

## HOLLIS PLANNING BOARD MINUTES

October 18th, 2016

“FINAL”

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

**ABSENT:** Brian Stelmack, Dan Turcott

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

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

C. Hoffman stated that Jim Belanger our State Representative had requested a few minutes at the beginning of the meeting to talk to the Planning Board about a zoning issue.

Jim Belanger approached the podium and introduced himself as the State Representative representing Hollis in Concord. He wanted to talk about the ADU bill that was passed. M. Fougere has indicated there are a few changes to be made to our ordinances in order for it to comply with the new state law. However he is now serving on a committee that deals with short term rentals. This is where you rent a room in your house for a short time. It is causing problems for a few communities already. This has been happening for some time and the state feels they are not getting taxes from this and are investigating it. An accessory dwelling unit can be used for short term rental, and before you know it you have a one bedroom hotel. He gave M. Fougere a copy of RSA 674:72 and highlighted part of VII which states “A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling.” This allows the town some leeway when it is making tweaks to the ordinance. J. Belanger suggests the following wording be added this RSA.

“The use of an Accessory Dwelling Unit (ADU) shall not be deemed to include such transient occupancies as hotels, motels, rooming or boarding houses. This limitation includes, but is not limited to, short-term rental arrangements such as those arranged through AirBnb, Homeaway and VRBO. Short term rentals of dwelling units are not allowed except when specifically authorized as a bed and breakfast or inn.”

He continues to add for the purpose of this ordinance, Hotel is as defined in NH RSA 78-A:3, III means an establishment which holds itself out to the public by offering sleeping accommodations for rent, whether or not the major portion of its operating receipts is derived from sleeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished room houses, boarding houses, private clubs, hostels, cottages camps, chalets, barracks, dormitories, and apartments. The term does not include the following:

- a. A hospital licensed under RSA 151, or a sanitarium, convalescent home, nursing home, or home for the aged;
- b. Any establishment operated by any state or United States agency or institution, except the New Hampshire department of resources and economic development;
- c. An establishment owned by a nonprofit corporation or association operated exclusively for religious or charitable purposes, and which does not offer sleeping accommodations to the general public.

He urges the Planning board to consider using this wording within our ordinance to avoid having short term rentals in houses in Hollis. It may be unlikely to affect us here in Hollis.

M. Fougere understands there is an issue in other communities and it is a good idea to stay ahead. D. Cleveland asked the definition of short term, and J. Belanger stated it was less than 168 days. M. Fougere says it will need to be defined.

C. Hoffman, Chairman appointed Bill Moseley to vote on behalf of Brian Stelmack, and Jeff Peters to vote on behalf of Dan Turcott.

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

D. Cleveland moved to approve the minutes as amended of September 20<sup>th</sup> 2016. Motion seconded by C. Rogers. All in favor, none opposed. D. Petry abstained.

**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 PLAN –**

**File #2810 – 26 Deacon Lane & Proctor Hill Road**

David Petry made a motion to authorize the Chairman to sign the plan #2810. R. Hardy seconded. All in favor none opposed.

**5. File #2821** – Major site plan review for the construction of seven storage buildings replacing approved landscaping yard, 250 – 254 Proctor Hill Road, Applicant Erich Mueller, Owner Island Time Realty, LLC, Map 11 Lot 24, Zoned IN Industrial.

**Application Acceptance & Public Hearing.**

M. Fougere summarized this application. He stated it had been before the board for both Design and Conceptual application. The applicant is proposing to construct 55,200 square feet of self-storage units in 7 buildings. This site has been approved for a number of uses in the past, including a landscaping yard and a driveway seal coating company. Porous pavement will be used to address drainage conditions on the property.

The proposed plan will use the two existing driveways to access the site. There is no proposed connection to adjoining properties. A full landscaping plan has been developed for the site and this has been reviewed by Doug Gagne and Rick Hardy. Comments from the Town's engineer have also been received.

If the Planning Board is inclined to accept and approve the Plan at the October 18, 2016 meeting, I have prepared the following draft conditions of approval:

- 1) The applicant shall submit four (4) hard copies of the revised final plan.

- 96        2) A note should be added to the plan stating that no hazardous materials shall be  
97        stored on site.
- 98        3) Grading and the placement of drainage facilities will take place within the 100 foot  
99        wetland buffer; this buffer line should be clearly marked in the field and silt fenced  
100       installed prior to any work starting on the site. This work should also be reviewed  
101       by the Town's Inspector during construction.
- 102       4) The applicant shall submit a letter from an engineer, upon project completion,  
103       certifying that the porous pavement construction was installed consistent with the  
104       approved plans.
- 105       5) Prior to plan signature, receipt of NHDES Alteration of Terrain permit shall be  
106       obtained.
- 107       6) A note shall be added to the plan showing the location of any stumps that will be  
108       buried on site or all stumps shall be removed from the property.
- 109       M. Fougere added he had spoken to the Fire Chief and a few years ago the site had an  
110       easement put on the front of the property but this easement had not been recorded with the  
111       plan. It is on the approved plan in 2005/2006. The fire department wants a cistern  
112       installed on site and he is recommending that this cistern is installed.  
113
- 114       R. Hardy made a motion to accept the application. D. Cleveland seconded. All in favor  
115       none opposed.  
116
- 117       Nathan Chamberlain, Fieldstone Land Consultants, approached the podium representing  
118       the applicant. He referenced the previous applications and described the building  
119       orientation and how it had changed over the course of the applications. The layout now is  
120       the more favorable. He showed the board the landscape plan. He also referred to the  
121       reports by the landscape consultant and the engineer and that any issues they have raised  
122       would be addressed. He also talked briefly about the drainage swale, infiltration basins and  
123       the design of the buildings. He had also met with Dennis LaBombard early that day to  
124       discuss the engineering comments. Lighting will be downcast security lights under the  
125       eaves of the buildings. They will set up a meeting with the Fire Chief to talk about the  
126       cistern.  
127
- 128       C. Rogers asked if all the paving is porous. N. Chamberlain said only the internal isles are  
129       porous and the outer edges an exterior pavement will not be porous as this will have more  
130       traffic on it and the porous paving will not withstand too much wheel turning.  
131       The plan did not show where the keypad will be situated. This will replace the need for an  
132       office and the keypad will be added to the plan.  
133
- 134       J. Peters asked if plowing would be an issue and N. Chamberlain said no it wouldn't be.  
135       C. Rogers asked if any campers would be stored outside and N. Chamberlain said there  
136       would be no outside storage at all.  
137
- 138       R. Hardy stated that D. Gagne had addressed the landscaping well and he added that a  
139       suggestion to number 4 on Doug's report would be to consider planting 5 foot trees now as  
140       there is no immediate impact and this might be more economical.  
141
- 142       C. Rogers asked for a note on the plan for no outside storage.

143  
144 Dennis LaBombard approached the podium. He had met with Nat Chamberlain earlier that  
145 day to discuss a few issues but he needs a little more time to review suggested changes and  
146 new plans which he had received that afternoon. He believes it to be a good site for the  
147 porous pavement. It is a good soil with a good depth to the water table. He had also  
148 received a copy of D. Gagne's report and saw the question regarding the trees in the swale.  
149 He needs to take a closer look but is not too concerned as long as they are not in the bottom  
150 of the trench. He has drainage calculations and another set of plans to check.

151  
152 David Petry asked both D. LaBombard and M. Fougere with regard to the cistern, does its  
153 position impact the plans with drainage swales and plantings. D. LaBombard suggested  
154 that from a drainage perspective that is probably the best place to put it as it is a high point  
155 on the site. M. Fougere explained that the plan in 2005 showed the cistern easement.  
156 However he now feels this change of use it is intense enough that it needs the cistern  
157 installed. They will need to talk to the Chief to see if there are any alternatives.

158 C. Rogers asked about the prohibition on storage for example lawn mowers or motor cycles  
159 with gasoline. N. Chamberlain was not aware of how you would police it. M. Fougere  
160 would ask the Chief on would be allowed to be stored or not stored.

161 C. Hoffman opened the public hearing. There were no abutters who wished to speak.

162 Jim Belanger, resident in Hollis, approached the podium. He said there had been a lot of  
163 investigation into this property in the past. One consideration to have in the buildings was  
164 berms to stop hazardous liquids flowing out. His concern is this is on the aquifer and he  
165 had not heard anything about the snow plowing and use of salt or chemicals and how this  
166 would be addressed. He was also concerned about the regional impact on Brookline with  
167 traffic.

168 No other wishes to speak. N. Chamberlain approached the podium to address a couple of  
169 the issues. He stated that no salt would be used, and it would be noted on the plan. M.  
170 Fougere stated that whilst it is beside an aquifer there is a general prohibition of the use of  
171 any chemicals on the site including calcium chloride. He also stated that this site will not  
172 increase traffic to cause a regional impact. Times of people visiting the site will vary and it  
173 would be low key.

174 C. Hoffman asked about the use of berms to stop spillage, M. Fougere said we had put this  
175 stipulations on another site at Moran's, where there would be pesticides stored, this  
176 particular site will not be storing such items. It will be policed by the rules of the contracts.

177 D. Cleveland made a motion to table file #2821 to continue until November 15<sup>th</sup>. R. Hardy  
178 seconded. All in favor none opposed.

179

180 **6. File #2819** – Review of buffer impact per Wetland Ordinance, Section C3 Jurisdiction,  
181 Existing Lots, for the construction of a single family home on a grandfathered lot of record,  
182 1.14 acres, Witches Spring Road, Map 46 Lot 12, Owner/Applicant Douglas and Cynthia  
183 Nye.

184

185 M. Fougere summarized the Planning Board had just been on a site walk and there were  
186 concerns expressed over the accuracy of the plan with regard to the topography on the plan,  
187 and D. Nye needs to provide more detail of what exactly he would like to do on the property.  
188 A wetland soil scientist needs to look at the back up of water. It needs to be accurate as to  
189 where the wetland boundaries are.

190 R. Hardy expressed his concern with the plans and would like to clarify that the topography  
191 was not accurate. He would like to see both existing and proposed plans with topography.  
192 It also needs to show accurate wetland plans.

193 J. Peters was also concerned about the mapping of the wetlands.

194 D. Nye stated he was going to go and work with a soil scientist on the wetlands and work out  
195 the contours and reconfigure them as to what is going on out there. He will get existing and  
196 proposed plans to try to satisfy these requirements. C. Hoffman also stated that there is  
197 potential need to go the zoning board for a variance for the front setback.

198 M. Fougere suggested that there was no need to table as it would be difficult to state when  
199 that would be. D. Nye will come back to the Planning Board with a new submittal when he  
200 is ready which will probably be in two or three months.

201 **7. Discussion:** ZBA members Jim Belanger & Gerald Moore to discuss potential  
202 amendments to the Housing for Older Persons ordinance.

203

204 G. Moore and J. Belanger approached the podium as a subcommittee of the ZBA to ask the  
205 Planning Board to take a look at the ordinances that applies to older persons housing. This  
206 came up as the ZBA had an application to vary the 30 acre requirement needed for older  
207 person housing and also to vary the age from 62 years old to 55 years old. The State Statute  
208 allows for 55 and over. The opportunity for older people in Hollis to downsize is limited.  
209 There is a good reason for projects like these popping up all over the place as baby boomers  
210 are now aged 70 + and there is need for housing like this. Housing like this would be good  
211 for the town as there is no need for school facilities, there is minimal demand on town  
212 services and in reviewing the code this was implemented in 2001 and it is something that  
213 should be looked at now. For example this type of housing would be allowed in the town  
214 centre, but where in our town centre would there be 30 acres. G. Moore read from the  
215 purpose of the ordinance. *The regulations in this section have been established for the*  
216 *purpose of encouraging the construction of housing for older persons.* G. Moore suggested  
217 it discourages rather than encourages. The density requirements are less than the density  
218 requirements for multifamily. The fewer of these properties that are in town they tend to  
219 sell really quickly. He is asking the Planning Board to revisit this in its entirety.

220

221 C. Rogers asked why they did not grant the variance for the flea market. J. Belanger stated  
222 they could have if they had gone against the intent of the ordinance as they did not know  
223 what the intent was.

224

225 C. Hoffman said the purpose of the intent was that Hollis is on well and septic and the extra  
226 land works with the density in the ordinance. Two units per acre. D. Petry suggested we  
227 look back in the notes as see the reasons why these ordinances were created to avoid  
228 loopholes for developers. G. Moore confirmed that they had not looked at a new figure for  
229 acreage. He could ask the ZBA when they next meet and they will send us a memo. C.

230 Hoffman said they needed to be on main road for easy access for emergency services. There  
 231 is also a distinction in the code for retirement community and assisted living. M. Fougere  
 232 suggested looking at the figures for the call out and what demand is being put on town  
 233 services. G. Moore also added that D. Mason found in the language of the zoning ordinance  
 234 where the intent is missing in the industrial zone, the mobile home zone one, and in the  
 235 rural landscape zone. M. Fougere stated that he had received an email from D. Mason that  
 236 afternoon. J. Belanger handed M. Fougere some literature on this to hand out to the board.

237

238 **8. Discussion:** Lovejoy Lane, Mr. Gerry Woods review of required project landscaping,  
 239 many areas of the site have regrown naturally. Mr. Woods would like to Board to consider  
 240 waiving the requirement to install all of the landscaping shown on the approved plan. A site  
 241 walk was undertaken by staff; report has been developed by Doug Gagne.

242

243 M. Fougere stated that this project had been approved 10 years ago. He and Doug Gagne  
 244 visited the site a few weeks ago and the applicant is requesting a waiver to not plant some of  
 245 the areas that have since regrown naturally. An amended plan needs to be brought to a  
 246 planning meeting for the board to review and abutters will need to be notified.

247

248 Jay Leonard approached the podium; he stated he was here for Gerry Woods who was  
 249 representing the Trust. He stated that right now you could drive by the entrance as so much  
 250 planting has regrown. One of the comments made by D. Gagne was he was surprised how  
 251 well it had turned out. Now it doesn't make any sense to take out trees to replant new ones.  
 252 It would harm the site. On the site walk, they went through the plans, particularly part A, B  
 253 and D. Since then G. Woods has planted what was indicated in part A. He has also  
 254 contacted two abutters and spoke to representatives of those abutters; these had specific  
 255 plants required according to the original plan. One has asked for the four trees appropriate  
 256 to his lot and that has been accomplished in accordance to the plan. The other site to the  
 257 rear of the homes, used to be owned by Doug Davidson and the new owner are not  
 258 interested the proposed trees. The screening has been accomplished and the purpose has  
 259 been accomplished and now they are looking for a waiver to accept as is.

260

261 R. Hardy has driven by a number of times, and it has grown well and he has no problems  
 262 with it. He suggested that maybe it be recorded by photographs with indication on the  
 263 plans of where they were taken from. This way it would demonstrate how the plants have  
 264 taken and why it happened. He asked if there were any areas in a no cut area.

265

266 M. Fougere stated that a lot of the plants were in common open space or the right of way.  
 267 R. Hardy stated as long as that is noted so we have it on file. D. Petry suggested that we  
 268 need a modified plan and it should be stated that due to the time that has gone by, we  
 269 should have a new modified plan with a public hearing. R. Hardy suggested using  
 270 photographs on the plan, with where they have been taken from and includes density and  
 271 references for height and materials. C. Hoffman asked them to submit a modified plan and  
 272 application including abutters list.

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## 274 **9. Non-public discussion, legal, under RSA 91-A3 II (e)**

275

276 David Petry made a motion for the Planning Board to enter Non-Public session in  
 277 accordance with RSA 91-A3-II (e) legal. J. Peters seconded. Voting in favor of the motion

278 were R. Hardy, B. Ming, B. Moseley, C. Rogers, D. Cleveland, D. Petry, J. Peters and C.  
279 Hoffman. No one was opposed. The motion passed 8-0.

280  
281 The board entered non-public at 8:50 pm.

282  
283 David Petry made a motion for the Planning Board to come out of Non-Public session in  
284 accordance with RSA 91-A3-II (e) legal. J. Peters seconded. Voting in favor of the motion  
285 were R. Hardy, B. Ming, B. Moseley, C. Rogers, D. Cleveland, D. Petry, J. Peters and C.  
286 Hoffman. No one was opposed. The motion passed 8-0.

287  
288 David Petry made a motion for the Planning Board to seal the minutes of the Non-Public  
289 session in accordance with RSA 91-A3-II (e) legal. J. Peters seconded. Voting in favor of  
290 the motion were R. Hardy, B. Ming, B. Moseley, C. Rogers, D. Cleveland, D. Petry, J. Peters  
291 and C. Hoffman. No one was opposed. The motion passed 8-0.

292  
293 Doug Cleveland made a non-debatable motion to adjourn. D. Petry seconded. All in favor  
294 none opposed.

295  
296 The meeting was adjourned at 9:20 PM.

297  
298 Respectively submitted by

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302 Wendy Trimble  
303 Planning Assistant  
304 Town of Hollis, NH

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