## HOLLIS PLANNING BOARD MINUTES November 15th, 2016 "FINAL"

PLANNING BOARD MEMBERS PRESENT: Cathy Hoffman – Chairman, Doug 1 Cleveland – Vice Chairman, R. Hardy, Brian Stelmack, Chet Rogers, and Alternate 2 3 members; Bill Moseley, Benjamin Ming and Jeff Peters 4 **ABSENT:** David Petry, Ex-Officio for Selectmen and Dan Turcott. 5 6 STAFF: Mark Fougere, Town Planner; Wendy Trimble – Planning Secretary 7 8 9 1. **CALL TO ORDER:** The Chairman Cathy Hoffman called the meeting to order at 7:00 pm. 10 11 2. APPROVAL OF PLANNING BOARD MINUTES: 12 13 D. Cleveland moved to approve the minutes of October 18th 2016 as amended. Motion 14 15 seconded by R. Hardy. All in favor, none opposed. B. Stelmack abstained. 16 17 C. Hoffman Chairman appointed B. Moseley to vote on behalf of C. Rogers (who had not yet arrived) and B. Ming to vote on behalf of D. Turcott. 18 19 3. DISCUSSION AND STAFF BRIEFING: 20 21 A. Agenda Additions and Deletions – None B. Committee Reports - None 22 C. Staff Report – None 23 D. Regional Impact – None 24 25 4. SIGNATURE OF PLAN -26 27 28 File #2816 – 4 Cleasby Lane, o Depot Road and 15 Broad Street. Lot line 29 relocation. B. Moseley made a motion to authorize the Chairman to sign the plan #2816. D. Cleveland 30 seconded. All in favor none opposed. 31 32 33 5. **File#2821** – Continued discussion, major site plan review for the construction of seven storage buildings replacing approved landscaping yard, 250 - 254 Proctor Hill Road, 34 Applicant Erich Mueller, Owner Island Time Realty LLC, Map 11 Lot 24, Zoned IN 35 36 Industrial Tabled from Oct 18th. 37 38 M. Fougere explained that this application had been tabled from October 18th to allow time 39 for a number of outstanding issues to be addressed. He stated that most of the engineering issues had been addressed. A 15,000 gallon cistern has been added to the plan by the 40 request of the fire department instead of a 30,000 gallon tank. The cistern area will 41 42 however be built to accommodate another 15000 gallons if in the future more development 43 occurs in that part of town. An easement will also be provided as requested by the fire chief email November 14th. He has also asked for the cistern to be reviewed and approved by 44 Reggie Ouellette, Town Engineer, before acceptance of the easement or deed. A revised 45 landscaping plan was received today and has been forwarded to D. Gagne for review. They 46 will also need an alteration of terrain permit which has been applied for. 47

Chad Brannon, Fieldstone Land Consultants approached the podium. He wanted to

address the request from the Fire department for a cistern. This has been discussed on a

number of occasions with the Fire Chief. He had requested a 15,000 gallon tank for this

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- 52 project with the option of an easement area be shown on the plan to accommodate a 30,000
- 53 gallon tank should this become necessary. Chief Towne does want the construction
- inspected by the Town Engineer. He added that they had received a letter from D.
- 55 LaBombard with regard to the cistern design, and he had some requests for additional
- details to the pull off area. They are proposing 14 ft gravel shoulder pull off to access the
- 57 fire cistern. They will provide extra details relative to that. Landscaping comments were
- also raised in October and unfortunately it has taken time to have revised plans addressing
- 59 these comments. The board agreed to these plans being handed to them so they could see
- the items addressed during tonight's meeting. These new plans addressed comments from
- D. Gagne letter dated October 18th. There were 7 comments and C. Brannon walked the
- board through the new plans in relation to these comments. C. Brannon also confirmed
- that he had added a number of notes to the plans as per the staff stipulations. These
- 64 included no hazardous materials will be stored onsite, no doors will be facing the road, and
- 65 there would be no outdoor storage on site.

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C. Rogers arrived at the Planning Board meeting and the Chairman asked B. Moseley to stand down from voting tonight.

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M. Fougere added a comment relative to the cistern that maybe D. LaBombard would also address, that maybe DOT will need to issue some kind of driveway permit for the cut off to the cistern.

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R. Hardy asked for a specific plan for the 20 white pine to be located such as where they will start and finish as he does not like the term 'organically clustered'. C. Brannon stated he would be happy to work with D. Gagne and put it on the plan.

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- 78 Dennis LaBombard approached the podium to discuss his latest review of the plans that
- 79 now include the cistern. There was no new storm water management report as the change
- was minor. He did ask for some additional clarification for the pull off as it is right on
- Route 130 and it was just a graphic shown. He agreed that NHDOT should be informed also. He would like a definition added to clarify the length of this pull-off as well as the
- bollard locations. This should include the spacing between the bollards and grading
- between the proposed edge of pavement for the pull off and the front edge of the concrete
- tanks should be provided. He also wanted details or notes of how the vent and liquid level
- so connections for the future tanks are to be capped.
- M. Fougere had nothing further to add. C. Hoffman asked if the board would be comfortable with a conditional approval. Everyone was in agreement. M. Fougere
- 89 summarized the conditions.
  - To submit four hard copies of the revised final plan
  - Obtain and provide receipt of NHDES Alteration of Terrain permit
- Letter from Fire Department relevant to the easement documents
  - Escrow account set up for cistern inspections
  - Obtain if necessary a permit from NHDOT for cistern
  - Address all outstanding issues by D. LaBombard
  - Receive and address the final comments from D. Gagne regarding landscaping and changes to "organic cluster' of pines as raised by R. Hardy

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- 99 R. Hardy made a motion to accept the conditions as listed. D. Cleveland seconded. All in
- 100 favor none opposed.
- D. Cleveland made a motion for a conditional approval of File #2821. C. Rogers seconded.
- 102 All in favor none opposed.
- **6. File #2823** Proposed subdivision of an existing 9.47 lot into two lots, one which will
- be a back lot, 146 Broad Street, Applicant George & Stella Demetri, Map 19 Lot 22, Zoned R-
- 105 A Residential Agriculture. Application Acceptance and Public Hearing.

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- 107 M. Fougere stated this proposal involves the subdivision of an existing 9.27 acre lot into
- two, a 5.1 acre front lot and a 4.3 acre back lot. The back lot will be served by a common
- drive, providing access to both lots. An existing home does exist on the front lot 19-22 and
- will remain; a new home will be built on the rear lot. The driveway will be altered and a
- NHDOT driveway permit will be required. This property is relatively flat and contains no
- wetlands. The applicant has requested a waiver from Section IV.2.G which requires side lot
- lines to be perpendicular to the street at least 100 from the right-of-way. The existing side
- lots are not changing and are only slightly off angle from the requirement. He
- recommended the following conditions should the application be considered for approval.
  - 1. The applicant shall submit a recordable mylar and three paper prints and all appropriate fees to record and LChip.
    - 2. NHDOT driveway permit shall be obtained prior to plan signature.
    - 3. An escrow account shall be established to cover the cost of inspections that will be required during the construction of the proposed private common driveway.
      - 4. Driveway easement documents shall be submitted outlining joint maintenance responsibilities for the common drive. Documents shall be recorded with the plan.

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- R. Haight, Meridian Land Services approached the podium representing the applicant. He explained the existing property will remain and there will be one common driveway. There is a circular driveway at the moment and this will be changed. The waiver is being requested as they wish to maintain the 35 foot distance from the house. A State subdivision
- approval has been received also.

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- B. Stelmack asked a question regarding land owned by the Town. B. Ming asked a question regarding Plan P2, site distance and the work involved. R. Haight discussed both these questions. B. Stelmack asked about the wells, there are two shown, but R. Haight said
- neither of these worked and a new artesian well will be drilled.

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C. Hoffman opened the public hearing.

- 137 Cathy Goldwater, 149 Broad Street approached the plan, as she wanted to look at it more
- closely. Bill Hills representing Harriett N. Hills Revocable Trust also wanted to look at the
- plan closely. B. Hills spoke regarding the trail that is on his lot and that they had granted a
- 140 conservation easement. He has no objection to a trail being put on his property but he had
- 141 hoped the previous owner would have been approached before passing, as there is a woods
- road on the property that would have made an easier walking trail, but since it did not

happen he stated that it could be just as easily cut a trail on his side if they really wanted to 143 do it. C. Goldwater stated has lived there 33 years and she in full support of this subdivision 144 as it will improve the area. 145

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No one else wished to speak. The public hearing was closed.

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C. Rogers made a motion to grant the waive from Section IV.2.G which requires side lot lines to be perpendicular to the street at least 100 feet from the right of way. B. Stelmack seconded. All in favor none opposed.

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153 M. Fougere listed the stipulations for approval as previously listed.

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- Doug Cleveland made a motion to approve file #2823 subject to the stipulations as listed. 155
- 156 C. Rogers seconded. All in favor none opposed.

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7. File #2825 – Proposed amendments to approved Lovejoy Lane landscaping plan associated with the subdivision plan, Applicant Flint Hill Real Estate Trust (Elizabeth Wright), Map 14 Lot 37, Zoned R & A Residential Agriculture. Application Acceptance and Public Hearing.

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M. Fougere stated this application deals with a requested amendment to the approved HOSPD Wright Heirs Property subdivision approved in October of 2005. As part of the approval for the Lovejoy Lane side of the development, landscaping & buffers were required in order to comply with the Rural Character Ordinance. Some of these planting were installed years ago, internal locations around the hammerhead, while others were not. Given the length of time that has elapsed, significant revegetation has occurred naturally within the project, including at the project entrance.

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M. Fougere also stated that both he and Doug Gagne inspected the project a month ago. D. Gagne provided two reports showing his conclusion of this visit and he agrees that, in many areas, the landscaping plans approved are no longer necessary. A number of evergreens have been planted at the site entrance (Area C), per the approved plan, along with most of those required for Area D. Landscaping has been installed at the turnaround per the plan. Evergreens that were to be installed along the rear lot lines of Lots 6 – 10 were never installed; these trees were to buffer the project from an adjoining vacant lot. This lot has been recently sold to a new owner who is building a home on the property. In D. Gagne report he stated that due to elapsed time from the project approval, and areas of landscape had naturally become inhabited with a mixture of native herbaceous and woody species, it did not make sense to remove these to install revegetation plantings as per plan.

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J. Leonard approached the podium as representative for Elizabeth Woods's trustee of the trust that owns the property. Gerry Woods was also present should he be needed to answer any questions. He referenced being at the October 18th meeting and added that the plan from the original approval had been modified with photographs of the plantings now in place. He stated that he had been on the site walk with M. Fougere, G. Woods and D. Gagne and everyone agreed on what needed to be done, and these have now been done. He shared with the board, that D. Gagne had commented that a lot of the requirements on the plan was because the board really did not know what to expect as it was going to be a new road,

with a lot of grading, and it had all turned out really quite good and it was much less of an impact than what had been expected.

Doug Cleveland made a motion to accept File #2825. B. Stelmack seconded. All in favor none opposed.

R. Hardy asked from Plan C32, the photos showing the Hemlocks, if they were planted recently as they would need to be bonded for three years. J. Leonard stated some had been planted in the last year and some had been planted in the last month. This is the practice to be followed. He confirmed that the original bond was placed and they were asking for this to be released. They are happy to work with the Town on what still needs to be bonded.

C. Hoffman opened the public hearing.

Tom Hickman, 80 Richardson Road approached the podium. He is an abutter and he shares the opinion that from the road, the landscaping looks good as it was a huge excavation project. He questioned, as he wasn't sure if there was recourse from the original plan that between the driveway of 80 & 84 Richardson Road is now a deciduous forest. He wondered if there were any covenants or anything that said there would be evergreen screening between these properties and the subdivision. M. Fougere looked at the original plans and said that there was no planting proposed along this area.

G. Woods approached the podium. He stated that there was never any proposed planting on the original plan for this area. He would be opposed to putting additional planting in. He added that site as it exists embraces the spirit of the rural character ordinance better than any other project.

David Harris 77 Richardson Road approached the podium. He agrees with the bonding as not all trees planted, will survive. He also added that many of these trees should have been planted 10 years ago and not a month ago so the rural character would look better than it does now. He stated he feels the least they could do is plant the original trees on the plans. It should not create a financial hardship and in 3 or 5 years everyone will agree it was worthwhile.

Mark Deyoung, 91 Richardson Road approached the podium. He sat through the original planning application and he feels the entrance still looks like an exit ramp onto a highway. He doesn't think it is too much to expect them to prove out what was shown in the original presentation. With the trees losing their leaves you can see the houses and he wasn't sure if evergreens were supposed to be planted or not. He agrees with David Harris that trees should have been planted years ago. He is also concerned with drainage issues that may have been caused by the subdivision.

Holly McCalmont, 77 Richardson Road approached the podium. She stated an agreement was made and it should be kept. Vegetation does not equate to carefully planned landscaping that should have been planted especially when it causes privacy issues.

J. Leonard approached the podium. He explained the purpose of the ordinance is to protect views from the public road. He added that both M. Fougere and D. Gagne had visited the area and agreed that the views are protected. In some areas you would now need to cut

down healthy trees to plants other trees. Other areas the planting proposed was small plants/shrubs and not trees.

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C. Hoffman asked why the planting had not been done before now. J. Leonard said one answer is that it was not required and another was the project was bonded from the beginning and the project has been slow due to the economic climate. He feels that the plants there now meet the purpose of the ordinances, including the erosion control and views. He asked the board to go to the site and look at it. He feels this is a carefully planned subdivision that has come out very well. R. Hardy stated that nature has a way of taking care of itself. If you go back to the original plans a lot of the plantings were 1 to 1 ½ inch whips. The idea was to do a mass planting with very close spacing creating a natural selection that would fill in. The plants on the plans were not intended to be large plants or trees. He added also that the ordinance is primarily for the view from the road. The only reason why the evergreens where suggested on the north side was because there was going to be a trail there eventually and the abutter at the time had asked for this. He also added that the planting on any road or any area is usually a reflection of what was already there and if you look at this land historically it was primarily an oak forest and that is why there is not so much diversity in the planting. There are some areas that should be bonded longer as they have just been planted.

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B. Moseley asked the original timeline of the project. J. Leonard stated that maybe 2 or 3 years and that if it had happened the planting would have been done to release the bond money.

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David Harris returned to the podium to stated that there was no excuse to the planting not been done to the approved plan.

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266 C. Hoffman closed the public hearing.

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C. Rogers wanted to visit the site to see the plants according to the plans. A site plan was discussed and arranged for December 3<sup>rd</sup> 2016 at 9 am. D. Gagne will be invited. Public are welcome but not allowed to comment.

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C. Rogers made a motion to table file #2825 until December 20<sup>th</sup> 2016. B. Stelmack
 seconded. All in favor none opposed.

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8. Zoning Discussion

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M. Fougere discussed with the board present that it had been discussed during the year to reduce the maximum area to be used for ground mounted solar panels. The board suggested to wait until David Petry was present.

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

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By amending Section XXIV; Solar Energy Systems, C. Definitions, Solar Energy System as follows:

A Customer Generating device or structural design feature that provides for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating. Said System shall not exceed a footprint greater than 15% of the land area of lots 3 acres or less and no more than 20% of a lot greater than 3 acres. In no case shall any System exceed 43,560-21,780 square feet in area. The footprint of the System shall include all above ground components including all access ways and shall be calculated by including the entire area within a single, continuance perimeter enclosing all elements of the System.

 M. Fougere explained to the board this was ADU amendment would amend our ordinance to be brought into line with the State Statute. There is an extra layer to the ADU that was suggested by J. Belanger that could be added to this. It was discussed by the board. It was decided to focus on the ADU.

# ARE YOU IN FAVOR OF ADOPTION OF AMENDMENT (2) AS PROPOSED BY THE PLANNING BOARD FOR THE TOWN OF HOLLIS ZONING ORDINANCE AS FOLLOWS?

By amending Section IX General Provisions, paragraph K Accessory Dwelling Units, 2. Definition, Accessory Dwelling Unit by deleting the existing definition and replacing it with the following: As defined by RSA 674:71 as amended, "means a residential living unit that is within or attached to a single family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principle dwelling unit it accompanies."

In addition, amend Section 3 Requirements/Limitations by adding the following: The use of an ADU shall not be deemed to include such transient occupancies as hotels, motels, rooming or boarding houses. This limitation includes short-term rentals (less than two weeks at a time) of dwelling units. Short-term rentals are only authorized as specifically provided for Bed and Breakfast (Inn) establishments.

Explanation: This amendment is being proposed to meet state law changes and to address new trends in home renting.

M. Fougere explained this change came in last year. B. Ming asked how the set back would be policed. It would be up to and explained to the public when the initial enquiry was made.

ARE YOU IN FAVOR OF ADOPTION OF AMENDMENT (3) AS PROPOSED BY
THE PLANNING BOARD FOR THE TOWN OF HOLLIS ZONING ORDINANCE
AS FOLLOWS:

- By amending Section VIII Definitions, Structure and/or Building, by adding the following to the existing paragraph: **Structures and/or Building(s) 120 square feet or less shall**
- not require a building permit, but shall be required to meet all setback

332 requirements.

334 M. Fougere also added the ZBA are to discuss the Housing for Older people at there next meeting.

337 M. Fougere this change is to bring a change to the title "Administrative Board" and update the ordinance.

- 340 ARE YOU IN FAVOR OF ADOPTION OF AMENDMENT (4) AS PROPOSED BY 341 THE PLANNING BOARD FOR THE TOWN OF HOLLIS ZONING ORDINANCE
- 342 AS FOLLOWS:

By amending SECTION XIV: SIGN ORDINANCE as follows:

- C. **ADMINISTRATION:** This section contains the requirement and application procedures that govern all matters concerning any sign which is to be erected, displayed, altered, reconstructed or maintained, including its supporting structure and any associated auxiliary devices in respect to structural and fire safety.
  - 1. ADMINISTRATION: The Board of Selectmen shall appoint an Administrative Board or the Building Inspector/Code Enforcement Officer that shall to interpret and administer this Sign Ordinance. The Administrative Board the Building Inspector/Code Enforcement Officer has shall-have great discretion in many areas, as spelled out in the Ordinance. and the Administrative Board's policies.
  - 2. **RELIEF:** Any relief, exception or variance sought from this Sign Ordinance, having been denied by the Administrative Board, Building Inspector/Code Enforcement Officer may be brought before the Hollis Zoning Board of Adjustment. An appeal of the administrative decisions of the Administrative Board shall also be brought before the Hollis Zoning Board of Adjustment.
  - 3. ENFORCEMENT: The Board of Selectmen Code Enforcement Officer shall be the enforcement authority of all provisions of this Ordinance. The Building Inspector shall report all alleged violations to the Board of Selectmen. Under the direction of the Board of Selectmen, The Building Inspector/Code Enforcement Officer shall notify the violator(s) of the violation(s), along with any corrective action required.

### D. GENERAL REQUIREMENTS

2.All signs and their structures that are to be erected, altered, relocated, repaired or reconstructed in any district must be approved by the Administrative Board. Building Inspector/Code Enforcement Officer.

- 4.A permit and/or approval from the Administrative Board Building Inspector/Code Enforcement Officer is not required for maintenance of an existing sign as long as the maintenance does not include the cutting away of the sign structure or any alteration changing the original sign's appearance including, but not limited to, color, wording, and other sign attributes.
  - E. APPLICATION FOR PERMIT
- 1.All applications for sign permits shall be filed, by the property owner, building owner or owner in fee. Applications shall be filed with the Building Inspector, on forms provided by the Building Department. All applications shall bear the signature of the building or property owner or shall

include a signed affidavit, by the owner, granting authorization for the applicant to apply for and install the proposed sign. All approved applications shall bear the signature of an authorized member of the Administrative Board, the Building Inspector/Code Enforcement Officer, Historic District Commission or Zoning Board of Adjustment, whichever applies.

#### F. PERMITS

- 1. The Building Inspector shall review and act upon all applications for sign permits and amendments thereto, within 7 days after filing. If the application or the construction documents conform to the Sign Ordinance or Building Code and are complete the Building Inspector/Code Enforcement Officer shall issue a permit. the Building Inspector shall submit the application to the Administrative Board, which shall act upon the application at its next regularly scheduled meeting or within 30 days, whichever is later. If the application or the construction documents do not conform or are not complete, the Building Inspector shall notify the applicant in writing, stating the deficiencies and advising the applicant of his right to amend and resubmit the application or appeal directly to the Administrative Board. Zoning Board of Adjustment.
- 3. Any person, applicant or agency representing a property owner who has been denied a permit can appeal such decision by the Administrative Board to the Zoning Board of Adjustment, within 20 days after receipt of the notice of denial for a permit.
  - H. PROHIBITED SIGNS: This section intends to list specifically some prohibited signs. This list is not meant to be inclusive. Rather, it should be representative of the kinds of signs, which are prohibited in the community. The following are examples of prohibited signs: 3.Any off premises sign (unless where expressly permitted) advertising or identifying a non-agricultural business; 16.Umbrella signs except as may be permitted by the discretion of the Administrative Board; Building Inspector/Code Enforcement Officer.
  - *I.EVENT-SPECIFIC SIGNS:* 2.An application for event-specific signs must be submitted to and approved by the Administrative Board. Building Department. A sticker will be issued upon approval, and must be displayed on the sign. 8. The Administering Board Building Inspector/Code Enforcement Officer has the discretion to vary the terms and conditions identified in this EVENT-SPECIFIC
- M. Fougere stated that a public hearing will be at the next meeting to address all these amendments.

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

- R. Hardy made a motion for the Planning Board to enter Non-Public session in accordance with RSA 91-A3-II (e) legal. C. Rogers seconded. Voting in favor of the motion were R. Hardy, B. Ming, B. Moseley, C. Rogers, D. Cleveland, B. Stelmack, J. Peters and C. Hoffman.
- No one was opposed. The motion passed 8-o.
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  419 The board entered non-public at 8:45 pm.
- Doug Cleveland made a motion for the Planning Board to come out of Non-Public session in accordance with RSA 91-A3-II (e) legal. B. Stelmack seconded. Voting in favor of the

423 motion were R. Hardy, B. Ming, B. Moseley, C. Rogers, D. Cleveland, B. Stelmack, J. Peters 424 and C. Hoffman. No one was opposed. The motion passed 8-o. 425 Doug Cleveland made a motion for the Planning Board to seal the minutes of the Non-426 427 Public session in accordance with RSA 91-A3-II (e) legal. C. Rogers seconded. Voting in favor of the motion were R. Hardy, B. Ming, B. Moseley, C. Rogers, D. Cleveland, B. 428 Stelmack, J. Peters and C. Hoffman. No one was opposed. The motion passed 8-o. 429 430 Doug Cleveland made a non-debatable motion to adjourn. B. Stelmack seconded. All in 431 favor none opposed. 432 433 The meeting was adjourned at 9:10 PM 434 435 Respectively submitted by, 436 437 438 Wendy Trimble 439 **Planning Secretary** 440 Town of Hollis, NH 441 442