

HOLLIS PLANNING BOARD MINUTES

December 17, 2019

APPROVED 1/21/20

PLANNING BOARD MEMBERS PRESENT: Bill Moseley – Chairman; Doug Cleveland – Vice Chairman, Chet Rogers, Cathy Hoffman, Ben Ming, Matt Hartnett (Alternate), Rick Hardy (Alternate). (D. Petry arrives at 7:05).

ABSENT: Jeff Peters (Matt Hartnett appointed to vote for J. Peters.)

STAFF PRESENT: Mark Fougere, Town Planner; Evan Clements, Assistant Planner

1. CALL TO ORDER: 7:00 PM. B. Moseley led the group in the Pledge of Allegiance.

2. APPROVAL OF PLANNING BOARD MINUTES – Meeting of November 5, 2019 – D. Cleveland moved, seconded by M. Harnett, to approve the minutes of Nov. 5, 2019. All in favor; none opposed. (B. Ming abstains.) **Meeting of November 19, 2019 –** D. Cleveland moved, seconded by C. Rogers, to approve the minutes of Nov. 19, 2019. All in favor; none opposed. (D. Petry abstains). **Site walk of November 9, 2019 –** C. Hoffman moved, seconded by D. Cleveland, to approve the minutes of Nov. 9, 2019 (B. Ming abstains). **Site walk of December 7, 2019 –** D. Cleveland moved, seconded by C. Hoffman, to approve the minutes of Dec. 7, 2019. All in favor; none opposed. (B. Ming, D. Petry and M. Hartnett abstained). Request from John Garruba to clarify his comments in the minutes of Oct. 15, 2019. D. Petry noted that the board is not replacing language with input from a resident but is replacing the minutes with what was said on a recording. Delete lines 237 & 238 and replace as follows: *John Garruba, 30 Meadow Drive, states that the applicant plans to use the proposed apartments for employees but does not believe that the Town can guarantee, or has any ability to control, that these dwelling units stay as employee only residences. He also noted that the applicant has ignored a residential property that is adjacent to the site in favor of building these apartments above the convenience store.* C. Hoffman moved to accept the changes to the minutes of Nov, 5, 2019. Motion seconded by D. Petry. All voted in favor with the exception of B. Moseley, who was opposed.

3. DISCUSSION AND STAFF BRIEFING

- a. Agenda additions and deletions – B. Moseley noted that Brian Major, Chairman of the ZBA is present so the Board will be discussing zoning amendments first.
- b. Committee Reports - none
- c. Staff Report - none
- d. Regional Impact – none

4. SIGNATURE OF PLANS – None

5. ZONING AMENDMENTS

a. Request for Zoning Change from ZBA. Section X. Zoning Districts, Sec. G. Residential and Agriculture District (R&A)

ZBA Chariman Brian Major discussed the difficulty of arriving at a finding of hardship when the intrusion is nominal. The proposed change that the ZBA arrived at is conservative. It is limited to the R&A zone and the changes would allow for flexibility to not do the “logistical gymnastics” of finding a hardship and to allow the board to look at the other requirements of a special exception, and grant relief when appropriate. What has been submitted to the planning board is a unanimous vote of the ZBA. D. Petry asked how the ZBA determines what is “reasonable”, and how does it endure consistency and fairness. B. Major- This allows us to do away with needing to find hardship, which does not apply in some cases, e.g., an accidental intrusion.. It is up to the board to determine what is reasonable. D. Petry noted that he would have rather seen

a change to the distance than to the overall approach. The proposed amendment reads as follows:

**5. SPECIAL EXCEPTION IN THE RESIDENTIAL AGRICULTURAL DISTRICT
MINIMUM SIDE YARD WIDTH:**

1. The Zoning Board of Adjustment may grant relief from the 35 foot side-yard width requirement, by Special Exception, if the Board finds that:

a. The encroachment to the minimum side yard width requirement is reasonable and would not be detrimental to the neighborhood and either;

b. Strict adherence to the setback requirement would cause inconsistency in the massing of buildings or;

c. Strict adherence to the setbacks would be inconsistent with setbacks of existing adjacent buildings.

C. Hoffman moved to send this amendment to public hearing in January. B. Ming asked how often this comes up. B. Major –Probably once every 18 months. D. Petry stated that the infrequency of this happening is even less reason for him to support it. C. Rogers seconded that motion. Voting in favor: Moseley, Hoffman, Ming, Hartnett, Rogers, Hardy, Voting in opposition: Petry and Cleveland. Motion carries.

**b. Zoning Amendments (1) REQUEST FOR REHEARING FROM JOE
GARRUBA**

M. Fougere reviewed his staff report dated Dec. 17, 2019. He met with Atty. Drescher to discuss the request (see staff report). There is no requirement or statutory authority that allows the Planning Board to rehear an approved case. NH RSA 677:15 Court Review sets out the process whereby any party aggrieved by a Planning Board decision may appeal to Superior Court. Planning Staff recommends that the Planning Board not grant a rehearing as there is no basis in law to grant such a request. C. Rogers moved to concur with the recommendation by staff. Motion seconded D. Cleveland and unanimously approved.

c. Schedule Public Hearing for Petitioned Zoning Amendments

The Board has received 5 petitions and by statute, must set a hearing date. This would occur at the regular meeting of January 21. D. Cleveland moved to schedule the public for January 21, 2020. Motion seconded by C. Hoffman and unanimously approved. D. Petry noted that he has provided detailed comments, which can be reviewed at the next meeting.

6. HEARINGS

a. **File PB2019:18** Proposed site plan for the installation of a two 450 square foot ground mounted solar tracking system, Map 3 Lot 31, Applicant: Go solar NE Owner Mathew Levine, 16 Blood Road, Zoned R&A Residential Agriculture. AA 10/15/19. Tabled from Nov. 19. The Board is still waiting for information so the application should remain tabled. D. Petry moved to keep this application tabled. Motion seconded by D. Cleveland and unanimously approved. The application is tabled until Jan. 21, 2020.

b. **File PB2019:21** Proposed Design Review subdivision application of an existing 17.75 acre property into five frontage lots. Map 2 Lot 44, North Pepperell Road & Worcester Road. Owner/Applicant: Kathleen & Hans Olson, Zoned R&A, Residential & Agriculture. Tabled Nov. 19. M. Fougere noted that there are several letters in the packet from abutters. The applicant is scheduled to meet with the Conservation Commission at an upcoming meeting.

Tom Carr, Meridian Land Services, stated that there had been a productive site walk on Dec. 7 with a follow-up meeting with Planning Staff on Dec. 8. There is an onsite meeting with Rick Towne and Reggie Ouellette tomorrow to discuss the appropriate location for a cistern. Items discussed at the site walk include:

- Maintaining preservation of the vegetation along both roads
- Location of cistern
- Relocation of driveways for Lot 1 and Lot 4
- Improve drainage along Worcester Road
- Easements along N. Pepperell Road for drop-out basin
- Landscaping plan to buffer the cistern

Mr. Carr will return to the Planning Board following the meetings with the Conservation Commission and the Fire Dept. M. Hartnett asked if there has been a determination as to whether either of the ponds are vernal ponds. T. Carr – They are not. Neither meets the criteria to be vernal pools. D. Petry noted that a plan stamped by a wetland scientist will be required before final approval. D. Cleveland asked about the depth of the water in the pond at its lowest level. T. Carr – Water was right up to the edge when the wetlands were flagged. Pond is used for irrigation. D. Cleveland – the pond is primarily on the MacMillan property; it must be several feet deep if there is water in it year-round. B. Moseley recalled a similar situation on Pine Hill Road where the applicant reduced one lot. C. Hoffman moved to table File PB3019:21 to the January meeting. Motion seconded by D. Cleveland and unanimously approved.

c. **File PB2019:22i** Proposed lot line revision between two adjoining properties as well as revising building area. Map 26 Lot 73 & 84, Applicant Meridian Land Services, Owner Dale & Ann Surwell, 85 Nartoff Road, Zoned R&A Residential. **Application Acceptance & Public Hearing.** M. Fougere stated that this is to amend an approved subdivision plan from 1999 by relocating the lot line between two adjoining lots. The original plan had a two acre

building site with the remaining portion of the 13 acre lot covered by a conservation easement. There is no way to enter the building area without going over the restricted area and violating the easement. The proposed plan will reduce the size of lot 84 from 13.6 to 4 acres and relocate the 2 acre building area to the north. The amount of restricted area will not change. The parent parcel will increase from 4.05 acres to 13.7, with a majority of the lot under a restrictive easement. There is a letter in the packet from Mr. Casey, an abutter, who is generally in favor of the proposal, but requests clarification on several points (length of access easement, intent of the turnaround). D. Cleveland moved to accept File PB2019:22 for consideration. Motion seconded by C. Hoffman and unanimously approved.

Randy Height, Meridian Land Services, noted that while the plan looks complicated, it is actually just a lot line adjustment to make a more buildable site. He illustrated the difference between the existing configuration with what is proposed using colored up plans. If necessary the easement could be extended. There will be just one driveway serving all the lots; this was originally approved for three lots but only two of the lots have been built on. M. Fougere noted that when the Planning Board approved the plan 20 years ago, there was a designated specific site where they had to build and a conservation easement on the remaining parcel. M. Hartnett asked if there was a reason for the shape of the restricted land. M. Fougere – could not find anything in the minutes that reflected that. E. Clements noted that per the agreement, Mr. Casey is actually responsible for the initial cost of maintaining the common drive, and he will be reimbursed. Would it be reasonable to assume that everyone in the covenant has to agree before there can be development off the turnaround easement? Mr. Haight responded that the easement is specifically for lot 82, and provides for the option of putting in a hammerhead. There were no comments for the public hearing.

M. Fougere reviewed five proposed stipulations for approval:

1. NHDES subdivision approval required;
2. Note test pit locations in new building area, submit details;
3. Add wetland stamp;
- 4, Note stump disposal area;
5. Add property address of subject site, 85 Nartoff Road

R. Haight noted that once there is a third house there will have to be a name for the private way. D. Petry noted an error in the declaration (Laural Hill should be Pine Hill). R. Haight stated that he aware of this and the declaration will be redone. He added that his survey crew had gone around the entire perimeter of the property. M. Hartnett moved to approve PB2019:22, subject to the above conditions. Motion seconded by D. Cleveland and unanimously approved.

167 d. **File #2019:23** Proposed site plan for the establishment of a Care Farm which uses
168 animals to aid individuals to cope with daily life challenges. Applicant/owner: Beth
169 & Steven Frankel, Map 47 & Lot 44, 257 South Merrimack Road, Zoned R&A
170 Residential & Agriculture. **Application Acceptance & Public Hearing.**

171 M. Fougere reviewed his staff report for the establishment of a Care Farm which
172 will offer individual and group activities to aid in improving self-confidence, social
173 interaction, as well as coping skills. Individuals will participate in farm activities as
174 well as working in the natural environment. An existing barn will be used to host
175 these activities. Parking for six cars will be provided behind the barn. Activities
176 will occur on Mondays-Saturdays between the hours of 9AM to 6PM. The
177 maximum group size will be 6 individuals. The applicants live on the property and
178 will be operating the operation. The applicant is requesting a waiver from the full
179 site plan requirements including a plan prepared by a surveyor/engineer (base plan
180 in the packet is the property subdivision plan), contour plan, soils data and a lighting
181 plan.

182 C. Hoffman moved to accept File PB2019:23 for consideration. Motion seconded
183 by D. Cleveland and unanimously approved. Staff called attention to several letters
184 received from Peter Baker, 40 Buttonwood Drive and Paul Miller, 6 Farm Pond
185 Lane, which have been distributed to the Board.

186 Beth Frankel, 287 So. Merrimack Road, applicant, stated that her goal is to offer
187 programming for individuals and small groups, typically one to three each day, for
188 an hour or two each day and sometimes only three or four days a week. B. Moseley
189 asked for some information on the types of individuals who would benefit from this
190 program, and what the benefits are. B. Frankel – Primarily special needs children
191 and adults, most often individuals with cognitive or emotional disabilities, and less
192 frequently physical disabilities. This includes those on the autism spectrum,
193 attention deficit disorder, ADHD, anxiety, depression. Ms. Frankel noted that she is
194 a social worker and her goal is to eventually also have gardens so there will be
195 interaction with animals as well as gardening and growing things. There is an
196 educational component as well as health and wellness in a comfortable and safe
197 environment. Ms. Frankel stated that she operated a similar program in
198 Massachusetts for four years and it was very successful. She also offered services
199 for adults in day programs who were receiving services but looking for outside
200 activities.

201 C. Hoffman asked if the area is outside the wetlands. B. Frankel – Yes – barn is up
202 close to the street and most of the programming will be in the area behind the barn
203 and in the field behind the house. Besides the gardens she eventually wants to add
204 some pasture space for the animals. B. Moseley – What animals will you have? B.
205 Frankel -Currently have a large horse, a miniature horse, a miniature cow, two goats
206 and two kittens. She may add a few more animals, but definitely not many. D.
207 Cleveland – What do you have for pasture now? B. Frankel – Fencing in front and

208 back of the barn as well as a round pen. Future electric fencing will allow for
 209 grazing in the pasture. R. Hardy – To be consistent with previous plans, suggest we
 210 require a designated for manure storage/composting outside the 100’ wetland buffer.
 211 D. Petry (to staff): Why is this just a farm and not a home business? M. Fougere:
 212 State definition of “agriculture” is very broad. E. Clements met with the building
 213 inspector and the applicant to discuss the parameters of the operation. E. Clements –
 214 Ms. Frankel went to the ZBA to apply to be a home-based business and the ZBA
 215 determined that what she is proposing falls under farm activity, and voted to dismiss
 216 the case because it is a farm and does not need special approval from the ZBA. R.
 217 Hardy – Think this is a great idea but agree with D. Petry that this is a social service
 218 program and should be considered a home business. M. Fougere explained that
 219 animals are the focus of the treatment and under agri-tourism interaction with
 220 animals is an agricultural use. D. Petry – How many vehicle trips/day? B. Frankel –
 221 Most parents stay for the hour visit. She estimates 8 to 13 trips and 1 to 3 sessions
 222 per day. The sessions can be an individual or a group for typically one hour, and
 223 everything is by appointment.

224 Public Hearing. Michelle Baerthlein, 275 South Merrimack Road, cited the sign on
 225 S. Merrimack Rd. stating “Welcome to Hollis, an active farming community”. This
 226 business along with Horse and Hound across the street is a wonderful thing when
 227 you enter Hollis from Rt. 101A. It is a wonderful thing to see farms coming to the
 228 community, regardless of their size. She is also delighted that there is farm within
 229 “spitting distance” of her yard. She is thrilled to be able to spend a little time in the
 230 barn, and can totally understand where the benefit lies. She would be happy to live
 231 in the new house that will directly abut the operation. This operation is a great
 232 benefit to the community, and she strongly supports this coming to the north end of
 233 Hollis. She suggested that everyone take a field trip and look at the property.

234 Karen Bridgeo, 65 Buttonwood Drive, (not a direct abutter but lives close by),
 235 spoke in support of the application; it is a beautiful idea to have in town, and she is
 236 thrilled that they are here, and something that deserves support.

237 There being no further comments, the chairman closed the public hearing. B. Ming:
 238 Was there ever fencing around the wetlands required in previous applications? R.
 239 Hardy: No – recent cases on Blood Road and Pine Hill Road were not that close to
 240 wetlands. The board required either a cement floor or a covered area was to
 241 minimize the impact, and the board might want to require it on the plan to be
 242 consistent with past practice.

243 M. Fougere reviewed proposed stipulations:

- 244 • Designated area for compost/manure storage outside of 100’ wetland
- 245 setback
- 246 • D. Petry restated his concern that this should be treated as a home-based
- 247 business, and noted that it may be necessary to revisit the plan if conditions
- 248 change. Home based business regs only allow three cars at a time and this

249 will have six. If the applicant wants to change the hours of operation or
250 number of sessions or the maximum number of people they need to come
251 back and talk to the board. This is added as a condition to read "If the
252 hours, number of sessions, number of individuals should change, the
253 applicant will come back to the board for review, discussion and approval".
254 • Add minutes from the ZBA discussions on this matter to the file for future
255 reference.
256

257 D. Cleveland moved to grant the waiver of full site plan review. Motion
258 seconded by C. Hoffman and unanimously approved.

259 C. Hoffman moved to approve PB File #2019:23 with the stated stipulations.
260 Motion seconded by D. Cleveland and unanimously approved.

261

262 There being no further business, D. Cleveland moved to adjourn. Motion
263 seconded by M. Hartnett and unanimously approved. The meeting adjourned at
264 approx. 8:30 PM.

265

266 Respectfully submitted,

267

268 Virginia Mills
269 Secretary *pro tem*
270
271
272
273
274

275

276

277

278