HOLLIS PLANNING BOARD MINUTES

July 19th, 2016

"FINAL"

1	PLANNING BOARD MEMBERS PRESENT: Cathy Hoffman – Chairman, Brian
2	Stelmack, Chet Rogers, Dan Turcott, David Petry, Ex-Officio for Selectmen, Ben Ming –
3	Alternate and Bill Moseley – Alternate
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5	ABSENT: Doug Cleveland – Vice Chairman, R. Hardy and Jeff Peters - Alternate
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7	STAFF: Mark Fougere, Town Planner; Wendy Trimble – Planning Secretary
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9	1. CALL TO ORDER: The Chairman Cathy Hoffman called the meeting to
10	order at 7:00 pm.
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12	C. Hoffman requested B. Ming to vote on behalf of D. Cleveland and B. Moseley to vote on
13	behalf of R. Hardy.
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15	2. APPROVAL OF PLANNING BOARD MINUTES:
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17	D. Petry moved to approve the minutes of June 21st, 2016. Motion seconded by B.
18	Stelmack. All in favor, none opposed.
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20	3. DISCUSSION AND STAFF BRIEFING:
21	A. Agenda Additions and Deletions – None
22	B. Committee Reports – None
23	C. Staff Report – None
24	D. Regional Impact – None
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26	4. SIGNATURE OF PLAN – None
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28	File #2806 – Proposed site plan amendment for the Hollis Montessori School to expand
29	occupancy of the school from 120 students to 200, increase staff, expand the number of
30	parking spaces and improve traffic circulation, 9 South Merrimack Road, Map 36 Lot 32,
31	Owner/Applicant Hollis Montessori School, R/A Residential Agriculture. Application
32	Acceptance – April 19, 2016, tabled from June 21, Review period extended to July
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35	Mark Fougere recapped that at last month's meeting the board spent a lot of time talking
36	about the landscaping plan and traffic report. Since then a number of different documents
37	have been included in the packets. A landscaping plan was submitted on Thursday of last
38	week and reviewed by Rick Hardy. He has a number of comments and concerns related to
39	the revised plan he would like to see addressed, it is a very detailed list of concerns. Along
40	with this landscape plan the applicant submitted a maintenance plan and a soil analysis.
41	This soil analysis was requested by the board. They also submitted a revised site plan

45 This was to address concerns should the limits for queuing traffic down towards the bunkhouse be exceeded; Plan B would be implemented to avoid traffic spilling out onto the 46 47

South Merrimack Road. The outline submitted in the packet explains this Plan B, as

addressing some issues. Relative to access there is a concern from the fire chief. Along the

access road he asked for 'No Parking' signs to be installed. The signs on the plan show no

parking signing between 8-3. They have also submitted a Plan B scenario for the traffic.

allowing two cars to come up together in front of the school to pick children up.

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M. Fougere also stated that there has been questions raised over the use of the facility, what they can and cannot do, the applicant will be going to the zoning board next week, with a goal to appeal the building inspectors letter that was sent out last month. This zoning board meeting will be on July 28th, 2016.

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C. Hoffman stated that when it came to the board's attention that there were outstanding issues with this application, she is hesitant to continue discussing this application tonight and she wanted to open this up to the board to get their opinions on this. There is enforcement as well as additions that have been added to the plan such as using the bunkhouse for classrooms and an athletic field. This is an expansion of use and she wanted to get the feeling of the board on this to see if they agreed it being an expansion of use, as they were not on the original zoning board Special Exception Approval. She confirmed they were going to the zoning board, next week, but this was to appeal the enforcement letter. M. Fougere confirmed next week they are appealing a notice that the Building Inspector/Enforcement Officer sent the school regarding violations. They are not going to the zoning board next week for an expansion of use or a new special exception. C. Hoffman explained that she feels this should not be discussed any further, and she wanted to ask the board what their feelings are on it. There are a couple of options. The time period to review this application is today, so the board has to ask the applicant if they want to table the application until the next planning board meeting in August, and then most likely table again into September, or if they do not agree to table it then the board would have to vote on it tonight. The consequences of that are if the board 'deny' the application they would have to start all over again or appeal the decision to the superior court.

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D. Petry stated that there are outstanding issues and R. Hardy has outlined guite a few issues with the drawings as submitted. These plans were submitted late, as the board needs to have then ten days before the meeting date. He asked M. Fougere to confirm the information was submitted last Wednesday and Thursday. He stated that what they are showing on the plans now is clearly an expansion and we need to fully understand what they plan on doing, having an updated plan that is correct, and he would prefer that we request an extension. B. Stelmack agreed with D. Petry' comments especially as he did not have enough time to review everything.

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C. Rogers, referring to the conditions set a few years ago with regard to the hours of use, no weekends, no overnights, etc, he asked if the planning board has prevue over that or is that the code enforcement officers job? Or are they asking to change those stipulations. C. Hoffman explained they are asking to use the bunkhouse for classrooms, and also have overnights, and these things were not discussed during the original 2010 application.

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M. Fougere said the applicant obtained a Special Exception from the zoning board in April of 2010; there were two stipulations with that approval. He quoted:

'The board is concerned regarding the potential number of students that this site could accommodate. The board recommends (ZBA) that the Planning Board issues suitable restrictions and limitations concerning the number of students.' and

'No after school or weekend teaching activities and all main school activities shall occur 94 between the hours or 8 AM and 3 PM, Monday through Friday.'

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He added that the second stipulation has been raised as a question as far as what is 96 97

happening after hours on the property, that is what the letter sent by the building inspector 98 addressed, what they are asking for is not outside the scope of that but when we approved

the plan three years ago it was for 120 students, so to add to that count they had to come back. C. Rogers asked are they coming back to change the stipulation 8 AM - 3 PM. M. Fougere said we cannot change that stipulation, we do not have the authority, and only the zoning board can change that stipulation.

D. Turcott agreed that with both the zoning board regulations and consideration as to what appears to be changed on the plans it appears to grant requesting a continuance.

F. Grossman, 140 Ridge Road, President of Hollis Montessori School Board, approached the podium. He stated that they had talked with staff and their Attorney that the zoning issues are about hours of use and the Planning issues are about traffic, use of the buildings and number of students. He stated that what the Planning Board does and what the zoning board does should be separate from each other, because they already have rights to use this as a school, the zoning board does not discuss the use of buildings, it discusses the use of the property as a school. It is up to the planning board to say which buildings can be approved and permitted. So zoning has already said we can have a school there, and it set the stipulations about the hours which have raised the questions about the wording and what the wording really means. Our request here is we are already allowed to operate as a school we are asking to operate as we did before with 120 students and now over the years to 200 students. He feels they are pretty separate. He said he knows they have to follow the zoning rules that are put upon them, the enforcement officer has stipulated this, and whether we have 120 or 140 students he says they must follow those rules.

C. Hoffman said she did not see the separation, as what he was saying was the site plan they have asked for is an expansion of use. To use the bunkhouse for classrooms and you also put in an athletic field. That is a use and that is what the zoning board deals with, if there is an expansion of the use of the property then they are the ones that have to issue them with a new special exception. She stated that the school needs to go to the zoning board and tell them exactly what the school is going to do, and they have to approve that, and the planning board does the site plan which is where the buildings are, the landscaping, the driveway and the parking lots, etc.

F. Grossman said he understands that interaction but the playing field is a recess area, it is not a playing field that will be used for anything other than recess. C. Hoffman asked if it has the potential to become a soccer field. F. Grossman said that any part of the property has the potential. C. Hoffman said that is the point. F. Grossman stated that right now they cannot use that field for anything other than their recreation. If they wanted to use it for anything else they would have to go and ask the zoning boards permission. Whether we draw it on the plan as a playing field or just having kids playing soccer or volleyball on there, he wasn't sure. They didn't have it on the plan and it was asked to be put on the plan by staff. It was asked that you have included a flat area, could you draw it on there. He stated that they cannot use that field for anything other than what zoning tells them to use it for. The same for the building they are using. When the school started, there were buildings that were not on that property that are now on the property, there is some that have disappeared, and there is some that are still there. So they looked at the property and said you want to use that property as a school, they did not say how many buildings are you going to build, they did not ask those questions. That building is already there and the planning board has already approved it for overnights in 2011. The application came in to ask to use the building for craft area and overnights and the planning board approved this.

So yes they are now asking if they can use it for classrooms which seems to him to be under the prevue of does it get inspected right, is the fire chief happy with it etc. Again this is not a zoning issue.

C. Hoffman stated that our legal counsel has instructed us that it is an expansion of use and that the school needs to go to the zoning board for another special exception for the expanded use of the building and anything else. F. Grossman said he had never gone to the zoning board before.

C. Hoffman asked the question do they want to table the discussion and agree to extend the time limit. F. Grossman said they would agree to extending the time and tabling but he would like to have some discussion on some of the things that have been submitted to see if there is still work to be done, and the landscape plan.

M. Fougere said that one of the items they responded to was the traffic and the concern regarding the queue being adequate or not, the traffic engineer discussed that there may be three or four extra spaces at peak hour, or worse case scenario the board asked for a Plan B. M. Fougere said that plan was submitted to the board, and if his understanding is correct, if the monitors out in the parking lot saw the queue backing up onto the South Merrimack Road they would change the pattern and allow two cars to proceed in front of the school to pick up children instead of just one lane that is proposed now, this would relieve the queue down to the cul-de-sac. The school will use radio transmission as to who is in the car, and the children will be waiting as the car pulls up.

M. Fougere added they submitted a landscaping maintenance plan, soil analysis from Penn State, and a revised landscaping plan. He passed the paper work to Rick Hardy last Thursday. Today we got a response from Rick which outlines some concerns he has with details on the plan itself. During the site walk it was his interpretation and our understanding that some more evergreens would be added along the street this is not shown on the plan. He also had some comments relative to the maintenance plan as far as specifics. It is our understanding that they are going to irrigate the front area and he would like to see where the irrigation is going to take place.

M. Fougere also stated they had updated the plan to address the Fire Chef's comments, but they will need to amend the plan to correct the 'no parking' signs.

B. Stelmack asked for the landscaping comments from Rick Hardy. W. Trimble said she would get these out to the board members.

F. Grossman said he was fine with the extension but moving forward he would still like to hear stuff, even though the zoning has not heard, he would like to know if the contingency plan was ok and if not they can work on that and the same with the landscaping plan.

M. Fougere asked if the board was happy with traffic Plan B. C. Rogers asked why they would not use plan B from the start. F. Grossman said that this would not be needed at the moment as they would not have enough cars in the queue. This should hold 58 vehicles and they are nowhere near this at this time. The contingency plan was asked for should there be ever more than 58 vehicles. D. Turcott asked if the double stacking of vehicles currently causing the delays? F. Grossman said no. He did not think there was a delay, they normally

197 finish the pick up process in 8 minutes, and the double stacking was before they started using the loop.

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- C. Rogers suggested that if he comes back next month to address some of these concerns,
 then they will still have a month to redo if they need to.
- M. Fougere suggested having another meeting with R. Hardy to work face to face, and he can explain what he meant in the letter and there is no miscommunication between F. Grossman and R. Hardy and try to work through the landscaping plan to address his concerns.
- C. Hoffman explained that if this is tabled we have the right to reopen the public hearing again. So after they get their approval from the ZBA then we will open up and have another public hearing due to the changes on the plan.
 - D. Petry added one last reminder that the plans need to be submitted as per our rules, 10 days prior to the planning board meeting so everyone has time to review. And we cannot have changes in between when they submit the plans and the meeting also.
- F. Grossman asked to add a couple more things. He said he had been asked twice to submit 216 a maintenance plan. Both these have been rejected in interesting ways. He has asked the 217 town staff to show him an example of what is required. He really needs an outline of what is 218 219 required. The most recent one was done by someone who has been in the UNH extension 220 cooperative for 27 something years. D. Petry said his expertise is in something different. He recommended he contact Margaret Haygen. D. Petry said that they have received input 221 from Rick Hardy, who runs orchards and the main concern was to do with the condition of 222 the trees and the lawn. He stated that Rick is more experienced than maybe some the other 223 224 people he has reached out to. F. Grossman wants a copy of a maintenance plan so that they can get it right. Another thing he thinks the board should consider for the future, and what 225 226 has been difficult for them as applicants is that when it comes to things like drainage and structural pieces the town has professionals to ask their opinion. He thinks the board 227 should consider that for landscaping. We come before a board to hear from the whole 228 board, and get votes from the whole board, and there is many times we are hearing from 229 230 only one board member and that does not feel fair as an applicant.
 - C. Rogers made a motion table this application in accordance to RSA 676:4 I (c) (1) to the August 16th 2016. Seconded by D. Petry. All in favor none opposed.
 - 6. **File #2812** Proposed lot line relocation between two adjoining properties, Hayden Road, Map 28 Lots 16 & 17, Owner/applicant Anna Birch & Hildreth Trust Trust B, Zoned RL Rural Lands. **Application Acceptance and Public Hearing.**
 - M. Fougere explained this proposal involves the relocation of lot lines between two adjoining properties. Lot 16 is increasing in size from 13.08 to 22.07 acres and Lot 17 is decreasing in size from 35.3. to 26.3 acres. Lot 16, which presently has no frontage on Hayden Road, will have legal frontage and will be a buildable lot. A trail easement is being provided in the event the owner wishes to remove the existing trail that goes through this property; the trail would be relocated by the owner to the eastern portion of the property.

He added the Planning Board may want to address the Rural Character Ordinance for this potential building lot 16. In the past, for lots fronting on Scenic Roads, the Board has required an 80 foot wide no cut buffer along the site's frontage. The Board may want to address this matter. Also, a waiver request has been submitted that wetland mapping and a test pit not be required for Lot 16. Also, on the plan an amendment is required to note 4 as this lot is on a Scenic road the front setback is 100' and the wetland setback 100'.

Robert Baskerville, Bedford Design Consultants, approached the podium, did the survey for this application. He stated that several members of the Birch family were also present tonight also. He showed the board a plan that was outlining both the land being purchased by the Town of Hollis and the lot being referred to with this application. The reason for this lot line relocation is to give Lot 16 frontage. He explained the reasoning behind how the lot line has been chosen, including the topography of the land and the position on a bound. It makes Lot 16 a conforming lot. This is all part of a PNS that is being negotiated with the Town, and it should all happen at once. He explained the reasons for the waiver request. If they choose to come back to subdivide in the future they would need to have the wetland mapping and test pit done at that stage. M. Fougere confirmed that he would add a stipulation to the effect that prior to any development of Lot 16; test pits shall be conducted per town requirements and wetland mapping shall be outlined on the plan.

R. Baskerville stated it was not in the aquifer or the flood plain. He also explained that there is no written easement at present, but the Birch family has allowed the snow mobile club access to the trails and they currently use the trail on Parcel A on the plan. He quoted from note 8 on plan 1 of 2. 'If lot 17 is conveyed to the Town of Hollis a 10 foot wide trail easement over the Woods Road/Proposed trail (shown running through Parcel A) shall be simultaneously conveyed to the Town of Hollis under terms established by the owner of Parcel A. The owner of Parcel A may, at his or her cost, relocate portions of the 10 foot wide trail easement into the trail relocation area shown on Parcel A under the terms established by the owner of Parcel A. Such relocation may include elimination of all or any portions of the (existing) Woods Road/proposed trail'.

 B. Stelmack raised the question of why on the plan there was a section labeled 'Owner Unknown'. R. Baskerville explained during a lot line adjustment a deed was acquired and at this stage a radius was taken out similar to a road radius needed to put a road in. But this was not part of a subdivision plan. It is not owned by the Birches or deeded to the Birches. And it also did not get deeded to the other lot. He also pointed out that there is a cell tower and it has an easement. There is a road leading to the cell tower. He was surprised that Hayden Road is a scenic road. C. Hoffman asked him to amend the plans accordingly. M. Fougere confirmed it was a scenic road since 1975.

D. Petry made a motion to accept File #2812. D. Turcott seconded. All in favor none opposed.

D. Petry made a motion to waive the test pit requirement and wetland mapping on Lot 16. M. Fougere will include a stipulation that will read 'prior to any development of Lot 16, test pits shall be conducted per town regulations and wetland mapping shall be outlined on the plan'. D. Turcott seconded. All in favor none opposed.

B. Ming asked a question regarding the easements, on the woods road/proposed trail. R.
 Baskerville confirmed the short section referred to at the beginning of the trail could be moved over if necessary but never removed.

C. Hoffman opened the public hearing.

 Carl Williams, 201 Hayden Road approached the podium. He lives to the south side of the property and is a member of the snow mobile club. He wanted to know more about the laws and regulations with regard to Woods trail and regular trail. What are the laws that govern moving them and rebuilding them should this every get redeveloped.

Sherry Wyskiel, Chairman of the Trails Committee came to the podium to answer the question. The trail that is there now, the same rules will apply to that as will apply to Birch Hill once it becomes town owned land. So whatever RSA are on town land or any conservation land will apply to this area, for example no camping or no wheeled motorized vehicles will be allowed in this area. That particular trail also, because it goes across the street, into restricted areas such as snow mobile time – this rule will apply also. Trials shut down at 9pm. She confirmed that the trail will stay there until the lot will be developed and if it needs to be moved the Birch family will pay to have the trail removed.

D. Petry referred to note 8 and asked for the confirmation that the easement language ensured that there will always continue to be a trail on this piece of land. The wording of note 8 may need to be reworked to ensure there is no misunderstanding. R. Baskerville agreed the wording does need to be tweaked to read clearer.

 Charles Svirk, 241 Hayden Road approached the podium. His question was not related to the lot line relocation but with regard to the scenic road, and about the land being given to passive recreation, he asked what the policy is for parking issues arising on Hayden Road. This is increasing dramatically on Hayden Road.

Sherry Wyskiel, Land Protection Committee, answered this by explaining that once the Town owns the property, they are hoping to move the cell tower gate and use the landing area as a parking lot. They understand there is a safety issue, and they are going to work with American Tower to get the gate moved. It will not happen this year but it will happen. C. Svirk is concerned about the number of cars this will accommodate to help eliminate the number of cars parked on Hayden Road.

B. Ming asked with reference to this last issue, he wondered were they only talking about the easement to the north or both easements. He wanted to know where the parking concern was. M. Fougere explained that anything to do with parking needs to be dealt with by the Selectman.

P. Baker, Land Protection Committee approached the podium and discussed there were two problematic parking issues that need to be looked at.

C. Hoffman closed the public hearing.

341 B. Stelmack suggested that note 8 be reworded and asked if they should consider the 'owner unknown' parcel of land. We could ask assessing.

343 M. Fougere read his recommendations.

- The applicant submits four sets of revised plans along with a recordable mylar and applicable recording fees. Appropriate easement documents shall also be submitted.
- Prior to recording all lot corner bounds shall be set.
- Prior to any development of Lot 16: test pits shall be conducted per town requirements and wetland mapping be outlined on the plan
- Note 8 needs to reword.
 - Amend the plan for scenic road setbacks.

He noted that the board had not discussed the Rural Character Ordinance for this potential building lot 16. In the past for lots frontage on Scenic Roads, the board has required that an 80 foot wide no cut buffer along the site's frontage. It was discussed and the applicant agreed that a no cut is placed on an 80 foot as long as access can be cut through.

D. Petry wants a memo sent to the selectman to highlight the parking discussions on Hayden Road.

C. Rogers made a motion to approve file #2812 with the conditions as listed. B. Stelmack seconded. All in favor none opposed.

7. **File #2813** — Proposed lot line relocation between two adjoining properties, 19 & 35 Flagg Road, Map 7 Lots 44-1 & 45, Owner/Applicants Richard & Mary Snell and Allan & Kristen Retter, Zoned RA Residential Agriculture. **Application Acceptance and Public Hearing.**

M. Fougere explained this proposal involved the relocation of lot lines between two adjoining properties. Lot 44-1 is increasing in size from 11.1 to 15 acres and Lot 45 is decreasing in size from 15.5 to 11.6 acres. All relevant zoning requirements are met.

There is only one staff recommendation and that is to submit a recordable mylar and applicable recording fees.

Randy Haight, Meridian Land Services, approached the podium. He explained the layout of the two lots and where the lot line relocation was happening and was inclusive of a small pond area. This is just a transfer of acres.

D. Petry made a motion to accept the application. B. Stelmack seconded. All in favor none opposed.

C. Hoffman opened the public hearing. As no one wished to speak C. Hoffman closed the public hearing.

386 M. Fougere stated there would be one condition of approval to submit a recordable mylar 387 and recording fees.

D. Petry made a motion to approve File #2813 as submitted with one condition as stated. B. Stelmack seconded. All in favor none opposed.

8. File #2814 – Proposed site plan amendment, remove driveway, extend sidewalk and
 add landscaping, 30 Ash Street, Map 53 Lot 11, Applicant: Charlie Morgan, Owner: Swamp
 Frogs LLC, Zoned Agriculture Business & Historic Overlay District. Application
 Acceptance and Public Hearing.

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M. Fougere explained this was before the board a few years ago for an art school. Today they are returning with a site plan amendment. This site amendment involves removing the westerly driveway entrance, cutting back the eastern driveway radius and adding landscaping features to the front yard. The sign will be relocated to the west; trees, shrubs and hardscape features will be installed. The portion of the western driveway will be replaced with a concrete sidewalk and granite curbing; the eastern driveway radius will be improved. A small portion of existing sidewalk/curbing will be removed. The existing handicap ramp will be replaced.

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The conditions that will apply if approved are:

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- 1. The applicant shall submit five hard copies of the revised final plan.
- 409 2. Address any comments from the Fire Department.
- 3. Address comments from DPW, provide sidewalk thickness detail on plan, add required
- 411 ADA truncated domes to the sidewalk ramp. The sidewalk on the eastern side of the
- 412 driveway will have to have a handicapped ramp.
- 4. Obtain NHDOT driveway permit approval for modifying the driveway and sidewalk work.
- 414 5. Add to the plan: abutters, property zoning note and lot size.
- 6. The existing road sign on the eastern side of the driveway will need to be relocated note on the plan.
- 417 7. HDC approval has been obtained.

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Kathleen Morgan approached the podium to talk briefly about the application. She explained the reason behind the design to make more easily accessed by handicapped persons.

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M. Fougere also added that the existing design is a curved driveway which is not very safe and this will definitely help make it safer also.

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Eric Buck, Terrain planning and design LLC, approached the podium and he explained the plans to the Planning Board including the type of New England native plants to be planted.

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D. Petry made a motion to accept the application for review. B. Stelmack seconded. All in favor none opposed.

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432 C. Hoffman opened the public hearing but with no one to speak she closed the public hearing.

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435 M. Fougere listed the conditions as above although number 2 and 7 had already been dealt 436 with.

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D. Turcott made a motion to approve File #2814. B. Stelmack seconded. All in favor none opposed.

441 M. Fougere suggested that tat the next meeting he would like to discuss some zoning issues 442 as the agenda is small. 443 B. Stelmack asked about the statement made by F. Grossman with regard to obtaining a 444 445 master maintenance plan for guidance for the applicants. It was suggested that we reach out to Doug Gagne to see if he would be interested in helping with this task. D. Petry also 446 added that UNH would maybe have a best management plan that would help. 447 448 C. Rogers made a non debatable motion to adjourn the meeting. D. Petry seconded. All in 449 450 favor none opposed. The meeting was adjourned at 8:30 PM 451 452 453 454 Respectively submitted by, 455 456 Wendy Trimble 457 Planning Secretary 458 459 Town of Hollis, NH 460