

HOLLIS PLANNING BOARD MINUTES

January 19th, 2016

“FINAL”

PLANNING BOARD MEMBERS PRESENT: Doug Gagne - Chairman, Cathy Hoffman – Vice Chairman, Doug Cleveland, R. Hardy, Chet Rogers and Dan Turcott – Alternate.

ABSENT: Brian Stelmack and David Petry, Ex-Officio for Selectmen

STAFF: Mark Fougere, Town Planner; Wendy Trimble – Planning Secretary

1. **CALL TO ORDER:** The Chairman Doug Gagne called the meeting to order at 7:00 pm.

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

C. Hoffman made a motion to approve the minutes of December 15th, 2015. Motion seconded by D. Cleveland. All in favor, none opposed.

C. Hoffman made a motion to approve the work session minutes from January 5th, 2016. Motion seconded by D. Cleveland. All in favor, none opposed.

3. **DISCUSSION AND STAFF BRIEFING:**

A. Agenda Additions and Deletions – M. Fougere confirmed that Beaver Brook is tabled until February 16th, meeting. D. Gagne also stated he has put together some information regarding the Performance Guaranty language for the landscape re-vegetation, which he would like to pass around to the committee tonight.

B. Committee Reports – None

C. Staff Report – None

D. Regional Impact – None

4. **SIGNATURE OF PLAN – File #2803, 10 Clinton Drive, Automotive Service and Repair Shop (2,380 square foot)**

C. Hoffman made a motion to authorize the Chairman to sign the plan File #2803. D. Cleveland seconded. All in favor, none opposed.

5. **Zoning Changes – Public Hearing Continued**

a. Solar Energy Systems

M. Fougere explained that moving on from previous discussions, the Planning Board and the public had created a few changes via input, and the copy of this ordinance before them tonight includes these changes. If a line is through it, it will be deleted and if the text is underlined it will be added as new text.

By creating new Section XXIV; Solar Energy Systems

Uses Allowed by Conditional Use Permit

a. Ground-Mounted Solar Energy Systems.

49 M. Fougere explained the additions and deletions to the ordinance and discussed each of
50 these with the Planning Board going through the document. Goals had been added and
51 various additions and deletions within the definition section. D. Gagne asked for the
52 wording “located on the property of a Customer Generator” is removed from Solar Energy
53 System. He suggested having an example diagram after the Solar Energy System to help
54 explain how to calculate the footprint allowed. Also, under Permit required the words “or
55 modified’ has been added just in case new technology comes along and the plan gets
56 changed or is different from what has been discussed and approved. Under Standards of
57 Review paragraph ‘d’, a number of changes including the use of the word screening has been
58 added.

59
60 M. Fougere showed the Planning board a photo of a property near Richardson Road, and
61 this is a good example of a tracking panel, and how the screening of a few evergreens would
62 hide this.

63
64 On page 4 “Duration of Solar Energy System Conditional Use Permit” was originally going
65 to be in the site plan regulations but D. Gagne had requested that it was included in the
66 ordinance also. It offers a provision to ensure that the solar panels are removed from the
67 property within 150 days of discontinued use for whatever reason.

68
69 M. Fougere wanted to address the height section again. He had visited a property where the
70 solar panels were three feet off the ground, to allow for winter snow fall, and so he felt the
71 ten foot restriction may need to be increased. R. Hardy indicated he was happy to leave the
72 height restriction at 10 feet tall. D. Gagne suggested that if they were not visible from the
73 road then maybe it would not matter what height they were.

74
75 After much discussion the Board agreed to add the following to Standards of Review.

76
77 *The Planning Board reserves the right to waive the height conditions of the Conditional*
78 *Use Permit if the applicant proves to the Planning Board that the requested waiver will*
79 *not be detrimental to public safety, adjacent property values or the rural character.*

80
81 D. Turcott raised the concern of what constitutes a roof. The photograph example showed
82 an array of solar panels on the side which may be look like a salt box roof. After much
83 discussion over various styles of roofs, buildings that may be built to enable larger
84 quantities of roof arrays avoiding the CUP on ground mounted arrays, etc, it was agreed by
85 the Planning Board to add the following wording to ‘Permit Required’ section.

86
87 *All roof mounted systems shall be reviewed by Planning Staff prior to the issuance of a*
88 *building permit.*

89
90 M. Fougere confirmed that within ‘Setbacks’ the phrase ‘along with all required wetland
91 setbacks’ had been added.

92
93 R Hardy suggested that we add under Permitted Uses and Uses Allowed by Conditional Use
94 Permit, approval of HDC is required in all occasions within the Historic District.

95

M. Fougere confirmed that under ‘Permits Uses’ and ‘Uses Allowed by Conditional Use Permit’ the wording “all proposals in the Historical District shall be reviewed and approved by the Historical District Commission” will be added to the ordinance.

As the public hearing is continued D. Gagne opened the public hearing.

F. Grossman 140 Ridge Road approached the podium. He wanted to clarify if earth and berm would be allowed as part of the screening. M. Fougere suggested adding such as evergreen and suitable fencing. D. Turcott asked why we were detailing what constitutes suitable screening rather than reviewing it. R. Hardy said it comes back to the rural character, and earth and berm is not often seen, as they aren’t normally planted. F. Grossman had asked as this along Ridge Road there is some of this already and he said it would look ok on his road, and he wanted to make sure this would be considered. M. Fougere said it would be considered as part of the whole package.

Diane Mattock, 168 Ridge Road, approached the podium and stated she has a back lot with solar panels for years. She thanked the Board for its time and effort taken to look at the solar ordinance as solar is the way forward.

The public hearing was closed.

C. Hoffman made a motion to send our new Section XXIV Solar Energy Systems to the Town Ballot. C. Rogers seconded. All in favor none opposed.

b. Location of State Authorized Alternative Treatment Centers

M. Fougere explained he had discussed this ordinance with Attorney Dresher and he had made a few changes. Under ‘Standards of Review’ paragraph e has been added.

e. In granting a conditional use permit pursuant to this section, the planning board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of this ordinance.

Also **4. Minimum Conditions** were also added.

If the planning board grants a conditional use permit pursuant to this section, any such use shall be conducted in a manner compliant with any conditions imposed by the planning board as well as the following minimum standards: Standards a – i are listed within the document.

D. Gagne asked if the Board members had any comment. No one did. D. Gagne opened the public hearing but as no one wished to speak he officially closed the public hearing for all zoning changes.

C. Hoffman made a motion to send the amendment Section VIII Definitions, Section IX General Provisions and Section X Zoning Districts to town ballot. D. Cleveland seconded. All in favor none opposed.

6. Discussion: Meridian Land Services: Wright Trust Subdivision Plan, approved in 2010 – Worcester Road; Amendment to approved plan; wetland area previously mapped has been removed upon a new review of the site.

M. Fougere explained that this site has been on the market for while and has now been purchased by one person who intends to only build one property on the three lots. A driveway has been built on what was mapped in 2009/10 as wetland area. The plan had not been referenced and Meridian has now reviewed this original plan and provided us with new plans as wetlands are no longer there.

Tim Ferwarda, Meridian Land Services approached the podium. He has taken a new look at the lots as he had originally mapped the wetlands. Now on his review he cannot find the wetlands, although the soils are somewhat poorly drained, but it does not meet the definition of wetlands. He cannot recall if there was snow on the ground but this may explain how this has happened. So we now have a revised plan no longer showing any wetlands. He continued to explain where the location of the driveway has been built.

D. Cleveland questioned the purpose of this review and M. Fougere explained that it was a change of plan from the original subdivision so the change of this wetland area needs to be documented and explained.

C. Hoffman asked if the soils were hydric soils. T. Ferwarda confirmed they did not quite make hydric however they were somewhat poorly drained.

M. Fougere remembers walking the site with the original application and he recalls it being very thick with brambles so maybe this hindered the original survey.

D. Gagne asked if there were test pits carried out. T. Ferwarda said they were done on the lots for the leach fields but not for the wetlands.

R. Hardy said he had no problem with the changes as long as the changes were documented correctly, including documenting soil samples etc. We need more than the information on the letter. More detail as to why it is no longer a wet land. This type of documentation is important. This new documentation could then be filled with the original subdivision plans.

J. Swift, Pierce Lane asked if he could approach the podium to make a comment. He wondered if prior plans, showing the wetlands, and background could be checked also to understand the history of the land as this is important as well as the work being carried out by the engineering company.

D. Gagne asked for the staff to check the minutes from this subdivision to understand the discussions and history of this application.

7. Subdivision Regulations Changes – Public Hearing – Continued

a. Performance Guaranty

193 M. Fougere explained that based on discussion with the Board previously, some minor
194 changes had been made to this document. This includes minor amendments such as
195 changing Landscaping to re-vegetation plan, changing bond to performance guaranty and
196 under Form of Security adding financially responsible surety company registered and self
197 calling letter of credit. These changes are now all within Subdivision regulations document.
198

199 D. Gagne asked if any Board members had any questions. No one did.
200

201 R. Hardy made a motion to allow these amendments within the subdivision regulations. D.
202 Cleveland seconded. All in favor none opposed.
203

204 **Meeting Schedule**
205

206 After discussion the December 20th 2016 Planning Board meeting will remain as is.
207

208 **Landscape Consultant**
209

210 M. Fougere has reached out to a Landscape Architect to ask if he would be interested in
211 being a Consultant.
212

213 D. Gagne handed out a draft of to members of the board to review for the next meeting.
214

215 C. Rogers made a non debatable motion to adjourn. C. Hoffman seconded. All in favor
216 none opposed.
217

218 The meeting was adjourned at 8:40 PM
219

220 Respectively submitted by,
221

222 Wendy Trimble
223 Planning Secretary
224 Town of Hollis, NH
225
226

NOTICE OF HEARING – ZONING CHANGES

Document used on Tuesday, January 19, 2016, at 7 PM, which the Hollis Planning Board held a Public Hearing to consider the following Zoning Ordinance Changes:

Changes in Italic, underlined, bold.

ARE YOU IN FAVOR OF ADOPTION OF AMENDMENT 1 AS PROPOSED BY THE PLANNING BOARD FOR THE TOWN OF HOLLIS ZONING ORDINANCE AS FOLLOWS:

By creating new Section XXIV; Solar Energy Systems

A. Authority and Purpose This renewable energy systems ordinance is enacted in accordance with RSA 674:17(I)(j), 674:62-66, and the purposes outlined in RSA 672:1-III-a as amended. The purpose of this ordinance is to accommodate Solar Energy Systems and Distributed Generation Resources in appropriate locations, while protecting the public's health, safety and welfare. The Town of Hollis intends to facilitate the State and National goals of developing clean, safe, renewable energy resources in accordance with the enumerated policies of NH RSA 374-G and 362-F that include national security and economic and environmental sustainability.

B. Goals

- a. Allow for the use of Solar Energy Systems in the community while maintaining Hollis's scenic vistas.
- b. Preserve the community's rural character, particularly as seen from public roads.
- c. Minimize potential adverse impacts of Solar Energy Systems in the community by ensuring that such facilities are properly screened and are properly sited ~~onto~~ within existing topographic features of the property.
- d. Ensure consistent maintenance and safety procedures are in place to protect public health.

C. Definitions

~~Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.~~

~~Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).~~

268 Solar Access: The access of a Solar Energy System to direct sunlight.

269 Solar Collector: A device, structure or a part of a device or structure ~~that is a~~ for which the
270 primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or
271 electrical energy.

272 Solar Energy: Radiant energy received from the sun that can be collected in the form of heat
273 or light by a Solar Collector.

274

275 ~~Solar Energy System: A device or structural design feature that provides for the collection,~~
276 ~~storage and distribution of solar energy for space heating or cooling, electricity generation,~~
277 ~~or water heating.~~

278

279 ***Solar Energy System: An arrangement of Solar Collectors and other electrical***
280 ***and/or mechanical devices, located on the property of a Customer-Generator, and***
281 ***whose primary purpose is to transform solar energy into electricity or another***
282 ***form of energy, using mechanical, electrical, or chemical means. Solar Energy***
283 ***Systems shall not exceed a footprint greater than 15% of the land area of lots 3***
284 ***acres or less and no more than 20% of a lot greater than 3 acres. In no case shall***
285 ***any Solar Energy System exceed 43,560 square feet in area. The footprint of the***
286 ***Solar Energy System shall include all above ground components **including all*****
287 ***and Solar Access ways and shall be calculated by including the entire area within***
288 ***a single, **continuance continuous** perimeter enclosing all elements of the Solar***
289 ***Energy System.***

290

291 (I think we need to come up with better explanation of how to calculate – perhaps
292 we include an example diagram.)

293

294 ~~Solar Energy System, Active: A solar energy system whose primary purpose is to~~
295 ~~harvest energy by transforming solar energy into another form of energy, or to~~
296 ~~transferring heat from a Solar Collector to another medium using mechanical,~~
297 ~~electrical, or chemical means.~~

298

299 ~~Solar Energy System, Grid-Intertie: A photovoltaic system that is connected to an~~
300 ~~electric circuit served by an electric utility.~~

301 Solar Energy System, Ground-Mounted: An **Active** Solar Energy System that is
302 structurally mounted to the ground and is not roof-mounted.

303

304 Solar Energy System, Roof-Mounted: An **Active** Solar Energy System that is
305 structurally mounted to the roof of a building or structure; may be of any size.

306

Solar Thermal System: ~~An Active~~ Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

D. Solar Energy System Conditional Use Permits

1. **PERMIT REQUIRED** - No Solar Energy Systems, except Roof Mounted Systems, shall be erected, constructed, ~~or~~ installed or modified without first receiving a Conditional Use Permit (CUP) from the Planning Board. The CUP shall clearly set forth all conditions of approval and shall list all plans, drawings and other submittals that are part of the approved use. Everything shown or otherwise indicated on a plan or submittal that is listed on the CUP shall be considered to be a condition of approval.

2. **APPLICATION AND REVIEW PROCEDURE:** An Application for a Conditional Use shall be initiated by filing with the Planning Board for an application for a Conditional Use Permit. The following procedures shall apply to the processing of such application:

Site Plan Approval Required: A site plan application shall be submitted with any application for a Solar Energy System Conditional Use Permit. The application and review procedure for a CUP shall be made concurrently and in accordance with the Site Plan Regulations as applicable to the particular development.

3. **STANDARDS OF REVIEW:** Following a fully noticed public hearing on the proposed use, the Planning Board may issue a Conditional Use Permit, if it finds, based on the information and testimony submitted with respect to the application, that:

a. The use is specifically authorized by Section X as a conditional use;

b. The development in its proposed location will comply with all requirements of the Hollis Site Plan Regulations, as well as specific conditions established by the Planning Board.

c. The use will not materially endanger the public health or safety;

d. The use shall provide adequate screening to ensure adjacent property values are not adversely impacted. ~~Buffering~~ Screening may be provided by maintaining existing vegetation or through the installation of site specific evergreen landscaping, suitable fencing, or a combination of ~~both~~ means. Such vegetative screening shall be maintained during the operative lifetime of the Solar Energy System Conditional Use Permit. The screening shall be of such quality & quantity as to adhere to and meet the Objectives of the Hollis Rural Character ~~Preservation~~ Ordinance.

- e. In granting a conditional use permit pursuant to this section, the Planning Board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of this ordinance.

4. Duration of Solar Energy System Conditional Use Permit:

Any ground-mounted solar energy system which has been abandoned or is no longer operational shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal.

E. Minimum dimensional regulations: if the Planning Board grants a Conditional Use Permit pursuant to this section, any such use shall be conducted in a manner compliant with any conditions imposed by the Planning Board as well as the following minimum standards:

1. Height

The maximum height of any ground mounted Solar Energy System shall be 10 feet off the ground. Roof Mounted Solar Energy Systems shall be considered exempt for height requirements as allowed for in Section IX, General Provisions, I Height Regulations, 2. Exceptions, b.

2. Setbacks

All ground-mounted Solar Energy Systems shall adhere to applicable required front, side and rear yard requirements; along with all required Wetland Setbacks and shall not be considered accessory structures when determining required setback provisions. A detailed screening plan, as determined necessary by the Planning Board, may be required to address specific neighborhood sensitivities, mitigate visual impacts, and maintain the rural character of the neighborhood. Based upon the specific character of neighborhood, greater setbacks may be required by the Planning Board in order to meet the goals of the Rural Character Preservation Ordinance.

F. Minimum Construction Standards

392 **1. All Solar Energy Systems shall conform to applicable building, electrical codes and fire**
393 **codes.**

394

395 **Amend Section X, Zoning Districts Agriculture and Business Zone A&B, Commercial**
396 **Zone (C), Industrial Zone (I), Mobile Home-1 Zone (MH-1) and Mobile Home -2 Zone**
397 **(MH-2), Recreation Zone (R), Residential and Agriculture District (R&A), Rural**
398 **Lands Zone (RL), Town Center (TC), Water Supply Conservation Zone & Historic**
399 **District (HC) to allow Solar Energy Systems uses as follows:**

400

401 **Permitted Uses**

402 Roof-Mounted Solar Energy Systems.

403 **Uses Allowed by Conditional Use Permit**

404 a. Ground-Mounted Solar Energy Systems.

405

406 **ARE YOU IN FAVOR OF ADOPTION OF AMENDMENT (2) AS PROPOSED BY**
407 **THE PLANNING BOARD FOR THE TOWN OF HOLLIS ZONING ORDINANCE**
408 **AS FOLLOWS:**

409

410 **Location of State Authorized Alternative Treatment**
411 **Centers**

412

413 ***A. Amend Section VIII, Definitions, by adding the following:***

414

415 Alternative Treatment Center: An "alternative treatment center" as defined in
416 RSA 126-X:1, I, namely, a not-for-profit entity registered under RSA 126-X:7
417 that acquires, possesses, cultivates, manufactures, delivers, transfers,
418 transports, sells, supplies, and dispenses cannabis, and related supplies and
419 educational materials, to qualifying patients and alternative treatment centers.
420 Alternative Treatment Centers are defined as one of two types of facilities:

421

422 a) Alternative Treatment Center - Cultivation Location: A
423 "cultivation location" as defined in RSA 126-X:1, IV, namely, a
424 locked and enclosed site under the control of an alternative treatment
425 center where cannabis is cultivated, secured with one or more locks or
426 other security devices in accordance with RSA 126-X and the
427 Department of Health and Human Service's administrative rules.

428

429 b) Alternative Treatment Center - Non-Cultivation Location:
430 An alternative treatment center operated in accordance with RSA 126-
431 X and the Department of Health and Human Services administrative
432 rules that has a separate location for the cultivation of cannabis.

B. Amend Section IX General Provisions, Paragraph P. Conditional Use Permit, by adding the following:

4. Conditional Use Permit– Alternative Treatment Centers:

1. Authority Pursuant to the authority provided in RSA 674:21, the Planning Board may grant a Conditional Use Permit for Alternative Treatment Centers (Cultivation and Non-Cultivation Locations) within the Commercial & Industrial District.

2. Purpose & Intent: The purpose of this Section is to implement NH RSA 126-X, authorizing the use of therapeutic cannabis and to regulate the locations and operations of Alternative Treatment Center uses so as to promote and protect the public health, safety, and welfare of the residents of Hollis. The intent of this Section is to:

- a) Provide for the safe sale and distribution of therapeutic cannabis to patients who qualify to obtain, possess, and use cannabis for medical purposes under RSA 126-X and as managed by the New Hampshire Department of Health & Human Services; and
- b) Protect public health and safety through reasonable limitations on business operations as they relate to noise, air and water quality, food safety, building safety, neighborhood and patient safety, security for the business and its personnel and other health safety concerns.

3. STANDARDS OF REVIEW: Following a fully noticed public hearing on the proposed use, the Planning Board may issue a Conditional Use Permit, if it finds, based on the information and testimony submitted with respect to the application, that:

4. The use is specifically authorized by Section X Zoning Districts as a conditional use;

5. The development in its proposed location will comply with all requirements of the Hollis Site Plan Regulations, as well as specific conditions established by the Planning Board.

6. The use will not materially endanger the public health or safety;

7. The use shall provide adequate vegetative buffering to ensure adjacent property values are not adversely impacted. Buffering may be provided by maintaining existing vegetation or through the installation of site specific landscaping or a combination of both. The buffering shall be of such quality & quantity as to adhere to and meet the Objectives of the Hollis Rural Character Preservation Ordinance.

8. *In granting a conditional use permit pursuant to this section, the planning board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of this ordinance.*

9. *Minimum conditions: if the planning board grants a conditional use permit pursuant to this section, any such use shall be conducted in a manner compliant with any conditions imposed by the planning board as well as the following minimum standards:*

- a) An Alternative Treatment Center shall not be located within a pre-existing designated drug free school zone or within 1,000 feet of the property line of a pre-existing public or private school and daycare facility; and
- b) The Alternative Treatment Center shall be located in a permanent structure and may not be located in a trailer, manufactured home, cargo container, or any structure that has axles with wheels. Drive-Thru services at an Alternative Treatment Center are prohibited; and
- c) The Alternative Treatment Center shall provide for the proper disposal of cannabis remnants or byproducts, which remnants or byproducts shall not be placed in the facility's exterior refuse containers; and
- d) The applicant shall provide a detailed narrative and floor plan, as well as any other relevant documentation, describing how the Alternative Treatment Center shall be secured. The security plan must take into account the measures that will be taken to ensure the safe delivery of any product to the facility (including permitted times for delivery), how the product will be secured on site, and how patient transactions will be facilitated in order to ensure safety. The security plan shall be reviewed and approved by the Hollis Police Department; and
- e) The use of cannabis on the premises is prohibited; and
- f) The Alternative Treatment Center shall emit no cannabis related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the lot lines of the property where the facility is located.
- g) Official written comments shall be received from both the Fire Chief and Police Chief.
- h) Alternative Treatment Centers that have received a Conditional Use Permit and Site Plan approval from the Planning Board shall be subject to the applicable requirements of the NH Health & Human Services Department (DHHS) Administrative Rules He-C 400, as most recently published or

amended by DHHS) pertaining to Advertising Restrictions.

i) An Alternative Treatment Center shall not be allowed as a Home Based Business.

C. Amend Section X Zoning Districts, Section B. Section C, Industrial Zone (I) by adding a new paragraph: 7. Uses Allowed by Conditional Use Permit:

Alternative Treatment Centers: Pursuant to the authority provided in RSA 674:21, the Planning Board may grant a Conditional Use Permit for an Alternative Treatment Center, Cultivation & Non-cultivation, subject to the requirements of Section IX General Provisions, Paragraph P. This use shall be limited to that portion of the Industrial Zone located along Proctor Hill Road (NH Rt. 130).