



Town of Hollis

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HOLLIS PLANNING BOARD MINUTES

**July 19, 2022 – 7:00 PM Meeting - Town Hall Meeting Room
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; Mike Leavitt.

ABSENT: Doug Cleveland, Virginia Mills, Jeff Peters.

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

1. CALL TO ORDER – 7:00 PM^[SEP] B. Moseley led the group in the Pledge of Allegiance.

At this meeting, R. Hardy will be voting in place of D. Cleveland, and M. Leavitt will be voting in place of V. Mills.

2. APPROVAL OF PLANNING BOARD MINUTES:

June 21, 2022: **Motion to approve** – motioned by C. Rogers, seconded by M. Leavitt; motion passed.

Non-Public Session minutes, June 21, 2022: **Motion to approve, and to keep the minutes sealed in accordance with RSA 91-A:3** – motioned by R. Hardy, seconded by D. Petry; motion passed.

3. DISCUSSION AND STAFF BRIEFING:

B. Moseley brought to the Board's attention the event at Woodmont East, Wednesday, July 27 from noon until 2pm; Tom Dufresne has sent out an invitation for a networking opportunity with some members of the NH legislature who deal with agricultural issues.

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

4. SIGNATURE OF PLANS:

PB2022:01 – Timber Post, Broad Street. M. Fougere stated that the conditions of approval have been noted; all the required notes and changes to the plan have been put in place. The trees that have been planted are being inspected.

Motion to approve signature – motioned by R. Hardy, seconded by C. Rogers; motion passed unanimously.

5. CASES:

- a. **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. **Tabled from June 19th.**

M. Fougere stated that the principle reason for tabling the case was to obtain a site-specific soil survey; that has now been updated and submitted. Both members of Staff have reviewed the soil survey, and found it acceptable. The only draft conditions of approval that Staff recommend are that all lot pins shall be set prior to plan recording, and adding a note that wetland buffer signs shall be installed every 50 feet prior to lot disturbance.

Applicant: Chris Guida with Fieldstone Land Consultants, for Owner. Stated, as mentioned by M. Fougere, that they did provide the site-specific soil map, and have also now received State subdivision approval.

Per a question from B. Moseley, M. Fougere confirmed that the cistern issue has been taken care of; there are notes required on the plan.

R. Hardy asked if the existing trees shown on the center of the plan are all large-caliber trees. C. Guida answered that they are probably 2-3 inches in diameter.

R. Hardy pointed out that this is a designated Scenic Road with the setbacks governed by that fact, and asked if there is any documentation of the existing vegetation other than the photographs that were submitted with the case packet. C. Guida answered that the plan does show the existing tree line, and that the rest is a farm field: a mowed hay field.

M. Fougere added that there is a no-cut buffer along the street, within the 100-foot setback. R. Hardy stated that he just asks that the plan be consistent with other instances that the Board has approved. K. Anderson commented that it does not appear that any trees or vegetation will need to be cut for the driveway. M. Fougere and C. Guida further stated that they will add photographs of the existing vegetation to the file.

Motion to approve the application, incorporating Staff recommendations – motioned by J. Mook, seconded by B. Ming; motion passed unanimously.

- b. **File PB2022:009 – Design Review:** Proposed development of an existing 41.16 acre gravel pit on Depot & Rideout Road into a Major HOSPD Subdivision with 13 single family lots, Owner: Douglas A. Orde, Applicant: CFC Development, Map 9 Lots 47, 48, & 51, Zoned R & A and Recreation. **Continued Board Discussion.**

M. Fougere stated that this project was before the Board this past winter/spring and a HOSPD design was agreed to by the Board. The site has frontage on both Depot Road and Rideout Road (Scenic), along with fronting on 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. Per requirement of RSA 155-E, the entire gravel pit site will have be re-vegetated as part of this application.

The HOSPD design outlines 13 lots with two standard size lots fronting on Rideout Road. This design notes 15.75 acres of open space where 16.16 acres is required; the Applicant is requesting a waiver to allow for the reduced open space which is allowed for under the HOSPD Ordinance. HOSPD lots range in size from 1.2 acres to 2.2 acres. A cul-de-sac is proposed and will require a waiver because of its reduced size. The DPW Director finds the design acceptable.

A majority of the site will be, including treed areas near Rideout Road, cleared and regraded with this proposal. Rideout Road is a Scenic Road and landscaping mitigation will be required.

The drainage design proposed will collect water near the end of the proposed road and under a peak flow scenario, direct water out of the site and into the Nashua River through the "saddle" along the river bank.

M. Fougere further noted, regarding the waiver for open space, that 40% is required while this plan would have 30-35%.

A significant portion of the site is being regraded to provide fill to raise the site. Staff has some concerns about this. This design program should be revisited to reduce site regrading, in particular to areas that are currently vegetated. The plan should detail how and in what manner all gravel areas will be restored and re-vegetated, as is required by statute.

A fire cistern is required for this development, and is not shown on the plan.

Two large drainage ponds are proposed which appear to be excessive in size and are also proposed to be "open space". Given the limited size of the proposed project, these drainage ponds appear to be larger than needed, in particular given the porous nature of the soil.

State permits will be required including State Subdivision, Shoreline Protection, NHDOT and Alteration of Terrain.

The requirements of the Rural Character Ordinance must be addressed. Consideration should be given to limit grading within 100 feet of Rideout Road (Scenic) to support the goals of the Rural Character Ordinance.

Lots 10 & 11 do not have open space connected to them as required by the HOSPD Ordinance. A waiver will be required per Section XX, d.(iv) of the HOSPD Ordinance.

A wildlife study has been submitted for the Board's review.

Fill areas are being proposed to elevate the proposed roadway in excess of 4 feet which is not consistent Subdivision Regulations, Section IV.7 Minimum Road Standards Cuts/Fill regulation. The design will either have to be altered to meet requirements or a waiver will be needed.

M. Fougere further stated that Staff would like to see more detail on exactly where the floodplain is, on the site, and the floodway. In talking with State regulators, if the floodway is going to be disturbed a permit will be required.

K. Anderson added that he has reached out to the Nashua River Watershed Association to see if they had any comments on the plan, and has just received a letter back from them. A synopsis of the letter indicates that they are concerned about the open space, and the waivers needed for that. They are also critical of any impact to the buffer along the river.

K. Anderson stated that stormwater is concern of his. The way the site has been designed, it appears that no water would be leaving the site even up to and including a 100-year storm event. It is an oversized stormwater facility that is shown on the plan.

D. Petry asked if the Applicant submitted a plan that does not have waivers; K. Anderson answered that he is not sure it's possible to submit a plan that does not have waivers because this is a 13-lot site based on a conventional design. The open space only allowed for 11 lots to meet the plan with no waivers, and such a plan was submitted during the Conceptual stage. Now in Design Review, they are allowed 13 lots but will not be able to comply with all of the requirements. This is a very unique circumstance.

K. Anderson added that with regard to the cuts and fill, the site needs to be brought up for drainage to work, for septic systems, and for the houses to be sited. The open space waiver issue goes back to the 13 lots versus 11 lots, and the last waiver was for open space connectivity – on which the Applicant is still working.

M. Fougere pointed out that two (formerly thought to be three) of the waivers have to do with the HOSPD zoning regulation, and one is for our subdivision regulation on cuts and fills.

Applicant: Randy Haight, from Meridian Land Services, for CFC Development. Stated that what they have tried to do with this design was to meet what they understood from their previous meeting with the Board to be a preference for regrading the site so that it was essentially balanced, moving fill from high spots to low spots. They also took away an understanding from that meeting that the Board wanted to raise the inner part of the drive and open space, so that it would be above a 100-year flood event. However, they don't have a problem changing that – the road itself does not have to be above the 100-year flood threshold. The grading plan as presented was specifically to balance the site, with the most gradual slopes out of the site as possible, and to raise the site above the flood hazard. Realistically, he does not believe that water would ever get there – particularly with the golf course across the way. If the Board would prefer that they not balance the site, and just reclaim the existing gravel pit, they are happy to do that. The site has already been predominantly altered, as it was in use as a gravel pit. The can also make the drainage bigger, or longer. Whatever the Board would prefer, they would be happy to do. They know that they have to reclaim the site in some manner; they want to make it as amenable as possible. The good thing about it is that after it is all regraded and restablized, it will re-vegetate, and the open space will there.

B. Moseley pointed out that a number of the properties in this general area have statements in their deeds regarding the fact that the dam at Mine Falls could be raised 15 feet, and asked if this property has that as a condition. R. Haight answered that no, he has not seen that in the paperwork for this property, although that could be an omission. He has researched the issue, and found that the Nashua Corporation did do an inundation study of flowage rights. Through time, some of the adjoining deeds have had language regarding that dropped from them. Some of the deeds reference a vertical benchmark point on the old Soldiers' Monument at Library Square. He has located the point, vertically, and while they have not yet compared it to the site they would happy to do so. He does not believe that it will affect this development, but they can add all the language from past deeds to this plan. B. Moseley agreed that it should be referenced.

B. Moseley also pointed out that the plan includes a pretty big retention pond – around three acres. R. Haight concurred, and said that the reason for that is that it is shallow. His colleague, Brad Casperson, the engineer who designed the pond, was in attendance and could speak more to that issue.

B. Moseley stated that in looking at pathways to the open space, two lots are not consistent; is there any thought of continuing the open space along the river, so that those lots would be consistent and

so that residents would have access along the entire border of the river? R. Haight stated that they had not considered it, but that he did try to show that all lots had access to the open space either directly, or directly across the street.

Brad Casperson, Meridian Land Services. Stated that there is a big cut/fill analysis being done, in general, regarding this plan's grading. Pointed out that it has been designed such that the low points of the roadway are above the flood elevation, by about a foot, and that all lots were graded up from there to ensure that all finished floors would be above the defined floodway. Regarding the retention pond, it is oversized to help equalize cuts and fills, and to balance the site.

R. Hardy mentioned that between Lots 3 and 4 is part of the drainage access to the river, and asked what type of easements they anticipate would be required so that those areas could be maintained. B. Casperson responded that he expected it would be a drainage easement, because it is incorporated into the outfall of the detention basin on the open space Lot A. It is tied into the drainage design. R. Hardy asked if that area could also be used as access to the open space. R. Haight answered that it certainly could be used for access; the only question would be whether the grading would allow for a path. R. Hardy pointed out that if it were going to be regraded anyway it might allow the residents easier access to the open space than the southwest side of the property, which has about a 30 foot drop. R. Haight responded that they could combine it with a drainage easement to benefit the Town, and an access easement to benefit the open space.

K. Anderson asked if the consultants could go over an explanation of 'floodway' versus 'floodplain'. He had thought that the majority of the site was outside of the 100 year flood elevation, but now there is discussion of parts of the interior of the site being in the floodway. Could they give more of a description of what would be going on? B. Casperson responded that the floodway runs adjacent to the Nashua River, and follows what is defined on the FEMA maps. Technically, elevation-wise, the site is below the flood zone, but it is not in the floodway. They are not filling in the floodway; all of it is permissible unless they further encroached within the 100 foot wetland buffer and into the floodway. M. Fougere additionally clarified that the floodway is within the floodplain. The floodway is an area in which, during a peak flood period, the water would move extremely fast. The floodplain is how far the water goes, while the floodway is where the water would move the quickest, and is heavily regulated.

In terms of impeding the flood area, and filling within it, B. Casperson stated that they have had a pre-application meeting with AOT to discuss how that would be done, and they are on the same page. M. Fougere pointed out that, as seen on the site walk, there is a saddle along the riverbank that dips down. In theory, a 100 year flood could come into the site at that location. That is being plugged with the drainage feature shown on the plan – so that if the water level ever got up to 171, it could no longer enter the site. M. Fougere asked, because of the excessive drainage nature of these soils, if they just plugged the saddle, do they need to exit water from the site? The test pits show that a seasonal high-water table is nonexistent. Would any storm event need to exit the property? B. Casperson answered that, based on the analysis they have done up until now, no. Even with a 100 year event, no storm water would be leaving the site. The site design was graded such that if the pond wasn't performing correctly, it would have a way to outflow into the Nashua River and not inundate the entirety of the subdivision.

K. Anderson asked if they had had an opportunity to look into the drainage along Depot Road. B. Casperson responded that yes, they have; adjacent to Depot Road is a culvert that goes under the road and discharges on Lot 9-52. The concern is that it potentially could bypass the site, and that they might be overcompensating in their design. While they do need to do more research, preliminarily it appears that the culvert does drain onto their site, which is part of the reason for the sizing of the basins they have proposed.

B. Moseley asked if the Board or Staff had any concerns regarding the fact that two of the proposed

lots border Rideout Road, a designated Scenic Road. M. Fougere stated that Staff did bring that up in their notes; the grading plan goes right up to Rideout Road, which they do not support. There is a 100 foot setback for structures, there, which is currently heavily vegetated with evergreens. They would rather not see that setback line disturbed.

Regarding next steps for the engineers and the design, B. Casperson stated that one thing they are trying to avoid is the amount of import required to bring the roadway above the flood elevation. There is a lot of material on site, and to be trucking in more when it already exists would be counterproductive. Regarding getting the road out of the floodplain, M. Fougere asked whether plugging the saddle would accomplish that in itself. B. Casperson stated that to do that would require a significant amount of disturbance. They want to limit fill – to set it at the minimum, bring it up so that all the lots are working, to try to balance the site by removing a lot of the stockpiles and steep slopes, and to improve the overall aesthetics.

Regarding the 100 foot setback disturbance on Rideout Road, D. Petry asked how much the elevation of that section would be changed. B. Casperson answered that it wouldn't be a great deal – about a couple of feet, here and there. It undulates between cuts and fills. D. Petry asked if this was where the old road had been, as they saw on their walk-through; the answer was yes.

B. Moseley stated that in the Rideout Road area he would like to minimize any vegetation disturbance, as it is a beautiful location.

Regarding the fill, D. Petry pointed out that if there weren't a waiver, they would have to bring in additional material. The road has to be raised, in any case – as K. Anderson mentioned, it is a better-engineered design if it is.

K. Anderson stated that one of his concerns is long-term maintenance on these sites: the large detention basins, for instance, will have to be mowed and maintained. He is in favor of trying to reduce disturbance as much as possible, in sizing these ponds, to limit the amount of necessary future maintenance.

In response, B. Casperson asked if the Board would entertain the idea of not defining the basins as borrow-pits, fine-tuning them, and borrowing from some other areas to equal the cut and fill – while also fine-tuning the definition of what the stormwater practices are.

K. Anderson answered that that was what he was thinking; he would like to know how small the basin needs to be to meet the intent of the Town's ordinance, and AOT for the State. Just because you can make a bigger pond doesn't mean that you should. He thinks that they should minimize it, to minimize long-term maintenance and costs. B. Moseley concurred.

Regarding the open space Lot A, K. Anderson stated that he has not seen evidence of any water coming into that area and would like to look further into it – if that pond is not necessary, then he would prefer that it be omitted.

B. Moseley summarized the Board's comments in that they are ok with the fill for the road; they would like the Applicant to minimize any vegetation disturbance; and they'd like to see if the ponds can be reduced, or, in the case of the one sited at the triangular area coming off Depot Road, Lot A, as described by K. Anderson, eliminated, ideally.

B. Casperson responded that one difficult point is in the direction that they have received from AOT and the State regarding off-site flows; wetlands cannot be used for storage. On the other side of Depot Road the area is very flat, and includes wetlands. That cannot be used for storage – so, conservatively, that gives them higher peak rates and volumes, which factors into the current proposed sizing of the ponds.

K. Anderson pointed out that such direction is new, and will drastically increase stormwater design for any lots, going forward. A wetland is like a giant sponge: it absorbs the water, slows it down, and very much reduces runoff onto a property. If they cannot be used, all that water would flow directly onto a property. These are extremely large, conservative numbers that they have to work with, now.

B. Moseley mentioned that the cul-de-sac shown on the current design is much reduced from what was shown on the site walk. R. Haight stated that both a large and smaller cul-de-sac were shown on the site walk; the smaller one is depicted on the plan. It was confirmed that both the DPW and the Fire Department approve of the smaller cul-de-sac design.

Per a question from J. Mook, M. Fougere clarified that the two HOSPD waivers are for the open space, and for the connection of the open space to every lot.

Motion to table File PB2022:009 until the next Planning Board meeting, August 16 – motioned by B. Ming, seconded by C. Rogers; motion passed unanimously.

6. OTHER BUSINESS:

a. Master Plan.

B. Moseley stated that, as discussed at the last meeting, a number of Board Members have drafted questions for the survey. M. Fougere suggested that Board Members forward the drafted questions to Staff, so that Staff may consolidate them for discussion at the next meeting. B. Moseley further suggested that the Board review the questions from the last survey, from 2016, for any edits. For example, B. Moseley is suggesting that the question about road salt be eliminated. Those suggestions can then be discussed all together.

b. 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 J. Mook. Motion passed unanimously.

The board entered nonpublic session at 8:58 PM.

Motion to seal the meeting minutes and to exit non-public session – motioned by D. Petry, seconded by M, Leavitt; motion passed unanimously.

The board came out of nonpublic session and entered public session at 9:28 PM.

Motion to adjourn meeting – motioned by C. Rogers, seconded by J. Mook; 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.