



Town of Hollis

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HOLLIS PLANNING BOARD MINUTES

May 17, 2022 – 7:00 PM Meeting - Town Hall Meeting Room

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; Mike Leavitt.

ABSENT: Julie Mook; David Petry.

STAFF: Mark Fougere, Town Planner.

1. CALL TO ORDER – 7:00 PM. Bill Moseley led the group in the Pledge of Allegiance.

B. Moseley introduced the members of the Board, and mentioned that as of June 20, K. Anderson will rotate off the Board and become the Town Planner and Environmental Coordinator.

At this meeting, K. Anderson will be voting in place of J. Mook; all attendant Regular Members will also be voting.

2. APPROVAL OF PLANNING BOARD MINUTES:

April 19, 2022: **Motion to approve** – motioned by V. Mills, seconded by D. Cleveland; motion passed.

3. DISCUSSION AND STAFF BRIEFING:

a. Agenda Additions and Deletions:

M. Fougere stated that there are two letters that have come in from interested parties, regarding cases being heard at this meeting. One is a letter from an abutter regarding PB2022:001; the other is a letter regarding PB2022:009. These have been distributed to the Board for review.

b. Committee Reports: none.

c. Staff Reports: none.

d. Regional Impact:

M. Fougere stated that while there is nothing of regional impact on the current Hollis Planning Board agenda, we have received notice from the Town of Amherst, NH, that their ZBA is hearing a case tonight regarding a proposed large warehouse in their industrial zone; next to it is a 15 acre parcel of residential land, and they are requesting a use variance to extend the warehouse onto that

residential land. This is an ‘FYI’ to the community. Notice has been given to the Hollis Select Board, and some people from our community will be attending the Amherst ZBA meeting.

B. Moseley added that he has spoken with Tom Dufresne, Chair of the Conservation Commission, who plans on having representation from the Hollis Conservation Commission at the Amherst ZBA meeting this evening.

4. SIGNATURE OF PLANS:

None.

5. CASES:

- a. **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 15th, extended 30 days, application tabled from April 19th.**

M. Fougere stated that the Applicant was requested to update the site plan relative to the project, including a more accurate location of the septic system, and the access road on the west side that the Board wanted to consider; updating notes on the plan, which has been done; making the parking spaces out back larger, which has been done; removing a parking space in the front which was near the fire lane. There is now a letter in the file from the Fire Chief, explaining how the number of 49 guests, maximum, was determined. There are also a number of letters from abutters and neighbors that have been submitted for the Board’s review. The Applicant also submitted photos showing some of the improvements that have been made on-site in regard to the rear parking area, which has been stoned, and barriers placed in front of the proposed propane tank area.

Applicant: Vivian Girard, 162 Broad Street, for Timber Post Bed & Breakfast LLC. Applicant stated that the drive on the side of the silo where the septic is has been deemed by the Fire Department to not be a fire lane. The only fire aisle that they need is between the buildings, going down to the lower lot. That and other details have been indicated on the plan.

B. Moseley pointed out that the fire access between the buildings must remain at least 12 feet wide; Applicant agreed, and stated that it’s actually wider than that.

B. Moseley stated that, in going through the items which the Board needed to resolve, they want to consider capacity; the 12 foot aisle between the buildings; the area currently marked as no fire access; clarification of the access into the property; barricading the propane tanks, of which the Applicant has now sent pictures. B. Moseley added that they have received a letter from abutters expressing a concern about on-street parking – as the Applicant has specified a number of parking spaces on the property which should accommodate any event, he would like to throw out for discussion that there be no on-street parking associated with the property. He would also like to discuss the number of personnel on the property; per the Fire Chief’s letter, the upper limit total number of people should be 49, including everybody on the site – caterers, support personnel, etc.

Regarding the limit of people on site, J. Peters stated that it seems pretty cut and dried: if the letter from the Fire Chief says 49, the limit should be 49.

K. Anderson asked, for the record, how that number was reached; B. Moseley answered that the letter, dated 27 April, 2022, states in the fourth paragraph “Ms. Girard is by code allowed to have up to 49 people in either area at one time. It is not up to the Fire Department to reduce the occupant

load when all factors are met, such as quantity of egress, and use of a fire suppression system.”

The Board in general concurred with the stipulation that the number of people on the property be limited to 49. That includes all people on the property at one time, staff and guests.

K. Anderson pointed out, however, that we’re looking at a two-acre parcel, the minimum acreage of a residential lot in Hollis, and we’re asking to put 49 people on that property – which seems like too many. He added that this is a great location for a Bed & Breakfast use; the events that expand that, though, are what he questions. While most likely it wouldn’t be, 49 people could be 49 cars. It opens up a lot of concerns.

J. Peters suggested that a Bed & Breakfast is not an event center, and K. Anderson concurred that that is his point. J. Peters agreed; there is a distinction between the specific use of a Bed & Breakfast, and an event center. B. Moseley said, however, that the Zoning Board has already ruled on that point. It is outside of our purview.

D. Cleveland agreed that some of the issues that have been raised, which the Board has discussed at great length, and some of the issues brought up in letters that have been received, are issues that are not within the purview of the Planning Board. They’re issues that the Zoning Board, the Fire Department, Code Enforcement have already addressed and determined. Knowing how the Fire Department arrived at the number of 49 people, and having heard the Applicant’s explanation that they rarely host more than 30 people anyway, at, typically, only a couple of events per year, although they are authorized for up to six events, it doesn’t seem like this is a major issue. He would agree with the Fire Department’s position, and the number of 49 people.

The number of six events per year was a ZBA restriction, and has now been included on the site plan.

K. Anderson stated that, in looking at the number of events per year, if it were a residential property and the owners were going to host a wedding, for example, there is no code or restriction on that. When you turn it into multiple events per year, and advertise for that, it now becomes a business. That is concerning, as we’ve now expanded a Bed & Breakfast into an events business. B. Moseley added again that the Planning Board does not have the purview on that; the ZBA does, to which K. Anderson agreed. K. Anderson asked whether, if the property as a Bed & Breakfast is listed as being able to host up to 16 people, should 16 not be the maximum number hosted at an event? While the Fire Department says the maximum number is 49, they are basing that number on square footage – which is different than basing a number on the size of the lot, or zoning. If the original approval was for 16 people, why are we re-thinking that now? There is a huge distinction between a Bed & Breakfast, and an event. The site was approved as a Bed & Breakfast. It is the minimum zoning-approved lot size, at two acres. As a side note, if a property were to have an accessory dwelling unit, it would need to be at least four acres in size.

B. Moseley understood K. Anderson’s points, but added that to some extent we have to respect the fact that the Applicant was given a variance by the ZBA under whatever conditions, to the number of 50 attendees, and we need to respect how they ruled.

B. Ming asked if there is a one-time maximum load on septic systems. K. Anderson answered that no, there is not. B. Moseley said that that is why they needed input from a septic design engineer. K. Anderson added that in his opinion this septic system was designed for residential use.

D. Cleveland pointed out that if attendance is limited to 16, that in effect prohibits any events. B. Moseley said that the variance from the ZBA has dealt with that. We can, however, limit the number of people allowed.

K. Anderson suggested limiting the number of people allowed in event attendance to 16, the upper

limit of Bed & Breakfast guests.

Applicant mentioned RSA 175, and its clear definitions of Bed & Breakfasts, Event Centers, Function Rooms, Hotels, and so forth. She pointed out that under these definitions her property wouldn't remotely qualify for anything other than a Bed & Breakfast.

K. Anderson acknowledged the Applicant's point, but added that the Town has zoning that is based on two-acre lots, soils, etc. If one were to have a duplex, they would need four acres – so a two-family housing development would need twice as much acreage separation and screening, for instance, than the Applicant has for the Bed & Breakfast home business.

Applicant stated that based on RSA 175, the private-group usage she is requesting does fit the definition: "an assembly of persons gathered for a designated social or business occasion, presented by invitation or reservation."

C. Rogers suggested that the plan may show a legitimate 12-14 parking spaces. No one is going to park in the spots labeled 1-8, and they're not going to know where spot 10 is, or 11 is. If we base the number of allowed attendees on the number of parking spots, we might come up with double that many people at an event. B. Moseley clarified that that would be 28 people, plus the staff on site – C. Rogers said, however, that some staff will have to park in some of the spaces, so it was agreed to round his recommended number up to 30.

D. Cleveland suggested that there are actually 19 parking spaces, which number was brought down from previous versions of the plan. With 19 parking spots, considering an average of 2.5 people per vehicle, that comes out to just about 49. The number of parking spots would seem to pretty much correlate with the number of people that were authorized by the ZBA and by the Fire Department.

C. Rogers stated that the lower parking spaces, those labeled 1-8, are nine feet wide, and are not delineated in any way. Possibly five or six cars could fit in that area, but there is no way to put cars as tight as suggested in a field. People won't park there.

D. Cleveland pointed out that, as the Applicant has stated in previous meetings, someone on-site will be helping to park cars and guide the parking.

K. Anderson stated that we are being asked to approve a Bed & Breakfast with events; his biggest concern is that we are talking about a property that has the minimum amount of space as far as a residential subdivision goes, a two acre parcel, and we are now allowing them to expand that to have up to 50 people for events. As such, it sounds like an event center business. At that point, we have lost that zoning and residential feature that we have created here in Hollis.

D. Cleveland stated that as a zoning issue, the Planning Board may or may not agree with it, but that the Zoning Board has already ruled on it.

K. Anderson said that the Zoning Board approved a number; the Planning Board has been tasked with looking into how that number applies to the property, and whether it should be restricted. In his opinion, with a two acre parcel, the minimum acreage of a residential lot in Hollis, that already has a Bed & Breakfast on it and which they are expanding into an event center, it far exceeds the intended lot usage. It opens the door for so much more that could happen, that could be allowed, down the line. We would be saying that a person could have a two-acre parcel with a Bed & Breakfast, which is great – but now they're going to turn it into an event center. The next person down the road is going to say that they have a two-acre parcel; they're going to have an event center, and then they're going to turn it into a further type of business not suited to the original zoning.

D. Cleveland asked why the Zoning Board put this issue before the Planning Board? How did the

Planning Board get involved? M. Fougere answered that it's before the Planning Board because it's a change of use situation. The use was approved by the ZBA, so the Applicant is allowed to have up to six events a year. It is within the Planning Board's purview, based on our regulations and general knowledge, to limit parking and occupancy. If the Planning Board's determination differs from that of the ZBA, that's not a problem. The Planning Board does have that power.

B. Moseley concurred, and added that we just want to be sure to have a consensus on what the number is.

K. Anderson stated that if this were a four-acre, 10-acre, 20-acre parcel, it would be a completely different conversation.

D. Cleveland stated that he is satisfied with the recommendation of 49 people at events. The case has been before the Board for several months, and a number of changes have already been made. Everything the Board has asked of the Applicant, she has done. We have a choice between going with what the ZBA has said, what the Fire Department has agreed on, and where we are based on all the changes that have been made – which in effect is the 19 parking spaces, 49 people – or, we can go the route of limiting attendance to the 16 guests originally allowed for the Bed & Breakfast, which would essentially put us in opposition to the Zoning Board and negates everything they've already granted concerning the variance.

K. Anderson added, however, that the Planning Board can limit that number. We would not be in opposition to the ZBA, but further defining their answer. The Zoning Board may list a maximum number of people, but as the Planning Board we are looking into more factors: we are looking into zoning regulations, traffic, parcel size, septic, abutters. It is within our purview to limit it, based on what should be allowed for that parcel. We've got a maximum number; the ZBA told us that maximum number – but we can reduce that.

D. Cleveland asked how it might be different if the Applicant's parcel of land were 25 acres rather than two acres, with the additional acreage being woods out back. What difference would that make, when we're only talking about the first couple hundred feet off the road?

K. Anderson answered that first, we have to look at the fact that minimum acreage for the Town of Hollis is two acres. If one were to have a duplex, or an accessory dwelling unit, the parcel would have to be at least four acres. The acreage has to increase with the amount of load involved upon it, as our ordinance discusses. If the ordinance said that you could have a single family house or an accessory dwelling unit, and it doesn't matter with the minimum amount of acreage, that would be a different discussion. Our ordinance, however, talks about increasing acreage based on the number of people involved in it: the household, the accessory dwelling unit – the acreage increases as you add people to it. Here, we are talking about a Bed & Breakfast, a business, on the minimum amount of land.

M. Leavitt stated that the loading for houses, though, is based on people living there, 24/7, as opposed to having a group of people coming in six times a year. It's not the same. He believes that anything less than 30 or 40 people undermines the intent of the Zoning Board.

K. Anderson pointed out that there are already approvals in place that would allow guests to stay up to 90 days on this property, as part of the Bed & Breakfast. They can take a day off, and then stay at the property 90 days again. That is 100%, full use of the property.

B. Moseley reiterated that the way we are stipulating this, it means total people on site: so if there are 16 guests staying at the Bed & Breakfast, and another six people servicing the facility, that would limit further participants showing up at any event to 27.

K. Anderson said that if this property were drastically larger in acreage, it would be a much different conversation. As it is, this is a residential property; he's looking at it almost as a home occupation. This requested additional use would have too great an impact on the abutters. The Bed & Breakfast is self-contained, internal. But now they are asking to host events that are seen and felt by the abutters. Those are two different things.

J. Peters stated that he is leaning toward the idea of tying the allowed number of event attendees into the number of parking spaces, considering two people times the 19 parking spaces – so, 38-40. He is also concerned with the fact that there is zero screening in the back area.

B. Ming stated that he concurs with J. Peters's assessment, and agrees with 38-40 attendees. He also asked whether there are any ADA requirements in terms of getting people with disabilities to the tent area, since it is all grass. M. Fougere answered that there needs to be handicapped parking, plus reasonable accommodation.

Applicant added that it is not a requirement for a Bed & Breakfast to be ADA compliant, but that her site is first-floor accessible. Additionally, if people need to go directly out to the event area, there are eight parking spots down below and one that is designated handicapped accessible, right at the bottom of the driveway, that is all paved.

V. Mills concurred with J. Peters and B. Ming.

C. Rogers said that his number would be under 30.

R. Hardy stated that in light of what K. Anderson has brought up, 38-40 is more than adequate. Indeed, the Applicant had initially said that a lot of her groups were no more than 35 people.

B. Moseley asked if a consensus would be 40 people, maximum, allowed on site, and in general the Board agreed on that number. The logic is that (1) the Fire Department said 49, and (2) it's the number of parking spaces, times two people each, rounded up slightly.

M. Fougere also suggested that the Board have as a stipulation a maximum of 19 vehicles.

B. Moseley and J. Peters added as another stipulation that there only be parking in the designated, on-site parking spots, per the plan.

Regarding screening, R. Hardy pointed out that it has been brought up a number of times. On the plan it does now state Proposed Tree Planting – 2. There had been a comment previously that planting would be done as finances allow, but he does think that this is atypical of what we would require on other plans; typically we would ask for screening. To be consistent with what the Board has done on other plans, typically we would ask that the screening be fairly dense. In this instance, however, it doesn't really have anything to do with rural character – it has to do with privacy, and visuals. As has been pointed out, this has expanded from a Bed & Breakfast to a Bed & Breakfast with events, which imposes more of a visual impact on neighbors. From the neighbors' perspective, that is very important. Typically, we might ask for spacing of 8-10 feet, staggered screen planting; we might ask for Norway Spruce, various types of spruce hybrids, white pine, Douglas Fir. In terms of height, our past plans might have been in the 6-8 foot range, so there would be some immediate effect for neighbors, and certainly over four to five years it would be very effective.

The screening would be on the north and east sides of the property. The exact locations will need to be laid out and brought to the Planning Board.

As that matter and possibly others are still to be resolved, the Applicant will need to approve an extension of time.

Applicant stated that she does not feel it is fair for the Board to keep putting additional stipulations on her application. She has done everything that the Board has requested. She has just planted 21 trees this year: 12 on one side, six on the upper corner, staggered all throughout for screening. Nevertheless, she will do what the Board asks her to do. Rather than extend the application once again, she suggested that, to be fair, the Board add the requested screening as a condition of approval. She has already done part of that work.

Regarding part of the back corner to which the Applicant cannot get water for new plantings, M. Fougere asked the Board what they thought of a fence; the Board generally agreed that that could be a compromise. There could be a combination of fencing and plantings in that area, in addition to what is estimated to be around 35 more screening trees in the areas discussed.

Applicant asked if the Board would give her time to get the trees installed so that they don't all have to be in place this year; the Board generally agreed that that would be fair. J. Peters suggested that over the course of three years the Applicant could get staggered plantings in place.

Applicant stated that she would rather not do a fence, as there could be problems if it gets damaged.

B. Ming mentioned that the Board has had issues in the past with stipulated screening that didn't get put in place. M. Fougere pointed out that there are repercussions that can be utilized – for instance, if you put the limit of one year on the plantings being in place, and they weren't installed, the Board could revoke the plan whether it is bonded or not. Any plan that is approved with conditions, if the conditions aren't met the Board has the power to hold a hearing and revoke the approval.

The Board generally agreed with the timeframe of three years to get the stipulated screening trees in place. B. Ming suggested that there be benchmarks – perhaps at least 10 trees per year, for instance.

R. Hardy recommended that there should be a more formal plan for the screening laid out; it would then come back to the Board for approval. It's difficult to approve a concept.

J. Peters asked if the Board could approve the Applicant's plan with the stipulation that they have the landscaping screening plan presented at the next meeting, in the interest of moving forward. K. Anderson stated that there's no reason why the Board could not have that condition of approval.

K. Anderson pointed out that if the landscaping consultant had a plan to present at this meeting, the Board would accept it based on the consultant's professionalism. If we post-own that, the Board is still going to approve it based on that professionalism – so, do we need to see the plan?

B. Moseley added that between R. Hardy's professional input and the landscaping consultant, they have never had a problem.

K. Anderson suggested stipulating percentages of the screening by timeframe – for instance, that 33% of the required screening be put in place, staggered, each year over three years.

Therefore, a condition of approval is a landscape plan approved by the Board's consultant and R. Hardy, with implementation of 1/3 of the plantings each year. The plantings are to be 8-10 feet apart, staggered, and consisting of spruce / various evergreens appropriate to the area, 6-8 feet tall.

R. Hardy pointed out that although fencing was initially rejected as an option by the Applicant, considering the cost of plant material, the Applicant may choose to reconsider the idea of fencing for part of the screening. A fence is still a consideration.

M. Fougere recapped the conditions discussed by the Board: there is to be a maximum of 40 people on site at any one time including visitors, site occupants, owner, staff, and workers; no on-street

parking associated with the use; a maximum of 19 vehicles shall be on the site, parked in their designated spots; screening shall be planted within three years, approximately 33% per year – we will reach out to our landscape architect consultant to look at a plan for the plantings, which will be staggered 8-10 feet apart, 6-8 feet tall, and include a variety of evergreens. R. Hardy will also be involved, for checks and balances regarding the screening, which can involve plantings and fencing.

Applicant stated that she is fine with all of the discussed conditions.

Motion to approve the application, with the stipulations as above – motioned by V. Mills, seconded by D. Cleveland; motion passed with V. Mills, B. Ming, D. Cleveland, B. Moseley in favor, and K. Anderson, C. Rogers opposed.

- b. [File PB2022:008](#) – Proposed minor subdivision of an existing 6 acre lot into two lots, Owner/Applicant Donald J. & Kris L. Wuerdeman Rev. Living Trust, 28 Ridge Road, Map 13 Lot 10, Zoned R&A Rural Residential. **Application Acceptance & Public Hearing, tabled from April 19th.**

M. Fougere stated that the Applicant is requesting approval to subdivide an existing 6 acre lot into two, a 4 acre and 2 acre lot. The larger lot must remain at least 4 acres in size, as the applicant has a detached Accessory Dwelling Unit which, based on zoning requirements, requires the lot to have 4 acres. The site resides on Ridge Road which has been designated as a Scenic Road, and therefore a 100-foot front setback is required. The Applicant is noting that no disturbance of this 100-foot area will be permitted except for driveway entrance.

M. Fougere added that the Board should discuss if the proposed 100-foot non-disturbance buffer adequately addresses the requirements of the Rural Character Ordinance. Given the required setbacks, any new home will have to be over 280 feet from Ridge Road.

If the Planning Board is inclined to accept and approve the Plan at the 04/19/2022 meeting, Staff has prepared the following draft conditions of approval:

1. NHDES subdivision approval shall be required prior to lot recording.
2. To limit existing vegetation loss, the proposed driveway should be located just east of telephone pole #12.
3. All lot pins shall be set prior to plan recording.
4. Wetland buffer signs shall be installed every 50 feet prior to lot disturbance.
5. Prior to the issuance of a Certificate of Occupancy, a \$7,500 cistern fee shall be paid.

Motion to accept the application – motioned by D. Cleveland, seconded by B. Ming; motion passed with V. Mills, B. Ming, C. Rogers, D. Cleveland, B. Moseley in favor, and K. Anderson opposed.

Applicant: Chris Guida with Fieldstone Land Consultants, for Owner. Stated that he is working with the Wuerdemans to subdivide a new lot off their existing 6 acre lot. They have revised the plan from the initial submittal; they were initially requesting a waiver regarding the angle of the lot line coming off of Ridge Road, but they have now adjusted that to meet the Town's requirements. They have done test pits with Tom Mercurio, and those all went well. C. Guida did a site walk with Tom Dufresne to look at the driveway and the existing vegetation there; the whole area is currently a hay field, with the exception of the existing home and maintained lawn. The proposed new lot has suitable site distance either way, and will not require any additional vegetation cutting to install the driveway.

K. Anderson stated that acceptable land, acceptable lots, and soils are always a concern, and they are not depicted on the plan. There is a note that says that they're in compliance, but we need to see site-specific soils included on the plan.

K. Anderson also mentioned that the slopes on the plan exceed the limit of 25%; C. Guida stated that he did not believe that the slopes do exceed the limit, but they can certainly run a slope analysis.

It was agreed that a site-specific soil map of the entire parcel, not just the buildable area, including both lots, would be added to the plan; that will also cover the slope concerns.

V. Mills asked if site-specific soils on an entire parcel, including parent parcels, would be something the Board would look for in future, and K. Anderson answered yes, for every project that comes before the Board. M. Fougere added that it's not a requirement, but is at the discretion of the Board – so the Board can require it on every application. K. Anderson clarified that based on the properties the Board is seeing, and how they are being subdivided, this is critical information.

J. Peters brought up the zig-zag of the proposed property line; although our regulations require a 90 degree line off the road, if the Board approved a waiver the property line could be straight and not irregular. There are two competing regulations involved in this plan: the 90-degree regulation, and the regular property line regulation. M. Fougere pointed out, however, that they need four acres and two acres for these proposed lots, per zoning; a change in the line would constrict the size. The plan is currently compliant.

Public Hearing.

Joe Garruba, 28 Winchester Drive. He understands that the plan is compliant with the 90-degree lot line regulation, and wanted to confirm that there would be no other conditions that might require a waiver. He did not want waiver discussions to come up after the Public Hearing opportunity was closed. B. Moseley confirmed that no other waivers were anticipated. J. Garruba then asked about the proposed well radius, marked at both 75 feet and 100 feet – the 100 foot radius crosses to the other lot. Why is it marked both ways? It was determined that the Applicant would answer during rebuttal.

There being no further public speakers, C. Guida explained that the 75 foot well radius is the State's requirement, and the 100 foot radius is the Town's requirement.

Public Hearing Closed.

Comments from the Board:

K. Anderson pointed out that while the 100 foot well radius expands over the lot line, it does not exceed the building set back, which is why it is allowed.

C. Rogers asked about the total frontage on both lots; C. Guida answered that the proposed lot would have 200 feet, and the existing lot is 294.40 feet. If the line between the proposed lots were straightened, they would still have two lots with conforming frontage – but they would not have the required acreage.

M. Fougere asked the Board if, regarding rural character, the set back of the home was acceptable. Did the Board want to require any plantings? The Board generally agreed that it's already so far back from the road that additional plantings would not be necessary.

Aside from the site-specific soil map, nothing further was requested of the Applicant.

Motion to table File PB2022:008 until the next Planning Board meeting, June 21 – motioned by D. Cleveland, seconded by K. Anderson; motion passed unanimously.

TEN MINUTE RECESS.

- c. **File PB2022:009– Design Review:** Proposed development of an existing 41.16 acre gravel pit on Depot & Rideout Road into a Major Subdivision (11 – 13 lots) with residential building lots through either a conventional or HOSPD design layout, Owner: Douglas A. Orde, Applicant: CFC Development, Map 9 Lots 47, 48, & 51, Zoned R & A and Recreation. **Public Hearing.**

B. Moseley mentioned that, should this case go forward to the Application stage, there will be another Public Hearing at that point.

M. Fougere stated that this site is a 40-acre lot development, proposing between 11 and 13 single-family home lots. The site has frontage on both Depot Road and Rideout Road, which is a scenic road, along with frontage along the Nashua River. The State's 250-foot-wide shoreline protection regulations will apply to this development. The existing use of the property is a gravel pit and a landscape material yard. Since last fall the site has been updated by the Applicant's surveyor. Per requirements of RSA 155-E, the entire gravel pit will have to be revegetated as part of this application. The conventional subdivision layout yields 13 lots ranging in size from 2 to 4.5 acres, with two lots fronting on Rideout Road, and with the site ending in a cul-de-sac. In addition, a 13-lot conventional design with a through-road has been submitted. Lot 6 on this plan is contorted in shape and does not meet the lot-shape requirements of the subdivision regulations. Under the HOSPD ordinance, 40% open space, 16.4 acres, is required for this application. Alternative design 3 is a HOSPD with a hammerhead that shows 11 lots and 16.4 acres of open space; design 4 is a HOSPD with a cul-de-sac turnaround, and 16.2 acres of open space. The final HOSPD design outlines 13 lots with a cul-de-sac, with two lots fronting on Rideout Road. This design shows 12 acres of open space. The surveyor was able to obtain data on an easement area for the septic site; in addition, a portion of the property lies within the 100 year floodplain, with an elevation of 171 in the area. A saddle exists along the riverbank that drops down to an elevation of 168. In theory, at peak flood, the river would enter the site through this low point. The Applicant's engineer believes that FEMA data in this area is incorrect, and will be sending out a Letter of Map Amendment to FEMA to demonstrate that the site is not in the floodplain. The Applicant would like to construct a conventional layout, not the HOSPD design, and has included a point system outline supporting this design. In this case, the conventional layout shows 13 lots, but only 11 lots can be fit on the plan to meet the open space requirement – there will have to be a waiver considered for the open space if a HOSPD design is used. The Fire Department is recommending a through-road for this application; there is a letter in the file supporting that. The Public Works Director is noncommittal on that, and she will support a hammerhead if the design is altered, to address some of her concerns. The Board will have to make a determination on any type of studies that this project may require, including environmental hazard, wildlife, traffic, stormwater, fiscal impact, visual impact, and historic significance. State permits will be required, including State Subdivision, Shoreline Protection, and Alteration of Terrain. The requirements of the rural character ordinance must be addressed. The Applicant should also address how the existing on-site landscape materials will be dealt with, which include compost piles, asphalt, concrete, and other materials.

B. Moseley asked if Lot 6 would require a waiver; M. Fougere answered yes – in that particular design. There are five alternative designs included.

Applicant: Randy Haight, from Meridian Land Services, for the Applicant. Mentioned that the original design submission was a hammerhead; the Fire Department and the DPW asked that they show a cul-de-sac possibility. R. Haight pointed out that the cul-de-sac requirements are restrictive,

530 needing a 300-foot-diameter circle. As a result of the site walk, they were also asked to show an
531 alternative design with a through-road, so they have also prepared that design concept as well. He
532 pointed out that the hammerhead design actually meets all the requirements of the Town, for lot
533 shape and size. They would require some waivers for the through-road design – one of which being
534 for the shape of Lot 6. R. Haight stated that if they can demonstrate that they can fit 13 lots within
535 the requirements, then they should be able to have 13 lots. What they are looking for from the Board
536 is direction regarding what design to go with, so that they may then prepare a completed plan.
537

538 The Applicant's preferred design is the final one in the presented series, and includes a cul-de-sac
539 with two lots fronting on Rideout Road. It would need a waiver for the open space requirement, and
540 a waiver for the diameter of the cul-de-sac circle. The open space requirement is for 16.4 acres; this
541 design would have a total of about 12.1 acres of acceptable land, split between two parcels. One of
542 the Town requirements is that all lots in the subdivision must be contiguous to or directly across the
543 street from the open space. Additionally, a large portion of the area is under shoreline protection.
544

545 R. Haight stated that one of the reasons it took a long time to get the designs together is that they had
546 difficulty finding out what the flowage rights were. The City of Nashua now owns and operates the
547 dam at Mine Falls, but they hadn't for some time previously.
548

549 B. Moseley pointed out that a sticking point for properties in this vicinity is that it's on the deed that
550 the river could be raised 15 feet. He asked R. Haight to draft a letter that outlines the points he has
551 discovered on the matter, and how it is going to affect the project, to keep in the file.
552

553 R. Haight mentioned that, as far as the floodplain goes, just today they found three of the original
554 benchmarks that were vertical reference points for the initial study that established the elevation in
555 this area – however, data has changed.
556

557 B. Moseley asked about the elevation of the saddle area versus the elevation of the bank near the
558 golf course across the river – should the water rise, would it go into the development first, or into the
559 golf course first? R. Haight and M. Fougere answered that the golf course would certainly fill with
560 water first.
561

562 R. Haight stated that the graphic line of the floodplain pretty much follows the flowage of the river;
563 it goes into the saddle a little bit. Since the gravel pit has been in use, it may have been excavated
564 lower than the potential water level – but it is not in the flood way. They know they have to reclaim
565 the area, re-shape the area; they can re-shape it so that the road and general area are above the
566 floodplain.
567

568 R. Haight also mentioned that in fact they do not have to do a Letter of Map Amendment – FEMA
569 won't do it for a development. They'll do it for something that exists, or for a proposed single-
570 family construction, but not for anything greater than five acres. It's just the bureaucracy of the
571 situation.
572

573 M. Fougere stated that at this point there is more information for the Applicant to figure out;
574 technically, right now, the proposed street would be in the floodplain. B. Moseley agreed that we
575 need more clarification regarding both the saddle and the river height.
576

577 K. Anderson stated that the water elevation doesn't affect the Board's decision – it will affect the
578 developer and builder, but not what the Board has to do. B. Moseley said, however, that he would
579 like to see more data so that we can better understand the saddle as well as the river height. We
580 don't want to be on the hook should a catastrophe happen some day, with the Board getting
581 criticized for not doing due diligence.
582

583 B. Moseley stated that the major objective he'd like the Board to take on at this meeting is to figure

out which design plan to go with, as well as what studies will be required in addition to what has already been discussed.

Public Hearing.

Abutter: Bob Cormier, 164 Rideout Road. Stated that he lives at the top of the bog, near the site. Wanted to know if R. Haight had had an opportunity regarding the different road options to look at grades and drainage, and get any thoughts on the pros and cons of the various designs. He is concerned that the drainage not go into the bog – that is the source of his well water, and he doesn't want to see grease, salt, and oils from cars and catch basins deposited in that wetland. The water needs to somehow get to the Nashua River, or somewhere away from the bog.

Abutter: Kevin Zomchek, 172 Rideout Road. Stated that he shares the bog, as well. He understands the logic of why the Fire Department requested a through-road to have easier access to the proposed subdivision, but that would be a long, straight road which will be all that people see as they drive down scenic Rideout Road. He asks that that not be the chosen plan. He is fine with the other plans, and would prefer one of the HOSPD designs to keep more of the rural character intact. He feels very strongly about not having an extra portion of road right there, disrupting the scenic perspective of neighbors, bicyclers, and others who enjoy the picturesque nature of the area. Having a long, straight road where all you'd see is asphalt would not be beneficial to the area.

Joe Garruba, 28 Winchester Drive. Wanted to talk about the termination of the roads, as the options here were presented as a cul-de-sac or as a hammerhead. In reading the file, the Fire Department was definitely not looking for a hammerhead, and the DPW Director had the same concerns. J. Garruba stated that he has spoken many times about the danger of delivery trucks backing up and reversing on hammerheads. What he wanted to point out, though, in making sure that we have a cul-de-sac here, is that the mail delivery system has to use these roads as well – and they don't like having to back up, either. Every time you have to reverse in a truck, you've got a dangerous situation. There is a development on Howe Lane for which the Post Office is trying to enforce a cluster mailbox, one of the reasons for which would be to prevent the need for mail trucks having to reverse. There should be no hammerheads in Hollis. He'd like to see a cul-de-sac.

Abutter: Kevin Zomchek, 172 Rideout Road. Wanted to add that he does support the development, and thinks it would be great. His only concern would be having that extra road attached to scenic Rideout Road.

Applicant rebuttal: Randy Haight, from Meridian Land Services, for the Applicant. Regarding B. Cormier's concerns, R. Haight stated that they have not done any drainage studies as yet but they certainly will. They will have to apply to AOT, and so on. The bog is in the open space, and they don't intend to do anything there with any of the proposed designs, even with the through-road design.

Public Hearing Closed.

Comments from the Board:

B. Moseley stated that he'd really like to nail down which of the designs they'd like R. Haight to go forward with.

D. Cleveland asked, regarding the 11-lot versus the 13-lot design, the only difference being the two lots on Rideout Road, why R. Haight prefers the 13-lot version over the 11-lot version. He suggested that it may be because if you get two more lots, you make more money. R. Haight answered that the whole thing needs to pay for itself, yes.

638 J. Peters added that the 13-lot design meets the site loading ability.

639
640 K. Anderson stated that the 13-lot design is the threshold, and M. Fougere added that the idea of
641 HOSPD is that you don't lose any lots. You do the layout, which must meet the requirements, and
642 that determines the density. However, because of the configuration of this property, they cannot
643 meet the open space requirements. The writers of the ordinance recognized that there would be
644 instances in which this may happen, and they included language to allow that waiver to occur.

645
646 Per a question from D. Cleveland, it was confirmed that the waiver regarding the 40% open space
647 would apply to the 13-lot design, but not to the 11-lot design.

648
649 M. Fougere clarified that they would be waiving the open space from 16 acres down to 12.

650
651 B. Moseley added that they're balancing that against the fact that, with a conventional layout, they
652 are allowed 13 lots.

653
654 M. Fougere stated that the Board is allowed to not approve a HOSPD, and instead go with a
655 conventional layout, because of the site conditions. Every site is unique.

656
657 J. Peters stated that he knows the site, and personally would prefer the HOSPD design, would prefer
658 the open space. He is ok with the design that the Applicant prefers – it gives the Town the open
659 space, and the developer the 13 lots that the site can support.

660
661 D. Cleveland said that, comparing the 11-lot versus the 13-lot HOSPD designs, it appears that Lot 13
662 on Rideout Road would require a considerable amount of work to make it useable for building. R.
663 Haight answered that yes, it would; they know that they have to reshape that lot, and revegetate it, in
664 any event. As the site has been a pre-existing gravel pit, it is going to have to be reshaped. D.
665 Cleveland then asked, in looking at the 11-lot plan, and to some extent the 13-lot plan, about the
666 open space area: it looks like it's pretty rough, with different contours; is there a plan to re-grade all
667 that open space, and level it up? R. Haight answered that if it is open space, they probably would do
668 less. They've got to revegetate no matter what, and they've got to take care of the stockpiles left on
669 site.

670
671 J. Peters pointed out that a lot of the contours look like they're artificial, as a result of the stockpiles;
672 R. Haight confirmed that that is true – as the stockpiles are removed they would be graded anyway.

673
674 J. Peters additionally concurred with abutter K. Zomchek's point regarding the straight through-road
675 – it would be an eye-sore. He is not a fan of hammerheads either, and believes that a big enough
676 cul-de-sac would satisfy the Fire Department, the Post Office, and the DPW. A 300-diameter cul-
677 de-sac might be excessive.

678
679 M. Fougere stated that we are going to be re-writing the subdivision regulations this summer, and
680 cul-de-sac diameter is on the list to consider.

681
682 D. Cleveland asked, in looking at the 13-lot conventional plan which includes the through-road to
683 Rideout Road, if it were to be the chosen plan, would it be possible to move the road so it would
684 come out between the two houses and not directly opposite one. R. Haight answered that they
685 prepared that concept at the request of the Board, to see what it would look like, and that's one of the
686 reasons why they don't want to use it. If they moved the road, they couldn't keep the building box
687 area and would lose a lot. They could make it work with a hammerhead.

688
689 D. Cleveland further pointed out that, in looking at the 13-lot conventional plan, pretty much the
690 whole site is covered in lots – so it would all be graded and leveled in order to build. R. Haight
691 responded that everything along the river is going to stay as it is; down in the lower area it is

692 relatively flat. They will be removing the stockpiles, the stacks of concrete blocks – all of that will
693 be reshaped. If possible, they would make everything at or above the floodplain elevation. D.
694 Cleveland said that he wants to make sure, when it's all done, and the houses are all built, that they
695 don't have some rough, open space land looking really unsightly. R. Haight answered that it is their
696 intention to reclaim the land, to get rid of the waste piles and stockpiles. They didn't want to get into
697 what grading would be necessary until they had a confirmed design to work from – then they can see
698 what they need to do. Number one, they need to look at the road, how that will be addressed, and
699 drainage associated with it; then they would look at how to grade to keep the drainage working.
700

701 K. Anderson pointed out that what the Board is being tasked with first is, do they want a through-
702 road or not? On top of that, they need to decide about a cul-de-sac or a hammerhead. There are 13
703 lots that are allowed by right; there might be some waivers needed to adjust things in accordance
704 with that – but the first question is through-road or not.
705

706 R. Hardy asked about the practicality and use of the open space. Would the idea be to have a
707 walking area? Some parts of the area might be really steep. He mentioned that a couple of the
708 alternate design plans incorporate a sliver of land that goes down from the cul-de-sac to the river,
709 and asked if there is any wiggle-room to include such a sliver of land in the final, preferred design,
710 between lots 2 and 3 or lots 3 and 4, so that it's more practically useable. R. Haight said that that is a
711 possibility, and he can certainly look at it. R. Hardy pointed out that while the plan includes open
712 space, it would be difficult to use with the steep slopes. M. Fougere added that the HOSPD
713 ordinance requires lots to front the open space. K. Anderson pointed out that it would be a unique
714 opportunity to be able to access the river from these lots.
715

716 R. Hardy mentioned that another question about the open space is whether it would be open to the
717 Town, or open the residents of the subdivision? For other plans that the Board has seen, they've
718 suggested that open space use be limited to the subdivision residents so that it doesn't become a
719 problem insofar as supervising other people.
720

721 R. Haight confirmed that that is what they would like to do with the site; because the site is not
722 natural, they would rather keep it within the lot owners' control.
723

724 B. Moseley asked to confirm: the current thinking is now to have the open space just for the
725 subdivision owners? R. Haight said yes.
726

727 C. Rogers stated that access to the water by the public would be huge, here – the general public.
728 They could park in the open space down by the river.
729

730 R. Hardy pointed out, though, that the Town has a hard time managing the few spaces at Rocky
731 Pond, for instance, so the open space on this site should benefit the people who live there.
732

733 K. Anderson asked for clarification: is there public access down to the river from the bridge, in this
734 area? B. Moseley answered yes; the Town owns more than an acre at the corner of Runnells Bridge
735 and Depot Road. K. Anderson suggested that that fact negates the need for public access from the
736 site under discussion. B. Moseley added that there is also a sliver of Town land on the other side of
737 the river, opposite from that same location.
738

739 By general agreement, the Board confirmed that a design with a cul-de-sac, and not a through-road
740 access or a hammerhead, would be preferred.
741

742 Between a conventional design or a HOSPD design, by general agreement the Board confirmed a
743 preference for the 13-lot final design that the Applicant also prefers. It will need a waiver for the
744 open space requirement, and a waiver for the diameter of the cul-de-sac circle.
745

Required studies discussed initially included river flow rate, height of the river, stormwater, visual impact, environmental hazard.

K. Anderson asked if they would need an Alteration of Terrain permit; R. Haight said that yes, they will have one. K. Anderson suggested that that permit may trigger some environmental reviews in terms of species and habitat – if so, that will automatically be reviewed, and the Town will not have to deal with it. In general, the Board wants to make sure that the environmental aspect is incorporated into the discussion. B. Moseley suggested that they require a review of the environmental impact; if it's included with the Alteration of Terrain permit, that would be fine – but an environmental impact study is to be done one way or another, including Fish and Game so that we may be aware of what endangered species are in the area.

M. Fougere asked about the possibility of a wildlife study; the Board generally did not see a need for it. The current use of the site is a gravel pit, so it may have more wildlife after development than now. M. Fougere then asked about a traffic study – the site will need a State DOT permit. The Board generally did not feel that a traffic study would be necessary. A fiscal impact study was next on the list for consideration; the Board did not see a reason for it. Finally, regarding the possibility of a historic significance study, B. Moseley stated that the only thing he wanted to mention were the 'smallpox people' who were supposedly buried in this area – however, K. Anderson stated that he believes that that will be reviewed under the Alteration of Terrain permit.

In summary, the site will require the river studies; a stormwater study; an environmental impact study potentially under the Alteration of Terrain permit, but definitely including Fish and Game, and to be completed regardless. Per below, a wildlife study was ultimately added to the list of required studies.

Not required will be a traffic study, a fiscal impact study, and a historic significance study.

In discussion it was recognized that there will be very little of the site actually visible from outside – so there is not a need for a visual impact study.

R. Hardy asked about the Alteration of Terrain permit – wildlife weighs in on it, but do they actually do a wildlife study? K. Anderson answered that they don't do a wildlife study themselves but can require one, based upon the species that they find.

M. Fougere pointed out that the question really is whether, if Fish and Game doesn't need a wildlife study, does the Board want one done? The general consensus now was yes – so a wildlife study was added to the list of required studies.

Per further discussion, K. Anderson mentioned that, regarding the preferred design plan, he'd like to see the lots more consolidated to the development. There are two lots designated for Rideout Road – he feels that that should really be a buffer area, and that those lots should be brought down toward the cul-de-sac.

J. Peters stated that there is already a 100 foot buffer on Rideout Road, as a designated scenic road.

As it will be some time before the Applicant is able to be back before the Board with a more finalized design plan, **the Board is in agreement to continue File PB2022:009, no vote necessary.** The case remains in the Design Review stage; Staff and the Board will re-notify abutters when the Applicant is ready to come back before the Board.

- d. **File PB2022:010** – Proposed site plan to convert 3,080 square feet of an existing home’s basement into a candle making operation. 98 & 98A Runnels Bridge Road, Owner: Alice Mann, Applicant: Christine Lamson, Map 5 Lot 26, Zoned Commercial. **Application Acceptance & Public Hearing.**
- M. Fougere stated that the purpose of this plan is to outline a change of use of a 3,080 square foot area of a basement to make candles. This property presently contains a two family home and this operation will occur in the basement area. In addition, the Board approved a welding operation on this site last year. The candles will be distributed to local retailers, sold on-line, along with a small gift shop on site. The applicant would also like to host candle parties at the property as well. At this time three employees will be involved with the production, one who presently lives on the property. As the business grows, 1-2 additional people may be hired.
- The hours of operation will be M-W-F from 9 am to 5 pm, T-T 9 am to 9 pm, Saturday from 10 am to 3 pm. Closed Sundays. Three deliveries a month are expected. A driveway turn loop exists in front of the home, with parking available for 4-5 vehicles. Additional parking is also available off the side road and behind the home.
- M. Fougere further stated that the Applicant is requesting a waiver from the Site Plan requirements for a full engineered plan, Section 111.2 A.B. That is similar to the waiver that was requested and granted for the welding shop.
- Motion to accept the application** – motioned by D. Cleveland, seconded by C. Rogers; motion passed unanimously.
- Applicant: Christine Lamson, 274 River Road, Weare, NH. Stated that she had a small family-run business in 2008; they made candles and went to craft fairs, and greatly enjoyed it. She has been making candles for a long time. Her father passed away four years ago, and Applicant kept the business going with her mother for two years before closing the operation and going back to nursing. A contact recently came to her to get the business going again, and they did, in a small room in Weare. They put in \$20,000 of equipment and in the first month did almost \$10,000 in sales. When her co-worker could no longer stay with the business, C. Lamson asked her mother if she could re-open the business back at her home in Hollis. Her products are already in about 15 stores. They make party favors for wedding and other special occasions, sold mainly wholesale online. They use only electricity to make the soy candles, no fire or flames; it is a very safe business. She would love to be able to have small candle-making party events, including no more than about eight guests, arriving in about four vehicles. They have plenty of parking on the property. All the activities would occur indoors. The Applicant would like to be able to put up a 4-or-6-foot by 8-foot sign; the location is in the commercial zone.
- M. Fougere confirmed that the use is allowed.
- R. Hardy asked how many cars would be able to fit on site; C. Lamson showed on the plan that her brother’s welding business parking is a separate area than the proposed parking for the candle shop. The candle business parking area could fit a total of eight cars, though the Applicant does not anticipate that many.
- V. Mills asked about the process for making the candles – is there any exhaust, or necessary approval from the Fire Department? C. Lamson answered that there is no exhaust. The process consists of adding water to a 300-pound double-insulated warmer for a water jacket, and heating 300lbs of soybeans with electricity. After the soybeans melt, she fills mop buckets with that material, adds scent and color, and pours it into jars. They put labels on the jars with a heat gun.
- The Applicant’s niece helps with marketing the business from North Carolina.

B. Moseley asked to confirm that the business involves no hazardous materials, solvents, chemicals – C. Lamson confirmed that none of those are used; it is an all-natural process. The scents are all-natural, as are the soy dyes. They use cotton wick.

C. Lamson added that the business allows her to come and stay with her elderly mother a few nights a week, spend time with her and take care of her.

Public Hearing.

There were no speakers on this application.

Public Hearing Closed.

Comments from the Board:

No additional restrictions or stipulations were deemed necessary.

Motion to authorize the waiver of the Site Plan requirements for a full engineered plan, Section 111.2 A.B – motioned by C. Rogers, seconded by V. Mills; motion passed unanimously.

Motion to approve the application – moved by K. Anderson, seconded by D. Cleveland; motion passed unanimously.

6. OTHER BUSINESS:

Regarding keeping the Master Plan before the Board going forward, J. Mook sent an email message with comments that B. Moseley read: “At the last meeting you asked us to consider how the Board might keep the Master Plan in front of us as a living document; if you raise that question tonight I would offer this opinion – identify the recommendations and action items stated in the 2022 Master Plan, review the 1998 Master Plan for additional recommendations the Board would like to follow up on, and review each item and determine an action plan. Once a list of action items is generated, have that reviewed and monitored routinely by the Board.”

B. Moseley asked that the Board keep that in mind for the next meeting.

ADJOURNMENT:

Motion to adjourn at 10:13pm – motioned by C. Rogers, seconded by D. Cleveland; motion passed unanimously.

Respectfully submitted,
Aurelia Perry,
Recording Secretary.

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