

HOLLIS PLANNING BOARD MINUTES
September 21, 2021
Final

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

ABSENT: Jeff Peters (Julie Mook to Cover); Ben Ming (Kevin Anderson to cover)

STAFF PRESENT: Mark Fougere, Town Planner

STAFF ABSENT: Evan Clements, Assistant Planner

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 Planning Board Minutes - August 17, 2021.

B. Moseley: Line 154, Change Bill Moseley first initial from "R" to "B".

V. Mills: seconded page "Cases", line 60 recommending some changes to that landscaping.

"D. Petry reviewed letter". Was not at meeting, but did review the letter.

Line 64: "State" subdivision instead of "Interstate Subdivision".

Line 76: should be "Staggered Trees" rather than "Staggared"

Line 89: "during the construction process" add "to determine" between "to" and "F".

Line 152: Add: "Virginia Mills recused" for Case2021:024

J. Mook: Line 284: 85% "voters" rather than "Town population".

Motion to accept minutes of 8-17-2021 with associated edits mentioned. Moved by D. Cleveland, second by D. Petry. Motion passed, V. Mills abstained.

3. DISCUSSION AND STAFF BRIEFING

a. Agenda additions and deletions:

M. Fougere suggests change to move Case File PB2021:020 first, then File PB2021:019 seconded, then File PB2020:024 last.

Motion to change order of cases as above. Moved by D. Cleveland; seconded by K. Anderson. Motion passed unanimously.

b. Committee Reports - none

c. Staff Report - none

d. Regional Impact- none

4. SIGNATURE OF PLANS:

PB2021-018 11 Monument Square Amended Site Plan. For the farm use on the square. They did get approval from the HDC.

No discussion

Motion to sign plan PB2021-018 11 Monument Square Amended Site Plan: D. Petry moved; V. Mills seconded. Motion passed unanimously.

5. HEARINGS

- a. **File BP2021:020** - Proposed site plan amendment detailing the proposed expansion of the East Cemetery, 29 Wheeler Road, Pay 24 Lots 30,31, & 36, Owner/Applicant Town of Hollis/Cemetery Trustees, Zoned R&A.

Mark: Trustees proposing:

Melinda Willis, 40 Wright Road, Hollis

Chairman of Cemetery Trustees

M. Willis distributed photos to the Board members. She stated the area of focus is the southeast side of cemetery. Proposing to add 348 lots and modify rules so that land is used more efficiently. State RSA that must always have available lots for residents to purchase to be interred. Referring to displayed plan: Stone wall has been rebuilt which was border between old and new cemeteries. Proposing to put small, 35' radius patio in curved area in corner. Proposed new road from Second Street on to "G" avenue. Would like to close "D" avenue as radius is too tight causing vehicles to go over a lot at that location. DPW is requesting a new entrance into the expansion of the cemetery. Section J, Birch Lane at Pine Hill Road, put in a temporary construction road which would be to reinforce current farm road. Currently working with Lull Farm, who has a lease for an orchard on this town owned land. He has cut down the trees for this project and will continue to farm the land and will have the opportunity to lease the property until need for further expansion, which would be far into the future. When discussed with Selectmen, there was a suggestion to build a vertical wall for urns. Trustees have not had a meeting with Selectmen, but Selectman have stated they would consider the wall. The trustees may add this to the plans next year. Pointed out areas on plan for plantings. Until recently, people could request to put in trees. Intend to make plan for where & what kind of trees and shrubs will be planted.

B. Moseley questioned if there would be a plan change for monuments.

M. Willis stated plan to change policy to allow monument with a single lot. Will determine dimensions.

B. Moseley asked about requiring a flat monument vs. stand-up monument.

M. Willis answered that stand-up monuments are allowed. Requiring that people put at least one 4" marker to designate corners of lot. Encourage people to use flat monuments or use a small upright with flat plaques. Although, flat plaques tend to sink into the ground.

D. Petry stated that this non-binding approval. This is a courtesy that the Chairman of the Cemetery Trustees appeared before the Planning Board to share plans. The Planning Board expressed appreciation.

K. Anderson asked about security of the referenced area of the cemetery as it is behind a hill.

M. Willis explained that there have been no issues with vandalism so far. There is a private residence nearby, and they intend to include a barrier along that property line, i.e. fencing or stonewall.

J. Mook asked if there could be a barrier along the Driscoll property line. M. Willis stated that she spoke with the Driscoll property owner in the past and there were no concerns. She will contact that person again to discuss potential issues.

D. Cleveland asked if the individual plots were the same size as the rest of the cemetery. M. Willis stated that the lots are slightly larger. Currently 4' x 10'; new lots will be 4' x 12'. Also, the roads are all wider. They will be 20' vs. 16'.

D. Cleveland asked for an estimate for when the need for an additional expansion will be. M. Willis stated that her best guess is 30-50 years, depending on number of cremations. Cremations have increased over the last 15 years.

Public hearing:

Abutters: - none

Town Residents: - none

Other interested parties - none

Public hearing closed.

Other Board comments: -none

Motion to approve application by D. Cleveland; seconded by C. Rogers. Motion passed unanimously.

- b. **File PB2021:019** - Proposed lot consolidation of two adjoining properties and removal of proposed private way, Cutter Place, Map 37 Lots 26 & 28, Owner/Applicant Cutter Place Properties, LLC, Zoned R&A. Application Acceptance and Public Hearing.

M. Fougere:

The purpose of this application is to consolidate lot 14-37-26, a buildable back lot, and lot 14-37-28 a non-buildable lot created at the Planning Board's request. The application also requests a redesign of the approved shared common drive into a single driveway. Both lots were created as part of the Wright Heirs Properties Subdivision that created both Cutter Place & Lovejoy Lane. The subdivision was approved in October 2005.

The Board's intent with lot 14-37-28 was to create an access way from Cutter Place to the eastern half of lot 14-35, a 74 acre parcel of farm land owned by the Law family. Lot 14-35 has frontage on both Van Dyke Road and Richardson Road, however, a tributary of Flints Brook bisects the property and makes accessing the eastern portion of the property from the western portion challenging.

While the Board intended to create access with lot 14-37-28, no right of way or access easement was ever recorded or dedicated. The subdivision plan anticipated the access which is why a shared common drive was proposed. Minutes from the July 2005 Planning Board meeting discuss the sharing of road construction costs [the shared common drive] and eliminating a time frame for the access provision to "...grant access in perpetuity." No formal agreement to share construction costs of the shared common drive was ever recorded.

154 M. Fougere also explained that this is a rather odd situation. There were “tubes” of property
155 that were part of the approval of this property that went to abutting properties. He had a
156 conversation with Mr. Law who was notified of this meeting. He did not seem interested in
157 taking advantage of the access way. This will basically consolidate that “tube” with lot 26
158 and make it part of one piece of property instead of a 20’ wide private way there will be a
159 single driveway of only 12’ will be constructed.

160
161 **Motion to accept application PB2021:2019 by D. Cleveland; seconded by V. Mills.**
162 **Motion passed unanimously.**
163

164 Randy Haight from Meridian Land Services.
165

166 R. Haight stated that his company drew the plan for the lot merger and reconfiguration from
167 a common driveway to a single driveway. As this was drawn and approved as a common
168 driveway, would like to consolidate the two lots and have design approved to go forward.
169

170 B. Moseley asked R. Haight to explain difference between single and common driveway.
171 R. Haight explained that a common driveway needs to have 20 feet of plowable surface.
172 Can be 14’ gravel traveled way with 3’ shoulders on either side which give the ability to plow
173 up to 20’ wide. This particular driveway is unique because it already has a existing crossing
174 over a run-off wetland area and that was the restricting factor when it was approved in 2005.
175 Now, as a single driveway, it doesn’t need to be that wide and would essentially be the
176 same width all the way down. There would be no formal turnaround for fire department
177 where the two driveways would split.
178

179 Referring to a displayed map, R. Haight pointed out the entire “leg” was an access
180 easement. Drainage will remain as-is. Another easement would be extinguished leaving a
181 single lot with single driveway.
182

183 Alexander Buchanan, Lawyer practicing in Nashua, 30 Temple Street.
184 No presentation. Is present to answer questions.
185

186 D. Petry: Since lot 28 was created as a non-buildable lot, .57 acres, will become part of lot
187 26 and will become 2.65 acres.
188

189 K. Anderson: This is for a shared driveway between two properties, not three?

190 R. Haight confirmed.

191 K. Anderson: There will be no changes to drainage easement? Same as intended for
192 original subdivision?

193 R. Haight confirmed.
194
195

196 Public Hearing:

197 Abutters - none

198 Town Residents - none

199 Other interested parties - none
200

201 Public Hearing closed.

202 No further comments from board
203

Motion to approve this application by K. Anderson. seconded by D. Petry with stipulation that all bounds be set prior to approval.

R. Haight stated that all bounds have been set around perimeter (referred to map) with the exception of others (on map) until the driveway was constructed. Would do a certified plot plan prior to CO (Certificate of Occupancy).

No further discussion.

Motion for the approval of PB2021:019 with all bounds to be set prior to Certificate of Occupancy. Motion passed unanimously.

c. File PB2020:024. V. Mills recused. R. Hardy to vote in her place.

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. Tabled from August 27, 2021.

M. Fougere: This Application was last before the Planning Board on August 17 with new details added to the plan including site grading and site distance profiles for all intersections (roads and driveways). The main development area where the homes will be built consists of approximately 18.5 acres. As noted on the site walk, this area has varying terrain and steep slopes. In order to construct the proposed density of 50 homes, the entire 18.5 acre building area will be regraded with fills reaching 16 feet and cuts reaching 32 feet.

After reviewing the plan the Board requested additional detail be provided by the Applicant prior to the Board conducting a public hearing on the project. Details requested include:

- Review those driveways that do not meet the Town's site distance requirement.
- Concerns with grading and septic systems.
- Detail snow storage areas.
- Clarify proposed open space.
- Clarify impervious area requirements.
- Address guest parking.

Chad Branon,
Civil Engineer, Fieldstone Land Consultants
Representing the land owner for continued discussion for a 55 and over development. Would like to expand on some items and explain some revisions. Some questions were raised at last meeting relative to finalizing sight distances for driveways; questions and concerns relative septic systems; site loading, snow storage. Verified open space calculations, density calculation and impervious area calculation. Would also like to discuss parking.

C. Branon stated that sight distances and review of sight distance plan profiles that were prepared to address the requirements for the 200 feet of stopping sight distance in this project. There were 3 driveways in question, 28, 32 & 40. They actually meet the requirement, but they failed to put a note on the profile. There's 200' of stopping distance as you travel along the road but the line of sight to that point is 180'. This has been deemed acceptable by Town Engineer, so notes will be added to profile.

The Engineer commented that some sight lines do cross portions of adjacent driveway, so if a vehicle is parking in that driveway, it will obstruct the sight distance. There is an opportunity to propose a smaller home on those particular lots and lengthen the driveway slightly.

Drainage: Pertaining to the storm water for this site, he is confident that the materials are very sandy. Will prepare a full scope storm water management plan. It is important that there is a resolution on the alignment of the driveway as well as drilling the well. He states that if they don't get water in the well, this project could change substantially from a density standpoint. The well cannot be drilled until the location of the road is finalized.

Would like to discuss with the Board tonight is the design of the road meeting all criteria with no waivers; go forward with a design that requires a few waivers for the 4' cut and fill as well as the width of the cut & fill exceeding the 100' maximum. There is additional buffer so there is a public benefit. Is requesting direction on issue from Board.

The lots and driveways have been graded. All of the studies remain to be done. Is looking for decision on road location to proceed.

Radius on driveways:

Will be looking for waiver on 15' radius on driveways. States that delivery vehicles or emergency response vehicles will be driving up alongside homes on road, not in driveways. Town Engineer advises that the request may be appropriate, but requires a waiver. Will be formally seeking the waiver.

Parking:

Many units will have at least a single car garage, plus two exterior parking spaces. In addition, there is a community club house with additional parking. He states he would like to seek waiver based on information that was presented and shared.

Snow Storage:

There will be snow storage on both sides of roadway. Each home is separated by at least 25', so driveways will have ample snow storage. As part of site design, they have accounted for snow fall and snow melt so there is no drainage onto driveways and traveled surfaces.

B. Moseley stated his concern with number of waivers to be requested. C. Branon's presentation included plans with multiple waiver requests, i.e. sight distances, driveway radius, parking regulations. Reiterated need for project plan without waivers for which to move to public hearing. Stated rural character of site will not be preserved with re-grading of 18.5 of 36 acres.

D. Petry stressed need for design that is waiver free, need to consider less houses in the plan.

R. Hardy expressed need for alternative layouts for consideration. Concerned with re-grading half of site. Does not preserve natural character of the land. Density, rural character and environmental consequences should be more of a priority. Need to see alternate plans or final plan for decision making.

D. Cleveland concerned with rural character, off street & guest parking, number of septic systems, steep lawn grading, snow storage, waste water treatment. Possibly need to reduce number of units or develop a new plan altogether.

J. Mook emphasized importance of environmental study and rural character of site. Expects that all trees will likely be removed and does not feel that fits into requirements to preserve rural character.

K. Anderson stated he has compared current plan with previous and noticed some units were reduced in size. Concerned with 15% impervious factor as it leaves no room for change.

D. Petry expressed reminder that plan began with single family homes to 55 and over. The ordinance has been corrected and changed and the reason they can submit is because changes were made in March. Stated would like to bypass rebuttal from C. Branon tonight.

B. Moseley made statement that would like to forego rebuttal as well.

M. Fougere replied to K. Anderson that the road is not a cul-de-sac but rather a loop way.

B. Moseley asked C. Branon for other comments or questions of the board. No response. Stated that town regulations remain and are required.

C. Branon stated in this design review phase he has made revisions and has addressed issues as they have arisen. A revised plan will be provided that shows the project addressing the 15' driveway radius and parking issues. Is requesting a dialogue and asking for guidance with the Board regarding those two issues. Based on experience with previous similar project was not anticipating radius and parking issues which have been raised with this project. Will come back better prepared to address rural character and concerns about the area. Is looking for guidance and when received will try to address the items that are raised in this design review process.

B. Moseley asked C. Branon if he understands seriousness of where the Board is at with this project.

C. Branon understands and is requesting guidance and continuance.

M. Fougere explained that the town has a Rural Character ordinance, a zoning ordinance, which covers the entire town. There is a zoning ordinance relative to projects of housing for older persons, specific general standards. In those sections: "All housing for older persons shall conform to the following standards". These are in addition to anything else, such as Rural Character Ordinance. Preserving "the natural character of the land" is on a site-by-site basis. Housing for older persons is separate from the Rural Character ordinance. This requirement has to do with this type of project, i.e. what type of site it is and is this site appropriate for this use, versus the Rural Character ordinance which states that it's not a density issue, it's how it looks from the street. The Term "Rural Character" is used throughout the town ordinances and regulations, but it needs to be used in context.

355 D. Cleveland mentions 3 possibilities for proceeding:

- 356 1. Significant change in proposed design which addresses all issues and may
- 357 include a reduction in number of units.
- 358 2. Change design altogether and for single family homes.
- 359 3. Planning Board to suspend project.
- 360

361 R. Hardy suggested plan be moved to Final.

362
363 D. Cleveland questioned if plan be moved to Final would it be based on drastically changed
364 plan.

365
366 C. Branon stated final design would be based on all studies being completed, feedback from
367 all consultants. Study results could have an impact on final design.

368
369 K. Anderson commented that waiver items could be rectified with plan. Asking the Board to
370 understand the waivers are do-able. If we move to final, items will come back.

371
372 D. Petry stated if it moves to final and Final application is submitted, the application must be
373 accepted and plans must be submitted without waivers.

374
375 M. Fougere stated that the policy has been that the applicant can provide plan without
376 waivers, then if need be, make a case for an exception.

377
378 D. Petry stated that when the plan comes before the Board, a motion is made to accept the
379 application for review. At that point, if it's not compliant, it can be rejected.

380
381 M. Fougere added that staff thought the question of parking applied to a different use.

382
383 C. Branon stated he believes he understands the Board's position. Would arrange for all
384 studies to be done and prefers to go to final.

385
386 **R. Hardy made motion that Case PB2020:024 end design review; seconded by D.**
387 **Cleveland. Motion passed unanimously.**

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389
390 **6. Other Business**

391 B. Moseley proposes a change to Section G; Item 1.

392 "Not withstanding other material submission time requirements for Planning Board
393 consideration, items to be provided to the Planning Board members for their
394 consideration from outside sources during the meeting must be in possession of the
395 Planning Department prior to Town Hall close of business time, the Wednesday prior to
396 the meeting."

397
398 M. Fougere will re-word the above statement for presentation at next meeting.

399
400
401
402 Joe Garruba, 28 Winchester Drive, Hollis Watch Zoning/Regulation presentation

403
404 B. Moseley stated this is time of year when zoning regulation changes are reviewed.

405 M. Fougere: Time line will be out soon.

J. Garruba presented suggestions relating to regulation and zoning ordinances for 2022. He referenced an "Open Space Loop Hole" in the subdivision regulations. Also MS4 Drainage and storm water requirements.

His presentation showed:

- "Presently, if a developer builds a conventional subdivision they are required to set aside open space for parks and playgrounds by the subdivision regulations.
- The language in the subdivision regulation is vague about how this set aside is to be applied for (HOSPD) Hollis Open Space Planned Development and (HFOP) Housing For Older Person developments.
- Recent projects have been approved without the required set aside, which is important to the quality of life in our town.
- It is important that we protect our town's rural character as vigorously as those who came before us.

He concluded that:

"HollisWatch requests that the planning board hold a workshop meeting with the public to collaborate on proposed changes to the subdivision regulations and proposed language for zoning amendments. An open two way dialog will result in the best proposals. Since communicating detailed technical concepts is not possible at a public hearing after a proposal has been formulated.

It is important to get the board's feedback on this proposed meeting quickly as these issues are complicated and HollisWatch is continuing the effort presently."

M. Fougere responded that it's important to clarify the record. The term "loop hole" infers that developers have been getting away with something. The language in our subdivision regulation dates back to the early 1980's and pre-dates our HOSPD zoning ordinance. Before we had HOSPD we had a PUD ordinance which wasn't mandatory, it was an option. At that time to get open space, this was the provision that was used. Once the town adopted HOSPD, it should have been deleted, but it was not and it does create confusion. The HOSPD rule is a zoning ordinance, it is a requirement. A zoning ordinance is more restrictive and usurps subdivision regulations. When you look at the two regulations, the more restrictive applies and in this case it is zoning which was voted on by the voters and is more restrictive.

The resident presenter left the meeting at this point.

Our HOSPD rules mandate between 30% and 40% open space in our zoning ordinance. Major subdivisions are providing open space through HOSPD. The same with housing for older persons. The zoning ordinance mandates 40% open space. There is open space being provided in these developments (3 in community). There is no loop hole. We have a rural character ordinance that every project has to adhere to. Language could be cleaned up to put in to context for when this would apply. There is a difference between zoning and regulations and zoning rules.

455
456 D. Petry: Is input from conservation commission or the rec commission advisory or mandatory.
457 M. Fougere: Typically we do use input from commissions. In addition to updating our drainage
458 regulations we need to update our subdivision regs. Has asked NRPC come up with proposal &
459 price point and we hope to have a draft next month.

460
461 K. Anderson commented that his understanding is that the emphasis by J. Garruba was on
462 open spaces be dedicated public use versus development resident use.

463
464 M. Fougere said that HOSPD ordinance gives the developer the choice of making the open
465 space public or private.

466
467 **Motion to adjourn by C. Rogers; seconded by D. Petry**
468 **Motion passed unanimously.**

469
470 **Meeting adjourned at 9:20 pm**

471

472
473 Respectfully submitted.

474
475 Cheryl Moreno
476 Recording Secretary