

HOLLIS PLANNING BOARD MINUTES

December 19th, 2017

“Draft”

PLANNING BOARD MEMBERS PRESENT: Cathy Hoffman – Chairman, Doug Cleveland – Vice Chairman, Rick Hardy, Chet Rogers, Bill Moseley; and David Petry, Ex-Officio for Selectmen and Alternates; Jeff Peters; and Ben Ming

ABSENT: Brian Stelmack & Dan Turcott – Alternate

STAFF PRESENT: Mark Fougere, Town Planner

STAFF ABSENT: Wendy Trimble, Assistant Planner

1. CALL TO ORDER:

C. Hoffman, Chairman called the meeting to order at 7 pm. J. Peters was appointed to vote on behalf of B. Stelmack.

2. APPROVAL OF PLANNING BOARD MINUTES:

D. Cleveland made a motion to approve Planning Board Minutes November 21st 2017 as amended. J. Peters seconded. All in favor none opposed. D. Petry and B. Moseley abstained.

B. Moseley made a motion to approve Site walk minutes of December 2nd 2017 at 19 Flagg Road. D. Cleveland seconded. All in favor none opposed. D. Petry and B. Ming abstained.

3. DISCUSSION AND STAFF BRIEFING:

a. Agenda additions and deletions – M. Fougere stated that Stephen Meno from NRPC would not be attending tonight as it had been decided the meeting was already very busy so he will be attending in January. D. Cleveland suggested the agenda items would be swapped around to keep the applications with the same applicants together. This was agreed. M. Fougere also highlighted the discussion on farm stands would continue, and also agricultural signs. The Energy Committee had submitted a letter and the Building Inspector had submitted a memo to the Planning Board today.

b. Committee Reports – none

c. Staff Report – none

d. Regional Impact – none

4. Signature of Plan: none

5. PB2017-021: Proposed Final Review site plan application for the construction of a 52 unit “Housing for Older Persons” development on a 30.8 acre site, Applicant/owner Raisanen Homes, Inc., Map 45-50, Silver Lake Road, Zoned R&A Residential Agriculture.

M. Fougere stated that this final application was before the board in November where during that discussion there was a presentation from Bruce Lewis. The findings of the water test have now been submitted to the State. He also spoke with Bruce Lewis and other State Officials regarding issue raised during the meeting, of some sort of insurance to protect neighboring wells in the future. Given the extensive testing that was done on the well whilst monitoring the neighboring wells, the lack on any measureable impact on abutting wells the State stated they do not have any provisions in place. However if there

48 had been any impact shown then there would be provisions put in place to protect the
49 abutting wells. Dennis LaBombard has reviewed the plans also and he submitted a letter
50 today to the Planning Board. The applicant has agreed to put in a generator in the
51 Clubhouse for the water pump. The Forestry committee has also requested an access
52 easement to the adjoining town property that is landlocked, lot 41-49. The applicant is
53 willing to provide access off Silver Lake Road. There will be erosion control inspections
54 going on during the construction site, a maintenance bond for the landscaping, State
55 permits will be needed, and test pits for each septic need to be completed.

56
57 Chad Brannan, Civil Engineer for Fieldstone Land Consultants representing Raisanen
58 Homes Elite LLC. They have worked on addressing Dennis LaBombard two review letters.
59 They did also receive his letter today signing off on the outstanding items. The landscape
60 bonding and maintenance plan they would like this to be signed off as a condition of
61 approval. They have been talking with a landscape architect regarding some bare root costs
62 relative to supplying and installing those materials. This is their off season so there hasn't
63 been a timely response. They are happy to work with Mr. Hardy and Mr. Gagne on this
64 once it is all finalized. He continued by stating that Bruce Lewis at the previous meeting
65 had stated for the record there was no measurable impacts on any of the abutting wells
66 during the 72 hours draw down test which was great news and addresses any concerns. The
67 State permits are currently pending, including the AoT, DOT and the State subdivision
68 approval. The timber cut permit got signed by the Town last week and the forester is
69 scheduled to be on site next week. This cut will then allow the digging for the test pits for
70 the septic designs. He would like this to a condition of approval also. The developer Mr.
71 Raisanen has also agreed to add a backup generator to the plan for the clubhouse and water
72 pump.

73
74 D. Cleveland asked if the generator would serve anything other than the well. C. Brannan
75 stated it will serve the well and the clubhouse. D. Cleveland also asked when the clearing of
76 trees will start. C. Brannan said next week and it will probably take about 3-4 weeks
77 weather dependent. J. Peters asked if approved what they anticipated the time line for
78 completion of the subdivision to be. D. Raisanen spoke explaining that there are a couple of
79 steps they need to go through first. The biggest one they have to go through is AG approval
80 as it is over 15 lots. That process cannot start until they get a conditional approval and it
81 can take 2 or 3 months. He would like to get into the spring market. R. Hardy asked how
82 many test pits were previously done? C. Brannan answered there were 25 done with the
83 previous subdivision and they are not anticipating any issues. R. Hardy also asked when
84 they anticipated planting the entrance section. D. Raisanen explained they had missed the
85 window to put the order in for the bare root, which needed to be put in by October to be
86 guaranteed availability for spring, so now it looks like October 2018, however they will get it
87 all cleaned up ready to plant. If they can get the plants from another source they will do
88 that.

89
90 D. LaBombard approached the podium. He has looked at all the plans and they are in good
91 shape. All the issues that he brought up in his previous two letters have been addressed.
92 His last letter just highlights a few concerns. The road sections do not meet the Town
93 Standards but this is not a town maintained road and the culvert sizes are smaller. The
94 snow storage may become an issue if we have a severe winter. D. Petry clarified there could
95 be an opportunity in the future that the residents of this subdivision could petition the town
96 to adopt the road as a town road, so it needs to state somewhere who is going to cover the

cost of upgrading the road to town standards before it could become a town road. It was decided to put a note on the plan. Also what would happen if one of the test pit fails? C. Brannan suggested relocating the septic system or reducing the properties but they are not anticipating any problems. D. Petry also asked who is responsible if the well becomes contaminated. C. Brannan explained it would be the resident's responsibility.

M. Fougere went through all the conditions for approval.

1. A preconstruction meeting shall occur with the town's inspector prior to any site work occurring. Inspections for erosion control and cistern installation shall occur.

2. A site erosion control and landscaping bond shall be required. In addition, an itemized list of all proposed landscaping and installation costs shall be submitted for review and approval. The landscaping bond will be released over a three year period to ensure plant survival.

3. All State permits shall be obtained prior to plan signature, including NHDES AOT, Community Well, NHDOT and State Subdivision.

4. The location of a stump disposal area shall be clearly marked on the plan.

5. A landscaping maintenance plan shall be submitted.

6. A note shall be added to the plan that the generator shall be installed to back up the pump for the well.

7. The applicant has agreed to provide an easement to the town for access to the adjoining town property off Route 122. The applicant will reach out to the forestry commission to see if they wish to have access immediately or not.

8. A note will be added to the plan to state that the road is currently a private road and if it was to become a town road it will need to be upgraded to the town standards at the cost of the residents.

R. Hardy made a motion to approve application PB2017-021 with conditions as listed above. J. Peters seconded. All in favor none opposed.

6. PB2017-023: Proposed lot line relocation between two adjoining properties, exchanging 25,770 square feet of area, Applicant/Owners: Richard Sullivan, Jr & Becky L. Sullivan Rev. Trust & Raisanen Homes Elite, LLC, Map 41 Lots 26 & 28, 353 Silver Lake Road, Zoned R&A Residential and Agriculture. **Application Acceptance and Public Hearing.**

M. Fougere explained this proposal involves the relocation of lot lines between two adjoining properties. Lot 26 will increase in size from 2 acres to 2.6 acres, Lot 28 will decrease in size from 14 acres and 13.4 acres. An existing carport is over the lot line and this plan will reconcile this matter. They are also asking for a waiver pertaining to the Town of Hollis plat requirements for a lot line adjustment of a common line. They have depicted features such as topography, soils, wetlands, culverts etc. for the portion relative to this lot line relocation (0.592 acres) and ask for a waiver not to show all this information on the remaining acres not affected by this proposal. He added there are two recommendations that all lot bounds shall be set prior to recording and owners signatures added to the plan. The applicant shall submit a recordable Mylar and three paper prints along with appropriate recording fees.

Chad Brannan, Civil Engineer for Fieldstone Land Consultants representing Richard Sullivan, Jr & Becky L. Sullivan Rev. Trust & Raisanen Homes Elite LLC. He explained the

owner of parcel 41-26 had a boundary survey done earlier this year and the result of this survey showed some encroachments onto the abutting property. They are proposing a lot line adjustment to not only allow for this encroachment but to also accommodate the future proposal of a new garage. Both lots with comply with all the standards and regulations. They are asking for a waiver on the remaining part of the property, not to show all the detail as it really is not necessary to achieve the goal of this proposal.

D. Petry made a motion to accept the application. J. Peters seconded. All in favor none opposed.

C. Hoffman opened the public hearing. No one wished to speak. C. Hoffman closed the public hearing.

J. Peters made a motion to approve the waiver request as stated. D. Petry seconded. All in favor none opposed.

J. Peters made a motion to approve application PB2017-023 with conditions as listed. D. Petry seconded. All in favor none opposed.

7. PB2017-020: Proposed minor subdivision of an existing 11.6 acre lot into two lots, 19 Flagg Road, Applicant/owner Richard J. & Mary Snell, Map 7 Lot 45, Zoned RA Residential-Agriculture.

M. Fougere explained this application was tabled from the November meeting. Since then the Planning Board and Conservation Commission conducted a site walk on the subject property. Based on that site walk and discussions there has been some minor changes to the site plan. The access point has been moved over, the frontage has been widened to save some maple trees that exist there, and it is now entering through an existing gate that is there today. The Conservation Commission submitted a memo of their findings, and the board needs to make a decision on two of their recommendations. One is on construction staging and the second is mitigation. D. LaBombard has also reviewed this plan.

D. LaBombard approached the podium. He stated that there is no other way to the building box except through the wetland buffer without demolishing the existing house and using a common driveway. On the original plan he had made some suggestions that the storm drainage could be made smaller and they have tried to address this on the revised plans. He had received the new plans a few days ago and sent out a new email.

Randy Haight, Meridian Land Services, approached the podium. He explained they have reduced the existing house lot down by two tenths of an acre by sliding the entrance over and moving the driveway over. This also accomplishes a lower more level driveway as you enter so there is less grading, and less length so that achieved smaller detention basins. The overall disturbance has been reduced by approximately 2500 square feet.

R. Hardy asked where they propose to put the bridge, it appears that both sides of the embankment are very straight, it is his impression that this was man made? R. Haight said yes most probably it was man made to try to drain the higher level.

195 C. Hoffman asked if they had all received the report from the Conservation Commission. R.
196 Haight stated they had reduced the number of plantings to be disturbed. To the statement
197 of the construction staging, it does not make sense. And also you are not limited to building
198 within the building box. D. Cleveland asked if the Board needed to vote on the
199 Conservation Commission recommendations tonight. C. Hoffman has explained to the
200 Conservation Commission they are an advisory board and they Planning Board does not
201 necessarily need to accept them. D. LaBombard commented to the conservation
202 commission report, that some is just common sense stuff, and it doesn't make a huge
203 difference to the layout of construction etc. R. Hardy commented that with regard to the
204 planting suggested it is all indigenous species that is already there and hopefully they will be
205 removing some of the more invasive species. The Board agreed with the Conservation
206 Commission recommendation to plant the extra plants, bond and add this to the plan.

207
208 M. Fougere listed his conditions:

- 209 1. All wetland buffer areas shall be clearly noted in the field prior to lot disturbance and tree
210 clearing. The Town's inspector shall review all tree clearly and erosion control during
211 construction. An inspection escrow account shall be established to cover the cost of
212 inspections.
- 213 2. Owner's signature shall be added to the plan.
- 214 3. All bounds shall be set prior to plan recording.
- 215 4. A plant list be submitted, with values, planting to reviewed and approved by our
216 landscape consultant, and bond in place.
- 217 5. A cistern fee is noted on plan.

218
219 D. Petry made a motion to approve application PB2017-020 with conditions as listed. D.
220 Cleveland seconded. All in favor none opposed.

221
222 **Public hearing to consider the following Zoning Ordinance Changes.**

- 223
224 **1. Amend Section X Zoning Districts, Agriculture/Business Zone, 1.**
225 **Permitted Uses in the Agriculture and Business Zone, to allow private**
226 **schools and day care providers as allowable uses.**

227 C. Hoffman opened the public hearing. No one wished to speak. C. Hoffman closed the
228 public hearing.

229
230 D. Petry made a motion to send this amendment to Town Ballot. J. Peters seconded. All in
231 favor none opposed.

- 232
233 **2. Amend Section XIV Sign Ordinance by removing reference to**
234 **Administrative Board in Sections N.2.Ciii; Q.2.b.; S.1.3.4.; and T. and**
235 **replace with the term Building Inspector /Code Enforcement Officer.**

236 C. Hoffman opened the public hearing. No one wished to speak. C. Hoffman closed the
237 public hearing.

238
239 B. Moseley made a motion to send this amendment to Town Ballot. C. Rogers seconded.
240 All in favor none opposed.

241

242 3. Amend Section IV Enforcement and Administration, paragraph J. by deleting
243 the paragraph in its entirety ~~If, after the issuance of a permit, the operations~~
244 ~~authorized there under are not commenced within one year after day of permit~~
245 ~~or, if after the commencement of operations the work is discontinued for a period~~
246 ~~of one year, such permit shall be void and work may not again be commenced~~
247 ~~until a new permit shall have been issued for the original work, and building~~
248 ~~materials and equipment on the ground shall be removed or stored according to~~
249 ~~the requirements of the Building Inspector. and replacing it with “A building~~
250 ~~permit shall be valid for one year from the date of issuance. Said permit period~~
251 ~~may be extended for one or more times with approval of the Building Inspector.~~

252
253 C. Hoffman opened the public hearing.

254
255 J. Garruba, Winchester Drive approached the podium. He is concerned with taking away
256 the language regarding the removal of materials and equipment. M. Fougere suggested this
257 go back to the Building Department.

258
259 C. Hoffman closed the public hearing.

260
261 D. Petry made a motion to table until January 16th 2018. B. Moseley seconded. It will be
262 reposted. All in favor none opposed.

263
264 ~~4. Amend Section VIII Definitions, Structure and/or Building, by deleting~~
265 ~~the last sentence in the paragraph. That which is erected or assembled~~
266 ~~using a combination of materials for occupancy or use, whether portable~~
267 ~~or affixed to the ground. This includes structures of permanent or~~
268 ~~temporary construction, plastic, fabric, and/or canvas covered frame~~
269 ~~structures, structures for agricultural uses, structures installed on skids,~~
270 ~~blocks or permanent foundations and all sheds and storage facilities. All~~
271 ~~structures will require a building permit. Structures shall not include~~
272 ~~fences, basketball and tennis courts. Structures and/or Building(s) 120~~
273 ~~square feet or less shall not require a building permit, but shall be~~
274 ~~required to meet all setback requirements.~~

275
276 M. Fougere explained that since this amendment was made to the ordinance there have
277 been a number of issues arising where these buildings have been installed within setbacks,
278 buffers and on land in current use. It is felt that it would be best to return it to the original
279 ordinance.

280
281 C. Hoffman opened the public hearing.

282
283 J. Garruba, Winchester Drive approached the podium. He said the voters had voted this in
284 in March 2017 as they did not want an overly restricted process to go through with installing
285 a small shed or small structure. The Building department are intending the process to be
286 simpler and the fee will be reduced to maybe \$15 however a permit will still need to be
287 completed. He would like to see this proposed expedited process to be worded within the

288 ordinance document directly. M. Fougere explained the process within the building
289 department is internal and administrative and does not need to go to town meeting for
290 approval, and typically you don't want to put administrative processes in zoning and it
291 needs to be more flexible.

292
293 J. Garruba also had some general comments on zoning amendments he wanted to discuss
294 later.

295
296 C. Hoffman closed the public hearing.

297
298 D. Petry made a motion to send this amendment to Town Ballot. J. Peters seconded. All in
299 favor none opposed.

300

301 **Proposed Zoning Amendments Discussion**

302

303 M. Fougere stated that the Board has been discussing making amendments to the Farm
304 Stand definition and Sign Ordinance/Agricultural Signs. The Agricultural Commission
305 have submitted an outline to the Board tonight. This explains two definitions one for farm
306 stands and one for road side stands. They have also submitted recommended changes to the
307 Sign Ordinance relative to Agricultural Signs. Also each board member tonight has received
308 a memo from the Building Inspector relative to these matters also. We have also received a
309 request for proposed Solar Energy Amendments. The Building Inspector has not had a
310 chance to review and asks that the Board does not proceed with them. However he does
311 state that he would prefer to see the Agricultural Signs reduced to 12 square feet. The
312 Agricultural Commission came with a recommendation to keep the 20 square feet and
313 limited one size measurement to 6 feet.

314

315 Mark Post, Chair of Agricultural Commission approached the podium to discuss the
316 Agricultural Signs ordinance changes. He stated he has been meeting with and discussing
317 the issues with the agricultural signs for about six weeks now and has met in the office with
318 the Staff and Building Department staff. The problem being there was no limiting factor and
319 a sign could effectively measure 20 feet long by 1 foot high. They understand this problem.
320 They also understand the other problem of the total width of the sign including the posts
321 that hold up the sign. The Agricultural Commission discussed these issues at their last
322 meeting and came up with their proposal. The problem he has with bringing it down to 12
323 square feet it would immediately mean a lot of signs would be out of compliance. After a lot
324 of discussion regarding the size of posts needed and the fact the size would need to support
325 the size and material used for the sign, and this would be dictated by the Building Code.
326 The Planning Board decided to agree with the Agricultural Commission recommendation to
327 keep the size 20 square foot but to limit one dimension no greater than six. The wording of
328 keeping within code for the posts will be worked on. D. Petry made a motion to send to
329 ballot the Agricultural signs shall not exceed 20 square feet with no one linear dimension
330 greater than 6 feet and posts will be decided by code. J. Peters seconded. All in favor none
331 opposed.

332

333 M. Fougere explained the next item we have talked about Farm Stands in general and we
334 reached out to the Agricultural Commission and they provided an outline with two
335 definitions. Farm Stand and Road Side Stand. They provided definitions for each of these.
336 M. Fougere had worked on merging them into one definition. D. Petry preferred keeping

337 them separate. The Planning Board discussion and then invited Randall Clarke to speak.
338 He introduced himself as Vice-Chairman of the agricultural Commission and resident on
339 West Hollis Road. He firstly explained the Agricultural Commission had discussed the 10
340 feet from the adjacent public road at length and felt it offered most clarity. They provided
341 two separate definitions because they wanted it to be excruciatingly clear to everyone what
342 the differences were. The fundamental difference between farm stand and road side stand
343 is that a farm stand is subject to a permitting process. The road side stand should be
344 shielded from that permitting process. After much discussion over what is a temporary
345 structure it was agreed as part of the road side stand these words would be eliminated and
346 replaced with 'table' and 'tent'. M. Fougere was asked to word smith it, and post for public
347 hearing in January. Mr. Ferlin, Dow Road stood to speak however this was not a public
348 hearing. He was advised that the public hearing would be in January.

349
350 Eric Ryherd approached the podium as Chair of the Energy Committee. C. Hoffman stated
351 that their proposed amendment to the Solar Energy Ordinance had only been received by
352 staff a few days before this meeting and members of the Planning Board had not had a good
353 period of time to read them. There appeared to be substantial changes and deletions from
354 the original ordinance that will take time to read and discuss. E. Ryherd offered to explain
355 to the board the rationale behind the changes but members of the Board stated they would
356 prefer to have time to read them first before any discussions. R. Hardy asked M. Fougere
357 for clarification from the Zoning Board of Adjustment and the Building Department of any
358 cases where people had asked for more extensive things that what could originally have
359 been approved with the existing ordinance. If anything has gone to the ZBA for a variance
360 then it would be good to know. If there was a lot of things going to ZBA for relief then it
361 would highlight a concern. If not then it would appear ok. M. Fougere explained we are
362 working under a very tight schedule and we would need to be posting for a public hearing in
363 two weeks. So this is now not going to the warrant article in 2018 as there is not enough
364 time. The Energy Committee have been invited to come back in January for discussion. M.
365 Fougere also explained that as a Planner it is becoming more obvious that more towns want
366 to regulate to protect their community and that the Town of Hollis is doing just that.
367 Protecting its rural character, farm land and residents is important. J. Peters asked E.
368 Ryherd if he knew of anyone wanting to install on more than an acre. E. Ryherd said not to
369 date.

370
371 C. Rogers made a non-debatable motion to adjourn. D. Petry seconded. All in favor none
372 opposed.

373
374 The meeting was adjourned at 9:15 PM

375
376 Respectively submitted by,
377 Wendy Trimble
378 Assistant Planner
379 Town of Hollis, NH