



Town of Hollis

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HOLLIS PLANNING BOARD MINUTES

December 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: V. Mills; B. Ming; J. Peters.

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

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

Following the Pledge of Allegiance, all remained standing for a moment of remembrance for Dr. James Wood Squires, who passed away recently. B. Moseley stated that Dr. Squires was a very noted person in the community, who brought a lot to the Town as well as to others.

B. Moseley stated that as there are some absences at this meeting, R. Hardy and M. Leavitt will be voting as regular members.

Before getting to the business of this meeting, B. Moseley addressed an issue that has come to the Chair's attention: there have been veiled threats toward Planning Board associated personnel, Staff and Members, along the lines that these people will be disparaged on social media if they take a different stance than the one which the person threatening the attacks wishes, and that Planning Board meetings will be targeted with superfluous activities to delay the due process. These threats are beneath the dignity of the Town of Hollis, and if ever substantiated will result in appropriate action taken against those involved.

2. APPROVAL OF PLANNING BOARD MINUTES:

December 13, 2022 Site Walk: **Motion to approve** – motioned by D. Petry, seconded by J. Mook; D. Cleveland abstained. Motion passed.

November 15, 2022: **Motion to approve as amended** – motioned by C. Rogers, seconded by M. Leavitt; J. Mook abstained. Motion passed.

3. DISCUSSION AND STAFF BRIEFING:

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

d. Regional Impact: none.

4. SIGNATURE OF PLANS: None.

5. PUBLIC HEARING – PROPOSED ZONING CHANGES:

The proposals have been available to the public at the Town Hall, the Hollis Social Library, and on the Town's website.

M. Fougere stated that the first proposed zoning change has to do with drainage. This is another attempt to make some changes to our regulations relative to drainage requirements, moving them out of Zoning and putting them into our Subdivision and Site Plan Regulations. The purpose is to relocate drainage-related zoning requirements to the Subdivision Regulations, and update oversight to reflect state-of-the-art water quality requirements and recognize EPA MS-4 requirements. In addition, these updates reduce environmental impacts associated with existing drainage requirements, thereby maintaining community character and rural character. Additional benefits of this change include reducing disturbance of the natural environment, protecting the Town's rural character; it upgrades drainage regulations from primarily volume-based to water-quality-based; it reduces future taxpayers' maintenance expenses; it follows accepted engineering standards, including those of the NH Department of Environmental Services, to address rate of runoff; it increases the number and types of development that will have to adhere to the regulations; it improves water quality of drainage facilities with stricter requirements; it provides flexibility to address changing requirements of the NH Department of Environmental Services and of the EPA; it creates separate regulations to address EPA MS-4 neighborhoods.

Public Hearing Open.

Joe Garruba, 28 Winchester Drive. Stated that he had comments prepared that would take about eight minutes to deliver; B. Moseley suggested that he start with the first two minutes, per the way that Public Hearings have long been held, and go from there.

J. Garruba stated that this has been a topic of discussion at the Planning Board for several years, and he has been working on it for quite a while. This particular proposal has a lot of problems. Firstly, it removes long-standing protections that are in our Wetlands Ordinance. The change would also facilitate development by harmonizing Hollis requirements with other, more urbanized areas. The changes will allow for less-costly stormwater protections, favoring developers over Town residents. Stormwater management is presently the responsibility of developers and landowners. Increasing the type of developments that are subject to these regulations, specifically single-family homes, will cause needless trouble to single-family homeowners and taxpayers in Town, since single-family homes are not the type of development that is a significant contributor to stormwater problems. Imposing unnecessary burdens on single-family housing will tip the economic balance toward multi-family and high-density housing. This is completely inappropriate, since high-density development is a much larger contributor to stormwater management concerns. Very specifically, there shouldn't be any change to the fact that typically single-family homes are not doing site plans. Making Hollis regulations more similar to other towns facilitates development, and because the Town is dependent on well water our existing drainage regulations are appropriate.

As there were no other speakers on this proposed zoning change, J. Garruba was invited to continue.

J. Garruba stated that removing the requirements from the Ordinance disenfranchises voters. Removing stormwater requirements from the Zoning Ordinance is anti-democratic. By changing the restrictions from Ordinance to Regulation, you will take control of the drainage regulations away from residents. Only Planning Board members have a vote on Town Regulations. Why not include the proposed

changes in the Zoning Ordinance? It's not advisable to allow the Planning Board to change drainage regulations by a simple majority vote of its membership only. This could allow changes that the majority of residents do not approve of. He is asking voters to vote "no" on this amendment to preserve our control of stormwater and development in Hollis.

J. Garruba stated that, next, exceptions to Regulations are easier to obtain than exceptions to Ordinances. It's far easier for a developer to get an exception to a Regulation as opposed to an Ordinance. The process for exceptions to Regulations includes a simple waiver request from the Planning Board. The criteria for issuing a waiver request requires that the Planning Board agree that the requested exception is in the spirit of the Regulation. The Planning Board has issued waivers favoring developers frequently in the past. Please vote "no" on this amendment to prevent the Planning Board from having the ability to waive stormwater regulations. If the requirements remain in the Zoning Ordinance, the bar for exceptions is much higher. First off, a separate application must be made to the Zoning Board of Adjustment. The ZBA is a more formal body, with stricter rules. Applicants typically choose representation by a lawyer at the ZBA. Once a case is heard, the ZBA must find that five strict criteria are satisfied before issuing a variance. Specifically, the developer must prove that following the Ordinance poses a hardship. This is hard to satisfy. It's clear that the will of the voters is more directly expressed by the Zoning Board variance process than it is by the Planning Board waiver process. Consider the waivers that were issued to allow the construction of the Keyes Hill project. Don't we want to enforce stormwater and wetland requirements vigorously? Voting to remove the stormwater restrictions from the Zoning Ordinance is a vote to reduce the influence of Town residents, and relax the restrictions that our Town depends on to maintain its rural character. The Planning Board has not voted to finalize the proposed language of the Regulation yet. As of tonight, only a draft of the proposed Regulation is available. Although the Planning Staff has proposed removing our stormwater regulations from the Zoning Ordinance, as of yet there only exists a draft of what might replace those regulations. How could you vote to remove the restrictions from our Ordinance without knowing the final exact language that would become the Regulation? Regulations can be changed without holding a Town vote. Even if you were to vote on regulations that you proposed to enact, there's no guarantee that those regulations would not be changed in a few months since the process for changing regulations requires only one Public Hearing and a vote of the Planning Board. The Planning Department has even argued that this variability is a feature or a benefit of regulations. J. Garruba sees the process of amending the Zoning Ordinance, which can occur only once per year, and involves building consensus of the entire Town –

B. Moseley pointed out that per the Public Hearing rules, J. Garruba's comments must relate to the proposed amendment at hand, and not to the process in general.

J. Garruba stated that his point is absolutely relevant to why this proposed zoning change should not be on the ballot.

J. Garruba stated that another big point is that the EPA has recently changed the requirements, due to a Supreme Court case. The Town Planning Consultant has claimed that variability of moving restrictions to Regulations is needed to comply with EPA requirements. The EPA has changed its stance on these stormwater restrictions as recently as last year, and has lost a lawsuit at the U.S. Supreme Court regarding the constitutionality of this mandate. The EPA is presently interpreting waters of the United States as consistent with the pre-2015 regulatory regime. This change likely invalidates some or all of the EPA mandates in the MS-4 permit. It's important to wait before enacting changes that have been determined to be improper by the U.S. Supreme Court. Hollis needs to retain direct control over the Stormwater Ordinance. Hollis is a beautiful town, and our present regulations have made it so. Another weak argument pushed to support disenfranchising the residents by removing stormwater restrictions from the Zoning Ordinance is that the developments built in Town are somehow unsightly, or that the present regulations require storm basins that are too large. Hollis is one of the most beautiful towns in the State. Do you think that our existing Ordinance has done a poor job of preserving the aesthetics of the Town? The Town Planning Consultant points to a basin constructed on Pine Hill Road as an

example of over-design. That basin's vegetated slope is not offensive to the eye, and keeping stormwater on the site is an important achievement of the present Ordinance. Stormwater that gets into the roadways puts a burden on the Town to manage it. Along with this come many costly mandates. Hollis's existing position of providing as much drainage and infiltration on-site is the proper way for our rural town to address stormwater, and to insure that it's infiltrated back into the ground on the site. Pushing against these solutions will surely degrade the character of our Town. Reducing stormwater requirements shifts costs from the developers to the Town. Our present Ordinance requires that stormwater be treated on site. It puts the cost of stormwater management onto the developers, and not onto the Town. Runoff that leaves developments becomes a problem to manage. The proposed regulation includes the following exception: "For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment". If you enact this and use the Subdivision Regulations that are proposed, that will allow developers to shift the cost of infiltration onto the Town. Such a reduction in the development costs will facilitate more new construction in Town and costs for existing residents. How can that be a benefit to residents?

J. Garruba stated that his last point is that the purpose is protect the Town, not to enable and simplify development. The purpose of Town requirements is to protect the Town resources. Planning Staff is claiming that the Ordinance is confusing and that the stormwater requirements are distributed across many regulations and ordinances. This unique regulatory scheme has been developed over many years by dedicated residents seeking to preserve the Town. Restrictions are meant to preserve and protect our resources. If they are hard to administer or unique from other towns, this is a benefit and not a weakness. If administration of the existing regulatory scheme is difficult, he holds that the difficulty is worthwhile. The protection that they provide for us is valuable. Compare Hollis to other nearby towns – what do you think? Simplifying things for developers will only serve to homogenize Hollis with other nearby jurisdictions and reduce costs for developers. He recommends that you vote not to send this proposal to the ballot.

Public Hearing Closed.

M. Fougere stated that it's important for the voters to understand that Mr. Garruba is not an engineer, and that many of the things that he has put forth this evening, many of the things that he has put forth on his website, are incorrect, misleading, and do not do justice to this Board or to the Staff. What Mr. Garruba fails to understand is that the current requirements are damaging the environment in Hollis. Hollis is a beautiful town. The regulations that are in place are some of the strictest in the state, which is what the voters and the Planning Board have been trying to do for years. This regulation creates larger detention ponds, most of which are owned by the taxpayers. You maintain them, through your taxes. And the requirements to maintain those detention ponds is going to grow. Letting detention ponds grow and be unmaintained is not the way of the future. The regulation in place, that is in the Zoning Ordinance, makes those basins bigger. That's a fact. This is not in any way an effort to reduce the developers' cost and put more cost on the taxpayers – it's actually the opposite. It's to improve water quality, and to reduce the cost of these detention facilities: most of which end up being owned by the community. That is the purpose of these proposed changes. There is rhetoric that was heard tonight, and that is on J. Garruba's website, that the Board waives things all the time. M. Fougere has been the Planning Consultant since 2006, and this Board does not waive things easily or often. It does not happen. He absolutely disagrees with the assertion, and he recommends that the Board support this change again. Hopefully we can try to get through to the voters, and educate the voters, as we are trying to do in order to push back against this rhetoric that is unsubstantiated and not being put forth by an engineer. A lot of it is just misinformation.

M. Fougere pointed out that K. Anderson, as an engineer, had to develop and design these detention ponds, has had to struggle with this issue, and asked if he had any additional thoughts.

K. Anderson responded that one is forced to overdesign these detention ponds to meet a deadline – you don't want to go to Zoning and delay the project for your client. You can overdesign it, take up more

room, and get a permit approved: that is the expedited way to get your client to an approval. There is no justice being done by increasing the size of the detention basins. You're meeting an arbitrary number that's in a Zoning Ordinance. It is an arbitrary number. Every site is different, and every site should be designed according to its particular characteristics – be it terrain, vegetation, or any number of attributes. That is why he believes that drainage should be in the Subdivision Regulations, as it would give the ability to adjust it as needed, to fit that lot, to fit the character of that lot, the natural beauty of that lot, the vegetation of that lot, or whatever the unique characteristics of the lot call for. We are not going to do any ill justice by taking this out of the Zoning Ordinance. It makes this process easier to adjust, to meet the requirements of a particular site.

B. Moseley asked if K. Anderson would review his professional qualifications, to which K. Anderson stated that he is a professional engineer with 20 years of experience. He has been a consultant representing clients for about 15 of those years. He has been in front of hundreds of planning boards, presenting these facts. You're designing to meet the needs of your clients, and to meet the intent of the regulations. You're designing to meet a number, not the site.

B. Moseley asked if M. Fougere would review his credentials. M. Fougere stated that he has a Master's Degree in Planning, has been a Planning Consultant since 1986, is an AICP certified Planner, and has worked in the private sector and public sector his whole career.

The Board had no further comment or amendment to this proposed zoning change.

Motion to send this zoning change to ballot – motioned by R. Hardy, seconded by C. Rogers; motion passed unanimously.

M. Fougere stated that the second proposed zoning change is to address Section XI Overlay Zoning Districts, Wetland Conservation Zone. They are recommending the change of two words: "This Ordinance shall not prohibit the construction of principal and accessory structures on ~~an unimproved~~ a lot or the expansion of a legally pre-existing use on a lot that legally existed before March 11, 1997 ..." This has to do with grandfathered lots of record in the community. Right now if you have a lot of record that is vacant, there is one set of rules; if it has a structure on it there is another set of rules. All they are trying to do is equal the playing field for grandfathered lots. This language comes from the 1997 code that was adopted years ago, in which lots of record were grandfathered in the community when it came to the Wetlands Ordinance.

Public Hearing Open.

Joe Garruba, 28 Winchester Drive. Stated that he just has some questions. Firstly, if there is any inaccuracy in anything he has produced anywhere, he is always trying to be as accurate as possible –

B. Moseley requested that J. Garruba speak to the proposed zoning change at hand.

J. Garruba continued that if inaccuracy is claimed in any of his statements, he demands to know what it is –

B. Moseley again requested that J. Garruba speak to the proposed zoning change, or relinquish the podium.

J. Garruba stated that he is just looking for clarification on this – he is trying to get his head around it. Firstly, he would like to understand why this change is being proposed. It sounded like grandfathered lots were no longer going to be treated like grandfathered lots. He is just asking the questions to hopefully get a better understanding. Secondly, is there an example of a property that is a problem that is driving this, some case that we can look at to say oh, that's why this happens, that's why we have to do this.

D. Petry pointed out that J. Garruba’s comments need to address the Chair, not Staff.

J. Garruba stated that if anything, it seems that the Planning Board should make determinations related to this; the language that’s in the amendment is actually current language in the Ordinance, but it says that Planning Staff would make the determination, so his recommendation is that such decisions should be reserved for the planning process, which includes notice and due process for abutters and Town residents – so he is not taking a position, but would appreciate some clarification on those questions.

There were no further speakers on this proposed zoning change.

Public Hearing Closed.

D. Cleveland pointed out that the word “an” before “unimproved” does need to be changed to “a”, when “unimproved” is removed.

M. Fougere stated that, for an example as to why this change is proposed, there was a case on Runnells Bridge Road with an existing lot of record in which the wetland buffer impacted most of the property. There was an existing home on the property, so it was an improved lot – therefore in order to do anything with the property they had to go to the ZBA. If it had been unimproved, with no structure on the lot, they wouldn’t have had to. They could have torn down the house and made it an unimproved lot. You’re treating the same property differently if it has a house on it as opposed to if it doesn’t have a house on it. All this does is make them equal. If we’re going to grandfather lots of record, it shouldn’t matter whether they’re improved or unimproved. It’s just being consistent.

Motion to send this zoning change to ballot – motioned by D. Cleveland, seconded by R. Hardy; motion passed unanimously.

M. Fougere stated that the third proposed zoning change will eliminate Housing for Older Persons developments as an allowed use. At this time, three projects have been constructed totaling 156 units; the Board believes this amount of units is sufficient to address Town needs.

Public Hearing Open.

Joe Garruba, 28 Winchester Drive. Stated that he very much agrees with this proposed amendment. The details here specifically are that the state passed HB1661 in 2022. In quoting the language of that bill, it says “Beginning July 1, 2023, incentives established for housing for older persons shall be deemed applicable to workforce housing development”. So, the demand for services from high density, means-tested developments is much greater than that from retirement communities. The new state statute does not take this into account, and would therefore allow developments that impose intensive demands for services, in a way that the Town never intended when it passed the current Housing for Older Persons Ordinance. For this reason, to protect our Town’s resources, as well as to manage tax growth, we would like to see that this amendment passes. The Town already has three elderly housing developments, and another 40-unit development is proposed north of Truell Road. In fact, the developer is suing the Town in order to build those units, at nearly twice the density that the Town voted for. Units on Cobbett Hill Lane are currently listed for prices above \$700,000. The intent of the Housing for Older Persons Ordinance was to assist Hollis residents to downsize and stay in Town. The present Ordinance does not achieve this. Please vote in favor of removing this section from the Zoning Ordinance. There are already water problems with high-density developments in Town. Water is a critical resource.

D. Petry stated that the comments about water have nothing to do with whether the speaker supports the amendment or not.

J. Garruba stated that absolutely the comments have to do with the amendment.

D. Petry stated that we don't need a lecture on other ordinances. J. Garruba has already stated that he supports the proposed amendment currently under discussion.

B. Moseley as Chair asked J. Garruba to wrap up his comments as they were approaching the two minute limit.

J. Garruba stated that there are already water problems with high-density retirement communities in Town. Water is a crucial resource for the Town, and it is important that we remove high-density development from our Ordinance to protect that resource. An equivalent resident petition was submitted on this subject. J. Garruba submitted the petition because he couldn't be certain that the Board would follow through and vote this proposed amendment to the ballot. Since he cannot rescind his petition, he is requesting that the Board vote not to send this amendment to the ballot as two equivalent amendments will be confusing to the voters. J. Garruba stated that the Board's actions in this matter will display their actual intent regarding the removal of housing for older persons.

Dan O'Donnell, 49 Cobbett Lane. Stated that, to correct a statement by the previous speaker, there are no houses on Cobbett Lane (not "Cobbett Hill Lane") that are selling in excess of \$700,000. None have been sold for \$700,000. D. O'Donnell stated that, for full disclosure, he is a realtor, although he is not speaking for that reason. He is speaking because moved to Hollis for its rural nature. He has found that some things already in place for ordinances are great for maintaining rural character, restricting locations, restricting signage. His concern is that he does not think that 156 units of housing for older persons is sufficient for the Town of Hollis. One of the beauties of these types of developments, quite frankly, is that in Silver Lake Estates they contribute about half a million dollars a year to the Town budget with their taxes. If you look at the budget that is proposed for this year, you have library costs of \$373,000, road replacement for \$120,353 – and they are paying more in taxes, from their one development, so the Town is getting the entire library and road replacement for the next year paid by him and his neighbors. The police budget is two million – so his development is paying a quarter of it. He has been there for four years; people who have been in the development for several years have paid this many times over. There's no cost for kids in the schools, since they don't have any kids. It's a private road; they pay for the upkeep themselves. As far as schools go, he was a teacher for 40 years, and Hollis has the best schools in the State. He was an educator for 40 years – 20 years as a teacher, 20 years as an administrator. He hopes Hollis keeps that. He supports the community, and he thinks it's really important that the Board consider this, because one of the things with education is that special education costs you can't control – the State gives mandates, the Federal government gives mandates. When he lived in Merrimack for 27 years, one family moved into town that had three severely handicapped kids, and it cost the entire special education budget. A couple other things, too: when people move into this type of housing, they're looking to downsize their house, they're looking for homes that are one-level living, they're looking for a community of similar type people. Utility costs are less, and a number of other things – so he does think it's important that these are available. And also, people who live in Town, who have bigger houses and lots of land, might like to stay in Town. He would encourage the Board not to go through with this amendment, or give it to the voters; at least, give it a little more thought. As a realtor, he can tell us that we really don't have adequate housing. It's all filled. So anybody who wants to do this, doesn't have a place to go. And it pays for your entire library and road replacement costs.

Matt Ciardelli, 70 Van Dyke Road. Stated that he would like to echo the previous speaker's comments. In terms of Hollis's rural character, if done correctly, a lot of these 156 units you don't even see. Cobbett Lane – from the road, you don't even know it's there. These developments are a tax-positive situation for the Town. With the credentials of the Planning Board members and Staff, they have done an excellent job of keeping the rural character intact. If we change the Ordinance to a zero-tolerance policy, he thinks that would be a little aggressive. There is probably some middle ground or compromise that hasn't been explored. He himself probably has 10 or 15 years before he might be downsizing or in a similar situation, but if there are zero new homes in Hollis that seems unfair to the aging population. If they're done responsibly, they're a great, tax-positive situation, with private roads – zero maintenance.

There were no further speakers on this proposed zoning change.

Public Hearing Closed.

D. Petry stated that one of the previous speakers was completely inaccurate in what they stated. It is the job of this Board to propose amendments both from this Board and from recommendations from Zoning, and from Staff. We take these amendments very seriously. A petition warrant article that does the same thing that the Board has already talked about in an open session, and said they would push forward, speaks volumes to the fact that particular individuals in Town do not trust this Board. He takes great exception to that. It's unacceptable, it's disrespectful, and it's inaccurate in the statement that a petition warrant article cannot be rescinded. A petition warrant article can be rescinded if all of the signatures that were originally submitted on the petition are re-approached and the petition is signed to be removed. It is obnoxious to ask this Board not to push something through so that a petition warrant article can go through and an individual can take credit for it, instead of something that this Board has discussed at several meetings and talked about. The lack of respect to this Board, Staff, and other Town officials is becoming increasingly unacceptable. He fully supports this amendment.

R. Hardy stated that he agrees with D. Petry entirely.

J. Mook stated that, for clarification, there is no reason that the Planning Board couldn't in future propose having senior living again. This just stops it here and now. If the future develops in such a way that we want to revisit doing that, she is clarifying that the Board can renew the idea.

D. Cleveland stated that the last couple of speakers made some good points regarding the need for senior housing. It's a matter of opinion whether people feel that there is a need or not. When you look at the tax impacts, pro and con, you look at the impacts on the schools and so forth, there are some good points – but he thinks that we can put this in front of the voters, and let the voters decide whether they agree with it or not.

Motion to send this zoning change to ballot – motioned by D. Petry, seconded by C. Rogers; motion passed unanimously.

M. Fougere stated that the fourth proposed zoning change has to do with amending Section X: Zoning Districts, H., Rural Lands, where they would be recommending an increase of the setback from 50 to 100 feet. It would grandfather existing structures that are not that far off the road. The Board feels that in protecting the rural character of the community it would be appropriate to increase the setback requirement in the Rural Zone. The Rural Zone is basically in the western area of the Town, in the quadrant bounded by Route 130 and Route 122 in general. West of Silver Lake.

Public Hearing Open.

Joe Garruba, 28 Winchester Drive. Stated that he doesn't have a position; he is just trying to understand the details of this. So, it applies to the Rural Zone, Rural Lands. Presumably the intention is to push development of new houses at least 100 feet back from the road on those properties. He is just wondering if there are any examples of development that has taken place in the rural lands, where we have seen houses that have been built close to the road. Is there something driving – are there proposals coming in that are –

B. Moseley stated that if those are all of J. Garruba's comments, then we can see if the Board addresses any questions following the Public Hearing.

J. Garruba stated that that is really his question, because he doesn't imagine builders would be proposing houses on lots out Federal Hill Road or something, and having houses really close to the road.

424
425 Matt Ciardelli, 70 Van Dyke Road. Stated that this is another matter of opinion situation. 50 feet as the
426 current setback is very good. He lives on Van Dyke Road, a historic road, with a setback of 100 feet.
427 His front yard is beautiful; his back yard is impinged a bit. He thinks that there could be other options.
428 If the Town decides in favor of this, in that Rural district landowners are going to have some value
429 changes in their yards. He doesn't know if that's something that everybody is aware of. It's going to
430 reduce the value of a buildable lot if you have more of a setback in front. 100 feet is pretty excessive.
431 He can't think of any other towns that have that, except in historical areas.

432
433 There were no further speakers on this proposed zoning change.

434
435 **Public Hearing Closed.**

436
437 M. Fougere stated that this proposed amendment stems from the Master Plan, and the survey results that
438 we got back from the community in regard to preserving the rural character in Hollis. The Board had
439 discussed expanding this to the majority of the residential area in the community, but thought that that
440 would be too excessive. He pointed out that most of the Rural Zone already has a 100 foot setback
441 because any designated Scenic Road in Town has to have that 100 foot setback – and most of the roads
442 in the Rural Zone are Scenic Roads. For most of the properties there won't be any change at all. This
443 would impact some properties, but not all of them.

444
445 R. Hardy added that in the area of Town where this is proposed, when we look at the rural character,
446 wooded areas are the rural character. In terms of Van Dyke Road, Richardson Road, that's a matrix of
447 woods and a lot of fields – so that is a combination, but in the section under discussion it's really a
448 wooded area and that is one of the main reasons for this proposal.

449
450 **Motion to send this zoning change to ballot** – motioned by D. Petry, seconded by J. Mook; motion
451 passed unanimously.

452
453 M. Fougere stated that the last proposed zoning change has to do with amending our Sign Ordinance.
454 Three or four years ago was the Supreme Court case of Reed v. Town of Gilbert, in which the Supreme
455 Court overturned a local sign ordinance and demanded that any sign code be content-neutral. The
456 changes proposed attempt to do that so that we are consistent with that Supreme Court decision. Per a
457 question from B. Moseley, M. Fougere clarified that this was a decision by the U.S. Supreme Court, as
458 opposed to the State Supreme Court.

459
460 **Public Hearing Open.**

461
462 Joe Garruba, 28 Winchester Drive. Stated that here again he is trying to get an understanding of what
463 we've got, here. He has some questions that maybe the Building Inspector should answer. Does this
464 amendment apply to political signs, like, say, candidate yard signs? If it does, which category would
465 they fall under? Will it impose size restrictions on political signs placed on private property? Will it
466 impose restrictions on the number of political candidate signs that can be on a property? Will it remove
467 language from the Ordinance that allows for holiday lighting displays? Would political signs be required
468 to get a sign permit from the Town Hall? Will they be required to meet wind standards? Will signs be
469 permitted to be displayed in the windows of residences?

470
471 There were no further speakers on this proposed zoning change.

472
473 **Public Hearing Closed.**

474
475 M. Fougere stated that, to clarify, we are not making wholesale changes to our requirements with this
476 proposed change. It's a lot of wordsmithing to try to get into compliance with the decision of the
477 Supreme Court. Under exemption for permits, political signs are in there today and that is not changing

at all. Political signs, as regulated under RSA 664:17 as amended, are exempted from the Sign Ordinance. We do not regulate them now or in the future.

D. Petry stated that the public comment was an attempt to confuse the issue, to make a bigger issue out of this proposal than it is. It's not that complicated. The change here says that our Sign Ordinance adheres to the U.S. Supreme Court ruling requiring content-neutral regulations. The language on a sign cannot be regulated. That's the only change. None of the other things that were mentioned in public comment play into this at all – that was just another over-complication of a very simple matter. He doesn't know why there is this continued attempt to confuse the public. It's ridiculous.

Motion to send this zoning change to ballot – motioned by C. Rogers, seconded by D. Cleveland; motion passed unanimously.

6. CASES:

- a. **File PB2022:017 – Ground Mount Solar:** Proposed application for (2) 55'x11'x13'h ground mounted solar arrays located at 214 Broad Street, Map 20 Lot 19, zoned R&A. Owner & Applicant, Paul & Dorothy LaFlamme. **Application Acceptance and Public Hearing.**

K. Anderson stated that this proposed site plan is seeking approval for a Conditional Use Permit per section X.G.4.d to allow for the installation of two ground mount solar arrays at 214 Broad Street. The proposed arrays are 55' long and 11' wide. Each array will be 605 SF with a total footprint of 1,210 SF. Each array is proposed at 13' in height which will require a waiver. The subject parcel pre-dates the Wetland Protection Ordinance.

A site walk was conducted on December 13, 2022 by the Planning Board. Discussed at the site walk meeting was the existing vegetation and how adequate it was, as well as the proposed location of the solar arrays. The proposed solar system would be located approximately 300 feet from Broad Street, located behind an existing landscape tree line and barn.

The proposed use is allowed by a Conditional Use Permit, which requires the following findings to be met:

- a. The use is specifically authorized by Section X as a conditional use.
- b. The development in its proposed location will comply with all requirements of the Hollis Site Plan Regulations, as well as specific conditions established by the Planning Board.
- c. The use will not materially endanger the public health or safety.
- d. The use shall provide adequate screening to ensure adjacent property values are not adversely impacted. Screening may be provided by maintaining existing vegetation or through the installation of site-specific evergreen landscaping, suitable fencing, or a combination thereof. Such screening shall be maintained during the operative lifetime of the Solar Energy System Conditional Use Permit. The screening shall be of such quality & quantity as to adhere to and meet the objectives of the Hollis Rural Character Preservation Ordinance.
- e. In granting a Conditional Use Permit pursuant to this section, the Planning Board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of this Ordinance.
- f. The Planning Board reserves the right to waive the height conditions of the Conditional Use Permit if the Applicant proves to the Planning Board that the requested waiver will not be detrimental to public safety, adjacent property values or the rural character.

The Ordinance specifies 10 feet as the height limit, and the Applicant is asking to extend that to 13 feet.

A second waiver is being requested from Section IV.4(A)2(a) of the Hollis Site Plan Regulations which stipulates that a site plan drawn by a licensed engineer or surveyor will be required.

If the Planning Board is inclined to accept and approve the application, Staff recommends, per suggestion of the Fire Chief, that all vegetation within 10 feet of the arrays shall be maintained.

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

Applicant: Dorothy LaFlamme, 214 Broad Street. Stated that the application is pretty straightforward, and that she didn't have anything to add to K. Anderson's summary. Agreed that they would maintain the lawn around the solar arrays.

C. Rogers stated that the regulation calls for a maximum height of 10 feet, and asked why the Applicant needs 13 feet.

Paul Happy, 140 Broad Street. Helped the Applicant with the application process. Responded that the basic premise for the height request is that it allows more panels in the given area. C. Rogers stated that with the area they have, they could stretch the arrays out horizontally instead of vertically; P. Happy answered that yes, but that they would run into other spacing issues such as with an existing shed – or would require the clearance of some trees.

Public Hearing.

Abutter: Ron Miller, 218 Broad Street. Stated that he believes he is the lone abutter who has sight lines to the proposed installation. In reviewing minutes from other applications, he sees that a frequent concern from abutters is that they do not want to have to see the solar arrays. He would like to know whether the existing vegetation is going to block his view, or whether there will be any enhanced buffer. He is not here to object to the proposal; he is here to support that the Applicants get the biggest bang for their buck – but he also wanted to address the scope of the proposal. The regulations specify a height limit of 10 feet. If that limit is waived, he assumes that the vegetation and/or buffer will be enhanced accordingly to block that additional three feet.

Abutter: Brendan LaFlamme, 8 Nartoff Road. Stated that he understands the previous speaker's concerns regarding the additional three feet, but that he is in full support of the application. He does not have a direct view, as does the previous speaker, however he is very familiar with the property and thinks that there is ample vegetation.

Public Hearing Closed.

Comments from the Board:

K. Anderson stated that in reviewing the site walk minutes, he noted that one member of the Board asked that existing vegetation be maintained and replaced to keep the visibility screen. He believes that those thick hedgerows are ample for the 13 feet that is being requested.

D. Petry asked abutter R. Miller if, with the screening that is currently in place, he would be able to see these arrays or not. R. Miller replied that he had no idea. D. Petry stated that the reason he is asking is to find out if they need to add any additional screening requirements. The vegetation that is currently in place would screen the proposed arrays from the street. The trees behind the house should be maintained, as well as the hedgerows.

C. Rogers stated that going to 13 feet would be a mistake. You can't screen that last three feet, for one thing. Secondly, he does not see that there is a hardship preventing the extension of the array

586 horizontally, or adding a third tier to it. We have a 10 foot regulation for a reason, and he does not
587 think that there is any reason to grant the 13 feet.
588

589 R. Hardy stated that at the site walk he was led to believe that the abutter was fine with the array and
590 the placement; what we just heard was that the abutter isn't sure, because he doesn't know if he is
591 going to be able to see the array. He suggested that the Board revisit the idea of the screening in that
592 corner. At the site walk, he saw that the current screening appears to be deciduous trees, not
593 evergreen trees. In regard to C. Rogers's concern, typically when we look at new arrays that are
594 higher than 10 feet there is not substantial existing screening. In this case, the screening is very
595 substantial. If the screening is a concern for the abutter, the Board could potentially approve the
596 application conditionally, with the addition of some evergreens continuing the current screening in
597 the direction of the abutter's residence – or whatever is agreeable to him.
598

599 J. Mook stated that she thinks that the property and the screening are sufficient to manage a height of
600 13 feet, and that adding another row would actually increase the visual impact.
601

602 B. Moseley pointed out that the Board would want to be more objective than subjective, regarding the
603 potential adding of trees, if necessary, for additional abutter screening.
604

605 P. Happy, 140 Broad Street, for Applicant. Stated that the Applicants are volunteering to plant
606 evergreens along the abutter's sight line.
607

608 B. Moseley stated that that would be an objective solution.
609

610 **Motion to approve the waiver for the 13 foot height of the arrays** – motioned by J. Mook,
611 seconded by R. Hardy; motion passed with R. Hardy, J. Mook, D. Petry, B. Moseley, D. Cleveland,
612 M. Leavitt in favor, and C. Rogers opposed.
613

614 Regarding the second requested waiver, K. Anderson stated that he does not see a need for a site plan
615 by a licensed engineer or surveyor.
616

617 D. Petry stated that he does think that the site plan should show the additional agreed screening.
618

619 Per a question from M. Leavitt, it was stated that the arrays will be installed by volunteers from a
620 non-profit organization.
621

622 **Motion to approve the waiver from Section IV.4(A)2(a) of the Hollis Site Plan Regulations**
623 **which stipulates that the Site Plan be drawn by a licensed engineer or surveyor** – motioned by D.
624 Cleveland, seconded by R. Hardy; motion passed with R. Hardy, J. Mook, D. Petry, B. Moseley, D.
625 Cleveland, M. Leavitt in favor, and C. Rogers opposed.
626

627 K. Anderson stated that a condition should be placed on the application that the existing vegetation
628 shall be maintained and replaced to keep the shielding that is present at the site.
629

630 M. Fougere stated that another condition on the application should be that the Applicant and abutter
631 work together to come to a mutually agreeable solution to provide adequate screening, and that any
632 proposed additional screening be added to the plan so that it is documented for the future.
633

634 **Motion to approve the application, incorporating the above conditions** – motioned by D.
635 Cleveland, seconded by M. Leavitt; motion passed with R. Hardy, J. Mook, D. Petry, B. Moseley, D.
636 Cleveland, M. Leavitt in favor, and C. Rogers opposed.
637
638

- b. **File PB2022:018 – Conceptual Review:** Proposed development of a portion of 93.6 acres located on Lone Pine Lane into a Major Subdivision with 12 single family lots, Map 15 Lot 71, Zoned R&A. Owner & Applicant: Lone Pine Hunters Club, Inc. **Public Hearing.**

M. Fougere stated that this proposed 12 lot major subdivision involves the extension of Lone Pine Lane, that loops to the east connecting to Hillside Drive (a 50 foot wide right of way was created connecting to the Lone Pine property when Hillside Drive was approved). The Conceptual plan shows 12 two acre minimum lots, with the purpose of the plan to show that the proposed density adheres to Zoning requirements.

For the first phase of Lone Pine, 8 lots, the Board waived the HOSPD Ordinance and no open space was provided. The proposed plan shows 58.2 acres of land remaining with the Lone Pine Hunters Club. Some of the proposed lots lie within the down range area where skeet & trap shooting would take place. Based upon past environmental reports provided by the Club, some of the proposed lots will have evidence of lead in the soil.

M. Fougere further stated that some of the issues with the application that need to be discussed are whether a HOSPD plan will be proposed or will another waiver be requested? The Applicant will need to address lead mitigation, if required by NHDES, on those portions of the property that will become house lots. Will all proposed road work (grading, etc.) be able to fit within the existing ROW at the end of Hillside Drive?

M. Fougere pointed out that in looking at Phase 1 of this Lone Pine development, which was approximately 24 acres, if a HOSPD had been required there would have been about 9.6 acres of open space. If we look at Phase 2, before us now, there should be another 17 acres of open space – so approximately 27 acres of open space is going to be required to be part of any sort of approval for this project, given the way that it was granted previously, with the thought that the Lone Pine Club at that time had a lot of open space associated with it. The Board should also discuss any reports or studies that they would want to see, moving forward, with this project.

As this is a Conceptual Review, it's very general. If we are going to start getting into the specifics we really need to go to Design Review. To be fair to the Applicant, after hearing from the Board their next step should be reaching out to NHDES. M. Fougere stated that his memory of the rules, when the Hunter's Club was in front of us for a shooting range, is that if the Club was to stop operating, mitigation efforts would be required on the entire property to address the lead that is there – so reaching out to the appropriate State agencies that were involved in that review would be a good idea, to get ahead of that sooner rather than later.

B. Moseley added that Conceptual Review is to let them know what the Board would like to see at this point, which can change during Design Review.

B. Moseley further stated that the Board will add their thoughts, but from his point of view this application will very much warrant a site walk.

As this is a Conceptual Review, there is no motion to accept an application at this point.

Applicant: Brad Casperson, engineer with Meridian Land Services, for Lone Pine Hunter's Club. Stated that Staff gave a good overview of the project, but he will reiterate a few things. The Applicant is intending to subdivide into 13 lots, with 12 lots being proposed and one remainder lot. The 12 lots are intended to each be serviced by on-site wells, septic systems, and overhead utilities. Access to the subdivision would be via through-road connection and extension of Lone Pine Lane, and connection to Hillside Drive. The proposed lots as conceptually depicted from their understanding meet the geometric requirements of the Town of Hollis, and also of the Residential and Agricultural Zoning District: this includes but is not limited to a minimum lot size of two acres and

four acres for front lots and back lots, respectively; a contiguous area of 1.5 acres of buildable area for each residential lot; depicting the 160 foot diameter circle or 100 foot by 200 foot box building area for each residential lot; providing a 4000 square foot contiguous area on each lot for a potential septic reserve area. Regarding some of the comments regarding whether an open space plan or a waiver would be submitted, their intention is to submit a waiver for a few reasons. One reason is the neighboring area consisting of conventional subdivisions. The existing topography and wetlands on site, which are constraints, would support the need for a conventional subdivision as well. Lastly, a through-road is necessary since a pure extension of Lone Pine Lane would further bring the roadway into noncompliance with the dead-end roadway length requirement. From his understanding, the original Lone Pine subdivision received a waiver from that requirement.

Regarding an environmental report, specific to lead, adjacent to the skeet shooting area, B. Casperson stated that unfortunately he doesn't know too much about the history of the site and what that involves. Obviously if some sort of remediation is required for the State it will need to be addressed, so they will need to have some sort of correspondence and clarification with DES – and if there are notes or remediation required, they will be happy to do so.

B. Moseley asked, as it stands right now, understanding that things can change, what waivers the Applicant envisions requesting; B. Casperson responded just a waiver for providing an open space plan.

M. Fougere pointed out that Lot 12, as currently depicted, is a very odd shape, and our Ordinance requires lots to be reasonable and compact. This has a long piece of property that is not very useable; the Board in the past has not found that type of lot shape acceptable.

B. Moseley concurred, and asked the Applicant why Lot 12 looks that way.

B. Casperson stated that as an engineer he did not do the subdivision layout – but he would assume that it was to meet lot area requirements, since as a corner lot it exceeds the frontage requirements.

B. Moseley stated that it is a questionable lot shape.

D. Petry stated that he would also remind the Applicant that an expectation is for the Board to receive a waiverless plan – so the Applicant will have to submit a plan that is compliant with HOSPD, and then the Board will make the decision as to which one they want to go with. D. Petry also suggested combining Lot 12 with Lot 11.

The Board generally concurred with the need for a site walk.

K. Anderson pointed out that the information presented on the current plan is the result of a survey, showing wetlands and wetland buffers in detail – which may be leading the direction of the content.

B. Casperson agreed; wetlands have been located on site. The topography was obtained using lidar, so they do need to do some on-ground supplemental topographical mapping. They have done test pits, which are not depicted on the current plan, to further support the septic reserve areas which are shown on the plan.

D. Petry asked about the elevation where the road meets Hillside Drive, and the elevation where it crosses the property line. His memory is that Hillside Drive is somewhat steep, so there may be some grading issues in that area.

B. Casperson responded that he has gone out to try to see the grading in that area, to check what was depicted by lidar. The existing grade around that cul-de-sac is about 6%, so they will have some grading constraints. It's not unfeasible; they are depicting 3:1 side slopes, so it could be reduced to

2:1, or they could use retaining walls, or a combination of those solutions to address any potential disturbances outside of the right of way.

D. Petry added that we have a subdivision regulation for underground utilities, as opposed to above ground – so the Applicant will need to take a look at that, as well.

B. Casperson responded that he is aware of that, and is not sure why the utilities were presented this way aside from the fact that there are existing utility poles running internally to the lot which are currently depicted on the plan.

K. Anderson added that previously a waiver was requested to keep the utilities above ground as there were already existing poles; that waiver was approved by the Board. However, the poles were then all replaced due to their age – so they are all new poles up to the end of Lone Pine, and most likely the utilities will need to go underground from there.

D. Cleveland asked if there would be a requirement for a cistern; B. Casperson replied that there is a cistern at the end of Lone Pine Lane. Obviously, it will need to be verified that it meets the requirements.

Public Hearing.

Abutter: Ken Johnson, 33 Hillside Drive. Stated that he has been in Town, at the same location, for about 40 years. That extension off Hillside Drive goes right by his house. He asked whether an area depicted on the current plan was a buffer, and received clarification that it was actually part of the Lot 12 about which the Board is concerned. K. Johnson stated that in looking out his kitchen window, he'd see that lot right behind his property. He is not happy about that, but he is also a member of the Club and understands how things have turned out with them. He knows that the plan is just a proposal right now, but would suggest to the Planning Board and to the Town that this land is adjacent to the Flints conservation area, and might make a nice addition to the Town, to keep that area open. He is also a member of the snowmobile club, and helps to keep the trails open; to him, it would be important if the land could be preserved. K. Johnson also pointed out that although the plan is currently conceptual, it looks as if the proposed road goes right across his next-door neighbor's driveway: and his neighbor likely doesn't even know about this, as yet. As a comment, he pointed out that the water comes pouring off Hillside Drive by the cul-de-sac, and that there is a culvert there. Water pours right into where the road is, right now. It's kind-of a quasi-wetland, which used to be home to a lot of frogs. You can hardly walk through there, as it's just mud sometimes.

Applicant rebuttal: Brad Casperson, engineer with Meridian Land Services, for Lone Pine Hunter's Club. Replied that, regarding the drainage and wet issues brought up by K. Johnson, he will make sure that it is reviewed, and confirmed by wetland scientists that there are no wetlands there. Any drainage issues will be addressed.

Public Hearing Closed.

Comments from the Board:

B. Moseley stated that typically the site walk gives the Board insight into what studies they might require – so they will hold the Conceptual Review open until after the site walk. This will be discussed at the next Planning Board meeting. Bear in mind that the requested studies might change as we get into Design Review.

M. Fougere stated that, for the site walk, the Applicant should put stakes every 100 feet along the proposed road, and K. Anderson pointed out that the right of way that extends off Hillside Drive should also be staked or flagged. M. Fougere added that that way the abutters on either side will

know exactly where those features are proposed to be.

K. Anderson stated the Board should look into having an archaeological study done on the area; there are former stone foundations out there, and the Board should also view them during the site walk. The foundations were likely from former houses, and were called out on previous archaeological surveys. The Applicant should flag these foundations for the site walk, as well.

B. Casperson stated that the Applicant has submitted a Division of Historical Resources application to the State for their review. For the original Lone Pine Lane subdivision, a similar application resulted in an archaeological study needing to be done. The Applicant is waiting to hear back on clarification for this proposed project.

K. Anderson stated that the referenced foundations were found during that archaeological study mentioned above; that development didn't impact the foundations, so it wasn't an issue at the time. He added that, for full disclosure, he designed the first half of Lone Pine Lane and is very aware of all the studies that were necessary.

R. Hardy asked at what point we would request some concept of lot locations. The Board typically asks to see these during a site walk, but this project is still in the conceptual phase. B. Moseley answered that the Board could always do another site walk, as they have on past occasions, as necessary. It was determined that the Applicant should show where the proposed lots, per the existing plan, would meet the road.

D. Cleveland suggested that the Board should ask the Conservation Commission to join them on the site walk, and the Board was in agreement.

B. Moseley pointed out that the Board would also like to see the panhandle-shaped lot, and its dimensions, while they are on site.

The site walk will be Saturday, January 7th, weather permitting, with a back-up date of Saturday, January 14. The site walk will begin at 9am. Per site walk regulations, comments during the site walk will be limited to those by the Board. The public, while invited, may not interact with the Board or the Applicant.

Motion to table the Conceptual Review of File PB2022:018 until the next regular Planning Board meeting, January 17 – motioned by C. Rogers, seconded by D. Cleveland; motion passed unanimously.

RECESS from 8:57pm – 9:05pm.

7. OTHER BUSINESS:

a. Procedural change proposals.

K. Anderson stated that he and B. Moseley had discussed ironing out Planning Board procedures in order to clean them up and document them better. The changes primarily deal with public notices, meeting minutes, record application submissions, and public agenda comments – all of these are now backed up with the relevant RSAs. The reason for these procedural changes are to some degree a clean-up, but more to be sure that the Planning Board procedures are in accordance with State laws.

One main change has to do with extending the review period for the Planning Department to review applications. The Planning Department is allowed, per State RSA, 30 days to review applications (29 counting by the calendar); they had been reviewing applications within 21 days.

The changes also update when continued applications may submit information – that was very loose in the old procedural document. We now have a hard deadline of two weeks (specifically, 13 days) prior to the Planning Board meeting. There is an extenuating circumstances stipulation, such as for Scenic Road issues, to submit a late application – the Board may get applications for, for example, cutting down a tree on a designated Scenic Road, and he believes that it's a disservice to the residents if we don't allow them to get on the agenda for such matters.

Regarding public agenda comments, K. Anderson stated that if the public submits to be in front of the Board, the time frame for those submissions is to be in accordance with new applications. That was only loosely spelled out in the old procedure.

Information may be submitted to Staff up to five days prior to a Planning Board meeting, if, for example, an abutter has a comment or a letter.

Per a question from D. Petry, K. Anderson stated that case records, decisions on all matters that the Board determines, need to be available for public inspection five days before a Planning Board meeting. Comments on agenda items need to be submitted the Wednesday before meetings the following Tuesday – six days ahead of the meeting.

Regarding potential public comment to the Board, D. Petry stated that it seems to be an extra opportunity for the public to speak about a case – like an additional Public Hearing, outside of regular business. He does not think that's right, and can see how it could be abused. B. Moseley clarified that they can't bring anything before the Board that should be regular business; D. Petry responded that he then questions what the opportunity is there for.

C. Rogers suggested that the procedures reference business days, rather than calendar days. K. Anderson responded that he understands the recommendation, but that as the RSA is written it references calendar days.

K. Anderson clarified that the public cannot comment on ongoing applications, and that fact is in the RSA. B. Moseley added that B. Ming had previously pointed out, additionally, that the public cannot speak on anything to circumvent the regular process of the Board, either.

D. Petry stated that the clause should stipulate that the Chair has the discretion as to whether to add public comment to the agenda or not. As it's currently written, the public could submit a comment and then expect it to be on the agenda. B. Moseley concurred; the original intent was for any public input to be at the Chair's discretion.

D. Petry suggested that public submissions for inclusion should be received more than six days before the meeting, as Staff not only has to have time to get the submissions to the Board but the Board also needs time to read and review them – if we're going to require application documentation to be submitted 29 days before the meeting, then it's reasonable to expect comment on agenda items more than six days before a meeting. Ten days was recommended, as abutters only get notified ten days before a meeting. D. Petry pointed out that there is also opportunity for the public to comment during a Public Hearing portion. He stated that he is having a hard time understanding why we have two sets of rules, one for an applicant and one, now, that is giving an advantage to public comment.

J. Mook pointed out that abutters are different than the general public. If abutters are getting notification ten days ahead, giving them a little more time is different than the general public sending in comment.

K. Anderson suggested specifying that comment on continuing applications needs to be submitted two weeks ahead of time, and comment on new applications needs to be submitted six or five days

909 ahead of time – that way, abutters who are being notified will have time to get their comments in.
910 The Board generally agreed that that was fair.

911
912 D. Petry recommended changing the language of the Planning Board procedure under I.5.c and I.5.f
913 from “testimony” to “comment”. M. Leavitt added that in I.5.e, additionally, the word “testify”
914 should be amended to “comment”.
915

916 On Planning Board procedure I.5.d (iii), “Speakers may comment once for two (2) minutes.
917 Speakers may be recognized to speak again on an issue after all others have had an opportunity to
918 speak once”, J. Mook suggested adding another two (2) minute limit to the second sentence. D.
919 Petry felt that the second sentence should be struck in entirety – it has gotten away from us, and been
920 abused. A speaker should be able to say “I support this” or “I don’t support this”, not give a
921 dissertation.
922

923 R. Hardy concurred with D. Petry – a speaker should be allowed to speak once, for two minutes.
924 Those commenting will need to get used to sticking to specific facts, rather than giving statements
925 that don’t really relate to anything.
926

927 D. Petry added that it would make speakers more respectful of the time of the Board, the audience in
928 the room, and those watching on television. B. Moseley pointed out that comments can still be
929 submitted in writing; the speaking time may be used to summarize those comments.
930

931 J. Mook agreed on going with the flow of the Board’s comments, and the rest of the Board
932 concurred; the second sentence in I.5.d (iii) will be struck.
933

934 The procedure amendments will be finalized, and then voted on at the next Planning Board meeting,
935 January 17.
936

- 937
938 b. B. Moseley stated that there are two petitions before the Board, for which Public Hearing dates need
939 to be set. He would recommend that be the next Planning Board meeting, January 17.
940

941 **Motion to conduct the Public Hearings for Petition Zoning Changes at the Planning Board**
942 **meeting January 17, 2023** – motioned by C. Rogers, seconded by J. Mook; motion passed
943 unanimously.
944

- 945
946 c. **Planning Board schedule for 2023.**
947

948 K. Anderson stated that the dates and submission deadlines reflect the revised Planning Board
949 procedures.
950

951 **Motion to approve the 2023 Planning Board schedule** – motioned by D. Cleveland, seconded by
952 C. Rogers; motion passed unanimously.
953

- 954
955 d. Resident request for the Planning Board to re-hear the “Bella Meadows” Discussion of
956 Administrative Rule.
957

958 D. Petry stated that the letter the Board received from a resident had a lot of inaccuracies, a lot of
959 accusations. There is no clear, objective evidence of a conflict of interest.
960

961 **Motion to re-hear the Bella Meadows Discussion of Administrative Rule** – motioned by D. Petry,
962 seconded by R. Hardy; motion failed with M. Leavitt in favor, C. Rogers abstained, and R. Hardy, J.

Mook, D. Petry, D. Cleveland, B. Moseley opposed.

ADJOURNMENT:

Motion to adjourn at 9:36pm– motioned by C. Rogers, seconded by D. Cleveland; motion passed unanimously.

Respectfully submitted,
Aurelia Perry,
Recording Secretary.

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