • The applicant shall obtain driveway permits from the City of Nashua if needed.
- 92 • Approval of the City of Nashua Planning Board shall be obtained prior to plan recording.
- 93

94 Chris Guida, Soil Scientist and Wetland Scientist with Fieldstone Land Consultants,
95 approached the podium to present this application. He confirmed the acreage is 8.13 acres.
96 They were before the Planning Board in July this year, looking at a 3 or 4 lot subdivision.
97 They had decided to go with a conventional subdivision. Here are two large lots in premium
98 area down by the river. He explained the topography, and that you cannot hear the traffic
99 on West Hollis Street when further in the lot. He explained they do not have any issues
100 with Staff comments. However the last point regarding obtained prior approval from
101 Nashua Planning Board, he is not sure if they need to do this or not as they have read an
102 RSA that maybe states that only the town where the houses will be built on need to approve
103 the subdivision. This will need to be clarified and confirmed. He suggested it be reworded
104 to say “needs to meet all necessary approvals from the City of Nashua”.
105
106 D. Petry stated that the access to these lots are through Nashua, and asked who has
107 responsibility for emergency services. M. Fougere suggested as the homes will be in Hollis
108 then that would be Hollis responsibility, although this will need to be figured out having
109 spoken with DPW to confirm the addresses. J. Peters suggested they may have two
110 addresses. One for Nashua and one for Hollis. M. Fougere confirmed he would check with
111 Council as to the appropriate wording and procedures necessary with lots spanning over
112 Hollis and Nashua.
113
114 C. Rogers asked the frontage on the both lots. They are classed as back lots and the frontage
115 is more than adequate. M. Fougere added they will need Nashua planning permission.
116
117 D. Petry made a motion to accept application PB2017-017 for review. B. Stelmack
118 seconded. All in favor none opposed.
119
120 C. Hoffman opened the Public Hearing. No one wished to speak and the public hearing was
121 closed.
122
123 D. Petry raised the subject of the Rural Character. M. Fougere explained that the board
124 needs to consider this for every subdivision, however given the depth of these two lots it
125 may not be an issue, however the board still needs to consider it. The shoreline limits a no
126 cut area, R. Hardy doesn’t have any concerns with it as it is set so far back and there is a 40
127 foot + difference in elevation, and the only thing we have asked for in the past is a no cut for
128 a certain distance other than the driveways, adding 50 or 100 feet would more than screen
129 it. D. Petry agreed with R. Hardy. C. Guida added he didn’t feel that would be an issue.
130
131 D. Petry asked if we needed anything from the Fire Chief. M. Fougere suggested that this
132 would be sorted with the building permits, driveway permits and addresses to comply with
133 E911.
134
135 M. Fougere reread his conditions as before, adding he will check with Council regarding
136 Nashua Planning Board approval and also a no cut of 100 feet off Nashua West Hollis
137 Street.
138
139 J. Peters made a motion to approve application PB2017-017 with conditions and
140 amendments as discussed. B. Moseley seconded. All in favor none opposed.
141

142 7. PB2017-016: Minor Site Plan – Farm Stand: Proposed minor site plan for
143 establishment of a pick your own apples Farm Stand, Applicant/owner Michael
144 Madden, Map 36 Lot 4-2, 25 Woodmont Drive, Zoned R/A Residential Agriculture.
145 **Application Acceptance and Public Hearing.**

146
147 M. Fougere explained that the owner was unable to be at the meeting tonight due to
148 work commitments. They are the only property currently on Woodmont Drive and he
149 has chosen to maintain the apple trees on his lot that were part of the larger orchard.
150 He has a little over 10 acres and he wants to operate a Pick Your Own operation. It is a
151 hobby and they enjoy working in the orchard. It will be seasonal. The owner of the
152 subdivision has no problem with this either.

153
154 C. Hoffman asked if the Board members had any comments. Everyone had driven past
155 it and thought it was a great set up.

156
157 J. Peters made a motion to accept application PB2017-016. D. Petry seconded. All in
158 favor none opposed.

159
160 C. Hoffman opened the public hearing.

161
162 Michael Bates, 26 South Merrimack Road approached the podium. He is an abutter and
163 he commends the work that the owner has done to up keep the orchard. He said he has
164 done a good job, and it was initially one of the concerns he had had that the orchard
165 would be not be up kept. He is in support of this application. It is nice to see a farm
166 stand, and we live in an active agricultural community.

167
168 B. Stelmack asked about the car parking and was it sufficient. Everyone agreed it was
169 ok. D. Petry added that this is a preexisting condition for any further owners of property
170 on Woodmont Drive. It's already there.

171
172 D. Petry made a motion to approve application PB2017-016. B. Moseley seconded. All
173 in favor none opposed.

174
175
176 8. PB2017:018: Minor Site Plan – Farm Stand: Proposed minor site plan for
177 establishment of a Farm Stand, Applicant: Lavoie's/Adrian Lavoie Owner: Town of
178 Hollis, Map 35 Lot 63 Silver Lake Road, Zoned R/A Residential Agriculture.
179 **Application Acceptance and Public Hearing.**

180
181 M. Fougere stated that this farm stand is a little larger in scale as it offers a lot more
182 selection of produce. And it also offers Pick Your Own. This is the property owned by
183 the Town of Hollis and they lease to Lavoie's. There has been sales here for a number of
184 years and in the building across the street. There is plenty of site distance, and it is right
185 on Route 122. It has very low traffic.

186
187 D. Petry suggested the signs shown in the photographs do not depict the normal signs.
188 Once they have completed this process then the owners for both Farm stands will have
189 to go through the sign application process.

190

191 C. Hoffman opened the public hearing.

192

193 Michael Bates, 26 South Merrimack Road. He is in support of this application also. He
194 is doing a great job, viable, productive and it's nice to see it being successful. He also
195 offers young people job opportunities.

196

197 J. Peters made a motion to approve PB2017-018. B. Moseley seconded. All in favor
198 none opposed.

199

200

201 **Other Business**

202

203 **Rules of Procedure**

204

205 C. Hoffman asked the Planning Board Members to read the Rules of Procedure to make
206 everyone understand the importance of recusing themselves from applications should
207 they have a vested interest in an application before the board. This is very important. D.
208 Petry added that the way the language reads is that you cannot require someone recuse
209 themselves they have to decide to do it themselves.

210

211 R. Hardy added that over the years, Board Members have been approached by members
212 of the public and asked them to discuss an application or visit a site. This is not
213 appropriate either. All board members need to refer these residents to the staff at Town
214 Hall and speak to the staff or ask them to be put on the agenda for the next meeting so
215 they can discuss their thoughts with the full Planning Board. No one should be
216 discussing anything on their own.

217

218 M. Fougere added that this document has not been updated since 1997. We will be
219 updating it over the next month and if anyone would have any suggestions on changes
220 they are to let staff know.

221

222

223 **Farm Stand check list**

224

225 D. Petry asked who had requested a check list. He explained the reason this zoning
226 amendment to the ordinance went on the ballot in 2013, was not to restrict or regulate
227 these types of farm stands, it was for other situations and another location in town. It
228 was addressing a particular situation and clearly the board did not think they would
229 have an issue with a Mom and Pop roadside table full of vegetables. But clearly we do
230 now. If staff feel the checklist will be useful then ok but if not that's ok too. This
231 ordinance is four years old before there is a problem with it. If the checklist helps and
232 makes the process smoother then it makes sense. He doesn't feel that we should be
233 drafting a whole set of rules and regulations just because of one site, one issue. If it rises
234 to amending the ordinance then that is a planning board choice or it can be done
235 through petition.

236

237 M. Fougere said he thought he knew when an application would need to come to the
238 planning board and gave the farm stand on Broad Street as an example. Things that
239 normally stand out was parking. W. Trimble raised a few points that she had noted on

240 the bottom of the draft checklist such as ‘Pick Your Own’, refrigeration trucks/trailers
241 and proximity from a property. These are things to consider. R. Hardy suggested that
242 things for the Planning Board to consider would be if parking increased during the life
243 of the farm stand, to more than what was originally stated in their application. So staff
244 can make an approval for a farm stand and if they go beyond this then it comes to the
245 board. D. Petry stated the challenge is deciding when it is a seasonal farm stand or
246 commercial business.

247

248 The definition of farm stand, which is statute, states that the “An agricultural enterprise
249 which displays and sells agricultural products raised, produced and processed on the
250 premises, and may include a Structure(s) used in the operation. All Farm Stands
251 Structures must be set back at least 35 feet from the adjacent Public Road and have
252 adequate off street parking. A Farm Stand shall remain an Agricultural Enterprise and
253 shall not be considered a commercial use, provided that at least 35% of the products
254 sales in dollar volume are attributable to products produced on the farm or farms of the
255 stand owner. Owners of Farm Stands, based upon review by town staff, may be required
256 to obtain site plan review approval from the Planning Board.”

257

258 R. Hardy explained the difference between a Farm Stand related to noncommercial, it
259 that you raise all the products sold at that site. If you are in a commercial zone then it is
260 different. W. Trimble read from the definition above explaining that provided 35% of
261 products sold in dollar volume where produced on the farm or farms of stand owner, it
262 shall remain an Agricultural Enterprise and not a commercial use. That is statute.

263

264 D. Petry asked the board member to think about annual renews or it is permanent
265 permission unless there is a status change to the original application? C. Hoffman
266 suggested that by asking them to complete an application, and put everything in writing,
267 including what they want to do and sell, and if anything changes then it becomes an
268 enforcement issue or if they want to change anything then it can come to the Planning
269 Board.

270

271 M. Fougere asked if they were suggesting we go back to the original method of staff
272 referring an application to the Chairman, DPW, Police and Fire, and making a decision
273 without abutter notifications, unless an issue is raised by one of these groups, then it
274 will come to the Planning Board and abutters will be notified. B. Moseley added that we
275 are an agricultural community and there are signs everywhere stating this. The board
276 members agreed.

277

278 W. Trimble asked for confirmation, staff can make a decision and that decision will
279 stand (permanently) until something changes, and all farm stands have to come to the
280 Planning Department regardless of size, and she asked does this include eggs and
281 flowers at the end of a driveway. The board members reread the definition stating this
282 was not something they wanted regulate. B. Stelmack asked if for PYO is there a
283 liability. This is on the landowner. D. Petry stated he will have a discussion as he
284 doesn't feel that we want to see every one, best use of judgment is needed for scope,
285 scale and context. He did like the idea of having a separate application form which
286 asked for a lot of specific information, B. Moseley suggested adding a staff section at the
287 bottom to identify when DPW, Fire and Police were notified and their responses. This
288 will keep it all on one form. M. Fougere added that it had also been decided that there

289 will be no fee for the application, just the notification fee for abutters should it be
290 coming to the Planning Board. Consultation to Police, DPW and Fire will done as a
291 matter of practice for every Farm Stand, they will be able to define any cause for concern
292 with traffic, safety and sight distance.
293

294 C. Hoffman added that the Rules of Procedure will be being updated and if anyone has
295 anything to add to these changes then to let Wendy know.
296

297 C. Rogers made a non-debatable motion to adjourn. B. Moseley seconded. All in favor
298 none opposed.
299

300 The meeting was adjourned at 8 PM
301

302 Respectively submitted by,
303 Wendy Trimble
304 Assistant Planner
305 Town of Hollis, NH