



Town of Hollis

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HOLLIS PLANNING BOARD MINUTES

October 18, 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: V. Mills.

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

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

M. Leavitt will be voting in place of V. Mills.

2. APPROVAL OF PLANNING BOARD MINUTES:

August 16, 2022: **Motion to approve** – motioned by C. Rogers, seconded by D. Petry; motion passed.

Site Walk Minutes, September 20, 2022: **Motion to approve** – motioned by D. Petry, seconded by D. Cleveland; motion passed.

September 20, 2022: **Motion to approve** – motioned by D. Petry, seconded by J. Peters; motion passed.

3. DISCUSSION AND STAFF BRIEFING:

a. Agenda Additions and Deletions: M. Fougere stated that while there are no agenda additions or deletions, the Toddy Brook applicant has brought suit against the Town, to the Housing Appeals Board, and that has been forwarded to the Town's Attorney. Staff is collecting all the minutes and records, copying all materials, and preparing the response to defend the Board's decision. This was expected.

b. Committee Reports: none.

c. Staff Reports: none.

d. Regional Impact: none.

B. Moseley commented generally to the Board that we are in the midst of Zoning Amendment/Zoning Ordinance-change season. The first Tuesday of every month is the Board's date for additional business, if needed, and should be kept open for the rest of the year along with the dates for the Board's regular meetings on the third Tuesday of every month.

46 4. **SIGNATURE OF PLANS:** None.

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49 5. **CASES:**

- 50
51 a. **File PB2022:016 – Final Review:** Proposed development of an existing 40.4 acre gravel pit on
52 Depot & Rideout Road into a Major HOSPD Subdivision with 13 single family lots, Owner:
53 Douglas A. Orde, Applicant: CFC Development, Map 9 Lots 47, 48, & 51, Zoned R & A and
54 Recreation. **Application Acceptance & Public Hearing.**
55

56 K. Anderson stated that this application proposes to subdivide a 40.4 acre site into 13 single family
57 home lots. This project was before the Board and a HOSPD design was agreed to by the Board. The
58 site has frontage on both Depot Road and Rideout Road (Scenic), along with fronting on the Nashua
59 River. The site has been redesigned to reduce regrading, including maintaining a 100 foot buffer
60 along Rideout Road. One detention basin has been removed. All lots now have access to open
61 space, including along the river.
62

63 The existing use of the property is as a gravel pit and a landscape material yard. Per requirement of
64 RSA 155-E, the entire gravel pit site will have be re-vegetated as part of this application.
65

66 The Applicant has provided sufficient plan detail to prove that 13 lots can be subdivided in a
67 conventional method, therefore the Applicant has the right to 13 lots in a HOSPD design.
68

69 K. Anderson further stated that the HOSPD design outlines 13 lots with two lots fronting on Rideout
70 Road. The HOSPD lots range in size from 1.3 acres to 2.2 acres. As part of this application, there
71 are three waivers being requested. This design notes 13.41 acres of open space where 40% or 16.16
72 acres is required; the Applicant is requesting a waiver to allow for the reduced open space which is
73 allowed for under the HOSPD Ordinance. A cul-de-sac is proposed and will require a waiver
74 because of its reduced size from a 150 foot radius to an 85 foot radius; the DPW Director finds the
75 design acceptable. The third waiver is for the cut and fill in excess of four feet along the main
76 access into the site. The drainage design will collect water near the end of the proposed road and it
77 will be mitigated via infiltration basins. A majority of the site will be cleared and regraded with this
78 proposal.
79

80 Rideout Road is a Scenic Road, and landscaping mitigation will be required.
81

82 This project will require State subdivision approval, a NHDES alteration of terrain permit, NHDES
83 shoreland permit, and a NHDOT driveway permit.
84

85 K. Anderson also stated that Staff's review of the site raised several questions and some plan edits;
86 all of these have been sent to the Applicant. Worth noting for discussion at this meeting are
87 landscaping, including for the cul-de-sac island; some sort of restoration for the gravel pit and open
88 space; potential for street trees along the road; and Staff would like the developer to be the entity
89 responsible for the landscaping, via bonding. Staff are still looking for some easement
90 documentation, including for the drainage cistern and drainage pipes; access to the river for lot
91 owners; there will be a no-cut buffer for Lots 11 and 12; and a drainage easement for Lots 1, 2, 3,
92 and 4.
93

94 **Motion to accept the application** – motioned by D. Cleveland, seconded by M. Leavitt; motion
95 passed unanimously.
96

97 Applicant: Randy Haight, from Meridian Land Services, for CFC Development. Stated that, as K.
98 Anderson mentioned, they are proposing a 13-lot subdivision. The site has had a site walk by the
99 Planning Board. They laid out a couple different configurations of the road and of the cul-de-sac,

and given all of that they are asking for relief for the size of the cul-de-sac. They promoted a hammer-head which would meet the Town requirements, but DPW and emergency services requested a cul-de-sac instead.

B. Moseley asked if the Applicant was proposing an island in the cul-de-sac, or if it is going to be all paved. R. Haight replied that there would be a grassed opening within the cul-de-sac.

R. Haight stated that when they staked out the area on the site walk it was obvious that the existing regulation radius was excessive, and that is why they asking for the waiver. Similarly, when they designed the initial concept they showed a possible road coming in which wouldn't require a waiver for the cuts and fills – however, because it is an existing gravel pit landscape that is going to be reclaimed, it was requested that they try to make the site as uniform as possible and regrade the whole thing. Given that, with a shallower road grade, it creates more fill. Additionally, it was requested that they keep the road above the potential 100-year flood elevation, so they raised the whole road. They are trying to balance the site, while leaving as much of the perimeter vegetation in place as they can. That is the reason for the waiver request for the fill requirement. R. Haight stated that it makes sense to raise the site up, to have a gentler slope on the road – and they have the material on site to accomplish that. It will make it a nicer subdivision. Similarly, the Applicant is asking for a waiver for the open space as, if they were using a conventional design, they would have a yield of 13 lots; in order to have the open space, and get the 13 lots on the 40-acre parcel, they can't achieve the required full 16+ acres of open space. In essence, there are 16+ acres of open space on the plan, but only 13+ are acceptable. However, per the Board's request, they included all of the frontage along the Nashua River within the open space, and similarly they extended a 30 foot wide leg from the open space in the central area of the property through to Lot 10, so now every lot has direct access to the open space. That created a larger amount of open space.

Regarding the plan edits, K. Anderson suggested that R. Haight discuss the fact that the Fire Department asked that the cistern be moved. R. Haight stated that they originally submitted the plan with the cistern in a central position to all of the lots on the site. The Fire Department asked that they move it up to a flat area at the beginning of the road, about 200, 250 feet in – in that location the cistern would still service all the lots, but would also give the Town the ability to use the cistern to serve surrounding lots, as well. They are more than willing to do that.

R. Haight stated that his colleague Brad Casperson would be speaking to any concerns about the grading and reclamation for the AOT permit. He mentioned that they do have an AOT permit in place for use of the gravel pit, however they need to do another AOT permit per the updated grading plan. The new permit will supersede the original AOT permit.

C. Rogers asked about the space between Lot 2 and Lot 3 – is that drainage down to the river? R. Haight responded that it is a drainage easement, but it's also a walking easement. It's a central place for homeowners to get access to the river. C. Rogers asked if it's going to be a ditch or a culvert or something else; R. Haight said that he would let B. Casperson talk to that question, but he believes it is going to be a covered pipe – so, essentially flat.

B. Casperson, Engineer with Meridian Land Services. Regarding C. Rogers's question about the drainage between Lots 2 and 3, B. Casperson stated that they are still working through the counts and how it will play out with the State, but that it is a 36-inch diameter pipe that will be buried.

B. Casperson went through Staff's requested plan edits, concurring with R. Haight regarding the cistern and seeing no problem with that or with Staff's other recommendations. He pointed out that in past they had talked about balancing the site as a main objective, as well as meeting the stormwater requirements.

K. Anderson asked if there has been consideration regarding what will be done with the existing

landscaping and construction materials on site – they’d like to see a note on the plan to the effect that those materials will not be left there. B. Casperson responded that it is his understanding that the materials will all be removed, but agreed that they can note that accordingly.

M. Fougere asked if the materials will be removed, or if they’re going to be crushed. R. Haight responded that most of the materials will be reprocessed, sifted, crushed, and used on-site to help stabilize the site. The predominance of the site is open and doesn’t have any stumps or anything else on it, however there will be some tree removal – the stumps will be ground up, and used to help stabilize everything. M. Fougere asked about the rocks, old pavement, concrete; R. Haight stated that all of that will be crushed up and used on-site. If it doesn’t meet the standard for the finish, it will be used for base: but one way or another it will be used on-site rather than lugging it off and lugging something else in. He would be happy to add a note to the plan.

B. Moseley mentioned that we still need landscape plans, and K. Anderson agreed that that is a topic the Board should discuss this evening. This is an open space subdivision, set off both Depot and Rideout Roads.

C. Rogers asked how long the road is, to the cul-de-sac; R. Haight answered that it is 1500 feet. It was noted that 1500 is the Town’s maximum.

B. Moseley stated that in K. Anderson’s research he found a 1919 flow plan, and asked if that had any impact on the project. R. Haight stated that it doesn’t have any impact, but does help to clarify things. He himself did a lot of looking, trying to find out flowage. He met with a number of people in Nashua to try to get that resolved. The FERC application is a Federal permitting of the Mine Falls Dam; every so many years one has to reapply to FERC and have the Dam recertified. Nashua took about 3 years to complete the FERC application, and it was 563 pages long. Within it, R. Haight found a bibliography which cited some old plans – including one for flowage. The plan itself shows some flowage elevations, starting with 100, and 100 is an assumed elevation at the high flash board height of the existing Mine Falls Dam, before it was replaced. They did a study of the flowage rates, and put 105, 115, 120 foot lines on the plan, and that shows where potential flowage would be. With that, they came to agreement with abutters all up and down the river, so they had control of that flowage. What they ended up saying is that although there is a contour showing 120, what they’ve all agreed to is 115 – or 15 feet higher than the existing dam. However, realistically, the Federal government hasn’t sanctioned them to flow that much. But that’s neither here nor there; they have those flowage rights – but it’s only to 115, not 120. And that is an assumed elevation at the top of the dam. They did memorialize it a little better; there is a note on the plan found by K. Anderson that said that 100 equaled 154.896 elevation. So, 155, and then you add 15 to it, and it would be 170. However, they said that the actual height of the 15 feet higher is memorialized on an old Soldier’s Monument at the top of Library Hill. His team actually mapped that vertically in, and that elevation is actually 167-something on the datum of their site plan, which is NAVD 88. So 167 is what the flowage rates are, which is along the bank of the site, maybe a little bit in the saddle, but nothing to effect the lots.

B. Moseley asked if, in R. Haight’s opinion, there is little likelihood that they would ever raise the dam. R. Haight agreed, and stated that it would be very difficult to get higher than what they’ve been sanctioned to. His understanding is that there have been three iterations of the dam since the original dam.

Per a further question from B. Moseley, R. Haight confirmed that the flowage has no adverse impact on this project.

Per a question from D. Petry, R. Haight stated that the open space lots are 9-47 and 9-51 on the plan. Adding the acreage of those lots together, you get 16.35 – but within that there is a wetland, and there are some steep slopes that are 25%, so those areas are not deemed acceptable. That

information is included on the plan in Note 7. D. Petry further asked whether they don't have enough land from other lots to make the acceptable open space 16 acres; R. Haight responded that all of the circumstance about the lot configuration is really driven by the building boxes, in order to make the lots viable and meet the criteria. The building boxes drive much of the lot configuration. In addition, they have the road, the length of which is limited to 1500 feet, and the slopes, and the associated grades. He could make some strange-looking lots that might allow for the 16 acres of acceptable open space, but D. Petry confirmed that that is not what we are looking for.

K. Anderson pointed out that, regarding the open space, there is a leg that goes toward Rideout Road between proposed Lot 948-12 and existing Lot 947-1. He does not believe that that is a requirement of the Town's open space regulations; it is in addition to – so the Applicant is meeting the ordinance by having each proposed new lot touch the open space, they are getting access for the lots to the Nashua River, and they are creating buffers to existing lots. R. Haight concurred; the reason for that leg is to have a buffer.

Public Hearing.

Abutter, Kevin Zomchek, 172 Rideout Road. Stated that he thinks it is great that there is a buffer, and that common space touches all of the abutting properties. Some of the buffer zones are different widths, and he is asking if there is a minimum – the wider it is, the better for the abutter. He respects and appreciates the work that everyone has done on this plan. He understands that there is to be a 100 foot buffer between the road and where a house will be, so none of those trees are going to be touched – which is fantastic. In his understanding, there will be a common driveway for the two houses being accessed via Rideout Road, which he also much approves. He asked if there were any chance that the buffer would turn into a walkway, or a snowmobile path, or if it could potentially be repurposed in any other way in the future. His own opinion is split on whether that would be positive or negative; he does like to use a lot of the trails in Hollis. He is more curious as to whether the buffer's use is built-in in some way, or if it might change. Secondly, K. Zomchek asked if there is a water easement going through the site. Finally, he stated that when he and his family were looking for a home in Hollis, they looked at a lot of different houses. Obviously, well water is very important. They happen to have fantastic, high-quality water, with very good pressure. In adding 13 lots in the same general area, is there any recommendation or guidance for new wells to be dug to different depths? Or is a well considered done as soon as it hits water? They love the water pressure that they have, and the quality of the water, and have heard a lot of horror stories of people running out of water. Is there any guidance, or recommendations, for anything to be done to prevent an issue in that regard? Otherwise, he is an advocate for the proposed development, and thinks everyone has been doing a really great job in planning it.

Joe Garruba, 28 Winchester Drive. Stated that, in regard to a question asked previously about the center of the cul-de-sac, he would like to know what is the width of the road on the back side. Since we are talking about a waiver for the diameter of the cul-de-sac, he would like to see that the width of the road meets regulations. There is potential for also needing a waiver for the width of the road. J. Garruba further stated that the Staff Report for this case includes a concern that is related to road and drainage maintenance. Specifically, the comment mentions requiring the developer to maintain the drainage, and the road, until the road is formally accepted. What he would submit is that the Town should not issue COs for any buildings until the road construction is complete, and until the roads are accepted. The roads have to be inspected, and determined to be satisfactory. His point is that we are planning to take on the costs of winter maintenance, including plowing, on these roads that are technically not accepted by the Town. He would say that the condition should not just be that the developer has to do drainage maintenance and road maintenance, but also has to do winter maintenance until these roads are accepted – and that the Town should not be issuing COs until the roads are finished. Next, regarding the open space waiver, he is trying to understand what justifies the Board issuing that waiver. He referenced D. Petry's question, above, in terms of why can't land be borrowed from some of the proposed lots to help meet the full open space requirement, and

thereby nullify the need for a waiver. R. Haight had answered that there would have to be strange-sized lots, but it seems to J. Garruba that there is 0.20 acres right off one of the walkways on the plan that could help to meet the spatial requirement, right off the bat. If the Board spent a little time studying the plan, they probably could come up with more. Certainly, we should not be issuing a waiver until that open space is collected. His last point was about the waiver for the cul-de-sac. There is a process for granting waivers. It's documented in our ordinance, and it involves this Board determining that the proposal meets the spirit of the ordinance. We have talked about this in the past, with other developments, and the idea is that there should be some benefit to the Town if we're going to be issuing waivers. R. Haight had explained that the reason they're asking for waivers is because they feel that the subdivision regulations are excessive – but when you think about it, that certainly doesn't address the requirement that the Board has, to make sure that the waiver meets the spirit of the ordinance, which this certainly doesn't. But in addition to that, there have been many developers who have followed our rules, and built cul-de-sacs correctly, according to the ordinance, so how would the Board even be applying justice if those guys followed the rules, and then, because here we think it's excessive, we grant a waiver? His point is, in order to grant the waiver, there are very specific conditions that have to be met, you need to carefully assess them, and he doesn't think that a claim that our regulations are excessive meets that condition – so he would hope that the Board does not grant that waiver.

Applicant rebuttal: Randy Haight, from Meridian Land Services, for CFC Development. Stated that in regard to the open space, the intention is to have it owned 1/13th by each of the landowners: so it is not going to be a public open space. It's a private open space that goes with the subdivision – so there aren't going to be trails there for the public, etc. The reason for the referenced leg was to provide more of a buffer. When you put the leg there, you have to provide the setback from that rather than from the perimeter and you get a bigger buffer. However, that is the limit to the buffer that he is able to provide, because he has to have the building box within the lot. Relative to wells, he would love to have a crystal ball to be able to tell where the water is, where it isn't, how deep it is, where to stop, but that is an unknown. No one can know that until you drill wells. He has seen an instance in a subdivision of two wells, drilled 20 feet apart, and one has 100 gallons a minute while the other is barely making two. You drill into bedrock and hope to find a crack in it that has a water resource. If you miss the crack, you don't get the water. It is unpredictable. As far as the road width around the cul-de-sac, yes, that meets the regulation. He thinks that J. Garruba missed the part where the Applicant showed a design that meets all of the regulations, which was a hammerhead design. Because a cul-de-sac was requested, as preferred by the Fire Department, that is why they developed the current plan – which involves a cul-de-sac style that is used in adjacent towns, and which would require waivers. They are doing this at the request of the Board, and have not said that it is onerous. It simply makes sense. And the Board walked the site, saw the line, and agreed. In regard to the road drainage and maintenance, that is always a burden of the developer up until the Town accepts the road. It has always been that way. If they want to put some better verbiage on it, they can add a note to the plan. It has nothing to do with COs. There is a bond in place when you go to build a road, and the owners are protected, and the new buyers, and the Town is protected. The Town doesn't accept the road until everything is in place – so it's not a problem; it's a perceived problem.

B. Moseley mentioned that K. Zomchek had asked about an easement for water, from Rideout Road; R. Haight responded that there are no easements. Regarding the buffer zones being different widths, R. Haight reiterated that he put the leg into the design to create a bigger buffer. He would have been 17.5 feet off of that property line, but now that he has that 30-foot-wide leg, it's 47 feet off of that lot line. That is significantly larger than it would otherwise be. All of that was to capture open space, and to make it a better open space.

M. Fougere pointed out that the ordinance doesn't speak to open space minimum width; it just says that there has to be a connection of open space with each lot.

Public Hearing Closed.

Regarding the need for a landscape plan, B. Moseley asked for Staff's comments to start the discussion. K. Anderson stated that there needs to be some sort of restoration for the gravel pit. There are no notes or call-outs for that. Right now it is an open gravel pit space; there is some field or grassy area. The question is whether the Board wants that planted in some sort of fashion to mimic what is already out there – do they want it planted in a seed mixture? There was also talk of possibly planting some street trees along the area, to try to create some diversification and break up the giant open space. While this would not be in the public view, he does think it's worth the Board speaking to the landscaping.

M. Fougere stated that right now the plan is to spread four to six inches of loam on the open space gravel area, and it will be seeded – but that's about it. K. Anderson stated that the landscaping requirement is from the public right-of-way, so this is a unique situation – this isn't really visible from Depot or Rideout Road. The development is set down and back. However, it's an opportunity for the Board to fill in the area with some landscaping. B. Moseley stated that it is still a neighborhood.

R. Hardy stated that first, we'll probably want an evaluation of the entrance, to know what is there and what will remain, so we can then know if something should be added for screening for the two abutters. Secondly, regarding the restoration of the pit, he has read a suggestion of two trees per lot – he would like to see if they would entertain planting more than that, to help create and define the open space in the center. He does think that there would be merit to having a landscape plan.

D. Cleveland brought up that if the cul-de-sac island is to be grass it would have to be mowed, and asked who would be responsible for the mowing. R. Haight stated that it would be worth asking the DPW about that; as K. Anderson added, the DPW has requested that there be no large trees planted in the island. M. Fougere stated that what is wanted is something that is no maintenance, that is heavily bark-mulched, with some low shrubs and maybe a locust tree or something that won't grow too high. It's going to be very dry, with no irrigation.

D. Cleveland pointed out that the rotary going into Nashua grew up with brush and weeds and looked pretty bad until they mowed it recently – he doesn't think that we'd want to see the same thing here. R. Haight concurred.

J. Peters asked who would be responsible for maintaining the island; R. Haight said that once the Town accepts the road, then it's the Town's responsibility. M. Fougere added that they will not want to be mowing anything, so one does not want grass. D. Cleveland further added that one doesn't want anything that will grow up into brush. M. Fougere stated that anything that is planted should be hardy; it's sand-soil, so it will need to be drought resistant. Locust trees will grow in anything. It will have to be something that is self-maintaining.

R. Haight suggested landscape cloth underneath bark mulch to keep the weeds down; B. Moseley suggested stone, as bark mulch will decay away.

B. Moseley stated that the Board seems to be in agreement that there should be a landscape plan of some sort, with features including the cul-de-sac island.

C. Rogers stated that, as R. Hardy mentioned, the entrance is going to be the most important element. There should be an entrance scheme.

J. Mook concurred that there should be a landscape plan. The residents will be Hollis residents, and it will be a public road – so it should be kept in the spirit of the Town's rural character. B. Moseley suggested the possibility of street trees of some kind, and J. Mook agreed.

B. Ming also concurred that we need a landscape plan. He asked about the two trees per lot notion; M. Fougere responded that if it's an existing site that is an opportunity to save trees that are there, but in this case there isn't anything. Restoration involving trees will help considerably with the aesthetic of the street. K. Anderson added that we should see a plan rather than simply advising two trees per lot, as the tree species and where they are placed is going to be essential.

B. Moseley summarized that some sort of trees-to-support-the-street-landscaping should be part of the landscape plan.

D. Petry agreed that we need a landscape plan, and concurred with the comments that have been made.

M. Leavitt asked if there would be a sidewalk along the road; the answer was no.

K. Anderson added that we would like to make sure that the developer is the one responsible for landscaping, and that is a note that Staff would like to see added to the plan. It has become too difficult to go after each individual lot owner for landscaping, with three-year bonds, etc., so they are now going to try to have one entity take care of the landscaping.

B. Ming asked about the open space area that abuts the river, and whether there would be any obvious visual cue as to where that open space begins. R. Haight stated that they could certainly put something there; it's not going to be conservation land, so they couldn't put placards there, or something of that sort. They are going to monument all the lots, and could flag the line for the open space in between.

M. Fougere stated that we have wetland buffer signs that they could put up, that would match the need. R. Haight agreed that that would be fine.

B. Moseley asked what is meant by 'monument' – would it be a pin at ground level, or stone? R. Haight responded that yes, they would be pins for lot corners that are not front lot corners.

D. Petry stated that he would like to see the entire plan set before the Board talks about the waivers.

K. Anderson added that there are some questions regarding open space, the amount of open space, cul-de-sac size, all of which might affect landscaping – so he agreed with D. Petry that the Board hold off on deciding about the waivers at this meeting. The Board generally concurred.

B. Moseley summarized that for the next meeting, the Board will expect a landscape plan, they will expect resolution of a lot of the administrative details that were on Staff's report, as well as any clarification about the waivers.

J. Mook asked if the Board wanted to ask R. Haight to come up with enough open space to not require a waiver. R. Haight stated that he believes that that possibility is an illusion; he did a lot of work on the issue. He can look at it again, but would be very surprised. He can create some irregular lots to make that work, but given the requirement of an acre and a half of contiguous acceptable land per lot, and the steep slopes that are there, the wetlands that are there, and the roadway, and the lots having to come off at 90 degrees from the road, or radial to the cul-de-sac, and fit the building boxes and all the other elements in – it's not casual.

Per a question from J. Peters, it was confirmed that if this were a conventional plan there would be no open space.

K. Anderson pointed out that in addition, per the Board's request, the Applicant added open space

424 along the river – which is playing into this, too. Regarding J. Mook’s question, K. Anderson stated
425 that he is comfortable with what he sees on the current plan though he isn’t saying that it can’t be
426 done. More iterations could be made. The Applicant could propose reducing the buffer along the
427 river by ten feet, and that would give us another section, another area. He thinks that what is
428 proposed gives buffers to all the neighbors, and is generous to neighbors on Rideout Road. It is in
429 our ordinance that if you can meet it conventionally, a reduction in the open space is allowed. This
430 isn’t unusual; it is an allowed reduction – so much so that he and R. Haight had a conversation about
431 whether a waiver would even be necessary. K. Anderson suggested doing the waiver so that it
432 would be clean, and on the record, but it is an allowed reduction, in our ordinance.

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434 J. Mook stated that she asks the question so that, at the Board’s next meeting, this isn’t something
435 that holds up the process.

436
437 M. Fougere pointed out that the two lots on Rideout Road have to be two acres. They can’t be
438 reduced in size. The smallest lot that HOSPD allows is an acre – but again, they have to meet the
439 building box, and setbacks.

440
441 K. Anderson read from the Zoning Ordinance: “When, due to physical constraints such as soils,
442 topography, wetlands or other natural features, application of the open space requirements cited in
443 Section IX,J.5.a and Section IX,J.5.b prevents an applicant from realizing the same number of
444 lots/units as would be possible by a conventional subdivision, the Planning Board may consider and
445 approve a reduction of the open space requirement.”

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447 J. Mook asked if it would be more comfortable for the Board to not have to vote on a waiver for the
448 reduction in open space, as setting a precedent, if it’s written that it is allowed. Is granting a waiver
449 more complicated?

450
451 K. Anderson stated that he likes having the documentation.

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453 B. Moseley stated that with everything happening in the current litigiousness of society, K.
454 Anderson is correct – this way, it’s perfectly clean.

455
456 J. Peters pointed out that we’re still getting more open space in the form of wetlands, and steeper
457 grade.

458
459 K. Anderson mentioned that the steep slopes are excavated slopes from the gravel pit; this isn’t a
460 natural topography that hasn’t been manipulated. The steep slopes that are being subtracted are the
461 gravel pit slope edges, the faces.

462
463 D. Petry stated that the thing to remember is that the Applicant did demonstrate that they could
464 submit something without waivers. There is a really bad perception out there that the Board can stop
465 every single application because somebody asked for a waiver. He has been on the Board for 25
466 years, and it has always been said that we take it on a case by case basis, in terms of what is in the
467 best interest of both the residents and the Town. He does not want something communicated from
468 this meeting that makes it sound like the Board is frivolously giving out waivers. This is a very
469 specific case, with a very specific submittal. He wants the record to reflect correctly what occurred.

470
471 K. Anderson stated that, for the future, it would be in the best interest of Staff and of the Board that
472 during Final Review the Applicant would also submit previous documentation showing that any
473 waivers were not necessary. That way the Board can discuss it with the documentation in front of
474 them.

475
476 D. Petry stated that, again, we could have met the open space requirement by doing a hammerhead –
477 but we chose not to have the Applicant do that, based on advice from the DPW and the Fire

Department. And the cul-de-sac was reduced: normally, the cul-de-sac would have been required to be larger, which would have been unnecessary for the site. K. Anderson added that were the cul-de-sac larger, it would further reduce open space even though the center island could have been counted. D. Petry stated that each site is different, based on the site conditions.

B. Moseley stated that this is why applications are an iterative process, and we look at every application separately – considering what is in the best interest of the Town as well as of the developer, to achieve an overall good project.

D. Petry stated that the reason he is raising these issues is that he is at the point at which he is tired of this Board being questioned about making bad decisions, and not being thorough, and not reviewing these plans. Enough is enough. We do a very good job, here, as does Staff. B. Moseley concurred that the Board is responsible for bringing together a lot of discrete elements to come up with an overall good project. D. Petry stated that bad information goes out and then the perception is that this Board is not doing its job, and that is just not true.

B. Moseley stated that it is a very complicated, iterative process to bring together all the pieces into something that is desirable.

R. Haight concurred – they have been working for a year on this. It's not subtle.

M. Fougere pointed out that two of the waivers have to do with our regulations, and one is in zoning. That's an important distinction.

R. Hardy mentioned a previous comment that there should be some benefit to the Town if a waiver is granted. We have asked the Applicant to look not only at the site entrance, which is required, but also internally – which isn't really required on every project. There could be some real, added benefit to what they do for the entire subdivision by putting some emphasis on the plantings, rather than just having grass slopes, etc. That could be a real plus, and help validate some of the reasons for that particular waiver.

Motion to continue File PB2022:016 to the next Planning Board meeting, November 15 –
motioned by D. Petry, seconded by D. Cleveland; motion passed unanimously.

6. OTHER BUSINESS:

a. Discussion of Zoning Amendments.

B. Moseley stated that, as mentioned earlier, this is the time of year at which we work on zoning. Tonight we do have a presentation from a Town resident to discuss some considerations.

Joe Garruba, 28 Winchester Drive. Thanked the Board for hearing his proposal for a zoning amendment. Started with a slide related to hammerheads, and stated that over the last few years he has explained the problems with hammerheads as they have related to several projects. There are four important reasons why Hollis should not allow hammerheads as turnarounds on any roads. To begin with, they are dangerous. Imagine being a delivery truck driver, or a snowplow driver, reversing a large vehicle in a residential neighborhood. Situations like that are dangerous, and can be avoided easily by designing subdivision roads with cul-de-sacs. Additionally, because of the hazards, school busses do not service roads with hammerheads. The bus stop must now be located at the end of the road, where there is more, and faster-moving, traffic. This also inconveniences residents who need to drive on the through-road to get to work or wherever they are going in the morning. Parents and children must now wait outside, at the bus stop, instead of having a pick-up or a drop-off nearer to their homes. Next, the Post Office also recognizes the issue with hammerhead roads, and is pushing

to have mailboxes for such areas located in a group on the through-street. A cluster of mailboxes can hardly be said to complement our rural character. Additionally, when the mail trucks or the residents stop at the end of the road to deliver or pick up mail, there are greater safety concerns and more delays to the users of the through road. The visual appeal of a cul-de-sac with a center of trees provides a fitting view as one drives down the street: the vegetation hides the houses from the roadway traffic, while hammerheads provide no such visual appeal. So, what are the possible benefits of hammerheads? One reason that J. Garruba has heard is that hammerheads reduce impervious surface. Although this may be true, he submits that the additional roadway surface, and the accompanying drainage required [for a cul-de-sac], are more than worth the benefits and the safety that they provide. In fact, our present and future residents deserve nothing less. Another argument for hammerheads is that cul-de-sacs are more expensive to construct. Hollis residents should not suffer so that a development can be built more cheaply. Hollis is our Town, and its roads should be constructed in a way that maximizes the quality of life for all residents. The obvious benefit of hammerheads is to developers, who have reduced cost of road construction and drainage. In addition, the reduced footprint of the hammerhead allows more land to be dedicated to house lots. This certainly does not benefit current residents. He has heard comments such as "This must be addressed on a case-by-case basis", but he holds that there is no good justification for hammerheads in residential subdivisions of Hollis. In fact, he proposes that the language of our ordinance should be followed in all cases. It is not clear why so many hammerheads have been allowed. Item 4(d) of our Rural Character Ordinance already says "Use cul-de-sacs, loop streets, and common driveways to reduce the amount of impermeable surfaces, without sacrificing legitimate safety and road maintenance concerns." So, although [hammerheads] may be permitted in the Subdivision Regulations, as cited by R. Haight, if you simply read our Hollis Rural Character Ordinance, it says to use cul-de-sacs. There is disharmony between the regulations and the ordinance, and the ordinance takes precedence as that is what is voted on by residents. Why has the Board allowed so many new developments with hammerheads when the ordinance already requires cul-de-sacs? In his opinion, the Board should not be permitted to waive these requirements. He sees no justification for what has been allowed, and he believes that stronger ordinance language is needed. Issues such as this should not be the prerogative of the Board to waive. A quick look at our map shows that previous Planning Boards saw fit to require the cul-de-sacs at the size that is in the regulations. Two more things that he would like to add to his argument, based on the case today, are that we all just heard that developers use the hammerhead as an excuse to request the waiver. If we eliminate the possibility of hammerheads, we don't have them coming in here saying that they could have done a hammerhead and avoided the need for a waiver. No, you can't do a hammerhead, because the zoning regulation already says that you can't do a hammerhead – but J. Garruba would like to make it clearer. The other thing he heard today is that other towns do it; this is the way it's done in other towns. Hollis is not other towns, and it is intentionally not other towns. We're better than other towns, and our roads should reflect that. For these reasons, he believes that we should get rid of hammerheads in the Subdivision Regulations. He proposes that the Board amend the Subdivision Regulations in Section IV.7(B.1) to remove language that is permissive of hammerheads. This language is in direct conflict with the already-passed Rural Character zoning Ordinance. The Zoning Ordinance was voted on by residents, and should take precedence over the Planning Board Subdivision Regulations. Actually, the Planning Board's Subdivision Regulations must comply with State RSA, and he believes that they should also comply with the Hollis Zoning Ordinance. He recommends that the technical requirement for cul-de-sacs be included in the Zoning Ordinance. He proposes to require 300-foot-diameter right-of-ways. This will provide ample room for vegetation in the center of the circle, and resolve all of the issues with hammerheads. He proposes eliminating the Planning Board's ability to waive the requirements; we have a ZBA which deals with deviations if they are needed. In addition, he proposes clear language prohibiting hammerheads.

The other things that J. Garruba wanted to bring to the Board's attention today are changes that are coming down from the State, as we have seen pushed on us for the last few years. As the Board is probably aware, HB1661 was signed by the Governor this spring. The bill restricts municipal action related to retirement communities and means-tested housing. It also includes many sections that

diminish the power of local zoning and planning boards. New, strict time limits now make the process of accepting an application as complete much more important. He thinks that the Planning Board did a great job in assessing the completeness of the Toddy Brook application, because it is so much more important now since there is no fallback of an extension.

In conclusion, for next year, J. Garruba proposes that the Planning Board amend its own procedures, to return to the previous practice of preparing zoning amendments in May. Two or three years ago that was moved into the fall, and he thinks that the zoning amendment proposals require more time, so that they may be fleshed out properly. He appreciates the Board letting him share his thoughts.

B. Moseley asked if there were any questions that the Board or Staff had for J. Garruba. K. Anderson asked for clarification on the design standards where J. Garruba added some language: “reduce roadway width to a minimum of 22 feet” – is he proposing wider roads, or is he saying a maximum of 22 feet? The language seems misleading. J. Garruba replied that we currently have a table in the Subdivision Regulations which identifies all of those dimensional standards; the intention was to carry that in to the language of the ordinance. He will review the wording.

D. Petry stated that to be clear, J. Garruba does not give specific direction to Staff; the Planning Board does. We are not going to duplicate language in two different sections. J. Garruba replied that there is a very strong difference: if it’s in the Zoning Ordinance, it goes to the ZBA. If it’s in the regulations, it gets waived. That’s the difference. He is not proposing duplicating it.

Moving on with the Board’s zoning amendment discussion, B. Moseley stated that Staff had some guidance. M. Fougere concurred. He stated that the first section to look at has been on their list to address for awhile now, and that is the Sign Ordinance. A number of years ago there was a Supreme Court case relative to signs that limits the ability to regulate content-based signs, so you can’t have different regulations based on what’s inside the box. You can regulate the size of the box, but not what is inside. The ordinance has to be tweaked to deal with looking at things more from what is happening on the land, versus what is happening on the sign. This came out of a challenge from a church that met at different locations in a community, and had temporary signs around the town that exceeded the number of signs allowed. In looking at the regulations, the U.S. Supreme Court ruled against the community. It’s a lot of clean-up; he doesn’t think it’s going to change much, but he does believe that it’s time we get into compliance rather than deal with a legal issue that isn’t necessary.

M. Fougere stated that the second section they want to address is Housing for Older Persons. There is a lot going on here – there is the provision regarding workforce housing; starting this coming summer if a community grants extra density for housing for older persons, an applicant by right can have the ability to come in and propose similar density for workforce housing. That may not be logical here in this community given the price-point that you would see from a market rate, age-restricted property versus a price-controlled workforce housing unit that has to sell for under \$400,000, however, it would be an option that is there. There is also the language that Attorney Drescher raised as being an issue given the petition article that was granted last year – we can clean that up; there is also the possibility for debate as to whether we should even have the ordinance on the books any more.

K. Anderson stated that we do not have to have that ordinance, and B. Moseley pointed out that there are already a number of housing for older persons facilities in Town.

Going back to the Sign Ordinance, M. Fougere stated that while it is administrative, he does believe it is something with which we should proceed.

The Board had no comment as to why we should not revise the Sign Ordinance, and it was agreed that it will be relatively straightforward.

Regarding the Housing for Older Persons Ordinance, D. Petry stated that we need to go back to the

Master Plan and figure out, from a build-out standpoint, how many of these we can account for, and whether we have provided enough for the community.

M. Fougere stated that we currently have 160 units of housing for older persons.

K. Anderson stated that in our Housing for Older Persons Ordinance there is a maximum of permitted dwelling units for the community, which is 10% of the total number of dwelling units in the Town – he doesn't think we'd ever get anywhere near that. That would be a huge number.

D. Petry pointed out that the challenge we're going to have is that if we remove that ordinance, unfortunately, workforce housing stays because of the RSA. However, it's a whole section that we wouldn't have to manage. His only concern, and something we have to be careful about, is that if we remove housing for older persons while workforce housing remains, it may prompt people to do more workforce housing. M. Fougere stated that the two are separate; he doesn't think it matters.

It was pointed out that having housing for older persons is not a requirement, and that there are already three substantial housing for older persons developments in Town.

B. Ming stated that removing the Housing for Older Persons Ordinance or not removing it feels like a good survey question. He stated that he is hung up on the fact that we are so far away from the maximum, and what that means, and what is the reality of the situation. If there is a metric for measuring how much this housing is needed, he'd like to know that. He recalled a situation about four years ago in which some people came before the Board to explain that there is a real pressing need in Town; he doesn't know how much that may have changed.

J. Mook stated that years ago one might have assumed that Hollis wanted to provide housing for older persons for our Hollis residents who were becoming seniors; she knows people from out-of-town who know people from out-of-town who have moved here into the senior housing. She doesn't know if we should or could determine it, but are we really servicing our own community with these units? She thinks not. And the prices are astronomical, for what she would think was the gesture of what the community wanted. She has no particular loyalty to the senior housing.

The Board generally concurred; there is no way to limit senior housing units to those who already live in Town, despite the best intentions, and a lot of people have moved in to take advantage of the situation.

C. Rogers stated that he does not understand the phrasing requiring senior housing to have the same area as conventional housing; he does not think one can measure that.

R. Hardy stated that he feels the same way about how the metrics have worked out. Initially the intention was for more Hollis residents to have an opportunity to stay in Hollis. He does not think that the ordinance has satisfied the original intent of the Board. He would be in favor of not continuing it at this point, until there are more questions on the Master Plan. Every time one of these proposals comes in, it seems that we hear neighbors say "This isn't the reason we moved to Hollis." He would be in favor of terminating the ordinance right now, until we get more input from Town residents.

B. Moseley stated that we can always go back after we have more current input from Town residents, and summarized that there is enough consensus for striking the Housing for Older Persons Ordinance. All of these changes will be voted on by Town residents, after a public hearing.

M. Fougere stated that the next matter is in keeping with some recommendations that came out of the Master Plan – along Town roads, increasing the setback to 100 feet in the rural zone to support rural character. Right now, unless it's a scenic road, the setback is 50 feet.

K. Anderson pointed out that we have implemented a 100 foot buffer on a number of subdivisions outside of the rural zone.

The Board was in general concurrence that this amendment would be a good idea.

J. Mook asked why we would just implement this change in the rural zone; M. Fougere said that we could extend it to the R&A zone, as well.

R. Hardy stated that this change might have been more important before we had the Rural Character Ordinance. The designated rural zone was always a more wooded area, so the setback worked there.

K. Anderson stated that it really comes down to the allowable uses in these two zones, and in the R&A zone a retirement community is allowed – whereas that is not an allowed use in the rural zone. The two zones are very similar in terms of setbacks, and allowed uses; there are some exceptions – they’re very similar, and the amendment could be applied to both, but he would like to do further review and comparison.

B. Moseley summarized that, based on Board and Staff comments, we should proceed with this change and, following some research from Staff, can fine-tune it.

J. Mook asked if there was any thought regarding changes to lot frontage, as well as to setbacks.

Lot frontage is currently 200 feet throughout Town.

J. Mook stated that the reason she asks the question is that part of rural character is what you see. In her perception, we have three-car garages, people want pools, and it feels as if our lots are getting crowded. Even an extra 10 feet, which would end up being 20 feet – it was also in the Master Plan to extend frontage. If Staff is doing research already, usually setbacks and frontages are on the same page.

D. Petry stated that in his opinion, the problem we’re going to run into is that if you extend the frontage you’re going to potentially bring in the back lot line – and you’re going to make the parcels even more compact. We have to be careful.

K. Anderson stated that in his experience, having been on the design side, the criteria for frontage, setbacks, side yards, were minimal; what really drove was building area, buildable lot, acceptable land. That is what was really working the equation. While one has to adhere to setbacks, frontage, etc., the big restricting features are the acceptable land, buildable area, and soils. Those are what really restrict building. J. Mook is talking about what you see from the road, in the rural character point of view.

J. Mook stated that if we did go forward with the 100 foot setback, it would have impact.

D. Petry stated that we have to be careful that it’s not land-taking. There is a balancing act here, to not put our two-acre minimum in jeopardy.

J. Mook stated that other towns do have greater setbacks and frontages, so she doesn’t think we’re doing something for the first time in the State. Maybe the 100 foot setback is a great first step; it just seems like it’s an opportune time to mention frontage as well, as they are often in the same table.

R. Hardy stated that if we wanted to make a more substantial visual impact, or decrease the visual impact on the Town by the size of the homes, it would be better to have a larger setback than width – because you’re going to force things back, and as K. Anderson mentioned, it’s about the numbers and

what is buildable. This would actually make lots, in many cases, larger.

M. Fougere stated that this isn't without consequence, especially depending on what areas we decide to include, because what you're going to do is immediately throw a lot of homes into a non-conforming situation. It has been 50 feet for a long time – so, if those people want to build a garage, a den, they'll have to go to the ZBA.

K. Anderson pointed out that we do have clauses such as for the wetland buffer: if it's pre-1971 or so, they are excluded from that 100-foot wetland buffer. M. Fougere stated that we would have to carve that out; right now, in our ordinance, instead of a variance it's a special exception – but it's still an issue for the ZBA. If we're going to protect non-conforming situations, we'd have to carve that out in the ordinance so that they don't have to go before the ZBA. It doesn't sound like that much effort, but going to the ZBA is a big deal. This happens a lot with existing non-conforming lots that are scenic – they're automatically 100 feet, and they have to go to the ZBA now.

K. Anderson asked whether, similar to the language we have regarding the number of lots for a HOSPD, where a developer has to show a design conventionally and then go to a HOSPD design, we would be able to put language together that says it's a 100 foot buffer unless you can provide reason for it to be 50. That would be another out, for existing non-conforming lots. M. Fougere responded that not every case would be coming to the Planning Board. The regulation would automatically apply to every existing lot, and obviously new lots that get created will have to be compliant. If it's limited to the rural zone there would be less impact, but the same situation could still happen – there are people who are 50 feet from the road who want to put in a garage.

J. Peters suggested writing into the ordinance that existing homes would be grandfathered.

J. Mook stated that she would withdraw her question about frontage. It would be wonderful if we did the greater setback, and it seems to her that that would accomplish a lot of what she wishes would happen. It's probably complicated enough to just focus on that, and see how it falls out.

Next, M. Fougere brought up a point that has to do with the Wetlands Ordinance. One provision there right now is that if you have a lot of record, the wetland setback does not apply. However, that assumes the lot is vacant. There was a lot in the commercial zone that had to go to the ZBA because there was an existing single-family home on it which they didn't want to tear down. In order to build on the property as zoned, they had to go to the ZBA to get a variance. The section is worded such that if the land is vacant, you're grandfathered though you still have to try to maximize disturbance away from the wetland setback, but if there's an existing use on the property it's not allowed. Now, they could have torn down the home and not had to go to the ZBA, but homes aren't allowed in the commercial zone so they would have been giving up a possible use of the property if the commercial aspect didn't work out. That created quite a situation, and we need to treat properties equally depending on what is going on. This was a rare case, it was the first time it had come up, but if we're going to grandfather lots of record it should apply to all lots of record no matter their status – not just vacant lots of record.

M. Fougere stated that the other changes proposed are the same changes proposed last year, which have to do with drainage. Staff thinks that we should try to remove drainage from the Zoning Ordinance, as they suggested last year: take another run at it, try to provide some more education to voters. Drainage, again, is a significant issue that is coming into the light with the PA requirements, the MS4 requirements. A lot of drainage areas are oversized needlessly, as we talked about last year. A lot of those we end up owning, and have to maintain, going down-stream. If we can get the word out to the voters, he thinks we can convince them that taking these requirements and updating them into a drainage regulation that has already been drafted, and that is available to look at, is the right thing to do. These updated drainage regulations were written by Mike Vignale, our Town Engineer, and have been reviewed extensively by Staff.

The Board generally concurred that we should move forward with that.

B. Ming asked how far off we were, at the vote last spring, regarding the above issue. Were we way off? Do we really need to work on how well we explain what this is doing? Staff responded yes to both questions. D. Petry added yes, because there were counter-arguments that were incorrect. K. Anderson stated that a lot of these drainage features become Town-maintained, and we can't even mow the sides of the roads right now – let alone the basins and stormwater features. We just don't have the capability. They are oversized. There is a misbelief that a lot of people have that we need to contain a 50-year storm, or a 100-year storm within the basin. None of the other infrastructure you see around Town has been designed for that. There needs to be some common sense behind it. He believes that the Alteration of Terrain permit, from the State, is driven in that direction: they reference the storm events that you're supposed to analyze, and he believes that they are done correctly. We do mimic a lot of that in our Town regulations – it's just that in the Zoning Ordinance it's another feature that you have to go through needlessly.

Per a question from J. Peters, M. Fougere stated that drainage would be put into the Subdivision Regulations, which are being updated now. These would be updated regulations to address ongoing and updated information, state-of-the-art treatment, and water quality, which is very important in this community and is shown to be a high priority of residents in survey after survey. Some of these provisions are 15, 20, 30 years old, and just don't make any sense.

K. Anderson mentioned that there is one provision he'd like to remove completely, and that is increases in water runoff into wetland conservation overlay zones. The argument can be made that all water is going to go to a wetland, it's going to go downhill, so that should apply to everything. That was the prior Town Engineer's point of view, and it drastically changed and oversized everything we were doing in Town.

M. Fougere stated that it all goes back to rural character, too – obviously that's an important feature in the community. These drainage features are not rural, and they typically need to be in the front of a property because all water goes downhill. They're often at the base of a road, or along the street, they're not attractive, and making them as small and as efficient as possible is much more appropriate. B. Moseley added that they also cost money to maintain, so the Town has to ante up more people and more equipment.

There was general Board consensus to have Staff proceed with fine-tuning all the points they have brought up.

b. Master Plan – Survey Questions.

B. Moseley asked the Board if they would like to continue with the discussion of Master Plan survey questions at this meeting after a break, or if they would prefer to leverage an upcoming first Tuesday of the month to discuss the Master Plan, as well as Zoning. The Board generally preferred to hold an additional meeting, which will be Tuesday, November 1st.

Regarding the Master Plan, K. Anderson suggested that the Board do survey questions every year, but focus on a topic each time. J. Mook stated that if the survey is online, we could do that more easily than if it is mailed out.

ADJOURNMENT:

Motion to adjourn at 9:17pm– motioned by J. Peters, seconded by C. Rogers; motion passed unanimously.

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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.