



**Town of Hollis**

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**HOLLIS PLANNING BOARD MINUTES**  
**March 15, 2022 – 7:00 PM Meeting**  
**FINAL**

**MEMBERS OF THE PLANNING BOARD:** Bill Moseley, Chair; Doug Cleveland, Vice Chair; Chet Rogers; Julie Mook; Benjamin Ming; Virginia Mills; David Petry, Ex-Officio for the Selectmen; Alternate Members: Richard Hardy; Jeff Peters; Kevin Anderson

**STAFF:** Mark Fougere, Town Planner.

**1. CALL TO ORDER – 7:00 PM.**<sup>[SEP]</sup> Bill Moseley led the group in the Pledge of Allegiance.

**2. APPROVAL OF PLANNING BOARD MINUTES:**

February 15, 2022: **Motion to approve** – motioned by D. Cleveland, seconded by C. Rogers; motion passed.

**3. ELECTIONS:**

Chair – J. Peters nominated B. Moseley, seconded by V. Mills. B. Moseley abstained; nomination passed and B. Moseley elected Chair.

Vice Chair – B. Moseley nominated D. Cleveland, seconded by J. Peters. D. Cleveland abstained; nomination passed and D. Cleveland elected Vice Chair.

**4. DISCUSSION AND STAFF BRIEFING:**

- a. Agenda Additions and Deletions: none.
- b. Committee Reports: none.
- c. Staff Reports:

M. Fougere spoke in regard to the zoning changes that were before the voters at the March 8 Town Election. Of the four proposals that the Board put forth, three were passed. Unfortunately, one was not: it had to do with pulling out the drainage requirements from the Zoning Ordinance. Unfortunately, that was defeated by the voters after “Hollis Watch” fought against that proposal. We’re all here to try to protect the rural character of the community; and the goal of that amendment was to protect the rural character of the community, and to actually improve water quality. Unfortunately, Hollis Watch put out a lot of misinformation relative to that question, and the real loser is the Town of Hollis and the environment. Detention ponds are going to be oversized unnecessarily, the Town’s rural character is going to be impacted with more tree loss, and it’s unfortunate that that negative voice carried the day with the voters.

43 M. Fougere suggested that over the next year we need to come to terms with social media, and try  
44 to be stronger advocates for the Board's voice. The members of the Board all work very hard on  
45 these issues, and we should find a better connection with the voters. It's unfortunate that we have  
46 an organization in Town that does not appreciate the Board's work, but we'll keep trying to  
47 improve communication.  
48

49 In addition, M. Fougere reported that both Petition Warrant Articles before the voters passed, and  
50 that they have been turned over to Town Counsel for review insofar as to how to deal with them on  
51 a legal basis.  
52

53 d. Regional Impact: none.  
54  
55

## 56 **5. SIGNATURE OF PLANS:**

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58 File PB2021:012 – 3-lot subdivision off Love Lane and Proctor Hill Road. M. Fougere stated that plans  
59 have been submitted and all requirements have been met.  
60

61 **Motion to approve signature** – motioned by D. Cleveland, seconded by C. Rogers; motion passed  
62 unanimously.  
63  
64

## 65 **6. Community Master Plan Update – Public Hearing.**

66

67 M. Fougere stated that this is a document on which we have been working for several years, now. The  
68 last Master Plan was completed in the mid-1990s; this is an update to that document. There are a  
69 number of chapters that the Board has been working on relative to the Plan, including A Vision for  
70 Hollis; Current and Future Land Use; Housing and Population; Transportation; Town Facilities. We  
71 started with a community survey that was mailed to every homeowner and resident in the community. If  
72 residents have any comments, the point of this public hearing is to gather that input.  
73

74 B. Moseley pointed out that when data becomes available from the 2020 census, we will look to  
75 incorporate that data into the Master Plan as an amendment.  
76

### 77 **Public Hearing.**

78

79 Karen Belmonte, 46 Truell Road. Suggested that another Town-wide survey be conducted. There have  
80 been many changes in Town, and relying on opinions from seven years ago may not be an accurate  
81 reflection of the thoughts of current Hollis residents. For example, seven years ago 39% of survey  
82 respondents expressed that there was not enough elderly housing in Town; the opinion that more elderly  
83 housing is needed may not be current, since we now have 52 units at Cobbett Lane. K. Belmonte also  
84 addressed the Visual Impact Study on page 11, suggesting that visual impact studies should also include  
85 visual impact to property abutters in residential zones, rather than just visibility from adjacent public  
86 ways. High-density housing developments should not be the new view for long-standing Hollis  
87 neighborhoods. Many people move to Hollis for its rural character, and have done so while only one  
88 house per two acres would be allowed to abut their property. People should not have to see these high-  
89 density developments from their house. While she understands the benefits of high-density housing  
90 within the need for more housing in general, these types of developments should mainly not be visible  
91 from roads or from single-family homes.  
92

### 93 **Public Hearing Closed.**

94

### 95 **Comments from the Board:**

96

J. Peters mentioned that K. Belmonte made some good points. In terms of a seven-year-old survey, with the amount of growth we've had in the past four or five years, another survey might be something to look into. Additionally, with high-density developments going in, screening them from neighbors and not just from roadways might be something to pursue.

D. Petry pointed out that the Board does want to do another survey, but that we need to get this Master Plan Update published in the meantime. This is to be a living document. As it hasn't been updated in a long time, once this update is published we can move forward with adding census data when available, and newer survey results, going forward.

J. Mook added that she'd like the Board to review the recommendations that are already in the Master Plan, and over the course of the year decide if we can take action, or remove them as recommendations. That might impact some of the questions on the survey.

**Motion to accept the Master Plan Update and publish it** – motioned by D. Cleveland, seconded by B. Moseley; motion passed unanimously.

## 7. Cases:

- a. **File PB2021:021** – Proposed site plan for a ground mounted solar system with the installation of two 41 foot by 14 foot solar arrays on a 19.1 acre residential lot, 91 North Pepperell Road, Applicant: Revision<sup>[SEP]</sup>Energy, Owner Laura Gargas 2005 Rev Trust, Map 7 Lot 48. Zoned R&A. **Tabled from February 15<sup>th</sup>**.

M. Fougere stated that this application was before the Board this past fall and after a site walk it was discovered that the proposed location of the solar array was within a wetland area. From an engineering perspective, this location was not acceptable and the proposed arrays have been relocated to the east in an upland area (currently a corn field). The application has been previously accepted and a public hearing held. Staff does not have a problem with the new location. There is still an outstanding waiver request for a full site plan, which was requested by the Applicant. Staff thinks that there is enough detail in the current plan to accomplish what is needed.

Applicant: John Gargas, 91 North Pepperell Road, Owner. Mentioned that during the site walk it was confirmed that no screening landscaping would be required. There is still no visibility from the roadway, and no opposition from abutters.

The Board had no opposition to granting the waiver.

**Motion to grant a waiver from Section IV.4(A)2(a) of the Hollis Site Plan Regulations which stipulates that the Site Plan be drawn by a licensed engineer or surveyor** – motioned by V. Mills, seconded by D. Cleveland; motion passed unanimously.

In terms of approving the application, Staff does not have any stipulations or recommendations.

J. Mook asked for confirmation that the Board did not need another site walk. Board comment confirmed that another site walk was not needed.

**Motion to approve the application** – motioned by D. Cleveland, seconded by D. Petry; motion passed unanimously.

- b. **File PB2022:001** – Proposed site plan amendment to accommodate a special event use to an existing Bed & Breakfast on a 2.10 acre mixed use property, 162+162A Broad Street, Owner &

Applicant: Timber Post Bed & Breakfast LLC, Map 54 Lot 17, Zoned R&A. **Application Acceptance and Public Hearing February 15<sup>th</sup>, application tabled from February 15. Site walk conducted this afternoon, March 15, at 5pm.**

M. Fougere stated that we had a very productive site walk this afternoon, with the Board able to see the layout of the property, the entranceway, where cars would park, the driveways and aisles, where the tent would be located, and we were able to have a good conversation with the owner. There was a lot of discussion about parking, and parking space sizes; our regulations require parking spaces to be 9' by 18'. We do allow compact spaces to go down to 9' by 17'. Drive aisles with two parking spaces one behind another are 22', and the minimum drive aisle is 12', for single-space aisles.

Applicant: Vivian Girard, 162 Broad Street, for Timber Post Bed & Breakfast LLC. Stated that she has information about the New Hampshire Bed and Breakfast Association, about which members of the Board may have had questions. Pointed out that the NHBBA does have very strict regulations and rules, with which she fully complies.

B. Moseley stated that the site plan needs work, particularly as some of the dimensions are not accurate: especially concerning lots 16, 17, 18, and 19, and lot 21 doesn't exist. These need to be updated, in addition to the positioning of lots 13, 14, and 15. The site plan also still reflects an in-ground pool that has been filled in; there is a culvert near where the tent is to be positioned, and that is not depicted accurately on the site plan.

K. Anderson mentioned that the site plan is lacking in some detail. He is concerned about circulation around the parking spaces, especially in regard to emergency services. If there is an event particularly at the tent area, we need to make sure there is a dedicated access-way to it.

Applicant clarified that the Fire Department has stated that they would not drive onto the grassed area whatsoever.

D. Petry stated that the way the process works is that once we have an updated and accurate site plan, the Board will send the plan to Fire Chief Robert Boggis – who will then comment on the plan in a letter to the Planning Board Chair. The Applicant herself is not to contact the Fire Chief directly, regarding the plan.

General Board discussion concurred with the need for a scaled, dimensionally accurate site plan.

K. Anderson additionally pointed out that the site does fall within the MS4 designated "Urbanized" area, so we need to be concerned about storm water run-off, and "contaminants" from the site. The MS4 permit is forced upon the Town from the Federal level, and the Town is responsible for upholding it. K. Anderson also mentioned that it is difficult to see, concerning this application, whether it is a Bed and Breakfast, under those ordinance regulations, or a business, with different regulations and requiring a much more detailed site plan. The point at which the application might move from one to becoming the other is difficult to differentiate.

M. Fougere concurred that a better-scaled plan is needed. There are certainly some issues; on the west side of the site, the access way seems to be a lot closer to the property line than on the current plan, for instance. He also clarified that if the Board ultimately requires pavement, that is when a storm water plan will be needed.

K. Anderson added that we need to keep in mind that this is for intermittent use throughout the year, with a maximum of six events – so he has some compassion regarding the parking questions. He recommends leaving the parking as a grassed area, with parking being so intermittent. With that being the case, the storm water calculations will negate themselves: there will be grass before the parking, and grass afterward. The bigger issue is whether this is still a home-occupation and Bed and Breakfast,

or is this transitioning into a business, holding events? That changes the whole discussion.

Applicant clarified that she herself is the only one running the operation. She is not interested in holding events for any more than 50 people, and can only handle up to two events during the summer. The ZBA was gracious enough to grant up to six events a year, but because it is only she doing all the work, she physically can't do that many productions. She has no interest in hiring additional help. Her friends and children have helped out, where needed. She does not have or plan to have any employees. The intent is to keep the Bed and Breakfast operating on that small scale. Bed and Breakfasts typically do host small events.

M. Fougere showed that the conditions for approval passed down from the ZBA were that no amplified sound equipment shall be used during outside events; outdoor events are limited to 50 persons; outdoor events are limited to six per year; all outdoor events shall end no later than 10:00 pm; the length of stay for overnight guests shall not exceed 90 consecutive days.

D. Petry suggested that, based on those conditions, he'd like Staff to send a letter to the ZBA asking how they determined, without having a site plan, that 50 people was an acceptable number of event guests? How did they determine that six events a year was the right number, without knowing the layout of the property?

K. Anderson indicated that ultimately the issue is with the septic design, and whether the design – not whether it passes inspection – is sufficient. In dealing with the MS4 designation, if the septic system were to fail, it would be a major problem and that is the red flag.

It was determined that the Applicant will need to have a licensed septic designer evaluate the property, and submit evidence – either a stamped septic design, or potentially a letter – as to whether the current system is sufficient for the updated use regarding 50-person events.

B. Moseley mentioned that there were other concerns that came up during the site walk, one being protection for the propane tanks. Applicant responded that there are rocks to be delivered and put in place for that purpose. That protection will also need to be reflected on the updated site plan.

Regarding the parking, B. Ming brought up that there is inconsistency between the current site plan and the actual property in terms of what spots are gravel and what are grass: specifically, number 13 and possibly also 20. The plan needs to be updated to accurately show those plots.

K. Anderson added that, particularly with the steep grading, some of these parking spots do not meet parking standards – and that is another reason why we need clarification from the ZBA.

D. Cleveland asked if it were correct that Applicant has hosted only up to 30 people at events in the past; Applicant confirmed that that was the case. D. Cleveland then asked if Applicant would consider limiting events to 30 people in the future, thereby eliminating the need for some parking spaces. Applicant responded that if, for instance, attendees have kids, she doesn't want to be so strictly limited as to the number of people she is allowed to host. She reiterated that, with attendees frequently coming several to a car, this much parking hasn't been required in the past.

D. Petry stated that, to protect the Applicant, to protect the Town and the abutters, we do need a site plan that is to scale. Additionally, that plan needs to have notes on it regarding everything the Applicant has mentioned. If this application does move forward and get approved, specific notes will be needed regarding hours of operation, number of cars, and so forth, so that if there is an issue and we need to send code enforcement, there is a specific record to refer to. We need to have a site plan with notes on it stating exactly what is allowed. B. Moseley concurred, and added that the site plan needs to also be an accurate depiction.

C. Rogers added that he'd be a lot more comfortable with the application if the number of cars and parking spots were reduced, particularly considering the terrain and the slope.

B. Moseley stated that in general the parking needs to be re-assessed on the updated site plan.

M. Fougere mentioned that a number of abutters have asked about commenting to the Board; if residents have comments or concerns, they can write letters or e-mail messages and Staff will get that to the Board directly.

**Motion to table File PB2022:001 until the next Planning Board meeting on April 19, 2022 –**  
motioned by J. Mook, seconded by V. Mills; motion passed unanimously.

- c. [File PB2022:003](#) – Proposed lot line relocation plan between two adjoining properties exchanging .32 acres of property, Owners: John Halvatzes Jr. Rev. Trust & Gisetto Family Rev. Trust, 27 Ranger Road & Broad Street, Map 26 Lots 40 & 48, Zoned R&A Residential Agriculture. **Application Acceptance and Public Hearing February 15<sup>th</sup>, application tabled from February 15.**

M. Fougere stated that the plan for this application has been updated to better reflect what is happening on the site, and many of the waiver requests have been removed. Only one waiver is requested; full wetland mapping of the larger 9.8 acre parent lot that already contains a home, Lot 40. Wetland delineation has occurred on Lot 40 near the existing home to demonstrate the home has 2 acres of acceptable land. The one issue outstanding is that the Board did request that the Applicant obtain a septic plan for a home for the site, which has been prepared but has not been approved by the State.

Applicant: Brad Casperson, with Meridian Land Services, for John Halvatzes. Stated that he misspoke when he indicated that a septic approval could be obtained for this meeting. As the application is in a gray area regarding approval for the lot line relocation, they cannot formally submit a septic plan to the State as the plan needs to have a current lot configuration. They have a plan ready for approval once the lot line adjustment is approved. Applicant confirmed that the well location has been added to the plan, depicting it outside of the wetlands as required; they have also confirmed with Tom Mercurio, Septic Inspector, that he did witness all of the test pits used in each iteration of the design; they also updated to show the proposed lot line configuration.

B. Moseley pointed out that the reason the Board was pursuing a septic plan was that it would help to answer some questions; K. Anderson concurred, but added that it makes sense that, as pointed out, one can't get an approved septic plan on a proposed lot line adjustment; it has to be confirmed and essentially finalized. K. Anderson suggested that an approved septic plan could be a condition of approval for the lot line relocation; if they can't meet that condition of approval, the Board cannot sign the plan.

D. Petry stated that if we approve the lot line relocation, and then the State reviews it and they don't approve the septic design, then there will be no house. It will be a lot that has a reconfigured lot line, that can't be built on.

Regarding the septic plan, K. Anderson asked for explanation on the well radius. The State has a 75' well radius, which would be entirely within the property; the Town has a 100' radius, which exceeds the property by 25'. There is an allowed overlap, but he does not believe that it's up to 25'. Applicant replied that his understanding is that as long as it doesn't encroach on an existing septic system, it's allowed, and the two abutting lots are already developed. Further, whereas Hollis has a 20' side setback line to the leach field, potentially the well could be moved such that it wouldn't encroach on the setbacks from the side line to each of those properties regardless of the fact that they're already constructed.

K. Anderson would like Staff to confirm with the Town Health Inspector that the 100' radius encroaching on the neighboring property is ok. B. Moseley concurred that we need to resolve that question before we can move forward.

M. Fougere added that we also need to consider the waiver of the wetlands mapping. Additionally, Staff suggests that the tree line existing within the side setbacks remain in place to address the requirements of the Rural Character Ordinance. Staff further recommends that if the Planning Board is inclined to accept and approve this plan, they should include the following draft conditions of approval: a stump disposal area be noted on Lot 48; a note shall be added to the plan stating that the proposed home shall be served by underground utilities; owners' signatures shall be added to the plan; prior to plan recording, an onsite septic plan approval shall be obtained from NHDES, as just discussed.

D. Cleveland pointed out that the Board could approve the plan subject to these points. B. Moseley agreed, and added that even the question of the 100' radius could be added as a condition of approval, after we deal with the waiver. The Board was in general agreement.

Regarding the waiver of the wetlands delineation, M. Fougere clarified that the wetlands have been delineated on the larger, mother lot on Ranger Road. What they're asking for the waiver for is for the rest of the property, that's not going to be developed and in fact cannot be developed.

**Motion to grant the Waiver of the Wetland Delineation for File PB2022:003** – motioned by D. Petry, seconded by D. Cleveland; motion passed unanimously.

**Motion to approve File PB2022:003 based on the satisfactory completion of the stated conditions of approval** – motioned by D. Cleveland, seconded by V. Mills; motion passed unanimously.

- d. **File PB2022:004** – Proposed lot line relocation plan between two adjoining properties, Owner/Applicant Dana Rasmussen, 3 Johns Way, Map 13 Lots 68 – 5 & 6, Zoned Residential/Agriculture. **Application Acceptance & Public Hearing.**

M. Fougere stated that the purpose of this plan is to relocate the lot line between two adjoining properties. Lot 6 will increase in size from 2 acres to 3.5 and Lot 5 will decrease in size from 4.5 to 3.5 acres. Lot 5 is accessed from John's Way, a private way, and is currently vacant. Lot 6 contains a home and the applicant owns both properties. All relevant zoning requirements have been met.

The proposed plan will create a very irregular shaped lot that is not typical in the community.

M. Fougere further stated that issues with the plan include the fact that the Town of Hollis Subdivision Regulations, Section IV.2 Design Requirements A., requires that "**Where new lots and lot lines are created, resulting lot shapes shall be reasonable and compact.**" Staff does not believe this plan adheres to this Regulation requirement, creating two lots with very odd shapes and angles. The project Surveyor has informed Staff that the owner wants to restrict where a new home could be built on Lot 5. Staff informed the Surveyor that an easement could be added to Lot 5 that would accomplish the same objective. It is Staff's understanding that Meridian representatives suggested such a solution to the owner, but this idea was rejected. No Waiver request from the noted Regulation has been submitted.

**Motion to accept the application** – motioned by J. Mook, seconded by V. Mills; motion passed unanimously.

Applicant: Dana Rasmussen, 3 Johns Way. Stated that the lot line adjustment is intended to preserve the back view of his property, so limiting the buildable site to the newly delineated area. Applicant

further stated that he believes it maintains the character of the Town, in that it keeps that open space view for the property and it maintains that in perpetuity for both adjoining properties.

V. Mills asked why the Applicant couldn't accomplish the stated goals via an easement. Applicant responded that they didn't realize that option was available to them. His concern was maintaining a structural definition to the property that would hold up long term if contested in court by a builder, or any future purchaser of the back-lot property. They did consider covenants, which often times are based on the interpretation of law at that point in time, and they didn't want to subject themselves to that risk. They felt that a boundary-line adjustment was really the best and most permanent way of preserving the view.

B. Moseley stated that his concern is that it is a very irregular line. Applicant responded that he believes it does still maintain the requirements for a buildable site within the definition. B. Moseley pointed out that in the plan, Lot 5 would look like a telephone receiver, with two large areas connected by a causeway. Applicant added that with the wetland on the property, the useable portion of the lot has always been restricted, anyway, even under the current lot design. Applicant invited his representative from Meridian Land Services, who prepared the design, up to the podium to speak on his behalf.

Randy Haight, from Meridian Land Services. Confirmed that both lots have building boxes delineated on them, and illustrated where they are. Illustrated the zoning requirements that have been met by the plan, and showed that some of the irregularity was in the lots as originally created by subdivision; the area does already include a restricted easement. The point of the current plan, however, is to limit the buildable area that is in view of the existing house – which the current lot configuration does not do.

J. Mook and B. Moseley asked M. Fougere if he could review the possibility of correcting the issue with an easement, rather than this lot line adjustment. M. Fougere responded that he does think this can be accomplished with an easement that gets recorded with the plan, gets recorded on the plan with the deed, and that prohibits any development in the area. The Applicant could use their current plan as a basis for the easement deed that would be recorded, and the owners could word it however they see best. The easement would then forever hold future owners to the terms.

J. Peters and K. Anderson pointed out, however, that if the easement is added to Lot 6, there would not be a buildable area without a lot line adjustment.

D. Petry mentioned that there is a third option, which is to consolidate the lots. Applicant responded that that would eliminate the buildable back lot, which he does want to retain. D. Petry pointed out that as long as the subdivision regulations have been in place, the Town has not approved such irregular lot lines.

M. Fougere reported that every lot has to have either a rectangle or a circle, but there is nothing in the definition prohibiting that being encumbered by an easement: so the easement is still a possibility.

B. Ming pointed out that, with the owner being the same for both lots, he is unaware of an easement that one can grant oneself. R. Haight agreed, and said that it would have, then, to be a declaration of covenant to that end, rather than a specific easement. R. Haight further pointed out that part of the goal is to maintain at least an acre and a half of buildable land, exclusive of any easement. There is a question as to whether the zoning definition of a buildable area does or does not allow inclusion of an easement created by a subdivision. There is a difference between "buildable lot" and "buildable area". M. Fougere is looking into the distinction, and whether an easement may be included.

R. Hardy commented that in the original subdivision for this property, the primary screening for the whole subdivision on the Dow Road side is encompassed in these two lots. That screening is the main thing preserving the rural character integrity of the entire subdivision concerning this road – so it



should be included in the notes, and in any implementation.

C. Rogers indicated that if we approve such irregular lots as these, we might as well throw out that ordinance in general.

K. Anderson asked if the test pit noted on the plan was from the original subdivision; R. Haight stated that no, it is a new test pit; that was one of their first steps to see if the lot could be altered. K. Anderson further asked if the proposed building area excludes all somewhat poorly drained soils, and R. Haight answered that to his knowledge it does, but he can ask to be certain. M. Fougere pointed out that there were in fact issues to that point in this neighborhood, from the previous approval, on soil types.

### **Public Hearing.**

There were no speakers on this application.

### **Public Hearing Closed.**

### **Comments from the Board:**

B. Moseley asked Staff about the easement research; M. Fougere responded that we will need to look into its possibility as a solution. Certainly, if an easement is prohibited to oneself, it can be made effective upon conveyance of the property. Staff will help to research the question, talk with a surveyor and the owner, and see if they can come up with a solution that is less dramatic than such an irregular lot line.

Members of the Board generally indicated that they were in concurrence. J. Peters pointed out that we don't want to open the can of worms that would be associated with such irregular lot lines.

K. Anderson added that he'd like to make sure that the soils are reviewed at the same time.

R. Hardy added that he was concerned about the documentation and notes from the original subdivision plan, as we are now proposing to alter it.

D. Cleveland stated that it seems like the lots can be reconfigured to provide a more conventional lot line, and then if and when a lot is sold in the future, an easement or covenant restriction could be added to that lot to restrict development. R. Haight reiterated that the issue with that solution is that it may preclude ending up with an acre and a half of buildable land. If research prevails that a non-buildable easement may be included that does not diminish the lot's ability to have an acre and a half of contiguous buildable land, then yes, it could be a solution.

M. Fougere pointed out that the intent of the restriction is not to prevent the land from being buildable, but to restrict building in a specific spot.

**Motion to table File PB2022:004 until the next Planning Board meeting on April 19, 2022 –**  
motioned by V. Mills, seconded by J. Mook; motion passed unanimously.

### **10-MINUTE RECESS.**

- e. [File PB2022:005](#) – Proposed plan revision relocating an access easement to properties, Owners/Applicants Charles Svirik & Evanthia Aretakis, 22 & 24 Beckys Place, Map 28 Lots 4 & 5, Zoned Rural Lands. **Application Acceptance & Public Hearing.**

M. Fougere reported that this is a straightforward project; the purpose of this plan is to reflect the relocation of an access easement shown on the original subdivision plan. Lot 4 and 5 are accessed via Beckys Place, a private way. A new 40 foot wide access easement has been added over Lot 5 to provide access to Lot 4. The old access easement, which meandered over Lots 4 & 5 along the common lot line, will be extinguished. These homes already exist, and the driveway is already in; this application is just to clean things up.

**Motion to accept the application** – motioned by D. Cleveland, seconded by J. Mook; motion passed unanimously.

Applicant: Randy Haight from Meridian Land Services, for Owner. Stated that both lots are built-upon; the southwesterly lot is still under construction. Explained the topographies of the site, and went through the plan.

D. Petry asked to confirm that the applicant has already done the action, which R. Haight did confirm. D. Petry indicated that therefore we don't have much choice at this point; it is frustrating when people don't come forward before doing things on their own. B. Moseley agreed that it is regrettable when procedure is not followed.

J. Peters commented that we could tell the applicant to remove the new driveway; D. Petry stated, however, that no, the action the applicant has taken does make sense. B. Moseley concurred that it doesn't go out of the sphere of influence too far.

R. Haight passed around photos to further illustrate the site.

R. Hardy asked if we typically have a marker on the entrance to common driveways – do we allow three or more? M. Fougere answered that we allow up to four, and anything named has to have a marker. B. Moseley added that the marker will have a map, showing where the lots are. It was clarified that yes, this proposal will have such a marker – the Fire Department requested it.

K. Anderson asked if, when Beckys Place was created, it was always intended to be a four-lot, shared driveway. R. Haight said yes. And has it been constructed per plan? R. Haight said yes, so far as he knows. K. Anderson stated that the driveway seems narrow, for a shared driveway.

K. Anderson further pointed out that when he tried to reference the easement plan, the number listed – 39613 – in the reference notes did not correspond with this site. R. Haight answered that that must be a scrivener's error on the plan, and that he will check it; the easement plan is available as part of the Town's record. K. Anderson stated that he'd wanted to check the easement plan to ensure that there weren't notes indicating that a particular owner or lot was required to do particular improvements, which we have seen in the past.

### **Public Hearing.**

There were no speakers on this application.

### **Public Hearing Closed.**

### **Comments from the Board:**

B. Moseley reiterated K. Anderson's request to see the easement plan, to make sure there is nothing there that we're not seeing. Additionally, the error in the printing needs to be corrected appropriately.

**Motion to table File PB2022:005 until the next Planning Board meeting on April 19, 2022 –**

529 motioned by D. Petry, seconded by V. Mills; motion passed unanimously.  
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- 532 f. [File PB2022:006](#) - PB Wavier request to grant relief from Note 15 on the approved William Corosa  
533 Rev. Trust and David & Darci Kovalchek subdivision plan which requires a 50' no cut buffer along  
534 the front of the property, Owner/Applicant Elizabeth Smith, 60 Nartoff Road, Map 26 Lot 5-3, Zoned  
535 R & A. **Application Acceptance & Public Hearing.**  
536

537 M. Fougere stated that when this lot was created, a stipulation of approval was that a 50 foot wide  
538 vegetative buffer remain along the property frontage. With full knowledge that a buffer requirement  
539 was in place, the future owner of the home ordered the removal of all vegetation within the 50 foot  
540 area, including the future area reserved for a fire cistern (town easement in place). The Town's  
541 Inspector discovered the violation and informed Staff. The Certificate of Occupancy to the new home  
542 has been held by the Building Department until this matter is resolved by the Planning Board. The  
543 applicant has submitted a waiver, to not have to put in or maintain this 50 foot buffer, but they have  
544 also submitted a future landscaping plan, showing re-vegetation of the area.  
545

546 J. Mook is recused on this application; J. Peters will be voting in place of J. Mook.  
547

548 **Motion to accept the application** – motioned by D. Cleveland, seconded by C. Rogers; motion  
549 passed.  
550

551 Applicant: Attorney Gerald Prunier, for Owner. Stated that in talking to his client, she admitted that  
552 she had cleaned out the buffer. He was here to “throw myself on the mercy of the Board”. He wished  
553 he had a defense, but did have some “mitigating factors”. He passed around photos showing “the type  
554 of brush that was in there”.  
555

556 R. Hardy asked if the intent was to stump the area completely, before any planting, or leave some of  
557 the existing stumps. G. Prunier answered that he didn't know, but that the Applicant felt she'd done  
558 enough damage and didn't want to do any more. R. Hardy stated that sometimes when there is a clear-  
559 cut, re-growth occurs very quickly.  
560

#### 561 **Public Hearing.** 562

563 Interested Party: Scott Bonenfant from Gateway Homes. S. Bonenfant is the home builder who  
564 constructed the subdivision. Pointed out that approximately 15 years ago, the homeowner at the time,  
565 Bill Corosa, went through and clear-cut everything. Since then, there have been some small-growth  
566 trees that have come up. During construction, Gateway Homes cleared about two-thirds of the  
567 property, in the front, for the cistern easement, the driveway, and utilities. There wasn't much left – a  
568 bunch of crap and dead stuff – and the Applicant then went in and tried to clean it up with the intent of  
569 doing some sort of landscaping afterward. She knows she wasn't supposed to go in and necessarily  
570 clear-cut the whole thing. However, he wasn't sure how it was in keeping with the rural character  
571 ordinance “you guys have”, with the stumps and the crappy trees that were there.  
572

573 J. Peters pointed out that the satellite view looks a lot different than stumps and crappy trees. S.  
574 Bonenfant replied that looking at it from the top is different than the road view.  
575

#### 576 **Public Hearing Closed.** 577

#### 578 **Comments from the Board:** 579

580 D. Petry recommended replanting, and B. Moseley concurred that that was how he was leaning, as  
581 well.  
582

R. Hardy stated that, in looking at the re-vegetation plan, the density was ok as far as spacing was concerned, but that the Town's consultant was going to look at it and suggest different plants. Rural character is supposed to be what is naturally along the road in that particular area, and Japanese lilac doesn't exist in the woods. Red maples are a good choice. A few plants have already been changed. The consultant might suggest white pine, which is what is generally in the area. The reason he asked about the stumps is that if they are red maples, those tend to sprout up quickly and that would help to increase the density. R. Hardy also wonders why there is not re-planting indicated in the cistern area, as well.

R. Hardy further pointed out that the re-vegetation plan is a nice effort, but that it's only half the job that is required. It's a step in the right direction, but he does not think it would be acceptable to the Town consultant.

J. Peters stated that it may be what it is, but if we let one person clear-cut a 50 foot buffer that could encourage others to try to do the same. We need to stick to the Town regulations.

In terms of the process going forward, M. Fougere stated that once the list of plants is agreed upon, the owner can get a quote from a landscaper as to how much it's going to cost to install it. We use that estimate as a bond which is then held for a period of three years, reducing it over time, after inspections, to make sure that the re-planting takes.

We will have the Town consultant review the plan and report back to the Board at the next meeting, April 19, 2022.

We will also get Fire Department input regarding the cistern area and re-planting there.

M. Fougere mentioned that there was an e-mail received from an abutter, raising some concerns about drainage going from the site onto Nartoff Road; we can double-check with the inspector to make sure that there are no issues or impact.

**Motion to table File PB2022:006 until the next Planning Board meeting on April 19, 2022 –** motioned by D. Petry, seconded by D. Cleveland; motion passed.

## **8. OTHER BUSINESS:**

### **a. Board Discussion – Prospective Alternate Member Interview**

B. Moseley stated that the Board is looking to add an Alternate Member. There were a number of applications, which he and D. Cleveland have reviewed. They found that Mike Leavitt was the most favorable candidate and a good fit to present to the Board.

Mike Leavitt, Prospective Alternate Member to the Planning Board. Introduced himself and thanked the Board for this opportunity. He has lived in Town for 40 years. He has experience serving the Town, as a member of both the Budget Committee and the Energy Committee.

K. Anderson commented that M. Leavitt is a wonderful applicant; he has worked with him on the Farley Building Committee.

B. Moseley asked M. Leavitt to confirm that he does not have any pre-disposition toward development or non-development; M. Leavitt confirmed that he does not. Would he hear each case on its own merits, and give it due process? M. Leavitt answered that he absolutely would – it's one of the most important things that the Planning Board does.

637 C. Rogers asked M. Leavitt what he felt was the worst thing happening in Town right now. M.  
638 Leavitt answered that it was the Co-op Meeting, occurring at the same time as this Board meeting.  
639

640 **Motion to Forward M. Leavitt's name to the Select Board for Consideration as an Alternate**  
641 **Member to the Planning Board with a term to expire 2025** – motioned by J. Mook, seconded by R.  
642 Hardy; motion passed unanimously.  
643

644  
645 **ADJOURNMENT:**  
646

647 **Motion to adjourn at 9:41pm** – motioned by D. Petry, seconded by D. Cleveland; motion passed  
648 unanimously.  
649

650  
651  
652 Respectfully submitted,  
653 Aurelia Perry,  
654 Recording Secretary.  
655

656  
657  
658 NOTE: Any person with a disability who wishes to attend this public meeting and who needs to be provided with reasonable  
659 accommodation, please call the Town Hall (465-2209) at least 72 hours in advance so that arrangements can be made.