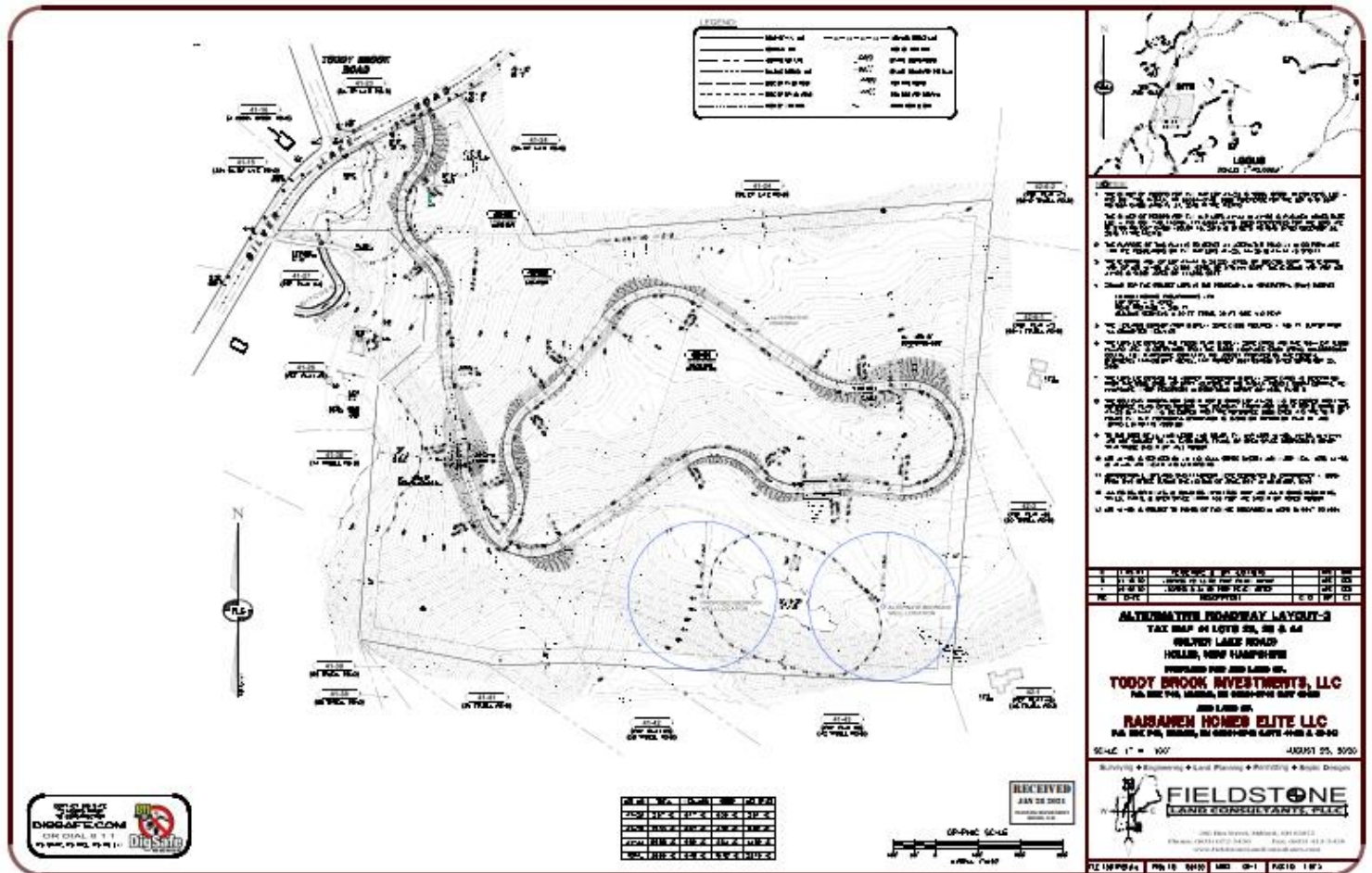


Joseph Garruba
28 Winchester Dr.
Hollis, NH 03049
2/7/2020

To: Members of the Hollis Planning Board

Issues With the Proposed Development of Tax Map 41 Lots 25, 28 and 44 Including Review of Developer's **FOURTH** Alternate Roadway-2 Layout Submitted on 1-28-2021





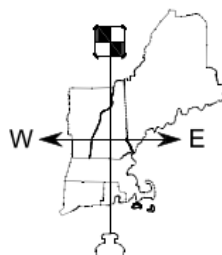
C	1/25/21	REVISE HORZ. & VERT. ALIGNMENTS		NRC	CEB
B	11/12/20	ADDRESS 10/13/20 PEER REVIEW LETTER		NRC	CEB
A	10/06/20	ADDRESS 8/31/20 PEER REVIEW LETTER		NRC	CEB
REV.	DATE	DESCRIPTION	C/O	DR	CK

ALTERNATIVE ROADWAY LAYOUT-2
TAX MAP 41 LOTS 25, 28 & 44
(SILVER LAKE ROAD)
HOLLIS, NEW HAMPSHIRE
PREPARED FOR AND LAND OF:
TODDY BROOK INVESTMENTS, LLC
P.O. BOX 748, NASHUA, NH 03061-0748 (LOT 41-25)
AND LAND OF:
RAISANEN HOMES ELITE LLC
P.O. BOX 748, NASHUA, NH 03061-0748 (LOTS 41-28 & 41-44)

SCALE: 1" = 100'

AUGUST 25, 2020

Surveying + Engineering + Land Planning + Permitting + Septic Designs



FIELDSTONE
LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055
 Phone: (603) 672-5456 Fax: (603) 413-5456

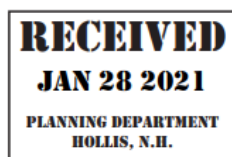


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1. Purpose

I am writing to explain the issues with proposed site plans for development of three parcels in Hollis known as Tax Map 44 Lots 25, 28 and 44. The Hollis Planning Board requested that the developer for these parcels submit a proposal that does not require waivers. On 1/28/2021 another Alternative Roadway Layout plan titled “Alternative Roadway Layout-2”, with revision date 1/25/21, was submitted, but the plan still required waivers from the Board. A specific concern raised by the Board was related to the compliance of the access road with Town regulations. The prior set of plans that was provided on October 6th was considered deficient by the town engineer, as was a subsequent set submitted 11/24/2020. The submittal referenced in this report is the developer’s **fourth** attempt to prove that they can design a compliant access road to the property. I will demonstrate the specific sections of our ordinance and regulations and where the materials submitted up until 1/28/2021 represent significant issues with compliance to applicable regulations. This is particularly the case with respect to the proposed road, along with a number of other aspects of the development. The Planning Board rules require that all submissions be made by the applicant two weeks prior to the scheduled meeting. For this reason, the Board may not consider or discuss any materials submitted after 3:00 p.m. on 2/2/2021 for the scheduled meeting on 2/16/2021.

2. Proposed Roadway Exceeds Maximum Grade Within 100 ft. of an Intersection.

The Table of Geometric and Other Standards in section IV.7 E of the Hollis Subdivision Regulations, partially included for reference below and rectangles added for emphasis, requires that roadway grade within 100 ft. of an intersection be 3% or less. The roadway design submitted by the developer on 1/28/2021 is not compliant between STA 10+96 and STA 11+96. The following images identify the location of the intersection and graphically prove the compliance issue.

TOWN OF HOLLIS, NH
SUBDIVISION REGULATIONS

1) Roadways shall be constructed in accordance with the following table:

TABLE OF GEOMETRIC AND OTHER STANDARDS

1.	Minimum right-of-way	50'*
2.	Centerline of right-of-way to be centerline of road	
3.	Minimum width of gravel (bank run + crushed)	28'
4.	Minimum width of pavement	22'
5.	Minimum road grade	0.5%
6.	Maximum road grade	8%
7.	Maximum grade 100' from intersection	3%

Figure 1. Developer's Submitted Alternate Roadway-2 Plan Sht. CN1 Received on 1/28/2021 Enlarged Showing Intersection Location

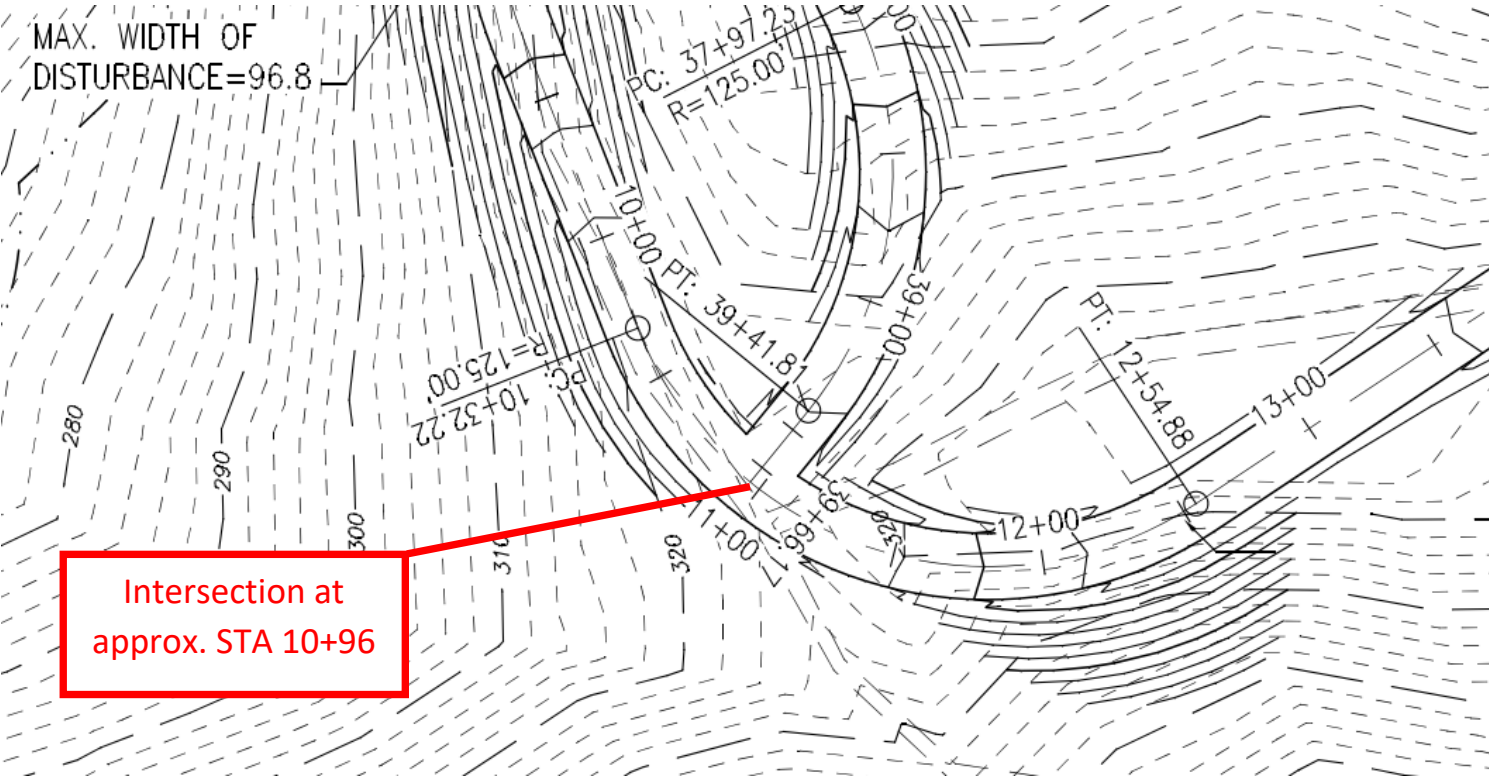
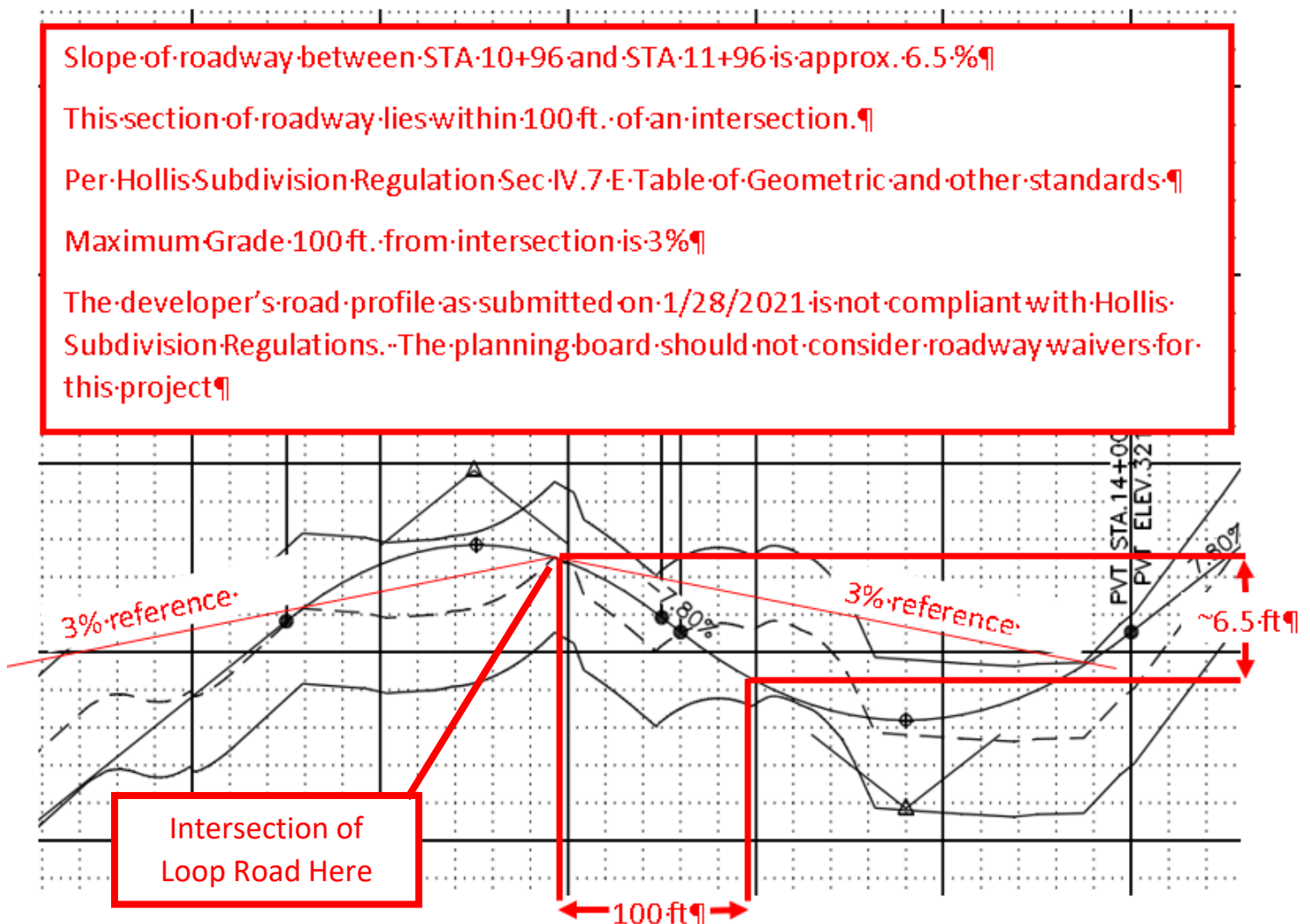


Figure 3. Developer's Submitted Alternate Roadway-2 Plan Received on 1/28/2021 Enlarged Showing Intersection Location

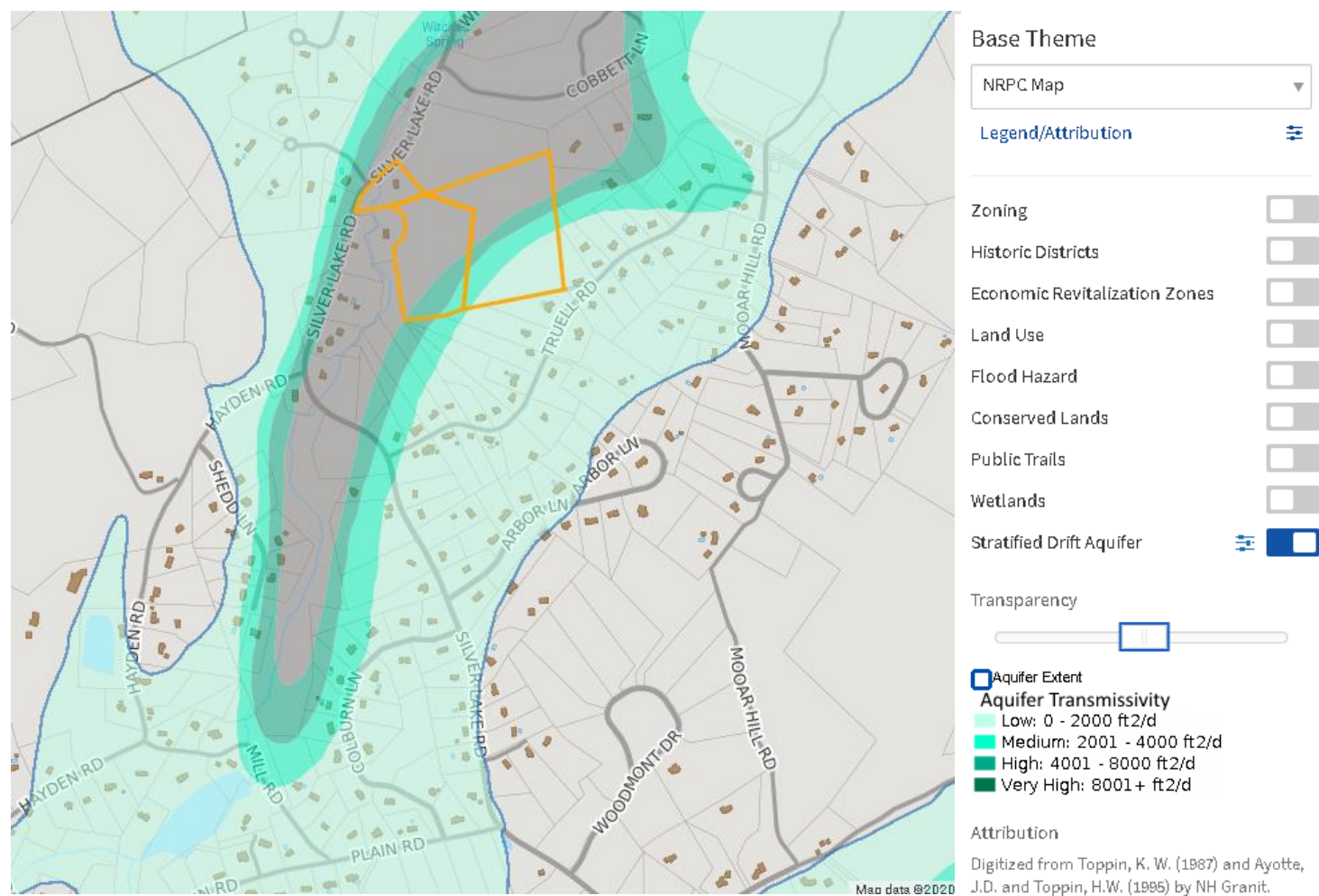


The profile above is an enlarged section of sheet 2 of the developer's submitted alternate roadway-2 plan submitted on 1/28/2021. The intersection of the loop road is located at approximately STA 10+96. It can be seen that the 100 ft. of roadway between the intersection and STA 11+96 has an approximate grade of 6.5%. This is more than two times the maximum allowable grade 100 ft. from an intersection. This is a clear violation of the Table of Geometric and Other Standards included in sec IV.7 of the Hollis Subdivision Regulations. Since this is the developer's fourth attempt to submit a compliant road, it is becoming clear that the developer cannot achieve compliance. I am requesting that the Planning Board deny this project a waiver for road construction and have the developer submit a compliant proposal. It is likely that compliance could be achieved in a design that did not include 51 buildings on top of the hill. The Planning Board should recommend a reduction in unit density.

3. Lots Are Within the Aquifer Protection Overlay Zone

The image below shows the boundary of the Aquifer Protection Overlay Zone. A blue line bounds the aqua-colored overlay.

Figure 4. NRPC Aquifer Layer Overlaid With the Subject Parcels Outlined in Yellow



It can be seen that note 7, as provided by the developer on the plan submitted on 1/28/2021, is incorrect. A comparison of the NRPC website clearly shows that these lots are well within the Aquifer Protection Overlay Zone. The subject property is actually shown on plate 4 of USGS report 86-4358. There is a considerable amount of roadway proposed in this project. This will leave a limited amount of impervious area for buildings and parking spaces. The Aquifer Protection Overlay Zone as well as the Housing For Older Persons Overlay zone limit impervious cover to 15% of the lot area. The Planning Board should protect our aquifer by requiring the project to comply with the zoning ordinance with respect to the Aquifer Protection Overlay Zone which imposes additional environmental protections on the subject lots.

Figure 5. Developer’s Submitted Alternate Roadway-2 Plan Received on 1/28/2021

7. THE LOTS LIE OUTSIDE THE AQUIFER PROTECTION OVERLAY ZONE (APO) AS DETERMINED FROM THE USGS STUDY OF DRIFT AQUIFERS IN THE NASHUA REGION, SOUTH CENTRAL NEW HAMPSHIRE, WATER RESOURCES INVESTIGATIONS REPORT 86-4358, PLATE 2.

8. THE BOUNDARY INFORMATION SHOWN FOR EXISTING LOT 41-28 WAS DEVELOPED FROM THE REFERENCE PLANS CITED HEREON. THE BOUNDARY INFORMATION SHOWN FOR EXISTING LOTS 41-25 & 41-44 WAS DEVELOPED FROM THE REFERENCE DEED CITED AND THE TOWN OF HOLLIS TAX MAP. HORIZONTAL ORIENTATION IS BASED ON REFERENCE PLAN #1 AND VERTICAL DATUM IS ASSUMED.

9. TO THE BEST OF MY KNOWLEDGE AND BELIEF, TAX MAP LOTS 41-25, 41-28, & 41-44 ARE NOT SUBJECT TO ANY EASEMENTS, TRAILS, OR OPEN SPACE RESTRICTIONS OTHER THAN THOSE SHOWN (IF ANY) HEREON.

10. LOT 41-25 IS SERVICED BY AN INDIVIDUAL SEPTIC SYSTEM AND WATER WELL. LOTS 41-28 & 41-44 ARE VACANT AND UNIMPROVED.

11. JURISDICTIONAL WETLANDS SHOWN HEREON WERE DELINEATED BY CHRISTOPHER A. GUIDA FROM THIS OFFICE DURING THE MONTHS OF JUNE, 2017 & NOVEMBER, 2019.

12. ALL ROADS, DRIVEWAYS, & BUILDINGS WITHIN 200 FEET AND ALL EXISTING EASEMENTS, TRAILS, PARKS, & OPEN SPACE WITHIN 100 FEET ARE SHOWN OR NOTED HEREON.

13. LOT 41-25 IS SUBJECT TO RIGHTS OF FLOWAGE DESCRIBED IN HCRD BK.9047 PG.1064.

C	1/25/21	REVISE HORZ. & VERT. ALIGNMENTS		NRC	CEB
B	11/12/20	ADDRESS 10/13/20 PEER REVIEW LETTER		NRC	CEB
A	10/06/20	ADDRESS 8/31/20 PEER REVIEW LETTER		NRC	CEB
REV.	DATE	DESCRIPTION	C/O	DR	CK

ALTERNATIVE ROADWAY LAYOUT-2

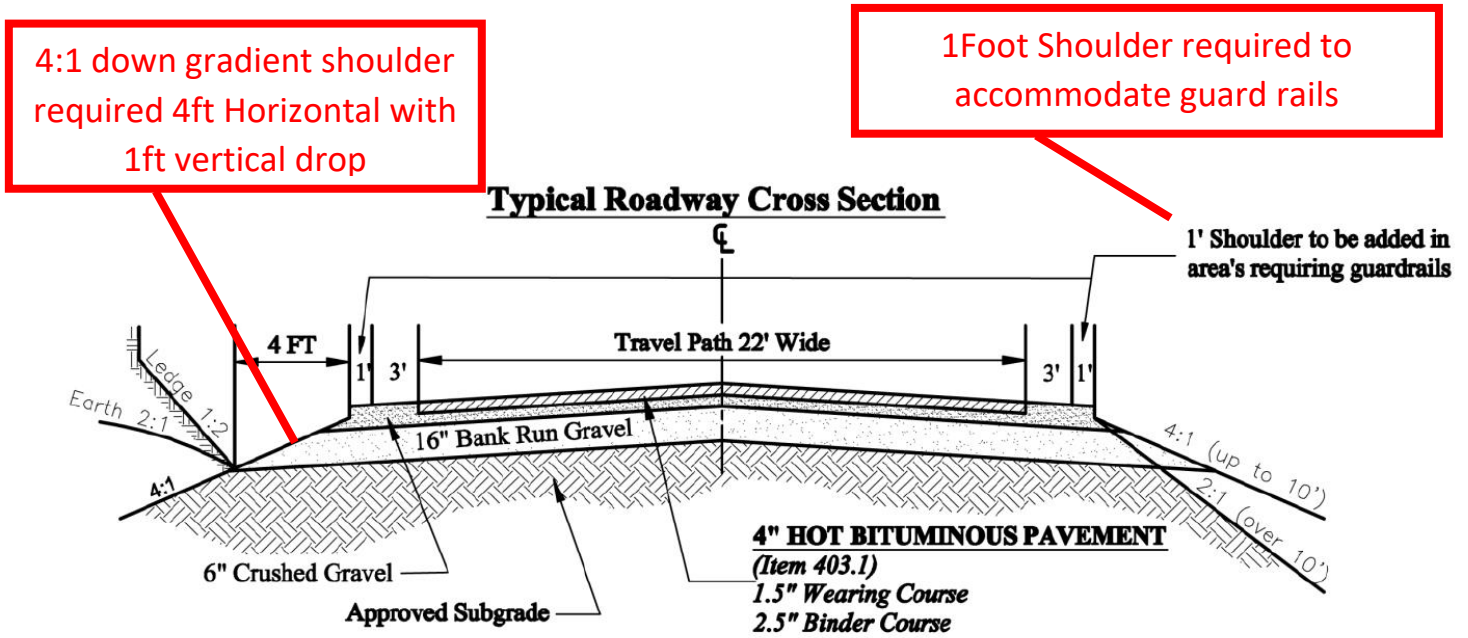
4. Requirement for Max Disturbed Width of Land Sec IV.7 F 2 of Road Standards Section of Subdivision Regulations

The Hollis Road Standards Section of the Subdivision Regulations contains a restriction on the maximum width of disturbance permitted for the construction of a road. This requirement is detailed in section IV.7 F 2 of the document. An image is included below for reference. Rectangles have been added for emphasis.

2. **Limits to Cut and Fill.** To help preserve the natural character of the Hollis landscape, new subdivision streets and driveways shall be logically located with respect to the topography of the site to minimize cuts and fills, and to provide for reasonable grades and safe intersections. New streets and driveways shall not be located where cuts or fills would exceed four (4) feet in depth, as measured from the roadway/driveway centerline to the existing natural grade, for any consecutive distance exceeding one hundred and fifty (150) feet along the length of the street/driveway. Cuts or fills that do exceed four (4) feet shall be limited to one (1) occurrence for every 1,000 feet along the length of the street/driveway. In addition, streets and driveways shall not be located where the natural slope of the land, averaged over any 150 foot length, would need to be changed by more than five (5) percent in order to achieve the maximum grade standard for new streets or driveways, as applicable. The maximum disturbed width of land associated with the construction of a road or driveway shall not exceed 100 feet. Retaining walls shall not be used to reduce the area of disturbance.

The developer's proposed roadway, as submitted on 1/28/2021, has several compliance issues with this requirement. It is necessary to examine the Hollis road profile requirements to see the shortcomings with the cross sections provided. Hollis Road Specifications Section D Pavement Design includes the figure below showing the typical road cross section. Considering that the road will serve 50 residences as well as a clubhouse, it needs to be built to roadway standards of the Town of Hollis. This road cannot be considered a common driveway. With this in mind, the developer has proposed a 22-ft. wide roadway, the figure depicts the required minimum slopes and shoulders. It can be seen that a 4-foot 4:1 down gradient slope is required in areas of cut. In addition, wherever guard rails are needed, an additional foot of shoulder width is required. Callouts have been added to the figure for emphasis.

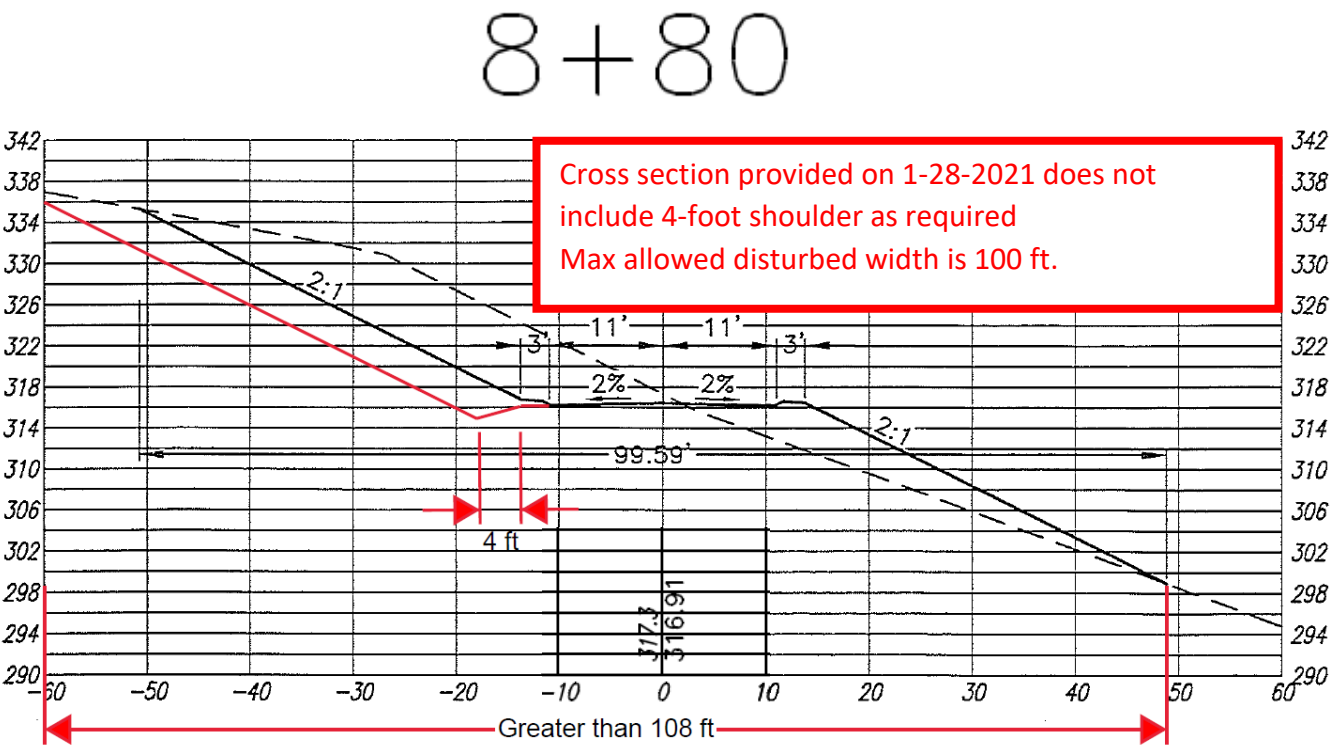
Figure 6. Hollis Road Specifications Section D Pavement Design Typical Roadway Cross Section



Considering these requirements, we can see that both of the developer's provided profiles have compliance issues with the required maximum disturbed width of the roadway, and neither includes a safety guard rail. In addition, the developer has not provided cross sections for other sections of the roadway, which are also likely to be noncompliant.

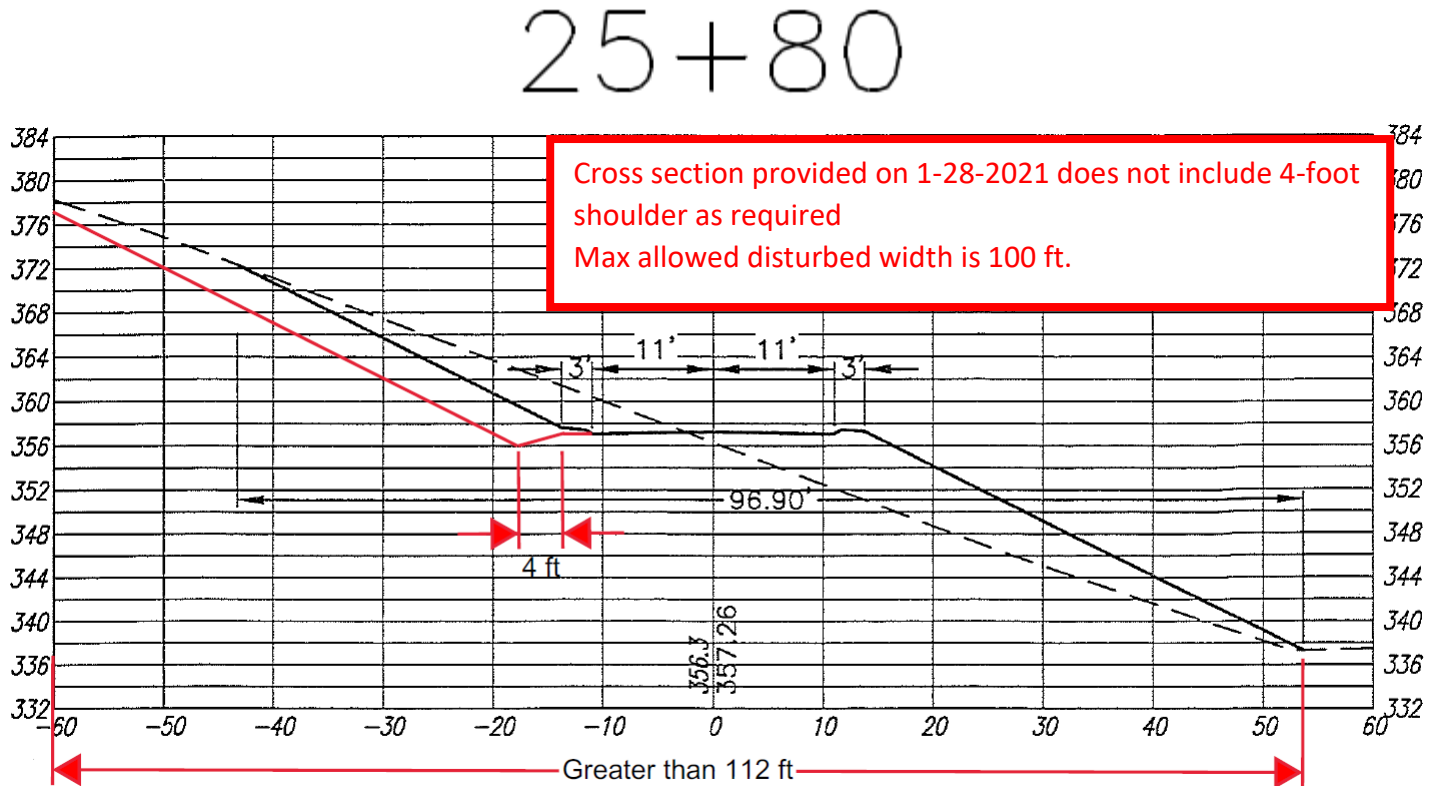
Station 8 + 80, as shown below, has been marked to show the required 4-foot shoulder and the impact that has to the disturbed width. The cross section provided by the developer does not include the required shoulder. It can be seen that the disturbed width is incorrectly depicted as 99.59 feet. However, the actual disturbed width is greater than 108 ft., when the required shoulder is included.

Figure 7. Cross section of Station 8 + 80 Showing Road Width Compliance Issue from Sheet 3 of the Developer's Conceptual Alternative Profile-2 Submitted on 1/28/2021



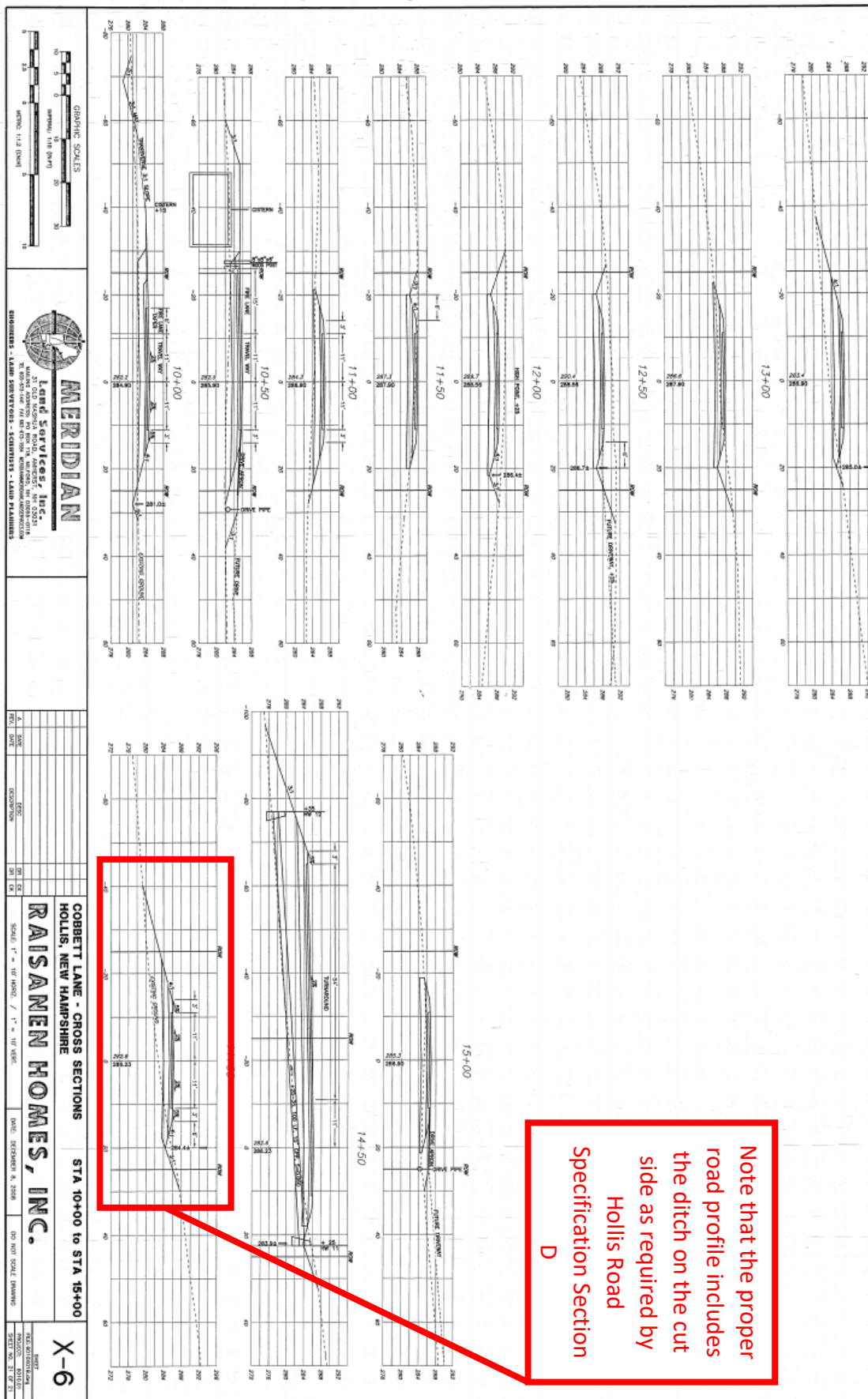
Station 25 + 80, as shown below, has been marked to show the required 4-foot shoulder and the impact that has to the disturbed width. The cross section, which the developer provided in this case, does not include the required shoulder either. It is notable that the disturbed width is incorrectly depicted as 96.9 feet, when the actual disturbed width is greater than 112 ft. and when the required shoulder is included.

Figure 8. Cross Section of Station 25 + 80 Showing Road Width Compliance Issue From sheet 3 of the Developer's Conceptual Alternative Profile-2 Submitted on 1/28/2021.



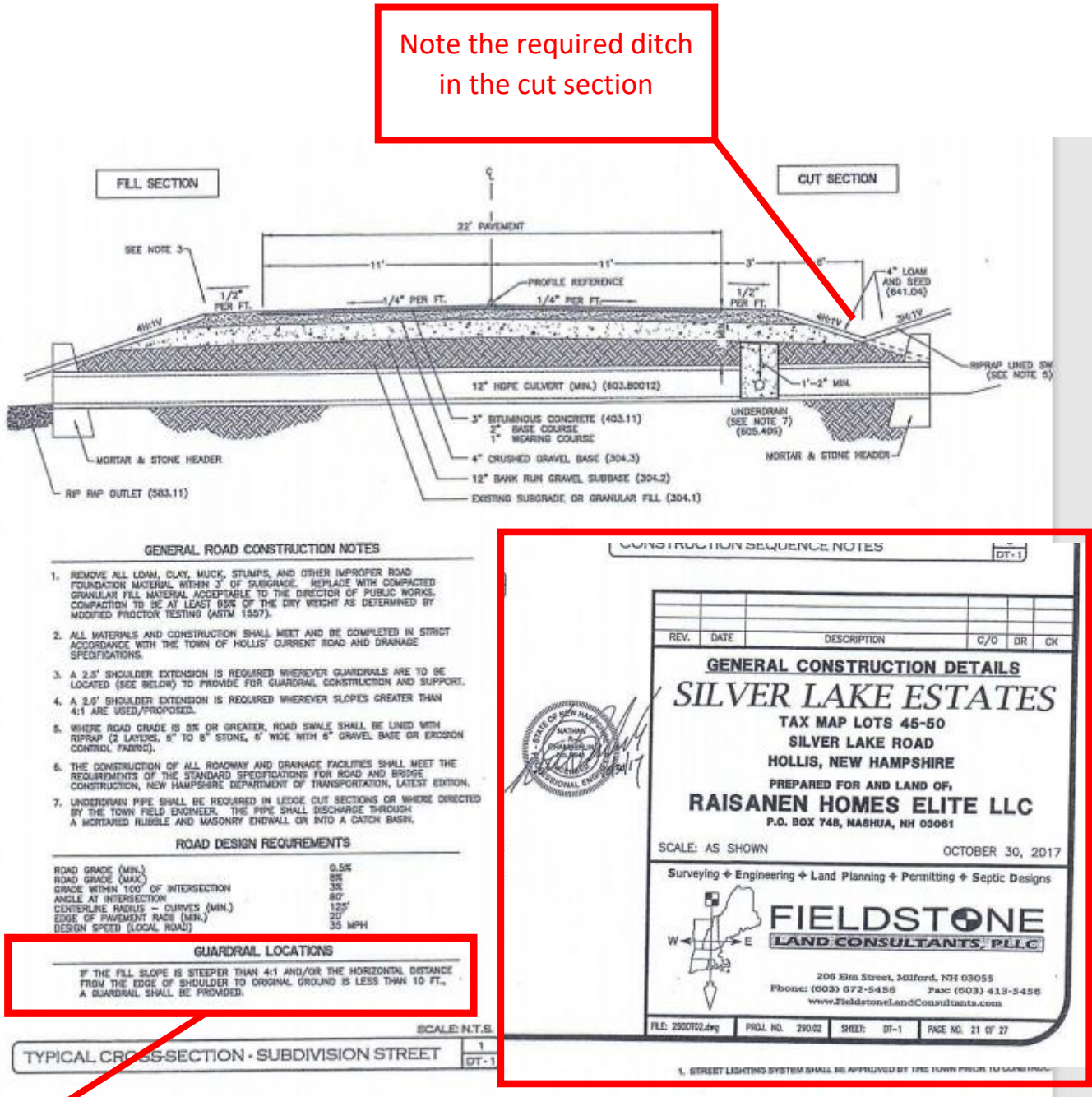
As a reference, I have included a drawing of road profiles which was approved for a similar subdivision at Cobbett Hill Lane by the same developer. It can be seen that the prior approved roadway includes the required ditch on the cut side of slopes. The drawing was provided by Meridian Land Services on December 8, 2008 and is titled "Cobbett Lane Cross Sections". Red rectangles have been added for emphasis.

Figure 9. Cobbett Lane Cross Sections Submitted December 8 2008 by Meridian Land Services; Rectangle Added for Emphasis



The image below contains sections of the drawing titled Silver Lake Estates, stamped by Nathan Chamberlin on 10-30-17. This again represents the roadway profile for the project built at Cobbett Hill Lane. Note the inclusion of the required ditch on the cut section as well as the requirement for guard rails, which require an additional foot of width. Rectangles have been added for emphasis.

Figure 10. Excerpted Sections of the Silver Lake Estates Plan (Cobbett Lane) Signed 10-30-17 by Fieldstone Consultants; Rectangle Added for Emphasis



Note slopes steeper than 4:1 require guardrail and an additional 1 foot of width to accommodate it

It is evident by the two historical examples provided that prior projects were required to include the ditch and guardrails called for in Sec D of the Hollis Road Specifications. Either of these requirements clearly push the disturbed width at STA 8 + 80 and STA 25 + 80 to be greater than 100 ft. These omissions are obvious non-compliances with the Hollis Road Specifications on their own. Why would developer once again present roadway designs that are not compliant? I suggest that the Planning Board question the developer about this. The residents of Hollis deserve to have the local regulations enforced.

Based on the cross sections provided by the developer on 1/28/2021, it is apparent that the proposed roadway does not meet the maximum disturbed width requirement of the Hollis road specifications. These requirements limit disturbances to no greater than 100 feet wide. In view of this concern, the Planning Board should withhold approval to proceed unless the developer can provide plans that demonstrate compliance with the maximum disturbed width requirement. If a compliant roadway cannot be built, the Planning Board should recommend that the developer scale back the plans and propose a compliant use. Granting a waiver for a road that could never meet regulations would be a travesty.

5. Minimum Road Standards of Hollis Subdivision Regulation Section IV.7 p11

Hollis Subdivision Regulation, Section IV.7 sets out several regulations related to the construction of roads and driveways. Although the developer seems to have satisfied some of the requirements of section IV.7, the proposal submitted 1/28/2021 still has compliance issues with the requirements highlighted below. Colored rectangles have been added for emphasis.

SECTION IV.7. MINIMUM ROAD STANDARDS – (SEE ROAD STANDARDS SECTION.)

To help preserve the natural character of the Hollis landscape, new subdivision streets and driveways shall be logically located with respect to the topography of the site to minimize cuts and fills, and to provide for reasonable grades and safe intersections. New streets and driveways shall not be located where cuts or fills would have to exceed 4 feet in depth, as measured from the roadway/driveway centerline to the existing natural grade, for any consecutive distance exceeding 150 feet along the length of the street/driveway. **Cuts or fills that do exceed 4 feet shall be limited to one occurrence for every 1000 feet along the length of the street/driveway.** In addition, streets and driveways shall not be located where the natural slope of the land, averaged over any 150 foot length, would need to be changed by more than 5 percent in order to achieve the maximum grade standard for new streets or driveways, as applicable. **The applicant shall demonstrate that driveway access from the lot's Frontage can be provided to the Building Area, as defined in the Zoning Ordinance, without the need for any waivers from this provision.**

1

2

The developer included cross sections at two points, but in order to evaluate this requirement, a road profile at the edges of the pavement is needed. Compliance issues likely exist at locations where the roadway is located on a steep slope. This includes the section of road between STA32 to STA 34 and between STA 36 to STA39. The Board should request a profile at the edge of the road for these areas of concern if any future submissions are to be made; it is likely that there are cuts or fills greater than 4 ft. and that are at least 150 ft. long. Getting this data will allow the town engineer to verify if cuts and fills exceeding 4 ft. or greater, for a distance of 150 ft., exist along the roadway. It is not possible to ascertain that the proposed roadway is compliant without having this data to inspect.

5.1. Cuts and Fills Greater Than 4ft. Within 1000 ft. of Each Other

The documentation provided does identify an instance of two cuts greater than 4 ft. which are within 1000 feet of each other. There is a 13.4-foot cut at station 1+00, and there is a 7.6 ft.-cut at station 8+80. These two locations are only 780 feet apart on the roadway, and thus, they do not meet the requirement set out in Sec IV.7 of the Hollis Road regulations.

Figure 11. Profile of Station 1 +00 Showing 13.4 ft. Cut From Sheet 3 of the Developer's Conceptual Alternative Profile-2 Submitted on 1/28/2021

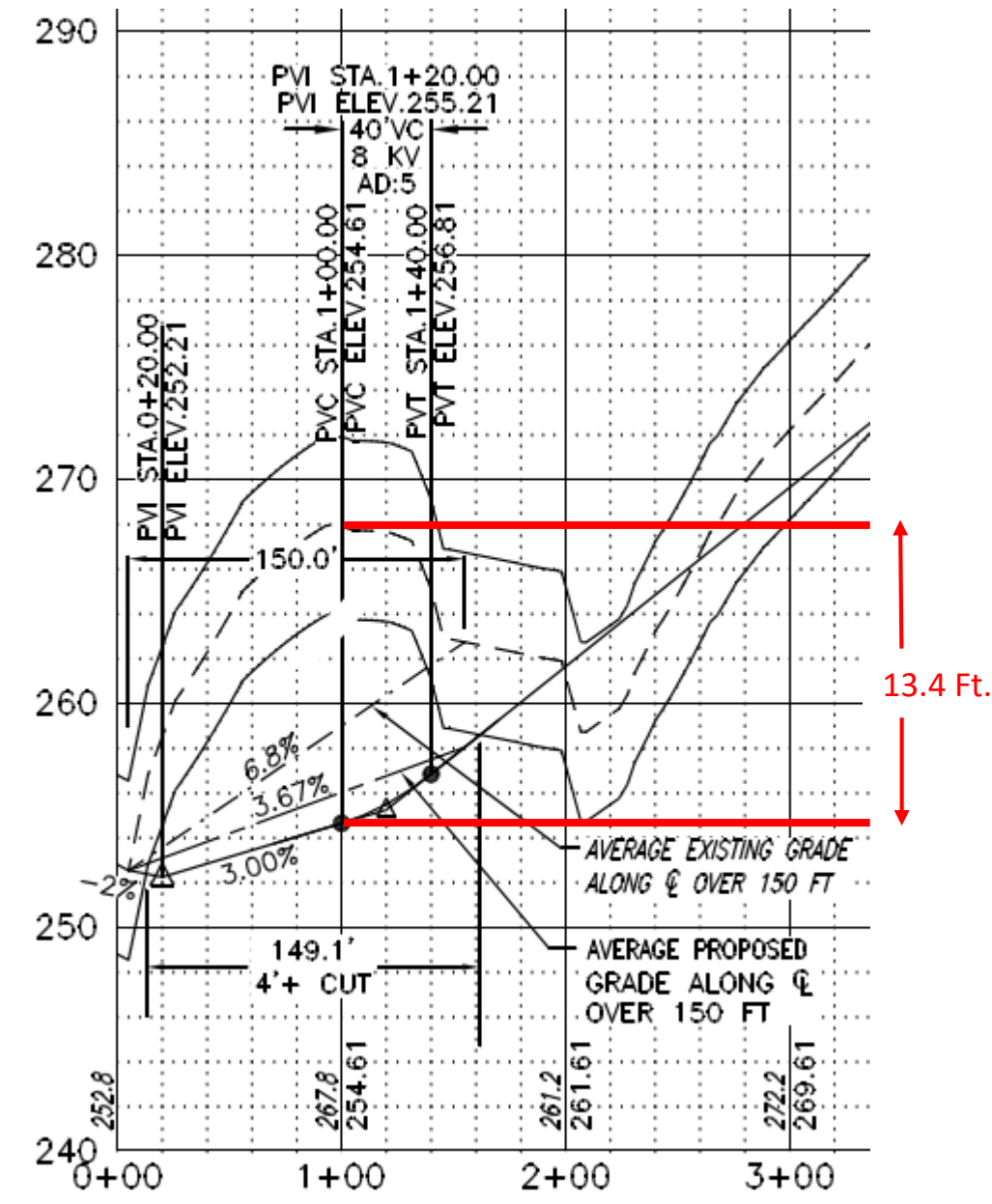
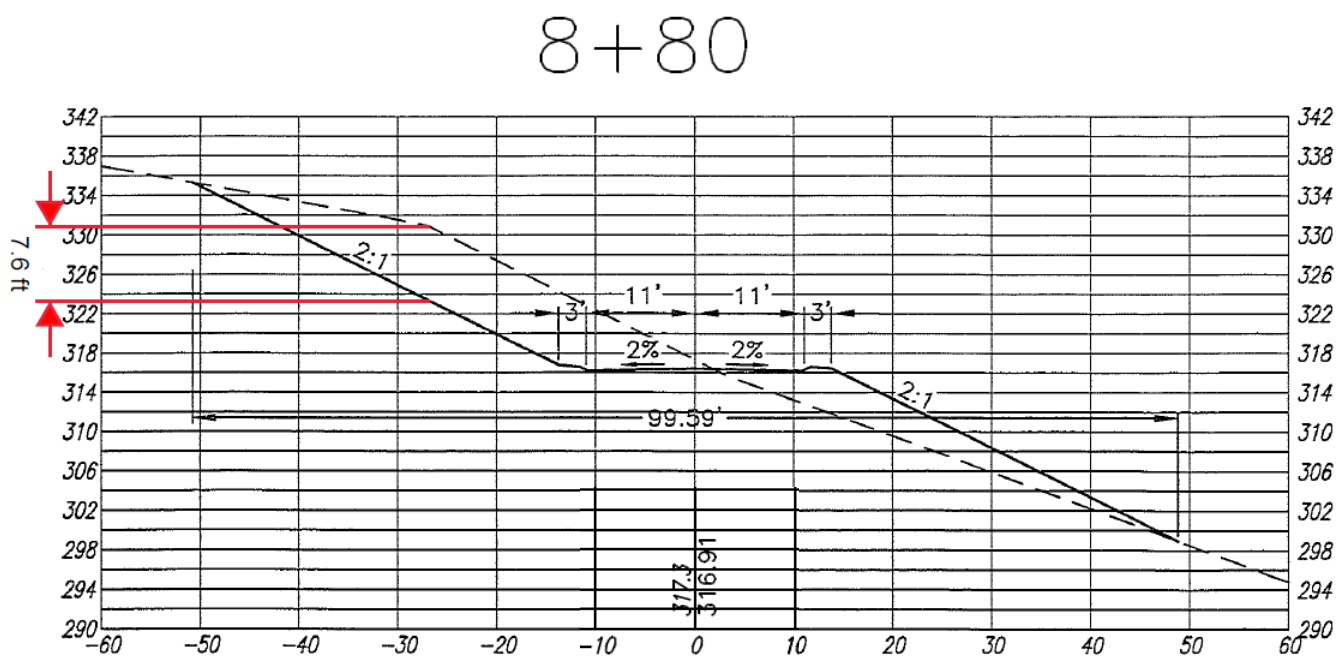
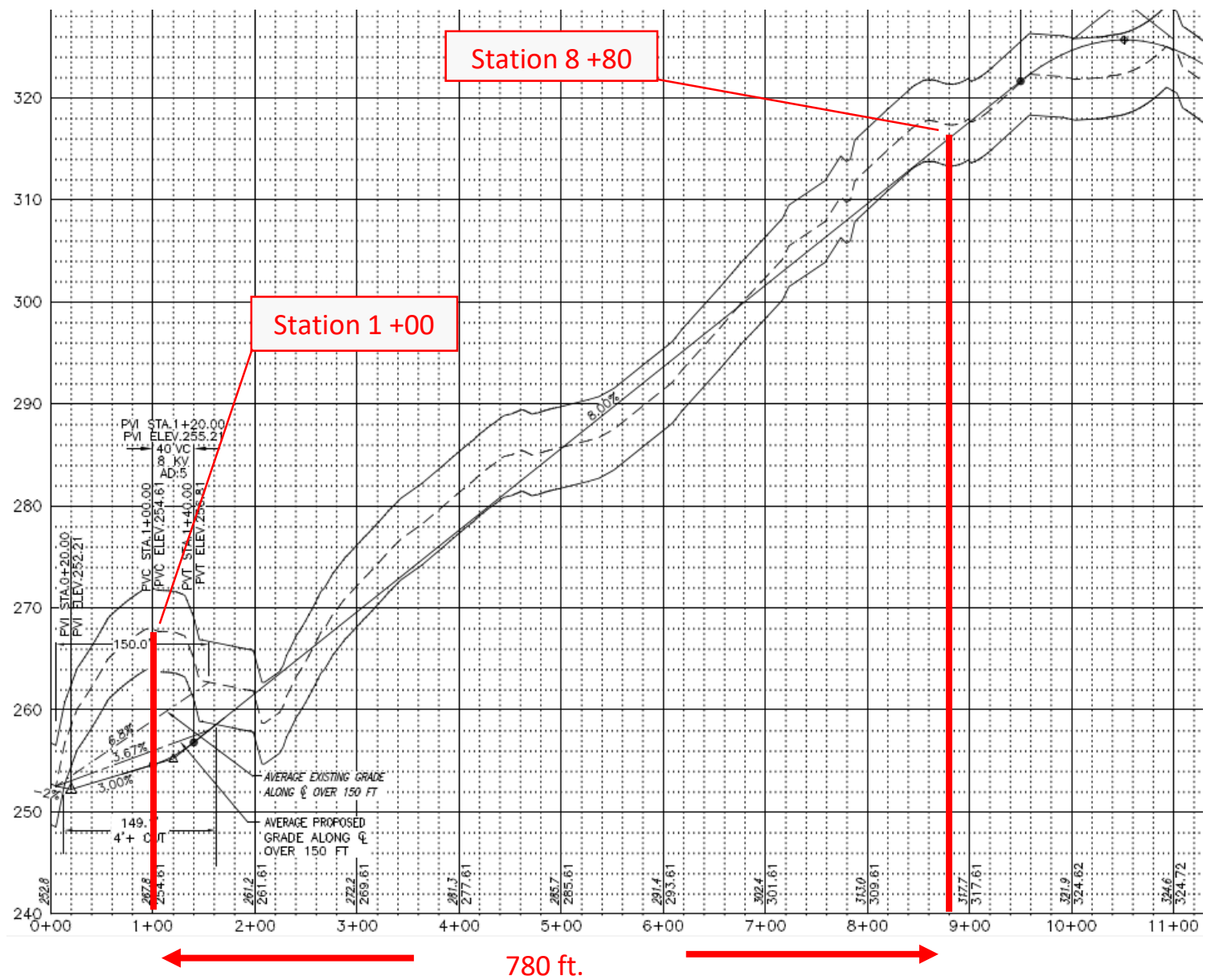


Figure 12. Cross Section of Station 8 +80 Showing 7.6 ft. Cut From Sheet 3 of the Developer’s Conceptual Alternative Profile-2 Submitted on 1/28/2021



The image below highlights the location of the two cuts on the road profile provided and shows that the cuts, which are both greater than 4ft, are only 780 feet from one another.

Figure 13. Road Profile to Station 10 From Sheet 2 of the Developer's Conceptual Alternative Profile-2 Submitted on 1/28/2021.



The specific locations of the cuts included above are identified on the image on the following page.

The map displays the Silver Lake Road project area, including the intersection with Toddy Brook Road. Key features include:

- Station 1+00:** A red box highlights a 13.4 ft. cut at this station.
- Station 8+60:** A red box highlights a 7.6 ft. cut at this station.
- Proposed Road Alignment:** Shown as a dashed line with stationing from 0+00 to 10+00.
- Topographic Contours:** Elevation contours are shown at 10-foot intervals.
- Water Features:** Silver Lake, Toddy Brook, and Witch's Brook are labeled.
- Property Lines:** Various lot numbers and acreages are indicated, such as 41-23 (Silver Lake Road), 41-24 (Silver Lake Road), 41-25 (2.569 ACRES), 41-26 (13.295 ACRES), 41-27 (REF. PLAN #4), and 41-36 (14 TRUETT ROAD).
- Other Features:** A house, an existing leach field, and a wetland setback area are also shown.

Section IV.7 requires that cuts and fills greater than 4 ft. be limited to one occurrence per 1000 ft. The proposed road has compliance issues in many locations. Two documented ones are called out above – STA 1+0 with a 13.4-foot cut and STA 8+80 with a 7.6 ft.-cut. These locations are only separated by 780 feet, not the required 1000 ft. In addition, the cut at STA 1 + 00 continues to be greater than 4 ft., out to STA 1+60, thus reducing the distance between the cuts further to approx. 720 ft. The Planning Board must uphold the requirements as written. Clearly this proposal is not compliant.

5.2. Driveway Access to Building Area Per Hollis Subdivision Regulation Sec IV.7

Section IV.7 of the Hollis Subdivision Regulations requires that the developer demonstrate access to the Building Areas from the lot's frontage. The specific reference is quoted here. ***"The applicant shall demonstrate that driveway access from the lot's Frontage can be provided to the Building Area, as defined in the Zoning Ordinance, without the need for any waivers from this provision."*** The materials submitted to date do not show building areas for any of the 51 buildings proposed on the site. The requirement is further reinforced by section VIII of the Hollis Zoning Ordinance shown below

BUILDING AREA: An area on a buildable lot that is capable of accommodating a house site (or commercial structure if so planned) and all required utilities such as water supply and wastewater disposal. The Building Area shall be made up of Acceptable Land and may be either a rectangle measuring one hundred (100) feet by two hundred (200) feet or a circle with a diameter of one hundred sixty (160) feet. No portion of the Building Area may be located within a building setback or wetland buffer or on altered/unaltered slopes greater than 25%. The home or building is not required to be placed within the building area. Rather, the building area is intended to ensure that the lot is capable of meeting all Town of Hollis zoning requirements. The applicant shall demonstrate that driveway access from the lot's Frontage can be provided to the Building Area without the need for any waivers. Said driveway shall lie entirely on the subject lot.

Considering the amount of steeply sloped land and wetland on the subject property, it is incumbent upon the Planning Board to request that the developer provide a drawing showing how each of the required Building Areas can meet this requirement.

It is true that Housing for Older Persons developments are exempted from the requirement that only one dwelling unit may be constructed on each lot. Section XXI A d is shown below.

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

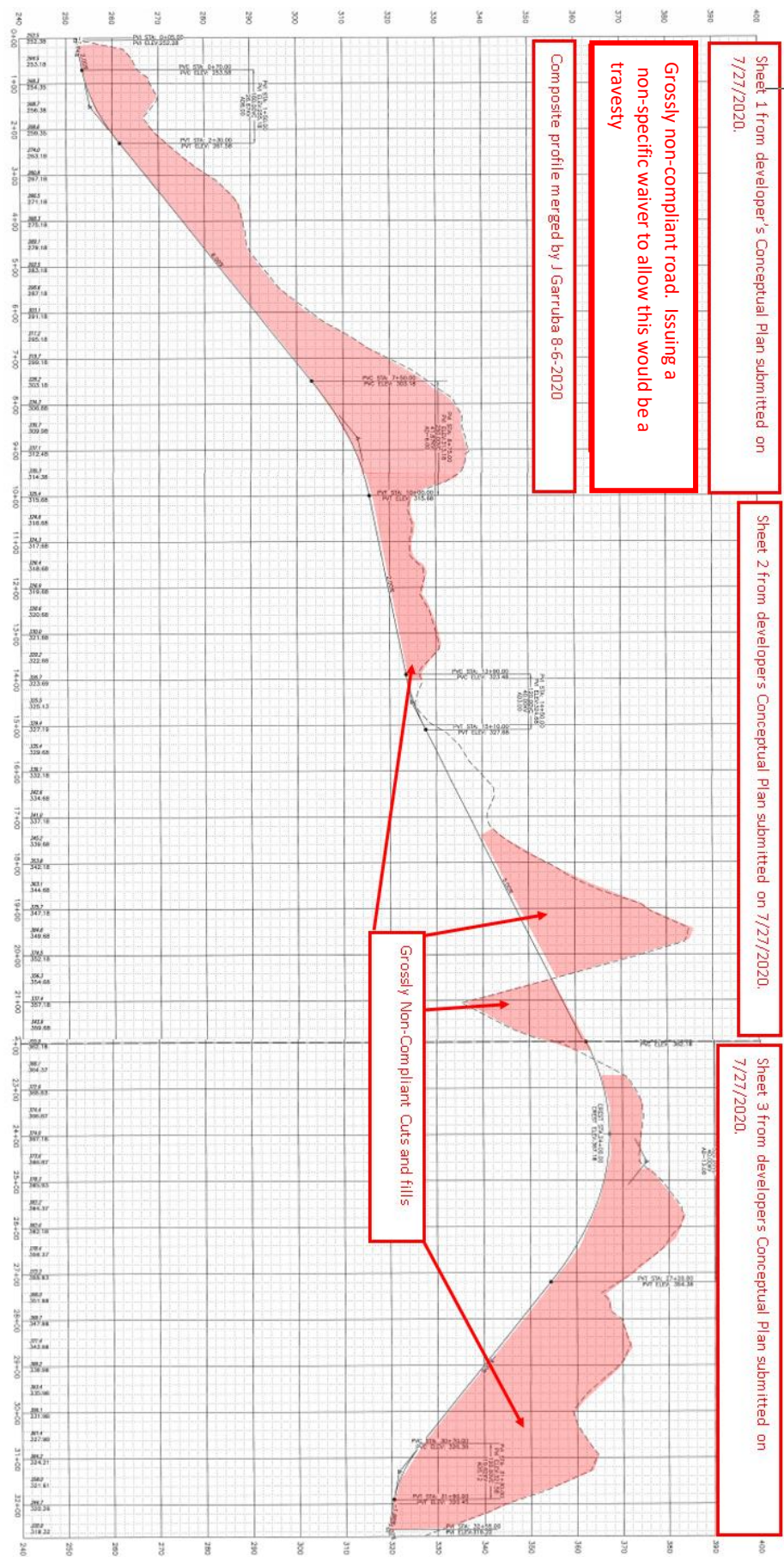
It can be seen that this exemption does not relieve the developer from proving that the Building Area requirements are met. In addition, this requirement cannot be waived by the Planning Board. The Building Area requirement is a means of ensuring that there is enough **acceptable** land to allow for a dwelling. It is particularly important in this proposal due to the extent of steep slopes and wetlands. I am requesting that the Planning Board require the developer to demonstrate driveway access to each unit's proposed Building Area.

The submittal on 1/28/2021 shows improvement over the earlier plans, but it still has compliance issues. The Board should require the developer to submit a compliant profile for the entire width of the roadway and required shoulder. Our regulations require a minimum of 36 feet including the shoulder. The access road for 50 units is a roadway, not a common driveway. In either case, cross sections need to be provided so that the developer's claims of compliance can be verified. This is the developer's fourth attempt to prove a compliant roadway can be built, and this does not seem to be the case. The Planning Board should request that the number of units be dramatically reduced before considering a waiver.

6. Developer's Preferred Roadway Location

Review of the developer's **preferred** road profile shows many egregious non-compliances. On the following page is a composite image of the developer's preferred road profile, as provided on 7/27/2020. Sheets 2, 3, and 4 have been combined to provide the reader with a continuous view. One can see that there are four areas where cut or fill is proposed at 4-foot depths for more than 150 feet. This is the road design the developer intends to build if the Planning Board grants a waiver for the entire proposed length of the road.

Figure 15. Combined Profile From Developers Conceptual Site Plan Received 7/27/2020



The amount of material removal in the developer's preferred layout is astounding. This same developer is presently having difficulty completing a project of much smaller scale in the Keyes Hill development. What could justify granting a waiver of this magnitude? How many cubic yards of earth are proposed to be removed? The amount of noise and truck traffic from an operation of this scale will be overwhelming. Will the developer even be able to complete this project? They have been repeatedly delayed by "unusually hard" rock at the Keys Hill project. Why would we as a town put the abutters of another project through the ordeal that the Keys Hill abutters have been subjected to? I am requesting that the Planning Board withhold a waiver of the road requirements of our subdivision regulations for these reasons. The developer should be required to minimize cuts and fills and to build a compliant project that does not require waivers.

7. Building Area Requirements of Hollis Zoning Ordinance Section IX O

The Hollis Zoning Ordinance in section IX O specifically requires that the developer of a condominium subdivision must demonstrate compliance with the Building Area requirements of the ordinance. The site plans submitted by the applicant do not show any of the 51 required building areas. Considering the significant amount of sloped land greater than 25% on the property, finding space for the building areas will be difficult. The language of the ordinance is quoted below. The rectangles have been added for emphasis.

O. DETERMINATION OF DENSITY FOR CONDOMINIUM DEVELOPMENTS.

The number of permissible dwelling units in a condominium subdivision shall be the same as that which would be applicable for a conventional subdivision of the contemplated housing type. Similarly, any buildings proposed to be built as part of a condominium development shall be required to demonstrate compliance with the Building Area requirements set forth herein

Since this development is proposed as Housing for Older Persons, it is exempted from the provision that only one dwelling unit may be constructed on each lot, but it is not exempted from the requirements of section IX O, as quoted above. Considering this, I am requesting that the Planning Board require the developer to demonstrate compliance with the Building Area requirements of Hollis zoning ordinances. Due to the extent of steep slopes and wetlands on the property, this may require a reduction in the number of units permitted if there is not enough acceptable land for compliant building areas.

8. Park Requirements of Hollis Subdivision Regulations Section IV.6

Development of a property for sale individually as condominiums is subject to the Hollis Subdivision Regulations. In particular, section IV.6 requires that an open space be set aside that is proportional to the number of units to be developed. The regulations specifically require that a buildable area be set aside as a park. Below is an image of the referenced section with rectangles added for emphasis.

SECTION IV.6. OPEN SPACE REQUIREMENTS

- A. In designing a subdivision, the subdivider shall show due regard for all natural features such as large trees, water courses, scenic points, historic spots and other community assets which, if preserved, will enhance the value of the subdivision and enrich the neighborhood.
- B. One suitably located, buildable area shall be set aside as a park or playground equal to one (1) acre for every sixteen (16) house lots or major portion thereof, or five percent (5%) of the total area subdivided, whichever is larger. Area set aside for parks and playgrounds shall be dedicated to public use or reserved for the common use of all property owners in the subdivision by covenant in the deed. Whenever such dedication of land is required, the land shall be left in natural state, clear of construction debris. The Planning Board may consult with the Recreation and Conservation Commissions as to the suitability of proposed park or playground areas.

The developer proposes 50 residential units on 50 house lots for the 36.09 acres of this project. Calculating the set aside based on house lots results in 50/16 rounded down or 3 acres. Calculating 5% of 36.09 Acres results in 1.8045 Acres. This means that the minimum set aside for this property is 1.8045 Acres. If more than 24 units are built, the set aside will be 2 acres. If more than 40 units are built, the set aside will be 3 acres.

Considering that this project is a Housing for Older Person's development, it would be appropriate for the set aside to be a park that is dedicated to the town. In the future, this could be a good site for a senior center since there are already 52 retirement homes located just to the north of this project. At the least, the Planning Board must enforce the requirement that the set aside be **buildable** land. This requires it not contain slopes greater than 25% and that it have road access. It is important to note that the Town relies on the Planning Board to enforce the regulations as written and to act in the interest of the residents of the Town. Therefore, I request that the Planning Board enforce the required set aside in the interests of the residents of Hollis.

9. Hollis Zoning Ordinance Section XXI A 1 j: Housing for Older Persons minimum open space

Hollis Zoning Ordinance Section XXI A 1 j requires that developments include a minimum of 40% open space. The proposed site plans submitted by the developer do not address this requirement. It is not possible to evaluate the proposals with respect to this section. An image of the relevant ordinance language is provided below with rectangles added for emphasis.

- f. No more than fifteen (15%) percent of the tract may be covered by impermeable surfaces.
- g. The design and site layout of the development shall emphasize the rural character of the Town, maximize the privacy of the dwelling units, preserve the natural character of land, provide for the separation of parking and living areas, and consider such factors as orientation, energy usage, views.
- h. The development shall be landscaped so as to enhance its compatibility with the Town with emphasis given to the use of existing, natural features where possible.
- i. The perimeter of the development shall be treated with a landscaped buffer strip to minimize its intrusion on neighboring land uses.
- j. The development shall provide for 40% open space, exclusive of wetlands, surface waters, hydric soils, flood plain, and unaltered steep slopes greater than 25%.

The Planning Board should have the Town's engineering consultant Michael S. Vignale compute the required areas and independently confirm the material submitted by the developer.

10. Conclusion

The developer was requested to submit a proposal that met the Town's requirements without the benefit of waivers. The materials submitted do not show that a compliant road can be built or that 50 units can be developed on the site without waivers. This has been the developer's **fourth** attempt at providing a compliant plan, and it can be seen that **many** compliance issues remain. The Planning Board should require the developer to submit a compliant proposal. **This may require that the developer reduce the number of units proposed, but it is incumbent on the Planning Board to make sure that the ordinances approved by the voters are followed.**

Granting the developer waivers to the requirements of the regulations and ordinances will needlessly subject the neighbors to years of construction noise, traffic, and debris. Judging by the problems that the developer is having with the road that was allowed at the Key's Hill development, they may not be able to complete such a huge undertaking at all. A waiver for the non-compliances in the Alternative Roadway Layout plan submitted on 8/18/2020 cannot be justified considering what we have experienced from prior developments.

Hollis subdivisions require that a park be set aside. This park set aside is to serve the existing and future residents of our town. A community park at this site could be a good location for a senior center or other facility in the future. It is imperative to reserve this land as our regulations require. Waiving the required set aside would not justly serve **any** residents of our town.

The Planning Board is under no obligation to issue any waivers for this development. In fact, this area of town certainly does not need more senior housing. This corridor from Cobbett hill up through into Amherst already has four retirement communities within about a mile. I request that the Planning Board hold fast to our ordinances and regulations which are written to protect the interests of the Town and its residents. The Planning Board should require a compliant proposal, which may mean that fewer units are built here.

In the past when I have written to you regarding compliance issues, the Planning Board has required the developer to address each concern. I respectfully request that the Board ask that each of the points raised in this letter be addressed **by the developer**, either in his comments prior to the opening of public hearing or in writing prior to the meeting. Requiring the developer to directly address each of the points raised in this letter is in the best interest of the Town's residents and the Planning Board members, since it will ensure that all facets are thoroughly discussed and vetted. The substantial size and scope of this project demand that it receives commensurate attention and consideration.

Regards,

Joseph Garruba