

**HOLLIS PLANNING BOARD MINUTES**  
**November 4, 2020**  
**Final**

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

**ABSENT:** Jeff Peters (arrived after case PB2020-034), Ben Ming

Julie Mook voting for Jeff Peters and Rick Hardy voting for Ben Ming

**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. Approval of the September 15, 2020 Meeting Minutes
  - i. Motioned by D. Cleveland; Seconded by C. Rogers – passed
  - ii. M. Hartnett and R. Hardy abstained

**3. DISCUSSION AND STAFF BRIEFING**

- a. Agenda Additions and Deletions:
- b. Committee Reports – none
- c. Staff Report – none
- d. Regional Impact – none

**4. SIGNATURE OF PLANS:** PB 2020-031 Hayden Road LLR – Motioned by D. Petry; seconded by D. Cleveland – passed unanimously

- Applicant requested a waiver from the 30 day waiting period to sign the plan and proceed at their own risk. The request should have been submitted on the October 20, 2020 meeting but was entertained at this meeting after approval was already received due to the simple nature of the application and no public opposition to the original proposal.

**5. HEARINGS**

- a. **File PB2020:034 – Conceptual Consultation:** Proposed minor subdivision of an existing 22.17 acre lot into five lots ranging in size from 2 – 8.55 acres, 120 Federal Hill Road, Owner/Applicant: Federal Hill Properties, LLC, Zoned R&A and Rural.

M. Fougere stated this proposal is for a five lot minor subdivision of a parcel along the western side of Federal Hill Road approximately .3 miles south of the Plain Road, Federal Hill Road intersection. This proposal includes four frontage lot and one back lot. The subject parcel is split zoned between Residential & Agricultural and Rural Lands. Approximate driveway locations are shown and there is at least 100’ between the closest proposed driveways. Federal Hill Road is a scenic road with a 100’ building setback.

50 Lot 29-10-4 is approximately 8.6 acres in size but contains a significant amount of  
51 wetlands. This lot is drawn to incorporate the majority of the wetlands on the original  
52 parcel and runs behind lots 29-10, 29-10-3, and 29-10-2. As a result, every proposed  
53 lot has wetland buffer and/or wetlands located on them.

54  
55 Lot 29-10-2 is the back lot with steep slopes and will require a wetland crossing for the  
56 driveway. The driveway will also have to transverse a slope of approximately 25%.  
57 This slope is within the wetland buffer. The building box is also within a few feet of a  
58 wetland buffer.

59  
60 During a meeting with staff prior to application submission, the applicant noted that  
61 there is a hiking trail that comes from the east side of Federal Hill Road and travels  
62 southwest along lot 4 to lot 29-6, which is owned by the Hollis Conservation  
63 Commission. The Commission may be interested in obtaining lot 4 for conservation  
64 and recreation purposes. After talking with the chair of the Conservation Commission  
65 today they are no longer interested in purchasing lot 4.

66  
67 Areas of concern include that the building boxes for lots 2 and 4 are very close to  
68 wetland buffers and need to be clarified, how will rural character be addressed,  
69 additional traffic on a dirt road, drainage, and a driveway profile for lot 2 detailing the  
70 cuts and fills and wetland crossing. The lot shape should be discussed. Marinating that  
71 trail and obtaining a trail easement should also be discussed.

72  
73 D. Petry raised a concern that this proposal was not yet ready to be presented to the  
74 Board, even at a conceptual stage. He asked if the driveway on lot 2 required waivers  
75 based on the steep slopes and wetlands. Lot 4 is irregular in shape and does not  
76 conform to the design requirements.

77  
78 Randolph Haight, Meridian Land Services – explained that the reason for the shape of  
79 lot 4 was that it was designed in mind to capture as much of the wetland as possible in  
80 one lot and for the Conservation Commission to purchase the lot. Since the  
81 Conservation Commission is no longer interested they are happy to change the lot  
82 shapes to a more conventional layout.

83  
84 R. Haight stated that in regards to the slope on lot 2 the driveway will follow the  
85 existing terrain so there won't be significant cuts and fills that may need a waiver. He  
86 also noted that all of the building boxes are out of the wetland buffer and some of the  
87 lots are greater than 2 acres to account for the fact that there are wetland type soils on  
88 the property.

89  
90 D. Petry asked if the driveway for lot 2 would be a shared common drive with another  
91 proposed lot.

R. Haight responded that the current proposal is for individual driveways for each lot but would consider a common drive if the Board requested it.

D. Petry stated that a common drive for lot 1 and 2 may be appropriate. He also stated that the applicant should come back to the Board with the lots redrawn into a normal configuration before the Board would move this proposal into Design Review.

R. Hardy and M. Hartnett agreed.

D. Cleveland agreed as well and noted that there was an important trail that should be relocated and protected.

R. Haight agreed about the trail and stated that the property owner, Amos White, actually built the existing trail and is more than happy to identify a new location for the trail.

E. Clements asked about the driveway on lot and wanted to clarify that the proposed location was decided upon based on the natural contour of the terrain. He noted that he has talked to the abutter at 104 Federal Hill Road who raised a concern with the proposed driveway location in relation to his property and his house and asked R. Haight to talk about potentially moving the driveway location if possible.

R. Haight stated that the driveway location was chosen to best follow the terrain. He noted that they could rearrange the lot so that the driveway would come down on the north side of 29-10 but that would be a greater impact to the wetland.

E. Clements suggested that instead of the driveway swooping to the south instead travel more northerly. He did note to go north would be going against the topography of the land.

R. Haight stated that was correct and the reason the lot is as it is, is to manage runoff from the driveway and avoid draining directly into the wetland. He stated they could explore other options but did note that the driveway of 104 Federal Hill Road was on the property line as well.

**Motion to table to December 1, 2020 meeting** – Motioned by R. Hardy; seconded by D. Cleveland – passed unanimously

J. Peters arrived after the above motion and will be voting for himself from now on

- b. File PB2020:032 – Conceptual Consultation:** Proposed major subdivision of a 55.49 acre property into 14 single family lots, conventional & HOSPD layout, Map 32 Lot 45-3, Howe Lane, Applicant/Owner Ducal Development, LLC, Zoned R&A.

137 M. Fougere stated his Conceptual plan outlines the subdivision of an existing 55.5 acre  
 138 lot into a 14 lot conventional lot layout; this design is necessary in order prove density.  
 139 The conventional layout must show the project can be constructed without waivers.  
 140 Based on the conventional layout a 14 Lot HOSPD design has be proposed with 29.3  
 141 acres of open space. The site fronts on Howe Lane and a new town road is proposed.  
 142 An intermittent stream bisects the property and other small wetland areas. In addition,  
 143 pockets of steep slopes (25%+) pocket the site.

144 M. Fougere stated that some issues with the conventional layout include length of the  
 145 proposed road exceeding the dead end road length in the subdivision regulations, lot 13  
 146 needs 3.5 acres of contiguous upland which it does not appear to currently have. With  
 147 the HOSPD layout the contiguous open space along the southwest property line behind  
 148 lots 1-6 is a tiny sliver and is of questionable quality. A wavier from contiguous open  
 149 space for these lots may be appropriate. Access to open space from these lots is  
 150 achievable by walking briefly down the roadway. He noted that special studies should be  
 151 considered as well as a site walk. Rural character should also be considered. He also  
 152 noted that the Board has received numerous letters from abutters and residents of the  
 153 neighborhood.

154 B. Moseley stated that the property has a significant number of old trees on the property.

155 Randolph Haight, Meridian Land Services – stated that behind lots 2-6 there is a 15 foot  
 156 strip of open space but would be happy to remove it with a waiver. He noted that the  
 157 road profile shows that road fits the land quite well and there is only one wetland  
 158 crossing. He stated that he interpreted the hammerhead for the conventional to not be  
 159 roadway but a turn around and therefore not part of the road length calculation. That is  
 160 why the road is proposed as such.

161 R. Haight stated that the road was been moved towards Nashua to avoid the removal of a  
 162 significant oak tree. He went on to discuss where the new road meets Howe Lane and  
 163 the proposed location is optimal for sight lines along Howe Lane.

164 D. Petry asked about a meeting with the abutting subdivision to the northeast, Apple  
 165 crest Estates, which took place.

166 R. Haight stated that the meeting did take place and they discussed changing the rear lot  
 167 line of lot 12 so it was farther away and parallel from the common property line. This  
 168 increased the area of open space between the two subdivisions.

169 **Public Hearing:**

170 Kevin Lavek: 52 Howe Lane – Raised concerns about the location for the road and  
 171 traffic in the proposed intersection. He was in support of the 100’ no cut buffer.

172 Leslie Jelalian: 65 Howe Lane – Raised concerns about water supply in the  
 173 neighborhood and potential blasting for site development.

174 Ben Taylor: 83 Howe Lane – In support of the preservation of open space in the HOSPD  
 175 design. Raised concerns related to the location of the new road and the speed of existing  
 176 traffic on Howe Lane.

177 Joe Garruba; 28 Winchester Drive – Thought that the initial proposal was detailed and  
178 well laid out.

179 Jim Seager; owner of 32-45-6 Howe Lane, 467 High Street – Spoke in favor of the  
180 proposal.

181 **Public Hearing closed**

182 R. Haight stated that in regards to the location of the road, the shown location is best for  
183 sight distance from both directions. He did note that speed along Howe Lane is an  
184 enforcement issue. As far as water supply is concerned it is challenging to determine  
185 until a well is actually drilled.

186 **Motion to table to November 17, 2020** – Motioned by R. Hardy; seconded by J. Peters  
187 – passed unanimously

188 **c. File PB2020:001** – Proposed **Design Review**, site plan application outlining the  
189 construction of a 4,500 square foot gas station and one apartment and an 8,000 square  
190 foot retail store on a 4.19 acre site, Map 5 Lot 28, 82 Runnells Bridge Road,  
191 Applicant/Owner Runnells Bridge Realty Trust, Zoned Commercial.

192  
193 M. Fougere began by explain that the applicant has submitted the latest site plan which  
194 shows the driveway right along the western property line. A buffer would be maintained  
195 on 88 Runnells Bridge Road. This would increase the buffer on the east side to 32’ in  
196 places and 50’ in others. The Board may want to consider a waiver to reduce driveway  
197 aisle widths to increase space for the buffer.

198  
199 B. Moseley stated that it is the opinion of several Board members that 88 Runnells  
200 Bridge Road be further incorporated into the scope of the proposal to alleviate some of  
201 the constraints on the subject property.

202  
203 M. Fougere stated that the required lot area in the Commercial Zone is one acre and not  
204 two as previously discussed. As such it is possible to take some land and frontage from  
205 88 Runnells Bridge Road and still keep it a legal conforming lot. He did note that there  
206 are wetlands on 88 Runnells Bridge Road so the lot is still constrained that way. There is  
207 some concern with the subject property driveway coming so close to the house on 88  
208 Runnells Bridge Road. He stated that the drive for 88 Runnells Bridge Road could be  
209 altered to just access the property from Pinola Drive and remove the part that connects to  
210 Runnells Bridge Road to make room for the subject drive. This would allow the subject  
211 drive to come in at a diagonal across 88 Runnells Bridge Road then straighten out at the  
212 dry goods use. This would provide room for the gas station/ convenience store to be  
213 shifted further west to provide more buffering for the eastern abutter.

214  
215 B. Moseley stated that one of the goals of this meeting was the gauge the willingness of  
216 applicant to further utilize 88 Runnells Bridge Road in a manner such as what was  
217 described above.

218

219 Jason Hill, TF Moran – stated that the plan shown this evening provides an additional  
220 10'-15' of screening greater than the last presented plan. He detailed the types of  
221 evergreens to be utilized in the screening. He also noted they were including a 6' privacy  
222 fence by the house of the eastern abutter along the property line. He also noted that the  
223 currently proposal is greater than what was original approved by the Board when the lot  
224 was subdivided.

225

226 D. Petry stated that when the lot was subdivided the Board reserved the right to amend  
227 the buffering depending on the proposed use of the lots. He noted that the applicant for  
228 that subdivision lead the Board to believe that the use was a daycare center. He stated  
229 that the Board directed the applicant at the last meeting to utilize the newly acquired  
230 property at 88 Runnells Bridge Road to maximize the screening for the eastern abutter.  
231 He felt that this plan does not reflect that request and that the applicant did not listen to  
232 the Board's direction. He asked if the applicant was willing to shift a portion of the site  
233 into the newly acquired lot at 88 Runnells Bridge Road. He went on the recommend a  
234 Lot Line Revision to make it a single parcel with greater room to spread the site out. He  
235 stated that instead the applicant returned with the shown plan this evening and he could  
236 not identify any changes from the previous plan.

237

238 M. Fougere stated that the site plan shifted approximately 15' to the west.

239

240 D. Petry stated that 15' was insufficient. He then recommended that the applicant review  
241 section 4 of the Hollis Site Plan Regulations and the key standards within. He noted  
242 specifically section 4.2, paragraph b,c,e,f. The applicant needs to take these sections into  
243 account with a use of the property at 88 Runnells Bridge Road.

244

245 R. Hardy agreed with D. Petry. He stated that the intensity of the proposal does require  
246 additional screening as opposed to a less intense use such as a daycare.

247

248 J. Peters stated that based on the topography of the site a 6' privacy fence would be  
249 insufficient.

250

251 M. Fougere stated that there is no limit to how tall the fence can be.

252

253 D. Cleveland recommended moving the north part of the site approximately 50' to the  
254 west to get additional separation between the proposal and the eastern abutter.

255

256 B. Moseley asked J. Hill if he can commit to taking the Board's recommendations and  
257 updating the design to more wholly incorporate 88 Runnells Bridge Road into the site  
258 plan.

259

260 J. Hill stated that 88 Runnells Bridge Road was purchased to secure a grading easement  
261 for the driveway. He noted that there are public water systems with setbacks that restrict  
262 the location of the gas tanks. He stated that he would be willing to move the driveway 5'

263 onto 88 Runnells Bridge Road but any further would encroach upon DES approval for  
264 the underground storage tanks.

265  
266 D. Petry stated that he did not expect an answer to all of the Board's questions at this  
267 time but was just looking for a commitment to move the driveway and site to the west  
268 greater than the current plan shows. He stated that 5' was insufficient. He stated that if  
269 you do not want to make changes and want to proceed with current plan then you would  
270 be proceeding at your own risk.

271  
272 M. Fougere asked why the underground storage tanks need to move at all.

273  
274 J. Hill responded that they need to be near the pumps for refilling and near a protective  
275 island. He stated that he can agree to move a portion of the site, 5' or 6' on to 88  
276 Runnells Bridge Road. He stated that the applicant is not required to utilize an adjacent  
277 property that they happen to own for this proposal if they do not want to.

278  
279 B. Moseley stated that in light of the Board trying to work on this proposal for a while  
280 with no advancement he proposed a motion to suspend this application from design  
281 review based on the proposal not adhering to section 4-2 of the Hollis Site Plan  
282 Regulations in that the proposed use, building design, and layout does not adhere to the  
283 principals of good design, and, as such does not contribute to the economic, aesthetic,  
284 and orderly growth of the Town of Hollis. The proposed use and design layout is not of  
285 such size and character that it will be in harmony with the appropriate and orderly  
286 development of the surrounding area. The proposed use, building design, and layout is  
287 not so located and of such a size, intensity, and layout that possible nuisances emanating  
288 therefrom are effectively managed or eliminated. The proposed location and height of  
289 buildings or structures, location, nature and height of walls and fences, parking, loading,  
290 and landscaping does interfere or discourage the appropriate development in the use of  
291 land adjacent to the proposed site and unreasonably affect its value since these factor  
292 should have been a positive influence on surrounding properties.

293  
294 **Motion to suspend design review based on the above findings – Motioned by J.**  
295 **Peters; seconded by R. Hardy – passed unanimously**

296  
297 **d. File PB2020:024 – Design Review** Proposed site plan/subdivision for the development  
298 of a 50 unit Housing for Older Persons development on a 36.09 acre property, Map 41  
299 Lots 25, 28 & 44, 365 Silver Lake Road, Applicant: Fieldstone, Owner: Raisanen  
300 Homes Elite, LLC, Zoned R&A.

301  
302 M. Fougere stated that the applicant had requested to be tabled in order to review and  
303 address the latest comments from the Town Engineer. After some back and forth  
304 between the applicant's and the Town's engineers there are still two outstanding issues  
305 that the engineers disagree with. The issues pertain to grading, sight distance, and  
306 interpretation of the Town's roadway design regulation.

B. Moseley reiterated that the Board was expecting a concept road layout that would not require any waivers.

Mike Vignale, KV Partners and the Town Engineer – explained the two unresolved items that were identified in his review. The first was sight distance and the second was the change in grade regulation. He stated that his issue with the sight distance was that there were no vertical curves on the plan to indicate the applicable sight distance. The applicant has since added the vertical curves. The curves show a less than 200' sight distance that is required with the driveway design but not in the roadway design. The applicant has identified design guidelines that M. Vignale found to be appropriate that requires 125' instead of 200'. You have to consider the layout and density of the proposed development with many driveways that would each have to meet the 200' sight distance requirement. This could not be evaluated because the proposed plan only shows the road and not any driveway locations. He did state that the proposed road meets the sightline guideline requirements for a low volume road.

The second issue comes down to the interpretation of the 5% grade differential with the existing grade and the proposed grade. The regulation states that in order to achieve the maximum grade standard allowed (8%) you cannot have more than a 5% grade difference between the existing grade and the proposed grade. This proposal does not meet this requirement. The applicant's position on this regulation is that it only applies when the proposal is for an 8% final grade. Since the applicant's proposal is for a final grade of 7.97% then this portion of the regulation does not apply. He does not believe that this interpretation follows the intent of the regulation.

B. Moseley asked to clarify that the current road plan does not in fact meet the regulation and would require waivers.

M. Vignale stated that was correct. The current proposal would require a waiver from the 5% grade differential requirement if the Board believes that requirement applies to the 7.97% final grade proposed.

D. Petry asked to clarify that because the proposed road is 7.97% and not 8% then the 5% grade differential requirement does not apply and therefore they do not need a waiver.

M. Vignale stated that was correct. That is the applicant's position.

D. Petry stated that was ridiculous and not the spirit or intent of the regulation. He further stated that this plan does not meet the Board's requirement for a no waiver plan.

J. Peters agreed.



Nathan Chamberlain, P.E., Fieldstone Land Consultants – stated that he agreed with the Town Engineer on the point about the vertical curves. He noted that there is no requirement in the regulation for vertical curves but they were added upon request. In regards to the grade differential he stated that this is how Fieldstone has done it in the past and it was acceptable. He stated they were surprised to see it as a comment and pushed back on it. Since the regulation states at the maximum grade and the proposal is not for the maximum grade that is why they proceeded as such.

D. Petry reiterated the applicant's position on this regulation in that it only applies when the proposal is for an 8% final grade. Since the applicant's proposal is for a final grade of 7.97% then this portion of the regulation does not apply. He does not believe that this interpretation follows the intent or spirit of the regulation. He also noted that this is the first time an applicant has attempted to utilize this interpretation of this specific regulation and does not believe it to be appropriate.

N. Chamberlain stated that he did not think that they were trying to pull anything.

D. Petry stated that he believed that the applicant was trying to avoid having to ask for a waiver. He stated that is was not appropriate or reasonable.

R. Hardy asked if the applicant has done any historical research on previous plans to see what was acceptable and approved in the past to validate what has been done in the past.

N. Chamberlain said they would be willing to do that.

D. Petry apologized to the public and the applicant's engineer for getting upset but wanted to emphasize his concern over the varying interpretation of this specific regulation.

M. Fougere stated that in regards to the site distance issue M. Vignale was correct and that there were no driveways but asked if we should have the applicant add the driveways to aid in the engineer review. He noted that there are significant grades coming off the road and should driveway entrances be shown to see if the driveways can meet the grade requirement.

J. Peters agreed with the idea.

N. Chamberlain stated with all due respect that adding the driveways to evaluate the driveway grades was not what the Board asked the applicant to produce. He also noted that this is not the road that the applicant intends to build but is merely an exercise in proving that a road with on waivers could be built on the site. They do not want to do a full design on a road that will never be built. He noted that sight distance is clearly stated for access to a public way and not every driveway on the site since the road will be

private. He stated that he did not understand how we got to this point of showing a compliant road when we know that the final design for the road will require waivers.

D. Petry stated because the Board is under no obligation to grant a waiver.

B. Moseley suggested a motion to remove the application from the agenda until such time as the applicant can produce a road design that does not require waivers and is agreed upon by the Town Engineer. He added at which time abutters would be re-noticed appropriately.

**Motion to remove the application from the Planning Board agenda until such time as a compliant road design can be summited and verified by the Town Engineer –**  
 Motioned by J. Peters; seconded by R. Hardy – passed unanimously

## 6. Other Business –

### a. Potential Zoning Changes

Joe Garruba; 28 Winchester Drive – Gave a presentation to the Board regarding zoning change proposals that he would like the Board to consider. He touched on the Housing for Older Persons Ordinance, the Aquifer Protection Ordinance, the Workforce Housing Ordinance, and Stormwater Regulation changes.

#### **Housing for Older Persons Ordinance:**

- Purpose of section to be rewritten to be consistent with preventing overcrowding of land and protecting health safety and general welfare of inhabitants of the town
- Density to be no greater than 1 residential unit per net tract acre (Reduced from 2 units per acre)
- Minimum lot area shall be 30 net tract acres (Increased from 20 acres)
- Maximum number of units approved in 1 year not to exceed 5% of total dwelling units in town (Reduced from 25%)
- Restrict allowable roads

#### **Aquifer Protection Ordinance:**

- Reinstate the restriction against underground storage of gasoline in the APO that was removed in 2017.
- **PROHIBITED USES IN THE AQUIFER PROTECTION OVERLAY ZONE:** The following uses shall not be permitted in the Aquifer Protection Overlay Zone: Subsurface storage of petroleum or other refined petroleum products other than for use on the premises of a single family dwelling.

He raised concerns relating to moving drainage regulations out of the Zoning Ordinance and into a standalone regulation. He noted that it takes the power away from the residents and gives it to the Planning Board. He also noted that if the Stormwater rules are Regulations then an applicant can request a waiver from them instead of having to go to the ZBA to get a variance. He requested that the proposed Stormwater Regulations be circulated to the community and voted upon by the residents.

He brought up concerns related to Workforce Housing and discussed the clause of reasonable opportunity and inclusionary zoning in the State RSA. He stated that the existing 10% density bonus in the Workforce Housing Ordinance is sufficient to meet the reasonable opportunity clause. He believes that the existing Ordinance, including the changes made in 2020, are compliant with State Statute. He also stated that he believes that the 100' buffer still allows for projects to be economically viable and is appropriate for the intense land use of multifamily development.

The Board thanked Mr. Garruba for taking the time to make these recommendations.

M. Fougere then began to go over three amendments proposed by staff:

- Amend Article XIV, Sign Ordinance, paragraph I, Event Specific Signs by removing the reference to "political candidates", deletes 6. ~~Political posters shall not exceed 6 square feet of sign surface area.~~ In addition, amend paragraph L. Exemptions by adding a new 15. Political signs, which are regulated under RSA 664:17 as amended.

He explained that the existing regulation around political signage was unenforceable and the change would align local regulation around political signage with state statute.

**Motion to add this amendment proposal to the list for Public Hearing** – Motioned by D. Petry; seconded by R. Hardy – passed unanimously

- Amend Article XXI: Housing For Older Persons, I. General Standards, a. as follows: "Dwelling unit density shall not be greater than ~~one two (1 2)~~ two-bedroom dwelling units or two (2) one-bedroom dwelling units/net tract acre..", and e. "The minimum lot area shall be ~~20~~ 30 acres and..". paragraph 3. MAXIMUM PERMITTED DWELLING UNITS: The maximum number of housing for older persons dwelling units approved in a calendar year ***shall not exceed 10% to the total number of dwelling units existing in town.*** ~~when added to all previously approved units of housing for older persons, shall not exceed twenty five percent (25%) of the total dwelling units existing in the Town for the previous year.~~

M. Fougere explained that this proposal reverts the density of the Housing for Older Persons Ordinance to what it was previous to the 2017 change. It also cleans up some confusing language related to how many HOP units can be constructed in a year. He noted that the Board can change the percentage of how many units can be built in a year as the current proposal was decided on by staff. He stated that the Town currently has 159 HOP units built in three developments.

D. Petry noted that if the percentage is change to 5% then the total allowed units would be set at 149 and as such no new HOP units could be built in Town.

E. Clements stated that he did not think the proposal as written would cap the total units approved at 149 since the amendment specifies the total units approved in a calendar year and not just total units.

J. Peters asked if it would be prudent to consult the Town Attorney.

485 M. Fougere stated that if “calendar year” was removed then the amendment would refer  
486 to total units allowed on Town.

487 M. Hartnett stated that the amendment should read something like, “the total number of  
488 HOP units shall not exceed X% of the total number of housing units in Town.”

489 D. Petry agreed with M. Hartnett and suggested setting the cap at 10%.

490 M. Fougere noted that would set the total number of units at 299 with 159 units currently  
491 existing in Town.

492 **Motion to add this amendment proposal to the list for Public Hearing** – Motioned  
493 by D. Petry; seconded by J. Peters – passed unanimously

494

495

496 • Amend Section XI, Overlay Zoning Districts, A. Aquifer Protection Overlay Zone  
497 (APO), paragraph 6. PROHIBITED USES IN THE AQUIFER PROTECTION  
498 OVERLAY ZONE, by adding the following: *A. Subsurface storage of petroleum or*  
499 *other refined petroleum products.* And paragraph 7. NONCONFORMING USES IN  
500 THE AQUIFER PROTECTION OVERLAY ZONE, by adding a new paragraph *b.*  
501 *Notwithstanding subparagraph 7. a. above, no underground storage tank for*  
502 *petroleum or other refined petroleum products may be repaired or replaced unless*  
503 *repaired or replaced in kind with no expansion or modification to site plans filed*  
504 *with the Registry of Deeds. All failed underground must be removed according to*  
505 *standards established in NH state statutes and regulations.*  
506

507 M. Fougere explained that this proposal was reverting the Ordinance to how it was a few  
508 years ago, prohibiting the underground storage of petroleum projects in the Aquifer  
509 Protection Overlay zone.

510

511 E. Clements noted that the Town does not record Site Plans.

512

513 M. Fougere stated that we can remove the requirement to have the Site Plan recorded.

514

515 M. Hartnett suggested expanding the prohibition to include all DHS hazardous materials.

516

517 M. Fougere noted that the current regulation for the storage of hazardous materials sets a  
518 limit of five gallons of material.

519

520 E. Clements also added that chemical production is a prohibited use within the Industrial  
521 Zone.

522

523 M. Fougere recommended adding a prohibition to all hazardous materials as defined by  
524 RSA 147:A.

525

526 **Motion to add this amendment proposal to the list for Public Hearing – Motioned**  
527 **by D. Petry; seconded by M. Hartnett – passed unanimously**

528

529

530 7. ADJOURN

531           There being no further business, D. Petry presented a non-debatable motion to adjourn.  
532   Motion seconded by. C. Rogers and unanimously approved. Meeting adjourns at 9:40 PM.

533 Respectfully submitted,

534 Evan J. Clements,

535 Assistant Planner