

HOLLIS PLANNING BOARD MINUTES
December 15, 2020
Final

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

ABSENT: Jeff Peters

Rick Hardy voting for Jeff Peters. Julie Mook will be voting for Virginia Mills due to V. Mills missing previous zoning amendment discussions.

Chet Rogers experienced technical difficulties throughout the meeting. He voted by visual signals.

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. October 20th Site Walk – motion to approve – motioned by D. Cleveland; seconded by R. Hardy – V. Mills and B. Ming abstained – motion passed
- b. November 4th Meeting – motion to approve – motioned by D. Petry; seconded by R. Hardy – B. Ming and V. Mills abstained – motion passed

3. DISCUSSION AND STAFF BRIEFING

- a. Agenda Additions and Deletions:
- b. Committee Reports – none
- c. Staff Report – The Planning Office is in receipt of a lawsuit against the Town of Hollis regarding Runnells Bridge Realty Trust’s application for a gas station and mixed use operation to be located at 82 Runnells Bridge Road.
- d. Regional Impact – none

4. SIGNATURE OF PLANS: PB2020-030 20-23 Broad Street Minor Subdivision – waited until the January 5th meeting to act.

5. HEARINGS

None

6. Other Business –

a. Potential Zoning Changes

The meeting began with three Public Hearings to discuss proposed amendments 1-3:

M. Fougere explained amendment 1 - 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.

M. Fougere explained that this is a sensitive free speech topic that is regulated by the State and staff believes that they should not be in the business of regulating political signs.

Public Hearing

No comment

Public Hearing closed

Motion to send amendment to ballot – Motioned by D. Petry; seconded by R. Hardy – B. Ming abstained – motion passed

M. Fougere explained amendment 2 - 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 stated that the 10% is a total cap of units and not on a per year basis. He noted that the previous way this was written was confusing and could be interpreted several different ways.

D. Cleveland asked that based on the current number of regular dwelling units in Town, was the 10% allowance for HOP units about to be reached.

M. Fougere stated that there was 172 HOP units currently in Town.

D. Petry stated that as written the allowed number of units will increase based on the new total number of regular housing units.

E. Clements asked if changing the word approved to allowed would further clarify to intent of the total cap of HOP units.

D. Petry stated that approved is the correct word choice for the intent of the section.

E. Clements explained that proposals and permits are “approved” all the time but a set number of “allowed” units is more definitive.

B. Ming asked if the Board had two applications for 50 HOP units and there were only 50 units left in the cap, what happens next.

92 M. Fougere stated that whichever application is approved first can build the units.
93 J. Mook stated that she agreed that the word approved was ambiguous and even
94 though in a calendar year was removed, a time frame could still be implied.

95 B. Ming stated that he was comfortable with word approved and believed that it
96 set the cap irrespective of a time frame.

97 D. Cleveland stated that if there is confusion between Board members and staff
98 then there will be confusion for the voters.

99 J. Mook suggested removing the word approved entirely so the sentence reads,
100 “The maximum number of housing for older persons dwelling units shall not
101 exceed 10% of the total number of dwelling units existing in town.”

102 There was general consensus from various Board members and staff that, that was
103 the best way to word it.

104 M. Fougere stated that he did not believe that the proposed change would require a
105 reposting of the Public Hearing.

106 **Public Hearing**

107 Joe Garruba; 28 Winchester Drive – thanked the Board for taking up the
108 amendment especially considered the recent boom of HOP projects in Town. He
109 stated that the amendment reduces the density of two bedroom units and not one
110 bedroom units and wondered if that was intentional.

111 M. Fougere stated that the proposed language was that of the previous Ordinance
112 and not an oversight. He noted that density was original part of the Ordinance.

113 J. Garruba stated that he believed that the density for one bedroom units should be
114 reduced in the same manner as two bedroom units. Without this change a developer
115 could build one bedroom units in the same density as two bedroom units are
116 currently being built. In regards to the total number of units allowed in Town he
117 thought that 10% was too high. He raised concern about the chance that over a
118 hundred units could be built in a single year and reducing the cap, slows down the
119 potential speed for the development of HOP units. He suggested 8%. Lastly he
120 raised concern around the purpose statement of the Ordinance, specifically that it
121 encourages this kind of development. He stated his belief that Ordinances are
122 created to restrict development so having a purpose statement that states
123 encouragement to a type of development can bring legal issues. He recommended
124 removing this sentence from the purpose clause.

125 D. Petry asked staff to clarify what specific section J. Garruba’s recommendations
126 would affect.

127 M. Fougere stated that it would be an amendment to the Purpose Statement and
128 General Standards, paragraph A. If the Board wanted to consider any of these
129 proposals the Public Hearing would have to be re-noticed and discussion should
130 be tabled to the January 5, 2021 meeting.

131 B. Moseley asked the Board if they felt these proposed changes are worth
132 deliberating or if the Board wants to continue on with the language of the original

133 proposals.

134 J. Mook stated that she would like time to consider. She also asked if there was
135 some way to limit the number of units that could be approved in a given time
136 frame. She asked what the Board would do if an application came in for over 100
137 units all at once.

138 R. Hardy also wanted time to consider and did not want to make a decision tonight.

139 M. Fougere noted that a reason to encourage this kind of development is that they
140 are generally fiscally positive. They do not drain municipal resources as much as
141 other types of development. The greatest impact is to the Fire Department for
142 medical calls. He also noted that the 52 unit project at Cobbett Lane was built out
143 as fast as possible and it took 1.5 to 2 years to complete.

144 D. Petry suggested removing the provision for one bedroom units entirely since
145 they are an undesirable type of unit.

146 The Board agreed with D. Petry's proposal.

147 **Motion to table amendment 2 to January 5, 2021** – Motioned by D. Petry;
148 seconded by D. Cleveland – passed unanimously

149
150 M. Fougere explained amendment 3 – Amend Section XI, Overlay Zoning
151 Districts, A. Aquifer Protection Overlay Zone (APO), paragraph 6.
152 PROHIBITED USES IN THE AQUIFER PROTECTION OVERLAY ZONE, by
153 adding the following: *A. Subsurface storage of petroleum, other refined*
154 *petroleum products, or other Hazardous or Toxic Materials as defined in RSA*
155 *147-A.* And paragraph 7. NONCONFORMING USES IN THE AQUIFER
156 PROTECTION OVERLAY ZONE, by adding a new paragraph *b.*
157 *Notwithstanding subparagraph 7. a. above, no underground storage tank for*
158 *petroleum, other refined petroleum products, or hazardous materials may be*
159 *repaired or replaced unless repaired or replaced in kind with no expansion or*
160 *modification to approved site plans. All failed underground storage tanks must*
161 *be removed according to standards established in NH state statutes and*
162 *regulations.*

163

164 **Public Hearing**

165

166 Joe Garruba; 28 Winchester Drive – stated that he believed the language
167 regarding hazardous materials and citing the State RSA is unnecessary. He stated
168 a concern that this proposal may affect home owners.

169

170 **Public Hearing closed**

171

172 D. Petry noted the when the entire section is read in context it refers to Site Plans
173 and is not directed to individual residences.

174

B. Moseley noted that during the Board's discussion with the ZBA, anchoring this change with the State RSA was deemed appropriate.

R. Hardy agreed with D. Petry

Motion to move amendment 3 to ballot – Motioned by D. Petry; seconded by R. Hardy – passed unanimously

M. Fougere noted that one amendment that was previously discussed is the drainage updates. Staff has decided to table the drainage update until next year so the new regulations can be finalized before the change is made.

Discussion moved to amendments 4 and 5 which were workshopped by the Board but not ready for public comment.

M. Fougere introduced amendment 4 – Amend Section XI: General Provisions, by adding the following new Section S. Residential Uses: Side Yard Setback Encroachment: Residential uses may be allowed to encroach into Minimum Side Yard requirements as required in the Agriculture and Business Zone, Recreation Zone, Residential and Agriculture Zone, Rural Lands Zone and the Town Center Zone, provided a Special Exception is obtained as outlined in Section VI Board of Adjustment (BOA) , paragraph B, as well as adherence to the following criteria as determined by the Zoning Board of Adjustment:

- a. **Written permission from the abutter who is being encroached upon.**
- b. Proper screening, as determined by the BOA, is provided.
- c. Encroachment shall not exceed 20% of the Minimum Side Yard requirement.
- d. Any decisions (BOA approval letter) allowing encroachment shall be recorded for both the subject property and the affected abutter, **unless prohibited by law or Registry of Deeds practices.**
- e. Applicant must prove that the BOA approval letter has been properly recorded prior to the issuance of any building permit.

M. Fougere stated that the ZBA had looked at the draft for this proposed amendment and recommended that item a be deleted from the proposal.

B. Ming asked if there was any RSA or case law or if any other Towns had something like this in their zoning.

M. Fougere stated that he was not aware if there was any RSA or case law in regards to the proposed mechanism or if any other Town had such a device in their zoning. He explained that the ZBA had enough requests that this proposal addresses and they would like some flexibility to address the issue without having the deal with the hardship aspect that a variance requires.

B. Moseley noted that the cases that have come before the ZBA are only seeking a small amount of relief and the encroachment is minor in the big picture.

B. Ming stated that he struggled to find a scenario where there is a need for 7' of relief and there is no hardship. The applicant can reduce the size of the structure, move the location, ect. He stated that he believed that encroachment into the side yard should be difficult. He believes that this proposal is more about changing the required side yard setback. He also asked what a scenario would be where a request using this mechanism would be denied.

M. Fougere stated that the approval would be by Special Exception so the ZBA would have to look at each case separately. He stated that it was hard to find a scenario off the cuff that would be denied. He noted an unjustified encroachment or strong objection from an abutter.

B. Moseley noted that the applicant would still have to go through the process, it would not be automatic.

V. Mills asked about the inclusion of "...unless prohibited by law or Registry of Deeds practices." to subsection d.

D. Petry stated that it was added at the recommendation of a ZBA member who is a lawyer.

D. Cleveland asked B. Moseley to provide some background as to why the ZBA wants this proposal.

B. Moseley stated that the ZBA has roughly 4 to 5 cases a year where resident are seeking relief from the side yard setback. Proving the hardship needed for the variance is challenging when the encroachment is so minor.

E. Clements asked if the applications seeking relief were more from HOSPD lots which are smaller than conventional lots.

B. Moseley stated that each situation was unique.

R. Hardy agreed with B. Ming about just changing the side yard setback requirement if the ZBA is having so many cases on this issue. He suggested a differentiation between a conventional lot and a HOSPD lot that is tighter and a smaller size. He wondered if there was a better solution to this issue that has not been presented yet.

D. Petry stated that he could like some clarification of exactly how many cases the ZBA heard in 2020 that this would affect.

M. Fougere stated that staff would research into the past two years to find out how many ZBA cases this would apply to.

Motion to table discussion of amendment 4 to the January 5, 2021 meeting –
 Motioned by D. Petry; seconded by B. Ming – passed unanimously

M. Fougere explained that amendment 5 was actually a series of amendments involving Workforce Housing. These proposed amendments are being proposed to restore, for the most part, the Workforce Housing Ordinance to how it was before the resident petitions change it last year.

Amend Section XI: Overlay Zoning Districts, D. Multi-family Zone,
 Paragraph 1 Purpose, to read as follows: The intent of this Section is to define the requirements related to the development of multi-family housing and prevent overcrowding of land while provide for the opportunity to construct multi-family housing by the provision of a waiver from the otherwise applicable density requirements, while complying with all applicable state and federal laws with respect to such housing and at the same time, ensuring compliance with local planning standards, land use policies, good building design, and requirements for the health, safety, and general welfare of all the inhabitants of the Town. **Amend**
 2. General Standards, paragraph a. Dwelling unit density shall be no greater than four (4) units per acre, based upon the Net Tract Area of the property or the minimum number of units required to make the project economically viable whichever is less. , , amend paragraph i. as follows: “Multi-family workforce housing developments submitted under this section shall be exempt from the requirement of Section IX, General Provisions, F, 1-4, Impermeable Surface and Building Coverage and Section XI, Aquifer Protection Overlay Zone (APO), A.3. Dimensional Standards in eh APO provided that all development proposals shall,” . Amend paragraph k. as follows: “In order to minimize potential intrusion on neighboring land uses, the Planning Board may shall require the installation of a 100 foot landscaped buffer strip along the perimeter of the site.”

Amend Section XVIII Workforce Housing, Section A, Purpose, as follows:
The purpose of this section is as follows: 1.To encourage and provide for the development of affordable workforce housing; 2. To ensure the continued availability of a diverse supply of home ownership and rental opportunities for low to moderate income households; 3. To meet the goals related to affordable housing provisions set forth in the town’s Master Plan; and 4. To comply with the requirements of SB 342, an Act establishing a mechanism for expediting relief from municipal actions which deny, impede, or delay qualified proposals for workforce housing (RSA 674:58-61). is to define the requirements related to the development of workforce housing in compliance with RSA 674:58-61 and to prevent the overcrowding of land while complying with all applicable state and federal laws with respect to such housing and at the same time, ensuring compliance with local planning standards, land use policies, good building

design, and requirements for the health, safety, and general welfare of all the inhabitants of the Town. **Amend Section B.** Authority as follows: This innovative land use control section is adopted under the authority of RSA 674:21, and is intended as an “Inclusionary Zoning” provision as defined in RSA 674:21(I) (k) and 674:21(IV)(a), as well as RSA 672:1, III-e, effective July 2009, which states: “All citizens of the state benefit from a balanced supply of housing which is affordable to persons and families of low and moderate income. Establishment of housing which is decent, safe, sanitary and affordable to low and moderate income persons and families is in the best interests of each community and the State of New Hampshire, and serves a vital public need. Opportunity for development of such housing shall not be prohibited or unreasonably discouraged by use of municipal planning and zoning powers or by unreasonable interpretation of such powers”. In addition, RSA 674:21 II provides the authority for Planning Boards to grant Conditional Use Permits. Amend **Section D.** Conditional Use Permit Criteria, paragraph b. If completed, the development in its proposed location will comply with all requirements of Section XVIII and other applicable workforce housing provisions contained in other sections of the zoning ordinance. without the benefit of waivers.

Amend Section G. Workforce Housing General Requirements as follows: d. The Planning Board may request additional information if, in their judgment, it is necessary to make a meaningful determination of affordability. And 2. Documentation to establish the economic viability of the proposal. At the Planning Board’s discretion, the applicant may be required to submit project cost estimates including land, development and construction costs; financing, profit, and sales costs; and other cost factors. shall be provided. The planning board shall request updates of these cost reports as the project progresses. **Amend Section I.** Administration, Compliance and Monitoring, paragraph 2. As follows: Where workforce housing applicants propose a development of single family homes or mixed single family and multi-family homes, all provisions of the subdivision and site plan regulations shall apply unless waived by the Planning Board. Where workforce housing applicants propose a development of multi-family units or mixed commercial and multi-family units, the site plan regulations shall apply unless waived by the Planning Board.

Amend Section XX: Hollis Open Space Planned Development, Section 3. Purpose, as follows: by adding c. Discourage the sprawling, land-consuming form of development usually resulting from conventional subdivision and h. Provide a variety of types of living spaces and environments. **Amend Section 4.** Applicability and Procedures in a HOSPD as follows: A. Applicability: To facilitate achievement of the goals of the Hollis Master Plan, all major subdivisions shall be presented to the Planning Board in accordance with the Hollis Open Space Planned Development (HOSPD) standards as specified in this section and in the Land Subdivision Regulations. In all cases it shall be assumed that a HOSPD plan is necessary to meet the goals and objectives of this section

and of the Master Plan, unless the contrary is demonstrated by the applicant.

Amend Section 6. Workforce Housing Units/Owner Occupied, paragraph 1. Density: The maximum number of allowable dwelling units that could be developed under the provisions outlined in Section 5.a shall be determined following the standard practice for a Market Rate Housing development. Once the number of HOSPD lots has been determined and agreed to by the Planning Board then that lot figure may be increased by up to 10 25% if it is shown that construction of workforce housing would otherwise not be economically viable. These additional lots shall be designated as workforce housing units/owner occupied. Amend paragraph 2. Lot Size, by amending as follows: There is no minimum lot size for workforce housing units. The proposed site shall have adequate soils to accommodate on-site wastewater treatment and an adequate water supply adhering to both local and state requirements. A Building Area shall not be required; and however, at least 50% of the lot shall be Acceptable Land. In addition, wells serving both workforce housing and market rate housing lots may be located in designated Open Space areas. Amend paragraph 6 to read as follows: Workforce housing units shall contain no more than three two bedrooms.

D. Petry went over his proposed changes to the staff proposal for this amendment. His proposed changes included amending the purpose statement by removing references to a waiver for density and an exemption to the Aquifer Protection Overlay Zone (APOZ) impervious surface requirements. He proposed a 50' landscaped buffer along the perimeter of the site in lieu of a 100' buffer. He removed quoting the purpose of RSA 672:1, III-e which discusses balanced supply of housing. He also changed instances of the use of the word may to shall which increases the amount of information that is to be expected by the Planning Board.

M. Fougere noted that in regards to the impervious surface requirement, the Town Engineer proposed language to the Ordinance that required all run off on the site to be infiltrated on site. He noted that the Bella Meadows Workforce Housing project was able to achieve this. He then showed an exhibit plan of the Bella Meadows site plan showing what a 15% impervious surface limit and 100' setback would do to the project. He questioned the viability of the project with those added restrictions.

D. Petry stated that he still does not want to provide an exemption from the 15% impervious surface limit. He then asked if any other zoning district is allowed this exemption.

M. Fougere stated that the Industrial Zone is allowed a waiver of up to 30% impervious surface in the APOZ.

D. Petry stated that he believed that provision for the Industrial Zone was added due to the nature of the size of industrial buildings and the need for large parking areas. He added that the Board would not grant such a waiver without a proper Stormwater management plan.

M. Fougere noted that the Board would expect the same thing from a Workforce Housing proposal.

B. Ming asked what was to be gained by the Board for having the ability to waive the 15% impervious surface requirement.

M. Fougere explained that the original language of the Ordinance allowed the Multi-Family Zone to be exempt from the impervious surface requirement of the APOZ. State statute requires that a multi-family Workforce Housing zone exist in Town. The area in Town that was chosen was based upon location to major road ways and the availability of public water. The area also happens to be in the APOZ. He again questioned the viability of a multi-family Workforce Housing project with the limited allowable impervious surface coverage. He noted that if the Zoning Ordinance allows for up to 30% impervious surface coverage in the APOZ for the Industrial Zone then the Multi-Family Zone (MFZ) should be allowed at least that much.

B. Ming stated that he liked the language as proposed by staff. He asked that the MFZ refers to single family and multi-family housing but not two family housing and asked if that was intentional. He noted that the Ordinance defines multi-family as three units.

M. Fougere noted that in the overlay zone, multi-family is two or more units.

B. Moseley noted that the purpose is to encourage and not discourage Workforce Housing.

D. Petry stated that the exemption for the impervious surface should be either kept at just the Industrial Zone or should be all zones. He stated that people could begin to ask or expect for the exemption in single family residential zones.

The Board conducted a straw poll to find out which change to the impervious surface requirement members supported:

Staff – B. Ming;

D. Petry – D. Cleveland; R. Hardy; J. Mook

The Board decided to move forward with D. Petry's recommendation to remove the exemption from the APOZ impervious requirement for the MFZ.

M. Fougere explained that a 100' perimeter buffer was added by resident petition last year. This did not exist before the change last year. Regulations allow for some amount of buffering but the amount was set by the Board on a case by case basis. Staff is recommending the removal of this provision.

D. Petry stated that a 50' buffer is consistent with what the Board has done with subdivisions.

M. Fougere stated that there is a 50' front yard building setback from the road. In the case of Bella Meadows, that project had two front yards so was already subject to two 50' building setbacks.

B. Moseley clarified that D. Petry's proposal is for a 50' landscaped buffer area along the perimeter of a Workforce Housing project.

E. Clements stated that the Industrial Zone only requires a 25' buffer to an adjacent residential zone. So this proposal is more restrictive for a multi-family use than an industrial use.

D. Petry stated that the Board is reducing it from 100' to 50' and that they will try it and maybe change it again if need be.

D. Petry then explained his changes to the purpose statement by removing the word encourage to keep the clause neutral and remove the cited RSA language.

J. Mook asked why this language was originally included and what staff's rationale for including it was.

M. Fougere stated that he worked on the language with the Town Attorney. Much of it is directly from the State statute.

B. Ming asked if other towns just cite the RSA in their regulations for the purpose section.

M. Fougere stated that some towns do and some towns don't.

B. Ming asked if the removal of the word "encourage" would give a judge cause to grant a Builder's Remedy.

M. Fougere stated that he believed that the judge would have other things to go after than the removal of the word "encourage".

D. Petry explained his next change was to require that a proposal must first come in without waivers, which was consistent with the Board's practices.

B. Ming asked if this meant that the Board will not consider an application that needs waivers or if the applicant has to provide a no waiver plan to prove that it could be done with no waivers.

B. Moseley stated that the applicant needs to show that it could be done with no waivers before asking for waivers.

E. Clements asked if it was written anywhere else in the Zoning Ordinance that a proposal must come in with no waivers first.

M. Fougere stated that it was in the Board's Subdivision and Site Plan Regulations, where the Board has the authority to grant waivers. By adding it in the Zoning Ordinance the affect may be that the Board can no longer grants waivers for Workforce Housing projects. Which is not in any other zoning district.

After further review M. Fougere stated that the applicable section is referencing the Zoning Ordinance so the proposal would not prevent the Board from granting waivers from the Subdivision and Site Plan Regulations if it so chose.

M. Fougere explained that the last proposed changes refer to the Hollis Open Space Planned Development (HOSPD) Ordinance which was adopted by the Town in 1993.

The purpose statements were changed by resident petition and staff believes that they should be returned to their previous state.

D. Petry stated that he was comfortable with returning the language to what it was before.

D. Petry brought up the proposed density bonus increase for Workforce Housing lots of 25%, up from 10%. He thought that the density bonus should remain at 10%.

B. Moseley noted that staff researched the density bonus that neighbor communities grant.

M. Fougere stated that 25% was more in line with what surrounding communities grant. He explained that by statute, the Town is supposed to provide realistic opportunities for Workforce Housing in the largest residential zone, which is the R&A zone. Currently, the way the Ordinance is written, Workforce Housing is only allowed in a HOSPD. The Board has only approved two or three HOSPDs in the past ten years. Given low instances of HOSPD proposals, 10% does not meet the requirement for realistic opportunities for Workforce Housing.

D. Petry asked if 10% was so restrictive that it could cause problems with the court.

M. Fougere stated that he believed so.

D. Petry stated that it was originally at 30% so he proposed a compromise of 20%.

M. Fougere noted that the 30% density bonus was on the books for years and nobody used it. He stated that the new 20% density bonus would allow for two additional lots for every ten lots, if the applicant wanted to pursue the Workforce Housing density bonus.

D. Petry noted that the density bonus was changed to 10% by petition warrant article. He noted that changing the bonus to 20% is still more restrictive than the old density bonus. He wants to avoid legal challenges that are caused by regulations that are so restrictive that projects cannot move forward.

D. Petry stated that his last change was to reinsert the requirement for the building area to be shown on the plan.

Motion to move amendment 5 to Public Hearing – Motioned by D. Petry; seconded by C. Rogers – passed unanimously

E. Clements introduced proposed amendment 6 which amends Section X, Zoning Districts, (C) Industrial Zone (I), 1 Permitted Uses in the Industrial Zone, b. as follows: Manufacturing - provided that smoke emitted by any stack shall not equal or exceed in density Ringelman No. 2 for periods aggregating more than 4 minutes in any half-hour period, and that all state air quality standards are met. ***In order to ensure that noise outside of lot lines is not objectionable due to intermittence, beat frequency, or shrillness, noise shall be limited to no more than that of average weekday traffic on the surrounding streets. No objectionable, obnoxious, or dangerous concentrations or quantities of odor, dust, fly ash, gases, or fumes are emitted and no excessive***

vibration is caused. Provided also, that noise outside of lot lines does not exceed in intensity that of average weekday traffic on the surrounding streets so as not to be objectionable due to intermittence, beat frequency, or shrillness, and no objectionable, obnoxious, or dangerous concentrations or quantities of odor, dust, fly ash, gases, or fumes are emitted and no excessive vibration is caused The items listed under prohibited uses are intended as a guide and not a complete list. Wastewater must be of equal quality to that of the proposed receiving waters.

E. Clements explained that this has been brought up by Code Enforcement as a challenging provision to enforce because the word “objectionable” is so subjective. The proposal is to rearrange the existing language to better define what the limit of acceptable noise is. The new language more clearly defines the noise limits as no more than weekday traffic noise.

D. Petry asked if noise issues relating to the Industrial zone comes up a lot.

M. Fougere stated that it does come up periodically and regulating noise is challenging since one person might not have an issue and another person does.

R. Hardy stated that the Board usually addresses noise limits on a case by case basis such as hours of operation for a business or working hours for a subdivision.

E. Clements stated that in the case with the Industrial zone the issue was more to do with internal processes that take place 24 hours a day such as a boiler releasing steam.

B. Moseley asked about any kind of grandfathering or grace period for existing businesses.

E. Clements stated that he did not believe so. There is not currently anything in Town that is exceeding the threshold. The average weekday traffic metric is already in place and the proposed amendment just rearranges existing language in the Ordinance.

Motion to move amendment 6 to Public Hearing – Motioned by D. Petry; seconded by D. Cleveland – passed unanimously

NON-PUBLIC SESSION **RSA 91-A:3-II(l) Legal**

D. Petry moved that the Planning Board enter Non-Public Session in accordance with RSA 91-A:3-II(l) Legal. Seconded by D. Cleveland

Roll call vote:

V. Mills – yes J. Mook – yes R. Hardy – yes B. Ming – yes C. Rogers – yes D. Petry – yes D. Cleveland – yes B. Moseley – yes

Motion passed unanimously

The Planning Board entered Non-Public Session at 9:25 pm.

Conclusion of Non- Public Session

D. Petry moved that the Planning Board come out of Non-Public Session and seal the minutes in accordance with RSA 91-A:3-II(l) Legal. Seconded by D. Cleveland.

Roll call vote:

V. Mills – yes J. Mook – yes R. Hardy – yes B. Ming – yes C. Rogers – yes D. Petry – yes D. Cleveland – yes B. Moseley – yes

Motion passed unanimously

The Planning Board came out of Non-Public Session 9:50 pm. No Decisions were made.

7. ADJOURN

There being no further business, D. Petry presented a non-debatable motion to adjourn. Motion seconded by. D. Cleveland and unanimously approved. Meeting adjourns at 9:51 PM.

Respectfully submitted,

Evan J. Clements,

Assistant Planner