

## HOLLIS PLANNING BOARD MINUTES

January 17<sup>th</sup>, 2017

“Final”

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

**ABSENT:** Dan Turcott

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

**1. CALL TO ORDER:** The Chairman Cathy Hoffman called the meeting to order at 7pm.

Cathy Hoffman appointed alternates Jeff Peters to vote on behalf of Dan Turcott.

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

Jeff Peters made a motion to approve Planning board minutes of December 20<sup>th</sup> 2016 as amended. Motion seconded by Doug Cleveland. All in favor none opposed.

**3. DISCUSSION AND STAFF BRIEFING:**

a. Agenda additions and deletions –

File #2817 – Proposed site plan of stationary ground mounted solar array, Applicant Go Solar NH, Owner Pat Quaine, 12 Jambard Road Map 9 Lot 70-21 zoned R & A Residence-agriculture. This application has been withdrawn by the applicant.

b. Committee Reports – none

c. Staff Report – none

d. Regional Impact – none

**4. Signature of Plan:**

**File #2824 – Minor subdivision of an existing 13.94 acre lot into two lots, Map 9 Lot 58**

J. Peters made a motion to authorize the Chairman to sign the plan#2824. Doug Cleveland seconded. All in favor none opposed. Bill Moseley abstained.

**File #2822 – Lot line relocation between three adjoining lots, Map 32 Lots 45-4, 46, 45-2**

J. Peters made a motion to authorize the Chairman to sign the plan#2824. Doug Cleveland seconded. All in favor none opposed.

**5. File #2817 – Application Withdrawn - File #2817-** Proposed site plan of a single ground mounted solar “All Earth” Tracker array (now stationary), Applicant: Go Solar NH, Owner Pat Quaine, 12 Jambard Road, Map 9 Lot 70-21, Zoned R & A Residence-Agriculture. **AA 12-20-16, tabled from Dec. 20, 2016.**

47       **6. File #2826** – Proposed minor subdivision to subdivide existing 20.4 acre lot into 4  
48       lots with 3 lots served by a common drive, Applicant/Owner – Skinner Family  
49       Nominee Trust, 81 Jewett Lane, Map 9 Lot 9, Zoned R&A Residence-Agriculture.  
50       **AA 12-20-16, tabled from Dec. 20, 2016.**  
51

52       M. Fougere explained this subdivision was before the board in December and a site walk  
53       was done by the Planning Board on Saturday 7<sup>th</sup> January. He asked if the board had any  
54       comments from this site walk. The plan has been updated since the last meeting to  
55       address a number of concerns raised. He also listed a number of items that needed to be  
56       addressed tonight.

- 57
- 58       • Two waivers have been requested. One is for a common driveway width waiver.
  - 59       • The applicant has submitted request for a waiver to access four homes from a private way.
  - 60       • The private way will need to be named.
  - 61       • Stipulations are needed for a Knox Box.
  - 62       • A Fire easement document has been received in relation to the fire pond and will be reviewed
  - 63       by the Town Attorney.
  - 64       • A letter was received by the abutter from lot 9-10 expressing his concern with his dug well.
- 65

66       C. Hoffman asked the board to consider the waiver requests. The first one was to access  
67       four homes from the already existing common driveway. J. Peters said it seemed the right  
68       thing to do as the road already exists and it prevents another driveway going out onto  
69       Jewett Lane. R. Hardy agreed and added that it would be more in keeping with rural  
70       character to have one driveway. C. Rogers also agreed.

71

72       J. Peters made a motion to approve the waiver request of the Common Driveway regulation,  
73       section IV.7 H2d of the Subdivision Regulations of the Town of Hollis to allow four Lots to  
74       take access from a Common Driveway. D. Cleveland seconded. All in favor none opposed.

75

76       M. Fougere explained the second waiver would allow the use of the existing paved driveway  
77       for the Site with a slope away from the edge of Jewett Lane roadway having a slope of 4.5%  
78       slope for the first 20'. He added that DPW had reviewed this and there is no impact on  
79       Jewett Lane. J. Peters asked what the standard slope % was. R. Haight confirmed it was  
80       3%.

81

82       C. Rogers made a motion to approve the waiver request to have a slope of 4.5%. J. Peters  
83       seconded. All in favor none opposed.

84

85       M. Fougere also added that he had mentioned the rural character ordinance at the site walk  
86       and he wanted to make sure the board members had any thoughts on this. J. Peters  
87       suggested that now there was just one entrance the road frontage would not be changed and  
88       C. Hoffman stated that the placement of the properties appeared to be well spaced and  
89       there is a wetland buffer.

90

91       R. Haight was asked to come forward to discuss the well topic that had been mentioned. He  
92       explained that the by moving the 4K box entirely onto the westerly side of the ridge line.  
93       This would ensure the flow would be away from this area and lot 9-10. He would also add a  
94       note saying if anyone used the test pit 1 on lot 9-9-1 that it would lay entirely on the  
95       westerly side of the ridge line. R. Haight explained the process that happens when someone

96 buys a lot and the thought process that goes into the position of the house, wells and septic  
97 system. There was a lot of discussion regarding the neighbors dug well. It was suggested by  
98 D. Cleveland that some kind of assurance needed to be granted to protect it.  
99

100 R. Hardy stated that the most important thing was that as R. Haight had said, there would  
101 be a note on the plan to ensure that a septic would be put on the westerly side of the ridge  
102 line, and all other regulations will be monitored by the town and state. He added that a  
103 property owner should have their water tested annually. Given the distance he hasn't got a  
104 problem with it at all.

105  
106 M. Fougere said that a note will be put on the plan.  
107

108 J. Peters made reference to a letter received from Mary Crawford. She was concerned about  
109 Fieldstone Drive. The board discussed putting a note on the file to ensure that any further  
110 access through this area would have to come back to the Planning Board. However R.  
111 Haight explained they need the frontage off Fieldstone to prove out the lots. D. Petry  
112 wanted a note to explain to future boards the intention of this board. R. Haight agreed.  
113

114 C. Hoffman opened the public hearing. J. Richter, 75 Jewett Lane approached the podium.  
115 He asked for clarification regarding the note to go the plan regarding the test pit on lot 9-9-  
116 1. He wanted to make sure it was for any leach field. Paul Skinner approached the podium  
117 and stated he understands the concern of the applicant. However he wanted to make sure  
118 that if a new owner wanted to place a property at the northern tip of this lot and the septic  
119 to the east side they would be able to do so. D. Petry asked Mr. Richter if another well could  
120 be drilled on his property. He answered yes. R. Hardy stated we have regulations for septic  
121 systems and this will be dealt with appropriately. We will stick to our regulations as set but  
122 if the board are not comfortable with these setbacks then it will need to taken to a town  
123 meeting. R. Haight added that everything on the plan already exceeds the regulations.  
124

125 J. Richter proceeded to explain his findings on setbacks for dug and drilled wells and the  
126 differences between states. He also explained the use and history of the land. This was also  
127 detailed in letter dated January 13<sup>th</sup> 2017 on file. He felt it would be prudent to have an  
128 easement to protect the well.  
129

130 P. Skinner approached the podium again. He fully understands and appreciates the  
131 concerns. He is not an expert but he knows a well need to be sealed. He then stated he will  
132 give him a 100 feet well protective radius easement to protect against livestock, pesticides  
133 and fertilizers. He also added he wants the westerly restriction to stop at the previous lot  
134 line and further note beyond this lot line will allow the septic to go to the east side of the lot  
135 if needed.  
136

137 M. Fougere read his conditions to the application.  
138

- 139 • All missing lot bounds shall be set prior to recording.  
140
- 141 • Access to all lots shall be from Jewett Lane and Fieldstone Drive shall not be used to  
142 provide access to the project development.  
143

- 144 • The existing garage located on Lot 9-9 shall be removed from the 200 foot setback  
145 prior to the plan being recorded. Or a ZBA application made to ask for a variance to  
146 keep the garage. The Applicant shall submit evidence to the Planning Department  
147 that the structure has been removed.  
148
- 149 • A location for the disposal of stumps shall be noted on Lot 9-9-1 or a note shall be  
150 added to the plan stating that all stumps shall be removed from the site.  
151
- 152 • Snow fencing or some other barrier shall be erected along the 100 foot wetland  
153 setback line prior to any ground disturbance or construction and remain in place  
154 until construction is complete and the site is stabilized.  
155
- 156 • Sheets SP-1 & SP-2 both make reference to proposed driveways, these notes should  
157 be clarified to denote which driveways are proposed and which driveway designs are  
158 conceptual to demonstrate compliance with the Town's regulations.  
159
- 160 • The Public Works Department shall be contacted to secure a name for the proposed  
161 private way.  
162
- 163 • A 100 foot well radius for lot 9-9-1 is added to plan. A note will be added to  
164 easement will restrict pesticides, fertilizer and the use of area by live stock.  
165
- 166 • Note added to plan that any septic system installation on lot 9-9-1 should be Limited  
167 to the west side up to the former track line shown on sheet 2 and north of that line  
168 will be no restrictions.  
169
- 170 • The applicant shall submit a recordable mylar and three paper prints.  
171
- 172 • Knox box to be agreed with Fire department.  
173
- 174 • Fire cistern easement to be reviewed by Town Attorney  
175

176 R. Hardy made a motion to approve file #2826 with the conditions as listed above. J. Peters  
177 seconded. All in favor none opposed.  
178

- 179
- 180 **7. File#: PB2017-001:** Conceptual consultation- proposed major subdivision of six  
181 lots on a new town road and a lot line relocation, Applicant/owner Lone Pine  
182 Hunters Club, Inc. & Michael/Jamie Curran and Seth/Kara Myers, 112 & 116  
183 Rideout Road, Map 15 Lots 71, 71-1, 71-2, & 71-3, Zoned R & A Residential  
184 Agriculture. **Public Hearing.**  
185

186 M. Fougere had prepared a staff report and given it to members of the board. It explained  
187 the purpose of the plan is to outline a proposed 6 lot major lot subdivision that will include  
188 a new 1,500 long town road. In addition, a lot line relocation is proposed for the two lots  
189 that presently front on Rideout Road. These two lots were subdivided in 2008 and a single  
190 family has been constructed on the eastern lot. The proposed lots will range in size from 2

191 acres to 5.2 acres. The proposed road will end with a hammerhead design and will provide  
192 access to the last lot and the Lone Pine Club. The remaining land associated with Lone Pine  
193 will be 97.8 acres. Test pits have been provided on each lot and all town requirements have  
194 been met.

195

196 He added in his report the subdivision layout outlines a standard subdivision which would  
197 require a waiver from the HOSPD requirements. Given the project size and past  
198 subdivision activity a HOSPD design is required unless waived by the Planning Board.

199

200 R. Haight approached the podium and explained to the board the layout of this proposal  
201 with the visual use of a plan. There is a strip on lot 15-71-2 that will become part of that lot,  
202 changes its size from 2.190 acres to 2.795 acres. There is a triangle shown on lot 15-71-3  
203 referred to Parcel B and this area will be added to this lot, Also on this lot at the front there  
204 is an area shown as parcel A and this will be removed from Lot 15-71-3. This revision of the  
205 lot lines changes its size from 2.045 acres to 2.486 acres. On lot 15-71-1 will be 2.240 acres  
206 after the lot line revision. Five new lots will be created.

207

208 C. Hoffman asked why it was opted not to do a HOSPD application. R. Haight replied that  
209 the applicant wanted to do this and keep the 97 acres in the back with no further plans of  
210 more subdivision. The lot line for the proposed lots stop at the wetland. He showed the  
211 original approved plan where the indoor club was to be built and it is surrounded by  
212 wetland, the river and back water. The new road is 1500 feet long.

213

214 D. Petry asked what legal assurances the town has that it won't be further subdivided. R.  
215 Haight said there were none, just as he said. C. Hoffman added they have to have a waiver  
216 from the HOSPD and one of the conditions is if we grant the waiver and they come back,  
217 then they would have to do a HOSPD application. D. Petry also requested that a note is  
218 added to the plans to state clearly these lots are beside a gun club and also in the deeds for  
219 each lot. This would avoid any problems in the future.

220

221 C. Hoffman asked if any of the board members had an objection to granting a waiver on the  
222 HOSPD. R. Hardy was ok with it based on D. Petry recommendation. D. Petry also stated  
223 that this is a unique case on a unique parcel as we do not want to open ourselves up to other  
224 requests. C. Hoffman added a reminder that this is a conceptual application.

225

226 D. Petry asked about the road. R. Haight confirmed they are moving the existing driveway  
227 to create a new road to give frontage onto each lot. And it would conform to today's  
228 standards. He is unsure about the gate but would imagine it will move to the end of the new  
229 road. It will be a town road and paved.

230

231 Cathy Hoffman opened the public hearing.

232

233 Seth Myers, 116 Rideout Road approached the podium. He owns the lot referring to Parcel  
234 A and Parcel B. He is concerned about his easement within his deed and how this will work  
235 when the town takes over the road. R. Haight explained that the easement for Parcel A will  
236 no longer be needed and historically it was needed to give his lot enough frontage to be  
237 buildable.

238

239 Dave Jennings, one of the owners of the club approached the podium. He wanted to state  
240 for the record the club has no intention of further subdividing the lot. This was an 11 acre  
241 that did not sell and the club decided to subdivide it to raise funds to help build the new  
242 underground range. This subdivision helps them do this.

243  
244 Seth Myers had another question regarding the position of the new road. Will it mean there  
245 will be new poles, sidewalks, drainage ditches etc on the corner of his lot? R. Haight  
246 explained that at the next stage, Design Review, that comes before the board all the  
247 numbers will be calculated and checked by the town engineer. The new properties will have  
248 underground utilities; the existing overhead utilities will remain.

249  
250 R. Hardy stated that he understood Mr. Myers query to also mean that presently Parcel A is  
251 referred to in his deed. That this needs to be worked with the neighbor before it's finalized.

252  
253 M. Fougere stated his issues with the application for the board's attention.

- 254 • This is a major subdivision and requires a HOSPD design, which has not been submitted.  
255 The Board will have to discuss this matter. An additional 100 acres of land remains  
256 controlled by the Applicant. If this standard design is supported by the Board, the Point  
257 System outlined in subdivision Regulations, Section III Procedures, J must be submitted.
- 258 • Rideout Road is a designated Scenic Road and should be noted.
- 259 • The Fire Department will be requesting a cistern be installed as a requirement of the  
260 development.
- 261 • The Town Engineer should review this plan relative to road design and drainage.
- 262 • The ROW should be extended at the end of the road to include all of the proposed turn  
263 around.
- 264 • Stump disposal area should be noted on the plan
- 265 • A fence or other markers should demark the 100 foot wetland buffer prior to any lot  
266 disturbance on Lot 71-8
- 267 • The Applicant should reach out to the Public Works Department relative to an appropriate  
268 road name
- 269 • The Planning Board should discuss how the Rural Character Ordinance should be applied  
270 to this project
- 271 • Any special studies that the Board feels are necessary. Environmental, Wildlife, Traffic,  
272 Stormwater, Fiscal, Visual or Historical Significance?

273  
274 R. Hardy suggested checking the previous submittals to see if any of these reports were  
275 available to the town then.

276  
277 D. Petry asked to consider where the cistern would be positioned. This needs to be  
278 discussed with the engineer and the Fire Chief.

279  
280 Mike Carr, own of lot 71-2 Rideout Road, approached the podium to state his support of this  
281 application.

282  
283 D. Cleveland made a motion to move to a Design Review. R. Hardy seconded. All in favor  
284 none opposed.

285  
286 **8. Zoning Changes: Public Hearing:**

**Amend Section XXI Housing for Older Persons by amending Section 1 General Standards to allow two 2 bedroom units, to delete the age limit for those 62 years or older and reference the requirements outlined in NHRSA 354-A:15II and amend the minimum lot area required. In addition, amend Section 3 Maximum Permitted Dwelling Units by increasing the allowed percentage of housing units that can be age restricted.**

C. Rogers presented to the board a number of slides made by Russell Thibeault, Applied Economic Research. He felt this information would be useful for the board to have in relation to our zoning change. Some showed the growth in the next 25 years and how each county will grow. Others included latest projections of growth over age 65, the number of people in senior housing will go up 50% in the next 15 years, a chart showing that 73% want to age in place, a question of who will buy the larger homes to allow older people to move into smaller properties, and the general inventory of available properties. C. Rogers also did a comparison of nearby towns, their lots sizes, density etc. However R. Hardy and C. Hoffman pointed out that it was missing public water and public sewer statistics. This was the reason why our ordinance stated 30 acres to accommodate the need for septic and wells. The board thanked Chet for this information as it was very useful.

M. Fougere explained a map that was in the board's packets, showing all available properties in 30+, 20 and 15 acres in different colors that are on appropriate state roads and Depot Road. The 30+ is what our ordinance would allow an older housing development. M. Fougere explained we are not changing the roads this year but C. Hoffman suggested that could be something to consider another year. R. Hardy added that he felt this change would be sufficient this year to see how it goes, and then reassess to consider opening this up to newer roads. It was discussed there is a need but it's the developers choice not to build this style of development. M. Fougere read the ordinance change:

Amend Section XXI Housing for Older Persons as follows:

1. **GENERAL STANDARDS:** All housing for older persons shall conform to the following standards:
  - a. Dwelling unit density shall not be greater than two (2) ~~one (1)~~ two-bedroom dwelling units or two (2) one-bedroom dwelling units/net tract acre when the type of housing that is being proposed is that which complies with NH RSA 354-A:15, II Housing for Older Persons. ~~, which provides an exception to the rule against restricted housing for housing that is "... (II) Intended for, and solely occupied by, persons 62 years of age or older."~~
  - e. The minimum lot area shall be 20 ~~30~~ acres and the lot shall have at least 50 feet of frontage on those roadways listed in Section XXI, A,1,L.
2. **MAXIMUM PERMITTED DWELLING UNITS:** The maximum number of housing for older persons dwelling units approved in a calendar year, when added to all previously approved units of housing for older persons, shall not exceed twenty five percent ~~(10%)~~ (25%) of the total dwelling units existing in the Town for the previous year.

332     **Reason for the request:** The ordinance should reflect the changing demographics, match  
333     the Intent on which the Ordinance was originally proposed and encourage the construction  
334     of Housing for Older Persons.

335

336

337

338

339

340     C. Hoffman opened the public hearing and as no one wished to speak it was closed.

341

342     There was a discussion regarding the density and D. Petry asked the board to be careful on  
343     what they were voting for. By offering two two-bedroomed properties was suggesting  
344     doubling the density. R. Hardy stated that screening would be important.

345

346     R. Hardy also added with the ZBA brought this to the planning board as a change because  
347     they could not justify the variance request from 30 to 18 acres. He felt it was important to  
348     not say 20 acres as all of a sudden there will be an 18 acre parcel to go for a variance. He  
349     agrees with D. Petry we have to be careful as further changes will be asked for on this  
350     ordinance.

351

352     This was discussed at length but the general opinion is Hollis is different as it doesn't have  
353     city water or public sewer system, and this makes the acreage difference. Also D. Petry  
354     added that the general public opinion from the master Plan survey was the residence still  
355     holds Rural Character main reasons they came to town or remain in town. This is what we  
356     have to remember.

357

358     R. Hardy added we have made it a lot easier for the public to add onto their homes with  
359     ADU's to accommodate having parents live with them.

360

361     J. Peters made a motion to place Amend Section XXI Housing for Older Persons as listed on the  
362     town ballot. C. Rogers seconded. It was voted 6:1. R. Hardy opposed this change.

363

364     **Amend Section XI Overlay Zoning Districts, A. Aquifer Protection Overlay**  
365     **Zone by amending Sections 6 & 7 by deleting all of Sections 6b and 7b that**  
366     **reference prohibiting subsurface/underground of petroleum products.**

367

368     M. Fougere read the ordinance change:

369

370     Amend Section XI Overlay Zoning Districts as follows:

371     6. PROHIBITED USES IN THE AQUIFER PROTECTION OVERLAY ZONE: The following  
372     uses shall not be permitted in the Aquifer Protection Overlay Zone: b. **Subsurface**  
373     **storage of petroleum or other refined petroleum products.**

374     7. NONCONFORMING USES IN THE AQUIFER PROTECTION OVERLAY ZONE:



375 ~~**b. Notwithstanding subparagraph 7.a above, no underground storage tank for**~~  
376 ~~**petroleum or other refined petroleum products may be repaired or replaced.**~~  
377 ~~**All failed underground storage tanks must be removed according to standards**~~  
378 ~~**established in state statutes and regulations.**~~

379 **Reason for the request:** Remove sections because current technology and state  
380 standards are sufficient to protect the Aquifer Protection Overlay Zone. In addition, public  
381 health and safety will be improved.

382  
383 C. Hoffman opened the public hearing. No one wished to speak so the public hearing was  
384 closed.

385  
386 The board discussed this change and they decided with all the changes in the rules of the  
387 DES, alarm systems etc it is safer.

388  
389 D. Petry made a motion to put the amendment to Section XI Overlay Zoning Districts as  
390 stated for 6 & 7 to public ballot. J. Peters seconded. All in favor none opposed.

391  
392  
393 **Amend Section X Zoning Districts, by adding Intent Sections to Sections C.**  
394 **Industrial Zone, D. Mobile Home-1 Zone, and H. Rural Lands Zone.**

395  
396 M. Fougere read the ordinance change:

397  
398 Amend Section X: Zoning Districts by adding the following Intent Sections as follows:

399  
400 **C. INDUSTRIAL ZONE (I)**  
401 **INTENT:** The Industrial Zone is intended to provide for the location of industry and light  
402 manufacturing and the Special Exceptions uses noted in paragraph 4.

403  
404 **D. MOBILE HOME-1 ZONE (MH-1)**  
405 **INTENT:** The Mobile Home-1 Zone is intended to provide an area in Town in which  
406 individual lots for mobile homes as well as mobile-home parks are allowed.

407  
408 **H. RURAL LANDS ZONE (RL)**  
409 **INTENT:** The two-fold intent of the Rural Lands Zone is to encourage farming in Town  
410 and to permit limited development in areas where physical site conditions are problematic  
411 or access to Town services is restricted.

412  
413 **Reason for the request:** All other Zoning Districts having “Intent” sections which  
414 outline the general land use goals for those areas. These three Districts lack Intent sections  
415 and both the ZBA and Planning Board believe it is important each zoning district have this  
416 outline.

417  
418 C. Hoffman opened the public hearing. No one wished to speak so the public hearing was  
419 closed.

420

421 D. Petry made a motion to take amendment Section X: Zoning Districts by adding intent  
422 sections to C, D & H to public ballot. D. Cleveland seconded. All in favor none opposed.  
423  
424

425  
426

427 **OTHER BUSINESS**

428

429 M. Fougere handed out the Board some information regarding Phasing for them to read and  
430 discuss at the next meeting. This would be in our Subdivision regulations.  
431

432

433

434 D.Petry made a non-debatable motion to adjourn. C. Rogers seconded. All in favor none  
435 opposed.

436

437 The meeting was adjourned at 9:00 PM  
438

439

440

441

442 Respectively submitted by,

443

444

445 Wendy Trimble

446 Planning Secretary

447 Town of Hollis, NH  
448