



Town of Hollis

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

HOLLIS PLANNING BOARD MINUTES

September 15, 2026 – 7:00 PM Meeting - Town Hall Meeting Room

DRAFT

MEMBERS OF THE PLANNING BOARD: Bill Moseley, Chair; Doug Cleveland, Vice Chair; David Petry, Ex-Officio for the Selectmen; Julie Mook; Benjamin Ming; Virginia Mills; Mike Leavitt; Alternate Members: Richard Hardy; Victor Orlando.

STAFF: Kevin Anderson, Town Planner & Environmental Coordinator.

ABSENT: J. Mook, R. Hardy.

- 1. CALL TO ORDER – 7:00 PM.**^[SEP] B. Moseley called the meeting to order and led the Pledge of Allegiance.

V. Mills stated that she will be recusing on File PB2022-015 and File PB2025-011.

B. Moseley stated that V. Orlando will be a voting member at this meeting, in place of absent Regular Members.

2. APPROVAL OF PLANNING BOARD MINUTES:

August 18, 2026: **Motion to approve** – motioned by V. Mills, seconded by D. Cleveland. Motion passed, with B. Ming and V. Orlando abstaining.

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. CASES:

- a. **File PB2022-015 – Final Review:** Proposed development of three lots totaling 36.084 acres located on Silver Lake Road into a 40-unit (separate residential structures) Housing for Older Persons condominium. Owner: Raisanen Homes Elite LLC, Applicant: Fieldstone Land Consultants PLLC.

Map 41 Lots 25, 28 & 44, Zoned Residential/Agricultural (R&A). **Continued Discussion, Public Comment Closed.**

B. Moseley stated that when the Board gets close to a final decision on this case there will be another public comment session.

K. Anderson stated that no new information has been received in regard to this case; it is still undergoing some State permitting. The Applicant is here to provide an update. K. Anderson requested that he be copied on the Applicant's communications.

Applicant: Chad Brannon, Civil Engineer and Principal Owner with Fieldstone Land Consultants, for Raisanen Homes Elite, LLC with their project, Toddy Brook Estates. Stated that his license as an engineer is in good status with the State. He stated that he does not have a lot of information updates for the Board. Edgewater, their community water design consultant, has executed the second well test on site, and has submitted information to the State. C. Brannon requested that the application be continued to the Board's next regular meeting in October. The consultant for the community water system plans on attending that meeting; they fully anticipate having information back from the State in regard to the second well test.

In regard to the Applicant copying K. Anderson on reports and communication, C. Brannon stated that he has requested that the community water design consultant include the Town on future submissions. He thinks that she may have made a submission to the State on which K. Anderson was not copied, but C. Brannon will make sure that K. Anderson gets a copy of that.

Motion to continue File PB2022-015 to the Board's meeting on October 20, 2026 – motioned by D. Cleveland, seconded by M. Leavitt; motion passed unanimously.

- b. **File PB2025-011 – Final Review:** New residential subdivision for 35 new residential homes on a new road connecting Deacon Lane and Proctor Hill Road (Route 130). Owners: Raisanen Homes Elite, LLC., Applicant: Fieldstone Land Consultants, PLLC., Map 17 Lots 5, 8, & 9; Zoned: Rural Lands (RL). **Continued Discussion, Public Comment Closed.**

K. Anderson stated that public comment was held at the last meeting, and the Board went through the residents' concerns in detail. Two letters were submitted by a resident; in summary, the concerns were related to traffic, wildlife, well replacement bonds, health concerns, and relocation of three lots.

K. Anderson further stated that the Fire Department submitted some comments; those comments were addressed in revised plans that were submitted. The comments were more clerical than anything else. In addition, a landscaping plan was prepared and marked up by R. Hardy. That was submitted back to the Applicant, and the Board has copies of it as well.

As a reminder, K. Anderson stated that there is still an outstanding waiver on this project.

Applicant: Chad Brannon, Civil Engineer and Principal Owner with Fieldstone Land Consultants, for Raisanen Homes Elite with their project, Abbott Hill Estates. Stated that also here at this meeting is the project attorney, Roy Tilsley, from the firm of Bernstein Shur. Together, they will do their best to answer any questions that the Board may have.

C. Brannon stated that there were three outstanding items to address from the last meeting. One of them was some clean-up comments from the Fire Chief. Basically, the Fire Chief had asked them to widen the entrance to the roadway. They did that, and incorporated it within the plans; they just didn't update the turning template exhibit with that increased width. The Fire Chief asked that they

do that, which they did. That exhibit had previously been reviewed by the Town's traffic consultant and signed-off on.

C. Brannon stated that the second item was a landscaping design. They presented a landscaping design at the last meeting, but R. Hardy had a lot of really good comments and suggestions. He has since provided a mark-up of the design; C. Brannon has reviewed that mark-up with their client, and they are happy to adopt and incorporate that. The Board may make that a condition of approval, if they see fit to do that at this meeting. The Applicant believes that they are at the point for approval. C. Brannon stated that R. Hardy's plan addressed a number of species and plant location, and some of the screening concerns.

C. Brannon stated that the last item he had on his list was the lone waiver request that they have on the application. That request is to have a common driveway service three lots. The waiver request was in part an effort to distribute the lots evenly across the property and to provide additional buffering to Beaver Brook. During design review and a number of other meetings, the Board essentially asked to see what it would look like, to be shown that it complies with regulations, and that the Fire Chief is happy with the design. C. Brannon stated that he thinks they have proven that, over time, with many, many meetings and presentations.

B. Moseley asked Staff whether the Board would make the landscaping plan a contingency or stipulation for approval, and incorporate it formally. K. Anderson replied that that has been done in the past, on some recent applications. In this case, with no dispute from the Applicant, he thinks it's pretty straightforward. It can be added as a condition.

D. Petry stated that the symbols that R. Hardy marked need to be defined; the table needs to be updated and finalized.

Regarding the memo from the Fire Department, D. Petry asked whether the last set of plans is from July 8, 2026 or whether there is a newer set. K. Anderson answered that those were the plans that the Fire Chief reviewed, and the comments were addressed and redistributed for him to review. D. Petry asked what the date of the last set of plans is; the answer was July 8th.

C. Brannon stated that the waiver letter was submitted and dated May 19th, 2025. The letter states that they are seeking a waiver from section 9.7 of the subdivision regulations, which addresses road and driveway design standards. In terms of common driveways, the regulations state that common driveways are allowed to access up to two lots. The section further states that a waiver from the Planning Board is required to access three or more lots with a common driveway. The proposed common driveway for which they are seeking a waiver is the one that services lots 21, 22, and 23. It's approximately 1,350 linear feet in length. The driveway has been designed to meet all design requirements, and will provide for safe access to the proposed lots. Since the design meets the design objectives as reviewed during the design review process, they are respectfully requesting that the Board consider a waiver from this section to permit a common driveway for the three lots.

C. Brannon further stated that not granting the waiver would create an unnecessary hardship for their client, as the design that they initially presented didn't require any waivers. They had a lot that was positioned off the end of the spur road, closer to Beaver Brook. Beaver Brook asked the Applicant for additional buffering. As a result, the Applicant took that lot and placed it on the common driveway. They have presented plans which show that they don't need the waiver, but that this waiver would provide a public benefit in the form of increased buffering to what Beaver Brook would consider some adjacent sensitive lands. The Applicant was directed to proceed with the waiver to better balance the development over the property, and to provide increased separation to abutting properties. Therefore, they respectfully request that the Board consider this waiver.

Per a question from B. Moseley, K. Anderson confirmed that this is not an unusual circumstance. He stated that it's actually pretty typical. The Applicant has met the requirements of our subdivision ordinance.

Per a question from M. Leavitt, C. Brannon confirmed that the Fire Department has reviewed the common driveway plan. C. Brannon stated that the location of the cisterns are in part due to the common driveway design, and the distance to the homes.

Motion to grant the Applicant the waiver, as described – motioned by D. Cleveland, seconded by V. Orlando; motion passed, with M. Leavitt, B. Ming, V. Orlando, B. Moseley, D. Cleveland in favor, and D. Petry opposed.

Roy Tilsley, Attorney at Bernstein Shur. Stated that he thinks what the Board has in front of them, C. Brannon has worked hard for years to get to this point. They have cleared all the Staff comments, they have been through all the reviews, they meet the subdivision regulations. He thinks that what they have given the Board is a plan that meets all the requirements which they are required to meet.

Motion to approve File PB2025-011 – motioned by D. Cleveland, seconded by M. Leavitt; motion failed, with M. Leavitt in favor, and B. Ming, V. Orlando, B. Moseley, D. Cleveland, D. Petry opposed.

B. Moseley asked Staff what the procedure is to follow, at this point. K. Anderson stated that the Board made a motion to approve the application, which was denied. Therefore, a motion needs to be made to deny the project. He recommended that the Board talk about what their issues are, with this application.

B. Moseley stated that he has said many times that he has a concern with the public safety aspect of where the intersection is, coming on to Proctor Hill Road. We have had our Police, Fire, and DPW express concerns with that intersection. The road itself, especially in inclement weather, can be very slick, and is in a shadowy area. While the sight distance might meet the regulation, when you consider an incline, consider inclement weather, consider the history of that area, he feels that it is a very dangerous situation.

B. Ming stated that that is his primary concern, as well: the safety aspect of the intersection on Proctor Hill.

V. Orlando stated that, in terms of the exit and entrance to the intersection, every time they try to make the exit safer the entrance becomes less safe because the turn is getting sharper and less visible – especially if you factor in people coming down that hill. He doesn't see how the current design is safe.

D. Cleveland concurred, and stated that he thinks the Board disagrees with the DOT's opinion on the safety aspects.

D. Petry stated that he shares the same concerns; it is not a safe exit at all.

M. Leavitt stated that he agrees that there are concerns, but he thinks that they have been addressed as well as they can be. He doesn't know where we can go from here.

Motion to deny the project – motioned by D. Cleveland, seconded by V. Orlando; motion passed unanimously.

Findings of Fact.

K. Anderson stated that he has some Findings of Fact prepared; he would read through them, and if the Board is in agreement with the Findings, they can be added to the decision that was just made. There are six findings.

Finding 1: The Board finds that Proctor Hill Road is under the jurisdiction of NH DOT, and access to the State road is permitted through a State driveway permit.

The purpose of this finding is to acknowledge that the right to connect to Rt. 130 is decision of only NH DOT.

Finding 2: The Board finds that NH DOT issued driveway permit number DOTDRI002580 on 7-8-2025 with a restricted access onto Rt. 130 which is limited to right-turn into and out of the subdivision.

The purpose of this finding is that NH DOT issued a driveway permit with which it acknowledged that safety issues exist with regard to sight distance, and restricted the intersection design.

Finding 3: The Board finds that NH DOT permit number DOTDRI002580 contains specific language allowing the permit to be modified.

The purpose of this finding is to highlight that the permit can be modified if new information is presented.

Finding 4: The Board finds that on May 19, 2026 the Hollis Planning Board requested that the Applicant ask NH DOT for a speed radar indicator, an overhead flashing light, and additional signage.

The purpose of this finding is to highlight that the Planning Board requested additional traffic safety measures to be implemented to increase awareness of the new road intersection, which was expressly noted as unsafe by Fire, Police, and Public Works Departments.

Finding 5: The Board finds that on 8-18-2026 the Applicant informed the Planning Board that NH DOT stated that the additional traffic safety measures were not necessary.

The purpose of this finding is to note that the Board requested additional safety measures to be reviewed and incorporated into the permit.

Finding 6: The Board finds that the proposed intersection to Proctor Hill Road poses a safety risk based on expert written testimony by our Town's Fire Chief, Police Chief, and Director of Public Works. Testimony cited includes letters from the Hollis Fire Department dated 11-13-2025, the Hollis Police Department dated 10-22-2025, again the Hollis Fire Department dated 6-11-2026, the Hollis Police Department dated 6-11-2026, and the Hollis Public Works Department dated 6-10-2026.

In closing, it is within the Board's authority to deny the Abbott Hill Subdivision due to road geometry and limited sight distance under the criteria of scattered and premature. NH DOT restricted the intersection due to limited sight distance, and did not accept requests from the Board for additional safety precautions: and testimony provided by expert Town safety officials noted the intersection as unsafe.

Motion to accept the Findings of Fact as stated – motioned by D. Petry, seconded by B. Ming; motion passed unanimously.

- c. **File PB2026-003 – Final Review:** Project is located in only Amherst. Site plan for a contractor yard, 30 Northern Boulevard, Amherst. Owner / Applicant: Golden Valley Way Holdings, LLC., Map 48 Lots 1, Zoned: Residential & Agricultural (R&A). **Application acceptance and Public Comment.**
- K. Anderson stated that this application was before the Board in a design review phase; this project exists in both the Town of Amherst and in Hollis. The proposed application is a 10,000 square foot shop building for a paving contractor. All improvements are proposed in Amherst, with nothing proposed in Hollis. The purpose of this application is to fulfill the requirements of RSA 674-53, IV, regarding land affected by two municipality boundaries. The RSA states that no plot or plan showing land or street in more than one municipality in the State shall be deemed approved for the purposes of this title unless it has been approved by the Planning Boards of all included municipalities.
- K. Anderson stated that an action is necessary by this Board, even though there is no improvement shown in Hollis. He has looked through the application; it is proven that all of the improvements are in Amherst and there is nothing being depicted in Hollis.
- B. Moseley asked whether it is fair to say, per the RSA and also our Town Counsel, that this is mostly an administrative action for us to realize that there is nothing supposedly that is going to happen in Hollis – however, it does give us an opportunity to put stipulations on our approval, such as the right to inspect the area in Hollis as well as, should we see anything, or become aware of anything coming into Hollis, we can force the Applicant to do a full application.
- K. Anderson stated that that is exactly correct.
- Motion to accept the application** – motioned by D. Cleveland, seconded by B. Ming; motion passed unanimously.
- Applicant: Jason Hill with T.F. Moran. Stated that he is a licensed PE in New Hampshire, in good standing. Stated that everything K. Anderson has reviewed they are in agreement with. They met with the Planning Board earlier this year on an earlier phase of the project, when they had work planned in both Amherst and Hollis. They have withdrawn that application, and are working through things in Amherst, working toward that site plan approval.
- J. Hill stated that this is industrial land in Amherst, at the end of a dead-end road in the Bon Terrain industrial area. There is a back parcel with no frontage on any road in Hollis, about a one or two acre undeveloped piece, that is owned in common by Golden Valley Way Holdings. For that reason, the RSA has been invoked. They are not planning on disturbing or improving any of the land in Hollis. As such, they are in agreement with the proposed stipulations as stated in the Staff Report. They are proposing a considerable landscape hedge along the Town line, consisting of pine trees and some understory shrubbery and grasses. That will function aesthetically and also as a physical barrier to prevent encroachment, even though encroachment is not anticipated.
- In regard to the permitting, J. Hill stated that, related to the parcel in Amherst, they have in hand a shoreland permit for Witches Brook. They received the alteration of terrain permit last week, for the stormwater. The only other State permit that they need is for the septic, and that is pending.
- In terms of the alteration of terrain permit, K. Anderson asked whether there were any sorts of improvements or restoration noted in that permit for the Town of Hollis. J. Hill answered no; there are standard conditions.
- K. Anderson stated that Staff's first recommendation is that, with proper notification to the land owner, Town of Hollis officials shall be allowed to inspect the Hollis portion of the subject property to ensure that no improvements have been made. The second recommendation is that if any

improvements should be contemplated, or found to have been done to the Hollis portion of the subject property, the owner shall be required to come back before the Hollis Planning Board for review.

K. Anderson stated that he would like to add a third recommendation, that the NH DES alteration of terrain permit become a condition to ensure that there are no improvements necessary in Hollis as part of that permit.

K. Anderson stated that in the early stages there was a wetland dredge and fill permit as part of this project; he asked whether that is no longer necessary. J. Hill replied that he doesn't recall there being one, but it is no longer necessary.

K. Anderson added that this is still an active application in the Town of Amherst, and if there are concerns from residents in Hollis – and there are abutters in Hollis – they can be part of the communication and the abutter process in the Town of Amherst.

V. Mills asked whether the Town of Amherst has an inspection program for drainage, protection of wetlands, during construction. J. Hill answered that he does not know off the top of his head, but he knows that they have a compliance review, a Planning Board review for compliance. Amherst is one of the only towns that does. They hold a compliance hearing after construction to make sure that the project is in compliance. They may also have construction inspections; the project has not gotten to that point. Because of the size of the project, over one acre, it is required to have an EPA notice of intent. As a part of that notification process, there is a required, independent construction monitor for the duration of the project such that when it rains, either weekly, or if it rains over a quarter or a half an inch, under the federal rules you are required to have the third-party inspector, or the contractor in some cases, inspect all of their perimeter controls and maintain those as a condition of that permit: so there will be general oversight. That is under the EPA, for any project in New Hampshire that is over one acre. There has to be a log that is kept, and retained for town records.

V. Orlando asked whether we can require that test pits be installed on the Hollis side, to make sure that no contamination from the site is affecting the wetlands or the brook. K. Anderson replied that test pits are monitoring wells; when he worked as a consultant, the Town of Amherst required monitoring wells. He asked whether that is a requirement that they have instituted on this project.

J. Hill answered no, because this project does not trigger a conditional use permit from the aquifer protection district based on the land use.

V. Orlando asked whether we have the ability to add that requirement. K. Anderson responded that that would be a stretch, as there are no improvements on the Hollis side. He would stand by Amherst in their review of this site plan project.

Public Hearing.

Joe Garruba, 28 Winchester Drive, Hollis. Stated that we have all heard about Witches Spring Brook, the fishing opportunities there, and how special that stream is. It has been designated specifically so by the Town of Hollis. At this point, Hollis has not yet reviewed the AOT permit. It seems like, potentially, monitoring wells would be an appropriate condition on that side because specifically of the temperature of the water that goes into Witches Spring Brook. It's a cold water spring that feeds it, so any runoff – . It's worse than a regular situation because it's not just pollution, it's temperature. What he would like to say is that for this application, we all know that there is a complicated proposal that is going on on the Amherst side. He believes that it is premature to approve a project until that process plays out in Amherst. Throughout the process there will be many studies, there will be reports, there will be documents, all sorts of permits and plans that have not yet been completed, submitted, or approved, and would be available if we withhold approval until at least the final application is submitted in Amherst – because we would then have the benefit of having all of that

material to review before issuing an approval that we might regret later on. He requests that the Board hold off on approval until the final application is submitted to Amherst, and he would like to see monitoring wells installed, and specifically not just only for pollution but for temperature as well.

Joe Connelly, 14 Sawmill Road, Hollis. Stated that he is here tonight to give a very brief input from the Hollis Conservation Commission. He is speaking as Chair of the Hollis Conservation Commission. In early August, the Conservation Commission sent a letter to the Amherst Planning Board. The letter was authored by Mark Post, the HCC Secretary and also the Chair of the Hollis Agricultural Commission. That letter was shared with Hollis Town Staff, as well. There were two things that HCC asked of the Amherst Planning Board. The first one was that they asked the Amherst Planning Board to adhere to and protect all wetland and wetland buffers, and inspect those buffers and wetlands at least annually. The second thing they asked had to do with the alteration of terrain permit. They asked that the Amherst Planning Board notify the HCC when that AOT permit was submitted. The HCC has not seen it, and did not know that it was submitted, or approved last week. J. Connelly wanted to let the Hollis Planning Board know that the HCC has been in contact with the Amherst Planning Board, and has received no response from them.

Applicant Rebuttal: Jason Hill with T.F. Moran. Stated that they are unaware of a letter; he did not receive any letter from the HCC. As for the management of the application sharing, he thinks that that is something he can request from Amherst. At this point, he can provide K. Anderson with a copy of the AOT permit. The application for it was probably filed in April or May. As part of that application, and the shoreland application, they are required to do a couple of things regarding fish and wildlife habitat, and natural communities and other things. This project has been vetted and screened both federally and through the State. The NH DES ecological review section has reviewed and approved the project, which demonstrates that the project as proposed will not have a detrimental effect on any natural habitats of wildlife, plants, or natural communities. That is part of the permit. The Applicant has agreed to several conditions as part of that process.

J. Hill further stated that, as for the federal permitting that he mentioned earlier, with the EPA, it requires that they coordinate with the U.S. Fish and Wildlife Service for the same general screening. As a part of that, they have done that, and the U.S. Fish and Wildlife review and screening did not identify any potential impacts to this trout habitat of Witches Brook.

In terms of the design of their proposed detention pond, J. Hill stated that it is actually a benefit to that community because they are filtering the water. They are not having an old-school pond that is open to the sun such that the water would warm up. The water from the site in Amherst will get immediately filtered, and then sits underground for awhile.

Public Hearing Closed.

B. Moseley asked Staff whether it is correct that, with the stipulations that the Board would put on this application for approval, if there were any encroachment into Hollis, we could bring the Applicant before us with a full application. K. Anderson replied yes; there are enforcement actions that we can bring upon the landowner that would require them to come to the Town of Hollis.

B. Moseley stated that, therefore, it's not as if the Board is washing their hands of this – they are putting the Applicant on notice that if we approve this we would be monitoring what is going on, and inspecting it. If we see anything, we would bring them before the Board. K. Anderson stated that that is correct.

K. Anderson further stated that the information from the Chair of the Conservation Commission, above, in terms of communication not being connected with regard to the alteration of terrain permit, does not sit very well with him. B. Moseley asked what the safeguard would be, for that; K. Anderson stated that this case could be continued until the permit and the communication is reviewed

by him. Alternatively, they could add it as a condition in the hopes that the alteration of terrain permitting provided recommendations and conditions that would align with those of the Town of Hollis's ordinance and wishes, and with the Conservation Commission. He thinks that this application should be continued until that alteration of terrain permit is vetted by him and by the Conservation Commission, as requested.

V. Mills concurred with K. Anderson.

V. Orlando asked whether the Board should wait until Amherst approves the project before we approve it. K. Anderson stated that a comment could be made that Amherst can't approve it until Hollis signs off on it. B. Moseley added that by having stringent stipulations and inspections, we will be able to go out there and not be trespassing.

D. Petry pointed out that the Hollis Planning Board could make their approval contingent upon Amherst's approval, as a condition.

D. Petry stated that J. Hill described the buffer that they are going to install on the Hollis line; it looks like it's right on the Hollis line. J. Hill talked about plantings that they are going to do – but it is also listed as snow storage. D. Petry asked how the plantings are going to survive if that is the same area as snow storage.

D. Petry's second question was what the parking lot is going to be treated with, in wintertime. Will it be treated with salt or with sand? He stated that if J. Hill needs to go back and do some research before providing these answers to the Board, that is fine. His concern is that the elevations of the property get lower in the south-east corner, which is the closest location to the brook: so he wants to know whether they are going to use salt on this property in the wintertime, and whether this contractor is going to do winter plowing as a commercial activity.

J. Hill responded that they are not going to do commercial plowing, and, as part of the conditional use permit for Amherst they are prohibited from using snow and de-icing chemicals. That is a requirement of the conditional use permit.

In terms of the snow storage, J. Hill stated that they can move that. D. Petry stated that he doesn't know whether Amherst is going to require bonding for those plantings, but if the Applicant is going to be plowing up against them there will be damage to the plants. J. Hill concurred, and stated that that makes sense. He stated that they can look at modifying the snow storage along that edge, certainly.

V. Mills asked J. Hill to clarify where in the process this application is, with Amherst. J. Hill replied that, unlike Hollis, Amherst does not have a mandatory design review step, so this is a final non-residential site plan application, with one conditional use permit for wetland buffer and backs. They are looking to get a final, conditional approval at the next meeting or in the near term this year. The Applicant has addressed all of Amherst's third-party, Keach-Nordstrom review comments. From a technical standpoint, it is all done; they have all of their State permits. It's really just hammering out the details of the conditional use permit.

B. Moseley summarized that the Board is looking for a definite statement about the treatment of the parking lot; for snow storage location movement; for Staff to thoroughly review the AOT permit and provide it to the Hollis Conservation Commission; and to firm up our stipulations, such as right of inspection, and that if anything should encroach into Hollis they would have to do a full application with the Hollis Planning Board.

Motion to continue File PB2026-003 to the Board's meeting on October 20, 2026 – motioned by D. Petry, seconded by D. Cleveland; motion passed unanimously.

- d. **File PB2026-011 – Plan Amendment Second Driveway:** 15 Nutting Lane, Owner: Cory R. Hussey Rev. Trust, Applicant: Wolf Rock Construction, Map 20 lot 29-2, Zoned: Residential & Agricultural (R&A). **Continued Discussion, Public Comment.**

K. Anderson stated that this case was continued so that additional information could be provided to the Board. At the last meeting, the application was accepted and the Board requested the septic plan which depicts the driveway accessing the proposed barn and coming from the existing driveway curb cut. That information was supplied by the Applicant.

Applicant: Paul Hebert, with Wolf Rock Construction. Per a question from B. Moseley, P. Hebert stated that he is not a licensed professional engineer in the State of New Hampshire. B. Moseley asked what P. Hebert's professional qualification is, to which P. Hebert replied that he has a bachelor's degree.

P. Hebert stated that he wanted to make a couple of comments regarding the proposed second curb cut for C. Hussey's property, and about Nutting Lane. Nutting Lane is not a through-street. It accesses five house lots, and the additional curb cut would not produce much more traffic volume. Nutting Lane will be minimally impacted; traffic patterns will not be impacted at all by the second curb cut. P. Hebert stated that he wanted to comment about the lot which is C. Hussey's property. The lot configuration is very long and narrow. It is encumbered by a hammerhead which was put in during the initial subdivision of the land. C. Hussey's driveway currently pulls away from the hammerhead to the south. Trying to make a driveway around that hammerhead to access the new building may do a couple of things. First, there is a drainage issue, coming off of the Brookdale Farm fields in the spring thaw. C. Hussey's driveway is exhibiting signs of erosion because of this drainage issue, and reconfiguring that whole area of the lot just doesn't seem conducive to appropriately utilizing the section of his lot; it's almost bisected by that hammerhead. They believe that the second curb cut provides the best use of his land. It's not going to encumber the neighbors at all because exiting headlights coming out of that proposed curb cut will not hit a house; it will hit the neighboring lawn and woods. Nutting Lane is beautiful little street, and it is nicely landscaped. C. Hussey's plan is to landscape all around the new barn and the second curb cut so that it looks appropriate to the aesthetics of the neighborhood.

P. Hebert stated there are a couple of other issues; there were trees that were inadvertently removed from the Brookdale Farm lot line. There is an agreement in place between C. Hussey and Mr. Hardy to replace those trees. P. Hebert does not have a copy of that agreement, but this has been resolved with the parties in regard to the Brookdale lot line which is directly behind the barn.

P. Hebert added that this is a barn/garage. There is no intent to use the building for any other purpose. It has four garage doors. It is going to be a recreational garage, and a really pretty building. P. Hebert believes that a waiver provided by the Planning Board would be conducive to C. Hussey being able to utilize that section of his lot.

B. Moseley asked at what stage of construction they are. P. Hebert stated that the barn frame is erected, and the slab is going to be poured tomorrow. B. Moseley commented that it strikes him that the Applicant has already gotten so far with construction before considering coming to the Planning Board for the curb cut. He asked what the logic was, in their progression of construction.

P. Hebert answered that after obtaining the building permit, they were informed that the second curb cut waiver was required. P. Hebert stated that he does have representation from Meridian here at this meeting; they did the drawings for the design. B. Moseley asked whether Meridian didn't know that a waiver for the second curb cut would be needed. P. Hebert replied that he isn't sure what they knew or didn't know.

In terms of the septic, D. Petry asked how many bedrooms it is approved for. Is it a standard-sized septic? P. Hebert replied that he believes it is the smallest allowed by the State. D. Petry asked how many bedrooms that would serve. P. Hebert stated that there are no bedrooms in this building. K. Anderson added that it is not sized for bedrooms; it is sized for gallons per day.

D. Petry asked whether there is a proposed second story for the barn, and whether the second story is going to be used. P. Hebert answered not at this time, no. D. Petry stated, however, that it is a space that could be used. P. Hebert replied that you'd have to build a stairway, and put in a floor. D. Petry asked whether that is planned, and P. Hebert answered no. The plumbing in the building is for a utility bathroom. There is no additional plumbing for sinks or showers. There is no shower in the building, there is no bathtub in the building.

K. Anderson put the septic design on the screen for the Board to view; the plan shows the new driveway connecting to the original driveway, as proposed at the time. B. Moseley asked why, on this plan, the driveway encroaches into the right-of-way.

William Edwards, with Meridian Land Services. Stated that he works for Meridian as a septic designer. Per a question from B. Moseley, W. Edwards stated that he is not a professional engineer in the State of New Hampshire. B. Moseley asked whether W. Edwards has a credential as a septic designer in the State of New Hampshire, to which W. Edwards replied that he is apprenticing with Meridian; he holds a bachelor's degree in environmental science, and has been working with Meridian for almost three years. B. Moseley asked whether W. Edwards has the licensing for the State of New Hampshire as a septic designer. W. Edwards answered that he not licensed as yet; he is apprenticing.

B. Moseley referred to the septic design, and asked why the driveway crosses into the right-of-way. W. Edwards replied that they were attempting to comply as near as possible with regulations. When he submitted this design to Hollis for local approval, it made it through because their intent was to come before the Planning Board to request a second curb cut.

B. Moseley stated that, then, they did know the regulations, and that there was a requirement for a second curb cut before they did any planning. W. Edwards stated that yes, he was absolutely aware of that. B. Moseley asked why they didn't come before the Planning Board before beginning construction.

P. Hebert stated that the original design was done by Brooks Post and Beam; they are the ones who did the plot plan. Meridian came in to do the septic design, which was approved by the State of New Hampshire. The original plan had the driveway with the second curb cut; the Applicant was told that they couldn't do that, and that they had to reconfigure the driveway.

B. Moseley stated that they went ahead and stated building, anyway. P. Hebert replied that they had a building permit; the Town of Hollis issued them a building permit – so yes, they started building the building. Their intent is to utilize this lot to the best of its potential. They feel that allowing that second curb cut is the best use of this property, with minimal impact to the neighbors. That barn is going to be a gorgeous building, it's going to be landscaped 100%. They've agreed with Mr. Hardy to re-plant some trees that were inadvertently cut down. You can see where that hammerhead is, that's where the erosion problem is, with all of the water coming off of that field and during periods of rain. That is why they feel that the best use of the property, and the most aesthetic use of the property, is to allow the second curb cut.

P. Hebert stated that the sequence of events went like this: Brooks Post and Beam did the design of the barn. They are the ones who originally put in the second curb cut. They probably weren't aware of the Hollis regulation. When the Applicant submitted the plans to Hollis, they were advised to

reconfigure the driveway, such as the Board is viewing on the screen. They were advised to come in front of the Board, with the original plan that had the second curb cut, to request the waiver.

B. Moseley stated that, then, the Applicant knew the requirements for the waiver before they started digging holes. P. Hebert answered yes. B. Moseley stated that they went ahead and started the work anyway. P. Hebert stated that they had a building permit.

D. Cleveland stated that it looks as if there are two or three different possibilities here. One is what they are requesting, for the second curb cut. Another is the design which is shown on the screen, which cuts across the corner of the hammerhead – and another possibility, it seems to him, would be another design which, instead of cutting across the end of the hammerhead, would be to locate it a little bit below where it comes in, directly into the driveway, and avoid the hammerhead all together.

P. Hebert stated that they are avoiding the hammerhead all together with the existing proposal, the one that requests the second curb cut.

D. Cleveland stated that there could be another driveway off of the existing driveway.

P. Hebert pointed out on the screen where the existing driveway comes in, and where the erosion problem exists. He stated that the hammerhead, which was put in place during the original subdivision, bisects the lot. By putting a curb cut above, accessing the barn, they can alleviate any additional disruption, and get access with minimal disruption to the neighborhood. It's not a high-traffic street. There are only five houses down the street. It would be aesthetically pleasing once it's finished and landscaped.

D. Cleveland stated that he is not disagreeing, but there could be another alternative with connecting to the existing driveway without cutting across the corner of the hammerhead. P. Hebert replied that that is where the drainage issue is, coming off of the Brookdale property. That is where the erosion of the existing driveway is occurring. He knows that there are probably ways to configure a swale, or something like that, but that seems a little exorbitant when all they are asking for is permission to put in a second curb cut.

M. Leavitt asked why, if the second curb cut was on the original plans, a waiver was not requested at that time. P. Hebert answered that they were told that they couldn't do a second curb cut without a waiver, so they reconfigured the driveway.

K. Anderson stated that there are multiple steps involved in the process for a building permit. In this case, there was the submission of not only the construction of the barn but also a septic plan. A septic plan is approved by him, as the local authority to do so. The original plan depicted a second driveway connecting to Nutting Lane; he informed the Applicant's representative that he couldn't approve that because it requires permission from the Planning Board. Therefore, local approval was not granted. The plan was revised, depicting the driveway coming off of the existing driveway: a compliant method to access the new building. A building permit was issued, with that plan in place. The building permit was obtained with the design shown on the screen, with the new driveway connecting to the original driveway, and that is how construction was able to start. The assumption at the time was that that would be the driveway.

K. Anderson further stated that trees were cut on this property. He did recommend to the Applicant that they not cut trees, but all of the trees were cut. During the inspection process it was noted that trees were cut on the abutting property, and therefore Brookdale got involved. That is a private matter that does not involve the Town; there is an agreement between those two parties that is excellent.

K. Anderson stated that the depiction of the driveway that connects to the original driveway, going over the boundary, or the right-of-way, of Nutting Lane was brought to the attention of Public Works; Public Works felt that it was fine, and met the intent of a driveway connection. Thus, local approval was granted.

K. Anderson stated that he is aware of the stormwater and drainage situation. There were discussions with Brookdale many years ago about the stormwater and drainage, and he believes that that situation was vetted. He does not like the terminology of a drainage problem, because there is no problem that is existing – it is the flow and direction of water that is going across. It is an existing condition. If a proposed driveway is impacted by that, then the owner would need to mitigate that problem.

D. Cleveland asked about the DPW’s opinion; K. Anderson stated that Public Works’ primary focus is to try to get the least amount of driveways coming off of a hammerhead because of snow storage. When it comes to snow removal and the moving of snow, a driveway located adjacent to the proposed structure is actually the best way to get to the barn in the opinion of the DPW Director.

Per a question from V. Orlando in regard to the size of the septic tank, W. Edwards stated that it is 1250 gallons. K. Anderson added that the septic plan is designed for 300 gallons per day; that is the State’s minimum, and the smallest that can be designed.

B. Moseley stated that a 1250 gallon tank will service a four-bedroom house in this Town.

W. Edwards modified his answer, stating that because of the elevation of the fields, it has to be a pumping system – so it is a 1250 gallon septic tank, with a 400 gallon pump chamber.

D. Petry stated that he is ok with curb cut; he does not like the process steps that were followed in this case – but he thinks that this driveway cut involves less disturbance to the property, less disturbance to the hammerhead. He stated that there should be a stipulation that the new building only be used as a barn or garage. If the use changes, then the Applicant has to come back before the Board.

Public Hearing.

Joe Garruba, 28 Winchester Drive. Stated that, as far as issuing the curb cut or not, he doesn’t know that he has a strong opinion either way. He does think that we should take this opportunity to review our internal procedures for issuing building permits. He proposes that there be a checklist item to review road access to garages. Proposed driveways must be evaluated against our driveway regulations; it’s not like “what does the DPW Director feel” – .

D. Petry stated that J. Garruba’s remarks are not relevant to the application under discussion. B. Moseley stated that J. Garruba can bring up his point as a proposed zoning regulation change.

J. Garruba stated that this specific plan that is presented must meet our driveway regulations. This plan must slope away from the road by 3% for the first 20 feet, and then it must continue. Did anyone in our Town evaluate this driveway to make sure that it’s not in the right-of-way and that it’s meeting those? There’s also a requirement for the driveway to be perpendicular to the road. So, all of those things are in the regulations and they weren’t evaluated for this plan.

D. Petry stated that a building permit was issued. He asked whether it is correct that a driveway permit has to be done separately.

K. Anderson stated that if a driveway is depicted off of an existing curb cut, a driveway permit is not necessary, a curb cut permit is not necessary. That was the case in this situation; therefore a building permit was issued. What is being proposed now is a new curb cut to Nutting Lane, which depicts and

meets our regulations, with a negative slope and a positive slope as shown on the plan that was submitted.

D. Petry stated that, therefore, Staff did review it, and it is correct. The speaker was incorrect.

B. Moseley stated that with all of the issues we've had in regard to driveways, he would find it hard to believe that this one was not adequately reviewed. K. Anderson stated that the review also included sight distance.

Public Hearing Closed.

In terms of stipulations on the approval of the application, D. Petry stated that if the use changes from a barn/garage, the Applicant has to come back before the Planning Board.

V. Mills pointed out K. Anderson's stipulation, as well, which is that the Applicant obtain a driveway permit from DPW for the second driveway.

Motion to approve File PB2026-011 with the two stipulations as above – motioned by D. Cleveland, seconded by M. Leavitt; motion passed unanimously.

6. OTHER BUSINESS:

a. Planning Board Discussion of Draft Zoning Amendments

K. Anderson stated that he has been working on several zoning amendments, and there are others in the works. He has some comments from members of the Zoning Board of Adjustment (ZBA) in preparation for the October 6th joint meeting.

B. Moseley noted that the ZBA intends to meet this month even though they have no cases, to work on potential zoning amendments.

K. Anderson stated that he has prepared three for discussion tonight; the first has to do with the Code Enforcement Officer. The ordinance currently reads, under Chapter IV: Enforcement and Administration, "The Building Inspector established under RSA 673:1.V shall also serve as the Code Enforcement Officer. The Code Enforcement Officer, or the Board of Selectmen's designee, shall have the duty, and is hereby authorized, to enforce the provisions of the ordinance [the zoning ordinance]." K. Anderson stated that on a daily basis, and as his main work for the Town, he enforces the zoning ordinance. Under the outdated provisions of the ordinance, he does not have the authority to do so. He is requesting to amend that, and that would be in line with all surrounding communities. He is requesting to add, after "RSA 673:1.V", "and the zoning administrator as appointed by the Select Board".

D. Petry stated that he thinks that change is fine. The Board was in consensus with D. Petry.

K. Anderson stated that he has vetted out several RSAs, and this proposed change will not conflict with any of them.

K. Anderson stated that the second potential change has to do with a frustrating item that comes through the Building Department all the time: above-ground swimming pools and in-ground swimming pools have two different setbacks. This has been a big issue. He has spoken with the Building Inspector about it; they don't care whether swimming pools have the primary building setback or the accessory structure setback, so long as it is the same for above-ground and in-ground swimming pools. The choices for the setback are 35 feet or 15 feet.

D. Petry stated that his only concern with this is that if we are going to go with a 15 foot setback for above-ground pools, there needs to be screening.

The Board's consensus was that swimming pools should have a 35 foot setback.

K. Anderson stated that the third proposed zoning change has to do with the wetland conservation overlay zone. In terms of man-made ditches and swales, agricultural swales, sediment ponds and detention basins, because they are man-made we do not apply buffers to them. That is ok when the land is being actively farmed. To align our ordinance with DES, DES has an abandonment clause. Anything that has been abandoned for five years reverts back to jurisdictional wetland. Additionally, above DES is the EPA's clean water act, which says that unless it's being actively maintained it reverts to a jurisdictional wetland. What K. Anderson is asking for is a change in language to exempt these continuously maintained man-made ditches and swales, agricultural swales, sediment ponds and detention basins from the buffer. There are protections for agricultural entities in the local statutes, and through the federal government, protecting them from local enforcement of wetland buffers in these situations. K. Anderson's proposed change would protect that, but also allow us to enforce a buffer in the case of abandonment. He stated that we come across abandoned wetlands and streams in all of our applications, and the buffers do not apply; this would change that.

B. Moseley stated that this is a much needed change. D. Petry concurred. The Board was in consensus.

b. Subdivision Regulations

K. Anderson stated that progress on the subdivision regulations has come down to stormwater. He needs to make a meeting, and enforce either one or the other – closed drainage or open drainage. There is a polar opposite dialogue in the community about which way we want to go. He can write an ordinance that provides for both of them, and in fact the ordinance is written in that way currently. He would ask for direction on that; he does not have the authority to make a decision one way or the other or the authority to tell the DPW Director to make that decision.

K. Anderson stated that he believes this is something that affects the Town in a major way, in terms of subdivisions, maintenance, etc., and so it is a decision that should come from the Select Board.

D. Petry stated that with the way the subdivision regulations are currently written, we can deal with it on a case by case basis, for each subdivision. K. Anderson stated that that is correct. He added that we need to refer back to DES's standards, because sometimes you have to do closed drainage in order to convey the water to where it can be treated. Our primary ordinance is for open drainage; it is easy to maintain. Closed drainage, while it lasts for several years, is very expensive to replace.

D. Petry pointed out that the current drainage swales are not very conducive to rural character. He stated that if the Select Board is making a decision on this, what would be helpful is a memo from K. Anderson and a memo from DPW, each listing pros and cons, and concerns.

B. Moseley asked whether the subdivision regulation changes have addressed the guardrail issue. K. Anderson stated that we have antiquated guardrails; they are aesthetically pleasing, with a wood veneer. They are very expensive, and difficult to procure. B. Moseley pointed out that once they rot, they look atrocious. To answer B. Moseley's question, K. Anderson stated that guardrails are addressed in his update to the subdivision regulations.

K. Anderson stated that the updates also address requirements for submissions. He is a proponent of getting site plans done for any sort of development and not simply using septic plans, because the

794 septic plan is designed for septic and not for the site. That is the change for which we will get the
795 most pushback from contractors because it costs money and takes time.
796
797

798 **7. ADJOURNMENT:**
799

800 **Motion to adjourn at 8:46pm**– motioned by D. Petry, seconded by V. Mills; motion passed
801 unanimously.
802
803
804
805
806

807 Respectfully submitted,
808 Aurelia Perry,
809 Recording Secretary
810
811
812
813
814
815
816
817
818

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