

HOLLIS PLANNING BOARD MINUTES
February 18, 2020
Final

PLANNING BOARD MEMBERS PRESENT: Bill Moseley – Chairman; Doug Cleveland – Vice Chairman, Ben Ming, David Petry (Ex-Officio for Selectmen), Matt Hartnett (Alternate),

ABSENT: Rick Hardy, Cathy Hoffman, Jeff Peters, Chet Rogers. (M. Hartnett appointed to vote for C. Hoffman).

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 – Jan. 21, 2020. L. 13 - C. Hoffman seconds motion; L. 45 – B. Ming opposed; L. 237 – R. Hardy makes motion; L. 257 – D. Cleveland moves and C. Hoffman seconds; L. 497 – delete D. Turcott, replace with M. Hartnett. D. Cleveland moved, seconded by B. Ming, to approve the minutes of Jan. 21, 2020 as amended.

3. DISCUSSION AND STAFF BRIEFING

- a. Agenda additions and deletions – B. Moseley -Add a discussion at the end of the meeting to discuss public hearing procedure. B. Fougere – File PB2019:18 has requested their application to be tabled to the March meeting. D. Petry moved, seconded by D. Cleveland, to table File PB 2019:18 to the March 19, 2020 meeting. Unanimous approval. The chairman noted that the next meeting will be on **Thursday, March 19, 2020** (to avoid conflict with a school board meeting).
- b. Committee Reports - none
- c. Staff Report - none
- d. Regional Impact – Staff is in receipt of a notice from the Town of Amherst relative to a proposed 54-unit condo development on Rt. 122

4. SIGNATURE OF PLANS – None

5. HEARINGS

a. File PB2020:01 Proposed Design Review. Site plan application outlining the construction of a 4,500 square foot gas station and one apartment and an 8,000 square foot retail store on a 4.19 acre site. Map 5 Lot 28, 82 Runnells Bridge Road, Applicant Runnells Bridge Realty Trust; Owner Team Yarmo Investment 1 LLC; Zoned Commercial. **Public Hearing – Site Layout Design Only. Tabled from Jan. 21, 2020**

The chairman stated that because this application will be going through several stages of review, there will be additional opportunities for public input. M. Fougere noted that the Board had directed the applicant to provide a design that would require no waivers. Staff feels this revised design is much improved from the previous. The waivers that were previously requested, and are no longer necessary, are: parking between the building and the street, que length for the drive-thru, aisle width and parking spaces. Future waivers the board may wish to discuss are: wider entrance way for the drive-thru; waivers for aisle width behind the convenience store.

Jason Hill, T. F. Moran, stated that he believes this is the best design for this parcel in terms of efficiency and use, while meeting the Board's directive to provide a design that would not require waivers. The plan meets all the objectives – parking, dimensional

standards, and parking in front of the building. Mr. Hill thanked the Board for their good ideas which have been incorporated to bring the plan to this point. Revisions to the current plan include: rotated gas station 90 degrees, thereby eliminating the parking between the right-of-way and the principal structure; increased parking to provide minimum parking requirements as well as to reduce the drive-thru lane queing to conform to the 5 queing requirement; two-way circulation around the gas tank canopy area; one-way counter clockwise circulation through the drive-thru with a bypass lane at the ordering window; relocate truck parking; dumpster more accessible to the store; consolidated and expanded the green space.

Questions from the Board. B. Moseley asked about making one entrance point “just an in” and the other “just an out” for a one-way circulation. J. Hill agreed that would work. He noted that the slightly revised plan he has just submitted this evening is the same as the plan the Board is looking at with the exception that it allows for a greater capacity for the drive-thru. D. Petry – In the revised version the screening is removed and two signs added; this plan has just been received and the Board will need to see the final version. M. Fougere discussed the area behind the drive-thru which is two 12’ lanes. Town roads are 22’ wide and 24’ seems unnecessary in this case. J. Hill will review reducing the pavement and increasing the vegetative buffer. D. Cleveland – Does traffic in the gas pump/canopy area need to be two way? J. Hill – It could be one-way but he wants to keep the 25’ minimum to accommodate larger vehicles. D. Cleveland – Then all the traffic flow would be counter-clockwise – one-way traffic left to right. B. Ming – Is the plan for accessing the truck loading area to force trucks to the eastern edge? J. Hill: It will be accessible from both directions. The fueling truck makes deliveries very early before the convenience store opens.

Public Hearing. Helena Briggs, 100 Runnells Bridge Road (aka Pineola Drive), asked how this will effect Pineola Drive, which is a private road. Nobody has signed off on this yet. M. Fougere – At this point there is nothing planned for the land in the back, and the right-of-way is not being used. There is a well in this location serving this development. Ms. Briggs noted that as well as living here, she also works at the Hatch Convenience Store and she does not appreciate this development. Mark Baril, 78 Runnells Bridge Road, noted that there is a ten-foot slope to the left of the entrance road that rises to 20 feet near his property. There will need to be a big retaining wall to protect his property; it is a precarious situation. He suggested eliminating the drive-thru and getting away from the slope. There is no visibility pulling out. There will be a back-up at the drive-thru. Cars going in and out will interfere with the flow of traffic. Mr. Baril discussed the water flow in and around the site and asked that the Board consider requiring an ecological study. He pointed out the location of his house and barn for his horses and how the project impacts his property. Traffic flow is a major

88 concern. If they are serious they should develop Pineola Drive to provide traffic
89 flow out of both sides.

90 Mark Archambault, owner of the Hatch Convenience Store across the street,
91 asked what the estimated cost of the project is, which he estimates to be 2 to 2.5
92 million dollars. There is no way this project will survive without a massive
93 amount of traffic. There is already a gas station up the street that will compete
94 with them. There is a Dunkin Donuts in the center of town; when people find out
95 this location has a drive-thru they will come here instead. There is no way this
96 site can handle all the traffic and it will be a situation of massive gridlock.

97 Joe Garruba, 28 Winchester Drive, stated that the plan is lacking items required
98 for a site plan and also questioned why the Board is reviewing a plan submitted
99 tonight. No one has had time to review the revised plans. It looks like a waiver
100 will be required for the number of cars in the drive-thru. Currently, retaining
101 walls in the setback are not allowed. It is inappropriate to even be discussing this
102 plan. All critical factors (stormwater, impervious surfaces, other critical factors)
103 need to be examined together in one piece, to ensure that everything is compliant.
104 Mr. Garruba asked who owns the third piece of property. He requested that the
105 Board retain a hydrogeologist to evaluate the study submitted by the applicant
106 which claims that the project does not meet the requirements of being in the
107 aquifer protection zone. M. Fougere explained that an outside consultant
108 working for the Planning Board has already confirmed the results. This was
109 done several years ago during the subdivision process. Mr. Garruba suggested
110 that the Board table the application because it is not appropriate to proceed now.

111 Michael Bates, 26 South Merrimack Road, asked if what gets presented actually
112 happens in reality. In the case of the Montessori School, it took a great deal of
113 work and effort by neighbors to have what was presented actually get done. He
114 requested that there be follow-up to be sure that this project gets done properly.

115 Brandon Yarmo, 218 Federal Hill Road and current property owner, noted that
116 Rt. 111 is a State road and everything done on the road must be approved by the
117 State. He asked if the Board can legally deny the project. D. Petry explained
118 that this plan is in the design review stage; it is not a formal application submittal
119 with a formal public hearing. This is a conceptual drawing of a reconfiguration
120 of what it would look like if the plan was submitted that needed no waivers.
121 There is no review clock and they can return next time with other details on the
122 plan. M. Fougere added that just because a plan does not require waivers, there is
123 no guarantee that it will be either approved or denied. The process is more
124 complicated with a number of review factors taken into consideration. The
125 design drives the whole project, and the Board requested that the applicant come

in with a revised design needing no waivers. If the Board finds it is an acceptable layout, that will drive the rest of the process, at which time the other elements (grading, drainage, traffic flow, etc.) will be added and the review will proceed from there. Until the Board has decided on a circulation process that makes sense, it is a waste of time to talk about the other things. This was the proper procedure.

Jason Hill stated that he will incorporate the issues raised this evening into the plan and return at the next meeting. M. Fougere noted that this will be the first review project for the Board's new consulting engineer, Mike McNally. Dennis LaBombard will assist during the transition time. D. Cleveland moved, seconded by B. Ming, to continue PB2020:01 to the March 19, 2020 meeting. All voted in favor; none opposed. Motion carries.

b. File 2020:005 – Request to amend stipulation of subdivision approval relative to removing the requirement that a note be placed in the deeds to Lots 4, 4-1, 4-11 & 4-13 referencing pesticide impacted soils. Map 36 Lots 4, 4-1, 4-11, 4-13, Woodmont Drive. Applicant/Owner Sky Orchard Realty Trust. Zoned R&A. **Application Acceptance and Public Hearing.**

Staff reviewed the previous discussion of this subdivision, during which there were a number of issues regarding pesticide impacted soils due to its past use as an apple orchard. At the time, the Board worked with an environmental consultant, HTE Northeast, to address high concentrations on four lots that were highly impacted. One condition was: *"Place a note on the approved plan and the text of this note on any deed conveying title to any of the above-referenced four lots"*. The applicant is requesting removal of the requirement of having that information placed in the deeds because it puts a cloud on the title to the properties and hinders the sale of those lots. The mitigation recommended by the consultant would remain in place (remove 20,000 sq. ft. or bring in soil to cover the area).

D. Cleveland moved to accept PB File 2020:005 for consideration. Motion seconded by B. Ming. Discussion. D. Petry stated that he does not believe this application is ready to come before the Board. He was on the Board when this plan was approved and there is a lot more information that should be presented. M. Hartnett agreed, noting that first it was arsenic and now it is also pesticides. How deep does this go? He cannot support removing the note from the plan until further review is done. D. Petry – There was a lot of discussion about the first two lots in particular that the applicant tried to sell to the Town. At that time the Conservation Commission had concerns. D. Petry questioned who is liable if the deed note is removed. This should be checked with town counsel. The mitigation

164 should be bonded. Additional information needed includes: history, liability,
 165 mitigation certification. D. Cleveland noted that taking the note off the deeds for
 166 the four lots would make them the same as all the other lots; however, the reason
 167 for the note was because the contamination was a lot higher than the others. He
 168 added that it would be good if the rest of the Board were present to participate in
 169 this decision. The Board then voted unanimously in opposition to the motion to
 170 accept the plan. Motion is denied and the application is not accepted. D.
 171 Cleveland moved to table PB File 2020:005 to the March 19, 2020 meeting.
 172 Motion seconded by M. Hartnett. Motion carries unanimously.

173 **c. File PB2020:007** Design Review – Proposed subdivision of an existing 43.3
 174 acre lot into four frontage lots and conservation back lot & lot line relocation.
 175 Nartoff Road, Map 26 Lot 5 & 5-1, Applicant Gateway Homes Inc., Owner
 176 William Corosa Rev. Trust. Zoned R&A & Recreation. **Public Hearing.**
 177

178 This plan creates four frontage lots along Nartoff Road and one back lot with no
 179 frontage to be dedicated to the Town of Hollis. Lot sizes range from 3.5 to 9.9
 180 acres and the conservation lot is 15.5 acres. The site abuts Flint Pond and has
 181 significant wetlands. The open space lot will need frontage if it is not dedicated
 182 to the Town of Hollis. Issues include:

- 183 • Is HOSPD layout appropriate;
- 184 • NHDES subdivision approval required;
- 185 • \$2,500 per lot cistern fee due at time of C.O.;
- 186 • A fence or barrier to be erected prior to site disturbance at the 100 foot
- 187 wetland buffer line. Inspection required prior to any site work.
- 188 • All bounds to be set prior to plan recording;
- 189 • Well location on lot 5-1 to be noted.
- 190

191 This lot was originally subdivided in 2012 with one lot coming out of the parent
 192 parcel. The current proposal creates a “major” subdivision and the Board must
 193 decide if a HOSPD or conventional layout is appropriate, given the significant
 194 amount of wetlands. HOSPD lots on an existing road have to meet the basic
 195 conventional lot requirements of 200’ of frontage and two acres. A waiver from the
 196 Board is required to not do a HOSPD. The applicant has been in discussions with
 197 the fire chief regarding dedicating a location for a cistern easement; if this happens
 198 the \$2,500 per lot cistern fee would not be necessary.

199 Randy Haight, Meridian Land Services, referenced the definition of “lot” from the
 200 zoning ordinance, and stated that the lot in the back does not meet the terms of this
 201 definition; therefore the plan does not need to be presented as a HOSPD because

202 there are not six “lots”. The definition reads: *“A parcel of land or any combination*
 203 *of several contiguous lots of record occupied or intended to be occupied by a*
 204 *principle building or a building group as permitted herein, together with their*
 205 *accessory buildings or uses such access, yards, and open space required under this*
 206 *ordinance.”* M. Fougere disagreed with R. Haight’s interpretation, noting that the
 207 only way this lot is allowed is if it dedicated to the Town; otherwise it needs 200’ of
 208 frontage. R. Haight stated that the result of the lot line adjustments and subdivision
 209 will be four new frontage lots with a remainder lot that will be contiguous to the
 210 town lot. C. Cleveland asked about the placement of the lot line separating the
 211 frontage lots from the open space lot; could it be moved east to capture more of the
 212 wetlands in the open space? R. Haight explained that this is what the two owners
 213 came to an agreement on; this utilizes a straight line to provide a layout that is easy
 214 to manage and police.

215 Tom Dufresne, Conservation Commission, stated that the open space parcel is a very
 216 desirable piece, and provides an opportunity to preserve shoreline. Final details of
 217 the transaction are yet to be worked out. D. Petry noted that lot 26-5 is a non-
 218 buildable parcel, regardless of whether it is conveyed to the Town. M. Fougere
 219 stated that Atty. Drescher has indicated that as long as there is a note on the plan that
 220 the lot will be conveyed to the Town there is no need for a strip of land; if it is not
 221 going to be conveyed to the Town, a 20’ strip out to Nartoff Road will be required to
 222 provide frontage.

223 M. Fougere stated that if the Board decides to waive the HOSPD, the rationale would
 224 be that it does not make sense to look at a HOSPD design because it will not be
 225 significantly different in shape then the conventional layout. With respect to the
 226 cistern location, R. Haight noted that the fire chief had indicated that an ideal
 227 location would be between lots 3 and 4.

228 Public Hearing. Peter Baker, Buttonwood Drive, asked for clarification regarding
 229 the wetland and buffer, and questioned the value of the Town getting a gift of
 230 wetland and buffer area if it can’t be built on anyway.

231 Joe Garruba, 28 Winchester Drive, stated that the fact that this this parcel will
 232 potentially be dedicated to the Town presents a good opportunity to waive the
 233 HOSPD requirements.

234 Consensus of the Board is to not require the HOSPD. The issue with the open space
 235 lot can be a pending condition until a final resolution is reached with the Town. D.
 236 Petry moved to authorize File PB2020:07 to proceed to final application. Motion
 237 seconded by D. Cleveland and unanimously approved.

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239 c. **File PB2020:06** - Proposed lot line relocation between two adjoining lots.
 240 Map 3 Lots 26-1 & 26-2. Owner/Applicant Thomas Lawlor, Kimberly
 241 Snow-Lawlor, Brian & Katlin Rennie, 7 & 9 Winnies Way. Zoned R&A.
 242 Application Acceptance and Public Hearing.

243 The purpose of this application is to clarify the intent of the original subdivision by
 244 performing a lot line revision between lots 3-26-1 and 3-26-2. Lot 1 will receive .620
 245 acres from lot 2, thereby increasing lot 1 from 5.067 to 5.687 acres. The original
 246 subdivision received conditional approval on February 19, 2019. The new plan meets
 247 all requirements and the only proposed condition is setting bounds.

248 D. Petry moved to accept PB2020:06 for review. The motion was seconded by M.
 249 Hartnett and unanimously approved. Randy Haight, Meridian Land Services, stated
 250 that this is simply to make the two lots the same acreage. Both lots are currently
 251 being developed. He requested that the condition for setting monuments happen at
 252 time of C.O. so the bounds do not get wiped out during construction.

253 There were no comments for the public hearing. D. Petry moved to approve File
 254 PB2020:06 with the understanding that the applicant is requesting a waiver of the 30-
 255 day waiting period, and that all bounds be set prior to issuance of certificate of
 256 occupancy. The motion was seconded by B. Ming and unanimously approved.

257 d. **File PB2020:08** – Proposed site plan amendment to convert former Horse &
 258 Hound Therapy to office space. Map 47 Lot 43, 288 and 288A South
 259 Merrimack Road. Applicant/owner James Brooks, Zoned R&A. Application
 260 Acceptance and Public Hearing.
 261

262 This is a request to convert the existing Horse & Hound Physical Therapy building
 263 into a rental flex office space. There will be six rental offices and a shared
 264 conference room for a total area of 745 sq. ft. The site plan regulations require one
 265 parking stall per 400 sq. ft. of leasable gross floor area and the office use will be
 266 required to provide two parking spaces. The site currently has 7 parking spaces
 267 available. The applicant received a variance from the ZBA in January to convert this
 268 space to office use. The ZBA conditions limited the business to 6 offices for rent; 9
 269 non-residents on the premises at any given time not counting visitors; and no more
 270 than 26 vehicle trips per day, not including residents.

271 D. Petry asked for clarification on the amount of parking. M. Fougere noted that
 272 there are actually 10 or 11 spaces. If parking is an issue, they can come back and
 273 amend the plan. D. Cleveland moved to accept File PB2020:08 for consideration.
 274 Motion seconded by M. Hartnett and unanimously approved.

James Brooks, 288 South Merrimack Road, applicant and owner of the property, addressed the Board. He stated that he purchased the property in 2014-15, and has been slowly renovating it. It was the Hollis Line Machine for a long time, and subsequently set empty until he purchased it. J. Brooks' wife, who had the medical license to run Horse & Hound, passed away last June, and that business was slowly eliminated as staff found new jobs. J.. Brooks will use the space that is already there and there will be no changes to exterior of the building. These will be small offices for white collar workers. B. Moseley noted that the application mentions 6 offices, but he only counts 5. J. Brooks explained that he uses an area of the "common lunch room" as his personal office for his work in the solar industry, and this could become a future office.

There were no comments for the public hearing. M. Hartnett moved to approve PBFile2020:08. Motion seconded by D. Cleveland. Approval to include ZBA conditions and hard copies of the site plan. All voted in favor; none opposed. The motion carries unanimously.

6. OTHER BUSINESS

a. Amendment to Section I. Subdivision and Site Plan Review Procedures

The chairman, Bill Moseley, would like to add several items to section d. relative to the public hearing procedure. He presented a slide of the public hearing rules used by the Budget Committee, and noted that other boards in Hollis operate under similar rules. This will codify the operating procedure. The proposed additions are:

- (1) Speakers at the podium will be recognized by the Chair;
- (2) Speakers must state their Name and Address for the record;
- (3) Speakers may comment once for 2 minutes. Speakers may be recognized to speak again on an issue after all others have had an opportunity to speak once.
- (4) If a Speaker's point has been substantially made by others, the Speaker will be requested to briefly conclude the presentation and be asked to yield the speaking opportunity.

Board members agreed to move forward with these changes and staff will put it on the agenda for discussion at the next meeting.

b. Recognition Breakfast. The chairman urged all Planning Board members to attend the Recognition Breakfast on March 7.

c. Next Meeting – The next Planning Board meeting will be on **Thursday, March 19, 2020 at 7:00 PM.**

313 **7. ADJOURN**

314 There being no further business, D. Petry presented a non-debatable motion to adjourn.
315 Motion seconded by. D. Cleveland and unanimously approved. Meeting adjourns at 9:00 PM.

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317 Respectfully submitted,

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320 Virginia Mills

321 Secretary *Pro tem*

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