

HOLLIS PLANNING BOARD MINUTES
May 19, 2020
Final

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

ABSENT: Jeff Peters, (R. Hardy appointed to vote for J. Peters).

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

THIS MEETING WAS CONDUCTED VIRTUALLY WITHOUT A PHYSICAL LOCATION IN COMPLIANCE WITH GOVERNOR SUNUNU'S EMERGENCY ORDERS #12, 16, & 17

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

2. APPROVAL OF PLANNING BOARD MINUTES:

a. April 21, 2020 – D. Petry motioned, D. Cleveland seconded – Passed unanimously

3. DISCUSSION AND STAFF BRIEFING

a. Agenda additions and deletions – Two cases have withdrawn their applications and one has been postponed:

a. PB2019-018: 16 Blood Road Ground Mount Solar – **Withdrawn**

b. PB2020-005: Sky Orchard Estates Plan Note Amendment – **Withdrawn**

c. PB2020-009: Design Review 4 Spaulding Lane 4 lot-subdivision

i. Motion to table PB202-009 – D. Cleveland motioned; M. Hartnett seconded – passed unanimously

b. Committee Reports - none

c. Staff Report - none

d. Regional Impact – none

4. SIGNATURE OF PLANS – File PB2019-020 – Bella Meadows Subdivision & Site Plan

i. This plan was scheduled to be authorized for signature, however, the Board decided to wait since Town Council was still reviewing the amendments to the Workforce Housing Covenants. The authorization to sign was postponed to the June 2, 2020 meeting.

5. HEARINGS

a. Scenic Road Hearing – tree trimming and removal: Eversource – Baxter Road, Federal Hill Road, Hardy Lane, Hayden Road, Parker Lane, Plain Road, Rideout Road, Rocky Pond Road, Van Dyke Road, South Merrimack Road, Wheeler Road, Wright Road.
Tabled from April 21.

M. Fougere stated that based on information provided to staff from Eversource that the areas in question had been cleaned up.

De. Petry asked if Town staff had gone out to verify that the trimmings had been cleaned up. B. Mosley stated that the trimmings along his property was cleaned up and E. Clements stated that he went out to South Merrimack Road and noted that it had been cleaned up. B. Mosley noted that future procedure would include Town staff verifying

that past trimming operations had been cleaned up before new trimming operations would be allowed.

M. Fougere stated the conditions of approval would include a two week cleanup time frame and that stumps be cut as close to the ground as possible.

Motion to Approve Eversource Tree Trimming Request – C. Rogers motioned; R. Hardy seconded – passed unanimously

- b. **File PB2020:001** – 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. **Tabled from April 21, continued Design Review Discussion.**

M. Fougere began by stating that after receiving comments back from NHDOT, the location of the driveway into the site would have to be moved from the eastern side to the western side of the property. This would require the site design to change and be mirrored. As a result turning radii and traffic flow has been changed. The location of the drive-thru has the potential to cause significant impact to the easterly abutter. Dumpster locations are too close to the property line. Additional travel lanes should be designated as one way to facilitate smoother traffic flow through the site. Confusion about the location of a catch basin along the eastern property line and concerns about lighting impacts to the easterly abutter were also noted.

M. Fougere noted that questions about the site being located in the aquifer protection overlay zone (APO) have been raised. It was explained that while the site is in the APO according to the Hollis Zoning Map, the applicant for the subdivision of the site conducted a study that proved that the site was not actually in the APO. This study was verified by a third party firm at the Board's request.

J. Hill of TF Moran began by going over the new site plan and clarifying the reason for moving the driveway was that it would allow more room for cars to stack away from the intersection of Depot Road and Runnells Bridge Road. J. Hill also noted that the waiver for the Underground Storage Tanks (UST) would need to be modified for the new layout. NHDES informed TF Moran that they would no longer be reviewing the UST waiver until the plan was firmly set in place as NHDES have already reviewed it multiple times and would not be spending further man hours on this project until such a time that it will not change again.

B. Moseley asked about the effectiveness of the proposed vegetative buffer. R. Hardy noted that the applicant should not be relying on the vegetation located on the abutter's properties to screen this project but instead must install sufficient buffering on the subject property. D. Cleveland stated that a tall privacy fence may need to be installed in addition to landscaping.

The Pineola Drive right of way was brought up by D. Cleveland and asked if it would be blocked off in any way. J. Hill responded that the proposed roadway improvement that were located in the right of way would be curbed. As far as TF Moran could discern, the

right of way did not specify driving access and as such curbed driveway improvements could be installed as long as it did not impede walking access along the right of way.

It was noted by D. Petry that the screening shown on the plan is top down not at the street level. It was also noted that the screening was shown at mature size and asked how long it would take for new plantings to reach the desired level of screening.

Signage for the property was also brought up. The initial signage proposal was found to be in violation of the Hollis Sign Code. J. Hill stated that he would work with staff to refine the signage proposal for the project and come up with a Sign Master Plan.

M. Hartnett asked if the westerly abutter's well had been identified since the UST have been moved closer to that abutter's property. J. Hill stated that the other wells in the area had been identified but not the westerly abutter due to the old UST location being sufficiently far away. TF Moran would update their well radius plan to show the well in question.

M. Harnett also asked about how the tanker truck would be able to access the UST and maneuver through the site. J. Hill responded that the truck would have to travel counter to the one way drive aisles but would be conducting refueling operations early such as 5 am before customers would be arriving. A truck turning plan was requested to show the feasibility of large vehicle movements throughout the site.

Motion to table application until June 2, 2020 meeting – C. Rodgers motioned; R. Hardy seconded – passed unanimously

- c. **File PB2020:013** – Proposed minor subdivision of an existing lot 4 acre lot into 2 lots, 122 Worcester Road, Map 2 Lot 5, Zoned R&A, Applicant: Fieldstone, Owner: J.R. Graceffa, Jr. 1993 Trust. **Application Acceptance and Public Hearing.**

M. Fougere began by explaining that this subdivision will create two (2) lots with an existing single family home located on one (1) of the lots. Both lots will have the required 200' of frontage and have acceptable building boxes shown. It was noted that Worcester Road is classified as a scenic road and as such there is a 100' front setback. The new undeveloped lot is heavily wooded and staff recommended that in keeping with the Rural Character Ordinance that no cutting within the 100' front setback be allowed, except for what would be required to install the driveway. Additional approval requirements would be NHDES Subdivision Approval, a \$7,500 fire cistern fee prior to the issuance of a certificate of occupancy, and all lot bounds will be set prior to recording.

Motion to accept application – D. Cleveland motioned; M. Hartnett seconded – passed unanimously

C. Foley, Fieldstone Land Consultants represented the applicant. C. Foley began by stating that in 1973 the Hollis Planning Board approved a subdivision that created two (2) lots. Then in 2002 the two lots were merged into a single parcel. C. Foley agreed

with the staff's recommendations. It was noted that the new lot abuts conservation land and the applicant is not requesting any waivers.

R. Hardy asked if the driveway entrance would be located on the east or west side of the property. C. Foley responded that the east side, away from the conservation land access would be his choice.

B. Ming asked if the woods road identified on the plan was an existing road. C. Foley responded that it was a 10' wide existing woods path, not even graveled.

Public Hearing

F. Hooper; 133 Worcester Road – asked about the proposed location of the new building and the building box shown of the proposed subdivision plan. M. Fougere responded by explain that the largest rectangle depicts the setback area, next rectangle is the 100'x 200' building box, and thirdly is the area where the proposed septic system can be located.

F. Hooper also asked about the trees along the front of the lot and if the intent was to leave as many trees as possible undisturbed. M. Fougere clarified that staff is recommending that all trees within the 100' front setback remain intact, except for the trees that must be removed to install the driveway.

Public Hearing closed

R. Hardy noted that this was a very straight forward application and does not believe there are any issues with the proposal.

D. Petry noted that the setback no cut requirement should be added as a note on the plan.

B. Moseley asked if limiting construction hours of operation would be something that the Board would consider adding as a condition. D. Cleveland did not believe it was necessary for a one lot, single family construction project. D. Petry agreed. If this was a larger subdivision with more homes it would be prudent to stipulate working hours and days.

Motion to approve application with conditions – M. Harnett moved; R. Hardy seconded – passed unanimously

- d. **File PB2020:014** – Proposed lot-line relocation plan between two adjoining properties, 66-3 & 66-4 Truell Road, Map 42 Lots 6-3 & 6-4, Applicant: Fieldstone, Owners: Macdonald Joint Rev. Trust. **Application Acceptance and Public Hearing.**

M. Fougere noted that the two (2) abutting properties are moving their common lot line and all zoning requirements will be maintained. The applicant has submitted a waiver for detailed engineering plans that are commonly required for any kind of subdivision. Staff's recommended conditions is that new lot corner pins be set prior to plat recording.

Motion to accept application – D. Cleveland motioned; R. Hardy seconded – motioned passed – D. Petry abstained

C. Foley, Fieldstone Land Consultants represented the applicant. The intention of the lot line revision is to provide additional room on lot 3 to install a garage.

Public Hearing

No public comment

Public Hearing closed

M. Hartnett noted that the waiver request was straight forward considering the nature of the proposal was a common lot line adjustment. B. Ming asked if there was a driveway easement for the gravel drive and if so it would need to be amended. C. Foley responded by stating that the driveway did have an easement and would not need to be amended since the gravel drive was already existing.

Motion to approve waiver and application with conditions – D. Petry motioned; R. Hardy seconded – passed unanimously

- e. **File PB2020:015 – Conceptual Discussion** Proposed site plan/subdivision for the development of a 50 unit Housing for Older Persons development on a 36.09 acre property, Map 41 Lots 25, 28 & 44, 365 Silver Lake Road, Applicant: Fieldstone, Owner: Raisanen Homes Elite, LLC, Zoned R&A. **Public Hearing**

M. Fougere explained that this is a conceptual plan outlining a proposal to construct 50 housing units under the Housing for Older Persons provision of the Hollis Zoning Ordinance. The project consists of three (3) lots and a new 3,100' long looped private access road is proposed. A NHDOT driveway permit will be required. The existing single family residence will be demolished. The property contains steep slopes, many of which exceed 25%. The site directly abuts Witches Spring Brook.

M. Fougere noted that the applicant's submittal is very conceptual showing basic topography and road alignment. Issues for the Board to consider include site specific soil study for septic site loading, net tract area calculations for density, and various studies appropriate for a development of this size. Studies may include Environmental Hazard analysis, Traffic, Wildlife Habitat, Historical Significance, Stormwater, and Fiscal. Cut and fill waivers will be required considering existing grades and site conditions.

C. Branon, Fieldstone Land Consultants is representing the applicant and noted that this project is still in a conceptual phase so design details are limited. It was noted that a portion of the property is located within the Wetland Conservation Overlay District (WCO) and the Aquifer Protection Overlay District (APO). The property along Silver Lake Road has approximately 600' of frontage. The subject properties are surrounded by residential parcels as well as Town Forest conservation land that abuts the property to the north. The conceptual layout was designed to provide buffering between the development and abutting properties as well as taking into account natural features. The roadway is anticipated at 22' wide with 3' shoulders. All roadways and associated drainage would be maintained by the Homeowners Association.

B. Moseley asked if the units would have individual septic tanks and leach fields or if the proposal was for some kind of shared system. C. Branon stated that they were proposing individual sewage disposal systems for each unit. C. Branon also noted that the development would be serviced by a community well water system.

The club house is shown with associated parking and is currently proposed to be 2,000 SF.

C. Branon stated that the closest home is on the east with approximately 250' of buffer between the development and the home. There is 560' of separation from Silver Lake Road to the nearest housing unit.

C. Branon stated that the project would require a substantial amount of permitting. Permits would include for the community well, state subdivision approval, alteration of terrain, and subservice disposal systems. The developer does not anticipate any issues in regards to mitigating drainage.

B. Ming asked if it was possible to anticipate the grading of the roadway and what the steepest grade would be. C. Branon stated that they were anticipating meeting the maximum 8% roadway grade requirement. At this stage of design only rough grades explored.

D. Cleveland asked if the developer was anticipating requesting any waivers for the project. C. Branon responded by saying that they were anticipating a waiver from the 4' cut and fill requirement.

E. Clements asked about sight lines at the road entrance to Silver Lake Road and any concerns from NHDOT about the proximity to Toddy Brook Road. C. Branon stated that they did not have concerns as they undergone a conceptual review with NHDOT about this project and so far NHDOT does not have any issues. It was stated that the final curb cut may be slightly more north east than the current proposal shows.

Public Hearing

Richard Modelski; 66-1 Truell Road – asked about the community well and aquifer capacity. He noted the Cobbett Lane development to the north of the proposed development and raised concerns about the new proposed development overtaxing the neighborhood water supply.

C. Branon responded by noting that the permitting for the community well system is rigorous and regulated by the State. As the project moves forward water capacity will be reviewed. In the past professionals who specialize in community well permitting were brought in by the applicant to address the Board. That can be done again.

Mr. Modelski also asked about lot clearing and landscaping.

B. Moseley noted that a Site Walk would be conducted at some point.

Matt Belmonte; 46 Truell Road – stated that the Hollis Master Plan discourages development on parcels with steep slopes. He also noted that the Nashua Regional Plan Commission defines a steep slope as a slope of 15% or greater. He noted that many of the identified slopes on the subject parcel are 15% or greater. He requested that the Planning Board to consider using 15% to define a steep slope instead of 25%. He noted that the 25% slope requirement in the Hollis Zoning Ordinance was put in before the Housing for older Persons Ordinance was adopted. He stated that the 25% slope might be appropriate for a two (2) acre lot with one (1) house on it might not be appropriate for a high density development.

Barry Johnson; 66-2 Truell Road – asked if all regulations are followed for a development can the Planning Board still deny an application. He stated his concerns relating to the changing neighborhood area in regards to rural character as well as water supply.

Karen Belmonte; 46 Truell Road – stated concerns relating to the disruption of wildlife habitat and notes that the Hollis Master Plan recognizes Witches Brook stream as a sensitive natural area that should be protected.

Cathy Cole; 11 Toddy Brook Road – stated that the intersection of Toddy Brook Road and Silver Lake Road is dangerous and there have been a number of traffic accidents in the area. She is concerned about additional traffic from the development exacerbating traffic issues. She noted that the school bus drops off and picks up students at the intersection but remains on Silver Lake Road. She noted that the sight lines are poor and there have been near traffic accidents with the school bus.

Joe Garruba; 28 Winchester Drive – stated that the project should be considered a regional impact. He noted that previous large developments have submitted plans that did not require waivers prior to requesting waivers.

Brad Snow; 78 Mooar Hill Road – asked why the north side of Hollis was experiencing large subdivisions recently. He also asked why this proposal was larger than the 1 unit per 2/4acre zoning requirement.

M. Fougere responded by stating that this type of development is allowed on all state roads in Town under the Housing for Older Persons Ordinance. He also noted that there are two large elderly housing projects on the south side of Town.

Christopher Naughton; 16 Toddy Brook Road – asked if the Planning Board could consider installing a traffic light at the intersection of Toddy Brook Road and Silver Lake Road if the development is approved. He noted that while water levels are sufficient for well water now, future drought impacts may be increased with the additional draw from this new development.

C. Pendergast; 325 Silver Lake Road – stated that does not want a traffic light. He noted that the large cut at Cobbett Lane does not match any kind of development in Town. He stated that the landscaping at Cobbett Lane is lack luster and does not fit into the aesthetic of the community.

Craig Hurliegh; 49 Forest View Drive – stated that he was concerned about many of the issues raised by others such as aesthetic and rural character. He also noted the Keyes Hill Road project and the noise coming from the construction of that project and worried that this project would have similar noise impacts.

The Board decided to table the Public Hearing to the next meeting due to time constraints and continued public interest.

Motion to table to the June 2, 2020 meeting – C. Rogers motioned; R. Hardy seconded – passed unanimously

6. OTHER BUSINESS

Site Walk June 13, 2020

B. Moseley asked about the June 13, 2020 Site Walk for PB2019-021 Olson Subdivision pending the submittal of the Wildlife Study. M. Fougere stated that at the time of the meeting the required study had not been submitted.

Planning Board Procedure Changes

E. Clements stated that proposed changes were the result of a conversation between himself and D. Cleveland and are intended to clean up the document by changing some specifics with generalities. One proposal included change the reference to a specific cable TV provider to local access cable. Another proposal changes the month mentioned

to hold chair and vice chair elections from in May to just say after Town Meeting. The proposal of note was to eliminate section G. 10 which stipulated a yearly work session to discuss events of the past year and to set goals and priorities for the year.

D. Petry recommended that instead of eliminating the section to change the word “shall” to “may” which would give the Board flexibly to hold the work session if the Board so chose.

B. Moseley asked what the history of the yearly work session meeting was.

D. Petry responded by saying that it was part of the Board’s responsibility in regards to evaluating and updating the Hollis Master Plan. They were also used in tandem with the Hollis Zoning Board of Adjustment to develop Zoning changes.

New Alternate Member

B. Moseley stated that with C. Hoffman retiring from the Board and M. Hartnett becoming a full time member, the Board had posted a vacancy for a new alternate Board member. Of the applications received, Julie Mook, a resident for 35 years who has previous experience on the Hollis School Board, was recommended by the chair to be interviewed by the Board at the next meeting.

Keyes Hill Road Phase II Development

M. Fougere stated that the Town has been receiving complaints regarding the noise being caused by the construction, especially the hammering and removal of ledge. During the approval process many studies were conducted and while the Board was aware that there was ledge, the reality is that the removal is much more challenging than anticipated. The rock is extremely hard and does not fracture but instead turns to powder. This has led to a much slower and louder removal process. Blasting was considered but strongly opposed by residents and the Board at the time.

B. Moseley, D. Petry, and E. Clements went to inspect the site along with the Town Administrator. They were met by the developer and discussed the challenges of continuing to construct the road as well as possible alternatives to continuing to construct the road as approved.

B. Moseley stated that the developer would be interested in discussing alternatives and a possible limited amendment to the subdivision approval and accepted that a Public Hearing would be conducted to all residents to voice their concerns.

B. Moseley asked what the Board’s thoughts would be to consider an amendment to the Keyes Hill Subdivision.

R. Hard stated that he remembered that application and noted that one of the main objections was to blasting. He would be supportive to pursuing alternatives.

D. Petry noted that he was an abutter and stated that the section of road left to be complete does not service any house lots and is for connectivity purposes only. Eliminating the 1,200’ of road to be built would reduce maintenance costs for the Town.

E. Clements stated that connectivity is an important part of overall community development and Hollis already has many dead end roads and only a few ways to enter or exit the Town. He noted that continuing Keyes Hill Road through would not significantly change connectivity within the Town but losing opportunities to connect neighborhoods adds up.

D. Petry noted that it would take approximately six (6) to eight (8) months to complete the road at the current rate of construction.

E. Clements stated that field changes that allow the road to be finished sooner but result in expensive maintenance issues for the Town 10 years from now should be avoided.

M. Fougere stated that any field changes would be vetted with proper engineering review.

D. Petry stated that this possible amendment was brought up at the request of the Town and not the developer.

R. Hardy asked what would happen to the remainder of the road on paper. Would someone be able to buy the land 10 years from now and decide to continue the road?

M. Fougere stated that the amendment would include mechanisms to avoid such instances. The Town will own the road right of way. The goal will be a clean amendment that prevents future pitfalls.

Woods Subdivision on Merrell Lane, Depot Road, and Dow Road

M. Fougere wanted to brief the Board regarding the Board's request for the property owner of the remaining lots to submit new wetland delineations for the recently purchased four (4) lots that were discovered to have additional wetlands location on them. The Town would not issue any building permits on the lots until the new delineation was conducted. The lawyer for the property owner objected to that decision and under statute a Public Hearing would be required in order for the Board to take that action.

M. Fougere noted that the state only recognizes wetland delineations for septic systems for a period of five (5) years. Considering the age of the subdivision, new delineations would be to be conducted for the new septic systems anyways.

R. Hardy asked that if someone purchases one of these lots and there is not enough dry land to be buildable, how is the Town handling it?

M. Fougere responded that would be a civil matter between the buyer and the seller.

7. ADJOURN

There being no further business, D. Cleveland presented a non-debatable motion to adjourn. Motion seconded by R. Hardy and unanimously approved. Meeting adjourns at 9:22 PM.

May 19, 2020

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Respectfully submitted,

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Evan J. Clements,

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Assistant Planner

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