



Town of Hollis

7 Monument Square
Hollis, NH 03049
Tel. 465-2209 Fax. 465-3701
www.hollisnh.org

HOLLIS PLANNING BOARD MINUTES

September 20, 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.

ABSENT: B. Moseley.

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

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

As B. Moseley is absent at this meeting, D. Cleveland will be acting as Chair, and R. Hardy will be voting in place of B. Moseley.

V. Mills will be recused from file PB:2022:015. J. Peters will be voting in place of V. Mills on that file.

2. APPROVAL OF PLANNING BOARD MINUTES:

August 16, 2022: The minutes were posted; approval will be addressed at the next Planning Board meeting, October 18.

3. DISCUSSION AND STAFF BRIEFING:

- a. Agenda Additions and Deletions: K. Anderson stated that there is a set of plans that is ready for signature – File PB2022:008, for Applicant Wuerdeman, on Ridge Road. Everything has been addressed, per the conditions of approval.

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

- b. Committee Reports: none.

- c. Staff Reports: K. Anderson stated that there are two items; first, Town resident Joe Garruba has submitted some petition articles for zoning changes, and Staff is requesting that these be heard by the Board at the same time as other petition articles for zoning changes. Secondly, K. Anderson has drafted a letter regarding conditional road acceptance insurance. There are five subdivisions in Town that are under conditional road acceptance: they are not formally accepted by the Town, but are in an interim position in which the Town has accepted plowing, salting, and sanding. In return,

the Town is expecting the subdivision developers to maintain the roads. K. Anderson's letter pushes the developers to do that maintenance, or the Town may remove their conditional acceptance of plowing. Staff is trying to make sure that the subdivision developers do the detention basin, stormwater management, and other maintenance, and give Staff the reports on that maintenance, or the Town will not continue to conditionally maintain the roads. K. Anderson has brought the issue to the attention of the Select Board, and the developers are also aware of it.

M. Fougere added that Staff would like to have a discussion about zoning at the Planning Board's next meeting, October 18.

d. Regional Impact: none.

4. SIGNATURE OF PLANS:

As above.

5. CASES:

- a. **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 has been in front of the Board for some time, and Staff believes that it is at a point now where it can move forward to Final Review. It is a HOSPD design of 13 single-family homes. Since the plan was last in front of the Board, they have re-designed the grading to pull away from Rideout Road. Rideout Road is a Scenic Road, and with the earlier design there were concerns by the Board that they were grading to the property line of all the lots. Other changes include the removal of a detention basin near Depot Road. All lots now have access to Open Space, including along the river.

The plan still requires some waivers, which were discussed; one has to do with the number of lots. Under the HOSPD rules, if they can get 13 standard lots into an area then they are allowed that many under a HOSPD design. This project will require State subdivision approval, a NHDES alteration of terrain permit, a NHDES shoreland permit, and a NHDOT driveway permit.

Staff will continue to work with the Applicant on drainage for the site, though they believe that it's at a point now at which it is under control.

They will need a waiver for cuts and fills; the old gravel pit drops off as one enters the site, and there is going to have be some fill there that exceeds requirements.

A wildlife study was submitted, as was requested by the Board. There will need to be some landscaping decisions relative to Rural Character.

Applicant: Randy Haight, from Meridian Land Services, for CFC Development. Concurred with M. Fougere's summary. Stated that by altering the configuration of the lots, they were able to add 6/10 of an acre to the amount of open space. All the lots now directly touch the open space. They also captured all of the river frontage within the open space, per request. They are now seeking to go from the Design Review stage to Final Review. He believes that they are very close to a final drainage plan, on which they are working with Staff and their own engineering department. Once they are comfortable with the drainage plan, they will add the cistern easement and the access

easement from the road to the river frontage.

D. Cleveland asked what the significant changes were, from the previous iteration of the plan; R. Haight answered that they put a leg between lots 12, 9, and 10, so that lot 11 has direct access to the open space. Also, they extended the open space all the way to the end so that all of the frontage along the Nashua River is now part of the open space for all of the lots. Additionally, they revised the drainage as M. Fougere described – they eliminated a detention basin, and are working with K. Anderson to refine it further. Regarding the grading, they have kept the natural buffer along Rideout Road. He explained that they had previously shown the grading going all the way to the lot lines as the Board had asked them to try to balance the site; after the last meeting it was suggested that they leave as much of the forested area around the edge as possible, so they have now revised the grading to accomplish the same goal while leaving more of the vegetation as it is. There is now a wooded buffer around the entire perimeter, with the exception of the road coming in, and the driveways to access lots 12 and 13.

J. Peters pointed out that the line between lots 7 and 8 zigzags, and asked if there is a topographical reason for that. R. Haight answered that no, it's per regulations; they have to go 100 feet radial as a starting point, then put in the lots, while trying to make the open space as big as possible.

D. Petry asked where the driveway access is for lot 13. R. Haight stated that there is an existing woods road that comes in and which accesses the borrow pit. What they propose is that there be a common driveway in that area that comes in for lots 12 and 13, so that there will be just one point of access and no new cuts on Rideout Road. Access to lot 11 will be from the proposed road. M. Fougere clarified that only two lots will be accessed from outside the development.

V. Mills pointed out that it's a plus that all lots now touch the open space, as that is an important component of HOSPD.

R. Hardy concurred with V. Mills, and stated that it's a big plus to have access to the river as now proposed, as well as the buffer on Rideout Road and the natural vegetation.

D. Cleveland asked generally if the file was ready to go to Final Review, and Staff answered that that is their recommendation.

Motion to move File PB2022:009 from Design Review to Final application submittal and Review – motioned by D. Petry, seconded by V. Mills; motion passed unanimously.

- b. **File PB2022:013 – Final Review:** Proposed development of an existing 45.16 acre parcel located at 79 Witches Spring Road into a Minor Subdivision with 3 single family lots, Owner: Marie Chamberlin, Applicant: Fieldstone Land Consultants, PLLC, Map 46/52, Zoned R & A.

Continued Board Discussion.

K. Anderson stated that the existing parcel is 45.16 acres in size and has 2,427 feet of frontage on Witches Spring Road. The subdivision will result in 3 lots ranging in size from 10.01 acres to 22.5 acres. This is the second Board meeting at which the file is being discussed, as it was continued from last month. A couple of the topics that need to be addressed are the old Mooar Hill Road access; also, the Applicants are requesting a waiver for additional studies – he believes that the Board is in agreement with that, although they can ask for additional studies such as wildlife, traffic, etc. DPW and the Fire Department find the plan acceptable as it is. In terms of Staff comments, the Board needs to make a determination on Rural Character. Staff has also requested that note 6 on the plan set will need to be revised to state that the public has access through the right of way of Old Mooar Hill Road; in conjunction with this, there is an opinion from Town Counsel agreeing that this parcel has access via the Old Mooar Hill Road right of way. It is not an easement; it is an access

point only.

K. Anderson stated that, as seen on the site walk at 5:00pm today, along the driveway (approx. 430' from Witches Spring Road) of lot 46/52-2, evidence of a minor wetland filling is apparent. Either confirmation from NHDES that the area in question is not a violation or a permit issued by NHDES for an after-the-fact wetland filling will be required.

Applicant: Chad Branon, Civil Engineer with Fieldstone Land Consultants. Stated that they have reviewed Staff's comments, and they do not have any objections to the Staff recommendations. They hope that the Board will consider conditional approval based on those criteria. They appreciate the opinion from Town Counsel, and will revise the notes accordingly on the plan.

K. Anderson stated that the site walk went well – the Board was able to see ephemeral streams, wetland areas, and the areas of concern regarding potential wetland filling, on which they will get a determination. The Applicant is in agreement with Staff's comments, and Staff is recommending that they move forward to conditional approval.

R. Hardy commented regarding Rural Character – typically what the Board has done on plans similar to this is request a 50-foot no-cut zone from the north property south, except for where the driveway would be located.

B. Ming added that the road is pretty well wooded, and that just a no-cut zone would be sufficient.

V. Mills concurred; that would be consistent with what the Board has done before.

K. Anderson stated that Staff's recommendations are that (1) a note be added to the plans indicating that "Any further subdivision for parcels 46-52, 46-52-1 & 46-52-2 as shown will be treated as a major subdivision once a total of six lots are created, to include the three new lots depicted hereon." (2) Note 6 is to be revised to show that the public has the right to access and use the right-of-way of the discontinued portion of Mooar Hill Road. (3) Confirmation from NHDES that the area in question (Lot 46/52-2) is not a wetlands violation or obtain a dredge and fill permit from NHDES for the area in question on Lot 46/52-2. (4) The addition of a 50-foot no-cut buffer along Witches Spring Road, except for the driveway.

Motion to conditionally approve File PB2022:013, with the conditions as stated by Staff, items 1-4 – motioned by D. Petry, seconded by R. Hardy; motion passed unanimously.

- c. **File PB2022:014 – Scenic Road Hearing:** Proposed relocation of a stone wall along a scenic road. Parcel located at 199 Ridge Road, Owner/Applicant: Brian Moses, Map2/31, Zoned R&A.
Application Acceptance & Public Hearing.

K. Anderson stated that the applicant, Brian Moses of 199 Ridge Road, was served an order to stop relocating and rebuilding the stone wall along the frontage of his property. Applicant was not aware that Ridge Road is a scenic road (RSA 231:158) which requires Planning Board review, and RSA 472:6 requires mutual agreement between all land owners whose property lines are affected by the moving of the boundary (stone wall). The Applicant is asking to move the stone wall 10-20 feet from where it exists into the property. K. Anderson did research on the deed for the property, and the deed calls out pin-to-pin locations and not locations along the stone wall.

Applicant: Brian Moses, 199 Ridge Road. Stated that he and his wife Janet are the owners of the property, have raised their two sons in Town for the last ten years, and that it is a privilege to live in Town. They have done a lot of improvements to their property. The reason that they started the project of moving the stone wall is that they have some giant oak trees that are hundreds of years

old; the trees have expanded and knocked over portions of the stone wall. The result is unsightly. In an effort to improve the visual impact, and with the knowledge that the property boundary is delineated by pins and not by the stone wall, they wanted to move the stone wall back so that the trees may continue to grow. They want to place the stone wall so that it adds to the beauty of the scenic road. They have received compliments from their neighbors and abutters on the work done thus far, and want to continue so that it will tie into the corner bounds.

D. Petry stated that he has been out to the site and viewed the property. He stated that, unfortunately, stone walls are a touchy subject in our Town. He would rather that that Applicant had rebuilt the wall where it had been, trees or no trees; it's going to look strange trying to merge the line of the wall back into where it continues on the next property. Although they did a good job of rebuilding it, he is disappointed that the contractor the Applicant hired didn't know that they shouldn't move stone walls.

B. Moses stated that he is not trying to infringe on the road, or the Town. He mentioned that a criterion K. Anderson had shared with him is that they would need the abutters' permission; in this case, the affected abutter is the Town of Hollis. He is not infringing on abutters to the right or left; he wants to tie the wall back into the corners, and is just looking to clean it up.

K. Anderson stated that if the Board chooses to accept and approve the plan, one of the Staff recommendations is that the Applicant should have markers such as granite posts or large stones (2 feet in diameter) installed every 50 feet to delineate the previous location of the wall, as it is the right-of-way delineation of Ridge Road.

D. Petry asked where the Town right-of-way lines up, and whether it is on the stone wall or in front of it. K. Anderson responded that the stone wall is the observed location of the Ridge Road right-of-way.

M. Fougere mentioned that the DPW has looked at the site, and does not have a problem with it; their concern is that they want to know where the Town's property line is, for the future.

D. Petry stated that regardless of the outcome on this file, the Board is dealing with the issue on a case by case basis. He does not want to open a precedent whereby people can just decide to move stone walls in Town, now, because they don't like how they go. Obviously, this instance was a mistake – but we don't want to see it happen again, and he wants to make that very clear in the record.

K. Anderson pointed out that there are a few related RSAs regarding scenic roads and stone walls, and that it is definitely a case by case basis. People cannot just start moving stone walls.

R. Hardy concurred with D. Petry's comments. He also pointed out that, if you look at the road for the next 2000 feet, there are no stone walls – so at least this is a step in the right direction. Also, the Applicant is restoring the wall in a very natural, dry-built fashion.

D. Cleveland asked what the Applicant was planning to do with all the stones from the previously-existing wall; B. Moses answered that they are re-configuring them into the improved, "new" stone wall. D. Cleveland asked to clarify: when they are all done, the old wall will just vanish, and there will be a new wall. B. Moses added that the wall will now be closer to the house, and 6-8 feet further from Ridge Road. He added that he is happy to deed the ceded land – he will never complain about the Town digging a ditch or snowplowing on his property. He pointed out that if one views the new location of the stone wall, it is stunningly beautiful. He believes that their intent is within the nature of the historic Town of Hollis, and he appreciates the Board's consideration.

Per a question from D. Petry, B. Moses confirmed that when the wall is merged back to the next

property, it will not be at a 90 degree angle – it will be a gradual merge, feeding right down to the corners.

Regarding the Staff recommendation of placing markers to delineate the previous location of the wall, B. Moses stated that his only concern about that is that it will detract from the visual impact of the wall itself. He suggested as an alternative that he install a granite curb in the place of the former wall, so that it would be down low and wouldn't interrupt the new line of the wall. K. Anderson clarified that the recommendation is just for markers, which may be flush with the ground, and only every 50 feet or so.

M. Fougere added that the DPW wants some kind of marker to know where the property line is – something that can be seen without having to get out of the truck and look for it in three feet of snow. Pins can get covered up pretty easily. They don't want a whole granite curb.

D. Cleveland suggested granite posts 6 or 8 inches high.

J. Peters mentioned that the trees actually delineate the line, now.

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

Public Hearing.

There were no speakers on this file.

Public Hearing Closed.

Comments from the Board:

J. Mook asked to clarify how the former location of the wall will be marked, as there may be a discrepancy between what the owner would prefer and what the DPW would prefer.

K. Anderson replied that there are very large trees delineating the former location of the stone wall. Staff's recommendation is to place either large rocks or granite monuments along the way, to reinforce the location.

D. Petry suggested that three granite marker squares, a few inches high from the ground, along the way, would be sufficient: one at each end and one in the middle. Big rocks would not look good.

K. Anderson concurred with D. Petry's suggestion, and also clarified that these would not be property line markers.

D. Petry mentioned that we want it stated that the stone wall is to merge back in.

K. Anderson reiterated the conditions, as discussed: Staff will work with the Applicant on locating monuments, as deemed necessary to mark the existing location of the stone wall; the stone wall must merge back into its original location along the right-of-way line on either side of the property.

Motion to approve the application, subject to the above conditions – motioned by V. Mills, seconded by C. Rogers; motion passed unanimously.

- d. **File PB2022:015 – Final Review:** Proposed development of three lots totaling 36.084 acres located on Silver Lake Road into a 40 unit (separate residential structures) Housing for older persons

condominium. Owner: Raisanen Homes Elite LLC, Applicant: Fieldstone Land Consultants PLLC.
Map 41 Lots 25, 28 & 44, Zoned R & A. **Application Acceptance & Public Hearing.**

M. Fougere stated that this application is for a proposed age-restricted housing development on Silver Lake Road. The application has been before the Board for both Conceptual and Design Review; it was last before the Board about a year ago. The Board ended Design Review with some directives on the application, to the Applicant, to come back with some additional details and studies. The plan before the Board at this meeting has been revised down to a 40-unit development; the previous application had been for 50 units. There is an existing single-family home on the site that will be demolished. There will be a single access road that will access the property and will serve as access point to a loop road to serve these homes. An on-site well is proposed to serve the homes, along with on-site septic systems. Witches Spring Brook is adjacent to this site, along with adjoining wetlands.

The main development area where the homes will be built consists of approximately 14 acres. As noted on the site walk, this area has varying terrain and steep slopes. In order to construct the proposed density of 40 homes, the entire 14 acre +/- building area will be regraded with cuts reaching 30 feet. This extensive grading was not present with the three existing Housing for Older Persons developments in the community. At one point on this project there is a 13-foot retaining wall that is necessary to address the proposed cuts and fills to site the homes. As the site lies within the aquifer, maximum impervious area is 15%; the application is noting 13.5% impervious area.

At the request of the Board, the following detailed studies have been submitted:

- Traffic Impact Study
- Environmental Survey
- Wildlife Assessment
- Archaeological Sensitivity Assessment
- Visual Impact Study
- Storm Water Management

As discussed during Design Review, the Applicant is requesting a waiver from Subdivision Regulation Section IV.7.2 Limits to Cuts and Fills to allow for a 233 foot long cut (max 150 feet) and width disturbance of 107 feet (100 foot max). The area is along the western property line and is being undertaken to relocate roadway disturbance away from an abutter.

As noted, this is an application under the Housing for Older Persons Ordinance. There are a number of standards with which this application must conform. (The Ordinance states “shall conform”.)

At previous meetings, the Board raised concerns about the grading that would be done with this application; the criteria of section g was cited by a number of the Board members: “The design and site layout of the development shall emphasize the rural character of the Town, maximize the privacy of the dwelling units, preserve the natural character of land, provide for the separation of parking and living areas, and consider such factors as orientation, energy usage, views.”

Issues that Staff has, at this point, relative to this application: there is a letter in the file from the Town Engineer with a number of questions and points. A number of State permits will be required with this application, including NHDOT driveway, NHDES Alteration of Terrain, NHDES Subdivision and Community Well permit.

Given the planned extensive grading proposed by the application, additional tests pits will be required after grading has been completed.

Does the Planning Board want third party review of any of the submitted Studies?

The Applicant should clarify the size of the unit footprints shown on the plan sheets with the proposed architectural unit designs to ensure they are consistent and include covered porches, bulkheads, patios and other features. We want to make sure that the Aquifer Ordinance is being adhered to as far as the impervious area.

On page 3/6 Note 7 & page 2 Note 8 both state the site is not within the aquifer when in fact it is; the notes should be clarified.

The proposed guardrail does not meet Subdivision specifications.

Site distance requirements are not met for the following units: 4, 20, 22, 24, 30, 31, and 32. A waiver shall be required for these driveways.

The Planning Board had requested that a full water well study be submitted (Aug. 17-2021); only limited water well test data was submitted.

K. Anderson added that there are detailed meeting minutes from the previous Planning Board meetings on this application, if needed for reference.

D. Cleveland stated that there are an awful lot of concerns around this application – all the things that Staff mentioned have been discussed numerous times in the past. This application is on the agenda tonight for Application Acceptance and Public Hearing; if the Board is inclined not to accept it, then there will not be a Public Hearing. In light of all of the points brought up by Staff that the Applicant has not complied with, things that the Board has asked for, and that have been discussed at great length in the past, does the Board want to hear from the Applicant, or vote on the application?

D. Petry stated that, based on the list read above by M. Fougere, this application is incomplete. The two biggest things are that a waiver request was not submitted, and the Board specifically asked for a detailed water study which we did not get. The Board talked about that on several occasions, and actually asked for it several times.

J. Peters concurred that this plan has way too many problems with it.

R. Hardy stated that he agrees that the Board does not have sufficient material to accept this application – and these are all items that have been requested a number of times in the past.

D. Cleveland stated that it seems, at this point, that the application is not ready for acceptance.

Motion to accept the application, file PB2022:015 – motioned by R. Hardy, seconded by C. Rogers.

M. Fougere mentioned that, after the vote on this motion, if the outcome is negative, the Board will have to detail findings-of-fact as to why the above motion failed.

The above motion failed unanimously.

D. Cleveland stated that the application was not accepted due to reasons that Staff has outlined; M. Fougere agreed that we can start with the Staff Report, and get the Board's thoughts. The Board talked about this application's proposed grading last year; his first question to the Board is that there are a dozen standards, as listed in the Ordinance –

The General Standards of the Housing for Older Person's Ordinance are as follows:

All housing for older persons shall conform to the following standards:

a. Dwelling unit density shall not be greater than one (1) two-bedroom dwelling units /net tract acre when the type of housing that is being proposed is that which complies with NH RSA 354-A:15, Housing for Older Persons.

b. Adequate on-site space must be provided for off-street parking, water, and sewage disposal systems, regardless of maximum allowable densities. The applicant shall demonstrate that that the site can accommodate the permitted density through a Site Specific Soil Survey as part of the application for review by the Planning Board.

c. Building types and styles, including exterior aesthetics and unit arrangements, shall be suitable and appropriate for their intended purpose, in light of the size and scale of the project, the relevant zoning district, the prominence and the visibility of the proposed project in the community, the surrounding neighborhood, and other similar factors, in accordance with the requirements of the site plan regulations for housing for older persons.

d. Housing developments for older persons shall be exempted from the provision, which allows only one dwelling unit to be constructed on each lot.

e. The minimum lot area shall be 30 acres and the lot shall have at least 50 feet of frontage on those roadways listed in Section XXI.A11.

f. No more than fifteen (15%) percent of the tract may be covered by impermeable surfaces.

g. The design and site layout of the development shall emphasize the rural character of the Town, maximize the privacy of the dwelling units, preserve the natural character of land, provide for the separation of parking and living areas, and consider such factors as orientation, energy usage, views.

h. The development shall be landscaped so as to enhance its compatibility with the Town with emphasis given to the use of existing, natural features where possible.

i. The perimeter of the development shall be treated with a landscaped buffer strip to minimize its intrusion on neighboring land uses.

j. The development shall provide for 40% open space, exclusive of wetlands, surface waters, hydric soils, flood plain, and unaltered steep slopes greater than 25%.

k. A proposed site shall have adequate soil to accommodate on-site wastewater treatment. Water supply shall be adequate for, and the water system shall be designed to provide, the maximum flow practical for fire-fighting purposes.

l. For reasons of public and resident safety and timely emergency response, housing for older persons developments shall only be sited where the frontage and primary access for such developments is located along the following roadways: NH Route 130, NH Route 122, NH Route 111, NH Route 111A (South Depot Road), NH Route 101A, or Depot Road.

– Does the Board think that this application meets the standards, as set by the Ordinance? Section g is the one that we have most talked about in the past.

D. Petry asked if they meet the requirements of a road from Rt. 122 onto the site. K. Anderson responded that he looked specifically into that question; an exhibit was submitted, which was reviewed by the Town Engineer, who said that it meets the requirements. The road is within feet of

the property line, and very close to the Brook. On its face it meets the requirements – however, additional details may be needed.

J. Peters asked if the cut and fill requirements are met by this plan; K. Anderson answered yes, according to the exhibit that was submitted.

K. Anderson added that the exhibit included a plan and profiles, with vertical elevations and grades.

M Fougere suggested that the Board discuss whether they believe that the application meets all of the criteria as set forth in the Ordinance. The one that the Board has most focused on is g; J. Peters had asked about item h, and M. Fougere stated that the Applicant did submit a landscaping plan. The point of item g is the grading that is occurring in the main body of the development. As seen on the site walk, there are some very steep slopes and to make the site work extensive grading needs to be done. There are a lot of 2:1 slopes.

K. Anderson added that the site is very dependent on 2:1 grading throughout, and as M. Fougere had mentioned a significant retaining wall will be necessary for a wetland buffer. It would be 13 feet tall.

D. Petry pointed out that the Board also needs to talk about the fact that what was submitted as evidence for the viability of water wells is lacking. What is needed is a water study that demonstrates the viability of the parcel long-term.

K. Anderson concurred with D. Petry, and stated that we need to talk about water; we need to talk about the waiver request that was submitted, and the Board's either recommendation or confirmation of which; and also the secondary waiver, which was not requested, which is site distance for the driveways. All of these need to be considered.

K. Anderson added that the Board needs to discuss item g of the Ordinance in detail: "g. The design and site layout of the development shall emphasize the rural character of the Town, maximize the privacy of the dwelling units, preserve the natural character of land, provide for the separation of parking and living areas, and consider such factors as orientation, energy usage, views." We are under the burden of having to document findings-of-fact, and in this case the Board should say why the application does or does not meet the criteria of item g. Then we should go into the waivers, and then the study.

J. Mook stated that if we are supposed to impose rural character onto the neighborhood, which is a cluster of units, she cannot imagine that the repetition, and the duplication of unit after unit in line with each other, all the same distance from the road, with no trees, and no landscaping, is within Hollis's rural character. These would be tract houses, tightly packed. The layout is nowhere close to the rural character that we would like to see in Hollis.

K. Anderson recommended that the Board comment on the fact that the proposal would be a private road, and that visually what can be seen from Silver Lake Road versus what would be seen from inside of the development should be documented; as far as rural character, it should be specifically stated.

M. Fougere stated that in terms of this application, the only way to construct this density on this type of terrain is to re-grade it – and that is what is occurring here. It's 14.5 acres of disturbance, totally disturbed, in order to get this many units onto the site. The previous plan had a very large fill toward Silver Lake; most of that has been removed, because they removed ten units. We're still looking at 30-foot cuts, a 13-foot retaining wall, 14 acres of units hundreds of feet apart, on disturbance. Based on that design, which is necessary in order to get this many units, the Board needs to make a determination as to whether that is consistent with the standards set out in item g of the Ordinance.

R. Hardy stated that as we reflect on the area that has to be leveled, there is no way that that can preserve the natural character of that particular landscape and landform. Right now it's very steep, it's a dissected outwash plain associated with the aquifer – so it's not as if houses are being placed in pockets, where it's level and acceptable; it's basically destroying a landform, and the natural character of that land, in order to accommodate that number. The character would be leveled, and would no longer reflect the natural land. We also don't know what the impact of changing the natural character is going to be in terms of drainage, and the impact on the Brook, and the natural habitat there. The impact would spill over from this site onto adjacent sites in that respect. He cannot see that this development does anything to preserve the actual, natural character of the land.

D. Cleveland stated that all the drainage would go toward Witches Spring Brook, which flows into the water supply for Nashua.

R. Hardy concurred; he hasn't gone through the entire wildlife report on the site, but there are significant questions about altering the terrain this much and the effects on the natural resources.

D. Cleveland stated that Fish and Game is also concerned about the Brook.

D. Petry stated, in going back to item g, that this is not the only use that is allowed per the Ordinance for this site. This is one choice. They could have done a HOSPD, they could have done a conventional design, they could have done a single-family home layout. So we are not infringing on the rights of the landowner – we are suggesting that this is an improper use, based on the layout of this site. They could have proposed something different that would not have required as much alteration of terrain. This is not the only choice they have. He would suggest that they go back to the drawing board, and re-think what they have submitted to the Board, per item g. D. Petry added that it is frustrating, because we've talked about the Applicant coming back to the Board with an alternate plan for a year, and pretty much got ignored. All the Applicant did was take out ten units. It's still the same layout. And we have significant issues, now, with another subdivision which was approved – it was basically approved the same way. Access, parking, water issues, drainage. So we have already seen one site where this particular layout has not worked properly.

In terms of the Board's consensus on item g of the Ordinance, D. Petry stated that it does not meet the requirements.

K. Anderson asked about a summary of R. Hardy's statement regarding the amount of disturbance created to meet the number of units; R. Hardy responded that the design doesn't preserve at all the natural character of the land. K. Anderson added that each unit wasn't being incorporated into the terrain; rather, the land was being manipulated to meet the number of units. R. Hardy said that that is correct.

M. Fougere again read item g of the Ordinance, and D. Cleveland stated that this application does not meet any of the listed criteria. The Board was in agreement.

J. Peters mentioned that, specifically, the application does not meet the natural character requirement of g – the amount of cut and fill. That is not natural character of the land at all; that is forming the land to meet their needs.

D. Cleveland listed, as further reasons that the application does not meet the criteria of item g, all the regrading that would be necessary, all the cut and fill, major terrain alteration. M. Fougere added the retaining wall to the list.

M. Fougere stated as another issue that seven of the units do not meet site distance requirements, and there was no waiver submitted for those. K. Anderson stated that there are a number of different

ways to look at site distance; our Ordinance specifies from point A to point B, in a straight line. There are ways to interpret it – for instance if a road is curved, there is more linear length along the curve, and it is not from point A to point B. The Applicant may be making that argument; however, the Ordinance does say from point A to point B.

K. Anderson stated that another note of which the Board should be aware is that this is a private development in that these are private units on a private road. Our Ordinance does say for public and private. The Ordinance applies to private as well as public, and states so at the beginning of the Ordinance.

As a next point, D. Cleveland stated that the water information that was submitted is not adequate, and does not tell us much. It does not meet the criteria that the Board requested. M. Fougere stated that the Board was very specific about the water study; it was discussed quite a bit at the Design Review stage. It was outlined in the minutes of August 17, 2021. K. Anderson agreed that it is clearly stated in those Planning Board meeting minutes that a full water-well survey would be required. It was noted at several points that that survey would be provided during the Design Review phase. The survey would include draw-down testing and monitoring of abutting properties. It's well documented.

M. Fougere stated that these are the three primary issues with the application. The Board feels that the project does not adhere to the standards of the Ordinance. All housing for older persons shall conform to the standards, as stated in the Ordinance. An application was submitted without waivers for site distance for a number of the homes, and the issues relative to the lack of detail surrounding the water tests – all of these will be summarized in a letter to the Applicant as to why the application was not accepted.

K. Anderson commented further regarding the water issue that water is directly connected to density. Without the water, you don't have the density.

Staff will put together a letter to the Applicant, which they are required to do by statute.

M. Fougere noted that the Board did receive today a letter from Attorney Brad Westgate. The letter is in the file.

7. OTHER BUSINESS:

Master Plan. M. Fougere suggested that, given that Chair B. Moseley is absent, this item be tabled until next month.

ADJOURNMENT:

Motion to adjourn at 8:20pm – motioned by J. Peters, seconded by C. Rogers; 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.