

HOLLIS PLANNING BOARD MINUTES

May 15th, 2018

“Final”

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

ABSENT: Dan Turcott

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

1. CALL TO ORDER: 7pm

2. APPROVAL OF PLANNING BOARD MINUTES:

J. Peters made a motion to approve Planning Board Minutes April 17th 2018. D. Cleveland seconded. D. Petry, B. Stelmack and R. Hardy abstained. All in favor none opposed.

C. Hoffman made a motion to approve Planning Board Site walk minutes April 17th 2018. J. Peters seconded. D. Petry, B. Stelmack and R. Hardy abstained. All in favor none opposed.

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 Plans:

File PB2018-004: Wright Heirs Property Subdivision Request to remove stipulation of approval related to the installation of underdrains on Richardson Road, Applicant Wright Heirs, Richardson Road, Zoned Residential/Agricultural.

C. Hoffman made a motion for the Chairman to sign approved document for File PB2018-004. D. Cleveland seconded. All in favor none opposed.

File PB2017-017: Minor subdivision: Proposed Lot consolidation and subdivision of an existing 8.13 acre lot into two lots, Applicant/owner Crimson Properties, LLC, Map 10 Lot 16 (Hollis) and Map D Lot 69 (Nashua), 1095 West Hollis Street, Zoned R Recreation (Hollis) and R30 Suburban Residence (Nashua). These properties lie in both Hollis and Nashua.

C. Hoffman made a motion for the Chairman to sign plan # File PB2017-017. D. Cleveland seconded. All in favor none opposed.

5. File PB2018-003: Minor Farm Stand (Laromay Lavender) site plan amendments to add a 192 square foot shed to the property in order to sell lavender and related items. Applicant/owner Patricia & William Carew, 4 Winterberry Way, Map 26 Lot 58, Zoned Residential/Agricultural. AA 3-20-18, Tabled 3-20-18

47 M. Fougere explained to the Planning Board that at the last meeting they had discussed the
48 possibility of having a stipulation on the approval for the applicant and their neighbors have
49 a private way maintenance agreement. The application was tabled to check if this was
50 within the jurisdiction of the Planning Board. Staff reached out to Attorney Drescher
51 relative to the Board stipulating that the Applicant coordinate and have executed a private
52 way maintenance agreement with their abutters. Attorney Drescher believes this is a
53 private matter and the Board does not have the authority to require such an agreement.
54 Attorney Drescher also recommended the following statement be added to the application if
55 approved by the Board.

56 *“The Planning Board has approved the application for the farm stand based, in part, on*
57 *the representation that the applicant will permit access to the farm stand for customers*
58 *and the public over the private driveway easement enjoyed by the applicant. This*
59 *approval is not intended to, nor should it be interpreted as an affirmation or adjudication*
60 *that the scope of the applicant’s easement rights include that right (in the public or any*
61 *other party to the use of the easement for the purpose of this public access to the farm*
62 *stand), since such a determination is beyond the jurisdictional prerogative of the Planning*
63 *Board.”*

64 M. Fougere then summarized and read the conditions to be set after reviewing all the notes
65 and discussions from previous meetings. As he read through this list of conditions he added
66 that number 5 the applicants had requested the opening of the farm stand to be June 15 to
67 September 30 and that the board needed to discuss this request tonight. The Building
68 Inspector/Code Enforcement officer has submitted an email supporting this request.

69 B. Moseley confirmed the public hearing had been closed at the previous meeting.

70 C. Hoffman stated she would like condition 3 to have a caveat adding that the applicants
71 can use the back area to park their own cars, and this should only refer to no parking for
72 farm stand.

73 J. Peters asked about conditions 4 & 5. M. Fougere confirmed that 4 refer to the opening
74 hours of the farm stand. He added that there are two options open for discussion with
75 number 5. J. Peters asked if it was June 15 to September 30 did this mean every day. M.
76 Fougere said yes. It will be up to the applicant when they choose to open. J. Peters also
77 asked if number 7 meant they had to stick to the state law and details of the farm stand
78 definition. M. Fougere said yes.

79 The board discussed the requested change to condition 5. D. Cleveland made a motion to
80 change condition 5 to read the farm stand shall be open June 15 to September 30. C.
81 Hoffman seconded. All in favor none opposed.

82 D. Cleveland made a motion to approve PB2018-003 with the conditions as listed below. J.
83 Peters seconded. All in favor none opposed.

84

- 85 1. The applicant shall submit four hard copies of the final site plan.
- 86 2. No parking shall be allowed on Ranger Road or Winterberry Way.
- 87 3. Parking shall be limited to the area shown on the site plan along the front
- 88 yard; the rear parking area shall not be used for farm stand parking. Parking
- 89 shall be closely monitored and enforced by the Applicant.

- 90 4. Hours of operation shall be 9 – 4 daily.
- 91 5. The farm stand shall be open June 15 to September 30.
- 92 6. No open houses, classes, events or demonstrations shall take place on the
- 93 property.
- 94 7. Product sales shall be based upon outline submitted to the Board.
- 95 8. The Planning Board has approved the application for the farm stand based,
- 96 in part, on the representation that the applicant will permit access to the
- 97 farm stand for customers and the public over the private easement enjoyed
- 98 by the applicant. This approval is not intended to, nor should it be
- 99 interpreted as an affirmation or adjudication that the scope of the applicant's
- 100 easement rights include that right (in the public or any other party to the use
- 101 of the easement for the purpose of this public access to the farm stand), since
- 102 such a determination is beyond the jurisdictional prerogative of the Planning
- 103 Board

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106 **6. File PB2018:006: Design Review: Major subdivision of an existing 28.5**
 107 **acre lot into six new lots, with access to three lots via a private way.**
 108 **Applicant/owner: Linda & Richard Lovering, Jr., 50 Pine Hill Road, Map**
 109 **25 Lot 4, Zoned Residential/Agriculture. Tabled from April 17th.**
 110

111 B. Moseley explained the site walk that was planned for this evening had been postponed to
 112 June 19 at 5pm due to the unpredictability of the weather forecast.

113 M. Fougere explained we are continuing to work with the Town's engineer with regard to
 114 the drainage. The Fire Chief as responded to the request they are exempt from installing a
 115 cistern as they are only one lot over the five lot rule. He agreed with this request and stated
 116 he would require the cistern easement before final approval, and also a \$10,000 fee put into
 117 escrow for each lot sold. This way when all lots are sold they will have enough money to
 118 install a cistern. The applicant also needs to supply an easement area for this installation.
 119 Options are being explored as to the best place to locate the cistern.

120 Cynthia Boisvert, Arago Land Consultants approached the podium representing the
 121 applicant. She explained this 28.5 acre parcel of land on Pine Hill Road and they are
 122 proposing a six lot conventional subdivision. It was discussed at the last meeting that the
 123 site does not lend itself to a typical HOSPD development. A waiver has been requested from
 124 the HOSPD requirements and also a waiver has been requested for three lots from a shared
 125 driveway. At the last meeting it was discussed as to maybe having four lots from a shared
 126 driveway to reduce the amount of cuts onto Pine Hill Road. However they have redesigned
 127 the lots to have a shared driveway for three lots and another shared driveway for two lots.
 128 They hoped this was the better solution. Kevin Anderson is working with D. LaBombard
 129 regarding the drainage.

130 B. Moseley suggested they wait to decide on the HOSPD waiver until after the site walk on
 131 June 19th.

132 J. Peters stated that the Fire Chief wanted a hammerhead for a turnaround. C. Boisvert
 133 stated the Chief had reviewed the plans, and the driveway is designed to have adequate

134 turnaround within their hammerhead, and he is satisfied. B. Moseley asked if an area had
 135 been designated for the cistern. C. Boisvert showed an area on the plan where it may go but
 136 it needs to be tested and confirmed as an appropriate area. M. Fougere added that the
 137 engineer needs to review this location because of the ground water table. If this doesn't
 138 work then another area will need to be found. R. Hardy was concerned that the cistern
 139 should be placed in a better area to serve other properties on Pine Hill Road.

140 R. Hardy asked how they were going to address the Rural Character Ordinance and at what
 141 stage they were going to provide suggestions from the Landscape Architect. C. Boisvert said
 142 she would be the Landscape Architect and she is looking for guidance and directive from the
 143 Planning Board as at the moment it is just rolling fields. M. Fougere suggested that maybe
 144 we ask D. Gagne to speak to C. Boisvert.

145 D. Petry asked for lot 25-4 the elevation of that driveway and the proposed common
 146 driveway. He is concerned with the site distance, the curve and the elevation of the road. It
 147 has been staked and the board can review once they have done the site walk. It was staked
 148 for the Highways Safety Committee meeting the previous week.

149 D. Cleveland made a motion to continue PB2018-006 to June 19th. A site walk is proposed
 150 for 5pm also. J. Peters seconded. All in favor none opposed.

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153 **7. File PB2018:007 Proposed site plan for a change of use to operate a**
 154 **karate academy (former use was a school), Owner: Technology Garden,**
 155 **LLC, Applicant: Neil Stone Karate Academy, 22 Proctor Hill Road, Map**
 156 **52 Lot 12, Zoned Agriculture-Business & HDC. Public Hearing &**
 157 **Application Acceptance.**
 158

159 M. Fougere explained this application is proposing a change of use; this existing structure
 160 formally accommodated the Montessori School and has been vacant for a number of years.
 161 A karate school intends to take over the building, which is approximately 8,500 square feet
 162 of space. The Academy will be open Mon – Sat, with hours 9 am to 8:45 pm. The site has
 163 approximately 56 parking spaces. The largest classes are in the afternoon, from 5 – 6:30
 164 pm with approximately 40 students. The academy has two full time employees (including
 165 the owner) and two part-time. The septic system has been evaluated and is suitable for the
 166 proposed use. There is a report on file. There is also an outline of the interior of the
 167 building. A letter from the owner explaining his business and proposed use of the building
 168 is also on file. There is one stipulation should the board approve this application and that is
 169 prior to opening, the parking lot shall be striped to clearly denote parking spaces and drive
 170 isles. The planning department shall inspect prior to opening.

171 R. Hardy made a motion to accept application PB2018-008. D. Petry seconded. All in favor
 172 none opposed.

173 R. Haight, Meridian Land Services approached the podium to represent the applicant. The
 174 site has been vacant for a long time, it is 1.2 acres, built in 1954, and has adequate parking.
 175 Their busiest time will be between 5 – 6:30pm although their opening hours are 9 am –
 176 8:30pm. The septic system has been reviewed and the report explains that the existing
 177 septic was legally designed and can therefore be used. Should the system fail in the future,
 178 the design that was approved in 2008, can be designed approved and installed to

179 accommodate the currently proposed change of use for this property. There is two wells on
180 site. They are in the process of having the water tested.

181 D. Petry asked was the intent to use the total square footage for the Karate School. The
182 front building is currently used and will continue to be used as office space. E. Duymazlar,
183 247 Hayden Road, explained that it is a shared office space on the upper floor will remain as
184 is, the lower floor will be part of the Academy. J. Peters asked if the student number of 40
185 was in total or per class. Neil Stone, applicant, approached the podium to confirm it was 40
186 in total during that time of day. He added that in general the class's average between 15-20
187 students. They are a private school, it has been set up like high school, the schedule is
188 flexible, so from week to week and day to day it can vary. Presently Tuesday and Thursday
189 are the busiest days.

190 B. Moseley opened the public hearing.

191 A. Birch, 16 Broad Street, approached the podium to support the application saying it's a
192 good use of that space and to have it in town will be great.

193 B. Moseley closed the public hearing.

194 J. Peters made a motion to approve PB2018-007 with condition as stated by M. Fougere. R.
195 Hardy seconded. All in favor none opposed.

196

197 **8. File PB2018:008 Proposed site plan to expand existing business by 1,620**
198 **square feet within existing structure, Applicant: Mavericks Stitch and**
199 **Screen Nathan Moreau - Owner Thomas Walton, 265 Proctor Hill Road,**
200 **Map 11 Lot 8, Zoned Industrial. Public Hearing & Application**
201 **Acceptance.**
202

203 M. Fougere explained the applicant was before the Board in November, which approved the
204 use of 540 square feet of an existing 5,000 square foot building for a stitch and silk screen
205 operation. The applicant is in need of additional space and this plan amendment notes the
206 addition of 1,620 square feet of area within the existing structure. The business operates
207 Monday – Friday, 9am to 5pm. The business provides printing and embroidery services
208 and employee three people. Ample parking is available for the proposed use.

209

210 D. Petry made a motion to accept the application. D. Cleveland seconded. All in favor none
211 opposed.

212

213 N. Moreau, applicant, approached the podium. His business is expanding quickly and he
214 needs more space. The initial space was good however he outgrew it very quickly. He had
215 too much equipment. He had spoken with the building inspector and it was decided that
216 some of his work could be moved to a mezzanine area. There is also a shared office space.
217 This separated two sides of his business. The board had no further questions.

218

219 B. Moseley opened the public hearing. No one wished to speak. The public hearing was
220 closed.

221

222 C. Hoffman made a motion to approve PB2018-008 with conditions as stated. D. Petry
223 seconded. All in favor none opposed.

224

9. File PB2018:009 Proposed minor subdivision of an existing lot of record, divided by the Town Line, Owner/applicant: Bailey Brook Rev. Trust, land located off Hayden Road, Map 34 Lot 19, Zoned Rural Lands. Public Hearing and Application Acceptance.

M. Fougere explained that this plan outlines a proposed subdivision of an existing land locked parcel that is presently divided by the Milford/Hollis town line. This parcel was to be conveyed to the Town last year for conservation until it was discovered that the parcel was in two communities. The subdivision will create two parcels, a 6 acre lot in Milford and a 9.6 acre lot in Hollis. The Milford Planning Board has already approved the plan. Once this application is approved the Hollis parcel will be transferred to the Town. The applicant is requesting waivers from the Subdivision Regulations for the accuracy requirement, setting of monuments and topographic and other details normally related to land development. Staff recommends one condition should the board approve the application. The applicant shall submit four (4) copies of the final plan, a recordable Mylar and proper fees.

1. A waiver is requested from Section V(C) to show any permanent monuments found or set any unique on-site features, and any on-site wetlands and wetland buffers stamped by a Certified Wetland Scientist.
2. A waiver is requested from Section V(G) to show topography with contours at two foot intervals and the location of soil boundaries and soil type descriptions certified by the Hillsborough County Conservation District.
3. A waiver is requested from Section VI.2.A requiring an angular and linear balanced closure that results in an error that doesn't exceed 1'/10,000' for the perimeter or closed area of the subdivision. An "F" Farm Land Survey has been done.

R. Hardy made a motion to accept the application. D. Cleveland seconded. All in favor none opposed.

Dennis Pollock, senior surveyor Hayner/Swanson approached the podium representing the applicants. He would like to know if the board is in favor of granting the requested waivers as stated previously. This is a backland, rural land locked piece of property. Once the subdivision is recorded, it is the present intention of the Trustees to transfer the Hollis parcel to the Town of Hollis for conservation purposes. By waiving these requirements suits the purpose of the plan without the cost associated with a more detailed survey.

B. Moseley opened the public hearing. No one wished to speak therefore the public hearing was closed.

C. Hoffman made a motion to approve the requested waivers as listed above. D. Cleveland seconded. All in favor none opposed.

D. Petry made a motion to approve PB2018-009 with conditions as listed by M. Fougere. D. Cleveland seconded. All in favor none opposed.

C. Hoffman made a motion to waive the 30 day period J. Peters seconded. All in favor none opposed.

OTHER BUSINESS

Mr. Joe Garruba – Discussion with Planning Board

J. Garruba, 28 Winchester Drive, had requested to present to the Planning Board some ideas that he has regarding zoning ordinances. These included scenic road, historic rock wall and minimum road width ideas. B. Moseley stated that once J. Garruba had spoken, the Planning Board members could ask questions for clarification of the presentation and then Staff will review and offer a response at a later date. C. Hoffman and D. Cleveland both stated that there were a lot of implications to some of his ideas, and that other committees and departments such as Conservation Commission and DPW may be better placed to respond to some of them. D. Petry stated that we need to be balanced and even handed as some property owners may see their property rights are being impinged upon. M. Fougere explained that the Planning Board has statutory requirements to follow too, and the Planning Board members may have ideas however we are limited by State Statute. He talked about the condominium slide as an example saying we cannot prohibit condominiums like he suggested. B. Moseley thanked J. Garruba confirming that he will receive a response from Staff.

Rules of Procedure

B. Moseley asked all Planning Board members to review these ready for next month's meeting.

D. Cleveland made a non-debatable motion to adjourn. J. Peters seconded. All in favor none opposed.

The meeting was adjourned at 8:30 PM

Respectively submitted by,

Wendy Trimble
Assistant Planner
Town of Hollis, NH