

**HOLLIS PLANNING BOARD MINUTES**  
**March 16, 2021**  
**Final**

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

**ABSENT:** Jeff Peters – Julie Mook voting

**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. January 5, 2021 Meeting – **Motion to approve** – motioned by V. Mills; seconded by D. Cleveland – passed unanimously
- b. January 19, 2021 Meeting – **Motion to approve** – motioned by D. Cleveland; seconded by V. Mills – passed unanimously
- c. February 16, 2021 Meeting – **Motion to approve** – motioned by D. Cleveland; seconded by B. Ming – passed unanimously
- d. February 16, 2020 Non-Public Meeting – **Motion to approve and keep sealed** – motioned by D. Cleveland; seconded by V. Mills – passed unanimously
- e. December 19, 2020 Site Walk – **Motion to approve** – motioned by V. Mills; seconded by D. Cleveland – R. Hardy, B. Ming, D. Petry abstained – passed

**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:** None

**5. HEARINGS:**

- a. **Scenic Road Hearing - Tree Trimming Request & Removal:** Eversource – Federal Hill Road, Hayden Road, Plain Road, South Merrimack Road.

Crystal Franciosi, Consulting Arborist for Eversource outlined the expected tree trimming operations that would take place on Federal Hill Road, Hayden Road, Plain Road, and South Merrimack Road. There would also be the removal of some trees on South Merrimack Road to make way for the installation of a new utility pole.

B. Moseley asked about the expected cutting and clean up procedures and timeline.

C. Franciosi explained that property owners who had refused their rights to the timber could expect the cuttings to be clean up in approximately two weeks’ time. Trees that were to be removed would be cut as close to the ground as possible.

**Public Hearing open**

No public comment

**Public Hearing closed**

**Motion to approve Scenic Road tree trimming request** – motioned by V. Mills; seconded by C. Rogers – passed unanimously

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

**V. Mills recused herself – R. Hardy Voting**

The Board spent some time discussing the differences between the no waiver road profile plan and the road profile with a 35' property line setback which would require waivers.

D. Petry asked if the applicant would need any additional waivers to receive approval for the 50 unit condo development.

Chad Brannon, Fieldstone Land Consultants – stated that while a complete Site Plan had not yet been submitted, he was not anticipating any additional waivers would be needed for approval. If the Board decided on the no waiver road profile then the proposal would not require any waivers.

B. Ming asked about the placement of homes near the internal intersection.

C. Branon responded that he did not anticipate homes be placed on the inside of the intersection.

B. Moseley asked if the two well radii are entirely contained on the site.

C. Branon stated that the well radii do fall entirely on the site.

D. Cleveland asked about the woods roads on the site and if they are active and mapped trails.

C. Branon started that was not aware if they were mapped trails. There are no deeded rights of passage in any deeds as far as he is aware.

The Board discussed the details of the proposed site walk and what they would like to see staked out such as center line of the two roads and the well locations.

**Motion to table to the April 20, 2021 meeting** – motioned by D. Petry; seconded by R. Hardy – passed unanimously

- c. File PB2021:003 – Design Review:** 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 explained the proposal is for a five lot minor subdivision of an existing 22 acre 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 lots and one back lot; an existing home will lie on new Lot 10. The subject parcel is split zoned between Residential & Agricultural and Rural Lands. Approximate driveway locations are shown and there is at least 100 feet between the proposed driveways. Lot 29-10-2 is a 6.6 acre back lot with steep slopes and will require a wetland crossing for the driveway. An existing snow mobile trail runs through this property has been relocated, parallel to Federal Hill Road, within the 100 foot front setback. The Board held a site walk on this site in December.

Randy Haight, Meridian Land Services – described the proposal and how it is creating four new building lots and one home already exists on the site. The driveway locations were chosen because of the natural breaks in the existing stone wall and terrain. He also discussed the relocation of the trail and how it was designed to reduce the number of trees that needed to be removed.

D. Cleveland asked about the lot line between lot 1 and the Gates property as it has been in dispute between Mr. Gates and the applicant.

R. Haight explained that lot 29-4-3 (the Gates property) has four separate lot line delineations done by Austin Parkhurst. Every plan has different dimensions and different bearings. He noted that it took considerable research to find a proper location for the common property lines since they moved around. Notes were added to the plan to reflect the discrepancy. He stated that he is confident in the final shown location of the common property line that shows that the driveway for lot 29-4-3 is entirely on that lot. He also noted the northern common lot line and an area with a retaining wall for the benefit of lot 29-4-3 that is shown to be on lot 2 of the proposal and not on lot 29-4-3. He has proposed an easement to be placed over the retaining wall area so that lot 29-4-3 will have rights to the retaining wall.

B. Moseley noted that it was not the Planning Board’s function to get involved in a civil property line dispute, however, he hoped that both parties would reach an equitable solution.

### **Public Hearing**

Solomon Gate; 104 Federal Hill Road – explained that he was the property owner with the lot line dispute. He believed that if they used his deed to draw the lines then the retaining wall would fall on his property. He stated that he attempted to reach out to the applicant but has not yet heard back from them. He stated that he would be will work with the applicant if they would get back to him.

D. Petry stated that the applicant should resolve the lot line dispute before coming back for final application acceptance.

R. Haight stated that he is the licensed land surveyor and the lines are where they are. As far as their application is concerned the lot lines are correct.

Jennifer Starr; 107 Federal Hill Road? – explained that they would be building a house on a lot across the street from the subject property. Asked about the relocation of the snow mobile

trail and where it connects on Federal Hill Road. She had a concern about snow machines on the road itself.

R. Haight stated that existing access points for the trail are not changing.

**Public Hearing closed**

D. Petry asked about leaving a buffer of trees between the trail and the road.

R. Haight stated that the trail is designed to wiggle between the existing trees. The trees that were flagged for removal and in decline anyway.

D. Cleveland stated that there is a 20'-30' buffer between the trail and the road.

R. Hardy asked about adding a no cut buffer to the plan.

R. Haight explained that minimal tree removal will be needed to install the driveways. He was in support of adding a not cut buffer.

M. Fougere stated that staff was recommending a 100' no cut buffer with a exception for the driveways and snow mobile trail.

V. Mills asked about Conservation Commission input.

R. Haight stated that once Design Review is complete, they will file for DES Wetland Crossing approval and go to the Conservation Commission.

B. Ming raised a concern relating to the impact this development will have on the dirt road part of Federal Hill Road.

R. Haight stated the Hollis DPW was doing a very good job currently maintaining the road. E. Clements stated that he had driven on it recently in mud season and it was starting to get rutted. He noted that the Board added a stipulation to a subdivision on Nartoff Road that required the developer of the lots to repair the dirt road if they damaged it during lot development.

R. Haight stated that they would be okay with adding that stipulation.

**Motion to move application to Final Review pending easement resolution, comment from Con. Comm, and staff comments** – motioned by D. Cleveland; seconded by C. Rogers – passed unanimously

- d. File PB2021:004 – Design Review:** Proposed three lot subdivision creating properties ranging in size from 4 – 5.3 acres accessed via privates ways (one Love Lane and two Proctor Hill Road), Owner: Fimbal Trust, Applicant: Federal Hill Properties, LLC, Map 17 Lot 34-1, Love Lane & Proctor Hill Road (NH Route 130), Zoned R&A, Town Center, A&B and Historic District.

M. Fougere explained the proposal is to outline a proposed three lot subdivision of an existing 14.3 acre lot into three back lots. The existing property has frontage on both Love Lane and Proctor Hill Road (NH Route 130). These back lots will range in size from 4 - 5.3

acres, meeting the minimum 4 acre lot area requirement. Lots 2 & 3 will be served by a private way which currently serves two existing homes off Proctor Hill Road; this private way will need to be named. A new private way will have to be constructed to meet current Subdivision Regulation standards. A small wetland area exists on new lot 3. A public water line exists through these properties; this line serves both private and town properties in the Town Square. Lot 1 will access over an existing driveway access easement area.

Randy Haight, Meridian Land Services and Attorney Jeffrey Zall representing the applicant – explained that there will be 3 lots in total with two common driveways. The existing driveway off of Love Lane will not be moved. He noted that there is an existing overhead utility pole off of Love Lane that will be utilized. Utilities will be undergrounded from that pole to serve the new lot. For the two lots off of Proctor Hill, he recommended that they continue overhead utilities until the lines go past the existing underground water line then drop the utilities underground. He noted that the shared common drive road bed is the old Proctor Hill Road before it was realigned.

Mike Vignale, Town Engineer – stated that the project seemed very straight forward. The intersection for the common drive and Proctor Hill Road may need to be improved.

M. Fougere noted that a waiver for overhead utilities would be required.

J. Zall described the common driveway covenants for the Proctor Hill side common drive. He noted that the new lots will have sole responsibility to construct and maintain the common drive. The covenants also give access to lots 17-20 and 17-21 with no responsibility to pay to maintain the common drive. He then explained the history of access with the lots. He explained that the old right of way was dissolved because a single owner controlled both the burdened and benefiting lots and the law requires that the easement be extinguished. He noted that the chain of title for the subject lots reflect this. He noted that the intent is to create a new easement to resolve any access rights issues.

D. Cleveland asked about how deep the public water line is and how large the pipe is.

R. Haight stated that he has discussed the matter with the school maintenance department who maintains the water line and would add some notes on the plan to describe the water line as it changes size.

### **Public Hearing**

Jim Chilton; 34 and 40 Proctor Hill Road – raised an issue of cross access between lots 20 and 21. He also stated that he believed being forced to change the common address of the properties would take away all commercial purposes for the property and he would like to keep the old common addresses. He stated that he was going to explore installing a new driveway for 40 Proctor Hill Road to keep the common address. He then talked about how he installed a driveway for lot 20 on what he thought was his property but was in fact Old Orchard Road and not his property. He claimed that his deed does give his property an easement. He stated that he has hired legal counsel and a surveyor. He asked the Board for time to collect facts. He assumed a prescriptive easement would have been applied to his property. He raised concerns regarding the water line and construction vehicles traveling over it.

Debbie Shipman; 45 Love Lane – stated that she used to live at 40 Proctor Hill Road and when Mr. Chilton purchased the property and installed the driveway, she informed him that

his proposed location for the driveway was not in fact on his property. Her brother owned 34 Proctor Hill Road and there was no easement given because her family owned all of the property.

Mark Post; 43 Love Lane – asked about the Love Lane common drive and raised a concern about the easement as it refers to lot 17-34-1 and if it would also give access to proposed lots 2 and 3. He also asked about head lights from vehicles traveling from lot 1 to Love Lane would shine into an abutting property and if the driveway for lot 1 could be designed to prevent that from happening.

M. Fougere stated that he would have to look into the easement issue but the intent is not to provide access to Love Lane for lots 2 and 3.

Charles Wood; 51 Love Lane – mentioned their concern with headlights shining into their property as described by Mr. Post.

Jim Chilton; 34 and 40 Proctor Hill Road – spoke a second time in disagreement to Ms. Shipman's comments. He explained that he went to the Town Hall when he was intending to pave the driveway and was directed to attend a Historic District Commission meeting to seek approval to pave the driveway.

J. Zall stated that his deed does not mention a right of way and just because a access way is used for 20 years does not grant prescriptive rights, those rights have to be established through a court of law. He recommends that the controversy be resolved by granting him rights of access through an easement agreement.

#### **Public Hearing closed**

The Board discussed the details of the site walk and what should be staked out.

**Motion to continue Design Review to April 20, 2021 meeting** – motioned by D. Petry; seconded by V. Mills – passed unanimously

- e. **File PB2021:005 – Design Review:** 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.

M. Fougere explained that the proposal is for the subdivision of an existing 55 acre parcel into 14 single family residential building lots. Ten of the lots will be front lots and four lots will be back lots. The application consists of both a conventional and HOSPD subdivision design layout. Both designs propose a new, dead end Town road with a hammerhead turn around. A stream bisects the property and a wetland crossing across the stream will be required for both designs. The proposal includes a fire cistern easement and cistern located at the northeast corner of Lot 1. The applicant has submitted a Wildlife Impact Study, Traffic Report, Hydraulic Analysis and Wetland Crossing, and Stormwater Management Report.

Regardless of the design layout chosen, provisions addressing the Rural Character Ordinance must be addressed.

Conventional

The conventional design layout proposes 14 buildable lots each with their own individual driveways. The lots range in size from 2 acres to 11 acres. This layout includes a 20.7 acre conservation easement that covers portions of Lots 6, 7, 8, 9, 10, and 13. The wetland crossing for the proposed road includes a 40 foot by 40 foot bridge deck to accommodate two way travel. The Applicant has submitted a Point System Criteria outline stating that they believe the project has a score of 63 out of 100 points; a minimum of 45 points is necessary.

HOSPD

The HOSPD design layout proposes 14 buildable lots and one open space lot. The buildable lots range in size from 1.2 acres to 3 acres. The proposed open space lot is 29 acres. Unlike the conventional layout, this design has two wetland crossings occurring at station 34.00 and station 36.00 of the private common drive. Both crossings are proposed to be culverts with headwalls. Open drainage including detention basins and conveyance swales are proposed for the site.

Randy Haight, Meridian Land Services – stated that plan has been revised since the submission to show only 12 building lots. The three contiguous backlots on the HOSPD layout will be combined into a single lot with no need for a shared common drive. He noted that the change would reduce total traffic impact on Howe Lane so they did not revise the Traffic Study. When the Board decides on a layout the applicant will approach the Conservation Commission regarding the wetland crossing. He noted that the proposed drainage structures will be placed on the westerly side of the wetlands area. They have added a 35’ no cut buffer along lots 7-12 along the southwesterly rock wall. The cistern is placed on the downhill side of the Howe Lane intersection. The entrance has been moved 25’ closer to Nashua.

Mike Vignale, Town Engineer – noted that the road center line should be changed to reduce straight lines to sharp curves. He noted that the drainage system is typical for this type of small road development. He did review the Traffic Study and did not take any exception to the report.

D. Petry asked about the lot count for the conventional subdivision.

R. Haight stated that he could but the applicant prefers the HOSPD layout and does not want to install the common drive that the conventional layout would require.

E. Clements asked if the intent of the large back lot is to be kept as a single lot or will it be subdivided at a future time.

R. Haight stated that there was no intention to future subdivide the large back lot. The reason for the 12-acre size is so that a portion of the property can be kept in current use. He stated that they can stipulate that the large lot cannot be further subdivided.

J. Mook asked about how lots 7-12 will access the proposed open space since they are not currently proposed to be contiguous.

R. Haight stated that there was a strip of land in another design but it was suggested that the strip was not useful and be removed. A waiver would be required to do that. The idea was that those lots could access the open space via the road.

M. Fougere explained that while a waiver would be required but it maximizes the amount of useable open space and is easily accessible via the road.

J. Mook suggested that the southwesterly lot line and along Howe Lane be populated with new tree plantings to increase the visual buffer.

### Public Hearing

Donald Zalewa; 5 Hope Circle – stated that they would be in favor of the HOSPD layout although would prefer no development. Raised concerns about the open space lot being developed somehow in the future. He asked how much of the land will be cut for the development. He also asked about how developing the land will change the drainage of the area.

Leslie Jelalian; 65 Howe Lane – asked about the availability of the submitted studies for this proposal.

E. Clements stated that they could be viewed through the file link on the meeting agenda.

Jim Seager; 467 High Street – spoke in favor of the proposal. His preference is for the HOSPD layout. He liked the idea of the landscape buffer along the eastern portion of the subject property.

Leanne Rines; 61 Howe Lane – stated that when they bought their property 8 years ago the privacy of the property was an important part of their decision to move to the location. Now with this proposal there will be new houses on every side of them. She stated that throughout Hollis and on Howe Lane there may be houses next to each other but not also behind. She says it feels too crowded. She also noted that Eversource will be reclaiming their 100' public service easement on their property so they will be losing tree cover in their back yard. Lot 19 is of specific concern. She feels like her property value will be reduced.

Robert Ricard; 46 Louise Drive – stated that his lot the south of the subject parcel and while he is happy to hear about revisions to lot 32-45-3, the open space lot, but wanted to make the Board aware that when he constructed his home and got his septic design approved through the State he had to change the location of his leach field due to major seasonal runoff that runs between his lot and his neighbor's lot. He stated that the run off is so severe that it almost negated the development of his home. His concern is that the development of the subject parcel will increase the runoff on this property.

D. Petry stated that State RSA requires that pre and post development water flows off the subject parcel cannot increase. The final development plans will have to mitigate and retain on site any increased flows.

R. Ricard stated that the established control mechanisms don't always play out as expected and as an abutter what assurances does he have.

M. Fougere stated that the drainage reports are created by a licensed civil engineer and reviewed by the Town Engineer who is also a licensed civil engineer. He noted that the project will also require an Alteration of Terrain permit from the State so they will also be reviewing the impact.



Kevin Lavesque; 52 Howe Lane – stated that at a previous meeting he requested that the entrance to the new road be moved down to the bottom of the hill for better sight lines. He stated that he was in favor of the conventional layout.

John Bruneau; 11 Howe Lane – stated that he is the Secretary of the Hollis Conservation Commission. Raised concerns relating to preserving viewscales and rural character. Asked if the back lot could be changed to reduce the wetland impact.

R. Haight responded that the applicant prefers the HOSPD layout and stated that the wetlands do not move but the proposal includes a crossing. This requires permission from the State and will talk to the Conservation Commission beforehand. The new proposal includes a single driveway to the back lot and not a common drive so the impact is reduced.

J. Mook asked about the change in the location of the road entrance.

R. Haight stated that the change was discussed at the site walk and the Board asked if the road could be moved closer to Nashua so that it was not lined up directly in front of 48 Howe Lane. So they moved it east 25' to stay in the sight line window of the road.

M. Fougere stated that unfortunately there is no place to put the new road so that it does not affect any property across Howe Lane.

R. Haight stated that in regards to the Rines, the placement on the house on lot 14 is twice as far as the house directly across the street from their home. The applicant does not have any control over Eversource reclaiming their easement. Zoning allows for houses to be 70' apart.

B. Moseley asked about seasonal runoff and drainage.

R. Haight responded that this proposed development will not add to the existing seasonal runoff. The open space lot will not be developed and the developed lots will have drainage that runs westerly away from the Ricard property.

M. Fougere stated that in regards to lot clearing, the property owner has a right to cut trees on their property. The open space lot will have easements on it preventing it from being developed or subdivided. He noted that the proposal will have to adhere to the Rural Character Ordinance. During the site walk some Board members suggested adding additional vegetation along Howe Lane to further reduce the visual impact of the proposal.

**Public Hearing closed**

B. Moseley asked the Board if they prefer the conventional design or the HOSPD design layout.

D. Cleveland stated that he preferred the HOSPD layout.

B. Moseley asked if any Board member was opposed to the HOSPD layout.

No Board member stated that they were in opposition to the HOSPD layout.

457 **Motion to move this application forward with the HOSPD design layout** – motioned by  
458 J. Mook; seconded by C. Rogers – passed unanimously

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460 **Motion to table this application to the April 20, 2021 meeting** – motioned by D. Petry;  
461 seconded by C. Rogers – passed unanimously

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464      **6. Other Business –**

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471     7. **ADJOURN**

472 There being no further business, C. Rogers presented a non-debatable motion to adjourn.

473 Motion seconded by D. Petry and unanimously approved. Meeting adjourns at 10:41 PM.

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Respectfully submitted,

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Evan J. Clements,

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Assistant Planner