



## Town of Hollis

7 Monument Square  
Hollis, NH 03049<sup>[SEP]</sup>  
Tel. 465-2209 Fax. 465-3701  
[www.hollisnh.org](http://www.hollisnh.org)

### **HOLLIS PLANNING BOARD MINUTES**

**June 21, 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; Mike Leavitt.

**STAFF:** Kevin Anderson, Town Planner & Environmental Coordinator; Mark Fougere, Planning Consultant.

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

B. Ming will be recused on case PB2022:11; on that case, J. Peters will be voting in his place. In all other instances, the voting members will be the Regular Members of the Board.

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

May 17, 2022: **Motion to approve** – motioned by D. Cleveland, seconded by C. Rogers; motion passed.

**3. DISCUSSION AND STAFF BRIEFING:**

a. Agenda Additions and Deletions:

M. Fougere stated that the Applicant on File PB2022:08, 28 Ridge Road, has requested a tabling until the next Planning Board meeting, July 19.

**Motion to table File PB2022:08 until the next Planning Board meeting, July 19** – motioned by D. Petry, seconded by V. Mills; motion passed unanimously.

b. Committee Reports: none.

c. Staff Reports: none.

d. Regional Impact: none.

**4. SIGNATURE OF PLANS:**

a. PB2022:07 – 22 Proctor Hill Road, Trudell site plan.

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

- 46  
47 b. PB2022:03 – Broad Street lot line relocation.  
48

49 M. Fougere stated that there were a number of stipulations associated with this case and they have all  
50 been met, including review by the Fire Department and by the Septic Inspector.  
51

52 **Motion to approve signature** – motioned by D. Cleveland, seconded by V. Mills; motion passed  
53 unanimously.  
54

- 55 c. PB2022:10 – 98 Runnels Bridge site plan.  
56

57 **Motion to approve signature** – motioned by C. Rogers, seconded by D. Cleveland; motion passed  
58 unanimously.  
59

60  
61 **5. CASES:**  
62

- 63 a. [File PB2022:11](#) – Proposed lot line relocation between two adjoining properties, Federal Hill  
64 Properties, LLC & Daniel and Brittany Edmonds, 6 & 8 Hobart Lane, Map 32 Lots 45-16 & 17,  
65 Zoned R&A Rural Residential. **Application Acceptance & Public Hearing.**  
66

67 M. Fougere stated that this file is straightforward; these existing lots are exchanging a small triangle  
68 of property, approximately 2300 square feet between the two, with no zoning issues arising. The lot  
69 line is being relocated away from the front of the home that is under construction. Staff has one  
70 recommendation in that lot pins shall be set prior to plan recording, and that that note be clarified on  
71 the plan.  
72

73 **Motion to accept the application** – motioned by V. Mills, seconded by D. Cleveland; motion  
74 passed unanimously.  
75

76 Applicant: Brad Casperson, Engineer with Meridian Land Services, for both Property Owners.  
77 Reiterated, as M. Fougere stated, that it is a pretty straightforward lot line adjustment with equivalent  
78 areas being swapped. Each lot will remain in compliance with the Town geometric requirements,  
79 including but not limited to lot area, frontage, the required building box and setbacks. The proposed  
80 lot line relocation would also be in compliance with State setbacks, specifically in regard to  
81 separation of septic system components.  
82

83 D. Cleveland asked for clarification on the old lot line location; B. Casperson and M. Fougere  
84 showed on the map where both the old lot lines and proposed new lot lines would be.  
85

86 **Public Hearing.**  
87

88 Joe Garruba, 28 Winchester Drive. Stated that he is not speaking in favor or against this application,  
89 but is asking what the motivation is for making this change. Is it related to setbacks that are needed  
90 for septic reasons? As the change would have no apparent significant impact, is there a technical  
91 reason for wanting it?  
92

93 Applicant rebuttal: Brad Casperson, Engineer with Meridian Land Services, for both Property  
94 Owners. B. Casperson answered J. Garruba's question, stating that the lot line relocation would not  
95 be in regard to any State regulations; the lot is working as it is, and the change is not to make it more  
96 buildable. There is no legislative or judicial reason for the change. One owner just wants a larger  
97 front yard.  
98

99 **Public Hearing Closed.**

There were no further comments from the Board.

**Motion to approve the application** – motioned by J. Peters, seconded by C. Rogers; motion passed unanimously.

- b. **Ronald Marchant** – Request for a building permit per RSA 674:41 off of a private road (way); referral from Board of Selectmen. Rockhaven Drive, Map 30 Lot 18, 12 acres.

B. Moseley mentioned that this referral from the Board of Selectmen is per Statute; it is still in front of the Select Board.

M. Fougere stated that this is a case that has been around for some time; the Applicant came before Staff and others eight to ten years ago; an opinion was obtained from Counsel in 2014, outlining a procedure for the Applicant to follow. The case and the outlined procedure involves an unusual Statutory provision that is not used very often.

M. Fougere pointed out that the Marchants own approximately 12 acres of property off of Rockhaven Drive, a private road approved in 1980. The property does not have frontage on Rockhaven Drive, but is accessed by a 20 foot easement over abutting lot 31-6 which fronts on Rockhaven. For a number of years they have been attempting to obtain a building permit to build a single family home on this property. It was the intent of the owners to consolidate the properties into one lot and this has now been completed by Registry of Deed Caveat; it is now one property. The Applicant would like to build a single-family home on the lot.

M. Fougere further stated that in 2014 Attorney Bill Drescher outlined a detailed process that had to be followed in order for the applicant to obtain a building permit under the provisions of RSA 674:41. Attorney Drescher concluded that the noted access easement best fits the definition of a “private road” under the Statute and therefore the procedures relative to that definition should be followed (RSA 674:41 (d)). Drescher’s letter details the requirements of the Statute, along with other matters that had to be met in order for a building permit to be issued; these include:

- a. The applicant must clarify rights across the adjoining property. This has been completed. [L] [SEP]
- b. As the properties lack frontage, a frontage variance is required from the ZBA. The applicant obtained a variance from the ZBA in April 2022. [L] [SEP]
- c. A request be made to the Selectmen for a building permit, with comment received by the Planning Board. The applicant met with the Selectmen on June 13<sup>th</sup>, who referred the matter to the Planning Board for comment. [L] [SEP]

The Applicant has stated that they intend to follow the Town of Hollis driveway construction standards. A septic plan has been approved by NHDES, with the proposed home located on the western portion of the property. Town Septic Inspector Tom Mercurio has also reviewed the septic plan and signed off on it.

The Select Board is requesting comments and recommendations from the Planning Board on this request.

M. Fougere stated that issues Staff drafted for the Planning Board to consider include:

- Review of permit request by the Fire Department. [L] [SEP]
- Proper street numbering shall be obtained. [L] [SEP]
- Driveway construction inspected to insure proper erosion control measures are maintained. [L] [SEP]

- Stipulation attached to any approval that only one single family home may be constructed off the private road. [SEP]
- Liability waiver properly recorded prior to any construction. [SEP]

M. Fougere added that current Town Counsel, Attorney Chris Drescher, has reviewed the private way covenant restrictions, and liability waiver, and is satisfied with them.

Applicant: Attorney Israel Piedra, with the firm of Welts, White & Fontaine, P.C., for Owner, Ron Marchant.

D. Petry stated that the first paragraph of Attorney Bill Drescher's memo to the Planning Board in 2014 talks about whether the deeded right of way constitutes an easement or actual fee title to the land under the right of way – so it looks as if, at that time, it was not demonstrated that it had been deeded. Do we know for a fact if that has been completed?

I. Piedra answered that that question is what M. Fougere was referring to when he mentioned that Attorney Chris Drescher has reviewed the documentation. There was some uncertainty, as in the 2014 letter, about the extent of the easement, where it was, and how it existed. A petition to confirm that easement was brought to Superior Court, and ultimately a confirmatory deed was signed by all abutters. The confirmatory deed states that there is an easement there, and it allows access to the Applicant's property. That confirmatory deed has been recorded. The right of access has been definitively established.

M. Fougere clarified that it was not the deed issue to which he had been referring, above, but to the liability waiver.

D. Petry then asked, for the record, if it is true that the abutters had to sign a non-disclosure agreement, precluding them from providing public input at this meeting.

I. Piedra answered that he doesn't think that is completely correct; the abutters signed an agreement stating that they would not oppose the Applicant's efforts to build a single-family home on the lot. The abutters voluntarily signed those agreements.

M. Fougere added that, for procedural purposes, the abutters were not notified of tonight's meeting; this is not a public hearing. The Planning Board is considering the evidence for comment back to the Select Board. If the Select Board wants to hold a public hearing, that is something they may do. The Statute doesn't say, one way or the other.

D. Cleveland pointed out that it should be noted that one of the abutters is the Town of Hollis, as the Applicant's property is surrounded by the Hollis Town Forest.

J. Peters stated that the Select Board should probably hear from the abutters.

I. Piedra added that we need to think about the purpose of the Statute. In his interpretation of the Statute, the opinion of abutters is not relevant. This is not a subdivision proposal, this is not a variance proposal. This is a question under a specific Statute which deals with access. The purpose of the Statute is to make sure that two things are true: one, that the Town does not have any liability for use of way and access of property; and two, that the Town can access the property with its emergency vehicles. The Statute requires the Applicant to come before the Boards with their proposal and ask if it provides sufficient access, and whether they have satisfied the questions about liability to the municipality. That is the only focus of the Statute. The other concerns about what is going on with the lot, policy questions, whether abutters agree with the situation – these are not within the purview of this Statute, in his opinion. The purpose of the Statute is very limited. The granting of this application would not mean that they have carte blanche to do anything on this

property. All it would do is allow them to go to the Building Inspector and request a permit. It doesn't mean that the permit will be granted, or that a driveway permit will be granted. All it means is that the Applicant has the ability to ask for those things. All the Statute does is allow the Town to act as a gatekeeper, and ask whether the Applicant has the parameters in place to provide adequate access – which is what they are showing in their plan. They are showing that they have a 20 foot right of way that can satisfy a driveway that is more than wide enough to meet standards. The fact that there is no fee-access frontage is the reason why the Statute is invoked, but the purpose of the Statute is what any back lot in the Town of Hollis with a long driveway, set back from the road, would have to insure. The point of the application is that, unlike a lot of towns, Hollis has very strict, comprehensive driveway standards.

In answer to the question as to whether the driveway will be paved, I. Piedra answered that the driveway is planned to consist of crushed gravel until it reaches a point near the home, at which point it would be paved. The last hundred feet or so would be paved. The maximum grade would be 6.5%.

B. Moseley asked if there is a reason why a profile wasn't provided; in answer, I. Piedra invited the engineer working on the proposal to speak.

Brad Casperson, Meridian Land Services. Stated that the reason a profile wasn't included is that there are a lot of wetland crossings in the area, so there is a lot of undulating grade. They felt that it would be more applicable to list the maximum grade and demonstrate that they are not exceeding that.

In answer to J. Peters's question regarding the legal status of the right of way, I. Piedra stated that there was no court decision on the matter; the parties reached an agreement. A Superior Court petition was brought, in order to clarify the title issue with regard to the easement. It wasn't brought to a legal conclusion in that a court decided it; the parties reached an agreement that there is deeded right of access and a 20 foot right of way, as shown on the plan. The confirmatory deed that has been provided to the Select Board was a result of the court proceeding. There is no fee title; it is a deeded easement that has existed for decades. The easement has been referenced back for decades, though the extent of it was not clear due to how old it is. The easement is shown on plans approved by the Planning Board going back to the 1970s.

C. Rogers asked to confirm that a driveway can go through a wetland; M. Fougere answered that yes, if they get permits. M. Fougere added that it appears that the Applicant obtained a permit from the State in 2012, as the culvert is already in place. Based on the plan, M. Fougere did not see any other wetland impacts associated with the driveway. C. Rogers asked if it mattered whether the driveway is paved or not; M. Fougere answered that it doesn't matter under the Town's regulations. The driveway can be gravel or paved. One of Staff's recommendations, however, is for inspections to make sure that erosion control is taken care of, and because of the sensitivity of the wetlands nearby.

V. Mills asked, as the driveway is off of Rockhaven Drive, which is a private road, maintained by the residents of that road, whether there have been discussions with the abutters now that another house is being added to that private road. I. Piedra had stated that the abutters' comments were irrelevant, but in this situation they would seem to be very relevant.

I. Piedra concurred with V. Mills, and said that there is already an agreement in place between the Applicant and the residents of Rockhaven Drive showing that the Applicant will contribute to upkeep of the road.

D. Petry asked when the lot line consolidation of the property took place; M. Fougere answered that it was just recently – but it has been recorded, and the property is one lot. K. Anderson added that it

was in fact recorded on June 14. D. Petry pointed out that as the plan still shows two separate parcels, that will need to be corrected.

D. Petry stated that he would like added as note on the plan that there is to be no further subdivision allowed on this parcel.

J. Mook asked for K. Anderson's comments on the application as he has a great deal of experience; K. Anderson replied that Town Counsel has reviewed the application and has determined that this is a reasonable access point. K. Anderson has viewed the original subdivision plan, and it notes a 20 foot right of way. The confirmatory right of way easement deed has been recorded, and the abutters accept this right of way to access that back property. He does believe that this is an allowed action. He is checking to confirm that all deeds are in fact recorded and in place. Pertinent documents include the original subdivision plan, the recorded easement, and the Caveat consolidating the lots into one parcel.

D. Cleveland pointed out that the plan indicates that this is a Class VI road when in actuality it is a trail. The trail has been there for decades. The first hundred feet or so may be passable by a car; after that, it's strictly a wet, muddy, relatively narrow trail that goes all the way across the lot, Map 30 Lot 18, and continues onto Town Forest property. The trail then curves around, back onto the far end of Map 30 Lot 12. It would be highly desirable to keep that trail available, as it accesses Town property and is part of the Hollis trail system.

I. Piedra responded that he was sure the Applicant would be open to discussing the trail with the Town, especially if it's no burden; they have always desired to do what is best for the Town.

J. Peters asked if the mentioned trail was the same as the one that connects with Tyng Hill Road, as that trail is not shown on the NRPC map. D. Cleveland answered yes, and confirmed that it does not coincide with the NRPC map.

D. Petry asked whether it is a recognized Hollis trail, or if it is a private property trail which the public never had permission to use. D. Cleveland answered that it is a recognized Hollis trail, but he is not certain as to whether the public has legal access. It would be desirable to keep the portion that will not be driveway as part of the Hollis trail system – it can be accessed from a connecting trail to the south. There are other trails in the area that are not shown on the map, which connect in to this trail – it is part of the trail system that goes from the Brookdale Fruit Farm through the Skyview development, and continues down to Parker Pond. He would like it to be maintained from the south property line to the north property line, on the back of the property. The Trails Committee does not want to lose any more Town trails; they have gone through extraordinary means to try to preserve Town trails and to not lose further of them to subdivisions or anything else.

I. Piedra responded that they would happy to discuss that though it is afar afield from the matter at hand, which is not a site-plan approval – the current question is only one of adequate access.

J. Mook asked whether the trail question would be part of the Planning Board's comments to the Select Board, to which members of the Board answered that yes, it would. J. Mook then pointed out that it is therefore relevant to the Board's discussion.

D. Cleveland commented that this is a very long driveway – almost 1000 feet. In the past there have been concerns regarding extremely long driveways in terms of access for emergency vehicles, especially in the winter, or at night. Getting to a home this isolated could be a difficult situation.

I. Piedra confirmed that emergency access is a valid concern; he submitted that there are a lot of long driveways in Hollis because of the prevalence of back lots. This type of situation, while unusual, is not unheard of by any means. The Applicant's engineers have marked a turnaround area near the

house, on the plan, that is typical for this length of driveway, to allow emergency vehicles turn-around access. Additionally, going back to the Hollis driveway permitting process, at this point they are only asking for permission to apply. They still need to be approved. These types of questions will be what the DPW will look at.

In response to a question from B. Ming, M. Fougere stated that the street numbering would be standard – there is nothing unusual about it; he simply wanted to be sure that all bases were covered.

B. Moseley summarized the Board’s discussion, in terms of comments that they would like to refer to the Select Board: including the Staff recommendations, there is interest in maintaining the portion of the trail at the back of this lot; there needs to be a note regarding no further subdivision added to the plan; the permit needs to be reviewed by the Fire Department; proper street numbering shall be obtained; the driveway construction should be inspected to insure that proper erosion control measures are maintained; there should be a stipulation attached to any approval that only one single family home may be constructed off the private road; the liability waiver is to be properly recorded prior to any construction; proper profile documentation should be obtained to guarantee that they don’t exceed the 8% grade; there needs to be confirmation that the driveway is adequate for emergency vehicle use.

D. Petry added that, in addition, approval should be conditional upon Staff review of the deeds – and the matter should come back before the Planning Board if the deeds are not in order.

**Motion to send the above Planning Board comments to the Select Board** – motioned by B. Ming, seconded by V. Mills; motion passed unanimously.

## 6. OTHER BUSINESS:

- a. Starting time of Planning Board meetings: move from 7pm to 6:30pm?

B. Moseley stated that the question of moving the meeting time has come up; if there is any opposition, they will be very sensitive to that.

In general discussion it was determined that moving the meeting time might impact the ability of some Board members to attend. If there was no overriding reason to change the time of the meetings, B. Moseley suggested that they keep the meeting time at 7pm. If Board members’ schedules changed, the question could certainly come back before the Board; we may keep the point as an open dialogue.

- b. Master Plan.

B. Moseley stated that it was recommended that we keep the Master Plan before the Board as a living document – how may we best do that?

J. Peters stated that we need a new survey. The last survey was completed in 2015, and there has been an explosion of growth since then.

D. Petry concurred, but added that we need to be mindful of how we craft the questions.

K. Anderson replied that he has put some thought into that; he does agree that the Master Plan should be a living document, and that the first step is to send out another poll. How many questions should be on the survey is an issue to consider – if there are too many, people will ignore it; if there are too few, we won’t get any data. Should we get input from all the Town Committees and Commissions, or would that drive this into too complex a study? Perhaps we could ask various

Committees what their top one or two questions for Town residents would be, add those to the survey, and that would get the process moving.

D. Petry stated that his recommendation would be for the Planning Board to craft the questions and then send those questions to the Committees for their approval, allowing them to potentially edit what the Planning Board has put forth. We are going to get conflicting views from different Committees, depending on what they're responsible for. D. Petry suggested that we keep the survey to 20 questions or fewer; maybe just 10 or 15. Last time, the survey was comprised of about 28 questions; they are included at the end of each section of the Master Plan, so one can see what they were. D. Petry pointed out that in his opinion, they were very leading questions.

M. Fougere mentioned that at the time, the Planning Board wanted to include many questions that had been included in the 1998 Master Plan to see if there was a change in opinion over time.

B. Moseley agreed with D. Petry's suggestion that the Planning Board should draft the questions to send to the Town Committees for comment, rather than ask for open input and get very diverse recommendations back.

M. Fougere proposed that for the next meeting each Board member bring a question for the survey, as a start.

J. Mook pointed out that the questions about how the Boards and Committees are doing their jobs might not be very helpful – do we even know what the answers were?

D. Petry stated that the intent of the survey should be to drive the Master Plan, and both short-term and long-term planning, and to avoid petition warrant articles for changes to zoning. The changes to zoning should come through this Board, but should be based on public input – via the Master Plan, and via this survey. We need to craft the questions very carefully, knowing what has happened in the last seven years.

J. Mook mentioned that we could drop ten or so questions by not asking opinions on Boards and Committees, and D. Petry agreed; how the Planning Board is doing is very subjective.

K. Anderson asked if we should start with many of the hot-button issues that this Board deals with, and craft the questions in that direction. D. Petry agreed with that idea; J. Mook added that we also want to start with our Vision. M. Fougere added that the questions are also about where we want to go; rural character is always 98% and that is not going to change, but those are the types of things that drive changes. If we're going to change zoning, we lean on the Master Plan. If people ask why we adopt any given regulation, we can say that 98% of residents, for instance, feel that that's very important. That's why the Rural Character Ordinance was passed.

B. Moseley concurred that the Master Plan is supposed to drive zoning.

D. Petry pointed out that what people consider "rural character" may sometimes be divergent; they want rural character, but they don't want tractor noises.

M. Fougere mentioned that questions that ask for input on dangerous intersections in Town, or areas in the community that need to be improved, for example, are helpful to the Select Board in making policy decisions. There are many different ways to get input.

B. Ming asked about updating the population and statistical information; M. Fougere answered that it will be at least another year before we get the "deep dive" census data. Even official estimates tend to be a couple of years behind. B. Ming pointed out that, moving forward, we can think about whether to include estimates or not. D. Petry mentioned that there are some statistics we can figure



out ourselves, based on household numbers.

J. Mook stated that she is in favor of creating a new survey, but she also feels strongly that we need a process to act on what we find out. Rather than wait until the survey comes back, we have some information already with which we can start building a process now. What do we do with the information? We have information now, and we're not doing anything with it. Is there progress? Are we asking the right questions to the right people? We should keep the ball moving forward by getting some actions done. If we could just, as a group, come up with a handful of things that we want to monitor, that are important to us and that we are aware of now, it would be helpful. B. Moseley added that this would be like having key items on a dashboard, and J. Mook concurred. It could be a short part of any meeting; the difficulty is coming up with a list of items that we want to track. She suggested that in addition to each Board member coming up with a question for the survey by the next meeting, perhaps they could also each consider some of the things that we want to keep in front of us. For example, one thing that she is thinking about is what are some of the other potential changes that we could do to enhance the Town's rural character? Both Master Plans had suggestions of new things that could be incorporated into our ordinances. These things keep getting brought up, so let's decide – are these good ideas or not? Why ask about it again if it's not something that the Board is attending to? By thinking of topics that we'd like to have in front of us more often, it might help us identify questions to ask in the survey. What is "rural character"? If we had wider frontage, or deeper setbacks, are these things that people would agree would enhance our rural character?

D. Petry mentioned that what he thinks we need is a segregated strategy, as J. Mook is describing, as opposed to tactical. There are some tactical things in which there are loopholes that Staff usually tracks, and that's where many of our amendments come from. If we want to make a wholesale change to the ordinance, that's more of a strategy in what we want to do going forward. He agreed with what J. Mook stated, and added that the challenge is that we are going to also have to track what is going on in Concord. There are things that are changing that are out of our control. We may propose something, and not be allowed to do it because of individual land rights, for instance. When we talk about more buffering, and more setbacks, and additional requirements, we have to be careful that we're not doing land-taking. There is a trade-off.

B. Ming stated that it seems to be a scheduling issue; every year we talk about what we want to propose for addition. If we dial it back and say that we need the survey results by a certain date so that we can discuss them, and that means that we need to have the survey out, mailed, and approved by us by another date – that way we could talk about it, and perhaps act upon it or submit something. We could do that every year.

B. Moseley added that indeed, the zoning season starts in fall. D. Petry stated that zoning and the Master Plan are two different things; B. Moseley agreed, but added that zoning draws on the Master Plan. D. Petry concurred, and stated that we should always be looking to the Master Plan for more strategic updates.

J. Peters suggested that we should get the survey out by summer/early fall, so we have answers in front of us before we work on any amendments to propose to the Town around January. Otherwise, we will have lost a whole year's cycle, the information we will have collected becomes a year old, and we won't be drawing on current data.

B. Moseley recapped the discussion: the first thing is for each Board member to bring forth an idea for a survey question; for reference, the last survey is available in the Master Plan. Next, members should also bring forth a topic that we might keep in front of us and deal with as we move forward.

J. Peters recommended that we try to have a draft of the survey out to the other Boards and Committees after the August meeting so that we can get something out to the public this fall.

c. Non-public RSA 91-A:3, II(1) Legal.

**D. Petry moved that the Planning Board go into a non-public session under RSA 91-A:3, II(1) Legal; 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.