PLANNING BOARD MEMBERS PRESENT: Bill Moseley – Chairman; Doug Cleveland – Vice Chairman, Chet Rogers, Cathy Hoffman, Jeff Peters, Ben Ming, David Petry (Ex-Officio for Selectmen), Matt Hartnett (Alternate), Rick Hardy (Alternate).

ABSENT: All Present (J. Peters a few minutes late; R. Hardy votes in his place until he arrives.)

STAFF PRESENT: Mark Fougere, Town Planner; Evan Clements, Assistant Planner

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

2. APPROVAL OF PLANNING BOARD MINUTES – Dec. 17, 2019. Corrections: Add D. Petry as arriving at 7:05 pm; lines 63 and 238 – change to B. Ming (not M. Hartnett). C. Hoffman moved to approve the PB minutes of Dec. 17, 2019, as amended. Motion seconded by C. Rogers and unanimously approved.

3. DISCUSSION AND STAFF BRIEFING
   a. Agenda additions and deletions – none
   b. Committee Reports - none
   c. Staff Report - none
   d. Regional Impact – none

4. SIGNATURE OF PLANS – The Board approved signature of the following plans:
   2019:11-3 Clinton Site Plan; 2019:12 – 265B Proctor Hill Road; 2019:23 – Change of Use Care Farm; 2019:22 – Surwell Subdivision

5. PROPOSED ZONING CHANGES PUBLIC HEARING
   a. Amend Section VIII Definition by adding the term Setback. Setback – The minimum distance between the nearest portion of a building or structure and a lot line, a right-of-way line, or a terrain feature such as shoreline or wetlands area. Setbacks are required in this ordinance to support the purposes of Zoning. M. Fougere explained that this amendment comes from the ZBA. The ZBA feels this is necessary because the word “setback” appears so often in the ordinance, and it would be helpful to have a specific definition. Public Hearing: Joe Garruba, 28 Winchester Drive, asked if this would be limited to existing structures. M. Fougere re-read the definition and Mr. Garruba had no further comments. There being no other comments, the chairman closed the public hearing. Board comments: B. Ming – Item is incomplete; it leaves out septic and well setbacks. M. Fougere noted that these two terms would not be construed as a “substantial” change so he can add them. R. Hardy – ZBA has had more problems with ambiguity relative to structures than anything else which is why it is written this way. D. Cleveland asked if the septic applies to leach field, septic tank or both. M. Fougere – Hollis regs deal with the field. D. Petry moved to support this zoning change with the edits as stated by M. Fougere and send it to the ballot. Motion seconded by C. Rogers. In favor: Moseley, Cleveland, Rogers, Hoffman, Opposed: Ming, Petry. Abstaining: J. Peters. Motion carries. (It was clarified that R. Hardy was still voting for J. Peters so the amended vote with R. Hardy voting affirmatively is six in favor and one opposed.)
b. Amend Section X.G. Residential & Agricultural District by adding a Special Exception provision in order to grant side setback relief for existing structures.

Amend Section X. Zoning Districts, Section G. Residential and Agricultural District (R&A), by adding a new section 5, Special Exception in the Residential and Agricultural District Minimum Side Yard Width,

1. The Zoning Board of Adjustment may grant relief from the 35 foot side yard width requirement for existing residences by Special Exception, if the Board finds that:

   a. The encroachment to the minimum side yard width requirement is reasonable and would not be detrimental to the neighborhood and either;

   b. Strict adherence to the setback requirement would cause inconsistency in the massing of buildings or;

   c. Strict adherence to the setbacks would be inconsistent with setbacks of existing adjacent buildings.

Explanation: As stated in the Hollis Zoning Ordinance, any side yard width encroachment requires a variance and a hardship must be found to exist in order to grant the variance. There have been certain circumstances where side yard width encroachments have met the intent of the ordinance but the ZBA lacks the authority to grant a special exception. Public Hearing: Joe Garruba, 28 Winchester Drive, stated that he supports this change, There being no further comment, the chairman closed the public hearing. Board comments. B. Ming: A special exception is an implicit approval of no setback, and he would therefore not vote to approve this. D. Petry agreed, adding that there is too much subjectivity, and it is not consistent with past practice of needing to show hardship to get a variance. C. Rogers – Agree. C. Rogers moved to place this amendment on the ballot. Motion seconded by J. Peters. The Board voted unanimously to NOT send this amendment to the ballot.

M. Fougere explained that the next 4 items have been submitted by petition. The Board cannot make any changes to these petitions and they must appear on the ballot as written. They are on the agenda for a public hearing to gain input from the public. The Board then makes a determination to either support or not support the petitioned amendment.

PETITIONED ARTICLES

a. Amend various portions of Section XVIII Workforce Housing. The Board has received a lengthy letter from Atty. Drescher regarding this proposal from which M. Fougere quoted extensively. Mr. Drescher has a number of concerns with this amendment, which increases the Town’s susceptibility to legal challenge. M. Fougere also noted that the Governor’s office just came out with a press release noting the housing crisis in the State and the very low vacancy rate and inventory, which is having a significant impact on the economy. In addition to Section VIII Workforce Housing, the other sections addressing workforce housing are Section XX Hollis Open Space Planned Development and Section XI D. Multi-family Workforce Housing. Public Hearing. Michelle St. John, 29 Orchard Drive, spoke in opposition to these amendments, which are an attempt to hinder the ability of the town to offer workforce housing. There is very little affordable
housing in Hollis under $350,000 and this presents more restrictions to prevent
those who are not at the $800,000+ level from being able to live in Town. Joe
Garruba, 28 Winchester Drive, stated that he prepared the petitioned warrant
articles and got them signed by voters in this town specifically to address
situations like the project on Old Runnells Bridge Road where there will be 32
units on 9 acres of land. This is not in keeping with the rural character of Hollis.
He asked if the board would share the letter from Atty Drescher. Board members
pointed out that this letter is marked “Confidential and Privileged”. D. Petry
noted that Mr. Drescher does not address each specific change; the point he makes
is that there is a risk that the Town will be challenged in Court if these restrictive
changes are enacted. There is no advantage to Mr. Garruba or the voters in seeing
the entire letter. D. Petry moved to release Atty. Drescher’s letter. Motion
seconded by J. Peters. The Board voted unanimously in opposition to releasing
Atty. Drescher’s letter. Mr. Garruba stated that what he understands from the
sections of the letter that M. Fougere read publicly is that there may be potential
that these amendments are restrictive, but none of the language that Mark quoted
said that the amendments are illegal. The only risk is that the town would not be
providing economically viable opportunities for workforce housing. Mr. Garruba
stated that the amendments are very carefully worded and he understood the RSA
when he wrote them. The wording states that “development is allowed to the
extent of economic viability and no more”. What the Board is hearing in the letter
is that “developers don’t like the amendments and they might sue”, but not that the
amendments are illegal. Mr. Garruba asked the Board to support the amendments
because they are legal and the Board is charged with protecting the rural character
of the town to the maximum extent possible. PUBLIC HEARING. Chad
Brannon, Fieldstone Land Consultants, noted that some of the amendments
suggest removing references to the goals and objectives of the Hollis Master Plan.
It is important that the Board acts consistently with the Master Plan, which is the
guiding document for the Town. It is concerning that there is a request to
eliminate references to the Master Plan and the HOSPD sections. With respect to
requiring a 100’ buffer to adjacent properties, Mr. Brannon stated that the Hollis
planning board had done a good job in evaluating what is an appropriate buffer to
a neighboring use. Putting in an arbitrary 100 foot buffer is a land taking and does
not take into consideration anything that is project specific, and prevents the Board
from producing a plan that is best for a particular site. D. Petry stated that, in his
opinion, the Workforce Housing article was not handled properly by the petitioner
and should have been discussed with the planning board. He supports some of the
changes and disagrees with others, but no changes are allowed to a petitioned
amendment. C. Rogers expressed concern with references to a developers cost
and economic viability, stating that the planning board is in no position to tell a
developer he cannot make a profit. He is against this petitioned amendment. D.
Petry noted that the reason some of this is in there is because a developer is getting
density bonuses and other credits that need to be quantified. M. Fougere stated
that the changes will weaken the ordinance and put handcuffs on the board,
removing the flexibility to provide affordable housing to the community. Some of
the changes also remove language that is meant to contain sprawl. The HOSPD
rules have saved thousands of acres of open space in the community. These
changes are sweeping and touch on a number of topics beyond Workforce
Housing.
D. Cleveland moved to support Item 3. By Petition: Amend various portion of Section XVIII Workforce Housing to the ballot. Motion seconded by J. Peters. All voted in opposition; none were in favor. The motion fails. D. Petry noted that the Board had no option but to take the items as written in their entirety. J. Peters reiterated that there are some items in the proposal that are very good, but there is not an option to change it.

D. Cleveland moved to support Item 4. By Petition: Amend Section XX Hollis Open Space Planned Development. Motion seconded by J. Peters. All voted in opposition; none were in favor. The motion fails.

D. Cleveland moved to support - Item 5. By Petition: Amend Section XI. D. Multi Family Workforce Housing. Motion seconded by ???. All voted in opposition; none were in favor. The motion fails.

M. Fougere noted that the Planning Board must state its position following each of the petitioned amendments. At a minimum it should say “The Planning Board does not support the petitioned zoning amendment as presented”. M. Fougere has added to it as follows: “The Planning Board does not support the petitioned zoning amendment as it could increase the likelihood of legal challenge, wresting control from local review to that of a judge or administrative appeal.” This could be followed by a statement that the Planning Board has no authority to amend the proposed changes. D. Petry moved to add the verbiage as described by M. Fougere to the ballot. Motion seconded by J. Peters and unanimously approved.

Item 6. By Petition: Amend Section XXI Housing for Older Persons. M. Fougere explained that this proposes a number of changes, including reducing the density allowed for this type of housing. This would reverse changes put forth by the Planning Board two years ago, relaxing the requirements and allowing it on 20 acres instead of 30, and allowing 1 and 2 bedroom units at the same density. If passed, this would turn it back to the previous zoning but also make it more restrictive for one bedroom units. It would also remove Depot Road as an option for this type of project. The most substantial change would cut the allowable percentage to 2% of the housing stock (currently 25%), basically eliminating the use since it would only allow 64 units and there are already 97. Unlike Workforce Housing, there is no legal requirement to have this type of housing, but the community decided several years ago to enact it. At that time there was 70% support from the community. D. Petry spoke in support of going back to the 30 acre requirement, which is what it was previously. He is against the rest of the changes.

Public Hearing. Joe Garruba, 28 Winchester Drive, noted that the Ordinance currently allows 25% of the housing stock to be built in one year as Housing for Older Persons. The concept that this petition would eliminate HOP in Town is incorrect. This change is going back to what was in effect in 2017. Why would anyone want to build that many units in one year? Mr. Garruba asked the planning
board to support his amendment; it is not an absolute number, but refers specifically
to the number that are approved each year. Mark Troddy, 32 Hideaway Lane,
asked if there is a limit to the number of houses allowed to go up each year, and
what consideration is given to residents relative to taxes, schools, fire, police, etc. Is
there a 5 or 10 year plan? The decisions being made today impact the future for the
town. Workforce housing is just a way for developers to push and $350,000 is not
workforce housing. D. Petry explained that the Master Plan governs what the town
does; this document is updated regularly and serves as a guide for the ordinances
and regulations of the town. There is a legal basis for towns in NH to enact impact
fees which can help address cost of schools, public safety, etc. The down side of
impact fees is that there is a limited amount of time to use the impact fees, and if the
money is not used within the time limit, the money must be returned to the
developer. For many years the town has the “building rights” ordinance which
restricted how many houses could be built on each parcel each year. This ordinance
was determined to be illegal. What is now on the books is not as strong as building
rights, but does allow for phasing. Hollis has protected 32% of its land, which may
be the most of any town in the state. Two acre minimum is not very common in the
state. To give up the building rights meant Hollis was able to maintain the two acre
minimum. Landowners have rights too, and there are times when there will be
friction. Chad Brannon, Fieldstone Lane Consultants, noted that the Master Plan has
data from 2016 which shows that over 30% of the population of the town consisted
of 55 and over, thereby meeting the criteria for this ordinance. This data led to the
changes to the HOP ordinance in 2017, which was passed favorably by the residents.
The Master Plan states that the town should continue to monitor the effectiveness of
this ordinance. What are the results of the monitoring that would trigger a change to
this section? There has only been one development approved under this regulation
(Cobbett Lane) which Fieldstone Engineering presented about two years ago. This
style of development is very positive for communities. The fiscal impact study for
this project shows that it will have a positive fiscal impact on the town. There are
currently 245 units in town that are 55 and older. Mr. Brannon agrees with Mr.
Fougere’s interpretation of the regulation. Why 2% when the townspeople clearly
supported the ordinance? This regulation was always 25%, and this percentage is
pretty common. Silver Lake Estates (Cobbett Lane) was done two years ago and
prior to that was Runnells Bridge Road, which was 15 years ago. This is not a
common development style done in town. This planning board has done an
excellent job of making developers go through extensive review and address design
standards. Removing or changing this ordinance would be a detriment to the town
and would not be consistent with the Master Plan. Martha Goodwine, 42 Black Oak
Drive, spoke in support of going back to the way the ordinance was two years ago.

Board Discussion. J. Peters addressed the % change. As it is now, the maximum
number of HOP units cannot exceed 25% of the housing units. If this goes to 2% we
will have to build another 1000 homes before we can add any more HOP. M.
Fougere noted that this section is poorly worded and open to interpretation. D. Petry
noted that the only change made two years ago was 20 to 30 acres and the density. J. Peters questioned why Depot Road is being removed from the list of roads where HOP are allowed. J. Peters moved that the Planning Board support the amendment to Section XXI Housing for Older Persons. Motion seconded by D. Petry. All voting in opposition. None voting in favor. Motion fails.

Board discussed verbiage to convey that it does not support the changes because it would preclude any more HOP developments. “The Planning Board does not support the petitioned zoning amendment as it would preclude any further housing for older persons.” R. Hardy moved to accept the qualifying language; motion seconded by C. Rogers and unanimously approved.

6. HEARINGS

M. Fougere noted the applicant is not prepared to present for this evening. J. Peters moved to table File PB2019:18 to the Feb. 18, 2020 meeting. D. Petry asked if staff has received a landscape plan. M. Fougere – This is part of the survey plan that is pending. Motion seconded by D. Petry and unanimously approved.

The Board held a site walk several months ago at which time the owner was able to describe where the units would be. A detailed plan, including landscaping, has been submitted. Owner Charlie Morgan distributed hard copies and requested approval. The chairman commented that Mr. Morgan had done a very good job of setting everything up for the site walk and documenting how it will look. C. Rogers moved to approve File PB2019:16. Motion seconded by J. Peters. All voted in favor; none opposed. The motion carries unanimously.

M. Fougere noted that the board has received numerous letters from abutters as well as a letter from the conservation commission relative to studies they would like to see. Tom Carr, Meridian Land Services, took issue with some of the comments from the conservation commission. He noted that he has already reviewed his comments with staff, and presented a hard copy to the board. D. Petry suggested not discussing this application tonight since the board just received the comments from the conservation commission and has not had time to review them, as well as all the letters it has just received from abutters. D. Cleveland moved to defer File PB2019:21 to the April meeting. The site walk was held in December when there
was 2 feet of snow and several of the PB members were not able to attend. In light
of all the questions raised by abutters, residents and the conservation commission it
would be appropriate to conduct another site walk in the spring. D. Petry noted that
the plan is still in Design Review so the clock has not started. He added that this is a
good time to let the applicant know what studies are needed so they can be ready for
April. J. Peters stated that the wildlife study should be done in the Spring. D.
Cleveland suggested wildlife, visual impact and rural character. M. Fougere read
the detailed description of what is required in the wildlife study. Other items
addressed include stormwater and visual impact. R. Hardy noted that rural
character, but not wildlife, was done on the Pine Hill subdivision. That project is
similar to this one in terms of size, agriculture, use, soil types. D. Cleveland pointed
out that this project covers a wide expanse of land and the lots are much larger than
those on Pine Hill. There was no significant concern about wildlife on Pine Hill, but
many residents and abutters, as well as the conservation commission, have expressed
serious concerns about wildlife impact. D. Cleveland restated his motion to defer
File PB2019:21 to the April meeting. A lengthy discussion followed regarding the
studies. Conservation commission chairman Tom Dufresne stated that a wildlife
study done in spring/summer should provide the answers the conservation
commission is looking for. D. Petry added that they should also address how they
plan to comply with the rural character ordinance. The required studies should be
completed by the July meeting. J. Peters noted that 3D drawings of what it will
look like from the road should be included. D. Cleveland again moved to defer
PB2019:21 to the April 21 meeting, rural character study to be completed by the
April meeting and wildlife study to be completed prior to the July meeting, and a
site walk will be conducted prior to the April 21 meeting. Motion seconded by J.
Peters. All voted in favor; none were opposed. Motion carries unanimously.

d. File PB2020:004 – Proposed two lot subdivision of an existing 53 acre lot to
separate existing single family home from parent parcel. Map 32 Lot 2. 126 Nartoff
Road. Owner/Applicant: Town of Hollis, Zoned Residential/Agricultural R&A.
Application Acceptance and Public Hearing.

The purpose of this plan is to subdivide a town-owned 53 acre parcel into two lots so
that the existing home can be sold. The home lot will be 2 acres with 395 ft. of
frontage with the remaining conservation lot being 48.2 acres. The town will retain
an easement over the property using an existing farm driveway to access the rear
fields. The ultimate decision regarding sale of the house lot will be made by Town
Meeting and the plan will not be recorded until that decision has been made.
J.Peters moved, seconded by D. Cleveland to accept PB2020:004 for consideration.
Motion unanimously approved. Conservation commission chairman Tom Dufresne,
17 Pound Road, stated that this had been the plan since the property was purchased
in 2015. The plan is done and ready to go. Mark Post, 43 Love Lane and chairman
of the Agricultural Commission, stated that the Agricultural Commission supports
this plan. Board members expressed confusion regarding the width of the access
easement. Staff noted that the 100’ easement refers to PSNH, not the driveway.
Regarding the driveway easement, M. Post stated that the current agricultural lessee uses the house lot as access to the field. There are two breaks in the stone wall north of the house lot; either of them could provide access to the field. Access through the house lot is not required to farm the property. D. Petry will discuss removing the easement with the other Selectmen. M. Post stated that the total property is about 190 acres and there will be about 100 acres offered for long term agricultural use. A portion of the western part will become permanent conservation land. Public Hearing. Joe Conley, 14 Sawmill Road, and member of the conservation commission, spoke in strong support of this plan. If there is no subdivision the house rots and the value is lost. It’s a no-brainer to sell the house and get the revenue, as well as annual revenue from the agricultural lease. Jennifer Hefele, 199 Pine Hill Road, stated that she is happy to hear about the conservation land. She noted that in addition to agricultural use, the access road is used by hikers and horses. D. Petry responded that while the driveway easement will probably be removed, there will be an easement further up for use by both the farmer and others who want to hike through there. Some activities may be restricted during growing season and it is up to the lessee to monitor this. Joe Garruba, 28 Winchester Drive, asked if it would make sense to separate the recreational access from agricultural access. D. Petry responded that this is not possible because both accesses lead to the agricultural fields. Mr. Garruba asked if the funds from the sale of the house will be used to pay down the bond. D. Petry stated that the funds go into the general fund and the town can vote to pay down a portion of the bond if it is allowed. He added that speaking only for himself as one Selectmen, if this plan does not get approved, the house will be razed because the town should not pay to maintain it. There were no further comments.

J. Peters moved to approve PB File 2020:004, subject to the following conditions:

- NH DES approval
- Setting bounds
- Adding proper stamps

Motion seconded by D. Cleveland. All in favor with the exception of D. Petry, who abstained. Motion carries


M. Fougere reviewed this site plan for a change of use from a machine shop to a warehouse office space. Dynamics Installations will purchase and move their operation from another location in Hollis to this location. The company installs office interiors. There will be 1-3 office administrators along with 50 installers. There will be approx. 1-4 tractor trailer trips per week. No exterior changes to the building are proposed and
the site currently has 33 parking spaces. The ZBA granted a variance on Dec. 19, 2019
with a number of conditions:

- Applicant is to maintain and improve existing buffer to adjacent properties;
- Applicant is to maintain proper procedures to protect wetlands from accidental spilage;
- Hours of operation are to be 7:00 AM to 7:00 pm;
- There shall be no external storage;
- There shall be no expansion of industrial use of water;
- The Town has a right to inspect storage facilities and disposal practices of industrial oils and other materials potentially hazardous to the aquifer at reasonable times;
- The well shall be tested in conformance with State law at least once a year;
- There will be no further expansion of the building.

The applicant also testified that there would be no hazardous waste so that should also be a stipulation. D. Cleveland moved to accept File PB2020:002 for consideration. Motion seconded by J. Peters and unanimously approved.

Gabriel Ungureanu, applicant, testified that he is currently leasing a property at 26 Clinton Drive, and has now purchased this property. The impact to the neighbors should be minimal as there will only be 3 employees in the warehouse and the installers will be working in the field. There are typically 1-5 deliveries per week which will be loaded into the straight truck and brought directly to job sites. There will be no hazardous materials. Bogdan Pavel, his partner, confirmed their desire to purchase this property and change the usage. Staff noted that a representative from Pennichuck was at the ZBA meeting and was satisfied with the stipulations. D. Petry noted that since South Merrimack Road is a no thru tucking road the access will be from Rt. 101A. John Siergiewicz, president of Hollis Line Machine, stated that South Merrimack Road is a cut-off from Silver Lake Road to Amherst Street. He routinely sees trailer trucks running down the road and there was a significant increase in this traffic after Walmart opened 20+ years ago.

There were no comments for the public hearing. D. Cleveland asked if well testing is a State requirement. M. Fougere noted that this stipulation is already on the property because the ZBA approved it that way. D. Cleveland argued that was a different use for a different time and this requirement is not imposed on any other businesses. Noting the large amount of wetlands on the site, D. Petry stated that it “can’t hurt” to do the well testing. D. Cleveland questioned if anyone follows up to see if this is done. J. Siergiewicz explained the Federal regulation that requires water testing for a water supply supplying more than 25 people. He has tested consistently and always been below detectable limits. The well is 325 feet deep and on the largest aquifer in the State.

D. Cleveland moved to approve File 2020:002 with the above-referenced stipulations. Motion seconded by J. Peters and unanimously approved.
That Board then recessed for about 10 minutes. Upon return J. Peters moved to hear case PB2020:003 followed by case PB2020:01. Motion seconded by D. Cleveland and unanimously approved.

f. **File PB2020:003** – Proposed site plan amendment for a change of use to the existing mixed use property, from a Printing use to a Gunsmith use. Map 52 Lot 5, 7+7A Main Street. Owner/applicant: Dennis Johnson, Zoned A&B Agricultural and Business.

**Application Acceptance and Public Hearing.**

Staff noted that prior uses (printing and tattoo parlor) will be eliminated at this site. There is an existing ADU. This proposal if for a gunsmith business to sell custom “one-of” rifles as well as rifle repair. There will be a 96 sq. ft. customer waiting area with access to the outside and a 144 sq. ft. workshop area with access from the waiting area. The existing parking area can accommodate 5-6 vehicles. Hours will be Tuesday through Saturday 12:00 to 5:00 PM. Proposed stipulations include obtaining proper licenses from both Town and Federal agencies, removing all signage relating to previous businesses, hours of operation as stated, no discharging of firearms related to the onsite business on the property. D. Petry moved to accept PB2020:003 for consideration. Motion seconded by J. Peter and unanimously approved.

Applicant Dennis Johnson, 7 Main Street, noted that in order to issue the license the ATF needs to know the Town has approved the application. All other requirements for the license are complete. In addition to the federal ATF license, the local police chief must also sign off. D. Cleveland asked how a “one of” rifle is defined. Mr. Johnson explained that it is a custom rifle built to spec. There will not be a big inventory where people can pick and choose. B. Mosley asked if the license is restricted to semi-automatic; D. Johnson responded that this is correct. He does not deal with shotguns but that is covered under the license.

**PUBLIC HEARING.** Tanya Rasmussan, 16 Depot Road, and Pastor of the Congregational Church, asked about the difference between a gunsmith and a gun seller. The trustees have expressed some concern with it being in such close proximity to schools and to the church. Joe Garruba, 28 Winchester Drive, asked for clarification on the location. Michelle St. John, 29 Orchard Drive, expressed concern about youth access to this location. Ann Ferris, 11 Main Street, stated her opposition to the application. She lives next door, and has horses pastured, which is a concern, as is the nearby school and children playing in the area. John Carreiro, 11 Main Street, asked if the guns will be tested anywhere on the site. He asked this because he has heard shots and seen gunshot in the back yard near his field where he has horses. Brandon Yarmo, 218 Federal Hill Road, stated that he supports gunsmithing. He personally knows more people who have more firearms at their homes than Mr. Johnson will have onsite for his business. People can have as many guns in their homes as they want so how does this differ. To make it difficult for an individual who wants to have a business and has the proper license is no different than taking away other people’s gun rights. There being no further comments the chairman closed the public hearing. Mr. Johnson explained that
license does not allow for any discharge of firearms. The law prevents discharge of a firearm within 300’ of a structure and 1000’ from a school. The license has been approved at the federal level and the only thing preventing them from issuing the license is needing zoning approval. His business will focus on repair and custom orders. B. Moseley asked about security. D. Johnson stated that there are two locked entry points which are alarmed. There is also video monitoring. This is not required by the ATF but is being done for security. R. Hardy asked for confirmation that there will be no firearms discharged in the property. M. Johnson responded that this is correct. R. Hardy asked if staff has verified the parking, and questioned if there is room for 6 vehicles. M. Fougere responded that staff will verify. C. Rogers asked about signage. Mr. Johnson noted that he drove by the property and it appears that there are 4 or 5 parking spaces.

- Applicant to obtain proper licenses from both Town and Federal agencies as required by law prior to operating
- All signage relating to previous businesses to be removed;
- No discharge of firearms on the property;
- Hours are Tues through Sat 12:00 – 5:00 PM

D. Cleveland moved to approve File PB2020:003. Motion seconded by C. Hoffman and unanimously approved.

g. File PB2020:01 Proposed Design Review, site plan application outlining the construction of a 4,500 square foot gas station and one apartment and an 8,000 square foot retail store on a 4.19 acre site. Map 5 Lot 28, 82 Runnells Bridge Road, Applicant Runnells Bridge Realty Trust; Owner Team Yarmo Investment 1 LLC; Zoned Commercial. Public Hearing – Site Layout Design Only.

M. Fougere noted that due to a number of concerns and questions about site circulation, parking and driveways, so staff felt it best to work through these issues before moving to other aspects of the development. This mixed use development will utilize all three properties. The rear area where the old house was is needed for open space and the proposed well. The north building will be a 4500 sq. ft. gas station with ten pumps, a convenience store and a drive-thru Dunkin’ Donuts and an apartment. The two lane drive-thru will be behind the building. The south building will be 8,000 sq. ft. of dry goods/retail with a loading dock and circulation around the building. There are three layouts in the Board’s packets, the overall site plan and two layout versions. All will require some waivers. Staff prefers the overall plan.

Jason Hill, T. F. Moran, stated that since the November hearing he has produced three plans. The biggest material change is regarding the improvement of the internal circulation and isolation of the drive-thru traffic. A parking area has been replaced with a queing lane for the menu board as well as a by-pass lane which will also accommodate truck delivery traffic. This separates drive-thru traffic from traffic around the pumps. Of
the three parking alternatives the preferred option places 7 spaces along the westerly property line and has the pedestrian cross-walk for those spaces interrupt the driveway. This is most convenient for employees and customers, and provides an adequate amount of parking for the proposed use. The building locations are fixed but there is flexibility for locating parking. The first alternative eliminates the 7 angled spaces and maximizes the remaining as parallel parking and maintains the two independent truck routes. The negative aspects are less parking spaces and not as convenient. It is also on top of the septic system. This plan is not preferable to the client. The second alternative deletes the independent truck lane, thereby allowing for parking in this area. This is not preferable because the parking is not convenient to the main access. It is also partially located over the septic system. It also introduces more truck thru traffic through the site. The well siting approval has been received, as well as the approval for the waiver for the siting of the underground storage tanks. The waiver is to have fuel tanks within 500’ of any public water system. D. Petry questioned what happens if this plan is submitted to the Town without any waivers. As an example of the positives of granting waivers, E. Clements noted that a narrower drive aisle (14’ to 11’) actually reduces traffic speeds and creates a safer pedestrian environment. Another example is fewer parking spaces resulting in less impermeable surfaces. D. Petry asked if the plan could actually go forward if the planning board required it to be submitted without waivers. D. Cleveland noted that 7 waivers are required and that is a lot. M. Hartnett discussed the requirement for a 15’ separation between internal roads J. Hill noted that the waivers are for the benefit of the public, not to save money. Her an add 2’ of pavement and eliminate the need for a waiver, but what is the result? D. Petry stated that the applicant should submit something that can be acted upon without waivers, and if this use does not work, maybe it should be a different use. These are a lot of waivers to even allow this to go forward. J. Peters asked about flipping the building and putting the parking in the back. J. Hill responded that no one builds a gas station that does not face the road. He stated that the applicant has listened to the suggestions of the Planning Board and produced a good design that is not unique. The waivers are reasonable and to address comments of staff. R. Hardy asked about the width of the lanes between the gas tanks and the aisle. J. Hill: 25’, which is less than ideal. He has reduced pavement width to reduce traffic speeds and minimize impervious coverage. J. Peters observed that this plan attempts to “squish a lot into a little space”. J. Hill responded that they have minimized many things in the design based on feedback from the Board, for example, 29 parking spaces when the minimum requirement is 33. D. Cleveland observed that there is “a lot of stuff jammed in” and questioned if it is possible to have one-way circulation around the gas pumps. J. Hill – Yes it is possible but he would want to keep the widths to accommodate trucks.

The chairman called for comments on how board members would like to proceed. D. Cleveland – Would like to see a plan with no waivers and one-way circulation for safety. E. Clements questioned if people will follow the rules and go one way. J. Peters – They will if there are large painted arrows on the ground. R. Hardy stated that there will probably be a number of internal landscaping concerns. The chairman summarized
concerns noted: need to see a plan with no waivers, a plan with one-way circulation, incorporate setbacks and screening. J. Hill responded that the plan meets the security requirement of a 5’ minimum with vegetation or opaque fence by providing a 6’ privacy fence. There will also be a wall covered with vegetation (ivy). J. Hill showed architectural renderings. D. Cleveland suggested also looking into one-way traffic for the retail building. Board members agreed to continue this file to the next meeting, at which time they will hold the public hearing. C. Rogers moved to continue PB2020:01 to the February 18, 2020 meeting. Motion seconded by C. Hoffman and unanimously approved.

7. OTHER BUSINESS

J. Peters noted that the March 17 meeting is also the date of the Coop School Meeting. Alternate dates are March 16 or 19. Staff will check on availability of the room.

8. ADJOURN

There being no further business, the meeting adjourned at approximately 10:30 PM.

Respectfully submitted,

Virginia Mills
Secretary Pro tem