

HOLLIS PLANNING BOARD MINUTES

April 17th, 2018

“Final”

PLANNING BOARD MEMBERS PRESENT: Cathy Hoffman – Chairman, Doug Cleveland – Vice Chairman, Bill Moseley, Chet Rogers, Jeff Peters, Alternates; Ben Ming

ABSENT: Brian Stelmack and David Petry, Ex-Officio for Selectmen; Alternates: Rick Hardy and Dan Turcott

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

1. CALL TO ORDER: 7pm

C. Hoffman appointed B. Ming to vote in place of B. Stelmack tonight.

2. Election of Officers

C. Hoffman announced that she was standing down as Chairman of the Planning Board and will remain as a regular member on the Planning Board. She thanked the Planning Board members and staff for their support over the past two years.

D. Cleveland made a motion to nominated B. Moseley as Chairman of the Planning Board. J. Peters seconded. All in favor none opposed.

J. Peters made a motion to nominated D. Cleveland as Vice Chairman of the Planning Board. B. Moseley seconded. All in favor none opposed.

C. Hoffman turned the meeting over to the new Chairman, B. Moseley.

3. APPROVAL OF PLANNING BOARD MINUTES:

J. Peters made a motion to approve Planning Board minutes March 20th 2018 as amended. D. Cleveland seconded. All in favor none opposed.

The amendment to the minutes was due to at a previous meeting, Rick Hardy had become an alternate member of the Planning Board and Jeff Peters had become a regular member of the Planning Board.

4. DISCUSSION AND STAFF BRIEFING:

a. Agenda additions and deletions –
NRPC is here tonight to update the Board on the draft Transportation and Land Use chapters for the Master Plan. Also, a discussion on Lone Pine approved application.

b. Committee Reports – None

c. Staff Report –None

d. Regional Impact – None

5. Signature of Plan: None

46

47 **6. File PB2018-003: Minor Farm Stand (Laromay Lavender) site plan**
 48 **amendments to add a 192 square foot shed to the property in order to sell**
 49 **lavender and related items. Applicant/owner Patricia & William Carew, 4**
 50 **Winterberry Way, Map 26 Lot 58, Zoned Residential/Agricultural. AA 3-20-18,**
 51 **Tabled 3-20-18**
 52

53 M. Fougere explained this plan was before the Planning Board at the last meeting (3-20-18),
 54 and it was tabled to do a site walk. This site walk was this afternoon at 5pm. There was also
 55 a request for a scaled drawing to identify car parking spaces. During the site walk the board
 56 members looked at the two parking areas identified. At the rear of the site there is some
 57 proposed gravel parking that can hold 16 parking spaces. There is some lavender plants
 58 there at the moment that would need to be relocated. This area abuts their raised septic
 59 system. With some work, including moving a tree, regrading and gravel being brought in`,
 60 this is a possible parking area. The board also looked at some potential parking to the front
 61 of the site with 10 spaces along the lawn area. The board also walked over to where the
 62 farm stand is going to be placed. The public hearing is still open. M. Fougere added the
 63 applicant is here tonight, and she had submitted an email to the board requesting to change
 64 their days of operation to accommodate “by appointment only” customers. This was in the
 65 packets.

66 B. Moseley opened the public hearing.

67 Dianne Balbat and April Peavey, 7 Winterberry Way approached the podium. D. Balbat
 68 spoke to oppose this application. She has four concerns. The first concern is loss of privacy
 69 and increased amount of traffic the private gravel driveway. They own one strip of it and
 70 the other strip is owned by R. Champigny and P. Lundquist of 8 Winterberry Way, and
 71 there is an easement onto it. Based on the 16 proposed parking spots in the back of the lot,
 72 plus a possible four more, if people stay 90 minutes on average to come to this lavender
 73 farm that would mean that based on her calculations, every 4 1/2 minutes a car would come
 74 up the driveway. Number two concern, who is going to monitor or enforce the amount of
 75 cars that are coming in the driveway, and the parking limits, is the board leaving that to
 76 them as it is a private driveway. Also who is going to monitor and enforce that people are
 77 not parking of the driveway, backing up on the driveway and also turning around on the
 78 split. Who is going to monitor and make sure the cars are not blocking the driveway in case
 79 emergency vehicles need to access it. Peter is a doctor and will need to get out in
 80 emergencies. She added, as abutters, if their concerns are not heard by the owners of
 81 Laromay Lavender Farm, they are concerned who they will contact as it is a private
 82 driveway, asking would they call the police. Number three concern is there will be wear and
 83 tear on the driveway. With her calculation of every 4 1/2 minutes there will be a car going up
 84 and down the driveway, through June to September, who guarantees that the Lavender
 85 Farm pays the maintenance costs of the driveway. Who will they contact when they don't
 86 pay the maintenance costs? Who decides when the shared driveway needs maintenance?
 87 What happens if they decide it needs to maintain annually but the farm owners say no it
 88 looks good and they will do it next year? Who enforces that? Again D. Balbat stated it is a
 89 private driveway hence these questions. The fourth concern is the impact on the property
 90 values with a retail establishment on a private driveway that is zoned Residential and
 91 Agricultural. When you have a 16 car parking lot, to pass every day, it does not look

92 attractive. And she added, to see, during open houses, there is signage coming up the
93 driveway that is not what they moved here for, they moved here for the privacy. A. Peavey
94 agreed with every said and had nothing further to add.

95 Regent Champigny and Peter Lundquist, 8 Winterberry Way approached the podium. They
96 would like to echo what April and Dianne have just said. They have expressed their
97 concerns, and they had received an email from the owners of Laromay Farm. He read from
98 this email received, and his response. This email that is on file. He is sad that this may
99 affect their relationship as neighbors. He added there was no early discussions about this
100 and it wasn't until they got the notification in the mail they knew what was being proposed.
101 They have lived there since 1995. And do not intend to move. However if the owners of the
102 farm stand move they fear they will be left with the parking lot and business. He added they
103 have stressful jobs and they need downtime, time to refresh and regenerate, and that is
104 what home is about for them. They want to rest, they like the quiet, and they like going
105 down a drive that is open and free. They would prefer that the Planning Board does not
106 vote for this application. They realize they have to abide by the ruling, and he realized the
107 chemistry has changed and they will let that be also. However they need their own peace
108 and tranquility for their own wellbeing. He finished by saying he is speaking from the heart.
109 P. Lundquist stated he is within agreement with Reggie, Dianne and April.

110 B. Moseley closed the public hearing.

111 Trish Carew the applicant, approached the podium to respond. She understand and
112 respects their privacy. The parking offered would prevent any parking issues. They are
113 supposed to working together, all the properties on the private way with a lawyer, to have a
114 separate account to have funds to maintain the road. This is a separate matter from this
115 application. She doesn't believe that customers will arrive every 4 1/2 minutes. By opening
116 more days the customer base will be spread out. They are not having any more open
117 houses. People like to take photographs with the lavender plants. She felt that the abutters
118 privacy will not be affected at their properties as they will only see the customers as they
119 drive pass the property. Both she and her husband already pitch in on road maintenance
120 and plowing, and added that of course they would fix the road if there were any issues
121 arising as that would be the right thing to do. She added the 'no parking' signage had been
122 put up on the Cudney's property at his request.

123 J. Peters asked where the Towns legal liability lies with a private road. We do not have any
124 liability or jurisdiction on a private road.

125 C. Hoffman asked why for a farm stand they need 26 parking spaces. T. Carew suggested
126 that the open day created more traffic, now they won't need that many parking spaces.

127 B. Moseley asked if the maintenance plan for the driveway was being actively worked on. T.
128 Carew stated that she and her husband had put it out there to the other neighbors, as they
129 needed it to refinance, but there is no attorney involved and no response from the abutters.

130 D. Cleveland asked what weekends she is asking for. T. Carew explained the building
131 inspector had suggested June – September for by appointment only, and then four
132 weekends, as this would be easier to enforce.

133 C. Hoffman suggested that they do not have the 16 spaces in the back and just have the 10
134 spaces on the front. This would make it more like a farm stand and not intrude into the
135 private way for the neighbors.

136 J. Peters asked if we could have a maintenance agreement in place for the road, by an
137 attorney, before the approval. M. Fougere asked if there was anything in place. There is an
138 easement in place and up until now it is just a four party verbal agreement to share cost of
139 snow removal and maintenance.

140 The board discussed this further. Then they discussed the possible conditions that would be
141 considered. B. Moseley made reference to the definition of a Farm Stand in the zoning
142 ordinance.

143 *Farm Stand: An Agricultural Enterprise which displays and sells agricultural products*
144 *raised, produced and processed on the premises, and which may include a Structure(s)*
145 *used in the operation.... A Farm Stand shall remain an Agricultural Enterprise and shall*
146 *not be considered a commercial use, provided that at least 35% of the products sales in*
147 *dollar volume are attributed to products produced on the farm or farms of the stand*
148 *owner.*

149 This does not include an open house or making crafts, demonstrations or class, etc.

150 D. Cleveland tried to summarize the intent of the application. Four weekends a year, plus
151 an occasional appointment, hours of operation 9-4, parking limited to front off-street
152 parking of 10 spaces, maybe with a parking sign? Parking signs were discussed. It is the
153 responsibility of the owners to direct traffic and make sure the customers park correctly
154 without lots of signs. B. Ming asked if the scaled drawing was formally sufficient for a farm
155 stand. M. Fougere said yes.

156 C. Rogers suggested this sounds like commercial business and asked how the ordinance
157 addresses this. It was explained the parking areas on the plan were only suggestions to
158 allow the board to see the options available. At the first meeting it was highlighted that
159 previous suggestions of parking on both Winterberry Way and Ranger Road was no longer
160 an option. It was up to the board as to which option they choose. Also C. Rogers asked if
161 there was going to be PYO. T. Carew explained yes but most people don't like to cut so she
162 will have freshly cut Lavender available. She also suggested that people like to take a lot of
163 pictures.

164 B. Moseley asked M. Fougere to go through the conditions which included the
165 implementation of the maintenance plan for the private road. Including hours of
166 operation, 10 parking to front, open four weekends (July – these dates will vary year to year
167 according to calendar), by operation between June 15th and September 30th, parking needs
168 to be overseen by owners. C. Hoffman asked for a condition that states this is only for sales
169 and PYO, and not for any other events or activities are permitted. T. Carew asked if she can
170 still give out free lavender ice-cream. The board said she was if it was lavender ice cream
171 and part of her product. Photographs were also discussed, and it was stated that people
172 take photos of their family when picking apples etc. so the taking of photos should be
173 allowed.

174 Further discussion of the driveway maintenance plan continued as it was recommended
175 there was one put in place however the applicant was concerned that it may not happen. C.

176 Rogers asked if the abutters where asked their opinion. All four previous abutters
177 approached the podium.

178 They were asked their opinion for pulling together and getting a maintenance agreement in
179 place. They were unanimous that they do not want the farm stand. They all felt very
180 strongly about this and they will not do a maintenance agreement for the private driveway.

181 D. Cleveland asked as it a private road does the Planning Board have the authority to
182 require the residents on that private way to have some kind of an agreement as to how they
183 maintain their private road. It is clear they are not going to do one. This is the dilemma the
184 board has. If the board makes a motion to approve this application, the application is for a
185 shed on the property with 10 parking spaces, subject to several different conditions as listed
186 previously (hours, dates, no events no open houses, etc.) but the maintenance agreement is
187 none of the boards business. It was suggested that the Planning Board get advice from
188 Town Attorney as to whether or not we can have a condition for a maintenance plan, before
189 any decision/approval is made.

190 D. Cleveland made a motion to table application PB2018-003 until May 15th 2018. J. Peters
191 seconded. All in favor none opposed.

192 **7. File PB2018-006: Design Review: Major subdivision of an existing**
193 **28.5 acre lot into six new lots, with access to three lots via a private way.**
194 **Applicant/owner: Linda & Richard Lovering, Jr., 50 Pine Hill Road, Map**
195 **25 Lot 4, Zoned Residential/Agriculture. Public Hearing.**

196 M. Fougere explained this is a major six lot subdivision that involves an existing 28.5 lot
197 that fronts along Pine Hill Road. This property contains an existing single family home and
198 is mostly open fields. Woods lie on the east and northern portions of the property, which
199 contain significant wetland areas. As a major subdivision, more than six lots, a HOSPD
200 design is required unless waived by the Board.

201 The plan outlines a conventional subdivision layout with four front lots and two back lots.
202 Three homes would use the private way as access, which is approximately 300 feet long.
203 Two of the frontage lots would have driveways directly accessing Pine Hill Road. Stormtech
204 chambers are proposed to address drainage issues. The drainage analysis has been
205 forwarded to the town engineer for review.

206 Issues include as a major subdivision, the project has to meet HOSPD design requirements,
207 unless waived by the Board. The applicant has submitted a waiver request. HOSPD design
208 criteria requires that lots fronting on an existing town road must be 2 acres. In addition,
209 reduced size HOSPD lots must be set back at least 200 feet from an existing road. Given the
210 wetlands on the site, along the north and east, along with the 100 foot wetland setback, a
211 HOSPD design would prove challenging. Another question is does the Board want to have
212 any special studies undertaken such as Environmental hazard, wildlife habitat, visual
213 impact and Historic Significance? The Board may want to install wetland buffer signs along
214 the wetland buffer. The board may also want to consider landscaping mitigation to meet
215 the goals of the Rural Character Ordinance. A waiver is required to have three homes
216 served by a proposed private way. Would the Board like to see Lot 4-4 also use the private
217 way, reducing curb cuts on Pine Hill Road? The private way will have to be named.
218 NHDES subdivision approval is required. A common driveway access and maintenance
219 agreement shall be required. The Board may also like to undertake a site walk.

220 Kevin Anderson, Meridian Land Services approached the podium. He is here with Cynthia
221 Boisvert of Arago Land Consultants LLC. They have partnered together for the Lovering
222 subdivision application. The purpose and intent of the design review is to get feedback from
223 the board on two items. One is the waiver request from the HOSPD based requirements
224 and comments from the Board on the conventional subdivision layout. The existing
225 conditions for the site is it is a 28.5 acres site, with about a 1000ft of frontage on Pine Hill
226 Road, it is about 50% wooded and 50% open fields. He showed the board an Open Space
227 exhibit. They are proposing to do a six lot subdivision, the existing house lot will be lot
228 number one and there will be five new lots. They are required by the zoning regulations of
229 the Town of Hollis to prepare an open space development. On the exhibit shown to the
230 Board, they applied wetland setbacks of 100feet, and the required 200 foot setback from
231 Pine Hill Road. This then shows a very limited space where the subdivision can go, where
232 the building boxes for five houses will go. These building boxes are 100 x 200, with
233 setbacks of 17 1/2 feet from one another, 50 foot front yard setbacks, well radius and septic
234 areas. The white area on the plan is not big enough to fit all this in it. He stated he can
235 design a conventional subdivision with six lots meeting the town's requirements for a
236 subdivision with no waivers needed. There is three frontage lots, two back lots plus one
237 existing lot. Shown on the plan is three lots utilizing one shared driveway, to intentional
238 minimize the number of curb cuts on Pine Hill Road. Limiting the number of driveway cuts
239 on the road is a recommended idea. He then showed an aerial exhibit which showed the
240 layout of the subdivision that is very similar to the development across the street. It fits the
241 character of Pine Hill Road. He asked the board for an endorsement on the waiver request
242 for the open space requirements and any feedback and comments from the Board and
243 audience.

244 C. Rogers asked the maximum driveways off a common driveway. They are asking for
245 three. C. Hoffman stated that she recommends putting four on the driveway as this will be
246 one less curb cut on Pine Hill Road.

247 D. Cleveland pointed out the inconsistency of lots numbers on each plan. This needs to be
248 fixed. K. Anderson stated he was asking to use the conventional subdivision plan, and that
249 he would need a waiver to be able to proceed. And if the recommendation of the board is to
250 have four driveways on the common driveway then he will need a waiver for that also.

251 M. Fougere also added that the board will need to discuss the Rural Character and
252 placement of homes.

253 D. LaBombard approached the podium. He referred to his letter submitted April 11 2018.
254 He highlighted the need for drainage structures on Pine Hill Road and for a turnaround to
255 be provided at the end of the proposed driveway for firetrucks. More information is needed
256 with regard to storm water management report and for individual house infiltration
257 systems. The board had no further questions at this time.

258 B. Moseley opened the public hearing.

259 M. DuMaine 83 Wheeler Road, approached the podium. She asked for the buffer zones to
260 be explained. M. Fougere stated there is a 100 foot wetland buffer, meaning you cannot
261 disturb within 100 feet of a wetland. He showed her these areas on the plan.

262 D. Furlong, 53-1 Pine Hill Road approached the podium. He is looking at the plan for the
263 first time tonight and would support a plan showing the property more spread out rather
264 than a plan having them all clustered. It would be more in keeping with rural character.

265 Joe Arruba, 28 Winchester Drive. He stated that in relation to the plan and as a tradeoff
266 between HOSPD and non HOSPD, in his opinion the intent of the HOSPD is to maintain
267 the rural character of the town, and part of that is density, the additional lots on this
268 subdivision is additional traffic on the roads, and by changing to non HOSPD design would
269 add more lots, with houses closer to the road with open fields and potentially moving of
270 rock walls presently on site. He had reviewed the plan and questioned a number of notes
271 and designs on the plan that he was unsure about including driveway slopes. These were
272 noted. He would prefer to see the HOSPD design.

273 B. Moseley closed the public hearing.

274 The board would like to do a site walk, and B. Moseley stated that the public are welcome to
275 attend however they will not be allowed to talk or ask questions on site. They were offered
276 to send in emails or written communication to the Planning Department. Parking will be at
277 the barn on 50 Pine Hill Road. The engineer was asked to stake the center of the new
278 entrances especially the private driveway.

279 K. Anderson wanted to clarify a comment that was made previously. It is clear in the zoning
280 regulations that the open space requirements do not preclude or limit them on the number
281 of parcels that this area can be subdivided into. That is limited through conventional means
282 not the open space ordinance.

283 D. Cleveland made a motion to table application PB2018-006 until May 15th 2018. C.
284 Hoffman seconded. All in favor none opposed.

285 A site walk will be at 5pm on May 15th 2018.

286

287 **OTHER BUSINESS**

288

289 **Stephen Meno, NRPC** approached the podium, to update the Planning Board on the
290 work progressing with the Master Plan update. The transportation chapter is in the final
291 draft. We are also in the process of updating the Current and Future Land Use chapter.

292

293 We went through the transportation chapter and the updating of the trail section of the
294 chapter. D. Cleveland and J. Peters had helped update this part. There has also been
295 updates made by B. Crowther on The Blue Bus.

296

297 D. Cleveland asked about the recommendations on the last three pages. Some of them are
298 great ideas, but will be extremely expensive and never happen. S. Meno explained that
299 some of these were recommendations by the Highway Safety Committee and that by having
300 them there it will maybe in the future help apply for grants. It is a Planning Board policy
301 document.

302

303 The next chapter discussed was Current and Future Land Use. There are various maps that
304 this chapter is based around. At the first meeting held for this chapter the maps were
305 discussed. Also from the Survey completed in 2016 there are no recommendations to make

significant changes to any zoning or land use ordinances. There is a small section on town facilities that has been removed to its own chapter that staff is working on. The zoning section is a general narrative rather than going through each individual zoning section. The assessing department is working with NRPC on updating the numbers for conserved land etc. There was a request by D. Petry to have a map showing all conserved land with the name of ownership and that is being created for this chapter.

M. Fougere added that with future land uses, it is clear from the survey there is no desire to make a lot of changes and that they want to protect the small town rural character. They do not want to expand the commercial area.

Lone Pine Building Permit

M. Fougere explained to the Board members that the Building Department has received a building permit for the Lone Pine Hunters Club rifle range and club house. After a number of law suits, etc the abutters who challenged the application, ended up putting together a fund to help pay for this underground shooting range. The club has been fundraising and they knew this would take some time. The planning board has approved a 60 x 340 foot underground shooting range, however they want to build this in two phases. Phase one will be 22 x 342 foot. The extra two feet extra length is a design change for safety and ventilation. The clubhouse is a different shape but smaller than approved. The board approved 24 x 60 foot building, they are proposing to build a 30 x 40 foot building, the difference caused to avoid the septic system. C. Hoffman asked if we were asking them to amend the site plan. B. Moseley stated they are not expanding their foot print, they are making it smaller. M. Fougere wanted to brief the board tonight to gauge their opinion. The board agreed that Lone Pine submit a one sheet update of the proposed buildings, correct dimensions, and indicating the phased options, the board would accept this.

C. Hoffman made a motion to allow Lone Pine to submit an updated amended section of the site plan showing the new dimensions with a notation explaining phase one and phase two of the building plan. D. Cleveland seconded. All in favor none opposed.

C. Roger made a non-debatable motion to adjourn. C. Hoffman seconded. All in favor none opposed.

The meeting was adjourned at 8:55 PM

Respectively submitted by,

Wendy Trimble
Assistant Planner
Town of Hollis, NH