

## HOLLIS PLANNING BOARD MINUTES

March 20<sup>th</sup>, 2018

“Final”

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

**ABSENT:** Chet Roger, Brian Stelmack and Alternate Dan Turcott.

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

The Chair appointed R. Hardy to vote in place of B. Stelmack and B. Ming to vote in place of C. Rogers.

**1. CALL TO ORDER: 7.05pm**

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

B. Moseley made a motion to approve Planning Board Minutes February 20 2018. J. Peters seconded. All in favor none opposed.

R. Hardy made a motion to approve Non Public Planning Minutes February 20 2018 and for these minutes to be sealed. D. Cleveland seconded. All in favor none opposed.

**3. DISCUSSION AND STAFF BRIEFING:**

- a. Agenda additions and deletions – None
- b. Committee Reports – None
- c. Staff Report – None
- d. Regional Impact – None

- 4. Signature of Plan:** Application **PB2018-002** – Lot line relocation and subdivision plan (one lot) to existing properties Brown Lane, Orchard Road, Proctor Hill Road, and Ridge Road. Applicants Beaver Brook Associates, Paul/Janet Fimbel Rev. Trust, Post Family Trust, Map 12-7, 17-34 & 35.
- D. Cleveland made a motion for the Chair to sign the following plan once all conditions have been completed. B. Moseley seconded. All in favor none opposed.

**5. File PB2018-003:** Minor Farm Stand (Laromay Lavender) site plan amendment to add a 192 square foot shed to the property in order to sell lavender and related items. Applicant/owner Patricia & William Carew, 4 Winterberry Way, Map 26 Lot 58, zoned Residential/Agriculture. **Application acceptance and Public Hearing**

M. Fougere explained this application is a minor site plan amendment that involves the addition of a 192 sq. ft. farm stand shed on an existing lavender farm property. The site is approximately 2 acres and contains a single family home. The shed will offer numerous lavender related items grown and produced on the property, along with other items. A pick-your-own operation will also occur, along with demonstrations & lavender craft activities. The operation will be open on weekends from late June and into July. In addition, visitors could come to the site by making an appointment. The applicant has submitted a detailed outline of the operation. Parking is available on site for approximately 10 cars along with along the applicant's property on Winterberry Way. They were planning on having parking along Ranger Road however we consulted DPW, Hollis PD and Fire department and they all recommend no parking along Ranger Road. The road is narrow and sight distance is not good. If approved this should be a stipulation.

48 D. Cleveland made a motion to accept the application. B. Moseley seconded. All in favor  
49 none opposed.

50 Trish Carew approached the podium. She stated they had started their hobby farm in 2013.  
51 They have had a lot of interest to their farm and they have created products from their  
52 lavender. They had one open house last year. It went very well although there were some  
53 issues with parking. She talked about the open house and what other things they had there  
54 including free ice cream and lemonade. They do not intend to have an open house this year.  
55 They would like to offer lavender demonstrations as people are curious about lavender.

56 Trish had also submitted a letter to the Planning Board that listed the products she would  
57 sell, signage, parking ideas and other activities that she would like to offer. She wants  
58 people to enjoy the farm. She is surprised by the response to her farm. She is asking for the  
59 weekends listed in this letter and by appointment. They may not open both days on the  
60 weekend but are asking just in case. By appointment may be from June until August. The  
61 lavender will be past bloom by that stage but some people still want to visit the farm.

62 C. Hoffman asked if the store she referred to was in the house. T. Carew stated no the store  
63 would be in the shed. This is their income and she will have it decorated in a certain way  
64 and they had a lot of interest in this. People do not like to cut their own lavender, so she  
65 cuts it and displays it for selling in the shop. She realizes she cannot use her porch, and an  
66 ezy-up will not protect the products enough from the sun. The products are all natural and  
67 the sun can degrade them easily.

68 Bill Carew added that what they heard from people last year that they loved the farm  
69 because it was small and beautifully set up. They intend to keep it small, to just ask for four  
70 weekends or whatever the Board allows them to do, they understand the parking concerns  
71 from the neighbors and they are happy to work this out with whatever they are allowed, to  
72 find a happy medium. They don't want to go big. T. Carew added they want to be Hobby  
73 farm boutique.

74 R. Hardy asked how many cars they had at the open house last year. They replied between  
75 40 -50 cars as they parked on Ranger Road also. Now they realize they cannot use Ranger  
76 Road they will need to work on the parking. They have offered to repair any damage to the  
77 surface of Winterberry Way if it was damaged due to turning cars.

78 B. Moseley asked if they are aware that with a farm stand at least 35% in dollar value of the  
79 products sold has to be from the farm. He asked if they had an estimate of what their  
80 numbers would be. T. Carew suggested it would be over 35% as they sell lavender bundles  
81 (fresh and dry), sachets, soaps, plants, seeds, foot scrub, body butter, honey, and the teddies  
82 stuffed with the lavender from the farm. They have five bee hives that are maintained by  
83 someone else, and they sell this honey. W. Trimble handed T. Carew a handout about  
84 selling Honey that she had been given by the Fire Chief. 'Display only' items will be in the  
85 shed that will not be for sale.

86 B. Moseley asked what the difference was between an open house and farm visits. T. Carew  
87 said the open house was advertised with live music, massages, a talk about the bee hives,  
88 artist doing a painting, free lavender ice-cream, free lavender lemonade, iced coffee. This  
89 year it will not be advertised as an event. However she may do wreath making, and show  
90 visitor the difference between plants which need to be grown from seed or propagated.  
91 Little pots would be placed on a table on the lot.

92 C. Hoffman opened the public hearing.

93 Regent Champigny and Peter Lundquist from 8 Winterberry Way approached the podium.  
94 They stated they had met with the owners of 4 Winterberry Way a few days ago and they  
95 have a concern about the parking, the wear and tear on the driveway and the disturbance of  
96 their privacy at weekends. They do not want to dismiss people following their dreams. They  
97 are concerned that parking on one side of Winterberry Way still can cause obstructions and  
98 they added emergency vehicles may have difficulty getting through.

99 D. Cleveland asked if the maintenance on this private road shared. They confirmed it was a  
100 common driveway and the maintenance is shared by all four properties.

101 Dianne Balbat and April Peavey from 7 Winterberry Way approached the podium. They  
102 thanked T. Carew for the email reply to an email with their questions. The board have seen  
103 these emails. Their main concern is parking, people using their driveway as a turnaround  
104 and their privacy. They want communication to remain open, and are concerned should  
105 they wish to host a party on the same day the farm stand is open there may not be enough  
106 room for traffic coming and going on Winterberry Way. Access for emergency vehicles is  
107 also very important.

108 Bill Cudney 3 Winterberry Way approached the podium. Similar to the others he is  
109 concerned about parking and last year he was unable to exit his driveway so had to drive  
110 over the grass. Access for emergency vehicles needs to be considered.

111 Joe Arruba, 28 Winterberry Way approached the podium. He asked about the setbacks for  
112 the shed and if this was a site plan review. M. Fougere confirmed this is a site plan review  
113 and the setbacks would be met with the building permit application.

114 Bill Condra, Building Inspector and Code enforcement officer approached the podium.  
115 Hours of operation from a zoning enforcement perspective he would prefer to see a calendar  
116 date to a calendar date. If they are allowed to be open during that time period, then the  
117 hours of operation would be up to the applicant to determine when they would be open. He  
118 would prefer to see calendar start to calendar end. On classes and demonstrations, these  
119 are key zoning issues. If they are going to be offering classes they need to be in conjunction  
120 with the farm stand not anywhere else on the property. They could not go into the house or  
121 onto the porch, for example, as this would then make them a home based business with a  
122 whole different application process with different zoning issues to overcome. The zoning  
123 ordinance on a farm stand is very clear that it should have off road parking. The farm stand  
124 on Dow Road had to have parking off the road, with a turn around to allow cars exiting the  
125 property safely driving out not backing out. This property may be a little small for a  
126 turnaround. He then asked the Planning Board the difference between a private road and a  
127 public road. He doesn't feel he has the jurisdiction to regulate parking on a private way. M.  
128 Fougere agreed. D. Petry asked the applicant to show them where the parking would be. T.  
129 Carew showed the board on the plan. They could maybe fit between 8 and 10 cars. D. Petry  
130 also asked with the open house how many cars did they have at any one time. T. Carew said  
131 she wasn't sure. D. Petry then asked what she would do if all cars had to be off Winterberry  
132 Way and on her property and there were no places left. She suggested she would have  
133 people directing traffic or doubling up on the grass. She will need to have a provision for  
134 this happening. His next question on the products she listed she would be selling, based on  
135 the dollar value, at least 35% have to be attributed to the lavender grown on the farm. D.

136 Petry wanted to be clear there was a fine line between homebased business and farm stand.  
137 T. Carew added that the honey from their hives was a big seller also. T. Carew was told she  
138 needed to get a sign permit from the building department before she purchased any  
139 open/close, 'by appointment' or any other signs to be sure that she is adhering to the sign  
140 ordinance in Hollis.

141 R. Hardy asked for a scaled site plan to done, and before the site walk that the proposed  
142 parking, position of signs, shed and signs all be staked out on the property so the Planning  
143 Board can see clearly the proposal.

144 The Planning Board would like to do a site walk on April 17<sup>th</sup> 2018 at 5pm. Abutters were  
145 invited but not allowed to talk, then can however write to the Planning Board with any  
146 comments or questions. This application will be tabled/continued until April 17<sup>th</sup>.

147 B. Moseley asked if there was any written agreement on the maintenance etc. of the road.  
148 The applicant suggested it was just a verbal agreement.

149 D. Cleveland made a motion to continue application PB2018-003 to April 17<sup>th</sup>. J. Peters  
150 seconded. All in favor none opposed.

151 **6. PB2018-004 – Wright Heirs Property Subdivision: Request to remove a stipulation of**  
152 **approval related to the installation of underdrains on Richardson Road, Applicant: Wright**  
153 **Heirs, Richardson Road, and Zoned Residential/Agriculture. Application acceptance**  
154 **and Public Hearing**

155 M. Fougere explained the applicant would like to remove 2005 stipulation relative to the  
156 installation of 1,200 feet of underdrain that was to be installed down the center of  
157 Richardson Road. It is the opinion of the current Director of Public Works that such work  
158 is not necessary given his many years of working experience in the community. As this was  
159 originally a condition of approval on the original application the only way to remove it was  
160 to have this public hearing and allow the Planning Board to review this request.

161  
162 B. Moseley made a motion to accept Planning Application PB2018-004. D. Cleveland  
163 seconded. All in favor none opposed.

164  
165 Jay Leonard, Lawyer with Welts, White & Fontaine, approached the podium representing  
166 Flint Hill Real Estate Trust the owner of the two remaining lots on Lovejoy Lane. This  
167 subdivision application file number 2645 approved in July 2005, related to two roads,  
168 Lovejoy Lane and Cutter Place. Cutter Place has now been sold to another developer. This  
169 application is unusual as it relates to the Lovejoy Lane and Richardson Road condition on  
170 the application. Since the approval, Lovejoy Lane has been constructed and all but two lots  
171 have homes on them. The road is ready for final paving. The developer intends to finish  
172 paving in the spring of 2018. There is no note on the plan from the original approval  
173 however it was a condition in the development agreement in 2006. This needs to be  
174 deleted to clarify the record. There are two documents that have been recorded, one is the  
175 subdivision plan and the other is the development agreement. This note found in the  
176 development agreement under road construction item 5 reads *the cost of all road*  
177 *improvements to the southern end of Richardson Road resulting from the development of*  
178 *this subdivision will be the sole responsibility of the developer per the Selectmen minutes*  
179 *dated July 18, 2005.* During the original application there was testimony that potential

work on Richardson Road would impact the trees. This was to be a town project as stated by the past Public Works Director. However, no need has been seen over the past 13 years and Tom Bayrd our present DPW Director has determined that Richardson Road does not need improvements at its south end and that it is not necessary or wise to make improvements to Richardson Road. They need to clean up the records so they complete the conditions of the recorded development conditions agreement, which will in turn allow full completion of the subdivision and help towards releasing the bond. They are asking for the Planning Board to waive the requirement as stated, have someone, maybe the chair, to sign something that can be recorded to make the record clear, and then work towards release of the bond once all the agreement is met.

D. Petry asked the current status of the bond. M. Fougere explained that the bond covers landscaping etc. and it will not be released until all the items have been completed, and inspected appropriately over the time frame necessary. D. Petry asked if we should have D. LaBombard look at this to review if with the condition of the road now is this drainage needed or not. R. Hardy remembers the original meeting and stated that the reason why putting the drainage down the middle of the road was the best place at the time, was because originally there was drainage concerns with the road getting muddy in the spring, 'blablabla'. He suggested it is probably graded better now, with a better crown, and as a frequent user of that road he does not see it being needed. The reason it was suggested down the middle of the road, everyone was concerned about the trees and the compactions of the soil. He said he was in favor of removing this condition as it does not make any sense.

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

D. Petry made a motion to amend the development conditions agreement, by removing item 5 on page 3, Road Construction: Lovejoy Lane and Cutter Place. J. Peters seconded. All in favor none opposed.

**7. PB2018-005 – Ben Hogan Estates** – Request to use a portion of an existing barn for a residential use clarifying Planning Board decision from 2001, Applicant/owner Alysun Stellos-Hartsock Rev. Trust, 275 Pine Hill Road, Map 32 Lot 16-5, Zoned Residential/Agriculture.

M. Fougere explained the applicant would like to use the existing barn (upstairs) that lies on the property. This lot and the adjoining lots were created before the wetland ordinance. In 2001 the applicant, who lives next door, presented plans to build a barn but the barn was located within 100 ft. wetland buffer. For grandfathered lots, work in the buffer is reviewed by either Planning Staff or Planning Board. The Planning Board reviewed the proposal in 2001 and approved the barn stating "this approval is for the proposed barn only". It is unclear the full meaning of this statement, but to be conservative Staff wanted input from the full Planning Board. The septic plan at that time did show a home on the site that was never constructed. The Board may have been referring to that additional use, given the home would have also been in the buffer. He added from his report that we have a grandfathered clause in our wetland ordinance, and we also have an exclusion of wetland buffers for specific types of wetlands. There is a fire pond on this lot which was part of the subdivision approval in 1993. This type of wetland has no buffer associated with it per our

229 wetlands ordinance. It was dredged out after approval to make it deeper, a fence was put  
230 around the perimeter, there is a drafting basin in there and the fire department maintained  
231 the driveway and DPW keeps it clear of snow. Because of these reasons it should not have  
232 come to the Planning Board in 2001 as there is no buffer around a fire pond. However we  
233 need to clean up this plan now.

234

235 R. Hardy has asked if Rich Towne the Fire Chief will give us something in writing for the  
236 files.

237

238 C. Hoffman stated she had found in the assessing office today a plan that showed the pond  
239 as conservation area and she is not sure why that was put on there. M. Fougere suggested  
240 this was pre-HOSPD and 30% open space conservation area was required.

241

242 B. Moseley made a motion to accept the application. D. Cleveland seconded. All in favor  
243 none opposed.

244

245 Gerald Prunier, Prunier & Prolman, representing the applicant approached the podium. He  
246 agreed with everything M. Fougere had said. C. Hoffman asked if there were any plans to  
247 put a house on this lot. If they ever were to plan on building a house they would have to  
248 remove this proposed living space from the barn. The lot is not big enough to have it as a  
249 detached ADU. G. Prunier said there were no plans to build a house. D. Cleveland asked if  
250 the barn was ready for occupancy now, G. Prunier said no and it will need renovating. It will  
251 not be a rental it is for people to stay in while looking after the horses. They could be living  
252 there full time. D. Petry asked if the owner comes back in two years and asks to build a  
253 house would we allow it. M. Fougere stated they would have to remove the unit from the  
254 barn first, or they would have to build the house attached to the barn. But they may need to  
255 go to the Zoning Board of Adjustment at the time. There would be various things to do,  
256 including a larger septic system design would be needed. A lot of rules would need to be  
257 adhered to.

258

259 B. Condra Building Inspector and Code Enforcement Officer approached the podium. He  
260 said M. Fougere was 'spot on' with all the issues. Through our zoning and planning process  
261 they can put a dwelling unit in the barn. The lot is not restricted by ADU requirements that  
262 restricts a unit to 800 sq. feet. This is simply putting a dwelling unit in an existing  
263 structure. They will submit a building permit detailing what they want to put in the barn, it  
264 will go through the plan review cycle with the building department, get stamped approved  
265 and go ahead and build it. However if they come back later and ask to build a house, then  
266 they will have an issue to overcome. They will not be allowed two dwelling structures on  
267 that lot. With the issue of setbacks resolved they can proceed with a building permit on the  
268 dwelling unit in the barn.

269

270 R. Hardy added that for people in favor of not considering the wetland setback for the fire  
271 pond because it was manmade for that specific purpose, we are being consistent with our  
272 decisions as recently there was an example of a man made drainage ditch at Woodmont  
273 Orchard and the setback was reduced from 100 feet setback to 10 foot setback.

274

275 C. Hoffman opened the public hearing, and as no one wished to speak she closed the public  
276 hearing.

277

278 B. Moseley made a motion to remove ‘Barn Only” from the conditions as approved in  
279 November 6 2001. J. Peters seconded. All in favor none opposed.  
280

281

282

283 **OTHER BUSINESS**

284

285 D. Petry is concerned with the misinformation that is on social media regarding the zoning  
286 changes. He will speak to K. Galipeau with putting some explanation on the website that  
287 will help the residents understand what they have to do when putting up a shed, etc. This is  
288 related to the various zones in town and the rules that apply to each zone.

289

290 D. Cleveland made a non-debatable motion to adjourn. B. Moseley seconded. All in favor  
291 none opposed.

292

293 The meeting was adjourned at 8:40PM  
294

295

296

297

298 Respectively submitted by,

299

300

301 Wendy Trimble

302 Assistant Planner

303 Town of Hollis, NH  
304