### HOLLIS PLANNING BOARD MINUTES

# **August 15th, 2017**

|     | "Final"   |
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| 1   | PLANNING BOARD MEMBERS PRESENT: Doug Cleveland – Vice Chairman, Rick                          |
| 2   | Hardy, Brian Stelmack, Alternates; Ben Ming, Bill Moseley and Jeff Peters; Mark LeDoux        |
| 3   | Ex-Officio for Selectmen  |
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| 5   | <b>ABSENT:</b> Cathy Hoffman – Chairman, Chet Rogers, Dan Turcott and David Petry, Ex-        |
| 6   | Officio for Selectmen   |
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| 8   | STAFF PRESENT: Mark Fougere, Town Planner; Wendy Trimble, Assistant Planner                   |
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| 10  | 1. CALL TO ORDER:   |
| 11  | D. Cleveland Vice-Chairman called the meeting to order at 7 pm. D. Cleveland appointed B.     |
| 12  | Ming to vote on behalf of C. Hoffman, J. Peters to vote on behalf of C. Rogers and B. Moseley |
| 13  | to vote on behalf of D. Turcott.  |
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# 2. APPROVAL OF PLANNING BOARD MINUTES:

R. Hardy made a motion to approve Planning Board Minutes July 18th 2017 as submitted. Seconded by B. Moseley. All in favor none opposed. M. LeDoux abstained.

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## 3. DISCUSSION AND STAFF BRIEFING:

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

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## 4. Signature of Plan:

- File #2821 Island Time Realty Site plan review proposed storage building 26 replacing landscaping yard, 250-254 Proctor Hill Road, Applicant Erich 27 Mueller Owner Island Time Realty LLC Map 11 Lot 24. 28
- 29 R. Hardy made a motion to authorize the Chairman to sign plan File #2821. J. Peters 30 seconded. All in favor none opposed.
- File #2818 Subdivision of an existing 8.2 acre lot into two lots. 154 Proctor Hill 31 Road, Map 12 Lot 18. Applicant/owner George and Gloria Burton. 32
- R. Hardy made a motion to authorize the Chairman to sign plan File #2821. J. Peters 33 34 seconded. All in favor none opposed.
  - 5. PB2017-014: Design Review: Proposed site plan application for the construction of a 52 unit "Housing for Older Persons" development on a 30.8 acre site, Applicant/owner Raisanen Homes, Inc., Map 45-50, Silver Lake Road, Zoned R&A Residential Agriculture. Tabled from July 18. Site Walk scheduled for 5 PM August 15, 2017.

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- M. Fougere explained this is the over 55 development review that has been before the
- board. There is a revised traffic memo that the board had asked for to answer a few 42
- questions that had been raised. More specifically to show the trips on Witches Spring Road. 43

- 44 The Planning Board has conducted a site walk tonight at the property and walked the road
- 45 to get an idea of what it is like on the top of the site.
- 46 R. Hardy did not feel that every station was very visible, and he had also made a comment
- 47 at the July meeting that the buffer should be delineated both on the plan and it was stated
- 48 by their engineer that was the no-cut line. He would like to see a dimension on the plan
- 49 before approval.
- 50 B. Moseley added that on the site walk it was stated that every stake was visible however he
- agrees with R. Hardy that this was not necessarily the case.
- 52 M. LeDoux stated his concern is with the density of the project and with the older folks
- 53 there is a higher risk of medical emergency requirements, and the slope of the proposed
- road will be difficult to navigate emergency vehicles in the winter. J. Peters explained that
- what you see now is not how it will be finished and that it will conform to the 8% grade.
- 56 Chris Guida, Fieldstone Land Consultants, Soil Scientist and Wetland Scientist approached
- 57 the podium. He referred to the site walk and stated that they had walked site and every 100
- feet is staked and the board had been given the option of walking through the heavily
- 59 wooded section that was staked. He offered to walk the board through this area again
- although it is more difficult to walk hence why they had walked the existing woods road. He
- was happy to address any questions regarding topography. He confirmed the road in would
- be 8% grade. He added the well has been installed, an application has been submitted to
- 63 the Drinking Water Bureau at the State and they anticipate approval in 2-3 weeks. The
- 64 minor comments for the traffic study have been address in the more recent traffic survey
- document. He added if the board were to vote to go to final then they would continue with
- the engineering aspects and drainage with proposed grading.
- 67 R. Hardy asked where in the new traffic report, was the response to D. Petry's concern on
- 68 traffic on Witches Spring Road. M. Fougere indicated where the results were. B. Stelmack
- 69 asked for the final conclusion. M. Fougere said the impact was not any different but they
- 70 would need to apply for a new State driveway permit. D. Cleveland added that the
- 71 conclusion was the impact on traffic would be relatively neglectable.
- 72 D. Cleveland asked if the board was happy for this applicant to go to final application. A
- motion was made to go to final, all in favor none opposed. M. Fougere added that this
- submission should include the results of well tests with the application and include all the
- 75 issues that have been raised to allow consultation with D. LaBombard and other
- 76 department's right from the beginning.
  - 6. PB2017-015: Major Subdivision Amendment: Proposed amendment to the stormwater 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. Application Acceptance and Public Hearing.

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M. Fougere began by stating this was a very old application that when approved it fronted onto Dow Road, Depot Road and Merrill Lane. It was approved 10 years ago and to date only one home has been built. Cucco and Cormier was the original designer and is no

longer in business and Meridian has now taken on the work. The applicant working with

Meridian felt that the drainage that was originally approved for the project seemed excessive so they have asked Meridian to look at it and see if the portion of the Dow Road and Depot Road drainage plans can come up with a different design. The footprint of the drainage system, the size of the detention ponds, would reduce the impact of the project with less grading. This is an unusual application for the board to review but as the original plan was approved any alterations need to be revised by the Planning Board. Town Engineer, D. LaBombard has had a copy and his review letter was part of the packets. No new lots or new homes are being proposed.

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Kevin Anderson, Meridian Land Services approached the podium stating he is here to present a Plan Amendment for the Woods Subdivision, Map 13 Lot 68-5,68-6, 68-7, 68-8, 68-9, 68-10 & 68-11, Dow and Depot Road. It was originally prepared by Cucco and Cormier, approved in October 2006. This plan amendment is limited to just the drainage design. No driveway location no adjustments to any lot lines etc. K. Anderson believes it was designed to the States Alteration of Terrain permit regulations which are very strict, and at that time they were very new, so there were some interpretation issues and also they erred on the side of safety. Nowadays this subdivision would have never gone to an AoT standard regulation. He has clarification from AoT agreeing that a frontage lot subdivision would not require an AoT permit. The reason for this is that AoT permits normally revolve around road design, large infrastructure design and not residential house lots with driveways. He has been tasked with redesigning the drainage system, and he handed the board a new handout stating the areas colored in blue will be dealt with in a separate application at a different date. The areas in red are for this application. They are separate drainage systems, they don't interlink at all, so it is a perfect line to separate the two systems. The second plan handed to the board tonight show the original basins, along with the driveways. They were very large basins to meet the State's requirements. Then he showed the revised basins on a plan showing them up against Dow Road, they are very small in size and they meet the town's requirements. He is limiting it to the Towns requirements.

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M. LeDoux made a motion to accept the application as presented, B. Moseley seconded. All in favor none opposed.

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M. LeDoux asked if he was conforming to State Law. K. Anderson stated he was conforming to Town Regulations. M. Fougere explained that when the application first came to the Planning Board in 2006 the State was just introducing their new Alteration of Terrain standards, and the engineer based on those early interpretations felt that it met the criteria to require a state permit, and since that time the rules have changed and been clarified and this type of project typically does not need Alteration of Terrain permits. With these changes the amount of disturbance is significantly less.

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K. Anderson noted that this project is under the review of D. LaBombard and he is in complete agreement with his questions and concerns, he has written a response letter and would like to meet with D. LaBombard to clarify a couple more issues. Also the southern area, on the original plan it was requested by the abutters that a swale is installed near lot 13-68-11 and 13-68-10. These swales would have been maintained by the Town of Hollis. R. Hardy asked about the topography of the lots. K. Anderson had stated the lots were flat however they are not flat. R. Hardy suggested there was a need for these swales. K.

Anderson agreed to take this proposal off the table and will leave it as is. 136

D. LaBombard approached the podium. He has responded to the first set of plans and K. Anderson response letter. He went over a few of the comments that still need to be addressed including the Conservation Overlay District. Essentially all run off finally runs into a wetland, so that section where the drainage goes applies to everything in the whole town. He just wanted to reconfirm that to make sure everyone is on the same page. K. Anderson said he will put the rate and volumes of runoff in a table for the next report to allow him to look at them. Infiltration needs to be addressed to abate the increase in offsite stormwater volume runoff. The treatment swales are now included, the common driveway grading will be addressed as he will be sending him the original plans from Cucco and Cormier. Generally speaking as far as carving this subdivision up, they did do it in the best spot possible. The drainage along Depot Road goes under Dow Road and continues along whereas the stuff on Dow Road has a tendency to flow back to the East. Their basic concept 

is still the same. The will turn their detention basins into retention basins or exfiltration

basins.

R. Hardy asked who gets notified about State Regulation changes. D. LaBombard said he had been notified but he is unsure of who else gets notified. B. Stelmack asked what drove these changes to be made. K. Anderson stated he was offered the opportunity to redesign the drainage and he cannot redesign it if it needed to adhere to AoT standards, so he enquired whether or not this needed it, he did not think it did, and when AoT stated no it was not needed then he was able to proceed with the redesign. D. LaBombard stated by the time they have finished it will meet State criteria.

D. Cleveland opened the public hearing.

Michael McLaughlin, 9 Eastman Lane approached the podium. He is concerned with lots 10 & 11. It does drain towards a small stream. He is concerned with changes maybe increasing the water flow to the stream and basements getting flooded.

Resident from 23 Eastman Lane approached the podium. He is also concerned about the drainage and referred to an abutter having to pump out their basement. One had a foundation drain that failed. This spring saw the water higher than usual. The field behind 9 Eastman Lane is extremely wet. The vernal stream dries up in the summer but in winter it is very full with a Mallard visiting. The swale should be kept.

Brian LeClerc, 19 Eastman Lane approached the podium. He also referred to the stream. He showed the board on the plan how it flows and feeds. He is concerned about the drainage changes.

The public hearing closed.

D. LaBombard approached the podium, adding that he did review the original Cucco and Cormier plan and he acknowledged that the area does have a high water table. The subdivision was not going to make the water issue better but it also was not going to make it worse.

184 K. Anderson added that the Town's storm water regulations require that developments do 185 not increase the rate or volume of storm water runoff, so by meeting both of these the 186 conditions should not change.

R. Hardy had one question, regarding the plan, the area he referred to was a septic system. As it was part of the previous plan, K. Anderson could not answer it. R. Hardy suggested maybe as runoff cannot be increased add some further retention areas.

M. LeDoux summarized that the board and neighbors are concerned about if berm was removed and he has thought maybe asking the Fire Chief if a new fire pond could be made and solve two problems and provide protection for the residents on Eastman Lane. K. Anderson stated they are not designed to hold water for more than 72 hours.

The proposed cistern was pointed out on the plan. B. Stelmack wanted to confirm that the swale was staying.

M. Fougere stated the engineer was involved with the original plan and will make sure the end impact will be the same as before, no increase. During his review maybe he could come up with some other solutions to problems out there. K. Anderson also added that the rainfall data used is now localized and not the state numbers, much more accurate.

M. LeDoux made a motion to table file PB2017-015 to September 19 2017. J. Peters seconded. All in favor none opposed.

# Other business

**Discussion:** Mr. John Ferlins and Ms. Beth Reynolds of Dow Road, expressing concerns regarding the approved (by Staff with concurrence with Pl. Brd. Chair) Farm Stand located on the Moskun farm.

M. Fougere explained the applicant came to the office with an application for a farm stand. In 2013 the ordinance was amended for Farm Stands and the Board authorized staff to have the authority to make a determination if it needed to go to the Planning Board or not. Based on the information we received we thought it was a minor farm stand, due to size and temporary seasonal nature, the Police department, the Fire department and DPW and the Planning Board Chairman where are consulted and found no issues and a decision was made to approve the application. The neighbors complained about the stand. Staff met with two of the abutters John Ferlins and Beth Reynolds. They asked for a meeting with the Chairman however she felt this would not be appropriate. However they were invited to come to the Planning Board tonight to have a discussion. The farm stand has now been operating for approximately six weeks and business is quiet. It is placed where there used to be a family home so there is a driveway there already. This was why they liked the idea of having the farm stand at this location as there was already a stable place to pull off the road, have enough room for parking and turnaround to avoid reversing onto Dow Road.

John Ferlins, 88 Dow Road Hollis. He started by saying he appreciated the opportunity to address the Planning Board and have their concerns heard. He lives directly across the street from the Farm Stand. Joining him tonight was Beth Reynolds, Jack Plummer, Bruce Bower and Mr. & Mrs. Fyfe. He stated than none of them are really opposed to Hollis

Agriculture, but they do have some very serious concerns about the location of the Farm

Stand. A year ago the applicants had the same intention, to put up a Farm stand, however that no formal application was submitted as it had come up against some strong objections. They were told that the abutters would be notified if the applicant came back. However this did not happen, it is not fair that one person can make a decision like this and have an impact on the abutters. He has lived there for over 30 years and knows the traffic situation very well. There is history there around 1990 there was a serious accident at the top of the hill. Later when discussion about repaving the road 2010, there was a lot of discussions and the subject of safety and concern kept coming up. He described speeding traffic at the crest of the hills, the issue of traffic turning in the farm stand and kids playing. Lorin Rydstrom and Gerry Gartner have also testified to the speed issue. A police speed trap sits on the site of the Farm Stand but this is not a permanent fix. Other concerns include how they live, how they wanted to live on Dow Road which is a quiet area and a retail business right across the street is a nuisance and really impacts our quality. It affects their market value of their properties.

Beth Reynolds, 92 Dow Road Hollis. She confers with everything that John Ferlin has said. However she had things to add. According to town records, DPW came out to measure the site distance. She strongly believes that in that 200 feet there is an unsafe situation. She has a blind driveway with a three and half foot retaining wall and the road is incredibly narrow. So by adding the farm stand and commercial traffic to that location adds another element of risk in an area with a lot going on. She added just below this is another blind driveway. The farm stand has been operating irregularly since it opened, and their hours of operation stated 10-5 and they have been opening around 8:30am so already they are doing something they should not be doing. She added they live in a small area rural environment, they do not know the Moskins, her husband reached out directly to discuss our concerns neighbor to neighbor and they declined to speak. She read directly from a letter from Steve Reynolds.

"I wish I could be at the meeting tonight but unfortunately I had to travel for work. Thank you for the opportunity to be able to voice our concerns regarding the location of the Farm Stand. We are truly fortunate to be able to live in Hollis in a beautiful historic home, and on a scenic location on Dow Road. We have worked hard to be able to live and we work hard to maintain our property. Here are a few facts, not opinions that I would like remind everyone. Private nuisance – operating a commercial business 87 feet from our home interferes with our right to peacefully enjoy our home and our property. Business expansion – The farm stand applicant has indicated that it is their plan to expand this business. This negative impact will increase with this expansion. Safety – safety sight distance is the barest minimum allowed. There is not much of a margin of safety especially with wet conditions for distracted drivers. We live on this exact spot and enter and exit our driveway multiple times a day. We have personally witnessed speeding vehicles and close calls on this narrow stretch of road on many occasions. Why place a business here when there are many safer locations. Permitting process – the town was fully aware of abutters concerns. We were clearly advised by the town that should a permit be applied for abutters would be contacted and allowed to comment before any permits were issued. Why was this process bypassed especially when concerns where known. Property value – permitting a commercial enterprise to be located 87 feet from our home will have a negative impact on our property value and the ability to market it in the future. Alternate suitable locations – the owner of the property and the farm stand has 54 acres and significant frontage on two roads, Dow and Bell Lane. As well as good access and parking near their residence and barn bakery. There are many other suitable locations on the property where a farm stand could be located that alleviate our personal concerns, serious safety concerns, and concerns over growth and expansion. This specific location does not have to be used. And in fact it is one of the worst possible locations. We strongly object to permitting and locating a business in this particular location and believe that the safety and general welfare of the residence in this area and those that use Dow Road for transportation and recreation should be considered. We especially request that the permit for the farm stand in this location be revoked and a proper review process be undertaken and alternative location be properly and thoroughly reviewed. Sincerely Steve"

D. Cleveland asked if one of the suggestions that the Farm Stand be relocated further to the north of Dow Road, toward Bell Lane? B. Reynolds said yes, they have a lot of frontage on both Dow Road and Bell Lane. It does not have to be in that particular location. She added they also have a commercial bakery on their property with other parking areas, it does not have to be right there.

Marsha Cone, 94 Dow Road a back lot. She is speaking from personal experience. When they applied for the bakery it concerned her. She said they were assured it would be wholesale and not retail. Now she has heard they are selling their cakes at the farm stand. She added if they are not successful and she does not wish this, but it will not be a problem. However, if it is successful it will become a problem for the abutters but not for them. She walks her dogs up and down Dow Road every day and there is also other walkers and cyclists and the road is not very wide and not safe. The residents' quality of life needs to be considered. There are a lot of issues with this application. They should move to Bell Lane. And will growing grapes turn into a vineyard?

 Bruce Bower, 166 Dow Road Hollis. He has lived there for 30 years and the traffic has increased a lot during this time. Not only with cars but with walkers and cyclists also. The road is narrow and creates dangerous conditions, and he asked why you would consider putting a business at the top of this hill when there are other choices available with less impact.

Mark LeDoux stated he had been asked five months ago, and he asked staff and he was told the abutters would be notified. Then he heard that the farm stand was permitted without the abutters being notified, and this is a flaw because the abutters here, who are also his neighbors, as he also lives on Dow Road, are concerned and he agrees with their justifiable concerns. He asked for the Planning Board to rescind the concept of just allowing Staff being allowed to make a unilateral decision for a matter of this magnitude and he feels it is. He does not believe we had all the facts, and whilst everyone is well meaning, the doctorate of unintended consequences has raised its ugly head. He finds the Moskins good people, but he is also friends with everyone here. He would ask the process be rescinded to not allow Staff to make a decision without a full public hearing, and also as this is a seasonal permit that this year they are allowed this proceed until November this year however they be asked to come back to the Planning Board next year for a full vetting process with the Planning Board. The error was allowing staff to make this decision without taking all this into consideration. He doesn't mean to dengrate the staff, they do an admirable job, but when you have this much sensitivity being expressed to the Chairman of the board of selectmen and to the Planning Board members, it is time to take notice as he thinks there is a flaw in the system.

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341 342 D. Cleveland asked where the decision came from to allow Staff to make the decision. M. LeDoux stated it would come from the Planning Board. M. Fougere stated that late 2012 early 2013 the board took a hard look at agricultural uses, there was a subcommittee created from the Agricultural Commission, and together with considering all concerns we changed our definitions, signage requirements relative to agriculture. A number of changes was made to the zoning code. It went to town meeting in 2013 and the town voted in favor. R. Hardy asked M. LeDoux if the town voted on this why he feels the Planning Board can rescind it. M. LeDoux stated he is looking for a resolution and maybe his is not a suitable one. However the abutters have raised very valid concerns with safety issues. He added it disturbs him that when he is told one thing that the abutters would be notified, and then they weren't. R. Hardy stated that if the town votes on things then the Planning Board does not have the authority to rescind things. A new amendment will need to made and taken to town ballot.

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350 351 R. Hardy stated that he does not agree with the property value theory as he would love to live opposite 54 acres of farmland. He travels Dow Road every day and he does not see a traffic issue. He added the lawn maintenance vehicles parked on the road are probably the largest visual problem. He believes there is 200feet sight distance and residents respect the area. He really does not see how we can make this call, and the ordinance was passed to avoid the very low impact Farm Stands coming before the Board, and have the Planning Board allow the Planning Staff to take care of this. It is allowed under the present ordinance and voted by the town.

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356 357 M. LeDoux wants to further study amendment 12 as he is unsure of what it says. He is not trying to create a problem, he is trying to find a resolution for a problem. Maybe they could put it on a more suitable position closer to their commercial bakery. He wants a solution to what he feels is a failure of the process. He was told as the Chairman of the Selectboard that there will be notification to the abutters and then clearly there wasn't he has a problem.

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D. Cleveland suggested there was two separate problems. One is the process and the second is the current location of the farm stand.

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M. LeDoux wants to see the ballot for the amendment to see what it says and then make a decision on addressing this either at Planning Board level, by petition warrant article or by Board of Selectmen.

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M. Fougere read Amendment 12 – Amend Section X. Zoning Districts by deleting Sections F. Recreational Zone: paragraph 1. Permitted Uses. C. and Section G. Residential & Agricultural, 1. Permitted uses c and Section I Rural Land. 1. Permitted Uses c as they relate to seasonal roadside stands and inserting into those sections the term Farm Stand, along with a new Definition of such.

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Farm stand: An agricultural Enterprise which displays and sells agricultural products raised, produced and processed on the premises, and which may include a Structure(s) used in the operation. All Farm Stand Structures must be set back at least 35 feet from the adjacent Public Road and have adequate off

376 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 377 378

products sales in dollar volume are attributed to products produced on the

- farm or farms of the stand owner. Owners of farm stands based upon review 379 of town staff may be required to obtain site plan review approval from the 380 Planning Board. 381
- Also amend Section VIII Definitions, Temporary Structure, by amending a sentence in the 382 definition to read as Temporary structures shall comply with all applicable setbacks, except 383 as noted in the Farm Stand definition and/or height requirements for accessory or principal 384 structures, as outlined in Section X Zoning Districts In addition add a new definition for 385 Agricultural Enterprise: any duly permitted farm, agricultural or farming activity as defined 386 387 in NH RSA 21:34-a.

R. Hardy added that initially, through the Agricultural committee, part of the concern was 389 to allow small enterprises that are not permanent structures. And as a point of fact you can 390 391 sell bakery products if you use your own farm product in it. That is allowed by the State.

- B. Ming asked if there was anything other than the process that was an issue. M. LeDoux added he is concerned about the process. But having spoken to his neighbors and visiting the site he has concerns of it position. He will be happy to discuss with DPW. Police and Fire departments. R. Hardy added that Police, Fire and DPW were all consulted and approved.
- B. Stelmack agrees with R. Hardy statements. However if they are operating outside the stated hours then maybe we could ask them to stick to the hours stated.
  - J. Peters agrees with R. Hardy. However he agrees with abutters, he has driven past there numerous times, not seen a single car there so not sure how busy they are, there may be other places it could go potentially, but it has now been permitted. As it is seasonal maybe the board could readdress next year.
  - B. Moseley had nothing further to add.
  - M. Fougere stated that should the farm stand grow they would need to come back with another application. He feels this application is just for this season. The bigger they get the more reason to readdress it.
- M. LeDoux asked the applicant to be sensitive to the request that was approved by staff, 413 including hours of operation and also sensitive to the abutters concerns. He stated he will 414 415 address this with the agricultural commission and ask them to revisit. He added what they have learned here is that there are certain things we don't see, but the abutters have seen as 416 417 valid concerns so how this will be addressed needs to be decided by the agricultural commission, the Planning Board and Staff. 418
- M. LeDoux made a non-debatable motion to adjourn. J. Peters seconded. All in favor none 420 421 opposed.
- The meeting was adjourned at 8:55PM 423 424
- 425 Respectively submitted by. Wendy Trimble 426
- **Assistant Planner** 427

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