

HOLLIS PLANNING BOARD MINUTES

July 21, 2020

Final

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

ABSENT: None

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

THIS MEETING WAS CONDUCTED IN A HYBRID MANNER 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. **June 2, 2020 Minutes** – Motion to approve. Motioned by D. Petry; seconded by R. Hardy – motion passed unanimously.
- b. **June 16, 2020 Minutes** – Motion to approve. Motioned by R. Hardy; D. Cleveland – J. Peters abstained – motion passed.
- c. **June 13, 2020 Site Walk Minutes** – Motion to approve. Motioned by D. Petry; seconded by M. Hartnett – B. Ming, C. Rogers abstained – motion passed

3. DISCUSSION AND STAFF BRIEFING

- a. Agenda Additions and Deletions:
 - **PB2020-001:** 82 Runnells Bridge Road – Mixed Use Dev. was requested by the applicant to be tabled. Motion to table – Motioned by J. Peters; seconded by C. Rogers – motioned passed unanimously
- b. Committee Reports – none
- c. Staff Report – none
- d. Regional Impact – none

4. PLANNING BOARD ELECTIONS

- a. Chairman
 - i. R. Hardy nominated Bill Moseley to continue as Planning Chair; seconded by J. Peters – no other nominations – Voting – B. Moseley abstained – B. Moseley confirmed as Planning Chair.
- b. Vice-Chairman
 - i. R. Hardy nominated Doug Cleveland to continue as Planning Vice-Chair; seconded by M. Hartnett – no other nominations – Voting – D. Cleveland abstained – D. Cleveland confirmed as Vice Chair.

5. SIGNATURE OF PLANS

- a. PB2020-012: 7 & 7A Main Street Amended Site Plan
 - i. Motion to authorize the Chair to sign – motioned by D. Cleveland; seconded by D. Petry – J. Peters abstained – motion passed

6. HEARINGS

- a. **File PB2020:009 – Design Review** - Proposed minor subdivision of an existing 13.4 acre property into four lots, two of which will be back lots served by a private way. 4

Spaulding Lane, Map 8 Lot 48, Applicant & Owner: Etchstone Properties, Inc., Zoned R&A. **Public Hearing, tabled from June 16.**

M. Fougere stated that the purpose of this proposal is to subdivide an existing 13 acre parcel into four lots. A private way will be constructed to access three of the four lots. The existing farmhouse will continue to use the existing driveway access on Spaulding Lane. He stated that there was notable vegetation along the frontage of the subject property on Spaulding Lane and most of it will remain undisturbed. Wetlands and a seasonal stream do exist on the property and the applicant has been working with the Conservation Commission on a suitable crossing and a design has been approved. He asked if the Board wanted an engineering review of the site. He also noted that a \$7,500.00 cistern fee will be required for each new home as well as a private way easement and maintenance agreement. A waiver for three homes being served by a private way will also be required. The private way will have to be named.

Jim Petropolis, P.E. with HSI and applicant's representative began by discussing the location and features of the subject property. He noted a ditched meadow that runs through the property. There is an existing farmer's path the runs from Spaulding Lane to the rear of the property. The Natural Heritage Bureau was contacted and found no rare or endangered species on the subject property. The Division of Historical Resources was also contacted and noted that site development would not impact any historical sites.

J. Petropolis stated that the proposal was for a four lot subdivision with the creation of three new buildable lots and one lot for the existing single family residence to remain. He noted that the current proposal is for the private was to serve the two back lots only and the new front lot will have driveway access directly from Spaulding Lane. The private drive will follow the existing farmer's path. Two 15" culverts were found on the property and the proposal includes improvements to these two existing culverts. They will be replaced with 30" culverts. This work will impact 800 SF of wetland requiring consultation with the Hollis Conservation Commission and a Wetland permit from the Department of Environmental Services.

B. Moseley asked about the material used for the culverts.

J. Petropolis responded that they would use concrete pipe and headwalls. He then stated that in regards to the Rural Character Ordinance, the two back lots will be unlikely to be seen from the public right of way. The new front lot has significant vegetation along Spaulding that will remain. The only clearing that will occur along the frontage will be to create driveway access to the property. He estimates that 80% of the subject property will remain untouched and in its natural state.

C. Rogers asked if lot 3 will have access off on Spaulding Lane or the common drive.

J. Petropolis responded that the current proposal was for lot 3 being accessed directly from Spaulding Lane.

D. Petry asked what the existing elevation change was from Pepperrell Road to the back corner of the subject property.

J. Peters stated that it appeared to be between 40' and 60' based on the online map he was using.

J. Petropolis responded that the elevation at the new driveway was 250' and slightly higher at Pepperrell Road. The back corner is roughly at an elevation of 305'. He noted that most of the grade change occurs from Spaulding Lane to the wetland.

D. Petry asked if J. Petropolis had seen the letter from an abutter at Eastman Lane raising concerns relating to drainage and the impact this proposed development may have on their property.

J. Petropolis responded that he had and noted that Etchstone Properties generally design their gutter systems to infiltrate directly into the ground. He noted that the applicant is aware that this backland area is subject to seasonal high water, all of Spaulding farm has been that way. Based on some initial research before the meeting, J. Petropolis noted that this proposal will have some minor contribution to water to the east but most of the flows in the larger area are moving easterly away from the abutter's property. He noted that the Nichol's Trust land is a large flat wetland that contributes most of the flows in this area in a southeasterly direction towards Sucker Brook. He did note that the most significant challenge this project will face is Stormwater management.

D. Petry did note for informational purposes that there are RSAs that require new developments to not contribute additional flows onto surrounding properties.

R. Hardy did note that development does have a cumulative impact on neighborhood Stormwater management and that this landform is the same as the very wet area starting at Merrill Lane and moving southeasterly to Spaulding Lane. He noted that the Board has received conflicting information about the nature of wetlands and test pits in the area. He stated that the Board may want a third party soil scientist to be involved to confirm relevant information. He did note that the surrounding area is conservation land with no provisions in place to clean out the drainage ways. This could contribute to the increase in flows the neighborhood has experienced throughout the years.

D. Cleveland asked if a site walk would be of interest to the Board. R. Hardy stated that he thought that would be a good idea.

J. Peters noted that the proposed subdivision plan states that the subject area is 13.4 acres but the NRPC maps shows the subject parcel is at 12.1 acres. He asked to clarify the discrepancy.

J. Petropolis responded that he surveyed the site and the subject parcel is in fact 13.4 acres.

C. Rogers asked if the shared driveway counted towards the total area of the back lots.

J. Petropolis responded that it was as each back lot needed 20' of frontage to be legal. The shared drive travels up the middle of each lot.

Public Hearing

Kevin Anderson; 42 Spaulding Lane – endorsed the Board to take a site walk and wanted particular attention to the number of driveways entering on Spaulding Lane for this proposal i.e. the existing driveway, the common drive, and the new driveway for lot 3. He raised concerns relating to the soil and wetland surveys as well as Stormwater

management. He asked if the application was deemed complete and accepted by the Board and if all abutters were properly notified. He stated that his neighbors have asked him to monitor the proceedings of this proposal as it progresses.

B. Moseley stated that the application was not accepted since it was in Design Review.

Joe Garruba; 28 Winchester Drive – made out of order comments unrelated to the proposal. Asked if the contour was done at 2’ intervals and if the Conservation Commission concerns were addressed.

R. Hardy stated that the contours were shown on page 6 of the plan set.

E. Clements stated that the abutters were properly notified by certified mail when the application first came to the Board in March. The abutters were sent a second mailing by first class mail when the proposal was going to be heard at this meeting since it was tabled since March.

Chris & Lisa Getter; 35 Eastman Lane – asked that during the site walk the Board take particular note of the soil conditions of their property in addition to the subject property. Gave permission for the Board to come on to their property. Raised concerns of new water coming onto their property. Asked about procedural matters and how this proposal will be approved.

B. Moseley stated that the project was before the Board in Design Review, once the Board was satisfied the applicant would submit a formal application for Final Review.

M. Fougere clarified that he spoke to the Conservation Commission Chair last week and he verified that the applicant altered their common drive design to reduce the wetland impact and the Commission is satisfied with the new plan.

Public Hearing closed

The Board requested the following items be identified for the site walk:

- Lot lines
- Centerline for driveway
- Wetland buffer
- Wellhead
- Center of building box
- Septic

D. Cleveland noted that since the common drive would only be servicing two lots then the common drive waiver does not apply.

Motion to table until the August 18 meeting – Motioned by D. Petry; seconded by C. Rogers – motion passed unanimously

- b. File PB2020:018** - Proposed amendment to an approved Site Plan to replace 675 square foot office space with one apartment, Map 53 Lot 35, 22 Ash Street, Owner/Applicant

Athollis88, LLC, Zoned AB Agriculture/Business. **Application Acceptance & Public Hearing.**

M. Fougere outlined the proposal by stating that this was a site plan amendment to convert an office unit and storage space within 22 Ash Street into a 1 bedroom apartment. The first floor apartment will be 670 SF and bring the total dwelling units on the property to three. The restaurant operation located on the first floor will remain and the foot print of the building will not change. There are 11 parking stalls to the east of the building and 10 parking stalls to the rear of the building. 11 parking stalls are required by regulation. The total livable area of the building is 4,621 SF. Residential use cannot exceed 50% or in this case is 2,310 SF. The total residential area including the proposed dwelling unit is 1,996 SF.

Motion to accept application – Motioned by D. Cleveland; seconded by J. Peters – motion passed unanimously

Alan Wentzell, applicant and owner of 22 Ash Street noted that the area to be converted to a dwelling was occupied by a small business that lasted about a year but with the current COVID-19 challenges they moved on. He also stated that it has been hard to find a new tenant for the office space as there is a lot of office space available for rent in the area. He stated that the dwelling unit would be more marketable and he needs the income to supplement the property. A septic plan was submitted and reviewed by the Town Septic Inspector that shows that the system can support the additional dwelling unit.

D. Petry asked what the septic system was currently approved for.

M. Fougere stated that a septic system is rated by gallons per day of effluent and that E. Clements discussed the change of use with the Septic Inspector and it was found that the existing system will still be in compliance.

D. Petry asked if there was still a plan to build a pizza oven out back.

A. Wentzell stated that was the plan of a previous property owner and he did not intend to pursue that idea.

D. Cleveland asked about the layout of the proposed apartment.

A. Wentzell stated that from the entrance there would be a mudroom with the bathroom near that area. The living room will be to the left and straight down a hallway will be the kitchen. Past the kitchen where the old barbershop/salon will be the bedroom.

Public Hearing

Joe Garruba; 28 Winchester Drive – made further out of order comments unrelated to the application.

Public Hearing closed

E. Clements brought up the potential for a waiver of the 30 day waiting period that the applicant may wish to request. He stated that he knew that the applicant had a pending

building permit application that would be further delayed by the waiting period. He stated that if the applicant wanted to waive the 30 day waiting period he would be proceeding at his own risk as an appeal for his application can still be submitted.

A. Wentzell stated that he would like to request the waiver from the 30 day waiting period and understood that he would be proceeding at his own risk.

J. Peters did not think approving the waiver was appropriate due to the Zoom platform and COVID-19 issues.

E. Clements asked J. Peters to clarify his concerns.

J. Peters stated that it has hard for some people to hear on Zoom or make their comments heard or understand the technology.

J. Mook asked what “at your own risk” meant.

E. Clements clarified that if the waiver was not approved then the Building Department would not issue a building permit to build of the apartment. If the waiver was approved the applicant can receive the permit and begin work, however the 30 day appeal period still stands. If the proposal is appealed then the applicant runs the risk of having to undo construction work that has already taken place.

A. Wentzell again stated that he understood the risk and wanted to move forward with the waiver.

Motion to approve waiver from the 30 day waiting period – Motioned by D. Petry; seconded by D. Cleveland – J. Peters opposed – motion passed

Motion to approve the application – Motioned by M. Hartnett; seconded by D. Cleveland – motion passed unanimously

- c. **File PB2020:019** – Proposed site plan for two 780 square foot ground mounted solar arrays, Map 9 Lot 70-46, 33 Twiss Lane, Applicant/Owner Piyush & Nimisha Patel, Zoned R&A. **Application Acceptance & Public Hearing.**

M. Fougere explained that this was a proposal for site plan approval and a Conditional Use Permit to allow for the installation of two 840 square foot ground mounted solar arrays. The entire system will consist of 72 solar panels and have a total footprint of approximately 1,700 SF. Each array will be 9’3” tall which is below the 10’ limit. The proposed system is located on the northwest corner of the property behind the house and pool area. The proposed system is approximately 300’ from the Twiss Lane right of way. The proposal includes additional privacy fencing that will extend easterly from the pool area. Staff issues include the Board wanting to conduct a site walk and additional screening along the east property line to screen the array from the abutting neighbor’s property. The applicant is also requesting a waiver from an engineered site plan.

B. Moseley noted that an issue arose that one of the abutters of this project was not properly notified of the hearing.

E. Clements stated that was correct but he had talked to the abutter in question and received in writing that the abutter waived his right to proper notification and had no issue with the application proceeding as scheduled.

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

Piyush Patel, owner and applicant of 33 Twiss Lane stated that the reason they went with two solar arrays was that there was not enough room to one array with 72 panels. They could not go with more than four rows because that would make the array taller than 10' and easily visible from Twiss Lane.

D. Petry asked about the profile of the array and noted that the visual impact of the array from Twiss Lane seemed minor.

J. Peters asked about the abutter to the east as there did not seem to be much screening along the common lot line.

B. Moseley asked if the applicant had discussed the proposal with his neighbor.

P. Patel responded that he had discussed the array with his neighbor and he stated that his neighbor was perfectly fine with his proposal.

D. Petry raised a concern about while the current owner of the property might be fine with the array, a future owner may have an issue with it.

J. Peters suggested a row of evergreens along the property line as screening.

B. Moseley noted that younger plants could be installed since they would have plenty of time to grow and fill in as the current abutter does not have an issue with the proposal.

R. Hardy asked if the array would be installed between the two red boxes depicted on the image.

P. Patel stated that was correct.

R. Hardy stated that D. Petry's initial statement regarding the profile of the array was misinformed and the overall profile was larger than initially stated. He stated that a site walk would be appropriate and additional landscape for screening should be considered.

B. Ming asked about the abutters to the rear of the subject property and if the property owner could see his neighbors during the winter.

P. Patel stated that they are mainly evergreen trees to the rear of the property but they are tall so they do not provide significant screening at ground level. He did note that his neighbor behind him is at a higher elevation so the evergreens provide better screening from the neighbor's point of view.

Public Hearing

Joe Garruba; 28 Winchester Drive – made further out of order comments unrelated to the application.

Public Hearing closed

E. Clements explained to the applicant how to simulate the pitch and footprint of the array as well as other things to set up prior to the site walk.

Motion to continue to August 18, 3030 – Motioned by D. Petry; seconded by D. Cleveland – motion passed unanimously

- d. **File PB2020:020** – Proposed amendment to an approved subdivision plan to allow intrusion into a required 100 foot wide buffer along street, Map 20 Lot 23-2, Nartoff Road, Owner M. Gilbert/M. Hollis, Trustees of Tringoson Trust, Applicant White Birch Builders of Merr. Inc., Zoned R&A. **Application Acceptance & Public Hearing.**

M. Fougere explained that this application is requesting an amendment to an approved subdivision from 1999 that stipulated a 100’ no cut buffer along Nartoff Road. He noted that the Planning Board at the time was concerns about drainage impacts from the subdivision onto Nartoff Road. He stated that the three adjoining lots in the subdivision have been constructed according to the approved plan. The applicant is requesting intrude 50’ into the 100’ no cut buffer to install a septic system into the area. The well would then be installed behind the house. He also noted that Nartoff Road is not a scenic road and does not normally require a 100’ setback. The applicant has noted in this request that there are homes that are closer to the street. Going back to the record it was clear that this setback was included to reduce drainage concerns along the subdivision.

Motion to accept application – Motioned by D. Petry; seconded by D. Cleveland – motion passed unanimously

Robert Perodi, Attorney and applicant’s representative stated that they are asking to change a note on the subdivision plan from 1999 as it relates to the subject property. He noted that this lot was also part of a subdivision in 1988 that did not contain any additional setback requirements or slope easement. He stated that the minutes from the 1999 subdivision approval do not make any specific mention of the subject property. He stated that the drainage concerns were for lots 26-79-2, 26-79-3, and 26-79-4 but not for the subject property. He noted that the subject property is relatively flat along the road and drops off at the back. The minutes state that the Planning Board’s goal was to deal with drainage and maintain the character of the road. He stated that there was no drainage issue in respect to the subject property.

R. Perodi could not find a specific mechanism to change a plan note for just a single lot on a subdivision and recommended they use a form of waiver. He stated that strict conformity would produce a hardship in the case of the subject property and a waiver could be issued as long as the development followed the spirit of the regulations.

R. Perodi stated that the reason for the 100’ buffer was the drainage issues with the other three lots but since the subject property is part of the same subdivision it is subject to the subdivision conditions. He also stated that the character of the road was the other reason for the 100’ no cut buffer. He states that the minutes discuss a tree canopy along this

portion of the road. The applicant is proposing to keep the front 50' as a no cut buffer, keep the location of the driveway, and install the detention basin as shown on the plan. The development plan for this lot is to install the well in the back and the septic system in the front. This is due to the slope in the back of the lot. He also noted that the abutting property owner to the north is supportive of the new house not being parallel with their own home.

R. Perodi stated that there is a hardship that is unique to this lot and what the applicant is proposing meets the spirit and intent of the subdivision conditions and therefore this request should be allowed. He did observe that on note # 12 of the subdivision plan that the building box was not affected by the 100' no cut buffer. He wondered if that implied that you could in fact build in the no cut area.

D. Petry stated that you could not build in the no cut buffer but that the building box could fit into the lot and meet the other Zoning requirements to make the lot a buildable lot. He also stated that he has not heard demonstrated hardship as to why this request should be allowed. He asked why the applicant cannot build as approved.

R. Perodi stated that it was due to significant slope located at the rear of the property.

D. Petry asked why this slope wasn't identified as being a hindrance to developing the lot when the subdivision was first approved.

R. Hardy noted that the drainage was based on a 10-year storm event and if the applicant wishes the Board to reconsider this then the drainage of the lot needs to be assessed based on current drainage regulations which take into account a 25-year storm event. He also noted that the minimization of vegetation loss was stated multiple times in the minutes and as such was a significant concern of the Board at that time and the developer agreed to. He also stated that every other builder in this subdivision did not have an issue adhering to the subdivision conditions.

B. Moseley noted that R. Hardy and D. Petry were on the Board at the time this subdivision was approved.

R. Perodi stated that there are only lots on the road that have vegetation removed within 100' and some of them may be part of this subdivision.

M. Hartnett asked where 16 Nartoff Road was in relation to the subject property and where his well was located in relation to the proposed septic system.

E. Clements stated that 16 Nartoff Road was map/lot 26-2 which was right across the street from the subject property.

D. Cleveland noted that the footprint of the house in the subdivision plan is shown to be in the middle of the lot where the applicant's proposal is to move it forward into the 100' no cut buffer and he does not see any reason for why the house cannot be built where it was originally proposed in the subdivision plan. He also noted that the Board has waivers for a reason and there has been many comments in past applications regarding waivers and whether they are needed or there is a hardship. He worries about granting a waiver without a demonstrated hardship and the bad precedent that would set.

456 D. Petry asked to clarify the hardship that necessitates the waiver request.
 457
 458 Dennis Sabollis, White Birch Builders of Merrimack, NH, the applicant, stated that the
 459 initial subdivision of this area that included a lot to the south did not have the 100' no
 460 cut buffer. The current subdivision plan was part of a lot line revision and subdivision
 461 plan had the 100' no cut buffer added to it because of the drainage. He noted that the
 462 drainage issue is caused by lot 26-79-3 to the north where the house is 40' higher than
 463 the road. He stated that the lot 26-76-4 cut 40' into the no cut buffer. He stated that there
 464 was a subdivision approved up the road that they owner cut to within 10' of the road and
 465 that he was just looking to move the house up a bit closer to the road so there would be
 466 room to install a pool in the back yard.
 467
 468 B. Moseley stated that D. Petry's question was about the hardship on the property and
 469 that his question still has not been addressed. He noted that it seems that the applicant's
 470 hardship is that he cannot build a swimming pool behind the house.
 471
 472 R. Perodi stated that the current layout of the lot does not allow for a backyard as the
 473 rear of the lot slopes downward. He stated that the hardship is that they want a back
 474 yard. He stated that the spirit and intent of the 100' no cut buffer was for drainage and a
 475 tree canopy along the road. He believes that the applicant's proposal meets the spirit and
 476 intent.
 477
 478 D. Petry asked about the detention basin shown on the subdivision plan for the subject
 479 property.
 480
 481 D. Sabollis stated that it would be built according to plan.
 482
 483 D. Petry stated that it was not shown on the applicant's proposed development plan for
 484 the lot.
 485
 486 D. Sabollis stated that his proposed development plan was conceptual but the detention
 487 basin would be installed where it was shown on the subdivision plan.
 488
 489 R. Perodi stated that besides the location of the house and septic system the lot would be
 490 developed according to the subdivision plan. The driveway and detention basin would be
 491 in the same location.
 492
 493 D. Petry asked if staff went out to the area.
 494
 495 E. Clements stated that he and M. Fougere went out to the area and took photos of the
 496 lots in the subdivision.
 497
 498 E. Clements described lot 26-79-3 as having a steep diagonal driveway with a small
 499 detention area along the street. Installing the driveway and detention area required that a
 500 significant amount of trees be cleared within the 100' no cut area but the disturbance
 501 was allowed only for the purposes of installing the driveway and detention area. He
 502 continued to show photos of the lots in the subdivision, all of which were heavily
 503 wooded except for the driveways.
 504
 505 D. Petry stated that with the exception of lot 26-79-3, all the lots are in compliance with
 506 the 100' no cut buffer.

Public Hearing

Bill Stearns; 15 Nartoff Road – stated that he talked with the builder today and they prefer the house on the subject lot be built closer to the road so that it is not parallel with their own home.

Joshua Becker; 282 Broad Street – asked how much relief the applicant was looking for. He also stated that the applicant had a good reputation who would not propose anything that would be detrimental to the neighborhood or the Town so he was in favor of the application.

M. Fougere stated that the applicant was seeking approximately 50’ of relief out of the 100’.

E. Clements stated that he did not have a scale with him but estimated that the house itself was encroaching 20’ – 30’ into the no cut buffer.

D. Sabollis estimated the house would be around 65’ – 70’ from the road. They wanted to clear to create a front yard.

E. Clements clarified that the applicant was intending to clear the interior 50’ of trees but leave 50’ of trees from the road.

Joe Garruba; 28 Winchester Drive – made out of order comments unrelated to the application.

Steve Ferguson; 16 Nartoff Road – stated that his property was directly across from the subject property. He noted that he some concerns related to the proximity of the new house in relation to his own home but considered 50’ of vegetative screening to be adequate. He stated that he was concerned about the drainage but believed that wasn’t a big issue since it was discussed.

R. Perodi reiterated that this was a unique request and he was using the waiver mechanism as a way to analyze the applicant’s proposal. He noted that there were two ways to look at the request, one was hardship and the other was relief that carried out the spirit and intent of the subdivision condition. He again stated that this proposal meets the spirit and intent of the subdivision condition.

Public Hearing closed

J. Peters stated that using NRPC mapping tools the other lots in the subdivision adhere to the 100’ no cut buffer.

D. Petry stated that hypothetically, the request to cut 50’ into the buffer is approved, what happens when the Town has drainage issues on Narotff Road? He noted that the proposal was to take a 50’ x 200’ swath of dense vegetation and cutting it into a lawn and a house. That removes part of the erosion control that was anticipated in the subdivision plan.

D. Cleveland stated that a site walk would help the Board better understand the conditions of the lot.

E. Clements stated that when the subdivision was designed the plan called for a detention basin on the subject property by the road. This would indicate that there were concerns of drainage coming from this lot onto Nartoff Road.

R. Hardy stated that if the Board changes the conditions for one lot on a subdivision that everyone else was able to comply with he would have issue with that. He stated that the conceptual plan submitted is not specific enough for the Board to make an informed decision. He asked why they had to clear the whole front for the septic. He also stated that the detention basin on the subject property was designed for a 10-year storm event but the lot would need to meet current drainage regulations if it was to be modified. He recommends that the Town Engineer review the applicant's proposal once it has been submitted.

J. Peters stated that he still does not understand a hardship for this proposal.

B. Moseley stated that the applicant wants enough of a back yard to install a swimming pool.

J. Peters stated that there is land in the rear of the lot with the approved subdivision layout.

The Board requested the following items be identified for the site walk:

- New and old locations of the proposed house
- 50' and 100' setback
- Detention basin
- Septic system
- Driveway centerline
- Location of 16 Nartoff's well

Detailed site development plans and drainage that meets current regulation was also required.

The applicant acknowledged that he understood what the Board was requesting.

Motion to continue to the August 18, 2020 meeting – motioned by D. Cleveland; seconded D. Petry – motion passed unanimously

- e. **File PB2020:021** – Proposed amendment to an approved site plan to construct an 8 x 12 cooler adjacent to existing Café, Map 51 Lot 31, 9 Market Place, Owner/Applicant Michael Buckley, Zoned A/B Agriculture-Business. **Application Acceptance and Public Hearing.**

M. Fougere stated that this proposal was to expand the building footprint to allow for the installation of an 8'x12' walk-in cooler that will be used for food storage for the café. The cooler will be located on the south side of the building. There are approximately 51 parking stalls within 150' of the building and no additional parking will be necessary.

Motion to accept application – motioned by J. Peters; seconded by M. Hartnett – C. Rogers abstained then recused himself as he is an abutter – motion passed

R. Hardy was appointed to vote in C. Rogers' place.

Ian Buckley, VP Michael Timothy's Dining Group, applicant's representative explained that the cooler would be located on the south side of the building and would be enclosed by clapboard siding and shingle roof. The new construction will match the façade of the existing structure.

J. Peters asked how the cooler will be accessed.

I. Buckley stated that it will be accessed through the interior of the restaurant, they will be cutting a door way. Most of the current seating along the wall will be removed. He noted that due to COVID-19 most of the interior seating is being removed. They will be installing a fish and meat counter as well as specialty items. The cooler will provide storage for the fish and meat counter.

B. Ming asked about a walkway or sidewalk along the outside of the building where the proposed expansion will go.

I. Buckley stated that was correct and the cooler will be installed over the sidewalk.

B. Ming stated that then the sidewalk will no longer be useful.

I. Buckley stated that the small portion of sidewalk would no longer be connected but the sidewalks located by the entrance and exits at the front of the building will be unaffected but the sidewalk on either side of the cooler will remain.

D. Cleveland asked if the café owned the building or leased it.

I. Buckley stated that they owned the building. He also noted that there are two other owners in the condo association that own the remainder of the buildings and the café has written support for this proposal.

Public Hearing

C. Rogers; 3 Broad Street – asked about where the parents que up to drop the students off at the pre-school and raised concerns regarding losing a travel lane around the building.

M. Fougere noted that there are parking spaces between the travel lanes and the proposed expansion so a travel lane will not be lost.

C. Rogers asked about an area to the south west of the building and if the parents still que up around the building for the pre-school.

I. Buckley stated that it was a mulched garden area with an underground propane tank. He also stated that when they bought the building two years ago and converted it to the café the pre-school change their line up area. This is because the café receives all of their deliveries from the rear of the building.

Public Hearing closed

J. Peters asked why they were not just expanding the existing walk in coolers but adding a new one in a new location.

I. Buckley stated that it was due to the location of the meat and fish counter as that is where they will be using the product that is stored in the cooler.

E. Clements asked about the location of deliveries and how they accessed the building.

I. Buckley responded by saying that there was access to the kitchen area from the north east corner of the building so losing a portion of the sidewalk will not affect product delivery.

M. Hartnett asked if there was any customer parking behind the building.

I. Buckley stated that while the area is not striped or designated, it is mainly used for employee parking and they have not had customers park back there as there is plenty of parking available in front and on the side of the building.

M. Fougere noted that this property is located within the Historic District and the expansion will need HDC approval.

Motion to approve application – motioned by D. Cleveland; seconded by J. Peters – motion passed

7. OTHER BUSINESS

D. Petry noted that while this meeting experienced some technical difficulties it was still held in a legal manner as it was televised and shown on live stream through the Town website. Both of these mediums did not have the audio issues that the Zoom platform had and as such the entire meeting was accessible to residents.

7. ADJOURN

There being no further business, D. Cleveland presented a non-debatable motion to adjourn. Motion seconded by M. Hartnett and unanimously approved. Meeting adjourns at 9:53 PM.

Respectfully submitted,

Evan J. Clements,

Assistant Planner